



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, FEBRUARY 14, 2022 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

- 3.A. Proclamation 2022-05:** Declares February 2022 as Black History Month. *(Mayor and Commissioners)*

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF 10 MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. Ordinance 2022-01: Adopts a Citywide Mobility Plan and Mobility Fee. *(A. Skinner, Director Planning and Building)*

9.A.2. Ordinance 2022-03: Small Scale Land Use Plan Amendment to only the upland portion of the property referred to as Flagler Crossing from Residential Low Density Mixed Use to Residential Medium Density. *(A. Skinner, Director Planning and Building)*

9.A.3. Ordinance 2022-04: Rezoning a portion of approximately 42.3 acres of land referred to as Flagler Crossing from Residential Low-One (RL-1) to Residential General-One (RG-1) on the upland portion of the property only. *(A. Skinner, Director Planning and Building.*

9.B. Resolutions

9.B.1. Resolution 2022-01 and Interlocal Agreement: Provides for the dredging of the entire channel in Salt Run to be done in multi-phases with the approval of a \$150,000 Florida Inland Navigational District (FIND) grant and a required Interlocal Agreement to provide for said dredging. *(Corey Sakryd, Deputy Director General Services)*

9.B.2. Resolution 2022-06: Requires all parades within the City to conclude by 11:00am. *(J. Regan, City Manager)*

10. STAFF REPORTS AND PRESENTATIONS

10.A. Update regarding the City's efforts on homelessness. *(A. Cuthbert, Assistant Chief of Police)*

10.B. Update on the short-term rental program within the City. *(A. Skinner, Director Planning and Building)*

11. ITEMS BY CITY ATTORNEY

11.A. Legislative session update. No Presentation. *(I. Lopez, City Attorney)*

12. ITEMS BY CITY CLERK

- 12.A.** Request for appointment to the Code Enforcement Adjustment and Appeals Board. *(D. Galambos, City Clerk)*
- 12.B.** Request for one appointment to the St. Augustine Police Officers' Retirement Board. *(D. Galambos, City Clerk)*
- 12.C.** Discussion regarding alternatives to advertising for board term expirations and vacancies. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

- 13.A.** Review and approval of the lease of the City's Waterworks Building to the St. Johns County Cultural Council, Inc. *(J. Regan, City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

- 14.A.** Discussion regarding approving utility funds of \$50,000 for the payment of a unit connection fee for a future medical clinic to be located in West Augustine. *(J. Regan, City Manager)*

- 14.B. Local land conservation initiatives. *(B. Blonder, Commissioner)***

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - FEBRUARY 14, 2022

- CA.1.** Preview of upcoming Commission meetings.
- CA.2.** **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON DATE: NONE**
- CA.3. Reminder of Upcoming Meetings:**
 - February 28, 2022, 3:30pm, Special City Commission Meeting (ARPA financing)
 - February 28, 2022, 5:00pm, Regular City Commission Meeting
 - March 14, 2022, 5:00pm, Regular City Commission Meeting
- CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**

- January 24, 2022 Workshop Meeting
- January 24, 2022 Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- Lynn and Raymond Higgs - 414 Old Spanish Trail
- Barbara Williams - 866 Collier Boulevard
- Ardella, Kerry Layne and Sheryl Leanne Nelson - 94 Park Place

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

Proclamation 2022-04: Proclaims March 2022 as Minorcan History and Culture Month. *(N. Sikes-Kline, Commissioner)*

Proclamation 2022-06: Proclaims March 2022 as National Women's History Month. *(B. Blonder, Commissioner)*

Proclamation 2022-07: Celebrates the 503rd birthday of the founder of the City of St. Augustine, Don Pedro Menendez de Aviles. *(T. Upchurch, Mayor)*

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.8. Confirmation of David Birchim as Co-Assistant City Manager. *(J. Regan, City Manager)*

CA.9. Approval of the nomination of Margo Pope for the 2022 Adelaide Sanchez Award. *(J. Valdes, Commissioner)*

CA.10. Approval of a city park interlocal agreement whereby the City agrees to maintain passive areas of local active parks within the city's limits while the county maintains the active ball fields and courts. *(C. Sakryd, Deputy Director General Services)*

CA.11. Approval to allow the use of the city seal by the University of Florida for the St. Augustine History Festival from May 12 - 15, 2022. *(J. Regan, City Manager)*

CA.12. Approval of request to use City seal for the Fort Mose Jazz and Blues Series from February 18 - 26, 2022. *(J. Regan, City Manager)*

CA.13. Approval of invoice from Cavendish Partners, P.A. in the Marlowe v. City matter for \$2,430.00. *(I. Lopez, City Attorney)*

End of Consent Agenda



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, in 1926 Black historian Carter G. Woodson and the Association for the Study of Negro Life and History initiated Negro History Week to encourage the teaching of the history of Black Americans in educational institutes, particularly at the primary level; and

WHEREAS, Negro History Week has grown into a worldwide celebration, becoming a full month commemoration in the early 1970's, and in 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month; and

WHEREAS, during 1963 and 1964 many people from all walks of life, young and old, black, and white, from St. Augustine and afar, participated in the struggle for racial equality in St. Augustine further deepening the roots of over 450 years of African American history in the City; and

WHEREAS, during this month we recognize the courage and tenacity of so many hard-working Americans whose legacies are woven into the fabric of our Nation and recognize their contributions to the arts, science, industry, business, education, and society; and

WHEREAS, the City of St. Augustine is proud to honor the history and contributions of African Americans in our community, throughout our state, and nation.

*NOW, THEREFORE, the City Commission of the City of St. Augustine, Florida, declares **FEBRUARY 2022** be designated as **BLACK HISTORY MONTH** and calls upon all the citizens to celebrate our diverse heritage and culture, and continue our efforts to create a world that is more just, peaceful, and prosperous for all.*

IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 14th day of February in the year of our Lord two thousand twenty-two and the four hundred and fifty sixth year of the founding of St. Augustine, the Nation's Oldest City.

2022-05

Tracy Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan P.E.
City Manager

DATE: February 3, 2022

RE: **Introduction and First Reading for Ordinance 2022-01 adopting a Citywide Mobility Plan and Mobility Fee**

At a Special Meeting of the Planning and Zoning Board (PZB) on Thursday, January 27, 2022, the PZB discussed and recommended that the City Commission move forward to adopt a Mobility Plan and Mobility Fee consistent with the City's Transportation and Mobility Element of the Comprehensive Plan and State Statutes.

The PZB reviewed a draft Ordinance and other materials and with some specific recommendations moved to recommend that the City Commission consider adopting the attached Ordinance 2022-01. The attached Ordinance incorporates all comments and considerations of the PZB, the City Attorney and the consultant. This provides an opportunity for the City Commission to discuss the next steps towards the establishment of a Mobility Planning program for the city.

Since 2018, with the help of the City's mobility consultant Jonathan Paul, AICP, NUE Urban Concepts, the city and the PZB have developed the framework of a Mobility Plan as part of the update to the City's Comprehensive Plan which was adopted in July of 2020. Mobility Planning was discussed extensively by the public at workshops and community meetings and at several PZB meetings during this Comprehensive Plan evaluation and update process (2018-2020) culminating in an updated Transportation and Mobility Element adopted and approved by the State Department of Economic Opportunity (DEO) in 2020.

More recently the PZB has conducted several Special Meetings discussing this issue including a Mobility Plan and Mobility Fee Technical Report that discusses the establishment of the city's plan to promote alternative forms of transportation and transition the city from focusing on moving single occupancy vehicles (cars) to moving people efficiently and providing mobility choices that are safe with reduced stress to the consumer (resident and visitor alike), as well as on the city roadways.

Additionally, the consultant provided a draft ordinance that would establish a mobility plan and mobility fee in the city land development code by ultimately repealing and replacing Chapter 21 of the city's land development code. Ordinance 2022-01 attached is the final draft tailored to

the city. It includes all of the recommendations by the PZB, and review comments from the City Attorney and is inclusive of the potential legislation required to establish a city mobility program.

The PZB recommended and the City Commission may consider the adoption of mobility fees for projects that impact the city's transportation infrastructure so that improvements can be made to increase the provision of mobility choices and improve mobility conditions around the city with these funds.

Attached for your reference is:

- Proposed Ordinance 2022-01
- Proposed Mobility Fee Schedule
- List of Potential Mobility Projects
- Graphics Illustrating the Mobility Plan
- St. Johns County's Schedule of Fees and Services for Comparison
- Mobility Plan and Mobility Fee Executive Summary
- Mobility Plan and Mobility Fee Technical Report

It is the required comprehensive planning process and its evolution over time that has established the requirement and conditions for the city to move forward with adopting a Mobility Plan, potential Mobility Fee and prioritizing alternative mobility improvements and concepts to address the city's transportation needs.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com, David Birchim at (904) 209-4323 or email at dbirchim@citystaug.com or Reuben Franklin at (904) 209-4279 or email at rfranklin@citystaug.com.



Amy McClure Skinner, AICP
Director
Planning and Building Department

Mobility Planning Implementation

Attached: Proposed Ordinance 2022-01

Attached: Mobility Fee Schedule

Attached: List of Potential Mobility Projects

Attached: Graphics Illustrating Mobility Plan

Attached: St. Johns County's Schedule of Fees and Services

Attached: Mobility Plan and Mobility Fee Executive Summary

Attached: Mobility Plan and Mobility Fee Technical Report

Attached Reports include:

4 Broad Mobility Concepts

- Promote alternative forms of transportation - moving around the city
- Transitioning from being focused on cars towards moving people and providing mobility choices
- Mobility planning based on travel speed - lowering speeds for safer travel
- 4 plans included to guide mobility planning choices
 1. Walking and Bicycling Plan
 2. Transit Circulator Plan
 3. Multimodal Ways Plan
 4. Streets Plan

Additionally, 4 Mobility Tools Discussed

- Establish a Park Once Environment
- Utilize Innovative Parking Management methods
- Change measurement standards from Level of Service to Quality of Service
- Develop a Mobility Fee including a fee assessment area (Multimodal district and City limits)

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 21, ARTICLE I AND ARTICLE II, CREATING ARTICLE III, TO BE ENTITLED “MOBILITY PLAN AND MOBILITY FEES”; PROVIDING FOR AUTHORITY; SETTING FORTH GENERAL PROVISIONS FOR MOBILITY FEES, DEFINITIONS, PURPOSE, THE MOBILITY PLAN AND MOBILITY FEE TECHNICAL REPORT, AND RULES OF CONSTRUCTION; PROVIDING FOR IMPOSITION AND A MOBILITY FEE SCHEDULE; PROVIDING FOR THE PROCESS FOR REVIEW OF ALTERNATIVE & SPECIAL FEE DETERMINATIONS, CREDITS, ESTABLISHMENT OF MOBILITY FEE BENEFIT DISTRICTS, FUND ACCOUNTS, EXPENDITURES, REFUNDS, EFFECTS ON LAND DEVELOPMENT REGULATIONS, DEVELOPMENT OF AN ADMINISTRATIVE MANUAL AND SERVICE CHARGES, REQUIREMENTS FOR ANNUAL REPORTING, REVIEW AND UPDATES, AGREEMENTS, INTERLOCAL AGREEMENTS, VESTED RIGHTS, APPEALS AND PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (2) of the Florida Constitution and Chapter 166, Florida Statutes, the City has broad home rule powers to adopt ordinances to provide for and operate multimodal transportation systems, including bicycle lanes, greenways, shared-use paths, sidewalks, trails, micromobility facilities, microtransit transit facilities, services and programs, roadways, intersections, shared mobility services, programs, and technology within the City; and

WHEREAS, Section 163.3180(5)(f), Florida Statutes, encourages local governments (including municipalities such as the City) to develop tools and techniques including adoption of long-term strategies to facilitate development patterns that support multimodal solutions, adoption of area wide service standards that are not dependent on any single road segment function, and establish multimodal service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide an adequate level of personal mobility; and

WHEREAS, Section 163.3180(5)(i), Florida Statutes, authorizes local governments to adopt an alternative mobility funding system; and

WHEREAS, the City desires to adopt a mobility fee system, based on the multimodal projects included in a mobility plan, as an alternative mobility funding system consistent with Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the City intends to repeal and replace the transportation concurrency system language in the land development code with a mobility fee system consistent with the requirements of Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the mobility fee system focuses on person travel demand, which includes walking, biking, transit, and motor vehicular trips, generated by new development activity, as defined in this ordinance, and the resulting impact on multimodal capacity and accordingly requires the expenditure of revenue derived under that system to be used on multimodal projects identified in an adopted mobility plan that increase multimodal capacity; and

WHEREAS, the mobility fee system includes, but is not limited to, considerations of the impact of person travel demand generated by new development and redevelopment on multimodal capacity as well as considerations of the impact of new development on overall mobility within the City; and

WHEREAS, the City is experiencing growth and new development activity that necessitates the addition and expansion of transportation facilities for a variety of modes to meet the person travel demands of new development activity including adequate and efficient multimodal facilities along with different personal and shared mobility options; and

WHEREAS, imposition of a mobility fee requiring future growth within the City to contribute its fair share of the cost of growth-necessitated multimodal facilities is necessary and reasonably related to the public health, safety, and welfare of the people of the City; provided that the mobility fee does not exceed the actual amount necessary to offset the demand on multimodal capacity and facilities generated by new development activity; and

WHEREAS, the City in its Transportation and Mobility Element sets out goals, objectives and policies to develop and maintain a safe, convenient, efficient transportation system which: recognizes present need, reflects the Future Land Use Plan, and provides for safe, efficient intermodal transportation linkages; and

WHEREAS, the City Commission of the City (the “City Commission”) finds that this Ordinance supports and furthers the goals, objectives and policies of the Transportation and Mobility Element of the Comprehensive Plan as follows:

- **OVERALL GOAL** “The city will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the city of St. Augustine;”
- **TME GOAL 1 TRANSPORTATION** “To maintain a coordinated multimodal transportation system which provides for the safe, efficient, and economical movement of people, goods, and services, which is consistent with the Future Land Use Plan, recognizes the impact resulting from sea level rise and higher, more intense rainfall, conserves energy, and protects the City’s natural, cultural, and historical resources;”
- **TME Objective 1.1** “The City shall provide a safe, convenient and efficient motorized and nonmotorized transportation system;”
- **TME GOAL 2 MOBILITY** “Establish a coordinated multimodal transportation system that provides mobility for pedestrians, bicyclists, circulator and transit users, motorized vehicle users, rail and trail users, and is sensitive to the City of St. Augustine’s natural, cultural, and historical resources;”
- **TME Objective 2.1** “The City shall provide a safe, convenient, connected, visible, and efficient multimodal transportation system. The measurable targets for this objective are based upon the establishment of multimodal quality of service standards for people walking, bicycling, riding transit, and driving;”
- **TME GOAL 3 MOBILITY PLANNING** “To enhance the quality of life for City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets;”
- **TME Objective 3.1** “To develop and implement a 2040 Mobility Plan focused on the movement of people, the provision of multiple multimodal transportation options to move about the community, the pursuit of a park once environment for travel within the City’s multimodal district for longer duration visits, and the development of a Mobility Fee, based upon the projects identified in the Mobility Plan, that allows for new development and redevelopment to equitably mitigate its impact to the multimodal transportation system;”
- **TME Policy 3.1.1** “The City will promote an interconnected, multimodal transportation system that transitions from a system focused on quickly moving motor vehicles toward

a system that emphasizes the movement of people of all ages and abilities, whether those people choose to walk, bicycle, ride transit, drive a motor vehicle or use a new transportation mobility technology;”

- TME Policy 3.1.2 “The Mobility Plan shall identify multimodal projects that include improvements, services, and programs for people walking, bicycling, riding transit, driving motor vehicles and utilizing new mobility technologies. The projects identified in the Mobility Plan shall be based upon existing demand and projected increases in personal travel demand by 2040, the mobility plan horizon year, from new development, redevelopment, tourism and the growing population in northeast Florida;”
- TME Policy 3.1.21 “A Mobility Fee is one source of revenue to fund the projects identified in the Mobility Plan. Gas, property and sales tax, CRA, County, State and Federal grants and funds, special assessments, higher education student fees, user fees, private party contributions, and parking revenues are all additional sources of revenue that are available to fund projects identified in the Mobility Plan. The City should consider opportunities to combine revenue sources, to the extent permissible, to advance the Mobility Plan, Complete Street, safety and parking management multimodal projects;”
- TME Policy 3.1.22 “The Mobility Plan projects shall serve as the basis for development of a mobility fee. The Mobility Fee shall be a one-time assessment on new development or redevelopment that results in an increase in person travel demand. The Mobility Fee shall be required to meet the dual rational nexus test and shall be reasonably attributable to the person travel demand of new development, infill and redevelopment. Multimodal capacities based upon quality-of-service standards shall be established to ensure fees are reasonably assignable to the impacts of new development or redevelopment;”
- TME Policy 3.1.23 “The Mobility Fee, consistent with Florida Statute, is intended to replace transportation concurrency and proportionate fair-share contributions and would be provided in place of a road impact fee;”
- TME Policy 3.1.24 “The Mobility Fee may include provisions to encourage and incentivize new development, infill and redevelopment within the multimodal district and targeted areas of the City. The Mobility Fee may also include provisions to encourage affordable, workforce housing, mixed-use, multimodal supportive development and desired land uses that increase employment and attract economic development consistent with Florida Statutes;”
- TME Policy 3.1.25 “The Mobility Plan and Fee shall be re-evaluated and updated every five years. The Mobility Fee shall be indexed and adjusted for inflation on an annual basis;” and

WHEREAS, the mobility fees imposed hereby (1) are in compliance with the "dual rational nexus test" developed under Florida case law, (2) meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court, in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), (3) are consistent with the requirements set forth in Section 163.3180, Florida Statutes, and (4) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, the City Commission has determined that the proposed Ordinance adopting a mobility fee will help to preserve and enhance the rational nexus between the need for multimodal person travel demands generated by new development activity in the City and the mobility fees imposed on that new development activity based on the multimodal improvements established in the mobility plan; and

WHEREAS, establishment of a mobility fee benefit district regulates mobility fee expenditures and is the best method of ensuring that the multimodal projects funded by mobility fees have the rational nexus and benefit to the development for which the mobility fees were paid; and

WHEREAS, mobility fees collected will be deposited in the mobility fee fund created for the related mobility fee benefit district established herein and expended for the purposes set forth herein; and

WHEREAS, mobility fees imposed hereunder achieve the goals, objectives and policies of the Comprehensive Plan and utilize the tools and techniques encouraged by Section 163.31801, Florida Statutes; and

WHEREAS, the City has developed a Mobility Plan and Mobility Fee Technical Report dated February 2022 prepared by NUE Urban Concepts, LLC, that provides the technical analysis to determine the mobility fee, based on the multimodal improvements on City, County, and State right-of-way within and adjacent to the City identified in the mobility plan, which constitutes a proper factual predicate for imposition and expenditure of the mobility fees; and

WHEREAS, the City has determined that the enactment of this Ordinance adopting a mobility plan and mobility fee will help to preserve and enhance the rational nexus between the extraordinary increase in multimodal person travel demands generated by new development activity in the City, and the mobility fees imposed on that new development activity to fund multimodal improvements on City, County, and State right-of-way within and adjacent to the City in the mobility plan that address that demand; and

WHEREAS, the City Commission has determined, based upon project development time frames which are often delayed depending upon economic realities, to authorize the refund of collected mobility fees after seven (7) years; and

WHEREAS, the City shall assess an administrative service charge and may establish fees, based upon a Technical Report accepted by the City Commission, associated with request for mobility fee determinations, special assessments and studies, off-sets and credits, and the administration and implementation, including amendments and updates, to the mobility plan and the mobility fee system, not to exceed actual cost consistent with Section 163.31801, Florida Statutes; and

WHEREAS, the City shall develop policies and procedures, based upon administrative procedures accepted by the City Commission, for the administration, implementation, and update of the mobility plan and mobility fee to include, but not limited to, assessments, credits, determinations, imposition, off-sets, and studies; and

WHEREAS, the mobility fee shall be adjusted annually, based on the most recently published construction cost inflation factor index established by the Florida Department of Transportation, or the Consumer Price Index should the Florida Department of Transportation cease to publish said index, and the City shall publish the adjusted mobility fees, not more than 90 calendar days before the annual adjustment, consistent with Florida Statute Section 163.31801; and

WHEREAS, the City Commission has noticed, advertised, scheduled and held a public hearing in compliance with Florida Statutes on this proposed Ordinance; and

WHEREAS, the City Commission has determined that it is advisable and in the public interest to adopt and implement the proposed Mobility Plan and Mobility Fee Ordinance.

WHEREAS, notice of the effective date of this ordinance was provided to the public consistent with Chapters 166.041 and 163.31801, Florida Statutes, and was published in the St. Augustine Record on February 15, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 21, Article I and Article II, Chapter 21, Article I and Article II of the Code of the City of St. Augustine are amended as follows: [Note: ~~striketrough~~ language deleted, underline language added]:

“Sec. 21-3. - Opting out of imposing or collecting St. Johns County impact fees.

The City of St. Augustine hereby opts out of imposing impact fees or collecting impact fees adopted by the County of St. Johns, Florida, except educational facilities impact fees collected pursuant to interlocal agreement between St. Johns County School Board, St. Johns County and the City of St. Augustine. No impact fee adopted by the County of St. Johns, Florida, shall be applicable or collected within the jurisdictional limits of the City of St. Augustine except as stated herein. The concurrency management ordinance adopted by the City of St. Augustine shall ensure the availability of public facilities and services as it applies to certain services. The City of St. Augustine may from time to time adopt mobility fees, or other fees to capture the cost of providing services to new development, redevelopment, or intensification of existing development, as allowed by law.”

“Sec. 21-27. - Definitions.

...

Development order means the approval action for a development and shall include:

- (1) *Final development order* means the final approval action for a development, including a building permit, or where such action is not required for final approval, a final subdivision plan, a final development plan for a planned unit development (PUD), final construction plans for a site and development plan, or a use permit/certificate of occupancy not linked to a building permit.
- (2) *Preliminary development order* means approval action required before a final development order may be considered and includes preliminary subdivision plans, approved ordinances creating planned unit developments (PUD's), exceptions, variances, conservation overlay zone development, rezonings, land use plan amendments, certificates or opinion of appropriateness, site plan approval, use permit applications without a certificate of occupancy, building plan approval, utility availability letter and storm drainage approval. Applications for concurrency determination will be required for certain preliminary development orders, including rezonings, land use plan amendments, exceptions, variances, preliminary development

plans for a PUD, preliminary plats for a subdivision and any development requiring special review by the planning and zoning board as outlined in [chapter 28](#).

...

Public facilities means major capital improvements including ~~transportation~~, sanitary sewer, solid waste, drainage, potable water, and parkland facilities and services.

..."

"Sec. 21-28. - Intent and purpose.

This article is intended to implement the requirements of ~~F.A.C. rule 9J-5.0055 concurrency management as outlined in Chapter 163 F.S.~~ to insure that issuance of a final development order will not result in a degradation of the adopted levels of service for specified public facilities and services adopted in the comprehensive plan pertaining to wastewater, potable water, solid waste, drainage, and parkland. ~~traffic circulation. Concurrency for traffic circulation has been repealed through the alternative mobility funding system provisions of Chapter 163 F.S., deleted within this article, and replaced by a mobility plan and mobility fee to be paid to the City in accordance with the creation of Article III, Mobility Plan and Mobility Fees in this Chapter. Nothing herein is intended to repeal other access management or site improvement requirements adopted pursuant to law."~~

"Sec. 21-30. - Same—Applications.

Applications for determination of exemption pursuant to [section 21-29](#) shall be filed with the director of the planning and building department. Determinations thereon may be made by the director of the planning and building department and the director(s) of the public works and utilities department(s). Denials of exemptions shall be subject to appeal to the city commission in the same manner and pursuant to the same procedures as denials of applications for exceptions to [chapter 28](#) on appeal to the city commission from the decisions of the planning and zoning board."

"Sec. 21-34. - Applications for development orders.

Development orders shall be filed with the planning and building department which shall be responsible for coordination with other departments of the city for evaluation of the adequacy of existing and planned facilities. The public works and utilities department(s) shall evaluate drainage, potable water, sanitary sewer and solid waste levels of service. The planning and building department shall evaluate parkland levels of service. ~~and shall in conjunction with the public works department, evaluate roadway levels of service~~ Concurrency determinations will be required for all developments before a final development order is issued, except those specifically exempt from the requirements of this article. As to developments which require phasing, a concurrency determination application will be required for the entire project; provided, however, that concurrency may be reserved only for each phase of development with reservation of future concurrency only upon substantial completion of prior phases. Applications for concurrency

determination will be required for certain preliminary development orders, including rezonings, land use plan amendments, exceptions, variances, preliminary development plans for a PUD, preliminary plats for a subdivision, and any development requiring special review by the planning and zoning board as outlined in [chapter 28](#). However, concurrency will not be reserved, and therefore, a final development order will not be issued, until all required utility fees are paid, or if utility fees are not applicable, when required building permit fees are paid.”

“Sec. 21-36. - Determination of facility capacity.

Based upon ~~F.A.C. rule 9J-5.0055~~ [concurrency management standards](#) for the purpose of evaluating development orders, the available capacity of a facility shall be determined as follows:

(1) Adding together the following:

- a. The total capacity of existing facilities operating at the adopted levels of service; and
- b. The total capacity of new facilities, if any, that will become available concurrent with the impacts of the development.

(2) Subtracting from the total capacity the sum of the following:

- a. The demand for the facilities created by existing development;
- b. The demand for facilities created by the anticipated completion of other approved developments for which concurrency reserves have been approved; and
- c. The demand for the facilities created by the anticipated completion of the proposed development under consideration for the concurrency determination.”

“Sec. 21-37. - Determination of levels of service standards.

(a) *Roadways.*

~~Roadway level of service has been repealed and replaced by street quality of service standards and multimodal quality of service standards for walking, bicycling, and transit as further defined in the Transportation and Mobility Element of the Comprehensive Plan, and adopted by a mobility plan and mobility fee to be paid to the City in accordance with the creation of Article III, Mobility Plan and Mobility Fees in this Chapter.”~~

~~(1) *Level of service standards.* The minimum acceptable level of service for city, county and state roadways within the city limits shall be determined consistent with the Policy Statement and Standards on Operating Level of Service Standards for the State Highway System, Topic No. 525-000-005-a, Florida Department of Transportation, Haydon Burns Building, 605 Suwanee Street, Tallahassee, Florida 32399-0450, and the Highway Capacity Manual (Special Report No. 209, 1985) Transportation Research Board, National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418 and will be based on the peak-hour level of service (LOS) standards outlined below:~~

Facility	Peak Hour
Local road	D
Collector	D
Minor arterial	E
Principal arterial	D
Limited access	D

~~For roadways operating in a backlogged condition as of October 1, 1991, a peak hour traffic volume that extends the 1991 peak hour volume for that roadway by no more than ten (10) percent shall be a minimal acceptable traffic operating condition;~~

~~For roadways operating in a constrained condition as of October 1, 1991, a peak hour traffic volume that exceeds the 1991 peak hour volume for that roadway by no more than eleven and one-half (11½) percent shall be a minimal acceptable traffic operating condition; and~~

~~For roadways operating in a constrained condition located within a national register or local historic preservation district as of October 1, 1991, a peak hour traffic volume that exceeds the 1991 peak hour volume for that roadway by no more than fifteen and one-half (15½) percent shall be a minimal acceptable traffic operating condition.~~

~~(2) Review of impact on roads. All development orders must be reviewed for their impact on the functionally classified roadway network.~~

~~(3) Database. The city will maintain a database indicating the current annual average daily traffic counts, peak hour volumes and levels of service for functionally classified roadways, and will update this database annually. This database will be used to monitor the impact of development on the roadway network inside the city limits.~~

~~(4) Impact determination.~~

~~a. The city will determine the impact of development providing less than or equal to two hundred fifty (250) new daily trips to the functionally classified roadway network.~~

~~b. For developments generating fifteen (15) or less new daily trips, there is no transportation impact area.~~

~~c. For developments generating between sixteen (16) and two hundred fifty (250) new daily trips, the transportation impact area includes the roadway segments to the nearest major intersection. Table 1 shall be utilized to determine the development's trip generation. Passerby capture rates are incorporated into Table 1. The development daily trips will be distributed and assigned to the nearest major intersections.~~

~~d. For all developments located in national register and local historic preservation districts, thirty (30) percent of new development trips shall be considered to be by transportation modes other than automobile. New development trips by transportation modes other than automobile for developments outside these districts is negligible. The peak hour development trips will be determined through application of the peak to daily traffic ratio for the roadway segment.~~

~~(5) Required submittals.~~

- ~~a. The applicant for a development generating between two hundred fifty-one (251) and one thousand (1,000) new daily trips shall have an engineer or planner with responsible transportation planning experience prepare a limited transportation impact analysis. City data shall be used when available.~~
- ~~b. The applicant shall provide a description of proposed development including location, size, land use types, and other pertinent data as required by the planning and building department.~~
- ~~c. The transportation impact area in the analysis will be all functionally classified roadway segments and major intersections where the daily development traffic exceeds one hundred (100) trips. Table 1 shall be utilized by the applicant to determine the development's trip generation. Passerby capture rates are incorporated into Table 1. No additional passerby capture will be accepted without a detailed documented study utilizing primary data for similar land use types within the state. The applicant shall provide a map documenting the development's trip distribution on the functionally classified roadway network.~~
- ~~d. For all developments located in national register and local historic preservation districts, thirty (30) percent of new development trips shall be considered to be by transportation modes other than automobile. For all developments located in national register and local historic preservation districts, a different percentage of new development trips by other than automobile may be utilized if documented primary data from similarly located land use types within the city is provided. New development trips by transportation modes other than automobile is negligible for developments located outside national register and local historic preservation districts.~~
- ~~e. The applicant shall provide a map documenting the daily and peak hour development trip assignment on the functionally classified roadway network. The applicant shall develop the peak hour development trip assignment for each impacted functionally classified roadway segment through application of the peak hour to daily traffic ratio for each roadway segment. For all impacted intersections, peak hour turning movement counts for a typical weekday shall be documented. For each impacted intersection, the 1985 Highway Capacity Manual intersection capacity methodology shall be performed for the development year both with and without the development traffic.~~
- ~~f. Documentation of available or unavailable roadway capacity for all impacted functionally classified roadway segments in all development years shall be submitted. If roadway capacity is unavailable on any functionally classified roadway segment, alternative improvements required to accommodate new development trips shall be submitted. These alternatives may include transportation system management, highway and other modal improvements.~~

~~(6) Transportation impact analysis.~~

- ~~a. The applicant for a development generating over one thousand (1,000) new daily trips shall have an engineer or planner with responsible transportation planning experience prepare a transportation impact analysis. City data shall be used when available. The applicant will attend a preapplication conference to determine the~~

~~scope of the required transportation impact analysis for the proposed development. Information required by the city is discussed in the following paragraphs; however, items may be added, deleted, or modified as an outcome of the preapplication conference:~~

- ~~1. The applicant shall provide a description of proposed development including location, size, land use types, and other pertinent data as required by the planning and building department.~~
- ~~2. The applicant shall provide an inventory of existing roadway conditions for all functionally classified roadways within the transportation impact area, defined as all functionally classified roadway segments and major intersections where the development traffic exceeds ten (10) percent of the peak hour level of service D for that roadway segment. This inventory shall include roadway characteristics, current operating conditions and levels of service.~~
- ~~3. The applicant shall provide an inventory of future roadway conditions for appropriate development years for all functionally classified roadway segments within the transportation impact area which includes roadway characteristics, projected operating conditions and levels of service with and without development traffic.~~
- ~~4. The applicant shall prepare the development trip generation using Table 1. Passerby capture rates are incorporated into Table 1. No additional passerby capture shall be accepted without a detailed documented study utilizing primary data for similar land use types within the state.~~
- ~~5. The applicant shall prepare the development trip distribution and document the methodology. At a minimum, a map documenting the development's trip distribution on the functionally classified roadway network shall be included. Internal capture percentages will not be utilized without a detailed documented study utilizing primary data for similar land use types within the state.~~
- ~~6. The applicant shall prepare the development modal split. The potential for development traffic to utilize transportation modes other than the automobile shall be analyzed and documented. The actions to be taken by the developer to promote and/or provide alternative transportation modes (i.e., paratransit opportunities, bicycle paths, bicycle storage facilities, pedestrian facilities, etc.) shall be documented.~~
- ~~7. The applicant shall prepare the development trip assignment. The methodology utilized shall be documented. At a minimum, a map documenting the daily and peak hour development trip assignment on the functionally classified roadway network shall be included. The peak hour development trip assignment shall be developed utilizing the peak hour to daily traffic ratios for each impacted roadway segment.~~
- ~~8. The applicant shall prepare intersection analyses for all major intersections for the existing and all development years both with and without development traffic. Intersection analysis shall be performed for the peak hour periods 7:00~~

~~a.m. to 9:00 a.m., 11:00 a.m. to 2:00 p.m., and 4:00 p.m. to 6:00 p.m. for a typical weekday.~~

~~9. The applicant shall prepare the analysis of available or unavailable capacity for all impacted functionally classified roadways for all appropriate development years.~~

~~10. The applicant shall identify alternative improvements required to accommodate new development trips. These alternatives should include transportation system management, highway and other modal improvements. These alternatives shall be evaluated for their costs, consequences, and feasibility of implementation.~~

~~(7) Deferrals. In the event that roadway segments operate below the established level of service, development orders will be deferred only for those developments located within designated deferral areas. At a minimum, all development utilizing the roadway segment for direct site access and having more than a de minimis impact on the roadway segment will be included within the deferral area. The criteria to be considered when establishing deferral area boundaries will include spacing of parallel facilities, limits on access within the deferral area, trip distribution characteristics of development within the area, and type and intensity of land uses within the deferral area.~~

(b) *Parkland.*

(1) Levels of service standards are as follows:

- a. Regional parkland, five (5) acres per one thousand (1,000) persons;
- b. Community parkland, one (1) acre per one thousand (1,000) persons;
- c. Neighborhood parkland, 0.8 acre per one thousand (1,000) persons.

(2) All residential development less than twenty-five (25) units must meet the open space requirements outlined within [chapter 28](#).

(3) All residential development proposals of twenty-five (25) or more units must meet the open space requirements outlined within [chapter 28](#) and must also indicate on the site plan, contiguous parkland or open space of at least that calculated using the neighborhood parkland level of service standard adopted in the comprehensive plan to serve the projected number of residents based on the latest census average persons per household ratio.

- a. For residential development of twenty-five (25) to ninety-nine (99) units, the space must be furnished to serve at least passive recreational activity.
- b. For residential development of one hundred (100) or more units, the space must be furnished with at least one (1) active recreational facility ~~(preferably one determined to be deficient in the particular planning sector)~~ and one (1) passive recreational facility, per one hundred (100) units.

(c) *Potable water.*

(1) Levels of service standards are as follows:

- a. The city will provide a water system level of service consisting of a minimum of 156.9 gallons capacity per equivalent connection (i.e., an "average" single-family residence) per day at a minimum pressure of twenty (20) pounds per square inch.

(d) *Wastewater.*

(1) Levels of service standards are as follows:

- a. The city will provide a sewer system level of service consisting of a minimum of ~~153.7~~ 220 gallons capacity per equivalent connection (i.e., an "average" single family residence) per day ~~and an average peak factor of 1.33.~~

(e) *Solid waste.*

(1) Levels of service standards are as follows:

- a. The city establishes as its solid waste level of service, the ability to dispose of 6.75 pounds of solid waste per day per capita. ~~The city will continue to dispose of its solid waste at the county landfill facility.~~

(f) *Drainage.*

(1) Levels of service standards are as follows:

- a. The city will implement its level of service standard for stormwater that is discharged from development as follows:
 1. *Water quantity.* In the event of a twenty-five-year, twenty-four-hour storm, post-development runoff from the site of a major development shall not exceed peak predevelopment runoff rates. For minor developments, runoff from a ten-year, one-hour storm must be retained on site.
 2. *Water quality.* Applicants must demonstrate compliance with the requirements of F.A.C. ch. 17.25. These standards shall apply to all new development and redevelopment regardless of project size."

~~"Sec. 21-42. Table 1, trip rate and percentage new trips data table, adopted.~~

~~Table 1 attached to Ord. No. 91-23, entitled "Table 1—Trip Rate and Percentage New Trips Data Table" taken from the St. Johns County Traffic Impact Study, Methodology and Procedures and prepared by Tindale, Oliver and Associates is adopted by reference."~~

SECTION 2. Creating Chapter 21, Article III. Chapter 21, Article III of the Code of the City of St. Augustine is hereby created as follows: [Note: ~~striketrough~~ language deleted, underline language added]

ARTICLE III. - ~~RESERVED~~^[2] MOBILITY PLAN AND MOBILITY FEES

"Sec. 21-61. - Intent and purpose.

- (a) *Imposition.* This article is intended to impose a mobility fee, assessed at building permit application and payable no later than issuance of a building permit, in an amount based

upon the average amount of new person travel demand attributable to new development and the average cost of providing the multimodal capacity needed to serve such new person travel demand. This article shall not be construed to authorize imposition of fees related to multimodal project needs attributable to existing development.

(b) Replacement of transportation concurrency. This article is intended to allow new development activity in compliance with the Comprehensive Plan to share in the burdens of growth. New development activity shares in this burden by paying a pro rata share of the reasonably anticipated costs of multimodal projects needed to accommodate the person travel demands created by new development activity as well as by complying with other appropriate development order conditions. This article is intended to provide flexibility to address the needs of individual developments that, because of location, timing, or other characteristics, require different treatment in the form of reduced fees or supplemental requirements.

(c) Technical report. Towards this end, mobility fees are based upon the calculation methodology incorporated in the “City of St. Augustine Mobility Plan and Mobility Fee Technical Report” February 2022, prepared by NUE Urban Concepts, LLC.”

“Sec. 21-62. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Additive Fee means a mobility fee based on a unit of measure that is assessed for a component of a high impact use that is outside of the square footage of the building and generates person travel demand. Additive fees are combined with any assessed mobility fee based on the square footage of a building or structure for the use. The mobility fee rate for additive fees is based on the unique units of measure under the additive fee category.

Assessment area means a geographic area of the City where mobility fees are assessed on new development activity.

Autonomous transit shuttle means a vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself with or without the active intervention of a human operator.

Bank drive-thru or free-standing ATM means any bank or financial institution with a drive-thru lane used for banking purposes such as deposits, withdrawals, balance inquires, or bill pay. The drive-thru may include either a teller window, pneumatic device for transferring banking information or funds, or an Automated Teller Machine (ATM). An ATM inside or attached to a building that has a use open to the public or end user is not assessed a separate fee as a stand-alone ATM. Credit Unions and Savings and Loans are also considered to be banks for purposes of this definition and the applicable mobility fees. This use also includes free standing bank drive-thru lanes and freestanding walk-up or drive-thru ATM machines. The fee shall be based upon the total number of drive-thru lanes with a banking window, pneumatic device or ATM and/or the total number of free-standing ATM's. Free-standing ATM's may be either walk-up or feature drive-thru lanes.

Benefit district means areas designated in the applicable mobility fee ordinance where fees paid by new development activity are expended.

Capacity means the maximum sustainable flow rate, at a service standard, at which persons or vehicles reasonably can be expected to traverse a point or a uniform section of a bicycle facility, pedestrian facility, roadway, or shared-use multimodal facility during a given time-period under prevailing conditions. For transit, the capacity is the maximum number of persons reasonably accommodated riding a transit vehicle, along with the frequency and duration of transit service.

Commercial and retail means those activities which provide for sale, lease, or rent of products, goods, services, entertainment, consumption, accommodations or use of space to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900, except for uses otherwise defined separately within the mobility fee schedule.

Commercial and retail uses mean those commercial activities which provide for sale, lease, or rent of goods, products, services, vehicles, or accommodations for use by individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900.

Community serving means those uses that are operated by non-profit civic originations, governmental entities, foundations, or fraternal organizations, including places of assembly. Community serving also includes uses such as YMCA, museum, art studio, gallery, cultural center, community meeting spaces, community theater, library, or a fraternal or masonic lodge or club, or any community and civic based uses that do not sell retail goods or services for profit and that participates in community and public activities. Food, beverages, goods, and services maybe offered for ancillary fundraising and sales to support the community serving use.

Complete streets means a transportation policy and design approach that requires multimodal transportation improvements to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation and to allow for safe travel by those walking, bicycling or using other forms of non-motorized travel, riding public transportation or driving motor vehicles or low speed electric vehicles. Separate and defined spaces are provided for the various modes of travel planned within the street cross-section.

Free-standing retail means entertainment, personal service, and retail uses in a single building where any single use under common ownership exceeds 75% of the total square footage of the building. Land Use Codes under the 800 and 900 series and Land Use Codes 445.

Indoor commercial recreation means facilities that primarily focus on individual or group fitness, exercise, training or provide recreational activities. The uses typically provide exercise, dance or cheerleading classes, weightlifting, yoga, Pilates, cross-fit training, fitness and gymnastics equipment. Indoor commercial recreation also includes uses such as bowling, pool, darts, arcades, video games, batting cages, trampolines, laser tag, bounce houses, skating, climbing walls, and performance centers. Food, beverages, equipment and services maybe offered for ancillary sales.

Industrial means those activities which are predominantly engaged in building and construction trades, the assembly, finishing, processing, packaging, or distribution of goods or products, utilities, recycling, waste management and uses that include brewing and distilling that may have taps, sampling or tasting rooms, and include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100 but excluding governmental uses. Industrial uses typically have ancillary office space and may have display or merchandise display areas for various trades and industries that are not open to the general public. Industrial uses are also located in land uses and zoning districts intended for industrial uses. Commercial storage means facilities or acreage in which one or more warehouses, storage units or vaults are rented for the storage of goods and/or acreage or is providing for the storage of boats, RVs, vehicle trailers and other physical items that are larger than what is typically stored within an enclosed structure. The acreage for outdoor storage, excluding drive aisles, buffers, and stormwater management areas, shall be converted to square footage for purposes of calculating the fee. This shall not include an individual's personal property where such items are stored by the owner of the land and not for commercial purposes, subject to allowance by land development and zoning regulations.

Institutional uses means those public or quasi-public uses that serve one or more community's social, educational, health, cultural, and religious needs and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 500, and includes Land Use Codes 253, 254, 255, and 620. Land Use Codes 540 and 550 are included in office uses and 580 and 590 falls under Community Serving. Federal, state, and local government institutional uses, except for Community Development Districts, are exempt from payment of mobility fees, unless authorized by law.

ITE Trip Generation Manual means and refers to the latest edition of the report entitled "Trip Generation" produced by the Institute of Transportation Engineers (ITE), and any official updates hereto.

Level of service (LOS) means a quantitative stratification of the level of service provided to a facility, roadway, or service stratified into six letter grade levels, with "A" describing the highest level and "F" describing the lowest level: a discrete stratification of a level of service continuum.

Local retail means entertainment, restaurant, retail, sales, or services under ITE Land Use Codes 800 and 900 that are locally owned and are not national chains or national franchisee. Local shall be defined as five or fewer locations in Florida and no locations outside Florida. Local retail uses maybe located in multi-tenant or free-standing buildings. The City Commission may expand the definition of local in the administrative procedures to include retail uses founded or with headquarters in Clay, Duval, Flagler, or St. Johns Counties, along with other criteria for determining uses that would qualify as local retail.

Long term care means communities designed for long term care of on-site residents, such as assisted living facilities, congregate care facilities and nursing homes, with common dining and on-site health facilities for residents that is not a general retail or commercial use open to the public. This use includes ITE Trip Generation Manual Land Use Codes 253, 254, 255, and 620.

Low speed streets mean a multimodal transportation facility based on either the Dutch Woonerf concept that treats all modes equally with no defined spaces for any mode or bicycle boulevards which feature pavement markings, signage and posted speed limits. Low speed streets also include shared streets which typically do not have raised curbs, distinct pavement markings, traffic control devices, defined parking spaces, or vehicular speed limit signs or have posted speed limits 15 MPH or less. A low-speed street often features signage and sometimes a speed limit that indicates there are multiple users of the shared street.

Marina means facilities that provide docks and berths for boats. Any buildings for shops, retail, or restaurants would fall under the retail land use and pay the mobility fee rate for retail uses.

Medical office means a building or buildings that provide medical, dental, or veterinary services and care. Medical office shall also include any clinics, emergency care uses, hospitals and any uses specified in the ITE Trip Generation Manual under Land Use Code Series 600, including Land Use Code 720. Land Use Code 620 is included under Long Term Care land uses.

Micromobility means electric powered personal mobility devices such as electric bicycles, electric scooters, hoverboards, One-Wheel, Unicycle, electric skateboards, and other electric assisted personal mobility devices. Low speed vehicles such as golf carts or mopeds are not considered personal micromobility devices.

Microtransit vehicle means low speed vehicles such as autonomous transit shuttles, golf carts neighborhood electric vehicles, or trolleys subject to requirements established by a governmental entity responsible for approval, permitting or regulating said vehicles.

Mobility means the ability to move people and goods from an origin to a destination by multiple modes of travel in a timely (speed) manner.

Mobility fee means a monetary exaction imposed on new development activity to fund multimodal projects identified in a mobility plan.

Mobility fee off-set means the equivalent amount of a mobility fee associated with an existing use of a building that is being redeveloped or where a change of occupancy or use is requested. The equivalent mobility fee shall be based on the current use of the building, or the most recent use of the building for a vacant building. Upon demolition of a building, offsets shall be available for up to five years from the date of demolition, unless otherwise provided for in a written agreement with the City or specified in an implementing ordinance.

Mobility plan means the plan adopted by the City of St. Augustine that identifies multimodal projects to meet the person miles of travel demands of new development activity.

Mobile Residence means land uses for the temporary or permanent placement of mobile homes, RVs, tiny homes on wheels, or travel trailers within predefined lots or spaces that have connections for communications, electric, water and wastewater. Mobile residential parks may have common amenities and building with recreation uses, laundry and park office.

Mode means the choice of travel that a person undertakes and can include walking, jogging, running, bicycling, paddling, scooting, flying, driving a vehicle, riding a boat, transit, taxi or using a new mobility technology.

Motor vehicle & boat cleaning means a building, stalls, stations, or tunnels for the cleaning, detailing, polishing, washing, or waxing of motor vehicles or boats which fall under the description of ITE Trip Generation Manual Land Use Code Series 800 and 900. The fee is based on both the number of lanes and stalls.

Motor vehicle charging or fueling means the total number of vehicles that can be charged or fueled at one time (fueling positions). Increasingly, land uses such as superstores, (i.e., super Wal-Mart), variety stores, (i.e., Dollar General), and wholesale clubs (i.e., Costco) are also offering vehicle fueling with or with/out small convenience stores. Outside of Florida, several grocery store chains are also starting to sell fuel. The mobility fee rate per fueling position would be in addition to any mobility fee per square foot under the applicable retail land use with vehicle fueling. Motor vehicle charging stations that do not require a customer to pay for charging are exempt from payment of the mobility fee.

Multimodal means multiple modes of travel including, but not limited to walking, bicycling, jogging, rollerblading, skating, scootering, riding transit, driving a golf cart, low speed electric vehicle or motor vehicle.

Multimodal projects mean improvements such as sidewalks, bike lanes, trails, paths, protected bike lanes, transit facilities, streetscape, landscape, roundabouts, raised medians, crosswalks, and high visibility crosswalks. Multimodal projects also include shared mobility programs and services, wayfinding, micromobility devices, programs and services, and microtransit vehicles and lanes. Improvements can include new or additional road travel lanes and turn lanes, complete and low speed streets, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, right-of-way, easements, stormwater facilities. Projects may also include the repayment of bonds, local match for federal, state and county funded projects, repayment of loans from the State of Florida Infrastructure Bank used to front-end the design and/or construction of multimodal projects.

Multimodal project expenses means expenditures for: (a) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding consistent with statutory allowances; (b) reasonable administrative and overhead expenses necessary or incidental to expanding and improving multimodal projects; (c) crosswalks, traffic control and crossing warning devices, landscape, trees, multimodal way finding, irrigation, hardscape, and lighting related to projects; (d) micromobility devices, programs and services, (e) transit circulators, facilities, programs, shuttles, services and vehicles; (f) reasonable expenses for engineering studies, stormwater reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to projects; (g) the acquisition of right-of-way and easements for the improvements, including the costs incurred in connection with the exercise of eminent domain; (h) the clearance and preparation of any site, including the demolition of structures on the site and relocation of utilities; (i) floodplain compensation, wetland mitigation and stormwater management facilities; (j) all expenses incidental to or connected with the issuance, sale, redemption, retirement, or

purchase of bonds, bond anticipation notes, or other forms of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness; (k) reasonable costs of design, engineering and construction, including mobilization, maintenance of traffic during construction and CEI (construction engineering and inspection) services of related projects, (l) city administration, implementation updates to the mobility plan and mobility fee, including any assessments, counts or studies needed for projects.

Multi-tenant retail means entertainment, restaurants, retail, sales, or services provided in a single building, with two (2) or more separate distinct uses under different corporate ownership where no single use exceeds 75% of the total square footage of the building. This includes land uses under ITE Land Use Codes Series under 800 and 900 and Land Use Codes 445.

New development activity means any new residential and commercial construction, any new land development or site preparation activity, any new construction of buildings or structures, any modification, reconstruction, redevelopment, or upgrade of buildings or structures, any change of use of a building, land, or structure, and any special exception approval or special use permit that results in an increase in person travel demand above the existing use of property.

Non-residential square feet means the sum of the gross floor area (in square feet) of the area of each floor level under cover, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) and are used as part of primary use of the property of their use. If an area within or adjacent to the principal outside faces of the exterior walls is not enclosed, such as outdoor restaurant seating, areas used for storage of goods and materials, or merchandise display, and is determined to be a part of the primary use of property, this gross floor area is considered part of the overall square footage of the building. Areas for parking, circulation, ingress, egress, buffers, conservation, walkways, landscape, stormwater management, and easements or areas granted for transit stops or multimodal parking are not included in the calculation of square feet.

Office means banks without drive-thru, financial services without drive-thru, general office, and professional activities primarily involving the provision of professional or skilled services, including but not limited to accounting, legal, real estate, insurance, financial, engineering, architecture, accounting, and technology.

Office uses means those businesses which provide professional services to individuals, businesses, or groups and which include those uses in the ITE Trip Generation Manual under Land Use Code Series 600 and 700 and includes Land Use Codes 540, 550, 911 and 912. Land Use Code 620 is included under institutional uses.

Off-site improvement means improvements located outside of the boundaries of the parcel proposed for development. Access improvements required to provide ingress and egress to the development parcel, which may include rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes and deceleration/acceleration lanes, sidewalks, bike

lanes, trails, paths, transit stops along with required traffic control devices, signage, and markings, and drainage and utilities, shall be considered on-site improvements.

Outdoor commercial recreation means outdoor recreational activity including land uses with miniature golf, batting cages, video arcade, bumper boats, go-carts, golf driving ranges, tennis, racquet or basketball courts, soccer, baseball and softball fields, paintball, skating, cycling or biking that require paid admittance, membership or some other type of fee for use. Buildings for refreshments, bathrooms, changing and retail may be included. The fee shall be based upon the total acreage of the facility for active uses outside of buildings and all buildings used to carry out a primary function of the land use activity. Areas for parking, buffers and stormwater that are not active features of the land use are excluded from the fee acreage. The use would generally fall under the ITE Land Use Code 400 series.

Overnight lodging means places of accommodations, such as bed and breakfast, inns, motels, hotels and resorts that provide places for sleeping and bathing and may include supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and limited recreational facilities (pool, fitness room) intended for primary use by guest(s) and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 300.

Person miles of capacity (PMC) means the number of persons “capacity” that can be accommodated, at a determined standard, on a facility while walking, bicycling, riding transit, driving or using a mobility assisted device over a defined distance.

Person miles of travel (PMT) means the number of miles traveled by each person on a trip to account for all miles traveled by, but not limited to, motor vehicle, transit, walking, bicycling or some other form of person powered, electric powered or gasoline powered device.

Person travel demand (PTD) means travel demand from new development and redevelopment which results in an increase in travel above the existing use of property based on trip generation, pass-by trips, person trips, person trip lengths, and origin and destination factors for the uses established in the mobility fee schedule.

Person trip means a trip by one person by one or more modes of travel including, but not limited to, driving a motor vehicle or low speed electric vehicle, riding transit, walking, bicycling or form of person powered, electric powered or gasoline powered device.

Pharmacy drive-thru means the drive-thru lanes associated with a pharmacy. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up a prescription or item. The fee per drive-thru is in addition to the retail fee per square foot for the pharmacy building.

Private Education shall mean a building used for pre-school, private school, or day care. Private school (Pre-K to 12) shall mean a building or buildings in which students are educated by a non-governmental entity with grades ranging from pre-kindergarten to 12th grade. Private schools do not include charter schools, which are exempt from local government fees per Florida Statute. Day care shall mean a facility where care for young children or for older adults is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds.

Quick service restaurant drive-thru means a quick service restaurant where an order for food is placed or a pick-up/delivery lane where an order is picked-up by either a customer that placed an online order or a delivery service. Quick service restaurants are establishments serving beverages, food, or both with higher turnover, quick service, and may feature either counter service or selection of items from a counter and would fall under the descriptions of ITE Trip Generation Manual Land Use Codes 930, 933, 934, 935, 936, 937, and 938. The vehicle will proceed to one or more common pick-up windows, lockers, stations, or functional equivalent after the order has been placed. Quick service restaurant with drive-thru maybe located in multi-tenant retail or free-standing retail buildings. This use also includes any quick service restaurants that do not offer indoor seating and are intended to primarily be served by vehicle delivery services or pick-up or drive-thru only orders placed online. These uses may provide a walk-up order window.

Quality of service (QOS) means a quantitative stratification of the quality of service of personal mobility stratified into six letter grade levels, with "A" describing the highest quality and "F" describing the lowest quality: a discrete stratification of a quality-of-service continuum.

Recreation uses mean those public or quasi-public uses that serve a community's social, cultural, fitness, entertainment, and recreational needs, which include applicable land uses specified in the ITE Trip Generation Manual under Land Use Code Series 400 and 500.

Residential uses mean a dwelling unit and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200.

Residential means a dwelling unit and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200, except for Land Use Codes 253, 254, and 255. Residential includes tiny homes, accessory dwelling units, and dormitories.

Residential square feet means the sum of the area (in square feet) of each dwelling unit measured from the exterior surface of the exterior walls or walls adjoining public spaces such as multifamily or dormitory hallways, or the centerline of common walls shared with other dwelling units. Square feet include all livable, habitable, and temperature controlled enclosed spaces (enclosed by doors, windows, or walls). This square footage does not include unconditioned garages or unenclosed areas under roof. For multifamily and dormitory uses, common hallways, lobbies, leasing offices, and residential amenities are not included in the square feet calculation, unless that space is leased to a third-party use and provides drinks, food, goods, or services to the public or paid memberships available to individuals that do not reside in a dwelling unit.

Residential or lodging uses means a dwelling unit or room in overnight accommodations or mobile home or RV park and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200 and 300 and land use code 416. Land use codes 253, 254, and 255 are considered institutional uses.

Service standard means the adopted or desired quality or level of service for a bicycle facility, pedestrian facility, roadway, shared-use multimodal facility, or transit.

Shell building means the foundational and structural elements that separate interior and exterior space and includes the roof, walls, windows, doors, mechanical systems, and rough plumbing and electric. Common areas are typically finished. Interior spaces are designed

to be finished by the tenant with wall coverings, ceiling, flooring, lighting, electrical and plumbing finishes, and furnishings. The floor may or may not be finished with concrete to allow for flexibility in the location of plumbing service lines.

Streetscape means hardscape elements such as pavers, benches, lighting, trash and recycling receptacles, fountains, seating, shade structure, crosswalks, landscape elements such as canopy and understory trees, shrubs, bushes, grasses and flowers, green infrastructure and architectural structures and projections that provide shade and protection from various weather conditions.

Vehicle miles of travel (VMT) means a unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle. VMT is calculated by multiplying the length of a road segment by the total number of vehicles on that road segment.

Vehicle trip means a trip by one person driving a motor vehicle or a motorcycle.”

“Sec. 21-63. - Adoption of mobility plan and mobility fee technical report.

The mobility plan and mobility fee report entitled "City of St. Augustine Mobility Plan and Mobility Fee Technical Report dated February 2022," prepared by NUE Urban Concepts, LLC, is hereby adopted. This adoption includes, but is not limited to, the following: the multimodal projects included in the mobility plan, the basis of the assumptions, conclusions, and findings in such study as to the basis of the mobility fee, the methodology for calculating the mobility fee, the person miles of capacity assigned to multimodal capital improvements and the person travel demand assigned to various land use categories. The study presents the technical analysis and detailed methodology supporting the City of St. Augustine Mobility Fees consistent with the multimodal projects included in the 2040 City of St. Augustine Mobility Plan. The 2040 City of St. Augustine Mobility Plan consist of four (4) separate plans, a plan of multimodal projects for future consideration, and tables identifying specific multimodal projects reflected on the plans and multimodal projects consisting of services and programs not reflected on the plans, such as wayfinding programs and autonomous transit shuttles. The technical report shall be maintained and made available by the City upon request.”

“Sec. 21-64. - Mobility fee imposition.

(a) Applicability. The mobility fee imposed by this section shall apply to new development activity that requires issuance of a building permit submitted on or after May 17, 2022.

(1) This section shall not be imposed on building permits otherwise necessary for:

- a. Additions, remodeling, rehabilitation or other improvements to an existing structure, provided there is no increase in person travel demand and no increase in square footage for non-residential uses and no increase in the number of dwelling units for residential uses; or
- b. Additions, remodeling, rehabilitation or other improvements to an existing structure, provided there is a demonstration the changes are needed to an existing residence to accommodate a mobility impaired person or home care that requires additional space to live or recover for medical reasons; or

- c. Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, provided there is no increase in the intensity of use or no increase in square footage for non-residential uses and no increase in the number of rooms for residential uses; or
 - d. A change in occupancy that does not generate additional person travel demand or any increase in square footage for non-residential uses or increase in the number of rooms, excluding kitchens, bathrooms, laundry rooms, or utility rooms such as a mud room for residential uses.
 - e. Accessory buildings that do not result in an increase in person travel demand will be exempt from the fee (e.g. detached garage, sheds, parking structures, covered parking).
 - f. A federal, state, county, municipal, or governmental entity structure, except for non-governmental CDDs or Special Districts, unless otherwise permitted by Florida Statute. Public and charter schools for Pre-K to 12th Grade are exempt from mobility fees per Florida Statute; community colleges, colleges, and universities are not exempt.
- (2) There is hereby imposed upon all new development activity, as herein defined, a mobility fee assessed at the time of building permit application and payable at the time of issuance of the building permit. No building permit shall be issued until said mobility fee has been paid except as otherwise herein provided. Mobility fees are assessed at the mobility fee rate in effect at the time of building permit application. If the permit is for less than the entire contemplated development, the fee shall be computed for the amount of development covered by the building permit. The obligations for payment of mobility fees shall run with the property.
- a. Any developer, who, prior to the effective date for mobility fees, paid City proportionate share may be eligible for a pro-rata credit. Administrative procedures shall detail the requirements for a proportionate share credit agreement and said agreement shall be required prior to issuance or utilization of any credit. The credit shall also be adjusted to account for service charges, or payment of the service charges based on the amount of credit provided.
 - b. Additionally, the mobility fee will be imposed for any structure that is altered, expanded, or replaced that requires issuance of a building permit and results in an increase in person travel demand above the existing use of the property.
 - c. The mobility fee is calculated on the basis of the person travel demand generated from the land use. If the person travel demand increases due to a change in size or use, and a building permit is required the mobility fee due shall be the incremental difference resulting from the alteration, expansion, or replacement as determined by the mobility fee schedule, less the mobility fee that would be imposed under the applicable rate prior to the alteration, expansion, or replacement.
 - d. In the event that there is a change in use that results in a decrease in person travel demand generated by the previously allowed use, the applicant shall not be entitled to a refund or credit.

- e. A structure or use of property that is inactive and has been abandoned for a period of more than three (3) years shall not be considered an existing or active use for purposes of calculating mobility fee off-sets. The mobility plan and mobility fee are to be updated every three (3) years and person travel demand is measured on a yearly basis. Therefore, person travel associated with the use is no longer captured in collected travel demand data which is used to plan for future needed mobility projects. The burden of demonstrating the existence of a use or structure shall be upon the fee payer where an off-set request is made.
- f. For uses and structures considered to be active, any previous payment of proportionate share or mobility fees under this article may be credited against the appropriate mobility fees owed as a result of a change of use or reestablishing a use of land or structure that has been vacant but not considered abandoned.
- g. Any request for credit or offsets of a mobility fee shall be made prior to submittal of a building permit application and shall be resolved prior to issuance of a building permit, unless otherwise stated in a written agreement per the applicant and the City per the requirements detailed in administrative procedures. Any off-sets or credits not so claimed shall be deemed waived by the fee payer.
- h. Vacation rentals shall pay a mobility fee per bedroom, except for kitchens and bathrooms or unenclosed accessory spaces. The conversion of any existing residential use shall be required to pay the difference between a mobility fee based on the square footage of the home and the mobility fee based on the number of rooms for the vacation rental.
- i. New development activity that does not initially require a building permit is encouraged to pay its mobility fee at the time of approval of the new development activity, as any future new development activity that requires a building permit shall be required to pay the mobility fee in effect at the time of building permit application, regardless of the time frame between approval of the new development activity and the application of a building permit.
- j. New development activity may elect to pay its mobility fee prior to issuance of a building permit. If the mobility fee assessed at the time of building permit application is higher than the prepayment, new development activity will be required to pay the difference prior to issuance of a building permit. If the mobility fee assessed at the time of building permit application is lower than the prepayment, new development activity will be allowed to request a refund for the difference. No interest will be included with the refund. The refund request process is provided for in section 21-71 (c).
- k. The mobility fee shall be paid in its entirety for any shell building space. The fee shall be based on the underlying land use for the building. Any use that will result in an increase in person travel demand above the current use of a shell space shall be required to pay the difference in mobility fees based on the mobility fee schedule in effect at the time of the request. Refunds shall not be issued for less intense uses as uses in the shell buildings change over time. The owner of the shell building shall be required to pay any mobility fees due to an increase in person travel demand, unless the owner includes a disclosure in a signed contract between the entity selling or leasing the space and the end user

where the end user acknowledges, in writing, that they are responsible for payment of mobility fees to the City.

(b) Mobility fee schedule. Any person who shall initiate any new development activity, except as otherwise provided for herein, shall pay a mobility fee, based on the applicable assessment area established in the mobility plan and mobility fee technical report, as set forth in the following mobility fee schedule:

MOBILITY FEE SCHEDULE

<u>Use Categories, Land Uses Classifications, and Representative Land Uses</u>	<u>Mobility Fee</u>
<u>Residential & Lodging Uses per unit of measure</u>	
<u>Residential per sq. ft.</u>	<u>\$1.05</u>
<u>Overnight Lodging (Bed & breakfast, Hotel, Inn, Motel, Vacation Rental) per room</u>	<u>\$1.763</u>
<u>Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer) per space or lot</u>	<u>\$1.216</u>
<u>Institutional Uses per sq. ft.</u>	
<u>Community Serving (Civic, Place of Assembly, Museum, Gallery)</u>	<u>\$0.86</u>
<u>Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)</u>	<u>\$0.87</u>
<u>Private Education (Day Care, Private Primary School, Pre-K)</u>	<u>\$1.57</u>
<u>Recreational Uses per sq. ft., unless otherwise indicated</u>	
<u>Marina (Including dry storage) per berth</u>	<u>\$370</u>
<u>Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis) per acre</u>	<u>\$1,873</u>
<u>Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)</u>	<u>\$3.54</u>
<u>Industrial Uses per sq. ft.</u>	
<u>Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)</u>	<u>\$0.58</u>
<u>Office Uses per sq. ft.</u>	
<u>Office (Bank, General, Higher Education, Professional)</u>	<u>\$1.62</u>

<u>Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)</u>	<u>\$2.43</u>
<u>Commercial & Retail Uses per sq. ft., unless otherwise indicated</u>	
<u>Local Retail (Entertainment, Restaurant, Retail, Sales, Services)</u>	<u>\$1.71</u>
<u>Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)</u>	<u>\$3.42</u>
<u>Free-Standing Retail (Entertainment, Restaurant, Retail, Sales, Services)</u>	<u>\$4.67</u>
<u>Additive Fees for Commercial Services & Retail Uses, unit of measure as indicated</u>	
<u>Bank Drive-Thru or Free-Standing ATM per lane or ATM</u>	<u>\$7,174</u>
<u>Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax) per lane or stall</u>	<u>\$3,420</u>
<u>Motor Vehicle Charging or Fueling per charging or fueling position</u>	<u>\$6,318</u>
<u>Pharmacy Drive-Thru per lane</u>	<u>\$4,500</u>
<u>Quick Service Restaurant Drive-Thru per lane</u>	<u>\$16,862</u>

“Sec. 21-65. - Mobility fee determination.

(a) Determination. The mobility fee shall be determined using the use classifications in the mobility fee schedule per section 21-64(b).

(b) Closest use determination. In the event a project involves a use not contemplated under the mobility fee use classifications in section 21-64(b), the mobility fee administrator shall determine the mobility fee utilizing the closest use classifications in the mobility plan and mobility fee technical report adopted in section 21-63 and any administrative procedures.

(c) Mixed-use. In the event of a development that involves a mixed-use project, the mobility fee administrator shall determine the mobility fee based on each separate mobility fee use classification included in the proposed mixed-use project. Marinas and overnight lodging with restaurants, bars, shops, meeting space, offices, and other amenities that are leased or sold to a third party and are open to the public and are not limited to guests shall pay a mobility fee based on the square footage of the uses open to the public, in addition to the mobility fees per room. Meeting spaces and office uses would fall under office, while restaurants, shops, bars, and other amenities would be classified as either local retail, or multi-tenant retail.

(d) Outdoor storage. For commercial uses with outdoor storage for construction, farm, or yard material, goods, landscape, materials, merchandise, nursery and garden supplies, or boats, RVs, trailers, or vehicles, the acreage of the outdoor storage area shall be converted into

square feet for purposes of calculating mobility fees. Uses that sell new or used boats, RVs, trailers, or vehicles shall not be considered outdoor storage.

(e) Food truck or container courts. For commercial uses with spaces for food trucks or converted shipping containers shall be evaluated as multi-tenant retail with square footage based on all structures, any pads or envelopes for food trucks, and any areas for outdoor seating. For commercial uses that also offer an outdoor recreational component, the recreational acreage shall be assessed as outdoor commercial recreation. Elevated walkways or coverage over those walkways, so long as seating is not provided, shall not be considered a structure for square footage purposes. For any commercial use providing a designated space for one (1) or more food trucks, whether long term or short-term duration, that requires a building permit shall pay a mobility fee per the local or free-standing retail use with the square footage based on the pad or envelop for the food truck.

(f) Additive fees. Additive mobility fees are assessed for high impact uses and are in addition to mobility fees for the square footage of the buildings and structures based on applicable mobility fee rates. The determination of additive mobility fees shall be based on the following:

(1) Each bank building shall pay the office rate for the square footage of the building. Drive-thru lanes, Free Standing ATM's and drive-thru lanes with ATM's are assessed an additive fee per lane or per ATM and are in addition to any mobility fee per square foot associated with a bank building. The free-standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store. In some instances, drive-thru or walkup ATM's maybe freestanding and only assessed the additive mobility fee rate if there is not an associated bank building.

(2) Motor vehicle or boat cleaning shall mean any car wash, wax, or detail where a third party or automatic system performs the cleaning service. Mobility fees are assessed per lane or stall, plus a retail mobility fee rate associated with any additional building square footage.

(3) Motor vehicle charging or fueling mobility fee rates are per vehicle charging or fueling position and apply to a convenience store, gas station, general store, grocery store, supermarket, superstore, variety store, wholesale club or service stations with fuel pumps. In addition, there shall be a separate mobility fee for the square footage of any retail building per the applicable mobility fee rate. The number of charging or fueling positions is based on the maximum number of vehicles that could be charged or fueled at one time. Uses that do not charge a fee for vehicle charging will not be assessed a mobility fee per charging location.

(4) Any drive-thru associated with a pharmacy will be assessed an additive mobility fee per drive-thru lane in addition to the applicable retail mobility fee rate per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up a prescription or item.

(5) Any drive-thru associated with a quick service restaurant will be an additive fee in addition to applicable retail mobility fee rate per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order or picks up an order, whichever is greater.

(g) Assessment. The mobility fee will be determined using the appropriate use category, use classification, assessment rate, and rate established per Section 21-64(b).

(h) Alternative determination. Alternative mobility fee or special mobility fee determinations are permitted. In the event an applicant believes that the cost to mitigate the impact of the development of improvements needed to serve the applicant's proposed development is less than the fee established in this Section, the applicant may request consideration of and submit an alternative mobility fee or special mobility fee determination request, along with an application and review fee as determined by the City, and support materials to substantiate the request to the mobility fee administrator pursuant to the provisions of this section. If the mobility fee administrator finds that the data, information, assumptions, formulae, and methodology used by the applicant to calculate the alternative mobility fee or special mobility fee satisfy the requirements of this section, the alternative mobility fee or special mobility fee shall be deemed the mobility fee due and owing for the proposed development.

(1) The mobility fee administrator is responsible for calculating mobility fees in accordance with the provisions of this article. If an applicant believes project impacts are lower than justified by the findings of this article, or believes the proposed use is incorrectly assigned as identified in the mobility fee schedule, or that the assumptions that derive the mobility fee are not applicable to a specific proposed land use, an adjustment to the fees may be requested along with an application and review fee. The mobility fee administrator shall determine whether the request shall be reviewed as either an alternative mobility fee determination or a special mobility fee determination, based upon the impact of the proposed land use on City mobility. The process for reviewing alternative mobility fee determinations is listed below in section 21-65(e)(2). The process for special mobility fee determinations for minor projects with significantly less impacts is found in section 21-65(f).

(2) Alternative mobility fee determination.

a. The alternative mobility fee determination shall be based on data, information, assumptions, formulae, and methodology contained in this article and the mobility fee study referred to in Section 21-64(b) herein, or independent sources, provided that:

1. The independent source is (an) accepted standard source of transportation engineering or planning data or information; or
2. The independent source is a local study carried out by a qualified planner or engineer pursuant to an accepted methodology of planning or engineering; or
3. Where different data, information, assumptions, formulae, or methodology are employed such differences shall be specially identified and justified.

b. An alternative mobility fee calculation shall be undertaken through the submission of an application for review of an alternative mobility fee determination for the

mobility fee component for which an alternative mobility fee calculation is requested. A developer shall submit such an application prior to submittal of a building permit application or as otherwise agreed to in a mobility fee agreement. The city may submit such an application for any new development activity for which it concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to remedy than the amount of the fee that would be generated by the use of the mobility fee schedule in section 21-64(b).

- c. Within twenty (20) working days of receipt of an application for review of an alternative mobility fee determination, the mobility fee administrator, shall determine if the application is complete. If the mobility fee administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent to the applicant. The application shall be deemed complete if no deficiencies are specified. The mobility fee administrator shall take no further action on the application until it is deemed complete.
- d. When the mobility fee administrator determines the application is complete, the application shall be reviewed and a written decision shall be rendered in thirty (30) working days on whether the mobility fee should be modified, and if so, what the amount should be.
- e. If the mobility fee administrator finds that the data, information, assumptions, formulae and methodology used by the applicant to compute the alternative mobility fee calculation satisfies the requirements of this article, the re-determined mobility fee shall be deemed the mobility fee due and owing for the proposed land development activity. This adjustment in the fee shall be set forth in a mobility fee agreement which shall be entered into pursuant to sections 21-66(b) and (c).
- f. A determination by the mobility fee administrator that the alternative mobility fee re-determination does not satisfy the requirements of this article may be appealed to the City Commission. The administrative procedures shall detail the appeals process.
- g. The applicant shall be responsible for the full costs that the City may incur to review the alternative mobility fee data and methodology which may include consultant and legal costs. Payment will be due at the time of the request for the alternative calculations.
- h. An applicant who submits a proposed alternative mobility fee pursuant to this section and desires the issuance of a building permit prior to the resolution of the pending alternative mobility fee shall pay the applicable mobility fee no later than at the time of issuance of the building permit. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any rights. Any difference in the amount of the mobility fee after the determination of the pending alternative mobility fee shall be refunded to the applicant.
- (i) *Special mobility fee determination.* An applicant may request a special mobility fee determination for smaller, less intense projects when data and information are presented that substantiates that a project has unique characteristics other than those upon which the mobility fee calculation was based. It is the applicant's responsibility to submit adequate justification and support data to substantiate a lower impact to

mobility fee administrator. The mobility fee administrator may review the request and ask for additional information. The applicant is responsible for additional costs that the City may incur to review these special requests, including consultant and legal costs. Payment will be due at the time of request for the determination.

(j) City initiated mobility fee determination. The mobility fee administrator shall have the ability to determine mobility fees to ensure that the City meets legal and statutory requirements. Unique uses, changes in market dynamics related to uses, and updates to trip generation or household travel data may necessitate that the mobility fee rate for one or more uses is required to be amended to ensure the fee meets nexus and rough proportionality requirements. The administrative procedures shall provide additional detailed related to City initiated determinations.”

(k) Review of mobility fee reductions. Any alternative, special, or city initiated mobility fee determinization that results in a reduction of more than 25% of the calculated mobility fee in section 21-64(b), as adjusted for inflation per section 21-75, shall require approval by the City Commission or the review body approved by the City Commission as specified in adopted administrative procedures.”

“Sec. 21-66. - Presumptions, agreements, and security requirements.

(a) Impact. A proposed development shall be presumed to generate the maximum impact generated by the most intensive use permitted under the applicable Comprehensive Plan, zoning, or land development regulations or under applicable deed or plat restrictions.

(b) Mobility Fee Agreement. In lieu of the payment of fees as calculated in sections 21-64(b) or 21-65(e), any applicant may propose to enter into a mobility fee agreement with the City designed to establish just and equitable fees or their equivalent and standards of service appropriate to the circumstances of the specific development proposed. Such an agreement may include, but shall not be limited to, provisions which:

- (1) Modify the presumption of maximum impact set forth in section 21-66(a) and provide a mobility fee which may differ from that set forth in sections 21-64(b) or 21-65(e), by specifying the nature of the proposed development for purposes of computing actual impact, provided that the agreement shall establish legally enforceable means for ensuring that the impact will not exceed the impact generated by the agreed upon development;
- (2) Permit the construction of specific improvements in lieu of or with a credit against the mobility fees assessable and/or pursuant to a payback schedule, allow the developer to recover the actual cost of such improvements in excess of the amount which would have been assessed by section 21-64(b) as subsequent users of such improvements obtained building permits and pay mobility fees;
- (3) Permit a schedule and method for payment of the mobility fees in a manner appropriate to the particular circumstances of the proposed development in lieu of the requirements for payment of the fees as set forth in section 21-64, provided that

security is posted ensuring payment of the fees, in a form acceptable to the City, which security may be in the form of a cash bond, surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage on lands to be covered by the building permit.

(c) *Mobility fee agreement approval.* Any agreement proposed by an applicant pursuant to section 21-66 shall be presented to and approved by the City Manager for amounts less than \$25,000 and the City Commission for amounts of \$25,000 or more prior to the issuance of a building permit. Any such agreement may provide for execution by mortgages, lienholders, or contract purchasers in addition to the landowner, and may permit any party to record such agreement in the official records of St. Johns County, whichever applicable. The City Manager or City Commission shall approve such an agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities in a just and equitable manner.”

“Sec. 21-67. - Mobility fee credits.

(a) *Capital Improvements Program.* Only multimodal projects included in the capital improvements program are eligible for mobility fee credits, except as provided for in section 21-67(b). An applicant may request that the City Commission add multimodal projects to the capital improvements program. The multimodal projects requested for inclusion in the capital improvements program shall be based upon the mobility plan. The administrative manual shall detail the information required to request multimodal projects be added to the capital improvements program for purposes of establishing mobility fee credits.

(b) *Adopted plans.* Multimodal projects included in plans adopted by the City Commission, a Community Redevelopment Agency, the North Florida Transportation Planning Organization (TPO), the Florida Department of Transportation (FDOT), St. Johns County, a Transit Authority, a State of Florida Department, a Regional Planning Council, or other governmental entity or utility provider may be eligible for credit if the mobility fee administrator, in consultation with the City’s Planning and Building and Public Works Department(s), determines the multimodal project implements the mobility goals of the Comprehensive Plan. Administrative procedures shall detail the information required to request consideration for multimodal projects identified in an adopted plan for purposes of establishing mobility fee credits.

(c) *Development orders or permits.* An applicant may request mobility fee credit against any mobility fee assessed pursuant to section 21-64(b) in an amount equal to the cost of multimodal projects or contributions of land, money or services for multimodal projects contributed or previously contributed, paid for, or committed to by the applicant or his predecessor in interest where the multimodal project is a condition of a development order or permit. Administrative procedures shall detail the information required to request establishing mobility fee credits for off-site multimodal projects or the upgrade of on-site multimodal projects in excess of plan or code requirements per section 21-67(d) that are a condition of a development order or permits issued by the City, County, or FDOT, or requested by the City Engineer, that increase person capacity above and beyond that needed to serve the new development activity may request credit. Mobility fee agreements per sections 21-66(b) and (c) shall be required.

(d) Plan and code requirements. Multimodal projects required to meet minimum Comprehensive Plan and Land Development Code requirements are not eligible for any mobility fee credit. Site access improvements for turn lanes, sidewalks, bike lanes, paths, trails, mobility hubs, round-a-bouts, or traffic signals internal to the development, along the adjacent boundary of the development, at development entrances, or immediately adjacent to the development and considered site-related are not eligible for any credit, except as provided for in section 21-67(c).

(e) Amount of mobility fee credit. The amount of developer contribution credit to be applied to the mobility fee shall be determined according to the following standards of valuation:

(1) The appraised fair market land value of the contributed parcel as of the date of building permit, agreement to contribute, or contribution, whichever is earlier. Administrative procedures shall detail requirements for qualifications of appraisers and establish a process if the City disagrees with the appraised value. No credit should be granted pursuant to this section unless the cost of the improvements or dedication of land were paid for and the contributions made within the last three (3) years; and

(2) The cost of multimodal projects shall be based upon documentation certified by a professional engineer or registered planner, and such documentation shall be reviewed and approved by the City Engineer. The City reserves the right to require the developer to competitively bid in accordance with the City Code, in which case the credit shall be limited to the actual cost or 100 percent of the lowest responsible bid amount, whichever is less. All bidders shall be qualified to construct the multimodal projects. The administrative procedures shall provide additional detail on the types of documentation to be provided and detail the cost components of multimodal projects that may be eligible for credit; and

(3) Administrative procedures shall detail additional requirements for mobility fee credit documentation and the options available and process for any excess mobility fee credit.

(f) Transfer of mobility fee credit. Credit for contributions, payments, construction, or dedications of a mobility fee shall not be transferable to another property where a mobility fee is imposed, unless provided for in a developer agreement, mobility fee agreement, or as provided for in Florida Statute. Credit shall first be used for the full development potential of the land development activity for which a development order was approved before any excess credit can be considered for transfer to another property. The establishment, tracking and agreement to allow credit transfer shall be consistent with the processes and requirements detailed in the administrative procedures or as specified in a developer agreement or mobility fee agreement.”

“Sec. 21-68. - Mobility fee benefit district.

(a) Intent. The establishment of a mobility fee benefit district(s) is the best method of ensuring that the mobility fees paid by new development activity are expended within a defined area that provides a mobility benefit to the new development which paid the mobility fees, as required per the benefits test of the dual rational nexus test.

(b) Expenditure. The mobility fee benefit district provides a clearly defined boundary for the expenditure of mobility fee revenue. Using the mobility fee benefit district ensures that funds paid by new development activity are expended on multimodal projects to accommodate person travel demand within the benefit district, providing a reasonable nexus between the expenditure of mobility fee revenue and the development for which the mobility fees are paid.

(c) Establishment. The extent of the mobility fee benefit district shall be all areas within the City limits, including existing County enclaves. For purposes of mobility fee expenditures, the Northeast Florida Regional Airport or City limits shall form the northern boundary, the Tolomato River, St. Augustine Inlet, and Atlantic Ocean shall form the eastern boundary, SR 312 or City limits to the south, and the SR 313 extension or City limits to the west. The benefit district boundaries may expand or contract due to annexation or de-annexations.”

“Sec. 21-69. - Mobility fee fund account.

There is hereby-established a mobility fee fund account for the mobility fee benefit district. For accounting purposes, mobility fees shall be considered special revenue funds. Mobility fees collected from new development activity located within the mobility fee benefit district shall be deposited into the corresponding mobility fee fund. Funds withdrawn from these accounts shall be used solely in accordance with the provision of sections 21-68 and 21-70. The mobility fee fund account is subject to audit and reporting requirements of Florida Statute Section 163.3180, as amended by the Legislature.”

“Sec. 21-70. - Mobility fee expenditures.

(a) Expenditure of funds. Amounts on deposit in the mobility fee fund account shall be used by the City solely for developing multimodal projects or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of multimodal projects, or portions thereof, that are located in the mobility fee benefit district from which the funds were collected and are included in the capital improvement element or program, an adopted plan, a development order or permit condition, or where the City Commission agrees to add the multimodal project to the capital improvements program.

(b) Prohibition. The amounts on deposit in the mobility fee fund shall not be used for an expenditure that would be classified as a transportation operation and maintenance expense, unless expressly included in the capital improvements program or mobility plan with written findings for using funds for operation and maintenance of a multimodal project.

(c) Use of funds. Funds withdrawn from the mobility fee account must be used solely in accordance with the provisions of this article. The disbursal of such funds shall require the approval of the City Commission upon recommendation of the City Manager.

(d) Interest bearing accounts. Any mobility fee funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. Funds may be pooled for investment provided all income derived from the fund's assets shall be deposited in the applicable fund account.”

“Sec. 21-71. - Mobility fee refunds.

- (a) Refund required. The mobility fees collected pursuant to section 21-64(b) shall be returned to the then present owner of the development if the fees have not been encumbered or spent by the end of the calendar quarter immediately following seven (7) years from the date the fees were collected, or if the development for which the fees were paid was never begun.
- (b) Refund process. For purposes of section 21-70, mobility fees collected shall be deemed to be encumbered or expended on a “first in-first out” basis (i.e., the first money placed in a fee fund shall be deemed to be the first money expended or encumbered). The following procedure will apply for requests for eligible refunds:
- (1) The then present owner must petition the City Commission for the refund within one (1) year following the end of the calendar quarter immediately following seven (7) years from the date on which the fee was received.
 - (2) The petition must be submitted to the City Manager and must contain:
 - a. A notarized sworn statement that the petitioner is the current owner of the property or his authorized agent; and
 - b. A copy of the dated receipt issued for payment of the fee or other competent evidence of payment; and
 - c. A certificate of title or attorney's title opinion showing the petitioner to be the current owner of the property or his authorized agent; and
 - d. A copy of the most recent ad valorem tax bill; and
 - e. A copy of the building permit or development agreement pursuant to which the mobility fees were paid.
 - (3) Within sixty (60) working days from the date of receipt of petition for refund, the City Manager or designee shall advise the petitioner and the City Commission of the status of the fee requested for refund. For the purposes of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made in accordance with section 21-70.
 - (4) When the money requested is still in the mobility fee fund account and has not been spent or encumbered by the end of the calendar quarter immediately following seven (7) years from the date of the fees were paid, the money shall be returned with interest at the rate of one (1) percent per annum.
 - (5) When a refund is requested because construction was never begun, all development order approvals shall have expired, and the applicant shall execute an agreement acknowledging the expiration of development order approval.
 - (6) A request for a refund of mobility fees must be made one (1) year from the issuance of the building permit or use by exception or six (6) months from the expiration of the permit whichever is later only if no development activity has started. The refund amount will be less ten (10) percent of the fees that were ultimately to have been paid, regardless of the amount actually paid, to cover

administrative cost. If the applicant does not apply within the time limits stated above, there will be no refund.

(c) Prepayment refund process. For any new development activity that prepays its mobility fee, the applicant may request a refund for any prepayment of a mobility fee. The applicant that made the prepayment of the fees shall request a refund in writing. The request shall include documentation of the amount paid and the amount being assessed at the building permit application. The written request shall be made prior to issuance of a building permit.

(1) Within twenty (20) working days of receipt of a written request for prepayment, the mobility fee administrator, shall determine if the request is complete. If the mobility fee administrator determines that the request is not complete, a written statement specifying the deficiencies shall be sent to the applicant. The application shall be deemed complete if no deficiencies are specified. The mobility fee administrator shall take no further action on the request until it is deemed complete.

(2) When the mobility fee administrator determines the request is complete, the request shall be reviewed and a written decision shall be rendered in thirty (30) working days on whether the mobility fee should be refunded, and if so, what the amount should be.

(3) If the mobility fee administrator finds that the request satisfies the requirements of this article, the refund shall be processed within 30 working days.”

“Sec. 21-72. - Effect on land use and development regulations.

(a) Land use. The listing of a use in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee for such use, and such listing does not mean that the use is permitted or available under applicable zoning and Comprehensive Plan Future Land Use requirements. In addition, the listing of the use in the mobility fee schedule shall not be considered evidence that the use is appropriate in any existing or future land use classification or zoning district.

(b) Land development code. The payment of mobility fees does not ensure nor grant compliance with the City's land development code, including regulations relating to site access, corridor access management, substandard roads, secondary access, timing and phasing, or mobility impact or site impact review. However, if such regulations require transportation mitigation for the same travel demand impacts addressed through the payment of mobility fees, such regulations shall be deemed to provide for mobility fee credit against imposed mobility fees consistent with Federal and State laws and this article.”

“Sec. 21-73. - Administrative procedures and service charges.

(a) Administrative procedures. The City shall prepare and periodically update mobility fee administrative procedures that addresses administration, implementation, and update of the mobility plan and mobility fee. The administrative procedures shall address assessments, credit and off-set request, fee and land use determinations,

special studies, expenditures, and monitoring. The administrative procedures shall require approval by resolution of the City Commission.

- (b) *Service charge.* The City shall prepare and periodically update mobility fee service charges to ensure that the City's general fund does not bear the full burden of administering and implementing the mobility fees, provided that the service charges do not exceed the City's actual costs of administration and implementation of the mobility fee system per Florida Statute Section 163.3180. Mobility fee service charges shall be in addition to the imposed mobility fee and shall account for future updates of the mobility plan and mobility fee in the service charge determination. The mobility fee service charge shall require approval by resolution of the City Commission."

"Sec. 21-74. - Annual report.

The City shall comply with all audit requirements of Florida Statutes. The City shall include in its annual Capital Improvements Plan update an accounting of projects funded by mobility fees. The annual budget shall indicate mobility fee revenues and expenditures."

"Sec. 21-75. Review and update.

- (a) *Mobility plan and fee update.* The mobility plan and mobility fee shall be updated by the City at least once every four (4) years with no more than five (5) years between adoption. The mobility plan and mobility fee shall be reviewed annually during either the capital improvements budget process or the preparation of the mobility fee annual report. The review shall include a recommendation regarding the need to update the mobility plan and mobility fee earlier than the four (4) year schedule due to factors such as increased cost, amendments to the Future Land Use Element and Map that result in the need for additional infrastructure, the addition or subtraction of multimodal projects to the Mobility Plan and Capital Improvements Program with a cumulative cost of more than \$20 million, and the update of professional technical reports such as the ITE Trip Generation Manual or Highway Capacity Manual used in the calculation of a mobility fee. The review and updates shall consider all factors utilized in the most recent computation of mobility fees. However, in the event that a full reevaluation and updates are not complete within the required four (4) year period, the last adopted mobility fee shall remain in effect until the reevaluation is complete.
- (b) *Annual Inflation adjustment.* To ensure that mobility fees keep pace with inflation, on January 1st of each calendar year, starting in 2023, the mobility fees in section 21-64(b) shall increase by the projected rate of inflation for the upcoming calendar year as determined by the most recent FDOT Transportation Cost Report Construction Cost Inflation Factors released on or about July of each calendar year. Should FDOT cease to report, then annual inflation factor adjustments shall be based on either the national Producers Price Index for transportation projects or the Consumer Price Index.
- (c) *Annual update.* The City shall update the mobility fees in section 21-64(b) on or before September 30th of each calendar year, starting in 2022, with an effective date of January 1st, of each calendar year, starting in 2023. The City shall advertise the fees in a publication of general circulation available to City residents and businesses or as permitted by State Statute, on the City's website. The advertisement shall be published and/or posted 90 calendar days prior to the effective date of the increase in the mobility fees. Should the City not be able to update and publish the fees by September 30th,

then the effective date shall be a minimum of 90 calendar days from the date of update and publication of the update.

(d) Notice provided. The requirements of section 21-75(b) and (c) shall serve as the statutorily required notice to the public that mobility fees will increase on an annual basis, adjusted for inflation, and that section 21-75 shall be deemed to address Statutory requirements that notice be provided 90 calendar days prior to an increase in a mobility fee. The notice requirement of section 21-75(c) is provided as a courtesy reminder only.

(e) Required notice for increase. Updates to the mobility plan and mobility fee that result in an increase in mobility fees shall be required to provide 90 calendar days' notice before the increased fees are assessed on new development activity per Florida Statute."

"Sec. 21-76. - Development agreements.

(a) Applicability. An applicant may enter into a development agreement with the City to establish mobility fees or to provide equivalent multimodal projects necessary to serve new development.

(b) Approval. Any agreement proposed by an applicant pursuant to section 21-76 shall be presented to and approved by the City Commission prior to the issuance of a building permit. Any such agreement shall provide for execution by any mortgagees, lienholders, or contract purchasers in addition to the landowner, and shall require the applicant to record such agreement in the public records of St. Johns County. The City Commission shall approve such an agreement only if it finds that the new agreement will apportion the burden of expenditure for new facilities in a just and equitable manner, consistent with applicable Florida Statutes, case law and this article."

"Sec. 21-77.- Vested rights

(a) Request. It is not the intent of section 21-77. to abrogate, diminish or modify the rights of any persons that have vested rights pursuant to a valid governmental act of the City. An applicant may petition the City Commission for a vested rights determination which could exempt the applicant from portions of this article. The City shall evaluate the petition and submit a recommendation to the City Commission based upon the following criteria:

- (1) A valid, unexpired governmental act of the City, authorizing the building for which applicants seeks a certificate of occupancy, exists.
- (2) Expenditures or obligations made or incurred in reliance upon the authorizing act are reasonably equivalent to the fee required by Section 21-64(b)
- (3) That it would be inequitable to deny the applicant the opportunity to occupy a previously approved building under the conditions of the previous approval by requiring the applicant to comply with the provisions of this article.

(b) Developer agreement amendment. If an applicant has previously entered into a development agreement with the City with conditions regarding off-site multimodal projects, the applicant or applicant's successor in interest may request an amendment

of the prior development agreement in order to bring the conditions into consistency with this article. The applicant must file a request for such modification with the Planning and Building Department within one year of the effective date of this article.”

“Sec. 21-78. – Appeal.

An applicant may appeal any decisions related to assessments, credits, determinations, or refunds made by the mobility fee administrator. The applicant shall file a notice of appeal with the mobility fee administrator within 30 calendar days of any final decision in which the applicant does not concur. The mobility fee administrator shall render a decision within 30 calendar days of the notice of appeal. An applicant may appeal the mobility fee administrator’s decision to the city manager by filing a notice of appeal with the mobility fee administrator within 30 calendar days of the mobility fee administrator’s decision. The city manager shall meet with the applicant and the mobility fee administrator within 30 calendar days of receipt of the notice to hear from both the applicant and mobility fee administrator. The city manager shall render a decision within 15 calendar days of the meeting. An applicant may appeal the city manager’s decision to the city commission by filing a notice of appeal with the city attorney within 30 calendar days of the city manager’s decision. The city commission shall hear the appeal at the next available meeting. An applicant shall have 30 calendar days to appeal the city commission determination to the circuit court by writ of certiorari. The administrative procedures shall specify the required documentation to be provided as part of the appeals process and applicable procedural requirements.”

“Sec. 21-79. – Penalty.

Violations of this article will be enforceable by all legally available remedies, including but not limited to code enforcement proceedings consistent with this code and chapter 162 Florida Statutes.”

“Sec. 21-80. To 21-100. – Reserved”

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Scrivener’s errors. It is the intention of the City Commission of the City of St. Augustine, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of St. Augustine, Florida and to that end, the sections

of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or re-codified copy with the Clerk of Courts.

Section 6. Ordinance to be liberally construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Modifications. It is the intent of the City Commission of St. Augustine, Florida, that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City Commission.

Section 8. Effective Date. This ordinance shall become effective on May 17, 2022, consistent with the notice requirements of Chapters 166.041 and 163.31801, Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

MOBILITY FEE SCHEDULE

Use Categories, Land Uses Classifications, and Representative Land Uses	Mobility Fee
Residential & Lodging Uses per unit of measure	
Residential per sq. ft.	\$1.05
Overnight Lodging (Bed & breakfast, Hotel, Inn, Motel, Vacation Rental) per room	\$1,763
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer) per space or lot	\$1,216
Institutional Uses per sq. ft.	
Community Serving (Civic, Place of Assembly, Museum, Gallery)	\$0.86
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	\$0.87
Private Education (Day Care, Private Primary School, Pre-K)	\$1.57
Recreational Uses per sq. ft., unless otherwise indicated	
Marina (Including dry storage) per berth	\$370
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis) per acre	\$1,873
Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)	\$3.54
Industrial Uses per sq. ft.	
Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)	\$0.58
Office Uses per sq. ft.	
Office (Bank, General, Higher Education, Professional)	\$1.62
Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)	\$2.43
Commercial & Retail Uses per sq. ft., unless otherwise indicated	
Local Retail (Entertainment, Restaurant, Retail, Sales, Services)	\$1.71
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)	\$3.42
Free-Standing Retail (Entertainment, Restaurant, Retail, Sales, Services)	\$4.67
Additive Fees for Commercial Services & Retail Uses, unit of measure as indicated	
Bank Drive-Thru or Free-Standing ATM per lane or ATM	\$7,174
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax) per lane or stall	\$3,420
Motor Vehicle Charging or Fueling per charging or fueling position	\$6,318
Pharmacy Drive-Thru per lane	\$4,500
Quick Service Restaurant Drive-Thru per lane	\$16,862

List of Potential Mobility Projects and Graphics

Table 6: List of Potential Mobility Projects

I	Proje	Fro	To	Length	Project	Time
1	King Street	Avenida Menendez	N Rodriguez Street	1.45	Multimodal Way	2020--
2	Avenida Menendez	King Street	W Castillo Drive	0.60	Trail	2020--
3	Avenida Menendez	King Street	St. Francis Street	0.30	Trail	2020--
4	Vilano Causeway /	San Marco Avenue	Coastal Highway (A1A)	1.85	Trail	2020--
5	North City Trail	S Castillo Dr (A1A)	May Street (A1A)	1.20	Trail	2020--
6	Bridge of Lions	Avenida Menendez	N St. Augustine Blvd	0.40	Trail	2020--
7	Cuna Street	Avenida Menendez	Charlotte Street	0.05	Shared Street	2020--
8	Cuna Street	Charlotte Street	Cordova Street	0.20	Shared Street	2020--
9	Hypolita Street	Avenida Menendez	Charlotte Street	0.05	Shared Street	2020--
1	Spanish Street	Cuna Street	Orange Street	0.15	Shared Street	2020--
1	Anastasia Blvd (A1A)	Red Cox Rd	SR 312	1.46	Trail	2020--
1	North City Trail	May Street (A1A)	Rambla St	1.40	Trail	2020--
1	S Leonardi Street	King Street	South Dixie Highway	0.20	Shared Street	2020--
1	West Garage	Kings St -- SR 207 -- US 1	Vicinity -- subject to	n/a	Parking Garage	2020--
1	West Castillo Drive	San Marco Ave (A1A)	North Ponce De Leon Blvd	0.31	Widen to four lanes	2020--
1	Park & Ride	SR 312 @ Anastasia		n/a	Park & Ride Station	2020--
1	Multimodal	Anastasia Blvd @ Red Cox Road		n/a	Improve multimodal	2020--
1	Water Taxi Docks	Various locations --	subject to environmental and	n/a	Water Taxi Docks	2020--
1	Bike Share Program	Citywide		n/a	Bicycle Share	2020--
2	Multimodal	Citywide		n/a	Wayfinding Plan	2020--
2	High Visibility	Citywide		n/a	Crosswalks	2020--
2	Intersection	Citywide		n/a	Turn lanes and safety	2020--
2	Parking Management	Citywide		n/a	Dynamic Parking	2020--
2	Sidewalk	Citywide		n/a	Improving sidewalks	2020--
2	Safety Improvements	Citywide		n/a	Intersection Upgrades	2020--
2	Transit / Trolley	Connecting existing and future parking garages		n/a	Proposed transit /	2020--
2	Multimodal	May Road @ Magnolia Blvd		n/a	Improve multimodal	2025--
2	Anastasia Blvd (A1A)	N St. Augustine Blvd	Comares Avenue	0.68	Multimodal Way	2025--
2	Anastasia Blvd (A1A)	Comares Avenue	Red Cox Road	0.72	Multimodal Way	2025--
3	Cathedral Place	Avenida Menendez	Cordova Street	0.20	Shared Street	2025--
3	Charlotte Street	King Street	S Castillo Dr	0.27	Shared Street	2025--
3	Cordova Street	King Street	Orange Street / Clock	0.40	Complete Street	2025--
3	North Ponce De Leon	King Street	Charles Usinas Memorial	1.95	Protected Bike Lane	2025--
3	Orange Street	Avenida Menendez	North Ponce De Leon Blvd	0.45	Complete Street	2025--
3	Carrera Street	Cordova Street	North Ponce De Leon Blvd	0.40	Complete Street	2025--
3	Granada Street	King Street	Bridge Street	0.20	Complete Street	2025--
3	Cordova Street	King Street	St. Francis Street	0.32	Complete Street	2025--
3	Cordova Street	St. Francis Street	St. George Street	0.25	Shared Street	2025--
3	St. George Street	Cordova Street	South Street	0.10	Shared Street	2025--
4	St. Francis Street	Avenida Menendez	Cordova Street	0.20	Shared Street	2025--
4	San Sebastian	King St	Ice Plant Road (Shipyards)	1.15	Riverwalk	2025--
4	South Dixie Highway /	King St	SR 207	0.75	Complete Street	2025--
4	Anastasia Blvd (A1A)	Red Cox Rd	SR 312	1.46	Protected Bike Lane /	2025--
4	South Garage	South of SR 207 -- Ice Plant Road & US 1	Vicinity	n/a	Parking Garage	2025--
4	San Macro Avenue	W Castillo Drive	May Street (A1A)	0.75	Multimodal Way	2025--
4	San Macro Avenue	May Street (A1A)	SR 16	0.55	Multimodal Way	2025--
4	San Marco Avenue	SR 16	Rambla Street	0.61	Multimodal Way	2025--
4	ML King Ave	King Street	South Street	0.70	Complete Street	2030--
4	Bridge Street	Avenida Menendez	Riberia Street	0.54	Complete Street	2030--
5	North Ponce De Leon	Charles Usinas	San Sebastian View	1.15	Protected Bike Lane	2030--

5	East Garage	Anastasia Blvd --- Comares Avenue --- Red Cox Drive		n/a	Parking Garage	2030--
5	Old Moultrie Road	SR 207	SR 312	0.95	Complete Street	2035--
5	Masters Drive / Palmer	SR 16	King St	1.75	Complete Street	2035--
5	North Garage	Florida East Coast Rail /		n/a	Parking Garage	2035--
5	Dixie Highway (US 1)	San Sebastian View	Lewis Speedway	0.65	Protected Bike Lane	2035--
5	SR 312	Anastasia Blvd (A1A)	Matanzas River	1.50	Protected Bike Lane /	2035--
5	San Sebastian	Ice Plant Road	Matanzas River	1.25	Riverwalk	2035--
5	Regional Rail	Future regional rail service along existing FEC		6	Regional Rail	2035--
5	North San Sebastian	Charles Usinas	North Ponce De Leon Blvd	0.75	New Multimodal	2040+
6	SR 312	Sgt Tutten Drive	Lakeside Ave	0.75	Limited Access	2040+
6	Aerial Tramway	East Parking Garage	West Parking Garage	2.0	Aerial Tramway	2040+

Source: City of St. Augustine, NUE Urban Concepts, 2019

City of St. Augustine Transportation and Mobility Element Data and Analysis



FUTURE AREAS FOR

- TRANSIT ORIENTED
-
- DEVELOPMENT (TOD)
-
- PAR

- ع/فان آ
بسم الله
بسم الله
بسم الله

- 
COMPLETE STREETS
 INVALING, SKATING, SEGWAY,
 GOLF CART, CAR

- Trail (8' to 12' wide)
In-Line Skating, Bicycle
(Non-Motorized, Non-Ele)

- WATER TAXI STOP**
REGIONAL RAIL

-
- 1 MILE



III
REPUBLIC

WELLS

AMIC 70

SEPTEMBER 2020

Page

ge

52

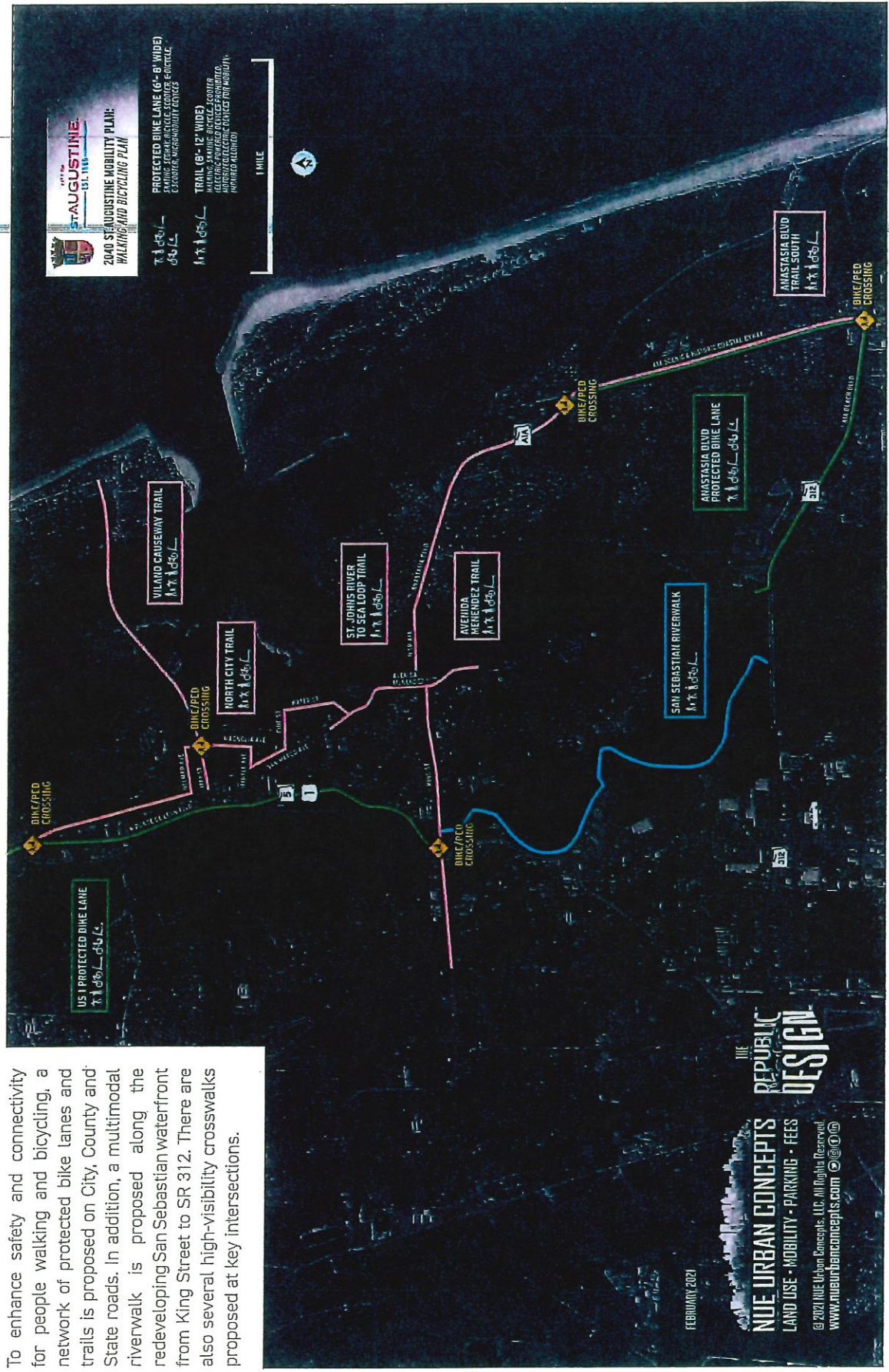
of

417

7

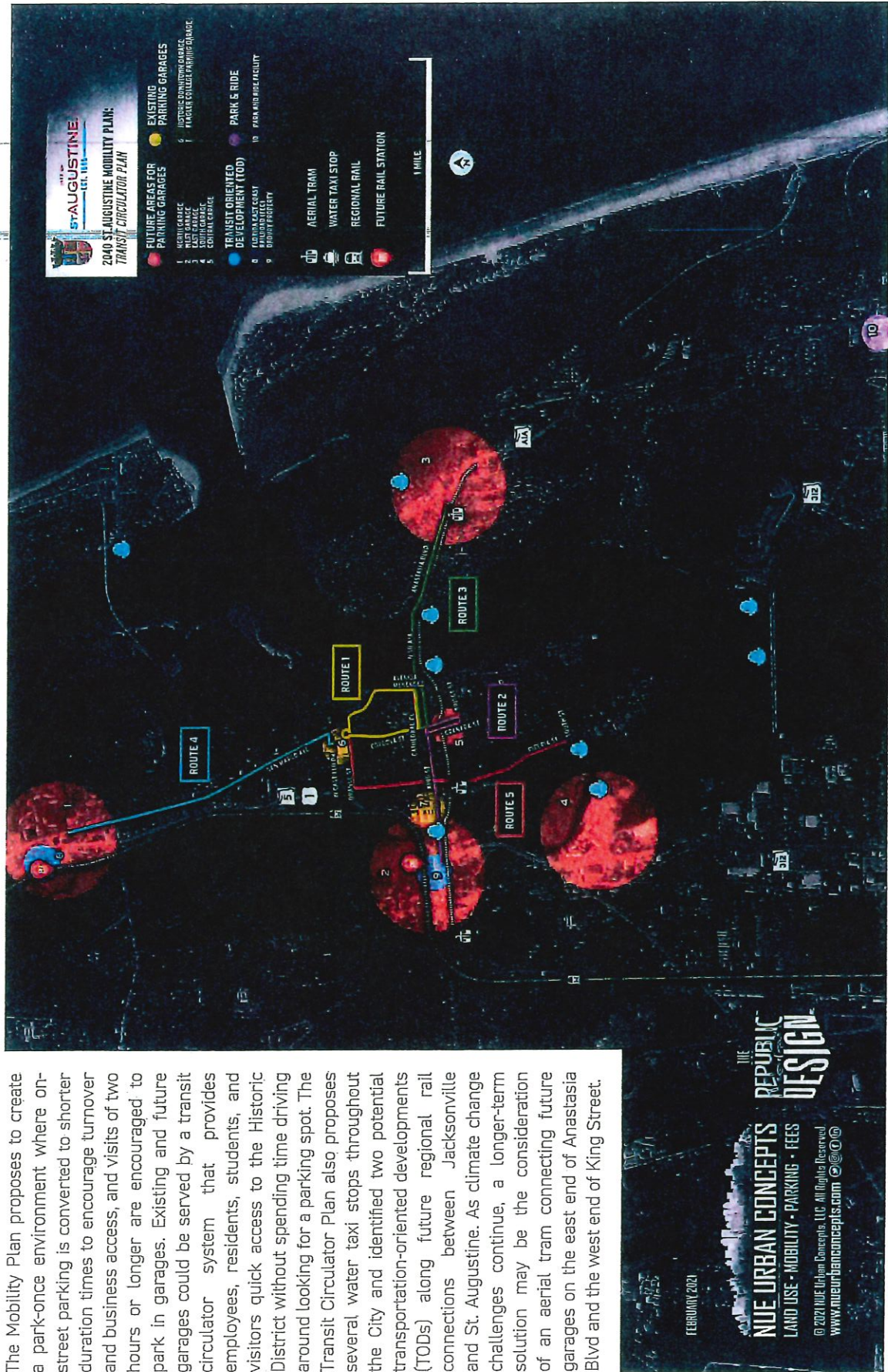
2040 MOBILITY PLAN: WALKING & BICYCLING PLAN

To enhance safety and connectivity for people walking and bicycling, a network of protected bike lanes and trails is proposed on City, County and State roads. In addition, a multimodal riverwalk is proposed along the redeveloping San Sebastian waterfront from King Street to SR 312. There are also several high-visibility crosswalks proposed at key intersections.



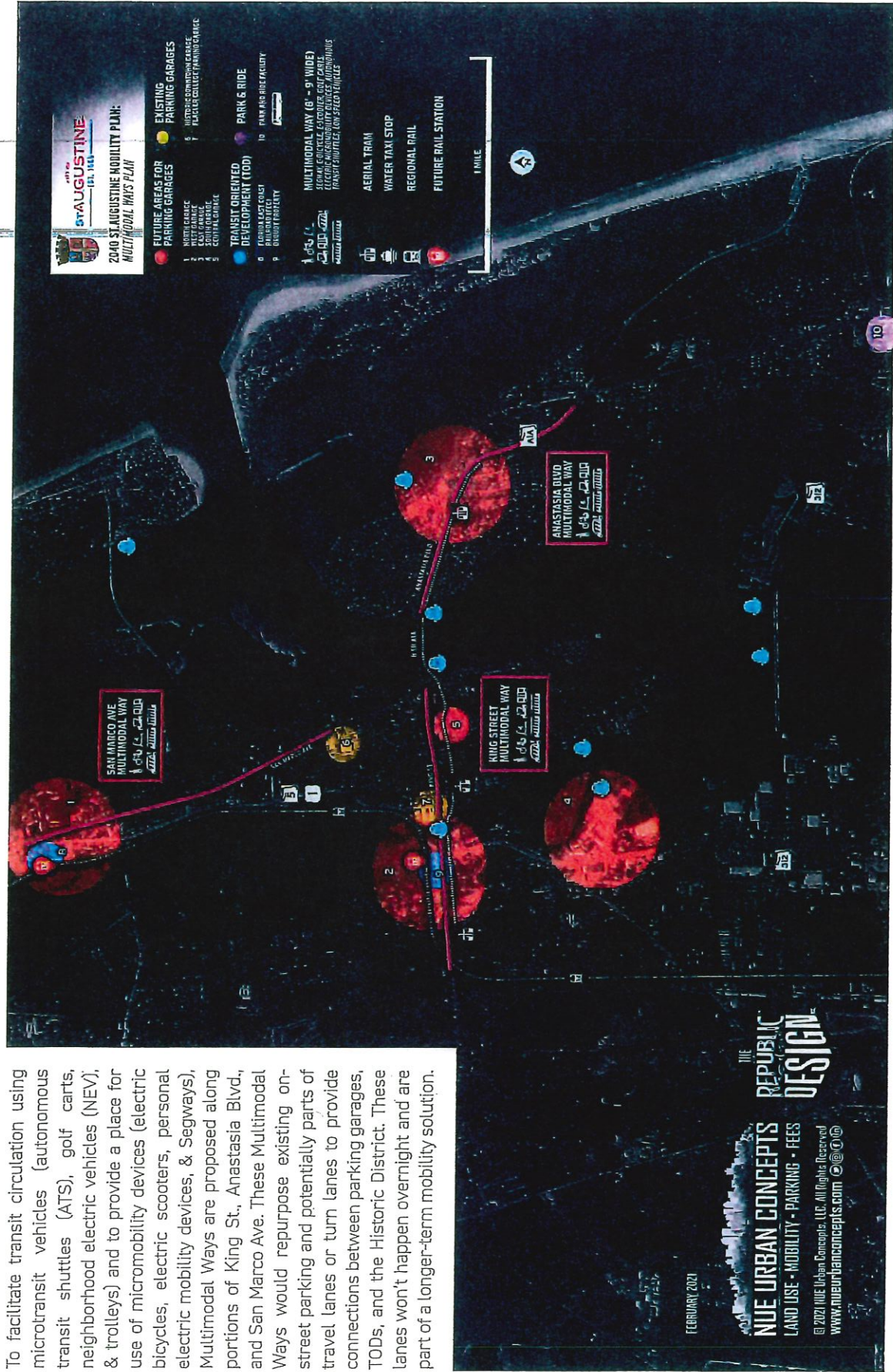
2040 MOBILITY PLAN: TRANSIT CIRCULATOR PLAN

The Mobility Plan proposes to create a park-once environment where on-street parking is converted to shorter duration times to encourage turnover and business access, and visits of two hours or longer are encouraged to park in garages. Existing and future garages could be served by a transit circulator system that provides employees, residents, students, and visitors quick access to the Historic District without spending time driving around looking for a parking spot. The Transit Circulator Plan also proposes several water taxi stops throughout the City and identified two potential transportation-oriented developments (TODs) along future regional rail connections between Jacksonville and St. Augustine. As climate change challenges continue, a longer-term solution may be the consideration of an aerial tram connecting future garages on the east end of Anastasia Blvd and the west end of King Street.



2040 MOBILITY PLAN: MULTIMODAL WAYS PLAN

To facilitate transit circulation using microtransit vehicles (autonomous transit shuttles (ATS), golf carts, neighborhood electric vehicles (NEV), & trolleys) and to provide a place for use of micromobility devices (electric bicycles, electric scooters, personal electric mobility devices, & Segways), Multimodal Ways are proposed along portions of King St., Anastasia Blvd., and San Marco Ave. These Multimodal Ways would repurpose existing on-street parking and potentially parts of travel lanes or turn lanes to provide connections between parking garages, TODs, and the Historic District. These lanes won't happen overnight and are part of a longer-term mobility solution.



2040 MOBILITY PLAN: STREETS PLAN

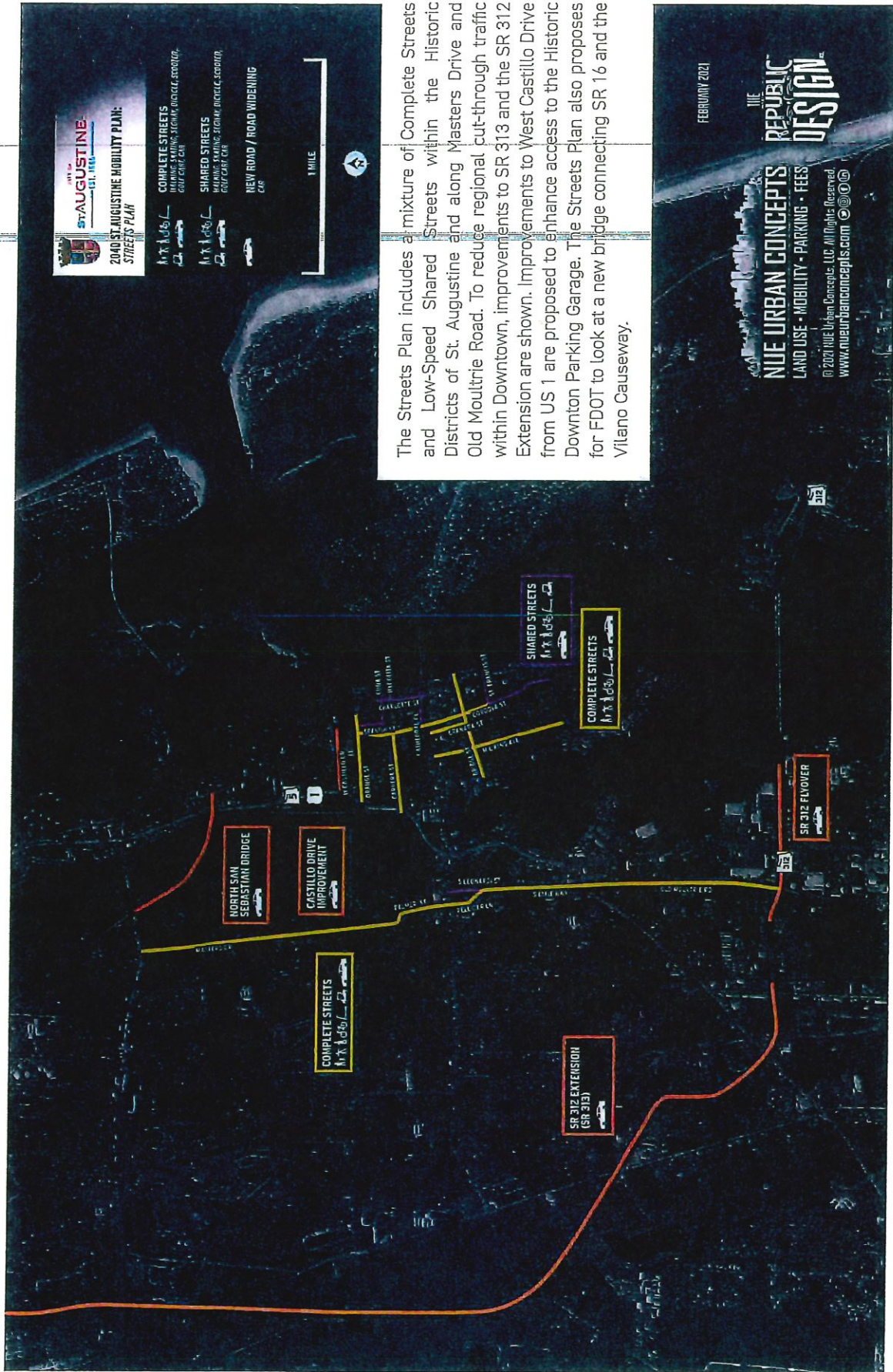


Exhibit "A"

St. Johns County's Schedule of Fees and Services

Impact Fees

IMPACT FEE SCHEDULE (per County Ordinance 2018-16)

LAND USE TYPE	Unit of Measurement	Roads	Buildings	Law Enforcement	Fire/Rescue	Parks	Schools	TOTAL
RESIDENTIAL:								
Under 800 FT ²	Unit	\$5,849	\$465	\$218	\$141	\$936	\$1,523	\$9,132
801-1,250	Unit	\$6,948	\$553	\$258	\$379	\$1,113	\$2,787	\$12,038
1,251-1,800	Unit	\$7,166	\$570	\$266	\$499	\$1,148	\$4,027	\$13,676
1,801-2,500	Unit	\$8,927	\$710	\$331	\$618	\$1,429	\$5,016	\$17,031
2,501-3,750	Unit	\$10,384	\$826	\$385	\$857	\$1,662	\$7,036	\$21,150
3,751-5,000	Unit	\$12,031	\$958	\$447	\$1,094	\$1,927	\$7,341	\$23,798
5,001 FT ² and Over	Unit	\$12,702	\$1,011	\$472	\$1,333	\$2,034	\$7,463	\$25,015
Hotel/Motel	Room	\$3,548	\$332	\$155	\$40	\$167	\$0	\$4,242
INDUSTRIAL:								
General Industrial	1,000 FT ²	\$1,462	\$200	\$93	\$15	\$0	\$0	\$1,770
Warehousing	1,000 FT ²	\$513	\$136	\$63	\$10	\$0	\$0	\$722
Mini-warehousing	1,000 FT ²	\$445	\$19	\$9	\$1	\$0	\$0	\$474
OFFICE:								
General Office < 100k FT ²	1,000 FT ²	\$2,760	\$608	\$283	\$182	\$0	\$0	\$3,833
General Office 100-200k FT ²	1,000 FT ²	\$2,611	\$484	\$226	\$145	\$0	\$0	\$3,466
General Office > 200k FT ²	1,000 FT ²	\$2,372	\$365	\$170	\$110	\$0	\$0	\$3,017
COMMERCIAL:								
Commercial < 100K FT ²	1,000 FT ²	\$3,251	\$1,304	\$609	\$117	\$0	\$0	\$5,281
Commercial 100-199K FT ²	1,000 FT ²	\$4,464	\$1,168	\$545	\$104	\$0	\$0	\$6,281
Commercial 200-299K FT ²	1,000 FT ²	\$5,119	\$1,025	\$479	\$92	\$0	\$0	\$6,715
Commercial 300-399K FT ²	1,000 FT ²	\$5,973	\$875	\$408	\$78	\$0	\$0	\$7,334
Commercial 400-499K FT ²	1,000 FT ²	\$6,945	\$815	\$380	\$73	\$0	\$0	\$8,213
Commercial > 500K FT ²	1,000 FT ²	\$7,536	\$750	\$350	\$67	\$0	\$0	\$8,703
Bank/Financial Institution	1,000 FT ²	\$8,526	\$433	\$202	\$39	\$0	\$0	\$9,200
Service Station - all types	Fueling Station	\$3,188	\$603	\$282	\$54	\$0	\$0	\$4,127
Pharmacy w/Drive Thru	1,000 FT ²	\$3,796	\$470	\$220	\$42	\$0	\$0	\$4,528
Fast Food w/Drive Thru	1,000 FT ²	\$11,529	\$1,012	\$473	\$90	\$0	\$0	\$13,104
RECREATIONAL:								
Gen Recreation	Acre	\$725	\$43	\$20	\$4	\$0	\$0	\$792
Campground/RV Park	Acre	\$18,040	\$5,871	\$2,741	\$525	\$0	\$0	\$27,177
Marina	Berth	\$466	\$81	\$38	\$7	\$0	\$0	\$592
Health/Fitness Club	1,000 FT ²	\$5,705	\$500	\$234	\$45	\$0	\$0	\$6,484
INSTITUTIONAL:								
Elementary School	1,000 FT ²	\$1,489	\$354	\$165	\$32	\$0	\$0	\$2,040
High School	1,000 FT ²	\$1,315	\$323	\$151	\$29	\$0	\$0	\$1,818
College	1,000 FT ²	\$2,066	\$309	\$144	\$27	\$0	\$0	\$2,546
MEDICAL:								
Hospital	1,000 FT ²	\$1,948	\$954	\$445	\$85	\$0	\$0	\$3,432
Nursing Home	1,000 FT ²	\$1,137	\$67	\$31	\$6	\$0	\$0	\$1,241
Medical Office	1,000 FT ²	\$6,885	\$797	\$372	\$71	\$0	\$0	\$8,125

NOTE: Amounts rounded to the nearest dollar.

NOTE (2): Impact Fee credit cannot exceed the amount due by category for the proposed new use.

Note: Fees are applicable to all individuals and organizations and can only be waived by official action of the Board of County Commissioners. Taxes will be assessed when applicable.



ST AUGUSTINE
CITY OF
EST. 1565

CITY OF ST. AUGUSTINE

MOBILITY PLAN & MOBILITY FEE

TECHNICAL REPORT EXECUTIVE SUMMARY

FEBRUARY 2022

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

**THE
REPUBLIC
DESIGN**



TABLE OF CONTENTS

WELCOME
ST. AUGUSTINE

Introduction	i
Mobility Planning	ii
Why does the City need a Mobility Plan?	ii
What is a Mobility Fee?	iii
Who would pay if the City of St. Augustine adopted a Mobility Fee?	iii
How are Fees determined?	iii
How will the City fund Mobility Plan projects?	iii
How are Mobility Fees implemented?	iv
Multimodal Projects	
What are Multimodal Projects?	1
How were they identified?	2
Travel Speed	
Mobility Planning based on Travel Speed	3
Moving towards Safer Streets for All	4
2040 Mobility Plan	
Walking & Bicycling Plan	5
Quick Fix Sidewalk Concepts	6
Transit Circulator Plan	7
Multimodal Ways Plan	8
San Marco Multimodal Way	9
Streets Plan	10
Mobility Fee Assessment Area & Benefit District	11
Mobility Fee Schedule	12

INTRODUCTION

The City of St. Augustine, founded in September 1565 by Don Pedro Menéndez de Avilés of Spain, is the longest continually inhabited European-founded city in the United States. The St. Augustine Town Plan Historic District, a U.S. National Historic Landmark District, features a distinct layout based on the Spanish 1573 Laws of the Indies, and features a largely intact historic grid of narrow streets emanating out from the 16th century Plaza de la Constitución, referred to by some as the "heart of the ancient city".

The 2040 Mobility Plan honors the historic grid and brings together various City initiatives to further emphasize the walkability of the Historic District and to encourage creating a park-once environment that promotes visitors parking on the periphery of the District and using various multimodal transportation options to explore the City. The Mobility Plan serves as the basis for establishment of a Mobility Fee system, an alternative to transportation concurrency enacted by the Florida Legislature, that allows new development and redevelopment to mitigate its traffic impact to a local government's transportation system through payment of a one-time fee.

The Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards...

... A MULTIMODAL SYSTEM FOCUSED ON
PROVIDING PEOPLE WITH ENHANCED
MOBILITY CHOICES TO WALK, BIKE, RIDE
A TROLLEY, OR USE NEW FORMS OF
TRANSPORTATION TO MOVE
ABOUT THE CITY.



MOBILITY PLANNING



GOAL 3 of the Transportation and Mobility Element of the City of St. Augustine's Comprehensive Plan is:

"To enhance the quality of life for City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets."

OBJECTIVE 3.1.1 of the Transportation and Mobility Element of the City of St. Augustine's Comprehensive Plan is:

"To develop and implement a 2040 Mobility Plan focused on the movement of people, the provision of multiple multimodal transportation options to move about the community, the pursuit of a park once environment for travel within the City's multimodal district for longer duration visits, and the development of a Mobility Fee, based upon the projects identified in the Mobility Plan, that allows for new development and redevelopment to equitably mitigate its impact to the multimodal transportation system."

POLICY 3.1.1 of the Transportation and Mobility Element of the City of St. Augustine's Comprehensive Plan states:

"The City will promote an interconnected, multimodal transportation system that transitions from a system focused on quickly moving motor vehicles toward a system that emphasizes the movement of people of all ages and abilities, whether those people choose to walk, bicycle, ride transit, drive a motor vehicle or use a new transportation mobility technology."

WHY DOES THE CITY NEED A MOBILITY PLAN?

In 2007, the Florida Legislature introduced the concept of Mobility Plans and Mobility Fees as an alternative to transportation concurrency and to provide an equitable way for new development to offset its traffic impact.

In 2013, the Legislature updated the Community Planning Act to encourage and allow local governments to adopt alternative mobility funding systems, such as Mobility Plans and Fees, as a replacement for transportation concurrency, proportionate share and road impact fees (Florida Statute 163.3180).

In 2020, the City of St. Augustine amended its Comprehensive Plan to integrate mobility into the Transportation Element. The Element established the legislative intent to develop a Mobility Fee based on the multimodal projects established in the City's forward-looking Mobility Plan.



WHAT IS A MOBILITY FEE?

A Mobility Fee is a one-time fee paid by new development and redevelopment, which results in additional person travel demand, to mitigate its transportation impact. Mobility Fees are intended to be an alternative to transportation concurrency and road impact fees. The City of St. Augustine does not currently implement transportation concurrency, nor does it charge a road impact fee. St. Johns County currently implements transportation concurrency and charges road impact fees in the unincorporated parts of the County.

WHO WOULD PAY IF THE CITY OF ST. AUGUSTINE ADOPTED A MOBILITY FEE?

Any new development activity that requires a building permit and results in an increase in person travel demand above the existing use of property. Mobility Fees are not a tax and they are not charged to existing homes or businesses; unless there is an addition, change of use, expansion, modification, or redevelopment that generates additional person travel demand (impact) above the existing use of the property. If an existing property owner has a vacant lot and applies for a building permit to construct a new home, then they would be required to pay an adopted Mobility Fee. Florida Statute exempts governmental uses, and public and charter schools from paying Mobility Fees.



HOW ARE THE FEES DETERMINED?

Mobility Fees are calculated based on the cost and person capacity of the multimodal projects adopted as part of the City's Mobility Plan. Mobility Fees are one funding source available to the City to fund the multimodal projects that were adopted in the Mobility Plan.

HOW WILL THE CITY FUND MOBILITY PLAN PROJECTS?

Beyond Mobility Fees, the multimodal projects identified in the City's Mobility Plan can be funded through a variety of sources, such as Federal and State earmarks, funds, grants, and programs through the North Florida Transportation Planning Organization (TPO). While the County does collect gas taxes, the majority of those funds are used to maintain current infrastructure. If the County adopted an infrastructure sales tax, a portion of those funds could be used to fund Mobility Plan projects.

The City could also consider the use of special assessments, Community Redevelopment Area (CRA) funds, property taxes, and tourist development taxes to help fund Mobility Plan projects. Services and programs such as shared micromobility programs and water taxi services may also charge user fees to pay for the programs and services. The identification of multimodal projects as part of a mobility plan provides the City with the means to proactively pursue appropriations and additional funding opportunities that frequently become available to promote economic development or economic stimulus programs and grants.

HOW ARE MOBILITY FEES IMPLEMENTED?

The following are the seven steps involved in the implementation of a Mobility Fee. The City has already undertaken the first two steps. This executive summary illustrates the plans adopted as part of step 2 and the projected Mobility Fee identified in step 3. The City is amending its Land Development Regulations to update parking regulations.



WHAT ARE MULTIMODAL PROJECTS?

The Mobility Plan accommodates different types (modes) of travel on a variety of multimodal facilities (e.g., bike lanes, paths, roads, sidewalks, and trails). The images below illustrate the types of multimodal projects that are included in the Mobility Plan. Sidewalks and trails are intended to be primarily used by people bicycling and walking (non-motorized travel). Buffered and protected bike lanes are intended to be primarily used by people bicycling and using micromobility devices (non-motorized and motorized travel). Multimodal Ways are like bike lanes and may also be used by autonomous transit shuttles, golf carts, neighborhood electric vehicles, and trolleys.

	PROTECTED BIKE LANES (7' - 14' WIDE)		LOW SPEED BICYCLE BOULEVARD (18' - 22' WIDE)		SHARED USE SIDEWALKS (5' - 6' WIDE)		SHARED USE TRAILS (10' - 14' WIDE)		RIVER WALK
	LOW SPEED SHARED STREETS (18' - 22' WIDE)		COMPLETE STREETS (18' - 22' WIDE)		MULTIMODAL WAYS (7' - 8' WIDE)		NEW ROADS / ROAD WIDENING (9' - 12' WIDE)		HIGH-VISIBILITY CROSSWALKS & MID-BLOCK CROSSINGS
	AMERICANS WITH DISABILITIES (ADA) & BICYCLE ACCESS RAMP		RAISED DRIVEWAYS & INTERSECTIONS		WAYFINDING SIGNAGE		STREETSCAPE / HARDSCAPE		LANDSCAPE, CANOPY & STREET TREES
	MICROMOBILITY SHARING (BIKES, E-BIKES, SCOOTER, & E-SCOOTER)		MICROTRANSIT CIRCULATORS (GOLF, ATS, NEV, TROLLEY)		MOBILITY HUB PARKING GARAGE		WATER TAXI & FERRY		REGIONAL RAIL SERVICE
	AERIAL TRAM		THE REPUBLIC DESIGN	LEGEND:					
									AUTONOMOUS TRANSIT SHUTTLE (ATS)
									RIDE SHARE / RIDE HALL
									NEIGHBORHOOD ELECTRIC VEHICLE (NEV)

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

HOW WERE THEY IDENTIFIED?

The multimodal projects identified in the Mobility Plan were established based on the fundamental multimodal elements necessary to transition from a transportation system focused on moving cars towards a safe, comfortable, and convenient multimodal transportation system focused on moving people and providing mobility choices.



MOBILITY: The ability to move people from place (origin) to place (destination) by multiple modes (walk, bike, transit, vehicle) of travel in a timely (speed) and efficient manner. The lack of sidewalks, paths, trails, bike lanes, and curb access ramps are often impediments to people choosing to walk or bike from home to work and other daily activities.



EQUITY: The ability to access relevant activities such as employment, education, entertainment, health care, personal services, recreation, and retail opportunities by people of all ages, abilities, race, and socioeconomic strata without undue and unjust burden. Equitable mobility provides transportation justice for not only underserved and/or disadvantaged communities but also for vulnerable users. People have a fundamental right to move around easily, safely, and conveniently.



ACCESSIBILITY: The ease at which people reach, enter, and use modes of travel (walk / bike / transit / vehicle) at the origin and destination of their trip. Transit systems are frequently burdened with addressing the issue of first and last mile access. Providing Americans with Disabilities Act (ADA)-compliant curb access ramps at origins, destinations, intersections, driveways, and mid-block crossings is imperative to removing impediments for vulnerable users such as the disabled, children, the elderly, and people riding bicycles and micromobility devices.



CONNECTIVITY: The number of route options people have available to them and their directness and/or distance. Gridded street networks provide a high level of connectivity, whereas dead-end cul-de-sacs do not. Innovative approaches to enhance connectivity, such as Low Speed and Shared Streets, along with using paths and trails for non-vehicular connections, improve mobility and accessibility for people walking, bicycling, riding micromobility devices, and accessing transit.



VISIBILITY: The frequency at which those those driving a car see people walking, bicycling, riding various micromobility devices, and accessing transit. More people walking and biking = greater awareness and more people walking and biking = safer conditions (i.e. safety in numbers). Green bike lanes, pavers at crosswalks, and flashing signals are all design elements used to increase visibility of people walking and bicycling.



CONTINUITY: The uninterrupted consistency of sidewalks, paths, trails, and bike lanes in width and condition with logical beginning and endpoints that are without gaps and without sudden and abrupt termination. Roads do not suddenly terminate without warning, change number of lanes, or randomly change width without proper transitions — neither should sidewalks, paths, trails, or bike lanes.



SAFETY: The combination of behavioral and physical design elements of the built environment can make mobility comfortable and pleasant for all ages and abilities. The elements that provide safety include slower speeds, physical separation, enhanced visibility crossings, and designations for different mobility modes. Enhanced safety features encourage behavioral changes that make safety everyone's responsibility.



COMFORT: The sum of all the mobility elements plus the overall quality of the built environment provided for the various mobility modes that allow for comfortable travel, trip satisfaction, travel choice, and time-cost choice. The perception of comfort shows that the availability of a car doesn't automatically make it a first mode choice and the most obvious or direct route may also not be the most comfortable. Improving conditions can remove impediments, increase trip satisfaction and usefulness, and incline travellers to use non-vehicular modes.



SOCIAL VALUE: The people-to-people connections one experiences in a shared space environment, whether biking, walking, or riding transit. The social value of these interactions increases both individual happiness and societal happiness through active engagement with the community that overall increases the quality of life and fosters independence, especially for children and the elderly.



© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com



MOBILITY PLANNING BASED ON TRAVEL SPEED

SLOW
DOWN

Sidewalks and paths are intended to accommodate people bicycling, jogging, walking, or pushing a stroller at 3 to 7 miles per hour. Roads are intended to accommodate people driving cars between 20 and 50 miles per hour. People riding an electric bicycle or an Autonomous Transit Shuttle or driving a golf cart are moving between 10 and 20 miles per hour and are not currently accommodated on most major roads in the City. Most people do not want electric bicycles or electric scooters using sidewalks in the City, even though Florida Statute allows them to be used wherever bicycles are used. Many people also don't want bicycles, golf carts or scooters to use entire lanes on major roads, even though, Florida Statute allows them to use the entire lane where other options are not available. The Mobility Plan attempts to safely accommodate multiple modes of travel at varying speeds of travel.



© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

MOVING TOWARD SAFER STREETS FOR ALL

The City established policies in its Comprehensive Plan to move towards *Safer Streets for All* users of the transportation system. There are two primary components in moving towards *Safer Streets for All*: multimodal projects and speed of cars. The Mobility Plan identifies multimodal projects to enhance the safety, convenience, and connectivity for all users of the transportation system. The following Street Quality of Service Standards (QOS), based on posted speed limits, have been adopted in the Comprehensive Plan in recognition that slower speeds create a safe transportation system for all modes of travel. Studies have shown there is a direct correlation between the speed of car travel and the severity of crashes. As speeds increase, so does the probability that a crash involving people walking, bicycling, or driving will result in one or more fatalities. Lowering speed limits is a quick and inexpensive way to move towards *Safer Streets for All*.

MOVING TOWARDS

SAFER STREETS FOR ALL

CITY OF ST. AUGUSTINE

STREET QUALITY OF SERVICE STANDARDS

ST. AUGUSTINE
1811

STREET QUALITY OF SERVICE (QOS) STANDARDS	POSTED SPEED LIMIT	APPLICABLE LOCATIONS
Quality of Service (QOS) A*	SPEED LIMIT 15	SHARED STREETS / LOCAL & RESIDENTIAL STREETS IN HISTORIC DISTRICTS
Quality of Service (QOS) B	SPEED LIMIT 20	ARTERIAL, COLLECTOR, LOCAL & RESIDENTIAL STREETS IN HISTORIC DISTRICTS / MINOR COLLECTOR, LOCAL & RESIDENTIAL STREETS OUTSIDE HISTORIC DISTRICTS
Quality of Service (QOS) C	SPEED LIMIT 25	ARTERIAL STREETS IN HISTORIC DISTRICTS / COLLECTORS, LOCAL & RESIDENTIAL STREETS OUTSIDE HISTORIC DISTRICTS
Quality of Service (QOS) D	SPEED LIMIT 30	MAJOR COLLECTORS & MINOR ARTERIALS OUTSIDE HISTORIC DISTRICTS
Quality of Service (QOS) E**	SPEED LIMIT 35 +	PRINCIPAL ARTERIALS OUTSIDE HISTORIC DISTRICTS



© 2022 NUE Urban Concepts, LLC. All Rights Reserved. www.nueurbanconcepts.com    

* POSTED SPEED LIMIT IS MAXIMUM. LOWER SPEEDS WOULD ALSO BE QOS A
 ** POSTED SPEED LIMIT IS MINIMUM. HIGHER SPEEDS WOULD ALSO BE QOS E

To enhance safety and connectivity for people walking and bicycling, a network of protected bike lanes and trails is proposed on City, County and State roads. In addition, a multimodal riverwalk is proposed along the redeveloping San Sebastian waterfront from King Street to SR 312. There are also several high-visibility crosswalks proposed at key intersections.

ST. AUGUSTINE
1888

2040 ST. AUGUSTINE MOBILITY PLAN
WALKING AND BICYCLING PLAN

PROTECTED BIKE LANE (8'-8" WIDE)
2 FASCIATED IMPEDIMENT DIVIDER
2 FASCIATED IMPEDIMENT DIVIDER

TRAIL (8'-12" WIDE)
BALANCE BEAMS, BICYCLE, JOGGING
CARTERS, FASCIATED DIVIDER, FASCIATED DIVIDER
CARTERS, FASCIATED DIVIDER, FASCIATED DIVIDER
CARTERS, FASCIATED DIVIDER, FASCIATED DIVIDER

1 MILE

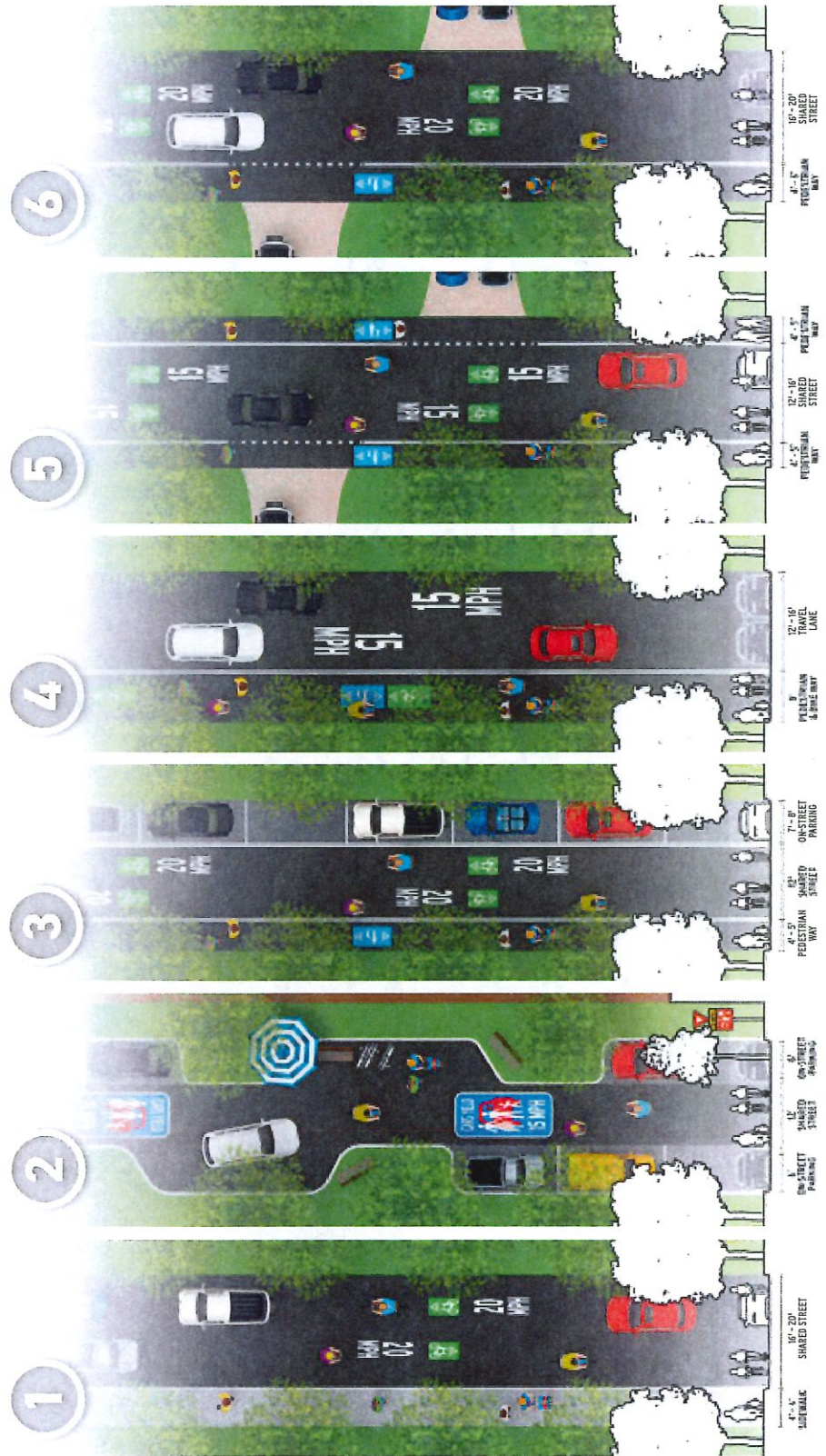
THE REPUBLIC
DESIGN

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

QUICK FIX SIDEWALK CONCEPTS

Many of the neighborhood streets within St. Augustine lack adequate right-of-way to provide sidewalks. Further complicating matters, mature tree canopies, existing utilities, stormwater systems, and frequent driveways and intersections make it expensive to add 5'-wide concrete sidewalks that include the required Americans with Disability Act (ADA) curb ramps, crosswalks, and driveway transitions. By adopting Street QOS standards, the City can set lower speed limits and consider quick and easy implementation of sidewalks using pavement markings on existing asphalt. Areas 4' to 8' wide can be safely marked for use by people walking and bicycling at relatively low cost. The City has already successfully implemented this concept on several streets. The use of pavement markings allows the City to narrow travel lane widths while still ensuring fire engines and waste management trucks have convenient access. The advantage of using pavement markings, as an initial quick solution, is that if certain routes have increased demand, the pavement markings could be converted into raised concrete sidewalks or serve as proof-of-demand to invest in providing raised sidewalks behind curbs or the edge of pavement. Below are several examples of quick fix sidewalk concepts:



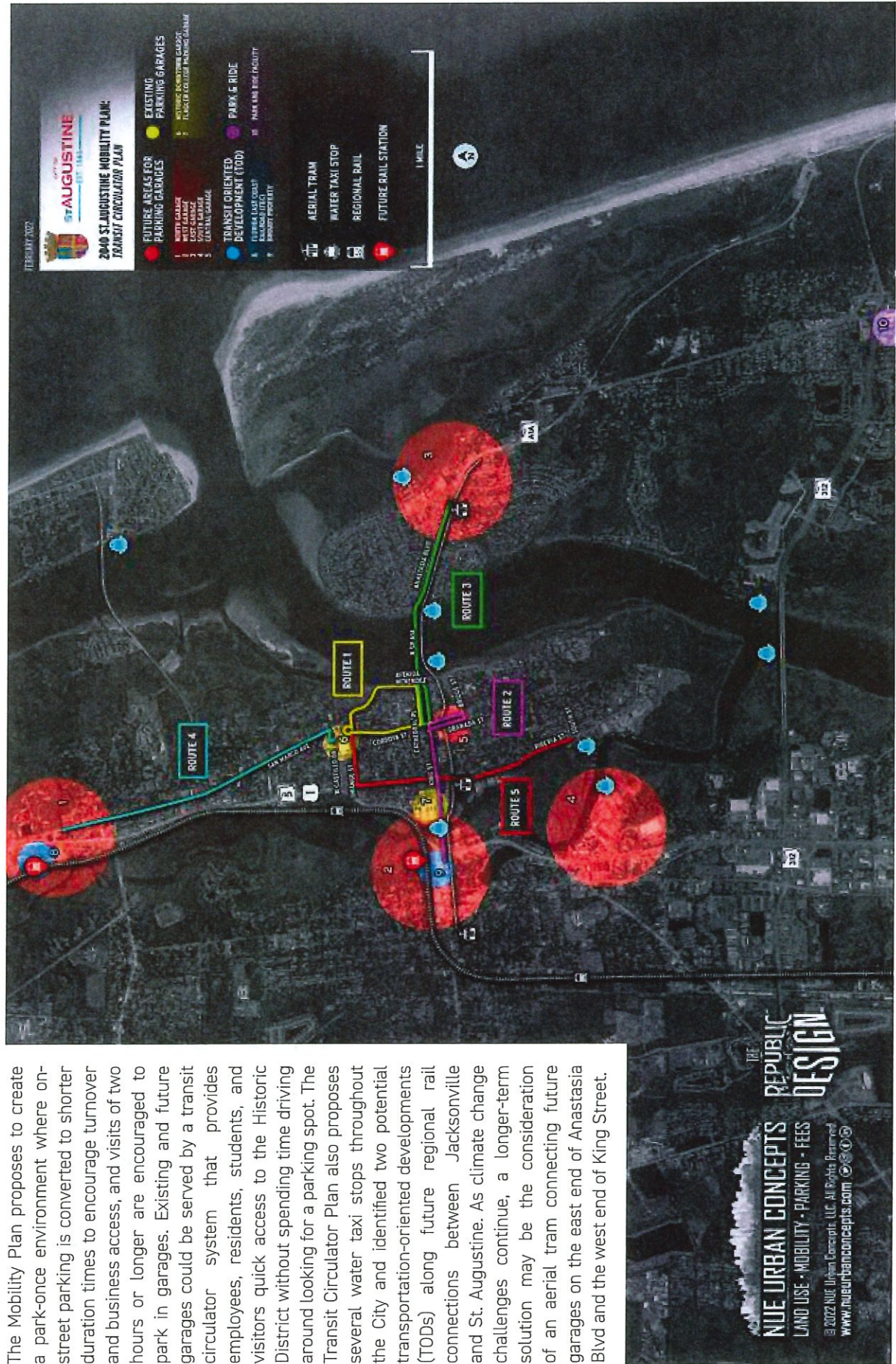
© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

DESIGN
REPUBLIC

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

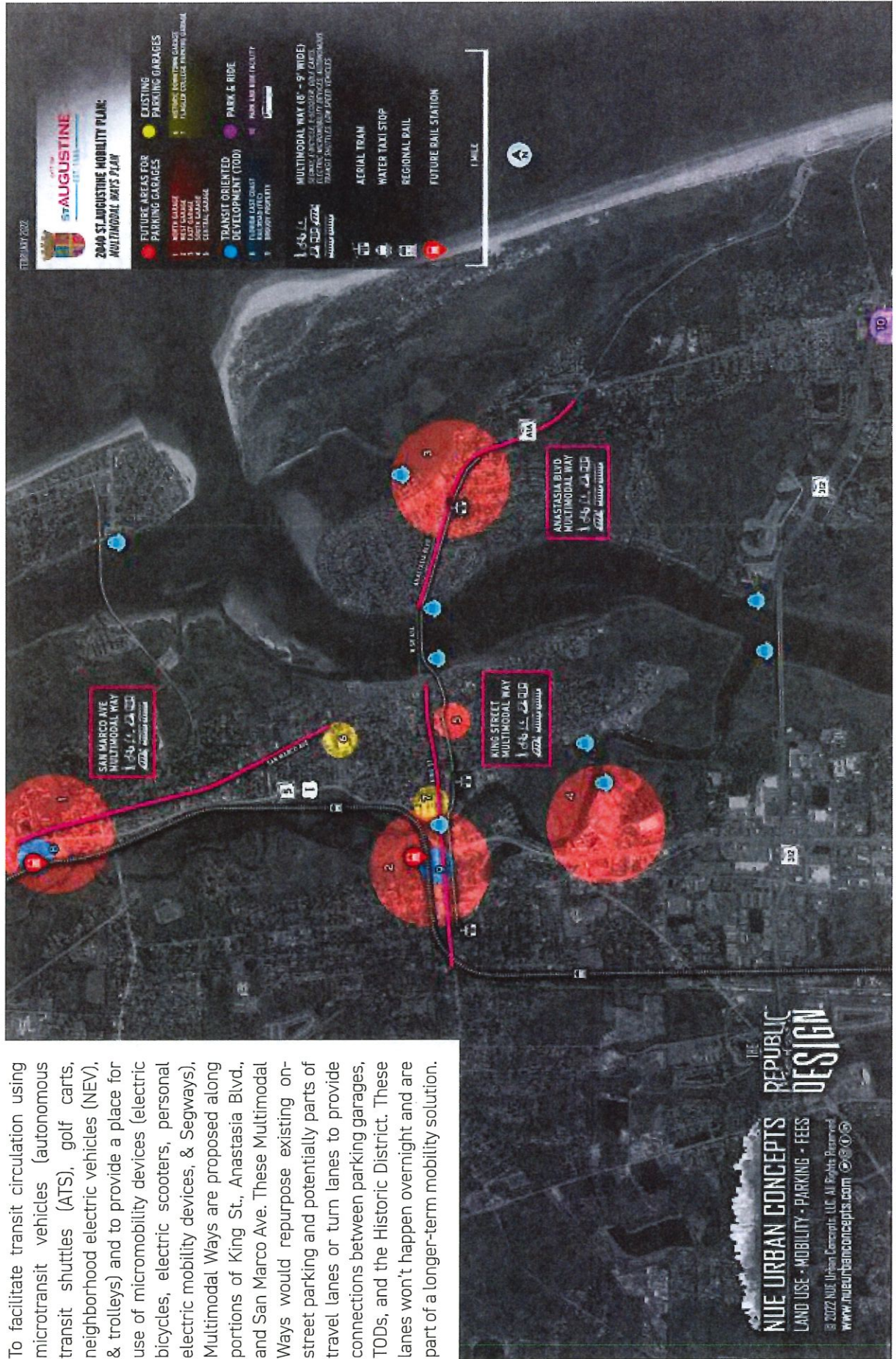
2040 MOBILITY PLAN: TRANSIT CIRCULATOR PLAN

The Mobility Plan proposes to create a park-once environment where on-street parking is converted to shorter duration times to encourage turnover and business access, and visits of two hours or longer are encouraged to park in garages. Existing and future garages could be served by a transit circulator system that provides employees, residents, students, and visitors quick access to the Historic District without spending time driving around looking for a parking spot. The Transit Circulator Plan also proposes several water taxi stops throughout the City and identified two potential transportation-oriented developments (TODs) along future regional rail connections between Jacksonville and St. Augustine. As climate change challenges continue, a longer-term solution may be the consideration of an aerial tram connecting future garages on the east end of Anastasia Blvd and the west end of King Street.



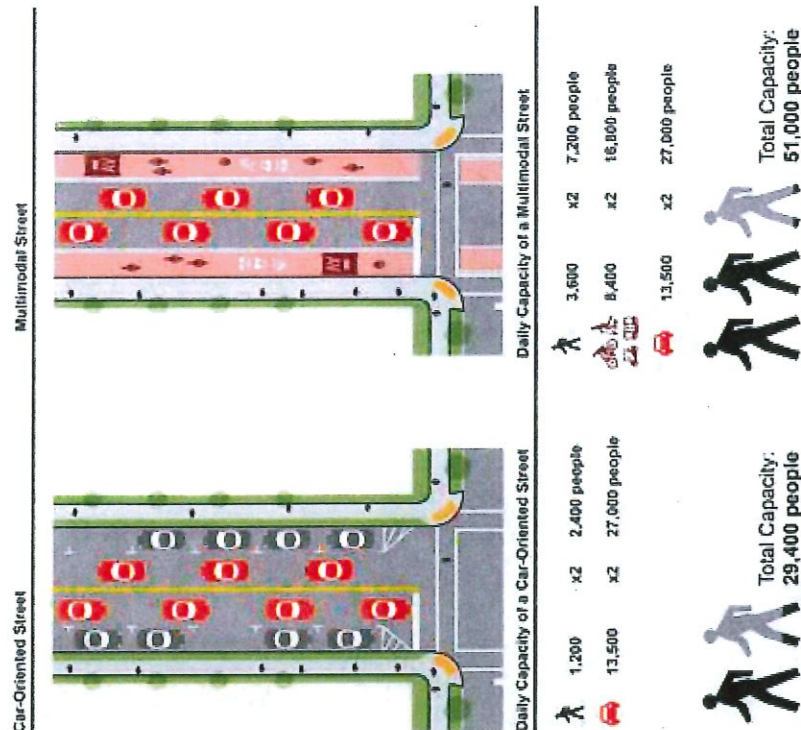
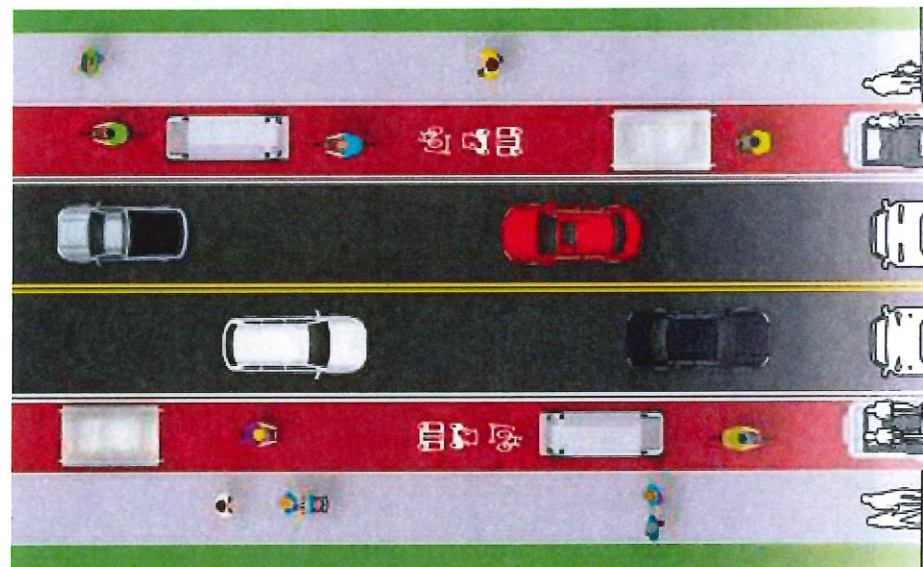
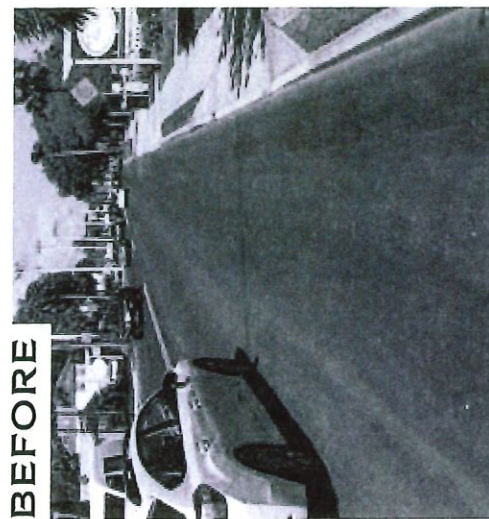
2040 MOBILITY PLAN: MULTIMODAL WAYS PLAN

To facilitate transit circulation using microtransit vehicles (autonomous transit shuttles (ATS), golf carts, neighborhood electric vehicles (NEV), & trolleys) and to provide a place for use of micromobility devices (electric bicycles, electric scooters, personal electric mobility devices, & Segways), Multimodal Ways are proposed along portions of King St., Anastasia Blvd., and San Marco Ave. These Multimodal Ways would repurpose existing on-street parking and potentially parts of travel lanes or turn lanes to provide connections between parking garages, TODs, and the Historic District. These lanes won't happen overnight and are part of a longer-term mobility solution.



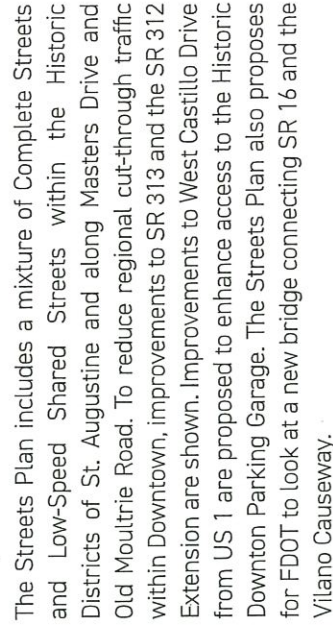
2040 MOBILITY PLAN: SAN MARCO MULTIMODAL WAY

Multimodal Ways, combined with the conversion of sidewalks to trails, have the potential to greatly enhance the number of people who could travel along San Marco within the existing right-of-way. The recent resurfacing of San Marco by FDOT has resulted in a reduction in on-street parking due to the frequency of driveways and intersections. The creation of park-once garages will free-up existing street right-of-way to incorporate Multimodal Ways. This is in addition to Comprehensive Plan policies that encourage the City to look for opportunities to provide pooled and shared off-street parking areas in order to relocate on-street parking and provide businesses with options to provide off-site parking. The graphic below illustrates before and after conditions and demonstrates the potential increase in person capacity.



Page 72 of 417

2040 MOBILITY PLAN: STREETS PLAN



MOBILITY FEE ASSESSMENT AREA & BENEFIT DISTRICT

The Mobility Fee features two assessment areas: (1) Within the Multimodal District; and (2) Outside the Multimodal District. The Mobility Fee is lower within the Multimodal District due to shorter trip lengths, mixture of land uses, and the interconnected transportation network. Any areas that annex into the City would be assessed the Mobility Fee based on the Outside the Multimodal District rates. Assessment Areas are established as part of the legality and statutory required rough proportionality test.

The Mobility Fee will feature a Single Benefit District. Mobility Fees collected within the City can be spent on multimodal projects throughout the City. Travel patterns are citywide and multimodal projects will serve residents and businesses throughout the City. A Benefit District is established to meet the second requirement of the legality and statutory required dual rational nexus test. The first requirement of the legality and statutory required dual rational nexus test is addressed based on future person travel demand and is addressed in the Mobility Plan and Mobility Fee technical Report.



MOBILITY FEE SCHEDULE



The Mobility Plan and Mobility Fee Technical Report detail the methodology, data, and sources for determining the Mobility Fee. The calculated Mobility Fee for each land use is further defined in the Technical Report. For residential land uses, the proposed mobility fee is a flat rate per square foot regardless of the type of residential dwelling. The majority of Mobility Fees are calculated on a per square foot basis, except where the unit of measure indicates otherwise. The Technical Report provides a comparison of the calculated Mobility Fee against the existing St. Johns County road impact fee.

City of St. Augustine Mobility Fee Schedule (2022 FEBRUARY)

Use Categories, Land Uses Classifications, and Representative Land Uses

Residential & Lodging Uses

	Unit of Measure	Mobility Fee
Residential	per sq. ft.	\$1.05
Overnight Lodging (Bed & breakfast, Hotel, Inn, Motel, Vacation Rental)	per room	\$1,763
Mobile Residence (Mobile Home, RV, Home on Wheels, Travel Trailer)	per space/lot	\$1,216

Institutional Uses

Community Serving (Civic, Place of Assembly, Museum, Gallery)	per sq. ft.	\$0.86
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	per sq. ft.	\$0.87
Private Education (Day Care, Private Primary School, Pre-K)	per sq. ft.	\$1.57

Industrial Uses

Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)	per sq. ft.	\$0.58
--	-------------	--------

Recreational Uses

Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)	per sq. ft.	\$3.54
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis)	per acre	\$1,873
Marina (Including dry storage)	per berth	\$370

Office Uses

Office (Bank, General, Higher Education, Professional)	per sq. ft.	\$1.62
Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)	per sq. ft.	\$2.43



City of St. Augustine Mobility Fee Schedule (2022 FEBRUARY) Continued

Use Categories, Land Uses Classifications, and Representative Land Uses

	Unit of Measure	Mobility Fee
Commercial & Retail Uses		
Local Retail (Entertainment, Restaurant, Retail, Sales, Services)	per sq. ft.	\$1.71
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)	per sq. ft.	\$3.42
Free-Standing Retail ((Entertainment, Restaurant, Retail, Sales, Services)	per sq. ft.	\$4.67
Additive Fees for Commercial Services & Retail Uses		
Bank Drive-Thru or Free-Standing ATM	per lane/ATM	\$7,174
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax)	per lane/stall	\$3,420
Motor Vehicle Charging or Fueling	per charging/fueling position	\$6,318
Pharmacy Drive-Thru	per lane	\$4,500
Quick Service Restaurant Drive-Thru	per lane	\$16,862

FURTHER READING: A TECH REPORT HAS BEEN PREPARED FOR DOCUMENTING THE MOBILITY FEE

Contact: **Jonathan B. Paul, AICP** | *Principal*

2000 PGA Blvd, Suite 4440
Palm Beach Gardens, FL 33408

P 833-NUC-8484

E nueurbanconcepts@gmail.com

www.nueurbanconcepts.com



CITY OF ST. AUGUSTINE
**MOBILITY PLAN & MOBILITY FEE
TECHNICAL REPORT**

FEBRUARY 2022



CITY OF ST. AUGUSTINE

MOBILITY PLAN

&

MOBILITY FEE

TECHNICAL REPORT
FEBRUARY 2022

Produced for: City of St. Augustine



CITY OF
ST AUGUSTINE.
EST. 1565

Produced by: Jonathan B. Paul, AICP
Principal
NUE Urban Concepts, LLC
2000 PGA Blvd, Suite 4440
Palm Beach Gardens, FL 33408
833-NUC-8484
nueurbanconcepts@gmail.com
www.nueurbanconcepts.com



© 2022 NUE Urban Concepts, LLC. All rights reserved. This material may not be reproduced, displayed, modified or distributed without the express prior written permission of the copyright holder. For permission, send written request to NUE Urban Concepts, LLC 2000 PGA Blvd, Suite 4440, Palm Beach Gardens, FL 33408 or email nueurbanconcepts@gmail.com. This work may be reproduced, in whole or in part, without prior written permission, solely by City of St. Augustine; provided all copies contain the following statement: "© 2022 NUE Urban Concepts, LLC. This work is reproduced with the permission of NUE Urban Concepts. No other use is permitted without the express prior written permission of NUE Urban Concepts, LLC. For permission, send written request to NUE Urban Concepts, LLC 2000 PGA Blvd, Suite 4440, Palm Beach Gardens, FL 33408 or email nueurbanconcepts@gmail.com."



NUE URBAN CONCEPTS, LLC
2000 PGA Blvd, Suite 4440
Palm Beach Gardens, FL 33408
833-NUC-8484
nueurbanconcepts@gmail.com

February 4th, 2022

Amy Skinner
Director of Planning & Building
City of St. Augustine
City Hall
75 King Street, 4th Floor
St, Augustine, FL 32084

Re: City of St. Augustine Mobility Plan & Mobility Fee Technical

Dear Ms. Skinner:

Enclosed is the draft technical report for the City of St. Augustine Mobility Plan and Mobility Fee. This is a final draft prepared for consideration by the City Commission based on the most recent and localized data consistent with Florida Statute. The Mobility Fee is based upon the multimodal projects included in the City's Mobility Plan, which was adopted into the Comprehensive Plan in 2020. The Mobility Fee is consistent with all legal and statutory requirements and meets the dual rational nexus test and the rough proportionality test.

The adoption of the Mobility Fee through an implementing ordinance will require two hearings before the City Commission. The implementing ordinance can be formally adopted at the second hearing. There may be follow on initiatives related to mobility fee administrative procedures, service charges, and mobility performance assessment and standards. It has been my pleasure to work with City Staff on outreach efforts and finalizing the City's Mobility Plan and Mobility Fee.

Sincerely,

Jonathan B. Paul, AICP
Principal

TABLE OF CONTENTS

Overview	03
Legislative Background	04
Impact Fee & Mobility Fee Comparison	08
Legal	09
Developing the St. Augustine Mobility Plan & Fee	19
Transportation & Mobility Element	20
Mobility Plan	24
Mobility Fee	37
Existing Conditions Evaluation	38
Growth	39
Vehicle Miles of Travel (VMT)	39
Person Miles of Travel (PMT)	40
Multimodal Capacity	41
Mobility Plan Projects	43
New Growth Evaluation (NGE)	46
Person Miles of Capacity Rate (PMCr)	47
Mobility Fee Assessment Area	48
Person Travel Demand (PTD) per Land Use	48
Mobility Fee Schedule	50
Mobility Fee Calculations	53
St. Johns Road Impact Fee Comparison	54
Mobility Fee Benefit District	54
Definitions	55
Conclusion	64

Tables

Table 1.	Existing Street Quality of Service (QOS) Evaluation	38
Table 2.	Projected Growth	39
Table 3.	Growth in Vehicle Miles of Travel (VMT)	40
Table 4.	Increase in Person Miles of Travel (PMT)	40
Table 5.	Daily Road Capacities	42
Table 6.	Multimodal Capacities	43
Table 7.	Summary of Multimodal Projects	45
Table 8.	Reasonably Anticipated Available Funding	46
Table 9.	New Growth Evaluation	46
Table 10.	Person Miles of Capacity Rate (PMCr)	48
Table 11.	Mobility Fee Schedule	52

Tables, continued

Table 12.	St. Johns County Road Impact Fee Comparison	56
Table 13.	St. Johns vs. St. Augustine Commercial Fee Comparison	59

Figures

Figure 1.	Developing a Mobility Plan & Mobility Fee	19
Figure 2.	Integrating Land Use, Mobility, Parking & Fees	20
Figure 3.	Moving People Providing Choices	24
Figure 4.	Types of Projects in the Mobility Plan	25
Figure 5.	Multimodal Elements	26
Figure 6.	Speed of Travel	27
Figure 7.	Street Quality of Service (QOS) Standards	29
Figure 8.	Walking & Bicycling Quality of Service (QOS) Standards	30
Figure 9.	Bicycling Quality of Service (QOS) Standards	31
Figure 10.	Transit Quality of Service (QOS) Standards	32
Figure 11.	Quick Fix Sidewalk Concepts	33
Figure 12.	San Marco Multimodal Way	34
Figure 13.	Mobility Plan and Mobility Fee	33
Figure 14.	Person Miles of Travel (PMT) Increase	41
Figure 15.	New Growth Evaluation	46
Figure 16.	Person Miles of Capacity Rate (PMCr)	47
Figure 17.	Person Travel Demand (PTD) per Use	49
Figure 18.	Mobility Fee Calculation	50

Maps

Map A.	Streets Plan
Map B.	Walking and Bicycling Plan
Map C.	Multimodal Ways Plan
Map D.	Transit Circulator Plan
Map E.	Mobility Fee Assessment Areas & Benefit Districts

Appendices

Appendix A.	Quality of Service (QOS) Evaluation
Appendix B.	Traffic Analysis Zones & Regional Model Network
Appendix C.	2017 National Household Travel Survey Data
Appendix D.	FDOT Generalized Daily Service Volumes
Appendix E.	Mobility Plan Multimodal Projects
Appendix F.	Trip Generation per Land Use
Appendix G.	2017 National Household Travel Survey: Person Travel
Appendix H.	Person Travel Demand per Land Use
Appendix I.	St. Johns County Road Impact Fees
Appendix J.	St. Augustine Mobility Fee vs. St. Johns County Road Impact Fees Comparison

OVERVIEW

The City of St. Augustine, founded in September 1565 by Don Pedro Menendez de Aviles of Spain, is the longest continually inhabited European-founded city in the United States. The St. Augustine Town Plan Historic District, a U.S. National Historic Landmark District, features a distinct layout based on the Spanish 1573 Laws of the Indies, and features a largely intact historic grid of narrow streets emanating out from the 16th century Plaza de la Constitución, referred to by some as the “heart of the ancient city”.

The 2040 Mobility Plan honors the historic grid and brings together various City initiatives to further emphasize the walkability of the Historic Districts and to encourage creating a park once environment that promotes visitors parking outside of the Districts and using various multimodal transportation options to explore the City. The Mobility Plan serves as the basis for establishment of a mobility fee system, an alternative to transportation concurrency enacted by the Florida Legislature, that allows new development activity to mitigate its traffic impact to a local governments transportation system through payment of a one-time fee.

The Mobility Plan, adopted in 2020 through amendments to the City’s Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City. The amendments also encourage the continuance of innovative parking management strategies to provide City’s residents with enhanced access to business and services, while also seeking to reduce the impact of traffic on neighborhood streets.

The 2040 Mobility Plan consist of four (4) distinct plans that include multimodal projects for sidewalks, paths, trails, protected bike lanes, low speed shared streets, complete streets, and multimodal ways. The plans address both citywide and regional mobility through microtransit circulators, multimodal parking structures, water taxis, an aerial tramway, regional rail that will connect St. Augustine with Jacksonville, and several regional road projects to direct regional cut-through traffic around the City. One of the most significant features of the 2040 Plan was the replacement of road level of service (LOS) standards, used in transportation concurrency to plan for adding road capacity, with street quality of service (QOS) standards, to encourage slower speeds to make it safer for people to walk, bicycle, and access transit and trolley circulator services. This Technical Report expands on the development of the 2040 Mobility Plan and documents the methodology used to develop a City mobility fee that meets legally established dual rational nexus and rough proportionality test and demonstrates how the Mobility Plan and Fee comply with the requirements of Florida Statutes 163.3180 and 163.31801.

LEGISLATIVE BACKGROUND

The State of Florida passed the Growth Management Act of 1985 that required all local governments in Florida to adopt Comprehensive Plans to guide future development. The Act mandated that adequate public facilities must be provided “concurrent” with the impacts of new development. State mandated “concurrency” was adopted to ensure the health, safety and general welfare of the public by ensuring that adequate public facilities would be in place to accommodate the demand for public facilities created by new development.

Transportation concurrency became the measure used by the Florida Department of Community Affairs (DCA), Florida Department of Transportation (FDOT), Regional Planning Councils (RPCs), and local governments to ensure that adequate public facilities, in the form of road capacity, was available to meet the transportation demands from new development. To meet the travel demand impacts of new development and be deemed “concurrent”, transportation concurrency was primarily addressed by constructing new roads and widening existing roads.

Traditional transportation concurrency allowed governmental entities to deny development where road capacity was not available to meet the travel demands from new development. Transportation concurrency also allowed governmental entities to require that developments be timed or phased concurrent with the addition of new road capacity. In addition, transportation concurrency also allowed governmental entities to require new development to improve (widen) roads that were already overcapacity (aka “deficient” or “backlogged”).

In urban areas throughout Florida, traditional transportation concurrency had the unintended consequence of limiting and stopping growth in urban areas. This occurred because roads were often over capacity based on traffic already on the roads or the combination of that traffic and trips from approved developments. Further, the ability to add road capacity in urban areas was more limited as right-of-way was often constrained by existing development and utilities, physical barriers, and environmental protections. Stopping development in urban areas encouraged suburban sprawl by forcing new development to suburban and rural areas where road capacity was either readily available or cheaper to construct. In the late 90’s, as the unintended impact of transportation concurrency became more apparent, the Legislature adopted Statutes to provide urban areas with alternatives to address the impact of new development through Transportation Concurrency Exception Areas (TCEA) and Transportation Concurrency Management Areas (TCMA).

The intent of TCEAs and TCMA's was to allow local governments alternative solutions to provide mobility within urban areas by means other than providing road capacity and to allow infill and redevelopment in urban areas. In the mid 2000's, Florida experienced phenomenal growth that strained the ability of local governments to provide the necessary infrastructure to accommodate that growth. Many communities across the State started to deny new developments, substantially raise impact fees and require significant transportation capacity improvements. In 2005, the Legislature enacted several laws that weakened the ability of local governments to implement transportation concurrency by allowing new development to make proportionate share payments to mitigate its travel demand. The Legislature also introduced Multi-Modal Transportation Districts (MMTD) for areas that did not meet requirements to qualify for TCEAs or TCMA's.

In 2007, the Florida Legislature introduced the concept of mobility plans and mobility fees to allow development to equitably mitigate its impact and placed additional restrictions on the ability of local governments to charge new development for over capacity roadways. The Legislature directed the Florida Department of Community Affairs (DCA) and the Florida Department of Transportation (FDOT) to evaluate mobility plans and mobility fees and report the finding to the Legislature in 2009.

In 2009, the Legislature designated Dense Urban Land Areas (DULA), which are communities with a population greater than 1,000 persons per square mile, as TCEA's. The Legislature accepted the findings of the DCA and FDOT analysis for mobility plans and mobility fees but did not take any formal action as the State was in the great recession. The Legislature also placed further restrictions on local government's ability to implement transportation concurrency, by adding direction on how to calculate proportionate share and how overcapacity roads are addressed.

In 2011, the Florida Legislature through House Bill (HB) 7207 adopted the "Community Planning Act" which implemented the most substantial changes to Florida's growth management laws since the 1985 "Local Government Comprehensive Planning and Land Development Regulation Act," which had guided comprehensive planning in Florida for decades. The 2011 legislative session eliminated State mandated concurrency, made concurrency optional for local governments, and eliminated the Florida Department of Community Affairs (DCA) and replaced it with the Florida Department of Economic Opportunity (DEO). The Act essentially removed the DEO, Florida Department of Transportation (FDOT), and Regional Planning Councils (RPC) from the transportation concurrency review process. Although local governments are still required to adopt and implement a comprehensive plan, the requirements changed significantly and shifted more discretion to local governments to plan for mobility within their community and enacted further restrictions on the implementation of transportation concurrency, proportionate share and backlogged roads.

The Florida Legislature did not include any provisions in HB 7207 exempting any local governments existing transportation concurrency system from meeting these new requirements when it elected to abolish statewide transportation concurrency and make transportation concurrency optional for local governments. Florida Statute Section 163.3180(1) provides local governments with flexibility to establish concurrency requirements:

“Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction”.

House Bill 319, passed by the Florida Legislature in 2013, amended the Community Planning Act and brought about more changes in how local governments could implement transportation concurrency and further recognized the ability of local governments to adopt alternative mobility funding systems, such as mobility plans and associated mobility fees, to allow development, consistent with an adopted Comprehensive Plan, to equitably mitigate its travel demand impact. The Community Planning Act also includes specific requirements for any local government that elects to maintain transportation concurrency. These requirements are to be addressed in the local governments comprehensive plan and capital improvements required to meet adopted level of service standards are required to be included in the capital improvements element five (5) year schedule. The Legislature also clarified in the Community Planning Act that any backlog facility is the responsibility of local governments; new development shall not be charged for backlog, and that new developments can assume any backlog facility will be addressed by local governments when calculating its proportionate share mitigation. This essentially means it is the local governments responsibility to fund improvements to deficient transportation facilities.

The Community Planning Act recognized that impact fees, mobility fees, and other transportation concurrency mitigation requirements are equivalent forms of transportation mitigation by requiring that dollar-for-dollar credit shall be provided where a local government requires a development to make a proportionate share improvement or payment per Florida Statute Section 163.3180 (5)(h)2.e. that states:

“The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project’s traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.”

In 2019, the Florida Legislature, through House Bill 7103, amended the Community Planning Act and required mobility fees to be governed by the same procedures as impact fees. This amendment further confirmed that mobility fees are an alternative to impact fees that allow development to mitigate its impact to the transportation system consistent with the needs identified in the local governments adopted mobility plan. Florida Statute Section 163.3180(5)(i) states:

“If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with s. 163.31801 governing impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).”

The Community Planning Act encourages any local government that continues to implement transportation concurrency to mitigate the impact to infill, redevelopment and development within urban areas. The Community Planning Act also encourages local governments that elect to either implement transportation concurrency within urban areas or repeal transportation concurrency and adopt an alternative mobility funding system using to adopt one or more of the following tools and techniques identified in Florida Statute Section 163.3180(5)(f):

- “1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity and density.*
- 2. Adoption of an area wide level of service not dependent on any single road segment function.*
- 3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.*
- 4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit.*
- 5. Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility.*
- 6. Reducing impact fees or local access fees to promote development within urban areas, multimodal districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.”*

IMPACT & MOBILITY FEE COMPARISON

The Florida Constitution grants local governments broad home rule authority to establish special assessments, impact fees, mobility fees, franchise fees, user fees, and service charges as revenue sources to fund specific governmental functions and capital infrastructure. Payment of impact fees or mobility fees are one of the primary ways local governments can require new development, along with redevelopment or expansion of existing land uses which generates additional transportation demand, to mitigate its impact to a local governments transportation system. While road impact fees and mobility fees are both intended to be means in which a development can mitigate its transportation impact, the following are the major differences between the two fees:

Road Impact Fees

- Partially or fully fund road capacity improvements, including new roads, the widening of existing roads, and the addition or extension of turn lanes at intersections to move people driving vehicles (i.e., cars, trucks, SUVs, motorcycles).
- Are based on increases in trip generation, vehicle trip length, and road capacity, along with the cost of road capacity improvements and the projected vehicle miles of travel from development.
- Maybe based on either an adopted LOS standard (aka standards or consumption-based fee) or on future road improvements (aka plan or improvements-based fee).

Mobility Fees

- Pay for the cost associated with adding new multimodal capacity to move people walking, bicycling, scooting, riding transit, driving vehicles or using shared mobility technology.
- Partially or fully fund multimodal projects, including sidewalks, paths, trails, bike lanes, streetscape and landscape, complete and low speed streets, micromobility (i.e., electric bikes, electric scooters) devices, programs and services, microtransit (i.e., golf carts, neighborhood electric vehicles, autonomous transit shuttles, trolleys) circulators, services and vehicles, new roads, the widening of existing roads, and turn lanes, signals and ADA upgrades at intersections.
- Are based on increases in person trips, person trip lengths, and person miles of capacity from multimodal projects, along with projected person miles of travel from development.
- Assessment areas may include all or portions of a municipality or county, and may vary based on geographic location (e.g., downtown) or type of development (e.g., mixed-use).
- Must be based on future multimodal projects adopted as part of a mobility plan and incorporated or referenced in the local governments Comprehensive Plan.

LEGAL

Before the Florida “Impact Fee Act” was adopted, many local governments had already developed impact fees through their home rule powers. In 2006, the Legislature adopted the “Impact Fee Act” to provide process requirements for the adoption of impact fees and formally recognized the authority of local governments to adopt impact fees. Prior to 2006, the Florida Legislature, unlike many States throughout the U.S. that had adopted enabling legislation, elected to defer to the significant case law that had been developed in both Florida and throughout the U.S. to provide guidance to local governments to adopt impact fees.

In 2009, the Legislature made several changes to the “Impact Fee Act”, the most significant of which was placing the burden of proof on local governments, through a preponderance of the evidence, that the imposition of the fee meets legal precedent and the requirements of Florida Statute Section 163.31801. Prior to the 2009 amendment, Courts generally deferred to local governments as to the validity of an imposed impact fee and placed the burden of proof, that an imposed impact fee was invalid or unconstitutional on the plaintiff. There has yet to be a legal challenge to impact fees in Florida since the 2009 legislation, due in large part to the great recession and the fact that many local governments either reduced impact fees or placed a moratorium on impact fees between 2009 and 2015.

In 2019, the Legislature, through HB 207 and HB 7103, made several changes to the “Impact Fee Act”, the most significant of which was the requirement that fees not be collected before building permit issuance. The changes also expanded on the requirements of the dual rational nexus test, the collection and expenditure of fees, credits for improvements and administrative cost.

In 2020, the Legislature, through SB 1066, made several additional changes to the Impact Fee Act to clarify that new or updated impact fees cannot be assessed on a permit if the permit application was pending prior to the new or updated fee. The bill also made credits assignable and transferable to third parties.

In 2021, the Legislature, through HB 337 made significant amendments to the “Impact Fee Act”, which the Governor subsequently approved. The amendments require that impact fees be based on planned improvements and that there is a clear nexus between the need for improvements and the impact from new development. The amendments have a greater impact on increases to existing impact fees and have phasing requirements for increases to existing fees. There are provisions that allow a local government to fully implement updated fees based on a finding of extraordinary circumstances. Florida Statute Section 163.31801 now reads as follows:

- “(1) This section may be cited as the “Florida Impact Fee Act.”*
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments’ reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.*
- (3) For purposes of this section, the term:*
- (a) “Infrastructure” means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff’s office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).*
 - (b) “Public facilities” has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.*
- (4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:*
- (a) Ensure that the calculation of the impact fee is based on the most recent and localized data.*
 - (b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.*
 - (c) Limit administrative charges for the collection of impact fees to actual costs.*
 - (d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.*
 - (e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.*

- (f) *Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.*
 - (g) *Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.*
 - (h) *Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.*
 - (i) *Ensure that revenues generated by the impact fee are used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.*
- (5)(a) *Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public facilities or infrastructure, including land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.*
- (b) *If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).*
- (6) *A local government, school district, or special district may increase an impact fee only as provided in this subsection.*
 - (a) *An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.*
 - (b) *An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.*
 - (c) *An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.*
 - (d) *An impact fee increase may not exceed 50 percent of the current impact fee rate.*
 - (e) *An impact fee may not be increased more than once every 4 years.*

- (f) *An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.*
- (g) *A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:*
 - 1. *A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.*
 - 2. *The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).*
 - 3. *The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.*
- (h) *This subsection operates retroactively to January 1, 2021.*
- (7) *If an impact fee is increased, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established.*
- (8) *A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.*
- (9) *In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.*
- (10) *Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district*

or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after the date the act become law.

- (11) *A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.*
- (12) *This section does not apply to water and sewer connection fees.*
- (13) *In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district county, municipality, or special district must report all of the following information data on all impact fees charged:*
 - (a) *The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.*
 - (b) *The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.*
 - (c) *The amount assessed for each purpose and for each type of dwelling.*
 - (d) *The total amount of impact fees charged by type of dwelling.*
- (e) *Each exception and waiver provided for construction or development of housing that is affordable.”*

The purpose of preparing this Technical Report is to demonstrate that the City’s mobility fee is proportional and reasonably connected to, or has a rational nexus with, both the need for new multimodal transportation projects and the mobility benefits provided to those who pay the fee, otherwise known as the “dual rational nexus test” and “rough proportionality test”, as required by Florida Statute Section 163.31801(4)(f)(g)(h). The “dual rational nexus test” requires a local government and this Technical Report to demonstrate that there is a reasonable connection, or rational nexus, between:

The “Need” for additional (new) capital facilities (improvements and projects) to accommodate the increase in demand from new development (growth), and

The “Benefit” that the new development receives from the payment and expenditure of fees to construct the new capital improvements.

In addition to the “dual rational nexus test”, the U.S. Supreme Court in *Dolan v. Tigard* also established a “rough proportionality test” to address the relationship between the amount of a fee imposed on a new development and the impact of the new development. The “rough proportionality test” requires that there be a reasonable relationship between the impact fee and the impact of new development based upon the applicable unit of measure for residential and non-residential uses and that the variables used to calculate a fee are reasonably assignable and attributable to the impact of each new development. The first time the Courts recognized the authority of a municipality to impose “impact fees” in Florida occurred in 1975 in the case of *City of Dunedin v. Contractors and Builders Association of Pinellas County*, 312 So.2d 763 (2d DCA. Fla., 1975), where the court held: “that the so-called impact fee did not constitute taxes but was a charge using the utility services under Ch. 180, F. S.”

The Court set forth the following criteria to validate the establishment of an impact fee:

“...where the growth patterns are such that an existing water or sewer system will have to be expanded in the near future, a municipality may properly charge for the privilege of connecting to the system a fee which is in excess of the physical cost of connection, if this fee does not exceed a proportionate part of the amount reasonably necessary to finance the expansion and is earmarked for that purpose.” 312 So.2d 763, 766, (1975).

The case was appealed to the Florida Supreme Court and a decision rendered in the case of *Contractors and Builders Association of Pinellas County v. City of Dunedin* 329 So.2d 314 (Fla. 1976), in which the Second District Court's decision was reversed. The Court held that “impact fees” did not constitute a tax; that they were user charges analogous to fees collected by privately owned utilities for services rendered. However, the Court reversed the decision, based on the finding that the City did not create a separate fund where impact fees collected would be deposited and earmarked for the specific purpose for which they were collected, finding:

“The failure to include necessary restrictions on the use of the fund is bound to result in confusion, at best. City personnel may come and go before the fund is exhausted, yet there is nothing in writing to guide their use of these moneys, although certain uses, even within the water and sewer systems, would undercut the legal basis for the fund's existence. There is no justification for such casual handling of public moneys, and we therefore hold that the ordinance is defective for failure to spell out necessary restrictions on the use of fees it authorizes to be collected. Nothing we decide, however prevents Dunedin from adopting another sewer connection charge ordinance, incorporating appropriate restrictions on use of the revenues it produces. Dunedin is at liberty, moreover, to adopt an ordinance restricting the use of moneys already collected. We pretermitt any discussion of refunds for that reason.” 329 So.2d 314 321, 322 (Fla. 1976)

The case tied impact fees directly to growth and recognized the authority of a local government to impose fees to provide capacity to accommodate new growth and base the fee on a proportionate share of the cost of the needed capacity. The ruling also established the need for local government to create a separate account to deposit impact fee collections to help ensure those funds are expended on infrastructure capacity.

The Utah Supreme Court had ruled on several cases related to the imposition of impact fees by local governments before hearing *Banberry v. South Jordan*. In the case, the Court held that: “the fair contribution of the fee-paying party should not exceed the expense thereof met by others. To comply with this standard a municipal fee related to service like water and sewer must not require newly developed properties to bear more than their equitable share of the capital costs in relation to the benefits conferred” (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 899 (Utah 1981)). To provide further guidance for the imposition of impact fees, the court articulated seven factors which must be considered (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 904 (Utah 1981)):

- “(1) the cost of existing capital facilities;*
- (2) the manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes or federal grants);*
- (3) the relative extent to which the newly developed properties and the other properties in the municipality have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments, or payment from the proceeds of general taxes);*
- (4) the relative extent to which the newly developed properties in the municipality will contribute to the cost of existing capital facilities in the future;*
- (5) the extent to which the newly developed properties are entitled to a credit because the municipality is requiring their developers or owners (by contractual arrangement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the municipality and financed through general taxation or other means (apart from user fees) in other parts of the municipality;*
- (6) extraordinary costs, if any, in servicing the newly developed properties; and*
- (7) the time-price differential inherent in fair comparisons of amounts paid at different times.”*

The Court rulings in Florida, Utah and elsewhere in the U.S. during the 1970's and early 1980's led to the first use of what ultimately became known as the "dual rational nexus test" in *Hollywood, Inc. v. Broward County*; which involved a Broward County ordinance that required a developer to dedicated land or pay a fee for the County park system. The Fourth District Court of Appeal found to establish a reasonable requirement for dedication of land or payment of an impact fee that:

"... the local government must demonstrate a reasonable connection, or rational nexus between the need for additional capital facilities and the growth of the population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for the use in acquiring capital facilities to benefit new residents." (Hollywood, Inc. v. Broward County, 431 So. 2d 606 (Fla. 4th DCA), rev. denied, 440 So. 2d 352 (Fla. 1983).

In 1987, the first of two major cases were heard before the Supreme Court that have come to define what is now commonly referred to as the "dual rational nexus test". The first case was *Nollan v. California Coastal Commission* which involved the Commission requiring the Nollan family to dedicate a public access easement to the beach in exchange for permitting the replacement of a bungalow with a larger home which the Commission held would block the public's view of the beach. Justice Scalia delivered the decision of the Court: "The lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was...Unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but an out-and-out plan of extortion (*Nollan v. California Coastal Commission*, 483 U. S. 825 (1987)". The Court found that there must be an essential nexus between an exaction and the government's legitimate interest being advanced by that exaction (*Nollan v. California Coastal Commission*, 483 U. S. 836, 837 (1987).

The second case, *Dolan v. Tigard*, heard by the Supreme Court in 1994 solidified the elements of the "dual rational nexus test". The Petitioner Dolan, owner and operator of a Plumbing & Electrical Supply store in the City of Tigard, Oregon, applied for a permit to expand the store and pave the parking lot of her store. The City Planning Commission granted conditional approval, dependent on the property owner dedicating land to a public greenway along an adjacent creek, and developing a pedestrian and bicycle pathway to relieve traffic congestion. The decision was affirmed by the Oregon State Land Use Board of Appeal and the Oregon Supreme Court. The U.S. Supreme Court overturned the ruling of the Oregon Supreme Court and held:

"Under the well-settled doctrine of "unconstitutional conditions," the government may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. In evaluating Dolan's claim, it must be determined whether an "essential nexus" exists between a legitimate state interest and the permit condition. Nollan v. California Coastal Commission, 483 U. S. 825, 837. If one does, then it must be decided whether the degree of the exactions demanded by the permit conditions bears the required relationship to the projected impact of the proposed development." Dolan v. City of Tigard, 512 U.S. 383, 386 (1994)

The U.S. Supreme Court in addition to upholding the "essential nexus" requirement from Nollan also introduced the "rough proportionality" test and held that:

"In deciding the second question-whether the city's findings are constitutionally sufficient to justify the conditions imposed on Dolan's permit-the necessary connection required by the Fifth Amendment is "rough proportionality." No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the proposed development's impact. This is essentially the "reasonable relationship" test adopted by the majority of the state courts. Dolan v. City of Tigard, 512 U.S. 388, 391 (1994)"

An often-overlooked component of Dolan v. City of Tigard is the recognition that while multimodal facilities may off-set traffic congestion there is a need to demonstrate or quantify how the dedication of a pedestrian / bicycle pathway would offset the traffic demand generated. per the following excerpt from the opinion of the Court delivered by Chief Justice Rehnquist:

"The city made the following specific findings relevant to the pedestrian/bicycle pathway: "In addition, the proposed expanded use of this site is anticipated to generate additional vehicular traffic thereby increasing congestion on nearby collector and arterial streets. Creation of a convenient, safe pedestrian/bicycle pathway system as an alternative means of transportation could offset some of the traffic demand on these nearby streets and lessen the increase in traffic congestion." We think a term such as "rough proportionality" best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.

With respect to the pedestrian/bicycle pathway, we have no doubt that the city was correct in finding that the larger retail sales facility proposed by petitioner will increase traffic on the streets of the Central Business District. The city estimates that the proposed development would generate roughly 435 additional trips per day. Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by the petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway "could offset some of the traffic demand . . . and lessen the increase in traffic congestion."

"As Justice Peterson of the Supreme Court of Oregon explained in his dissenting opinion, however, "[t]he findings of fact that the bicycle pathway system could offset some of the traffic demand' is a far cry from a finding that the bicycle pathway system will, or is likely to, offset some of the traffic demand." 317 Ore., at 127, 854 P. 2d, at 447 (emphasis in original). No precise mathematical calculation is required, but the city must make some effort to quantify its findings in support of the dedication for the pedestrian/bicycle pathway beyond the conclusory statement that it could offset some of the traffic demand generated." Dolan v. City of Tigard, 512 U.S. 687 (1994).

The development of a mobility plan identifies the potential for multimodal projects to provide the person miles of capacity to meet future person miles of travel. The calculation of a mobility fee based on person travel demand documents and quantifies the connection between the provision of multimodal person capacity and the person travel demand generated by new development travel and meets the dual rational nexus and rough proportionality test.

The U.S. Supreme Court recently affirmed, through *Koontz vs. St. Johns River Water Management District*, that the "dual rational nexus" test equally applies to monetary exactions in the same manner as a governmental regulation requiring the dedication of land. Justice Alito described:

"Our decisions in Nollan v. California Coastal Commission, 483 U. S. 825 (1987), and Dolan v. City of Tigard, 512 U. S. 374 (1994), provide important protection against the misuse of the power of land-use regulation. In those cases, we held that a unit of government may not condition the approval of a land-use permit on the owner's relinquishment of a portion of his property unless there is a "nexus" and "rough proportionality" between the government's demand and the effects of the proposed land use. In this case, the St. Johns River Water Management District (District) believes that it circumvented Nollan and Dolan because of the way in which it structured its handling of a permit application submitted by Coy Koontz, Sr., whose estate is represented in this Court by Coy Koontz, Jr. The District did not approve his application on the condition that he surrender an interest in his land. Instead, the District, after suggesting that he could obtain approval by signing over such an interest, denied his application because he refused to yield." Koontz v. St. Johns River Water Management District 1333 S. Ct. 2586 (2013).

"That carving out a different rule for monetary exactions would make no sense. Monetary exactions—particularly, fees imposed "in lieu" of real property dedications—are "commonplace" and are "functionally equivalent to other types of land use exactions." To subject monetary exactions to lesser, or no, protection would make it "very easy for land-use permitting officials to evade the limitations of Nollan and Dolan." Furthermore, such a rule would effectively render Nollan and Dolan dead letters "because the government need only provide a permit applicant with one alternative that satisfies the nexus and rough proportionality standard, a permitting authority wishing to exact an easement could simply give the owner a choice of either surrendering an easement or making a payment equal to the easement's value." Koontz v. St. Johns River Water Management District 1333 S. Ct. 2599 (2013).

DEVELOPING THE ST. AUGUSTINE MOBILITY PLAN & FEE

There were multiple steps that went into development of the 2040 Mobility Plan and a mobility fee for the City. The first overall step was amending the Comprehensive Plan during the Evaluation and Appraisal Report (EAR) process to establish legislative intent for the City to develop a mobility fee based on a plan of multimodal projects. Several of the goals, objectives, and policies adopted as part of the Comprehensive Plan amendment are provided in the preceding section. The following is an overview of the steps taken to develop the City's Mobility Plan and Mobility Fee (**Figure 1**).

Figure 1. Developing a Mobility Plan & Mobility Fee



TRANSPORTATION & MOBILITY ELEMENT

In 2020, the City updated the Transportation and Mobility Element of the Comprehensive Plan to establish legislative intent to develop a mobility plan and mobility fee. The following are the goals, objectives and policies integrating land use, transportation mobility, parking, fees, and implementation of the City's Mobility Plan and Mobility Fee (**Figure 2**).

Figure 2. Integrating Land Use, Mobility, Parking & Fees



OVERALL GOAL

"THE CITY WILL ENCOURAGE ACCESSIBLE, ENERGY EFFICIENT, SUSTAINABLE AND ECONOMICALLY VIABLE TRANSPORTATION OPTIONS THAT MEET THE NEEDS OF RESIDENTS, EMPLOYERS, EMPLOYEES AND VISITORS THROUGH A VARIETY OF INNOVATIVE METHODS THAT ARE SENSITIVE TO THE ENVIRONMENTAL, HISTORICAL, AND CULTURAL RESOURCES OF THE CITY OF ST. AUGUSTINE."

TME GOAL 1 TRANSPORTATION

"To maintain a coordinated multimodal transportation system which provides for the safe, efficient, and economical movement of

people, goods, and services, which is consistent with the Future Land Use Plan, recognizes the impact resulting from sea level rise and higher, more intense rainfall, conserves energy, and protects the City's natural, cultural, and historical resources."

TME Objective 1.1

"The City shall provide a safe, convenient and efficient motorized and nonmotorized transportation system."

TME Policy 1.1.4

"Continue to implement provisions of the adopted Mobility Plan related to traffic circulation (one-way and two-way streets), satellite parking areas, public transportation, and on-street parking."

TME GOAL 2 MOBILITY

"Establish a coordinated multimodal transportation system that provides mobility for pedestrians, bicyclists, circulator and transit users, motorized vehicle users, rail and trail users, and is sensitive to the City of St. Augustine's natural, cultural, and historical resources."

TME Objective 2.1

“The City shall provide a safe, convenient, connected, visible, and efficient multimodal transportation system. The measurable targets for this objective are based upon the establishment of multimodal quality of service standards for people walking, bicycling, riding transit, and driving.”

TME Policy 2.1.2

“The quality-of-service standards shall be used for multimodal transportation planning to identify needed improvements for future updates of the Mobility Plan.”

TME Policy 2.1.3

“The quality-of-service standards shall also be used to develop multimodal capacities for projects included in the Mobility Plan that will serve as the basis for development of a Mobility Fee to be paid by new development and redevelopment with an increase in person travel demand.”

TME Policy 2.1.4

“The established quality of service standards maybe used for Complete Street Design and to establish requirements for new development and redevelopment to achieve for multimodal facilities internal to the project and along external on-site property boundaries.”

TME GOAL 3 MOBILITY PLANNING

“To enhance the quality of life for City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets.”

TME Objective 3.1

“To develop and implement a 2040 Mobility Plan focused on the movement of people, the provision of multiple multimodal transportation options to move about the community, the pursuit of a park once environment for travel within the City’s multimodal district for longer duration visits, and the development of a Mobility Fee, based upon the projects identified in the Mobility Plan, that allows for new development and redevelopment to equitably mitigate its impact to the multimodal transportation system.”

TME Policy 3.1.1

“The City will promote an interconnected, multimodal transportation system that transitions from a system focused on quickly moving motor vehicles toward a system that emphasizes the movement of people of all ages and abilities, whether those people choose to walk, bicycle, ride transit, drive a motor vehicle or use a new transportation mobility technology.”

TME Policy 3.1.2

“The Mobility Plan shall identify multimodal projects that include improvements, services, and programs for people walking, bicycling, riding transit, driving motor vehicles and utilizing new mobility technologies. The projects identified in the Mobility Plan shall be based upon existing demand and projected increases in personal travel demand by 2040, the mobility plan horizon year, from new development, redevelopment, tourism and the growing population in northeast Florida.”

TME Policy 3.1.3

“Mobility Plan projects within the City’s multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.”

TME Policy 3.1.4

“The Mobility Plan shall promote a park once environment with parking garages located outside of the multimodal district for longer duration visits generally exceeding three or more hours. Surface parking lots maybe initially provided with the intent of constructing parking garages. The Mobility Plan shall include transit circulator routes and identify water taxi docks, for public and/or private water taxi service, that connect the parking garages to destinations within the multimodal district. As more parking spaces are located in parking garages along the periphery of the multimodal district and frequent multimodal transportation options are provided, longer duration visits may include visits of two or more hours in length.”

TME Policy 3.1.5

“The City shall evaluate opportunities to partner with private transit companies to provide services and shall also consider water taxi services, and new transit technology including autonomous microtransit vehicles and aerial tramways. The City shall maintain and expand programs to license transit providers and water taxi services, along with paratransit services. The City shall continue to work with the Sunshine Bus Company and other transit providers to determine service routes that can provide enhanced mobility.”

TME Policy 3.1.6

“The addition of motor vehicle capacity, turn lanes, or upgrades to enhance the flow of vehicles within the multimodal district shall be discouraged, except for access improvements from US 1 to the Historic Downtown Parking Garage. Mobility Plan projects for motor vehicles shall be focused on the diversion of cut-through and regional traffic away from the multimodal district and onto US 1, SR 207, SR 312, and SR 16, with an emphasis on further diversion of trips away from US 1 and SR 207 once the SR 313 extension is completed.”

TME Policy 3.1.8

“The Mobility Plan projects may include, but are not limited to, sidewalks, paths, trails, bike lanes, protected bike lanes, buffered bike lanes, bicycle boulevards, bicycle racks, shared streets, speed reduction programs, shared-use multimodal lanes, flexible lanes, dedicated transit lanes, high-

occupancy vehicle lanes, mobility hubs, pavement markings, traffic control devices, enhanced crosswalks, advanced warning systems, streetscape, hardscape, landscape, turn lanes, intersection improvements, safety improvements, roundabouts, bridges, transit stops, shelters, stations and pull-out bays, transit vehicles, and new motor vehicle travel lanes.”

TME Policy 3.1.9

“The Mobility Plan projects may include repurposing existing right-of-way from motor vehicle travel lanes to lanes for shared streets, dedicated transit facilities, high-occupancy lanes, protected bicycle facilities, flexible 15 MPH lanes, shared-use multimodal lanes, expansion of sidewalks, trails and paths, and the integration of green infrastructure.”

TME Policy 3.1.21

“A Mobility Fee is one source of revenue to fund the projects identified in the Mobility Plan. Gas, property and sales tax, CRA, County, State and Federal grants and funds, special assessments, higher education student fees, user fees, private party contributions, and parking revenues are all additional sources of revenue that are available to fund projects identified in the Mobility Plan. The City should consider opportunities to combine revenue sources, to the extent permissible, to advance the Mobility Plan, Complete Street, safety and parking management multimodal projects.”

TME Policy 3.1.22

“The Mobility Plan projects shall serve as the basis for development of a mobility fee. The Mobility Fee shall be a one-time assessment on new development or redevelopment that results in an increase in person travel demand. The Mobility Fee shall be required to meet the dual rational nexus test and shall be reasonably attributable to the person travel demand of new development, infill and redevelopment. Multimodal capacities based upon quality of service standards shall be established to ensure fees are reasonably assignable to the impacts of new development or redevelopment.”

TME Policy 3.1.23

“The Mobility Fee, consistent with Florida Statute, is intended to replace transportation concurrency and proportionate fair-share contributions and would be provided in place of a road impact fee.”

TME Policy 3.1.24

“The Mobility Fee may include provisions to encourage and incentivize new development, infill and redevelopment within the multimodal district and targeted areas of the City. The Mobility Fee may also include provisions to encourage affordable, workforce housing, mixed-use, multimodal supportive development and desired land uses that increase employment and attract economic development consistent with Florida Statutes.”

TME Policy 3.1.25

“The Mobility Plan and Fee shall be re-evaluated and updated every five years. The Mobility Fee shall be indexed and adjusted for inflation on an annual basis.”

MOBILITY PLAN

The City of St. Augustine's Mobility Plan implements the goals, objectives and policies set forth in the Comprehensive Plan and prioritizes the multimodal projects needed to accommodate future travel demand and enhance mobility within the community in a manner that is coordinated with the Future Land Use Element in the City's Comprehensive Plan. The 2040 Mobility Plan, adopted in 2020 through amendments to the City's Comprehensive Plan, promotes the continued transition from a transportation system focused on moving cars towards a multimodal system focused on providing people with enhanced mobility choices to walk, bike, ride a trolley, or use new forms of transportation to move about the City (**Figure 3**).

Figure 3. Moving People, Providing Choices



The types of multimodal projects included in the Mobility Plan are intended to achieve the goals, objectives and policies set forth in the Comprehensive Plan (**Figure 4**). The multimodal projects identified in the Mobility Plan were established based on the multimodal elements necessary to transition from a transportation system focused on moving cars, towards a safe, comfortable, and convenient multimodal system focused on moving people (**Figure 5**).

Figure 4. Types of Projects in the Mobility Plan

ST. AUGUSTINE MOBILITY PROJECTS



NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

THE REPUBLIC DESIGN

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com



LEGEND:

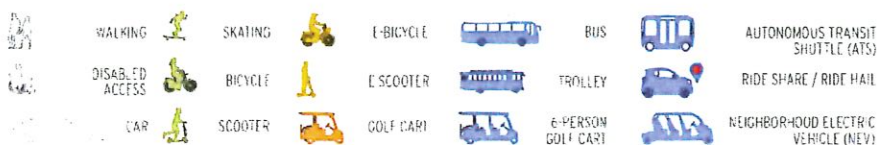


Figure 5. Multimodal Elements

ST. AUGUSTINE MULTIMODAL ELEMENTS

IN
REPUBLIC
OF
FLORIDA
DESIGN

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com



MOBILITY: The ability to move people from place (origin) to place (destination) by multiple modes (walk, bike, transit, vehicle) of travel in a timely (speed) and efficient manner. The lack of sidewalks, paths, trails, bike lanes, and curb access ramps are often impediments to people choosing to walk or bike from home to work and other daily activities.



EQUITY: The ability to access relevant activities such as employment, education, entertainment, health care, personal services, recreation, and retail opportunities by people of all ages, abilities, race, and socioeconomic strata without undue and unjust burden. Equitable mobility provides transportation justice for not only underserved and/or disadvantaged communities but also for vulnerable users. People have a fundamental right to move around easily, safely, and conveniently.



ACCESSIBILITY: The ease at which people reach, enter, and use modes of travel (walk / bike / transit / vehicle) at the origin and destination of their trip. Transit systems are frequently burdened with addressing the issue of first and last mile access. Providing Americans with Disabilities Act (ADA)-compliant curb access ramps at origins, destinations, intersections, driveways, and mid-block crossings is imperative to removing impediments for vulnerable users such as the disabled, children, the elderly, and people riding bicycles and micromobility devices.



CONNECTIVITY: The number of route options people have available to them and their directness and/or distance. Gridded street networks provide a high level of connectivity, whereas dead-end cul-de-sacs do not. Innovative approaches to enhance connectivity, such as Low Speed and Shared Streets, along with using paths and trails for non-vehicular connections, improve mobility and accessibility for people walking, bicycling, riding micromobility devices, and accessing transit.



VISIBILITY: The frequency at which those driving a car see people walking, bicycling, riding various micromobility devices, and accessing transit. More people walking and biking = greater awareness and more people walking and biking = safer conditions (i.e. safety in numbers). Green bike lanes, pavers at crosswalks, and flashing signals are all design elements used to increase visibility of people walking and bicycling.



CONTINUITY: The uninterrupted consistency of sidewalks, paths, trails, and bike lanes in width and condition with logical beginning and endpoints that are without gaps and without sudden and abrupt termination. Roads do not suddenly terminate without warning, change number of lanes, or randomly change width without proper transitions – neither should sidewalks, paths, trails, or bike lanes.



SAFETY: The combination of behavioral and physical design elements of the built environment can make mobility comfortable and pleasant for all ages and abilities. The elements that provide safety include slower speeds, physical separation, enhanced visibility crossings, and designations for different mobility modes. Enhanced safety features encourage behavioral changes that make safety everyone's responsibility.



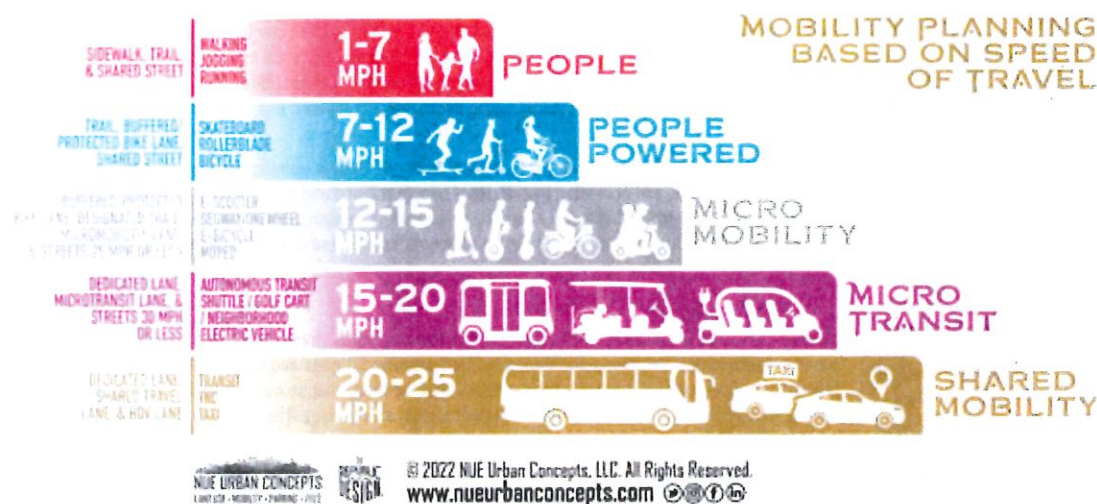
COMFORT: The sum of all the mobility elements plus the overall quality of the built environment provided for the various mobility modes that allow for comfortable travel, trip satisfaction, travel choice, and time-cost choice. The perception of comfort shows that the availability of a car doesn't automatically make it a first mode choice and the most obvious or direct route may also not be the most comfortable. Improving conditions can remove impediments, increase trip satisfaction and usefulness, and incline travellers to use non-vehicular modes.



SOCIAL VALUE: The people-to-people connections one experiences in a shared space environment, whether biking, walking, or riding transit. The social value of these interactions increases both individual happiness and societal happiness through active engagement with the community that overall increases the quality of life and fosters independence, especially for children and the elderly.

To facilitate the transition from a transportation system focused on moving cars towards a multimodal system focused on the movement of people, it's important to understand that the speed of travel varies greatly whether a person is walking, bicycling, scooting, riding transit, or driving a car. The speed of multimodal travel generally falls within five tiers, each of which requires appropriate multimodal projects to accommodate the desired speed of travel (**Figure 6**). Future updates of the Mobility Plan may involve additional multimodal projects to accommodate desired modes of travel. Specifically, as micromobility (e.g., electric bikes and electric scooters), microtransit (e.g., golf carts, neighborhood electric vehicles, and autonomous transit shuttles), and shared mobility (e.g., transit, ride-hail, and car-share) devices, services, and programs expand, and new technology options become available, there will be a need to reimagine and repurpose road and street rights-of-way and travel lanes to accommodate the different speeds of travel for these multimodal modes of personal mobility.

Figure 6. Speed of Travel



Florida Statute 163.3180 (5)(f)(5) identifies the establishment of multimodal quality of service (QOS) standards as part of a mobility plan and fee to plan for multimodal travel, as well as providing a distinct alternative to transportation concurrency. In 2020, the City adopted policies in its Comprehensive Plan, to enhance safety, convenience, connectivity, and moving towards safer streets for all users. The 2020 Comprehensive Plan amendment established multimodal QOS standards for people walking, bicycling, riding transit, and driving. To make a clean break from transportation concurrency, the 2020 amendment to the Comprehensive Plan replaced roadway LOS standards, based on the capacity of cars, with Street QOS standards, based on the posted speed limit, to move towards the goal of safer streets for all users of the multimodal transportation system.

Street QOS standards are intended to enhance mobility for all modes of travel and move towards safer streets for all by prioritizing slower speeds for cars. Studies have shown there is a direct correlation between the speed of car travel and the severity of crashes. As speeds increase, so does the probability that a crash involving people walking, bicycling, or driving will result in one or more fatalities. The adopted street QOS standards are the inverse of roadway LOS standards in that as speed limits go down, street QOS goes up and allow the City the flexibility to design streets safer for all users. Whereas, for roadway LOS, as speed limits go down, road LOS also goes down, requiring the City to look at ways to add road capacity.

Establishing street QOS standards based on posted speed limits more accurately reflects the intended purpose of a street or road and the desired level of people walking and bicycling, along with access to adjacent land uses. The lower the speed, the greater the accessibility to adjacent land uses and the safer it is to walk or bicycle. The higher the speed limit, access to adjacent land uses becomes more restrictive, with a greater emphasis on the movement of vehicles. However, just because a lower speed limit is posted, it does not mean cars will slow down, unless there are actual changes to the street right-of-way that will result in people driving slower and more people feeling comfortable to bicycle and walk.

Speed of travel is one of the most important factors in determining the design of a street. Slower speed streets create an environment that is safer and more comfortable to walk, bicycle, or use a new form of mobility technology; while also making all users of the transportation system more visible to people driving cars: achieving three (3) of the established multimodal elements (**Figure 5**). Street QOS standards that promote slower speeds provide planners and engineers with greater flexibility to implement innovative street designs, such as low speed and complete streets, narrower travel lanes, and locating buildings and trees closer to travel lanes.

To ensure streets are designed to make it safer for all, design speeds are intended to be based on posted speed limits. This approach differs greatly from the 85% rule, traditionally used to design road and streets, which states that speed limits should be set at the speeds of which 85% of drivers travel at, and designs should accommodate this speed. The traditional approach prioritizes driving, the City's QOS standards prioritizes slower speeds where more people walk and bike and recognizes higher speeds are more appropriate on corridors carrying higher volumes of motor vehicles.

Street QOS standards will be phased in over time as part of: (1) designing new multimodal projects; (2) reimagining existing right-of-way to emphasize the safe movement of people versus the quick movement of cars, or (3) allowing for greater levels of neighborhood traffic calming that improve safety and potentially reduced cut through traffic. Street QOS standards are intended to be flexible based on applicable locations and type of street (**Figure 7**).

FIGURE 7. STREET QUALITY OF SERVICE (QOS) STANDARDS



For local streets and shared streets which emphasize walking and bicycling and provide direct access to homes and businesses, quality of service (QOS) standards will be set at either QOS of “A”, which would be equivalent to a posted speed limit of 15 MPH or less, or a QOS of “B”, which would be equivalent to a posted speed limit of 20 MPH. Collector streets, which connect local and shared streets to arterial roads, will be set at either QOS of “B”, which would be equivalent to a posted speed limit of 20 MPH, or a QOS of “C”, which would be equivalent to a speed limit of 25 MPH.

Arterial roads, which are focused on moving higher volumes of traffic and consist of roads maintained and owned by the Florida Department of Transportation, will have either a QOS of “C”, “D” or “E”. Arterial roads within the historic downtown district would have a QOS standard of “C”. Arterial roads on the periphery of the multimodal district would have a QOS of “C” or a QOS standard of “D”, which would be equivalent to a posted speed limit of 30 MPH. Arterials outside of the multimodal district, which are intended to carry higher volumes of traffic and serve more through movements, would have either a QOS of “D” or a QOS standard of “E”, which would be equivalent to a posted speed limit of 35 MPH or greater.

Multimodal QOS standards can be used for performance measures, mobility planning, design standards, and prioritizing multimodal and are used to establish multimodal capacities for use in the mobility fee calculations. These standards combine QOS and LOS based on: (1) the width of the facility (i.e., bike lane, path, sidewalk); (2) the type of physical separation between multimodal

facilities and travel lanes for cars, SUVs, trucks, and other motor vehicles; and (3) the posted speed limit. The following multimodal QOS standards for people bicycling and walking on sidewalks, paths and trails vary based on the width of the facility, the type of physical separation from motor vehicle travel lanes (e.g., street trees, on-street parking) and posted speed limit (**Figure 8**). For example, a five (5) foot sidewalk adjacent to travel lanes would result in a QOS “E”, whereas a twelve (12) foot wide trail separated from travel lanes by a landscaped buffer would be a QOS “A”. The higher the QOS, the higher the multimodal capacity and likelihood that people would utilize the facility (Transportation and Mobility Element Policy 2.1.6).

FIGURE 8. BICYCLING & WALKING QUALITY OF SERVICE (QOS) STANDARDS

MOVING TOWARDS SAFER STREETS FOR ALL CITY OF ST. AUGUSTINE MULTIMODAL QUALITY OF SERVICE STANDARDS

MULTIMODAL QUALITY OF SERVICE STANDARDS FOR BICYCLING AND WALKING

FACILITY TYPE	LIMITED SEPARATION	STREET TREES	ON-STREET PARKING	LANDSCAPE BUFFER
TRAIL 12' +	B	A	A	A
PATH 10'	C	B	B	B
PATH 8'	D	C	C	C
SIDEWALK 7' OR LESS	E	D	D	D

The presence of two or more physical separation features, such as on-street parking and street trees would result in an increase in one letter grade. For example, a 10' wide path with street trees and on-street parking would achieve a quality of service of "A", a 5' wide sidewalk with street trees and a landscape buffer would achieve a quality of service of "C".

© 2022 NUE Urban Concepts, LLC. All Rights Reserved. www.nueurbanconcepts.com

NUE URBAN CONCEPTS LAND USE • MOBILITY • PARKING • FEES

REPUBLIC DESIGN

The City adopted the following multimodal QOS standards for bike lanes that accommodate travel demand for people skating, riding a bicycle, scooter, skateboard, or micromobility device based on the width of the facility and either the level of physical separation from motor vehicle travel lanes, the visibility of the facility or the posted speed limit (Transportation and Mobility Element Policy 2.1.7) (**Figure 9**). For example, four (4) foot bike lanes adjacent to travel lanes would result in a QOS “D” and a five (5) foot buffered bike lane would result in a QOS of “B”. Multimodal Ways would fall under bike lanes 6' + in width. Future Complete Street design standards, to be integrated into land development regulations, will further define the types of separation and markings.

FIGURE 9. BICYCLING QUALITY OF SERVICE (QOS) STANDARDS

MOVING TOWARDS
SAFER STREETS FOR ALL

MULTIMODAL QUALITY OF SERVICE STANDARDS FOR BICYCLING

CITY OF ST. AUGUSTINE
MULTIMODAL QUALITY OF
SERVICE STANDARDS



FACILITY TYPE	LIMITED SEPARATION	PROTECTED	BUFFERED	GREEN LANE	POSTED SPEED LIMIT	
BIKE LANE 6' +	B	A	A	A		A
BIKE LANE 5'	C	A	B	B		B
BIKE LANE 4'	D	A	B	C		C
PAVED SHOULDER	E	B	C	D		D

The presence of a physical separation features, along with pavement markings and posted speed limits would result in an increase in one letter grade.

© 2022 NUE Urban Concepts, LLC.
All Rights Reserved. 
www.nueurbanconcepts.com

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

THE REPUBLIC DESIGN

The City adopted QOS standards for transit based upon: (1) frequency of service, and (2) the type of transit service provided (Transportation and Mobility Element Policy 2.1.7) (**Figure 10**). The service standards are only for roadways or corridors that feature transit service. It should be recognized that the City has little say in the headways provided by future rail and bus operators. The City does have greater ability to pursue higher QOS standards for trolley transit circulators and may ultimately elect to utilize the QOS standards for public/private partnership proposals and during the annual capital improvements planning process. While streetcar service may be cost prohibitive over the next decade, the 2045 Cost Affordable Long Range Transportation Plan includes funding for regional rail service between Downtown Jacksonville and Downtown St. Augustine.

Rail service could potentially serve St. Augustine sometime between 2025 and 2035, well within the time frame of the 2040 Mobility Plan. Adding high levels of transit capacity generally requires dedicated lanes or exclusive rail, which can be cost prohibitive outside existing railroad corridors. One option several communities are exploring is the construction of aerial tramways (aka gondolas). While these are often thought of as something provided as ski resorts, an aerial tramway was recently constructed in Central Florida. The City of Clearwater is considering issuance of a request for proposal to explore an aerial tramway to deal with the significant congestion which occurs due to visitors attempting to access Clearwater Beach. Over the next ten years, the best opportunity to enhance transit access is exploring public/private partnerships for trolley transit circulator service.

FIGURE 10. TRANSIT QUALITY OF SERVICE (QOS) STANDARDS

MOVING TOWARDS SAFER STREETS FOR ALL

CITY OF ST. AUGUSTINE
MULTIMODAL QUALITY OF SERVICE STANDARDS



MULTIMODAL QUALITY OF SERVICE STANDARDS FOR TRANSIT

FREQUENCY OF SERVICE	TROLLEY	BUS	STREETCAR	AERIAL TRAM
10 MINUTES OR LESS	A	A	A	A
15 MINUTES	B	B	B	B
30 MINUTES	C	C	C	C
45 MINUTES	D	D	D	D
60 MINUTES	E	E	E	E

© 2022 NUE Urban Concepts, LLC. All Rights Reserved. www.nueurbanconcepts.com

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

REPUBLIC DESIGN

The City of St. Augustine’s Mobility Plan consists of the following four plans: (1) Streets Plan; (2) Walking and Bicycling Plan; (3) Multimodal Ways Plan; and the (4) Transit Circulator Plan. The Streets Plan includes a mixture of complete streets and low-speed shared streets within Historic Districts of St. Augustine and along Masters Drive and Old Moultrie Road. Low-speed shared streets have already been constructed within the Historic District, such as portions of Hypolita Street and Spanish Street. To reduce regional cut-through traffic within the Historic District, improvements to SR 313 and the SR 312 Extension are shown. Improvements to West Castillo Drive from US 1 are proposed to enhance access to the Historic Downtown Parking Garage. The Streets Plan also proposes for FDOT to consider a new bridge connecting SR 16 and the Vilano Causeway (**Map A**).

To enhance safety and connectivity for people walking and bicycling, a network of protected bike lanes and trails is proposed on City, County and State roads. The proposed trails along King Street, Anastasia Blvd, San Marco Avenue and the Vilano Causeway are part of the Florida SUN Trail network and the East Coast Greenway. Protected bicycle lanes are proposed along Ponce De Leon Blvd and A1A. A multimodal riverwalk is proposed along the redeveloping San Sebastian waterfront from King Street to SR 312. There are also several high-visibility crosswalks proposed at key intersections (**Map B**).

Many of the neighborhood streets within St. Augustine lack adequate right-of-way to provide sidewalks. Further complicating matters, mature tree canopy, existing utilities, stormwater systems, and frequent driveways and intersections make it expensive to add 5' wide concrete sidewalks that include required Americans with Disability Act (ADA) curb ramps, crosswalks, and driveway transitions. By adopting street QOS standards, the City can set lower speed limits and consider quick and easy implementation of sidewalks using pavement markings on existing asphalt. Areas 4' to 8' wide can be safely marked for use by people walking and bicycling at relatively low cost.

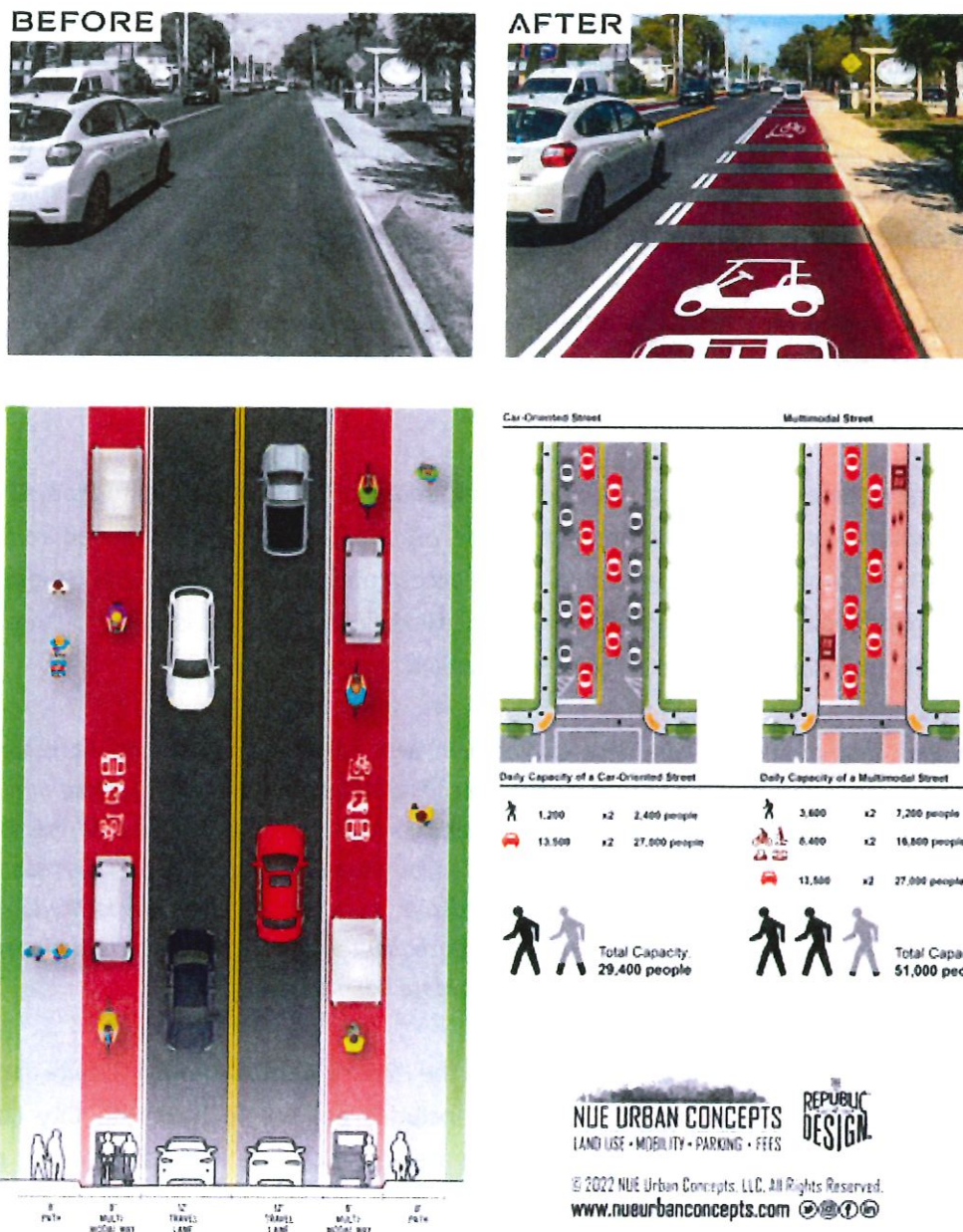
On some corridors, the City could also include on-street parking, which would result in what are known as yield streets. Yield streets are where travel lanes are wide enough for one car to pass and the other car has to "yield the right-of-way" by pulling aside into on-street parking, at driveways, or at transitions at intersections. This behavior already occurs in neighborhoods where on-street parking is permitted. The City has already successfully implemented this concept in portions of the City. The use of pavement markings allows the City to narrow travel lane widths while still ensuring emergency vehicles and waste management trucks still have convenient access. The advantage of using pavement marking as an initial quick solution, is that if certain routes have increased demand, the pavement markings can be converted into raised concrete sidewalks or serve as proof of demand to invest in providing raised sidewalks behind curbs or the edge of pavement. Below are several examples of quick fix sidewalk concepts (**Figure 11**):

FIGURE 11. QUICK FIX SIDEWALK CONCEPTS



To facilitate transit circulation through microtransit vehicles (autonomous transit shuttles, golf carts, neighborhood electric vehicles, trolleys) and to provide a place for use of micromobility devices (electric bikes, electric scooters, personal electric mobility devices, Segways), multimodal ways are proposed along portions of King St, Anastasia Blvd and San Marco Ave (**Map C**). These multimodal ways would repurpose existing on-street parking and potentially parts of travel lanes or turn lanes to provide connections between parking garages, TODs, and the Historic District. The following is an example of multimodal ways on San Marco Avenue and the increase in person capacity (**Figure 12**).

FIGURE 12. EXAMPLE MULTIMODAL WAY ON SAN MARCO AVENUE



Multimodal Ways, combined with conversion of sidewalks to trails, have the potential to greatly enhance the number of people who could travel along San Marco Avenue within the existing right-of-way. The recent resurfacing of San Marco Avenue by FDOT has resulted in a reduction in on-street parking due to the frequency of driveways and intersections. Policies were established in the Comprehensive Plan to encourage park-once environments by providing parking garages on the periphery of the Historic District and exploring opportunities to provide pooled and shared off-street parking areas within the Historic District. Pooled and shared off-street parking would allow the City to relocate on-street parking and provide businesses with opportunities to provide off-site parking. The relocation of on-street parking will free-up existing street right-of-way to add multimodal ways.

As a major tourist destination, St. Augustine also experiences significant increase in congestion during peak seasons and for special events. Further, the City itself also functions as the downtown for St. Johns County, with its unique cultural and culinary offerings and boutiques. The City itself has seen steady population and employment growth and is projected to continue to experience steady growth. Meanwhile, St. Johns County continues to be one of the fastest growing Counties in Florida and the U.S. While City residents can take short trips down local streets, walk, or bike, most of the residents of unincorporated St. Johns County travel to the City by car on the major state roads. Combined with tourist travel demand, travel from residents in unincorporated St. Johns County results in increased congestion.

The effective management of parking is a major component of the 2040 Mobility Plan. The Plan proposes to create a park-once environment where on-street parking is converted to shorter duration times to encourage turnover and business access and visits of two hours or longer are encouraged to park in garages on the periphery of the Historic District. This is specifically reflected in Transportation and Mobility Element Policy 3.1.4, which states:

“The Mobility Plan shall promote a park once environment with parking garages located outside of the multimodal district for longer duration visits generally exceeding three or more hours. Surface parking lots maybe initially provided with the intent of constructing parking garages. The Mobility Plan shall include transit circulator routes and identify water taxi docks, for public and/or private water taxi service, that connect the parking garages to destinations within the multimodal district. As more parking spaces are located in parking garages along the periphery of the multimodal district and frequent multimodal transportation options are provided, longer duration visits may include visits of two or more hours in length.”

Currently, on-street parking is cheaper than parking in the Historic Central Parking Garage and offers parking up to four (4) hours in length. The TME includes policies to have the City continue development of innovative parking management strategies, including increasing hourly parking rates and establishing variable pricing, based on demand, for on-street and off-street surface

parking lots. Additional strategies include limiting the length of using on-street parking and off-street surface parking lots. Some spaces would be limited to thirty (30) minutes to promote high turnover and access to local business. Others may be limited to one (1) hour or two (2) hours in high demand areas with a higher concentration of restaurants or shops where visits exceed 30 minutes but are less than two (2) hours. This would result in employees, students, visitors that intend to stay in the multimodal district longer than two to three hours parking at the Historic Parking Garage initially and eventually in peripheral parking garages. The mobility plan envisions that micromobility and microtransit technology, such as electric bikes and autonomous transit vehicles, will provide mobility choices between the parking garages and the City's Historic Districts.

Parking management strategies will also include providing variable message signs at the major gateways to the City that direct visitors to parking garages and provide real time information on the availability and pricing of on-street and off-street surface parking within the multimodal district. While County residents may know that there is parking available, including private lots, the variable message signs have the potential to direct visitors to periphery parking locations. The City may also explore establishing a City resident parking permit plan that limits parking on residential streets to City residents only and could also include providing City residents discounted rates for on-street parking. Providing outreach to parking options for St Johns County residents who live outside the City, and who essentially think of St. Augustine as the Downtown for St. Johns County, is also a strategy that maybe included in future parking management initiatives.

These future garages could be served by the routes shown on the Transit Circulator Plan (**Maps D**). The proposed transit circulator routes illustrated on the Plan would provide employees, residents, students, and visitors quick access to the Historic District without spending time driving around looking for a parking spot. The Transit Circulator Plan also proposes water taxi stops through-out the City, several of which would be in close proximity to the future parking garages.

The Plan also identifies two potential transit-oriented developments (TODs) along future regional rail connecting Downtown Jacksonville to Downtown St. Augustine. The regional rail service is currently funded in the 2045 Long Range Transportation Plan and is programmed between 2025 and 2035. The regional rail would connect to future rail service that connects Miami, Orlando, Tampa, and West Palm Beach. As climate change challenges continue, including periodic flooding, the City will need to continue exploring innovative solutions, including the possibility of reducing impervious services, such as roads and surface parking lots. There will still be significant travel demand to the Historic District. A longer-term solution maybe the consideration of an aerial tramway connecting future garages on the east end or Anastasia Blvd and the west end of King Street. Aerial tramways are the one mode of transport that uses limited surface areas (less than 100 sq. ft. per pylon) and can move more people an hour and during the day than roads and railroads.

MOBILITY FEE

The basis for the City of St. Augustine's mobility fee are the multimodal projects identified in the Mobility Plan consistent with Florida Statute 163.3180(5)(i). The mobility fees collected from new development and are to be used to fund the multimodal projects identified in the Mobility Plan (**Figure 13**). The multimodal projects identified in the Mobility Plan are intended to provide the person miles of capacity needed to meet the future person miles of travel demand from new development, consistent with the “needs” requirement of the dual rational nexus test. The mobility fees collected from new development are to be used to fund the needed multimodal projects to provide a mobility benefit to new development and serve the increase in person travel demand from that development, consistent with the “benefits” requirement of the dual rational nexus test.

Figure 13. Mobility Plan and Mobility Fee



EXISTING CONDITIONS EVALUATION

Case law and State Statute prohibit local governments from charging new development for over capacity or “backlogged” roadways. The intent of a mobility plan and a mobility fee is to provide a distinct alternative to transportation concurrency. One way to make a clean break from transportation concurrency and overcapacity or “backlogged” roads is to replace roadway LOS standards with street quality of service (QOS) standards based on the posted speed limit (**Figure 7**).

Roadway level of service (LOS) standards, and the associated road capacity provided, are based on the speed of travel for cars. The higher the roadway LOS standards the greater the number of lanes needed in order to obtain a desired speed of travel. Roadway LOS standards are an essential component in transportation concurrency.

The lower the Roadway LOS standards (“D” or “E”), the greater the capacity there is to move cars: up until traffic is gridlocked, which is known as LOS “F”. Roads in the City of St. Augustine, especially during peak tourism seasons, often experience gridlock during the morning and afternoon peak hours. However, adding travel lanes is physically impossible within the Historic District without destroying the character of St. Augustine. Proposed road capacity projects are limited to the periphery of the Historic District and the City to reduce regional cut-through traffic.

An existing conditions QOS evaluation for arterials and collectors within and adjacent to the City was conducted based on the street QOS standards (**Appendix A**). The existing conditions evaluation is intended to establish a baseline QOS analysis and will serve as a performance measure that will allow the City to quantify the change in QOS between Mobility Plan updates. The existing conditions street QOS evaluation replaces the “backlog” evaluation based on roadway LOS that would typically be conducted as part of a mobility fee analysis, in order to demonstrate that new development is not being charged for existing deficiencies.

TABLE 1. EXISTING STREET QUALITY OF SERVICE (QOS) EVALUATION

Location	QOS A	QOS B	QOS C	QOS D	QOS E
Miles	0 miles	3.74 miles	6.36 miles	2.03 miles	14.59 miles
% of the Network	0 miles	14.0%	23.8%	7.6%	54.6%
<i>Source:</i> Street Quality of Service based on existing posted speed limits and total miles of arterial and collector streets within and adjacent to the City (Appendix A). Data collected by NUE Urban Concepts as of February 2022.					

GROWTH

The first requirement of the dual rational nexus for a mobility fee is to demonstrate that there is a need for future multimodal projects to accommodate the person travel demand from future growth. An evaluation of the projected population and employment was conducted for the City of St. Augustine based on the Northeast Regional Planning Model (NERPM) developed by the North Florida Transportation Planning Organization (TPO) 2040 Long Range Transportation Plan (LRTP). The regional planning model demonstrates that there is projected to be an increase in population and employment (**Table 2**). The population and employment data were obtained from the Traffic Analysis Zones (TAZs) used in the travel demand model (**Appendix B**). Due to unincorporated area enclaves within the City, the TAZ structure included some areas outside current City limits. The intent of the projected growth data is to illustrate the projected increase in population and employment by 2040 within and around the City that results in increases in person travel demand.

TABLE 2. PROJECTED GROWTH

	City of St. Augustine		St. Johns County	
Year	Population	Employment	Population	Employment
2018 / 2020	15,306	19,366	261,900	78,139
2040	28,678	29,062	387,771	155,412
Increase	13,372	9,698	125,871	77,273
Source: 2020 Population data based on Florida Estimates of Population, 2020 prepared by Bureau of Economic and Business Research (BEBR), College of Liberal Arts & Science, University of Florida, Gainesville, FL. The 2018 Employment Data provided by the U.S. Census Bureau OnTheMap. 2040 Population and Employment based on the Northeast Regional Planning Model (NERPM) developed by the North Florida Transportation Planning Organization (TPO) 2040 Long Range Transportation Plan (LRTP). The City of St. Augustine projections for 2040 may vary from other projections since the TAZ data includes areas adjacent to and within the City (Appendix B).				

VEHICLE MILES OF TRAVEL (VMT)

The growth in vehicle miles of travel (VMT) is one of the factors evaluated to determine the need for future multimodal projects. The Northeast Regional Planning Model (NERPM) developed by the North Florida Transportation Planning Organization (TPO) 2040 Long Range Transportation Plan (LRTP) was used to determine the VMT growth within and around the City of St. Augustine between 2010 and 2040 (**Table 3**). The VMT data was obtained from the model network evaluated as part of the mobility plan and mobility fee (**Appendix B**). Due to unincorporated area enclaves within the City, the model network and VMT data includes areas that are outside City limits. The intent of the data is to illustrate projected growth in VMT within and around the City. The analysis revealed that there is robust growth in vehicle travel demand within the City, the County, and Northeast Florida that will result in increased travel demand within the City.

TABLE 3. GROWTH IN VEHICLE MILES OF TRAVEL (VMT)

Year	St. Augustine	St. Johns County	Northeast Florida
2010 (model base year)	697,800	6,624,003	49,064,852
2020 (mobility plan base year)	831,951	9,285,903	58,713,783
2040 (model and plan future year)	1,100,251	14,609,704	78,011,647
VMT increase (2020 to 2040)	268,301	5,323,801	19,297,863

Source: The 2010 base year data and 2040 projections are based of the Northeast Regional Planning Model (NERPM) developed by the North Florida Transportation Planning Organization (TPO) 2040 Long Range Transportation Plan (LRTP). The 2020 mobility plan base year VMT was interpolated based on an annual growth rate of 1.53% for St. Augustine; 2.67% for St. Johns County; and 1.56% for Northeast Florida based on the increase in VMT between the 2010 base year model data and the 2040 horizon year model data. The VMT increase is based on the difference between 2020 and 2040. The model network includes enclave areas within the City and extends outside of City Limits (**Appendix B**).

PERSON MILES OF TRAVEL (PMT)

The evaluation of future person miles of travel (PMT) is the initial component in the development of a mobility fee. To account for person trips made by walking, biking, riding transit, and vehicle occupancy in a multimodal travel environment, vehicle travel demand is converted into person travel demand based on data from the 2017 National Household Travel Survey (NHTS). Person travel demand, also referred to as person miles of travel, is calculated based on person trips and person trip length from the NHTS data. An evaluation of the personal travel data from the NHTS resulted in a PMT factor of 1.87 (**Appendix C**). The projected increase in PMT within and around St. Augustine between the Mobility Plan base year of 2020 and the Mobility Plan future year of 2040 is 501,721 (**Table 4**). The calculation for the increase in person miles of travel (PMT) is illustrated in further detail on **Figure 14**:

TABLE 4. INCREASE IN PERSON MILES OF TRAVEL (PMT)

Year	VMT & PMT
2020 Base Year Vehicle Miles of Travel (VMT)	831,951
2020 Base Year Person Miles of Travel (PMT)	1,555,748
2040 Future Year Vehicle Miles of Travel (VMT)	1,100,251
2040 Future Year Person Miles of Travel (PMT)	2,057,469
Increase in Person Miles of Travel (PMT)	501,721

Source: Base and future year vehicle travel data from **Table 3**. PMT obtained by multiplying VMT by 1.87. The calculation for the increase in person miles of travel is illustrated in **Figure 14**.

Figure 14: Person Miles of Travel (PMT) Increase

Increase in Person Miles of Travel (PMTi)

$$2020 \text{ PMT} = (2020 \text{ VMT} \times \text{PMTf})$$

$$2040 \text{ PMT} = (2040 \text{ VMT} \times \text{PMTf})$$

$$\text{PMTi} = (2040 \text{ PMT} - 2020 \text{ PMT})$$

Where:

PMT	=	Person Miles of Travel
VMT	=	Vehicle Miles of Travel
PMTf	=	Person Miles of Travel factor of 1.87
PMTi	=	Person Miles of Travel Increase

MULTIMODAL CAPACITY

The multimodal projects identified in the Mobility Plan form the basis of the mobility fee. The multimodal projects necessary to serve person miles of travel demand include sidewalks, paths, trails, bike lanes, microtransit circulators, low speed and complete streets, streetscape, intersections, and roadways. These multimodal projects are necessary to meet future person miles of travel demand and lay the foundation for use of new micromobility devices such as electric pedal assist bicycles (e-bike) and microtransit vehicles such as autonomous transit shuttles, golf carts, trolleys, and neighborhood electric vehicles. To account for the capacity benefit of multimodal projects, the establishment of base person capacity rates are required for the multimodal projects included in the Mobility Plan.

The 2013 Florida Department of Transportation's (FDOT) Generalized Service Volume Tables were used to establish daily capacities for roadways and intersections (**Table 5**). A principal difference between a road impact fee based on vehicle miles of travel (VMT) and a mobility fee based on person miles of travel (PMT) is accounting for vehicle occupancy. To account for vehicle occupancy, the road capacities in **Table 5** are multiplied by a Vehicle Occupancy factor of 1.82, based upon data from the 2017 NTHS (**Appendix C**). The Vehicle Occupancy factor is used in the multimodal capacity analysis for road and intersection projects identified in the Mobility Plan. The capacities are based on a level of service (LOS) "D" standard. The four-lane highway capacity is used for the State Road 312 flyover. The four-lane flyover is not included in the mobility fee calculations as the project would either be fully funded by FDOT or a toll facility if it were to be constructed. The State Road 313 extension will be funded by FDOT and funds from the North Florida TPO and is shown on the Streets Plan in support of FDOT and County efforts to construct the road, it is not included in the mobility fee.

TABLE 5. DAILY ROAD CAPACITIES

Lane Type & Number	Vehicle Capacity	Person Capacity	Per Lane Person Capacity	Turn Lane Person Capacity
2-Lane Undivided (Class II)	15,600	28,200	14,100	710
4-Lane Divided (Class II)	33,800	61,200	15,300	770
4-Lane Divided (Class I)	39,800	72,000	18,000	900
4-Lane Highway	65,600	119,000	29,750	1,490

Source: Florida Department of Transportation, 2013 Quality/Level of Service (LOS) Handbook, Generalized Annual Average Daily Volumes for Florida's Urbanized Areas (**Appendix D**). Capacities are based on a LOS D standard. The daily person capacity is based on a Vehicle Occupancy factor of 1.82 per the 2017 NHTS Data for Florida (**Appendix C**). Turn lane person capacity is derived by multiplying the daily person capacity by .5% per the FDOT Generalized Service Volume Tables. The person capacity is rounded to the nearest 100th. The per lane person capacity and turn lane person capacity are rounded to the nearest 10th.

The establishment of multimodal capacities for people walking and bicycling are based on methodologies from multiple technical reports and manuals. The capacities for people walking and bicycling are based on both a pedestrian and bicycle level of service (LOS) and a multimodal quality of service (QOS). There is an inverse relationship between the pedestrian and bicycle LOS and multimodal QOS for people walking, bicycling, and using micromobility. A pedestrian or bicycle LOS of "A" typically denotes few people are using a sidewalk or bike lane and there is ample room for people to freely walk, bicycle, or scoot. A pedestrian or bicycle LOS "D" typically denotes more people are using a sidewalk or bike lane and movements are restricted. A multimodal QOS "D" typically denotes an environment where there is minimal separation between people walking and bicycling and vehicles and there is often a lack of landscape, shade, streetscape, or protections from cars. In environments that feature a multimodal QOS "A", there are often wider sidewalks, paths, or trails, with street trees and/or on-street parking and a landscape buffer that separate people walking, bicycling, and scooting from cars.

For people bicycling on-street, the presence of a protected barrier, a painted buffer or higher visibility green lane makes for a higher QOS. In Florida, most facilities for people walking, bicycling, and scooting feature a pedestrian or bicycle LOS "A" and a multimodal QOS "D" or "E": meaning few, if any, people use the facilities to walk, bicycle, or scoot. The multimodal capacity for the various types of multimodal projects in the Mobility Plan are based on varying pedestrian or bicycle LOS and multimodal QOS standards (**Table 6**).

The establishment of capacities for multimodal ways is based on use by both micromobility devices and microtransit circulators. Microtransit circulators include a combination of golf carts, neighborhood electric vehicles (NEV), autonomous transit shuttles (ATS), and trolleys. The person capacities of microtransit circulators varies based on the vehicle and span of service (**Table 6**).

TABLE 6. MULTIMODAL CAPACITIES

Facility Type	Unit of Measure	Daily Capacity
Sidewalk	5' to 6' wide	2,400
Complete Street	Width Varies	3,600
Protected Bike Lane	6' to 8' wide	7,200
Multimodal Ways	8' to 9' wide	8,400
Multimodal Trail	10' to 12' wide	12,000
Riverwalk	12' to 20' wide	24,000
Low Speed Shared Street	Width Varies	36,000

Source: The capacity for sidewalks and complete streets is based on a pedestrian LOS "B" capacity and a QOS "C". The capacity for protected bike lanes, multimodal ways, the riverwalk, and trails is based on a QOS "A" and a bicycle LOS of "D". Capacity methodologies for sidewalks, paths, trails, bicycles, and the riverwalk are based on methodologies established in Transportation Research Record 1636 Paper No. 98-0066, the 2006 Shared-Use Path Level of Service Calculator-A User's Guide developed for the Federal Highway Administration, and the 2010 Highway Capacity Manual. The capacity for multimodal ways includes people bicycling, riding micromobility devices and microtransit vehicles. The capacity for the riverwalk and trails includes people bicycling, riding micromobility devices and walking. The capacity for protected bike lanes includes people bicycling and riding micromobility devices. The capacity for low-speed shared streets includes people bicycling, driving, riding micromobility devices and microtransit vehicles, and walking.

MOBILITY PLAN PROJECTS

The Mobility Plan Projects for the (1) Streets Plan; (2) Walking and Bicycling Plan; (3) Multimodal Ways Plan; and (4) Transit Circulator Plan include a mixture of bike lanes, complete and low speed streets, multimodal ways, parking structures, roads, and trails (**Appendix E**). The Mobility Plan Projects also include several regionally significant improvements including an aerial tramway, regional rail connecting Downtown Jacksonville and Downtown St. Augustine, a bridge connecting State Road 16 and the Vilano Causeway, a flyover along a portion of State Road 312 and the State Road 313 extension. The State Road 312 flyover and the State Road 313 extension are not included in the mobility fee calculations and are shown in support of regional efforts to reduce cut-through traffic within St. Augustine.

The regional rail connecting Downtown Jacksonville and Downtown St. Augustine are also not included in the mobility fee calculation as the rail would be funded by federal and state funds allocated through the TPO. The bridge connecting SR 16 and the Vilano Causeway, and the aerial tramways are mobility plan projects that would provide both regional and citywide benefit. These two (2) projects are included in the mobility fee calculations at a rate of five (5) percent of the total cost and capacity to provide the City with flexibility to partially fund preliminary planning work for both multimodal projects. The bridge would likely be funded by federal and state funds or toll revenues and the aerial tramway would be funded by federal and state funds and fares paid by users of the aerial tramway system.

The multimodal capacity for Mobility Plan projects is included with the detailed list of multimodal projects for each of the four Plans (**Appendix E**). The Mobility Plan projects include several parking structures to be located at the periphery of the Multimodal District. The parking garages are included in the mobility fee calculations at a rate of five (5) percent of the total cost and capacity to provide the City with flexibility to partially fund a share of the parking garages and to provide private entities with potential mobility fee credit for providing spaces available for use by the general public. Most of the cost of the parking structures would be covered by private entities and parking revenues from end users parking at garages.

The multimodal capacity for each multimodal project is based on the capacities in **Tables 5 and 6** and project specific capacities documented for unique projects (**Appendix E**). The total cost of the multimodal projects is \$268,729,260 (**Appendix E**). The total person miles of capacity (PMC) provided by the multimodal projects is 727,102 (**Appendix E**).

Currently funded multimodal projects are needed to accommodate existing person travel demand and are not included in the mobility fee calculations. The multimodal cost for unfunded improvements identified in the mobility plan are based on the latest cost from projects completed by the City and supplemented by data from FDOT projects. The cost of design, right-of-way (ROW), construction, engineering and inspection (CEI), utility relocation, and landscape vary by the type of multimodal project (**Appendix E**). The total projected cost and person miles of capacity for the aerial tramway, the SR 16 to Vilano Causeway bridge and the parking structures is limited to five (5) percent (**Appendix E**). The following are the net person miles of capacity and project cost that will be utilized to calculate a person miles of capacity rate for use in mobility fee calculations (**Table 7**).

TABLE 7. SUMMARY OF MULTIMODAL PROJECTS

Mobility Plan Projects	Person Miles of Capacity	Cost of Projects
Multimodal	413,688	\$48,604,360
Roadway	31,130	\$8,325,000
Transit	26,800	\$8,000,000
Parking	1,878	\$2,612,500
Total	473,496	\$67,541,860

Source: The person miles of capacity and the cost of multimodal projects is detailed in **Appendix E**.

The availability of funding for multimodal projects over the next 20 years is projected to come from a variety of funding sources. St. Johns County can allocate a portion of gas taxes towards City multimodal projects. Gas taxes have been declining locally, statewide and nationally as vehicles have become more fuel efficient and the percentage of electric vehicles and hybrid vehicles increase. Neither the Federal Government nor the State of Florida have raised gas taxes in a number of years. The gas taxes that are available are largely earmarked for maintenance and operations of the existing transportation network. The County could eventually place a referendum before residents to vote on an infrastructure sales tax. An infrastructure sales tax would provide additional funds to contribute towards multimodal projects identified in the Mobility Plan.

The Northeast Florida TPO has available funding identified through the Cost Feasible Long Range Transportation Plan (LRTP). Most projected funding is allocated towards improvements on the Strategic Intermodal System (SIS), with a significant amount of the funds allocated toward Interstate 95. There is a pool of funds available to fund improvements on the State Highway System (SHS). In addition, there are off SHS improvements, as well as several additional pools of funds identified in the LRTP, which could fund some multimodal projects.

Historically, there have been grants, earmarks and the use of the various pool of funds identified in the LRTP to allocate towards multimodal improvements in St. Johns County and the City of St. Augustine. While there are specific multimodal projects identified as funded in the LRTP, there are several that are eligible for funding and have been identified under various pools of available funding. These funds are typically part of a competitive process that identifies projects as part of the annual update of the TPO Transportation Improvement Program (TIP).

There are potential revenues from parking structures and tourist development taxes. There is also the opportunity to piggyback projects on utility and climate change resiliency projects. In recognition of the availability of funding through the LRTP, historic grants, earmarks, and other sources of funds available to St. Johns County and the City of St. Augustine, the mobility fee calculations include \$27,500,000 in reasonably anticipated funding between 2020 and 2040, or \$1,375,000 a year over a 20-year period (**Table 8**). This funding amount is subject to change on an annual basis.

TABLE 8. REASONABLY ANTICIPATED AVAILABLE FUNDING

Multimodal Project Cost	\$67,541,860
Reasonably Anticipated Available Funding	\$27,500,000
Unfunded Multimodal Project Cost	\$40,041,860

Source: The multimodal project cost provided in **Table 7**. Anticipated available funding based on historic available funding at a rate of \$1,375,000 per year over a 20-year period. The unfunded multimodal improvement cost obtained by subtracting the potentially available funding sources and the total multimodal improvement cost.

NEW GROWTH EVALUATION (NGE)

To ensure that new growth is not paying for more than its fair share of the cost of the multimodal projects identified in the Mobility Plan, as required by case law and Florida Statute, it is necessary to evaluate the projected increase in person miles of travel (PMT) versus the projected increase in person miles of capacity (PMC). A new growth evaluation (NGE) factor ratio less than 1.0 means that more capacity is being provided than is needed to accommodate future travel demand and would require a reduction in the overall cost of capacity projects attributable to new growth. A ratio greater than 1.0 means that new development is not being charged more than its fair share of the cost of Mobility Plan projects and that no adjustments are needed. The new growth evaluation is calculated by dividing the increase in PMC from **Table 4** by the increase in PMC from **Table 7** (**Figure 15**).

FIGURE 15. NEW GROWTH EVALUATION

New Growth Evaluation (NGE)	
PMCI	$\sum (LEN_{mp} \times CAP_{mp})$
NGEf	$(PMT_i / PMCI)$
Where:	
LEN _{mp}	Length of Multimodal Projects in the Mobility Plan
CAP _{mp}	Capacity of Multimodal Projects in the Mobility Plan
NGEf	New Growth Evaluation factor
PMT _i	Person Miles of Travel increase
PMCI	Person Miles of Capacity increase

The projected demand-to-capacity Ratio is 1.06%, which is greater than 1.0 (**Table 9**). The multimodal projects identified in the Mobility Plan and included in the mobility fee provide sufficient person capacity to meet future person travel demand. Thus, new growth is not being charged more than its fair share of the cost of multimodal projects and the calculated cost are reasonably attributable to new growth. For purposes of the mobility fee calculation, the NGE factor is set at 1.0.

TABLE 9. NEW GROWTH EVALUATION (NGE)

Increase in Person Miles of Travel (PMT)	501,721
Increase in Person Miles of Capacity (PMC)	473,496
Demand-to-Capacity Ratio	1.06%
<i>Source:</i> The increase in person miles of travel is based on Table 4 . The increase in person miles of capacity is based on Table 8 . The new growth evaluation calculation is based on the formula in Figure 15 .	

PERSON MILES OF CAPACITY RATE (PMCR)

The person miles of capacity and cost of multimodal projects in **Table 7** and the calculation of unfunded multimodal projects in **Table 8** are used in the formula to calculate the person miles of capacity (PMC) rate by dividing the unfunded cost of multimodal projects by the increase in person miles of capacity (PMC) (**Figure 16**). With unfunded multimodal project cost of \$40,041,860 and a PMC increase of 473,496, the calculated PMC rate is \$84.57 (**Table 10**).

FIGURE 16. PERSON MILES OF CAPACITY RATE (PMCr)

Person Miles of Capacity Rate (PMCr)	
TPMCmi Formula	$= \sum (LENmi \times CAPmi)$
GCSTmp Formula	$= \sum ((LENmi \times CSTmi) + CSTmsp)$
NCSTmp Formula	$= (GCSTmp - FUN)$
UCSTmp Formula	$= (NCSTmp \times NGEf)$
PMCr Formula	$= (UCTmp / TPMCmi)$
Where:	
LENmi	= Length of Multimodal Improvements
CAPmi	= Capacity of Multimodal Improvements
CSTmi	= Cost of Multimodal Improvements
CSTmsp	= Cost of Multimodal Services & Programs
GCSTmp	= Gross Cost of Multimodal Projects
FUN	= Funding reasonably anticipated to be available
TPMCmi	= Sum of Person Miles of Capacity of all Multimodal Improvements
NCSTmp	= Net Cost of all Multimodal Projects
UCSTmp	= Unfunded Cost of Multimodal Projects
PMCr	= Person Miles of Capacity Rate

TABLE 10. PERSON MILES OF CAPACITY RATE (PMCr)

Unfunded Multimodal Improvement Cost (UNFmp)	\$40,041,860
Person Miles of Capacity Increase (PMCi)	473,496
Person Miles of Capacity Rate (PMCr)	\$84.57
<i>Source:</i> The cost of unfunded multimodal projects is obtained from Table 8 . The increase in person miles of capacity is obtained from Table 7 . The person miles of capacity rate are determined by the calculation illustrated in Figure 16 .	

MOBILITY FEE ASSESSMENT AREA

There are two kinds of geographic areas in mobility fee systems: assessment areas and benefit districts. Assessment areas are based on either a physical location, such as a downtown, or a type of development pattern, such as a traditional neighborhood development (TND). New growth within the City only pays the mobility fee rate applicable to the assessment area in which the new growth is located. A benefit district is an area within which mobility fees collected are earmarked for expenditure as required by the second test of the dual rational nexus test.

A single mobility fee assessment area is proposed for the City. Two assessment areas had been developed. However, based on community feedback and input from the City's Planning and Zoning Board, it was recommended that a single assessment area be established. The mobility fee assessment area will apply uniformly through-out the City. In the future, the City may wish to consider varying assessment areas based on either location or type of development pattern, such as vertically mixed-use developments.

PERSON TRAVEL DEMAND (PTD) PER LAND USE

The second component in the calculation of a mobility fee is the calculation of person travel demand for each land use included on the mobility fee schedule. The factors utilized in the calculation of person travel demand for each land use are the principal means to achieve the "rough proportionately" test established by the courts and Florida State 163.31801. The person travel demand for a given land use is based on trip generation, pass-by trips, conversion of net trips to person trips, multiplied by person trip lengths, and origin and destination adjustments. **Figure 17** illustrates the formula used to calculate the person travel demand for each land use.

FIGURE 17. PERSON TRAVEL DEMAND (PTD) PER USE

Person Travel Demand (PTD) per Use

$$PTD = (((TG \times \% \text{ NEW}) \times PTf) \times PTI) \times ODAf$$

Where:

PTD = Person Travel Demand per Use

PMTLUomd = Person Travel Demand per Land Use outside Multimodal District Area

TG = Trip Generation

% NEW = Percent of Trips that are Primary Trips

PTf = Person Trip Factor by Trip Purpose

PTI = Person Trip Length by Trip Purpose

ODAf = Origin & Destination Adjustment factor of 50% to avoid the double-counting of trips

Trip Generation

Trip generation rates are based on daily trip information published in the *Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th edition*. The detail for the daily trip generation rates for each land use is included in **Appendix F**.

% New Trips

The percentage of new trips is based on a combination of the various pass-by analyses provided in ITE's Trip Generation Handbook, 3rd edition and various traffic studies conducted throughout Florida. The percentage of new trips differs slightly from the commonly used pass-by trip term as it is the percentage difference in trips after pass-by trips are deducted. The concept is better understood based on the following example: (10 trips x (100% - 30% pass-by rate)) = 7 trips or 70% new trips). While the ITE's Trip Generation does not recognize pass-by rates for uses other than retail, pass-by rates are utilized for uses such as offices, day care, entertainment and recreation uses to reflect how people move about the community. A pass-by trip is a trip that is traveling and stops at another land use between an origin point (commonly a dwelling) and a destination (place of employment). The detail for the % new trips is included in **Appendix F**.

Person Trip Factor

The person trip factor is used to convert vehicle trips to person trips based on the recently released 2017 National Household Travel Survey (NHTS). To obtain the most recent and localized data, the travel survey was evaluated specifically for Florida. The person trip factors vary by trip purpose. There are two sets of person trip factors. The person trip factor is based on trips of 10 miles or less (**Appendix G**). The survey data used to calculate the person trip factor is based on over 6,200 unique survey data points from the 2017 NHTS.

Person Trip Length

The person trip length is based on the recently released 2017 National Household Travel Survey (NHTS). To obtain the most recent and localized data, the travel survey was evaluated specifically for Florida. The person trip lengths vary by trip purpose. There are two sets of person trip lengths. The person trip lengths are based on trips of 10 miles or less (**Appendix G**). The survey data used to calculate the person trip length is based on 6,200 plus unique survey data points.

Origin and Destination Adjustment Factor

Trip generation rates represent trip-ends at the site of a land use. Thus, a single origin trip from home to work counts as one trip-end for the residence and from work to the residence as one trip-end, for a total of two trip ends. To avoid double counting of trips, the net person trips are multiplied by 50%. This distributed the impact of travel equally between the origin and destination of the trip and eliminates double charging for trips.

Person Travel Demand (PTD) per Use

The result of multiplying trip generation rates, percentage of new trips, person trip length, the person trip factor and the origin and destination factor are the establishment of a per unit person miles of travel per use (**Appendix H**). The PTD per use reflects the projected person travel during an average weekday by the various uses in the mobility fee schedule.

MOBILITY FEE SCHEDULE

To ensure the rough proportionately test is addressed, the impact of individual land uses is evaluated through the development of a mobility fee schedule. The mobility fee is based on the person travel demand (PTD) for each land use within the two (2) assessment areas and the person miles of capacity rate (PMCr) established in **Table 10**. The calculated person miles of travel for each land use represents the full impact of that land use within the City (**Appendix I**). Payment of the mobility fee addresses full mitigation of the person travel demand generated by new development and redevelopment within the City. The calculations for determining the mobility fee per land use within each assessment area are illustrated in **Figure 18**.

FIGURE 18. MOBILITY FEE CALCULATION

Mobility Fee per Use (MFu)	
MFu Calculations	= PTD x PMCr
Where:	
PTDmd	= Person Travel Demand per Use
PMCr	= Person Miles of Capacity Rate
MFu	= Mobility Fee per Use

The proposed mobility fee schedule seeks to strike a balance between the City's Comprehensive Plan and current market trends. The recommended land uses included on the mobility fee schedule enable the City to use the mobility fee to implement the Comprehensive Plan and encourage desirable land uses and job creating land uses. The calculated mobility fee per use is provided in the mobility fee schedule (**Table 11**). The mobility fee is provided on a per sq. ft. basis, except for uses based on another unit of measure. For uses where the mobility fee is based on a unit of measure other than sq. ft., such as hotel or marina, the mobility fee schedule provides the applicable unit of measure. The mobility fees are rounded to the nearest hundredth place.

The mobility fee schedule proposes a streamlined approach to residential mobility fees that is easy to administer and addresses affordability. The schedule proposes a flat residential mobility fee rate per square foot, regardless of whether the residential use is single family, townhome, multi-family, or active adult. The mobility fee is set-up so that a 600 sq. ft. cottage pays a mobility fee for 600 sq. ft., if a house is 10,000 square foot, the mobility fee will be based on 10,000 sq. ft. The conversion to a per sq. ft. fee is consistent with how the building industry prices permits.

The City Council may wish to establish a maximum square footage for which a residential mobility fee would be assessed. Traditional fee assessments for residential uses includes fees based on either: (1) type of dwelling unit; (2) type of dwelling unit separated into tiers, or (3) type of dwelling unit separated on a per bedroom basis. The per sq. ft. approach is the most straightforward means to address affordability and overall impact.

The mobility fee schedule is broken down into three (3) components. The first (1st) component are overall categories of uses, such as residential or office. These overall categories include multiple uses under each category heading. These categories also specify the unit of measure to determine how the mobility fee will be calculated for the uses, such as per square foot (sq. ft.) or per the number of rooms. The second (2nd) component are individual use classifications such as community serving based on similar person travel demand and overall purpose for the use. These individual use classifications may be followed by representative examples of specific uses under each classification. The use classifications are what NUE Urban Concepts is recommending. The third (3rd) component is the mobility fee. The following is an example of each component of the mobility fee schedule:

Components of a Mobility Fee Schedule	
Use Categories, Land Uses Classifications, and Representative Land Uses	(3 rd - Mobility Fee)
(1 st - Use Category) = Institutional Uses per sq. ft.	
(2 nd - Use Classification) = Community Serving (Example = Civic, Place of Assembly)	\$0.00



TABLE 11. MOBILITY FEE SCHEDULE

Use Categories, Land Uses Classifications, and Representative Land Uses	Mobility Fee
Residential & Lodging Uses per unit of measure	
Residential per sq. ft.	\$1.05
Overnight Lodging (Bed & breakfast, Hotel, Inn, Motel, Vacation Rental) per room	\$1,763
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer) per space or lot	\$1,216
Institutional Uses per sq. ft.	
Community Serving (Civic, Place of Assembly, Museum, Gallery)	\$0.86
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	\$0.87
Private Education (Day Care, Private Primary School, Pre-K)	\$1.57
Recreational Uses per sq. ft., unless otherwise indicated	
Marina (Including dry storage) per berth	\$370
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis) per acre	\$1,873
Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)	\$3.54
Industrial Uses per sq. ft.	
Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)	\$0.58
Office Uses per sq. ft.	
Office (Bank, General, Higher Education, Professional)	\$1.62
Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)	\$2.43
Commercial & Retail Uses per sq. ft., unless otherwise indicated	
Local Retail (Entertainment, Restaurant, Retail, Sales, Services)	\$1.71
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)	\$3.42
Free-Standing Retail (Entertainment, Restaurant, Retail, Sales, Services)	\$4.67
Additive Fees for Commercial Services & Retail Uses, unit of measure as indicated	
Bank Drive-Thru or Free-Standing ATM per lane or ATM	\$7,174
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax) per lane or stall	\$3,420
Motor Vehicle Charging or Fueling per charging or fueling position	\$6,318
Pharmacy Drive-Thru per lane	\$4,500
Quick Service Restaurant Drive-Thru per lane	\$16,862

MOBILITY FEE CALCULATIONS

The following are a few examples for how the mobility fee would be calculated for a use:

Single Family Detached Dwelling Unit (2,000 sq. ft.)

Mobility Fee: 2,000 sq. ft. x \$1.05 per sq. ft. = \$2,010

Single Family Attached / Townhouse (1,600 sq. ft.)

Mobility Fee: 1,600 sq. ft. x \$1.05 per sq. ft. = \$1,680

Multi-Family Dwelling Unit (1,000 sq. ft.) Inside Multimodal District Area

Mobility Fee: 1,000 sq. ft. x \$1.05 per sq. ft. = \$1,005

Overnight Lodging (100 rooms)

Mobility Fee: 100 rooms x \$1,763 per room = \$176,300

Outdoor Commercial Recreation (10 acres)

Mobility Fee: 10 acres x \$1,873 per acre = \$18,730

Office (3,000 sq. ft.)

Mobility Fee: 3,000 sq. ft. x \$1.62 per sq. ft. = \$4,860

Doctors Office (4,000 sq. ft.)

Mobility Fee: 4,000 sq. ft. x \$2.43 per sq. ft. = \$9,720

Local Retail (2,500 sq. ft.)

Mobility Fee: 2,500 sq. ft. x \$1.71 per sq. ft. = \$4,275

Restaurant (3,000 sq. ft.) in a Multi-Tenant Center

Mobility Fee: 3,000 sq. ft. x \$3.42 per sq. ft. = \$10,260

Free Standing Convenience Store (5,000 sq. ft.) with-out Gas

Mobility Fee: 5,000 x \$4.67 per sq. ft. = \$23,350

Free Standing Convenience Store (5,000 sq. ft.) with eight (8) Fuel Positions (FP)

Mobility Fee: 5,000 x \$4.67 per sq. ft. = \$23,350 plus 8 FP \$6,318 x 8 = \$50,544
\$23,350 + \$50,544 = \$73,894

Free Standing Quick Service Restaurant (2,000 sq. ft.) with-out Drive-Thru

Mobility Fee: 2,000 x \$4.67 per sq. ft. = \$9,340

Free Standing Quick Service Restaurant (2,000 sq. ft.) with one Drive-Thru Lane

Mobility Fee: 2,000 x \$4.67 per sq. ft. = \$9,340 plus One Drive-Thru = \$16,862 = total \$26,202

ST. JOHNS ROAD IMPACT FEE COMPARISON

The City of St. Augustine does not currently assess a road impact fee or a mobility fee. St. Johns County has assessed a road impact fee for over 20 years in the unincorporated portions of the County. The County assesses a uniform road impact fee per use across the County (**Appendix I**). The County last updated its road impact fee in 2018, with a significant increase in residential road impact fees and a political decision to reduce the road impact fee by 40% for non-residential uses. The County indicated at the time that they would pay the 40% reduction from other revenue sources. It is unknown if the County has allocated other revenues to make up the difference. Regardless of whether the County does or does not make up the difference, new development in unincorporated County is assessed a road impact fee for non-residential uses that is reduced by 40%. Caution is needed whenever comparing fees between local governments.

The County road impact fee is not based on a plan of improvements. It is calculated based on vehicle miles of travel and features a schedule of uses that is different than the schedule developed for St. Augustine's mobility fee. The St. Augustine mobility fee is based on the multimodal projects included in the 2040 Mobility Plan and the mobility fee is based on the person miles of capacity provided by the multimodal projects and the person travel demand from new development. The County's road impact fee features tiered rates for residential units. The City's mobility fee features a flat rate per square foot, which more accurately reflects impact. The residential rates are significantly lower in the City than those assessed in the County. The mobility fee rates for non-residential uses are closer to the St. Johns non-residential rates. A comparative analysis has been prepared between the City's mobility fee and the approximate equivalent use in the County (**Appendix J**). The comparison shows the City's fee per 1,000 sq. ft. or applicable unit of measure. This was done for comparison purposes only. The comparison also includes the City's mobility fee per sq. ft. of applicable unit of measure. The comparison is not apples to apples as both fees have different uses and both fees are based on different methodologies.

MOBILITY FEE BENEFIT DISTRICT

The benefit test of the dual rational nexus test requires that local governments establish separate areas within which mobility fees collected are earmarked for expenditure. The mobility fee proposes a single Citywide Benefit District (**Map E**). The establishment of a Mobility Fee Benefit District ensures that mobility fees collected within the District are expended on multimodal projects within the District to the benefit of development which pays the fee. Implementation of the Mobility Fee Benefit District ensures the second requirement of the dual rational nexus test is met by clearly defining where funds are collected and where they are expended.

DEFINITIONS

The following are definitions of unique terms referenced in this Technical Report. These definitions will be incorporated by reference into the implementing ordinance:

Additive Fee means a mobility fee based on a unit of measure that is assessed for a component of a high impact use that is outside of the square footage of the building and generates person travel demand. Additive fees are combined with any assessed mobility fee based on the square footage of a building or structure for the use. The mobility fee rate for additive fees is based on the unique units of measure under the additive fee category.

Assessment Area shall mean means a geographic area of the City where mobility fees are assessed on new development activity.

Autonomous transit shuttle shall mean a vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself with or without the active intervention of a human operator.

Bank Drive-Thru or Free-Standing ATM shall mean any bank or financial institution with a drive-thru lane used for banking purposes such as deposits, withdrawals, balance inquires, or bill pay. The drive-thru may include either a teller window, pneumatic device for transferring banking information or funds, or an Automated Teller Machine (ATM). An ATM inside or attached to a building that has a use open to the public or end user is not assessed a separate fee as a stand-alone ATM. Credit Unions and Savings and Loans are also considered to be banks for purposes of this definition and the applicable mobility fees. This use also includes free standing bank drive-thru lanes and freestanding walk-up or drive-thru ATM machines. The fee shall be based upon the total number of drive-thru lanes with a banking window, pneumatic device or ATM and/or the total number of free-standing ATM's. Free-standing ATM's may be either walk-up or feature drive-thru lanes.

Benefit District shall mean areas designated in the applicable mobility fee ordinance where fees that are paid by new development activity are expended.

Capacity shall mean the maximum sustainable flow rate, at a service standard, at which persons or vehicles reasonably can be expected to traverse a point or a uniform section of a bicycle facility, pedestrian facility, roadway, or shared-use multimodal facility during a given time-period under prevailing conditions. For transit, the capacity is the maximum number of persons reasonably accommodated riding a transit vehicle, along with the frequency and duration of transit service.

Commercial and retail shall mean those activities which provide for sale, lease or rent of products, good, services, entertainment, consumption, accommodations or use of space to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900, except for land uses otherwise defined separately within the mobility fee schedule.

Commercial and Retail Uses shall mean those commercial activities which provide for sale, lease, or rent of goods, products, services, vehicles, or accommodations for use by individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900.

Community Serving shall mean those uses that are operated by non-profit civic originations, governmental entities, foundations, or fraternal organizations, including places of assembly. Community serving also includes uses such as YMCA, museum, art studio, gallery, cultural center, community meeting spaces, community theater, library, or a fraternal or masonic lodge or club, or any community and civic based uses that do not sell retail goods or services for profit and that participates in community and public activities. Food, beverages, goods, and services maybe offered for ancillary fundraising and sales to support the community serving use.

Complete Streets shall mean a transportation policy and design approach that requires multimodal transportation improvements to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation and to allow for safe travel by those walking, bicycling or using other forms of non-motorized travel, riding public transportation or driving motor vehicles or low speed electric vehicles. Separate and defined spaces are provided for the various modes of travel planned within the street cross-section.

Free-Standing Retail shall mean entertainment, personal service, and retail uses in a single building where any single use under common ownership exceeds 75% of the total square footage of the building. Land Use Codes under the 800 and 900 series and Land Use Codes 445.

Indoor Commercial Recreation shall mean that primarily focus on individual or group fitness, exercise, training or provide recreational activities. The uses typically provide exercise, dance or cheerleading classes, weightlifting, yoga, Pilates, cross-fit training, fitness and gymnastics equipment. Indoor commercial recreation also includes uses such as bowling, pool, darts, arcades, video games, batting cages, trampolines, laser tag, bounce houses, skating, climbing walls, and performance centers. Food, beverages, equipment and services maybe offered for ancillary sales.

Industrial shall mean those activities which are predominantly engaged in building and construction trades, the assembly, finishing, processing, packaging, or distribution of goods or products, utilities, recycling, waste management and uses that include brewing and distilling that may have taps, sampling or tasting rooms, and include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100 but excluding governmental uses. Industrial uses typically have ancillary office space and may have display or merchandise display areas for various trades and industries that are not open to the general public. Industrial uses are also located in land uses and zoning districts intended for industrial uses. Commercial storage means facilities or acreage in which one or more warehouses, storage units or vaults are rented for the storage of goods and/or acreage or is providing for the storage of boats, RVs, vehicle trailers and other physical items that are larger

than what is typically stored within an enclosed structure. The acreage for outdoor storage, excluding drive aisles, buffers, and stormwater management areas, shall be converted to square footage for purposes of calculating the fee. This shall not include an individual's personal property where such items are stored by the owner of the land and not for commercial purposes, subject to allowance by land development and zoning regulations.

Industrial Uses shall mean those activities which are predominantly engaged in the assembly, finishing, processing, packaging, and/or storage, warehousing or distribution of products and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100 but excluding governmental uses.

Institutional Uses shall mean those public or quasi-public uses that serve one or more community's social, educational, health, cultural, and religious needs and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 500, and includes Land Use Codes 253, 254, 255, and 620. Land Use Codes 540 and 550 are included in office uses and 580 and 590 falls under Community Serving. Federal, state, and local government institutional uses, except for Community Development Districts, are exempt from payment of mobility fees, unless authorized by law.

ITE Trip Generation Manual shall mean and refer to the latest edition of the report entitled "Trip Generation" produced by the Institute of Transportation Engineers (ITE), and any official updates hereto, as approved by Public Works.

Level of Service (LOS) shall mean a quantitative stratification of the level of service provided to a by a facility, roadway, or service stratified into six letter grade levels, with "A" describing the highest level and "F" describing the lowest level: a discrete stratification of a level of service continuum.

Local Retail shall mean entertainment, restaurant, retail, sales, or services under ITE Land Use Codes 800 and 900 that are locally owned and are not national chains or national franchisee. Local shall be defined as five or fewer locations in Florida and no locations outside Florida. Local retail uses maybe located in multi-tenant or free-standing buildings. The City Commission may expand the definition of local in the administrative procedures to include retail uses founded or with headquarters in Clay, Duval, Flagler, or St. Johns Counties, along with other criteria for determining uses that would qualify as local retail.

Long Term Care shall mean communities designed for long term care of on-site residents, such as assisted living facilities, congregate care facilities and nursing homes, with common dining and on-site health facilities for residents that is not a general retail or commercial use open to the public. This use includes ITE Trip Generation Manual Land Use Codes 253, 254, 255, and 620.

Low Speed Streets shall mean a multimodal transportation facility based on either the Dutch Woonerf concept that treats all modes equally with no defined spaces for any mode or bicycle boulevards which deprioritize vehicles and feature pavement markings, signage and posted speed

limits. Low speed streets also include shared streets which typically do not have raised curbs, distinct pavement markings, traffic control devices, defined parking spaces, or vehicular speed limit signs or have posted speed limits 15 MPH or less. A low-speed street often features signage and sometimes a speed limit that indicates there are multiple users of the shared street.

Marina shall mean facilities that provide docks and berths for boats. Any buildings for shops, retail, or restaurants would fall under the retail land use and pay the mobility fee rate for retail uses.

Medical Office shall mean a building or buildings that provide medical, dental or veterinary services and care. Medical office shall also include any clinics, emergency care uses, hospitals and any uses specified in the ITE Trip Generation Manual under Land Use Code Series 600, including Land Use Code 720. Land Use Code 620 is included under Long Term Care land uses.

Micromobility shall mean electric powered personal mobility devices such as electric bicycles, electric scooters, hoverboards, One-Wheel, Unicycle, electric skateboards and other electric assisted personal mobility devices. Low speed vehicles such as golf carts or mopeds are not considered personal micromobility devices.

Microtransit Vehicle shall mean low speed vehicles such as autonomous transit shuttles, golf carts neighborhood electric vehicles, or trolleys subject to requirements established by a governmental entity responsible for approval, permitting or regulating said vehicles.

Mobile Residence shall mean land uses for the temporary or permanent placement of Mobility Homes, RVs, Tiny Homes on Wheels, or Travel Trailers within predefined lots or spaces that have connections for communications, electric, water and wastewater. Mobile residential parks may have common amenities and building with recreation uses, laundry and park office.

Mobility shall mean the ability to move people and goods from an origin to a destination by multiple modes of travel in a timely (speed) manner.

Mobility Fee shall mean a monetary exaction imposed on new development or redevelopment that generates personal miles of travel above the current use of land to fund multimodal projects identified in a mobility plan.

Mobility Fee Off-set shall mean the equivalent amount of a mobility fee associated with an existing use of a building that is being redeveloped or where a change of occupancy or use is requested. The equivalent mobility fee shall be based on the current use of the building, or the most recent use of the building for a vacant building. Upon demolition of a building, offsets shall be available for up to five years from the date of demolition, unless otherwise provided for in a written agreement with the City or specified in an implementing ordinance.

Mobility Plan shall mean the plan adopted by the City of St. Augustine that identifies multimodal projects to meet the person miles of travel demands of new development activity.

Mode shall mean the choice of travel that a person undertakes and can include walking, jogging, running, bicycling, paddling, scooting, flying, driving a vehicle, riding a boat, transit, taxi or using a new mobility technology.

Motor Vehicle & Boat Cleaning shall mean a building, stalls, stations, or tunnels for the cleaning, detailing, polishing, washing, or waxing of motor vehicles or boats which fall under the description of ITE Trip Generation Manual Land Use Code Series 800 and 900. The fee is based on both the number of lanes and stalls.

Motor Vehicle Charging or Fueling shall mean the total number of vehicles that can be charged or fueled at one time (fueling positions). Increasingly, land uses such as superstores, (i.e., super Wal-Mart), variety stores, (i.e., Dollar General), and wholesale clubs (i.e., Costco) are also offering vehicle fueling with or without small convenience stores. Outside of Florida, several grocery store chains are also starting to sell fuel. The mobility fee rate per fueling position would be in addition to any mobility fee per square foot under the applicable retail land use with vehicle fueling. Motor vehicle charging stations that do not require a customer to pay for charging are exempt from payment of the mobility fee.

Multimodal shall mean multiple modes of travel including, but not limited to walking, bicycling, jogging, rollerblading, skating, scootering, riding transit, driving a golf cart, low speed electric vehicle or motor vehicle.

Multimodal projects shall mean improvements such as sidewalks, bike lanes, trails, paths, protected bike lanes, transit facilities, streetscape, landscape, roundabouts, raised medians, crosswalks, and high visibility crosswalks. Multimodal projects also include shared mobility programs and services, wayfinding, micromobility devices, programs and services, and microtransit vehicles and lanes. Improvements can include new or additional road travel lanes and turn lanes, complete and low speed streets, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, right-of-way, easements, stormwater facilities. Projects may also include the repayment of bonds, local match for federal, state and county funded projects, repayment of loans from the State of Florida Infrastructure Bank used to front-end the design and/or construction of multimodal improvements.

Multimodal project expenses shall mean expenditures for: (a) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding consistent with statutory allowances; (b) reasonable administrative and overhead expenses necessary or incidental to expanding and improving multimodal projects; (c) crosswalks, traffic control and crossing warning devices, landscape, trees, multimodal way finding, irrigation, hardscape, and lighting related to projects; (d) micromobility devices, programs and services, (e) transit circulators, facilities, programs, shuttles, services and vehicles; (f) reasonable expenses for engineering studies, stormwater reports, soil borings, tests,

surveys, construction plans, and legal and other professional advice or financial analysis relating to projects; (g) the acquisition of right-of-way and easements for the improvements, including the costs incurred in connection with the exercise of eminent domain; (h) the clearance and preparation of any site, including the demolition of structures on the site and relocation of utilities; (i) floodplain compensation, wetland mitigation and stormwater management facilities; (j) all expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other forms of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness; (k) reasonable costs of design, engineering and construction, including mobilization, maintenance of traffic during construction and CEI (construction engineering and inspection) services of related projects, (l) city administration, implementation updates to the mobility plan and mobility fee, including any assessments, counts or studies needed for projects.

Multi-Tenant Retail shall mean entertainment, restaurants, retail, sales, or services provided in a single building, with two (2) or more separate distinct uses under different corporate ownership where no single use exceeds 75% of the total square footage of the building. This includes land uses under ITE Land Use Codes Series under 800 and 900 and Land Use Codes 445.

New Development Activity shall mean any new residential and commercial construction, any new land development or site preparation activity, any new construction of buildings or structures, any modification, reconstruction, redevelopment, or upgrade of buildings or structures, any change of use of a building, land, or structure, and any special exception approval or special use permit that results in an increase in person travel demand above the existing use of property.

Non-Residential Square Feet shall mean the sum of the gross floor area (in square feet) of the area of each floor level under cover, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) and are used as part of primary use of the property of their use. If an area within or adjacent to the principal outside faces of the exterior walls is not enclosed, such as outdoor restaurant seating, areas used for storage of goods and materials, or merchandise display, and is determined to be a part of the primary use of property, this gross floor area is considered part of the overall square footage of the building. Areas for parking, circulation, ingress, egress, buffers, conservation, walkways, landscape, stormwater management, and easements or areas granted for transit stops or multimodal parking are not included in the calculation of square feet.

Office shall mean banks without drive-thru, financial services without drive-thru, general office, and professional activities primarily involving the provision of professional or skilled services, including but not limited to accounting, legal, real estate, insurance, financial, engineering, architecture, accounting, and technology.

Office Uses shall mean those businesses which provide professional services to individuals, businesses, or groups and which include those uses in the ITE Trip Generation Manual under Land Use Code Series 600 and 700 and includes Land Use Codes 540, 550, 911 and 912. Land Use Code 620 is included under institutional uses.

Off-site improvement shall mean improvements located outside of the boundaries of the parcel proposed for development. Access improvements required to provide ingress and egress to the development parcel, which may include rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes and deceleration/acceleration lanes, sidewalks, bike lanes, trails, paths, transit stops along with required traffic control devices, signage, and markings, and drainage and utilities, shall be considered on-site improvements.

Outdoor Commercial Recreation shall mean outdoor recreational activity including land uses with miniature golf, batting cages, video arcade, bumper boats, go-carts, golf driving ranges, tennis, racquet or basketball courts, soccer, baseball and softball fields, paintball, skating, cycling or biking that require paid admittance, membership or some other type of fee for use. Buildings for refreshments, bathrooms, changing and retail may be included. The fee shall be based upon the total acreage of the facility for active uses outside of buildings and all buildings used to carry out a primary function of the land use activity. Areas for parking, buffers and stormwater that are not active features of the land use are excluded from the fee acreage. The use would generally fall under the ITE Land Use Code 400 series.

Overnight Lodging shall mean places of accommodations, such as bed and breakfast, inns, motels, hotels and resorts that provide places for sleeping and bathing and may include supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and limited recreational facilities (pool, fitness room) intended for primary use by guest and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 300.

Person Miles of Capacity (PMC) shall mean the number of persons "capacity" that can be accommodated, at a determined standard, on a facility while walking, bicycling, riding transit, driving or using a mobility assisted device over a defined distance.

Person Miles of Travel (PMT) shall mean the number of miles traveled by each person on a trip to account for all miles traveled by, but not limited to, motor vehicle, transit, walking, bicycling or some other form of person powered, electric powered or gasoline powered device.

Person Travel Demand (PTD) shall mean travel demand from new development and redevelopment which results in an increase in travel over the existing use of land based on trip generation, pass-by trips, person trip factor, person trip length, person miles of travel, limited access factor, and origin and destination factor for the uses established in the mobility fee schedule.

Person Trip shall mean a trip by one person using one or more modes of travel including, but not limited to, driving a motor vehicle or low speed electric vehicle, riding transit, walking, bicycling or form of person powered, electric powered or gasoline powered device.

Pharmacy drive-thru shall mean the drive-thru lanes associated with a pharmacy. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up a prescription or item. The fee per drive-thru is in addition to the retail fee per square foot for the pharmacy building.

Private Education shall mean a building used for pre-school, private school, or day care. Private school (Pre-K to 12) shall mean a building or buildings in which students are educated by a non-governmental entity with grades ranging from pre-kindergarten to 12th grade. Private schools do not include charter schools, which are exempt from local government fees per Florida Statute. Day care shall mean a facility where care for young children or for older adults is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds.

Quick Service Restaurant Drive-Thru shall mean a quick service restaurant where an order for food is placed or a pick-up/delivery lane where an order is picked-up by either a customer that placed an online order or a delivery service. Quick service restaurants are establishments serving beverages, food, or both with higher turnover, quick service, and may feature either counter service or selection of items from a counter and would fall under the descriptions of ITE Trip Generation Manual Land Use Codes 930, 933, 934, 935, 936, 937, and 938. The vehicle will proceed to one or more common pick-up windows, lockers, stations, or functional equivalent after the order has been placed. Quick service restaurant with drive-thru maybe located in multi-tenant retail or free-standing retail buildings. This use also includes any quick service restaurants that do not offer indoor seating and are intended to primarily be served by vehicle delivery services or pick-up or drive-thru only orders placed online. These uses may provide a walk-up order window.

Quality of Service (QOS) shall mean a quantitative stratification of the quality of service of personal mobility stratified into six letter grade levels, with "A" describing the highest quality and "F" describing the lowest quality: a discrete stratification of a quality-of-service continuum.

Recreation Uses shall mean those public or quasi-public uses that serve a community's social, cultural, fitness, entertainment, and recreational needs, which include applicable land uses specified in the ITE Trip Generation Manual under Land Use Code Series 400 and 500.

Residential Uses shall mean a dwelling unit and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200.

Residential shall mean a dwelling unit and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200, except for Land Use Codes 253, 254, and 255. Residential includes tiny homes, accessory dwelling units, and dormitories.

Residential square feet shall be the sum of the area (in square feet) of each dwelling unit measured from the exterior surface of the exterior walls or walls adjoining public spaces such as multifamily or dormitory hallways, or the centerline of common walls shared with other dwelling units. Square feet include all livable, habitable, and temperature controlled enclosed spaces (enclosed by doors, windows, or walls). This square footage does not include unconditioned garages or unenclosed areas under roof. For multifamily and dormitory uses, common hallways, lobbies, leasing offices, and residential amenities are not included in the square feet calculation, unless that space is leased to a third-party use and provides drinks, food, goods, or services to the public or paid memberships available to individuals that do not reside in a dwelling unit.

Residential or lodging uses means a dwelling unit or room in overnight accommodations or mobile home or RV park and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200 and 300 and land use code 416. Land use codes 253, 254, and 255 are considered institutional uses.

Service Standard shall mean the adopted or desired quality or level of service for a bicycle facility, pedestrian facility, roadway, shared-use multimodal facility, or transit.

Shell building shall mean the foundational and structural elements that separate interior and exterior space and includes the roof, walls, windows, doors, mechanical systems, and rough plumbing and electric. Common areas are typically finished. Interior spaces are designed to be finished by the tenant with wall coverings, ceiling, flooring, lighting, electrical and plumbing finishes, and furnishings. The floor may or may not be finishing with concrete to allow for flexibility in the location of plumbing service lines.

Streetscape shall mean hardscape elements such as pavers, benches, lighting, trash and recycling receptacles, fountains, seating, shade structure, crosswalks, landscape elements such as canopy and understory trees, shrubs, bushes, grasses and flowers, green infrastructure and architectural structures and projections that provide shade and protection from various weather conditions.

Vehicle Miles of Travel (VMT) shall mean a unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle. VMT is calculated by multiplying the length of a road segment by the total number of vehicles on that road segment.

Vehicle Trip shall mean a trip by one person driving a motor vehicle or a motorcycle.

CONCLUSION

The City of St. Augustine's mobility fee is based upon the multimodal projects included in the Mobility Plan. The Mobility Plan is a 20-year vision for moving people and providing choices through expansion of the multimodal transportation network by constructing bike lanes, multimodal ways, sidewalks, and trails. The Mobility Plan also proposes the conversion of existing streets to complete streets and low speed streets to encourage mobility through walking, bicycling, and riding microtransit circulators. The Mobility Plan also identifies regional improvements such as water taxis, multimodal connections and future rail service to accommodate the growth in regional travel by means other than just widening roads. The City will continue to work with the County, FDOT, adjacent Counties and the Northeast Florida TPO in a cooperative manner to improve transportation mobility within and surrounding the City.

A mobility fee is a streamlined, equitable way for new development to continue to mitigate its impact to the multimodal transportation system. The Mobility Plan projects are based on the projected increase in person miles of travel from new development activity within and around the City; consistent with the **"needs"** requirement of the dual rational nexus test. The mobility fee is based on the projected increase in person miles of capacity (PMC) provided by the multimodal projects identified in the Mobility Plan. These multimodal projects meet the demands for new person capacity attributable to new development activity as required by Florida Statute.

The implementation of a Citywide Mobility Fee Benefit District, where a mobility fee paid by new development activity is to be expended to fund the multimodal projects identified in the Mobility Plan, thus ensuring that the mobility fee will meet the **"benefits"** requirement of the dual rational nexus test. The City's mobility fee will be the only "fee" assessed on new development activity within the City to offset the impact on the City's multimodal transportation system.

The City of St. Augustine will determine how mobility fee revenue is allocated through its annual Capital Improvements Program. Mobility fee revenues may be expended on multimodal projects identified in the Mobility Plan and within the Citywide Mobility Fee Benefit District, so long as the multimodal projects are included in the City's Capital Improvements Program. As new mobility technologies and shared mobility services evolve, the City may consider future updates to its Mobility Plan and Comprehensive Plan to promote the movement of people through multiple modes of travel and new technology. The City will continue to utilize innovative parking management strategies to create a park-once environment on the periphery of the Historic Districts and encourage visitors to utilize multimodal transportation to explore the City.

It is recommended that the City move forward with adoption of the mobility fee based on the Mobility Plan. If the City desires to lower the fee, then it should consider including potential available funding sources to lower the fee, as opposed to an arbitrary reduction of the mobility fee or a phased-in mobility fee. It is also recommended that the City consider incorporating an annual inflation index in the mobility fee ordinance so future updates will feature smaller increases in the mobility fee rate. This is especially important given the recent changes to Florida Statute Section 163.31801 that limit future increases unless there is a finding of extraordinary circumstances. Since the mobility fee is new and is not replacing an existing fee, the City can adopt the mobility fee at its fully calculated rate and index the mobility fee to inflation, so the size of future increases is lower due to the mobility fee being adjusted annually for inflation.

To ensure that the Mobility Plan and mobility fee is consistent with the Statutory requirement that fees be based on the most recent and localized date, the Mobility Plan and mobility fee should be updated no later than every five (5) years. Florida Statute requires that mobility fees reflect the most recent and localized data. There is the potential that there may be punitive measures in future statutory amendments for local governments that do not update their fees, such as the potential suspension of fees that are out of date. Thus, it is recommended that the City budget for updates three (3) years from the date of adoption and begin the update no later than four (4) years from the date of mobility fee adoption.

The City should consider development of an administrative service charge to cover the cost of administering, implementing, and updating the mobility fee. Florida Statute requires any administrative service charges not exceed the cost to administer the mobility fee program. The service charges can also address request for special studies, developer agreements, mobility fee off-sets and mobility fee credits. The City may also wish to consider adoption of administrative procedures to address day-to-day implementation of the mobility fee program.

The person miles of travel for each use included in the mobility fee schedule meet the “rough proportionality test” established through case law and Florida Statute 163.31801. The new growth evaluation demonstrates that new development is not being assessed more than its fair share of the cost of the Mobility Plan projects. Payment of the mobility fee addresses full mitigation of the person travel demand generated by new development activity within the City. The Mobility Plan and the calculated mobility fee are consistent with the requirements of Florida Statutes 163.3180 and 163.319801 and meet all legal requirements.

Map A

Streets Plan

Map B

Walking and Bicycling Plan

FEBRUARY 2022

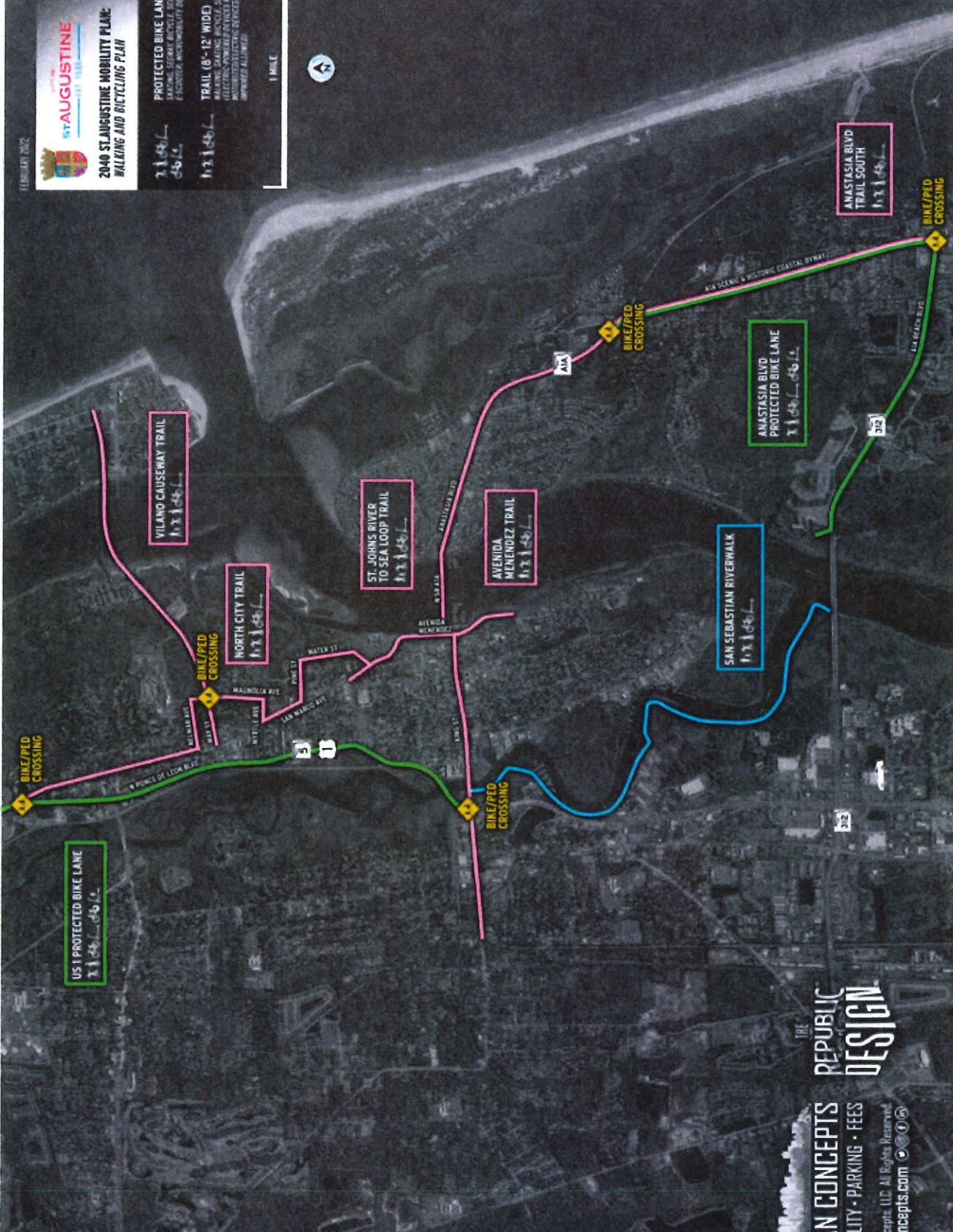


2040 ST. AUGUSTINE MOBILITY PLAN: WALKING AND BICYCLING PLAN

PROTECTED BIKE LANE (6'-8' WIDE)
SKATING, SEEMAY, BICYCLE, SCOOTER & BICYCLE
E-SCOOTER, BICYCLABILITY DEVICES

TRAIL (8'-12' WIDE)
SKATING, SEEMAY, BICYCLE, SCOOTER
COLLECTING, POWERED DEVICES PROHIBITED
PROHIBITED ELECTRIC DEVICES FOR MOBILITY
IMPROVED ALLOWED

1 MILE



THE REPUBLIC
DESIGN

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

Map C

Multimodal Ways Plan

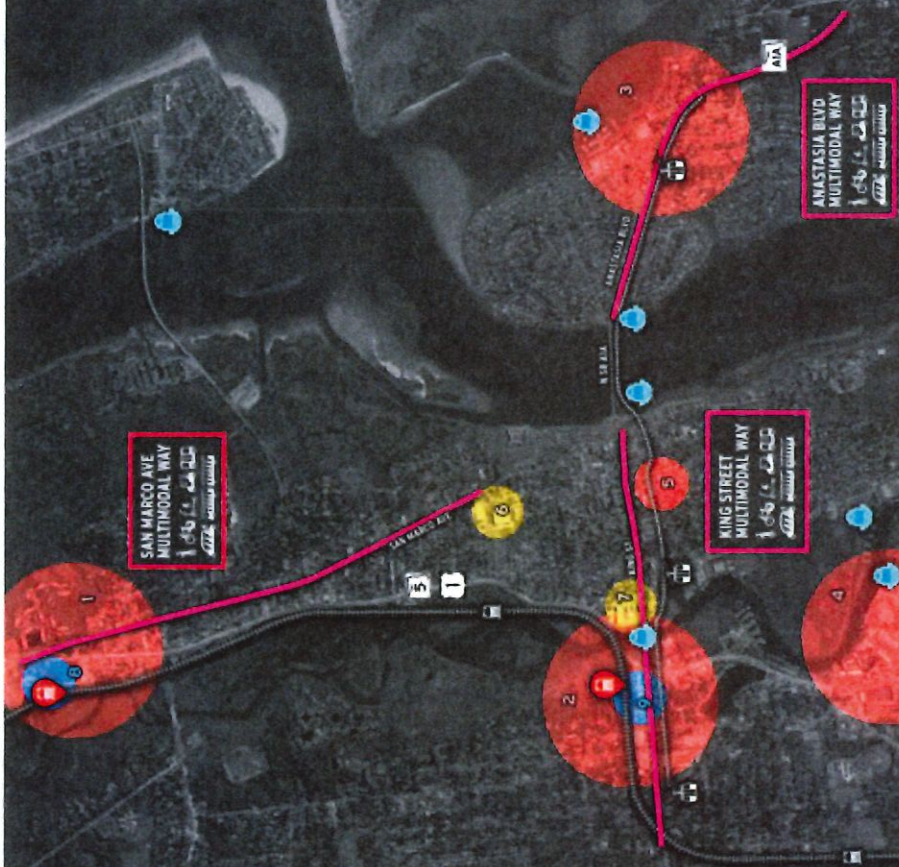
FEBRUARY 2022



**2040 ST. AUGUSTINE MOBILITY PLAN:
MULTIMODAL WAYS PLAN**

- FUTURE AREAS FOR PARKING GARAGES**
- 1. NORTH GARAGE
 - 2. WEST GARAGE
 - 3. EAST GARAGE
 - 4. SOUTH GARAGE
 - 5. CENTRAL GARAGE
- EXISTING PARKING GARAGES**
- 6. HISTORIC GARAGE
 - 7. FLORIDA COLLEGE PARKING GARAGE
- TRANSIT ORIENTED DEVELOPMENT (TOD)**
- 8. FUTURE TOD CORNER
 - 9. BROADWAY PROPERTY
- PARK & RIDE**
- 10. PARK AND RIDE FACILITY
- MULTIMODAL WAY (8' - 9' WIDE)**
- SEGMENT 1: BICYCLE, E-SCOOTER, GOLF CARTS
 - ELECTRIC MOBILITY DEVICES, AUTOMOBILES
 - TRANSIT AND TRAILS, LOW SPEED VEHICLES
- AERIAL TRAM**
- WATER TAXI STOP**
- REGIONAL RAIL**
- FUTURE RAIL STATION**

1 MILE



THE REPUBLIC
DESIGN

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

Map D

Transit Circulator Plan

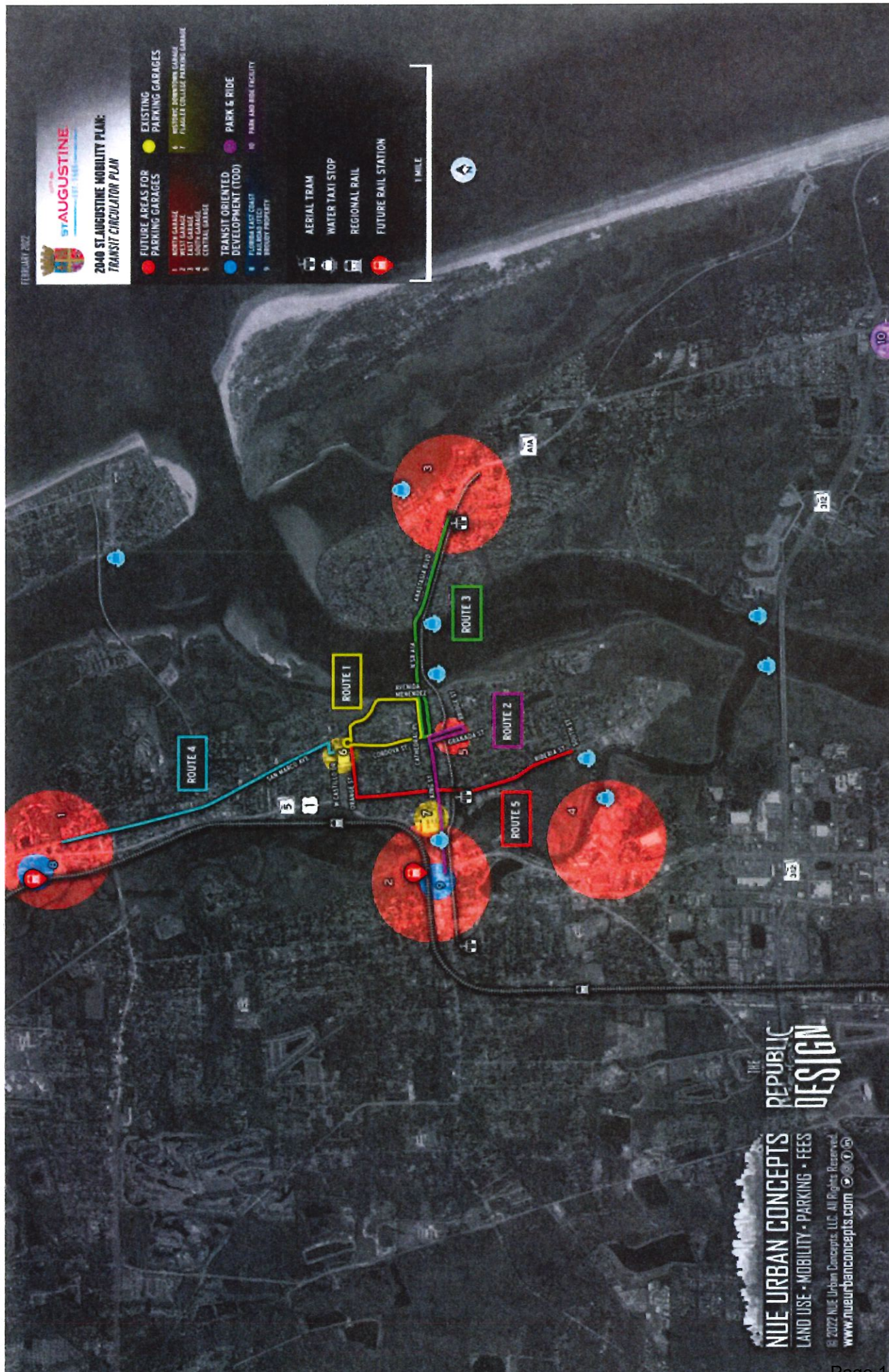
FEBRUARY 2022



2040 ST. AUGUSTINE MOBILITY PLAN: TRANSIT CIRCULATION PLAN

- FUTURE AREAS FOR PARKING GARAGES**
 - 1 NORTH GARAGE
 - 2 WEST GARAGE
 - 3 EAST GARAGE
 - 4 SOUTH GARAGE
 - 5 CENTRAL GARAGE
- EXISTING PARKING GARAGES**
 - 6 EXISTING DOWNTOWN GARAGE
 - 7 EXISTING COLLEGE PARKING GARAGE
- TRANSIT ORIENTED DEVELOPMENT (TOD)**
 - 8 FLORIDA EAST COAST
 - 9 BROWNSVILLE
- PARK & RIDE**
 - 10 PARK AND RIDE FACILITY
- AERIAL TRAM**
- WATER TAXI STOP**
- REGIONAL RAIL**
- FUTURE RAIL STATION**

1 MILE



THE REPUBLIC DESIGN
NUE URBAN CONCEPTS
 LAND USE • MOBILITY • PARKING • FEES
 © 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

Map E

Mobility Fee Assessment Area & Benefit District



ST. AUGUSTINE
EST. 1565

2040 ST. AUGUSTINE MOBILITY PLAN:
MOBILITY FEE ASSESSMENT AREA & BENEFIT DISTRICT



CITY LIMITS



1 MILE



THE REPUBLIC
DESIGN

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

© 2022 NUE Urban Concepts, LLC. All Rights Reserved.
www.nueurbanconcepts.com

Appendix A

Quality of Service (QOS) Evaluation

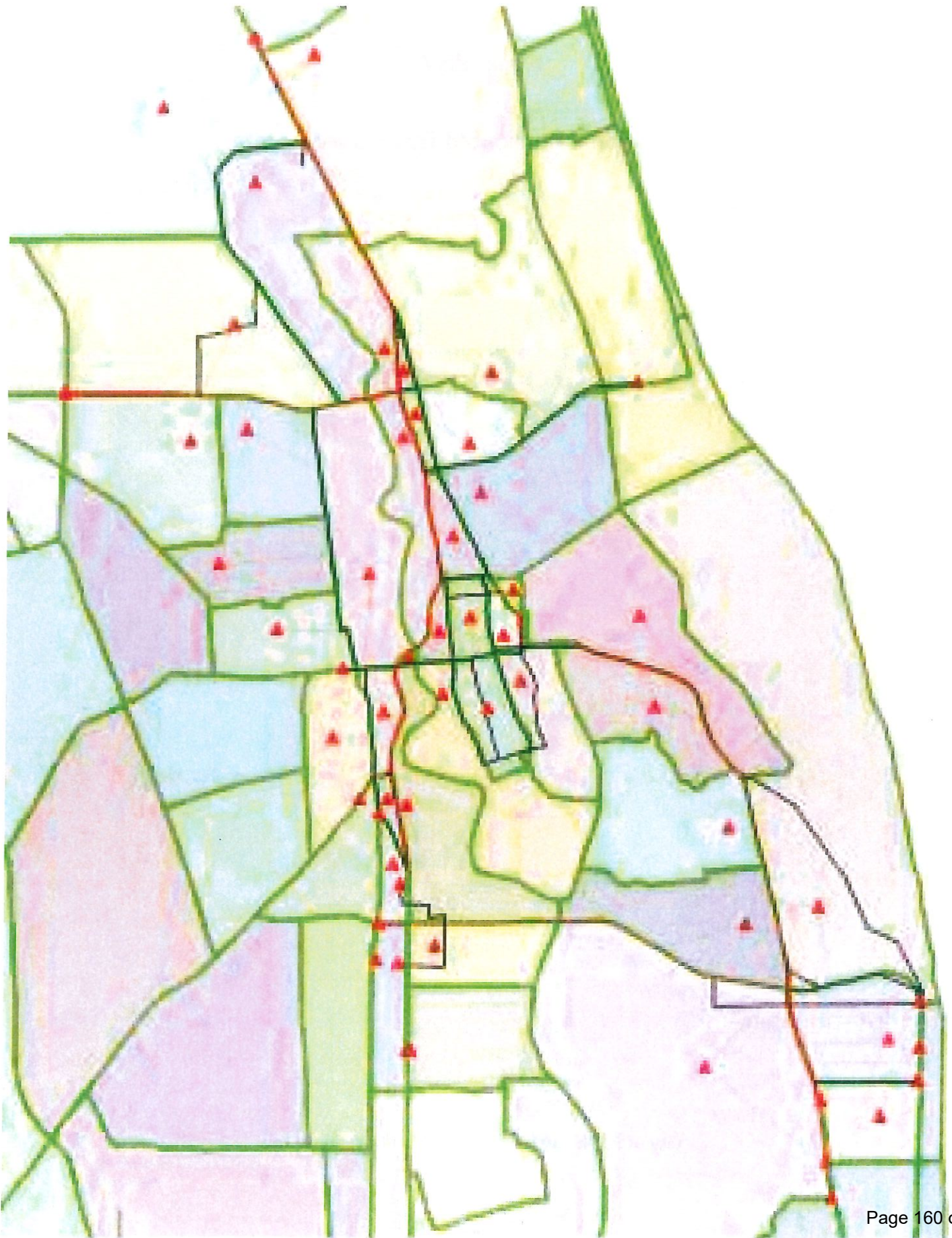
Appendix A: City of St. Augustine Street Quality of Service (QOS)					
Road	From	To	Posted Speed Limit	Street QOS	Length
King Street	City Limits	Palmer Street	25	C	0.21
King Street	Palmer Street	Ponce De Leon Blvd (US 1)	25	C	0.25
King Street	Ponce De Leon Blvd (US 1)	Riberia Street	25	C	0.38
King Street	Riberia Street	Cordova Street	25	C	0.27
King Street	Cordova Street	Avenida Menendez	25	C	0.18
Bridge of Lions (A1A)	Avenida Menendez	Dolphin Drive	30	D	0.45
Anastasia Blvd (A1A)	Dolphin Drive	Arredondo Avenue	30	D	0.29
Anastasia Blvd (A1A)	Arredondo Avenue	Comares Avenue	40	E	0.36
Anastasia Blvd (A1A)	Comares Avenue	SR 312	40	E	2.18
A1A Beach Blvd	Anastasia Blvd (A1A)	Pope Road	45	E	1.00
Dixie Hwy (US 1)	SR 312	SR 207	45	E	0.97
Ponce De Leon Blvd (US 1)	SR 207	Lewis Blvd	45	E	0.42
Ponce De Leon Blvd (US 1)	Lewis Blvd	King Street	35	E	0.28
Ponce De Leon Blvd (US 1)	King Street	Castillo Drive	35	E	0.67
Ponce De Leon Blvd (US 1)	Castillo Drive	May Street	40	E	0.69
Ponce De Leon Blvd (US 1)	May Street	SR 16	40	E	0.57
Ponce De Leon Blvd (US 1)	SR 16	San Marco Avenue	45	E	0.54
Ponce De Leon Blvd (US 1)	San Marco Avenue	Lewis Speedway	45	E	1.25
Avenida Menendez (A1A)	St. Francis Street	King St	20	B	0.31
Avenida Menendez (A1A)	King Street	Cuna Street	25	C	0.25
Castillo Drive (A1A)	Cuna Street	San Marco Avenue	25	C	0.33
Castillo Drive	San Marco Avenue	Ponce De Leon Blvd (US 1)	25	C	0.31
San Marco Avenue (A1A)	Castillo Drive	May Street	25	C	0.77
San Marco Avenue	May Street	Ponce De Leon Blvd (US 1)	30	D	1.06
Cordova Street	St. George Street	King Street	20	B	0.57
Cordova Street	King Street	Orange Street	20	B	0.39
Bridge Street	Cordova Street	Riberia Street	20	B	0.53
South Street	Marine Street	Riberia Street	20	B	0.39
Orange Street	Castillo Drive (A1A)	Ponce De Leon Blvd (US 1)	20	B	0.46
ML King Avenue	South Street	King Street	20	B	0.68
Riberia Street	South Street	King Street	25	C	0.72
Riberia Street	King Street	Orange Street	20	B	0.41
Riberia Street	Orange Street	Castillo Drive (A1A)	25	C	0.12
May Street (A1A)	San Marco Avenue (A1A)	Magnolia Avenue	30	D	0.23
May Street (A1A)	Magnolia Avenue	Coastal Highway (A1A)	40 / 45	E	1.60
SR 312	Dixie Hwy (US 1)	Matanzas River	45	E	1.00
SR 312	Matanzas River	Anastasia Blvd (A1A)	50	E	1.60

Appendix A: City of St. Augustine Street Quality of Service (QOS)					
Road	From	To	Posted Speed Limit	Street QOS	Length
SR 16	Lewis Speedway	Ponce De Leon Blvd (US 1)	35	E	0.40
Picolata Drive	Ponce De Leon Blvd (US 1)	San Marco Avenue	35	E	0.12
W. San Carlos Ave	San Marco Avenue	Ponce De Leon Blvd (US 1)	25	C	0.10
Old Moultrie Road	SR 312	Old Dixie Highway	35	E	0.69
Dixie Highway	Old Dixie Highway	SR 207	35	E	0.25
Dixie Highway	SR 207	Pellicer Lane	25	C	0.59
Pellicer Lane	Dixie Highway	King Street	25	C	0.13
Palmer Street	King Street	Evergreen Avenue	25	C	0.26
Evergreen Avenue	Palmer Street	Masters Drive	25	C	0.05
Masters Drive	Evergreen Avenue	SR 16	25	C	1.44
Source: City of St. Augustine. Prepared by NUE Urban Concepts, 2022					

Appendix B

Traffic Analysis Zones (TAZs) & Regional Model Network

**APPENDIX B: ST. AUGUSTINE
TRAFFIC ANALYSIS ZONES (TAZs) & MODEL NETWORK**



Appendix C

2017 National Household Travel Survey Data

Appendix C: 2017 National Household Travel Survey Data for Florida

Trip Purpose	Trip Length	Number of Trips	Average Trip Length	Number of Persons	Person Trip Rate	Person Miles of Travel (PMT)	PMT Rate	Vehicle Miles of Travel (VMT)	Average Trip Length	Number of Vehicles	# of Person per Vehicle	Vehicle Occupancy
Buy Goods	2,873.55	957.00	3.00	1,649	1.72	4,951.40	1.74	2,847.37	3.11	917	1,603	1.75
Buy Meals	1,639.97	508.00	3.23	1,132	2.23	3,751.52	2.32	1,617.02	3.55	455	1,000	2.20
Buy Services	481.82	154.00	3.13	267	1.73	795.87	1.65	480.95	3.19	151	263	1.74
Family Care	27.14	8.00	3.39	19	2.38	73.05	2.85	25.67	3.67	7	17	2.43
Entertainment	574.78	175.00	3.28	405	2.31	1,331.73	2.42	549.44	3.90	141	321	2.28
Errand / Library / PO	365.80	161.00	2.27	237	1.47	521.09	1.46	355.80	2.58	138	211	1.53
Exercise	547.95	234.00	2.34	374	1.60	834.82	1.80	462.84	3.53	131	203	1.55
Home	6,410.86	2,067.00	3.10	3,801	1.84	12,512.18	2.04	6,135.43	3.53	1,737	3,334	1.92
Medical	397.13	97.00	4.09	148	1.53	623.71	1.58	395.92	4.17	95	146	1.54
Religious	501.36	127.00	3.95	279	2.20	1,143.73	2.30	497.76	4.18	119	268	2.25
School	417.15	121.00	3.45	256	2.12	872.79	2.20	396.80	3.71	107	242	2.26
Work	2,481.70	615.00	4.04	766	1.25	2,958.97	1.21	2,450.82	4.24	578	710	1.23
Total	16,719.21	5,224.00	3.20	9,333	1.79	30,370.87	1.87	16,215.82	3.54	4,576	8,318	1.82

Note: 2017 National Household Travel Survey Data for the State of Florida based on trips of 10 miles or less in length

Appendix D

Florida Department of Transportation (FDOT) Generalized Service Volumes

**Generalized Annual Average Daily Volumes for Florida's
Urbanized Areas**

TABLE 1

12/18/12

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	16,800	17,700	**	4	47,400	64,000	77,900	84,600	
4	Divided	*	37,900	39,800	**	6	69,900	95,200	116,600	130,600	
6	Divided	*	58,400	59,900	**	8	92,500	126,400	154,300	176,600	
8	Divided	*	78,800	80,100	**	10	115,100	159,700	194,500	222,700	
						12	162,400	216,700	256,600	268,900	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	7,300	14,800	15,600	4	45,800	61,500	74,400	79,900	
4	Divided	*	14,500	32,400	33,800	6	68,100	93,000	111,800	123,300	
6	Divided	*	23,300	50,000	50,900	8	91,500	123,500	148,700	166,800	
8	Divided	*	32,000	67,300	68,100	10	114,800	156,000	187,100	210,300	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lanes Ramp					
Non-State Signalized Roadways - 10%						Present in Both Directions Metering					
						+ 20,000 + 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
2	Divided	Yes	No	+5%		2	Undivided	8,600	17,000	24,200	33,300
2	Undivided	No	No	-20%		4	Divided	36,700	51,800	65,600	72,600
Multi	Undivided	Yes	No	-5%		6	Divided	55,000	77,700	98,300	108,800
Multi	Undivided	No	No	-25%		Uninterrupted Flow Highway Adjustments					
-	-	-	Yes	+ 5%		Lanes	Median	Exclusive left lanes	Adjustment factors		
One-Way Facility Adjustment						2	Divided	Yes	+5%		
Multiply the corresponding two-directional volumes in this table by 0.6						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE²						¹ Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.					
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						² Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicyclists or pedestrians using the facility.					
Paved Shoulder/Bicycle Lane Coverage						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
		B	C	D	E	* Cannot be achieved using table input value defaults.					
0-49%		*	2,900	7,600	19,700	** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
50-84%		2,100	6,700	19,700	>19,700						
85-100%		9,300	19,700	>19,700	**						
PEDESTRIAN MODE²						Source:					
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						Florida Department of Transportation					
Sidewalk Coverage						Systems Planning Office					
		B	C	D	E	www.dot.state.fl.us/planning/systems/sm/los/default.shtm					
0-49%		*	*	2,800	9,500						
50-84%		*	1,600	8,700	15,800						
85-100%		3,800	10,700	17,400	>19,700						
BUS MODE (Scheduled Fixed Route)³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage											
		B	C	D	E						
0-84%		> 5	≥ 4	≥ 3	≥ 2						
85-100%		> 4	≥ 3	≥ 2	≥ 1						

TABLE 1
(continued)

**Generalized Annual Average Daily Volumes for Florida's
Urbanized Areas**

12/18/12

INPUT VALUE ASSUMPTIONS	Uninterrupted Flow Facilities				Interrupted Flow Facilities					
					State Arterials				Class I	
	Freeways	Core Freeways	Highways		Class I		Class II		Bicycle	Pedestrian
ROADWAY CHARACTERISTICS										
Area type (u,lu)	lu	lu	u	u	u	u	u	u	u	u
Number of through lanes (both dir.)	4-10	4-12	2	4-6	2	4-8	2	4-8	4	4
Posted speed (mph)	70	65	50	50	45	50	30	30	45	45
Free flow speed (mph)	75	70	55	55	50	55	35	35	50	50
Auxiliary Lanes (n,y)	n	n								
Median (n, nr, r)			n	r	n	r	n	r	r	r
Terrain (l,r)	l	l	l	l	l	l	l	l	l	l
% no passing zone			80							
Exclusive left turn lane impact (n, y)			[n]	y	y	y	y	y	y	y
Exclusive right turn lanes (n, y)					n	n	n	n	n	n
Facility length (mi)	4	4	5	5	2	2	1.9	1.8	2	2
Number of basic segments	4	4								
TRAFFIC CHARACTERISTICS										
Planning analysis hour factor (K)	0.090	0.085	0.090	0.090	0.090	0.090	0.090	0.090	0.090	0.090
Directional distribution factor (D)	0.547	0.547	0.550	0.550	0.550	0.560	0.565	0.560	0.565	0.565
Peak hour factor (PHF)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Base saturation flow rate (pcphpl)			1,700	2,100	1,950	1,950	1,950	1,950	1,950	1,950
Heavy vehicle percent	4.0	4.0	2.0	2.0	1.0	1.0	1.0	1.0	2.5	2.0
Local adjustment factor	0.91	0.91	0.97	0.98						
% left turns					12	12	12	12	12	12
% right turns					12	12	12	12	12	12
CONTROL CHARACTERISTICS										
Number of signals					4	4	10	10	4	6
Arrival type (1-6)					3	3	4	4	4	4
Signal type (a, c, p)					c	c	c	c	c	c
Cycle length (C)					120	150	120	120	120	120
Effective green ratio (g/C)					0.44	0.45	0.44	0.44	0.44	0.44
MULTIMODAL CHARACTERISTICS										
Paved shoulder/bicycle lane (n, y)									n, 50%, y	n
Outside lane width (n, t, w)									t	t
Pavement condition (d, t, u)									t	
On-street parking (n, y)										
Sidewalk (n, y)										n, 50%, y
Sidewalk/roadway separation(a, t, w)										t
Sidewalk protective barrier (n, y)										n
LEVEL OF SERVICE THRESHOLDS										
Level of Service	Freeways	Highways		Arterials		Bicycle	Ped	Bus		
	Density	Two-Lane	Multilane	Class I	Class II	Score	Score	Buses/hr.		
		%ffs	Density	ats	ats					
B	≤ 17	> 83.3	≤ 17	> 31 mph	> 22 mph	≤ 2.75	≤ 2.75	≤ 6		
C	≤ 24	> 75.0	≤ 24	> 23 mph	> 17 mph	≤ 3.50	≤ 3.50	≤ 4		
D	≤ 31	> 66.7	≤ 31	> 18 mph	> 13 mph	≤ 4.25	≤ 4.25	< 3		
E	≤ 39	> 58.3	≤ 35	> 15 mph	> 10 mph	≤ 5.00	≤ 5.00	< 2		

% ffs = Percent free flow speed ats = Average travel speed

Appendix E

Mobility Plan Multimodal Projects

Appendix E: St. Augustine Mobility Plan Projects

ID	Project	From	To	Length (Miles)	Project Type	Project Description	Time Frame	Cost	Capacity
1	King Street	Avenida Menendez (A1A)	N Rodriguez Street	1.45	Multimodal	Multimodal Way	2020-2025	\$ 1,450,000	24,360
2	Avenida Menendez (A1A)	King Street	W Castillo Drive	0.60	Multimodal	Trail	2020-2025	\$ 300,000	7,200
3	Avenida Menendez (A1A)	King Street	St. Francis Street	0.30	Multimodal	Trail	2020-2025	\$ 150,000	3,600
4	Villaro Causeway / May Street	San Marco Avenue (A1A)	Coastal Highway (A1A)	1.85	Multimodal	Trail	2020-2025	\$ 925,000	22,200
5	North City Trail	S Castillo Dr (A1A)	May Street (A1A)	1.20	Multimodal	Trail	2020-2025	\$ 600,000	14,400
6	Bridge of Lions	Avenida Menendez (A1A)	N St. Augustine Blvd	0.40	Multimodal	Trail	2020-2025	\$ 200,000	4,800
7	Cuna Street	Avenida Menendez (A1A)	Charlotte Street	0.05	Multimodal	Shared Street	2020-2025	\$ 290,400	1,800
8	Cuna Street	Charlotte Street	Cordeva Street	0.20	Multimodal	Shared Street	2020-2025	\$ 1,161,600	7,200
9	Hypolita Street	Avenida Menendez (A1A)	Charlotte Street	0.05	Multimodal	Shared Street	2020-2025	\$ 290,400	1,800
10	Spanish Street	Cuna Street	Orange Street	0.15	Multimodal	Shared Street	2020-2025	\$ 871,200	5,400
11	Anastasia Blvd (A1A)	Red Cox Rd	SR 312	1.46	Multimodal	Trail	2020-2025	\$ 790,000	17,520
12	North City Trail	May Street (A1A)	Rambla St	1.40	Multimodal	Trail	2020-2025	\$ 700,000	16,800
13	S Leonardi Street	King Street	South Dixie Highway	0.20	Multimodal	Shared Street	2020-2025	\$ 1,161,600	7,200
14	West Garage	Vicinity of Kings St, SR 207, & US 1: Subject to Further Analysis		1.25	Parking	+/- 750 Space Parking Garage	2020-2025	\$ 18,750,000	10,181
15	West Castillo Drive	San Marco Ave (A1A)	North Ponce De Leon Blvd (US 1)	0.31	Roadway	Widen to four lanes	2020-2025	\$ 2,325,000	10,230
16	Park & Ride	SR 312 @ Anastasia Blvd		3.75	Parking	+/- 125 Space Park & Ride Station	2020-2025	\$ 1,000,000	3,394
17	Multimodal Intersection Improvement	Anastasia Blvd @ Red Cox Road		n/a	Multimodal	Improve multimodal crossing	2020-2025	\$ 250,000	--
18	Water Taxi Docks	Various locations: Subject to Environmental and Historic Impact Assessment		5.00	Transit	Water Taxi Docks	2020-2040	\$ 2,250,000	10,000
19	Bike Share Program Expansion	Citywide		n/a	Multimodal	Bicycle Share	2020-2040	\$ 500,000	--
20	Multimodal Wayfinding Signs	Citywide		n/a	Multimodal	Wayfinding Plan	2020-2040	\$ 300,000	--
21	High Visibility Crosswalks	Citywide		n/a	Multimodal	Crosswalks	2020-2040	\$ 1,500,000	--
22	Intersection Improvements	Citywide		n/a	Roadway	Turn lanes and safety improvements	2020-2040	\$ 2,500,000	18,200
23	Parking Management Strategies	Citywide		n/a	Parking	Dynamic Parking	2020-2040	\$ 1,250,000	--
24	Sidewalk Improvements	Citywide		n/a	Multimodal	Improving sidewalks and filling gaps	2020-2040	\$ 1,000,000	9,600
25	Safety Improvements	Citywide		n/a	Roadway	Intersection Upgrades	2020-2040	\$ 1,250,000	--
26	Transit / Trolley Circulators	Connecting existing and future parking garages with +/- 10 Minute Headways with a Span of Service of 16 Hours and a Transit Vehicle Capacity of 10 persons running bi-directional routes (Route 1 = +/- 1.35 miles; Route 2 = +/- 1 mile; Route 3 = +/- 1.5 miles; Route 4 = +/- 2.2 miles; Route 5 = +/- 1.5 miles)		7.55	Transit	Five (5) Proposed transit / trolley routes	2020-2040	\$ 4,500,000	14,496
27	Multimodal Intersection Improvement	May Road @ Magnolia Blvd		n/a	Multimodal	Improve multimodal crossing	2025-2030	\$ 250,000	--
28	Anastasia Blvd (A1A)	N St. Augustine Blvd	Comares Avenue	0.68	Multimodal	Multimodal Way	2025-2030	\$ 680,000	11,424
29	Anastasia Blvd (A1A)	Comares Avenue	Red Cox Road	0.72	Multimodal	Multimodal Way	2025-2030	\$ 720,000	12,096

Appendix E: St. Augustine Mobility Plan Projects

ID	Project	From	To	Length (Miles)	Project Type	Project Description	Time Frame	Cost	Capacity
30	Cathedral Plaza	Avenida Menendez (A1A)	Cordova Street	0.20	Multimodal	Shared Street	2025-2030	\$ 1,161,600	7,200
31	Charlotte Street	King Street	S Castillo Dr	0.27	Multimodal	Shared Street	2025-2030	\$ 1,568,160	9,720
32	Cordova Street	King Street	Orange Street / Clock Tower	0.40	Multimodal	Complete Street	2025-2030	\$ 200,000	1,440
33	North Ponce De Leon Blvd (US 1)	King Street	Charles Usinas Memorial Hwy (SR 16)	1.95	Multimodal	Protected Bike Lane	2025-2030	\$ 1,950,000	28,080
34	Orange Street	Avenida Menendez (A1A)	North Ponce De Leon Blvd (US 1)	0.45	Multimodal	Complete Street	2025-2030	\$ 225,000	1,620
35	Carriera Street	Cordova Street	North Ponce De Leon Blvd (US 1)	0.40	Multimodal	Complete Street	2025-2030	\$ 200,000	1,440
36	Granada Street	King Street	Bridge Street	0.20	Multimodal	Complete Street	2025-2030	\$ 100,000	720
37	Cordova Street	King Street	St. Francis Street	0.32	Multimodal	Complete Street	2025-2030	\$ 160,000	1,152
38	Cordova Street	St. Francis Street	St. George Street	0.25	Multimodal	Shared Street	2025-2030	\$ 1,452,000	9,000
39	St. George Street	Cordova Street	South Street	0.10	Multimodal	Shared Street	2025-2030	\$ 580,800	3,600
40	St. Francis Street	Avenida Menendez	Cordova Street	0.20	Multimodal	Shared Street	2025-2030	\$ 1,161,600	7,200
41	San Sebastian Riverwalk	King St	Ice Plant Road (Shipyard)	1.15	Multimodal	Riverwalk	2025-2030	\$ 8,050,000	27,600
42	South Dixie Highway / Pellicer Ln	King St	SR 207	0.75	Multimodal	Complete Street	2025-2030	\$ 375,000	2,700
43	Anastasia Blvd (A1A)	Red Cox Rd	SR 312	1.46	Multimodal	Protected Bike Lane	2025-2030	\$ 1,460,000	21,024
44	South Garage	Vicinity of South of SR 207, Ice Plant Road, & US 1: Subject to Further Analysis		2.50	Parking	+/- 500 Space Parking Garage	2025-2035	\$ 12,500,000	9,050
45	San Marco Avenue (A1A)	W Castillo Drive	May Street (A1A)	0.75	Multimodal	Multimodal Way	2025-2035	\$ 750,000	12,600
46	San Marco Avenue	May Street (A1A)	SR 16	0.55	Multimodal	Multimodal Way	2025-2035	\$ 550,000	9,240
47	San Marco Avenue	SR 16	Rambla Street	0.61	Multimodal	Multimodal Way	2025-2035	\$ 610,000	10,248
48	ML King Ave	King Street	South Street	0.70	Multimodal	Complete Street	2030-2035	\$ 350,000	2,520
49	Bridge Street	Avenida Menendez	Riberia Street	0.54	Multimodal	Complete Street	2030-2035	\$ 270,000	1,944
50	North Ponce De Leon Blvd (US 1)	Charles Usinas Memorial Hwy (SR 16)	San Sebastian View	1.15	Multimodal	Protected Bike Lane	2030-2035	\$ 1,150,000	16,560
51	East Garage	Vicinity of Anastasia Blvd, Comares Avenue, & Red Cox Drive: Subject to Further Analysis		1.50	Parking	+/- 250 Space Parking Garage	2030-2040	\$ 6,250,000	4,073
52	Old Moultrie Road	SR 207	SR 312	0.95	Multimodal	Complete Street	2035-2040	\$ 475,000	3,420
53	Masters Drive / Palmer Street	SR 16	King St	1.75	Multimodal	Complete Street	2035-2040	\$ 875,000	6,300
54	North Garage	Vicinity of Florida East Coast Rail, San Marco Ave, Ponce De Leon Blvd: Subject to Further Analysis		3.00	Parking	+/- 500 Space Parking Garage	2035-2040	\$ 12,500,000	10,860
55	Dixie Highway (US 1)	San Sebastian View	Lewis Speedway	0.65	Multimodal	Protected Bike Lane	2035-2040	\$ 550,000	9,360
56	SR 312	Anastasia Blvd (A1A)	Matanzas River	1.50	Multimodal	Protected Bike Lane	2035-2040	\$ 1,500,000	21,600
57	San Sebastian Riverwalk	Ice Plant Road (Shipyard)	Matanzas River	1.25	Multimodal	Riverwalk	2035-2040	\$ 8,750,000	30,000
58	Regional Rail	Future regional rail service along existing FEC railroad		6	Regional Transit	Regional Rail	2035-2040	\$ 39,600,000	35,600
59	North San Sebastian Bridge	Charles Usinas Memorial Hwy (SR 16)	North Ponce De Leon Blvd (US 1)	0.75	Regional Road	New Multimodal Bridge	2040+	\$ 45,000,000	54,000

Appendix E: St. Augustine Mobility Plan Projects

ID	Project	From	To	Length (Miles)	Project Type	Project Description	Time Frame	Cost	Capacity
60	SR 312	Sgt Tutten Drive	Lakeside Ave	0.75	Regional Road	Limited Access Facility (Flyover)	2040+	\$ 45,000,000	89,250
61	Aerial Tramway	East Parking Garage	West Parking Garage	2.00	Regional Transit	Aerial Tramway	2040+	\$ 25,000,000	45,080
62	SR 313 Extension	State Road 207	US Highway 1	TBD	Regional Road	Multi-lane Controlled Access Highway	2020 - 2040	TBD	TBD
Total				63.57				\$ 268,279,360	727,102
Note 1: Total multimodal cost @ 100% = \$48,604,360; Total parking facility cost = \$52,250,000 (Mobility Fee Share @ 5% = \$2,612,500); Total road cost = \$6,325,000 (Regional road share = \$2,250,000); Regional road cost = \$40,000,000 (Mobility Fee Share @ 5% of aerial tramway only = \$1,250,000); Total transit cost = \$8,000,000 (Regional transit share = \$1,250,000); Regional transit cost = \$6,750,000 (Mobility Fee Share @ 5% = 1,875); Total road capacity = 31,130 (Regional road share = 2,700); Regional road capacity = 125,250 (Mobility Fee Share @ 5% of new multimodal bridge only = 2,700); Note 2: Total multimodal capacity @ 100% = 413,688; Total parking capacity = 37,558 (Mobility Fee Share @ 5% = 1,878); Total road capacity = 31,130 (Regional road share = 2,700); Regional road capacity = 125,250 (Mobility Fee Share @ 5% of new multimodal bridge only = 2,700); Total transit capacity = 26,800 (Regional transit share = 2,304); Regional transit capacity = 79,680 (Mobility Fee Share @ 5% of aerial tramway only = 2,304); Note 3: Cost are based on data from FDOT, City of St. Augustine, and industry standards. Cost include design, right-of-way, inspection, utility relocations and landscape. Total per mile cost = \$500,000 for trails; \$250,000 for sidewalks; \$1,000,000 for protected bike lanes; \$200,000 for mid-block crossings; \$500,000 for complete streets; \$1,000,000 for multimodal ways; \$7,000,000 for riverwalk, and \$7,500,000 to widen road from 2 to 4 lanes. Total cost for shared streets is \$1,100 per linear foot. Parking garage spaces are \$25,000 each. Water taxi docks are \$250,000 each. Microtransit vehicle cost are \$150,000 each and a total of 30 are proposed for the five transit circulator routes. Regional Rail cost are \$6,600,000 per mile based on projected cost from the North Florida TPO total rail cost between Jacksonville and St. Augustine (\$250 million for 38 miles). New bridge and flyover estimated at \$60,000,000 per mile based on recent bridge cost in Florida. Aerial tramways based on cost of \$12,500,000 per mile based on cost estimates from proposed projects in U.S. Note 4: Capacity are based on methodologies from FDOT Generalized Tables, Transit Capacity and Quality of Service Manual, and Shared Use Path Level of Service Report. Total person capacity per mile = 12,000 for trails; 2,400 for sidewalks; 7,200 for protected bike lanes; 3,600 for complete streets; 8,400 for multimodal ways; 24,000 for riverwalk, 33,000 to widen road from 2 to 4 lanes; 72,000 for 4 lane limited access, and 96,000 for shared streets. Parking garage based on distance between garage and the intersection of King St and Cordova St times three vehicles per day and a vehicle occupancy of 1.81 based on 2017 NHTS. Regional rail based on 400 passenger times length of route times 14 hour span of service. Water taxi service projected at 125 passengers per hour times length times 16 hour span of service. Aerial tramway based on 6 passengers per car times 120 cars per hour times 2 way travel for 2 miles and a span of service of 16 hours.									

Appendix F

Trip Generation per Land Use

Appendix F: Trip Generation Source				
Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Trip Generation ¹	% New Trips	ITE Land Use Codes
Residential & Lodging Uses				
Residential	per 1,000 sq. ft.	5.01	1.00	210, 215, 220, 221, 251, 252, ²
Overnight Accommodations & Vacation Rentals (excludes bathrooms & kitchens)	per room	8.41	1.00	265, 310
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer)	per space / lot	5.80	1.00	240, 416 ³
Institutional Uses				
Community Serving (Civic, Place of Assembly, Museum, Gallery)	per 1,000 sq. ft.	7.60	0.50	560
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	per 1,000 sq. ft.	5.96	0.70	254, 620
Private Education (Day Care, Private Primary School, Pre-K)	per 1,000 sq. ft.	17.31	0.50	530, 532, 534 ⁴
Recreational Uses				
Marina (Including dry storage) per berth	per berth	2.41	0.90	420
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis)	per acre	12.19	0.90	411, 430, 432, 480, 488, 490, 491 ⁵
Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)	per 1,000 sq. ft.	23.07	0.90	434, 435, 436, 437, 492, 493, 495 ⁶
Industrial Uses				
Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)	per 1,000 sq. ft.	3.69	0.90	110, 130, 140, 150, 151, 154, 155, 155, 156, 157, 160, 170, 180 ⁷
Office Uses				
Office (Bank, General, Higher Education, Professional)	per 1,000 sq. ft.	11.62	0.80	710, 712, 714, 715, 750, 760, 770
Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)	per 1,000 sq. ft.	18.74	0.80	610, 630, 640, 650, 710, 720
Commercial Services & Retail Uses				
Local Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	23.14	0.350	820, 821, 821, 822 ⁸
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	46.28	0.350	820, 821, 821, 822 ⁸
Free-Standing Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	63.21	0.350	812, 813, 814, 815, 843, 848, 850, 857, 861, 862, 863, 869, 881, 899, 930, 931, ⁹
Additive Fees for Commercial Services & Retail Uses				
Bank Drive-Thru Lane or Free-Standing ATM	per lane or ATM	113.41	0.40	912 ⁹
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax)	per lane or stall	145.84	0.20	947, 948, 949 ¹⁰
Motor Vehicle Charging or Fueling	per charging or fueling position	231.49	0.15	944, 945 ¹¹
Pharmacy Drive-Thru	per lane	123.66	0.20	880, 881 ¹²
Quick Service Restaurant Drive-Thru	per lane	381.78	0.20	934, 937, 938 ¹³

¹ Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual. The trip generation rates are based on the weekday trip generation rate per the indicated land use code. For uses where daily trips are not provided, the AM and PM Peak hours of adjacent street traffic were averaged and divided by a peak-to-daily ratio of 0.1 (on average 10% of daily traffic occurs during peak periods). For land uses with more than one ITE code, the trip generation was calculated by weighting trips based on the number of studies completed as indicated in the ITE Trip Generation Manual to ensure that a trip generation rate based on one (1) study does not have the same weight as a trip generation rate based on thirty (30) studies. Weighting is based on the total number of studies for each ITE Code listed under a use classification. The total studies per use were divided by the sum of studies completed for all ITE codes listed under a use classification. The final trip generation is equal to the sum of the weight per ITE code times the trip generation rate per ITE Code. See footnotes 2 below for example.

Appendix F: Trip Generation Source

Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Trip Generation ¹	% New Trips	ITE Land Use Codes
² Residential trip generation rates were converted into trip rates per 1,000 square feet. The first step in the conversion was assigning the following sq. ft. (typical industry standard) by type of unit per the 11th Edition of the ITE Trip Generation Manual: (210) single-family detached (2,000 sq. ft.); (215) single-family attached (1,200 sq. ft.); (220) multi-family (1,000 sq. ft.); (221) multi-family (800 sq. ft.); (251) senior adult detached (1,000 sq. ft.); (252) senior adult attached (800 sq. ft.). The assigned square footage of each unit type was divided by 1,000: (210) single family detached (2,000 / 1,000 = 2.0); (215) single-family attached (1,200 / 1,000 = 1.2); (220) multi-family (1,000 / 1,000 sq. ft. = 1.0); (221) multi-family (800 / 1,000 sq. ft. = 0.8); (251) senior adult detached (1,000 / 1,000 sq. ft. = 1.0); (252) senior adult attached (800 / 1,000 = 0.8). The following are the number of studies per ITE Code: (210) = 174; (215) = 22; (220) = 22; (221) = 11; (251) = 15; (252) = 6. Residential Study Weight: $174 + 22 + 22 + 11 + 15 + 6 = 250$; (ITE 210) $174/250 = .696$, (ITE 215) $22/250 = .088$; (ITE 220) $22/250 = .088$; (ITE 221) $11/250 = .044$; (ITE 251) $15/250 = .06$, (ITE 252) $6/250 = .024$. Residential Weighted Trips: (ITE 210) $9.43 \times .696 = 6.56$; (ITE 215) $7.2 \times .088 = 0.634$; (ITE 220) $6.74 \times .088 = 0.593$; (ITE 221) $4.54 \times .044 = 0.20$; (ITE 251) $4.31 \times .06 = 0.259$; (ITE 252) $3.24 \times .024 = 0.078$. Residential Per 1,000 Sq. Ft. Rate: (ITE 210) $6.56 / 2.0 = 3.281$, (ITE 215) $0.634 / 1.2 = 0.528$; (ITE 220) $0.593 / 1.0 = 0.593$; (ITE 221) $0.20 / 0.8 = 0.250$; (ITE 251) $0.259 / 1.0 = .259$; (ITE 252) $0.078 / 0.8 = .097$. Residential Weighted Trip Generation: $3.281 + 0.528 + 0.593 + 0.20 + 0.259 + 0.097 = 5.01$ (numbers rounded to nearest 100th place). The City may establish programs to qualify for affordable, attainable, and workforce residential designations.				
³ The rate for RV Parks (ITE Code 416) is based on conversion of AM and PM Peak Hour of Adjacent Street Traffic converted to Daily trips based on a peak-to-daily ratio of 0.1 (10% of daily traffic occurs during peak hours). The rate for Mobile Home Parks (ITE Code 240) is unadjusted. The final trip generation is weighted based on total studies per footnote 1 and the process in footnote 2.				
⁴ The study weighted trip generation rates per 1,000 sq. ft. are based on the weekday trip rate per student multiplied by 10 (roughly 100 sq. ft. per student $10 \times 100 = 1,000$ sq. ft.) and divided by 1.5 to account for 1.5 students per vehicle.				
⁵ Golf driving range converted to acreage at two (2) tee positions per one acre, Soccer Complex fields converted to acres at ratio of 2 acres per 1 field, Racquet / Tennis Club assume 2 courts plus accessory buildings per acre, Utilized vehicle occupancy of 2 persons per vehicle.				
⁶ Converted AM and PM Peak Hour Periods and applied a Peak to Daily Conversion of .1 (10% of daily traffic occurs during peak hours).				
⁷ The ITE Code for use 155 is provided twice as there are two (2) separate trip generation rates for fulfillment centers based on the type of sorting of packages occurs.				
⁸ The ITE Code for use 821 is provided twice as there are two (2) separate trip generation rates for multi-tenant centers with and with-out grocery stores. The local rate is derived by multiplying the rate per multi-tenant retail uses by 0.50%. Florida studies have shown local uses generate roughly 50% of the trips of national chains, which are the types of uses that primarily are collected for ITE studies.				
⁹ The trip generation is based on the trip rate per drive-thru lane (125.03) minus the trips associated with office uses (11.62), since the bank square footage, falls under the office land use category.				
¹⁰ The weighted trip generation (729.20) is divided by an average of five (5) stall per use. The trip rate for ITE Code 948 only provided a PM Peak.				
¹¹ The trip generation associated with vehicle fueling positions is based on the sum of trip generation per fueling positions (per identified ITE Land Use Codes). The following are the number of fuel positions and square footage for each ITE Land Use Code: (944) 12 positions and 1,500 sq. ft.; (945: 2K to 4K) 8 positions and 3,000 sq. ft.; (945: 4K to 5.5K) 14 positions and 4,750 sq. ft.; (945: 5.5K to 10K) 12 positions and 7,750 sq. ft.; The trip generation was reduced by multiplying the trip generation for free-standing retail (63.21) by the average square footage for each use evaluated. The net trip generation is then divided by the total number of fueling positions for each of the ITE Land Use Codes. The trip rate of 231.49 is the weighted net average rate per fuel position for the four ITE land use codes used in the analysis.				
¹² The trip generation is based on the difference in trip generation for pharmacies with drive-thru's (108.40) minus the trips for free-standing retail uses (63.21) and pharmacies with-out drive-thru's (90.08) minus the trips for free-standing retail uses (63.21). The net difference is then multiplied by the standard size of a pharmacy (13,500 sq. ft. / 1,000). The gross trip generation associated with drive-thru's is then divided by two (2) to account for the average number of drive-thru lanes associated with a pharmacy.				
¹³ The trip generation rate for quick service drive thru lanes is determined by calculating the weighted trip generation rate (444.99) per 1,000 sq. ft. for the three (3) land uses minus the trips associated with free-standing retail uses (63.21).				

Appendix G

2017 National Household Travel Survey: Person Travel

Appendix G: City of St. Augustine Mobility Fee: 2017 National Household Travel Survey Data for Florida: Person Trips

Trip Purpose	Trip Length	Number of Trips	Average Trip Length	Number of Persons	Person Trip Rate	Person Miles of Travel (PMT)	PMT Rate	Vehicle Miles of Travel (VMT)	Average Trip Length	Number of Vehicles	# of Person per Vehicle	Vehicle Occupancy
Entertainment, Errands, Buy Goods, Services & Meals	5,936	1,955	3.04	3,690	1.89	11,352	1.94	5,851	3.25	1,802	3,398	1.89
Errands, Buy Services	848	315	2.69	504	1.60	1,317	1.57	837	2.90	289	474	1.64
Errands, Buy Goods & Services	3,721	1,272	2.93	2,153	1.69	6,268	1.70	3,684	3.05	1,206	2,077	1.72
Entertainment, Exercise, Errands	1,489	570	2.61	1,016	1.78	2,688	1.96	1,368	3.34	410	735	1.79
Entertainment, Religious, Errands	1,442	463	3.11	921	1.99	2,997	2.14	1,403	3.53	398	800	2.01
Family Care / School / Errands	810	290	2.79	512	1.77	1,467	1.88	778	3.09	252	470	1.87
Medical, Errands	763	258	2.96	385	1.49	1,145	1.52	752	3.23	233	357	1.53
Work, Errands	2,847	776	3.67	1,003	1.29	3,480	1.24	2,807	3.92	716	921	1.29
Home	6,411	2,067	3.10	3,801	1.84	12,512	2.04	6,135	3.53	1,737	3,334	1.92

Note: 2017 National Household Travel Survey Data for the State of Florida based on trips of 10 miles or less in length

Appendix H

Person Travel Demand (PTD) per Land Use

Appendix H: Person Travel Demand (PTD) by Use

Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Person Trip Factor	Person Trip Length	Person Travel Demand
Residential & Lodging Uses				
Residential	per 1,000 sq. ft.	1.84	3.10	12.42
Overnight Accommodations & Vacation Rentals (excludes bathrooms & kitchens)	per room	1.84	3.10	20.84
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer)	per space / lot	1.84	3.10	14.37
Institutional Uses				
Community Serving (Civic, Place of Assembly, Museum, Gallery)	per 1,000 sq. ft.	1.99	3.11	10.22
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	per 1,000 sq. ft.	1.84	3.10	10.34
Private Education (Day Care, Private Primary School, Pre-K)	per 1,000 sq. ft.	1.77	2.79	18.57
Recreation Uses				
Marina (Including dry storage) per berth	per berth	1.78	2.61	4.38
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis)	per acre	1.78	2.61	22.15
Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)	per 1,000 sq. ft.	1.78	2.61	41.91
Industrial Uses				
Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)	per 1,000 sq. ft.	1.29	3.67	6.83
Office Uses				
Office (Bank, General, Higher Education, Professional)	per 1,000 sq. ft.	1.29	3.67	19.12
Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)	per 1,000 sq. ft.	1.49	2.96	28.73
Commercial Services & Retail Uses				
Local Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	1.89	3.04	20.22
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	1.89	3.04	40.44
Free-Standing Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	1.89	3.04	55.23
Additive Fees for Commercial Services & Retail Uses				
Bank Drive-Thru Lane or Free-Standing ATM	per lane or ATM	1.60	2.69	84.83
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax)	per lane or stall	1.60	2.69	54.55
Motor Vehicle Charging or Fueling	per charging or fueling position	1.69	2.93	74.71
Pharmacy Drive-Thru	per lane	1.69	2.93	53.21
Quick Service Restaurant Drive-Thru	per lane	1.99	3.02	199.39

Appendix I

St. Johns County Road Impact Fees

Exhibit "A"

St. Johns County's Schedule of Fees and Services

Impact Fees

IMPACT FEE SCHEDULE (per County Ordinance 2018-16)

LAND USE TYPE	Unit of Measure-ment	Roads	Buildings	Law Enforce-ment	Fire/Rescue	Parks	Schools	TOTAL
RESIDENTIAL:								
Under 800 FT²	Unit	\$5,849	\$465	\$218	\$141	\$936	\$1,523	\$9,132
801-1,250	Unit	\$6,948	\$553	\$258	\$379	\$1,113	\$2,787	\$12,038
1,251-1,800	Unit	\$7,166	\$570	\$266	\$499	\$1,148	\$4,027	\$13,676
1,801-2,500	Unit	\$8,927	\$710	\$331	\$618	\$1,429	\$5,016	\$17,031
2,501-3,750	Unit	\$10,384	\$826	\$385	\$857	\$1,662	\$7,036	\$21,150
3,751-5,000	Unit	\$12,031	\$958	\$447	\$1,094	\$1,927	\$7,341	\$23,798
5,001 FT² and Over	Unit	\$12,702	\$1,011	\$472	\$1,333	\$2,034	\$7,463	\$25,015
Hotel/Motel	Room	\$3,548	\$332	\$155	\$40	\$167	\$0	\$4,242
INDUSTRIAL:								
General Industrial	1,000 FT²	\$1,462	\$200	\$93	\$15	\$0	\$0	\$1,770
Warehousing	1,000 FT²	\$513	\$136	\$63	\$10	\$0	\$0	\$722
Mini-warehousing	1,000 FT²	\$445	\$19	\$9	\$1	\$0	\$0	\$474
OFFICE:								
General Office < 100k FT²	1,000 FT²	\$2,760	\$608	\$283	\$182	\$0	\$0	\$3,833
General Office 100-200k FT²	1,000 FT²	\$2,611	\$484	\$226	\$145	\$0	\$0	\$3,466
General Office > 200k FT²	1,000 FT²	\$2,372	\$365	\$170	\$110	\$0	\$0	\$3,017
COMMERCIAL:								
Commercial < 100K FT²	1,000 FT²	\$3,251	\$1,304	\$609	\$117	\$0	\$0	\$5,281
Commercial 100-199K FT²	1,000 FT²	\$4,464	\$1,168	\$545	\$104	\$0	\$0	\$6,281
Commercial 200-299K FT²	1,000 FT²	\$5,119	\$1,025	\$479	\$92	\$0	\$0	\$6,715
Commercial 300-399K FT²	1,000 FT²	\$5,973	\$875	\$408	\$78	\$0	\$0	\$7,334
Commercial 400-499K FT²	1,000 FT²	\$6,945	\$815	\$380	\$73	\$0	\$0	\$8,213
Commercial > 500K FT²	1,000 FT²	\$7,536	\$750	\$350	\$67	\$0	\$0	\$8,703
Bank/Financial Institution	1,000 FT²	\$8,526	\$433	\$202	\$39	\$0	\$0	\$9,200
Service Station – all types	Fueling Station	\$3,188	\$603	\$282	\$54	\$0	\$0	\$4,127
Pharmacy w/Drive Thru	1,000 FT²	\$3,796	\$470	\$220	\$42	\$0	\$0	\$4,528
Fast Food w/Drive Thru	1,000 FT²	\$11,529	\$1,012	\$473	\$90	\$0	\$0	\$13,104
RECREATIONAL:								
Gen Recreation	Acre	\$725	\$43	\$20	\$4	\$0	\$0	\$792
Campground/RV Park	Acre	\$18,040	\$5,871	\$2,741	\$525	\$0	\$0	\$27,177
Marina	Berth	\$466	\$81	\$38	\$7	\$0	\$0	\$592
Health/Fitness Club	1,000 FT²	\$5,705	\$500	\$234	\$45	\$0	\$0	\$6,484
INSTITUTIONAL:								
Elementary School	1,000 FT²	\$1,489	\$354	\$165	\$32	\$0	\$0	\$2,040
High School	1,000 FT²	\$1,315	\$323	\$151	\$29	\$0	\$0	\$1,818
College	1,000 FT²	\$2,066	\$309	\$144	\$27	\$0	\$0	\$2,546
MEDICAL:								
Hospital	1,000 FT²	\$1,948	\$954	\$445	\$85	\$0	\$0	\$3,432
Nursing Home	1,000 FT²	\$1,137	\$67	\$31	\$6	\$0	\$0	\$1,241
Medical Office	1,000 FT²	\$6,885	\$797	\$372	\$71	\$0	\$0	\$8,125

NOTE: Amounts rounded to the nearest dollar.

NOTE (2): Impact Fee credit cannot exceed the amount due by category for the proposed new use.

Note: Fees are applicable to all individuals and organizations and can only be waived by official action of the Board of County Commissioners. Taxes will be assessed when applicable.

Appendix J

St. Augustine Mobility Fee vs. St. Johns County Road Impact Fees Comparison

APPENDIX J: CITY OF ST. AUGUSTINE MOBILITY FEE vs. ST. JOHNS COUNTY ROAD IMPACT FEE COMPARISON

Use Categories, Use Classifications, and Representative Uses	FOR COMPARISON PURPOSES ONLY				RECOMMENDATION	
	St. Augustine		St. Johns County		St. Augustine	
	Unit of Measure	Mobility Fee	Unit of Measure	Road Impact Fee	Recommended Unit of Measure	Recommended Mobility Fee
Residential & Lodging Uses, per applicable unit of measure						
Residential	per 1,000 sq. ft.	\$ 1,050	<i>per dwelling</i>	\$ 6,194	per sq. ft.	\$ 1.05
Overnight Accommodations & Vacation Rentals (excludes bathrooms & kitchens)	per room	\$ 1,763	<i>per room</i>	\$ 3,757	per room	\$ 1,763
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer)	per space / lot	\$ 1,216	<i>per acre</i>	\$ 19,104	per space / lot	\$ 1,216
Institutional Uses						
Community Serving (Civic, Place of Assembly, Museum, Gallery)	per 1,000 sq. ft.	\$ 864	<i>per 1,000 sq. ft.</i>	\$ 2,923	per sq. ft.	\$ 0.86
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	per 1,000 sq. ft.	\$ 874	<i>per 1,000 sq. ft.</i>	\$ 1,204	per sq. ft.	\$ 0.87
Private Education (Day Care, Private Primary School, Pre-K)	per 1,000 sq. ft.	\$ 1,571	<i>per 1,000 sq. ft.</i>	\$ 1,577	per sq. ft.	\$ 1.57
Recreation Uses, per applicable unit of measure						
Marina (Including dry storage)	per berth	\$ 370	<i>per berth</i>	\$ 493	per berth	\$ 370
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Sports, Tennis)	per acre	\$ 1,873	<i>per acre</i>	\$ 768	per acre	\$ 1,873
Indoor Commercial Recreation (Gym, Indoor Sports, Kids Activities, Recreation)	per 1,000 sq. ft.	\$ 3,545	<i>per 1,000 sq. ft.</i>	\$ 6,041	per sq. ft.	\$ 3.54
Industrial Uses						
Industrial (Assembly, Manufacturing, Nursery, Outdoor Storage, Warehouse, Utilities)	per 1,000 sq. ft.	\$ 578	<i>per 1,000 sq. ft.</i>	\$ 1,549	per sq. ft.	\$ 0.58
Office Uses						
Office (Bank, General, Higher Education, Professional)	per 1,000 sq. ft.	\$ 1,617	<i>per 1,000 sq. ft.</i>	\$ 2,923	per sq. ft.	\$ 1.62
Medical Office (Clinic, Dental, Emergency Care, Hospital, Medical, Veterinary)	per 1,000 sq. ft.	\$ 2,430	<i>per 1,000 sq. ft.</i>	\$ 7,292	per sq. ft.	\$ 2.43
Commercial Services & Retail Uses						
Local Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	\$ 1,710	<i>per 1,000 sq. ft.</i>	\$ 3,443	per sq. ft.	\$ 1.71
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	\$ 3,420	<i>per 1,000 sq. ft.</i>	\$ 4,727	per sq. ft.	\$ 3.42
Free-Standing Retail (Entertainment, Restaurant, Retail, Sales, Services)	per 1,000 sq. ft.	\$ 4,671	<i>per 1,000 sq. ft.</i>	\$ 5,421	per sq. ft.	\$ 4.67
Additive Fees for Commercial Services & Retail Uses, per applicable unit of measure						
Bank Drive-Thru or Free-Standing ATM	per lane or ATM	\$ 7,174	<i>per 1,000 sq. ft.</i>	\$ 9,029	per lane or ATM	\$ 7,174
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax)	per lane or stall	\$ 3,420	<i>per 1,000 sq. ft.</i>	\$ 3,443	per lane or stall	\$ 3,420
Motor Vehicle Charging or Fueling	per charging or fueling position	\$ 6,318	<i>per charging or fueling position</i>	\$ 3,376	per charging or fueling position	\$ 6,318
Pharmacy Drive-Thru	per lane	\$ 4,500	<i>per 1,000 sq. ft.</i>	\$ 4,020	per lane	\$ 4,500
Quick Service Restaurant Drive-Thru	per lane	\$ 16,862	<i>per 1,000 sq. ft.</i>	\$ 12,209	per lane	\$ 16,862



NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

THE
REPUBLIC
DESIGN

CONTACT:

NUE Urban Concepts
Jonathan B. Paul, AICP
Principal

2000 PGA Blvd, Suite 4440
Palm Beach Gardens, FL 33408

P 833-NUC-8484
E nueurbanconcepts@gmail.com

www.nueurbanconcepts.com

CITY OF ST. AUGUSTINE

MOBILITY PLAN & MOBILITY FEE

FREQUENTLY ASKED QUESTIONS (FAQ)

WHAT IS A MOBILITY PLAN?

The City of St. Augustine's 2040 Mobility Plan is a vision, over the next 20 years, for how the City's transportation system will continue to transition from **moving and parking vehicles**, towards a multimodal system focused on safely and conveniently **moving people**, whether they choose to continue driving their cars, or decide to walk, bicycle, ride transit, or use a new mobility technology, and deploying **dynamic parking management strategies** to address future demand.

WHY DOES THE CITY NEED A MOBILITY PLAN?

St. Johns County continues to be one of the **fastest growing areas** in the U.S. and the City continues to experience **strong growth in visitors** to its Historic Districts. Long term residents of the City have experienced first-hand the effects of growth and the associated increase in traffic on residential streets in search of on-street parking and seeking to avoid congestion. The City is also experiencing increasing in-fill and redevelopment activity. This activity, combined with growth in County residents and visitors to the City, creates a need for mobility solutions.

HOW CAN THE MOBILITY PLAN ADDRESS CONGESTION?

The Mobility Plan proactively plans for multimodal infrastructure improvements, programs, and services needed to further **enhance the walkability** of the Historic Districts. The Plan also emphasizes creating a **park-once environment** that promotes using dynamic parking management strategies to encourage visitors to park their car in future multimodal parking garages on the periphery of the Historic Districts and using electric bikes, trolley circulators, and other forms of mobility, other than driving a car, to explore the City.

WHAT TYPE OF PROJECTS ARE INCLUDED IN THE MOBILITY PLAN?

The Mobility Plan consist of **four (4) distinct plans** that include projects for sidewalks, paths, trails, protected bike lanes, low speed shared streets, complete streets, and multimodal ways. The Plans also address both **citywide and regional mobility** through microtransit circulators, multimodal parking structures, water taxis, an aerial tramway, regional rail that will connect St. Augustine with Jacksonville, and several regional road projects to direct cut-through traffic around the City.

The Mobility Plan also includes policies for **dynamic parking management strategies** such as: (1) variable rates for parking meters, (2) programs that can provide City residents parking discounts or priority parking in certain areas, and (3) real time message boards at gateways to the City that direct visitors to either existing garages or future multimodal parking garages. These projects are intended to enhance mobility and safety, while also seeking to reduce congestion and traffic in residential neighborhoods.

CITY OF ST. AUGUSTINE

MOBILITY PLAN & MOBILITY FEE

FREQUENTLY ASKED QUESTIONS (FAQ)

HOW WILL THE CITY FUND MOBILITY PLAN PROJECTS?

The projects identified in the Mobility Plan will be funded through a **variety of sources**. Federal and State appropriations, funds, grants, and programs, allocated through the North Florida Transportation Planning Organization (TPO), are some of the primary sources for funding mobility plan projects. Gas taxes, special assessments, property taxes, infrastructure sales taxes, and mobility fees are all other **potential funding sources** for funding mobility plan projects.

HOW WILL THE CITY PRIORITIZE MOBILITY PLAN PROJECTS?

The projects identified in the Mobility Plan are prioritized in five-year increments between 2020 and 2040. Each year, as part of the City's annual budget process, City staff will identify potential revenue sources over a five-year period and make recommendations to further prioritize the design, right-of-way acquisition, and construction of Mobility Plan projects. The **City Commission will prioritize** projects through the City's annual Capital Improvements Program (CIP) update.

WHAT IS A MOBILITY FEE?

A mobility fee is a **one-time fee** paid by a developer to the City to mitigate the developments traffic impact to the City's transportation system. Mobility fees are **based on the multimodal projects** adopted as part of the **Mobility Plan** and will be used to **fund the identified multimodal projects** in the Plan. Mobility fees were established by the Legislature to provide developers a simplified alternative to transportation concurrency, proportionate share, and road impact fees.

WHAT IS TRANSPORTATION CONCURRENCY?

In 1985, the Florida Legislature established the "Growth Management Act" to regulate new growth in Florida and required local governments to ensure that adequate road capacity would be available "concurrent" with new development to **offset its traffic impact**. Transportation concurrency, while well intended, had the unintended consequence of limiting or stopping development in urban areas, where it was cost prohibitive to add road capacity, and resulted in suburban sprawl where road capacity was either available or cheaper to construct.

In 2011, the Legislature replaced the "Growth Management Act" with the "Community Planning Act" that **repealed statewide transportation concurrency** and made it optional for local governments. The Legislature amended the "Community Planning Act" in 2013 to encourage local governments to **adopt alternative mobility funding systems**, such as mobility plans and fees, as a repeal and replacement of transportation concurrency systems, proportionate share, and road impact fees.

CITY OF ST. AUGUSTINE

MOBILITY PLAN & MOBILITY FEE

FREQUENTLY ASKED QUESTIONS (FAQ)

IS THE CITY REPEALING TRANSPORTATION CONCURRENCY?

The proposed mobility fee is intended to repeal and replace transportation concurrency, along with associated proportionate share regulations. The City does not have a road impact fee and St. Johns County does not impose its road impact fees on development in the City.

HOW WAS THE MOBILITY FEE DEVELOPED?

The mobility fee is based on the multimodal projects in the Mobility Plan and is developed based on detailed methodologies designed to meet what are known as the dual relational nexus test and rough proportionately test established by case law and Florida Statute. A detailed Mobility Plan and Mobility Fee Technical Report has been prepared to document how the mobility fee was developed and to demonstrate that the fee is legally and statutorily compliant.

WHEN IS THE CITY GOING TO ADOPT MOBILITY FEES?

The City intends to hold two (2) public hearings in February. The first hearing is scheduled for February 14th, 2022 and the second hearing is scheduled for February 28th, 2022. The mobility fee, if adopted, would become effective May 17th, 2022. This time frame complies with Florida Statute, which requires a 90-day period between the notice by a local government to impose a mobility fee and the effective date of the mobility fee.

WHO PAYS A MOBILITY FEE?

Any new residential or non-residential development activity within the City that requires the issuance of a building permit and result in an increase in person travel demand (impact) above the existing use of property will be assessed a mobility fee. Mobility fees are not a tax, and they are not charged to existing homes, businesses, or property; unless there is an addition, change of use, expansion, modification, or redevelopment that **requires issuance of a building permit and generates additional person travel demand** above the existing use of property. Florida Statute exempts State of Florida governmental uses, and public and charter schools from paying mobility fees. The City is also proposing to exempt City and County governmental uses from mobility fees as these uses are funded by existing and future taxpayers.

WHEN DOES NEW DEVELOPMENT ACTIVITY PAY ITS MOBILITY FEES?

If adopted, mobility fees will be assessed at the time of a building permit application, effective May 17th, 2022. Any valid building permit submitted prior to 12:00 AM May 17th, 2022, will not be assessed a mobility fee. The mobility fees would be required to be paid no later than issuance of a building permit, unless otherwise specified in an approved development order or agreement.

CITY OF ST. AUGUSTINE

MOBILITY PLAN & MOBILITY FEE

FREQUENTLY ASKED QUESTIONS (FAQ)

HOW IS A MOBILITY FEE DETERMINED FOR NEW DEVELOPMENT?

The Mobility Plan and Mobility Fee Technical Report and the implementing ordinance include a simplified table, known as a mobility fee schedule, that provides the mobility fee rates for various uses of property, such as residential, retail, industrial, and office. The mobility fee assessed is calculated based on the mobility fee rate and a specific unit of measure, such as heated and cooled square feet for a residential use, and number of rooms for a hotel.

ARE OFFSETS OR CREDITS AVAILABLE FOR MOBILITY FEES?

Offsets of mobility fees may be available where redevelopment is replacing an existing structure. Credits may be available for previous proportionate share payments, for dedication of right-of-way, and/or the construction of multimodal projects identified in the mobility plan. The mobility fee ordinance contains details for off-sets and credits and administrative procedures would provide examples and additional details for determining off-sets and credits.

WHAT HAPPENS TO MOBILITY FEES PAID TO THE CITY?

Mobility fees are required by Florida Statute to be separated into a specific fund that tracks both payments and expenditures. The fund is subject to yearly audit by the State of Florida Department of Revenue. The requirement for a special fund is to ensure that: (1) mobility fees are not included in general revenues, (2) that the collection and expenditure of fees is transparent, and (3) the fees are being used for the purpose for which they were collected.

WHERE CAN MOBILITY FEES BE SPENT?

Due to the compact nature of the City and its overall size, the entire City is a single Mobility Fee Benefit District. The collected mobility fees can be spent on multimodal projects anywhere within City limits and on multimodal projects outside City limits so long as they are identified in the Mobility Plan or the Capital Improvements Program.

WHAT CAN MOBILITY FEES BE SPENT ON?

Mobility fees can be spent on multimodal projects included in the Mobility Plan or the Capital Improvements Program. The adopted Mobility Plan serves as the guiding vision for multimodal projects and is to be updated every five (5) years. During that time, there may be a need to fund multimodal projects that were not contemplated in the Mobility Plan. To expend mobility fee funds on multimodal projects not included in the Mobility Plan, the City would be required to amend its Capital Improvements Program to formally add the multimodal project.

CONFLICTS: This summary has been prepared for informational purposes only. The adopted mobility fee ordinance controls in the event of any conflict between the ordinance and this summary. Please reference the ordinance, the comprehensive plan, and the technical report for specific detail related to the mobility plan and mobility fee.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: February 2, 2022

RE: **Introduction and First Reading for Ordinance 2022-03 Small Scale Land Use Plan Amendment for approximately 42.36 upland acres referred to as Flagler Crossing.**

On Tuesday, February 1, 2022, the Planning and Zoning Board (PZB) discussed and recommended a small scale land use plan amendment on property referred to as Flagler Crossing. This property is located West of the FEC Railroad, South of San Sebastian View and East of the San Sebastian River and contains approximately 42.36 upland acres. The proposed land use change includes changing the land use from Residential Low Density Mixed Use (purple) to Residential Medium Density (orange) on the upland portion of the property only.

The PZB considered the location of the request and the surrounding land use designations to determine that the increase in density is appropriate for the area. The most significant difference between the land use categories is the potential density allowed, which would change from a maximum of eight (8) units per developable acre to a potential of 16 units per developable acre.

Please find attached Ordinance 2022-03, legal description, and maps illustrating the current land use and the proposed land use. Also find attached the packet material that was presented to the Planning and Zoning Board (PZB). The adopted Future Land Use Map for the entire city is also included for reference.

I respectfully request that this item be placed on the February 14, 2022 City Commission Agenda for Introduction and First Reading.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com.



Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO RECLASSIFY A PARCEL OF LAND CONTAINING APPROXIMATELY 42.36 UPLAND ACRES LOCATED WEST OF THE FEC RAILWAY, SOUTH OF SAN SEBASTIAN VIEW AND EAST OF THE SAN SEBASTIAN RIVER IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM RESIDENTIAL LOW DENSITY MIXED USE TO RESIDENTIAL MEDIUM DENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of certain property, as described herein, have requested that the Comprehensive Plan designation of such property be changed from Residential Low Density Mixed Use to Residential Medium Density; and

WHEREAS, the City of St. Augustine Planning and Zoning Board, sitting as the local planning agency, made a positive recommendation to the City Commission on February 1, 2022; and

WHEREAS, the City Commission of the City of St. Augustine, Florida, hereby finds that the proposed amendment is a small scale amendment to the future land use map; and

WHEREAS, the City otherwise has fully complied with Section 163.3187, Florida Statutes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Amending Comprehensive Plan, Future Land Use Map. The City of St. Augustine Comprehensive Plan, Future Land Use Map, is hereby amended to provide that the following described property, containing approximately 42.36 upland acres located West of the FEC Railway, South of San Sebastian View and East of the San Sebastian River shall be and hereby is reclassified from its current classification of Residential Low Density Mixed Use to the classification of Residential Medium Density more particularly described below and as attached:

**0 San Sebastian View
1-3 PT OF GOV LOT 1 SEC 1-7-29 LYING W OF
FEC RAILWAY & S OF SAN SEBASTIAN VIEW
OR5404/93 – Parcel Number 084560-0020, and
Upland portions east of the San Sebastian River 1-2
PTS OF SEC 1-7-29 & 12-7-29 & 6-7-30 & 7-7-30 &
12-7-30 & 36-6-29 & 44-7-30 & 50-7-29 & 55-7-30 &
56-7-29 & 98-6-29 OR5404/86 – Parcel Number
084560-0010
(+/-) 42.36 acres**

Section 2. Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality

shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2505); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1468), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET;

COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

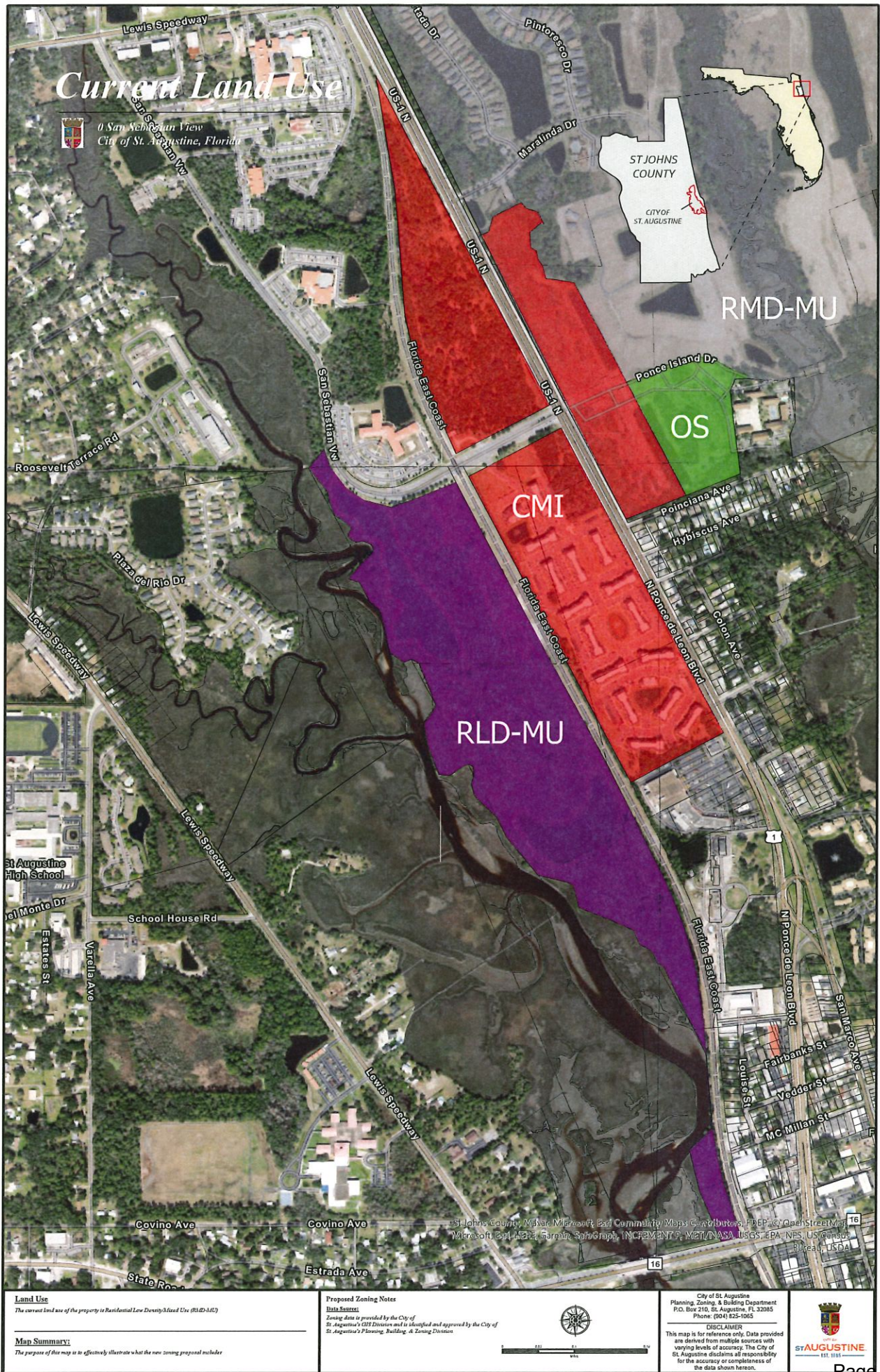
A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE E.S. ROBERTSON GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

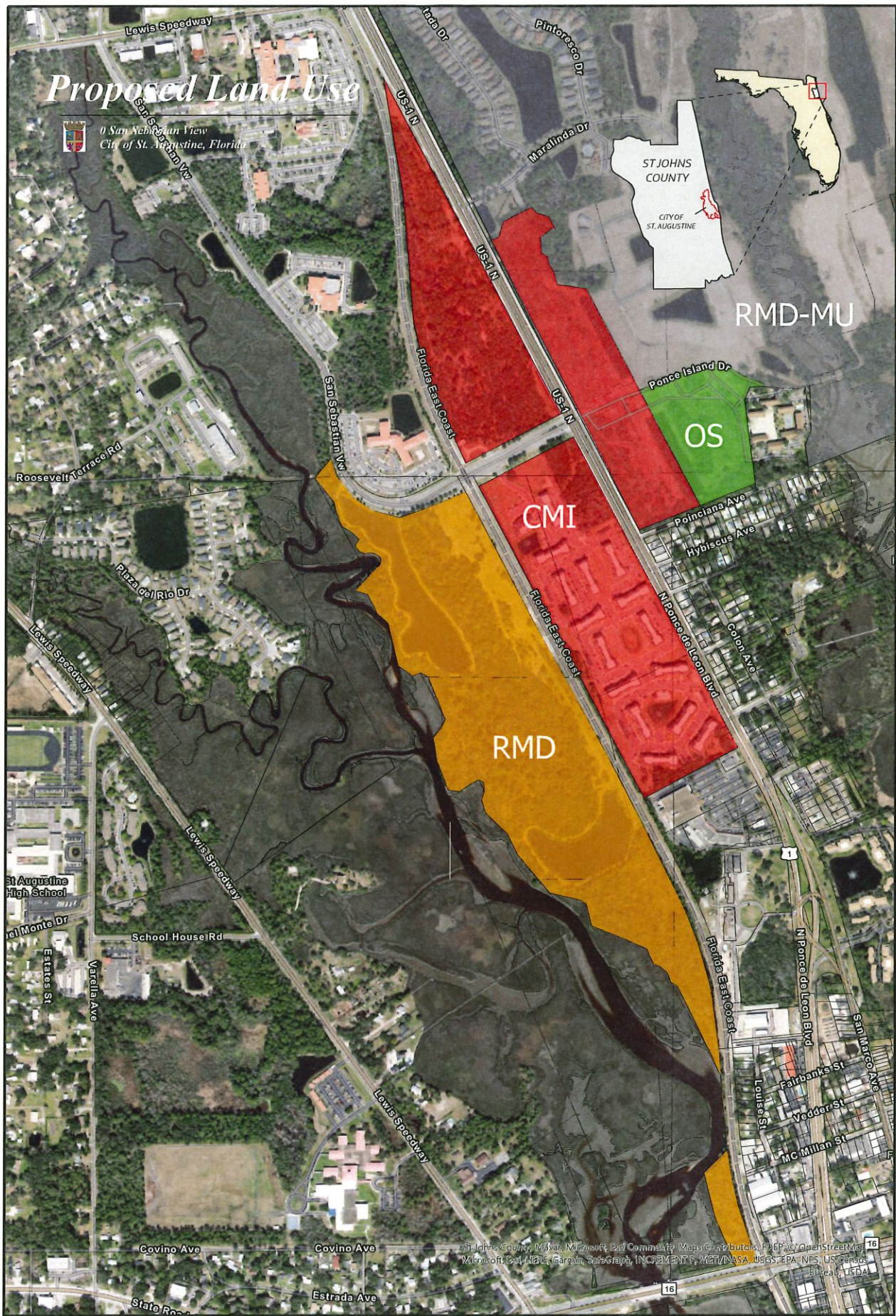
FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 25.51 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 877.97 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF

WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1160.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET TO THE BEGINNING OF A CURVE, BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.60 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°21'21" EAST, 69.60 FEET) TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 11509.16 FEET; COURSE 6); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 226.46 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°12'41" EAST 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 8); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 68.62 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04°15'56" EAST, 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 881.42 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.





Land Use
 The proposed land use of the property is Residential Medium Density (RMD).

Map Summary:
 The purpose of this map is to effectively illustrate what the new zoning proposal includes.

Proposed Zoning Notes
 Data Source:
 Zoning data is provided by the City of St. Augustine's City Division and is identified and approved by the City of St. Augustine's Planning, Building, & Zoning Division.

City of St. Augustine
 Planning, Zoning, & Building Department
 P.O. Box 210, St. Augustine, FL 32085
 Phone: (904) 825-1063

DISCLAIMER
 This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The City of St. Augustine disclaims all responsibility for the accuracy or completeness of the data shown herein.

City of St. Augustine
 Planning, Zoning, & Building Department
 P.O. Box 210, St. Augustine, FL 32085
 Phone: (904) 825-1063

DISCLAIMER
 This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The City of St. Augustine disclaims all responsibility for the accuracy or completeness of the data shown herein.

ST AUGUSTINE
 131-1144

Map 1 - Future Land Use

2040 Comprehensive Plan
City of St. Augustine, Florida



Florida
Regional
Airport

Avenue B
Avenue D
Big Oak Rd S
Big Oak Rd S

Estrella Ave

Araquey

Avenue D

State Road 312 W

207

St Augustine
South

Cornell Rd

Dobbs Rd

Rolling Hills
Rolling Hills Dr

Cypress Rd

Kings Estate Rd
Kings Estate Rd

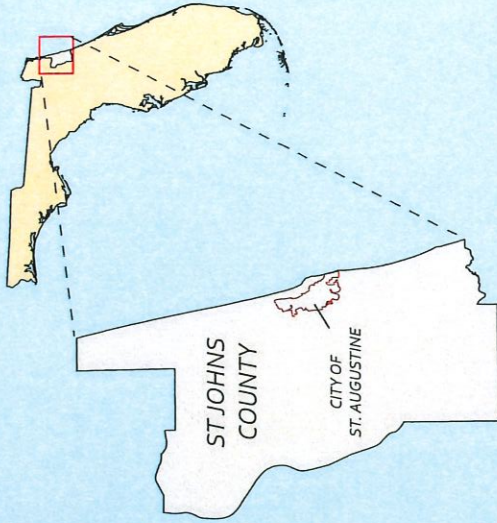
Juarez

Shore Drive
Waterfront Park

Coastal Hwy
35 mi

Usinas Beach

Vilano Beach



ST JOHNS
COUNTY

CITY OF
ST. AUGUSTINE

LAND USE PROPOSED

Old Beach Rd
A1a S

St Augustine
Beach

Beach Blvd

16th St

St Augustine
Beach

Mizell Rd

Fid

Saint Dr

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastylrelset, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community,
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Future Land Use Notes

Data Source:
Future Land Use data is provided by the City of St. Augustine's GIS Division and is derived from land parcels identified and approved by the City of St. Augustine's Planning, Building, & Zoning Division.

2040 Future Land Use:

This map depicts 2019 Future Land Use for the City of St. Augustine

Comprehensive Plan:

The purpose of the Comprehensive Plan is to effectively manage growth and development by designating areas of anticipated future development which satisfy demand where feasible in a cost-effective and environmentally acceptable manner.

City of St. Augustine
Planning, Zoning, & Building Department
P.O. Box 210, St. Augustine, FL 32085
Phone: (904) 825-1065

DISCLAIMER
This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The City of St. Augustine disclaims all responsibility for the accuracy or completeness of the data shown hereon.



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 1, 2022

RE: **COMPREHENSIVE PLAN LAND USE MAP AMENDMENT, REZONING AND
VARIANCE 2022-0004**

AGENDA ITEM	7(a)
APPLICANT	Billy Zeits c/o Flagler Multifamily LLC
OWNER	Flagler Multifamily LLC
LOCATION	0 San Sebastian View / PID 084660-0020 & 084560-0010
REQUEST	A request to change the Comprehensive Plan land use designation on the property from Residential Low Density Mixed Use (RLD-MU) to Residential Medium Density (RMD) and a compatible rezoning from Residential Low-one (RL-1) to Residential General-one (RG-1). This application includes a variance request to allow stacked parking spaces as required parking spaces for the multifamily development.

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
- (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the comprehensive plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Based on Sec. 28-29. - Zoning exceptions, variances and appeals no variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff believes that the disadvantages in this situation stem from reduction in developable area due to the existing rail line and conservation area.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

These disadvantages confine the development footprint which effectively eliminate the option of providing the number of parking spaces required without stacking them.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This property has existing in this form for a significant amount of time and geographical features and rail lines are not conditions created by the owner or applicant.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance will not be contrary to the public interest and would not adversely affect neighboring properties in a significant way due to the nature of the request.

REQUEST

The applicant is requesting that the property, approximately 43 acres in size, be rezoned from Residential low-one: RL-1 to Residential general-one: RG-1 and have the corresponding land use amended from Residential Low Density Mixed Use to Residential Medium Density to be consistent with the potential new zoning type. The applicant suggests that the proposed changes would be consistent with the zoning and future land use map designations in the immediate area.

The adjoining land east of this property has a land use designation of Commercial Medium Intensity and is zoned Commercial medium-two: CM-2. Just north is the St. Johns County Administration Complex which is also a high traffic and fairly intense use of land. A land use of Residential Medium Density and zoning of Residential general-one: RG-1 is compatible in this suburban context.

APPENDIX A

Sec. 28-166. - Residential, low-one: RL-1.

Intent. This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible with and complementary to low density residential uses, so as to create and maintain a mixed low density residential character.

- (1) Permitted uses and structures:
 - a. Single-family dwellings.
 - b. Accessory apartments.
 - c. Multiple-family dwellings.
 - d. Home office, private.
- (2) Permitted accessory uses and structures: See section 28-348.
- (3) Permitted uses by exception:
 - a. Tourist homes and bed and breakfasts.
 - b. Rooming and boarding houses.
 - c. Housing for the elderly.
 - d. Neighborhood recreation facility.
 - e. Hotels and motels, thirty (30) units maximum.
 - f. Restaurants and/or bars in connection with hotels or motels.
 - g. Intermediate care facilities.
 - h. See section 28-347.
- (4) Minimum lot requirements:
 - a. Single-family dwellings:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
 - b. Multiple-family dwellings:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, ten thousand nine hundred (10,900) square feet for the first two (2) units and five thousand four hundred (5,400) square feet for each additional unit, to a maximum of eight (8) units per acre.
 - c. Nonresidential uses:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (5) Maximum lot coverage by all buildings and structures: Thirty (30) percent.
- (6) Minimum yard requirements:
 - a. Residential uses:
 1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
 - b. Nonresidential uses:
 1. Front, fifteen (15) feet.
 2. Side, twenty (20) feet.
 3. Rear, twenty (20) feet.
- (7) Maximum heights of structures: Thirty-five (35) feet.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- (7) Maximum height of structures:
- a. Single-family dwellings. Thirty-five (35) feet.
 - b. Multiple-family dwellings. Thirty-five (35) feet.

FLUE Policy 6.4.3

Residential Low Density

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses such as churches, child care centers, public and institutional uses, including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate so as to create and maintain a stable low intensity residential character.

For Residential Uses a maximum of **8 single family dwellings per acre**; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

FLUE Policy 6.4.4

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and multiple family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character. A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation), as appropriate.

For Residential Uses a maximum of **16 units per acre**; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$400 (plus advertising costs) Project Number: 2022-0004
 Receipt Number: 2276868 Meeting Date: Feb. 1, 2022
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Billy Zeits Contact Number: (904)551-2540
 Business (if applicable): Flagler Multifamily LLC.
 Address: 1819 Goodwin Street City: Jacksonville State: FL Zip: 32204
 E-Mail Address: wzeits@cornerlotdevelopment.com
2. NAME OF PROPERTY OWNER: Flagler Multifamily LLC. Contact Number: (904) 551-2540
 Business (if applicable): _____
 Address: 1819 Goodwin St. City: Jacksonville State: FL Zip: 32204
 E-Mail Address: aallen@bellsouth.net
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: See Attached Legal Description & Survey Block: _____
 Subdivision: _____ Parcel Number: _____
4. PROJECT STREET ADDRESS: 0 San Sebastian VW
5. SPECIFIC PROPOSED USE: Residential Medium Density Land Use & RG-1 Zoning
6. ACTION REQUESTED:

☐ Conservation Zone Development	☐ Appeal of Staff Determination
☐ Exception	☒ Land Use Plan Amendment
☒ Variance	☒ Rezoning
☐ Other: _____	
7. DESCRIPTION OF ACTION REQUESTED: This application is a request to amend the future land use designation of the subject property from RLD-MU to RMD, with a companion rezoning to RG-1 to be compatible with the proposed land use. These amendments allow the site to be developed with similar density to neighboring developments. Additionally, the proposed land use amendment and rezoning will provide the applicant the ability to increase the density of the site without changing the approved civil site plans, limit or any impacts to the existing conservation area. A mobility variance is requested to allow the parking spaces in front of the garages that are available for lease to be considered towards the parking count.
8. JUSTIFICATION FOR ACTION REQUESTED: These amendments allow the site to be developed with similar density to neighboring developments. Additionally, the proposed land use amendment and rezoning will provide housing to meet the demand in the area. The proposed site is near the intersection of San Sebastian and US-1 N., which provide the site with adequate roadway capacity and is already forecasted to have a traffic signal installed.

04/18/2019

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

PLEASE SEE ATTACHMENT

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☐ No If yes, please give date and final disposition below.

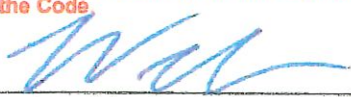
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

1-7-2021
Date

Signature of Property Owner

1-7-2021
Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

William Zeitz

Print name of applicant

William Zeitz

Signature of applicant

1-7-2021

Date



Owner's Authorization For Agent

William Zeits is/are hereby authorized TO ACT ON BEHALF
OF Flagler Multifamily LLC the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
75 King Street, St. Augustine, FL 32084

BY: [Signature]
Signature of Owner
Andy Allen
Print Name of Owner
904-551-2540
Telephone Number

State of Florida

County of Duval

Signed and sworn before me on this 7th day of January, 2022

By Christian Allen

Identification verified:

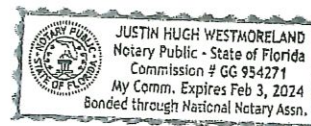
Oath sworn: ☒ Yes ☐ No

Notary Signature:

My Commission expires:

[Signature]

2/3/24



PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

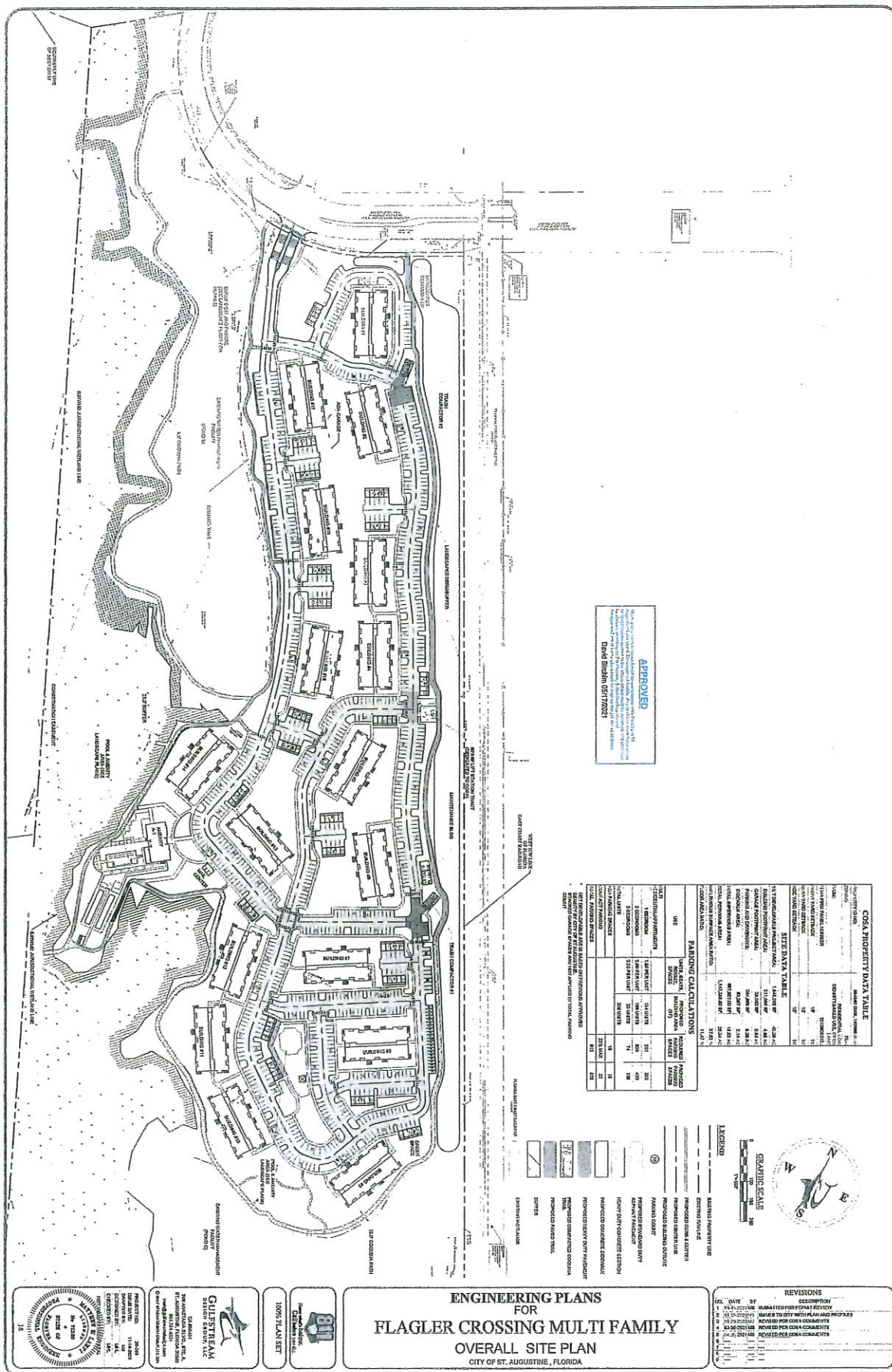
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 0 San Sebastian View

Applicant's Name: William Zeit Applicant's Signature: [Signature]

Owner's Name: Andy Allen Owner's Signature: [Signature]



SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2505); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1468), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET;

COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE E.S. ROBERTSON GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 25.51 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 877.97 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF

WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1160.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET TO THE BEGINNING OF A CURVE, BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.60 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°21'21" EAST, 69.60 FEET) TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 11509.16 FEET; COURSE 6); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 226.46 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°12'41" EAST 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 8); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 68.62 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04°15'56" EAST, 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 881.42 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.

MOBILITY VARIANCE REQUEST

January 7, 2022

Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:

The property is constrained by an existing rail line and an existing conservation area. In addition, the site is contaminated with arsenic by the historical use of a railroad maintenance yard, requiring the developer to remediate the property while working within the confines of the conservation area and the existing rail line. Remediation of the site facilitated the creation of large berm that separates the development from the rail line, further constraining the development area.

Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property

The owner's objective is to improve the conservation area in conjunction with the development, not negatively impact it; however, the disadvantages described above confine the development footprint, restricting further expansion without impacts to the conservation area.

The multifamily development, through the approval of the variance, will offer 52 more parking spaces than are required by code.

Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:

The disadvantages created by geography constraints, a rail line, and a conservation area existed prior to the current owner's purchase of the property.

Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:

Granting of the variance will not be contrary to public interest or other parcels as the development is private property and intended for use primarily by the residents or associated visitors. In addition, the variance will contribute to the spirit, intent, and purpose by providing parking solutions and additional parking spaces for the development's residents.

Tracey Mullins

From: Billy Zeits <wzeits@cornerlotdevelopment.com>
Sent: Monday, January 10, 2022 10:38 AM
To: Tracey Mullins
Cc: Jacob Fredriksson
Subject: Re: Land Use Change

The request is to change the Land Use and Zoning for a portion of:

0845600020

0845600010

A sketch and legal will be provided that will be explicit to the 42.36 acres of developable area.

William "Billy" Zeits

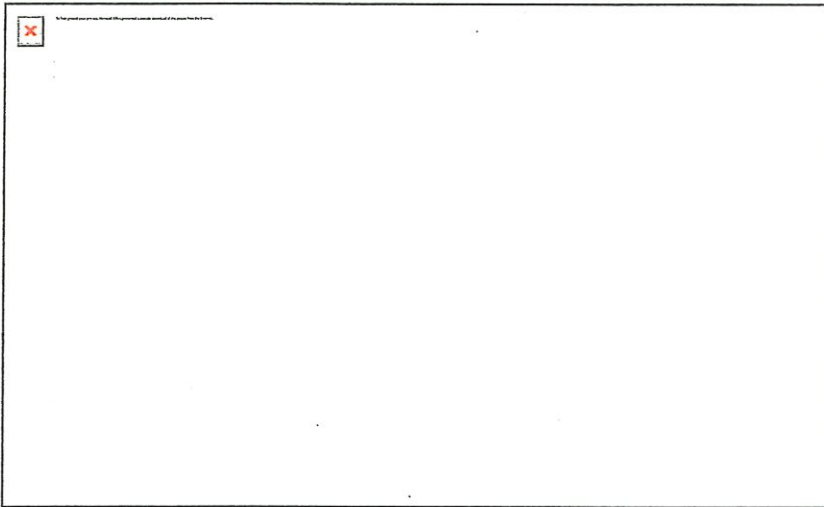
Sr. Project Manager
Corner Lot Development Group

w 904-551-2540 c 904-814-1299

wzeits@cornerlotdevelopment.com

www.thecornerlotcompanies.com

1819 Goodwin Street, Jacksonville, FL 32204



On Mon, Jan 10, 2022 at 10:23 AM Tracey Mullins <tmullins@citystaug.com> wrote:

Good morning Billy,

Please provide us with the parcel numbers related to this project.



FLAGLER CROSSING APARTMENTS

PLANNING & ZONING BOARD PRESENTATION

FEBRUARY 1, 2022
ML+H Project 20.31.0



AGENDA

PLANNING & ZONING BOARD

REQUEST FOR REZONING AND MOBILITY VARIANCE

- APPROVED PLANS
 - SITE PLAN + LAYOUT
 - CONSERVATION OVERLAY
- ARCHITECTURE
- ZONING + FUTURE LAND USE
- PARKING
- TRAFFIC
- UTILITIES

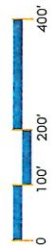
REQUESTED APPROVALS

FUTURE LAND USE
CURRENT: RESIDENTIAL LOW DENSITY
REQUESTED: RESIDENTIAL MEDIUM DENSITY

ZONING
CURRENT: RL-1
REQUESTED: RG-1

MOBILITY VARIANCE
ALLOW STACKING OF 80 PARKING SPACES FRONTING COVERED GARAGES

SITE PLAN: AS APPROVED AT JANUARY 5, 2021 PZB MEETING



SITE PLAN: PROPOSED – NO CHANGES

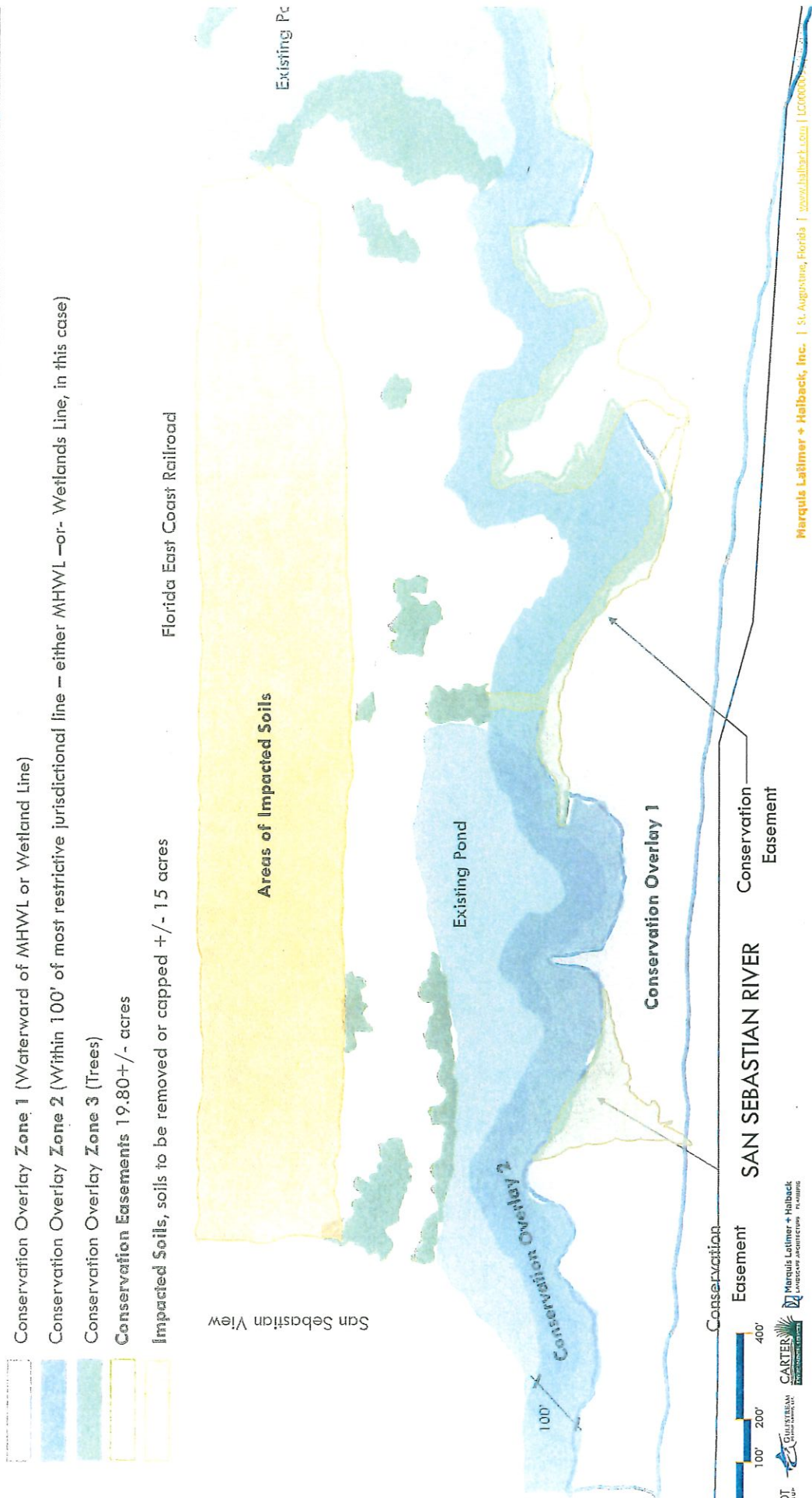


CORNER LOT
LANDSCAPE ARCHITECTURE

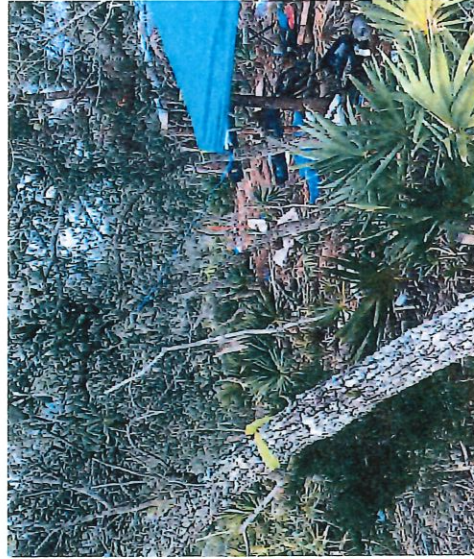
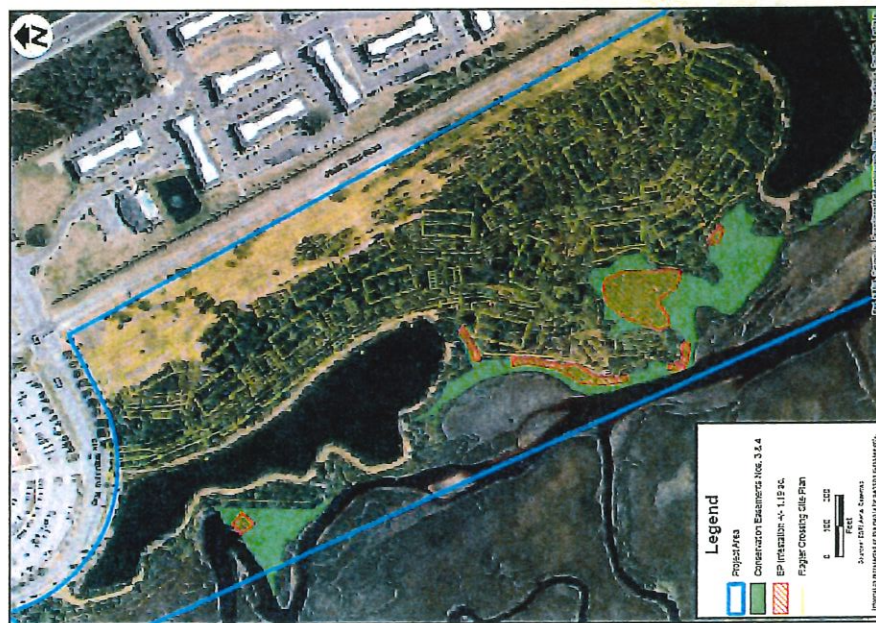
CARTER
LANDSCAPE ARCHITECTURE

Marquis Latimer + Holback
LANDSCAPE ARCHITECTURE PLANNING

SITE PLAN: CONSERVATION OVERLAY – NO CHANGES

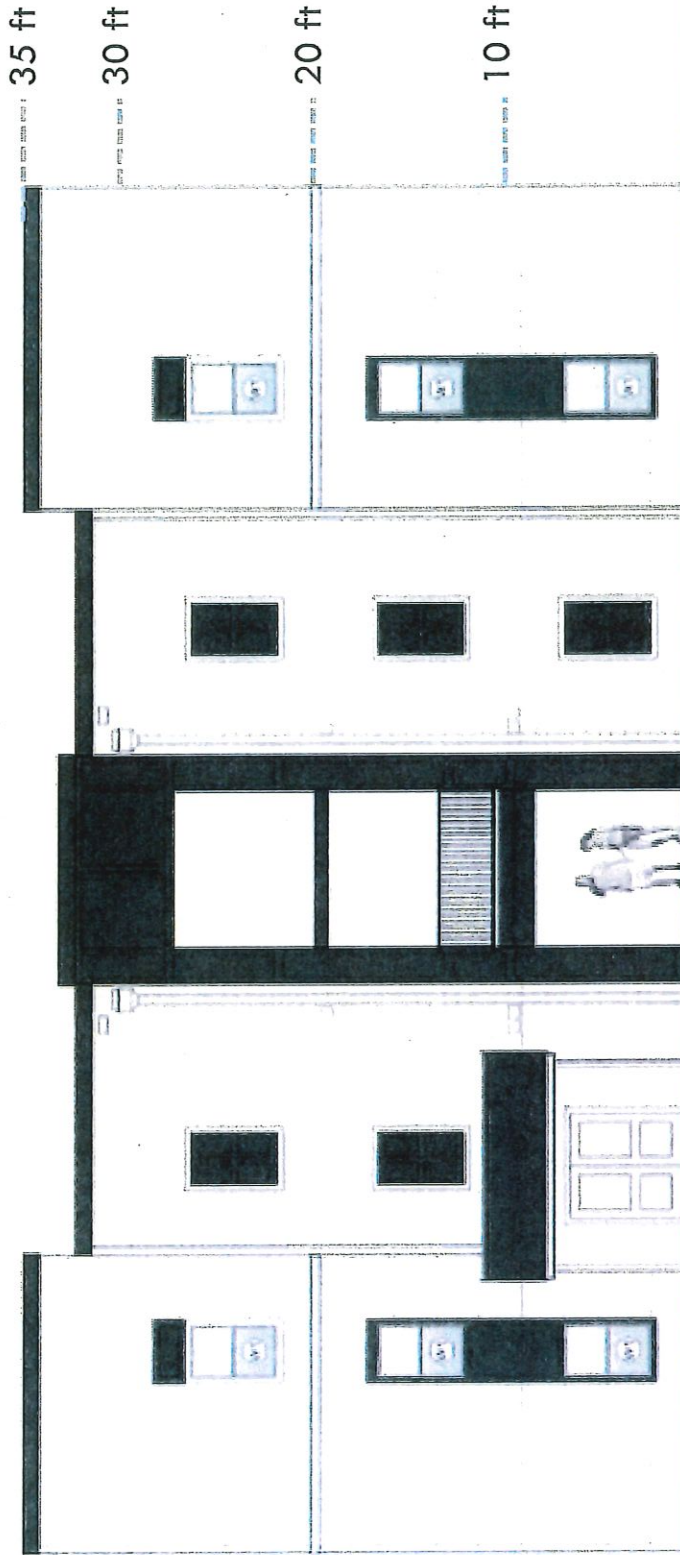


SITE PLAN: CONSERVATION OVERLAY – REHABILITATION UNDERWAY



ARCHITECTURE:

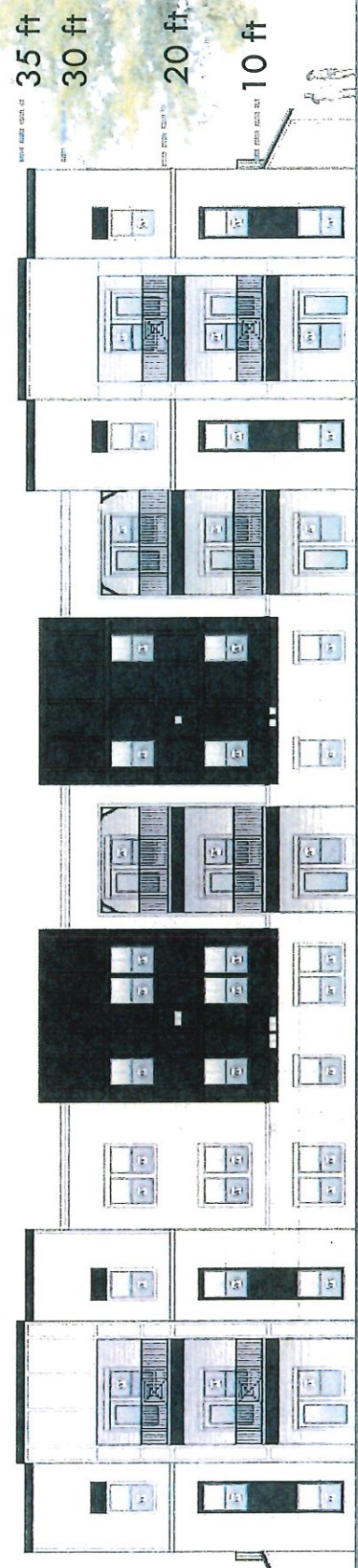
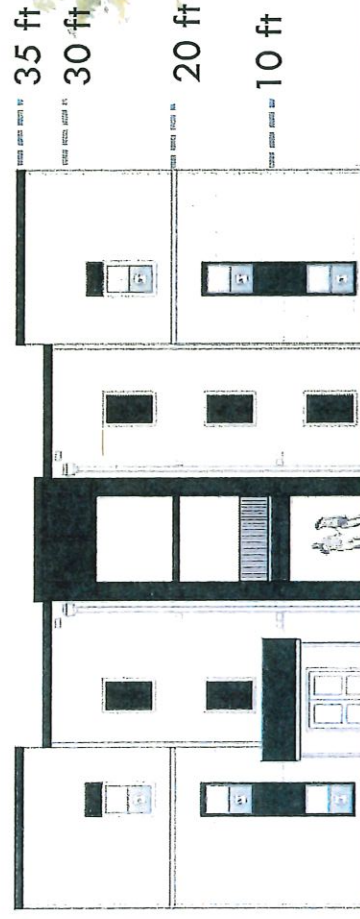
3 STORY – 35' HEIGHT ZONING COMPLIANT



ARCHITECTURE:

3 STORY – 35' HEIGHT

ZONING COMPLIANT



REQUEST:

	CURRENT		REQUESTED
	Residential Low Density	Residential Low Density	Residential Medium Density
FUTURE LAND USE	ZONING	Residential Low One (RL-1)	Residential General One (RG-1)
FRONT SETBACK		20'	<i>no change</i>
REAR SETBACK		10'	<i>no change</i>
SIDE SETBACK		5'	<i>no change</i>

	CURRENT		REQUESTED
	Residential Low Density	Residential Low Density	Residential Medium Density
FUTURE LAND USE	ZONING	Residential Low One (RL-1)	Residential General One (RG-1)
FRONT SETBACK		20'	<i>no change</i>
REAR SETBACK		10'	<i>no change</i>
SIDE SETBACK		5'	<i>no change</i>

	CURRENT	REQUESTED
NET DEVELOPABLE PROJECT AREA	42.36 AC	<i>no change</i>
BUILDING FOOTPRINT AREA	4.85 AC	<i>no change</i>
GARAGE FOOTPRINT AREA	0.64 AC	<i>no change</i>
PARKING AND DRIVEWAYS	8.37 AC	<i>no change</i>
SIDEWALK AREA	2.14 AC	<i>no change</i>
TOTAL IMPERVIOUS AREA	16.02 AC	<i>no change</i>
TOTAL PERVIOUS AREA	26.34 AC	<i>no change</i>
IMPERVIOUS SURFACE AREA RATIO	37.82%	<i>no change</i>
FLOOR AREA RATIO	137.82%	<i>no change</i>

	CURRENT	REQUESTED
NET DEVELOPABLE PROJECT AREA	42.36 AC	<i>no change</i>
BUILDING FOOTPRINT AREA	4.85 AC	<i>no change</i>
GARAGE FOOTPRINT AREA	0.64 AC	<i>no change</i>
PARKING AND DRIVEWAYS	8.37 AC	<i>no change</i>
SIDEWALK AREA	2.14 AC	<i>no change</i>
TOTAL IMPERVIOUS AREA	16.02 AC	<i>no change</i>
TOTAL PERVIOUS AREA	26.34 AC	<i>no change</i>
IMPERVIOUS SURFACE AREA RATIO	37.82%	<i>no change</i>
FLOOR AREA RATIO	137.82%	<i>no change</i>

RL-1: 8 UNITS/ACRE
RG-1: 16 UNIT/ACRE

UNIT TYPES		PARKING/UNIT	CURRENT		REQUESTED		
			QTY	REQ.	PARKING	QTY REQ.	PARKING
1	BEDROOM	1.50	134		201	204	306
2	BEDROOM	2.00	169		338	255	510
3	BEDROOM	2.25	33		74	51	115
TOTALS			336		613	510	931

UNIT TYPES		PARKING/UNIT	CURRENT		REQUESTED	
			QTY	REQ.	PARKING	
1	BEDROOM	1.50	134	201	204	306
2	BEDROOM	2.00	169	338	255	510
3	BEDROOM	2.25	33	74	51	115
TOTALS			336	613	510	931

	# OF SPACES	NOTES
ADA PARKING	22	19 REQUIRED
COMPACT	25	25% MAXIMUM
GARAGES (INTERIOR)	105	
GARAGES (STACKED)	80	REQUIRES VARIANCE
REGULAR SPACES	727	
TOTAL SPACES	959	(28 MORE SPACES THAN 931 REQUIRED)

	# OF SPACES	NOTES
ADA PARKING	22	19 REQUIRED
COMPACT	25	25% MAXIMUM
GARAGES (INTERIOR)	105	
GARAGES (STACKED)	80	REQUIRES VARIANCE
REGULAR SPACES	727	
TOTAL SPACES	959	(28 MORE SPACES THAN 931 REQUIRED)

REQUEST: ALLOW STACKED PARKING AT GARAGES

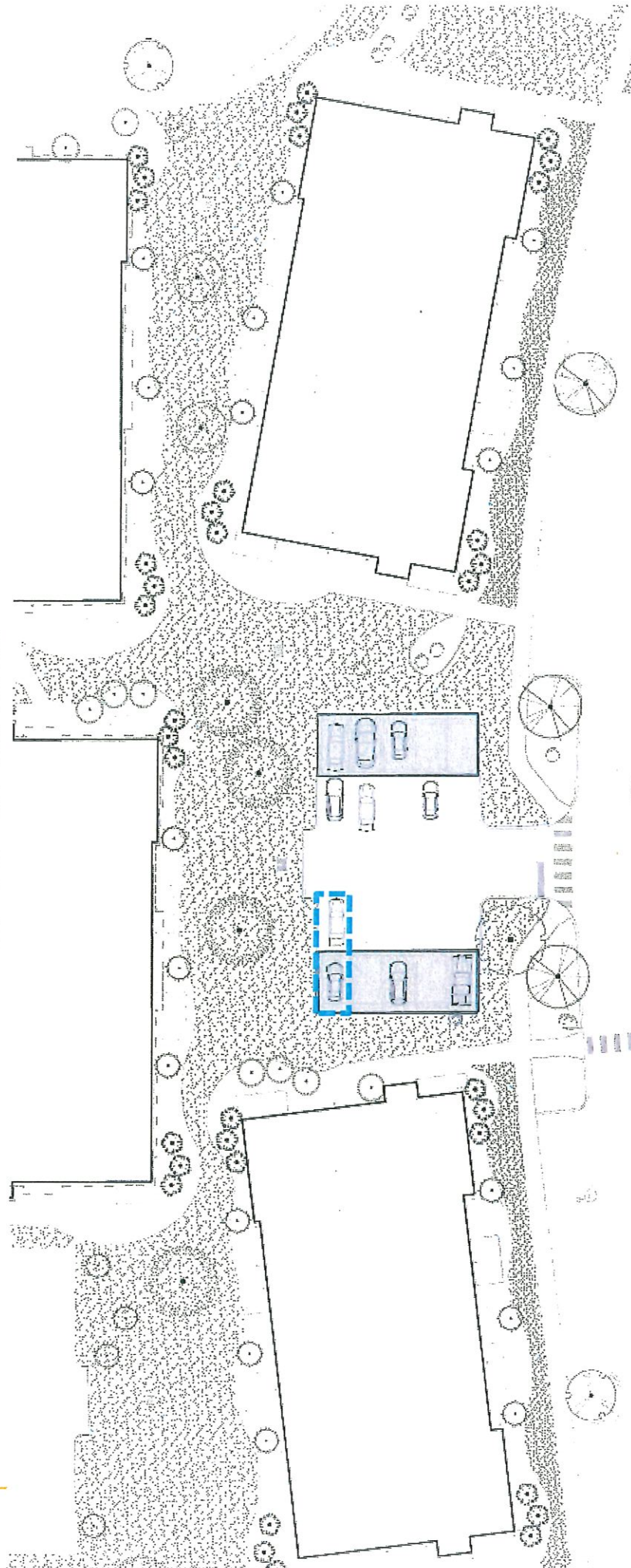


LEGEND

- 5-CAR GARAGE + STACKED SPACES (16 STRUCTURES)
- 5-CAR GARAGE WITH NO STACKED SPACES (5 STRUCTURES)

**GARAGE SPACE + STACKED SPACE ARE
LEASED TO INDIVIDUAL UNITS**

REQUEST: ALLOW STACKED PARKING AT GARAGES



**GARAGE SPACE + STACKED SPACE ARE
LEASED TO ONE INDIVIDUAL UNITS**



REQUEST:

ALLOW STACKED PARKING AT GARAGES

PARKING REQUIREMENT

UNIT TYPES	PARKING/UNIT	CURRENT		REQUESTED	
		QTY	REQ. PARKING	QTY	REQ. PARKING
1 BEDROOM	1.50	134	201	204	306
2 BEDROOM	2.00	169	338	255	510
3 BEDROOM	2.25	33	74	51	115
TOTALS		336	613	510	931

PARKING SUPPLIED

	# OF SPACES	NOTES
ADA PARKING	22	19 REQUIRED
COMPACT	25	25% MAXIMUM
GARAGES (INTERIOR)	105	
GARAGES (STACKED)	80	REQUIRES VARIANCE
REGULAR SPACES	727	
TOTAL SPACES	959	(28 MORE SPACES THAN 931 REQUIRED)

**GARAGE SPACE + STACKED SPACE ARE
LEASED TO ONE INDIVIDUAL UNITS**



[illegible]

STATUS: SITE PLAN



NO CHANGE



IN SUMMARY

PROPERTY INFORMATION

FUTURE LAND USE	CURRENT	REQUESTED
	Residential Low Density	Residential Medium Density
ZONING	Residential Low One (RL-1)	Residential General One (RG-1)
FRONT SETBACK	20'	no change
REAR SETBACK	10'	no change
SIDE SETBACK	5'	no change

SITE AREA CALCULATIONS

	CURRENT	REQUESTED
NET DEVELOPABLE PROJECT AREA	42.36 AC	no change
BUILDING FOOTPRINT AREA	4.86 AC	no change
GARAGE FOOTPRINT AREA	0.64 AC	no change
PARKING AND DRIVEWAYS	8.37 AC	no change
SIDEWALK AREA	2.14 AC	no change
TOTAL IMPERVIOUS AREA	16.02 AC	no change
TOTAL PERVIOUS AREA	26.34 AC	no change
IMPERVIOUS SURFACE AREA RATIO	37.82%	no change
FLOOR AREA RATIO	137.82%	no change

REQUESTED APPROVALS

FUTURE LAND USE

CURRENT: RESIDENTIAL LOW DENSITY
REQUESTED: RESIDENTIAL MEDIUM DENSITY

ZONING

CURRENT: RL-1
REQUESTED: RG-1

MOBILITY VARIANCE

ALLOW STACKING OF 80 PARKING SPACES FRONTING COVERED GARAGES



FLAGLER CROSSING APARTMENTS

PLANNING & ZONING BOARD PRESENTATION

FEBRUARY 1, 2022
ML+H Project 20.31.0



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: February 2, 2022

RE: **Introduction and First Reading for Ordinance 2022-04 Small Scale Rezoning for approximately 42.36 upland acres referred to as Flagler Crossing.**

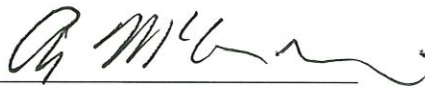
On Tuesday, February 1, 2022, the Planning and Zoning Board (PZB) discussed and recommended a small scale rezoning that is compatible with a proposed land use plan amendment on property referred to as Flagler Crossing. This property is located West of the FEC Railroad, South of San Sebastian View and East of the San Sebastian River and contains approximately 42.36 upland acres. The proposed rezoning includes changing the zoning designation from Residential Low-One (RL-1) (yellow) to Residential General-One (RG-1) (orange) on the upland portion of the property only.

As with the proposed land use change associated with Ordinance 2022-03, the PZB discussed the appropriateness of the proposed rezoning and the compatibility of the Residential General-One (RG-1) zoning district for the area. The PZB determined that the area is appropriate for multifamily development given the location and surrounding development. The proposed RG-1 zoning district is the standard multifamily zoning district for the city, and is the same standard that was used on adjacent properties. The PZB also discussed the need for rental units within the city.

Please find attached Ordinance 2022-04, legal description, and maps illustrating the current land use and the proposed land use. Also find attached the packet material that was presented to the Planning and Zoning Board (PZB)

I respectfully request that this item be placed on the February 14, 2022 City Commission Agenda for Introduction and First Reading.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com.


Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 42.36 UPLAND ACRES OF PROPERTY LOCATED WEST OF THE FEC RAILWAY, SOUTH OF SAN SEBASTIAN VIEW AND EAST OF THE SAN SEBASTIAN RIVER IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF RESIDENTIAL LOW-ONE (RL-1) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL-ONE (RG-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has made a positive recommendation that a parcel of property containing approximately 42.36 upland acres located West of the FEC Railway, South of San Sebastian View, and East of the San Sebastian River in the City of St. Augustine, being more fully described herein, should be rezoned;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The following described property, containing approximately 42.36 upland acres located West of the FEC Railway, South of San Sebastian View, and East of the San Sebastian River in the City of St. Augustine, is hereby rezoned from the classification of Residential Low-One (RL-1) to Residential General-One (RG-1):

**0 San Sebastian View
1-3 PT OF GOV LOT 1 SEC 1-7-29 LYING W OF FEC
RAILWAY & S OF SAN SEBASTIAN VIEW
OR5404/93 – Parcel Number 084560-0020, and**

**Upland portions east of the San Sebastian River 1-2
PTS OF SEC 1-7-29 & 12-7-29 & 6-7-30 & 7-7-30 & 12-
7-30 & 36-6-29 & 44-7-30 & 50-7-29 & 55-7-30 & 56-7-29
& 98-6-29 OR5404/86 – Parcel Number 084560-0010
(+/-) 42.36 acres**

Section 2. The City Planning and Building Director is hereby authorized and directed to change the Zoning Atlas for the City of St. Augustine, Florida to reflect the rezoning of the above-described land, more fully described attached.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. This ordinance shall be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2022-03 or, if Ordinance No. 2022-03 is challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

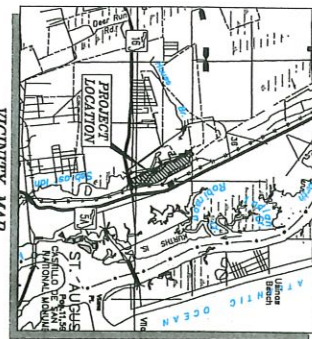
PASSED by the City Commission of the City of St. Augustine, Florida, this
_____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)



VICINITY MAP
(NOT TO SCALE)

THE SURVEYOR HAS REVIEWED THE RECORDS OF THE ST. JOHNS COUNTY PLAT BOOKS, RECORDS, AND MAPS, AND HAS FOUND THAT THE FOLLOWING INFORMATION IS CORRECT AND COMPLETE:

1. THE SURVEY WAS MADE BY THE SURVEYOR, AND THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF FLORIDA.

2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT, CHAPTER 349, F.S.

3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

5. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

7. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

8. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

9. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

1. THE SURVEY WAS MADE BY THE SURVEYOR, AND THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF FLORIDA.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT, CHAPTER 349, F.S.
3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
5. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
7. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
8. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
9. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.



GRAPHIC SCALE
1 inch = 500 feet

GENERAL NOTES

1. THE SURVEY WAS MADE BY THE SURVEYOR, AND THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF FLORIDA.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT, CHAPTER 349, F.S.
3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
5. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
7. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
8. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
9. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.
10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

ALTA/NSPS SURVEY

PROPERTY ADDRESS: ST. JOHNS COUNTY, FLORIDA

ALTA SURVEY BASED AND BASED ON A TITLE COMMITMENT BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NS-10587-01, DATED 08/24/2011.

CERTIFICATION

I, THE SURVEYOR, CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT, CHAPTER 349, F.S., AND THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS, CHAPTER 349-01, F.A.C.

DATE OF SURVEY: 08/24/2011

JOHN K. MARTIN, PLS 8831

ST. JOHNS COUNTY, FLORIDA		PROJECT NO. 17-11-23	
ST. AUGUSTINE		FILE NO. 17-11-23	
DATE OF SURVEY: 08/24/2011		SHEET 1 OF 1	

NO.	DATE	DESCRIPTION
1	08-27-11	ADDITIONAL GRANTEE STRUCTURE DATA INCLUDED
2	09-12-11	REVISED BOUNDARY DATA & LEGAL, CONSENT TO ALTA
3	09-27-11	AND NEW TITLE ONLY, WITH FIELD VERIFICATIONS THIS DATE

FOR: CORNER LOT DEVELOPMENT GROUP

Party Chief: JKM
Drawn by: JKM
Field by: JKM
Check by: JKM

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2505); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1468), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET;

COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

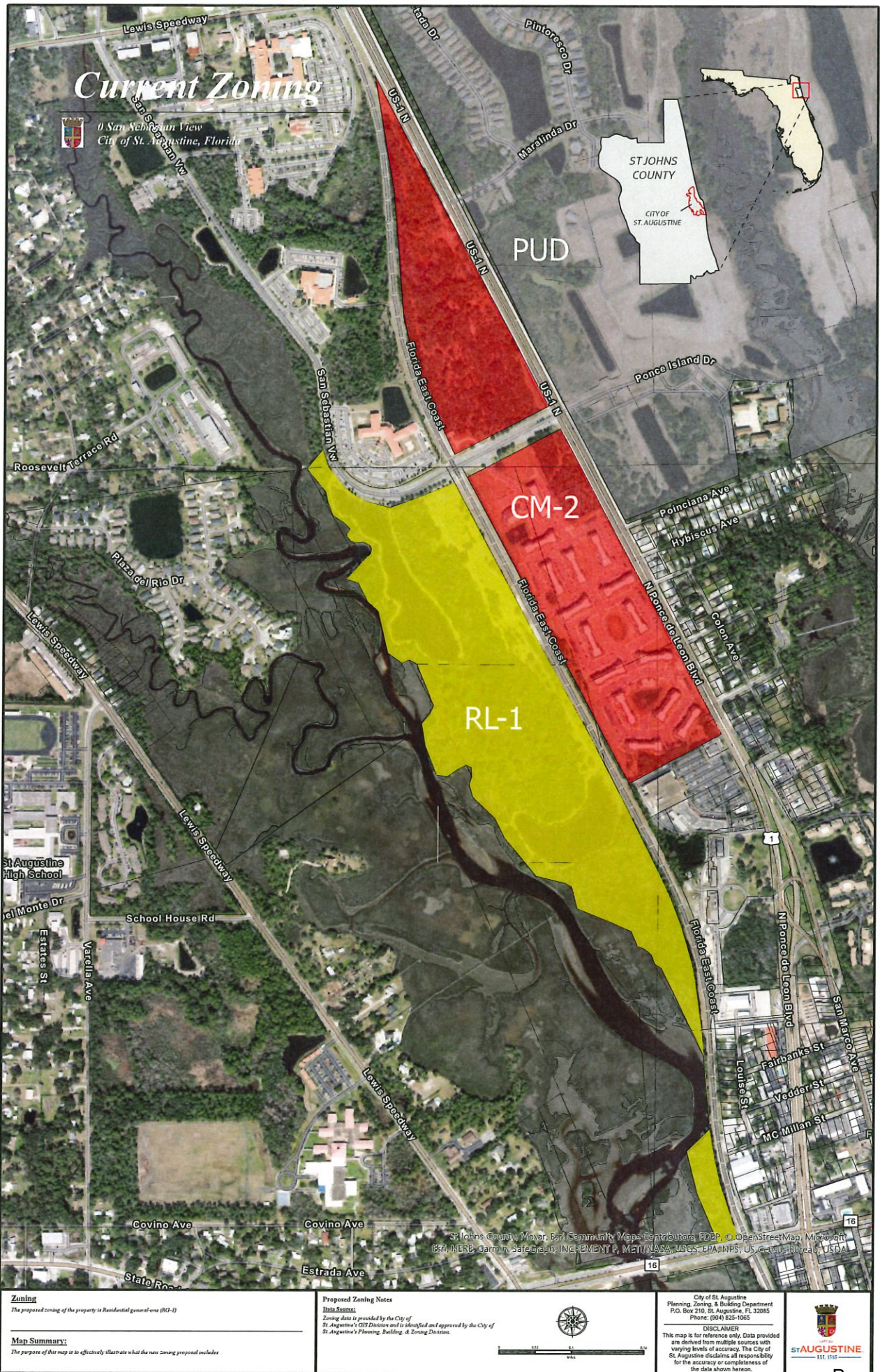
A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE E.S. ROBERTSON GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

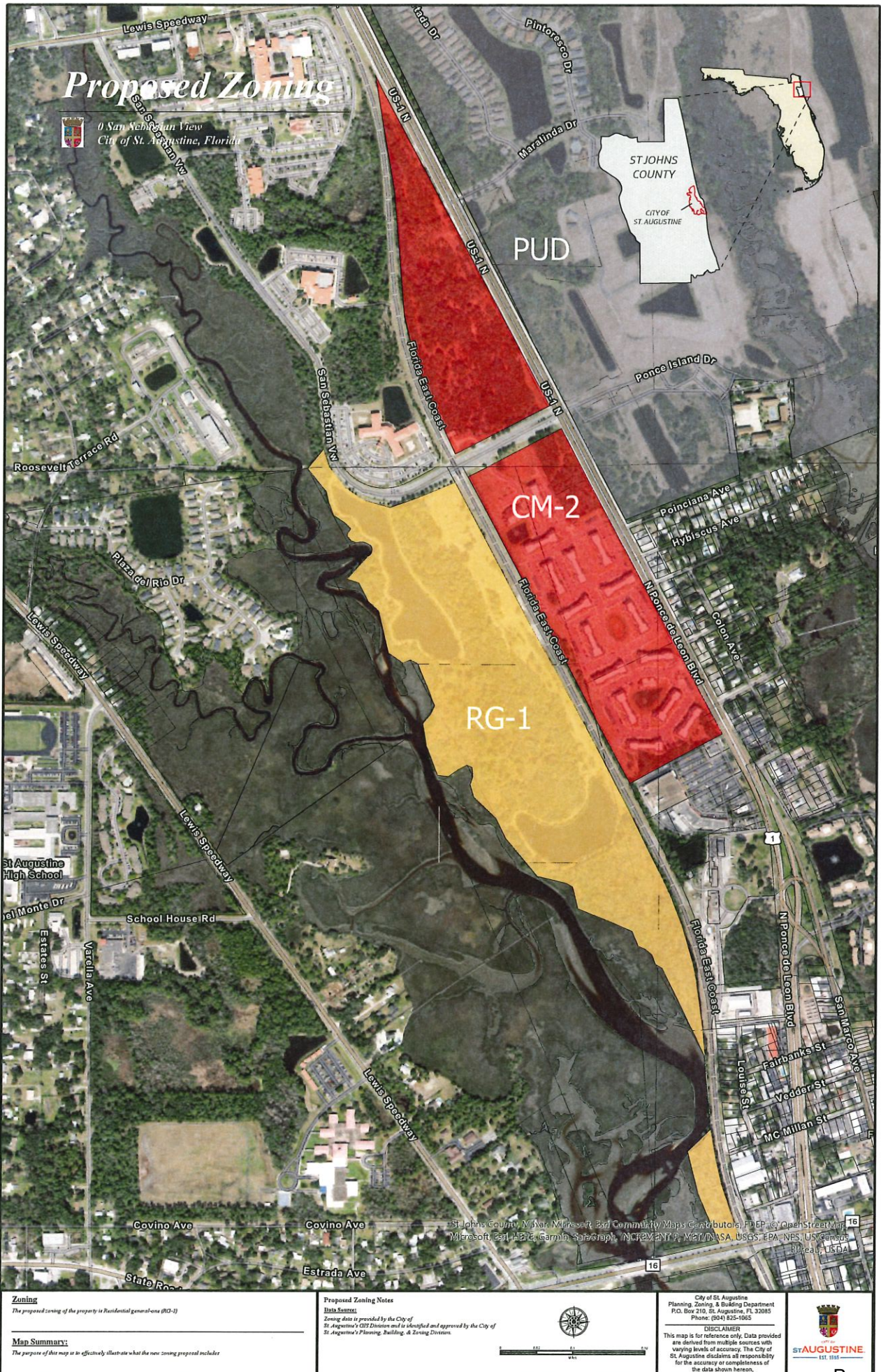
FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 25.51 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 877.97 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF

WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1160.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET TO THE BEGINNING OF A CURVE, BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.60 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°21'21" EAST, 69.60 FEET) TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 11509.16 FEET; COURSE 6); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 226.46 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°12'41" EAST 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 8); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 68.62 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04°15'56" EAST, 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 881.42 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.





CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 1, 2022

RE: **COMPREHENSIVE PLAN LAND USE MAP AMENDMENT, REZONING AND
VARIANCE 2022-0004**

AGENDA ITEM 7(a)

APPLICANT Billy Zeits
c/o Flagler Multifamily LLC

OWNER Flagler Multifamily LLC

LOCATION 0 San Sebastian View / PID 084660-0020 & 084560-0010

REQUEST A request to change the Comprehensive Plan land use designation on the property from Residential Low Density Mixed Use (RLD-MU) to Residential Medium Density (RMD) and a compatible rezoning from Residential Low-one (RL-1) to Residential General-one (RG-1). This application includes a variance request to allow stacked parking spaces as required parking spaces for the multifamily development.

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
- (3) Consistency with the comprehensive plan.

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Based on Sec. 28-29. - Zoning exceptions, variances and appeals no variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff believes that the disadvantages in this situation stem from reduction in developable area due to the existing rail line and conservation area.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

These disadvantages confine the development footprint which effectively eliminate the option of providing the number of parking spaces required without stacking them.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This property has existing in this form for a significant amount of time and geographical features and rail lines are not conditions created by the owner or applicant.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance will not be contrary to the public interest and would not adversely affect neighboring properties in a significant way due to the nature of the request.

REQUEST

The applicant is requesting that the property, approximately 43 acres in size, be rezoned from Residential low-one: RL-1 to Residential general-one: RG-1 and have the corresponding land use amended from Residential Low Density Mixed Use to Residential Medium Density to be consistent with the potential new zoning type. The applicant suggests that the proposed changes would be consistent with the zoning and future land use map designations in the immediate area.

The adjoining land east of this property has a land use designation of Commercial Medium Intensity and is zoned Commercial medium-two: CM-2. Just north is the St. Johns County Administration Complex which is also a high traffic and fairly intense use of land. A land use of Residential Medium Density and zoning of Residential general-one: RG-1 is compatible in this suburban context.

APPENDIX A

Sec. 28-166. - Residential, low-one: RL-1.

Intent. This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible with and complementary to low density residential uses, so as to create and maintain a mixed low density residential character.

- (1) Permitted uses and structures:
 - a. Single-family dwellings.
 - b. Accessory apartments.
 - c. Multiple-family dwellings.
 - d. Home office, private.
- (2) Permitted accessory uses and structures: See section 28-348.
- (3) Permitted uses by exception:
 - a. Tourist homes and bed and breakfasts.
 - b. Rooming and boarding houses.
 - c. Housing for the elderly.
 - d. Neighborhood recreation facility.
 - e. Hotels and motels, thirty (30) units maximum.
 - f. Restaurants and/or bars in connection with hotels or motels.
 - g. Intermediate care facilities.
 - h. See section 28-347.
- (4) Minimum lot requirements:
 - a. Single-family dwellings:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
 - b. Multiple-family dwellings:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, ten thousand nine hundred (10,900) square feet for the first two (2) units and five thousand four hundred (5,400) square feet for each additional unit, to a maximum of eight (8) units per acre.
 - c. Nonresidential uses:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (5) Maximum lot coverage by all buildings and structures: Thirty (30) percent.
- (6) Minimum yard requirements:
 - a. Residential uses:
 1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
 - b. Nonresidential uses:
 1. Front, fifteen (15) feet.
 2. Side, twenty (20) feet.
 3. Rear, twenty (20) feet.
- (7) Maximum heights of structures: Thirty-five (35) feet.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- (7) Maximum height of structures:
- a. Single-family dwellings. Thirty-five (35) feet.
 - b. Multiple-family dwellings. Thirty-five (35) feet.

FLUE Policy 6.4.3

Residential Low Density

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses such as churches, child care centers, public and institutional uses, including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate so as to create and maintain a stable low intensity residential character.

For Residential Uses a maximum of **8 single family dwellings per acre**; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

FLUE Policy 6.4.4

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and multiple family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character. A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation), as appropriate.

For Residential Uses a maximum of **16 units per acre**; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$400 (plus advertising costs) Project Number: 2022-0004
 Receipt Number: 2278868 Meeting Date: Feb. 1, 2022
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Billy Zeits Contact Number: (904)551-2540
 Business (if applicable): Flagler Multifamily LLC.
 Address: 1819 Goodwin Street City: Jacksonville State: FL Zip: 32204
 E-Mail Address: wzeits@cornerlotdevelopment.com

2. NAME OF PROPERTY OWNER: Flagler Multifamily LLC. Contact Number: (904) 551-2540
 Business (if applicable): _____
 Address: 1819 Goodwin St. City: Jacksonville State: FL Zip: 32204
 E-Mail Address: aallen@bellsouth.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: See Attached Legal Description & Survey Block: _____
 Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 0 San Sebastian VW

5. SPECIFIC PROPOSED USE: Residential Medium Density Land Use & RG-1 Zoning

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☒ Land Use Plan Amendment
☒ Variance ☒ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: This application is a request to amend the future land use designation of the subject property from RLD-MU to RMD, with a companion rezoning to RG-1 to be compatible with the proposed land use.
These amendments allow the site to be developed with similar density to neighboring developments. Additionally, the proposed land use amendment and rezoning will provide the applicant the ability to increase the density of the site without changing the approved civil site plans, limit or any impacts to the existing conservation area. A mobility variance is requested to allow the parking spaces in front of the garages that are available for lease to be considered towards the parking count.

8. JUSTIFICATION FOR ACTION REQUESTED: These amendments allow the site to be developed with similar density to neighboring developments. Additionally, the proposed land use amendment and rezoning will provide housing to meet the demand in the area. The proposed site is near the intersection of San Sebastian and US-1 N., which provide the site with adequate roadway capacity and is already forecasted to have a traffic signal installed.

04/18/2019

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

PLEASE SEE ATTACHMENT

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☐ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

1-7-2021

Date

Signature of Property Owner

1-7-2021

Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

William Zeitz

Print name of applicant

[Signature]

Signature of applicant

1-7-2021

Date



Owner's Authorization For Agent

William Zeits is/are hereby authorized TO ACT ON BEHALF
OF Flagler Multifamily LLC the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
75 King Street, St. Augustine, FL 32084

BY: [Signature]
Signature of Owner
Andy Allen
Print Name of Owner
904-551-2540
Telephone Number

State of Florida

County of Duval

Signed and sworn before me on this 7th day of January, 2022

By Christian Allen

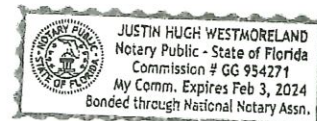
Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature:

My Commission expires:

[Signature]
2/3/24



PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

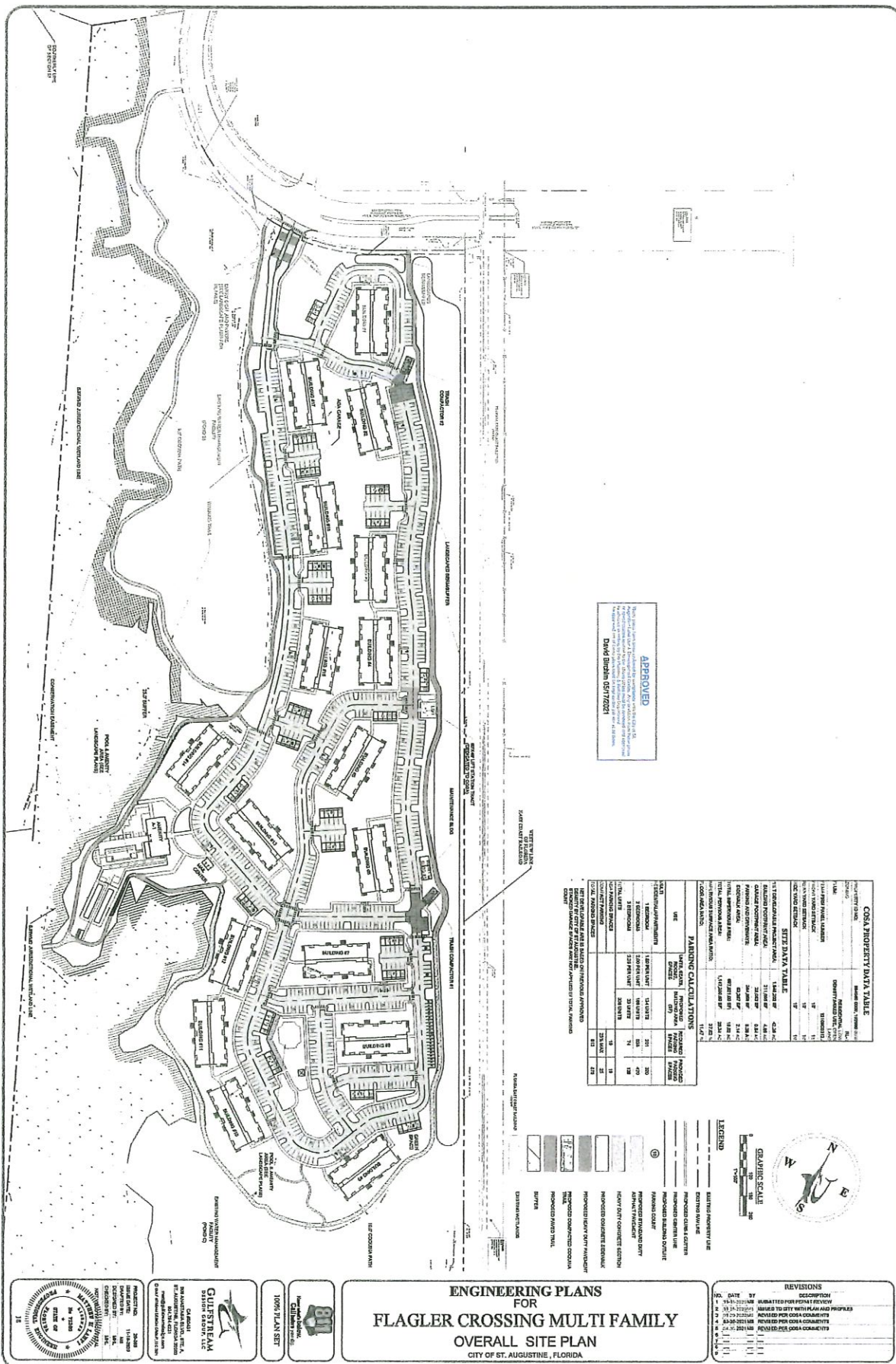
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 0 San Sebastian View

Applicant's Name: William Zeith Applicant's Signature: [Signature]

Owner's Name: Andy Allen Owner's Signature: [Signature]



SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2505); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1468), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET;

COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE E.S. ROBERTSON GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 25.51 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 877.97 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF

WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1160.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET TO THE BEGINNING OF A CURVE, BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.60 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°21'21" EAST, 69.60 FEET) TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 11509.16 FEET; COURSE 6); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 226.46 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°12'41" EAST 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 8); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 68.62 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04°15'56" EAST, 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 881.42 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.

MOBILITY VARIANCE REQUEST
January 7, 2022

Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:

The property is constrained by an existing rail line and an existing conservation area. In addition, the site is contaminated with arsenic by the historical use of a railroad maintenance yard, requiring the developer to remediate the property while working within the confines of the conservation area and the existing rail line. Remediation of the site facilitated the creation of large berm that separates the development from the rail line, further constraining the development area.

Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property

The owner's objective is to improve the conservation area in conjunction with the development, not negatively impact it; however, the disadvantages described above confine the development footprint, restricting further expansion without impacts to the conservation area.

The multifamily development, through the approval of the variance, will offer 52 more parking spaces than are required by code.

Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:

The disadvantages created by geography constraints, a rail line, and a conservation area existed prior to the current owner's purchase of the property.

Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:

Granting of the variance will not be contrary to public interest or other parcels as the development is private property and intended for use primarily by the residents or associated visitors. In addition, the variance will contribute to the spirit, intent, and purpose by providing parking solutions and additional parking spaces for the development's residents.

Tracey Mullins

From: Billy Zeits <wzeits@cornerlotdevelopment.com>
Sent: Monday, January 10, 2022 10:38 AM
To: Tracey Mullins
Cc: Jacob Fredriksson
Subject: Re: Land Use Change

The request is to change the Land Use and Zoning for a portion of:

0845600020

0845600010

A sketch and legal will be provided that will be explicit to the 42.36 acres of developable area.

William "Billy" Zeits

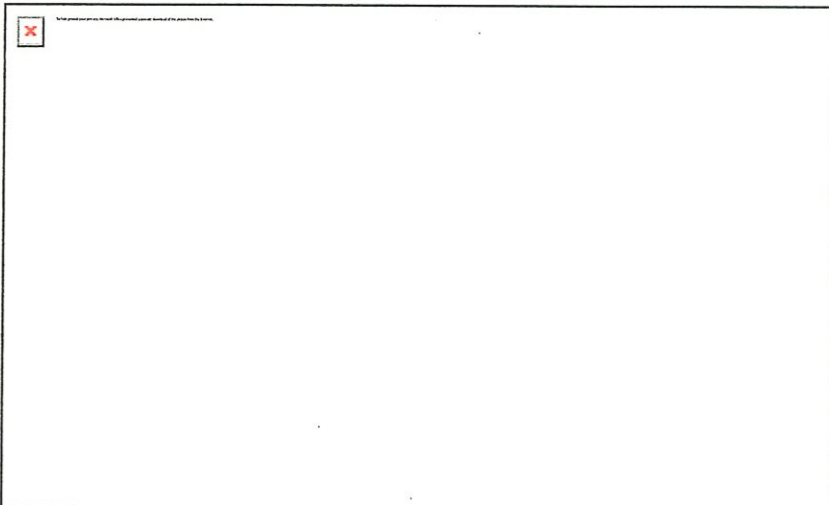
Sr. Project Manager
Corner Lot Development Group

w 904-551-2540 c 904-814-1299

wzeits@cornerlotdevelopment.com

www.thecornerlotcompanies.com

1819 Goodwin Street, Jacksonville, FL 32204



On Mon, Jan 10, 2022 at 10:23 AM Tracey Mullins <tmullins@citystaug.com> wrote:

Good morning Billy,

Please provide us with the parcel numbers related to this project.



FLAGLER CROSSING APARTMENTS

PLANNING & ZONING BOARD PRESENTATION

FEBRUARY 1, 2022
ML+H Project 20.31.0



AGENDA

PLANNING & ZONING BOARD

REQUEST FOR REZONING AND MOBILITY VARIANCE

- APPROVED PLANS
 - SITE PLAN + LAYOUT
 - CONSERVATION OVERLAY
- ARCHITECTURE
- ZONING + FUTURE LAND USE
- PARKING
- TRAFFIC
- UTILITIES

REQUESTED APPROVALS

FUTURE LAND USE
CURRENT: RESIDENTIAL LOW DENSITY
REQUESTED: RESIDENTIAL MEDIUM DENSITY

ZONING
CURRENT: RL-1
REQUESTED: RG-1

MOBILITY VARIANCE
ALLOW STACKING OF 80 PARKING SPACES FRONTING COVERED GARAGES

SITE PLAN: AS APPROVED AT JANUARY 5, 2021 PZB MEETING



CORNER LOT
CHILISTREAM
CARTER
 LANDSCAPE ARCHITECTURE PLANNING
 Marquis Latimer + Halback
 LANDSCAPE ARCHITECTURE PLANNING

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com | LC0000091 (Florida)

SITE PLAN: PROPOSED — NO CHANGES

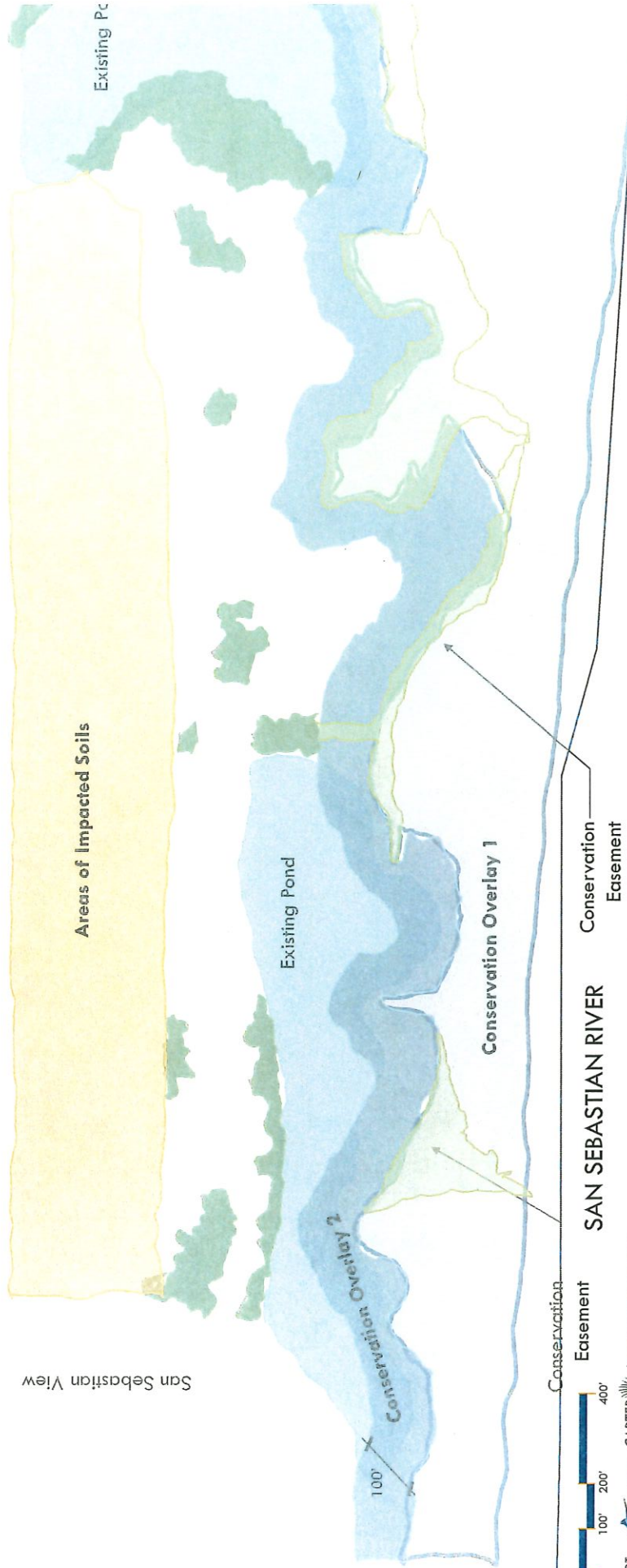


Marquis Latimer + Halback
LANDSCAPE ARCHITECTURE, PLLC

SITE PLAN: CONSERVATION OVERLAY – NO CHANGES

-  Conservation Overlay Zone 1 (Waterward of MHWL or Wetland Line)
-  Conservation Overlay Zone 2 (Within 100' of most restrictive jurisdictional line – either MHWL –or– Wetlands Line, in this case)
-  Conservation Overlay Zone 3 (Trees)
-  Conservation Easements 19.80+/- acres
-  Impacted Soils, soils to be removed or capped +/- 15 acres

Florida East Coast Railroad



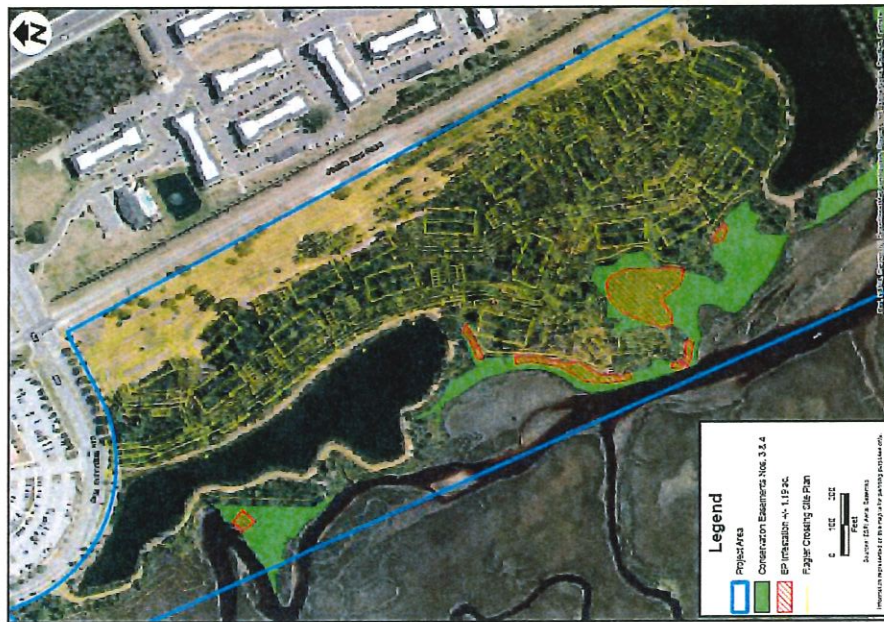
CORNER LOT
DEVELOPMENT GROUP

CARTER
LANDSCAPE ARCHITECTURE

Marquis Latimer + Halback
PLANNING

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com | LCC000000

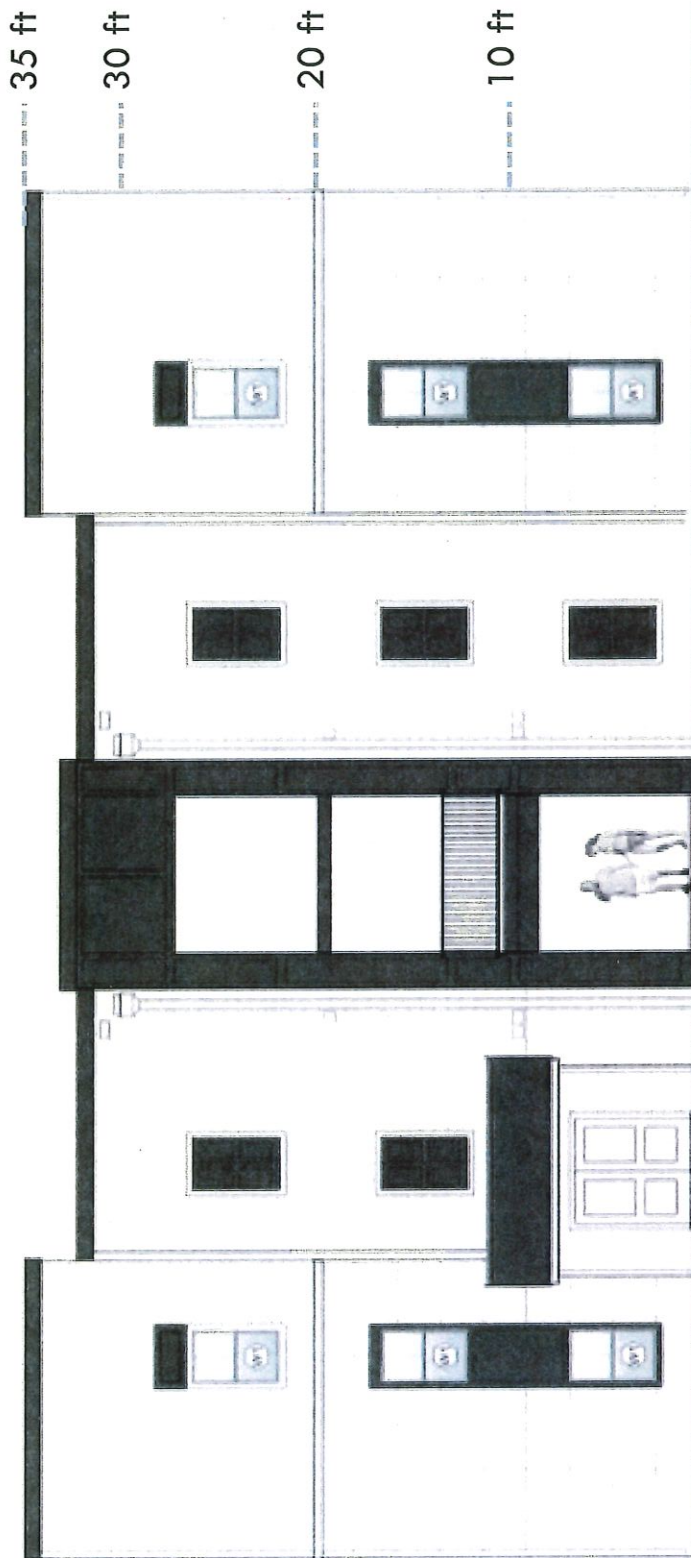
SITE PLAN:
CONSERVATION OVERLAY – REHABILITATION UNDERWAY



ARCHITECTURE:

3 STORY – 35' HEIGHT

ZONING COMPLIANT



ARCHITECTURE:

3 STORY – 35' HEIGHT

ZONING COMPLIANT



REQUEST: ZONING & LAND USE: INCREASE IN DENSITY PARKING: ALLOW STACKED PARKING AT GARAGES

PROPERTY INFORMATION

	CURRENT	REQUESTED
FUTURE LAND USE	Residential Low Density	Residential Medium Density
ZONING	Residential Low One (RL-1)	Residential General One (RG-1)
FRONT SETBACK	20'	no change
REAR SETBACK	10'	no change
SIDE SETBACK	5'	no change

SITE AREA CALCULATIONS

	CURRENT	REQUESTED
NET DEVELOPABLE PROJECT AREA	42.36 AC	no change
BUILDING FOOTPRINT AREA	4.86 AC	no change
GARAGE FOOTPRINT AREA	0.64 AC	no change
PARKING AND DRIVEWAYS	8.37 AC	no change
SIDEWALK AREA	2.14 AC	no change
TOTAL IMPERVIOUS AREA	16.02 AC	no change
TOTAL PERVIOUS AREA	26.34 AC	no change
IMPERVIOUS SURFACE AREA RATIO	37.82%	no change
FLOOR AREA RATIO	137.82%	no change

DENSITY

RL-1:	8 UNITS/ACRE
RG-1:	16 UNIT/ACRE

PARKING REQUIREMENT

UNIT TYPES	PARKING/UNIT	QTY REQ. PARKING	QTY REQ. PARKING	REQUESTED
1 BEDROOM	1.50	134	201	204
2 BEDROOM	2.00	169	338	255
3 BEDROOM	2.25	33	74	51
TOTALS		336	613	510
				931

PARKING SUPPLIED

	# OF SPACES	NOTES
ADA PARKING	22	19 REQUIRED
COMPACT	25	25% MAXIMUM
GARAGES (INTERIOR)	105	
GARAGES (STACKED)	80	REQUIRES VARIANCE
REGULAR SPACES	727	
TOTAL SPACES	959	(28 MORE SPACES THAN 931 REQUIRED)



ZONING

REQUEST: ALLOW STACKED PARKING AT GARAGES

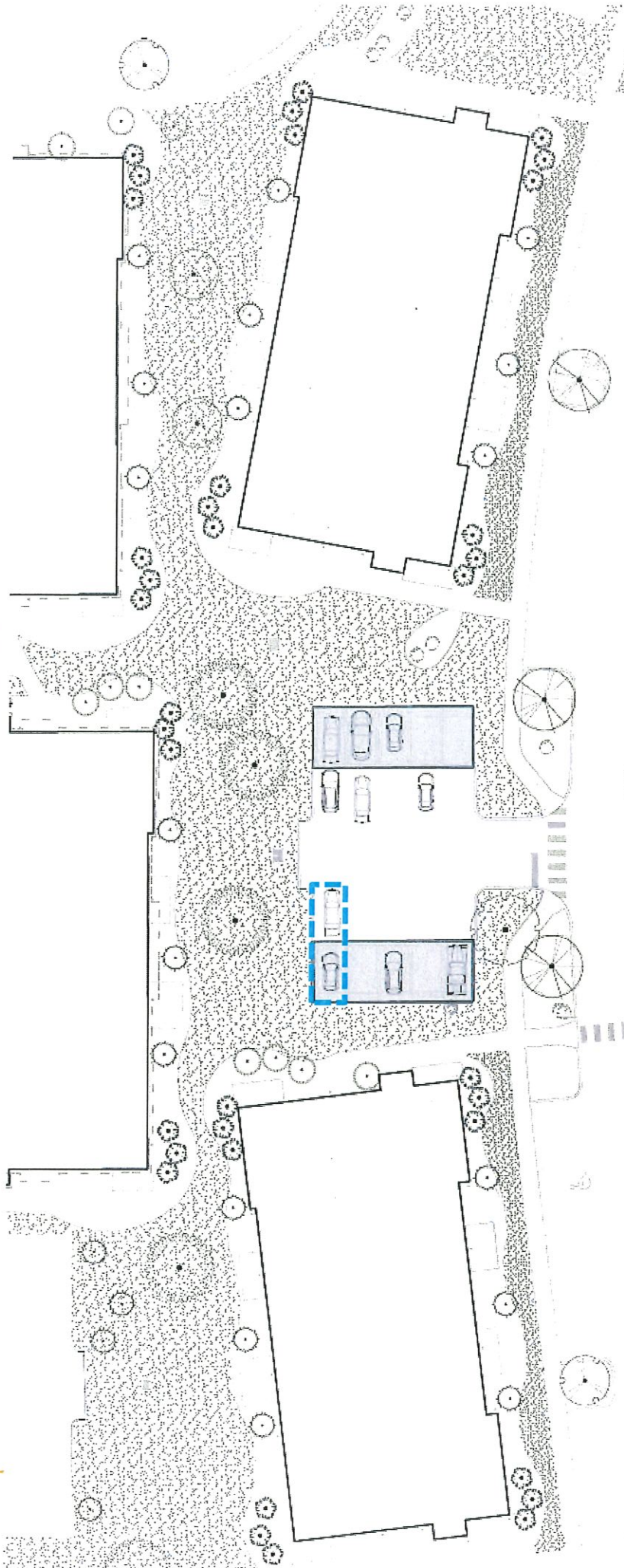


LEGEND

- 5-CAR GARAGE + STACKED SPACES (16 STRUCTURES)
- 5-CAR GARAGE WITH NO STACKED SPACES (5 STRUCTURES)

**GARAGE SPACE + STACKED SPACE ARE
LEASED TO INDIVIDUAL UNITS**

REQUEST: ALLOW STACKED PARKING AT GARAGES



**GARAGE SPACE + STACKED SPACE ARE
LEASED TO ONE INDIVIDUAL UNITS**



REQUEST: ALLOW STACKED PARKING AT GARAGES

PARKING REQUIREMENT

UNIT TYPES	PARKING/UNIT	CURRENT		REQUESTED	
		QTY	REQ. PARKING	QTY	REQ. PARKING
1 BEDROOM	1.50	134	201	204	306
2 BEDROOM	2.00	169	338	255	510
3 BEDROOM	2.25	33	74	51	115
TOTALS		336	613	510	931

PARKING SUPPLIED

	# OF SPACES	NOTES
ADA PARKING	22	19 REQUIRED
COMPACT	25	25% MAXIMUM
GARAGES (INTERIOR)	105	
GARAGES (STACKED)	80	REQUIRES VARIANCE
REGULAR SPACES	727	
TOTAL SPACES	959	(28 MORE SPACES THAN 931 REQUIRED)

**GARAGE SPACE + STACKED SPACE ARE
LEASED TO ONE INDIVIDUAL UNITS**



SHORT TERM RENTALS ARE PROHIBITED

GARAGE SPACES AND STACKED SPACES ARE RESERVED FOR INDIVIDUAL UNITS.

STATUS: SITE PLAN



NO CHANGE



IN SUMMARY

PROPERTY INFORMATION

FUTURE LAND USE	CURRENT	REQUESTED
	Residential Low Density	Residential Medium Density
ZONING	Residential Low One (RL-1)	Residential General One (RG-1)
FRONT SETBACK	20'	no change
REAR SETBACK	10'	no change
SIDE SETBACK	5'	no change

SITE AREA CALCULATIONS

	CURRENT	REQUESTED
NET DEVELOPABLE PROJECT AREA	42.36 AC	no change
BUILDING FOOTPRINT AREA	4.86 AC	no change
GARAGE FOOTPRINT AREA	0.64 AC	no change
PARKING AND DRIVEWAYS	8.37 AC	no change
SIDEWALK AREA	2.14 AC	no change
TOTAL IMPERVIOUS AREA	16.02 AC	no change
TOTAL PERVIOUS AREA	26.34 AC	no change
IMPERVIOUS SURFACE AREA RATIO	37.82%	no change
FLOOR AREA RATIO	137.82%	no change

REQUESTED APPROVALS

FUTURE LAND USE

CURRENT: RESIDENTIAL LOW DENSITY
REQUESTED: RESIDENTIAL MEDIUM DENSITY

ZONING

CURRENT: RL-1
REQUESTED: RG-1

MOBILITY VARIANCE

ALLOW STACKING OF 80 PARKING SPACES FRONTING COVERED GARAGES



FLAGLER CROSSING APARTMENTS

PLANNING & ZONING BOARD PRESENTATION

FEBRUARY 1, 2022
ML+H Project 20.31.0



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan
City Manager

DATE: February 2nd, 2022

RE: Dredging of the Salt Run Channel, Resolution 2022-01, and Salt Run
Dredging Interlocal Agreement

The St. Augustine Port, Waterway & Beach District (SAPWBD) is planning on having the entire channel in Salt Run dredged in a multi-phased project. Dredging for this phase of this project will cost approximately \$200,000.00. To fund this phase of this project the SAPWBD has agreed to spend up to \$50,000 if the City would apply for a \$150,000.00 Florida Inland Navigational District (FIND) grant. In order to apply for the FIND grant the City Commission will need to approve the attached resolution (Resolution 2022-01) and also sign and approve the attached inter-local agreement with the SAPWBD.

Permits for this project are all ready in hand.

Therefore, if you concur with this matter, please place this item on the February 14th, City Commission agenda for their consideration and approval of Resolution 2022-01.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance. Corey Sakryd will be present to the commission.



James C. Piggott
Director, General Services

JCP

Enclosure

RESOLUTION NO. 2022-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT'S WATERWAYS ASSISTANCE PROGRAM FOR DREDGING OF THE SALT RUN CHANNEL.

WHEREAS, the City of St. Augustine desires to complete the following project for the benefit of the citizens of the City of St. Augustine:

Project Title: Dredging of the Salt Run Navigation Channel.

Total Estimated Cost of the Dredging Project: \$200,000.00.

Total Grant Request: \$150,000.00.

Brief Description of the Dredging Project ("PROJECT"): Salt Run provides public access to the Atlantic Intracoastal Waterway ("AICW") and the Atlantic Ocean. Salt Run was last dredged in January 2020 as part of a multi-phased maintenance program. The current navigation channel still requires substantial maintenance dredging. This proposed dredging project will remove approximately 5715 cubic yards of material from an 80-foot wide, 1.8-mile-long channel located in Salt Run and running from its confluence with the St Augustine inlet. All proposed dredging will increase depth to 10 feet below mean low tide and will create a bottom width of 80 feet; All permits are approved. This phase of the dredging project is estimated at \$200,000.00.

WHEREAS, the Florida Inland Navigation District ("FIND") provides grant funding through its Waterways Assistance Program to local governments for dredging and navigation channel improvement projects not to exceed \$150,000.00; and

WHEREAS, the City requires the assistance of the FIND for funding the described Project in cooperation with funding provided by the St. Augustine Port, Waterway and Beach District which will provide funds in the amount not to exceed \$50,000.00;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

1. That the City Commission hereby authorizes the dredging Project described above.

2. That the City Commission hereby authorizes the City Manager to apply to the FIND for a grant of funds not to exceed \$150,000.00. The City Commission further authorizes the City Manager to complete and execute all documents necessary to seek and receive the described grant funds and all construction and other contracts necessary to complete the Project.

3. That the City Commission hereby certifies that the City will accept and abide by the terms and conditions as provided in Rule 66B-2, F.A.C., and agrees to incorporate said terms and conditions into any agreement for construction and completion of the dredging Project.

4. That the City Commission agrees to complete the dredging Project in the manner described in the description of the dredging Project and in accord with the plans and specifications contained in that description.

5. That the City possesses the administrative and financial ability to complete the dredging Project in a satisfactory manner provided the City receives from the St. Augustine Port, Waterway and Beach District funds in an amount not to exceed \$50,000.00 needed to satisfy the estimated \$200,000.00 cost of the dredging Project. The City, however, suffers no obligation to appropriate City funds for the dredging Project.

6. That the City will not discriminate against any person on the basis of race, sex, age, creed or national origin in the use of any property or facility acquired or developed pursuant to this proposal, will comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964), will design and construct all facilities in full compliance with applicable statutes relating to accessibility by handicapped persons and shall comply with other applicable federal, state and local laws, rules and requirements.

7. That the City will maintain adequate financial records on the proposed Project to substantiate claims for reimbursement.

8. That the City will make available to the FIND, if requested, a post-audit of expenses incurred on the Project prior to, or in conjunction with, the request by the City for final payment of the grant funding provided by the FIND.

ADOPTED by the City Commission of the City of St. Augustine, Florida in regular session, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

**INTERLOCAL AGREEMENT
TO PROVIDE FOR FUNDING FOR THE
DREDGING OF THE SALT RUN CHANNEL**

This Agreement is made and entered into by and between the **ST. AUGUSTINE PORT, WATERWAY AND BEACH DISTRICT**, a special district organized under the laws of the State of Florida (hereinafter referred to as "District"), and the **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter referred to as "CITY"):

WHEREAS, the CITY, in order to enhance the usefulness of the waterways within the City and to improve boating safety, is engaged in the maintenance of navigation channels as permitted by law in the waterways within the jurisdictional boundaries of the CITY; and

WHEREAS, the CITY finds that procurement of services for dredging channels of navigation located in the CITY'S waterways furthers the health, safety and welfare of the public; and

WHEREAS, the DISTRICT has a legitimate governmental interest in enhancing public safety by providing financial support to CITY for such purposes; and

WHEREAS, the CITY provides staff fully capable of procuring and supervising dredging services but lacks adequate available funding to do so; and

WHEREAS, the CITY and the DISTRICT find that the navigation channel serving Salt Run requires dredging;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. This Agreement is entered into pursuant to the Florida Interlocal Cooperation Act of 1969, Section 163.01, *et seq.*, Florida Statutes (hereinafter referred to as the "Act"), and pursuant to powers granted by law to the CITY and to the DISTRICT.

2. In order to provide for the dredging of the channel serving Salt Run, the DISTRICT shall appropriate a sum not to exceed FIFTY THOUSAND DOLLARS AND NO/100 (\$50,000.00) for the purpose of funding the procurement of such dredging services. The DISTRICT shall pay to CITY, upon invoice rendered, the sum not in excess of FIFTY THOUSAND DOLLARS AND NO/100 (\$50,000.00) no later than sixty (60) days after dredging is completed. Said funds shall be used to fund the dredging as described herein.

3. The CITY shall not bear any financial responsibility for the dredging project described herein.

4. The CITY shall undertake the full responsibility to acquire such permits as may be required for the dredging project and will pay the costs of procuring such permits solely from the funds provided by the DISTRICT pursuant to this Agreement.

5. The CITY agrees to provide such assistance and cooperation as may be required for procurement of the necessary permits issued by any local, state or federal agency exercising jurisdiction over the dredging project and any required information necessary to complete reports as mandated by any local, state or federal agency.

6. The CITY shall undertake all responsibility to request and approve bids and contracts for the dredging work and will provide to the DISTRICT such documentation as requested by the DISTRICT or as required by any dredging permit for the project.

7. This agreement shall be effective upon the date of its full execution. Either party may terminate this Agreement upon thirty (30) days written notice.

8. This agreement is governed by the laws of the State of Florida. Any suit, action, or proceeding arising in connection with this agreement shall be brought in St. John County.

*****This Portion Intentionally Left Blank*****

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officials on the dates set forth below.

ATTEST:

[Signature]
Printed Name: Darlene H. Galambos
Title: City Clerk

(SEAL)

**ST. AUGUSTINE PORT, WATERWAY
AND BEACH DISTRICT**

By: [Signature]
Matt Brown, Chairman

Date: 1/18/22

ATTEST:

Darlene H. Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

By: _____
Tracy Upchurch, Mayor-Commissioner

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Isabelle Lopez, City Attorney

[Signature]
Clay L. Meek, SAPWBD Attorney

CITY OF ST. AUGUSTINE

MEMORANDUM

DATE: January 28, 2022

TO: Mayor Upchurch and City Commissioners

RE: Resolution # 2018-13 to reflect parade ending time to be 11:00a.m.

As you are aware the current Resolution 2018-13 states that parade events may start as early as 9:00 a.m. and must conclude by 12:00 p.m. on weekdays and Saturdays. I would like to propose amending Resolution 2018-13 to reflect the conclusion time of all parades to be 11:00 a.m.

It has been brought to my attention, with the popularity and growth of downtown St. Augustine, that it no longer feasible to close City streets down until 12:00 p.m. on Saturdays. I have spoken to the police department and having the streets closed until noon is a great cause for concern as far as safety, inconvenience to residents and local businesses as well as from a staffing standpoint for the Police department. The Police Department would like to see the Resolution changed, moving to an 8:00am to 10:00am parade restriction, but also understands that moving to an 8:00am start time could make it difficult for some events to draw a crowd that early. With that said, the 11:00am conclusion time would assist the SAPD in ensuring that our streets remain as safe as possible from a traffic standpoint on event Saturdays.

Thank you for your consideration of this matter.



John P. Regan, P.E.
City Manager

cc: Richard Thibault, Assistant City Attorney

RESOLUTION NO. 2022-06

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING THE CONCLUSION TIME OF ALL PARADES WITHIN THE CITY.

WHEREAS, special events have long been a part of the cultural environment of the City of St. Augustine, which includes annual parades; and

WHEREAS, Resolution 2018-13 provides that parade events may start as early as 9:00 am and must conclude their use of the City's rights-of-way by 12:00 pm on weekdays and Saturdays; and

WHEREAS, with the popularity and growth of downtown St. Augustine, it is no longer feasible to close City streets until 12:00 pm; and

WHEREAS, having streets closed until 12:00 pm is cause for concern as far as safety, inconvenience to residents and local businesses, as well as from a staffing standpoint for the Police department; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. Upon the effective date of this resolution, the conclusion time of all parades within the City will be 11:00 am.

Section 2. All other provisions of Resolution 2018-13 not in conflict herein are hereby affirmed and restated.

Section 3. This resolution shall become effective immediately upon adoption by the City Commission.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Seal)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: February 3, 2022

RE: February 14, 2022 Staff Presentation on the City's efforts on homelessness

The City's budget for Fiscal Year 2022 includes several items that directly reflect efforts on homelessness. These budgeted items include:

2 Outreach Officers (salary and benefits)	\$175,322
St. Francis House Beds (allow enforcement of the City's "no camping" ordinance)	\$108,244
Family Reunification Program	\$20,000
Home Again St. Johns Contribution	\$15,000
Total	\$318,566

Along with these budgeted line items, there are costs that cannot be directly tied to the City's efforts on homelessness, but that should be considered. These include fire rescue calls for assistance, power washing of the downtown area, solid waste service and litter pick up at the "Dining with Dignity" locations.

Assistant Chief Anthony Cuthbert will discuss these items, along with other efforts made by our Police Department regarding homelessness.

Please place this item on the February 14, 2022 Regular Commission Agenda under staff presentations.

I am available if you have any questions regarding these figures or the presentation.

Thank you,



Meredith Breidenstein
Assistant City Manager
Attachments



Homeless Outreach Update
St. Augustine Police Department
Anthony Cuthbert
Asst. Chief Of Police
City Commission Meeting
February 14, 2022



CITY OF
ST AUGUSTINE
EST. 1565

City of St. Augustine

Homeless Initiative/Outreach

- \$108,244: St. Francis House Beds
- \$175,322 2 Outreach Officers
- \$20,000 Family Reunification
- \$15,000 Home Again St. Johns
- \$318,566 Total Investment



Calls for Service: 2021

Homeless Related Calls for Service

- 700 Calls for service in 2021 related to Homelessness
- Equates to several thousands of manpower hours depending on:
 - Level of Intoxication
 - Psychiatric Needs
 - Medical Needs

*St. Augustine Police Department does not identify persons by economic or housing status



CITY OF
ST AUGUSTINE.
— EST. 1565 —

Community Partners

2018: Mission to Build Relationships

- Gain the trust of the Homeless
- Learn what Services were available
- Identify key Community Partners and Stakeholders: Over 30 Relationships Built
 - St. Francis House
Stewart Marchman
 - Home Again St. Johns
Catholic Charities
 - Salvation Army
Veterans Affairs
 - EPIC
Trinity Mission
 - Spencer Rehab
Meridian Behavior Healthcare
 - Flagler Health/Continuum of Care
City Rescue Mission
 - Gateway
7th Judicial Circuit State Attorney's Office
 - Trinity Mission



2020-2021 Contract Year

- Officers Utilized beds for 162 Clients
- 54 of those Clients entered housing-focused shelter program (33%)
 - 5% Increase over the previous contract year
- 14 Clients successfully exited their Homelessness as a result of encountering our program!



Family Reunification Program: Catholic Charities Partnership

2021

- 69 Individuals were serviced through our program and reunited with Family
- 6 Individuals failed to show up for their Bus or were denied by their Family
- Nationwide and 1 Individual was reunited with family in Puerto Rico (Plane Ticket)
- Outreach Officers will drive them to family if under 100 miles distance



ST AUGUSTINE
CITY OF
EST. 1565

2021

- 123 Individuals tracked by Outreach Officers
- 13 Sentenced to Rehab since Program Inception
- Outreach Officers work with Prosecutors and attend Court
- Allows for court ordered treatment programs for dependency and psychiatric needs
- Sentencing for 30 day which allows for detoxification



2021

➤ Outreach Officers on a daily basis assist the under privileged in other ways:

➤ Eyeglass/Medical Care

Assistance Getting ID

➤ Wheelchairs

Assistance in getting PO Box

➤ Car Seats

➤ Bicycles

➤ Arranged funeral services for a Veteran

➤ Transportation for the Elderly Shut-ins (Bank, Pharmacy)



Recent Changes

Park Signage/Enhances Ability to Enforce

Gibbs Park



Recent Changes

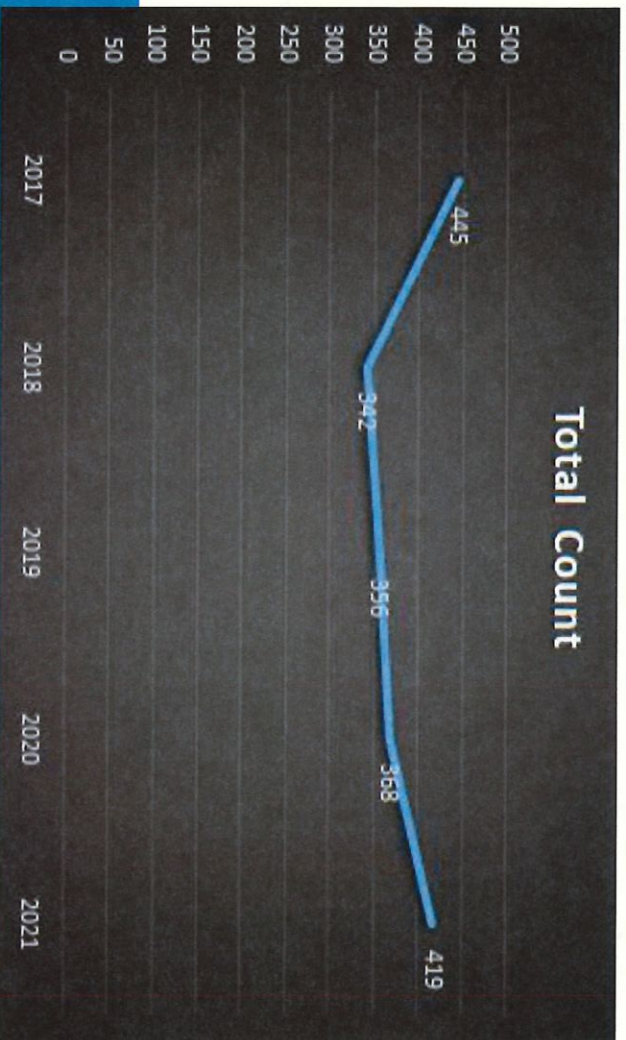
Point in Time Count

January 29, 2021-February 4, 2021

419

Next Count is February 28th, 2022

SAPD Outreach Effectively ended Homelessness for 83 of these Individuals!

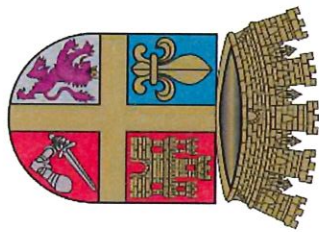


CITY OF
ST. AUGUSTINE
EST. 1565

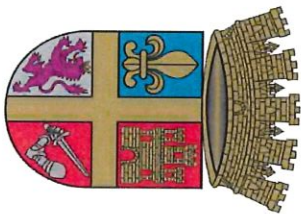
Looking Forward

- Increased Participation from Local Governments
- Expansion of Park Signage and Educational Program
- Continued Benchmarking our Outreach Program and Fiscal Contribution
 - Feasibility of Entry Level Shelter
 - Review of Panhandling Ordinance for Tighter regulation
 - Consistency in Prosecution
- Trust Building/Civilian Employee-Social Worker





CITY OF
ST AUGUSTINE
— EST. 1565 —



CITY OF
ST AUGUSTINE
— EST. 1565 —

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: February 3, 2022

RE: **City Commission Update Regarding Short Term Rental Program**

It is my understanding that at the January 24, 2022, City Commission meeting, the City Commission asked for an update of the City's Short Term Rental program. The City has moved forward to establish and enforce the Short Term Rental ordinance. Please see below for a summary.

In summary, as of Thursday, February 3, 2022, there are:

- 387 active short-term rentals within the city;
- 42 applications pending inspections; and
- 2 applications pending payment.

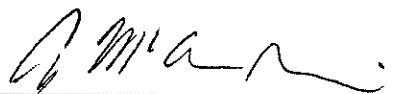
This totals **431** registered short-term rentals in the city limits.

There are also approximately 200 short term rental units that staff is tracking or has tracked in some form over the last year.

In the last 30 days the city has received 20 complaints. Over the last 18 months the city has received approximately 186 total complaints. Most of the complaints include references to trash, and parking issues (18%) related to the short-term rental, and unregistered short-term rentals (15%).

As of this date 25 off-site parking spaces have been approved for short term rentals within the City parking garage for 13 addresses/applications. Most short-term rentals are providing parking on-site.

Please place this item on the City Commission agenda for information purposes. If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director, Planning and Building Department

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and Commissioners

DATE: February 3, 2022

RE: LEGISLATIVE SESSION UPDATE

❖ **HB 323/SB 494 (Hutson) – Fish and Wildlife Conservation Commission**

Current Status – Special Order calendar for 2/3/22

- This bill expands the type of vessels that an FWC or law enforcement officer can deem to be at risk of becoming derelict if it is tied to an unlawful or unpermitted structure or mooring.

1. Abandoned Property – vessels that have been declared to be public nuisances- this allows the City to treat public nuisance vessels as abandoned property.
2. This means the owner or responsible party of the public nuisance vessel must remove the vessel within 21 days. If they fail to do so, they will be liable for all costs of removal, storage, destruction, and disposal of the vessel.
3. Requires notice to the owner or responsible party.
4. Once the vessel is disposed of, the City must notify the owner or responsible party the amount they are legally responsible for.
5. To issue a certificate of title to another party, the City will have to put it in writing that it is no longer a public nuisance.
6. The bill also allows for funds from the Florida Coastal Protection Fund to be used to remove public nuisance vessels. FWC is required to adopt rule procedures for local governments to apply for grant funding.

The City takes this action already regarding derelict vessels and will only need to incorporate the portion requiring that the vessel is no longer a public nuisance as well as utilizing the Florida Coastal Protection Fund.

This bill also allows for a person to operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway while participating in a sporting event.

Nothing else in the bill appears to be directly applicable to the City.

There is no financial burden on the City with regards to this bill.

The Florida League of Cities formally supports this bill.

❖ **HB 569 (McClure)/SB 620 (Hutson) – Business Damages/Local Government**

Current Status – SB 620 Passed as amended in the Senate with a vote of 22-14

HB 569 Laid on table 2/3/22

Any business that has been engaged in lawful business for at least three (3) years may claim business damages from the City IF the City enacts or amends an ordinance or charter that will cause a reduction of at least 15 percent of the business' revenue or profit.

1. The City is not liable for damages if:

- a. an ordinance is required to comply with State or federal law;
- b. the ordinance is temporary and on an emergency basis not to exceed 90 days.
- c. The ordinance is implemented under part II, chapter 163 for land development, zoning, municipal planning and development orders and permits
- d. Section 553.73 Building Code
- e. Section 633.202 Fire Prevention Code
- f. Adoption of a budget, procurement, contract with financial assistance
- g. Promotes economic competition

The business has pre-suit requirements before they can file.

1. Businesses must present a written offer within 180 days to settle the business' claim for damages to the City before filing a suit
2. Settlement offers must be made in good faith to include:
 - a. Explanation of the nature, extent, and monetary amount of damages.
 - b. Must be prepared by the owner, a certified accountant or business damage expert familiar with the operations of the business.
 - c. Must provide copies of business records that substantiate the offer.
3. After the settlement offer is received and within 120 days, the City must accept, reject, or counteroffer by certified mail. If the City fails to respond this will be deemed as a counteroffer of zero dollars.
4. **The court may award attorney fees to the prevailing party.**
5. The city has an opportunity to cure by repealing the ordinance, amend the ordinance to its previous state, publish a notice of intent to repeal and repeal within 30 days
6. The city may grant a waiver of the ordinance to the business

Takes effect upon becoming law.

❖ **HB 403 (Giallombardo)/SB280(Hutson) – Local Ordinances**

Current Status- SB 280 Passed in the Senate with a vote of 28-8

The bill would require the City to prepare a "business impact statement" before adopting a proposed regular ordinance.

The statement must include the following:

1. Statement of public purpose -serving public health, safety or welfare.
2. Statement showing a reasonable connection between the public purpose and the expected effects of the ordinance.
3. Estimated economic impact on business considering both adverse and beneficial effects.
4. Good faith estimate on the number of businesses affected by the ordinance.
5. Analysis as to whether the ordinance will deter or encourage new business formations in the City.
6. Analysis to the extent the ordinance will impede the ability of businesses to compete with businesses outside the jurisdiction of the City.
7. Scientific basis of the ordinance if applicable.
8. Alternatives considered by the City that would reduce the impact of the proposed ordinance on businesses.
9. Any other information that is deemed useful.

The statement must be published on the City website the same day the notice of proposed enactment of the ordinance is published.

EXEMPTED LOCAL ORDINANCES

Part II of Chapter 163 (Community Planning Act, i.e. land development code changes); Section 553.73; Section 633.202; Sections 190.005 and 190.046

Ordinances required to comply with federal or state law, adoption of budget, refinancing of debt, contractual ordinances and emergency ordinances

Any new ordinance that is being challenged in litigation, which **challenges the ordinance's validity on the grounds that it is preempted by the Florida Constitution, state law, or is arbitrary or unreasonable** will be **SUSPENDED** until litigation is complete and a finding in the City's favor is made. If a court rules in favor of the City, the City can enforce the ordinance 30 days after the entry of the order unless the plaintiff files a motion for a stay.

Courts with pending challenges to ordinances are to give those cases priority over other pending cases (Rocket Docket)

Reasonable attorney fees and costs shall be assessed to the prevailing party with a cap of \$50,000.

This bill takes effect on October 1, 2022.

❖ HB 691(Slosberg)/SB690(Rodriguez) Resilience-related Advisory Committees

Currently in the Rules Committee (1/31/22)

- Adds to 286.011, Florida Statutes – Public Meetings and records; public inspection; criminal and civil penalties

This would permit resiliency-related committees that are geographically spread to meet remotely via communications media technology (CMT). The CMT must allow for all attendees to be able to audibly communicate, as would be allowed if they were physically present. The bill provides for the public notice of such meetings to detail how interested members of the public may participate. All persons attending the public meeting or workshop must be allowed to audibly communicate.

The notice of such meeting must state whether it will be conducted using communications media technology, how a person may communicate and where the technology is available.

The Florida League of Cities formally supports this Bill.

❖ HB 325 (Fischer) / SB 512 (Burgess) – Vacation Rentals – In Regulatory Reform Subcommittee

HB 325 Currently in Ways and Means Committee 2/2/22

SB512 passed community affairs with 6-3 vote 2/2/22

The bills maintain the current preemption on local governments from adopting zoning ordinances specific to short-term rentals, as well as regulating the duration of stays and the frequency in which the properties are rented. The bills expand this preemption to include local regulations on advertising platforms. For cities that adopted ordinances prior to June 1, 2011, the bills maintain the "grandfathering" currently in place but clarify that those cities may amend their ordinances to be less restrictive or to comply with a local registration program. For cities

that do not have "grandfathered" protections, the bills preempt cities from licensing short-term rentals; however, they authorize local governments to have a local registration program.

This new bill preempts to the state the licensing and registration program and our parking requirements, not all other ordinances that were passed post 2011 as discussed below.

The City may impose a fine for failure to register the vacation rental. **It does not specify the amount of the fine.**

1. Requires a 15-day time period for the City to accept an application for a vacation rental or provide notice of deficiencies. Time frames can be extended by mutual agreement. If the City fails to approve or provide notice of deficiencies within the 15-day time frame, the application is deemed approved. **This will change the current process as once the application is received; the approval or denial comes after the inspection. The inspection will need to take place within 15 days of receipt, or a letter of deficiencies provided to require that inspection prior to approval.**
 - Currently per Resolution 2020-27, The City currently charges registration fees starting at \$294.48 plus \$73.81 per every additional bedroom and goes to \$663.54 maximum. Pursuant to HB325 because the fees have been previously adopted, they are grandfathered in. The City may not increase the fees after the bill goes into effect.

HOWEVER, HB 325 and SB 512 is substantively different right now as

SB 512 does not allow the City to continue charging current amounts but imposes a \$50 maximum registration fee. HB 325 does allow us to keep our current rates.

2. The City may only require the owner or operator of a vacation rental to:
 - Renew their registration no more than once per year unless the property has a change in ownership.
 - Submit identifying information about the owner or the property manager and the short-term rental being registered.
 - Obtain a license as a transient public lodging establishment by the Department of Business and Professional Regulation (DBPR) within 60 days of local registration.
 - Obtain all required tax registration, receipts or certificates issued by the Department of Revenue, a county or a municipal government.
 - Maintain all registration information on a continuing basis so it is current.
 - Comply with parking and solid waste handling requirements. These requirements cannot be imposed solely on short-term rentals.
 - Designate and maintain a property designee who can respond to complaints and other immediate problems related to the property, including being available by phone.
 - Pay in full all municipal or county code liens against the property being registered.

Sen. Burgess (SB512) passed through its second committee (Community Affairs) barely with a 6-3 vote in part because the committee members expressed faith that he would improve the bill before it can reach the Senate floor.

Effective date would be upon becoming law.

❖ **HB 6025 (Eskamani) / SB 316 (Stewart) – Preemption of Tree Trimming, Pruning, Removal**

Currently in Local Administration & Veteran Affairs Subcommittee 09/21/21

This bill effectively repeals 163.045, Florida Statutes which limits the City in requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

The Florida League of Cities formally supports this bill.

❖ **SB 994 (Diaz)/ HB 849 (Fernandez-Barquin) – Pet Protection**

First reading in Regulated Industries 1/18/22

Sets licensure of Retail Pet Stores. Preempts the City from prohibiting or regulating the breeding, purchasing or sale of specific types of dogs – hunting dogs, field trial dogs, sporting dogs, conformation dogs, cattle dogs, police dogs or service dogs.

❖ **HB 495 (Rodriguez)/ SB 1150 (Rodriguez) - Taxation of Affordable Housing**

Currently in Appropriations 1/27/22

Authorizes the City to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for governmental or public purpose of providing affordable housing; provides conditions for such exemptions; specifies procedures that apply if property is transferred to a person for other purposes; specifies exemption improperly granted by property appraiser will not be assessed penalty or interest. The property must be multifamily and contain at least 50 or more residences and at least 10 % must be used for affordable housing.

❖ **SB 886 (Jones) / HB 515 (Robinson) - Municipal Water and Sewer Utility Rates**

Currently just introduced on 1/11/22

Requires the City to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances. It is unclear whether this bill would require the City to charge the same rates to those in St. Johns County receiving utility services at this time. Currently it allows for up to a 25% surcharge to those outside the City.

Watch list. Opposed by League of Cities.

❖ **SB 1940 (Brodeur) - Statewide Flooding and Sea Level Rise Resilience**

Currently in Appropriations Subcommittee on Agriculture, Environment and General Government 2/2/22

Creates the Statewide Office of Resiliency which will be headed by a Chief Resilience Officer to oversee the Resilient Florida Grant Program and Statewide Flooding and Sea level Rise plans pursuant to the Department of Environmental Protection.

❖ **SB 974 (Gruters) / HB 985 (Beltran)- Sovereign Immunity**

Currently in Community Affairs after passing judiciary committee unanimously 2/2/22

Revises the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities).

- SB 974 seeks to increase the current statutory limits for claims from \$200,000 per injured person and from \$300,000 per incident to \$400,000 per incident.
- HB 985 seeks to increase the cap for damages to \$1,000,000.
- Beginning July 1, 2023, the legislation would tie the revised limit to a consumer price index to automatically increase with inflation every year. CS/HB 985 was amended to shorten the timeframe for a government entity to make final disposition of a claim from six months to three months. The bills will retroactively apply these new limits to any pending claims that have not been settled by the effective date of the bill (July 1, 2022)
- **The city may experience an increase in insurance premiums for liability coverage in response to the increase in liability limits.** There is typically a significant time lag from injury to case resolution that will delay the fiscal impact of the bill in the short term

Bill would take effect October 1, 2022.

❖ SB 1824 (Brodeur) / HB 1415 (Robinson, W) - Mobility Funding System

Currently has been introduced in Tourism, Infrastructure & Energy Subcommittee 1/16/22

Revises the requirements and best practices for local governments applying mobility plans rather than impact fees. The bills require the City adopting a mobility plan to evaluate appropriate levels of service and potential impacts of development by using the elements of its comprehensive plan. Local governments that adopt mobility plans must adopt the mobility plan and a mobility fee system into its comprehensive plan.

Being Watched by the League of Cities.

❖ HB 7 (Avila) / SB 148 (Diaz) - Individual Freedom

Currently in the Education and Employment Committee 2/1/22

The bill expands the Florida Civil Rights Act to provide that subjecting a person, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe certain concepts constitutes discrimination based on race, color, sex, or national origin under the Act.

The bill expands the potential of the City's civil liability exposure if it commits a discriminatory practice involving a prohibited concept outlined in the bill.

Being watched for now.

❖ HB 105 (Fine) / SB 224 (Gruters)- Regulation of Smoking by Counties and Municipalities

Currently Environment, Agriculture & Flooding Subcommittee 2/1/22

Authorizes cities and counties to restrict smoking within the boundaries of any public beach or park they own. The bills specify that municipalities can restrict smoking within the boundaries of a beach or park that is owned by the county but located within the city, as long as it does not conflict with any county ordinance. The Senate bill language prohibits smoking

within state parks; the House bill does not contain this language. The issue for the City are open air recreational facilities, such as the Gallimore pool, that otherwise currently prohibits the City from implementing a no smoking regulation.

Supported by the City.

❖ **SB 1696 & SB 1698 (Farmer) / HB 467 (Hinson) among other similar bills Legalization of Adult recreational use Marijuana and taxes of such**

Currently introduced but HB 1471 is in Professions & Public Health Subcommittee 1/16/22

Would legalize adult (age 21) use of recreational marijuana in a non-public location. Sets out restrictions that a Medical Marijuana Treatment Center must comply with as well as daily uses. Makes it a civil infraction with set penalties for minors gaining access to marijuana. Marijuana establishments must be over 500 feet from a school.

- Allows for a locality to prohibit the operation of a marijuana establishment.
- Allows for expunction of certain cannabis offenses.
- Taxes marijuana sales

Watch list.

❖ **HB 247(Salzman) / SB 1310 (Rodriguez) Florida Main Street Program/Tax Credit**

Currently in Finance and Tax Set for agenda 2/3/22

Sets out requirements for an Accredited Main Street Program; Specifies eligibility requirements for receiving special tax credits for taxpayers that rehabilitate certified historic structures.

Watch List.

❖ **SB 1472 (Stewart) - Public Records**

Currently has been introduced but no action taken yet

Requires agencies to respond to a public records request within 5 business days by:

- a. Making the records available
- b. Denying the request
- c. Providing a statement of how long the request will take and the reason for the delay.

Puts unreasonable time limits on records requests for the City.

Opposed by Florida League of Cities.

❖ **HB 773 (Willhite) /SB 1046 (Hooper) – Public Records/Law Enforcement GIS**

Currently in Criminal Justice & Public Safety Subcommittee 2/1/22

Exempt from public records requirements law enforcement officers and law enforcement vehicle geolocation information. The bills specify that the exemption would be applied retroactively.

Would keep officers safer as the locations of officers could not be tracked under a public records request.

❖ **HB 303 (Truenow) /SB 608 (Brodeur) – Sanitary Sewer Lateral Inspection Programs**

Currently in Appropriations (2/2/22)

Authorizes counties and municipalities to access sanitary sewer laterals within their jurisdiction to investigate, repair or replace the lateral. A sanitary sewer lateral is a privately-owned pipeline connecting a property to the main sewer line. The bills require municipalities and counties to notify private property owners within a specified timeframe if the government intends to access the owner's sanitary sewer lateral and an anticipated timeframe for the work. The bills specify that local governments who establish sanitary sewer lateral programs are legally and financially responsible for all work that is performed and authorize such programs to use specified state or local funds to evaluate and rehabilitate impaired laterals.

Being Watched by the League of Cities.

❖ **SB 518 (Brodeur) / HB 1555 (McClain) – Residential Home Protection**

Currently in Governmental Oversight and Accountability 1/20/22

Revises 163.045, Florida Statutes and maintains the existing prohibition against local governments requiring permits for the removal of "dangerous" trees on residential property. The bill clarifies what constitutes residential property and increases the level of assessment and type of documentation that must be provided by an arborist or landscape architect under the law.

The Florida League of Cities formally supports this bill.

❖ **HB 4681 (Stevenson) St. Augustine West Augustine Septic to Sewer**

Currently in Appropriations Committee 1/19/22

❖ **HB 4967 (McClure) St. Augustine Fire Station 2 Design**

Currently in Appropriations Committee 1/18/22

❖ **HB 621 (Fine) /SB 1162 (Broxson) - Infrastructure Project Funding**

Currently pending review

HB 621 (Fine) and SB 1162 (Broxson) prohibit specified state agencies and water management districts from disbursing state funds (including grants) for local government infrastructure, water and resiliency projects if the local government transfers its utility revenues (other than the costs of administrative and support services under a cost allocation plan) for use in providing general government functions and services.

The fiscal impact is under review.

Please place this item on the agenda for the February 14, 2022 City Commission meeting under 11.A - City Attorney items, for information only, no presentation necessary.

Thank you,

/s/ Richard K. Thibault

Richard K. Thibault
Assistant City Attorney

xc: John Regan, City Manager
Isabelle Lopez, City Attorney

**CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION**

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
HB 6025	Preemption of Tree Pruning, Trimming, and Removal	Eskamani	Repeals provisions relating to tree pruning, trimming, & removal on residential property.	Filed 09/13/21; Referred to Local Administration & Veterans Affairs Subcommittee; Referred to Commerce Committee; Referred to State Affairs Committee; Now in Local Administration & Veterans Affairs Subcommittee 09/22/21.	
SB 316	Preemption of Tree Pruning, Trimming, and Removal	Stewart	Repealing a provision relating to tree pruning, trimming, or removal on residential property, etc.	Filed 09/22/21; Referred to Community Affairs; Judiciary; Rules 10/13/21.	
HB 4681	St. Augustine West Augustine Septic to Sewer	Stevenson	Provides an appropriation for the St. Augustine West Augustine Septic to Sewer. APPROPRIATION: \$2,000,000.	Filed 12/01/21; Referred to Agriculture & Natural Resources Appropriations Subcommittee; Referred to Appropriations Committee; In Agriculture & Natural Resources Appropriations Subcommittee 12/16/21.	
HB 4967	St. Augustine Fire Station 2 Design	McClure	Provides an appropriation for the St. Augustine Fire Station 2 Design. APPROPRIATION: \$500,000.	Filed 12/08/21; Referred to State Administration & Technology Appropriations Subcommittee; Referred to Appropriations Committee; In State Administration & Technology Appropriations Subcommittee 12/22/21.	
HB 1415	Alternative Mobility Funding Systems	Robinson, W.	Provides definitions related to alternative mobility funding systems; specifies procedures and requirements for use by local governments in adopting or updating mobility plans, mobility fee systems, and mobility fees; specifies that local governments have burden of proving that imposition or amount of fee or exaction meets certain criteria; prohibits courts from using deferential standard for specified purpose.	Filed 01/08/22.	
SB 1824	Mobility Funding Systems	Brodeur	Revising requirements and best practices for local governments applying concurrency to transportation facilities; specifying prohibited uses of, and requirements and best practices for, mobility plans by local governments; providing requirements for a local government electing to adopt a mobility plan and mobility fee; specifying requirements for, and restrictions on, mobility fees, fee updates, and fee increases, etc.	Filed 01/07/22.	

**CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION**

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
SB 1696	Adult Use Marijuana Legalization	Farmer	Establishing the Division of Cannabis Management within the Department of Agriculture and Consumer Services; prohibiting the use of false identification by persons under 21 years of age for specified activities relating to recreational marijuana; exempting certain activities involving marijuana from use and possession offenses; authorizing persons 21 years of age or older to engage in certain activities involving the personal use, possession, transport, and cultivation of marijuana in limited amounts; providing that marijuana establishments that sell food containing marijuana are considered food establishments for the purposes of specified regulations; authorizing an individual convicted of certain crimes to petition the court for expunction of his or her criminal history record under certain circumstances, etc.	Filed 01/07/22.	
SB 1698	Taxes/Marijuana	Farmer	Imposing a sales tax on marijuana; requiring certain entities to file a monthly return that includes sales tax payments and to keep specified records; authorizing the Division of Cannabis Management to revoke a marijuana cultivation facility's license under certain circumstances; authorizing counties and municipalities to establish additional sales taxes on the sale of marijuana; exempting certain purchases of marijuana for medical use from specified state and local sales taxes, etc.	Filed 01/07/22.	
HB 247	Florida Main Street Program and Historic Preservation Tax Credits	Salzman	Specifies eligibility requirements for receiving specified tax credits for taxpayers that rehabilitate certified historic structures; specifies amount of tax credits; authorizes carryforward, sale, & transfer of tax credits; provides DOR audit & examination powers; requires return of forfeited tax credits; requires DOR to provide annual reports to Legislature.	Filed 10/11/21; Referred to Tourism, Infrastructure & Energy Subcommittee; Referred to Ways & Means Committee; Referred to Commerce Committee; In Tourism, Infrastructure & Energy Subcommittee 10/22/21; 1st Reading (Original Filed Version), 01/11/22.	
SB 1310	Florida Main Street Program and Historic Preservation Tax Credits	Rodriguez	Citing this act as the "Main Street Historic Tourism and Revitalization Act"; specifying eligibility requirements for receiving specified tax credits for taxpayers that rehabilitate certified historic structures; authorizing the carryforward, sale, and transfer of tax credits; providing the Department of Revenue audit and examination powers for specified purposes related to certified rehabilitation expenses; requiring the return of forfeited tax credits under certain circumstances, etc.	Filed 12/20/21; Referred to Commerce and Tourism; Finance and Tax; Appropriations 01/05/22; Introduced 01/11/2; On Committee agenda-Commerce and Tourism, 01/18/22; In Finance and Tax, 01/19/2022.	Favorable by Commerce and Tourism; YEAS 9 NAYS 0 -SJ 210.

**CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION**

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
HB 621	Infrastructure Project Funding	Fine	Prohibits administering agency from disbursing funds from any category of General Appropriations Act for infrastructure projects under certain conditions; requires grantee to use revenues for infrastructure projects for certain activities only; prohibits water management districts from disbursing funds to grantees for water-related projects unless certain conditions are met; prohibits potential grantees from seeking funds for water-related projects under certain conditions; provides criteria under which applicants may apply for water project grant funding; prohibits applicants from seeking water project grant funding under certain conditions.	Filed 11/16/21; Referred to Tourism, Infrastructure & Energy Subcommittee; Referred to Local Administration & Veterans Affairs Subcommittee; Referred to Appropriations Committee; Referred to Commerce Committee; In Tourism, Infrastructure & Energy Subcommittee 12/06/21; 1st Reading (Original Filed Version) 01/11/22.	
SB 1162	Infrastructure Project Funding	Broxson	Prohibiting an administering agency from disbursing funds from any category of the General Appropriations Act for infrastructure projects under certain conditions; requiring a grantee to use the revenues for infrastructure projects for certain activities; prohibiting water management districts from appropriating or disbursing funds to grantees for water-related projects unless certain conditions are met; prohibiting certain entities from applying for water project grant funding, etc.	Filed 12/06/21; Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations -SJ 77, 01/05/22; Introduced -SJ 77 01/11/22.	
HB 773	Pub. Rec./Law Enforcement Geolocation Information	Willhite	Provides exemption from public records requirements for law enforcement geolocation information held by law enforcement agency; provides retroactive applicability; provides for future legislative review & repeal of exemption; provides statement of public necessity.	Filed 11/30/21; Referred to Criminal Justice & Public Safety Subcommittee; Referred to Government Operations Subcommittee; Referred to Judiciary Committee; In Criminal Justice & Public Safety Subcommittee 12/13/21; 1st Reading (Original Filed Version) 01/11/22.	
SB 1046	Public Records/Law Enforcement Geolocation Information	Hooper	Defining the term "law enforcement geolocation information"; providing an exemption from public records requirements for law enforcement geolocation information held by a law enforcement agency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Filed 11/24/21; Referred to Criminal Justice; Governmental Oversight and Accountability; Rules -SJ 70, 12/13/21; Introduced -SJ 70, 01/11/22; On Committee agenda-- Criminal Justice, 01/25/22.	
SB 1472	Public Records	Stewart	Requiring an agency or a public body that receives a request to inspect or copy a record to make, within a specified timeframe, such record available, deny the request, or provide a certain statement in writing, etc.	Filed 01/05/22; Referred to Governmental Oversight and Accountability; Community Affairs; Rules -SJ 129, 01/12/22; Introduced -SJ 129, 01/18/22.	

**CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION**

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
HB 495	Tax Exemption for Affordable Housing	Rodriguez	Authorizes the City to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for governmental or public purpose of providing affordable housing; provides conditions for such exemptions; specifies procedures that apply if property is transferred to a person for other purposes; specifies exemption improperly granted by property appraiser will not be assessed penalty or interest.	Filed 11/03/21; Referred to Local Administration & Veterans Affairs Subcommittee; Referred to Ways & Means Committee; Referred to State Affairs Committee; In Local Administration & Veterans Affairs Subcommittee, 11/19/21; 1st Reading (Original Filed Version), 01/11/22.	
SB 1150	Taxation of Affordable Housing	Rodriguez & Rodrigues	Authorizing the City to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing; specifying requirements for eligibility for such exemptions; specifying duties of boards of county commissioners and municipal governing authorities adopting ordinances granting such exemptions; requiring property owners improperly granted such exemptions to pay owed taxes, penalties, and interest, etc.	Filed 12/02/21; Referred to Community Affairs; Finance and Tax; Appropriations -SJ 77, 01/05/22; Introduced -SJ 77, 01/11/22; On Committee agenda-Community Affairs, 01/18/22; Pending reference review under Rule 4.7(2) - (Committee Substitute); CS by Community Affairs read 1st time -SJ 216; In Finance and Tax, 01/20/22; On Committee agenda-- Finance and Tax; In Appropriations 01/27/22.	CS by Community Affairs; YEAS 7 NAYS 0 - SJ 215; Favorable by Finance and Tax; YEAS 8 NAYS 0 -SJ 236.
HB 7	Individual Freedom	Avila	Provides that subjecting individuals to specified concepts under certain circumstances constitutes discrimination based on race, color, sex, or national origin; revises provisions relating to required instruction; prohibits instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles; requires DOE to review school district professional development systems for compliance with certain provisions of law.	Filed; 1st Reading (Original Filed Version), 01/11/22; Referred to Judiciary Committee; Referred to State Affairs Committee; Referred to Education & Employment Committee; In Judiciary Committee, 01/12/22; Added to Judiciary Committee agenda, 01/24/22; Reported out of Judiciary Committee; In State Affairs Committee, 01/26/22; Added to State Affairs Committee agenda, 01/28/22.	Favorable by Judiciary Committee.
SB 148	Individual Freedom	Diaz & Rodrigues	Providing that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe specified concepts constitutes discrimination based on race, color, sex, or national origin; revising the requirements for required instruction on health education; prohibiting instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles, etc.	Filed 01/11/22; Referred to Education; Rules - SJ 117, 01/12/22; On Committee agenda-Education; In Rules -SJ 117; Introduced 01/18/22.	Favorable by Education; YEAS 6 NAYS 3 - SJ 115.

**CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION**

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
HB 849	Pet Protection	Fernandez-Barquin	Requires licensure of pet stores; requires DBPR to adopt procedures for such licensure; regulates sale or transfer of household pets by pet stores; limits sources from which pet stores may acquire pets for sale; requires DBPR to conduct periodic inspections of pet stores & audit sales records; revises importation, sterilization, & reporting requirements of certain public or private entities.	Filed 12/03/21; Referred to Regulatory Reform Subcommittee; Referred to State Administration & Technology Appropriations Subcommittee; Referred to Commerce Committee; In Regulatory Reform Subcommittee, 12/16/21; 1st Reading (Original Filed Version), 01/11/22.	
SB 994	Pet Protection	Diaz & Powell	Creating the "Florida Pet Protection Act"; requiring the licensure of retail pet stores; limiting the sources from which retail pet stores may acquire household pets for specified purposes; requiring the Department of Business and Professional Regulation to conduct periodic inspections of retail pet stores and to audit sales records; requiring the department to deny a retail pet store license under certain circumstances; prohibiting county and municipal ordinances and regulations from prohibiting or regulating the breeding, purchase, or sale of certain working dogs, etc.	Filed 11/18/21; Referred to Regulated Industries; Community Affairs; Appropriations - SJ 67, 12/13/21; On Committee agenda-Regulated Industries; Introduced -SJ 66, 01/11/22; Pending reference review under Rule 4.7(2) - (Committee Substitute); In Community Affairs, 01/13/22; CS by Regulated Industries read 1st time -SJ 174, 01/18/22.	CS by Regulated Industries; YEAS 5 NAYS 2 -SJ 115.
HB 985	Sovereign Immunity	Beltran	Revises statutory limits on liability for tort claims against state & its subdivisions; revises requirements to agree to settle claim; prohibits insurance policy from conditioning payment of benefits on enactment of claim bill; specifies limitations in effect on date final judgment is entered apply to that claim; requires DFS to adjust limitations on tort liability; revises timeframe within which agency must make final disposition of claim to prevent claim from being deemed denied; revises exceptions relating to instituting actions on claims against state & to statute of limitations for such claim.	Filed 12/20/21; Referred to Civil Justice & Property Rights Subcommittee; Referred to Appropriations Committee; Referred to Judiciary Committee; In Civil Justice & Property Rights Subcommittee, 01/07/22; 1st Reading (Original Filed Version), 01/11/22; Added to Civil Justice & Property Rights Subcommittee agenda, 01/14/22; Reported out of Civil Justice & Property Rights Subcommittee; Laid on Table under Rule 7.18(a); CS Filed; 1st Reading (Committee Substitute 1), 01/20/22; Referred to Appropriations Committee; Referred to Judiciary Committee; In Appropriations Committee, 01/21/22; Added to Appropriations Committee agenda, 01/27/22.	Favorable with CS by Civil Justice & Property Rights Subcommittee.

**CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION**

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
SB 974	Sovereign Immunity	Gruters	Revising the statutory limits on liability for tort claims against the state and its agencies and subdivisions; revising requirements for the state or an agency or a subdivision of the state to agree to settle a claim or judgment; prohibiting an insurance policy from conditioning the payment of benefits on the enactment of a claim bill; requiring the Department of Financial Services to adjust the limitations on tort liability every year after a specified date, etc.	Filed 11/18/21; Referred to Judiciary; Community Affairs; Appropriations -SJ 65, 12/13/21; Introduced -SJ 65, 01/11/22; On Committee agenda-Judiciary, 01/31/22.	
SB 1940	Statewide Flooding and Sea Level Rise Resilience	Brodeur	Establishing the Statewide Office of Resiliency within the Executive Office of the Governor; providing for the appointment of a Chief Resilience Officer, etc.	Filed 01/10/22; Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations -SJ 169, 01/12/22; Introduced -SJ 169, 01/18/22; On Committee agenda-- Environment and Natural Resources, 01/31/22.	CS by Environment and Natural Resources; YEAS 5 NAYS 0.
CS = Committee Substitute filed.					
* Bills with no counterpart in Senate or House have minimal chance of passage.					

CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 PRE-SESSION

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
-------------	-------	---------	---------	----------------	--------------

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: January 31, 2022

RE: Request for **ONE (1)** appointment – Code Enforcement Adjustment and Appeals Board

Notification was previously given regarding one (1) vacancy on the Code Enforcement Adjustment and Appeals Board which will expire December 27, 2024.

Advertising requesting applications was placed in the St. Augustine Record and posted on the City's website.

Attached is the application received from Jan Marie Kelly, in addition to the current roster, Board profile and responsibilities.

I respectfully request that consideration be given to appointing the applicant.



Darlene Galambos
City Clerk

Attachment: Application

xc: (CEAAB) Clerk's File

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT JAN MARIE KELLY
2. RESIDENCE (address) 174 ONEIDA ST PHONE 937-307-4493
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) _____
5. MAILING ADDRESS PREFERRED same as residence
6. E-mail Address jan.elections@icloud.com
7. BOARD DESIRED Code ENFORCEMENT
8. OCCUPATION (include resume if available) LAWYER Florida + D.C.
9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)
LAWYER, Certified Election Official, previous leadership positions in federal, state and local government entities. A previous member of City Comprehensive Planning Committee.
10. OTHER COMMENTS OR INFORMATION
Dedicated to serving the community in which I reside through experience, knowledge, education & application.
11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. **Regardless of your answer to question 1, go to question 2.**

Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No

Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.

RACIAL CATEGORY (Check as many as apply)

- | | |
|--|--------------------------|
| ☐ American Indian or Alaska Native | ☐ |
| ☐ Asian | |
| ☐ Black or African American | |
| ☐ Native Hawaiian or Other Pacific Islander | |
| ☒ White | |

12. SIGNATURE OF APPLICANT

Jan Marie Kelly DATE 1/17/21

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085.


Initial

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Meets Monthly, 2nd Tuesday - 3:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
Brad Beach Architect	5 Hope Street, 32084 904-521-3470 brad@itsanewday.com	4/26/2021 fill vacancy 12/13/21 1 st full term	12/27/2024
VACANT			12/27/2024
Charlu "Cece" Reigle Realtor	186 Oneida Street 904-315-3150 ccreigle@gmail.com	2/26/2018 fill vacancy 12/14/20 1 st full term	12/27//2023
Marilyn Meade Garrett	8 E. Park Ave., 32084 904-814-2199 merrilyn61@att.net	12/13/2021 fill vacancy	12/27/2022
Karen Valachovic Realtor/Registered nurse	38 Carrera St., 32084 904-923-6053 karenvseils@gmail.com	2/10/2020 1 st full term	12/27/2022
Thomas Day Retired	19 Saragossa St. 32084 904-819-9711 tomday1@comcast.net	01/14/19 fill vacancy 12/14/20 1 st full term	12/27/2023
Larry Weeks Director of BS and Campus Planner/Flagler	106 Inlet Drive 32080 904-810-5313 larryd.weeks@gmail.com	01/08/18 1 st full term 12/14/20 2 nd full term	12/27/2023

Updated 12/28/21

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Authorization:	Chapter 2, Article V, Division 2, Code of the City of St. Augustine.
Number of Members:	Seven 7
Terms of Office:	To establish staggered terms, original appointments were two 2 for one 1 year; three 3 for two 2 years; and two 2 for three 3 years. Thereafter, all appointments are for three 3 years.
Appointment:	By City Commission.
Reappointment:	Normal appointments expire December 27 of each year. Members may serve two 2 consecutive full terms only.
Qualifications:	When possible, shall include: architect, businessperson, engineer, general contractor, subcontractor, and realtor. Resident of the city.
Duties:	Hear cases presented by the local governing body attorney or by a member of the administrative staff of the local governing body. At the conclusion of the hearing, the board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The board shall have the power to: 1 Adopt rules for the conduct of its hearings, 2 Subpoena alleged violators and witnesses to its hearings, Subpoenas may be served by the Police Dept., 3 Subpoena evidence, 4 Take testimony under oath, 5 Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
Attendance:	Failure to attend two 2 of three 3 successive meetings without cause and without prior approval of the chairman of the Enforcement Board shall declare that member's office vacated.
Meetings:	Second Tuesday of each month, the Alcazar Room, 3:00 P.M.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: January 31, 2022

RE: Request for **ONE (1)** appointment - St. Augustine Police Officers' Retirement Board

Notification was previously given regarding one (1) vacancy on the St. Augustine Police Officers' Retirement Board which will expire September 30, 2022.

Advertising requesting applications was placed in the St. Augustine Record and posted on the City's website.

Attached is the application received from Mary Jane Liles, in addition to the current roster, Board profile and responsibilities.

I respectfully request consideration be given to appointing the applicant.



Darlene Galambos
City Clerk

Attachment: Application

xc: Police Retirement Board – Clerk's File

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT Mary Jane Liles
2. RESIDENCE
(address) 87 Colon Ave. PHONE 904-669-4914
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) 87 Colon Ave., St. Augustine, FL 32084
5. MAILING ADDRESS PREFERRED 87 Colon Ave., St. Augustine, FL 32084
6. E-mail Address mjliles@bellsouth.net
7. BOARD DESIRED Where needed
8. OCCUPATION (include resume if available) Retired Teacher
9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)
Taught 41 years (17 in PA and the last 24 in St. Johns Co.). I have a B.S. in Education, an M.A. in Administration, and M.A. in Guidance. I have lived in St. Augustine for 45 years.
I taught in the math field, including Algebra and Geometry.
10. OTHER COMMENTS OR INFORMATION

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☐ No	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	☐
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

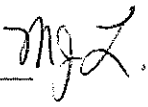
12. SIGNATURE OF APPLICANT

Mary Jane Liles

Mary Jane Liles

DATE 01/05/2022

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085.

MJL 
Initial

BOARD OF TRUSTEES
ST. AUGUSTINE POLICE OFFICERS' RETIREMENT SYSTEM

Meets quarterly, 4th Wednesday of Feb., May, Aug., and Nov. - 3:00 p.m.
Police Department, 151 King Street

	<u>Elected</u>	<u>2-year terms</u> <u>Term Expires</u>
Ryan Rado Police Representative <u>P. O. Drawer 1950, 32085-1950</u> 825-1074 Bus: Police Department	Re-elected 08/25/21 Fill vacancy 04/19/21	09/30/23
Sgt. Jeff Truncellito, Secretary/Treasurer Police Representative <u>P. O. Drawer 1950, 32085-1950</u> 825-1092 Bus: Police Department	Re-elected 01/2021 Re-elected 09/2018 Elected 09/2016	09/30/22
Daniel Hilbert Res: <u>Gabacho Ct., 32095</u> 904/252-4988 Bus: Attorney	12/14/20	09/30/22
VACANCY		09/30/22
Steve Fricke, Chair Board Appointed 5 th member <u>P. O. Drawer 1950, 32085-1950</u> Bus: Retired	Re-appointed 08/25/21 Fill Vacancy 02/17/17	09/30/23

CONSULTANTS

Cindy Farrow
Salem Trust Company
1715 Westshore Blvd., Ste 750
Tampa, FL 33607
813-301-1291
Fax 813-301-1295

William H. Schultz
Richmond Capital Mgmt.
10800 Midlothian Turnpike, Suite 217
Richmond, VA 23235
804-379-8285
Fax 904-379-9362

Michael Tierney
Actuarial Concepts
3020 Hartley Road, Suite 250
Jacksonville, FL 32257
904-262-3020
FAX 904-268-3374

Martin E. La Prade, CFA
Sawgrass Asset Mgmt, LLC
1579 The Greens Way, Suite 20
Jacksonville, FL 32250
904-493-5500
Fax 904-493-5522

BOARD OF TRUSTEES
St. AUGUSTINE POLICE OFFICERS RETIREMENT SYSTEM

Authorization:	City Charter, Article X, Police Officers Retirement System.
Number of Members:	Five 5
Terms of Office:	Elected and appointed members – two 2 year terms.
Appointment:	Two 2 legal residents appointed by City Commission; two 2 elected by the Police Officers; and one 1 selected by previous four 4.
Qualifications:	None stated in ordinance
Duties:	The general administration, management, and responsibility for the proper operation of the retirement system, including administration of investments and disbursements, and for construing and making effective the provisions thereof.
Attendance:	Elected trustee fails to attend three 3 consecutive meetings, unless excused, a vacancy is created Sec 2-162.
Meetings:	Quarterly – 3 rd Tuesday of February, May, August, and November.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: February 2, 2022

RE: Advertising for Citizen Board Term Expirations and Vacancies

During the previous Commission meetings, there were discussions regarding the necessity of placing advertisements in the St. Augustine Record. Reorganization Resolution 2020-39, page 20, Administrative Policies and Procedures Section 3.A.ii., provides for "Following notification, a special advertisement will be placed in the St. Augustine Record requesting applicants for the proposed vacancy". There are no other specific requirements to advertising term expirations or vacancies in the City's Code or Florida Statutes.

Currently, a display ad is placed once notification of any term expirations or vacancies is given to the Commission at a cost of \$215.40 per ad. These notices are also included in the City's News and Notes and are posted on all the City's social media pages. An option to consider could be to place the ads in the Classified Section at a cost of approximately \$60 per ad. I have provided examples of each type of advertisement. An additional option could be to eliminate the published advertisements and continue with only utilizing News and Notes and social media posts. Should this last option be considered, an amendment to the Reorganizational Resolution would be necessary. I look forward to discussing this matter with you.

Sincerely,



Darlene Galambos
City Clerk

**ATTENTION**

CITY OF ST. AUGUSTINE RESIDENTS

THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE IS ACCEPTING APPLICATIONS FOR THE **BOARD OF TRUSTEES FIREFIGHTERS' PENSION TRUST FUND**. INTERESTED INDIVIDUALS WHO RESIDE WITHIN THE CITY LIMITS OF THE CITY OF ST. AUGUSTINE ARE INVITED TO SUBMIT APPLICATIONS FOR THIS VOLUNTEER BOARD. APPLICATIONS ARE REQUESTED BY CLOSE OF BUSINESS ON **WEDNESDAY, JANUARY 12, 2022**. APPOINTMENT IS TENTATIVELY SCHEDULED FOR THE CITY COMMISSION MEETING OF JANUARY 24, 2022. FOR INFORMATION CONCERNING QUALIFICATIONS AND APPLICATIONS PLEASE CONTACT THE CITY CLERK'S OFFICE AT 825-1007. APPLICATION MAY BE OBTAINED IN PERSON OR VISIT THE CITY'S WEBSITE AT: <https://www.citystaug.com/DocumentCenter/View/2884/Board-Application>

City Clerk, City of St. Augustine

ED-0003392939-01

#215.40

Order Confirmation

<u>Ad Order Number</u> 0003392939	<u>Customer</u> CITY OF ST. AUGUSTINE	<u>Payor Customer</u> CITY OF ST. AUGUSTINE	<u>PO Number</u>
<u>Sales Rep.</u> ISC.dylan.abeyta	<u>Customer Account</u> 15560	<u>Payor Account</u> 15560	<u>Ordered By</u> Maria Lopes
<u>Order Taker</u> tlowe	<u>Customer Address</u> PO BOX 210 SAINT AUGUSTINE FL 32085 USA	<u>Payor Address</u> PO BOX 210 SAINT AUGUSTINE FL 32085 USA	<u>Customer Fax</u>
<u>Order Source</u>	<u>Customer Phone</u> 9048251001	<u>Payor Phone</u> 9048251001	<u>Customer EMail</u>
			<u>Special Pricing</u>

<u>Tear Sheets</u> 1	<u>Proofs</u> 0	<u>Affidavits</u> 0	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>
-------------------------	--------------------	------------------------	------------------	-------------------	------------------

Invoice Text
12/16/21 Ads 1 and 2

Ad Order Notes

<u>Net Amount</u> \$215.40	<u>Tax Amount</u> \$0.00	<u>Total Amount</u> \$215.40	<u>Payment Method</u> Invoice	<u>Payment Amount</u> \$0.00	<u>Amount Due</u> \$215.40
-------------------------------	-----------------------------	---------------------------------	----------------------------------	---------------------------------	-------------------------------

<u>Ad Number</u> 0003392939-01	<u>Ad Type</u> SA ROP 6C Display	<u>Production Method</u> Ad Center	<u>Production Notes</u> Main
-----------------------------------	-------------------------------------	---------------------------------------	---------------------------------

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u> No	<u>Pick Up</u>
---------------------------	----------------------	--------------------------	----------------

Ad Size
2 X 3.00"

Color

Run Date	Product	Placement	Rate	Sched Cst	Disc/Prem	Color	Pickup	Tax	Subtotal
12/16/2021	SA St Augustine Record	SA Main News	\$23.00 per Inch	\$138.00	-\$30.30	\$0.00	\$0.00	\$0.00	\$107.70

<u>Ad Number</u> 0003392939-02	<u>Ad Type</u> SA ROP 6C Display	<u>Production Method</u> Ad Center	<u>Production Notes</u> Main
-----------------------------------	-------------------------------------	---------------------------------------	---------------------------------

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u> No	<u>Pick Up</u>
---------------------------	----------------------	--------------------------	----------------

Ad Size
2 X 3.00"

Color

Run Date	Product	Placement	Rate	Sched Cst	Disc/Prem	Color	Pickup	Tax	Subtotal
12/16/2021	SA St Augustine Record	SA Main News	\$23.00 per Inch	\$138.00	-\$30.30	\$0.00	\$0.00	\$0.00	\$107.70

Ad Number 0003399716-01 Ad Type SA Legal Liner Production Method AdBooker Production Notes

External Ad Number Ad Attributes Ad Released No Pick Up

Ad Size 1 X 3.25" Color

WYSIWYG Content



ATTENTION
CITY OF ST. AUGUSTINE RESIDENTS
THE CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE IS AC-
CEPTING APPLICATIONS FOR THE
BOARD OF TRUSTEES
FIREFIGHTERS' PENSION TRUST
FUND INTERESTED INDIVIDUALS
WHO RESIDE WITHIN THE CITY
LIMITS OF THE CITY OF ST. AU-
GUSTINE ARE INVITED TO SUB-
MIT APPLICATIONS FOR THIS
VOLUNTEER BOARD. APPLI-
CATIONS ARE REQUESTED BY CLOSE
OF BUSINESS ON WEDNESDAY,
JANUARY 12, 2022. APPOINTMENT
IS TENTATIVELY SCHEDULED FOR
THE CITY COMMISSION MEETING
OF JANUARY 24, 2022. FOR INFOR-
MATION CONCERNING QUALIFI-
CATIONS AND APPLICATIONS
PLEASE CONTACT THE CITY CLERK'S
OFFICE AT 825-067. APPLICA-
TION MAY BE OBTAINED IN PER-
SON OR VISIT THE CITY'S WEBSITE
AT:
<https://www.citystaug.com/DocumentCenter/View/2884/Board-Application>

City Clerk, City of St. Augustine

Run Date	Product	Placement	Rate	Sched Cst	Disc/Prem	Color	Pickup	Tax	Subtotal
02/04/2022	SA St Augustine Record	SA Legals	\$8.98 per Inch	\$29.19	\$0.00	\$0.00	\$0.00	\$0.00	\$29.19
02/04/2022	SA St Aug Record Online	SA Legals	\$8.97 per Inch	\$29.15	\$0.00	\$0.00	\$0.00	\$0.00	\$29.15

\$58.34

Order Confirmation

Ad Order Number
0003399716

Sales Rep.
ISC.derek.lindberg

Order Taker
ISC.derek.lindberg

Order Source
E-mail

Customer
CITY OF ST. AUGUSTINE

Customer Account
15560

Customer Address
PO BOX 210
SAINT AUGUSTINE FL 32085 USA

Customer Phone
9048251001

Payer Customer
CITY OF ST. AUGUSTINE

Payer Account
15560

Payer Address
PO BOX 210
SAINT AUGUSTINE FL 32085 USA

Payer Phone
9048251001

PO Number

Ordered By
Maria Lopes

Customer Fax

Customer EMail

Special Pricing

Tear Sheets
1

Proofs
0

Affidavits
0

Blind Box

Promo Type

Materials

Invoice Text

Ad Order Notes

Net Amount
\$58.34

Tax Amount
\$0.00

Total Amount
\$58.34

Payment Method
Invoice

Payment Amount
\$0.00

Amount Due
\$58.34

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

Date: February 14, 2022

RE: Consideration and Approval of Lease of City Waterworks Building at 184 San Marco Avenue to the St. Johns County Cultural Council, Inc.

Attached please find the proposed lease for the City Waterworks Building at 184 San Marco Avenue to the St. Johns County Cultural Council, Inc. for use of the building as a community center providing arts, culture and educational programming. The lease includes the building and the attached outdoor music platform on the south side of the building only, it does not include the outdoor areas around the building.

At the January 10, 2022 City Commission meeting, city staff was directed to finalize the terms of the lease with the St. Johns Cultural Council, and to make the document publicly available and to return for final City Commission approval on February 14. The proposed lease has been approved by the St. Johns Cultural Council Board of Directors and is attached for your consideration.

Terms of the Lease (highlights).

- An initial 3 year term with two following 10 year terms.
- A monthly payment of \$500 with an annual adjustment based on the CPI. These fees will be placed in a restricted fund for future maintenance of the property.
- Interior Build-Out, Custodial Service and Utilities are the lessee's responsibility.
- City maintains the structural integrity of the building and maintains the AC units, landscaping and fencing. If the lessee does not complete the initial term, there will be partial reimbursements for permanently affixed real property improvements.
- Alcohol sales and service is allowed inside the building and on the outdoor music platform only. No amplified music is allowed outside of the building or on the outdoor music platform between the hours of 9:00pm-9:00am. Events may not be held after 10:00pm.
- Lessee acknowledges that the parking lot is a public lot which is also used by National Guard and the lease does not give the lessee the right to park on the county owned library property.
- Typical indemnification, hold harmless and insurance clauses.



John Regan, P.E.
City Manager

LEASE AGREEMENT

THIS LEASE is made and entered into by and between **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized and existing under and by virtue of the laws of the State of Florida (hereinafter referred to as "LESSOR"), whose mailing address is P.O. Box 210, St. Augustine, Florida 32085, and **ST. JOHNS COUNTY CULTURAL COUNCIL, INC.** (hereinafter referred to as "LESSEE"), a Florida not-for-profit corporation, whose mailing address is 15 Old Mission Avenue, St. Augustine, FL 32084.

WITNESSETH:

That in consideration of the covenants herein contained and the Rent to be paid, LESSOR and LESSEE hereby agree as follows:

(1) **LEASED PREMISES:** LESSOR does hereby rent, lease and demise unto LESSEE, and LESSEE does take from LESSOR, for a Term hereinafter provided, and in all instances in the condition as presented as of the date of this Lease, the following described premises located in St. Augustine, St. Johns County, Florida (hereinafter referred to as "Leased Premises"): the Waterworks Building, 184 San Marco Avenue, St. Augustine, Florida, and outdoor music platform, as depicted on the site plan sketch attached hereto and incorporated herein as Exhibit A.

(2) **TERM:**

(a) Initial Term: The initial Term of this Lease will be for three years, commencing on _____ 2022 at 12:01 a.m. and expiring _____ 2025 at 11:59 p.m., subject to the terms and conditions set forth herein.

(b) First Renewal Term: No later than one hundred and twenty (120) days prior to the end of the initial term, the parties will enter into good faith negotiations regarding the potential renewal of the Lease Agreement. The intent of the negotiation period is for both parties to evaluate whether a renewal of the lease addresses their respective needs and furthers their mutual goals. If the parties agree to a First Renewal Term, that term will be for ten years, commencing upon expiration of the Initial Term and expiring _____ 2035 at 11:59 p.m., subject to the terms and conditions set forth herein.

(c) Second Renewal Term: Unless either party gives notice to the other party no later than one year (365 days) prior to the expiration of the First Renewal Term, this Lease Agreement will automatically be renewed for a second and final term. The Second Renewal Term will be for ten years, commencing upon expiration of the First Renewal Term and expiring _____ 2045 at 11:59 p.m., subject to the terms and conditions set forth herein.

(3) **RENTAL:** In consideration for LESSEE's primary use of the Leased Premises as a community center providing arts, culture, and educational programming in furtherance of the City of St. Augustine's Vision Plan: 2014 and Beyond, the rental of the Leased Premises shall be in the amount of eighteen thousand and 00/100 (\$18,000.00) Dollars ("Rent") over the Initial Term of this Agreement and shall be payable monthly, in advance, at

a rate of \$500.00, plus applicable taxes, commencing on the first day of _____, 2022, and on the first day of each consecutive month thereafter during the Initial Term of this Lease. The Rent shall be annually adjusted on the first day of _____, 2023 and on the first day of _____ of each year thereafter based on the increase in the Consumer Price Index (CPI) for southern urban consumers for areas with a population of fewer than 50,000 for the measured period of June 1st through May 31st of each year. The rental of the Leased Premises for a First Renewal Term or Second Renewal Term will be due and payable in the same manner, unless otherwise agreed to by the parties in writing in an addendum to this Lease Agreement. The Rent shall be payable the month preceding the month of occupancy and shall be payable to LESSOR at:

**CITY OF ST. AUGUSTINE
DEPARTMENT OF FINANCE, BUDGET, AND MANAGEMENT
P.O. Box 210
ST. AUGUSTINE, FLORIDA 32085-0210**

A late fee of fifteen (15%) percent of the monthly lease will be assessed for any late payment received after the fifth day of each month. Failure to pay rent, in total, before the end of the fifth day shall be a default of the Terms of this Rental Agreement.

In addition to the Rent payable hereunder, LESSEE shall be responsible, as Additional Rent, for the payment of any real estate taxes assessed during the Term of this Lease by any governmental agency having taxing authority. Real estate taxes shall be paid within thirty (30) days of the date an invoice for such taxes is transmitted to LESSEE by LESSOR.

LESSEE shall be responsible for timely payment of all personal property taxes, excise, use, sales, or other taxes which may be levied for or on account of LESSEE'S occupancy or rental of the Leased Premises now or at any time during the Term of this Agreement.

(4) INTERIOR BUILD-OUT, CUSTODIAL SERVICES, AND UTILITIES: LESSEE shall pay for all costs associated with the interior build-out of the Leased Premises for its intended use and shall pay for the cost of custodial services and utilities furnished to the Leased Premises, such as gas, electricity, telephone, water and sewer, trash, and garbage collection service, and shall make all necessary utility deposits. LESSOR shall not be responsible or liable for any interruption or failure of utility service. Prior to issuance of any construction permit, LESSEE shall coordinate with the City's Planning and Building Department, Historic Preservation Officer for review and compliance with the Waterworks Building preservation covenants.

(5) LICENSE AND PERMITS: LESSEE shall be responsible for obtaining and maintaining at LESSEE'S expense all licenses and permits necessary and required for the operation of the business or businesses conducted by the LESSEE on the Leased Premises.

(6) MAINTENANCE: LESSOR covenants and agrees to keep the structural integrity of the interior and exterior of the Leased Premises and the exterior appearance of the Leased

Premises in good and sufficient repair, including the air-conditioning equipment, interpretative and historical panels, fencing and landscaping, excepting unforeseen casualty not caused by the acts or omissions of the LESSEE, its employees, agents, or guests. LESSEE shall maintain all non-structural interior components of the Leased Premises, including but not limited to all interior doors, floors, ceilings, walls, and finishes, and the electrical and plumbing for said Leased Premises in good condition and shall make all above-ground repairs to said equipment. LESSOR shall be responsible for all below-ground repairs. Installation, maintenance and repair of all equipment, fixtures or furnishings to the Leased Premises shall be the sole responsibility of LESSEE. LESSEE agrees to maintain, clean, and repair the interior of the Leased Premises at the LESSEE'S sole cost and expense during the continuance of this Lease in good, sound, clean and serviceable condition, and repair, except for defects in materials or workmanship in the construction of the building housing the Leased Premises. LESSOR shall not be required to replace, renew, or repair any depreciation or damage caused by the negligence of LESSEE or LESSEE'S employees, agents, or guests. At the sole option of LESSOR, LESSOR may undertake or contract for the renewal or repair of any damage, electrical failure or plumbing stoppage caused by the negligence of LESSEE or LESSEE'S employees, agents or guests and may charge LESSEE for the reasonable cost of such renewal or repair.

(7) **INDEMNIFICATION:** LESSEE agrees, to the extent allowed by law and except and to the extent caused by the LESSOR'S gross negligence or intentional misconduct, to protect, defend, reimburse, indemnify and hold the LESSOR, its agents, employees and officers and each of them forever, free and harmless at all times from and against any and all claims, liability, expenses, losses, costs, fines and damages, including reasonable attorney fees, and causes of action of every kind and character by reason of any damage to property, or the environment, including, without limitation, any contamination of the Leased Premises, such as the soil or storm water, or by fuel, gas, chemicals or any hazardous substances, or bodily injury, including death, incurred or sustained by any party to this Rental Agreement, any agent or employee of any party to this Rental Agreement or any other person or any governmental agency arising out of or incident to or in connection with the LESSEE'S performance under this Rental Agreement, the LESSEE'S use or occupancy of the Leased Premises, the LESSEE'S acts, omissions or operations hereunder or the performance, non-performance or purported performance of this Rental Agreement or any breach of the terms of this Rental Agreement. LESSEE recognizes the broad nature of this indemnification and hold harmless clause and voluntarily makes this covenant and expressly acknowledges the receipt of such good and valuable consideration provided by the LESSOR in support of this indemnification in accordance with laws of the State of Florida. This clause shall survive the termination of this Rental Agreement. Compliance with the insurance requirements described in paragraph 8, below, shall not relieve the LESSEE of its liability or obligation to indemnify the LESSOR as set forth in this paragraph. Notwithstanding anything to the contrary in the foregoing or within this Rental Agreement, the LESSOR shall not relinquish or waive any of its rights as a sovereign local government and the LESSOR reserves all rights and defenses under applicable sovereign immunity law.

(8) **HOLD HARMLESS; INSURANCE:** LESSEE agrees that LESSEE will at all times indemnify and save and keep LESSOR harmless from any and all claims for damage and liability to persons or property occasioned, either directly or indirectly, by the use and occupancy of the Leased Premises by the LESSEE and the LESSEE'S licensees, invitees, guests, agents and employees, including any court costs and attorney's fees, including any appeals, and shall defend the LESSOR against any such claims. LESSEE, at LESSEE'S expense, shall provide policies of insurance generally known as public liability and property damage insurance and/or "Owner's Landlord and Tenant Insurance" insuring LESSOR and LESSEE against all claims and demands made by any persons whomsoever for injuries of any type and/or kind to persons or property incurred in connection with the operation and/or maintenance of the Leased Premises in a coverage amount of not less than \$1,000,000 for each occurrence for damages to persons or property and \$500,000 for damages to the Leased Premises. **LESSEE shall obtain and deliver to LESSOR prior to or at commencement of this Lease a copy of the original policy showing the LESSOR as a named insured along with a corresponding certificate of insurance and thereafter shall provide copies of all renewals of said policy.** Failure to so provide such a policy or renewals shall constitute a default hereunder. The LESSEE also shall provide to the LESSOR proof of current Worker's Compensation coverage to the extent such coverage is required by law.

(9) **NO WAIVER OF SOVEREIGN IMMUNITY:** Nothing in this Agreement shall be construed as a waiver of sovereign immunity beyond that provided in Section 768.28, Florida Statutes, nor shall anything in this Agreement be construed as increasing the limits of the sovereign immunity of the LESSOR as provided in Section 768.28, Florida Statutes.

(10) **USE OF PREMISES:**

(a) LESSEE shall use the Leased Premises for the purpose of operating a community center for arts, culture, and educational programming consistent with the terms described in Exhibit B, attached hereto, and incorporated herein.

(b) **SPECIAL CONDITIONS:**

(1) LESSEE, and any of its licensees, guests, or invitees, if in possession of all required state and local permits and licenses, may sell, serve, allow the consumption of, or otherwise dispose of, alcoholic beverages within the interior or exterior music platform of the Leased Premises identified in Exhibit A. No alcohol is allowed in any parking area, sidewalk, outdoor common or shared area, or outdoor open area adjacent to or appurtenant to the Waterworks Building except as depicted in Exhibit A.

(2) LESSEE understands and agrees to limit music and voices to non-amplified sound in all outdoor areas, except as subject to Section 10(e)(8).

(3) LESSEE understands and agrees that if it seeks approval for off-site parking LESSEE is responsible for applying for, and complying with, all

necessary permits. LESSOR makes no guarantees or promise of approval for any permit that may require a quasi-judicial hearing.

(4) LESSEE understand and agrees that all activity occurring on the Leased Premises is limited in occupancy and intensity of use by the availability of a non-exclusive parking area to the immediate north and west of the Waterworks Building adjacent to the Leased Premises. LESSEE further understands and agrees not to use the St. Johns County Public Library parking and understands and agrees that the National Guard may need to use the non-exclusive parking area episodically for drills and other activities necessary for its operations, which may impact LESSEE's use of the Leased Premises and impact its licensee's use for booked events.

(5) LESSEE shall include the City of St. Augustine as a named sponsor of all public arts, culture, and educational programming held at the Waterworks Building, and is authorized to use the city seal for this purpose. The City Manager may request that the City not be mentioned as a sponsor for any given specific program, but must give LESSEE sufficient and reasonable notice prior to marketing publication deadlines.

(6) LESSEE shall copy the City Manager on each monthly/quarterly/annual report it produces, and LESSEE shall present an annual overview to the City Commission. The annual overview shall include all data regarding requests for community use of the facilities as described in Exhibit B. Specifically, the data submitted must include the name of the group/s, whether they are an identified priority group per Exhibit B, the number of requests for community use of the facilities by each group, and whether the group/s were approved or denied for use of the facilities, the reason why a group was denied, and if approved, under what conditions and at what fee rate. The first such annual overview will be presented no later than December 2022, and every year thereafter.

- (c) LESSOR reserves the right to require LESSEE to remove any item, either displayed, for sale, or consumption that LESSOR finds is objectionable or not compatible with Exhibit B. Upon written notification to LESSEE by LESSOR, the objectionable item(s) will be immediately removed from the Leased Premises with no recourse by LESSEE. Failure to remove the items constitutes a default of this Lease and will result in termination of this Lease. LESSEE agrees and understands that LESSOR has the discretion to make its determination binding on LESSEE.
- (d) LESSEE will not, nor will LESSEE allow anyone to, reside in the Leased Premises, but LESSEE may, at LESSEE's cost, provide for on-site security personnel.
- (e) LESSEE shall not be permitted to:

- (1) Use said Leased Premises in any manner that will obstruct or interfere with or encroach on the walks or approaches to said Leased Premises.
 - (2) Make or suffer any waste or unlawful, improper, or offensive use of said Leased Premises, permit or suffer any noise, disturbances, or nuisance on the Leased Premises detrimental to or annoying to LESSEE'S neighbors or allow any use not approved by the LESSOR.
 - (3) Hold or conduct any type of auction sales on said Leased Premises other than those commonly associated with fundraising events such as silent auctions.
 - (4) Make any physical changes to the building without consent.
 - (5) Perform any type of excavation on the Leased Premises without the prior, express written permission of LESSOR and only in compliance with applicable city codes relating to protection of archaeological resources;
 - (6) If applicable, permit the electrical panel located in the Leased Premises to be obstructed in any way. The LESSEE shall ensure the existence of at least three (3) feet of unobstructed space and access to the panel at all times; or
 - (7) If applicable, ignite or fail to extinguish immediately any fire located in the fireplaces located within the Leased Premises.
 - (8) Place any signs or furniture outside of the Leased Premises. The Leased Premises includes a designated outdoor area for the exclusive use of LESSEE, and LESSEE may place outdoor furniture and furnishings in that area, the care and maintenance of which shall be the responsibility of the LESSEE. No amplification equipment or speakers shall be used outside the Waterworks Building or on the outdoor music platform between 9:00pm-9:00am, and all music and amplified sound shall be in compliance with the city noise ordinance and is subject to all applicable city codes and ordinances
- (f) In the event the building in which the Leased Premises is located is tented for termite infestation, LESSEE will be given thirty (30) days written notice and will vacate the Leased Premises within the thirty (30) days. The LESSEE will not return to the Leased Premises until notified by LESSOR and will hold LESSOR harmless for any loss of business or damage to LESSEE'S equipment, merchandise or property incurred as a result of the vacation of the Leased Premises or the tenting and treatment process.
- (g) **HOURS OF OPERATION:** LESSOR intends to staff its offices located within the Leased Premises during regular business hours, Monday through Friday, excepting holidays. The parties understand that events and functions may be scheduled after 5:00 p.m. and on weekends, however no event or function may be held past 10:00 p.m.

(11) INSPECTION AND REPAIRS:

- (a) LESSOR and LESSOR'S agents shall have the right to make such inspection of the Leased Premises as LESSOR may from time-to-time desire, such inspection to be at reasonable times.
- (b) If LESSOR or LESSOR'S agents find that the Leased Premises are not in good order and repair and in order to protect and preserve said Leased Premises, LESSOR may serve written notice upon LESSEE notifying LESSEE to make the desired repairs within fifteen (15) days after receipt of said notice. Upon the failure of LESSEE to make all such repairs within said fifteen (15) days, LESSOR may enter upon the Leased Premises and make repairs at LESSEE'S expense, and the costs of same shall be due and payable to LESSOR upon written demand. Failure to immediately pay for repairs made by LESSOR at LESSEE'S expense shall constitute a default hereunder.
- (c) LESSEE shall have the duty to notify LESSOR of any defect in the Leased Premises for which the LESSOR owes a duty pursuant to the Terms of this Lease Agreement to maintain, repair or replace immediately upon LESSEE becoming aware of such defect. If LESSEE fails to immediately notify LESSOR of any such defect, LESSOR shall not be responsible for damage to LESSEE'S property which may be caused by said defect which could have been prevented by LESSEE'S prompt action, and LESSEE shall be responsible for any consequential damages which may arise as a proximate cause of LESSEE'S failure to notify LESSOR of such defect.

(12) SIGNS, ADVERTISING AND OTHER ITEMS: No interior or exterior window signs, advertising, painting on the interior or exterior of the building or painting on the interior or exterior of the windows of the Leased Premises shall be permitted without the prior written approval of the LESSOR. Any such signs, advertising or painting shall conform to all existing laws and ordinances, including the Code of the City of St. Augustine relating to zoning in the Historic Districts. The LESSEE shall not place any items, furniture, fixtures, merchandise, or other items of any description at any location other than inside the Leased Premises.

(13) ALTERATIONS, REPAIRS: LESSEE shall not make changes in or to the interior or exterior of the Leased Premises without prior written consent of LESSOR. Any approved changes, additions, alterations, improvements, or repairs shall be made at the sole cost of LESSEE. Any such changes, additions, alterations, improvements, or repairs shall immediately become part of the realty and the property of LESSOR and shall remain upon said Leased Premises and be surrendered therewith upon expiration or other termination of this Lease Agreement without any reimbursement, except as described below prior to completion of the initial term, being due LESSEE therefore, except for free-standing items not secured to the ceiling, walls, or floor. Any wired in, integrated audio-visual equipment, speakers, and theatrical stage, curtains, and lighting affixed to the structure will be deemed a fixture and part of LESSOR's realty upon expiration or termination of this Lease Agreement.

If the LESSEE does not complete the initial term of the lease, the LESSOR will reimburse the LESSEE for the costs of purchasing and installing the permanently affixed real property improvements made by the LESSOR during the initial term of the lease at the following rate. If the LESSEE leaves at any time during the first year of the initial term, between day 1 and day 365, 80% reimbursement. If the LESSEE leaves at any time during the second year of the initial term, between day 366 and day 731, 60% reimbursement. If the LESSEE leaves at any time during the third year of the initial term, between day 732 and day 1.097, the LESSEE will reimburse 40% of the value of the real property improvements.

(14) **ITEMS FURNISHED BY LESSEE:** LESSEE will furnish all equipment, fixtures, furnishings, supplies, house wares, decoration, floor coverings, drapes, and all other items as necessary to operate LESSEE'S business on the Leased Premises

(15) **ABANDONED PROPERTY:** BY SIGNING THIS RENTAL AGREEMENT, THE LESSEE AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY FLORIDA STATUTES, THE LESSOR SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE LESSEE'S PERSONAL PROPERTY AND MAY EXERCISE ALL RIGHTS OF A LESSOR AS PROVIDED BY FLORIDA LAW REGARDING DISPOSITION OF ABANDONED PROPERTY.

(16) **ASSIGNING AND SUBLETTING:**

(a) LESSEE shall not assign said Lease, or any part thereof, or mortgage this Lease or any interest therein, or, if LESSEE is a corporation, LESSEE'S shareholders shall not transfer a majority interest in the company to any party or parties, except upon the prior written approval of LESSOR, which approval shall not be unreasonably withheld. Any assignment shall include payment of a fee, as follows:

- (1) Twenty-five percent (25%) of the annual Lease payment if the Lease is assigned during the first (1st) year of this Agreement;
- (2) Fifteen percent (15%) of the annual Lease payment if the Lease is assigned during the second (2nd) year of this Agreement; or
- (3) Ten percent (10%) of the annual Lease payment if the Lease is assigned during the third (3rd) year of this Agreement.

(b) Subleasing of the Leased Premises is strictly prohibited under this Lease. Any subleasing of the Leased Premises will be considered a violation of the Lease and considered a default for purposes of paragraph 21 on this Lease.

(c) LESSEE may hold its own functions, recitals, theatrical performances, exhibits, and events on the Leased Premises, and may episodically license the use of the Leased Premises to other public and private groups or individuals for individual functions or events as ancillary to, and in support of, its primary use as a community center for the arts, culture, and educational

programming, if otherwise allowed consistent with its zoning, state and local permit approvals, and the terms of the Lease Agreement. LESSEE and any licensed function or event held on the Leased Premises must comply with all special conditions, rules, and prohibitions of this Lease Agreement, including but not limited to the service of alcohol limitations found in section 10(b)(1), the parking limitations found in section 10(b)(4) and the hours of operation found in section 10(g). LESSEE's duty to indemnify LESSOR for any third-party death, injury, negligence, damages, or loss of any kind shall continue regardless of whether LESSEE has licensed the use of the Leased Premises to others.

(17) **FORCE MAJEURE:** In the event the Leased Premises shall be damaged or rendered untenable in whole or in part as a result of the consequences of fire or other casualty, including all weather events and acts of God, during the term hereof, LESSOR at LESSOR'S option shall:

- (a) Restore same to tenantable condition within a reasonable period of time; or
- (b) Terminate this Lease without liability of any kind to LESSEE. In the event LESSOR elects to restore the Leased Premises, the Rent shall abate pro rata during the untenability of the Leased Premises. If only a portion of the Leased Premises is deemed untenable, the Rent shall abate pro rata based on square footage deemed untenable until same shall be restored to a tenantable condition.

(18) **COVENANT TO OCCUPY:** LESSEE hereby covenants and agrees to continue in occupancy of said Leased Premises and to pay the Rent as agreed during the entire Term of the Lease and hereby expressly covenants to be and remain liable for all damages sustained by LESSOR by virtue of the LESSEE'S failure to continue occupancy of said Leased Premises and failure to pay the Rent as required.

(19) **RESPONSIBILITY FOR DAMAGE TO CONTENTS:** LESSEE covenants and agrees to assume full responsibility for all damage to the personal property and contents of the Leased Premises, whether such personal property is owned by LESSEE or in possession of LESSEE and agrees to hold LESSOR harmless for any damage to said personal property and contents from any cause whatever. LESSEE shall be responsible for all costs necessary to procure and maintain insurance coverage for the personal property and contents.

(20) **LESSEE'S CANCELLATION RIGHT:** Provided no event of default exists when LESSEE delivers the Cancellation Notice, LESSEE may cancel the Lease Agreement upon sixty (60) days' notice to LESSOR, by delivering to LESSOR written notice thereof.

(21) **DEFAULT:**

Rent:

- (a) If the Rent herein reserved for LESSOR, or any part thereof, or any other moneys due LESSOR hereunder, shall not be paid when due or should LESSEE be in default under any other provision of this Lease and should remain in default after written notice to LESSEE of said non-payment or for other default, then in such event LESSOR, without further notice, may at any time thereafter:
- (1) Terminate this Lease, reenter the Leased Premises and hold LESSEE liable in damages; or
 - (2) Reenter the Leased Premises and rent same, with or without the fixtures, furniture and equipment that may be therein, for the account of LESSEE, at such price and on such terms and for such duration of time as LESSOR may determine and shall receive the rent, applying same to the payment of rent or other moneys due hereunder, and LESSEE shall be liable for any deficiency incurred; or
 - (3) Utilize any and all other remedies now or hereafter existing under the common and statutory laws of the State of Florida. All remedies granted hereunder are deemed cumulative and not exclusive.

Other Breach:

- (a) Breach – If LESSEE violates any of the terms and conditions of this Agreement, other than those described in Section (a), Rent, LESSOR will provide LESSEE notice of the breach consistent with Section (b), Notice, below.
- (b) Notice – For the purposes of any notices regarding a breach to LESSEE, LESSOR shall mail same, via regular U.S. Mail to the address provided by LESSEE herein. LESSOR may also provide notices to LESSEE via email at admin@historicoastculture.com. LESSEE agrees that notice shall be deemed completed upon LESSOR transferring the notice correspondence to the United States Postal Service or by electronic mail exchange.
- (c) Default – LESSEE shall have fifteen (15) days from the date of the notice in section (b) above, to cure the breach identified in the notice. Failure to cure the breach timely shall have the effect of LESSEE acknowledging the breach by default, and LESSOR may then utilize any and all other remedies now or hereafter existing under the common and statutory laws of the State of Florida, including by not limited to, termination of the Lease or non-renewal of the Lease.

(22) **ATTORNEY'S FEES AND COURT COSTS:** In the event LESSOR incurs any expense in collecting any sum of money due under this Lease for Rent or otherwise, in the event the LESSOR shall bring legal action for the purpose of evicting or ejecting LESSEE from the Leased Premises or if the LESSOR shall bring legal action for the purpose of enforcing performance by LESSEE of any of the several agreements, conditions and

covenants contained herein, LESSEE, should the LESSOR prevail in such legal action, covenants and agrees to pay to LESSOR all such expenses and all expenses and costs of litigation, including any appeals, and including a reasonable attorney's fee for LESSOR'S attorney.

(23) **CHOICE OF LAW; VENUE:** This Lease shall be interpreted according to the laws of the State of Florida, and venue for any action regarding this Lease shall lie in a court of competent jurisdiction located in St. Johns County, Florida.

(24) **LEASE NOT RECORDABLE:** This Lease shall not be recorded in the public records of St. Johns County, Florida, and in the event that such Lease is recorded contrary to this provision, the Lease shall terminate, and LESSEE shall be responsible for all attorney's fees and court costs incurred by LESSOR in removing said Lease from said public records.

(25) **NOTICES:** Any notices called for hereunder that are required to be delivered to LESSOR shall be mail to LESSOR, postage prepaid, certified mail, return receipt requested, at the following address:

**CITY OF ST. AUGUSTINE
GENERAL SERVICES DEPARTMENT
P.O. Box 210
ST. AUGUSTINE, FLORIDA 32085-0210**

For purposes of any notices or correspondence to LESSEE, LESSOR shall mail same, postage prepaid, certified mail, return receipt requested, to the following address:

**ST. JOHNS COUNTY CULTURAL COUNCIL, INC.
15 OLD MISSION AVE.
ST. AUGUSTINE, FLORIDA 32084**

(26) **NO DISCRIMINATION:** The LESSEE shall not discriminate against employees, applicants for employment, or the public because of age, race, religion, creed, color, handicap, national origin, marital status, or sex.

(27) **SUCCESSORS AND ASSIGNS:** The terms, covenants, conditions, provisions and agreements contained in this Lease shall in every case apply to, be binding upon, and inure to the benefit of the parties herein and their respective successors and assigns; it being agreed, however, that no assignment in violation of the provisions of this Lease shall vest any right or title in or to this Lease or to the leasehold estate thereby created.

(28) **PARTIAL INVALIDITY:** If any term or provision of this Lease or the application thereof to any person or circumstance to any extent, shall be held invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and all other terms or provisions of this Lease shall be deemed valid and enforceable to the extent permitted by law.

(29) **NON-WAIVER:** No waiver or any covenants or condition of this Lease by either party shall be deemed to imply or constitute a further waiver of the same covenants or condition or any other covenants or condition of this Lease.

(30) **ENTIRE AGREEMENT:** This Lease is the entire agreement between the parties, and no amendment or modification to this Lease shall be effective unless made in writing and signed by all parties.

IN WITNESS WHEREOF, LESSOR has caused this Lease to be executed in its name by its duly authorized officers, and its corporate seal to be hereunto fixed, and LESSEE has hereunto set his hand and seal, this _____ day of _____, 2022.

*** * * SIGNATURES APPEAR ON THE FOLLOWING PAGE * * ***

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

"LESSOR"

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

BY: _____
John P. Regan, City Manager

Signed, sealed, and delivered in the
presence of:

Witness

Print: _____

Witness

Print: _____

"LESSEE"

**ST. JOHNS COUNTY CULTURAL
COUNCIL, INC.**

BY: _____

Print: _____

Title: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CITY ATTORNEY

EXHIBIT A

SKETCH OF LEASED PREMISES

EXHIBIT B

USE OF PREMISES

It is the intent of the Parties that the Leased Premises be used primarily as a community center for the arts, culture, and educational programming, through the work of LESSEE and other not-for-profit cultural organizations based in and around the City. LESSEE is not an agency of the City of St. Augustine, nor is it an employee or contractor of the City of St. Augustine, and it is independently providing programming and services to the public and greater arts community as a private commercial tenant with exclusive possession and control of the Leased Premises during the term of the Lease Agreement. LESSEE shall utilize the Leased Premises as its base of operations and business headquarters. In addition, LESSEE shall make the Auditorium of the Leased Premises available, with a reasonable fee, for the cultural programming and meetings of others.

1. **Use by Not-For-Profit Cultural Organizations.** The Auditorium of the Leased Premises will be made available by Lessee for use by non-profit organizations and other groups with a primary mission related to arts, culture and heritage, licensed to do business in the State of Florida or otherwise focused on the cultural heritage of the greater St. Augustine area, no less than four hours per day on 200 days per year, for meetings of such organization's members and cultural programming offered to the public at no (or very low) cost.
2. **Application Process.** An application must be submitted at least 15 days in advance of the requested date(s) of use. LESSEE shall independently evaluate each application based on its sole discretion as a private not-for-profit corporation. Lessee may develop an online calendar and application portal or may accept applications at the Leased Premises. Lessee shall review each application within 7 days of receipt to ensure that the use proposed therein is consistent with the operation of the Leased Premises as a cultural center and that the proposed use will not cause excessive wear and tear of the Leased Premises or result in a violation of occupancy or parking limits. Lessee may deny the application for use if, in Lessee's sole discretion, Lessee determines that the use does not meet the requirements of these Guidelines.
3. **Fees for Use.** Lessee may charge a reasonable fee for use of the Auditorium, based on costs associated with such use.
4. **Limitations on Days / Hours of Use.** Except for the organizations with reservation priority established in paragraph 5 of these guidelines, not-for-profit cultural organizations may reserve no more than one date and four hours of use in any calendar month. Lessee may approve, in Lessee's sole discretion, exceptions to this limitation if the additional use does not unreasonably limit use by other eligible organizations.
5. **City of St. Augustine Events.** The City of St. Augustine will not be required to pay facilities fees for use of the Auditorium for city sponsored events. These events must be scheduled with the LESSEE and the city is responsible for any event hosting, facilities cleaning or other expenses that may be related to the city sponsored event.

6. **Priority Reservations.** The following organizations shall have the first opportunity to reserve dates for the upcoming fiscal year (October 1st through September 30th), with all priority dates reserved before June 30th of the preceding year. These organizations may reserve additional dates and times but will be required to do so following the same process as any other applicant.
- A. Friends of the Main Library** shall have priority of use on Tuesdays, Wednesdays, and Thursdays throughout the year, from 10 a.m. until 5 p.m., to produce cultural programming.
- B. A Classic Theatre** may reserve a total of 80 rehearsal dates (up to 3 hours each, after 5 pm) and 28 performance dates (4 hours each, on Friday and Saturday evenings and on Sunday afternoons) to produce its annual season of programming.
- C. Associations of the Neighborhood Council of St. Augustine.** Each Association and the Neighborhood Council may reserve up to three hours per month for meetings or member events.
- D. The Florida School for the Deaf and the Blind** may reserve up to three hours per month for meetings or events.
7. **Programming of Lessee and Others.** Lessee may utilize the Auditorium for Lessee's events and programming and may allow individuals, for-profit organizations, and other not-for-profit organizations to hold meetings and present cultural programming including recitals, lectures, exhibitions, educational classes, workshops, and similar activities on dates and during times that are not reserved as provided above. Fees for such use will be reasonably related to the costs and impact of such use on the Leased Premises and additional staff time required to manage this use. Lessee may, but shall not be required to, approve applications for programming that includes service or sale of alcohol (with appropriate permits) and fundraising activities of not-for-profit organizations. LESSEE must take into account, mitigate, or disallow, any negative impacts of events utilizing the outdoor areas of the Leased Premises due to its proximity to the children's play area of the adjacent public park.



CITY OF
ST. AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

February 1, 2022

Via e-mail

Greg White, President
West Augustine Historical Community Development Corporation
905 Pearl Street
St. Augustine, Florida 32084

RE: Medical Clinic

Dear Mr. White:

As we discussed today, I will sponsor an item for consideration at the February 14th, 2022, City Commission meeting that the City encumber \$50,000 for payment of utility connection fees for a future medical clinic. The funds will be encumbered from utility funds that are set aside each year for redevelopment/development in our West Augustine utilities service area. The purpose of this commitment is to assist your organization and St. Johns County in financing this project. It is my understanding that the bulk of the project may be funded through the St. Johns County American Recovery Act's (ARA) priority list.

It is my understanding that this project will comprise 20,000 square feet of a medical office complex that has multiple service providers. The \$50,000 value is built on this assumption plus contingency. Assuming the project comes to fruition, the final contribution will be based on the actual project details.

I hope this financial commitment by the City will help demonstrate the importance of the project to the health care of all City and County residents. Again, this term will be considered at our February 14th, 2022, City Commission meeting and is subject to City Commission approval.

Sincerely yours,

Tracy Upchurch
Mayor

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 24, 2022

The City Commission met in formal session Monday, January 24, 2022, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Mark Simpson, Director, Finance
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Dan Ott, Anastasia Baptist Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Horvath MOVED to approve the Regular Agenda. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Chris Fulmer (handout)
- Cindy Ward
- Maureen Long
- Albert Syeles
- Virginia Leveto
- Kent Lopez
- Joseph Marx
- Greg Smith
- Elizabeth Smith
- Verna Brown
- Nancy Perry
- Diane Blewett (handout)

- Dave Rounds
- Marie Cashat
- Michael Mann
- Sarah Cottingham Page
- George Moon
- Michele Bova
- Captain Natalino Carrea
- Lauren Giber
- Marcus Nelson
- Bob Butler
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA JANUARY 24, 2022

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 14, 2022:

(None)

CA.3. Reminder of Upcoming Meetings:

- February 14, 2022, 5pm, Regular City Commission Meeting
- February 28, 2022, 3pm, Special City Commission Meeting (American Rescue Plan Act funds)
- February 28, 2022, 4pm, Shade Meeting to discuss the SA Marina Holdings litigation
- February 28, 2022, 5pm, Regular City Commission Meeting
- March 14, 2022, 5pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- January 10, 2022 - Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 6 Cordova Street - James Betts

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION / RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. First quarter report for the City Attorney's office. (*I. Lopez, City Attorney*)

CA.9. December 2021 financial report. (*M. Simpson, Director Financial Services*)

End Consent Agenda

5.A. Additions, deletions, or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

7.A.1. Public presentations by private service providers for homeless services including:

- Continuum of Care (Lindsey Rodea and Sally Reed)
- Home Again St. Johns (Troy Blevins and Mike Davis)
- The St. Francis House (Judith Dembowski)

David Birchim, Assistant City Manager, introduced the topic and the speakers.

Lindsey Rodea and Sally Reed with Flagler Health's Continuum of Care (COC) division introduced themselves.

Ms. Rodea discussed her work within COC's Grant Management, reviewed their mission and vision for the homeless which included prevention, resource accessibility, and partnerships to provide access to safe, stable, and affordable housing. She reviewed COC's funding structure, projects, recipient agencies, and the 2020-21 expenditures, and noted the \$1.4 million the COC received from the CARES Act, which assisted with the 'Emergency Shelter' and 'Street Outreach' programs.

Ms. Reed discussed her work with the homeless housing programs as funded by the Housing and Urban Development (HUD) mandated process known as Coordinated Entry.

The Commission, Ms. Rodea, and Ms. Reed discussed:

- Street Outreach Services went into homeless encampments to engage with those unsheltered and not seeking assistance
- 'Point in Time Count' included individuals in close proximity to the City and throughout St. Johns County
- COC served as a conduit for community financial aid, a hub for coordinated entry, and assisted with matching those seeking resource services
- Rapid rehousing program and Care Connect Plus identified individuals to place in permanent housing, not hotels
- Worked with St. Johns Housing Partnership for development of Patriot Place, a permanent complex for homeless veterans
- Funds were available, but difficult to locate units for all the services offered; 109 households were worked with, 57 of them were matched with funding
- Four types of homeless: 'economic', 'addict', 'off meds' and 'habitual', and the latter three seriously affected the residents and visitors' quality of life

Mayor Upchurch thanked Ms. Rodea and Ms. Reed for their community work.

Troy Blevins, President, Home Again St. Johns, acknowledged that Flagler Health had provided up-front funding to assist their organization, and he commemorated that in government, relationships were more important before regulation. He introduced Ellen Walden, Executive Director, Home Again St. Johns.

Ms. Waldon reviewed the services provided by Home Again St. Johns:

- Actively worked with the COC
- Provided resources and referrals, assistance with federal, state, and local applications for eligibility, mentoring, alcohol and drug support, and employment and housing activities
- Comfort station which provided showers, laundry, and two meals

- Provided transportation services for medical appointments, mental health, and employment interviews when no other source available
- Operated with two staff members and over 400 volunteers
- Funding comprised of 64% donations, 26% fundraising, and 10% from City
- *Dining with Dignity* program had 40 faith-based volunteer groups which served nightly meals all year with 88,000 meals served from 2020-2021 both at downtown site and SR 207 site
- In 2021 provided 3,500 showers, 3,700 laundry services, over 3,400 client support services, and began a mentoring program with 92% success
- Alcohol and drug program had 75% success rate for staying clean, sober and drug free for over six months
- 29 individuals maintained employment for over one year; a 78% success rate
- Close to 19,000 volunteer hours

Mr. Blevins asked the Commission to assist Chief Michaux with the Resource Officer staffing issue, who were incredibly instrumental with the relationships between law enforcement and the homeless. He thanked the Commission for the City's financial support for their program.

The Commission and Mr. Blevins discussed how they could assist his program:

- Approximately 65 people fed nightly between Eddie Vickers and the City parking lot behind the Lightner
- Overnight shelter was not provided, and hard to know where the homeless slept
- Getting right service for the mentally ill was crucial
- Knowing and learning the homeless and behaviors would help find programs which would make situations better for them, and ease the burden on society
- Needed to humanize the homeless and avoid looking at issue from a victim situation, which made it easier to handle
- Difficult to raise money for the homeless

Mayor Upchurch thanked Mr. Blevins and Ms. Waldon for their service to the community.

Judith Demboski, Executive Director, St. Augustine Society, discussed the St. Francis House program:

- COC partner and funded agency
- Worked in collaboration with Flagler Health Plus
- 16 beds for men, 14 beds for women, 16 beds for families with minors, and overflow beds were available
- Housing focused shelter for anyone wanting to get off the street
- Considered low barrier pursuant to HUD requirements, which meant anyone could use services but must work with a case manager to identify housing obstacles
- Struggled with coordinated entry; many were in shelter and homeless for economic reasons but not chronically, and their needs were not as deep

Ms. Demboski discussed other programs:

- Street Outreach Program comprised of two teams of outreach workers and a coordinator who covered entire County
- Operated the Storm Youth Center which sheltered kids 18-24 who did not get tools to survive and came from dysfunctional homes
- Day services offered at 70 Washington Street with shelter the ultimate goal
- Partnered with Flagler Hospital for post-surgical care for the homeless
- Wildflower Clinic regularly visited centers

Ms. Demboski advised the Commission that to assist the homeless, housing availability was important and necessary. She continued that the community needed more mental health services, community case management for mental health and substance abuse, and working with agencies to ensure individuals stayed

housed since they recycled into homelessness when things fell apart.

Mayor Upchurch thanked Ms. Demboski for her service to the community.

Commissioner Sikes-Kline thanked the speakers for the presentations. She asked Mr. Regan and staff for a presentation on the City's assistance and participation with these programs so they could attain a full picture, and staff could provide recommendations on further steps. She questioned the mental health component and the availability of programs to advocate.

Mayor Upchurch agreed that a staff presentation was necessary at the next meeting to address the request of Commissioner Sikes-Kline.

Mr. Regan said staff would assimilate the information requested. He noted that former Chief Barry Fox previously served on the COC, Chief Michaux was currently out, and he would review who was in attendance. He stated the topic would be discussed at the next meeting.

Commissioner Blonder concurred with the comments of Commissioner Sikes-Kline and said although much was done to address homelessness, they were not keeping up with the moral and governance obligation. She asked for a road map with moving forward options with which the Commission could take measures.

7.A.2. Presentation by Albert Syeles, President, St. Augustine EpiCentre Alliance, with an update on The Shell.

Mr. Regan said he periodically met with the EpiCentre Alliance, there was much improvement since the last progress update, and the presentation would represent their intentions with the Island property.

Mr. Syeles asked the Commission to instruct City staff to move forward with

workforce housing, as the public comments and debate all shared identical problems for The Shell and multi-family housing space; therefore, he suggested to combine efforts and consider The Shell. He introduced Dr. Eric Becker who had provided hundreds of thousands of dollars in pro bono time with his team.

Dr. Becker introduced the proposal to lease the 33 acres of City owned land on State Road 312 located on Anastasia Island for the construction of an amphitheater. He said they looked at more than 12 sites, visited with over 100 groups, and produced a traffic study. He noted most concert activity, based on event times and size, would not hinder existing traffic issues, and they hoped many would visit the venue on foot.

He reminded the Commission the project was part of the City's Strategic Plan and promoted arts, culture, and heritage, and the amphitheater public / private partnership would be mutually beneficial with added investors and the non-profit status.

The Commission and Mr. Syeles discussed:

- The 'for profit' component of The Shell would cover operations; security, parking, and rental spaces, to include meeting and office space, academy space, a café, restaurant, fine arts gallery, museum, and potential affordable housing as a revenue stream
- Investors were interested since this was a development project with profit margins and a community benefit
- Similar concept in other locations were not surviving with using model of 'ticket sales, donors, advertisers, and sponsors'; therefore, the financial model proposed would be the wave of the future if non-profits wanted to survive
- Questioned the secured funding, specificity in costs, strategic plan to secure adequate funds, and construction operating budget

- Concerned with City responsibility of costs
- Partnership required transparency with investors and donors
- City had three tracts of land and no vision for use; therefore, a strategy was required since the City was 90% built
- Citizens complained of overcrowding, too busy, and too noisy, and quality of life and livability should be monitored
- Should revisit Vision Plan to ensure priorities of livability, vitality, and environmental quality and sustainability

Commissioner Blonder stated she conceptually supported The Shell concept; however, she did not support its location on City owned property. She said they should carefully evaluate greater unmet needs, including maintaining undeveloped land or low impact recreational land.

MOTION

Commissioner Blonder MOVED that this body discontinue any further consideration of this proposal being sited on this City owned property and any consideration of its siting on other City owned property only be considered after strategic evaluation of the best uses for those properties. The motion was SECONDED by Commissioner Sikes-Kline.

Mayor Upchurch appreciated Commissioner Blonder's comments and agreed the properties should be strategically reviewed; however, he could not support the motion. He was convinced of the need addressed by EpiCentre, he understood the role cultural institutions played on a community's life and livability, and he commended their work. He stated many of the speakers were not City residents, the facility would serve more County residents, and the City was again being asked to provide a benefit to the larger community that far exceeded political and jurisdictional boundaries.

Commissioner Horvath stated the County was rapidly growing in the northwest area where she encouraged EpiCentre to consider the private developments. She said EpiCentre was presenting after the Christmas season, and there was significant community frustration with traffic and congestion.

Dr. Becker and Mr. Syeles said they were looking into the future 50-100 years with a space that would speak St. Augustine, the organizations that created EpiCentre Alliance were St. Augustine based, and the investors' attraction was St. Augustine.

Commissioner Valdes stated any construction on the Fish Island property, whether The Shell or housing units, would impact traffic, and conditions 50 years from now with sea level rise would not be better; therefore, was this the best location to put the facility based on use, accessibility, and the long-term. He heard valid arguments from the community, and studies would have to be done, no matter the use.

Commissioner Sikes-Kline expressed concern with the 'for-profit' component combined with arts, culture, and education. She did not think Mr. Syeles and his team should be placed through more studies, since she did not see this working out.

VOTE ON MOTION

AYES: Blonder, Sikes-Kline
NAYES: Valdes, Horvath, Upchurch
MOTION FAILED 2/3

Mayor Upchurch was not prepared to take further action on the proposal at that time, and said staff was directed to hire a consultant to review the parcels as they pertained to affordable housing which would provide much more information; therefore, he did not currently have any further discussions on the topic.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

(None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.B.1. Resolution 2022-02: Opposes Senate Bill 280 and House Bill 403 regarding the requirement to include an economic business impact analysis before the adoption of a proposed ordinance.

Mr. Birchim reviewed the Resolution and noted the following:

- Law did not require an accountant or financial consultant to perform the analysis; however, it was unclear how a defensible impact analysis could be done without that level of expertise

- Analysis would become a basis for legal challenges, and it changed the standard for legal reviewing the ordinance by the courts from arbitrary and capricious, to arbitrary and unreasonable
- It required a City or County to suspend enforcement of an ordinance that was subject to legal challenge, including any appeals
- A late change allowed the appellate court to lift the suspension if a local government prevailed in a lower court
- Exemptions included ordinances that implemented the Community Planning Act, including land development regulations which were zoning changes, budget related ordinances, refinance of debt, emergency ordinances, or ordinances required to implement state or federal law
- SB 280 was approved by the Senate Rules Committee and the Senate Community Affairs Committee
- HB 403 was headed for the House Civil Rights Justice and Property Rights Subcommittee

Mayor Upchurch noted he and Mr. Regan had a Zoom conference call with Senator Travis Hutson, who sponsored the Bill. He said Senator Hutson listened carefully, they discussed SB 280/HB 403 and SB 620/HB 569, and he conveyed the Commission's collective concerns on how the Bills impacted local government. He stated amendments were offered to SB 280, and he questioned the Florida League of Cities stance, which he believed was neutral.

Mr. Birchim said the Florida League of Cities currently supported the amended Bill shown at the Senate Rules Committee.

Commissioner Sikes-Kline believed the League was expecting another amendment.

Isabelle Lopez, City Attorney, said both of Senator Hutson's Bills would go to the full Senate floor Thursday on a special-order calendar, and, in her opinion, the

amendments softened some edges, but fundamentally they did not change much.

At the request of Commissioner Blonder, Ms. Lopez said the amendment would not substantively change the requirement for an economic business analysis.

Mayor Upchurch concluded this was no fault of anyone, but an attempt to respond to a legislature moving at rapid speed 200 miles away, and it was important for City staff to convey to the Florida Representatives that they operated on the best information available at the time.

MOTION

Mayor Upchurch MOVED to pass Resolution 2022-02. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION

AYES: Upchurch, Blonder, Valdes, Horvath, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2022-03: Opposes Senate Bill 620 and House Bill 569 regarding the authorization of certain businesses to claim damages from a municipality if it enacts or amends certain ordinances or other charter provisions.

Mr. Birchim reviewed the Resolution and noted the following:

- Businesses in operation at least three years could sue City if ordinance caused a 15% reduction in profits
- Allowed for damages not to exceed present value of seven years of lost future profits, or an amount equal to the business' gross receipts for the five years preceding the ordinance
- Exemptions included growth management, planning and land development regulations, building and

fire code changes, budget, debt and refinance ordinances, emergency ordinances, or those requiring compliance with State law

- Allowed for a prevailing plaintiff to recover attorney and expert witness fees, but not for a local government who won the lawsuit
- Late amendment was added to the Bill which discussed a local government designating real property as a historic resource, historic landmark, or part of a historic district, or placing real property under similar designation
- Amendment stated a local government must read a statement in a public meeting outlining such affected property owners' rights under the Bert J. Harris Act, provide a copy of such statement to each affected party, owner, or registered agent by certified mail at least 30 days before the local government makes such designation, and must include how the proposed law would impact the property owner's existing property rights

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2022-03. The motion was SECONDED by Commissioner Horvath.

Commissioner Blonder stated she was very upset with the Bills, they were biased towards businesses, and emblematic of State government overreach and centralization of power in Tallahassee. She said taxpayers would pay for every frivolous lawsuit causing significant implications for the budget, necessary services, and flooding challenges for 15,000 people, and no one wanted to live in or visit a City struggling to provide basic services. She strongly emphasized they could not do enough to oppose and defeat the Bills.

Commissioner Sikes-Kline said this was big government, and it robbed the citizens of the power to control their own lives.

Commissioner Valdes stated the citizens needed to elect the right people.

Mayor Upchurch stated traditionally these issues were addressed with local elections which should be the avenue for resolving, and not Tallahassee legislature.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.3. Resolution 2022-05: Opposes Senate Bill 512 and House Bill 325 regarding preemption of local governments from certain regulations specific to short-term rentals.

Mr. Birchim reviewed the Resolution and noted the following issues with SB 512, sponsored by Senator Danny Burgess:

- Allowed a maximum registration fee of \$50 for vacation rentals
- Limited what the registration could contain, which resulted in community subsidization to pay for enforcement and prosecution, currently paid for by vacation rental owners through the registration fees
- Prohibited parking requirement enforcement, unless requirements applied to all single family and dwelling units
- Prohibited charge of separate trash pickup fee, other than that charged to single family and dwelling units
- Required a 15-day time frame for local governments to approve a vacation rental registration, which eliminated ability to perform safety inspections
- Required advertising platform, such as Airbnb, to collect and send taxes directly to the State

MOTION

Mayor Upchurch MOVED to pass Resolution 2022-05. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

10.A. Quarterly update for Public Works and Utilities.

Reuben Franklin, Director, Public Works, reviewed the quarterly update presentation on the FEMA 13 Lift Station Project, Resilience Program, and West Augustine Gravity Sewer Improvements.

In response to Commissioner Blonder's inquiry regarding the denial of funding for the Resilient Florida Program and corrective measures for future grant applications, Mr. Franklin advised he and Jessica Beach, Chief Resiliency Officer, were working through the issues, there was a cost match problem, and he would have better information at the workshop in March.

Todd Grant, Director, Utilities, commended Mr. Franklin and staff for their tenacious work on the FEMA 13 Lift Stations, and he said the actual construction took less time than actual FEMA negotiations, design, and procurement, which was a significant accomplishment.

Mr. Grant reviewed the quarterly update on the Sustainability and Environmental program which included the Tree Canopy Enhancement Program and varying issues, and the hurdles staff endured with the Fats, Oils and Grease Program. He also reminded the Commission that during the recent nor'easters, there was not a single

sanitary overflow, and staff was being proactively educated and trained on stormwater aspects.

Mr. Franklin reviewed the Capital Improvement Projects Status which indicated funded projects, tracking, and progression which required engineering, design, and development. He expanded on the Mobility Program which included the Nights of Lights parking and shuttle achievements, and noted great feedback was received from the riders. He advised of his intentions to bring the Commission a Riberia traffic calming plan at the second meeting in February, and he said the speed display signs had been rolled out.

The Commission, Mr. Franklin and Mr. Grant discussed:

- 1,100 spaces in the City garage were sold out multiple times daily during the Nights of Lights, particularly between Christmas and New Years
- Dynamic messaging sign program involved anticipated receipt of FDOT funding in July of up to \$7.5 million, the State gravitated towards the dynamic messaging for parking, this required a Local Agency Agreement, and with Commission approval in July it would go forward
- Glass recycling plan was being negotiated with the City of St. Augustine Beach and the recycling owner, and the best initiative was a drop off location but it involved limited resources and a per ton rate
- Florida Department of Environmental Protection did not recognize glass as sand; therefore, this was not a recycling option
- FDOT resurfacing project on US1 and Oyster Creek Bridge was underway
- Construction would soon begin on the Oyster Creek Bridge box culvert replacement, a contractor was selected, and the date would be provided

- Lewis Street accessibility with high tides was conceptually identified as a potential bulkhead with a sidewalk for connection to the neighborhood and US1, and was on the radar
- The Nights of Lights review, status, and suggested changes would be reviewed in February

Mayor Upchurch stated he was always pleased to work with the City of St. Augustine Beach, and applauded City staff's efforts to work with them.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

12.A. Notification of upcoming term expiration on the Corridor Review Committee board.

Darlene Galambos, City Clerk, reviewed the topic and noted current Board member Lorna MacDonald's term was expiring, she was eligible for reappointment, and the position was being advertised.

12.B. Notification of two upcoming term expirations on the Historic Architectural Review Board.

Ms. Galambos reviewed the topic and noted Gaere MacDonald's term was expiring, and he was eligible for reappointment. She stated Barbara Wingo's term was expiring; however, she was not eligible for reappointment. She said both positions were being advertised.

12.C. Notification that applications are being accepted to fill specific board vacancies.

Ms. Galambos reminded the Commission that positions were still sought for the following Boards:

- Code Enforcement, Adjustment and Appeals Board
- St. Augustine Police Officers' Retirement System, Board of Trustees
- St. Augustine Firefighters' Pension Trust Fund, Board of Trustees

Ms. Galambos announced that one application for the Code Enforcement Board and one application for the Police Officers' Pension Board had been received.

Mayor Upchurch reaffirmed that applicants for the Police and Fire Pension Boards must be a City resident; however, this was unnecessary for the General Employees' Pension Board.

Mayor Upchurch questioned the utility of advertising in the St. Augustine Record and believed this was an archaic avenue in lieu of Facebook and social media.

Ms. Galambos indicated the Board positions were advertised in the St. Augustine Record, along with social media platforms, and the 'News and Notes' section of the City's website.

Ms. Lopez advised she would check any statutory requirements for posting the Board vacancies in the newspaper.

13. ITEMS BY CITY MANAGER

Mr. Regan stated the Florida League of Cities clearly indicated they would continue to fight on the House of Representatives side as the Bills moved through the legislature.

Mr. Regan advised the DeAviles Award would be presented on February 14th at 4:30 p.m. prior to the Commission meeting, and media notices would be announced.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder thanked Mayor Upchurch and Mr. Regan for their contact

with Senator Hutson and their efforts to gain headway with the controversial Senate and House Bills.

Commissioner Blonder questioned a City Proclamation to acknowledge February as Black History Month.

Mayor Upchurch advised that Commissioner Harry Dean, Chairman, St. Johns County Commission, reached out to both him and Don Samora, Mayor, City of St. Augustine Beach, to ask both Cities to adopt the same Proclamation. He suggested this topic be coordinated with Melissa Wissel, Communications Director.

Ms. Galambos indicated she had already drafted a well written Proclamation; however, it was not similar to the City of St. Augustine Beach. She was told this should be sponsored by the entire Commission. She noted this would be scheduled for the February 14th meeting.

Commissioner Valdes thanked City staff for assembling the earlier workshop which was very informative.

Commissioner Horvath echoed the comments from Commissioner Valdes and the Proclamation discussion.

Commissioner Sikes-Kline said the public comment made regarding dogs not on leashes in Eddie Vickers Park was a big safety concern.

Mayor Upchurch said there was signage in Coquina Park that could be replicated and used at Eddie Vickers Park.

Commissioner Sikes-Kline advised she sat for the Mayor on the Tourist Development Council (TDC) and her term had expired.

MOTION

Mayor Upchurch MOVED that the Vice-Mayor be reappointed to the TDC. The motion was SECONDED by

**Commissioner Horvath and APPROVED
BY UNANIMOUS VOICE VOTE.**

Commissioner Sikes-Kline asked Ms. Galambos to advise the TDC of the Commission's decision.

Commissioner Sikes-Kline said she received much feedback on the short-term rental ordinance, and she requested updates on how it was working, especially in the Lincolnville area.

Mayor Upchurch underscored earlier comments made by Troy Blevins, and he asked Mr. Regan to work with Chief Michaux to address the Police Department Resource Officer staff issue.

Mayor Upchurch said it had been an honor to serve the City as Mayor; however, he would not seek reelection in the fall, and he thought it was proper to publicly announce this decision.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:04 P.M.¹

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

City Commission Special Workshop Meeting Monday, January 24, 2022

The City Commission met in formal session Monday, January 24, 2022, at 3:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Mark Simpson, Director, Finance
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

2. General Public Comments

Public comment was opened, and the Commission heard from the following members of the public:

- Amy Cutrer
- Victoria Pepper

Public comment was closed.

3. City Staff Presentation – Affordable / Workforce Housing, Goals, Options, and Strategies (10 Min)

David Birchim, Assistant City Manager, reviewed the Presentation which focused on goals, metrics used to measure affordable housing, options to address workforce housing, and strategies. He discussed the

strategy pros and cons for development of the following City owned properties:

- 450 N. Holmes Blvd. required rezoning, but could potentially accommodate 13 units per acre, or a total of 500 units
- 865 Fish Island Road had an estimated 24 acres of developable uplands, or approximately 384 units
- 800 Plantation Island Drive South as a stand-alone development would not accommodate more than 36 units, but it could be developed as a companion piece to the Fish Island Road site

Mr. Birchim introduced Shannon Nazworth, President and CEO, Ability Housing, Victor Ramos, CEO, St. Augustine and St. Johns County Board of Realtors, and Bill Lazar, Executive Director, St. Johns Housing Partnership.

4. Presentation by Shannon Nazworth, President and CEO, Ability Housing (10 Min)

Ms. Nazworth introduced the Ability Housing organization and noted the following:

- Organization focused solely on affordable housing through rentals
- Uniquely positioned to serve the communities, provided continuum of housing with rentals to help individuals get away from homelessness
- 698 units were in operation; 377 in Duval County, 241 in Orange County, 80 in Osceola
- HUD Continuum of Care Grant allowed master lease of 102 units in Duval for former chronically homeless persons
- Worked with public / private partnerships in neighborhood development
- It was 30% less expensive to provide housing and support to individuals, than to maintain homelessness
- Biggest savings was in the healthcare system with preventative care availability and not just crisis care

Ms. Nazworth reviewed the benefits the private and nonprofit sectors provided with affordable housing. She strongly encouraged the City to avoid management of apartment communities which was a very specialized expertise. She stressed the benefits of the private nonprofit sector to assist the homeless with achieving their housing goals.

Ms. Nazworth discussed a West Augustine property with Mayor Upchurch, wherein an agreement was made with the West Augustine CDC to purchase land and develop housing. She said for three years they sought financing through the State competitive process, and in April they would find out if funding was approved for 92 units.

Mayor Upchurch said Ms. Nazworth's presentation focused on the targeted at risk

or previously homeless, and he questioned the next step.

Ms. Nazworth replied that they also served a mix of working households seeking affordable places, those who experienced more economic hardship, such as living in cars, and they helped individuals on the streets move into housing. She said the term affordable had a legislatively mandated definition, and personal definitions for the quantity of necessary affordable housing units were all different.

Commissioner Sikes-Kline asked Ms. Nazworth to review the sources of funding for Ability Housing.

Ms. Nazworth replied the funding varied; however, the largest funding source was through an IRS tax credit called the Low-Income Housing Tax Credit. She said this was a competitive process which awarded tax credits that were sold on the open market, the equity was taken and the properties built, it typically funded approximately 80% to 90% of the construction costs, and then other sources of funding were found. She continued if rents were planned to be super low, they would search for other subsidies, which included pass through federal resources, neighborhood stabilization programs, State housing trust funds (SAIL and SHIP), Fannie Mae, Freddie Mac, HUD, mortgages, and any source which kept the costs down.

Commissioner Blonder questioned how Ms. Nazworth would implement this process in broad terms.

Ms. Nazworth suggested the following:

- Hire someone to make the deliberations who understood the federal and state funding streams, since this involved many technicalities
- Refer to Mr. Birchim's presentation which cited very real options, such as zoning modifications

- Housing supply was a major issue, and increasing it would begin resolving the problem; however, it would take many different scenarios
- Look at leasing or selling the three City parcels to someone who would do affordable housing in perpetuity, with a recorded land use or deed use restriction on the property so the City had control
- City could sell one parcel and use proceeds to develop housing on another parcel
- Look into accessible federal programs and work with the County who was a participating jurisdiction with access to funds
- Encouraged City staff to engage with Florida Housing Finance Corporation, which was the State's affordable housing bank who listened to local municipalities
- It was most important to prioritize that every decision be viewed with the impacts to affordable housing
- Look at ways to build relationships with other groups and incentivize developers

5. Invited Speakers;

- **Victor Ramos, CEO, St. Augustine and St. Johns County Board of Realtors (10 Min)**
- **Bill Lazar, Executive Director, St. Johns Housing Partnership (10 Min)**

Mr. Ramos thanked the Commission for engaging the City and County in discussion regarding affordable workforce housing. He shared the following information:

- Employers faced challenge of hiring employees who could not afford to live in the City or County limits, forcing them to live and commute from neighboring cities, which created traffic issues
- City lost revenue when people were forced to live outside City or County limits
- Property owners charged more for single family rentals as demand soared
- Housing market was red hot with a lack of inventory

- Interest rates were low, but slowly increasing which drove owners to sell, creating more demand and higher prices
- Significant home price increases caused the rental prices to increase
- Single family rental prices continued to rapidly increase with record growth; in November 2021 single family rent growth rose nationally over 11-1/2% year over year
- Annual rent price growth has continued to double or triple, jumping 33% in some areas in one year
- In 2019, St. Johns County average monthly rent was \$1,600, and in 2021 it was \$1,730
- Homeowners could get more money for their rental property, so they sold to obtain the gains
- Investors purchased properties in large numbers, and rented the properties for higher rents
- Nationally the percentage of investor buyers increased 16.1% in second quarter of 2021
- Jacksonville was highest in Florida, with a 28.1% increase of investor buyers

Mr. Ramos said the situation was serious, and he encouraged the Commission to do whatever necessary to address it. He acknowledged the suggested actions by Ms. Nazworth, and added that the City could reduce fees, forego hookup charges, and incentivize builders to construct affordable housing.

Mayor Upchurch thanked Mr. Ramos for his expertise and presentation.

Mr. Lazar thanked the Commission and staff for organizing the workshop. He reviewed the services of St. Johns Housing Partnership and noted the following:

- This was simply an income and math problem, whether it was called affordable housing or workforce housing
- St. Johns Housing Partnership started with fixing up substandard housing

- Partnered with the Lincolnville CRA
- Addressed housing issues all over the City with use of SHIP and federal weatherization dollars to keep people in decent, safe, and sanitary homes
- Worked on an average of 100-150 homes per year and spent approximately one million annually, which came from government foundation money and community support
- Group was a HUD certified counseling agency working with people to improve their credit and prevent foreclosure, many of whom were seniors
- Worked with Legal Aid
- Developed own rental program over last 10 years; owned approximately 70 rental properties in the County which were bought with government partners
- Owned Southern Villas, a senior low-income property
- Needed cohesiveness among government, builders, developers, and lenders, or the process became stagnate
- Built new single-family homes, and occasionally duplexes or triplexes to use as rental properties
- Increased density would allow affordable housing to work
- Builders only used incentives when they were significant
- Habitat for Humanity was only builder constructing in the County for workforce housing
- Builders could construct faster 'for profit' homes, versus working with people pre-approved for \$300,000 loans through the government
- Competing with cash buyers was challenging for non-profit groups
- City should work with the County to combine dollars and efforts
- Infrastructure was a challenge since government got out of this business nearly 30 years ago
- Build for rent investors who purchased lots in West Augustine did not care about

infrastructure or who moved in, and they charged high rents

- It was anarchy to let developers plan; therefore, needed government participation and planning
- Utilize American Rescue Act money
- If non-profits were the only developers in a community, there was market failure
- Needed builders, developers, and lenders to step up

Mayor Upchurch thanked Mr. Lazar for his service to the community and his vision.

Mr. Birchim advised the Commission that Joseph Cone and Roberto Ortiz from the St. Johns County Housing and Development Division were both present for questions.

Mr. Birchim displayed a graphic which represented the distribution of City employees across St. Johns County¹ which showed in 2016 there were 43 City employees who resided inside City limits, and in 2022 there were 27. He said they should hire a consultant to produce feasibility studies on the property chosen by the Commission, and if formal direction was given to staff to create residential density bonuses in the Land Development Code they could begin this immediately. He concluded that direction would be taken to review City employee assistance; however, the staff level was not yet at that point.

6. City Commissioners – General Discussion and Instructions to City Staff

Commissioner Horvath was pleased with the presentation and hoped the Commission would direct staff to look at both properties. She said it was necessary to conduct a survey, and to hire a consultant to advise the number of units the property could accommodate, along with the challenges. She wanted to have a serious discussion on the topic since they knew the pressures that employees faced.

¹ Included with Commission packet

Commissioner Horvath made the comment for the public who was potentially unaware, that the City had been working on grants from the State to extend the sewer out to West Augustine, so the infrastructure was not new, and they were always addressing it.

Mayor Upchurch expressed appreciation for Mr. Cone and Mr. Ortiz's attendance at the meeting and noted the City should consistently look for opportunities to work together with the County since the problems were too broad to tackle independently.

Commissioner Valdes stated the following:

- Pleased with the presentation and excited to move forward
- Consultant should be hired to perform a feasibility study to determine viability of the three available properties, which included accessibility, utilities, and water / sewer service
- Should take a 25 to 30-year future look at property threats from ocean rise and climate change
- Housing market was experiencing the perfect storm in northeast Florida and was driven by demand and success of short-term rentals in the County and City
- Commission had unique opportunity with the three properties which was a positive
- Saw effects of affordable housing shortages since although his employees were paid well, they had to commute because they could not afford the area
- Cut costs of impact and connection fees since huge impact fees were charged on infill lots developed 30 years ago
- Discover ways to change zoning and zoning requirements
- Price of labor and materials were high and drove the market, and Commission should direct staff to approach the County to look at mitigating costs in some manner

Commissioner Sikes-Kline resurfaced the idea of incentivizing density bonuses and said she would regret missing this

opportunity to begin investigation on the topic. She said she wanted to review the County's affordable housing overlay to see how and if it worked. She suggested they review potential items in the Code or processes that were impediments to the collaborations and the objective, and what obstacles hindered private businesses other than rising property values.

Commissioner Blonder acknowledged the full room and thanked everyone for their attendance. She reviewed and suggested the following:

- Full meeting room was evidence that affordable and workforce housing should be addressed right away and they should move forward
- County statistics: median family home price was \$470,000, which was a \$2,618.00 monthly payment, or \$31,000 annually
- Affordability of median home prices would require a family income of \$105,000
- Healthcare workers, teachers, and emergency service personnel kept the community running and the prices were unaffordable for them
- Supported efforts of her colleagues to address this serious issue
- Should direct staff to perform a feasibility study
- Develop strategy to work with the County to leverage both governmental strengths
- Look at residential density bonuses and other incentives as suggested in the presentation

FIRST MOTION

Mayor Upchurch MOVED to direct staff to hire an appropriate consultant to look at the feasibility of developing the three properties into sites that could be used for affordable workforce housing. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:

AYES: Upchurch, Horvath, Valdes,
Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

SECOND MOTION

Mayor Upchurch **MOVED** to direct staff to specifically look at our Zoning Code and make proposals, including the density bonus, that would both facilitate and remove obstacles from developers of any nature constructing affordable housing inside the City limits. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Valdes,
Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mr. Regan indicated there were a few key questions regarding the impediments of affordable housing brought forward by the Commissioners, and Ms. Nazworth could better answer why there were not projects in the County and the City. He noted Mr. Cone and Mr. Ortiz were experts in financing opportunities from the County, understood the role of the Housing Finance Authority (HFA), and they could be approached with government financing option questions.

Mayor Upchurch asked Ms. Nazworth to address the question of impediments in St. Augustine that stalled or hindered the development of workforce housing.

Ms. Nazworth reviewed the following with the Commission:

- Commissioners should prepare for community members rebuking these projects in their backyard (NIMBY), which occurred in all communities
- Most citizens had an unfavorable and preconceived notion regarding workforce housing

- Commissioners should visit one of the Ability Housing properties to see how the product
- St. Johns County fees were super high, and certain areas had utility connection challenges
- Should view this as a big math game with numbers making the challenge; therefore, anything that could reduce costs would assist
- Review ways to expedite approvals and inspections
- Encouraged review of density bonuses
- Working with the County was critically important, since the City had limited resources
- Should work with the State, and State elected officials for guidance and suggestions
- Florida had the highest year over year rent increases of any state in the U.S.
- Florida had 7 of the countries' top 10 cities with year over year rent increases
- Discover ways to handle the fundamental shift in the housing market
- Acknowledge that wage increases were not commensurate with housing prices
- Investors purchased homes which increased rental rates
- City needed to view this issue as a long-term and multigenerational fix
- Healthy communities had diversities of all natures, including economic
- Review ways to incentivize private developers and make zoning easier
- Market pressures affected those in the lowest income bracket

Mr. Regan concurred that County and City impact and utility fees should be reviewed, and those issues brought government land into play. He again suggested that discussions occur with Mr. Ortiz and Mr. Cone from the County.

Joe Cone, Assistant Director, Health and Human Services, thanked the Commission and the public in attendance. He stated it was difficult to address the financing mechanisms concerning HFA; however, he would happily

supply City staff with information. He said the County received significant funds from Hurricane Matthew's destruction which were put towards affordable housing, and several developers asked for tax credits, additional subsidies, and possible property on which they could construct high impact buildings. He reiterated that affordable housing was like an iceberg, and to crack it everyone had to get out pickaxes and chip away because no matter how much subsidy was thrown at the problem, it was still a 30 to 40-year problem. He extended an invite to any City staff member to meet with him and discuss the topic.

At the request of Commissioner Horvath, Mr. Cone advised that the affordable housing property on 207 had a 30-year term, and terms typically ranged from 30 to 50 years, then the rental prices were adjusted to market rate. Commissioner Horvath hoped they could do this in perpetuity, and said she was very happy they were working on the affordable housing topic.

Mayor Upchurch expressed appreciation for Mr. Cone's comments. He said the majority of City residents were unsure whether they lived in unincorporated St. Johns County or St. Augustine, they considered themselves community residents, and they saw this issue as a community wide problem. He said for this reason, it was more incumbent as elected officials to make this as seamless as possible between the respective governments, and to place a high premium on synergies and cooperation.

Commissioner Valdes discussed Key West's huge workforce dependency and their actions taken to address homelessness and workforce housing, which included refurbishment of existing naval base housing, construction of facilities on an island to avoid the NIMBY issue, and construction of tiny houses. He said their homeless situation was different from the City's, they had resources the City did not,

and they had 40,000 people and deep pockets, while the City had 15,000 people with relatively deep pockets. He concluded that the City had the will to correct the issue, homelessness was a moral and social problem, and Key West's lead should be followed.

Commissioner Blonder commented that the City was not as fortunate as Key West, but it had three tracts of land available.

Mayor Upchurch thanked Mr. Cone for his willingness to work with City staff on the technical details. He reminded everyone that part of the economy was driven by the County having the number one school district in Florida which encouraged the choice for families to live here for the public education versus an expensive private one. He said the weather also played into the desirable area, with 43 miles of beach, intracoastal and river, and this was the challenge.

Public comment was opened; however, there was no response.

7. Adjourn

There being no further business, the meeting was adjourned at 4:29 P.M.²

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

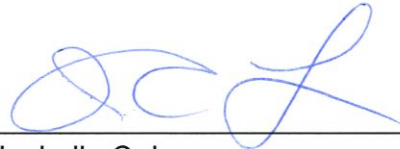
DATE: January 19, 2022

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 414 OLD SPANISH TRAIL**

Enclosed is a Satisfaction and Release of Mortgage for 414 Old Spanish Trail, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, Raymond Higgs and Lynn Higgs. The mortgage was recorded in the Public Records of St. Johns County on April 23, 2021. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 14, 2022 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

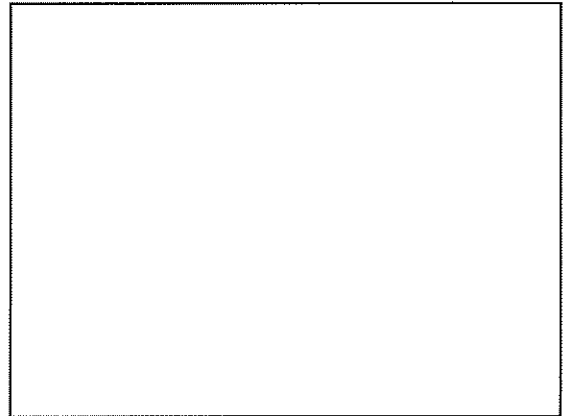


Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision
and direction of Isabelle C. Lopez, City Attorney,
P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **RAYMOND HIGGS and LYNN HIGGS**, whose address is 1031 Grove Park Drive S., Orange Park, Florida 32073, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated March 15, 2021, recorded at Official Records Book 5245, Page 1275, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein, also known as 414 Old Spanish Trail, St. Augustine, Florida 32084.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 5245, Page 1275, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2022.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 8, LYNNWOOD SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE(S)7, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 128540-0000

LOCATION ADDRESS: 414 OLD SPANISH TRAIL, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2021045427
BK: 5245 PG: 1275
4/23/2021 9:07 AM
Recording \$61.00
Doc M: \$10.85
Int. Tax \$6.20

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between **Raymond and Lynn Higgs** whose address is 414 Old Spanish Trail St. Augustine, FL. 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of \$30.15 for 120 Months, with the first payment due April 15, 2021.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this
March 15, 2021

Signed, sealed and delivered in the presence of:

Amanda Anderson

Witness

Printed Name: Amanda Anderson

John Augustus

Witness

Printed Name: John Augustus

Amanda Anderson

Witness

Printed Name: Amanda Anderson

John Augustus

Witness

Printed Name: John Augustus

BY:

Raymond Higgs

(Name) Raymond Higgs

(Address) 414 Old Spanish Trail

(Telephone) (904) 626-5354

BY:

Lynn Higgs

(Name) Lynn Higgs

(Address) 414 Old Spanish Trail

(Telephone) (904) 626-5354

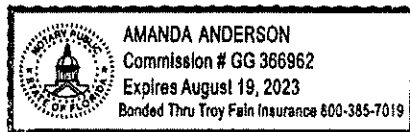
*** NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Raymond Higgs**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this March 15, 2021.



Amanda Anderson
Notary Public, State of Florida

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Lynn Higgs**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced Driver's License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this March 15, 2021.

Amanda Anderson
Notary Public, State of Florida

Exhibit "A"

LEGAL DESCRIPTION

Parcel ID Number: 128540-0000

Lot 8, Lynnwood Subdivision, according to the map or plat thereof, as recorded in Plat Book 8, Page(s)7, of the Public Records of St. Johns County, Florida.

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Raymond and Lynn Higgs
ADDRESS: 1031 Grove Park Dr S.
Orange Park, FL 32073

\$3,100.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at 414 Old Spanish Trail St. Augustine, FL. 32084, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **3,100 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.15 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **30.15 Dollars**, commencing on April 15, 2021 and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

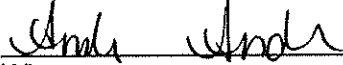
All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

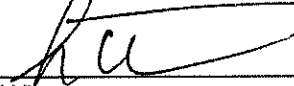
This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered dated as of March 15, 2021, in the presence of:



Witness

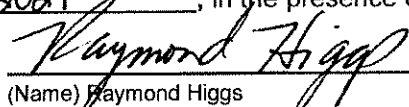
Printed Name: Amanda Anderson



Witness

Printed Name: John Augustus

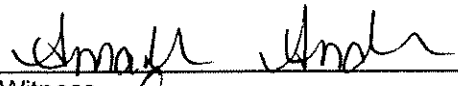
BY:



(Name) Raymond Higgs

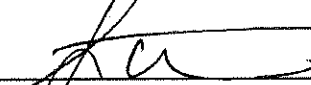
(Address) 414 Old Spanish Trail

(Telephone) (904) 626-5354



Witness

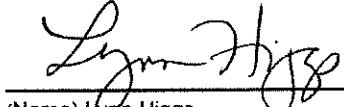
Printed Name: Amanda Anderson



Witness

Printed Name: John Augustus

BY:



(Name) Lynn Higgs

(Address) 414 Old Spanish Trail

(Telephone) (904) 626-5354

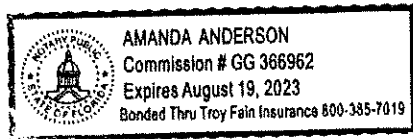
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Raymond Higgs**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this March 15, 2021.



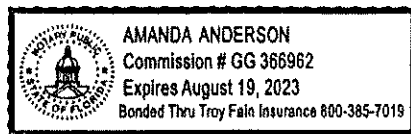
[Signature]
Notary Public, State of Florida

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Lynn Higgs**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this March 15, 2021.



[Signature]
Notary Public, State of Florida

PAYMENT SUMMARY RECEIPT

CITY OF ST. AUGUSTINE - LIVE
75 King Street
St. Augustine FL 32084

DATE: 01/13/22 CUSTOMER#: 000043759
TIME: 10:59 RAYMOND AND LYNN HIGGS
CLERK: 1596jaug

RECPT#: 2280487 PREV BAL: 30.15
TP/YR: UA/2022 AMT PAID: 30.15
BILL: 892948 ADJSTMNT: .00
EFF DT: 01/13/22 BAL DUE: .00
UB Acct #: 53334

RECPT#: 2280488 PREV BAL: 30.15
TP/YR: UA/2022 AMT PAID: 30.15
BILL: 908706 ADJSTMNT: .00
EFF DT: 01/13/22 BAL DUE: .00
UB Acct #: 53334

RECPT#: 2280489 PREV BAL: 2880.74
TP/YR: UA/2022 AMT PAID: 2846.61
BILL: 932344 ADJSTMNT: .00
EFF DT: 01/13/22 BAL DUE: 34.13
UB Acct #: 53334

-----TOTALS-----

PRINCIPAL PAID: 2906.91
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 2906.91
AMT APPLIED: 2906.91
CHANGE: .00

PAID BY: RAYMOND AND LYNN HIG
PAYMENT METH: CHECK
PAYMENT REF: 012701

TOT PREV BAL DUE: 2971.19
TOT BAL DUE NOW : 64.28

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 27, 2022

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 94 PARK PLACE**

Enclosed is a Satisfaction and Release of Mortgage for 94 Park Place, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, Ardella Nelson, Kerry Layne Nelson, and Sheryl Leanne Nelson. The mortgage was recorded in the Public Records of St. Johns County on August 7, 2020. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 14, 2022 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

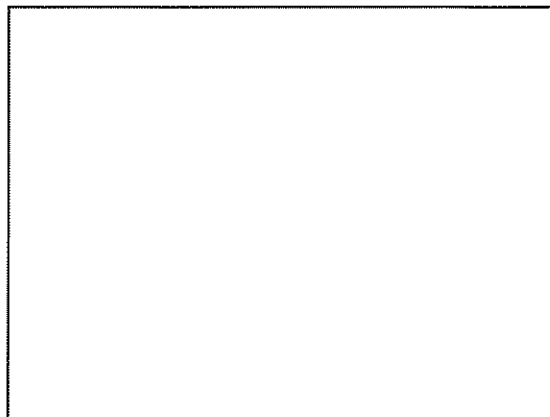


Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **ARDELLA NELSON, KERRY LAYNE NELSON, and SHERYL LEANNE NELSON**, whose address is 94 Park Place, St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated July 30, 2020, recorded at Official Records Book 5011, Page 723, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 5011, Page 723, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this ____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2022.

Notary Public, State of Florida
(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: PARCEL 1:

THE WEST PART OF LOT 4, BLOCK F, OF BUENA ESPERANZA SUBDIVISION OF THE ATWOOD TRACT, AS SHOWN ON THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JUNE 12, 1923., SAID PORTION OF SAID LOT 4 WAS UNDER FENCE OF A CERTAIN DEED DATED AUGUST 29, 1946, RECORDED IN DEED BOOK 162, PAGE 77, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; AND BEING ALL OF SAID LOT 4, EXCEPT PART CONVEYED TO EDNA ANDERSON BY DEED RECORDED IN DEED BOOK 190, PAGE 134; AND THAT PART CONVEYED TO GEORGE C. GANTT BY DEED RECORDED IN OFFICIAL RECORDS BOOK 269, PAGE 480, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND KNOWN AS 94 PARK PLACE.

PARCEL 2:

THE EAST 21.5 FEET OF THE SOUTH 75 FEET OF LOT 4, BLOCK "F" ATWOOD TRACT, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS, AND RESERVATIONS OF RECORD, IF ANY; HOWEVER, THIS REFERENCE DOES NOT OPERATE TO REIMPOSE SAME; SUBJECT TO ZONING ORDINANCES THAT MAY AFFECT SUBJECT PROPERTY; SUBJECT TO ALL OUTSTANDING AND UNPAID TAXES AT THE TIME OF THIS CONVEYANCE AND ALL SUBSEQUENT YEARS.

PARCEL ID NUMBER: 209320-0000

LOCATION ADDRESS: 94 PARK PLACE, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2020065638
BK: 5011 PG: 723
8/7/2020 3:46 PM
Recording \$61.00
Doc.M: \$13.65
Int. Tax \$7.66

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between Ardella Nelson, Kerry Layne Nelson, and Sheryl Leanne Nelson whose address is 94 Park Place St. Augustine, FL. 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

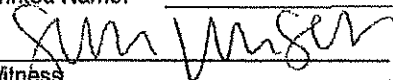
3. That the Mortgagee will make monthly payments in the amount of \$69.78 for 60 months, with the first payment due August 15, 2020.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this JULY 30, 2020.

Signed, sealed and delivered in the presence of:



Witness
Printed Name: Deborah K. Clark



Witness
Printed Name: Summer Williamson

Witness
Printed Name: _____

Witness
Printed Name: _____

Witness
Printed Name: _____

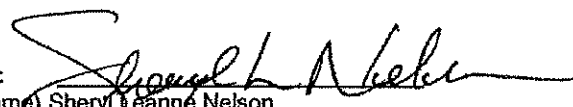
Witness
Printed Name: _____

BY: 

(Name) Ardella Nelson
(Address)
(Telephone)

BY: 

(Name) Kerry Layne Nelson
(Address)
(Telephone)

BY: 

(Name) Sheryl Leanne Nelson
(Address)
(Telephone)

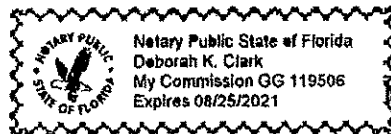
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Ardella Nelson**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 30, 2020



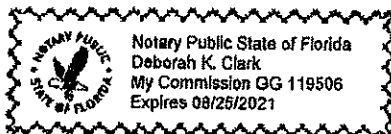
[Signature]
Notary Public, State of Florida

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Kerry Layne Nelson**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 30, 2020



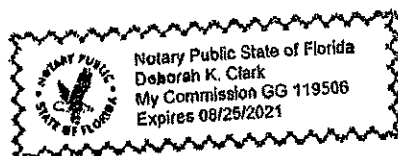
[Signature]
Notary Public, State of Florida

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Sheryl Leanne Nelson**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 30, 2020



[Signature]
Notary Public, State of Florida

Exhibit "A"

LEGAL DESCRIPTION

Parcel ID Number: 209320-0000

PARCEL 1:

The west part of Lot 4, Block F, of BUENA ESPERANZA SUBDIVISION of the ATWOOD TRACT, as shown on the Official Map of the City of St. Augustine, Florida, dated June 12, 1923., said portion of said lot 4 was under fence of a certain deed dated August 29, 1946, recorded in Deed Book 162, Page 77, of the Public Records of St. Johns County, Florida; and being all of said lot 4, except part conveyed to Edna Anderson by Deed recorded in Deed Book 190, Page 134; and that part conveyed to George C. Gantt by deed recorded in Official Records Book 269, Page 480, public records of St. Johns County, Florida and known as 94 Park Place.

PARCEL 2:

The East 21.5 feet of the South 75 feet of Lot 4, Block "F" ATWOOD TRACT, according to the Official Map of the City of St. Augustine, Florida on file in the office of the Clerk of the Circuit Court of St. Johns County, Florida.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS, and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same; **SUBJECT TO Zoning Ordinances** that may affect subject property; **SUBJECT TO** all outstanding and unpaid taxes at the time of this conveyance and all subsequent years.

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Ardella Nelson, Kerry Layne Nelson, Sheryl Leanne Nelson
ADDRESS: 94 Park Place
St. Augustine, FL. 32084

\$3,829.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at 94 Park Place, St. Augustine, FL. 32084, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **3,829.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.57 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **69.78 Dollars**, commencing on August 15, 2020 and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered dated as of July 30, 2020, in the presence of:

Witness
Printed Name: Deborah K. Clark

BY:

Ardella Nelson
(Name) Ardella Nelson
(Address)
(Telephone)

Witness
Printed Name: Summer Williamson

BY:

Kerry Layne Nelson
(Name) Kerry Layne Nelson
(Address)
(Telephone)

Witness
Printed Name: _____

Witness
Printed Name: _____

BY:

Sheryl Leahne Nelson
(Name) Sheryl Leahne Nelson
(Address)
(Telephone)

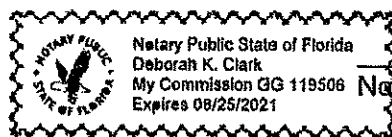
Witness
Printed Name: _____

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Ardella Nelson**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this July 30, 2020.

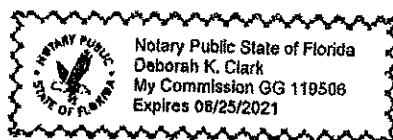


[Signature]
Notary Public, State of Florida

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Kerry Layne Nelson**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this July 30, 2020.

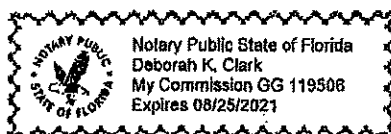


[Signature]
Notary Public, State of Florida

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Sheryl Leanne Nelson**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this July 30, 2020.



[Signature]
Notary Public, State of Florida

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 27, 2022

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 866 COLLIER BOULEVARD**

Enclosed is a Satisfaction and Release of Mortgage for 866 Collier Boulevard, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Barbara Williams. The mortgage was recorded in the Public Records of St. Johns County on August 10, 2021. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 14, 2022 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

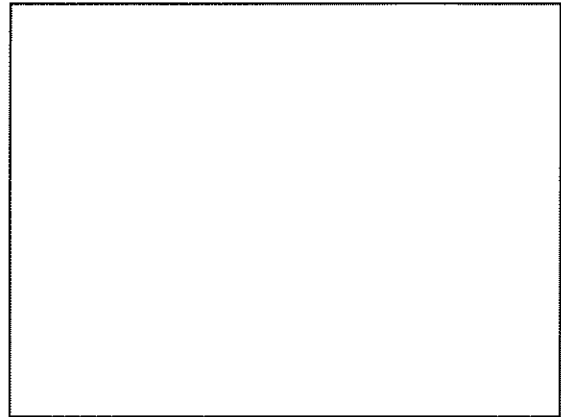


Isabelle C. Lopez
City Attorney

/s/
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision
and direction of Isabelle C. Lopez, City Attorney,
P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **BARBARA WILLIAMS**, whose address is 866 Collier Boulevard, St. Augustine, Florida 32084, her heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated May 18, 2021, recorded at Official Records Book 5340, Page 282, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 5340, Page 282, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2022.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOTS 20 AND 21, BLOCK 101, CLARKS ADDITION OF THE CITY OF ST. AUGUSTINE, OF THE WEST HALF OF THE HUERTAS GRANT, AS SHOWN BY MAP THEREOF RECORDED IN MAP BOOK 1, PAGE 77, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 133395-0200

LOCATION ADDRESS: 866 COLLIER BOULEVARD, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2021088469
BK: 6340 PG: 282
8/10/2021 3:18 PM
Recording \$61.00
Doc M: \$13.65
LPR \$7.71

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between, **Barbara Williams**, whose address is 866 Collier Blvd St. Augustine, FL. 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of \$37.43 for 120 Months, with the first payment due June 15, 2021.

May 18 2021 **IN WITNESS WHEREOF**, the Mortgagor has hereunto set its hand and seal, this

Signed, sealed and delivered in the presence of:

Taya Hoff
Witness
Printed Name: Taya Hoff

Carlotta Beverly
Witness
Printed Name: CARLOTTA BEVERLY

BY: Barbara Williams
(Name) Barbara Williams
(Address) 866 Collier Blvd
(Telephone) (904) 806-6982

*** NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Barbara Williams**, by means of ☐ physical presence or ☐ online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this May 18 2021.

Taya Hoff
Notary Public, State of Florida



Exhibit "A"

LEGAL DESCRIPTION

Parcel ID Number: 1333950200

Lots 20 and 21, Block 101, CLARKS ADDITION of the City of St. Augustine, of the West Half of the Huertas Grant, as shown by map thereof recorded in Map Book 1, Page 77, of the public records of St. Johns County, Florida.

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Barbara Williams
ADDRESS: 866 Collier Blvd
St. Augustine, FL. 32084

\$3,854.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at 866 Collier Blvd. St. Augustine, FL. 32084, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **3,854.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.12 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **37.43 Dollars**, commencing on June 15, 2021 and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of** May 18 2021, in the presence of:

Taya Hoff
Witness
Printed Name: Taya Hoff

BY: Barbara Williams
(Name) Barbara Williams
(Address) 866 Collier Blvd
(Telephone) (904) 806-6982

Carlotta Beverly
Witness
Printed Name: Carlotta Beverly

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Barbara Williams**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this May 18 2021.

Taya Hoff
Notary Public, State of Florida



Ureka Blount

From: John Augustus
Sent: Tuesday, January 18, 2022 2:49 PM
To: Ureka Blount
Subject: RE: TAP PAYOFF

Yes this account was paid off.

 **HOME**

Utilities - Munis

 **Accept**

 **Cancel**

 **Search**

 **Browse**

 **Query Builder**

 **Add**

 **Update**

 **Delete**

 **Global**

 **Duplicate**

 **Print**

 **Text file**

 **PDF**

 **Preview**

 **Excel**

 **Word**

 **Email**

 **Schedule**

 **Attach**

 **Note**

 **Noti**

Confirm

Search

Actions

Output

Office

To

Account

Account	53420	Start date	05/19/2021	St
Parcel		Type	TA - TAP	Di
Location	866 COLLIER BLVD ST. AUGUSTINE, FL 32084	Route	0	Re
		Prop desc	TAP	

View/Modify Account

 **Service Orders**

 **Special Conditions**

 **Backflow Service Accounts**



Customer ID

View All

Select All

▼ Name	Relation	Customer ID	Bill	Bill Address
BARBARA WILLIAMS	CUSTOMER	44191	Y	866 COLLIER BLVD ST AUGUSTINE, F

View/Modify Customer

Create Pending

Create Pending w/Vacant

Move In

Modify Pending

Delete Pen

Utilities

Charge Code	Seq	Description	Type	Rate	Status	Billed C
TAP PRIN	1	UTILITY CONNECTION - PRIN			INACTIVE	BARBA

View/Modify Utility

 **View/Modify Deposit**

Delete Utility

JOHN AUGUSTUS

Customer Service Supervisor

City of St. Augustine | Finance

50 Bridge St | St. Augustine, FL 32084

Office: 904.209.4244

Email: jaugustus@citystaug.com

Web: www.CityStAug.com

From: Ureka Blount <ublount@citystaug.com>

Sent: Tuesday, January 18, 2022 2:42 PM

To: John Augustus <jaugustus@citystaug.com>

Subject: TAP PAYOFF

Hey John,

I had a customer to call in about a tap account payoff. She is stating that she paid it off three months ago and would like something in writing stating that it was paid in full, however, Amanda does not see that it has been paid off. Can you confirm whether it has or has not been paid off?

Customer name: Barbara Williams

Address: 866 Collier Blvd

Ureka Blount

Administrative Coordinator

City of St. Augustine | Financial Services

P.O. Box 210 | St. Augustine, FL 32085

Office: 904-825-1030 | Fax: 904-825-1039

Email: ublount@citystaug.com

Web: www.CityStAug.com



ST AUGUSTINE.
EST. 1565





Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

Whereas, In 1768, over 1400 people left the Mediterranean and set sail for British East Florida. Among this group were Minorcan, Greek, Italian, Corsican, and French peoples. This was the largest single group of European settlers to immigrate to the New World. The courageous efforts of the group to tame the wilderness and settle a portion of Northeast Florida represents a major contribution to early American history.

Whereas, The Minorcans spent the first nine years toiling under harsh conditions and endured even harsher treatment. Their numbers were decimated by disease and starvation. In the fall of 1777, the remaining members, now less than 700 souls, walked to St. Augustine. They petitioned the British governor, Patrick Tonyn, and he granted them a space in the northwest section of the old walled city.

Whereas, A second Spanish occupation and the eventual acquisition of Florida by the young United States changed the flags that flew over the city. Since coming to the city, the Minorcan colonists and their descendants have been an integral part of St. Augustine and St. Johns County for more than two centuries; and

Whereas, Since then, the vibrant Minorcan community has fortified the culture of the nation's oldest city. The nexus of Spanish island culture, disparate Mediterranean traditions, and New World adaptations has long intrigued visitors.

*Now therefore, we, the St. Augustine City Commission hereby proclaims **March 2022** as "MINORCAN HISTORY AND CULTURE MONTH" and encourages its citizens to participate in the many activities planned throughout the month of March that highlight the Minorcan Experience.*

IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 28th day of February in the year of our Lord two thousand twenty-two and the four hundred and fifty sixth year of the founding of St. Augustine, the Nation's Oldest City.

2022-04

Tracy Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, each year, Americans observe National Women's History Month in March to commemorate and encourage the study, observance, and celebration of the vital role of women in American history; and

WHEREAS, the 2022 Women's History theme, "Providing Healing, Promoting Hope," is both a tribute to the ceaseless work of caregivers and frontline workers during this ongoing pandemic and also a recognition of the thousands of ways that women of all cultures have provided both healing and hope throughout history; and

WHEREAS, women as healers harken back to ancient times. Healing is the personal experience of transcending suffering and transforming it to wholeness. The gift of hope spreads light to the lives of others and reflects a belief in the unlimited possibilities of this and future generations. Together, healing and hope are essential fuels for our dreams and our recovery; and

WHEREAS, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all.

*Now therefore, we, the St. Augustine City Commission hereby proclaims **March 2022** as "NATIONAL WOMEN'S HISTORY MONTH" and encourages its citizens to observe this month with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women.*

IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 28th day of February in the year of our Lord two thousand twenty-two and the four hundred and fifty sixth year of the founding of St. Augustine, the Nation's Oldest City.

2022-06

Tracy Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, Pedro Menéndez de Avilés y Alonso de la Campa was born in Aviles, Spain, in 1519, grew up in a foster home after his father died an early death, and at a young age became the commander of a small fleet of ships fighting against French Corsairs and pirates on the Mediterranean Sea; and

WHEREAS, Menéndez rose from less than noble origins and, through his mastery of sailing, attracted the attention of King Philip II, who promoted him to command the Spanish fleet. When King Philip decided to strengthen Spain's colonial presence in Florida and the Caribbean, he called upon Menéndez; and

WHEREAS, under contract with the crown of Spain, Menéndez set out to establish Spanish rule in the land of la Florida. He set sail from Cadiz, Spain, on June 29, 1565, with eleven vessels and over 1,500 men; and

WHEREAS, on September 8, 1565, Pedro Menéndez de Avilés landed on the shore of the Matanzas Bay and began the founding of St. Augustine. This landing took place at what is now Mission of Nombre de Dios, and also the site of where the first Catholic mass occurred in the new world; and

WHEREAS, this statue of Pedro Menéndez de Avilés stands prominently atop its high pedestal in front of the historic Alcazar Hotel, which now the home of the municipal offices of the City of St. Augustine and the Lightner Museum. A gift of the people of Avilés, the statue was placed here in 1972. It is an exact replica of the statue that stands near the tomb of Menéndez in his ancestral home of Avilés.

NOW, THEREFORE, BE IT PROCLAIMED** by City of St. Augustine, does hereby recognize and celebrates the **503rd birthday of our founder, Don Pedro Menéndez de Avilés.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 15th day of February in the year of our Lord two thousand and twenty-two and the four hundred and fifty-sixth year of the founding of St. Augustine, the Nation's Oldest City.

Tracy Upchurch, Mayor

2022-07

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

Page 405 of 417

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

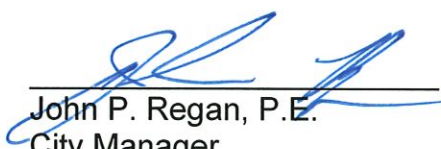
DATE: January 31, 2022

RE: Assistant City Manager

The purpose of this letter is to request confirmation of the appointment of David Birchim as Assistant City Manager. Pursuant to Section 4.17 of the City Charter, my appointment requires confirmation of the city commission.

Mr. Birchim has been with the City for 24 years beginning his career as a Planner II, then Senior Planner, Planning Manager and Deputy Director before becoming the Planning and Building Director in 2014. His function as Assistant City Manager will be dedicated to the strategic vision of our City.

With the confirmation of Mr. Birchim, he and Mrs. Breidenstein will serve as Co-Assistant City Managers to the city of St. Augustine and per the City Charter, have authority to act as City Manager in his absence.



John P. Regan, P.E.
City Manager

JPR/lf

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

RE: Nomination for the 2022 Adelaide Sanchez Award
for Historic Preservation, Restoration, Education, and Interpretation

DATE: February 14, 2022

I am honored to nominate Ms. Margo Pope for the 2022 Adelaide Sanchez Award for Historic Preservation, Restoration, Education, and Interpretation.

I have known Ms. Pope personally for over 30 years and firmly believe that she has earned the honor of this award for her dedicated and honorable commitment to our community.

In accordance with the process proscribed in Resolution 2017-08, I ask that this nomination be placed on the consent agenda for the February 14 City Commission meeting for consideration, her selection be confirmed at the first meeting in March, and the presentation be scheduled for May 9, the first meeting in May.

Thank you,



John Valdes
City Commissioner

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: February 2, 2022

RE: County – City Park inter-local agreement renewal

The City of St Augustine and St Johns County currently have an interlocal agreement delineating maintenance responsibilities at the local active parks within the City's limits. Basically, St. Johns County agrees to maintain the "active" ball fields and courts at these parks, while the city maintains all other "passive" areas within these parks. This current inter-local agreement is due to expire on June 1st of this year.

City staff has been working with the St. Johns County Parks and Recreation Department updating this agreement. Very few minor changes have been made. Recently, the St Johns County Board of County Commissioners voted to approve this agreement.

Staff recommends approval of this agreement as it is very similar to the current agreement. Therefore, if you concur with this matter, please place this item on the February 14th City Commission consent agenda for their consideration and approval of this inter-local agreement.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance. Corey Sakryd will present if there are any questions.



James C. Piggott
Director, General Services

JCP

Enclosure

INTERLOCAL RECREATION AGREEMENT
Between St. Johns County and City of St. Augustine

This Agreement, by and between St. Johns County, a political subdivision of the State of Florida, hereinafter referred to as "County" and City of St. Augustine, hereinafter referred to as "City".

WHEREAS, the City and County desire to coordinate the recreational facilities and activities of the City and County in order to prevent duplication and to provide more fully for the recreational needs of the citizens of our City and County at the least expense, and

WHEREAS, the City recognizes the existence of the St. Johns County Recreation Department as an entity within the jurisdiction of County government, and the experience, expertise, staff and abilities of that Recreation Department to manage and operate those recreational facilities, and

WHEREAS, the City is desirous of offering its active recreational facilities for maximum public use and benefit while retaining control of its neighborhood parks and other passive recreation areas, and

WHEREAS, the County is willing and able to undertake an expanded role in the operation and management of certain City owned facilities, and

WHEREAS, the City and County desire to delineate their respective obligations, duties and responsibilities concerning such a cooperative effort,

NOW THEREFORE, in consideration of the mutual covenants herein, it is agreed that the referenced facilities shall be operated and managed as follows:

(1) EDDIE VICKERS RECREATIONAL FACILITY – Consists of the Galimore Community Center, swimming pool, Malcolm Jones ballfield, basketball

courts, paddle tennis courts (when built), free-standing restrooms, picnic areas, gazebo, walking trail, community garden, farmer's market and two coquina parking lots.

(a) City shall be responsible for the operation and maintenance of the Galimore Community Center, swimming pool, picnic areas, gazebo, walking trail, community garden, farmer's market and both coquina parking lots. Pool maintenance shall include filtration system replacement and interior surface rehabilitations.

(b) County shall be responsible for the operation and maintenance of the freestanding restrooms, ballfield, basketball courts, and paddle tennis courts when built.

(c) City and County will each be responsible for all operating expenses, including utility bills incurred with their respective operations.

(d) City will maintain control of remaining undeveloped property.

(2) J. EDWARD "RED" COX RECREATIONAL FACILITY

(a) City will continue to operate and maintain the park, freestanding restrooms, boat ramp with floating docks, pier and parking lots. Lessee control of the building shall remain with the City.

(b) County will operate and maintain the City-owned tennis courts in conjunction with their courts located on the West Side of Red Cox Drive.

(3) FRANCIS FIELD

(a) City will continue to operate and maintain Project Swing Facility, the dental building, and the Special Events Field.

(b) County will continue to operate and maintain the tennis courts, and outdoor basketball courts.

(c) City will assume responsibility for the operation and maintenance of Francis Field as a neighborhood facility, and as such, will be available for use by Ketterlinus School as well as other non-organized uses.

(4) JOSEPH POMAR, JR. RECREATIONAL FACILITY

(a) County will operate and maintain ballfield (a.k.a. Joe James Field), restrooms/concession stand, multipurpose field and adjacent parking lot.

(b) City will operate and maintain waterfront gazebo, pier, boardwalk, and associated parking lot.

(c) City will maintain control of remaining undeveloped property.

(5) MISCELLANEOUS MATTERS

(a) City will from time to time apply for appropriate grants to enhance those County-operated recreation facilities within the City limits as listed herein. Such applications will have County concurrence, and, upon receipt and implementation, those improvements shall become the responsibility of County to operate and maintain for duration of this Agreement.

(b) Operation and maintenance responsibilities shall also include costs associated with personnel, utilities, expendable items, repairs, and appropriate insurances.

(c) County may make capital improvements or additions above and beyond those acquired through City grant efforts. Such improvements shall require City concurrence. Those improvements will be operated and maintained by the County.

(d) Capital improvements are customarily defined as an acquisition or improvement of an existing fixed asset such as land, building

infrastructure or equipment. Such improvements have a value of at least \$2,000.00 and have or extend service life beyond one year.

(e) Any capital improvements made during the Agreement become the property of City at end of this agreement unless otherwise agreed upon.

(f) Length of this Agreement shall be for an initial five (5) year period and will automatically renew for one additional five (5) years.

(g) Either party, based on written notice, to be effective on the last day of the month of September, may accomplish termination of this Agreement, provided that such written notice is serviced prior to the first of June of the year of the cancellation.

(h) Creation of user fees by County at any referenced site will require City concurrence.

(i) Any user fee collected by either party in its respective operations of a facility may be retained wholly by that party.

(j) Any initial costs associated with the separation of meters for billing purposes will be equally shared. If any such separations are deemed cost prohibitive, both parties will agree to an appropriate cost sharing of monthly bills.

THIS AGREEMENT supersedes all previous agreements, communications, representations or understandings, either written or verbal, between the parties concerning recreational facilities.

This Interlocal Agreement shall not become effective until filed with the Clerk of Courts of St. Johns County, Florida.

IN WITNESS WHEREOF, the parties hereto have caused the execution
hereof by their duly authorized officials on the _____ day of _____, 2021.

ATTEST:

St. Johns County Clerk

(SEAL)

**BOARD OF COUNTY
COMMISSIONERS
St. Johns County, Florida**

BY: _____
CHAIRMAN

DATE: _____

ATTEST:

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE

BY: _____
Tracy Upchurch
Mayor

DATE: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Isabelle C. Lopez, City Attorney

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: City Commission

DATE: February 14, 2022

RE: Permission to use City Crest

In May 2022, coinciding with Historic Preservation Month, the City of St. Augustine will collaborate with the University of Florida St. Augustine, St. Johns County Cultural Council, Flagler College, and many local organizations to create a festival of history that will take place, starting Thursday, May 12 and concluding Sunday, May 15. The 4-day event will include, but is not limited to, a passport program, special transportation tours, special menu items at participating establishments, discount and/or free admission at participating attractions and venues, re-enactments by living history interpreters, musical performances, and lectures.

As with any event of this magnitude, there will be marketing, advertising, and outreach. I request permission of behalf of the organizing committee to use the City crest and branding in promoting this event.

Respectfully,



John P. Regan, P.E.
City Manager

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: City Commission

DATE: February 14, 2022

RE: Permission to use City Crest for Fort Mose Jazz & Blues Series

The City of St. Augustine is a supporting sponsor of the “Discover Fort Mose Jazz and Blues Series” music festival event taking place February 18-26, 2022.

I request permission of behalf of the St. Augustine Amphitheatre, the lead organization coordinating the event in partnership with Fort Mose Historical Society and other partner organizations, to use the City crest and branding on the event programs and website.

Respectfully,

John P. Regan, P.E.
City Manager

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 2, 2022

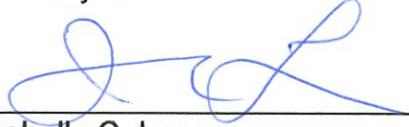
RE: **MARLOWE V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 01-2022-03-3020 dated January 31, 2022 from Cavendish Partners, P.A. for legal services rendered from December 2021 through January 2022 regarding the Marlowe v. City of St. Augustine matter.

The amount currently due is **\$2,430.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the February 14, 2022 City Commission meeting.

*WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$92,226.85.*

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Richard K. Thibault, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services



200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 01/31/2022
Invoice #: 01-2022-03-3020
Matter: Marlowe Appeal
File #: 3020

INVOICE TOTAL AND BALANCE DUE \$2,430.00

Bill To:
Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085
Due Date: 02/28/2022
Please Remit Payment To:
Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 01/31/2022 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**