

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - APPROVED

Tuesday, April 29, 2014

7:00 PM

Joint Workshop with Historic Preservation Board

City Commission Conference Room

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
ROMNEY ROGERS Vice Mayor - Commissioner - District IV
BRUCE G. ROBERTS Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
CYNTHIA A. EVERETT, City Attorney

Vice-Mayor Rogers called the meeting to order at 7:14.

ATTENDANCE ROLL CALL

Present: 4 – Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts and Commissioner Bobby DuBose

Absent: 1 – Mayor John P. “Jack” Seiler (excused) and Commissioner Dean J. Trantalis (arrived momentarily)

Also Present: Historic Preservation Board: Vice Chair Gretchen Gettemy Thompson, Members Carol Lee Ortman, Marilyn Mammano, Timothy Mark Lyons and Brenda Flowers

Absent: Historic Preservation Board: Chair David Kyner, Members Phillip J. Morgan, Alexandria J. Scherer, George Figler and Reana Marie Holloway-Harrison

OLD/NEW BUSINESS

14-0583 PROPOSED AMENDMENTS TO HISTORIC PRESERVATION ORDINANCE - continued from January 6, 2014 joint workshop

Ruth Clarke, Troy Conrey, Michelle Grosman, Donna Hall, Mary Hughes, Susan Koch, Erica Lowther, Thomas Mainville, Ken Powell, Christine VanHulle, Edward Willett and Shawn Aric Williams submitted public comments related to this matter for the record.

Vice Mayor Rogers briefly reviewed what was addressed at the joint workshop held on January 6, 2014 of the Analysis of the DRAFT Historic Preservation Ordinance as Proposed by the Historic Preservation Board (HPB).

E.6. The City Manager shall provide adequate professional staff for the operational support of the Board and the historic preservation program, including but not limited to a professional Historic Preservation Officer and support staff. Additionally, other city staff members or consultants may be tasked to assist the Board by providing technical advice or help in the administration of the historic preservation regulations.

Board Member Brenda Flowers explained that the Board discovered that without someone looking over historic preservation matters in the Building Division, many things get passed over and are never brought forward. When it comes to demolition of historic properties, those who are responsible have no understanding of historic preservation. Often people who do not want to improve their historic homes let them deteriorate to the point that they have to be demolished. The Board has no knowledge until after the fact. Staff does not really have backgrounds in historic matters. Commissioner Trantalis asked the City Manager to respond. The City Manager indicated he would recommend that staffing requirements not be included in an ordinance. Resources are allocated in the City's annual budget. He believed this function is adequately staffed and that there are staff members who are knowledgeable. Also, the City has a contract with the Historical Society to provide extra services. Commissioner Trantalis noted the outstanding differences between people in the community who seek to enhance appreciation for historic preservation and those who seek to minimize it. It looks to historic preservationists that the City does not take this seriously because there is no designated staff to look over historic structures. For example, a

house built in the 1920s was demolished in order to build the Vintro Hotel and it never came before the Historic Preservation Board. There are many examples of this nature. There is no watchdog. The City Manager explained that it is a matter of resources. Vice-Mayor Rogers recalled when this was previously discussed, it was noted that it would not be a full-time position. He would like to see such expertise in a new hire. He agreed with Commissioner Trantalis but also felt that current staff has history and experience in this area. Commissioner Roberts also felt it is not a full-time position. He asked what certifications or qualifications should be sought. Commissioner Trantalis spoke of the need for an individual who could be proactive in this area. A survey of historic structures was conducted years ago and nothing has been done with it. It is a policy decision of whether to designate certain properties as historic. He cited some art deco apartments along Las Olas Boulevard as an example where there is nothing preventing them from being demolished. Depending on the policy decision, clearly a full-time individual is needed. Commissioner DuBose asked how other municipalities address staffing. Commissioner Roberts raised the idea of having a consultant with staff assigned the function part time. Vice-Chair Gretchen Gettemy Thompson thought that communities such as Coral Gables, Miami Beach, Delray Beach and Boca Raton probably have a designated staff which is why they have historic buildings. It depends on whether the Commission takes historic preservation seriously. Vice-Mayor Rogers did not think it should be included in an ordinance, but rather direction to the City Manager by the Commission. He felt the Commission has always had an interest in historic preservation. Commissioner Roberts suggested and there was consensus agreement to discuss this matter when the annual action plan is discussed.

F.3.b. Historic Designation. In light of the Legislative Intent described in 47-40.1.C. and the Comprehensive Plan, there shall be no application fee or other fee charged for the Designation Process.

Vice-Mayor Rogers pointed out the disadvantages of waiving fees.

F.4.b. Historic Designation. No City permits, for any demolition, alteration, construction, relocation, land disturbing or development activities, shall be issued once an application is filed, until the Board acts to approve or deny the application.

Assistant City Attorney D'Wayne Spence explained the concern would be the anticipated delay without due process of law for a property owner wishing to develop their property. It is essentially an automatic stay without a hearing. The code has a procedure if the property has already been historically designated. This tries to capture property that has not yet been identified. Commissioner Trantalis asked if a deadline was imposed would that satisfy the due process requirement. Spence thought it might. The objective is to prevent people from using the ordinance as a way to delay a project. Commissioner Trantalis recalled at one time the Lauderdale Beach Hotel was going to be demolished, but the Broward Trust for Historic Preservation filed an application, saying it should be historically designated. It stopped the process and saved the Lauderdale Beach Hotel. This is an example of a way to preserve historic buildings. There was a deadline by when a hearing had to be held. The City Attorney agreed it could not be open-ended. She raised the point of who could file an application. There are property right issues. The question could be raised as to why nothing was done until a building permit application was filed. People know about a building, but not necessarily the intention. The City Attorney pointed out that property rights are taken very seriously. Commissioner Trantalis pointed out that such a fine line is walked with historic preservation.

Steve Glassman indicated an application was filed to designate the Lauderdale Beach Hotel as historic. A lawsuit was filed by Broward Trust for Historic Preservation to prevent demolition and a settlement saved the hotel. One condition of the settlement was discussion of having a historic preservation officer for the City. He felt it would behoove the City to review all survey documentation and decide what should be

designated. The City recently lost the Weidling House, the second oldest commercial building in the city at the corner of Andrews Avenue and Las Olas Boulevard. There is a 1920s structure on Himmarshee and Andrews across from the main library currently under demolition. Both occurred with nothing being said. This is because there is no historic preservation officer on staff.

Vice-Mayor Rogers asked the City Attorney's Office to provide an opinion on Commissioner Trantalis' suggestion of a deadline for a hearing. Zoning Administrator Anthony Fajardo noted that there is a provision in the code relating to emergency actions for non-designated properties. It gives the Commission a 30-day period to hold a meeting and determine if there are alternatives to demolition for properties not in a historic district or designated. Commissioner Roberts pointed out that a notification provision could be added. Spence indicated that the recommended provision is much more broad. The language looks to stop the building permit process which is a State mandate versus a local mandate. The City does not have authority to stop a building permit when the applicant has met the criteria in the building code. The language mentioned by Mr. Fajardo goes as far as the City Attorney's Office believes it can go to protect buildings from being demolished or destroyed. The proposed language is intended to stop any alterations. If the thought is that there is weakness in the current ordinance, Commissioner Roberts' suggestion would be an appropriate way to remedy it.

F.5.a. Approvals. Approval of a designation for a historic resource or for a historic district shall be by resolution of the Board.

Vice-Mayor Rogers noted that he served on the Board for some five years. During his service, he felt he was an advocate rather than having an objective, judicial oversight mindset. For this reason he preferred for approval to stay with the Commission. Commissioner Trantalis noted that the Board is advisory and this change would be inconsistent with policy on advisory boards. There was consensus agreement.

F.8.g. Effect of Designating Resources. Buildings, structures, improvements and properties that are designated archaeological or historical sites, districts or zones under this ordinance or by Broward County, the State of Florida, or are listed on the National Register of Historic Places may be eligible for administrative variances, special consideration, or other forms of relief from applicable City, County, or State building, development or zoning codes, ordinances or regulations.

Vice Mayor Rogers noted staff's recommendation that the language be revised to only address those items that are under the City's jurisdiction. There was no objection or discussion.

F.8.h. Effect of Designating Resources. Permit Fees: A reduction of the City's building permit and construction and other development-related fees is permitted as determined by the City Commission.

Vice-Mayor Rogers noted the Commission's policy for cost recovery with respect to fees. There was no objection or discussion.

G.4.b.i.b) Certificate of Appropriateness. Review Process for Alterations, New Construction or Relocation. Administrative Review for Alterations, New Construction or Relocation. If the HPO determines that the application does not meet existing guidelines provided in Sec. 47-40.1.G, Certificate of Appropriateness and the Design Guidelines or that the application is not an in-kind replacement, the application shall be submitted and reviewed by the Board as a new application for a Certificate of Appropriateness in accordance with the provisions of Sec. 47-40.1.G, but no additional fee will be required.

Fajardo believed this has to do with a subsequent revised application after an initial application goes through the process, is deferred or there is a call-up by a member of the Commission.

G.4.b.i.c) Certificate of Appropriateness. Certificate of Appropriateness. Review Process for Alterations, New Construction or Relocation. Administrative Review for Alterations, New Construction or Relocation. No Certificate of Appropriateness for alteration or new construction granted by the HPO shall be effective for a period of fifteen (15) days subsequent to the HPO's decision. The HPO shall, within five (5) days after its grant of a Certificate of Appropriateness, advise the members of the Board and City Commission of its decision. If during that fifteen (15) day period any member of the Board or City Commission wishes the application to be reviewed, the decision of the HPO shall automatically be stayed and the application shall be reviewed by the Board as a new application for a Certificate of Appropriateness in accordance with the procedures provided in Sec. 47-40.1.G Certificate of Appropriateness, but no additional fee will be required.

Vice Mayor Rogers noted this is the same issue as G.4.b.i.b).

G.4.b.vii. Certificate of Appropriateness. Review Process for Alterations, New Construction or Relocation. The Board shall render its decision within seventy (70) days after the public hearing.

Vice-Chair Thompson indicated there have been difficulties with the Board having enough time.

Dave Baber, 1224 Coontie Court, explained that if there is a deferral to the next month's meeting, there might not be another meeting until 61 days in that some months have 31 days. Because the Board meets on Monday evenings, holidays also cause a further delay.

There was consensus agreement that decisions should be rendered within 70 days. Fajardo clarified that calendar days is assumed unless otherwise specified.

G.4.c.i.b) Certificate of Appropriateness. Review Process for Alterations, New Construction or Relocation. Criteria for Alterations, New Construction or Relocation. General. The Board shall approve or deny applications for certificates of appropriateness for alterations, new construction or relocation, using all of the following general criteria: The proposed work shall not have a negative impact on other historic resources on the site or on other historic resources within its viewshed or, on contributing resources, noncontributing resources or vacant.

There was no objection or discussion.

G.4.c.iii.a-h) Certificate of Appropriateness. Review Process for Alterations, New Construction or Relocation. Criteria for Alterations, New Construction or Relocation. Additional Criteria for New Construction. In addition to the general criteria for Certificates of Appropriateness, the Board shall approve or deny applications for Certificates of Appropriateness for new construction using the following additional criteria.

Fajardo advised that staff is comfortable with the 300 feet change. There is still is concern about defining compatibility. There may be some unanticipated variations that the Commission may wish to consider. In response to Commissioner Trantalis, Fajardo explained application in the case of the Stranahan House and the Icon development. He went on to explain that the code now captures and defines compatibilities. It is no longer a review process by the Board and Commission. He recommended not being as restrictive and revisiting the compatibility language. The zoning has height limitations that could be higher than the contributing properties within the 300 feet. Baber noted that the current

ordinance limits the height of the building to the highest building of similar use anywhere in the historic district. The goal was to make it more meaningful to the surrounding buildings. Vice Mayor Rogers commented that consequences of rising sea level may have an impact on future construction. As to the zoning code conflict, Spence advised that when a property is purchased, there are certain vested rights of the property owner. It is about taking away those rights from the property owner who has an anticipated value of the property. Vice-Mayor Rogers pointed out that compatibility can be made to mean whatever one wants. However, if it has definition, that is no longer possible. He wanted to study this more closely. In response to Commissioner Trantalis, Fajardo advised that 300 feet was proposed by the working group and it is a dimension used for other matters in the code such as notice.

G.5.b.iv. Certificate of Appropriateness. Approval of a Certificate of Appropriateness for Demolition requires a 2/3 vote of the Board or a 2/3 vote of the City Commission, should that body hear the case on appeal or in a de novo hearing.

Fajardo advised that staff's recommendation of a majority vote plus one, similar to the Board of Adjustment, was not directed to the current process on the part of the Commission, but rather to the Board in the case of demolition. It was discussed at a Board meeting and there was no objection. There was consensus agreement.

G.5.b.vii. Certificate of Appropriateness. Review Process for Demolition. The Board may grant a certificate of appropriateness for demolition with a delayed effective date of up to three hundred sixty five (365) days. The effective date shall be determined by the Board based on the significance of the structure and the estimated time required to arrange a possible alternative to demolition.

Vice Chair Thompson indicated that the Board agreed on 180 days. There was consensus agreement.

H.1.a. Certificate to Dig

Vice Mayor Rogers noted there was a previous agreement to delay consideration until information could be collected on how other cities address this.

H.1.b. Certificate to Dig

Fajardo advised there was also a previous agreement to delay consideration until information could be collected. Staff was directed to present additional information.

I.1.b.iii.a) Maintenance of Designated Historic Resources and Demolition by Neglect

Vice-Chair Thompson felt this item calls attention to the need for a staff member to be aware of historic preservation. Before something is demolished, there should be previous knowledge of it being a historic structure. Vice-Mayor Rogers agreed about having all of the facts for something goes to the Unsafe Structures Board. However, there is the impediment gaining access to the property without the property owner's invitation. Thompson pointed out that if there is knowledge of a structure being historic before it reaches that point, it makes a difference. Vice-Mayor Rogers raised the idea of the Code Enforcement staff making a presentation instead to the Historic Preservation Board. It would raise the level of scrutiny. Thompson deferred to the City Attorney and noted that currently Code Enforcement staff does not pay much attention to the question of whether a structure is historic. Vice-Mayor Rogers explained his idea would be better enforcement of code violations to help prevent demolition by neglect. It would be the same process, but a different form. It will raise awareness for such cases to come before the Historic Preservation Board. Commissioner Roberts felt the entire process takes too long regardless of whether it

is historic. The City Attorney felt it would be finding a process to step into the shoes of the owner. The current process is lengthy and partially out of the City's hands. Commissioner Trantalis commented that Sailboat Bend is a perfect neighborhood as to examples. He previously raised the idea of foreclosure and was told the process is too complicated. Mammano said if the Code Enforcement Board informs the Historic Preservation Board (HPB) of a case, it would then be on the radar of the HPB and perhaps they could find an interested party. Commissioner Trantalis pointed out that idea only allows for placement of another lien on the property. The City Attorney pointed out it is not possible to trespass onto private property. Commissioner Trantalis advocated for foreclosure.

Because of the trespass issue, Vice Mayor Rogers felt a better approach would be to look into tightening the Unsafe Structures Board requirements as opposed to the structural engineer idea. Spence felt the Code Enforcement Board is the proper place to address it. When it reaches Unsafe Structures Board, their sole purpose is to protect the health, safety and welfare of the citizens against a structure that could collapse.

There was no consensus on this amendment.

J.1. General Provisions; Emergency conditions

Vice Mayor Rogers felt the same challenges as the previous item exist. Spence indicated some language could be incorporated in the code relating to nuisances to strengthen the code enforcement aspect. Vice Mayor Rogers thought that would be helpful and asked that it be done.

J.2. General Provisions; Demolition of Properties on the Florida Master Site File

Baber advised that the State is the only agency that can put something on the Master Site File. Before taking that action, the State would make the same determination as would the City Commission or HPB. Not every historic building is designated. This raises a flag for those that are eligible for designation and work toward preventing demolition.

Fajardo advised that staff spoke with the State and was informed that they will accept any application whether or not they have merit. Their list is more of a first step toward recognizing the potential for a property to be locally designated or nationally registered. In response to Flowers' question, Fajardo explained that the State (Florida Division of Historical Resources) does not go into the field and verify anything. Properties are added to the list based on information on the application only. Because there are no field visits or other vetting process, staff believes that adding properties to a list would be problematic. Flowers requested a written confirmation from the Florida Division of Historical Resources on their process. Commissioner Roberts wanted more information on the process.

There was no consensus on this amendment.

J.3. General Provisions; Emergency actions; non-designated properties

There was no consensus on this amendment. Commissioner Trantalis pointed out without a historic preservation officer, the process is weakened by the fact that no one will bring it to the attention of the Commission other than the Board. A lot of items are triggered by a historic preservation officer initiative and without that individual, it will not happen. Commissioner Roberts noted that this was to be discussed at the priority setting session follow-up meeting.

A. Historic Preservation Board Trust Fund

Spence confirmed for Vice Mayor Rogers that revenue from code fines cannot be used. Board Member Marilyn Mammano asked about adding the provision and work on funding at a later date with there being other funding options such as fundraising and grants. Commissioner Trantalis pointed out that a trust could be independently established at any time, but the HPB is an arm of the City corporation. Vice-Mayor Rogers did not think it would be appropriate in this legislation that is focused on enforcement. Some discussion ensued about the Broward Historical Commission.

There was no consensus on this amendment.

A.1.b.i. Contributing Property

Fajardo responded to Commissioner Trantalis' question concerning the definition of contributing resource. There was no definition and the City Attorney's Office was asked to draft one. He did not think the intent is to just restrict to 50 years. Commissioner Trantalis wanted to change "and" to "or". Vice-Mayor Rogers referred to the Analysis wherein the staff and City Attorney speak to how properties are evaluated for the National Register of Historic Places. In order to be eligible, age, integrity and significance are criteria. They use generally 50 years old and that it still looks much like it did in the past. Commissioner Trantalis felt the Register is speaking about the entire country that is 300 years old whereas Fort Lauderdale is much younger. He did not think that would be the standard in such case. Commissioner Roberts noted that it specifies generally. Commissioner Trantalis did not think 50 years should be a requirement. Architectural significance should be considered. Landmark status could be granted to a new structure. Vice-Chair Thompson pointed out that the main library has historic significance, but is not 50 years old. Baber indicated that there is another clause in the Register language speaking to exceptional importance. The Board did not recommend any changes to this section because it is prescribed by the State. There may be structures less than 50 years old that have local significance but do not rise to the criteria of the Register. He felt the City's language should say generally 50 years old and exceptional importance. Fajardo agreed to make this revision.

Commissioner DuBose left the meeting.

Section 47-40.7.A. – Transfer of Development Rights, Purpose

Commissioner Trantalis posed the following example. A property owner of a central beach area structure built in the 1960s may feel it is necessary to demolish it and build up in order to derive economic benefit. The City could allow transfer to development rights to another section of the city if the property owner would forego demolition of the structure. As to the recipient area, the downtown could be an option. The Board was requested to come up with examples of recipient areas. Vice-Chair Thompson suggested the South Andrews Avenue area. No language changes will be made at this time.

B.2.b. – H-2 Zoning Overlay District – Sailboat Bend Historic District, Architectural Resources Survey

Vice-Mayor Rogers agreed with staff. Public notice would be required. Fajardo estimated more than 200. The City Manager advised that planning staff is tasked in the coming year with master plan revisions and other matters that have been accumulating. He asked that the Commission be cognizant of other assignments. Vice Mayor Rogers indicated he would simply request a timeline. Commissioner Roberts thought it could be discussed with the next action plan discussion. This will be time-consuming. Vice-Mayor Rogers and Commissioner Roberts asked the City Manager to provide an outline of what it would entail.

Section 47-40.3 Penalties

Recognizing the budgetary challenges, Vice-Mayor Rogers suggested revisiting this with the Board after staff presents improvements to the code enforcement process. Vice-Chair Thompson did not think any progress could be made in the area of historic preservation as it currently stands. She hoped the Commission would work harder on this and help with having a designated individual.

Vice Mayor Rogers opened the floor for public comment.

Mary Hughes, president of Sailboat Bend Civic Association, read a prepared statement that is attached to these minutes. Mammano described how the proposal is less restrictive than what is currently in place. She thought it is a step in the direction Hughes presented. Hughes indicated that it sounds as if it is, but the proposal does not identify a period of significance. It sounds as if it is a revolving period of significance. It is not the way to go. There is no historic district. She believed there is a desire to protect the history, but not on the backs of the people who live in Sailboat Bend. It should be in a way that is sustainable. Walking tours with audio recordings of stories would engage young people. She commented that when she moved into Sailboat Bend it was not every home in the neighborhood. Now it is every home. Her home cannot be seen from the street yet it is designated significant. There are other homes that look historic but are replicas. There is no oversight by the federal government, so someone can simply designate any home they wish. She responded to Mammano's idea of coming to a consensus on what homes should be designated by saying it is a slippery slope to designate a district that is not a district. A recent presentation by the Historical Society highlighted various architectural styles but none can be found in Sailboat Bend. There should be a determination citywide though and a decision made of what is historical. The owners of the homes should be consulted because they have rights.

Susan Schmitz, a resident of Sailboat Bend, explained that the time and effort involved in getting approval for home improvements is too much for people to bear. Many people in the neighborhood do not understand the process.

Ken Powell, a resident of Sailboat Bend, read a prepared statement that is attached to these minutes.

Jim Paras, a resident of Sailboat Bend, read a prepared statement that is attached to these minutes.

Shawn Williams, resident of Sailboat Bend, was disturbed to see the differences between Sailboat Bend and Victoria Park. He felt it has to do with the Historic Preservation Board's restrictions. Changes need to be made. Property owners should be given the right to make changes.

Commissioner Trantalis commented that there was a time when residents of Victoria Park wanted to limit the type of construction that could take place because developers were tearing down the cottage homes that are associated with Victoria Park. He agreed that Victoria Park has a very nice look to it, but it is only by chance, not by design. There just happens to be a certain number of people who have chosen to preserve the houses. Dozens of the cottages have been torn down and replaced with large single-family homes and townhouses. If the same model was applied to Sailboat Bend by lifting the historic designation, the outcome cannot be predicted. He believed the historic designation should be lifted, but the question is what it should be replaced with. It should be kept in mind that Victoria Park was never successful in designating any portion of their neighborhood and what has occurred was simply because people chose to not tear down their homes.

Troy Conrey, a resident of Sailboat Bend, indicated that the vocal members of the Sailboat Bend Civic Association do not represent everyone. He and others would like to stay under the protection of the Historic Preservation Board.

Charles King, 105 North Victoria Park Road, criticized the existing system that now controls Sailboat Bend. He also said that people do not like the social service agencies, government-subsidized low-income housing and the police headquarters in the vicinity. He spoke about the value in Victoria Park properties in comparison to Sailboat Bend. He elaborated on other structures and amenities that have been destroyed by neglect with no thinking of their historical value. There should be a mix of younger people on the Historic Preservation Board. Vice-Chair Thompson asked if Mr. King's comments are why realtors do not want to disclose to their clients that they are purchasing in a historic district. King confirmed that is correct. Vice-Chair Thompson did not understand why realtors do not make such disclosures to their clients.

Molly Hughes, resident of Sailboat Bend, felt the Commission cannot have any idea of what Sailboat Bend residents go through without experiencing it firsthand themselves. Sailboat Bend does not meet any published standard for a historic district. If it did meet that criterion, residents would probably not be complaining as they are tonight. She pointed out that this may be the reason that all of the criteria are being removed from the code. The City is preserving something that has never been established to be significant and ranges over 40 years instead of 15 or so, whereas a period in time is supposed to be selected. The structures built during the 40 years have been altered so there is no one look but rather isolated structures. The landmark program would be more appropriate. The regulations may be acceptable if applied to a true historic district. She felt the City is shopping for a lawsuit. Sailboat Bend does not meet any of the regulations at the state and federal levels. If the historic district designation was lifted for Sailboat Bend and the regulations discussed this evening were applied citywide, Commissioner Trantalis asked if Sailboat Bend would be satisfied. Hughes indicated yes, but the underlying question is what should be done to protect the character of the neighborhood. They do not think that historic preservation is the way to accomplish it, but rather through master planning or by asking developers to comply with key features in the neighborhood. Neighborhoods throughout the city do not want tall structures next to little bungalows. This should be addressed for the entire city. Once the preservation restrictions are lifted, parts of the neighborhood that are becoming slum-like could be rebuilt. They recognize that the zoning is 25 units per acre and that Sailboat Bend is a fringe neighborhood. It is hoped that the tree canopy can be preserved and that new construction will be more than boxes with lids. The old structures should be kept only if the owners want to keep them. Commissioner Trantalis asked what would be the thinking if the restrictions are lifted and there is a flurry of people tearing everything down. Hughes advised she believed the opposite would occur. There are slum-like areas of the neighborhood. Development guidelines are the way to go. Her realtor did not disclose there are special regulations. She mentioned the difficulties she experienced when trying to secure a building permit. She went on to comment again how Sailboat Bend does not meet any criteria to be designated historic. The period of significance of 1900 to 1939 does not meet any national definition of a period. Eighty-five percent of the structures are supposed to be in the period of significance where Sailboat Bend may have 17 or 18 percent, which is why the rules do not work. She referred to previous discussion and clarified that the rule is that a structure must be 50 years old and significant and have its integrity in terms of not being altered.

Donna Mergenhagen, 1394 SE 17 Street, commented that in the town where she grew up there was a full-time consultant to protect community values. In Boston there is an entire department for the purpose of protecting the city's history. She encouraged the Commission to look at the issue of staffing. Issues with the code and overlays could be overcome by having one or more informed staff members. There should be accountability on the part of the staff when permits are issued for demolition without the

information coming to the Historic Preservation Board. Addressing the surveys and making proactive decisions about policy could be a full-time staff job. Property rights issues are diluted by not having policy and the surveys not being enforced. Staffing for this is important for the entire city because there are many valuable pockets.

Steve Glassman, 2821 North Ocean Boulevard, did not believe that problems in Sailboat Bend should be attributed to the Historic Preservation Board, the historic preservation ordinance or the district itself. In 1988, Sailboat Bend neighborhood adopted a master plan in a 300 to 3 vote. He would like to know if disposing of the district is truly the sentiment of the neighborhood today in that this evening there may be 10 homes represented. The master plan spoke to a small part of the neighborhood being historic. When Duany Plater-Zyberk & Company was brought in, they recommended the entire neighborhood be designated. The public process to adopt the ordinance took four years with overwhelming support of the neighborhood. Letters were sent to every property. He could not support eliminating the City's only residential historic district. He felt the ordinance could be tweaked. The proposal this evening is less restrictive. He drew attention to information from the Florida Division of Historical Resources about the economic impact of historic preservation. Some of the arguments this evening about why to eliminate the district are really a reason for having a historic preservation officer. Such an individual could educate people on the permitting process and taking advantage of tax breaks. Much has to do with a lack of education. If people put their heads together he felt it could work for the district. The Supreme Court has established that a historic district does not result in lost property rights and is a public good. Looking at the real estate boom, Sailboat Bend escalated in value at the top of any neighborhood. A lot of people would attribute it to the historic designation. It is not a negative. There is flexibility in the building code, County and City tax exemptions and exemption from FEMA rules. District properties are eligible for setback reductions in new construction. He has pages of arguments to points made by Ms. Hughes at the first joint workshop. As to the idea of designating the individual contributing structures, he questioned who would pay for that at \$625 each. He estimated about \$174,000 in filing fees. He felt more representation should be ascertained to determine if the sentiment today approaches the 300 to 3 vote in favor that occurred between 1988 and 1992. Mammano asked if Glassman believes the survey conducted in 2009 would be the basis for the new modified ordinance. There would be a distinction made between important structures and others and treat them differently. Glassman indicated he could see that it would be justifiable to treat the non-contributing buildings differently. He drew attention to the excellent design guidelines and master plan recently written by the City. He mentioned Hughes' comment about contributing resources being 50 years old and significant. He clarified that Baber was speaking about tax incentives and not contributing resources. With Fort Lauderdale being a certified local government, it would be a black eye to decertify this district. Many of the items in the document reviewed this evening come from standards set by the State because of the City's certified status. State and Federal standards are part of the proposal.

Attorney Courtney Crush of Crush Law felt the existing criteria in the preservation ordinance are vague. The proposal is more broad but does not drill down on what the City wants to preserve. There are a lot of ugly buildings today that would meet the current test for what may be historic. The City should consider whatever was built during the city's founding decade and make a distinction with respect to architectural style. Anyone can file an application for designation. If the City chose to designate a building, she questioned how development around it would be evaluated. She hoped the City would provide for the working group to hold a workshop where other members of the public could walk through how the ordinance would work in commercial corridors and the downtown.

There was no one else wishing to speak.

When the proposal is in more final form, Vice-Mayor Rogers wanted to dissect it more as to what is approved by the Board and what can be approved by staff. Commissioner Roberts referred to Crush's comments. He felt there is need for more outside input. The City has lost lawsuits concerning building in Sailboat Bend and he wanted to avoid that occurring again. The City needs to decide whether it is a historic district. He felt individual structures citywide should be evaluated on their own merit. He was not comfortable with all of the criteria. More input is needed. Vice-Mayor Rogers agreed it requires more examination.

APR 29, 2014

**Comments by Mary Hughes, President, Sailboat Bend Civic Association
4/29/14 City Commission/HPB Joint Workshop**

My name is Mary Hughes and I'm president of the Sailboat Bend Civic Association. My role tonight is to communicate to our City Commission the perspective of the Association and neighborhood, which has been captured through discussions during the Association's General Membership Meetings and the 4-month visioning exercise the Association sponsored to solicit neighborhood-wide input. Collectively, just during formal meetings, I've witnessed approaching 300 man-hours of discussion devoted to the Sailboat Bend Historic District conundrum. And while there are many ideas and perspectives, what nearly all share is:

A desire to evolve from the current restrictive approach to preserving the neighborhood's character, to a non-restrictive approach.

We neighbors do know what we're doing—"keeping the baby but not the bath water";

- **Sailboat Bend doesn't possess enough historic resources to warrant designation as a Historic District; &**
- **The only true solution is to eliminate the District in favor of a more sustainable approach to historic preservation and a more focused approach to maintaining our neighborhoods character.**

We want to save the baby—our neighborhood—from drowning." Current regulations are killing our neighborhood, and certainly more regulation is not the answer. Sailboat Bend is an urban, downtown neighborhood. We want to nurture and protect it as we do our children. But, like our children, it must be allowed to mature and prosper to its full potential.

Designation as a Historic District is unwarranted (SB has deep history but does not qualify as a District)

Our neighbors have spent hundreds of hours researching historic preservation. One of our key observations along the way has been the distinction between sentimentality and historic preservation.

Let's be clear: There are no homes in Sailboat Bend on the National Register, and only one local Landmark home—and it was relocated to Sailboat Bend in 1996 from another City neighborhood!

In addition to not being warranted based on true historic value, my letter sent to you yesterday, documented a half-dozen reasons why the Sailboat Bend Historic District should be eliminated: among those, historic preservation wasn't the original need expressed by the neighborhood; the current District is much larger than the area originally asserted as historic; and the health of the neighborhood is dependent on elimination of the area's restrictive regulations that hold back gentrification.

Sadly, some who support eliminating the District did not come out tonight for fear of retribution by the HPB when their projects go before them in the future.

What we suggest the commission do is substitute a more sustainable 21st-Century historic preservation program, and undertake a more focused approach to maintaining SB character.

What we need instead of a district is a historic preservation program that is consistent with State and Federal nominations to the National Register of Historic Places, the City's historic preservation program should be voluntary. An affordable, sustainable, digitized program built on 21st-Century techniques should be employed. Perhaps as detailed in my letter with walking tours and QR Codes, with the potential to last long after even the most extravagant physical preservation efforts have succumbed. If we don't take these steps as a City, we are guaranteed to lose our historical resources forever, whether due to weathering wood structures with limited life-spans, or hurricanes that damage older structures.

And we need to undertake neighborhood exercises that assist residents and property owners in identifying the unique characteristics of their neighborhoods, and develop ways to maintain those characteristics over time and in concert with redevelopment needs.

In closing

End the charade that the Sailboat Bend neighborhood is historic.

- Allow voluntary use the National Register of Historic Places and the local Landmark programs to shine a light on the area's truly historic resources, and maintain them and the rest of the older structures and their stories forever using 21st—Century techniques in a sustainable program format.
- Document the neighborhood characteristics residents want to preserve in their neighborhoods, and honor efforts to preserve them.

We simply cannot afford to mistake sentimentality for historic preservation.

- Do we love the character of our neighborhood? Its tree canopy, its eclectic nature, its charm? YES.

Be the Commission of the 21st Century. Join our history with modern technology enjoyed by our youth to preserve our history for them and their children for generations to come. Overhaul your historic preservation program to be sustainable and allow Sailboat Bend to thrive. Press Play, Fort Lauderdale. Healthy neighborhoods make healthy cities.

Apr 29, 2014

My name is Ken Powell and I have been a property owner in Sailboat Bend for about four years. During this entire four year period I have been actively involved as a Watch Dog over this Ordinance Revision process and have attended many of the HPB Meetings associated with this rewrite. During this time I have observed many changes to the proposed ordinance and have reviewed them very carefully. And after doing so, I would recommend that the City Commission move forward on adopting them. But only move forward on adopting them as they apply to the H-1 Historic Districts and the individually designated sites throughout the City.

As for the H-2 Zone being Sailboat Bend Historic District these proposed revisions would only aggravate an already poorly executed Historic Preservation process. The reason the proposed revisions will not work in the our H-2 District is because our collection of structures is not like the properties located in the H-1 Zones. The properties located in the H-1 Zones are all of a similar Age, Significance and Integrity. "This one shoe fits all" approach, is unacceptable for our Sailboat Bend neighborhood.

Yes our neighborhood is old and there are several charming homes that deserve to be preserved and we encourage the owners to continue to love and maintain them. But age alone is not a good reason that something should be saved. For those of us that have lost a parent and it becomes our responsibility to cherish their life's possessions, you quickly learn, that we just can't save everything. We need to be discerning as to what to keep and what was just "stuff". We want to save a piece of history for future generations. But with every treasure we save, also comes a responsibility not only for us, but also for them rather they like it or not. Let's make certain that what we see as a treasure for the future will be viewed by them in the same light, and is worthy of that commitment. Each generation will create their own history and as that historic collection continues to grow over time, the obligation to maintain it will continue to increase as well. At some point they may be totally overwhelmed with that responsibility. The end result, being less of an opportunity for them to identify their own success and accomplishments.

As the City of Fort Lauderdale well knows, from their experience with the East Side School and the Shippey House, Historic Preservation is not free, it comes at a price. And that price tag is not only a financial one but also lost opportunity. What benefits could have been achieved by using those same resources somewhere else? Maybe that's why it has been so difficult to find funds to renovate the Shippey House. contributors are just waiting for the "Real Deal"?

My position as it relates to this ordinance would be to rescind the H-2 Sailboat Bend Historic District for the reasons stated and move forward with adopting this Ordinance, but only as it relates to the H-1 Historic Districts and other designed historic landmarks throughout the City.

Please add this to the Public Record for this meeting of April 29, 2014

Respectfully submitted,

Ken Powell, 1216 SW 4th Court

Apr 29, 2014

Hello my name is Jim Paras and I live at 1216 Coontie Court

I am here today to support the sailboat bend civic association in their request that our neighborhood be returned to the same rights as other residents of Fort Lauderdale enjoy. Before coming to this conclusion, I have gone through the process of obtaining a building permit. With the additional COA reviews that took approximately 20 months. I have also had the opportunity to look at other south Florida historic districts and that lead me to question " why doesn't my neighborhood look like they do?" Finding almost immediately the reason for that is that we lack the one thing they all have in common.... a overwhelming number of similar structures that make up the reason to protect a district in the first place. I have talked to many of my new neighbors and have mostly heard the down side to being in a historic district, many have stories of favoritism , bullying, inequality and those that have used the districts designation for their own profit. Many people with good intentions agreed to this becoming a historic district but only after a master plan for the

neighborhood could not be agreed upon. As stated in that master plan. Quote the village of sailboat bend is destined to become an exciting urban environment. Professionals who work downtown will create a rising demand for convenient housing. One of our contributions to the city's need for in-town housing will be met by encouraging high quality, dynamic townhouses designed for the urban professional. We can accomplish this by drawing on our community's ambience and creating a new zone category that address the needs of our community in 1988 and in the future. End quote. Many people I talk to are unhappy with the historic district, feeling the designation is misaligned, and it failed to meet the original intent. And now the proposed tighter regulations do nothing to solve these problems only make it worse. We have better involvement now than the civic association has had for decades. I urge you to work with the majority of us homeowners that want a change.

thank you for your time