

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

6 Board Members Present:

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

12 City Staff and Consultants:

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

20 Also Participating:

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

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

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

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

19 Jill, could you please call the roll?

20 THE SECRETARY: Julio Grabiell?

21 MR. GRABIEL: Here.

22 THE SECRETARY: Sue Kawalerski?

23 MS. KAWALERSKI: Here.

24 THE SECRETARY: Felix Pardo?

25 MR. PARDO: Here.

3

1 THEREUPON:

2 (The following proceedings were held.)

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

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

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

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

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1 THE SECRETARY: Javier Salman?

2 MR. SALMAN: Here.

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

6 Robert Behar?

7 MR. BEHAR: Here.

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

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

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

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

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

17 MR. SALMAN: No.

18 MS. KAWALERSKI: No.

19 MR. PARDO: No.

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

25 Now, with the exception of attorneys, all

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

4 (Thereupon, the participants were sworn.)

5 MR. BEHAR: Thank you.

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

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

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

21 MR. GRABIEL: I move.

22 MR. SALMAN: Second.

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

24 THE SECRETARY: Sue Kawalerski?

25 MS. KAWALERSKI: Yes.

6

1 THE SECRETARY: Felix Pardo?

2 MR. PARDO: Yes.

3 THE SECRETARY: Javier Salman?

4 MR. SALMAN: Yes.

5 THE SECRETARY: Julio Grabiell?

6 MR. GRABIEL: Yes.

7 THE SECRETARY: Robert Behar?

8 MR. BEHAR: Yes.

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

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

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

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1 Board Members?

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

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

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

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

11 MR. PARDO: So moved.

12 MR. GRABIEL: Second.

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

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

15 MR. BEHAR: All in favor?

16 (All Board Members voted aye.)

17 MR. BEHAR: All opposed? It passes.

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

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

10 Item E-1, public hearing.

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

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

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

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

3 MR. SALMAN: Sure.

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

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

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

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

14 MR. COLLIER: Yes.

15 MR. SALMAN: How so?

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

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

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

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

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1 so wants to, at his option.

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

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

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

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

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

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

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

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

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1 record, by any chance?

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

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

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

21 MR. BAKER: Understood. Thank you.

22 So we'll continue. Thank you.

23 MR. COLLIER: Okay.

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

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1 going to ask for a continuance to the next
2 available date?

3 MR. COLLIER: Yeah, what do you mean by that?

4 MR. BAKER: Continue with this proceeding,
5 not a continuance.

6 MR. COLLIER: He wishes to proceed.

7 MR. SALMAN: Did you say that, for the
8 record, please, that you wish to proceed?

9 MR. BAKER: I wish to proceed.

10 MR. SALMAN: All right. Thank you.
11 Because we were talking about continuances and
12 it's very confusing.

13 MR. BAKER: Ambiguity, right?

14 MR. COLLIER: That's the trademark of a
15 lawyer, right.

16 MR. BAKER: I believe -- am I able to
17 share? I think I have the option, but I don't
18 know that it's coming up.

19 THE SECRETARY: CGTV, can you please allow
20 him to -- okay. There you go.

21 MR. BAKER: Oh, there we go.
22 So, thank you, Board Members.

23 As you'll recall, we were before you
24 previously, and this presentation was largely
25 the same. I won't go into great detail, but

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1 rather just highlight the changes since the
2 last time we were before you.

3 By way of background, we were at the City
4 Commission in January. Shortly before the
5 meeting, we obtained a structural report from
6 an engineer that evaluated the current
7 condition of the existing home on the property.

8 The opinion of the engineer was that there
9 was extensive repairs, the cost of which would
10 surpass the value that repairing would provide,
11 and that the better option would be demolition.

12 So the Staff had not had a full opportunity
13 to review this report, so the City Commission
14 was of the opinion that we should allow them
15 time to review the report, come back to the
16 Planning and Zoning Board, and then, at some
17 point in the future, come back to the City
18 Commission. So that's part of the reason
19 mainly why we're here today, on the same matter
20 again.

21 So, again, this is a property on the west
22 side of Maggiore Street. It's four platted
23 lots, just over 20,000 square feet. We're
24 looking to subdivide it into two resulting
25 lots, 10,000 square feet each. These

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1 percentages, again, were shared with you all
2 previously and are part of the record.

3 With respect to the requirement that the
4 property is within the context of the
5 neighborhood, within a thousand feet of this
6 property, 60 percent of the properties are
7 10,000 square feet or less, 79 percent have
8 100-foot frontage or less.

9 I will highlight here the 50 letters of
10 support since we were before you. We canvassed
11 the neighborhood. As you can see here, these
12 green stars are people that signed letters of
13 support. These are not people, you know, in
14 North Gables. These are people on Maggiore
15 Street. These are people a stone's throw away
16 from the subject property. And they didn't
17 sign these letters because they were forced to,
18 right. People sign letters of support because
19 they voice their opinions. They elect Elected
20 Officials to voice those opinions. And the
21 fact that they signed these letters should hold
22 just as much weight as a warm body that sits
23 before you and speaks before you.

24 You all have seen these illustrations of
25 the elevations. Again, the Daroco property,

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1 which is the southern, and Marmore to the
2 north, the frontages, the joint site plan, the
3 individual elevations, Florida vernacular,
4 Mediterranean style, again, of course, before
5 the Board of Architects for approval.

6 I'll just touch on a couple of the zoning
7 criteria, which was the highlight of our last
8 meeting. Part of the reason that we are of the
9 belief that the criteria can be met, despite
10 the recommendation of Staff, is that this (B)
11 criteria here is really our biggest obstacle,
12 at least in the views of Staff. The reason
13 being that, upon approval of this subdivision,
14 you would have an existing home that straddles
15 the resulting property line, creating obviously
16 setback non-conformity.

17 Excuse me.

18 But, of course, there's this language
19 that's bolded and highlighted there, that says,
20 if there's a voluntary demolition, right, the
21 property owner voluntarily demolishes the
22 property, that is an automatic deemed
23 non-compliance of this criteria.

24 So the position that we are trying to
25 explain, and we tried to explain it to the

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

MR. PARDO: Mr. Chairman --

MR. SALMAN: Yes.

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

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

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

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

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

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

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

MR. PARDO: Thank you for the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. SALMAN: Has the Director reviewed the report?

MS. GARCIA: Yes, he has.

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

MS. GARCIA: Of course.

MR. SALMAN: Please.

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

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

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may have a few minutes for rebuttal.

Thank you.

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

MS. GARCIA: Not presenting, but --

MR. SALMAN: Excuse me? Jennifer?

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

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

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

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

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

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

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

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

10 MR. PARDO: Mr. Chairman.

11 MR. SALMAN: Let me --

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

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

19 MR. PARDO: Sure.

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

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

24 MR. SALMAN: Please do.

25 MR. PARDO: Thank you.

25

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

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

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

21 MR. RAMIREZ: No.

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

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

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

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

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

7 MR. SALMAN: Okay. Very good.

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

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

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

14 THE SECRETARY: David Hartnett.

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

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

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

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

4 MR. SALMAN: Would that be acceptable?

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

8 MR. COLLIER: To hand them out?

9 MR. SALMAN: Yes.

10 MR. COLLIER: That's fine.

11 MR. SALMAN: Okay.

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

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

17 MR. HARTNETT: And that is --

18 MR. SALMAN: Just a moment.

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

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

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

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

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

MR. COLLER: Okay.

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

MR. SALMAN: Yes, please.

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

By way of background, Mr. Hartnett, Jim,

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

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

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

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

30

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

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

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

31

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

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

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

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

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

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

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

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

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

33

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

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

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

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

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

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

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

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

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

35

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

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

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

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1 plus.

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

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

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

25 MR. SALMAN: Any questions for the

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1 Mr. Hartnett?

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

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

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

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

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

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

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

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

10 THE SECRETARY: Yes. Carlos Sosa.

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

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

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

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

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

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

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

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

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

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

21 MR. SOSA: Yeah.

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

23 MR. SOSA: Yes.

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

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MR. SOSA: Yeah.

MR. SALMAN: I think that your opinions as an engineer were -- I'm sure that they'd be very valuable, are less salient to the point than your position as a neighbor with regards to this Board.

MR. SOSA: Yeah, but I'm just stressing that the report here, using engineering terms that --

MR. SALMAN: Sir, you're talking to a Board where there's four senior architects, three of which are here. We understand and we know what we're reading. So thank you.

MR. SOSA: Thank you.

MR. SALMAN: And I appreciate your coming forward.

Is there anybody else who wishes to speak on this item?

THE SECRETARY: Francisco Senior.

MR. SENIOR: Good evening, Board Members. My name is Francisco Senior and I live at 6012 San Vicente Avenue, very near, you know, the proposed -- the proposal that we're looking at today.

Well, we already looked at it back in

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January, and I expressed my discontent about, you know, the proposal. I was in favor of the Staff decision to deny it.

You know, I've lived here for a long time. Coral Gables got to this point because of us, that have been living here for a long time, and we like to live the same way.

You know, my thoughts about legacy being presented, you know, the intention of that purchaser was to level the house. Let's look at the intention. Now they're trying to say that it's not a voluntary definition. You know, let's start bending things.

Getting fifty letters from residents, if you invest the same amount of money that they have invested in getting those fifty, you could probably get a hundred. It's a matter of, you know, investing money, getting, you know, things.

But, anyway, the last few years, I have seen how many of our residents have not been happy with some of these developments that have been approved in the past. Long time residents, like the ones that helped build the City of Coral Gables, are the ones that helped

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us build the City of Coral Gables the way it is today.

Moving forward, we should be cautious in taking into consideration the residents that will be affected by splitting this building in two sites, allowing two homes to be built to the max. They will not -- they will have more square feet than if only one house, you know, is built on this site. You know, the owner can legally make one big house there and it would still be smaller than the two that they're trying to make.

I definitely would not like to live in the immediate radius around the proposed development, you know, if it is approved. If I'm not mistaken, these restrictions on already built building sites and the unity of title, were required for obtaining the building permits, were imposed around the late '70s and that was for a reason. It was to preserve our neighborhoods, you know, the way they looked, preventing larger properties to be demolished and then be split into smaller building sites.

Residents want to preserve their neighborhoods. Mistakes have been made in the

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past. I agree with the Planning Board original decision.

And, also, the applicant does not meet all of the requirements to divide the property. No voluntary demolition within ten years and not owning the property for ten years or more.

I hope, as a decision is made, just think of the people that live very near there. The lady that lives right behind their house, that they're destroying the lives, you know, of the immediate neighbors. Thank God I don't live behind that property. It would really change, you know, my life, and, also, probably the property value would be affected.

Most houses in Maggiore are one story, with a few that are two stories, but not that big. If I'm not mistaken, the previous zoning limited the square footage -- the previous zoning in Coral Gables limited the square footage on the second floor, and that was changed down the line, and then Coral Gables allowed to be building more square footage on the second floor.

The only two big homes that you find basically are at both ends of Maggiore, okay.

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

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

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

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

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

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

7 MR. SALMAN: Thank you very much.

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

10 THE SECRETARY: Alberto Espino.

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

13 THE SECRETARY: We have two more.

14 MR. SALMAN: Two more? Okay.

15 THE SECRETARY: Okay.

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

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

22 MR. SALMAN: Thank you.

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

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

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

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

10 Anyone else who wishes to speak?

11 THE SECRETARY: Yes. Marlin --

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

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

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

19 MR. ESPINO: 515 Bargello.

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

22 Okay. Go ahead.

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

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

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

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

24 Please don't let them subdivide this lot.

25 MR. SALMAN: Thank you.

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1 Do we have anyone online that wishes to --
2 THE SECRETARY: No.

3 MR. SALMAN: Anyone on the phone?

4 THE SECRETARY: No.

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

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

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

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

15 MR. SALMAN: Okay. Fine.

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

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

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

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

24 MR. BAKER: Shall I proceed?

25 MR. SALMAN: Yes, please.

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1 MR. BAKER: Okay. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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property of that size to replace its roof.

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

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

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

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

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

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

THE SECRETARY: You have to rejoin Zoom.

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

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

Can I address any questions?

MR. SALMAN: Do any Board Members have any

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questions?

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

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

MR. BAKER: Yes.

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

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

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

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

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

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

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

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

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

MS. KAWALERSKI: No, by the mere

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1 implication of showing them a maxed out one --

2 MR. BAKER: It's not about showing a maxed
3 out house. It's showing people that -- what
4 could be built there by either us, by anyone in
5 the future. We went to -- we had our community
6 meeting, as required by the Code, the
7 overwhelming tone, absent a couple of the
8 people that are here today was, we don't really
9 want a huge house there. We want a couple of
10 houses, that are more in keeping with the
11 neighborhood. That's the point of it, right.

12 MS. KAWALERSKI: All right. That's the
13 only question that I have, but I have more
14 comments later.

15 MR. SALMAN: Okay. Let's close the public
16 hearing. That's it.

17 MR. BAKER: Thank you.

18 MR. SALMAN: Is there anybody else who
19 wishes to speak on this matter?

20 Hearing none, I hereby close the public
21 input.

22 Do I have a motion, so we can open
23 discussion?

24 MR. PARDO: Yes. I'd like to make a motion
25 to deny the application again, based on the

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1 Staff report. That's the motion.

2 MR. SALMAN: Okay. Do I have a second?

3 MS. KAWALERSKI: I'll second.

4 MR. GRABIEL: I'll second.

5 MR. SALMAN: We have two seconds.

6 Okay. Is there any discussion on this item
7 that we wish to have with regards to your
8 motion?

9 MR. PARDO: Mr. Chair, I would like to make
10 a point.

11 I listened carefully to the new testimony,
12 and I agree with our Director, that, you know,
13 it's not there. Deferred maintenance on a
14 property, if you leave it long enough, it's
15 called neglect. We saw a historic building in
16 Miami Beach torn down because of neglect.

17 The biggest thing here is really the
18 neighborhood. The neighborhoods here all have
19 their own character. They all have, not just
20 the character of modest homes, mid-century
21 homes, which are now seventy years old, when
22 you preserve them, I like my home. It's 75
23 years old. And I built a major addition to it
24 35 years ago.

25 A lot of people talk about carbon

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1 footprints and things like that. There is
2 nothing better to save the planet than by
3 redoing a home, compared to raising the home
4 and then building new. I understand that
5 sometimes it will cost more to renovate the
6 home than to tear it down and build new.
7 Preserving our neighborhoods is essential.

8 About the change, when you move into Coral
9 Gables, you move into a specific neighborhood,
10 you see smaller lots, like in the north end of
11 the Gables, and then you see larger lots south
12 of the Highway. You pick and choose
13 neighborhoods when you're buying. If you have
14 small kids and you want a sidewalk, there are
15 other places that don't have sidewalks. So you
16 think about the safety of those kids on roller
17 skates or on a bicycle, if you're near a
18 library, if you're near the Youth Center.
19 Every neighborhood has a character and it
20 should be preserved.

21 The covenant that was signed by Bob Zark,
22 (phonetic) a good friend of mine, who was a
23 great City Attorney, that was done many, many
24 years ago, and covenants used to be a bond that
25 you can rest assured that it would be

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1 preserved, and I know that it can be removed by
2 the Commission, but I think it would be a
3 mistake to remove it, because once you remove
4 one covenant, it doesn't matter how many
5 covenants you remove.

6 The last and most important point I'd like
7 to make is that, I understand the developer
8 would be able to build two brand new houses,
9 and it would be easier, probably, to sell two
10 smaller houses than one large house in this
11 neighborhood, but one of the things about
12 having two houses, versus one large house is
13 that, normally you have a lot more people, a
14 lot more cars, because it's two houses.

15 In fact, if we, instead of having two lots,
16 we make them into four fifty-foot lots, now you
17 have two, three, times four, twelve cars,
18 maybe, compared to if it was one large house,
19 where you may have three or four cars. The
20 impact of the amount of people there is very
21 important.

22 Many of these areas, and the uniqueness
23 throughout the City of Coral Gables, including
24 areas that have very, very large homes, the
25 calculations have been changed over time, as

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

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

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

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

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

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

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

MS. KAWALERSKI: I would.

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

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

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

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

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

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

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my decision.

MR. SALMAN: Thank you, Sue.

Julio, do you have anything you wish to add?

MR. GRABIEL: No.

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

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

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

THE SECRETARY: Mr. Pardo?

MR. PARDO: This is to deny?

MR. SALMAN: That was your motion.

THE SECRETARY: It's a motion to deny.

MR. COLLIER: Recommendation for denial

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

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1 Section 14-203, "Conditional Uses," for a
 2 Country Club originally approved by Ordinance
 3 Number 2016-34, as amended by Ordinance 2022-10,
 4 located within a Special Use (S) District, for
 5 the property commonly referred to as the
 6 "Riviera Country Club" and legally described as
 7 portions of Tracts 1 and 5, Riviera Country
 8 Club, a portion of Miami-Biltmore Golf Course
 9 of Riviera Section 4 and Lots 10-14, Block 112,
 10 Country Club Section Part 5 (1155 Blue Road),
 11 Coral Gables, Florida, all other conditions of
 12 approval contained in Ordinance 2016-34 shall
 13 remain in effect; providing for an effective
 14 date.
 15 Item E-2, public hearing.
 16 MR. BEHAR: The applicant, please.
 17 MR. DE LEON: Good afternoon, Board
 18 Members, Staff. Nelson de Leon, with Locus
 19 Architecture, address 500 South Dixie Highway,
 20 Suite 307, 44 -- I'm sorry, 33146.
 21 THE SECRETARY: Can we have the PowerPoint,
 22 please?
 23 MR. BEHAR: PowerPoint.
 24 MR. DE LEON: PowerPoint. Okay. Am I
 25 controlling this thing or --

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1 THE SECRETARY: No. They're probably
 2 searching for it.
 3 MR. DE LEON: Okay.
 4 THE SECRETARY: Okay.
 5 MR. BEHAR: There we go.
 6 MS. GARCIA: There should be a PowerPoint
 7 for the applicant, the PDF file.
 8 Is that it?
 9 MR. DE LEON: No. I'll present yours.
 10 MR. SOUTHERN: The applicant PDF.
 11 MR. DE LEON: There it is. There it is.
 12 Okay. Thank you.
 13 Thank you, Board Members. I'll try to be
 14 brief, and, then, as I'm presenting, I can
 15 circle back, if you need me to explain anything
 16 further.
 17 So the project is the replacement of the
 18 existing eight tennis courts and tennis
 19 facilities that's directly across the main
 20 Country Club on Blue Road. The existing
 21 facilities are shown on these photos. The top
 22 three photos are of the tennis building itself,
 23 and then the bottom middle, the existing
 24 courts, and the bottom right, the facility.
 25 The overall Site Plan of the entire

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1 facility. I'm going to skip through some of
 2 these, though. Our current site sits directly
 3 across the entrance to the main club itself.
 4 Blue Road, itself, has been updated,
 5 upgraded with a street beautification project.
 6 The entrance to the tennis portion of the
 7 facility has already been paved. It faces
 8 directly opposite the main club entrance.
 9 So this is -- is it this light?
 10 So this is the proposed building, which
 11 sits slightly back from the original, and I
 12 have photos which -- rather, a slide, which
 13 will show you an overlay of the existing and
 14 proposed, which I think will be very helpful.
 15 So I'm going to move through some of these.
 16 This is our pedestrian amenities. This is
 17 a private facility, so it's really not open to
 18 the public to enter, but within the site
 19 itself, we're adding benches and bicycle
 20 parking.
 21 The parking lot itself, for the most part,
 22 exists as is, but it is going through
 23 modifications to comply with current Code, with
 24 current parking widths, and with circulation
 25 within the site itself, and adding additional

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landscaped areas.

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

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

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

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

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

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

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

The overall second floor plan and ground floor plan.

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

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

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

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

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

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

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

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

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

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

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1 And this is the material pallet for the
2 landscape that will be surrounding the
3 facility.

4 And I'll end the presentation with that. I
5 know you're all architects here, so any
6 questions you have, I could circle back to any
7 image.

8 MR. BEHAR: Thank you, Nelson.

9 If we want to have the Staff presentation
10 now.

11 MR. SOUTHERN: All right. Good evening,
12 Planning and -- Planning and Zoning Board,
13 forgive me. Craig Southern, the newest member
14 of the Planning and Zoning team.

15 All right. Let's see here. So the
16 application that we have in front of us tonight
17 is a Conditional Use application for a major
18 amendment to an existing Site Plan, also
19 pursuant to Ordinance Number 2016-34.

20 So if you take a look at the location map,
21 you'll see that the subject property is
22 encapsulated by Bird Road to the north,
23 University Drive to the east, I think it's
24 Campo Sano Avenue to the south, and then the
25 subject property is bisected by Blue Road. So,

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1 on the south side of Blue Road, you'll see that
2 that's where the project area is. The project
3 area is about 2.3 acres, where the entire
4 Riviera Country Club encapsulates 113 acres.

5 The current use is a Recreational Use. The
6 address is 1155 Blue Road. And the current
7 zoning is Special Use District, with a Future
8 Land Use designation of both, park and
9 recreational use and single-family low density.

10 The application has been heard and has been
11 reviewed by the Development Review Committee,
12 the DRC, last year, November 22nd of 2024. It
13 just recently went to the Board of Architects,
14 last month, January 9th. And then it also had
15 a Neighborhood Participation Meeting, that the
16 applicant held, on January 29th.

17 So why we're here, it is a major amendment
18 to the existing Site Plan, but pursuant to the
19 existing Ordinance, 2016-34 -- I'll just give
20 you a little history from our Staff report.
21 Basically, in 2016, Ordinance 2016-34 granted
22 Site Plan approval for the clubhouse and the
23 fitness center that's north of Blue Road,
24 requiring any modifications to undergo the
25 Planning and Zoning Board and City Commission

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1 review.

2 As you can see, pursuant to Section 2-1D,
3 that is -- that's why we're here tonight in
4 front of the Planning and Zoning Board.

5 Also, in 2022, the Riviera Country Club
6 received approval under Ordinance Number
7 2022-10 for modifications to the existing Site
8 Plan along Blue Road, which the applicant's
9 architect just indicated, construction was
10 completed back in August 1st of 2023.

11 Quickly, you'll take a quick look at the
12 Future Land Use Map and the Zoning Map. It's
13 pretty consistent with both, the surrounding
14 Future Land Use designations. The Special Use
15 District is predominantly surrounded by
16 single-family. To the south, we do have the
17 University of Miami and Doctors Hospital.

18 Quickly, we'll take a quick look at what
19 the existing conditions look like. The
20 applicant's architect did a good job of
21 describing it, but we've just got some photos
22 for you here of what the existing tennis court
23 and facility look like.

24 So when we delve into the Site Plan, it's
25 predominantly -- it's completely consistent

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1 with all of the site development standards in
2 our Zoning Code. It's far below the floor area
3 ratio requirements. It meets all of the
4 setbacks. We don't have any flood zone issues.

5 So, once again, I'll briefly kind of delve
6 into the Staff report, in the sense of the
7 proposed Site Plan includes a new two-story
8 tennis center, designed in the Island British
9 Colonial architectural style. The
10 reconfiguration of the existing eight surface
11 tennis courts will now meet the United States
12 Tennis Association tournament standards.
13 Modifications to the existing parking lot, to
14 incorporate additional landscaping, relocation
15 of the dumpster enclosure, installation of
16 bicycle racks, the extension of the sidewalk
17 along the public right-of-way, to provide a
18 continuous pedestrian access along the north
19 side of the tennis complex, which is on the
20 south side of Blue Road, and, basically, this
21 just helps to enhance the Club's connectivity
22 with pedestrian activity, landscaping and
23 traffic circulation.

24 So, once again, you can take a quick look
25 at what is being proposed by the renderings.

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

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

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

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Comprehensive plans, goals, objectives and policies.

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

Thank you.

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

MR. SOUTHERN: Good to meet all of you.

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

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

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

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

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Jill?

THE SECRETARY: No.

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

THE SECRETARY: No.

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

Julio, please, any comments?

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

MR. BEHAR: Javier?

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

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

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

MR. BEHAR: Go ahead.

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

MR. PARDO: Second.

MR. BEHAR: Sue, any comments?

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

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

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

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

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

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

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

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

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

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

MS. KAWALERSKI: They're just internal?

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

MS. KAWALERSKI: Right.

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

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

MR. DE LEON: Truthfully, architecture only.

MS. KAWALERSKI: Okay.

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

MS. KAWALERSKI: Okay. Okay. Those were

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my only questions. Thank you.

MR. BEHAR: Felix.

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

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

MR. PARDO: No objections?

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

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

MR. DE LEON: Thank you.

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

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

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

MR. DE LEON: Thank you.

MR. BEHAR: Thank you, Felix.

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

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

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

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

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

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

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

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

MR. BEHAR: Thank you.

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

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

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

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

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

13 THE SECRETARY: Javier Salman?

14 MR. SALMAN: Yes.

15 THE SECRETARY: Julio Grabiell?

16 MR. GRABIEL: Yes.

17 THE SECRETARY: Sue Kawalerski?

18 MS. KAWALERSKI: Yes.

19 THE SECRETARY: Felix Pardo?

20 MR. PARDO: Yes.

21 THE SECRETARY: Robert Behar?

22 MR. BEHAR: Yes.

23 Thank you very much.

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

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

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

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

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

24 MR. BEHAR: Okay.

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

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

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

8 MR. BEHAR: Okay.

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

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

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

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

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

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

17 MR. BEHAR: Okay. Sue.

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

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

5 MR. BEHAR: No. No. No.

6 MR. PARDO: No, you cannot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. KAWALERSKI: And I appreciate that, but

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

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

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

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

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

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MR. PARDO: Mr. Chairman --

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

MR. BEHAR: That is --

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

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

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

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

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

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

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

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

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

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

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

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

MR. COLLIER: If you want to have the Special Meeting --

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

MS. KAWALERSKI: Do we need to have a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 MS. GARCIA: Right.

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

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

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

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

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

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

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

6 MS. GARCIA: Okay.

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

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

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

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

24 MR. BEHAR: Do we have a second?

25 MS. KAWALERSKI: Second.

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1 MR. BEHAR: All in favor say, aye.
 2 (Board Members voted aye.)
 3 MR. BEHAR: So what's next? That's it?
 4 MR. SALMAN: That's it.
 5 MR. COLLIER: A motion to adjourn --
 6 MR. BEHAR: Motion to adjourn.
 7 MR. SALMAN: So moved.
 8 MR. BEHAR: Second.
 9 All in favor, aye.
 10 (Board Members voted aye.)
 11 (Thereupon, the meeting was adjourned at 8:15

12 p.m.)
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1 C E R T I F I C A T E
 2

3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8

9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.
 15

16 DATED this 20th day of February, 2025.
 17

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20 -----NIEVES SANCHEZ-----
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