

Keri O'Brien

From: Jack Anderson <jandersonkw@gmail.com>
Sent: Monday, February 9, 2026 6:09 AM
To: Keri O'Brien
Cc: Mayor E-Mail; District I; District II; District III; District IV; District V; District VI
Subject: [EXTERNAL] Resolution 26-5037

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Dear Clerk O'Brien:

Would you please have the following entered into the record for the City Commission meeting on 2/11/26:

"Madam Mayor and City Commissioners:

Thank you for starting the discussion to amend HARC rules, and to Commissioner Kaufman for understanding the great emotion surrounding the community's desire to exercise its First Amendment right to self-expression, as it conflicts with current municipal guidelines. I am no attorney, but by introducing Resolution 26-5037, I'm hopeful he has initiated the first step towards overhauling the guidelines, the process of which was recently outlined in emails by the acting City Attorney.

There is a vocal minority in the community who claim strict adherence to HARC guidelines must be enforced, lest we "continue on a path down a slippery slope", where "nonconformance... would set a dangerous precedent that would expose the city to law suits for not granting exemptions for someone else's individual or group's special interest".

Unfortunately, what this misguided individual overlooks with his sophistry is that the City is ALREADY selectively enforcing HARC guidelines where rainbow pickets are involved, while exempting them in numerous other instances. Page 35 of the HARC guidelines is clear about what are compliant colors in the historic district. However, a very brief walking tour of the historic district will reveal non-compliant yellow doors and shutters at 718 Southard; a blue entrance door at 806 Ashe (next to a Ceramic Star for Historic Preservation); pink shutters at 722 Ashe (also next to a Ceramic Star for Historic Preservation); an orange entrance door at 1024 Grinnell; and a purple entrance door at 1022 Catherine. In fact, one of our current HARC commissioners lists on her business website the work her firm did for the historic Coffee Mill. They proudly display photos of a RED fence, yellow trim, and blue shutters – all non-compliant in the historic district. The owner of 810 Georgia Street – the vocal proponent of slavish adherence to exclusively historic colors in the historic district – has non-compliant, purple shutters on his house in the Meadows. I wouldn't presume to suggest they weren't permitted; however, the fact that they exist in the historic district smacks of uneven administration of HARC rules.

Despite the hypocrisy of deciding which guidelines need to be enforced upon his neighbors while ignoring them for himself, our local crusader observes that, "painting fences or other structures with

modern or bold colors are specifically forbidden in HARC's Historic Architectural Guidelines", and that "the HARC Guidelines are based upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. These national standards were implemented to prevent the loss of our historical architectural heritage and are the basis for establishing design guidelines for historic districts."

However, if one drills down on the actual Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, one will find they do not list ANY accepted or proscribed paint colors. Colors need merely be appropriate to the building's historic period and district context. What could be more appropriate to Key West's historic and district context than its rainbow history of tolerance and inclusivity?

Notwithstanding the emotions, nor the question of overwhelming community support for allowing rainbow pickets in Old Town, there is the issue of the law and uneven enforcement. Exceptions are – and have been – made for non-compliant paint colors; I have blue shutters (non-compliant) on my own house in the historic district. Painting my shutters a non-compliant blue was STAFF-APPROVED by Enid Torregrossa herself, and I dare anyone to question her bona fides as an expert in historic preservation. The unfair and uneven application of the exemption process now is what I believe opens the City to litigation. My staff-approved permit for a non-compliant paint color on my shutters cost about ten dollars. However, I was informed by the current historic preservationist that those seeking approval for non-compliant paint colors on their fences are obliged to go before the entire HARC Commission for approval, incurring a disproportionate fee of \$536.00 for the "privilege" of so doing. One must wonder what possible reason there could be for imposing such an undue burden and discriminatory expense upon applicants for rainbow colors on their fences while staff-approving the same rainbow of non-compliant colors for shutters, doors, and trim, which can be found everywhere in the historic district.

When I brought the foregoing examples of non-compliance to the attention of the acting City Attorney, and the fact that the guidelines are being selectively enforced AGAINST residents with rainbow pickets, she responded that she found my observations "interesting". Thus, Madam Mayor and Commissioners, when an attorney finds a question of law "interesting", it might be time to take seriously the predicate on which future lawsuits may be coming.

And as the City deliberates changes to HARC guidelines to accommodate the overwhelming community will, a stay of enforcement regarding paint colors EVERYWHERE (not just on fences) must be implemented, lest you set "a dangerous precedent that would expose the city to law suits for not granting exemptions for someone else's individual or group's special interest."

Thank you for taking up this hot-button issue. Let us please continue to move expeditiously on it, and in so doing, de-escalate this very emotional debate."

Jack Anderson
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(proud recipient of a Ceramic Star of Excellence for Historic Preservation and Restoration)