

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, MARCH 1, 2010 - 5:00 P.M.
CITY HALL FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 6/2009 through 5/2010</u>	
		<u>Present</u>	<u>Absent</u>
Nolan Haan, Chair	P	7	1
Susan McClellan, Vice Chair	P	8	0
Beauregard Cummings	A	5	3
Matthew DeFelice	P	3	0
Joyce Gardner	P	5	2
Marie Harrison	P	6	1
Daryl Jolly	A	4	4
Robert Prager	P	6	2
Robert Rojas	A	5	1
Scott Strawbridge	P	3	0
Allen Wilkerson	A	0	2

City Staff

Assistant City Attorney Carrie Sarver
Pat Garbe-Morillo, Planning and Zoning Department
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
J. Opperlee, ProtoType Recording Secretary

Communication to the City Commission

None

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Purpose: Implement the City's historic preservation regulations, which promote the cultural, economic, educational and general welfare of the people of the City and of the public generally through the preservation and protection of historically or architecturally worthy structures.

Call to Order

Chair Haan called the meeting of the Historic Preservation Board to order at 5:00 p.m.

Board members disclosed communications they had regarding cases.

All members of the public wishing to address the Board on any item were sworn in.

Approval of Minutes of February 2010 Meeting

Motion made by Ms. McClellan, seconded by Ms. Harrison, to approve the minutes of the Board's February 2010 meeting. In a voice vote, Board approved unanimously.

I. Cases

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1. Applicant: Fernando Ramirez

**2 H 10
(SB)**

Owner: PHD Development, LLC

Request: Certificate of Appropriateness for Demolition

- **Demolition of one story frame residence**

Legal Description Waverly Place, Block 116, north half of Lots 25, 26, 27 & 28, PB 2, P. 19, public records of Broward County, Fl.

Address: 201 SW 11 Avenue

General Location: West side of SW 11 Avenue between SW 2 St. and SW 2 Ct.

District: 4

Ms. Morillo stated this was a request for a Certificate of Appropriateness for demolition of a one-story residence. She advised the HPB to consider whether the request met one or more of the three criteria for demolition as listed in Section 47-24.11. C.4. I though iii. The Board should also consider the General Criteria for a Certificate of Appropriateness as listed in Section 47-24.11.C.3.c.i.a through f of the ULDR when considering whether to grant a Certificate of Appropriateness for Demolition for this application.

Property Background:

Ms. Rathbun stated the applicant was requesting a COA for the Demolition of a one story, single-family residence in the Sailboat Bend Historic District. The Broward County Property Appraiser's website listed the building date as 1943, but Ms. Rathbun noted that the Property Appraiser dates were "iffy" because it was not known what they were based upon. The 2009 Architectural Resources Survey for the SBHD listed the house as a contributing structure within the historic district.

Description of Proposed Site Plan:

Ms. Rathbun said the house at 201 SW 11th Avenue was a Frame Vernacular structure with a complex, front-facing, U shaped ground plan with a small extension to the rear (north). The building had a low-pitched gable roof with small louvered vents in the gable ends. She noted that at the present time the windows are boarded up, but the 2009 survey photo showed them to be two over two-sash windows with wide wood surrounds. Ms. Rathbun stated the house had shiplap siding and an entry porch with a shed roof was at the center of the U.

Criteria for Certificate of Appropriateness:

Ms. Rathbun advised the Board to consider the following criteria, pursuant to ULDR Section 47-24.11.C.3.c.i, in approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation:

ULDR Section 47-24.11.C.3.c.i

a) The effect of the proposed work on the landmark or the property upon which such work is to be done;

CONSULTANT RESPONSE: The applicant is asking for the complete demolition of a contributing property in the SBHD; if the applicant's request is granted then only an empty lot will remain.

b) The relationship between such work and other structures on the landmark site or other property in the historic district;

CONSULTANT RESPONSE: The house will be removed and the relationship to other structures in the SBHD will no longer exist.

c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;

CONSULTANT RESPONSE: See a) above. The applicant is asking for the complete demolition of a contributing property in the SBHD; if the applicant's request is granted then only an empty lot will remain.

d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property;

CONSULTANT RESPONSE: The building could be restored and used as a private residence.

e) Whether the plans may be reasonably carried out by the applicant;

CONSULTANT RESPONSE: This was for the applicant to determine.

f) Whether the plans comply with the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

Standards for Preservation

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

CONSULTANT RESPONSE: The applicant is requesting demolition of the house because of its "deteriorated condition" Under the Secretary of the Interior's Standards for Preservation Number six.

The Following section is included only for properties within the SBHD

In addition, pursuant to ULDR Section 47-17.7.A, the Sailboat Bend Historic District material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the consideration of an application for a certificate of appropriateness for new construction, alterations, relocation, and demolition.

In each of the following sections below, relevant to the specific request being made, a description of the architectural features corresponding to the material & design guidelines as outlined in the ULDR (47-17.7.B), is provided for both the existing buildings and the proposed new construction.

Request No. 1 - COA for Demolition:

Ms. Rathbun stated the applicant was requesting a certificate of appropriateness to demolish existing structures. Pursuant to ULDR Section 47-24.11.C.4.c, the Board must consider the following additional criteria specific to demolition, taking into account the analysis of the materials and design guidelines above:

ULDR Section 47-24.11.C.4.c

i. The designated landmark, landmark site or property within the historic district no longer contributes to a historic district;

CONSULTANT RESPONSE: The house retains its historic integrity; it has its original materials and the original configuration. There have been no inappropriate alterations or additions.

ii. The property or building no longer has significance as an historic architectural or archeological landmark; or

iii. The demolition or redevelopment project is of major benefit to a historic district.

CONSULTANT RESPONSE: Removal of a contributing building from an historic district is of no benefit to the district.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

ULDR Section 47-17.7.B

1. 1. Exterior building walls.

a. Materials and finish.

i. Stucco: float finish, smooth or coarse, machine spray, dashed or troweled.

ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.

iii. Masonry: coral, keystone or split face block; truncated or stacked bond block.

CONSULTANT RESPONSE: The exterior wall cladding is wood shiplap siding, which is approved (1. a. ii.)

2. 2.Windows and doors.

a. Materials.

i. Glass (clear, stained, leaded, beveled and non-reflective tinted).

ii. Translucent glass (rear and side elevations only).

iii. Painted and stained wood.

iv. Aluminum and vinyl clad wood.

v. Steel and aluminum.

vi. Glass block.

vii. Flat skylights in sloped roofs.

viii. Domed skylights on flat roofs behind parapets.

b. Configurations.

- i. Doors: garage nine (9) feet maximum width.
- ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; lited only to gable ends.
- c. Operations.
 - i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers.
- d. General.
 - i. Wood shutters sized to match openings (preferably operable).
 - ii. Wood and metal jalousies.
 - iii. Interior security grills.
 - iv. Awnings.
 - v. Bahama shutters.
 - vi. Screened windows and doors.

CONSULTANT RESPONSE: The windows are clear glass (2. a. i.); Painted and stained wood (2. a. iii.). The window configuration is rectangular (2. b. ii.) The window operations are single and double hung (2. c. i.) all of which are approved.

3. 3.Roofs and gutters.

- a. Roof – materials.
 - i. Terra cotta.
 - ii. Cement tiles.
 - iii. Cedar shingles.
 - iv. Steel standing seam.
 - v. 5-V crimp.
 - vi. Galvanized metal or copper shingles (Victorian or diamond pattern).
 - vii. Fiberglass/asphalt shingles.
 - viii. Built up roof behind parapets.
- b. Gutters.
 - i. Exposed half-round.
 - ii. Copper.
 - iii. ESP aluminum.
 - iv. Galvanized steel.
 - v. Wood lined with metal.
- c. Configurations.
 - i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.

CONSULTANT RESPONSE: The roof materials are asphalt shingles (3. a. vii.). The roof configuration is simple gable, pitch no less than 3:12 and no more than 8:12 (3. c. i.) This is all approved.

Summary Conclusion:

Ms. Rathbun stated the house at 201 SW 11th Avenue retained its historic integrity because was in its original configuration with no inappropriate additions or alterations and also had its original materials. The one-story Frame Vernacular house of pre-WW II construction was of interest in the SBHD and was considered a contributing property in the district. Demolition was not recommended.

Ms. Rathbun had researched City permit books to try to determine appropriate dates for the house, but had found no mention of it. Either the house was built prior to 1938, or it was moved to the lot at some point.

Mr. Fernando Ramirez, employee of PHD development, explained that the company had bought the house in foreclosure unaware it was historic. He said they had determined the home would require major repairs if they wished to keep it. All of the mechanical parts must be redone and the exterior wood must be repaired. The company believed demolition and construction of a new house to current codes would contribute to the City's economy and create jobs, and repairing the house would not be a good investment.

Mr. Ramirez said they had discovered the house was historic when they applied for a demolition permit.

Chair Haan opened the public hearing.

Mr. Paul Bogges reported the house had been restored approximately 15 years ago. He said it was the only house of its kind in the entire neighborhood and it would be a shame to lose it.

Mr. Richard Locke stated this building was included in the pre-1940 category of the study conducted in 1989 that cataloged the structures in Sailboat Bend and had been used to create Ordinance 47-17. He referred to the map used in the study, and remarked that this building was definitely in the style of the older homes in Sailboat Bend. Mr. Locke said the house had been maintained until very recently. He reminded that Board that at this hearing, the Board would only consider whether the property could be demolished, according to the statute; an economic hardship could be addressed at a second hearing.

Chair Haan asked about the period of significance. Mr. Locke said they had thought that a period of significance would be placed around World War II, but they had never been given one. The 1992 ordinance did not state a period of significance.

Ms. Sarver referred to an opinion from the City Attorney in 2005 regarding the Sailboat Bend Historic District period of significance. His opinion was that the period of significance was prior to 1940. The only reference to 1940 in the ordinance was regarding a requirement that new construction must be compatible with buildings constructed prior to 1940.

Mr. Locke stated the City had needed to show there were a sufficient number of homes to qualify for an historic district, and had used the National Register's 50-year rule of thumb. The study was begun in 1986 and had taken six years, but the ordinance in 1992 did not mention a period of significance. Mr. Locke said when the map was created they had been more concerned about style than age.

Mr. Dave Baber, Broward County Historical Commission, said he had been struggling to understand the 1940 rule. He referred to the Sailboat Bend Historic District study, which mentioned 1940 as being significant because this was pre-war, and called pre-1940 buildings "historic." Buildings built from 1940 to 1950 were called "contributing," and the study bundled these buildings together as those that should comprise "contributing buildings" within the district. The term "contributing" had not made it onto the ordinance, but was woven throughout the report.

Mr. Baber read a section of the report that discussed post-1940 buildings, and indicated that these buildings were "not contributing to the historic district in the technical sense of being over 50 years old" but they did "make a statement about and contribute to the community as much as the older building, both historically and socially." Mr. Baber thought the report recognized that the period of significance was a moving target, but they wanted to recognize buildings built up until 1950 that embodied the characteristics of those built before 1940.

Without a definition of "contributing" Mr. Baber said he would rely on the definition in the National Register. He read from this definition, which indicated the property should add to the historic architectural qualities or archeological values for which the historic district was significant. It should also retain enough of its historic features to convey its significance as part of the district.

Mr. Strawbridge wondered how a potential purchaser could know whether or not a property was within the period of significance or was contributing. Mr. Baber advised that a purchaser should first determine if the property was within the boundaries of the historic district; if the property was, the purchaser should speak to City Planning staff to determine whether the building was contributing.

Mr. Bogges said they had not anticipated that only properties prior to 1940 would be considered historical. He felt that everything in the historic district should be classified as historical and should come before the HPB, including new construction.

Mr. Strawbridge read from the City Attorney's opinion, wherein he suggested an amendment to create a rolling period of significance. Mr. Bogges said this had been their intention in 1992.

Ms. Sarver stated the Board would discuss possible ordinance revisions later in the meeting, and these revisions could include the period of significance.

Ms. Sarver advised the Board to consider the criteria in the ordinance but not the architectural resource survey to which Ms. Rathbun had referred in her report, because this had not been adopted by the City. Ms. Rathbun said she had included this information because the study had indicated the structure was contributing. She noted the Board could review the study and recommend that the City adopt it. Ms. Sarver agreed.

Mr. Strawbridge said before they decided whether or not the house could be demolished, they must determine if the house was historic and therefore fell under the purview of the guidelines. Ms. McClellan noted that the ULDR included the comprehensive plan, which indicated records should honor the historic preservation of certain properties, and mentioned properties identified on historic surveys. She felt this would "raise a red flag about a piece of property within that district to that person that is planning on buying it" so "ignorance is not an excuse for not knowing."

Mr. Strawbridge noted that the architectural resource survey posted on the City's website only had 54 pages, and anyone who referred to this and did not see a particular property would have a "fair and reasonable assumption that it wasn't historic." Mr. Strawbridge asked if the comprehensive plan indicated that staff should make policy, because "when they make those lists, if they're adopted and employed by the ordinance, then staff is making policy, and I don't think that's the way our government is set up."

Chair Haan asked if there was sufficient competent, substantial evidence for the Board to render an opinion. Ms. Sarver noted that Ms. Rathbun's report stated the applicable criteria and her opinion regarding these. Chair Haan pointed out that the criteria were satisfied because Ms. Rathbun had stated that the property was contributing, but Ms. Sarver had instructed the Board to disregard Ms. Rathbun's statement that the property was contributing per the architectural survey. Ms. Sarver said Mr. Rathbun's opinions were not all based on the property's inclusion in the study. Ms. Rathbun said she had looked at the house's characteristics and believed this was an early house, even though she could not determine the actual date the house was built.

Mr. DeFelice remarked that Ms. Rathbun had been selected based on her ability to make these determinations and to advise the Board, and he wondered why they were second-guessing her now. Chair Haan pointed out that the last three appeals had gone against Ms. Rathbun's opinion. Mr. DeFelice felt the Board must decide whether or not they could make a determination. Chair Haan stated this problem had recurred and on appeal, the City Commission had an entirely different way of looking at the Board's decisions and they kept going back to "competent, substantial evidence." He said it was very important to clarify for the applicant and for City staff.

Ms. Sarver said Ms. Rathbun had worked with staff, and her report was now more thorough, and examined all applicable criteria to present to the Board.

Mr. Dave Parker said the neighborhood was very concerned because they were losing "house after house after house." He said this house had been habitable two years ago, but it was in its current state due to neglect.

Mr. Ramirez stated he was in favor of preserving historic places, but this must be weighed against safety. He was afraid this house would not withstand a hurricane. Mr. Ramirez had inspected the house, and determined it was not safe. He felt the best course of action was to demolish the house and build a new one.

Mr. Ramirez informed Mr. DeFelice that they had purchased a house at auction, unaware that it was historic.

There being no other members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Chair Haan informed Mr. Ramirez that the condition of the house was not one of the criteria the Board could consider.

Ms. McClellan said she was sorry the buyer had not investigated the status of the property prior to buying it. She noted that Mr. Ramirez had not presented any evidence of what they intended to do with the property after it was demolished, and she believed it was worth fixing.

Mr. Strawbridge referred to ULDR Section 47-24.11.C.4.c.i: The designated landmark, landmark site or property within the historic district no longer contributes to a historic district, and Ms. Rathbun's response that the house retained its historic integrity; it had its original materials and the original configuration. There had been no inappropriate alterations or additions. The applicant said the property did not share any historic association or architectural qualities that had documented significance or have a record of architectural merit awards.

Mr. Strawbridge referred to ULDR Section 47-24.11.C.4.c.iii.:The demolition or redevelopment project is of major benefit to a historic district, and Ms. Rathbun's response that removal of a contributing building from an historic district was of no benefit to the district. He remarked that they had not yet reached the threshold to determine whether or not the property was contributing. Mr. Strawbridge said "I think we do have evidence, I'm not sure that it's enough for me to support a demolition of the property" and this concerned him. Mr. Strawbridge said his question was whether or not the property was historic.

Ms. Rathbun stated that in her opinion the property was historic. She remarked that the window style was definitely pre-World War II. In her opinion, the property had historic characteristics and historic configuration.

Since they did not have a definition for the term "contributing" Mr. Prager noted that the property need not contribute something historically, but must be of benefit to the historic district.

Ms. McClellan said as an architect, she felt this building's size, scale, mass, proportions and textural materials were all complementary to the neighborhood.

Motion made by Ms. Gardner, seconded by Mr. Strawbridge, to recommend leaving the house as it is.

Mr. Prager stated whether or not the home was historic, it contributed to the historic district.

Chair Haan remarked that with Mr. Ramirez's expertise, he could repair the home and make a profit when he sold it.

Ms. Sarver advised Ms. Gardner that motions were usually made to approve the certificates of appropriateness. Ms. Gardner amended her motion.

Motion made by Ms. Gardner, seconded by Mr. Strawbridge, to approve the application. In a roll call vote, motion failed 1 – 6 with only Mr. Strawbridge voting in favor.

II. Good of the City, A discussion of Changes to the City Code

Certified Local Government

Ms. Morillo announced the City would probably have a memorandum to the Mayor by the end of March for their Certified Local Government status. She said there would be a CLG general training program and a Southern Florida CLG training program.

Proposed Ordinance Revisions

Ms. Sarver had distributed proposed ordinance revisions to Board members via e-mail, but had only received comments back from Chair Haan and Mr. DeFelice. She wanted the Board to discuss these changes this evening because staff intended to present them to the Planning and Zoning Board in March, and she hoped to have first reading on the ordinance changes in April.

Ms. Sarver explained to Chair Haan that Assistant City Attorney Sharon Miller and herself had met with Ms. Morillo, Wayne Jessup, Anthony Fajardo, Michael Ciesielski and Jenni Morejon to work as a team on the revisions. The Board would now provide their comments. Ms. Sarver stated the City Commission had directed staff to work on three areas of the code: to define "contributing", to fill a void for the procedural process for an item's presentation to the Unsafe Structures and Historic Preservation Boards and to clean up the language regarding the demolition criteria.

Ms. Sarver said a copy had been provided to Alyssa Plummer to solicit comments from the Ordinance Revision Committee, but she had not provided any comments as yet. Chair Haan asked if the City Attorney made decisions based on input from historically minded people. Ms. Sarver said the memo she had discussed earlier was in response to a request from the City Commission for a legal interpretation of the code because of a controversial case about which residents had expressed criticism and frustration. The City Attorney had given his legal opinion based upon his interpretation of the code. Ms. Sarver stated the City Attorney indicated that if the City Commission wanted to add age of structure to the criteria, he recommended amending the existing regulatory scheme to create a rolling period of significance.

Ms. Sarver referred to the proposed changes to Section 47-17 and drew the Board's attention to the language indicating that the period of significance for determining whether property was contributing was pre-1940. Chair Haan suggested a rolling period of significance, to be consistent with the Department of Interior Guidelines and Ms. Morillo agreed. Mr. DeFelice was concerned about setting a period of significance as he believed this could interfere with future designation. He believed that once Section 47-24.11 clarified the definition of a contributing property, a period of significance would not be needed. Ms. Sarver pointed out that this definition referred to a period of significance. Mr. DeFelice felt this was the root of the problem.

Mr. Baber stated an historic district should have a defined period of significance. He agreed it was difficult to define a period in Florida, and he did not feel that defining that period as pre-1940 was what was intended. Mr. Baber thought that perhaps now a 50-year-rule could apply because they were buildings constructed in the period up until approximately 1960 that continued to contribute to the feel and character of the neighborhood. Later significant buildings could be designated individually.

Mr. Strawbridge asked Mr. Baber how to reconcile property owners' rights with preservation. Mr. Baber reiterated that a period of significance should be defined; he felt the difficulty in identifying the period of significance was due to the brief time period they were considering. Mr. Baber said the period of significance should look at how the neighborhood developed and the point at which the dynamic that created this cohesive neighborhood had changed.

Mr. Baber suggested setting the end of the period of significance based on what the 1992 survey actually intended. He said this survey clearly recognize that there were buildings less than 50 years old that contributed. Mr. Baber believed that according to the survey, everything built prior to 1940 was automatically contributing and buildings constructed between 1940 and 1950 had to meet some standard to determine whether or not they were contributing. Post-1950 buildings should fulfill an even more rigid standard to be considered contributing.

Chair Haan remarked that as an historic district, they did not need to designate each individual building; the entire district was already designated. Mr. Strawbridge said there must be a specific identification in order to let property owners know where they stood. Mr. Strawbridge believed the Board had interfered with a lot of properties that happened to be old but will not historic.

Chair Haan noted that the Board might not reach a consensus about changes they desired. Ms. Sarver asked the Board how they wanted their comments presented. Chair Haan said he wanted to know that the changes had been approved by the "historic group" in the City to make sure it passed muster.

Ms. McClellan agreed that there should be a specific list of historic properties, and the survey Ms. Morillo had done should be included in the ordinance. Mr. Strawbridge said he had not had the opportunity to read the survey because it had not been published and he would therefore be uncomfortable supporting that.

Mr. DeFelice understood the concept of a rolling period of significance but was uncomfortable setting a specific date.

Ms. McClellan said a list of specific properties and the definition of "contributing property" were both key.

Mr. Bogges said he resented what the City was doing; community input should have been solicited. Ms. Sarver reminded Mr. Bogges that this meeting had been publicly noticed and that Ms. Plummer had been provided copies of the proposed ordinance changes and Ms. Sarver had spoken with her. Mr. Locke reported Mayor Seiler had visited the Sailboat Bend Civic Association and they had discussed the proposed changes for an hour. Mr. Locke said the civic association and residents had worked for 10 years to get the historic district, because the City wanted to raze Sailboat Bend to build townhouses as they had done in Cityview. Mr. Locke said there were many things the consultants wanted to add to the ordinance that had never been included, such as a buffer zone, a period of significance and graphic representations of permitted new construction.

Mr. Locke remarked that at the time the ordinance was adopted, the residents felt everything in the historic district was included, there was no period of significance; they were part of a living history that continued to the present day. Mr. Locke would not object to a declared period of significance, a rolling period of significance or three layers of significance, but if the City made it easier to demolish structures they must also provide safeguards against three-story structures and massive structures.

Mr. Locke said there were 10 recommendations the civic association had given to Ms. Plummer, but apparently she had not forwarded them to the City yet. Ms. Sarver advised Mr. Locke to present these recommendations to her. She said they could postpone presenting the changes to the Planning and Zoning Board if the Board desired this.

Mr. Strawbridge said he was not ready to weigh in on a period of significance until he saw additional academic data related to it. Chair Haan felt this supported not locking into a particular year, but Mr. Strawbridge thought they did not have a choice but to lock into one year and "allowing the rest of it to float as individual designations." Ms. Morillo disagreed with the need to pick a date, and reiterated her suggestion to define periods of significance.

Mr. Baber remarked that if the dynamics of the community changed so that what caused the development changed, this would create a different period of significance. If the dynamics remained in the same, they would need to determine where the period of significance ended. Mr. Baber agreed that every single contributing building in the Sailboat Bend district should be defined. He thought the map created in 1992 had done this.

Ms. Morillo showed the Board the West Palm Beach definition of contributing, which indicated that a contributing property was one that contributed to the historic significance of an historic district by location, design, setting, materials, workmanship feeling and association and thus added to the district's sense of time, place and historical development. Ms. Morillo said staff did not like this definition.

Mr. Strawbridge felt that item b) in the definition of contributing should be removed because new construction made with old materials and design could satisfy this portion of the definition. Chair Haan agreed that this was problematic. Ms. Sarver invited suggestions for clarifying this definition.

Ms. Morillo showed the Board the County ordinance definition of contributing structures as “structures within an historic district that retain aesthetic, archaeological, architectural, cultural or historical significance and are integral to the integrity of the historic district.” Chair Haan liked this definition.

Ms. Sarver read the proposed new definitions of “historic district” and “historically worthy”, and Mr. Baber, Mr. DeFelice and Mr. Strawbridge agreed the definition of historically worthy should be removed. Ms. Sarver noted historically worthy was used elsewhere in the code. Mr. DeFelice said this touched upon the idea of multiple periods of significance. Mr. Locke stated the resolution adopting 47-17 included the term “historically worthy” in the “whereas” clauses.

Ms. Sarver referred to the edited definition of a landmark, and explained they were trying to better define the code. Mr. Baber said he had tried to determine the difference between a contributing building and a landmark, and had decided that a landmark was a locally designated individual structure. In a district, the equivalent to this was a contributing resource to the district. He said the landmark status could be given to structures that were too young to be in the period of significance. The structure would not become part of the district, but would be listed individually as a landmark and be subject to the same rules as a contributing structure in a district.

Mr. Baber noted that if a building was designated as a landmark, the entire site was included. Mr. DeFelice asked if the site would still be significant if the resource were gone as a result of a fire or some other destructive event. Ms. Morillo said it would still be a landmark site, and there could still be archaeological potential on the site.

Mr. Baber said if the site had been designated because of the building, once the building was gone it would lose its designation.

Ms. Morillo referred to the section stating that permits necessary to comply with an order from the Building Official Unsafe Structures Board for immediate public health, safety and welfare would be exempted from the Certificate of Appropriateness process. Chair Haan was disturbed by this, and reminded the Board that William Saunders had gotten a friend who was an engineer to write a letter indicating a home he owned presented a hazard to the public and had received a demolition permit based upon this letter without appearing in front of the Historic Preservation Board or the Unsafe Structures Board. Chair Haan said something must be written to prevent this from happening because it was too easy to get an engineer to say that a structure was unsafe.

Ms. Sarver said the way the ordinance currently read, after the Unsafe Structures Board determined a property was unsafe and must be torn down, the demolition permit must come through the Historic Preservation Board. She said there would be an accompanying change in the Unsafe Structures Board portion of the code requiring that notice be provided to the Chair or liaison of the Historic Preservation Board when the Unsafe Structures Board would hear one of these cases.

Chair Haan asked what criteria the Unsafe Structures Board used to determine a property must be repaired instead of demolished. Ms. Sarver said this was a very delicate issue because it balanced public safety against historic preservation. Chair Haan wondered why they were losing historic homes because the Unsafe Structures Board was not taking into consideration that a building could be fixed.

Ms. Sarver reminded the Board that last year, City staff had invited Board members to inform them of properties within the district that were beginning to show signs of demolition by neglect and Code Enforcement officers would visit the properties and cite them, but no one had e-mailed anyone on staff to examine a particular property. Chair Haan said they were afraid to because if a property was determined to be unsafe, it would be demolished.

Mr. Baber suggested adding the language. "...only in the case where a structure is in imminent risk of collapse as a result of a fire or hurricane as demonstrated by a certified report from a license structural engineer." Chair Haan said an engineer could be paid to write this report. Mr. Baber said he withdrew his language suggestion and felt "the whole thing should be tossed."

The Board agreed that they did not want the Unsafe Structures Board to have the final say about demolition of a building. Mr. Strawbridge felt an owner should be required to present a certified engineer's report and a contractor's feasibility study to the HPB. He noted that members of the Unsafe Structures Board had technical qualifications that made them capable of making professional determinations about a building's soundness. He added that the HPB did not have this technical expertise.

Mr. Strawbridge believe that neither the Shippey house, nor the Jordan house were subject to the ULDR any longer because they were now cargo, having been lifted off their foundations to be moved. He believed this was a big loophole in the code. Mr. Strawbridge pointed out that the minute a building was lifted off the foundation the designations went away.

The next amendment was to the Criteria for Demolition section, Chair Haan and Mr. Strawbridge like the new language, but Mr. DeFelice wondered how a landmark could not be a contributing property. The next change concerned removing the word "major" from the "The demolition or redevelopment project is of major benefit to an historic district." The Board discussed how the terms "major" and "benefit" could be determined.

Chair Haan pointed out that in the opinion of the applicant this evening, his redevelopment of the property would be a benefit to the historic district because it would be more attractive. Chair Haan felt the word “benefit” was too vague and set the standard too low. At the least, Chair Haan wanted to retain the word “major.” Mr. Strawbridge suggested adding the language “... and/or the community at large.” Chair Haan disagreed and felt it should apply only to the historic district. Mr. Strawbridge mentioned the enormous benefit brought to the community at large by the performing arts center that might have been opposed by the local neighborhood before was built.

Mr. Locke clarified that in Himmarshee Village and in Sailboat Bend it was assumed under the present ordinance that buildings did contribute, and that they were significant, and in order to demolish them it must be proved that this had changed. Mr. Locke remembered that the School Board had wanted to tear down the Westside School and the City had wanted to tear down the fire station, and there had been no reason architecturally to save Sailboat Bend; the only way they could do it was to designate the entire district for cultural reasons.

Mr. DeFelice suggested separating criteria ii and iii with “and” instead of “or” so that demolition could not be performed based on the first two criteria unless it was also proved that there would be a benefit. Chair Haan liked this idea.

Mr. Strawbridge agreed that the terms “major” and “benefit” were subjective, and thought they might consider requiring an appearance in front of the City Commission after achieving approval from the HPB.

Ms. McClellan suggested the language: “The subject landmark site or property within the historic district is not a contributing property.”

Ms. Morillo referred to the changes suggested for the Sailboat Bend Historic District Material and Design Guidelines, and said Mr. Ciesielski had been keeping track of approved materials and designs. Ms. Morillo felt it was “very dangerous” to keep adding to the list of materials, because “you really need a good guideline with building type styles, and then a list of the materials that go with that building type and guidelines.”

Mr. Baber said this was one of the most disturbing parts to him, and he had never seen such a listing of approved materials in an historic designation ordinance. He had seen “in kind” repairs listed, but he felt anything beyond that should be presented to the HPB. Mr. Baber suggested they look at how other ordinances handled this, and the City should develop significant, comprehensive design guidelines. He suggested consulting a sample prepared by the Florida Trust.

Mr. Strawbridge did not feel some of these guidelines provided design professionals with “anything other than a witch hunt to go on” and liked Mr. Baber's idea of concentrating on building typologies, so they could avoid inappropriate treatments.

Chair Haan asked if there would be any guidelines regarding mass and height, because these were now very subjective. Chair Haan had suggested a 60% rule, whereby 60% of the frontage of any lot could be building and 40% must be green space. He noted that every historic building in the neighborhood would satisfy this criterion but very few of the newer buildings would. Mr. Baber referred to the section describing new construction in an historic district that specified the height of the proposed building shall be visually compatible with adjacent buildings, which he interpreted mean a new building could not exceed the height of adjacent buildings. Chair Haan clarified that "adjacent buildings" were defined as historic buildings within the district. Chair Haan would prefer that specific heights were stated.

Ms. Sarver asked Board members to email their comments to her, and to focus on period of significance, the contributing property definition and the demolition criteria and permit exemption.

Other Items

Mr. DeFelice said there was a terrific old railroad building in Snyder Park, and encouraged everyone to visit. Mr. Strawbridge said the building had been moved there.

Mr. Strawbridge said on April 10 they would bring in the Citizens Volunteer Corps, Students from Sunland Park Elementary School and their parents, the Step Up and Housing Authority staff, the Urban League, the Youth Build Initiative and others to perform cleanups in the Durrs and Dorsey Riverbend area. Mr. Strawbridge had suggested cleaning up the Avis McSmith house as part of this effort.

Ms. Morillo reported she was doing a driving tour of the African-American community for the Centennial, including the Avis McSmith house, the Shirley house, the hospital, the Mizell Funeral home and the area with all the churches.

III. Communication to the City Commission

None

There being no further business to come before the Board, the meeting was adjourned at 8:32 p.m.

Chairman,

Nolan Haan, Chair

Attest:

ProtoType Inc, Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results: <http://ci.ftlaud.fl.us/documents/hpb/hpbagenda.htm>

Minutes prepared by: J. Opperlee, ProtoType Services