

**City of Coral Gables City Commission Meeting
Agenda Item F-1
March 14, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Vince Lago
Vice Mayor Michael Mena
Commissioner Rhonda Anderson
Commissioner James Cason
Commissioner Kirk Menendez**

City Staff

**City Attorney, Cristina Suárez
City Manager, Peter Iglesias
City Clerk, Billy Urquia
Historical Resources & Cultural Arts Director, Warren Adams
Assistant Public Works Director, Deena Bell-Llewellyn**

Public Speaker(s)

**Bonnie Bolton
Nanette Martinez
Joanna Lombard
Jorge Navarro
Maria Cruz
Ann Ryan
Maria Palacio
Cheryl Akerman
Stephen Pearson
Roberto Fleitas
Gabriela Rivas
Maria Cristina Longo
Jessica Hoppe
Jean Baptiste Ramet
Joanne Meagher**

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Agenda Item F-1 - Appeal to the Coral Gables City Commission from the decision of the Historic Preservation Board on January 18, 2023, regarding a request for historic designation for the property located at 110 Phoenetia Avenue ("The Garden of Our Lord"), legally described as Lots 1 to 10 inclusive, Block 21, Coral Gables Douglas Section, as recorded in Plat Book 25, page 69, of the Public Records of Miami-Dade County.

Armando Perez
Nicholas Varner
Judith Packard
Omar Yasseen
Brett Gillis
Karelia Carbonell
Carlos Segrera
Ruth Martinez
Richard Heisenbottle
Carlos Marín
Lisa Maroon
David Winker

Agenda Item G-1 [9:46 a.m.]

An Appeal to the Coral Gables City Commission from the decision of the Historic Preservation Board on January 18, 2023, regarding a request for historic designation for the property located at 110 Phoenetia Avenue (“The Garden of Our Lord”), legally described as Lots 1 to 10 inclusive, Block 21, Coral Gables Douglas Section, according to the Plat thereof, as recorded in Plat Book 25, at page 69, of the Public Records of Miami-Dade County, Florida.

Mayor Lago: Moving on to item time certain, F-1. Mr. Clerk.

City Clerk Urquia: Yes, sir. Madam City Attorney.

City Attorney Suárez: F-1 is an appeal to the Coral Gables City Commission from the decision of the Historic Preservation Board on January 18, 2023 regarding a request for historic designation for the property located at 110 Phoenetia Avenue (“The Garden of Our Lord”), legally described as Lots 1 to 10 inclusive, Block 21, Coral Gables Douglas Section, according to the Plat thereof, as recorded in Plat Book 25, at page 69, of the Public Records of Miami-Dade County, Florida.

Mayor Lago: Mr. Clerk, before we move forward, I have some communications that I'd like to put on the record...

City Clerk Urquia: Sure.

Mayor Lago: That was submitted to the Commission, the Clerk, the City Attorney, and the City Manager. I've also received emails and phone calls and have been contacted in regards to this item that is on today's agenda. Do any of my colleagues would like to put their contacts or anything else on the record?

Commissioner Anderson: I have to announce that I have a conflict and I'll be recusing myself from this vote.

Bonnie Bolton: Okay, your Honor.

Commissioner Menendez: I have one more.

Mayor Lago: One second, give us one moment.

Ms. Bolton: Of course.

Mayor Lago: Mr. Clerk.

Commissioner Menendez: I need to dis...

Mayor Lago: Mr. Commissioner.

Commissioner Menendez: I need to disclose that I had an hour-long site visit with a resident in the immediate area and that I had discussions with the attorney for the current property owner.

However, those communications do not prevent me from considering the record before me today, free from bias or prejudice.

Mayor Lago: Thank you.

Vice Mayor Mena: As with these items, I've received I couldn't tell you how many emails from various residents on both sides of the issue. I advised the Manager that he could have the Clerk pull those emails from my email address. I've not responded to those emails in an effort to, you know, obviously not chime in on the matter that was coming before us. And so other than that, those are the range of "discussions" that I've had.

Mayor Lago: I've also met with the applicant before and I've also met with the property owner and the individuals that currently have the lease on the property now, and I've also walked the site on multiple occasions. Mayor.

Commissioner Cason: I did not walk the site. I've received the same emails, but at the advice of the City Attorney, I've not opened those emails. I've not talked to anybody, so I have not had any -- anything that would influence me one way or another.

Mayor Lago: Thank you, Mayor. Madam City Attorney.

City Attorney Suárez: Mayor, as you all know, this is a quasi-judicial item. Pursuant to Section 14-208.6 of the City's Zoning Code, this appeal is based on the record of the hearing before the Historic Preservation Board and shall not be a de novo hearing. What that means is that no new or additional testimony shall be taken. This is an appeal based only on the record. As a reminder, your role in considering this appeal is whether due process was afforded, whether the Historic Preservation Board's decision was based on competent substantial evidence, and whether the essential requirements of law were met. On that last point, you should consider whether the criteria was applied properly by the Historic Preservation Board. That's the criteria for designation. The

Commission's role is to determine, like I said, whether the Code was followed and whether competent substantial evidence supported the decision of the Historic Preservation Board in denying the request for historic designation. After the City Commission's review, the City Commission has four options as provided in the Zoning Code. The City Commission can affirm the decision of the Historic Preservation Board, which in this case, denied historic designation of the property located at 110 Phoenetia. The City Commission can affirm the decision of the Historic Board with conditions, or the City Commission can override the decision, which in this case would mean the property is designated historic, or the City Commission can remand for further proceedings to the Historic Preservation Board. The Mayor, as Chair of the City Commission, with me as parliamentarian, has issued a procedural order that was provided in advance to the Commission and the parties. It's my understanding that counsel for the applicant, Mr. David Winker, will be appearing via Zoom.

Ms. Bolton: Yes.

City Attorney Suárez: And then pursuant to the procedural order, the appellant will be allowed 15 minutes for presentation, which shall be limited to the record before the Historic Preservation Board. Next, the Historic Preservation staff will be allowed 15 minutes for its presentation, also limited to the record below. And finally, the property owner will be allowed 15 minutes for his presentation, also limited to the record below. Next, there will be time for questions by members of the City Commission to staff or the parties, and then public comment will be allowed but will be limited to two minutes per speaker. Because the review of this appeal is not de novo, public comments shall not be considered testimony in this case. Finally, there will be time for additional questions and discussion by members of the City Commission. Because this is a quasi-judicial item, you all disclosed any ex parte communications that you had. As the Mayor mentioned, there were a number of emails, and I know there's a number of petitions that were provided and they are on the record. Finally, there was a letter that was received after midnight this morning from counsel for the property owner. I just want to address a few points. Again, I've done a very cursory review of this since it was received so late. It basically challenges standing in this case.

And I just want to -- on that point, I want to add that the City's Zoning Code provides that an aggrieved party has standing to appeal. In this case, an applicant, as Ms. Bolton is the applicant for the request for historic designation, is considered an aggrieved party. I do have copies of those letters that I will be providing as well as copies of the procedural order so you can have those.

Mayor Lago: Thank you, Madam City Attorney. As the City Attorney has said to the appellant, you have 15 minutes.

Ms. Bolton: May I ask for a procedural item prior to my starting my 15 minutes?

Mayor Lago: You can ask any question you'd like. How may I help you?

Ms. Bolton: Professor Joanna Lombard suggested that we have a moment of silence for Sallye Jude because she was -- this was the last project that she advocated on behalf of, and so I was hoping we could have a moment of silence for Sallye.

Mayor Lago: Well deserved.

Ms. Bolton: Yes, she deserves it.

Mayor Lago: Thank you very much. Moving forward, do you feel that 15 minutes is appropriate for your presentation? You feel comfortable with that? I want to make sure everybody feels fine.

Ms. Bolton: We would like a little bit more time, and if we go over a couple of minutes...

Mayor Lago: Cross that bridge when we get there, but I want to make sure we're okay.

Ms. Bolton: Okay.

Mayor Lago: So, please begin.

Ms. Bolton: Alright. The Garden of Our Lord must be designated historic because it more than qualifies under nine different criteria for designation. As Mr. Maxwell, a current member of the Historic Preservation Board and former president of Dade Heritage Trust stated, spaces like this are why everybody in Coral Gables lives here. They are what makes Coral Gables Coral Gables. There has been a massive mischaracterization of the Garden of Our Lord's worthiness for historic designation. Unfortunately, due to the time constraints imposed upon me, it is impossible to go through point by point. However, I will briefly address the aesthetic significance. The Garden of Our Lord is an easily identifiable visual feature of its neighborhood, and the garden is integral to the plan for its neighborhood and the City. I want to draw your attention to the 2015 North Ponce Community Visioning Workshop report. In that plan for the neighborhood, the garden and the playground were identified under short-term and long-term action steps as sites for potential parks, and the garden is located here in Coral Gables. Coral Gables was designed under the precepts of the garden city philosophy. And as Robert A. M. Stern, the former dean of the Yale School of Architecture stated, "Coral Gables deserves consideration as one of the world's preeminent garden villages." During the Preservation Board meeting, some members failed to see the garden's integral connection to the plans for its neighborhood and the City of Coral Gables. They were mistaken. There is a very clear and integral connection between the plans for the garden and its neighborhood and the City. And then under the criteria for historical cultural significance, the garden is the site -- which is A-2 -- the garden is the site of a historic event. That event was the intentional creation of a biblical garden, and that event had a significant effect upon the community, city, state, and nation. The Garden of Our Lord was one of the first three biblical gardens in America. Original plantings in that garden are still there. The carob tree shown in the 1954 edition of Nature magazine and two cypress trees are still there in the garden. They were in the 1954 Nature magazine and they're still there today. And there's a photo that's going to come onto the screen of the carob tree after the video.

City Clerk Urquia: So, you want...

Ms. Bolton: And...

City Clerk Urquia: Would you like the video to be played, ma'am?

(COMMENTS MADE OFF THE RECORD)

Ms. Bolton: Yes, yes.

City Attorney Suárez: May I just ask procedurally, was this video also played at the Historic Preservation Board?

Nanette Martinez: Yes.

Ms. Bolton: Yes.

Ms. Martinez: Hello, members of the Commission and members of the community. My name is Nanette Martinez. I have a Master of Architecture from Florida International University School of Architecture, located in Miami. I have served there as an adjunct professor of architecture and design. And I am also an associate at SB Architects in Coral Gables. I reside in Coral Gables, and I am a neighbor of the garden. I am here today to represent some of the research on behalf of the Garden of Our Lord located at 110 Phoenetia Avenue. I'm just going to briefly address three points. First point, the historical cultural significance, how the garden is associated in a significant way with the past or continuing institution, which has contributed substantially to the life of the City. The site of the garden has housed a church and school continuously for the better part of nearly 100 years. The Garden of Our Lord has been associated with the St. James Lutheran Church in Coral Gables for more than 70 years, and with the Crystal Academy for over 14 years. The Garden of Our Lord has contributed substantially to the life of both institutions and the community by creating a safe haven for peace and meditation for local and exotic vegetations and small

animals and an easily recognizable local landmark by which neighbors and visitors can locate themselves around the area. Point B, architectural significance, I'm going to quickly address one and two, how it portrays the environment in an era of history characterized by one or more distinctive architectural styles and how it embodies those characteristics of the architectural style, period, or method of construction. The architectural design of the Garden of Our Lord invokes an era of history characterized by the neoclassic architectural style of the 1950s, combined with Florida's historic landscape traditions and the use of locally sourced coral rock, also known as oolitic limestone. Additionally, the Garden of Our Lord can be placed within the Vizcaya farm village architectural style. The (INAUDIBLE) surface is framed by the pilasters with detailed classical moldings as seen in the Capitol supporting cast stone urns are clear evidence of how the Garden of Our Lord embodies those distinguishing characteristics of the 1950s architectural style. It's mixed use of coral rock for cladding and adornment portrays local Coral Gables methods of design and construction, characteristics of the time and place when it was built. Thank you.

Ms. Bolton: And this is Professor Joanna Lombard.

Joanna Lombard: Hi. Good morning, everybody.

(COMMENTS MADE OFF THE RECORD)

Ms. Lombard: Fine, thank you. Nice to be here today. My colleague, Rocco Ceo and I, wrote a piece that we submitted to Bonnie on the architectural significance, and I just want to give you some quick context. I think -- is that okay?

Mayor Lago: Perfect.

Ms. Lombard: Okay, so I went to Tulane University to study architecture where historic preservation is kind of in the blood of the school, and then I was lucky enough to study historic landscapes at Harvard University with Albert Fine and J. B. Jackson, people who are noted in the

field. And during this time, the cultural landscape was emerging as a concept. When I got to the University of Miami, I had a Fulbright fellowship from Harvard to be able to study American gardens and their European precedence. And then I was able, through UM's Orovitz Awards, to be able to study William Lyman Phillips and his work in Miami-Dade County and Fairchild Garden, as well as Frank Button, who was the landscape architect that George Merrick chose to hire instead of Mr. Phillips because there are letters documenting Mr. Phillips unhappiness at that decision. So, when I worked on the Coral Gables book chapter on the landscape of Coral Gables, Rocco Ceo stepped in and he worked on a really beautiful map. If you haven't seen it, it documents the different types of landscape in the City, and it's the first that united the northern and southern portions of the City to understand the overall plan, which was Merrick's idea that the city was in fact a garden. So, this sort of led us to 10 years of work, and in 2002, our book was published on Historic Landscapes of Florida. We got an award from the Florida Trust for Historic Preservation Award for Outstanding Achievement in the field of preservation education media. At this time, the National Park Service had already put out some 30 years of documentation on cultural landscape treatments, management policies for cultural landscapes, and the really famous Preservation Brief 36: Protecting Cultural Landscape Planning, Treatment and Management of Historic Landscapes, shortly followed by the Secretary of the Interior Standards for the Treatment of Historic Properties with guidelines for the treatment of cultural landscapes. The reason I mentioned all of this to you is that, at the same time, the National Park Service launched the American -- Historic American Landscapes Survey. You've heard the -- of HABS, the American Building Survey and the Engineering Record. So, this is added to that, and Rocco Ceo was appointed the first Florida district officer for HALS, and he has since been submitting further materials. In fact, he's working on the submission of Coral Castle right now. This work directly corresponds to the Florida's Comprehensive Historic Preservation Plan for 2017-21, where they call for prioritizing historic landscapes. They say these are underrepresented in the Florida Master Site File and in Florida's contributions to the National Register. And what they say is a more holistic approach should be utilized in identifying and evaluating resources through formal and informal survey to ensure that the landscape component is addressed. This is important because Susan Dolan, who is the landscape architect for the National Park Service and has worked for years

on this, describes the cultural landscape as an interwoven web of landscape characteristics that are all important to conveying character and significance. Robert Melnick, who was one of the authors of many of these early reports to the National Park Service says this, “Significant and meaningful cultural landscapes can be places that we look at every day, places that we often live in or walk through or work in, or just notice as we go past them. But far too often, these are places of our lives and the lives of our communities that we really don’t see, we don’t understand, and unfortunately, we really don’t engage to the extent we should. And yet, in cities and small towns, they are often the glue that holds the communities together.” So, this speaks directly to Mr. Fullerton’s comments in that January 18th session of the board when he said of the garden, “We’re not just talking about a wall. We’re talking about an entire element of our city, which has become important to a lot of people.” He acknowledged Robert Fitch Smith was important. He acknowledged the various criteria that we all spoke to. But he said, “We’re designating an idea, a place which is made for people in our community, and I feel very, very solid in the idea it should be designated.” And so there was a follow-up question to him like, okay, fine, what criteria are you applying? And he said, “I think it’s more ethereal than that. It’s a place, it’s a place of reflection,” and he goes on to talk about, you know, how it can be restored and rehabilitated. And this is important too because cultural landscapes are not frozen in time like architectural artifacts. They are living, breathing places, and they can adapt to new uses. There is absolutely no reason that garden could accommodate the wonderful children of the school and the people of the community and still tell the story of its history. So, let me close with Bache-Wiig who said, “I think, like what John was saying, we need something miraculous, like a miraculous intervention.” So, I’m here to ask the Commission for a miraculous intervention because I figure you have that capacity. There are two things that influence that could be changed. One is the consideration, the idea that the garden could only be designated if the entire block was designated. Cultural landscapes are very specific. They have their own boundaries. The garden should be dissected, delineated, separated from the total block, and you are the one group that has the capacity to open a path to thinking about this in a different way. And then the last thing I would ask you is to possibly empower the Historic Preservation staff and Board to evaluate the garden as a cultural landscape. This is the category that it belongs. And if you read the transcript, the board members

are all sort of struggling for -- to describe it. They describe it in this way. It is, as Marina López Sánchez and her team at the Universidad de Sevilla describe a cultural landscape. It's a heritage whose "true meaning lies precisely in the relations it has established and continues to establish with the city and its citizenry." Thank you.

Ms. Bolton: And I want to just add that, according to Section 8-104(b) 1 through 3, you can divide the parcels, so you can separate out the garden and the playground where there is a 100 -- a 200-year-old tree and that has been documented by Vizcaya Montgomery and another arborist, certified arborist.

Mayor Lago: Thank you.

Ms. Bolton: Thank you.

Mayor Lago: For the record, I just want to put on the record that the appellant spoke for 13 minutes. They left -- they have an additional two minutes and six seconds that they can speak for. They were afforded every opportunity to speak before we move on to the next...

Jorge Navarro: Mayor.

Mayor Lago: To the next speaker.

Mr. Navarro: My apologies, Mr. Mayor, just a procedural item.

Mayor Lago: But before -- I just want to make sure that they don't -- that they don't have anything else they have to say, just want to make sure.

Mr. Navarro: I just needed to -- for the record, please, an objection to the introduction of the information regarding the National Registry Standards on Cultural Landscapes. That information

was not presented to the Historical Preservation Board. It's not part of your transcripts. I have not seen it in the petition, but I just wanted to put that as a point of procedure for...

Mayor Lago: Madam City Attorney.

City Attorney Suárez: If it is not part of the record, then it should not be considered.

Mayor Lago: Okay.

Mr. Navarro: It isn't.

Mayor Lago: Mr. Adams.

Historical Resources & Cultural Arts Director Adams: Good morning. Warren Adams, Preservation Officer. Do you need my qualifications read into the record, or is that not necessary?

Mayor Lago: No.

Historical Resources & Cultural Arts Director Adams: Okay. Can you play the PowerPoint, please? So, before I start on the PowerPoint, and just a few things that I think you should be aware of and many of the expert opinions included in the report, there's no real explanation and the qualifications as to their historic preservation background. And secondly, the designation report was initially submitted in August, and then it was amended and submitted in December. Many of the support letters that you have were submitted prior to the amended report. Thirdly, the expert photos in the report appear to either be of the exterior of the garden or copies of the appellant's photos. This raises the question as to how many of the experts actually gained access to the site. The logical question is, how much of an expert opinion can you give on a site that you haven't actually seen. Yes, two board members did support the designation. However, six other qualified board -- Preservation Board members did not support the designation. Should there maybe be

other criteria in the Code which the Board could consider? Possibly, but we are tied to the criteria that are included in the report at the moment. So, this is the site and it's on Phoenetia Avenue, and that's just the general location. When you zoom into the site, the Garden of Our Lord is situated here. This is the church building, which has been significantly altered. This is a house which is currently used as a school, and this is vacant land and a play park. The designation application gives the legal description for the site.

Mayor Lago: May I ask you a question?

Historical Resources & Cultural Arts Director Adams: Yes.

Mayor Lago: How big is the site where the green space is, where the actual garden is, in square footage? You have an idea what it is?

Historical Resources & Cultural Arts Director Adams: I don't know the actual square footage.

Mayor Lago: Maybe we could have somebody in...

Commissioner Cason: And what percentage of it, of the lot roughly?

Mayor Lago: Maybe somebody -- maybe...

Historical Resources & Cultural Arts Director Adams: It's about 25 percent roughly.

Mayor Lago: Maybe, just for later through the Manager, if somebody could find out how many square feet. Is it a 5,000 square foot lot, 2,500 square feet? Just -- I just -- because I have an idea that potentially I'll be proposing in the near future.

Historical Resources & Cultural Arts Director Adams: So, you can see it's basically divided into four sections. The designation application gives the legal description for the entire site. So, if this site were to be designated, it's the entire site that's in the application. These are just some views. This is the entrance to the Garden of Our Lord. This is the church that's been altered. These are church ancillary buildings which are later. This is the house that's used as the school, and this is the vacant piece of ground in the play park.

Commissioner Cason: Can I ask you a question? Is that gate locked?

Historical Resources & Cultural Arts Director Adams: I believe the gate is locked at the moment, yes. That's a question for the property owner.

(COMMENTS MADE OFF THE RECORD)

Mr. Navarro: Good morning. For the record, Jorge Navarro, with offices at 333 Southeast 2nd Avenue. Yes, it is a private property, and the gate has been locked since my client purchased it. I understand the church has also been closed for some time, so that gate has been locked for several years from my understanding.

Mayor Lago: Thank you.

Historical Resources & Cultural Arts Director Adams: And some general views from inside the garden, the pond, the wall with the plaques. Some background, the historic significance determination request was submitted in July 2021, and staff responded the property did not meet the criteria. Around November 2021, the property was purchased by the current owner, I believe, on that determination. In January 2022, the site went to DRC for the review for the development proposal, and this development proposal doesn't need a rezoning, and there'll be transfer of development rights as well, so a fairly significant development. On August 19th, the applicant submitted the historic designation application one year after the determination had been issued. In

that one year, no one contacted the office to raise any concerns about this, and then after it goes to DRC, we receive a designation application. And certain members of the public did have copies of the initial determination letter that was issued. They did not raise these concerns, but they did after the designation report was submitted.

Commissioner Menendez: I have a quick question, I apologize.

Historical Resources & Cultural Arts Director Adams: Yeah.

Commissioner Menendez: July 21st, 2021, what group, what person submitted? Is it the same...

Historical Resources & Cultural Arts Director Adams: The...

Commissioner Menendez: Applicant?

Historical Resources & Cultural Arts Director Adams: The representative of the property own -- the potential property owner...

Commissioner Menendez: Okay.

Historical Resources & Cultural Arts Director Adams: Submitted the request.

Commissioner Menendez: Thank you.

Historical Resources & Cultural Arts Director Adams: November -- and the Historic Preservation Board -- the Historic Preservation Office determined the property did not meet the criteria for designation. And then December the 2nd, the applicant requested 30 days to submit an amended report. The request was granted, and the final designation report was submitted to the Preservation Office. The Preservation Board heard the request in January and denied it. And for clarification

-- and I gave the same presentation to the Board -- the following are not for Historic Preservation Board consideration: any proposed mixed-use development, any required rezoning, any creation of a park, or any tree preservation. That is not under their purview. Initial -- the initial designation report mentioned there were -- that the garden served as a cemetery, completely incorrect. There's no church records identifying burials, no historic newspapers identifying burials. The previous owner of the site, the church, did not indicate to the current owner there were burials. The current owners -- or the present owners exercised all due diligence prior to the purchase. Three bronze concrete memorials were set in the ground and they were evaluated by a Mr. Oberstein, a funeral director in the county for 30 years, who determined they are for memoriam garden dedications only and there were no urn placements. And the bottom line is, if at any point any human remains were uncovered, the law requires the developer to stop work and seek an archeologist. Per the owner's representative, there were two urns containing cremated remains in the garden wall. The urns were removed and given to the family members with their agreement, and this was done following all legal procedures, and there is a letter from Wendy Russell Weiner and -- who is a licensed attorney since 1993, who has practiced exclusively in this area. So, anything you may have heard about burials, from everything that we have, it's completely incorrect. So, Code considerations, if this designation had moved ahead based on the application, the entire site would have been designated, not just the garden. Can it be split off? Yes, of course you can replat anything you want, but the bottom line is, that's not what the designation application stated. A couple of other Code considerations, there's a couple of important things here. If the site was designated and ultimately a Certificate of Appropriateness [sic] was submitted for any sort of removal, relocation, or destruction of any landscape features, there are two criteria there. The first one is the designated landscape as located in the buildable area or yard where a structure may be placed and unreasonably restricts the permitted use of the property. The second one is potentially more important. The designated vegetation is inappropriate in a historical context or otherwise detracts from the character of the district, so that is very important. The designated vegetation is inappropriate in a historical context. The other -- one of the other things the Board has to consider is the integrity of a site, how much has that site changed or been altered over time because with a loss of integrity comes a loss of significance leading to the more unlikely it would be to designate

a site. So, let's look at the architect. Robert Fitch Smith was an accomplished architect with some multiple sites that meet the criteria for designation. He was not a landscape architect. As noted in the designation report, by the 1930s, Robert Fitch Smith developed a keen understanding and talent of subtropical design integration in his designs for Arden Hayes "Doc" Thomas and Col. and Mrs. Montgomery, which has been dubbed "Stairways to the Sun." He went on to design several buildings related to their environment at Fairchild. From the Tropical Audubon Society website: "...Thomas commissioned Robert Fitch Smith, newly graduated from the University of Miami, to design a home that would fit organically into the property's wooded setting." And from the Montgomery Botanical Center website: "Historically, Colonel Montgomery utilized the expertise and professional advice of the landscape architects Reinsmith and Phillips." Fitch was not a landscape architect. He may have designed buildings that fit into existing landscapes, but he was not a landscape architect. Let's look at the building permit that Fitch Smith submitted. He applied for a wall and a walk. That is all he applied for, and this is the plan that was submitted with that application. You can see the walkway comes along here, it goes up, it curves round, it goes up there, and there's the wall. If you look at what is actually there, the walkway comes in, as Fitch had shown, comes down and up. But look at all of this that's been added. So, there's only two assumptions from that. Number one, Fitch's design has either been drastically altered, or number two, someone else took Fitch's design and added to it and built the entire thing. There is no clear evidence that Robert Fitch Smith designed this garden. So, when you compare the two, the pathway is different from the original submitted design, the coral rock pond has been added, coral rock walls have been added, steps have been added, and the original plan notes four-foot-wide imitation stone walks scored in two-foot squares, which is not what exists. So, was it designed this way, was it altered, was it designed by Fitch Smith? There is no clear evidence. Now, onto the trees and shrubs. As noted in the newspaper articles and designation report, the Garden of Our Lord was originally designed as a biblical garden. A biblical garden is made up of plants mentioned in the Bible. Early reports indicate many of the plants were donated by people. This suggests there was no official landscape plan. They were accepting donations and planting them. Per a Miami newspaper report titled "Gable's frankincense really home grown plant," and according to Wallace C. Manis, director of the US Department of Agriculture's Plant Introduction

Station, many of the plants were not the actual biblical plants. The frankincense, myrrh, spikenard were common Florida plants by the name of ylang, orange jasmine and vitex. The myrtle tree was not the *Myrtus communis* as labeled but actually the crepe myrtle, a different species of the same family. So, this may have been a well-intentioned biblical garden, but by the true sense of the word, this was not a biblical garden. The Reverend Theodore Bartus, pastor at the time, was not sure which plants came and the church files gave no clues. No landscaping plan existed. The original trees and shrubs, as noted in newspaper reports, no longer exist per the owner's expert. Per a Miami Herald article from 1974, the garden had started to decline. The Garden of Our Lord notes the loss of trees, vandalism, theft of statues, damage to the statue of Christ, discovering hypodermic needles, and marijuana plants on the site. A further Herald article from 1974 notes alterations to the church, including a renovation of the garden, more alterations. Newspaper articles from 1974 onwards are few and mainly consist of notifications of events and services. So, what you have some -- is something here that was well intentioned, which was obviously popular at one point, but it did fall into decline. It wasn't a biblical garden. There is no clear information on who designed what, and all of this starts casting -- it starts making the designation of a site difficult when you don't have clear information. Additional comments on the report, and the opinions contained in the report appear to use copies of the applicant's photographs. How many of the experts have been inside? If you've not been in the site, you can't give a full expert opinion. The contribution by Ms. Martinez states, "The Garden of Our Lord was designed by Robert Fitch Smith." There is no clear evidence of that. The remainder of the report focuses on the wall and streetscape and does not address the garden itself. The contribution by Carlos Marin states, "Fitch Smith designed not only the wall but also the geometrical structure the garden grew on, coral rock paths leading to a grotto, a pond, and steps," et cetera. There's no clear evidence that Fitch Smith designed this. And the contribution by Rocco Ceo and Joanna Lombard focuses mainly on the wall and the architect. According to the designation report, Merrick wholeheartedly incorporated the Garden City precepts of comprehensive planning with defined areas for different uses, i.e., residential, commercial, and trades. With the acquisition of additional land, the Douglas Section was dedicated to multifamily residences and was designed to be the same high quality design spirit as the rest of the Gables. The Douglas Section was clearly meant to be a hub of activity with Ponce

de Leon Boulevard, a wide parkway and one of the main commercial thoroughfares running through it. So, if you truly believe in Merrick's concept for the City of Coral Gables, surely you have to give some deference to what he had originally designed -- intended for here. This is a plan from the 1920s. The lot is subdivided clearly for development. If this had been intended to be a garden or a park, it would have been shown like this, as on Prado, a wide open space. This is clearly subdivided for development. And these are other plats, later plats, all of them clearly show this. So, if you really espouse Merrick's design of the city, his plan was not to have a garden here. This is a later idea, a later concept. So, now we can go through the individual criteria. The application lists the following criteria: Number A-1, historic and cultural significance is associated in a significant way with the life or activities of a major person. Robert Fitch Smith was an accomplished architect. He does not rise to the level of a major historic person. A 2000 historic application for a Fitch Smith property at 229 Ridgewood Road, which was approved by the Board and successfully appealed to the Commission, did not list him as a major historic person. Number two is the site of a historic event with significant effect upon the community. This is listed in the designation report; however, it is not addressed in the submittal. There is no real historic event with significant effect upon the community, state, or nation known to have taken place at this site. Number four, exemplifies the historic, cultural, political, economic, or social trends of the community. I'm almost finished. The biblical garden does not exemplify these trends. Per the designation report, the Douglas Section was clearly meant to be a hub of activity, a wide parkway running through it, and the land was not offset for a park. In the 1940s, the City of Coral Gables recognized the apartments and district and encouraged its further development. Yes, reference was made to a more recent report. We do not look at a report that suggests what something might be used for. For our review, we look at what a property has been used for, not something that might happen. Number five is associated in a significant way with a past or continuing institution. The designation report does not provide sufficient information on the church under this criteria but focuses on the contribution of Crystal Academy, a private entity which leases property from the church. The church did have a school, much like many other churches. Now on to architectural significance, interestingly in the designation report, not one of the experts gave a architectural description to this wall. Is it Classical? Is it Mannerist? Is it Mediterranean Revival? Is it

Midcentury? Not one person either put their neck out to state what style it was or even suggest anything to that extent, so it's difficult to discuss architectural significance when you can't even come up with a style. The 19 -- so, portrays the environment in an era of history. The 1950s was characterized by Midcentury architecture, which was simpler and contained minimal ornamentation. Two, embodies the distinguishing characteristics of a style, period, or method of construction. It's a concrete block wall with a concrete beam supporting two thin keystone sections to form a cap. The wall is stucco. The columns are concrete block with vertical supporting rods faced with keystone. Keystone, stucco, and concrete are common materials, and in my opinion, the architectural style is not a pure form of a style, but a mixture of styles. As we said, it is not the outstanding work of a -- an outstanding work of a prominent designer or builder. Contains elements of design, detail, materials, or craftsmanship of outstanding quality. This is a concrete block wall with keystone facing and stucco. And now I would just finish up with the final two criteria. Aesthetic significance, by being part related to...

Ms. Bolton: I object to Mr. Adams exceeding the limit.

Mayor Lago: Okay, so like I mentioned to you before, I'm going to let him finish. I asked if you wanted to use the final two minutes, and I would give you more time after without a problem. I'm going to -- I'm always fair. I make sure that everybody has the opportunity to speak.

Ms. Bolton: Thank you.

Mayor Lago: No worries.

Historical Resources & Cultural Arts Director Adams: Okay, I'll slow down a bit. Item C-1, aesthetic significance by being a part or related to a subdivision, park, environmental feature, or other distinctive area, should be developed according to a plan based on a historical, cultural, or architectural motif. The site is related to the Douglas Section, which has been developed according to the original intent of the Douglas Section, i.e., the construction of apartment buildings. The

plats for the section indicate this block was intended to be developed and not utilized as a garden. A motif is identified as a usually recurring salient thematic element, especially a dominant idea or central theme. The motif for that area is development and it's apartment buildings. And now, Item C-2. This is a really important one because it's commonly misinterpreted and it's commonly misquoted, and I believe you received a letter just recently, which again selectively takes text from this section. Because of its prominence of spatial location, contrasts of siting, age, or scale, it's an easily identifiable visual feature of a neighborhood village of the City and contributes to the distinctive quality or identity of such neighborhood village of the City. So, this is quoted in many of the emails, many of the support letters, and in recently submitted letters. However, many of them miss out the next sentence, which is crucial. In the case of a park or a landscape feature is integral to the plan of such neighborhood or city. I showed you the original plan for the City. I showed you Merrick's original intent for these sites. So, while this may be an identifiable feature, you must include the second sentence: In the case of a park or landscape feature, it is integral to the plan of the neighborhood or the City, which it is not, as I showed you.

Mayor Lago: Thank you.

Historical Resources & Cultural Arts Director Adams: So, just in summary then, I've gone through the -- my thoughts on the process. Who designed it, who built it? There's no clear identification. The original intent of the biblical garden was never really made. There's no landscape plan. Fitch wasn't the landscape designer. The garden's been altered. The plants that were originally planted were the incorrect species. The garden's lost its integrity; it has been altered. We've also showed you that this garden was never part of Merrick's original plan for the City, and no one can define the architectural style of the wall. So, this was everything that I had based my thoughts on. And I would finish up by saying -- and Deena is here, who also visited the garden, and Deena can -- and give you her thoughts on the existing plant species, if you feel -- if you feel that's necessary.

Mayor Lago: Thank you.

Historical Resources & Cultural Arts Director Adams: Thank you.

Mayor Lago: Deena, could you briefly just give us a synopsis?

Assistant Public Works Director Bell-Llewellyn: Very briefly. Deena Bell, from Greenspace Management, Public Works. Mr. Adams did such a terrific job explaining the landscape. I did at least three site visits. I agree with everything Mr. Adam said. Species that are there are typical to Miami, typical to tropical Florida. I didn't see anything that stood out as a biblical plant.

Mayor Lago: Thank you very much.

City Attorney Suárez: Just procedurally, Mr. Mayor, can you confirm that you did speak at the Historic Preservation Board meeting, and that the -- what you stated today was also on the record there?

Assistant Public Works Director Bell-Llewellyn: Absolutely. I was present at the presentation at the Historic Preservation Board with Mr. Adams.

Mayor Lago: Thank you, Ms. Bell. To the appellant, would you like to come up and say further comments or discuss any points that were mentioned today?

Ms. Bolton: Yeah. I just want to mention that it was...

Mayor Lago: Do me a favor. Just one second because I want to be fair. Will you restart the clock, please?

City Clerk Urquia: Yes.

Mayor Lago: Thank you. The City went over by five minutes, so please, you have -- the floor is yours.

Ms. Bolton: Okay. I just want to reiterate what I had said previously that it was a biblical garden. Specifically, it was -- and intentionally designed as a biblical garden, that Hazel Westby, a UM professor, brought back seeds from Gethsemane to create a biblical garden. And what she did not bring back, there were requests from the community for very specific biblical trees and bushes. And during my previous presentation, there were pictures of the carob tree when it was planted in 1954 from Nature magazine, and that carob tree is still there now. And also, two cypress trees are still there now. And also, it was created to be an educational biblical garden. And you can see on the little signs, the nameplates next to the myrrh tree and the frankincense that state the name of the tree and the bush, and the chapter and verse in the Bible from which it came from. And up until the new owner purchased the property, there were nameplates next to all the trees and bushes, and the garden was a self-guided tour. You could walk through it and learn the names of the biblical plants and bushes and see where they came from. And then also, it's a Neoclassical style of architecture for the wall, which was typical of the 1950s. And I'm going to turn it over to --

Ms. Lombard: The -- I mean, really, where else is there a wall like that except Vizcaya? So, I would just say that a cultural landscape can be historic, it can be vernacular, it can be designed, it can be ethnographic, it can have pieces of all of those. With the integrity of a historic landscape comes from the fact that its purpose is present through time. This was a sacred garden at its outset. It maintained that for most of the life that the church was there. In the course of its life in the neighborhood, people talk about it as a place of reflection. For 70 years, it has been a garden. It hasn't changed, didn't turn into a taco stand. And I would also say that all of the associations that are attached to it come from the kinds of standards that get applied to buildings, but cultural landscapes have a different set of standards, and I feel that those are not being given any attention, and that's why I bring it up. Many landscapes change over time, but they can be restored. One of the aspects of integrity is, have there been irreversible things done to it.

Ms. Bolton: No.

Ms. Lombard: Nothing that is missing cannot be brought back. Thank you.

Mayor Lago: Thank you.

Ms. Bolton: And then also, the point that Mr. Adams made that -- about it -- the Garden of Our Lord is an easily identifiable visual feature of its neighborhood, and the garden is integral to the plan for its neighborhood and the City. Yes, the 2015 North Ponce Community Visioning Workshop report specifically identifies the garden and the playground with the 200-year-old oak tree on it as potential sites for parks under the short-term and long-term plans for the City. And the garden is also located here in Coral Gables, which is a garden city and designed under that philosophy so...

Ms. Martinez: I would like to just bring up a couple of contradictions in Mr. Adams' presentation. He starts by saying that the lot cannot be divided as an argument for not designating the garden historic on the grounds that that would, as a consequence, create a designation for the whole block. And then at the end of his presentation, he presents the division of the lots in the -- on the site as evidence that it -- the garden was not part of the original planning from the 1920s. So, I think these two things contradict each other. If we have the divisions, I think we can divide it and save the garden, and then if we don't, then we cannot consider that plan as the reference for the planning. So, based on that planning, I would like to refer again the North Ponce workshop in 2015, where you can see -- and I have it here, but it's on the presentation -- the criterias are identified on the site of the garden as a possible garden site D, which states that -- identifies as a possible future location for four neighborhood parks to be included in the City capital improvement program. That's in the short-term action steps. And then in the long term, it's identified as B, as you can see there, and then B states develop neighborhood park and landscape master plan. So, there is a master plan that supports that argument. And then lastly, I would like to also refute the claim that

the garden is not designed by Robert Fitch Smith. The garden, it is in fact -- there's proof. Here you have the plants, the original plants by Robert Fitch Smith. Even though there's no plantings specified in the garden because that part the church did, you can clearly see not only the wall, but you can see the spatial organization of the garden. You can see the sidewalk that connects the church. It walks you through the garden. You can see clearly the axis that connects the corner of the block straight to the grotto where the fountain is and where the statue is. So, even though those elements are not identified in the plan because, in the 1950s, drawing architectural plans was not as easy as today we do with Revit and all these 3D modeling software and AutoCAD, back then, these drawings had to be specific enough and at the same time general enough to get the point across, get the intention across, and get the building done, and then the people that would plant the trees and plant the plants, then, you know, the architect would come to the site, tell you where things go, et cetera. But I believe this is strong proof that Robert Fitch Smith in fact designed the garden. Thank you.

Mayor Lago: Thank you. Thank you very much.

Ms. Bolton: Yeah, and just want to reiterate what I said previously that according to the Code, it can be divided.

Mayor Lago: Okay, thank you.

Ms. Bolton: The playground and the...

Mayor Lago: For the record...

Ms. Bolton: Garden.

Mayor Lago: Mr. Warren, would you like to...?

Historical Resources & Cultural Arts Director Adams: Quick chance to respond. I clearly said, yes, it could be subdivided. The designation application is for Lots 1 to 10, the entire block, so that's incorrect. Secondly, I believe architects were more than capable of drawing accurate drawings in the 1950s. I believe the site line that was referred to is actually the radius for the walkway, and there is no clear proof that Robert Fitch Smith designed that whole garden.

Mayor Lago: Thank you.

Historical Resources & Cultural Arts Director Adams: The path and the wall, possibly, but there's no clear proof that he designed anything else.

Mayor Lago: Thank you, thank you.

Commissioner Cason: I have a question about -- was the whole concept of cultural landscape discussed at the meeting -- at the Historic Preservation meeting?

Historical Resources & Cultural Arts Director Adams: Well, even if you regarded this as a cultural landscape, it would still have to meet the criteria in the Code. So, you can refer to it as a park or a cultural landscape or a biblical garden, but it still must meet the Code. And again, the report for what it may become, we look at what it has been and what it is now. We don't look at what a plan might recommend for it in the future.

Mayor Lago: Okay, thank you very much.

Historical Resources & Cultural Arts Director Adams: Thank you.

Mayor Lago: I'd like to put on the record that both the City and the appellant had 15 minutes. They went over by six minutes and change, and we gave them both the opportunity to make sure that they had equal time on the record. Mr. Navarro, you have 15 minutes.

Mr. Navarro: Thank you, Mr. Mayor and Commissioners. Jorge Navarro, with offices at 333 Southeast 2nd Avenue. I'm here this morning on behalf of the property owner, Century Crystal Group LLC. I'm joined this morning by Mr. Sergio Pino from Century Home Builders, and Ms. Maria Palacio Pike, from the Crystal Academy. This is the fourth time that the City is considering this property's eligibility for historic designation. After your Historic Preservation Officer initially determined in August of 2021 that this client didn't -- that this property did not meet the criteria for eligibility before my client purchased this property. In all three prior occasions, your Historic Preservation Officer and your Historic Preservation Board have conclusively found that the property does not meet the legal criteria in your Code for designation. Even Board Member Maxwell, who Ms. Bolton referenced earlier in her presentation -- and I'll quote from page 150 of the transcripts -- admitted that, "Yes, the application is flawed. There is no doubt about that." Now, we are here because the appellant has appealed the decision of your Historic Preservation Board to deny her request to designate my client's property as a historic landmark. I have a PowerPoint presentation that I'd like to upload. There are no new evidence or exhibits in it. There are only demonstrative slides, but if the Clerk could pull it up for us, I'd like to go to slide two. So, here's a quick timeline of how we got here today. The appellant first claimed this property was a cemetery that required preservation. But after an extensive investigation, it was determined by two separate experts in the field that this site was in fact not a cemetery. This is confirmed by the findings from both Mr. Patrick Range and Ms. Wendy Russell Weiner. These are two experts with over 50 years' experience -- of combined experience in the field of cemetery law. And I thought I had a slide on that but -- those two reports are part of your record and were considered by your Historic Preservation Board in reaching its determination. The appellant then claimed that this site was a biblical garden with plants grown from seeds from the Garden of Gethsemane. But again, this was found by another two separate experts to not be true. In your record, you have expert testimony from your City arborist and a separate report from Mr. Jeremy Lee, a licensed arborist with over 15 years' experience. Both of these experts independently inspected the site, and both conclusively confirmed that there are no biblical plants at the property and that the existing vegetation consists only of native plant materials that can be purchased at any local

nursery in Miami-Dade County. Even if it was a biblical garden, Florida courts have ruled that properties used for religious purposes only are not appropriate for designation unless they have their own primary significance attached to it, so that argument is flawed. After it was determined that it was not a biblical garden by the experts that were brought on board to look into that issue, the appellant then filed to designate this property as a historical landmark, but your Historical Preservation Officer, I think, laid out a very detailed presentation this morning and was your subject matter expert in this field, reviewed the request, and once again, concluded this site did not meet the criteria for designation. Ms. Bolton then appealed this determination to the Historic Preservation Board last month. Your board is comprised of a diverse group of qualified individuals who are subject matter experts in the field. They have experience in historic preservation. They have degrees in such areas, architecture, urban planning, law, and construction. And after a three-and-a-half-hour hearing, and after careful consideration of all the evidence and all the testimony presented, the Historic Preservation Board voted to uphold your Historic Preservation Officer's determination and deny the applicant's request, finding that it did not comply with any, not one of the nine criteria in your Code that is required for designation. Now, the appellant is appealing the same matter once again. I want to quickly reiterate, as your City Attorney mentioned earlier, this hearing is not de novo. We're not here to conduct a new hearing, or to reevaluate the facts, or consider new evidence. We are limited to what's contained within the four corners of this transcript and all the evidence and expert testimony in your record, including the very detailed preservation earlier today from your Historic Preservation Officer. There are two important points that I would like to quickly address at the outset about the garden that have been clearly established by all the evidence and expert testimony in your record. First, the appellant claims that the garden was designed by Robert Fitch Smith. Yet, the appellant has failed to provide any evidence whatsoever to prove that. Rather, all of the evidence and testimony on the record proves quite the opposite. It shows the garden's landscaping consists of a collection of random plantings over the years by many different individuals and parishioners, none of whom have been shown to be licensed landscape architects. As such, this garden cannot be the work of a master artist, as required by your Code. Second, is that it's been clearly established that this garden is commemorative, which does not rise to the level of significance required for designation. Article

8 of your Code expressly provides that commemorative gardens are not eligible for designation except under limited and exceptional circumstances, which both your Historic Preservation Officer and your Historic Preservation Board have found not to be the case. Historic preservation's a very serious thing. It has very serious legal consequences, and that's why your Code provides clear legal standards which must be met in order to designate a property as a historical landmark. Specifically, your Code provides that properties are not eligible for historic designation unless they are of significant character, interest, or value. The keyword being significant. It's not whether it's nice to have or if it's pretty. The clear standard is significant. We don't designate ideas or feelings, as Board Member Fullerton suggested in page 161 of your transcripts. To put this in perspective, for those of you that are sports fans, this is -- being a significant work, it's not like being your league MVP. This is like First Ballot Hall of Fame. That is the standard that you need to be at to be a significant work of art, and this City takes historic preservation very, very seriously. If the evidence does not establish that the wall or garden is significant, then your Code requires that the petition for designation be denied. And there's three possible general categories, as you could see, under which a property can qualify as significant. The first is for its historical or cultural significance. The second is for its architectural significance, and the last is for its aesthetic significance. Your Historic Preservation Officer and your Historic Preservation Board have analyzed Ms. Bolton's petition, and on three separate occasions, have determined that the applicant's request fails to comply with any of the criteria under these categories. The Historic Preservation Board even went through each criteria step-by-step with Ms. Bolton at the last hearing and explained to her in detail -- in detail in your transcripts how her petition failed to meet the criteria. I would like to walk you quickly through a summary of the findings made by your Historic Preservation Officer and the findings made by your Historical Preservation Board based on the expert testimony and evidence presented at the meeting, which for the record, constitutes substantial competent evidence. As in the significance criteria for historical and curatorial heritage, your Historic Preservation Officer testified, and your Historic Preservation Board found that the property is not associated in any way with the life or activities of a major historical person or a major historical event. The applicant's petition was even silent on this position and did not provide any evidence as to any historical event that would rise the level of significance to qualify

under this criteria. Second, as to the criteria for architectural significance, your Historic Preservation Officer testified and your Historic Preservation Board agreed and found that neither the wall nor the garden are one of Mr. Fitch Smith's outstanding works. Mr. Fitch Smith, for the record, was not a landscape architect. Instead, the petition cites several other buildings as a significant work of art. The record also includes testimony from two well-respected architects in the historical preservation community who were qualified by the Board as subject matter experts who both unequivocally attested to the wall and garden not being historically significant or appropriate for designation. Your Historic Preservation Officer and the Historic Preservation Board also found that the wall does not embody an innovative method of construction, nor does it embody the distinguishing characteristics of the architecture that was prevalent. In fact, neither the appellant's petition nor the letters from the architect submitted in support there are even cite or reference any specific architectural style that can be attributed to the design of this wall to support a designation under this criteria. And as a matter of procedure, I would like to just quickly object to the earlier introduction of evidence regarding the architectural style of this wall, which your record has conflicting information as to what type of architecture this wall would qualify under. Lastly, as to the criteria for aesthetic significance -- and it is a very important criteria because it creates a higher standard for the designation of landscape elements. There's buildings and landscapes -- your criteria for landscape element creates a higher standard that's required to raise it to a level of significance. So, how do we define landscape significance? One way is to compare other similar landscapes that this City has in its history designated and found to be significant. To understand just how high the standard to designate landscapes as a historic landmark is under your Code -- and this is a shocking number -- of the 1,200 historic sites that are listed in your registry, only four are parks. That's less than half a percent. So, it's obviously in very limited and unique cases where a landscape feature raises to the level of being such an outstanding work from an outstanding landscape architect that it's found to meet the very specific criteria in your Code for landscapes and be worthy of designation. So, I'd like to just quickly go through some of these to give you an idea -- and we could compare these design -- these historic landscapes to the Garden of Our Lord. The first one is Matheson Hammocks Park. We're all very familiar with this. I'm sure we've all been there with our families. This was designed by legendary landscape architect,

William Lyman Phillips. It was the first public park established in Miami-Dade County. The structures in this park were built by the Civilian Conservation Corps, which was a program created by President Roosevelt and considered one of his most successful New Deal programs. This is a significant work by an outstanding landscape architect that has a direct link to the history of Miami-Dade County. Fewell Park, designed by legendary golf course and landscape architect Donald Ross. This is a landscape architect who designate -- who dedicated his life to designing world-class landscapes and is arguably one of the most renowned and notable golf course landscape designers in United States history. Mr. Fitch, in this case, is not even a registered landscape architect. Finally, Young Park. This is a site that has significant historical value. The Friendship Tree, as shown by this plaque, was planted in this property in 1940 by the Coral Gables chapters of the Daughters of the American Revolution. What's special about this tree is that the soil was sent from each state of the union, Cuba, Alaska, France, and England, among others. This site is a unique park with strong ties to our nation's history. These examples of public parks that have been designated are clearly significant. Now, let's take a look at the Garden of Our Lord to see if this work rises to that standard. As you can see, there's nothing unique or special about this property. It pales in comparison with those other examples. The wall and garden within this property are typical and even less impressive than many of the other walls and gardens that you find throughout the City, and we're not running to designate those. Since the time of the last Historic Preservation Board meeting, we have been -- we have gone out and we have spoken with many people in the community. We have submitted over 500 letters of support from the community who are against the request for designation and who believe that the wall and garden are not worthy of designation. We've also had the opportunity to meet and speak with Ms. Bolton to try and find alternative solution to designation that would work for everyone. Unfortunately, while we're not able to reach an agreement, my client is committed to continuing these discussions and exploring other options regardless of what the outcome of today's hearing is. One thing Mr. Pino emphasized to me many times is that he wants to be a good neighbor. We previously made this commitment to the Historic Preservation Board, but I want to reassert it here today because I think it's important. My client is committed to safely removing and preserving the commemorative plaques within the property at his own expense so they can either be incorporated

in a future project or relocated elsewhere within the City. We are also committed to working with the City that any future project that may go here to relocate and preserve the existing tree that was mentioned, which is based on the site inspection with your City arborist is the one specimen tree on-site to make sure that we work to try to preserve that on-site, and we're committed to working on that. Before I conclude, I'd like to say this board is charged with a very important responsibility that cannot be taken lightly. And the Code of the law say that a request for designation must meet the criteria in your Code and be of significant or exemplary character. I'd like to go over just quickly the substantial competent evidence that's part of your record, which supports the Historic Preservation Board's decision to uphold your Historic Preservation Officer's finding that this property does not meet the criteria. This includes the detailed staff report that was prepared by your professional staff who are your subject matter experts on this, the expert testimony from your City's Historic Preservation Officer, the expert testimony from the two architects qualified as experts during that meeting with specific experience in historic preservation, who both agreed that the wall or garden are not worthy of designation and do not meet the criteria, the expert testimony from the City's arborist who inspected the site and said this is not a biblical garden, there are no biblical plants here, the reports from the two attorneys with extensive experience in cemetery law who confirmed this is not a cemetery, and the independent report from our certified arborist. For this, we ask that you please listen to your subject matter experts, your Historic Preservation Officer, and your Historic Preservation Board and deny this request.

Mayor Lago: Mr. Navarro, if you'd like, you have an additional six minutes because I provided that to the City and...

Mr. Navarro: Of course.

Mayor Lago: The appellant.

Mr. Navarro: Not an issue. Yeah, we've -- with this, we conclude our presentation. Obviously, our team is here to answer any questions. I know that we'll be here, and if you want to have the City or the app -- or the appellant have my additional time, it's not a problem.

Mayor Lago: Thank you.

Ms. Bolton: I'd like to object to something that Mr. Navarro said.

Mayor Lago: Please come forward.

Ms. Bolton: I'd like to ask that the expert testimony from the two architects be excluded from today's proceedings because it's in violation of Section 15-104(c), that Jorge Hernandez is not qualified because he failed to register five days prior to the hearing. And then also, Richard Heisenbottle failed to mention that he's a paid consultant for the City. So, I want to...

Mayor Lago: So, let me address both those with our City Attorney. Madam City Attorney...

Mr. Navarro: I just need to clarify one thing so your City Attorney could reach the correct conclusion.

Mayor Lago: Go ahead.

Mr. Navarro: Neither of these people who came to speak at this meeting are employed by us. We have not engaged any of them. They came as residents to this meeting. They came because they are active in the historic preservation community and spoke on their own free will. We -- they are not on our payroll. At the meeting, the Board, at my request, qualified them as experts and they were only testifying in their limited capacity at a quasi-judicial hearing regard -- or at a public hearing regarding facts that they know to themselves so...

Mayor Lago: Madam City Attorney.

City Attorney Suárez: So, if they were, you know, appearing on their own behalf, in their own interest, then they would have not had to register as lobbyists.

Mayor Lago: Okay. So, does that clarify both issues, correct? They were not paid, and they do not have to register as lobbyists. Just want to put that on the record.

City Attorney Suárez: If that is the -- if that is correct, then yes. That's the case.

Mayor Lago: Okay. Alright, moving on. We'll have a -- if there's nothing else that needs to be said from the three -- the three different entities that are presenting today, I think we've been more than fair with time and making sure that everybody put their comments on the record. I don't want to hear later that we didn't do that, and we didn't provide enough information so -- because that seems to be sometimes the case, not that we don't provide the time. We provide more than ample time, but for some reason or another, it's easy to take shots. Mr. Clerk.

City Clerk Urquia: Yes, sir.

Mayor Lago: I would like to hear from the community. How many individuals do we have signed up to speak?

City Clerk Urquia: About 35, Mr. Mayor.

Mayor Lago: 35, okay. What I would like to do is see if we can do two minutes...

City Clerk Urquia: Okay.

Mayor Lago: Per individual.

City Clerk Urquia: Yes, sir.

Mayor Lago: And who is the first person who'll be speaking?

City Clerk Urquia: First speaker is Ms. Maria Cruz.

Mayor Lago: Ms. Cruz -- yes.

Ms. Bolton: Please excuse me for interrupting again, but may I just make one last comment? The park right here in front of City Hall was threatened, and Roxy Bolton, my mother, asked -- found a -- the City, the Preservation Board, the Commissioners, the Mayor at that time, found a way to make it fit the criteria so that that park could be designated. And you, as Mayor and Commissioners, have that power today to find a way to make that the Garden of Our Lord fit the criteria. I think we proved very clearly that it does, but if in your mind you have some doubt that it does, there is a way for the Mayor and Commissioners to save the Garden of Our Lord and the 200-year-old tree on the playground, which will die if it's moved. And I have expert test -- I have...

Mayor Lago: Thank you very much. So, now, since we had the appellant say something, I also have to allow...

Mr. Navarro: I promise I will keep my comments brief.

Mayor Lago: This is why -- I know I run a very loose ship, and a lot of people like to speak, and I give everybody the opportunity to speak, but we got to wrap it up. If not, we'll be here until midnight. Okay, go ahead.

Mr. Navarro: So, just on that point, your Code was amended in order to preserve that park. That was a standard that I was referencing to, that very high standard that has to be reached. It has to be shown on the City's park plan. This was never shown on the City's park plan. You could amend the Code and make your historic designation criteria more liberal. However, we need to apply the criteria that's in the Code today, and currently, this particular property does not qualify under that standard in which the other property qualified. Thank you, Mr. Mayor, for letting me clarify.

Mayor Lago: Thank you very much. Alright, Mr. Clerk.

City Clerk Urquia: Ms. Maria Cruz.

Mayor Lago: Ms. Cruz.

Commissioner Cason: Two minutes.

Maria Cruz: Maria C. Cruz, 1447 Miller Road. I've only been a resident here for 47 years, so I'm trying to understand what we're doing here. I am very impressed with some of the statements made by the owner's attorney because I went to the place to see what had happened to the plaques, and I'm very impressed that he's offering on his own money to preserve, take care of, find another place for them. Maybe he should have thought of that before they were taken down with a -- oh my God, I forgot the name -- one of those metal things to strip the stuff from the wall. The screws were misplaced, lost, the screws that held them to the wall. The plaques were cleaned and shined. I've never seen antiques handled this way. Maybe we take the Mona Lisa and make it look nicer. I think this is -- and I'm going to make it very short because there are the things to discuss. I think if, in fact, the owner of the property wanted to be a good neighbor and a good resident, he would find a way to look into the property, and I guess the word is be nice to the people that have been living here forever and consider that property historical and worth saving. Money should not be the only issue.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Ann Ryan.

Mayor Lago: Morning.

Ann Ryan: Good morning. I need this shorter. Ann Ryan, 29 Santillane, Number 4. I moved to Coral Gables in December, so I am one of your newest residents. And one of the things I was looking at when I was buying my condo was the fact that I lived in a neighborhood that did have historic structures, like the Women's Club, and I did notice the Garden of Our Lord. I hope that the Commission will reconsider and consider sending it back to the Historic Preservation Committee to reconsider only the designation of the garden and the wall area, which is the piece of the property that I myself noticed when I was buying in the neighborhood. It wasn't the school, it wasn't the church. The church didn't really call my attention. What caught my attention was walking by the wall and reading the plaques that were on the wall that talked about what this garden was. It's quirky that they were building biblical gardens in the 1950s. It's kind of an oddity. It's fun to have these quirky structures. People love Coral Castle. It's kind of weird. Anyway, that's my two cents. Have a great afternoon.

Mayor Lago: Thank you for joining us.

City Clerk Urquia: Patricia Button. Ms. Patricia Button. Maria Palacio.

(COMMENTS MADE OFF THE RECORD)

City Clerk Urquia: I'm sorry.

Mayor Lago: Good morning.

Maria Palacio: Good morning, everyone, Mr. Mayor, Commissioners, City Attorney, City Clerk, City Manager, and everybody here today. My name is Maria Palacio, and I am the founder of Crystal Academy in Coral Gables. I'm a resident in Coral Gables for 23 years as well. My family founded the school for children with autism and related disabilities just because we wanted to serve the City and we want to serve our own as well. We have served over a thousand families over these years, communicating acceptance, inclusion, opportunities in the City and beyond the walls. Crystal Academy has been the longest tenant at St. James. And I probably know this property better than some of you here today because we have been there Monday through Friday from 7 to 5 p.m. every day for -- since 2009. The garden in question -- and I know because we do -- we are there and we are very sensitive about whoever goes around the garden, around the property, or even inside our property. That garden has been locked and we do not allow anybody there. We have gone through four different pastors during all this tenure, and people would go through our office to come into the garden or wanted to speak with the pastor. And I never, never -- we were allowed to get anybody in there. I don't know what happens during the weekends, but I was told by the pastor that actually (UNINTELLIGIBLE) that now before this issue came out into being known, people have been knocking to actually go into the garden. So, I really wanted to say that. The area has not been taken care of for years. No one has ever knocked on our doors to volunteer taking care of the garden. Even as landlords, being the church, we had to reach out to another church, Christ Journey Church, my church, to go and do community surveys at St. James to beautify the area. That's how much the garden was so important for them. So, we have been blessed for you to visit our school, and we have never taken any one of you to the garden because we don't feel it's safe for our kids, and we really are not proud of the garden itself. So, the question is why now, after all these years, why now somebody wants to take care of that garden. I -- it's true that we need a new building. Everybody knows that. And there is not patching up an old building. The building is outdated and it's not suitable for our population. We do everything in our power to make accommodations work, but this new project will do -- allow a state-of-the-art school that meets the needs criteria and standards in our city. I sincerely hope -- this is not an easy

subject -- but that God really guides you to continue moving forward with this project to serve the most vulnerable of our population. Thank you.

City Clerk Urquia: Cheryl Akerman.

Cheryl Akerman: Good morning.

Mayor Lago: Good morning. How are you?

Ms. Akerman: I'm fine, I think. My name is Cheryl Akerman, and I live on Sorolla Avenue, and I have lived there in Coral Gables for 50 years, going on 51. So, I'm a member of the Villagers, and we raise money for historic preservation. And I still feel that the garden should be protected as well as the mature oak trees on the property. Just the garden, just the small park. I appeal to the esteemed Mayor and Commissioners to find a way to save the garden for green space. Thank you very much.

Mayor Lago: Thank you very much. Mr. Clerk.

City Clerk Urquia: Stephen Pearson.

Stephen Pearson: Good morning, Commissioners.

Mayor Lago: Good morning, sir. How are you?

Mr. Pearson: I'm Stephen Pearson. I live in Pinecrest, but I have a long interest in Coral Gables. My parents lived here for many decades. My brother continues to live here. I worked as the arboretum director for the University of Miami, and I continue as a trustee of the Montgomery Botanical Center. I visited the garden with Chad Husby, who is the head of horticulture and the chief explorer, meaning that he's the guy that Fairchild sends around the world to find plants that

are worthy of being brought back to the garden. We could not see the garden extensively because it's locked up and we looked over the wall. We -- there are several things here, the carob tree, the date palm that are there. They're clearly biblical plants. We could not see other things. There's two cypress trees, but we could not definitively identify them as biblical plants; they may be or may not be. But the criteria for preservation -- and it's not black and white. Those are all things that are matters of judgment. I looked at those criteria, and I say, yes, this Garden of Our Lord meets those criteria. But there -- other people are saying categorically, no, they don't make it. That's a matter of judgment, and I hope you guys -- and Mr. Anderson as well -- will take this as a matter that you can use your judgement, because I think the Garden of Our Lord deserves preservation. Trees are what made this city great. It's the City Beautiful because Mr. Merrick had the wisdom to put lots of trees. It's an integral part of this community. And I don't understand what's going on in Coral Gables, and that's not the issue today, but this is a chance to save something that is valuable. I have a letter from Mr. Husby that I'm going to give you that says that this garden could easily be, you know, improved with more biblical plants. We could put the sycamore tree that's mentioned in the Bible, that's a type of ficus that we have at Fairchild Gardens and the Gifford Arboretum. One could be put there. We could put olives. We could put frankincense. We could put papyrus. We could definitely easily make it a more historically accurate representation of biblical plants. The other thing you need to recognize is gardens are not things that last forever. Plants, some of them live a long time, some of them live short times. The half-life of plants is 20 years in most gardens. So, replacing plants is just part of the game whenever you have any garden. Patrick Griffith of the Montgomery Botanical Center did a study and everybody on the board was shocked how short the life -- the short -- the half-life is. And the last thing, this question, Mr. Fitch, whether he was a landscape architect or not, back when this garden was created, no landscape plans were normally put into the records. That's something of very recent vintage, where people expected to see a landscape plan as part of the actual construction plans. So, to say he wasn't a landscape architect and there's no landscape plan is duplicitous. There wouldn't have been. And I knew Dr. Thomas personally, and he would not have used Mr. Fitch if he did not feel he was very sensitive about landscape. And I also studied extensively Colonel Montgomery as my involvement with the Montgomery Foundation. And he

was a very astute gentlemen, and the fact that he also used Mr. Fitch shows me that he had a high respect for Mr. Fitch's landscape abilities and sensitivities. So, you know, please use your judgment to reserve this great park.

Mayor Lago: Thank you. Thank you.

City Clerk Urquia: Roberto and Cynthia Fleitas.

Mayor Lago: Will you do us a favor? Will you give that to the Clerk also?

Mr. Pearson: Sure.

Mayor Lago: Thank you, sir.

Mr. Pearson: I'm sorry.

City Clerk Urquia: Thank you, sir.

Mr. Pearson: Thank you.

Mayor Lago: Good morning.

Roberto Fleitas: Good morning. I'd first like to thank the Commission as well as all the parties attending today's meeting. My wife and I are a long-time residents of the City and parents of three amazing children. About four years ago, my wife began to have some concerns about our son. His behavior, eye contact, motor skills and speech began to worry her. She insisted we have him evaluated by a psychologist. Generally, I dismissed the idea, thinking that he'll grow out of it to the point where I did not accompany my wife to the assessment. Quite frankly, to this day, it's been the biggest mistake I've ever made. It was then that our son was diagnosed with Autism

Spectrum Disorder. Words cannot and will never express my emotions that day, and I do not plan on attempting to put those words together here today. From that day, my wife took an all-hands-on-deck approach, immersing herself in resources about ASD, speaking to other parents who have also -- who also have children on the spectrum. From speech therapy, occupational therapy, and behavioral therapy, she inquired into a countless number of institutions. Among the parents we confided in was one of the parents that had her son in Crystal Academy, and it was through her we met Mary. Now, I am an attorney, and by trade, I routinely get the proverbial, "Oh, you're an attorney. Can I ask you a question?" Most of the time the questions have nothing to do with my area of practice and I really cannot provide much guidance to their situation. But when Mary asked me the same question, it was something that I believed I could help with. Crystal Academy was facing a very difficult situation in which the church that then owned the property was in serious discussions with a developer to sell it. The developer, as a condition for the sale, would require Crystal Academy to move. Mary asked me, "Robert, is there anything that can be done? Can you help find us another location?" With that mandate, I asked colleagues for favors, trying to see what alternatives were available, and the reality was there was nothing that was able -- available that fit Crystal's criteria. If I could just finish a few thoughts.

Mayor Lago: Go ahead.

Mr. Fleitas: After some time, Mary called me and advised that the transaction with that developer had fallen through. That is when I thought it would be a great idea to discuss the property with Century Home Builders Group. Mr. Pino and I met with Mary and personally toured the property, including the church and the Garden of Our Lord. We discussed how the church and the garden were being underutilized. We discussed how the church had a very small congregation, including the intermittent use by other faiths with a small number of individuals attending infrequent services and how the garden itself was not being used by the church and other faiths. Sometime after that meeting, I received a call from Mr. Pino, who asked me to call Mary. It was during that conversation where Mr. Pino relayed to Mary that -- and I -- that he intended to make an offer to the church to purchase the property, and that as part of that offer, he stated that as long as Crystal

agreed to continue its mission to provide services to children on the autism spectrum, as part of the project to be developed, he would build a permanent location for Crystal Academy in the City of Coral Gables. Fast forward some months later, and it brings us here today. Within the proposed development on the land where the Garden of Our Lord currently exists, there will be a place that will make the lives of many families better, a permanent location for Crystal, a place where God's work will be done on a daily basis by the incredible staff and therapists at Crystal. I humbly ask this Commission consider this when voting here today. Consider the true historical significance of this garden, not in the physical sense, but rather in its purpose. The purpose in which the garden was intended is in line with the purpose that Crystal lives and practices every single day with every child they care for. The project, albeit in a different way, will ensure that that purpose continues. Thank you.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Gabriela Rivas.

Gabriela Rivas: Good morning, Mayor, and good morning...

Mayor Lago: Morning.

Ms. Rivas: Commissioners.

Mayor Lago: How are you?

Ms. Rivas: My name is Gabriela Rivas, and I live in the area, about three blocks away on Calabria Ave, and I also work at Crystal Academy. I've been living there for about three years, and I've been working at the school for about two years. Before I worked at the school, I passed by the garden a lot. When I originally moved there, I did want to use it as well. I quickly realized that the garden was abandoned. I never went inside. I looked, everything was very overgrown. It was

all dirty. It didn't seem safe. Now, and since then, at night, if I'm walking my dog, I try to avoid the area. It's very dark. I'm afraid that someone might be hiding in there. As a member of the community, I've never heard anyone reference the garden. By comparison, the Coral Gables Women's Club that's right across the street is referenced a lot and talked about a lot. I think if I tried to give someone directions in the area and I said to make a left at the Garden of Our Lord, nobody would know where to make a left. I also just think that nobody really put forth effort or cared about this garden before the developers bought it, and I don't think that is a reason to make it a historical landmark. I think, in general, what they're trying to do to build a school and possibly at some point housing for individuals with autism, I think that will be a much more integral piece for the community than a garden that is not being used, and that's all.

Mayor Lago: Thank you.

Ms. Rivas: Thank you.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Doraida Rodriguez. No? Nanette Martinez.

(COMMENTS MADE OFF THE RECORD)

City Clerk Urquia: Okay. Maria Cristina Longo.

Mayor Lago: Morning.

Maria Cristina Longo: Good morning still, right?

Commissioner Cason: Still.

Ms. Longo: Still, okay. So, my name is Maria Cristina Longo, and I live on Phoenetia Avenue at 16 Phoenetia Avenue, which is a block -- the block east of the Garden of Our Lord. I just want to tell you that I have a dog too, Oliver, and I walk day and night around the Garden of Our Lord, around that block. And one of the reasons that I bought that house is because I love the strong European and traditional sense of place that the historic Women's Club, together with the Garden of Our Lord, with its beautiful classical wall created in this neighborhood. And secondly, before investing in this property in 2015, I did some due diligence. And during the due diligence that I did, I found out that in 2015, there were two initiatives by the City to preserve and shield the North Ponce area as a garden apartment district. It is because of my finding during due diligence that I went ahead, and I invested on my house, which is a significantly -- it's a beautiful house and it's historic. I just want to tell you that the board members, the Historic Preservation Board members applied Criteria C-2, which are that the garden is an easily identifiable feature of our neighborhood, and the second part of that criteria is that it is integral to the plan of the neighborhood and the City. That's what they applied. They failed to apply -- which is also available in the law -- what Architect Joanna Lombard explained to you today, that it is a significant cultural landscape. And unfortunately, also our Historic Department, the City of Coral Gables -- please, if you don't mind, because I live in this street. The Historic Department also failed to apply the cultural landscape that is a part of the law. I just want to tell you that the board members, two of them, they agreed that it is an easily identifiable feature of a neighborhood, two of them. However, this is my point of view. The garden is -- this garden is the only open green space in this neighborhood with an important amount of large mature trees visible from the street. The point is that they're visible. When you're driving on East Ponce Boulevard -- and I remember -- and actually, it is the feature that it stands out when you're driving on East Ponce Boulevard going north. You take that little curve, you see the garden, then you see the beautiful civic landmark of the historic Women's Club. These two complement each other very well. There are no other -- I've driven around -- open green spaces in the near vicinity with this number of mature oak trees. And I know that you -- this Commission, especially the Mayor, is very in favor of green spaces. And whenever there are established trees, wildlife and other plants are sure to follow, ensuring a healthy ecosystem. The second part of this criteria was applied, but they did not prove -- found enough evidence. So, the

second part of criteria stipulates that it is integral to the plan of the neighborhood and the City. The Board applied it, but the members did not find enough evidence. I have some evidence for you. The City of Coral Gables was founded following the garden city urban planning movement in the early 20th century. Today, you can find in our website, in our City website, a caption that says, "Coral Gables founders imagined both City Beautiful and a garden city with lush green avenues winding through a residential city punctuated by civic landmarks with playful architecture." The civic landmark is the historic Women's Club. It is a fact that the North Ponce residential neighborhood is the densest residential area in our city. That's a fact. And in 2015, as already mentioned several times here today, the City started to work toward preserving the character of this area. You have that with the mentioned report, the two-day workshop with stakeholders and residents, which one of the reasons why I bought my house because I felt there was going to be stability. I felt that you were going to be preserving this area, the green, the historic buildings, et cetera.

Mayor Lago: If you would be so kind -- just out of respect to everybody.

Ms. Longo: Yeah, okay, so...

Mayor Lago: You've had five minutes already.

Ms. Long: Okay, okay, okay. And then another one, another initiative by the City to protect and preserve this area is the North Ponce Neighborhood Conservation Overlay, which was adopted in 2017, started in 2015, and is in Section 2-404 of the Zoning Code. And the mas -- and the Parks Master Plan deals specifically with the development of parks. I have one -- just -- I'm finishing. I just want to plead to you, Commissioners, to you, Mayor, if you're hesitating to designate this garden historic because you have genuine concerns for the developer and the school, this is not a choice between the school and the park and the green area and the Garden of Our Lord. This is -- you -- we can have both. As a boutique developer, I would like to let you know that this developer owns a landmark site, a marvelous site, and this -- the parcel he owns is incredible. The lot size -

- the -- because of the location, because of what I explained. The lot size is 64,778 square feet, and the developer is proposing a development project that is over 220,000 square feet. It is unfortunate, though, that the developer did not do his own due diligence to understand the history of the garden and the character of the neighborhood. Instead, he's proposing a site plan that is not a thoughtful plan. His site plan neglects the area's context and its history. His site plan does not integrate the historic garden and its design; even worse, it does not even include any open green areas for the enjoyment of the public. There are examples in Miami where developers have integrated historic sites into their projects. For example, Ugo Colombo with the Santa Maria in Brickell; he did it. I'm just pleading that if you're really serious about incorporating green areas in our city, this is an opportunity with a historic green site. Again, if you have concerns about the profitability of the project, then I urge you to find a way to compensate the developer. For example, you can designate it historic today, and then you can allow the developer to sell development rights for that section.

Mayor Lago: With all due...

Ms. Longo: And I'm almost finished.

Mayor Lago: With all due respect...

Ms. Longo: Okay.

Mayor Lago: You've been on for going on eight minutes already.

Ms. Longo: Okay, that's it.

Mayor Lago: Four times everybody else.

Ms. Longo: And the second thing that you can do is purchase the site from the developer, and there are ideas on how to do this and they're in the Code Section 2-404, which lists incentives to preserve this area and its character. It's not too late to do the right and the just thing. Again, this is not a choice between the school and the green area. We can have both. Thank you. Thank you for your time and for allowing me...

Mayor Lago: (INAUDIBLE).

Ms. Longo: More time.

Mayor Lago: Just a few points and clarification. Madam City Attorney, are we considering today the school? Are we considering today any of that?

City Attorney Suárez: Thank you, Mr. Mayor. So, as you know, there's no new evidence to be considered today, so the public comment is not testimony. Of course, you -- you've allowed public comment to listen to those who wanted to speak, but it's not to be considered testimony. Additionally...

Mayor Lago: I just thought -- my question was more geared towards what is the Commission considering...

City Attorney Suárez: So, you're...

Mayor Lago: Today? The historic...

City Attorney Suárez: Designation.

Mayor Lago: Designation.

City Attorney Suárez: Right, and the criteria for designation. So, as you mentioned, for example, the school, if it's not relevant to one of their criteria considered by the Historic Preservation Board, it should not be considered.

Mayor Lago: Is there any other comments from the Commission? Vice Mayor?

Vice Mayor Mena: No, no, they're more public comments?

City Clerk Urquia: Oh, yeah.

Mayor Lago: I thought somebody -- oh, okay.

Vice Mayor Mena: No, no, no.

City Clerk Urquia: Alright, Art Kozyrovicius. Is that what it is? Art, and the last name starts with a K. No? Jessica Hoppe.

Mayor Lago: Good morning.

Jessica Hoppe: Good morning. I'll be quick, try to make up for it. So, I dropped off my child -- Jessica Hoppe. I don't know if I said that. But I dropped off my child at Crystal Academy over the past few years. I live in the area, get to run down the beautiful streets. I run down Sunset every day, Old Cutler; again, beautiful neighborhood. During this time, I just wanted to say the impact that Crystal Academy has had on my child. He's able to speak now. He's able to communicate with us. He's able to tolerate new places and experiences, and he has finally started playing with his brother, Valentino, which I think you guys met last time he was speaking here. I know these are very, very small things, but they've made a huge impact on our family. Luciano is able to tell us right now if he's sick or in pain. We can now take him to the park, the zoo, museum, grocery store. And we have the ability to see his older brother light up when his brother actually wants to

engage with him. It's taken six years to get there, right. I've learned a lot through these meetings, and I'm thankful to be somewhere in which all perspectives are heard. And you know, for me, the property seemingly does not meet the criteria, but I'm no lawyer. I'm just here as a biased parent who would love nothing more than a state-of-the-art facility for autism and other disabilities to be built so that there -- the other parents in this community living in Coral Gables can have their lives improved by the school. Again, you know, the only statistic I want to throw out here for you guys to consider is 1 in 44 children in America are now being diagnosed. That's 2.5 out of 100 children that are being born in your community, you know, are having to face this. That's a lot of families. And sometimes we need the hyper-charge electric batteries to be installed, and I think this is one of those things that you guys are going to make the right decision for your constituents, right, or that's going to have a dramatic impact. Again, I run through your community, bike through your community. I live here, and you've done an amazing job. Thank you, guys.

Vice Mayor Mena: Thank you.

Mayor Lago: Thank you.

Ms. Hoppe: Make the right decision.

Mayor Lago: Thank you, thank you.

City Clerk Urquia: Jean Baptiste Ramet.

Mayor Lago: Good morning, sir.

Jean Baptiste Ramet: Good morning. My name is Jean Baptiste Ramet. I live in Coral Gables. My son attends Coral -- Crystal Academy. I'm also a board member of the Center for Autism and Relative Disability at the University of Miami. I'm going to do a brief comment. I love to drive, walk, run these streets. We have a beautiful city. It's always a pleasure to notice every little detail

there is. But in all of the times I have dropped off my son or picked him up from Crystal Academy, I've never noticed that wall to be of any significance to my humble knowledge and aesthetic likes. So, I don't think it should be designated as a historical for the City of Coral Gables, and that's my comment. Thank you.

Mayor Lago: Thank you. Mr. Clerk.

City Clerk Urquia: Joanne Meagher.

Mayor Lago: Good morning.

Joanne Meagher: Good morning. Joanne Meagher, 1225 Valencia Avenue. In honor of Sallye Jude, who worked tirelessly to save places built and natural, I'm here in my Villagers hat. This is a critical moment for our city. As you consider the future of this piece of land on Ponce and Phoenetia, I implore you to think creatively whether you vote for historic designation or not. If decision-makers hadn't thought creatively in 1966, there would be no Douglas Entrance. If they hadn't thought creatively in 1976, there would be no Merrick House. If there -- they hadn't thought creatively in 1983, there would be no Biltmore Hotel. When my family visited China in 2013, we were struck by the fact that, in Beijing, the ancient traditional dwellings in which people had lived in shared community for eons have been bulldozed but for a minuscule few that exist for tourists. Those who once came together in courtyards for meals, exercise, and fellowship have been shunted off to nondescript high-rises, and the sense of shared community has been lost. Once it's gone, it's gone for good. A multistory building inhabiting the entire footprint of this property that we're talking about, one that requires removal of some 75 mature trees, perhaps even along the swale -- now, how could that even be allowed -- those -- that will obliterate the Green Corridor, the Ponce Neighborhood Conservation District Overlay that other creative decision-makers worked so hard to create. It will forever alter the neighborhood and the sense of shared community, and I might add bird and habitat -- bird and animal habitat will be lost in addition to the green plays pace for the students at Crystal Academy. This will also serve as a green light to developers, who will -- it

will indicate that it's open season to, block by block, building by building, transform North Ponce into the concrete canyon that is overtaking Dixie Highway and South Ponce. In order to draw more visitors and residents, the City touts its unique history and extraordinary architecture, yet continues to bulldoze that which makes us so entrancing. Are we destined to, as in Beijing, only save a minuscule few examples of what made us the City Beautiful in the first place? Will that be your legacy? Think creatively, work with Zoning, with Crystal Academy, with the developer and the residents to minimize the footprint and the airspace of this building in order to maximize the green, not in the currency of a bank roll, but in the currency of history, culture, community, and nature. Thank you.

Mayor Lago: Thank you.

Vice Mayor Mena: Thank you.

City Clerk Urquia: Armando Perez.

Mayor Lago: Good morning, sir.

Armando Perez: My name is Armando Perez. I live at 1300 Ponce, just two blocks away from the site. On December 12th, I submitted a letter advocating for the preservation of the integrity of the Garden of Our Lord. By way of brief background, I'm a graduate of Gables High, lived in Coral Gables for most of my life, and for many years, I worked as an environmental engineering consultant with an additional certification in urban planning. One of our main clients and most valued clients was the City of Coral Gables, and I was honored to be able to do the implementation of the stormwater utility revenue source with the City many years ago. My thought is that -- as a neighbor of the project, that it's a valuable community resource and that it should be preserved. And I think that there should be a way such that there can be a coexistence of a successful development project and a preserved garden. And surely, with the great capabilities that the City staff has and the very reputable developer has, there should be a way to apply the various planning

and legal tools that are available to make that happen. So, I urge you to take appropriate action to preserve the Garden of Our Lord. Thank you very much.

Vice Mayor Mena: Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Nicholas Varner:

Nicholas Varner: My name is Nicholas Varner. I'm a biased dad of my son, William, who attends Crystal Academy. Two years ago, we moved to Coral Gables from Ohio. And the main reason we moved here was because of Crystal Academy. My son needs help that that school provides, and he's making a lot of progress. I think that the space, the testimony has been given that I think it's a slippery slope to go down to just say that any space is historical. I think that the use of space is very important, but that if you start saying that every tree, every house, everything is historical, then it really starts to encumber the residents of today and tomorrow. I urge you to deny the appellant's appeal. And I just want to say thank you for your consideration.

Mayor Lago: Thank you. Mr. Clerk.

City Clerk Urquia: Judith Packard. Omar Yasseen.

Vice Mayor Mena: No, she's here. Hold on.

City Clerk Urquia: Oh, okay.

Mayor Lago: Ms. Packard.

Judith Packard: Good morning, Mayor Lago...

Vice Mayor Mena: Morning.

Ms. Packard: City Commissioners and everyone. I thank you for allowing me to have the opportunity to speak this morning. I am a retired school teacher and a resident of Coral Gables for the past 39 years. I was saddened to hear that the Garden of Our Lord could be taken down and replaced with offices and condos. This historic site is not only a charming and beautiful oasis of the City, but it serves an important educational purpose, teaching the public about botany, biblical history, and honoring heroic individuals. I would like to request that those responsible please approve a historic designation for this unique gardens since it meets the criteria. Its destruction would make the area less desirable to live in and would be a terrible loss for the City of Coral Gables. Thank you very much.

Mayor Lago: Thank you very much.

City Clerk Urquia: Omar Yasseen. Brett Gillis.

Mayor Lago: Go ahead, sir, Mr. Yasseen.

Vice Mayor Mena: Sorry, yeah. Go ahead.

Omar Yasseen: Good morning and thank you for the opportunity to come up here and speak to you today. I stand before you to advocate for the historic designation of the Garden of Our Lord. As many of you already know, the Garden of Our Lord is a recognizable landmark within our community that is currently at risk for demolition to make way for a condo. I grew up in Coral Gables and have lived here all 37 years of my life. All this time, I have lived close to the garden and have watched it play an important role in the community. The Garden of Our Lord is a place of peace and tranquility, a respite from the hustle and bustle of everyday life. It is not just another piece of property. The garden is over 70 years old, and it was built by Robert Fitch Smith, a man

who has played a pivotal role in building many historic sites in our city. Losing this garden would be like losing a part of our history as a community. If it is demolished, it can never be replaced. Coral Gables is known for its green spaces and historic sites. Destroying the garden will only further take away from the City's origins and original vision. I urge you to do everything in your power to save the Garden of Our Lord. This is a property that needs to be preserved and protected. I hope that you will give it the consideration it deserves. Thank you.

City Clerk Urquia: Brett Gillis.

Mayor Lago: Good morning.

Brett Gillis: Good morning. My name is Brett Gillis. I'm here to advocate for the preservation of the Garden of Our Lord. I wanted to point out a few inaccuracies that were mentioned by the attorney for the property owner. The first thing is the application for the Garden of Our Lord clearly states on the cover page that this is for the Garden of Our Lord, not the parcel as a whole, location and legal description. "That area, including the wall, walkways, grotto, and green space commonly recognized as the Garden of Our Lord within Lots 1 through 10." It's right there in black and white. They mentioned that cultural landscape was not mentioned as part of the application. That's incorrect. It's -- on the PDF, it's page 129, states clearly, "The Garden of Our Lord has become a unique cultural landscape, a term used to describe the symbiosis of human activity and the environment representing the combined work of nature and of man, described as the cultural landscape, fashioned out of the natural landscape by a culture group. Culture is the agent, the natural agent is the medium, and the cultural landscape is the result." Moving onto that, the next point I'd like to make is about the criteria. Since this is not a de novo hearing, one of my main points to emphasize is that the Historic Preservation Board did not prove that all the criteria were not met. I'd like to point out two of the key ones. Under the historical and cultural significance, A-4 exemplifies the historical cultural, political, economic, or social trends of the community. That's been clearly proven, as well as A-5, is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the City. All of the

people presenting today with the parents of the children with autism, if this is not associated in a significant way with the past or continuing institution that has had a substantial impact on the life of the City, I think that this is a huge disservice to this group of people. Just to keep -- I have -- I could stand here for an hour, but I have just a few more points to make. Talking about layers of significance in Coral Gables, Mr. Adams pointed out that, you know, this was not necessarily designated as a park to begin with. Well, Country Club Prado was referenced. That was not originally set up to be an elegant neighborhood for homes. The reason that that wide boulevard is there is because Mr. Merrick envisioned it as our original commercial district. Whenever it was determined that that was not going to be large enough, it was re-envisioned. This is a continued pattern we have in Coral Gables, re-envisioning, adapting, and moving our City plan forward. So, thank you for your time, and I trust that you'll do the right thing today. Thank you.

City Clerk Urquia: Vincent Damian. Karelia Carbonell.

Karelia Carbonell: Good morning, everyone, Mayor and Commissioners. I am here representing the Historic Preservation Association of Coral Gables, which we have followed this item from inception. We have a hun -- we are a hundred percent committed to the preservation of this garden, but there's a few things that I'd like to clarify that have been brought up. One is that the Mayor asked about the square footage of the garden. It's a 10-parcel block. The garden was the last three parcels that were bought. Each parcel is basically the same size. It's a 64,000 square foot parcel or block. So, if you do the math, the garden is about 18,000 square foot, which really can be separated. It is -- it can actually be separated because it was bought -- it was the last three parcels that were bought. So, if you do -- you know, if you think -- people are saying, let's think creatively -- it could be done, and it could be done through a cultural landscape category. Also, the Crystal Academy is in two other parcels which have nothing to do with the garden and certainly can be incorporated however the developer has promised with an -- with -- but there is a big if. The developer bought this land. It's not zoned for anything other than institutional, and so for these promises to be made and these things to be committed to is really disingenuous because he still has to come in front of you, and you have to then give him the author -- the right. So, again, I just

want to clarify that. Number two, the -- there continues to be reference that this garden was not designed, it was not designed as a garden, it was just a parcel. Well, it was designed as a biblical garden. And as a matter of fact, it was created intentionally to be a biblical garden. As you saw the photos, each of the plants were identified and with nameplates that were designed specifically to the area. And I want to mention that, you know, again, this author who wrote 30 books on gardens included the Garden of Our Lord in his book as one of three national and international gardens of importance, and so the garden was created specifically. Number three, there's obviously talk about the criteria and where did it fit. Well, one of the board members at the Historic Preservation Board, her decision to vote was that she said, "In my mind, I don't see it --" and again, I think Mr. Pearson said it's really a very object -- subjective, I guess, decision. But you know, she basically said, "In my mind," which is not a category. There is no category of "in my mind, this fits this criteria." So, again -- and then a garden is not a park. It's like comparing, you know, a lake to a river. I mean, you know, there's four parks, but we have to differentiate that, you know. This is not a park; it's a garden. It's a cultural landscape. So, with that said, I do want to just mention that the garden is an essential part of the neighborhood, consistent with George Merrick's garden city concept documented in the 2018 historic City plan, which is a designated landmark. In this document, staff includes a quote by Robert Stern. He's an acclaimed author, distinguished architect, and dean emeritus of Yale School of Architecture, stating "Coral Gables deserves consideration as one of the world's preeminent garden villages." This quote is from his 2013 book, *Paradise Planned: The Garden Suburb and the Modern City*. The garden's wall is more than worthy of historic designation because of its architecture. It was designed by AIA fellow and noted architect and landscape and urban planner, Robert Fitch Smith, whose design and creative philosophy is explained in his own words, and I quote him, "Where does the house end and where does the garden start? Need there be a definite line?" For Smith, the wall is not a fragment, nor a dangling participle ripped away from its context. No, on the contrary, Smith designed his works integrating the house and garden in context -- actually, in harmonious context, if you read his works. It's an integral part of his architectural philosophy. Professors of architecture at the University of Miami, Joanna Lombard and Rocco Ceo, who -- professor spoke today, wrote the architectural criteria for the garden's historic designation. And the Historic Preservation

Association agrees with the experts and their assessment that the garden needs cultural and historic designation under the City's historic preservation ordinance. And again, we stress our support. We ask the City Commission to side with the appellant, Bonnie Bolton, and overturn the decision of the Historic Preservation Board on January 18th. Please be creative, think out of the box, and preserve this very unique space. Thank you so much.

Mayor Lago: Thank you. Mr. Clerk.

City Clerk Urquia: Carlos Segrera.

Vice Mayor Mena: Can we get a sense of how many he has left?

Mayor Lago: How many do you have left?

City Clerk Urquia: Seven.

Mayor Lago: Okay.

Carlos Segrera: Good morning, Mayor, Commissioners, City Manager, City Attorney, Clerk. My name is Carlos Segrera. I live 100 Southwest 44 Avenue, Miami, Florida. I've been dropping my daughter, Charlize, at Crystal Academy since she was three years old. She's now 14. I've also attended many events at Crystal Academy through the years, so I'm very familiar with the property, the Garden of Our Lord, and its surroundings. I live about five minutes away from this property. The two house -- the house that comprise -- that currently comprise Crystal Academy and the church is property back in -- built in the 50s, which the passing of time, despite numerous renovations, have seen better days. The Garden of the Lord has also seen better days. It is a dilapidated garden with no historic significance. It does not bring any interest to the community, and it's really aesthetically unpleasant. I was here during the last hearing in January of this year, and I completely agree with the Board's decision that the Garden of the Lord, including the

surrounding wall, is not a historical landmark by the definition, and the experts here have very well concluded that. As I said last time, you cannot compare this six-foot with a neglected garden with historically significant properties that we have in Coral Gables, such as this building, City Hall, Biltmore, et cetera. It is also interesting to me that before this property was acquired by the current developer/owner, it never caught the attention of any of the opposing or the appellant parties in trying to designate the subject into a historic landmark. I'm also not aware of the applicant, in at least the 11 years that I have been familiar with this property, made any efforts or created a committee to revamp this property. I believe the real opposition lies in blocking the future development of the property and in turn is being disguised via the subject request of designating the subject as a historic landmark. All I can tell you is that the proposed project has a much bigger purpose. Yes, of course, there's an economic incentive to the developer to redevelop this property, but in exchange, the community and our children will have an aesthetically pleasing property versus what it is now, a crumbling church and a neglected garden and a one-time opportunity for our children to have a proper state-of-the-art facility where they could study, live, and hopefully, work and play at no cost to Crystal Academy. To sum up, the task at hand is, once again, does the Garden of the Lord and its wall have significant character, interest, or value? Based on the evidence and the facts herein presented, it does not. I trust that the Commission, once again, and the Board make the correct decision and deny the applicant's appeal request. Thank you.

Mayor Lago: Thank you. Mr. Clerk.,

City Clerk Urquia: Reniero Perez. No? Nathan Vedrani. Ruth Martinez.

Mayor Lago: Good morning.

Ruth Martinez: Good morning, Mayor Lago, Commissioners, and fellow residents. My name is Ruth Martinez, and I'm a resident at 35 Sevilla Avenue, but I'm also the president of the Coral Gables Women's Club. As you may or may not know, that historic building is directly across the street from the Garden of Our Lord. So, in part, I come as a good neighbor because it's important

to keep the integrity of historical buildings and properties in our City. That is one of the reasons - - that is one of the huge reasons why people move here to this city because of the historical preservation efforts and the green -- the green swale that it provides. The garden has distinct historical and cultural and architectural significance, and as has been mentioned by many today, it was designed by Robert Fitch Smith. Additionally, there's a strong ecological concern in that the tree canopy provided by the garden and its swale is substantial and should be preserved. The large 72-year-old trees ought not to be removed. Typically, in our City, only trees that are diseased are removed unless, you know, somebody comes in and takes everything down. So, I come with the idea that this could be a -- it's not an either/or kind of thing. I think Mr. Pino is willing to work with everyone so that this can be a collaborative effort, that in some way this garden can be preserved and incorporated into the total -- the total plan for this area and not affecting then either our clubhouse, which is across the street. Thank you very much for your consideration.

Mayor Lago: Thank you.

City Clerk Urquia: Richard Heisenbottle.

Richard Heisenbottle: Good morning, ladies and gentlemen, Commissioners, City Attorney. For those of you who may not know me, my name is Rich Heisenbottle. I am a former chairman of your Historic Preservation Board. I'm president of R. J. Heisenbottle Architects, located right here in Coral Gables. And one of our -- we are one of the premier firms in Florida with a true specialty in historic preservation. The most complex historic preservation projects in the state usually come to our office, from the Freedom Tower to Vizcaya. We deal with these things all the time. As it relates to the debate over historic designation of Garden of Our Lord, I have been asked by both sides to be an expert witness, and I've turned them both down hoping that this matter would resolve itself without a public preservation battle. Clearly, it has -- clearly, it has not. The fact that we stand here today in front of you shows me that it is not. So, as a passionate preservationist myself, I have elected to come forward and speak as both a resident of the City of Coral Gables for many, many, many years, and as an expert on historic preservation matters and give you my thoughts. I

applaud the work of Robert Finch Smith. My firm restored the “Doc” Thomas House only a few years ago, and I also applaud the passion for Historic Preservation shown by Ms. Bolton behind me, and the others who have joined her in the effort to designate the Garden of Our Lord. However, I must say that, in my professional opinion, this site simply does not meet the criteria for historic designation. Your Historic Preservation Officer Warren Adams and his staff did an exceptional job of researching the site and made the correct decision not to recommend designation of the site. The Preservation Board on January 18th made the correct decision not to designate the site. I urge the City Commission to deny this appeal and move forward. Thank you.

City Clerk Urquia: Carlos Marín.

Ms. Bolton: I just wanted to mention that Richard Heisenbottle...

Mayor Lago: Can we...?

Ms. Bolton: Is a paid consultant...

Mayor Lago: Can we get through...

Ms. Bolton: For the City.

Mayor Lago: The public comment and then...?

Ms. Bolton: Oh, okay, sorry.

Carlos Marín: Good morning.

Mayor Lago: Good morning, sir.

Mr. Marín: Or good afternoon, I don't know. It's noon, good noon. How are you all? I'm Carlos Marín. I wrote part of the application for the preservation of this site, having been for personal reasons involved in the affair up to now, I want to be to the point. I'm an expert in urban planning. I've been expert witness on mostly cases dealing with eminent domain and that's my expertise. I was on Board of Architects many years ago. I served with Richard and Jorge Fernandez who were both here prior -- not here, but in the prior hearing. There's a couple of points I wanted to bring up. The fact is that, as I saw it, when I was involved, and I asked -- I was asked by Bonnie if I could join in this effort. Bonnie, Roxy, they're friends, we're neighbors. I live on Cadima Avenue, next to -- two houses away from Roxy's house. The thing is, when this effort was started, it appeared to me that the Preservation Officer had rendered a fairly quick decision on whether or not this deserved designation, and it was not until we started the effort that more effort was put into the research. The garden -- we have demonstrated -- is -- was designed by Fitch Smith. And I want to go back to Ms. Carbonell's point about Fitch's -- Fitch Smith's integration of landscape with buildings. A point was made that we did not visit the garden personally; it was under lock and key. I want to leave this with you to show --this is a view from the building, from the church looking into the garden as a way that he connected the spaces. One last point, the criteria for aesthetic value, as part of the Historic Preservation, I wrote that part in the application and you can refer to it. The garden is not a park. The garden is a landscape feature, usually it's not part of a master plan. But the garden is part of the land use plan as part of the designated institutional land use. Churches usually have gardens. A garden is part of the church; therefore, it is part of a designated plan. Thank you.

Vice Mayor Mena: Thank you.

Mr. Marín: And ...

Ms. Bolton: I would like to...

Mr. Marín: I would like to leave this with you. May I?

Vice Mayor Mena: Sure.

Mayor Lago: Mr. Clerk.

Vice Mayor Mena: Give it to the Clerk.

City Clerk Urquia: Mr. Mayor, we're going to Zoom next. Speaker is Lisa Maroon.

Lisa Maroon: Yes, hi. Good afternoon. My name is Lisa Maroon at 608 Cadagua Avenue. I'm a life-long resident. I would like to see the Garden of Our Lord designated historic. It's a beautiful, unique green space. The ecology, the natural land that we don't -- have so few of and the natural beauty of it, I know it's being debated of the architect, but ultimately, the major architect of this garden is Jesus Christ, God himself. I would not like it -- I would like it not to be destroyed. Thank you very much.

Mayor Lago: Thank you very much. Mr. Clerk.

City Clerk Urquia: Mr. Mayor, I have no further public speakers. I did have a comment that was asked to be read into the record. It was to the Mayor of Coral Gables and the City Commissioners, "Dear officials, as you're aware, Garden of Our Lord, located in the North Gables is amongst the most unique landmarks of the City of Coral Gables. The Garden of Our Lord is part of the Green Corridor running from East Ponce to the Douglas Entrance. It is lined with specimen trees covered with Spanish moss. The garden is an essential part of the neighborhood, and it meets the City's criteria for historic designation under the category of aesthetic significance since it is an easily identifiable feature of its neighborhood. Sadly, it is under siege at this moment as a developer who has purchased the property it stands on wants to demolish the garden as well as remove the specimen trees that line the swale of Antilla Avenue and East Ponce. He's already begun taking actions. The garden also merits historic designation because of its design. The architect was

Robert Fitch Smith, one of the area's most important accomplished mid-19th century architects. Further, zoning for the block hosting the garden is designated special use. This zoning category for that block was never meant for live, work, or residential use. It is located in a residential neighborhood and offices should not encroach into a residential neighborhood. The City opposes the developer and his attempt to secure a variance change to zoning from special use. I ask you, as the City Beautiful elected leaders, proud helmsmen and helmswomen of one of the most beautiful planned communities in America to remember the spirit and vision of George Merrick and those that followed in carefully planning and preserving a verdant garden city of which the Garden of Our Lord represents an integral element of this legacy to support its preservation. Thank you. Sincerely, Paul George.”

Mayor Lago: Thank you. So, if I may, Mr. Clerk, let's close the public hearing.

City Clerk Urquia: Yes, sir.

Mayor Lago: We're going to take a five-minute break, and what we'll do, once we come back from the five-minute break, we'll have a deliberation from the Commission.

City Clerk Urquia: Mr. Mayor, just before you do, I do have the attorney for the appellant on Zoom, and he wanted to say a couple words.

Vice Mayor Mena: The attorney for the appellant?

City Clerk Urquia: Yes.

Mayor Lago: Okay, we did give them extensive time to speak, but we'll grant them even more time.

David Winker: I'll make it really quick, guys. Thank you so much. I apologize. I was stuck in a trial this morning, and I was able to make -- to do this, so I'm sorry I'm not there. Real quick, what do the Biltmore, Douglas Entrance, and Alhambra water tower have in common? They were each slated for demolition at some point with developers and City officials arguing this isn't worth saving, preservations are out of control, we can't stand in the way of progress. But each of these historic structures were saved by residents who fought to fend these irreplaceable historic treasures. The saying goes, "Those who do not learn from the past are doomed to repeat it," and the fight over historic designation moves on to the next chapter with the Garden of Our Lord. But whether one believes that the Garden of Our Lord is worthy of saving or should be demolished, the Coral Gables City Code provides clear standards regarding historic preservation. These code provisions are not purely aspirational; they are prescriptive. The Historic Preservation Board's denial of historic designation is in the face of vehement arguments from experts and clear evidence that the conditions were met for historic preservation. Please do the right thing for Gables residents and for future generations to enjoy this historic garden. Thank you.

Mayor Lago: Okay.

[Break in audio]

Mayor Lago: Mr. Clerk, let's resume F-1.

City Clerk Urquia: Yes, sir.

Mayor Lago: Mr. Adams, do you mind coming up just for a quick second. (INAUDIBLE) the Commission has some questions while we discuss this through. I heard several individuals mentioned the nine criteria for designation, correct?

Historical Resources & Cultural Arts Director Adams: There are more, but this was the ones that the applicant specifically stated in the report, yes.

Mayor Lago: And how many of those nine criteria did they qualify as -- did the Historic Preservation Board say that we actually met?

Historical Resources & Cultural Arts Director Adams: None.

Mayor Lago: None, okay. That was a 6-2 vote, correct?

Historical Resources & Cultural Arts Director Adams: Yes.

Commissioner Cason: Plus two experts that used to be on the committee, right? Used to be chairmen.

Historical Resources & Cultural Arts Director Adams: Two recognized -- you mean the two architects, Mr. Heisenbottle and Mr. Hernandez, yes. They're experts. I'm not sure what boards they served on.

Mayor Lago: Okay. And the other question I have for you -- and I'm not a historic preservation expert, but it was mentioned that the word "cultural landscape" was mentioned multiple times.

Historical Resources & Cultural Arts Director Adams: Yes.

Mayor Lago: Can you delve into that to give me a little bit more background in regards to what constitutes cultural landscape and why would it apply to this piece of property?

Historical Resources & Cultural Arts Director Adams: Well, what we look at is the significance of the site, regardless if you -- it's a cultural landscape or if it's a building. We have to -- regardless of what it is, we have to determine if it meets at least one of the criteria. And we did all the research into all the available documentation, all that available research was used when I did my initial

determination. A comment was made that my initial determination seemed to have been done quickly. But by the Code at that time, I only had 45 days to actually do that determination, but no other significant information came to light between the initial determination and when it went to the Board.

Mayor Lago: Can you give me an actual example on another historic property that was designated based on cultural landscape? Give me an example of just one. What is a cul -- what is an example of cultural landscape?

Historical Resources & Cultural Arts Director Adams: I would say Vizcaya would potentially be a cultural landscape.

Vice Mayor Mena: Okay.

Historical Resources & Cultural Arts Director Adams: Yes, because it's a designed garden, and it's a formal laid out pattern. Not that it has to be a formally laid out pattern, but the site has to have some significance in design or history and must retain its integrity. It can't be altered too much. So, whether you call it a park, or a culture landscape, or a garden, they're not exactly the same thing, but they are in the same ballpark.

Mayor Lago: That's a very good example that you mentioned. I hadn't thought about it. One of the items that was also mentioned was the fact that this piece of property had been altered in multiple different ways and forms, correct?

Historical Resources & Cultural Arts Director Adams: What we do know is that the original plan that was submitted for permitting is not the plan that is there now. So, it either wasn't built according to the original plan or it has been altered from the original plan. We also know that -- I believe it was the 1970s -- there's a newspaper report that explains alterations were done to the church and to the garden, but we have no records as to what they are. But what we do know is,

based on the experts, is that that none of the original biblical plants that were there existing anymore.

Mayor Lago: Okay. And my final question, in regards to the architect in question, are there any other properties in Coral Gables where that architect has a property that's designated?

Historical Resources & Cultural Arts Director Adams: I believe there are other designated properties. And mostly recently, one was -- and there was an attempt made to designate one of his houses. It was designated, but successfully appealed to the City Commission. But I do have to point out that not -- firstly, Fitch was mostly known as a designer of single-family homes.

Mayor Lago: Okay.

Historical Resources & Cultural Arts Director Adams: And secondly, not every single-family home by him is eligible for designation.

Mayor Lago: Yeah.

Historical Resources & Cultural Arts Director Adams: It must meet the criteria.

Mayor Lago: Thank you. But if we may, we've had the opportunity for public comment. You've had the opportunity. Now, the Commission is going to have a discussion here so we can render a decision.

Ms. Bolton: Oh, okay. Yeah, I just wanted to comment that Java Head was designed by Fitch Smith and...

Mayor Lago: Thank you.

Ms. Bolton: (INAUDIBLE).

Mayor Lago: Thank you very much.

Commissioner Cason: Somebody said originally that the original plants were still there.

Ms. Bolton: Yes.

Commissioner Cason: There -- are there plants that are like the original plants? What does original mean?

Historical Resources & Cultural Arts Director Adams: Well, to be a biblical garden...

Commissioner Cason: That's for you.

Mayor Lago: We really...

Historical Resources & Cultural Arts Director Adams: Yes.

Mayor Lago: We really can't be doing this.

Ms. Bolton: Oh, okay.

Mayor Lago: We can't be doing this.

Ms. Bolton: Yeah, because the original plants are...

Mayor Lago: We need to let...

Commissioner Cason: I'm asking him.

Historical Resources & Cultural Arts Director Adams: A biblical garden is defined as a garden that includes plants that are mentioned in the Bible. And Deena and the property owner's expert said that none of these plants originally exist -- exist any longer. And the other question is, there was a newspaper report which stated a lot of the plants that were put in the garden weren't the species from the Bible anyway. So, whether the plants have been lost due to hurricanes or replanting or disease, I rely on the expert testimony of people that know about plants, but both had said no of the original plants.

Mayor Lago: But Mayor, I want to ask Deena a question because, again, this is not something that I'm an expert in. So, obviously, we're all big fans of trees. We want to plant as many trees as possible. But when you have a site, for example, like Vizcaya and you have a park, historic park like that, is that the appropriate way of defining it?

Historical Resources & Cultural Arts Director Adams: Landscape, yeah.

Mayor Lago: It's -- it go -- there's a history to that. It was designed in a certain way, and that format has been kept for decades. Am I correct?

Assistant Public Works Director Bell-Llewellyn: Correct.

Mayor Lago: And you can go back to a set of plans and the plans are there, and it says the architect on record designed the following landscaping to look this way, and we've kept that landscaping, and we protected it, and you know, obviously, you --once in a while, you have a lightning hit or you have some trees that die and you replace it, but it continues, like Versailles. You know, it continues to be in the same vein. This is not the case here, correct?

Assistant Public Works Director Bell-Llewellyn: Correct. The key is a maintenance plan. And the site, the garden you're talking about, would have a maintenance plan that's implemented over years. The site obviously did not have that.

Mayor Lago: Okay, okay, perfect. I don't have any further questions. Vice Mayor.

Ms. Bolton: I do want to make sure that we reiterate -- I said it before -- but the original carob tree that was planted in 1954 -- we showed the photo of the original tree in 1954 and it's still there today and some cypress trees. And I -- excuse me, sir.

Mayor Lago: Thank you very much.

Vice Mayor Mena: I had -- I have a series of comments, but I had one question before we kind of get into discussing it. Mr. Navarro indicated that -- I think if I heard him correctly -- there had been three or four -- I don't know if they were prior attempts to designate this property, but there may be along the same process, and I wasn't sure exactly what he was referring to. Do you?

Historical Resources & Cultural Arts Director Adams: Yeah, I think what he meant was I received the initial letter for the determination of significance, and I said it didn't meet the criteria, and then the applicant submitted the designation report and I said it didn't meet the criteria, and the applicant used their right to ask for the Preservation Board's review of the designation application who determined it didn't meet the criteria.

Vice Mayor Mena: Okay. Mr. Navarro, without you -- you don't have to comment, but is that a fair description?

Mr. Navarro: Yeah -- for the record, Jorge Navarro -- that does accurately describe what happened.

Vice Mayor Mena: Okay, thank you.

Commissioner Cason: Is there anything in the record that showed there was any interest by any organization in Coral Gables to look at the Garden of the Lord before the last year or two? It's been around for 70 years. I mean, listening -- I think it was Palacio's mention that -- how many years -- it was 17 years you've been there that no one ever...

Vice Mayor Mena: That was my question.

Ms. Palacio: Thirteen years.

Commissioner Cason: Thirteen years that very few people ever came and looked at it, it was locked. It was...

Ms. Palacio: No (INAUDIBLE) the only ones that came was (INAUDIBLE).

Mayor Lago: If you're going to...

Vice Mayor Mena: Come to the podium.

Mayor Lago: You got asked that question by the -- by one of the members on the Commission, please come up and put your name on the record.

Commissioner Cason: I think because you've been there all the time, so I'd like to know what your experience is.

Ms. Palacio: Maria Palacio, 712 Zamora Avenue, in Coral Gables. During the 13 years that we've been there, nobody has come to the property. The only ones that we were introduced to was a previous developer a couple of -- three, four years ago, that he was the one who actually didn't

want the school because there was no return on investment. And then finally, the other investors were not interested in the property.

Commissioner Cason: Someone mentioned that this was an education -- this was an educational garden. Did anybody ever come, any groups to...

Ms. Palacio: Not in the 13 years...

Commissioner Cason: Look at it?

Ms. Palacio: Not in the 13 years...

Commissioner Cason: Educational groups?

Ms. Palacio: We've been there.

Commissioner Cason: Did the garden club ever take an interest in this? From your knowledge, did anybody ever come from the garden club and say that they're very interested in everything you do with the beautification of Coral Gables and gardens that...?

Mayor Lago: Did UM ever come who has obviously...?

Ms. Palacio: The garden club has come to Crystal to the courtyard area but not to the Garden of the Lord.

Commissioner Cason: Did the...

Ms. Palacio: (INAUDIBLE).

Commissioner Cason: Did Fairchild or Montgomery or any organization ever come, from your knowledge, just your knowledge, to say, “We want to rescue this place. It’s abandoned. We want to do something for it.”

Ms. Palacio: Not through the 13 years we -- not, you know, based on my knowledge and being there for 13 years.

Mayor Lago: Madam City Attorney, you wanted to say something?

City Attorney Suárez: Yes, Mayor. I would like to take this opportunity just to remind all of you about the standard and what you should be considering today. You are -- your review is limited to the record below, to the record of the Historic Preservation Board and what it based its decision on, and your determination is to be -- whether the Historic Preservation Board’s decision to not designate the site was based on competent and substantial evidence.

Mayor Lago: Okay.

City Attorney Suárez: So, you’re not supposed to re-weigh the evidence or step into their shoes, but just whether there was enough evidence to support their decision.

Commissioner Menendez: We will.

Mayor Lago: Okay. So -- please. Thank you.

Commissioner Menendez: I have a quick question -- a couple quick questions, sort of along the lines of Commissioner Cason. Not only to restore/save in the 72 years, other than recently, has been there in a petition to designate it historic?

Historical Resources & Cultural Arts Director Adams: No.

Commissioner Menendez: No.

Historical Resources & Cultural Arts Director Adams: Not that I'm aware of, nor there -- that there were no records in our files of an attempt to designate...

Commissioner Menendez: You know, I know there's, you know, obviously an important push going back to, you know, obviously the Biltmore to do it in that time. I was just wondering if there was any -- anything on the record.

Historical Resources & Cultural Arts Director Adams: No.

Commissioner Menendez: There is a mention of the Green Corridor Overlay and several speakers spoke about that. Could you elaborate on what they're referencing in terms of the importance of the Green Corridor Overlay with regards to this property...

Historical Resources & Cultural Arts Director Adams: No, I think...

Commissioner Menendez: Or the garden itself?

Historical Resources & Cultural Arts Director Adams: I think it's important to recognize that the Green Corridor, I believe they're speaking about the streetscape and the street, but the property actually doesn't, I believe, include the street. It's within the boundaries of the property. So, unless any of the street trees are removed for any future development, I believe they would remain, but that would obviously be subject to a review of the development application for the new development, not the Preservation Board.

Commissioner Menendez: And a quick question, something early in the presentation, I think it was your presentation that there was a preliminary -- where there was a request by the current

property owner before they were the property owner to get the City's position on the historic nature of that site, and I think the City said there wasn't, and then the owner -- or the current owner proceeded with the transaction.

Historical Resources & Cultural Arts Director Adams: I believe that is correct.

Mr. Navarro: Correct. Commissioner, for the record, Jorge Navarro, offices at 333 Southeast 2nd Avenue. We originally submitted, prior to purchasing the property, we did extensive due diligence. One of those items included a request, a historical significance determination letter from the City. I believe your Historic Preservation Officer went out to the site several times, looked at all the historical records which are part of your record as well for this proceeding, and we obtained -- I think it was in August of 2021 -- a letter confirming that there was no historical resources on site, and then we moved to purchase the property in November of that year.

Commissioner Menendez: Just my last two questions. Deena, I have a question, just for my own clarification. So, I know a lot of discussion and I'm sure part of the presentation had to do with the seedlings and things of that nature coming from the Holy Land. And I just want to repeat again, just to get a clarification, were any seedlings or any plants that we can trace directly coming from the Holy Land on the property, as far as you could tell, as our arborist, you know?

Assistant Public Works Director Bell-Llewellyn: I did three site inspections, walked the property. Don't have any evidence that any of those seedlings came from the Holy Land. There's nothing documented that proves that.

Commissioner Menendez: And my last question. And Ms. Bolton, I'll give you the opportunity to come up. I have a question for you, Bonnie. The plaques, those plaques, who do they reference? Just to know who they -- who these people are.

Ms. Bolton: (INAUDIBLE).

Commissioner Menendez: Please come up to the podium.

Ms. Bolton: The nameplate...

Commissioner Menendez: Thank you.

Ms. Bolton: The nameplates which identified each tree and bush, is that what you're referring to?

Commissioner Menendez: Yes, I know there was a discussion earlier about the nameplates being important to, obviously, to yourself and others, and I just wanted to understand what those nameplates were about.

Ms. Bolton: Yes. Each -- like for example, the carob tree that still stands there today in the garden, which is a native of the Middle East, there is -- it mentioned the name of the type of tree or bush, and it mentioned the chapter and the verse in the Bible, and it was for all throughout the garden. Up until two years ago, those nameplates were there. I regularly went into that garden on a weekly basis for over 28 years. And just to mention, I went into that garden with Montgomery -- with the executive director of Montgomery Botanical Center. I gave an exterior tour of the garden to Mr. Husby from Fairchild. I also...

Vice Mayor Mena: That was recent, correct?

Ms. Bolton: Right, yes.

Vice Mayor Mena: Right.

Ms. Bolton: Yes, all recent.

Vice Mayor Mena: I don't think Commissioner Cason's questions were about recent. I think he's talking about...

Commissioner Cason: My questions were about...

Vice Mayor Mena: Prior to this, yeah.

Commissioner Cason: The 68 years before that.

Vice Mayor Mena: Right.

Ms. Bolton: Oh.

Commissioner Cason: Was anybody -- did anybody care about that?

Ms. Bolton: Yes, yes. They...

Commissioner Cason: And how did they care about it?

Ms. Bolton: Well, they specifically asked for certain trees and bushes, and there are newspaper articles I submitted with my application, numerous articles that address that.

Vice Mayor Mena: Okay.

Mayor Lago: Okay.

Commissioner Menendez: And my last question, and I apologize for...

Mayor Lago: No, please.

Commissioner Menendez: Asking a lot of questions, but do we know why the prior owner, the church, didn't proceed to, if -- let's say -- I don't know the history, maintain, but also seek a designation. Do we know why...?

Ms. Bolton: I think it was ignorance. It was ignorance. And completely not related to this, but the former dean of the Yale School of Architecture wrote a letter in support of the garden that was submitted yesterday. I don't know if all of you received a copy of it, did you?

Vice Mayor Mena: Yes.

Ms. Bolton: Oh, okay.

Commissioner Menendez: Thank you.

Ms. Bolton: And then also, Mr. Steve Pearson, who was a former director of the Gifford Arboretum, was speaking, you know, in favor of designating the garden.

Vice Mayor Mena: Yeah, he was here today.

Ms. Bolton: Yeah, yeah, so...

Commissioner Cason: But back to my question again, was...

Ms. Bolton: Uh-huh.

Commissioner Cason: If there was so much educational interest in the garden...

Ms. Bolton: Uh-huh.

Commissioner Cason: All these years, who did something about that? Who -- were any groups taken there, or was it any...

Ms. Bolton: Yeah, they...

Commissioner Cason: Research done? Were there any?

Ms. Bolton: There were thousands of visitors.

Commissioner Cason: Did Fairchild (INAUDIBLE) actually do work there? Do you have any records of -- that...

Ms. Bolton: Yeah.

Commissioner Cason: Entered into the record?

Ms. Bolton: I have records -- I have newspaper articles that attest to the fact that thousands of people -- and those are -- that's the exact quote from the Herald articles, thousands of people had visited the garden for its -- you know, to see the trees from the Holy Land.

Commissioner Cason: Up to what year?

Ms. Bolton: I would say till maybe the 70s or 80s that it came into...

Commissioner Cason: So, for the last 50 year -- my question is, for the last 50 years, my impression is it's been abandoned.

Ms. Bolton: No, not really abandoned because it...

Commissioner Cason: You said the church didn't even -- they were ignorant. I mean, it's right there. It's part of the -- that was an integral part of the church. Why didn't they do something about it?

Ms. Bolton: I think that, you know, unfortunately, churches in the last 20, 40 years have lost substantial parts of their congregations and have not had the resources.

Commissioner Cason: But you have Matheson, and you have...

Ms. Bolton: Yeah, but they weren't connected...

Commissioner Cason: Fairchild. They have a lot of resources.

Ms. Bolton: Yeah, they weren't connected with the church.

Commissioner Cason: If this was such an important educational...

Ms. Bolton: Yeah.

Mayor Lago: So, let's do this, let's do this. I think that the Commissioner -- Commissioner, are you finished?

Commissioner Menendez: Yes, I am.

Mayor Lago: Do you have any other -- any other further questions for staff so we can have our discussion?

Commissioner Cason: No.

Mayor Lago: Nothing else? Okay, so what is the will of the Commission? What is everybody thinking? I'm looking at this, again, as per the instruction of the City Attorney to look at this as per the decision that was rendered -- rendered by the Historic Preservation Board, and that's what I am...

Commissioner Cason: That's all we can do.

Mayor Lago: Entertaining today.

Vice Mayor Mena: That's...

Commissioner Cason: That's all we can do.

Vice Mayor Mena: I think it's important -- you know, the Mayor -- I'm glad you do this, but you know, we allow public comment as part of this proceeding. I think it's good to hear from the public on this. However, you know, as part of doing that, you get into subject matters that really aren't part of the underlying record, you know, and just sort of people's feelings about the topic, which are important.

Mayor Lago: But don't worry, Vice Mayor. Tomorrow, I promise you, we will be shelved for not being transparent and we'll be shelved for not allowing the public to speak...

Vice Mayor Mena: But...

Mayor Lago: And for being dictatorial...

Vice Mayor Mena: You're right.

Mayor Lago: And all kinds of things.

Vice Mayor Mena: But...

Mayor Lago: And it's okay.

Vice Mayor Mena: Like, you know, we need to come back into the context that this is a quasi-judicial proceeding.

Mayor Lago: We have to bring it back to what we're here to speak about.

Vice Mayor Mena: We're here today because -- not to consider an application for historic designation, but to consider the appeal of the denial of an application for historic preservation. That's why we're here today.

Mayor Lago: Exactly.

Vice Mayor Mena: And there's a very -- you know, I heard a lot about thinking creatively and that, you know, please use your judgment, and I'm all for that. That's what we try to do in everything we deal with. But there are some constraints to what we're able to do here as a quasi-judicial proceeding. We have to look at the record, which we've done. Just last meeting, we had another appeal where I made clear that I reluctantly affirmed the granting of a historic designation, even though the granting of that historic designation for a home in a historic district really put the young couple or the owners of that property in a very just terrible and precarious position, and I felt badly about it, but I had a duty prescribed by law and by our Code and by this office to look at the appeal, look at the evidence and determine whether or not there was substantial competent evidence that the Board relied on in rendering its decision. And I had to look this poor couple in the face and tell them, "I'm sorry, but your home is designated historic, and I don't see anything in the record to reverse that." And I frankly find myself in a similar position today from that --

from the perspective of, you know, we've gone through the record and the experts that testified, the professionals that have opined multiple times, our very competent board, which voted 6-2 and found that none of the nine criteria were met. And as Mr. Pearson himself said -- and I think Karelia even repeated -- you know, that while different people can look at this and view it differently based on these facts but that's not really the analysis. The analysis is whether or not this board had no evidence in support of its findings or whether it had substantial competent evidence, which it sure, to me, seems like it did. And so, again, this is not a de novo review, and we don't -- we're not here to go beyond the bounds of what we're allowed to do here. We're tasked with calling balls and strikes. And here, my personal review of this, you know, I don't see -- and I didn't hear anything today, although, you know, a lot of very intelligent, caring people on a variety of different subjects, you know -- they have a group of folks here are very passionate and intelligent and caring about historic preservation. I really, honestly, respect your opinions on the matter. You have a group of parents whose kids' future schooling lies in the balance, and that's not a factor I can consider today. It's an important thing for you and for all the other parents. And trust me, we all have a tremendous love for Crystal Academy in our hearts, but that is not what I'm able to base my opinion on either, nor is what Mr. Pino can or cannot do with this property. In fact, that's not even before us today. He's going to have to come back here one day and persuade a Commission to approve his project or not. I won't be here; that won't be my decision. So, I have no -- if that works out for him, great for him, and it doesn't, it doesn't. That's not what's here today. What's here today is a very strong robust record on both sides of the issue. Ms. Bolton, what you did was tremendous, frankly. I think the report you put together was -- to say it's thorough is to really, you know, understate it. It was very thorough and very thoughtful, and I really respect that and appreciate it. But I also have to respect and appreciate the deliberation of our staff, Mr. Adams, our Historic Preservation Board, the great care that they went to to analyze the different topics. And while we can agree or disagree on how they found on any one of those issues, I can't look at anything they did and say, "Well, that was just sort of, you know, arbitrary and capricious. They had no, no evidence in the record to support that finding." I can't do that. And so, here I am again in a situation where I don't see that I personally have anything to overturn

the judgment of the Board, which already denied this application. And so, I will be voting to affirm the denial of the application.

Commissioner Cason: I agree with the Vice Mayor. I think there was nothing capricious about their decision. They're experts, they're residents of Coral Gables. They looked at the evidence. They made the decision. I think they made the right decision. They looked at all criteria. I think that they made the right decision. I wish that -- I wish that it was a garden that was flourishing. I wish that it -- lots of people were visiting. I wish that it was vibrant and -- but I don't see that. And I think they looked at it and found that it was -- basically was not that either and that it was not significant. And I don't think it's educational. I don't think it's -- it was a community asset. I don't think any people even knew it was there and most people did not know it was there. It never once -- when I was the mayor of six years, it was never mentioned. So, I don't think that it met the criteria. I think they -- the Board made the right decision, and I will vote to affirm the decision of the Board.

Mayor Lago: Commissioner.

Commissioner Menendez: First off, may I call you Bonnie? We've had a lot of conversations for a while now, and the one thing I can tell you is, I wish everybody had your spirit and your determination. I mean -- and passion, and I highly respect you, and I know your mom is super proud of you for everything you've done, and you brought a lot of light to a matter, an issue that a lot of people didn't know about. And green space and a place that we can find solace and we can meditate is very important to our daily lives. We live in a hustle and bustle world. I don't think there's anyone here -- and obviously, the Mayor's worked so hard and Vice Mayor Mena with regards to green space and places that people can sort of get away. And obviously, we appreciate that, I think as everyone else here does. As the Vice Mayor mentioned, last time we had a matter where the vote of the Historic Preservation Board was a significant vote with regards to a single-family home, and we even discussed about how about if they create a replica of the home. So, we were looking for solutions, and at the end of the day, I think we were all very frustrated that we

wanted to be fair and balanced and find a solution, but I think, like I said then, our hands are tied because the one term that stuck out during the discussion -- and it was amazing discussions. I think everybody's in the right and that -- everybody, regardless of the situation, we're all in the right for good reasons, but it was the legal criteria. And if, Madam City Attorney, we're looking at it from a basically legal position, a legal criteria, not a subjective -- even if I visited the Garden of Lord and enjoyed, appreciate it, it's something that we're bound to the legal criteria?

City Attorney Suárez: Correct, correct. Your review is based, once again, on the record and whether there was competent substantial evidence to support the decision of the Board based on the application of the criteria for designation. And so your role is not to step into the shoes of the Board and re-weigh the evidence, but rather, was there sufficient evidence, adequate evidence to support their decision.

Commissioner Menendez: And just before I finish, a comment that regardless of what happens with that property going forward, I implore those stakeholders, those involved to find a way to make sure that the community has a place to go to find peace. Green space, where they can be with their families in harmony and maybe do something that enhances what we already have there. It's not a closing of the door, but hopefully opening two doors to do something even better, if that's the direction things go. As was mentioned, the project itself hasn't even come here, but I'm just making that public comment. Based on what the City Attorney said, I'm ready to make my decision officially when it's time.

Mayor Lago: Mr. Vice Mayor.

Vice Mayor Mena: Yeah, yeah, you know, I would just add something. Even when I'm frustrated with the result, as I was last meeting frankly, I'm thankful that I live in a place and in a country where there's due process and there's laws, and this is not something that's being done arbitrarily. We've been sitting here since nine in the morning talking through this. So many people have had a chance to speak. Mr. Pino, the owner of the property, had due process in terms of purchasing

and going through this process. Ms. Bolton had an opportunity to file an application, appeal it, you know, and a lot of participation. And so, you know, one of the speakers talked about how I believe she said in China there had been these apartment buildings that have been torn down over the years and lost some of the character, but you know, the difference there is that, you know, that I presume that that was done with no due process whatsoever in China. And here we are in a place where we have rules, we have laws that are applied. This could have been a situation where the Historic Board rendered a different opinion based on evidence, and you know, maybe the situation would be different, but we went through a process. It's prescribed by our Code. And you know, again, even when we're frustrating with the result of that process, I for one am not frustrated with the fact that we have such a process, that we abide by such a process, and that we enforce, you know, the rules and laws that we have on the books. And if we're not satisfied with them, then it's incumbent on those who sit on this dais to change them. You know, and if they do that, then maybe things change. You know, Mr. Navarro talked about things that have changed in the past, maybe some things will change in the future. But based on what we have today and based on what everybody involved in this process has had to, you know, deal with, I think that the right decision here today, again, is to affirm the denial by the Board.

Mayor Lago: Okay, I think everybody has spoken and has touched every main point in regards to what our objectives are here and what our responsibilities are. I have two comments that I'd like to just add very quickly. When you talk about green space, I don't think there's been a Commission that I can harken back to that has made green space a priority. We've written legislation where there's millions of dollars in the coffers to acquire land and we continue to acquire land to build parks. As a matter of fact, in the downtown, we're refocusing any projects that come before us and requiring those projects to add 6,000, 10,000, 15,000 square foot parks, which are -- you're going to see forthcoming. You already see one at the Valencia project, at Villa Valencia which is built, a beautiful little park adjacent to it. And you will see one at Publix. You will see one at the rental building where the Mercedes-Benz parking lot is, the -- that's a 12,000 square foot lot that the developer -- we negotiated with them. It's going to be a beautiful project there, and there's about five or six more that we have in the works for the downtown. That's going to be significant

upgrades to our downtown and are going to, again, continue to add onto our quality of life. I know that I cannot give -- this is just a simple request. I'm not -- this has nothing to do with my decision. I would like to speak with the developer to see if there's a possibility for the near future for consideration, if there's anything that we can do in the neighborhood that we can find that deals with green space. As per the legislation that I wrote with the Vice Mayor, you will be required to pay 1 percent for Art in Public Places, along with .5 percent -- .5 of 1 percent -- excuse me, .5 -- I apologize -- into Art in Public -- art -- excuse me, into the Parks Trust, or there's an opportunity where you could find a piece of property and not pay into the trust. I ask you to please see there's any -- see if there's anything that we could find which we could potentially engage in the near future that could -- we could re-transplant the trees, the sculptures, the plaques, if that's a possibility, something for you to consider. Another thing too that I think we can engage in is the Landmark Advisory Board, which I think is very important. It's another thing that this Commission has done, very proud of that. We -- on 37th Avenue and Flagler, we're going to be now opening up an entrance way. We acquired that piece of property last year. I would like for the Landmark Advisory Board to take a look at this opportunity and see how we can find some synergies and maybe what can we do to work with the developer to see if they could help us find a piece of property where we could transition if and when that comes before the Commission. I know that they still have to come. They still have to go before all the boards. They still have to continue the process, but these are things that I wanted to put on the record because I think it could be beneficial. And let's take advantage of the Landmark Advisory Board. It's a great board. You have a lot of committed people serving on that board, and I think that Mayor Slesnick could really help us out through that process. With that being said, I have nothing else further to say.

Vice Mayor Mena: I'll make a...

Mayor Lago: I think we're...

Vice Mayor Mena: Well...

Mayor Lago: We understand where we're moving forward, and I need a motion to move forward.

Vice Mayor Mena: Yeah, I'll make a motion to affirm the denial of the Historic -- of the appeal.

Commissioner Cason: Second it.

City Attorney Suárez: Or you're -- I think you're affirming the...

Vice Mayor Mena: Affirming the denial of the application for historic designation.

Commissioner Menendez: And it's based on was there sufficient evidence for them -- for them to be able to make a decision whether we like it or not, right?

City Attorney Suárez: Correct.

Commissioner Cason: And I second that.

Commissioner Cason: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Mayor Lago: Yes.

(Vote: 4-0)

Mayor Lago: Thank you very much. I appreciate everyone's participation.