

Planning and Zoning Board Meeting

The City of Coral Gables

5/11/2022

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2 Correct.
3 **MALE SPEAKER:** Okay.
4 **MR. TORRE:** I'll continue my
5 motion.
6 **MR. BUCELO:** I'll second.
7 **MR. BEHAR:** The motion is in
8 accordance with department
9 recommendations, correct?
10 **MR. ANDRES MEJIA:** Yes.
11 **RAMON TRIAS:** Correct.
12 **MR. BEHAR:** Please call the roll.
13 **MS. ARCELI REDILA:** Mr. Withers?
14 **MR. WITHERS:** Yes.
15 **MS. ARCELI REDILA:** Mr. Torre?
16 **MR. TORRE:** Yes.
17 **MS. ARCELI REDILA:** Ms. Miro?
18 **MS. CLAUDIA MIRO:** Yes.
19 **MS. ARCELI REDILA:** Mr. Bucelo?
20 **MR. MR. BUCELO:** Yes.
21 **MS. ARCELI REDILA:** Mr. Behar?
22 **MR. BEHAR:** Yes.
23 Motion passed, five to zero.
24 Congratulations.
25 **MR. ANDRES MEJIA:** Thank you very

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2 much.
3 **MR. BEHAR:** Next item please, Mr.
4 Coller.
5 **MR. CRAIG COLLER:** Item E-7, an
6 ordinance of the City Commission of Coral
7 Gables, Florida amending the City of
8 Coral Gables Zoning Code, Article 8,
9 "Historic Preservation" and Article 14
10 "Process" to address inconsistencies in
11 the Zoning Code and revise the Historic
12 Designation process; providing for
13 severability clause, codification, and
14 providing for an effective date.
15 Item E-7 public hearing.
16 **MR. CEBALLOS:** Good afternoon,
17 Mr. Chair. Fellow Board Members,
18 Assistant City Attorney Gus Ceballos. I
19 believe all of you have the staff report.
20 Did all of your staff report print out
21 with all the information highlighted? I
22 noticed that in some of the staff
23 reports, it didn't show up, or at least
24 in this area was blank.
25 If you don't know and it doesn't

1
2 matter, we can hand you some new copies.
3 So this item is a little odd
4 because, although it is in the zoning
5 code, this deal strictly, predominantly
6 with historic preservation, so most of
7 these items will go before the Historic
8 Preservation Board, but as the zoning
9 code requires, any changes to the zoning
10 code come before planning and zoning for
11 a recommendation.
12 Specifically, I will try to go as
13 quick as possible. So if you notice on
14 the very first page on the flowchart,
15 basically what we're doing there is
16 currently, the way that the designation
17 moves forward is an applicant can bring
18 it forward. If the Historic Preservation
19 Board determines -- not the Board -- my
20 apologies. The department determines
21 that it does not meet the minimum
22 eligibility criteria an applicant can
23 choose to move forward and present before
24 the Historic Preservation Board
25 themselves without a staff

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2 recommendation. This basically just
3 creates the requirement that the notice
4 is provided by that applicant and that
5 the report is also provided by that
6 applicant. It was just simply an
7 inconsistency in the flowchart, so
8 further on in the body of the text, we
9 have some changes. I'll go -- try to go
10 one by one.
11 The eligibility determination, we
12 are adding a 45-day timeline for
13 determination to be completed, meaning if
14 you have a home in the City of Coral
15 Gables, regardless of when it was built,
16 you need to go to the Historic
17 Preservation Department and get an
18 eligibility to demolish that structure.
19 That eligibility will now have a
20 timeline. It won't be indefinite; it
21 will be 45 days. Before, there was no
22 timeline in the code, so this kind of
23 gives people --
24 **MR. BEHAR:** 45 days to get a
25 response from the department?

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2 **MR. CEBALLOS:** That is correct.
3 **MR. BEHAR:** Okay. The department
4 has 45 days to give you an answer?
5 **MR. CEBALLOS:** In terms of
6 eligibility determination, yes.
7 **MR. TORRE:** And if they don't?
8 **MR. CEBALLOS:** Then it's basically
9 waived. It's basically they have
10 approved the demolition of the structure.
11 So let me take a step back just to
12 give you guys some background.
13 The reason why a lot of these
14 modifications are moving forward, we
15 recently had a case that we lost, and we
16 are trying to shore up our code to avoid
17 these errors or technicalities, which is
18 the reason that we lost. So we'd like to
19 make sure that we don't have this issue,
20 moving forward. So this is kind of an
21 attempt to shore up our historic
22 preservation code.
23 **MR. BEHAR:** But I think it creating
24 burden for --
25 **MR. RAMON TRIAS:** No. If anything,

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2 we're -- if anything, we're lessening the
3 burden on them and we're giving them
4 concrete deadlines so that people don't
5 come into the process not knowing how
6 long it may take.
7 **MR. TORRE:** This is from the time
8 it's received by the staff?
9 **MR. CEBALLOS:** Correct.
10 **MR. TORRE:** How many days?
11 **MR. CEBALLOS:** 45 days.
12 **MR. TORRE:** I understand.
13 **MR. WITHERS:** So the application
14 for demolition, it is -- I've never seen
15 one.
16 **MR. CEBALLOS:** So an application
17 for demolition, you normally do in your
18 building department, but as part of that
19 checklist, your approvals, one of them is
20 going to be a checkoff by Historic
21 Preservation. So you need to submit a
22 request for a determination of historic
23 eligibility directly to the department.
24 The department will review it. It's very
25 preliminary in nature, and they will make

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1
2 a determination on whether they believe
3 it can move forward to a full report, and
4 then a full hearing before the Historic
5 Preservation Board.
6 **MR. WITHERS:** So I present an
7 application for demolition?
8 **MR. CEBALLOS:** Um-hum.
9 **MR. WITHERS:** Does the -- is it
10 reviewed right then and there and, say,
11 the clock starts here, or do you have
12 time to report back saying the
13 application is not filled out complete,
14 so your time hasn't really started -- the
15 45-day time frame hasn't started?
16 **MR. CEBALLOS:** Well, if there's any
17 deficiency within the application, we
18 would go ahead and let the applicant know
19 that there is a deficiency in the
20 application and we'll go ahead and start
21 that counter once it's gotten to Historic
22 for their review.
23 **MR. WITHERS:** So how do you let
24 the applicant know that it's
25 insufficient, the application is not

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1
2 complete, in order to make a decision?
3 **MR. CEBALLOS:** That's just depending
4 on how long the determination is with the
5 building department, whether it be a few
6 days, typically.
7 So that will never count against
8 it. So once it gets to Historic
9 Preservation, that shot clock begins.
10 **MR. WITHERS:** I understand.
11 **MR. CEBALLOS:** Yes.
12 **MR. WITHERS:** Because I'm worried
13 about the time frame because I've been
14 waiting for six months, you know, oh, we
15 haven't filled the application out
16 complete, so there's no -- there's no
17 time frame on reporting back once the
18 application has been time-stamped, dated
19 in the department?
20 Do you understand what my question
21 is?
22 **MR. CEBALLOS:** I think that that
23 analysis could be made for any permit
24 request in the building department.
25 **MR. BEHAR:** But I agree with

8 (Pages 26 to 29)

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2 Mr. Withers that you have to have some
3 time, you know, in order to say, you
4 know, the application is not complete,
5 you need to six months waiting for the
6 application to start the process.
7 **MR. CEBALLOS:** If you'd like, what
8 I can do is I can probably include some
9 language that clarifies that that 45-day
10 starts from the moment Historic
11 Preservation receives the request. Does
12 that make sense?
13 **MR. TORRE:** In order to get the
14 response within 45 days, it needs to be
15 filled out in more detail, whatever the
16 case may be; is that a fair statement?
17 **MR. CEBALLOS:** That's fine.
18 **MR. TORRE:** You're just saying it's
19 not past 45 days to get you answer,
20 whatever the --
21 **MR. CEBALLOS:** Typically that
22 answer comes much quicker than 45 days,
23 but now it gives it a hard stop in the
24 code. Does that make sense?
25 **MR. WITHERS:** Yeah, I'm still not

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1
2 have because you have submitted a
3 concurrent. I may have gone to you as
4 the building department and submitted the
5 application, and then I went over to
6 Historic and I submitted the request for
7 eligibility determination.
8 **MR. WITHERS:** I don't understand
9 historic gets a letter saying --
10 **MR. CEBALLOS:** You could do that
11 independent of the militia. So you don't
12 even need a demolition. You can just go
13 straight to Historic and request an
14 eligibility determination.
15 **MR. BEHAR:** I think, to his point --
16 **MR. CEBALLOS:** Yeah.
17 **MR. BEHAR:** Is how do we ensure that
18 the application starts triggering the 45
19 days? Because Historic may keep it there
20 for two weeks before they start even
21 reviewing the application. I'm just --
22 how do we ensure that that time frame
23 that's --
24 **MR. CEBALLOS:** I can correct this
25 very simply. If you notice the language

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1
2 clear. If I turn the application in to
3 you --
4 **MR. CEBALLOS:** It's two
5 different -- it's two applications. You
6 have a building permit, like a demolition
7 request.
8 **MR. WITHERS:** Right.
9 **MR. CEBALLOS:** As part of that
10 building permit, there is a checklist for
11 every single department; plumbing checked
12 it, mechanical, whatever is required.
13 Historic is one of those checks. They
14 will not check it until they receive the
15 request for the historical determination.
16 **MR. WITHERS:** Right. I understand
17 that.
18 **MR. CEBALLOS:** So 45 days from that
19 historical determination, through
20 Historic is the timeline that I'm
21 referring to.
22 **MR. WITHERS:** So by the time it
23 gets to Historic, everything else has
24 been checked off?
25 **MR. CEBALLOS:** It may or may not

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1
2 right now is "the determination of
3 eligibility is completed by the Historic
4 Preservation officer within 45 days of
5 submittal." I can simply change that.
6 "Within 45 days of a completed
7 submittal."
8 So if staff were to find it as
9 deficient, gives it back to you, you take
10 a week to complete that document, that
11 shot clock begins when you resubmit that
12 completed so --
13 **MR. BEHAR:** That's good, but by the
14 same token, you know, we don't want staff
15 to take two weeks to contact the
16 applicant, oh, your application was
17 incomplete.
18 That's my concern, because it could
19 happen, both ways. How did we -- how do
20 we set the guidelines that when that I
21 gave it to you last week. Oh, it was
22 Labor Day Weekend. I don't care. I gave
23 it to you Thursday. It doesn't mean
24 (inaudible) or if they lose it, so if
25 they're going to count those five days.

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2 "I already gave it to you." If
3 somebody --
4 **MR. CEBALLOS:** Well, I think --
5 **MR. TORRE:** When does the clock
6 start ticking subjectively?
7 **MR. CEBALLOS:** I think once you get
8 it dropped off it gets stamped, and
9 that's the date that the city receives
10 it. That's with any document.
11 **MR. BEHAR:** Maybe that's the way to
12 do it. You should get, like, a receipt
13 saying on this --
14 **MR. CEBALLOS:** When you typically
15 drop off any sort of document in the
16 city, you get a stamp and it says this
17 was received on X date. Even if it comes
18 to the city attorney's office and you
19 brought a document, we will stamp it,
20 provide you with a copy that says you
21 dropped this off that date, and assuming
22 that it is --
23 : I guess -- I guess they'll
24 review it, the staff will review it to
25 make sure that the application is

1
2 completed, that it says, yes, it is
3 completed. The staff can otherwise, take
4 it back and --
5 **MR. WITHERS:** I have another
6 question. Who could apply for
7 determination, historical determination?
8 Anybody? Or is it staff and the property
9 owner? Or could it be anybody?
10 **MR. CEBALLOS:** Staff, property
11 owner, and I believe it is citizen, as
12 the code defines it, which means anybody
13 that resides within the city who is
14 eligible to vote in our municipal
15 elections. Anyone. Regardless of
16 location in comparison to the property.
17 You can live ten miles away, you can live
18 down south, and you can designate a
19 property in North Gables.
20 **MR. WITHERS:** How do we -- fix that,
21 because somebody could be ten miles away
22 in and says I want to apply for
23 historical designation.
24 **MR. CEBALLOS:** That's an item
25 that's been discussed many times over the

1
2 years. At the end of the day, I believe
3 the determination has always been said,
4 do we want to err on the side of
5 promoting historic preservation, and
6 they've never chosen to modify that in
7 any way.
8 **MR. BEHAR:** that is basically the
9 (inaudible) that this city has.
10 **MR. TORRE:** I mean, if the property
11 is compliant it should be up to the city
12 staff and the applicant. We should not
13 have somebody that lives ten miles away
14 apply for the submission of something
15 that had nothing to do, and I think we
16 have that we leave to.
17 **MALE SPEAKER:** So what happened was
18 that the city staff would say we believe
19 this is -- should be recommended for ^ CK
20 by the Board. In this case, you're
21 saying anybody could take anybody's house
22 and say, we recommend that this house by
23 the Board, is my presentation. My review
24 process, that being personal, private
25 staff report.

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2 **MALE SPEAKER:** Because any property
3 over 50 years will qualify. Right? It's
4 50 years, isn't it?
5 **MR. CEBALLOS:** I believe that's one
6 of the minimum criterias.
7 **MR. BEHAR:** Okay. So anybody,
8 anyhow, historical contribution was I
9 want to --.
10 So how do we -- that's my biggest
11 problem with the way we have it today.
12 **MALE SPEAKER:** Where did this item
13 start? You've mentioned that there were
14 some flaws.
15 This particular request.
16 **MR. CEBALLOS:** This particular --
17 the entire change all stems from the --
18 we had a case on the and we missed some
19 deadlines that were in our code, and we
20 also had some inconsistencies on when
21 documents should be available to an
22 applicant. And we lost some real, in my
23 opinion, technicalities, not really but
24 that's neither here nor there. That's
25 really where all this stemmed so, so I

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2 went through the code along with the
3 historic preservation team and we kind of
4 went through some items. There was also
5 some general cleanup, but all the other
6 substantive changes all stemmed from
7 that.
8 **MR. TORRE:** So normally, the staff
9 says, your house is deemed historical,
10 and the person says, no, it isn't, the
11 comes from the staff.
12 **MR. CEBALLOS:** I would say it's a
13 significant portion of evidence.
14 **MALE SPEAKER:** In this case, we're
15 promoting that individual will say we
16 think it's historical, says no, it's not.
17 You say, yes, it is, and we're going to
18 do a report to prove that it is. So it's
19 like taking (inaudible) and we're going
20 to take it.
21 **MR. CEBALLOS:** So just to be clear,
22 though, that process has always existed
23 in our code, at least in the decade.
24 That process where me as an applicant, I
25 can try to designate Mr. Trias's

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2 property, historic determines that
3 property doesn't meet the minimum
4 criteria, but I want to proceed forward
5 anyways as the applicant.
6 This basically just creates
7 timelines and shores up that process and
8 shifts the burden away from our staff,
9 who already determined that it doesn't
10 meet eligibility criteria, so they're not
11 going to be required to do a report. You
12 as an applicant, if you want to move the
13 property forward, you need to prove -- go
14 ahead and
15 **MALE SPEAKER:** So ^ CK was that.
16 **MR. CEBALLOS:** Correct. So that --
17 the box originally, this was wrong,
18 frankly. The flowchart was just not an
19 accurate reflection of the body of the
20 code. So it basically stated that the
21 designation recommended, let's say I said
22 no. Yes. Then staff would have to
23 provide the notice, staff would have to
24 provide the report.
25 **MALE SPEAKER:** That's why I've

1
2 always let the staff, even when they
3 don't believe that it's historical, they
4 still have to prove -- so the report
5 would only come to deny, because --
6 **MR. CEBALLOS:** Which is the reason
7 why --
8 **MALE SPEAKER:** -- I said no, so the
9 report is kind of negative.
10 **MR. CEBALLOS:** This process does
11 not -- I'll be honest with everyone here.
12 This does not come up very often.
13 There's a few times where a process goes
14 forward, it goes to eligibility, staff
15 determines it is not eligible. Very rare
16 do we have an occasion where somebody
17 wants to move forward and present an
18 application, against staff recommendation
19 for a property that is not their own.
20 I'm not saying it's not possible.
21 I can only speak to my experience in the
22 last four years.
23 **MR. BEHAR:** I think the 45 days, I
24 think is great. Because you can set a
25 time limit for that to occur. And I

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2 think that's what has to. My concern is
3 that Mr. Trias would come and say, I want
4 to apply for my house to be designated
5 historical. Now I have to go and argue
6 against it and fight it, and that's
7 not -- that's not right. I mean --
8 **MR. CEBALLOS:** Understood. Just
9 that's not in the scope of the proposed
10 amendment today.
11 **MR. TORRE:** I agree. That's been a
12 rule for a long time. So what is
13 different is that now the proponent has
14 the department make their own staff
15 report --
16 **MR. CEBALLOS:** Correct.
17 **MR. TORRE:** -- versus staff report
18 was forced to beat up on staff.
19 **MR. CEBALLOS:** Correct.
20 **MALE SPEAKER:** You're getting,
21 maybe, someone who didn't want to do it.
22 Now you may have professional --
23 **MR. CEBALLOS:** And it shifts the
24 burden to me as an applicant who wants to
25 designate Mr. Trias's property. The

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|--|---|
| <p style="text-align: right;">Page 42</p> <p>1 2 responsibility is on me. It's no longer 3 I submitted a one-page document that says 4 that property may be eligible, now staff 5 is. We're moving that for the moment. 6 MALE SPEAKER: Okay. 7 Well, are -- if someone from 8 outside the city finds an applicant to be 9 their proxy, who designates it? 10 MR. CEBALLOS: It's possible. 11 MALE SPEAKER: That's a 12 different -- 13 MR. CEBALLOS: That's a whole 14 'nother change outside the scope of the 15 current proposal. 16 MALE SPEAKER: Let's go back to the 17 issue of 45 days. 18 MR. CEBALLOS: I will move on to 19 the next one. So building on the 45 20 days, the eligibility before, simply 21 stated, your property likely is probable 22 to meet eligibility. Now at minimum 23 we'll include some of that criteria, 24 which is not originally there. So once 25 again, the property owner will have more</p> | <p style="text-align: right;">Page 43</p> <p>1 2 information as to why the property may be 3 designated historic. And there will be a 4 final hearing within 90 days of 5 eligibility. There is some language that 6 we're still discussing, but I believe 7 we'll be presenting to the commission 8 without that language that says "as 9 practically possible within the 90 days," 10 and it's just simply put within 90 days 11 to avoid any sort of further challenge. 12 The next section is for 13 designations so an applicant that is 14 going to be submitting a request for 15 designation is no longer going to be a 16 one-page simple document that is, 17 frankly, not complete and doesn't provide 18 our department with the full picture of 19 what they're really looking at. So it's 20 going to now have to require the tax 21 folio, the location map, date of 22 construction, the architectural style, 23 the architect if it is known. If it's 24 not known it obviously cannot be 25 included. Color photos of the</p> |
| <p style="text-align: right;">Page 44</p> <p>1 2 photography and a written statement as to 3 why this would need to meet criteria. So 4 once again, just shoring up this process 5 so in case we have applicants that are 6 outside, as you stated. More often than 7 not, applications for designation come 8 from our staff, but in the case that it 9 comes from outside of the city, it's 10 shoring up the process to make sure that 11 a property owner's property rights are 12 being protected as much as possible. 13 Additionally, districts in their -- 14 when you submit for a district, it needs 15 to also include boundaries and it needs 16 to include all that information for every 17 single property within the district. 18 We've had issues in the past where 19 somebody made a designation for ten 20 homes, and all it has is ten addresses. 21 That's no longer being considered 22 sufficient. There needs to be more 23 information provided. 24 MALE SPEAKER: I think this is my 25 conflict, on that issue, on a district.</p> | <p style="text-align: right;">Page 45</p> <p>1 2 MR. CEBALLOS: Um-hum. 3 MR. BEHAR: If a house really is 4 not a contributing house, and it happened 5 in my neighborhood, Santa Maria, which 6 years ago. It was a district. Houses 7 that I am, so I am willing to listen to 8 meet the code. There's all houses do not 9 qualify for any historical destination. 10 But yet we have to go and argue that, you 11 know, shouldn't it be limited to those 12 areas that are really contributing. Not 13 just as a family that you get houses that 14 are not to an area, has no significant 15 import of reports. 16 MR. CEBALLOS: So it just depends 17 on how the district was created, but yet 18 there are districts in the city that have 19 noncontributing structures, and those are 20 typically reviewed in a different light 21 to the properties that are contributing 22 structures when it goes before the 23 Historic Preservation Board. That is -- 24 so as you mentioned, you have 20 homes 25 that are all on the same street, you have</p> |

12 (Pages 42 to 45)

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2 one home that happened to have been built
3 in the 1980s. That's fine that can be a
4 noncontributing structure but it will
5 require review from the Historic
6 Preservation Board as to how the proposal
7 will affect the district itself, not
8 necessarily the property itself.
9 **MR. BEHAR:** But if that house comes
10 to -- for demolition, even in a
11 historical district --
12 **MR. CEBALLOS:** I think historic in
13 that particular instance -- once again, I
14 can't -- I can't foresee the future and I
15 can't speak to it unless I see the
16 specifics of that property. I suspect
17 that that would probably be looked upon
18 favorably. Their concern would be what
19 is being built that would be
20 complementary to the historic district.
21 Well, obviously, not being historic,
22 because if it's not historic you can't
23 obtain -- get historic from a new home.
24 **MR. BEHAR:** And you said you need,
25 like, boundaries. We have limitations on

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1
2 how far that boundary will be set.
3 **MR. CEBALLOS:** As of right now
4 that's -- that's never been an issue, and
5 that's currently not being considered for
6 a change at the moment.
7 **MR. TORRE:** That's good. I know
8 you know this part. You ask for the
9 determination with the 45 days ahead of
10 you (inaudible). We're going to take it
11 to the Board. Once it says it is to be
12 determined, then it goes to the Board,
13 and then it says 90 days for them to
14 review and give you the final
15 determination by the Board. Is that
16 correct?
17 **MR. CEBALLOS:** 90 days to go before
18 the Board, yes. So --
19 **MR. TORRE:** So 45 plus 90 --
20 **MR. CEBALLOS:** Correct.
21 **MR. TORRE:** For a final -- it's
22 going to be an up or down vote by the
23 Board?
24 **MR. CEBALLOS:** Correct.
25 **MR. TORRE:** If it says -- if the

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1
2 say, no, it's not, the criteria are not
3 there you have 30 days -- the applicant
4 has 30 days to provide a report; is that
5 correct?
6 **MR. CEBALLOS:** For -- so once
7 you -- once a staff -- staff determine
8 no, you have 30 days to complete that
9 report and provide it to staff so we can
10 move forward for historic preservation.
11 **MR. TORRE:** And then still 90 days
12 after that for the review?
13 **MR. CEBALLOS:** It's 90 days from
14 the determination of eligibility. So if
15 the 45 days ran out, it's the 45th day,
16 we determine no. You have 30 days --
17 **MR. TORRE:** Correct. Now we hire
18 somebody to do this report --
19 **MR. CEBALLOS:** Yes.
20 **MR. TORRE:** -- and I have 30
21 days --
22 **MR. CEBALLOS:** And you return it on
23 the 30th day --
24 **MR. TORRE:** Do my report.
25 **MR. CEBALLOS:** -- you still have 60

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1
2 days. You have 60 days.
3 **MR. TORRE:** 60 days more?
4 **MR. CEBALLOS:** Yes.
5 **MR. TORRE:** Doesn't it have to go
6 through the Board?
7 **MR. CEBALLOS:** 60 days to go to the
8 Board.
9 **MR. TORRE:** So those 60 days is for
10 the Board to review my professional staff
11 report?
12 **MR. CEBALLOS:** Correct.
13 **MR. TORRE:** So it's still 90 days.
14 **MR. CEBALLOS:** Yes. There's no
15 scenario where it would be 45 days, 30
16 days, and then 90 days. We don't want to
17 do that. We want to provide a more
18 strict guideline.
19 **MR. TORRE:** So once a report comes
20 back --
21 **MR. CEBALLOS:** Uh-huh.
22 **MR. TORRE:** Good, bad, or
23 indifferent, could be bad, staff's going
24 to review their report, because it's
25 going to proceed to go to the Board

13 (Pages 46 to 49)

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2 within 60 days, with this report,
3 wherever the report is.
4 **MR. CEBALLOS:** At the end of the
5 day, the staff is not really going to be
6 taking a position.
7 **MR. TORRE:** Well, that's --
8 **MR. CEBALLOS:** So it's basically on
9 the applicant. So it's just a matter of
10 working with staff, making sure we get
11 notice out for that next Historic
12 Preservation meeting within 60 days,
13 because that's really the biggest concern
14 when we're talking about timelines, is
15 sending out notice. Once we take care of
16 the notice provision, it can be held
17 within 30 days.
18 **MR. WITHERS:** Can anyone other than
19 the applicant appeal?
20 **MR. CEBALLOS:** Anybody who is an
21 aggrieved party can appeal. The code
22 defines an aggrieved party -- I can't
23 think of it off the top of my head. I
24 don't know if counsel can look up
25 aggrieved party.

1
2 keep, you know, something from developing
3 down --
4 **MR. CEBALLOS:** So now I recall.
5 Aggrieved party is somebody within a
6 thousand feet of the property that has
7 received notice. Any person or applicant
8 received courtesy notice of public
9 hearing not exceeding a thousand feet.
10 Also should include city manager.
11 **MR. WITHERS:** Okay.
12 **MR. CEBALLOS:** Did receive notice.
13 To be an aggrieved party -- you can
14 correct me if I'm wrong,
15 **MR. WITHERS:** I'm looking at it now.
16 **MR. CEBALLOS:** So yes, aggrieved
17 party is within a thousand feet and you
18 must receive notice.
19 "Any person or applicant receiving
20 courtesy notice of public hearing not
21 exceeding a thousand feet."
22 It also should include the city
23 manager. It's basically so that the
24 historic preservation or anybody else
25 could, you know, so yeah, it's a thousand

1
2 So --
3 **MR. WITHERS:** I was serious when I
4 said an outside group --
5 **MR. CEBALLOS:** So now that I'm
6 thinking about it -- so --
7 **MR. WITHERS:** An outside
8 preservation group --
9 **MR. CEBALLOS:** Um-hum.
10 **MR. WITHERS:** Hires me as a neighbor
11 to, you know, designate, and the city
12 turns it down and the neighbor says,
13 well, is that -- now that outside group,
14 are they the aggrieved party?
15 **MR. CEBALLOS:** They're not the ones
16 who filed the appeal?
17 **MR. WITHERS:** No. They're not --
18 **MR. CEBALLOS:** They're not the ones
19 who filed the application, then no they
20 wouldn't.
21 **MR. WITHERS:** In fact, I don't know.
22 Can they file a joint application with a
23 homeowner? I don't know.
24 **MR. CEBALLOS:** Typically we only --
25 **MR. WITHERS:** I'm just trying to

1
2 feet and you have to receive notice.
3 So why the notice is important?
4 During this process until it goes to a
5 hearing, you don't receive notice. So
6 your neighbor, so you're four houses down
7 and somebody else files a designation
8 application and that designation ends up
9 getting denied, you, four houses down,
10 are not an aggrieved party.
11 Does that make sense? You have not
12 received notice. This has not gone to
13 public hearing and you are not applicant.
14 You are not an aggrieved party. You
15 can't --
16 *****FEMALE SPEAKER:** Say it again?
17 **MR. CEBALLOS:** So if I was, let's
18 say I have property, my property, and Mr.
19 Trias wants to designate my property. He
20 submits an application to the City of
21 Coral Gables. City of Coral Gables staff
22 reviews the application. They determined
23 this does not meet eligibility criteria.
24 He can appeal because he is the
25 applicant. But somebody who lives a

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2 block away cannot because they are not
3 considered an aggrieved party under our
4 code.
5 You have to receive notice or you
6 need to be the applicant or the property
7 owner or the city.
8 ***FEMALE SPEAKER: It doesn't
9 matter if you live within a thousand
10 feet?
11 **MR. CEBALLOS:** You need to receive
12 notice. So if the item that is being
13 appealed does not send out notice --
14 ***FEMALE SPEAKER: Okay, then.
15 **MR. CEBALLOS:** You can't be a
16 party. If that makes sense.
17 Shall I proceed?
18 **MR. BEHAR:** Yes, proceed.
19 **MR. CEBALLOS:** So the applicant has
20 stated the report must be due within 30
21 days, and it will be then held in the
22 next preservation Board.
23 One little nuance change: Before
24 or currently our code requires that any
25 sort of exhibits or items that are going

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1
2 to be considered before a quasi-judicial
3 Board needs to be available five days
4 before the hearing. We found that to be
5 a bit challenging because, let's say,
6 somebody is -- wants to designate my
7 property and I don't believe it's
8 historic. Now, I only get five days
9 before the hearing to review the
10 materials to then prepare to rebut it?
11 So we are now increasing that time limit
12 and making it 14 days. So you as a
13 property owner will get at least 14 days
14 to review any designation report prior to
15 the meeting so that you have an abundance
16 of due process to make sure you have
17 enough time to go ahead and prepare your
18 case, whatever way it needs.
19 The last change I have here is the
20 historical determination letters. That's
21 simply an error that was in the code.
22 One part of the code said 18 months; one
23 part of the code said six months. It's
24 always been 18 months. So we're just
25 fixing that error. It's 18 months.

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2 That's how long the determination letters
3 last before they're expired.
4 I believe that is the scope of all
5 the changes, if you have any other
6 questions.
7 **MR. BEHAR:** Thank you. We'll do
8 the public comment first.
9 Seeing none, we'll close it.
10 Arceli, anybody on the Zoom
11 platform?
12 **MS. ARCELI REDILA:** No one is.
13 **MR. BEHAR:** And none in the phone
14 platform either, right?
15 **MS. ARCELI REDILA:** None.
16 **MR. BEHAR:** So we'll close the
17 public comments.
18 We'll open up to Board discussion,
19 if there's any more.
20 If there's nothing more, then we'll
21 move for a motion.
22 **MS. MIRO:** I have a question. Are
23 you going to make the recommendation that
24 he had said earlier when talking about
25 the 45 days and changing the language?

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2 **MR. BEHAR:** Claudia whenever or
3 whoever makes a motion could put that
4 language in.
5 **MS. MIRO:** Right. I just wanted
6 clarification, what that language was,
7 **MR. TORRE:** If there's an outside
8 professional coming, I guess an attorney
9 could be used for preservation purposes
10 with this applicant. Does the staff work
11 like an attorney would be, basically
12 defendants called to the case, or who
13 does that? I know you have the Board
14 sitting here. Is there a presentation?
15 Is there a rebuttal time? Or a process
16 by my staff, or is it just -- how does
17 that sort of case go? What do you see in
18 there?
19 **MR. CEBALLOS:** So it's not
20 something that's going before. Typically
21 I sit, as Mr. Collier does, with the
22 Historic Preservation Board. So my role
23 is counsel to the Board. I would not
24 be --
25 **MR. TORRE:** -- rebut and plead the

15 (Pages 54 to 57)

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2 opposite? In a way? Is that something
3 that they have a right to do?
4 **MR. CEBALLOS:** They can. I mean,
5 they're going to provide their report,
6 whether it be as simple as simply stating
7 you don't believe the property meets the
8 criteria for A, B, and C. What level of
9 preparation and rebuttal they're going to
10 have and cross-examination of witnesses,
11 that's really up to their staff.
12 **MR. TORRE:** But the rules apply,
13 that this is basically a --
14 **MR. CEBALLOS:** It's a
15 quasi-judicial hearing. They could make
16 that case.
17 **MR. TORRE:** And if there's no
18 response in that 60-day time frame,
19 then --
20 **MR. CEBALLOS:** Then the property
21 would be determined not designated.
22 You're talking about the 90-day time
23 limit?
24 **MR. TORRE:** Well, it's 30 and 60,
25 right?

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2 **MR. CEBALLOS:** You have 45 for
3 eligibility.
4 **MR. WITHERS:** You're saying it is
5 and you're providing a report that says
6 -- and then you do have to be -- for the
7 Board it's 60 days, but then to rule
8 whether that scenario --
9 (Crosstalk).
10 **MR. TORRE:** If it fails, it has to
11 go to the Board.
12 **MR. WITHERS:** Is the 14 days
13 sufficient to respond?
14 **MR. CEBALLOS:** We currently have it
15 at five. It's one of the comments that
16 the courts have in our case, so we
17 suspect that 14 days is more than
18 sufficient.
19 **MR. BEHAR:** All right. We've got a
20 motion.
21 **MR. WITHERS:** Do you want to add any
22 conditions?
23 **MR. BUCELO***:** I think the 45 days
24 was pretty self-explanatory.
25 **MR. BEHAR:** Do I have a second?

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2 **MR. BUCELO***:** Second.
3 **MR. TORRE:** So this is one of the
4 last discussion points, and this is just
5 -- this is residential and commercial
6 properties?
7 **MR. CEBALLOS:** Any property in the
8 City of Coral Gables.
9 **MR. TORRE:** So if there was a
10 possible designated historical property
11 in the middle of the block that the
12 developer was trying to assemble. Okay.
13 **MR. CEBALLOS:** I mean, we don't
14 have to go very far. There's commercial
15 property right there that's --
16 **MALE SPEAKER:** It did involve
17 (inaudible). You're looking at something
18 much more.
19 **MR. CEBALLOS:** So just to repeat
20 it, something that always uses the code.
21 You could have always come forward and
22 tried we're making it not more
23 difficult, but we're putting --
24 **MALE SPEAKER:** Time --
25 **MR. CEBALLOS:** -- timelines and

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2 certain requirements in the information
3 that's being submitted. That's, I think,
4 the key point here.
5 **MR. TORRE:** I think a little
6 different because staff would be the ones
7 responsible to do it, either way, whether
8 you liked it or not, they were supposed
9 to do it.
10 **MR. CEBALLOS:** Yes.
11 Now it's not that way. Now, you
12 can bring in the big guns and say, we're
13 going to prepare the most extensive
14 historical preparation we can and we
15 bring it in and now it becomes a real big
16 deal.
17 **MALE SPEAKER:** Challenge.
18 **MR. CEBALLOS:** But I think -- I
19 know it would be the same way it was
20 before. The only difference is that now
21 instead of having staff take the time to
22 make a presentation that they don't feel
23 is an appropriate presentation, you could
24 still have the big guns on this side.
25 And make the presentation. You could

16 (Pages 58 to 61)

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2 have had your big firms, your big
3 lawyers, and certainly had the same
4 outcome.
5 They would have had the same
6 opportunity to speak. This is really
7 intended to shore up the process and make
8 sure that property owners are given an
9 accurate timeline and they are held out
10 in the wind, if you will.
11 **MR. TORR:** Is Staff in full support
12 of this?
13 **MR. CEBALLOS:** Yes. This was 100
14 percent a collaboration with myself and
15 the department.
16 **MR. BEHAR:** Okay. We have a motion
17 and a second. Arceli.
18 **MS. ARCELI REDILA:** I'm sorry, who
19 was the second?
20 **MR. WITHERS:** Mr. Withers.
21 **MS. ARCELI REDILA:** Mr. Torre?
22 **MR. TORRE:** Yes.
23 **MS. ARCELI REDILA:** Ms. Miro?
24 **MS. CLAUDIA MIRO:** Yes.
25 **MS. ARCELI REDILA:** Mr. Bucelo?

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2 **MR. MR. BUCELO:** Yes.
3 **MS. ARCELI REDILA:** Mr. Behar?
4 **MR. BEHAR:** Yes.
5 **MS. ARCELI REDILA:** Mr. Withers?
6 **MR. WITHERS:** Yes.
7 **MR. BEHAR:** Okay. Thank you. Next
8 item please.
9 **MR. COLLER:** Item E-8.
10 An Ordinance of the City Commission
11 of Coral Gables, Florida providing for a
12 text amendment to the City of Cora Gables
13 Official Zoning Code by amending Article
14 10, "Parking and Access," Section 10-110,
15 "Amount of Required Parking" to modify
16 requirements for electric vehicle
17 charging, providing for severability,
18 repealer, codification, and an effective
19 date.
20 Item E-8 public hearing.
21 Gus has been busy.
22 **MR. CEBALLOS:** So EV charging,
23 this is another code amendment. This was
24 recently amended; I'm not sure if you all
25 recall, this was amended recently.

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2 I will not try to bore you with
3 this entire presentation, and I will take
4 you to the pertinent changes.
5 So one of the big changes is that
6 we are reducing the requirement from 20
7 off-street parking spaces to 10. So any
8 property, any development that has a
9 minimum of 10 off-street parking spaces
10 would trigger this requirement.
11 It's down from 20 to 10. Not a
12 significant change. At the end of the
13 day this is pretty much only going to
14 affect larger buildings, not your typical
15 small homes or, you know, duplexes,
16 things of that nature.
17 So the big changes are we're going
18 to increase EV charging from two to five
19 percent, EV-ready from three to 15
20 percent, and EV-capable up to -- we're
21 going to actually reduce the EV-capable
22 to 10. Let me break that down on what
23 each one of those means.
24 EV charging means you pull up in
25 your Tesla, the charging station is

1
2 there. You grab the cord and you can
3 plug it directly into your car. You're
4 ready to go. That's five percent. So if
5 you need 100 spaces, five of your spaces
6 need to have charging stations ready to
7 go. You can come in and plug in whatever
8 vehicle you'd like.
9 EV-ready. That means that the
10 charging station is not there, but the
11 conduit through the building with the
12 applicable wiring to the bolts to where
13 the breaker room is -- inside the breaker
14 room theres going to be a breaker.
15 Everything is going to be ready to go.
16 The only thing pending is someone to come
17 along and bring a charger and set it up.
18 Or put a termination plug so you can come
19 along and plug in your car. That's the
20 only difference.
21 EV-capable is everything I just
22 described without the breaker and without
23 the wire. That is easiest way I can
24 describe it. So the penetrations through
25 the structure, the actual piping is all