



CARLOS A. GIMENEZ

MAYOR  
MIAMI-DADE COUNTY

May 22, 2019

The Honorable Ken Russell, Chair  
and Members, City of Miami Commission  
3500 Pan American Drive  
Miami, FL 33133

Dear Chair Russell and City Commissioners,

I urge you to override the veto issued by Mayor Francis Suarez regarding the Coconut Grove Playhouse project. Mayor Suarez's veto message overtly ignores key facts, applies the wrong law, and neglects the detailed record. Your action will make the difference between something happening now or nothing occurring for years, and perhaps forever, to rehabilitate and revitalize this important historic, community, and cultural site.

Overriding the veto and approving the County's application for a Certificate of Appropriateness is the right thing to do. The County-Florida International University project respects and restores the architecturally significant portions of the Playhouse, honors the historical significance of the site by returning great dramatic theater to this place where theater began for our community, and creates a more open space that celebrates the village scale and ambiance of Coconut Grove and respects the West Grove.

Lost in much of the commentary about our project is that the County plan preserves the entire 1927 historic front building: the very image that has been identified as the "Coconut Grove Playhouse" since the theater opened as a silent movie house in 1927. Our plans show the complete, historically-accurate restoration of this iconic front building, which is the only portion of the structure that is ever featured in photographs lauding the glory of the Playhouse. Our application for a Certificate of Appropriateness clearly marked "demolition," and this covered the back part of the Playhouse, which plainly offers no distinguishing exterior features. When viewed from the corner of Charles and Main, this portion of the site cannot be seen. And when viewed from the side and rear of the site, this portion of the building is nothing more than a concrete box. Our plan revitalizes both the interior and the exterior of the Playhouse; it returns a working theater to this location at an appropriate scale; it introduces to this important site a pedestrian-friendly and aesthetically-pleasing active space for the community to gather and enjoy; and it facilitates the return of the small retail uses featured at the street-level in the iconic front building when it was built.

It is important to highlight some of the significant shortcomings of Mayor Suarez's veto message:

- **The veto is premised on the wrong legal standard.** The County's project not only restores the historic 1927 front building, honoring Kiehnel and Elliott's architecture, but also returns

theater to the Playhouse in a way that celebrates the period of most significant activity at the site. Accordingly, the City's own historic preservation officer recommended that the County's application for a Certificate of Appropriateness be approved. This recommendation was based on assessment by the City's historic preservation officer that the County's project complied with the City of Miami's adopted 2005 Coconut Grove Playhouse Designation Report, the governing document for this decision. Furthermore, Miami-Dade County's preservation officer performed an independent analysis and ultimately reached the same conclusion: that the project is consistent with applicable historic preservation standards, including the Secretary of the Interior's Standards, and meets all requirements of the City's Code. The only material in the record to the contrary is not evidence at all: the assessment by the State Division of Historic Resources erroneously considers the effects of the project on the interior of the Playhouse and erroneously judges the plan in reference to the National Register of Historic Places designating document, which does not govern.

To be clear, National Register status is a high honor and one that the County supported and appreciates. But the National Register listing is *honorary* only. It is non-regulatory and legally should not have been a factor in the decision of the HEPB or Mayor Suarez. In addition, the contention that our project would jeopardize the National Register listing is untrue. Indeed, local common experience suggests just the opposite. The historically significant Sears building once stood where the Arsht Center is today. That site was listed on the National Register when the full building remained there. Today, only the historic tower feature stands, but the site remains on the National Register.

- **The veto is premised on the erroneous and unsupported conclusion that the County did not exhaustively consider alternatives.** To the contrary, as documented in our Certificate of Appropriateness application, written appeal, and testimony before the City Commission, our professional staff at the Department of Cultural Affairs and our design team spent its initial year of work researching the history of the interior and exterior architectural changes made to the Playhouse. This work documented the detrimental effect of successive architectural interventions on the building's interiors. In summary, our extensive investigation led us to independently arrive at the same conclusion that the City reached in its 2005 Designation Report: only the exterior front building retained architectural integrity. Nonetheless, the County's design team also tested the feasibility of inserting a new theater into the shell of the existing auditorium. Our team of expert theater and acoustical consultants documented that placing a new theater in the existing auditorium shell would severely compromise the functionality and viability of the theater. Investing millions of dollars in a compromised approach is not only an inadvisable use of public funds, but also constitutes replicating decades of failed efforts to convert what was designed as a silent movie theater into a working theater. And to what end? To save four nondescript walls at some undetermined cost, at the perpetual expense of the taxpayers and at the expense of a financially feasible theater, solely for the sake of nostalgia? No. Our residents deserve better.
- **Mayor Suarez aligns himself with the legally insupportable decision of the HEPB.** Mayor Suarez questions why the County sought an appeal before the City Commission. But given the HEPB's disregard for due process and failure to apply the correct law, the County's only recourse was to bring this appeal.
- **Mayor Suarez's proposed plan is a false alternative.** In his veto message, Mayor Suarez attempts to propose another plan that prioritizes the parking garage and the Playhouse's

façade, to the detriment of the historically significant theatrical use. In fact, arguably the most important part of our project from a historic preservation perspective is that we are returning the historically significant theatrical use to the site. But Mayor Suarez's false alternative would make the theater subservient to a parking garage. Even worse, the Mayor's "alternative" would subject our elected officials and our taxpayers to be liable for undetermined amounts of additional tax dollars to build, and then subsidize, an unworkable project. This is unacceptable. This false alternative also wrongly uses a regulatory process to improperly interfere with the County's property interests, by trying to force us to disregard our lease with the State, which calls for a 300-seat theater. And most egregiously, it improperly attempts to redefine the application that we submitted for a Certificate of Appropriateness. This is our plan and our application, and it belongs to our entire community.

In conclusion, please consider the facts submitted in our application for a Certificate of Appropriateness. Evaluate the testimony offered in our appeal. Accept the recommendation of your own historic preservation officer to approve our project. And believe your eyes – look at our project and see that it fully restores the image and substance of what has defined the Coconut Grove Playhouse for almost a century: the brilliant historic architecture viewed from Main Highway and the tradition of great dramatic theater presented at this special place. It is for all of the reasons mentioned above, that I respectfully urge you to override Mayor Suarez's veto.

Thank you,



Carlos A. Gimenez  
Mayor  
Miami-Dade County

cc: Mayor Francis Suarez  
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  
Todd B. Hannon, City Clerk  
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

Attachment



EXISTING SOUTHWEST SIDE ELEVATION



EXISTING NORTHEAST SIDE ELEVATION



New Paseo opening the site to West Grove.

Neighborhood view from William Avenue.

Theater view from Charles Avenue.

New Park and Office liner, view from Abiteria Way





EXISTING FRONT FACADE



PROPOSED FRONT FACADE

CITY OF MIAMI, FLORIDA

INTER-OFFICE MEMORANDUM

TO : Honorable Members of  
the City Commission

DATE : May 17, 2019

FILE :

FROM :   
Todd B. Hannon  
City Clerk

SUBJECT : *Mayoral VETO of Resolution  
R-19-0169 adopted at the  
May 8, 2019 Special  
City Commission Meeting*

REFERENCES :

ENCLOSURES: (1)

I am in receipt of a mayoral veto (received on Friday, May 17, 2019, at 8:50 a.m.) pertaining to Resolution R-19-0169 that was passed at the May 8, 2019 Special City Commission Meeting involving the following item:

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING THE APPEAL FILED BY MICHAEL SPRING, SENIOR ADVISOR, OFFICE OF THE MAYOR, DIRECTOR, DEPARTMENT OF CULTURAL AFFAIRS, MIAMI-DADE COUNTY ("APPELLANT") AND REVERSING THE DECISION OF THE MIAMI HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD'S DENIAL, PURSUANT TO SEC. 23-6.2(b)(4) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, OF THE APPLICATION FOR A SPECIAL CERTIFICATE OF APPROPRIATENESS FOR THE RESTORATION OF AN EXISTING STRUCTURE AND NEW CONSTRUCTION OF A THREE HUNDRED (300) SEAT THEATER, A PARKING STRUCTURE, AND EXTERIOR SPACES WITH LANDSCAPING TO A PROPERTY LOCATED AT APPROXIMATELY 3500 MAIN HIGHWAY, MIAMI, FLORIDA, 33133, A LOCALLY DESIGNATED HISTORIC SITE KNOWN AS COCONUT GROVE PLAYHOUSE WITH THE FOLIO NUMBER 0141210450140.

Pursuant to City Code Section 2-36(4), the City Clerk is directed to place any item(s) vetoed by the Mayor, together with the veto form(s), on the next regularly scheduled City Commission meeting agenda as the first substantive item(s) for consideration by the City Commission. With this in mind, the mayoral veto of Resolution R-19-0169 will be addressed at the May 23, 2019 Miami City Commission Meeting as the first substantive item to be heard on the agenda.

For your information, the City Commission may override a veto by a four-fifths (4/5ths) vote of the City Commissioners present. If four-fifths (4/5ths) of the City Commissioners present do not vote in favor of the override, then the mayoral veto shall be sustained.

If you have any questions regarding this information, please do not hesitate to contact me.

C: Francis Suarez, Honorable Mayor  
Emilio T. Gonzalez, Ph.D., City Manager  
Victoria Méndez, City Attorney

# City of Miami, Florida



FRANCIS SUAREZ  
MAYOR

3500 PAN AMERICAN DRIVE  
MIAMI, FLORIDA 33133  
(305) 250-5300  
FAX (305) 854-4001

**Office of the Mayor  
Miami, Florida  
Veto and Veto Message**

RECEIVED  
2019 MAY 17 AM 8:50  
OFFICE OF THE CITY CLERK  
CITY OF MIAMI

TO: Honorable Members of the City Commission  
Miami, Florida

FROM: Mayor Francis Suarez  
Miami, Florida

Date: May 17, 2019

Pursuant to the authority vested in me under the provisions of 4(g)(5) of the Charter of Miami, Florida, I hereby veto:

**Resolution (R-19-0169) – Coconut Grove Playhouse Appeal**  
*May 8, 2019 Special Commission Meeting*

**Veto Message:**

For the first time as Mayor of the City of Miami, I exercise my right to veto the recent 3 to 2 decision of the City of Miami Commission (“Commission”), which reversed the Historic and Environmental Preservation (HEP) Board’s decision to deny the application for a Special Certificate of Appropriateness for the Coconut Grove Playhouse.

We must uphold historic preservation requirements in our community, and the Coconut Grove Playhouse should be no exception. The Playhouse is “a signature building reflecting the heyday of Coconut Grove.” *See City of Miami Preservation Officer 2005 Report.* The HEP Board recognized this fundamental truth, and I seek to reinstate that decision.

In exercising my veto authority, I first find that the appeal was premature. The HEP Board’s decision invited the County to come back to the Board “to address some, or all of the concerns, heard from various members of the Board.” In fact, the HEP Board left in place HEPB Resolution R-17-023. The County unilaterally disregarded this opportunity and appealed. Because further hearings could have taken place based on the HEP Board’s decision, the appeal should have been denied as an unperfected appeal.

To the extent that the merits of the appeal could have been reached, my veto that seeks to affirm the HEP Board’s decision is supported by competent and substantial evidence. Based on the record before the HEP Board and Commission, the County’s proposal would jeopardize the National Register of Historic Places (“National Register”) designation for the Coconut Grove Playhouse because the proposal is not

consistent with the guidance provided by the Secretary of Interior's Standards for the Treatment of Historic Properties. *See* March 1, 2019 letter from Mr. Aldridge, Deputy State Historic Preservation Officer. National Register provides significant benefits for designated properties, including but not limited to federal tax incentives, grant eligibility, and the prestige of the recognition.

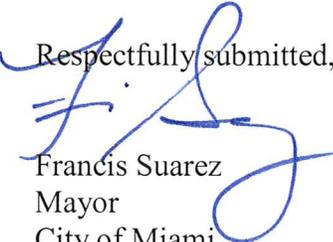
I also exercise my veto because the record does not support that the County's proposal satisfies Section 267.061(2)(b), Florida Statutes that directs state agencies to confirm that no "feasible and prudent" alternative exist to a proposed demolition. The County's conclusory declarations that demolition of the Coconut Grove Playhouse is strictly necessary are unsupported by the record. And the County's assertions that no other funds are available to the Playhouse renovation are unsupported by competent and substantial evidence and contradicted by the County's testimony. At the hearing, County acknowledged that multiple cultural facilities are funded, even above and beyond the projected costs. The Coconut Grove Playhouse should not receive unequal treatment.

The City of Miami has listed less than 70 properties on the National Register, and the Commission's acceptance of the County's proposal could effectively remove the Coconut Grove Playhouse from the National Register. Based on the testimony at the hearings, delisting is a troublesome outcome for the residents of Miami.

Furthermore, the County's application is fatally flawed because no request for demolition is included in the application or request. The HEPB Resolution R-17-023 included Exhibit A that made it unambiguous that the HEBP reserved its right to review the final plan of the County. For instance, the HEP Board conditions included: "[N]o demolition permit will be issued until the plan comes back to the HEPB and is approved." The County submitted an application that did not request demolition and, even with the Commission's reversal, the County will likely not be successful in obtaining demolition permits.

Despite the necessity of this veto, I remain confident that further discussions and community input about the future of Coconut Grove Playhouse will result in a revised proposal that would benefit virtually all stakeholders, and I look forward to opening night at the new and renovated Coconut Grove Playhouse. We have taken reasonable steps to help preserve a historic theater in Miami's oldest neighborhood. In fact, in cooperation with the County, the City has waived code enforcement fees and fines that would have accrued to nearly \$3 million.

The County's current plan that cannibalizes the historic structure will not meet my approval. But a revised proposal that begins the process of revitalizing the Coconut Grove Playhouse by beginning with the parking lot construction immediately, which is fully funded by the City and the Miami Parking Authority, and restoring the facade would meet with my prompt approval. Having concluded that it would not be in the best interest of the City of Miami or its residents to reverse the HEP Board's decision, I submit this veto.

Respectfully submitted,  
  
Francis Suarez  
Mayor  
City of Miami

RECEIVED  
2019 MAY 17 AM 8:50  
OFFICE OF THE CITY CLERK  
CITY OF MIAMI