



COA (SP) 2022-034  
December 21, 2022

Historical Resources &  
Cultural Arts

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**STAFF REPORT  
SPECIAL CERTIFICATE OF APPROPRIATENESS REVISION  
FOR THE PROPERTY AT  
1258 OBISPO AVENUE  
A CONTRIBUTING RESOURCE WITHIN  
THE “OBISPO AVENUE HISTORIC DISTRICT”**

**Proposal:** The application requests design approval for the demolition of the existing residence.

**Architect:** VMS Architecture and Development LLC

**Owner:** Javier Avila and Jennifer Ruiz

**Legal Description:** 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.

**Site Characteristics:** This property is located on the southeast corner of the intersection of Obispo Avenue and Madrid Street. The main elevation of the residence faces north onto Obispo Avenue. The property is approximately 100’ wide by 150’ deep.

**BACKGROUND/EXISTING CONDITIONS**

In May of 2008, the “Obispo Avenue Historic District” was listed in the Coral Gables Register of Historic Places. It is comprised of residences abutting Obispo Avenue between Cortez Street on the east and Ferdinand Street on the west. 1258 Obispo Avenue is considered a contributing structure within the “Obispo Avenue Historic District.” The residence, permitted in 1945 (permit #7110), was designed by architect William Merriam. The residence has undergone minor alterations over the years and retains a high level of historic integrity.

In 2014, a Special Certificate of Appropriateness was approved for a large one-story addition to the residence. It was never built, and the COA expired

On November 20, 2019, a Special Certificate of Appropriateness COA(SP) 2019-18 for additions and alterations to the residence and sitework was approved with multiple conditions by the Historic Preservation Board. This proposal was never built.

On July 21, 2021, the Historic Preservation Board reviewed a request for a revision to COA(SP) 2019-18 for the removal and replacement of the roof and floor framing due to their poor condition. A replica of the historic roof was to be built and the floor was to be replaced with a lower concrete slab. The Board made a motion to defer consideration of the revision and suggested that the structural engineer who is familiar with the residence be present and participate in the discussion at the next meeting. The applicant did not return to the Board and the proposal did not proceed.

Staff met with the applicants prior their purchase of the property and explained the prior Board reviews and outcomes.

### **PROPOSAL**

The application, which has been submitted by new owners, requests design approval for the demolition of the existing residence.



Figure 1: Photo ca. 1950s

### **SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

The following Standards have application in this matter:

2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

### **STAFF OBSERVATIONS**

The application requests design approval for the demolition of the existing residence.

Note: the applicant has submitted drawings of the proposed new structure which will be submitted for review if the demolition request is approved. The proposed new house is not for review under this application. The drawings have been submitted only to show that there are current plans to redevelop the site. If the demolition is approved, the drawings for the new house will be reviewed by the Board at a future meeting.

In support of the request, the applicant has stated in the Letter of Intent:

*“The existing conditions are completely uninhabitable and beyond repair. The intent is to remove and rebuild the property with its original exterior shape while adding square footage that will complement the City of Coral Gables.”*

Although not before the Board for review, the proposed plans for the new structure indicate the original exterior shape will not be retained and the entrance to the new house will be on Madrid Street rather than Obispo Avenue.

The applicant has submitted two structural evaluations in support of the existing conditions. Firstly, a structural evaluation report by Felix M. Anton, P.E. dated July 28, 2020, which was prepared for the previous owner prior to the applicant’s purchase of the property. This report, which provides an analysis of the sub-floor wood framing structure and roof wood framing structure, was prepared to support the request for COA (SP) 2019-018 to remove the roof and floor structures. The report notes:

- *Decay/water intrusion damage, termite damage, termite infestation, and aging on numerous wood structural members of both structures.*
- *The damage becomes significant on numerous structural members to the point where their integrity, stability, and load carrying ability have been compromised.*
- *Significant water damage on various structural members of the subfloor framing structure and the roof wood framing structure. The subject water intrusion was observed to be active at various locations.*
- *The subfloor framing structure was not connected to the foundation system of the residence.*
- *Some repair work has been performed to both structures.*

The second report, prepared by Antonio Canelas, P.E. and dated December 3, 2021 (after the applicant’s purchased the property) states:

- *In general the structural shell of the house is in poor conditions. Can be observed water intrusion damage in some roof areas. In many places had been necessary to remove portions of the ceilings.*

- *The house was infested by termites. It was observed in many places traces of termites. For example wood ceiling joists, wood joist or rafters, wood floors planks, wood floor joists, and window and doors wood framings.*
- *As results of the termites infection, the water intrusion and the house aging, the stability and carrying capacity of some structural wood elements were affected and the deterioration can continue increasing.*
- *Some previous wood joists repairs were done there without comply with the minimum code requirements.*
- *The exterior windows are in very bad conditions. The metal frames are rusted and some glass panel broken.*
- *The exterior CMU walls are not braced at ground floor and doesn't have any steel reinforcing.*

#### *Recommendations*

1. *The roofing system and tiles, the roof plywood sheathing, and around the 50% of the roof wood joists, the ceiling wood joists, must be removed and replaced. Also, we strongly recommend to cover the whole house with a tent and fumigate in order to eliminate any possibility of alive termites and avoid any future deterioration of the wood elements.*
2. *The wood floor and subfloor and maybe a significant portion of the wood joists at ground floor need to be replaced, also we recommend to brace the exterior CMU walls to the ground floor wood joists (above the crawl space) w/some connectors, in order to reduce the wall slenderness for lateral wind suction.*
3. *All the exterior windows and doors must be replaced.*

#### *Conclusions*

*It is our opinion, that the costs of the necessities repair works in this property to restore the structural integrity of the house, can be similar to the total cost of a similar new construction.*

From the above reports, it can be determined:

1. The applicants were aware of some of the structural issues prior to purchase.
2. The second report indicates demolition is not necessary as it is possible to repair the existing structure.

When considering a request to demolish a structure within a historic district, the following sections of the Code apply. Staff comments have been provided below each section.

#### ***Section 8-107. Demolition.***

- A. *No permit for demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Article. Denial of such*

*application indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be served. The Historic Preservation Board shall be guided by the criteria contained in subsection (D) below.*

- B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective date. The effective date shall be determined by the Board based upon the significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this Article. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features. After the specified expiration of the deferred Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the appropriate administrative officials.*

If the Board approve the request, Staff recommends the Board impose a deferred effective date to allow time to arrange a possible alternative to demolition.

- C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of buildings or improvements designated as historic landmarks or located in an historic landmark district, the Board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.*

If the Board approves the request, Staff recommends the salvage and preservation of building materials, architectural details, fixtures, and the like for reuse in the restoration of other historic properties and the recording of the structure.

- D. In addition to all other provisions of this Article, the Board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:*

- 1. The degree to which the building, structure, improvement or site contributes to the historic and/or architectural significance of the historic site or district;*

The building is a contributing resource within the Obispo Avenue Historic District. Its removal would irreversibly and negatively impact the historic and architectural significance of the district.

- 2. Whether the building, structure, improvement or site is one of the last remaining examples of its kind in the neighborhood, the county or the region;*

The building is not one of the last remaining examples of its kind in the neighborhood, the county or the region.

3. *Whether the loss of the building, structure, improvement or site would adversely affect the historic and/or 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.

4. *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 local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage;*

As the building retains much of its integrity, it provides an opportunity for study of local history, architecture, and design and by developing an understanding of the importance and value of a particular culture and heritage.

5. *Whether architectural plans have been presented to the Board for the 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 are sufficient funds in place to carry out such plans;*

The applicant has provided plans for the reuse of the property.

6. *Whether the building, structure, improvement or site poses an imminent threat to the public health or safety;*

The building does not pose an imminent threat to the public health or safety as it has not been determined to be an unsafe structure.

7. *Whether the applicant has demonstrated that retention of the building, structure, improvement or site would create an unreasonable or undue economic hardship as described in Section 8-115; and*

The applicant has not submitted the required documentation for the consideration of undue economic hardship.

8. *Whether there is a compelling public interest requiring the demolition.*

There is no compelling public interest requiring the demolition as demolition would negatively impact the historic district and the Canelas report indicates repairs are possible.

- E. *As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation Board may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued.*

If the Board approves the request, Staff recommends no building permit be issued for the demolition until a building permit for the new construction has been issued.

- F. *The owner of the property shall permit access to the subject property for the purpose of inspections and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.*

Staff recommends an exterior and interior inspection of the property by Preservation Staff and the Building Official.

***Section 8-108. Demolition by neglect.***

- A. Demolition by neglect is any failure to comply with the minimum required maintenance standards of this Section, whether deliberate or inadvertent.*

It is the opinion of Staff that the minimum required maintenance standards of this section have not been met.

- B. The owner of any building, structure, landscape feature, improvement, site or portion thereof which has been historically designated pursuant to the Historic Preservation provisions of this Article shall be required to properly maintain and preserve such building or structure in accordance with the standards set forth in the applicable sections of the Florida Building Code, and this Article.*

- 1. It is the intent of this Section to preserve from deliberate or inadvertent neglect, the interior, exterior, structural stability and historic and architectural integrity of any historically designated building, structure, landscape feature, improvement, site or portion thereof. All such properties, building and structures shall be maintained in accordance to minimum maintenance standards, preserved against decay, deterioration and demolition and shall be free from structural defects through prompt and corrective action to any physical defect which jeopardizes the building's historic, architectural and structural integrity; such defects shall include, but not be limited to, the following:*

- a. Deteriorated and decayed facades or façade elements, facades which may structurally fail and collapse entirely or partially;*

The Canelas report states the structural shell of the house is in poor condition. The report further notes that the exterior CMU walls are not braced at ground floor and does not have any steel reinforcing and recommends bracing of the exterior walls to the ground floor wood joists.

- b. Deteriorated or inadequate foundations;*

Neither structural report mentions the foundations.

- c. Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety;*

The structural reports note defective and deteriorated floor supports.

- d. Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;*

The Canelas report states the structural shell of the house is in poor condition. The report further notes that the exterior CMU walls are not braced at ground floor and does not have any steel reinforcing and recommends bracing of the exterior walls to the ground floor wood joists.

- e. *Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;*

Both structural reports note deterioration in the roof structural members.

- f. *Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;*

Both structural reports note water intrusion.

- g. *Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering;*

Both structural reports note water intrusion.

- h. *Any structure which is not properly secured and is accessible to the general public;*

The structure appears to be secure and not accessible to the general public although the Canelas report notes the poor condition of the windows.

- i. *Any fault or defect in the property that renders it structurally unsafe or not properly watertight; and*

Both reports note structural issues and water intrusion; however, the building has not been declared an unsafe structure.

- j. *The spalling of the concrete of any portion of the interior or exterior of the building.*

Neither report indicates concrete spalling.

2. *A City code enforcement official who finds a violation of this Section shall issue a written warning to the violator to immediately correct the violation. If any building, structure, landscape feature, improvement, site, or portion thereof which has been historically designated pursuant to the Historic Preservation provisions, in the opinion of the Historic Preservation Board, or the Historic Preservation Officer in this Article, or the City's Building Official, falls into a state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity, and/or the safety of the public and surrounding structures, the Historic Preservation Officer or the City's Building Official shall have right of entry onto the subject property and may inspect the subject property after forty-eight (48) hours notice to the owner of intent to inspect. In the event the property owner refuses entry of any City official onto the subject property, the City may file an appropriate action to allow such officials access to the subject property for an inspection. The City may require that the property owner retain a professional structural engineer with comprehensive experience with historically designated properties registered in the state, to complete a structural evaluation report to be submitted to the City. Upon receipt of such report, the property owner shall immediately take steps to effect all necessary remedial and corrective actions to restore the structure's or building's*

*compliance with the required minimum maintenance standards herein; remedial action in this regard shall include, but not be limited to, the structural shoring, stabilization and/or restoration of any or all exterior walls, including their original architectural details, interior load bearing walls, columns and beams, roof trusses and framing, the blocking of openings and securing of existing windows and door openings, as well as sealing of the roof surface against leaks, including holes, punctures, mechanical systems, and/or roof penetrations as necessary to preserve the building or structure in good condition. The owner shall substantially complete such remedial and corrective action within thirty (30) days of receipt of the report, or within such time as deemed appropriate by the building official, in consultation with the Historic Preservation Officer. Such time may be extended at the discretion of the City's building official, in consultation with the Historic Preservation Officer.*

Staff recommends an exterior and interior inspection of the property by Preservation Staff and the Building Official.

3. *If the owner of the subject property, in the opinion of the City's Building Official and Historic Preservation Officer, fails to undertake and substantially complete the required remedial and corrective action within the specified time frame, the City may, at the expense of the owner, file an action seeking an injunction ordering the property owner to take the remedial and corrective action to restore the structure or building into compliance with the required minimum maintenance standards herein and seeking civil penalties, such civil action may only be initiated at the discretion of the City Manager or designee. The court shall order an injunction providing such remedies if the City proves that the property owner has violated the required minimum maintenance standards or any portion of this section or this code.*

Staff recommends the existing historic structure is repaired to the required minimum maintenance standards.

4. *Any historically designated building, structure, landscape feature, improvement, site, or portion thereof which requires an application for a certificate of appropriateness for demolition shall not have its architectural features removed, destroyed or modified until the certificate of appropriateness is granted. Owners of such property shall be required to maintain such properties in accordance with all applicable codes up to the time the structure is demolished.*

If the Board approves the request, the above Code requirement shall be enforced.

5. *There shall be no variances, by either the Board of Adjustment or the Historic Preservation Board, from any of the provisions contained in this Section, except if the property owner demonstrates to the Board that the required remedial and corrective action would create an unreasonable or undue hardship as described in Section 8-115.*

No variances have been requested and the applicant has not submitted the required documentation for the consideration of undue economic hardship.

### **VARIANCES**

No variances have been requested with this application.

### **BOARD OF ARCHITECTS**

The applicant submitted the proposed new house to the Board of Architects (BOA) for review; however, the BOA requested the demolition be reviewed by the Historic Preservation Board prior to their consideration of the proposed new house.

### **STAFF CONCLUSION**

The application presented requests design approval for the demolition of the existing residence.

The house is a contributing resource within the Obispo Avenue Historic District. The demolition of any contributing resource will result in a negative and irreversible impact to the district as a contributing resource will be lost.

The applicant submitted two structural reports in support of the request. The Anton report was prepared prior to the applicants' purchase of the property and indicated structural issues with the roof and floor systems. The Canelas report indicates similar issues but also indicates the defects can be repaired.

As noted above, it is the opinion of Staff that the request meets only two of the eight criteria in Section 8-107(D) Demolition of the City Code. Pursuant to this section of the Code, the Board shall consider the criteria.

As further noted above, it is the opinion of Staff that, based on the structural report, the structure suffers from seven of the ten defects in Section 8-108.B.1 Demolition by Neglect of the City Code.

Therefore, based on the above, the demolition is not consistent with Secretary of the Interior's Standards for Rehabilitation as it will result in a negative and irreversible impact on the Obispo Avenue Historic District, the Canelas report indicates the structure can be repaired, and the request is not consistent with the requirements of the Code.

**Therefore, Historical Resources Department Staff recommends the following:**

A motion to **DENY** the design proposal for the demolition of the existing residence for the property at 1258 Obispo Avenue, a contributing resource within 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, and **DENY** the issuance of a Special Certificate of Appropriateness.

Respectfully submitted,



Warren Adams  
Historic Preservation Office