



City of Coral Gables
CITY COMMISSION MEETING
February 5, 2013

ITEM TITLE:

Case File COA (SP) 2012-018

Cascar, LLC (Hall, Lamb & Hall, PA) applicant, has filed the following appeals to the Coral Gables City Commission from decisions of the Historic Preservation Board at its regular meeting of December 20, 2012 regarding the property at 2 Casuarina Concourse, a Local Historic Landmark, legally described as Lot 32, Block "A," Gables Estates Number 2, according to the plat thereof recorded in Plat Book 60 at Page 37 of the public records of Miami-Dade County, Florida:

"The denial of the Applicant's claim that the designation of its residence at 2 Casuarina Concourse, Coral Gables, Florida, as a local historic landmark has created an undue economic hardship."

and

"The denial of the Applicant's application for a Special Certificate of Appropriateness for demolition of the residence at 2 Casuarina Concourse, Coral Gables, Florida."

SUMMARY OF APPEAL:

The Historic Preservation Board at its regular hearing on December 20, 2012 denied the Applicant's claim of undue economic hardship and denied the request for demolition of the residence.

BACKGROUND:

On June 21, 2011, the Historic Preservation Department received an application for historic significance for the subject property and a report by Architect Rafael Portuondo from Allen J. Smith, Esq. of Hall, Lamb and Hall, P.A.

On October 19, 2011 the Historical Resources Department issued a letter advising Mr. Smith that the property at 2 Casuarina Concourse does meet the minimum eligibility criteria for designation as a local historic landmark. The residence was designed by Alfred Browning Parker for R. Kirk and B. Landon and constructed in 1966.

On February 16, 2012, the local historic designation report for the property was presented to the Historic Preservation Board for consideration. At the meeting Andrew C. Hall, Esq. of Hall, Lamb and Hall, PA, representing Cascar, LLC, introduced Architect Rafael Portuondo who spoke against the historic designation of the property. Gay Bondurant, former Chair of the Coral Gables Historic Preservation Board; Jorge Hernandez, Vice-Chair of the National Trust for Historic Preservation, Board of Trustee Member of the Dade Heritage Trust, and a member of the State of Florida Historic Marker Council; and Ellen Uguccioni, former City of Coral Gables Historic Preservation Officer, spoke in favor of designation. After discussion, the Historic Preservation Board unanimously (8-0) approved the local historic designation of the property based on its historical, cultural and architectural significance and its exceptional importance.

On March 27, 2012, Cascar, LLC (Hall, Lamb & Hall, PA) applicant, filed an appeal to the Coral Gables City Commission from the decision of the Historic Preservation Board at its regular meeting of February 16, 2012 to designate as a Local Historic Landmark the property at 2 Casuarina Concourse, legally described as Lot 32, Block "A," Gables Estates Number 2, according to the plat thereof recorded in Plat Book 60 at Page 37 of the public records of Miami-Dade County, Florida. The City Commission denied the request, upholding the Historic Preservation Board's decision per Resolution 2012-66.

On December 20, 2012, an application for a Special Certificate of Appropriateness was presented to the Historic Preservation Board. The applicant was requesting the demolition of the residence at 2 Casuarina

Concourse and was claiming undue economic hardship. After discussion of the application, the following motions were made and approved by the Board:

ECONOMIC HARDSHIP:

- 1.) A Motion to adopt Staff's findings and Report, and to find that the Applicant has not demonstrated that the denial of Special Certificate of Appropriateness for demolition of the property would cause an exceptional financial burden such that it would amount to a taking of property without just compensation under the standard outlined by the U.S. Supreme Court in *Penn Central Transp. Corp. v. New York City*. (6 Ayes, 1 Nay, 2 Absent)

AND

DEMOLITION/SPECIAL CERTIFICATE OF APPROPRIATENESS:

- 2.) A Motion to find that the Applicant has not met the required criteria outlined in Section 3-1107 (D) of the Coral Gables Zoning Code for issuance of a Special Certificate of Appropriateness for demolition. (6 Ayes, 1 Nay, 2 Absent)

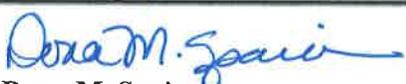
ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

| Date | Board/Committee | Recommendation |
|------------|-----------------------------|---|
| 02/16/2012 | Historic Preservation Board | Designated the property as a local historic landmark |
| 03/27/2012 | City Commission | Resolution 2012-66 – denied Applicants appeal and affirmed decision of the Historic Preservation Board. |
| 12/20/2012 | Historic Preservation Board | Applicant requested approval for demolition of the residence and claimed economic hardship. The Board denied the request for demolition and found that the applicant has not demonstrated that the denial of Special COA for demolition of the property would cause an exceptional financial burden such that it would amount to a taking of property without just compensation under the standard outlined by the U.S. Supreme Court in <i>Penn Central Transp. Corp. v. New York City</i> . |

PUBLIC NOTIFICATION(S):

| Date | |
|------------|---|
| 12/07/2012 | Notice of Public Hearing mailed to 1,000 foot radius of property. |
| 12/07/2012 | Daily Business Review |

APPROVED BY:

| Department Director | City Attorney | City Manager |
|--|--|---|
|  Dona M. Spain Historic Preservation Officer |  Craig E. Leen City Attorney |  Patrick G. Salerno City Manager |

ATTACHMENT(S):

1. HPB Minutes December 20, 2012 Excerpts
2. HPB – 12-20-12 – Verbatim Excerpt COA(SP) 2012-18
3. Memo to HPB Dec 18, 2012 from Dona Spain with the following attachments:
 - a. COA(SP)2012-18 Staff Report
 - b. Waranker & Rosen Appraisal Review
 - c. "Providing for Economic Hardship Relief in the Regulation of Historic Properties" by Julia Miller, Preservation Law Reporter article
 - d. "Assessing Economic Hardship Claims Under Historic Preservation Ordinances" Preservation Law Reporter Educational Material

- e. Letter from Barbara Mattick, Ph.D., Deputy State Historic Preservation Survey & Registration, Florida Department of State, stating that the property is eligible for listing in the National Register of Historic Places
- f. Kalorama Heights Limited Partnership v District of Columbia Department of Consumer and Regulatory Affairs
- g. Email of support from Arva Moore Parks, Historian
- h. Preservation Magazine article examples of how to market historic properties (6)
- i. Penn Central Transportation Co. v City of New York U.S.N.Y., 1978
- j. City of Pittsburgh v Weinbert, 544 pa. 286 (1996)
- k. "Economic Impacts of Historic Preservation in Florida, update 2010
- l. Article 3 – Division 11 of the Zoning Code as it pertains to the Historic Preservation Department
4. Local Historic Designation Package from February 16, 2012 attachments:
 - a. LHD2011-04 Report
 - b. Plans and surveys of property
 - c. Historical Significance Letter Dated October 19, 2011
 - d. Allen J. Smith Esq. Letter Dated June 21, 2011
 - e. Photos
 - f. Report by Rafael Portuondo, Architect
 - g. *The Villagers' Book of Outstanding Homes of Miami*
 - h. Randolph C. Henning, Author of *The Architecture of Alfred Browning Parker Miami's Maverick Modernist*
 - i. National Register Bulletin Guidelines for Evaluating & Nominating Properties that Have Achieved Significance Within the Past Fifty Years
 - j. Property Owner Cascar, LLL's Report Dated February 16, 2012
 - k. Miami Dade County Historic Preservation Board Resolution in Support of the Local Designation of the Property
 - l. Letters in Support of Designation:
 - Randolph C. Henning, Architect, Author of *The Architecture of Alfred Browning Parker: Miami's Maverick Modernist*
 - Quentin Parker, Architect, Alfred Browning Parker's son
 - Robin Parker, Architect, Alfred Browning Parker's son
 - Sonia Chao, Architect, Director of the Center for Urban & Community Design, University of Miami School of Architecture
 - Arva Moore Parks, Historian
 - Allan Shulman, Architect, Author of *Miami Modern Metropolis: Mid-Century Architecture and Urbanism in the Tropics*
 - m. Letter Against Designation from Milton Wallace
 - n. HPB February 16, 2012 Power Point Presentation
 - o. Verbatim Transcript Historic Preservation Board February 16, 2012 Minutes
 - p. Historic Preservation Board February 16, 2012 Minutes
 - q. Historic Preservation Board Resolution No. HPR168-LHD2011-04
5. Letter of Support from Martha Kohen, Architect, Professor, University of Florida School of Architecture
6. Memo from Deputy City Attorney reference "Explanation of Takings Jurisprudence in the Context of Historic Preservation, Due Process Considerations, and the Bert J. Harris Act" dated December 12, 2012
7. Packet distributed at the December 20, 2012 Historic Preservation Board meeting by Gallaher and Birch Inc.:
 - a. Appraisal documents
 - b. Gables Estates Land Sales
 - c. Vacant Land Searches
 - d. #12016 Excel – Searches
 - e. Historic Homes Information
 - f. Gables Estates Aerial
 - g. HPACH List of Landmarks in CG
 - h. South Grove Map
 - i. Survey
 - j. ABP Homes
 - k. 2 Casuarina Concourse
8. Memo to HPB from Dona Spain dated December 14, 2012
9. COA(SP) 2012-018 – Letter of Intent from Allen Smith, Esq.
10. Cascar, LLC – Claim for Undue Economic Hardship package