

1 know, conflict of interest, as we would say.
2 So I, too, two years ago, to run for a
3 Commission seat, I also resigned from the
4 Board.

5 MR. ALVAREZ: No, I only ask because I know
6 Gonzalo is also running, so I don't know what
7 the position is for Gonzalo on that, if he's
8 going to stay with or not stay with us. That's
9 why I was asking.

10 MR. COLLER: Well, it's up to the
11 individual whether they feel that it would be
12 better for them not to serve or to serve.
13 There's no requirement for them. It's not a
14 resign to run thing that is under State law, as
15 far as whether a Board Member chooses to
16 continue to serve or not. It's up to the
17 individual Board Member and how they feel.

18 MR. ALVAREZ: Okay.

19 MR. MENENDEZ: Thank you, again.

20 MR. BEHAR: But Mr. Menendez, I commend you
21 for what you're doing and I think it's the
22 correct.

23 MR. ALVAREZ: Through the Chair, I see all
24 of the time in the Commission Meetings, should
25 we take a picture with Mr. Menendez?

13

1 CHAIRMAN BUCELO: Thank you.

2 MR. COLLER: Mr. Chairman, there's sort of
3 a housekeeping measure on the agenda that maybe
4 we could take first, because I noticed that the
5 Assistant City Attorney is here to present the
6 item. It's entirely up to you. It's really
7 just a provision relating to appeals. It's not
8 relating to a piece of property. It's just --
9 it's timing, how much time, what's to be in the
10 notice, and I don't believe there's anybody
11 here to speak on it. It's entirely up to the
12 Board, if you want to take it out of turn,
13 before you hear probably extensive testimony
14 tonight, I would anticipate.

15 CHAIRMAN BUCELO: I would move for that,
16 yes.

17 MR. BEHAR: I'll make a motion to move it
18 forward.

19 MR. ALVAREZ: I'll second.

20 MS. BRAVO: Second.

21 CHAIRMAN BUCELO: There we go.

22 All in favor? I think it's -- aye.

23 (Board Members voted aye.)

24 CHAIRMAN BUCELO: Okay. Perfect.

25 MR. COLLER: Item E-3, an Ordinance of the

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1 CHAIRMAN BUCELO: I think that's a great
2 idea.

3 MR. BEHAR: I think that's a great idea.

4 MR. ALVAREZ: Do we have a camera -- or I
5 can use my camera.

6 CHAIRMAN BUCELO: Use your camera, yeah.
7 It's your idea.

8 MR. ALVAREZ: We'll say goodbye. He's my
9 counterpart here. He replaced me with Robert.

10 MS. BRAVO: Does he receive anything to
11 commemorate his time with the Board, like a
12 little mini gavel?

13 (Thereupon, a picture was taken.)

14 CHAIRMAN BUCELO: Now, before we begin, if
15 we can have you introduce yourself to the
16 Board, as well.

17 MR. MCGLASHEN: Of course.

18 Good evening, everyone. My name is Shane
19 McGlashen. It's a pleasure to be here. I'm a
20 resident and homeowner in Coral Gables. I'm
21 also a practicing attorney. I live with my
22 wife, Natalia, and it's a real honor and
23 privilege to be here and I'm going to do
24 everything I can to serve this community.

25 Thank you.

14

1 City Commission amending Article 14 "Process",
2 Section 14-208 "Appeals" of the City Zoning
3 Code, to revise appeal procedures, extensions,
4 deadlines, increase specificity in notices of
5 appeal; limit the scope of stays; establishes
6 provisions regarding consolidation, related
7 approvals, and abandonment of appeals;
8 providing for severability clause, repealer
9 provision, codification, and providing for an
10 effective date.

11 Item E-3, public hearing.

12 MR. CEBALLOS: Good afternoon, Mr. Chair,
13 Vice Chair, and Fellow Board Members. Thank
14 you for taking this item first. For the record,
15 Assistant City Attorney and City prosecutor,
16 Gus Ceballos.

17 So this appeal amendment is before you
18 strictly for a recommendation, if you have any
19 recommendation that we can further along to the
20 Commission. I will give you a quick little
21 highlight of what the actual change is that
22 we're proposing.

23 The first one is in the appeals of Staff
24 decisions, which is not something that the City
25 frankly faces very often, but when we looked at

16

1 other municipalities in the area, we found that
2 ours was a very, very long time frame. Most of
3 the cities we found, anywhere from ten to
4 twenty days was an appropriate time. We are
5 proffering to reduce that to fifteen, just to
6 bring it in line with similar municipalities in
7 the area.

8 We also had a string of appeals in the
9 recent history that lacked specificity, so it's
10 very difficult for the City Clerk, the City
11 Attorney, and anyone, to schedule appeals, when
12 we don't really have an understanding of what
13 it is that's being appealed. So one of the
14 additional things that we have requested to
15 change is to -- the Notice of Appeal shall
16 provide the particularity of why it's being
17 appealed, the basis, the standing. All of
18 those things need to be included as part of the
19 Notice of Intent to Appeal.

20 Additionally, you'll notice that it states
21 that within fourteen days of filing the written
22 notice of appeal, they must provide a completed
23 appeal package. The reason why that's being
24 included is, prior to the Code change, the way
25 that our Code is currently written, must

17

1 language is added on the second page, that
2 mirrors on the first document.

3 Then we do dive a little bit into the
4 remand. So the City Commission, when they
5 remand something back to a lower Board,
6 typically it's one of the options that the
7 Commission has, if they believe there wasn't
8 enough -- some sort of, you know, procedural or
9 some sort of fact finding issue and they want
10 to send it back to the lower board, they can
11 remand. This just specifically states that
12 once -- that any remand shall be limited
13 specifically to the issues identified by the
14 City Commission, and, no, this is not a new
15 opportunity, a new bite at the apple, to
16 present new information or new arguments by
17 either side.

18 And one of the other items we're also going
19 to be doing is consolidation, which is
20 something we found in a lot of other similar
21 cities, where whenever it's practical, we can
22 try to consolidate multiple appeals on multiple
23 issues of a particular project. It's been an
24 issue, where we have a singular project or, you
25 know, over the years, where every aspect of

19

1 appeals, you have ten days, and when you get a
2 written Notice of Intent to Appeal, ten days is
3 given to you, and what that means is, you can
4 write a simple e-mail to the City Clerk's
5 Office saying, "I intent to appeal A, B, and
6 C."

7 From that moment, the Clerk's Office gives
8 you the package. That package then gives you
9 an additional fourteen days to complete the
10 package, but that document -- that fourteen
11 days was only include in that package. It was
12 never codified in our Code. So we decided,
13 when we're cleaning it up, we're going to clean
14 up that form, we're going to clean this up.
15 We're also going to include that language in
16 here.

17 We've also included language that final
18 decision shall be appealable -- only final
19 decisions will be appealable. Once again, not
20 an issue that we've had, but we thought it was
21 a good cleanup to make sure that, you know,
22 preliminary decisions, opinions, any sort of
23 non-binding final decisions couldn't be
24 appealed, because, once again, no final
25 decision has been made. You'll see the same

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1 that project, whether it goes to one board or
2 three boards, gets individually appealed or
3 individual items can get appealed, any changes
4 before the Board of Architects then get appeal,
5 so what ends up happening is basically just an
6 unnecessarily significant delay on a project.
7 Somebody just taking advantage of the fact that
8 the process has so many approval steps to take
9 advantage and delay the project at every single
10 step.

11 Additionally, and I believe, lastly, we are
12 addressing the sections of postponements.
13 Before, the first postponement is an automatic
14 one. In discussion with the City Commission
15 and discussing it with Staff, we believe that's
16 not appropriate, so none of them will be
17 automatic, but the first one should be granted,
18 if there is good cause, up to 21 days. The
19 second one would also be granted, not no exceed
20 14 days, if there's extraordinary
21 circumstances, and that one must go to the City
22 Commission for approval. So it takes Staff out
23 of equation, where Staff is put in a very
24 awkward position as to continue, and continue,
25 and continue projects. In this particular way,

20

1 we take it to the City Commission, the final
2 decision-makers, and if they want to grant
3 additional time, so be it. And, then, in no
4 event, shall there be a third postponement
5 granted, unless there is an emergency
6 declaration or natural disaster.

7 Now, one big caveat that I should highlight
8 for everybody, because this is a question that
9 a lot of people may have, nothing in these
10 sections would prevent additional postponements
11 upon agreement of all parties. Why do I say
12 that? If there's a hurricane, and it's
13 followed by a second hurricane, and there's no
14 way to meet the previous deadlines, and
15 there's, perhaps -- let's say we're waiting for
16 some information that's not readily available,
17 if the City and the appellant, and if the
18 opportunity -- in the particular case where the
19 property owner is not the appellant, if all
20 three parties agree, we have no issue with it
21 being extended further, but it's something that
22 must be agreed upon by all of the parties.

23 I think that takes care of all of the major
24 changes. If any appeals are not heard within
25 the time frames, they'll be deemed abandoned

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1 making stricter the ability to appeal, and
2 normally it's not someone that is just hoping
3 to drag the feet of the project, to make the
4 developer pay more money, but it's more like
5 someone has a true objection and has to gather
6 a bunch of information to be able to then
7 rightfully appeal.

8 It seems to me that it's a little
9 one-sided. Maybe I'm wrong, but for me, the
10 ability to appeal a decision is extremely
11 important for the aggrieved party, usually
12 someone that's going to be affected possibly in
13 a negative way. So as far as the speed, you
14 know, in shortening these time periods, it
15 becomes more difficult.

16 Keep in mind that most people that appeal
17 aren't lawyers. Most people are residents.
18 They would have to go out, hire a lawyer, do
19 this, do that, get the information from Staff,
20 you know, all of these searches. All of a
21 sudden, you've reduced that time period where
22 it becomes almost impossible for them to
23 appeal, unless they have a lawyer in hand,
24 unless they know the process, and most
25 residents don't know the process, and they have

23

1 and void.

2 And if you have any other questions, I'm
3 happy to answer them.

4 CHAIRMAN BUCELO: Thank you.

5 MR. PARDO: Mr. Chairman, I've got a
6 question.

7 CHAIRMAN BUCELO: Do you want to wait for
8 -- oh, a question? I apologize.

9 MR. PARDO: Yes, a question --

10 CHAIRMAN BUCELO: Yes, sorry.

11 MR. PARDO: -- for Gus.

12 CHAIRMAN BUCELO: Sorry.

13 MR. PARDO: I understand that you're
14 looking at this from the applicant's
15 standpoint -- in other words, a building, a
16 development or something like that -- but the
17 appeal period seems to be something that the
18 public, and usually an aggrieved party, is
19 directly affected by. By shortening that,
20 you're not providing anything on the other side
21 as far as ease of a speedier method of
22 appealing a decision, where you have an
23 aggrieved party.

24 So it seems to me that it's only weighted
25 on the side of the applicant by shortening and

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1 to rely on people that will return e-mails or
2 phone calls.

3 So that is my great concern, that I think
4 that, you know, the way it is now -- and with
5 all due respect to other municipalities, you
6 know, for a municipality of 50,000 people, and
7 with the amount of development that we have
8 here, and with the people that have concerns, I
9 think it's wrong to try to shorten and limit
10 that, because it puts the normal resident that
11 is affected in a very bad position, I think.

12 MR. BEHAR: But Felix --

13 MR. CEBALLOS: I can address that very
14 easily.

15 So it's not shortening the time period at
16 all for the purposes of intent to appeal, only
17 decisions from the City Staff. Meaning, the
18 time line that you have to appeal the Board of
19 Architects, Historic Preservation, Planning and
20 Zoning Board, Board of Architects, every other
21 board in the City, is not being touched. It's
22 not being touched. You have the exact same
23 amount of time. You have ten days to file a
24 Notice of Intent to Appeal. Subsequent to
25 whatever date you file that Notice of Intent to

24

1 Appeal, you have fourteen days. That's the way
2 it is currently handled, and it's not being
3 modified in any way.

4 The only thing that was an outlier was
5 14-208(4), which is appeals of decisions of
6 City Staff, which as I stated before, rarely
7 comes up, because it's basically an
8 administrative decision that somebody chooses
9 to appeal, and this still gives you fifty
10 percent more time than you would have if you
11 were appealing the Board of Architects, the
12 Historic Preservation Board, any of the other
13 City Board. So you're actually getting
14 significantly more time than you would with any
15 other board, but just in this section.

16 We're not affecting or changing any other
17 Notice of Intent to Appeal time lines or
18 application portion. That's exactly the same.
19 That is not being touched.

20 MR. PARDO: I have another question. How
21 long did you work on this?

22 MR. CEBALLOS: It's been something that's
23 been discussed over the years. We've probably
24 dabbled over, I'd say, frankly, over two or
25 three years --

25

1 MR. PARDO: So you had input from Staff
2 and --

3 MR. CEBALLOS: Oh, no, this was work --
4 we've had probably, I'd say, at least half a
5 dozen meetings over the years about addressing
6 not only this package, this particular Code
7 section, but the actual appeal package. The
8 appeal package has a bit of redundant
9 information, that doesn't coincide with the
10 Code. Like I specifically stated before, how
11 the fourteen days was never codified anywhere
12 in our Code, and now we're choosing to codify
13 it.

14 So, basically, when somebody goes to the
15 City Clerk's Office, picks up an appeal
16 package, they're not getting conflicting
17 information from what's on the City Code or the
18 Zoning Code and what's on the appeal package.
19 So this will bring it in line.

20 MR. BEHAR: Felix, I think this is going to
21 simplify it, the way I see it.

22 MR. CEBALLOS: Right.

23 MR. PARDO: I printed it. I read it very
24 carefully. I read it backwards and forwards,
25 and I have questions for the City Attorney's

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1 Office.

2 I would like to have simply a deferral
3 before we change something like this, simply to
4 be able to understand it. We receive our
5 package, as you know, Friday afternoon, and I
6 printed it. I read it. I read it again. I
7 went back, I tried to go back and then find out
8 exactly what the differences were, and the
9 whole point is that, I've already stated my
10 point about any concern about the ability to
11 appeal.

12 I think, you know --

13 MR. BEHAR: But this is appealing like the
14 Staff recommendations. It doesn't appeal
15 Planning and Zoning, Board of Architects, none
16 of that, and it's not changing none of that,
17 which, to me, are the ones that would be more
18 concerning for the residents, to have an
19 opportunity to do that.

20 You know, for me, the Staff -- I mean, at
21 the end of the day, Staff is going to say
22 something -- you know, recommend, and they're
23 going to come to the Boards, and this is where
24 you're going to appeal.

25 MR. PARDO: I understand the concern. My

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1 concern was, I felt like I really needed to be
2 able to have enough time to discuss it with
3 Staff, so I could understand it.

4 MR. BEHAR: With all due respect to Staff,
5 I mean, I don't care what they put together.
6 You know, they do -- I care what the Board's
7 decision -- whether it's this Board or the
8 Board of Architects or any other Board, that's
9 the decision I want to have the opportunity --
10 to correct the time to appeal, because, you
11 know, we come here and the Board comes -- you
12 know, the Staff Member comes and presents
13 something that, at the end of the day, we
14 change or, you know, make modifications.

15 To me, the concern is, as Mr. Ceballos
16 stated clearly, it's not affecting the time
17 frame for the other Board, the Planning, the
18 Board of Architects, none of that. That's not
19 being comprised.

20 MR. PARDO: Which are all of the Boards
21 that are being affected by this change?

22 MR. CEBALLOS: No Board is being affected
23 by that particular change.

24 MR. BEHAR: No Board.

25 MR. PARDO: So it's only, what, that is

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1 being affected?

2 MR. CEBALLOS: So in terms of the
3 shortening of the Notice of Intent to Appeal,
4 no Board is being affected. It is strictly
5 decisions from the City Staff. That's it.

6 MR. PARDO: Decisions from the City Staff?

7 MR. CEBALLOS: Correct. So if you have a
8 decision from the DRO, the City Architect --
9 although typically the City Architect, you can
10 just go to the Board of Architects -- but,
11 let's say, for whatever reason, the City
12 Architect makes a decision and you choose to
13 appeal that decision, you have 15 days to file
14 your Notice of Intent to Appeal the City
15 Architect's decision.

16 MR. PARDO: So an average person that sees
17 that, maybe there's an MOT that has been
18 approved by the Manager's Office, and someone
19 is concerned with the MOT. So all of a sudden
20 you have 15 days to run around and try to find
21 the ability to appeal that decision. Once you
22 find out who made the decision -- the ultimate
23 decision on that MOT, which in this case would
24 be the City Manager, so you might be going to
25 Public Works trying to figure out what's what,

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1 please, in simple terms, rephrase your concern,
2 so I can understand it.

3 MR. PARDO: My concern is that --

4 MR. SANABRIA: Speak into the mic, please.

5 MR. PARDO: My concern is that when you
6 look at the different decisions that are made
7 administratively by Staff, there are an
8 enormous amount of decisions that affect
9 people, and those people don't know necessarily
10 who they can or if they can appeal to one of
11 these things. There is a lack of clarity.

12 If you're within Staff, you know, it's
13 clear to you. To compress it -- I don't quite
14 understand the reasoning behind compressing the
15 amount of time for those Staff decisions, and
16 some of those Staff decisions are direct
17 decisions that affect people and their quality
18 of life.

19 So I was just asking for time to truly
20 comprehend, you know, what the ramifications
21 are of this change.

22 MR. SANABRIA: Mr. Chairman, if I may, can
23 I ask Assistant County -- City Attorney, what
24 is the actual time line that this has to be --
25 why is this before our Board at this time?

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1 and it could take you 15 days easily to get the
2 right answers to be able to point in the right
3 direction.

4 MR. CEBALLOS: You could make the same
5 argument for every other board. I mean, the
6 fact that you only have ten days, you could
7 make the same arguments. I think it's pretty
8 much in line with all municipalities.

9 MR. PARDO: I am making that argument.

10 MR. CEBALLOS: Yeah. I think it's in line
11 with every other municipality. I think it's
12 pretty consistent. I think we're being more
13 than fair, but if you'd like to make that
14 recommendation. At the end of the day, we're
15 here to take some recommendations that we will
16 -- I'll be happy to include them with our
17 presentation to the City Commission.

18 MR. PARDO: But Mr. Chairman, the reason I
19 was asking for more time is because I wanted to
20 be able to learn a little bit more about this,
21 because every decision in changing
22 administratively something, you know, it's --

23 MR. SANABRIA: Mr. Chairman?

24 CHAIRMAN BUCELO: Yes.

25 MR. SANABRIA: If I can ask, Mr. Pardo,

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1 MR. CEBALLOS: The only reason why this is
2 before this Board is because these changes are
3 in the Planning -- in the Zoning Code. So if
4 these changes were in the City Code, it
5 wouldn't come before this Board, but because
6 these changes specifically are in the Zoning
7 Code, the Zoning Code requires that it comes
8 before this Board for recommendations, before
9 we take it to the City Commission.

10 MR. SANABRIA: So there is no urgency from
11 your side for this to be heard today, it could
12 be deferred; is that correct?

13 MR. CEBALLOS: We would prefer that there
14 wasn't a deferral. I was told to request that
15 if there's any recommendations, any concerns,
16 I'll be happy to incorporate them and provide
17 them to the City Commission, who are the final
18 decision-makers, but at the end of the day, I'm
19 in no way -- I can in no way bind in particular
20 Board to vote one way or the other.

21 MR. BEHAR: Felix, if you have some
22 comments or some, you know, to add it -- I
23 mean, I'll be more than happy to support
24 something that goes, but, you know --

25 MR. PARDO: I mean, I think it could have

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1 been -- I think it could have been presented by
2 Staff a lot more clearer than just the
3 strike-outs, because there are ramifications to
4 these decisions, from different offices and
5 different Staff Members. The question is, I
6 don't know enough, and like I said, I printed
7 this specifically to understand it, but based
8 on the presentation that I saw tonight, with
9 all due respect to the Assistant City Attorney,
10 you know, it's just, what are the
11 ramifications? I feel very uncomfortable with
12 it. I only ask for this to be deferred to the
13 next meeting, simply to be able to understand
14 it better, not to be side blindness, but simply
15 to understand it better.

16 So if I'm forced to vote, I'll vote, no,
17 but it's up to you. I just ask for time.

18 CHAIRMAN BUCELO: I think -- Jill, is there
19 any public comment?

20 THE SECRETARY: Sorry.
21 Not on this item.

22 CHAIRMAN BUCELO: Okay. So let's close the
23 public comment.

24 I guess, open Board discussion.

25 MR. CEBALLOS: I'm happy to answer any

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1 questions.

2 CHAIRMAN BUCELO: Please.

3 MS. BRAVO: Just to try to facilitate the
4 discussion, would you say, in your own words,
5 what this is accomplishing and the benefit of
6 it to the public?

7 MR. CEBALLOS: So, in essence, this is a
8 cleanup for our Zoning Code, specifically our
9 Appeal Section. Currently, our Appeal Section,
10 there's a bit of a miscommunication between our
11 appeal package, which is what's provided by the
12 City Clerk's Office and what's currently in the
13 Zoning Code. This attempts to bring those two
14 items together, so that they both reflect the
15 same type of dates.

16 We did find in our review of this, it was
17 one of those, we're going to review, we're
18 going to try to update this, we're trying to
19 clean this up, and as part of the process, we
20 looked at every section, to see whether there
21 could be improvements. One of those sections
22 we found incredibly excessive is the appeals
23 from City Staff.

24 At the end of the day, the person that
25 typically will appeal the decision of a City

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1 Staff member is the applicant themselves.
2 Meaning, you're not going to have an aggrieved
3 party, because, in our Code, to have an
4 aggrieved party, you need to receive notice.
5 The only person that's ever going to receive
6 notice of an administrative decision that was
7 denied is the applicant. The applicant is
8 going to have more than enough time to file
9 their appeal.

10 So if an applicant, let's say, whatever the
11 decision may be, maybe a Zoning reviewer has
12 denied Plan X, and I'd like to appeal that
13 decision, I have 15 days to file a Notice of
14 Intent to Appeal. Once you file your Notice to
15 Intent to Appeal, you get an additional 14 days
16 to get all of your ducks in a row, make your
17 payment for the appeal, get your mailing labels
18 that are required, and then we'll either take
19 it typically to either the Board of Adjustment
20 or the Historic Preservation Board for it to be
21 heard. So the majority of this would not
22 affect general people in the public.

23 In regards to your comment about MOTs and
24 things of that nature, that's something that,
25 at least right now, I can't see it being

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1 appealable, because you're not an aggrieved
2 party by the definition of our Zoning Code, and
3 we also found that the current Postponement
4 Section of the Appeal Section had been ripe for
5 abuse, where parties have been abusing it, on
6 both ends, and that doesn't mean that we can't
7 extend it. We have extended it, especially
8 when both parties agree.

9 If I'm building a two-story home on Sunset
10 Drive and I need to go to Historic
11 Preservation, because my property was
12 historically designated, but we disagree. It
13 was denied. I want to go to the Commission to
14 get this resolved. There is nothing that would
15 prevent me from asking for an extension of six
16 months, because at the end of the day, the only
17 injured party is me. It is my property. I'm
18 injuring myself, because I can't continue with
19 my proposed redevelopment or proposed addition
20 or change or whatever it might. The only
21 injured party is me.

22 The issue really stems here from somebody
23 abusing the process and causing a third party,
24 who's typically the applicant, a significant
25 amount of delay. Something that could have

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1 been delayed maybe a month, or two, or three
2 months, in order to make sure that everyone's
3 appeal rights are addressed, because that's --
4 this, in no way, attempts to remove anyone's
5 appeal rights, but at this particular way that
6 it's currently written, you can have a property
7 that's been appealed four, five, six, seven
8 times, with postponement of months, that cause
9 unnecessary delays, and I think for the
10 betterment of all parties involved, we'd like
11 to be able to consolidate, minimize
12 postponement, so at the end of the day we can
13 get in front of the City Commission, who's the
14 final decision-maker and that's really what the
15 goal is.

16 MS. BRAVO: So if I may, it sounds like
17 you're (A) codifying what is the practice in
18 the documents that we distribute.

19 MR. CEBALLOS: Yes.

20 MS. BRAVO: And, also, you're making
21 Staff's time more efficient. They don't have
22 to go digging for something months later. They
23 can deal with it on the spot, and then due
24 process, for anybody else that's interested in
25 the topic, the matter will resolve --

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1 don't have ten days. I can submit my Notice of
2 Intent to Appeal on the ninth day or the tenth
3 day. I'm going to have an additional 14 days.
4 So I'm going to have in total 23, 24 days to
5 complete the package, get all of my ducks in
6 the row, do my research, get my mailing labels,
7 make my payment, and take care of all of the
8 things.

9 And, then, from then, it obviously -- also,
10 you have additional time, because once you've
11 filed all of that information, there needs to
12 be at least 13 days for notice. So if you
13 file -- let's say you file everything, you
14 complete it, and there's a Commission Meeting
15 or the appropriate Board for your particular
16 appeal is Historic Preservation, there's a
17 Historic Preservation Board meeting in seven
18 days, you're not going to be on next month,
19 because we don't have 13 days to send notice.
20 So you're not going to be on next month's
21 meeting, but this at least codifies everything,
22 so that everyone can look at one document, in
23 this particular, the Zoning Code, and know the
24 entire appeal process.

25 MR. PARDO: Mr. Chairman, I understand now.

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1 MR. CEBALLOS: We're not minimizing
2 anybody's due process.

3 MS. BRAVO: All right. I'm satisfied with
4 the information.

5 MR. PARDO: Mr. Chairman? Through the
6 Chair.

7 CHAIRMAN BUCELO: Go ahead.

8 MR. PARDO: And, then, so what I understand
9 is, when you look at your applications for the
10 appeals, they are not according to what's in
11 the Zoning Code right now? In other words, the
12 handouts that you give for the package, they
13 are in direct conflict with what's in the --

14 MR. CEBALLOS: No. So, right now, the
15 Zoning Code, and you read it, the only date,
16 time limitation you will see is ten days to
17 file a Notice of Intent to Appeal. That's it.
18 But once you go to the City Clerk's Office and
19 you pick up your appeal package, you're going
20 to find, on the very second line, you have 14
21 days to complete this package.

22 It simply is not codified in our Code. So
23 this now codifies it. So now you know, if you
24 just look at the City Code or the Zoning Code,
25 you're not limited to just ten days, you know I

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1 This was one of the questions which was not
2 part of the package that we received. So I
3 feel more comfortable now, based on exactly
4 what the Assistant City Attorney just
5 explained.

6 CHAIRMAN BUCELO: Great.

7 Mr. Alvarez.

8 MR. COLLIER: At some point we need to check
9 if there's anybody here on this item.

10 CHAIRMAN BUCELO: We did.

11 MR. COLLIER: You did check?

12 CHAIRMAN BUCELO: We did.

13 Mr. Alvarez.

14 MR. ALVAREZ: Is this explained to the
15 person that's doing an appeal? Is there like,
16 in the application process, hey, you have this
17 date, this date, this date, this date? So
18 everything is on there?

19 MR. CEBALLOS: Yeah. It's on there.

20 So the Notice to Intent to Appeal is
21 something that you typically only find in our
22 Zoning Code, but, let's say, if you have a
23 particular application that went to Historic or
24 Board of Architects, whatever it may be, if you
25 ask Staff, "Hey, I don't agree with that

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1 decision, I'd like to appeal," they'll simply
2 tell you you have ten days to file that Notice
3 of Intent to Appeal.

4 We are very liberal when it comes to that
5 interpretation, because, at the end of the day,
6 the last thing we want to do is infringe on
7 anyone's due process rights, so that can be a
8 simple e-mail, come in, write it on a piece.
9 If you hand me a Post-It that says, "I intent
10 to appeal," and sign it and you hand it to me,
11 I'll provide it the City Clerk and that starts
12 your clock for you next deadline, which in this
13 case would be an additional 14 days to complete
14 your package.

15 MR. ALVAREZ: Yeah, but my question is, to
16 avoid a regular person having to read the Code,
17 this is set in the package that they get?
18 Okay. Now you have this. Now you have like a
19 time line so the person knows.

20 MR. CEBALLOS: If the person goes directly
21 to the Clerk's Office and picks up the appeal
22 package, all of that information will be
23 provided on there.

24 CHAIRMAN BUCELO: Mr. Behar?

25 MR. BEHAR: I have no comment.

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1 MR. SANABRIA: Yes.

2 THE SECRETARY: Ignacio Alvarez?

3 MR. ALVAREZ: Yes.

4 THE SECRETARY: Robert Behar?

5 MR. BEHAR: Yes.

6 THE SECRETARY: Alex Bucelo?

7 CHAIRMAN BUCELO: Yes.

8 MR. CEBALLOS: Thank you, again.

9 I appreciate your time. Thank you.

10 MR. BEHAR: You should have stayed until
11 the end of the meeting to do this.

12 MR. CEBALLOS: I started off my day with
13 the Code Enforcement Board in this room at 8:30
14 in the morning. I'm very happy to --

15 CHAIRMAN BUCELO: So you started with my
16 father, then.

17 MR. CEBALLOS: Yes. He was sitting right
18 over there.

19 CHAIRMAN BUCELO: If we could have the
20 next --

21 MR. COLLER: We're going to start with the
22 first item?

23 CHAIRMAN BUCELO: Yes, the first item.

24 MR. COLLER: Okay.

25 MR. ALVAREZ: Through the Chair. Should we

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1 CHAIRMAN BUCELO: Shane, any comments?

2 MR. MCGLASHEN: No comment. Thank you.

3 CHAIRMAN BUCELO: Mr. Sanabria?

4 MR. SANABRIA: No. I just wanted -- I
5 overheard that to file an appeal, you need an
6 attorney.

7 MR. CEBALLOS: No.

8 MR. SANABRIA: You don't. I don't think
9 you do.

10 Okay. I don't have any questions.

11 MR. BEHAR: I'll make a motion to approve.

12 CHAIRMAN BUCELO: I have no futher
13 comments, either.

14 Let's close Board discussion.

15 MR. BEHAR: Motion to approve.

16 MS. BRAVO: Second.

17 CHAIRMAN BUCELO: Jill.

18 THE SECRETARY: Sorry.

19 Alice Bravo?

20 MS. BRAVO: Yes.

21 THE SECRETARY: Shane McGlashen?

22 MR. MCGLASHEN: Yes.

23 THE SECRETARY: Felix Pardo?

24 MR. PARDO: Yes.

25 THE SECRETARY: Gonzalo Sanabria?

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1 do the second item, because everybody is here
2 for the second item?

3 CHAIRMAN BUCELO: Do we have a motion?

4 MR. COLLER: It's up to the Board.

5 MR. BEHAR: I think it's a good idea.

6 CHAIRMAN BUCELO: Okay.

7 MS. BRAVO: Motion to start with E-2.

8 MR. ALVAREZ: So my motion is to start with
9 E-2, because everybody is here in the crowd,
10 just to help them out.

11 MS. BRAVO: I second your motion.

12 CHAIRMAN BUCELO: All in favor?

13 (Board Members voted aye.)

14 MR. COLLER: Okay. Item E-2, an Ordinance
15 of the City Commission amending Ordinance
16 Number 1952, as amended, which changed the
17 zoning on Lots 1, 2, 3, 20, 21, 22, 23, and 24
18 Block 120 and Lots 1 thru 5, Block 131, Country
19 Club Section (430, 440, 450, and 520 University
20 Drive), Coral Gables, Florida, to remove
21 certain conditions of approval that limit the
22 use of the property to overflow parking and
23 that revert the zoning of the property to
24 single-family zoning; all other conditions of
25 approval contained in Ordinance Number 1952

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