

## **CORAL GABLES HISTORIC PRESERVATION BOARD MEETING MINUTES**

**Thursday, May 20, 2010, 4:00 p.m.  
City Commission Chambers  
405 Biltmore Way, Coral Gables, Florida**

### **MEMBERS:**

**J J A S O N D J F M A M**

Dorothy Thomson	P	P	P	P	P	P	P	P	P	E	P
Margaret Rolando	P	P	P	P	P	E	P+	P	E	P	P
Ernesto Santos	P	P	P	P	P	P-	P-	P	P	P	P
Venny Torre	P	E	P	P	P	P	P-	P	P	E	P
Dolly MacIntyre	P	P	P-	P	P	P	P	P	P	P	P
Richard Heisenbottle*		P	P	P	P	P	P	P	E	P	P
Deborah Tackett*										P	P
Gay Bondurant*	P	P	P	P	P	P	P	P	P	P	P

### **APPOINTED BY:**

Mayor Donald D. Slesnick, II  
Vice Mayor William H. Kerdyk, Jr.  
Comm. Maria Anderson  
Comm. Rafael "Ralph" Cabrera, Jr.  
Comm. Wayne "Chip" Withers  
Historic Preservation Board  
City Manager  
City Commission  
City Commission

### **STAFF:**

Kara Kautz, Historic Resources Officer  
Simone Chin, Historic Preservation Administrator  
Betty Perez, Administrative Assistant

**A = Absent**

**P = Present**

**E = Excused**

**\* = New Member**

**^ = Resigned Member**

---

**GUESTS:** J.C. and Waldo Toyos, Lowell Kuvin, Dr. Paul George, Danny Castro, Bruce Brockhouse, Kendell Turner, David Doheny

**RECORDING SECRETARY/PREPARATION OF MINUTES:** Nancy C. Morgan, Coral Gables Services, Inc.

---

The meeting was called to order by Chair Dolly MacIntyre at 4:05 p.m. A quorum was present.

### **DISCLOSURE STATEMENT and DISCLOSURE OF CONTEXT:**

Ms. MacIntyre read for the record the statement regarding lobbyist registration and disclosure. She then stated that if any members of the board had any ex parte communication or contact regarding any cases being heard, it was necessary to disclose such communication or contact. Board members did not indicate that any such communication occurred.

### **MINUTES: MEETING OF APRIL 15, 2010:**

**Mr. Heisenbottle made a motion to approve the minutes of the April 15, 2010 meeting as written. Ms. Bondurant seconded the motion, which passed unanimously by voice vote.**

**DEFERRAL:** Ms. Kautz advised of the deferral of Case File COA (SP) 2010-05, 113 Grand Avenue.

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

**LOCAL HISTORIC DESIGNATION:**

**CASE FILE LHD 2010-01:** Consideration of the local historic designation of the Coral Gables Library, located at **515 University Drive** (also known as 3433 Segovia Street), legally described as all of Block 128, Coral Gables Country Club Section 6, according to the Plat thereof, as recorded in Plat Book 20, Page 1, of the Public Records of Miami-Dade County, Florida.

While conducting a Powerpoint presentation, Ms. Chin relayed the history of the library as an institution as well as a structure, establishing significance at all levels. Ms. Kautz advised that letters in support of designation were received from: Maureen Darmody, Richard Londono, Kendell Turner, Bruce Fitzgerald, Joyce Irving, Vickie S. Meranda, Pamela A. Admire, Louan Zagarino, Kate Taylor, Pamela Franssen, Leslie Rivera, and stated that the designation was initiated by the Coral Gables Library Advisory Board. Ms. Chin concluded by stating that staff recommended approval of the historic designation of the building, including the Kay French Pancoast mural within the building.

Kendell Turner, Vice Chair of the Library Advisory Board, added the Board's and her personal support of the designation.

Ms. MacIntyre invited additional comments from the public. Hearing no requests, she closed the public hearing, after which Ms. Thomson and Ms. Tackett added their support for the designation.

**Ms. Bondurant made a motion to approve the local historic designation of 515 University Drive/3433 Segovia Street, including the Kay French Pancoast mural within the Library building. Ms. Thomson seconded the motion.**

**Roll Call: Ayes: Mr. Torre, Mr. Santos, Ms. Rolando, Ms. Thomson, Mr. Heisenbottle, Ms. Bondurant, Ms. Tackett, Ms. MacIntyre. Nays: None.**

**SPECIAL CERTIFICATE OF APPROPRIATENESS:**

**CASE FILE COA (SP) 2008-19 REVISED:** An application for the issuance of a Special Certificate of Appropriateness for **412-416 Viscaya Avenue**, a contributing structure within the French Normandy Village Historic District, legally described as Lots 11 thru 13 inclusive, Block 6, Coral Gables French Village, according to the Plat thereof, as recorded in Plat Book 29, Page 71, of the Public Records of Miami-Dade County, Florida. The applicant requested design approval for the installation of a solar panel system. The original application was reviewed on October 16, 2008.

Ms. MacIntyre and Ms. Thomson stated their friendships with the property owners. It was determined that recusal was not necessary.

Photographs of the property and roof area were shown by Ms. Kautz as she described the application to install solar panels additional to those previously approved by the Board in October 2008. She noted that the solar panels would not be visible from residences in the French Village or surrounding properties. However, she expressed concern about the method of installation, weight of the panels and whether or not they were designed to withstand hurricane-force winds. As part of the permit approval process, she requested that the City's Structural Engineer investigate those issues and review the permit submittal.

Mr. Brockhouse, project architect, briefly described the proposed application, confirming that the panels would not be visible from any viewpoint.

Mr. Santos discussed the brightness of the panel frames, and Mr. Brockhouse agreed to use black frames if requested.

**Mr. Heisenbottle made a motion to approve issuance of a Special Certificate of Appropriateness for 412-416 Viscaya Avenue. Mr. Santos seconded the motion.**

Mr. Brockhouse said he would investigate black solar panel frames to reduce brightness.

**Roll Call: Ayes: Mr. Santos, Ms. Rolando, Ms. Thomson, Mr. Heisenbottle, Ms. Bondurant, Ms. Tackett, Mr. Torre, Ms. MacIntyre. Nays: None.**

**LOCAL HISTORIC DESIGNATION:**

**CASE FILE LHD 2003-18 REVISED:** Consideration of the removal of the local historic designation of the property at **1044 Coral Way**, legally described as Lot 1 and W 32 FT of Lot 2, Coral Gables Section "A", Block 11, according to the Plat thereof, as recorded in Plat Book 5, Page 102, of the Public Records of Miami-Dade County, Florida. An application to remove the local historic designation was previously denied on June 21, 2007.

Ms. Kautz reviewed materials and research results provided in Board packets as follows:

- The document package submitted by the applicant at the April meeting.
- A copy of staff's consideration of designation report.
- Letters in support of the historic designation.
- Two articles on economic hardship claims.
- Multiple minutes from previous Board meetings that addressed this property and its issues.

During a photographic presentation, she reviewed the property's history, ownership by relatives of the Merrick family, the timeline of events prior to this date, showing the home at the time of designation, at the time of its collapse in May 2006 and the current status of the property as a vacant lot. Details of the property since the April 2004 designation:

- A Certificate of Appropriateness application was received for the construction of an addition, the rehabilitation of the property and the installation of at-grade improvements in July 2004.
- A variance was requested in July 2004 to exceed the maximum allowable floor area.
- The case file was reviewed by the Board, and in January 2005 a motion to approve the design and the variances failed. At the same meeting, the Board passed a motion to waive a one-year waiting period to come back for variances as specified by the zoning code, and that the applicant could return with a refined design.
- No plans were ever re-submitted to the Board by the applicant
- In May 2006, the home collapsed and was cited as an unsafe structure by Code Enforcement.
- The City signed a permit for an emergency fence and the Building Official issued a letter deeming the structure unsafe.
- A Certificate of Appropriateness for demolition was reviewed by the Board in August 2006, and a motion was passed to approve the application pending receipt of additional requested criteria.
- In October 2006, the issue came back to the Board, which passed a motion to allow demolition of the structure with the understanding that as much of the original materials be salvaged as possible to be used in the future and to allow the demolition with the understanding that the original historic building would be re-created unless the Board agreed to a lesser solution when they reviewed further developed plans.
- In December 2006, a special Board meeting was held to revisit the application, to address conditions placed in August 2006 to ensure that those conditions were met prior to the signing and issuance of a demolition permit. The Board accepted that the requirements set forth in the August meeting were met.
- In February 2007 the demolition of the structure was completed.
- In June 2007, COA (SP) 2007-13 was considered for the construction of the new residence and the installation of at-grade improvements. At that meeting, the Board approved the design of the new residence with conditions, and noted that revisions requested by the Board be brought to staff for final approval.
- In August 2007, staff issued a letter granting administrative approval of the changes.

- In the June 2007 meeting, the Board also denied a request from the owner to remove the designation of the property.
- In December 2007, the case file was again revisited when it was discovered that a variance from the zoning code was needed to implement the previously-approved design. The Board granted the variance to allow the proposed residence to exceed the maximum allowable floor square foot area. The Board also granted an extension to the expiration of the approved variance to three years rather than the usual two-year expiration date for variances.

Ms. Kautz stated that the current request was to determine if the property meets designation criteria as a landmark in its current state without the original structure. She said the criteria for property significance was historical and cultural, as well as its association in a significant way with the life and activities of a major historic person important in the past. She explained the absence of a specific process in the City's zoning code for the removal of a historic designation. She researched criteria for landmark de-designation in the National Park Service's National Register of Historic Places, and read processes relevant to this case; however, City standards differ from the National Park Service in that the City has the authority to designate without owner consent. Ms. Kautz added that even though the original residence is no longer on the property, the entire property has historic relevance and significance in the City of Coral Gables based on its history, and concluded with staff's recommendation to deny the application to de-designate the property.

Mr. Kuvin, attorney for property owners J.C and Waldo Toyos, made the following points:

- If the designation remained and the owners were mandated to duplicate the original house, a new, historic-appearing house would be listed as a historical landmark, an unprecedented occurrence in the City.
- He questioned the property meeting the criteria for continued designation as a local historic landmark without its original structure.
- He said the emphasis on the historical features of the house, architecture and construction was central to the designation.
- There was never any type of allegation that the current property owners had anything to do with the property's demise as they owned it for only a short period of time before it collapsed.
- He displayed photographs of neighboring houses to demonstrate the mixture of architectural styles and years built.
- He agreed that the property lost its architectural integrity and significance, but questioned whether it met criteria for withdrawal of designation as a historic landmark according to Title 36, Section 65.9 of the Federal Codified Regulations. He cited B.1 as applying in this case and read the passage for the record.
- The house was built in 1910 and Mr. and Mrs. Toyos purchased it in 2003.
- In its recommendation for designation, the staff report focused on features, style and architectural characteristics of the house as well as the history of the owners.
- The difficulty in obtaining a construction loan and the economic downturn were cited as reasons why the Toyos' plans to proceed with the project stalled.
- The property was owned by Mr. St. Clair (not a Merrick family member) who was married to a Merrick daughter or aunt.
- All of Coral Gables was owned at one time by the Merrick family.
- Coral Gables as a whole is historic, but not designated as such in its entirety.
- No one anticipated the collapse of the house.
- Staff's assertion that no property should ever be de-designated as it would set a dangerous and irreversible precedent in the City is irresponsible and could potentially lead to litigation.

Dr. Paul George, voicing agreement with Mr. Kuvin's remarks, read from the February 18, 2010 staff report where it was stated that the significance of the property remained because of its association with the Merrick family. He argued for de-designating the property, and said the focus of this property was the house, which is gone. He disagreed with the suggestion that the owners replicate the original structure on the property.

Ms. Kautz made the following points:

- The designation report written in 2004 cites not only architectural criteria, but also historical significance and cultural associations. Only one criterion is necessary to designate a property, not all.
- The definition in the zoning code demonstrates a classic example of demolition by neglect, deliberate or inadvertent.

- In January 2005, the owners acknowledged that the house was severely deteriorating and falling apart; however, nothing was done to enhance the structure, shore it up or keep it standing for over a year and a half until it collapsed.
- The owners claimed economic hardship but presented no documentation to support the claim.
- When the Board considered the demolition request after the house collapsed, the demolition was conditioned on design review of the new structure. The Board granted the COA approval and variance for a new property, which was not built.
- To request de-designation of the property after the demolition was granted with the condition that the Board have design review is asking for one thing when receiving another.
- The Board has designated structures conditioned on the replication of certain features which have been lost.
- A previous Board denied the removal of the designation in 2007 without discussion after the owners were granted COA approval for the new design.

Mr. Kuven noted there was no reason for the owners to request de-designation after the variance and COA were approved. Ms. Toyos added that when the COA and variance were approved in 2007, they withdrew the de-designation request and left the room. Ms. Kautz commented that staff's recollection differed and that the Board did take a formal vote.

Ms. Toyos relayed their decision to scale back the first house design as it was too big to get a loan. When they met with the Board of Architects, the new design was denied, and they were advised that if the original house design would not be replicated, it could not be built. Ms. Toyos pleaded for property de-designation so they could proceed with building.

Ongoing discussion comments:

- Mr. Torre voiced concern regarding a two-year lapse between onset of the historic designation process and the collapse of the house. Mr. Toyos described meetings with City officials during the period, including variance issues.
- The City requested historic designation in response to a demolition request submitted by an architect on behalf of the Toyos family prior to their purchase. Designation was initiated based on a potential threat to the property.
- The house was in "horrible" condition when listed for sale. It was obvious that a potential purchaser would know that major improvements or demolition would need to occur if the property were to be habitable.
- The first historical significance letter was issued in September 2003.
- The house was not occupied during the two plus years between designation and collapse.
- When the owners purchased the property, there was no intent to demolish the house. They began working with staff and the Board, and continued the process for a year and a half.
- Ms. Toyos explained that the demolition/significant structural changes form was completed by the architect because she wanted to create an addition (structural change). She "never wanted to demolish the home."
- The first set of design plans generated by the Toyos' architect incorporated parts of the original house. These plans for a 7,000+ square foot house were originally approved by the City and the Board along with variances, after the designation of the property, the collapse of the house, and the removal of the remains of the house.
- The originally-approved house design included a second story.
- The owners were asked to preserve as many materials as possible from the original structure for incorporation in the new structure.
- There was an agreement with the previous City Manager to re-site the house in a more favorable way on the property.
- Mr. Toyos described the house as "rubble" when they were allowed to demolish the remains.
- Changes in the economy prompted the Toyos' to return with a smaller house design.
- The owners want to build a more compact house with a second story, which would not be allowed with the historic designation of the property.
- Mr. Kuven: The Board has the power to de-designate the property, according to Item 3-1112 (a) (1) of the City's Zoning Code, which speaks about demolition/reconstruction of destroyed historic landmarks.
- Assistant City Attorney Alfonsin-Ruiz: In June 2007 a request for de-designation was denied. The decision was not appealed. In December 2006, the Board allowed demolition with conditions, a decision also not appealed.
- New construction would be classified as a new building on a historic site.
- A marker, stating the property's historical significance, should be placed on the property, perhaps with a photograph of the original house.

Hearing no further requests for public comment, Ms. MacIntyre closed the public hearing portion of the application and called for Board input.

Mr. Santos noted that there was an opportunity when the Toyos' original design application was submitted, adding that the Board could have worked with them on details because part of the design was to incorporate the existing structure. He asked the owners why they objected to retaining the designation, and Ms. Toyos cited receiving contradictory guidance from the City through the various processes. Mr. Santos said the Board never asked the owners to replicate the original building, but to generate a design sympathetic to the original house, adding that the site had real economic value as a historic property and cited examples to support his comments. Mr. Toyos relayed their efforts in late 2009 when they submitted new plans, eliminating a second story, widening the house, and generating a house nearly identical to the original. The Board of Architects (BOA) indicated the design was not in keeping with the request of the Historic Preservation Board (HPB). Ms. Kautz said the Toyos' new architect brought the design to the BOA, but did not know the history of the property or HPB hearings.

The consequences of a potential Board denial of de-designation were explained by Ms. Kautz and discussed, including advisory input from Ms. Alfonsin-Ruiz. Discussion and debate continued.

**Mr. Torre made a motion to deny de-designation, and to allow the owners to come back to the Historic Preservation Board, knowing that the Board has to approve the design of the new house (sympathetic to the historic character of the street) because that is the agreement previously granted, with latitude to change the size of the house from that which was previously approved. Mr. Heisenbottle seconded the motion.**

**Roll Call: Ayes: Ms. Rolando, Ms. Thomson, Mr. Heisenbottle, Ms. Bondurant, Ms. Tackett, Mr. Torre, Mr. Santos, Ms. MacIntyre. Nays: None.**

It was agreed that the issue of a historic marker for the property will be discussed at a later date.

**BOARD ITEMS / CITY COMMISSION / CITY PROJECTS UPDATE:**

**Coral Gables Museum:** The Museum will unveil a book created by the Shenandoah Middle School Magnet Program beginning at 6 p.m. this evening.

**Miami Marine Stadium:** Ms. Turner advised that Architects Jorge Hernandez and Hilario Candela would speak in favor of designating the Miami Marine Stadium this evening at the University of Miami.

**Joyce Meyers Letter:** Ms. Kautz sent a letter of appreciation to Ms. Meyers on behalf of the Board.

**Board Vacancy Status:** Ms. Kautz advised that the City Commission was aware of the vacant seat on the Board.

**Ad Valorem Tax Advisory:** Ms. Kautz advised that a County committee was slated to discuss abolishment of ad valorem tax relief for historic properties, but withdrew the issue from its agenda.

**Gulf Oil Spill:** In response to discussion, Ms. Kautz keep the Board notified of any City advisories or actions.

**ADJOURNMENT:** 6:35 p.m.

Respectfully submitted,

Kara N. Kautz  
Historic Preservation Officer