



The City of Coral Gables

Historical Resources Department

CORAL GABLES HISTORIC PRESERVATION BOARD MEETING MINUTES

Thursday, August 23, 2012, 4:00 p.m.

City Commission Chambers

405 Biltmore Way, Coral Gables, Florida

MEMBERS:	S	O	N	D	J	F	M	A	M	J	J	A	APPOINTED BY:
Dorothy Thomson	P	P	P	-	P	P	P	P	P	P	P	P	Mayor Jim Cason
Margaret Rolando	E	P	P	-	E	P	P	P	P	P	P	P	Vice Mayor William H. Kerdyk, Jr.
Alejandro Silva	P	P	P	-	P	P	P	P	E	P	P	P	Comm. Maria Anderson
Venny Torre	P	P	P	-	P	P	P	P	P	P	P	P	Comm. Rafael "Ralph" Cabrera, Jr.
Kendell Turner	P	P	P	-	P	P	P	P	P	P	P	P	Comm. Frank C. Quesada
Carmen Guerrero*								P	P	E	P	P	Historic Preservation Board
Deborah Tackett	P	P	P	-	P	P	P	P	P	P	P	P	City Manager
Dolly MacIntyre	P	P	E	-	P	P	P	P	E	P	P	P	City Commission
Judy Pruitt	A	P	P	-	P	P	P	P	P	P	P	P	City Commission

A = Absent
P = Present
E = Excused
*** = New Member**
^ = Resigned Member
- = No Meeting

STAFF:

Dona Spain, Historic Preservation Officer
Kara N. Kautz Assistant Preservation Officer
Amanda Gonzalez, Archivist
Cindy Dorrel, Administrative Assistant
Craig Leen, City Attorney

PREPARATION OF MINUTES: Nancy C. Morgan, Coral Gables Services, Inc.

GUESTS: Janelle Hernandez, Ellen Ugucioni, Roxcy Bolton, David Arisco, Barbara Stein, George Volsky, Linda Collins Hertz, James Piersol, Naomi Harrison, Borianna Cloutier, Lowell Kuvin, Pedro Calavera, Neill Hernandez, Amalia Pomponio, Teresa Calejo, Agustin Estil-las, Maria E. Hernandez, Maria Kinney, Aldrin Pita, Caridad M. Carovera, Julie Petrella Arch, J.C. Toyos, Waldo Toyos, Lourdes Neugart, Marlin Ebbert, Craig Waltzer, Sydney Towne, Juan Fernandez-Barquin, Charles Girtman, Julio Rodriguez, Alexis Lopez, Mickey Marrero, Mads Thomsen, Chantel Pita, Gianfranco Ballon

The meeting was called to order by Ms. Tackett at 4:05 p.m. A quorum was present.

MINUTES: MEETING OF JULY 19, 2012:

Ms. Turner made a motion to approve the minutes of the meeting of July 19, 2012 as presented. Mr. Silva seconded the motion, unanimously passed by voice vote.

DISCLOSURE STATEMENT and DISCLOSURE OF CONTEXT:

Ms. Tackett read for the record the statement regarding lobbyist registration and disclosure. She stated that if any members of the board had ex parte communication or contact regarding any cases being heard, it was necessary to disclose such communication or contact.

Ms. Tackett reported an information-gathering meeting with Mr. Marrero (745 Minorca Avenue), who reviewed with Ms. Tackett the application package delivered to Board members. Ms. Tackett assured City Attorney Leen that the exchange with Mr. Marrero would not affect her fairness or objectivity about the application.

DEFERRAL: 2224 Segovia Circle: Deferred at the request of the applicant.

PUBLIC SWEARING IN: Nancy Morgan swore in audience members who planned to testify during the meeting.

INTRODUCTIONS: Ms. Spain introduced new Historical Resources Department staff members, Cindy Dorrel (Administrative Assistant) and Amanda Gonzalez (Archivist) as well as former Department intern Janelle Hernandez.

CITY ATTORNEY ITEM:

1044 CORAL WAY:

Mr. Leen, in an advisory capacity only, presented an issue remanded to the Board by the City Commission regarding 1044 Coral Way. The matter was before the Board on Resolution No. 2010-198 (For study prior to the meeting, Board members received a copy of 2010-198 as well as Resolution No. HPR22-LHD2003-18, verbatim transcripts of the June 21, 2007 and May 20, 2010 Historic Preservation Board meetings.). Mr. Leen said the matter was appealed to the Circuit Court, which affirmed the decision of the Commission, which then remanded the matter back to the Board for further review and reconsideration. Mr. Leen advised the Board to decide between two options:

- a. Ascertain whether the board has determined substantially the same facts on May 20, 2010 for de-designation as was heard by the board at its June 21, 2007 meeting. If it is concluded in the affirmative, then the Historic Preservation Board is barred from hearing this case again based on the principles of collateral estoppel and res judicata, and subsequently dismissal should follow, thereby preserving the applicants right to file an appeal before the Coral Gables City Commission regarding this finding.
- b. Further stipulating that if it is determined that there are substantially new facts that are presented before the Historic Preservation Board that were not decided before, then City Staff will have an opportunity to appeal same before the Coral Gables City Commission.

Mr. Leen reviewed the case background of the property, and explained the doctrine of res judicata to ensure understanding of the term and its importance in this matter. For the record, he advised that if the owners wanted to make another application, they would have to clearly show from 2010 record, and possibly from the 2007 record, that there was a material change of factual circumstances. Examples of possible material changes in factual circumstances were discussed.

Mr. Kuvin, representing the property owners, reviewed various portions of the 2007 and 2010 Board meeting transcripts in rebuttal to Mr. Leen's comments, stating his position that there were no facts stated in the 2007 hearing and many presented in the 2010 hearing. He added that the doctrine of res judicata did not apply in this case.

To clarify issues and facts, questions/lengthy discussion ensued among all parties. In conclusion, Mr. Leen reiterated that the Board's purpose was to make a decision between the two options (a. and b.) based on the documentation record presented to them, and compare what happened in the 2007 and 2010 hearings to determine if the documentation demonstrated a material change in facts or circumstances.

Mr. Torre made a motion stating that the doctrine of res judicata did not apply in this instance and that the 2010 decision of the Board was the final decision of the Board in this matter (option a.). Ms. Pruitt seconded the motion.

Roll Call: Ayes: Mr. Silva, Ms. Rolando, Ms. Thomson, Ms. Turner, Ms. Pruitt, Ms. Guerrero, Mr. Torre, Ms. Tackett. Nays: Ms. MacIntyre.

Mr. Leen introduced Assistant City Attorney Bridgette Thornton Richard, and stated that either he or Ms. Richard would generally be present at future Historic Preservation Board meetings.

STANDARD CERTIFICATE OF APPROPRIATENESS:

CASE FILE COA (ST) 2012-073: An application for the issuance of a Standard Certificate of Appropriateness for the Miracle Theater located at **280 Miracle Mile**, a Local Historic Landmark. A lengthy legal description is on file in the Historical Resources Department. The applicant requested design approval for the restoration of the marquee.

Ms. Spain displayed photographs of the theater marquee, briefly described its current state of disrepair, and said the intent of the applicant was to restore the marquee to its original design and use.

Mr. Piersol, representing the applicant, introduced himself and invited questions. After hearing no requests for further audience remarks, Ms. Tackett closed the public hearing.

Mr. Volsky inquired about the marquee's appearance and project costs, and confirmed that the marquee would be restored to its original design.

Ms. Thomson stated that she served on the theater's board of directors without remuneration and that her service did not represent a conflict of interest.

Ms. MacIntyre made a motion to approve the application as presented. Mr. Torre seconded the motion.

Roll Call: Ayes: Mr. Silva, Ms. Rolando, Ms. Thomson, Ms. Turner, Ms. MacIntyre, Ms. Pruitt, Ms. Guerrero, Mr. Torre, Ms. Tackett. Nays: None.

SPECIAL CERTIFICATE OF APPROPRIATENESS:

CASE FILE COA (SP) 2012-006: An application for the issuance of a Special Certificate of Appropriateness for the Miracle Theater located at 280 Miracle Mile, a Local Historic Landmark. A lengthy legal description is on file in the Historical Resources Department. The applicant requested design approval for the alteration of the poster cases. Variances from the "Miami-Dade County Code of Ordinances" Part III, Chapter 33, Article VI, Division 2, Section 33-96 and from Section 5-1902(D)(7) of the "Coral Gables Zoning Code" were requested for the installation of "LCD" signage in the poster cases.

Stating that the application for design approval for the alteration of the poster cases required a variance from the Miami-Dade County sign code as well as a variance from the Coral Gables Zoning Code, Mr. Leen explained how the County's code applied within the City. In order to proceed, a County code variance was necessary to permit the City to legally permit the signage. He advised the Board of its authority to grant a variance to the County code in this case.

Ms. Spain reviewed the specific variances and the proposal to replace the existing poster cases on the theater's front façade with stainless steel framed cases that fit into the opening after removal of the existing cases. She pointed out that detailing of the existing cases did not appear to be original, and also found no evidence of a permit for the alteration of the original cases. Noting differences, Ms. Spain said the restored cases and LCD signage would enhance the theater entry and present more modern signage without detracting or jeopardizing historic integrity. Staff's recommendations: 1) to approve the design proposal with the condition that the images remain static (no movement or video), and to approve issuance of a Special Certificate of Appropriateness; 2) to approve granting a variance from the Miami-Dade County Code of Ordinances, Part III, Chapter 33, Article VI, Division 2, Section 33-96; to grant a variance to allow "LCD" signage systems in the theater's existing poster cases; 3) to approve granting a variance to allow "LCD" signage system in the existing poster cases with conditions as stipulated by Section 5-1902 (D) (7) of the Coral Gables Zoning Code.

Ms. Stein and Mr. Arisco described the purpose, design, uses and enhancements related to the restoration.

Hearing no further audience requests to speak, Ms. Tackett closed the public hearing.

Mr. Torre made a motion to issue a Special Certificate of Appropriateness for the installation of LCD signage in the existing poster cases of the façade of the Miracle Theater as presented, with the condition that the images are static (not moving or a video). Ms. MacIntyre seconded the motion.

Roll Call: Ayes: Ms. Rolando, Ms. Thomson, Ms. Turner, Ms. MacIntyre, Ms. Pruitt, Ms. Guerrero, Mr. Torre, Mr. Silva, Ms. Tackett. Nays: None.

Mr. Torre made a motion to grant a variance from the Miami-Dade County Code of Ordinances, Part III, Chapter 33, Article VI, Division 2, Section 33-96 that applies to Point of Sale signs to allow an automatic electric changing sign on a property of less than ten acres gross improved land area. Ms. MacIntyre seconded the motion.

Roll Call: Ayes: Ms. Turner, Ms. MacIntyre, Ms. Pruitt, Ms. Guerrero, Ms. Thomson, Mr. Torre, Mr. Silva, Ms. Rolando, Ms. Tackett. Nays: None.

Mr. Torre made a motion to grant a variance to allow "LCD" signage systems in the existing poster cases of Miracle Theater vs. pennants, banners, streamers, balloons, blinking and flashing lights, streamer lights, flags except as provided in Section 5-1901 (B), herein and any other fluttering, spinning, rotating or similar type attention attractors and advertising devices are prohibited as stipulated by Section 5-1902 (D) (7) of the Coral Gables Zoning Code. Ms. MacIntyre seconded the motion.

Roll Call: Ayes: Ms. Turner, Ms. Pruitt, Ms. Guerrero, Ms. MacIntyre, Mr. Torre, Ms. Thomson, Mr. Silva, Ms. Rolando, Ms. Tackett. Nays: None.

Ms. Tackett announced a pause in the proceedings at 5:40 p.m. The meeting resumed at 5:49 p.m.

HISTORICAL SIGNIFICANCE DETERMINATION:

745 MINORCA AVENUE, legally described as Lots 26 & 27 and East ½ of Lot 28, Block 25, Coral Gables Section "B," PB 5-111 of the Public Records of Miami-Dade County, Florida.

Ms. Spain referenced an August 19th Miami Herald article about the property, which prompted a letter from a neighbor (provided to Board). She displayed photographs, historic real estate cards donated to the City by Kerdyk Realty and original drawings, reviewed the property's history and results of research. Staff determined that the property met minimum eligibility criteria for historical significance. She advised that staff required Board review if an application for demolition came forward, as it did in this case. A copy of the criteria for historical significance eligibility was given to Board members.

Mr. Marrero spoke on behalf of owner Mads Thomsen. He introduced Ellen Ugucioni and Juan Fernandez-Barquin, after which he reviewed Mr. Thomsen's experience with the house, which he purchased in poor condition with the intention of demolishing it and rebuilding on the property. He detailed information and reasons why the property did not meet historical significance criteria and why it should not be so designated.

Ms. Ugucioni conducted a presentation in support of the applicant's position that the property did not meet historic criteria, reviewed the designation process and displayed photographs, plans and other information to confirm the conclusions of the owner's project team.

Ms. Spain reiterated staff's opinion that the property met the minimum criteria for historical significance, and rebutted portions of Ms. Uguccioni's presentation. Ms. Uguccioni restated her professional view that the house did not meet sufficient criteria for historical significance.

Mr. Fernandez-Barquin, a structural engineer, detailed problematic structural issues of the property. Mr. Marrero restated that the house was not special or a distinct example of any architectural style and fell short of historical significance. He added that restoration of the house in such poor condition would be a financial hardship on the owner.

Mr. Girtman relayed his opinion about the importance of preserving the City's historical structures, and cited examples that supported his opinion.

Hearing no further requests for audience input, Ms. Tackett closed the public hearing. Board comments: 1) generally favorable for a determination of historical significance; 2) opposed to demolition of the house; 3) empathetic to the owner's circumstances; 4) concern with the issue of the process (as mentioned in Ms. Uguccioni's August 7th letter) that had the possibility of negatively impacting the owner; 5) Preserving the house would be supportive of conservation and "green" efforts.

Ms. Rolando disclosed that she lived across the street from the property, and relayed information about the house and lot, previous owners' circumstances and additions to the property made through the years. She expressed her view that the house could be restored and tastefully expanded.

Ms. Pomponio, with permission from Chair Tackett, expressed concern that other homes had been demolished to make way for new construction.

Ms. MacIntyre made a motion stating that the property at 745 Minorca Avenue meets the minimum eligibility criteria for designation as a local historic landmark, and to instruct staff to prepare a historical designation report. Ms. Rolando seconded the motion.

Roll Call: Ayes: Ms. Thomson, Ms. Pruitt, Ms. Guerrero, Mr. Torre, Ms. Turner, Ms. Rolando, Ms. MacIntyre, Mr. Silva, Ms. Tackett. Nays: None.

Ms. Kautz described the public hearing notices and advertisements that would occur prior to the meeting for the property's historical designation consideration. Ms. Spain requested Board direction about erecting signs on properties that will be considered for a determination of historical significance. Ms. Tackett advised that properties should be posted when they will be a subject at a public hearing.

BOARD ITEMS / CITY COMMISSION / CITY PROJECTS UPDATES:

Biltmore Hotel: Ms. Spain reported that the Hotel's restoration project was proceeding well.

July 24, 2012 City Commission Meeting Items: In response to Ms. Thomson's request, Ms. Spain relayed the background of the damage to the cupola at City Hall. Scaffolding is required to examine the cause of the problem and repair the damaged area.

George Merrick Painting Restoration: Ms. Spain reported receiving two quotes thus far for restoring the painting of George Merrick that hangs in Commission Chambers.

1248 Coral Way: Ms. Spain reported that the property was approved by the Commission for lot separation on first reading.

Entrance of City Hall: Ms. MacIntyre expressed pleasure about the completion of the safety and aesthetic repairs to the entrance.

DISCUSSION ITEMS:

Discussion of Historic Designation Issues: Mr. Fernandez-Barquin advocated for proactively determining historic significance on properties throughout the City. There followed a discussion of additional education efforts with homeowners and all professionals related to the purchase and sale of properties. Ms. Spain will meet with the Building Department to ensure its collaboration on historical property issues related to residential and commercial buildings in the City. She will also send letters to Realtor/attorney/architect associations and title companies to request that information about checking on historic designations be included in their newsletters.

Mr. Torre left the meeting at 7:10.

Window Seminar: Ms. MacIntyre spoke with the Dean of UM's School of Architecture, who is supportive of the window seminar and will collaborate with the Board. She also prepared and submitted for review by staff a preliminary schedule and budget, and will prepare a grant application. If additional funding is needed for the seminar, she asked the Board to consider funding up to \$1,000 to help finance it.

ADJOURNMENT: The meeting adjourned at 7:15 p.m.

Respectfully submitted,



Dona M. Spain
Historic Preservation Officer