

HISTORIC PRESERVATION ORDINANCE UPDATES SUMMARY OF COMMENTS FROM OUTREACH MEETINGS

Historic Preservation Board Meeting City Hall, Commission Chambers October 5, 2018

Summary of Comments

- Interim Protective Measures – how monetary regulations if property owner demolishes with protections in place. Other municipalities should be researched.
- Increase timeframe to review designation process.
- Add language to provide proposed/future development for demolition applications.
- Provide timeframe of when demolition will occur.
- Add policies regarding hurricane damage (7:07pm).

Broward Trust for Historic Preservation:

- Reduce fee for residential landmark designation.
- Do a workshop with real estate communicate to education about incentives to designate.

See attached comments from Marilyn Mammano

Sailboat Bend Civic Association Meeting Fire House Museum October 10, 2018

Summary of Comments

- How can we address the value of the property for contributing versus non-contributing properties?
- Need to address how property values are affected by historic designation.
- Why doesn't code cite the dilapidated houses, does the City foreclose on properties?
- Thanks for coming out. We need you guys to have a direct liaison to our meetings.
- If the property 721 SW 2nd Street is designated historic/residential with a business operating on that property? There is a clearly a lack of enforcement on this property and is increasingly a major safety hazard.
- Incentives must be addressed before ULDR Updates.
- You are putting the process before the people. You must address people's concerns about their property values first.
- A small item which might save a lot of people waste time is the approval of Solar Panels. My house which is only two years old was approved for construction with solar panels. The constructor decided that they would be optional extras which were not taken up by any of the buyers at the time. Later we decided to add them and discovered that we had to go through the whole procedure again which took about 6 months. At no time was it suggested that it might be refused, it just had to follow the rules. A great waste of time for us and the installer. In your streamlining effort, this I am sure this could be incorporated. All that is needed from the historical point of view is to see if the location is objectionable from the road. FPL has to approve the technical aspects before it can go ahead and before and after they check the installation quality. More panels are certain to be added over time by Fort Lauderdale residents which is desirable but many are put off by the approval process.

HISTORIC PRESERVATION ORDINANCE UPDATES SUMMARY OF COMMENTS FROM OUTREACH MEETINGS

Historic Preservation Stakeholder Meeting

City Hall, 8th Floor

October 15, 2018

Summary of Comments

- Disappointed that incentives amendment isn't happening first.
- City can encourage voluntary designation by putting incentives first.
- Staff did not listen to the homeowners. Phase II should be Phase I and vice versa.
- Who can apply for designation should be addressed.
- Should meet with stakeholders to discuss what is contributing versus non-contributing properties.
- Concerns about demolition delay taking 180 days.
- Limit amendments to what can be streamlined for properties that are already designated.
- We should provide criteria once the survey is done since staff does not know what is going to be deemed historic.
- Historic designation criteria should be more, not just that the property needs to meet one of them.
- Sustainability needs to be addressed.
- Why are there no regulations or criteria for contributing and non-contributing properties
- We need more discussions
- Might want to re-think Phase I and add Contributing versus non-contributing
- Should add a public participation requirement for the Historic Preservation Board and more public notice. (One attendee disagreed with this statement).
- Doing something, such as more public notice, to inform the public will not hurt.

Written Comments

- Public outreach is poor and should be city wide.
- Priorities are backwards – Phase II should be Phase I.
- Criteria for designation is too limited – a property that is going to be designated should meet more criteria.
- Consent is needed.

Central Beach Alliance Board Meeting

Las Olas Beach Club

January 10, 2019

Summary of Comments

- Request to include civic associations in noticing for designations.
- Questions regarding historic designation process and effects (i.e. Certificates of Appropriateness, Historic Preservation Board, etc.).

Central Beach Alliance General Membership Meeting

Las Olas Beach Club

January 25, 2019

Summary of Comments

- Questions regarding historic designation and effect on property rights.

Comments on Draft Update to ULDR Section 47-24.11

Marilyn Mammano September 5 2018

I have two types of comments: General and Specific.

General

1. The time line is very ambitious (appreciate finally moving) but perhaps too quick on the outreach. Let's keep an open mind on who needs to participate. For instance, there are a number of land use attorneys that have a lot of experience and might want to contribute to both the Phase I and Phase II.
2. I propose a workshop with the HPB and public invited, so we can interactively talk about these changes. Getting started on this is a big deal and we should use this opportunity to engage people rather than present stuff to them. *2-3 public workshops - another workshop*
3. I would not be comfortable forwarding a revised ordinance to P&Z prior to listening to public comments.
4. I see that we are defining Contributing and Non-Contributing structures, but I don't see any different regulations/reviews based on that definition?
5. I am opposed at this time to a "Minor Alteration of 25% +or- "being done as an administrative action. I have not reflected adequately on the criteria for administrative approval. I would like a robust discussion of this. Likewise, for administrative approvals of unauthorized or non-complying work.

Specific

1. I support the time line for approval or denial of an application.
2. I support the expiration of CofA.
3. Since this is low hanging fruit can't we include language about application submissions of repetitive. Material like hurricane standards?
4. I would like to treat new construction different from CofA work. I don't see that in this proposal? Am I missing it?
5. I would like to see CofA applications subject to "Public Participation" Requirements of the ULDR as amended to fit HPB procedures

From: [Email Team](#)
To: [Trisha Logan](#)
Cc: [Rosemary Matthews](#)
Subject: Sail Boat Bend meeting last night
Date: Thursday, October 11, 2018 11:48:21 AM

Trisha

A small item which might save a lot of people wasted time is the approval of Solar Panels. My house which is only two years old was approved for construction with solar panels. The constructor decided that they would be optional extras which were not taken up by any of the buyers at the time. Later we decided to add them and discovered that we had to go through the whole procedure again which took about 6 months. At no time was it suggested that it might be refused, it just had to follow the rules. A great waste of time for us and the installer.

In your streamlining effort, this I am sure this could be incorporated. All that is needed from the historical point of view is to see if the location is objectionable from the road. FPL have to approve the technical aspects before it can go ahead and before and after they check the installation quality.

More panels are certain to be added over time by Fort Lauderdale residents which is desirable but many are put off by the approval process.

Sincerely

David Matthews

Trisha Logan

From: Stephanie Cunningham <designcunning@gmail.com>
Sent: Saturday, October 20, 2018 12:52 PM
To: Trisha Logan
Subject: Sailboat Bend presentation

Trishia,

First of all, sorry that you walked into a hornet's nest at the SB Bend neighborhood meeting. That was the first meeting with strong representation from the Villages. Many are worked up about a number of things and there is tension between the Village residents present and the rest of the neighborhood. That aggravation spilled over to you.

I am writing in support of your efforts. The proposal is right-minded and points us in the right direction. Some change is better than none. Distinctions re: which buildings are historic structures that need to abide by guidelines (and be eligible for grants/funding) will hopefully alleviate the current restrictions choking the homeowners in the neighborhood. That said, I hope the common 1950s CBS construction found in abundance all over SoFla will not be included in the designation.

I would like to be updated.

Thank-you,
Stephanie

Trisha Logan

From: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Sent: Monday, September 24, 2018 9:14 AM
To: Trisha Logan; Acosta, Ruben A.
Subject: RE: City of Fort Lauderdale - Historic Preservation Ordinance Updates

Hey Trisha,

Thanks for the opportunity to review your ordinance update drafts. I had a chance to read them this morning and I think the changes and clarifications that you've proposed look great.

Please let me know if we can be of any further assistance as you move forward in this process.

Thanks!

From: Trisha Logan [mailto:TLogan@fortlauderdale.gov]
Sent: Friday, September 21, 2018 11:11 AM
To: Acosta, Ruben A. <Ruben.Acosta@dos.myflorida.com>; McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Subject: City of Fort Lauderdale - Historic Preservation Ordinance Updates

Good Morning, Ruben and Megan.

We are preparing several updates to our historic preservation ordinance (see attached drafts). These proposed updates were presented to our Historic Preservation Board last month and will be conducting two public outreach meetings in October to review with historic property owners and other historic preservation stakeholders in our community. The next step will be to incorporate any comments that we receive over the next few months, and then proceed with presentations in front of the Planning and Zoning Board and the City Commission.

Within the next few days we should also have additional information available on the main page of the [historic preservation website](#).

If you have any comments or questions at this time, please let me know.
Regards,

Trisha Logan | Planner III | Historic Preservation Board Liaison
City of Fort Lauderdale | Urban Design and Planning Division
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-7101 E: tlogan@fortlauderdale.gov



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Trisha Logan

From: Abby Laughlin <abby.laughlin@gmail.com>
Sent: Saturday, October 13, 2018 8:59 AM
To: Anthony Fajardo
Cc: Russel Dion; Lee Feldman; Christopher Cooper; Christopher Lagerbloom; Alfred Battle; Trisha Logan; info@bigpicturebroward.com; Ella Parker; Lynda Crase
Subject: Re: Permission to share your Historical Designation Article

Thank you, Anthony. I very much appreciate the fast reply. I will do as you suggest and work on a list of concerns. Thank you for making the notification process more apparent. I would say that is one of the first areas of my concerns - the notification process. If we are updating code, than I would think the stakeholders want a longer, more secure and direct notification process than what already exists. The designation process is very bewildering to the lay person, they need more time to understand it, not less. Agreed, we need a practical solution that meets the needs of the city - but it also must meet the needs of the stakeholders.

Enjoy your weekend, we'll touch base next week.

Regards,

Abby

On Sat, Oct 13, 2018 at 8:12 AM Anthony Fajardo <AFajardo@fortlauderdale.gov> wrote:
Abby,

Both of those examples are remaining the same as they have always been. What you are seeing is an attempt by staff to clean the language up so it's easier to understand.

The language for the 30-days is being relocated to the general paragraph above where you see the stricken language. The language regarding failure to receive notice is already in the code. This revision just makes it more apparent.

When we meet it would be good if you can give us a list of your concerns prior to the meeting so we can have responses before you arrive and have a much more productive conversation. If it's a clarification issue the discussion will go much quicker and efficiently. That way we can focus on the more impactful issues and you concerns.

Thank you,

Anthony Gregory Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
954•828•5984
Sent from my iPhone

On Oct 13, 2018, at 6:36 AM, Abby Laughlin
<abby.laughlin@gmail.com<<mailto:abby.laughlin@gmail.com>>> wrote:

Hi Anthony:

Happy to meet at any time. Can you clear up something for me - are the two red-lined attachments to your Historic Preservation web page, the actual proposed drafts that you are considering?

<https://www.fortlauderdale.gov/departments/sustainable-development/urban-design-and-planning/historic-preservation>

If so, the redlined version significantly reduces public notice to affected property owners. You are removing the requirement for 30 day notice for Landmark properties under consideration for designation and you are adding language that says "failure to receive a notice" does not invalidate a hearing.

There are other sections in these drafts that also affect the private homeowners protections and rights - exactly the issues that homeowners are concerned about. This is no "low hanging fruit".

Regards,

Abby

On Fri, Oct 12, 2018 at 10:35 PM Anthony Fajardo
<AFajardo@fortlauderdale.gov<<mailto:AFajardo@fortlauderdale.gov>>> wrote:
Abby,

By copy I'm asking my assistant to help coordinate a meeting between you, Trisha, deputy director Chris Cooper, and me. Mr. Dion is welcome to join if he likes.

Hopefully we can clear up the confusion and move forward in a positive manner.

Thank you,

Anthony Greg Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-5984 E: afajardo@fortlauderdale.gov<<mailto:afajardo@fortlauderdale.gov>>
[cid:image001.png@01D0DF11.571B7640]

Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing.

From: Abby Laughlin [<mailto:abby.laughlin@gmail.com><<mailto:abby.laughlin@gmail.com>>]
Sent: Friday, October 12, 2018 6:26 PM
To: Anthony Fajardo
Cc: Russel Dion; Lee Feldman; Christopher Cooper; Christopher Lagerbloom; Alfred Battle; Trisha Logan; info@bigpicturebroward.com<<mailto:info@bigpicturebroward.com>>; Ella Parker
Subject: Re: Permission to share your Historical Designation Article

Hi Anthony:

I'll weigh in on this, if it's OK. While Manhattan Towers is not designated, it is #1 on a list of properties that city staff recommends for designation. With our current regulations, anyone can file an application to designate it. That's pretty scary if you are the owner of one of these properties. You are facing an unknown economic

injustice.

While Ms. Wilson may be lax on her end of the process, it is heartwrenching to watch someone in her position. Outlived her income, facing foreclosure and the real estate her only asset. The process should not make people homeless.

In regards to the amendments, one of the changes in the first round includes "interim protection". Manhattan Towers, who is #1 on the hit list, should be very concerned if "Interim protection" would affect them.

As a resident on the beach, I was very disappointed that your stakeholder letter dated September 21, 2018 was not mailed to one single stakeholder on the beach. Residents and business owners on the beach wrote emails stated over and over again that they wanted to be involved in the process. Please keep us in the process. There was no outreach from your department to anyone who owns property in the recently updated Central Beach Architectural Resource Survey. If I had not received an email from the Council of Fort Lauderdale Civic Association on October 4th. I would never have even known there were two public meetings scheduled to discuss the ordinance. In fact, I was discouraged to go to the first meeting, told "this is only about Sailboat Bend". The ordinance is not just about Sailboat Bend, it is a city wide ordinance. In a city, where probably 70% of the housing stock is over 50 years old, I would think that discussions about revisions to a city wide historic preservation ordinance should have a wider public reach.

I don't think Monday should be the last opportunity for the public to learn more about the proposed amendments before it enters the quasi judicial process.

As always, happy to meet at any time to discuss further.

Regards,

Abby Laughlin

On Fri, Oct 12, 2018 at 4:44 PM Anthony Fajardo

<AFajardo@fortlauderdale.gov<<mailto:AFajardo@fortlauderdale.gov>>> wrote:

Mr. Dion,

Clearly there is a misunderstanding of the direction that staff received from the City Commission, the aspects of Historic Designation (both practical and legal), and some of the various other items mentioned in your email. For instance, this first round of amendments (Phase 1) only affects properties that are designated or are currently located within a historic district. Since your property is neither designated nor within a historic district it would not be affected.

To help educate the community and our neighbors staff will be placing more information on the City website addressing those issues that have come up over the last several weeks since the presentation by staff to the City Commission on the topic. We expect to have this information up sometime next week or as soon thereafter as possible.

I would like to take this opportunity to address the issue regarding Ms. Elaine Wilson and her application to rescind the designation of her house in Victoria Park. She may have applied in April 2018, however the application was incomplete. Staff cannot move items forward without completed applications, as required by

our legally established ordinance. Our staff was in constant communication with Ms. Wilson, as demonstrated by multiple emails, and has worked to be helpful to her in completing the application and as she continues to go through the process. When the item was placed on the Historic Preservation Board (HPB) agenda in October it is true that there was not a quorum. This was unexpected, as even with the announced absences there would have been a quorum, however one of the other board members had a medical emergency just prior to the meeting and this resulted in the unfortunate situation we find ourselves in today. Nevertheless, Ms. Wilson did not show up for the meeting. I worked as the staff liaison for several years to this board in the past and it is unlikely the HPB would have heard the item without her being present even if a quorum had been established since there would have been nobody there to answer any questions from the applicant's perspective. Staff continues to work with her and we are doing all we can to ensure that she has the required information, we assist in any way we can, and she understands the process. However, it is a little misleading to state that a process is broken when (a) the process hasn't even been completed per the legal requirements and (b) the applicant wasn't present to defend the request at the HPB.

I believe it would be beneficial for all of us to stick to facts so that we all remain on the same page. Misinformation places us in an unnecessarily adversarial position and that is not what staff is seeking to do. Our intent is to work with our neighbors to ensure we have a practical solution that meets the needs of the City. If you would like to discuss further in more detail please let me know and I'll be happy to set up a meeting.

Sincerely,

Anthony Greg Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-5984 E: afajardo@fortlauderdale.gov<<mailto:afajardo@fortlauderdale.gov>>

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From: Abby Laughlin
To: Anthony Fajardo; Trisha Logan
Subject: Fwd: Update of Fort Lauderdale Historic Ordinance
Date: Monday, October 15, 2018 10:41:30 AM

Hi Anthony and Trish:

Tim Shavone can not make the ordinance review meeting tonight. He asked me to pass on his comments.

Regards,

Abby Laughlin

----- Forwarded message -----

From: **Abby Laughlin** <abby.laughlin@gmail.com>
Date: Sun, Oct 14, 2018 at 9:12 PM
Subject: Re: Update of Fort Lauderdale Historic Ordinance
To: Shavone Tim <wdparrot@aol.com>

Hi Tim,

No worries - I'll make sure your message gets through.

Regards,

Abby

On Sun, Oct 14, 2018 at 8:30 PM g <wdparrot@aol.com> wrote:

Abby

Please forward this for me to all those in our group and the commissioners if you think they would be interested. I am unable to attend Mondays meeting

Respectfully to the HPB ,Anthony and Trish

The idea of Historic preservation is one of great merit .Thank you for investigating changes to reach a fair and just process that will include owner consent

My concerns for the for amendments to the process of Historic designation

First and foremost ... Property owner consent..

This is so important if the city wants the process to be successful and proceed with mutual interest and purpose. When this designation is attached to a property with out the owners consent there will always be problem and a fight .With the consent of ownership from day one there is no question of the integrity of the application process. It starts with the owner and ends with the owner .There are no surprises as the owner has CHOSEN to take this responsibility

The process as it stands now is flawed,It can be used as a tool to discourage , eliminate or disallow development .

meeting only 1 of 8 criteria is not fair..it should be all or at least a majority number (5)

interum protection also can be misused as a tactic to tie things up..

Tax incentive are minuscule and could only be an incentive to an already interested PROPERTY OWNER

Residential and commercial property should have seperate standards and considerations for designation

..

The HPB and city needs to provide a package to walk an interested Property owner through the process from start to finish .

Consider a tax or some kind of funding mechanism to give the city a budget to buy property at market value from owners who are interesting in selling (especially those who have been thinking about making a fair and proper profit on their investment)

These are just a few of my thoughts .. This is a very big and important issue... Please be sensitive to the property owners rights and economic impact before any consideration to the designation of a property ...

Thank you and again ...Without ownership consent there will not be a successful and or friendly climate to achieve the goal of Historic Preservation.

Tim Schiavone

fort lauderdale residential and commercial property owner.since 1973

954 294 7705

From: [Anthony Fajardo](#)
To: [Lynda Crase](#)
Cc: [Trisha Logan](#); [Christopher Cooper](#)
Subject: Fwd: Permission to share your Historical Designation Article
Date: Sunday, October 14, 2018 12:08:14 PM

Lynda,

Please see if you can set up a meeting with Abby and Mr. Dion this week. Include Trisha, Chris and me.

I'd like for the 3 of us to meet before Abby and Mr. Dion as well.

Thanks,

Anthony Gregory Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
954•828•5984
Sent from my iPhone

Begin forwarded message:

From: Russel Dion <russel@manhattantowerfl.com>
Date: October 14, 2018 at 9:49:24 AM EDT
To: <AFajardo@fortlauderdale.gov>
Cc: <LFeldman@fortlauderdale.gov>, <CCooper@fortlauderdale.gov>, <CLagerbloom@fortlauderdale.gov>, <ABattle@fortlauderdale.gov>, Trisha <TLogan@fortlauderdale.gov>, <info@bigpicturebroward.com>, Abby Laughlin <abby.laughlin@gmail.com>, <EParker@fortlauderdale.gov>
Subject: Re: Permission to share your Historical Designation Article

Mr. Fajardo:

I would like very much to be included in the meeting you agreed to have with Abby. Please include me in the invitation. In addition to what I have set out below we do have a list of concerns.

Thank you so much for being open to our concerns. I am sorry I was not clear. I made no reference to changing the criteria for designation. My point was that Phase 1 regarding Section 47-24-11 B. pages 3-7 sets out the process and procedures for the designation of historic properties. All properties in Fort Lauderdale over 50 years old may be subject to these provisions and should be included in the public forums and outreach along with Sailboat Bend and the other designated districts and

properties before any changes are made to the ordinance. This is why the Notification Process is flawed and should be reevaluated.

I would also take issue with the definition of Applicant which is too broad. It currently encompasses any resident of Fort Lauderdale or legal entity. This means that any renter or legal entity (corporation, LLC, etc) may become an applicant and make an application for Designation of a property. I would suggest that the definition should be more limited; perhaps to a property owner, the Historical Board or the City. At this point just about anyone could file an application for designation of a property over 50 years old and tie the property owner up in a process which could prevent them from doing anything with their property for up to 180 days, a costly restriction to the property owner that could be entirely unjustified.

If an Applicant, other than the property owner, files an application for designation and it is granted, this becomes "Mandatory" Designation and the current Ordinance permits that. That is why I suggested in my last email to you that a new status be created for properties on the Historic Survey protecting historic properties in ways that fall short of actual Designation. Property owners who have preserved their properties and maintained them should not be burdened with Designation without their consent. Properties identified and listed on the Survey as having historic significance could be red flagged so that if a permit is filed for major modifications as defined in the Historic Ordinance or a permit for demolition it could fall into a process for further review or intermediate protection. Also, there should be a mechanism for a property owner to file an objection to being included in the Historic Survey and being removed. The Designation process is costly to the property owner financially as well as time wise. This would satisfy the needs of both the City and the Property Owner. There should be no Designation without the owners consent except in extreme situations where the property's historic value to the community would be endangered. Designation without the owner's consent is by definition Mandatory or Forced Designation.

Page 5 3d There is a problem with Interim Protection Measures. A property owner could submit an application for a permit for improvements and the process could go on for several months and just prior to granting of the permit someone files an application for Designation of the property. The Interim Protection Period would kick in and prevent the property owner from doing anything for up to 180 days while the Preservation Board makes a determination. This is simply unfair. Permits submitted prior to applications for Designation should follow their normal course.

Page 9 c Criteria d You said that there were no changes proposed to the existing Criteria but I would suggest that a change be made. It seems unreasonable and unfair that a property owner must lose all beneficial use of a property before a Certificate of Appropriateness would be approved. For a property owner to lose up to 99% of its beneficial use and yet a Certificate of Appropriateness could still be denied is unacceptable.

Thank you for your indulgence.

Russel Dion

Voice and video call our front desk for free using this link

Russel Dion
MANHATTAN TOWER
701 Bayshore Drive
Fort Lauderdale, FL 33304
www.ManhattanTowerFL.com
manager@mahattantowerfl.com
754-224-7301

On Sat, Oct 13, 2018 at 8:18 PM Anthony Fajardo
<AFajardo@fortlauderdale.gov> wrote:

Mr. Dion,

I'm happy to meet in person to discuss further and we can always do more outreach. I'm working on a meeting with Abby if you would like to attend that. I've asked her to put together a list of concerns so we can have a productive conversation.

Please note that we aren't touching any of the existing criteria for designation and there are no plans for mandatory designation. I'm not sure where you see that, but if you would like to point it out I can respond and we can make it part of our conversation.

If you would like to attend the meeting I mentioned above we will include you on the invite, so please let me know.

Thank you,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5984 E: afajardo@fortlauderdale.gov



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From: Russel Dion [mailto:russel@manhattantowerfl.com]

Sent: Saturday, October 13, 2018 7:19 PM

To: Anthony Fajardo

Cc: Lee Feldman; Christopher Cooper; Christopher Lagerbloom; Alfred Battle; Trisha Logan; info@bigpicturebroward.com; Abby Laughlin; Ella Parker

Subject: Re: Permission to share your Historical Designation Article

Mr. Fajardo:

I am not quite sure what I misunderstood. The only specific misunderstanding you mentioned was that the first round of amendments (Phase 1) **only affects** properties that are Designated or located in a Historic District. I had downloaded the Draft of Updates to ULDR Section 47-24-11 and ULDR Section 47-27-7. If these are truly the proposed changes, then I disagree that the changes do not affect me because I am not designated. These changes not only affect me but every owner of a property over 50 years old. These changes affect not only designated properties but affect the entire designation process including mandatory designation. Because of this it is my opinion that all owners of properties in excess of 50 years should be included in the discussion. The limitation of your presentation to already designated properties is flawed and the Department should start over with presentations to the entire community. I am sure it is not your intention but limiting the outreach for Phase 1 to already designated properties appears to be an effort to get these changes through quickly and with the least resistance.

That is why I was impelled to speak out to the community. Once these amendments are made it will be very difficult to undo them.

Mr. Fajardo, please understand that we have the same goal, Historic Preservation. It is how we reach that goal where we may disagree. Looking at this amendment process, it seems to be backward. It seems that the priority for the City is Designation which gives government complete control over a private property but taking property rights away from the property owner and giving those rights to the government is a serious matter and while the Supreme Court has supported it's legality, it should not be the first option for government. Phase 1 and Phase 2 should be switched. Phase 1 of the process should be outreach to the community and creation of incentives for voluntary designation. Encouraging voluntary designation should be the priority in the amendment process and incentives should be incorporated into the ordinance. In fifteen minutes I came up with a list of possible incentives and I am sure with an outreach to the community and some thought on the part of staff there could be many more. I would be happy to share them with you.

Also as part of Phase 1 there should be discussion of protecting historic properties in ways that fall short of actual Designation. Property owners who have preserved their properties and maintained them should not be

burdened with Designation without their consent. One suggestion is that properties identified as being of historic significance could be red flagged so that if a permit is filed for major modifications as defined in the Historic Ordinance or for demolition it could fall into a process for further review or intermediate protection. Also, there should be a mechanism for a property owner to file an objection to being included in the Historic Survey and being removed. The Designation process is costly to the property owner financially as well as time wise. A property owner who has been a good steward of an historic property should not be penalized with Designation.

In addition there should be an exit process for property owners such as Ms. Elaine Wilson that is not arduous. I meant no disrespect for your staff in my criticism of the process she went through. I am sure they were as helpful as they could be. What I heard at the meeting was that there was no form or process for reverse designation. No one from the City contradicted her when she made this point. The process was sort of made up to accommodate her. If this is not true, I apologize again but if this is true, then the process is broken.

I do applaud your efforts to streamline the permit process through administrative approval of small changes. I am an advocate for Historic Preservation but I am opposed to forced mandatory designation. Thank you for taking the time to write to me. I would be happy to meet with you at any time to discuss these issues further. You are right about dealing with facts and I will make every effort to do just that.

With respect.

Russel Dion

[Voice and video call our front desk for free using this link](#)

Russel Dion

MANHATTAN TOWER

701 Bayshore Drive

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On Fri, Oct 12, 2018 at 4:44 PM Anthony Fajardo
<AFajardo@fortlauderdale.gov> wrote:

Mr. Dion,

Clearly there is a misunderstanding of the direction that staff received from the City Commission, the aspects of Historic Designation (both practical and legal), and some of the various other items mentioned in your email. For instance, this first round of amendments (Phase 1) only affects properties that are designated or are currently located within a historic district. Since your property is neither designated nor within a historic district it would not be affected.

To help educate the community and our neighbors staff will be placing more information on the City website addressing those issues that have come up over the last several weeks since the presentation by staff to the City Commission on the topic. We expect to have this information up sometime next week or as soon thereafter as possible.

I would like to take this opportunity to address the issue regarding Ms. Elaine Wilson and her application to rescind the designation of her house in Victoria Park. She may have applied in April 2018, however the application was incomplete. Staff cannot move items forward without completed applications, as required by our legally established ordinance. Our staff was in constant communication with Ms. Wilson, as demonstrated by multiple emails, and has worked to be helpful to her in completing the application and as she continues to go through the process. When the item was placed on the Historic Preservation Board (HPB) agenda in October it is true that there was not a quorum. This was unexpected, as even with the announced absences there would have been a quorum, however one of the other board members had a medical emergency just prior to the meeting and this resulted in the unfortunate situation we find ourselves in today. Nevertheless, Ms. Wilson did not show up for the meeting. I worked as the staff liaison for several years to this board in the past and it is unlikely the HPB would have heard

the item without her being present even if a quorum had been established since there would have been nobody there to answer any questions from the applicant's perspective. Staff continues to work with her and we are doing all we can to ensure that she has the required information, we assist in any way we can, and she understands the process. However, it is a little misleading to state that a process is broken when (a) the process hasn't even been completed per the legal requirements and (b) the applicant wasn't present to defend the request at the HPB.

I believe it would be beneficial for all of us to stick to facts so that we all remain on the same page. Misinformation places us in an unnecessarily adversarial position and that is not what staff is seeking to do. Our intent is to work with our neighbors to ensure we have a practical solution that meets the needs of the City. If you would like to discuss further in more detail please let me know and I'll be happy to set up a meeting.

Sincerely,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

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Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing.

OPINION OF HISTORIC PRESERVATION AND DESIGNATION

Historic Preservation is a wonderful concept. Protect Historic Resources in the community for the benefit of all. My partner and I own a Mid Century Modern property on the Intracoastal in Fort Lauderdale, Manhattan Tower, designed by one of the premier architects of the 1950s. It has operated as an apartment/hotel from the 1960s. It was originally built as an executive retreat for the largest Cadillac dealer in New York City in 1955. Please understand that we are in favor of Historic Preservation. In fact we saved our property 18 years ago from demolition and devoted our lives to its preservation and restoration. Unlike most of those who are intent on designation of properties they deem historically important, we invested millions of dollars in the purchase, preservation and maintenance of an historic property. Most avid preservationist are doing no more than usurping the property rights of individual property owners for the benefit of the community at large with no recompense to the property owner. Further, they are intent on subjecting owners of properties they deem important to a whole new process of permitting which is in addition to the already burdensome process required by the rest of the community. When the owner of a Designated Property wants to make changes to their property they are referred to a 134 page document, Historic Preservation Design Guidelines. After that, they are required to fill out forms and provide the City with an inordinate amount of research and detail as to their changes. They submit the forms and in many cases must provide additional information and re-submit them over and over.

In a recent case that came before the City Commission from a property owner living in Victoria Park and whose husband voluntarily had two properties Designated as Historic many years ago, the wife appeared requesting one of her properties be Un-designated due to financial hardship. It was going into foreclosure because she could not find a buyer who would purchase the property subject to the Designation. She first made her application April, 2018. We are now in October 2018. First she found there was no process for Un-designating her property. She was told to fill out all the relevant forms required by Designation and submit them to the City with a note that she wanted to reverse the Designation. She did everything that was required of her and was scheduled for a hearing October 5. Because of a lack of a quorum her hearing was pushed back to the next meeting. She appeared before the City Commission desperate to get a decision and accommodation before she lost her property. She had received a small tax allowance of \$500 per year as an incentive for designating her property which she offered to repay to the City. Two commissioners were sympathetic and proposed a motion to remove the designation. Three Commissioners chose to vote against the motion. One commissioner stated there was a process that must be followed, seemingly not aware that the process was broken. Another suggested this desperate applicant should hire an attorney to have the foreclosure delayed. The fact that there was not even a form for reverse Designation in the event of hardship or that the City failed to produce a quorum to hear her case didn't seem relevant to the dissenting commissioners.

This is anecdotal evidence of why the community should be cautious of Historic Designation. While I support Historic Preservation I am opposed to Historic Designation without the property owner's consent.

Don't confuse Historic Designation with Historic Preservation.

The first volley has been fired to subjugate City of Fort Lauderdale private property owners to HISTORIC DESIGNATION. If you think it does not affect you, think again. If you own a property older than 50 years, you are vulnerable to Historic Designation. The City Commission has ordered its staff to propose amendments to the Historic Preservation Ordinance under the ULDR which are purported to clarify and streamline the process while in fact they modify the process to be more restrictive and onerous to property owners.

While Historic Preservation is a good thing, Historic Designation has a downside. At its core is taking private property rights from property owners **with or without** their consent or recompense and giving those rights to the state. The State decides whether your property has historic value based on its age, appearance and a number of subjective factors; any of which may trigger a designation. Once designated, a property is subject to a whole new level of regulation and expense which are borne by the property owner. There seems to be no educational requirements for those who implement the process, only a passion for the past.

With no other requirement than being a resident of Fort Lauderdale, anyone may initiate the designation process. If any resident likes the look of a property older than 50 years or has a grudge against someone who owns a property older than 50 years, they may become an "applicant" and file the necessary forms to start a process which may prevent that property owner from doing anything with their property during the "Intermediate Property Protection Period" of up to 180 days (6 months). If during that time any one of a number of criteria are satisfied, the property may be "Designated" without the consent of the property owner and the owner will be prevented from making any further decisions about the appearance, improvement or use of their property without prior State approval. The property owner gets to pay for this extra level of bureaucracy with no help from the City while the community is the beneficiary. There are also concerns about Climate Change, catastrophic damage and flooding. How will the City ordinances deal with these problems?

The preservation of historic properties is worthwhile and is properly a goal of the City Commission but it is disappointing that instead of pursuing this goal with a plan for voluntary designation and incentives to property owners the City Commission has determined the first step should be to consolidate their police powers to Designate private properties. The decision was made to spend scant City resources and staff hours on amending the current historic ordinances rather than forming a committee composed of avid preservationists and property owners who may be the subject of designation along with City staff to work out solutions to the problems of designation. From such a collaboration could come a fair and equitable consensus as to amendments to the current historic ordinances. Only then based on recommendations from this joint committee should amendments be proposed. To amend those ordinances without doing so is heavy handed governance from the top down resulting in the creation of unnecessary animosities and resentment from property owners who have invested their time (for some a life time) and life savings in purchasing a property only to find that they lose the freedom to make their own decisions regarding the property. There is a concern that the City is usurping too much power in their efforts to amend the Historic Preservation Ordinance.

Wake Up! YOUR PROPERTY RIGHTS MAY BE IN DANGER 3

The City of Fort Lauderdale has the power to take your property rights under the **Historic Preservation Ordinance** ULDR Section 47-24. The concerns are that:

- any resident of Fort Lauderdale or legal entity including the City may become an applicant to designate your property Historic without your consent.
- the application needs to meet only one of several Criteria; one of which is simply being older than 50 years old.
- with designation comes added expenses with a added process for historic permit approvals
- Designation limits the pool of buyers when you sell and demolition becomes near impossible

To date there have been few designations without the owner's consent but that may not be the case in the future. We have a new City Commission with two members who support Historic Preservation, two members leaning to protection of private property rights and one that seems to be a question mark.

The Commission ordered an update of an old Historic Resource Survey of the Central Beach. City staff did the update and recommended designation of nearly the entire beach area as an Historic District and provided a list of properties targeted for individual designation. Historic Resource Surveys are in the planning stages for the entire City which may have as few as 50% or as many as 70% of properties over the threshold of 50 years. No area of the City will be left untouched; Idylwyld, Las Olas Isles, Rio Vista, Coral Ridge, Victoria Park and on and on. The property owners in the Central Beach mobilized and protested. The Commission listened and temporarily stopped the process. The Commission has now ordered its staff to propose updates to the ordinance. We voted these Commissioners into office to represent our concerns and act accordingly. Email all Commissioners. Let them know how you feel.

The Supreme Court made a decision in 1972 supporting Government Police Powers to take property rights from the property owner and transfer those rights to government to assure that historically important properties are preserved for the good of the community. No payment is required. Preservationists were emboldened to make a concerted effort to designate private properties Historic everywhere. With the increased demolition of historically important buildings this movement is picking up speed. Historic Preservation is a laudable goal but when combined with Designation without the owner's consent it creates a conundrum. We all agree that we want to save historic properties but do we want to do that at the cost of losing our individual property rights?

This conundrum poses many questions: The Ordinance is legal but does that make it fair or moral? Should there be Designation without the owner's consent? If Historic Preservation is as important to the Community as the Preservationists maintain, why is there no provision for the Community to do their part in preserving these properties. Why is the entire burden of preservation piled on the property owners? Is it too easy to designate a property? Is Historic Preservation incompatible with personal property rights? Should there be a higher standard when it comes to designation without the owner's consent than when it is voluntary. What happens if insurance companies choose not to insure historic properties?

Perhaps we should rethink Historic Preservation. Rather than adopting "Best Practices" from other municipalities we should create a new standard for Historic Preservation. Not everyone has the same aesthetic. Modern contrasted with Historic can make a powerful statement without resulting in a loss of history. An unknown author said so eloquently. "Stuck in the quagmire of the past they cannot see what is possible for the future. Encourage creative and functional architecture for the future which will then become historic."

Please share this article with your neighbors and friends and post it on your facebook page.

Important email addresses

Mayor		Dean Trantalis	dtrantalis@fortlauderdale.gov
Mayor Assistant		Scott Wyman	swyman@fortlauderdale.gov
Commissioner	District 2	Steve Glassman	SGlassman@fortlauderdale.gov
Commissioner	District 4	Ben Sorenson	BSorensen@fortlauderdale.gov
Commissioner	District 1	Heather Moraitis	HMoraitis@fortlauderdale.gov
Commissioner	District 3	Robert McKenzie	RMckinzie@fortlauderdale.gov
City Manager		Lee Feldman	lfeldman@fortlauderdale.gov

If you don't know who your Commissioner is go to District Link Map

[http://gis.fortlauderdale.gov/PDFMaps/Commission%20Districts%20\(24x36\)Fort%20Lauderdale.pdf](http://gis.fortlauderdale.gov/PDFMaps/Commission%20Districts%20(24x36)Fort%20Lauderdale.pdf)

PROPOSALS FOR INCENTIVES TO HISTORIC PRESERVATION

In order to enhance public participation and involvement in the preservation and protection of Historic Resources the Government has a duty Encourage public and private preservation of Historic Resources before exercising police powers to Designate Properties without the property owner's consent.

1. Set up Historic Preservation Fund to match improvements to Designated Properties
 - a. This Fund may be operated by the private Historic Trust with direction or help from the City.
 - b. Perhaps set up an initial grant to property owners who are willing to voluntarily designate their properties with no strings attached.
 - c. Identify which improvements are eligible for matching dollars
 - d. Identify sources of funding in addition to tax dollars (ie Private Donations, Corporate Donations, etc.)
 - e. Set up parameters and process for disbursing dollars
 - f. Determine limits if any of dollars to be provided (ie. 10% of total funds in reserve per year)
 - g. Create strategies to reach goals for Fund.
 - h. Set up prohibitions to using Fund for any other purposes.
 - i. Establish education or professional requirements for those chosen to disburse money from Fund
2. Work more closely with the private Broward Trust for Historic Preservation to create programs which may not be approved for the City's Historic Board.
3. Tax Incentives
 - a. Set up a tax discount (ie. 10-20%) on the total tax bill for the City portion of real estate taxes
 - b. Tax abatement on improvements made after designation.
4. The designation of Historic places a tremendous burden on the private property owner for the benefit of the Community. It is only fair that the Community bear some of that burden. There should be no costs incurred by designated properties in obtaining Certificates of Appropriateness. All costs of this process should be borne by the Community by transferring these costs to the normal permitting costs and increasing them for all property owners to cover all of these costs. The designated property will pay their fair share of these expenses when they file for the normal permits but will not have to pay the full cost. The Community is the beneficiary and should help with the costs.
5. Zoning restrictions may be less restrictive but in keeping with Historic theme.
6. A list of incentives should be provided for Historic Districts (ie. relaxing of some building and zoning requirements, signage, improvements to roads, landscaping, etc.
7. Solicit Historic Preservation academics, professionals and architects to donate time and experience to advise property owners on improvements compatible with history. In return the advisers would be recognized on the City Website and by the Historic Board. Using these professionals will cut down review time. This could be done by the City's Preservation Board or the Private Broward Trust.
8. Approved Vendor List of architects, contractors and professionals familiar with historic preservation. If City is not permitted to do this then this would be a service of the Private Trust.
9. Outreach to involve local Universities in Historic Preservation to educate the community and to create a plan to incentivise designation. These resources are better qualified to come up with ideas than the general public.
10. Create a transitional status for properties pre-designation that have been identified on the Historic Survey as having historical value. Provide outreach to these properties to encourage maintenance of historic character (signs, architectural detail, etc)
11. Create a process of removal from pre-designation status.

12. Written assurance of no designation without owner's consent except in the case of major improvements or demolition.

NOTES ON ORDINANCE

Reschedule the different Phases of amending the Ordinance

1. Phase 1 focus on those properties already designated. Clarify definitions and go into detail on what is permitted by those definitions.
2. Phase 2. Answer the question. What are the impediments to Historic Designation? Set the answers down in writing to make them real. Create solutions to each impediment or remove it. The focus must be on voluntary designation. What may the City do to encourage voluntary Designation Process. What may the City in partnership with the Broward Trust for Historic Preservation do to encourage voluntary designation.
3. Phase 3. Complete review of designation process and how to streamline it as much as possible.
 1. Create a transitional status for properties pre-designation that have been identified on the Historic Survey as having historical value. Provide outreach to these properties to encourage maintenance of historic character (signs, architectural detail, etc) (ie Designation process may not be started without the owner's permission unless a permit is submitted for remodeling of more than 25% of the improvements or in the event of a demolition permit.)
 2. There should be a procedure to object to inclusion in pre-designation status and to be removed when appropriate.
 3. Limit applicants for designation to property owners in the City of Fort Lauderdale or Government entities. (A resident is not a stakeholder unless they have invested in real estate in the City)
 4. Page 9 c. i d Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable use of his property.
 5. Create a process to reverse designation when appropriate.
 6. To put a moratorium on permits of 180 days to "protect" properties is a very long period. What happens to properties that have already submitted permits.
 7. No amendments should be made without efforts to create incentives to voluntary designation.
 8. There should be provisions to protect a property without going to the extreme measure of designation.
 9. It should be clear in the ordinance that Designation is the legal taking of individual property rights by the government to benefit the community at large.
 10. Establish requirements for those serving on Historic Board or advisory positions on Historic Preservation. It is not enough to be passionate about Historic Preservation. It is essential to have an educational or professional background in this field.

47-24-11

Page 1 3.6 Definition of Board is struck out but further down the page in 6.11 there is a reference to "the board"

Page 3 B Historic Designation 1. Applicant Definition is too broad. An Applicant should be limited to a property owner, the Historical Preservation Board or the City. Current definition includes renters or any legal entity.

Page 5 3d There is a problem with Interim Protection Measures in as much as a property owner could submit an application for a permit for improvements to their property. The process could go on for several months and just prior to granting of the permit someone files an application for Designation of the property. The permit process would then stop for up to 180 days while the Preservation Board makes a determination. This is simply unfair. Permits submitted prior to applications for Designation should follow their normal course.

Suggestions for inclusions:

1. Designation of Districts should require a vote by the property owners. A minimum of 50% should be required for designation.
2. The process to reverse a designation should not be the same as designation. There should be a streamlined process to allow for hardship reversal or changes.

The Criteria for designation is too broad and Properties should not be designated unless it meets 3 or 4 out of the 7 criteria.

With 70% of the properties in Fort Lauderdale being over 50 years old the battle cry will not be "No taxation without representation" but "No Designation without Consent" The Supreme Court has decided that it is legal to take property rights away from private property owners without the property owner's consent and give them to the government but that does not mean that it is morally right or fair. They likened it to the zoning process but in fact it is much more onerous and expensive to the property owner than changes in zoning and lacks the assurance of knowing what you can do with a property when you buy it. When you buy a property you know what is permitted in that area. When you buy a property over 50 years old, you don't know when someone can come along and file an application to designate your property. With designation comes a whole new level of regulations, restrictions and expenses not imposed on properties that are not designated.

If there is full disclosure and the general public is aware that this Ordinance does now and will in the future unless changed give the government the right to determine the future of their property, their will be a rebellion. Since I am fully aware of how this Ordinance affects property rights I feel compelled to make sure the rest of Fort Lauderdale is aware.