

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-1**  
**October 28, 2025**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Vince Lago**  
**Vice Mayor Rhonda Anderson**  
**Commissioner Melissa Castro**  
**Commissioner Ariel Fernandez**  
**Commissioner Richard D. Lara**

**City Staff**

**City Attorney, Cristina Suárez**  
**City Manager, Peter Iglesias**  
**City Clerk, Billy Urquia**  
**Deputy City Attorney, Stephanie Throckmorton**

**Public Speaker(s)**

**Caesar Mestre**  
**Javier Avila**

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**Agenda Item E-1 [Start: 10:30 a.m.]**

An Appeal to the Coral Gables City Commission from the decision of the Historic Preservation Board on September 18, 2025, to deny a claim of undue economic hardship and a certificate of appropriateness for demolition for the property located at 1258 Obispo Avenue, a contributing resource in the "Obispo Avenue Historic District," legally described as Lots 1 and 2, Block 3, Coral Gables Section "E," according to the Plat thereof, as recorded in Plat Book 8, at Page 13 of the Public Records of Miami-Dade County, Florida.

Mayor Lago: Moving on to the first item that we have in regard to time certain item E-1. Good morning, sir.

City Attorney Suarez: Mayor, I'll read the item.

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Mayor Lago: Yes.

City Attorney Suarez: And some introductory information. So item E-1 is an appeal to the Coral Gable City Commission from the decision of the Historic Preservation Board on September 18, 2025 to deny a claim of undue economic hardship and a certificate of appropriateness for demolition for the property located at 1258 Obispo Avenue, a contributing resource in the Obispo Avenue Historic District legally described as Lots 1 and 2, Block 3, Coral Gables Section "E" according to the plat thereof, as recorded in plat book 8 at page 13 of the public records of Miami-Dade County. This is a quasi-judicial item, Mayor and Commissioners pursuant to section 14-208.6 of the city 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. It's an appeal based only on the record. As a reminder, your role in considering this appeal is whether due process was afforded, whether the essential requirements of law were followed, and whether the Historic Preservation Board's decision was based on competent substantial evidence. 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, the City Commission can affirm the decision of the Historic Preservation Board with conditions, the City Commission can override the decision of the Historic Preservation Board, and 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 to the parties. Pursuant to that procedural order the appellant will be allowed 15 minutes for presentation, which will be limited to the record before the Historic Preservation Board. Next, the Deputy City Attorney as counsel for the Historic Preservation Board and Historic Preservation staff will be allowed 15 minutes for presentations 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. And finally, there will be time for additional questions and discussion by members of the City Commission, and as a reminder, because this is a quasi-judicial item, any inadvertent ex-parte communication should be disclosed.

Mayor Lago: Thank you, Madam City Attorney. Thank you for mentioning the rules and procedural order. Mr. Appellant, you have 15 minutes, thank you. Good morning.

Mr. Mestre: Good morning, Mr. Mayor, Vice Mayor, Commissioners. Caesar Mestre with offices at 8105 northwest 155<sup>th</sup> street, Miami Lakes, Florida. I'm here today representing Javier Avila and Jennifer Ruiz, a Coral Gables couple that are the owners of this property. The property in question is a 15 square foot lot at 1258 Obispo Avenue. I'm going to change a little bit of my presentation

because I think that once we go down the rabbit hole of this is historic, we lose sight of what's kind of really going on here. One of the documents that's part of our presentation, a city historical structure form has very, very pertinent information for this and it states, this building lacks sufficient architectural merit and historical import for individual local designation or NRHP listing, but it does contribute to the Obispo Avenue Historic District. As an example of domestic architecture from the district's distinct periods of significance. So, although this property is not enough to be designated itself as historic, it is part of the Obispo Historic District. The reason I mentioned that is that this is not the first time the owners have come here before you for a Certificate of Appropriateness to demolish it's the second time. And during the first time, the Mayor very lucidly asked a question over and over, what makes this property historic? - what makes this property historic? And throughout the entire record, you will not see anything that gives you the details of why this is historic, and this is very important, because this is what gets us to the criteria that the Historic Board used to deny the application. You have a criterion that the city has once a home is designated historic, you have to follow these criteria to see if you qualify to get the Certificate of Appropriateness, but I'll give you a perfect example. The first criteria is, does the property to the degree, and I'm quoting now, number one, the degree and that word is super important, which this building structure improvement or site contributes to the historic or architectural significance of the historic site or district, the degree, Staff's response to that is, the building is a contributing resource with the Obispo Avenue Historic District. Its removal would irreversibly and negatively impact the historic and architectural significance of the district. So, under that thought, once it's designated part of this then you'll never be able to come in and challenge it or try to do something like they're trying to do with their property. They don't tell you the degree. I went back there and I made this argument to the board. There's approximately 124 houses in this district. How many of those houses have the same architecture that we have? We didn't get into that. How many of these houses will be able to supplement whatever void the demolition of this property does? We didn't get into that. Nobody wants to talk about the exact nature of this property. They just want to say it's historic, you can't touch it. I don't think that was the intent of the Commission when you passed this code and this legislature. This property was also here, back like I told you, for Certificate of Demolition back in 22. It was denied. So, my client found out that there was another criterion, an additional criterion, which is financial hardship that was not argued at the first one. I can tell you that this property has already received two certificates of appropriateness for expansion of the property, one in 2014 and one in 2019. They were going to add like 4,000 square feet to this property. The one in 2014, we don't know, it was never done, it expired. The one in 2019 is very interesting, because they came before the board, the owner at that time, and the board at that time said, we're going to go ahead and table, this we're going to move it to another day, but come back with a structural engineer to see what's going on with this property, this was for an addition. That owner never came back. A few months later, they buy the property. They come to City Hall, they speak with a gentleman by the name of

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Warren, and they confirm that it has been approved for an addition. They buy the property for \$1,025,000 back in October of 2021. A few months later, as they get into trying to do the addition, they find out, hold it, this has some serious issues here which are structural, perhaps that's why they said a structural engineer has to come in and tell us what's going on with this property. They buy it, they find out, now they go, O, oh, to repair it to bring this property up to where it would satisfy the code is going to be \$675,000. Just to repair the floors alone is \$175,000. They've already put a \$1,025,000, which would take \$675,000 to bring it up to code. We have an engineer that goes to the property, and this is part of the presentation. The engineer says whoa, hold it, this property is structurally unsound. You cannot just repair this. This is a danger. This is uninhabitable. Nobody can live there. And I think that's a very important point when you're considering the financial hardship. They have not been able to live in this house since they bought it in 2021. They've been carrying the cost of maintaining it. They paid a million 25,000 to buy the property, they've been paying \$30,000 in taxes for four years, that's \$120,000. The debt service on this property is \$99,000 a year, that's another \$400,000; \$675,000 to repair, so they would have to have about \$2.2 million invested in this property just to bring it up to code. We're talking about a property that is a 2-1, about 1200 square feet. The appraisals that were submitted with the application show that the land is worth about a million dollars and that the structure is about \$25,000, so obviously, it would make no sense to do this. The other problem they're having is, once they tried to see if they could fix the property, the contractors that came out said, wait hold it, we're not going in there. This place is about to fall down. We cannot ensure our safety, our employee safety, so we're not going to do it. So, they're caught between a rock and a hard place, because of this historical district designation that nobody wants to define or that hasn't been defined as of yet. So instead of going into every single criterion, I will tell you that as the first one, instead of giving a degree, staff just gave a conclusion. Instead of analyzing it, they just said, does it do this? - yes it does, but they never explain why that's what the big problem is here. They do admit that this isn't the last of this type of home. They admit that there's other ones here in Coral Gables that have the same architectural importance, which we really don't know what it is. In the record we have the February 24, 2023, Professional Engineer Antonio Canelas, recommended that the repairs necessary to restore the structural integrity of the house would exceed the cost of new construction. Told you about the degree. There are other buildings that are the same type. Again, criteria number three, would the loss of the building adversely affect the historic in architectural integrity of the district? - and they say yes, it will affect it. That's it. There's no other explanation. We submitted and it was shown to the board, plans, and renderings of a substitute structure that would be placed on the property if they were allowed to demolish it. It tries to trace the architectural nature of this property as much as possible, so that it doesn't change the character of the neighborhood. Interesting, the property right next door, this is a corner house, the first property on the side was demolished is being rebuilt and that one was okay. That one's being -- looks like it has two floors, plus a third story terrace, so that neighbor, the immediate neighbor was allowed to do something with their property. Other

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criteria have to do with eminent threat to the to the area or public policy. I would represent to you that this house, there's photographs that are part of the application, has torn floors, broken windows, the roofs you can see out to the sky, is actually a public nuisance. Why it hasn't been declared unsafe, I don't know, and I don't understand, but children have a way of gravitating to places like this. Halloween is a perfect example. They want to go in there and see what's going on. If somebody goes in that property, they are going to get hurt. So, I would argue with you that the best public policy under these circumstances would be to allow the demolition of this property. Again, I think as the Mayor asked during the first hearing on this, what is the importance? - what is the architectural importance of this property? Your own report says it lacks the necessary criteria to be individually designated as historic. So, I would ask you to please allow them to demolish this property. Don't force them to have a property that they can't do anything with, or they have to invest over two million dollars to have a 1,200 square foot home that won't be able to sell for whatever they have invested in it. We'd be happy to answer any questions at the end, but we ask you respectfully for a vote of approval of the Certificate of Appropriateness for demolition.

Mayor Lago: Thank you. Madam City Attorney.

Deputy City Attorney Throckmorton: Thank you. Good morning, Stephanie Throckmorton, Deputy City Attorney on behalf of the Historic Preservation Board. If you all recall about a year or two ago, you on the urging of the Historic Preservation Board requested that our office represent the decision of the Historic Preservation Board to provide you all with a little bit of context. I will go through this presentation very briefly and then address a few of Mr. Mestre's points. So, first thing, as the City Attorney pointed out, what is before you today is not a reconsideration of the designation of the property, it is not a reconsideration of the district. What is before you today is an appeal of the Historic Preservation Board's decision to deny the certificate of appropriateness for demolition. As the City Attorney mentioned, there are three elements only that you should be looking at. It's not a de novo hearing, was there due process, were the essential requirements of law followed and was the decision based on competent substantial evidence. To give you a brief history of the project, Mr. Mestre covered most of this, but I think it's useful to reiterate that the district was created in 2008 and it was noted as a contributing structure. The time to challenge that designation was in 2008. In 2014, there was a Special Certificate of Appropriateness for a large one-story addition. In no way does the Historic Preservation Board or the code require them to keep the house as is or restore it to its current size or condition. In 2019, there was another Special Certificate of Appropriateness for addition and alteration approved. As Mr. Mestre pointed out, it's a large 4,000 square foot addition that was approved. In July 2021, and I just want to correct some of the dates that were mentioned earlier, a revision to that 2019 COA was suggested to the Historic Preservation Board. The reason that there was a discussion about the structural integrity of the home is because the request at the time in July of 2021, was to remove and I'm going to, I'm going to say the words incorrectly because excuse me, I'm not a structural engineer, was because

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there was a roofing that was being done and the framing of the floors, and so, because of that request of the revision that's why there was a request for the structural engineer. It was not a concern about the structural integrity of the property. In December of 2022, there was a request for demolition that was denied by the Historic Preservation Board, and as mentioned before, it was appealed to this body in February of 2023, where that decision was upheld, the decision of the Historic Preservation Board was upheld. Since February of 2023, there have been no applications for new Certificates of Appropriateness for additions or alterations to the property. The only application has been a renewed application for demolition under the financial hardship criteria. As mentioned, that's the Certificate of Appropriateness that's being appealed to you before. To address some of the legal standards, the due process: there was a full hearing held before the Historic Preservation Board in September of 2025. The property owner, his two attorneys were present. There was a full opportunity to cross-examine, present information, and present information. So, I would like to note that according to the Historic Preservation Board there was due process followed. The essential requirements of law. You've already heard them. I just want to highlight them for you. 8107 is the demolition section which refers to section 8115 of the code. As mentioned, there are six criteria for demolition. As Mr. Mestre pointed out, is it the last of its kind, is it a contributing structure, those factors. Those were all considered in 2022 and considered before you and also considered twice by the Historic Preservation Board. What was not considered until this current COA was the financial burden section, which is written for you here. An exceptional financial burden that would amount to the taking of property without just compensation or failure to achieve a feasible economic return in the case of an income producing property. They have not claimed that this is an income producing property for the record. As clarified multiple times by our office and by previous Commissions, the standard for this is a constitutional taking jurisprudence. That was explained to the Historic Preservation Board, it was explained to the property owners during the hearing and I'm happy to explain it to you all again. But essentially, you have to look at whether or not the economic regulation has interfered with the distinct investment-backed expectations, the character of the government action, is this a physical invasion of the property or is this just a regulation. So those are the standards. As mentioned, these are the eight standards for demolition, the degree to which it contributes to the district, the last remaining example of its kind. As mentioned by Mr. Mestre, all of this was considered in the staff report and considered by the Historic Preservation Board. So, I put to you on behalf of the Historic Preservation Board that the essential requirements of law were followed. They applied the correct standards; these are the demolition standards. They also considered the substantial competent evidence and the essential requirements of law for the undue economic hardship prong, which is one of those factors. These are those factors all laid forward here. As Mr. Mestre alluded to, the amount paid for the property, the assessed value, the real estate taxes. I note that the annual debt service was mentioned below and mentioned here, but there was no evidence provided of the annual debt service. All appraisals within the previous two years of purchase of the property were

not provided below. Listings of the property for sale. The property was listed for sale, but not in its current condition, it was presented with plans, and it was noted as a five-bedroom, four-bathroom house, a much larger house than currently exists there. Consideration of profitable adaptive uses. That was not provided. The Historic Preservation Board noted that they have twice approved large additions to the home, so there is clearly profitable adaptive use to be had there. They did provide the appraisals of the property, as Mr. Mestre pointed out. So, there was substantial competent evidence provided by both the property owner and city staff considered by the Historic Preservation Board. The Historic Board found the following, that they rejected the claim of undue economic hardship, because it has not been established that the owner was denied all reasonable beneficial use or return on the property, and they adopted staff's findings, so that's the substantial competent evidence on which they based their decision and they denied the issuance of the Special Certificate of Appropriateness for demolition. Just very briefly, before I turn it over to Anna Pernas, the Historic Preservation Officer, just wanted to address a few points. First of all, as I mentioned the time for reconsideration of the designation of the property is not now, that's not what's before you today. What's before you today is the issuance of a Special Certificate of Appropriateness. Mr. Mestre mentioned that because the property is historic you can't touch it. That's not clear as evidenced by the Historic Preservation Board's twice having issued large Certificates of Appropriateness for additions to the property. The amounts of money to repair the property to code that were mentioned; the property is not required to be restored in its current condition or shape, or size and historic homes often have flexibility with dealing with the current building code. What is before you only is the designation, I mean is the demolition of the property. As mentioned, there have twice been approvals for large additions that would of course be more than the amount of money for the repair and would not require them to keep the home its current size and condition. We have been provided as a city or as the Historic Preservation Board with no evidence about structural safety or integrity issues on the property. If it's an unsafe structure ready to collapse, I'd hope the property owner would report it so that the city can assist in taking action and securing the property. The staff did say in their staff report that this loss would hurt the district, that is the substantial competent evidence on which they base their decision. Mr. Mestre mentioned pictures of the new house. I just want to mention that that was not an official item before the Historic Preservation Board. It was not consideration for a new addition. That was not brought before the board at the time. Only what was brought was the demolition, so there was no full presentation about a new Certificate of Appropriateness for a new addition. I'm not aware of the structure next door, whether or not it was contributing structure in the district. I'll defer to staff on that. If the property is a public nuisance it was purchased as a public nuisance. There's been no work done to the property since 2021, and the property owner is responsible for the current condition of the home. So, if it is a public nuisance, I would hope that they would address that as well. I will turn it over to staff to address any of the details, but I'm happy to answer any questions on behalf of the historic preservation board and what their findings were.

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Historic Preservation Officer: Good morning, Anna Pernas, Preservation Officer. Again, I'm just going to give you a little brief history. I think Stephanie did a good summary of the facts that were presented to the board and before Mr. Mestre and the applicants of the property. A little bit of background on the property. So, 1258 Obispo Avenue. In May 2008, the Obispo Avenue Historic District was listed in the Coral Gables Register of Historic Places. It is a distinct example the 1258 Obispo Avenue is considered a contributing structure within the Obispo Avenue Historic District. It is a distinct example of domestic architecture and recognizes a contributing structure by a GAI consultant, consultation, sorry consultant survey that was completed in 2007. So, this survey was actually done by a third-party company that did a survey of the entire Obispo Historic District. They claimed that the building, as mentioned by Mr. Mestre, was a distinct example of the historic of the domestic architecture and that has undergone minor alterations over the years and retains a high level of historic integrity. The property has extensive lists of approvals from the past, as kind of we've gone through a few different projects, but essentially no work has been done. As mentioned before, the property was purchased by the current property owners in October 2021 for one million two thousand twenty-five thousand dollars (\$1,025,000), as presented before you under sworn testimony by the previous preservation officers. Staff did meet with the applicants prior to their purchase of the property to discuss the applications. The previous applications that were in place of the property, the significance of the property and the condition of the property. There was a structural engineer's report that was submitted that was completed actually prior to the purchase of the property that did state the condition, the existing conditions of the building, and then a following structural engineer's report was completed by Mr. Canelas, who also stated in his report that the property was repairable, but that it would take extensive measures to complete those repairs. If we can go back to the presentation, please. Thank you. So, I have these up for you all to refer back to. So, in addition to all the provisions of the article, the board shall consider the following criteria in evaluating the applications for the Special Certificate of Appropriateness for demolition of designated properties. As mentioned again, number one is the degree to which the building structure and improvement of site contributes to the historic and architectural significance of the historic site or district; the building is a contributing resource within the Obispo Avenue Historic District. Its removal would adversely negatively impact on the historic and architectural significance of the district. To respond to Mr. Maestre's comments, we don't have a degree of which buildings contribute more or less to the district. The buildings are not contributing to a rating system, so we look at it as any historic fabric loss is historic fabric loss that's not that is irreplaceable. Number two, whether the structure, the building structure improvement or site of one of the last remaining examples of its kind in the neighborhood in the country or the region. The building is not one of the last remaining examples of its kind in the neighborhood of the country or the region. Number three, whether the loss of the building structure improvement or site would adversely affect the historic and architectural integrity of the historic site or district. The loss of the building would adversely affect the historic and architectural integrity of the district



and would result in one less contributing structure. Number four, whether the retention of the building structure improvement or site would promote the general welfare of the city by providing an opportunity for study of the local historic, the local history architecture and design, or by developing an understanding of the importance and value of the particular culture and heritage. As the building retains much of its integrity, it provides an opportunity for the study of local history, architecture, and design, and by developing an understanding of the importance and the value of the particular culture and heritage. Number five, whether the architectural plans have been presented to the board for reuse of the property if the proposed demolition were to be carried out, and the appropriateness of said plans to the character of the historic site or district, if applicable, and demonstration as well as the posting of a bond requirement that there would be sufficient funds in place to carry out such plans. The applicant has not provided plans for the reuse of the property as part of this application or future or past applications. So, the board has not reviewed any new construction or addition applications by this applicant but has reviewed others in 2019 and 2014. Number six is whether the building structure, improvement, or site possesses an imminent threat to the public health or safety. I'm going to leave that one a little bit open-ended, because I think per the discussion here today, Mr. Mestre mentioned that is an unsafe structure that has not been reported to the city. So, we may need to look into the conditions of that site. But at the time when this report was completed, the building does not impose an imminent threat to the public health or safety as it has not been determined to be an unsafe structure. Number seven, whether the applicant has demonstrated the retention of the building structure and improvement or site would create an unreasonable or undue economic hardship as described in section 8-115. And I'll go through those items next. Number eight, whether there is a compelling public interest requiring the demolition. So again, that kind of goes back to the comments presented to you before you today about there being a public nuisance, but there's no compelling public interest requiring the demolition as demolition would negatively impact the historic district. In addition to the application today, the applicants are claiming an undue economic hardship. As a minimum, the applicant shall provide at the time of the application with the following information. So, the amount paid for the property, the date of the purchase, and the name of the previous property owners. The property was purchased from Mr. Igor Nunez on October 1, 2021, for a total of \$1,025,000. And the executed seller's documents are provided in your attachments. Number two, the assessed value of the land and the improvements thereon, according to the two most recent Miami-Dade County property assessment records, those were attached. The real estate taxes for the previous two years, the applicant provided the real estate taxes for 2021 and 2022. The annual debt service, as mentioned, no copies were provided.

Deputy City Attorney Throckmorton: Just since we've got just a few seconds left. We went through all of these before, but one thing I just wanted to mention is that the six other characteristics besides the undue economic hardship were considered by the Historic Preservation Board before and

considered by the Commission previously. They were mentioned again, and in the staff report, but what is really before you today is that claim of undue economic hardship.

Mayor Lago: Thank you. Sir? I think you had a few extra minutes for rebuttal.

Mr. Mestre: I would just like to point out that although there have been two approved additions, they haven't been done. They haven't been done for a reason. Prior owners, I'm going to say, wasn't economically feasible. The one thing nobody can change and is uncontroverted is that my clients have not been able to use this property since 2021. They have spent money, time, effort, bringing it before you now for the second time to see if they can make use of their property. It would be unfair to burden them with over \$2 million investment to end up with a house that's 1,100, 1,200 square feet, two bedrooms, one bath. That is our part and, again, I would respectfully ask you to vote in favor of the Certificate of Appropriateness.

Commissioner Lara: Through the Mayor.

Mayor Lago: Thank you. Yes, sir.

Commissioner Lara: So, a question. Thank you for your presentation today. Is it your understanding that all of the issues that you've raised before us here today were previously raised below?

Mr. Mestre: They are all either part of the application or were argued directly to the Board.

Commissioner Lara: But today's proceeding is not de novo, correct?

Mr. Mestre: Correct. Understood.

Commissioner Lara: Would you agree that our hands are tied then to that extent that, you know, just trying to be fair, we sit in a limited capacity with limited oversight and limited jurisdiction to review nothing that's de novo and to see whether there was anything that was, frankly, procedurally improper. Do you have anything that you can tell us today that was procedurally short or improper or not properly afforded an opportunity for you when you argued before?

Mr. Mestre: I would argue that part of what you need to do today is find that they had substantial competent evidence for the findings that they had. And my argument to you is the criteria, your elements, were wrongly applied and not thoroughly studied when they did their examination. For example, the degree your criteria says, the degree that this property not being in the Historic District affects the Historic District. It's not a yes or no. It's a degree. And the reason that that's there is because, again, just because it's part of the Historic District doesn't mean that you can't do something with it. That's why they put this criterion to see where does this property fall into that. Because if we go by staff's argument, that answer will always be yes. It will affect. By definition,

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it's part of the district. We're trying to demolish it. It will affect it. And so, is the same thing with the other criteria. It's not just a matter of does it affects, or will it, will it affect the Historic District? Yes. It's to what extent. And I think very important is that there are other structures that have the same architectural details or importance as this one does. I think that the proper thing would have been there's 124 houses in this district. How many of these are there? I think that's the proper methodology to follow to properly apply the criteria. So, my argument to you is they did not apply the criteria correctly in this case. So that is not part of what they know. That is a review of what actually happened there.

Commissioner Lara: So no, thank you for that. Okay. So, you're asking us, the Commission today, to substitute our judgment for what you believe was an incorrectly reached judgment.

Mr. Mestre: Yes. And I believe that is within your purview.

Mayor Lago: So, Madam Vice Mayor.

Vice Mayor Anderson: I have a few things. I mean, I think, Councilor, I'm a practicing lawyer, I've done appellate work. Arbitrary choices, you know, would, I think, fall within a standard that doesn't comply with substantial competent evidence. I haven't seen that argument. What I have seen, and I want you to also think about this, is not the only historic district we have in our city. We have some magnificent pieces that have been neglected on Hardee Road and have to be remedied. And what we don't want to do is encourage people to neglect properties in order to qualify them for demolition. What I don't see in the record and looking at it from a standard of evidence that should be presented, there's no appraisal. You're relying upon Zillow reports. Zillow report, we'll get through this. Zillow reports are not accurate. I've shopped for homes before, too. It doesn't go inside and looks for anything inside. It assumes a lot of facts. It's an algorithm. That's all it is. You do have the Property Appraiser's Report. I doubt seriously the Property Appraiser went inside this residence. I know the lion's share of the value was the land, and a tiny bit was the house itself. So there appears to be some reflection of that. I don't see where there's an engineering report to support the assertion of the cost. I have no idea what the tax savings would be for historic property, and I don't see any evidence of other options that were considered, like a partial demo, maintain a historic piece. There's zero discussion about that in the record at all. So, as Commissioner Lara said, our hands are tied. There wasn't the effort made, if you want to show the evidence, that there's an undue economic hardship to show the annual debt service, there were no records provided. Appraisals weren't done. Listings of this property for sale in the condition that it's in. Those listings considered the improvements or the new drawings or something else other than this property as it is. Consideration of profitable adaptive reuses was not presented. So, the burden is on the applicant, correct?

Mr. Mestre: Yes, it is.

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Vice Mayor Anderson: Okay. So, I think you see where my vote is heading.

Mayor Lago: So, if I may, I want to reiterate what I said before, the last time that this came before us. I was the only elected official that was here when LaSalle Cleaners came before us, let's wait for our firefighters. So, when LaSalle Cleaners came before us, they came with a negative recommendation from the Historic Board. They were granting the demolition. If you're familiar with that site next to the Davidson property, that property should have been deemed historic, but it was not because it had been touched, and multiple renovations had been done to it. But the historic significance of that property is one of the arguments that I made, should have made that property historic. George Merrick used that building as he worked in the City of Coral Gables and got us to 100 years today. So that property had an important architect, had the founder make it his personal office, is my understanding. I'm going to have our friends here who are well versed in regard to the historic nature of this city more than I am. But that property in itself was significant, was historic, and I think that I was the only vote to preserve it. And we can ask the clerk, Mr. Clerk, if we could find that vote, please.

City Clerk Urquia: Yes, sir.

Mayor Lago: I'd really appreciate it. So, this is what's perplexing to me, and this is why I stay firm on this vote. I have voted to save the Whiteway Lights. I have done many significant things. I have brought properties here to the city. For example, the Fink Studio, to have the Fink Studio purchased from private hands and have the city purchase it. I brought that property forward because I had a broker reach out to me. I was interested in purchasing it myself, but I believe that that property deserved to be in the city's hands, probably the top three most important designs in the city. That was brought to me by a broker who lives in Coco Plum. So, this is very difficult for me, and this is what we have to be very careful, and I'm going to tell you why. You're seeing an aggressive approach at the state level in regard to preemption. Massive. Anybody that denies it, you know, doesn't want to see reality. You're seeing it in regard to our trees, our canopy. Never before in the City of Coral Gables would you have been allowed to cut a tree down on your own property. Now, there are many of those restrictions that have been removed, and the city's hands have been tied. Now you're seeing properties that are in the floodplain, historic properties, be allowed to be demolished. We had one of those major demolitions happen here in Gables Estates by a historically significant home that was designated. Who was the architect, Madam City Attorney, do you remember?

Deputy City Attorney Throckmorton: Alfred Bowning Parker.

Mayor Lago: Alfred Bowning Parker. And so on and so on and so on, and keep going in regard to preemption. This is a property that is not designated historic. Not designated historic. I'm going to repeat that again. Not designated historic. But it is in a contributing historic district. So that's why

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I'm in favor of allowing this, and I continue to be firm, because I believe that something here could be designed that would be appropriate with the neighborhood, that would bring value to the neighborhood, and if you drive by this property, you'll see that the neighboring property, the neighboring property is using every last square inch of the FAR that's allowed to build a pretty large piece of property on their lot. And we can have that confirmed by staff, they can look over the plans, but I'm pretty sure that every last square inch is being used. And I know that many of us have been approached by that owner of that property, and that property was demolished, then a rear house was left vacant for years until they were able to get their ducks in a row, I don't know if the property was sold, I don't know if the property was bought by a developer, or that individual ended up building his dream home on that property. But we were all approached by that individual. So to me, look, I'm in a very tough situation here, because I believe that this property, which is not historic, people have property rights, but they're very thoughtful and very careful about their property rights, and I just cannot, and I cannot tell somebody, hey, your home is not historic, but you're in a historic district, and I can't allow you to move forward when you're advocating to allow these individuals to build their dream home. So, I'm a yes in favor of this, I continue to be a yes, I was a yes before, and I am a yes now, because this is not a historic home. And I think that these individuals should be allowed to build their dream home here in the City of Coral Gables. Commissioner?

Commissioner Fernandez: Thank you, Mr. Mayor. Mr. Mestre, we've known each other for many years, I've always held you in high regard, and I have to agree with the Vice Mayor on this. I just don't see a way where we can approve this. I believe that there are possibilities of remediating some of the issues that this house had prior to the application for demolition being filed. I don't believe that that was done. But as Commissioner Lara asked very prudently, I don't see anything that the Historic Preservation Board has done that would merit us in overturning their decision. So, I just don't see how I can support it. I do believe that there was knowledge of this being in a historic district at the time the home was purchased, so the property owners should have known at the time that this was part of what they would have to go through. And it is a historic district, and I agree with the Historic Preservation Board and with the staff's recommendation that it would affect the district. I drive past this home on a regular basis, and I've seen the condition that it's been for years. I think part of the factors of just seeing what the financial impact would be is also seeing where the property values and properties in this area are, if this house were to properly be restored, I think the value of this property would be there. And I agree with the Vice Mayor; I don't think that Zillow is the best source to get the information on property values. I think Coral Gables in particular always falls outside of Zillow's recommendation on valuation, sometimes as much as 50 or 60 percent, because our property values are as high as they are. So, I cannot support overturning the Historic Preservation Board's decision today.

Commissioner Castro: Through the Mayor,

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Mayor Lago: Yes.

Commissioner Castro: After listening to the Mayor, I concur with a lot of the ideas that he had, but unfortunately, after also reading the transcript, I cannot support this. I'm curious, when was the last time somebody lived in this property?

Mr. Mestre: I know that there's been three sales in the last 10 years, I believe, but I don't have the answer to when somebody lived there last. I just know that my client hasn't lived there.

Commissioner Castro: There were two additions that were approved.

Mr. Mestre: Yes.

Commissioner Castro: Okay. And I believe that if you were to consider some of these and engage in the construction, the comps would definitely match the surrounding properties, and it won't be 1,200 square feet. For that reason, I will not be supporting this.

Mayor Lago: Any further comment from the Commission?

Vice Mayor Anderson: Mayor, I concur with all your concerns about preemption, and I would not be surprised if on contributing properties it is something that the Florida Legislature takes up. And that's something I want the Historic Preservation Board to keep in mind, try to work with this applicant on what can be done with this property, other than the two previously approved ones without the engineering drawing. Is there a piece of this facade that is so important to the historic fabric of the district that it should be preserved while the rest of the home is not? Usually, it's the skin of the home that they declare is historic. So, if we could focus on that and allow this property to proceed rather than be the vacant lot basically that it is, because the concern of the Florida Legislature is housing. And when we are using our historic preservation code to force a particular result without working with applicants to try to find a resolution that could work, this is something that I think the Board should consider versus the alternative that could happen that we don't get to preserve any of these anymore.

Deputy City Attorney Throckmorton: Understood. We'll pass that message along to the Board.

Vice Mayor Anderson: Thank you.

Mayor Lago: So, if I may, thank you, Vice Mayor. So, I think the Vice Mayor hit the nail on the head. You've seen that not only are they concerned about housing, but they're concerned about property rights. And property rights have played a major role from reduction in Homestead Exemption taxes to trees on people's property that we used to have a much larger say in regard to whether a tree could be knocked down or not. Now any arborist report in a neighborhood will get you a tree knocked down. Also discussing issues, again, in regard to property rights, like I

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mentioned before, when would you have ever thought in a city like this that you would knock down an Alfred Browning Parker house of that magnitude, which is in books, is studied in major universities when you talk about architecture. We have an individual who I've had the pleasure of working with in the past, one of the most respected historical architects here in town, and I'm not going to put him up here on the hot lamp, but this is the type of concern when you tell me that a property is not historically designated but happens to be in a historically contributing district, where you end up voting against it. I have voted in favor and against projects in the past. I'm very proud of my historic voting record, but I think that we need to be very, very careful because people have property rights, and whether they're going to do an addition, whether or not, obviously when you have a structure engineer who says that this is an issue, in this case they'd have to knock down, demolish the property, redesign it, build a new exterior with the cost of today's construction, as everyone knows, again, the costs are through the roof, and are they going to be profitable? I hope so. I mean, that's the plan. I mean, you invest in Coral Gables so you can live a City Beautiful lifestyle, but also so that you can have a home that appreciates in value, something that you want to design. So, I'm still going to vote yes, in support of the applicant, but what I want to do, what I want to do is I'd like to put something out to my colleagues. The Vice Mayor talked about the skin, obviously that's the most important thing when you talk about historic preservation. That's why when I bring up an issue like LaSalle Cleaners, and I use it as an example every single time, if that building, which was designed by an important architect, and George Merrick used that building as an office, but exterior portions of the skin were changed, and that was talked about when it was brought before the Commission, I still voted in favor of designation even though the Historic Preservation Board voted for demolition. That property we wish today was around, and the city would have bought it. I tried everything in my power, like I did with the Fink Studio, to purchase that building and have the ability to rehab it and maybe use it as a city-owned property, but it was worth saving due to the history. I want to make sure that we can, we have no other choice, and I don't have the votes of my colleagues in the Commission, I want to see how we can possibly expedite the process, figure out a way that we can help them out in an effort so that they can save that piece of skin or that facade that's required, which by the way, again, has no, is not historically designated. That's what I keep trying to make people understand, it's not historically designated. Let's make the Historic Preservation Board happy, and the Commission happy, and allow them to build their dream home.

Deputy City Attorney Throckmorton: Mayor, I'm sure staff is happy to expedite anything at all possible to get any additions or remodels in front of the Historic Preservation Board at a timely manner.

Mayor Lago: Commissioner.

Commissioner Fernandez: Here's a question. I know that you mentioned that we can send it back to the Historic Preservation Board. Are we able to send it back to the Historic Preservation Board with the instructions to work with the applicant on?

City Attorney Suarez: So, the way the process begins is the applicant would have to file an application for Certificate of Appropriateness proposing what they would want to do, and that's the way the process begins. So, your role today is just to decide whether there was, you know, whether to uphold or override the determination that there was no undue economic hardship and the denial of the demolition permit.

Commissioner Fernandez: Okay. And I guess the other, the second question would be, would our vote to affirm affect their process in any way? In other words, if they have an appetite towards preserving the facade of the residence and working with the Historic Preservation Board to find a solution that would work on the Historic Preservation side, would our, I guess, denial affect their application process? Would it be better for them to just withdraw their appeal and...

City Attorney Suarez: No. So, the Board has already denied their application of undue economic hardship and Certificate of Appropriateness for demolition. They were seeking a total demolition of the property. If they want to submit a Certificate of Appropriateness for a different remodel or a different addition, that will be reviewed anew by staff and then, of course, the Board.

Deputy City Attorney Throckmorton: Commissioner, if in your findings today you want to give direction about expediting, I think that would be appropriate to the Board and staff.

Mayor Lago: I think the key to understanding, if I may, is being in construction, is you have the cost of the land, what they purchase it for, right? You have the taxes, you have the carry at the end of the day, they have a mortgage on the property, I imagine. Then you have the cost to repair the existing facade. I'm not even talking about the additional construction for the addition, obviously, because you're going to have to do an addition, you're not going to live with a 2-1. I mean, maybe they will, but I don't think that's their plan. So, you have a situation where they're well over \$1.5, \$1.6 million just up to this moment. And then you got to talk about the work that's got to be done to repair the existing structure. And then now, from there, you got to move on and then do an entire construction project. You have to design documents, you have got to do the construction to take a property that now your basis is \$1.6 million, and how much are you going to spend on construction? Let's say you build a 5,000-square-foot home, and let's say you spend about \$500 a foot, which is not crazy in Coral Gables standards, okay, let's put \$500 a foot. You're talking about \$2.5 million on top of the almost \$2 million you spent. Are we talking about homes, and I hope and pray that one day it is at that level, homes in that area are selling for \$4.5 million? I don't think they are. I haven't seen that, and I'm involved in real estate also. So, it's a significant cost, and now you got to make a decision. You got to make an investment, and you can easily say, I know what

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the response is going to be of certain people here. Yeah, well, they knew about it. They knew what they were getting themselves into. Also, when they bought the house, you didn't have construction costs spiral out of control like they did in the last four years. I mean, construction costs have doubled, in certain cases tripled, as a result of just the cost of materials, the cost of labor. So, I have a little bit of a different understanding of, yes, we want to hold this building as a historically contributing structure, even though it's not designated. But when you add construction, when you add correcting and holding, as you've had to the last four or five years, I think the cost is just way too much, and you can't get the value out of this property once it's done in regard to a resale. If they go, eventually everybody resells their property.

Deputy City Attorney Throckmorton: Mayor, there were two approved COAs. So, to the extent that the applicant wants to work with staff on bringing back those two approved additions, making alterations to those and bringing those, I think that would be an expedited way to get things done. But I'll defer to staff and the applicant on that.

Mayor Lago: I just wanted to give the reason why I mentioned this is because I wanted to give some reasoning behind my thought process and where, like, when you start adding numbers, you're talking about real, real numbers here. You're talking about someone's money. Someone's money. Somebody made a decision. They said, okay, I want to buy this. They didn't expect to get into all these kinds of situations. They didn't expect for construction costs to spiral out of control like it has. So, I'm pretty sure if you ask the applicant, hey, do you think you're going to be in this situation five years ago, you'd be like, no, I thought I was going to be able to build my house, and I wasn't in this situation. Lawyer fees, all the things that you've had to, you know, basically accept. And again, the last thing I want, and I would hate to have you guys leave here with a bad taste in your mouth and be in a position where you're five and, by the way, everybody here knows that construction costs have overruns, and we're not even adding what the carry would be during that time when you can't even live in your house. So, and you've got to live somewhere else while you're building this house. So, we'd be close to \$5 million on a property that, as we all know, as residents in this community, not many North Gables would be at that point one day, but there's realtors here in front of me that are going to tell you there isn't \$5 million homes in North Gables at the present moment. Madam Vice Mayor?

Vice Mayor Anderson: So, I'm going to, and I see the applicants up there. These are some tough decisions.

Mr. Mestre: He'd like to talk to the Commission.

Vice Mayor Anderson: So, you know, some things for you to think about. 1021 Hardee has been described as a movie set. There's all that's left is the front facade and its side. Everything else is empty inside. And that's a historically designated piece of property, and it's a special piece of

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property because it goes back to the 1920s. It's one of the George Fink designed homes. You have some choices to make. Do you want to go back and supplement the record to continue on the undue hardship route? Or do you want to preserve the essential walls that the Historic Preservation Department wants to do and start anew with a new application, saving, you know, like the front facade? It's your choice.

Mr. Javier Avila: If it were up to me, I'd light it on fire, but that's just me.

Vice Mayor Anderson: You don't want to put that on the record. I understand. These are hard choices. But do you want to supplement the record with an engineering report and proper appraisals?

Mr. Javier Avila: We did. We have that. And we gave them two rounds of appraisals. That's why I came up here to explain. We gave them two rounds of appraisals. Not one, two. The reason why it took so long, and I had a baby, but I've got numerous emails that I'm going to be honest with you. If it wasn't because of my relationship with this city, I could literally scream intentional torturous interference, okay? I've got numerous emails to Historic Preservation that have gone unanswered for weeks and months. Numerous. So, you know, I had to give two rounds of appraisals because the first round I gave expired. So, then I had to give a second round. So, I mean, a lot of this is not pointed at us. There's a lot of delays that have happened on that end, which is why we're in this situation. We're not going off of appraisals from Zillow or Realtor. We're going off real appraisals that we've provided. I've got engineering reports. So, I don't know when we're saying we don't have an engineering report. We have an engineering report. Engineering report states that the property has structural problems. The main problem that we're having is that nobody wants to fix it. I had to beg a gentleman, Atlas Construction, to do me the favor and go out there and take a look at the property. His remarks were, I'm going to give you an estimate, but in my rider, it's going to say that no guarantee. No guarantee. So, you know, it's not that simple. It really is not. A property, I think Mr. Fernandez mentioned about, you know, that if you fix the property, that you can get your, no, you can't. The property's got 1,200 under AC. Properties are selling in that area for \$1,000 a square foot. So, fixing the property and investing all the money into the subfloor and the joist, the roofing, electrical, plumbing, every, you're not going to get your money back. You're not going to get your money back. Look, I've got my realtor right there. He's trying, the only house that man hasn't been able to sell in the Gables. We tried selling it. Only one. Only house that he's listed that hasn't been able to sell.

Mayor Lago: So, if I may add something, Vice Mayor, and I think it's important to put it on the record, to give you an idea. On the golf course, we're going to right now, Mr. Manager, how many square feet are we looking at right now in regard to the golf course renovation of the historic structure? The one that we got a million-dollar grant from the state.

Commissioner Castro: The Gondola.

Mayor Lago: The Gondola building.

City Manager Iglesias: Yeah. The Gondola Building is about 700, 800 square feet.

Mayor Lago: And how much is the budget for that?

City Manager Iglesias: Almost \$1.5 million to \$2 million.

Mayor Lago: So just to put it into context, you have a Gondola Building that's historic, that fell, 700 square feet, and it's \$1.5 million dollars. That's the budget. And these are revised budget estimates, correct?

City Manager Iglesias: Yes, sir.

Mayor Lago: So, this is what we're talking about. And this is why I keep bringing it up. This is what I want people to understand. It's very simple to say, hey, this building is historically significant because it contributes, but it's not designated. When they bought the house five years ago, when they bought the house five years ago, they didn't expect construction costs to be where it's today. I mean, can we all agree on that? I mean, it's obvious.

City Manager Iglesias: That is correct.

Mayor Lago: But the costs have skyrocketed. So, when you look at this situation, this is why my vote hasn't changed. It's, you have 1,100 square feet, you have \$1.6 million dollars right now of accrued purchase, carry, all the, you know, maintenance, all the things that are going to happen. So, taxes. So, at the end of the day, if we're going to vote against these homeowners who are trying to start their life here in the Gables, which I think is a great idea, fine. But let's move forward. If we're going to say that we need to save a facade of a building which is not historic, which is a first for me, by the way, but we're knocking down LaSalle cleaners, we knocked down LaSalle cleaners, which had an important historic architect, and George Merrick used that building, and I know that, I'm looking at my dear friend, you know, it's an important building. And we're not designating that building, we're allowing it to be knocked down because the exterior facade had been remodeled, correct? Is that the appropriate word? Altered. The exterior was altered, so we knocked that building down. Sometimes we have to face the fact that we're talking from both sides of our mouth. And my vote hasn't changed. My vote continues to be the same.

Vice Mayor Anderson: So, Mayor, I do agree with you because it's very difficult to follow the differing interpretations, and that's generous what I'm going to say, that happens from the board and happens from the department. Your presentation said that all appraisals provided within the past two years were not provided.

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Deputy City Attorney Throckmorton: My understanding that that was pre-purchase appraisals? No, that that was not provided. There were appraisals provided.

Mayor Lago: Stop, stop, stop.

Deputy City Attorney Throckmorton: That is correct. There were appraisals provided. If we go back to the presentation, we can note there were current appraisals provided. What was not provided was the item about all appraisals within the previous two years of purchase. They were not provided.

Mayor Lago: But let me ask you a question.

Deputy City Attorney Throckmorton: So, if you'll notice, appraisals within six months, those were provided.

Vice Mayor Anderson: Why is that relevant?

Deputy City Attorney Throckmorton: It's my understanding that that's been a consideration in the code to deal with when you purchase a property before it was designated, perhaps. So, this was already purchased when it was designated, but to the extent that you purchased a property which was then designated, that may be useful information to the board.

Vice Mayor Anderson: That makes no sense.

Mayor Lago: Madam City Attorney, if I may, to agree with the Vice Mayor, that makes no sense. Let me tell you why. Your appraisal, your comp, is your sales price.

Deputy City Attorney Throckmorton: And that was included, Mayor.

Mayor Lago: No, but I'm saying you paid \$1 million.

Deputy City Attorney Throckmorton: Correct.

Mayor Lago: You paid for it. You have the comp. You set the valuation. You bought it.

Deputy City Attorney Throckmorton: I would just note that that was a key determination for the board.

Mayor Lago: But if I may, if I may, and again, I'm going to admit that I didn't catch that. Thanks to the Vice Mayor for catching that. But those are things that to me, you know, again, why is that relevant? I'm giving you, I know we're here supposed to really focus in on one issue, on economic hardship. I gave you the economic hardship. What was the price of construction five years ago versus the price of construction today? And this is a non-historically designated home.

Deputy City Attorney Throckmorton: So, it is designated, Mayor. I just want to clarify for the record. It's not individually designated. But it is designated.

Mayor Lago: But we're really working on words here. And if you're going to tell me that pre-appraisal versus post-appraisal, you're going to hang on that, then I'm going to hang on the property is not designated.

Deputy City Attorney Throckmorton: Mayor, I don't know that the board focused on that as one of the criteria. It is just an element of the packet in the code that is to be provided by the applicant.

Mayor Lago: Okay. Well, I think we've, unless my colleagues have anything else they'd like to add, I know how I'm voting on this issue, and we can move forward.

Vice Mayor Anderson: I'm sorry. I'm a little stuck on this. You know, 38 years of law practice. I know what substantial competent evidence is. I know if there's an arbitrary or capricious choice on one document over another, that tips the scales in the other direction. Why? Why was this in the presentation as not being provided?

Deputy City Attorney Throckmorton: So, again, it was not provided. So, just for the record, it's two appraisals.

Vice Mayor Anderson: Current appraisals.

Deputy City Attorney Throckmorton: That was noted in the presentation and in the packet that it was provided. So, the current appraisals were provided. It was noted in the presentation. It was noted in the staff report that the current appraisals were provided. What was not provided was previous to the purchase property assessment values, previous to the purchase.

Mayor Lago: But if I may.

Deputy City Attorney Throckmorton: And I understand the relevance.

Mayor Lago: But to me that's irrelevant.

Deputy City Attorney Throckmorton: That may not be relevant to you or to the board.

Historic Preservation Officer: Yes. The criteria in the applicant materials come off of the code. So, those items, those one through eight, like we said. So, I think what we're getting caught up in is number five. All appraisals obtained within the previous two years by the property owner applicant in connection with the purchase, financing, or ownership of the property. So, no copies were provided previous to their purchase. As per an email from the property owner, they do not have the appraisal prior to the purchase. Number eight.

Vice Mayor Anderson: No, no. I can read. I have it up in front of me. The problem is this. What is relevant evidence is the only thing that should be presented to us. You can go back and say that the lawn was mowed consistently for the last 50 years. Irrelevant. Appraisals on this property prior to the window of time that we need to analyze undue hardship is irrelevant. So, why are you representing to us as a basis to support your finding that there is no undue hardship irrelevant evidence.

Deputy City Attorney Throckmorton: Vice Mayor, that was included as part of the essential requirements of the law section of the presentation. If you'll note, one of the questions on appeal is whether or not the Historic Preservation Board applied the correct criteria. The criteria are set forth in the code. Those are the eight criteria in the code. It may not have been relevant to the Historic Preservation Board's decision or yours. But when we were looking in the presentation, as you noted, on appeal, one of the items is, was the correct law applied? This is the correct law. It's one of the elements of the presentation. So, it's not meant to imply in any way that they didn't provide evidence that was required. It's just noted that that was one of the elements of the application that was considered by the board, and nothing was provided for that section. That doesn't mean it was relevant and required. It just wasn't provided. And that's one of the requirements of law that they were to follow.

Mayor Lago: So, let me ask you a question. And maybe I misunderstood. I'm not a lawyer. The way that I took it, and tell me for my non-lawyers here, did you not understand that an appraisal was not provided? That's what I understood.

Deputy City Attorney Throckmorton: So, if we can go back to the presentation, I just want to be clear.

Mayor Lago: No, but I want to be clear. And I have the floor. I want to ask a question of my colleagues, not of staff. Did you have the same understanding that an appraisal was not provided?

Vice Mayor Anderson: Correct.

Commissioner Fernandez: I did. And I think that was part of the problem was we kind of rushed through that pertinent part of the presentation.

Mayor Lago: I wouldn't have figured out any of this.

Commissioner Fernandez: No.

Mayor Lago: I'm going to be honest with you.

Deputy City Attorney Throckmorton: So, I'm happy to go.

Mayor Lago: But wait, I'm not done yet. I'm not done yet. Let me finish. Okay, look. What other item did they say was not provided? Remind me.

Deputy City Attorney Throckmorton: I'm happy to go over them again.

Mayor Lago: Wait, wait, wait. A structural report. Mr. Applicant, was a structural report provided by a signed and certified engineer, structural engineer? Yes or no.

Mr. Mestre: There is a report, and it was part of our presentation also, yes.

Mayor Lago: Okay. But hold on. Stop. I also have to clean up the record because I misspoke before and I want to make sure I get this right. And the Clerk kindly corrected me. It's been a lot of years. Mr. Clerk, when was LaSalle Cleaners brought before us? I just want to be clear because I don't want later to somebody say I misspoke.

City Clerk Urquia: 2018.

Mayor Lago: 2018. Give me the seven years so I can't remember everything. It's been a long time. Okay. That structure went before the Historic Preservation Board. They voted against it. It was never brought before the Commission. I put the item on the agenda and said to my colleagues, is there an appetite to bring this back? I think I spoke to the attorney back then and said, guys, this is an important building. You know, the Historic Board doesn't want to designate this because as our City Attorney said, the exterior skin has been altered. And I went through, and I can't remember all the fine points on why I believe that building should have been designated and why, by the way, much to the chagrin of the owner of the property at that point. Remember, Mr. Manager? They were not very happy that I had brought that up in an effort to try to get my colleagues and the Commission to designate that building and then at the end of the day purchase the property like we did with the Fink Studio. So, there's a little bit of confusion here and I wanted to clarify the record on my end and also on what the applicant presented and staff's response. I think it's important. This is on the record. And we are talking about people's lives here who have been for five years dealing with a home that, again, is not designated historic but is a contributing structure. Yes, Madam Vice Mayor.

Vice Mayor Anderson: I don't feel comfortable voting on this record right now. I'd like to spend more time going through this.

Mayor Lago: Okay. Is that a deferral?

Vice Mayor Anderson: I'd ask for a deferral. I have an opportunity to go back through this with a fine-toothed comb because when I'm relying upon a presentation that says they were not provided, all appraisals provided within the past two years not provided, and it's not pointed out that there was other relevant evidence provided, I just don't feel comfortable with this at all at this point.

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Mayor Lago: I don't have an issue with that at all.

Vice Mayor Anderson: These are people's lives at stake. I'd like to go through this record more carefully.

Mayor Lago: Okay.

Commissioner Fernandez: If you move for deferral, I'll second.

Vice Mayor Anderson: Okay. I'll move for deferral.

Mayor Lago: Mr. Clerk, we have a motion and a second.

Vice Mayor Anderson: Yes.

Commissioner Castro: I'm sorry. Can you repeat the motion?

Vice Mayor Rhonda Anderson: Move for deferral.

Commissioner Castro: Before I vote on this. I believe that the transcript, and I went through the transcript, I believe the transcript did say about the appraisal and the engineering. So, I'll go ahead, and I think maybe we need to review the transcript again. It was somewhat extensive. I'll go ahead and say yes to deferral.

Commissioner Fernandez: Yes.

Commissioner Lara: Yes.

Mayor Lago: Let me correct the record again. I did go through the transcript like I've done for the last 13 years. I go through every transcript. I review every single board. I review every single item that comes to the Commission. I don't remember that number one. Maybe they discussed it on the Commission floor. But what I'm going by is by my City Attorney telling me the contrary. And it needs to be flushed out. We need to have a conversation up here and have a real conversation to get to the bottom of it because we are voting on something that will in perpetuity affect somebody. And I think it's appropriate that we do that.

Deputy City Attorney Throckmorton: And, Mayor, if I misspoke, I apologize. I just want to be clear. The presentation was correct. So, I just want to be clear. If I misspoke, I apologize. But the presentation was clear.

Mayor Lago: Madam City Attorney. I just corrected the record that I said I voted on something in regard to LaSalle Cleaners.

Deputy City Attorney Throckmorton: No, I understand.

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Mayor Lago: I also correct the record. We all make mistakes. It's not a problem.

Deputy City Attorney Throckmorton: No, and I want to apologize if I misspoke.

Mayor Lago: You have a much higher batting average than I do in regard to stating things correctly, okay? Don't worry. Don't take offense to it. Yes, please.

City Attorney Suarez: Mayor, sorry. I would suggest that we defer, if possible, to a date certain. Otherwise, we're going to have to re-notice and the applicant will have to mail notice again. So, if we want to do a date, if we want to do November 18th or we want to go to the December meeting?

Vice Mayor Anderson: November 18th.

Mayor Lago: Whatever you prefer.

Commissioner Fernandez: November 18th.

Commissioner Lara: November.

Mayor Lago: What I recommend, a little bit of advice, is that you sit down and you have a conversation not only with staff, but you meet with all the elected officials, and you explain in detail the situation. Okay? That's just my advice. Yes, sir.

Commissioner Fernandez: I think the last couple, not about yours, the last couple of appeals that we've had before us, we've had questions about the criteria. We've had certain items in the criteria that perhaps made sense when they were originally passed and maybe not today. I just wanted to put it out there. Maybe it's time for us to consider a Blue-Ribbon Panel to consider the criteria for historic preservation for appeals to update our criteria and make sure that they're up to date. Obviously, when that was passed, maybe those two years of appraisals were important. They are not to us today. But just something to consider or just giving the Historic Preservation Board the directive to revise the process. I think we talked about it last time. We just never really took action on it.

Mayor Lago: Yes.

City Attorney Suarez: So just to, with respect to that request for information as part of the application for the two years of appraisals prior to purchase, I think that the presentation was just to indicate that that was not information that was part of the record. It hadn't been provided. So, I think that the transcript fleshes out that that wasn't something that the board hinged their decision on. But of course, we can review it, and we can consider all of that at the next meeting. But I just don't want it to be interpreted that somehow, we were saying that was the decisive factor. It was just informational that that had not been provided.

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Commissioner Castro: Through the Mayor. This is a quasi-judicial case. So, I know that the Mayor recommended that you guys come meet with us, specifically me. I would refrain from that exactly because we really shouldn't be having ex parte communications.

Mayor Lago: Madam City Attorney. Madam City Attorney, am I allowed to meet with the applicant?

City Attorney Suarez: Mayor, as you know, our office always says that in ex parte and quasi-judicial matters, you should avoid all ex parte communications.

Mayor Lago: We can meet with them, correct? As long as I put it on the record.

City Attorney Suarez: Actually, our advice is that you avoid those meetings. If it's an inadvertent ex parte communication, then you disclose it if it's inadvertent.

Mayor Lago: My recommendation, and we're now listening to Melissa Castro, is that you meet with anybody you need to meet with because, as you can see by now, you have to get two appraisals as a result of waiting on staff in an effort to get a response. How much was each one of those appraisals?

Mr. Avila: \$500.

Mayor Lago: \$500. That's your money. It shouldn't be the city's money. So, at the end of the day, I want to make sure that we respect your process because you've been through this process for a long time. I apologize for today's endeavors. We will see you at the next Commission meeting. Thank you very much.

Mr. Mestre: Thank you.