

CORAL GABLES HISTORIC PRESERVATION BOARD
Wednesday, August 17, 2022, Meeting, 4:00 p.m.
Coral Gables City Hall, City Commission Chamber
405 Biltmore Way, Coral Gables, Florida 33134

*Historical Resources &
 Cultural Arts*

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MEMBERS	S 21	O 21	N 21	D 21	J 22	F 22	M 22	A 22	M 22	J 22	J 22	A 22	APPOINTED BY
Albert Menendez (Chair)	P	P	P	P	P	P	P	E	P	P	E	E	Commission-As-A-Whole
Cesar Garcia-Pons (Vice-Chair)	P	P	E	E	P	P	P	P	E	E	P	P	City Manager Peter Iglesias
Alicia Bache-Wiig	P	P	P	P	P	P	P	E	P	P	E	P	Mayor Vince Lago
Margaret (Peggy) Rolando	P	E	P	P	P	E	E	P	#	P	E	P	Vice-Mayor Michael Mena
Dona Spain	P	P	P	P	P	P	P	P	P	P	P	P	Commissioner Rhonda Anderson
Xavier Durana	P	P	P	P	P	E	E	E	P	P	P	P	Commissioner Jorge L. Fors, Jr.
Michael J. Maxwell	P	E	P	P	P	P	P	P	P	P	P	P	Commissioner Kirk R. Menendez
Bruce Ehrenhaft	P	P	P	P	P	P	P	P	P	P	P	P	Commission-As-A-Whole
John P. Fullerton	P	P	P	P	P	P	P	P	P	P	P	E	Board-as-a-Whole

LEGEND: A = Absent; P = Present; E = Excused; * = New Member; ^ = Resigned Member; - = No Meeting; # = Late meeting arrival

STAFF: Warren Adams, Historic Preservation Officer, Gus Ceballos, Assistant City Attorney
RECORDING SECRETARY/PREPARATION OF MINUTES: Nancy Kay Lyons, Administrative Assistant

OPENING STATEMENT

Vice-Chair Garcia-Pons read for the record the statement regarding the purpose of the board and lobbyist registration and disclosure.

CALL TO ORDER:

The meeting was called to order at 4:09 pm by Vice-Chair Garcia-Pons and attendance was stated for the record.

APPROVAL OF MINUTES:

A motion was made by Mr. Maxwell and seconded by Mr. Ehrenhaft to approve the minutes of the June 15, 2022, meeting.

The motion passed (Ayes: 7; Nays: 0).

A motion was made by Mr. Ehrenhaft and seconded by Mr. Maxwell to approve the minutes of the July 20, 2022, meeting.

The motion passed with a collective aye.

NOTICE REGARDING EX-PARTE COMMUNICATIONS.

Vice-Chair Garcia-Pons read a statement regarding Notice of Ex-Parte Communications. Board members who had ex-parte communication of contact regarding cases being heard were instructed to disclose such communication or contact. Board members did not indicate that any such communication occurred.

DEFERRALS: None

AMENDMENTS TO THE AGENDA:

1. Case File TDR 2022-002: Is being moved to accommodate the Public Works Director.
2. Discussion Item on Flood Maps has been added.

SWEARING IN OF THE PUBLIC:

Assistant City Attorney Ceballos administered the oath.

APPROVAL OF ABSENCES:

A motion was made by Ms. Rolando and seconded by Mr. Maxwell to excuse the absences of Chair Menendez and Mr. Fullerton.

The motion passed with a collective aye.

Vice-Chair Garcia-Pons asked Assistant City Attorney Ceballos if he needed a vote to change the order of the agenda. Assistant City Attorney Ceballos said he could proceed through the agenda as he deemed appropriate.

TRANSFER OF DEVELOPMENT RIGHTS (SENDING SITES) CASE FILE TDR 2022-002:

Consideration of the Transfer of Development Rights for the property at **285 Aragon Avenue**, a Local Historic Landmark and listed on the National Register of Historic Places, legally described as Lots 1 thru 4 and 42 thru 48 inc. and 20 ft. alley lying between, Block 34, Coral Gables Section K, as recorded in Plat Book 8, at Page 33 of the Public Records of Miami-Dade County, Florida. The application requests approval of a maintenance plan, authorization for the transfer of the unused development rights, and the issuance of Certificates of Transfer. The Historic Preservation Board reviews the maintenance/preservation plan, pursuant to section 14-204.4 of the Zoning Code.

Mr. Adams made a presentation following the on-screen presentation. Highlights were as follows:

1. The application requests approval of the maintenance plan, authorization for the transfer of unused development rights, and the issuance of Certificates of Transfer for the property at 285 Aragon Avenue.
2. It is a Local Historic Landmark and listed on the National Register of Historic Places.
3. The property is located on the northeast corner of Aragon Avenue and Salzedo Street.
4. The request is to transfer 71,136 square feet of development rights.
5. The "Old Police and Fire Station" is a historic structure, and is noted for its craftsmanship, design, and detailing.
6. On January 19, 2006, the Historic Preservation Board reviewed an application for a Special Certificate of Appropriateness for additions and improvements to the building.
7. By 2011, \$6,326,792 had been spent on restoring and adding to the structure.
8. The Coral Gables Museum is operated by Coral Gables Museum Corp. (CGM), under an agreement for its operation with the City. Under this agreement, CGM is responsible for maintaining the facility in a 'neat and attractive manner, in good repair and condition...'. The Operator is responsible for painting, cleaning, as well as plumbing repairs for the restrooms. The city is responsible for exterior walls, doors, windows, structural elements, plumbing, electrical and HVAC systems, along with the courtyards, plazas, floors, alarm systems and the roof.
9. Currently, the structure is being re-roofed at a cost of approximately \$488,000.
10. The funds obtained from the sale of the TDRs will be placed in a new Historic Building Fund. This fund will be used to undertake repairs to City owned historic sites including, but not limited to, the "Old Police and Fire Station".

11. The Public Works Department has submitted a Maintenance/Preservation Plan which includes existing conditions, proposed corrective actions, a maintenance schedule, and estimated costs.
12. Photos were shown of the repairs, including the painting of the exterior walls, repairs to the structure, repairs to the windows to stop water ingress, and current repairs being done to the roof.
13. There are 71,136 square feet available and requested to transfer.
14. The Historic Preservation Staff recommends the approval of the Maintenance/Preservation Plan, and approval of the issuance of Certificates of Transfer.

Mr. Adams said the Director of Public Works was present and Vice-Chair Garcia-Pons asked if he wanted to speak or make a presentation.

Mr. Hermes Diaz, Director of Public Works introduced himself and said Mr. Adams would do the presentation, he was just there to answer questions.

Mr. Maxwell asked if all the funds would be exclusively used for the Historic Preservation Fund and if they would go into a segregated account. Mr. Adams replied that the intent of the fund is to use the money raised from the sale of TDRs for the repair of city owned historic buildings and details of the fund had not been finalized. Mr. Diaz responded that it was a finance issue. Assistant City Attorney Ceballos said that the discussion about where the funds are earmarked was not part of the review criteria. This board is reviewing the Preservation, and Maintenance Plan. How those TDRs are then sold, and funds allocated is outside the realm of the review of this board.

Ms. Spain asked if the proceeds (funds) from the sale of 71,136 square feet of Development Rights would all be spent by the City on historic preservation. Assistant City Attorney Ceballos said he could not speak to how the funds would be used and it was not a part of the review criteria. The Historic Preservation Board could pass a resolution recommending to the City Commission that the funds be earmarked for particular use, they were just reviewing the maintenance and preservation plan.

Vice-Chair Garcia-Pons said this was sending site for TDRs that would travel under the existing rules of the City of Coral Gables and did not include a Historic Preservation Fund. They could make separate recommendations, but they should focus on the item before them. They City Attorney would advise them of what they could or could not do. He asked if the Board has any comments on the Operations and Maintenance Plan.

Ms. Rolando asked why the schedule for repairs and restoration items on the Maintenance Plan was not accelerated. Mr. Diaz responded that some important items like the roof and windows were being done first and they would review the schedule as funds became available. Funds would be used for historical preservation in the City, not just this building.

Ms. Rolando asked if the city anticipated putting these credits up for sale and if they had sold other credits. Mr. Diaz, Ms. Spain and Mr. Adams said they believed this was the first one. Ms. Rolando said their recommendations would be important as they would set a precedent and/or establish best practices going forward.

Ms. Spain asked if this was a request for the square footage to be transferred. Mr. Diaz responded affirmatively. Ms. Spain asked if all funds were not used for this property, would future use of the funds come to the board for review along with a maintenance plan? Mr. Adams said that any funds received from the sale of TDRs on City owned historic properties within the sending areas would be put in a fund specifically for the repair of City owned historic buildings as needed. Nothing in the code requires the funds from the sale of TDRs to be spent on the historic building. Ms. Spain said a resolution was passed by this board which has not gone to the city commission. She went on to say that if there are available funds from the transfer/sale of TDRs this board should review the maintenance plan. Mr. Adams agreed and said that if there are any TDRs sold from any other City owned properties the maintenance plan would come to the board for review. This would ensure that the funds are spent on historic buildings. It is slightly different from other TDR programs that require TDR funds to be spent on the building that the TDR is sold from, this allows the funds to be distributed among the City owned historic buildings as needed.

Ms. Spain said in the past there had been multiple discussions at the staff level on TDRs and the sale of them on municipal buildings. She gave examples of the theater downtown, the museum and the Fink Studio. Properties like the museum and Actor's Playhouse were nonprofit and she felt that a portion of the available funds should go towards the entities that occupy the buildings, but it had never happened. The City is required by law to maintain their buildings.

Ms. Rolando said that it was a legitimate concern as there is widespread sentiment amongst the populace that the City is not adequately maintaining landmark buildings which is why the Landmarks Advisory Board was formed. She asked if the City was planning to use these funds in lieu of maintenance obligations on those buildings, or to supplement the maintenance, she hoped the City would not wait until there was enough money in the TDR funds to maintain their buildings. Mr. Adams said he was not sure it could be classified as a substitution. There are a finite number of TDRs which property owners, with eligible buildings and sending areas can sell to maintain the building, it was their decision whether they choose to sell those development rights and use the money now or sit on them for 20 years and then sell them. Mr. Diaz pointed out that the City spent \$6.5 million dollars for improvements on the Museum building, which was completed in January 2011, including some bonding that they were still paying for. The total City expenditure on that building, including the interest on that bond which still had another 15 or 16 years would be approximately 5 million dollars. The Fink studio is wrapping up a significant renovation now and there is also day to day maintenance. They City was spending half a million dollars replacing the roof at the museum. There are things that after a certain point are no longer maintenance and need to be replaced.

Mr. Ehrenhaft said there were priorities assigned and the need to allocate portions of city funds that had nothing to do with TDR's. He expressed concern about waiting 2 years for repairs to carriage doors that were deteriorating. He thought that the City should try and shift funds to do repairs in a timely manner. He requested the board to draft a motion that if large amounts of money were received from the sale of TDRs from historic city owned buildings, the funds first be used for the maintenance of that property and if the amount of funds generated exceeded the needs of building as per staff, engineers and Public Works, then they could work together to determine what needed to be done. He suggested that the funds be segregated so that they could be used for other City owned historic properties.

Mr. Maxwell said they needed to look at approving the request in front of them and then discuss that issue. Vice-Chair Garcia-Pons said the motion might require additional recommendation requirements from the board.

Ms. Bache Wiig asked about the TDR incentives discussed at a previous meeting. Mr. Adams said it had not moved forward. She wanted to revisit the issue of incentivizing a property owner to sell their TDRs and put 100% of the funds back into the property.

Ms. Spain said when she was head of the department and they did five-year capital improvement plans and set aside a certain amount of money for the upcoming year for a certain building, then they requested grants in Tallahassee, but the money received did not augment the amount set aside, instead it replaced it. If she had \$500,000 set aside and received \$500,000 in grant money, instead of having \$1,000,000 she would only have \$500,000.

Vice-Chair Garcia-Pons said there were a couple of items:

- 1) The TDR program had always been with a private developer, this was different because it is public property.
- 2) They could address concerns about the timing of projects on the maintenance preservation plan/schedule and any recommendations could be made part of the plan.
- 3) The Certificates of Transfer would address how the funds should be used and the square feet should be transferred.

Vice-Chair Garcia-Pons said the City is trying to find funds to address the known problems, not shirking their responsibility or their understanding of their responsibility to do the work. The Landmarks Committee is discussing how to do this better, and he hoped they would weigh in as well. There are over a million dollars of improvements in the report and the TDRs were worth about twice as much. The board has opportunities on the votes today to make their recommendations to the City Commission and City Staff.

Ms. Bache Wiig asked if the items were listed in order of priority. Mr. Diaz said no, there was a timeline and a column with the cost. Mr. Ehrenhaft thought they should look at the urgency of work to prevent further deterioration. Vice-Chair Garcia-Pons said the board votes on the operations and maintenance plan.

Ms. Rolando asked if funds become available sooner through the sale of the TDRs could the work be accelerated? Mr. Diaz said it was a possibility, but as money was put in a fund for multiple City properties, they would address priorities first. Since they did not know how much money they would receive, they did not want to make plans for funds they did not have. Some priority items could be done with available funding. As funds became available, they would look at the timelines. Ms. Rolando asked if when funds become available, would they be used for items that were not on the maintenance schedule if there were other buildings that were felt to be more important. Mr. Diaz said maybe, but without looking at it globally he could not tell how the money would be spent.

Mr. Adams said that there were only three City owned historic buildings that are eligible to send and receive TDRs. The Fink Studio, the Miracle Theatre and the Museum. If the TDRs are sold and the money put into a fund, then if something needs to be done immediately the money is available. It is not as if we are selling TDRs from three buildings and making the funds available to 50 buildings. This is a very small number of buildings that all need repairs, that all have TDRs to sell, and it is a way to perform the immediate required work to stop further damage and potentially have the funds to do repairs. Ms. Spain asked if this fund was also for any other historic properties like City Hall. Mr. Adams responded that that he did not think that was the intent as these buildings are not in the receiving site areas.

Vice-Chair Garcia-Pons asked if there currently was a historic preservation fund? Mr. Adams said no, this is the new idea, the money would not be part of the general fund. The intent was that the money received from the sale of TDRs would be put back into the repair of City owned buildings that were in receiving site areas. Vice-Chair Garcia-Pons they could make recommendations on how to spend the money, but since the fund did not exist, they needed to be clear on their recommendations to the City Commission.

Mr. Maxwell said that everything on the maintenance and preservation plan was in 2024. Would this be the standard preservation plan that the board would see in the future, or would they get some more detail? Mr. Adams responded that the plan is based on prior ones that were used as examples. He went on to say that the City has an obligation to maintain their buildings, so even if this plan only goes for 2 or 3 years it doesn't exempt the city from keeping its buildings in good repair beyond that. Mr. Diaz added that these are the immediate needs as time goes on other things will come up and they will be addressed accordingly. Mr. Maxwell said it could be clearer. He suggested taking a longer-term approach to discuss who would maintain items in the future so it would be a true preservation plan going forward for more than a couple of years.

Vice-Chair Garcia-Pons asked if anyone in the audience would like to speak in favor or opposition of the case. When no one did he closed the public portion of the hearing and opened it up to the board for comments.

Vice-Chair Garcia-Pons said that they had been asked to do two things by staff, both of which they could make recommendations on:

- a) The approval of the maintenance preservation plan.
- b) The approval of the transfer.

Mr. Adams read a letter of support from the Historical Preservation Association of Coral Gables. This letter requested that they funds stay with the museum and a regular maintenance plan be developed and the proceeds from the sale of the unused development rights of the museum be earmarked for the implementation of the plan.

Mr. Ehrenhaft said item 4 on page 11 of the maintenance plan shows restoration by a conservationist. Washing of façade stone should be overseen by a conservationist or someone that knows the nature of the materials and structure that are going to be cleaned. Mr. Diaz said they do not pressure wash buildings, it is a spray and a light wash. Mr. Adams suggested that Public Works reach out to staff prior to doing the work. Ms. Spain agreed.

Assistant City Attorney Ceballos said he could not speak to how the funds would be used and it was not a part of the review criteria. The Historic Preservation Officer said the current discussion was a modification to the maintenance plan. Vice-Chair Garcia-Pons said it was the approval of the maintenance and preservation plan which includes not only the schedule, but it also includes the action. Ms. Rolando asked if the board would consider a request that the schedule be accelerated to the extent funds are available.

Ms. Bache Wiig asked if the first item was underway and would be completed this summer. Mr. Diaz said yes it was happening right now.

A motion was made by Mr. Maxwell and seconded by Mr. Rolando to approve the maintenance and preservation plan.

The motion passed (Ayes: 7; Nays: 0).

Recommendations:

- 1) *Prior consultation shall be had with the Historical Resources Staff for all proposed corrective actions.*
- 2) *The city shall accelerate projects as funds become available.*

Vice-Chair Garcia-Pons said the next items was the issuance of the Certificate of Transfer. Ms. Rolando asked if it was appropriate here to request that upon the sale of the TDRs the funds should be segregated for use on this historic property and other City owned historic properties in the receiving area. Assistant City Attorney Ceballos said he could not speak to how the funds would be used and it was not a part of the review criteria. The Historic preservation Officer advised typically the way that the code is currently written the Board is only reviewing the maintenance plan, the transfer is something that is taken on by the Historic Preservation Officer. In this case he thought it would be better placed in an independent recommendation to the City Commission. Mr. Adams agreed and said they could include any other recommendations they felt were appropriate.

Mr. Maxwell asked if the staff's recommendation was to approve the transfer and anything else would be a separate resolution? Vice-Chair Garcia-Pons said that was the recommendation by city staff. Ms. Rolando said that it was a recommendation, not a condition of the sale.

A motion was made by Ms. Spain and seconded by Mr. Durana to approve the issuance of a Certificate of Transfer of 71,136 square feet of development rights from 285 Aragon Avenue as provided in the document.

The motion passed (Ayes: 7; Nays: 0).

Vice-Chair Garcia-Pons said he was not sure about approving it without conditions and maybe a resolution was the way to provide the City with comments going forward. He said the board would ask staff to come back with updates on a regular basis. The resolution for the conditions could be addressed as new business.

SPECIAL CERTIFICATES OF APPROPRIATENESS:

CASE FILE COA (SP) 2022-018: An application for the issuance of a Special Certificate of Appropriateness for the property at **6312 Riviera Drive**, a Local Historic Landmark, legally described as Lots 8 through 11 & Part of Undug W/W LYG ADJ. Thereto, Block 257, Coral Gables Riviera Section Part 11, according to the Plat thereof, as recorded in Plat Book 28, at Page 23 of the Public Records of Miami-Dade County, Florida. The applicant is requesting design approval for an addition to the existing boathouse.

Mr. Adams made a presentation following an on-screen presentation:

1. The applicant is requesting design approval for an addition to the boathouse to the east of the existing residence.
2. The residence at 6312 Riviera Drive - known as "Coral Cove" – was designed by the architectural firm of Paist & Steward (Phineas Paist and Harold Steward) in the Mediterranean Revival style and built in 1938.
3. It has undergone two additions, both designed by Coral Gables architect William E. Tschumy Sr.
4. In 1953, an extension on the south side of the house (Lot 11) contained a swimming pool and culminated in a boathouse at the far end that opened onto the waterway (Permit #11542).
5. In 1954, Tschumy designed the \$40,000 "west wing addition" on Lot 8 (Permit #12910).
6. The building retains a high level of historic integrity and was designated as a Local Historic Landmark in January of 2013.
7. The application requests design approval for an addition to the freestanding one-story boathouse located to the east (truly southeast) of the residence.
8. Although it is not clear from the submitted plans, it appears that the tiled-roof portion of the boathouse is to be demolished and rebuilt and then extended to the north.
9. The proposed addition consists of two floor levels – one of which is below ground, so that the addition presents as a one-story structure (see building section on Sheet A300). The upper level consists of a full bathroom and two half-baths, stair hall, open "boathouse" space and "fish cleaning station" with storage closet. The south end of the stair hall has a large window that looks over the boat slip. The lower level consists of the stair hall, a "boathouse bar" and two cellar areas, presumably for wine, and a storage area.
10. Although not clear on the plans, it appears that a portion of the existing boathouse is intended to be demolished
11. If the footprint remains the same and roofline, staff requests that the existing boathouse walls remain, and the addition placed to the north of the existing.
12. The small bump-out on the west façade may be removed.
13. Staff also requests further differentiation be made to distinguish between the old and the new, such as recessing the addition off the corner of the existing structure or introducing a stucco score line between the old and the new.
14. The stucco molding at the eave should also be differentiated.
15. Staff would like clarification as to why the roof pitches are different on the higher and lower roof sections of the addition.
16. Staff recommends approval with the conditions noted:
 - a) Window/door muntins are to be high-profile/dimensional.
 - b) Window/door glass to be clear.
 - c) Roof tile is to be true two-piece barrel tile.
 - d) Maintain the existing boathouse walls.
 - e) Recess the addition off the corners of the existing boathouse or provide a discernible stucco score line to differentiate the old from the new.
 - f) Differentiate the stucco molding at the roof eave from the existing.
 - g) Material to be specified for new steps.

Andrea Rebull from Studio Anda made a presentation following an on-screen presentation. Highlights were as follows:

1. The homeowner is enjoying the historic nature of the property and wanted to complement it with one more separated cottage-like structure to really define a new courtyard.
2. With the additions over the years, this kind of courtyard typology has been created with the entry courtyard, and they really want to finalize it by extending the east boat house to create a rear yard porch beyond the pool area.
3. A picture of the proposed site plan was shown. They had framed and complemented the existing structure where the kitchen is housed to again create symmetry in that courtyard and frame the space that is currently there.
4. The homeowner is a wine collector and wanted a space to entertain when he comes in with his boat to really open up and view the pool area beyond.

5. In addressing the plan, they looked at the characteristics of the house, the roof pitches, tiles, proportions of the openings, and to have an open flow, they have included the Pella bi-fold doors, which have the same profile as the existing French doors, allowing the homeowner to open both sides of the space, and enjoy the courtyard while still staying in historic nature of the structure.
6. The reason for the proposed demolition of the existing part of the boathouse where the gable structure existed previously is for the structural integrity of the addition due to the underground wine cellar. This was the cleanest construction method.
7. Proposed Elevation: Showed that they had brought down the gabled portion to meet the boat house slightly compared to that of the original house.
8. Existing versus Proposed Elevation: the existing elevation where the current pitching structure really has a defined center moment, there is a change in gable height in in the existing structure that happens right beyond their proposal. They want to repeat that architecture and define the center the same way the opposite building is doing so the courtyard really feels like it shares that access point. The proposal was to have the same center elevation that's existing in the structure beyond and bring it into this new wing versus keeping the ceiling height all as one element which again was not what was occurring on the other side. Although it is an existing condition, it would marry better with the house.
9. Proposed Elevation: They implemented cabana doors on both sides and have matched the existing proportions for the Windows and French doors that were added. All spaces will have vaulted ceilings and match the existing characteristics seen in the additions over the years.
10. Roof Pitches: There were some discrepancies in the drawings and images they received, they were resolving this and had confirmed with the contractors that the pitches were the same and will correct that on the report.
11. The footprint is to define the rear courtyard and keep all the existing heights marrying the cottage structure that houses the kitchen and pantry areas beyond.

Ms. Rolando asked if the applicant had any issues with the conditions proposed by this City? Ms. Rebull said she had no issues with staff recommendations. The score line would be the best approach to achieve the recommendation. They would use clear glass and the double barrel tiles. Since this project had come to the board before Mr. Durana suggested that if they had questions when they started construction, they should set up a meeting with Mr. Adams.

Vice-Chair Garcia-Pons asked if anyone in the audience would like to speak in favor or opposition of the case. When no one did he closed the public portion of the hearing and opened it up to the board for comments.

Ms. Bache Wiig asked about the mural on the water side of the boathouse. Ms. Rebull responded that it was on the opposite boathouse and the owners have preserved it.

A motion was made by Mr. Maxwell and seconded by Ms. Rolando to approve request for the design approval with the conditions noted by staff for an addition to the existing boathouse on the property located at **6312 Riviera Drive** a local Historic Landmark, legally described as Lots 8 through 11 & Part of Undug W/W LYG ADJ. Thereto, Block 257, Coral Gables Riviera Section Part 11, according to the Plat thereof, as recorded in Plat Book 28, at Page 23 of the Public Records of Miami-Dade County, Florida.

The motion passed (Ayes: 7; Nays: 0).

Ms. Rolando stated that they needed to vote on the issuance of a Certificate of Appropriateness. Vice-Chair Garcia-Pons asked if Mr. Maxwell intended to approve the issuance of a Certificate of Appropriateness. Mr. Maxwell said yes.

Mr. Adams asked if they needed to take another vote and if it was an amendment to the motion or a clarification. Mr. Maxwell said it was a clarification. Assistant City Ceballos said a voice vote would be sufficient.

Another roll call was taken for the complete motion:

A motion was made by Mr. Maxwell and seconded by Ms. Rolando to approve the issuance of a Special Certificate of Appropriateness with the conditions noted by staff for the design approval for an addition to the existing boathouse on the property located at **6312 Riviera Drive** a local Historic Landmark, legally described as Lots 8 through 11 & Part of Undug W/W LYG ADJ. Thereto, Block 257, Coral Gables Riviera Section Part 11, according to the Plat thereof, as recorded in Plat Book 28, at Page 23 of the Public Records of Miami-Dade County, Florida.

The motion passed (Ayes: 7; Nays: 0).

CASE FILE COA (SP) 2022-019: An application for the issuance of a Special Certificate of Appropriateness for the property at **1717 Madrid Street**, a Contributing Resource with the “Obispo Avenue Historic District,” legally described as Lot 32, Block 2, 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 is requesting design approval for an additions and alterations to the residence and sitework. A variance has also been requested from Article 5, Section 5-606 (A) 4 of the Coral Gables Zoning Code for the minimum rear setback for the placement of mechanical equipment.

Mr. Adams made a presentation following the on-screen presentation. Highlights are as follows:

1. The single-family home at 1717 Madrid Street, built in 1953, was designed by Curtis E. Haley in the mid-century Vernacular style.
2. The buildings in the Obispo Avenue Historic District form a historic district that conveys the architectural history of Coral Gables.
3. This is a contributing structure within the district.
4. In 1984, the City authorized the relocation of the original front door from Obispo Avenue to Madrid Street and effected a change of address from 1261 Obispo Avenue to 1717 Madrid Street.
5. A photograph of the original property with the original entrance door on Obispo Avenue was shown.
6. The applicant is requesting approval for
 - a) The expansion of the living space into the garage.
 - b) Interior reconfiguration.
 - c) Relocation of fenestration.
 - d) Installation of new windows and doors.
 - e) Construction of a rear covered terrace.
 - f) Installation of a swimming pool deck and new privacy wall.
 - g) Construction of a new single car garage.
 - h) Construction of a new boundary wall and gates.

West (facing Madrid Street) Elevation:

7. The primary façade now faces onto Madrid Street, it was originally facing onto Obispo Avenue.
8. The existing entrance door in this elevation will be relocated to towards the center of the elevation.
9. The new door will be a recessed double door with a new surround of slump brick to match the existing.
10. Two windows and a planter will be removed to provide access to the new door. However, this section of the house appears to have been altered, and the planter does not appear to be part of the original design.
11. A window will be inserted into the space of the existing door, which will restore the section of the structure to its original appearance with four windows.
12. Even though the door is being moved it wasn't in its original location.
13. The four windows are being restored, there is a lot going on in in this property.

South (facing Obispo Avenue) Elevation:

14. This was originally the primary façade.
15. The entrance door will be moved slightly to the west, a planter will be removed to provide access, and two new planters of slump brick will be installed on either side of the door.
16. These alterations can be supported as the existing door is not in its original location.

East Elevation:

17. There are no concerns with this elevation.
18. The elevation has already been altered and is not visible from the right-of-way.

North Elevation:

19. French doors will be inserted into the location of the original garage door and the existing window.
20. A covered terrace will be added to this elevation. It will have a hip roof of flat cement tile to match the existing tile supported by four steel columns with wood cladding.

Windows:

21. Casement windows are being proposed.

Garage:

22. A new single-car garage measuring thirteen feet (13') by twenty-three feet, eight inches (23'-8") will be constructed to the north of the site. Construction will be of concrete block and stucco with decorative slump brick corners and a hipped roof of cement flat tile to match the existing tile.

Sitework:

23. A new pool will be installed to the rear of the property between the existing house and the new garage. The deck will be of square cut keystone.
24. A new driveway leading to the garage and a parking space of concrete slabs will be installed.
25. A new six-foot high concrete wall with posts and light fittings will be installed around the property. Per Zoning comments, an access gate must be provided on Obispo Avenue and the wall must be four feet high.
26. The applicant is also requesting a rear setback variance of eight inches instead of the required five feet to install the a/c equipment.
27. The proposal was reviewed by the Board of Architects on July 21, 2022. The application was approved with the following conditions:
 1. Modifications to wall as discussed.
 2. 18'-0" driveway is ok for the design.
 3. City Architect to review prior to proceeding.

Staff Conclusion:

28. The applicant is requesting design approvals for additions and alterations to the residence and sitework
29. All elevations have been subjected to some alteration in the past.
30. The proposed relocation of the entrance door on the west and south elevation can be supported with conditions.
31. Staff supports the granting of the requested variance as the site configuration and position of the existing residence offer limited options to add living space to a one-story structure and provide covered parking without adding a second story.
32. The AC unit is located at the rear of the yard to minimize any impact on the neighbor to the east. The proposal meets the Secretary of the Interior's Standards and does not negatively impact the historic district.

Staff's Recommendation is as follows:

1. Details of the proposed windows and doors along with a window and door schedule shall be submitted to Staff for review.
2. All window and door glass shall be clear.
3. All window and door muntins shall be high profile.
4. The wall, fence, and gate heights shall be reduced to four feet.
5. Per Zoning comments, an access gate shall be provided on Obispo Avenue.
6. Details and specifications for the proposed wall, fence, gates, and light fittings shall be submitted to Staff for review.
7. A clear delineation between the existing slump brick and the new slump brick on the rear yard privacy wall shall be incorporated.
8. On the north elevation, the stucco shall indicate the outline of the original garage door.
9. All outstanding Zoning comments shall be addressed.
10. A motion to approve with the conditions noted above, the design proposal for additions and alterations to the residence and sitework, approve the issuance of a Special Certificate of Appropriateness with the conditions noted above and a motion to approve a variance to allow the proposed mechanical equipment to have a rear setback of approximately zero (0) feet, eight (8) inches vs. five (5) feet.

Mr. Adams said he had a letter of support from Ms. Marielena Villamil, 1256 Sorollo Avenue.

Mr. Robert Fine from Greenberg Traurig, 333 Southeast 2nd Avenue, Miami, Florida representing the owners Adam Waterman and Deborah Lynn Kosh introduced himself to the board and gave a presentation following an on-screen PowerPoint presentation. The highlights were as follows:

1. He thanked Mr. Adams and staff for the time they put in to do a comprehensive, professional report and recommendation, and giving his client's architect all the time that she needed to come up with a very nice product.
2. He introduced Jennifer Salman from Miami Architectural Studio, the architect of the house.
3. The residence is location at 1717 Madrid Street in the Obispo Avenue Historic District
4. The applicants are seeking design approval, in the form of a Special Certificate of Appropriateness for additions and alterations to the residence and its site and in addition are seeking a variance from Article 5, Section 5-606 (A) 4 of the Coral Gables Zoning Code.
5. A big factor in what they were doing was that the front door, was relocated in 1984 from Obispo Avenue to Madrid Street.

He turned the presentation over to Ms. Salman who introduced herself to the board and made the following comments:

1. The proposed design of this home respects the volume, scale and architectural style of the original home.
2. Architectural elements are consistent with the period.
3. Some of the elements lost over the 70 years plus the history of the home have also been restored.
4. She showed the survey of the home, photos showing the existing conditions of the home and neighboring and adjacent home and a site plan showing where they added the garage and created the courtyard area.
5. The existing floorplan doesn't work with the homeowners needs and since it is on a corner lot there is not a lot of privacy. The only private space or the large area for the yard is to the north and it's blocked by the garage and the bedrooms.
6. On the front it's also been converted to a bedroom and a master bath on the Obispo side.
7. To get privacy, they had shifted the entrance into the middle of the Madrid Street side, created a courtyard, and used the garage as a buffer on the north side.
8. She showed a picture of the garage, the interior courtyard private space and the courtyard patio space and stated that they had tried to touch as little of the materials as possible. The existing roof tile will remain and will be matched on the covered terrace that is being added in the garage.
9. The windows have all remained in place especially on the Madrid Street Side. The windows are obviously new and replaced, but the openings are where they were originally.
10. Materials are consistent with the existing home, and in the mid-century vernacular.
11. The shutters, the slump brick.
12. The roof is remaining intact. They were adding a little piece over the covered terrace and the garage.
13. An elevation showed the house transformation from the original in 1953.
14. The four openings on the side on the front corner, which were in Mr. Adam's original pictures are still there, the only area that's changed is the same area that's changed over time.
15. The two windows at the top became three and then two again and have now become the front entrance.
16. There is not a lot of opportunity to grow so they have taken the garage space and used the square footage available on the setback on Madrid Street and Obispo Avenue sides.
17. The air conditioning unit in question for the variance is at the back on the northeast corner of the garage and is shown on the floor and site plans.

Ms. Rolando said there was a discrepancy between the site plan and the rendering. The rendering showed a fence or a wall about 4, feet. The proposed site plan showed a proposed 4-foot-high wall, plus a 2-foot-high picket fence on top of that. The picket is not depicted and was not in keeping with the architectural renovations. Vice-Chair Garcia-Pons agreed.

Ms. Salman responded that this was a four-foot wall on the two street sides, and a 6-foot proposed in the rear and the side. They would adjust the site plan.

Mr. Fine said he believed that this rendering was part of the Board of Architects package, and they had agreed on an adjustment with staff. This was an older rendering.

Ms. Rolando asked if there was going to be pickets along Obispo and Madrid? Ms. Salman answered no.

Mr. Fine said, as Ms. Salman's presentation and the staff report confirms, the proposed project meets the criteria for the Certificate of Appropriateness, it does not adversely affect the historic, architectural, or aesthetic character of the subject property or its relationship to the neighborhood and nearby subject properties. He did not think he had to go through the criteria for the variances as the staff recommendation was that they met the criteria. He asked to be able to rebut any public comment. They agreed with staff's conditions except for the condition that the wall, fence and gate heights be reduced to 4 feet along the east property line. There are conditions in the zoning code that apply here which allowed them to go higher than 4 feet. They requested that they allow them to do that and work out the rest out with staff.

Ms. Spain asked if they had talked to the neighbors adjacent on Obispo about the air condition? Ms. Salman said that she did not believe so. Ms. Spain said she believed they received the notice. Mr. Adams said it was recommended that they reach out to the neighbors as well as the notice.

Mr. Ehrenhaft asked about the location of the large canopy tree on sheet BA-8 which was not seen on any other drawing. Ms. Salman said there was no tree, it was there for artistic volume in terms of scale for the elevation.

Vice-Chair Garcia-Pons asked if anyone in the audience would like to speak in favor or opposition of the case. When no one did he closed the public portion of the hearing and opened it up to the board for comments.

A motion was made by Mr. Maxwell and seconded by Ms. Rolando to approve with conditions noted by staff to approve the request for design approval for an addition and alterations to the residence and sitework on the property located at **1717 Madrid Street** a Contributing Resource with the "Obispo Avenue Historic District," legally described as Lot 32, Block 2, 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 motion passed (Ayes: 7; Nays: 0).

A motion was made by Mr. Maxwell and seconded by Ms. Rolando to approve the request for a variance from Article 5, Section 5-606 (A) 4 of the Coral Gables Zoning Code for the minimum rear setback for the placement of mechanical equipment on the property located at **1717 Madrid Street** a Contributing Resource with the "Obispo Avenue Historic District," legally described as Lot 32, Block 2, 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 motion passed (Ayes: 7; Nays: 0).

Mr. Fine asked for a clarification for the record if the motion included the Certificate of Appropriateness.

Assistant City Attorney Ceballos said the board should reconsider the item and revote both items. Vice-Chair Garcia-Pons asked if the mover wanted to reconsider the item. Mr. Maxwell said yes. Ms. Rolando said they were reconsidering the motion to specifically include the Certificate of Appropriateness. Vice-Chair Garcia Pons asked if they should reconsider both and do it again. Assistant City Attorney Ceballos said that just reconsidering the first motion which was just a design approval that didn't incorporate the Special Certificate of Appropriateness, and then simply make another motion which would incorporate both items not the variance.

Vice-Chair Garcia Pons asked Mr. Maxwell and Ms. Rolando if they would like to reconsider the first motion? Both said yes and the role was called.

Ayes 7, Nays 0.

Vice-Chair Garcia Pons asked Mr. Maxwell to restate the new motion.

A motion was made by Mr. Maxwell and seconded by Ms. Rolando approve the issuance of a Special Certificate of Appropriateness, the additions and alterations to the residence and sitework with conditions noted by staff, and the amendment on Item #4 allowing the six foot fence on the east side on the property located at **1717 Madrid Street** a Contributing Resource with the "Obispo Avenue Historic District," legally described as Lot 32, Block 2, 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 motion passed (Ayes: 7; Nays: 0).

CASE FILE COA (SP) 2022-020: An application for the issuance of a Special Certificate of Appropriateness for the property at **2103 Country Club Prado**, a Local Historic Landmark, legally described as Lots 26 and 27, Block 23, 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. The applicant is requesting design approval for the installation of an S-tile roof.

Mr. Adams made a presentation following an on-screen presentation:

1. The applicant is requesting design approval for an S-tile roof.
2. The property is located on the northeast corner of the intersection of Country Club Prado and South Greenway Drive.
3. The single-family residence was designed in the Mediterranean Revival Style by architect Walter de Garmo.
4. The property was designated as a Local Historic Landmark in January 2003.
5. The applicant is requesting a Spanish "S" clay roof tile (color: Cocoa).
6. In June 2022, a permit application was submitted to replace the existing tile on the residence with a clay "S"-tile
7. Before proceeding to the Board of Architects for review, Historic Resources and Cultural Arts Department Staff did not approve the choice of tile, noting that the tile must be a two-piece true barrel tile.
8. The owner wishes to install an S-tile.
9. The last permit located for reroofing the residence (Altusa "S"-tile) was issued in 1996.
10. The proposal was reviewed and disapproved administratively by Board of Architect staff on July 11, 2022, with the following comments:
Proposed tile: Santa Fe/Clay Spanish S/Color: Cocoa.
***1) Consider 2-Piece cap & pan, which is in keeping with the architectural style of the building.
2) Reconsider the color of tile – Suggest more traditional colors in matte finish.
3) Resubmit for further review.
11. The work proposed in this application detracts from the integrity of the historic building and is inconsistent with the Secretary of the Interior's Standards for Rehabilitation.
12. The residence was constructed in 1923-4 in the Mediterranean Revival Style.
13. Roofing material is considered one of the character-defining features of this style.
14. The home originally had a two-piece barrel tile roof, which is the appropriate roofing material for a Local Historic Landmark.
15. Therefore, Historical Resources Department Staff recommends the following: A motion to **DENY** the design proposal for the installation of an "S"-tile roof on the property located at 2103 Country Club Prado, legally described as Lots 26 and 27, Block 23, 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 and **DENY** the issuance of a Special Certificate of Appropriateness.

Mr. Adams said they had received a letter from the Historic Preservation Association of Coral Gables in opposition to the request.

Mr. John Oramas (owner) introduced himself to the board and thanked the board for their time. The last thing he wanted to do was change the structural or vernacular or any integrity of this house. He thought he had a barrel tile roof until he went to replace his roof. To replace the roof with an "S" tile would cost \$50,000, to replace it with a barrel tile would cost \$100,000. He felt it was improper to have to pay that much for an "S" tile roof that he did not think was that different. He requested the board to allow him to replace his roof with "S" tile which had been on the house for 26 years.

Vice-Chair Garcia-Pons asked if anyone in the audience would like to speak in favor or opposition of the case. When no one did he closed the public portion of the hearing and opened it up to the board for comments.

Mr. Adams asked Mr. Oramas if this was a request for undue economic hardship. Mr. Oramas said yes.

Mr. Adams said he had not applied for this and listed some of the requirements:

1. The application must be considered by the board 60 days within submittal.
2. The applicant filing the claim shall file a written application on the forms prepared by the department.
3. The applicant's application shall include an affidavit validating all submitted information.
4. Independent analysis by a consultant selected by the city may be required to assist in review of the application
5. All fees associated with the analysis shall be the responsibility of the applicant.
6. As a minimum, the applicant shall provide at time of application this information and there is an extensive list of items that must be submitted.

Mr. Oramas said he reviewed the entire article and building codes and the city requirements but did not research it enough to find all the conditions, but irrespective of the price it is ridiculous to make anyone pay so much more for a barrel tile versus an "S" tile.

Vice-Chair Garcia-Pons clarified that the board would only consider the request to use "S" tile if he wanted to submit for undue hardship he would have to reapply. If the board voted to deny there would be time restriction on his ability to come back with a hardship case. Assistant City Attorney Ceballos said staff has stated that the request for undue hardship was not submitted.

Mr. Adams read the code: "The application shall be considered by the Historic Preservation Board within 60 days of application submittal". "A claim of undue economic hardship may only be asserted in conjunction with an application to the Historic Resources Department with an application for the Special Certificate of Appropriateness". Mr. Oramas was made aware and said he understood that the board could not take the request for economic hardship into account, and if the board denied his application, his only recourse would be to appeal their decision and could not then claim economic hardship. When asked if he wanted to defer his case, he said he trusted the board and wanted to comply with their requirements. Mr. Oramas said he also had circuit court remedies to which Assistant City Attorney Ceballos said he would need to exhaust all his administrative remedies and if he appealed to the City Commission the undue hardship could not be considered.

In response to Mr. Oramas' statement that the Merrick House had barrel tile Ms. Spain said it was Ludovici tile, which was what was originally on the house. There was barrel tile on the outbuilding, but not on the main house. In 1996 when the roof was done it was not a Local Historic Landmark, also at that time the city did not have aesthetic review of roofs, it went to the building official who approved it if the installation was appropriate. As a result of all the inappropriate roofs on the Mediterranean homes the process was changed and now required Board of Architects and Historic Preservation Board approval.

Assistant City Attorney Ceballos asked that the motion specify why it was being denied.

A motion was made by Ms. Rolando and seconded by Ms. Spain to deny the application for the issuance of a Special Certificate of Appropriateness and the request for design approval for the installation of an "S"-tile roof for the property at **2103 Country Club Prado**, a Local Historic Landmark, legally described as Lots 26 and 27, Block 23, 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.

The motion passed (Ayes: 7; Nays: 0).

Reasons for denial:

- 1) *Staff report.*
- 2) *Comments made by Ms. Spain.*
- 3) *This is a historically significant house by a major Coral Gables architect of the 1920's and 1930's.*
- 4) *The board has consistently and repeatedly denied the request for installation of "S" tiles on historic homes, and it is aesthetically inappropriate.*
- 5) *When the board approved various design proposals, they have insisted on a condition that the roof tile be two-piece true barrel tile not "S" tile.*
- 6) *Practically every meeting the board gets this request and have been consistent in their denials.*
- 7) *While the board is respectful of the applicant's financial situation, for consistency, aesthetics and historic accuracy and especially given the importance of this home and the homes that come before the board.*

Assistant City Attorney Ceballos asked Ms. Rolando if she was also adopting the staff conclusions as part of the motion. Ms. Rolando said yes that this was part of the foundation for the motion.

Mr. Oramas thanked the board for their time and effort and the work they did and said that unfortunately he would have to pocket the additional \$50,000 because he needed a new roof and then he was going to sue the City of Coral Gables.

CASE FILE COA (SP) 2022-022: An application for the issuance of a Special Certificate of Appropriateness for the property at **Le Jeune Plaza**, a contributing resource within the Coral Gables City Hall Historic District and a Local Historic Landmark. The application is requesting design approval for the installation of public art.

Mr. Adams made a presentation following an on-screen presentation. Highlights were as follows:

1. The application is requesting design approval for the installation of public art.
2. The City Hall Historic District contains the locally and nationally designated Coral Gables City Hall and contains Coral Way, a state and locally designated historic roadway; Le Jeune Plaza, a Local Historic Landmark and Merrick Park.
3. Since 2016 the City of Coral Gables has received recognition support from Art Basel for an annual temporary exhibition from December through February. Often, the temporary artworks have been acquired as permanent acquisitions to the City's public art collection.
4. In anticipation of this year's proposal moving forward to the City Commission on August 24, 2022, the Historical Resources and Cultural Arts Department, through the Cultural Development Board, respectfully requests a motion by the Historic Preservation Board approving the proposed installation site of this year's artwork.
5. The artist is proposing a site-specific sculpture made for City Hall that physically reflects design elements of the existing bronze plaque for the George Merrick statue.
6. The concept of the artwork contributes to the City's public acknowledgement of its civic purpose. Realized as a finger labyrinth in the shape of the anatomy of the ear and cast as a bronze plaque the same size as the one for the statue, people will be encouraged to touch the artwork by tracing their finger through a channel initially created in collaboration with the artist and residents.
7. The application requests design approval for the installation of public art.

8. The artist is proposing installation of the artwork as two pieces that may be set in place as a temporary exhibition, or permanently installed to become part of the City's public art collection. The preferred site for the artwork is in front of City Hall on the designated historic plaza area, close to the pedestrian sidewalk at the intersection of Coral Way, Le Jeune Road, and Biltmore Way.
9. The proposed public art is compatible with the historic district and the local historic landmark in terms of massing, scale, materials, and design. The artwork does not significantly impact the views to or from City Hall and can easily be removed in the future.
10. Therefore, Historical Resources Department Staff recommends the following: A motion to APPROVE the design proposal for the installation of public art located at Le Jeune Plaza, a contributing resource within the Coral Gables City Hall Historic District and a Local Historic Landmark and APPROVE the issuance of a Special Certificate of Appropriateness.

Vice-Chair Garcia-Pons asked if there was anyone else from the city to speak on this item. He then asked if the board had any questions for staff.

Ms. Spain asked if Catherine Cathers had reviewed the proposal? Mr. Adams responded yes that she was the one who prepared the language and it had been to the Arts Advisory Panel and the Cultural Development Board. The Arts Advisory Panel on the recommendation of Commission to review two artists have recommended this one. The Cultural Development Board recommended neither, but that another sculpture be used for the city's official Art Basel. Ultimately it will go to the City Commission for a decision, but if the City Commission chooses this because time is so short, they thought it was prudent to come to the Historic Preservation Board and at least hopefully get their approval so if this moves ahead this step has already been taken.

Ms. Spain asked if this was the Art Basel artist chosen by the city, and if this is what the city was proposing for the artist. Mr. Adams said yes, two artists were recommended for review by the City Commission, both submitted proposals, and both proposals had been to the Arts Advisory Panel who recommended this piece. Then both went to the Cultural Development Board who recommended neither. The final decision will be the City Commission and if they choose this piece in this location, they hoped to have the Historic Board's approval. This project may or may not go ahead.

Ms. Rolando asked if the two of them were identical or one was a mirror image of the other. Mr. Adams said they were mirror images of each other, and this was only for the approval of the location, not the artwork itself.

Vice-Chair Garcia-Pons thought these would be more impactful at the entrances to City Hall where they would be seen by persons entering the building instead of in front of the George Merrick statue as there was already a similar plaque close to the statue.

The board voiced their concerns about the placement of the art, and made the following motion:

A motion was made by Ms. Spain and seconded by Mr. Maxwell to approve the application requesting design approval for the installation of public art and the issuance of a Special Certificate of Appropriateness for the property at **Le Jeune Plaza**, a contributing resource within the Coral Gables City Hall Historic District and a Local Historic Landmark.

The motion passed (Ayes: 7; Nays: 0).

BOARD ITEMS / CITY COMMISSION / CITY PROJECTS UPDATE: None

ITEMS FROM THE SECRETARY: None

DISCUSSION ITEM:

1. Flood Maps:
 - i) Mr. Adams asked the board to ignore the handout they had been given as it was purely for illustration. Mr. Adams would email everyone a link so they could see the properties and street names and get an idea of the properties that may be affected which could potentially cause concern. He referred to the properties in yellow which would potentially be affected by the new ruling regarding the demolition of properties.
 - ii) Vice-Chair Garcia-Pons said they had discussed this at the last meeting and asked if there was any final word as to what it would mean for the city? Assistant City Attorney Ceballos said there was nothing that would prevent a project from moving forward and being designated regardless of its location within the flood zone. The only issue is if somebody is seeking a demolition and they are below the flood level, and they are located within one of the special flood areas or the moderate flood areas there would be no way to prevent them getting a demolition permit issued. This does not apply to any of the city's currently designated historic properties, only those properties that they choose to designate in the future or that we fail to designate in the future because they are demolished.
 - iii) Mr. Adams raised the following concerns:
 - a) If someone wants to do significant alterations or partial demolition they come to the Historic Department for a determination of historic significance, and they determine whether it is eligible for determination. If it is eligible, once the letter is issued, they are required to move ahead with the designation process. The applicant may then say that they will not do the partial demolition they will do a total demolition and build something new.
 - b) Whether the staff and the historic board would have review capability for new construction in historic districts had been alleviated by the City Attorney's ruling that states that the property must be reviewed the same as any similar situated parcel and since the similarly situated parcels are within the historic district then the board would be reviewing the new construction.
 - iv) This would be on the next meeting's agenda which would allow the board to review the map.

Mr. Ehrenhaft asked if you have an area that is a special flood zone, and one or many historic homes sitting in the flood zone, and the owners decide that they are in a flood zone and they want to demolish the structure, if permission is granted does that property owner have the right to go ahead and build a new modern structure, or is that area deemed a flood zone and remains vacant until you have an empty flood plain? Assistant City Attorney Ceballos said that was not the intent of the legislation. The key is that you must be in a flood zone area and your property must be below the base flood line, even if you are a historic home that hasn't been designated, because if you are already designated, this would not apply. If you meet the criteria for designation, you are in a flood zone, but the property is above the base flood zone this would not apply. If you have a property in one of the flood zones, is below the base flood level and is not designated, you can move forward with the demolition and it would not come to the Historic Preservation Board, it would be done through the building permit process. There is no scenario where someone would be forced to demolish a home and leave it blank. They would simply just need to build a new home that meets the appropriate elevation to be outside of a flood hazard area. Assistant City Attorney Ceballos said if an owner consents to designation, that property would be protected moving forward.

Mr. Ehrenhaft said he would not like to see historic houses demolished because someone wanted to build a new one and use the flood zone as an excuse. Vice-Chair Garcia-Pons said as per the City Attorney this would not happen.

Mr. Maxwell asked if Mr. Adams had any idea of how many potential historic homes would fall within that number. Mr. Adams said the number might be available on the website. His concern was he did not want to give people a reason to demolish. He did not want to be in the position of backing away from designating a property because he did not want to give the owner a reason to tear it down.

Vice-Chair Garcia-Pons said he thought the flood map was a work in progress. There are many conditions that narrow down the properties that could be affected by this law, he encouraged staff to get it right.

Mr. Adams other concern was that if a property slopes upwards and portion of the property might be in the flood zone. He said the map was just an indication of the affected areas as opposed to a map of the individual properties.

Vice-Chair Garcia-Pons said he knew there was another resolution that Mr. Adams wanted to get to, but that his first concern was with this House Bill that he didn't think was being addressed. If he wanted to think about the issue of potential demolition instead of partial and come back to the next meeting, it might be something that the board could help him address.

Mr. Adams said the question would be whether they should be considering a change in process or making it more flexible. If someone wants to demolish a part of the house, and they are required to ask for the determination of significance, and it is determined that it is eligible for designation, and they are required to move ahead, would that prompt the owner to apply for a complete demolition permit instead. Vice-Chair Garcia-Pons said staff should think about it and come back to the Board for help correcting any inconsistencies.

OLD BUSINESS:

1. S- Tile Installation on the House at the intersection of Columbus Boulevard and Sevilla Avenue.
Mr. Maxwell stated that the house at the intersection of Columbus Boulevard and Sevilla Avenue had installed "S" tiles after previously being denied by the board. Mr. Adams did not have an update; he would send the board a copy of the application and it would be a discussion item at the next meeting.
2. Pressure cleaning of City Hall:
Ms. Spain said that pressure cleaning of the coral rock was not appropriate. Mr. Adams said he would look into it.
3. Historic Preservation Fund.:
Ms. Rolando said if we are selling entitlements or rights associated with a City owned building, the City should have a policy like what is required for regular property owners requiring them to use the proceeds to enhance the historic structure. The city should maintain their buildings in good condition but did not object to having a pool of available funds. Assistant City Attorney Ceballos said that it was not a requirement for private owners to earmark part of their funds for maintenance.

Vice-Chair Garcia-Pons stated that funds attained via the transfer development rights from city owned historical resources must be spent on the maintenance of city own historical resources, per an approved Historic Preservation Board maintenance plan.

- Mr. Maxwell said they had discussed some sort of exclusivity of the uses of those proceeds as follows:
- a) That they recommend that the proceeds from sales of City owned TDRs be fully set aside in a designated fund for the exclusive use of the historic property from which the proceeds were derived.
 - b) That such funds be used to supplement, but not replace ongoing maintenance and preservation of those properties i.e., their enhancement. Vice-Chair Garcia-Pons did not agree with this.
 - c) That the sale of any TDR from a City owned historic property be placed in this exclusive fund.

Ms. Rolando did not want the funds to be used for routine maintenance as the City had a pre-existing obligation. She had no problem using the proceeds of the sale of TDRs for other historic properties owned by this City.

Vice-Chair Garcia-Pons said he thought that TDRs attained from City owned historic properties must be spent on City owned properties. He referred to Mr. Maxwell's comment that money or funds attained from a specific project must be spent on that specific project and said that was the opposite of the intent of the pool of funds. He thought that an approved maintenance plan would ensure that money attained

from a specific buildings TDRs would be used on that building first. The maintenance plan should have a scope of work and a dollar amount.

There was discussion amongst the board and Mr. Adams said that there were only three properties eligible as sending sites.

Vice-Chair Garcia-Pons said he believed there was consensus among the board that the first flush of dollars would be allocated to the specific building and the rest be put in a pool.

Mr. Ehrenhaft said there needs to be consideration of a way to find a balance between the city's regular budget money and being responsible for things that they needed to do for the property and investing the principal so that it would not disappear in a couple of years.

Vic-Chair Garcia-Pons said it was a question of financing for the City. The City has the responsibility of maintaining City owned buildings, this is a way to find additional funds.

Mr. Adams said that previous applications had some of the ongoing maintenance work included in the maintenance plan. They should hold the City to a different standard than other people. You have a finite number of TDRs; do you sell all or a part of them now or in five years. He thought they should sell them when demand was high.

Mr. Maxwell said it was important to understand that this was capital, a one-time thing. While maintenance was ongoing, this would be an opportunity to increase the ability of the City to take advantage of other things in the future. He agreed with Ms. Rolando that in addition to maintaining that property the funds received from the sale of TDRs should be used on that property first and that funds could also be used to purchase other historic properties, but that this would just be a recommendation to the City Commission.

Vice-Chair Garcia-Pons said that first thing would be to create the trust fund so that any funds received from the sale of TDRs of City owned historical resources would be spent on City owned historical resources.

Mr. Maxwell asked if the trust fund would only be used on City owned historic properties?

Ms. Rolando said she did not have a problem with that concept however they should specify that the funds should be used for capital improvements, upgrades or acquisition of additional resources. The TDRs were a onetime thing and should be used for the benefit of the City. However, the City should not back away from its obligation to perform routine maintenance of its resources.

Mr. Ehrenhaft suggested that the Historic Preservation Staff should make recommendations on how the funds should be used and when.

Vice-Chair Garcia-Pons said that he understood that the TDR program required owners of non-City buildings to use the money to improve and maintain their existing historic properties so why should the City be any different.

Ms. Rolando reminded him that Assistant City Attorney Ceballos had said that it was not a requirement.

Vice-Chair Garcia-Pons said it was the intent not a requirement. He did not believe that the spirit of the TDR program was to create a fund to do something other than maintain the historic building. The property owner must maintain the building anyway and this money would supplement that.

Ms. Bache-Wiig asked again if it was required for them to use the money on the historic buildings? Vice-Chair Garcia-Pons said it was not. She went on to say that she thought they should invest the money and there should be a money manager. Also, it should come to the board to approve the maintenance plan and approve spending the funds. Vice-Chair Garcia-Pons said the use of the money would be as per the maintenance plan which the board would approve.

Ms. Rolando said they were talking about the excess. Currently there were no restraints on how the money should be spent.

Vice-Chair Garcia-Pons said what he was hearing from the board is that the funds attained via the sale of TDRs from City owned Historical Resources must be spent on the maintenance of City owned historical resources as per a maintenance plan approved by the Historic Preservation Board.

Mr. Adams said the way it currently works is that a property owner sells \$100,000 of TDRs, provides a maintenance plan with \$40,000 of required maintenance and pocket the other \$60,000. What this is doing is creating a way to ensure that the money is spent on a historic property which is a big step forward.

Ms. Spain agreed and said that what was said needed to be in the resolution. Ms. Rolando asked if the City could use the excess proceeds to buy something like the Fink Studio if the opportunity arose. Vice-Chair Garcia-Pons said it would not be part of this motion.

Vice-Chair Garcia-Pons said the motion should be:
Funds obtained via the sale of TDRs from city owned historical resources must be spent on the maintenance of city owned historical resources per an approved HPB maintenance plan.

Mr. Durana said that they should say that the TDR funds should be put into a trust fund not just in the City's bank account. Vice-Chair Garcia-Pons said the fund was nonexistent. This resolution would give recommendations to the City Commission.

The board discussed items to be added to the resolution.

Vice-Chair Garcia-Pons said they were making a resolution and should speak as one body. Currently the intent of TDRs is to help historically designated properties to collect funds to maintain themselves. Private property owners can do that, or they can pocket the money. This is more specific; you cannot pocket the money you have to spend it on the maintenance of the property. The City has a responsibility which they are not shirking. He felt it was the board's intention to help preserve historic properties, and this is money that doesn't exist today.

Both Ms. Rolando and Ms. Bache-Wiig thought that the money should be able to be used for the acquisition of other historic properties. Vice-Chair Garcia-Pons did not agree. Ms. Rolando said there were other types of maintenance, and the list could be expansive. Vice-Chair Garcia-Pons said it was up to the board to approve.

Mr. Maxwell said the funds should be used for the preservation of historic elements of the building not routine maintenance. Mr. Ehrenhaft agreed. Ms. Rolando thought they should be flexible but stress the importance of using the funds for preservation, maintenance, and acquisition of historic resource.

Vice-Chair Garcia-Pons said the board was voting on the maintenance plan, they should make recommendations to the City Commission on how the funds should be use.

Mr. Adams said the board already reviewed the maintenance plans for the sending sites and asked if they would like to also review those for the receiving sites.

Vice-Chair Garcia-Pons said he was trying to write a motion that would apply to both the receiving and sending sites. Mr. Maxwell requested Mr. Garcia Pons to read back the wording of the proposal.

Vice-Chair Garcia-Pons said:

To create a historic Preservation Trust Fund, and any funds attained via the sale of TDRs from City owned historical resources must be spent on the maintenance of City, owned historical resources per an approved historic preservation board maintenance plan.

Assistant City Attorney Ceballos said that the board could make a motion or Vice-Chair Garcia-Pons could pass the gavel and make the motion himself.

A motion was made by Mr. Maxwell and seconded by Mr. Durana to recommend to the City Commission the creation of a trust fund from the proceeds of the sale of Transfer of Development Rights (TDRs) from City owned historic properties for the purpose of the maintenance and preservation of City owned historic properties as per a Maintenance and Preservation Plan approved by the Historic Preservation Board.

The motion passed (Ayes: 7; Nays: 0).

Ms. Rolando asked to add “for the acquisition of historic property”. Mr. Maxwell said he would not add this to the motion.

Mr. Ehrenhaft requested a clause be added as to who would create the plan. Mr. Adams said the code specifically says a state registered architect or engineer. Mr. Ehrenhaft asked how the plan was created. Mr. Adams said the code reads that an architect or an engineer prepares the maintenance plan, and they submit it to staff for review, and we bring it to the board for approval. Mr. Adams said he was not an architect; therefore, could not do the maintenance plan. It was done by the Director of Public Works Hermes Diaz.

Mr. Maxwell said he would not accept the amendment. Mr. Ehrenhaft withdrew it.

Vice-Chair Garcia-Pons said if the board wanted to revisit this, they could do it when Chair Menendez returned.

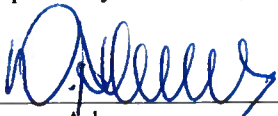
ADJOURNMENT

A motion was made by Ms. Spain and seconded by Ms. Rolando to adjourn the meeting.

The motion passed with a collective aye.

The meeting was adjourned at 7:29 pm.

Respectfully submitted,



Warren Adams
Historic Preservation Officer