



The City of Coral Gables

Historical Resources Department

CORAL GABLES HISTORIC PRESERVATION BOARD MEETING MINUTES
Thursday, December 20, 2012, 4:00 p.m.
City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

Table with columns for MEMBERS, months (J, F, M, A, M, J, J, A, S, O, N, D), and APPOINTED BY. Lists attendance for members like Dorothy Thomson, Margaret Rolando, etc.

STAFF:

- Dona Spain, Historic Preservation Officer
Kara N. Kautz Assistant Preservation Officer
Cindy Dorrel, Administrative Assistant
Bridgette Thornton Richard, Deputy City Attorney
Cynthia Birdsill, Economic Sustainability Director

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

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

GUESTS: Lee H. Waronker, Jane Tompkins, Laura Russo, Ramon Trias, Leonard Roberts, Carmen Olazabal, Eric Kuger, Lily Tran, Sony Richard, Yaneris Figueroa, Alex Hernandez, Sandra Gallaher, Bob Gallaher, Allen J. Smith, Helen Jeanne Nicastri, Colleen Smeryage, Burton Hersh, John Fullerton, Alan J. Smith

The meeting was called to order by Ms. Tackett at 4:06 p.m. She noted that she would leave the meeting at 6 p.m. as would another Board member, and a third Board member would leave at 5 p.m. A quorum was present.

MINUTES: MEETING OF NOVEMBER 15, 2012:

Ms. MacIntyre made a motion to approve the minutes of the meeting of November 15, 2012 as presented. Ms. Pruitt 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 a meeting with Ms. Birdsill in advance of the Board meeting for the purpose of gathering information about revisions to the Art in Public Places Ordinance. She said the meeting would not affect her consideration of the issue.

DEFERRALS: None.

PUBLIC SWEARING IN: Ms. Morgan administered the public swearing in for those testifying during the meeting.

PERSONAL APPEARANCE – Cynthia Birdsill, Economic Sustainability Director, to present proposed amendments to the Art in Public Places Ordinance:

Ms. Birdsill presented proposed amendments to the Art in Public Places Ordinance, requesting the Board's consideration and recommendation to the City Commission to approve revisions. She described the program's history, and explained that revisions would improve administrative management of the Ordinance by staff. Additional revision language would result in the Ordinance complying with the Miami-Dade County Code as well as the City Code. Specific revisions that would affect the work of the Board were highlighted by Ms. Birdsill, who also responded to Board questions.

During discussion, Ms. Spain agreed to provide an inventory of the City's historic public art to Board members. When Ms. Tackett invited audience comments, there was no response; therefore, the public hearing was closed.

Ms. MacIntyre made a motion to recommend approval of the proposed revisions of the Art in Public Places Ordinance, as presented, to the City Commission. Mr. Torre 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.

LOCAL HISTORIC DESIGNATION:

CASE FILE LHD 2012-08: Consideration of the local historic designation of the property at **5309 Alhambra Circle**, legally described as Lots 34 and 35, Block 79, Coral Gables Riviera Section Part 5, according to the plat thereof, recorded in Plat Book 20, Page 38, of the Public Records of Miami-Dade County, Florida.

Homeowner Lilly Tran was introduced, after which Ms. Kautz conducted a comprehensive PowerPoint presentation of the property, its history, architecture, additions/alterations and significance, depicted with photographs and drawings. She concluded that staff recommended approval of local historic designation.

Ms. Tackett invited audience comment. Hearing no requests to speak, she closed the public hearing. After brief Board discussion, action was taken.

Ms. MacIntyre made a motion to approve local historic designation of the property at 5309 Alhambra Circle as presented. Ms. Pruitt seconded the motion.

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

SPECIAL CERTIFICATES OF APPROPRIATENESS:

CASE FILE COA (SP) 2012-018: An application for the issuance of a Special Certificate of Appropriateness for the property at **2 Casuarina Concourse**, a local historic landmark, legally described as Lot 32, Block A, Gables Estates No. 2, according to the Plat thereof, recorded in Plat Book 60, Page 37, of the Public Records of Miami-Dade County, Florida. The applicant requested approval for the demolition of the residence. The applicant claimed economic hardship.

Deputy City Attorney Richard explained the specific purpose for Board consideration, and cited City zoning code provisions to be factored by the Board in making its decision about the application.

Mr. Smith, representing property owner Cascar LLC, stated the owner was a charitable foundation. He presented the recent history of the property's designation and differences of opinion between the Board and the owner. He stated unsuccessful efforts to conclude a sale of the property, explaining his opinion why the house was not sellable. He said local historic designation imposed undue economic hardship on the owner.

Mr. Smith introduced Real Estate Appraiser Robert Gallaher and Real Estate Broker Jeanne Nicastrì as experts in their respective fields who would testify on behalf of the property owner.

Mr. Gallaher reviewed his credentials and career highlights, stating he prepared the appraisal of the property at the owner's request. A copy of his appraisal was given to staff, after which Mr. Gallaher described his research in detail, displaying each segment via PowerPoint. He reviewed 39 Parker-designed homes found in Florida, four of which (Palm Beach County) were demolished. Based on research and other contributing factors, his opinion was that the value of the structure was likely between \$3.5 and \$5 million, with a likely land value of between \$10 and \$12 million.

Ms. Nicastrì described her background, real estate career and professional experience with this property. She expressed her opinion about many aspects of the house, its condition, repair needs as well as detriments to compliance, safety and marketability issues. She opined that, as a vacant lot, the property's value was between \$10 and \$12 million.

Mr. Lee Waronker, a real estate appraiser engaged by the City to review Mr. Gallaher's appraisal and provide an opinion about its reliability, reviewed his background and career achievements. His opinion was that the appraisal report could not be relied on, and he specified areas of issue. He specifically noted a lack of reliability due to the absence of professional documentation about what could be done with the house and those related cost estimates. In the absence of that information, Mr. Waronker said it was not possible to determine the actual value of the house.

Ms. Spain displayed images of the house, pointing out architectural alterations that could be made to, for instance, provide a view of the Bay, construct an addition or add a garage. She referred to the written staff report (page 2, Coral Gables Zoning Code Provisions) regarding requirement provisions related specifically to the structure for a Certificate of Appropriateness for Demolition (Section 3-1107), and related staff's reasons for their opinion that the house warranted historical protection. In one example, she recalled a letter from Barbara Mattick, Deputy State Historic Preservation Officer, Florida Department of State Division of Historical Resources, that said even though the building was less than 50 years of age, Ms. Mattick's department was of the opinion that the building was sufficiently significant to warrant listing on the National Register.

Ms. Spain reviewed provisions of Section 3-1115 (Undue Economic Hardship), concluding that staff did not believe the claim of undue economic hardship was substantiated by the applicant, on whom the burden of proof rested. She pointed out that ad valorem tax relief was available, so if an owner of the house were to restore the property and/or build an addition, the appraisal of the addition plus the restoration costs could be, if applied for, frozen for ten years so property taxes would be zero on that portion, a substantial economic benefit.

At Ms. Spain's request, Deputy City Attorney Richard advised the rules for hearsay testimony and the importance of supporting it with documentation.

Two proposed motions (one for the economic hardship issue and one for the Demolition/Special Certificate of Appropriateness issue), as reviewed by the City Attorney and recommended by Historical Resources staff, were distributed and read.

Ms. Tackett called for Board questions to staff, after which she invited additional comment from the public.

Referencing Mr. Waronker's review of Mr. Gallaher's appraisal, Mr. Smith read his analysis of Mr. Waronker's testimony into the record, rebutting 13 of Mr. Waronker's objections to Mr. Gallaher's appraisal, and defending Mr. Gallaher's report and testimony. Mr. Smith reminded the Board that the house was owned by an estate and the beneficiary of the estate was a charitable foundation, adding that it was unrealistic and unfair to expect such a foundation to spend millions of dollars to bring the house up to Code and historical consistency. He added that the house was not rentable without a substantial investment, and stated the economic hardship as between \$5 and \$8.5 million based on the testimony of Mr. Gallaher and Ms. Nicastrì.

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

Ms. Spain distributed and read into the record an email message received December 19, 2012 from Professor Martha Kohen, University of Florida School of Architecture. In the message, Ms. Kohen entreated the Board to protect the subject house, and stated numerous reasons why Mr. Parker and this house were historically significant and warranted Board consideration.

Ms. Kautz added that ownership of the property was not relevant to the economic hardship issue. She read from an authorized source into the record (in summary within these minutes) that the property owner is not entitled to the highest and best use of the property and the issue of highest and best use of the property is not germane to the issue of economic hardship. She added that two issues were consistently upheld in cases involving economic hardship claims: 1) if the owner had the ability to realize a reasonable return on investment; and 2) if a viable use of the property remained. She said the subject property remained viable as a single-family home, and added that the applicant had not proven or substantiated costly renovations/repairs they claimed were needed.

Board comments:

- Mr. Torre: discussed real estate value of the house related to Mr. Parker's significance, and the house's future value; rental of the house could provide income to the owner. He rebutted the economic hardship portion of the application.
- Mr. Silva: shared concerns about appraisal issues as well as offers received on the property; with Mr. Waronker about land value calculations; questioned why the appraisal was capped at \$5 million; concerned there were only two options considered: entire demolition and leaving the house as is. Some funds should have been expended on a feasibility study on the property. Only one offer presented on the house was expressly contingent on demolition.

- Ms. MacIntyre: Mr. Gallaher's research was excellent in terms of additional knowledge about Mr. Parker's work, and demonstrated that each Parker building was individual and unique. She questioned the marketing process for the property and whether or not it was targeted to the right audience. She expressed disappointment that the house had been empty for three years, inviting demolition by neglect. She rebutted the economic hardship claim.
- Ms. Thomson: Taking an opposite view of Board opinions, she advocated for the benefits that could be provided by the charitable organization if it received substantial funds through a sale of the property. The property was not yet 50 years old. The house was custom-made for the original owners, and may not appeal to others even though it was designed by Mr. Parker. Ms. Spain reminded the Board of the criteria under consideration in this application.

Ms. Turner made a motion to adopt Staff's findings and Report, and to find that the Applicant has not demonstrated that the denial of Special Certificate of Appropriateness for demolition of the property would cause an exceptional financial burden such that it would amount to a taking of property without just compensation under the standard outlined by the U.S. Supreme Court in *Penn Central Transp. Corp. v. New York City*. Ms. Rolando seconded the motion.

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

Ms. Turner made a motion to find that the Applicant has not met the required criteria outlined in Section 3-1107 (D) of the Coral Gables Zoning Code for issuance of a Special Certificate of Appropriateness for demolition. Ms. Rolando seconded the motion.

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

CASE FILE COA (SP) 2012-016 (Continued): An application for the issuance of a Special Certificate of Appropriateness for the property at **180 Aragon Avenue**, "The Colonnade," a local historic landmark. A lengthy legal description is on file in the Historical Resources Department. The applicant requested design approval for interior and exterior alterations to the portion of the building that is not part of the original structure. This item was approved at the Historic Preservation Board meeting of October 18, 2012 requiring the applicant to return for review of proposed materials and colors.

Ms. Tackett read the application into the record, after which she left the meeting at 6:25 p.m.. As Vice Chair, Mr. Torre assumed Board leadership.

Ms. Spain invited Mr. Hersh and Ms. Russo to the podium. Mr. Hersh presented physical and distributed samples of materials and renderings to the Board for review as requested at a previous Board meeting. At the request of Ms. Spain, Mr. Hersh explained the surfaces that would be painted. After a brief discussion period, Board comments concluded. Mr. Torre invited members of the audience to speak. Hearing no requests, he closed the public hearing.

Mr. Silva made a motion to approve the proposed materials and colors for the property at 180 Aragon Avenue as presented. Ms. Thomson seconded the motion.

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

BOARD ITEMS / CITY COMMISSION / CITY PROJECTS UPDATE: No items from Staff.

DISCUSSION ITEMS:

Renovations of historic properties and alterations related to the new Building Code: Mr. Torre brought up the difficulties encountered when doing alterations to historic properties in regard to threshold levels required by the building codes. Staff will follow up with the building department to see if there is a process in place for mediation for historic properties.

Protection of interior historical fabric: Mr. Torre suggested protecting historical interiors in special cases, such as the property at 2 Casuarina Concourse. Ms. Kautz and Ms. Spain noted that current protection applied to public spaces, and that the City Code didn't permit interior designations. However, Staff will research the matter.

Salvage of usable building materials: Ms. MacIntyre suggested the preservation and re-use of salvageable materials from buildings scheduled for demolition, to benefit the needs of underserved areas and avoid waste.

ADJOURNMENT: The meeting adjourned at 6:35 p.m.

Respectfully submitted,



Dona M. Spain
Historic Preservation Officer