

1 hear us, can you put your thumbs up or thumbs
 2 down?
 3 Thumbs up for Rene.
 4 Okay.
 5 THE SECRETARY: Venny Torre?
 6 MR. TORRE: Oh, no, for denial. Yes.
 7 THE SECRETARY: Maria Velez?
 8 MS. VELEZ: Denial.
 9 THE SECRETARY: Chip Withers?
 10 MR. WITHERS: Yes.
 11 THE SECRETARY: Rhonda Anderson?
 12 MS. ANDERSON: Yes.
 13 THE SECRETARY: Robert Behar?
 14 MR. BEHAR: Yes.
 15 THE SECRETARY: Eibi Aizenstat?
 16 CHAIRMAN AIZENSTAT: Yes.
 17 MS. RUSSO: Thank you all very much.
 18 MR. BEHAR: Hey, Rene wants to speak. Rene
 19 wants to speak.
 20 CHAIRMAN AIZENSTAT: Rene, can you -- there
 21 you go.
 22 MR. MURAI: Can you hear me?
 23 CHAIRMAN AIZENSTAT: Yes, we can hear you.
 24 MR. MURAI: The motion was to deny the --
 25 to recommend to the City the denial of the

1 vacation of the alley.
 2 CHAIRMAN AIZENSTAT: Correct.
 3 MR. MURAI: Correct?
 4 CHAIRMAN AIZENSTAT: Yes.
 5 MR. MURAI: Okay. And I thought Maria
 6 seconded that motion.
 7 CHAIRMAN AIZENSTAT: Yes.
 8 MR. MURAI: Did I hear her say, "Denial"?
 9 MS. VELEZ: Yes.
 10 CHAIRMAN AIZENSTAT: Yes.
 11 MR. MURAI: Denial meaning, yes, to the
 12 motion?
 13 MS. VELEZ: Yes, to the motion.
 14 CHAIRMAN AIZENSTAT: Yes, to Rhonda's
 15 motion to deny.
 16 MR. MURAI: I just wanted to clarify that.
 17 CHAIRMAN AIZENSTAT: Okay.
 18 MR. MURAI: I'd tell you, I would -- it's
 19 too late, but my preference would have been to
 20 table this whole discussion, as everybody said,
 21 until such time as we have a Site Plan, et
 22 cetera.
 23 CHAIRMAN AIZENSTAT: Just as an aside, and
 24 then we'll move on to the next one, we did
 25 actually ask Laura if her client could go ahead

1 and provide a Site Plan and bring it to the
 2 next meeting, and she was unable to do that.
 3 MR. MURAI: No, I understand that, but
 4 I'm --
 5 MS. RUSSO: Only because my client is not
 6 the developer.
 7 CHAIRMAN AIZENSTAT: Understood. Okay. So
 8 let's go ahead.
 9 MS. RUSSO: If not, I would love to bring
 10 you a Site Plan.
 11 CHAIRMAN AIZENSTAT: Okay.
 12 MR. MURAI: Okay. Just one quick one. I
 13 mean, I think the message to both parties to
 14 the transaction is not that this Board is
 15 against the vacation of the alley, but that
 16 it's just not the right time to bring it up,
 17 until such time as we get a Site Plan, blah,
 18 blah, blah.
 19 CHAIRMAN AIZENSTAT: That is correct.
 20 MR. MURAI: That should be clear.
 21 CHAIRMAN AIZENSTAT: Yes. Thank you.
 22 MR. BEHAR: I will agree with that, Rene.
 23 That's a good way to put it, excellent way to
 24 put it.
 25 MS. ANDERSON: I concur.

1 CHAIRMAN AIZENSTAT: Thank you. Let's go
 2 ahead and --
 3 MR. COLLER: Should I read E-2?
 4 CHAIRMAN AIZENSTAT: Yes, please. Let's
 5 move on to the next agenda item.
 6 Craig, if you would please read E-2 into
 7 the record.
 8 MR. COLLER: Item E-2, an Ordinance of the
 9 City Commission of Coral Gables, Florida
 10 providing for text amendments to the City of
 11 Coral Gables Official Zoning Code, Appendix A,
 12 "Site Specific Zoning Regulations," by amending
 13 "Section A-58 - Hammock Oaks Harbor Section
 14 2(F)," amending provisions governing the use of
 15 the private yacht basin facility, increasing
 16 the number of dock slips from eight to nine, on
 17 property legally described as A portion of
 18 Tract E, Block 4 of Hammock Oaks Harbor Section
 19 Two (11093 Marin Street), Coral Gables,
 20 Florida; providing for severability, repealer,
 21 codification, and an effective date.
 22 Item E-2, public hearing.
 23 CHAIRMAN AIZENSTAT: Okay. Ramon, before
 24 you proceed, I'd like to remind everybody
 25 that's on, if they would like to speak when

1 it's open for public comment, you must go ahead
 2 and send a private chat message with your name,
 3 that you'd like to speak on this item, and send
 4 it to Jill Menendez. If you're on the phone,
 5 it's *9 and that will get it over to Jill.
 6 Otherwise, we will not be opening it back up,
 7 if there's nobody there when I ask if there's
 8 any speakers. Thank you.
 9 Go ahead, please, Ramon.
 10 MR. TRIAS: Thank you, Mr. Chairman.
 11 May I have the PowerPoint, please?
 12 You may recall that in October of 2018
 13 there was a request to create a series of docks
 14 in a very, very unique parcel of the City.
 15 Next.
 16 That parcel is a very thin piece of land,
 17 and the dock has been built, and it has been
 18 according to the approval. Next.
 19 And as you can see, it's Zoned
 20 Single-Family and it's surrounded by
 21 Single-Family houses. So there was a lot of
 22 discussion back in 2018 with the neighbors and
 23 a lot of different conditions were proposed and
 24 so on. And eventually the approval was
 25 codified in such a way that it has some Site

1 Specific regulations in the Zoning Code that
 2 were very detailed. Next.
 3 Including the request for certain
 4 management and design characteristics of the
 5 site. Next.
 6 So the request today is for a Zoning Code
 7 Text Amendment for the Site Specific
 8 regulations, and the request is to allow nine
 9 slips. Right now eight slips are allowed. So
 10 the request is for one additional slip. Next.
 11 As you can see, the strike-through and
 12 underline is simply, eight becomes nine. That
 13 is the amendment. However, it's a significant
 14 amendment, because it is in the Zoning Code as
 15 a Site Specific Regulation. Next.
 16 There was public notifications, two letters
 17 to the property owners, also one property
 18 posting, the website posting and a newspaper
 19 advertisement. Next.
 20 Staff recommends approval.
 21 That is the end of my representation.
 22 CHAIRMAN AIZENSTAT: Okay. Thank you. The
 23 Applicant, please. One second, please. Let's
 24 see if we can do Erik's phone. There you go.
 25 MR. FRESEN: Am I unmuted? Can everybody

1 hear me okay?
 2 CHAIRMAN AIZENSTAT: Yes. Continue,
 3 please.
 4 MR. FRESEN: Thank you very much, and thank
 5 you Board for your time today, Board Chair and
 6 Board Members, former Commissioners, and City
 7 Staff for all of your assistance here.
 8 My name is Erik Fresen, with offices at
 9 8050 Southwest 72nd Avenue, Miami, Florida
 10 33143. I'm here really as a local advocate on
 11 behalf of my dear family friend, David
 12 Cabarrocas, who is the property owner and
 13 official applicant to this application.
 14 And, well, Mr. Trias provided you a brief
 15 background on the site. If you'll indulge me
 16 for a couple of quick minutes, as I just
 17 provide a brief summary or a brief historical
 18 summary of this application, for those Board
 19 Members that were not around in 2018, when the
 20 crux of this application came before the City
 21 for final approval, I'd just like to provide a
 22 quick bit of context.
 23 So the applicant, Mr. Cabarrocas, bought
 24 this property in or around 2016, and in late --
 25 in middle 2017, around the summertime,

1 submitted a formal application to the City of
 2 Coral Gables, as a matter of fact, represented
 3 ably and competently by my friend, Laura Russo,
 4 who was on the application just before us.
 5 And that process involved a full breath and
 6 comprehensive structure review, analysis,
 7 negotiations, ultimate hearings that an
 8 application of this nature would include. At
 9 the time, it was obviously -- it was a Text
 10 Amendment to the Zoning Code, as well as a
 11 Conditional Use, recognizing that, as Mr. Trias
 12 mentioned, the subject property is on what is a
 13 Residential use area, and as such, this was a
 14 Conditional Use subject to that Zoning
 15 category.
 16 When the application went through, and your
 17 Staff report should mention this, it went
 18 through, again, all of the reviews, Staff
 19 review, ultimate presentation before the
 20 Architectural Board, before the Development
 21 Review Committee, before your Board, your
 22 Planning & Zoning Board, and ultimately before
 23 the Commission twice for final passage.
 24 That process included, as Mr. Trias
 25 referenced, a lot of negotiation.

1 CHAIRMAN AIZENSTAT: Erik, can I ask you to
 2 pause one second. I need to ask Craig a
 3 question.
 4 Craig, since he's not the applicant and --
 5 do we have the paperwork, just to make sure
 6 it's legal and so forth, that he's able to
 7 present this before us?
 8 MR. COLLER: That's an interesting
 9 question. I know that he's counsel. Are you
 10 representing the applicant? Is the applicant
 11 present?
 12 MR. FRESEN: The applicant is right next to
 13 me and even the letter of intent for this Text
 14 Amendment was originally prepared by myself and
 15 I've been in contact with City Staff as an
 16 applicant rep.
 17 MR. COLLER: So you are the applicant --
 18 MR. FRESEN: The applicant is here with me.
 19 MR. COLLER: Well, you're an attorney. You
 20 have the authority to represent the applicant.
 21 So there's no problem in going forward with it.
 22 CHAIRMAN AIZENSTAT: Correct. I just
 23 didn't know, Erik, that you were an attorney
 24 and I didn't want you to lose any of your legal
 25 rights.

1 changed from anything that precedes and that
 2 created this application to be previously
 3 approved.
 4 The only request on this application is to
 5 go from eight slips to nine. And just to
 6 provide a little bit of quick context on that,
 7 so when this dock and marina was being
 8 conceptualized and finally run through Site
 9 Plan review and with City Staff and as the --
 10 the estimations of what would be scaleable on
 11 that site were being determined by the
 12 applicant and by City Staff and others, one of
 13 the elements -- if you look at your Site Plan,
 14 provided by the City as the current as built
 15 plan, all eight of the current slips that were
 16 approved by the City Ordinances that Mr. Trias
 17 referenced, are on the north side of that
 18 marina.
 19 The reason being, is that although the
 20 applicant knew or hoped at the time that this
 21 application was going through that the
 22 potential possibility of a ninth slip would be
 23 allowed on the south side of the marina,
 24 because of the fact that the permitting process
 25 occurs after approval and not knowing what the

1 MS. FRESEN: Hi, Craig. A pleasure to see you.
 2 MR. COLLER: Yes, hi. It's good to see
 3 you, Erik. It's been a while.
 4 MR. FRESEN: Since the County days.
 5 CHAIRMAN AIZENSTAT: Please, continue,
 6 Erik. Sorry for that.
 7 MR. FRESEN: No, that's quite okay.
 8 And I won't be, you know, overly long, but
 9 I just want to make sure that there's, you
 10 know, context for this.
 11 So, in that process, at that time, as I
 12 mentioned, there were various negotiations
 13 between the applicant/owner and the neighbors
 14 of the Hammock Oaks community that ultimately
 15 led to the compromise that allowed for the
 16 development of this basically small purely
 17 residential marina, for lack of a better term,
 18 for the expressed use of only Hammock Oaks
 19 property owners.
 20 At the time, a lot of things, as Mr. Trias
 21 said, were negotiated and finally compromised
 22 to. There is a declaration of restricted
 23 covenant that runs directly with this
 24 application. And to set it from the onset, not
 25 a word, not a period, not a comma, is being

1 Army Corps of Engineers may or may not require
 2 as far as setbacks and allowances on the south
 3 side of that marine, the Applicant chose not to
 4 go for nine, and then ultimately not allow for
 5 nine to be permitted, based on some Army Corps
 6 of Engineer denial or recommendation to push
 7 back further onto the south side of that
 8 marina.
 9 Ultimately, this application was approved.
 10 Ultimately the elements of this application
 11 were met with. The Applicant submitted the
 12 Site Plans and all of the drawings to the City
 13 Staff. The City Staff reviewed it, permits
 14 were issued, and the dock was built. Along
 15 that plan, through all of the reviews of
 16 various Staff departments for the permitting,
 17 including the Department of Environmental
 18 Resource Management of the County and then
 19 ultimately the Army Corps of Engineers, those
 20 permits and approvals demonstrated or
 21 reflected, particularly the Army Corp, that
 22 what could have potentially been a restriction
 23 on the south side of the dock for that east --
 24 for that southeast portion of the dock, was not
 25 as restrictive as we may have thought, and as

1 such, that's essentially what leads to this
 2 application before you today.
 3 The applicant -- the marina is already
 4 built. All eight slips have already actually
 5 been sold to Hammock Oaks property owners and
 6 residents. All elements of the declaration of
 7 Restrictive Covenants have been met, including
 8 the formation of a condo association for the
 9 marina itself. That condo association has a
 10 president, vice-president and treasurer already
 11 selected, as the City Ordinance dictates, and
 12 we've had, as Mr. Trias mentioned -- we called
 13 for a couple of neighborhood meetings.
 14 The last one of which was actually, you
 15 know, relatively speaking, very well attended,
 16 north of thirty percent of the neighbors within
 17 the thousand feet joined the meeting. There
 18 were general questions just about, you know,
 19 how the ninth boat would enter and that sort of
 20 thing, but no disposition of opposition to the
 21 application. The homeowners association is
 22 well aware of the application, and we certainly
 23 haven't received any feedback, other than
 24 favorable feedback, and just requesting if they
 25 need us -- if we need them to come and speak to

1 that needs to be pulled. Realistically, all
 2 that needs to be done, were the ninth slip to
 3 be approved, is the addition of three cleats,
 4 so that the ninth boat could tie up. There is
 5 no expansion to the dock. There is no material
 6 change to anything that was already approved by
 7 the City Commission, other than the number
 8 eight to the number nine.
 9 And that's just a quick summary, and I'll
 10 allow it -- we'll end it there.
 11 CHAIRMAN AIZENSTAT: Thank you, Erik.
 12 Before I open it --
 13 MR. COLLER: Mr. Chairman, there's one
 14 minor legal matter that's reflected in this.
 15 There are actually two items. There was a
 16 Conditional Use Ordinance to allow for the
 17 private yacht basin, that in its title
 18 reflected eight, and there's this amendment to
 19 the Site Specifics.
 20 CHAIRMAN AIZENSTAT: Correct.
 21 MR. COLLER: The Applicant, for whatever
 22 reason, has only gone forward with one of the
 23 items. In order to accomplish this, both of
 24 the items will ultimately have to be done, so
 25 there will be another item that will be coming

1 reflect support to the project.
 2 So the Hammock Oaks Association, and the
 3 neighbors, for the most part, have been very
 4 content with what we would call the assets that
 5 was added to their community. As mentioned,
 6 several of the current resident slips that are
 7 owned were actually bought by new owners, post
 8 the application being approved, which, you
 9 know, most of the agents that are selling in
 10 that area will tell you that this was a but for
 11 factor, that but for the marina being there and
 12 a slip being available, likely those houses
 13 would not have sold at the rates that they
 14 sold.
 15 So it's been, in our opinion, certainly a
 16 tremendous benefit to the Hammock Oaks
 17 community. Again, the residents have not shown
 18 anything but support for the project, and,
 19 again, nothing else in the current approval of
 20 this dock is being changed, other than eight to
 21 nine. There is not an inch being added to the
 22 dock as built. All of the infrastructure for
 23 the ninth slip is already in place on the dock.
 24 There isn't an additional piling that needs to
 25 be done. In reality, there isn't even a permit

1 before the Board for its recommendation. So
 2 they're choosing to do this kind of in a
 3 two-step process, but both items have to be
 4 ultimately approved -- recommended by you, one
 5 way or the other, and has to be approved by the
 6 City Commission.
 7 CHAIRMAN AIZENSTAT: Craig?
 8 MR. FRESEN: May I?
 9 CHAIRMAN AIZENSTAT: One second, Erik.
 10 Craig, are they required to come in at the
 11 same time?
 12 MR. COLLER: No. I mean, the way we've set
 13 this up, we've made it clear that there is a
 14 condition that this other has to be approved
 15 and they have chosen to go with this one first.
 16 Maybe they -- Erik, maybe you can explain why
 17 the decision was made to go for one and then
 18 wait. Maybe you wanted to get positive input
 19 on this before you do the other one.
 20 MR. FRESEN: No. I mean, I'm glad to have
 21 gotten positive input on this one, at least up
 22 to the Staff point, but, no. So, really, it's
 23 for two reasons. One of them was more of a
 24 hopeful optimism reason and the other one was
 25 more of a practical one.

1 As the City Attorney just mentioned,
 2 ultimately the driving legal determination as
 3 to the Conditional Use portion having to also
 4 be formally heard before the formalized
 5 process, as opposed to, since it is tied to an
 6 item that's moving forward as a Zoning Text
 7 Amendment through the formal process, that
 8 otherwise could have possibly been approved
 9 subsequent to, through a Staff analysis, is
 10 because of what the City Attorney mentioned,
 11 that unfortunately for the Applicant, the
 12 Number 8 was also in the title portion of the
 13 Conditional Use.

14 Had that number not been so specifically
 15 stated, and it would have just -- as most
 16 applications, that don't speak to that much
 17 specificity in the tile, would have just
 18 referenced, slips, we were hopeful that maybe
 19 it could just have been done at the Staff
 20 level. And, then, quite frankly, the second
 21 reason, which is more practical, is that -- and
 22 this is a conversation I had with Mr. Trias and
 23 a few others, was a more practical financial
 24 one.

25 The original application that I summarized

1 title amendment, this one -- Text Amendment
 2 portion was already significantly brought
 3 forward, so for that reason, I didn't want to
 4 slow this one down, while readily acknowledging
 5 here in public and understanding that
 6 ultimately one cannot exist -- one will not
 7 exist and will not be before final approval by
 8 City Commission without the other, but it also
 9 afforded the Applicant, who is not a wealthy
 10 man, a few weeks to be able to essentially
 11 cobble together the nearly \$12,000 application
 12 fee that's going to accompany what essentially
 13 is a minor scrivener amendment on a Conditional
 14 Use order that's from eight to nine.

15 So, for those two reasons, it's why we did
 16 so. So it wasn't either a flippant disregard
 17 or otherwise, but we do recognize the fact
 18 that -- you know, and we'll be doing it very
 19 shortly, that both applications will ultimately
 20 meet at the Commission level, and, again, both
 21 of them are mirror applications. There is
 22 nothing substantive in what will be the
 23 Conditional Use that is not being discussed and
 24 detailed in today's conversation.

25 So, essentially, when that one comes before

1 earlier, which was, as I explained, incredibly
 2 comprehensive, required hours of Staff review
 3 and negotiations back and forth and everything
 4 else, had both, a Text Amendment and a
 5 Conditional Use. The way that the City fee
 6 schedules work is that they're both treated
 7 separately and they're billed with a flat fee.
 8 So there is no scalability on a fee relative to
 9 either the size, impact, scope or breath or an
 10 application. Essentially, if it is a
 11 Conditional Use, regardless of whether it's a
 12 Conditional Use application for a 50,000 square
 13 foot office building or a Conditional Use
 14 application to change the number from eight to
 15 nine, without any other changes being made on
 16 an existing approved Site Plan, unfortunately,
 17 the City fees don't have a scale. They're
 18 basically flat.

19 So the practical reason for knowing -- once
 20 we knew the legal determination that, in fact,
 21 we were going to have to come -- that there was
 22 no way around, let's say, you know, formally
 23 through Staff or otherwise, to not have to
 24 formally go through the Conditional Use,
 25 because of the fact that it was embedded in the

1 you, I may not even have an opening, other
 2 than, this one is just like the last one that
 3 you guys saw. So I'll be much shorter in my
 4 presentation in that one, which is to your
 5 benefit.

6 CHAIRMAN AIZENSTAT: Thank you, Erik.

7 Before I open it up for public comment,
 8 Erik, I just want to ask a question. I recall
 9 something of this when I was on the Board
 10 previously that this came before us. I think
 11 it was when Laura was handling it.

12 MR. FRESEN: Yes.

13 CHAIRMAN AIZENSTAT: And I recall at that
 14 time -- was it for the same -- was it for the
 15 ninth space or was it for the condo use at that
 16 time?

17 MR. FRESEN: It was for the condo use at
 18 that time. I'm sorry, through the Chair --
 19 well, you are the Chair.

20 CHAIRMAN AIZENSTAT: Yes.

21 MR. FRESEN: Yes, it was for the condo use
 22 at the time, and, again, some other varying
 23 elements regarding security elements and a few
 24 others regarding the roundabout, to make sure
 25 beforehand that there would be enough actual

1 radius, you know, for safety vehicles and that
 2 sort of thing.
 3 CHAIRMAN AIZENSTAT: Okay. Jill, do we
 4 have any speakers? Let me see if I can --
 5 Jill --
 6 THE SECRETARY: No speakers.
 7 CHAIRMAN AIZENSTAT: No speakers at all?
 8 Okay. At this time, I'm going to close it to
 9 the floor.
 10 Rene, will you go first, please?
 11 MR. MURAI: Can you hear me now?
 12 CHAIRMAN AIZENSTAT: I can hear you now.
 13 MR. MURAI: Okay. Did I understand at the
 14 beginning that this marina abuts City property?
 15 No?
 16 MR. TRIAS: No.
 17 MR. MURAI: The property is the owned by
 18 the developer?
 19 MR. TRIAS: Yes.
 20 MR. MURAI: Okay. And the City's
 21 recommendation is?
 22 MR. TRIAS: Approval.
 23 MR. MURAI: Okay. No further questions.
 24 CHAIRMAN AIZENSTAT: Thank you, Rene.
 25 Maria. Yes.

1 remember being asked were -- they were curious
 2 as to how the ninth boat would come in, which
 3 Mr. Cabarrocas explained, and then there was
 4 another question from the residents, that
 5 because of the security elements that were
 6 required through the negotiations with the
 7 association back then and with City Staff to
 8 have, you know, a security element, which is
 9 essentially a gate to allow only access to the
 10 slips for those that are owners of said slips,
 11 one of the residents, who I guess was not aware
 12 of why that wall existed, was asking whether or
 13 not, as part of this application, that element
 14 could be removed, so that there could be
 15 pedestrian access to it, and, you know, that
 16 was it.
 17 But it wasn't anything they were living or
 18 dying on. I think they were just curious as to
 19 whether or not this application could open up
 20 the possibility for that to happen. But other
 21 than that, I mean, there was nobody expressing
 22 any sort of concern, again, especially since
 23 nothing of the scale that's already built and
 24 they've been living with for a while is
 25 changing in this application. It will be

1 MS. VELEZ: I remember, when we first heard
 2 this in the Summer of 2018, there was some
 3 issues and that there was a pending lawsuit.
 4 Has that been resolved?
 5 MR. FRESEN: Yes.
 6 I'm sorry, through the Chair, yes.
 7 MS. VELEZ: Okay. Have any of the
 8 neighbors indicated any objection to increasing
 9 the docks from eight to nine?
 10 MR. FRESEN: Through the Chair?
 11 CHAIRMAN AIZENSTAT: Yes, please. You
 12 don't have to say through the Chair.
 13 Mr. FRESEN: Oh, I'm sorry.
 14 CHAIRMAN AIZENSTAT: It's okay.
 15 MR. FRESEN: I'm conditioned to a
 16 legislative process, sorry.
 17 So, yes, Maria -- no. So, again, I was
 18 actually rather relieved when I saw the amount
 19 of participation that occurred in our Zoom
 20 neighbor meeting. Because of COVID reasons, we
 21 didn't want to hold this one in person. And,
 22 again, north of thirty percent of those within
 23 the thousand foot radius attended and mostly
 24 just either -- just to commend the existing
 25 project, and, really, the only real questions I

1 indistinguishable from what's there right now,
 2 other than a ninth boat being parked on the
 3 south side of the dock.
 4 MS. VELEZ: Thank you. That's all I have.
 5 CHAIRMAN AIZENSTAT: Chip.
 6 MR. WITHERS: So, hey, Erik, how are you?
 7 MR. FRESEN: Hey, Commissioner, how are you?
 8 MR. WITHERS: I'm fine.
 9 I'm not really familiar with this, so I
 10 need to ask you just a couple of quick
 11 questions. So if the ninth slip was not
 12 allowed, would you just extend the size of the
 13 other slips or would it be vacant?
 14 MR. FRESEN: It would be vacant, because
 15 you can't fit -- the only place where a ninth
 16 boat could fit is exactly where the Site Plan
 17 that's before you -- where it highlights it.
 18 As a matter of fact, one of the only other
 19 points -- and thank you for -- you just brought
 20 this point back up -- another question that was
 21 asked by one of the neighbors was whether or
 22 not, you know, this could be the proverbial
 23 snowball, where the ninth then becomes the
 24 tenth, and neither through applicant's appetite
 25 for a tenth, but just as firmly, because of the

1 complete inability to ever fit a tenth.
 2 It will never fit. You can't fit a tenth
 3 boat onto this.
 4 MR. WITHERS: So do they do dock side
 5 fueling or how do they do the fueling of the
 6 vessels?
 7 MR. FRESEN: There is zero -- there is not
 8 a single element of any commercial activity,
 9 retail activity or otherwise. This is as
 10 pedestrian as a marina gets. So they have to
 11 go fuel and ice and everything else off-site.
 12 MR. WITHERS: So do you have to be a
 13 resident to own a dock?
 14 MR. FRESEN: Yes, sir, and that is
 15 memorialized in both, the Declaration of
 16 Restrictive Covenants and in the Ordinance.
 17 MR. WITHERS: Okay. So let's say I don't
 18 have a dock now, and the guy next to me has a
 19 dock, and he's selling his house. Can he sell
 20 me the dock separately from his house?
 21 MR. FRESEN: Yes, he can.
 22 MR. WITHERS: Okay. So the dock can be
 23 sold separately, as long as it's an owner?
 24 MR. FRESEN: That's correct, sir.
 25 MR. WITHERS: Okay. And you have to be an

1 boat that can fit between where this dock is
 2 now and the shoreline that has been considered?
 3 MR. FRESEN: Hi, Commissioner, thank you
 4 for the question. I just asked Mr. Cabarrocas
 5 and he told me that the maximum is a 40-foot
 6 boat, as is every other slip. It's the same
 7 dimension as what's there now. I don't think
 8 any of the current vessels have reached that
 9 number, but that would be the maximum
 10 allowable, I guess, both in the physical nature
 11 and the very dimension of the slip.
 12 MS. ANDERSON: Okay. I have no further
 13 questions. Thank you.
 14 CHAIRMAN AIZENSTAT: Thank you very much,
 15 Rhonda.
 16 Is Venny still there? I know he had to
 17 leave. He's not.
 18 Robert?
 19 MR. BEHAR: I mean, I don't have any
 20 problem. I was not here in 2018, but I don't
 21 have a problem with this. We're not increasing
 22 any component of that existing dock. I don't
 23 see a problem at all.
 24 CHAIRMAN AIZENSTAT: Okay. Thank you.
 25 MR. MURAI: I have a question.

1 owner and obviously --
 2 MR. FRESEN: Yes. As a matter of fact,
 3 it's not only a Condition in the Declaration of
 4 Restrictive Covenants, but ultimately it
 5 becomes a condition to close. So you're
 6 protected --
 7 MR. WITHERS: I understand. And,
 8 obviously, you can't lease that.
 9 Okay. So the dock could be sold separately
 10 from the home, as long as obviously the new
 11 homeowner doesn't want a dock and someone else
 12 wants it.
 13 Okay. I understand. I got it. All right,
 14 thank you.
 15 CHAIRMAN AIZENSTAT: Thank you, Chip.
 16 Rhonda?
 17 MS. ANDERSON: All right. It took me a
 18 moment to unmute myself.
 19 I remember this project well, when it was
 20 originally presented, and we had all of the
 21 questions, how fueling was going to be done, et
 22 cetera, and I note that you included a 2017
 23 aerial photo as opposed to the current aerial
 24 photo in the presentation.
 25 Is there any limitation on the size of the

1 CHAIRMAN AIZENSTAT: Yes, go ahead, Rene.
 2 MR. MURAI: What about parking? How does
 3 parking work there?
 4 MR. FRESEN: Yeah, so currently there is --
 5 and, again, to even enter the site itself,
 6 there is a little security gate with a keypad
 7 and different elements there, and then there is
 8 plenty of existing, and even a little bit of
 9 overflow property, even though the covenant
 10 and the condo docs for the marina only allow
 11 the owners' cart to come in and be there. So
 12 there's current parking staging on the site
 13 itself, with crushed gravel, prior to getting
 14 to the dock, but after the security gate
 15 element.
 16 So there's no imposition of parking onto
 17 either the right-of-way or onto any other
 18 neighbor's property.
 19 MR. MURAI: But going from eight to nine
 20 does not necessitate more parking than what is
 21 there today?
 22 MR. FRESEN: No, sir.
 23 MR. MURAI: Okay.
 24 MR. FRESEN: There's actually, I mean, in
 25 theory and by dimension, and just to add,

1 there's actually dimensionally ten parking
 2 spaces on the existing site.
 3 MR. MURAI: Okay.
 4 CHAIRMAN AIZENSTAT: Erik, I actually, same
 5 as Rhonda, recall very vividly when this came
 6 before us, when it was being proposed, and,
 7 Rhonda, if I recall correctly, at that time, we
 8 had denied it for some reason or am I wrong?
 9 I'm not saying, the one space, I'm saying
 10 something was going on with the condominium,
 11 which I'm not sure of, from the developer. I
 12 remember when Laura was there.
 13 MS. VELEZ: I believe we approved it.
 14 MS. ANDERSON: I believe we approved it.
 15 MR. VELEZ: Yes, we approved it. We had
 16 a long conversation about the access and there
 17 were neighbors against it and neighbors for it,
 18 and ultimately we did approve it, with the
 19 conditions. Yeah.
 20 MS. ANDERSON: I recall detailed
 21 discussion. I mean, I know I brought up the
 22 width of the dock, having the ADA accessible,
 23 and --
 24 CHAIRMAN AIZENSTAT: Right. And the fuel.
 25 Is the applicant an owner at Hammock Oaks?

1 It's just to sell it.
 2 CHAIRMAN AIZENSTAT: So it's to sell it,
 3 but if he -- let me see if I understand this.
 4 If he's not an owner and there is a covenant to
 5 run with the land with restrictions, Craig, how
 6 does that work?
 7 MR. COLLER: Well, it requires coming back
 8 to a public hearing. That's why we're here,
 9 because he can't go --
 10 MR. TRIAS: Mr. Chairman, this is not a
 11 dock. This is a private yacht basin. So it's
 12 a slightly different condition. It was
 13 approved as a Conditional Use as a yacht basin
 14 owned by Mr. Cabarrocas.
 15 CHAIRMAN AIZENSTAT: No, I understand all
 16 of that, Ramon. I'm just trying to wrap my
 17 hands around it, because I'm recalling more
 18 about what happened back then.
 19 MR. COLLER: And they did not want this to
 20 be a marina, a public marina. So it was very
 21 much tied down that you -- only those people
 22 that actually owned property in --
 23 CHAIRMAN AIZENSTAT: Could own a space.
 24 MR. COLLER: -- in the plat, I guess, could
 25 have a slip or they could -- somebody other

1 MR. FRESEN: No, he is not.
 2 CHAIRMAN AIZENSTAT: So if he's not an
 3 owner of Hammock Oaks and the restriction is,
 4 you have to be an owner of Hammock Oaks, how
 5 does that work?
 6 MR. FRESEN: It works, because even though
 7 he was the owner of the property where the
 8 marina was built, he does not have a boat slip
 9 and he can't have a boat slip.
 10 CHAIRMAN AIZENSTAT: Craig, do you remember
 11 now?
 12 MR. COLLER: I do. I do. I think you --
 13 Ramon, you recall it, too?
 14 MR. TRIAS: I do recall that discussion.
 15 Yes, sir. I do recall it.
 16 MR. FRESEN: I can't speak as to whether or
 17 not Mr. Cabarrocas originally wanted to have a
 18 boat slip there, but he does not have one there
 19 and he cannot have one there, unless he buys a
 20 property at Hammock Oaks.
 21 CHAIRMAN AIZENSTAT: So what's he going to
 22 do? So his intention is to build it and sell
 23 it?
 24 MR. TRIAS: It's built already.
 25 MR. FRESEN: Yeah, there's no building.

1 than them, but they still had to live in the
 2 development.
 3 CHAIRMAN AIZENSTAT: I think you had to be
 4 an owner. So how does an Applicant come in for
 5 the ninth -- how does the Applicant come in for
 6 a ninth space, that's not an owner or part of
 7 the association?
 8 MR. BEHAR: Mr. Chairman, it's simple.
 9 He's a developer. He owned that property, and,
 10 you know, he's selling that slip after he's
 11 done.
 12 CHAIRMAN AIZENSTAT: So he would have to
 13 sell it only to an owner of Hammock Oaks?
 14 MR. FRESEN: 100 percent, yeah. And the
 15 way that it's structured right now, just to add
 16 a little bit of clarity to it, the second -- as
 17 Mr. Behar just mentioned, he was the original
 18 owner and ultimate developer of the marina,
 19 which was folio restricted and had conditions
 20 to only be sold in a fee simple condo way, and
 21 only to a homeowner within the Hammock Oaks
 22 community.
 23 As each slip got sold, the developer, the
 24 current Applicant, loses all ownership interest
 25 of that proportionate share of his development.

1 So as the slip --
 2 MR. MURAI: I'm sorry to interrupt you,
 3 but, Eibi, I know what you're struggling with.
 4 Theoretically the moment this was approved, he
 5 became an owner of these condos, even though he
 6 didn't own any property in Hammock Oaks, but
 7 implied in the approval was the fact that he
 8 would, obviously, initially own the slips. Now
 9 what he can't do is sell it to me, because I
 10 don't live there, but implied in the approval
 11 is obviously he has the right to own it until
 12 -- I mean, I don't think theoretically he
 13 should have the right to use it.
 14 MR. FRESEN: He doesn't.
 15 MR. COLLER: He actually doesn't have the
 16 right to use it, because of the condition.
 17 MR. FRESEN: Right. He does not.
 18 MR. COLLER: That it was only the people
 19 that lived in the development.
 20 MR. MURAI: Right. I know what Eibi is
 21 saying, the moment we approve this, he becomes
 22 the owner of a ninth slip, but he doesn't own
 23 property.
 24 CHAIRMAN AIZENSTAT: Yeah, that's where I'm
 25 having a hard time.

1 own it.
 2 MR. MURAI: Right. Right.
 3 CHAIRMAN AIZENSTAT: Craig, wasn't there
 4 conditions with a covenant to run with the land
 5 when this was approved by the City?
 6 MR. COLLER: There were.
 7 CHAIRMAN AIZENSTAT: And now we're going to
 8 go ahead and change that covenant?
 9 MR. FRESEN: No.
 10 MR. COLLER: Let me look at the -- I don't
 11 know if I have the prior --
 12 CHAIRMAN AIZENSTAT: To be honest with you,
 13 I don't mind the ninth space. It doesn't
 14 bother me. I'm having a hard time wrapping my
 15 hands around it, when there's a covenant.
 16 MR. COLLER: Typically, there's a covenant
 17 at the end that ties all of the conditions that
 18 were -- there were a lot of conditions.
 19 CHAIRMAN AIZENSTAT: Correct, and one of
 20 the conditions was that -- there was -- I
 21 recall --
 22 MR. FRESEN: So that Declaration of
 23 Restrictive Covenants ultimately gets
 24 memorialized, as Craig was just mentioning, was
 25 done on the 7th day of October, 2018, prior to

1 MR. FRESEN: Right. And what I'm saying,
 2 that transition period is substantially
 3 identical to the original approval, when, in
 4 essence, he owned eight, but in reality, since
 5 there's no usability for said eight, he either
 6 owns a lot of wood that's sitting on top of
 7 water without any use or he owns the ability to
 8 sell proportionate elements of said wood in
 9 units of eight, and now this would be the ninth
 10 unit, and the way that it reads right now,
 11 because the condo association was already
 12 formed for the existing eight, the ninth slip
 13 would automatically transfer into the condo
 14 association for all elements of ownership other
 15 than the fee simple control of ownership that
 16 the ninth buyer would have.
 17 MR. MURAI: So the owner, which is David at
 18 this point, is a member of the condo
 19 association by virtue of the fact that he owns
 20 a slip, and every slip is -- you know, there's
 21 common elements.
 22 But, listen, implied in all of the
 23 approvals is that he initially has to own it,
 24 because it cannot be owned --
 25 MR. BEHAR: You can't build it, unless you

1 final approval, and, again, because of the way
 2 that that's worded, where thank God that
 3 Restrictive Covenants that spoke to many
 4 elements, restrictions being what the Code
 5 would have even asked for on a Code Amendment
 6 and Text Amendment of this kind, because of the
 7 fact that it spoke to the slips, ownership of,
 8 who would, you know, control and cleanliness,
 9 security, everything else, but fortunately, in
 10 this document, the number eight was never
 11 there.
 12 CHAIRMAN AIZENSTAT: So that was my
 13 question, if the number eight was on there.
 14 MR. FRESEN: And that's why I had mentioned
 15 it earlier, because I thought it was important,
 16 that not a word, period, comma, anything, on
 17 the existing memorialized Declaration of
 18 Restrictive Covenants running with this land,
 19 is being changed or modified in this
 20 application.
 21 CHAIRMAN AIZENSTAT: Okay. That's where I
 22 was having a hard time, because I really
 23 thought that the number eight was in the
 24 covenant, then how do you go about, you know,
 25 changing that covenant? Do you need all of the

1 owners from Hammock Oaks?
 2 Okay. Thank you.
 3 So we've gone through everybody. Anybody
 4 want to make a motion?
 5 MR. BEHAR: I'll make a motion for
 6 approval.
 7 MR. MURAI: I'll second it.
 8 CHAIRMAN AIZENSTAT: Robert makes a motion
 9 for approval. Rene, on the bike --
 10 MR. MURAI: What do you mean I'm on the
 11 bike?
 12 CHAIRMAN AIZENSTAT: You're moving back and
 13 forth, Rene.
 14 MR. FRESEN: I didn't want to say anything,
 15 but it looked like you were getting your
 16 exercise in there.
 17 MR. COLLER: I just ask everybody to
 18 remember what happened tonight, because you're
 19 going to get another item that's going to have
 20 the same thing.
 21 MR. FRESEN: And I promise that my
 22 introduction will just be, I'm here for any
 23 questions. I'm not going to provide you or
 24 bore you with any details.
 25 CHAIRMAN AIZENSTAT: Okay. We have a

1 The volume sort of dropped out of your --
 2 CHAIRMAN AIZENSTAT: No, I'm not muted.
 3 Can you hear me?
 4 MR. BEHAR: Scream.
 5 MS. ANDERSON: I can hear him.
 6 MR. COLLER: Okay.
 7 CHAIRMAN AIZENSTAT: I said, yes.
 8 MR. BEHAR: Nothing else? I'll make a
 9 motion to adjourn.
 10 MS. VELEZ: I'll second.
 11 CHAIRMAN AIZENSTAT: Thank you very much,
 12 guys. Have a nice night.
 13 (Thereupon, the meeting was concluded at
 14 8:20 p.m.)
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1 motion. We have a second.
 2 MR. MURAI: Move with the condition that
 3 Erik cannot speak at the next one.
 4 MR. BEHAR: I'll second that one.
 5 CHAIRMAN AIZENSTAT: Okay. We have a
 6 first, second. Any other comment? No?
 7 Having heard none, call the roll, please, Jill.
 8 THE SECRETARY: Maria Velez?
 9 MS. VELEZ: Yes.
 10 THE SECRETARY: Chip Withers?
 11 MR. WITHERS: Yes.
 12 THE SECRETARY: Rhonda Anderson?
 13 MS. ANDERSON: Yes.
 14 THE SECRETARY: Robert Behar?
 15 MR. BEHAR: Yes.
 16 THE SECRETARY: Rene Murai?
 17 MR. MURAI: Yes.
 18 THE SECRETARY: Eibi Aizenstat?
 19 MR. MURAI: He's muted.
 20 THE SECRETARY: Eibi Aizenstat?
 21 CHAIRMAN AIZENSTAT: Can you hear me okay?
 22 I'm going to go ahead and say, yes, on the
 23 advice that Craig told us that this can be done
 24 with a covenant and so forth.
 25 MR. COLLER: Were you able to hear him?

1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8
 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 23rd day of October, 2020.
 17
 18
 19 SIGNATURE ON FILE
 20
 21 _____
 22 NIEVES SANCHEZ
 23
 24
 25

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1 Miami eventually, and our offices are at 2950
 2 Southwest 27th Avenue in Coconut Grove, and
 3 that's pretty much it.
 4 CHAIRMAN AIZENSTAT: Thank you very much,
 5 and we welcome all of your valuable input.
 6 MR. BEHAR: Welcome to the Board.
 7 MR. REVUELTA: Thank you.
 8 CHAIRMAN AIZENSTAT: Welcome to the Board.
 9 Tonight I'm going to go ahead and change
 10 the agenda items. We will first hear E-2,
 11 which will be heard first, because Mr. Behar
 12 has to recuse himself for Item E-1, and as
 13 such, like I stated, he must recuse himself.
 14 First let's go ahead and do the approval of
 15 the minutes of October 14th, 2020.
 16 MR. BEHAR: Motion to approve.
 17 CHAIRMAN AIZENSTAT: We have a motion. Is
 18 there a second?
 19 MS. VELEZ: Second.
 20 CHAIRMAN AIZENSTAT: We have a second. Any
 21 comments? No?
 22 Jill, will you go ahead and call the roll,
 23 please?
 24 THE SECRETARY: Luis Revuelta?
 25 MR. REVUELTA: Yes.

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1 read E-2 into the record, please, by Mr.
 2 Coller.
 3 MR. MURAI: I'm having problems hearing
 4 you, Eibi.
 5 MR. COLLER: Mr. Chairman, Craig Coller,
 6 for the record. Are you able to hear me okay?
 7 CHAIRMAN AIZENSTAT: Yes, sir.
 8 MR. COLLER: Okay. So those people in Zoom
 9 are probably having trouble hearing the
 10 Chairman. Do we know what the technical
 11 problem seems to be, Jill?
 12 THE SECRETARY: No, but I will get CGTV in
 13 here as soon as possible.
 14 MR. COLLER: You know, maybe we can just
 15 wait a couple of minutes and see if we can
 16 straighten this out. I mean, I can read it in
 17 for the record and we can move on from there.
 18 So, Item E-2, we're taking first, an
 19 Ordinance of the City Commission of Coral
 20 Gables, Florida amending Ordinance Number
 21 2018-43, which granted the conditional use
 22 approval for a private yacht basin on property
 23 zoned single-family residential, legally
 24 described as a portion of Tract E, Block 4 of
 25 Hammock Oaks Harbor Section Two, that's 11093

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1 THE SECRETARY: Maria Velez?
 2 MS. VELEZ: Yes.
 3 THE SECRETARY: Chip Withers?
 4 MR. WITHERS: Yes.
 5 THE SECRETARY: Robert Behar?
 6 MR. BEHAR: Yes.
 7 THE SECRETARY: Rene Murai?
 8 MR. MURAI: Yes.
 9 THE SECRETARY: Eibi Aizenstat?
 10 CHAIRMAN AIZENSTAT: Yes.
 11 Let me go ahead and identify the procedure
 12 that we'll be using tonight. First, the
 13 identification will be made of the item by Mr.
 14 Coller. Mr. Coller is attending the meeting by
 15 Zoom. Then we'll have the presentation by
 16 Staff, the presentation by applicant. At which
 17 time, I'll open the comment -- for public
 18 comment, first to the Zoom platform, then the
 19 phone line platform. Also, remember that the
 20 e-comments or e-mails will be read into the
 21 record. Then I will close the public comment.
 22 The Board will have a discussion and then let's
 23 see if we have a motion and a second and a
 24 vote, if any.
 25 Okay. Let's get started. If we can please

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1 Marin Street, Coral Gables, Florida, by
 2 increasing the number of dock slips from eight
 3 to nine, all other conditions of approval
 4 contained in Ordinance Number 2018-43 shall
 5 remain in effect; providing for a repealer
 6 provision, providing for a severability clause,
 7 and providing for an effective date. Item E-2,
 8 public hearing.
 9 CHAIRMAN AIZENSTAT: Thank you, Mr. Coller.
 10 Mr. Trias.
 11 MR. TRIAS: Thank you.
 12 May I have the PowerPoint, please?
 13 (Unintelligible) half of it last time,
 14 which was the Site Specifics. Now the request
 15 is to finalize the item with the amendment of
 16 the Conditions of Approval.
 17 MR. MURAI: I cannot hear anything.
 18 MR. TRIAS: The request is the same, eight
 19 to nine.
 20 And if we don't have the PowerPoint, that's
 21 okay. It simply showed the map. So Staff
 22 recommends approval.
 23 MR. COLLER: Ramon, could you start at the
 24 beginning --
 25 THE SECRETARY: Excuse me, Ramon. Craig

1 Coller is speaking.
 2 MR. COLLER: Yeah. Ramon, could you begin
 3 from the beginning, because I think we can all
 4 hear you now.
 5 THE SECRETARY: Can you repeat that, Craig?
 6 MR. COLLER: Yes. I can hear -- and I was
 7 hearing Ramon --
 8 MR. TRIAS: Okay.
 9 MR. COLLER: -- about ten seconds into his
 10 speech.
 11 CHAIRMAN AIZENSTAT: Craig, this is Eibi.
 12 Can you hear me?
 13 MR. COLLER: I can hear you fine.
 14 CHAIRMAN AIZENSTAT: Okay. Thank you. Go
 15 ahead, please, Ramon.
 16 MR. TRIAS: All right. If we could have
 17 the PowerPoint, just for the record, just so
 18 people can see what we're talking about, in
 19 terms of the map and the location.
 20 It doesn't seem to be working for me.
 21 Okay. So, as you know, it's a sliver of
 22 land, right there, in that photograph, and the
 23 existing Land Use and the Zoning is
 24 single-family around it. It's at the end of
 25 the cul-de-sac. There was one e-mail that was

1 sent that dealt with some Code Enforcement
 2 issues related to the cul-de-sac, but the
 3 request is very clear, from eight to nine.
 4 Eight was approved prior. You dealt with half
 5 of their request already, and this is the
 6 second half. The request has not changed.
 7 There's an extra slip right there highlighted
 8 in red.
 9 And the public was notified with letters
 10 twice. The property was posted. The website
 11 was also posted. There was the newspaper
 12 advertisement for this meeting tonight.
 13 Staff recommends approval.
 14 CHAIRMAN AIZENSTAT: Thank you, Mr. Trias.
 15 Is the applicant online with Zoom?
 16 MR. FRESEN: Yes.
 17 CHAIRMAN AIZENSTAT: Welcome. Can you
 18 please introduce yourself and proceed?
 19 MR. FRESEN: Good evening, Mr. Chair, the
 20 attorney. Good evening, Craig. Erik Fresen,
 21 with offices at 8050 Southwest 72nd Avenue, on
 22 behalf of the applicant, David Cabarrocas.
 23 As promised in the last meeting, this is
 24 essentially the twin item to the first one that
 25 was heard in last month's meeting. I believe

1 all of you, with maybe the exception of new
 2 Board Member Revuelta, heard the details of it,
 3 and I had promised not to go so lengthy. It's
 4 essentially the identical item, but for the
 5 fact that because the number eight was also on
 6 the Conditional Use portion of the original
 7 approval for this yacht harbor basin in the
 8 title portion of the Ordinance, we had to
 9 actually -- you know, we're doing a Conditional
 10 Use amendment. Again, just like the last one,
 11 there is nothing being changed other than the
 12 number eight to the number nine.
 13 And I'll close it up out of deference to
 14 the Board.
 15 CHAIRMAN AIZENSTAT: Thank you. Thank you
 16 for your presentation.
 17 Jill, do we have any comments that have --
 18 any comments that have come in to be read into
 19 the record? I think there was an e-mail that
 20 was stated.
 21 THE SECRETARY: Yes. It's an e-mail
 22 received today at 3:14.
 23 CHAIRMAN AIZENSTAT: Could you please read
 24 it into the record?
 25 THE SECRETARY: Madam, Sir, I am a

1 resident of 11098 Marin Street, directly
 2 adjacent to the boat slip area. My name is
 3 Andreas Siegel. Unfortunately, I will not be
 4 able to participate in the meeting, but I would
 5 like to submit a few issues for consideration
 6 of tonight's meeting:
 7 1) My understanding was that access to the
 8 parking lot of the boat slips was to be granted
 9 for one (service) car maximum. It had been
 10 announced that the normal means of
 11 transportation to get to the boat slips was by
 12 electrical/golf cart. I would appreciate if
 13 this rule were to be applied consistently. So
 14 far no golf carts have been seen near the boat
 15 slips.
 16 2) My understanding is also that parking
 17 in the area of the adjacent roundabout is
 18 forbidden. This rule is not respected either.
 19 I would plead for an effective enforcement or
 20 at least a visual reminder, "No Parking" sign.
 21 3) It has been repeatedly observed that
 22 garbage and trash has been put outside the
 23 gated boat slip premises and left on the
 24 adjacent premises. A reminder of existing
 25 conditions and rules would be appreciated.

1 4) Water Management: Since August 2019
2 when the water pipe system in the adjacent area
3 was adapted for the boat slips, the degree of
4 flooding in the roundabout area has
5 considerably increased. A review of the pipe
6 system and overflow protection by Miami-Dade
7 Water and Sewer would be appreciated.

8 Thank you for taking note of and addressing
9 these concerns. Best regards, Andreas Siegel,
10 11098 Marin Street, Coral Gables, Florida
11 33156.

12 CHAIRMAN AIZENSTAT: Thank you, Jill.
13 Jill, would it be a good idea to possibly
14 forward this e-mail to the appropriate
15 departments within the City, yeah, regarding
16 the concerns? Thank you very much.

17 At this time, I want to go ahead and open
18 for public comment. Jill, do we have any
19 speakers?

20 THE SECRETARY: No speakers. Sorry, no
21 speakers.

22 CHAIRMAN AIZENSTAT: Okay. Thank you. No
23 speakers either by Zoom or by phone; is that
24 correct?

25 Okay. So let's go ahead and close the

1 public comment. I'll open it up for Board
2 discussion.

3 Chip, to my left?

4 MR. WITHERS: I'm fine with it. I'm
5 prepared to make a motion when you're ready.

6 CHAIRMAN AIZENSTAT: Does any member have
7 any comment? Yes, Maria.

8 (Inaudible.)

9 MR. COLLER: Oh, no, where did it go?

10 CHAIRMAN AIZENSTAT: Robert.

11 MR. BEHAR: I want to make sure that we
12 address the comment that was submitted by
13 Ms. Siegel. If parking is not allowed there, I
14 would like to see that, implement a parking
15 sign on the cul-de-sac, which I think is very
16 easy, very doable. The other comment -- I
17 think that was it. The trash, to make sure
18 that Code Enforcement goes by frequently to
19 pick up whatever, you know, trash -- or enforce
20 the trash dumping in that area. Other than
21 that, I'm also ready to make a motion or second
22 a motion on this item.

23 CHAIRMAN AIZENSTAT: Luis, do you have any
24 comments?

25 MR. REVUELTA: I only had one question, and

1 I'm not familiar with it. I see that there is
2 a body of water to the south of these slips,
3 and was the only flow of water from the body of
4 water into the canal through that last slip or
5 is this last slip going to block the flow of
6 water?

7 CHAIRMAN AIZENSTAT: Ramon.
8 (Inaudible.)

9 MR. MURAI: I cannot hear Ramon.

10 CHAIRMAN AIZENSTAT: Go ahead, please.

11 THE SECRETARY: Excuse me, Ramon, Rene just
12 indicated he cannot hear you.

13 MR. REVUELTA: I don't have a problem with
14 the request and the approval, but it just
15 dawned on me, if there was any consequence,
16 since it's my first day.

17 CHAIRMAN AIZENSTAT: Understood. Was the
18 applicant going to answer the question, Ramon?

19 MR. TRIAS: I hope so. Is the applicant
20 available?

21 THE SECRETARY: He's still on.
22 One second.

23 CHAIRMAN AIZENSTAT: While we wait for the
24 applicant, Rene, do you have any comments?

25 MR. MURAI: What?

1 CHAIRMAN AIZENSTAT: Rene, can you hear me?

2 MR. MURAI: Huh?

3 CHAIRMAN AIZENSTAT: Do you have any
4 comments on this item?

5 MR. MURAI: Well, first, I didn't hear
6 anything that Maria said, nor did I hear if --
7 any response that Ramon gave to Luis' comments.
8 So I don't know if Ramon commended on it or
9 not. Did you, Ramon?

10 MR. TRIAS: I did not, but the applicant is
11 going to comment, I believe.

12 MR. MURAI: Okay. And what was Maria's
13 comment, because I couldn't hear it?

14 MR. TRIAS: That she would prefer -- well,
15 go ahead.

16 (Inaudible.)

17 MR. MURAI: Can't hear.

18 MR. VELEZ: Why did they not present this
19 at the last meeting, and, Number Two, I'm
20 hoping that we don't have -- if there is
21 another one coming in the future, that we would
22 prefer to see things come at the same time, as
23 opposed to piecemeal. Can you hear me? It's
24 on.

25 MR. MURAI: I still could not hear.

1 MS. VELEZ: The light is on.
 2 Can you hear me now?
 3 MR. MURAI: Well, with a lot of echo.
 4 That's the problem.
 5 MR. BEHAR: Can she get the mike? Can she
 6 get that mike? Is that possible?
 7 MS. VELEZ: Can you hear me now? Can you
 8 hear me now?
 9 MR. MURAI: No.
 10 CHAIRMAN AIZENSTAT: Maybe, Ramon, you can
 11 state what Maria has said.
 12 MR. TRIAS: Yes. Maria expressed an
 13 opinion that both items should have been
 14 brought together, and that, in the future,
 15 that's the way it should be, which I concur and
 16 I agree.
 17 CHAIRMAN AIZENSTAT: Thank you.
 18 Rene, any other comments? I hope that
 19 answered your questions.
 20 MR. MURAI: Well, what does she mean by
 21 both items? What do you mean, Maria?
 22 MS. VELEZ: We had something on this item
 23 at the last meeting --
 24 MR. MURAI: Yes.
 25 MS. VELEZ: -- an additional step, and I'm

1 just saying that my preference would be to see
 2 everything at the same time, as opposed to
 3 getting items piecemeal, the way this has come
 4 in.
 5 MR. MURAI: But what is different about
 6 this item from last time?
 7 MR. TRIAS: There's no difference. It's
 8 the same aspects of the request. The first one
 9 was Site Specifics. This one is an amendment
 10 to the Conditions of Approval.
 11 MR. COLLER: Can I just make a comment on
 12 this, because I explained it at the last
 13 meeting, if everybody is able to hear me?
 14 CHAIRMAN AIZENSTAT: Yes. Please go ahead.
 15 MR. COLLER: Okay. So this item came
 16 before you at the last meeting, and if you'll
 17 recall, I told you, please remember what the
 18 testimony was, because a lot is going to be the
 19 same. For this private yacht basin, they
 20 needed two different approvals. One approval
 21 is, this is mentioned in the Site Specific
 22 Zoning for this area, and so the Site Specifics
 23 needed to be amended.
 24 The second area that needed to be amended
 25 is, because this is a Conditional Use in the

1 Zoning Code for a private yacht basin, they
 2 needed to have an amendment, which had
 3 previously approved eight, and now is approving
 4 nine. It's the same additional slip in both
 5 circumstances.
 6 At the last meeting, counsel for the
 7 applicant said, well, the applicant really
 8 didn't -- was hoping they wouldn't have to
 9 spend the money having to do both, an amendment
 10 to the Site Specifics and an amendment to the
 11 Conditional Use Ordinance that had been
 12 approved, and so that's why they went for the
 13 first one. When they got the opinion from the
 14 City Attorney, yes, you needed to have both
 15 amendments done, the applicant decided, well,
 16 I've got this on the agenda, I might as well go
 17 for it now, knowing that this was going to have
 18 to come back again, which I told you all at the
 19 last meeting.
 20 So, really, the considerations and the
 21 facts compared eight to nine were the same.
 22 The only difference is, tonight we have heard
 23 some concerns from a neighbor about certain
 24 operational aspects to the adding of the ninth.
 25 So that's why it came in two steps, and I

1 completely agree, it would have been much
 2 better if both items came at the same time,
 3 and, hopefully, that will not likely happen
 4 again.
 5 MR. MURAI: Okay. So my comments are the
 6 following: I would vote to approve this item,
 7 subject to the City posting a No Parking sign
 8 there, and, hopefully, enforcing it, but
 9 enforcing it cannot be a part of my motion. It
 10 simply would be, the City post a No Parking
 11 sign and No Trash/Garbage sign, so that, you
 12 know, the neighbor next to the basin will not
 13 have to deal with these issues.
 14 So I would like to, when the motion is
 15 made, that those two items be included.
 16 MR. REVUELTA: And I was looking at my
 17 phone, the aerial, and it's not blocking
 18 anything, so there's no need to waste time
 19 answering my question.
 20 MR. TRIAS: I agree with that. I just
 21 didn't want to make it (unintelligible) -- I
 22 think you're correct. I think you're correct.
 23 MR. REVUELTA: Okay. Thank you.
 24 CHAIRMAN AIZENSTAT: Rene, would you like
 25 to make that motion?

1 MR. MURAI: Yes. I move that the item be
 2 approved, subject to the City installing a No
 3 Parking sign adjacent to the boat slip and a No
 4 Garbage/Trash sign.
 5 CHAIRMAN AIZENSTAT: Okay. Is there a
 6 second?
 7 MR. BEHAR: I'll second it.
 8 (Unintelligible.)
 9 CHAIRMAN AIZENSTAT: Mr. Behar seconded it.
 10 Any discussion?
 11 MR. MURAI: The attorney, Erik, had his
 12 hand up.
 13 CHAIRMAN AIZENSTAT: Say that again,
 14 please.
 15 MR. MURAI: Erik, right, you had your
 16 hand --
 17 THE SECRETARY: The applicant wishes to speak.
 18 MR. TRIAS: Craig. They attorney is Craig.
 19 MR. COLLER: No, I believe that Erik,
 20 counsel for the applicant --
 21 MR. TRIAS: Oh, okay.
 22 MR. COLLER: -- had his hand up. I think
 23 he wants to say something about the Conditions
 24 for Approval.
 25 CHAIRMAN AIZENSTAT: Erik, I apologize.

1 landscapers more than likely, are that they're
 2 dumping landscaping debris, and the City once a
 3 week drives by and picks it up. So I would
 4 also have no problem with the concept of
 5 putting a No Trash Dumping or a sign there, as
 6 well. I just wanted it to be clear that
 7 neither of those adverse conditions that have
 8 been properly made by the neighbor are a
 9 function of the marina. They are just things
 10 that have been happening in the roundabout,
 11 outside of the gates of the marina. So I just
 12 wanted that to be clear on the record.
 13 CHAIRMAN AIZENSTAT: Okay. That's why I
 14 see this e-mail mainly as a Code Enforcement
 15 issue.
 16 MR. FRESEN: Yeah.
 17 MR. MURAI: Yeah, but I would like my
 18 motion to stand as it is.
 19 (Simultaneous speaking.)
 20 MR. TRIAS: That's an appropriate
 21 condition, if you vote for it, certainly.
 22 CHAIRMAN AIZENSTAT: Yeah. That's the way
 23 it is made, and, Ramon, you'll make sure and
 24 see to it that that would be expedited?
 25 MR. TRIAS: Absolutely.

1 It's just we don't see you when we're here.
 2 It's the first time that we're doing this
 3 hybrid. Would you please make your comment?
 4 MR. FRESEN: And I'm sorry, I was trying to
 5 raise my hand to be respectful to the process.
 6 I mean, and, again, I just want to put a couple
 7 of comments on the record for things respective
 8 to the e-mail that was sent.
 9 So to the portion of the parking, and we
 10 have -- the parking that they're referring to
 11 is outside of the basin, what is the
 12 roundabout. Obviously, that could be anything
 13 from a neighbor having a party and parking,
 14 which we can't control, but the truth should
 15 be, we need a place -- I just wouldn't want the
 16 approval held up because it takes four months
 17 for a City official to come out and put a sign
 18 up. I would rather put up the sign ourselves,
 19 if we can get that somehow approved by the
 20 City, and I'm saying that from a timing
 21 perspective.
 22 Mr. Behar, also, a no loading or trash, but
 23 just be clear, what is happening there is,
 24 there is a pit outside of the entrance to the
 25 boat harbor and what people are doing,

1 CHAIRMAN AIZENSTAT: Okay. We have a
 2 motion. We have a second. Any other comment?
 3 No?
 4 Jill, please call the roll.
 5 THE SECRETARY: Maria Velez?
 6 MS. VELEZ: Yes.
 7 THE SECRETARY: Chip Withers?
 8 MR. WITHERS: Yes.
 9 THE SECRETARY: Robert Behar?
 10 MR. BEHAR: Yes.
 11 THE SECRETARY: Rene Murai?
 12 MR. MURAI: Yes.
 13 THE SECRETARY: Luis Revuelta?
 14 MR. REVUELTA: Yes.
 15 THE SECRETARY: Eibi Aizenstat?
 16 CHAIRMAN AIZENSTAT: Yes.
 17 At this time, before we proceed with the
 18 next item, Robert, I guess you're going to go
 19 ahead and excuse yourself.
 20 (Inaudible.)
 21 MR. REVUELTA: Thank you, sir.
 22 MR. WITHERS: Good night, Robert. Have a
 23 good evening.
 24 CHAIRMAN AIZENSTAT: Let me state something
 25 before Robert leaves. Our December meeting is

Menendez, Jill

From: Andreas Siegel <ats_eveil@yahoo.fr>
Sent: Sunday, November 15, 2020 11:26 AM
To: Planning
Subject: Public Hearing, on 12 November, on the extension of 8 to 9 boat slips, Hammock Oaks Harbor section two
Attachments: 20201115_111135.jpg; 20201115_111100.jpg

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PS: In order to illustrate points 1 and 3 below, please find some photos of today, Sunday 15 November 2020.

Le jeudi 12 novembre 2020 à 15:13:33 UTC-5, Andreas Siegel <ats_eveil@yahoo.fr> a écrit :

Madam,
Sir,

I am a resident at 11098 Marin street, directly adjacent to the boat slip area. My name is Andreas Siegel. Unfortunately, I will not be able to participate in the meeting, but I would like to submit a few issues for consideration of tonight's meeting:

- 1) My understanding was, that access to the parking lot of the boat slips was to be granted for one (service) car maximum. It had been announced that the normal means of transport to get to the boat slips was by electrical/golf cart. I would appreciate if this rule were to be applied consistently. (So far, no golf cart has been seen near the boat slips)
- 2) My understanding is also that parking in the area of the adjacent roundabout is forbidden. This rule is not respected either. I would plead for an effective enforcement or at least a visual reminder ("No Parking" sign).
- 3) It has been repeatedly observed that garbage and trash has been put outside the gated boat slip premises and left on adjacent premises. A reminder of existing conditions and rules would be appreciated.
- 4) Water management: since August 2019 (when the water pipe system in the adjacent area was adapted for the boat slips) the degree of flooding in the roundabout area has considerably increased. A review of the pipe system and overflow protection by MDWAS would be appreciated.

Thank you for taking note of and addressing these concerns.

Best regards
Andreas Siegel

11098 Marin Street,
Coral Gables
FL 33156

