

CORAL GABLES HISTORIC PRESERVATION BOARD MEETING MINUTES

May 22, 2008, 4:00 p.m.

City Commission Chambers

405 Biltmore Way, Coral Gables, Florida

MEMBERS:

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

Dorothy Thomson*		P	P	P	P	P	P	P	P	P	P	P
Catherine Stewart	P	P	E	P	P	P	P	E	E	P	E	P
Ernesto Santos	E	P	P	P	P	P	P	P	P	P	P	P
Gonzalo Sanabria									P	E	E	
Dolly MacIntyre*	P	P	P	P	P	P	E	P	P	P	P	P
Michael Beeman	P	P	P	P	E	P	P	P	P	P	P	P
Joyce Meyers	P	E	P	P	P	E	P	P	P	P	P	P
Lisa Bennett	P	P	E	P	P	P	P	P	P	P	E	P
Shirley Maroon	P	E	P	P	P	P	E	P	P	P	P	P

APPOINTED BY:

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

STAFF:

Kara N. Kautz, Historic Preservation Officer
Simone Chin, Historic Preservation Administrator
Betty Perez, Historical Resources Department
Rodney Carbonell, Historical Resources Department

A = Absent

P = Present

E = Excused

*** = New Member**

^ = Resigned Member

GUESTS: Zeke Guilford, Laura Russo, Luis Sirera, Ray Airan, Art and Stella Del Rio, Assistant City Attorney Lourdes Alfonsin-Ruiz.

RECORDING SECRETARY: Nancy C. Morgan, Coral Gables Services, Inc.

The meeting was called to order by Chair Lisa Bennett at 4:09 p.m. A quorum was present.

DISCLOSURE STATEMENT and DISCLOSURE OF CONTEXT:

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

MINUTES: MEETING OF APRIL 17, 2008:

Ms. Thomson made a motion to approve the minutes of the meeting of April 17, 2008. Ms. MacIntyre seconded the motion, which passed unanimously.

DEFERRALS:

Ms. Kautz reported no deferrals.

SWEARING IN THE PUBLIC:

Nancy Morgan swore in members of the audience who planned to testify during the meeting.

MEETING ATTENDANCE:

Mr. Sanabria's absence from the meeting was unanimously excused by voice vote.

LOCAL HISTORIC DESIGNATION:

CASE FILE LHD 2007-04 Consideration of the local historic designation of the property at 111 Salamanca Avenue, legally described as Lots 10 and 11, and the East 30 feet of Lot 12, Block 29, Douglas Section of Coral Gables, according to the Plat thereof, as recorded in Plat Book 25, at Page 69, of the Public Records of Miami-Dade County, Florida.

Ms. Kautz refreshed the Board about a previous designation hearing on this property nearly a year ago, at which time the owner requested a review for economic hardship. The item was deferred to give the applicant an opportunity to provide more information. Ms. Kautz stated that the designation report previously delivered would be presented, after which the applicant would state the case for economic hardship. Thereafter, staff would provide comments.

During a Powerpoint presentation displaying historic and current photographs, Ms. Kautz reviewed the history, alterations and significant features of the property. She concluded by stating that staff recommended approval of historic designation.

Regarding economic hardship, Ms. Kautz called attention to a document from the National Trust for Historic Preservation (in Board packets), and pointed out material submitted by Attorney Zeke Guilford pertaining to the issue, along with additional information from her. Additionally, Ms. Kautz referenced an e-mail from Mr. Guilford's assistant to Ms. Kautz that accompanied a letter from a property appraiser.

Ms. Kautz reviewed the history of the original and current application. As Mr. Guilford was requested at the previous meeting to provide more information to the Board, his purpose at today's meeting was to review the application and new material. Mr. Guilford added that information regarding taxes and revenue was also included in the packets.

There followed a discussion about the two issues the Board would consider, Ms. Kautz advising that they were not two separate issues or mutually exclusive. Ms. Bennett requested that the Assistant City Attorney advise the Board on consideration of the issues.

At Ms. Bennett's request, Mr. Guilford reviewed material he provided. Stating that he represented property owner Michael Saenz, Mr. Guilford explained that a contract for sale of the property did not go through as a result of the historic significance letter from the City.

Ms. Alfonsin-Ruiz advised that the two issues could be considered separately based on the zoning code; however, she said the Board might want to review them together, even though it was not required by the code. Mr. Guilford commented that the Board could address the designation at this meeting, and the hardship issue at a subsequent meeting. Ms. Bennett consulted with the Board regarding their preference.

Ms. Maroon made a motion to separately hear the designation issue first. Ms. Meyers seconded the motion.

Roll Call: Ayes: Mr. Santos, Ms. Stewart, Mr. Beeman, Ms. MacIntyre, Ms. Maroon, Ms. Meyers, Ms. Thomson, Ms. Bennett. Nays: None.

Ms. Thomson requested and received information about procedural matters.

To preserve his rights and for the record, Mr. Guilford stated objection to the designation based on economic hardship.

Ms. MacIntyre made a motion to approve historic designation of 111 Salamanca. Mr. Beeman seconded the motion.

Ms. Bennett invited members of the audience to speak for or against the designation. Hearing no requests, she closed the public hearing.

Ms. Meyers pointed out that the applicant had the right to return to the Board to seek a Certificate of Appropriateness to demolish the property, suggesting that might be a more appropriate time to address economic hardship. Ms. MacIntyre asked if the applicant had explored with an appraiser Board suggestions to make the property economically viable. Mr. Guilford responded that the appraiser did not have sufficient time to review all of them, and addressed the property's worth as land only and land and building together.

Roll Call: Ayes: Ms. Stewart, Mr. Beeman, Ms. MacIntyre, Ms. Maroon, Ms. Thomson, Ms. Meyers, Mr. Santos, Ms. Bennett. Nays: None.

Ms. Kautz reported that during the meeting of September 20, 2007, the issue of economic hardship arose due to the possible designation of the property. The applicant objected to the loss of income based on the designation. Ms. Bennett requested additional advice from the Assistant City Attorney.

Mr. Guilford explained the lack of clarity in the Zoning Code about the proper time to claim economic hardship, adding that the owner he represented was losing money on the property and was going to appeal the designation. Ms. Alfonsin-Ruiz advised that because of the appellate process, Mr. Guilford would be stayed from applying for a demolition permit. She cited that as the reason she advised the Board it would behoove them to hear both items at the same time because the appeal could then go to the City Commission with the economic hardship decision if the Board ruled against economic hardship. Ms. Bennett commented on the difficulty of speculating on a set of circumstances that had not yet occurred.

Ms. Meyers asked if Code allowed demolition without a plan for rebuilding the site, Mr. Guilford responded that demolition without a plan was permitted, to which Ms. Meyers commented that this provision was a "hole" in the Code.

As discussion continued without resolution, it was suggested that Mr. Guilford return to the Board when plans for the property were in hand. Mr. Beeman questioned whether or not the building was occupied, the condition of the property and the possibility of property neglect if the building was vacant.

Ms. Maroon made a motion to address the issue of economic hardship when the applicant applies for a Certificate of Appropriateness. Ms. Meyers seconded the motion.

Roll Call: Ayes: Mr. Santos, Ms. Stewart, Mr. Beeman, Ms. MacIntyre, Ms. Maroon, Ms. Meyers, Ms. Thomson, Ms. Bennett. Nays: None.

Ms. Stewart asked Mr. Guilford to provide copies of the applicant's escrow deposits, whether or not the buyer had submitted his objection to the designation in writing, and information to exactly specify the reasons for the cancellation of the contract for the purchase of the property.

SPECIAL CERTIFICATE OF APPROPRIATENESS:

CASE FILE COA (SP) 2008-05: An application for the issuance of a Special Certificate of Appropriateness for the property at 1317 Obispo Avenue, a local historic landmark, legally described as Lot 25 and the East one-half of Lot 26, Block 18, Coral Gables Section "E," according to the Plat thereof as recorded in Plat Book 8, at Page 13, of the Public Records of Miami-Dade County, Florida. The applicant requested approval for variances from the Coral Gables Zoning Code for the allowable side setback and the allowable total side setback.

Ms. Kautz pointed out that this property was presented to the Board multiple times, and again reviewed its background during a PowerPoint presentation. Approval had previously been granted for the design and its slight alterations. It later became known that variances were required based on the design changes the Board encouraged the owners to adopt.

Variances were described, both of which were related to setbacks. The applicant, Ms. Kautz advised, met the requirement for both variances.

Luis Sirera addressed the Board and responded to questions pertaining to design, placement of the second story and setbacks. Ms. Kautz reviewed details of former Board action regarding the property. She also advised that a neighbor on the east side of the property expressed concern about the setback, but said the overall setbacks were appropriate.

Ms. Bennett complimented the owner for accommodating Board's concerns and suggestions.

Ms. Stewart made a motion to allow the variances as requested. Ms. Meyers seconded the motion.

Ms. Bennett invited audience members to speak. With no requests, she closed the public hearing. Mr. Santos clarified an issue related to the setback.

Roll Call: Ayes: Ms. Meyers, Ms. Thomson, Mr. Santos, Ms. Stewart, Mr. Beeman, Ms. MacIntyre, Ms. Maroon, Ms. Bennett. Nays: None.

CASE FILE LHD 2007-09 Consideration of the local historic designation of the "Obispo Avenue Historic District." A lengthy legal is on file in the Historic Preservation office.

After reviewing Board packet contents, Ms. Kautz explained the addendum prepared by staff as a PowerPoint presentation was conducted. Information covered as a result of extensive research included the boundaries of the district, the number of homes (122), the period of significance from 1921 to 1955 and the eras therein, architectural styles and typologies represented, architects and notable residents represented in the district.

Though the consultant listed the period of significance as 1921 to 1958, staff thought it appropriate to terminate the period of significance at 1955. Within that period, a few of the properties (because of architecture and massing) detracted from the character of the district. Therefore, it was recommended that these properties be listed as non-contributing: 1029 and 1209 Alhambra Circle. Also recommended to be listed as non-contributing (due to substantial changes to their original character) were: 932, 937, 1016, 1123, 1252 and 1416 Obispo Avenue.

In conclusion, Ms. Kautz stated that creation of the Obispo Avenue local historic district would ensure that the character and charm of the beautiful and significant street would be preserved and protected for future generations. She recommended approval of the designation based on its architectural, historic and cultural significance with noted changes.

During subsequent discussion, Ms. Kautz pointed out a letter from Maria Velez that opposed the district designation, and two received in favor of the designation (Maria Carolina Patch and Kendell Turner).

Ms. Bennett invited comments from the audience. Ray Airan asked questions to understand the process and consequences of historic district designation, stating that his house was one recommended as non-contributing. Staff and Board members responded to Mr. Airan, and offered additional informational material.

After the public hearing was closed, Ms. MacIntyre expressed pleasure with the quality and number of homes represented in the district. Ms. Stewart suggested that information/public relations material explaining the processes, requirements and advantages of historic designation also be included on the City's website. Ms. Kautz responded that there existed a packet of materials for residents and Realtors. Ms. Thomson praised staff for the extensive research and assembly of information.

Mr. Santos initiated a discussion based on concern that 30% of the properties in the district were non-contributing and would be subject to reviews by the Board of Architects and this Board for alterations to their homes because of the district designation. He suggested that staff manage many of the items pertaining to these non-contributing homes without requiring the owners to endure multiple reviews, terming the process a burden on the property owners. Ms. Kautz

responded that many minor items were administratively handled by staff, and explained the standards of review that pertained to contributing and non-contributing homes.

Ms. MacIntyre made a motion to approve the Obispo Avenue Historic District designation as recommended by staff, including the non-contributing structures included as delineated in the report. Mr. Santos seconded the motion.

Roll Call: Ayes: Ms. Thomson, Ms. Stewart, Mr. Beeman, Ms. MacIntyre, Ms. Maroon, Ms. Meyers, Mr. Santos, Ms. Bennett. Nays: None.

PERSONAL APPEARANCE:

Mr. Art Del Rio requested a recommendation of the Historic Preservation Board on the design of a new residence to be constructed at 19XX Country Club Prado, a vacant lot legally described as Lots 1 and 2, Block 26, Coral Gables Section "E," according to the Plat thereof, as recorded in Plat Book 8, at Page 86, of the Public Records of Miami-Dade County, Florida.

Ms. Kautz referred to an opinion memo from the City Attorney regarding the empty lot at Country Club Prado, a topic of discussion by the Board regarding the ability of the owner to apply for a Certificate of Appropriateness for design while the district designation was pending. The City Attorney's opinion was that the owners could make a personal appearance before the Board and request the Board's feedback and/or recommendation. The owners, Art and Stella Del Rio, were invited to present their design to the Board and explain their position.

Ms. Kautz described the background of the property as the only vacant lot on Country Club Prado. A building had never been constructed on the site. The request was made because the owners wanted to move forward with permitting and construction documents during the time the district designation was pending, and didn't want to proceed with extensive work on a design without an indication from the Board to determine if they were proceeding appropriately.

Ms. Bennett said this type of review was outside normal procedure and suggested that staff treat the request as a Certificate of Appropriateness so the Board could have staff feedback in advance of the presentation of the design. If a binding review of the plans was required of the Board, Ms. Bennett opined that it would be necessary to have a staff report. Ms. Kautz responded that the City Attorney's opinion was that the owners could seek Board input, and indicated she would give staff's opinion after the owners made their presentation. Ms. Bennett again urged review as a Certificate of Appropriateness. Ms. Thomson supported giving input to the owners at this time.

Ms. Alfonsin-Ruiz advised the Board that the owners requested the input because, at a later date, if the Board did not approve the design plans, it would be costly to change them. The purpose of the binding effect would be to gain mutual commitment to the design to avoid harming the owners later, and an attempt to ensure fairness to them. She pointed out that the owners wanted to begin construction as soon as possible, that there was a stay on the district designation and no time certain when or if designation would occur.

Discussion topics included the possibility of qualifying Board approval, and whether or not the plans were sufficiently detailed. Mr. Santos suggested that staff review the plans and give their report to the Board. He indicated he had observations about the design and expressed surprise that the Board of Architects reviewed the plans without comment.

Ms. Kautz read the section of the Code regarding the issues. She pointed out that preparation of construction documents took time to develop, the owners have already developed them this far, and waiting until designation occurred plus other possible delays could potentially impede progress by several months. Ms. Stewart cautioned that if the Board took the requested action, they would be setting a precedent.

Ms. MacIntyre suggested that the Board give the owners non-binding feedback at this meeting, and have a staff report at the next meeting for the Board to review for a binding commitment.

Ms. MacIntyre made a motion to allow the applicant to present the plans for a non-binding review of the applicant's plans at this meeting, with a staff report to be presented at the next meeting for a final, binding determination. Mr. Beeman seconded the motion.

Roll Call: Ayes: Ms. Meyers, Mr. Santos, Mr. Beeman, Ms. MacIntyre, Ms. Bennett. Nays: Ms. Stewart, Ms. Thomson, Ms. Maroon.

Ms. Bennett announced that the motion passed and the Board would hear the presentation for non-binding feedback.

Ms. Kautz reviewed the site photographically and displayed surrounding properties as well.

Art and Stella Del Rio were introduced and explained the history of the property as it related to their family. The house they were proposing was to be built for Ms. Del Rio's sister. The design was reviewed and passed by the Board of Architects, it was reviewed and passed by the Building and Zoning Department and DERM, meeting all zoning requirements.

Mr. Del Rio described the design and features, as well as their intent that it harmonize in scale and appearance with the surrounding neighborhood. Explaining that they owned a construction company, Mr. Del Rio named many of the homes they had remodeled.

Mr. Beeman cautioned that the size of the home would generate visitors and parking needs, recommending that more parking accommodations be included. Mr. Santos commented that the parking accommodations met Zoning Code requirements. He expressed concern with the building façade and the shallow pitch of the roof for the style, suggesting a hip roof instead. He also commented on the unusual way of articulating the rear of the house since he said the beauty of this type of architecture was its simplicity. He suggested restudying that area along with the upper portion of the high roof in the center. Mr. Del Rio cited his reasons for the design choices. Mr. Santos also suggested re-examination of the configuration of the pool. Mr. Del Rio agreed to consider all suggestions.

Ms. Bennett suggested consideration of more paving for vehicle accommodation, stating that extensive parking in the front of the house would detract from the façade. Mr. Del Rio also agreed to this suggestion. Ms. Stewart suggested that a circular driveway might be a safer alternative.

Mr. Santos also commented that the pediment on the north façade didn't have tile on top and expressed surprise that the Board of Architects didn't comment on this. Mr. Del Rio said the Board of Architects asked them to center a window on the right elevation, and the kitchen was remodeled to accommodate that change. They also wanted the columns on the outside wall to be related more to the house, and these changes were made.

Ms. Meyers suggested adding windows to the kitchen wall as it appeared large and blank, and to add heavy landscaping to soften the appearance. She also commented that the design was handsome, but expressed concern that it might appear more massive than other houses in the neighborhood. She expressed interest in having the lot posted to give neighbors an opportunity to voice their opinions. Mr. Del Rio agreed.

There being no further comments, the public appearance concluded, and the meeting was temporarily suspended for 10 minutes to provide a break in proceedings.

HISTORICAL SIGNIFICANCE DETERMINATION:

3601 Alhambra Court, legally described as all of Lots 26 and 27, and parts of Lots 23, 24, and 25, Block 50, Coral Gables Country Club Section, Part Four, according to the Plat thereof, as recorded in Plat Book 10, at Page 57, of the Public Records of Miami-Dade County, Florida.

Ms. Kautz called attention to a May 13, 2008 memorandum from her in Board packets which described why the property was brought to the Board. She reported receiving a letter on May 10, 2007 advising that the property was historically significant. Staff found the property met criteria for designation as a local historic landmark.

Ms. Kautz conducted a PowerPoint presentation, displaying current and historic photographs as she reviewed the property history. She referred to materials attached to the May 13th memo, one of which was the initial package of significance as well as information showing that the property was scheduled on numerous occasions to be brought to the Board. It was, however, deferred multiple times due to the property owner's need to resolve an issue prior to presentation.

There was also a letter dated August 2007 from Attorney Laura Russo describing the applicant's statement about the property and claim of economic hardship. A second packet of material was delivered on May 2nd to staff containing information regarding the architecture and property conditions that comprised the foundation of the claim of economic hardship.

During discussion with Ms. Bennett, Ms. Kautz indicated that the owner and/or her attorneys would first present their explanation. Ms. Kautz did, however, opine that the economic hardship issue might lie with the property rather than the property owner, a noteworthy distinction. She requested hearing the presentation of the owners' representatives before fully formulating an opinion.

Zeke Guilford, with Laura Russo as co-counsel for Sofia Powell Cosio, the property owner, stated that he would address issues of architecture and architect, and Ms. Russo would address water intrusion and related issues significant to the property.

Mr. Guilford said he was told the architecture was Colonial Revival, constructed in 1942 with a permit pulled in 1941. He described elements of the property as he guided Board members through documentation, and also reviewed the front elevation to demonstrate that the design was not Colonial Revival. Of 145 houses built in 1941, 97% still remained. Architect Upton Ewing's background was described, and he was credited for designing 27 houses and 59 commercial and apartment buildings. In a photographic comparison of the subject house with others, Mr. Guilford said it appeared that Mr. Ewing copied design features from other houses. He concluded that the house did not contain the elements of Colonial Revival and cited reason for its lack of qualification for historic designation.

Ms. Russo said she would be addressing the uniqueness of the property. However, since both Ms. Thomson and Ms. Meyers had left the meeting, Ms. Kautz advised that the attorneys might wish to defer the item for a full board review. The attorneys conferred privately, and reported that they would defer in favor of a full Board presentation. They requested to be scheduled at the beginning of the June meeting agenda.

Mr. Beeman made a motion to defer the item until the June meeting. Mr. Santos seconded the motion.

Roll Call: Ayes: Ms. Stewart, Mr. Beeman, Ms. MacIntyre, Ms. Maroon, Mr. Santos, Ms. Bennett. Nays: None.

SPECIAL CERTIFICATE OF APPROPRIATENESS:

CASE FILE COA (SP) 2008-04: An application for the issuance of a Special Certificate of Appropriateness for the property at 501 Alhambra Circle, a local historic landmark and a contributing structure within the "Alhambra Circle Historic District," legally described as Lots 13 and 14, Block 12, Coral Gables Section "B," according to the Plat thereof as recorded in Plat Book 5, at Page 111, of the Public Records of Miami-Dade County, Florida. The applicant requested design approval for the construction of an addition and alternations to the existing structure.

Ms. Kautz reported that the owner's representative was no had left the meeting, and it was decided to move this item to the end of the proceedings to allow time his return. The applicant did not return.

Mr. Santos made a motion to defer the application. Mr. Beeman seconded the motion.

Roll Call: Ayes: Ms. Stewart, Mr. Beeman, Mr. Santos, Ms. MacIntyre, Ms. Maroon, Ms. Bennett. Nays: None. Ms. Thomson and Ms. Meyers left the meeting prior to this vote.

BOARD ITEMS/CITY COMMISSION UPDATE:

1700 Cortez Street: An appeal is pending for this property; however, the applicant requested a deferral.

ITEMS FROM THE SECRETARY:

Board Meeting Attendance: Referring to her memorandum in Board packets, Ms. Kautz reported that the 2003 Ordinance that addressed City board and committee meeting attendance was updated in 2005 and stipulates that excused meeting absences are for travel, jury duty, illness or any other absence excused by the Board.

Florida Trust for Historic Preservation Conference: Ms. Kautz participated in the conference in Pensacola and reported that the content was excellent. Ms. MacIntyre was unable to attend due to illness. Next year the conference will be held in Palm Beach.

DISCUSSION ITEMS:

Ms. Kautz said a building site at the south end of the Santa Maria district was heard on appeal from the Board of Adjustment at the City Commission, and the Commission upheld the site as a single building lot site.

400 University Drive: Ms. Kautz reported that construction of the addition to the south side of the building underway as the property was being designated. Any new building changes since designation would come before the Board.

Ms. Bennett discussed the outburst from the applicant (501 Alhambra) earlier in the meeting, and read information that indicated instances when the chair or the full board could bar disruptive individuals from further audience. She stated that the applicant was boisterous and should be advised that verbal outbursts were prohibited. Ms. Kautz advised that a police officer could be present in the room when the applicant appears the next time if the Board so requests.

ADJOURNMENT:

Hearing no objections, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Kara N. Kautz
Historic Preservation Officer