



To: Anna Pernas, Historical Resources and Cultural Arts Director

From: Stephanie Throckmorton, Deputy City Attorney

Approved: Cristina M. Suárez, City Attorney 

Re: Historic Significance Request 110 Phoenetia Avenue

Date: October 3, 2025

I understand that the City is receipt of a Historic Significance Request for the property located at 110 Phoenetia Avenue submitted September 2, 2025.

First, it is my understanding that the applicant has not paid the required fee for the issuance of a historic significance request letter or provided the required photographs or survey of the site. As such, the request is incomplete and cannot proceed until those items are provided.

In addition, if the applicant intended to file an application for designation, rather than a significance request, I wanted to clarify that the property located at 110 Phoenetia Avenue (the "Property"), including the tree noted in the pending request, has already been the subject of requests for designation, appeals, and ultimately was the subject of multiple court cases.

In July 2021, the City received a historic significance request for the Property and in August 2021, the City issued a letter finding that the Property did not meet the minimum eligibility criteria for designation as a local historic landmark. In late 2022, Bonnie Bolton, the applicant for the current pending request, submitted an application for the Property to receive local historic designation. It is important to note that the 2022 application, which is the subject of all the appeals and cases below, included the Property's ten lots, Lots 1 to 10 inclusive of Block 21, Coral Gables Douglas Section, as recorded in Plat book 25-69 of the Official Records of Miami Dade County, which is the entirety of the Property. At no point during the pendency of the appeals or cases below did the applicant claim that the 2022 application only included certain lots on the Property. The pending historic significance request mentions a tree located on the grounds of Crystal Academy, which is located on the Property, within the legal description set forth above.

The entire Property, including the tree specified in the pending request, was considered for local historic designation in the following manner. First, in January 2023, the City's Historic

Preservation Board heard the application for historic designation where the Board approved a resolution denying designation of the Property as a local historic landmark, finding that the Property did not meet the criteria set forth in the City's Zoning Code. Ms. Bolton appealed the Historic Preservation Board's determination to the City Commission in March 2023 and the Commission affirmed the Historic Preservation Board's decision against local historical landmark designation of the Property.

In April 2023, Ms. Bolton appealed that decision of the City Commission to the Circuit Court of the Eleventh Judicial Circuit of Florida in and for Miami-Dade County. That petition for writ of certiorari was ultimately per curiam denied by the Circuit Court in January 2024. Ms. Bolton further appealed that decision to the Third District Court of Appeal where that petition for writ of certiorari was denied in June 2024.

The entire Property, inclusive of the tree now described in the pending request, has been adjudicated by the Historic Preservation Board, City Commission, Circuit Court and Third DCA and the decision to not designate the entire Property, has been upheld in all appellate reviews. The Historic Preservation Board's resolution from January 2023 stands and the denial to designate 110 Phoenetia Avenue remains valid and binding.

I am of the opinion that, absent a determination by Staff that there has been a substantial change in circumstances that would now support a local historic designation, the City and the Historic Preservation Board should not consider any further applications for designation for the property located at 110 Phoenetia Avenue. The broad description of a tree located on that Property is not significant new information, and any significance of the tree should have been and would have been considered in the aforementioned applications for designation.

As stated previously, it is my understanding that the current request for significance determination is incomplete, but even if those deficiencies are corrected or a separate application for designation is submitted, in my opinion, the non-designation of the Property has already been adjudicated and is final.

This opinion is issued pursuant to Section 2-252(e)(1) and (8) of the City Code.