

City of Coral Gables City Commission Meeting
Agenda Item F-6
December 13, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Kirk Menendez

City Staff

City Attorney, Miriam Ramos

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Assistant City Attorney, Gus Ceballos

Public Speaker(s)

Agenda Item F-6 [9:50 a.m.]

An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 15, "Notices" to require online publication of historical determination letters and Article 8, "Historic Preservation" revising the process of historical determination letters; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Commissioner Anderson)

Mayor Lago: Moving onto F-6, Commissioner Anderson's item.

City Attorney Ramos: An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 15, "Notices" to require online publication of historical determination letters and Article 8, "Historic Preservation" revising the process of historical determination letters; providing for severability clause, repealer provision, codification, and providing for an effective date.

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[Date]

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Assistant City Attorney Ceballos: Good morning, Mr. Mayor, Vice Mayor, Commissioners, Assistant City Attorney Gus Ceballos. So, this ordinance is pretty brief, but it does a couple of things. So, one of the things that its going to require is, historical determination letters currently only get provided to the property owner requesting the determination. Now they are going to be posted online, on a weekly basis, whenever they get issued. Why is that being done? So currently our code treats appeals, the only way you can appeal something is if you are an aggrieved party. Our code defines aggrieved party as somebody who receives notice. So, if you never received notice, you can never technically appeal most things. So, what happens? These determination letters get drafted, they get issued. Six months down the line somebody finds out about the determination letter, and they disagree, they don't really have an appeal function. So, what happens is, a new designation request gets submitted, which causes a couple of different issues, because you as a property owner you receive your termination letter, you would think there is some level of finality to that document. There isn't. You can then have your property designated by another individual six months down the line.

Mayor Lago: Makes sense.

Assistant City Attorney Ceballos: So, this basically says, every time a determination letter is drafted it will be posted online, so the entire citywide receives notice. There is a ten-day appeal period which somebody can submit an appeal request and after those ten days you have 21 days, as you as an appellant to complete a full report to then proceed to take that designation report. This provides some level of finality, so the property owners aren't open-ended and six months down the line somebody trying to designate your property, after our staff has already determined that it doesn't meet that eligibility criteria.

Mayor Lago: Any further comments?

Commissioner Anderson: I did this for two reasons. One, staff is being overburdened with FOIA requests for records; and as discussed with Mr. Adams, we would upload on a weekly basis the determination letter with a link to the documentation, so all the records that were used to support the determination letter there. That's the only tweak that I've asked, you indicate the link to the record so it would be included, and then we won't have these appeals or applications, I should say, coming in a year or two, three down the line after a determination letter has been issued.

Mayor Lago: Perfect. I'll entertain a motion.

Commissioner Anderson: I'll move it.

Vice Mayor Mena: Second.

Mayor Lago: Mr. Clerk.

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Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Mayor Lago: Yes