

1 THE SECRETARY: Felix Pardo?
 2 MR. PARDO: Yes.
 3 THE SECRETARY: Gonzalo Sanabria?
 4 MR. SANABRIA: No.
 5 THE SECRETARY: Ignacio Alvarez?
 6 MR. ALVAREZ: Yes.
 7 THE SECRETARY: Alice Bravo?
 8 MS. BRAVO: Yes.
 9 THE SECRETARY: Alex Bucelo?
 10 MR. BUCELO: Yes.
 11 THE SECRETARY: Nestor Menendez?
 12 MR. MENENDEZ: Yes.
 13 THE SECRETARY: Robert Behar?
 14 MR. BEHAR: Yes.
 15 Last item, E-5.
 16 MR. COLLER: E-5, an Ordinance of the city
 17 Commission providing for text amendments to the
 18 City of Coral Gables Official Zoning Code by
 19 amending Section 3-200, "Principal Uses";
 20 amending Section 3-201, "Group Homes, Assisted
 21 Living Facilities, and Child Care Facilities,"
 22 to clarify statutory capacity and licensing
 23 requirements; adding Section 3-202, "Certified
 24 Recovery Residences," to establish procedures
 25 for review and approval consistent with state

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1 and federal law; amending Article 16,
 2 "Definitions," to add definitions for "Adult
 3 Day Care Center," "Certified Recovery
 4 Residence," "Dwelling Unit," and "Group
 5 Residential Home"; providing for a repealer
 6 provision, severability clause, codification,
 7 and providing for an effective date.
 8 Item E-5, public hearing.
 9 MR. SOUTHERN: All right. Good evening
 10 again, Vice Chair, Planning Board Members, out
 11 last proposed text amendment for the night.
 12 As Mr. Coller just read, this proposed
 13 ordinance establishes a regulatory framework
 14 for certified recovery residences, which is
 15 currently -- this would be in full alignment
 16 with Section 397.487 of the Florida State
 17 Statutes, which was just amended this year, in
 18 Chapter 2025-182, the Fair Housing Amended Act,
 19 which was originally enacted in 1988.
 20 So this legislation is a requirement by the
 21 State, that by January 1st of 2026, all
 22 municipalities adopt procedures for review and
 23 approval of Certified Recovery Residences,
 24 including processes for reasonable
 25 accommodations and prohibition for revocation,

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1 if necessary.
 2 So, to briefly kind of give everybody a
 3 little bit of information and definition of
 4 what a Certified Recovery Residence is, as it
 5 is currently defined under Florida State
 6 Statute 397.487, "A dwelling unit or structure
 7 that provides a family-like living environment
 8 for persons recovering from substance use
 9 disorders. These residences emphasize peer
 10 support and shared accountability to maintain
 11 sobriety and do not provide -- and do not
 12 provide on-site medical treatment,
 13 detoxification or clinical counseling. Homes
 14 with six or fewer residents, excluding on-site
 15 Staff, are treated as single-family uses.
 16 Larger homes, with seven to fourteen residents,
 17 must comply with all State licensing, spacing
 18 and siting requirements, with the reasonable
 19 accommodations available, through a clear
 20 timely review process. Approvals may be
 21 revoked, if certification is lost and
 22 conditions are violated or the residence ceases
 23 operation for more than 180 days, consecutive
 24 days, with notice and opportunity for curing
 25 the situation."

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1 So the proposed ordinance also updates
 2 local -- City of Coral Gables definitions of
 3 group residential home, dwelling unit, and
 4 adult day care center, to assure consistency
 5 with current State laws. So when drafting
 6 these provisions, the Planning and Zoning Staff
 7 reviewed best practices from multiple other
 8 jurisdictions within the State of Florida that
 9 are currently going through the exact same
 10 process. The Town of Orchid; here in
 11 Miami-Dade County, the Town of Cutler Bay,
 12 Seminole County, they have already gone through
 13 this approval process, and quite honestly, the
 14 framework was looked at, in all of these.
 15 This chapter, 2025-108, is -- more or less
 16 gives all of these requirements that is
 17 required by the State. Some municipalities or
 18 counties, they've just basically cut and paste
 19 the Senate Bill, and they've just went ahead
 20 and they've just added it into their code.
 21 We've tried to make it as simplified as
 22 possible, and just make sure that we just
 23 follow the basic framework.

So if you have any questions --

MR. BEHAR: Is this something that the

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1 State is mandating or --
 2 MR. SOUTHERN: Yes. Yeah, for all counties
 3 and municipalities, yes.
 4 MR. BEHAR: So this is very similar to when
 5 the State mandated that all ALF had to provide
 6 generators as a backup, generators?
 7 MR. SOUTHERN: I don't know about that,
 8 but --
 9 MR. BEHAR: Is that a law that became, that
 10 we have to follow this?
 11 MR. SOUTHERN: This is State mandated, yes.
 12 MR. COLLIER: Well, like Live Local. It's a
 13 State mandate.
 14 MR. BEHAR: Okay. Any public -- I'm going
 15 to open it up to the public comments. Seeing
 16 none, close the Chamber.
 17 Anybody on Zoom or the phone?
 18 THE SECRETARY: No.
 19 MR. BEHAR: Close that, too.
 20 Bring it up to the Board. Who wants to
 21 start with any comments?
 22 MR. SANABRIA: Mr. Chairman --
 23 MR. BEHAR: You want to start? Go ahead.
 24 MR. SANABRIA: Thank you.
 25 I read this whole thing, and principally,

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1 I'm not against it. I just have one comment,
 2 that deals with the national right of quiet
 3 enjoyment. The right of quiet enjoyment says
 4 that you're allowed to live a life free of a
 5 lot of things, and one of the things is safety.
 6 We have neighbors that could be next to one
 7 of these houses, and there's no safety
 8 mentioned here. There's no background on who
 9 are the people living in those residences, and
 10 it should be inserted, that we have a right to
 11 look at who's actually going to be living
 12 there, and if they have a criminal record, God
 13 forbids something happens, then how are we
 14 going to look, because this ordinance went
 15 through, and then somebody committed something
 16 that is unspeakable?
 17 And I don't understand why safety -- the
 18 word, safety, is not included in this language,
 19 the safety of not just the residents in that
 20 facility, but the safety of the neighbors and
 21 the community as a whole. So I would like to
 22 add that word, safety, and a background check,
 23 in the verbiage of the ordinance. If you will
 24 allow me to do that, I will be happy to do
 25 that.

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1 MR. BEHAR: Okay.
 2 MR. COLLIER: I think that's problematic.
 3 The State of Florida has said that these are
 4 supposed to be treated like residential units.
 5 Whether we like it or not, you're not checking
 6 a residential -- somebody who resides in a
 7 home, you don't get a criminal background
 8 check, and I completely understand and
 9 sympathize with your concerns about this, but
 10 the State has made a mandate that we're not
 11 going to treat these people that are -- that
 12 have an addiction, which they view as a
 13 disease, we're not going to treat them
 14 differently than the guy next door.
 15 MR. SANABRIA: That's fine.
 16 MR. COLLIER: And so I think this would be
 17 contrary to the State law on requiring
 18 background checks on all of the residents. I'm
 19 not saying it's not -- a bad idea --
 20 MR. BEHAR: I tend to agree, I mean, but I
 21 don't know if we could limit that. I wish we
 22 could. I don't think we -- legally we have the
 23 right to do that. You know, if my neighbor --
 24 somebody buys the house next to me, I cannot,
 25 you know, mandate for them to do a criminal

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1 record. So, as much as I would like to agree
 2 with you, I don't know if we -- legally we
 3 could do it.
 4 MR. COLLIER: I don't believe that we can do
 5 that.
 6 MR. BEHAR: Okay. All right. Let's go
 7 through the comments.
 8 MR. COLLIER: But I think that you should
 9 speak with your State Legislature and might
 10 want to make a suggestion for amendment under
 11 State law, if you feel strongly that way.
 12 MR. BEHAR: Okay.
 13 Okay. Let's go to Ignacio. You're the
 14 attorney here today.
 15 MR. ALVAREZ: I've got one question.
 16 Generally, I get the point that the State is
 17 mandating this, but D1, A and B --
 18 MR. BEHAR: Speak into the mic, Ignacio,
 19 please.
 20 MR. ALVAREZ: I'm sorry, D1, A and B,
 21 talking about Planning and Zoning has to review
 22 each one of these applications. What does it
 23 mean that, whether the requested accommodation
 24 is reasonable and necessary to afford equal
 25 housing opportunity? What does equal housing

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1 opportunity mean?

2 MR. SOUTHERN: As defined by the State, you
3 know. I mean, that's -- I think, as Craig is
4 saying, as well, is that equal -- you know,
5 where Federal anti-discrimination protections,
6 I think, would, you know, provide fair
7 consistent housing.

8 MR. ALVAREZ: Is it your department
9 reviewing each one of these applications?

10 MR. SOUTHERN: That's how -- with the City
11 Manager, that's correct.

12 MR. ALVAREZ: Okay. So what does A, equal
13 housing opportunity, mean, and then, what is
14 undue financial administrative burden on the
15 City mean?

16 MR. COLLIER: Well, these are --

17 MR. SOUTHERN: Let me take you down -- if I
18 can, down to, "City Manager or designee may
19 consult with appropriate departments or
20 external professionals and may conduct any kind
21 of site analysis necessary."

22 MR. ALVAREZ: Listen, I'm putting my
23 attorney hat on, because I know every single
24 person here is going to have a different
25 definition for that, and if we don't define

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1 that, then you're going to give me more money
2 in my account, because there's going to be
3 lawsuits coming that on that.

4 MR. MENENDEZ: I second that.

5 MR. ALVAREZ: And I know we can't change
6 this, but, at a minimum, I think A and B needs
7 to be better defined.

8 MR. COLLIER: I think that was taken
9 directly out of the State law, was it not?

10 MR. SOUTHERN: Yeah, this is verbatim.

11 MR. MENENDEZ: Well, then maybe the State
12 law needs to better define it.

13 MR. COLLIER: Which is actually -- we sent
14 over -- this has to be -- in theory, I don't
15 know what happens if you don't do it, but it
16 has to be done by January 1. Every other
17 jurisdiction, I think, we've looked at, they've
18 basically taken these definitions in whole.

19 MR. SOUTHERN: Right.

20 MR. BEHAR: I understand, and the State law
21 is not -- here, I think we're all going to be
22 in consensus, that this is not going in the
23 right direction. Yeah, we've got to do
24 something about this, because if I have, you
25 know, an attorney, a Board Member, saying that

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1 this is going to open it up for a lot of
2 lawsuits, right, we --

3 MR. COLLIER: Well, I think, if you deny
4 it --

5 MR. BEHAR: Forget about that, I'm in
6 agreement with Gonzalo, that, listen, I want to
7 know -- I can't do a background check, but I
8 want to know who's going to go in there. This
9 is --

10 MR. ALVAREZ: Listen, I was a police major
11 with the Miami-Dade Sheriff's Office, and I had
12 one of these locations in my district, and we
13 had 300 calls a year. So does that mean that
14 it's going to be an undue financial
15 administrative burden on the City? There has
16 to be, I guess, call it a commentary -- I'm
17 sorry, there has to be, call it a commentary or
18 whatever, but we need to add definitions to
19 these, that -- and I'm sorry, I never caught
20 your name -- but that individual and/or the
21 City Manager can make a determination.

22 MR. PARDO: I'd like to add something from
23 my recent experience. I saw this debate
24 somewhere else, public hearing, full
25 Commission, and it did not go well. The reason

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1 is, the amount of Code Enforcement calls, the
2 amount of police calls, it was ridiculous. So
3 I'm watching this, it looked -- it really
4 didn't look good. And they used a key word,
5 this is a business model that got pushed in
6 Tallahassee, it's a business model.
7 Unfortunately, there is a need. If you have
8 elderly parents, you want them to be in a group
9 home, where they could be looked at, bathed,
10 all of these things. I understand that.

11 The problem is that, normally, when you
12 look at these things, too, you also have
13 visitor parking. You have employee parking. A
14 single-family home, in this particular area,
15 you had to take it to another type of zoning,
16 and we don't have that. It's been, you could
17 put it in any single-family property, next to
18 anyone, and you're going to have people
19 blocking your driveway, parking in the street.
20 And the other thing is, most of our
21 single-family homes are on septic. Now you
22 have six adults, and then you have the
23 employees -- and by the way, sometimes you have
24 certain requirements for -- financial
25 requirements, to comply with AHCA, and AHCA

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1 requires that you have to have a certain amount
2 of employees 24/7 on those homes.

3 You've just destroyed a neighborhood, and
4 you're talking about a neighborhood, here, in
5 Coral Gables, where if you want to rent a
6 house, you can't put it as an Airbnb here. You
7 have to have a minimum of a six-month lease.
8 So the ramification, I would think, is that you
9 should be able to refine -- comply with the
10 State law, but add certain things, which
11 address the concerns of people that are going
12 to be living now next to not a single-family
13 residence, a family, let's say, but more of a
14 transient type of thing, how is that possible?

15 We're not doing a good job in adding a
16 performance type of restrictions, not a use
17 restriction, which is, I think, what can't be
18 defined -- or can't be defended legally, but
19 you can add the performance one, you know. So
20 you have to have a carrot and a stick.

21 MR. COLLIER: Well, I'm not disagreeing with
22 any of this. I'm just telling you what's
23 required under State law. And a group home, by
24 the way, and it's a different term now, I
25 always forget the new term, but allowing six

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1 adults in a single-family home, has been the
2 law for years.

3 MR. PARDO: Right.

4 MR. COLLIER: For years. They've introduced
5 this recovery residence, and they see this as
6 just another disability, as if -- and I'm not
7 commenting whether it's true or not true.
8 They're saying recovery residence is just
9 another disability, like needing a group home
10 for six adults, who are not physically able to,
11 you know, eat and function on their own. So
12 they just see it as just another disability.

13 MR. PARDO: But most of those people can't
14 drive, and they're driven there, and they're
15 dropped off and they live there, but depending
16 on what type of use, within the uses, then it
17 becomes a burden. You know, just imagine,
18 you're in the North Gables area, with
19 fifty-foot lots, and someone came in and now
20 they've bought three, four homes, one right
21 after the other. It will alter that
22 neighborhood forever.

23 MR. COLLIER: Well, all of the laws that are
24 related to single-family, I don't think you're
25 allowed parking of ten, twelve cars on a

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1 single-family home. You'd be -- all of the
2 laws that are associated with single-family are
3 also associated to any other use.

4 MR. BEHAR: But, in some areas, let's say,
5 the North Ponce area, you could park on the
6 street and nobody says you can't, you know.

7 MR. COLLIER: Well, that's true. That's
8 true.

9 MR. BEHAR: I mean, listen, let's go
10 through this, but this is going to be one of
11 those that --

12 MR. COLLIER: This is one of these, you
13 can't fight City Hall, but the City Hall is the
14 Florida Legislature, who has taken it upon
15 itself to preempt local government for many
16 things. They feel -- I'll get on my high
17 horse, because it's upsetting, but the Florida
18 Legislature feels that they do a better job of
19 zoning and land use than local government.

20 MR. BEHAR: Nestor, any comments from you?

21 MR. MENENDEZ: Yeah. I just want to
22 reiterate what Ignacio said. You know, my
23 concern is, where it says, "Reasonable and
24 necessary and impose undue financial
25 administration." Those are review terms. My

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1 fear is that, the reviewer could be very
2 subjective and we could adopt this language,
3 and we're preempted, and I agree, I think the
4 intent is there, but the way it reads, the City
5 Manager or the designee could find none of the
6 applications reasonable and necessary. I mean
7 is that right, Craig?

8 I mean, obviously there would be a
9 challenge --

10 MR. COLLIER: Obviously, then there's going
11 to be an appeal or a challenge.

12 MR. MENENDEZ: Right, but the way it reads,
13 I mean, they could deny every application.

14 MR. COLLIER: They could, and it might be
15 problematic.

16 MR. MENENDEZ: Yeah. Yeah. So, I mean,
17 look, it's either good for the plaintiffs'
18 lawyers or good for the -- you know, but --

19 MR. COLLIER: Well, as long as the lawyers
20 are taken care of, that's all that's important,
21 right?

22 MR. MENENDEZ: No, but that's the only
23 concern that I have, that, you know, it -- it's
24 a bit subjective to the person doing the
25 reviewing, and my fear is that, you have an

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1 overzealous -- and I'm not saying that the City
2 Manager, by no means, is overzealous, or the
3 designee, they could just either approve every
4 application or deny every application, the way
5 it reads right now, correct?

6 MR. COLLIER: Well, I don't think they can
7 do it with unbridled discretion.

8 MR. BEHAR: Arbitrary.

9 MR. COLLIER: They have to look at the
10 purpose of the law and what it's designed to
11 do.

12 MR. SOUTHERN: So we've got it specifically
13 indicated in here where conditions can be
14 applied upon approval, and within that -- you
15 can revoke the approval, as well, and that's a
16 whole process, that Subsection G, as well, if
17 one of these conditions of approval has been
18 broken or it's inconsistent. There's that
19 process, as well. So I'm just --

20 MR. SANABRIA: Mr. Chair --

21 MR. COLLIER: And I think we're going to see
22 a lot of cases come out of this, because it
23 becomes live on January 1, and we're going to
24 see what happens, because this has to be
25 adopted throughout the State of Florida.

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1 MR. BEHAR: Alex, do you have any --

2 MR. BUCELO: I echo my colleagues'
3 concerns, but it is what it is.

4 MR. BEHAR: Alice.

5 MS. BRAVO: I have a question.
6 Procedurally, if an application is denied, who
7 would the appeal go to?

8 MR. SOUTHERN: So if the application is
9 denied, it must be within writing and state the
10 basis for the denial. The written
11 determination shall also advise the applicant
12 of any right to appeal.

13 (Simultaneous speaking.)

14 MS. BRAVO: Who does the appeal go to?

15 MR. BEHAR: No, who reviews it.

16 MR. MENENDEZ: Who reviews the appeal?

17 MS. BRAVO: Does it go to court? Does it
18 go to the City Commission?

19 MR. MENENDEZ: Does it go to Tallahassee?

20 MR. BEHAR: Commission.

21 MR. COLLIER: Well, they might -- I thought
22 there was a review of a decision of a --

23 MS. GARCIA: Staff appeal, yeah. So it
24 would go to the Board of Adjustment.

25 MR. COLLIER: It goes to the Board of

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1 Adjustment?

2 MS. GARCIA: Yes.

3 MR. COLLIER: It goes to the Board of
4 Adjustment.

5 MR. PARDO: Mr. Chairman, he said that the
6 larger homes -- what is the definition of the
7 larger home?

8 MR. SOUTHERN: The seven to fourteen
9 residents?

10 MR. PARDO: No. No. I mean, what's a
11 smaller home, compared to a larger? Is it
12 based on square footage of the actual residence
13 or is it based on the lot size? What is it
14 based on?

15 MR. SOUTHERN: So how I understand it, the
16 smaller home is only for living. There is no
17 kind of rehabilitation. There is no kind of
18 medical treatment. Anything within that site,
19 on either one of these, but the smaller one is
20 six or less residents in that dwelling unit.

21 MR. PARDO: And the larger one is how many
22 residents?

23 MR. SOUTHERN: It goes from seven to
24 fourteen residents.

25 MR. PARDO: Again, that's an apartment

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1 building. That's a small apartment building.

2 MR. BEHAR: Right.

3 MS. BRAVO: Another question --

4 MR. PARDO: And there's no definition of
5 larger or smaller.

6 MR. SOUTHERN: All of that is within the
7 State Statutes.

8 MR. PARDO: I understand what you're
9 saying, seven compared to fourteen. I'm just
10 asking, what's larger and what's smaller? Is
11 it 2,000 square feet or is it 5,000 square
12 feet?

13 MR. SOUTHERN: I don't know.

14 MR. PARDO: So, in other words, are the
15 ones that have seventeen residents going to be
16 all where the larger homes are in the South
17 Gables?

18 MR. BEHAR: We're going to put it in
19 Snapper Creek, next to the conservation area.

20 MR. COLLIER: I think the seven to fourteen
21 has been the law; is that right?

22 MR. SOUTHERN: Yes. That's correct.

23 MR. COLLIER: And all we did was just update
24 our Code.

25 MR. BEHAR: Let me get Gonzalo. Any other

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comment, Gonzalo, before we --

MR. SANABRIA: Yes, I do. I have a very significant comment, in the sense that, let's say that Alex's house next door is approved for 16 plus people. You're going to have ambulances. You're going to have 24/7. You're going to have sirens. So you're right -- Alex, your right of quiet enjoyment is going to be severely curtailed, as a neighbor, and in that sense, and Iggy Alvarez also mentioned it, too, is a concern.

I know it's State mandated, so we're going to have to swallow the hook and the bait, but necessarily, I think that we should have certain measures to protect our community against these types of activities within our communities. So I am for denial or I'm for deferment, whatever you want, but just for a blanket approval of this -- I mean, why are we here? Everything here has to be approved by us.

MR. BEHAR: But this is no different than the Live Local.

MR. COLLIER: I think there's a correction on the seven to fourteen concern.

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MR. SANABRIA: Sixteen.

MR. SOUTHERN: Seven to Fourteen. So the six or less, as I think Mr. Pardo was mentioning earlier, that's only within that single-family component. That is what's actually -- so any larger home -- and you're right, it would be more of a multi-family area.

Now, the State has very specific licensing, spacing requirements, one of them being a thousand foot radius --

MR. PARDO: I want the Board Members to understand, if you throw in AHCA, you have to have --

MR. BEHAR: But this would not qualify, because, AHCA, you need hallways to be eight-foot hallways and you need --

MR. PARDO: No. No. No. No. There's a care mandate within AHCA based on the amount of patients. So, in other words, for every I think it's five or six, you have to have one employee.

MR. BEHAR: Yeah, full-time staff member.

MR. PARDO: Right. But the full-time is 24 hours. So you really have three employees. So, in other words, you've got one car. One

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car leaves, one car in, and all of that.

You're not counting, again, you want to go see your dad that's in --

MR. BEHAR: Listen, I hear you.

Alice had one more question before we --

MS. BRAVO: I wanted the answer to the original question, who the appeal goes to.

MR. COLLIER: Well, it goes to the Board of Adjustment, right, but the six or less recovery residence, there's no treatment.

MR. SOUTHERN: Right, no treatment whatsoever.

MR. COLLIER: No treatment whatsoever, so the AHCA doesn't really apply. You're not going to have employees.

MR. PARDO: I'm telling you, for a fact, I know that it applies in the amount of care, per the amount of patients. I know that for a fact.

MR. COLLIER: Right, but this State law says there's not supposed to be --

MR. SOUTHERN: So I can read it, if that will help.

MR. COLLIER: Yes, why don't you read it.

MR. SOUTHERN: "The residences emphasize

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peer support and shared accountability to main sobriety, and do not provide any on-site medical treatment, detoxification or clinical counseling on-site."

MR. COLLIER: So peer support are the other people that are in that home.

MR. SOUTHERN: Correct. So whoever is living there, they're supposed to help them be sober, you know --

MR. PARDO: No. Yeah, but that's the sober part, but like the assisted living facility, you know, the ACL (sic) --

MR. SOUTHERN: That's a different kind of group residential home.

MR. PARDO: That's correct.

MR. SOUTHERN: That's less than 24 hours. This would be more of the 24 hours. Assisted, yeah --

MR. PARDO: All right.

MR. BEHAR: Do we -- I'm going to close the Board discussion. Do we -- I will entertain a motion.

MR. BUCELO: I have a motion to approve.

MR. ALVAREZ: Can we add a commentary to that?

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MR. BEHAR: We have a motion. We have a second --

MR. MENENDEZ: I'll second.

MR. BEHAR: You could add an amendment, you know, to that.

MR. ALVAREZ: I want to add a commentary, to better define D1, A and B, because it's going to give us problems.

MR. BUCELO: Could that be an issue?

MR. COLLER: Well, I think the -- we certainly can take a look at it, but I think that we're -- there's a State law provision providing for reasonable accommodations. That's the problem. And what's reasonable is based on a --

MR. ALVAREZ: I briefly looked and it wasn't in there, I could be wrong, but if the office making that determination doesn't have an answer, there has to be something -- a criteria it has to be connected back to, where the person reviewing the application can say, "Okay. Affordable equal housing opportunity, the State Statute explains this like this, this is what we're going to say." The same thing for, when does it become an undue financial

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and/or administrative burden. There has to be -- that has to be connected to something. So that's my commentary. Just add it in as a commentary.

MR. BEHAR: And I agree and I think -- I mean, I don't know if some of Gonzalo's comments could be added, how -- without creating discrimination. That's a tightrope that we're walking.

MR. COLLER: That's the issue.

MR. ALVAREZ: With Mr. Bucelo's permission, I would like to add that.

MR. BEHAR: A friendly amendment.

MR. BUCELO: Yeah, I agree. Yes.

MR. MENENDEZ: I second that.

MR. PARDO: Because, all of a sudden, you could have half a dozen, you know, fire rescue calls there.

MR. COLLER: Well, if that's the case, it becomes a nuisance, then --

MR. ALVAREZ: But what is a nuisance, 100 calls, 200 calls, 300? What's a nuisance?

MR. COLLER: Well, I can tell you that those decisions are made every day, either by a nuisance Abatement Board or by a determination.

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MR. ALVAREZ: But we're not there yet. We're at his office.

MR. COLLER: Right. We're not at that yet, but he can make a determination that what's --

MR. SOUTHERN: Well, I don't know if this helps or not, but conditions can be applied to an application, and that could definitely be defined.

MR. ALVAREZ: If you don't have a guide to go by, the attorneys are going to become rich, because there's going to be attorneys suing on both sides, and especially when they move in next to an attorney. There's going to be attorneys suing on both sides.

MR. SANABRIA: If I may just tell one comment. Have you seen those Leon Medical vans? Have you seen those Leon green medical vans --

MR. BEHAR: Stopping in front of those houses.

MR. SANABRIA: They're going to be circling right there all of the time picking up the patients. That's how they get their monies that they give to the doctor. If the facility is not providing medical help there, believe

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me, all six of them will have vans. They'll get picked up, ambulances. It's going to be a mess.

MR. MENENDEZ: Let me ask you something, Craig, any amendment to the language of what Ignacio is suggesting -- definition, meaning, not amending, but just defining those terms, are we preempted by the State to define that?

MR. COLLER: I mean, you could add criteria which would determine whether someone is out of compliance with the single-family home, if there's undue calls for service, if -- but, basically, that's what a nuisance is, and the term nuisance is found to be sufficient.

MR. MENENDEZ: And if there's enough nuisances, it would qualify for revocation?

MR. COLLER: Yes. They can be revoked.

MR. MENENDEZ: I think that resolves -- I mean, if you say --

MR. COLLER: I mean, in the event that this facility becomes a nuisance, it would be revoked.

MR. BEHAR: Listen, the problem here is that we have a gun to our head, that the State is putting on us.

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1 MR. SANABRIA: Exactly.
 2 MR. MENENDEZ: Right. I think we need to
 3 pass this.
 4 MR. ALVAREZ: We need to pass it, but with
 5 that commentary, let the Commission deal with
 6 it.
 7 MR. MENENDEZ: Yeah. I agree.
 8 MR. COLLER: I think you could pass and
 9 say, you have an extreme concern that these
 10 things could become nuisances and they need to
 11 be carefully watched.
 12 MR. ALVAREZ: I think we have extreme
 13 concern that this language doesn't have
 14 definitions. One being that they can become a
 15 nuisance. Another thing, it could be equal
 16 housing -- Board of Adjustments, how are they
 17 going to decide?
 18 MR. PARDO: What is the function of the
 19 Board of Adjustment in this particular case,
 20 because, normally, when they have cases that
 21 come up, they're for variances, which have to
 22 -- the applicant has to prove a hardship, and
 23 it can't be a self-imposed hardship?
 24 MR. COLLER: This would not be a hardship,
 25 but -- see, we don't know -- I can't know what

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1 the City Manager's decision will be and why he
 2 chose to deny it. I don't know -- I can't
 3 envision now. So you're asking me, what would
 4 be the Board of Adjustment --
 5 MR. PARDO: What is the criteria for the
 6 Board of Adjustment?
 7 MR. COLLER: Well, the question is, was the
 8 City Manager reasonable in denying this
 9 location, this facility?
 10 MR. ALVAREZ: What's the definition of
 11 reasonableness? Are you going to bring in
 12 every single City Manager in and see how they
 13 define it?
 14 MR. COLLER: Well, reasonableness has been
 15 in the law for many years, whether somebody
 16 exercised reasonable care. That's a negligence
 17 standard. Did the driver, who hit another
 18 vehicle, did they exercise reasonable care, and
 19 that's based on a reasonable man -- well, now,
 20 a reasonable person standard.
 21 MR. MENENDEZ: Right, but that's the thing.
 22 Since it's a new law, there's no case law to
 23 define what would be considered reasonable. So
 24 we're kind in new territory here.
 25 MR. COLLER: This is called uncharted

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1 waters.
 2 MR. MENENDEZ: Yeah. We're just going to
 3 have to go forward and let the chips fall where
 4 they may.
 5 MR. PARDO: Mr. Chairman, I still don't
 6 have --
 7 MR. ALVAREZ: I know this is going to be
 8 quoted --
 9 MR. BEHAR: Hold on. Hold on. One at a
 10 time, please. She cannot take all. One at a
 11 time.
 12 Felix, please.
 13 MR. PARDO: I have a question, which has to
 14 do with the Board of Adjustment. The Board of
 15 Adjustment is now serving as an appeal process
 16 for the Manager's decision?
 17 MS. GARCIA: I believe that it would be a
 18 decision -- an appeal of a decision of City
 19 Staff, and the Board of Adjustment does review
 20 the appeals, which we never get, but --
 21 MR. PARDO: But the Board of Adjustment
 22 does not have that type of power in their
 23 authority. I sat on the Board of Adjustment
 24 two different times. It's doesn't have that.
 25 It's for granting variances, not for appealing.

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1 Normally appeals happen at the level of the
 2 Commission.
 3 MS. GARCIA: So they would appeal the Board
 4 of Adjustment and go to the Commission, but
 5 14-208.4, any appeal of Staff -- City Staff,
 6 goes to the Board of Adjustment, or Historic
 7 Board, if it's a historic preservation
 8 decision. Any appeal of Staff goes to Historic
 9 -- sorry, goes to the Board of Adjustment.
 10 MR. MENENDEZ: That's in the Code, right?
 11 MS. GARCIA: It's in the Code today, yes.
 12 That's not being changed.
 13 MR. COLLER: I think we can certainly take
 14 a look --
 15 MS. GARCIA: It has not happened very
 16 often, Mr. Pardo.
 17 MR. PARDO: Well, you know, like I said, I
 18 sat on the Board twice --
 19 MR. COLLER: We can look at it. I would
 20 suggest that maybe one of your comments would
 21 be, consider an alternative process for appeals
 22 of decisions of the City Manager.
 23 MR. BEHAR: We have a motion and a second
 24 and we have some friendly amendment to those.
 25 MR. BUCELO: Yes, and those have been

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1 adopted.
 2 MR. BEHAR: Okay.
 3 MR. PARDO: I'm just -- what I'm trying to
 4 do is just get to the point, so we don't box
 5 ourselves in to something that can't be done.
 6 I think, the Board of Adjustment, their
 7 authority has to be increased to be able to
 8 hear an appeal for a different type of
 9 decision, that doesn't exist at this particular
 10 time. That's all I'm saying, if you want to
 11 tie it up tightly.
 12 MR. BEHAR: All right. So we have a motion
 13 and a second, friendly amendment.
 14 MR. BUCELO: Call the roll.
 15 THE SECRETARY: Gonzalo Sanabria?
 16 MR. SANABRIA: Could you define the
 17 friendly amendment? What is the friendly
 18 amendment?
 19 MR. ALVAREZ: The friendly amendment --
 20 MR. BEHAR: The friendly amendment is, the
 21 maker of the motion accepted the comment that
 22 was the -- typically it's called a friendly
 23 amendment.
 24 MR. SANABRIA: What is the comment?
 25 MR. ALVAREZ: Basically it's to give

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1 definition to D1A and D1B.
 2 MR. SOUTHERN: Subsection D, Review and
 3 Determination.
 4 MR. BUCELO: Yes, that's correct.
 5 MR. ALVAREZ: So they can give better
 6 criteria for the group selecting each
 7 application or approving each application.
 8 MR. SANABRIA: No.
 9 MR. BUCELO: He voted no.
 10 MR. BEHAR: Okay. No. Next.
 11 Jill?
 12 THE SECRETARY: Mr. Sanabria, you said, "No"?
 13 MR. SANABRIA: Yes. No.
 14 THE SECRETARY: No, okay.
 15 MR. SANABRIA: Yes. I said, "No."
 16 THE SECRETARY: Ignacio Alvarez?
 17 MR. ALVAREZ: Yes.
 18 THE SECRETARY: Alice Bravo?
 19 MS. BRAVO: Yes.
 20 THE SECRETARY: Alex Bucelo?
 21 MR. BUCELO: Yes.
 22 THE SECRETARY: Nestor Menendez?
 23 MR. MENENDEZ: Yes.
 24 THE SECRETARY: Felix Pardo?
 25 MR. PARDO: I have many concerns. I'm

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1 going to vote, yes, and leave it up to the
 2 Commission.

3 THE SECRETARY: Robert Behar?

4 MR. BEHAR: I agree with Felix. Exactly.
 5 I'm going to vote, yes, but I have a lot of
 6 concerns. Let the Commission make -- the
 7 motion passes six to one. That's it.

8 MR. SANABRIA: Mr. Chairman, I'd like to
 9 retract my no vote and make an affirmative yes
 10 vote at this time.

11 MR. BEHAR: Okay. Noted.

12 MR. MENENDEZ: Unanimous.

13 MR. BEHAR: Okay. So no discussion item.
 14 Do we have a motion to adjourn?

15 MR. BUCELO: Motion.

16 MS. BRAVO: Second.

17 MR. MENENDEZ: Second.

18 MR. BEHAR: All in favor?

19 (The Board Members voted aye.)

20 (Thereupon, the meeting was concluded at 8:35

21 p.m.)

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C E R T I F I C A T E

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 2
 3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

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 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 24th day of November, 2025.

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