



To: Suramy Cabrera, Development Services Director
Juan Riesco, City Architect

From: Cristina M. Suárez, City Attorney

Cc: Gustavo J. Ceballos, Assistant City Attorney and City Prosecutor

Re: 609/619 Cadagua

Date: July 14, 2023

It has been brought to my attention that pursuant to Coral Gables Zoning Code Section 14-103.3(D), a Board of Architects Appeal relating to 609 and 619 Cadagua (collectively, the "Cadagua Property"), resulted in a settlement agreement between the property owners and the City ("Settlement Agreement").

The property owners of the Cadagua Property had originally applied for Board of Architects ("BOA") review of a new two-story home at the Property under BOAR-22-02-0144. The Board of Architects initially deferred the application on March 3, 2022 and the property owners returned with a revised submittal on March 31, 2022 which was rejected by the BOA. Pursuant to Section 14-208.6(B) of the Zoning Code, the owners of the 609/619 Cadagua Property appealed the decision of the BOA on April 7, 2022. On April 15, 2022, a conflict resolution meeting was held in accordance with Section 14-103.3(D) of the Zoning Code. While no settlement was achieved on April 15, 2022, over the next several months, the property owners worked to address the comments of the BOA with the City Architect and ultimately the property owners and the City Architect reached agreement on revised architectural plans. A proposed Settlement Agreement was presented to the BOA Special Master who approved and signed the Settlement Agreement attached as **Exhibit A**. Because an agreement had been reached, the Zoning Code did not require a quasi-judicial hearing before the BOA Special Master. Instead, the Zoning Code provides "[a]ny settlement that is reached *may* then be presented to a Board of Architect Special Master as part of a quasi-judicial public hearing on the settlement." Sec. 14-103.3(D) (emphasis added). Furthermore, Sec. 14-103.3(D) also goes on to state that "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." As previously stated, in this particular case the meeting *did* result in a settlement and therefore no quasi-judicial public hearing was required. Accordingly, the process set forth in Section 14-103.3(D) of the Zoning Code was followed.

A question has arisen as to whether the revised architectural plans were “new plans” or a “new design” such that the revised architectural plans should have been submitted to the Board of Architects. I have reviewed the plans with the City Architect who has explained that the architectural plans that were approved as part of the Settlement Agreement were indeed a revision to the previously submitted plans. According to the City Architect, while the revised architectural plans address the concerns of the BOA, they depict the same architectural style, overall ground floor parti, and site orientation. Consequently, it was not required that the revised architectural plans be reviewed by the Board of Architects as a new design submittal.

It has also been brought to my attention that Ms. Lisa Maroon, owner of 608 Cadagua, located across the street from the Cadagua Property, had appeared at both of the BOA meetings to voice her concerns about the proposed design. Ms. Maroon also sent correspondence to the City expressing her concerns in writing. Ms. Maroon was aware that the owners of the Cadagua Property had appealed the decision of the BOA and had inquired about the status of the conflict resolution meeting that occurred on April 15, 2022. However, Ms. Maroon was not made aware that the owners of the 609/619 Cadagua Property had continued to engage in the conflict resolution process with the City Architect and because that process was not concluded until several months later, Ms. Maroon was inadvertently not made aware of the Settlement Agreement. It was not until June of this year that Ms. Maroon, upon her inquiry to the Development Services Department, was notified of the Settlement Agreement, but the time for filing a BOA appeal objecting to the terms of the Settlement Agreement had already lapsed.

Section 14-103.3(D) does not contemplate or account for these specific factual circumstances. For this reason, and to ensure that Ms. Maroon and all interested parties have a full opportunity to be heard, it is my opinion that the Settlement Agreement should be presented to the Board of Architect Special Master at a quasi-judicial, de novo public hearing after all required notice is provided as set forth in the Zoning Code. The Special Master shall be instructed that he is to consider this matter de novo and consider all testimony presented at the hearing.

This opinion is issued pursuant to 2-252(e)(1) and (8) of the City Code and Section 14-107.2 of the Zoning Code, granting the City Attorney’s Office the authority to issue opinions and interpretations on behalf of the City.