



CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, DECEMBER 2, 2019 - 5:00 P.M.
CITY HALL COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>6/2019 through 5/2020</u>	
		<u>Present</u>	<u>Absent</u>
George Figler, Chair	P	5	1
Jason Blank, Vice Chair	P	5	1
Caldwell Cooper	A	2	1
Marilyn Mammano [until 6:58]	P	5	1
Donna Mergenhagen	P	4	2
Arthur Marcus	P	6	0
David Parker	P	6	0
Richard Rosa	P	4	2
Tim Schiavone	A	5	1

City Staff

Shari Wallen, Assistant City Attorney
Trisha Logan, Urban Planner III
Yvonne Redding, Urban Planner III
Jamie Opperee, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Ms. Mammano, seconded by Mr. Marcus, to send a Communication to the City Commission regarding the Historic Preservation Board's review of the Henry E. Kinney Tunnel Top Plaza project with the following suggestions:

1. The decorative elements should be designed at a later date than the construction of the tunnel top park and that the design of the decorative elements should be subject to a design competition; and
2. That particular concern be paid to making the Stranahan House visually and physically accessible and part of the plaza; and
3. To consider using the ventilation tower for a historical and educational element; and
4. Because the Board sees the expanded public benefit the Board is in favor of the plaza even if it affects the tunnel's eligibility for the National Register of Historic Places; and
5. Shade trees should be included; and
6. Recommendations from the staff report:
 - a. Construction of the new plaza shall not negatively impact the nearby Historic Landmark, the Stranahan House, and protection from construction debris and construction equipment shall be provided, as necessary. A protection plan must be submitted to the Historic Preservation Board Liaison prior to applying for building permits.
 - b. The Henry E. Kinney Tunnel and all features of the existing tunnel entrance and side walls shall be documented through detailed measured drawings using HABS/HAER (Historic American Buildings Survey/Historic American Engineering Record) standard.

These drawings shall be utilized in the reconstruction of portions of the wall as specified as part of this application and shall be submitted to the Prints and Photographs Division of the Library of Congress. Drawings must also be submitted to the Historic Preservation Board Liaison prior to applying for building permits. If complete original drawings are available, it may be possible for them to be utilized as documentation by providing a complete copy to the Historic Preservation Board Liaison prior applying for building permits.

- c. As part of any proposal for the reconstruction of elements called out in the plan it shall be clear how the original elements and reconstructed modern elements are differentiated so as not to portray a false sense of history.
- d. Coordinate with the Historic Preservation Board Liaison on a proposed plaque, video, or other signage program highlighting the history of the site.
- e. Retain existing dedication plaque on south wall of north entrance to be re-installed on the site.

In a voice vote, motion passed unanimously.

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1. PLN-HP-COA-1910002	AWH&T Investment, LLC – Thomas Assouline	2
2. PLN-HP-COA-19110001	City of Fort Lauderdale/Christine Fanchi	4
	Communication to the City Commission	7
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I. Call to Order/Pledge of Allegiance

The meeting of the Historic Preservation Board was called 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.

Ms. Wallen noted that Assistant City Attorney Spence attended the November meeting.

Motion made by Ms. Mergenhagen, seconded by Ms. Mammano to approve the minutes of the Board's November 2019 meeting as amended. In a voice vote, motion passed 7-0.

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 for each agenda item.

IV. Agenda Items:

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REQUEST: Certificate of Appropriateness for Major Alteration

- After-the-fact placement of a 6'-0" high horizontal plank wood fence, proposed to be reduced to 4'-0" in height.

Case Number	PLN-HP-19100002	FMSF#	
Owner	AWH&T Investment LLC; Thomas Assouline		
Applicant	AWH&T Investment LLC; Thomas Assouline		
Address	729 SW 4 th Court		
General Location	Northeast corner of SW 4 th Court and SW 8 th Avenue		
Legal Description	BRYAN SUB BLK 33 FT LAUD 1-29 D LOT 32,34,36		
Existing Use	Multi-Family Residential		
Proposed Use	Multi-Family Residential		
Zoning	RML-25		
Applicable ULDR Sections	47-24.11.D.3.c.i, 47-17.7.B		
Authored By	Trisha Logan, Urban Planner III		

[See staff report attached hereto]

Ms. Logan reviewed the staff report, which concluded with:
 Staff finds that the application for a COA for major alterations under case number PLN-HP-19100002 located at 729 SW 4th Court partially meets the criteria as outlined in Section 47-24.11.D.3.c.i. of the ULDR, and partially meets the criterion for consideration of fence materials as listed under 47-17.7.B.2.a. of the ULDR.

Thomas Assouline, owner, said after meeting with Ms. Logan, he had decided to reduce the height of the fence to four feet all around the property. Ms. Logan said the design guidelines stated a maximum height of three feet but the Board could make a determination to allow a four-foot fence. The Board could also determine if the style was acceptable. Mr. Marcus suggested Mr. Assouline add landscaping to soften the look of the fence.

The Board and Ms. Logan discussed whether the styles mentioned in the code limited applicants' choices. Ms. Logan explained that any style specifically listed could be approved administratively, if it met all other criteria. Any style not specifically mentioned would be brought to the Board to make a determination that the style was appropriate.

Chair Figler opened the public input portion of the meeting. There being no one present wishing to address the Board on this matter, Chair Figler closed the public hearing and brought the discussion back to the Board.

Since the Board had the ability to approve a style not specifically mentioned in the code, Chair Figler thought they should consider the possibility of setting a precedent but Ms. Wallen said each decision the Board made was for one particular case, based on the facts of that case.

Motion made by Mr. Mammano, seconded by Mr. Marcus, to:

Approve the resolution for a Certificate of Appropriateness under case number PLN-HP-19100002 located at 729 SW 4th Court for major alterations for a four-foot fence and gates based on the finding that the horizontal nature of the fence is in keeping with the horizontal architectural quality of the property.

In a voice vote, motion passed 7-0.

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REQUEST: Historic Preservation Board Review and Comment on Tunnel Top Plaza located at the National Register Eligible Henry E. Kinney Tunnel

Case Number	PLN-HP-19110001	FMSF#	8BD4504
Owner	City of Fort Lauderdale		
Applicant	Christine Fanchi, Project Manager		
Address	600 E. Las Olas Boulevard		
General Location	Intersection of East Las Olas Boulevard and South Federal Highway		
Legal Description	<p>A PORTION OF RIGHT OF WAY AT THE INTERSECTION OF EAST LAS OLAS BOULEVARD AND SOUTH FEDERAL HIGHWAY IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 42 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>BEGIN AT THE NORTHEAST CORNER OF TRACT 2, "BURNHAM'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 87°34'20" WEST ALONG THE NORTH LINE OF SAID TRACT 2 AND ALSO BEING THE SOUTH RIGHT OF WAY LINE OF EAST LAS OLAS BOULEVARD, A DISTANCE OF 23.00 FEET; THENCE NORTH 02°33'11" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 88°05'12" EAST, A DISTANCE OF 36.70 FEET; THENCE NORTH 01°54'48" WEST, A DISTANCE OF 75.00 FEET; THENCE NORTH 88°05'12" EAST, A DISTANCE OF 67.00 FEET; THENCE SOUTH 01°54'48" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 88°05' 12" EAST, A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTH FEDERAL HIGHWAY AND ALSO BEING THE WEST LINE OF LOT 7, BLOCK "8", "EDGEWATER ADDITION CORRECTED PLAT", ACCORDING TO THE PLAT THEREOF. RECORDED IN PLAT BOOK 2, PAGE 73, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE SOUTH 01°54'48" EAST ALONG SAID WEST LINE AND THE SOUTHERLY EXTENSION THEREOF. a distance of 67.52 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST LAS OLAS BOULEVARD AND ALSO BEING THE NORTH LINE OF THE PLAT "RE-SUBDIVISION OF BLOCK "A" EDGEWATER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO PREVIOUSLY KNOWN AS BLOCK "A", "EDGEWATER ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 123, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE SOUTH 88°02' 12" WEST, A DISTANCE OF 10.09 FEET TO THE NORTHWEST CORNER OF SAID PLAT, BOOK 2, PAGE 6, AS IT NOW EXISTS; THENCE SOUTH 01°54'48" EAST, ALONG THE EAST LINE OF SAID PLAT, BOOK 2, PAGE 6, ALSO BEING THE EAST RIGHT OF WAY OF SOUTH FEDERAL HIGHWAY, A DISTANCE</p>		

	<p>OF 11.00 FEET; THENCE SOUTH 87°58'17" WEST. A DISTANCE OF 95.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH FEDERAL HIGHWAY AND ALSO BEING THE EAST LINE OF SAID TRACT 2; THENCE NORTH 01°54'48" WEST, ALONG SAID EAST PROPERTY LINE AND WEST RIGHT OF WAY OF SOUTH FEDERAL HIGHWAY, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.</p> <p>SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 14636 SQUARE FEET OR 0.3360 ACRES, MORE OR LESS.</p>
Existing Use	Tunnel
Proposed Use	Tunnel Top Plaza
Zoning	RML-25
Applicable ULDR Sections	<i>City of Fort Lauderdale Comprehensive Plan (Ordinance C-15-08) Volume I – Historic Preservation Element</i>
Authored By	Trisha Logan, Urban Planner III

[See staff report attached hereto]

Ms. Logan reviewed the staff report, which concluded with:
 The proposed construction of the Tunnel Top Plaza will have a significant impact on the visual nature of the existing tunnel and its relationship to the surrounding area and will most likely impact its ability to qualify for the National Register of Historic Places, especially under Criterion C for architecture.

Staff suggests that the following remarks be taken into consideration by the Historic Preservation Board in any motion made to provide a record of comments:

1. Construction of the new plaza shall not negatively impact the nearby Historic Landmark, the Stranahan House, and protection from construction debris and construction equipment shall be provided, as necessary. A protection plan must be submitted to the Historic Preservation Board Liaison prior to applying for building permits.
2. The Kinney E. Tunnel and all features of the existing tunnel entrance and side walls shall be documented through detailed measured drawings using HABS/HAER (Historic American Buildings Survey/Historic American Engineering Record) standard. These drawings shall be utilized in the reconstruction of portions of the wall as specified as part of this application and shall be submitted to the Prints and Photographs Division of the Library of Congress. Drawings must also be submitted to the Historic Preservation Board Liaison prior to applying for building permits. If complete original drawings are available, it may be possible for them to be utilized as documentation by providing a complete copy to the Historic Preservation Board Liaison prior applying for building permits.
3. As part of any proposal for the reconstruction of elements called out in the plan it shall be clear how the original elements and reconstructed modern elements are differentiated so as not to portray a false sense of history.
4. Coordinate with the Historic Preservation Board Liaison on a proposed plaque, video, or other signage program highlighting the history of the site.
5. Retain existing dedication plaque on south wall of north entrance to be re-installed on the site.

Christine Fanchi, City Transportation Engineering Design Manager and Project Manager for this project in conjunction with the Florida Department of Transportation, explained that the State of Florida owned the tunnel and had programmed a rehabilitation project and the City wanted to take the opportunity to explore creating a plaza on top of a portion of the tunnel. She provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Mammano expressed concern about landscaping that seemed to obscure Stranahan House and restrict pedestrian access to it. Ms. Fanchi explained that the large trees on the rendering already existed on Stranahan House property and would remain. There was also a gate in the fence to access Stranahan House. Mr. Marcus Wanted to see more shade trees/structures.

Ms. Fanchi said the ventilation tower could be made smaller. Ms. Mammano said the current design of the camouflage was too obtrusive and suggested making it shorter and perhaps utilizing landscaping. Ms. Mergenhagen and Mr. Blank suggested creating a historical educational design feature to surround the vent, perhaps including video.

Mr. Marcus asked if the Board would see the completed design and Ms. Fanchi informed him that she could bring back the 60% design or the Board could be invited to attend the next public meeting. Mr. Marcus wanted the landscape architects to consider integrating the surrounding blank walls into the design. Also, the park design could engage Stranahan House more. Ms. Fanchi noted that the surrounding walls were private property, so that would be a separate project.

Mr. Blank felt the design seemed out of place, regardless of the designers' contention that it mimicked a hardwood hammock. He suggested the design reflect Florida more and perhaps engaging a local landscape architect. He also wanted to direct traffic along the Stranahan House fence line to draw attention to the house. Mr. Marcus wanted to ensure that structural engineers were consulted regarding proposed structures' ability to withstand hurricane force winds.

Ms. Fanchi would have the designer update the presentation for the December 17 Commission conference meeting. Chair Figler suggested holding an international competition for the design for this historic location but Ms. Fanchi said there was not time. Chair Figler stated that he would like for the Board to have more input before the final design decision was made. Ms. Fanchi explained that the rehabilitation project for the tunnel was delayed by FDOT to allow the City time to work on the plaza project. Mr. Marcus and Chair Figler wanted more than one design from which they could choose.

Chair Figler liked the overall concept of the plaza extending to the river but wanted to slow down the process to ensure they got the design "right instead of fast."

Ms. Mammano noted that the staff recommendations included preventing the construction from negatively affecting Stranahan House and suggested that this protection be extended to the design of the new plaza. The design should be sensitive to and inclusive of the Stranahan House.

Ms. Mergenhagen suggested separating the structural work from the plaza design, to allow time for a design contest for the plaza.

Lynn Kelly, Florida Department of Transportation, said her concern was for potential adverse impact on the historic structure, the Henry E. Kinney Tunnel, which could affect its eligibility for inclusion on the National Register of Historic Places. They had already had several meetings with the Division of Historic Resources (DHR) and she thought that after they submitted their "effects" document, DHR would conclude that this was an adverse effect and they must then determine how to minimize that. Ms. Kelly said the DHR was mostly concerned about the structural element, not the design of the plaza. Mr. Marcus felt the public benefit of the redesign with the plaza far outweighed the effect that may have on the structure's eligibility for the National Register of Historic Places in the future. He also wanted there to be at least two options for the City Commission.

Ms. Kelly said the reason the schedule was so tight was because of the schedule for FDOT's rehabilitation work was already programmed and the money must be spent in the years it was there. She added that there would be significant traffic disruption and wanted this to happen only once.

Ms. Kelly had met with Stranahan House representatives, where they indicated they were "fairly content" with the project but wanted to be sure that their access was not blocked. She intended to meet with them again the following week with her historic consultant. Ms. Kelly said they must also consider mitigation, which could take on many forms. She felt using a camouflage for the ventilation structure for historic education was a good idea and wanted to discuss tying the entire site together with the history.

Ms. Fanchi intended to ask the designers to create at least two new options for the structures to be presented to the City Commission on December 17.

V. Communication to the City Commission

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2. That particular concern be paid to making the Stranahan House visually and physically accessible and part of the plaza; and
3. To consider using the ventilation tower for a historical and educational element; and
4. Because the Board sees the expanded public benefit the Board is in favor of the plaza even if it affects the tunnel's eligibility for the National Register of Historic Places; and
5. Shade trees should be included; and
6. Recommendations from the staff report:
 - a. Construction of the new plaza shall not negatively impact the nearby Historic Landmark, the Stranahan House, and protection from construction debris and construction equipment shall be provided, as necessary. A protection plan must be submitted to the Historic Preservation Board Liaison prior to applying for building permits.
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drawings shall be utilized in the reconstruction of portions of the wall as specified as part of this application and shall be submitted to the Prints and Photographs Division of the Library of Congress. Drawings must also be submitted to the Historic Preservation Board Liaison prior to applying for building permits. If complete original drawings are available, it may be possible for them to be utilized as documentation by providing a complete copy to the Historic Preservation Board Liaison prior applying for building permits.

- c. As part of any proposal for the reconstruction of elements called out in the plan it shall be clear how the original elements and reconstructed modern elements are differentiated so as not to portray a false sense of history.
- d. Coordinate with the Historic Preservation Board Liaison on a proposed plaque, video, or other signage program highlighting the history of the site.
- e. Retain existing dedication plaque on south wall of north entrance to be re-installed on the site.

In a voice vote, motion passed unanimously.

Instead of delaying the project to hold a design competition, Ms. Fanchi asked if it would be acceptable to bring two design options to the City Commission on December 17. Chair Figler said the Board was interested in getting it done properly more than meeting an aggressive schedule. Ms. Mammano wanted "more ideas from more people and not just these two designers."

VI. Good of the City

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3. Continued Discussion of Bonnet House Museum and Gardens

Ms. Mammano said the Bonnet House director had spoken at the Council of Fort Lauderdale Civic Associations meeting and informed them that they were negotiating and he felt there was now less of an adversarial situation. She felt the Board should let this go.

Motion made by Mr. Blank, seconded by Ms. Mammano, to put this item on the Board's January agenda to keep tabs on it. In a voice vote, motion passed unanimously.

4. Review of Proposed Updates to the Unified Land Development Regulations (ULDR):

Section 47-24.11.F. – Waivers for Historic Preservation

Ms. Logan said this related primarily to setbacks. There were three criteria the applicant must demonstrate:

- Granting the waiver would further the historic preservation of the historic resource or the district, or;
- Granting the waiver must be compatible with the historic property or district, or;
- Granting the waiver must not interfere with the light and air of adjacent properties.

Ms. Mammano wanted the condition that granting the waiver would contribute to the preservation of the historic resource to be mandatory and Ms. Wallen agreed.

Ms. Mammano was very concerned that they still did not have an approved list of contributing structures. Ms. Logan said this was forthcoming.

Motion made by Ms. Mammano, seconded by Mr. Blank, to include the following finding in the text amendment: The granting of the waiver must contribute to the preservation of the historic resource plus at least one of the other two criteria. In a voice vote, motion passed unanimously.

Section 47-24.11.H. – Exemption for designated local historic landmarks used for certain commercial or nonprofit purposes.

Ms. Logan said Broward County already offered this; this would allow the owner to use the tax exemption against City taxes as well. Total revenue loss to the City would be approximately \$60,000.

Mr. Marcus hoped that once an owner applied for a tax exemption, he/she would not be able to demolish a building and asked if there was any protection against this. Ms. Logan said the proposed ordinance would not prevent demolition and there was a process in the ordinance to request demolition through the Board.

Ms. Logan read into the record the communication she had received from Board Member Tim Schiavone, who was not present.

Ms. Mammano left the meeting at 6:58.

Ms. Wallen informed the Board that the City could enter into a restrictive covenant with a property owner, wherein the owner agreed to maintain a property, keep it historic and not make certain changes to it, otherwise the City would revoke the tax exemption. She agreed to look into adding this to the ordinance.

Mr. Marcus stressed the importance of public outreach/education to get the message across.

Motion made by Mr. Marcus, seconded by Ms. Mergenhagen, to accept the ordinance. In a voice vote, motion passed unanimously.

Section 47-24.8. – Certificate of appropriateness and economic hardship exception.

Ms. Logan explained this section is related to noticing for applications other than designation and would add a reference to the waiver application.

Section 47-3.2. – Nonconforming Structure

Ms. Logan said this added a small note referring to the waiver section for cross reference.

Ms. Logan reported that staff had sent out an email to people who had expressed an interest in the code amendments and had also sent a memo to the Council of Fort Lauderdale Civic Associations.

Motion made by Mr. Marcus, seconded by Mr. Rosa, to approve Section 47-24.8. In a voice vote, motion passed unanimously.

Motion made by Ms. Mergenhagen, seconded by Mr. Rosa to accept Section 47-3.2. In a voice vote, motion passed unanimously.

Ms. Logan announced that Certified Local Government training would be offered on December 9 from 3 p.m. until 5 p.m. at the Department of Sustainable Development Urban Design and Planning conference room.

Adjournment

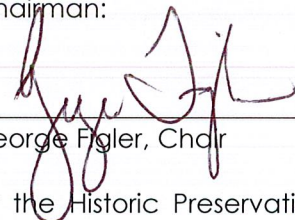
There being no further business to come before the Board, the meeting was adjourned at 7:07 p.m.

Attest:



ProtoType Inc. Recording Secretary

Chairman:



George Fidler, 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.