

**City of Coral Gables City Commission Meeting  
Agenda Item E-11  
March 15, 2016  
City Commission Chambers  
405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason  
Commissioner Pat Keon  
Commissioner Vince Lago  
Vice Mayor Frank Quesada  
Commissioner Jeannett Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark  
City Attorney, Craig E. Leen  
City Clerk, Walter J. Foeman  
Deputy City Clerk, Billy Urquia  
Planning and Zoning Director, Ramon Trias**

**Public Speaker(s)**

**Laura Russo  
Neli Santamarina  
William Joseph Patrick Donnelly  
Rachel Lauzurique  
Michael Saenz  
Vicky Busot  
Carlos Santamarina  
Elias Tirado Hernandez  
Eric Padrón  
Arthur David Porosoff  
Andres Vega  
Sachi Statz  
Lara Gallardo  
Daniel Gomez  
Carmen Santamarina**

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City Commission Meeting  
March 15, 2016  
Agenda Item E-11 – Resolution reviewing proposed settlement related to application by  
Tinta y Café at 1315 Ponce de Leon Boulevard for walk up window and outdoor seating

**Juan Carlos Perdomo**  
**Hugo Gonzalez**  
**Rafael Aquino**  
**Soraya Golden**  
**Lian Santiago**  
**Jose Rasco**  
**Heidi Soto**  
**Justin Sicle**

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Agenda Item E-11 [12:08:14 a.m.]

A Resolution of the City of Coral Gables reviewing proposed settlement related to application by Tinta y Café at 1315 Ponce de Leon Boulevard, Coral Gables, Florida, for walk up window and outdoor seating, conducting a quasi-judicial public hearing, and either approving, or approving with conditions/modifications, denying, or continuing the proposed settlement.

Mayor Cason: Alright, City Attorney. E-11.

City Attorney Leen: Thank you, Mr. Mayor. Item E-11 is a resolution of the City of Coral Gables reviewing proposed settlement related to application by Tinta y Café, at 1315 Ponce de Leon Boulevard, Coral Gables, Florida, for a walk-up window and outdoor seating, conducting a quasi-judicial public hearing, and either approving, or approving with conditions/modifications, denying, or continuing the proposed settlement. This is a quasi-judicial matter. It's a public hearing. I'm going to briefly go over the procedure for today, and then I'm going to turn it over to the different parties who will be speaking. So, Tinta y Café is at 1315 Ponce de Leon Boulevard. The issue that's before you is whether the café can have a -- what's called a walk-up window, where -- and you'll hear more from the applicant, who will explain the details. But just in a nutshell, it's so someone can come up to the window and get a coffee and purchase a coffee at a window and drink the coffee. Also, you're going to be looking at their outdoor seating. Now, the window and outdoor seating are on Salamanca, and the actual café is on Ponce. It's East Ponce and Ponce, but it's right there where the junction of East Ponce and Ponce are. And

for those at home, it's just north on Ponce de Leon Boulevard. It's a smaller building that's been there for many years with a parking lot in front. And if you take a look in the record, you can see some sketches relate to that. Just to begin, I would like to note that we received -- my understanding is 700 -- did you say 700 emails related to this matter over the course of time? Now, I want to -- we're going to be putting this in the record, Mr. Mayor, but I want to be clear. Just because we've received 700 emails doesn't mean the Commissioners have read 700 emails. In order to be able to -- they have read the emails that you've sent them, I believe, and they forwarded them to the Clerk to put in the record, which is what they're supposed to do. But to really preserve your position, you have to speak. You have to come to the Commission meeting and speak, so they can hear your item. And nevertheless, these are being placed in the record. Mr. Mayor, are you okay with accepting those into the record?

Mayor Cason: (INAUDIBLE).

City Attorney Leen: Okay, so those will go back to the City Clerk. Now the issue before the Commission relates to the walk-up window, and then also to the outdoor seating. What happened was a number of months ago there was a request for a permit to be issued related to this property. If you take a look at the permit, which is in your packet which is attached, there's a notation there, if you look at the sketch, Exhibit A, which says the window will be locked to be non-operable and will not be used as a pass-through. What happened here was the applicant, who's the owner of Tinta y Café, wanted to place a walk-up window, and I gave an opinion, a legal opinion, which was it was requested of me by Development Services that a walk-up window was not permitted under the Code at that location. Nevertheless, they wanted to proceed with the window at their own risk with the hopes that the Commission would allow it. Now why is this before you as a settlement? Well, if you want to take a look, the opinion I gave is in your packet. It's Exhibit C, CAO 2015-081. And the issue here is that the Zoning Code is not precise. It's ambiguous, honestly, on this point. You have two different provisions in the Code which could apply to this, one which would authorize the walk-up window and one which would not. I went with the general canon of construction that you take the more specific ordinance.

And so the more specific provision related specifically to Ponce de Leon Boulevard, north of Bird Road up to 8th Street, Biltmore Way and Coral Way, and what that provision said -- and you can -- it's attached to Exhibit C -- is that -- I'm not going to just read it. I'll just say in summary what it said. It limits what can be done on those three streets, and then provides an exception. And when you go and look at the exception, it does not include walk-up windows. There is another provision -- there's -- the first provision refers to -- it actually is one, two, three, four, five, six different things that could be allowed, 4-403. So, 4-402.A says basically nothing's allowed except for what's in 4-403.F. Well, the thing that would be allowed here, the walk-up window, is in 4-403.E, but that's not allowed because it refers to 4-403.F. So, when I looked at the two provisions read together, it was my opinion that the walk-up window would not be allowed. Now, I want to give a broader aspect to this. If I had found that it would be allowed under these provisions, it would allow walk-up windows on Ponce de Leon Boulevard north of Bird, Coral Way, which is Miracle Mile, and Biltmore Way. And the tradition of the City was not to allow walk-up windows on Coral Way. And I felt that if the City was going to allow that, that would have to be really a policy decision of the City Commission, because obviously the City is going forward with the streetscape there. You may have different views as to what you would want to allow there. Now, the counterargument to that was that there is at least one other restaurant on Ponce that does have a walk-up window that has been allowed in the past. It's on the corner of 8th Street and Ponce de Leon Boulevard, and that was pointed out to us by the applicant and we're aware of that. So, there is a precedent for allowing a walk-up window and that's been raised by the applicant. Also, there's another section of the Code which generally allows walk-up windows under certain conditions, and I'm sure that Ms. Russo's going to discuss that with you. But the -- here, let me actually go to her letter. It's cited in her letter, which is Exhibit D. If you look at -- and she -- I would like to give her credit. She does cite all the different relevant provisions, and she recognizes that there's a number of provisions that may impact this particular issue. But in Section 5-115, which allows walk-up windows generally, it doesn't have the same limitations. The issue for me, as your City Attorney, is that the other section is more specific and it specifically mentions those streets, and it's consistent with the City's practice in the past, aside from this example we've been shown at the corner of 8th Street

and Ponce. Okay, so -- and then also, of course, what we have been allowing them to build the walk-up window although we have put a notation that it can't be used as a walk-up window. So, anyway, this has caused a degree of controversy between the businessowner and some residents that live nearby. Although, it's my understanding that there are other residents who also support it. So -- and they're all here. I believe a lot of them are here before you today and they're going to speak. The reason why this is coming before you as a settlement is because both sides are essentially arguing estoppel. They're saying, look, there's a precedent where a walk-up window was allowed, and so we should receive the same benefit. The other side's saying, well, look, there's this provision in the Code and a City Attorney opinion that indicates that it's not allowed. So, it seemed like this would be the best -- the best way to deal with this would be to hold a conditional -- what's essentially a conditional use review, but a quasi-judicial hearing to determine whether this should be approved or not. Now, there's -- in hearing this matter, there's one other thing you have to think about. Zoning staff -- and they're here -- Development Services is going forward and has gone to the Planning and Zoning Board, but they're going forward with a proposed ordinance that would allow walk-up windows throughout the City as a conditional use, which is essentially what you're going to be doing here today, but would allow that. Now, that hasn't come before you yet, so you'd have to decide whether you want to allow that or not. Today's hearing is just for this one site because of the specific circumstances relating to this one site and because of the controversy that has occurred with the goal of trying to resolve this matter in a way that's satisfactory to the property owner and the community. So, what the property owner has come forward with is a proposed settlement with the City that would allow the walk-up window under certain conditions. It's coming before you. You could accept that. If you accept that -- our Code allows the Commission to basically instruct the City Attorney, in certain circumstances, to enter into a settlement. And that is an appropriate way to act under our Code; it's authorized. So, you could allow this through a settlement, if you wished. Also, you don't have to accept the settlement exactly as it's proposed to you. You can place additional conditions or modifications based on the evidence that you hear today from the residents and from the property owner, and then you can make a determination what exactly you would like to allow. So with that -- so the way it's going to go today is that the applicant has asked to speak

for up to fifteen minutes. I don't know if they're going to have to use the full fifteen minutes, but they're prepared to speak. Then the principal -- I don't want to say objector because it's a negative word in a sense, but the principal aggrieved party, if that's okay -- that's what our Code uses. And we view everyone here in a positive way. I want to be clear with that. But the principal aggrieved party is going to speak for up to fifteen minutes, and I believe she has -- there's three individuals who are going to speak to you. They're going to do that under oath. Everyone has to be sworn in, unless you're providing testimony. They're here to speak to you for up to fifteen minutes. They're going to explain their objections to the settlement and maybe some proposed modifications. At that point, it's going to be open to a public hearing and people are going to be able to speak for up to three minutes. The Mayor has already indicated -- pardon me, up to two minutes. Everyone's agreed to that. We -- I have talked to you before the hearing. Everyone's going to have up to two minutes to speak to you. We just ask that if someone's already said exactly what you're going to say, you can always just refer to that and say I'm saying the same thing. Just remember when you come up and speak to the Commission, you need to give your address, because they want to see how close you live to this to see your impact, and the Code requires it, and also your name. So with that, I would turn it over to -- back to the Mayor and to Ms. Russo to give her statement. Actually, before we do that, Mr. Clerk, could you swear everyone in just so we don't forget.

City Clerk Foeman: Would you stand and raise your right hand please?

Mayor Cason: All of you.

Commissioner Keon: Everybody.

Unidentified Speaker: Everyone who's speaking.

Mayor Cason: Anybody who's going to speak.

City Clerk Foeman: Do you solemnly swear or affirm that the testimony you will provide today will be the truth and nothing but the truth?

Unidentified Speakers: Yes.

City Clerk Foeman: Thank you.

Laura Russo: Good afternoon, Mr. Mayor, members of the Commission. For the record, Laura Russo, with offices at 2655 Le Jeune Road. I am here this afternoon representing Neli Santamarina, the owner of Tinta y Café. Tinta y Café is a café that will be operating at 1315 Ponce de Leon Boulevard. Ms. Santamarina has purchased the property. The property was a restaurant. For those of you that have as long a history as I do in Coral Gables, it has been a Steak & Egg, a Kitchen Place, a Coral -- I mean, a Bagel -- I think it was a Coral Bagel place for a while, so it's been numerous restaurants since the building was built back in the late 40's. I'm going to turn the podium over to Ms. Santamarina. I think that the City Attorney has given you a nice, concise explanation of what the issues are. I will just make one point with respect to that is the section that deals with walk-up windows and service windows is also the section that deals with ATMs, so I would just make the point that there are already some -- since they're in the exact same substation of the Code, the City has allowed ATMs and they're all over Miracle Mile and they're all over Ponce. So -- but again, the issue is the location here, and I think there's no one else better to make her plea for this than Ms. Santamarina.

Neli Santamarina: Thank you and good afternoon. My name is Neli Santamarina. I thank you so much for allowing me to plead my issue here. As Laura said, I want to give you just a brief history of Tinta y Café, the existing Tinta y Café, which has been in existence for 11 years in what's known today as the Brickell Village area. Before that it was a very downtrodden and poor neighborhood in the urban corridor leading into Brickell Avenue. I opened this 11 years ago with my brother, Ralph, and my sister, Carmen. Carmen left to do bigger and better things, and our brother Ralph went -- passed away and went to a better place. After that, my nephew,

Carlos, his son, and my daughter, Malu, who are twenty years old, came up to me and said we're not closing this place; we've got this. They were twenty years old. Needless to say, I got very concerned because twenty year olds are not usually as responsible as you want them to be, or expect them to be. I must say that they blew me away with their determination and their respect for what we were doing there, and Carlos' respect for his father's vision for the café. Carlos is here. Carlos, stand up. My daughter, Sachi, is my new partner in the business. My daughter, Malu, who's a teacher and is on her honeymoon, is unfortunately not able to be here. What I want to say more than anything is that we are -- we're a family business. We're not a big guy. We're a little guy. And my concept is a coffeehouse. It's not a restaurant, per se. I fashion this coffeehouse after the coffeehouses of the '60s and during that time of, you know, exploration in our country for open-mindedness and ideas and that kind of stuff. It's called Tinta y Café because tinta means ink in Spanish. It's a literary café. I have a lot of books. I have music. Tinta is where the spoken word is put down in writing. So, it's kind of like a play on being that cultural café. The concept for my café was borne out of la ventanita (phonetic), the famous and iconic, historic cultural heritage that we have in South Florida since the '60s. So, before Starbuck's even thought about coffee culture, we had coffee culture in Miami-Dade County, and that has transpired for the last fifty something years. I've been here since I'm seven years old. I'm at this point a native Miamian, like most of us are. And so my concept was borne out of that window. I basically looked at the window and said, okay, I'm going to elevate this window. I'm going to make it, you know, hip and cool. If any of you have gone to my café, and I know some of you are patrons, my window doesn't look like any other window in the City of Miami. It was an expensive window to design and install. So, the concept of my café is totally into the window. It is not only the cultural aspect of it, but it's a huge business aspect for me because of that cultural aspect. I'm sure that many of us in this room, if not all of us in this room, have frequented at least one of those coffee windows in our county. Why I bought in Coral Gables? I was approached by a local businessman, Albert Perez, I want to say three years ago. He wanted me to bring Tinta y Café to one of his properties in the South Ponce area. He and I started talking. I wasn't resonating with the Gables for my café for some reason. He enticed me to come to the Gables. He brought me to his property. We talked extensively. We almost did



something. It didn't work out. He sold his place and him and I became close friends and business associates, and we embarked on trying to find another location to do Tinta. During that time it took me approximately two years. And ironically, one night in the middle of the night, I came across this listing for 1315 Ponce. I looked at it and I wondered why Albert hadn't mentioned this to me. I go like this corner is fantastic for me. Called the next day, found out it was still available. Met with the broker, made an offer, got the property. After getting the property, I heard through different channels that there was a North Ponce revitalization vision for this area. My history, my background is in real estate and development. I've been involved in the South Beach revival from the "get-go." I was part of the people that would fight to protect historic buildings in the Art Deco District, and I was also a participant in getting the Art Deco District designated in the National Historic Register. So, I'm a preservationist, I'm an urbanist, and the reason that this neighborhood attracted me even more when I heard about the revitalization project was because of that excitement that I find for myself in being involved in emerging neighborhoods. My café right now on 8<sup>th</sup> and 3<sup>rd</sup> Avenue, like I said, I was the first thing that happened there before anything, any of those towers came in. I created a sense of neighborhood, and I think I created a neighborhood hub. And I have to tell you that I'm really very impressed by the fact that I have all of these people behind me. These are my patrons. These are the people that have helped me create that neighborhood in that area. And when I heard about this area, I go like, wow, this is great; nice, pedestrian neighborhood, great urban fabric, wonderful makeup of multifamily beautiful and some not so beautiful buildings in that particular neighborhood. That was my attraction to the neighborhood. I was super excited. Most of us that have visited urban neighborhoods, like Boston and New York, Soho, different urban areas know the importance or recognize the importance of having this kind of a community. For me, as an urban dweller, I live on South Beach. I live south of Fifth for the last many years. I've been involved, like I said, since 1980 in the South Beach revival. I'm an urbanite. I'm a pedestrian. I'm also a neighbor and I am very concerned also on impacts that happen in my neighborhood when people and businesses come into our area. And I understood completely when I heard that there was some concerns with us coming in. To be quite honest, when I bought the place, I was kind of excited by the fact that it was an existing restaurant and

that it did have outdoor seating before. I had seen a couple of windows in your city. I didn't expect that I would have the extensive amount of bureaucracy to accomplish this. I didn't know that there was this conflict in the Code that -- I didn't know that. So, of course, I was dragged into this whole process by that. Salamanca is not necessarily a quiet, residential idyllic neighborhood. It is probably the most transited and active street that you have in the North Ponce district. It is probably the only street that I can see from, I want to say, Alhambra to 8th Street that has a traffic light, that also has double yellow lines on every corner. That is predominantly a rental urban area. Those are the things that attracted me to this corner. The existence of previous outdoor seating also was my reason for thinking that this would be a smooth process. I thought it would take much less to open. I've been since October of 2014 was when I purchased the property. I started my process for permitting last January. I received my permit in September. In July, I was informed about the issue with the window, and we separated the two permits in order to achieve progress in my construction. Otherwise, I would still be dormant in my construction. It's not been an easy process. It's been a difficult dance and the music changing every step of the dance, very frustrating, very financially constraining. All I want to do is bring a sense of neighborhood and a neighborhood hub. And I think if you look at my supporters here, some of them are Gables residents, many are not. They are the neighborhood that we created in that Brickell Village area, and that is what I want to do here too, to create that. You have an incredible vision for your North Ponce region. You have an incredible dynamic there that's happening. I want to hire people that live in the neighborhood that can walk to work. I want people to get out of their cars. We, as residents in Miami-Dade County, as elected officials, as community activists, need to start addressing the traffic issue in this city. It is horrendous. Our quality of life is being affected everywhere, from Aventura, Miami Beach, Coral Gables, everywhere. We have a huge traffic problem. And the reason for that -- and I feel firmly about this -- is the -- it's necessary to educate people that we can walk. We can walk to get the café. We can go and do our laundry at the corner walking. Get out of the car. Get in the trolley, you know. So, my purpose is to create that sense of a neighborhood hub with the potential of having people -- I have people in this audience that go to my café, not once

or twice, or three times a week, or a month. They go once or twice or three times a day. So, I'll let them...

City Attorney Leen: You have three minutes left.

Ms. Santamarina: Speak for themselves.

City Attorney Leen: You've got three minutes left.

Ms. Santamarina: Yeah, I'm done. I'll let them speak for themselves. I want to introduce this into the record. These are signatures that we got from most of our patrons at the café, and I'd like to introduce that into the record, and I made copies for everybody. And once again, thank you so much for hearing my plea, and I appreciate your vision.

Mayor Cason: Let me ask you a question about...

Ms. Santamarina: Yes, sir.

Mayor Cason: How do you envision the demographics of your customers? Could you explain a little bit how --? What's the capacity and the...

Ms. Santamarina: My café right now is very -- and this is very important for you to know. My concept is about small and intimate. My café right now seats 15 people. My -- the café I'm doing here is going to have, I believe, 25 to 30 seats, if I can get that. I'm not sure if I'll be able to. It's a small concept. When we opened the place, I didn't know, Mayor, you know, who our customers were going to be over there in that Brickell area, because that area was not what it is today, so I had no idea who my customers were going to be. And little by little, I was kind of taken aback about the demographics of my clientele. And my clientele ranges from working class people, professionals, City administrators, City managers, you know, police department,

police chief, all the Fire Department, you know. We are a neighborhood establishment. That's what we are.

Mayor Cason: Have you looked -- did you do research before you got this property of the apartment house across the way? Did you look to see -- do you expect that people are going to be basically walking to your establishment or taking the trolley? I mean, I know you have eight parking spots, but based on what you've seen elsewhere, are your clients going to be people that are going to come down from an apartment house, come out of an office, come over and have a coffee and then go back to work, or are they going to hang around?

Ms. Santamarina: I would love that to be my clientele. That is the purpose of creating a neighborhood hub and creating vibrancy in a pedestrian neighborhood. That is the idea, to get people out of their cars. And yes, I totally welcome that. I would love for people to walk to my café. I would love to hire people that can walk to work. I live on Miami Beach and we have a huge housing issue right now because we're outpricing the neighborhood, so that people that work in hotels and restaurants, your secretaries and so forth can no longer live in the areas that they work, and that is wrong. That is wrong. That needs to change because if we're going to do anything about traffic, we need to create, you know, hubs where people can do that. And yes, that is exactly who I'm targeting, that kind. People at the window, really, it's a cultural thing. They'll come for the cafecito. If I go to the café window and I see Laura's there, I go, hey, Laura. How are you? This and that. So, we stand at the window. We have a little coffee and, okay, see you next time and we leave. I don't have people hanging out at the window. I mean, they mentioned Versailles and Carreta as a negative thing. I think those are icons of what a cultural aspect of our community is all about. I'm not Versailles or La Carreta. I'm very small. Would I want to be a Versailles or Carreta and have that kind of business? If I had the -- if I had that desire, yes. I'm not that. I'm not interested in a restaurant. I'm interested in a coffeehouse. I'm interested in a neighborhood establishment. And I think I -- I think it's proven with this neighborhood that I have behind me which I'm really impressed by their support. These people have come here to support their neighborhood establishment.

Mayor Cason: Thank you. I think we may have some more questions later on.

Commissioner Keon: What are your hours of operation?

Ms. Santamarina: My hours of operation presently or...

Commissioner Keon: What will they be?

Ms. Santamarina: Presently are 7 to 7:30, 8 o'clock, depending on, you know, who's in the café. Usually 7:30 to 8. Is it 7:30 or 7? Seven-thirty to eight, and we're going to do the same thing here. We're closed on Sundays in our Brickell area. I believe that here initially we'll probably close on Sundays. I'm not sure. Businesses talk to you, and I think that I have to hear what this neighborhood is going to say to me. Those are our initial hours right now, 7:30 to 8, Monday through Friday. Yes, Monday through Friday. Saturdays, we open 9 to 6, and Sundays we're closed presently. And that's basically what I'm going to keep here as well, unless the neighborhood asks me to do something else.

Commissioner Slesnick: Ms. Santamarina.

Ms. Santamarina: Yes, ma'am.

Commissioner Slesnick: When in the process of your acquiring the property did you find out about the restriction on the window?

Ms. Santamarina: The restriction on the window didn't become apparent to me until I went before the Planning and Zoning, and that happened in July. I wasn't aware of that.

Ms. Russo: During the Zoning review process.

Ms. Santamarina: Exactly, during the Zoning review process. Initially, I was approved for the window.

Commissioner Slesnick: So you purchased the property like in February?

Ms. Santamarina: I purchased the property in October of 2014.

Commissioner Slesnick: Okay.

Ms. Santamarina: That's a long time. It's a big financial constraint. This whole process has been for me. I'm a small business. I'm not a corporate entity, so it's been very hard. I had to hire the wonderful Laura Russo, but I got to pay Laura.

(LAUGHTER)

Ms. Santamarina: And that's expensive.

Mayor Cason: You're not that expensive, are you?

Commissioner Slesnick: Give her a break, Laura.

Ms. Russo: I'm going to take (INAUDIBLE).

Commissioner Slesnick: So at that time when you went to the -- is it Architectural Review Board or Planning and Zoning Board?

Ms. Santamarina: I went to the Planning -- well, first...

Ms. Russo: She was in the Zoning review process. She received a preliminary approval for the window, and then in the midst of that preliminary approval that needed additional landscaping came up this issue. And then after that, the City Attorney issued his opinion so the approval was rescinded, and that's when she contacted me and we separated the permits.

Commissioner Slesnick: And that's when we saw that comment on the site plan.

Ms. Russo: Correct.

Commissioner Slesnick: Okay.

Ms. Santamarina: Let me just also add to that. When that came up, I was kind of surprised.

Commissioner Slesnick: Because you were planning on that from the beginning.

Ms. Santamarina: Of course. That is the concept -- the birth of Tinta y Café is through that window. It's a cultural thing. Like I said before, it's our cultural heritage in this city and Dade County. The -- when I heard that there was this conflict with the window, I asked why is it possible that I can have a window, I can have the window open, but I cannot serve through the window. So that was very confusing to me. So I asked, okay, so if you come to get the coffee at the window, I can take the order, but I cannot pass the coffee through the window. Yet, I have a door right next to the window. I can go out the door and bring your coffee to the window. That, to me, was like very confusing.

Commissioner Slesnick: That's what I wanted to ask too. I mean, you're allowed to have tables outside in this location in the front on Ponce?

Commissioner Lago: That was going to be my next question.

Commissioner Keon: No, no, no, on Salamanca.

Commissioner Slesnick: Okay.

Commissioner Lago: Because I wanted some...

Commissioner Slesnick: I usurped your question.

Commissioner Lago: No, no. I want to clarify because I'm a little bit confused, and I'm very familiar with this neighborhood because my grandfather, who's now deceased, lived in this neighborhood, my mother's father. I mentioned before my other grandfather lived on Minorca, which my grandmother still lives there. But we lived at the building at the end to the right on the corner.

Ms. Santamarina: Oh, yeah, that condo.

Commissioner Lago: Yes, in the condo there, in the condo building. It's a great little location.

Ms. Santamarina: I love it.

Commissioner Lago: A lot of hardworking individuals live in that neighborhood. So, I've walked the site several times. And I remember being young that there was actual outdoor seating there. But what I want to get to, Ms. Russo and maybe you can clarify, or maybe staff can clarify for us, because we've already had this burn us once. They burned me actually when we were having the discussion with the outdoor -- the potential outdoor dining and beverage for...

Mayor Cason: Liberty Café.



Commissioner Lago: Liberty Café, where we were under the impression that outdoor seating was, you know, allowed as per the Code. And we came to find out that that was not even permissible, that those benches had been put there. We allowed it, at the end of the day, for those benches to remain, but that was kind of ambiguous in the Code.

Commissioner Slesnick: Well, this is in a commercial area, too.

Commissioner Lago: Yeah, but I've heard from some of the residents I've spoken to and I want to, you know, clarify on the record whether there was existing seating and it's allowed by the Code.

Ms. Russo: What you have...

Commissioner Lago: Exterior wise.

Ms. Russo: Yeah, exterior, right. What you have before you -- and I'm going to get to the answer to your question, but I have to give you a little background on it. What you have before you is a proposal that was prepared with the input of the City architect and the City's Planning and Zoning Department. The initial request that Ms. Neli Santamarina made for outdoor seating, when it was reviewed, it was determined that because of the setbacks you couldn't have pavers in the setback. So, you could have seating, but you couldn't have pavers, so the tables would wobble and it became an issue in terms of the ground cover and the setback. Then when plans were reviewed -- because we all remember that there had been outdoor seating -- City staff and the Zoning Department found that there had been two different permits for outdoor seating at this location on the Salamanca side. And with the proviso that the Code doesn't allow it on the Ponce side, you know, business conducted, when we met with staff trying to work this all out, we decided that we would let staff figure out what would be the best way to help minimize the impact of anybody sitting outside on the neighborhood, still having outdoor seating and still trying to allow Ms. Santamarina to actually run her business. So, the proposal you have before

you is a -- I'm going to call it a compromise proposal. It is not the original, what was submitted. But we are more than happy. We're quite pleased and we truly appreciated how staff worked with us, and you know, tried to take into account all the issues that were before it.

Commissioner Lago: But in reference to outdoor seating...

Ms. Russo: It is allowed.

Commissioner Lago: There's no compromise. It's in -- you're doing as per what's allowed.

Ms. Russo: We're doing it -- yes. We're doing it as per allowed in terms of the location and material.

Mayor Cason: And Craig.

City Attorney Leen: Just -- yeah.

Ms. Russo: Part of what had been turned down was pavers.

City Attorney Leen: The concern was, you know, you look at 4-402.A and it does refer to restaurants and it limits any business outside of restaurant on these three streets. Then when it provides the exception, it expressly refers to -- one of the exceptions is for restaurant drive-in service windows and drive-in and/or walk-up tellers, when approved in accordance with the provisions of Article 4 Division 1, which includes the walk-up windows, Article 5 Division 1. The problem is that -- and this may simply have been a mistake in the drafting. I don't know why it says this. But 4-402.A, the only exception is 4-403.F, whereas the provision that allows the walk-up windows is 4-403.E. So, when you read them together, there's a reference to a walk-up window through 4-403.E and Article 5 Division 1, but that is not included in the exception to businesses outside expressly.

Mayor Cason: As a practical...

City Attorney Leen: That's the concern. But the thing is...

Mayor Cason: But...

City Attorney Leen: That doesn't necessarily apply to outdoor seating, though because...

Mayor Cason: But as an actual matter, how many up and down Ponce there are out -- there's outdoor seating?

City Attorney Leen: Well, I was informed there was one, and I do know that the...

Ms. Russo: Well, window or outdoor seating?

City Attorney Leen: Outdoor seating.

Mayor Cason: Outdoor...

Ms. Russo: Oh, outdoor seating?

City Attorney Leen: No, no, no. There's more.

Ms. Russo: No, but the question...

City Attorney Leen: There's more.

Ms. Russo: The Mayor has asked is not about the window. The question the...

Mayor Cason: (INAUDIBLE) outdoor seating.

Ms. Russo: Outdoor seating, I can just run the list for you.

City Attorney Leen: There's more.

Ms. Russo: You go down -- Aromas de Peru, Pardo's, Segundo Muelle...

Commissioner Keon: Sushi Maki.

Ms. Russo: The Greek restaurant that's up at the Chateau Bleu.

Commissioner Lago: Fleming's.

Ms. Russo: Fleming's, Morton's...

Mayor Cason: So they're there.

Ms. Russo: Sushi Maki.

City Attorney Leen: Yes.

Ms. Russo: Sushi Samba.

City Attorney Leen: And the opinion does not apply to outdoor seating.

Ms. Russo: Anthony's.

City Attorney Leen: I want to be clear about that.

Ms. Russo: Bricktop's.

City Attorney Leen: Ms. Russo, if I may. I want to be clear about that. We allow outdoor seating on Miracle Mile. It has to go through a certain approval process. We allow that, though.

Commissioner Lago: But not Ponce.

City Attorney Leen: That's not being changed today.

Commissioner Lago: And we're not talking about Miracle Mile. We're talking about Ponce.

Commissioner Keon: We're talking about Ponce, right.

City Attorney Leen: We're talking about Ponce, but the three streets are linked together in this provision. My concern was we have not allowed -- I thought it was a big deal. It doesn't mean you don't -- you may want to do it, but I just thought it was a significant issue to allow a walk-up window here as a matter of law when that would also apply to Miracle Mile and to Biltmore Way. Because if we allow it here under this provision, it would be allowed in all three streets without the Commission ever speaking on that, which would be a change in precedent. You can do it by settlement, and then it would only apply to this particular place. And then it would not set a precedent and then it could be -- like I mentioned, Planning and Zoning's coming forward with a broader ordinance, which will be a policy change for your consideration. And I know that Mr. Trias, after the -- after Ms. Lauzurique and her group speak, he's prepared to show you some photos and go through a brief presentation.

Mayor Cason: Okay, let's go to hear the opposition.

Ms. Santamarina: Can I just add one thing, Mr. Mayor? One little thing. My window opens up to my private property completely. It does not affect a public right-of-way, whether it's a sidewalk or anything. It is opening up to my private property. Thank you.

Mayor Cason: Understand. Alright, Ms. Rachel Lauzurique and then William Donnelly. Each -  
- you have fifteen minutes total, if you can do it...

Rachel Lauzurique: (INAUDIBLE) the speakers...

Mayor Cason: Okay.

Ms. Lauzurique: Then I'll go after them.

Mayor Cason: Alright.

City Attorney Leen: Could you each, just for the record, state your name and address for the three of you.

William Joseph Patrick Donnelly: Yes.

City Attorney Leen: You're going to get time together. You are the aggrieved party, so you're getting fifteen minutes.

Ms. Lauzurique: (COMMENTS MADE OFF THE RECORD).

City Attorney Leen: Well, you're in disagreement and you have up to fifteen minutes as a group.

Commissioner Keon: As a group.

Mayor Cason: As a group. So we'll start with...

City Attorney Leen: This is your presentation, Ms. Lauzurique..

Mr. Donnelly: Good morning, Mr. Mayor, and good morning, Commissioners.

Commissioner Lago: Good morning.

Mr. Donnelly: I am just...

Commissioner Keon: Name and...

Mayor Cason: Your name and address.

Commissioner Keon: Name and address.

Mr. Donnelly: My name is Liam Donnelly, William Joseph Patrick Donnelly. I have -- I'm just a resident.

City Attorney Leen: And your address, sir.

Commissioner Keon: And your address.

Mr. Donnelly: That's all I am. I'm just...

City Attorney Leen: Your address.

Mr. Donnelly: A resident.

Mayor Cason: You're at 127 Salamanca?

Mr. Donnelly: My address is 127 Salamanca Avenue, and I have lived in my beautiful, little house for 31 years. And it's two houses away from this very eloquent discussion that was prepared for you and delivered to you on how my street is no longer a residential area. It's transient. It's fast moving, and it's going to get inundated with people. I love this City, and if you could hear what was just said half an hour from now and listen to the profound display of words that were given to you Tinta Café is -- just told you, Mr. Mayor, and you, Commissioners, that we don't have a city anymore. We have an urban proposition for someone who wants to make money and have a -- and I love coffee. I even heard someone say something about...and Versailles, two of my favorite places. And this is not a Spanish accent you're hearing. This is Irish. I plead to you to listen. We have our little, tiny street with fine houses on it. Across the street is condominiums. I know change is coming. It doesn't matter about change. If these people really want to believe in poetry, let them listen to somebody's heart here, not a pocketbook or a dollar. I plead for you not to let this -- this lady has had this window regardless of the inadequacies of our laws or the loopholes or what can be done and what can't be done. Bring it just down a step to people living and breathing. There are three residents here out of six houses. That's 50 percent. There are condominiums on the left side of the street and one up -- a rental apartment on the other side, and the rental people don't have the disposition to come here and represent it. My god, I am looking around now at this lady's friends and I'm so happy for her. I'm so happy that you have so many friends. But I cannot believe that (INAUDIBLE) to come here and make that eloquent presentation and have all these people come (INAUDIBLE)...

City Attorney Leen: Sir, you have to direct all your comments to the Commission.

Mayor Cason: Yeah, and in the microphone, please.

City Attorney Leen: In the microphone to the Commission.



Mr. Donnelly: Just please, please, I live in the neighborhood. The little corner neighborhood that I live in was once the foundation of this city. Those fourplexes and eight-plex apartments used to help the City, kept the City moving along for many years. I've been -- I was in the business of real estate. I understand the City; I know the City. And I hope anybody here that's representing this lady will stand before you and come and tell you I live in Coral Gables. I've lived here for 30 years. I hope you get the addresses of all these people to know where are they coming from and why. Please, please, please save my home.

Ms. Lauzurique: Thank you, Liam. Good morning, Mr. Mayor, Mr. Vice Mayor, members of this Commission, esteemed City Attorney, City Manager. And Neli, it's a pleasure to meet you. My name is Rachel Lauzurique, and I live at 123 Salamanca Avenue. I have lived in this city for 35 years. Prior to that, I lived at 1007 Monterey Street. I moved to Salamanca because I loved the street and I was looking to downsize facing retirement, which unfortunately, is still a long way from coming. As our objections to the service window at 1315 Ponce de Leon became louder and more frequent, I was told that the issue was a little more complex. Complex is not what we're calling this issue. For me, this is shocking. The truth eventually became that Salamanca is paying for the turpitude Vicky's Cafeteria. Vicky's Cafeteria exploited a loophole that allowed them to build a massive foodservice window. Adding insult to injury, that loophole is not perceived as precedent. For the City to approve a window that it cannot be used for the intended use desired by the owner, it is plain dumb and insulting to the owners and to the property owners of Salamanca Avenue. If the foodservice window of Vicky's Cafeteria was approved by mistake, confusion, or ineptitude, it is not the fault of the residents of Salamanca Avenue. And by the way, Mr. Donnelly is not a resident. He's a property owner. I am not a resident; I am a property owner. And I represent at this point in front of you 110, 111, 115, 123, 127, 126 and 134 Salamanca Avenue. That is 80 percent of the block. At this juncture, I feel for Ms. Santamarina because I know that she wants to open a restaurant that, by the way, we welcome this restaurant. I desperately need it because I don't cook. So for us to have that concept of what she has explained, it is very reassuring to me. What we don't want is the service window, and what we don't want is the outside seating. With the outside seating, been there,

done that. It has been a disaster. Mr. Donnelly would spend almost the whole day cleaning up the street. Salamanca Avenue, for me, it's my home. It's where I grow my orchids, where I walk my dog, where I look at the stars at night. Mr. Donnelly has been in his residence, by the way, right next to mine, longer than I live in this city. Mr. Saenz is not only a property owner on Salamanca, but used to be a commercial property owner too. Salamanca is not a faceless entity. It is a vibrant avenue. It has a historically designated building from the 1920's. It has elegant buildings from the 1940's. It has buildings from the '50s, the '60s, and the '70s. It has a lovely condominium from the 1980's, and soon we're going to have a gorgeous nine townhouses right across the street from me. They are coming up for construction. We have close to 30 owners who live on the 100 block of Salamanca Avenue. It is also a vibrant rental community. I have a building, four apartments. I live in one and rent three. We object to what we know will bring noise pollution and disrupt our way of life, and use our very limited parking area. This is a perfect example of a commercial entity -- as romantic as it may sound, it is a commercial entity intruding in a residential area. Again, on behalf of 110, 111, 115, 123, 127, 126 and 134, we welcome Tinta y Café. We welcome Ms. Santamarina, but nevertheless, be very clear. We do not want a foodservice window. We don't want outside seating, nor do we want any kind of compromise on those issues. We also want that window closed, if not torn down. Thank you. If you have any questions, I will entertain them.

Mayor Cason: Let's hear from Michael Saenz. He's going to complete your...

Michael Saenz: Hi. My name is Michael Saenz. I live at -- I own the property at 111 Salamanca. That's the northwest corner of Salamanca and Galiano. And I came down, you know, with my fellow neighbors. I -- over the years, I know years ago when that payphone was put in, it brought a lot of problems to that corner when it was Steak -- the owners right after Steak and Egg. The window I just feel is going to bring us back to those problems again. I personally am not in any disagreement with the outdoor seating. I feel that, you know, if -- I don't think an owner would allow just anybody to come sit at tables. I mean, if you go inside

and order something and go outside and eat, I don't see anything wrong with that as long as they're -- you know, if they kind of keep it policed and whatnot. The window, I am against.

Mayor Cason: Can you explain why you're against the window.

Mr. Saenz: I just think...

Mayor Cason: What is it that...

Mr. Saenz: That it's going to bring the same problem we had with the payphone. The payphone brought a lot of people hanging around that corner all the time, you know. It was a little bit dirty, you know, just garbage that got thrown around and whatnot.

Mayor Cason: The payphone doesn't work anymore right?

Mr. Saenz: The payphone hasn't worked since God knows how many owners, but it still is there. And I understand cellphones are the big thing. People don't need them. I had payphones at the laundry, and it got to the point that nobody used them anymore because cellphones came about. Like I said, I've been in that neighborhood since I bought that property in the late '70s. I opened the coin laundry on -- at 1406 Ponce in the, I believe, late '90s. We went through the same thing with the City to have the coin laundry allowed in Coral Gables, so I know the process and the due diligence that one should do, you know, coming into that area. And I just don't think that the window is a good idea. I don't think it's going to be good for our neighborhood.

Commissioner Lago: Could I ask you a quick question?

Mr. Saenz: I do believe it's going to bring, you know, people from other areas that, you know, may hang around. I'm a regular at La Carreta every day, and I know there are people that are there if I stop at lunchtime, the same people are there.

Commissioner Lago: Let me ask you -- Mayor, if I may, just one quick question because you said that you opened up that business on Ponce, correct?

Mr. Saenz: Yes.

Commissioner Lago: The coin laundry. When you said it was a struggle to open that business, why was it such a struggle?

Mr. Saenz: Because coin laundries were prohibited in Coral Gables. I did that for two years...

Commissioner Lago: And what were...

Mr. Saenz: Don Slesnick was my attorney, and it took us two years to get that through the Gables.

Commissioner Lago: And what were...

Mr. Saenz: But we eventually did.

Commissioner Lago: And what were some of the concerns that people had in reference to allowing that type of business in the City?

Mr. Saenz: The concerns were that people coming into the neighborhood, people coming into that area, that it was going to -- we had to have traffic surveys done -- the traffic that it was going to produce.

Mayor Cason: As a matter of fact, did they come into...

Commissioner Lago: Did they come into the neighborhood?

Mayor Cason: "Come into the neighborhood" or were they neighbors?

Commissioner Lago: Did they (INAUDIBLE)...

Mr. Saenz: No, most of our business was the local, like -- well, that part of the Gables was always considered the north apartment district of Coral Gables. This was before the study -- the North Ponce study was done. That was just basically known as the North Gables Apartment District.

Mayor Cason: Okay.

Mr. Saenz: And like I said, you know, we got it through eventually and -- but it took, you know -- but it was something that we knew that we were going to go through. Now, I want to see what Mr...

Commissioner Keon: Trias.

Mr. Saenz: Yes, is going to say because I spoke with him last week and there was a couple things that he told myself and Mr. Donnelly as far as the procedure that was done for the construction and for this whole window situation that I don't think was correct. I mean, and maybe I'm wrong. Maybe we were -- maybe I understood wrong, but...

Mayor Cason: Anything else you want to say on the...

Mr. Saenz: No, on that case, you know, that's just...

Mayor Cason: Okay.

Mr. Saenz: Basically it.

Mayor Cason: I want to ask...

Mr. Saenz: You know, I welcome it to the neighborhood.

Ms. Lauzurique: When Michael is done, I just want to address one more issue, and I do believe I still have time.

City Attorney Leen: Well, you're at fifteen minutes, but...

Mayor Cason: Go ahead so we can hear...

City Attorney Leen: (INAUDIBLE) the Mayor.

Mayor Cason: Some other points.

Ms. Lauzurique: It's very simple. I think this is an issue that affects Salamanca Avenue, which is part of Coral Gables. And I think the opinions that should be considered here should be only by people who are affected and who happen to live in Coral Gables. I think that, you know, anyone that's outside of the scope of that area really doesn't have much to say on this. Thank you.

Mayor Cason: I'd like to ask a question about outdoor seating. Is that an issue here or not?

City Attorney Leen: Yes. Well, could I ask the Planning and Zoning director to come up because he can tell you -- Mr. Trias, your presentation would be good to do now. But could you also answer the Mayor's question about outdoor seating and whether we would typically allow

that? I think that we would typically allow it under certain circumstances, but would you please -- to the extent you have a different view, please let them know.

Planning and Zoning Director Trias: Yes. Outdoor seating would have to be reviewed by the Board of Architects. And if it complies with the setbacks and the aesthetics, it will be approved typically. Now, it's also possible that it may be denied because of reasons of aesthetics.

Commissioner Keon: Has it been reviewed by the Board of Architects?

Planning and Zoning Director Trias: Not this request.

Commissioner Keon: Okay.

Planning and Zoning Director Trias: The final request, but it did -- the window did go to the Board of Architects earlier.

City Attorney Leen: I've always viewed the legal issue to be the walk-up window.

Mayor Cason: I want to make sure because they -- one of the emails that I got on Monday's emails was four arguments. One was...

Commissioner Lago: Outdoor seating.

Mayor Cason: Trucks parking up and down and Salamanca, but I -- when I walked it, there are signs that say no commercial parking at all up and down the street. So, it seems to me that's taken care of that issue. The second one was something about we don't -- the parking requirements for a restaurant, which I think those are not relevant. There are no parking requirements for -- there are eight spots.

Planning and Zoning Director Trias: It's an existing building...

Mayor Cason: Right.

Planning and Zoning Director Trias: Since 1958.

Mayor Cason: So that's not relevant to this discussion.

City Attorney Leen: And none of -- yeah, that's not before you. The -- because the site plan is presented to you as part of the settlement. You could make a decision based on the outdoor seating, but they also have the right to request that and it goes through a process. The walk-up window, there's a pending opinion that says they can't have the window unless you, based on the specific circumstances of this case, basically authorize and direct me to enter into a settlement as to this specific matter based on everything presented to you.

Commissioner Slesnick: Mr. Trias, while you're up here. You have the seating on the side of the restaurant. Could it be moved around to the front because there's a lot of parking spaces? Could parking be on the side of the restaurant?

Planning and Zoning Director Trias: There are many design options. That's one of them. That was discussed at some point, I believe, by the Board of Architects, and they recommended the other location, but certainly, those options are there.

Commissioner Slesnick: The Board of Architects recommended the outdoor seating on the side?

Planning and Zoning Director Trias: And the window on the side. That's the way that I understand. I was not there during that discussion. I do have some pictures that I took about a week ago that may be helpful. If you want, I can go...



Mayor Cason: I just had one other point. Of the four arguments other than the window we've talked about, the commercial parking along Salamanca, which is prohibited now. I think another one was the delivery -- there was no place for them to have delivery, so they have to park out on the street. Because if I'm not mistaken, there is a...

Commissioner Keon: There's an alley.

Mayor Cason: Place along the side where you can -- I mean, it's not going to be tractor trailers in a small restaurant. It's going to be small vehicles that can pull into that area, so I don't see how that's relevant, and I think it's down to the window.

City Attorney Leen: The -- what we need you to rule on is the window.

Commissioner Keon: Okay.

City Attorney Leen: You can accept the site plan, if you'd like. The settlement is presented with a site plan as to outdoor seating. You can modify the outdoor seating, if you'd like, or you could have them just go through staff and have that presented through the normal course and just rule on the walk-up window.

Commissioner Lago: Craig -- Mayor, excuse me. Just through the Mayor one second. I understand we may approve the site plan or disagree with the site plans, fine. But what I want to hear from staff -- and maybe Ramon is the correct individual to give us that assurance -- is that there was existing outdoor seating which was -- which we're not deviating from what was already existing and permissible by the Code. Is that correct or is that statement incorrect? And the reason why I ask that -- and I'm saying the same thing again I said a few minutes ago is because I've gotten several emails that state what was previously at the location, in regards to outdoor seating, was not allowed.

Planning and Zoning Director Trias: There is a permit that shows a similar outdoor seating to what has been discussed, and that was approved at some point.

Commissioner Lago: What does that permit date back to?

Planning and Zoning Director Trias: I would have to check the actual date.

Commissioner Lago: You said there was two -- I think there was two permits.

Planning and Zoning Director Trias: But I reviewed only one that I could see very clearly, yeah.

Commissioner Keon: Well, Chicken Kitchen had outdoor seating. We know that for certain.

Mayor Cason: Okay.

Vice Mayor Quesada: Yeah, they did.

Commissioner Keon: And so did the other one.

Vice Mayor Quesada: Because I used to...

Mayor Cason: Okay, historically there has been.

Vice Mayor Quesada: Work in the building next door so...

Commissioner Keon: Yeah, so there's at least two...

Vice Mayor Quesada: We were there all the time.

Commissioner Keon: I think two prior owners that there was outdoor seating there.

Vice Mayor Quesada: Can I...

Mayor Cason: Alright.

Vice Mayor Quesada: I'm sorry, I -- can I just address something with the City Attorney real quick? And I want to just get technical with all this just for clarity for everyone before we get to a decision-making point. Section 4-402.A of the City Code...

City Attorney Leen: Yes, sir.

Vice Mayor Quesada: I think Ms. Russo addressed this. Have we ever enforced this? I mean, if there was ever a waiver situation -- and this is where it says that there can't be a restaurant, you know, abutting Ponce de Leon, which is where you get the Fleming's and all the other restaurants, which is just -- it's so contrary to like fifteen different instances that I can think of.

City Attorney Leen: Well, the way that it's been interpreted is that -- I see what you're saying. But no, we've always interpreted it any business conducted outside to modify both building and restaurant. So what it prevents is basically doing business outside the restaurant, so where you go up to a window and there's a cash register and...

Vice Mayor Quesada: Craig, that's...

City Attorney Leen: Yeah.

Vice Mayor Quesada: That doesn't -- no, that doesn't make sense. What about when a server goes out and takes the check outside to someone sitting outside?

City Attorney Leen: We've interpreted that. This has come up several times. We've interpreted it as long as the business is being done -- so you can have seating outside because the Code allows outdoor seating, but it's not a separate restaurant, or it's not a separate register.

Mayor Cason: So it's like you wouldn't have like a...

City Attorney Leen: I'm telling you the way it's been interpreted.

Mayor Cason: A little -- like you would see in some malls with a little cart selling stuff.

Vice Mayor Quesada: It's just it's not...

City Attorney Leen: I don't like this provision.

Vice Mayor Quesada: It's not logical.

City Attorney Leen: This provision...

Vice Mayor Quesada: What I'm saying is...

City Attorney Leen: Yeah.

Vice Mayor Quesada: However we decide on this, we need to revisit Section 4-402.A, because it's...

City Attorney Leen: Of course. I agree with you.

Vice Mayor Quesada: It's incredibly inconsistent. The application...

Commissioner Keon: I think...

Vice Mayor Quesada: And what you're -- your example that you're explaining and my example, I don't see a difference. Doing business what -- where's the register positions, so now we're going to -- is it next to the window, is it closer in, or is it the person taking the check outside? Or what if there are many restaurants nowadays or like in Europe, they bring you a little machine or ask you to use your iPhone and you swipe it outside. Is that a register outside?

City Attorney Leen: Can I...

Vice Mayor Quesada: I'm just saying...

City Attorney Leen: I hear you.

Vice Mayor Quesada: Outside of this...

City Attorney Leen: I just want to...

Vice Mayor Quesada: That section just really doesn't make sense.

City Attorney Leen: No, Mr. Vice Mayor, I hear you, and I agree with you. The issue...

Vice Mayor Quesada: It's only going to cause more problems...

City Attorney Leen: We...

Vice Mayor Quesada: For staff and...

City Attorney Leen: Yes.

Vice Mayor Quesada: Applicants, so it's something we need to fix.

City Attorney Leen: We've interpreted this as narrowly as possible while giving it at least some meaning in order to allow restaurant -- basically outdoor seating on Miracle Mile. Because if you interpreted this broadly, it would bar outdoor seating on Miracle Mile and we've never...

Commissioner Keon: And Ponce.

City Attorney Leen: Interpreted it that way or applied it that way.

Commissioner Keon: And Ponce too.

Mayor Cason: Listen, let's do this now since we have a lot of people here that are using up a lot of their time. Let's start -- let's go through this and we'll continue our discussion.

Commissioner Keon: Can I ask one more question of Mr. Trias, just before we start?

Mayor Cason: Okay, go ahead.

Commissioner Keon: Just one question. Mr. Trias, it's my understanding, or from what I heard -- so I want you to -- I want to know that I'm correct in my thinking. It's my understanding that you originally were the one that was reviewing this in your position as director...

Planning and Zoning Director Trias: My staff was reviewing it.

Commissioner Keon: It's your -- as the director of the department, it was -- you were reviewing it. And in looking at all of these provisions of the Code, you were aware of them, you knew them, and you were the one that gave the opinion to Ms. Santamarina that they could have the

window on site. Is that right? You gave them -- it's my understanding that you gave the opinion that, yes, you could have the on-site; yes, you could use the window and everything else. Now, at the same time, someone else in the Building Department went to Mr. Leen, unbeknownst to you, asking for another opinion. Mr. Leen didn't know that you had already given an opinion when Mr. Leen was then asked to give his opinion. So, I mean, I think, you know, instead of it being done cooperatively amongst staff, so each one of you can -- could talk about the applicability of these provisions, you -- they ended up being done in isolation and from one another. So what happened is people are working in silos instead of together to arrive at a solution that has ended in this quagmire. So, I mean, I think it's very important that we understand and that everyone here understands is that it wasn't your -- the opinion of the City Attorney wasn't knowingly contradicting your opinion.

Planning and Zoning Director Trias: Right.

Commissioner Keon: And your opinion was not knowingly contradicting the City Attorney's position.

City Attorney Leen: That's true.

Commissioner Keon: He looked at it from a legal point. You looked at that from a zoning point. And then when you sat together and talked about it, it was, you know, we have a lot of inconsistencies in our Code that we really need to deal with. And I understand there is a provision coming forward and there is -- we are looking at hiring someone to go through and deal with these inconsistencies in our Code because some of these provisions, like this one, date back to the beginning our City -- I mean, early on in our city when there weren't gas stations and those kinds of things along Ponce de Leon Boulevard. And they could have, you know, a little food stand out in front and it wasn't the atmosphere that the City really wanted. And so, as the property became more valuable, you know, there was a higher and better use for these properties than a service station and, you know, these different types of things. So, just because of the

value of the property, people were able to buy them. They, you know, built other buildings on them that were more serviceable to neighborhoods and whatever else, so some of them are outdated; some of them are outmoded. But you know, I think it's very important that everyone understand that these two opinions that we're dealing with here were never intended to contradict each other. They happened to be done separately and in isolation from one another, which teaches us a very good lesson about working in silos, and that we need to work together a little better when we're dealing with these issues. Is that the case?

Planning and Zoning Director Trias: What happened was that we -- my staff was discussing the issue. They asked for my view, and then I believe I was out on a conference the next couple of days and that's when this confusion took place. I think otherwise the City Attorney and myself and other staff would have discussed this with some more detail. And the fact of the matter is that the Code is confusing, as the City Attorney and as the Vice Mayor had pointed out. It is confusing...

Commissioner Keon: Right.

Planning and Zoning Director Trias: And it could be read in many ways.

City Attorney Leen: Well, if I could add on that...

Commissioner Keon: Thank you.

Planning and Zoning Director Trias: The good news -- the better news, I think is that we do have -- we have prepared an amendment that allows -- if you decide to approve it -- these windows as conditional uses and clean up the Code.

Commissioner Keon: Right.



Planning and Zoning Director Trias: Clean up the Code.

Commissioner Keon: And is this consistent -- is this use consistent with the vision that is moving forward for the North Ponce corridor and the North Ponce area?

Planning and Zoning Director Trias: I would think so, yes.

Commissioner Keon: Thank you.

City Attorney Leen: What I would add is that...

Commissioner Keon: Okay, that's all.

City Attorney Leen: You know, restaurants probably shouldn't even be mentioned in 4-402.A, because when you look at the exception, it's for used car lots. So, basically, this applies to public garages, service stations, auto repair shops, and it allows a used car lot outside of it. And then for whatever reason, they've included the word "restaurants" in here and this issue -- this clause -- this 4-402.A has been an issue for the City for many years because every once in a while it comes up, oh, are we allowed to have outdoor seating on Miracle Mile? It's been interpreted narrowly to allow that. The problem is you can't interpret it, so it means nothing. So, because it -- because E is what includes the -- 4-403.E is what would include the walk-up window and that's not referenced in 4-402.A, that's why it wouldn't apply.

Vice Mayor Quesada: But hold on a second, but hold on a second. This is ridiculous to me, it really is.

Commissioner Keon: Let it go.

City Attorney Leen: Reading what it says.

Vice Mayor Quesada: I know, I understand that. But again -- and I want to keep my opinion -- I want to be as objective as possible until we get to the end. But just looking at this Code, this is -- it's almost comical to me. Section 4-403, alright, and this is -- please, in the audience, just follow with me for a second. Businesses outside a building. No business shall be permitted unless such business is carried on within and under cover of a building, or buildings according to the provisions of this and other ordinances of the City of Coral Gables. However, this section shall not apply to the following: C. Open-air cafés and/or restaurants when approved in accordance with another section.

Commissioner Lago: Contradictory.

Vice Mayor Quesada: This -- no, it's just -- this is an open-air café. Oh, because it's not specific enough so it doesn't say an open-air café...

City Attorney Leen: We have this strange...

Vice Mayor Quesada: With this color roof and this color wall?

City Attorney Leen: Well, no, no. It's just a...

Commissioner Keon: No, it's because it's from an older time.

City Attorney Leen: But you have...

Commissioner Keon: And it was never corrected.

Vice Mayor Quesada: But what you're saying, it's almost comical to me that this is the rationale why...

Mayor Cason: That's why it needs to be cleaned up.

Vice Mayor Quesada: It can't happen. Now I'm not saying whether I'm for it or against it right now...

Mayor Cason: Sure.

Vice Mayor Quesada: I just -- this provision -- and I believe it was Mr. Wu -- and he does a great job. That was the opinion he put in this email that we have in our file. But I mean, I disagree. What is an open-air café then?

City Attorney Leen: You could direct -- for example, we're dealing with this particular issue. But you could direct me to issue an opinion, which I would because this is ambiguous and ultimately it's your will. Whatever you think -- as long as it's a permissible interpretation, you can direct it. So if you do not think this should apply to restaurants, it won't apply to restaurants because it's ambiguous. Why does it reference restaurants in 4-402.A?

Vice Mayor Quesada: You know what my...

Commissioner Keon: Because I think at one...

Vice Mayor Quesada: Question is?

Commissioner Keon: Time, in those parking lots, there were set up like a stand or...

Vice Mayor Quesada: And I agree with you.

Commissioner Keon: A little place. So it's a throwback to an era...

Mayor Cason: Era.

Commissioner Keon: An era and a practice that just no longer exists. And we haven't dealt well with the inconsistencies in the Code. It should have been removed.

Vice Mayor Quesada: And I just think if a coffee shop with seating outside that serves coffee and light sandwiches and things like that is not an open-air café, then what is an open-air café?

Commissioner Keon: I think the difference was is that that's the intended use for the property...

Vice Mayor Quesada: Yeah.

Commissioner Keon: As opposed to it -- one intended...

City Attorney Leen: Yes.

Commissioner Keon: Use and then that's, you know, ancillary to the property.

Mayor Cason: Alright. At this stage, we're...

Commissioner Keon: So, it's a different thing.

Mayor Cason: Going to go to Vicky Busot.

Commissioner Keon: Go ahead, yeah.

Mayor Cason: And then we'll continue our discussion.

City Attorney Leen: Of course.

Commissioner Keon: Absolutely.

Mayor Cason: Ms. Busot, please.

City Attorney Leen: Mr. Chair, did you want to see the photos? Did you want to see the photos, Mr. Mayor? And by the way...

Commissioner Keon: No, we can see them.

Mayor Cason: Listen, I think we've all been out and seen it and everybody here's seen it, so...

Commissioner Keon: Yeah.

Mayor Cason: Let's go to Vicky Busot. You're at 117...

Vicky Busot: Hi, everybody.

Mayor Cason: Boabadilla.

Ms. Busot: Hi. My name is Vicky Busot, and I do live in the area. I live at 117 Boabadilla. And the reason I'm here in Miami -- we just moved here from Chicago. I've been here for two years, and I moved here because my parents have a corporation, Ponce de Leon Enterprises, which owns the adjoining building right behind the restaurant. So, my parents were getting old and we moved down from Chicago to help them out. So, our kids are gone. We're empty nesters, and we moved to Boabadilla Street, which is completely different from where we came from. We lived in a suburb of Chicago, where you see little kids playing on the street and you never see any cars. It's all residential. So, we found a little house on Boabadilla, and we loved

the trolley. We love the fact that it's urban. Sometimes we walk down to Miracle Mile to go to the restaurant. Sometimes I take the trolley. And my only objection is that I wish the trolley ran longer hours so when you come back from a restaurant, you don't have to walk, you know.

Mayor Cason: We're working on it.

Commissioner Lago: We're working on that.

Mayor Cason: We're working on that.

Commissioner Lago: And on weekends.

Ms. Busot: Okay, so I...

Mayor Cason: So, you are the -- you own the property immediately next to...

Ms. Busot: Right, our family corporation owns that building...

Mayor Cason: On the Salamanca?

Ms. Busot: Right.

Vice Mayor Quesada: Yes.

Mayor Cason: Okay.

Ms. Busot: Right, right behind the restaurant.

Mayor Cason: Right next to it, okay.

Commissioner Lago: The one that...

Ms. Busot: Right behind the restaurant.

Commissioner Lago: Has been completely renovated, correct?

Ms. Busot: Yes.

Commissioner Lago: Okay.

Mayor Cason: Okay.

Ms. Busot: Yes, (INAUDIBLE) apartments, and you know, I kind of wanted to buffer the little driveway, so I put up some Christmas palms. It looks really pretty. I just finally finished renting all four apartments. We have, you know, full -- you know, it's full. I'm not -- you know, full residency. I didn't have any trouble renting the apartments. People love that area because you can walk everywhere. If you go there after five o'clock when people are home from work, there's a lot of foot traffic. People are walking to the Publix. It's really, really crowded. Sometimes -- that's the Publix I go to and it's hard to get in there after work. And there's people walking...

Mayor Cason: Let me ask you about the tenants you have there. Do they work during the day?

Ms. Busot: They do work in the area. One of them works in one of the banks in one of the areas. And the other ones don't. But one of the ladies that just moved in does work in the area. She works in one of the banks.

Mayor Cason: Okay.

Ms. Busot: So, I support the outdoor seating and I support the window. I think it's a lovely urban area. I love living in the area. I love living around there. And like I said, my only objection is the trolley that I think should run...

Mayor Cason: Thank you.

Vice Mayor Quesada: We're trying.

Mayor Cason: We're working on it. Manny Lopez.

(COMMENTS MADE OFF THE RECORD)

Mayor Cason: Later because you've already spoken.

(COMMENTS MADE OFF THE RECORD)

City Attorney Leen: No, no. You can only speak at the end.

Mayor Cason: At the end.

City Attorney Leen: It's a public hearing. So you can rebut. At the end, you'll be...

Mayor Cason: At the end.

City Attorney Leen: Given a couple minutes.

Unidentified Speaker: Okay.



Mayor Cason: But I want to get through so...

City Attorney Leen: Please remember, everyone. You don't have to -- you can also just come and state what your position is. If someone's already said what you've said, you can speak for 30 seconds and that's fine.

Mayor Cason: So, Manny Lopez.

City Attorney Leen: Five seconds.

Mayor Cason: 2451 -- I can't read the street but -- Is he here?

Vice Mayor Quesada: No.

Mayor Cason: Armando De la Cruz.

Unidentified Speaker: He just stepped out, making a phone call.

Mayor Cason: He's taking a phone -- I'll put him in the back. Is the other person here as well, Manny Lopez?

Vice Mayor Quesada: Just let him know when he comes back in.

Mayor Cason: Let him know when he comes in.

Unidentified Speaker: Here he comes.

Mayor Cason: I'll put him at the end. Carlos Santamarina. Is Carlos...

Carlos Santamarina: Well, I'm the partner.

Mayor Cason: Right.

Mr. Santamarina: This is my family's restaurant. And it's hard for me, I'm sorry. I'm very emotional right now. I mean, when we thought about moving to Coral Gables, we wanted to make the neighborhood a better place, because there's not really much in that neighborhood. It's all big Domino's. You've got the Chase. You've got -- you know, after Eating House started at the corner there, we wanted to make it -- give it character, you know, and make it better. So, we're not here to bother our neighbors or -- we've got very civilized people that come to Tinta y Café in Brickell, Brickell clients, so it's very civilized. We're not crazy, Versailles picketing outside, nothing like that.

Mayor Cason: What's the closest coffee place to yours on -- up and down that street?

Mr. Santamarina: I think Dimitri. I don't know if they're on Ponce, but...

Commissioner Keon: No.

Mr. Santamarina: Are you talking about...

Commissioner Keon: On Alhambra.

Mayor Cason: So there aren't many coffee places near your place?

Mr. Santamarina: No.

Mayor Cason: Okay.

Mr. Santamarina: In Brickell?

Commissioner Keon: No, here.

Mayor Cason: Well, I don't...

Mr. Santamarina: Here, no. There's not many at all.

Mayor Cason: So, if the people want coffee, they'll -- they could probably walk or take a trolley and maybe some will drive, but...

Mr. Santamarina: Well, my point is that we're a very civilized people that go Tinta y Café.

Mayor Cason: Do they wear shirts?

Mr. Santamarina: Huh?

(LAUGHTER)

Commissioner Keon: Do they wear shirts?

Mayor Cason: No, because one of the emails said people without shirts hanging around at night.

Mr. Santamarina: No.

(LAUGHTER)

Mr. Santamarina: This is very civil.

Mayor Cason: It did. I have the email.

Mr. Santamarina: Business people go to Tinta y Café. We've got lawyers. We've got real estate agents. You got...

Mayor Cason: Got it. I got it. All kinds of people that want to have a good coffee.

Mr. Santamarina: Yes. They're not...

Unidentified Speaker: With shirts.

Mr. Santamarina: They're with shirts and shoes.

Mayor Cason: Okay.

City Attorney Leen: Just for the record, you're the business partner, you said?

Mr. Santamarina: I'm the one who manages the operations at night.

City Attorney Leen: You manage the operation, okay.

Mr. Santamarina: Make sure -- I actually make sure that none of that happens at Tinta y Café.

Mayor Cason: Understand.

Mr. Santamarina: I make sure that there's no chaos, and I want everybody to be respectful. And I know the quiet neighborhood we're getting into, and I want to keep that going, you know. I'm not here to cause chaos. I'm here to...

Mayor Cason: Appreciate it.

City Attorney Leen: Just remember, everyone, if you're not the business partner, or you don't work there, you need to give your address, where you live. But you don't have -- you're the business partner so...

Mr. Santamarina: Yes.

City Attorney Leen: It's the address of the location.

Mayor Cason: Alright, Elias Tirado Hernandez.

Elias Tirado Hernandez: Hi. My name is Elias Tirado Hernandez. I live in the Brickell area. I live a couple blocks away from Tinta y Café, where it's located right now. I've been eight years in this country. Since I came -- you know, I came without knowing nobody, and Tinta y Café for me has been a really help to commute and to, you know, connect and network with a lot of people, you know. So, I think what we -- what they're trying to bring into this location and to the community is just to have, you know, a nice community get-together. There is no people that is going to hang around for like forever there because, obviously, you can see around. The people that are here are working persons that need to get a coffee and get going to their job. I mean, we're here. We're taking our time to be here today because we want to support this project. We want to support this because this is really good. This is something that, in my case, it helped me out to network with a lot of people that I didn't know before, you know, and start to -- you know, knowing people and getting together with people and just having coffee, having a nice conversation, and then get going to work. And then come back later in the afternoon because it's in the corner of my house, but that doesn't mean that everybody's going to be there forever, you know. It's just to get a coffee, say hi over a coffee and that's it, and get going; just, you know, communicate. That's what we need right now. Everybody -- they don't even have Wi-Fi, you know.

(LAUGHTER)

Mr. Tirado Hernandez: So I'm not going to be reading over my iPad or doing any work there, you know. They have actually...

Mayor Cason: How fast do you drink a coffee?

Mr. Tirado Hernandez: I drink two times a week, so I'm a very...

Mayor Cason: Are you a fast drinker?

Mr. Tirado Hernandez: I'm a very frequent clientele there, you know. I go like every day, two times in a day. But you know, they don't have Wi-Fi, just to tell you that, so you're going to have a lot of newspaper and a lot of books to read, if you decide to just be there to get a news or something.

Mayor Cason: Thank you. Thank you very much. Eric Padrón.

Eric Padrón: Good afternoon. My name is Eric Padrón. I'm an attorney, and my law practice is at 3127 Ponce de Leon. I've been a customer of Tinta y Café since it first opened. Most mornings I have to go to criminal court, and that is my stop either before or after court. One of the reasons is the great mixture of people that go there; cops, firemen, other professionals from Brickell, plus people in the neighborhood. And I've had this law office on Ponce since 2008. And when Neli first spoke to me about the difficulty she was having, I was, frankly, a little bit shocked because if you stand in front of my law office, you see Vicky Bakery, where I walk to get coffee every day, and they have a window -- or I guess they categorize it as a door, but it still serves the same purpose. So, I'm frankly a little shocked by this. Most days I hop on the trolley. I also have a difficulty with the hours. Hopefully, I'll expand that. And I go to lunch, or I do my

shopping at the Office Depot for the office. So, you know, with all due respect to the aggrieved party, she made a remark about whether we are residents or not. I think you should also distinguish with the people who work in your city, and we don't use your services. We pay all of our taxes, very high occupational taxes, by the way. But anyway, so I would urge you -- this is a small coffeehouse, where people of all different walks of life get together, discuss the topic of the day, and then we go to work. So, I would ask you to please approve this. Thank you.

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you, sir.

Mayor Cason: Arthur Porosoff.

Arthur David Porosoff: How are you guys doing today? My name's Arthur David Porosoff. I'm a patron of the restaurant in Brickell. I am a local businessman at the Village of Merrick Park. We have an art gallery. We also own a 15-unit apartment house at 810 Salzedo. And you know, it's all about synergies and cultures. And in my apartment building, everybody that I brought into the building -- not that I picked them -- but you know, you end up attracting a certain mix of people, and that's what this type of organization's about, Tinta y Café. You go in there and you have intellectuals. You have philosophical people. You have artists. You have businessmen from the community. You have professionals coming into the downtown area. You know, a window, you know what that's going to do? It's going to make everybody's life easier to come in and out of the place. So that's it.

Mayor Cason: Thank you.

Mr. Porosoff: I hope you guys approve this.

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you, sir.

Mayor Cason: Andres Vega. Andres Vega?

Andres Vega: Hi, guys. How are you doing? I am a Coral Gables resident, 455 Amalfi Avenue. I wrote some of my stuff down just because I want to make sure I get it out. I'm an accountant. I'm a CPA, so that's just kind of my habit. I want to start by saying my grandparents own La Rosa Bakery. It's been open since 1968. It's on Flagler and Le Jeune. I only mention that because of the importance of bakeries and coffeehouses to my culture and my life. That got my family from West Flagler to us living in Coral Gables. My father is a resident of the Gables; my mother is a resident of the Gables. In the six years that I've been a resident of the Gables, that area of town, I've seen a ton of businesses come and go. And the word transient was mentioned, and I think it's amazing to try and remove a window from this place. The business purpose and the importance of a window to this business, removing that would make it transient. And noise was mentioned. And I don't know about you guys, but construction noise is ten times worse than people buying and chattering. And by changing the business over and over again, you're going to continue to have construction noise. They all mentioned firefighters, police officers. I don't think I've ever been there without seeing at least one of them at the window getting coffee. It's incredible. It makes your neighborhood safer, and it makes you feel happier just going by that area. I majored in economics also, and mentioning that citizens from not only Coral Gables are going to come, I think that's a good thing. You're bringing money into our neighborhood and to our city that we're not getting without them there. So, for some people to be upset about other people from other communities, other cities, other countries coming seems silly. Neli's very modest, but Bobby Flay was at the restaurant like three weeks ago. He ordered from the window on a segment that's going to be on TV, and I left my business job to become a culinary person. I'm going to culinary school now. And things like that are incredible for our profession and for our city, not just Miami, but Coral Gables in general. And on a different note, just going back to what Frank said, I read tax code for fun. It's a sad thing, but...



(LAUGHTER)

Mr. Vega: How -- if people are getting checks outside, how are gas stations doing this, right? Because we pay outside of their building with a credit card, so they're doing business outside of the place of business, not underneath this building. There's windows at gas stations on Flagler and US -- on Le Jeune and US 1, there's two gas stations there. There's a Starbuck's with a drive-through. So, I'm just -- on a business purpose, I'm with you. I don't see...

Mayor Cason: Thank you.

Mr. Vega: How it can't work. Thank you.

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you, sir.

Mayor Cason: Sachi -- I can't tell if this is a -- State or Statz?

Sachi Statz: Statz.

Mayor Cason: Statz, I'm sorry.

Ms. Statz: Hi. I work in...

Mayor Cason: You're the chef.

Ms. Statz: Yeah, sorry. I work at Tinta y Café, like my mom said. I'm obviously her daughter. I'm interning to be more a part of it, eventually become a business owner. For me, it's a little bit

baffling to have so many people that enjoy a counter, or a window that go to a Versailles, or a Carreta every day to enjoy their coffee and not want it on the corner of their house. I think it's a little bit -- I think it's more convenient for them. You walk your dog to our coffee and you enjoy our coffee at our outdoor seating, and enjoying the books and literature that we have there for you. So, for me, if you want to call us that we want to break up the neighborhood or, you know, add a different type of feeling to the neighborhood, I disagree. Look at our neighborhood that's with us. A lot of these people work here, they live here, and both of us -- we get emotional because look at all the stuff that we have.

Mayor Cason: Thank you very much.

Commissioner Keon: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: Freddie Perdomo.

Unidentified Speaker: He stepped out.

Mayor Cason: Okay, Lara Gallardo.

Lara Gallardo: Hi, good afternoon.

Mayor Cason: Hi.

Ms. Gallardo: I live in Brickell, but I've been going to Tinta for many years. I get emotional too, because it's been part of my life since I moved from New York. And actually, I met my fiancée at Tinta y Café, thanks to Carlito. And my son, I've been taking him there since he's a little baby and he calls it the croqueta store until this day. He's nine now. The window is

actually the glue of our community and everybody that goes to Tinta y Café is civilized, is a professional. They never -- I've never seen it dirty. I've never seen a mess. I've always felt very comfortable there, especially since I go with my little kid. I want to go to a safe place. And if anything, you know, sometimes change is scary, but it actually brings progress. And it would be something that would be an addition to the Gables. I always come here, even though I live there. I spend a lot of money here, and I wish you'd consider it because it's a special place for me and many people.

Mayor Cason: Thank you.

Ms. Gallardo: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: David Gomez. Carmen Santa...

Daniel Gomez: Was it Daniel Gomez?

Mayor Cason: It says Daniel, excuse me. Is that -- is it -- sorry. Okay, and then you.

Mr. Gomez: Hi. My name is Danny Gomez. I live at 3620 Southwest 108th Court, but my mother does live in Coral Gables on 3810 South Le Jeune Road. I've been going to the Tinta y Café for a long time. It all started out that me, my dad and my brother from work, we went to lunch, and we went to the window. We from Sushi Saki that was right there and we saw that they had coffee. So we were like, oh, perfect. We went ahead, we crossed the street. We went and walked -- got some coffee at the window. We took a look at their menu and we saw that they had some actually decent food. The next day we decided to go ahead and eat at the restaurant. They had -- their food was amazing so it kept -- it brought us back. The atmosphere that they had was great too. And the window is part of what they need. If they didn't have a

window showing that they had coffee, we probably would have never been there, which made us want to come back and everything. We got to see their food, which was delicious food. So, the window is perfect for them. Thank you.

Mayor Cason: Thank you. Carmen.

Carmen Santamarina: Good afternoon. My name is Carmen Santamarina. I live at 1301 Bay Drive, in Miami Beach. I'm actually a little farther out. I was one of the founders of Tinta y Café, along with my sister and my brother that's since passed away. I was also the coffee lady for about two years at the window, so I can vouch for how important the window is. I served everyone from the City Manager to the Mayor of City of Miami, the police officers to the little lady down the street that came to get her coffee every afternoon with her pennies that she collected. Many times, we'd actually give them the coffee. So, other than the window being important, it is also important for the neighborhood because these children, at the end of the night, whatever pastries are left in their case, you know, with the pastellitos and everything, they pack up and they give to people to take home. So, they're not business people that are just there for the money. At this point, it's a family business. The kids have a great rapport with everybody that comes into the business, as they said again. My sister does not allow Wi-Fi, so you will not go into the café and see everybody hooked up to their Internet. Everybody's conversing. Everybody becomes friends, like the girl said, she found her husband there. The kids are well taken care of, so it caters to everybody. So, I think that the most important thing for this business is the window, and it's not that people just hang out at the window. No, they come get their coffee and they go, or they may mingle for five minutes. But yes, I really hope that you guys can approve the window. It is very necessary. And all of you will end up drinking coffee at Tinta y Café.

Mayor Cason: Thank you. Juan Carlos Perdomo.

Juan Carlos Perdomo: Yes. Thank you for the opportunity. My name is Juan Carlos Perdomo. I have a business two blocks down the street. We have six locations in Miami. We have a location near the Brickell location. I've been going to the café for more than eight years. It's a great place, their environment. When we found out that Carlito and Tinta was moving to Coral Gables, it was a great opportunity for us to look for a location, so we happened to find a location two blocks away from there. It's very sad that we're talking about a window, but it's the law. It's part of the business. It's part of our society nowadays. The window is very needed because it's a culture statement to who we are as Latinos, as people in Miami. I know people refer to this hangout place, urban words, trying to diminish who we are and trying to break apart our city, and that's understandable. You're always going to have negative vibes and you're going to have negative things said in life and it's perfectly fine with that. This window is not nothing negative. It's something positive. Why? Because it brings people together. It gives people an opportunity to talk to everybody, just like I'm having an opportunity to talk here. It's a privilege to represent my city. I'm from Miami. I came here when I was seven years old. I consider myself from Miami. I never say that I'm from another country. I'm Latino. I live here. I work here. I pay my taxes, and we have a right to represent ourselves, either with a window or either with a conversation or either with a coffee. So, thank you for this opportunity. I hope you guys make a great decision. God bless.

Mayor Cason: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: Alejandro Heredia. Not here? Rafael Santamarina. Hugo Gonzalez.

Hugo Gonzalez: How you doing? Excuse me, I wrote this down. I'm a little under the weather and I haven't slept much, but...

City Attorney Leen: Name and address.

Mr. Gonzalez: My name's Hugo Gonzalez (INAUDIBLE). My family grew up at 1243 Catalonia Avenue. And my family's been a resident for over 50 years. And I'll begin. Tinta's not your regular Spanish cafeteria. To me, Tinta y Café is a gourmet sandwich and coffeeshop with a trendy, homey feel. The service window is not just a window that allows people to order. It is part of the theme of the business and adds to the ambience. I don't know if any of you have actually been to Tinta y Café, but when you walk in, they have couches. They have books. It provides a warm, comfortable area for one to either dine, have a coffee, or just simply relax during a busy workday. My family, again, has been residents of Coral Gables for over 50 years. My uncle George (INAUDIBLE) has been on the City's Code Enforcement for several years and has influenced the community. My aunt Candice is -- she works at the Biltmore as a director. And again, my father bought his home in Catalonia in 1980. I speak on their behalf today being that they are, like myself, all customers of Tinta. And amongst us, we have discussed this issue several times, and we would all like to see Tinta y Café come to Coral Gables. The reason being after much time spent dining at the café, we have all seen positive customers come in and out of the restaurant and have seen such positive community of people that share the same dining experience. We know the atmosphere of the business and personally knowing the owners and employees, Tinta y Café wants to protect their brand and name and will never jeopardize these things by having "dirty people or people hanging around." If they have been able to successfully keep these things away, these type of people in the Brickell area, then I'm confident they will achieve this in Coral Gables.

Mayor Cason: Thank you very much.

Mr. Gonzalez: Thank you.

Mayor Cason: Rafael Aquino.

Rafael Aquino: Good afternoon. Thank you for allowing me to speak. I've been going to Tinta y Café now for...oops, forgot my name.

City Attorney Leen: Name and address.

Mr. Aquino: Yes. Name is Rafael Aquino. I'm the CEO of an association management company. I only bring that up because it's a bit unfair that we get criticized, the individuals that go to Tinta y Café. Tinta y Café...

Vice Mayor Quesada: Where?

Mr. Aquino: I live at 500 Brickell Avenue.

City Attorney Leen: Thank you.

Mr. Aquino: Tinta y Café has been a place that I've been going to for about nine years. I was able the other day, about a few weeks ago, sat next to the CEO of Jackson Memorial Hospital. You have individuals from the startup world. You have police officers that are there constantly. So it's a realm of different types of individuals that meet. The window, for me, is really the heart of the business. And being a business owner, I can't imagine that being torn away from them. It's an opportunity where I'm in a rush, I can come in, come out, and grab my coffee. And at the same token, I can rub alongside with other individuals, have a quick conversation and move along. Tinta y Café has a special place in my heart because I've grown a tougher -- I've grown a great relationship with not only them, but also a lot of the individuals that I've met there. So, I ask strongly that you vote for that window. Thank you.

Mayor Cason: Thank you. Soraya Golden.

Soraya Golden: Hello, everyone. Thank you for letting me speak. My name is Soraya Golden. I live for four years on the corner of Castille and North Greenway. And I have been going to Tinta y Café since its inception and -- which is as long as I've lived in Miami. I don't want to repeat all the eloquent words of everyone else, but it is community, and that's what this is all about. It's about community. And without that window, it just wouldn't be as wonderful as it has been for the last almost eleven years. Thank you.

Mayor Cason: Thank you. Karina Muñoz. She checked -- she was a proponent. Said I do not wish to speak, but just for the record. Diego Varona, again, checked I do not wish to speak; says in favor. Lisette Perna says -- she said I do not wish to speak, but allow the window service. Let's see the -- Lian Santiago.

Lian Santiago: I said I didn't want to, but I do.

Mayor Cason: You said you didn't want to, but I guess you do.

Lian Santiago: Hello. My name is Lian Santiago. I live at 3325 Southwest 79<sup>th</sup> Court. This is my aunt. I, too, worked at Tinta y Café for three months when I was 15 years old, the year that it started. I think you guys are very lucky that you get to have Tinta y Café down the street. I, too, met my husband at Tinta y Café.

(LAUGHTER)

Mayor Cason: Wow.

Ms. Santiago: He is a fireman for the City of Miami.

Commissioner Keon: Maybe I should go to Tinta.



(LAUGHTER)

Ms. Santiago: Yes.

Commissioner Keon: It's (INAUDIBLE).

Mayor Cason: We're learning things here.

Ms. Santiago: So, yes, I think it is a great addition to the Coral Gables community. I live down the street. I am a nurse at Miami Children's Hospital. So, I drive maybe three times a week to Tinta y Café in Brickell at nine o'clock in the morning with traffic, my husband and I. So, I think you guys are -- it's a great addition to the City of Coral Gables. I hope you guys give her the window because it's very important to us.

Mayor Cason: Thank you.

Ms. Santiago: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: Jose Rasco.

Jose Rasco: Good afternoon.

Mayor Cason: Hi.

Mr. Rasco: Jose Rasco, 822 Sistina Avenue. That's one block off of Ponce -- South Ponce, but Ponce nonetheless. I've been a patron of Tinta y Café since it started. You know, I actually -- so, I think I'm a fairly prototypical customer, in that this is what I do every day. I drive to my

office, which is a block away from Tinta y Café. I park my car at the office. I walk over to Tinta y Café, have breakfast, go back to work. In the afternoon, I'll have my coffee, walk there at the window, and then walk back to work. So, I think that's an ideal situation to activate Ponce anywhere, but especially in that neighborhood. And I think, frankly, we're talking about a discrepancy in the Code. If, as of right, you can have sitting out -- seating outside, the mere fact of passing a cup of coffee through a window is kind of silly to discuss, so thank you.

Mayor Cason: Thank you.

Commissioner Lago: Thank you, sir.

Mayor Cason: Armando De La Cruz. Is he here? It said this is best place in town.

(LAUGHTER)

Mayor Cason: Manny Lopez, who I think stepped out, it says we need some good Cuban coffee in the Gables. Freddie Perdomo said -- Is he here? Said what a great opportunity for the City of Coral Gables to unite with Tinta y Café. Alejandro Heredia, just said all for it. And the last card was Rafael Santamarina. Is he...

Unidentified Speaker: He said he didn't want to speak.

Mayor Cason: Okay. He said -- he didn't check it, but he just said I think the restaurant will add a vital meeting place for the local community. Any other cards? Do you -- would like to -- yes?

Heidi Soto: I'm actually a resident, and I wanted to speak (INAUDIBLE)...

Mayor Cason: Come on up.

Vice Mayor Quesada: Just make sure you fill out a card after for the record.

Commissioner Keon: Was she sworn in?

City Attorney Leen: Yeah, were you sworn in?

Ms. Soto: No, I wasn't.

City Attorney Leen: You should be sworn in. Thank you.

City Clerk Foeman: Raise your right hand, please. Do you solemnly swear or affirm that the testimony you will provide will be the truth and nothing but the truth?

Ms. Soto: Yes.

City Clerk Foeman: Thank you.

Ms. Soto: Good afternoon. My name is Heidi Soto. I live in 134 Salamanca Avenue, so I am a resident in the rental building right across from the future Tinta y Café. I had no intention of speaking today, but I was curious. So I've never actually been to the original establishment in Brickell, but I care enough so that I'm here because I wanted to know a little bit more about the issue. I just have to say that I am a community manager. I work at Village of Merrick Park, so to me, community is very important. I find that having this would be a benefit. It's been an eyesore for the last three years, that I have lived here to have that vacant building there. So, to me, I think it would be great to finally have an establishment where I can get coffee. I take the trolley. I walk to Publix. I am a walker, so for me to be able to do that on the way to work every day and even having a window would make that expedited. I think it would be a great thing for the community and it combines my two passions. I have a degree in English, so literature, poetry, plus community. I can't ask for anything more. I -- with respect to the property owners,

I do disagree with that. I understand the opinions, but I do believe that the statement that I read before was quite hyperbolic where they had a resident that said they didn't want the next Versailles or the next La Carreta around, but I don't think that that would be an issue. I don't see that actually happening, so I just wanted to give my opinion. Thank you very much.

Mayor Cason: Thank you very much.

Commissioner Keon: You're welcome.

Commissioner Lago: Thank you very much.

Commissioner Keon: Are you married? No?

(LAUGHTER)

Commissioner Keon: I want to know if you're married.

Mayor Cason: It's a good place to get married, she's saying.

City Attorney Leen: It was a joke about -- everyone gets engaged, you know.

Mayor Cason: Craig, do you want to -- how much time we have for...

City Attorney Leen: For rebuttal? Yes, each side can have...

Commissioner Lago: Hold on, Craig.

Mayor Cason: You want to speak? Please fill out a card and...

Commissioner Lago: Did you fill out a card?

Justin Sicle: No, (INAUDIBLE) so...

Mayor Cason: Alright, and you have to get sworn in.

City Clerk Foeman: Do you solemnly swear or affirm that the statements you will provide here today will be the truth and nothing but the truth?

Mr. Sicle: Yes, I do.

Vice Mayor Quesada: And again, please make sure you fill...

Mayor Cason: Name and address.

Vice Mayor Quesada: Out a card after.

Mr. Sicle: Yes, sir. Hello. I'm Justin Sicle. I'm a Miami Beach resident. I live on 5750 Collins Avenue, Miami Beach, Florida. I've been a customer of Tinta y Café for the past, I want to say, five, six years. All my friends that I grew up with in the city also go there. I want to say it's more than just a café to us. It's more like a family atmosphere when you go there. Everyone that you see there knows each other and is very pleasant to each other. It's a very clean -- great sandwiches and tremendous coffee. And I wanted to just speak on their behalf. And I think that window of opportunity, that could be -- I live on the Beach and now I'm just in the process of opening a business here, in Coconut Grove, so this location will be tremendous for me and my friends. And just want to speak on behalf of them, and I think that window and the café is a great addition to the Coral Gables neighborhood.

Mayor Cason: Thank you.

Commissioner Lago: Thank you, sir.

Mayor Cason: Now, we have closing rebuttals, I guess, by -- Who do we go with first?

City Attorney Leen: Yes. Each side could have, Mr. Mayor, if it's okay, five minutes each. Is that okay with you?

Mayor Cason: Yeah, five minutes each and then...

City Attorney Leen: So each side can have five minutes. You should go first, then the applicant would conclude.

Ms. Lauzurique: Thank you. I'm almost sorry that I'm married because that seems to be the place to go.

Commissioner Keon: I was going to say.

Ms. Lauzurique: I'm going to consider, okay? I can assure everyone here -- and I can assure Ms. Santamarina and her wonderful family that we do not object to the restaurant. We look forward to this restaurant. And all the restaurants that we had before, I do believe this is the perfect fit for that area, and I welcome you. And I promise you, since I don't cook, you're going to be doing some cooking, serious cooking for me. The only thing that we object and we still object and we will until the end of the day, is the window and the outside seating. Salamanca is not your regular street in Coral Gables. We're a very united street. We have the signature of the owner of 134 Salamanca, who also owns 126 Salamanca, against the window. It's not a matter of bringing the flavor of Brickell to Coral Gables. Coral Gables already has its own flavor and is very distinctive. We welcome the restaurant, and I think it'll be a perfect fit, but this window is going to bring trash. It's going to bring a lot of undesirable elements to the area, and we really

cannot afford it anymore. We are different than most of the streets in that area because we are united. We keep our street very almost like a residential area. So, we ask that you approve -- the restaurant is perfect; we love it. Just reconsider the damage that you're going to cause to our street, and also the precedent that you will be setting by approving this window because it will not only be this window. It's going to be everybody else that wants a window down the line. So, consider the damage that that's going to create to the image that Coral Gables is and why I've lived in this city for 35-years. Thank you, and Neli, again...

Mayor Cason: Thank you.

Ms. Lauzurique: Welcome.

Mayor Cason: Thank you. Laura.

Commissioner Keon: (INAUDIBLE) to speak?

Mayor Cason: Do you want to...

Commissioner Keon: Let him speak.

Unidentified Speaker: Were you going to speak?

City Attorney Leen: Sir, this is your chance. You won't have another one.

Mr. Donnelly: Oh, I have gotten my composure back from before. I was a little emotional. Things happened to me in my life that haven't been very good. But I do want to congratulate this lady because I've never seen a finer group of young people in my entire life. It's too bad they don't live in the neighborhood. They live at 500 Brickell, and they have very eloquently told you what a nice institution that this lady provides. She provides possible marriage...

(LAUGHTER)

Mr. Donnelly: Great muffins, great whatever. She has all the equipment of being the perfect person in our restaurant at the end of the street. All of these people are lovely people. That's not the people we're worried about. They're not going to be driving by every day coming over having coffee. That window, the transient position of that window, opening and closing, it's not the eloquent speeches you've just heard. It's the strangers, the (INAUDIBLE), the (INAUDIBLE), you know. And I'm a very welcoming person. I not only love this country, but I love all people, every person. Shirtless people, I have no problem with shirtless people. I've had comments in here, this entire thing here has been read to make me feel like I'm some kind of a criminal now. Not only do I want to -- I need you, the leaders of our community -- and if this is on record, our community in general to be aware that this is not a flippant decision. This is a very serious decision for people who buy \$500,000 condominiums, who want to live in the area, developers who want to build then sell these condominiums that will be in return something back to this city. All kinds of things are involved in this. The one street also that is inundated with vehicular traffic is the only street between here and 14<sup>th</sup> Street (INAUDIBLE) has a traffic light. Have you ever tried going down our street? When I first went there, it was like a farmland. It was beautiful. It was like a pasture. It was a way of life. I understand change. We all grow and we all die. But we must approach change with some convenience for everybody. Not me, miserable little (INAUDIBLE). I'm not against this lady. I want her to make a million dollars. I don't want it to be through a window, and I will hope that she can be so successful in marriage and getting people together and food, that she can be successful enough to make them come inside and sit down.

Mayor Cason: Thank you very much. Laura Russo.

Ms. Russo: Well, when Neli told me that she had supporters, I'm going to tell you that personally I never imagined what a family she's created over in Brickell. And I think what



you've seen by the fact that many of these people who have come today, her supporters, her extended family have taken the time from their jobs, have taken time from their afternoons to come here and support her, in addition to those that live in the neighborhood. This sense of family, this sense of neighborhood is what I think the Gables is looking for in the North Ponce initiative, and this is what Neli Santamarina will be bringing to this community. And I think that we have an incredible Code Enforcement, so that if there is any issue with the outside window, that could immediately be addressed. But I think you heard from those that came here in an area that is less Coral Gablesy than the location, that you don't have that kind of issue. And I don't think you're going to ever see it in this location. And I think we -- you know, I earnestly entreat you to allow the walk-up window. And you've seen that we've proffered conditions. This is not meant to be a hangout. We've proffered no live music, no speakers outside.

Mayor Cason: Could you summarize what the settlement is because I'm not sure we ever --? It was in the papers, but...

Ms. Russo: Well, what I have proffered on behalf of Neli is we've proffered no outside speakers. No live music outside. We have the hours closing the window and the outdoor seating at 8 p.m. It could be that everything closes at 8 p.m., but for sure the outside will close at 8 p.m. And let me see, I have my letter.

Vice Mayor Quesada: Will you be providing...

City Attorney Leen: Could you direct us to the...

Ms. Russo: For the signage, there won't be any signage window or...

Vice Mayor Quesada: I can read it.

City Attorney Leen: It's in the cover memo. The conditions are in the cover memo.

Commissioner Lago: Give me one second.

Mayor Cason: But I think it's important for those watching to -- because we have...

Commissioner Lago: Quick question.

City Attorney Leen: Why don't I just read them?

Commissioner Lago: Craig, give me one second.

City Attorney Leen: I'm sorry.

Commissioner Lago: I have a question. Mayor, if I may. Will you be providing outdoor service, as per what you proffered? Can someone go out, grab a sandwich, sit outside, kind of like what we have at the...

Ms. Russo: At the Liberty Café.

Commissioner Lago: At the Liberty Café.

Ms. Russo: Correct.

Commissioner Lago: Excuse me.

Ms. Russo: Someone can go in, order their sandwich and sit outside, but there is no outside service. There will not be wait staff coming out and waiting on the tables. So, anyone who wants to eat outside and sit with friends...

Commissioner Lago: Will you be selling alcoholic beverages?

Ms. Russo: There is wine.

Commissioner Lago: Okay.

Mayor Cason: Okay.

Ms. Russo: Wine and beer, no? Wine and beer.

Mayor Cason: Anything else?

Commissioner Lago: But there won't be any wine or beer service outside, correct?

Commissioner Keon: Well, you can take it out there.

Commissioner Lago: Well, you can take it outside and have a glass of wine.

Ms. Russo: Someone could take out -- yeah, again, there's -- no one is going to be able to -- there will be no wait staff coming outside and taking anybody's order. Anybody who orders to eat, or sit outside has to come inside and order, and bring it outside. The idea is to just give somebody a respite who wants to just enjoy a little bit of fresh air, whether it's eating their sandwich or, you know, after work having a glass of wine with friends.

Commissioner Lago: How many tables and chairs are you proposing? And I notice on your layout it says optional table, third optional table.

Ms. Russo: Right. And so what you have there is three tables with seats of four, and it just depends. Right now that's what we'd like is the three tables, and then we also have the high-tops that are closer to the parking lot, and they're the three circles on the left side of the paper.

City Attorney Leen: So the outdoor seating would be allowed, but following review and approval by the Board of Architects and Zoning. There's a site plan that would be accepted that's been proffered; it's Exhibit B. Also, the following conditions: No live outside music. No outdoor speakers. No outdoor signage, except for business identification signage on the Ponce de Leon Boulevard elevation. Window service and outdoor seating to end at 8 p.m. Covered outdoor trash receptacles and preference for neighborhood residents for employment. These are the proffered conditions. You also can impose any conditions you believe appropriate.

Mayor Cason: Anything else you want to say in summary?

Ms. Russo: No, other than I think this would be an amazing opportunity to start the revitalization of North Ponce. I think creating neighborhoods is an incredible thing, and it's something that we've been talking about. I mean, I can tell you we've been talking about the North Ponce area since I started practicing, and I won't tell you how many years ago. But North Ponce has been an area we've been trying to revitalize since -- a long time. And I think this is a perfect opportunity, a perfect match. And here you have it from another neighborhood that took their time out of their day -- I don't -- I think that speaks volumes about the type of business and what better business to set a precedent like this where they are this loyal and this committed that they would come out.

City Attorney Leen: Also, just I should say this would not set any precedent. It would be a settlement based on all the...

Ms. Russo: Correct. I meant...

City Attorney Leen: Facts you've heard today. But staff will be coming to you. And Mr. Vice Mayor, the issues you've raised with the Code, we can discuss that too. If the Commission wishes, we could...

Vice Mayor Quesada: I was going to address it in my comments as well.

City Attorney Leen: I understand.

Commissioner Lago: Yeah, I wanted to ask one more question of Laura, if I may, Mayor. It was a few comments made in reference to a transient population and crime, you know. And I think that individuals, if we approve this today, will be coming to this window. The City of Coral Gables, as we've mentioned before in a meeting, you know, has an estimated population of a little over 50,000 individuals that call home to the City of Coral Gables. And as we know, our city swells to over a hundred thousand during the day as a result of business traffic, commerce, you know, a multitude of individuals that come to our city to enjoy what we have to offer. My question to you is as follows: Do you know of -- has there been any issues in regards to crime at the window at Tinta y Café in Brickell? I know it's a completely different population...

Ms. Russo: Right, no, I understand.

Commissioner Lago: I just want to kind of gauge -- because, again -- and I just want to put it on the record. I've gone to Tinta y Café numerous times to have coffee there. I just want to make sure because we're putting out some comments there in reference to we don't want those people, and we got to be very careful when we say we don't want those people because I'm those people, you know. I'm those people. I'm the one that goes into Brickell and I have coffee at Tinta y Café.

Ms. Santamarina: So you're one of those people?

Commissioner Lago: Yeah, I'm one of those people. So, I just want to be very, very careful because I consider myself a professional, you know. We all act with some sort of decorum and I want to make sure that we don't start throwing that big net out and start casting that net so wide where we start insulting a lot of people because...

Ms. Santamarina: I agree.

Commissioner Lago: Again, Coral Gables is open for business for everyone. Again, we have extremely strict standards across the board. You must paint your house the following color. You must have your tiles approved. Your interior paint colors -- I can go on forever. But again, that's what makes Coral Gables special. But when it comes to individuals, I want to make sure that when we say the word, we don't want those people, we don't want trash, you know, we have to be very careful. And the reason why I brought it up twice and I'm bringing it up a third time about the issue of outdoor dining, we keep hearing contrary views in reference to whether outdoor dining is currently permissible. And as Mr. Trias has said, that's already permissible. It's not even in discussion. Now, what's really what we're discussing is that window, and the location of the window. I just want to make sure we put that on the record.

Ms. Santamarina: Correct. Thank you.

Commissioner Lago: So have you had any issues in regards to crime a the window, someone having a coffee, a dispute, anything like that that you know of?

Ms. Santamarina: Never, never. And I have to tell you that when I heard those comments coming from the public, it breaks my heart. It truly breaks my heart because, as you saw here -- and I have to tell you, I am impressed with the kind of support I received here this morning. I am impressed by the kind of support that came out here to do this. We have never had a criminal activity. I was interviewed by the Miami Herald recently, and that comment came to me that was he said somebody on the opposing crew had mentioned something like that...

Commissioner Lago: And if I -- that's what -- if I may interject, and I'm sorry to, you know, interrupt you. That's why I want to make sure that I'm not -- I know I'm speaking for the whole Commission on this and they can all add their two cents on the matter. You know, again, the City of Coral Gables does not stand by any comment when it deals with that.

Ms. Santamarina: Well, I'm taken aback by that comment.

Commissioner Lago: Because sometimes Coral Gables has gotten the perception of being a little snooty, you know. It's an issue that we've dealt with in the past, but we want to make sure that we're welcoming...

Ms. Santamarina: Well, but I'm trying to answer the question. No. The answer is no. Never have we had any kind of criminal activity. I don't have a criminal record. Nobody in my family has a criminal record. I take offense to that kind of description, trash. I'm probably one of the cleanest establishments in Miami-Dade County. And you can ask the Health Department inspectors that come out to us who tell me.

Commissioner Lago: Have you -- I'm just building background here. Have you ever had an issue in regards to Health Department or any...

Ms. Santamarina: Never. On the contrary...

Commissioner Lago: And how many years have you been open?

Ms. Santamarina: Eleven. In May, we'll be open eleven years. We are probably one of the cleanest places that you can go to.

Commissioner Lago: Let me ask you a question. If someone were to come to your window at your establishment, which is where I get coffee when I go to Brickell, and they're not wearing a shirt...

Ms. Santamarina: It's not allowed.

Commissioner Lago: Or you have a homeless individual that comes...

Ms. Santamarina: Not allowed.

Commissioner Lago: Not allowed.

Mayor Cason: Okay.

Ms. Santamarina: I am very sensitive to the homeless issue. Let's be cognizant of that. When we have had homeless neighborhood people -- every neighborhood has homeless. I'm sure you have some...

Commissioner Lago: Of course.

Ms. Santamarina: Here that you don't probably see that much, but I'm sure they're there. I've been very receptive to their plight. They don't hang out at the window. At the end of the day, they know that if we have some leftover pastellitos or croquetas or soup or whatever, I feed them.

Commissioner Lago: And I commend you.

Ms. Santamarina: I feed them at the expense of probably getting some criminal, you know, situation because that's not allowed, quite honestly. But I don't foresee that in this neighborhood



because of the nature of your neighborhood. No, I am a stickler for aesthetics, for cleanliness. I'm probably going to be cleaner than what you want me to be. I do not allow anybody to stand at my window without a shirt on. I think that's -- you know, it's disrespectful. I had someone come into my café around a couple of years ago. They were coming in Miami Beach. They came in for lunch. A young man sat at the table shirtless. I couldn't believe it. I waited to see if he would go and put a shirt on, and finally, he didn't and I approached him. And I asked him kindly to leave. That is not acceptable to me. I mean, I'm trying to, like I said at the beginning, what I tried to do here with Tinta y Café and the window was to elevate the concept of the window. We've all grown up with the window. We have it in every neighborhood in this county and South Florida. And that was my idea, to elevate that, to bring it up a notch. No, the answer is no. We don't have criminal activity, you know. These comments that I hear, just blatant and blanket comments without even having visited my café. Maybe they had a bad experience with the previous establishments that were there, possibly. You know, I'm not that kind of a business.

Mayor Cason: Thank you very much. Anything else to say?

Commissioner Lago: Thank you for the background.

Mayor Cason: Okay, we're going to close the public hearing. Discussion.

Vice Mayor Quesada: I'm ready to make a motion. I don't know if anyone else is...

City Attorney Leen: Before there's a motion, I just need to add one thing.

Vice Mayor Quesada: Go ahead.

City Attorney Leen: This is a settlement, so you just have to -- if it's accepted by the Commission, it would fully and finally resolve this dispute, because I know that you've raised

some concerns about the time it's taken and different issues. You have to agree on the record that this would fully and finally resolve the dispute.

Commissioner Keon: Yeah. I...

City Attorney Leen: Ms. Russo can do that. It's because we're using a settlement mechanism that that's required.

Commissioner Keon: Say yes.

City Attorney Leen: You have to...

Ms. Santamarina: I'm so exhausted with this process, Craig, that I don't have the energy to continue fighting with this. That's my...

Ms. Russo: Yes.

City Attorney Leen: So the answer's yes?

Ms. Russo: The answer is yes.

City Attorney Leen: Okay.

Mayor Cason: Okay.

Commissioner Keon: Before we make a motion, I -- you know, I understand the concerns that are raised by neighbors that have not experienced this type of an establishment, and have concerns because it is their home and they've lived there and everything else. But I do think from everything that has been said to us is that the -- that window is a part of that establishment.

The window is a part of the establishment. The outdoor seating is a part of the establishment. The -- not having Wi-Fi is part of the establishment. Having books or whatever, it is -- that is the type of restaurant that it will be and place that it will be, and all of those elements are really important just like at (INAUDIBLE), they have high tables because -- and stools and whatever because it's tapas. So, every, you know -- so many eating places or social places have their own identity and not only has -- but it also has a physical identity that contributes to the sense of place and what it wants to be. So, I think that for that reason, the window is appropriate. It does not spill onto public land. It is on -- within the property of the restaurant itself. I do think the conflicting opinions were really not, as a city, our best hour and created some of the problems here. So, I am very supportive of the proposed -- the window and the concept of the restaurant as presented in the settlement agreement.

Mayor Cason: Vice Mayor, you...

Vice Mayor Quesada: I was going to make a motion. You have anything else?

Commissioner Slesnick: Laura, I wanted to ask, is there fencing on the east side of the restaurant? I mean, where the -- is there fencing dividing it?

Ms. Russo: A hedge.

Commissioner Keon: There's a hedge.

Commissioner Slesnick: There's a hedge. Any fencing in there?

Commissioner Keon: There's a hedge there now.

Commissioner Slesnick: I mean, so people can't cut through there, can they?

Ms. Santamarina: You want me to answer?

Commissioner Slesnick: Yes. And I also wanted to ask you how you address the trash issue. They said there's going to be a lot of trash.

Ms. Santamarina: Well, trash means that I have business.

Commissioner Slesnick: Yes.

Ms. Santamarina: So I kind of welcome...

Commissioner Slesnick: But you have...

Ms. Santamarina: Trash a little bit.

Mayor Cason: Let me ask you, do you serve in a cup or on paper?

Ms. Santamarina: We actually are -- I'm a big...

Ms. Russo: Recycled paper.

Ms. Santamarina: My nephews and my partners get on my case sometimes because I'm an environmentally conscious person. We don't use -- in the establishment inside, we don't have disposables. It's all glass.

Mayor Cason: So you're not going to have paper cups thrown around in the yard.

Ms. Santamarina: No. The only -- and this is much to my chagrin, actually, because I hate Styrofoam and the only Styrofoam that we use are, unfortunately, the cortadita cups. And we're

actually looking into changing that to some recyclable material because there are some out there. Trash is welcome. I do -- I am a stickler for cleanliness. The east boundary, which was Vicky Busot's property next to me, the most -- person most aggrieved by my existence, her and I have been working on buffering our respective -- I have an alley in between her and the actual operation. So, yes, we've been planting and doing that. And I buffer as much as I need to. I don't -- I've been on the other side of this equation. I come and live in an urban neighborhood. And I come from also the side of where the neighbors have opposed. I've been opposing in my neighborhood as well for things like this. So, I want to be a good neighbor, and to me, cleanliness is...

Commissioner Slesnick: Okay.

Ms. Santamarina: Important.

Commissioner Slesnick: I wanted to ask you a couple more questions. On your food delivery, does it come in from the front or from that side door...?

Ms. Santamarina: Well, here...

Commissioner Slesnick: On Salamanca?

Ms. Santamarina: It's going to be -- right now it comes on 8<sup>th</sup> Street, the truck...

Commissioner Slesnick: No, no, no. I meant just...

Ms. Santamarina: Here?

Commissioner Keon: In the establishment.

Commissioner Slesnick: Into your restaurant. Does it come in -- do they park in front on the Ponce side?

Ms. Santamarina: Well, I'm not open yet, so I have no idea. I mean, the guy that was here earlier...

Commissioner Slesnick: But I mean, you're planning -- because right now you have a door there on the side to Salamanca with a sidewalk there.

Ms. Santamarina: No, and I also have a door in the back from the alley. I would assume...

Mayor Cason: You have an alley.

Ms. Santamarina: That the food comes in...

Commissioner Slesnick: They would come in...

Ms. Santamarina: From the...

Commissioner Slesnick: Alley.

Ms. Santamarina: From the alley.

Commissioner Slesnick: Okay.

Ms. Santamarina: I mean, I would assume. I think that's really a question to propose to my provider.

Commissioner Slesnick: No, I'm just concerned for the neighbors on Salamanca, how many trucks you're going to have there along...?

Ms. Santamarina: I mean, we're a small establishment, Commissioner Slesnick. We're small. We usually get -- how many deliveries do we get a week, one?

Commissioner Slesnick: One delivery a week?

Ms. Santamarina: One, sometimes every two weeks.

Commissioner Slesnick: And runs to Publix or something.

Ms. Santamarina: Sometimes every two weeks.

Mayor Cason: It's tractor trailers coming up and down.

Ms. Santamarina: No. I mean, we do a lot of shopping locally also. And the deliver comes through -- right now we're using Cheney Brothers. Before, we used to use Sysco, and they have different size trucks, I guess, according to their distribution of deliveries. I really would hope -- I can guarantee you this, okay, that if there's an issue in my business, I want all these neighbors to come to me. I've been wanting to meet with the neighbors since July. I had a conversation with Ms. Lauzurique in July. I invited her to my café. She visited the café. She loved it. She welcomed it. She has an issue with the window, but she doesn't have an issue with the café. So, I've been wanting to talk to the neighbors. And I want you guys to know...

Commissioner Lago: Could I just interject? When you mentioned about the window, she doesn't have an issue with the window, is my understanding. It's the location of the window, right?

Ms. Santamarina: No, she has an issue with the window period.

Commissioner Lago: The window as a whole.

Ms. Santamarina: Yes.

Mayor Cason: As a whole.

Commissioner Lago: My understanding was that the residents that were opposed to the actual settlement, were opposed to the location of the window on Salamanca, but not opposed to having a window on Ponce.

Ms. Santamarina: They're opposed to the window period.

Commissioner Lago: Altogether.

Commissioner Slesnick: And Mr. Saenz, you were not opposed to the outside dining. You're just opposed...

Mr. Saenz: I'm opposed to the window (INAUDIBLE).

Commissioner Slesnick: Just the window on Salamanca or just any window?

Mr. Saenz: (INAUDIBLE) window.

Ms. Santamarina: And quite honestly, like I said, I want you guys to feel comfortable, and I want to give you that guarantee that if there are issues with my business, I will address them personally. It's not -- this is a family business. We don't have a corporate head that lives somewhere else and -- no, I deal with it. I am -- what I experienced here today along with you is



this sense of neighborhood that I really created. I knew I had it, but I never thought that all these people would take the time out of their day to come here and support us, the way they have. I've been impressed by that.

Commissioner Slesnick: And one last question. If you did not have the side entrance on Salamanca and you had straight shrubbery up there or some way to limit access so people had to come in from the Ponce side, do you think that would make the neighbors feel like it was less intrusive for the neighborhood?

Ms. Santamarina: I don't think it's going to make a difference. I honestly don't think it's going to make a difference. Before they had two entrances to that restaurant, from Ponce and...

Commissioner Slesnick: But I mean right now the neighbors on Salamanca are most concerned because of trash and because of traffic and so forth. If you had no sidewalk along their entry into Salamanca, and you had everybody for the outdoor dining come in from the Ponce side...

Ms. Santamarina: But they are coming in from the Ponce side because my parking is on Ponce.

Commissioner Slesnick: I know, but right now, if anybody's walking in the neighboring -- they're talking about transients. Some just walk...

Ms. Santamarina: Can you describe what a transient is?

Commissioner Slesnick: Well, I don't know what transients are. They're -- you're...

Ms. Santamarina: Well, I have an issue with that word.

Commissioner Slesnick: No, but I meant if you -- any traffic at all coming in from the Salamanca side -- you -- right now you have a sidewalk...

Ms. Santamarina: Traffic or pedestrian?

Commissioner Slesnick: Pedestrian traffic.

Ms. Santamarina: Right.

Commissioner Slesnick: Coming in from the Salamanca side because you have the window up to the front of the restaurant, and then you have the seats back there in the back. I'm just suggesting would your -- would the neighbors be more -- less affected if you had nothing, but shrubbery there on the side, so there was no entrance from the Salamanca side.

Commissioner Keon: But the door into the restaurant is on that side.

Commissioner Lago: And egress.

Ms. Santamarina: Yeah, the door -- the entrance is on Salamanca.

Mr. Saenz: (INAUDIBLE) side.

Ms. Santamarina: The door is on Salamanca.

Commissioner Slesnick: But there's a door in the front of the restaurant.

City Attorney Leen: Wait, wait, wait. We need to maintain order.

Mayor Cason: Have a seat. We'll get to you in a minute. Just a second.

Ms. Santamarina: The frontage of my property is on Ponce.

Commissioner Slesnick: Yes.

Ms. Santamarina: Okay.

Commissioner Slesnick: So there's...

Ms. Santamarina: The window is on Salamanca and the entrance is on Salamanca.

Commissioner Slesnick: Oh, the entrance is on Salamanca too.

Ms. Santamarina: Yes.

Commissioner Slesnick: I thought the entrance was on the front of -- on Ponce.

Ms. Santamarina: And I'm not sure why is the fear of pedestrian traffic and -- what is that? I'm not sure. This is a pedestrian neighborhood.

City Attorney Leen: There's photos in your -- for everyone, there's photos in your packet.

Ms. Santamarina: I mean, I keep hearing the word "transient." That's really...

Commissioner Slesnick: No, no. I'm just...

Ms. Santamarina: Disturbing for me.

Commissioner Slesnick: When I -- people transit, T-R-A-N-S-I-T.

Ms. Santamarina: Transit, okay.

Commissioner Slesnick: Transit. Right now...

Ms. Santamarina: I thought you meant transient.

Commissioner Slesnick: There used to be a door in the front of the restaurant...

Ms. Santamarina: Yes.

Commissioner Slesnick: Where the parking is so if people come into the restaurant, they come into the front. Or if they come onto your walk-up window, they're coming in on the right hand side, near the front of the restaurant on Ponce.

Ms. Santamarina: But they would have to park in the front, on Ponce.

Commissioner Slesnick: And they have to park in the front.

Ms. Santamarina: And walk to the window.

Mayor Cason: That's where the parking is.

Commissioner Slesnick: And walk to the window. That's what I'm saying. But right now in your plans, you have a sidewalk to the east of the walk-up window...

Ms. Santamarina: Sidewalk? Oh, no. I have a walkway on my property.

Commissioner Slesnick: Walkway...

Ms. Santamarina: I don't infringe on the sidewalk at all.

Commissioner Slesnick: It's a walkway going out to the street.

Ms. Santamarina: The sidewalk.

Commissioner Slesnick: Yes.

Ms. Santamarina: The sidewalk.

Commissioner Slesnick: So I'm just saying, if you close that off and make everybody come in from the Ponce side...

Ms. Santamarina: No, I can't do that. The -- I can't.

Commissioner Slesnick: And because?

Ms. Santamarina: No, if this would have been -- if this would have -- here, let me give you a little bit of backdrop here. When I came before the Board of Architects back in -- I came to the Board of Architects back in, I want to say, March/April of last year for my window. They -- one of the comments that came from the Board of Architects was I hope you're not putting this on Ponce; it's not allowed. And I said, not a problem. I'm doing it on Salamanca. That was the comment I got from the board.

Commissioner Slesnick: Your window's on the Salamanca side.

Ms. Santamarina: Correct.

Commissioner Slesnick: I'm just saying you have a wide, broad sidewalk going from the door of the restaurant behind the window out to Salzedo -- I mean, out to Salamanca.

Ms. Santamarina: Right. That's the entrance to the restaurant.

Commissioner Slesnick: Okay, now because I didn't know it's not in front. You're not having any entrance...

Ms. Santamarina: No.

Commissioner Slesnick: From Ponce?

Ms. Santamarina: No.

Vice Mayor Quesada: See, this is her window right here.

Commissioner Slesnick: No, I know the restaurant from before.

Ms. Santamarina: The reason for that, Commissioner Slesnick -- and I think the Board of Architects kind of confirmed that for me. The -- I'm an architecturally...

Mayor Cason: Savvy.

Ms. Santamarina: Proponent of good architecture. And when I decided to do the window, if I would have put the window in the front, aesthetically that architecture of that building, which is not a great-looking building to be quite honest, okay...

Commissioner Slesnick: It's not.

Ms. Santamarina: I had to do wonders to -- so my idea was to leave that integrity of the front of the façade of the building as a whole. Because if I would have put a window in the front, and an

entrance at the front, it's like a zoo. So that was at the recommendation from the Board of Architects.

Commissioner Slesnick: Okay.

Ms. Santamarina: And they...

Mayor Cason: Let me...

Ms. Santamarina: Suggested to do the side because there had been outdoor seating there before.

Mayor Cason: We're going to take a two-minute recess. You chat a little bit and we'll be back and vote.

Ms. Santamarina: Okay, thank you.

Mayor Cason: On a motion.

(BREAK IN AUDIO)

Vice Mayor Quesada: And I think the application, the way we've applied this law in the past, allows the outdoor seating and allows the window, and this is that provision I discussed is the outdoor seating, which I mentioned in my earlier comments. The other provision, 4-403.C, I think clearly allows the window as an open-air café. Also, with the testimony that's been provided today, it was some discussion as well about Vicky Bakery, that window, and the movement. I think it -- for those reasons and everything that has been stated today, I move to approve that settlement agreement as delineated in our cover memo today.

Mayor Cason: Do we have a second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon seconds. City Clerk.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Vice Mayor Quesada: One more item that I would like to discuss as it relates to this, earlier today -- and this goes for the residents who were the aggrieved parties today. One of the comments that came up was noise. We passed a new Noise Ordinance earlier this morning, a few hours ago, that discusses the decibel level. And the decibel level in that area is a multifamily duplex district, which is 60 decibels. Now to give you an idea what 60 decibels is, you can download a free app on your phone to get an idea. My conversation, as you hear me right now, is about 60 decibels, to give you some reference point, give you an idea, because we were looking at it earlier and this is about 65 decibels is what you're hearing. So that's also a consideration as well for them, okay?

City Attorney Leen: And one issue I'd like to raise is that, you know, we're going to be monitoring this. I can always bring the settlement back to the Commission, if it's too noisy, or if it's too much of a difficulty, so please be mindful of all the approvals today.

Mayor Cason: Alright, thank you very much.

Commissioner Keon: Thank you very much.



Mayor Cason: We're going to...

Mr. Donnelly: Sir.

Mayor Cason: We're going to have a...

Mr. Donnelly: Sir, let me say something, please.

City Attorney Leen: You're out of order, sir.

Mr. Donnelly: You failed the people...

City Attorney Leen: You're out of order.

Mayor Cason: You're out of order.

City Attorney Leen: You're out of order.

Mayor Cason: You're out of order. Thank you very much for your comments earlier.

City Attorney Leen: Please.

Mayor Cason: We heard them. We're going to have a 20-minute lunch break. At 20 minutes till...

Mr. Donnelly: You failed.

Mayor Cason: At 20 minutes until 3, we'll be back.

Mr. Donnelly: You failed...

City Attorney Leen: You're out of order. Please.

Mr. Donnelly: The residents of Coral Gables.

City Attorney Leen: You're out of order, sir.

Mr. Donnelly: No, you're (INAUDIBLE).

[End: 2:20:14 p.m.]