

CITY OF JACKSONVILLE
HISTORIC PRESERVATION
COMMISSION

Proceedings held on Wednesday, June 28, 2023,
commencing at 3:00 p.m., at Jacksonville City Hall,
Don Davis Room, 117 West Duval Street, Jacksonville,
Florida, before Diane M. Tropa, FPR, a Notary Public in
and for the State of Florida at Large.

PRESENT:

JACK C. DEMETREE, III, Chairman.
ANDRES LOPERA, Vice Chair.
OLIVIA FRICK, Commission Member.
MAX GLOBER, Commission Member.
MICHAEL MONTOYA, Commission Member.
ETHAN GREGORY, Commission Member.

ALSO PRESENT:

ARIMUS WELLS, Planning and Development Dept.
JERMAINE ANDERSON, Planning and Development.
CARLA LOPERA, Office of General Counsel.
STEPHANIE PEJUSA, Planning and Development Dept.

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1 commissioner.
2 THE CHAIRMAN: So if everybody could
3 please silence their cell phones. We'll have a
4 break every two hours, as needed.
5 With that, I will take a motion for the
6 May 24th minutes.
7 COMMISSIONER LOPERA: Motion to approve
8 the May 24th, 2023, minutes.
9 COMMISSIONER MONTOYA: Second.
10 THE CHAIRMAN: All those in favor?
11 COMMISSION MEMBERS: Aye.
12 THE CHAIRMAN: Those opposed?
13 COMMISSION MEMBERS: (No response.)
14 THE CHAIRMAN: Those minutes have been
15 approved.
16 We've got a couple of items deferred
17 today. We'll run through those real quick. We
18 got COA-22-27451, 2768 Riverside Avenue;
19 COA-23-28964, 2921 Downing Street;
20 COA-23-29180, 1829 Powell Place; COA-23-29263,
21 0 Gilmore Street; COA-23-29166, 3664 Hedrick
22 Street; and LM-23-04, 411 North Liberty Street.
23 We're going to jump around a little bit
24 today on this agenda. First on my docket, if
25 you will go all the way to Section M,
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1 PROCEEDINGS
2 June 28, 2023 3:00 p.m.
3 - - -
4 THE CHAIRMAN: Welcome to the June 28th
5 meeting of the Jacksonville Historic
6 Preservation Commission.
7 Can we start with some introductions,
8 please?
9 MS. FIGUEROA: Brittany Figueora, Historic
10 Preservation.
11 MR. ANDERSON: Jermaine Anderson, Historic
12 Preservation.
13 MR. WELLS: Arimus Wells, Historic
14 Preservation.
15 MS. LOPERA: Carla Lopera, Office of
16 General Counsel.
17 COMMISSIONER LOPERA: Andres Lopera,
18 commissioner.
19 THE CHAIRMAN: J.C. Demetree, Chair.
20 COMMISSIONER MONTOYA: Mike Montoya,
21 commissioner.
22 COMMISSIONER GREGORY: Ethan Gregory,
23 commissioner.
24 COMMISSIONER FRICK: Olivia Frick,
25 commissioner.
COMMISSIONER GLOBER: Max Globler,
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1 Information, we have Councilman Carlucci here
2 to speak for a few minutes.
3 COUNCIL MEMBER CARLUCCI: Yes, sir.
4 THE CHAIRMAN: You can come on up,
5 Councilman.
6 COUNCIL MEMBER CARLUCCI: Okay.
7 (Council Member Carlucci approaches the
8 podium.)
9 THE CHAIRMAN: How are you?
10 COUNCIL MEMBER CARLUCCI: Nice to see
11 everybody. I appreciate the commissioners for
12 what y'all do. I think you have a pretty tough
13 job when you have to say no and sometimes you
14 can say yes and sometimes it's tough to do
15 either way.
16 I won't take up long because you said
17 y'all take a break every two hours, I'm like,
18 Lord, I don't think I should even be here, so
19 why don't I just say, I passed the REHAB bill
20 and I'll see you later, or I can explain it to
21 you, what it is, real quickly.
22 Mr. Chair, I'll try to make this brief,
23 but thank you for allowing me to come before
24 you. I also want to recognize Carla Lopera,
25 who was a great help on this bill, as well as
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1 Arimus Wells. It's Wells, isn't it? No?
 2 MR. WELLS: Yes.
 3 COUNCIL MEMBER CARLUCCI: Wells, yes.
 4 And we had a lot of other help from
 5 Alan Bliss and -- and so we're very fortunate
 6 to have good people around me at the Planning
 7 Department, Bill Killingsworth, and so on.
 8 Twenty-three years ago, I was on the
 9 Council and -- and trying to find a cup of
 10 coffee, something besides Starbucks, in
 11 downtown Jacksonville. After dropping my son
 12 off at preseason football camp, I came back to
 13 City Hall and tried to catch up on my emails.
 14 I wanted a cup of coffee and the Mr. Coffee up
 15 in the Council kitchen, I could never get it to
 16 work. It just always made a mess, so I was
 17 trying to find a cup. I couldn't find one cup
 18 of coffee downtown, and that gave me the idea
 19 that these old buildings are not being used for
 20 anything, and so we created a task force, I
 21 guess, a year later, probably in 2022. And I
 22 think Ginny Myrick might have been involved in
 23 that. And anybody else that's here that I'm
 24 not saying, I apologize.

25 But we did some great things, and we
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1 created the Downtown Historic Trust Fund, and
 2 that's -- has been -- evolved over the years,
 3 but it still serves the same purpose in helping
 4 to provide incentives for downtown buildings,
 5 and it immediately helped, I think, 11 East
 6 Forsyth become developed into a -- from the
 7 American Heritage to -- they called them lofts
 8 back then, I don't know what they are now. And
 9 then the Carling was done. And those were two
 10 pretty iconic restorations done in a short
 11 period of time.

12 And so -- so this year we had this Ford
 13 motor plant come before us, and -- now, if this
 14 bill that I passed or if that building had been
 15 in the downtown boundaries, would it have still
 16 wound up being, you know, torn down or to be
 17 torn down? I'll never know because that was a
 18 pretty mammoth building, right?

19 But after the meeting, I just felt like
 20 there's going to be another building of
 21 significance, of historical significance, come
 22 down the pike and we're not going to be ready
 23 for it. We're not going to have a tool because
 24 there's not many tools for buildings outside
 25 the downtown boundaries. And I thought to

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1 myself, you know what? Maybe we do what we did
 2 inside the boundaries, but use it for outside
 3 of the downtown boundaries.

4 So we, essentially, used the prototype of
 5 the -- the mechanics of the Downtown Historic
 6 Trust Fund process for this one, for buildings
 7 outside the downtown boundaries, and so --

8 I really don't like acronyms because
 9 nobody knows what the heck they stand for, but
 10 I said I want an acronym for this. And so my
 11 council aide came up with REHAB. So we would
 12 just call it the -- REHAB. And really it
 13 worked pretty good because REHAB does kind of
 14 tell you what it's a little bit about. And it
 15 caught on in the paper and it caught on with,
 16 you know, other people of interest. And it's
 17 Restore -- or it stands for Restore Endangered
 18 Historic Adaptable Buildings, REHAB.

19 And I was able to get 500,000 from the
 20 Council's strategic plan placed aside so that
 21 when the bill passed and when the budget
 22 passed, then this new tool for historic
 23 restoration would at least have some money in
 24 it. And I'm hoping to perhaps place a little
 25 more money in it, and we're already drawing

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1 interest on it.

2 So I wanted to make sure that -- maybe
 3 with the length of the meetings, you wouldn't
 4 like this, but I felt the Historic Preservation
 5 Commission should have a role in this. I
 6 thought that was important because you're
 7 volunteers, you're interested in historical
 8 restoration, but you still have a real-world
 9 outlook because you don't live in City Hall all
 10 the time, and so I felt that would be a good
 11 idea.

12 So that's why I put this together with --
 13 because I was afraid more of these buildings
 14 would come -- and I'll tell you, I don't know
 15 about y'all, but the feedback I got after the
 16 poor building went down -- I mean, not
 17 literally went down, but when we voted to
 18 accept the demolition, which was against
 19 y'all's recommendation, I didn't feel good
 20 about that, but I also didn't know what else we
 21 could do, and so -- and so that's -- and I knew
 22 something else would happen.

23 So the REHAB bill uses pretty much the
 24 same mechanics that -- you would use the same
 25 formats and so forth, percentages of what can

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1 be used towards restoration, exterior and
 2 interior, no more than 40 percent of the
 3 dollars -- or the amount of dollars that comes
 4 from the Trust Fund can't be more than
 5 40 percent of the value of the whole project,
 6 and -- and y'all know how that works.
 7 So to apply -- this is where the Historic
 8 Preservation Commission would come in, you
 9 know -- and I'm already getting calls on it.
 10 And what it would apply to, by the way, is
 11 mixed-use properties, not-for-profits could use
 12 this, and that could even go towards housing.
 13 If somebody has a historical property and they
 14 want to bring it up to historical standards,
 15 but they want to use it for affordable housing,
 16 it can be used for that. But it can be used
 17 for other not-for-profit purposes.
 18 And then it could also be used for
 19 nonresidential income-producing properties,
 20 like maybe a retail store of sorts that may be
 21 historic and somebody wants to turn it into a
 22 book store or to a coffee place. Ice cream
 23 seems to be the big deal now. Every time I
 24 turn around, there's another ice cream place at
 25 the corner, but --

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1 And so those are the categories that fit.
 2 It will have \$500,000 in the fund. I hope to
 3 have more some time in the next year. But to
 4 apply, the owner would have to file a grant
 5 application. And if it's exterior work, they
 6 would have to have a Certificate of
 7 Appropriateness, which I know y'all know what
 8 that is better than I do.
 9 And it takes a historic planner's -- and
 10 the Planning Department would review it, the
 11 staff of the Historical [sic] Planning
 12 Department would then make a report, and then
 13 it gets sent to the Commission. And then it's
 14 up to the Commission to determine if the
 15 building is truly critically endangered -- is
 16 truly a critically endangered historic
 17 building. And if you declare that it is, then
 18 they can move on and apply for a COA for
 19 exterior alterations and improvements and
 20 whatever they have to do for maybe the
 21 interior.
 22 So that's where y'all fit into the
 23 process, because after the review is done, then
 24 y'all review it. And I thought it would not be
 25 right only for a governmental agency to review

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1 it and stamp it. I felt that a volunteer board
 2 made up of people that are dedicated and love
 3 the city and also know the importance of our
 4 historic heritage in this city is important,
 5 and I -- so that's why we did it.
 6 And it will -- we got endorsements from
 7 San Marco. There's this lady ahead of the
 8 San Marco Preservation Society -- or at least
 9 last year, a lady named Louise -- or Lauren
 10 Carlucci, I had a little bit of an in with her.
 11 Durkeeville Historical Society, SPAR, and RAP,
 12 they all endorsed it. And I felt it was
 13 important to get their endorsement before we
 14 moved any further, and they endorsed it as
 15 well.
 16 So I tried to bring in as many people as
 17 possible to build a consensus, and the bill
 18 actually passed last night. And before I
 19 hardly even knew, it went through, and I -- I
 20 looked at my neighbor on the Council and said,
 21 "Did we already vote on that REHAB bill?"
 22 "That was two bills ago." And I said -- I'm
 23 glad I kept my mouth shut. You know, don't
 24 ever -- you know what I'm saying? Never
 25 oversell your ideas.

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1 But, you know, I looked up to see what the
 2 benefits were of historical restoration and why
 3 preserve cultural and historical sites, and
 4 I -- I fully admit, I went on Google to find
 5 this. I thought it to be a pretty good reason
 6 for why you're doing the job that you do and
 7 why I try to help you do the job that you do.
 8 And that is, the heritage of Jacksonville, of a
 9 place, a community or a neighborhood is what
 10 sets it apart from all of the places --
 11 preserving places remembers the past while
 12 preparing for the future. Preserving a place
 13 saves the culture and the persons that came
 14 here before us.
 15 And so I've always had a saying that,
 16 while we should always be reaching into the
 17 future, we should never forget the past. And
 18 that's real important to me.
 19 So that's all I have for you, sir. I
 20 just -- Mr. Demetree, I know your family goes
 21 way back in Jacksonville and has made its
 22 historical marks, as I'm sure everybody else's
 23 families have as well.
 24 And if you have any questions, I'm happy
 25 to answer them. If you don't, I'll let you get

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1 on with your meeting, sir.
 2 THE CHAIRMAN: I appreciate it. I've
 3 got -- no questions from me.
 4 Does anybody else --
 5 COMMISSIONER MONTOYA: Thank you.
 6 COMMISSIONER FRICK: Thank you.
 7 THE CHAIRMAN: Thank you.
 8 COUNCIL MEMBER CARLUCCI: Thank you very
 9 much. I appreciate you allowing me the time to
 10 be here. Hope you have a great meeting.
 11 THE CHAIRMAN: Absolutely. Thank you.
 12 COUNCIL MEMBER CARLUCCI: If you don't
 13 mind, I'm going to leave.
 14 THE CHAIRMAN: All right. With that,
 15 we're going to move on to our consent agenda.
 16 We'll have two separate consent agendas today,
 17 one consisting of Item 1 on consent, would be
 18 COA-23-28682.
 19 Do you want me to (inaudible) open the
 20 public hearing for each or how do we do that?
 21 MS. LOPERA: (Inaudible.)
 22 Did you ask if anyone is here to speak on
 23 any of them?
 24 THE CHAIRMAN: Yeah.
 25 So I'm going to run through the consent
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1 agenda. There's --
 2 MS. LOPERA: Do you want to do that one
 3 first and pass it?
 4 THE CHAIRMAN: Yeah, I'll just do that
 5 first.
 6 Like I said, I have two separate consent
 7 agendas, the first being COA-23-28682, 2216 Oak
 8 Street.
 9 Is anybody here to speak on that COA?
 10 AUDIENCE MEMBERS: (No response.)
 11 MS. LOPERA: That's the one --
 12 (Simultaneous speaking.)
 13 THE CHAIRMAN: Okay.
 14 (Vice Chair Lopera assumes the Chair.)
 15 THE VICE CHAIRMAN: Is anyone -- Andres
 16 Lopera, acting Chair.
 17 Is anyone here to speak on COA-23-28682?
 18 AUDIENCE MEMBERS: (No response.)
 19 THE VICE CHAIRMAN: If you are, come on up
 20 to the podium.
 21 AUDIENCE MEMBERS: (No response.)
 22 THE VICE CHAIRMAN: Close the public
 23 hearing, and -- a motion to approve?
 24 MS. LOPERA: Let him abstain.
 25 THE VICE CHAIRMAN: Okay. Then I will
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1 call for a vote, then, to approve Item Number
 2 1.
 3 MS. LOPERA: Through the Acting Chair, did
 4 you want to state on the record that you're
 5 abstaining and your reason for abstaining?
 6 THE CHAIRMAN: Oh, yes. On the record,
 7 I'm abstaining from this vote, yes.
 8 THE VICE CHAIRMAN: Okay. The chairman is
 9 abstaining. Motion to approve COA-23-28- -- or
 10 approve -- vote to approve.
 11 MS. LOPERA: Do you want to entertain a
 12 motion from one of your commissioners?
 13 THE VICE CHAIRMAN: Yes.
 14 COMMISSIONER GREGORY: Motion to approve
 15 COA-23-28682.
 16 COMMISSIONER MONTOYA: Second.
 17 THE VICE CHAIRMAN: All those in favor?
 18 COMMISSION MEMBERS: Aye.
 19 (Chairman Demetree abstains from voting.)
 20 THE VICE CHAIRMAN: Those opposed?
 21 COMMISSION MEMBERS: (No response.)
 22 THE VICE CHAIRMAN: Motion passes.
 23 (Chairman Demetree resumes the Chair.)
 24 THE CHAIRMAN: Thank you.
 25 All right. With that, we've got our --
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1 the rest of our consent agenda. We'll go ahead
 2 and run through it. COA-23-28842, 3896
 3 St. Johns Avenue; COA-23-29127, 152 East 4th
 4 Street; COA-23-29245, 1704 North Laura Street;
 5 COA-23-29247, 412 East 2nd Street; and
 6 COA-23-29249, 1631 Boulevard.
 7 Is anyone here to speak on these COAs?
 8 AUDIENCE MEMBER: (Indicating.)
 9 THE CHAIRMAN: You can come on up.
 10 (Audience member approaches the podium.)
 11 AUDIENCE MEMBER: Good afternoon.
 12 THE CHAIRMAN: If you'll state your name
 13 and address for me.
 14 AUDIENCE MEMBER: Yes, sir.
 15 Clifton Little with A1A Solar Contracting,
 16 at 10418 New Berlin Road in Jacksonville.
 17 THE CHAIRMAN: Clifton, she's going to
 18 swear you in real quick.
 19 MR. LITTLE: Very good.
 20 THE REPORTER: If you would raise your
 21 right hand for me, please.
 22 MR. LITTLE: (Complies.)
 23 THE REPORTER: Do you affirm that the
 24 testimony you are about to give will be the
 25 truth, the whole truth, and nothing but the
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1 truth?
 2 MR. LITTLE: I do.
 3 THE REPORTER: Thank you.
 4 MR. LITTLE: So I just wanted to come
 5 before the board and ask that you would
 6 consider granting Mr. and Ms. Ulrich the
 7 opportunity to install some solar panels on
 8 their home and to reduce their electric bill,
 9 carbon emissions, that sort of thing.
 10 We've looked at the street view from
 11 several different angles and we don't see that
 12 there will be a visual indicator anywhere. You
 13 shouldn't be able to see the solar panels from
 14 the street. I think the only place where there
 15 might be some visibility would be from North
 16 Market Street, and that's going to be very
 17 minimal. It will not be on the main home.
 18 THE CHAIRMAN: Real quick, Clifton --
 19 MR. LITTLE: Yes, sir.
 20 THE CHAIRMAN: -- this is for which --
 21 which COA is this?
 22 MR. LITTLE: -29127.
 23 THE CHAIRMAN: Okay. And you're good with
 24 all the conditions laid out from staff?
 25 MR. LITTLE: Yes, sir, as far as I
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1 deferred items to be heard. We have
 2 COA-21-26693, 782 West Street.
 3 Any commissioners have any ex parte?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: All right. Then we'll take
 6 a staff report. Excuse me. I'll open the
 7 public hearing first.
 8 MR. WELLS: Through the Chair, this is
 9 application COA-21-26693, located at 782 West
 10 Street. If you recall, a couple of cycles ago,
 11 we originally issued a recommendation for
 12 denial based on the surrounding characteristics
 13 of homes within the area.
 14 The applicant originally requested to do a
 15 two-story, single-family structure. Since
 16 then, they have revised their plans to include
 17 a one-story structure, so we are amenable to
 18 that, and we forward to you a recommendation
 19 for approval with the conditions noted in the
 20 report.
 21 And that is it.
 22 THE CHAIRMAN: All right. Questions for
 23 staff?
 24 COMMISSION MEMBERS: (No response.)
 25 THE CHAIRMAN: All right. Is the
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1 understand.
 2 THE CHAIRMAN: Okay. Well, you are on
 3 consent at the moment, so --
 4 MR. LITTLE: Great.
 5 THE CHAIRMAN: Unless we call you back up,
 6 you should be good.
 7 MR. LITTLE: Okay. Very good.
 8 THE CHAIRMAN: Thank you.
 9 MR. LITTLE: Thank you.
 10 THE CHAIRMAN: Is anyone else here to
 11 speak on any COA on consent?
 12 AUDIENCE MEMBERS: (No response.)
 13 THE CHAIRMAN: Hearing none, we'll close
 14 the public hearing. I'll entertain a motion.
 15 COMMISSIONER LOPERA: Motion to approve
 16 the second consent agenda.
 17 COMMISSIONER MONTROYA: Second.
 18 THE CHAIRMAN: All those in favor?
 19 COMMISSION MEMBERS: Aye.
 20 THE CHAIRMAN: Those opposed?
 21 COMMISSION MEMBERS: (No response.)
 22 THE CHAIRMAN: Hearing none, that consent
 23 agenda has been approved, and we'll move right
 24 along.
 25 First on our docket, Section D, previously
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1 applicant here?
 2 AUDIENCE MEMBER: Yes.
 3 THE CHAIRMAN: You can come on up.
 4 (Audience member approaches the podium.)
 5 THE CHAIRMAN: If you'll state your name
 6 and address.
 7 AUDIENCE MEMBER: Certainly.
 8 Desiree Ownby, 1776 Oak Grove Drive, Green
 9 Cove Springs, Florida 32043.
 10 THE CHAIRMAN: Desiree, she's going to
 11 swear you in real quick.
 12 THE REPORTER: If you would raise your
 13 right hand for me, please.
 14 MS. OWNBY: (Complies.)
 15 THE REPORTER: Do you affirm that the
 16 testimony you are about to give will be the
 17 truth, the whole truth, and nothing but the
 18 truth?
 19 MS. OWNBY: Yes.
 20 THE REPORTER: Thank you.
 21 THE CHAIRMAN: From my understanding, you
 22 are --
 23 MS. OWNBY: I'm the representative. I'm
 24 working with the company and the owner.
 25 THE CHAIRMAN: And you're good with the
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1 staff's recommendations at this point?
 2 MS. OWNBY: Yes. We've reviewed those and
 3 we're willing to move forward with -- under
 4 those conditions.
 5 THE CHAIRMAN: Okay. Great.
 6 Any questions for our applicant at the
 7 moment?
 8 COMMISSION MEMBERS: (No response.)
 9 THE CHAIRMAN: We will call you back if we
 10 need you.
 11 MS. OWNBY: Okay.
 12 THE CHAIRMAN: Thank you.
 13 MS. OWNBY: Thank you.
 14 THE CHAIRMAN: I will entertain a
 15 motion --
 16 AUDIENCE MEMBER: (Indicating.)
 17 THE CHAIRMAN: Oh, please. Come on.
 18 (Audience member approaches the podium.)
 19 THE CHAIRMAN: If you'll state your name
 20 and address.
 21 AUDIENCE MEMBER: Angela Schifanella, 1352
 22 Avondale Avenue, Jacksonville, Florida 32205.
 23 THE REPORTER: If you would raise your
 24 right hand for me, please.
 25 MS. SCHIFANELLA: (Complies.)
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1 THE REPORTER: Do you affirm that the
 2 testimony you are about to give will be the
 3 truth, the whole truth, and nothing but the
 4 truth?
 5 MS. SCHIFANELLA: I do.
 6 THE REPORTER: Thank you.
 7 MS. SCHIFANELLA: I would like -- if staff
 8 could pull up the revised submittal. I may
 9 have missed it in the staff report. I saw the
 10 conditions on the original, but when I saw the
 11 revised submittal -- I just want to see if it
 12 still looked like that. If it does, I have a
 13 few comments.
 14 MR. WELLS: I'm pulling you up the photo.
 15 MS. SCHIFANELLA: Is it the very, very
 16 wide one-story?
 17 MR. ANDERSON: Yes.
 18 MS. SCHIFANELLA: I don't have the staff
 19 conditions in front of me, so if they're
 20 already included in this, please weigh in, but
 21 I felt like -- I know that -- the thinking
 22 behind not approving the two-story I understood
 23 because of the context around it.
 24 This is a very, very broad one-story
 25 building, and that front-facing gable -- or at
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1 least the submittal we saw felt inappropriate,
 2 to me, for the neighborhood. So we suggested
 3 that they take -- let me see if the picture
 4 comes up.
 5 MR. WELLS: Yeah, sorry --
 6 MS. SCHIFANELLA: No elevation? Okay.
 7 (Simultaneous speaking.)
 8 MR. WELLS: (Inaudible.)
 9 MS. SCHIFANELLA: All right. This was the
 10 email that I wrote to Shannon, so I'll read it
 11 to you. We suggested a minimum porch depth of
 12 6 feet and that the width of the porch be
 13 limited to two-thirds the overall width of the
 14 front elevation. And the reason behind that
 15 was to sort of create a nested gable on the
 16 front where that porch is not so awkwardly
 17 wide. So we felt like, by having the second
 18 gable with the smaller porch, it would help
 19 scale it down.
 20 MS. FIGUEORA: (Tenders document to
 21 Ms. Schifanella.)
 22 Would that help you?
 23 MS. SCHIFANELLA: Yes, that would help me
 24 a lot.
 25 And that the entryway that would -- could
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1 be centered on that new reduced porch width.
 2 We also felt that window number 5 should be
 3 vertical, in proportion, which may be in the
 4 conditions already. And that the finished
 5 floor of the structure be compatible with the
 6 neighboring structures, at least two to three
 7 risers above grade.
 8 And so I'm going to just draw on this, if
 9 I can, so you can understand what I'm talking
 10 about with the gable.
 11 So I'm going to submit that to staff.
 12 (Tenders document.)
 13 We really -- RAP appreciates the desire by
 14 staff to have a one-story structure there, but
 15 we felt like this was just something that you
 16 don't see often. It's a very awkward
 17 proportion, and we recommend -- or we suggest
 18 that you consider a recommendation like that or
 19 to revisit the two-story (inaudible).
 20 Thank you.
 21 THE CHAIRMAN: Thank you.
 22 Is there anybody else here to speak on
 23 this COA?
 24 AUDIENCE MEMBERS: (No response.)
 25 THE CHAIRMAN: Seeing none, we'll close
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1 the public hearing, and I'll entertain a
 2 motion.
 3 COMMISSIONER LOPERA: Motion to approve
 4 COA-21-26693.
 5 COMMISSIONER MONTOYA: Second.
 6 THE CHAIRMAN: Okay. Comments?
 7 MS. LOPERA: Was that a straight --
 8 through the Chair, was that a straight approval
 9 or approve with staff conditions?
 10 COMMISSIONER LOPERA: It was approve with
 11 staff conditions.
 12 COMMISSIONER MONTOYA: Second.
 13 Now open for discussion?
 14 THE CHAIRMAN: That's correct.
 15 COMMISSIONER MONTOYA: Have you guys seen
 16 the -- through the Chair, has everyone seen the
 17 elevation --
 18 (Reporter clarification.)
 19 COMMISSIONER MONTOYA: Through the Chair,
 20 has everyone seen the elevation? I know we
 21 were having trouble getting it up on the
 22 screen.
 23 I tend to agree with Angela Schifanella's
 24 comments about the front of the home. I really
 25 do also appreciate the -- the owner working
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1 on the plans.
 2 COMMISSIONER GREGORY: Six feet? Okay. I
 3 didn't see that.
 4 I agree in that the -- I appreciate the
 5 applicant reducing this from a two-story to a
 6 one-story, but I also agree with
 7 Ms. Schifanella that maybe this gable entry
 8 isn't congruous with the neighborhood and what
 9 would be more of a typical bungalow style where
 10 the porch typically don't run full the gamut of
 11 the full elevation.
 12 And the depth seems a little bit small. I
 13 could maybe -- maybe let that go as part of the
 14 condition, but I do agree about the front
 15 elevation view of it.
 16 COMMISSIONER LOPERA: Through the Chair, I
 17 agree with both commissioners' comments
 18 regarding this, and I would include the -- the
 19 front windows as well to all be similar with
 20 the vertical orientation of the two front
 21 windows, but, yeah, the -- the length of the
 22 porch, I agree, is -- it seems more of a ranch
 23 style.
 24 And the addition of a gable, I think,
 25 would really break up a massive -- the massive
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1 with staff and trying to come to terms with the
 2 one-story structure, but this is a bit more
 3 what I want to call kind of a ranch house
 4 rather than something that's fitting in with
 5 the fabric of the neighborhood.
 6 Just a question for staff, through the
 7 Chair, were there discussions about that at
 8 all, like, the -- just having to -- just the
 9 one, low-slung gable on the front end?
 10 MR. WELLS: Through the Chair to
 11 Commissioner Montoya, we did. We had a lot of
 12 discussions about the overall design and
 13 something that would match the character of the
 14 surrounding one-story structures.
 15 Ultimately, we just felt that this would
 16 essentially capture some of those elements, and
 17 we just -- you know, again, we just felt that
 18 this would -- it would be more -- closer
 19 meeting the guidelines, essentially.
 20 COMMISSIONER GREGORY: Through the Chair,
 21 do we know the depth of this porch here? I
 22 can't see it on the -- on the elevations here.
 23 And just a rough number would be fine if you
 24 can't --
 25 COMMISSIONER MONTOYA: It is 6 feet. It's
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1 gable that's there now, which would be unusual
 2 in this district, and I have a smaller gable as
 3 part of that. Now, that would be typical maybe
 4 on a two-story house that's very wide, but
 5 not -- not on a one-story.
 6 So those are my comments.
 7 COMMISSIONER GREGORY: Through the Chair
 8 also, I'd like to mention the risers. It --
 9 and maybe I'm not seeing it on the elevation
 10 here as well, but do we know the -- the height
 11 of this house to be lifted to? Is it -- is
 12 it -- obviously, it's not off-grade, but is it
 13 raised up? Is the grading of the land raising
 14 this up to be -- the roof lines to be similar
 15 with its neighboring properties, or is it going
 16 to sit lower than other properties?
 17 MR. WELLS: Through the Chair to
 18 Commissioner Gregory, I'm trying to pull up the
 19 plans here. I'm just having some technical
 20 difficulties, but I can't fully make out from
 21 the plans what the height -- finished floor
 22 height would be.
 23 COMMISSIONER GREGORY: Would the applicant
 24 have information on this?
 25 THE CHAIRMAN: You can come on up.
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1 (Ms. Ownby approaches the podium.)
 2 MS. OWNBY: I did want to say, in speaking
 3 with her, that we would be willing in the --
 4 she showed me her drawing -- to reduce the size
 5 of the porch, bring it out a little more, and
 6 do the gable over that and shortening that, if
 7 that would be okay. And can we add that to the
 8 conditions somehow and -- and get it approved
 9 so we can move forward? Is that possible?
 10 COMMISSIONER FRICK: My only question was
 11 related to the finished floor elevation. Does
 12 that take that into --
 13 COMMISSIONER GREGORY: (Confers with
 14 Commissioner Frick.)
 15 THE CHAIRMAN: Do we know, is it on grade?
 16 MS. OWNBY: Right now, I think they've got
 17 it planned for a monolithic, which, in -- in
 18 light of bringing it up, it's going to be a
 19 stem wall construction, so it would be in line
 20 with the other -- and they'll probably be
 21 willing to do that. I don't think that will be
 22 a problem.
 23 THE CHAIRMAN: All right. Thank you.
 24 So I have a motion on the table I presume
 25 we would like to change. So here I am
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1 COMMISSIONER MONTOYA: Two-thirds and
 2 one-third.
 3 COMMISSIONER LOPERA: Right. And then
 4 this -- this sketch also, and then I'm going to
 5 amend it again, a second amendment, to reduce
 6 the size of the porch per the sketch, and that
 7 the final drawings are to be provided to the
 8 staff for final approval by the staff.
 9 COMMISSIONER GREGORY: And maybe the --
 10 the windows (inaudible)?
 11 COMMISSIONER LOPERA: Yes. And then
 12 amendment number 3 is to increase the size of
 13 both windows number 5 to be the same sizes --
 14 or to be vertically oriented windows.
 15 MR. WELLS: Through the Chair to
 16 Commissioner Lopera, that is an existing
 17 condition. I believe it's Condition Number 14.
 18 COMMISSIONER LOPERA: Okay. So strike
 19 amendment number 3. So just the two
 20 amendments.
 21 MS. LOPERA: Through the Chair, could I
 22 restate that amendment?
 23 THE CHAIRMAN: Yes.
 24 MS. LOPERA: Okay. So correct me if I'm
 25 wrong, Commissioner Lopera, but you moved to
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1 officially waiting --
 2 COMMISSIONER GREGORY: Do we need to amend
 3 the motion?
 4 COMMISSIONER LOPERA: Yes.
 5 (Simultaneous speaking.)
 6 COMMISSIONER LOPERA: (Inaudible.)
 7 THE CHAIRMAN: (Inaudible.) It's up to
 8 you.
 9 COMMISSIONER LOPERA: I'd like to amend
 10 the motion for COA-21-26693, per the sketch
 11 provided here, adding a second gable to the
 12 front elevation, and -- and then raising the
 13 final floor elevation to within 6 inches of the
 14 adjacent floor elevations of the two structures
 15 to the side -- an average of the two structures
 16 on the side. And the applicant can work with
 17 staff to determine what that final elevation
 18 will be. And then --
 19 What was the thing on the porch, two
 20 thirds --
 21 COMMISSIONER MONTOYA: I think that sketch
 22 covers it because it breaks the porch by
 23 (inaudible).
 24 COMMISSIONER LOPERA: Okay. And then
 25 this --
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1 amend the staff conditions to add a second
 2 gable to the front elevation. So that would be
 3 two gables.
 4 Raising the final floor elevation within
 5 6 inches of the average of the two adjacent
 6 properties?
 7 COMMISSIONER LOPERA: (Nods head.)
 8 MS. LOPERA: And reduce the porch size.
 9 Is there a width you would like to see?
 10 COMMISSIONER MONTOYA: Yeah. Through the
 11 Chair, just to help with that, I think it's
 12 more about the -- the overall proportion of the
 13 porch to the house and having
 14 two-thirds/one-third. So by having that
 15 smaller gable that's being added, it's actually
 16 a bit of a -- like, what I -- what I'm
 17 presuming to be a bump-out, so the -- the
 18 narrow porch would stay 6 feet, but that
 19 smaller gable would bump it out, like, a foot,
 20 you know, 12 inches, right? So that it breaks
 21 the proportion of the overall porch across the
 22 facade into a two-thirds/one-third.
 23 Convoluted, yes?
 24 MS. LOPERA: So the porch depth -- through
 25 the Chair to Commissioner Montoya, the porch
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1 depth -- you'd like to see 7 feet?
 2 COMMISSIONER MONTOYA: At the small -- the
 3 smaller gable, to step it out.
 4 MS. LOPERA: And reduce the width to --
 5 COMMISSIONER MONTOYA: The 6-foot porch
 6 remains. The smaller gable would bump out
 7 another foot.
 8 (Simultaneous speaking.)
 9 COMMISSIONER MONTOYA: No, it would be a
 10 7-foot porch at the smaller gable. Sorry.
 11 MS. LOPERA: So you're going to increase
 12 the porch depth under the --
 13 COMMISSIONER MONTOYA: The smaller -- the
 14 entry gable. Effectively, there's a main gable
 15 now and an entry gable. And so the smaller
 16 entry gable will bump out a foot so it will
 17 break the porch line across the front of the
 18 home.
 19 THE CHAIRMAN: So just to confirm, we have
 20 no problem with the width of the -- the overall
 21 width?
 22 (Simultaneous speaking.)
 23 COMMISSIONER MONTOYA: Right.
 24 MS. LOPERA: That's --
 25 THE CHAIRMAN: All right. That's the --
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1 COMMISSIONER LOPERA: Yeah.
 2 COMMISSIONER MONTOYA: It was always about
 3 the proportion.
 4 THE CHAIRMAN: That's the
 5 miscommunication --
 6 (Ms. Schifanella approaches the podium.)
 7 MS. SCHIFANELLA: I know you've closed the
 8 public hearing, but the intent of my comment
 9 was they -- they don't really have to have the
 10 full width of the front to be the porch. So
 11 if -- if we could get the deeper porch, the 6-
 12 or 7-foot porch, we would just need the one
 13 porch.
 14 COMMISSIONER MONTOYA: And that -- that
 15 could be an option.
 16 MS. SCHIFANELLA: Yeah.
 17 COMMISSIONER MONTOYA: That can be an
 18 option.
 19 THE CHAIRMAN: That's fine.
 20 All right. We got all that?
 21 COMMISSIONER MONTOYA: Do you want me to
 22 take a stab --
 23 COMMISSIONER LOPERA: Yeah, if you could
 24 add --
 25 (Simultaneous speaking.)
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1 COMMISSIONER MONTOYA: So to amend the
 2 motion -- to amend the motion --
 3 MS. LOPERA: I don't believe that one got
 4 a second. So if no one gives it a second, it
 5 can die and you can do --
 6 (Simultaneous speaking.)
 7 THE CHAIRMAN: Let's do that.
 8 COMMISSIONER MONTOYA: What's the -- how
 9 long do we have to wait?
 10 COMMISSIONER LOPERA: About a second.
 11 COMMISSIONER MONTOYA: So the amendment --
 12 THE CHAIRMAN: To the motion.
 13 COMMISSIONER MONTOYA: -- motion -- the
 14 amendment is to add a second gable at the
 15 entry, where the front door is, and the -- the
 16 porch can either only be under that smaller
 17 entry gable or extend the entire width of the
 18 home. If it's under the entry gable, then that
 19 porch should be 7 foot deep and the rest of the
 20 porch 6 foot deep. If the -- if they opt to
 21 only have the porch under the second gable,
 22 then it only needs to be 6 feet.
 23 And then the second part of that is that
 24 the -- the finished floor level should be
 25 within a 6-inch average of the two adjacent
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1 homes.
 2 COMMISSIONER LOPERA: Second.
 3 COMMISSIONER GREGORY: I'll second.
 4 THE CHAIRMAN: All right. We will vote on
 5 the amendment.
 6 All those in favor?
 7 COMMISSION MEMBERS: Aye.
 8 THE CHAIRMAN: Those opposed?
 9 COMMISSION MEMBERS: (No response.)
 10 THE CHAIRMAN: Hearing none, we'll vote on
 11 the motion as amended.
 12 MS. LOPERA: Somebody want to move the --
 13 as amended?
 14 THE CHAIRMAN: Yes, we need that motion.
 15 COMMISSIONER LOPERA: Motion to approve --
 16 THE CHAIRMAN: As amended.
 17 COMMISSIONER LOPERA: -- as amended.
 18 COMMISSIONER FRICK: Second.
 19 THE CHAIRMAN: All those in favor?
 20 COMMISSION MEMBERS: Aye.
 21 THE CHAIRMAN: Those opposed?
 22 COMMISSION MEMBERS: (No response.)
 23 THE CHAIRMAN: Hearing none, you have
 24 approved COA-23-26693, and we'll move on.
 25 COA-23-28967, 1228 Challen Avenue. Any ex
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1 parte from commissioners?
 2 (Simultaneous speaking.)
 3 THE CHAIRMAN: Oh, yes. That is
 4 withdrawn. Sorry. Thank you.
 5 So with that, we will move on.
 6 COA-23-28972.
 7 MS. LOPERA: One moment, please.
 8 You need to move to approve the withdrawal
 9 of that COA, or someone from the Commission has
 10 to --
 11 THE CHAIRMAN: I'll entertain --
 12 COMMISSIONER LOPERA: Motion to withdraw
 13 COA-23-28967.
 14 COMMISSIONER MONTROYA: Second.
 15 THE CHAIRMAN: All those in favor?
 16 COMMISSION MEMBERS: Aye.
 17 THE CHAIRMAN: Those opposed?
 18 COMMISSION MEMBERS: (No response.)
 19 THE CHAIRMAN: Hearing none, that's been
 20 withdrawn.
 21 And now we're at COA-23-28972, 2990
 22 Remington Street.
 23 MR. WELLS: All right. To the Chair, this
 24 application actually -- well, by the applicant,
 25 they requested a one-cycle deferral, so no
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1 report at this point.
 2 THE CHAIRMAN: So deferral?
 3 MR. WELLS: Yeah.
 4 THE CHAIRMAN: All right. Easy enough.
 5 We will defer COA-23-28972.
 6 And that brings us to COA-23-28963, 222
 7 and 228 East Duval Street.
 8 Any ex parte on this one?
 9 COMMISSIONER FRICK: I'm going to
 10 withdraw -- or abstain from this.
 11 THE CHAIRMAN: Okay.
 12 MS. LOPERA: Could you state -- through
 13 the Commission -- through the Chair, could you
 14 state your reasons for abstaining on the
 15 record, please?
 16 COMMISSIONER FRICK: Yes. As a member of
 17 the Cathedral District board, I'll be
 18 abstaining from this particular COA.
 19 THE CHAIRMAN: Thank you.
 20 And with that --
 21 COMMISSIONER GREGORY: I'll declare that I
 22 walked by this property. I've never been on
 23 the property, but I walked by and visited them.
 24 THE CHAIRMAN: Okay. That's fine.
 25 Anybody else?
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1 COMMISSION MEMBERS: (No response.)
 2 THE CHAIRMAN: All right. With that,
 3 we'll take a staff report.
 4 MR. WELLS: All right. To the Commission,
 5 these are properties -- two properties located
 6 at 222 East Duval Street and 228 East Duval
 7 Street. Just to provide some staff context,
 8 these are revised recommendation reports. So
 9 if you recall a couple of months ago, we
 10 released our original recommendation reports
 11 for the April 26th JHPC meeting, however, we
 12 never gave it on the record.
 13 And so just to remind the Commission, too,
 14 we have the discretion, when presented with new
 15 evidence, to revise our staff reports at any
 16 given notice. But again, after releasing our
 17 staff reports initially, the Department was
 18 notified by the Office of General Counsel,
 19 through the Municipal Code Compliance Division,
 20 that foreclosure proceedings were filed against
 21 the properties in October 2022.
 22 So in an effort to improve our
 23 coordination, we visited the application
 24 sufficiency requirements, as well as clarify
 25 issues of just jurisdiction, thus the mothball
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1 applications were granted a two-month cycle
 2 deferral.
 3 And so during this time, again, we
 4 revisited our practices because mothballing
 5 applications are not necessarily done as
 6 frequently as other COA applications. One of
 7 the last ones were actually -- it was actually
 8 done in 2016, so this gave us the opportunity
 9 to, again, revisit our internal procedures and
 10 coordinate better with Municipal Code
 11 Compliance.
 12 So if I can, I would like to just go over
 13 this packet of information. This is also
 14 included within the book itself.
 15 So during this time, we received
 16 additional information and evidence. We also
 17 felt it was important for the applicant to
 18 provide us with additional evidence or
 19 justification as to why the applications should
 20 be granted approval for mothballing.
 21 So the first document is just their
 22 mothballing statement. So this is written by
 23 the applicant and it addresses the criteria
 24 that we have to evaluate our staff report on,
 25 as well as just the mothballing criteria in
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1 general.

2 The next section is regarding residential
3 violations for the three properties. You can
4 just skim through it just to see what -- the
5 litany of different violations that exist and
6 are still pending.

7 The next page is just the nuisance
8 abatement violations for all three properties.

9 Next is the unsafe structure violations
10 for the three properties.

11 And then after that, it's just a checklist
12 for settlement agreement. So this is something
13 that Municipal Code Compliance -- we also
14 have -- we have Thomas Register from -- he's
15 the chief of Municipal Code, to speak in detail
16 about that, if necessary. But, essentially,
17 the -- the property owners entered into two
18 settlement agreements, one in 2021, in -- and
19 again in 2022 for all three properties. And it
20 was, essentially, a way to settle the
21 outstanding fines and mitigate the structures.
22 So, essentially, the settlement agreements --
23 was almost as a way -- served as a mini
24 mothballing agreement in the past.

25 So after that, we have a notice of default

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1 and subsequent termination. So because the
2 applicant did not abide by the conditions noted
3 in the settlement agreement, they entered into
4 a notice of default, and so this is something
5 that was -- you can see in your packet, it's
6 for all three properties. They had
7 additional -- they were given additional time
8 to rectify the issues and bring the properties
9 into compliance. That did not happen.

10 And so the next section is just about --
11 order to correct those violations. And so as
12 you can see for 2/16, at the Special Magistrate
13 hearing on November 17th, the applicant did not
14 appear, so they were given additional time
15 to -- or 30 days to comply with the conditions.

16 That leads to the next one, which is the
17 amended order to correct those violations. A
18 meeting was held on January 19th for all three
19 properties. The applicants did appear and the
20 conditions were to be corrected by the
21 applicant by December 17th of 2022. That did
22 not happen, so we were led to the third order
23 to correct the violation. And this is --
24 should be for 222 and just 228 Duval Street.

25 And so that meeting happened on March 21st

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1 at the Special Magistrate's hearing. They were
2 given additional time to correct those -- those
3 outstanding violations.

4 Because that also did not happen, the City
5 has entered into a complaint of foreclosure --
6 so that's the next tab -- for settlement of the
7 municipal liens. And this is for all three
8 properties. And again, that was entered in
9 October of 2022.

10 And then, lastly -- well, two other
11 things. We have an order assessing those
12 administrative fines until the compliance is
13 achieved for all three properties. And so this
14 was another meeting held by the Special
15 Magistrate on May 16th of this year. The
16 applicant did not appear, but additional fines
17 were levied against the properties.

18 And so one thing -- again, as we mentioned
19 earlier, we did a complete overhaul of our
20 administrative procedures. And so one thing
21 that we did, additionally, was another site
22 visit for all three properties, and this
23 occurred on June 22nd of this year. That's the
24 last tab on here. And so this was inspected by
25 Municipal Code Enforcement as well as our own

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1 Historic Preservation code inspector. And so
2 you can see some analysis and summary about all
3 three properties pertaining to the conditions
4 of it and its likelihood for mothballing
5 protection.

6 And so, again, that's additional evidence
7 that we presented. And with this, we just felt
8 the preponderance of new information -- staff
9 felt that it was prudent to revisit our initial
10 findings and issue revised reports. And so
11 with that context, I'll go into the staff's
12 report itself.

13 And so this is -- again, this is
14 COA-23-28963. This is for 222 East Duval
15 Street and 228 East Duval Street, located
16 within the Downtown National Register District.

17 Again, the applicant is seeking to
18 mothball these structures in order to provide
19 additional time for them to finance the
20 restoration while preventing further
21 deterioration and violations from the Municipal
22 Code Compliance Division.

23 The owners had obtained ownership of the
24 property back in 2005. Based on our analysis
25 and our own administrative rules, the mothball

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1 rules state the structure stabilization needs
2 to be identified by Municipal Code Compliance
3 as a result of it being classified as an unsafe
4 structure and it shall be met by following the
5 scope of work approved by a licensed structural
6 engineer or the chief of Municipal Code
7 Compliance.

8 Based on our findings and going through
9 the citations and ability for it to be
10 preventable from further deterioration, we find
11 that it's inconsistent with our mothballing
12 section -- so this is (v)(2) -- given staff's
13 assessment of the structures, which we found
14 them to be unviable candidates for mothball
15 protection.

16 Additionally, as the previous information
17 I just laid out shows, the applicant has failed
18 to comply with the conditions outlined in the
19 previous settlement agreements in a timely
20 manner, which is inconsistent with Section
21 307.106(k)(4).

22 We also, again, did another site visit.
23 And because staff was denied entry to inspect
24 the interiors for both site visits, were
25 unable -- weren't able to determine whether or
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1 not the properties are consistent -- or the
2 mothballing protection would be consistent with
3 (v)(1) and (v)(3).

4 As owners of these three -- well, these
5 two properties, in general, with varying
6 degrees of damage, the requested mothball
7 protection for the most heavily damaged
8 structures require the funds and capacity to
9 split -- be split.

10 Our assessment in [sic] the applicant's
11 proposed time frame for mothballing is
12 inconsistent with Section 307.106(v)(4), and
13 the completion period, which is outlined within
14 our Ordinance Code, which gives them a maximum
15 allotment of -- extension, at least, of six
16 months.

17 And so I'll read a portion of this. This
18 is Section 307.303(c), which discusses the
19 completion period in detail. So it states,
20 "The owner or their designee shall have 90 days
21 from the effective date of the final order to
22 complete the required mothballing
23 specifications approved and conditioned under
24 the application."

25 So I do want to bring back up the
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1 mothballing statement that was provided by the
2 applicant. So if you flip to Page 2 -- and
3 this is where they answer (k)(4) -- they talk
4 about whether or not the plans can be carried
5 out by the applicant within a reasonable period
6 of time. It talks about how the -- the
7 estimated time required for implementing the
8 stabilizing support systems and sealing the
9 structure's envelope will take six to
10 seven months, depending on availability of
11 labor and materials.

12 As such, given that assessment, we found
13 that it is inconsistent with our guidelines and
14 our Code criteria in itself. So based on
15 our -- again, our additional evidence and our
16 evaluation of the mothballing administrative
17 rules and the criteria itself, we forward a
18 recommendation for denial for this application.

19 THE CHAIRMAN: All right. Thank you.
20 Any questions for staff at the moment?

21 COMMISSION MEMBERS: (No response.)

22 THE CHAIRMAN: Okay. Let's go ahead and
23 open the public hearing, and the applicant can
24 come on up.

25 (Ms. Grimes approaches the podium.)
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1 THE CHAIRMAN: If you will state your name
2 and address.

3 MS. GRIMES: Good evening.

4 Before you start the clock -- good
5 evening, Mr. Chairman, members of the
6 Commission. Thank you for your time tonight.

7 Before we begin, Mr. Chairman, I did
8 provide, a couple of days ago, a letter to you
9 asking for some additional time to make our
10 presentation.

11 I know that you're volunteers and it's --
12 can be a long night, I really appreciate that,
13 but this isn't like your typical COA where it
14 may be a window replacement, solar panels.
15 This is substantial property interests that are
16 at stake at this hearing, and so we believe due
17 process requires some additional time.

18 I know -- Mr. Wells advised me,
19 Mr. Chairman, that you said that we could have
20 ten minutes on each case to present our case,
21 but we do have three presenters. That would
22 really only be the same as -- as the public
23 gets, which is three minutes apiece.

24 What I would suggest to you, rather than
25 having ten minutes on this case and ten minutes

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1 on the next case, because they're -- they're
2 companion cases, if you will, that we would
3 agree to take both cases together, 20 minutes,
4 and do one presentation. Our presentation
5 would be the same for this case as it would be
6 for the next case, as the staff report is
7 almost identical for this case as it is for the
8 next case.

9 So if you want to take them collectively,
10 and Mr. Wells can give his presentation on 216,
11 which is the next case, then we think 20
12 minutes would be enough for us to cover all the
13 points. And I know you have to make separate
14 motions at the end of the public hearing, but I
15 thought that would be the most efficient and
16 effective way to do that. If you don't mind
17 considering that, we would appreciate it.

18 THE CHAIRMAN: Seems reasonable for me. I
19 guess 20 minutes is (inaudible), so --

20 MS. LOPERA: Yeah. Through the Chair --
21 and this is for the public as well, for the
22 applicant. This is an informal, quasi-judicial
23 proceeding, like the others before it, and the
24 applicant is afforded reasonable time to
25 present their case. The Chair has allot-

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1 someone --

2 THE CHAIRMAN: Sure --

3 MR. McCORVEY: -- (inaudible) for this
4 COA?

5 THE CHAIRMAN: Yes.

6 MS. GRIMES: So do you want Mr. Wells to
7 do his presentation on 216 --

8 THE CHAIRMAN: Yeah, that's probably --

9 MS. GRIMES: -- unless he will acknowledge
10 that it's almost identical.

11 THE CHAIRMAN: Yeah, we can go ahead and
12 run through his real quick. That way --

13 MS. GRIMES: Okay.

14 THE CHAIRMAN: -- we will be ready to go.

15 MS. GRIMES: That's fine.

16 And the information that we're passing out
17 we did already present electronically to

18 Mr. Wells. There's a couple other minor
19 documents that we're going to submit as part of
20 our presentation, if you don't mind.

21 THE CHAIRMAN: So, Arimus, we'll go ahead
22 and take the staff report on COA-23-29037.

23 Let's go to the staff report for --

24 MR. WELLS: Sorry about that.

25 So this is the second mothballing

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1 decided ten minutes each, but it is his
2 discretion, if he wants to combine them, and
3 the evidence, as one. That's at his
4 discretion.

5 And you will be -- if you retain any time,
6 you will be given an opportunity to rebut --

7 THE CHAIRMAN: Yeah, so I want to make
8 that clear, it's 20 minutes total.

9 MS. GRIMES: Including rebuttal?

10 THE CHAIRMAN: Right.

11 MS. GRIMES: We'll do our best. It's a
12 lot of information to cover. I know
13 Mr. Wells took some time to go through his --
14 the application --

15 THE CHAIRMAN: He did.

16 MS. GRIMES: It just takes time.

17 THE CHAIRMAN: No, I understand.

18 MS. GRIMES: It's just no other way around
19 it.

20 THE CHAIRMAN: This is, technically, the
21 second time we've heard this.

22 MR. McCORVEY: Mr. Chairman, with your
23 permission, may I distribute materials --

24 THE CHAIRMAN: Yes.

25 MR. McCORVEY: -- or hand them to

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1 application, so COA-23-29037. This is the
2 abutting property located at 216 East Duval
3 Street. Again, we conducted two site visits,
4 one on March 28th, and the other on June 22nd,
5 which -- at which time the structure was
6 photographed extensively and determined to be
7 heavily fire damaged with extensive second
8 floor reconstruction required for
9 rehabilitation.

10 The reason why this application -- well,
11 this -- or there's two separate applications is
12 because this particular property is distinctive
13 in the fact that it has a lot of fire damage.

14 One thing I want to note, too -- this is
15 on the last part of your packet here, just an
16 observation in -- based on one of our site
17 visits. I'll just read some of the comments
18 from our inspectors, but for this particular
19 property, the roof was completely gone; again,
20 due to the fire damage. The upper part of the
21 second floor siding has fire damage and appears
22 the damage to the building and structure and
23 supporting beams have been completely removed.

24 There's no access. And again, we --
25 because we're not able to inspect the interior

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1 and whatnot, viewing from the -- we were --
2 viewed the property from outside of a
3 chain-link fence.

4 It appears that the crawl space is open to
5 the elements, and possible trespassers.
6 Overall, based on our summary, with this
7 extensive fire damage, the structure is
8 possibly deemed a total loss and we recommend
9 that it should be evaluated by a
10 Florida-certified building contractor.

11 So again, with that additional evidence
12 and the likelihood of this being completed
13 within six months at the minimum -- or at the
14 max, I should say, we don't feel like this is a
15 prime candidate for mothballing protection.

16 And given our administrative rules and the
17 likelihood of the building to be -- in terms of
18 the roof to be secured, weathertight, we're
19 looking at a rebuilding of the overall roof on
20 the second floor, the gable vents. There's
21 several loose architectural elements that are
22 missing, as well as the exterior wall
23 (inaudible) itself, so we're inclined to
24 forward another recommendation for denial for
25 this particular property.

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1 THE CHAIRMAN: Okay. Thank you.
2 Questions for staff?
3 COMMISSIONER MONTOYA: Just real quick.
4 Through the Chair, question for staff.
5 The -- as in the previous COA, the
6 recommendation for denial -- and this one as
7 well, there's a -- the -- the language is
8 focused around the -- a time, right? The time
9 to execute the -- the things that need to be
10 done for the mothballing.

11 Is it -- is it really about -- is it
12 strictly about the time that is considered
13 necessary for the mothballing in relationship
14 to the way the current guidelines are written
15 or is it also based on history, just the things
16 that have not occurred in a timely fashion? Do
17 you understand what I mean in the question?
18 MR. WELLS: Yeah. Through the Chair to
19 Commissioner Montoya, it's a combination of
20 both for sure. The likelihood of this -- them
21 entering into -- to, essentially, mothballing
22 agreements in the past, and that not being done
23 in a timely manner, coupled with the aspect of
24 it -- it being likely -- a roof being rebuilt
25 within 90 days or even six months at that time,

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1 that's unlikely, especially given their
2 justification in the written description.
3 THE CHAIRMAN: All right.
4 COMMISSIONER GREGORY: Through the Chair,
5 this may be more a question for Carla, but if
6 we were to follow staff recommendations and
7 deny, what does the process look like from
8 here? Does the City foreclose on them based on
9 these settlement agreements that were not
10 followed?

11 MS. LOPERA: Through the Chair to
12 Commissioner Gregory and the whole commission,
13 I would like you to take in all the testimony
14 and evidence from the applicant and the public.
15 And once that's closed -- and during
16 discussion, we can talk about some of those
17 different things.

18 COMMISSIONER GREGORY: Okay. Got it.
19 THE CHAIRMAN: All right. Any other
20 questions for staff at the moment?

21 COMMISSION MEMBERS: (No response.)
22 THE CHAIRMAN: All right. With that,
23 we'll open the public hearing.
24 And y'all can come on up.
25 (Ms. Grimes approaches the podium.)

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1 MS. GRIMES: For the record, my name is
2 Gina Grimes. I'm an attorney with the law firm
3 of Bradley Arant Boult Cummings. Our address
4 is 100 North Tampa Street, Tampa, Florida
5 33602, and I'm here tonight representing Titus
6 Harvest Dome Spectrum Church. And that's a
7 mouthful, so going forward I'm just going to
8 refer to them as "the church."

9 Also joining me this evening as presenters
10 will be Ms. Faye Refour from the church. She's
11 a director at the church. And also Ray Evans,
12 who is the CEO of iDesign, an architectural
13 firm that's been working with us.

14 So as you know, this is -- oh, and one
15 other thing. We also have available for
16 questions Andrea Troutman, of ABT Construction,
17 and she'll be available -- we won't have time
18 for her to make a presentation, but she will be
19 available for questions.

20 So as has already been outlined by the
21 staff, this is a quasi-judicial proceeding,
22 which means that your decision is supposed to
23 be based on the evidence that's already in the
24 record and the testimony at tonight's hearing
25 and nothing more. And you're supposed to

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1 determine whether that evidence shows
2 compliance with the Code criteria.

3 Section 76.106(c) of the Code also
4 provides that this commission is supposed to
5 make their decisions independent of the
6 Planning and Development staff in the
7 performance of your duties.

8 So as Mr. Wells' staff report has stated,
9 the -- the main criteria with which we are
10 evaluating is section 307.106(k) and (v). So
11 (k) and (v), those are the applicable Code
12 criteria. In the April staff report that's in
13 the binder that we just presented to you at
14 Tab 1, it states that all this Code criteria
15 was met.

16 You also have a letter from Mr. Evans that
17 was submitted to Mr. Wells on June 8th, and it
18 addresses each and every one of that -- the
19 Code criteria, (k) and (v), and identifies the
20 specific work that has to be done in order to
21 comply with the mothballing requirements. And
22 his letter is at Tab 2. And shortly you're
23 going to hear testimony from Mr. Evans
24 regarding his responses to the Code criteria.
25 So both the letter and his testimony are

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1 evidence in the record upon which you could
2 base your decision.

3 It should be noted that for the June
4 meeting -- while the staff for this meeting --
5 while the staff did include Mr. Evans' letter
6 in the record, they really didn't evaluate any
7 of his responses in the staff report. They
8 addressed the timing, and that was almost it.

9 I'd like to go to the April staff
10 meeting -- or the April HPC meeting and the
11 City's staff report. You may recall at the
12 April meeting, after issuance of the staff
13 report recommending approval and after the case
14 was already on the consent agenda, you were
15 advised that the application should be deferred
16 to determine if they could even be heard
17 because of the pending foreclosure cases.

18 The City then submitted several documents
19 related to separate -- a separate and distinct
20 matter, which is the foreclosure cases, but it
21 involves these same properties. We think that
22 that involvement -- that deferral and that
23 involvement that occurred, subsequent to the
24 April meeting, created a due process violation
25 for my client.

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1 And when I say that, these comments aren't
2 directed at any particular City staff, and I'm
3 sincere in saying that, but it's the City as a
4 whole. We believe that what occurred with the
5 deferral was documents were submitted into the
6 record and, in effect, those documents that
7 related to a separate and distinct action are
8 being used to change or reverse the staff's
9 recommendation. And the reason for that is
10 because they don't want the mothballing
11 application approved because the mothballing
12 will stay Code Enforcement and would stay the
13 foreclosure action. So that due process
14 objection we want to preserve on the record in
15 the event that there's an appeal. We're not
16 asking for you to take any action on that at
17 all prior to this hearing, and so, again, just
18 preserving it for the record.

19 I want to go on to say the documents
20 submitted by the City and even the staff report
21 tonight is not considered competent and
22 substantial evidence, and I'll tell you why.
23 The reason is the conclusions in the staff
24 report are completely speculative and they're
25 conjecture.

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1 Page 3 of the staff report states that the
2 properties that are the subject of the
3 foreclosure proceeding and the previous
4 settlement agreement, and states that they
5 didn't comply with it, and so what they're
6 implying is that, because my client didn't
7 comply with the previous Code violation
8 citations and with the settlement agreement,
9 that they're not going to do these mothballing
10 improvements either.

11 They also state that their concern -- and
12 this is on Page 3 of the June staff report.
13 They also state they're concerned that the
14 church doesn't have -- doesn't have the, quote,
15 funds and capacity to complete all the
16 improvements. They don't know that. That's
17 conjecture again.

18 And, lastly, on Page 4 of the staff
19 report, they say that the staff finds
20 compliance with the mothballing conditions,
21 quote, highly unlikely. Again, they're
22 guessing, they're speculating, it's conjecture.

23 And it's important to point out that the
24 basis of the staff's conclusions, in their
25 speculations that the mothball repairs won't be

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1 done -- it's not that the mothball repairs
2 cannot be done; it's that they won't be done.
3 We think they will be done, we believe they can
4 be done, and we intend to address that a little
5 bit later in this proceeding.

6 So again, we believe the City's motive and
7 the reversal of the staff report is related to
8 supporting their litigation strategy in the
9 foreclosure cases, and we think that that is
10 inappropriate and difficult -- puts you in a
11 difficult situation with respect to these
12 applications because it puts this commission in
13 a situation that -- they're asking you to deny
14 the applications to support the foreclosure
15 lawsuit.

16 So I want to go back to this very
17 important point, why is the church even asking
18 for mothballing? Well, because this situation
19 is exactly the kind of situation that the
20 mothballing provisions were designed to
21 address.

22 Code Section 307.301 has the legislative
23 intent on mothballing, and it states that
24 mothballing is an alternative to strict
25 compliance with Chapter 518. Why? Because

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1 Code Compliance gives the owner the limited
2 choice of either complete rehab or demolition.

3 And so what I wanted to do is give to you
4 a newspaper article dating back to 2011 from
5 the Florida Times-Union where the mothballing
6 provisions were first being discussed and --
7 and considered for adoption. And it was some
8 preservationist from the Springfield area that
9 said that, "It can be a bit scary because you
10 either have to fix it or take it down. There's
11 no in between," and they're referring to Code
12 Enforcement. "So this could be a third
13 choice."

14 So that's the whole intent of mothballing,
15 is to say you have to do certain repairs. They
16 have to be done by a certain period of time.
17 And if they're not, then the mothballing period
18 expires. So it's -- it's a last chance to try
19 to renovate or maintain the properties to a
20 point where they can be stabilized, additional
21 funds can be sought, and the permanent
22 rehabilitation of the structures can be
23 undertaken, and then the house would be
24 preserved and not necessarily be demolished.

25 So I'd like to enter that newspaper

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1 article into the record as well. Again, going
2 to the legislative intent.

3 So the mothballing provision has three
4 priorities, and this is in Section 307.302(c).
5 It requires stabilization repairs to be done,
6 it requires weatherizing repairs to be done,
7 and it requires the property to be secured.
8 Those three things are the focus, and you will
9 see in that -- in the subsections (b) and (k)
10 that -- or (k) and (v), those are the issues
11 that are addressed in -- in the repairs that
12 have to be done. And, again, Mr. Evans will
13 address you on that topic.

14 Ms. Faye Refour, representing the church,
15 will speak next and explain why she embarked on
16 this historic designation process and the
17 mothballing application. And then after that,
18 Ray Evans will get up and speak with respect to
19 how our proposal complies with all of the
20 requirements for mothballing. And then I'll
21 make a couple of concluding remarks, if that's
22 acceptable.

23 Faye.

24 (Audience member approaches the podium.)

25 AUDIENCE MEMBER: Thank you.

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1 My name is Faye Refour.

2 I want to first begin by thanking the
3 Historic Commission board for allowing me
4 another opportunity to speak on behalf of the
5 Titus Harvest Dome Spectrum Church.

6 With regard to the organization, I would
7 like to, you know, just state, I've been with
8 this organization for over 30 years. The
9 church has been established for over 35 years
10 in this community.

11 Our church has always had a strong mission
12 in serving the community in various ways,
13 whether it be feeding children, sheltering the
14 homeless, feeding underprivileged children,
15 families, we see after the elderly. And so the
16 vision for these buildings is for us to provide
17 affordable, long-term housing for homeless
18 veterans, which we deem a strong community
19 effort because the history of this ministry has
20 shown much love and care for humanity.

21 Now, with regard today on the buildings,
22 216, 222 and 228 East Duval Street, these
23 buildings have always been maintained and kept
24 in good condition. Please see the photo
25 timeline that is referenced in -- in staff 3,

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1 in the evidence binders that have been
2 provided.

3 It dates back to 2008, which shows the
4 church [sic] level of upkeep on these
5 properties. We have occasionally had issues.
6 However, whenever they have arose, we have
7 taken care of it. Specifically in the earlier
8 part of 2020, when the issues kind of -- you
9 know, began to arose, we hired a contractor,
10 ABT Construction, to address the violations
11 that were identified by the Municipal Code
12 Enforcement for the properties in question.

13 Please see the list of those repairs as
14 also completed by ABT Construction in Tab 5, of
15 which the majority of the corrections at that
16 time were completed and documented. However,
17 as you will see stated in my email to the City,
18 the code inspector never came back out to
19 verify the repairs after the completion.

20 I will add to that, at that time, it was
21 just numerous communication back and forth --
22 I'm going to take off my glasses because I need
23 them for reading, but not for seeing. During
24 that particular time, it was -- we were moving
25 into COVID, and this was a lot of things going,

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1 but, initially, we was trying to get the Code
2 Enforcement to come out. The contractor, they
3 had her direct number, and there was a lot of
4 back and forth. They were -- a lot of the
5 staff, at that time, was not showing up on
6 time, so there was a lot of issues going on.

7 But from that point, at the height of
8 20- -- COVID, we -- unfortunately, we had some
9 setbacks and obstacles for us, and I want to
10 start with this and let you know that in 2020,
11 it was like a domino effect because in 2017, we
12 had just lost the founding president of the
13 organization, and with that came much
14 transition for the ministry, et cetera.

15 And then from that point, it started being
16 a bunch of calls that were going into Code
17 Enforcement for our buildings, which we've
18 never had in the history, just numerous calls
19 about minor violations.

20 So in 2020, when we came before the
21 magistrate -- and I believe there was an
22 interference or interjection from the community
23 that kind of, you know, pushed that information
24 forward and we got fined. So we did hire the
25 contractor.

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1 In the early part of March, when COVID was
2 just getting at its height, we had arson that
3 took place to both buildings. So now the
4 situation became different. Now we had one
5 building burned and another one that was
6 affected by the fire.

7 And so with that being said, we were in
8 communications with -- the supervisor, I
9 believe at that time, was Mr. Bradley, and we
10 immediately got those buildings boarded, as
11 well as we encased the buildings with the
12 fence. And so from that point, it kind of
13 quieted things because Code Enforcement --
14 everyone was experiencing the pandemic.

15 But to move from that point, I immediately
16 started getting involved with City Council,
17 Reggie Gaffney, Sr.'s, office. We reached out
18 to the DIA. I have numerous emails with the
19 Planning office, Lisa Sheppard. I also hired
20 someone -- Jimmy Turner -- to be on staff to --
21 not staff, but as a contractor to make sure
22 that he was making sure that the properties
23 were clean, that the trash was picked up and
24 everything, and that's taken place since 2020
25 up to now. So that has taken place.

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1 So we -- Reggie Gaffney's office also --
2 Reggie Gaffney's office -- I'm sorry, so I do
3 understand my time today is limited. And so
4 I'm going to end with my last points.

5 We have never abandoned any of these
6 properties, nor had any intention to ignore
7 bringing our buildings into compliance. For
8 the first time in the history of our ministry,
9 we experienced the death of a major founder, a
10 ministry transition, fire damage to our
11 properties, a worldwide pandemic, and the
12 effect of national storms.

13 The actions we took to overcome this
14 hardship was, first, always tried to
15 effectively work with the Municipal Code
16 Enforcement. We reached out to obtain help
17 from City Council office, Reggie Gaffney, Sr.
18 We received help and guidance from the City's
19 Planning office, Lisa Sheppard. We received
20 help and guidance from the Downtown Investment
21 Authority, Guy Parola, who I am going to also
22 add today his email comments to me which
23 directs me in the exact things that I did. And
24 other resources that became knowledgeable to
25 us, so --

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1 You know, to show that we needed our
2 buildings -- what I was told is, you have to
3 first get them designated. We found out that
4 there was a history that these buildings should
5 have been contributing structures, as showing
6 as historic, but somehow that got lost in the
7 translation. And so in order for us to move
8 forward, they told us, locally designate or get
9 nationally/historically designated.

10 And locally designation was told at that
11 time would take longer, so we moved forward
12 with nationally/historically designating those
13 buildings, and that end up taking from 2020 to
14 2022, and we had to also get the help of -- of
15 Mr. Acosta (phonetic) in Tallahassee.

16 So I'll end with that and I'll just
17 provide this information to the Commission
18 board.

19 Thank you.

20 THE CHAIRMAN: Thank you.

21 MS. GRIMES: Next we'll hear from Ray
22 Evans, the CEO of iDesign.

23 And in my concluding remarks -- we're
24 getting really close; we're down to three
25 minutes -- I do want to propose a condition

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1 that I would like this board to consider, that
2 I -- I would appreciate just having the
3 indulgence of doing that at the very, very end.

4 MS. LOPERA: Through the Chair, if I may?

5 THE CHAIRMAN: (Nods head.)

6 MS. LOPERA: Through the Chair to the
7 applicant, just keep in mind that if you --

8 There are, I believe, members of the
9 public to speak on this item; is that correct?

10 MS. FIGUEROA: Yes.

11 MS. LOPERA: So if you want to reserve any
12 time for rebuttal, you'll need to do that for
13 the -- with the time allotted that --

14 MS. GRIMES: I don't think, with the
15 testimony Mr. Evans has to present, that I'm
16 going to have time to do rebuttal. So,
17 unfortunately, that's, you know, problematic,
18 honestly, but I'll -- I'm going to -- I know
19 you guys have a long agenda and I don't want to
20 (inaudible) any longer, but I do want to just
21 be able to present to you our proposed
22 conditions.

23 THE CHAIRMAN: Thank you.

24 (Audience member approaches the podium.)

25 THE CHAIRMAN: If you'll state your name

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1 and address for us.

2 AUDIENCE MEMBER: Ray Evans, iDesign
3 Architectural Services, 1603 West Edgewood
4 Avenue, Jacksonville, Florida 32209.

5 THE CHAIRMAN: Ray, she'll swear you in.

6 THE REPORTER: If you would raise your
7 right hand for me, please.

8 MR. EVANS: (Complies.)

9 THE REPORTER: Do you affirm that the
10 testimony you are about to give will be the
11 truth, the whole truth, and nothing but the
12 truth?

13 MR. EVANS: I do.

14 THE REPORTER: Thank you.

15 MR. EVANS: I appreciate the opportunity
16 to speak to the Commission on [sic] reference
17 to the projects in front of you. I'm going to
18 try and be as brief as possible because I've
19 already written a report that's already in
20 front of you and you can review that.

21 iDesign did go to the properties and did
22 walk as much of the properties as possible to
23 make a determination on whether or not the
24 buildings were viable for mothballing and then
25 renovation in the future. And our assessment

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1 indicated that, yes, we can work with these
2 properties.

3 I've indicated in the report that we sent
4 the ways that we can address Code Enforcement
5 and structural issues in order to bring them
6 into compliance while we are mothballing the
7 structures. And then in creating the drawings
8 for renovating the structures and bringing them
9 back to the historic character, we can address
10 that in a -- with the strategy and the time
11 allotted that we can use doing the mothballing
12 process.

13 We did address the general criteria,
14 Municipal Code, and the administrative rules of
15 mothballing in our report, and we think that in
16 those areas you will see a little bit more
17 details of what we suggested of shoring up the
18 structures so that they're not dangerous to the
19 environment.

20 At this time, I'll just give the floor
21 back, and you can refer to that report. And if
22 you have any questions, please feel free to
23 ask.

24 THE CHAIRMAN: Thank you.

25 (Ms. Grimes approaches the podium.)

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1 MS. GRIMES: So, again, for the record,
 2 Gina Grimes.
 3 So with Mr. Evans' testimony and report
 4 that he submitted into the record, we believe
 5 that we have established that we can comply
 6 with the code criteria. And it was -- staff's
 7 testimony and evidence was that we will not,
 8 but our -- our testimony and our evidence is
 9 that we can and that we will.
 10 But what I would proffer to this board to
 11 consider is a condition, and that condition
 12 would be, if you approve these mothballing
 13 COAs, we would agree to a condition to come
 14 back in three months -- so that would be at
 15 your September meeting -- and report back to
 16 you regarding --
 17 (Timer notification.)
 18 MS. GRIMES: -- the progress that we've
 19 made. And if the repairs can be done in the
 20 remainder of that period of time, in the
 21 remaining three months, assuming you give us
 22 six months to complete the repairs -- I know
 23 you get 90 days if the mothballing is approved,
 24 but if you give us six months, we would come
 25 back in three months, report to you regarding
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1 progress, and whether the remainder of the
 2 repairs can be done in six months, because they
 3 have to be. And if they don't, mothballing
 4 approval expires.
 5 But what we agree to do at that time, if
 6 we come back and advise you that we can't
 7 complete the mothballing improvements in the
 8 remainder of three months, then we would agree
 9 to a condition requiring demolition.
 10 THE CHAIRMAN: Okay.
 11 MS. GRIMES: Okay? And I think, with
 12 that, you would be assured that the
 13 improvements either are going to be done, or
 14 the last remaining option has to be employed,
 15 and that would be demolition.
 16 THE CHAIRMAN: All right. Thank you.
 17 All right. With that, anyone else here to
 18 speak on this COA? We can start from the top.
 19 Let's do it.
 20 MS. MYRICK: (Indicating.)
 21 THE CHAIRMAN: Come on up.
 22 (Ms. Myrick approaches the podium.)
 23 THE CHAIRMAN: If you'll state your name
 24 and address.
 25 MS. MYRICK: My name is Ginny Myrick, and
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1 I represent the Cathedral District Jax, which
 2 is the neighborhood all around these
 3 properties.
 4 This is --
 5 THE CHAIRMAN: Ginny, she's going to swear
 6 you in real quick.
 7 (Discussion held off the record.)
 8 THE CHAIRMAN: Okay.
 9 MS. MYRICK: This is so interesting to
 10 observe, I have to tell you, that this is the
 11 first time a major effort has been mounted to
 12 try and speak against what the neighborhood
 13 wants for this piece of property. And it's --
 14 it's pretty impressive, except that it's full
 15 of holes.
 16 This property, since 2011, has been what I
 17 would just describe as benign neglect. And up
 18 until the last few years, you would almost call
 19 it intentional neglect. There is -- the
 20 fencing that's around it and the boarding up of
 21 the windows have helped, although we are
 22 continually fraught with vagrants that breach
 23 both of those.
 24 Just recently, someone claimed -- climbed
 25 up on the top of the third building, which is
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1 your most easterly building, and made very
 2 vulgar gestures to people living and working at
 3 the Methodist church across the street.
 4 I mean, it is a continuation, since 2011,
 5 where people have attempted to buy these
 6 properties, where they have sought no relief
 7 whatsoever. The church itself has been, for
 8 the past seven years, in turmoil about who is
 9 on the Board of Trustees. And the reason
 10 they're in turmoil is because in Duval County
 11 the owner of this property owns \$27 million
 12 worth of property. And if you own that much
 13 money and property in your assets, you could
 14 certainly liquidate a few to do something with
 15 this. Repeatedly, historically, repeatedly
 16 they have not chosen to do that.
 17 What they are looking for is buying time,
 18 buying time, buying time. It's just my
 19 opinion. They're buying time to figure out who
 20 really owns the property. That's what's in
 21 litigation.
 22 So we're asking you to recommend -- follow
 23 the recommendation of the staff, which we
 24 applaud. Somebody is finally holding these
 25 property owners accountable. Not only has HPC
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1 done their job, but the Code Enforcement people
 2 have done their job, and you're going to hear
 3 in a few minutes that the General Counsel's
 4 Office is doing their job to try and hold these
 5 property owners accountable.
 6 Thank you.
 7 THE CHAIRMAN: Thank you.
 8 (Audience member approaches the podium.)
 9 AUDIENCE MEMBER: My name is Reverend Kate
 10 Moorehead. I'm the dean of St. Johns Episcopal
 11 Cathedral, which is across the street from
 12 these properties. And I oversee the cathedral
 13 school, our early learning center, which is
 14 right next door.
 15 THE CHAIRMAN: She's going to swear you in
 16 real quick.
 17 THE REPORTER: If you would raise your
 18 right hand for me, please.
 19 REVEREND MOOREHEAD: (Complies.)
 20 THE REPORTER: Do you affirm that the
 21 testimony you are about to give will be the
 22 truth, the whole truth, and nothing but the
 23 truth?
 24 REVEREND MOOREHEAD: I do.
 25 THE REPORTER: Thank you.

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1 REVEREND MOOREHEAD: I have served as the
 2 dean or head pastor of this cathedral, which
 3 was built in 1834, for 13-and-a-half years.
 4 During my entire tenure, I have tried to do
 5 something with these properties. My grave
 6 concern is that it is not safe, and they are
 7 next to a school that houses babies through
 8 preK. It is a hazard. We have vagrants on the
 9 third floor that look out over the playground
 10 at the children playing. We have rat
 11 infestations. And as you can see, we've had
 12 fire.
 13 It is not safe, and I have been doing
 14 everything in my power to try to get these
 15 properties taken care of for years. So I'm
 16 thankful to be before you, and I really do
 17 believe that the only answer is -- is not
 18 mothballing, but taking action now. It's been
 19 a long time and we really need your help. This
 20 is not safe and it's not good for our school in
 21 many ways.
 22 Thank you.
 23 THE CHAIRMAN: Thank you.
 24 (Ms. Durden approaches the podium.)
 25 THE CHAIRMAN: If you'll state your name

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1 and address.
 2 MS. DURDEN: Thank you very much.
 3 Brenna Durden. My address is 245
 4 Riverside Avenue, Suite 510, Jacksonville,
 5 Florida.
 6 I'm here on behalf of the Cathedral
 7 District. Thank you very much for your time
 8 today. I want to thank the staff for their
 9 very thorough report.
 10 As I said, today I'm speaking on behalf of
 11 the Cathedral District. We support the staff
 12 report and the staff's recommendation to deny
 13 the request to mothball the structures at 222,
 14 228 and 216 Duval Street.
 15 As you know, the historic preservation
 16 code sets forth various criteria that the staff
 17 is to look at and this board is to consider
 18 when making a decision regarding a mothballing
 19 request. There are general provisions and
 20 there's very specific provisions.
 21 I believe that the staff has, in fact,
 22 thoroughly reviewed and analyzed the criteria
 23 and found on -- on the evidence presented, that
 24 the three buildings do not meet the numerous
 25 criteria that -- for mothballing.

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1 The staff report also includes the history
 2 of the City's Code Enforcement actions with
 3 regards to the three buildings. Based on that
 4 history, two things are very clear. One, this
 5 City has invested significant, substantial time
 6 in working with this landowner to allow the
 7 landowner many, many opportunities to do
 8 exactly what they're saying they're now going
 9 to do in the next three months.
 10 They have had numerous -- they've had
 11 settlement agreements, they've had extensions
 12 of settlement agreements, they have had -- time
 13 and time and time again our Code Enforcement
 14 has gone and inspected the property.
 15 There's no history -- there's no basis
 16 of -- or through the information that is in the
 17 staff report, there's no indication that they
 18 came into compliance at any time. And the
 19 City, the City staff, the City resources have
 20 all been spent for the -- at least going
 21 back -- well, as Ms. Myrick said, for -- since
 22 2012. The evidence that's in the staff report
 23 goes back more than --
 24 (Timer notification.)
 25 MS. DURDEN: -- more than three years.

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1 May I have 30 seconds?
 2 THE CHAIRMAN: Thirty seconds.
 3 MS. DURDEN: Thank you.
 4 This is specifically one of the things
 5 that should be considered and is considered
 6 when looking at the criteria that is set out in
 7 subsection (v), as in Victor.
 8 I would ask the board to please deny the
 9 recommendation -- excuse me -- please deny the
 10 applications for the mothballing.
 11 And one last thing. There was testimony
 12 given in the April meeting by an engineer. Her
 13 name is Tamara Baker. I would like that to
 14 certainly be made a part of this record.
 15 Thank you so much.
 16 THE CHAIRMAN: Thank you.
 17 Is there anyone else to speak on this COA?
 18 MS. ROBERSON: (Indicating.)
 19 THE CHAIRMAN: Come on up.
 20 (Ms. Roberson approaches the podium.)
 21 MS. ROBERSON: Good afternoon.
 22 Helen Roberson with the Office of General
 23 Counsel, 117 West Duval Street, Suite 480.
 24 I just wanted to clarify a couple of
 25 statements that were made earlier. I am one of
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1 the attorneys working on the foreclosure
 2 action. The foreclosure action and what this
 3 commission does are completely separate
 4 proceedings.
 5 Now, if the Commission does decide to
 6 approve the COAs, then that will stop the fines
 7 from accruing under the mothball -- or, I'm
 8 sorry, under the Code Compliance violations.
 9 That will not, however, affect the foreclosure
 10 action. Whether you approve the applications
 11 or whether you deny them, the foreclosure is
 12 proceeding. So it really has no effect on the
 13 foreclosure itself. It will just cap the fines
 14 to what they are as of the date of the
 15 approval, which is approximately \$600,000.
 16 And just quickly, to give you a quick -- I
 17 know you have the copy of the complaint, but a
 18 quick history of how we got there: Code
 19 Compliance went out in -- I think it was in
 20 2020. Violations were noted. They had their
 21 magistrate hearing. Fines were assessed. The
 22 fines accrue at \$550 a day.
 23 Shortly after this, fines were assessed,
 24 settlement agreements were entered into; two of
 25 them in late 2020, the last one in early 2021.
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1 Some of the terms were never complied with. A
 2 second settlement agreement was entered into in
 3 2020. That one was later terminated, months
 4 later, because of lack of compliance. Soon
 5 after that, we filed the foreclosure action,
 6 and that's proceeding today.
 7 So I'm happy to answer any questions you
 8 may have about the foreclosure action, but I
 9 did just want to clarify that these are two
 10 very separate proceedings.
 11 COMMISSIONER LOPERA: Thank you for that.
 12 THE CHAIRMAN: All right. Is anybody else
 13 here to speak on this COA?
 14 (Audience member approaches the podium.)
 15 THE CHAIRMAN: State your name and
 16 address.
 17 AUDIENCE MEMBER: Douglas Tillett, 225
 18 East Duval Street, in Jacksonville, Florida.
 19 That's actually my church's address. We
 20 are directly across the street from the three
 21 buildings.
 22 THE CHAIRMAN: She's going to swear you in
 23 real quick.
 24 THE REPORTER: If you would raise your
 25 right hand for me, please.
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1 MR. TILLET: (Complies.)
 2 THE REPORTER: Do you affirm that the
 3 testimony you are about to give will be the
 4 truth, the whole truth, and nothing but the
 5 truth?
 6 MR. TILLET: I do.
 7 THE REPORTER: Thank you.
 8 MR. TILLET: Thanks for giving me the
 9 opportunity to come and address you about
 10 the -- about the three buildings that are
 11 directly across the street from my church.
 12 It's been there for a long time, and we're
 13 there a lot of days. And our church has been
 14 there for a long time too. One of the
 15 buildings that's directly across the street is
 16 a hundred years old. That's the -- the Sunday
 17 school building. The office at the end was
 18 built in '53, which makes it 70 years old,
 19 because I was made in '53 and I'm 70 years old.
 20 And the sanctuary is at the end of Duval and
 21 Newnan, and it's a newer structure, but it was
 22 still built in '65.
 23 I know about historical significance. I
 24 live in Riverside and I've been in Riverside
 25 since 1990. And there are a lot of houses that
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1 we see that have historical significance and
2 that deserve to be taken care of and -- and
3 brought back to a good health, but these three
4 buildings, they just don't have it. There's
5 nothing there worth saving.

6 If you go ahead and walk around the
7 buildings, there's just -- there's just nothing
8 that seems to be historically significant left.
9 Anything that was an architectural feature that
10 would be worth saving is gone. Everything is
11 gone. It's just -- it's just -- it's just not
12 even worth saving, and --

13 And because of these buildings being
14 across the street, they're scary and they've
15 chased off a lot of people from our church. We
16 used to have the children's choir at the
17 church, but, you know, there was this building
18 across the street, and now the children's choir
19 has moved to another location.

20 We had another service. It was inside our
21 church. It was called -- I can't remember the
22 name right now. They have families that come
23 around -- Family Promise. And Family Promise
24 left as well.

25 We have people who have come and visited.

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1 And there's kind of these three scary buildings
2 across the street, and they don't come anymore,
3 and we're hoping that the mothball attempt
4 is -- is put down so that we can maybe have a
5 chance at saving our church.

6 By the way, here is a picture that was
7 taken yesterday by a friend of mine. And
8 there's a homeless person that's on the -- it's
9 got other stuff hanging on the fence, and I
10 stopped at the parking lot next door, and he's
11 still there today.

12 (Timer notification.)

13 MR. TILLET: Thank you very much.

14 THE CHAIRMAN: Thank you.

15 Is there anybody else here to speak on
16 this COA?

17 (Mr. McCorvey approaches the podium.)

18 MR. MCCORVEY: Yes. My name is John
19 McCorvey. I'm speaking on behalf of the Titus
20 Harvest Dome Church.

21 I'm not representing the church in this
22 mothball proceeding. I'm counsel for the
23 church in the foreclosure action.

24 THE CHAIRMAN: All right. You have three
25 minutes.

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1 MR. MCCORVEY: Okay. Would you like to
2 swear me in or --

3 THE CHAIRMAN: No, you're --

4 MR. MCCORVEY: Okay. Thank you.

5 I just wanted to say I've recently been
6 substituted as counsel in the -- in the
7 foreclosure case. It's Case Number
8 2022-CA-5989, Division CV-B, City of
9 Jacksonville vs. Titus Harvest Dome Spectrum
10 Church, pending in Duval County, Florida.

11 But what I have been part of, over the
12 past month, are communications that have come
13 from Mr. Wells' office. And he's always very,
14 very responsive and helpful. And we're
15 appreciative and grateful for that. And his
16 guidance has been invaluable.

17 But I can tell you, in many of those
18 communications, they -- he references, "upon
19 advice of counsel, upon advice of counsel, upon
20 advice of counsel," and it seems like the rules
21 are kind of shifting upon advice of counsel as
22 we go along.

23 Well, that counsel is the General
24 Counsel's Office for the City of Jacksonville,
25 the same General Counsel's Office that is

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1 prosecuting the foreclosure action. So I think
2 it's a bit disingenuous or perhaps naive to
3 state that there's no interrelation between the
4 decisions that the -- the advice the General
5 Counsel's Office is providing in this process
6 should create a conflict of interest with
7 prosecution of the foreclosure action, in my
8 humble opinion.

9 I also have to respectfully disagree with
10 Ms. Robertson [sic] with respect to whether or
11 not the mothball proceeding would halt the
12 foreclosure action. It may or may not, as a
13 result -- purely a result of the plain language
14 of the ordinance. However, the judge will have
15 discretion with regard to that, and to presume
16 that a judge is going to -- an equitable
17 proceeding is -- is not going to stay the
18 foreclosure case pending the resolution of the
19 mothball efforts, if -- if approved, is -- is
20 simply fortunetelling.

21 We have numerous defenses to this
22 foreclosure action. It is by no means a
23 foregone conclusion that the City is going to
24 prevail in this foreclosure action. I don't
25 have the time to go into it factually.

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1 Now, I want to wrap up, because I have
2 seven seconds, in saying, it's interesting that
3 the Honorable Ginny Myrick commented that the
4 church --

5 (Timer notification.)

6 MR. McCORVEY: -- owns \$27 million worth
7 of property. The City has recently sought the
8 motion to amend the complaint to encumber all
9 of it for \$600,000 worth of fines.

10 Thank you.

11 THE CHAIRMAN: Thank you.

12 Is there anybody else here to speak on
13 this COA?

14 AUDIENCE MEMBERS: (No response.)

15 THE CHAIRMAN: All right. Seeing none,
16 we'll close the public hearing, and I'll
17 entertain a motion.

18 COMMISSIONER LOPERA: Motion to deny
19 COA-23-28963 per the staff report.

20 COMMISSIONER MONTOYA: Second.

21 THE CHAIRMAN: Okay. Well, anyone have
22 thoughts here?

23 COMMISSIONER MONTOYA: Through the Chair,
24 just so we have an -- just so we have an
25 understanding of the landscape here, if this

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1 THE CHAIRMAN: Yes. I would agree.

2 COMMISSIONER LOPERA: Through the Chair, I
3 guess I'll start if no one else will.

4 I wanted to thank the applicant for
5 coming, and the -- for everyone that spoke in
6 the public hearing.

7 There has been quite a history on this.
8 And this commission, we're not doubting the
9 church's mission for this property. It seems
10 that they've been very faithful to the mission
11 to provide homes for veterans and other things
12 like that, and to the mission -- for the
13 mission to the community.

14 The question here is on the church's
15 ability to follow through on the commitments
16 that the City of Jacksonville made. And those
17 were, according to this, the various settlement
18 agreements that were entered into and then not
19 followed through on, on two different
20 occasions.

21 And then another reason that came through
22 was regarding COVID, and then again the fire
23 damage. However, I question how a fire could
24 have started on a well-maintained property that
25 has no running water or electricity and a

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1 denial goes through and the mothballing is
2 denied, does the -- does the church -- does
3 Titus Harvest Dome have -- as in a -- previous
4 projects -- the Ford plant that was mentioned
5 by Councilman Carlucci earlier, when we denied
6 demolition of the Ford plant, they took it to
7 City Council and they voted on it as another --
8 as another means as an appeal. Does this case
9 have that same path or is our vote today a
10 finality?

11 MS. LOPERA: Through the Chair to
12 Commissioner Montoya, your final orders, as
13 issued, are appealable by the applicant or a
14 party with standing to the City Council. Those
15 are heard by the Land Use and Zoning Committee
16 of the City Council, but there are appellate
17 rights to any decision you make today.

18 COMMISSIONER MONTOYA: Thank you.

19 I just wanted to set the table here for
20 everyone in the discussion, right? Because
21 this is a very serious matter that's been going
22 on for a long time, and it's clearly a dispute
23 between the members of one community, and so we
24 should just bear that in mind as we speak about
25 it to each other.

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1 property that's well-secured, and I would
2 question what the fire report looked like from
3 2020.

4 And then, in addition to that, we heard
5 testimony from Ms. Tamara Baker. And she's a
6 licensed structural engineer as well as a
7 general contractor, who has deemed the building
8 to be unsafe and also unrepairable regarding
9 the foundations, the super structure, the
10 structural walls, and the roof system.

11 And furthermore, I'd like to -- I would
12 call into question iDesign's report. If you
13 look at the gentleman's license number, it
14 looks like to be an associate AIA, which is --
15 from what I understand, is not a licensed
16 architect in the state of Florida.

17 General Counsel for the church presented
18 them as expert witnesses, and there was not a
19 curriculum vitae as part of this, indicating
20 there's no deposition or trial testimony that's
21 been given by this gentleman in previous cases,
22 in -- either in the state or federal court
23 systems, so I would draw into question this
24 applicant's ability -- or this expert's ability
25 to provide these statements without licensure

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1 in the state of Florida and without having
2 previous -- given any expert deposition or
3 trial testimony.

4 So that being said, I do agree with
5 staff's report. I believe that -- I agree with
6 the previous structural engineer's assessment
7 on this structure, that it is not salvageable,
8 it's beyond salvage regarding the -- basically,
9 all the structural systems that are important
10 to maintain stability and security of the
11 system down from the foundation all the way up
12 to the roof, so --

13 Thank you.

14 THE CHAIRMAN: Yeah. That was very
15 thorough, and I agree with just about
16 everything you said.

17 The biggest thing for me is, why has
18 nothing been done? It seems like they've been
19 given multiple opportunities from the City to
20 get something done here and nothing has been
21 done. That, to me, is the biggest -- is the
22 biggest part.

23 Speaking on the iDesign report, I also
24 agree with that conclusion. Just a little
25 bit -- a quick digging -- I can't find a whole
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1 lot about iDesign projects they've done,
2 anything of that sort, so I would also question
3 that testimony.

4 With that, yeah, I -- I am impressed with
5 the thoroughness of that statement and agree
6 with just about all of it, so ...

7 COMMISSIONER GREGORY: Through the Chair,
8 I would agree also that the City and Code
9 Compliance have been more than generous with
10 time extension and settlements with Titus.

11 One question for staff is, has there ever
12 been a COA applied for prior to the person or
13 the -- or the long list of Code violations by
14 Titus --

15 MR. WELLS: By --

16 COMMISSIONER GREGORY: -- on these
17 properties specifically?

18 MR. WELLS: So through the Chair to
19 Commissioner Gregory, just to clarify, for
20 these particular properties, has a mothball
21 status been applied for or --

22 COMMISSIONER GREGORY: No, no. Have they
23 ever applied for any other COAs on these
24 properties prior -- during their ownership,
25 prior to all these Code violations and

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1 mothballing applications?

2 MR. WELLS: No, because the properties are
3 outside the boundaries of a locally designated
4 historic district, nor is it locally designated
5 as a landmark, so they don't have to apply for
6 a COA for mothballing or a COA in general.

7 COMMISSIONER GREGORY: Sure.

8 MS. LOPERA: Do you want clarification on
9 that?

10 THE CHAIRMAN: That would be great.

11 MS. LOPERA: So through the Chair to the
12 Commission, so these are -- properties are a
13 little bit unique in that they're in the
14 Downtown National Register Historic District.
15 So that is not a locally designated district.
16 It's only the properties within the locally
17 designated districts that require Certificates
18 of Appropriateness for exterior changes and
19 various other things.

20 So these are requesting mothballing but
21 wouldn't otherwise need a COA for any of the
22 work done. They would, however, need building
23 permits if they wanted to do some of these
24 things.

25 MR. WELLS: And just to add to -- sorry.
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1 So the reason why they came in with the --
2 to do a COA now is because the -- and I think
3 the applicant alluded to this, but,
4 essentially, in order to be -- to qualify for
5 mothballing status or apply for a COA in
6 general, they have to be designated as a
7 contributing structure within the National
8 Register District, and that came on line in
9 2021, so, hence, no prior COAs --

10 COMMISSIONER GREGORY: Understood.

11 MS. LOPERA: Mr. Chair, may I provide just
12 a little bit of context on --

13 THE CHAIRMAN: Please.

14 MS. LOPERA: -- mothballing real quick?

15 So I just want to point you all to the
16 Code -- the section of our Ordinance Code that
17 addresses mothballing, and the first provision
18 is 307.301, which identifies the legislative
19 intent and findings, and I'll just briefly read
20 this into the record.

21 "The intent of this part is to provide
22 owners of historic properties with an
23 alternative to strict compliance with
24 Chapter 518."

25 So to be clear, Chapter 518 is the Code
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1 Enforcement provisions that we've talked about.
2 And you have in the record the years of
3 enforcement under 518 that these properties
4 have been subjected to.

5 Further on down, "This process is not
6 intended to be used to circumvent the need to
7 perform structural corrections or perform
8 routine and ongoing maintenance to ensure
9 protection of the public health and safety, nor
10 as a means for a property owner to avoid
11 compliance with Chapter 518."

12 So -- but to be clear, nobody sitting at
13 this table is a party to any foreclosure
14 action. Someone else from my office is
15 representing the City on that action. I am
16 counsel to you all. I'm also counsel to the
17 Planning and Development Department, and I
18 provide my advice to you all.

19 And like Ms. Roberson stated earlier, this
20 proceeding today has no effect on that
21 foreclosure action. It only came to light in
22 the staff's report to give you context and show
23 you the record of what's been -- the required
24 good-faith effort that was -- that was required
25 of the settlement agreement that was not

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1 adhered to.

2 If you have any other questions, I'm happy
3 to take those.

4 Thank you.

5 THE CHAIRMAN: Thank you.

6 Questions? Anybody else have thoughts?

7 COMMISSIONER MONTOYA: Anything?

8 Through the Chair, just to -- just to also
9 state, in my short tenure as a commissioner
10 with HPC, I never found the staff or counsel to
11 be anything other than honest and above board.
12 And so when they -- when they requested denial
13 to mothball a building, that, in a way, goes
14 against the things that we really stand for
15 because even though it's not part of a district
16 and it's not a protected building necessarily,
17 the last thing any of us here want to see is
18 a -- is a historic building be taken down.

19 But the research has been done, the
20 chances have been given, and the staff has
21 issued a report. And this is not the last
22 defense for the -- the people who are
23 requesting -- the church that's requesting the
24 COA -- the approval for the mothballing, so I
25 don't see any reason why we would not agree

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1 with staff. They've done their job, everyone's
2 done their job, and I think we need to take
3 this to the next level.

4 THE CHAIRMAN: I would agree.

5 Anybody else have thoughts?

6 COMMISSIONER GLOBER: Through the Chair,
7 thank you to staff for this report. And thank
8 you, Counsel, for expanding on the mothballing.
9 I tend to agree with all of the other
10 commissioners.

11 Thank you.

12 THE CHAIRMAN: All right. I do want to
13 read into the record -- at this point, I'm
14 having a hard time finding any conclusive
15 evidence that a license number for iDesign
16 exists.

17 COMMISSIONER LOPERA: Through the Chair,
18 it's an associate architect, and that is not
19 related to the Florida Board of Architecture.
20 I believe Commissioner Montoya could speak more
21 on that. I know with professional engineers,
22 such as myself, there's EITs and EEs, so --

23 COMMISSIONER MONTOYA: Yeah. Being an
24 associate member of the American Institute of
25 Architects does not require a registration,

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1 so --

2 THE CHAIRMAN: Yeah, I'm just wondering
3 what this license number means. And in that
4 case, if it's just through an associate
5 license -- because I'm having a hard time
6 finding the --

7 (Simultaneous speaking.)

8 COMMISSIONER MONTOYA: I guess the last
9 thing, too, would be to state that Tamara
10 Baker's office -- it was mention earlier -- is
11 a licensed structural engineer, who also has a
12 history of working in historic districts, and
13 so that testimony isn't just about a -- the
14 structural capabilities or incapability of
15 the -- of the building, but also having a clear
16 understanding of historic structures.

17 (Ms. Baker enters the proceedings.)

18 COMMISSIONER LOPERA: Yes, enter Tamara
19 Baker.

20 THE CHAIRMAN: Nice timing.

21 All right. With that --

22 MS. LOPERA: So, procedurally, if I may
23 just interject, put everyone in the correct
24 posture.

25 So a motion and second was made to deny,

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1 but you did not clarify which one -- we do
2 actually have two separate mothballing -- I
3 know that we've combined for the purposes of
4 efficiency because the testimony is overlapped
5 significantly, but if you could separate those
6 out and maybe amend your motion to deny, just
7 to clarify which COA you are referencing,
8 Commissioner Lopera.

9 COMMISSIONER LOPERA: Okay. Then motion
10 to deny COA-23-28963 for 222 and 228 East Duval
11 Street.

12 COMMISSIONER MONTOYA: Second.

13 THE CHAIRMAN: All those in favor?

14 COMMISSION MEMBERS: Aye.
(Commissioner Frick abstains from voting.)

15 THE CHAIRMAN: Those opposed?

16 COMMISSION MEMBERS: (No response.)

17 THE CHAIRMAN: Hearing none, you've denied
18 COA-23-28963.

19 MS. LOPERA: Let the record reflect that
20 Commissioner Frick abstained from that vote.

21 THE CHAIRMAN: Anybody want to -- go
22 ahead.

23 COMMISSIONER LOPERA: Motion to deny
24 COA-23-29037 for 216 Duval Street.

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1 COMMISSIONER GREGORY: Second.
2 THE CHAIRMAN: All those in favor?
3 COMMISSION MEMBERS: Aye.
4 (Commissioner Frick abstains from voting.)
5 THE CHAIRMAN: Those opposed?
6 COMMISSION MEMBERS: (No response.)
7 THE CHAIRMAN: With that, you've denied
8 COA-23-29037.

9 And with that, we will move right along.

10 MS. LOPERA: If we can let the record
11 reflect that Commissioner Frick abstained from
12 that item as well.

13 Thank you.

14 THE CHAIRMAN: Correct.

15 We're going to take a quick ten-minute
16 break.

17 (Brief recess.)

18 THE CHAIRMAN: All right. We're back.

19 Section F, historic designations, that has
20 been deferred, LM-23-05.

21 So, with that, we'll move along to
22 Certificates of Appropriateness, Section G.
23 First on the docket, COA-23-28339, 3664
24 Richmond Street.

25 Can we have a staff report?

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1 MR. ANDERSON: All right. COA-22-28339 is
2 for the wholesale replacement of 51 windows on
3 a single-family contributing structure within
4 the Riverside Avondale Historic District. The
5 residential structure is a Colonial Revival
6 style home that can be characterized by its
7 shingled hip roof form, continuous brick
8 exterior, decorative shutters, and 6-over-6
9 windows.

10 As proposed, the applicant is seeking to
11 replace all the existing wood windows on the
12 structure with a Marvin clad window product.
13 According to the applicant, they believe all
14 the windows on the structure are not original
15 because they -- there are no ropes and pulleys.
16 However, staff believes that the existing
17 windows on the structure are the original
18 windows or at least have gained historic
19 significance as the existing windows have more
20 than likely been on the structure for the
21 majority of the structure's life.

22 During one of two site visits on the
23 property, the applicant stated that the windows
24 are inoperable as they are painted and caulked
25 shut. Staff recommends initiating window

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1 repair techniques to relieve the issues of
2 being painted and caulked.
3 Additionally, the homeowner mentioned that
4 the windows facing the river receive extensive
5 amounts of rain during storms. However, the
6 windows did not appear to show any signs of
7 water damage or wood rot. Staff recommends
8 installing interior storm windows --
9 weather-stripping or interior storm windows,
10 which can be approved administratively.

11 MR. WELLS: Through the -- well, to the
12 Commission, just to emphasize one point too,
13 the -- again, the applicant is under the
14 assumption that because the windows have what
15 we refer to -- or the packet I just sent out,
16 this came from the applicant as well, but this
17 is Andersen sash balances. So these are the
18 springs that we observed in our site visits.
19 And so they believe, because these are not the
20 traditional ropes and pulleys, that they are
21 nonoriginal to the -- the windows.

22 They provided us with some documentation
23 again. But if you read through the -- the
24 paragraph itself, it says that the sash window
25 spring balances were introduced in the 1880s,

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1 so -- the home was built in 1947. We don't
 2 have any evidence otherwise, that the -- the
 3 windows were replaced, the permitting, or just
 4 even the existing condition of them, so we're
 5 inclined to take them that -- they're either
 6 original or they at least gained historic
 7 significance.
 8 So other than that, we forward to you a
 9 recommendation for denial.
 10 THE CHAIRMAN: Questions for staff?
 11 COMMISSION MEMBERS: (No response.)
 12 THE CHAIRMAN: Okay. We'll open the
 13 public hearing.
 14 Is the applicant here?
 15 AUDIENCE MEMBER: (Indicating.)
 16 THE CHAIRMAN: Come on up.
 17 (Audience member approaches the podium.)
 18 THE CHAIRMAN: If you'll state your name
 19 and address.
 20 AUDIENCE MEMBER: John Allmand, 2063 Oak
 21 Street, Jacksonville, Florida 32204.
 22 THE CHAIRMAN: John, she'll swear you in.
 23 MR. ALLMAND: All right. I have some -- I
 24 have some documents here. I have a care
 25 package, and I would like to distribute it, if
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1 possible.
 2 (Tenders documents.)
 3 THE REPORTER: John, if you would raise
 4 your right hand for me, please.
 5 MR. ALLMAND: (Complies.)
 6 THE REPORTER: Do you affirm that the
 7 testimony you are about to give will be the
 8 truth, the whole truth, and nothing but the
 9 truth?
 10 MR. ALLMAND: I do.
 11 THE REPORTER: Thank you.
 12 MR. ALLMAND: Good afternoon.
 13 My name is John Allmand with JAA
 14 Architecture. Thank you for the opportunity to
 15 speak today regarding COA-22-28339.
 16 I also want to thank staff for this
 17 report. I felt like we were so close, but I
 18 do --
 19 COMMISSIONER LOPERA: You missed it by 51?
 20 MR. ALLMAND: Fifty-one-and-a-half.
 21 But, you know, you guys did put in an
 22 effort. Like you said, you guys, you know,
 23 visited the site twice and you met with us a
 24 bunch of times, so I really do appreciate that
 25 effort.
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1 We're requesting a wholesale window
 2 replacement. And as you see on the documents
 3 we're passing around, the total number of
 4 windows being requested to be replaced is
 5 actually 52. That's a difference on the actual
 6 staff report.
 7 The house has a mixture of what appears to
 8 be fixed and single-hung windows. The request
 9 is to do a like-for-like wholesale replacement.
 10 Please refer to the floor plan as it relates to
 11 the window survey so you can kind of see which
 12 windows go where.
 13 In our investigation, we found there to be
 14 subtle differences in mechanical components of
 15 the windows that tell an interesting story
 16 about the history of the windows and the house
 17 in total.
 18 Initially, we discovered that the windows
 19 that currently exist, two appear to be weight
 20 and pulley, three were fixed, and 47 were
 21 installed with nonweight and pulley mechanisms
 22 that appear to be either spring or spiral.
 23 We then discovered a new piece of evidence
 24 in the form of two historical photographs,
 25 which should be in your packet. We have
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1 included them in your packet. These
 2 photographs tell us clearly that a minimum of
 3 three windows have clearly been replaced
 4 because they have different opening sizes.
 5 There are two doors on the front of the
 6 house, on the second floor balcony, and one in
 7 the bay rear. The bay window on the rear of
 8 the house was replaced with a fixed window and
 9 the two doors on the second floor of the house
 10 were replaced with what appears to be two
 11 single-hung windows. These two replaced
 12 windows have nonweight and pulley closing
 13 mechanisms, similar to the other windows in the
 14 house. This tells us that we have evidence
 15 that there are nonweight and pulley windows,
 16 and are -- that are not original to the house.
 17 We also have evidence that shows that the
 18 weight and pulley windows located on the front
 19 of the house -- please refer to the floor
 20 plan -- appear to be original. Combine this
 21 with the fact that the history --
 22 (Timer notification.)
 23 MR. ALLMAND: Can I wrap up? I got --
 24 THE CHAIRMAN: Okay.
 25 MR. ALLMAND: I'm about midway through.
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1 Combine this with the fact that the
2 history of the window -- we have evidence that
3 shows that there are weight and pulley windows
4 located on the front of the house -- please
5 refer to the floor plan -- and appears to be
6 original. Combine this with the fact that the
7 history of the window closing mechanisms,
8 generally speaking, weight and pulleys, are
9 much older than spring or spiral-type
10 mechanisms. Although available from the 1880s,
11 do not really become popular until after World
12 War II, post 1945, and a probable story of the
13 history of the windows begins to come into
14 focus.

15 I propose that originally all the windows
16 in this house were weight and pulley because
17 you don't go back to a spring -- you know, and
18 add weight and pulley windows. So circa 1947,
19 likely sometime after the period of
20 significance that ends in 1948, the vast
21 majority of the windows were replaced with
22 nonweight and pulleys. Likely after Dora hit,
23 sometime maybe around 1964, in the middle of
24 the heyday of spring and spiral windows. This
25 would explain the mixture of both old-style

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1 weight and pulley as well as the presence of
2 other type of mechanisms.
3 This would allow -- this would also
4 suggest that the windows that exist in the
5 house today are both not original and replaced
6 outside the period of significance in 1948.

7 I think it's important to bring up that
8 it's entirely possible, yet very unlikely, that
9 the house was built in 1947, could have
10 replaced most of their windows before 1948. I
11 think that one-year window replacements is
12 highly improbable. The most probable
13 explanation for this evidence, I believe -- I
14 presented -- I believe, as I said, is that the
15 windows are not original and noncontributing.

16 If you join me in this belief, the
17 Secretary of Interior standards for
18 rehabilitation apply. And in a -- a
19 like-for-like replacement for the windows is
20 a -- allowed, and even encouraged on the basis
21 of increased sustainability and no loss of
22 historic fabric.

23 Along those lines, I would be remiss to --
24 to not speak into the fact that these windows
25 don't appear to be in terrible condition, but

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1 they're nonoperable and leak frequently in
2 every rain event. Furthermore, there is
3 precedence of wholesale window replacement up
4 and down Richmond.

5 Thank you for your consideration. Please
6 let me know if you have any questions.

7 THE CHAIRMAN: Questions for John?

8 COMMISSIONER LOPERA: Through the Chair,
9 was there any part of that that wasn't
10 conjecture on your --

11 MR. ALLMAND: Well, I've laid eyes on the
12 windows, and I said -- I saw weight and pulley,
13 and I saw nonweight and pulley, spring and/or
14 spiral. That I would say, nonconjectural.

15 COMMISSIONER LOPERA: Okay.

16 MR. ALLMAND: And we know, based on the
17 staff report, the house was built in 1947.

18 Now, I guess it would be considered
19 conjectural that the house wasn't originally
20 built with both weight and pulley and spring
21 mechanisms in the windows.

22 COMMISSIONER LOPERA: I agree with that
23 point --

24 MR. ALLMAND: But I highly -- I highly --
25 I think that's highly likely. So what I think

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1 is -- makes the most sense in this story is
2 that they were all weight and pulley. And
3 they, at one point, were replaced, which -- by
4 the way, I talked to Lovejoy today. I don't
5 know if you guys are familiar with Lovejoy.
6 He's a local window expert. And he said that
7 happens all the time, that that's a thing.

8 I mean, even in Morgan's house, there's
9 weight and pulleys. It was built around the
10 same time. There's weight and pulleys and
11 there's an addition with springs. It's just --
12 it's a thing that happens, and I think it's a
13 thing that happened in this house.

14 And if there is an element of conjecture
15 in it, I would -- I would agree with that, but
16 we're talking about a very, very, very slim
17 chance, even if -- to say that it was built
18 with both weight and pulley and spring, and --
19 and to say that maybe within a year of it being
20 built, they came through and they replaced it
21 and now they're nonoriginal but contributing
22 somehow? I think unlikely and I think highly
23 unlikely.

24 And so that brings us to -- just -- not to
25 repeat too much, I just want to drive this

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1 point home. Very, very, very -- three very --
2 likely nonoriginal, noncontributing windows;
3 therefore, the Secretary of Interior standards,
4 which is the guideline for which you guys use
5 to vote, says you can do a like-for-like
6 replacement because there's no loss of
7 historical fabric.

8 So I please implore you guys to take that
9 into account when you guys put together a vote.

10 COMMISSIONER LOPERA: And through the
11 Chair, you mentioned that some of the windows
12 may have changed sizes?

13 MR. ALLMAND: Right. So there's --
14 there's some photographs there, that over the
15 years, they -- those -- they have replaced
16 windows. So you can see in the -- in the
17 balcony, in the second floor balcony, on the
18 front, there's a -- they had doors going out to
19 the balcony. No doors now, right?

20 And so those windows that we know changed
21 don't have wheel and pulleys, right? They had,
22 you know, nonwheel and pulley mechanisms. I'm
23 just -- that's -- that is a nonconjectural form
24 of evidence that supports my hypothesis.

25 THE CHAIRMAN: Any more questions for John
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1 at the moment?

2 MR. ALLMAND: You need me to come back up?

3 COMMISSIONER GREGORY: Yeah, question for
4 John.

5 So regarding your theory of Hurricane Dora
6 or some other things requiring replacement of
7 the windows, is it possible that these windows
8 are original, they were just repaired after
9 whatever the disaster was or issue was and then
10 used spirals? Is it possible these are the
11 original windows, they're just repaired?

12 MR. ALLMAND: I think -- so that's a
13 really, really good question. And so what I
14 would say is, it is possible, of course, but
15 think about this: They were -- they were --
16 they were -- I think it's -- I think that
17 originally they were all wheel and pulley.
18 Okay? All of them, right?

19 And then anything that happened repairwise
20 or, you know, anything after that was -- you
21 know, I mean, they -- they had to change the
22 mechanism, the internal mechanism within the --
23 to lift them up and down, right? And so when
24 that happened, it almost certainly -- whether
25 it was a storm or whatever happened, it almost

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1 certainly happened outside the period of
2 significance.

3 And so I guess what I'm saying is
4 everything -- so we know they're -- we know,
5 because of that, they're nonoriginal, and we
6 know that anything that happened was outside --
7 that changed them was outside the period of
8 significance. So there's essentially nothing
9 left of the windows to save because they're
10 both nonoriginal and outside of the period of
11 significance.

12 COMMISSIONER LOPERA: Through the Chair,
13 good point.

14 Thank you.

15 THE CHAIRMAN: Any other questions for
16 John at the moment?

17 COMMISSION MEMBERS: (No response.)

18 THE CHAIRMAN: All right. We'll call you
19 back up.

20 MR. ALLMAND: Okay.

21 THE CHAIRMAN: Anybody else here to speak
22 on this COA?

23 AUDIENCE MEMBERS: (No response.)

24 THE CHAIRMAN: All right. We'll close the
25 public hearing. I'll entertain a motion.

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1 COMMISSIONER LOPERA: I have questions
2 first, through the Chair. Staff, what did you
3 think about John's testimony?

4 MR. WELLS: Through the Chair to
5 Commissioner Lopera, several different things.
6 I'll just run through them, but, I mean, of
7 course -- I'll start with just maybe window 7.
8 I mean, yes, that window was replaced. It's
9 been replaced with a fixed window, so it
10 doesn't really change our recommendation, per
11 se.

12 One point, too, is just the originality --
13 well, there's, I'll say, three points. The
14 originality, condition of the windows, and then
15 the possibility of them -- just the pulley
16 system being replaced, as Commissioner Gregory
17 already alluded to.

18 First point about originality is it --
19 whether or not they're original, sure, that has
20 bearing on our recommendation. But even if
21 they were replaced, we look at the condition
22 part of it, so -- I mean, if the windows are in
23 excellent condition or good to repairable
24 condition, we're always going to be inclined to
25 recommend restoration, which is consistent with

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1 our standard of interior -- Secretary of
 2 Interior standards.
 3 I'll just read it into the record, but
 4 standard 2 talks about -- or standard 6, I'm
 5 sorry: Deteriorated historic features shall be
 6 repaired rather than replaced. The emphasis
 7 here is on the word "deterioration."
 8 COMMISSIONER LOPERA: But through the
 9 Chair, those are for verified windows that are
 10 historic to the property, and right now there's
 11 doubt as to what is original because it's --
 12 we're now looking at a situation where
 13 98 percent of the windows are all running on
 14 the same system, and then you have two windows
 15 that are, I don't know, you know, spring -- you
 16 know, spring system.
 17 But right here, we're looking at a
 18 situation where we have three windows, which
 19 are colored in blue, which are fixed. And then
 20 we have 18 which are in pink, which are spring,
 21 and it -- and I agree with the applicant, that
 22 it's highly doubtful that all this happened
 23 within the first year, which means if they
 24 happened after 1948, then they're no longer
 25 original to the building and no longer

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1 us to sit here -- or for staff to -- to opine
 2 that these are all nonoriginal -- or the
 3 majority of them are nonoriginal, especially
 4 given the condition.
 5 MR. ALLMAND: (Indicating.)
 6 THE CHAIRMAN: John, you can come up.
 7 MR. ALLMAND: Okay.
 8 THE CHAIRMAN: Real quick --
 9 MR. ALLMAND: So I'll say it --
 10 (Simultaneous speaking.)
 11 (Mr. Allmand approaches the podium.)
 12 MR. ALLMAND: Am I good?
 13 THE CHAIRMAN: Yeah. Real quick.
 14 MR. ALLMAND: Real quick.
 15 So in the Secretary of Interior standards,
 16 under rehabilitation, okay, it -- I understand
 17 what you're saying, but if you have -- it says
 18 clearly -- and if we're going to live and die
 19 on this, I'd rather defer and find it and then
 20 bring it back to you. We actually had it, and
 21 we didn't bring it because it was a -- it was a
 22 big -- this thick (indicating).
 23 But under the Secretary of Interior -- in
 24 rehabilitation, if you have -- on a
 25 contributing building, if you have elements

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1 historical, and now we're, you know, kind of
 2 getting close to the -- kind of the -- the mark
 3 that we use -- you know, the 50 percent rule
 4 mark for windows, and -- that's the end of my
 5 sentence.
 6 MR. WELLS: Okay.
 7 COMMISSIONER LOPERA: Okay. Carry on.
 8 MR. WELLS: I mean, the 50 percent rule,
 9 that applies to deteriorated or missing
 10 windows, and so we -- we weren't able to use
 11 that standard from our design guidelines in
 12 this consideration.
 13 But again, we just -- we didn't have
 14 enough substantial evidence to warrant these
 15 windows as possibly being replaced. I mean,
 16 again, the applicant, he provided that document
 17 that stated that the window spring balances
 18 were introduced in the 1940s. But again, if
 19 you read through the paragraph, they were
 20 introduced as early as 1880. So there's a --
 21 there's a likelihood that maybe they were
 22 original to the windows, maybe they were
 23 replaced, the window -- or the ropes and
 24 pulleys were replaced with spring balances.

So it's just -- it's a slippery slope for
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1 that were -- that are -- were nonoriginal and
 2 outside the period of significance, you are --
 3 replacement, like for like, is allowed,
 4 100 percent. It says that in the book. If it
 5 doesn't, yank this COA away.
 6 COMMISSIONER LOPERA: Through the Chair, I
 7 believe that I have read the same because it
 8 would make sense, if you're -- you know, if you
 9 replace something -- you know, something a year
 10 ago and that product fails --
 11 MR. ALLMAND: That's right.
 12 COMMISSIONER LOPERA: -- it's not -- no
 13 longer historical and no longer historically
 14 significant to the building.
 15 MR. ALLMAND: And I think -- and I would
 16 also like to push back and challenge the -- the
 17 staff. I have utmost respect for staff, but
 18 push back on the fact that, even things
 19 installed outside -- past the significance can
 20 gain significance. I think that that is -- I
 21 think that is a false statement, that anything
 22 after 1948, after the period of significance
 23 is -- is not historically significant. That's
 24 why we have a period of significance. I think
 25 that's important to note.

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1 THE CHAIRMAN: Thanks.
 2 I'm still waiting on a motion, so ...
 3 COMMISSIONER MONTOYA: We should go ahead
 4 and make a motion.
 5 COMMISSIONER LOPERA: Yeah, I guess --
 6 through the Chair, this -- the property was
 7 built, basically, right at the cutoff line, you
 8 know, 1947. You know, so -- you know,
 9 generally, I would be -- you know, look at
 10 these with, you know, straight denial, but
 11 we're looking at something that was built, you
 12 know, right at the cutoff line. And we're --
 13 basically, almost half the windows were --
 14 I don't believe that all those windows are
 15 original, but I -- you know, it makes sense to
 16 me that, you know, almost half the windows were
 17 replaced sometime after 19- -- after the place
 18 was built. And I don't believe that, you know,
 19 the windows built in 1980 and installed in 1980
 20 gained any historical significance, so I -- I'm
 21 actually inclined to approve this one just
 22 because we're -- you're almost at the
 23 50 percent mark. And being that it is, you
 24 know, a very beautiful building and it has a
 25 lot of historical character, then I'm going to

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1 COMMISSIONER MONTOYA: We volunteered to
 2 opine.
 3 THE CHAIRMAN: Well, anybody have any
 4 other thoughts?
 5 COMMISSIONER GREGORY: I'm inclined to
 6 believe they're -- you know, they're original
 7 windows or in the period of significance for
 8 it. I -- just for the record, I'll say that.
 9 COMMISSIONER MONTOYA: Could you clarify
 10 which ones you think are original?
 11 COMMISSIONER GREGORY: Just judging by the
 12 looks of them -- I haven't been to the
 13 property, but judging by the photos I've seen,
 14 either they're original from their [sic] built
 15 or during the period of significance. They all
 16 appear to be wood windows that are similar to
 17 what would be originally installed on the
 18 property.
 19 You know, again, not seeing every window,
 20 not going to the property, I can't speak for
 21 every single one of them, but just looking at
 22 the photos, they appear to be from that period.
 23 COMMISSIONER MONTOYA: So you're -- I'm
 24 sorry, to clarify, you're saying the pink ones
 25 are the original?

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1 make a motion to approve this.
 2 I'm going to make a motion to approve
 3 COA-22-28339 [sic].
 4 COMMISSIONER GLOBER: Second.
 5 THE CHAIRMAN: If we're going with pink
 6 and nonoriginal, we're well over the 50 percent
 7 mark. That -- I mean, that's not debatable at
 8 this point.
 9 COMMISSIONER MONTOYA: Yeah, we're in
 10 discussion time now, right?
 11 THE CHAIRMAN: Correct.
 12 COMMISSIONER MONTOYA: So just -- through
 13 the Chair, as part of the discussion, I agree
 14 with Arimus' -- Mr. Wells' comment about not
 15 being able to opine. As staff, and the
 16 research that they do, they have to adhere to
 17 the -- to the design guidelines specifically,
 18 and that's why we're here, because we can look
 19 at this as a -- things as a case-by-case basis
 20 and determine whether we want to stand with
 21 their judgment or, as the motion has come from
 22 Commissioner Lopera, to challenge it and go in
 23 a different direction, so I'm fine with the
 24 process right now.
 25 THE CHAIRMAN: Yeah.

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1 COMMISSIONER GREGORY: Well, it's hard for
 2 me to tell from the photos, you know, because I
 3 only have a handful of photos of the windows,
 4 but if -- if -- it appears to be the original
 5 windows where they just replaced and/or
 6 repaired them, like I said, maybe after some
 7 disaster, whatever.
 8 I'm inclined to believe they're the
 9 original windows, but I -- I'm kind of with
 10 Arimus in that I can't opine on what happened
 11 or didn't happen or conjecture or what it is or
 12 isn't.
 13 COMMISSIONER MONTOYA: Right.
 14 COMMISSIONER GREGORY: I mean, has there
 15 ever been any attempt to repair these windows
 16 prior to this COA?
 17 THE CHAIRMAN: I would venture to guess at
 18 some point, but it doesn't seem like they would
 19 like to do that at this point.
 20 I'm on the fence with this one --
 21 COMMISSIONER MONTOYA: I am too.
 22 THE CHAIRMAN: -- because I do think --
 23 whether they're outside the period or not, I do
 24 believe that most of the windows are old. We
 25 can go off the 1948 date, which, as John said,

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1 is -- is why it's there, technically, and that
 2 is technically.
 3 I think the only thing that would make
 4 me -- makes me sleep a little bit easier is
 5 the -- you know, this house is set back and not
 6 exactly street visible --
 7 COMMISSIONER LOPERA: Good point.
 8 THE CHAIRMAN: -- which does help me a
 9 little bit.
 10 COMMISSIONER FRICK: Would there --
 11 through the Chair, would there have been any
 12 permits pulled if there were --
 13 COMMISSIONER MONTOYA: No --
 14 COMMISSIONER FRICK: -- potentially --
 15 COMMISSIONER MONTOYA: -- record probably.
 16 (Simultaneous speaking.)
 17 MR. WELLS: Through the Chair to
 18 Commissioner Frick, highly unlikely, but
 19 sometimes. It depends on when they were most
 20 likely replaced.
 21 COMMISSIONER MONTOYA: And through the --
 22 through the Chair, a question for staff.
 23 Has -- did RAP have any input on this at all
 24 or --
 25 MR. WELLS: Through the Chair to
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1 Commissioner Montoya, no, we have not received
 2 any correspondence.
 3 COMMISSIONER GREGORY: Has staff reviewed
 4 the proposed window replacements from, say, the
 5 Marvin clad? I didn't see anything about them
 6 in the packet here.
 7 MR. WELLS: Through the Chair to
 8 Commissioner Gregory, we didn't review the
 9 products in detail. I mean, again, we're not
 10 opposed to the replacement material, per se,
 11 (inaudible) in our report. It's just a matter
 12 of, again, restoration as (inaudible).
 13 THE CHAIRMAN: All right. Well, anybody
 14 else have thoughts?
 15 MR. WELLS: Through the Chair to -- if I
 16 may add -- I just want to add some context
 17 based on the design guidelines, but -- I know
 18 we're talking about the 50 percent threshold,
 19 but -- and I could pull it up on the screen if
 20 necessary, but it does say -- state that if
 21 50 percent or more are deteriorated or missing,
 22 then wholesale replacement of windows is
 23 allowable. And, of course, you have to meet
 24 these seven different standards, such as trim
 25 detail, size, location, and whatnot.
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1 Another part too -- I mean, this is
 2 where -- the reason why we use the --
 3 regardless of if its original or not, it could
 4 have acquired historic significance based on
 5 our criteria. So if you look at Page 4 of the
 6 staff report, this is Section 307.106(L)(4), it
 7 talks about changes which have -- may have
 8 taken place in the course of time. They may
 9 have acquired significance in their own right.
 10 So that's kind of our basis in terms of,
 11 regardless, even if the -- you were to deem
 12 these nonoriginal, they did acquire -- our --
 13 based on our belief, some type of historic
 14 significance based on the condition of the
 15 windows. I just wanted to add that to the
 16 record.
 17 COMMISSIONER LOPERA: Through the Chair,
 18 thank you for that.
 19 I do -- I do recognize that that is a --
 20 that is a valid point, but I would also add to
 21 that that -- you know, this -- as far as any
 22 sort of character of this window, these are
 23 very common windows. They're, you know,
 24 6-over- -- whatever, 6-over-6. There's nothing
 25 particularly significant about a 6-over-6
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1 window or a 6-over-1 window, and -- and it
 2 would be very different if these had, you know,
 3 some sort of lead -- you know, some sort of
 4 lead detail or some sort of decorative, you
 5 know, trim around them, but these are -- you
 6 know, these seem like common windows to me;
 7 6-over-6, they could be easily replaced with
 8 a -- you know, a Marvin clad product.
 9 So I don't -- I don't believe that they
 10 would -- that these particular windows had
 11 gained any specific significance, you know,
 12 since -- since then.
 13 THE CHAIRMAN: All right. Anybody else
 14 have thoughts? If not, let's call for a vote
 15 and make a decision.
 16 MS. LOPERA: If I could, through the
 17 Chair --
 18 THE CHAIRMAN: Uh-huh.
 19 MS. LOPERA: -- so the motion on the table
 20 right now is to approve, and this is the --
 21 goes against the recommendation of Planning
 22 staff, which -- the staff's report is
 23 considered competent, substantial evidence upon
 24 which you can base a decision.
 25 So I just ask, if you're going to approve
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1 this, that you state -- someone state on the
2 record the competent, substantial evidence upon
3 which that approval is based.

4 COMMISSIONER LOPERA: Okay. Through the
5 Chair; one, that the building is set back quite
6 a distance from the road, so it's not readily
7 visible.

8 Two, the building was built right at the
9 cutoff date for the period of significance, and
10 it is highly improbable that all the windows or
11 that half these windows that are shown here
12 were repaired or were replaced within the first
13 year of the construction of the home.

14 Three, any -- there's no evidence -- or
15 there's not significant evidence dictating the
16 originality of these windows to the home,
17 again, because it was built at this -- the
18 cutoff period, and what I'm -- what I'm
19 observing here is that at least 21 of the
20 windows shown here were not original to the
21 home.

22 Four, even if the windows were replaced
23 after the construction, I disagree with staff's
24 opinion that these windows had gained any
25 historical significance. These are common

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1 6-over-6 windows. There's nothing particularly
2 historically characteristic about a 6-over-6
3 window. These are commonly replaced by, you
4 know, Marvin clad products, and similar
5 products are available on the market today that
6 would give the building a very similar look.

7 And I believe that is all, unless somebody
8 else wants to add additional competent
9 evidence.

10 COMMISSIONER MONTROYA: You know, just
11 as -- through the Chair, just as part of the
12 discussion, when you look at the -- when you
13 look at the diagram and you see that -- the
14 spring windows are predominant in the -- in the
15 plan, and there's only two -- there's only two
16 weight and pulleys at the first floor, none on
17 the second floor. It --

18 For a house of this size, it also seems to
19 me that you could argue the opposite, that all
20 the windows were originally springs because
21 who, of a house of this magnitude and stature,
22 would have replaced every window except for
23 two, right? I mean, that -- they're -- the
24 number of (inaudible) windows is pretty
25 substantial, and if I were -- I'm not a man of

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1 wealth and significance. If I was and I was
2 replacing --

3 COMMISSIONER LOPERA: Don't doubt
4 yourself.

5 COMMISSIONER MONTROYA: -- all the windows,
6 I would not have replaced all of the windows
7 except for two at the front door, so I -- you
8 know, I don't know. Like, it just -- it's --
9 it's a question for me.

10 And I only -- I don't bring this up to --
11 to offer dispute to the applicant's statements
12 because I -- I think they're legitimate, and
13 they're just -- it just -- it is a legitimate
14 speculation, but it's still speculation, just
15 as it's speculation on my part that they all
16 could have been spring because I wouldn't have
17 left two at the front door, weight and pulley,
18 right?

19 I mean, you usually -- you usually take
20 care of the stuff everybody looks at first,
21 before you take care of the stuff that nobody
22 sees, and so that -- that's just a -- that's
23 just -- I want to throw that in just for
24 thought.

25 THE CHAIRMAN: I think that's a great
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1 point. I mean, you know, if some big disaster
2 happened, whatever we want to call it, chances
3 are you're replacing all of the windows, not
4 leaving two.

5 COMMISSIONER MONTROYA: And so for that --
6 and so because of that, I -- my vote is going
7 to be to agree with staff because I don't -- I
8 don't see legitimate -- and again, it's a
9 compelling argument that the applicant has
10 made, which I will state for the record that I
11 don't usually agree with the applicant --
12 strike that. I'm just joking.

13 But, you know, that -- I can't -- I can't
14 disagree with staff because there's not
15 enough -- archaeologically, there's not
16 compelling information beyond speculation, so I
17 will -- I'll be voting to agree with staff
18 against the approval.

19 THE CHAIRMAN: All right. Anybody else
20 have thoughts?

21 COMMISSION MEMBERS: (No response.)

22 THE CHAIRMAN: All right. We'll call for
23 a vote.

24 All those in favor?

25 COMMISSIONER LOPERA: Aye.

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1 COMMISSIONER FRICK: Aye.
 2 COMMISSIONER GLOBER: Aye.
 3 THE CHAIRMAN: Those opposed?
 4 COMMISSIONER MONTOYA: Nay.
 5 COMMISSIONER GREGORY: Nay.
 6 THE CHAIRMAN: Nay.
 7 MS. LOPERA: So that's a three-three tie,
 8 which, according to your bylaws, results in a
 9 deferral till the next meeting, at which point
 10 if there is a tie vote again, the -- that will
 11 act as a denial.
 12 MR. ALLMAND: Can I just --
 13 MR. WELLS: We'll have a -- Epstein next
 14 month, so --
 15 MR. ALLMAND: (Inaudible.)
 16 THE CHAIRMAN: Yeah, come on -- real
 17 quick --
 18 (Mr. Allmand approaches the podium.)
 19 MR. ALLMAND: Well, I just -- if we're
 20 going to defer -- if we're going to defer right
 21 now in the middle, is there any evidence I can
 22 provide that would -- that would sway -- that's
 23 a question I have.
 24 COMMISSIONER LOPERA: Talk to the person
 25 who installed the windows.
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1 MR. ALLMAND: I'll do what I can.
 2 (Simultaneous speaking.)
 3 COMMISSIONER GREGORY: I'd like to see
 4 some sort of examples of these Marvin clad
 5 windows you're going to install that would be
 6 replacing these, as well as if -- if you can
 7 find any more evidence that would tell us that
 8 they were not the originals, I mean, that would
 9 make a big difference, but I'm not sure what
 10 you can find at this point.
 11 THE CHAIRMAN: Possibly why the two front
 12 windows weren't replaced.
 13 MR. ALLMAND: Well, I have a reason for
 14 that right now --
 15 COMMISSIONER MONTOYA: Or also your --
 16 (Simultaneous speaking.)
 17 COMMISSIONER MONTOYA: -- (inaudible)
 18 testimony -- I recall that you said this
 19 happens all the time. If we can get some more
 20 backup data and some evidence of those
 21 situations; like, if there are other examples
 22 in the neighbored that have gone through this
 23 same scenario --
 24 MR. ALLMAND: Okay. I can do that.
 25 COMMISSIONER LOPERA: Yes, through the
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1 Chair, because part of your testimony was
 2 that -- I mean, expert testimony you provided
 3 was that a lot of houses on this street had
 4 the -- had previous window replacements.
 5 MR. ALLMAND: Wholesale window
 6 replacements.
 7 COMMISSIONER LOPERA: Wholesale window
 8 replacements, so perhaps looking at some COAs
 9 might -- might convince these other
 10 commissioners that voted against me to vote
 11 for --
 12 MR. ALLMAND: All right. Thank you.
 13 THE CHAIRMAN: All right, John. Thanks.
 14 (Simultaneous speaking.)
 15 COMMISSIONER LOPERA: I don't take it
 16 personally.
 17 THE CHAIRMAN: With that, we're deferring
 18 COA-23-28339, and we'll move to COA-23-28919,
 19 1430 Azalea Drive.
 20 MR. WELLS: All right. So, once again,
 21 this is COA-23-28919, located at 1430 Azalea
 22 Drive. This property is located within the
 23 Riverside Avondale Historic District and the
 24 applicant is seeking wholesale window
 25 replacement. The structure is characterized by
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1 Tudor style --
 2 (Discussion held off the record.)
 3 MR. WELLS: The applicant is seeking
 4 wholesale window replacement on a contributing
 5 single-family residential structure constructed
 6 in 1936. The structure is characterized by its
 7 Tudor-style architecture with a brick cladding
 8 subtype, 6-over-6 windows, and vertical brick
 9 trim near the foundation.
 10 The structure currently has 28 original
 11 wood windows. And, once again, the applicant
 12 is seeking to replace all the windows with a
 13 vinyl wood -- or a vinyl window product.
 14 According to the applicant, efforts to restore
 15 the windows have not been made.
 16 So we did a visual inspection of the
 17 property on April 3rd, and during our
 18 inspection, we -- we evaluated the windows and
 19 found them to all be in repairable condition.
 20 Most of the windows have missing hardware,
 21 minor muntin rot, and gaps near the window sill
 22 which we deem to be all in repairable fashion.
 23 The windows, if anything, require routine
 24 maintenance and do not show substantial
 25 evidence of needing replacement.
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1 A review of the photographs submitted with
2 the window survey and taken at the site visit
3 indicates that the wood windows are, again, not
4 beyond reasonable repair. These windows
5 currently existing on the structure are
6 character-defining features, and the windows --
7 the loss of historic windows, when the
8 replacement is not necessary, is inconsistent
9 with our Code criteria and the design
10 guidelines.

11 Once again, according to the owner, window
12 restoration efforts have never been attempted.
13 As such, we do recommend that efforts such as
14 weather-stripping, replacement of the pulleys,
15 replacement of the existing screens,
16 installation of interior storm windows, and/or
17 other routine repair practices be initiated
18 prior to the replacement of any historic wood
19 windows.

20 Based on this and the site visit and its
21 inconsistency with our Code criteria and design
22 guidelines, we forward to you a recommendation
23 for denial.

24 THE CHAIRMAN: All right. Questions for
25 staff?

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1 Okay? They are molding on the inside of the
2 house. They have been restored. Okay?

3 And, Arimus, they have been restored
4 because some of the pulleys have been restored,
5 and they have been restored probably twice.

6 There is no lead paint on them, so that
7 even shows that they have been restored. I
8 don't know how many times you can restore
9 87-year-old windows. I mean, I love the house,
10 but there's water coming in. They probably
11 have moisture, which somebody should test the
12 windows, the wood, for moisture, because it
13 will go inside the sills and do more damage.

14 So I don't know what to say to you guys.
15 We just -- the other thing, there's no UV. I
16 mean, the UV that comes through the windows --
17 because that's just one side of the house, and
18 there's some windows that do need replace
19 [sic], probably seven or eight. And I can't
20 just replace seven or eight because they're
21 all -- they're all on the street. You can see
22 them from the street. There's only two windows
23 in the back that you don't see there.

24 Now, you can see, they're all right there,
25 and I can't -- I mean, the ones I'm going to

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1 COMMISSION MEMBERS: (No response.)

2 THE CHAIRMAN: All right. Let's open the
3 public hearing.

4 The applicant can come on up.
5 (Audience member approaches the podium.)

6 THE CHAIRMAN: If you'll state your name
7 and address.

8 AUDIENCE MEMBER: Michelle Tidwell, 1430
9 Azalea Drive.

10 THE CHAIRMAN: Welcome, Michelle.

11 She's going to swear you in real quick.

12 THE REPORTER: If you would raise your
13 right hand for me, please.

14 MS. TIDWELL: (Complies.)

15 THE REPORTER: Do you affirm that the
16 testimony you are about to give will be the
17 truth, the whole truth, and nothing but the
18 truth?

19 MS. TIDWELL: Yes.

20 THE REPORTER: Thank you.

21 MS. TIDWELL: I don't know what to say.
22 I've never been here. I don't know what to
23 say. The only thing I can say is these windows
24 are 87 years old. They are historic windows;
25 I'm not going to deny that to any of you.

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1 replace are going to look just like that. And
2 I'm not going to replace the top one in the
3 front, but it's --

4 I don't know what to do. I mean, I have
5 water coming in. They have been restored.
6 That's all I can say. I don't know what else
7 you guys -- I know you want to preserve
8 historic -- but Lord have mercy, you got to
9 have a place to live that's safe and sound, and
10 it's -- it really is not.

11 THE CHAIRMAN: Questions for our applicant
12 at the moment?

13 COMMISSIONER MONTOYA: Yes. Quick,
14 through the Chair, have you made -- you said
15 that it's clear to you that they've been
16 repaired before?

17 MS. TIDWELL: Yes.

18 COMMISSIONER MONTOYA: Have you had them
19 repaired before or you're saying you can
20 tell that --

21 MS. TIDWELL: The person before that lived
22 there has repaired all the front windows on the
23 front of the house.

24 COMMISSIONER MONTOYA: But you have --

25 MS. TIDWELL: I have not.

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1 COMMISSIONER MONTOYA: And now --
 2 MS. TIDWELL: I have called to try to get
 3 people to come and restore -- all those windows
 4 right there have been -- have been repaired,
 5 all on the front side.
 6 COMMISSIONER MONTOYA: And how long have
 7 you lived in the house?
 8 MS. TIDWELL: I've been there four years.
 9 COMMISSIONER MONTOYA: Okay.
 10 MS. TIDWELL: But I've tried to call
 11 people to repair and nobody will touch me,
 12 nobody will come out. There's nobody that I
 13 can find that will restore the windows because
 14 they're so old, they won't guarantee it, and so
 15 I don't know what to do. I'm in a rock and a
 16 hard place right now.
 17 COMMISSIONER LOPERA: Through the Chair,
 18 if you've called someone out, it would be
 19 helpful information for us if you have a --
 20 let's say a contractor, like Lovejoy
 21 Construction or somebody that restores windows,
 22 if they can provide something written saying
 23 that the windows are beyond repair, that they
 24 won't restore them or they can't restore them,
 25 that would be significant evidence to support
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1 restoration --
 2 MS. TIDWELL: Well, I went to everywhere
 3 and I tried to get a restorer, and I don't know
 4 a restore person.
 5 THE CHAIRMAN: Staff could probably help
 6 you out with a list --
 7 COMMISSIONER LOPERA: Staff says no.
 8 MR. WELLS: We don't do that anymore.
 9 THE CHAIRMAN: I know we don't do that
 10 anymore, but, I mean, you could --
 11 MS. TIDWELL: I've been doing this since
 12 February.
 13 (Simultaneous speaking.)
 14 COMMISSIONER MONTOYA: Through the Chair,
 15 ma'am, you know, there are -- there are
 16 architects in town who specialize in historic
 17 preservation. They're --
 18 MS. TIDWELL: Uh-huh. And who are they?
 19 I would love to know because I have -- I have
 20 gone to -- I've even gone to --
 21 COMMISSIONER MONTOYA: So for the -- just
 22 so you understand, it's not -- it's not our
 23 position, as a commission, to point you to
 24 proprietors and business people. It's not --
 25 it's not something that we can do. We can only
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1 your case.
 2 MS. TIDWELL: Okay.
 3 COMMISSIONER LOPERA: And you can get that
 4 from any one of the contractors that work on
 5 windows here in town, just something in writing
 6 from them --
 7 MS. TIDWELL: Well, I had my window guy
 8 here, the guy that was going to install the
 9 windows, but he had to leave.
 10 COMMISSIONER LOPERA: Okay.
 11 MS. TIDWELL: He did the inspection as
 12 well. He's the only one that would even touch
 13 me, because they say -- no -- not even
 14 Andersen, none of them will touch that house,
 15 so --
 16 COMMISSIONER LOPERA: Right. Through the
 17 Chair, it would have to be someone that
 18 actually works on restoring windows. That
 19 would be competent evidence --
 20 MS. TIDWELL: Okay. So --
 21 COMMISSIONER LOPERA: -- not a window
 22 repair -- so you can't go with -- Andersen is
 23 just a window replacement company.
 24 MS. TIDWELL: Right.
 25 COMMISSIONER LOPERA: They're not a
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1 tell you that there are people in the community
 2 that you can seek out. And if you -- if you
 3 can't find them, then you should -- you need to
 4 provide some evidence to us that you -- you
 5 have so that we can -- so that we can talk to
 6 you in a more sort of coherent way because --
 7 because that's just --
 8 MS. TIDWELL: I don't know what --
 9 COMMISSIONER MONTOYA: And it's not --
 10 it's not staff's place either, working for the
 11 City, to recommend businesses.
 12 COMMISSIONER GLOBER: Real quick -- real
 13 quick, through the Chair, I know that our staff
 14 doesn't do that any more, and I understand why,
 15 but maybe if we were going to go for a
 16 deferral, RAP would be able to recommend some
 17 contractors. I know the RAP representative has
 18 left as well, but --
 19 MS. TIDWELL: Well, I'm with RAP. You
 20 know --
 21 (Simultaneous speaking.)
 22 AUDIENCE MEMBER: I have a list of four
 23 people, so if you email me, I can send them to
 24 you, that do work in the neighborhood. It is
 25 hard to get them, and they -- they do have a
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1 lot of work, but -- especially getting that
 2 letter (inaudible) --
 3 (Simultaneous speaking.)
 4 THE CHAIRMAN: So y'all can talk
 5 afterwards. I think your best --
 6 MS. TIDWELL: Okay.
 7 THE CHAIRMAN: Your best bet is to defer
 8 this because -- I mean, we go through a lot of
 9 windows, we go through a lot of window
 10 replacements, and we go through a lot
 11 of different -- case by case.
 12 MS. TIDWELL: Well, it just amazes me --
 13 and I don't mean to gripe, but --
 14 THE CHAIRMAN: Sure.
 15 MS. TIDWELL: -- the people -- I mean,
 16 there's people in the neighborhood that have
 17 had their windows replaced and haven't gone
 18 through you, and I can even show -- and it's
 19 just -- it's just really frustrating. I'm
 20 trying to do the right thing, so --
 21 THE CHAIRMAN: I completely sympathize
 22 with that.
 23 MS. TIDWELL: I'm --
 24 THE CHAIRMAN: No, I mean, it -- it is
 25 what it is, so --
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1 COMMISSIONER MONTOYA: And we want to help
 2 you do the right thing. We appreciate you
 3 wanting to do that, but it -- it would be our
 4 suggestion to reach out to RAP. I think that's
 5 a great idea.
 6 MS. TIDWELL: Okay.
 7 COMMISSIONER MONTOYA: Let's defer because
 8 there's not enough evidence, frankly, for us to
 9 vote --
 10 THE CHAIRMAN: Correct.
 11 COMMISSIONER MONTOYA: -- in your favor
 12 right now. But I --
 13 MS. TIDWELL: Okay.
 14 THE CHAIRMAN: All right. So let's --
 15 let's defer it. Talk to RAP. And then we'll,
 16 hopefully -- hopefully be able to figure this
 17 out next month.
 18 MS. TIDWELL: Okay. So we come back next
 19 month?
 20 THE CHAIRMAN: Yes, ma'am.
 21 MS. TIDWELL: Okay. Thank you.
 22 THE CHAIRMAN: All right. So we're going
 23 to defer COA-23-28919, and move on to
 24 COA-23-29013, 2684 Myra Street.
 25 All right. Let's get a staff report.
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1 MR. ANDERSON: COA-23-29013 is for the
 2 after-the-fact installation of horizontal
 3 fencing on a single-family contributing
 4 property within the Riverside Avondale Historic
 5 District. The lot is located on the corner of
 6 Myra Street and West Street.
 7 The previous 4-foot white picket fence was
 8 replaced without any Certificate of
 9 Appropriateness application approval. As this
 10 is a corner lot, the fencing was replaced on
 11 both the rear and side property lines with
 12 6-foot horizontal wood fencing.
 13 Staff recommends denial.
 14 THE CHAIRMAN: Questions for staff?
 15 COMMISSIONER LOPERA: Yes. Through the
 16 Chair, is there any reason this was not in
 17 Section H, Certificates of Appropriateness,
 18 slash, Work Initiated or Completed Without a
 19 COA?
 20 MR. WELLS: Through the Chair to
 21 Commissioner Lopera, that is correct. That was
 22 just an oversight on my end, so I do apologize
 23 for that.
 24 COMMISSIONER LOPERA: I forgive you.
 25 THE CHAIRMAN: Any other questions for
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1 staff --
 2 COMMISSIONER LOPERA: That was my only
 3 one.
 4 THE CHAIRMAN: -- besides ridicule?
 5 COMMISSIONER LOPERA: (Inaudible.)
 6 THE CHAIRMAN: Is the applicant here?
 7 AUDIENCE MEMBER: Yes.
 8 THE CHAIRMAN: You can come on up.
 9 (Audience member approaches the podium.)
 10 THE CHAIRMAN: If you'll state your name
 11 and address.
 12 AUDIENCE MEMBER: Yes, sir.
 13 Shawna Abbatiello, (inaudible).
 14 THE CHAIRMAN: She's going to swear you in
 15 real quick.
 16 (Reporter clarification.)
 17 THE REPORTER: Thank you.
 18 If you would raise your right hand for me,
 19 please.
 20 MS. ABBATIELLO: (Complies.)
 21 THE REPORTER: Do you affirm that the
 22 testimony you are about to give will be the
 23 truth, the whole truth, and nothing but the
 24 truth?
 25 MS. ABBATIELLO: I do.
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1 THE REPORTER: Thank you.
 2 MS. ABBATIELLO: Good afternoon.
 3 So I'm a criminal defense attorney. I'm a
 4 little bit out of my realm right now in this
 5 hearing, but we love living in Riverside for
 6 the historic character of the neighborhood, and
 7 we take our commitment to improvements for
 8 (inaudible) our home and neighborhood very
 9 seriously.
 10 The staff opinion seemed to have two main
 11 reasons recommending denial (inaudible). The
 12 first is that it's horizontal --
 13 (Reporter clarification.)
 14 MS. ABBATIELLO: The first was that it's a
 15 horizontal fence. So when considered as a
 16 whole, we, I believe, have improved the
 17 historic value of the home. We recently
 18 painted the house a historical cream color with
 19 light beige trim. We've also made improvements
 20 to the interior of the home to replace historic
 21 (inaudible) that was ripped out during the May
 22 (inaudible) renovation.
 23 Secondly, historical fences do have some
 24 historic value. I believe the original fences
 25 were horizontal. There are chain-link fences
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1 the street. The guidelines didn't define the
 2 right-of-way, but the sketch in that section
 3 does have arrows for the street labeled
 4 (inaudible) street right-of-way. Based on
 5 that, we placed the fence 10 feet back from the
 6 roadway, believing that the roadway was the
 7 right-of-way.
 8 We made genuine attempts to comply with
 9 the height and placement restrictions and
 10 sincerely and (inaudible) apologize for
 11 misinterpreting the guidelines in any way. Of
 12 course, the guidelines are advisory in nature.
 13 As the Commission is aware, variances can be
 14 granted.
 15 We're absolutely willing to work with the
 16 Commission and staff if there's anything we can
 17 do to remedy it at this point. We apologize
 18 for being in this position. If the Commission
 19 is inclined to follow the staff recommendation
 20 to deny our application, we just ask for a
 21 deferral so that we can work with staff on
 22 making appropriate accommodations.
 23 Thank you.
 24 THE CHAIRMAN: Thank you.
 25 Questions for our applicant?
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1 on the property to the right of our house and
 2 the property behind us that don't have
 3 historical value.
 4 The stated purpose of historic
 5 preservation is, in part, to enhance the visual
 6 and aesthetic character and diversity and
 7 (inaudible) of the city. We recently, last
 8 week, had a neighbor on the other side of
 9 Stockton, on Myra Street, stop by, and comment
 10 that she loved our fence, but she saw the sign
 11 for this hearing and was curious about it.
 12 There's a local business nearby, King
 13 Maker Brewing, where RAP just had an event. At
 14 720 King Street, they have a horizontal fence.
 15 They are very close to our house, and so it's
 16 not changing the character of the neighborhood
 17 (inaudible) a horizontal fence.
 18 The second reason, I believe, was for the
 19 placement in height. We did attempt to comply
 20 with the fencing guidelines. We moved back the
 21 fence from where the -- the picket fence
 22 started, from the front of the house to
 23 accommodate the guidelines for secondary front
 24 yards.
 25 We placed the 6-foot fence 10 feet from
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1 COMMISSION MEMBERS: (No response.)
 2 THE CHAIRMAN: We'll call you back up.
 3 MS. ABBATIELLO: Thank you.
 4 THE CHAIRMAN: Thanks.
 5 Is there anyone else here to speak on this
 6 COA?
 7 AUDIENCE MEMBERS: (No response.)
 8 THE CHAIRMAN: All right. With that,
 9 we'll close the public hearing. I'll entertain
 10 a motion.
 11 COMMISSIONER LOPERA: I wanted to add a
 12 few -- through the Chair, I wanted to add a few
 13 comments regarding the applicant's points.
 14 Regarding the historical value of the
 15 home, yes, a properly built fence would add
 16 historical value of the home if it's approved
 17 by staff.
 18 (Timer notification.)
 19 COMMISSIONER LOPERA: Am I out of time?
 20 MS. FIGUEROA: Yes.
 21 (Laughter.)
 22 COMMISSIONER LOPERA: Great. We'll have
 23 to defer this till the next meeting.
 24 And regarding historical preservation, a
 25 fence would not be included as part of the
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1 historical preservation. That would be more
2 of -- you know, it's new construction and a new
3 fence. It would have to meet all the
4 guidelines because everyone that has a corner
5 lot, they all fall in the same Secretary of
6 Interior standards, guidelines. That's
7 something you could work with staff on.

8 And the same thing with -- regarding
9 placement and the height of the fence. And the
10 vertical picket is something that's been part
11 of the Secretary of Interior standards for, you
12 know, decades, so -- because that's common
13 throughout --

14 And I believe that there are exceptions
15 for perhaps commercial buildings, but, of
16 course, yours is residential, so it would not
17 fall under the -- those same regulations, so I
18 would be moving towards denying this
19 application or deferring it, if the Chair
20 agrees.

21 THE CHAIRMAN: Would you like to make a
22 motion, then?

23 COMMISSIONER MONTOYA: Make a motion to
24 discuss, and then --

25 COMMISSIONER LOPERA: To deny?

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1 (Simultaneous speaking.)

2 COMMISSIONER LOPERA: Motion to deny
3 COA-23-29013.

4 COMMISSIONER MONTOYA: Second.

5 THE CHAIRMAN: Thank you. Now we can
6 talk.

7 COMMISSIONER LOPERA: I just talked.

8 THE CHAIRMAN: I know, but we're supposed
9 to make a motion first.

10 COMMISSIONER MONTOYA: So through the
11 Chair, you know, we have -- we have,
12 actually -- the design guidelines are the
13 design guidelines, and they're very clear. We
14 have, in the -- in fact, in the past, we have
15 approved horizontal fences, but they've been
16 associated with homes that are more Mid-Century
17 Modern, the (inaudible) recently that we
18 approved. This is not that kind of home. This
19 is not that kind of situation, and so I --
20 I'm -- I hate --

21 The problem with this is, if we -- if we
22 do approve this, it's -- it's done after the
23 fact. It should -- you know, this is -- you
24 know, it's a -- we've been -- we'd be giving
25 approval to something done without a COA.

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1 And then although we don't set precedent
2 when we make rulings on the -- judgments on
3 these things, it would be -- just as the -- the
4 previous lady had made a comment about all the
5 homes and -- around her that have replaced
6 their windows without approval, I just -- I --
7 man, I hate seeing things like this because --
8 a brand-new freaking fence, and it didn't
9 adhere to the design guidelines. And then
10 we're sitting here having to make a judgment on
11 whether it -- oh, okay or not okay. And so
12 I -- it pains me, but I'm not -- I'm not in
13 favor of approving this because it doesn't
14 adhere to the design guidelines.

15 THE CHAIRMAN: I just want to clarify real
16 quick. This is supposed to be technically in
17 Section H and we're supposed to judge it as
18 such. And I, for one, am almost a hundred
19 percent sure we would never have approved this,
20 unfortunately.

21 Again, horizontal fences, I -- I tend to
22 like them, but I do not think it works in this
23 situation, especially replacing what it
24 replaced. Yeah, I think it's a -- it's
25 unfortunate, but a pretty easy call for me as

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1 well.

2 Does anybody else have thoughts?

3 COMMISSIONER GLOBER: Yeah. Through the
4 Chair, I think what Commissioner Montoya was
5 referring to is also a noncontributing
6 structure --

7 COMMISSIONER MONTOYA: Right.

8 COMMISSIONER GLOBER: -- (inaudible)
9 Mid-Century Modern. I guess that, you know,
10 Mid-Century places it outside of --

11 COMMISSIONER MONTOYA: It's becoming
12 historic.

13 (Simultaneous speaking.)

14 THE CHAIRMAN: All right. We can call for
15 a vote.

16 All those in favor?

17 COMMISSIONER LOPERA: Aye.

18 COMMISSIONER MONTOYA: Aye.

19 COMMISSIONER GREGORY: Aye.

20 COMMISSIONER GLOBER: Aye.

21 THE CHAIRMAN: Aye.

22 COMMISSIONER LOPERA: I believe that they
23 wanted to -- the applicant wanted to defer; is
24 that correct?

25 THE CHAIRMAN: Would you prefer to defer

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1 it?
 2 MS. LOPERA: We already took a vote. Did
 3 you not just vote?
 4 COMMISSIONER LOPERA: He called for a
 5 vote, but then I actually stopped it right
 6 mid-vote.
 7 THE CHAIRMAN: I mean, if you -- if you'd
 8 like to defer, I can still grant that, at least
 9 I think I can. I don't know what the --
 10 MS. LOPERA: Just to put us -- if I may
 11 put us in the proper posture?
 12 THE CHAIRMAN: Sure.
 13 MS. LOPERA: So this is an after-the-fact
 14 COA. You need to, as Commissioner Montoya
 15 alluded to and the Chair as well, consider it
 16 as if it had not been done. So I'm not sure
 17 how deferring it -- it's already been done, and
 18 I don't know what the point is. And you've
 19 already taken a vote. I counted five yeas.
 20 THE CHAIRMAN: Well -- because during an
 21 after-the-fact COA, normally, if we deny it, it
 22 still goes to staff to figure out some sort of
 23 remedy --
 24 MS. LOPERA: Correct.
 25 THE CHAIRMAN: -- so the answer is going
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1 COA-23-29140, 3022 St. Johns Avenue.
 2 Staff report.
 3 MR. ANDERSON: COA-23-29140 is for the
 4 demolition of a retaining wall at a
 5 contributing property within the Riverside
 6 Avondale Historic District.
 7 The request stems from the current owner
 8 stating that the retaining wall is an unsafe
 9 structure that is in danger of collapsing. The
 10 primary structure on the property embodies the
 11 international style architecture, unique to the
 12 surrounding area. The proposed scope of work
 13 includes demolishing a cast stone retaining
 14 wall that runs along the property line on
 15 St. Johns Avenue.
 16 As proposed, the removal of the retaining
 17 wall -- after the removal of the retaining
 18 wall, a 6-foot vertical wood fence, previously
 19 approved via COA-23-28795 and amended via
 20 MM-23-29315, would essentially be placed where
 21 the retaining wall currently exists.
 22 Since the proposed fence will exceed the
 23 maximum height requirements set forth in
 24 section 656.405 of the Zoning Code, the
 25 applicant has also filed an administrative
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1 to be the same regardless of --
 2 MS. LOPERA: Correct. It is a violation
 3 of the Code, and staff will work with the
 4 applicant to --
 5 THE CHAIRMAN: To remedy it one way or the
 6 other.
 7 MS. LOPERA: -- to remedy it, that is
 8 correct.
 9 Can -- was that accurate, the five yeas?
 10 COMMISSIONER FRICK: I would also be a
 11 yea.
 12 MS. LOPERA: You were a yea. Okay. Thank
 13 you for clarifying --
 14 (Simultaneous speaking.)
 15 COMMISSIONER FRICK: (Inaudible) did get a
 16 chance --
 17 MS. LOPERA: So six yeas.
 18 THE CHAIRMAN: It's (inaudible) six yeas.
 19 MS. LOPERA: Thank you.
 20 COMMISSIONER LOPERA: I thought I stopped
 21 the vote.
 22 COMMISSIONER FRICK: You did. You beat me
 23 to it, but --
 24 THE CHAIRMAN: With that, you denied
 25 COA-23-29013. And we will move along to
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1 deviation, application Z-4759. This deviation
 2 is currently pending review.
 3 The property has also been recently
 4 approved for the installation of an inground
 5 pool and additional hardscaping within the yard
 6 facing St. Johns Avenue.
 7 MR. WELLS: And one thing to add to our
 8 summary, too, is that we did do a site
 9 inspection on May 31st, and staff -- I'm sorry.
 10 Yeah, so staff was able to, since, visually
 11 inspect the retaining wall and its damage.
 12 A couple of points, too, is just that we
 13 were able to determine that the retaining wall
 14 needed repairs, that some sections of the wall
 15 are leaning towards the property, but were
 16 unable to -- to really determine definitely
 17 whether the entire wall was in danger of
 18 collapse or a danger to pedestrians. So
 19 without any formal declaration of the structure
 20 being deemed unsafe by Municipal Code
 21 Compliance Division, nor any comprehensive
 22 assessment that was provided by the applicant
 23 from a structural engineer, it is our position
 24 to essentially render the wall repairable.
 25 So with that said, we forward to you a
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1 recommendation for denial.
 2 THE CHAIRMAN: Arimus, can you tell us
 3 about the minor mod, please?
 4 MR. WELLS: Yes. So, through the Chair,
 5 we did -- because, again, the applicant was
 6 doing a series of different work, and so he
 7 also installed a pool in the front yard, and so
 8 our design guidelines talk about how pools,
 9 they need to be screened -- heavily screened by
 10 some type of -- 85 percent opaque fence.
 11 And so in this instance, you-all --
 12 commissioners, you-all approved a -- the
 13 wrought iron fence a couple -- or a few months
 14 ago. And so because that would make the pool
 15 readily street visible, the applicant applied
 16 for a minor mod to change the material of the
 17 fence from wrought iron to wood. And so we --
 18 based on our code criteria, we found that
 19 because you-all opined and recommended that
 20 the -- the six -- the height of the fence be
 21 approved, we felt that the material change
 22 could be approved administratively, so it would
 23 be installing a wood fence behind that
 24 retaining wall.
 25 THE CHAIRMAN: Okay. It does change
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1 I actually sent in a PowerPoint as well.
 2 MR. WELLS: Yeah, I'm trying to pull it
 3 up. Sorry.
 4 THE CHAIRMAN: Charles, she's going to
 5 swear you in real quick.
 6 THE REPORTER: If you would raise your
 7 right hand for me, please.
 8 MR. SESSA: (Complies.)
 9 THE REPORTER: Do you affirm that the
 10 testimony you are about to give will be the
 11 truth, the whole truth, and nothing but the
 12 truth?
 13 MR. SESSA: I do.
 14 THE REPORTER: Thank you.
 15 MR. SESSA: I did not know everyone here
 16 was a volunteer, so thank you for that. That's
 17 no butter-up or anything, but I appreciate it.
 18 I live here, 3022 St. Johns Avenue. There
 19 is a 3-foot from the curb, 4-foot from my yard,
 20 concrete wall that runs along the front of my
 21 property along St. Johns Avenue. It is in very
 22 bad shape. Pedestrians, children, even --
 23 there's a photography group that comes down
 24 (inaudible) to take pictures. Little kids jump
 25 on the wall. I just don't really think it's
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1 the -- it does change the design quite a bit,
 2 going from wrought iron to wood.
 3 All right. Any other questions for staff
 4 at the moment?
 5 COMMISSIONER GREGORY: Through the Chair,
 6 is this -- your opinion that this retaining
 7 wall was original to the property?
 8 MR. WELLS: Through the Chair to
 9 Commissioner Gregory, to -- we don't have any
 10 definitive evidence, but we do believe, just
 11 based on the -- the design of it -- I mean,
 12 the -- the home itself is a -- characteristic
 13 of an international style design. This fence
 14 resembles that, so we believe that it's
 15 definitively close to it, but we don't have any
 16 conclusive evidence.
 17 THE CHAIRMAN: All right. Any other
 18 questions for staff at the moment?
 19 COMMISSION MEMBERS: (No response.)
 20 THE CHAIRMAN: Is the applicant here?
 21 (Audience member approaches the podium.)
 22 THE CHAIRMAN: If you will state your name
 23 and address.
 24 AUDIENCE MEMBER: Charles Sessa, 3022
 25 St. Johns Avenue.
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1 too safe, and I'm trying to remove it and get
 2 the yard cleaned up.
 3 I have had numerous licensed general
 4 contractors take a look at the wall, and none
 5 of them have been able to say that it can be
 6 repaired. They say it's past its useful life.
 7 It's leaning, it's cracked all over, the caps
 8 are falling. Every single one I've spoken to
 9 has said it has to come down.
 10 I also went around to and chatted with my
 11 neighbors directly to the left, directly to the
 12 right, directly behind me. I'm still
 13 relatively new to town, so I'm not trying to
 14 make enemies in the neighborhood. I wanted to
 15 get their opinion, and I did, and that's going
 16 to be in the presentation.
 17 If you can just go back real quick.
 18 Thanks.
 19 And as you guys mentioned, I do have two
 20 previously approved COAs for my property.
 21 Between my house and downtown Avondale there
 22 are four homes that have 6- to 7-foot-high
 23 fences along St. Johns, where their homes --
 24 their backyards are adjacent to St. Johns, so
 25 that was part of the reason why I did get the
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1 approval from 4 to 6 feet prior.
 2 You can go to the next slide. Thanks.
 3 I reached out to the general contractor
 4 who does all of the City of Jacksonville's
 5 sidewalks. That company is called Webber
 6 Infra. They do a lot of work with Robert
 7 Holton of Holton Construction. He's a licensed
 8 general contractor. I put his name and phone
 9 number up here. He stated in an email that I
 10 sent to staff, the contractor stating that the
 11 wall would need to be replaced. So that's one
 12 licensed contractor who does a lot of work with
 13 the City, and that's his opinion, the wall
 14 can't be fixed.
 15 There was also an opportunity in speaking
 16 to staff to get an emergency demolition permit
 17 through Code Compliance. I went to Code
 18 Compliance, spoke to them yesterday, Mr. Ray
 19 Hawkins. They also agreed that the wall is
 20 past its useful life, but it's not in their
 21 jurisdiction to do that. They just can't make
 22 that call. They said it has to be discussed
 23 here.
 24 (Timer notification.)
 25 MR. SESSA: This is another licensed
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1 contractor, Joseph Quinn, Kingdom Contracting.
 2 I tried to bold some relative stuff:
 3 Concrete subwall, trying to come up with a
 4 plan to repair it. I've determined it can't be
 5 repaired. It's on the footer that (inaudible)
 6 cannot be repaired. It's cracked and shifted
 7 in multiple places. It's not structurally safe
 8 and it's next to a public sidewalk. If
 9 attempted to repair, it could potentially fall
 10 the other way, toward the sidewalk, and hurt
 11 someone.
 12 You can go ahead.
 13 Here's my three neighbors I went to.
 14 Directly to the left, his name is Winslow. He
 15 wanted to go on record stating -- I'm gratified
 16 that I'm taking the initiative to remove an
 17 unsightly, beyond-repair concrete wall that's
 18 been -- that no one's improved over the last
 19 ten years.
 20 My neighbor behind me said she's
 21 supportive of it coming down. She's out of
 22 town visiting family, but she said she would be
 23 happy to write a letter.
 24 You can contact any of these people.
 25 Go ahead to the next slide.
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1 My neighbor directly to the right, her
 2 name is Tracy. She's also at the entrance of
 3 Bourbon Alley, where I live. "I was pleased to
 4 see that he wanted to address the wall by the
 5 sidewalk that's in very bad shape. The wall
 6 has been an eyesore in its current state for
 7 quite some time. On many occasions I've seen
 8 children playing on" -- this is because we
 9 share the entrance to Bourbon Alley, so we see
 10 this photography group that comes and goes
 11 frequently. They try to take photos and then,
 12 because the wall is so low from the sidewalk --
 13 it's only 3 feet -- children play on it and
 14 jump on it.
 15 "With the shape of this wall, it creates a
 16 huge liability for the property owner."
 17 Next slide, please.
 18 Here are some photos of the wall. You can
 19 see the lean. These are all different cracks
 20 along the wall, three new cracks, two different
 21 cracked -- I don't know what you call that, but
 22 the top pieces of the wall.
 23 COMMISSIONER LOPERA: Caps.
 24 MR. SESSA: Caps. Thank you very much.
 25 And this is an example of what's happening
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1 to the caps as the wall shifts. The caps are
 2 becoming unattached. So you can literally pick
 3 up the cap and pull them off.
 4 Now, staff is correct that certain parts
 5 of the wall are definitely more damaged than
 6 the other, but then what would you do? You
 7 take half of it down? Keep half?
 8 So I guess I'm just requesting to remove
 9 it and clean up the fence properly, work with
 10 the sidewalk contractor repairing sidewalk.
 11 They have already agreed to do so.
 12 And I did change the fence along the front
 13 to accommodate the pool approval, and that was
 14 also approved for vertical board-on-board. And
 15 across the front of St. Johns -- and then down
 16 Bourbon Alley, I selected a 54-inch, three-rod,
 17 black, aluminum fence to keep the openness and
 18 the feel of Bourbon Alley, which was also
 19 approved as well.
 20 So I guess my -- my request here today is
 21 to demo the wall, which -- I think multiple
 22 contractors said it can't be repaired, so I'm
 23 struggling with this whole, it has to be
 24 repaired thing, and clean up my property.
 25 THE CHAIRMAN: Okay. Questions for our
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1 applicant?
2 COMMISSIONER GLOBER: Through the Chair,
3 if for some reason we allow you to demolish
4 this, what would that mean for the Bourbon
5 Alley monuments? It looks like the whole --
6 the posts that kind of show where Bourbon Alley
7 is attached to this wall.

8 MR. SESSA: So the two main Bourbon Alley
9 columns at the entrance, those are actually not
10 my property, the one on my side, so that will
11 remain there and that will not be getting
12 knocked down.

13 THE CHAIRMAN: So just looking at a map,
14 where -- where exactly does that cut off?

15 MR. SESSA: My property line begins where
16 the 3-foot concrete wall attaches to the
17 column. The column belongs to a neighbor who
18 lives on the river. And, technically, Bourbon
19 Alley is a right-of-way. It's technically
20 their driveway. And the tenants prior to them
21 have a right-of-way to get into their home.

22 And one last point I'll add. I work in
23 housing, and the insurance world in Florida is
24 a nightmare right now. Twelve insurance
25 companies have gone out of business in Florida

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1 walls like this need vertical reinforcement and
2 steel --

3 MR. SESSA: Yeah, but --
4 (Simultaneous speaking.)

5 COMMISSIONER LOPERA: -- (inaudible), but
6 the thing is you need somebody who's competent
7 to be able to present that in a format that we
8 can understand, like, you know, a letter
9 signed -- you know, signed by a general
10 contractor saying here's evidence, here's my
11 conclusions, not, here's what I feel about
12 this, here's my conclusions.

13 And, again, regarding the insurance,
14 that -- that is unfortunate, but this
15 commission doesn't deal with anything
16 regarding, you know, insurance or general
17 liability for properties, so --

18 And staff did --

19 MS. LOPERA: Are we on questions right now
20 for the applicant or are we in discussion?

21 COMMISSIONER LOPERA: I was going to get a
22 question eventually, but I can stop right
23 there.

24 MS. LOPERA: Mr. Chair, I would just -- I
25 would like to clarify one thing that the

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1 in the last 12 months, so, you know --
2 And I also own investment properties. And
3 if people find a reason to sue you, they will.
4 So this, to me, looks like a pretty good reason
5 for someone to want to sit and fall and get
6 hurt, and just something I'd rather be
7 proactive on and be very careful on.

8 COMMISSIONER LOPERA: Through the Chair, I
9 read what you had put up there, that Joseph
10 Quinn, he feels that the wall is not
11 structurally safe. It would be more competent
12 evidence if a structural engineer went out
13 there or if a contractor provided some sort of
14 evidence because feelings are not exactly
15 competent evidence.

16 So, you know, basically, looking at, you
17 know, the footings below it and -- you know,
18 I -- it looks like the wall is completely
19 unreinforced, which means that none of the --
20 none of the cells are grouted, which means
21 there's no concrete.

22 If the -- you know, if the cells are all
23 empty, that would potentially be competent
24 evidence to say that it's not structurally
25 safe, you know, because walls -- you know,

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1 applicant stated.

2 Municipal Code Compliance, MCCD, does have
3 jurisdiction to issue emergency orders of
4 abatement for structures that are an imminent
5 threat to the health and safety of the public.
6 They do have that authority. They went out
7 there and made the choice not to, which would
8 require a COA -- hence, why the applicant is
9 here to get that order of demolition.

10 COMMISSIONER MONTROYA: So through the
11 Chair, you're suggesting that they're -- if
12 it -- they have that jurisdiction over us to
13 make that call?

14 MS. LOPERA: The can issue -- the chief of
15 MCCD can issue an emergency order of abatement
16 to demolish a property which circumvents and
17 does not require any COA. It can be done
18 immediately, correct.

19 MR. SESSA: I think, though, that's -- the
20 words "life threatening," though, correct?

21 MS. LOPERA: It's not. It's an imminent
22 danger to the health and safety of the public.

23 MR. SESSA: Okay.

24 THE CHAIRMAN: Questions --

25 MR. SESSA: Yeah, I did try to go that

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1 route. I could not get it.
 2 COMMISSIONER GREGORY: To touch on what
 3 Mr. Lopera was saying, do you have any of these
 4 comments from contractors in writing on
 5 letterhead or anything like that or --
 6 MR. SESSA: No.
 7 COMMISSIONER GREGORY: -- is this all just
 8 comments they have given based on text or email
 9 or --
 10 (Simultaneous speaking.)
 11 MR. SESSA: I did email a proposal from
 12 the one contractor who was engaged by the
 13 sidewalk contractor to staff. I did send that,
 14 with the license number, on a heading and
 15 scope --
 16 (Simultaneous speaking.)
 17 MR. SESSA: Right there on the screen.
 18 It was a \$30,000 charge without the caps.
 19 But that's for wall replacement, that's not
 20 repair. So I think, in wall replacement, I'm
 21 looking closer to being 40- to 50,000.
 22 THE CHAIRMAN: All right. We'll call you
 23 back up if we need you.
 24 Is there anybody else here to speak on
 25 this COA?
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1 AUDIENCE MEMBERS: (No response.)
 2 THE CHAIRMAN: All right. We'll close the
 3 public hearing, entertain a motion.
 4 COMMISSIONER MONTOYA: Motion to deny
 5 COA-23-29140.
 6 COMMISSIONER GLOBER: Second.
 7 THE CHAIRMAN: All right. Let's discuss.
 8 COMMISSIONER MONTOYA: As part of the
 9 discussion, question for staff. The minor mod
 10 of going to the solid fence, is that -- has
 11 that been approved?
 12 MR. WELLS: Through the Chair to
 13 Commissioner Montoya, yes, it has.
 14 COMMISSIONER MONTOYA: Okay. So, you
 15 know, the -- St. Johns Avenue, I mean, you
 16 know, that's a main thoroughfare leading into
 17 the -- into the district of Avondale and --
 18 that wall, I -- there's no way for me to know
 19 how long it's been there, but, you know, I'm
 20 pushing 60, so I've been here a long time.
 21 It's been there a long time and it's part of
 22 the fabric, in my opinion, so I --
 23 I think that we really do need to see
 24 some -- some real evidence of attempt to repair
 25 it structurally or the -- like, what you're
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1 stating earlier, Commissioner Lopera, that we
 2 need written statements about it.
 3 If structural investigations have been
 4 performed that deem it too cost prohibitive to
 5 repair, and then if that's the case, I'm not
 6 sure replacement should be -- or that no
 7 replacement should be made and it should just
 8 be a board-on-board fence on St. Johns Avenue.
 9 Like, I -- I've got real issues with that just
 10 because of it being a main street.
 11 THE CHAIRMAN: Yeah, I completely agree on
 12 that. If was still a wrought iron fence, I'd
 13 feel a lot more comfortable moving forward with
 14 this, but the fact that it is a wood fence now
 15 is not great.
 16 COMMISSIONER MONTOYA: Yeah. I mean, just
 17 to tag on to that, Chairman, a negotiation in
 18 my mind or sort of a -- somewhere in the middle
 19 would be -- if it is really unrepairable, then
 20 I'm on board with -- if it -- if the fence is
 21 not board on board, if it's more something
 22 that's permeable so you can see through it
 23 on -- on one of the main streets of
 24 Riverside/Avondale.
 25 THE CHAIRMAN: Yeah. I would tend to
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1 agree.
 2 COMMISSIONER LOPERA: Through the Chair to
 3 the applicant, yeah, I'd like some sort of
 4 written report. The report that you included
 5 from Holton Construction, that -- that's an
 6 estimate. But, yeah, we would need to see
 7 some -- some more competent evidence because,
 8 in my opinion, you know, as a structural
 9 engineer, most of these things are repairable.
 10 And, you know, concrete lasts quite a long
 11 time. You know, this wall survived many, many
 12 hurricanes and will survive many more. And
 13 there's, you know, a lot of different ways to
 14 repair this.
 15 You know, the caps are nonstructural. You
 16 know, those can be, you know, just formed right
 17 on site. And as far as, like -- even if all
 18 the cells were empty, they can come back in and
 19 add grout after the fact, so there's a lot of
 20 different ways to repair it.
 21 If you're concerned about having to
 22 100 percent remove and demolish it, I would
 23 check -- or I would advise you to check on, you
 24 know, actual repair from a structural engineer
 25 and not from a general contractor because an
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1 engineer is going to have many more options
 2 available that a general contractor may not.
 3 THE CHAIRMAN: All right. So let's --
 4 MR. SESSA: Could I ask a quick question?
 5 I can't --
 6 THE CHAIRMAN: Yeah, come back up real
 7 quick, then -- I'm thinking we should probably
 8 just defer this because --
 9 (Simultaneous speaking.)
 10 MR. SESSA: (Inaudible.)
 11 I did not go the structural engineer
 12 route, so I will do that.
 13 If the structural engineer says it can be
 14 repaired, I guess -- am I allowed to make the
 15 wall a little higher so I don't have two fences
 16 next to each other? Is that okay? To
 17 accommodate the pool behind the wall.
 18 THE CHAIRMAN: If repair was --
 19 (Simultaneous speaking.)
 20 MR. SESSA: (Inaudible.)
 21 THE CHAIRMAN: If repair was an option,
 22 would you even need a wooden fence at that
 23 point?
 24 MR. SESSA: What?
 25 THE CHAIRMAN: I said, if repair was an
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1 option, would you even need the fence at that
 2 point?
 3 MR. SESSA: I thought I did. Am I wrong?
 4 THE CHAIRMAN: It would be solid, if it
 5 was to be taller, right?
 6 MS. LOPERA: To the Chair, that's an
 7 interesting point. Maybe you can -- Arimus can
 8 field this. In terms of the height and opacity
 9 required to have a pool behind -- I don't --
 10 I'm not sure of those requirements.
 11 MR. WELLS: In order to have the pool,
 12 you -- it needs to be a wood fence,
 13 essentially, 85 percent opacity.
 14 Heightwise, you're already triggering the
 15 requirements for an administrative deviation,
 16 so that's a zoning piece. So if you're looking
 17 to go higher, you're still going to need to get
 18 that zoning application -- or zoning relief.
 19 THE CHAIRMAN: I would still -- I would
 20 argue that if we, by chance, you know, get to
 21 that point, if you went higher on the concrete
 22 fence, that we could get past the wooden fence
 23 because it's -- you know, it's solid, but we'll
 24 deal with that when we get there.
 25 Work on some reports. Come back next
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1 month and we'll see what we can figure out.
 2 MR. SESSA: So I -- so I'm clear, go to a
 3 structural engineer, get a report from a
 4 structural engineer if the wall can be repaired
 5 or if it has to be replaced, not a licensed
 6 contractor that --
 7 THE CHAIRMAN: I think that's probably
 8 your best bet, yeah.
 9 MR. SESSA: Okay. Thank you.
 10 COMMISSIONER MONTOYA: And that -- and
 11 just for the record, I just would implore you
 12 to consider not putting a solid fence on
 13 St. Johns Avenue. Like, that is really -- I
 14 mean, that's part of -- not all the time, but
 15 I -- the --
 16 (Simultaneous speaking.)
 17 MR. SESSA: (Inaudible.)
 18 There's -- there are a few between my home
 19 and downtown St. Johns from a prior
 20 presentation --
 21 COMMISSIONER MONTOYA: I'm just saying,
 22 where you are -- I know Bourbon Alley. It's
 23 part of my -- sometimes my running route.
 24 It's, like, there are so many people that --
 25 that is a pedestrian corridor to the
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1 neighborhood, and that's just -- it's just a
 2 recommendation.
 3 COMMISSIONER GREGORY: To touch on what
 4 Mr. Montoya was saying, you have a very
 5 prominent property there, and it's -- a lot of
 6 people recognize it, and the historical
 7 preservation of it would be important, so we --
 8 we would -- take a little extra care on some of
 9 those walls and stuff that people recognize,
 10 characteristic of the neighborhood.
 11 THE CHAIRMAN: Yeah, it's the -- the pool
 12 is triggering the wooden fence, unfortunately.
 13 And there's only so many options there, but
 14 we'll -- we'll discuss and continue to look at
 15 it.
 16 COMMISSIONER MONTOYA: The pool doesn't
 17 require a solid fence. It requires a barrier.
 18 COMMISSIONER GREGORY: You can do the
 19 wrought iron --
 20 (Simultaneous speaking.)
 21 THE CHAIRMAN: Not in the front yard,
 22 though, right?
 23 MR. WELLS: Say that one more time.
 24 THE CHAIRMAN: Not in the front yard,
 25 correct?
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1 MR. WELLS: The front yard, yes, along --
 2 THE CHAIRMAN: Yeah.
 3 (Simultaneous speaking.)
 4 MR. WELLS: -- (inaudible) St. Johns,
 5 yeah, because the pool is going to be located
 6 in the front yard.
 7 (Inaudible) --
 8 THE CHAIRMAN: It does require --
 9 MR. WELLS: Yeah.
 10 THE CHAIRMAN: What's -- what's the
 11 requirement?
 12 COMMISSIONER MONTOYA: A barrier.
 13 COMMISSIONER GREGORY: No, you can --
 14 well, I don't want to -- I mean, I don't want
 15 to speak out of turn, but I would say that --
 16 my experience, you can have, like, a wrought
 17 iron fence with -- they don't have to be solid,
 18 opaque fences for a pool necessarily.
 19 MR. WELLS: It may be a building code
 20 requirement, but in terms of our guidelines --
 21 COMMISSIONER GREGORY: Oh, these
 22 guidelines. Okay --
 23 (Simultaneous speaking.)
 24 MR. WELLS: The fencing guidelines
 25 (inaudible) --
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1 THE CHAIRMAN: (Inaudible.)
 2 That's the sticking point there.
 3 All right. Let's defer COA-23-29140.
 4 Let's move along to New Business. Tolbert
 5 house, that has been deferred as well, so next
 6 month, a lot of fun.
 7 Officer elections.
 8 COMMISSIONER LOPERA: This commission --
 9 Counsel.
 10 MS. LOPERA: So officer -- through the
 11 Chair to the Commission, officer elections are
 12 this time of year. You can nominate a slate;
 13 meaning, one, two, three, and vote as a group,
 14 or you can nominate individual people for each
 15 chair of -- for each position; chair, vice
 16 chair, and secretary.
 17 Nominations don't necessarily have to be
 18 accepted, meaning you can nominate somebody and
 19 they don't have to accept it. They don't have
 20 to be seconded either. So if someone wants to
 21 make a motion to nominate a slate or an
 22 individual person for one of the positions,
 23 that would be great.
 24 COMMISSIONER LOPERA: I would like to
 25 nominate myself to be chairman. I believe J.C.
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1 has done a wonderful job for many years for us
 2 and -- yeah, I remember seeing him chair his
 3 first meeting. And I think both of us were
 4 pretty fresh and he's been crushing it for a
 5 long time and I think that by moving the
 6 positions up every few years that might
 7 introduce some new blood into the vice chair
 8 position and also the secretary position, so --
 9 because I know we've got some newer
 10 commissioners on staff, and I'd like to make
 11 that motion.
 12 THE CHAIRMAN: Can you nominate yourself?
 13 COMMISSIONER LOPERA: Yes. I just can't
 14 second myself.
 15 MS. LOPERA: There's no second required.
 16 Are there any other nominations for Chair?
 17 COMMISSION MEMBERS: (No response.)
 18 MR. WELLS: And, through the Chair, if I
 19 just may add, just keep in mind, you have a
 20 seventh commissioner, too, who's obviously not
 21 here, so -- Commissioner Epstein.
 22 THE CHAIRMAN: Anybody else?
 23 COMMISSIONER MONTOYA: So currently --
 24 COMMISSIONER LOPERA: Can we nominate
 25 people to, like, move up in position?
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1 MS. LOPERA: So you can nominate a slate.
 2 You could say, I nominate for Chair, myself;
 3 vice chair, Commissioner A; for secretary,
 4 Commissioner B.
 5 COMMISSIONER LOPERA: Okay.
 6 MS. LOPERA: Something -- and then you can
 7 vote on a slate if you prefer to do it that
 8 way.
 9 COMMISSIONER LOPERA: Then I would like to
 10 nominate -- well, I've already nominated myself
 11 as the Chair. I'd like to nominate Julia
 12 Epstein to move into the vice chair position,
 13 and I'd like to allow one of the newer
 14 commissioners to nominate themselves for
 15 secretary.
 16 COMMISSIONER GREGORY: It's only my third
 17 meeting, so --
 18 COMMISSIONER LOPERA: Do it. He became
 19 chair at his, like, third meeting. It's
 20 already been done, but -- I don't know. You
 21 guys figure that out.
 22 COMMISSIONER GREGORY: I'll make one
 23 question. This is my third meeting. I may not
 24 be as well-versed as other people. What is
 25 the responsibility of the secretary, vice
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1 chair, and chair, broadly?
 2 COMMISSIONER LOPERA: Finances.
 3 (Simultaneous speaking.)
 4 THE CHAIRMAN: As far as secretary, I
 5 don't want to say "nothing," but nothing. Just
 6 in case the chair and vice chair both can't
 7 make the meeting, then you would chair the
 8 meeting.
 9 MS. LOPERA: Yes, that's --
 10 THE CHAIRMAN: That hasn't happened in a
 11 long time.
 12 MS. LOPERA: According to the bylaws,
 13 that's the only purpose of the secretary. In
 14 the absence of chair and vice chair, you would
 15 be the chair.
 16 COMMISSIONER MONTOYA: Do we know -- I
 17 know Julia is out right now. Has she expressed
 18 an interest in remaining on the -- on the
 19 Commission? I just, you know --
 20 MR. WELLS: Yeah, she's --
 21 COMMISSIONER MONTOYA: She definitely
 22 wants to stay, right?
 23 MR. WELLS: Yeah, she's planning on
 24 returning next month.
 25 COMMISSIONER MONTOYA: And she's been
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1 acting secretary until she took a leave of
 2 absence, right? So that -- I mean, in typical
 3 order of progression, that makes sense.
 4 Max, how long have you been on the
 5 Commission?
 6 COMMISSIONER GLOBER: I've been here for a
 7 while. I don't have an interest in running for
 8 an officer position, but --
 9 COMMISSIONER LOPERA: Olivia, Montoya?
 10 COMMISSIONER MONTOYA: I was just fishing
 11 a little.
 12 COMMISSIONER GLOBER: I'm happy to be
 13 here, but --
 14 I don't want to -- I don't necessarily
 15 want to vote for Ms. Epstein if she's not here,
 16 to promote her to vice president [sic] unless
 17 we know that that's what she wants.
 18 And then --
 19 COMMISSIONER MONTOYA: Do we want to --
 20 COMMISSIONER GLOBER: -- is J.C.
 21 interested in remaining chair?
 22 COMMISSIONER MONTOYA: Yeah, that's a
 23 question. And do we -- and the other question
 24 would be, do we want to make nominations and a
 25 vote at the next meeting or do we need to do
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1 that right now? Since Julia is not here.
 2 THE CHAIRMAN: We'll --
 3 (Simultaneous speaking.)
 4 COMMISSIONER LOPERA: Maybe I should --
 5 maybe I should just remove Julia moving on to
 6 vice chair and let her do it, so I'll just keep
 7 my chair nomination, then.
 8 THE CHAIRMAN: Can we --
 9 COMMISSIONER GREGORY: Is there a timeline
 10 we have to keep with --
 11 (Simultaneous speaking.)
 12 THE CHAIRMAN: Can we defer --
 13 COMMISSIONER MONTOYA: We're overdue, I
 14 think.
 15 COMMISSIONER GREGORY: We're overdue?
 16 MS. LOPERA: Through the Chair, May is
 17 supposed to be the month in which you vote for
 18 officers. We have deferred it to June for a
 19 number of reasons. At your discretion, we
 20 could defer again and --
 21 THE CHAIRMAN: If we're supposed to have
 22 all seven next month, I don't hate it, but --
 23 MS. LOPERA: Well --
 24 COMMISSIONER LOPERA: Well, what if we
 25 don't have all seven?
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1 THE CHAIRMAN: Well, then it'll -- it is
 2 what it is at that point.
 3 COMMISSIONER LOPERA: Like I said, you
 4 don't need -- we don't need a second to
 5 nominate someone. And I would offer this: If
 6 someone was elected to one of these officer
 7 positions and doesn't wish to be in that
 8 position, they could always step down and then
 9 we could vote again, so that's another way to
 10 handle it.
 11 THE CHAIRMAN: Okay, because I've seen --
 12 that's how I rose through the ranks so quickly.
 13 Everybody just moved forward and then, you
 14 know, things -- things hit the fan next month,
 15 so --
 16 COMMISSIONER LOPERA: So do you think it's
 17 okay for us to vote her into vice chair and let
 18 her step down if she wants?
 19 COMMISSIONER GREGORY: Yeah. As long as
 20 there's a --
 21 (Simultaneous speaking.)
 22 COMMISSIONER LOPERA: I like Counsel's
 23 idea.
 24 COMMISSIONER GLOBER: I nominate J.C. for
 25 chair, and then I nominate Olivia for
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1 secretary.
 2 COMMISSIONER FRICK: I politely decline.
 3 No, I really cannot take on anything further at
 4 this juncture.
 5 COMMISSIONER LOPERA: There is no
 6 responsibility --
 7 THE CHAIRMAN: There is no responsibility.
 8 It's just really if the vice chair and the
 9 chair both can't make the meeting, but -- I
 10 don't think that's happened since I had to host
 11 the meeting as a secretary, which would have
 12 been over six years ago.
 13 COMMISSIONER LOPERA: Six years as the
 14 chair.
 15 COMMISSIONER GLOBER: Reluctantly, like
 16 George Washington --
 17 (Simultaneous speaking.)
 18 COMMISSIONER MONTROYA: In voting -- in the
 19 voting, what do we vote on first? Since now we
 20 have two candidates for chair.
 21 MS. LOPERA: You do, so I would suggest
 22 that, because there isn't a full slate for
 23 either one, that we do them individually.
 24 COMMISSIONER MONTROYA: Then I will.
 25 COMMISSIONER GREGORY: I'll nominate
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1 myself, Ethan Gregory, for the secretary. I'll
 2 fall on the sword as long as you guys promise
 3 not to run out on me.
 4 MS. LOPERA: So two nominations for chair,
 5 Commissioner Lopera and Commissioner Demetree;
 6 and the nomination for vice chair would be
 7 Commissioner Epstein; and the nomination for
 8 secretary, Commissioner Gregory.
 9 So let's do those individually, unless
 10 there are more nominations.
 11 THE CHAIRMAN: No.
 12 MS. LOPERA: Okay. So -- I'm not used to
 13 calling for a vote.
 14 THE CHAIRMAN: Do you want me to call for
 15 a vote?
 16 MS. LOPERA: All those in favor of
 17 Commissioner Lopera being the chair say aye.
 18 COMMISSIONER LOPERA: Aye.
 19 MS. LOPERA: All those in --
 20 COMMISSIONER GREGORY: Aye.
 21 THE CHAIRMAN: It doesn't matter. Let's
 22 vote.
 23 MS. LOPERA: Okay. All those in favor of
 24 Commissioner Demetree chairing, aye -- say aye.
 25 THE CHAIRMAN: Aye.
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1 COMMISSIONER MONTROYA: Aye.
 2 COMMISSIONER FRICK: Aye.
 3 COMMISSIONER GLOBER: Aye.
 4 MS. LOPERA: Four.
 5 Okay. Commissioner Demetree is chair.
 6 Vice chair, we have Julia Epstein
 7 nominated. Any other nominations for this?
 8 COMMISSIONER GLOBER: I nominate Andres
 9 for vice chair.
 10 COMMISSIONER LOPERA: I second.
 11 (Simultaneous speaking.)
 12 COMMISSIONER GLOBER: I didn't want to see
 13 a little power play.
 14 (Simultaneous speaking.)
 15 MS. LOPERA: Okay. So let's -- let's take
 16 Commission Epstein first. Commissioner Epstein
 17 for vice chair, all those in favor say aye.
 18 COMMISSIONER GREGORY: Aye.
 19 COMMISSIONER GLOBER: J.C. wants to do it.
 20 (Simultaneous speaking.)
 21 COMMISSIONER GREGORY: No, I take that
 22 back. I got confused here. Okay. I take that
 23 back. Sorry.
 24 MS. LOPERA: Okay. So vice chair, all
 25 those in favor of Commissioner Lopera, please
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1 say aye.
 2 COMMISSION MEMBERS: Aye.
 3 THE CHAIRMAN: It's unanimous.
 4 Secretary, we have Commission Gregory as a
 5 nomination. Any other nominations at this
 6 time?
 7 COMMISSIONER GLOBER: I believe I
 8 nominated Olivia, but --
 9 (Simultaneous speaking.)
 10 MS. LOPERA: If there are no further
 11 nominations, then all those in favor of
 12 Commission Gregory for secretary, please say
 13 aye.
 14 COMMISSION MEMBERS: Aye.
 15 (Simultaneous speaking.)
 16 COMMISSIONER MONTROYA: Congratulations,
 17 Commissioners.
 18 MS. LOPERA: (Inaudible) Chair Demetree,
 19 Vice Chair Lopera, and Secretary Gregory.
 20 Do we have public comment?
 21 MR. MATCHETT: You did not have public
 22 comment.
 23 THE CHAIRMAN: All right.
 24 (Mr. Matchett approaches the podium.)
 25 MR. MATCHETT: Just to fill that box,
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1 I'll --
 2 Steve Matchett, and -- 1065 Rio St. Johns
 3 Drive.
 4 I wasn't going to speak. I was going to
 5 let you all disband and --
 6 THE CHAIRMAN: No, please.
 7 (Simultaneous speaking.)
 8 MR. MATCHETT: -- (inaudible) and tell
 9 Mr. Wells how much we appreciate the work of
 10 this commission last month when you voted to
 11 direct the application for the Arlington
 12 Federal Savings and Loan.
 13 As Commissioner, I believe it was Gregory,
 14 was mentioning something about the horizontal
 15 fence and mid-century. He said it was coming.
 16 Well, mid-century historic is here, and you're
 17 going to have your first application on that
 18 next month.
 19 COMMISSIONER MONTROYA: Excellent.
 20 MR. MATCHETT: It should be a good one.
 21 But in the meantime, as I -- as I
 22 mentioned last month, the Planning Commission
 23 was scheduled to hear an exception for a car
 24 wash at this particular -- at this location.
 25 That is all on hold right now as the Commission
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1 CERTIFICATE OF REPORTER
 2
 3 STATE OF FLORIDA)
)
 4 COUNTY OF DUVAL)
 5
 6
 7 I, Diane M. Tropia, Florida Professional
 8 Reporter, certify that I was authorized to and did
 9 stenographically report the foregoing proceedings and
 10 that the transcript is a true and complete record of my
 11 stenographic notes.
 12
 13
 14
 15 DATED this 10th day of July 2023.
 16
 17 _____
 18 Diane M. Tropia
 Florida Professional Reporter
 19
 20
 21
 22
 23
 24
 25
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1 gets to go through this process. That was
 2 owing to the application and its submittal and
 3 processing, and we thank you for that reprieve
 4 we've gotten in these last two weeks.
 5 And I'll certainly look forward to seeing
 6 you next month and opening that Mid-Century
 7 Modern era for the Preservation Commission.
 8 Thank you.
 9 THE CHAIRMAN: Thank you so much for
 10 staying.
 11 (Simultaneous speaking.)
 12 MS. LOPERA: Did we -- did we adjourn
 13 officially, Chair?
 14 THE CHAIRMAN: Yes, we are adjourned.
 15 (The foregoing proceedings were adjourned
 16 at 6:35 p.m.)
 17 - - -
 18
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 23
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 25
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