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VIA HAND DELIVERY

March 11, 2019

Olga Zamora
Hearing Boards Division Chief
City of Miami Planning Department
444 S.W. 2nd Avenue, 3rd Floor
Miami, Florida 33130

Re: Appeal of March 5, 2019 HEPB Decision on Item #HEPB 1.5446/HEPB-R-19-010
(Coconut Grove Playhouse)

Dear Ms. Zamora:

This letter constitutes a request to appeal the above-referenced Historic and Environmental Preservation Board (HEPB) decision to the City Commission, pursuant to Section 23-6.2(e) of the City of Miami Code of Ordinances (the "Code").

On March 5, 2019, the HEPB heard Miami-Dade County's application for a special certificate of appropriateness for the Coconut Grove Playhouse, located at 3500 Main Highway, Miami, Florida 33133 (Project No. PZ-18-419) ("Playhouse"). Consistent with the HEPB's April 2017 decision approving the County's master plan for the Playhouse, including demolition of the auditorium, the County presented a detailed application to the HEPB identifying exactly how the rehabilitation of the Playhouse would be accomplished. Rather than affording the County an impartial hearing on the details of its application, the HEPB debate was hijacked by an irredeemably biased Vice-Chair who conspired with objectors outside of the public hearing process to stop the Playhouse rehabilitation at any cost – regardless of the evidence and testimony publicly presented to the HEPB. After the County's comprehensive presentation of the project and the close of the subsequent public hearing, the Vice-Chair compounded the assault on the County's application and led the HEPB into further error by inserting inapplicable and erroneous standards into the HEPB's consideration. As a result of her efforts, the HEPB voted 6-to-4 to deny the County's application.

As more specifically described below, the Vice-Chair's orchestrated attack on both the County and the impartiality of the HEPB's proceedings violated fundamental guarantees of due process and caused the HEPB to depart from the essential requirements of the law. To correct the HEPB's manifest errors, the County asks the City Commission to grant this appeal, overturn the HEPB's decision, and approve the County's application. The County sincerely hopes that the City Commission acts with all

due haste to reverse this erroneous decision, to restore confidence in the City's HEPB and avoid the costs and expense of further legal action.

The more specific reasons for this appeal are:

1. In 2017, through Resolution HEPB-R-17-023 (Attachment 1), the HEPB approved (by a vote of 4-1 with Lynn Lewis as the only opponent) the County's conceptual master plan to rehabilitate the Coconut Grove Playhouse. That approval expressly included demolition of the auditorium. It also included the full restoration of the front building, facing Main Highway and Charles Street, to its 1927 Kiehnel & Elliott design. The HEPB's 2017 decision that the auditorium could be demolished was supported by the HEPB's original designation of the Playhouse, approved in 2005 by Resolution HEPB-2005-60. The designation resolution and incorporated Designation Report determined that the only features of the building that retained their architectural significance were the south and east facades of the original 1927 Kiehnel & Elliott design. Further, that resolution and report did not designate the interior spaces, because the report determined that the interior had lost its architectural and historical (not structural) integrity as a succession of architects each erased the work of their predecessors throughout the Playhouse's different phases of operation, from a silent movie house, to its golden era of serious dramatic theater, to its decline and financial demise as a non-profit theater. In addition, more than a year's worth of research, led by Jorge Hernandez, the historic preservation architect on the County's design team, confirmed the findings of the 2005 Designation Report that the interior of the auditorium had lost its historical integrity. The County provided the HEPB with a report and presentation of this detailed research at its April 2017 and March 2019 meetings. This research formed the basis of the proposed design as the architectural team determined the best way to create a performance space that works by 21st century standards for sound, lighting and theater systems and meets the code requirements for life safety and accessibility. Further adapting the existing auditorium shell was studied and ultimately rejected. The project that we have developed was the only viable way to accomplish the creation of an outstanding space for artists and audiences to experience world-class dramatic theater. Thus, the 2017 HEPB decision correctly approved the demolition and was the precedent for spending public funds in further developing the concept and seeking other regulatory approvals (Coordinated Review Committee, Urban Design Review Board, and Planning, Zoning and Appeals Board) consistent with this determination.

In rejecting a legal challenge to the 2017 decision, the circuit court appellate division affirmed the HEPB decision to approve the conceptual master plan for the rehabilitation of the Playhouse site and to allow demolition of the auditorium. The court specifically found that: the 2005 designation excluded the interior; exclusion of the interior meant that the applicant could not be required to preserve the interior; and the Designation Report could not be amended through the certificate of appropriateness process to now include the interior.

As a result, the only real issue before the HEPB in 2019 was an application to fulfil the condition of the 2017 decision – more detailed design plans to accomplish the previously approved actions. Once those plans were considered and approved as presented or subject to further modification, the County could seek a demolition permit.

Thus, the March 5, 2019 hearing was to consider those final design plans in accordance with the 2017 approval. Nothing relevant to the propriety of demolishing the auditorium has changed since April 2017, and throwing away the public dollars spent on designs that relied on that prior approval would be the height of wastefulness. But despite the prior approval, the court's clear instruction that the County could not be forced to preserve the interior in this proceeding, and the public policy reasons to not throw money away by going back to the drawing board, the HEPB decided not to review the finer points of the County's detailed plans and instead focused on the demolition of the auditorium building. In demanding that the County produce different plans to show full restoration of the auditorium building, the HEPB did indirectly that which the court had said could not be done directly in this proceeding: require preservation of the auditorium and its interior theater space.

Furthermore, the HEPB's decision amounted to an improper reconsideration of the April 2017 approval in derogation of the HEPB's Official Rules of Procedure (Attachment 3). Pursuant to Section V (D): Reconsideration/Rehearing of Decisions, an application for Certificate of Appropriateness may not be reconsidered or reheard "if the applicant/owner can demonstrate to the Board that he or she has expended substantial monies in detrimental reliance of the Board's prior decision or if it would violate due process rights of any participant at the prior hearing resulting in the decision." It is undisputed here that the County obtained the April 2017 approval so that it could move forward with developing final plans and take other necessary measures to advance the project, and the County has in fact done so since that time. This resulted in the County expending substantial public dollars in reliance on that prior approval. Accordingly, it was an error for the HEPB to effectively reconsider the prior approval under these circumstances.

2. The HEPB was led down this illegal path by Vice-Chair Lynn Lewis, who failed to recuse herself even after being presented at the outset of the March 5, 2019 hearing with evidence of her improper communications and bias. Vice-Chair Lewis' participation in the HEPB decision and continued participation in the proceeding over the County's objection violated the County's due process right to an impartial decision-maker.

Vice-Chair Lewis was impossibly biased against the County's application. Documents obtained from her through a public records request and by her responses to questions asked by the County's counsel following her *Jennings* disclosure at the outset of the March 5, 2019 hearing established this fact beyond any doubt. For example, the records reflected that Vice-Chair Lewis engaged in regular *ex parte* communications with objectors Richard Heisenbottle, Bert Bender, and Rick Gonzalez to, apparently, strategize about their responses to the County's plan and potential testimony. Those actions are antithetical to the guarantees of transparency and impartiality in quasi-judicial public decision-making. The Vice-Chair even went so far as to arrange for Mr. Gonzalez's transportation to the HEPB's February 5, 2019 hearing on the County's application, and when questioned about why she did that, she responded that he is her friend. She also forwarded to Mr. Gonzalez a press release about the court's decision affirming the 2017 HEPB approval with her remark, "Bad Day for Preservation."

Indeed, it appears that the only *ex parte* communication she did not find appropriate and refused to engage in was the County's invitation to visit the Playhouse building and to view the County's publicly-available website with information about the project, which was distributed to all board members. That communication, she forwarded to the City Attorney's Office with the note that, "[i]n an abundance of legal caution," she had "deleted the materials, unread," because the "materials . . . were remitted by an applicant for an upcoming HEP Board quasi-judicial review." It is a curious legal interpretation to believe that due process prohibits you from communicating with the applicant, but that it authorizes you to repeatedly communicate and orchestrate a response with the applicant's opponents, preservationists, and members of the local community about the very application you will be hearing and deciding.

Vice-Chair Lewis's unusual bias did not stop at conspiring with opponents to help them defeat the County's application through the public hearing process. She also took it upon herself to communicate with the State's Division of Historical Resources (DHR) to have that agency weigh in on the County's application outside of the public hearing process, presumably in search of an opinion to counter the City Preservation Officer's favorable recommendation of the application. Indeed, the public records demonstrated that she had been in regular communication with the relevant State officials about this application throughout 2018. After the HEPB deferred this application from its February 5, 2019 meeting, Vice-Chair Lewis made a motion, which the HEPB approved, to make a general request for "guidance" from DHR. But after the hearing concluded – and the County no longer had the ability to comment on the request – Vice-Chair Lewis took it upon herself to write very specific and loaded questions that the HEPB had not approved and that she appears to have known the answers to from her ongoing correspondence with the relevant officials. The day after the HEPB meeting, she then sent her loaded questions to the City's Historic Preservation Officer with the suggestion that he submit them to DHR, rather than drafting his own questions consistent with the HEPB's actual motion for general guidance from DHR. Vice-Chair Lewis's questions were the ones that DHR ultimately received and responded to as part of this rather transparent, but too-clever-by-half, effort to undermine the County's application.

Finally, the Vice-Chair also attempted to insert into the hearing irrelevant questions about whether the County was in compliance with the terms of its lease with the State for the Playhouse property. As demonstrated in supporting documents that the County submitted into the hearing record in response to her questions, the County is in compliance with the lease. But more importantly, none of these matters fall within the HEPB's narrow charge of reviewing an application for special certificate of appropriateness.

3. The end result of Vice-Chair Lewis's conduct is that the HEPB applied the wrong law to the County's application. Vice-Chair Lewis expressly premised her successful motion to deny the County's application on "expert testimony" that the County's plans do not satisfy the Secretary of the Interior standards. But the expert opinions of both the City's Historic Preservation Officer and the County's Historic Preservation Chief were to the contrary – that the County's plans **do** satisfy those standards.

In fact, other than conclusory commentary from members of the public (albeit some of whom were architects), the only so-called “expert testimony” that supports the denial is DHR’s flawed responses to Vice-Chair Lewis’s loaded questions. DHR performed its analysis in reference to the National Register of Historic Places document and not the adopted 2005 City Designation Report, which the court in the prior appeal recognized as the governing local regulatory document upon which the HEPB’s decision must be based. Thus, the “testimony” she allegedly relied on was premised on an inapplicable standard. And as the County’s Historic Preservation Chief demonstrated in a written submission to HEPB (Attachment 2) and in her comments at the March 2019 hearing, DHR’s analysis was flawed even on its own terms.

Essentially, DHR would require the County to completely reconstruct the auditorium to match the original 1927 silent movie house design. But it is beyond dispute that that original configuration has not existed since at least 1955 and that subsequent renovations have erased Kiehnel & Elliott’s original work. This reality means that the auditorium would have to be reconstructed as a replica, making a mockery of the historic preservation process and turning the Playhouse into a “Disney World-esque” exhibit rather than restoring the historically and culturally significant use of the site as Miami-Dade’s ancestral home for serious dramatic theater.

It is important to reiterate and summarize the benefits of the entire Coconut Grove Playhouse project as presented in the County’s 2017 and 2019 HEPB applications for special Certificates of Appropriateness:

- The entire front building will be completely restored to its 1927 Kiehnel & Elliott design, including the original uses of the building that included retail spaces activating the street and offices above;
- A new, state-of-the-art 300-seat theater will be established in the location and orientation of the original auditorium, incorporating the remaining historic interior elements of the 1927 theater (such as the double proscenium arch, fragments of the remaining Solomonic columns, fish fountain, and concrete grills). The design meets the Secretary of the Interior’s Standards by restoring the historic use, and proposing new construction that is compatible with and clearly distinguishable from the historic component of the project;
- Great dramatic theater will be returned to the Playhouse under a sustainable business plan.
- Florida International University and GableStage will collaborate to develop arts educational programs, with outreach to West Grove families and children;
- The existing surface parking lot will be replaced with a modestly-sized parking garage (the proposed structure is 52’ high instead of the 81’ height allowed by zoning) on the existing parking lot footprint to serve not only theater users and patrons, but also the nearby businesses and schools. As required by Miami 21, the garage will be elegantly lined with offices fronting both Main Highway and the West Grove residential neighborhood. In addition, revenues from the garage, retail spaces, and offices are dedicated to the operations and programming of the theater and maintenance of the property. The Miami Parking Authority will coordinate the development of the parking garage.

- The plan creates a series of exterior spaces, including a courtyard space delineating the original crescent shape of the movie house lobby, a 'paseo' between the parking garage structure and the new theater building connecting the West Grove to Downtown Coconut Grove, and lush landscaping, including a pocket park providing a respite for both office dwellers and the West Grove residents.

Based on the foregoing, the County respectfully requests that this appeal be expeditiously processed and placed on the earliest available City Commission agenda, that the City Commission reverse the HEPB's erroneous decision, and that the City Commission approve the County's plan for what HEPB Member Najeeb Campbell aptly described as "a complete package" that addresses both the "sustainability of the building" and "culture."

Thank you for your assistance with this matter.

Sincerely,



Michael Spring
Senior Advisor, Office of the Mayor
Director, Department of Cultural Affairs
Miami-Dade County

Attachments

cc: Francisco J. Garcia, Planning Director
Christine H. Tibbs, Hearing Boards Coordinator
Victoria Mendez, City Attorney
John Greco, Deputy City Attorney
Rafael Suarez-Rivas, Assistant City Attorney
Amber Ketterer, Assistant City Attorney
Eddie Kirtley, Assistant County Attorney
Dennis Kerbel, Assistant County Attorney
Monica Rizo-Perez, Assistant County Attorney
Kenneth Jessell, Florida International University
Joe Adler, GableStage
Art Noriega, Miami Parking Authority



Miami Historic and Environmental Preservation Board

Resolution: HEPB-R-17-023

File ID 1960

April 4, 2017

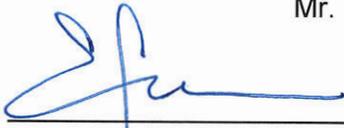
Item HEPB.3

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



 Efren Nuñez
 Interim Preservation Officer

4-7-17

 Execution Date

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

Personally appeared before me, the undersigned authority, Efren 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

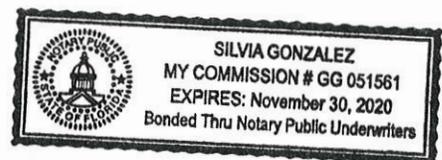
 Print Notary Name



 Notary Public State of Florida

Personally know or Produced I.D. _____
 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.

**Regulatory and Economic Resources Department****Office of Historic Preservation**

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March 5, 2019

Mr. Warren Adams, Historic Preservation Officer
City of Miami Planning Office
444 SW 2nd Avenue, 3rd Floor
Miami, FL 33130

RE: Coconut Grove Playhouse Special Certificate of Appropriateness

Dear Mr. Adams:

I respectfully submit this letter for distribution to the members of the Historic & Environmental Preservation Board (HEPB) in advance of their March 5, 2019 hearing. It is important to provide some additional context and clarity regarding the County's application for the rehabilitation of the Coconut Grove Playhouse, and the State Division of Historical Resources' (DHR) recent review of the project.

DHR reviewed the application as a courtesy to the City of Miami as a Certified Local Government, but no regulation required DHR's review. As standard protocol, DHR reviews projects against National Register of Historic Places documentation. It is essential to understand that a National Register document is non-regulatory, and is not the document against which the HEPB must evaluate this application. The local designation report, accepted by the HEPB in 2005, is what governs alterations to the Playhouse. The National Register document provides a narrative description of the full Playhouse structure, including the interior, as is the standard. However, as has been previously discussed, the interior of the Playhouse definitively does not fall within the HEPB's regulatory authority in this certificate of appropriateness proceeding, as the interior was not included in the original designation.

Additionally, the National Register document is embedded with analytical deficiencies. The conclusions regarding the site's existing integrity are not supported by the information provided in the National Register narrative. To the contrary, the narrative accurately details that the interior lacks integrity. Apparently, many people hold the misconception that the proposed project will cause the Playhouse to lose integrity. In reality, the Playhouse auditorium and other interior spaces had already been degraded and lost their historic integrity over time through a series of insensitive alterations that predated the 2005 designation. The front building holds the architectural significance, and retains the only degree of integrity throughout the site. The project, as proposed, seeks to not only restore the front building, but to breathe new life into one of the County's great cultural sites by, importantly, returning the historically-significant use of theater to the site in the very footprint where it historically occurred.

With regard to the specific questions posed to DHR, I offer the additional responses.

1. The proposal currently before the HEPB builds upon the master plan that the HEPB approved in 2017. The associated staff report that accompanied the 2017 application recommended approval with a series of conditions. Staff's positive recommendation indicated that they evaluated the proposed work against the Secretary of the Interior's Standards, as required, and determined it to be in compliance. The HEPB's 2017 approval affirmed staff's analysis. Today's application is also accompanied by a staff recommendation to approve with conditions, again indicating that it has been evaluated against the Standards and determined to be in compliance. (See attached for a full analysis of the applicable Standards.)
2. "Adverse effect" is defined as when a project diminishes the integrity of a historic property. DHR's response is based on its assumption that the auditorium space retains its integrity. But the historical evidence shows that DHR is mistaken. While an auditorium was part of the original build-out of the Coconut Grove Playhouse, subsequent additions and alterations by Alfred Browning Parker, and later by Ferguson Glasglow Schuster, Inc., have altered the historic space in such a way that its integrity has, unfortunately, been lost. Because the 1927 auditorium long ago lost its integrity, the proposed project does not adversely affect the 1927 Richard Kiehnel design. As detailed in the



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local historic designation report, the front building, specifically the south and east façades, are the most architecturally significant features of the site, and this project restores and reinvigorates this historic structure. It also restores the façade with its original architectural details, and reopens the historic storefronts, bringing vibrancy and life back to the playhouse at the iconic streetfront façade. Further, applying preservation treatments for multiple periods of significance is not appropriate under the Standards. The architectural significance and remaining integrity of the Playhouse lies solely within the Kiehnel-designed front building. Thus, rehabilitation of the 1927 architectural design is the only feasible option for treatment. Due to the lack of integrity to the 1927 period throughout the rest of the site, however, construction of a new auditorium that is compatible with and distinguishable from the historic building is appropriate and consistent with the Standards.

3. The National Register of Historic Places is non-regulatory and does not impose specific requirements. The proposed project is in compliance with not only the 2005 local designation report, but also the conditions required under the 2017 master plan COA approval.
4. The historic lobby is among the interior spaces that has lost its integrity. The inclusion of an open-air courtyard is a modern interpretation and mitigation of the loss of that historic space. It follows the same footprint of the lost lobby, and restores the historic function as a gathering space for patrons in advance of entering the theater.
5. For a property to be removed from the National Register of Historic Places, it would require a petition for delisting. During a conference call on January 30, 2019, between the County, DHR, and DEP, Alissa Slade Lotane, Deputy State Historic Preservation Officer, stated that the State has no desire to pursue delisting, nor does the County. Notably, other local projects have involved far more intrusive demolition and new construction and continue to be listed on the National Register, such as the Sears Tower, formerly the Sears Building on Biscayne Boulevard.
6. As stated by DHR, Section 267.061(2)(b), *Florida Statutes*, indicates that “feasible and prudent alternatives to demolition” should be explored, and that when these alternatives do not exist, mitigation items should be undertaken. It is critical to understand that the proposed demolition of the auditorium was not a foregone conclusion at the outset of this project. The County undertook a year of careful research, analysis, and physical investigation into the integrity of the auditorium, and the feasibility of rehabilitating it for use as a modern theater. Unfortunately, there is no feasible way to both keep the existing auditorium and provide a modern, functional theater space. As such, the County has included several mitigation items in our proposal, including spatial interpretation of the historic lobby; salvage and reuse of original interior elements, such as the double proscenium arch; incorporation of additional elements, such as Solomonic columns, fish fountain, and concrete grills; and interpretive displays to include original playbills and other materials. It should be noted that Alissa Slade Lotane indicated during our January 30, 2019 call that, upon reviewing the full project details, DHR felt much more comfortable with the project and the proposed mitigation strategy.

The County is proud to present the full details of our proposed rehabilitation of the Coconut Grove Playhouse. We strongly believe that this project is worthy not just of your consideration, but of your approval.

Sincerely,

A handwritten signature in black ink that reads "Sarah K. Cody".

Sarah K. Cody
Historic Preservation Chief
Miami-Dade County



**Analysis of applicable
Secretary of the Interior's Standards
for Rehabilitation**

Standard 1: The building is being returned to its historic use, defining a formal entry experience for visitors to the auditorium, and engaging with pedestrians through the reopening of the historic storefronts.

Standard 2: The historic character is being retained and restored to its original design, as documented in historic period photographs. Distinctive architectural features, such as the storefronts, and parapet details, that were removed over time, are being restored.

Standard 4: While it can be argued that the design elements introduced by Alfred Browning Parker in the lobby area during the 1950s acquired historic significance in their own right, those were later removed. Browning's work within the auditorium space itself is not architecturally significant; in reality, it degrades the integrity of the original interior space.

Standard 5: The distinctive materials, features, and finishes that characterize the historic structure are to be preserved in the proposed project. As documented, the front building is the architecturally significant portion of the overall site. This building, and its individual architectural features, are being restored. Significant architectural elements that characterized the auditorium, prior to the introduction of insensitive alterations, are being proposed for reuse, to the greatest extent possible. This includes, notably, the double proscenium arch. Other elements that are not feasible for reuse, such as the auditorium columns, are being proposed for display and interpretation.

Standard 6: Deteriorated historic features are proposed for repair and restoration. Missing features, such as the storefronts and original parapet, are proposed for replacement based on historic period documentation.

Standard 8: Any ground disturbing work will be monitored by an archaeologist and an archaeological report detailing the monitoring shall be submitted to the Historic Preservation Office.

Standard 9: The new construction is proposed in place of the existing auditorium building, which has lost its historic integrity over time. The new construction is compatible in size, scale, proportion, and massing. It will be distinguishable from the historic building through its material and setback. It is important to note that it is compatible in terms of spatial and visual relationships as well. When seen from the primary public viewshed of Main Highway and Charles Avenue, the historic building remains the visually dominant element, with the new addition only visible when visitors travel through the historic building, or approach from the rear of the property.

Standard 10: The front building is the only extant building that retains its historic integrity and character. The proposed new addition, if removed in the future, would not alter the essential form or integrity of the historic building.



**OFFICIAL RULES OF PROCEDURE
CITY OF MIAMI
HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD**

I. Purpose

To establish procedures for organizing the business of the City of Miami Historic and Environmental Preservation Board, hereinafter termed "Board;" for processing proposals for designation of historic resources, historic districts, and archeological sites and zones; for processing applications for Certificates of Appropriateness for individual historic resources and for buildings within historic districts; for processing Certificates to Dig in archaeological sites and zones; and for Certificates of Approval in Environmental Preservation Districts and along Scenic Transportation Corridors, and additionally for hearing appeals of tree removal permits issued by the City of Miami's Neighborhood Enhancement Team Offices and Code Enforcement Department.

II. General Rules

The Board shall be governed by the terms of Chapter 17 (Environmental Protection), Chapter 23 (Historic Preservation), and by Chapter 62, Article VII (Historic and Environmental Preservation Board) of the Miami City Code as they may be amended or revised; and by the terms of Article 8.1 of the, Zoning Code (Tree Protection) of the City of Miami, Florida, as amended, and its successors; and the rules contained herein. For procedures not covered by the above referenced laws and rules, the Board shall follow the rules contained in the current edition of *Robert's Rules of Order*.

III. Jurisdiction

The Board's jurisdiction for its activities shall be the entire zoning jurisdiction of the City of Miami, Florida.

IV. Members, Officers and Duties

The Board shall be composed of nine members and one alternate member, who shall be appointed by the Miami City Commission.

- A. Chairperson. A Chairperson shall be elected by the members of the Board to serve a term of one year. The Chairperson shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairperson shall appoint any committees found necessary by the Board to investigate any matters before the Board.
- B. Vice-Chairperson. A Vice-Chairperson shall be elected by the Board from among its members in the same manner as the Chairperson. The Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson, and at such times shall have the same powers and duties as the Chairperson.
- C. Elections. Election of officers shall be held annually in January of each calendar year. Members shall be notified by the Preservation Officer in writing of the election of officers at least ten (10) days prior to the scheduled election.
- D. Meeting Attendance. Faithful and prompt attendance at all meetings of the Board and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Board. The Board shall be governed by the provisions contained in the Miami City Code which states in part:

Sec. 2-886. Attendance requirement.¹

- (a) Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given calendar year:
 - (1) He or she is absent from three consecutive meetings; or
 - (2) He or she is absent from four of the board's meetings;
 - (3) Provided that regardless of their compliance with subsection (a)(1) and (2) hereinabove, members must attend at least 50 percent of all the board meetings held during a year.
- (b) A member of a city board shall be deemed absent from a meeting when he or she is not present at the meeting at least 75 percent of its duration.
- (c) The provisions of this section may be waived by a four-fifths vote of the members of the full city commission.

V. Meetings

- A. Regular Meetings. Regular meetings of the Board shall be held on the first Tuesday of each month at 3:00 PM in the Miami City Hall; provided that individual meetings may be scheduled for some other convenient time and place by a vote of a majority of Board members at least twenty-seven (27) days prior to such meeting.

¹ Explanatory Note: This language is reproduced for the Board's information. This is a section of the Miami City Code that applies in general to all of the City of Miami boards.

- B. Special Meetings. Special meetings of the Board may be called at any time by the Chairperson. At least forty-eight (48) hours notice of the time and place of special meetings shall be given to each member of the Board.
- C. Voting/ Quorum. Unless otherwise specified herein or in the City Code, all decisions and recommendations of the Board shall require a concurring vote of a majority of the members present. In the event of a tie vote on any question at a public hearing, such vote shall be construed as a denial. A quorum shall consist of five members of the Board.²
- D. Reconsideration/Rehearing of Decisions. The Board may reconsider any motion according to *Robert's Rules of Order*; and where significant new information or circumstances arise, the Board may rehear proposals for designation or applications for Certificates of Appropriateness, Certificates to Dig and Certificates of Approval, provided that no such rehearing shall take place within less than one (1) year from the original decision without the mutual consent of the Board and the applicant/property owner, and further provided that no re-hearing shall take place if the applicant/owner can demonstrate to the Board that he or she has expended substantial monies in detrimental reliance of the Board's prior decision or if it would violate due process rights of any participant at the prior hearing resulting in the decision.
- E. Conduct of Meetings. All Regular Meetings are considered Public Hearings and shall be open to the public. The order of business at regular meetings shall be as follows:
1. Roll Call;
 2. Approval of Minutes from previous meetings;
 3. Updates from the Preservation Officer;
 4. HEP Board Members' Items;
 5. Public Hearing Items;
 - 6 Unfinished (old) Business;
 7. New Business;
 8. Adjournment.

This order may be revised by the Board from time to time.

- F. Written Statements. The Board may, at its discretion, request written statements from witnesses summarizing their testimony. Written statements in support of or in opposition to a designation, or offering additional information, clarification, or commentary on information previously provided may be submitted to the Board at its office for a period up to and including three (3) working days following the public hearing. Written statements shall not contain new arguments or points not addressed in the witnesses' prior testimony. Under special circumstances the Chairperson may extend the time for filing of written statements for a period of up

² City Code Section 2-887, states that a quorum shall consist of 50% plus one of the board's membership.

to fifteen (15) working days. Written statements so submitted will be part of the record of the public hearing and available for public inspection.

- G. Documents presented at a Public Hearing. Any document submitted by the applicant at a public hearing shall be first given to the staff who will mark it as "Exhibit A" and follow by marking each additional document with successive alphabetic letters. The documents may then be distributed to the Board, but the original shall be retained by the Preservation Officer and become a permanent part of the record.

VI. Proposals for Designation of Historic Resources, Historic Districts, and Archeological Sites and Zones

- A. General Procedures. Procedures for designation shall be as set forth in Chapter 23 of the Miami City Code, of the City of Miami, Florida, as amended.
- B. Proposals Initiated by the Public. Proposals for designation initiated by any party other than the Board or the Planning Department shall be submitted to the Preservation Officer at least fifteen (15) days in advance of the Board meeting at which the proposal will be presented for preliminary consideration. Receipt of such proposal does not guarantee the item's placement on the next regularly scheduled Board agenda.
- C. Preliminary Evaluation. The Board shall consider preliminary proposals for designation at Regular or Special Meetings. Such proposals need not be individually listed on the advertised agenda, but at least ten (10) days written notice via certified mail (unless there are more than fifty (50) property owners, in which case the notice shall be by regular mail) must be given to the property owner of record with the Miami-Dade County Property Appraiser. If the property owner is the initiator of the request, he may waive the notice requirement in writing before the meeting. The Board shall consider all documentation provided by the initiator of the proposal to support its conformance with the Criteria for Designation in Chapter 23 of the Miami City Code, as amended. In addition, the Board shall consider the significance and urgency of the proposal, relative to other potential designations, and the workload for the Board and support staff. As appropriate the Board may:
1. Request the Planning Department to prepare a Designation Report and schedule a Public Hearing within a specified time period;
 2. Table the proposal for a future date to allow higher priority designations to be completed;
 3. Reject the proposal for lack of conformance to the Criteria for Designation;
 4. Defer discussion pending further investigation.

D. Public Hearing and Findings. The order of business for the Board in public hearings concerning designation shall be as follows, unless otherwise directed by the Chairperson:

1. The Chairperson shall read the notice of the item from the agenda.
2. All persons wishing to testify, excluding attorneys, shall be sworn in. All speakers may be limited to five (5) minutes or less at the discretion of the Chairperson. Such limitation should be announced at the commencement of the public hearing on the item in question.
3. The Preservation Officer or designated representative shall present the Designation Report.
4. The property owner (or agent) shall state his or her position³.
5. Members of the public wishing to testify shall speak.
6. The Chairperson shall close the public hearing. After this point, the public may speak only in response to questions from the Board.
7. The Board shall commence discussion; motions shall be entertained by the Chairperson.
8. A roll call vote shall be taken on each motion (except for procedural motions such as to defer or continue), and the results announced by the Preservation Officer. The Board may approve, deny, or continue the designation.

E. Appeals of Designation/Denial of Designation. A decision of the Board to designate, or to deny designation of a property may be appealed by any aggrieved party. Such party shall file, within fifteen (15) calendar days from the date of the Board's decision, a written notice of appeal which sets forth the decision appealed from and the reasons or grounds for the appeal, with the Department of Hearing Boards and shall send a copy to the Preservation Officer, along with the required fee. Appeals of any decision of the Board shall be heard by the City Commission.⁴

³ All persons who testify on behalf of an owner who receive payment for such services must be a registered lobbyist in the City of Miami.

⁴ Appeals shall be as prescribed by law and the provisions of the Miami City Code.

VII. Applications for Certificates of Appropriateness

- A. General Procedures. Procedures for issuing Certificates of Appropriateness shall be as set forth in Chapter 23 of the Miami City Code, as amended. Standard Certificates of Appropriateness shall be issued at the staff-level for certain approved minor alterations to historic properties. Special Certificates of Appropriateness shall be issued by the Board for projects involving major alterations or for appeals from staff -level decisions.
- B. Filing of Application. The completed application for a Certificate of Appropriateness shall be filed with the Preservation Officer. Applications for Special Certificates of Appropriateness shall be filed at least fifteen (15) days prior to the Board meeting at which said application is to be considered. All applications for Special Certificates of Appropriateness may be filed by the property owner, tenant, architect, contractor, or other agent; but this application shall contain the signature of the property owner.
- C. Contents of Application. A complete application for a Certificate of Appropriateness, Standard or Special, shall consist of a completed application form and supporting exhibits, as required according to the type of work proposed.
1. Minor Alterations (Standard Certificates of Appropriateness)
 - a. Types of Improvements to be Considered Minor:
 - 1) Repainting (when the color selected is within the first three levels of intensity illustrated in a color strip).
 - 2) Addition or removal of awnings, shutters, canopies, and similar appurtenances.
 - 3) Application or use of exterior materials which will substantially cover one or more sides of the structure, when using the same material as the original (i.e. "in-kind" replacement), as evidenced by tax card information from the City of Miami Building Department records or any other archival source that can document the original conditions of the building. This provision applies to but is not limited to roofing, paving, etc..
 - 4) The use of a high profile S-shaped tile where barrel tile was originally used.
 - 5) Replacement of doors or windows with the same size, style and configuration as the original, as evidenced by tax card information from the City of Miami's records or any other archival source that can document the original conditions of the building.

- 6) Removal or destruction of designated vegetation.
- 7) All improvements, alterations, and renovations which can be accomplished without obtaining a building permit, such as repairs and repainting.
- 8) Work which will not be visible from the public right-of-way, as determined by staff, including small rear additions, demolition of illegal or non-historic additions, pools or decks in the rear yard, window or door replacement on rear elevations, etc.
- 9) Work which is in conformance with the General Design Guidelines for Historic Districts which were previously adopted by the Board.

b. Exhibits Required for Minor Alterations:

The following requirements may include, but not be limited to:

- 1) Current color photographs (digital photographs are acceptable) of the property showing its present condition and accurately representing the existing materials, colors, and textures. All photographs shall be labeled to indicate the property name, (if any) address, and date, and describe the orientation of the view.
- 2) A recent survey (within the last 5 years), showing the location of the lot in relation to its surroundings. The survey shall also include a site plan of the property showing the location, shape, and spatial arrangement of all existing walls, pavement and other structures, as well as all significant existing landscape features. Any proposed site changes shall be indicated on this survey, including but not limited to new fences, gates, pools, decks, paving, landscape features, etc.
- 3) Elevation drawings of all affected sides showing complete architectural details and including all exterior equipment and appurtenances where applicable. All existing and proposed materials and finishes shall be identified and noted on the elevations.
- 4) Manufacturer's catalog data and notice of acceptance (as applicable) for all new windows, shutters, trash receptacles or containers, signs, transformers, air-conditioning equipment, and other visible devices and materials showing size, form, quantity, color, type of material, height, location, and method of installation. All items shall be keyed to the survey or the elevations as appropriate.

- 5) If site development work is proposed, a site plan shall be provided. The site plan will include the location of new fences, gates, pools, decks, paving, major landscape features, and any other structures that exist or are proposed for the site.
2. Major Alterations, New Construction or Additions (Special Certificates of Appropriateness)
 - a. Types of Improvements to be Considered Major:
 - 1) Construction of a new building or auxiliary structure.
 - 2) Any addition to or alteration of an existing structure which increases the square footage of the structure or otherwise alters its size, height, contour, or outline.
 - 3) Change or alteration to the structure's architectural style.
 - 4) Change or alteration of the size, shape, or style of windows and doors except when this change returns the windows and doors to the original dimension and/or configuration.
 - 5) Addition or removal of one or more stories.
 - 6) Alteration of a roof line or use of any roofing material other than the original material as indicated by the City of Miami tax cards and/ or any other relevant documentation that illustrates the original roof materials.
 - 7) Site work that will be visible from the public right of way, including but not limited to the installation of pools, fences which do not meet the pre-established guidelines, the addition of driveways and walkways (including expansion of existing driveways and walkways), etc.
 - 8) Demolition, including partial demolition and the demolition of auxiliary structures.
 - 9) Any other change to a historic property which would alter the appearance of the property, as determined by the Preservation Officer.
 - 10) Any activities over which the Board had previously requested review, including the installation of windows on a former porch, the replacement of original jalousie windows, etc.
 - b. A complete application for a Special Certificate of Appropriateness, shall be submitted to the Preservation Officer. A complete application shall consist of fourteen (14) packets (consisting of one full size plan set and thirteen 11"

x 17”s) containing the materials/exhibits described in the preceding paragraphs.

The following requirements may include, but not be limited to:

- 1) A completed Application form for a Certificate of Appropriateness, including a written description of the project, signed by the property owner.
- 2) Current color photographs (digital photographs are acceptable) of the property clearly showing all affected elevations of the building, and its setting. The photographs should show the building in its present condition and should accurately represent the existing materials, color and textures. All photographs shall be labeled to indicate the property name (if any), address, and date.
- 3) A survey prepared by a registered land surveyor. Such survey shall show the location of all existing structures and trees upon the yard area of the entire site, or portion of the site affected by the proposed work. The survey shall be signed and sealed when requested by staff or the Board.
- 4) If applicable, manufacturer’s catalogue data on all new windows, shutters, roofing materials, air-conditioning equipment, signs, transformers, light fixtures, and other visible devices and materials showing size, form, quantity, color, type of material, height, location, and method of installation. Color samples for all new paint or fixtures shall also be provided.
- 5) When requested, a colored perspective rendering of the proposed project showing the form, style, and scale of the project, all roof-top equipment and screening proposed, signs, landscaping, and other architectural features. Such rendering shall be accurate as to both scale and color representation.
- 6) When the project involves new construction, a site plan, all elevations, floor plans and landscape plan. A context map/plan shall also be provided that shows the footprint of the proposed building and all neighboring buildings and properties, including property lines and building footprints. Provide photographs of neighboring buildings and key them to the context map. Elevations that include the proposed building and the buildings on either side are also desirable.

- D. Attendance at Public Hearing. The applicant (or authorized agent) shall be present at the public hearing for each Special Certificate of Appropriateness.⁵ Failure of the applicant to appear at the hearing, when issued ten (10) days prior notice, may be grounds for deferral of the application to the next regularly scheduled meeting of the Board; and said deferral shall be considered to be an action taken by the Board for purposes of the sixty (60) day time limit in the Miami City Code. Failure of the applicant to appear shall not preclude consideration and action by the Board of the application as submitted.
- E. Consideration of Applications for Special Certificates of Appropriateness. The order of business for consideration of applications by the Board shall be as follows, unless otherwise directed by the Chairperson:
1. The Chairperson shall read the notice of the item from the agenda.
 2. All persons wishing to testify, excluding attorneys, shall be sworn in. All speakers may be limited to five minutes or less at the discretion of the Chairperson. This shall be announced at the commencement of the hearing.
 3. The Preservation Officer or his or her designated representative will review the facts of the case and present their recommendation(s).
 4. The applicant shall then describe any additional facts and present his/her arguments in support of the application.
 5. The Chairperson will then ask if anyone from the public wishes to address the item.
 6. The Chairperson shall close the public hearing and commence discussion among Board members. After this point, the applicant and the public may speak only in response to questions by the Board.
 7. After the Board's discussion is completed, a motion shall be entertained by the Chairperson.
 8. A vote shall be taken and the results announced by the Preservation Officer.
- F. Approved Application. If an application is approved, the Preservation Officer shall prepare a written Resolution, clearly describing the nature of the work and/or the conditions of the approval. The original Resolution shall be signed by the Preservation Officer and the Chairperson and shall be filed in the case file opened for that purpose, and maintained in the offices of the Historic Preservation Section of the Planning Department.

⁵ Any person who receives remuneration for their representation of an item before the HEP Board shall be registered as a lobbyist with the Miami City Clerk.

- G. Denied Application. If an application is denied, the Preservation Officer shall transmit a letter to the applicant describing the reasons for the denial and the applicant's right of appeal if applicable.
- H. Appeals of Board Decisions. A decision of the Board may be appealed by any aggrieved party who opposed and presented testimony on the item before the Board. Such party shall file, within fifteen (15) calendar days, a written notice of appeal which sets forth the decision appealed from and the reasons or grounds for the appeal, with the Department of Hearing Boards, with a copy to the Preservation Officer. Each appeal shall be accompanied by the required fee. Appeals of any decision of the Board shall be heard by the City Commission.⁶

VIII. Applications for Tree Removal and Development Activity within Environmental Preservation Districts : Certificates of Approval

- A. General Procedures. Procedures for approving tree removal permits and Certificates of Approval shall be as set forth in Chapter 17, of the Miami City Code, entitled "Environmental Preservation," as amended. Standard Certificates of Approval shall be issued at the Staff level for certain approved minor alterations to properties within Environmental Preservation Districts or along Scenic Transportation Corridors. Special Certificates of Approval shall be issued by the Board for projects proposing major alterations or for appeals of Staff-level decisions.
- B. Filing of Application. The completed Application for a Certificate of Approval shall be filed with the Preservation Officer. An Application for a Special Certificate of Approval shall be filed at least fifteen (15) days prior to the Board meeting at which it is to be considered. All applications may be filed by the property owner, tenant, architect, contractor, or other agent, but applications for Special Certificates of Approval shall contain the signature of the property owner.
- C. Contents of Application. Applications for Certificates of Approval, Standard or Special, shall consist of information as summarized below and as set forth under Section 17-33 of the Miami City Code, as amended. For projects which have little effect to the existing landscaping and for which sufficient documentation can be provided to illustrate those conditions, some of the requirements listed below may be waived by the Preservation Officer.
1. Standard Certificates of Approval
 - a. Activities Qualifying for Standard Certificates of Approval

⁶ Appeals shall be as prescribed by law including the City Code.

- 1) Development activity where all existing trees are to be preserved or relocated on site.
- 2) Removal of diseased, injured, or hazardous trees.
- 3) Removal of undesirable trees as listed in 17-37 of the City Code.
- 4) Additions or modifications to existing buildings which involve tree removal, except where such addition exceeds fifty percent (50%) of existing lot coverage.
- 5) Tree removal and site improvement for existing buildings, including but not limited to fences, walls, patios, driveways, pools, etc.

b. Exhibits Required for Standard Certificates of Approval

- 1) The completed application form for a Certificate of Approval, including the signature of the owner.
- 2) An existing tree survey, prepared by a registered land surveyor or landscape architect (except that for developed single family and duplex dwelling units such survey may be prepared by the homeowner)⁷, such survey shall show the location of all existing trees on the entire site. All trees shall be summarized in legend form and shall contain the botanical and common name, location, diameter (4.5 feet from grade), and approximate height and spread of all trees on the site. Groups of trees less than three feet (3') apart may be designated as clumps, with the exception that any tree with a trunk diameter six inches or more must be specifically designated.
- 3) For large site areas on which developmental activity or tree removal is to occur on only a portion of the site, the required tree survey shall exclude those portions of the site which will not be affected by the development or the removal activity. The Preservation Officer shall determine the proper extent of the tree survey.
- 4) A minimum of two (2) photographs adequately showing the general landscape character of the site and at least 1 photograph of each tree proposed for removal. Digital photographs are acceptable. Photographs of all existing architectural features, including buildings, structures, walls, etc. shall be provided. Each photograph shall be clearly numbered, dated and labeled with the

⁷ Chapter 17, Sec 17-33(b) (2)

property address, the tree number and brief description of what is shown. Photograph locations shall be keyed to the site plan.

- 5) A site plan drawn to a minimum of 1 inch to 20 feet showing:
 - a. Location map;
 - b. Scale and north arrow;
 - c. Location, shape and spatial arrangement of all existing and proposed buildings, walls, driveways, parking area, structures and natural features,
 - d. General location and description of surrounding buildings and adjacent land areas and uses;
 - e. Any tree canopy extending over the subject property from surrounding properties that may be affected by the proposed development;
 - f. Location of existing and proposed underground and above grade utility services;
 - g. All existing trees labeled by number consistent with the tree survey;
 - h. All existing and proposed paving materials and configuration of coverage, with an indication of existing and proposed grades;
 - i. Setback and yard requirements

- 6) All elevations for all proposed new buildings.

- 7) Where tree relocation/replacement is proposed or required, provide a planting plan prepared by a licensed landscape architect. If desired by the applicant, information required for the planting plan may be shown on the site plan. Information on a planting plan shall be as follows:
 - a. All existing trees labeled by number consistent with the certified tree survey. A legend shall indicate the name, trunk diameter, and approximate height and spread of each tree, as well as its condition and whether it is proposed to be preserved, removed, or relocated. If relocation is proposed, the new location for each tree must also be indicated on the planting plan.
 - b. Location, quantities, common name, botanical name, caliper, height and spread of all proposed new plant material including trees, palms, shrubs, and ground cover. Specifications for planting, fertilizing, and staking may also be required.
 - c. All site furnishings, such as benches, planters, trellises, gazebos, and lighting.
 - d. Irrigation or proposed method of watering.

- 8) For trees to be relocated, provide one copy of a schedule for root and canopy pruning and method of relocation. Provide the name of the licensed landscape contractor that will perform the relocation.
- 9) Provide one copy of a site plan showing the location of protective barriers to be erected during construction to protect existing trees from damage.
- 10) Signature of Zoning Inspection Official and Public Works Department (if the trees are located on the public right-of-way) on at least one copy of the site plan indicating compliance with all applicable zoning regulations or indicating variances that would be required. Please note that this review may take approximately five days and must be completed before the Preservation Officer can accept the application.
- 11) Twenty-Five dollar (\$25.00) application fee, payable to the City of Miami.

2. Special Certificates of Approval

a. Activities Requiring a Special Certificate of Approval

- 1) New development involving removal of existing trees from the site or alteration of other environmentally significant features.
- 2) Development activity or tree removal not eligible for Standard Certificates of Approval.
- 3) Applications referred to the Historic and Environmental Preservation Board on appeal from decisions of City staff.

b. Exhibits Required for Special Certificates of Approval

- 1) The exhibits required for a Special Certificate of Approval shall be the same as set forth in the Standard Certificate of Approval except that fourteen (14) copies of each item shall be provided.

D. Public Hearing The order of business at public hearing for consideration of applications for Certificates of Approval by the Board shall be as set forth for Certificates of Appropriateness.

E. Covenants Running with the Land. The Board is able to accept covenants running with the land related to an item being voted on by the board, freely and voluntarily proffered by the applicant. The applicant shall record the covenant in the public records and be bound by its terms. All covenants shall be in a

form acceptable to the Preservation Officer and the Law Department of the City of Miami.

F. Recordation of HEPB Designation Resolutions and Certain Certificates of Appropriateness.

(1) Historic designation approved by the board that meet the criteria set forth in Section 23-4 of the Miami City Code, must be recorded in the public records and provide an attached legal description of the property to be recorded as a historic site, district, or archaeological zone. The recordation of the designation resolution must be made in the public records of Miami-Dade County, Florida and also must be included in the official historic and environmental preservation atlas of the City of Miami, Florida pursuant to sub-section 23-4 (4) of the Miami City Code.

(2) Recordation of resolutions in the public record of Miami-Dade County granting certificates of appropriateness may be directed by the board when in the opinion of the board the certificate contains unique, complex, or distinct conditions which are authorized by the board. The resolution to be recorded will have the legal description of the property attached. Recordation will be the responsibility of the applicant unless the board directs otherwise. Additionally, the applicant will bear the cost of the recordation process. Subsequently the applicant will furnish a copy of the recorded certificate of appropriateness with the Preservation Officer within thirty days.

IX Amendments

Amendments shall be made to the Rules of Procedure contained herein by a concurring vote of no less than five members of the Board.

Adopted by Resolution HC-82-1, dated September 28, 1982.

Amended by Resolution HC-83-11, dated February 28, 1983.

Amended by Resolution HC-83-37, dated July 26, 1983.

Amended by Resolution HC-83-52, dated December 20, 1984.

Amended by Resolution HC-84-13 dated March 20, 1984.

Amended by Resolution HC-85-6, dated March 19, 1985

Amended by Resolution HC-87-3 dated February 17, 1987.

Amended by Resolution HC-88-78, dated October 25, 1988.

Amended by Resolution HEPB-2005-56, dated July 5, 2005.

Amended by Resolution HEPB-2005-101, dated December 6, 2005.

Amended by Resolution HEPB 2009- 055 dated August 4, 2009

Amended by Resolution HEPB 2010-015 dated March 2, 2010