

1 LOCAL PLANNING AGENCY (LPA)/  
2 PLANNING AND ZONING BOARD MEETING  
3 VERBATIM TRANSCRIPT  
4 HYBRID FORMAT  
5 WEDNESDAY, FEBRUARY 12, 2025, COMMENCING AT 6:07 P.M.

5 Board Members Present:

- 6 Robert Behar, Acting Chairman
- 7 Julio Grabiell
- 8 Sue Kawalerski
- 9 Felix Pardo
- 10 Javier Salman

11 City Staff and Consultants:

- 12 Jennifer Garcia, Planning and Zoning Director
- 13 Arceli Redila, Zoning Administrator
- 14 Craig Collier, Special Counsel
- 15 Jill Menendez, Administrative Assistant, Board Secretary
- 16 Fenggian/Grace Chen, Principal Planner
- 17 Douglas Ramirez, Acting Development Services Director
- 18 Craig Southern, Planning Official

16 Also Participating:

- 17 Edward Baker, Esq., On behalf of Item E-1
- 18 David Hartnett, Esq.
- 19 Carlos Sosa
- 20 Francisco Senior
- 21 Alberto Espino
- 22 Marlin Ebbert
- 23 Nelson De Leon, On behalf of Item E-2

1 Pursuant to Resolution Number 2021-118, the  
2 City of Coral Gables has returned to  
3 traditional in-person meetings. However, the  
4 Planning and Zoning Board has established the  
5 ability for the public to provide comments  
6 virtually. For those members of the public who  
7 are appearing on Zoom and wish to testify, you  
8 must be visible to the court to be sworn in.  
9 Otherwise, if you speak without being sworn in,  
10 your comments may not be of value.

11 Lobbyist Registration and Disclosure, any  
12 person who acts as a lobbyist must register  
13 with the City Clerk, as required pursuant to  
14 the City Code.

15 As Vice Chair, I now officially call the  
16 City of Coral Gables Planning and Zoning Board  
17 Meeting of February 12, 2025 to order. The  
18 time is 6:07.

19 Jill, could you please call the roll?

20 THE SECRETARY: Julio Grabiell?

21 MR. GRABIEL: Here.

22 THE SECRETARY: Sue Kawalerski?

23 MS. KAWALERSKI: Here.

24 THE SECRETARY: Felix Pardo?

25 MR. PARDO: Here.

1 THEREUPON:

2 (The following proceedings were held.)

3 MR. BEHAR: Good evening. Let's get going.  
4 Let's call this meeting to order.

5 Please silence all of your phones, as our  
6 Chairperson would say, beepers, if you still  
7 have some.

8 Good evening. This Board is comprised of  
9 seven members. Four Members of the Board shall  
10 constitute a quorum and the affirmative vote of  
11 four members shall be necessary for the  
12 adoption of any motion. If only four Members  
13 of the Board are present, the applicant may  
14 request and be entitled to a continuance to the  
15 next regularly scheduled meeting of the Board.  
16 If the matter is continued, due to a lack of  
17 quorum, the Chairperson or Secretary of the  
18 Board may set a Special Meeting to consider  
19 such matter.

20 In the event that four votes are not  
21 obtained, an applicant, except in the case of a  
22 Comprehensive Plan Amendment, may request a  
23 continuance or allow the application to proceed  
24 to the City Commission without a  
25 recommendation.

1 THE SECRETARY: Javier Salman?

2 MR. SALMAN: Here.

3 THE SECRETARY: Chip Withers requested to  
4 be excused. Eibi Aizenstat also requested to  
5 be excused.

6 Robert Behar?

7 MR. BEHAR: Here.

8 Should we -- okay. We'll come back to  
9 that.

10 Notice Regarding Ex-Parte Communication.  
11 Please be advised that the Board is a  
12 quasi-judicial board, which requires Board  
13 Members to disclose all ex-parte communications  
14 and site visits. An ex-parte communication is  
15 defined as a contact, communication,  
16 conversation, correspondence, memorandum or  
17 other written or verbal communication, that  
18 takes place outside of the public hearing,  
19 between a member of the public and a member of  
20 the Board regarding matters to be heard by the  
21 Board.

22 If anyone made any contact with a Board  
23 Member regarding an issue before the Board, the  
24 Board Member must state, on the record, the  
25 existence of the ex-parte communication and the

1 party who originated the conversation.  
 2 Also, if a Board Member conducted a site  
 3 visit specifically related to the case before  
 4 the Board, the Board Member must also disclose  
 5 such visit. In either case, the Board Member  
 6 must state, on the record, whether the ex parte  
 7 communication and/or site visit will affect the  
 8 Board Member's ability to impartially consider  
 9 the evidence to be presented regarding the  
 10 matter. The Board Member should also state  
 11 that his or her decision will be based on  
 12 substantial competent evidence and testimony  
 13 presented on the record today.

14 Does any Board Member have such  
 15 communication or site visit to disclose at this  
 16 time?

17 MR. SALMAN: No.

18 MS. KAWALERSKI: No.

19 MR. PARDO: No.

20 MR. BEHAR: Okay. Swearing In, anyone who  
 21 speaks this evening must complete roster on the  
 22 podium. We ask that you print clearly so the  
 23 official records of your name and address will  
 24 be correct.

25 Now, with the exception of attorneys, all

5

1 persons physically in this Chamber, who would  
 2 like to speak on an agenda item before us this  
 3 evening, please rise to be sworn in.

4 (Thereupon, the participants were sworn.)

5 MR. BEHAR: Thank you.

6 Zoom platform participants, I will ask any  
 7 person wishing to speak on tonight's agenda  
 8 item to open up your chat and send a direct  
 9 message to Jill Menendez, stating you would  
 10 like to speak before the Board, and include  
 11 your full name. Jill will call you, when it's  
 12 your turn. I ask you to be concise, for the  
 13 interest of time.

14 The phone platform participants, after the  
 15 Zoom platform participants are done, I will ask  
 16 the phone participants to comment on tonight's  
 17 agenda, as well. I will also ask you to be  
 18 concise, for the interest of time.

19 Now, I will ask for the approvals of the  
 20 minutes for January 15, 2025.

21 MR. GRABIEL: I move.

22 MR. SALMAN: Second.

23 MR. BEHAR: Jill, please call the roll.

24 THE SECRETARY: Sue Kawalerski?

25 MS. KAWALERSKI: Yes.

6

1 THE SECRETARY: Felix Pardo?  
 2 MR. PARDO: Yes.  
 3 THE SECRETARY: Javier Salman?  
 4 MR. SALMAN: Yes.  
 5 THE SECRETARY: Julio Grabiell?  
 6 MR. GRABIEL: Yes.  
 7 THE SECRETARY: Robert Behar?  
 8 MR. BEHAR: Yes.

9 The procedure that we will use tonight, we  
 10 will first identify -- identification of the  
 11 agenda item by Mr. Collier, next will be the  
 12 presentation by applicant or agent, then we'll  
 13 follow by the presentation by Staff. We will  
 14 open it for public comment, in the Chamber,  
 15 Zoom platform, phone platform. I will close  
 16 the public comments. We will bring it to the  
 17 Board for discussion. At that time, we will  
 18 consider a motion, discussion, and a second of  
 19 the motion, and finally we will do the final  
 20 comments and the voting by the Board.

21 With that in mind, Mr. Collier, could you  
 22 please start the agenda?

23 MR. SALMAN: Mr. Chair, prior to commencing  
 24 today's agenda, do we need to take any action  
 25 in the form of a vote to excuse our fellow

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1 Board Members?

2 MR. BEHAR: I think that would probably be  
 3 a good idea. Anybody wants to make a sure for  
 4 -- to excuse for Mr. -- the two Board Members?

5 MR. SALMAN: Mr. Withers and Mr. Aizenstat.  
 6 I will make that motion, to please excuse them.

7 MR. PARDO: Would you repeat that? I  
 8 couldn't hear it.

9 MR. SALMAN: A motion to excuse Mr. Withers  
 10 and Mr. Aizenstat from today's meeting.

11 MR. PARDO: So moved.

12 MR. GRABIEL: Second.

13 MR. BEHAR: We have a motion and a second.

14 MR. COLLIER: You can do it by a voice vote.

15 MR. BEHAR: All in favor?

16 (All Board Members voted aye.)

17 MR. BEHAR: All opposed? It passes.

18 MR. COLLIER: Item E-1, an Ordinance of the  
 19 City Commission granting Conditional Use for a  
 20 Building Site Determination approval pursuant  
 21 to Zoning Code Article 14, "Process", Section  
 22 14-202.6, "Building Site Determination" and  
 23 Section 4-203, "Conditional Uses" to separate  
 24 two single-family building sites on the  
 25 property zoned Single-Family Residential (SFR)

8

1 District, legally described as Lots 11, 12, 13  
2 and 14, Block 119, Riviera Section Number 10  
3 (5810 Maggiore), Coral Gables, Florida; one  
4 building site consisting of Lots 11 and 12 (the  
5 north parcel), and the other one building site  
6 consisting of Lots 13 and 14 (south parcel);  
7 including required conditions; providing for a  
8 repealer provision, severability clause, and  
9 providing for an effective date.

10 Item E-1, public hearing.

11 MR. BEHAR: Okay. Before we let the  
12 applicant start, in an abundance of caution,  
13 I'm going to recuse myself from this item. The  
14 applicant is not my client. The father is my  
15 client. So there's no perception of any  
16 potential conflict, I will recuse myself from  
17 the item.

18 I will come back after the item, but I want  
19 to state, for the record, the applicant is not  
20 my client. I don't get compensated by the  
21 applicant. I've worked for the father. So I  
22 don't want any misunderstanding by anybody, and  
23 I don't want anybody to put on record something  
24 that's different. That's the facts.

25 So, at this time, I will recuse myself. I

9

1 so wants to, at his option.

2 MR. PARDO: At no cost to the applicant.  
3 That's what the rules say.

4 MR. COLLER: I'm not aware of the cost, but  
5 why don't we just -- we're setting the date  
6 now. Do we have to -- what's the situation on  
7 the notice?

8 Well, first of all, why don't we see if he  
9 wants to defer?

10 MR. SALMAN: I would suggest that we ask  
11 the applicant as to his --

12 MR. COLLER: Yeah, that's a good idea.

13 MR. SALMAN: -- his desires with regards to  
14 this matter. Please note that we only have  
15 four members able to vote for your item. You  
16 would require a unanimous approval for passage.  
17 It is up to you, as to whether or not you wish  
18 to defer this item until we have more of a full  
19 Board.

20 MR. BAKER: Hello. Mr. City Attorney, can  
21 you also, as a point of clarification, describe  
22 the process of continuance without the Board's  
23 recommendation and going straight to the City  
24 Commission?

25 MR. PARDO: Did you read your name into the

11

1 will have to pass the gavel to somebody.  
2 Mr. Salman, are you willing to take care of it?

3 MR. SALMAN: Sure.

4 MR. BEHAR: And I'll come back.

5 MR. PARDO: Mr. Coller, do we still have a  
6 quorum?

7 MR. COLLER: We do. Four people constitute  
8 a quorum. However, as you know, the rules are  
9 that there's a minimum of four votes for a  
10 recommendation either for approval or denial.  
11 Otherwise it goes without a recommendation.

12 MR. PARDO: Okay. I think Mr. Salman  
13 should have picked another chair.

14 MR. COLLER: Yes.

15 MR. SALMAN: How so?

16 MR. PARDO: Everybody that sits there is  
17 gone.

18 MR. SALMAN: I was going to pass it to you,  
19 but that's okay.

20 Do we not have to offer the applicant the  
21 chance to defer this item until we have more  
22 members?

23 MR. COLLER: Well, under the rules, he does  
24 have the option, if he chooses to, to defer the  
25 item to another day or another meeting, if he

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1 record, by any chance?

2 MR. BAKER: Eddy Baker, 1450 Brickell  
3 Avenue, Miami, Florida 33131.

4 MR. COLLER: Well, this is what the rules  
5 say. If only four Members of the Board are  
6 present, an applicant may request and be  
7 entitled to a continuance to the next regularly  
8 scheduled meeting of the Board. If a matter is  
9 continued due to a lack of quorum, the  
10 Chairperson or Secretary of the Board may set a  
11 Special Meeting to consider such matter. In  
12 the event that four votes are not obtained, an  
13 applicant may request a continuance or allow  
14 the application to proceed to the City  
15 Commission without a recommendation.

16 Well, first, that only would occur if four  
17 votes are not obtained. Then you can allow for  
18 a continuance, and then it would be heard, or  
19 it goes to the City Commission without a  
20 recommendation.

21 MR. BAKER: Understood. Thank you.

22 So we'll continue. Thank you.

23 MR. COLLER: Okay.

24 MR. SALMAN: You will continue, as in you  
25 will proceed with this presentation or are you

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1 going to ask for a continuance to the next  
 2 available date?  
 3 MR. COLLER: Yeah, what do you mean by that?  
 4 MR. BAKER: Continue with this proceeding,  
 5 not a continuance.  
 6 MR. COLLER: He wishes to proceed.  
 7 MR. SALMAN: Did you say that, for the  
 8 record, please, that you wish to proceed?  
 9 MR. BAKER: I wish to proceed.  
 10 MR. SALMAN: All right. Thank you.  
 11 Because we were talking about continuances and  
 12 it's very confusing.  
 13 MR. BAKER: Ambiguity, right?  
 14 MR. COLLER: That's the trademark of a  
 15 lawyer, right.  
 16 MR. BAKER: I believe -- am I able to  
 17 share? I think I have the option, but I don't  
 18 know that it's coming up.  
 19 THE SECRETARY: CGTV, can you please allow  
 20 him to -- okay. There you go.  
 21 MR. BAKER: Oh, there we go.  
 22 So, thank you, Board Members.  
 23 As you'll recall, we were before you  
 24 previously, and this presentation was largely  
 25 the same. I won't go into great detail, but

13

1 rather just highlight the changes since the  
 2 last time we were before you.  
 3 By way of background, we were at the City  
 4 Commission in January. Shortly before the  
 5 meeting, we obtained a structural report from  
 6 an engineer that evaluated the current  
 7 condition of the existing home on the property.  
 8 The opinion of the engineer was that there  
 9 was extensive repairs, the cost of which would  
 10 surpass the value that repairing would provide,  
 11 and that the better option would be demolition.  
 12 So the Staff had not had a full opportunity  
 13 to review this report, so the City Commission  
 14 was of the opinion that we should allow them  
 15 time to review the report, come back to the  
 16 Planning and Zoning Board, and then, at some  
 17 point in the future, come back to the City  
 18 Commission. So that's part of the reason  
 19 mainly why we're here today, on the same matter  
 20 again.  
 21 So, again, this is a property on the west  
 22 side of Maggiore Street. It's four platted  
 23 lots, just over 20,000 square feet. We're  
 24 looking to subdivide it into two resulting  
 25 lots, 10,000 square feet each. These

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1 percentages, again, were shared with you all  
 2 previously and are part of the record.  
 3 With respect to the requirement that the  
 4 property is within the context of the  
 5 neighborhood, within a thousand feet of this  
 6 property, 60 percent of the properties are  
 7 10,000 square feet or less, 79 percent have  
 8 100-foot frontage or less.  
 9 I will highlight here the 50 letters of  
 10 support since we were before you. We canvassed  
 11 the neighborhood. As you can see here, these  
 12 green stars are people that signed letters of  
 13 support. These are not people, you know, in  
 14 North Gables. These are people on Maggiore  
 15 Street. These are people a stone's throw away  
 16 from the subject property. And they didn't  
 17 sign these letters because they were forced to,  
 18 right. People sign letters of support because  
 19 they voice their opinions. They elect Elected  
 20 Officials to voice those opinions. And the  
 21 fact that they signed these letters should hold  
 22 just as much weight as a warm body that sits  
 23 before you and speaks before you.  
 24 You all have seen these illustrations of  
 25 the elevations. Again, the Daroco property,

15

1 which is the southern, and Marmore to the  
 2 north, the frontages, the joint site plan, the  
 3 individual elevations, Florida vernacular,  
 4 Mediterranean style, again, of course, before  
 5 the Board of Architects for approval.  
 6 I'll just touch on a couple of the zoning  
 7 criteria, which was the highlight of our last  
 8 meeting. Part of the reason that we are of the  
 9 belief that the criteria can be met, despite  
 10 the recommendation of Staff, is that this (B)  
 11 criteria here is really our biggest obstacle,  
 12 at least in the views of Staff. The reason  
 13 being that, upon approval of this subdivision,  
 14 you would have an existing home that straddles  
 15 the resulting property line, creating obviously  
 16 setback non-conformity.  
 17 Excuse me.  
 18 But, of course, there's this language  
 19 that's bolded and highlighted there, that says,  
 20 if there's a voluntary demolition, right, the  
 21 property owner voluntarily demolishes the  
 22 property, that is an automatic deemed  
 23 non-compliance of this criteria.  
 24 So the position that we are trying to  
 25 explain, and we tried to explain it to the

16

1 Commission, and we will explain it to you again  
2 today, is that the state of this home is not  
3 something that would be voluntarily demolished.  
4 It has had natural, you know, be it termites or  
5 just natural degradation, to the point where  
6 it's a very costly rehabilitation, right. So  
7 this isn't a voluntarily demolition, but,  
8 rather, one that was caused by nature.

9 MR. PARDO: Mr. Chairman --

10 MR. SALMAN: Yes.

11 MR. PARDO: -- I don't want to interrupt  
12 the presentation, but just for clarification  
13 for me, maybe for all of you, you said, "The  
14 Commission." So this was remanded back to the  
15 Planning Board, because I don't think that was  
16 clear in the packages we got?

17 MR. SALMAN: Yes. It was in the  
18 description, in the summary from the Staff,  
19 that this had been submitted to the Commission,  
20 and it had been approved. Is that correct?

21 MR. COLLIER: It was submitted to the  
22 Commission. At that time, there was testimony  
23 raised by the applicant about the potential  
24 issue on whether it was a voluntary or  
25 involuntary demolition.

17

1 clarification. Now you can see why I wanted to  
2 find out the why.

3 MR. BAKER: Yes. And, also, just to add on  
4 to the City Attorney's statement, it was also  
5 to afford Staff the opportunity to review,  
6 right, because they only had, I believe, a  
7 couple of days, if not less. So that was also  
8 part of the reason.

9 So, again, I'll just start with the first  
10 one, which I think is crystal clear that we  
11 meet. As I noted, with the percentages, and  
12 the Staff also agreed with us, that the  
13 building site would have a street frontage  
14 equal to or larger than the majority of the  
15 existing homes.

16 Of course, the last criteria, we do not  
17 meet, but only two of three are required.

18 So this is the -- this is the snippet from  
19 the architectural -- the engineering and  
20 architectural inspection report performed by  
21 Property Consulting Group on December 10th.  
22 I'll just highlight the bolded and underlined  
23 text. "Significant deferred maintenance with  
24 degradation of key building components  
25 apparent. Based on the age and level of

19

1 The Commission said, well, since staff  
2 hadn't seen a report yet of the applicant and  
3 had not -- and this was not heard by the  
4 Planning and Zoning Board, there was a decision  
5 by the Commission to remand it back to you for  
6 consideration, in light of this testimony, and  
7 then you would make a new decision.

8 MR. PARDO: And just to make sure, the only  
9 testimony is whether it was a voluntary  
10 demolition?

11 MR. COLLIER: The additional -- there was  
12 full testimony of the application, but in  
13 addition to what you all heard, there was this  
14 additional testimony about their meeting the  
15 criteria, because they contend that it's an  
16 involuntary demolition, and so they believe  
17 that this would not apply. And the Commission  
18 said, well, since you all haven't heard this  
19 testimony, they wanted it brought back to you  
20 all for a decision.

21 Now, I think you can hear the entire  
22 application, but they were -- the reason why  
23 they brought it back was for you to hear this  
24 issue.

25 MR. PARDO: Thank you for the

18

1 deterioration, a complete demolition and  
2 replacement is the most practical approach to  
3 result in a safe and usable structure."

4 And I'll just note that the application,  
5 which I mentioned at the prior Planning and  
6 Zoning Board Meeting, that was before this  
7 Board, and also subsequently before the City  
8 Commission, the property at 6009 Maggiore  
9 Street had a similar situation, where it had  
10 not been maintained for quite a long time. The  
11 woman who was living there was elderly, and it  
12 just was in a very poor condition, one that  
13 could not be saved, and the Board and the  
14 Commission -- I believe the Board didn't  
15 make -- have a formal recommendation, given the  
16 number of votes, but, nonetheless, the  
17 Commission did agree that the home was not  
18 something that could be saved or that was worth  
19 repairing.

20 I just wanted to touch on a couple of items  
21 with respect to the definition of voluntary  
22 demolition. So this is from the Zoning Code.  
23 "Any act or process of wrecking, destroying or  
24 removing any building or structure or any part  
25 thereof, that has not occurred as a result of

20

1 any disaster," right. So if it is the result  
2 of a disaster, then it's not a voluntary  
3 demolition.

4 Disaster, a few references in the Zoning  
5 Code, to provide some context on what the  
6 definition of a disaster might mean, and  
7 there's only five references. Four of those  
8 five references expectedly say, either natural  
9 or man-made, right.

10 So, natural, man-made disasters, I think we  
11 all kind of understand what those are.  
12 Man-made, if somebody bursts a pipe and floods  
13 the whole house, that's a man-made disaster.  
14 If something is natural, right, something like  
15 a hurricane or a tornado, something caused by  
16 nature, to be clear.

17 So, again, we are of the opinion that the  
18 fact that this home would not be voluntarily  
19 demolished, that we would not automatically be  
20 deemed as not satisfying that criteria, and, in  
21 fact, you know, demolition of this house would  
22 create no non-conformity upon approval of this  
23 conditional use.

24 And that's all I have to share with you.  
25 I'm happy to answer any questions. Also, if I

21

1 the applicant to schedule a site visit for us  
2 to be able to have Staff there to look at the  
3 damages that was talked about and discussed in  
4 that report.

5 That site visit did not happen before  
6 tonight. I think it still has to be scheduled.  
7 And that's really all I have. So if you have  
8 any questions about the report, that's, again,  
9 attached to that memo, we do have our Director  
10 here.

11 MR. SALMAN: Has the Director reviewed the  
12 report?

13 MS. GARCIA: Yes, he has.

14 MR. SALMAN: Is he capable of rendering an  
15 opinion as to what --

16 MS. GARCIA: Of course.

17 MR. SALMAN: Please.

18 MR. RAMIREZ: Good afternoon. Doug  
19 Ramirez, Acting Director of Development  
20 Services.

21 My background is in structural engineering.  
22 I practiced as a structural engineer since  
23 2004. I was licensed in 2010. The State of  
24 Florida recognizes me as a structural engineer,  
25 and I've written many reports similar to this

23

1 may have a few minutes for rebuttal.

2 Thank you.

3 MR. SALMAN: Will Staff be presenting to us  
4 today?

5 MS. GARCIA: Not presenting, but --

6 MR. SALMAN: Excuse me? Jennifer?

7 MS. GARCIA: Yes. Yes. Not a formal  
8 presentation, but discussing it, yes.

9 Just to update you, what was attached to --  
10 sorry, Jennifer Garcia, Planning and Zoning  
11 Director.

12 What was attached on this item was a memo,  
13 a one page memo, from Staff, to kind of  
14 summarize what was discussed with this Board  
15 back in November was discussed at the City  
16 Commission and why it was remanded back to this  
17 Board to look at. And part of that memo is  
18 attached, the engineering reports.

19 Now, I am not an engineer, but we do have  
20 our Staff here, Mr. Deputy Director for  
21 Development Services, Douglas Ramirez, here.  
22 He is a structural engineer. He can be able to  
23 answer any questions the Board may have about  
24 the specifics of this report. We did reach  
25 out -- as the memo said, we did reach out to

22

1 one. So I leave it to your judgment whether  
2 I'm qualified or not to render an opinion on  
3 the matter.

4 I read through the report. We did request  
5 that the applicants grant us access to the  
6 property. The report made many statements, but  
7 it did not provide sufficient evidence  
8 quantifying the concerns that the report  
9 states. I can go into detail with what it  
10 says, but when I would write a report like  
11 this, when I was in the private sector, I would  
12 be very careful that if I was making statements  
13 about whether or not a building should or  
14 should not be demolished, whether or not  
15 something was feasible, I would quantify it in  
16 some way. I would provide evidence and  
17 photographs as part of the report.

18 There is insufficient backup in this report  
19 to substantiate the conclusions that it  
20 reaches. That's the bottom line. Staff  
21 understands that sometimes report writing can  
22 be very gray, and so that's why we requested  
23 that access to be provided, so we could see the  
24 building ourselves and see if we agreed or  
25 disagreed.

24

1 Unfortunately, the applicant was not able  
2 to arrange access for us before this meeting,  
3 so I can't tell you definitively, because I  
4 couldn't get into the building to see it with  
5 my own eyes. All I can tell you is that the  
6 report, as it's given to us, makes statements  
7 that are not substantiated by the photographs  
8 and sufficient evidence in the report to  
9 back-up the statements.

10 MR. PARDO: Mr. Chairman.

11 MR. SALMAN: Let me --

12 MR. PARDO: I was going to ask if he could  
13 clarify, because he didn't say that the -- you  
14 know, he didn't say the report does  
15 substantiate, you know, one way or the other.  
16 He didn't --

17 MR. SALMAN: I see your point and that's  
18 exactly where I was going.

19 MR. PARDO: Sure.

20 MR. SALMAN: The summary of that report,  
21 what were the conclusion?

22 MR. RAMIREZ: If I may, I can read you the  
23 paragraph.

24 MR. SALMAN: Please do.

25 MR. PARDO: Thank you.

25

1 MR. RAMIREZ: "Conclusions, the existing  
2 structure is highly aged and in deteriorated  
3 condition. Rehabilitation of the building is  
4 not economically feasible due to age, poor  
5 condition, termite damage, mold and water  
6 intrusions, Code compliance and structural  
7 issues. The work necessary to correct the  
8 identified deficiencies and ensure a safe and  
9 Code compliant structure is impractical to  
10 perform. Such would entail cost prohibited  
11 replacements of primary components, including  
12 foundation, floor slab, framing, roof, exterior  
13 walls and any P-systems. The cost for  
14 rehabilitation is prohibited and far outweighs  
15 the more practical alternative for full removal  
16 and reconstruction."

17 MR. SALMAN: Okay. That's pretty  
18 definitive.

19 Question, has the City declared the  
20 building an unsafe structure?

21 MR. RAMIREZ: No.

22 MR. SALMAN: Would such a determination be  
23 made upon inspection by you?

24 MR. RAMIREZ: If we could get into the  
25 building, we would be able to make a

26

1 determination. The photographic evidence would  
2 not support that.

3 MR. SALMAN: I'm going to ask the applicant  
4 one more time, do you want to defer this item  
5 or do you want to continue forward?

6 MR. BAKER: We would like to not defer.

7 MR. SALMAN: Okay. Very good.

8 Do we have any members of the public that  
9 wish to speak on this matter?

10 THE SECRETARY: Yes. We have a few that  
11 signed in.

12 MR. SALMAN: Okay. Let's hear their  
13 testimony.

14 THE SECRETARY: David Hartnett.

15 MR. HARTNETT: If I could ask that the  
16 videographer bring up the pictures that I asked  
17 to be uploaded.

18 Mr. Chair, Board Members, my name is David  
19 Hartnett. I'm the attorney, in fact, and son,  
20 of Katherine Hartnett, who lives right next  
21 door. I appeared before you in November  
22 regarding this matter. She lives directly  
23 west, on the Marmore side, of that.

24 I do have a letter, that I've submitted to  
25 the Clerk, and I have that, as well as I have

27

1 some handheld pictures that you may want to  
2 look at and pass along with you, if I could  
3 approach, and if you want.

4 MR. SALMAN: Would that be acceptable?

5 MR. HARTNETT: Okay. Those pictures would  
6 just go to the Board Members, and then this  
7 letter.

8 MR. COLLER: To hand them out?

9 MR. SALMAN: Yes.

10 MR. COLLER: That's fine.

11 MR. SALMAN: Okay.

12 MR. HARTNETT: Okay. While you're doing  
13 that, I will read just a portion of the letter,  
14 because it's similar, but not the same as the  
15 one before.

16 MR. COLLER: Excuse me, before you start --

17 MR. HARTNETT: And that is --

18 MR. SALMAN: Just a moment.

19 MR. COLLER: Has the applicant had an  
20 opportunity to view these documents that you're  
21 handing out to the Board? Do you have extra  
22 copies?

23 MR. HARTNETT: I can certainly -- I have an  
24 extra copy of the letter, and I presume the  
25 applicant has this, since it is their pictures

28

1 on the MLS listing for the rental of the  
2 property in 2024.

3 MR. COLLER: Okay. I just want to make  
4 sure that the applicant, since we're  
5 distributing it to the Board, is seeing what's  
6 being distributed.

7 MR. HARTNETT: And those pictures would be  
8 the ones that are on the -- that should be  
9 shown while I'm speaking.

10 MR. COLLER: Okay.

11 MR. HARTNETT: May I proceed, Mr. Chair?

12 MR. SALMAN: Yes, please.

13 MR. HARTNETT: Okay. Again, my name is  
14 David Hartnett, and Mrs. Hartnett lives  
15 directly due west, on 510 Marmore. My address  
16 -- my home address is 7720 Southwest 129th  
17 Street, Pinecrest, Florida. My office address  
18 is 8000 Southwest 107th Avenue, Suite 301. I  
19 do spend at least one or two days, including  
20 stayovers, at the Marmore property almost every  
21 week. I'm intimately familiar with the  
22 property, as well, since I moved in there when  
23 I was two years old, and my parents have lived  
24 there ever since.

25 By way of background, Mr. Hartnett, Jim,

29

1 who passed away in 2023, his father was Mayor  
2 of Coral Gables. Katherine's father was Mayor  
3 of Miami, and he also built the Church of the  
4 Little Flower, his company.

5 So besides that background, we respectfully  
6 request our arguments and submittals to the  
7 Board of Architects on the August 15, 2024  
8 meeting, the Planning and Zoning Board of  
9 November 14, 2014 (sic) and the City Commission  
10 January 14, 2025 meeting, be incorporated in  
11 the record. I believe they've been attached  
12 and are part of the public records of the City  
13 of Coral Gables already.

14 It is our understanding that the reason  
15 for -- this matter is back here before the  
16 Planning and Zoning Board agenda, is because  
17 the applicant now claims that the property must  
18 be demolished and considered an involuntary  
19 demolition, that meets the criteria for an  
20 exception under the Building and Zoning Code,  
21 as expressed in the Staff memorandum that's  
22 part of the package.

23 Of course, this plea came at the last  
24 meeting, during the City of Coral Gables  
25 Commission Meeting on January 14, 2015, which

30

1 was after the Planning and Zoning Staff had  
2 recommended denying the application and after  
3 the Planning and Zoning Board, this Board,  
4 voted seven to zero to recommend denial of the  
5 application in November.

6 The pictures of the property in the public  
7 domain of Zillow and the Multi-Listing Service,  
8 from the 2023 listing, just before the  
9 applicant bought the property for sale, before  
10 the applicant's January 2024 purchase, and the  
11 developer/applicant's 2024 MLS listing to rent  
12 the property for \$13,000, show that the  
13 building was in fine shape and structurally  
14 sound, at least as they wanted to rent it out.

15 These pictures have been submitted for your  
16 review, as well, at this meeting. Certainly,  
17 the issues discussed in the applicant's  
18 engineering evaluation of January 22nd, 2025  
19 report, which was after we had already gone to  
20 the City Commission on January 14th, would most  
21 likely have been discovered by a reasonably  
22 prudent perspective purchaser, through the  
23 normal inspections that one would do if you're  
24 going to buy a property, before they closed on  
25 the purchase in January of 2024.

31

1 We agree with the February 11th, 2025  
2 Planning and Zoning Staff report, again,  
3 recommending denial of the application and  
4 request that you, again, vote to recommend  
5 denial of the application.

6 If they could bring up the pictures on the  
7 thing, I'd just like to show you what the  
8 property actually looks like, since the  
9 applicant, for whatever reason -- and Staff,  
10 you can just advance the pictures as you --  
11 they are on the screen. This is from 2023.  
12 You can see the date stamp. They were pulled  
13 off of Zillow. This is what the property looks  
14 like just before, I believe, they bought it,  
15 and it was part of the listing that is there.

16 If we could advance the pictures just a  
17 little bit quicker. This was the condition of  
18 the property, presumably, when they acquired  
19 the property and closed on it in January of  
20 2024.

21 So this is what the applicant says was  
22 structurally unsound and some sort of disaster,  
23 that it needs to be torn down.

24 That picture there goes back to the back --  
25 the back grounds, on the north side, which are

32



1 the green space that was cultivated with a  
2 garden, with various fruit trees and other  
3 things like that. That's what the listing was.

4 And, then, I believe you're going to come,  
5 in another couple of pictures, to -- that's the  
6 oversight. The white roof house is my mom's  
7 house at 510 Marmore. Maggiore is to the  
8 right.

9 Now, this is from the MLS listing. It's  
10 pulled off the market. But this is what they  
11 tried to rent the property for. And the  
12 following pictures are from 2024. This is the  
13 MLS for \$13,000.

14 The next slide will describe the property  
15 as a charming rental, available August 1. A  
16 five-bedroom home, bonus home, 4,000 square  
17 feet, oversized land use. There's a gym. Just  
18 moments away from the Grove, South Miami and  
19 Coral Gables. And, then, these were the  
20 pictures that were posted on Zillow and the MLS  
21 listing, in the public domain, and they are the  
22 same ones, I believe, that are there. So I  
23 believe they were advertising in 2024, after  
24 they acquired the property, and we can just  
25 advance through these.

33

1 to the City's Code which says -- and I heard  
2 the words of economic feasibility as to what's  
3 best as to, do we have to tear it down or could  
4 we repair it, or what do we do with the house.  
5 That's not a disaster.

6 And part of your Code, that's in the City  
7 of Coral Gables, specifically addresses that  
8 economics is not the only thing. It is the  
9 best use of the property.

10 So when we're talking now -- now, that may  
11 be as to other development things, but the  
12 point is this, the Code is there not because  
13 some people that live in 500 -- 5,000 square  
14 foot houses, away from it. The Code is there  
15 -- and my mother has specific standing, as the  
16 adjoining property owner, even specialized  
17 more, says the Third District Court of Appeal,  
18 to argue against the application, as it's  
19 traveled here, which is to subdivide the lot,  
20 put two four-bedroom 4,100 square foot,  
21 two-story homes, that go corner to corner.

22 And if the Staff would just -- there was  
23 discussion at the end of this Board's meeting  
24 in November, if the videographer would just  
25 pull up the PDF -- I went back and just looked.

35

1 This is what they held out to the public,  
2 that they now claim before you and say the  
3 property is in such bad shape that it's  
4 structurally unsound and needs to be  
5 demolished.

6 So the only other thing that I would say,  
7 as it relates to this application and the  
8 exception, of which Staff recommends you deny  
9 it is, I had referenced before, when I was  
10 before the Board, the City of Coral Gables  
11 itself took a position in 2016 related to the  
12 Calussa development and its right to defend its  
13 restrictions.

14 This property, if you recall, is a little  
15 more unique, because it also has attached to it  
16 a restrictive covenant that says you cannot  
17 subdivide the property.

18 Now, the Commission took that out of the  
19 Ordinance, from the start of this application.  
20 They took it out back in, I want to say, July  
21 or August of 2024, as a condition that would be  
22 part of the criteria, which I'll show to be  
23 there.

24 But in the City's brief to the Third  
25 District Court of Appeal, it argued and cited

34

1 There was a lot of focus that was on Maggiore,  
2 and I believe Board Member Salman said he grew  
3 up close on that street. I certainly know it  
4 well.

5 These numbers that I'm looking at are the  
6 lots that go from basically -- basically, from  
7 almost US-1, down through Miller Road, of the  
8 five blocks north of the applicant's house,  
9 that they want to tear down, when they say it's  
10 fifty percent. And I know the Code says a  
11 thousand square feet as to what you look at as  
12 the criteria, but there was a lot of  
13 discussion, even from Board Member Behar, the  
14 first time around, about, well, what's the lot  
15 size on the street.

16 Well, I went back and looked. Nineteen of  
17 twenty-one houses from Marmore directly -- on  
18 the north side of that property, to Miller  
19 Road, are greater than 10,000 square feet.  
20 Most of them are twelve-fives. There are some  
21 that are eighteen seven fifty. There are some  
22 that are seventeen. On the north side of  
23 Marmore, on the San Vicente side, there's a  
24 property that is three-quarters, that's  
25 seventeen and a half -- seventeen thousand

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1 plus.  
 2 So when we're talking about the need to  
 3 subdivide this to build it into the area or  
 4 whatever, we still maintain that it does not  
 5 satisfy that criteria, even though Staff says  
 6 it does, as to does it blend in and be part of  
 7 their true neighborhood. But the reality is  
 8 this, this house does not have to be torn down  
 9 because it had a disaster to it. It's not  
 10 different than the structural repairs that go  
 11 on for various properties.

12 The fact that they went out and got an  
 13 expert to somehow opine that there's some  
 14 repairs that are necessary or termites there,  
 15 that for whatever reason they didn't identify  
 16 through an inspection or whatever, you see the  
 17 pictures. That's what they held out to the  
 18 public in 2024, and we respectfully request  
 19 that you uphold the deeds, the restrictive  
 20 covenants, you enforce the zone and go with  
 21 Staff's report and again deny the application  
 22 by a unanimous vote.

23 Thank you very much, unless you have any  
 24 questions.

25 MR. SALMAN: Any questions for the

37

1 this question, get all of the testimony in, and  
 2 then, in his rebuttal, bring up this question  
 3 on the petition, just for purposes of  
 4 efficiency of times.

5 MR. PARDO: Mr. Chairman, to keep it  
 6 simple, I have no further questions for  
 7 Mr. Hartnett.

8 MR. SALMAN: Okay. Is there anyone else  
 9 who wishes to speak on this matter?

10 THE SECRETARY: Yes. Carlos Sosa.

11 MR. SOSA: Hi. My name is Carlos Sosa, and  
 12 I am a structural engineer. For the last 60  
 13 years, I have worked in building -- concrete  
 14 buildings in Venezuela for 40 years, and here,  
 15 in the United States, with my son, I have done  
 16 remodeling of houses, buying houses and  
 17 remodeling them, and selling them.

18 MR. COLLER: Mr. Chairman, I apologize for  
 19 the interruption, but can we get his address?

20 MR. SALMAN: Yes. I was going to get to  
 21 that. Can we get your address, please, sir?

22 MR. SOSA: I live right in front of the  
 23 property we are evaluating. I live in 5811  
 24 Maggiore Street.

25 MR. SALMAN: 5811. Okay. Thank you.

39

1 Mr. Hartnett?

2 MR. PARDO: I have a brief question, that  
 3 has to do with the fabric of the neighborhood.  
 4 The fabric of the neighborhood, based on the  
 5 streets that you're talking about, average over  
 6 10,000 square feet. So if you turn and go a  
 7 couple of more blocks or something like that,  
 8 then you'll see properties that are maybe less  
 9 than the 10,000 square feet.

10 One of the questions I have, possibly for  
 11 the applicant's attorney, is that a petition  
 12 was signed, and petitions can be sometimes  
 13 deceiving. Can we see the wording of the  
 14 petition that was provided to the neighbors,  
 15 that you said all those people signed?

16 MR. BAKER: Just for a point of  
 17 clarification, am I responding to this or is  
 18 this part of rebuttal? Has Mr. Hartnett  
 19 finished with his presentation or should I --

20 MR. SALMAN: You're responding to a  
 21 question.

22 MR. COLLER: Well, he's responding to a  
 23 question from The Chair. I don't think it's  
 24 actually his rebuttal until we finish the  
 25 testimony. You may wish to, before he answers

38

1 MR. SOSA: I bought 5811 Maggiore Street  
 2 about twelve years ago. It's a house that has  
 3 been built almost at the same time, 70 years  
 4 old. It has been remodeled, at the reasonable  
 5 price, and the house looks like the house that  
 6 was shown before. It doesn't look at all like  
 7 the photos that we see here.

8 I only want to stress that these photos do  
 9 not present information that, as a structural  
 10 engineer, allow you to make the conclusion that  
 11 it has to be demolished.

12 MR. SALMAN: Could you please direct your  
 13 comments to whether you wish to support the  
 14 item before this Board or to request that we  
 15 deny it? Are you in favor or are you against  
 16 this item?

17 MR. SOSA: I am against. I think that the  
 18 house is not to be demolished.

19 MR. SALMAN: And you're speaking as a  
 20 neighbor and homeowner --

21 MR. SOSA: Yeah.

22 MR. SALMAN: -- in the immediate area?

23 MR. SOSA: Yes.

24 MR. SALMAN: If we could confine your  
 25 testimony to that.

40

1 MR. SOSA: Yeah.

2 MR. SALMAN: I think that your opinions as

3 an engineer were -- I'm sure that they'd be

4 very valuable, are less salient to the point

5 than your position as a neighbor with regards

6 to this Board.

7 MR. SOSA: Yeah, but I'm just stressing

8 that the report here, using engineering terms

9 that --

10 MR. SALMAN: Sir, you're talking to a Board

11 where there's four senior architects, three of

12 which are here. We understand and we know what

13 we're reading. So thank you.

14 MR. SOSA: Thank you.

15 MR. SALMAN: And I appreciate your coming

16 forward.

17 Is there anybody else who wishes to speak

18 on this item?

19 THE SECRETARY: Francisco Senior.

20 MR. SENIOR: Good evening, Board Members.

21 My name is Francisco Senior and I live at 6012

22 San Vicente Avenue, very near, you know, the

23 proposed -- the proposal that we're looking at

24 today.

25 Well, we already looked at it back in

41

1 January, and I expressed my discontent about,

2 you know, the proposal. I was in favor of the

3 Staff decision to deny it.

4 You know, I've lived here for a long time.

5 Coral Gables got to this point because of us,

6 that have been living here for a long time, and

7 we like to live the same way.

8 You know, my thoughts about legacy being

9 presented, you know, the intention of that

10 purchaser was to level the house. Let's look

11 at the intention. Now they're trying to say

12 that it's not a voluntary definition. You

13 know, let's start bending things.

14 Getting fifty letters from residents, if

15 you invest the same amount of money that they

16 have invested in getting those fifty, you could

17 probably get a hundred. It's a matter of, you

18 know, investing money, getting, you know,

19 things.

20 But, anyway, the last few years, I have

21 seen how many of our residents have not been

22 happy with some of these developments that have

23 been approved in the past. Long time

24 residents, like the ones that helped build the

25 City of Coral Gables, are the ones that helped

42

1 us build the City of Coral Gables the way it is

2 today.

3 Moving forward, we should be cautious in

4 taking into consideration the residents that

5 will be affected by splitting this building in

6 two sites, allowing two homes to be built to

7 the max. They will not -- they will have more

8 square feet than if only one house, you know,

9 is built on this site. You know, the owner can

10 legally make one big house there and it would

11 still be smaller than the two that they're

12 trying to make.

13 I definitely would not like to live in the

14 immediate radius around the proposed

15 development, you know, if it is approved. If

16 I'm not mistaken, these restrictions on already

17 built building sites and the unity of title,

18 were required for obtaining the building

19 permits, were imposed around the late '70s and

20 that was for a reason. It was to preserve our

21 neighborhoods, you know, the way they looked,

22 preventing larger properties to be demolished

23 and then be split into smaller building sites.

24 Residents want to preserve their

25 neighborhoods. Mistakes have been made in the

43

1 past. I agree with the Planning Board original

2 decision.

3 And, also, the applicant does not meet all

4 of the requirements to divide the property. No

5 voluntary demolition within ten years and not

6 owning the property for ten years or more.

7 I hope, as a decision is made, just think

8 of the people that live very near there. The

9 lady that lives right behind their house, that

10 they're destroying the lives, you know, of the

11 immediate neighbors. Thank God I don't live

12 behind that property. It would really change,

13 you know, my life, and, also, probably the

14 property value would be affected.

15 Most houses in Maggiore are one story, with

16 a few that are two stories, but not that big.

17 If I'm not mistaken, the previous zoning

18 limited the square footage -- the previous

19 zoning in Coral Gables limited the square

20 footage on the second floor, and that was

21 changed down the line, and then Coral Gables

22 allowed to be building more square footage on

23 the second floor.

24 The only two big homes that you find

25 basically are at both ends of Maggiore, okay.

44

1 It would be -- to the north, it's the Chinese  
2 Village and the Dutch Village at the south.

3 The proposed development of two houses  
4 built to the max is not located at either end  
5 of Maggiore. (Unintelligible) of the property  
6 knew that it was considered a single building  
7 site, because of the existing footprint of the  
8 house and the unity of title. They can build  
9 one home in the property, but two is not right.

10 The lot frontages is similar to the  
11 neighborhood, but the proposed development is  
12 not. It is not in tune with the rest of the  
13 neighborhood and would look out of place, just  
14 like a two -- just a mistake that was made of  
15 the two houses that were built in Maggiore,  
16 between Savona and Caligula.

17 Every time I drive by and I look at the --  
18 it wasn't -- actually, the individual that  
19 bought the property was an architect that lived  
20 in Hardee, and sold it to the neighbors and all  
21 of that, "Oh, I want to move in that -- you  
22 know, there. I want to sell my house on Hardee  
23 and move there, and I'll sell the other one,"  
24 but, you know, he didn't -- I didn't know what  
25 he was going to be building there. You know,

45

1 the houses are like two big boxes, you know,  
2 completely out of place, completely out of  
3 place.

4 Okay. So I hope that the Planning Board  
5 continue with the same decision that they made  
6 in January, okay.

7 MR. SALMAN: Thank you very much.

8 Is there anyone else who wishes to speak on  
9 this item?

10 THE SECRETARY: Alberto Espino.

11 MR. SALMAN: Somehow, I think we have a  
12 line here.

13 THE SECRETARY: We have two more.

14 MR. SALMAN: Two more? Okay.

15 THE SECRETARY: Okay.

16 MR. SALMAN: In the interest of time, could  
17 you please confine your statements to new  
18 information or in support of or in opposition  
19 to the previous statements.

20 MR. ESPINO: I agree with Mr. Senior. I'm  
21 against approval.

22 MR. SALMAN: Thank you.

23 MR. ESPINO: My name is Alberto Espino. My  
24 whole family has lived in that area. My  
25 daughters were born in 540 Gerona. I live in

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1 Bargello. I own two houses in Aduana. My  
2 daughter lives in 5511 San Vicente and owns two  
3 houses up in Marmore, one of them 534 Marmore.  
4 I have another daughter in Victoria. So I  
5 represent the whole family.

6 And we hope that you will not allow the  
7 division of the lot. Thank you.

8 MR. SALMAN: Thank you for your attention  
9 and brevity.

10 Anyone else who wishes to speak?

11 THE SECRETARY: Yes. Marlin --

12 MR. SALMAN: Oh, I'm sorry. He did say his  
13 address.

14 MR. PARDO: The number address. He gave  
15 everybody else's --

16 MR. SALMAN: Yes, you gave all of your  
17 friends and family. Can we have your address,  
18 just for the record?

19 MR. ESPINO: 515 Bargello.

20 MR. SALMAN: Thank you. I thought I heard  
21 it.

22 Okay. Go ahead.

23 MS. EBBERT: Hi. Good evening. My name is  
24 Marlin Ebbert, and I live at 6510 San Vicente  
25 Street.

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1 For those of you who do not know that part  
2 of the City, Maggiore, once it crosses over  
3 Hardee, goes two blocks and it becomes San  
4 Vicente, and I live in that block.

5 I'm here -- basically, I don't know  
6 anything about the demolish, but I'm here to  
7 say that I remember -- I'm sorry that Chip  
8 Withers isn't here tonight. I remember asking  
9 him, in the twenty years that he was on the  
10 Commission, how many lot splits happened in  
11 Coral Gables, and he said, "I could count on  
12 one hand," and I think that that's what really  
13 makes a difference in Coral Gables, that we  
14 aren't all cookie-cutter lots, all the same  
15 size.

16 In my block, just south of Hardee, I have a  
17 lot that's 25,000 square feet. Not my lot, a  
18 neighbor's lot, with one house. These are all  
19 one house lots, 19,000 square feet, 16,000,  
20 eleven, ten. I mean, they're all different,  
21 and I think that's what defines Coral Gables,  
22 that we aren't all exactly the same. So that's  
23 my point.

24 Please don't let them subdivide this lot.

25 MR. SALMAN: Thank you.

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1 Do we have anyone online that wishes to --

2 THE SECRETARY: No.

3 MR. SALMAN: Anyone on the phone?

4 THE SECRETARY: No.

5 MR. SALMAN: Having heard all of the  
6 testimony in the room, let's close it for the  
7 public.

8 MR. COLLER: You have to wait for the  
9 rebuttal.

10 MR. SALMAN: Okay. That's fine. I thought  
11 we can get rebuttal after we close the public.

12 MR. COLLER: I know we say that, but  
13 technically it's still part of the public  
14 hearing.

15 MR. SALMAN: Okay. Fine.

16 MR. COLLER: Then you can close it. It's a  
17 technical thing.

18 MR. SALMAN: It's a dumb technical thing.  
19 I can close the public and then he can rebutt  
20 at that time. That makes more sense.

21 MR. BAKER: Whenever you'd like me to come  
22 up or sit down, just let me see.

23 MR. SALMAN: No, go ahead. It's fine.

24 MR. BAKER: Shall I proceed?

25 MR. SALMAN: Yes, please.

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1 show you, because we did have some renderings,  
2 and that was what, I think, fueled a lot of  
3 this support, because the people in the  
4 neighborhood don't want the alternative, which  
5 absent Board of Architect review for design  
6 elements, is as an of right 7,000 square foot,  
7 two-story home.

8 So I can try to pull it up, but while I do  
9 that, I'll just go ahead and address some of  
10 the comments that were made by the neighbors.

11 So to speak to Mr. Hartnett and his mother,  
12 who's the neighbor, right, this report did not  
13 say anything -- did not say that this home was  
14 structurally unsound or unsafe, right. We  
15 never alleged that somebody could not live in  
16 there. What the report says is that the  
17 critical building systems, like a roof, an HVAC  
18 system, a foundation, were degraded, to the  
19 point where the cost of repairing them would  
20 substantially be outweighed by the value that  
21 would be added to the existing structure,  
22 right.

23 You have a 70 plus year old home, that has  
24 an assessed value by the Miami-Dade County  
25 Property Appraiser of just about \$475,000. If

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1 MR. BAKER: Okay. Thank you.

2 Board Member Pardo, just to address your  
3 question, so the letters of support were all  
4 submitted to the Planning and Zoning  
5 Department, as part of the record. These were  
6 not -- it was not a petition that was  
7 circulated. They were letters that were handed  
8 out, and homeowners sent them back either via  
9 e-mail or via mail, post mail.

10 MR. PARDO: I'm sorry, I may have said  
11 petition, but I meant, what is the content of  
12 the --

13 MR. BAKER: I will read you the letter. "I  
14 am familiar with and strongly support the  
15 conditional use application to allow for the  
16 construction of two single-family homes, on  
17 10,000 square foot lots, at 5810 Maggiore  
18 Street, as I believe it will be beneficial to  
19 and in keeping with the neighborhood."

20 And I stress the last point, because part  
21 of the discussion, as one of the neighbors  
22 alluded to, was the alternative, right. I  
23 discussed this at the last hearing.

24 I don't think we got the presentation up,  
25 do we? I was having an issue connecting to

50

1 you replace a roof on a house that size, if you  
2 replace an HVAC, you're talking about 25 to 50  
3 percent of this structure's worth into  
4 something that's seventy years old.

5 I get the overarching theme that's been,  
6 conveyed, right, it's scary. Change is scary  
7 for a neighborhood. But we're talking about  
8 two new homes. We're not building a  
9 thirty-unit, five-story, six-story  
10 multi-family. We're building two single-family  
11 homes, in a community where you have 10,000  
12 square foot lots.

13 Going on that, I appreciated Mr. Hartnett's  
14 sketch, right, but we can't pick and choose  
15 when the criteria of the Code benefits you,  
16 right. It's very clear, that it's a majority,  
17 within a thousand feet. You don't need to  
18 necessarily be right on Maggiore Street, right.  
19 It's the context of the neighborhood, not just  
20 one particular street, and we were well above  
21 the required percentages.

22 A couple of other things to note, the roof  
23 is obsolete. Again, that's probably the  
24 largest ticket item. You're talking 50, a  
25 hundred thousand dollar, minimum, for a

52

1 property of that size to replace its roof.  
 2 Moving on to another statement, with  
 3 respect to Mr. Francisco Senior, "We like to  
 4 live the same way," right. Again, going back  
 5 to change, right. Change is obviously hard to  
 6 understand. When a neighborhood changes,  
 7 different families come in -- people with  
 8 different desires from their homes, right --  
 9 not everyone wants a one story ranch house that  
 10 takes up seventy percent of the lot coverage.  
 11 People with families want large yards, and the  
 12 way you get that is by building two-story  
 13 homes, which, you know, seventy years ago,  
 14 fifty years ago, were a lot more expensive than  
 15 they are today to build.

16 Investing money to get signatures, no money  
 17 was invested to get signatures. People were  
 18 canvassed, right. This is how applications for  
 19 quasi-judicial matters, community outreach, is  
 20 part of the process. I don't need to speak  
 21 more on that.

22 Built to the max, as the percentages show  
 23 in the presentation which I noted earlier,  
 24 again, well below the lot coverage maximum,  
 25 well above the minimum open space. These are

53

1 not homes being built to the max, and these  
 2 homes are not going to destroy anybody's lives,  
 3 including Mr. Hartnett's mother.

4 Finally, the lots, all the same size, you  
 5 know, the Staff report -- I'm speaking to the  
 6 last speaker's statement that there's 25,000  
 7 square foot lots in the neighborhood. Of  
 8 course, right, but in that immediate area,  
 9 within a thousand feet, most of the lots are  
 10 not that large, right. So it's more about  
 11 creating cohesiveness of other areas. The  
 12 Staff report noted that it's a very unique  
 13 property, given the size.

14 So that's really all I'd like to touch on.  
 15 I don't have the presentation. It's not  
 16 connecting to the internet, for some reason,  
 17 but -- were you able to ever get it up or --

18 THE SECRETARY: You have to rejoin Zoom.

19 MR. BAKER: Yeah, the WiFi for the building  
 20 is not working for me.

21 So, nonetheless, it was a massing. I'm  
 22 happy to share it. I don't know if there's any  
 23 way to put it up, but -- yeah.

24 Can I address any questions?

25 MR. SALMAN: Do any Board Members have any

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1 questions?

2 MS. KAWALERSKI: I've got one question  
 3 about the way you obtained those signatures,  
 4 because those letters were in our packet, by  
 5 the way, and it was a form letter. It was a  
 6 very long letter. It was a very complicated  
 7 letter to understand, if you were an  
 8 80-year-old resident, truthfully, or a  
 9 72-year-old resident. It was complicated to  
 10 understand.

11 But let me ask you this, when you presented  
 12 the letter, did you present a picture of what  
 13 could be, like a maxed out house on that  
 14 property?

15 MR. BAKER: Yes.

16 MS. KAWALERSKI: So, basically, kind of the  
 17 theory, if you don't like this project, we're  
 18 going to build the big box store there? Was it  
 19 that kind of --

20 MR. BAKER: Well, it's as of right, right.  
 21 That's kind of the decision that a homeowner  
 22 and a neighbor needs to make, what do you like  
 23 better.

24 MS. KAWALERSKI: I understand, but that's a  
 25 little threatening, I would say. Like if you

55

1 don't do this, we're going to really jam a big  
 2 one in here.

3 MR. BAKER: I don't think that was the  
 4 message. This is not -- you know, we're  
 5 professionals. We're not loan sharks. We're  
 6 not forcing people to sign things.

7 And let me just touch on the letter. The  
 8 letter I just read to you was the letter. It's  
 9 two sentences. There were earlier letters that  
 10 some people, prior to the Planning and Zoning  
 11 Board, if I recall correctly, a longer version  
 12 of the letter, largely the fifty, if not maybe  
 13 thirty, forty of those letters, were two or  
 14 three sentences, which I just read to  
 15 Mr. Pardo, which are part of your package.

16 MS. KAWALERSKI: Well, what was in our  
 17 packet was the long version? And I'm reading  
 18 this and I'm saying, "My God, it's a lot to  
 19 digest." Even the first sentence was a lot to  
 20 digest, okay.

21 So I'm just saying, it almost sounded  
 22 like -- I mean, if your project was so great,  
 23 why did you have to say, or else?

24 MR. BAKER: I did not say, or else.

25 MS. KAWALERSKI: No, by the mere

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1 implication of showing them a maxed out one --  
 2 MR. BAKER: It's not about showing a maxed  
 3 out house. It's showing people that -- what  
 4 could be built there by either us, by anyone in  
 5 the future. We went to -- we had our community  
 6 meeting, as required by the Code, the  
 7 overwhelming tone, absent a couple of the  
 8 people that are here today was, we don't really  
 9 want a huge house there. We want a couple of  
 10 houses, that are more in keeping with the  
 11 neighborhood. That's the point of it, right.  
 12 MS. KAWALERSKI: All right. That's the  
 13 only question that I have, but I have more  
 14 comments later.  
 15 MR. SALMAN: Okay. Let's close the public  
 16 hearing. That's it.  
 17 MR. BAKER: Thank you.  
 18 MR. SALMAN: Is there anybody else who  
 19 wishes to speak on this matter?  
 20 Hearing none, I hereby close the public  
 21 input.  
 22 Do I have a motion, so we can open  
 23 discussion?  
 24 MR. PARDO: Yes. I'd like to make a motion  
 25 to deny the application again, based on the

1 Staff report. That's the motion.  
 2 MR. SALMAN: Okay. Do I have a second?  
 3 MS. KAWALERSKI: I'll second.  
 4 MR. GRABIEL: I'll second.  
 5 MR. SALMAN: We have two seconds.  
 6 Okay. Is there any discussion on this item  
 7 that we wish to have with regards to your  
 8 motion?  
 9 MR. PARDO: Mr. Chair, I would like to make  
 10 a point.  
 11 I listened carefully to the new testimony,  
 12 and I agree with our Director, that, you know,  
 13 it's not there. Deferred maintenance on a  
 14 property, if you leave it long enough, it's  
 15 called neglect. We saw a historic building in  
 16 Miami Beach torn down because of neglect.  
 17 The biggest thing here is really the  
 18 neighborhood. The neighborhoods here all have  
 19 their own character. They all have, not just  
 20 the character of modest homes, mid-century  
 21 homes, which are now seventy years old, when  
 22 you preserve them, I like my home. It's 75  
 23 years old. And I built a major addition to it  
 24 35 years ago.  
 25 A lot of people talk about carbon

1 footprints and things like that. There is  
 2 nothing better to save the planet than by  
 3 redoing a home, compared to raising the home  
 4 and then building new. I understand that  
 5 sometimes it will cost more to renovate the  
 6 home than to tear it down and build new.  
 7 Preserving our neighborhoods is essential.  
 8 About the change, when you move into Coral  
 9 Gables, you move into a specific neighborhood,  
 10 you see smaller lots, like in the north end of  
 11 the Gables, and then you see larger lots south  
 12 of the Highway. You pick and choose  
 13 neighborhoods when you're buying. If you have  
 14 small kids and you want a sidewalk, there are  
 15 other places that don't have sidewalks. So you  
 16 think about the safety of those kids on roller  
 17 skates or on a bicycle, if you're near a  
 18 library, if you're near the Youth Center.  
 19 Every neighborhood has a character and it  
 20 should be preserved.  
 21 The covenant that was signed by Bob Zark,  
 22 (phonetic) a good friend of mine, who was a  
 23 great City Attorney, that was done many, many  
 24 years ago, and covenants used to be a bond that  
 25 you can rest assured that it would be

1 preserved, and I know that it can be removed by  
 2 the Commission, but I think it would be a  
 3 mistake to remove it, because once you remove  
 4 one covenant, it doesn't matter how many  
 5 covenants you remove.  
 6 The last and most important point I'd like  
 7 to make is that, I understand the developer  
 8 would be able to build two brand new houses,  
 9 and it would be easier, probably, to sell two  
 10 smaller houses than one large house in this  
 11 neighborhood, but one of the things about  
 12 having two houses, versus one large house is  
 13 that, normally you have a lot more people, a  
 14 lot more cars, because it's two houses.  
 15 In fact, if we, instead of having two lots,  
 16 we make them into four fifty-foot lots, now you  
 17 have two, three, times four, twelve cars,  
 18 maybe, compared to if it was one large house,  
 19 where you may have three or four cars. The  
 20 impact of the amount of people there is very  
 21 important.  
 22 Many of these areas, and the uniqueness  
 23 throughout the City of Coral Gables, including  
 24 areas that have very, very large homes, the  
 25 calculations have been changed over time, as

1 Mr. Senior said. These calculations that were  
2 changed were for the motivation of adding more  
3 square footage. If you go back to the original  
4 Code, you would see that you had certain  
5 limitations, and the calculations were  
6 substantially less. There is an advantage to  
7 having two homes, because you pick up "X"  
8 amount of square feet home, and if you do the  
9 calculation, the economic calculation of a  
10 business deal, it makes more sense to build  
11 two.

12 I think that there is a message here, that  
13 one of the things is that we have certain items  
14 in the Code that are there specifically to  
15 preserve certain things, the consistency,  
16 something you could depend on.

17 There are many other municipalities in  
18 Miami-Dade County that used to look very  
19 different. Hialeah, which I like Hialeah and  
20 the people that live in Hialeah, used to be  
21 known as an area that had very large lots. I'm  
22 not telling you something that you don't know.  
23 If fact, my neighbor across the street,  
24 Mr. Gary Hobbs, lived in Hialeah. Then they  
25 started to subdivide those lots, and now it's

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1 sore thumbs in the middle of single-family  
2 homes that are one story. As it was cited, on  
3 either end of Maggiore, there are larger homes,  
4 but these two are right smack dab in the middle  
5 of that street and it would stick out and  
6 therefore be incompatible.

7 I do not believe they meet the criteria,  
8 and Mr. Ramirez, I think your thoughts, in  
9 reading the report, were very valuable, in  
10 making my decision, as well, and we're talking  
11 about change, as Felix mentioned, change.

12 Mr. Baker, if people want larger homes and  
13 larger lots or whatever they want, there are  
14 other places in Miami-Dade County they can shop  
15 around, but this is Coral Gables. The fabric  
16 of these neighborhoods is being destroyed and  
17 assaulted constantly. We have to preserve our  
18 neighborhoods and the character of this  
19 neighborhood is special.

20 So change, for what, the better, or to make  
21 a buck? I'm always for change for the better,  
22 but I always listen to the residents on what  
23 they want, because they live there. They're  
24 got to live with whatever comes. So I  
25 appreciate your thoughts on that, but I've made

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1 become something that it's very, very, very  
2 different than what it was back then.

3 There's a big difference between change to  
4 make more money, and preserving to maintain the  
5 consistency of those neighborhoods. Each  
6 neighborhood here is unique. Each neighborhood  
7 is under change. Some change is good, and some  
8 change isn't good, and I think that this change  
9 here would be very bad.

10 That's all I have to say, Mr. Chairman.

11 MR. SALMAN: Do you wish to add anything to  
12 that?

13 MS. KAWALERSKI: I would.

14 I first want to thank Mr. Hartnett for his  
15 experience and his research in this and for his  
16 persistence, because I think what you had to  
17 say in your research convinced me of a  
18 decision, and I want to thank the neighbors who  
19 came out. I thought you were articulate. You  
20 were very well thought out and heartfelt words,  
21 and I really appreciate you taking the time to  
22 come out and let us know your thoughts about  
23 this.

24 You know, we always talk about  
25 compatibility. These would stick out like two

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1 my decision.

2 MR. SALMAN: Thank you, Sue.

3 Julio, do you have anything you wish to  
4 add?

5 MR. GRABIEL: No.

6 MR. SALMAN: We have a negative Staff  
7 recommendation. Item 2 of the requirements for  
8 approval of this item, the lot split of 5810  
9 Maggiore, fails on Number 2. If you carefully  
10 read the condition of what -- that is set forth  
11 in Item 2 of the pre-requisite conditions, I  
12 think it's my opinion and my recollection that  
13 that item was created specifically to avoid  
14 speculative purchase of larger lots to be able  
15 to split them, and that's where they run afoul.

16 Therefore, I see that as an insurmountable  
17 hurdle to this particular request, and that's  
18 all I'm going to say.

19 Having heard the testimony and the opinions  
20 of the Board, could you please call the roll?

21 THE SECRETARY: Mr. Pardo?

22 MR. PARDO: This is to deny?

23 MR. SALMAN: That was your motion.

24 THE SECRETARY: It's a motion to deny.

25 MR. COLLIER: Recommendation for denial

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1 based on the Department recommendation.  
 2 MR. PARDO: So the answer is, yes.  
 3 MR. COLLER: So the answer would be, yes.  
 4 MR. PARDO: Yes.  
 5 THE SECRETARY: Julio Grabiél?  
 6 MR. GRABIEL: Yes.  
 7 THE SECRETARY: Sue Kawalerski?  
 8 MS. KAWALERSKI: Yes.  
 9 THE SECRETARY: Javier Salmañ?  
 10 MR. SALMAN: Yes.  
 11 THE SECRETARY: It passed, to deny.  
 12 MR. COLLER: Mr. Chairman, do you want to  
 13 take like a three-minute break?  
 14 MR. SALMAN: Let's take a five-minute  
 15 break, if we can, but let's try and keep it  
 16 short, so we can get to the next item.  
 17 (Short recess taken.)  
 18 MR. BEHAR: Okay. We're back.  
 19 Mr. Coller, if you could please read the  
 20 next item on the agenda, please.  
 21 Good job.  
 22 MR. COLLER: Item E-2, an Ordinance of the  
 23 City Commission of Coral Gables, Florida  
 24 granting approval of a Site Plan Amendment  
 25 pursuant to Zoning Code Article 14, "Process"

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1 Section 14-203, "Conditional Uses," for a  
 2 Country Club originally approved by Ordinance  
 3 Number 2016-34, as mended by Ordinance 2022-10,  
 4 located within a Special Use (S) District, for  
 5 the property commonly referred to as the  
 6 "Riviera Country Club" and legally described as  
 7 portions of Tracts 1 and 5, Riviera Country  
 8 Club, a portion of Miami-Biltmore Golf Course  
 9 of Riviera Section 4 and Lots 10-14, Block 112,  
 10 Country Club Section Part 5 (1155 Blue Road),  
 11 Coral Gables, Florida, all other conditions of  
 12 approval contained in Ordinance 2016-34 shall  
 13 remain in effect; providing for an effective  
 14 date.

15 Item E-2, public hearing.

16 MR. BEHAR: The applicant, please.

17 MR. DE LEON: Good afternoon, Board  
 18 Members, Staff. Nelson de Leon, with Locus  
 19 Architecture, address 500 South Dixie Highway,  
 20 Suite 307, 44 -- I'm sorry, 33146.

21 THE SECRETARY: Can we have the PowerPoint,  
 22 please?

23 MR. BEHAR: PowerPoint.

24 MR. DE LEON: PowerPoint. Okay. Am I  
 25 controlling this thing or --

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1 THE SECRETARY: No. They're probably  
 2 searching for it.  
 3 MR. DE LEON: Okay.  
 4 THE SECRETARY: Okay.  
 5 MR. BEHAR: There we go.  
 6 MS. GARCIA: There should be a PowerPoint  
 7 for the applicant, the PDF file.  
 8 Is that it?  
 9 MR. DE LEON: No. I'll present yours.  
 10 MR. SOUTHERN: The applicant PDF.  
 11 MR. DE LEON: There it is. There it is.  
 12 Okay. Thank you.

13 Thank you, Board Members. I'll try to be  
 14 brief, and, then, as I'm presenting, I can  
 15 circle back, if you need me to explain anything  
 16 further.

17 So the project is the replacement of the  
 18 existing eight tennis courts and tennis  
 19 facilities that's directly across the main  
 20 Country Club on Blue Road. The existing  
 21 facilities are shown on these photos. The top  
 22 three photos are of the tennis building itself,  
 23 and then the bottom middle, the existing  
 24 courts, and the bottom right, the facility.

25 The overall Site Plan of the entire

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1 facility. I'm going to skip through some of  
 2 these, though. Our current site sits directly  
 3 across the entrance to the main club itself.

4 Blue Road, itself, has been updated,  
 5 upgraded with a street beautification project.  
 6 The entrance to the tennis portion of the  
 7 facility has already been paved. It faces  
 8 directly opposite the main club entrance.

9 So this is -- is it this light?

10 So this is the proposed building, which  
 11 sits slightly back from the original, and I  
 12 have photos which -- rather, a slide, which  
 13 will show you an overlay of the existing and  
 14 proposed, which I think will be very helpful.  
 15 So I'm going to move through some of these.

16 This is our pedestrian amenities. This is  
 17 a private facility, so it's really not open to  
 18 the public to enter, but within the site  
 19 itself, we're adding benches and bicycle  
 20 parking.

21 The parking lot itself, for the most part,  
 22 exists as is, but it is going through  
 23 modifications to comply with current Code, with  
 24 current parking widths, and with circulation  
 25 within the site itself, and adding additional

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1 landscaped areas.  
2 This is the current facility, eight courts  
3 and a small tennis building. The courts are  
4 undersized for regulation play, so part of the  
5 project's scope is to increase the court sizes  
6 to meet regulation size.

7 So, with this next slide, we're  
8 superimposing the proposed over the existing.  
9 So when the courts were expanded to meet  
10 regulation, they grew from our fixed property  
11 edge, which is on the west, toward the east.  
12 The facility is surrounded is on three sides by  
13 the golf course, and on the northwest corner,  
14 which the is the upper left portion of this  
15 slide, is the start of the single-family  
16 residential neighborhood.

17 The court that exists there now is the  
18 starting point of the new courts, and the  
19 hedging and landscaping that are between the  
20 neighbor and us will remain. That neighbor was  
21 included in multiple meetings during the design  
22 phase, so they're very aware of the project and  
23 they had no opposition to the project.

24 The tennis facility building itself has  
25 been pushed back, with a court surrounding it.

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1 The scale of the building was very much  
2 designed to fit in, more so with the  
3 residential context than with the commercial  
4 context of the -- context of the existing club  
5 across the street. So you could see,  
6 scale-wise, the roof lines are about the same  
7 height.

8 The home is actually quite a bit larger  
9 than the tennis facility. The tennis facility  
10 itself is, under air, about 3,700 square feet,  
11 and when you include the roofed areas of the  
12 wraparound verandas, it increases that to about  
13 6,700 square feet.

14 An aerial view showing how the tennis  
15 building itself fits within the site, pushed  
16 back slightly from the parking area, with site  
17 lines to four of the courts adjacent to it.

18 The building, we tried to push not centered  
19 within the courts, which would have made it  
20 visually accessible to all of the courts, but  
21 we wanted to keep the building addressing the  
22 street itself. So this is the pedestrian  
23 entrance, crossing the main club, onto the  
24 facility, and with the restructured driveway  
25 within the facility, as you come up for the

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1 So the new building, and we'll see this in the  
2 elevations and the renderings, is designed so  
3 that the second floor of it acts as a mezzanine  
4 veranda to overlook the tennis court play  
5 below.

6 So, in expansion of Courts 1, 2, 3, we lost  
7 five parking spaces along the west edge. The  
8 rest of the parking lot, you can kind of see  
9 the overlay in red dash over what was there  
10 already, and it's, more than anything, a series  
11 of adjustments to comply with current parking.

12 The bottom portion of the site extends and  
13 is bound by the cart path of the golf course.  
14 So the cart path created a very strong  
15 delineation on the east, south and southwest  
16 corners, Blue Road defining the north, and the  
17 neighborhood to the west defining the northwest  
18 quadrant.

19 The overall second floor plan and ground  
20 floor plan.

21 This is an important site, because this  
22 slide shows the relationship of the tennis  
23 court, on the bottom image, which is on the  
24 right center, to the very first residential  
25 home on the bottom right.

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1 building for the drop-off, you're centered with  
2 the building itself.

3 The tennis facility is designed with the  
4 same material pallet as the main club. So the  
5 roof tile, the stone treatment, the shutters,  
6 the window types, they're all mirroring what's  
7 existing across the street.

8 This is a view from Court 6 and 7, looking  
9 back at that upstairs covered veranda. And,  
10 then, an aerial from the back end of the site.

11 The landscape architect is the same  
12 landscape architect who worked on the original  
13 club and facility. So he's done an existing  
14 condition study. He's photographed all of the  
15 existing trees, those that we're maintaining  
16 and those that are being relocated.

17 The proposed new landscape plan -- so, to  
18 the existing parking lot on the upper right  
19 side, currently there's no landscaping within  
20 the island, so the plan is to introduce a few  
21 Mahoganies, some Sabal Palms. And, then,  
22 within the central part of the site itself,  
23 between the building and some of the courts,  
24 we're introducing a green area and a small  
25 tree, and that's an internal gathering space.

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1 And this is the material pallet for the  
 2 landscape that will be surrounding the  
 3 facility.  
 4 And I'll end the presentation with that. I  
 5 know you're all architects here, so any  
 6 questions you have, I could circle back to any  
 7 image.  
 8 MR. BEHAR: Thank you, Nelson.  
 9 If we want to have the Staff presentation  
 10 now.  
 11 MR. SOUTHERN: All right. Good evening,  
 12 Planning and -- Planning and Zoning Board,  
 13 forgive me. Craig Southern, the newest member  
 14 of the Planning and Zoning team.  
 15 All right. Let's see here. So the  
 16 application that we have in front of us tonight  
 17 is a Conditional Use application for a major  
 18 amendment to an existing Site Plan, also  
 19 pursuant to Ordinance Number 2016-34.  
 20 So if you take a look at the location map,  
 21 you'll see that the subject property is  
 22 encapsulated by Bird Road to the north,  
 23 University Drive to the east, I think it's  
 24 Campo Sano Avenue to the south, and then the  
 25 subject property is bisected by Blue Road. So,

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1 on the south side of Blue Road, you'll see that  
 2 that's where the project area is. The project  
 3 area is about 2.3 acres, where the entire  
 4 Riviera Country Club encapsulates 113 acres.  
 5 The current use is a Recreational Use. The  
 6 address is 1155 Blue Road. And the current  
 7 zoning is Special Use District, with a Future  
 8 Land Use designation of both, park and  
 9 recreational use and single-family low density.  
 10 The application has been heard and has been  
 11 reviewed by the Development Review Committee,  
 12 the DRC, last year, November 22nd of 2024. It  
 13 just recently went to the Board of Architects,  
 14 last month, January 9th. And then it also had  
 15 a Neighborhood Participation Meeting, that the  
 16 applicant held, on January 29th.  
 17 So why we're here, it is a major amendment  
 18 to the existing Site Plan, but pursuant to the  
 19 existing Ordinance, 2016-34 -- I'll just give  
 20 you a little history from our Staff report.  
 21 Basically, in 2016, Ordinance 2016-34 granted  
 22 Site Plan approval for the clubhouse and the  
 23 fitness center that's north of Blue Road,  
 24 requiring any modifications to undergo the  
 25 Planning and Zoning Board and City Commission

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1 review.  
 2 As you can see, pursuant to Section 2-1D,  
 3 that is -- that's why we're here tonight in  
 4 front of the Planning and Zoning Board.  
 5 Also, in 2022, the Riviera Country Club  
 6 received approval under Ordinance Number  
 7 2022-10 for modifications to the existing Site  
 8 Plan along Blue Road, which the applicant's  
 9 architect just indicated, construction was  
 10 completed back in August 1st of 2023.  
 11 Quickly, you'll take a quick look at the  
 12 Future Land Use Map and the Zoning Map. It's  
 13 pretty consistent with both, the surrounding  
 14 Future Land Use designations. The Special Use  
 15 District is predominantly surrounded by  
 16 single-family. To the south, we do have the  
 17 University of Miami and Doctors Hospital.  
 18 Quickly, we'll take a quick look at what  
 19 the existing conditions look like. The  
 20 applicant's architect did a good job of  
 21 describing it, but we've just got some photos  
 22 for you here of what the existing tennis court  
 23 and facility look like.  
 24 So when we delve into the Site Plan, it's  
 25 predominantly -- it's completely consistent

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1 with all of the site development standards in  
 2 our Zoning Code. It's far below the floor area  
 3 ratio requirements. It meets all of the  
 4 setbacks. We don't have any flood zone issues.  
 5 So, once again, I'll briefly kind of delve  
 6 into the Staff report, in the sense of the  
 7 proposed Site Plan includes a new two-story  
 8 tennis center, designed in the Island British  
 9 Colonial architectural style. The  
 10 reconfiguration of the existing eight surface  
 11 tennis courts will now meet the United States  
 12 Tennis Association tournament standards.  
 13 Modifications to the existing parking lot, to  
 14 incorporate additional landscaping, relocation  
 15 of the dumpster enclosure, installation of  
 16 bicycle racks, the extension of the sidewalk  
 17 along the public right-of-way, to provide a  
 18 continuous pedestrian access along the north  
 19 side of the tennis complex, which is on the  
 20 south side of Blue Road, and, basically, this  
 21 just helps to enhance the Club's connectivity  
 22 with pedestrian activity, landscaping and  
 23 traffic circulation.  
 24 So, once again, you can take a quick look  
 25 at what is being proposed by the renderings.

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1 We'll break it down one more time. The review  
2 time line, DRC last November, Board of  
3 Architects the beginning of January of this  
4 year, the Neighborhood Participation Meeting  
5 was at the end of January of last month,  
6 currently we're having the Planning and Zoning  
7 Board Meeting presently, and then there are two  
8 City Commission meetings for the Ordinance to  
9 be heard.

10 There were 792 properties that were  
11 notified to the thousand foot radius. Multiple  
12 public notifications, two times letters were  
13 sent to all of the property owners, the 792,  
14 for the Neighborhood Participation Meeting, and  
15 tonight's meeting. Three times there were  
16 property postings for DRC, Board of Architects,  
17 Planning and Zoning Board. There's been three  
18 website postings, for the DRC, Board of  
19 Architects, and tonight's meeting. And then a  
20 newspaper advertisement for tonight's Planning  
21 and Zoning Board Meeting.

22 The Staff report intricately delves into  
23 the consistencies of the Comprehensive Plan, so  
24 Staff's determination is definitely that it  
25 meets all of the requirements for the

1 Jill?

2 THE SECRETARY: No.

3 MR. BEHAR: Anybody on the public -- on the  
4 phone?

5 THE SECRETARY: No.

6 MR. BEHAR: Okay. Seeing none, we're going  
7 to close the public comment and I'm going to  
8 open it to the Board discussion, and I'm going  
9 to start to my right.

10 Julio, please, any comments?

11 MR. GRABIEL: I'm fine. I have no problems  
12 with it. Thank you.

13 MR. BEHAR: Javier?

14 MR. SALMAN: Can I just go ahead and make a  
15 motion?

16 MR. BEHAR: Well, we've got to -- just save  
17 it --

18 MR. SALMAN: We can use that as an excuse  
19 for discussion, and if not, we can just go  
20 through it.

21 MR. BEHAR: Go ahead.

22 MR. SALMAN: I'd like make a motion to  
23 accept the Staff recommendation for approval.

24 MR. PARDO: Second.

25 MR. BEHAR: Sue, any comments?

1 Comprehensive plans, goals, objectives and  
2 policies.

3 So Staff's recommendation tonight is for  
4 approval, with conditions, pursuant to the  
5 conditions that were contained within the  
6 original Ordinance of what brought us here  
7 tonight, of Ordinance 2016-34. There are no  
8 conditions in Ordinance 2022, but just that  
9 there's an Ordinance attached to the subject  
10 property. So Staff does make a recommendation  
11 of approval with conditions.

12 Thank you.

13 MR. BEHAR: Thank you very much. And  
14 congratulations on your first presentation to  
15 us. Good job.

16 MR. SOUTHERN: Good to meet all of you.

17 MR. BEHAR: At this time, I'm going to open  
18 it up to the public comments in the Chambers.

19 MR. PARDO: Mr. Chairman, can we limit it  
20 to three minutes a piece?

21 MR. BEHAR: I think so. We have a packed  
22 house. I'm going to keep it to two minutes.

23 Seeing none, we're going to close the  
24 public hearing in the Chamber. I'm going to  
25 open it to -- anybody on the Zoom platform,

1 MS. KAWALERSKI: Just out of curiosity, you  
2 said you're going to have an increase in car  
3 traffic, not very much. But why would you have  
4 an increase in car traffic, if basically the  
5 footprint is the same?

6 MR. DE LEON: Yeah, I'm not sure how the  
7 traffic would increase. It's -- the membership  
8 is capped. The only way you could become a  
9 member now is if a member leaves. So they're  
10 capped at, I believe, a thousand total. So the  
11 membership itself wouldn't increase at all with  
12 this. It's basically swapping like for like,  
13 except now with courts that meet regulation  
14 play size and a new tennis facility.

15 MS. KAWALERSKI: Yeah. I was just curious.  
16 I mean, the report says it would increase  
17 traffic by adding like seven cars or six  
18 cars --

19 MR. DE LEON: I'm not sure --

20 MR. BEHAR: Is it that you're adding more  
21 spaces there than you had?

22 MR. DE LEON: No. We have a net loss of  
23 five parking spots on that side because of the  
24 court expansion.

25 MS. KAWALERSKI: Yeah. I mean, I was just

1 curious. I mean, there was no reason why cars  
2 would be increased, but it's in the report.

3 Just one thing, do you have tournaments  
4 there right now?

5 MR. DE LEON: They're internal to the club.

6 MS. KAWALERSKI: They're just internal?

7 MR. DE LEON: Yeah. So what happens is,  
8 because the courts themselves are not  
9 regulation, they're not able to --

10 MS. KAWALERSKI: Right.

11 MR. DE LEON: My understanding is, the  
12 regulations are, you need to have eight courts  
13 regulation size in order to be able to compete  
14 in tournaments. I'm assuming what they would  
15 do is compete maybe against other clubs, asides  
16 from their own internal competitions.

17 MS. KAWALERSKI: Yeah, because now they're  
18 going to be USTA, so you have more competitions  
19 there, correct?

20 MR. DE LEON: Truthfully, architecture  
21 only.

22 MS. KAWALERSKI: Okay.

23 MR. DE LEON: The less I know, the better  
24 off I am.

25 MS. KAWALERSKI: Okay. Okay. Those were

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1 Country Club has done over the past few years.  
2 You've also done improvements on Blue Road that  
3 have made it a much better, a safer community  
4 for pedestrians and people on bicycles and all  
5 of the different things.

6 The other thing is that, because you have  
7 the tennis courts on ground level and the scale  
8 of the building itself that is substantially  
9 less than the adjacent homes, it's also in  
10 keeping with the community. So I see that this  
11 is not only a win for the Country Club members,  
12 but a win for the existing neighborhood. It's  
13 very compatible.

14 MR. DE LEON: Thank you.

15 MR. BEHAR: Thank you, Felix.

16 MR. SALMAN: I have one question, please.  
17 First of all, it's a beautiful project, I have  
18 not problem with it, but when they did the  
19 Country Club, we were without practically the  
20 use of Blue Road for years and the conditions  
21 were horrible. Do you foresee any work that's  
22 going to be involving working on Blue Road?

23 MR. DE LEON: Yeah, certainly not impacting  
24 Blue Road at this time. The idea is to phase  
25 it, take out three courts, use that as a

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1 my only questions. Thank you.

2 MR. BEHAR: Felix.

3 MR. PARDO: In your meeting with the  
4 neighbors, was there a big outpouring of  
5 neighbors or any concerns that you --

6 MR. DE LEON: The meeting we had on the  
7 29th probably had about 20 -- 25 neighbors that  
8 showed up. A good majority of them, club  
9 members, that live right in the area. So I  
10 think it was more of a curiosity as to what was  
11 going to happen.

12 MR. PARDO: No objections?

13 MR. DE LEON: No. Certainly no objections  
14 to the design or to the tennis courts or to the  
15 existing parking or changes, no.

16 MR. PARDO: Well, I think that you did a  
17 very nice job --

18 MR. DE LEON: Thank you.

19 MR. PARDO: -- in bringing that up to the  
20 standard and also putting in the two-story  
21 building. The two-story building, it's very  
22 similar to the Kerdyk Tennis Center next to the  
23 Biltmore Hotel, very, very similar, and  
24 obviously, the style and everything, is in  
25 keeping with all of the refurbishing that the

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1 staging area, building the building, do the  
2 first three courts in the front, and then flip  
3 the staging area to the parking lot and finish  
4 the other five courts.

5 MR. SALMAN: So there's no water and sewer  
6 improvements on the roadway, there's no  
7 widening of the roadway? There's nothing --

8 MR. DE LEON: The addition of a sidewalk,  
9 which was --

10 MR. SALMAN: That will be, somewhat five,  
11 ten feet from the edge of the road?

12 MR. DE LEON: The sidewalk is more like ten  
13 to twelve feet from the edge of the road, yeah.

14 MR. SALMAN: Very good. That was it.  
15 Those were my only questions.

16 MR. BEHAR: Thank you.

17 Nelson, you've done a great job. I really  
18 commend you for doing a really nice, beautiful  
19 job on this court. I'm an immediate neighbor.  
20 I live on Pinta Court, which backs up to it,  
21 and I'm very, very pleased with what the Club  
22 has done over the last, whatever, six, seven  
23 years.

24 And Javier, you're right. It took a long  
25 time, but that was an incredible undertaking,

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1 because not only were they building the  
2 clubhouse, they did the courts, they redid it,  
3 and they've done a great job. So I'm very,  
4 very happy.

5 The neighborhood did come together, because  
6 there was multiple meetings. I didn't go to  
7 the last meeting, because I didn't have to. It  
8 was already, conveyed the message. You guys  
9 did a great job. I'm very pleased with the  
10 outcome.

11 So we have a motion and the second,  
12 correct? Can you please call the roll?

13 THE SECRETARY: Javier Salman?

14 MR. SALMAN: Yes.

15 THE SECRETARY: Julio Grabiell?

16 MR. GRABIEL: Yes.

17 THE SECRETARY: Sue Kawalerski?

18 MS. KAWALERSKI: Yes.

19 THE SECRETARY: Felix Pardo?

20 MR. PARDO: Yes.

21 THE SECRETARY: Robert Behar?

22 MR. BEHAR: Yes.

23 Thank you very much.

24 MR. DE LEON: Thank you. Thank you, Board  
25 Members. Thank you.

1 confusion for any applicant, and also it would  
2 be a much better tool, I think.

3 And the other thing is that, this is also  
4 an opportunity to also put certain constructs,  
5 that can be added to Live Local, if it's looked  
6 at very carefully. So I'm making that  
7 suggestion now, I think, for the third time,  
8 and I would like -- you know, if that's a bad  
9 idea, I would like, you know, Staff to be able  
10 to give me a reason why, but I think that it  
11 would be a cleaner solution and it would be  
12 something that we, as a whole, with all of the  
13 members, should consider.

14 MR. BEHAR: Well, I think that as a  
15 whole -- Members as a whole should be. I'm not  
16 sure if that's the Staff or that's a legal  
17 interpretation or -- for them to look at,  
18 because, you know, I don't know if Staff has  
19 the authority to modify Live Local.

20 MR. PARDO: No. No. I'm sorry, the  
21 format. We're talking about the format. Miami  
22 Beach has had this format already since the  
23 beginning of Live Local.

24 MR. BEHAR: Okay.

25 MR. PARDO: The thing is that, you know,

1 MR. BEHAR: We have one more item, but I  
2 think this item coming up -- and I'm going to  
3 make a suggestion, I think it should be a full  
4 Board. It shouldn't be the five of us.

5 MR. PARDO: I agree a hundred percent with  
6 you, and I just want to bring up one point, if  
7 you don't mind.

8 MR. BEHAR: Okay.

9 MR. PARDO: I have asked -- multiple times,  
10 when this item has come before us, I've asked  
11 for Staff to please look at the City of Miami  
12 Beach Ordinance about Live Local --  
13 specifically about Live Local.

14 The way that the section is written there,  
15 which is clearly separate, we don't know what  
16 the future of Live Local is. It could be  
17 expanded. It could be reduced. It could be  
18 whatever. When you have it there separately, I  
19 think it does a lot of good.

20 I understand what Staff is trying to do  
21 with the parking and the TDRs and the other  
22 details. They could easily be put in the new  
23 section, where the TDRs and the parking and the  
24 other things would be in a separate section. I  
25 think it would be clearer. It will have less

1 it's like creating chapters. You know, you go  
2 when you're using the Code. Right now, the  
3 things that are being proposed by Staff is the  
4 parking, and then, well, if you have this, you  
5 can't have the TDRs, it can't be -- but it's  
6 inserted into the Code and it becomes very  
7 confusing to be able to understand it.

8 If you go to the new chapter, which Miami  
9 Beach calls it, Development Approvals under the  
10 Live Local Act, you have all of the sections  
11 there, and then you can augment that. It is a  
12 much cleaner way of addressing Live Local.

13 I'm not talking about changing or anything  
14 legal. It's to identify and clarify, for the  
15 use of the applicant and for the use of the  
16 public and the reviewers.

17 MR. BEHAR: Okay. Sue.

18 MS. KAWALERSKI: And I would love -- and I  
19 mentioned this before. I would love a broad  
20 presentation about Live Local, you know, and it  
21 may take all evening to do, but we're looking  
22 at little snippets here, instead of looking  
23 what we can do, as a City, to counter what the  
24 State is telling us to do, and here's an  
25 example.

1 In here, it says about Med Bonus. So they  
2 can go 450 feet and yet they still get a  
3 Mediterranean Bonus, according to what you've  
4 written in here.

5 MR. BEHAR: No. No. No.

6 MR. PARDO: No, you cannot.

7 MR. BEHAR: Live Local has -- and maybe  
8 you're seeing something that maybe we have to  
9 get somebody to come in and really explain Live  
10 Local, the way that it's intended, as written,  
11 because you -- my understanding, and I'm not an  
12 expert, with Live Local, you've got to do  
13 everything as of right. You cannot allow to  
14 get a variance, a waiver, nothing.

15 MS. KAWALERSKI: Okay. It says right here,  
16 "The project may apply for Coral Gables  
17 Mediterranean Design Bonus per Section 5-200 of  
18 the Zoning Code."

19 MR. BEHAR: Well, you see, I think you --  
20 there, you may have a point. You may qualify.  
21 Live Local may qualify for a bonus that is  
22 allowed to do as any other applicant could  
23 request, you see.

24 MS. KAWALERSKI: But hold on, okay. So  
25 let's say that an applicant comes in with a

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1 And the second thing would be the  
2 procedural part, because I would hate to see  
3 this get buried in the Code, and then,  
4 tomorrow, something happens, you have to  
5 remember where you had it in the Code, and I  
6 say that simply from my experience in the past  
7 of re-writing sections of this Code.

8 MS. KAWALERSKI: And, again, I just want to  
9 re-emphasize, everybody is saying, "No, that's  
10 not right," but it's right here. There's no  
11 mention that this is one mile within the City  
12 limits, Number One.

13 Number Two, it clearly states, "The project  
14 may apply for the Coral Gables Mediterranean  
15 Bonus Design," okay.

16 So what I'm saying is, there might be other  
17 things that we can control, other than TDRs,  
18 right, or parking that we should be making a  
19 motion on altogether, TDRs, the parking, no Med  
20 Bonus for projects like this, but we have to  
21 have a better understanding of what's in here.  
22 I don't think we should nibble away at it. I  
23 think this is an opportunity to look at it,  
24 understand it, and figure out what we can do to  
25 counter it.

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1 450-foot project, because they're one mile from  
2 the Douglas project.

3 MR. BEHAR: No. No, because it has to be  
4 within your City, not outside your City.

5 MS. KAWALERSKI: Okay. It doesn't say that  
6 anywhere in here. It says, "Within one mile."  
7 It doesn't say --

8 MR. BEHAR: Well, within one mile of your  
9 municipality.

10 MS. KAWALERSKI: Well, it's not clear here.  
11 It doesn't say it in here.

12 MR. PARDO: Mr. Chair, if I may, I think  
13 this is the confusion, and this is us here.  
14 The public has to be aware of what this is, and  
15 Sue has previously asked for, you know, a  
16 better detailed explanation of that. That way  
17 everybody could be on the same page.

18 My portion, that I have asked for multiple  
19 times before, has to do with the clarity of,  
20 you know, how we amend the Code, which is a new  
21 chapter. So there are two things going on  
22 here. I think, it's -- to make sure that we're  
23 on the same page, as far as what can or cannot  
24 be done with bonuses and all of the other  
25 things that have to do with the Live Local Act.

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1 MR. PARDO: And Mr. Chairman, there's  
2 another issue also that should be addressed,  
3 and that is, from what I understand, when you  
4 look at the major factors of Live Local,  
5 specifically the Live Local Act, in a summary,  
6 height, density, FAR, use of parking, from  
7 legal interpretations that I've already seen  
8 and I am not a lawyer, I have seen that, for  
9 example, on height, you cannot mimic within  
10 that mile radius a building that has obtained  
11 bonuses for that height. So, in other words,  
12 it would be limited to the height of that  
13 building, before the bonus is applied, which  
14 includes Med Bonus, which is a bonus. So  
15 something to think about.

16 This is complicated, and it should be the  
17 same as what we did with the Mediterranean  
18 Bonus component, where we had a dedicated  
19 meeting. I think it would be wise to do that.  
20 I'll leave it up to the Board Members.

21 MR. BEHAR: Mr. Coller, is this something  
22 that we should leave it up to the Staff to  
23 present to us or this is something maybe  
24 that --

25 MR. COLLER: I don't think -- this has been

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1 deferred on multiple occasions. I'm not  
2 aware -- and I think Staff has a pretty good  
3 presentation. I don't think you all have even  
4 had a chance to actually hear from Staff on  
5 this item yet. So I think it might be a good  
6 idea to consider a separate meeting, if you can  
7 find another day in this room, to just have  
8 this item heard, and that might not be a bad  
9 idea, if the Board wants to request it and  
10 Staff is able to find a date to have it.

11 MS. KAWALERSKI: I mean, I've been asking  
12 for this for months now. I think we need to  
13 understand what this is about.

14 MR. COLLER: I mean, I just want to level  
15 your expectations a little bit. This is a  
16 preemption from the Florida Legislature. This  
17 is not something that local governments have  
18 elected to do. The Legislature has determined,  
19 you will do this. So there are limits to what  
20 a community can do, and I think what Staff is  
21 trying to do is get -- try to get exactly what  
22 we're able to accomplish, and whether it would  
23 be in a separate section or in the Code, I  
24 mean, that's up to the --

25 MS. KAWALERSKI: And I appreciate that, but

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1 like I said, Med Bonus. I don't think South  
2 Miami has a Med Bonus. We have a Med Bonus  
3 that's unique to Coral Gables. We should be  
4 saying that, you know, this is unique to us and  
5 it should be excluded from projects as a  
6 result. This is a privilege. It's a bonus.

7 MR. BEHAR: But we may not be able to do  
8 that. We may not be able to do that, because  
9 the Statute really clearly says that whatever  
10 you allow to do as of right -- because, you  
11 know, Med Bonus may not be as of right, but you  
12 have the right to request it. Everybody has  
13 the right to do that.

14 So an applicant is coming in with an SP102,  
15 the Live Local, in my opinion, and I don't want  
16 to play, you know, the legal, but has the right  
17 to request that.

18 MS. KAWALERSKI: Under our Zoning Code, but  
19 this blows away our Zoning Code. But within  
20 our Zoning Code, of course you can apply for a  
21 Med Bonus. It doesn't mean you have to apply  
22 it for something --

23 MR. BEHAR: During the Live Local, if  
24 you're allowed to do that for one application,  
25 you could do it for another.

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1 MR. PARDO: Mr. Chairman --

2 MR. COLLER: I think the issue of the  
3 height and what the limits are on the height,  
4 so -- and they look to, unfortunately, within a  
5 mile of your jurisdiction.

6 MR. BEHAR: That is --

7 MR. COLLER: But when you look at the  
8 height, you don't get the credit for any  
9 bonuses, when you're looking at what the  
10 maximum height is. You can't -- a building --  
11 when you're looking at the tallest building, if  
12 that building got an extra four or five floors  
13 because of a bonus, you don't get that.

14 MS. KAWALERSKI: But what I'm saying,  
15 there's a building 450 feet right now in  
16 Douglas.

17 MR. BEHAR: Sue, nobody could do in Coral  
18 Gables a 450-foot building.

19 MS. KAWALERSKI: Why? It's a within a  
20 mile.

21 MR. BEHAR: No. It's a different  
22 municipality, and that's clearly stipulated --

23 MR. COLLER: Yeah, it's within the City limits.

24 MS. KAWALERSKI: Okay. Well, where is that  
25 in here? I don't see it.

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1 MR. COLLER: Well, it's part of the State  
2 law. I don't know if we --

3 MR. BEHAR: It's a State law. We don't  
4 even need to.

5 MR. PARDO: Mr. Chairman, what I'd like to  
6 ask Mr. Coller is, we know what they say they  
7 can do, but they also have limits. What we  
8 need to understand is what they can do and also  
9 what the limits are.

10 MR. COLLER: Right, and I think that if you  
11 all give Staff an opportunity to make a  
12 presentation -- we haven't really had a formal  
13 presentation by Staff. We're talking all  
14 around it, but you haven't given Staff the  
15 opportunity --

16 MR. BEHAR: Let's do something. Let's wait  
17 for the next --

18 MR. COLLER: If you want to have the  
19 Special Meeting --

20 MR. BEHAR: Let's table this to the next  
21 meeting and Staff will do the presentation in  
22 the next meeting, and hopefully, by that time,  
23 you could clear up all of the questions that  
24 the Board Member have.

25 MS. KAWALERSKI: Do we need to have a

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1 motion to have it on the agenda for the next  
2 meeting?

3 MR. COLLER: Well, what is the sense of the  
4 Board? Do you want -- and I'm asking Staff,  
5 what's the possibility of even getting this  
6 room, because --

7 MR. BEHAR: Craig, I want to make sure that  
8 all seven Members are present.

9 MR. COLLER: Right. I know that's an  
10 issue. But did you want this as one item on  
11 the agenda? Is that your desire?

12 MS. KAWALERSKI: How long is the  
13 presentation?

14 MR. PARDO: This is very complicated. Yes,  
15 one item.

16 MR. COLLER: But the question is, we only  
17 have this one room now. So I don't even  
18 know -- if we can even get this room for one  
19 evening.

20 MS. GARCIA: I think the PowerPoint that's  
21 part of your Staff report is probably twenty  
22 something slides. So maybe a good solid 45  
23 minutes presentation.

24 MR. PARDO: But wait a minute, this is the  
25 presentation that you had in your Staff before.

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1 because it's not open the barn door and you do  
2 whatever you want based on the State Law.

3 The State Law has flaws, and I know it has  
4 flaws, and we need to understand what it is, so  
5 we could write a section for the Live Local Act  
6 that addresses those issues now, and that's  
7 being proactive, in my mind.

8 MR. COLLER: Well, I think -- okay. I  
9 would like the Board to hear her presentation,  
10 and I think -- and then what I would suggest  
11 is, let's see what the questions are. Then  
12 I'll be happy to come back to you to any of the  
13 legal questions.

14 I will say this about being sued, anybody  
15 can sue anybody for anything. So whether the  
16 City of Hollywood has a good case or not, I  
17 don't know. I think I have the Complaint. It  
18 was sent to me. But I would suggest that the  
19 Board set aside time to really listen to the  
20 Staff's presentation and let's see where we are  
21 from there. So I don't know if you want to  
22 make it on a separate date.

23 I don't know -- what does our schedule look  
24 like? Do we have -- what do we have for  
25 applications for next month?

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1 MS. GARCIA: Right.

2 MR. PARDO: I don't want to hear the same  
3 presentation again.

4 MS. GARCIA: I haven't given a presentation  
5 to this Board yet. I went to the Commission.

6 MR. PARDO: No, what I mean is -- okay.  
7 Here's a perfect example.

8 So, recently, in the City of Hollywood,  
9 there's a developer that is suing over Live  
10 Local the City. And the reason that they're  
11 suing the City is because the City of Hollywood  
12 made a determination that the tallest building  
13 within that jurisdiction is the Margaritaville.  
14 Margaritaville was given all sorts of bonuses  
15 and incentives, and they held them to what the  
16 original was, and the developer in this  
17 particular case, that's in the courts right  
18 now.

19 This is very complex, and I would feel, you  
20 know, better to have not just the presentation  
21 from the Planning Board, but also a  
22 presentation from the Legal Department, our  
23 Legal Department, at the same time,  
24 simultaneously, as a dual presentation, because  
25 the ramifications that we have are huge,

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1 MS. GARCIA: I think there may be a couple  
2 of Text Amendments for the next meeting. I'm  
3 not sure of any projects --

4 MR. BEHAR: If we don't have any projects,  
5 let's just keep it for the next meeting.

6 MS. GARCIA: Okay.

7 MR. BEHAR: And if we don't have time for  
8 the Text Amendment, we'll pick up the Text  
9 Amendment the following meeting, okay. So  
10 let's not set any Special Meeting yet. Let's  
11 hear your presentation. You know, try to be --  
12 try to have as much information as possible,  
13 and I do think that Legal should have some  
14 answers for us, when it comes to what you can  
15 do and you cannot do, as a municipality.

16 MR. COLLER: Right, and I have -- I think  
17 the presentation will reflect that, but we will  
18 supplement it.

19 MR. BEHAR: Okay. All right. So do we  
20 have a motion -- do we have to defer this item  
21 to the next meeting?

22 MR. SALMAN: I'll make the motion to defer  
23 to the next meeting this item.

24 MR. BEHAR: Do we have a second?

25 MS. KAWALERSKI: Second.

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1 MR. BEHAR: All in favor say, aye.  
 2 (Board Members voted aye.)  
 3 MR. BEHAR: So what's next? That's it?  
 4 MR. SALMAN: That's it.  
 5 MR. COLLER: A motion to adjourn --  
 6 MR. BEHAR: Motion to adjourn.  
 7 MR. SALMAN: So moved.  
 8 MR. BEHAR: Second.  
 9 All in favor, aye.  
 10 (Board Members voted aye.)  
 11 (Thereupon, the meeting was adjourned at 8:15  
 12 p.m.)  
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## C E R T I F I C A T E

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 3 STATE OF FLORIDA:  
 4 SS.  
 5 COUNTY OF MIAMI-DADE:  
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9 I, NIEVES SANCHEZ, Court Reporter, and a Notary  
 10 Public for the State of Florida at Large, do hereby  
 11 certify that I was authorized to and did  
 12 stenographically report the foregoing proceedings and  
 13 that the transcript is a true and complete record of my  
 14 stenographic notes.  
 15

16 DATED this 20th day of February, 2025.  
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18 

19 -----  
 20 NIEVES SANCHEZ  
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