

Garcia, Cynthia

From: Urquia, Billy
Sent: Wednesday, March 27, 2019 12:42 PM
To: Garcia, Cynthia
Subject: FW: Invitation to learn more about Cocoplum
Attachments: attachment 1.pdf; ATT00001.htm

FYI

From: Ramos, Miriam
Sent: Friday, March 22, 2019 10:22 AM
To: Urquia, Billy <burquia@coralgables.com>
Subject: FW: Invitation to learn more about Cocoplum

Billy, please also includes this as part of the record (disclosure of a conversation) on item F-1 on the 3/26 City Commission meeting agenda.

Thanks,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

*Board Certified by the Florida Bar in
City, County, and Local Government Law*

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From: Mena, Michael
Sent: Thursday, March 21, 2019 9:26 PM
To: Ana <avmilton@bellsouth.net>

Cc: Paolo Amore <paolo@idico.com>; Ramos, Miriam <mramos@coralgables.com>

Subject: Re: Invitation to learn more about Cocoplum

Ana,

Thank you for taking the time to reach out. It was great to see you the other evening at the UM event. Unfortunately I will not be able to meet with you and your neighbors in advance of this Tuesday's meeting because the City Commission will be sitting in a quasi-judicial capacity on the Board of Architect's appeal and ex-parte communications are not permitted. Think of it like if a Judge were privately communicating with one party and not the other on issues on which he will be ruling. I have cc'd our City Attorney in case you have any follow up questions about that.

With that said, let me just take a moment to explain where things are procedurally here, what has happened, and where things stand, as I think there is some misinformation out there.

At the March 12th meeting the City Commission approved the words that are to appear on the signs at Cartagena Circle (Resolution No. 2019-83 attached). The scope of the upcoming hearing [on March 26th](#) is only design, as it is a Board of Architect's appeal. I made clear to everyone in attendance last meeting that the two signs needed to be aesthetically identical, same materials, same landscaping, etc. Only the words will be different.

I also want to note what happened with respect to the monument sign inside the community near the bridge. I suggested a compromise whereby, if IOC wanted to make any changes to the monument sign (adding pavers, winged walls, etc.) they had to move everything to their side of the bridge. Otherwise, the monument sign stays the same. We have since been informed that they withdrew their application with respect to that monument sign. In other words, the monument sign additions they wanted to make are NOT going to happen.

In short, the only change that is happening is that the two signs on Cartagena Circle are going to be updated with improved materials and landscaping, one will say Cocoplum and the other will say Islands of Cocoplum. The only issue before us on Tuesday is the *aesthetic* design of those signs.

For your convenience, I have attached the cover memo for this coming Tuesday which more formally describes the above. Once our quasi-judicial hearing has been concluded, I would be more than happy to come out and meet with you on any issues as I always am.

I hope this is helpful.



**City of Coral Gables
CITY COMMISSION MEETING
March 26, 2019**

ITEM TITLE:

An Appeal of a Board of Architects Settlement Agreement entered into by the City of Coral Gables and the Applicant as a result of a Conflict Resolution meeting on February 6, 2019 which approved revised plans (AB-18-04-3802) for the replacement of the entrance features at the main community entrance, located on Cartagena Plaza, and the addition of wing walls and updated signage on the existing pillars on the median and swales of Cocoplum Road, southeast of the intersection with Los Pinos Boulevard.

DEPARTMENT HEAD RECOMMENDATION:

No objections.

BRIEF HISTORY:

On January 22, 2013, the City Commission adopted Resolution No. 2013-06 approving encroachments at Cocoplum Road and Los Pinos Boulevard consisting of new stone signs replacing the existing wood signs within the public right-of-way.

On August 16, 2018, the Islands of Cocoplum Homeowners Association, Inc. (Cocoplum 2) submitted plans (AB-18-04-3802) to the Board of Architects (BOA) for modification of the stone pillars located in the City's right-of-way at the intersection of Cocoplum Road and Los Pinos Boulevard, approved in January of 2013. The BOA provided some general comments and deferred the item.

On January 10, 2019, a set of revised plans, that included the replacement of the existing entrance features in the City's right-of-way at Cartagena Circle, were presented to the BOA and resulted in denial by the board.

On January 18, 2019, Cocoplum 2 filed an appeal of the BOA denial and, in accordance with the City of Coral Gables Zoning Code and the Board of Architects Rules of Procedure, a conflict resolution meeting was held on February 6, 2019. At the conflict resolution meeting, City staff and the Applicant reached an agreement, which was memorialized in a Settlement Agreement, as attached, and approved by the BOA Special Master on February 11, 2019.

On February 19, 2019, Cocoplum Civic Association, Inc. (Cocoplum 1), as an affected party, filed an appeal objecting to the terms of the Settlement Agreement. In accordance with the Zoning Code and Rules of Procedure, this appeal is now before the City Commission.

On March 12, 2019, the City Commission adopted Resolution No. 2019-83 which authorized the encroachment request for new signage in the City's right-of-way, at the Cartagena Circle entrance consisting of two stone monuments – one reading "Cocoplum" and one reading "The Islands of Cocoplum." The resolution also re-approved the encroachment granted in Resolution No. 2013-06, **OR** in the alternative, a new encroachment consisting of a new monument sign, wing walls, and pavers at the base of the Cocoplum Road bridge at the intersection of Cocoplum Road and Vera

Court subject to requirements of the public works department.

Subsequent to the March 12, 2019 City Commission meeting, Cocoplum 2 voluntarily withdrew the new encroachment proposals abutting Cocoplum Road Bridge. Therefore, the only application before the City is the new signage in the City’s right-of-way at Cartagena Circle. Accordingly, the scope of this BOA appeal is limited to the design and aesthetics of the proposed plans for Cartagena Circle.

Procedurally it should be noted that according to Section 3-606(D) of the Zoning Code, a BOA appeal to the City Commission is to be based on the record, not de novo, and no additional testimony shall be taken. However, the rules do not contemplate the procedural scenario that bore out in this case and which resulted in Cocoplum 1 not having the opportunity to have a quasi-judicial de novo public hearing as part of the BOA appeal. For this reason and to ensure that due process is properly provided and that all parties have a full opportunity to be heard, the City Commission should hear the appeal as part of a quasi-judicial, de novo, hearing. Further, it should be noted that, pursuant to Section 2-301 of the Zoning Code, the BOA “is a design review administrative board created to ensure that the City’s architecture meets the design review standards of the Zoning Code, is consistent with the City’s regulations and to preserve the traditional aesthetic character of the community.” Accordingly, the scope of any BOA appeal and hearing is limited to the design review. (*see* CAO 2019-008)

ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
January 10, 2019	Board of Architects	Denied – decision appealed January 18, 2019
February 6, 2019	Conflict Resolution Meeting	Updated plans approved by Settlement Agreement
February 19, 2019	Appeal of Settlement Agreement	Pending appeal before City Commission

ATTACHMENT(S):

1. Resolution 2019-83
2. Settlement Agreement
3. Cocoplum 1’s Appeal
4. CAO 2019-008