

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-85

A RESOLUTION OF THE CITY COMMISSION APPROVING THE BOARD OF ARCHITECTS RULES OF PROCEDURE (ATTACHED HERETO).

SECTION 1. That the City Commission does hereby approve the Board of Architects Rules of Procedure (attached hereto).

SECTION 2. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-NINTH DAY OF MARCH, A.D., 2016.

(Moved: Lago / Seconded: Slesnick)
(Yeas: Slesnick, Keon, Lago, Quesada, Cason)
(Unanimous; 5-0 Vote)
(Non-Agenda Item)

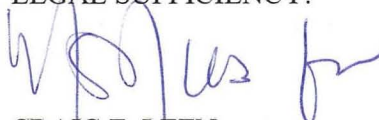
APPROVED:


JIM CASON
MAYOR

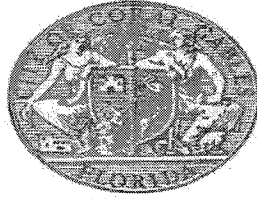
ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY

BOARD OF ARCHITECTS



RULES OF PROCEDURE

THE BOARD

The Board of Architects (the “Board”) is a decision-making and recommending administrative board comprised of at least seven (7) members. All regular and alternate members are appointed by the City Manager and subject to the City of Coral Gables’ (the “City”) City Commission approval. Each member of the Board is a registered architect or landscape architect with at least ten (10) years’ experience and numerous design and construction projects within the City. (*See* Sec. 2-302, City of Coral Gables Zoning Code.) The Board may utilize the “Board of Architects Best Practices Guidelines” as a reference guide where appropriate in its decision-making process.

REVIEW OF PLAN(S) BY PANEL OR FULL BOARD

Any case brought before the Board will be heard by a three (3) member panel (the “Panel”) of the Board. A quorum of the full Board is not necessary to convene a Panel and a Panel of two (2) is permissible if there are insufficient members present to convene a Panel of three (3). Any decision of the Panel must be by both members for a two (2) member panel or majority of a three (3) member Panel. In the case of a tie vote for a two (2) member panel, a third member shall participate to hear the case and break the tie. If a third member is not available, the matter will be continued to the next meeting. The City Architect, two (2) members of the Panel or the applicant may determine that the Panel should be expanded to include all Board members present, in which case all Board members present will serve as the Panel, with a majority vote of the expanded Panel required for any action. A matter heard by a Panel comprised of all Board members present, similar to a Panel of two (2) or three (3) members, is not a quasi-judicial hearing,

The Panel or Board, when reviewing the submitted plan(s), can approve, continue, continue with comments, or reject the plan(s). An approval is a prerequisite for the issuance of a permit. A continuance, which may be accompanied by comments from the Panel or Board, will allow the Applicant to revise the plan(s) based on the comments and suggestions made by the Panel. The revised plan(s) may be presented at a subsequent meeting and the Applicant may request that said plan(s) be reviewed by the same Panel that conducted the initial review. Said request will be

accommodated if the same Board members are present and available. If the Panel or Board rejects the Plans, the Applicant may resubmit the Application along with materially different plans, as decided by City Staff, and with prescribed application fee(s).

Although a Board of Architects meeting is open to the public, it is not a public hearing. All public comments are permitted only at the beginning of the Board meeting and are limited to three (3) minutes per speaker.

CONFLICT RESOLUTION MEETING; BOARD OF ARCHITECTS SPECIAL MASTER

In the event a person is aggrieved by a decision, a conflict resolution meeting shall be convened to address the aggrieved party's concerns. An Aggrieved Party is defined as the applicant, the City Manager, or any property owner residing or owning a place of business within the radius of the subject property as prescribed in Sec. 3-302 of the Zoning Code or a property owner with a "special injury." The party requesting the appeal must file a written Notice of Appeal, with the Board staff, within ten (10) days of the Panel's decision.

The conflict resolution meeting shall be held with the City Attorney or designee, and any other member of the City Staff that the Planning and Zoning Director deems appropriate. Any settlement that is reached may then be presented to a Board of Architects Special Master as part of a quasi-judicial public hearing on the settlement. The qualifications of such Board of Architect Special Master shall be in accordance with Sec. 2-302 of the Zoning Code, and the appointment shall be for a two (2) year term by the City Manager, in consultation with the Board of Architects and approved by the City Commission.

If the conflict resolution meeting does not result in a settlement, the Board of Architect Special Master shall hear the appeal in a quasi-judicial public hearing. The decision of the Special Master on the settlement or the appeal shall be final unless appealed directly to the City Commission in accordance with Sec. 3-606 of the Zoning Code. The quasi-judicial hearing is a *de novo* hearing, which means that the matter is heard anew; the same as if it had not been heard before and as if no decision had been previously made. Quasi-judicial hearings are public hearings and shall be held in accordance with the City of Coral Gables Zoning Code at Sec. 3-304.

A full verbatim transcript of the quasi-judicial proceedings shall be the responsibility of the party requesting the quasi-judicial hearing.

APPEAL TO THE CITY COMMISSION

After the decision of the quasi-judicial hearing of the Board of Architects Special Master, an Aggrieved Party may seek an appeal before the City Commission. The party requesting the appeal must file a written Notice of Appeal, with the City Clerk, within ten (10) days of the Board of Architects Special Master's decision. The appeal shall then be held by the City Commission at its next meeting, if the Notice of Appeal was provided at least ten (10) days before the meeting. If the next meeting is less than ten (10) days from the filing of the Notice of

Appeal, the City Commission will hear the case at the following meeting. Applicable appeal fees shall apply (i.e. court reporting, transcript costs). (See Sec. 3-606, City of Coral Gables Zoning Code.) The appeal to the City Commission shall not be a de novo hearing, shall be based on the record of the Special Master hearing and shall be a quasi-judicial hearing. Appeal fee waiver requests are subject to Resolution No. 2014-224, as amended.

LOBBYIST REGISTRATION FOR QUASI-JUDICIAL HEARING OR CITY COMMISSION

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, must register with the City Clerk prior to engaging in lobbying activities or presentations before City Staff, Boards, Committees and/or the City Commission. A copy of the ordinance is available in the Office of the City Clerk. Failure to register and provide proof of registration shall prohibit your ability to present to the Board or the City Commission.

Lobbyist is defined as “an individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of

- (a) any ordinance, resolution, action or decision of any City Commissioner;
- (b) any action, decision, recommendation of the city manager, any city board or committee, including but not limited to Quasi-Judicial, Advisory Board, Trust, Authority, or Council; or
- (c) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission, or a city board or committee, including but not limited to Quasi- Judicial, Advisory Board, Trust, Authority, or Council.”

MEMBER OF BOARD OF ARCHITECTS PRESENTING BEFORE THE BOARD

On occasion, a Board member, in the capacity of an architect serving a private client, will present an application before the Board. In that case, Section 2-11.1(m)(2) of the Code of Miami-Dade County and Section 2-232(b) of the Coral Gables Code make specific provisions that allow a Board member to make private representation to an architectural review board on which the Board member serves. Also, Florida Statutes Section 112.3113(7)(b) makes provision for the Board member to practice his or her profession when the Zoning Code requires such Board member to be a licensed architect.

When this occurs, the Board member shall disqualify him/herself from speaking as a Board member and cannot vote on the specific application, but may represent the case before the Panel or Board as the Applicant’s representative. In this case, the Panel or Board is expected to treat the Applicant no differently than it would any other Applicant.

March 2016