

City of Miami, Florida



FRANCIS SUÁREZ
MAYOR

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Office of the Mayor Miami, Florida Veto and Veto Message

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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.

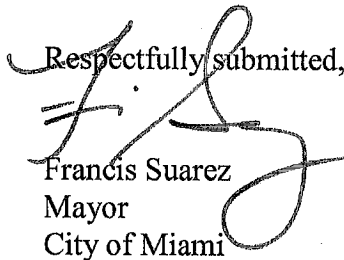
I also exercise my veto because the record does not support that the County's proposal satisfies Section 267.061(2)(b), Florida Statutes that directs state agencies to confirm that no "feasible and prudent" alternative exist to a proposed demolition. The County's conclusory declarations that demolition 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

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