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1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA)/
 3 PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY HALL
 6 405 BILTMORE WAY, COMMISSION CHAMBERS
 7 CORAL GABLES, FLORIDA
 8 WEDNESDAY, FEBRUARY 11, 2015, COMMENCING AT 6:05 P.M.

9 Board Members Present:
 10 Eibi Aizenstat, Chairperson
 11 Marshall Bellin
 12 Anthony Bello
 13 Jeffrey Flanagan, Vice-Chairperson
 14 Julio Grabiell
 15 Maria Alberro Menendez
 16 Alberto Perez

17 City Staff and Consultants:
 18 Charles Wu, Assistant Development Services Director
 19 Ramon Trias, Planning Director
 20 Craig E. Leen, City Attorney
 21 Jane Tompkins, Development Services Director
 22 Scot Bolyard, Principal Planner
 23 Megan McLaughlin, City Planner
 24 Jill Menendez, Planning Administrative Assistant
 25 Glenn Kephart, Public Works Director
 Yamilet Senespleda, City Engineer

Susan Lanelle Trevarthen, Esq.
 Weiss Serota Helfman Pastoriza Cole & Boniske
 Special Counsel to the City
 Tim Plummer, David Plummer & Associates

City Commissioner Present:
 Pat Keon

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1
 2 Also Participating:
 3
 4 Sunrise Harbour:
 5 Laura Russo, Esq.,
 6 On behalf of the Applicant

7 Mediterranean Village:
 8 Mario Garcia-Serra, Esq.,
 9 On behalf of Agave Ponce LLC
 10 Dan Freed, Architect
 11 RTKL Associates
 12 John McWilliams, Kimley-Horn & Associates
 13 Chris Hagan, Kimley-Horn & Associates
 14 Stan Eichelbaum, Marketing Developments/Planning
 15 Developments, Inc.
 16 Hector Fernandez, CEO, Agave Holdings, LLC
 17 Eddie Avila, Agave Ponce, LLC

18 Public Speakers:
 19 Mary Snow
 20 Gonzalo Sanabria
 21 Enrique Lopez
 22 Paul Penny
 23 Georges Berger
 24 Daniel Siberio
 25 (Speaking also for:
 Natalie Tappert, Robert Canova,
 Denys Alt, Alicia Bache-Wiig,
 Carlos Dominguez, Jorge Azze,
 and Patricia Guarch)
 R. Larry Rentz
 Kirk Menendez
 Venny Torre
 Enrique Bernal
 Ramon Casas
 Frank Kelly
 Joseph Kirk
 Stephen Bittel
 Dr. Luis de la Vega
 Luis de la Vega, Jr.

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1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN AIZENSTAT: Let's go ahead and
 4 call the meeting to order, please.
 5 Good evening, and welcome to the Planning
 6 and Zoning Board meeting of Wednesday, February
 7 11th, 2015. This Board is comprised of seven
 8 members. Four members of the Board shall
 9 constitute a quorum, and the affirmative vote
 10 of four members of the Board present shall be
 11 necessary for the adoption of any motion. A
 12 tie vote shall result in an automatic
 13 continuance of the matter to the next meeting,
 14 which will be continued until a majority vote
 15 is achieved. If only four members of the Board
 16 are present, an applicant shall be entitled to
 17 a postponement to the next regularly scheduled
 18 Board meeting.
 19 I would also ask that any person who acts
 20 as a lobbyist, pursuant to the City of Coral
 21 Gables Ordinance Number 2006-11, must register
 22 with the City Clerk prior to engaging in
 23 lobbying activities or presentations before
 24 City Staff, Boards, committees and/or City
 25 Commission. A copy of this Ordinance is

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1 available in the Office of the City Clerk.
 2 Failure to register and provide proof of
 3 registration shall prohibit your ability to
 4 present to the Board.
 5 I now would like to call this meeting, at
 6 6:07, on Wednesday, February 11th, 2015, to
 7 order.
 8 Jill, would you call the roll, please?
 9 MS. MENENDEZ: Marshall Bellin?
 10 MR. BELLIN: Here.
 11 MS. MENENDEZ: Anthony Bello?
 12 MR. BELLO: Here.
 13 MS. MENENDEZ: Jeff Flanagan?
 14 Julio Grabiell?
 15 MR. GRABIEL: Here.
 16 MS. MENENDEZ: Maria Menendez?
 17 MS. ALBERRO MENENDEZ: Here.
 18 MS. MENENDEZ: Alberto Perez?
 19 MR. PEREZ: Here.
 20 MS. MENENDEZ: Eibi Aizenstat?
 21 CHAIRMAN AIZENSTAT: Here.
 22 Charles, would you like to do the --
 23 MR. WU: Sure.
 24 At this time, there are two cases on the
 25 agenda, basically. One is the Mediterranean

1 Village, and the second one is the Sunrise
2 Harbour. The Sunrise Harbour does not require
3 ex-parte communication, but we'd like to know
4 if you've had any ex-parte communication on the
5 Mediterranean Village, since it involves a site
6 plan. This is any discussions you've had with
7 members of the public or the applicant.

8 MR. LEEN: And Mr. Chair, I would just like
9 to add to that, that at the last meeting there
10 was a disclosure that the applicant had met
11 with you regarding the legislative aspects of
12 the application and not the quasi-judicial
13 ones --

14 CHAIRMAN AIZENSTAT: Correct

15 MR. LEEN: -- and that's already been
16 disclosed. If you have anything in addition to
17 that, please disclose it now.

18 CHAIRMAN AIZENSTAT: Meaning any of the
19 Board members?

20 MR. LEEN: Any of the Board members, any
21 additional disclosures that need to be made.

22 MR. WU: On the Mediterranean Village case.

23 CHAIRMAN AIZENSTAT: Correct.

24 MS. ALBERRO MENENDEZ: None.

25 CHAIRMAN AIZENSTAT: None?

1 MR. WU: May the record show, there's been
2 no ex-parte communication.

3 Thank you.

4 CHAIRMAN AIZENSTAT: Thank you.

5 At this time, I'd like to ask everybody
6 that's going to be coming up to speak to please
7 stand up -- I'm sorry, to please stand up and
8 raise your hand, with the exception of
9 attorneys.

10 (Thereupon, all who were to speak were duly
11 sworn by the court reporter.)

12 CHAIRMAN AIZENSTAT: Thank you. It's also
13 a good time to ask everybody to please turn off
14 your cell phones or put them on vibrate. We'd
15 appreciate that. Thank you.

16 Let's take a look at the approval of the
17 minutes. Has everybody had a chance to take a
18 look at those? Is there a motion?

19 MR. GRABIEL: I move.

20 MR. BELLO: Second.

21 CHAIRMAN AIZENSTAT: Second. Any comments,
22 questions? No?

23 Call the roll, please.

24 MS. MENENDEZ: Anthony Bello?

25 MR. BELLO: Yes.

1 MS. MENENDEZ: Julio Grabiell?

2 MR. GRABIEL: Yes.

3 MS. MENENDEZ: Maria Menendez?

4 MS. ALBERRO MENENDEZ: Yes.

5 MS. MENENDEZ: Albert Perez?

6 MR. PEREZ: Yes.

7 MS. MENENDEZ: Marshall Bellin?

8 MR. BELLIN: Yes.

9 MS. MENENDEZ: Eibi Aizenstat?

10 CHAIRMAN AIZENSTAT: Yes.

11 What we're going to do at this time is go
12 out of order. We have one item which was
13 slated on our agenda to be last, which is Item
14 Number 11, and it should be short, so we're
15 going to move that up front, real quickly, and
16 hopefully expedite that, if possible.

17 Let me read that in, please.

18 The first item is an Ordinance of the City
19 Commission of Coral Gables, Florida, providing
20 for text amendments to the City of Coral Gables
21 Official Zoning Code, by amending Appendix A,
22 "Site Specific Zoning Regulations," Section
23 A-95, "Sunrise Harbour," by adding provisions
24 for dock facilities for the Gables Harbour
25 Condominium; providing for severability,

1 repealer, codification and an effective date.

2 MR. LEEN: Thank you, Mr. Chair.

3 There will be a presentation by Mr. Wu, but
4 I will briefly speak, and then also, I believe
5 Laura Russo will be speaking on behalf of the
6 applicant.

7 This is actually an item that was placed on
8 the agenda by the City Attorney's Office, by
9 me. The reason why is, the finger piers
10 relating to Gables Harbour Condominium have
11 been in place since the early 1970s, over 40
12 years, and they have been there and the Zoning
13 Code has never reflected that. So they've
14 always been in sort of a limbo, in terms of
15 their legality. There's an argument that
16 exists that they're legally non-conforming.
17 There's also an argument that exists that they
18 may not be.

19 Regardless, the City has never pressed
20 forward on any sort of enforcement related to
21 these finger piers, and at this point, it's my
22 opinion that what is best for everyone is for
23 them to be legalized and them to be built in a
24 way that's safe.

25 One reason why I have that opinion, in

1 addition, is because the neighboring building
 2 has finger piers, as well, that have been
 3 legalized, and it seems to me at this time it's
 4 appropriate to legalize these.
 5 The other reason that this is being brought
 6 to you on a somewhat expedited basis is because
 7 there is a DERM case related to them, and DERM
 8 is prepared to allow these piers to proceed,
 9 assuming they're structurally sound, but they
 10 need the City of Coral Gables Zoning approval.
 11 I could provide a temporary zoning approval
 12 under my authority under the Code, based on
 13 hold harmless agreements that we've reached
 14 with the neighbors, but ultimately this needs
 15 to go before the Planning and Zoning Board and
 16 the Commission, and that's why this
 17 site-specific amendment has been brought to you
 18 today.
 19 And with that, I would turn it over to
 20 Mr. Wu.
 21 CHAIRMAN AIZENSTAT: Thank you.
 22 MR. WU: Thank you.
 23 If we can pull up some slides, we just have
 24 a handful of slides for the presentation.
 25 This is the site specific Zoning Code text

1 amendment to Appendix A, relating to Sunrise
 2 Harbour, to allow these docks.
 3 This is the location, Lots 1, 2 and 3, at
 4 the end of East Edgewater Drive. Today's
 5 zoning is pretty much MF2. Even though it's a
 6 duplex zoning, the surrounding area in brown
 7 are essentially condos, and all the area along
 8 the water do have finger piers or docks today.
 9 This is an aerial showing the existing
 10 finger piers. As you can see, to the west, we
 11 do have some finger piers, as well, at the
 12 Gables Condo, and the project we have before
 13 you is Gables Harbour. They have 23 docks
 14 today.
 15 As Mr. Leen mentioned, it was built in
 16 around the early seventies. All along, it was
 17 disclosed that they were including finger piers
 18 in the approval by the City Commission.
 19 Unfortunately, we could not find any permits
 20 reflecting that. The only permits we have
 21 found were pilings, and since then they have
 22 constructed and renovated the finger piers, all
 23 these past 40 years.
 24 The reason why it's coming before you with
 25 some urgency is, a lot of these finger piers

1 have fallen into disrepair, and DERM and the
 2 condo association is in high desire of
 3 repairing them as soon as possible.
 4 The Code amendment is merely a reflecting
 5 of what's in the water today. We had a lot of
 6 specifics because we have to go through the
 7 details, of the number of slips not to exceed
 8 23, the way how it's oriented. Sometimes the
 9 length of the slips are detailed. Pretty much
 10 this reflects on what's in the water and does
 11 not allow expansion of the existing finger
 12 piers.
 13 In summary, Staff recommends approval for
 14 this housekeeping matter, and you do have an
 15 attorney, Ms. Laura Russo, to answer any
 16 questions you may have.
 17 CHAIRMAN AIZENSTAT: Thank you.
 18 Ms. Russo?
 19 MS. RUSSO: Good evening, Mr. Chairman,
 20 Members of the Board. For the record, Laura
 21 Russo, with offices at 2655 LeJeune Road, and
 22 I'm here this evening representing Gables
 23 Harbour Apartments Condominium Association,
 24 Inc., and just so you know, we have the
 25 president, Mr. Nigel Patterson; Mr. Ed Portas,

1 secretary; Alan Glock, treasurer; Johann
 2 Besserer, board member; Millie Garcia-Navarro,
 3 board member; and Leo and Margie Iturralde,
 4 Mike Curran, Jock and Linda Fink, owners, who
 5 have taken time out of their day to come and
 6 make sure that this is taken care of.
 7 The history that you have heard from Staff
 8 is that this four-story, 30-unit condominium
 9 project was approved by the City Commission in
 10 1969, with the developer proposing 30 boat
 11 slips. The Commission approved it with 26.
 12 The project was built, but the City -- neither
 13 the City nor the County has all permits for the
 14 existing pilings, finger piers, et cetera. So
 15 there are bits and pieces that reference the
 16 dock facilities, but nothing that encompasses
 17 it all. As a result, for the last -- I want to
 18 say five or six, seven years, when needed
 19 repairs had to be made to the existing piers
 20 and pilings, there were issues getting permits
 21 with the City of Coral Gables and with DERM.
 22 When I was brought in, we met with City
 23 Staff, with Ramon Trias and with Charles Wu,
 24 along with the City Attorney, and a
 25 determination was made that the best way to

1 handle this would be to approve what is
2 existing, detail it so that when repairs are
3 made or replacements, you're only repairing or
4 replacing what is there.

5 So we had a little field condition, so
6 along with the application, there's a field
7 condition telling you about the deteriorated
8 state of the existing facilities that are in
9 dire need of repair. We also submitted a copy
10 of the survey that gives you details as to the
11 length of the finger piers, the width, et
12 cetera, so that at the time permits are pulled
13 for the repair or replacement, they need to
14 match what is on file with the City of Coral
15 Gables.

16 So that you know, as in any other public
17 hearing, notice was sent to the surrounding
18 neighbors, which totaled over 1,500. We held a
19 neighbors meeting. The City Attorney was
20 gracious enough to attend. We had the
21 president and the manager of the Gables Club,
22 which is the neighboring high-rise condominium
23 to the west, and we had two neighbors from the
24 condominiums to the north. And when we
25 explained to them that we were really only

1 formalizing the existence of the existing dock
2 facilities, everybody was on board, and so I
3 respectfully request that you approve our
4 site-specific text amendment, which is an added
5 Section E, and if you look, at least on what I
6 submitted, it was the very last page, I
7 underscored all the the additional language,
8 which basically incorporates what's shown on
9 the sketch of survey which is attached and also
10 referenced there for the future.

11 If you have any questions, I'd be more than
12 happy to answer them.

13 CHAIRMAN AIZENSTAT: Thank you.

14 At this -- Does anybody have any questions
15 for Laura?

16 MS. ALBERRO MENENDEZ: No. I'm ready to
17 make a motion --

18 CHAIRMAN AIZENSTAT: Well, let's see if
19 there's any public comment --

20 MS. ALBERRO MENENDEZ: Oh, that's right.

21 CHAIRMAN AIZENSTAT: -- first. Is there
22 anybody here that wants to make any comment on
23 this subject? No?

24 The floor is closed. Board discussion?

25 MS. ALBERRO MENENDEZ: I make a motion that

1 we approve the application.

2 MR. PEREZ: I second.

3 CHAIRMAN AIZENSTAT: A motion and second.

4 Any discussion, any questions?

5 Call the roll, please.

6 MS. MENENDEZ: Julio Grabiél?

7 MR. GRABIEL: Yes.

8 MS. MENENDEZ: Maria Menendez?

9 MS. ALBERRO MENENDEZ: Yes.

10 MS. MENENDEZ: Alberto Perez?

11 MR. PEREZ: Yes.

12 MS. MENENDEZ: Marshall Bellin?

13 MR. BELLIN: Yes.

14 MS. MENENDEZ: Anthony Bello?

15 MR. BELLO: Yes.

16 MS. MENENDEZ: Eibi Aizenstat?

17 CHAIRMAN AIZENSTAT: Yes. Thank you.

18 MS. RUSSO: Thank you all very much.

19 CHAIRMAN AIZENSTAT: You're welcome.

20 The next items are all together, which
21 pertain to the Mediterranean Village. What I'm
22 going to do at this time is read them all into
23 the record together and we'll proceed from
24 there.

25 MR. LEEN: Mr. Chair?

1 CHAIRMAN AIZENSTAT: Yes.

2 MR. LEEN: As we discussed, the Chair is
3 going to read them into the record. We're
4 going to have one public hearing on all of the
5 items at once, but they're going to be voted on
6 separately. Some of them are legislative; some
7 of them are quasi-judicial.

8 So, if that's okay with the Chair, we had
9 discussed that in advance, but just so the
10 public understands.

11 CHAIRMAN AIZENSTAT: Thank you.

12 The first item is an Ordinance of the City
13 Commission of Coral Gables, Florida, requesting
14 an amendment to the Future Land Use Map of the
15 City of Coral Gables Comprehensive Plan
16 pursuant to Zoning Code Article 3, "Development
17 Review," Division 15, "Comprehensive Plan Text
18 and Map Amendments," and Small Scale Amendment
19 Procedures, known as Florida Statutes 163.3187,
20 changing the boundaries between Commercial
21 Low-Rise Intensity, Commercial Mid-Rise
22 Intensity and Commercial High-Rise Intensity
23 Land Use designations on property generally
24 bounded by Sevilla Avenue on the north, Malaga
25 Avenue on the south, Ponce de Leon Boulevard on