


Memorandum

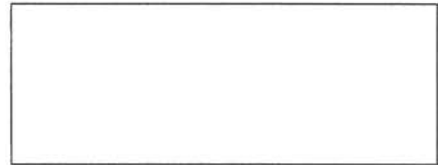


Date: September 17, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Coconut Grove Playhouse Status Report



A significant amount of work has been accomplished to return great theater to the Coconut Grove Playhouse. This status report provides the Board of County Commissioners (Board) with an update regarding this important project and the steps being taken to advance it to completion. It covers the following current progress:

- Completion of the construction documents for restoration of the historic front building and the new state-of-the-art 300-seat theater;
- Status of the multi-step municipal review process;
- The County's judicial appeal of the City of Miami Mayor's veto of the County's final municipal regulatory review before the City's Historic and Environmental Preservation Board;
- Record-setting facts about the project;
- Recent project accomplishments; and
- Next steps.

Architectural and Engineering Work is Complete

Miami-Dade County and its partner, Florida International University (FIU), entered into a long-term lease agreement with the State of Florida in 2014 for the reconstruction and management of the Coconut Grove Playhouse, located at 3500 Main Highway, Miami, FL 33133. The County has allocated \$23.5 million specifically for the project and the Board approved an agreement for architectural and engineering services (Resolution No. R-294-15) with a team led by Arquitectonica and including historic preservation architect Jorge Hernandez, theater consultants Fisher Dachs Associates, and cost consultants, Venue, a firm specializing in capital cost estimates for theaters.

The County's design team spent a year at the outset of the project thoroughly studying the Playhouse building, documenting the successive architectural changes that erased the vast majority of the interior features of the original silent movie theater, determining the best strategies for honoring the history of the Playhouse, returning the finest dramatic theater to Coconut Grove, and creating magical performances for new generations of 21st century audiences. The resulting project will be an elegant campus with the historic front building on Main Highway restored faithfully to its 1927 design and uses, a new, state-of-the-art 300-seat theater that incorporates the remaining historic elements of the original auditorium (e.g., the double proscenium arch, Solomonic columns, etc.), a garage with its facades attractively lined with offices facing Main Highway and the residential neighborhood to the north, and plazas, promenades, lush landscaping and a pocket park that connects to and welcomes the West Grove. You can view project architectural renderings at: https://drive.google.com/file/d/1oQD00XUNhTJCzrMH9YyXT4jnJIU_5cTH/view.

Municipal Regulatory Reviews

- *Regulatory Approvals*

While the architectural and engineering work was being completed, the project was submitted to and approved by the City of Miami for the following required regulatory reviews:

- Historic and Environmental Preservation Board (HEPB): Certificate of Appropriateness for Master Plan (to restore the front building and replace the auditorium) approved on April 4, 2017, on the condition that the County return to the HEPB for approval of final drawings;
- Coordinated Review Committee (CRC): Project approved on January 10, 2018;
- Urban Development Regulatory Board (UDRB): Project approved on February 21, 2018; and
- Planning, Zoning and Appeals Board (PZAB): Requiring zoning exceptions and variances approved on November 7, 2018.

- *City of Miami Historic and Environmental Preservation Board*

The County received the approval by the City of Miami Historic and Environmental Preservation Board (HEPB) in April 2017 for the project's master plan. After the City incorrectly allowed two citizens to contest the HEPB's approval resulting in the City Commission's overturning the HEPB approval, the County prevailed in a judicial appeal. In December 2018, the Court ruled that the citizens did not have standing and also ruled that the City Commission was in error when it established conditions that would have required the County to preserve the auditorium chamber and thus, the interior of the Coconut Grove Playhouse. The City of Miami's 2005 Designation Report approved by their Commission clearly states that only the exterior facades of the Playhouse, facing Main Highway and Charles Avenue, retain architectural significance. The Court recognized that the Designation Report is the governing document for historic preservation reviews conducted by the City.

Earlier this year, the County returned to the HEPB for final approval of the plans as the last regulatory review required by the City. City deferrals, unrelated to any cause by the County and its satisfactory submission of the plans, delayed the review of the County's application by months. First, due to technical difficulties beyond the County's control, on February 5, 2019, the HEPB deferred review of the County's final plans to its next meeting. In addition to the deferral, however, the HEPB approved a motion requesting that the State Division of Historical Resources review the County's application and provide input on the project before the next HEPB meeting. Notwithstanding the HEPB's request, it is important to note that the State has no regulatory jurisdiction regarding this project, and that it is particularly atypical for the State to weigh in on this type of application.

On March 5, 2019, the HEPB held a public meeting and voted 6-4 to deny the County's application for a special Certificate of Appropriateness for the Coconut Grove Playhouse project, in spite of a recommendation by its own professional historic preservation staff to approve the County's application. In rejecting the County's application, the HEPB erroneously relied on the negative and mistaken input from the State.

The County appealed the HEPB's decision to the City of Miami Commission. On April 25, 2019, the City Commission again deferred the review of the County's appeal to a special meeting scheduled for Wednesday, May 8, 2019.

On May 8, 2019, the City Commission voted 3 to 2 to support the County's appeal, thereby resulting in the approval of the County's special Certificate of Appropriateness. City of Miami Mayor Francis Suarez subsequently vetoed the City Commission's action, thereby denying the County's application.

On May 23, 2019, the City Commission was unable to override Mayor Suarez's veto; the City Commission voted 3 to 2 to override Mayor Suarez's veto, however, a 4 to 1 vote was necessary to overcome the veto.

County Appeal to the Appellate Division of the 11th Circuit Court

There are significant flaws and errors in Mayor Suarez's veto message. The County's application for a special Certificate of Appropriateness for the Coconut Grove Playhouse project and the detailed testimony provided by the County's historic preservation chief and architectural experts established a compelling record for the approval of the project.

On June 17, 2019, the County submitted a judicial appeal of the veto, along with a motion to expedite the briefing and oral argument to resolve this final approval and to move forward with the project. The City of Miami has opposed the County's request to expedite the briefing. The City has requested two extensions to file its response to the County's appeal (which the County has objected to) and it is our understanding the City has until the end of September for filing its response.

The County's Petition for Certiorari filed with the Court provides a comprehensive case setting forth the legal basis supporting the County's appeal and detailing the mistaken and inaccurate actions taken by the City. It can be viewed at: <https://miamidadearts.org/news/miami-dade-county-appeals-city-mayor%E2%80%99s-playhouse-veto-and-advances-playhouse-project>.

Setting the Record Straight: Here are the Facts.

There are a number of misrepresentations that have been put forth regarding the County's Coconut Grove Playhouse project and it is important to continue to set the record straight. Below are some of the key facts regarding our work to restore the significant architecture while also returning great theater to the Playhouse.

- *This is a Historic Preservation Project.*

The County's project prioritizes a complete restoration of the entire historic front building of the Coconut Grove Playhouse, the only part of the structure that the City, itself, has designated as having any remaining historical integrity. This is what everyone has seen and identified for almost 100 years as the Coconut Grove Playhouse. In fact, the County project restores the original uses of the 1927 front building – shops and cafes on the ground level and offices on the upper floors. Just as importantly, the County's project returns great theater to the site, which is the historically significant use of this property where dramatic theater began for our community.

- *The Back of the Playhouse is Not Architecturally Significant.*

The HEPB and the City Mayor are erroneously trying to force the County to save the blank exterior shell of the existing auditorium. This would cost additional tax dollars to do, funding that we do not have and should not spend, even if we did. It would repeat the mistake of trying to retrofit a theater that will not work inside of this limiting box. Attached to this memorandum are photographs of the auditorium's exterior. This back exterior part of the Playhouse building does not now and never did have "historic" or "architectural" value and the interior that it houses has been altered to the extent that its original features have been erased. The few remaining fragments of the original architectural features are being saved and incorporated in the new theater.

- *County Funds are Being Used as Intended.*

The County's Building Better Communities bond money (\$15 million) is being used for exactly what was told to the voters in 2004: "reconstruct the Coconut Grove Playhouse to restore its structural integrity and add to its performance and educational capabilities." The County's Convention Development Tax bond money (\$5 million) is also being used for the project approved by the Board in 2005: "reconstruction and expansion of this historic structure." The County is undertaking the reconstruction of a state-of-the art, 300-seat theater to return great dramatic productions to the place where serious theater began in Miami-Dade County and is expanding its capabilities and amenities to include front and back of house theater support spaces, covered parking, ancillary and supportive retail, and plazas and a paseo connecting downtown Coconut Grove to the West Grove. The County has an agreement with The Miami Parking Authority (MPA) (Resolution No. R-954-18) for the MPA to cover the costs of building the garage, restoring the historic front building, and managing the resulting commercial activities in these two structures for the benefit of the theater. MPA has secured \$6 million funds from the sale of its garage on Oak Avenue and the Coconut Grove Business Improvement District has committed \$3 million for the Playhouse garage. This is an up-front cash advantage which the MPA will use to finance the balance of its part of the Playhouse project. Financing the cost of a parking garage to be repaid with proceeds generated by the operation of the project is a standard practice. The County's and FIU's 99-year lease with the State for the Playhouse explicitly calls out this financial partnership with MPA and the County has notified the State that the County and MPA are proceeding with our project as clearly outlined in our lease.

- *City of Miami Taxpayers Will Not Contribute Any Funds for the Playhouse Project.*

The taxpayers of the City of Miami are not being asked to contribute any money for the Playhouse project. In fact, every dollar that the Miami MPA invests in the Playhouse project, including the cost of the garage, will be paid back, with interest. Conversely, the County's secured \$23.5 million, largely of voter-approved bond funds, will be used, as promised, to create a great regional theater. The "payback" for the County funds is the benefits that superb plays and educational programs will provide for our families and children.

- *The Operations of the Theater Will Be Supported by Funds Generated by the Playhouse Project, Not from the Taxpayers.*

The County, not the City of Miami, has committed the new revenues from the parking garage and the historic front building - as required by our lease with the State - to help support the operations of the theater so that the taxpayers will not have to do so. That is why the County is forgoing its lease payment from MPA for the property on which the garage will be built and it is why the County, unlike the City, is not requiring to be paid back for the investment of the County bond funds. Using a conservative estimate, repayment of the County funds would have cost the project approximately \$1.2 million per year. The County also could have charged MPA a considerable annual lease payment for the opportunity to build a parking garage on this prime site - a garage promised by the City to the Grove. Instead, together, MPA and the County are ensuring that all of the resulting proceeds from parking and the historic front building will support the theater without requiring any money from the taxpayers while accomplishing MPA's mission to provide parking for the Grove community.

- *The County's Project Will Not Automatically Result in the Loss of the Honorary National Register Listing.*

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 the County's project would jeopardize the National Register listing is untrue. Indeed, local experience suggests just the opposite. The historically significant Sears building once stood where the Adrienne Arsht Center for the Performing Arts of Miami-Dade County is today. That site was listed on the National Register when the full Sears building remained there. Today, only the historic Sears tower feature stands, but the site remains on the National Register. Importantly, the County's project respects and restores the architecturally significant portions of the Playhouse and honors the historical significance of the site by returning great dramatic theater to Coconut Grove.

- *The County and its Design Team Thoroughly Explored All Options for the Project.*

The County's professional staff at the Department of Cultural Affairs and its design team spent the initial year of work on the Playhouse researching the history of the interior and exterior architectural changes made to the building. This work documented the detrimental effect of successive and haphazard architectural interventions on the building's interiors. In summary, this extensive investigation led to the independently arrived-at conclusion that the City itself reached in its 2005 Designation Report: *only the exterior of the front building retained architectural significance*. Nonetheless, as part of the exhaustively thorough process, the County's design team also tested the feasibility of inserting a new theater into the shell of the existing auditorium. This team of 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 live theater venue. It made no sense 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.

- *It is Not Feasible to Develop the Playhouse Project on a Piecemeal Basis.*

In his veto message, City 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 one of the most important parts of the County's project from a historic preservation perspective is that the historically significant theatrical use is being returned to the site. But the City Mayor's proposed piecemeal approach would make the theater subservient to a parking garage. Even worse, the Mayor's "alternative" would subject County elected officials and our taxpayers to be liable for undetermined amounts of additional tax dollars to build, and then subsidize, a proposed larger, unworkable project. It does not take into account essential design prerequisites: the size of the theater must be known first to design and build a garage to serve it; the disposition of the building behind the Playhouse must be determined first before starting to renovate the "façade;" a new Playhouse plan would need to start from the beginning with all of the required City regulatory reviews, adding months, if not years, of delay; and this approach would force the County to disregard its lease with the State, which calls explicitly for a 300-seat theater. Most egregiously, it improperly attempts to redefine the application that the County submitted for a special Certificate of Appropriateness.

- *The County Continues to Comply with All Provisions of its Lease with the State.*

The County-FIU long-term lease with the State of Florida remains in effect and the County and FIU are in full compliance with all provisions of the lease. The County continues to respond on a timely basis to all of the Florida Department of Environmental Protection inquiries regarding the Coconut Grove Playhouse project and to apprise the State about the delays that continue to be caused by the City of Miami.

Details, facts and information on the County-FIU plan for the Coconut Grove Playhouse project are available on the Department of Cultural Affairs website. To view a comprehensive list of previous updates, visit: <http://miamidadearts.org/coconut-grove-playhouse-updates>.

Recent Accomplishments

In addition to completing the theater's architectural and engineering work, the following are recent accomplishments:

- *Major Knight Foundation Grant Award.*

On December 3, 2018, the County received a \$2 million grant award from the John S. and James L. Knight Foundation to benefit the construction of the Coconut Grove Playhouse project. This funding will further ensure that an outstanding regional theater can be built as designed - to the very highest standards of quality. Knight Foundation support is a strong affirmation that this project is the right one for Coconut Grove, for the arts community, and for South Florida.

- *Important Historic Preservation Endorsement.*

On January 23, 2019, the board of directors of Dade Heritage Trust, Miami-Dade's largest historic preservation organization, voted overwhelmingly to support the County-FIU plans for the Coconut Grove Playhouse.

- *Support from the Coconut Grove Business Community.*

The Coconut Grove Business Improvement District (BID) endorsed the County-FIU plan for the Coconut Grove Playhouse to reactivate the site for a thriving downtown commercial core.

- *Great Partnership between GableStage and FIU.*

Miami-Dade County approved an agreement with GableStage (Resolution No. R-293-15), one of our community's finest theater companies, to operate the resulting 300-seat theater. GableStage already has established a partnership with FIU that will result in opportunities for faculty, students and the university community to collaborate on exciting programs; and plans already are underway by FIU to launch the first masters' degree in theater offered by a college or university in Miami-Dade County. This partnership follows the model of close working relationships between regional theaters and universities, like that of Yale University and the Yale Repertory Theater and Brown University and the Trinity Repertory Company.

Next Steps

While the judicial appeal proceeds, the time will be used to take important next steps including: undertaking the procurement of the required asbestos abatement from the existing structure; finalizing the construction bid package for issuance; and moving forward in partnership with the MPA on the planning work on the garage and related development.

We are confident that we will be successful in implementing the project to return great theater to the Coconut Grove Playhouse, revitalize this important gateway to the Grove and get to work on a project that celebrates historic preservation, respects the surrounding neighborhoods, and helps address the needs of downtown Coconut Grove businesses.

Attachments

- c: Michael Spring, Senior Advisor, Office of the Mayor, and Director, Department of Cultural Affairs
- Abigail Price-Williams, County Attorney
- Gerri Bonzon-Keenan, First Assistant County Attorney
- Dr. Mark B. Rosenberg, President, Florida International University
- Dr. Kenneth Jessell, Senior Vice President for Finance and Administration and Chief Financial Officer, Florida International University
- Joseph Adler, Producing Artistic Director, GableStage
- Arthur Noriega, Chief Executive Officer, Miami Parking Authority

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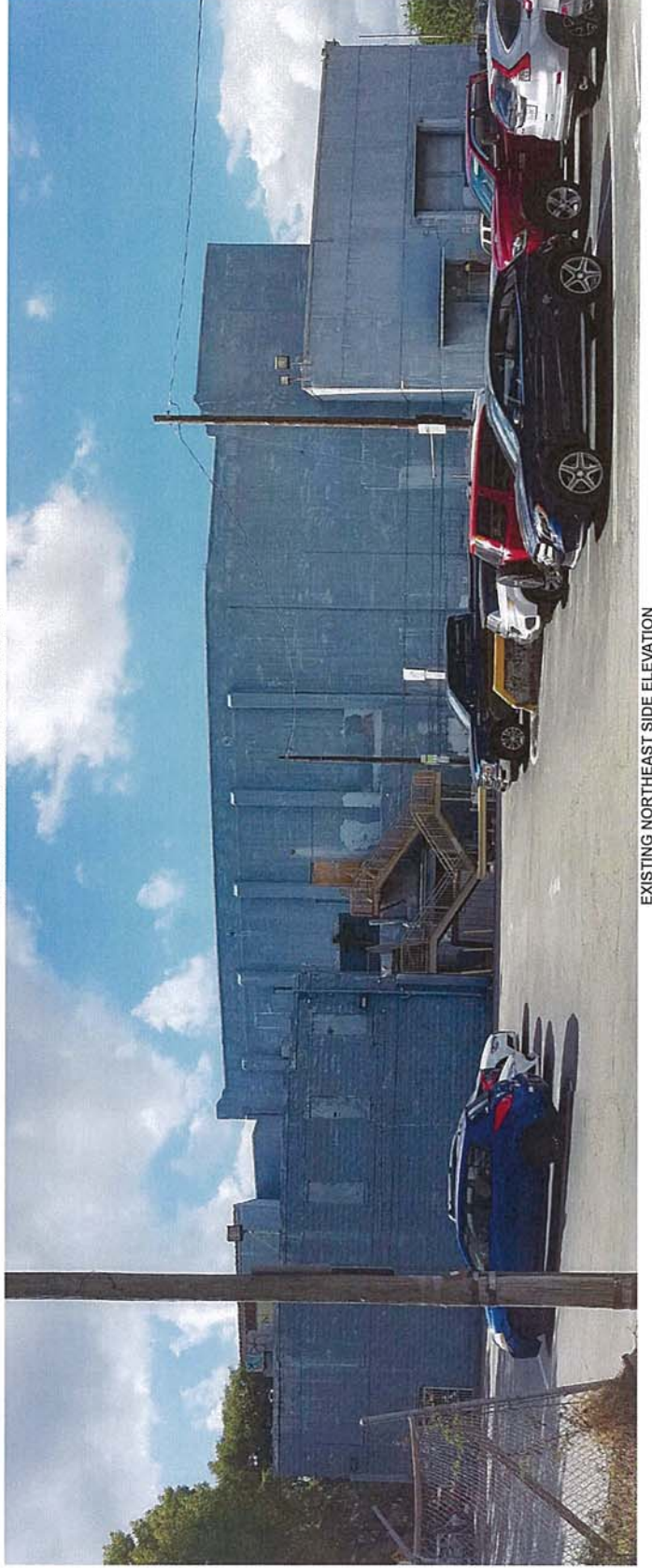
Callie DeHaven, Director, Division of State Lands, Florida Department of Environmental
Protection

Scott Woolam, Senior Program Analyst, Division of State Lands, Florida Department of
Environmental Protection

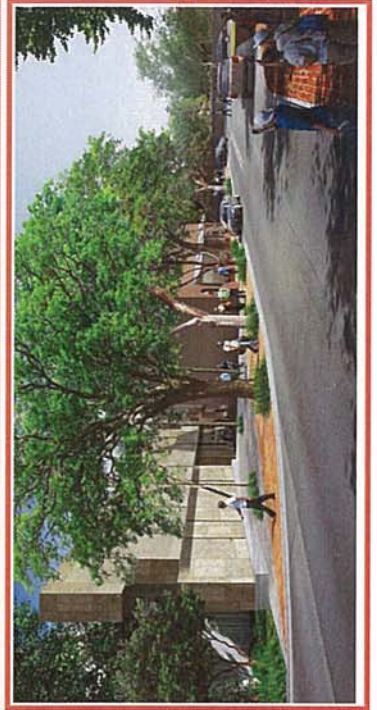
Bernardo Fort-Brescia, Principal, Arquitectonica



EXISTING SOUTHWEST SIDE ELEVATION



EXISTING NORTHEAST SIDE ELEVATION





EXISTING FRONT FACADE



PROPOSED FRONT FACADE