

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-1**  
**February 28, 2023**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Vince Lago**

**Vice Mayor Michael Mena**

**Commissioner Rhonda Anderson**

**Commissioner James Cason**

**Commissioner Kirk Menendez**

**City Staff**

**City Attorney, Cristina Suárez**

**City Manager, Peter Iglesias**

**City Clerk, Billy Urquia**

**Historical Resources & Cultural Arts Director, Warren Adams**

**Assistant City Attorney, Gus Ceballos**

**Public Speaker(s)**

**Javier Avila**

**Javier (UNKNOWN)**

**Maria Cruz**

**Karelia Carbonell**

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**Agenda Item F-1 [10:15 a.m.]**

An appeal to the City of Coral Gables City Commission from the decision of the Historic Preservation Board on December 21, 2022, for a Special Certificate of Appropriateness application requesting approval for the demolition of the existing residents at the property located 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, Page 13 of the Public Records of Miami-Dade County, Florida.

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Mayor Lago: Moving on now, we have a time certain item at 10 o'clock. Agenda Item F-1.

City Attorney Suárez: Mayor, Item F-1 is an appeal to the City of Coral Gables City Commission from the decision of the Historic Preservation Board on December 21, 2022 for a Special Certificate of Appropriateness application requesting approval for the demolition of the existing residence at the property located 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, Page 13 of the public records of Miami-Dade County, Florida. Mayor, given that this is an appeal, if you will allow me just to give some explanation.

Mayor Lago: Of course.

City Attorney Suárez: This is a quasi-judicial item. 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. This is an appeal based only on the record. The Commission's role is to determine whether the Code was followed and whether competent, substantial evidence supported the decision of the Historic Preservation Board and denying the request for demolition. After the City Commission's review, the City Commission has four options as provided in the Zoning Code. The City Commission can affirm the decision of the Historic Preservation Board, which in this case, denied the Certificate of Appropriateness requesting demolition. 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, which in this case would mean the Certificate of Appropriateness is granted and the property can be demolished, or the City Commission can remand for further proceedings to the Historic Preservation Board. The Mayor, as Chair of the City Commission, with me as parliamentarian, have issued a procedural order that was provided in advance to the Commission and to the parties. You also have a copy before you,

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Commissioners. Pursuant to that procedural order, the appellant will be allowed 15 minutes for presentation, which shall be limited to the record before the Historic Preservation Board. Next, the Historic Preservation staff will be allowed 15 minutes for its presentation, which will also be limited to the record below. Next, there will be time for questions by members of the City Commission to staff or the parties, and then public comment will be allowed but will be limited to two minutes per speaker. Because the review of this appeal is not de novo, public comments shall not be considered testimony in this case. Finally, there will be additional time for questions and discussion by members of the City Commission. Because this is a quasi-judicial item, I need to ask if there are any ex parte communications that a member of the City Commission needs to disclose.

Vice Mayor Mena: We received -- or I received at least a handful of emails. I didn't respond to any, but there were just one-way communications for or against. I'm happy to have the City Clerk, you know, pull them for my emails.

City Attorney Suárez: Yeah. They should be provided to the Clerk and put on the record.

Vice Mayor Mena: Sure.

Commissioner Anderson: Similarly, I received emails. Aside from saying, "Thank you for your email..."

Commissioner Cason: Same thing.

Commissioner Anderson: There was no other public comment.

Commissioner Cason: Same thing with no response.

Mayor Lago: Same thing.

Commissioner Menendez: Same thing, and I think I also have a letter with regards to the topic that I received in my office today.

City Attorney Suárez: So, if you could please provide that to the Clerk so it could be added to the record.

Commissioner Anderson: I think we all received the same letter.

Commissioner Cason: Same letter.

Mayor Lago: Yeah, they were copied on it.

Vice Mayor Mena: Yeah.

Mayor Lago: They were copied on it. I mean, I have -- for example, we got one right here which was sent to the...

Commissioner Anderson: There's a...

Mayor Lago: Clerk from Brett Gillis.

Commissioner Anderson: Yeah, and there's an email.

Mayor Lago: It was an email, excuse me.

Mayor Lago: And if the owner would like to see it, that should be provided -- a copy should be provided to the appellant.

Commissioner Anderson: I have an extra copy here.

City Attorney Suárez: Otherwise, Mayor, we can proceed with the presentations.

Mayor Lago: Okay.

Javier Avila: May I ask who is this letter from? Oh, Historic Preservation, okay.

Mayor Lago: No, no, no. He's...

Commissioner Anderson: Mr. Gillis.

Mayor Lago: He's a resident in the City who wrote us an email.

Mr. Avila: Well, good morning, everyone. My wife and I recently -- not recently, in September of 2021, we purchased this property on 1258 Obispo Avenue. The previous owner, Igor Nunez, had some preliminary plans pre-approved for the home for an addition to be added to the home, and prior to the purchase of the home, I went, and I sat with Warren Adams because I wanted to make some, you know, simple changes to the home regarding colonials, regarding sliding glass doors in the back. And you know, him and I came to an agreement on all of that, and then we revised the design, and that's the design that you guys are going to see today. Unfortunately, during the process, I started seeing certain issues with the home that, you know, I wasn't too sure, you know, if the structural integrity of the home was, you know, sound. I reached out to Igor, which was the previous owners, and he says, "Look, the house has some structural problems," and then he later on presents me with a report from an engineer that he had that said that the house had some issues, and I think you guys might have that report as well. I went ahead then after and I got my own engineering report, and my engineering report confirmed beyond what his report said that the house had substantial structural issues, and he just was not sure that the issues that the structural problems that the house had could actually even be repaired. I'm not a structural guy; I do

windows. That's my specialty. I do a lot of windows here in Coral Gables, but structural, that's not -- that's not me. So, his name is also Javier. Javier has been in the construction industry for over 30 years, extremely knowledgeable. So, I brought him on board. He's actually going to be our GC that's going to be doing the home, and I've asked him to help me see if it truly is possible to repair the existing home. I am going to leave that part up to him.

Unidentified Speaker: Good morning. Working off the...

City Attorney Suárez: I just want to interject for a moment. Sir, I believe you were not at the Historic Preservation Board meeting.

Unidentified Speaker: I was not.

City Attorney Suárez: So, this -- you know, he's -- we're allowing the appellant to present, but again, to the extent he goes beyond whatever the record showed at the Historic Preservation Board, it should not be considered because no new evidence is allowed at this stage.

Unidentified Speaker: Yeah, my testimony is more towards the practicality because we have a report from the structural engineer as far as, you know, the state of the property. Working off the denial, we did try to take other contractors out there, structural contractors, and see to what degree we could repair the property. Nobody -- out of the four contractors that I've taken out there to look at it, structurally, nobody's even willing to touch it, much less give me a price. The issue is that the CMU walls are not reinforced from, you know, the original construction. The state that it's been maintained that has pretty much accelerated any deficiencies in the construction. At this point, it's just not feasible really to reinforce all of the walls, reinforce the slab, everything that the property initially had, and the lack of maintenance over time, the water intrusion has pretty much ruined any structural components of the project. Like I was telling Javier, whether the report -- the report indicates that there's a lot of damage. It's not indicating whether it can or cannot be replaced. At this point, I've gone out there with various subcontractors, looked at the property

over the last, you know, few months, and again, nobody is even willing to touch the house for the work, much less give us a price. So, that's what the -- after the denial, that's what we've been working on.

Mayor Lago: Okay, thank you.

Mr. Avila: You guys have any questions for me?

Vice Mayor Mena: We may. I think let's hear from everybody, and then...

Mayor Lago: Come back.

Vice Mayor Mena: When we discuss it, we'll let you know.

Unidentified Speaker: Thank you.

Vice Mayor Mena: Thank you.

Mayor Lago: Warren, how are you, sir? Good morning.

Historical Resources & Cultural Arts Director Adams: Good morning. I believe I need to be sworn in.

Mayor Lago: No.

City Attorney Suárez: No. This is not -- there's no new testimony here.

Historical Resources & Cultural Arts Director Adams: Okay.

City Attorney Suárez: It's just a presentation.

Historical Resources & Cultural Arts Director Adams: Okay. Can I have the PowerPoint presentation, please? The property is located on the southeast corner of Obispo Avenue and Madrid Street. The historic district was -- the Obispo Avenue Historic District was created in 2008. 1250 Obispo Avenue is a contributing structure within the district. The residence was permitted in 1945, was designed by architect, William Merriam, and has undergone minor alterations over the years and retains a high level of historic integrity. This is a 1940s photo of the house. This is the house as it currently exists today. Apart from the roof, there's really not been any substantial changes to the property. And as you can see, to the rear of the property, there is a substantial yard which would accommodate a significantly large addition. So, about the timeline here on this property, in 2004, a Special Certificate of Appropriateness was approved for a large one-story addition. This was never built. The property was sold. In 2019, a Special COA for additions and alterations and site work was approved with conditions. Just after this application was submitted in 2021, the Historic Preservation Board was asked to review a revision to the 2019 approval for removal and replacement of the roof and the floor framing due to the poor condition and other -- some of the wooden structural elements. The Board made the motion to defer and requested a structural engineer come to the next meeting to explain the condition of the property. Historic preservation -- this work was never carried out and the property was put on the market yet again. So, Historic Preservation staff met with the current applicants prior to the purchase of the home in 2021. We explained the previous Board approvals and decisions and the structure's contributing status, what that entails, what is a contributing structure, what can, and can't you do to it, what would be supported, what would not be supported. At that time, the applicant discussed building an addition and had plans prepared showing a proposed edition, which we assumed would go forward to the Preservation Board. In 2022, the applicant submitted an application for demolition of the existing residence and construction of a brand-new home. The application was denied by the Board, 9 to 0, on December the 21st, 2022. Now, as part of the application to demolish the structure, the applicant submitted two structural evaluations in support of the request: firstly, a report by Felix M. Anton, dated July 28, 2020, which was prepared for the prior owner,



which was prior to the applicant's purchase of the property. And it provided an analysis of the subfloor wood framing structure and the wood framing structures. It notices decay, water intrusion, termite damage. The damage becomes significant when you (INAUDIBLE) to the point where integrity and stability and load carrying ability have been compromised. Significant water damage and the subfloor framing structure was not connected to the foundation system. Some repair work had been performed on both structures. The second report, prepared after the applicant purchased the property by Antonio Canelas, states very similar things. In general, the structure and shell of the house is in poor condition; water intrusion, termite intrusion. As a result of the termites and water intrusion, and aging, the stability and carrying capacity of some of the structural wood elements -- this is wooden elements -- were affected. Some previous wood joist repairs were done. The exterior windows are in poor condition, and the exterior con -- CMU walls are not braced at ground level and don't have steel reinforcing. This report then went on to make recommendations. The roofing system and tiles, the sheathing, around 50 percent of the roof wood joists, the ceiling joists must be removed and replaced, recommending termite treatment for the house. The wood floor and subfloor -- maybe a significant portion of the wood joists need to be replaced and recommend bracing the exterior CMU walls to the ground floor wood joists with some connectors. All the exterior windows and doors must be replaced, all perfectly appropriate historic preservation work. The conclusion of this report said, "It is our opinion that the costs of the necessary 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." This engineer report clearly states the property can be repaired. It doesn't say it has to be torn down, doesn't say it's a dangerous structure. We also have to bear in -- so, from that, we have -- the app -- we met with the applicant prior to purchase of the property. And one of the engineers' reports -- or the most recent report clearly states the property can be repaired. Also, to be considered by the Board, the Section 8-107(D) of the Code, in addition to all other provisions of this Article, the Board shall consider the following criteria in evaluation applications for demolition: So, number one, in addition to all other provisions of this Article, number one, the degree to which the building structure improvement or site contributes to the historic and architectural significance of the district. The building is a contributing resource within the Historic District and its removal would irreversibly

and negatively impact the historic and architectural significance of the district. The second one, whether the building, structure, or improvement or site is one of the last remaining examples of its kind. This building is not one of the last remaining examples of its kind, but every property is unique.

Mayor Lago: So, can I ask you -- may I ask you a quick question? You said every property is unique. What would you say makes this property -- again, I'm not a person who is -- I think Mr. Gillis referred to himself as a historian, as a preservationist.

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

Mayor Lago: But let me give -- let me just give you -- just so I can give some more credence to my statement and to my question. So, when LaSalle Cleaners was being discussed for preservation, I voted in favor of preserving it. I wanted it to be preserved. The building was demolished, which I wish we wouldn't have demolished that building. I wish we would have bought that building, one form or another. We tried, which obviously, at that point, we had too many projects going on and we couldn't afford to buy it at that point. That project was -- supposedly from my understanding -- was changed over time so extensively and it had a lot of damage to it that staff, I think, said it's not worth saving at that point. That property had a real significant history that was tapped in with George Merrick, and I can't remember who -- which actual architect was responsible for the design of that structure. But when you look at a building like this and you said the word "unique," so what makes this property unique so I can be educated and understand what is so unique about this property.

Historical Resources & Cultural Arts Director Adams: You have to remember that there are two -- there are three ways to actually designate a property. Number one is individually designated. It must meet one of several criteria.

Mayor Lago: Property individually designated.

Historical Resources & Cultural Arts Director Adams: This property is not individually designated.

Mayor Lago: But this -- but -- can I just say one thing? May I? Again, a lot of misinformation that's been going out...

Historical Resources & Cultural Arts Director Adams: Yeah.

Mayor Lago: Saying this property is individually designated. It's not individually designated.

Historical Resources & Cultural Arts Director Adams: No.

Mayor Lago: Correct?

Historical Resources & Cultural Arts Director Adams: Correct.

Mayor Lago: Okay, I just want to...

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

Mayor Lago: Make sure because I've gotten a lot of emails...

Historical Resources & Cultural Arts Director Adams: Yeah.

Mayor Lago: And people have -- you know, and people say, and then they talk about it, and they -- the ball spreads very quickly.

Historical Resources & Cultural Arts Director Adams: Yeah.

Mayor Lago: So, it's not...

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

Mayor Lago: Individually designated, okay.

Historical Resources & Cultural Arts Director Adams: This property is a contributing structure within a historic district.

Mayor Lago: Okay.

Historical Resources & Cultural Arts Director Adams: It's treated exactly the same way as an individually designated historic building that can stand over the loss of contributing structures within historic districts. As over time, if this continues to happen, the district then starts losing its architectural and historic character, the streetscape starts changing, and ultimately, what makes that district significant is gradually eroded away, which is why the contributing structures in historic districts are the ones that we certainly should be preserved.

Commissioner Cason: How many homes in this district?

City Attorney Suárez: Mayor, if I can interrupt. We did have a procedural order that provided for questions after the presentation. I don't know if you want to go back to that order.

Mayor Lago: Okay. I mean, I don't...

City Attorney Suárez: Just to keep the sequence.

Commissioner Cason: That's fine.

Mayor Lago: You know, as a matter of fact, I'm not going to do that.

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

Mayor Lago: I'm going to ask -- I'd like to have my question answered, which is what makes this property unique. Because that word was used, and it caught me. What makes this property unique and stand out?

Historical Resources & Cultural Arts Director Adams: A property doesn't have to be unique to be significant. This particular property contributes to the character of the historic district. The period of significance in the district is 1921 to 1958, which doesn't mean to say every structure built within that period would be classed as contributing. Properties could have been significantly altered within that time, in which case, those properties would not be contributing. They would be non-contributing. This district has seemed to encompass Merrick's early formulation of real estate design and planning of Coral Gables, the Florida land boom, and the post-World War II housing boom. The particular design is a minimal traditional type house. These are plainer than the Mediterranean Revival style homes. And these were built in response to the Housing Act of 1934. They were intended to encourage homeownership, make mortgages more accessible and affordable, and reduce the foreclosure rates. So, this is a specific tile of -- a specific style of architecture, within a specific period of time, within a specific neighborhood, which is unaltered. And the bottom line is that this district was designated in 2008 after an extensive survey by an outside team, and those results were taken to the Historic Preservation Board for review and for final approval. So, this is determined to be a contributing structure within that neighborhood. So, these are the criteria again that the Board must consider. Whether the loss -- number three, whether the loss of the building would adversely affect the historic and/or architectural integrity of the historic site or district. Well, the loss of the building would adversely affect the historic and architectural integrity because it would be one less contributing structure, and if the site is redeveloped, one more non-contributing structure. Number four, whether retention of the building

would promote the general welfare of the City by providing an opportunity for study of local history, architecture, or design, and an understanding of the importance and value of a particular culture and heritage. As the building retains its integrity, it does provide an opportunity for study of history and architecture. It has not been significantly altered, apart from the roof, so therefore, you can tell the design intent of that property because of the few alterations. Number five, whether architectural plans have been presented to the Board for the reuse of the property. Any time someone wishes to demolish a building, we'll like to see the plans of what is the applicant proposing to put there. So, the applicant did provide plans for the reuse of the property. The Board did not review them. The applicant was purely there to apply for the demolition, but he had the plans just to show I have met that criteria. Number 6, whether the building poses an imminent threat to the public health or safety. The building does not. It has not been determined to be an unsafe structure. If this were determined to be an unsafe structure, we may be going down the road of demolition by neglect, in other words, leave a building to decay, don't maintain it, then you're leaving yourself open to the possibility of the City pursuing demolition by neglect. Number seven, whether the applicant has demonstrated retention of the building would create an unreasonable or undue economic hardship as per Section 8-115 of the Code. The applicant submitted none of the required documentation, therefore, a request of economic hardship was not submitted and was not considered. Number eight, whether there's a compelling public interest requiring the demolition. There's no compelling public interest as the demolition would negatively impact a historic district. There are many other residents in that district who wish the district character and integrity to be retained, and the Canelas report indicates the repairs are possible. So, in conclusion, the house is a contributing resource within the Obispo Avenue Historic District. The application is not consistent with the Secretary of the Interior standards for rehabilitation, as the demolition will result in a negative, and most importantly, irreversible impact to the district due to the loss of a contributing resource. Staff met with the applicants prior to the purchase of the property to explain its contributing status, what this entails, and the outcomes of the previous applications. You know, there are a lot of properties for sale in Coral Gables. Buy a vacant lot. Don't buy in a historic district or buy a non-contributing building in a historic district. But what we are seeing is, you can't really be advised of the process to go ahead and buy a contributing

building and then come in to try and tear it down. It is not what the City wants to encourage, or certainly, staff. The application submitted two structural reports in support of the request. The Anton report was prepared prior to the applicant's purchase of the property and indicated structural issues with the roof and floor systems, the wood elements, which can be replaced. The Canelas report indicates similar issues, but also indicates that the property can be repaired. And finally, out of the eight criteria that I mentioned there that the Board must consider in reviewing a demolition, the request meets only two of the eight criteria in that section of the City Code. The recommendation from staff was for denial. The final decision of the Board, 9 to 0, was for denial, and it was based on the information that just been presented to you.

Mayor Lago: Madam City Attorney.

City Attorney Suárez: Mayor, so just I want to emphasize that -- remind all of you that your determine -- your review and your ultimate determination today should be based on the record below, and your role is to determine whether the Historic Preservation Board based its decision on competent, substantial evidence.

Mayor Lago: Okay.

City Attorney Suárez: So, I think the next step in our order would be, you know, questions by you all to either staff or the parties.

Mayor Lago: So, I have -- I have a quick question. Warren, can you educate me on the architect that designed this property?

Historical Resources & Cultural Arts Director Adams: William Merriam was known for designing the minimal traditional transitional style of homes around about that particular time. We actually have one of his designations coming up at the Historic Preservation Board meeting. And again,

what I would say is not necessarily every William Merriam house is eligible for historic designation on an individual level.

Vice Mayor Mena: Excuse me. I think he's got...

Historical Resources & Cultural Arts Director Adams: But we...

Vice Mayor Mena: The wrong architect. The architect is Earl Wolfe.

Historical Resources & Cultural Arts Director Adams: I don't believe it is. Where did you receive that?

Mayor Lago: Interesting.

Vice Mayor Mena: Give me one second and I will show it to you.

City Attorney Suárez: So, I don't think this was discussed at the Historic Preservation Board.

Historical Resources & Cultural Arts Director Adams: It was not mentioned.

City Attorney Suárez: And in any event, what was before the Board and what is -- we are deciding today is whether this contributing structure, which has already been determined to be a contributing structure -- you're not deciding whether it's a contributing structure. We're deciding whether the Board had competent, substantial evidence to...

Vice Mayor Mena: But...

City Attorney Suárez: Deny the request...



Vice Mayor Mena: But -- but...

City Attorney Suárez: For demolition of...

Vice Mayor Mena: But...

City Attorney Suárez: The contributing structure.

Vice Mayor Mena: But was the evidence in front of the Board...

Mayor Lago: Correct.

Vice Mayor Mena: The correct architect or not? That's a fair, factual question about the proceeding below.

Historical Resources & Cultural Arts Director Adams: Yeah. We believe the information presented was...

Vice Mayor Mena: Say again, I'm sorry.

Historical Resources & Cultural Arts Director Adams: The information presented to the Board was correct.

Vice Mayor Mena: Which was who was the architect? Because I just heard competing facts. This may be irrelevant, but I think it's an important question to at least know the answer to.

Historical Resources & Cultural Arts Director Adams: I think I actually what's relevant -- and I would need to double-check that -- I think what's relevant is...

Mayor Lago: The reason why -- the reason why it's an important question, to me at least -- because my next question is going to be, how many homes are designated by this architect in the City?

Historical Resources & Cultural Arts Director Adams: Again, you're speaking about individually designated homes. We're talking about a historic district.

Mayor Lago: I understand, but we're -- it's just a question that I have I'd like to understand.

Historical Resources & Cultural Arts Director Adams: I don't have that number at the moment.

Mayor Lago: So, we don't have -- we don't have the -- we don't have a decisive answer in regards to who the architect is, and you don't have an answer in regards to whether this architect has other homes that have been designated in the City.

Historical Resources & Cultural Arts Director Adams: He does.

Mayor Lago: He does? So, can you tell me how many?

Historical Resources & Cultural Arts Director Adams: No.

Commissioner Cason: Is that relevant to -- to this?

Vice Mayor Mena: To whether it's a contributing structure?

Commissioner Cason: A contributing structure or not.

City Attorney Suárez: You're not deciding whether it's a contributing structure. That determination has already been made. You're deciding whether...

Vice Mayor Mena: But if it was -- but if -- I'm asking a question if it's a factor in determining if it's a contributing structure. Because hypothetically -- and I'm not saying this is so -- if the basis of that determination was the wrong architect and the architect is part of the factor you would consider, that's an important factual issue.

City Attorney Suárez: So, the time for that decision -- for any appeal decision has long, you know, run. Again, the determination that it was a contributing structure was made in -- you know, I don't know what year, Warren, but when was the historic district designated?

Historical Resources & Cultural Arts Director Adams: 2008.

City Attorney Suárez: Okay, and that's when it was determined that this was a contributing structure. So, that question is not before you, whether it's a contributing structure.

Historical Resources & Cultural Arts Director Adams: That was determined -- and we have to look at this as how it contributes to a district as opposed to how it stands...

Vice Mayor Mena: And I want to ask the question again.

Historical Resources & Cultural Arts Director Adams: Individually.

Vice Mayor Mena: And please, it's a very simple question, and I'm not asking for a legal opinion. I'm asking for an answer to this question. Is the architect of a given home in a historic district a factor that would be considered to determine that that structure is a contributing structure to the historic district? Yes...

Mayor Lago: Or no.

Vice Mayor Mena: Or no. I need to understand that.

Historical Resources & Cultural Arts Director Adams: There's more than one factor.

Vice Mayor Mena: Is it one of them?

Historical Resources & Cultural Arts Director Adams: Architect can be, but it is not necessary because it's also determined by architectural style...

Vice Mayor Mena: Sure.

Historical Resources & Cultural Arts Director Adams: How much the property's been altered, and therefore, there are many homes in that district designed by many different architects.

Vice Mayor Mena: If I'm hearing you correctly -- and please correct me if I'm wrong -- it is a factor, but it's not the only factor. There are other countervailing factors, potentially.

Historical Resources & Cultural Arts Director Adams: There are other factors, yeah.

Vice Mayor Mena: Okay, just -- and then I -- I would like -- I'm having a hard time sitting here with the question of not knowing who the architect of this house is right now. That's a little bit...

Mayor Lago: Yeah.

Vice Mayor Mena: Kind of...

Historical Resources & Cultural Arts Director Adams: It's just...

Vice Mayor Mena: And whether or not it's relevant -- and we can (INAUDIBLE) and we'll get to...

Historical Resources & Cultural Arts Director Adams: It's essentially just been confirmed by my office that the architect is William Merriam, as included in this report.

Vice Mayor Mena: Okay.

Mr. Avila: But that's -- this is the report that...

Historical Resources & Cultural Arts Director Adams: Well, you...

Mr. Avila: We were sent by...

Vice Mayor Mena: But was that presented below or not?

Mr. Avila: This is what was presented to us by his office to us, the report. And that report states that the architect, designed by Earl V. Wolfe.

Historical Resources & Cultural Arts Director Adams: You're looking at...

Mr. Avila: Permitted in 1950, Permit Number 9020.

Historical Resources & Cultural Arts Director Adams: You're looking at 2019 report. You're not looking at my report. My report's dated 2022.

Mayor Lago: But hold on.

Historical Resources & Cultural Arts Director Adams: That's dated...

Mayor Lago: But wait one second though. It's still a report that is based on -- that was on City letterhead.

Historical Resources & Cultural Arts Director Adams: No, that's a Certificate of Appropriateness application.

Mayor Lago: I'm ask...

Historical Resources & Cultural Arts Director Adams: It's not the designation.

Mayor Lago: I'm asking, where did you get that document? Is it on City letterhead?

Mr. Avila: This was -- yes, it's...

Mayor Lago: So, it is on City letterhead.

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: Can you show it to the attorney, please?

Historical Resources & Cultural Arts Director Adams: That's a 2019 COA application not prepared by me.

Mayor Lago: That's perfectly fine. I'm not saying it was prepared by you, sir.

Historical Resources & Cultural Arts Director Adams: It's...

Mayor Lago: That's not -- that's not what I'm saying. What I'm saying is that it is on City letterhead, so it bears review by our City Attorney to ensure that we're following all the proper steps and that everything is being considered. We're about to render...

Historical Resources & Cultural Arts Director Adams: It's not part...

Mayor Lago: We're about to render a decision here or potentially not render a decision that has consequences on both sides. I want to make sure I make the most appropriate decision and I have all the information to make that decision.

Historical Resources & Cultural Arts Director Adams: It's not part of the designation in 2008, and it's not part of my report prepared in 2022.

Mayor Lago: But let me ask you a quick question in regards to the designation in 2008. So, when you designated -- when you designated the district, that dis -- the district was designated in 2008, correct?

Historical Resources & Cultural Arts Director Adams: Yes.

Mayor Lago: Did it designate every home over 50 years, or was it a home by home by home process?

Historical Resources & Cultural Arts Director Adams: Every home within the district as classed as being within the district. There are contributing buildings and non-contributing buildings, so there's a mixture of both. The review and the process involves a survey of every individual home that is ultimately included in the district.

Commissioner Menendez: I have a...

Vice Mayor Mena: And how -- but I think his question is how...

Mayor Lago: You didn't answer my question.

Vice Mayor Mena: Yeah, how did you determine which ones were contributing, I guess, is the question, right?

Mayor Lago: Yeah.

Historical Resources & Cultural Arts Director Adams: Contributing buildings are built within the period of significance...

Vice Mayor Mena: That's what I said.

Human Resources Director Green: 1921 to 1958.

Vice Mayor Mena: So, any homes in the district in that time period were deemed contributing?

Historical Resources & Cultural Arts Director Adams: Not every one of them, no. They must retain their integrity.

Vice Mayor Mena: Okay.

Historical Resources & Cultural Arts Director Adams: They can't be too altered.

Commissioner Menendez: I have a related question.

Mayor Lago: So, wait, wait. Let me -- Commissioner, just one last thing. So, every home was deemed contributing...



Historical Resources & Cultural Arts Director Adams: No.

Mayor Lago: Except -- let me finish, sir. One second, please. If it was altered...

Vice Mayor Mena: Right.

Mayor Lago: In a way that...

Vice Mayor Mena: Right.

Mayor Lago: Again, you know, took away from its cache or its ability to be designated. But that means that it was a very -- it was a -- how many homes were not designated? That's the more -- that's the better question.

Historical Resources & Cultural Arts Director Adams: I don't have -- generally, for historic districts, the majority of them must be contributing.

Vice Mayor Mena: Okay.

Commissioner Cason: That was back to my question of how many homes are in --? Is this a geographic...

Historical Resources & Cultural Arts Director Adams: It's on...

Commissioner Cason: Is this delineated geographically?

Historical Resources & Cultural Arts Director Adams: It's on Obispo Avenue, yes.

Commissioner Cason: And how many -- how many homes were in this district?

Historical Resources & Cultural Arts Director Adams: I didn't include that information in my...

Mayor Lago: Commissioner.

Commissioner Menendez: I have -- could you go back to your presentation...

Historical Resources & Cultural Arts Director Adams: Sure.

Commissioner Menendez: Where you talked about the district itself, because my understanding, in the description of why it was created, had to do with -- I think you said grants funding. It almost sounded like post-Great Depression, going into World War II, that district had homes that were more affordable to the general public. Can you --? So, I want to focus on that aspect of why it's a historic district. It may not be specifically because of the design or the architect. But because, technically, it was a period of trying to kickstart the economy through real estate and create more affordable homes than we were used to, the beautiful Spanish mansions that we have.

Historical Resources & Cultural Arts Director Adams: Yeah.

Commissioner Menendez: So, let's focus on that. Why is it historic? Is it architectural or because it was part of the vision or a plan to create more affordable housing?

Historical Resources & Cultural Arts Director Adams: There are three periods within the district. This one's from the 1920s, which exhibit Merrick's early formulation of the City as a whole. They exhibit properties -- and from the Florida land boom period. And they also show post-World War II properties from the housing boom. And as you see, with houses, all of those periods, they go from very ornate, Mediterranean Style Revival designs to more affordable, maybe smaller, less

ornamentation, less detailing, a lot more functional, and that is where this particular house shows it falls within that...

Commissioner Menendez: The affordable category, as opposed to the architectural design of the Mediterranean Style. It falls into that, I guess, third category.

Historical Resources & Cultural Arts Director Adams: Yeah, plainer, more affordable, more functional.

Commissioner Menendez: It was affordable at the time. That's why it gets categorized.

Historical Resources & Cultural Arts Director Adams: Yeah.

Commissioner Menendez: Okay.

Commissioner Cason: But there's no way of knowing this particular house on what criteria it was included, whether it was the architect, whether it was the time period. It was just -- but the fact is, it was included in 2008...

Historical Resources & Cultural Arts Director Adams: Yes.

Commissioner Cason: As part of that district.

Historical Resources & Cultural Arts Director Adams: Yes.

Commissioner Anderson: Okay. was that before the historic designation board on this application?

Historical Resources & Cultural Arts Director Adams: Sorry?

Commissioner Anderson: Was that information in front of the Historic Preservation Board for this application?

Historical Resources & Cultural Arts Director Adams: Yes. Yes, but what I showed you is pretty much just been taken from the Preservation Board report because we can't introduce any new evidence, so everything that has been presented to you was presented to the Preservation Board.

Commissioner Anderson: And the name of the architect was presented to the...?

Historical Resources & Cultural Arts Director Adams: Yes, it's in my report, yeah.

Vice Mayor Mena: I had a couple of sort of questions on a different aspect of this. The -- you had an opin -- in the opinion, you -- I wrote down, "The cost to restore is similar to new construction."

Historical Resources & Cultural Arts Director Adams: That was...

Vice Mayor Mena: That was one of the conclusions.

Historical Resources & Cultural Arts Director Adams: That was one of the engineer's...

Vice Mayor Mena: Okay. When you say that -- how big is the house?

Mr. Avila: The house right now I think is like 1,300 square feet.

Vice Mayor Mena: Okay. When you -- is the proposed new construction, I assume, is larger than that?

Mr. Avila: Yes.

Vice Mayor Mena: Okay. Are you saying per square foot the cost is the same? Because that's a very big statement, right?

Historical Resources & Cultural Arts Director Adams: That was an engineer's opinion. That was not my opinion.

Vice Mayor Mena: Right, I understand that. But I need -- you know, I need to understand -- it's an opinion from the underlying proceeding that I need to understand. When -- obvi -- I can't imagine that the cost of a new 1,300 square foot house would be more than the cost to restore the existing -- based on what I'm hearing about the current status and condition of the property, the framing. I have a related question, which is, can -- because I dealt with this recently. We have a bit of an insurance crisis in the state people may be aware of. Like, can you even insure a house...

Mayor Lago: No.

Vice Mayor Mena: In this...

Mayor Lago: You can't. You can't. You have to pay for this house cash. Because I was in this situation when I bought my house. I had to buy it cash because my home was abandoned for five years, before it was a foreclosure. And it had leaks, and it was compromised on multiple different fronts. What you're saying -- being in the construction industry, as the Manager will tell you, this home, to build a new home is not cheaper than to remodel this home and to fix this home. It...

Vice Mayor Mena: A 1,300 to 1,300...

Mayor Lago: No, no, it's just wrong. It's wrong.

Vice Mayor Mena: I can't imagine that, yeah.

Mayor Lago: It's wrong. It's like telling me that I don't know what's going on at UM. I know what's going on at UM. It's like telling me I don't know what's going on in the Permitting Department. I know what's going on at the Permitting Department. To fix this house is going to cost you at least 1.5 more than it would cost you than to build a new house.

Historical Resources & Cultural Arts Director Adams: None of that is a criteria for..

Mayor Lago: No, but you...

Historical Resources & Cultural Arts Director Adams: Reviewing a COA.

Mayor Lago: But you made a -- you made a statement that...

Vice Mayor Mena: No, no, I'm...

Mayor Lago: On the record.

Vice Mayor Mena: It was part of the opinion.

Mayor Lago: Yeah.

Vice Mayor Mena: It was on one of your slides.

Mayor Lago: Yeah.

Historical Resources & Cultural Arts Director Adams: An opinion from an engineer, not from me.

Mayor Lago: But you used it as...

Vice Mayor Mena: You read it.

Mayor Lago: A basis.

Vice Mayor Mena: You read it to me, so I'm assuming it's relevant.

Historical Resources & Cultural Arts Director Adams: The applicant submitted it as part of their...

Vice Mayor Mena: Right.

Historical Resources & Cultural Arts Director Adams: Their application.

Vice Mayor Mena: Okay.

Historical Resources & Cultural Arts Director Adams: And you know...

Vice Mayor Mena: But my question is simple. I need to understand this. The -- I do understand that the cost of building a 3,000 or 4,000...

Mayor Lago: Of course.

Vice Mayor Mena: Square foot home would be more than repairing a 1,300 square foot home, but that's apples and oranges. So, I'm trying to understand, you know -- that's why I'm trying to understand that statement because that's a -- it struck me in your presentation when I saw it, and that's why I wrote it down. I find it just hard to believe -- and you know, I think the Mayor seems to agree -- that restoration would be...

Mayor Lago: Incredibly...

Vice Mayor Mena: If you do apples to apples on 1,300, that the restoration wouldn't be more than new construction. But you don't have an opinion on that, I guess, because you're saying that was the engineer.

Historical Resources & Cultural Arts Director Adams: No, I mean, the engineer submits his professional opinion, and I'm not an engineer.

Mayor Lago: I'll give you an example, really quick, just so you know. Mr. Manager, how much did we spend on restoring the Fink building?

City Manager Iglesias: Over \$2 million.

Mayor Lago: Okay, give you an idea how expensive that building was to restore. And that was a year and a half ago, right?

City Manager Iglesias: Mayor, it was -- we did it just before the...

Mayor Lago: Okay, so can I reasonably say, with your guidance, that it would be 50 percent more today?

City Manager Iglesias: That's what we're -- those are the prices that we're getting today.

Mayor Lago: So, \$3 million to restore that little building, which, by the way, I brought that historic building to the City when I found out it was for sale under Cathy, and we bought that property. So, I don't want to hear later that, you know, it's -- the numbers are stratospheric for, especially historic preservation, when you talk about fixing a building to a certain standard. It's -- the Manager can tell you, so I don't know...



Commissioner Anderson: The Fink building though...

Mayor Lago: I read things like that and it's...

Commissioner Anderson: Is a 1920 some odd era building...

Vice Mayor Mena: Yeah.

Commissioner Anderson: As opposed to 1945. You're dealing with lath as opposed to block, you know.

Commissioner Cason: Cinderblock, right?

Commissioner Anderson: Different -- yeah, a different construction.

Unidentified Speaker: Can I say something real quick? The other thing is that the owner went through the process of actually trying to restore and do the addition. Nobody goes through that process with any intention of demolishing it from the beginning. They were made aware of the state of the property. They did go through the process of trying to, you know, get pricing to rehabilitate it and go through all that. It's just not feasible at this point. It's not that their intention was to demolish it from the moment they bought the house.

Mr. Avila: I wanted to say one more thing. When -- he mentioned that we met, and we did meet, but -- and I think you can confirm that because we confirmed it in the initial Historic Preservation meeting. When you and I first met, the first one or two times, we never, in no point in time, ever discussed demolishing the house.

Historical Resources & Cultural Arts Director Adams: No, you didn't, which...

Mr. Avila: It wasn't -- it wasn't -- it wasn't even -- I wasn't even considering it. I wanted to just build and remodel and get everything going. It was later that we found all the issues.

Vice Mayor Mena: Yeah, I was going to say -- so I'm told it was disclosed to you the current, you know, status. Now, I understand what you're saying, and I want to try to make it clear. I think what you're saying is that after that additional problems were discovered.

Mr. Avila: Correct.

Vice Mayor Mena: So, while you were on notice, which is important, it's a very important factor in this proceeding. I think anybody would acknowledge that because they did tell you that there were these issues. You're telling me that there were additional things discovered after the fact.

Mr. Avila: Correct. So, the initial meetings with Warren were no discussions whatsoever about demolishing the property because, in my understanding, everything was repairable. It was later that we started seeing all these things. You know, I have -- I started seeing that the exterior part of the house, the front wall is exploding outward. And I'm saying, "Why is this happening?" Again, I'm not structural; I do windows. So, when I start getting -- you know, some -- you know, doing some investigation, the walls are hollow. There's -- they were saying about them not being braced, so it's -- I don't know the technical aspects, but there's other issues that came about that I'm like, "Okay, well, this is now to another level." That's when I got the engineering report, that's when I brought Javi on board, and that's where -- how we've gotten to this point. But there was never any discussion with Warren and I about demolishing the property. That was not my intention.

Commissioner Menendez: By the way -- and I'm sorry. In your presentation, there was a point where the Board was brought -- the attention was focused on the structural problems and issues, and it said deferred. It said the Board deferred when that -- the structural (INAUDIBLE).

Historical Resources & Cultural Arts Director Adams: Yes.

City Attorney Suárez: That was a prior Certificate of appropriateness.

Commissioner Menendez: So what happened with...

City Attorney Suárez: A prior application.

Commissioner Menendez: After the deferred?

Historical Resources & Cultural Arts Director Adams: Yes.

Commissioner Menendez: Because they deferred it for some reason.

Historical Resources & Cultural Arts Director Adams: In 2019 or 2020, after approval was given for an addition to the prior owner, the prior owner come back and said, "I need to remove the floor joists. I'd like to lower the floor, and I need to take the roof off, but we'll rebuild the roof the same way it was." Before the Board were willing to give permission for that, they said, "Bring your engineer with you." But again, these are focusing very much on the wood elements of the building. And the engineer's report states this building can be repaired. And on top of that, the Code specifically states all eight of the criteria that I read out, they must be met for the Board to approve demolition and the application element too. That's in the Code.

Commissioner Menendez: If he -- the gentleman would never have purchased that property, and the property would have sat there with all the issues that it seems to have, obviously, you know, we could have a situation, if it's in that dire state -- and it seems like it -- like we lost the Gondola Building. And so, what would the City have done if it would have stayed in the same hands and the building is falling apart?

Historical Resources & Cultural Arts Director Adams: Ultimately, there would be an option to pursue the owner for demolition by neglect, which is effectively deliberately allowing a historic building to start falling into decay. Obviously, when we see new owners and new proposals and new plans, the hope is that these plans will be followed through, so they'll be no need for that because the building will be restored and altered if needed. So, that has not happened yet in this particular case.

Commissioner Menendez: Okay.

Commissioner Anderson: I have a few questions. Because this house has a lengthy timeline, and has anything been done in the interim to help preserve the building? The roof is old. Has it been covered in the meantime? I've had old buildings, have jacked the floors. I've done things of that nature. You do things to preserve structures or prevent the water intrusion to continue to stop the decay. That's one set of questions. I'm going to let you answer that, and then I have a follow-up on that.

Historical Resources & Cultural Arts Director Adams: We haven't seen any tarpaulins on the roof or anything. We haven't received any applications for any sort of interior repairs. So, the assumption is that the building is in fairly good condition. Yes, it's an older building. Yes, it has been vacant, but according to the engineer's report, yes, it can be repaired.

Commissioner Anderson: Right. Did the Board consider the actual cost to repair at the time that the application was in front of them?

Historical Resources & Cultural Arts Director Adams: No. Numbers -- well, the only number that was dis -- not even discussed, but was available to the Board, was the estimate supplied in the engineer's report that it would cost so much more to restore this building than tear it down and build a new one, but no hard numbers were...

Commissioner Anderson: No hard numbers.

Human Resources Director Green: Were presented, no.

Commissioner Anderson: I mean, I know it's difficult to find contractors now for anything, so -- but the actual cost, if that wasn't in front of the Board, City Attorney, is that something that we can consider?

City Attorney Suárez: It's not one of the criteria. It's not one of the factors that was considered, and it's not something that's -- that should...

Commissioner Cason: Not relevant.

City Attorney Suárez: It's not relevant to the determination.

Assistant City Attorney Ceballos: If I may, Mr. Mayor, Vice Mayor. Assistant City Attorney Gus Ceballos. I've had the pleasure of being counsel to Historic Preservation Board for the better part of a decade now in other cities and this city for five years. So, I kind of have to help provide some counsel to our board. There's a lot of factors that they consider as part of their discussion, but they are very limited as to what they can consider. So, the discussion of why that property was designated or not designated was not before that board. It wasn't a consider -- it wasn't a factor that they considered. They only considered the eight criteria, which -- whether it can be sought demolition. One of the criteria is -- what's being discussed a lot is the economic hardship. They did not apply for designation under that criteria. If that criteria would have been satisfied, the Board would have considered it. The Board didn't consider it because it wasn't submitted. It was only a request for a CO -- a Special COA for demolition. I always joke that I'm the one person in that room that doesn't have an opinion because I don't have an opinion on the properties, whether they're designated, not designated, demolished or not demolished. Everybody else can. But what I do try to do is make sure that the process is preserved. And this particular instance before this

board, the only thing that's being considered -- I'm just kind of beating that dead horse because the City Attorney already articulated -- is we are limited to the eight criteria as to whether the Board had competent, substantial evidence for their ruling on those eight criterias [sic]. All the other factors would have been great in 2008, when the property was part of a contributing structure to this historic district. Currently, before this Board, it's just not up for discussion. So, I don't know if that helps you to kind of narrow it down. But once again, my only job is to protect the process and the procedure in our City Code, and that's really what's before you today. If you have any questions in terms of the legal aspects with the City Attorney, I'll be glad to answer any.

Vice Mayor Mena: Economic hardship and -- is different from, I guess, what I'd call a sort of economic like feasibility, if that makes sense. In other words, there's a point where these people are not going to spend some absurd amount of money to do what needs to be done because it's just too much money. It doesn't mean that they have an economic hardship, or he doesn't have the wherewithal to do it. It would just be a...

Assistant City Attorney Ceballos: So, the...

Vice Mayor Mena: Bad decision probably.

Assistant City Attorney Ceballos: That...

Vice Mayor Mena: So, I know they didn't apply for it, but just to kind of understand -- and when the gentleman, the contractor says that it's not feasible, I'm being told there's an engineer's report that says it is technically feasible.

Unidentified Speaker: Yeah, I mean...

Vice Mayor Mena: But what you're saying is that it's not economically feasible; that it can be done, but it's kind of...

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Mena: Just...

Mayor Lago: Can I give you an example, Vice Mayor? I'm going to give you -- Vice Mayor, and then I asked the -- I asked the Manager to please interject, okay. How many square feet is the Gondola Building?

City Manager Iglesias: About 800.

Mayor Lago: 800 square feet, the Gondola Building. Is that block?

City Manager Iglesias: Yes, Mayor.

Mayor Lago: Okay. That building is going to cost how much?

City Manager Iglesias: 1.5.

Mayor Lago: \$1.5 million...

City Manager Iglesias: \$2 million.

Mayor Lago: To \$2 million for an 800 square foot building that the City is going to restore. I went with my colleagues not once, but four times to the State. Thank God for people like Brian Avila, Demi Cabrera, state representatives, senators that got us that million dollars for that building, but we are spending probably 1.5 if not 2 million -- let's go \$1.75 million on an 800 square foot building that's going to be renovated, which is not lath, it is block. And that goes to show you the cost associated with restoring a building that a wall collapsed on it, and it was not

taken care of it, and that is the City's responsibility because it is a historic building that must be taken care of. So, the costs are extraordinary right now. I've dealt with a lot of historic preservation work. I've dealt with it in downtown Miami. It's one of the things we've done multiple different projects. The costs are significant. And I can give you examples of projects that I've worked on. So, this is an example in our own backyard that's very similar construction, that is an 800 square foot building. This is an additional 600 square feet, and we're talking about a building -- if that's going to be \$1.5 million on the low side, if everything goes perfect, what could be the cost of restoring this building? \$2 million. It goes to what the Vice Mayor was saying. I think the issue is -- I think one of the concerns here is, okay, we deem it that he must move forward. We deny the appeal, right? He now has a building...

Vice Mayor Mena: Right.

Mayor Lago: He now has a building that is going to cost him \$2 million to renovate when -- in today's standards with the cost of construction. Okay, you can't go to a bank and get a construction loan that easily right now. And unless this gentleman has \$2 million in cash that he's willing to pay to -- because he wants to renovate this property, we have -- I mean, this is one of the concerns I have. And I know -- and I want to hear from our attorney on that.

Vice Mayor Mena: And it's -- and just to add that exact same question and the challenge I'm having is, I appreciate the legal parameters of this proceeding.

Mayor Lago: Yeah.

Vice Mayor Mena: I appreciate the prior decisions, that things happened in 2008 or 9, and when things didn't happen in 2008 and 2009, and I respect that. I also have a resident, and I don't want to engage in an academic exercise here that renders a situation that's totally impractical for everybody involved, that is just going to sit there and not be resolved ultimately. And so, I'm in a bit of bind because...



Mayor Lago: Well, you know, that happened. That happened in my house -- not in my house, in my neighborhood on Ancona, with the gentleman's property -- you're very familiar -- until the property collapsed on itself, and it was not a historic home.

Vice Mayor Mena: I wish the engineer was here, frankly. I did look but -- because we're talk -- getting into kind of real technical sort of questions about the feasibility here, but anyway, sorry, he asked you a question.

Assistant City Attorney Ceballos: No worries. So, the benefits of the economic hardship request basically says, "I have a historic home. I don't deny it's a historic home. It's still a historic home, but we're putting that aside for right now, and we're looking at the economic hardship aspect of that component." So, whether it's feasible, whether it's realistic. If the house is worth \$100,000, unless you have somebody who just loves, you know, historic preservation, you're probably not going to be able to find somebody willing to put \$1 million for a house that's going to be worth 300 at the end of it. So, there's a process for that, but that wasn't done in this particular case. So...

Vice Mayor Mena: But at some point, compounding that problem is -- I don't see the wisdom in that.

Mayor Lago: It goes back -- it goes...

Assistant City Attorney Ceballos: Understood.

Mayor Lago: Wait, wait. One -- one -- excuse me, one second. It goes back -- and you're very familiar with this because you helped me with this issue -- well, you helped the resident. Two blocks from me, on Ancona, there was a gentleman, an older gentleman, who's an attorney -- was an attorney. His home -- we battled with it for how many years? Five, six years, seven years, when Miriam was here. We had multiple meetings. The property collapsed on itself.

City Manager Iglesias: The roof collapsed.

Mayor Lago: Because he was living in the house until one day our City Attorney gave the order for demolition. We got to demolish this house. We got to move forward. It's a public safety, it's a nuisance, it's a problem. You're going to -- something's going to happen. So, people lived in that neighborhood and dealt with the residence. People lived in that neighborhood having to deal with a home that partially collapsed. It was the garage that collapsed on itself, actually trapping a car in there that was in there. So, are we going to --? We're talking about a person's ability to pay for the renovations that are required. And what if this just continues like this because they can't afford to pay for the millions of dollars it's going to cost?

Commissioner Cason: What are the options? What are the --? You mentioned in the beginning we have four options. What are the options we have right now? He did not apply for economic hardship. Can that -- can this be sent back to the...

Commissioner Menendez: Can we remand it?

Commissioner Cason: Board, remand it, and a chance to do that? Can it be --? For example, could he be --? Could he demolish and rebuild exactly like it is right now, but new, the same style, everything, as an option? Are those kinds of things possible at this stage?

Commissioner Anderson: Could he amend the application to include additional (INAUDIBLE)?

Mr. Avila: I'd like to answer a portion of your question, if I may. So, in respect to, you know, trying to maintain the same look of the house, I thought you guys would have our original slide that we had for the show -- I mean, for the...

City Attorney Suárez: Your presentation was loaded.

Mayor Lago: Yes.

City Attorney Suárez: I don't know if you needed it pulled up.

Mr. Avila: If you can pull it up, we actually -- I had the architect to honor the original house, because I mean, I wanted to do what was best for both sides, and we're actually rebuilding the exact same layout of the existing house.

Historical Resources & Cultural Arts Director Adams: The drawings I have did not show that. And I would say a couple of other things. We have 1,200 historic properties in this city. Not even one of them was cheap to repair, not every one of them was in great condition, some in a lot worse condition than this. So, this can be done. It just depends, in my opinion, if you actually want to do it or not. The house has not been declared an unsafe structure. The roof isn't caving in. And if it were continued to be left to decay even further, we would go down the road of potential demolition by neglect because it's obviously being done intentionally. So, I think that opening the door to allow anyone who owns a historic home that may need some repairs to just apply to the Board for demolition, especially in the current property market -- I don't know how many of you are familiar within West Coconut Grove, but that's what happens, and that's what happens when these historic districts are allowed to be significantly altered.

Commissioner Menendez: I have an issue with that point because I go back to my -- one of my earlier questions. Within that district, there are different categories, according to our discussion. And I still don't know if this house fell under the category that has nothing to do with architectural style, but because it was built at a certain time and place.

Historical Resources & Cultural Arts Director Adams: No. It's within the period of significance. It's a specific architectural style. It's by a Coral Gables well-known architect, and it is relatively, or pretty much unaltered, so it meets all of those four things.

Commissioner Menendez: Because back to the issue of building the exact same building, that's what we're doing with the Gondola Building. We're building, I think, the exact same Gondola Building, and it was in community support to do that. And with the leadership of the Mayor and the Commission, and Tallahassee, and got the funding, and we're rebuilding the exact same Gondola Building. And you know, my issue is I understand designating districts, historic districts for architecture, the architect, perhaps, you know, somebody important to our history, like George Merrick and others lived there. And I just want to make sure -- I mean, I personally prefer our historic districts focus on that, and not other issues, which we discussed earlier. There was a need for affordable housing. I understand that, but we're building affordable workforce housing, hopefully, more and more in Coral Gables. And in 60 years, are we going to designate that historic because we made more workforce housing than we have today? To me, that's an area that's a little problematic. But I know Mayor Cason mentioned maybe sending it back to the Board of Architects. At this point, I think...

Vice Mayor Mena: To the Historic Board.

Commissioner Menendez: The Historic, sorry, yeah, the Historic Preservation Board. I think right now it's a difficult call because there is, economically, a huge burden on this family. And at the other side, we want to protect and preserve our, you know, historic district. So, at least personally for me, it's a...

City Attorney Suárez: Commissioner, you cannot base your decision on the economic hardship. It was not part -- it was not applied for. It was not presented below. It was not considered below, so you cannot base your decision on that.

Commissioner Menendez: But can we remand it and ask the lower board to then consider that?

Vice Mayor Mena: Well, I would say...

City Attorney Suárez: They would have to apply for it.

Vice Mayor Mena: I -- but I would say that based on the opinion that the cost to restore is similar in new construction, and the fact that no numbers were actually considered to reach that very conclusory opinion is, to me, a little bit troubling. But...

Historical Resources & Cultural Arts Director Adams: Well, that would be the engineer that should have got those numbers. That's not -- economic hardship was not applied for. It requires a substantial amount of financial information be submitted.

Vice Mayor Mena: Yeah.

Historical Resources & Cultural Arts Director Adams: And you know, that is one person's opinion. Maybe another engineer would say, "Hey, this can be repaired for..."

Vice Mayor Mena: It's the opinion that was submitted was placed on a slide and put before me today? So, I got to deal with that. That's the one I got to deal with, right? So, that is an issue -- look, I think -- I think, reading between the lines of some of my colleagues' comments, and at least it dovetails with my understanding, to me, there's a difference -- and maybe there's not really -- but between a district with a contributing structure that was identified -- because it fell -- very broad brush, you know, it fell within a certain amount of years, it hasn't been altered, as opposed to an individualized historically significant structure. And I got to tell you, when I look at the house itself, all due respect to the buyer, it's not something that stands out to me as architecturally significant. And...

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

Vice Mayor Mena: So...

Historical Resources & Cultural Arts Director Adams: The report was completed and researched by a well-established professional company according to the conditions in the City Code.

Vice Mayor Mena: Yes.

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

Vice Mayor Mena: And a lot of -- and by the way, I think -- if I'm honest with you, I think a lot of the issues being articulated here are fundamentally problems with the City Code. Just to be clear, I think -- like this process is less than ideal, but that's not what's before us today.

Historical Resources & Cultural Arts Director Adams: Yeah.

Mayor Lago: So, moving on. I think we've discussed this. What would be the next steps, Madam City...?

Commissioner Cason: I'm just wondering, if it's remanded back to the Board with them to discuss the possibility of rebuilding the exact building, looks exactly the same, anybody that drove by would not know it was the old one or the new one, rebuild exactly the same thing in the same place...

Vice Mayor Mena: Presumably, with an addition, right?

Commissioner Cason: Not even talking about economic hardship, but just rebuild the building new, just like that, which he said he would do, does that solve the problem? I mean...

Mayor Lago: Could I see the rendering that you sent in the presentation that you have here?

City Attorney Suárez: And while that's being pulled up, any plan to rebuild, or remodel, or make any changes has to come before the Historic Preservation Board anyway for a separate Certificate of Appropriateness.

Vice Mayor Mena: But at some point in time, there was an addition...

City Attorney Suárez: Correct.

Commissioner Menendez: Contemplated.

Vice Mayor Mena: Deemed appropriate, right?

Historical Resources & Cultural Arts Director Adams: Two prior additions were approved, yeah.

Vice Mayor Mena: Right.

Historical Resources & Cultural Arts Director Adams: Yeah.

Vice Mayor Mena: So, it's not -- the issue here is not so much the potentiality of an addition...

Historical Resources & Cultural Arts Director Adams: No.

Vice Mayor Mena: As it is the demolition of the existing.

Historical Resources & Cultural Arts Director Adams: The demolition of the existing, yes. We're fine with an addition. And I would say the proposed plans that were submitted and actually have the home entrance on...

Vice Mayor Mena: So...

Historical Resources & Cultural Arts Director Adams: Obispo, they actually had them on -- so that the entire house was being turned 90 degrees.

Vice Mayor Mena: Can you...?

Mayor Lago: You have no issues with that, or you do have an issue?

Historical Resources & Cultural Arts Director Adams: Yes, we would have an issue with that, and we have an issue with demolition of the existing building.

Mayor Lago: That's not -- that's not my question, though.

Historical Resources & Cultural Arts Director Adams: Anything else would need to be reviewed by staff and taken to the Board but...

Mayor Lago: Everything needs to be reviewed by staff.

Historical Resources & Cultural Arts Director Adams: Yeah.

Mayor Lago: I completely understand that.

Historical Resources & Cultural Arts Director Adams: Preferably, my professional opinion, the house should face the same way as it was originally built.

Commissioner Anderson: Alright. And do we have in the record the prior plans that were submitted and approved?

Historical Resources & Cultural Arts Director Adams: They're all in the office, yes.



Commissioner Anderson: No, on this record that we're looking at right now.

Historical Resources & Cultural Arts Director Adams: No, that wasn't under consideration by the Board. That was purely the demolition.

Mayor Lago: So, to the...

Commissioner Anderson: Alright.

Mayor Lago: To the applicant, are you willing to have the Commission render a decision today, or do you -- would you like to have this remanded back to the Historic...?

Mr. Avila: I would rather have -- I want to end it here. I'd rather you guys make a decision. I don't -- I can't keep -- I've been dealing with this for too long. I'm carrying the cost of a house. Construction cost keeps going up. I need to -- you know, interest rates have gone through the roof, so now doing a construction loan is going to cost a lot more. I just need to -- I need to get this to an end already.

Vice Mayor Mena: I -- I'll be honest with you. I don't see a way on the existing record to do anything but affirm the decision of the Board. But I would consider, depending on the answer to Commissioner Cason's question, which I'm not sure has been totally clarified, to consider the possibility of a remand and exploring the possibility -- because I'm interested in results, and I want to reach the best result that not only preserves the integrity, but also doesn't...

Mr. Avila: So, Mr. Mena...

Vice Mayor Mena: Cause you significant economic damage.

Mr. Avila: We have tried. We -- you know, Javi has brought multiple contractors that specialize in shell work and that kind of stuff. I can't even get a price.

Mayor Lago: But we're not talking...

Vice Mayor Mena: No, no, no, no, no. We're -- yeah.

Mayor Lago: We're not talking about historic preserving.

Vice Mayor Mena: His quest...

Mayor Lago: We're talking about knocking it down and building it the way it was.

Commissioner Cason: Rebuild exactly...

Mayor Lago: With an addition, with an addition.

Mr. Avila: So, what we're -- what I am proposing is that the existing -- the layout of the home, the way that the house is laid out...

Vice Mayor Mena: But that...

Mr. Avila: The floor plan...

Vice Mayor Mena: Respectfully...

Commissioner Menendez: Doesn't...

Vice Mayor Mena: The rendering doesn't look anything like the existing structure.

Mr. Avila: Oh, no.

Vice Mayor Mena: Respectfully.

Mr. Avila: One hundred -- no, no, 100 percent.

Vice Mayor Mena: So, what we're talking about maybe, maybe is to remand it, have staff and the Board look at what Commissioner Cason said, which is, is there a way to demolish and rebuild pretty much exact with an...

Mayor Lago: An addition.

Vice Mayor Mena: Addition similar to what was previously approved.

Assistant City Attorney Ceballos: If I may. So, the only issue is that for this Board to remand back to Historic Preservation, you need to find that there was an error by the Historic Preservation Board that they failed to meet all eight criteria, competent, substantial evidence for them to reconsider it, and that the error was not considering a factor that was never presented before them. That's problematic.

Commissioner Cason: So, we (INAUDIBLE).

Assistant City Attorney Ceballos: So, what may be the next step would be -- if this board was to affirm -- would be the applicant has the opportunity to submit a new request...

Commissioner Cason: Right.

Assistant City Attorney Ceballos: For a Special Certificate of Appropriateness with a new addition or a new renovation of the property that is significantly different than the current proposal, and they can go through the process that route.

Vice Mayor Mena: Is there a time limit on him to do that? Is there like a...?

Assistant City Attorney Ceballos: If it's significantly different -- obviously, as you just stated, the property that's being proposed is not in any way complementary or looks like the existing. So, if the proposal or suggestion that you are all thinking of would be something that's more historically oriented, it's going to be significantly different than the current proposal, so they would basically be just submitting for a new...

Vice Mayor Mena: I think -- I think...

Assistant City Attorney Ceballos: Special Certificate of Appropriateness.

Vice Mayor Mena: My view is that that's the path. And I would say to you that I can't tell you whether you should go through that process again. I really feel badly that you're in this situation. I don't like this process, but it is the process, and my job is to sit here and apply the rules and uphold them. So, given where we are, I would say to affirm the decision, but I would tell you that, if you do go down that process, I would, under the right criteria, you know, be open to that possibility of...

Mr. Avila: So, let's say I -- we take that -- but -- so am I...

Vice Mayor Mena: And the Board may disagree with me, by the way. The Board -- it's going to go through the staff. It's going to go to the Board. Warren may -- sounds like is going to say he disagrees, and that's okay. I'm not here to tell Warren what his opinion should be. I want to hear his professional opinion, and I want to hear the Board's opinion. I'm just telling you, if it were

here on a record that had the economic portion involved, that explained that the feasibility of that, that had a rendering that was nearly identical to the existing structure...

Mr. Avila: So, but that's (INAUDIBLE)...

Vice Mayor Mena: I would be more supportive, and I would be in a position to be supportive, but right now, I'm not.

Mr. Avila: The existing -- what I'm talk -- the house is never -- the rendering that you're seeing up there is not -- never going to look like the house that's there right now. I am only re -- re-putting up the existing house with the addition. So, if you look at it, bird's eye view, the layout of...

Vice Mayor Mena: I get you there is what we're saying.

Commissioner Cason: That's not the same.

Commissioner Anderson: Right, right. Now, I mean, we're limited in the four corners of the record.

Mr. Avila: I just don't know what I'm going to be able to advance. I don't know how I'm going to -- they're telling me that I can't -- I can't even get a price to repair the existing home, and then I'm going to go through the demo process, and then he wants me to put the door on the same side of the house. That doesn't -- that's not what looks good. It looks good on the other side. He doesn't want to approve that. So, like they're not trying to...

Vice Mayor Mena: There -- but now you're -- now, respectfully, you're talking apples and oranges, because now we go back to the conversation that you had before you bought the house and you knew the door had to be on that side, and you weren't changing the address to the other

street. And I totally -- I would rather have the new house that you're showing me on the rendering as well if I were you. I get it; I really do. But we can't, with a decision that was made in 2008, before any of us were here, designating this thing as a contributing structure, we can't go back and undo that. So, we're trying to find a path for you that works. And I'm not saying this path works, but what you're describing of, well, putting the -- you knew that the door was where it is. You knew that the address was front -- that the house was fronting that street. What you're now saying is a totally different thing.

Mr. Avila: No, no.

Vice Mayor Mena: That you just want to do something different, and that's a different problem.

Mr. Avila: That's fine. But I -- let's say I go to him, and I present -- you send it back, and I go with them, and we still don't come to an agreement. Do I come back here again?

Vice Mayor Mena: Yes.

Commissioner Anderson: Right. And you know, the problem you have to understand is we have to follow the law. So, we're handcuffed. I can't amend your application for you on the dais here. They have to -- we are limited to the record that was presented in front of us...

Vice Mayor Mena: Right.

Commissioner Anderson: And the criteria that was presented in front of us. And within those four corners, I cannot identify something that our board missed and failed to consider as far as a basis in your application to say, "You overlooked this. Please look at it again," so...

Mayor Lago: So...

Commissioner Anderson: Based upon that...

Mayor Lago: If I -- can we get some public comment, unless Commissioner...

Commissioner Menendez: No, just real quick. I want to piggyback on what Commissioner Anderson said. On a broader view of our decisions in quasi-judicial types of situations, and like today, you know, we're not necessarily bound -- and correct me if I'm wrong, Madam City Attorney -- we're not directly bound to follow the decision of, let's say, the Historic Preservation Board. But, in my opinion, when their vote is so overwhelmingly on one side or the other, that weighs heavily in my decisions because I consider them experts in that field.

City Attorney Suárez: So...

Commissioner Menendez: We do have wiggle room, I think, to obviously find solutions, but I think it's a guiding light in terms of how to proceed. But we're trying very hard to find a fair solution, but like my colleague says, because we have to base our decision on the record because the historic designation -- historic district was created before we were here, sort of our hands are tied in terms of finding fair solutions, but you know, but we're doing our best.

Mayor Lago: Okay. Can we have some public comment? Mr. Clerk.

City Clerk Urquia: Mr. Mayor, so far, we only have one speaker. It's Ms. Maria Cruz.

Mayor Lago: Let us remember to please stay on topic. It will be two minutes.

City Attorney Suárez: Mayor, if I just may respond to Commissioner Menendez's...

Mayor Lago: Yes, of course.

City Attorney Suárez: -- comments, just to reiterate that what you're doing at your review is reviewing the decision below based on the record and making a determination whether there was competent, substantial evidence to support that decision.

Commissioner Menendez: Right. But we don't necessarily -- our...

City Attorney Suárez: No, you don't have to follow exactly...

Commissioner Menendez: I know, I know, but sometimes the community think, well, if the Board voted this way, we have to do exactly -- like we're free to make a decision based on the record. We're not bound by that decision.

City Attorney Suárez: Correct, you don't have to -- their decision isn't binding on you. You're reviewing it to make sure...

Commissioner Menendez: Yeah.

City Attorney Suárez: That it was based on the competent, substantial evidence.

Commissioner Menendez: Okay.

Maria Cruz: Maria Cruz, 1447 Miller Road. I have no horse in the race other than the -- what I just saw is not even close. I think Commissioner Cason hit it right on the spot. If he was requesting to build something the same as is there, with all the green area around it, I could buy that. But you know, it's not -- that new proposal will be a sore thumb in that area. It's a completely new, new building, new look, new everything. It has nothing to do with that district. That's a problem. The issue with the money should not be an issue because there's money to build a new house. So, the issue is they do not want to spend the money on the new -- the money that they were going to spend, they don't want to spend it on re -- whatever the word is -- this old house, but they have the



money for the new house. So, money should not be a consideration. And this is really the fact that since they got it, they haven't done anything to protect it weighs a lot. Because if you were intending to remodel it, or fix it, or whatever, then you would have protect it so the damage was less. But we have allowed it to be so bad that now our hands are tied; we can't fix it. Well, there are other areas -- I believe there was a house in Coconut Grove that they had to put back the way it was, exactly the way it was because they allowed it to go bad by choice. Thank you.

Mayor Lago: So, to correct the record, because I think it's important, if this house was to be rebuilt and then you would build an addition, the cost would be kind of in line. But if you were required to renovate this house to its historic integrity, the numbers would be significantly higher, along with the fact that then you would add an addition, which would also add cost to it. But again, I think we have to be very careful when we talk about these kind of numbers, so we can talk about the real numbers, not just say that, you know...

City Clerk Urquia: Mr. May...

Mayor Lago: They're going to build a new house, so at the end of the day, they can just do what they please.

City Clerk Urquia: Mr. Mayor, we have one more speaker on Zoom. It's Ms. Karelia Carbonell.

Mayor Lago: And I would like to close the speakers, please.

City Clerk Urquia: Yes, sir.

Mayor Lago: And...

Assistant City Attorney Ceballos: If I may, just for purposes of just the record, so although we've discussed the new property, the property itself, even if demolished today, is still in a historic

district, so it would have to go through approval as a structure inside of the district. So, this Commission cannot approve that house today, regardless of...

Mayor Lago: Of course.

Assistant City Attorney Ceballos: Just so that everybody's aware.

Vice Mayor Mena: Understood.

Mayor Lago: Karelia, good afternoon -- good morning. Two minutes, please.

Karelia Carbonell: Yes, hi. Good morning, everyone. And I have to say that I am pleased to hear all your discussion, and I think -- I hear that there's a consensus as to how important a historic district is, whether it's a contributing property or not -- well, as a contributing property. And I quickly just want to read what the protection is for a historic district on the local level. And it says, under the National Historic Preservation Act, local historic district designation offers by far -- so this is local -- okay, local historic district designation offers by far the most legal protection for historic properties because most land use decisions are made at the local level. So, with that said, I understand you did receive the letter from the Historic Preservation Association, but I do want to, on behalf of the organization and its members, to support the Historic Preservation Board's 9 to 0 vote to deny the design proposal for the demolition of the existing residence of the property at 1258 Obispo Avenue. The City's Preservation staff presented a very well-documented report detailing the home's historical significance, and that the demolition is not consistent with Secretary of the Interior standards of rehabilitation as it will result in a negative and irreversible impact on the Obispo Avenue Historic District. So, please affirm the Historic Preservation Board's vote, and I thank you.

Mayor Lago: Perfect. Thank you very much. Are there any other further comments from the applicant or from staff? None? Team? Anyone else?

Commissioner Menendez: I'll make a motion.

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

Mayor Lago: Anybody like to make a motion?

Vice Mayor Mena: To affirm the decision.

Commissioner Menendez: I'll second.

Commissioner Anderson: I'll second it.

Commissioner Anderson: Yes.

Commissioner Cason: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Mayor Lago: No.

(Vote: 4-1)

Mayor Lago: Moving on. Thank you very much.

Commissioner Menendez: I want to make a public service comment. I think it's important for folks out there that when you go before certain boards and you work through the, you know, process of the City, sometimes the process is very technical and very legal, and sometimes I quite honestly, from the bottom of my heart, in all fairness and transparency, there's situations that it's helpful to bring someone onto your team with the expertise of what to file and how to file because, once you get past that point, sometimes it's the point of no return, and it's best to have an expert on your side to help you navigate those waters.

Vice Mayor Mena: And I would add that I really think, at some point, again, if there's ever a Charter review or something, we really need to revisit this process. I mean...

City Attorney Suárez: This is in the Zoning Code.

Vice Mayor Mena: In the -- yeah.

Commissioner Anderson: Right.

Vice Mayor Mena: To -- or fine, in the Zoning Code. But I don't like having residents in that position. I think it's honestly...

Commissioner Anderson: Well...

Vice Mayor Mena: I don't see -- I don't -- I see such little historic -- like when you see that home and the condition it's in, like...

Commissioner Anderson: Well, I know. It's part of the reason why I...

Vice Mayor Mena: Yeah.

Commissioner Anderson: With the Chamber, I did a "How to Avoid Getting Sued" seminar for small business owners because, you know, if you have some guidance, you know how easy it is to fix some things or to put that application in correctly.

Vice Mayor Mena: But at some point, it's just not -- and I -- and this was a unique set of facts.

Commissioner Anderson: Right.

Vice Mayor Mena: They had some notice, et cetera. At some point, in today's housing market, there is no way that somebody can buy a home that big and spend the kind of money to renovate it and not be -- I mean, to say they're upside down on the property is putting it lightly.

Mayor Lago: Yeah, and that's...

Vice Mayor Mena: It just doesn't make any sense.

Mayor Lago: And that's what I wanted to -- that's what I was trying to reiterate because someone came up and spoke and said that it's money, just throw money. You can't get a bank loan -- you can't get a bank loan...

Vice Mayor Mena: Probably can't even get insurance.

Mayor Lago: When the property value isn't there, so you got to come out of pocket to get this done. That's why I was hoping that we could remand this. I went to speak to my -- to our attorney. Since you can't remand this, that's why I voted no. Please don't send me emails about historic preservation. I'm the one that pushed for the Fink. I voted for LaSalle. You know, I got the money with my team members, for the Gondola Building. I'm a big supporter of historic preservation, but we have to be honest with ourselves. They bought a home, whether they knew about it or they didn't, they tried for a while to get it -- get it -- to get some sort of addition built to it. They couldn't come to an agreement with staff. They couldn't come to an agreement with Historic Preservation. That's perfectly fine. I respect that. But now this home is going to remain in that -- in that same state, like what happened a block away from my house, where the house eventually collapsed, and now there's an empty green site there, and there's nothing there, and the person had to move.

Commissioner Cason: Or he's going to sell -- or he's going to sell it to somebody who'll put the money in.

Commissioner Anderson: Or you know, if the process is -- there's a distinction between a contributing structure, if it can be rebuilt -- I mean, if it's a Fink building, it's a Fink building.

Mayor Lago: It's a Fink building.

Commissioner Anderson: Okay. If it's not a...

Mayor Lago: But that's why I asked.

Commissioner Anderson: It's not...

Mayor Lago: But Commissioner...

Commissioner Anderson: It's not a Fink building, should the process be on a contributing structure when it's in such a bad state of repair...

Vice Mayor Mena: Right.

Mayor Lago: So...

Commissioner Anderson: To rebuild Humpty Dumpty to look exactly like Humpty Dumpty again?

Commissioner Menendez: Is that something we could review at some point as a Commission, have a discussion on that type of -- and see, perhaps, not even have to wait for a Charter review but...

Vice Mayor Mena: Sure.

Commissioner Menendez: Madam City Attorney.

City Attorney Suárez: So, the historic preservation regulations are in the Zoning Code, so it's something that can be reviewed, and you know, go through the process if amendments, you know, are...

Commissioner Menendez: Because my colleagues are right. In today's world, sometimes reality butts heads with something that was written a long time ago. And I think even every aspect of our Code, every aspect of our Charter, we need to continuously look at to see if it needs to be tweaked to make it fair, and make it reasonable, and make it something that we can enforce.

Vice Mayor Mena: And I think that's okay when it's an individually significant home. But when it's just part of a district...

Commissioner Anderson: Right.

Vice Mayor Mena: And it got pegged contributing because it fell within certain years and -- this was -- you know, we weren't there. We can't undo that, unfortunately, but I hope that they...

Mayor Lago: And I'm...

Vice Mayor Mena: To your point, I hope they come back. Despite the affirmance of the decision, it's without prejudice with them coming back through with another petition that works. We'll see.

Mayor Lago: So, I hope that...

Commissioner Anderson: Right.

Mayor Lago: I'm also asking Warren, Mr. Adams, to please get me the information on the architect that was conflicting. It was -- I'm not asking for it now. I'm asking you for it after. You can send me an email. You can copy my colleagues, through the Manager. It was conflicting statements. I went again and spoke to the attorney. I said there was a document that was provided by the City on City low -- on letterhead that had the name of the architect that they're talking about as architect of that property.

City Attorney Suárez: It was the 2019 staff report on the prior owner's request for a Certificate of Appropriateness for an addition, and it had a different architect name. You know, I don't know the reason...

Mayor Lago: It wasn't -- it didn't come -- and I want to put this on the record before -- because you know it's going to come that -- the tidal wave that's going to come now and it's going to -- there's going to be a blog report, and there's going to be the whole thing. You're talking about people who bought this property, they bought this property, and they were given a report from staff on the -- with a City seal on it, and it says the architect is the following person. That's why I asked two very important questions. Number one, who's the architect? I want it in writing. It was a very simple question. And number two, has that architect ever been responsible for historically designated property? That's what I want to see. I would like to see that. That's just for me, for my own edification because I like to make decisions based on the totality of the facts.

Vice Mayor Mena: Yeah, and is there any procedure -- I think your immediate answer's probably going to be no -- but is there any procedure where, if you have newly discovered facts, like a decision was rendered that a structure was contributing and partly in reliance on the fact that it was Architect A, and you just discovered it wasn't Architect A...



City Attorney Suárez: Let me just be clear though. The information about the -- when the district was designated, and this was determined to be a contributing structure was based on the correct architect name because it's in the report.

Vice Mayor Mena: (INAUDIBLE) the correct...

City Attorney Suárez: So, it was...

Vice Mayor Mena: Architect? That's what he's saying.

Mayor Lago: That goes back to what I keep saying. I mean, we could keep going about this all day...

Vice Mayor Mena: If...

Mayor Lago: And I'm not going to tell you that I agreed with you so...

City Attorney Suárez: So...

Vice Mayor Mena: If we discover -- if we discover -- if...

City Attorney Suárez: So, I would say that we should...

Vice Mayor Mena: That it was a different architect...

City Attorney Suárez: Given that this might come back...

Vice Mayor Mena: Is -- can you reopen the decision on it being a contributing structure based on a newly discovered...

City Attorney Suárez: Not at this late stage, no.

Vice Mayor Mena: Even though you discovered it now? Because we're sitting here today, and we didn't know this.

City Attorney Suárez: I mean, we could look into that, but I -- you know, I...

Historical Resources & Cultural Arts Director Adams: If the designation report is incorrect, the actual district designation report...

Vice Mayor Mena: Right.

Historical Resources & Cultural Arts Director Adams: Then it would be corrected. However, I have the correct architect in my report, the correct architect...

Vice Mayor Mena: I'll take your word for it...

Historical Resources & Cultural Arts Director Adams: Designation report...

Vice Mayor Mena: But if we could just confirm based on that City...

Historical Resources & Cultural Arts Director Adams: I can send that information.

Vice Mayor Mena: Thank you.

Mayor Lago: I'd like -- I would like a confirmation via email.

Vice Mayor Mena: Thank you.

Mayor Lago: Copy the Manager. Very similar situation like Ridgewood, which I don't remember if you were here on the Commission at that point when we voted for Ridgewood. I voted for designation. That property was eventually demolished. You know, you can't win them all at the end of the day.

Vice Mayor Mena: Yeah.

Mayor Lago: It is what it is.

Vice Mayor Mena: Alright.