



CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD  
CITY OF FORT LAUDERDALE  
MONDAY, JUNE 4, 2018 - 5:00 P.M.  
FIRST FLOOR COMMISSION CHAMBER  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>6/2017 through 5/2018</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	P	1	0
George Figler, Vice Chair	P	1	0
Jason Blank [arrived 5:08]	P	1	0
Brenda Flowers	P	1	0
Marilyn Mammano [until 5:30]	P	1	0
Donna Mergenhagen	P	1	0
Arthur Marcus	P	1	0
David Parker	P	1	0
Richard Rosa	P	1	0

**City Staff**

Shari Wallen, Assistant City Attorney  
Trisha Logan, Planner III  
Suellen Robertson, Administrative Assistant  
Jamie Opperee, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

**Motion** made by Mr. Blank, seconded by Mr. Figler, to recommend the City Commission move forward with its review in furtherance of the draft survey as presented to the Historic Preservation Board (HPB), empowering staff with the resources needed to complete and finalize the survey report and for the City Commission to further review the record of this meeting to understand the concerns expressed by the public and the Board, to include the potential economic impacts, environmental impacts, and other ramifications of these possible classifications.

Furthermore, the Board also recommends that the Commission consider for immediate implementation certain recommendations made by staff in the draft survey mainly:

- Inclusion of new language within the Unified Land Development Regulations (ULDR) to define "contributing" and "non-contributing" structures.
- Develop further incentives for locally designated historic landmarks and contributing structures within historic districts. These incentives could include parking exemptions or waivers, setback waivers, and standard tax exemptions.
- Develop an outreach plan to provide educational materials to property owners and neighbors within areas under consideration for further study.

In a roll call vote, motion passed 8-0.

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**1. Call to Order/Pledge of Allegiance**

Chair Kyner called the meeting of the Historic Preservation Board to order at 5:00 p.m.

**II. Determination of Quorum/Approval of Minutes**

Roll was called and it was determined a quorum was present.

**Motion** made by Mr. Figler, seconded by Mr. Marcus, to approve the minutes of the Board's May 2018 meeting. In a voice vote, motion passed unanimously.

**III. Public Sign-in/Swearing-In**

**All members of the public wishing to address the Board on any item were sworn in.**

Board members disclosed communications and site visits they had regarding each case.

**IV. Agenda Items:**

**3. Elect Chair and Vice Chair as per ULDR Sec. 47-32.6 - Meetings and procedures:**

C. The historic preservation board shall elect from its members a chair and a vice-chair at an annual election held in June of each year, who shall serve for terms of one (1) year and who shall be eligible for re-election.

Ms. Mammano nominated Mr. Kyner for Chair, seconded by Mr. Marcus. In a roll call vote, Mr. Kyner was elected unanimously.

Ms. Mammano nominated Mr. Figler for Vice Chair, seconded by Mr. Marcus. In a roll call vote, Mr. Figler was elected unanimously.

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<b>Case</b>	H18008	<b>FMSF#</b>	
<b>Owner</b>	Kenneth Powell and James Paras		
<b>Applicant</b>	<b>Kenneth Powell and James Paras</b>		
<b>Address</b>	709 SW 4 <sup>th</sup> Place		
<b>General Location</b>	Approximately 110'-0" west of the intersection of SW 4 <sup>th</sup> Place and SW 7 <sup>th</sup> Avenue, on the north side of the SW 4 <sup>th</sup> Place.		
<b>Legal Description</b>	RIO ALTA RESUB BLK 34 FT LAUDERDALE 7-19 B LOT 10 W 37.5, LOT 11 W 37.5, LOT 12 BLK 34		
<b>Existing Use</b>	Residential		
<b>Proposed Use</b>	Residential		
<b>Zoning</b>	RS-8		
<b>Applicable ULDR Sections</b>	47-24.11.C.3.c.i, 47-24.11.C.3.c.ii, 47-17.7.B		
<b>Request</b>	Certificate of Appropriateness for Major Alteration: <ul style="list-style-type: none"> <li>• Rehabilitation of the existing one-story residential structure, alterations to the rear of the existing one-story residential structure, and construction of a two-story addition to the rear of the existing one-story residence.</li> </ul>		

[See staff report attached hereto]

Ms. Logan reviewed the staff report and concluded with:

In accordance with Sections 47-17.7.B and 47-24.11.C.3.c.ii of the ULDR staff recommends that the application for a COA for the rehabilitation of the existing one-story residence, alterations to the rear façade, and, a major alteration to construct a two-story addition at 709 SW 4<sup>th</sup> Place to be **Approved with the following Conditions:**

1. All glass shall be clear with the option of a low-e coating; and,
2. Applicant shall provide a protection plan for the historic structure located on site during construction activity to be submitted to the Urban Design and Planning Division, HPB Liaison, prior to submitting for permits; and,
3. Limit the width of the driveway approach on SW 4<sup>th</sup> Court to a width of 12'-0" to reduce the impact of paved interruptions along SW 4<sup>th</sup> Court with the ability to widen the paving to the proposed width as the paving approaches the garage doors.
4. The applicant is required to contract with an archeologist to provide a shovel test survey that includes samples from throughout the project site and states whether the development site holds archeological significance. The archeologist must

state within the report if further testing on the site is required and/or if monitoring by the archeologist is required during ground disturbing activity once construction commences. The shovel test survey and any further preliminary testing recommended by the archeologist must be provided prior to permitting and if monitoring is required, a final report must be submitted to the Urban Design and Planning Division, Historic Preservation Board Liaison within 45 days following the completion of the ground disturbing work; and,

5. This application is subject to the approval by Zoning, Building, and all other ULDR requirements.

Kenneth Powell, owner, reported the home had not been occupied for 20 years. After purchasing the home, they had immediately replaced the roof to avoid any further deterioration. He stated the new addition's roof would match the roof on the house.

Mr. Powel explained the house had a concrete stem foundation and was made of Dade County pine. They planned to replace rotted shiplap siding with a matching pattern. They also planned to replace the plumbing and electrical work. The new addition would be concrete block and the finish would be stucco, which would be smooth on the first level and would be trowled to resemble the shiplap on the second.

Mr. Powell felt this renovation would be an improvement to the neighborhood and asked the Board to approve it.

Ms. Mammano asked why they would use stucco on the new addition's second floor instead of wood siding. Mr. Powell replied that he did not believe wood was a good choice for exterior siding in Florida. Ms. Mammano liked this feature, and Mr. Powell stated they were making the first level smooth so it did not duplicate the finish on the existing building.

Mr. Marcus questioned the staff memo, which stated, regarding the exterior wall materials, "...it is recommended to use materials that match or complement the materials found on the existing building..." He thought the Secretary of the Interior's Guidelines dictated that the materials should be different on the new construction.

Ms. Logan agreed that the Secretary of the Interior's guidelines indicated the addition should be different but this did not mean it must be a different material. She explained that there were standards from which to choose, and with a wood structure, one should not utilize a "superior" material such as brick or stone; stucco was more appropriate.

Mr. Marcus suggested the spacing of the lines in the stucco be different from the spacing of the shiplap to differentiate the structures but Mr. Logan said this was not necessary when other measures were being taken to differentiate the new addition. In this case, the placement and setbacks made it clear that this was an addition.

Chair Kyner opened the public input portion of the meeting.

The Chair of the Sailboat Bend Civic Association new building group said the owners had made a presentation to the group on April 11 and everyone present at the meeting had voted in favor of the project.

There being no one else present wishing to address the Board on this matter, Chair Kyner closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Figler, seconded by Mr. Parker to approve the request for a Certificate of Appropriateness under case number H18008 for the rehabilitation of the existing one-story residence, alterations to the rear façade, and a major alteration to construct a two-story addition at 709 SW 4<sup>th</sup> Place based on a finding these requests are consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and comply with the Historic Design Guidelines, as outlined in the above staff memorandum, subject to the following conditions:

1. All glass shall be clear with the option of a low-e coating; and,
2. Applicant shall provide a protection plan for the historic structure located on site during construction activity to be submitted to the Urban Design and Planning Division, HPB Liaison, prior to submitting for permits; and,
3. Limit the width of the driveway approach on SW 4th Court to a width of 12'-0" to reduce the impact of paved interruptions along SW 4th Court with the ability to widen the paving to the proposed width as the paving approaches the garage doors.
4. The applicant is required to contract with an archeologist to provide a shovel test survey that includes samples from throughout the project site and states whether the development site holds archeological significance. The archeologist must state within the report if further testing on the site is required and/or if monitoring by the archeologist is required during ground disturbing activity once construction commences. The shovel test survey and any further preliminary testing recommended by the archeologist must be provided prior to permitting and if monitoring is required, a final report must be submitted to the Urban Design and Planning Division, Historic Preservation Board Liaison within 45 days following the completion of the ground disturbing work; and,
5. This application is subject to the approval by Zoning, Building, and all other ULDR requirements.

In a roll call vote, motion passed 9-0.

Ms. Mammano left the meeting at 5:30.

**VI. Good of the City**

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**1. Presentation by Patricia Zeiler, Executive Director of the Fort Lauderdale Historical Society, on new Florida Stories Walking Tour.**

Ms. Zeiler said this tour was the first in Broward County. The tour had 12 stops, per the Florida Humanities Council requirements. She gave a Power Point presentation describing the stops on the tour, a copy of which is attached to these minutes for the public record.

Ms. Zeiler informed the Board that they would be invited to the launch party, which would take place in October during National Humanities Month.

**2. Presentation by staff on the findings and recommendations of the update to the Central Beach Architectural Resource Survey.**

Anthony Fajardo, Director of the Department of Sustainable Development, said this was a draft update for the Central Beach Master Plan. Staff had updated the properties per the City Commission's direction. He emphasized that this was a draft document and they were not designating any properties. Mr. Fajardo remarked that there would be community outreach and discussion in the future.

Ms. Logan provided a Power Point presentation, a copy of which is attached to these minutes for the public record. She concluded with next steps:

- Inclusion of new language within the Unified Land Development Regulations (ULDR) to define "contributing" and "non-contributing" structures.
- Develop further incentives for locally designated historic landmarks and contributing structures within historic districts. These incentives could include parking exemptions or waivers, setback waivers, and standard tax exemptions.
- Put a temporary moratorium on the area to allow time for additional research
- Develop an outreach plan to provide educational materials to property owners and neighbors within areas under consideration for further study.

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If any property was proposed for designation in the future, the process would go through the HPB and the City Commission. District designation must also go through the Planning and Zoning Board. If they considered a thematic district, this would require further research and an update to the ULDR.

Ms. Logan explained that a contributing structure exhibited qualities of the time period of historical significance and architectural qualities outlined in a designation report; it was not simply a matter of age.

Ms. Logan reviewed the definitions included in the report on pages 5, 6 and 7: Historic District; Historic Landmark; Historic Designation Criteria; Contributing and Non-contributing.

Regarding the designation criteria, Chair Kyner said a property only needed to meet one criterion and that characteristics other than architecture could make a structure significant and therefore be considered contributing. Considerations included historical events and/or people, significance in a community, archeological remains, an historical monument.

Ms. Logan reviewed the incentives for property owners. There was a 10-year ad valorem tax increase freeze on the assessed value from improvements; the Broward County Historical Exemption for historic commercial or non-profit property that was open to the public; the Florida Building Code for Historic Structures exemptions; Federal Emergency Management Agency (FEMA) Historic Structure exemptions though the national flood plain insurance program.

Mr. Marcus asked if a thematic historic district could be created for a compilation of one architects' work and Ms. Logan said it was possible, if it was in the code, but it was not yet.

Ms. Mergenhagen asked for an example of a thematic historic district and Ms. Logan explained this was used in the National Register to highlight types or styles of structures or architects. There was a Women's Club thematic district covering the State of Florida and a Bungalow District in Portland, Oregon. Mr. Figler noted the Frank Lloyd Wright thematic district in Oak Park, Illinois.

Mr. Blank had been concerned about the direction in which this seemed to be moving but felt the report and conclusions were conflicting. He asked if Ms. Logan was recommending that no district be designated a historic but that certain structures should be considered for individual designation and that the "thematic" historic district considered to put in place up and down the beach.

Ms. Logan explained there were three possibilities:

1. Creating a traditional historic district for the Sunrise Lane and Birch Estates area, but with modified boundaries of what was surveyed
2. Designating a few individual properties as Landmarks
3. Exploring thematic districts that could highlight building types or architects

Mr. Blank asked if impact on property owners had been studied and Ms. Logan said the survey did not consider that. Mr. Blank asked if the recommendations were fluid and Ms. Logan said they were not. Mr. Fajardo stated the definitions and terminologies were not fluid but the map could be, based on what the City Commission directed and based on possible further research.

Mr. Blank pointed out that property owners in these areas were very concerned about the impact designation could have on their properties. He believed they needed to get more information about that prior to moving forward.

Mr. Blank asked if they had anything in the City's history that described how designation had affected a property owner's financial interests. Mr. Fajardo recalled that when they had set up the H-1 historic district in the 1980s, they had not specifically named which buildings were contributing and non-contributing, so every building in the district must come before the HPB when a change was requested. They were aware of the changes needed to the ordinance to address the community's concerns.

Mr. Fajardo reported that if staff was instructed to move forward, there would be significant public outreach.

Ms. Mergenhagen felt this was an excellent first step and it would give people a better understanding of what was realistic regarding recognizing and honoring structures or areas on the beach.

Mr. Fajardo wanted the Board to provide their initial thoughts about the survey to the City Commission. Mr. Rosa asked when in the process staff would study the economic impact of designation and Mr. Fajardo replied this would depend on the City Commission, as funding would be required.

#### Public Comment

Eduardo Fernandez, general manager of the Sonesta Hotel and owner of two other properties in the beach area, described renovation work they had done on the hotel and said he and other property and business owners were concerned this would hamper growth, development and improvements.

Dayaldas Lalwani, property owner in the area, said his family had owned businesses in this area for 40 years and he was very concerned. He thought that performing the survey had been premature without first having clear definitions. He was worried the City Commission would not allocate funds for an economic impact study. Mr. Lalwani explained his family's goal had always been to improve the beach and they felt they had been ignored by the City Commission as Las Olas received funding and hosted events. He felt designation would take away owners' ability to make their own improvements and could harm their property values.

Brandon Lopez, President of Villa Madrid Co-op Apartments on Harbor Drive, felt Harbor Drive had been forgotten by the City and it was time to beautify the area. He wanted to know what his neighbors and the City could do to improve the area and preserve historical values.



Eric Kozlowski, owner of Primanti Brothers Restaurant, wondered if the impacts of climate change and sea level rise would be taken into consideration when rehabilitating structures after a storm. Ms. Logan informed Mr. Kozlowski that in-kind replacements and repair work could be done administratively. Mr. Kozlowski said his building had been inundated by the sea in 2012 and 2017. He wondered if property owners would be permitted to prepare their properties for climate change if they were historically designated.

Dev Motwani, President of Merrimack Ventures, said two of his properties had been historically designated and another was potentially a contributing structure. He stated the adjacent lot had been purchased by his father in 1994 with the intent to redevelop it. He believed historic preservation was important but it must preserve property values. Mr. Motwani opposed creating an historic district.

Debbie Rosenbaum, President of the Central Beach Alliance, explained that their directive was advancing and enhancing responsible development for the central beach area. She invited HPB members to make a presentation on this survey to her board. Ms. Wallen explained that due to Sunshine Law regulations, the Board should not do this. Mr. Blank asserted that the Central Beach Alliance should request City staff make the presentation.

Abby Laughlin, North Beach Village resident, said preservation must be a partnership between property owners and the City and she felt the City had disregarded the neighborhood by not performing any outreach yet. She believed this amounted to rezoning, disruption/constraint of property rights, and it equaled a taking. Ms. Laughlin did not object to the survey, but to the recommendations from staff. She asked the Board to defer this item until public participation had occurred. Ms. Wallen said the public outreach would take place after staff received direction from the City Commission.

Tim Schiavone, owner of the Parrot Lounge and another property in the area, felt there had been miscommunication and asked the Board to recommend the process be changed. Mr. Schiavone noted that some property owners considered this a taking. He stated he had worked since he was 22 years old to get to be 67 and consider the possibility of flipping his land or sharing it with his partner without restriction. He suggested the City buy historic properties and maintain them.

Monty Lalwani, property owner in the area, said property owners were afraid they would not be given a fair chance to fight this. He stated his family had built a real estate empire and businesses here. Their goal was to eventually accumulate a large number of properties and redevelop them.

Victoria Mowrey, beach resident, said her residence was not affected by this but she did not believe this would be good for her friends and neighbors. She feared the City Commission could make the draft a reality on July 10.

Russell Dion, property owner, said he and his partner did not want incentives for designation; they wanted self-determination for their lives and properties. He felt the draft was inadequate and did not understand why this section of the beach was chosen for the survey. He said the laws regarding historical designation were antiquated and poorly written and should be rewritten before the survey was conducted. Mr. Dion stated the burden designation placed on property owners was onerous.

Stephen Gonley discussed his experience with preservation regarding a building he owned in a landmarked section of Brooklyn. He discussed flooding problems at his co-op on Orten Avenue after a recent King Tide. He wondered how designation would address this.

Courtney Crush, attorney, said she had spoken with several clients who owned property in the area and who informed her they had not had time to review the report sufficiently. The owners wanted time to further digest the report and have discussions about it. Ms. Crush wanted the community to return next month to discuss this with the Board before the Board made any recommendations to the City Commission.

Joe Kaplan, property owner in the area said he was very concerned about the city's plan to designate this area. He felt the City had "a bigger agenda that we don't know about" and they were "stealing my future." Mr. Kaplan feared that if his building were designated, it would become useless to him.

End public comments

Ms. Mergenhagen said it was clear from the public comments that the purpose of the survey was misunderstood. Residents and property owners discussed the lack of attention this area had received from the City, and she pointed out that this survey was the first step in creating a master plan for the beach. She said the Board was not voting on anything; this was research that had been initiated 10 years ago. She recommended this be presented to the City Commission.

Mr. Marcus felt the City needs to reconsider the process and get the neighborhoods involved sooner, providing better outreach.

Mr. Figler reported he had been involved in many workshops in the past and stated the City did a very good job with public outreach and he was certain that would be the case with this report.

Mr. Blank commented that certain points needed to be explored and some points needed to be addressed, such as potential modifications to the administrative process, especially after a state of emergency had been declared. He wanted to discuss future steps in greater detail. Mr. Blank thought the Board must keep a keen eye on this to ensure that the City went through the process properly.

Regarding the economic impact of historic districts, Chair Kyner cited his own experience purchasing an old building in Manhattan in the 1980s that he had sold for 1,000 times what he had paid for it because everyone in the neighborhood wanted to improve. He recalled that Sailboat Bend had been a “shady” area when it was first designated and property values had since increased tremendously.

Regarding taking of property by the government due to historic designation, Chair Kyner added that the U.S. Supreme Court had ruled that a property owner was not entitled to maximum return on his/her property. Chair Kyner believed that everyone on the beach would “cash out” but he believed they would cash out more if the area was desirable.

#### **V. Communication to the City Commission**

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Mr. Figler wanted to support staff’s work and move this forward to the City Commission, with the caveat that the environmental and economic impacts to property owners be kept in mind.

Mr. Blank suggested the Board send a communication to the City Commission stating the Board supported giving staff what was needed to finalize the study and to recommend that economic and environmental impact studies be completed, and that the code be reviewed for potential modification to streamline the administrative processes when a State of Emergency had been declared by the Governor or the President and that property owners needing to appear before the HPB requesting modifications or changes to their designated properties have an easier time doing so.

Mr. Fajardo explained that as a rule, staff approved like-for-like repairs relatively quickly. After an emergency, the City dedicated more resources to processing permits.

Ms. Mergenhagen pointed out that the City had an active Climate Change Task Force and wondered why they would require the City to study environmental/climate change issues vis a vis this survey; that should be the purview of the Climate Change Task Force. Mr. Fajardo reported they would partner with the Sustainability Division.

Ms. Logan explained that FEMA provided some funds to the owners of designated properties after a natural disaster to assist with repairs. Guidelines and protocols provided by the State Historic Preservation Office and FEMA through Section 106 regulations were followed during the last hurricane season and information was provided to property owners.

Chair Kyner wanted to move the survey forward with the caveat that property owners' concerns be addressed.

Mr. Fajardo pointed out that the many recommendations in the memo were actually options the City Commission could consider.

Mr. Parker commended staff and noted the survey was a very important starting point.

Mr. Fajardo informed the Board that if help was needed, the appropriate City division would help or a consultant could be hired.

Chair Kyner advised that the City Commission should concentrate on one or two of the options, not all of them.

Mr. Rosa noted that Sailboat Bend had lagged behind other areas of the City in improving. He was concerned that the thematic designation would delay some areas from being improved as fast as other areas and thought this was unfair. He wanted to know more about thematic designation and what it entailed.

Chair Kyner reviewed the options to which he felt no one could object:

- Inclusion of new language within the Unified Land Development Regulations (ULDR) to define "contributing" and "non-contributing" structures.
- Develop further incentives for locally designated historic landmarks and contributing structures within historic districts. These incentives could include parking exemptions or waivers, setback waivers, and standard tax exemptions.
- Develop an outreach plan to provide educational materials to property owners and neighbors within areas under consideration for further study.

Chair Kyner felt comfortable recommending the City Commission pursue these options. Mr. Blank said cautioned that those recommendations had been made in moving forward with the proposed recommendations "as outlined above," which meant the recommendations applied to the areas in the survey, not City-wide. He would agree that the City Commission should consider implementing those options City-wide.

Mr. Fajardo emphasized that staff's intent was to apply the recommendations City-wide. They also wanted to clean up the designation process up for existing and future districts. Mr. Blank suggested the Board's communications center on the survey only first; if the Board wanted to make additional suggestions about recommendations to implement City-wide, they could create additional communications.

**Motion** made by Mr. Blank, seconded by Mr. Figler, to recommend the City Commission move forward with its review in furtherance of the draft survey as presented to the HPB, empowering staff with the resources needed to complete and

finalize the survey report and for the City Commission to further review the record of this meeting to understand the concerns expressed by the public and the Board, to include the potential economic impacts, environmental impacts, and other ramifications of these possible classifications.

Furthermore, the Board also recommends that the Commission consider for immediate implementation certain recommendations made by staff in the draft survey mainly:

- Inclusion of new language within the Unified Land Development Regulations (ULDR) to define "contributing" and "non-contributing" structures.
- Develop further incentives for locally designated historic landmarks and contributing structures within historic districts. These incentives could include parking exemptions or waivers, setback waivers, and standard tax exemptions.
- Develop an outreach plan to provide educational materials to property owners and neighbors within areas under consideration for further study.

The Board discussed whether or not to include the Board's acceptance of the validity and methodology of the survey, Mr. Blank objected because this was a draft document and refused to add this to his motion.

In a roll call vote, **motion** passed 8-0.

#### **Other Board Discussion**

Ms. Mergenhagen asked if the saloon on 2<sup>nd</sup> Street had installed the mosaic as required. Chair Kyner confirmed the mosaic was in place, but it was being blocked by a refrigerator. Ms. Logan said the refrigerator did not appear to be permanently installed.

#### **Adjournment**


There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

Attest:



ProtoType Inc. Recording Secretary

Chairman,



David Kyner, Chair

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results:

<http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board>

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.