

CITY OF ST. AUGUSTINE

Historic Architectural Review Board Regular Meeting July 15, 2021

The Historic Architectural Review Board met in formal session at 1:00 P.M., Thursday, July 15, 2021, in the Alcazar Room at City Hall, St. Augustine, Florida. Catherine Duncan, Chairperson, called the regular meeting to order, and the following were present:

1. ROLL CALL:

Barbara Wingo, Vice-Chairperson
Jon Benoit, (arrived at 1:02 p.m.)
Paul Weaver, III
Gaere MacDonald

Absent: Catherine Duncan, Chairperson, Excused

City Staff:

Jenny Wolfe, Historic Preservation Officer
Julie Courtney, Historic Preservation Planner
Denise May, Assistant City Attorney
Elyse Anderson, Recording Secretary

2. General Public Comments for Items not on the Agenda

The Board heard from the following member of the public:

- Mike Dixon

3. Approval of Minutes

Dr. Wingo stated she had some corrections for the Clerk and wanted to defer the minutes for the June 2021 meeting to next month.

MOTION

Mr. Weaver MOVED to DEFER the MINUTES to the August 19, 2021, meeting. The motion was SECONDED by Mr. MacDonald.

VOTE ON MOTION:

AYES: Weaver, MacDonald, Benoit,
Wingo
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. Modification and approval of Agenda

MOTION

Mr. Weaver MOVED to APPROVE the Agenda as presented. The motion was SECONDED by Mr. MacDonald.

VOTE ON MOTION:

AYES: Weaver, MacDonald, Benoit,
Wingo
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

5. Recommended Expedited Hearing Items(to be recommended one week in advance):

5. (a) PL2021-0090 – Doris A. Vidan– Applicant and Owner 298 St. George Street

To replace the existing historic wood door and side lights with a new door and sidelights on the south and west elevations of the building.

Ms. Courtney read the staff report and said based on a review of the AGHP, and without the support of evidence to the contrary, staff

finds that the board APPROVE a CERTIFICATE OF APPROPRIATENESS at 298 St. George Street because the replacement doors and sidelights meet the applicable Secretary of the Interior's Standards for Rehabilitation 9 and 10.

Ex Parte Communication:

(None)

Public hearing was opened; however, there was none.

Doris Vidan was present and waived her right to a presentation.

MOTION

Mr. Benoit MOVED to APPROVE application PL2021-0090 finding that the application meets the Secretary of the Interior's standards replacing the existing door and side lights with in kind materials. The motion was SECONDED by Mr. MacDonald.

VOTE ON MOTION:

AYES: Benoit, MacDonald, Weaver, Wingo

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Continued Items from Previous Meetings

**6. (a) Certificate of Appropriateness
PL2021-0061 – Natural Beauty, Inc –
Applicant
Daniel Pingel and Robert Geibeig Jr–
Owner
112 (A) St. George Street**

To add an awning across the storefront window and door of front façade / east elevation.

Ms. Courtney stated the applicant was out of country and would try and send someone on his behalf. She stated they spoke with Thompson Awing who was no longer

representing the application, but stated they were going to try an attend after being asked again by the applicant; however, did not have the proper owner's authorization form. She said Thompson Awing said they would try to come at the next meeting. She said the applicant stated he hoped HARB would hear the application without a representative, but that was stated verbally over the phone.

Dr. Wingo asked if it was required to have an applicant present for the application to be heard.

Ms. May stated that the standards the Board had adopted did not require an applicant to be present for an application to be heard.

There was Board consensus to defer the application to next month's meeting since there was not a representative present.

MOTION

Mr. Weaver MOVED to CONTINUE item 6(a) PL2021-0061, 112 St. George Street, to the August 19, 2021, HARB meeting. The motion was SECONDED by Mr. Benoit.

VOTE ON MOTION:

AYES: Weaver, Benoit, MacDonald, Wingo

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**6. (b) Certificate of Appropriateness
PL2021-0057 – Marquis, Latimer +
Halback, Inc. – Applicant
TIITF/Department of State – Owner
42 ½ St. George Street**

To modify site features in the courtyard north of the one-story building at the rear of the property to include the addition of a covered pergola, coquina concrete paving, a wood platform stage, and landscape features.

Ms. Courtney read the staff report and said based on a review of the AGHP, the previous

discussions of the HARB, and without the support of evidence to the contrary, staff finds that the board can take the following actions on a CERTIFICATE OF APPROPRIATENESS at 42-1/2 St. George Street:

1. To APPROVE if the HARB determines the overall proposed design in the revised plans sufficiently addresses the HARB concerns and is now compatible with the AGHP

2. To DENY the plans because elements such as the revised pergola/arbor structure are still incompatible with the AGHP because of its scale and use of a non-compatible material and because the project scope as designed does not meet the applicable Secretary of the Interior's Standards for Rehabilitation 3 and 9

3. To APPROVE with the following conditions:

a. To reduce the length/height of the pergola/arbor so that it is compatible with the kitchen building and existing courtyard setting and does not reduce the historic relationships of buildings and features on the site

b. To remove the incompatible plexi-glass material as a cover for the pergola/arbor on the permit drawings

c. To remove the proposed addition of a well cover from the permit drawings

d. For the screening fence around the existing mechanical equipment to be compatible in material, design, and size of the existing wood property fence and to adequately provide screening.

Mr. Weaver inquired about the State Historic Preservation Office (SHPO) doing a review of the architecture and the landscaping.

Ms. Courtney said Mr. Marquis would be able to clarify, but she believed they would review the application as well.

Jeremy Marquis and Emily Finn presented the application.

The Board provided their ex parte communication.

Public hearing was opened.

BJ Kalaidi urged the Board to defer to number two of the Staff recommendation to deny. She stated each project should be judged on its own and not based on other projects. She continued the applicant needed to remove the incompatible materials.

Public hearing was closed.

The Board discussed with Mr. Marquis:

- Mass, scale, and lot coverage
- Proposed grape arbor was subordinate to the other buildings on the premises
- Setbacks were addressed
- Coquina concrete underneath was 467 Sq. Ft.
- Salcedo House kitchen was a 30x30 structure, including the porch
- Plexi-glass was not a compatible material, but had been approved before
- Applications were considered case-by-case, but concerned with setting precedence

Mr. Marquis stated they had done extensive research on grape arbors, and after reviewing the arbors in the Historic Preservation (HP) districts, the Colonial Quarter arbor was seven foot six inches. He noted typically for ADA clearance, the post spacing on the near side was eight feet and ten feet in width; however, they used eight feet consistently for post spacing. He stated they wanted to use the plexi-glass but enclose it in a historically appropriate manner to help with the elements since the plexi-glass would be between the framework of the arbor going to the edge from north to

south and not past the main beam from east to west with an eight-inch overhang to help disguise it. He stated there would not be any free floating plexi-glass independent of the structure.

The discussion continued:

- Close to the correct scale
- Provided shade and shelter
- Removeable without altering or harming other historic structures
- Arbor was not taking over site in a significant way
- Adequate solution to hide the plexi-glass
- Well covering interpretation was acceptable
- Other items applicant had committed to over time should be completed: screening, painting of the rails and hood
- Allowing the business to improve overtime fell within the guidelines
- Purlins or other framing to extend beyond the edge to provide more of a distraction to the eye
- Understood plexi-glass function, but not acceptable
- Plexi-glass was approved previously but should not repeat the mistake from a previous HARB decision
- Grape arbor was too large for space, although less problematic than using inappropriate materials
- Did not present as grape arbor or pergola since those would have an open concept
- Trying to camouflage new structure
- HARB was not an appellate court therefore, precedence not set, but should be consistent with decisions
- Use of plexi-glass to preserve something in a building would be different but not appropriate when creating a new structure
- Arbor did have roof-like structures to offer shade and protection
Restricted rain somewhat, but not completely

- Location was ground zero for HP and had higher standard

Mr. Weaver inquired about the concerns of the well covering as it seemed to be a repetitive issue.

Ms. Courtney stated the well covering design was conjectural and what was shown in the plaza was a reconstruction which, was also conjectural. She continued the size was big and bulky and in May everyone seemed to be against it; however, the biggest change was removal of the diagonal lattice, but the size and structure remained the same.

Mr. Weaver stated the well covering on the plaza was not a good example and HARB was not consulted when it was designed. He asked Mr. Marquis if there was anything he could do to modify the well covering to make it more aligned with staff's suggestion.

Mr. Marquis stated there was not specific documentation for what the well covering would have looked like; however, there were other examples that used the same materials and they tried to relate it to the other structures. He said the plexi-glass provided a practical use in a historic setting by providing the current need of outdoor seating. He liked Mr. Benoit's suggestion on extending the purlins because the arbor use should be functional. He stated this was not a storm shelter but could help protect from the elements.

Mr. Benoit felt the plexi-glass was an appropriate solution to keep the structure an arbor instead of another hard structure and its use was an adequate alternative to provide cover. He pointed out the application would still go before SHPO, regardless of approval or not, and the plexi-glass could be approved regardless of HARB's decision.

Ms. Wolfe stated she understood there was an agreement between the University of Florida (UF) and Historic St. Augustine for projects that came before HARB and were approved. She said SHPO did provide their own review and there could be conflicting

opinions; however, they did consider HARB's review.

Mr. Benoit stated that none of the new constructions were absolute replicas out of Manucy's book. He said the smaller the project the more detail oriented they tend to be, but he thought it was an appropriate solution to provide outside coverage and soften it by pulling in the post and he noted the design work was done well to help blend the plexi-glass in with the other elements.

Mr. Weaver stated based on the UF agreement with the City, both parties had independent authority. He said their standard was rehabilitation and Historic St. Augustine would be HARB guidelines, and the standards had flexibility of using modern materials and they could say no plexi-glass and return with a worse project, but compared with the taberna, this was a much better alternative.

Dr. Wingo stated the details were of the upmost importance and since she had been on the Board, emphasis was not placed more on smaller projects versus the larger. She stated they were trying to do the right thing, and these properties were under a higher standard; therefore, required close examination. She said the jurisdiction was much more limited as opposed to what the SHPO or the National Park Service would look at since it was a different consideration.

Mr. MacDonald commented that another Board's opinion should not sway their decision and sometimes decisions could be overruled; however, the plexi-glass was not an appropriate material. He asked if the project could be done without the plexi-glass as the Board appeared to agree on the rest of the project.

Mr. Marquis stated his client was willing to move forward without the plexi-glass and asked the Board to specify the motion in order to communicate clearly with SHPO.

Dr. Wingo stated she was not concerned with the well covering.

Mr. Weaver stated it could be construed to be a compatible contemporary design because anything could be conjectural.

MOTION

Mr. Weaver MOVED to APPROVE Certificate of Appropriateness PL2021-0057, for 42 ½ St. George Street to approve the proposed grape arbor as presented by the applicant with the condition the purlins extend on all four sides so the vines would hang over, to remove the incompatible plexi-glass material as a cover for the pergola/arbor, for the screening fence around the existing mechanical equipment be compatible in material, design, and size in existing wood property fence and to adequately provide screening. The motion was SECONDED by Mr. MacDonald.

VOTE ON MOTION:

AYES: Weaver, MacDonald, Benoit, Wingo

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Weaver recused himself for next the application.¹

6.(c) Opinion of Appropriateness
PL2021-0059 – CD + Urban – Applicant
44 Avenida Menendez, LLC– Owner
44 Avenida Menendez

To construct a new two-story building and courtyard with outdoor seating to replace the one-story drive-through building.

Ms. Wolfe read the staff report and said based on a review of the AGHP, the previous discussion of the HARB and without the

¹ Attached to original packet

support of evidence to the contrary, staff finds that the board can take one of the following actions on the OPINION OF APPROPRIATENESS (OOA) at 44 Avenida Menendez:

1. APPROVE THE OOA with a finding that the architectural concept of the proposed one and two-story attached buildings, the building forms with regard to roof shapes and general proportions, their siting on the lot, and their general opening patterns comply with the AGHP and/or Houses of St. Augustine because the primary building is situated on the front property line and the general building character is Spanish/British Colonial. The HARB may make detail recommendations that should be accommodated with a subsequent Certificate of Appropriateness (COA) application. Staff recommends alterations to one or both of the front property walls, altering the opening pattern and/or styling of the one-story building and removing the shutters, delineating the lower façade of the two-story building such as adding a simple cornice, lowering the first-floor windows, addressing the second-floor exterior door shapes and sizes, and reducing the length and/or width of the one-story building near the Espinosa Sanchez House. Also note that all other details will be considered in comparison with recommendations based on the Houses of St. Augustine (pitch, height, window design, paving and plantings, etc. as well as evaluating the east-west building section details).

2. CONTINUE THE OOA with a finding that the architectural concept related to the form, size, and scale of the one and two-story attached buildings do not sufficiently comply with the AGHP and/or Houses of St. Augustine with regard to the relative building footprints and the street front character of the two building facades.

Jeremy Marquis, John Arbizzani, and Clifford Duch reviewed the application.

Mr. Marquis and Mr. Duch asked for Board approval to provide the new sketch based on the Staff recommendations.

The Board consensus was to allow the new sketch; however, Mr. MacDonald noted the public did not have a chance to review.

Ex Parte Communication:

(None)

Public hearing was opened.

BJ Kalaidi stated the new sketch being shown was not available to the public and should have been made available before the meeting. She stated her concern for Avenida Menendez and what it would look like in the future. She said she was concerned with the balcony but if it followed the guidelines for Florida Department of Transportation (FDOT) then it was fine. She stated that applicants should be considerate of the public because they are concerned with the history of the town.

Public hearing was closed.

The Board discussed:

- Pleased to see two different designs
- Only one other location was set on the street, other various locations in areas were set back with cantilever balconies
- Roof was metal but should be wooden shakes on the Bayfront
- Left South building intensive use for being next to another building, issue could arise when applying for Certificate of Appropriateness (COA) with this right on the property line
- Property set back but could hinder view from Harry's Seafood
- Window and door opening were aligned with the AGHP
- Architecture of the primary structure compatible to move on to the COA

- Should re-evaluate left side of the structure to manage scale since next to an existing building

Dr. Wingo inquired about the source material used to design 44 Avenida Menendez.

Mr. Marquis stated they had photographic documentation from the Historic St. Augustine Restoration Preservation Board's.

Dr. Wingo felt the photograph was inadequate because there was no citation information and it required explanation.

The Board discussion continued:

- Response to staff report given to Board
- Responses should have been given to the Board and public sooner
- Building on the left was problematic

Ms. Wolfe stated the applicant's additional sketch responded to staff comments. She stated the lack of shutters, moving the buildings down, adding three-dimensional aspects of the windows sills and lintels helped the building read as a one-story Spanish Colonial building. She stated the applicants wanted the building to reflect a one-story building with additions over time, a different approach was taken and by adding some of those features it showed delineation. She continued the building to the South looked unresolved and needed some adjustments before moving forward and she questioned if the building outlined in the line drawing had a projecting balcony.

Mr. Marquis answered in the affirmative.

Ms. Wolfe clarified for the Board that it did have a projecting balcony and they did not find precedence for having a porch on top of a first period Spanish building.

Mr. Marquis said the Arrivas house did have a projecting balcony but provided information on how a wraparound balcony could work.

Dr. Wingo stated there was not historic precedence for the design; however, there were references to handle the FDOT issues.

Mr. Duch asked for clarification since they were using the Arrivas House and the Salcedo House as references. He stated there was a cantilever porch with a portion recessed.

The Board Discussion continued:

- Plans had improved greatly over time
- Bottom level was First Spanish period with second floor a British addition which was a little beyond the scope but capable to do
- Not reflected in Manucy but able to compromise since unable to use the space over the street

Mr. Duch stated the southern corner of the site plan was more of a café style area, but they were able to reconstruct it to make it more applicable to the architectural periods.

Mr. Benoit stated he knew that renderings were mainly done in white; however, the colors of the building would be important, and would need to blend with the streetscape.

MOTION

Mr. Benoit MOVED to APPROVE Opinion of Appropriateness PL2021-0059 with the following recommendations when the applicant come back for a COA: (a.) Work with staff comments about the main two-story structure to look at the windows, the fenestrations, the cornice, to try and separate the first floor and the second floor and pull in the historic references, (b.) For the structure on the South if it is going to be the First Colonial period referenced, then make the openings and other details reference that period, (c.) study the roof and consider the shake roof to blend with the other Spanish Colonial roofing on the streetscape, (d.)

look at the colors (e.) comeback with sufficient details so we can get through the COA with efficiency. The motion was **SECONDED** by Mr. MacDonald.

VOTE ON MOTION:

AYES: Benoit, MacDonald, Wingo

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

6. (d) Certificate of Demolition

PL2021-0074 – Kolsen and Associates

LLC– Applicant

112 Moore Street Extra Lot Land Trust (J.

Russell Collins, Trustee)– Owner

112 Moore Street

To demolish a residential building constructed c. 1904-1910 that is recorded in the Florida Master Site File and is a contributing structure to the Lincolnville National Register Historic District.

Ms. Wolfe read the staff report and said based on a review of the AGHP and without the support of evidence to the contrary, staff finds that the board can **CONTINUE** a Certificate of Demolition at 112 Moore Street for the following reasons:

1. The applicant did not provide a building condition assessment report in accordance with application requirements and the building's significance warrants a complete evaluation.

2. The evidence of economic hardship does not sufficiently demonstrate a hardship because it may or may not be for the correct building (it is labeled #114), some listed items would be required for new construction and some are not associated with the structure (garage and fencing etc.), and there was not a consideration of any economic incentives.³

Ms. Wolfe noted that a building condition assessment report was recently provided by

the applicant, and based on the condition assessment by staff, there appears to be a significant amount of repair work necessary to make the structure viable. However, the staff recommendation would not change to allow the applicant the opportunity to provide testimony and evidence due to the historic nature of the structure.

William Kolson and Bart Piniaz reviewed the application.

Mr. Piniaz noted that when the property was initially purchased, the history of the structure was unknown. He stated the original intent was to rehabilitate the structure until the poor condition was assessed.

Ex Parte Communication:

(None)

18 certified notices were sent, 1 was returned in favor, and had comments.

Public hearing was opened.

Charles Pappas stated it was sad to hear the applicant was not aware of what he had purchased. He continued it was historic Lincolnville and the history kept disappearing and there had been a change in Lincolnville over the past 20 years. He said the buildings and structures were the character and that could never be replaced.

BJ Kalaidi agreed with Mr. Pappas and stated there had been 123 buildings demolished in the Lincolnville's National Registered Historic District (NRHD) since 1991 reducing the historic resources from 81% to 67%. She stated she knew the City was in the process of rewriting the demolition policy and hoped Mr. Rusty could come up with funds to not demolish the structure and restore it.

² Break from 3:03 p.m.- 3:09p.m.

³ Extra documentation in packet

Public hearing was closed.

The Board discussed:

- Three things to consider: structure had been relocated, integrity, and condition
- Main concern if board and batten original to house
- Did applicant know the types of material used on the building

Ms. Wolfe stated she had not done any research, nor had she seen any investigated analysis done to see if there were any other types of materials on the building.

Mr. Kolson stated the building did not look original. He said the siding looked to be 30 to 40 years old and was probably redone when they added the aluminum windows to the building; however, another part of the house had not been redone as it still had cast iron risers coming out of the ground for the sewer system.

Board discussion continued:

- Added to Florida Master Site File in 1980's with board and batten siding
- If altered or not original or not within the historic period, the building could have loss its integrity
- If building was part of the original segregated black school, it was vastly important
- Continue application so research could be done
- If not original materials and if structure had been moved, not a lot of historic fabric left, and the condition could be demolished but too many unknowns
- St. Augustine had a vast amount of Civil Rights history
- Building framed at four feet on center with a member going horizontal which was for board and batten

- Don Crichlow's report presented strong evidence that the board and batten may have been original
- Would be a lot of work to fix, but the building could be saved
- Search for opportunities to obtain funding to preserve the building
- Consider packet information regarding an applicable tax exemption program
- If property was not in Lincolnville, it could be made into a local landmark
- Should try to save very significant part African American history in St. Augustine
- Nothing shown to reflect true economic hardship
- One of the oldest African American Schools on Florida Master Site File, building could be a National Register nomination

Ms. Wingo inquired about a Rosen Wall school in St. Augustine. and believed there was one in Hastings.

Ms. Wolfe stated she was unaware since she had not completed any research; however, that did not mean there was not one. She said there were other schools within the County that had recently been honored with a local marker.

Mr. Benoit said Mr. Dixon worked with the museum across the street and had been granted funds to restore that building. He suggested the applicant may be able to work with him or assist with obtaining funds.

Board discussion continued:

- Historically part of the same complex as the school
- Some African American churches were getting federal grants to help restoration

Mr. Piniaz asked if they pursued other potential opportunities would the structure need to stay in Lincolnville.

Mr. MacDonald stated buildings were moved; however, if this was part of the school it would be important for it stay in the same location. He said the lot held the same significance as the building.

Mr. Weaver agreed with Mr. MacDonald and stated the Lincolnville context was very important.

Ms. Wolfe advised that to relocate the build would require a Certification of Relocation. She stated the Board was able to ask the applicant if they wanted to continue or were they resolving the significance of the building they could deny; however, they could ask the applicant since it could affect their options moving forward.

Mr. MacDonald stated the applicant did not realize the property could be of great value even if it were to be turned into an Airbnb, but still modeled after a school. He continued people came to St. Augustine for its history.

Dr. Wingo encouraged Mr. Piniatz to explore various opportunities including the tax exemptions that could be available for them. She suggested speaking to other people in the area regarding their unique asset and encouraged them to have more research done on the history of the school.

Mr. Weaver requested confirmation on the board and batten siding even with the strong evidence pointed out in Mr. Crichlow's report for the Board to make an informed decision. He said not only was there a tax exemption program but there was a federal investment tax credit if it was an income producing property.

Ms. May stated if they were leaning toward a continuance, the applicant had to concede to that, and it was his right to a full opinion.

Mr. Piniatz agreed with a continuance.

MOTION

Mr. Weaver MOVED to CONTINUE PL2021-0074 Certificate of Demolition, 122 Moore Street to August 19, 2021, if approved by the applicant. The motion was SECONDED by Mr. Benoit

VOTE ON MOTION:

AYES: Weaver, Benoit, MacDonald, Wingo

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Certificate of Demolition and Partial Demolition

7. (a) PL2021-0091 – Synergy Construction & Maintenance – Applicant H&H Real Estate Investing, LLC– Owner 144 Martin Luther King Avenue

To partially demolish a residential building, constructed c. 1904 -1910, that is recorded in the Florida Master Site File and is a contributing structure to the Lincolnville National Register Historic District, including the front and rear porches.

Ms. Courtney stated the building owner had a death in the family and the applicant, Synergy Construction requested to participate virtually; however, that was not currently possible.

MOTION

Mr. Benoit MOVED to CONTINUE application PL2021-0091 to when an applicant was able to be present. The motion was SECONDED by Mr. MacDonald.

VOTE ON MOTION:

AYES: Benoit, MacDonald, Weaver, Wingo

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Planning and Building Staff Communications

8. (a) Planning and Building Staff Approved Permits Report

(Provided for informational purposes)

9. Other Business

9. (a) Discussion and recommendation regarding proposed lighting on FDOT San Sebastian Bridge

Ms. Wolfe stated the Board was the Certified Local Government (CLG) and would only provide comments. She voiced concerns of the lighting installed in other parts of the City was significantly brighter at night and pictures had been provided to the Board.

Orlando Cordero from the Florida Department of Transportation reviewed the topic for the Board.

Public comment was opened; however, there was no response.

The Board and Mr. Cordero Discussed:

- Gas light to look similar to what was already downtown
- Proposed fixtures tied in well
- Gas Light was more consistent and could that be done on the bridge as well as the roadway
- Two fixtures were proposed: double fixture on the bridge and the and single on the roadway portion
- Projecting light fixture was more modern
- Gas light without the projection was more appropriate to St. Augustine
- Could single pole gas lights be used on both the bridge and the roadway
- Only gas light fixture use could be presented as a recommendation to be examined further
- Would be more attractive and create a rhythm of lights between the roadway and bridge

- Space out to help with the budget
- Lumen intensity would be set according to the current standards
- Lumen and color consistency was important
- FDOT had moved to using more LED lights but thought color could be achieved with the new technology

Ms. Wolfe asked Mr. Cordero if the other lighting presented was the same intensity of lighting that would be installed.

Mr. Cordero replied since those products were recent, it would be the same intensity.

Ms. Wolfe encouraged the Board to reference the pictures sent out regarding the lights as they lit more than just the roadway. She stated it would make a significant impact on the bridge and to the historic downtown area. She suggested the Board ask for lumens to light only the road and have no light pollution onto the sky or river. She stated they were making a recommendation, but she wanted to clarify there would be a significant change.

Mr. Benoit stated he was unsure how to manage brightness unless the light fixture was specifically facing down with a top similar to residential turtle lighting and asked if there was City precedent elsewhere for reference.

Ms. Wolfe stated that while she understood FDOT had standards, she felt that tall fixtures were unnecessary and inappropriate for St. Augustine, and suggested the lights be mounted closer to the bridge structure that would light the street and not be a distraction to drivers.

Mr. Cordero stated designs had been evolving recently and they were trying to focus on lighting pedestrian areas as opposed to the entire City.

Dr. Wingo asked if a motion was needed or if the discussion enough for the recommendation.

Ms. Wolfe asked if FDOT wanted a formal letter.

Mr. Cordero replied in the affirmative.

9. (b) HARB Rules and Procedures including submittal deadlines and revised application materials

Ms. Wolfe reviewed the topic and provided the Board with a letter of recommendation.

- Reorder the agenda based upon staff approvals, or by smaller and larger projects, rather than by project types
- Add an analysis table to show if application was completed or additional information or materials required
- Provide the meeting procedures at start of meeting
- Ask applicant to describe the changes in new materials and vote to determine if it would create a significant impact on the project, or the Board, the staff and public would need more time to review in greater detail or vote to accept the evidence self staff report recommended a continuance, then HARB could vote to have the applicant present in the allotted time, vote to continue the application or allowing the public hearing to move forward
- Distinguish time limits for dialogue and questions with the applicants or for Board discussions
-

Dr. Wingo provided the following comments:

- Any good advocate should be able to assert their argument and answers to questions
- Not sure if adding more time limits would be helpful

- Time answers when responding to Board questions
- Did not want to be adversarial with the applicants
- Issue was receiving materials day of, or two days before the meeting
- Board should have time to consider what would be presented
- Public needed notice of what would be discussed prior to the meeting
- Under State law only item needed for publication was the agenda
- Publishing the agenda only was not sufficient for the public to comment on items being presented
- Not all materials that come in late should prevent the applicant from having a decision or a favorable decision
- Discussion to allow additional materials could be done with a consensus and not a vote
- Should provide fairness to the applicant in the process

Mr. Weaver commented on the following:

- Positive recommendations from staff for demolitions and other items could be moved to the front of the agenda
- Most complicated applications were new construction which could be moved to the end
- Applicants should want the responses to the staff report on record
- Board member should be able to object to late materials and applications could be continued on those merits

Mr. MacDonald suggested moving application deadline back two weeks or a week for more review time

Ms. May stated the timelines in City Ordinances were based within 30 days of the application date and adding time would require an ordinance change. She stated the

only parties with due process rights were the applicant and the City, unless it was a demolition which required a notice.

The Board discussion continued:

- 30-day time limit was typical
- An introduction could be done at beginning of meeting to provide a timeline
- If 30 days was not enough, suggested a change in the ordinance

Ms. May stated the time frames were not just limited to HARB, but were tied to PZB and other Boards, and could create some issues when discussing the due process for the applicants.

Mr. Benoit suggested the following:

- Concerns that applications would still be incomplete if given more time
- Additional information should not be emailed to the Board prior to the meeting
- Should be an edit, not presenting new material or should wait until next meeting
- Applicants were provided a checklist for a completed application
- Should mandate that applicant bring additional copies of materials for the public if applicant wanted to present new information
- Edits to materials should be clearly defined (highlight or redline)
- Not allowed to communicate about applicants; therefore, new information or modifications should come through normal process as opposed to emails

Ms. Wolfe inquired about a consensus on sending out late materials to the Board before the meeting.

Mr. Benoit stated if an applicant missed a deadline when turning in materials, they should use their ten minutes to explain the

new materials during the meeting. He felt it was an issue when it was done outside the normal process.

Mr. MacDonald stated it was most important because applicants brought items in late it affected due process for others.

Mr. Benoit pointed out that there was a difference in responding to staff comments and providing new information.

Dr. Wingo stated the consensus was that responding to staff was fine, but not having your materials timely prepared should not be allowed. She noted it was not typically accepted in other judicial and quasi-judicial situations. She said the applicant could ask for a continuance to provide the needed materials, but it should not be accepted during the meeting. She said there would be grey areas when responding to staff reports. Ms. Courtney questioned the Board's opinion on allowing a new design directly related to the staff report.

Dr. Wingo stated the Board would have to use their discretion and when it was an entirely new design. She stated what was provided in their materials was what the Board considered; however, the City gave consideration for the public.

Mr. Weaver asked how the staff report was provided to the applicant.

Ms. Wolfe replied that Ms. Courtney emailed the staff reports to the applicants to be diligent. She stated the applicants were receiving feedback more promptly and the City attorneys requested the application include "if you had not received your staff report to contact the Planning and Building department."

Mr. Weaver stated that applicants experienced in the topic should be proactive to avoid a negative decision on the record, and he suggested providing a time limit on responses to staff report which would provide the staff and the Board more time to

address the comments. He asked if there was a staff policy stating late materials would be accepted but would only be at the Boards discretion to decide whether to consider.

Ms. May advised it was at the Boards discretion, which was why they were discussing the rules and procedures; however, by Ordinance applicants had an application deadline. She said applicants were able to present materials to staff up to ten days prior to allow staff time or the Board time to review for the meeting, and she thought staff was looking for a difference between what would be and would not be allowed after the ten days.

Dr. Wingo asked if it would be valuable to have applications that were incomplete labeled as such and placed at the end of the agenda.

Ms. Wolfe stated at one time that was done and could be done again, and she thanked the Board for their help and adding clarity.

Public comment was opened.

Chares Pappas agreed with the Board that huge amounts of new information brought to the meeting was not fair to the Board or the public. He continued that when the Board was approving the agenda it could be decided then if the Board were to accept new materials for any application, and if so, the new materials could be added to the back table for viewing. He stated there was a fine line in expanding presentations than answering questions from the Board.

Public comment was closed.

9. (c) Announcements and discussion regarding future workshops and conferences

Ms. Wolfe went over the future workshops and conferences that were scheduled.

- The following week was the Florida Trust Conference with several Facebook Virtual Sessions
- AGHP public workshop September 11, 2021, from 9:00a.m. to 12:00p.m at the Galimore Center
- Public survey would be issued ahead of the meeting
- September 28, 2021, Virtual Workshop with a consultant from 5:30p.m. to 7:30p.m. for feedback on the public surveys, review Conservation Overlay districts, and more complex issues with guidelines

She reminded the Board about the Code of Ethics when attending any of the workshops or meetings.

10. Adjournment

There being no further business, the meeting was adjourned at 4:57 P.M.⁴



Catherine Duncan, Chairperson

⁴ Transcribed by Elyse Anderson