

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
HYBRID FORMAT
WEDNESDAY, NOVEMBER 13, 2024, COMMENCING AT 6:03 P.M.

Board Members Present:

- Eibi Aizenstat, Chairman
- Julio Grabiell
- Wayne "Chip" Withers
- Sue Kawalerski
- Felix Pardo
- Javier Salman
- Robert Behar

City Staff and Consultants:

- Jennifer Garcia, Planning Official
- Arceli Redila, Zoning Administrator
- Craig Collier, Special Counsel
- Jill Menendez, Administrative Assistant, Board Secretary
- Fenggian/Grace Chen, Principal Planner

Also Participating:

- Edward Baker, Esq., On behalf of Item E-1
- David Hartnett, Esq.
- Francisco Seniot, Via Zoom
- Enrique Bernal

applicant may -- except in the case of a Comprehensive Plan Amendment, may request a continuance or allow the application to proceed to the City Commission without a recommendation.

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

As Chair, I now officially call the City of Coral Gables Planning and Zoning Board Meeting of November 13th, 2024 to order. The time is 6:03.

Jill, please call the roll.

THE SECRETARY: Robert Behar?

MR. BEHAR: Here.

THE SECRETARY: Julio Grabiell?

MR. GRABIEL: Here.

THE SECRETARY: Please remember to turn on the mikes, please, so it can get picked up on Zoom. Thank you.

Sue Kawalerski?

MS. KAWALERSKI: Here.

THE SECRETARY: Felix Pardo?

MR. PARDO: Here.

THEREUPON:

(The following proceedings were held.)

CHAIRMAN AIZENSTAT: All right. Let's go ahead and get started, please.

I want to welcome everybody to the Development Services Building, which is our location for tonight. Also, I want to remind everybody that, after tonight, we'll be at the Police and Fire Station for future meetings.

Let me go ahead and call the meeting to order. I'd like to ask everybody to please silence your phones and beepers, if you have any.

This Board is comprised of seven members. Four Members of the Board shall constitute a quorum and the affirmative vote of four members shall be necessary for the adoption of any motion. If only four Members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to a lack of a quorum, the Chairperson or Secretary of the Board may set a Special Meeting to consider such matter. In the event that four votes are not obtained, an

THE SECRETARY: Javier Salman?

MR. SALMAN: Here.

THE SECRETARY: Chip Withers?

MR. WITHERS: Here.

THE SECRETARY: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

Notice Regarding Ex Parte Communications, please be advised that this Board is a quasi-judicial board, which requires Board Members to disclose all ex parte communications and site visits. An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum or other written or verbal communication, that takes place outside of the public hearing, between a member of the public and a member of a quasi-judicial board, regarding matters to be heard by the Board.

If anyone made any contact with a Board Member regarding an issue before the Board, the Board Member must state, on the record, the existence of the ex parte communication and the party who originated the communication.

Also, if a Board Member conducted a site visit specifically related to the case before

1 the Board, the Board Member must also disclose
2 such visit. In either case, the Board Member
3 must state, on the record, whether the ex parte
4 communication and/or site visit will affect the
5 Board Member's ability to impartially consider
6 the evidence to be presented regarding the
7 matter. The Board Member should also state
8 that his or her decision will be based on
9 substantial, competent evidence and testimony
10 presented on the record.

11 Does any Board Member have such
12 communication or site visit to disclose at this
13 time?

14 MR. GRABIEL: No.

15 CHAIRMAN AIZENSTAT: No?

16 MS. KAWALERSKI: No.

17 CHAIRMAN AIZENSTAT: Swearing in, I would
18 like to ask everyone who's going to be speaking
19 this evening to please go ahead and complete
20 the roster on the podium. We ask that you
21 print clearly, so the official records of your
22 name and address will be correct.

23 Now, with the exception of attorneys, all
24 persons physically in the Chambers tonight, who
25 will speak on agenda items before us this

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1 evening, please rise to be sworn in.

2 (Thereupon, the participants were sworn.)

3 CHAIRMAN AIZENSTAT: Thank you.

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

12 Phone platform participants, after Zoom
13 platform participants are done, I will ask
14 phone platform participants to comment on
15 tonight's agenda item. I also ask you to be
16 concise, for the interest of time.

17 First we have the approval of the minutes.
18 We have two of them, one from September 9th and
19 one from October 29th. Let's take the
20 September 9, 2024 first.

21 MR. BEHAR: Motion to approve.

22 MR. SALMAN: Second.

23 CHAIRMAN AIZENSTAT: We have a motion, and
24 the second is by Javier?

25 MR. BEHAR: Yes.

6

1 CHAIRMAN AIZENSTAT: Any comments? No?

2 Call the roll, please.

3 THE SECRETARY: Robert Behar?

4 MR. BEHAR: Yes.

5 THE SECRETARY: Julio Grabiél?

6 MR. GRABIEL: Yes.

7 THE SECRETARY: Sue Kawalerski?

8 MS. KAWALERSKI: Yes.

9 THE SECRETARY: Felix Pardo?

10 MR. PARDO: Yes.

11 THE SECRETARY: Javier Salman?

12 MR. SALMAN: Yes.

13 THE SECRETARY: Chip Withers?

14 MR. WITHERS: Yes.

15 THE SECRETARY: Eibi Aizenstat?

16 CHAIRMAN AIZENSTAT: Yes.

17 The next is the October 29th, 2024 minutes.

18 Is there a motion?

19 MR. BEHAR: Motion to approve.

20 MR. SALMAN: Second.

21 CHAIRMAN AIZENSTAT: It's the same we have.

22 MR. SALMAN: Yes.

23 CHAIRMAN AIZENSTAT: Any discussion? No?

24 Call the roll, please.

25 THE SECRETARY: Julio Grabiél?

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1 MR. GRABIEL: Yes.

2 THE SECRETARY: Sue Kawalerski?

3 MS. KAWALERSKI: Yes.

4 THE SECRETARY: Felix Pardo?

5 MR. PARDO: Yes.

6 THE SECRETARY: Javier Salman?

7 MR. SALMAN: Yes.

8 THE SECRETARY: Chip Withers?

9 MR. WITHERS: Yes.

10 THE SECRETARY: Robert Behar?

11 MR. BEHAR: Yes.

12 THE SECRETARY: Eibi Aizenstat?

13 CHAIRMAN AIZENSTAT: Yes.

14 The procedure we'll use tonight is, first,
15 we'll have the identification of the agenda
16 item by Mr. Koller, then we'll have the
17 presentation by applicant or the agent,
18 followed by the presentation by Staff. I'll go
19 ahead and open the public comment, first in
20 Chambers here, then on the Zoom platform and
21 then the phone line platform. Afterwards, I'll
22 go ahead and close the public comment, we'll
23 have Board discussion, motion, further
24 discussion, if needed, and a second of the
25 motion. Then we'll have the Board's final

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1 comments, and a vote, if necessary.
 2 Mr. Koller, if you'd please read the first
 3 item into the record.
 4 MR. KOLLER: Item E-1, an Ordinance of the
 5 City Commission of Coral Gables, Florida
 6 granting Conditional Use for a Building Site
 7 Determination approval pursuant to Zoning Code
 8 Article 14, "Process", Section 14-202.6,
 9 "Building Site Determination" and Section
 10 14-203, "Conditional Uses" to separate two
 11 single-family building sites on the property
 12 zoned Single-Family Residential District,
 13 legally described as Lots 11, 12, 13 and 14,
 14 Block 119, Riviera Section, Coral Gables,
 15 Florida; one building site consisting of Lot 11
 16 and 12 (north parcel), and the other one
 17 building site consisting of Lot 13 and 14
 18 (south parcel); including required conditions;
 19 providing for a repealer provision,
 20 severability clause, and an effective date.
 21 Item E-1, public hearing.
 22 CHAIRMAN AIZENSTAT: Thank you.
 23 Go ahead, sir. The floor is yours.
 24 MR. BAKER: Thank you.
 25 CHAIRMAN AIZENSTAT: If you can, on the

1 right side, you can switch it on. There's a
 2 tab. And then it will turn red, and then push
 3 in the center to go green.
 4 MR. BAKER: Hello.
 5 CHAIRMAN AIZENSTAT: Hello.
 6 MR. BAKER: Hi. Good evening. Eddy Baker,
 7 1450 Brickell Avenue, Miami, Florida 33131,
 8 representing the applicant this evening, Legacy
 9 5810, LLC. I'm joined today by the landscape
 10 architect of record, Orlando Comas, and also
 11 the owner's represent, Manny Lis (phonetic).
 12 So we're before you today for a conditional
 13 use application. This is to allow for the
 14 separation of a building site. This property
 15 is at 5810 Maggiore Street. As you'll see here
 16 from the aerial, it's on the west side of
 17 Maggiore Street, with Marmore Avenue to the
 18 north and Daroco Avenue to the south.
 19 The property is consisting of 20,006 square
 20 feet. It's four individually platted lots.
 21 And what we're proposing is to divide it, so
 22 that there will be a home on the two northern
 23 lots and a home on the two southern lots on
 24 Daroco. So we have referenced them in our
 25 submission as the Marmore property and the

1 Daroco property.
 2 As you can see here, from these elevations,
 3 as approved by the Board of Architects, two
 4 distinct architectural designs, Mediterranean
 5 style and Coastal style, in keeping with the
 6 other residences in the neighborhood.
 7 Next we have a little bit of a breakdown.
 8 As I just noted, the Marmore property will
 9 consist of Lots 11 and 12. It will be a lot
 10 size of 10,003 square feet, which mirrors the
 11 Daroco property to the south.
 12 Here we have a brief summary of the
 13 architectural requirements, well below the
 14 maximum lot coverage, the impervious coverage,
 15 as well, and significantly above the required
 16 green space. 54 percent, approximately, on
 17 each proposed lot, whereas only 40 percent is
 18 required. So we're really trying to add green
 19 space, which is in keeping with many of the
 20 other homes in the neighborhood of Maggiore
 21 Street, and within the thousand foot vicinity.
 22 A few other things to note here. The
 23 home -- each home will be approximately 4,000
 24 square feet. That's across two stories, so
 25 about 2,000 square feet per home. As noted in

1 the Staff report, if we did not come before you
 2 today, we could build a home over 7,000 square
 3 feet, across two stories. So we are wanting to
 4 build two single-family residences that, as you
 5 see here from the neighboring properties, are
 6 more in tune with what is present, which are
 7 properties in the range of 10,000 square feet,
 8 with a hundred foot of frontage, and there are
 9 quite a few two-story residences. I'll show
 10 you in the next slide the percentages, to be
 11 precise, but as you can see here, there's a
 12 couple about a block and a half away, right on
 13 the same street.
 14 And just south of that is another
 15 application, which is referenced in our
 16 submission, that was put before your Board and
 17 the City Commission for pretty much the same
 18 exact application. So there is precedent for
 19 it. That application was approved by the City
 20 Commission, with pretty much the exact same lot
 21 sizes.
 22 In terms of the percentages, just starting
 23 to speak about some of the Code requirements of
 24 why our proposed subdivision would result in
 25 something that's in keeping with the

1 neighborhood, within 1,000 feet of the
2 property, sixty percent of the properties are
3 10,000 square feet or less. We are, of course,
4 slightly over the 10,000 square foot threshold,
5 at 10,003 square feet.

6 With respect to the frontage, 79 percent of
7 the homes within a thousand feet have a hundred
8 feet or less. Each of the sites that we're
9 proposing are a hundred feet along the frontage
10 of Maggiore, and, then, finally, 21 percent of
11 the homes within a thousand feet are two
12 stories. So, again, very much in keeping with
13 the lot configuration of other homes in the
14 neighborhood.

15 Next I'll touch on -- or, here, I have the
16 site plan for you, to put a bit of visual to
17 what we're proposing. Again, the hundred feet
18 frontage would be along Maggiore Street, here.
19 We have the driveways on each of the side
20 streets. One of the requests from the Board of
21 Architects was to bring the HVAC and other
22 utility equipment further away from the lot
23 line, to reduce noise and the impact on the
24 neighbors. So we've moved those further in. I
25 think they're, on average, 15 or 20 feet or

13

1 more from the rear lot line.

2 So here's the elevation. Going back to, in
3 keeping with the neighborhood, this is a design
4 that's very common in this part of Coral
5 Gables, Coastal design, as well as the
6 Mediterranean design, as well. Here's a bit of
7 a closeup of the Marmore property to the north
8 and the Daroco property, Mediterranean style,
9 on the southern portion of the site. And that
10 is the site plan for that one.

11 So a couple of things to note. Going back
12 to the Code Requirements, this is a very
13 unusually sized and configured lot. Again,
14 it's four platted lots. In this immediate
15 vicinity, the next largest lots are 17,000
16 square feet, and there's only two of those
17 homes. There's also three right-of-way
18 frontages, which is very unique. If you look
19 at the majority, if not all of the homes on
20 Maggiore Street, there's two homes that face
21 Maggiore, on any given block, not one, as what
22 we have in this property.

23 Finally, preserving the open green space,
24 we will be preserving all of the specimen trees
25 with a DBH of 18 inches. As I noted before,

14

1 there's going to be 54 percent of green space.
2 We've really tried to not maximize the lot
3 coverage, so that we could provide significant
4 setbacks, to create, you know, a very welcoming
5 and lush landscaping.

6 A couple of last things to note. The home
7 that exists on this site currently was built in
8 1947. It's nearly 80 years old. It's very
9 outdated. And if we were to just try to
10 renovate this property or demolish it and build
11 another seven -- or a 7,000 square foot home,
12 that would be taking away from the character of
13 the neighborhood.

14 When we met with the community, as
15 required, of course, by the Code, we had about
16 ten people in attendance. Everyone was very
17 much in support. There was one resident that
18 was not, but, generally, the people were very
19 much in support of our proposal, because of the
20 fact that we were not building one
21 single-family mansion on this property, but
22 deciding to build two smaller homes, that were
23 more in keeping with the neighborhood.

24 So one other issue that was raised at the
25 meeting was about construction and the impact

15

1 on the neighbors. We, of course, would
2 demolish the site quickly, after approval, and
3 the plan is to build both homes simultaneously.
4 The reason being, one of the principals of the
5 owner intends to live in one of the homes, so,
6 of course, he wants to get this done as quickly
7 as possible. He really wants to minimize the
8 impact to the neighbors, which would be his
9 future neighbors. For those reasons, we think
10 we would be able to really minimize the impact
11 on the community, whereas a 7,000 square foot
12 house might take significantly longer, just
13 based on the complexity of it.

14 Last thing I'll note is that, the
15 construction would take about 18 to 24 months,
16 which many of the residents felt was a good
17 time line. I think there were some concerns
18 that this could take years, between demolition,
19 and we wouldn't be obligated to move swiftly,
20 but we assured them that -- the fact that one
21 of the principals of the owner intends to live
22 there, gave them some comfort. They also liked
23 the design aspect, that it wasn't a big glass
24 box.

25 So, finally, I just respectfully request

16

1 your support of this application and I'm happy
2 to answer any questions.

3 MR. BEHAR: Thank you.

4 MR. BAKER: Thank you.

5 MS. GARCIA: Jennifer Garcia, City Planner.
6 Let me pull up my PowerPoint really quick.

7 Good evening. Thank you for your patience
8 with the last minute move over here. I
9 apologize. Hopefully, in the next few months,
10 we'll be over in the Police and Fire Station,
11 so hopefully it will go a little smoother.

12 So this is an application for a conditional
13 use site plan review, to basically create two
14 single-family houses, where Staff has
15 determined that one single-family house, one
16 building site, is there right now. As you
17 know, Coral Gables is very stringent on
18 separating building sites, and I'll get to
19 those requirements in just a second.

20 As you know, this is on Maggiore, in
21 between Marmore and Daroco. The future land
22 use is single-family low density. The zoning
23 is single-family residential. And there's an
24 aerial of it. Right now, the house is to kind
25 of the south, covering, more or less, four

17

1 platted lots. An interesting thing about this
2 property is that out of the entire extent of
3 Maggiore, this is the one building site that
4 only has one house on it. The rest of them
5 have two single-family -- sorry, two -- yeah,
6 two building sites, on each block side. This
7 is the only one that only has one.

8 I have a hard time seeing. Just one
9 second.

10 Okay. So these are the existing
11 conditions. You can see the house sits over
12 there, behind the garden wall and the hedge.
13 And the request, again, is a conditional use
14 site plan review for a building site
15 separation.

16 So this is the site plan. The north is to
17 the right. And the column on the left side is
18 showing how much they could build if they
19 demolished the existing site and rebuilt a
20 single-family house. And then the proposed
21 north parcel and the proposed south parcel. Of
22 course, the Zoning Code requires a maximum
23 floor area, a maximum height, within 25 feet
24 maximum. They meet all of the setbacks and go
25 beyond the minimum open space requirements.

18

1 This is a rendering of what that will look
2 like facing Maggiore. This is the house that's
3 on the north side, what that would look like.
4 As you know, when you separate a building site,
5 the architecture and site plan is tied to that
6 approval. So what you're looking at is not
7 just the fact that you're separating a building
8 site, you're also looking at the architecture
9 and the building site, as it relates to the two
10 proposed and maybe adopted building sites. And
11 so this is the house to the south side, facing
12 Maggiore.

13 So the DRC reviewed this application in
14 June of this year. The Board of Architects
15 reviewed it, I believe, a couple of times, with
16 approval back in August. They had a
17 Neighborhood Meeting in September. And they're
18 here for tonight's Planning and Zoning Board
19 Meeting in November.

20 They had mailed out notices within a
21 thousand feet of the site, and that happened
22 three times, for the Neighborhood Meeting and
23 for both Planning and Zoning Board Meetings,
24 that was canceled, unfortunately, last month,
25 with the hurricane. The property was posted

19

1 four times. The website was posted three
2 times. And newspaper advertisements and e-mail
3 to subscribers, two times.

4 So as I was saying, the criteria in the
5 Zoning Code is very strict as far as separating
6 building sites. They meet the first criteria,
7 which the building site is equal or larger to
8 the majority of the existing building sites in
9 the neighborhood. It is a little unusual,
10 because it does have three streets that it's
11 facing. It does maintain the open space and
12 neighborhood compatibility and it's visually
13 attractive to the neighborhood, as determined
14 by the Board of Architects.

15 And, unfortunately, it only satisfies one
16 of the three last criterion, which is, it does
17 have a similar street frontage, 100 feet, on
18 Maggiore. Unfortunately, it's not meeting the
19 last two criterion, to meet that last
20 criterion, so, therefore, Staff recommends
21 denial.

22 Thank you.

23 CHAIRMAN AIZENSTAT: Thank you.

24 Jill, do we have any speakers that have
25 signed up in Chambers or in the room?

20

1 THE SECRETARY: If you signed in for this
2 item, please come to the podium and state your
3 name.

4 MR. HARTNETT: Good evening. My name is
5 David Hartnett. I am the attorney for
6 Katherine Hartnett, who lives in the abutting
7 property, at 510 Marmore Avenue, which is on
8 the north side -- northwest side of the
9 proposed property.

10 CHAIRMAN AIZENSTAT: Could you state your
11 address, please, for the record?

12 MR. HARTNETT: My personal address is 7720
13 Southwest 129th Street, in Pinecrest, Florida.
14 My office address is at 8900 Southwest 107th
15 Avenue, in Miami, Suite 301.

16 With the Chair's permission, I do have
17 copies of a letter that I submitted to the
18 Clerk, that I wanted to introduce, for the
19 record, for each of you. I don't know, should
20 I hand it to Mr. Withers --

21 MR. WITHERS: I'll pass it down.

22 CHAIRMAN AIZENSTAT: Thank you, sir.

23 MR. HARTNETT: I think probably the best
24 way to do this -- I'm not a zoning lawyer, but,
25 again, I represent Mrs. Hartnett, who lives

21

1 The subject property at 5810 Maggiore
2 Street is subject to two declarations, in 1982
3 and 1983, of restricted covenants."

4 I believe those -- deviating from the
5 letter, I believe those -- my recollection was,
6 those restrictive covenants were entered when,
7 the owner at the time, extended or added on to
8 the property. I think that was put in when the
9 building extended into Lots 11 or 12, north,
10 which then, as part of the Staff report, is why
11 it now oversees the two lots that they seek to
12 subdivide and build on. So the property is
13 over -- the house is over three of the four
14 lots. The remaining space is green space.

15 So the restrictive covenants and
16 subdivisions, at the time of the application
17 that was apparently submitted in early -- Mid
18 2024, the criteria for the conditional use
19 application, including consideration of whether
20 the property was subject to a restrictive
21 covenant, encroachment, easements or the like
22 existed to prevent the separation of the site.
23 That was, I believe, formally, before the Code
24 was just amended, Section 14-2002.6F4, when it
25 had four criterion, Subsection F.

23

1 right next door. So I'll just read the letter
2 into the record.

3 Ladies and Gentlemen of the City of Coral
4 Gables Planning and Zoning Board. I'm the
5 attorney in fact and representative for
6 Katherine P. Hartnett, owner of the property
7 located at 510 Marmore, which is located
8 adjacent to and immediately west of 5810
9 Maggiore Street, in Coral Gables, Florida.

10 Katherine Hartnett has lived at 510 Marmore
11 since she purchased the property around 1965
12 with her husband, James C. Hartnett. James was
13 the son of the Former Mayor of Coral Gables,
14 Fred Hartnett. James died last year, in July
15 of 2023. Katherine is 86 and still lives at
16 510 Marmore Avenue.

17 I write to oppose the conditional use
18 application for subdividing the 5810 Maggiore
19 Street property submitted by Legacy 5810, LLC,
20 and further oppose the attempts for an
21 application to demolish and remove the existing
22 single-family residence, in order to then
23 subdivide and build two, two-story,
24 single-family residences, on the existing
25 property.

22

1 We submit that the application was
2 defective when it was submitted, for the
3 failure to meet three of the four criteria at
4 the time, and, therefore, should have been
5 rejected that time. Furthermore, we note that
6 the Section 14-2002.6E3 states that where a
7 single-family residence is removed, no permit
8 can be issued for construction of more than one
9 building on the building site. Similar
10 provisions exist in other places in the Code
11 that I've read, as well.

12 The applicant's proposed demolition of the
13 existing home, that physically sits on three of
14 the four platted lots, also should lead the
15 City to reject the application. As the
16 applicant's, Legacy 5810, LLC, submittal
17 mentions in the September 24, 2024 letter
18 submitted as Exhibit A to the Staff report
19 before you, it appears that the applicant first
20 requested to subdivide the property in 2023,
21 which was -- and was advised, in December of
22 2023, that the subject property could not be
23 subdivided.

24 Importantly -- and that building site
25 determination letter is represented in the

24

1 application letter submittal. Notably, this
 2 was before the applicant, Legacy 5810, LLC,
 3 even purchased the property on January 26,
 4 2024. So they knew that the property was not
 5 supposed to be subdivided at that time and
 6 subject to the restrictions.

7 We agree with the Staff report recommending
 8 denial of the application for the criteria
 9 expressed in the Staff report. Additionally,
 10 contrary to the applicant's submittal, the 1982
 11 and '83 restrictive deeds are valid and I refer
 12 to the Calussa Trust Case in 2016, which the
 13 City of Coral Gables argued, in an amicus
 14 brief, that the restrictive covenants from
 15 governmental entities are not subject to the
 16 Statute that the applicant referenced in the
 17 submittal letter.

18 The City of Coral Gables should uphold its
 19 restriction, that were imposed and were in
 20 agreement by the property owner, in the 1980s.
 21 Mrs. Hartnett and the neighborhood have an
 22 interest in the City of Coral Gables
 23 maintaining those restrictions in the
 24 declaration -- the '82 declaration of
 25 restrictive covenant and the '83 amended

25

1 declaration of restrictive covenant. Given
 2 that Mrs. Hartnett's property abuts the
 3 applicant's property, as the Third District
 4 Court of Appeal has noted recently, she has an
 5 interest that is measured greater than the
 6 general interest in the community, and I
 7 reference the Save Calussa, Inc. versus
 8 Miami-Dade County case, of last year, in 2023.

9 Additionally, Mrs. Hartnett also opposes
 10 the application to build two, two-story
 11 buildings, that are not in keeping with the one
 12 story ranch designs in the area. The proposed
 13 building to the north side of 5810 Maggiore, I
 14 think that's Lots 11 and 12, it's on the north
 15 side, would block her view to the east, and
 16 apparently remove a Live Oak tree approximately
 17 30 feet high, that sits in the middle of one of
 18 those properties, and it's in the Staff report
 19 pictures and the arborist pictures that are
 20 attached to the exhibit to what's on the agenda
 21 today.

22 We disagree with the Staff report as to its
 23 assessment of Item 14-2026F3, that the proposed
 24 site maintains and preserves open space and
 25 specimen trees and promotes neighborhood

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1 compatibility. Rather, the proposed plans
 2 eliminate the north side open space of the
 3 current property and replaces open space with a
 4 new building that did not exist. Additionally,
 5 the proposed buildings would not comport with
 6 the neighborhood, but, rather, give the
 7 appearance of an apartment, condominium style
 8 look frontage to Maggiore, the way it's
 9 submitted.

10 There is also nothing in the plans
 11 submitted, that we have located, that would
 12 further identify where septic tanks would be
 13 located, which is of particular concern,
 14 regarding potential leaking onto Mrs.
 15 Hartnett's property to the immediate west of
 16 the Marmore Avenue side of the property. The
 17 reason that I put that in the letter is, my
 18 understanding is, Miami-Dade County is further
 19 considering, and I believe, you know, enacted
 20 an ordinance which requires further setbacks
 21 from the properties and they're talking about
 22 the seepage into the ground and the conditions
 23 of the ground around -- that about the
 24 properties.

25 Additionally, I watched the hearing where

27

1 this Board considered changing the Code, where
 2 it recommended or went to the Commission not to
 3 change the Code, and some of the comments that
 4 were made at the time of this Board's hearing,
 5 were talking about, instead of a single-family
 6 home that has four bedrooms, I think, now,
 7 we're talking about two, four-bedroom houses,
 8 25 stories (sic) high, and with the roof, it's
 9 probably 30 feet high. That's going to be --
 10 it's like the wall in Game of Thrones. It's
 11 going to be up against my mother's house, right
 12 to the immediate west of there, and they're
 13 looking to push it all of tje back in the
 14 design that's there now, which Staff has said
 15 has to be considered as part of the
 16 application.

17 The property is pushed back, and what that
 18 does is, it pushes in to the properties on
 19 Daroco and Marmore. Additionally, you're
 20 talking about not four cars now at the house,
 21 but probably an expected seven or eight cars.
 22 You're talking about not four or five occupants
 23 per family, you're talking about four bedrooms.
 24 You're talking about probably eight or ten
 25 people.

28

1 There was a reason why, when the owner, in
2 the '80s extended the property, why the City of
3 Coral Gables, at the time, insisted on the
4 restrictive covenant not to further subdivide
5 that. That was a give and take at the time,
6 and that was for the benefit of the community,
7 as well as the immediate owners in that
8 neighborhood, including my mother's house right
9 to the west of there.

10 When they extended it -- I've lived in the
11 area, I grew up in the area right there, and
12 that home has been that way for that time. It
13 is one of the few green spaces that seems to be
14 left in the City of Coral Gables, as the
15 developers continue to extend, extend, and
16 extend and build right up to the gills on the
17 side of the lots. So we would respectfully
18 request that you deny the application -- or
19 recommend denial of the application.

20 And also one other thing. I was at that
21 community meeting. I dispute what Mr. Baker
22 said, that everybody was in agreement, of the
23 eight to ten residents that were there, that it
24 was okay. I objected. I further observed that
25 they had not gotten permission to subdivide,

29

1 and it's my understanding, Mr. Baker, in
2 talking with him, that they have requested from
3 the City and the City Attorney's Office did not
4 opine that the restrictive covenants were
5 abandoned or in any way other than the City
6 would not stand by its agreements reached at
7 the time, which still benefit the properties in
8 that area, including my mother's house.

9 So we respectfully request that the
10 recommendation be to deny the application.
11 Thank you. Any questions?

12 CHAIRMAN AIZENSTAT: Thank you.

13 Any other speakers?

14 Jennifer, can I ask you to just take a look
15 at the sheet and see if there's any other
16 speakers that have signed up? It's right on
17 the end. It's a little bit unusual. Sorry.

18 No other speakers?

19 MS. GARCIA: No.

20 CHAIRMAN AIZENSTAT: Okay. So do we have
21 any speakers that are on Zoom?

22 THE SECRETARY: Yes, we do.

23 CHAIRMAN AIZENSTAT: How many do we have?

24 THE SECRETARY: One.

25 CHAIRMAN AIZENSTAT: Okay.

30

1 THE SECRETARY: Francisco Senior.

2 MR. SENIOR: That's me. Can you hear me?

3 CHAIRMAN AIZENSTAT: We do. If you would
4 like to be sworn in, we need to visually see
5 you. You do not have to be sworn in, if you
6 don't want it, for the record.

7 MR. SENIOR: No. I mean, you don't see me?

8 MR. BEHAR: Not yet.

9 CHAIRMAN AIZENSTAT: One second, please.
10 Since we're in a different location, they're
11 working on it. Bear with us, sir.

12 MR. SENIOR: You got it.

13 CHAIRMAN AIZENSTAT: There you are. If
14 you'll please raise your right hand to be sworn
15 in.

16 (Thereupon, the participant was sworn.)

17 MR. SENIOR: I do.

18 CHAIRMAN AIZENSTAT: Thank you, sir. If
19 you'd please start with your name and address,
20 for the record.

21 MR. SENIOR: Okay. My name is Francisco
22 Senior. I live at 6012 San Vicente Avenue, and
23 I've been a resident of this neighborhood of
24 Riviera, you know, since my teens, okay.

25 I agree with the Planning Board decision to

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1 deny the application. You know, I think it was
2 in the late '70s or early '80s that the Zoning
3 Code was changed, to start prohibiting tearing
4 down a house and coming up with four houses,
5 and there was a reason for it. It was to
6 preserve the neighborhood the way it is. You
7 know, we were happy with it. And we've got to
8 protect ourselves from developers, that what
9 they want is to suffice their needs, not
10 necessarily the residents around the property
11 that they build, okay.

12 And I think there's a reason -- since
13 there's a reason that these rules came up, we
14 should abide by it. You know, there, in
15 Maggiore, nobody has mentioned it, they built,
16 back about seven or eight years ago, you know,
17 two homes, in Maggiore, built to the hilt. It
18 looks like two monsters. I live right next to
19 Sedona. Every time that I drive by, I think,
20 why was that allowed to be done? Let's not do
21 it again. Those homes are completely -- they
22 might be -- most of the homes might be in two
23 lots, but they are not those monster homes that
24 these developers want to build, those two
25 homes. You know, they don't belong to the

32

1 neighborhood. Let them build the house in the
2 four lots and be happy with it, you know.
3 We've got to try to protect our environment.

4 You know, hopefully we don't do these types
5 of mistakes again, approving those types of
6 things, okay. That's all I have to say. I'm
7 not an attorney like him, but I'm with him,
8 too, with every single thing that he said. You
9 know, we shouldn't let this thing get approved.

10 CHAIRMAN AIZENSTAT: Thank you, sir.

11 MR. SENIOR: Thank you.

12 CHAIRMAN AIZENSTAT: Thank for your time.

13 MR. SENIOR: Okay.

14 CHAIRMAN AIZENSTAT: Thank you.

15 Jill, do we have anybody else on Zoom?

16 THE SECRETARY: No one else has indicated
17 they wish to speak.

18 CHAIRMAN AIZENSTAT: Do we have anybody on
19 the phone platform?

20 THE SECRETARY: We do, but they haven't --

21 CHAIRMAN AIZENSTAT: They don't wish to
22 speak?

23 Okay. At this time, I'm going to go ahead
24 and close it to the floor for public comment.

25 Mr. Baker, would you like to have any

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1 jargon involved with this, but the applicant
2 submitted an original letter of intent, that
3 said the restrictive covenant did not apply,
4 because the only carve out to the Marketable
5 Record Title Act, in relation to the case that
6 the gentleman cited, is when it's used as a
7 condition to a land use approval, right, not
8 submission of a building permit. All of these
9 items would have been matters of record, public
10 record, recorded against the property, right.
11 Because a condition, as you all know, that's
12 imposed in connection with a land use approval,
13 needs to be recorded in the public record.
14 They just don't write it down and put it in a
15 box, so that nobody has constructive notice
16 that this subject site is subject to this
17 restrictive covenant.

18 Further, the restrictive covenant was
19 signed unilaterally by the homeowner, not by
20 the City of Coral Gables, as I'm pretty sure,
21 for almost all instances where a resolution is
22 conditioned on something, it's countersigned by
23 the City Attorney or the City -- or the Mayor,
24 to impose that condition as an agreement that
25 that is what has been proffered. That wasn't

35

1 rebuttal or state anything as closing?

2 MR. BAKER: If you all have any questions,
3 I can address prior to?

4 CHAIRMAN AIZENSTAT: Probably, during our
5 discussion, if anybody has any questions, I'm
6 sure they'll go ahead and ask you for it

7 MR. BAKER: Okay. Yeah, I'll just touch on
8 a couple of points that were raised.

9 With respect to the fact that we had
10 submitted for a building determination letter,
11 like any diligent property or future property
12 owner, we went under contract for the property,
13 and during that time, did our due diligence,
14 came to the City and asked the process that
15 would be required to subdivide these building
16 sites, and that determination was outlined in
17 the determination letter. So that's solely a
18 path forward to accomplishing what we wanted to
19 do, right. The owner did not want to build a
20 7,000 plus square foot home, which was not in
21 keeping with the neighborhood. He wanted to
22 build one for himself and be able to sell
23 another property and kind of break even there.

24 With respect to the Marketable Records
25 Title Act, I won't bore you with the legal

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1 the case in this situation, and that's why we
2 are of the opinion that the restrictive
3 covenant was not valid.

4 We've asked for an opinion from the City
5 Attorney's Office and they have refused to do
6 so. So, hopefully, when this goes before the
7 City Commission, that can be addressed and put
8 to bed.

9 Lastly, the comment that the gentleman made
10 about the -- on Zoom about the homes being
11 monster homes, a 7,000 square foot home, as of
12 right, is a monster home, not a 2,000 square
13 foot footprint, on two lots, as I reiterated
14 several times when I presented, that that's
15 what's in keeping with this neighborhood. You
16 have -- sixty percent of the lots are 10,000
17 square feet. 79 percent of the lots have a
18 hundred frontage, not 200 frontage. That's
19 what's in keeping with the design of the
20 neighborhood.

21 You have these criteria in the Code, that I
22 understand are there to protect building site
23 separation, but when you are put in a position
24 where your only alternative is something that
25 is so out of scale with the community, how are

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1 you going to only work within the four corners
2 of the Code, when the result is going to be
3 adverse to the intent of the Code?

4 So I'm happy to answer any questions you
5 might have.

6 CHAIRMAN AIZENSTAT: Thank you, sir.

7 MR. BAKER: Thank you.

8 CHAIRMAN AIZENSTAT: Felix, could I ask you
9 to start off our discussion? Thank you.

10 MR. PARDO: Is there any reason for picking
11 me?

12 CHAIRMAN AIZENSTAT: Because I like to pick
13 on you.

14 MR. PARDO: So the --

15 CHAIRMAN AIZENSTAT: Your microphone,
16 please. Thank you, Felix.

17 MR. PARDO: You're welcome.

18 So I read the application with great
19 interest, every word. I looked at the
20 percentages. I looked at the Staff
21 recommendation. I listened to the applicant,
22 and I listened to basically the rebuttal to the
23 applicant, as far as a concerned neighbor, and
24 then we watched another neighbor on Zoom show
25 his displeasure for this application.

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1 honest, I don't care, but for me, if people
2 sign something, it means something.

3 The site determination letter was a red
4 flag. Specifically, there's a mechanism where
5 you can go to the City Attorney's Office and
6 apply for one. There's a reason that that is
7 done.

8 The third thing is that, in the percentages
9 of the sizes of the lots, that is true, 35
10 percent of these lots are less than 10,000
11 square feet, but the funny thing is that, in
12 the rebuttal from Mr. Hartnett, he said
13 specifically that this was a ranch style
14 design, and most of the buildings in that
15 neighborhood are ranch style. What does that
16 mean? That means that most of the styles of
17 those homes are one story homes. That's why
18 the percentage in the evaluation is that there
19 are so many one story homes, because they're
20 ranch style homes.

21 This particular applicant has a very big
22 problem. They are affecting and trying to
23 change what this neighborhood looks like. Why
24 is that important? It's because the character
25 of the neighborhood gets changed by the

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1 I am not a lawyer, but I've been doing this
2 for a very, very, very long time, and I have to
3 tell you that one of the things about Coral
4 Gables is that, there is a context to each
5 neighborhood. You just have to walk or run
6 through the City to understand each section, of
7 each neighborhood, that has been protected by
8 most of the people that have lived here over
9 the years.

10 When you look at, well, we could build a
11 7,151 square foot building as a matter of
12 right, knock yourself out, but the difference
13 is that when you have two families living on
14 the same piece of land, that would now be
15 subdivided, it creates a negative impact on
16 everyone else that has been used to having one
17 family live there at one time.

18 The restrictive covenants, in the
19 applicant's legal opinion is upheld by a Judge,
20 that's up to the Judge, but I do know one
21 thing, it's that there are hundreds of
22 thousands of covenants everywhere, that are
23 signed by the property owners and the future
24 property owners of those properties. So I
25 don't know legally how it works. To be quite

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1 intensity, and when you look at those two
2 buildings, I see one building, and I tend to
3 agree, because it had run through my mind, that
4 it looked like an apartment building. A few
5 years ago, fifteen years or so ago, there was
6 this big public outcry against McMansions. If
7 this isn't a McMansion, I don't know what is.

8 I also disagree with Staff's analysis of
9 the landscaping, because I see it over and over
10 again, where entire blocks, half a block or a
11 block, is torn down. There are existing trees
12 there. There's separation between the
13 buildings. And then we build whatever it is,
14 and then you basically throw in these other
15 trees, and many times, in other applications,
16 they're actually put out into the swale area,
17 street area, bump outs, et ceteras. You lose
18 that tree canopy forever.

19 Unfortunately, sometimes the owners don't
20 take care of the trees and they don't have
21 them -- they don't have them trimmed properly,
22 by a tree surgeon, et cetera. I get that. But
23 when you have these massive oak trees, et
24 cetera, once they're gone, they're gone.

25 I do agree with Staff's report that they do

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1 not meet the litmus test on two of the three
2 things. Extremely important. Now, everybody,
3 I think, has the right to make money when they
4 are developing. There's nothing wrong with
5 that. That's just the way we live. But the
6 point is that, when you do it in such a way
7 where you negatively affect and take away
8 portions that are sacred, as far as the
9 character of the neighborhood, I think you've
10 gone too far and I don't think that's the right
11 thing to do.

12 I cannot be convinced to recommend
13 approval. I think Mr. Hartnett's argument is
14 well thought-out. I think it's very solid.
15 And that, coupled with the fact that Staff has
16 recommended against this recommendation,
17 there's no way that I can support it.

18 That's all I have to say, sir.

19 CHAIRMAN AIZENSTAT: Thank you, Felix.
20 Chip.

21 MR. WITHERS: That's why you went first,
22 because he wanted me to go second.

23 So I guess my question is to Staff. Take
24 me back to the condition that the home had to
25 be -- or the property had to be owned before, I

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1 but was Staff aware of any of the dates and
2 time frames that Mr. Hartnett has outlined when
3 they looked at this application?

4 MS. GARCIA: For the covenants?

5 MR. WITHERS: Yeah. Well, yeah, the whole
6 sequence of covenants and the two covenants and
7 the dates and the times?

8 MS. GARCIA: Yes. Basically, whenever you
9 build a house over multiple lots, there's
10 usually some kind of unity of title or covenant
11 that ties those properties together, so you
12 could have a house built over those lots.

13 MR. WITHERS: So did you go --

14 MS. GARCIA: So, moving forward, they would
15 have to release those covenants with the City
16 Commission.

17 MR. WITHERS: Right. I understand that.

18 MS. GARCIA: Right.

19 MR. WITHERS: No, I just wondered if you
20 were aware of the dates and the times and the
21 frames of all of the --

22 MS. GARCIA: When the covenant was in place
23 on the house? I was not aware that it was in
24 the '80s versus the house being built in the
25 '40s.

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1 believe, 1972 or 1988 or whatever one of the
2 original conditions was.

3 MS. GARCIA: Yes. So that was changed, I
4 want to say --

5 MR. WITHERS: What was the thought behind
6 changing that? I'm just curious.

7 MS. GARCIA: I think the thought was that
8 it would be impossible to have someone own a
9 property for forty years. So they limited it
10 to ten years. I think it was set in 1970
11 something --

12 MR. WITHERS: Yeah, '72, something like
13 that, yeah.

14 MS. GARCIA: Yeah, until, I think, the
15 recent change, and I want to say, 2014, around
16 there, maybe.

17 MR. WITHERS: But the reason behind it was
18 in case someone owned a home for forty years --

19 MS. GARCIA: It was to make it a little bit
20 more achievable, I guess.

21 MR. WITHERS: To loosen it up a little bit.

22 MS. GARCIA: To separate the property,
23 right. Yeah.

24 MR. WITHERS: I don't know how correct this
25 history is or how, legally, it's sufficient,

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1 MR. WITHERS: So did you get a legal
2 opinion from the City when you interpreted
3 these dates or did you just go off of what you
4 thought the Code represented when you looked at
5 these dates?

6 MS. GARCIA: As far as the house --

7 MR. WITHERS: Well, no. I mean, it seems
8 like there's somewhat of a legal challenge on
9 whether there's efficiency of the actual
10 covenants that were signed.

11 MS. GARCIA: Oh, for the Paragraph 2 that
12 we're talking about?

13 MR. WITHERS: Yeah. Yeah. Yeah. Were you
14 aware of that? I'm just trying to find out if
15 there was a unison agreement between Staff, on
16 the Planning and Zoning side, and Staff, on the
17 legal side, as to --

18 MS. GARCIA: So I don't think we really got
19 that far, because they didn't really meet the
20 criteria in the Code, in the Zoning Code
21 itself.

22 MR. WITHERS: I'm sorry, what was that?

23 MS. GARCIA: They didn't meet the criteria
24 in the Zoning Code itself, so they didn't get
25 that far, as far as Paragraph 2 and the

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1 covenant.
 2 MR. WITHERS; Okay. I got it.
 3 MS. GARCIA: But I do believe that they did
 4 research this and they confirmed it with the
 5 legal team, back when they submitted in 2023
 6 for the original -- not original, but the first
 7 step of the process, which is to get a building
 8 site determination.
 9 MR. WITHERS: A determination letter,
 10 right.
 11 MS. GARCIA: Right.
 12 MR. WITHERS: So was that asked and they
 13 were --
 14 MS. GARCIA: Yes, and that was supplied at
 15 that time. I was part of the recommendation --
 16 that was part of the denial of the building
 17 site, being two sites, or just one site,
 18 because of that covenant.
 19 MR. WITHERS: At the time of the site
 20 determination letter, was there a request as to
 21 whether the actual covenant was valid?
 22 MS. GARCIA: Was that determined? I don't
 23 think so, because it's a covenant that's on the
 24 property. Yeah, you're wondering if legal
 25 challenged that paragraph and the wording of

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1 it?
 2 MR. WITHERS: Yeah.
 3 MS. GARCIA: I'm not sure. I mean, I --
 4 MR. WITHERS: Do you understand my
 5 question?
 6 CHAIRMAN AIZENSTAT: Mr. Koller, can you --
 7 MR. KOLLER: First I have to figure out how
 8 to turn this on.
 9 Okay. So, really, the covenant could be
 10 released by the City Commission. The problem
 11 here is, there's a threshold criteria to the
 12 Code. You don't even look at the covenant.
 13 MR. WITHERS; Right.
 14 MR. KOLLER: You look at the threshold
 15 criterion in the Code. Staff's recommendation
 16 is, they find that it doesn't meet the
 17 requirements of the Code. So you don't even
 18 look past that, to look at the covenant.
 19 The covenant -- there are some issues with
 20 the covenant, but, ultimately, it's possible
 21 that the City Commission could release the
 22 covenant. It's provided for, in this
 23 particular old covenant, but you don't even
 24 look to the covenant. You have a Code
 25 criteria, that it's Staff's recommendation to

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1 you, should be denied, because they didn't even
 2 meet the Code, separate and apart from the
 3 covenant.

4 MR. WITHERS: Okay. So let me stop you and
 5 let me understand what I think I just heard you
 6 say. That whether the covenant was in place or
 7 not, this would not meet the criteria?

8 MS. GARCIA: Correct.

9 MR. KOLLER: Right. The covenant doesn't
 10 change the evaluation that Staff has made with
 11 regard to the Code requirement.

12 MR. WITHERS: So this is probably a really
 13 stupid question.

14 MR. KOLLER: No question is a stupid
 15 question.

16 MR. WITHERS: Well, then why do we require
 17 covenants?

18 MS. GARCIA: To build the -- oh, sorry, go
 19 ahead.

20 MR. KOLLER: Well, it was a policy to
 21 require the covenant, but any covenant is only
 22 as good as the Board that the covenant is
 23 proffered to.

24 Now, typically, government authorities
 25 don't sign the covenant. It's not their

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1 covenant. It's the property owner's covenant.
 2 So you never see a signed one by the
 3 government. What you do see, which was in this
 4 covenant, that the release of the covenant
 5 was -- is required by the City Commission. So
 6 that clues you in, that this is something,
 7 essentially, being proffered to the City.

8 MR. WITHERS: One last question. So did
 9 this covenant specifically join the lots
 10 together?

11 MR. KOLLER: Apparently, this is a -- I
 12 have to keep pushing this button. Got it.

13 MR. WITHERS: I understand the zoning --

14 MR. KOLLER: Right. It says -- Paragraph 2
 15 of the covenant says that the said lots, above
 16 described, upon which the said single-family
 17 residence is situated, shall not be conveyed,
 18 mortgaged or leasee, separate or apart from
 19 each other, and they will be held together as
 20 one tract.

21 MR. WITHERS: Okay. Thank you.

22 Thank you.

23 CHAIRMAN AIZENSTAT: Any other comments,
 24 Mr. Withers?

25 MR. WITHERS: Uh-uh. I'm good.

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1 CHAIRMAN AIZENSTAT: Thank you.
 2 MR. WITHERS: Thank you.
 3 CHAIRMAN AIZENSTAT: Sue.
 4 MS. KAWALERSKI: Thank you.
 5 Well, first of all, it doesn't meet the
 6 requirements, but more so -- I mean, I know
 7 this neighborhood intimately. I'm here all of
 8 the time. I can tell you that splitting that
 9 lot and building two, two-story buildings
 10 there, significantly changes the character.
 11 The properties that the gentleman on the Zoom
 12 mentioned, they did build two, two-stories, on
 13 one lot, it was a lot separation, and it looks
 14 like an apartment building, because they're so
 15 close together. It significantly changed that
 16 portion of Maggiore.
 17 So, listening to the residents who spoke
 18 very articulately on this, I think there is a
 19 major problem splitting this lot, regardless of
 20 the covenant, which -- you know, I tell large
 21 developers, when you bought the property and
 22 you knew that there were problems and you might
 23 not get it passed, why did you even buy it, you
 24 know? So this is one of those situations,
 25 also. You knew there was possibly a problem.

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1 So, for various issues, but primarily the
 2 change in the character in the neighborhood as
 3 a result of lot splitting and building these
 4 two buildings, I will be against this.
 5 CHAIRMAN AIZENSTAT: Thank you.
 6 Robert.
 7 MR. BEHAR: Thank you.
 8 Is there a way we could put either Google
 9 Earth or the Miami-Dade County Property
 10 Appraisal up on the screen?
 11 And I have a question. I know that this
 12 application does not -- while they do that,
 13 does not meet the four or three out of four
 14 criteria to do, but I was looking at the
 15 Miami-Dade Property Appraisal on my phone, and
 16 I was looking at the property immediately --
 17 you know, Mrs. Hartnett's property, the one
 18 behind it, the one in front, the two in front,
 19 everything around there, the lots are 10,000
 20 square foot lots. The only differences are,
 21 they're existing one story homes, but every lot
 22 in that area is 10,000 square feet.
 23 And I want to see if we can put it up,
 24 because -- and, you know, Mr. Hartnett, can you
 25 confirm that your mother's property, the lot is

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1 10,000 square feet?
 2 MR. HARTNETT: Not only can I address that,
 3 but having grown up in that house, and know the
 4 house and know the areas around it, I can state
 5 that, on Marmore, I believe they're all a
 6 hundred by a hundred lots, for the next three
 7 houses.
 8 MR. BEHAR: Okay. So everything --
 9 MR. HARTNETT: Then there's some 75
 10 frontage. If you go one block north, I believe
 11 most of the -- half of those houses are 75.
 12 And if you go to the south, on Daroco, I
 13 believe they're almost all -- or, I would say,
 14 about 60 to 75 percent of them, a hundred --
 15 MR. BEHAR: A hundred by a hundred, 10,000
 16 square foot lots?
 17 MR. HARTNETT: Yeah. On Marmore and
 18 Daroco, that block that this property that
 19 you're talking about, the houses to the west
 20 side of the block, I believe, are mostly 75 or
 21 50 frontage, with a hundred back.
 22 MR. BEHAR: Okay.
 23 MR. HARTNETT: And, then, the three houses
 24 directly west of the applicant's property -- so
 25 going from Maggiore over to San Vicente --

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1 those are all a hundred by a hundred lots.
 2 MR. BEHAR: Okay. Thank you.
 3 So what I see is that, yes, this
 4 application does not meet the criteria to get
 5 Staff recommendation, but what I see, every
 6 lot, within five or more properties, are all
 7 10,000 square foot lots.
 8 If this application was coming to us with a
 9 one story home, versus a two-story, would that
 10 change people's mind? Because, to me, to be
 11 compatible, this is -- keeping this lot 20,000
 12 square foot, that you could do a much bigger
 13 house, is not compatible. That's where the
 14 compatibility, to me, ends. I think that the
 15 smaller lot, it is more in keeping with the
 16 character of the houses.
 17 Now, that they're proposing a two-story
 18 home, versus an existing 1950s or, you know,
 19 '60s ranch style houses that were at the time.
 20 Yes, it is -- you know, that's where the
 21 difference is. But to me, I think it will be
 22 more in keeping with the character if the lots
 23 were the smaller lots.
 24 Now, when it comes to what they're
 25 proposing, the two-story homes, is that what is

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1 allowed today and what most people would
2 follow, the Code, and allowed to do a two-story
3 home, versus, you know, a one story? I think
4 that, you know, for the most part, most of us
5 will agree that most people would do a
6 two-story home.

7 Unfortunately, the application does not
8 meet the criteria that is, you know, set forth
9 in our Code, but the compatibility, to me, yes,
10 it's there. Everything surrounding this
11 property is a hundred by one hundred. So, I
12 mean, I wish that we -- there was a better way
13 to look at an application like this, where you
14 don't look at where -- the applicant's
15 attorney, the four corners of the Code, and
16 unfortunately we are in a position -- at least,
17 I am in a position, which is, how do I go
18 around that, you know, with legal recourses,
19 which is -- you know, for me, it's not there?

20 But I think, the split of the lot, it is
21 more in keeping, more compatible with the
22 existing surrounding.

23 Thank you, Mr. Chair.

24 CHAIRMAN AIZENSTAT: Thank you.
25 Julio.

1 CHAIRMAN AIZENSTAT: Thank you.

2 Javier.

3 MR. SALMAN: Thank you, Mr. Chair.

4 I actually had the good fortune to grow up
5 at 5710 Maggiore, so I pedaled that area as a
6 ten-year-old, and lived there until I got
7 married back in 1993. So lived for about
8 twenty something years there.

9 I know that street very, very well, and
10 about eight or -- about eight years ago, this
11 Board was tasked with the possible lot split on
12 a property of Caligula and Maggiore, and one of
13 the logical reasons for it, at that time, was
14 that it was never platted -- it was never
15 titled or had an overriding covenant and it met
16 all of the requirements. So that was one.

17 The other issue is that the two-story
18 buildings that were built there, were adjacent
19 to and caddy-corner from, the beginning of the
20 Normandy Village along Hardee, so that that
21 two-story did not completely sit outside that
22 understanding of that end of Maggiore.
23 Likewise, on the other end of Maggiore, as you
24 get to US-1, we have another two-story set of
25 buildings, not all of them two stories, but

1 MR. GRABIEL: Okay. I got it.

2 MR. BEHAR: Don't touch it.

3 MR. GRABIEL: Technology and I have never
4 been --

5 MR. SALMAN: Good friends?

6 MR. GRABIEL: -- in agreement.

7 You know, I'm having difficulty with this
8 particular application. I see that everything
9 around it is built on lots which are a hundred
10 by a hundred. I also see that all of those
11 houses are probably one story high. Yeah, I
12 think if we were -- if there would have been
13 separation into two lots, and the house would
14 have been one story high, we wouldn't even be
15 thinking about it, but the pressures of the
16 market are such that a two-story high and the
17 square footage of a two-story high is what's
18 pushing development in these lots.

19 I don't have a clear way of processing this
20 particular application. I don't have a problem
21 with this lot split, but I do have a concern
22 with the size of the houses, when I see
23 everything around it is one story. I don't
24 know what to do. I'm having difficulty coming
25 to terms with it.

1 most of them are two stories, in the Chinese
2 Village. So we're between these two historic
3 Villages of the City, and all -- from Hardee,
4 all of the way to the Chinese Village, they're
5 all one story buildings.

6 I just went down there again through Google
7 Earth, as we were discussing this, and they're
8 still all one stories, and that adds a certain
9 character to the street, which begs the
10 question, how did it get through the Board of
11 Architects as fitting in with the character of
12 the neighborhood, when you start putting
13 two-story buildings in the middle of that long
14 assemble of one story buildings, which are all
15 25 feet from Maggiore? They all face Maggiore.
16 They all have Maggiore addresses. There's one
17 that's on an angle. I think it's on Gerona,
18 but it's on an oversized lot -- slightly
19 oversized lot. It's just over 10,000 square
20 feet.

21 So I want to just confirm with Jennifer one
22 thing, that our approval, our review of this
23 application, is tying the design, as it has
24 been proposed, to that application, correct?

25 MS. GARCIA: Yes. That's part of

1 conditional use review.

2 MR. SALMAN: That's part of -- so if it

3 gets approved, this is what they're going to

4 build, period, end of story?

5 MS. GARCIA: Correct. Yes.

6 MR. SALMAN: All right. So the application

7 fails on its merits, but I think it also fails

8 on the point of view of character of the

9 neighborhood and character of the street,

10 completely and absolutely.

11 So had he come in with a series of one

12 story buildings, perhaps it might meet with a

13 more favorable review by this Board, but as it

14 stands now, it's completely anathema to the

15 character of that street and would alter that

16 character in a way which we could never repair

17 it. That's my opinion.

18 CHAIRMAN AIZENSTAT: Thank you.

19 MR. BEHAR: Can I ask my colleague a

20 question?

21 CHAIRMAN AIZENSTAT: Yes. Go ahead.

22 MR. BEHAR: So the character that was set

23 in 1950, we should keep the same character for

24 the next 100 years?

25 MR. SALMAN: I want to say, yes, and I'm

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1 going to say why. Because that street is quite

2 a long street. It runs parallel to Le Jeune, a

3 block just to the west of Le Jeune. It

4 intersects Miller, which is another major

5 east-west corridor, like Hardee, but those are

6 also all one story, for the most part. There

7 are some two stories on Miller, but they're

8 away from Maggiore.

9 And the character of that alley, because a

10 tree lined avenue is one of almost a parkway,

11 and I think that that character is something

12 that all of the people who live on there bought

13 into when they moved in, and is part of what

14 creates the value to that neighborhood, and

15 those houses.

16 MR. BEHAR: So let me ask you a question.

17 Let's not put this particular application on

18 the table. Let's say that you own a house on a

19 hundred by a hundred lot and you want to -- the

20 house is already, you know, antiquated, old.

21 You want to knock it down and build yourself a

22 two-story house. You would -- you would be

23 precluded from building a two-story, because

24 it's not within the character of the existing,

25 and the Code allows you to do it, right?

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1 So you're taking my development -- you

2 know, potential right, on my property, that I'm

3 allowed to do a two-story, because I'm

4 following 1950s or whatever character --

5 MR. SALMAN: One of the objections to

6 two-story homes in a single-family neighborhood

7 of one stories, is not only just the disparity

8 between the scale of the two projects, but also

9 the shade it casts and its impacts on its

10 neighbors.

11 So there are ways to do two-story

12 buildings, where it's not all two stories.

13 I've done them, where we're very sensitive to

14 its placement of the two-story portion, not

15 over the entire footprint of the allowed square

16 footage.

17 MR. BEHAR: But, then, why does the Code

18 allow it? Then, you know what, we've got to

19 change the Code and say, "You cannot do a

20 two-story home."

21 MR. SALMAN: I didn't say you should not do

22 -- you won't be able to do a two-story home. I

23 think you can do them, you just have to be more

24 sensitive to your neighbors.

25 MR. BEHAR: But in a case like, following

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1 the character of the existing neighborhood,

2 then -- you know, everything is one story.

3 What you're saying is, you know, if you do a

4 two-story home or partially two stories, it may

5 be not in compatibility with --

6 MR. SALMAN: Well, I can tell you right

7 now, two two-story buildings, in the middle of

8 that street, would stick out like a sour thumb

9 forever.

10 MS. KAWALERSKI: And I have to agree with

11 Javier. You know, you also have to consider

12 the width of that street. We're not talking

13 about Maynada, where you have like a very wide

14 street. These are narrow neighborhood streets.

15 Okay. You start building two stories, and

16 you're having a canyon effect through a

17 neighborhood. And I can tell you, look at

18 those two buildings that were built, the two

19 two-story buildings that were built. It's like

20 they're -- it looks -- first of all, they look

21 like one apartment building, but they start

22 looming over the narrow street.

23 So you have a whole row of those two

24 stories, all down Maggiore, and you have

25 definitely destroyed the character of that

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1 neighborhood.

2 MR. PARDO: Mr. Chairman --

3 CHAIRMAN AIZENSTAT: Yes, sir.

4 MR. PARDO: -- could I respond to Robert's

5 question to the Board Members?

6 CHAIRMAN AIZENSTAT: Please.

7 MR. PARDO: So I lived on a street that had

8 a vacant lot next to me. I have a 10,000

9 square foot lot, which didn't have a covenant

10 at one point, but when I added to my house,

11 that was built in 1950, I had to execute a

12 covenant with the City for the --

13 MR. SALMAN: As a condition of your permit.

14 MR. PARDO: Absolutely.

15 MR. SALMAN: Which is illegal, but they do

16 it anyway.

17 MR. PARDO: Yeah.

18 MR. SALMAN: It is obsolete.

19 MR. PARDO: So, finally, someone built a

20 house on that lot, which was only a fifty by a

21 hundred foot lot. The lot across from me is a

22 hundred by a hundred. The lot next to me was

23 actually 125 by a hundred. You know, they

24 would take half of the lot, sometimes, a very

25 normal practice. The house on the other side

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1 of the empty lot was 75 by a hundred.

2 Every single house on that entire block is

3 a one story ranch, every single house, except

4 for the two-story house that was built on the

5 50 by 100. The original person that built the

6 house there tried to use the Code to build a

7 cottage. Keep this in mind, the cottage

8 ordinance was introduced into the City and

9 approved, and what they did was, they were

10 proposing to build 15 feet from the front

11 property line.

12 Just imagine, my neighbors, who are very

13 nice people, they have two daughters. When

14 they started to drive, now you have four cars

15 on a 50-foot frontage. And they have a septic

16 tank, like most of the people with

17 single-family residential in Coral Gables, and

18 there was no place to put those cars. So their

19 back -- their backyard is six-foot deep. Their

20 side yards are five foot. The front is

21 basically to accommodate the septic tank. And

22 then they could almost squeeze two cars there,

23 but then there's always one car that has to

24 park in the swale in front of somebody else's

25 house.

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1 So, when you walk through there, it looks

2 like it sticks out like a sore thumb. That is

3 part of the character of the neighborhood, that

4 we should at least keep in mind. It's not a

5 question of taking away development rights.

6 It's actually making sure that the Board of

7 Architects is looking at the building site, the

8 architecture and the neighborhood.

9 And one of the things that I'm surprised,

10 because at one point the Board of Architects

11 required that there would be a contextual plan

12 of elevations of the other houses in the

13 neighborhood, and specifically adjacent to the

14 subject property, and if you were to see these

15 particular designs, the two designs, next to

16 all of those one story buildings, you would see

17 how it sticks out like a sore thumb.

18 So I think it's not a matter of taking away

19 rights from people. They're asking for

20 something, and what they're asking for, in my

21 opinion, is incompatible, simply because of the

22 scale of what this neighborhood is. And should

23 it be like that in the future? There's a

24 great -- there are many great examples. The

25 City of Hialeah was known for having large

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1 lots. Then, at a certain point, they started

2 to split those lots. And today, Hialeah does

3 not look like Hialeah did back in the '40s and

4 the '30s and the '50s. Now, that's okay, and

5 if you look at those lots, that entire city

6 basically was -- the single-family residential

7 was transformed, because of those decisions,

8 and those decisions are permanent.

9 I just wanted to respond to your question

10 to the Board Members, and I just wanted to make

11 sure, you know, because it's just something

12 that, when I look at the lot and I look at the

13 neighborhood, I try to not disturb the

14 neighborhood. In my mind, I think it should be

15 consistent. There will be things that are

16 different, which is fine, but I think that we

17 should preserve the neighborhoods.

18 CHAIRMAN AIZENSTAT: Thank you.

19 Jill -- I'm sorry, Jennifer, what is -- for

20 a single-family residence, what's the maximum

21 height that is allowed by Code, without any

22 variance --

23 MS. GARCIA: Two stories or 25 feet.

24 CHAIRMAN AIZENSTAT: So it's 25 feet.

25 MS. GARCIA: Right.

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1 CHAIRMAN AIZENSTAT: So, in this particular
2 property, you're okay with that height?

3 MS. GARCIA: It meets the zoning, correct.

4 CHAIRMAN AIZENSTAT: It meets the Zoning
5 Code?

6 MS. GARCIA: Uh-huh.

7 CHAIRMAN AIZENSTAT: A couple of points
8 that were brought up. For example, one was the
9 letter -- the determination letter during the
10 period when they were inquiring about the
11 property. To me, that doesn't bother me,
12 because that is a natural course that a buyer
13 would take with a property that they're buying,
14 specifically if they want to develop it. So,
15 to me, that doesn't affect my decision in this
16 particular case.

17 MS. GARCIA: Just to clarify, that's part
18 of the process. They can't go to the DRC or to
19 the Board of Architects without that
20 determination.

21 CHAIRMAN AIZENSTAT: I understand, but what
22 I'm saying is, there was discussion that was
23 made that, before they closed, they did a
24 determination letter. And that, to me, would
25 be a normal practice. So I don't have an issue

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1 with that. They knew what it was and they went
2 ahead and purchased it.

3 The fact that the property is being brought
4 to us as a two-story house, to me, it doesn't
5 affect my decision, because it went through the
6 Board of Architects, and the Board of
7 Architects is the place that is tasked to look
8 at that. I don't disagree with what Felix
9 said. And whatever criteria they have to look
10 at, to make a determination whether it's
11 compatible or it's not compatible, that's their
12 decision. And then it comes to us.

13 The fact of shade and not shade, I hate the
14 fact that it is throwing shade onto somebody
15 else's property or so forth, and I don't like
16 that, but the Code allows you to do that, is
17 the way I interpret the Code at this point.

18 Having said all of that -- and there was
19 also discussion about how it would be, if it
20 was one home, as opposed to two homes, where it
21 looks better together as two homes than one big
22 home. In that property size, they have a right
23 to build a certain square footage and a certain
24 height under the Code, and they're allowed to
25 do that.

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1 As far as the length of time that it would
2 take to build one large home versus two homes,
3 to me, that -- that doesn't sway me, one way or
4 the other. And the comment that was made is,
5 the design that it's not a large glass box.
6 That's a determination, again, that falls back
7 with the Board of Architects and not with us.

8 The issue that I do have is that we clearly
9 have within the Code, with the findings of
10 fact, and it doesn't satisfy the four
11 requirements that it's supposed to satisfy.
12 I've been sitting on the Board -- on the P&Z
13 Board and Board of Adjustments for many, many
14 years, off and on, and I know that whenever we
15 had a property that ran across the other
16 properties, you were not allowed to split that
17 property.

18 There was, also, when there is a covenant,
19 which is supposed to run with the land, I don't
20 agree with the Commission on undoing that
21 covenant, but that's not my decision. That's
22 the Commissioners' decision, and it's written
23 within the Code that they have the purview to
24 do that. So that's a different subject.

25 To me, it doesn't get to the point of

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1 looking at the covenant, because they haven't
2 met the criteria to proceed to that step, and
3 that's the way I look at this project. I look
4 at it, that they haven't gotten there, based on
5 this. I don't look at it because of the
6 design, not the design. I don't mind the
7 design, if that's what the people -- if it went
8 through the Board of Architects and they
9 approved it, they're the ones that are supposed
10 to look at that.

11 The two stories, if the Code allows it,
12 again, then they're allowed to do that, but to
13 me, my issue is, they haven't met the criteria,
14 which is based on our Building and Zoning Code
15 Article 14, and that, to me, is an issue.

16 At this point, is there anybody that would
17 like to make a motion?

18 Yes, sir.

19 MR. PARDO: I would like to make a motion
20 to deny the application.

21 CHAIRMAN AIZENSTAT: We have a motion to
22 deny the application.

23 MR. KOLLER: That would be in accordance
24 with the Department's recommendation. That
25 would be your motion.

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1 CHAIRMAN AIZENSTAT: So your motion would
2 be to go with Staff's recommendation of denial?
3 MR. KOLLER: Right, denial in accordance
4 with the Department's recommendation.
5 MR. PARDO: Yes.
6 CHAIRMAN AIZENSTAT: To go with them,
7 correct.
8 Is there a second?
9 MS. KAWALERSKI: I'll second it.
10 MR. SALMAN: I'll second it.
11 CHAIRMAN AIZENSTAT: We have a tandem.
12 MR. SALMAN: A tie goes to the lady.
13 MR. WITHERS: Give it to the lady.
14 CHAIRMAN AIZENSTAT: We have Sue as a
15 second on that recommendation.
16 Is there any discussion? No?
17 Call the roll, please.
18 THE SECRETARY: Julio Grabiell?
19 MR. GRABIEL: Yes.
20 THE SECRETARY: Sue Kawalerski?
21 MS. KAWALERSKI: Yes.
22 THE SECRETARY: Felix Pardo?
23 MR. PARDO: Yes.
24 THE SECRETARY: Javier Salman?
25 MR. SALMAN: Yes.

1 THE SECRETARY: Chip Withers?
2 MR. WITHERS: Yes.
3 THE SECRETARY: Robert Behar?
4 MR. BEHAR: I'm going to vote, yes, because
5 they don't comply with the criteria, but I
6 think that we should look at conditions like
7 this for the future. So, yes.
8 THE SECRETARY: Eibi Aizenstat?
9 CHAIRMAN AIZENSTAT: Yes.
10 Thank you.
11 At this point, we'll go into E-2.
12 Mr. Koller.
13 MR. KOLLER: Item E-2, an Ordinance of the
14 City Commission of Coral Gables, Florida
15 providing for text amendments to the City of
16 Coral Gables Official Zoning Code by amending
17 Article 2, "Zoning Districts," Section 2-101,
18 "Single-Family Residential District," and
19 Article 5, "Architecture," Section 5-503, "Flat
20 roofs with a parapet," to allow enclosed
21 stairwells to exceed the maximum building
22 height of single-family homes and to modify
23 outdated building height provisions related to
24 parapets in flood hazard districts; and
25 providing for a repealer provision,

1 severability clause, codification, and
2 providing for an effective date.
3 Item E-2, public hearing.
4 CHAIRMAN AIZENSTAT: Thank you.
5 Jennifer.
6 MS. GARCIA: I'm connecting right now.
7 Give me one second. Then I can share my
8 screen.
9 CHAIRMAN AIZENSTAT: By the way, that's
10 very nice camera work. Thank you, Jill.
11 MR. BEHAR: Is it really her?
12 MR. GRABIEL: She gets paid extra for that.
13 MR. BEHAR: Jennifer?
14 CHAIRMAN AIZENSTAT: She's pulling it up on
15 her --
16 MS. GARCIA: Okay. Perfect.
17 So this is a change to our Zoning Code.
18 Historically, as you know, 25 feet is the
19 maximum. Two-story is the maximum, which is
20 why we put this after the item about the
21 houses, so that it's fresh in your mind. And
22 beyond 25 feet is when you have the
23 architectural features. You have your pitched
24 roof, you have your parapets, you have your
25 towers or whatever else is beyond 25 feet,

1 whatever makes sense as far as the character
2 and the footprint of the building, right,
3 approved by the Board of Architects.
4 But, historically, we've never allowed an
5 enclosed stairwell to go beyond that 25 feet,
6 because that's considered habitable space. 25
7 is kind of the max, as far as habitable space.
8 Beyond that, it's not habitable. It's just an
9 attic, with then a pitched roof. So, to be
10 able to access any kind of rooftop you would
11 have on your second floor, you would access
12 that from an unenclosed side stair or something
13 attached to your building.
14 So this request, as sponsored by one of our
15 Commissioners, is to allow an enclosed stair,
16 whether it be on the side or interior, to a
17 house, to go beyond the 25, for an additional
18 10 feet, so you could have an enclosed stair
19 access to your rooftop.
20 So this is the diagram that kind of shows
21 that. This is the two stories. This is your
22 maximum height of 25 feet right here. You
23 probably can't hear me. And this is the
24 additional height above that habitable line,
25 which is the 25 feet.

1 MR. GRABIEL: Excuse me. Is there a
 2 dimension to that?
 3 MS. GARCIA: Ten feet, yes. Uh-huh.
 4 MR. BEHAR: And is there a maximum square
 5 footage that that could be?
 6 MS. GARCIA: Just a stairwell. Right. So
 7 a stairwell should not be a large elaborate
 8 space, it should just be a stairwell, to
 9 provide access within an enclosed space.
 10 MR. GRABIEL: Could it be an elevator?
 11 MS. GARCIA: No. Stairwell only, yes.
 12 MR. GRABIEL: Why not?
 13 MS. GARCIA: Well, I mean -- of course, the
 14 Board can discuss this, and if that's the
 15 determination of the Board, to also allow an
 16 elevator -- the intent of this is not to create
 17 an entertainment area for a house. It's really
 18 more just for the house to be able to have some
 19 visitors over in a rooftop, to kind of look out
 20 to large views. So this is only going to be
 21 applicable to large properties, that are 30,000
 22 square feet or more.
 23 Most of these properties would be probably
 24 down south or any other large property in our
 25 City. The reason for that is because -- the

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1 concern would be not to have the smaller
 2 properties have that additional height, just
 3 because -- not additional height, additional
 4 easy access to a rooftop, because your
 5 neighbors are so close to you. So the thought
 6 is, if you have a larger property, you wouldn't
 7 be intruding on any views to your abutting
 8 neighbors.
 9 CHAIRMAN AIZENSTAT: So when you say, "A
 10 larger property," you show there 30,000 square
 11 feet.
 12 MS. GARCIA: Correct. Yes.
 13 CHAIRMAN AIZENSTAT: So are you stating
 14 that it should be a minimum of 30,000 square
 15 feet to allow this?
 16 MS. GARCIA: Yes. Uh-huh. Correct.
 17 CHAIRMAN AIZENSTAT: And would this, then,
 18 fall within certain districts or certain --
 19 MS. GARCIA: No. No. Anywhere in the
 20 City, but mostly large properties, that have
 21 30,000 square feet, are usually down south,
 22 where you have the acre --
 23 MR. WITHERS: This is single-family only?
 24 MS. GARCIA: Yes.
 25 So, currently, in our Zoning Code, we allow

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1 this for multi-family and mixed-use, but not
 2 for single-family.
 3 MR. WITHERS: So can you enter it from
 4 either the ground or the second floor?
 5 MS. GARCIA: Yes.
 6 MR. WITHERS: And it would be
 7 air-conditioned and meet Fire Code?
 8 MS. GARCIA: Correct.
 9 MR. WITHERS: And would the stairwell
 10 protrude outside the current walls of the
 11 house? Could they retrofit one at this point?
 12 MS. GARCIA: As long as the Board of
 13 Architects thinks it looks good and is
 14 appropriate, I guess they could. It's probably
 15 more for new construction.
 16 MR. WITHERS: As far as the setback, if
 17 it's considered -- if they have a fifteen-foot
 18 setback now and the house is fifteen feet, and
 19 they put a five-foot stairway, they couldn't do
 20 that --
 21 MS. GARCIA: Correct. Yes. They still
 22 have to meet all of the zoning requirements.
 23 Even if they have space on the side, if they
 24 don't meet their maximum ground coverage --
 25 sorry, minimum open space or maximum ground

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1 coverage, they couldn't do that either. You
 2 have to meet all of the zoning requirements.
 3 MR. WITHERS: It counts as enclosed space?
 4 MS. GARCIA: Yes.
 5 MR. SALMAN: Is this an expansion of the
 6 FAR?
 7 MS. GARCIA: No.
 8 MR. SALMAN: So it would have to occur
 9 within the existing FAR?
 10 MS. GARCIA: Correct.
 11 MR. SALMAN: And within the existing zoning
 12 setbacks?
 13 MS. GARCIA: Correct.
 14 MR. GRABIEL: What happens --
 15 MR. SALMAN: Is there a limit to the amount
 16 of open area that can be accessed with that?
 17 MS. GARCIA: Minimum open area? As far as
 18 the rooftop --
 19 MR. SALMAN: Could it be the entire roof?
 20 MS. GARCIA: It could be the entire roof.
 21 As far as the Zoning Code requires --
 22 MR. SALMAN: It's not covered.
 23 MS. GARCIA: Yes.
 24 MR. SALMAN: I'm saying, you can't put a
 25 trellis up there or some sort of structure?

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1 MS. GARCIA: Right. I think Zoning would
 2 consider that to be a third story, so, no.
 3 MR. SALMAN: That's where I'm going.
 4 MS. GARCIA: Yeah. Again, right now, you
 5 can access your rooftop, your second floor
 6 rooftop, if you have an open stairway. This is
 7 just to allow easier access, in an enclosed
 8 air-conditioned space.
 9 MS. KAWALERSKI: Hey, Jennifer -- I mean,
 10 has there been a groundswell of applications
 11 for this sort of thing or is this a one-off?
 12 MS. GARCIA: No. So this has been a
 13 question asked a lot in Zoning, "Can we access
 14 our second floor?"
 15 And we said, "Sure. Yeah, on a side
 16 stair."
 17 And then they say, "Well, can we have our
 18 stairway inside of our building and just poke
 19 out of it?"
 20 And we said, "No. Unfortunately, that
 21 counts against your story and against your
 22 height."
 23 MS. KAWALERSKI: So there have been numbers
 24 of people that want to do this?
 25 MS. GARCIA: Right.

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1 MR. WITHERS: I mean, why wouldn't you
 2 have it -- well, if you're an architect -- in
 3 the middle? Why would you have the stairwell
 4 way at one end?
 5 MS. GARCIA: I think you could have either --
 6 MR. BEHAR: Anywhere. I don't think -- you
 7 know, you don't have to mandate a specific;
 8 anywhere.
 9 I'd like to follow up on Julio's comment.
 10 You could have an elevator in that vertical
 11 circulation? Because I'm thinking of a
 12 handicapped person, then, you know.
 13 CHAIRMAN AIZENSTAT: But then do you have
 14 an elevator and a staircase?
 15 MR. SALMAN: Yes.
 16 MR. GRABIEL: Yes.
 17 MR. SALMAN: It happens a lot, especially
 18 on these larger lots, because you're building
 19 to a certain level, that market requires an
 20 elevator.
 21 CHAIRMAN AIZENSTAT: Okay. But you're
 22 making your square footage or your sizing -- I
 23 guess the argument would be, if you're looking
 24 at these big lots, but if you go ahead -- if
 25 you go ahead and have on your second floor a

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1 terrace, you can create today a staircase on
 2 that terrace exterior, to get to that same
 3 position, can't you?
 4 MS. GARCIA: Yes.
 5 CHAIRMAN AIZENSTAT: Or you're not allowed
 6 to do it?
 7 MS. GARCIA: Yes, you can have an exterior
 8 stair. It's just not enclosed or covered. So
 9 it's not that desirable.
 10 CHAIRMAN AIZENSTAT: If you have a -- for
 11 example, if I create a roof deck on top, and
 12 from my master bedroom, which is a terrace, I
 13 can put a spiral staircase to go up to that
 14 roof?
 15 MR. PARDO: That is not allowed.
 16 CHAIRMAN AIZENSTAT: It's not allowed?
 17 MR. PARDO: That is not allowed, because
 18 then it becomes a habitable third floor. It's
 19 the same thing as making a habitable area below
 20 flood level.
 21 CHAIRMAN AIZENSTAT: But it's not enclosed.
 22 MS. GARCIA: Yeah, it's not enclosed. It's
 23 your rooftop.
 24 MR. BEHAR: That's not considered
 25 habitable, no. You could have access to your

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1 roof.
 2 MR. PARDO: So what you're telling me is
 3 that, now I get to go to a flat area, that has
 4 a parapet around it and basically go up there,
 5 just one person or two people or five people,
 6 and, then, all of a sudden, you start putting
 7 up chairs and umbrellas and it becomes now a
 8 third habitable floor. In Codes, like NFTA,
 9 the National Fire Protection Association Code,
 10 there is a difference between a flat roof and a
 11 habitable flat roof, and, in fact, it actually
 12 alters the amounts of means of egress, of all
 13 of the different things that you can and cannot
 14 do.
 15 There is an example, of a house that was
 16 built on University, that I have looked at and
 17 it just pops out. Why? Because it is
 18 considerably higher than all of the other
 19 houses, and up there, there's like a perch to
 20 go up, and, great. I mean, maybe someone wants
 21 the view, but the thing is that, it's not a
 22 roof anymore, now -- it was intentionally made
 23 flat, to be able to use that up on top, and
 24 basically you have three levels. It's not
 25 air-conditioned, it's not enclosed, but people

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1 can put furniture up there.
2 So my question, when I saw this, was, you
3 know, what is the advantage? If you go to New
4 England, you have houses that have widow's
5 walks, which go back to the 1800s because of
6 whaling. So when you look at those, there's an
7 ornamental veranda -- not veranda, but there's
8 an ornamental enclosure up on top, and it was
9 used specifically for one purpose. In this
10 particular case, there is no purpose, but there
11 is the purpose of people using that area. So
12 it's now a three-story building, from a use
13 standpoint.

14 CHAIRMAN AIZENSTAT: I would like to get a
15 clarification from Staff, if you're allowed to
16 do that, under that example.

17 Mr. Koller.

18 MR. KOLLER: Well, I think the Department
19 would be prepared to answer the question. The
20 problem is, we're challenged here with
21 electrical outlets. So if you give Jennifer a
22 moment to plug in, we can --

23 MR. BEHAR: I don't know. I think this is
24 going to require a little bit more time, not
25 today, you know.

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1 drink, and then it's a place to have friends
2 and a drink. It becomes a usable space. So
3 either you have a two-story limitation or you
4 don't have access to that roof in that way,
5 where it's basically allowing you to do that.

6 CHAIRMAN AIZENSTAT: Well, that's why I
7 would like to have clarification from Staff as
8 to whether you can do it.

9 MS. GARCIA: So, currently, you can access
10 the top of your second floor with an unenclosed
11 stair, yes.

12 CHAIRMAN AIZENSTAT: And I can go up there
13 and have --

14 MS. GARCIA: As far as fire requirements,
15 that's another review. That's not a zoning
16 review. Zoning allows you to access the top of
17 your second floor terrace.

18 CHAIRMAN AIZENSTAT: So if you have a flat
19 roof --

20 MS. GARCIA: Well, we have to have a
21 combination of flat and pitched, in Coral
22 Gables, per our Zoning Code.

23 CHAIRMAN AIZENSTAT: But in the flat area,
24 I assume --

25 MS. GARCIA: Yes.

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1 MR. PARDO: I think so. I particularly
2 agree with you a hundred percent, Robert,
3 because there are ramifications with this, and
4 I don't think -- I don't think it's fair to
5 look at this -- and by the way, I applaud Staff
6 for actually giving a graphic on this thing.
7 You know, this is a good step. But what I'm
8 saying is that, by enclosing the stair, it is
9 no longer that spiral stair, Mr. Chairman, that
10 you have brought up. It becomes a different
11 animal altogether.

12 CHAIRMAN AIZENSTAT: Of course.

13 MR. PARDO: And now, it's like, what do we
14 do next? I have seen in other JUAs, in other
15 municipalities -- I have seen where people have
16 done that.

17 CHAIRMAN AIZENSTAT: Well, the City of
18 Miami, before 21.

19 MR. PARDO: Exactly. And, also, I've seen
20 it on the West Coast of Florida, and many times
21 it's because it's a beach house and they want
22 to have that view of the sunset, et cetera, et
23 cetera, et cetera, but, then, all of a sudden,
24 you start seeing all of these different things
25 up there, and it becomes a place to have a

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1 CHAIRMAN AIZENSTAT: -- you can utilize
2 that. Now, what's the requirement for having a
3 parapet above the 25 feet?

4 MS. GARCIA: So a part of this application
5 is to clean up that language. So, back in
6 2018, the way we measured height was changed a
7 little bit. Give me a second to pull up my
8 PowerPoint again.

9 MR. PARDO: But I think you're changing it,
10 also, to make it a safety issue, because now
11 it's a usable space. You're putting a parapet
12 there and you're trying to exempt the parapet
13 and you're making it a usable space, so you
14 need to have at least "X" amount of inches
15 above, from a safety standpoint, all of the way
16 around. It's becoming a usable space.

17 MR. BEHAR: What is the limit to the height
18 of the parapet today?

19 MS. GARCIA: 30 inches.

20 MR. PARDO: No. It's the way they measure
21 the height, is the problem. So what they're
22 doing is striking the existing Code, the
23 requirement of how you measure, and then
24 they're saying, you're allowed to have a
25 certain amount of height of parapet.

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1 MR. BEHAR: Okay. Felix, the roof is
2 allowed to be -- the roof deck is allowed to be
3 at 25 feet.

4 MR. PARDO: Correct.

5 MR. BEHAR: You could have a parapet above
6 that. Is there a limitation on the height of
7 the parapet you're allowed today?

8 MS. GARCIA: It's whatever the Board of
9 Architects deems to be appropriate for the
10 scale of the building, right.

11 MR. BEHAR: Today, you could have a 42-inch
12 parapet without a problem, if the Board of
13 Architects, you know, deems that it's
14 appropriate?

15 MS. GARCIA: Right. So that was changed
16 back in 2018. And Subsection --

17 MR. BEHAR: What we're saying -- you could
18 have a parapet at 42 inches that meet all of
19 the safety requirements, because --

20 CHAIRMAN AIZENSTAT: On a flat section.

21 MR. BEHAR: On a flat section. For
22 residential, I don't need multiple stairs. I
23 just need one stair. Right? This is not a
24 commercial building, that you need two means of
25 egress.

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1 don't enclose it -- right now we're talking
2 about enclosing it. If I do not enclose the
3 staircase, am I allowed to have an exterior
4 staircase, to get to my flat portion of my
5 roof, and am I allowed to have a 42-inch
6 parapet around it? It's a yes or no question.

7 MS. GARCIA: I mean, yes. 42 inches, I'm
8 not sure, because it's not specified in the
9 Code, right.

10 CHAIRMAN AIZENSTAT: For safety, I mean,
11 So if --

12 MS. GARCIA: But, yes, you could access
13 above your second floor with an exterior stair
14 that's not enclosed.

15 MR. WITHERS: So I could put a hot tub up
16 there --

17 MR. PARDO: Barbecue, anything you want,
18 absolutely.

19 MR. BEHAR: Can you do that today, on the
20 roof?

21 MS. GARCIA: You could do that today.

22 MR. BEHAR: Can you do that today?

23 MR. PARDO: Well, let's go back a minute.
24 It used to be that flat roof areas, on a
25 single-family home, was a maximum of fifteen

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1 So what they're recommending to do is, the
2 stairs to be enclosed.

3 MR. PARDO: Why? Why do you think?

4 CHAIRMAN AIZENSTAT: Because they want to
5 use the upstairs.

6 MR. PARDO: That's right. They're going to
7 make a third story. This is the third story.

8 CHAIRMAN AIZENSTAT: The question is if
9 you're allowed to do that right now?

10 MR. PARDO: No. Wait a minute. The
11 terrace that you're talking about,
12 Mr. Chairman, out of your bedroom, your bedroom
13 is on the second floor.

14 CHAIRMAN AIZENSTAT: Yes, sir.

15 MR. PARDO: Your terrace is on the second
16 floor. It's not on the roof of your bedroom.

17 CHAIRMAN AIZENSTAT: Correct.

18 MR. PARDO: Once you go to the roof of your
19 bedroom, that's a third floor.

20 CHAIRMAN AIZENSTAT: Well, I understand the
21 position. I just want to know, what does the
22 Code allow and dictate today?

23 MR. PARDO: Well, it's how you measure, and
24 when you look at the strikeouts --

25 CHAIRMAN AIZENSTAT: Felix, if I may. If I

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1 percent. Fifteen percent of the area, which
2 could be allowed, and it had to be up to the
3 Board of Architects, depending on where they
4 put it. Most of the times, they put it on the
5 side. Most of the times, they put it in the
6 rear. I mean, that's just the way it is. It
7 was fifteen percent.

8 I've got to tell you, some of the ugliest
9 homes I've seen recently -- it looks like we
10 live somewhere else, and I'm not going to name
11 other areas, but I'm going to tell you right
12 now, some of those areas, right on Bird Road,
13 having these flat areas in the front of the
14 house, and then they forgot, how do we take
15 care of the water, and they put these enormous
16 scuppers on the house, and it looks like a
17 warehouse.

18 CHAIRMAN AIZENSTAT: But that's the Board
19 of Architects' --

20 MR. PARDO: Well, you know what, it just so
21 happens, Mr. Chairman, I'm glad you said that,
22 because when I criticized that to the Chair of
23 the Board of Architects, she told me that that
24 particular house was approved during the
25 pandemic, and it is -- in my opinion, we can do

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1 better, and that, I think, the Board of
2 Architects, if they would have collectively
3 been there, probably would have given some
4 input that would have changed that. But what
5 I'm saying is that, now it's gotten to the
6 point where this is becoming -- in my opinion,
7 this is becoming a free-for-all on that third
8 floor.

9 How many properties have 30,000 square feet
10 in the City of Coral Gables right now, that are
11 single-family?

12 MS. GARCIA: I can get that number for you.
13 I don't have it right now, but I can get the
14 number for you.

15 MR. BEHAR: That will be down south, by
16 Snapper Creek, in that area. Not anywhere
17 else, that I'm aware of.

18 MR. GRABIEL: I have a question. On the
19 down south, how does this translate to the area
20 south, that requires the house to be raised
21 because of flood criteria?

22 MS. GARCIA: Yeah. So the measurement is
23 from the base flat elevation, plus three feet
24 of freeboard, up to the tie beam for two
25 stories.

1 would be to --

2 MS. GARCIA: To do a pitched roof.

3 MR. BEHAR: What?

4 MS. GARCIA: To do a pitched roof and then
5 attic space, but it's not an open air space.

6 MR. SALMAN: Felix said something about,
7 we're limited in the amount of flat area we can
8 have.

9 MS. GARCIA: I guess that's a former Code
10 requirement.

11 MR. SALMAN: A former Code requirement,
12 Felix?

13 MR. PARDO: I think it still exists. If
14 they took it out, think about what we're doing.

15 MR. BEHAR: Well --

16 MR. PARDO: Look, what we do legislative
17 here has tremendous ramifications. I think
18 that this really should be studied a lot better
19 than the way that it's been presented to this
20 Board tonight, in my opinion. This is very,
21 very important, because it affects the design,
22 it affects the concept, it affects the
23 character of the neighborhood.

24 I mean, this is like not -- and don't take
25 this the wrong way, I don't think it's thought

1 MR. GRABIEL: Okay. So the ground floor
2 has to be open, because of flood?

3 MS. GARCIA: Below the finished floor, yes.
4 That free board -- correct.

5 MR. GRABIEL: In that condition, can you
6 still have access to the roof?

7 MR. SALMAN: Yes.

8 MS. GARCIA: Yes. Yeah. I mean, unless
9 there's a site specific that says otherwise.

10 MR. SALMAN: A question -- through the
11 Chair, a question.

12 Jennifer, let's say that it's not allowed
13 currently in the Code, right. You can't have
14 air-condition space up onto the third floor
15 with regards to a stairwell.

16 MS. GARCIA: Right.

17 MR. SALMAN: Is there any relief for that?
18 Can you go to the Board of Adjustment for that
19 and ask for --

20 MS. GARCIA: What would your hardship be?

21 MR. PARDO: You have to prove a hardship.

22 MR. SALMAN: Yeah, you have to prove a
23 hardship. Yeah, you're right. So I guess not.

24 MR. PARDO: No.

25 MR. SALMAN: So your only other option

1 out thoroughly, besides the fact that some
2 Commissioner had people come up and say, "You
3 know what, I want to do this." And for me,
4 that doesn't cut it. I don't think that we
5 should be encouraging people to do this,
6 because then it becomes, "Well, my neighbor's
7 got it. I want one, too."

8 MR. BEHAR: Felix --

9 MR. SALMAN: I think -- through the Chair,
10 I just want to add that I'm not necessarily
11 objecting to the base principle of the proposed
12 changes in the Zoning Code that you're looking
13 at allowing air-condition space access to the
14 third floor area, but we need to put some
15 parameters around it, as to how much area can
16 be used, for what purposes it can be used,
17 before we can make that determination.

18 Because, ultimately, what you're doing is
19 you're inviting a third floor terrace use for a
20 portion, and right now, it's all, of the second
21 floor. So I have a problem with that. It
22 needs to have some sort of parameters around
23 it, as to its location, its percentage of
24 footprint that you can do, purposes for which
25 you can do it.

1 I have no objection to providing elevator
2 access to it. I think that would make sense.
3 But I think that we need to put some parameters
4 around it, so that we don't necessarily create
5 an unintended consequence.

6 MS. GARCIA: Right. So the intent of those
7 was really just the stairwell itself.

8 MR. SALMAN: I know, but there's more --

9 MS. GARCIA: Not including an elevator and
10 including --

11 MR. BEHAR: But I agree with Javier.
12 You've got to put a limitation of square
13 footage, something. All of a sudden, that
14 stair could be a thirty by thirty staircase
15 area. You have to put a limitation.

16 MS. GARCIA: And the standard space for a
17 stairwell would be -- I'm looking at the
18 architects --

19 MR. SALMAN: It's typically, you know,
20 seven by twelve. It's like a minimum.

21 MR. BEHAR: A little bit more.

22 MR. SALMAN: Seven by sixteen.

23 CHAIRMAN AIZENSTAT: I think what I'm
24 listening to is this has -- it's what Felix
25 said. I mean, this has to be studied a little

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1 the view." I mean, there's different things
2 that have to be looked at.

3 By the same token, I don't know if it
4 should only be a 30,000 square foot property.
5 It may be okay -- I don't know, I haven't seen
6 it, but it may be okay in a 20,000 square foot
7 property. I don't know. I'm not saying to do
8 it. But I'd just like to see more examples as
9 to what it is.

10 And the other thing is, you know, we are
11 opening up to have a terrace. I mean, that's
12 really the idea for this, is to go ahead and
13 have a rooftop terrace, in whatever portion you
14 have flat. So I would like to know -- for me,
15 I'd like to know, what can you do today. We
16 don't touch this at all, and can you put an
17 outside terrace from your master bedroom, to go
18 up to that flat -- what can somebody do today,
19 without doing anything, as of right or as per
20 what they build, what can they do?

21 MS. GARCIA: So they can access it with
22 unenclosed stair --

23 CHAIRMAN AIZENSTAT: Right.

24 MS. GARCIA: -- probably on the side of the
25 building, which I've been told is not

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1 bit better.

2 MR. BEHAR: I said it first.

3 CHAIRMAN AIZENSTAT: Sorry. I apologize.
4 Robert said it first.

5 MR. SALMAN: No, he said it --

6 MR. WITHERS: I think I said it first.

7 CHAIRMAN AIZENSTAT: Gentlemen.

8 MS. GARCIA: Sorry, if I could answer the
9 question he had. 642 properties in Coral
10 Gables are 30,000 square feet or larger.

11 CHAIRMAN AIZENSTAT: 642?

12 MS. GARCIA: 642, yes.

13 CHAIRMAN AIZENSTAT: I think -- going back
14 to what I said, I think it has to be studied
15 further, because of certain comments that were
16 made. (A) would be an elevator. Why penalize
17 somebody that can't get up there without an
18 elevator, if they've got -- if you're allowed
19 to go by staircase?

20 And then you've got to look at the square
21 footage that you can use it. Somebody may say,
22 "Well, I want to do a sitting area out there as
23 my landing space, because it rains when I'm out
24 there, I want to be able to come inside and
25 watch my football game on the TV, but yet have

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1 aesthetically pleasing. They can also have an
2 enclosed attic space, which is not, of course,
3 in keeping with the long views that you would
4 have of the bay or, you know, the natural areas
5 that most of these large properties are
6 located.

7 CHAIRMAN AIZENSTAT: Can we go ahead and
8 have an attic space, where I climb up to my
9 attic space, and then I've got a door that
10 leads me out to my flat portion?

11 MR. PARDO: It cannot be air-conditioned.
12 There are certain limitations.

13 CHAIRMAN AIZENSTAT: No, I understand, but
14 what I'm saying is, if I pull down my latch --
15 I'm giving you a rough example. I pull down my
16 latch. My stair comes down. I go up that
17 staircase and I have that area that's closed,
18 for whatever reason, not air-conditioned, no
19 nothing, and from there, can I have a door that
20 leads me out to my flat deck?

21 MS. GARCIA: I mean, as long as you can
22 make it look nice for the Board of Architects,
23 there's no zoning reason why you couldn't do
24 that. It's considered attic space --

25 MR. PARDO: I like the way you think.

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1 MR. WITHERS: If you own a 30,000 square
 2 foot house --
 3 MS. GARCIA: Property. Parcel size,
 4 property, not the square footage.
 5 MR. WITHERS: Right. If you own something
 6 of that magnitude, that's not going to be forty
 7 weight felt tar paper with a few lounge chairs
 8 and you've got a cooler sitting next to you,
 9 drinking your beer. It's going to be a blown
 10 out exterior place --
 11 CHAIRMAN AIZENSTAT: Jacuzzi. Agree.
 12 MR. WITHERS: So it's going to be nice,
 13 it's going to be a built-out habitable space.
 14 CHAIRMAN AIZENSTAT: Agreed.
 15 MR. WITHERS: And we just need to define
 16 that.
 17 CHAIRMAN AIZENSTAT: Correct.
 18 That's why, for me, I would like to study
 19 this further. I'm not saying, "No." In my
 20 mind, I'm not saying, yes, I'm not saying, no,
 21 but I'd like to see all of those questions
 22 answered.
 23 MR. BEHAR: This could have much more
 24 severe implications in the long run, you know.
 25 And you're going to give a finger, and

1 somebody's going to take a hand, you know.
 2 MR. SALMAN: It's an unintended consequence
 3 we're trying to avoid.
 4 MR. WITHERS: Defer or what do you do want
 5 to do?
 6 CHAIRMAN AIZENSTAT: Would anybody, at this
 7 point, like to make any type of motion?
 8 MR. SALMAN: I'd like to make a motion to
 9 defer.
 10 CHAIRMAN AIZENSTAT: We have Mr. Javier
 11 that would like to make a motion to defer
 12 this -- to a certain date or -- I don't know if
 13 they're going to -- or just to defer it?
 14 MR. SALMAN: Just to defer and they can
 15 come back with it, and, again, specifically to
 16 address the issues brought by the Board with
 17 regards to limitations or putting some
 18 parameters around how this would be approved.
 19 CHAIRMAN AIZENSTAT: Mr. Koller.
 20 MR. KOLLER: No. I was just checking with
 21 Jennifer to see if this is a time sensitive
 22 item. So it would be -- I think, if we -- I
 23 don't know where it is in the process.
 24 MS. GARCIA: This is the first step in the
 25 process. The Commissioner did want it to be on

1 the next agenda, in December.
 2 MR. KOLLER: The Commission wants it in
 3 December.
 4 MR. PARDO: I'm sorry, I don't get it. How
 5 are you going to say this is a time sensitive
 6 item? This is not an application. This is
 7 legislative, and it hasn't been thought-out or
 8 poked the right way.
 9 CHAIRMAN AIZENSTAT: Well, we have a motion
 10 to defer. Is there a second?
 11 MR. WITHERS: Second.
 12 MR. KOLLER: We need a date. That's what I
 13 was trying to get to.
 14 MR. PARDO: Oh, if you need a date? I'm
 15 sorry, I misunderstood. I thought we need a
 16 date, because it's time sensitive.
 17 MR. KOLLER: No. We need a date, because
 18 when you defer something, you defer it to a
 19 date certain, unless you want --
 20 CHAIRMAN AIZENSTAT: We're going to
 21 advertisement --
 22 MR. SALMAN: I want to do it to a date
 23 uncertain.
 24 MR. PARDO: I would like to be able, when
 25 you're considering a date, I would like Staff

1 to be able to do more research on this flat
 2 area, the usability. You know, it's going to
 3 take a while.
 4 CHAIRMAN AIZENSTAT: Jennifer, the question
 5 that I have to you is, can you get this done by
 6 the next Board Meeting?
 7 MS. GARCIA: I will try my best.
 8 CHAIRMAN AIZENSTAT: So you think you can?
 9 So if she thinks that she can, then that's
 10 Staff.
 11 MR. KOLLER: Let the record reflect she
 12 nodded yes.
 13 CHAIRMAN AIZENSTAT: Javier, would you
 14 modify your motion to --
 15 MR. SALMAN: I hereby modify my motion to
 16 have Staff come back with more parameters
 17 around this particular legislative change by
 18 the next meeting, so we can review it.
 19 MR. WITHERS: I support --
 20 MR. KOLLER: What's the date of the next
 21 meeting?
 22 MS. GARCIA: That's our last item to
 23 discuss, yes.
 24 MR. KOLLER: What is the date actually?
 25 MS. GARCIA: Well, we need to discuss that.

1 MR. SALMAN: To the next meeting is what I
2 said.

3 MS. GARCIA: Yes, right. We'll
4 readvertise. It's okay.

5 CHAIRMAN AIZENSTAT: Whatever the date,
6 that will be discussed later the date. In the
7 December meeting. Can we say that?

8 THE SECRETARY: There might be a change to
9 the December meeting date again.

10 MR. BEHAR: Whenever Staff is ready.

11 CHAIRMAN AIZENSTAT: So, then, in that
12 case, we have to put it --

13 MR. KOLLER: It's going to have to be
14 readvertised because we don't have a date
15 certain.

16 MS. GARCIA: That's fine.

17 CHAIRMAN AIZENSTAT: Okay. So your
18 original -- Javier, just to be clear --
19 gentlemen -- your original stays, it's not to
20 the next meeting, it's when Staff is ready.

21 MR. WITHERS: Absolutely.

22 CHAIRMAN AIZENSTAT: Any other comment?
23 No?

24 Call the roll, please.

25 THE SECRETARY: Sue Kawalerski?

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1 to the City of Coral Gables Official Zoning
2 Code Article 12, "Ambience Standards," Section
3 12-100, "Lighting," and Article 16,
4 "Definitions," to provide for illumination
5 standards and definitions; providing for
6 repealer provision, severability clause,
7 codification, and providing for an effective
8 date.

9 Item E-3, public hearing.

10 MS. GARCIA: Jennifer Garcia, Planning
11 Director.

12 So this is another change to our Zoning
13 Code. So, right now, when we're talking about
14 lighting requirements, we have a couple of
15 areas where we have very vague requirements in
16 our Zoning Code. And Article 2, in our Zoning
17 Districts, we have the requirement that the
18 external illumination and light in a building
19 shall conform to Dark Skies Standards.

20 And, then, later on, in our Ambience
21 Standards, in Article 12, was carved out to
22 basically be able to add more guidelines in the
23 regulations as far as lighting goes. During
24 the Zoning Code update, we currently only have
25 basically two subsections in there and they

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1 MS. KAWALERSKI: Yes.

2 THE SECRETARY: Felix Pardo?

3 MR. PARDO: Yes.

4 THE SECRETARY: Javier Salman?

5 MR. SALMAN: Yes.

6 THE SECRETARY: Chip Withers?

7 MR. WITHERS: Yes.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: Yes.

10 THE SECRETARY; Julio Grabiell?

11 MR. GRABIEL: Yes.

12 THE SECRETARY: Eibi Aizenstat?

13 CHAIRMAN AIZENSTAT: Yes.

14 We're going to take a two-minute break, if
15 somebody has to go to the rest room.

16 MR. WITHERS: Yeah. You got it.

17 CHAIRMAN AIZENSTAT: Just a two-minute.
18 (Short recess taken.)

19 CHAIRMAN AIZENSTAT: Let's go ahead and go
20 back into session. It's legislative, so Javier
21 can come back in and join us.

22 MR. KOLLER: Sure. Should I read Item E-3?

23 CHAIRMAN AIZENSTAT: Yes, please.

24 MR. KOLLER: Item E-3, an Ordinance of the
25 City Commission providing for text amendments

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1 deal with, lighting, as it relates to
2 foot-candles next to single-family residential
3 properties. And, then, in the County Code,
4 there's some requirements as far as minimal
5 foot-candles for open space, parking lots,
6 alleys, et cetera. And, then, in our energy
7 efficiency, the Florida Building Code also has
8 lighting standards, as well, that we defer to.

9 So I will try my best to explain lighting.
10 Luckily, I have some -- a guest speaker here to
11 talk with us, as well, as far as lighting goes.
12 So, right now, our Zoning Code only regulates
13 foot-candles. Foot-candles is the amount of
14 light you receive from any kind of device, at a
15 certain area, how much light is being received
16 in that area.

17 So when you have a photometric plan, you
18 have different numbers and those represent
19 different foot-candles, and that's what we were
20 trying to meet, as far as the lighting of an
21 area. Lumens, however, is not addressed in our
22 Zoning Code, and it seems to be the main
23 standard, as far as regulating the light.

24 That's kind of the brightness that you can see
25 from a light, whether it's light that's

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1 tolerable from your eye, or if it's very, very
2 bright. That's kind of the amount of lumens
3 that you see.

4 And, then, different fixtures have
5 different shielding. So you have unshielded to
6 the far left. That's opposite. It doesn't
7 have any kind of cover. Partially shielded
8 would be that it doesn't have any uplighting,
9 as far as going into the sky. And, then, fully
10 shielded was really like a spotlight, that's
11 fully shielded and you control where that light
12 is going. And then there's correlated color
13 temperature, which is really measured in
14 Kelvin, and that's kind of the warmth of the
15 light. So you have a range between -- in this
16 graphic, between 2,000 Kelvin, which is a very
17 yellow light, up to about 6,000, 6,500, which
18 is very bright, almost blue light, and that's
19 how colors of light are measured.

20 So we looked at some studies from different
21 municipalities, and with the help -- with our
22 resident here, what other cities are doing, as
23 far as regulating light in their cities. 3000
24 Kelvin was kind of the standard, when it comes
25 to having a nice, soft white light and not too

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1 yellow and not too bright or blue.

2 Again, this is talking about different
3 kinds of lighting, building illumination, as
4 far as lighting the building, different package
5 of feature, their street lighting. There is
6 street lighting that happens, also, within the
7 right-of-way that we're not really addressing
8 directly in this proposed ordinance.

9 We also studied the Model Lighting
10 Ordinance that was passed onto us by some
11 residents from the Internal Dark Skies
12 Association, with the Illuminating Engineering
13 Society, which is kind of the lighting
14 regulators of the country. And we cited as far
15 as what they regulate lumens and what would be
16 more appropriate for different parts of the
17 city, as far as zoning, as far as uses,
18 single-family, low density, versus more
19 multi-family or more mixed-use commercial
20 areas.

21 So we're addressing lighting in a few ways.
22 Sorry. So the shielding is obviously shielding
23 the light, so it's more contained and not
24 spread out everywhere. Color temperature,
25 again, is regulating that tone, that color of

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1 the light, so it's not too bright and obnoxious
2 for your eyes when is late at night. It's more
3 -- it's softer. Lumens is the brightness that
4 you see from lights, And, also, we're
5 addressing timing, as far as after a certain
6 hour, it would be to not have that intense
7 light, when people are typically sleeping.

8 So I was going to be very general, as far
9 as what is in your packet today, not being
10 specifics. So we have regulation, as far as
11 taking into account of how multiple bulbs
12 should be appropriately spaced out to maintain
13 a low ambience. There's a lot of concern about
14 some larger projects that have a lot of
15 lighting around the rooftop, and that was
16 probably -- if it was more spaced out, then
17 those probably would not as obnoxious for
18 abutting neighbors.

19 Also limiting redundant light. So, as you
20 know, we have lighting on our streets, and that
21 should be taking into account any kind of
22 lighting on the prior properties, so we don't
23 have redundant light, brighter areas than you
24 really need moving forward.

25 Obviously, the temperature -- the color

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1 temperature, the 3000 Kelvin, like I said, was
2 the standard throughout the country, different
3 cities that are looking at this, to maintain a
4 color, that you can see colors, for safety
5 reasons, but also not too bright and blue and
6 white.

7 And, then, limiting the heights and
8 setbacks of light poles in residential areas,
9 and then providing maximum lumens. We were
10 able to work with a resident, who can't be here
11 tonight, who is an expert at lighting, and she
12 was able to look through all of this, and
13 really calibrate it for what Coral Gables
14 needs, as she lives here, and she's lived here
15 for several years, and she was very, very
16 helpful as far as telling us how to regulate
17 the light, according to whether it's shielded
18 or partially shielded or unshielded. And, of
19 course, if it's unshielded, you would want to
20 regulate the light more -- the lumens, I'm
21 sorry. Regulate the lumens more. If it's
22 fully shielded, then they can have higher
23 lumens.

24 And, then, also, in this draft ordinance,
25 you will see that the limitation of lighting of

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1 non-residential buildings to be on the base of
2 the building and also the facade top of the
3 building, and to require Board of Architects
4 approval for the illumination of building tops
5 of these mixed-use buildings.

6 And, then, to require a light reduction
7 after work hours. Right now, the Florida --
8 I'm sorry, the County Code allows you to reduce
9 certain uses in parking lots after certain
10 minutes -- I believe, 30 minutes after work
11 hours, depending on the use. So this would
12 basically be changing the Code to require that,
13 that the County has, and to require it in our
14 Code.

15 Yeah, I think that's it.

16 So I know it's a lot. It's very technical.
17 So we're here to answer any questions. I'm
18 here with Enrique Bernal, as well, who's kind
19 of another resident expert on this.

20 So thank you.

21 CHAIRMAN AIZENSTAT: Thank you.

22 Do you want to call up the gentleman?
23 Would he like to speak?

24 MS. GARCIA: Sure. My pleasure. Yeah.
25 Thank you.

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1 assistance, I'll be glad to provide it, you
2 know, at any time.

3 You know, the reason we got blue lights,
4 that are so widely used in the public lighting,
5 is because we could never get enough intensity
6 from the incandescent bulbs. The only way we
7 could get it was from things like mercury vapor
8 bulbs, and, you know, we needed them for big
9 spaces.

10 Now, the problem with blue light is, they
11 interfere with the sleep cycle of beings. They
12 interfere with the migration of birds. When
13 there is high humidity or fog, you know, they
14 make it impossible to see any distance, and,
15 you know, it's -- you know, they essentially
16 simulate the sunlight, so it is effective for
17 enough intensity, but, you know, they were kind
18 of a necessary evil.

19 In residential areas, especially, when you
20 put these blue lights, you know, it affects
21 everybody, and one element of this proposed
22 ordinance is not only to control the color
23 temperature to be a soft white, but also to
24 shield the lights, because, you know, you can
25 put any color of light, but if you put so many

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1 MR. BERNAL: My name is Enrique Bernal. I
2 live at 718 Valencia Avenue, and I was a member
3 of the Sustainability Advisory Board for six
4 years. In that role, I worked with the City
5 Managers and with the Public Works Department
6 to look at the question of trying to convert
7 all of the City-owned lights, the street
8 lights -- the City has like 690 owned street
9 lights -- from the incandescent bulbs to LEDs.
10 I worked on that for about a year and a half.
11 It was too early, because the City is highly
12 dependent on that -- for public lighting, on
13 FPL, so we ended up deciding to essentially let
14 FPL have all of that business, but, you know,
15 there is a great movement, you know, that
16 occurred from that push, to convert much of the
17 street lighting to LEDs and also to make sure
18 that we insisted that FPL provide the 3000K
19 lightbulbs, that they did not offer for six
20 years. They only offered the blue ones, that
21 were daylight.

22 In addition to that, I worked on LED
23 technology, as a developer and as a user, for
24 thirty years. So, you know, I'm a resource.
25 If you have any questions, if you need any

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1 watts of energy into that bulk and you don't
2 shield it, you know, you affect your neighbors.
3 So, in residential areas, especially, it's
4 critical to not have these blue lights.

5 And so I'm here to advocate, please, you
6 know, think hard about supporting this
7 ordinance, that will help the community have a
8 more pleasant experience in our -- especially
9 in our nighttime. And, again, I'm available at
10 any time to discuss any matters, and there is
11 another expert that has worked with us on this
12 ordinance, that really knows everything about
13 regulations and everything else.

14 So it's time to accept the fact that
15 lighting is now an engineering function and an
16 architectural function, because of the
17 blessings of LEDs that come in different colors
18 and everything else. And so I hope that you
19 will give it serious consideration. Thank you.

20 CHAIRMAN AIZENSTAT: Thank you, sir. Thank
21 you for coming.

22 Do we have any speakers, other than this
23 gentleman, in Chambers?

24 THE SECRETARY: No more speakers.

25 CHAIRMAN AIZENSTAT: No more speakers,

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1 whether on Zoom or telephone? So, at this
 2 time, I'll go ahead and close it to speakers.
 3 So, Jennifer, in a nutshell, what do you
 4 want from us?
 5 MR. BEHAR: Thank you.
 6 MS. GARCIA: A recommendation for approval
 7 to move forward to the Commission.
 8 CHAIRMAN AIZENSTAT: With the way you have
 9 proposed it, with the 3000?
 10 MS. GARCIA: With the 3000, with the
 11 maximum lumens for different shielding options,
 12 whether it's unshielded or to have a higher
 13 limitation of lumens. Versus, if it was
 14 shielded, then it could have a lot more light.
 15 As for where to have light, it should be on
 16 the base and the top and not just --
 17 CHAIRMAN AIZENSTAT: So you're not allowed
 18 to do anything within the center of your
 19 building, on a commercial project?
 20 MS. GARCIA: Unless approved by the Board
 21 of Architects. If they deem it to be really
 22 appropriate that some kind of center piece in
 23 the body of the building, because you have the
 24 base, body and the top, and they feel like
 25 that's appropriate, right now, it's open ended

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1 and there's been some things that have been
 2 approved that people have strong concerns
 3 about.
 4 CHAIRMAN AIZENSTAT: So, the Board of
 5 Architects, in general, does not approve the
 6 lighting today?
 7 MS. GARCIA: Not directly, no.
 8 CHAIRMAN AIZENSTAT: Are you now going to
 9 say that the Board of Architects has to approve
 10 lighting?
 11 MS. GARCIA: On the top, yes.
 12 CHAIRMAN AIZENSTAT: What about the center
 13 of the building?
 14 MS. GARCIA: If they're proposing something
 15 for the body of the building, yes.
 16 CHAIRMAN AIZENSTAT: So the Board of
 17 Architects is going to have that task, to
 18 approve lighting?
 19 MS. GARCIA: Yes.
 20 MR. PARDO: It's not presented to them.
 21 MR. BEHAR: A question. Were photometric
 22 studies done to determine, you know, light
 23 intensity, because -- I mean, this just came
 24 out of the air?
 25 MS. GARCIA: So this was heavily based off

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1 of that draft, the model ordinance I showed
 2 you, from the Dark Skies Association, mixed
 3 with the engineering -- yes, right.
 4 So we basically drafted a draft of --
 5 MR. KOLLER: It would be helpful if you
 6 could come up to the -- because when you're
 7 speaking, the reporter is taking it, so it
 8 makes it easier.
 9 MR. BERNAL: The Illumination Engineering
 10 Society is the premier engineering society for
 11 this topic, and they developed these standards
 12 about -- more than ten years ago. So different
 13 cities have been adopting them.
 14 CHAIRMAN AIZENSTAT: Thank you.
 15 MS. GARCIA: Right. So we used a lot of
 16 those standards that they had in there, and we
 17 calibrated that to make more sense in Coral
 18 Gables. Our resident expert was actually part
 19 of that initiative, back in 2010. So she was
 20 extremely helpful to understand what the intent
 21 of that was, and help make it more for Coral
 22 Gables.
 23 She actually increased on the lumens,
 24 because she knows that properties here were
 25 much larger than what this was drafted for. So

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1 those kinds of feedbacks from her was extremely
 2 helpful.
 3 CHAIRMAN AIZENSTAT: I just didn't see it
 4 in here, where it's tasked to the Board of
 5 Architects to approve lighting, whether -- for
 6 the other parts of the building. Because you
 7 said, "If it's appropriate, the Board of
 8 Architects can go ahead and give it."
 9 MS. GARCIA: Yeah. This is under
 10 Subsection 12-103, for the Non-Residential
 11 Outdoor Lighting, under B -- let me see here --
 12 Number 3 talks about where that light should
 13 happen for the building exterior. So it should
 14 be on the building facade base, and examples of
 15 what that means, parking podium, and then the
 16 top, and then it says, "Unless approved by the
 17 Board of Architects."
 18 And, then later on, it talks about Number
 19 5, "Proposed illumination of the facade top of
 20 non-residential buildings," which are your
 21 mixed-use commercial buildings, that require
 22 approval by the Board of Architects.
 23 CHAIRMAN AIZENSTAT: So that would be on
 24 Page 3, continuing on 4?
 25 MS. GARCIA: I'm sorry, top of Page 6. So

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1 under Subsection 12-103, which starts on page
2 5. So Page 6, the next page, Number 3, talks
3 about the Board of Architects allowing the body
4 of the building to be illuminated, as they deem
5 to be appropriate. They know what these
6 limitations are, they know the intent is not to
7 have an excessive amount of illumination. So I
8 assume they would read that in to be just
9 limited areas, and then, also, Number 5, which
10 talks about the facade top to require approval
11 by the Board of Architects.

12 CHAIRMAN AIZENSTAT: Robert, you had some
13 comments you --

14 MR. BEHAR: No. I mean, in principle, I'm
15 okay. I just want to make sure, whatever we
16 do, you know, it does not affect the required
17 foot-candles, specific, you know, requirements,
18 you know, that I'm not creating another
19 problem --

20 MS. GARCIA: Right.

21 MR. BEHAR: -- by lack of illumination.

22 MS. GARCIA: Yeah. This is not superseding
23 any requirement for parking lots or alleys for
24 safety reasons. The Florida -- I'm sorry, the
25 County Code does allow you to reduce those, for

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1 trouble. I would think that you'd want to make
2 sure that this would be allowed by that
3 ordinance, because it was a disaster when this
4 happened.

5 The second thing is that on Page 1 of your
6 recommendations -- or the background
7 information, rather, says, "The City prides
8 itself with its efforts to maintain low
9 ambient lighting and minimizing light
10 overspill onto adjacent properties, and,
11 particularly, in residential neighborhoods."
12 Let me tell you something, I've lived in my
13 home for 35 years, and right now, I have to
14 close my blinds on my family room, because of
15 all of the overspill that I get from the new
16 developments in the City of Coral Gables.

17 I feel uncomfortable that it only
18 encompasses -- on the second page, "The
19 proposed general requirements aim to further
20 enhance lighting standards across the City to
21 apply any new installation, on new or existing
22 buildings." So, in other words, all of the
23 problems that we have, for example -- what's
24 the name of this project, the -- my favorite
25 project --

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1 certain uses, that don't have occupancy after
2 certain hours, that you can reduce those. This
3 would be requiring that they do reduce those
4 light candles to the minimum requirement that
5 Miami-Dade County allows, right. So this isn't
6 superseding anything that Miami-Dade County or
7 the State, I guess, the Florida Building Code.

8 MR. PARDO: Mr. Chairman --

9 CHAIRMAN AIZENSTAT: Yes, sir.

10 MR. PARDO: -- I'd like to ask a couple of
11 questions.

12 CHAIRMAN AIZENSTAT: Please.

13 MR. PARDO: Since you just mentioned this,
14 I'll go back to what I originally was going to
15 say, but the reduction of the lights in the
16 parking lots, in the rooftop parking, the
17 reason that the minimum foot-candle, which was
18 unprecedented, was put into the Miami-Dade
19 Code, as an ordinance, not part of the zoning
20 regulation, as an ordinance, was because an
21 Eastern Airlines stewardess was murdered at
22 Miami International Airport, and that was
23 because of a lack of lighting. So it was a
24 safety issue. Turning these things down, you
25 know, during the night, is just borrowing

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1 MR. BEHAR: The Plaza.

2 MR. PARDO: The Plaza. The Plaza, if
3 you're out in the middle of the bay, on your
4 boat, you could see the plaza like if it was a
5 landing strip. It is incredible the amount of
6 light, basically, at the cornice level, if you
7 will, of the building.

8 The other thing is that, the way this is
9 written, let's say we want to uplight the
10 building, to do basically what they have at the
11 Biltmore, to come up with these distinguished
12 areas and do it in a subtle way, in keeping
13 with the architecture, you're only saying you
14 could only do it on the pedestal and up above.
15 So you're not allowing any type of lighting,
16 such as uplighting, to be able to accentuate
17 and complement the architecture.

18 MS. GARCIA: So to go back to your point
19 about the parking lots, so, right now, Section
20 A-C -- I'm sorry, AC-3, in the County Code,
21 allows you to reduce the percent, depending,
22 again, on the occupancy type, right. So if
23 it's a government facility that has evening
24 meetings, that would not be allowed to reduce
25 that wattage percent, per the County Code, and

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1 we're not superseding that. This is, where you
2 may do it in the County, we are requiring it.
3 So I don't think it's a safety concern. We're
4 not superseding that.

5 MR. PARDO: And the reason I brought it up
6 is just to make sure that -- remember, the
7 reason that was passed was because of a basic
8 safety issue, and especially in parking
9 garages, et cetera.

10 MS. GARCIA: Right. And so then we use the
11 Biltmore as an example of where lighting would
12 be more appropriate. So the Biltmore really
13 does light that architectural feature, the
14 tower, the top part of this, and the base. The
15 middle portion of it is not really lit. It's
16 lit because of the occupancy behind it, the
17 windows that have light behind them, the rooms,
18 but there's not much features that are lit on
19 the building middle.

20 MR. PARDO: On the picture that you have on
21 the display right there right now, I mean,
22 there is some and it can make a big difference.
23 For example, if you have a manzar up on top of
24 the roof and you highlight it, but if you have
25 a manzar at mid level, you wouldn't be allowed,

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1 based on the way that it's written --

2 MS. GARCIA: Unless it's approved by the
3 Board of Architects.

4 MR. PARDO: -- and the way that it's
5 interpreted.

6 MS. GARCIA: Right. By the Board of
7 Architects, we're going to be able to allow
8 that.

9 MR. PARDO: That disturbs me. The BOA
10 basically is not looking at these things from
11 an architectural standpoint, which I think is
12 critical. It's not just technical. You know,
13 it's not two plus two is four. Sometimes it's
14 what you're doing with it and how you are
15 enhancing it and also how you bring it from the
16 building to the parking lot or to the
17 right-of-way.

18 MS. GARCIA: So they are looking at
19 renderings. Usually we require some kind of
20 night rendering, that's part of DRC comments,
21 that when they go to the Board of Architects,
22 they have some kind of rendering, so the Board of
23 Architects can be able to react --

24 MR. PARDO: If they are, please explain to
25 me, when I go down Alhambra, how The Globe was

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1 permitted to put all of those red lights on
2 that. It is embarrassing. How did they get
3 that approved? I guarantee you the Board of
4 Architects did not look at that. I mean, that
5 is just an embarrassment, because it's like an
6 eyesore.

7 MR. BEHAR: Red Light District.

8 MR. PARDO: I'm sorry? Well, I mean,
9 everybody has to have a Red Light District,
10 right, but that is just the wrong thing to say,
11 Robert.

12 So the whole point about this is that I
13 would feel much more comfortable that -- if no
14 one approved it -- you know, some of these
15 buildings have, I mean, just bad, bad lighting
16 design, which can be fixed, and we're not
17 putting anyone to that pressure, to fix the
18 problem that exists today. This is why this
19 thing came up. It's not because of energy
20 savings, which is written all over the place,
21 "It's about the City prides itself with its
22 effort to maintain low ambient lighting and
23 minimizing the light overspill onto the
24 adjacent properties, particularly in the
25 residential neighborhood." It makes a big

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1 difference, and I don't think that it's
2 specific enough to be able to say, "You have to
3 make sure that this thing looks better than
4 what it does."

5 And, also, you know, people change a
6 lightbulb from soft white or warm white or
7 whatever it is, to red. You know, how do you
8 do that? "Well, you don't know. Oh, it was
9 approved like that before."

10 "No, it wasn't and you probably did it
11 without a permit or you didn't get it with any
12 approval," and I think that's wrong. I think
13 that you have an opportunity to correct some of
14 the past mistakes that exist, that we look at
15 every single evening.

16 MS. GARCIA: Right. So right now, our
17 regulations that we have in our Zoning Code are
18 very limited. I just went over it, right. We
19 have keep Dark Skies Standards, which we don't
20 comply with. In talking with our experts, we
21 can't even comply with that, as far as the City
22 goes. It's just impossible. So we're striking
23 through that, because we're basically
24 implementing what Dark Skies Standards is meant
25 to be into our Code, so it's very clear that we

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1 want limited lighting. We want limited
2 illumination of these buildings, so they're not
3 an eyesore, they're not a ring of fire, they're
4 not this obnoxious neighbor and more in keeping
5 with the neighborhood character I mentioned
6 here.

7 MR. PARDO: Well, I just think that that
8 ship has sailed. We have these buildings, and I
9 think that we have to really be able to talk to
10 the owners, so it could be corrected, and I
11 think -- you know, it's not to add an
12 additional burden on the owner, but it's to,
13 you know, put it back in the stable.

14 MR. KOLLER: So, Mr. Chair, the Board could
15 recommend that these standards be applied to
16 existing buildings. I mean, that's an issue.
17 It may be a problem applying to already built
18 structures, but if it's the Board's desire that
19 they want to recommend to the City Commission
20 to do that, you can do that, as part of your
21 recommendation.

22 MR. PARDO: Mr. Chairman, can I address
23 Mr. Koller?

24 CHAIRMAN AIZENSTAT: Please.

25 MR. PARDO: Mr. Koller, I think you are a

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1 hundred percent right. I think this is the
2 mechanism to do it. It could be even a
3 volunteer thing. It could be a mutually
4 acceptable type of thing. I guarantee you,
5 that most of the people that own buildings that
6 have been lit, they've done it afterwards.
7 They've relied on people, and sometimes they
8 don't turn out the right way. And that doesn't
9 mean that you have to disinstall something.
10 Sometimes it just means, you know, putting the
11 right dimer on it, doing the right whatever.

12 But I'm just saying that we have an
13 existing problem, that affects all of the
14 residential areas in the City, because you
15 could see that from miles and miles away.

16 MR. BERNAL: May I make a comment relative
17 to Mr. Pardo's --

18 CHAIRMAN AIZENSTAT: Yes. I'll go ahead
19 and allow that.

20 MR. BERNAL: Thank you.

21 I want to support exactly what he's saying,
22 but I think that there is an element of that in
23 the proposed ordinance, because -- certainly,
24 for residential, there is. The effectivity
25 date for existing properties, it says that it

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1 is immediately, basically, upon passing of the
2 ordinance. So I think you're bringing up
3 something that may have been left out
4 inadvertently, which is, does the effectivity
5 date, Jennifer, also apply, for example, to the
6 Globe? Because this will not allow The Globe
7 to have that red light in the front? Am I
8 wrong or -- you know, can you clarify that for
9 us?

10 MS. GARCIA: Yeah. Yeah. So we had
11 discussed about when to -- if we should
12 retroact this, we should allow -- give a grace
13 period for existing buildings, if we should
14 have it be effective as soon as adoption.
15 We're still discussing that, and I can see that
16 if the concern is really to make it retroactive
17 for existing buildings, which is a great
18 discussion to have, and I appreciate it --

19 CHAIRMAN AIZENSTAT: Thank you, sir.

20 MR. PARDO: And the other thing is, it's
21 not one red lightbulb. It's like, I don't know
22 how many. I mean, I get kind of dizzy when I
23 go by there. It is the quantity. I mean, it's
24 just in your face. This is wrong.

25 CHAIRMAN AIZENSTAT: But let me ask you

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1 something, just going back to The Globe, was
2 that permitted that way to do it or are you
3 saying, they just stuck red lightbulbs on?

4 MR. PARDO: They changed the lights from
5 one day to the other.

6 CHAIRMAN AIZENSTAT: But is there anything
7 in the Code that says you're allowed to do that
8 or not?

9 MS. GARCIA: It doesn't say anything.
10 Really, we have those two standards, Dark Skies
11 Standards, which you can't comply with, and
12 then very limited standards, as far as being
13 next to a residential district.

14 CHAIRMAN AIZENSTAT: So if you go back and
15 you want to look at existing structures, are
16 you saying to go to The Plaza and tell them to
17 change all of their lightbulbs, also?

18 MR. PARDO: Mr. Chairman, I would say
19 that -- I mean, that particular example, I'd go
20 back to microfilm permitted drawings and see,
21 Number One, if they added quantity, you know,
22 because, right now, you're talking about
23 quantity and intensity. The Globe always had a
24 certain atmosphere that was fantastic, and,
25 then, all of a sudden, it's gaudy.

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1 And, then, the other thing is that, even at
2 The Plaza, I mean, they've permitted everything
3 there, but I would like to see how those
4 lights -- those rope lights got put up there,
5 because I would be very surprised if they're on
6 the plans. And if they are on the plans, maybe
7 there's a way of reducing the intensity. The
8 intensity is what we're talking about.

9 MS. GARCIA: Right. So those are mostly on
10 electrical plans, because they required
11 electrical uses to get to them. So they're on
12 someone's plans, as far as The Plaza. I'm not
13 sure about The Globe. The Globe probably
14 already had existing lighting. They probably
15 changed the colors, perhaps.

16 MR. KOLLER: I'm not sure we should
17 necessarily be addressing specific properties,
18 and whether they're in compliance or they're in
19 violation.

20 MR. BEHAR: Agreed.

21 MR. KOLLER: Because they're not here,
22 they're pre represented. I think the general
23 concern, the legislative concern, is compliance
24 with this Code, whether there should be to
25 existing buildings, whether there should be a

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1 lighting.

2 So we had meetings out there, right on the
3 field, and I recall the explanation was very
4 simple. The higher it is, and you put shields
5 on them, et cetera, you are focusing on those
6 areas. That's using common sense, and, you
7 know, technology of the time.

8 Nowadays, those shields have been lost with
9 hurricanes over the years, but the technology
10 has gotten better, where they can focus those.
11 You have spillage and that kind of thing. So
12 you have to be careful, because those are
13 hundreds of thousands of dollars that are
14 invested in our parks, to make sure -- and they
15 do get turned off when they're not being used.

16 CHAIRMAN AIZENSTAT: But that's programed.

17 MR. PARDO: Correct, because of the
18 programing, but what I'm saying is, you've got
19 to be careful. You know, based on what Chip
20 said right now, that these areas -- these
21 things are somehow included in your ordinance,
22 you know, as far as acceptable levels of
23 spillage, and the spillage is called out in
24 almost every Zoning Code, as far as adjacent
25 properties.

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1 grace period for a period of time to do that,
2 and, of course, you can also recommend that the
3 City Commission consider directing the
4 departments to make sure that the lighting is
5 in compliance with whatever is permitted. You
6 can have that as a general recommendation to
7 the Board, as well, generally, without citing
8 specifics.

9 MR. WITHERS: Does this impact the Youth
10 Center or the Phillips Park? Are we in
11 compliance with this new regulation?

12 MS. GARCIA: Probably not.

13 MR. WITHERS: Okay. Well, just a
14 consideration.

15 MS. GARCIA: Yes.

16 MR. PARDO: And I just want to tell you
17 something, that when the Youth Center was
18 redone, 35 years -- a little bit less than 35
19 years ago, they had wood poles there, and they
20 were the old stadium type poles, and it was
21 horrible. Then, what they did is, they
22 redesigned the lighting, when they were doing
23 the big expansion of the Youth Center, and they
24 redesigned the lighting, and the neighbors went
25 crazy, because they heard of the height of the

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1 MS. GARCIA: Right. So for the use -- I'm
2 just concerned about the foot-candle spillage,
3 I could be wrong, as far as --

4 MR. PARDO: It's --

5 MS. GARCIA: No, I mean, I could be wrong,
6 if that's the concern. I think they're
7 lighting many adjacent properties beyond the
8 half a foot candle maximum. That's right
9 now -- in our Zoning Code right now. So we can
10 always, you know, enforce that, right.

11 My concern is that I'm not sure if we're
12 complying with the Kelvin or the lumens.

13 MR. WITHERS: We'll find out.

14 MS. GARCIA: Yes.

15 MR. WITHERS: I'm done.

16 CHAIRMAN AIZENSTAT: Sue, any comment you'd
17 like to make?

18 MS. KAWALERSKI: No.

19 CHAIRMAN AIZENSTAT: Javier.

20 MR. SALMAN: Lighting has always been, to
21 many, much more of an art than a science,
22 mainly because there's such great variety
23 within the photometrics that are allowed under
24 Code. I don't necessarily have a problem with
25 shielded lighting, but you also have to deal

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1 with the surfaces to which the lighting is
2 being broadcast to and its reflectivity, with
3 regard to light pollution. I mean, the
4 document starts by saying we need to reduce
5 light pollution and to more appropriately
6 light, within certain residential areas, versus
7 commercial areas, and the differences involved
8 with those.

9 There are some photometric measurements in
10 that proposed Code, but not enough to where I
11 can feel comfortable in trying to enforce it,
12 because it's very subjective as to how the
13 photometric work is actually done, with
14 regarding to spacing and the intensity and
15 there are some -- a whole series of factors
16 that go into the actual calculation of the
17 illumination on the surface.

18 Likewise, even in some of the graphics that
19 were provided, you have lighting for streets,
20 versus lighting on sidewalks, versus lighting
21 coming off of commercial space, and the amount
22 of light coming off a commercial space can
23 radically change the light levels that you're
24 walking through. Light level and the
25 perception of space is one of the things that

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1 have it on or off and it makes a huge
2 difference.

3 With regards to public areas and parking
4 areas, I'm not all that crazy about the idea of
5 reducing illumination at night, because who
6 sets the time whereby that lighting is being
7 reduced?

8 MS. GARCIA: The County.

9 MR. SALMAN: And I see that as being
10 problematic. So, in general, I sort of applaud
11 the direction where we're going. In specifics,
12 I have grave concerns as to the applicability
13 and the enforceability of some of these
14 requirements, and the mechanism by which they
15 would be enforced are somewhat open and need to
16 be addressed, just like as part of Code
17 Enforcement. I think that's where this would
18 end being, and they need to have some sort of
19 guideline by which they would be able to
20 enforce it, and that's where you catch it,
21 because it's not being necessarily caught by
22 the Board of Architects through the design
23 process. And, again, there's great variation
24 between what's approved and what's actually
25 installed.

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1 is very tricky to do, because it has to do with
2 not only the ambient lighting, but the
3 surrounding level of darkness in area as to how
4 your eye opens or closes, and the amount of
5 light that it lets in, and I've actually had to
6 do a lot of these kinds of studies for
7 different cities, including for Miami Beach. I
8 did something for the City of Coral Gables many
9 years ago.

10 And unless those things are addressed with
11 regards to light spillage and light
12 misdirection -- you know, I have a situation --
13 or I've been in situations where we have houses
14 that are so lit, that it makes the other
15 houses, which are perfectly fine, look dark,
16 because of the contrast between one and the
17 other, and when you're walking at night, it can
18 be somewhat difficult to deal with.

19 So with regards to its applicability in
20 residential areas, I think that the uniformity
21 of light is just as important as the intensity,
22 and that is much more difficult to control,
23 especially when you have all sorts of people
24 contributing or not contributing or irregularly
25 contributing at different times, when they may

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1 The change in the actual intensity of the
2 actual light fixtures or the elements, make a
3 huge difference on the quality of the light,
4 regardless of what the design says and what the
5 original photometrics say. So we're going down
6 a road where it's going to be extremely
7 difficult to create a standard by which we can
8 all live with, in a way that is enforceable,
9 and my concern is that it's going to be
10 unenforceable.

11 CHAIRMAN AIZENSTAT: Good point.

12 MR. SALMAN: So that's my opinion. I
13 applaud the direction. I think it's just too
14 unenforceable, moving forward, whether it's
15 existing or proposed.

16 CHAIRMAN AIZENSTAT: Julio.

17 MS. GARCIA: Proposed would really just be
18 part of their permit. We would ask for their
19 number of lumens. We'd see where it is on the
20 site plan for the elevation. I think the
21 concern is for existing.

22 MR. BEHAR: That's the problem.

23 MR. SALMAN: We would then have to have it
24 checked, at the point of completion, for a CO,
25 as one of the checks.

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1 MS. GARCIA: That's part of the inspection,
2 permit inspection. Right. Yeah. Absolutely.

3 MR. SALMAN: Then be recorded, and that's
4 what they would need to meet from then on for
5 new construction.

6 MS. GARCIA: Correct. Right.

7 MR. SALMAN: What happens when the bulbs go
8 out? What happens when the bulbs get changed
9 and you have old bulbs and new bulbs and the
10 difference between one and the other is always
11 apparent, because the bulbs --

12 MS. GARCIA: Well, if it's apparent, then
13 it can be addressed with Code Enforcement.

14 MR. SALMAN: You're forcing people to then
15 change all of the bulbs in their building.

16 MS. GARCIA: Yeah.

17 MR. SALMAN: Okay. And so that's another
18 unintended consequence. So on and on. It's
19 problematic as to -- I have no problem setting
20 it up as a goal and as a potential guideline
21 for best practices, but I have a problem when
22 it comes to making it a piece of enforceable
23 legislation, that then has to be conformed
24 through Code Enforcement, because it's going to
25 be extremely difficult to do, extremely

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1 difficult to do, where you're not going to run
2 into exceptions or situations that are specific
3 to a particular building, a particular
4 location, based on its surrounding, that has
5 nothing to do with what the building is doing.
6 Do you follow me?

7 I can give you a very specific example. We
8 were -- we were asked to do -- there was a
9 problem on Lincoln Road, and our firm was
10 brought in to look at what the problem was, and
11 we went up and down at night and measured all
12 of the light levels, and we found them to be
13 fairly uniform, when it came down to the level
14 of light that was being cast by the light
15 fixtures that were in place.

16 However, when we took into account the fact
17 that there were trees, in certain areas, which
18 cut down the light level as it was being
19 produced by these light fixtures, or you came
20 by the storefront which was completely lit up
21 and broadcasting light on the sidewalk, you get
22 these huge differences in actual perceived
23 light, which you're measuring, and there were
24 people tripping and falling, and that was the
25 reason they called us in.

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1 I said, "Well, your problem is that you
2 didn't have an even enough lighting, soft
3 enough change in the level over a period of
4 distance, for people to adjust," and they were
5 walking from very bright, to slightly less
6 bright, and it perceived as being dark, and
7 they were tripping, because they didn't see the
8 surface of the ground they were walking on.

9 So it's not as cut and dry as this proposed
10 legislation purports, and that's my concern.

11 CHAIRMAN AIZENSTAT: Thank you.

12 Julio.

13 MR. GRABIEL: Yes. I've got a couple --
14 one question. How are the fixtures that we
15 used on the streets of Coral Gables selected?
16 We used to have a standard, the silver -- I
17 don't know what you call that fixture -- the
18 old fashioned --

19 MS. GARCIA: The acorn fixture, yeah.

20 MR. GRABIEL: But yet I've seen places
21 where it's not being used anymore. Have we
22 eliminated that fixture completely?

23 MS. GARCIA: You mean, the silver versus
24 the black fixture? There's a whole ongoing
25 conversation about that. I'm not well-versed

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1 to actually explain it very well. Basically it
2 FPL is no longer supplying the silver that
3 we're used to seeing.

4 MR. GRABIEL: It's FPL's decision?

5 MS. GARCIA: It's an FPL decision, for
6 whatever reason. SO now we're only allowed to
7 have the black ones. And the City is
8 considering if the City should take ownership
9 of those and have the silver ones and pay for
10 the infrastructure.

11 MR. SALMAN: And there's no talking about
12 painting the black one silver, right?

13 MR. GRABIEL: Well, it's a different
14 fixture altogether.

15 MR. SALMAN: Really? It's actually fairly
16 similarly shaped. It's just black, as opposed
17 to silver. Now, the original ones are cast
18 iron and they were called the Great White Way
19 Light fixtures.

20 MR. GRABIEL: But they eventually made them
21 plastic and --

22 MR. SALMAN: And then they started making
23 them in plastic -- the City's been having this
24 ongoing background discussion, and I was part
25 of it 20 years ago. I mean, this is an old

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1 problem. I mean, we've looked at moving the
2 light fixtures around the Granada Golf Course,
3 and the residents were up in arms, and "How can
4 you touch those bright lights, you know, those
5 fixtures? You know, that's part of the history
6 of the area, and they provide enough lighting
7 for people to walk and stroll around the golf
8 course at night, and please don't change them,"
9 and it was a big issue. I mean, a big
10 political issue.

11 MR. GRABIEL: Yeah. I live there.

12 MR. SALMAN: And you probably remember that
13 it was a big issue. And so FPL said, "No,
14 we're not going to service them." Well, you
15 know that, we forced them into servicing them,
16 and they replaced them, and that was it. So
17 it's a matter of will, to a certain extent, but
18 that's not what we're here to discuss.

19 MR. GRABIEL: That was my only question.

20 MR. SALMAN: No, but I'm answering your
21 question, only because I just happen to have
22 been in the room at the time.

23 MR. GRABIEL: Thank you, sir.

24 MR. KOLLER: Mr. Chair, you may want to
25 consider doing a time extension, because --

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1 enforce anything, because there's nothing in
2 our Code that says it.

3 MR. BEHAR: The red light that Mr. Pardo
4 doesn't like cannot be enforced.

5 MR. KOLLER: So, as part of the Board's
6 recommendation on this item, you have an
7 option. You can chose to recommend (A) that it
8 should be best practices. That was something
9 we heard. (B) you can say, well, it should be
10 enforced, but we feel it should only be
11 enforced in new construct. That may be another
12 choice that you choose to make. Or (C) we
13 think it should include both, future
14 construction and existing construction.

15 So you have a lot of options on your
16 recommendation.

17 CHAIRMAN AIZENSTAT: It's tough. For me --
18 for me, myself, I don't know which way I would
19 go on that recommendation, from what I've heard
20 tonight.

21 MR. KOLLER: Well, the way to start it is,
22 somebody has to say, "I would like to make an
23 amendment" or "I would like to approve it as
24 is" or "I would like to disapprove it."

25 CHAIRMAN AIZENSTAT: Anybody like to make a

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1 CHAIRMAN AIZENSTAT: Well, it's 8:45.
2 Let's see if we can wrap this one up, one way
3 or another.

4 MR. KOLLER: Okay.

5 CHAIRMAN AIZENSTAT: I mean, to me, what
6 I'm sensing is, how do you handle existing to
7 conform, and that's an issue for me.

8 MS. GARCIA: Yeah, I mean, basically the
9 best way to do it is to ask for that fixture,
10 look up the model and the company and
11 manufacturer and see the amount of lumens and
12 Kelvin that picture has, which is not the best
13 way to enforce anything.

14 CHAIRMAN AIZENSTAT: Well, that's a problem
15 for me.

16 MS. GARCIA: But it's enforceable. It's just
17 not the best practice.

18 CHAIRMAN AIZENSTAT: And obviously, the
19 other part is, any of the old projects that
20 were done, for whatever reason, no matter what
21 the project is, if there is a complaint with
22 lumens or so forth, that it's too much, I would
23 assume that Code Enforcement gets a complaint
24 based on it --

25 MS. GARCIA: Sure, because they can't

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1 motion?

2 MR. PARDO: And you can't just defer it?

3 MR. KOLLER: Pardon?

4 MR. PARDO: Can I just defer it, with
5 direction to Staff?

6 MR. KOLLER: You have that option, to
7 defer, with direction to Staff. You have that
8 option, as well.

9 MR. PARDO: I'd like to make a motion to
10 defer this particular item, with direction to
11 Staff, based on the feedback that they received
12 from this Board tonight.

13 MR. KOLLER: Well, what feedback have you
14 given? You need to give some direction to
15 them, because I hear several things. I've
16 heard, One, it should be best practice. I've
17 heard a second, really should apply it to
18 existing. And I've heard a third one, it's
19 really unfair. So you kind of have to give the
20 Staff some direction.

21 MR. PARDO: Which includes -- something
22 that Trump said, as I was saying, Number One,
23 that the Staff study the ability of also adding
24 existing buildings that are found to be
25 non-compliant with the proposed ordinance.

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1 MS. GARCIA: So finding those and bringing
2 them to the Board or just giving an effective
3 date and specifying them in the ordinance,
4 because that can be done very easily?

5 MR. PARDO: I'm talking about existing
6 buildings that have direct negative impact on
7 residential areas.

8 CHAIRMAN AIZENSTAT: That's a very broad
9 statement.

10 MR. BEHAR: Well, that's the thing, too.
11 Where do you cross the line there?

12 MR. PARDO: The reason I say it is because,
13 you know, I would think that Staff would want
14 to talk to the City Attorney to see, you know,
15 how that could be -- because there are things
16 that can be included retroactively. It's done
17 in Codes every single year, where things are
18 found to be retroactive -- that can be included
19 retroactively. For example, the grace period,
20 that Mr. Koller brought up, that's one of the
21 possible options, a grace period, to do that.

22 MR. KOLLER: Well, part of your
23 recommendation, that the City Attorney's Office
24 look at the viability and applying this to
25 existing buildings. That could be part of your

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1 MR. PARDO: Right. And that's the thing,
2 nowadays, of course, you can see, you know,
3 what -- basically a rendering that looks almost
4 like real life, based on the types of lights,
5 et cetera, so the Board of Architects can see
6 those night shots and see how the impact will
7 be on that design when it's lit up at night,
8 and specifically, also, upon surrounding areas.

9 MS. GARCIA: Right, which is happening now.
10 So any large scale building that comes to the
11 Board of Architects, they provide a night
12 rendering.

13 MR. BEHAR: That's correct. In new
14 projects, you have to comply to that.

15 MR. PARDO: New projects. And, also, it
16 says here, "New lighting installation, on new
17 or existing buildings." It's not a new
18 project.

19 MR. BEHAR: Wait. New lighting
20 installation, that's fine, but that's new, not
21 going retroactive to what light -- and the Code
22 says that you are not allowed to, you know,
23 spill light into the other property already.

24 MR. PARDO: That's the other thing, you
25 know, how are we going to enforce any of these

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1 recommendation.

2 MR. PARDO: That would be Number 2, to look
3 into it, into the existing, and Number Two, to
4 get an opinion from legal in the City to see
5 the enforceability of it and how it could be
6 done.

7 The second thing is, I think that the way
8 that this is limiting the Board of Architects,
9 I would like to have the Board of Architects'
10 involvement in a specific approval of the
11 lighting component of each building that comes
12 in.

13 Number Three --

14 MS. GARCIA: Can I have clarification on
15 Number Two again?

16 MR. PARDO: Number Two is involved with
17 Number One, which is, you know, the retroactive
18 enforcement of this on existing buildings.

19 MS. GARCIA: Yeah, but the Board of
20 Architects involvement. So we discussed with
21 the Board of Architects last Thursday or some
22 other time, in the past, to kind of go through
23 and get their feedback as far as what they want
24 to see for lighting standards per the Zoning
25 Code.

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1 -- how is Staff, Code Enforcement, going to
2 enforce any of these requirements if they're
3 not suited to do that?

4 MS. GARCIA: Right. So the foot-candle, we
5 have a meter, a machine, a device, that we can
6 measure the foot-candle and see what the
7 spillage is for the abutting adjacent neighbor.
8 That's another tool that we have.

9 MR. PARDO: Let's say, okay, an example, a
10 building that's lit up at night, and you can
11 see it from 57th Avenue to Ponce. How do you
12 take that light level, you know, foot-candle
13 reading? You're not going to get a foot-candle
14 reading off --

15 MS. GARCIA: Right. Which is an issue with
16 the lumens and not the foot-candles, right.

17 CHAIRMAN AIZENSTAT: That's what she was
18 talking about.

19 MR. PARDO: Right, but what I'm saying is
20 the enforceability. If you say, we're going to
21 have a speed limit of 25 miles an hour in the
22 City and you don't have police officers giving
23 tickets, there's no enforceability. So that is
24 a third point, that you have to be able to have
25 that enforceability. How are you going to do

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1 it? It's not described here.

2 CHAIRMAN AIZENSTAT: It's 8:54. What I'd
3 like to do is ask if anybody -- if we extend
4 this meeting? Right now, unless we go on to it
5 -- I mean, E-4 is going to take a little bit of
6 time, also.

7 MR. BEHAR: No, I think E-4 should be for
8 the next meeting. Otherwise, that could take
9 another hour, and I don't think we should take
10 it on. I think we extend this for another
11 maybe ten minutes.

12 CHAIRMAN AIZENSTAT: Let's do fifteen
13 minutes, because we have to discuss a date for
14 the next meeting also.

15 MS. GARCIA: Yeah. So going back to
16 enforceability.

17 MR. BEHAR: I can make a motion to extend
18 until 9:15.

19 CHAIRMAN AIZENSTAT: We have a motion until
20 9:15.

21 MS. KAWALERSKI: Second.

22 CHAIRMAN AIZENSTAT: Second. Every in
23 favor say aye.

24 (All Board Members voted aye.)

25 CHAIRMAN AIZENSTAT: Anybody against? No?

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1 Continue, please.

2 MS. GARCIA: So the enforceability of it,
3 there are reports for (B) Number 1, reports of
4 certified results of lighting tests or
5 specifications of light fixtures may be
6 required to confirm compliance. So that is
7 addressed in here.

8 I agree that it's not something very easily
9 enforceable, as far as lumens go, but there is
10 a way to enforce it.

11 MR. PARDO: What section?

12 MS. GARCIA: Section 12-102, Residential
13 Outdoor Lighting. For example, (B), Number 1,
14 the second section --

15 MR. PARDO: Section 12-102?

16 MS. GARCIA: Yes. (B) Outdoor Lighting
17 Standards, Residential, and, then Number 1
18 talks about the number of Kelvin and then it
19 says, "Reports of certified results of lighting
20 tests or specifications of light fixtures may
21 be required," and that's also addressed, Number
22 4, the next subsection, where it's referring to
23 non-residential outdoor lights, and also, (B),
24 Number 4.

25 MR. PARDO: I'm sorry. One of the things

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1 that I would suggest, that we have to do as
2 architects is -- through our consultants,
3 normally, is that, when we provide a certain
4 amount of, you know, lighting level for the
5 parking lot, we have the responsibility -- the
6 owner of the property has the responsibility of
7 providing a certification of these things,
8 right.

9 So, in this particular case, don't you
10 think it would be prudent to make sure that
11 these things have to be provided in the form of
12 a certification by the applicant? In other
13 words, certifying that they complied with all
14 of these provisions, after it's built, after
15 it's installed, after it's functioning.

16 MS. GARCIA: Right. So is that sentence
17 the same, "Reports of certified results of
18 lighting tests or specifications of light
19 fixtures"?

20 MR. PARDO: There is no place that it says
21 that you must have a certification. Right now,
22 the only continue certification you have, which
23 is in the Dade County Code, is to provide that
24 certification at the end of the of project,
25 only for the level of lighting for that parking

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1 lot. That's it. There's nothing else. This
2 is very different, and there should be
3 something -- and I think the burden should be
4 the developer --

5 MS. GARCIA: Property owner, of course.

6 MR. PARDO: -- to provide that
7 certification from his consultant. So if they
8 provide that, that takes a tremendous burden
9 off of the City's, you know, strain, Code
10 Enforcement resources.

11 MS. GARCIA: Right.

12 MR. PARDO: So that would be one of the
13 suggestions that I would make in this ever
14 extending motion.

15 CHAIRMAN AIZENSTAT: Very well said.

16 MR. WITHERS: Okay. I'll second that
17 motion.

18 MR. PARDO: Mr. Chairman, I think that --
19 with those four specific caveats, I think, if
20 the Board Members would support that, I would
21 feel much more comfortable than what we have
22 right now.

23 MR. BEHAR: Just for clarification, is
24 that -- in your motion, did it include
25 retroactive, you know, projects already --

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1 MR. PARDO: Retroactive, as long as Legal
2 says it's doable.
3 CHAIRMAN AIZENSTAT: Well, I think we're
4 giving direction to Jennifer to come back.
5 MR. PARDO: Yes.
6 CHAIRMAN AIZENSTAT: So I don't think it's
7 a motion that it must be this.
8 MR. PARDO: Right.
9 CHAIRMAN AIZENSTAT: I think it's more so,
10 this is what we're looking at, can you please
11 come back with a more comprehensive solution.
12 MS. GARCIA: Right, but what I hear is
13 something that was addressed in the ordinance,
14 as far as the effective date and how it's going
15 to be addressed and what's legally permitted.
16 Except for Number 4 about, I guess, clarifying
17 the certified reports of lighting results and
18 how it would be the burden of the property
19 owner, obviously, not the Staff or the Code
20 Enforcement Officer.
21 MR. PARDO: For the certification.
22 MS. GARCIA: Right.
23 MR. PARDO: Right.
24 MS. GARCIA: So we can clarify that.
25 That's a change to what's proposed, the

1 legislation, but the first three seem like it's
2 more addressed, as far as whereas clauses of
3 the ordinance itself.
4 MR. KOLLER: Sounds more like a motion to
5 approve, as amended, those points that you
6 made.
7 MR. PARDO: That's correct.
8 MR. COLLER: That was really not a direction to
9 Staff. It's, you're approving the ordinance, as
10 amended, with the amendments that you requested. Am I
11 misunderstanding?
12 MR. PARDO: No. That is a hundred percent
13 correct.
14 MR. KOLLER: Okay. That's a different
15 motion.
16 CHAIRMAN AIZENSTAT: I mean, to me, I
17 couldn't support the retroactiveness giving --
18 you said, with Legal being able to say you can
19 do it. I don't see that for myself. I'm not
20 saying that certain examples that were
21 provided, without me stating what they are, are
22 not bad, but I have an issue --
23 MR. PARDO: Mr. Chairman, I'll strike that,
24 you know, for the sake of, you know, moving
25 this along. And the other thing is that, I

1 just have an issue of the balance of the
2 building not being able to be uplift in a way
3 that enhances the architecture.
4 MR. BEHAR: Architecture.
5 MR. PARDO: Correct.
6 MR. KOLLER: So that would be an amendment,
7 that the Board of Architects can consider the,
8 I guess, lighting of the middle of the
9 building --
10 MR. BEHAR: The entire building.
11 MR. PARDO: Yeah, the entire building.
12 MR. KOLLER: Okay. The entire building, if
13 it is --
14 MR. BEHAR: If it is appropriate.
15 MR. PARDO: Right. As long as it's
16 appropriate.
17 MR. BEHAR: Can somebody read exactly what
18 we're going to be voting on?
19 MS. GARCIA: All right. So how is that
20 different from what's written right now,
21 because right now it says, "Base top, unless
22 approved by the Board of Architects"? You're
23 just saying, the building can be lit with Board
24 of Architects approval and don't specify where
25 it should be focused on?

1 MR. BEHAR: My understanding, too, is the
2 base and the top, but what about if --
3 MS. GARCIA: They can approve the middle,
4 as long as it's provided by the Board of
5 Architects and consistent with the design,
6 style and character of the building. That's
7 allowed right now -- I'm sorry, as drafted
8 today.
9 MR. KOLLER: Okay. Just so I'm clear,
10 Jennifer, the Board of Architects, if this were
11 approved, would have the authority to light the
12 entire building, if it's deemed to be
13 appropriate to the situation, as determined by
14 the Board of Architects? That's already in
15 there.
16 MS. GARCIA: Yes.
17 MR. PARDO: Yeah. And one last thing, when
18 we were talking about the types of light and
19 the intensity, et cetera, the lights that are
20 used at the Youth Center, Phillips Park and any
21 other park, normally have -- are different than
22 the lights that are being proposed for street
23 lighting, et cetera. The type of light,
24 intensity, all of those things are completely
25 exempt, and I think that parks -- I mean, I've

1 designed award winning parks, that have
2 lighting that have different functions, from
3 soccer, to basketball, to tennis, to baseball.
4 You have 90 foot-candles on a pitcher's mound
5 for hard pitched baseball.

6 MS. GARCIA: Yeah. So when you're
7 referring to the Youth Center, I thought you
8 were referring to the building and how the
9 building is being lit, as far as landscape, and
10 not the actual field lights.

11 MR. PARDO: Right.

12 MS. GARCIA: So that is addressed. We can
13 clarify that. That's in bumper Number 3, and
14 A, under 12-102. It talks about outdoor light
15 features required by the Federal, State and
16 County agencies, you know, for -- we can
17 clarify that.

18 MR. PARDO: I just want to make sure that
19 there isn't confusion later on, because those
20 are specific lights that are designed
21 specifically for that type of --

22 MS. GARCIA: Understood. Yeah. Yeah, we
23 can clarify that. That's doable.

24 MR. PARDO: That's it.

25 MR. BEHAR: So, to understand, and I

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1 apologize, you're not doing anything with
2 retroactive?

3 MR. PARDO: No. I took that out.

4 CHAIRMAN AIZENSTAT: You took that out?

5 MR. PARDO: Right.

6 CHAIRMAN AIZENSTAT: And we're going to go
7 ahead and allow the Board of Architects to make
8 the determination on any of the section of the
9 commercial building, in between, that needs to
10 be lit?

11 MR. PARDO: Correct.

12 CHAIRMAN AIZENSTAT: Okay.

13 MR. KOLLER: So we have a motion. We need
14 a second.

15 CHAIRMAN AIZENSTAT: Is there --

16 THE SECRETARY: I thought Mr. Withers
17 seconded it.

18 MR. WITHERS: Yes, I did.

19 CHAIRMAN AIZENSTAT: Okay.

20 MR. WITHERS: I did, once he removed the
21 retroactive.

22 CHAIRMAN AIZENSTAT: Any other discussion?

23 MR. SALMAN: The motion is to send it back
24 to --

25 MR. KOLLER: No, to approve it as amended.

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1 MR. BEHAR: I'm confused, too.

2 MR. SALMAN: I wanted to make sure.

3 MR. BEHAR: Just call the roll.

4 THE SECRETARY: Felix Pardo?

5 MR. PARDO: Yes.

6 THE SECRETARY: Javier Salman?

7 MR. SALMAN: No.

8 THE SECRETARY: Chip Withers?

9 MR. WITHERS: Yes.

10 THE SECRETARY: Robert Behar?

11 MR. BEHAR: Yes.

12 THE SECRETARY: Julio Grabiell?

13 MR. GRABIEL: Yes.

14 THE SECRETARY: Sue Kawalerski?

15 MS. KAWALERSKI: Yes.

16 THE SECRETARY: Eibi Aizenstat?

17 CHAIRMAN AIZENSTAT: Yes. Thank you.

18 MR. BEHAR: Can I make a motion --

19 CHAIRMAN AIZENSTAT: No.

20 MR. KOLLER: We have to settle a couple of
21 things first.

22 CHAIRMAN AIZENSTAT: If I may, for Item E-4
23 first --

24 MR. BEHAR: That's the motion I was going
25 to make.

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1 CHAIRMAN AIZENSTAT: Oh, I thought it was a
2 motion to adjourn.

3 MR. BEHAR: I want to make the motion that
4 we put that item for the next available
5 meeting.

6 CHAIRMAN AIZENSTAT: We have a motion. Is
7 there a second?

8 MS. KAWALERSKI: Second.

9 MR. GRABIEL: Second.

10 MR. SALMAN: Second.

11 CHAIRMAN AIZENSTAT: Everybody seconds.

12 MR. KOLLER: We can voice vote.

13 CHAIRMAN AIZENSTAT: Everybody in favor say
14 aye.

15 (All Board Members voted aye.)

16 CHAIRMAN AIZENSTAT: Any against?

17 The next item of business is, we have to
18 move our meeting, and the only dates that are
19 available for our meeting in December is either
20 the 17th, which is a Tuesday, or the 19th,
21 which is a Thursday. There's no other option.
22 So I'd like to find out if anybody has a
23 conflict with any of those dates right at this
24 point.

25 MR. PARDO: I'm sorry, Mr. Chairman,

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1 Tuesday the 17th?
 2 CHAIRMAN AIZENSTAT: Of December, or
 3 Thursday, the 19th of December.
 4 MR. BEHAR: When was the original date?
 5 CHAIRMAN AIZENSTAT: The 13th.
 6 MS. GARCIA: No. The original date was the
 7 11th, and then it was the 12th --
 8 MR. BEHAR: My concern is that you start
 9 having a lot of festivities and people are
 10 going to be --
 11 CHAIRMAN AIZENSTAT: Then the only other
 12 option is not to have a December meeting,
 13 because we have two dates.
 14 MR. PARDO: What is your current
 15 anticipated volume for next month?
 16 MS. GARCIA: I'm expecting one Staff --
 17 well, I guess the one we deferred today was
 18 one, and then the other one is a vacation by
 19 Staff.
 20 MR. BEHAR: Vacation?
 21 CHAIRMAN AIZENSTAT: Vacation?
 22 MS. GARCIA: Yeah, of a right-of-way.
 23 CHAIRMAN AIZENSTAT: Okay. What is the
 24 determination, Tuesday, the 17th --
 25 MR. PARDO: Yeah.

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1 CHAIRMAN AIZENSTAT: Tuesday, the 17th,
 2 everybody okay with that?
 3 Tuesday, the 17th, Jill.
 4 MS. GARCIA: And to clarify, that will be
 5 at the Police and Fire Headquarters.
 6 CHAIRMAN AIZENSTAT: That is correct.
 7 MS. KAWALERSKI: Mr. Chair, can I just
 8 bring up one thing real quickly? You know how
 9 we go about -- you know, we approve things and
 10 then we say, "Oh, Mr. Koller, you know, put
 11 that altogether," and we never see the finished
 12 project. We never see what that thing is that
 13 goes to the Commission, like the caveat, like
 14 the motions approved.
 15 Like on the Med Bonus stuff, Mr. Koller was
 16 going to put together something that says,
 17 "Hey, we recommend that we meet again regarding
 18 the process."
 19 MR. KOLLER: No. First of all, I don't do
 20 the -- I let them handle the motion, and they
 21 go back and look at the record. With regard to
 22 that, there was a --
 23 MS. GARCIA: Yes, we mentioned the two
 24 recommendations in the Staff report for the Med
 25 Bonus, like we do for any other recommendation

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1 that we have a project that has an item --
 2 MR. KOLLER: But they're not seeing the
 3 Staff report. Is it possible that you could
 4 send that --
 5 MS. GARCIA: Sure.
 6 MS. KAWALERSKI: Right. That's my
 7 question. If we can see what goes to the
 8 Commission, so we can look and say, "Wait a
 9 minute. That's correct. Or wait a minute,
 10 that's not what we talked about" or whatever.
 11 If we could just get that, as part of our
 12 minutes packages, you know, when you send out
 13 the minutes, so that we can see what that thing
 14 looks like.
 15 Because, for example, I called my
 16 Commissioner, who appointed me, and she knew
 17 nothing about this Med Bonus, we want to have
 18 another meeting to discuss the process. She
 19 knew nothing about it. So how does that not
 20 get through to the Commission, after we say,
 21 "Please ask the Commission if we can proceed
 22 with this?"
 23 MS. GARCIA: I mean, it was mentioned in a
 24 paragraph, in the cover memo. I don't meet
 25 directly with the Commissioners to point out

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1 things. I rely on my --
 2 MS. KAWALERSKI: Okay. All I'm saying is,
 3 there should be something a little bit more
 4 formal than a line in a document -- they're not
 5 going to know to look for that thing, and as a
 6 result that's going to fall through the cracks
 7 and we talked at length at the last meeting
 8 about the process.
 9 MS. GARCIA: Yeah. So that item was
 10 deferred from Tuesday. It was part of the
 11 PowerPoint presentation, to really emphasize
 12 the fact that they recommended approval, and
 13 they also recommended that they discuss the
 14 process and the concerns with them.
 15 Unfortunately, we didn't get that discussion
 16 item on Tuesday, right, but it's part of -- I
 17 mean, I don't know --
 18 MR. KOLLER: Can you share the PowerPoint
 19 with them so they see what --
 20 MS. GARCIA: Of course.
 21 MR. KOLLER: It wasn't presented, because
 22 it was deferred.
 23 MS. KAWALERSKI: Right, it was deferred.
 24 MR. PARDO: Actually, it wasn't reading the
 25 minutes. It was actually a motion that carried

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1 six to zero after Robert had to leave.
 2 MS. KAWALERSKI: Right.
 3 MS. GARCIA: Right.
 4 MR. PARDO: So, you know, it's important,
 5 because it was an important issue, that was
 6 carried on from the very beginning, and the
 7 reason I voted against the motion -- the first
 8 part of the motion, and then Mr. Koller, you
 9 know, through his wisdom, he said, "Well, you
 10 could can do this," and we did it and we
 11 approved that six to nothing. So it's a big
 12 deal.
 13 MR. KOLLER: Well, first of all, I agree.
 14 It was in the transcript. I thought I saw it
 15 as -- it was somewhere in our back and forth
 16 e-mails about how it was going to be stated.
 17 MS. GARCIA: Right. So it's in the cover
 18 memo, like I said. That's the mechanism that I
 19 have to give to the Commission. It's not a
 20 standalone resolution, as an additional exhibit
 21 to the Commission.
 22 MS. KAWALERSKI: All I'm saying --
 23 MR. KOLLER: It was in the memo to the
 24 commission exactly -- well, you know, it wasn't
 25 exactly, but it was -- it paraphrased, in

1 (Thereupon, the meeting was adjourned at 9:11
 2 p.m.)
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1 accordance with what you wanted, was a
 2 different process for how this would be
 3 handled.
 4 MS. KAWALERSKI: I got you, but can we see
 5 that? Can that be included when you schedule
 6 the meetings, "Hey, here's how that looks like
 7 in writing, what you guys discussed," because a
 8 lot of these things are falling through the
 9 cracks.
 10 MR. SALMAN: You're saying that it was
 11 deferred, so they haven't --
 12 MS. GARCIA: Right. So we haven't
 13 presented it. We haven't explained the
 14 concerns with the process. I haven't gotten to
 15 that whole conversation.
 16 MS. KAWALERSKI: As long as we know -- like
 17 I said, just so we can see it in writing that
 18 it happened.
 19 MS. GARCIA: Okay.
 20 CHAIRMAN AIZENSTAT: Four minutes to
 21 adjourn. Any other comments?
 22 MR. SALMAN: Motion to adjourn.
 23 MR. GRABIEL: Second.
 24 CHAIRMAN AIZENSTAT: All in favor say aye.
 25 (All Board Members voted aye.)

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 25th day of November, 2024.
 17
 18
 19 
 20 -----NIEVES SANCHEZ-----
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 23
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