



To: Dona Spain, Historical Resources and Cultural Arts Director

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Requests Code as related to Historic Designation

Date: August 10, 2017

Yes, the Zoning Code continues to allow any “citizen” of Coral Gables to request a designation (please note, the term “citizen” is defined on page 8-7 of the Zoning Code to refer to a resident who is domiciled and eligible to vote in Coral Gables). I do not know of any proposal to amend that provision. It continues to be in place as a central part of the City’s ordinance. The City is very proud of the ordinance.

You may have been thinking of the attached email where I was considering how principles of administrative standing impact the inquiry, and whether administrative standing principles in other parts of the Zoning Code would need to be satisfied here. I have ultimately concluded that although these principles must always be considered to ensure that there is a sufficient nexus of the application to the property (which protects against arbitrary and capricious action), that as a general matter sufficient discretion is granted to the Director and the Board already in the ordinance to ensure that any request that proceeds are bona fide and within the public interest.

As I have discussed with Dona, she should continue to receive requests for designation from any citizen of Coral Gables. She retains administrative discretion whether to proceed consistent with section 3-1104(A)(1), as does the Board under section 3-1104(A)(2) if the matter is presented to them by any citizen of Coral Gables.

Further, a stay of permitting does not occur until either the Director or the Board determines that an application shall proceed to public hearing as indicated in section 3-1104(A)(3). This ensures that any stay of development rights requires an action by a City Director or Board consistent with standards as established in the Zoning Code.

Finally, please note that to appeal a decision related to designation, a party must still satisfy administrative standing as an “aggrieved party” under section 3-606(B) of the Zoning Code and applicable law.

This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code, and please publish.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: Fwd: Code as related to Historic Designation
Date: Thursday, August 10, 2017 10:11:08 PM
Attachments: [image002.png](#)
[ATT00001.htm](#)
[RE 2320 Segovia Historic Designation Not By Owner.msg](#)
[ATT00002.htm](#)

Please include that this opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code, and please publish.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: August 10, 2017 at 7:21:52 PM EDT
To: "Spain, Dona" <dspain@coralgables.com>, "Lago, Vince" <vlago@coralgables.com>, Brett Gillis <brett.gillis@gmail.com>, "Ramos, Miriam" <mramos@coralgables.com>
Cc: "Granell, Chelsea" <cgranell@coralgables.com>
Subject: **RE: Code as related to Historic Designation**

Good evening, Brett. Yes, the Zoning Code continues to allow any "citizen" of Coral Gables to request a designation (please note, the term "citizen" is defined on page 8-7 of the Zoning Code to refer to a resident who is domiciled and eligible to vote [in Coral Gables](#)). I do not know of any proposal to amend that provision. It continues to be in place as a central part of the City's ordinance. The City is very proud of the ordinance.

You may have been thinking of the attached email where I was considering how principles of administrative standing impact the inquiry, and whether administrative standing principles in other parts of the Zoning Code would need to be satisfied here. I have ultimately concluded that although these principles must always be considered to ensure that there is a sufficient nexus of the application to the property (which protects against arbitrary and capricious action), that as a general matter sufficient discretion is granted to the Director and the Board already in the ordinance to ensure that any request that proceeds are bona fide and within the public interest.

As I have discussed with Dona, she should continue to receive requests for designation from any citizen of Coral Gables. She retains administrative discretion whether to proceed consistent with section 3-1104(A)(1), as does the Board under section 3-1104(A)(2) if the matter is presented to them by any citizen of Coral Gables.

Further, a stay of permitting does not occur until either the Director or the Board determines that an application shall proceed to public hearing as indicated in section 3-1104(A)(3). This ensures that any stay of development rights requires an action by a

City Director or Board consistent with standards as established in the Zoning Code.

Finally, please note that to appeal a decision related to designation, a party must still satisfy administrative standing as an “aggrieved party” under section 3-606(B) of the Zoning Code and applicable law.

Please let me know if you have any questions.

Craig E. Leen, City Attorney

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

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5218

Fax: (305) 460-5264

Email: cleen@coralgables.com

From: [Leen, Craig](#)
To: [Eduardo Goudie](#); [Valdes-Fauli, Raul](#); [Quesada, Frank](#); [Keon, Patricia](#); [Mena, Michael](#); [Lago, Vince](#)
Cc: [Ray Garcia](#); [Spain, Dona](#)
Subject: RE: 2320 Segovia Historic Designation Not By Owner
Attachments: [image002.png](#)

Mr. Goudie,

Good evening and thank you for your email. I remain hopeful that we can agree on a reasonable and expeditious way forward in this matter. Please note, I was aware that any citizen could apply for the historic designation of a property under the Code. The concern I expressed was that, as a regulatory matter, the citizen may need to reside or own property within 1,000 feet of the property at issue, or have another interest in the property that could cause that citizen a special injury if the designation did not occur. This ensures that the citizen has standing to administratively assert the position and then appear in court, if challenged. I am presently considering a legal opinion to that effect but am still reviewing the matter. Please note, the City would still be able to consider any suggestion that a property is historic as a matter of discretion (even from an individual outside the zone), but it would not be required to do so. I will let you know on Thursday.

Craig E. Leen, City Attorney

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Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Eduardo Goudie [mailto:eduardo@crawfordresidences.com]
Sent: Wednesday, June 07, 2017 3:46 PM
To: Valdes-Fauli, Raul <rvaldes-fauli@coralgables.com>; Quesada, Frank <frank@coralgables.com>; Keon, Patricia <PKeon@coralgables.com>; Mena, Michael <mmena@coralgables.com>; Lago, Vince

<VLago@coralgables.com>

Cc: Leen, Craig <cleen@coralgables.com>; Eduardo Goudie <eduardo@crawfordresidences.com>;
Ray Garcia <rgarcia@raygarcialaw.com>

Subject: 2320 Segovia Historic Designation Not By Owner

Good afternoon Mr. Mayor and Commissioners

I am writing you to express my frustration with what is happening in one of my properties.

Although I am a Coral Gables owner and resident for a lot of years, recently I bought another house .

2320 Segovia Circle. Two weeks ago, I presented plans for the BOA and was told that it had to go to Historic. I was shocked, I knew that somebody was trying to present an application but did not know why they were trying to do that. I was not and am not trying to demolish the house but just add a garage , redo bathrooms, etc and sell it. I immediately set a meeting with the City Attorney (always very helpful and professional) and the following week we met. The Director of the Historic Department (Mrs. Spain) was present and informed Mr. Leen that any citizen can apply for Historic Designation in any house, he was also shocked that this was in the laws/code/regulation of the City. We were also informed that the house was under evaluation to determine historic significance and during that time, any exterior alterations are normally on hold. Mrs. Spain allowed to continue the review process but putting me on notice that if the house was designated , then it will have to go to the Historic Board and the plans even if approved could be rejected. That I was taking a chance.

Plans were submitted at the BOA and some comments about windows , garage and trellis were given and I asked Mrs. Spain (although may not be designated) to give us her input and have directed my architect to follow them. I still do not want this house to be designated, contrary to Mrs. Spain, the Historic process takes too long (Preliminary BOA, then Historic Department evaluation, 16 copies, photos , letter of intent, etc., if approved -Historic Board meets only once a month and submittals must be presented 1 month prior unless Historic waives the deadline- back to BOA, start review process other departments). Also reduces the number of people interested in buying the property due to the stigma of all the delays and requirements, the new construction requirements are more expensive, etc. It is only good when you are doing a large addition and property taxes will be frozen for several years (as long as you follow all steps). Maybe a faster process should be implemented so more homeowners will want their houses to be designated. But what is clear is that something must be changed in the laws and regulation of the City to prevent this . Imagined that you owned a house that was built more than 50 years ago and somebody can start the process of designating it historic just because they want to/ don't like you, etc.

Also, want to bring to your attention that the applications requires a proof of ownership (see attachment. How come this lady was able to start designation of proof of ownership is requirement?) and photographs (These photographs were taken by the applicant Mrs. Karelia Carbonell in April. She submitted exterior and interior photos and I was also shocked since those photos were taken when the property was already mine and it is clear that whoever took the photos entered my house without my permission and knowledge, clearly trespassing and breaking an entry. I already have filed a police report).

Hopefully this nightmare helps make the City better

Sincerely

Eduardo Goudie

611 N. Greenway Dr
Coral Gables, Fl 33134
(305) 740-8988 Fax
(786) 344-4158 Cel.

Eduardo@crawfordresidences.com



From: Spain, Dona
Sent: Wednesday, August 09, 2017 10:42 AM
To: Lago, Vince <VLago@coralgables.com>; Brett Gillis <brett.gillis@gmail.com>; Leen, Craig <cleen@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>
Cc: Granell, Chelsea <cgranell@coralgables.com>
Subject: RE: Code as related to Historic Designation

This is news to me also. I believe the City Attorney has said that anyone may apply for Local Historic Designation. I'm copying Craig and Miriam.

Dona M. Spain

Historical Resources and Cultural Arts Director

City of Coral Gables, Florida

(305) 460-5095

From: Lago, Vince
Sent: Wednesday, August 09, 2017 10:25 AM
To: Brett Gillis
Cc: Granell, Chelsea
Subject: Re: Code as related to Historic Designation

Brett,

This is news to me. Let me ask whether this is truly a fact.

Vince

Sent from my iPhone

On Aug 9, 2017, at 8:30 AM, Brett Gillis <brett.gillis@gmail.com> wrote:

Good morning again, I also learned that the Commission may be reassessing if individuals may apply for historic designation of sites through the cities. Do you have any additional information on this? I'm hoping you will oppose this as I know that I sure will.