



Memorandum

Memorandum No: 22-028

Date: March 5, 2022

To: Honorable Mayor and Commissioners

From: Chris Lagerbloom, ICMA-CM, City Manager

Re: Historic Designation of Federal Courthouse at 299 E. Broward Boulevard

At the January 3, 2022, meeting the Historic Preservation Board (HPB) made a motion to send the following communication to the City Commission:

To communicate to the City Commission that the Fort Lauderdale Federal Courthouse is architecturally significant, and to recommend the City initiate the historic designation process for the building. The Historic Preservation Board understands the complexities of the historical designation process in relation to the position the Federal government might take but would like to move forward despite this.

On February 1, 2022, the City Commission discussed this communication and asked staff to reach out to the General Services Administration (GSA) to initiate a conversation on the potential of initiating a designation application to designate the Federal Courthouse located at 299 E. Broward Boulevard. Staff has established contact with GSA's Regional Historic Preservation and Fine Arts Officer who has provided feedback concerning a potential historic designation and future protection of the structure.

If the GSA disposes the property in the future, there would be a preservation covenant to ensure that significant architectural qualities and historic character of the existing building would be preserved. As part of a preservation covenant, any future alterations or development of the site would be restricted based on an agreement executed through the Section 106 process of the National Historic Preservation Act (NHPA). References would also be provided within the preservation covenant to a Building Preservation Plan or Historic Structures Report that would be prepared for the Federal Courthouse. The GSA has no objection to the City initiating the historic designation process. However, the federal government, as the current property owner, is not subject to local historic preservation regulations.

Should the City Commission request initiation of a historic designation application for the Federal Courthouse, a motion in support of the application must be made by the City Commission. This action would direct staff to prepare a historic designation application, that once complete, would proceed through the historic designation process. Per the Unified Land Development Regulations (ULDR), the HPB is also able to make a motion to initiate a historic designation application. Other options outlined in

the ULDR for who may apply for historic designation include the property owner(s) or a non-profit organization with a recognized interest in historic preservation.

Attached: HPB Communication to the City Commission

C: Greg Chavarria, Assistant City Manager
Tarlesha W. Smith, Esq., Assistant City Manager
Alain E. Boileau, City Attorney
David R. Soloman, City Clerk
John C. Herbst, City Auditor
Department Directors
CMO Managers



CITY OF FORT LAUDERDALE

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE**

**City Commission Chambers
City Hall
100 N Andrews Avenue, Fort Lauderdale, FL 33301
Monday, January 3, 2022 - 5:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 6/2021 through 5/2022</u>	
		<u>Present</u>	<u>Absent</u>
Jason Blank, Chair	A	4	1
Arthur Marcus, Vice Chair	P	7	1
Donald Karney	P	8	0
Barbara Lynes	P	5	3
David Parker	P	8	0
Richard Rosa	P	7	1
Tim Schiavone	P	8	0

City Staff

Shari Wallen, Assistant City Attorney
Trisha Logan, Historic Preservation Planner
Vasilya Allakhverdieva, Planning Assistant
Jamie Opperlee, Recording Secretary, Prototype Inc.
Carla Blair, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Ms. Lynes, seconded by Mr. Schiavone:

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In a voice vote, the motion **passed 6-0**.



CITY OF FORT LAUDERDALE

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1. UDP-HP21039	1510 SW 1 st Street, Flavio Galvan Communication to the City Commission For the Good of the City	<u>2</u> <u>3</u> <u>3</u>

I. Call to Order/Pledge of Allegiance

The meeting of the Historic Preservation Board was called to order at 5:01 p.m.

II. Determination of Quorum/Approval of Minutes

- a. Approval of Minutes: December 6, 2021

Motion made by Mr. Parker, seconded by Ms. Lynes:
To approve the minutes of the December 6, 2021, meeting as presented.
In a voice vote, the motion **passed 6-0**.

III. Public Sign-in/Swearing-In

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

Board members disclosed communications and site visits for each agenda item.

IV. Agenda Items:

1.

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REQUEST: Certificate of Appropriateness for Major Alteration

- Infill of Existing Open Carport

Case Number	UDP-HP21039	FMSF#	
Owner	Flavio Galvan		
Applicant	Flavio Galvan		
Address	1510 SW 1st Street		
General Location	On the south side of the Southwest 1st Street approximately 120 feet east of the intersection of Southwest 15th Street and Southwest 1st Street.		
Legal Description	RIVER HIGHLANDS AMEN PLAT 15-69 B LOT 2 BLK 7		
Existing Use	Residential		
Proposed Use	Residential		
Zoning	RML-25		
Applicable ULDR Sections	47-24.11.D.3.c.i; 47-24.11.D.3.c.ii; 47-17		
Landmark/Historic District	Sailboat Bend Historic District		
Authored By	Trisha Logan, AICP, Historic Preservation Planner		

Flavio Galvan explained the changes he had made to the project since it was last reviewed by the Board in December. He stated he was working with Ms. Logan.

Vice Chair Marcus called for public input, however there were none to speak.

Mr. Parker stated he would like to see the proposal approved. He explained he had driven by the property and did not see that the quality-of-life improvement for the owner would detract from the historical value of the property in any way.

Vice Chair Marcus agreed. He asserted the Board's comments had been taken to heart, and while it may not go far enough to satisfy all historic preservation regulations, it was a good compromise and should be approved.

Attorney Wallen read the resolution:

A resolution of the Historic Preservation Board of the City of Fort Lauderdale, Florida, approving a Certificate of Appropriateness for a Major Alteration to infill an existing open carport for the property located at 1510 SW 1st Street, Fort Lauderdale, Florida, in the Sailboat Bend Historic District, case number UDP-HP21039.

[The entire text of the resolution is attached to these minutes for the public record.]

Motion made by Mr. Rosa, seconded by Mr. Karney:

To approve the application for a Certificate of Appropriateness for Major Alteration under case number UDP-HP21039 located at **1510 SW 1st Street** based on the findings of fact as discussed that it does not detract from the historic integrity of the building or the neighborhood.

In a voice vote, the motion **passed 5-1**. Ms. Lynes voted no.

V. Communication to the City Commission

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None.

VI. Good of the City [Index](#)

a. Discussion on Times Square Plaza

Ms. Logan introduced the item briefly, explaining it was placed on the agenda at the request of the Board to review the potential for creating a historic district. She stated letters were sent to the property owners to invite them to participate in the discussion.

Vice Chair Marcus added that the item was brought forward because Times Square Plaza is a notable piece of architecture in Fort Lauderdale, designed in its entirety as an urban village in the mid-century style by architect Charles McKirahan. He stated Fort Lauderdale has been seeking to preserve and protect its currently unprotected mid-century architecture from demolition, and noted the item was only for discussion at this time.

Attorney Wallen responded to a question from Mr. Schiavone regarding the role of the Historic Preservation Board. She read the explanation of the duties of the Board from ULDR 47-32.3.

Vice Chair Marcus opened a public hearing on the matter.

Attorney Andrew Schein, Lochrie & Chakas, spoke on behalf of three of the property owners, including the Coral Corner Shopping Center Corporation, which he explained owns the parking lot and other common elements of Times Square Plaza and has shared ownership among the 18 owners within the shopping center. He stated the Corporation had met with its Board of Directors and voted to oppose any initiative to designate Times Square Plaza historic. Attorney Schein asserted a major point of discussion at the December HPB meeting was that they wanted the property owners to be on board with the designation, and that would not be happening in this case. He stated the building is old and does not meet the needs of current tenants. He noted the

effective year built of the property was 1980 due to changes and renovations, and pointed to changes to the façade over time, and stated the property may not be the right one to go forward with protecting. He stated his clients do not believe the property qualifies simply because it was designed by an architect who designed other buildings, some notable and some not.

Vice Chair Marcus asked what had changed on the building and what the chief concerns of the property owners were.

Attorney Schein stated tenancy was a major concern, as historic designation would make it harder to make façade changes and some interior changes. He asserted the owners questioned why should this property be designated, when there is nothing particularly notable about this shopping center.

Vice Chair Marcus discussed the role of the Board to educate the public on the community's notable buildings. He stated he did not want to minimize the work of the architect. He asserted change in itself is not a reason to deny historic preservation, as the building could be changed back just as easily.

Attorney Stephen Tilbrook, Akerman Law Firm, spoke representing Oakland Corner, LLC, owner of 3050 Federal Highway. He emphasized his client's opposition to the creation of a historic district that would include their property. Attorney Tilbrook shared photos comparing the building past and present, and discussed work done to make the space marketable to tenants. He shared updates made by the current owners and reviewed the investment expectations of the owners. He noted he had served on the Board for many years and did not see this location as the place to create a monument to mid-century modern architecture.

Attorney Robert Roselli, Coral Corner Shopping Corporation President and owner of two properties in the Times Square Plaza, spoke against the proposal. He discussed the hodgepodge of mid-century architecture represented and stated the buildings are old and crumbling. He stated if the building became historic, the cost to make improvements would be prohibitive. Attorney Roselli asserted putting historic designation on this corner would forever limit the property to a status of being depressed and reduce property values.

Attorney Roselli argued the space is not run like a plaza and has 18 different owners. He stated each owner has its own power and the corporation only maintains the parking lot.

John Yohanan, owner, discussed the renovations over the years. He stated Vice Chair Marcus had stated they could be changed back, but he would ask at whose expense. He noted the parking is horrible and there is an issue with homelessness, and historic designation would not improve the depressed nature of the plaza.

Dr. Mitchell Grebois, tenant, discussed changes he had made to improve the safety of his unit and shared issues he had with the homeless gathering in the area. He stated if the property was restricted from improvements by historic designation, he would not even consider having his gynecology office in the plaza.

Steve Botkin stated he had owned in the building for 30 years. He asserted it was a dilapidated building he had to completely renovate and stated he did not feel in any way that it was historic.

He noted he felt taken advantage of to have a group of people considering telling the owners what they can and cannot do with their property.

Vice Chair Marcus clarified the topic was for discussion only. Ms. Logan confirmed.

Mr. Karney asked whether any of the property owners supported the historic designation. Attorney Schein stated he did not know of any that were in support. He noted there was a meeting of the board of directors, and if there are any supporters, they had not spoken up.

Mr. Schiavone stated historic beauty is in the eye of the beholder. He thanked everyone for the cordial and respectful discussion. He asked Vice Chair Marcus to clarify his previous comments regarding returning the building to its more historical design.

Vice Chair Marcus clarified he had meant that if in the future for any reason an owner wanted to return the building to its historic look for any reason, they could apply a polymer mold and it would not be that difficult. Discussion ensued regarding past reviews of potential historic districts.

Mr. Schiavone stated his general feeling on the matter was that the historic characteristic, if there was one, had been diminished over time, and for the good of the people he did not see the historic value outweighing the value of the owners' rights. He asked the Board to take another look at whether it actually had historic value.

Ms. Lynes stated the Board had recognized from the beginning that the problem would lie in the fact that the property was owned by many different entities. She noted it was important to have opened the table for discussion and heard from people with lived experienced, and now they needed to reconsider any desire to make this a historic district. She stated it was too complicated, and while it may work in another area, in this case they needed to respect the objection.

Mr. Parker asked whether any of the other properties listed on Vice Chair Marcus' initial list had reached out. Ms. Logan stated 12 buildings had been initially identified and provided an update on the three the Board had agreed to move forward with discussion on. She noted she had not communicated with any of the other nine property owners.

Mr. Rosa stated he had asked to get the property owners here because he thought it was crucial to get their input. He noted it is a unique piece of property, and if the collective position of those owners was opposition, he wanted to listen.

Vice Chair Marcus agreed and stated this should be the end of the discussion. He noted that time and education do something and said at some point he hopes historic preservation will be seen as an ally rather than an enemy. Vice Chair Marcus stated another building he wanted to bring up for consideration was the Federal Courthouse.

Ms. Logan asked for clarification that the Board had agreed they do not wish to move forward with the Times Square property on a future agenda.

Mr. Schiavone asked whether a motion was necessary. Attorney Wallen stated a motion was not required, as it had been a discussion item only. She asked for and received a consensus of the Board that they did not wish to move forward with the item at this time.

Ms. Logan addressed Vice Chair Marcus' comment regarding education, noting staff has conducted multiple architectural resource surveys, which are available on the City's website and contain a lot of information about several neighborhoods. She noted it is the intent to conduct the surveys City-wide to serve as an initial review.

Vice Chair Marcus asked whether the surveys recommend specific structures as more representative or as a better architectural example.

Ms. Logan explained within the surveys conducted so far, potential historic districts and landmarks had been identified and those structures considered contributing and non-contributing within those districts have been delineated. She noted individual properties have also been identified as potential historic landmarks within those neighborhoods, as well.

Vice Chair Marcus stated part of his push to preserve mid-century architecture was because in the lists, he had identified little from that era.

Ms. Logan provided additional explanation as to the focus of the surveys and the prioritization of which areas to apply for grants to survey.

Vice Chair Marcus stated there had been a lot of talk in recent years about the Federal Courthouse on Broward Boulevard, which he called a midcentury masterpiece done in the 1960s. He noted it would be for sale by the Federal government once they build the new courthouse nearby. He stated he had discussed the matter with the City Attorney and learned the City had no say as to what the Federal government can do with the building, but it was his intent the Board pass the matter on to the City Commission to give its say, even if it is not binding.

Attorney Wallen read a brief statement explaining that the Federal government is not required to comply with the City's zoning requirements. She noted due consideration is required, but action cannot be taken for Code violation, thus the preservation cannot be forced.

Ms. Lynes stated she thought it was a much less complicated issue than the shopping center, as it was one building. She noted approaching one building and making a strong case for its architectural integrity from a certain period might be listened to and respected by the Federal government.

Mr. Schiavone asked the intent of bringing the item forward. He stated he did not think the City of Fort Lauderdale wanted to get in a fight with the Federal government regarding the building. He stated it was the same discussion as with any other building, to determine whether the owners want their building to be historically preserved.

Ms. Lynes stated the Board would recommend it be considered historic, but the Federal government could determine whether they wanted to preserve it. Discussion continued as to the process, whether to bring the item forward for further discussion, and whether to invite a representative to the discussion.

Attorney Wallen asserted she was advising against moving forward with the matter as the Board does not have authority over Federal property.

Vice Chair Marcus suggested a Communication to the City Commission asking they conference on the matter.

Mr. Rosa stated based on what he was gathering from the City Attorney, there was no binding effect to the process, and he did not see the reward to going through the procedure.

Vice Chair Marcus responded that it was a matter of local civic pride, and how much the community wants to save a building like this. He stated a vote on the record as to what the City wanted to do with it was necessary.

Mr. Rosa disagreed, noting he thought it could be recognized by virtue of a plaque or other recognition, but going through the process as though there was a binding effect at the end did not make sense as a use of limited resources. He stated it was a great building.

Ms. Lynes stated it spoke to Vice Chair Marcus' comments regarding education and raising consciousness. She asserted if it was worth it from that perspective, it might mean something. She stated raising the historical consciousness about the building might prevent anyone from doing something with it.

Mr. Schiavone asked that the Board agree to make a recommendation to put the matter in the hands of the City Commissioners to discuss at conference. He noted if the Commission wants to go forward with it, the Board could take it on. He asserted listening to the community regarding Times Square Plaza at this meeting was one of the most forward-moving things he had seen the Board do.

Mr. Parker agreed it was important to talk about these buildings for the purpose of educating the public for consideration.

Ms. Logan noted there had been a motion in the past, and no action had been taken at that time. She read the motion from two and a half years ago for the record. Discussion ensued as to making a communication to the City Commission utilizing an amended version of the previous language.

Ms. Lynes stated the Board should make clear to the Commission that they understand the complexity of dealing with a Federal building and are not seeking to go into a fight with the Federal government, but would move forward if possible.

Motion made by Ms. Lynes, seconded by Mr. Schiavone:

To communicate to the City Commission that the Fort Lauderdale Federal Courthouse is architecturally significant, and to recommend the City initiate the historic designation process for the building. The Historic Preservation Board understands the complexities of the historical designation process in relation to the position the Federal government might take but would like to move forward despite this.

In a voice vote, the motion **passed 6-0**.

Attorney Wallen noted the Board had asked for an update on the Pier 66 agreement at the December meeting. She read section eight of the agreement, which discusses repair of the building following the hurricane and the historic designation process.

Vice Chair Marcus confirmed the owners would be before the Board at some point to review. Attorney Wallen stated that they would unless there was an amendment to the agreement. She noted four years had passed of the five years allowed within the agreement. She pointed out an amendment for additional time could also be requested.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:31 p.m.

Attest:

Chairman:

Prototype Inc. Recording Secretary

Jason B. Blank, Chair

The City of Fort Lauderdale maintains a website for the Historic Preservation Board Meeting Agendas and Results:

<http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board>

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.