



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#13-0888

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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: June 18, 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

At the May 7, 2013 City Commission meeting, the Commission deferred this item to June 4, 2013 in order to provide the applicant and the Broward Trust for Historic Preservation (“BTHP”) with an opportunity to further evaluate options for a resolution to the denial of the awnings and signage on the façade of the subject application. On May 21, 2013, the BTHP indicated to Staff that their consultant had been out of town, but that they will hopefully be working on a resolution with the applicant in the next week or so. At the June 4, 2013, City Commission meeting, the BTHP and applicant asked for an additional deferral in an effort to obtain more time for the parties to come to an amicable resolution. As a result, the Commission deferred this item to June 18, 2013. The previous CAM numbers were 13-0789 and 13-640.

The Lauderdale Beach Hotel was designed by Architect Roy M. France and built in 1936, which helped kick-start the beach economy in the late 1930s. A portion of the hotel was designated as a historic landmark in circa 2002. The property/developer agreed to preserve the façade, the original lobby, the north and south facing elevations and the 1937 clock tower. On June 24, 2004, the developer gave a façade easement to the Broward Trust for Historic Designation as part of a settlement agreement, which was subsequently recorded in April 11, 2005, attached as **Exhibit 1**. It is important to note that the City Attorney’s Office (“CAO”) has stated that the Deed of Preservation Easement was between the Las Olas Beach Club and the Broward Trust for Historic Preservation and the easement specifically provides that when a property disregards the Broward Trust’s instructions regarding repairs, the Broward Trust shall be

empowered to institute legal action for specific performance. The City was not a party to the easement, and City policy is not to enforce private easements. The CAO further 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 2** – Historic Preservation Board ("HPB") minutes).

The applicant (Preferred Signs) went before the HPB on March 4, 2013, as HPB Case 5H13 to ask for a COA to install a business sign on the historic façade of the Las Olas Beach Club, formerly called the Lauderdale Beach Hotel. The sign is located on the fascia wall at the southeast corner of the historic building façade. The applicant also requested an approval of an after-the-fact COA to maintain the installation of a dome shaped canvas awning over the entrance to the shop and an awning over a corner window. Both awnings are canvas and blue in color. The awnings match other awnings already installed on the building since circa 2008.

On March 4, 2013, the HPB **approved** by a vote of 6-3, the COA for the applicant to add signage ("Sun Glasses & Swim" by Stylin) on the east and south façade of the building and **denied** by a vote of 4-5, the request for an after-the-fact COA to install shade canopies on the building, attached as **Exhibit 2**.

On April 2, 2013, the City Clerk received a letter of intent pursuant to the ULDR, Section 47-26A.2, from Commissioner Trantalis, requesting a City Commission Request for Review ("CRR") of HPB Case 5H13, attached as **Exhibit 3**. The referenced ULDR section allows for the City Commission to request for review of an application if it is found that the new project is in an area, which due to characteristics of the project and the surrounding area requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. As a result, the item was placed as a "Walk-On" CRR on the April 2, 2013, City Commission meeting. The City Commission discussed the case within the thirty (30) day timeframe of the decision by the lower body (HPB), and pursuant to Section 47-24.11. Consequently a motion approving the CRR was made by the Commission to set a de novo hearing for May 7, 2013, by a vote of 5-0. For more information please refer to the April 2, 2013, City Commission minutes attached as **Exhibit 4**.

The City Commission shall review the record of the HPB and the same standards and criteria applicable to the two (2) 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, attached as **Exhibit 5**, concludes that the proposed work is consistent with previously approved awnings and signage. Furthermore, the proposed signage and awnings are compatible with the design of the historic resource.

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

Staff has also provided the HPB application, which is attached as **Exhibit 6** and correspondence submitted by the Broward Trust for Historic Preservation (“BTHP”) (easement holder), which is attached as **Exhibit 7**, concludes that the application submitted to the BTHP for the awnings and signage was rejected. Specifically, the awnings were unacceptable and must be removed immediately; no remedial action could be taken given the location, style and composition of the awnings that would make them acceptable. For the signage, based on the type of backlit sign it was not consistent with the building’s architecture and is not typical of its Deco style.

Staff recommends approval of both COAs based on the findings that the criterion specified in the Consultant’s memorandum have been met, attached as **Exhibit 5**.

Resource Impact

There is no fiscal impact associated with this action.

Attachments

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

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