

APPEAL LETTER FOR COCONUT GROVE PLAYHOUSE  
RESOLUTION HEPB R-17-023

April 19, 2017

Dear Hearing Boards Department,

As per Miami City Code Section 23-6.2 (e), this is a Written Notice of Appeal of the Historic and Environmental Preservation Board's (HEPB) approval on April 4, 2017, of a Certificate of Appropriateness (COA) for the Coconut Grove Playhouse located at 3500 Main Highway, Miami FL 33133. That COA was Item No. 03 on the HEPB agenda, file ID number/resolution number is HEPB R-17-023. The reasons and grounds for the appeal are as follows:

1. The HEP Board was required to postpone consideration of the application until the interior of the Playhouse was properly evaluated as whether it has historical significance. The staff recommendation that the "Board does have authority to consider interior" was incorrect. Rather than accepting staff's recommendation for approval of this COA and the impression that the Board has no authority over the playhouse interior because of the designation report, the HEPB had the responsibility to direct staff to amend the flawed and inadequate historic designation report to include/consider the auditorium interior. The HEP Board was required to delay/deny the current COA application until such time as a proper and complete COA application package has been submitted and until the applicant has received comments on their proposal from the State Historic Preservation Office as is required under Florida Statute 267 *et seq.* and other applicable federal statutes.

2. The HEP Board decision should be overturned because the HEP Board did not have sufficient supporting data to issue a COA because the Board relied on an incomplete application, flawed technical advice, and a flawed and inadequate Historic Designation Report and Historic Structures Report. Based on expert testimony at the April 4, 2017 hearing, both documents were shown to be flawed. The interior should have been included based upon the Chapter 23-4 (c)(2)(c). Investigation in January 2017 revealed that despite prior renovations and damage from years of neglect a significant amount of the original historic fabric is still in place and is in very restorable condition. The HEP Board decision also relied on insufficient, inadequate, or flawed data concerning the conceptual master plan. Without sufficient data and drawings concerning massing, materials, and scale, the HEPB was unable to adequately evaluate the proposal to restore only the facades and to demolish the existing theater or how the theater connects and relates to the new construction. The HEP Board decision also relied on incomplete, inadequate, or flawed data concerning adverse impacts on the historic context, adjacent properties and neighborhoods including historic Charles Avenue, and traffic and parking, and the use of the bond funds for garage and retail.

3. The HEP Board was wrong when it approved a COA of the master plan without reviewing the aesthetics or other compatibility of the project in comparison to the theater. Rather, the HEP Board was required to consider the technical aesthetic components of what the overall composition of the site would entail. Here, the HEP Board has approved locations, demolition of

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the main building, and construction of a parking garage, apartments, and retail stores without any architectural documentation.

Furthermore, the HEP Board approval of the COA of the master plan was done absent any review concerning the uses of new buildings which are included in the master plan. Rather the HEP Board was required to consider the compatibility between the existing structures, the surrounding neighborhood and existing businesses, and the new “appropriate buildings” that the site would entail. Here, the HEP Board has approved locations of new vastly larger buildings, demolition of the main building, and construction of a parking garage, apartments, and retail stores without any architectural documentation or studies regarding traffic, or the impact on the surrounding neighborhoods and businesses.

4. The approval by the HEP Board of the COA was contrary to City of Miami/Miami Dade County code because it improperly allows the applicant to continue moving forward with the “restoration” of the structure of the existing designated facades while being allowed to demolish the existing theater while the applicant continues to finalize the final 90% of the details of the additional buildings within the site.

This appeal is requested by the following aggrieved parties:

1. Barbara Lange is a resident of Miami-Dade County, and who lives in Coconut Grove at 3901 Braganza Ave. Miami FL 33133, spoke at the HEPB meeting on April 4, 2017. Ms. Lange is an aggrieved party because she is a homeowner in the City of Miami in close proximity to the Playhouse and she also spoke and presented evidence at the April 4, 2017 HEP Board hearing. Ms. Lange is a member of several neighborhood associations concerned with historic preservation and development issues in Coconut Grove and has long-standing involvement in these issues. As a resident of Miami-Dade County, Ms. Lange will be affected by any decision(s), including the April 4, 2017 resolution HEPB R-17-023, regarding the Playhouse due to the fact that Miami-Dade County has funded a portion of the project (\$15 million) with monies from the 2004 Building Better Communities GOB and additional monies (\$5 million) from the 2005 Convention Development Tax Bond, both of which have been issued.

2. Katrina Morris is a resident of Miami-Dade County, and who lives in Coconut Grove at 1430 Lybyer Ave. Miami FL 33133, spoke at the HEPB meeting on April 4, 2017. Ms. Morris is an aggrieved party because she is a homeowner in the City of Miami in close proximity to the Playhouse and she also spoke and presented evidence at the April 4, 2017 HEP Board hearing. As a resident of Miami-Dade County, Ms. Morris will be affected by any decisions regarding the Playhouse due to the fact that Miami-Dade County has funded a portion of the project (\$15 million) with monies from the 2004 Building Better Communities GOB and additional monies (\$5 million) from the 2005 Convention Development Tax Bond, both of which have been issued.

Accordingly, we respectfully appeal the decision, HEPB R-17-023, of the HEP Board and request that the City Commission order the HEP Board to withdraw the COA, or to award such other and further relief as the Commission may deem just and proper.

Please initiate the appeal process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lowell J. Kuvin', followed by a long horizontal flourish.

Lowell J. Kuvin, Esq.

*Attorney for Ms. Lange & Ms. Morris*



# Miami Historic and Environmental Preservation Board

Resolution: HEPB-R-17-023

File ID 1960

April 4, 2017

Item HEPB.3

Mr. Todd Tragash offered the following resolution and moved its adoption:

A RESOLUTION OF THE MIAMI HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD APPROVING, WITH CONDITIONS (ATTACHED HERIN AS EXHIBIT "A") AN APPLICATION FOR A SPECIAL CERTIFICATE OF APPROPRIATENESS FOR THE MASTER SITE PLAN TO INCLUDE THE PARTIAL DEMOLITION OF AN EXISTING STRUCTURE, THE RECONSTRUCTION OF A THEATRE, AND THE NEW CONSTRUCTION OF A PARKING GARAGE WITH RESIDENTIAL UNITS AT THE INDIVIDUALLY DESIGNATED HISTORIC SITE AND KNOWN AS THE COCONUT GROVE PLAYHOUSE, LOCATED AT APPROXIMATELY 3500 MAIN HIGHWAY

Upon being seconded by Mr. Najeeb Campbell the motion passed as amended and was adopted by a vote of 4-1:

Mr. Najeeb Campbell	Yes
Mr. David Freedman	Absent Unexcused
Mr. Jonathan Gonzalez	Yes
Dr. William E. Hopper, Jr.	Yes
Ms. Lynn B. Lewis	No
Mr. Hugh Ryan	Absent Unexcused
Mr. Jordan Trachtenberg	Absent Unexcused
Mr. Todd Tragash	Yes



Efrén Nuñez  
Interim Preservation Officer

4-7-17  
Execution Date

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Personally appeared before me, the undersigned authority, Efrén Nuñez, Preservation Officer of the City of Miami, Florida, and acknowledges that she executed the foregoing Resolution.

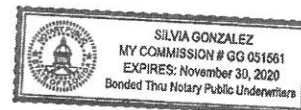
SWORN AND SUBSCRIBED BEFORE ME THIS 7 DAY OF April, 2017.

Silvia Gonzalez  
Print Notary Name

  
Notary Public State of Florida

Personally know ☒ or Produced I.D. 1  
Type and number of I.D. produced \_\_\_\_\_  
Did take an oath ☒ or Did not take an oath \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



## **Miami Historic and Environmental Preservation Board**

### **Resolution: HEPB-R-17-023**

#### **EXHIBIT "A"**

1. The original Kiehnel structure containing the South and East façades shall be preserved.
2. The South and East façades shall be restored to the Kiehnel phase of architecture.
3. The storefronts on the ground floor shall be reopened.
4. Any additions to the original building shall be in keeping with the Secretary of Interior's Standards for New Additions to Mid-size buildings.
5. Glass shall be clear with an option of low-E Coating.
6. All windows and doors that are visible from the right of way (as determined by staff) must match the configuration as shown in the historic photo attached to the staff report as Exhibit B.
7. Any ground disturbing work associated with the master plan shall be monitored by an archaeologist and an archaeological report detailing the monitoring which shall be submitted to the Historic Preservation Office.
8. This Certificate of Appropriateness is subject to approval by zoning, building, and all other required city and county departments.
9. The restoration of the facades of the historic structure shall be restored in accordance with the plans as prepared by Architectonica entitled "Coconut Grove Playhouse" consisting of 16 pages dated stamped received by the Preservation Office on March 6, 2016.
10. Staff recommends approval of the conceptual master plan as prepared by Architectonica entitled "Coconut Grove Playhouse" consisting of 16 pages dated stamped received by the Office of Historic Preservation on March 6, 2016. The Final Master Plan shall be developed in accordance with Section 5.7.2 entitled "Civic Institutional" of the Miami 21 Code.
11. No demolition permit will be issued until the plan comes back to the HEPB and is approved.
12. The concept that is being approved in this plan is in concept only, the HEPB has the purview to require different configurations, heights, setback etc. for the development of each individual building.
13. All the buildings will come collectively in one application to the HEPB.