

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, AUGUST 2, 2004 - 5:00 P.M.
CITY HALL
1st FLOOR CONFERENCE ROOM
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

	<u>Cumulative Attendance</u>	
	<u>Present/Absent</u>	<u>From January 2004</u>
<u>Board Members</u>		
Christopher Eck, Chair	P	7-1
Todd Fogel	P	7-1
Mary-Jane Graff	P	7-1
Bill Howard	P	2-0
Margi Glavovic-Nothard	P	6-2
Rachel Bach	A	4-4
William Saunders, Vice-Chair	P	7-1
Carolyn Dandy	P	7-1
Tom Welch	P	1-1
Clay Wieland	P	7-1

Staff Present

James Cromar, Planner, Staff Liaison to HPB
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Assistant City Attorney
Margaret A. D'Alessio, Recording Secretary

Guests Present

Caroline Bass	Bob Sadowski
Brett Bass	Judith Scher
Jim Klecker	Charles Jordan
Ellen Uguccioni	Guido Brito

Call to Order

Vice-Chair William Saunders called the meeting of the Historic Preservation Board to order at approximately 5:10 p.m. Roll call was taken with the following Board Members being present: Carolyn Dandy, Todd Fogel, Mary-Jane Graff, Bill Howard, William Saunders, Tom Welch and Clay Wieland.

Christopher Eck and Margi Glavovic-Nothard entered the meeting at approximately 5:11 p.m.

Approval of Minutes – July 12, 2004 Meeting

Chair Christopher Eck stated that on the first page of the minutes under "Guests Present" it read: "Allen Ujnccioni," and it should read "Ellen Uguccioni." Also, he stated that on page 7, first paragraph, second to the last sentence, it read, "He stated," and it should read, "Chair Christopher Eck stated"; otherwise one might think it was Mr. Snyder speaking. He also stated that on page 12, third paragraph, the word "loge" should be changed to "loggia."

Motion made by Bill Howard and seconded by William Saunders to approve the minutes of the July 12, 2004

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All individuals wishing to speak regarding the cases on tonight's agenda were sworn in.

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|----|---|-------------------------|
| 1. | <p>Applicant: <u>Fran Mercer</u></p> <p>Location: 715 NE 17 Avenue</p> <p>Request: Certificate of Appropriateness for Alteration</p> <ul style="list-style-type: none"> ▪ Repair fire damage ▪ Replace windows ▪ Replace porch ▪ Replace siding in rear <p>Zoned: RCS-15</p> <p>Legal: <u>Victoria Courts.</u> Court 2, Lot 15
P.B. 9, P. 49</p> | <u>Case No. 18-H-04</u> |
|----|---|-------------------------|

Merrilyn Rathbun, Consultant, stated that the house at 715 NE 17 Avenue was part of the Victoria Courts, a historic landmark site designated by the City of Fort Lauderdale in 1996. Victoria Courts was a group of eight wood frame houses, ca. 1927-28, located on the south half of the 700 block between NE 17 Avenue and NE 17 Road. Originally, the entire block was part of the development built by Victoria Park developer Alfred Kuhn. The houses may have been built as rentals for the winter season or for sale as second homes. However, only 8 cottages of the original structures remain. The houses, when first built, faced an alleyway that ran down the center of the block at the rear of the lots with secondary entrances facing the streets. Today, the main entrances are on the street facades.

Ms. Rathbun further stated that the house featured a hipped roof with clipped gables at the side elevations, wood siding and one over one lights windows. The house had suffered fire damage, and the applicant needed to make repairs to the structure, such as replacing windows, a porch, and siding on the rear elevation. The new windows would be aluminum frame, single-hung one over one light to match the originals. Ms. Rathbun proceeded to read the criteria found in Section 47-24.11.C. She explained that the proposed work would restore the house to its historic appearance, and quoted sections (e) and (f) as follows:

- (e) Whether the plans may be reasonably carried out by the applicant;
- (f) Whether the plans comply with the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

“The United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

- “1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- “2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.”

Ms. Rathbun explained that the Board could approve the application as presented, approve it with modifications, or deny the application.

Bob Sadowski, general contractor, stated the owner, Ms. Mercer, who had hired him, was unable to attend

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tonight's meeting. He stated that the windows would be impact windows and would exactly match, and therefore, this would not have to come back before the Board when they were going to do hurricane shutters. He stated that the siding would be standard 1305, which had been made the same for the last 50 years. He stated that it would match exactly the siding that existed on the building.

Chair Christopher Eck proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

William Saunders stated that he had been at the site and he stated that those two streets in Victoria Park were magnificent.

Motion made by William Saunders and seconded by Clay Wieland to approve the application as presented. Roll call showed: YEAS: Carolyn Dandy, Todd Fogel, Margi Glavovic-Nothard, Mary-Jane Graff, Bill Howard, William Saunders, Tom Welch, Clay Wieland and Christopher Eck. NAYS: None. Motion carried 9-0.

2. Applicant:	<u>G. Brett and Caroline Bass</u>	<u>Case No. 03-H-04</u>
Location:	221, 223, 225, 227 & 229 SE 12 Avenue	
Request:	Historic Designation	
Zoned:	RM-15	
Legal:	<u>Beverly Heights</u> , Block 21, Lot 1. P.B. 1, P. 30. Together with the north 5.0 feet of that certain 10' alley lying adjacent to the south line of said Lot 1, Block 21, vacated per Ordinance #1060-4/1840.	

James Cromar stated that this application was a request for historic designation. He reminded the Board to review the criteria in Section 47-24.11.

Merrilyn Rathbun, Consultant, stated that this structure was known as the Mizner/Bass Building. She explained that the applicants were requesting historic designation for this 1939-1940 Art Moderne apartment building just north of Las Olas Boulevard. She stated that in accordance with Section 47-24.11 of the City's ULDR, the City give historic designation to properties. She then proceeded to read Section 47-24.11 B.6.c, one of the criteria for historic designation:

- c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation

Ms. Rathbun continued stating that in 1939, Charles Swaggerty commissioned architect D.B. MacNeir to design a four-unit apartment building to be sited on Lot 1, Block 21, Beverly Heights. In 1940, architect G. Sherman Childs designed the second story addition for the four-unit apartment. She explained that Charles Swaggerty owned the first taxi company and later Fort Lauderdale's first bus company, Swaggerty's Taxi Service, and Garage and Transit Company. Mr. Swaggerty came to Fort Lauderdale from St. Louis in 1915 and was employed as a bus driver for the White Star Line of Miami before he started his own company in 1921. Ms. Rathbun explained that Mr. Swaggerty received a charter from the City to run what he called a belt line that covered most of the City, and then ran to the beach. She stated that according to historic resources, the beltway did not make much money until World War II. However, in 1926 Mr. Swaggerty and Mr. W. H. Ritchie indulged in the popular practice of putting little money down on real estate investments with the intention of selling them to pay off the balance owed and hopefully make a profit. They purchased a city block in Mary Brickell's subdivision of Colee Hammock for the sum of \$100,000 in June of 1926, which was a poor time to buy as the F.E.C. freight embargo had crippled the building boom and 3 months later, the boom was finished with the 1926 hurricane.

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Ms. Rathbun further stated that by 1938, Mr. Swaggerty's finances had recovered sufficiently to enable the construction of the Bass/Mizner building on a smaller property in nearby Beverly Heights. This was an investment for Mr. Swaggerty, and he did not live on the property but kept it as income property. The apartment could have been rented year round, or they could have rented it for a considerable sum to winter visitors during the "season."

Ms. Rathbun proceeded to read the criteria in Section 47-24.11.B. 6.d, which stated:

- d. Its identification as the work of a master building, designer, or architect whose individual work has influenced the development of the city, state, or nation.

Ms. Rathbun then stated that Donald B. MacNeir came to Fort Lauderdale in 1933. She explained that he had received a Master's Degree in Architecture from the University of Pennsylvania in 1926, and studied architecture at the Sorbonne in Paris. She stated that throughout his career, he had designed many notable buildings in this city, including the Blount Building on Las Olas Boulevard which was a beautiful International Style building, now demolished, and that he had also designed many homes on Las Olas Isles.

Ms. Rathbun stated that G. Sherman Childs was a prominent Palm Beach architect, and among his notable works was the two-story Moorish style Lake Worth Municipal Auditorium, which was now used as the City Hall. She explained that between July 1938 and March 1941, Mr. Childs designed 25 projects in Fort Lauderdale, including The Warnor Theatre located at 128 E. Las Olas Boulevard.

Ms. Rathbun proceeded to read the criteria in Section 47-24.11.b.6.e which stated:

- e. Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance.

Ms. Rathbun continued stating that this building had classic characteristics of the Art Moderne Style, including horizontal grooving along the roof line, continuous eyebrows over the windows, doors on the first floor, circular windows in the entrance doors, and metal-framed windows that turn corners on the 1st and 2nd floors.

Ms. Rathbun then proceeded to read the criteria in Section 47-24.11.b.6.f which stated:

- f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

Ms. Rathbun explained that examples of the Art Moderne and Deco Style were relatively rare in Fort Lauderdale because of economic conditions, i.e., the collapse of the 1920s "boom" and the Great Depression. Therefore, little building activity occurred in the City during the hey-day of the style, which was the late 1920s through the early 1940s. She stated that the Bass/Mizner Building was an excellent example of the style for any community.

Ms. Rathbun further added that the Bass/Mizner Building was worthy of historic designation by the City.

Ms. Rathbun advised the Board that they could approve the application as presented, approve it with modifications, or deny the application.

Caroline Bass stated that she and her husband owned the building, and it was their intention to preserve it. She added that they wanted to move their real estate office into one of the units. Due to the parking situation, she stated they wanted to turn the remaining units into a Bed & Breakfast. She stated they wanted a historic designation because they felt the building was architecturally significant.

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Chair Christopher Eck proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by Margi Glavovic-Nothard and seconded by Clay Wieland to approve the application as presented based on the information submitted by the historic consultant's report.

Margi Glavovic-Nothard added that it was a great pleasure to have such an application brought before this Board, and proceeded to thank them for their appreciation of a great building and what it brought to the community.

William Saunders stated that he felt it was refreshing to have someone who actually owned the building seek designation.

Chair Christopher Eck stated that he had spoken with both Brett and Caroline in the past regarding this building and he was happy they were able to present this application to the Board. He asked Ms. Bass how they preferred to have the building listed as Bass/Mizner or Mizner/Bass Building because he had seen it written both ways. Ms. Bass replied that they preferred the Bass Building.

Chair Christopher Eck asked if the maker of the motion, along with the second, would amend the motion to add the name of the building.

The motion was restated as follows:

Motion made by Margi Glavovic-Nothard and seconded by Clay Wieland to approve the application as presented based on the information submitted by the historic consultant's report, and that the building be referred to as the Bass Building. Roll call showed: YEAS: Todd Fogel, Margi Glavovic-Nothard, Mary-Jane Graff, Bill Howard, William Saunders, Tom Welch, Clay Wieland, Carolyn Dandy, and Christopher Eck. NAYS: None. Motion carried 9-0.

3.	Applicant:	<u>TRG & S Las Olas Beach Club, Ltd.</u>	<u>Case No. 27-H-01</u>
	Location:	101 S. Fort Lauderdale Beach Boulevard (Atlantic Boulevard)	
	Request:	Certificate of Appropriateness for Demolition <ul style="list-style-type: none">• West façade and interior portions of structure Certificate of Appropriateness for Alteration <ul style="list-style-type: none">• Restoration of north, east and south facades	
	Zoned:	PRD	
	Legal:	<u>Las Olas by the Sea</u> , Re-Amended Plat, Block 4, Lots 1-6, P.B. 1, P. 16, and <u>Lauder Del Mar</u> , Block 1, Lots 1-7 P.B. 7, P. 30.	

James Cromar stated that this application was in reference to the Lauderdale Beach Hotel. He stated the applicant, the project developer, was requesting Certificates of Appropriateness for Demolition of portions of the existing structure, and one for alteration and restoration of the north, east and south facades. He stated there were a lot of nuances to the application, and clarified that the proposal was to preserve the entire north, east and south facades, not just the portions delineated by the historic designation that the City Commission had approved. He explained the Board was to consider the COA request solely for the portion of the structure and the site with landmark designation, which was the eastern portion of the structure. He further stated that the remaining portion of the project would not be on a landmark site, but would be subject to a Historic Preservation Board review and comment at a later date. He explained that the report on the impacts to the historic resource

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would not be presented tonight. He stated that the applicant preferred to go through the Development Review Committee process, and then return before this Board. He reminded the Board that that they should consider the criteria for COA's in Section 47-24.11.C. for the designated landmark portion of the site.

Merrilyn Rathbun, Consultant, stated that this was an application for a Certificate of Appropriateness for Demolition of the west façade and interior portions of the structure, and a request for a Certificate of Appropriateness for Alteration and restoration of the north, east and south facades.

Ms. Rathbun explained that the applicant was before this Board to seek approval for the Certificates of Appropriateness for partial demolition and alteration of the historically designated Lauderdale Beach Hotel. At a City Commission meeting on April 23, 2002, the Commission, on a roll call vote, designated the eastern one-half of the hotel which consisted of the east façade, portions of the north and south facades, and some part of the hotel lobby, as historic by Resolution No. 02-58. She stated that the developer had revised his plans and stated that he would restore the remaining portions of the north and south facades to their historic appearance (with modifications to accommodate the adaptive reuse of the building). She explained that tonight the Board was being asked to address only the designated portion of the building. She stated that the developer would present the modified plan for the hotel and the adjacent high-rise structure, along with the impacts on the historic structure, at a future meeting.

Ms. Rathbun stated that the applicant was requesting a COA for Demolition to demolish a one-story addition located at the west (rear) façade of the historic building, the rear wall, and portions of the interior of the hotel. The demolition was to facilitate new construction and an adaptive reuse of the historic building. She explained that the developer planned to retain and restore the north and south facades of the historic hotel. Ms. Rathbun proceeded to read the criteria in Section 47-24.11.C.4.c.

Ms. Rathbun further stated that the applicant had submitted plans for the restoration of the three historic elevations, and the applicant's architects had paid attention to the historic documentation for such hotel. She further stated that the applicant would remove modern windows and replace them with windows (design) that would match the originals, and all non-historic alterations would be removed. She advised that the applicant had provided a narrative detailing his plans. She then read the criteria in Section 47-24.11.C.3 and cited the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Ms. Rathbun further stated that given the scope of this particular application, the applicant had met the requirements of the Fort Lauderdale ULDR, Section 47-24.11, along with the Secretary of the Interior's Standards. She advised that the Board could approve the application as presented, approve it with modifications, or deny the application.

Charles Jordan, President of the Broward Trust for Historic Preservation, stated they became involved with the design team of this new structure as part of the litigation which the Broward Trust had filed against the City of Fort Lauderdale and in regard to the mediated settlement agreement. He stated a key point for everyone to keep in mind this evening was that there was a local historic designation of the eastern 55-foot portion of the building, which was what they were addressing this evening. He added that they had gone through a process of taking a previously approved project, which dealt with saving only the first 55 feet of this building, and as a

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result of such litigation, the applicant was willing to save the entire façade of the structure facing the street. He stated they felt it was a win-win compromise for the City.

Mr. Jordan further stated that knowing only a portion of the building was designated; part of the settlement included a façade easement which was donated to the Broward Trust for Historic Preservation, which would be preserved in perpetuity. He stated the owners would have to get permission from the Broward Trust for any alterations. He stated the adjacent tower had been redesigned to be more compatible with the existing building. He proceeded to thank the negotiators for their good work and the positive results that had been obtained.

Mr. Jordan proceeded to make the following introductions: Ellen Uguccioni (Janus Research), Guido Brito (architect and consultant), and Brianni Sungilli (Segar Suarez – Architectural Firm).

Ellen Uguccioni, Janus Research, stated that Guido Brito, her colleague, was also in attendance at tonight's meeting. Ms. Uguccioni proceeded to show pictures of the hotel.

Ms. Uguccioni stated that the project design team had hired Janus Research to make sure that as much of the building as possible could be preserved, and to determine what impacts would occur and how they could be mitigated. She stated they first addressed the significance of the building, along with its various components. She proceeded to show the footprint of the building, and explained that the building looked different than the one shown on the postcard because during its first phase of construction in 1936, a portion of the Lauderdale Beach Hotel was only at the northern end of the block. She explained that it had a different planned shape, but shortly thereafter in 1937, an addition had been commissioned and the structure took on its proportions. She proceeded to show the eastern elevation, along with the west façade. She explained there were very distinctive facades on Cortez Street and Poinsettia Street. Ms. Uguccioni stated that the building was a remarkable structure and very beautiful.

Ms. Uguccioni proceeded to show a photograph of the clock tower and the one-story portion of the building that had been constructed in a later phase. She stated the one-story portion connected the north/south section and was called the Promenade. She remarked that they had the original plans and knew what Mr. Roy M. France intended, and added that he had detailed the windows and doors. She then proceeded to show a photograph of the northern edge of the building, along with the eastern elevation. Until recently, she stated that a McDonald's restaurant had been in the bay on Cortez Street. She then showed the western elevation of the building. Ms. Uguccioni continued, stating that there had been an alteration to that portion with a sweeping staircase into the parking lot. She added that a minor addition had also been done on the north elevation, but it would be removed.

Ms. Uguccioni stated that the main elevation on the Boulevard was in very good shape. She advised that some changes had been made to the windows with plate glass, but the project would replace all the windows in the promenade (main section). She explained that the windows would be reconfigured as to how they were in the original plans. She stated there had been a rail on the plans that had triangular ornaments interspersed across the elevation, but stated it had been changed to a simple pipe rail, which would be replicated and put back.

Ms. Uguccioni further stated that there was a makeshift ramp for access where McDonald's had been, but the doorway would be replicated. She remarked that had been an important entrance to the building because it had been the lobby of the hotel, and the doors on the other side had led to a dining room at the southern portion. She stated not a lot had to be done to the building because it had maintained a great deal of its character. She continued, stating that on the north side the tower building consisted of 28 stories with 253 units. She remarked they had programs that were contradictory in nature. She stated further that there was a small 6-story building, along with a tall contemporary building. She stated that even though this building was not the subject this evening, she wanted to make some comments about it because to not do so, she believed,

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would ruin the context or supply a false sense of what was occurring at the site. She explained that originally, the building would have been cut off at a portion and showed that part on the photograph. She stated that during the negotiations with the Broward Trust and the principals of the development team, they had discussed how to gain entrance into the building for the vehicles and their guests, along with the residents, while still maintaining the actual building. She stated that access would require penetration of the building. She proceeded to show the original elevation minus the one-story addition. She stated it was about a 20' opening into the building allowing access to the interior of the garage. She showed on the site where the new construction would be located.

Chair Christopher Eck asked Ms. Uguccioni to give a short synopsis of what was not going to be decided this evening, so they could concentrate on what had to be decided at tonight's meeting.

Ms. Uguccioni proceeded stating that there was a small insert showing a service entrance, and the applicant wanted to have it covered with a screen device consisting of metal with panels behind it.

The Assistant City Attorney advised the Board that this doorway was beyond the designated area.

Ms. Uguccioni proceeded to show where the designated portion ended. She stated they were not going to discuss the west elevation because it showed the new building. She continued, stating that this Board would probably be concerned as to how the attachment would occur to the rear façade.

Chair Christopher Eck proceeded to open the public hearing.

Judith Scher introduced herself as President of the Birch Crest Condominiums and Vice-President of the Central Beach Alliance. She advised that she was present this evening on behalf of the CBA, who had voted almost unanimously against this 29-story condominium tower that was to be built in conjunction with the Lauderdale Beach Hotel as part of the Las Olas Beach Club project. Ironically, she stated the request this evening was for a COA for the demolition of interior portions of the structure, but during the past month she advised that windows had been removed and interior demolition was moving forward without the necessary permits. According to a special resolution of the City Commission, no demolition was to have taken place on any portion of this historic hotel until all permits were received for construction of the new tower.

Ms. Scher asked if they were present this evening to merely pay "lip service," and reminded this Board that in January 2002, they had declared the entire Lauderdale Beach Hotel as historic. She asked what made the western façade any less historic than the rest of the building. She stated it would be a farce for the Board to grant a COA, and she wanted to bring to the Board's attention the Secretary of the Interior's Standards for the treatment of historic properties that stated as follows:

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and special relationships that characterize the property. The new work will be differentiated from the old, and would be compatible with the historic materials, features, size, scale, and proportions, along with massing, to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Ms. Scher stated that this Board had the responsibility to be objective in their review of this case. She reiterated that honesty should dictate, and stated that the application this evening did not meet the Secretary of Interior's Standards regarding the new addition. She explained that a 29-story condominium tower was not compatible with a 6-story historic hotel, and was out of scale, proportion and massing, and did not protect the

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integrity of the property and its environment. She stated that the beach neighborhood respectfully requested this Board to deny this COA.

Jim Klecker, TRG & S Las Olas Beach Club, Ltd., stated that he wanted to clarify that they had obtained an interior demolition permit from the City. He explained they were removing asbestos and some interior drywall so they could expose the structure to do some testing on the structure regarding preservation. He stated that had been required by their structural engineer.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Margi Glavovic-Nothard stated that she wanted further clarification of the historic consultant's interpretation regarding replication, and how they were to address elements that were being replicated that did not currently exist on the building, along with how they were going to address the windows that were to be replicated.

Ms. Rathbun stated that since there was a lot of photographic documentation of the early hotel, along with the windows, and because they also had the original floor plans, they could work from such documents. She stated the windows would probably have to be custom made, but she did not know how they were doing them or where they were obtaining them. She stated as long as they had a model and the documentation, the Secretary of the Interior would permit replication of missing historic features.

Todd Fogel stated he was not sure what was before the Board this evening for their consideration, and stated he had been confused during the presentation. Therefore, he asked for some further clarification as to what had been designated historic, what was a result of the negotiations, and what was actually to be considered by the Board this evening.

James Cromar stated that the backup material supplied a plan view with a dotted line indicating the portion of the structure that was designated. He explained that the Board was to consider only this designated portion for the COA, and stated that the remaining part of the structure would be considered in a different context according to the impacts on the historic resources. He stated it was difficult to discuss part of the hotel without talking about it in its entirety. He stated the Board's official jurisdiction this evening was in regard to the designated portion of the structure. He added that at a future date, the Board would have the opportunity to comment on the impact of the tower on the remaining portion of the structure.

Mr. Cromar further stated that according to the City Attorney the applicant did not need the requested COA's because the previous project design had approval to move forward. He explained that based on the agreement between the developer and the Broward Trust for Historic Preservation, the applicant had proposed a new design, and if approved could be built. Meantime, the developer could construct the building that had previously been approved. He stated that the City Attorney's position on this matter was that the COA's, which had been issued as part of the mediated settlement, were in effect and the developer did not have to come forward this evening to request the COA's, but it had been his choice to do so. He added that the applicant had stated as part of their agreement with the Broward Trust that they would appear before this Board for their official vote. He stated that was the reason this Board was to review the demolition of the interior portions on the west façade, and the alterations to the facades on the north, east and southern portions.

Bill Howard asked what were the ramifications of this Board's vote, and asked what would occur if the request was denied.

The Assistant City Attorney explained that at present the developer had a COA for a previously approved site plan, and was free to follow such site plan. She stated that the Broward Trust for Historic Preservation had sued the City and the developer, and as part of the settlement for such lawsuit, the developer had agreed to

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make some changes to the previously approved plans. She explained they were present this evening with an amended design. She stated that Broward Trust was somewhat approving of the plan and it was part of the settlement. She added that if this Board did not approve said changes, then the developer could appeal the Board's decision to the City Commission, as was the procedure for any other COA. She further stated the developer could probably also proceed with the site plan previously approved and risk whatever Broward Trust would inflict upon them, if they proceeded in such a manner. She stated the Board had the choice to vote on the amended plan just as they would vote on any other application that might have been changed. Bill Howard stated he was concerned that the developer could proceed with the original plan without any approval of this Board if the Board voted "No." The Assistant City Attorney confirmed.

Margi Glavovic-Nothard stated it was hard to look at this project without thinking of the tower as part of it. She stated that obviously one of the things they looked at regarding the historic designation of a property was the context. She stated that last month the Board had looked at a project in the Downtown area that had been presented regarding its impact to adjacent historic buildings. She felt it was difficult to do this, but in this case she stated she was not quite clear what was new and what was old on the site plan. She referred to plans identified in the backup material as A002, and she stated there was no interior view as to how it would be connected.

Guido Brito, architect, proceeded to show a graphic of what portion of the building was to be preserved. He stated that on the north side, it showed the entire length of the existing building. He remarked that it had been highlighted in yellow. He further explained that it met the garage, which had a pool deck and landscaping over it, and proceeded to show where the tower would begin and added that it went backwards. He stated there was a distance separating the existing and the new portion.

Margi Glavovic-Nothard remarked that she understood the perimeter of the façade and how it tied into the elevations, but she was not clear as to how the interior portion of the designated part of the building directly connected to what was being proposed within the building envelope. She stated they did not have any floor or ground plans indicating this. In the initial designation, she stated that the building was not just the façade, but included 50 feet that had been designated. She stated that therefore she was assuming that the interior was also relevant.

Mr. Brito stated that the interior on the north side was a wood structure, and therefore, they were unable to retain it, and it had to be replaced with a structure that would stabilize and strengthen the building. Therefore, even in the beginning, it had been agreed that they would only preserve the façade elements on the northern side of the 55 feet of the building.

Margi Glavovic-Nothard asked if the designation of the building included only the façade. Chair Christopher Eck stated that he believed a portion of the lobby was also designated.

James Cromar stated that typically designations were the exterior facades of structures, unless the interiors were specifically designated. He remarked that he had not been with the City when this had occurred. He stated that the consultant had stated that there was a portion of the promenade that was to be maintained. He added it was 55 feet of the façade on the south side, but added that he did not have the details.

Margi Glavovic-Nothard stated that she believed they needed to know where the historic designation began and ended in order to know what was relevant. She stated that she had been in attendance at the City Commission meeting when it was marked on a 4" x 6" photograph which had been difficult to see from the back of the room.

James Cromar stated that the line indicated on sheet A002 was the extent of the historic designation. He stated that the previous liaison to this Board had stated that they had to translate the line on the picture into legal language to indicate the designated portion of the structure.

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Margi Glavovic-Nothard clarified that everything to the east of the diagonal line had been designated. James Cromar confirmed it was a designated site east of the line, and the structure designated for preservation was the façade, and the work in the interior was part of the mediated settlement.

Mr. Brito explained that the one-story segment that was the lobby would be fully preserved. He stated that in regard to the 6-story segment of the structure, they had saved a full bay of structural perimeter so they would only deal with stabilizing and building the center section in order to create the stiffness needed structurally for that 6-story element.

Margi Glavovic-Nothard asked what would occur adjacent to the single bay in terms of the proposal on the ground to the west. She stated that a parking structure had been referred to, but she was not clear as to where it began and ended. Mr. Brito explained that adjacent and meeting the one-story structure there had been a health club, but it now represented additional units for the project. He explained the health club would be transferred to a different area. He explained that the two stories above the one-story structure would be new construction that would basically hide the garage.

Margi Glavovic-Nothard further stated that she would prefer to see a floor plan that would show the beginning and end of the portion that was being designated, and what it was adjacent to and how it would reconcile with the historic portion so she could fully understand what was being described. Mr. Brito stated there were sections that were part of the full scale drawings of record, but basically the east elevation showed the segment hugging the west end of the one-story element which was being preserved.

William Saunders asked Charles Jordan if he was satisfied with the results of the negotiations based on what happened several years ago and what had been negotiated at present. Mr. Jordan stated they were enthusiastic with the solution arrived at, and stated that the Broward Trust was in support of the proposed design. He continued, stating that if the design was not approved, then that would be the end of the story and Broward Trust would not pursue the issue any further. He stated there was an agreement with the applicant and they had 120 days to produce an approval and they were currently working through the process. They felt this was a much better design than the one previously approved.

Mr. Jordan stated that the City Commission had botched up the process regarding the designation of the eastern portion of the 55 feet of the property. He explained that cutting the building at the 55-foot point never made any sense from an historic standpoint. He stated they should not be discussing what was west of the 55 feet and what was east of the 55 feet, it should have been designated as one portion and that was what this Board had recommended to the City Commission.

William Saunders asked that based on the elevations that were to be preserved as a result of the negotiations, was a significant portion of the building to be saved rather than what the Commissioners had decided a couple of years ago? Charles Jordan stated there was a significant portion. He explained that if one looked at the postcard of the old hotel where the balconies had been located, the line had been drawn at the end of the balconies. He stated instead of saving that small portion of the building, along with the north façade, they were saving the facades facing the street, and turned the corner to preserve the architectural features of the windows.

William Saunders asked if the negotiations required specifics regarding the use of the remaining portion of the hotel. Charles Jordan stated that he was not aware of any particular requirements that had been set regarding the interior use in the mediated settlement agreement. He reiterated they were preserving the facades. He stated this was a compromise born of a very strange process, and he understood the confusion regarding what was designated and not. William Saunders asked if Mr. Jordan felt this was a better project than the original one. Mr. Jordan confirmed and stated they were proud of the role that all the parties had played in the

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settlement.

Todd Fogel asked how this affected things if there was a historic designation on part of the building and that changed. He continued, asking if the remaining portion of the building being saved would have to be designated historic so the Board could make their decision. He stated they were shown drawings of part of the building that was being preserved, that was not originally to be saved, but yet they were told to disregard that portion. He remarked that he was confused. The Assistant City Attorney stated that the historic designation had not changed, and the developer had agreed to not demolish as much of the structure as he was entitled to do. Todd Fogel stated that in order to make alterations, save the building, or do a cut-in on the portion being saved, did they not now have to designate that portion of the building. He stated that was where he was confused on the issue. He stated they were discussing attachments, windows and changes, and asked if they were talking of only those on the eastern side or were they talking about other items that affected the building that was being saved that were not originally to be saved. He felt this meeting might be premature. He stated if they were now going to save the entire building, then the entire building should be designated before any application was presented. The Assistant City Attorney explained that a portion of the building had been designated as historic, and that part of the building was the portion the developer was seeking to alter. She further stated that if someone brought forth an application to designate the remaining portion of the building and the proper process was followed, then this Board would hear the request for further designation of the building.

Charles Jordan explained that only the eastern 55 feet had been designated as historic, but the Trust felt strongly about the coherence of the entire building and wanted to keep to the continuity. Therefore, that was the reason they negotiated the façade easement. He stated that would protect the remaining portion of the building. He stated they would monitor the portion west of the 55 feet. He explained they were giving something stronger than a designation, and were actually giving up the right to make alterations without going to the Trust. He stated that was how they were making sure that the structure would be maintained in perpetuity.

Margi Glavovic-Nothard stated that the Trust had done an amazing job to get to this point and commended the efforts taken to reach that level. She further stated that she thought it odd that the Board was not asked to view this holistically, and she felt it made for a difficult decision because impacts were vague as to the historic portion of the building. She hoped they would have an opportunity later on to thoroughly review the proposed tower.

Motion made by Margi Glavovic-Nothard to approve the COA for demolition for that portion of the building with the understanding that they would have the opportunity to review the project and how it would impact the structure. She stated she was concerned about what could not be discussed at this time.

The Assistant City Attorney stated the Board would have an opportunity at a later date to give their comments regarding the impacts the tower would have on the historic resource.

Margi Glavovic-Nothard asked to withdraw her motion because she was concerned that they had just been told that the next discussion would only be in regard to making comments. Therefore, she wanted to withdraw her motion until further discussion was held among the Board regarding this matter.

Chair Christopher Eck congratulated the Broward Trust for Historic Preservation for working with the developer and furthering such discussions. He stated that the Commission had substantially changed the Board's previous decision regarding the site, and that he had lingering questions. He further stated that the efforts made to preserve additional portions of the façades of the building on the north, east and south had been a testament to the parties working together regarding the matter. He thought this was a better deal. Regarding the restoration of the facades as part of the designation, he stated he was pleased that treatments would be put in place to restore the original appearance. He felt if in the future they chose not to make comments, then that

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was up to the Board. He stated that some individuals had spoken this evening regarding the process and about what they felt was inappropriate regarding the decision. He reiterated that a lot of that was out of this Board's hands and had been 1 to 2 years ago when the City Commission decided to designate a portion of the building and did not accept the recommendation of this Board. He stated some Board members were asking the Board for something that was not in their authority to do at this time. He reiterated that they had the authority to review the application as presented, and he felt such application showing more of the building would be preserved, along with the building being restored to its original appearance, was a better outcome for everyone involved.

William Saunders stated that they were being asked to recommend to the City Commission what had been negotiated between the owner, the developer, and the Broward Trust. He stated that at another point in time, this Board would be given the opportunity to comment on other items.

Motion made by Margi Glavovic-Nothard and seconded by William Saunders to approve the COA for demolition for the west façade and interior portions of the structure, and to approve the COA for alterations and restoration of the north, east and south facades for the Fort Lauderdale Beach Hotel project.

Margi Glavovic-Nothard stated that the Board needed more plans, and hoped that the applicant would fully show more details when he presented again.

Chair Christopher Eck asked if Ms. Glavovic-Nothard was referring to floor plans. Ms. Glavovic-Nothard confirmed.

Charles Jordan stated they were unclear as to why the impact issue had not been on tonight's agenda. He stated the Broward Trust wanted it placed on the agenda as quickly as possible.

James Cromar clarified that since Mr. Klecker was the applicant on the project, they had discussed the procedural options. He stated that he had explained the steps of pursuing the COA's, and need for the impacts evaluation, which is a requirement of the DRC process. Mr. Cromar stated that the applicant had chosen to come before this Board first to request the COA's prior to going through the DRC process. He added that he had explained that the applicant could request the COA's and report on the impacts at a later date, but the reverse could not be done. He stated that it was the applicant's choice to come forward this evening with the COA requests for demolition and alteration.

Todd Fogel stated that it did not make sense for the Board not to review the impacts of the connection of the new tower structure with the old structure. He noted that they were now looking at what was to remain, which had not been designated, but would connect to the new construction. He stated that where the Commission had drawn the line, a portion of that structure was now remaining, and the Board would have to see where that connection would be.

Chair Christopher Eck explained that a portion of the new connection to the tower would connect to the preserved portion and would be protected by the façade easement. He stated there would still be an impact on the new structure. He stated they could debate the philosophy as to whether this was appropriate or not, but he felt they were limited by what they had the power to discuss this evening.

Todd Fogel asked Ms. Rathbun if, in her experience, there had been an instance where a portion of a building had historic designation but then there was a decision to save more than what had been previously designated, and how was such a situation handled. Ms. Rathbun stated she did not recall anything since she had been working for this Board, and she did not think that such a situation had occurred previously. She stated she would have to research the issue. She added there might be precedents in other cities, but she was not aware of any. Mr. Fogel reiterated that he felt that this was important for this Board to understand this evening since

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the designation of the entire structure that the HPB had recommended had changed when it went to Commission.

Chair Christopher Eck reiterated that the designation had not changed, but that what had changed was what the developer proposed to preserve, which was beyond the scope of the designation. He said this involved a private agreement, outside of this Board's purview, between the property owner and the Broward Trust. He summarized that the applicant and the representative for the Trust said the developer would preserve the remainder of the building under a conservation easement that protected historic structures. Therefore, the Trust had the authority to bring forth another lawsuit should the historic façade, which was outside the purview of the designation, be altered. He stated that the Board was to make a decision about the restoration of the existing designated portion, which is a smaller portion of the building than the facades being preserved. Mr. Eck concluded that testimony about the building beyond the designated portion would not occur this evening, and that at a subsequent meeting the Board could review the connections between the new tower and the older portions of the building, even though the developer proposed preserving older portions of the building beyond that which was designated.

Todd Fogel asked if this Board could request that since more of the building was being saved that they designate the entire building. Chair Christopher Eck explained that the designation could always be amended.

Margi Glavovic-Nothard stated they could not propose designations.

James Cromar stated that the City Code outlined procedures for designation of a structure, and that the Historic Preservation Board had to vote on the designation before it went to the City Commission.

Margi Glavovic-Nothard stated that she believed they had good purveyors of preservation issues in the Broward Trust, and they were depending on those individuals who had demonstrated their commitment to this building. She believed a good faith effort would occur that would be best for the project. She stated she would support this knowing they were involved.

Todd Fogel stated that this evening this appeared to be the "cart before the horse," and if that procedure would have occurred regarding the change, then it might have been less confusing this evening.

Chair Christopher Eck reiterated that the portion of the building was substantially larger than what they would have been asked to review, and he felt that the parties should be congratulated.

Roll call showed: YEAS: Margi Glavovic-Nothard, Mary-Jane Graff, Bill Howard, William Saunders, Tom Welch, Clay Wieland, Carolyn Dandy, Todd Fogel, and Christopher Eck. NAYS: None. Motion carried 9-0.

Introduction of New Member

Chair Christopher Eck proceeded to introduce Tom Welch as a new member of the Historic Preservation Board.

Tom Welch stated that he lived in Colee Hammock and was dedicated to preservation, and was happy to serve on this Board.

The Board proceeded to introduce themselves to Mr. Welch and welcomed him to the Board.

"For the Good of the City"

James Cromar proceeded to point out that there was an article in the previous day's Broward Herald with an interview with the Chair of this Board, Christopher Eck.

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Exemptions for Historic Properties

James Cromar stated that the Chair would report on recent activities at the State level regarding tax exemptions for historic properties.

Chair Christopher Eck stated that the Broward County Historical Commission had proposed and approved a motion to go to the County Commission for the establishment of two tax credits and assessments that exist through a State enabling Statute that were now adopted on a local level. He stated that Statute 193.503 allowed historic commercial buildings or taxable non-profit owned buildings to receive an assessment based on their historic character if designated at their actual use, rather than highest and best use. He further stated that Statute 196.1996 allowed for commercial and non-profit structures that were also taxable non-profit structures designated as historic to receive up to a 50% tax exemption on the portion of the tax collected by the County. He stated the reason the local governments had not adopted these were due to the fear of monies that would be lost due to the non-collection of taxes by providing these exemptions. He stated that through the County they were proposing to allow the property owner to choose which exemption they wanted to apply for. He stated that Tallahassee and Leon County had adopted both of these Statutes, and Dade County had adopted one that was the actual use assessment. He stated some other communities had also adopted these exemptions. He stated that the State Legislature has approved these Statutes about 6-7 years ago.

Chair Christopher Eck stated there was a smaller volume of historic properties in Broward County and the City of Fort Lauderdale, and the fiscal impact would be fairly negligible, and therefore, they had high hopes that this would pass. He stated that he would let everyone know when the public hearing would be held so possibly individuals could attend to support this.

James Cromar stated that this had caused a buzz in their office and many individuals were calling asking how this could affect them and their historic properties.

Christopher Eck stated that unlike the exemptions which existed in the County and City, this would not require rehabilitation and only would require that the property be designated by an acknowledged authority, such as the local, City, State, or County government, or to be listed on the National Register. He explained it did require that buildings be open to the public during the regular course of business for an equivalent of 1800 hours per year. He stated the public had to benefit from the use of the building, but it did not mean that tours had to be provided.

Bonnet House Special Category Grant Update

James Cromar stated that he wanted to share an e-mail with the Board from Karen Baird who directed the affairs at the Bonnet House as follows:

"Bonnet House Museum and Gardens is the recipient of the State of Florida Special Category Preservation Grant. The amount of the grant was \$276,500. Funds would be used to replace the roof on the main house, the pavilion, the bamboo bar, and the Shell Museum. Replacements would be made using the same materials as the original and will conform to the Secretary of the Interior's Guidelines for Rehabilitation and Restoration of historic properties. The exterior of the historic structures would be repainted using the same colors as the original, and will likewise follow the same guidelines. We expect work to begin in September of this year."

James Cromar advised the Board that they would appear before them as a follow-up to their COA of last year for a conceptual design for a dock and boardwalk. The Board had approved this with the condition that the

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applicant come back before them while going through the review process.

HPB September Meeting

James Cromar stated that the Board's meetings were typically held on the first Monday of each month, but due to Labor Day, the meeting would take place on the second Monday of the month, which was September 13, 2004.

City Commission Items for September

James Cromar stated the Commission's first meeting in September would occur a few days before this Board's meeting. He advised that a key item going before the Commission was the hearing of the appeal of the HPB denial of COA's for the Patricia Moss property (Case 8-H-04) located at 1001 – 1009 SW 4th Street. He reminded the Board members that this was the proposal for nine townhouses, along with the preservation of two structures and demolition of one structure on site. He explained this would be a *de novo* Hearing, which meant that the Commission would hear the case as a new case as if there had been no prior hearings.

FAU Collaborative

Margi Glavovic-Nothard advised the Board of a new collaborative that had been started at FAU called the Broward Design Collaborative (BDC) that began as a result of the Downtown Master Plan. She stated they were trying to raise the bar on design-oriented solutions for a livable downtown, and wanted to apply it to the entire County. She further stated that an important component would be the cultural and historical partnerships that could come into the equation. She explained that it was a mixture of non-profits, for-profits, academic and government entities involved in strong design to solve some community issues.

Update on 712 SW 2nd Court and 700 SW 2nd Court

William Saunders asked about the status of the properties located at 700 and 712 SW 2nd Court. He said that in the backup for the last Commission meeting, those properties were listed stating that something was to be done after 8/18/03, which was one year ago.

James Cromar stated that every month they requested an update from the Community Inspections Department, but nothing had been submitted. He stated that he would check on this matter and the City Attorney's office had been working with these properties.

The Assistant City Attorney stated that she was aware of an 8/18/04 date that was important. She explained there were three City liens against these properties, two of which had been recorded in the middle of May, and regarding the other one she was not sure why a delay occurred with its recording. She stated the Statute permitted them to commence foreclosure 90 days after the date of recording. She advised that demand letters were due to be sent for the properties recorded in May, and then litigation would commence.

Motion made by William Saunders and seconded by Margi Glavovic-Nothard to adjourn the meeting.

There being no further business to come before this Board, the board adjourned the meeting at approximately 7:10 p.m.

CHAIRMAN

Christopher Eck

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ATTEST:

Margaret D'Alessio
Recording Secretary

A mechanical recording is made of the foregoing proceedings, of which these minutes are part, and is on file in the Historic Preservation Offices for a period of two (2) years.