



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#13-0955

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: August 20, 2013

TITLE: QUASI-JUDICIAL - De Novo Hearing of Historic Preservation Board –
Case 5H13, Lauderdale Beach Hotel - 101 S. Fort Lauderdale Boulevard
#203.

Recommendation

It is recommended that the City Commission approve two Certificates of Appropriateness (COA) for alteration to install signage on east side of the façade of the building, install after-the-fact awning over doorway, and install wrap around awnings over windows on southeast corner of the building.

Background

On March 4, 2013, the Historic Preservation Board (HPB) approved the COA for proposed signage on the east and south façade of the Lauderdale Beach Hotel by a vote of 6-3 and denied the request for an after-the-fact COA to install shade canopies on the building by a vote of 4-5 for case 5H13, HPB minutes attached as **Exhibit 1**.

Subsequent to a request by received by the City Clerk on April 2, 2013 from Commissioner Trantalis, attached as **Exhibit 2**, this item was placed on the April 2, 2013 City Commission agenda as a walk-on item where the City Commission voted 5-0 to set a de novo hearing for May 7, 2013 subject to the requirements of the City Commission Request for Review criteria. Please see **Exhibit 3** for the April 2, 2013 City Commission minutes.

This item has been deferred three times (May 7, June 4, and June 18) to allow the applicant and the Broward Trust for Historic Preservation (BTHP) further opportunities to evaluate options for a resolution between the two parties. On July 18, 2013, the applicant submitted a letter to the Department of Sustainable Development (DSD), indicating the BTHP has been unresponsive to his efforts to reach out for various months with no positive outcome; the letter is attached as **Exhibit 4**. Both the applicant and BTHP have indicated to DSD staff that they have not reached resolution.

The Lauderdale Beach Hotel, designed by Architect Roy M. France, was built in 1936 and helped kick-start the beach economy in the late 1930s. A portion of the hotel was

designated as a historic landmark circa 2002 to preserve the façade, the original lobby, the north and south facing elevations and the 1937 clock tower. On June 24, 2004, the developer granted a façade preservation easement to the BTHP as part of a settlement agreement to assist in preserving and maintaining the façade structure. The City is neither the grantor or grantee under the easement, which was recorded on April 11, 2005, attached as **Exhibit 5**. The City Attorney's Office (CAO) has advised that the preservation easement specifically provides that if the owner disregards the BTHP instructions regarding repairs or maintenance of the façade structure that BTHP shall be empowered to institute legal action for specific performance. The City's past practice has been to not enforce private easements that the City is not a party to and that already provides a specific remedy at law. Based on the foregoing, the CAO advised the HPB that the Broward Trust could submit testimony regarding the easement for the record, but the Board should base their decision on the criteria governed by the Unified Land Development Regulations (ULDR) for a COA (refer to **Exhibit 1** – HPB minutes).

The City Commission shall review the record of the HPB and the same standards and criteria applicable to the two COAs shall be applied, Sections 47-24.11.C.3.c.i and 47-24.11.C.3.c.ii. The Historic Consultant's memorandum, HPB application and correspondence from BTHP are attached as **Exhibits 6, 7, and 8** respectively.

Following the de novo hearing, the City Commission shall introduce a motion approving, approving with conditions or denying the decision of the HPB.

Staff recommends approval of both COAs based on the findings that the criteria specified in the Consultant's memorandum have been met.

Resource Impact

There is no fiscal impact associated with this action.

Attachments

Exhibit 1 – March 4, 2013 HPB Minutes
Exhibit 2 – Letter of intent for CRR – Commissioner Trantalis
Exhibit 3 - April 2, 2013 CC Minutes
Exhibit 4 – Correspondence from applicant, Neil Hamuy
Exhibit 5 – Preservation Easement
Exhibit 6 – Consultant Memorandum
Exhibit 7 – HPB 5H13 Application
Exhibit 8 – Correspondence Broward Trust
Exhibit 9 – Appeal De Novo Hearing – Approving COAs
Exhibit 10 – Appeal De Novo Hearing – Denying COAs

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