

1 CITY OF CORAL GABLES
2 LOCAL PLANNING AGENCY (LPA)/
3 PLANNING & ZONING BOARD MEETING
4 VERBATIM TRANSCRIPT
5 WEDNESDAY, MARCH 12, 2025, COMMENCING AT 6:02 P.M.

6 Board Members Present at Commission Chamber:

7 Eibi Aizenstat, Chairman
8 Robert Behar
9 Felix Pardo
10 Sue Kawalerski
11 Javier Salman
12 Chip Withers
13 Julio Grabiell

14 City Staff and Consultants:

15 Ariel Fernandez, City Commissioner
16 Fengqian "Grace" Chen, Principal Planner, Board
17 Secretary
18 Jennifer Garcia, City Planner
19 Craig Collier, Special Counsel
20 Arceli Redila, Zoning Administrator
21 Craig Southern, Planning Official
22 Juan Riesgo, City Architect

1 Planning and Zoning Board has established the
2 ability for the public to provide comments
3 virtually. For those members of the public who
4 are appearing on Zoom -- actually, we do not
5 need swearing in, because this is legislative.

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

10 As Chair, I now officially call the City of
11 Coral Gables Planning and Zoning Board meeting
12 of March 12th, 2025 to order. The time is
13 6:02.

14 If you'd please call the roll.

15 THE SECRETARY: Robert Behar?

16 MR. BEHAR: Here.

17 THE SECRETARY: Julio Grabiell?

18 MR. GRABIEL: Here.

19 THE SECRETARY: Sue Kawalerski?

20 MS. KAWALERSKI: Here.

21 THE SECRETARY: Felix Pardo?

22 MR. PARDO: Here.

23 THE SECRETARY: Javier Salman?

24 Chip Withers?

25 MR. WITHERS: Here.

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1 CHAIRMAN AIZENSTAT: Let's go ahead and get
2 started. I'd like to call the meeting to
3 order. I'd like for everybody to please
4 silence your phones and beepers, if you have
5 any.

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

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

23 Pursuant to Resolution Number 2021-118, the
24 City of Coral Gables has returned to
25 traditional in-person meetings. However, the

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1 Eibi Aizenstat?

2 CHAIRMAN AIZENSTAT: Here.

3 We don't have any swearing in tonight, and
4 we also don't have the ex parte communications
5 tonight.

6 MR. PARDO: I'm going to go drink some
7 water and be right back.

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

16 Phone platform participants, after Zoom
17 platform participants are done, I will ask
18 phone participants to comment on tonight's
19 agenda item. I also ask you to be concise, for
20 the interest of time.

21 First we have the Approval of the Minutes
22 of February 12, 2025. Did everybody get a
23 chance to take a look at those?

24 Anybody that would like to make a motion?

25 MR. BEHAR: Motion to approve.

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1 MR. GRABIEL: Second.
2 CHAIRMAN AIZENSTAT: We have a motion. We
3 have a second by Julio.
4 Call the roll, please.
5 THE SECRETARY: Julio Grabiell?
6 MR. GRABIEL: Yes.
7 THE SECRETARY: Sue Kawalerski?
8 MS. KAWALERSKI: Yes.
9 THE SECRETARY: Felix Pardo?
10 CHAIRMAN AIZENSTAT: So he's coming right
11 now. Let's just wait one second.
12 THE SECRETARY: Sure.
13 CHAIRMAN AIZENSTAT: We're approving the
14 minutes, if you're okay.
15 MR. PARDO: Yes.
16 CHAIRMAN AIZENSTAT: Felix Pardo said,
17 "Yes."
18 THE SECRETARY: Javier Salman? Not here yet.
19 Chip Withers?
20 MR. WITHERS: Yes.
21 THE SECRETARY: Eibi Aizenstat?
22 CHAIRMAN AIZENSTAT: I'll abstain.
23 THE SECRETARY: Robert Behar?
24 CHAIRMAN AIZENSTAT: I'm sorry?
25 THE SECRETARY: Robert Behar?

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1 MR. BEHAR: Yes.
2 CHAIRMAN AIZENSTAT: Thank you.
3 The procedure that we'll use for tonight,
4 first we'll have the identification of the
5 agenda item by Mr. Collier. Then we'll go ahead
6 and have the presentation by the applicant or
7 the agent. In this case, a lot of it will be
8 the presentation by Staff. Then we'll go ahead
9 and open it for public comment, first in
10 Chambers, Zoom platform and then the phone
11 line. We'll go ahead and close it for public
12 comment, any Board discussion, motion, further
13 discussion, if needed, and a second of motion.
14 Then we'll have the Board's final comments and
15 a vote.
16 Mr. Collier, if you'd please read the first
17 item into the agenda.
18 MR. COLLIER: Item E-1, an Ordinance of the
19 City Commission of Coral Gables, Florida
20 providing for text amendments to the City of
21 Coral Gables Official Zoning Code, Article 2,
22 "Zoning Districts," Section 2-101,
23 "Single-Family Residential District" and
24 Section 2-102 "Multi-Family 1 Duplex District,"
25 and Article 16, "Definitions," to provide

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1 exceptions to the separation of accessory
2 structures from the main structure under
3 certain requirements and provide for open-air
4 accessory structures with ground area coverage
5 requirements; providing for repealer provision,
6 severability clause, codification, and
7 providing for an effective date.

8 Item E-1, public hearing.

9 MS. GARCIA: Good evening. Jennifer
10 Garcia, Planning and Zoning Director.

11 If I could have the PowerPoint, please. It
12 should be just a few slides.

13 Thank you.

14 CHAIRMAN AIZENSTAT: Before we proceed --

15 MS. GARCIA: Yes.

16 CHAIRMAN AIZENSTAT: -- let's take note
17 that Javier Salman has joined us and is
18 present.

19 MR. PARDO: Mr. Chairman, you mean the late
20 Javier Salman?

21 CHAIRMAN AIZENSTAT: No, the current.

22 MR. BEHAR: Not the late, the current.

23 CHAIRMAN AIZENSTAT: Tardy, possibly.

24 MR. BEHAR: That was bad.

25 MS. GARCIA: But no worries. You haven't

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1 missed anything yet.

2 As you know, our Single-Family and Duplex
3 Zoning has building lot coverage maximums, 35
4 percent for the principal building, and then an
5 extra 10 percent for accessory structures. And
6 right now, our Zoning Code is not very clear as
7 far as what separation you would have for an
8 accessory structure.

9 So, right now, there's two issues
10 happening. The first issue is that properties
11 that have detached garages from their principal
12 building is not easily accessible from their
13 house or vice-versa. So whenever they come
14 forward and ask Zoning, "Can I have a breezeway
15 to access my garage, so I don't get wet when
16 it's raining," Zoning says, "Sure, but the
17 whole thing would have to count against your 35
18 percent." Once it touches each other and it's
19 attached, it becomes part of the 35 percent.

20 The other issue is, it's not very clear, as
21 far what separation means. So sometimes it's
22 structurally separated. It's counting as a 35
23 and an additional 10 percent, which, of course,
24 leaves kind of unusable areas, and it doesn't
25 really make much sense to have a one inch

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separation, for example.

And so what we're getting in return are not the best building typologies in our neighborhoods. Also, in duplexes, you're getting kind of boxy, not very innovative, creative building types.

So what we are proposing today, sponsored by a Member of the Commission, is to look at the current Zone, as far as, really, lot coverage, and how we can encourage open air spaces.

So this has two parts to it. The first part is that anything that's attached to the main structure, that's open air, would count as part of the 45 percent and not penalize the 35 percent, if that makes any sense. In addition to that, there's a five-foot separation, so you could have an actual separation of a walkway between the detached structure of the accessory structure and the main structure.

So, this, of course, is the most usable for smaller properties, with the setback requirements, open space requirements. And those are not touching. I should also specify that 45 percent, 35 plus the 10 percent, is not

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changing in this. It's just allowing the flexibility, as far as having a more creative usable property.

As you can see in the larger example here, if you have enough space, you could actually create a nice courtyard, whereas today, you probably can't, just because you can't attach them. Once you attach them today, it has to count against the 35 percent. So it's a little more limiting. So this is a way to encourage more outdoor space in our single-family, duplex properties.

And here's some images of the idea behind this and what we could try and encourage single-family and duplexes to do, to have courtyards, to have those open spaces, those loggias, to be able to make more usability of the people's properties.

As you can see, the courtyard -- again, and some of this is taken from Alys Beach, which is in the Panhandle. All of our open space requirements would still be required. This is not going beyond the 45 percent maximum ground coverage that we have today.

And so I have our esteemed City Architect

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here, Juan Riesgo. He discussed this with the Board of Architects. In general, it was very well received. They're very excited about the flexibility to be able to do better site planning for our properties.

So if you have any questions as it relates to architecture, he's here to answer that.

Thank you.

CHAIRMAN AIZENSTAT: Thank you.

Juan, would you like to come up and give a little bit of an overview of your discussion with the Board of Architects?

MR. RIESGO: Absolutely.

Juan Riesgo, City Architect.

Any question specifically for me or would you like for me to just --

MR. BEHAR: No. My question, and just to be clear, we're not changing the overall 35 plus 10 lot coverage allowed? We're still keeping that?

MR. RIESGO: The maximum lot coverage is going to stay at 45 percent. The only thing we're doing is giving the applicant the ability to connect --

MR. BEHAR: With a roof --

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MR. RIESGO: A roof structure and open air. In South Florida, outdoor living is a must, and a lot of projects are coming to us asking for this, and we can't grant it, because right now the Code actually penalizes you, when you attach it, because then it reverts back to the 35 percent, and so people start making the houses smaller, and people complain. The residents don't want that.

So we thought this made a lot of sense, from an architectural perspective, because, again, we're not increasing the lot coverage. The maximum is always going to be 45 percent. We're just allowing the applicant or the architects to do a nicer scenario in the backyards with regard to open air structures, loggias, pergolas, trellises.

What's happening is, everybody is detaching -- everybody wants 35 percent and they also want the 10 percent, so they design the main house and they design these auxiliary structures that are detached, that don't make any sense. A lot of times, we're having issues with aesthetics, because since the element is not connected to the house physically, they

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changes the design on the accessory use and then we get into a combative discussion about aesthetics and architectural style. "I want a modern thing in the backyard. It's a foley. It's not connected."

And so it creates a lot of controversy on our side, at the Board level, and we felt, based on projects that we've seen that have been really successful with this concept, that it's appropriate, and I think it's something that's not derogatory for the City. I think we're not changing the intent of the Code, which is the maximum lot coverage stays at 45 percent. We're just giving them another avenue to make a better backyard. That's really it.

MR. BEHAR: And you're right, at the end, it's going to look much better, because it's going to be more cohesive.

MR. RIESGO: Absolutely. And that's what we want. That's the intent. And, again, we're running into roadblocks, because once people detach the structure, they feel compelled sometimes to do something different aesthetically and that creates conflict and discussions and conflicts between the Board and

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the applicants.

And so we're trying to see what the answer is here, and we feel that this is the logical answer, is just how we calculate the square footage, how we look at it, but in general, the big picture doesn't change. 45 percent --

MR. BEHAR: It just cannot be enclosed? From the main structure to the accessory cannot be enclosed?

MR. RIESGO: Correct. Only covered. Yeah, it can't be air-conditioned.

MR. BEHAR: Right.

MR. RIESGO: But, again, in South Florida, people love trellises, gazebos, pergolas.

MR. BEHAR: Absolutely.

MR. RIESGO: You know, covered areas where they can barbecue and not be exposed to rain, not be exposed to the hot sun, but it creates a really attractive space. I mean, you saw the photographs that Jennifer presented. Outdoor space in South Florida is a must. I mean, I think everybody wants it and I think we should have that provision to allow the applicants to do it, because it provides, in our opinion, better aesthetics.

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CHAIRMAN AIZENSTAT: Does the roof line have to be continuous?

MR. RIESGO: Not necessarily, as long as they -- again, they integrate roof materials, they can step it up, down. You know, we leave that up to the designer, the architect.

CHAIRMAN AIZENSTAT: Okay.

MR. RIESGO: There's no mass increase. There's no -- it allows for more flexibility and creativity, in our opinion. It incentivizes, again, these pergolas, these louvers, these covered spaces, gazebos. And at the end, it's up to the discretion of the Board, in terms of design and mass, anyway. So I don't see a problem moving forward, because they have the ability to critique the connection, the look, the aesthetics, the materiality, the height. So they still, at the end of the day, can have input into that, with regards to mass.

So we think, again, it's a positive feature. We think it's a good thing moving forward. The Board is fully behind this. Jennifer presented to my Board, I don't know, several weeks ago, a month ago, and everybody

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was very receptive to it.

We've actually had several architects that have discussed this openly with us and with the Board, and we've had to not be able to agree to it, because it wasn't feasible, because it was actually impacting the square footage of the main house, because it was considered the 35 percent. Once you connect it, you get zapped that 10 percent. You lose that 10 percent. So people were not going for that.

And, again, they're providing the main structure, the pool deck and then a little accessory cabana building, a bathroom, you know, a hundred feet away, that makes no logical sense, from our perspective, again, architecturally, and what we want more than anything is to have the projects be connected and cohesive and complementary to each other, not two distinct forms, and unfortunately we've been getting that, especially in the larger lots down south, the estate lots, you know, where they end up with a lot of accessory structures dotting the backyard and it just -- sometimes it becomes a hodgepodge, you know.

If it's done properly, it can be designed

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1 in a fragmented sense, but, unfortunately, a
2 lot of architects don't have that capability
3 and we don't end up getting something positive.
4 We get something that's kind of, in some ways,
5 derogatory to the overall scheme.

6 MS. KAWALERSKI: Can you think of any worst
7 case scenario here?

8 MR. RIESGO: No. No. Again, I don't see
9 the downside. We've debated this internally.
10 We've reviewed it internally. We've looked at
11 several projects live in the Board meetings,
12 where architects and owners have wanted this,
13 and we've had our debates, and unfortunately,
14 some of them, you know, wouldn't go forward,
15 because we advised that this was going to
16 happen.

17 You know, the way the Code is written right
18 now, it penalizes you the 10 percent when you
19 connect, and everybody wants a connection. You
20 know, who in South Florida doesn't want a roof
21 to get away from the sun?

22 MR. SALMAN: Mr. Chair, but my question is
23 that you have a minimum separation of five
24 feet, correct?

25 MR. BEHAR: No.

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1 MR. RIESGO: That's a discussion for when
2 you have a detached structure only, the
3 five-foot, because another thing we were
4 combating and fighting with people on, the
5 concept of a detached structure is an inch, in
6 a lot of people's minds, and theoretically and
7 realistically, it is. An inch is a separation.
8 And based on the definition of a detached
9 structure, they were achieving that, but,
10 again, thinking about constructability-wise,
11 you can't build a structure an inch away. You
12 can't put a fascia an inch away from another
13 fascia, because you can't paint it, you can't
14 nail it, you can't maintain it. You can't put
15 a gutter there. So it just created a lot of
16 problems for us, at our point, where we
17 reviewed these things on a weekly basis.

18 So, again, we spoke with the Planning
19 Director. We came up -- we discussed three
20 feet. We ended up with five feet, I think is
21 what we agreed to, that we felt that when you
22 want a detached structure, an auxiliary
23 structure, the minimum has to be five feet. We
24 don't want something two inches away from the
25 main house, when it's not connected, because,

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1 to us, that's arbitrary and didn't make any
2 sense. Either you connect it, tie it in or you
3 don't.

4 But they were smart. They figured, hey, as
5 long as I show you a one inch separation, I get
6 10 percent. So the argument went round and
7 round and round, until we got to the point
8 where, hey, we have to do something, because it
9 just creates, again, more conflict for us, at
10 the Board level, and we don't have the power to
11 enforce it, because the Code is not reinforcing
12 the concept of what we really want.

13 So I think it's a great idea.

14 MR. SALMAN: I think even five feet is very
15 narrow.

16 MR. RIESGO: I'm sorry?

17 MR. SALMAN: I think even five feet is very
18 narrow.

19 MR. RIESGO: For our detached structure?

20 MR. SALMAN: Yeah.

21 MR. RIESGO: We think it's a minimum,
22 Javier. I mean, I think -- I agree, I mean,
23 maybe more, but we felt -- again, in the Code,
24 we deal with minimums. That's what the Codes
25 typically establish, and then we hope that

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1 architects take it to another level and don't
2 do the minimums, but, unfortunately, there's a
3 lot of people that -- you know, it's
4 prescriptive thing and they follow -- as long
5 as they meet the Code, hey, you can't touch me,
6 and that's true, to a certain extent.

7 MR. BEHAR: You're right. Maybe ten feet
8 or something would be more --

9 MR. SALMAN: I think that would be much
10 more -- you know, especially if you're dealing
11 with these overall larger lots in the south
12 part of the City.

13 (Simultaneous speaking.)

14 MR. SALMAN: I mean, we have a wealth of
15 single-family and duplex lots along Le Jeune
16 that would benefit from that, and they'd
17 already have a credit of not having any
18 parking. So that would give them the ability
19 to then have an auxiliary structure.

20 MR. RIESGO: Yeah. On the duplexes, it
21 becomes critical in the garages, you know.

22 MR. SALMAN: They don't have garages.
23 You're not required to have a garage for a
24 duplex.

25 MR. RIESGO: I don't know about that.

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1 CHAIRMAN AIZENSTAT: What I'd like to do
2 is, before we continue, do we have --
3 MR. RIESGO: They required -- it's
4 required.
5 CHAIRMAN AIZENSTAT: Before we continue, we
6 don't have anybody here in Chambers. Do we
7 have anybody on Zoom for the public?
8 THE SECRETARY: No.
9 CHAIRMAN AIZENSTAT: Anybody on the phone
10 platform?
11 THE SECRETARY: No.
12 CHAIRMAN AIZENSTAT: Okay. So let me go
13 ahead and close it for the public. What I'd
14 like to do is go in order, if that's possible.
15 It's hard for the court reporter to go ahead
16 and take notes if everybody is talking
17 together.
18 Chip.
19 MR. WITHERS: I just had a question and I
20 think Jennifer -- I thought I heard Jennifer,
21 in her presentation, saying if someone had a
22 home at 35 percent and a detached structure at
23 10 percent, and they want to put a porte
24 cochere or an open garage on the side, they
25 couldn't do it, but now they can do it? Did I

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1 misunderstand that?
2 MS. GARCIA: So you can do it today, but
3 once you attach it, it becomes part of that 35
4 percent. So you're encouraging --
5 MR. WITHERS: So they can't do it? If I
6 have a cottage in the back, and it's 10
7 percent, and I have a home and it's at 35
8 percent, and I wanted to put a covered porte
9 cochere on the side, I can't --
10 MS. GARCIA: Well, then you're already
11 maxed out. You're already maxed out, because
12 you already had 10 percent and 35 percent.
13 MR. WITHERS: I'm already maxed out?
14 MS. GARCIA: Right. Exactly.
15 MR. WITHERS: So this doesn't help --
16 because, listen, no one uses those rear garages
17 to put cars in. Maybe they converted them to
18 apartments that they rent or they -- you know,
19 but no one uses those garages. No one uses
20 those garages now.
21 Here we go.
22 MR. RIESGO: This may alleviate that.
23 CHAIRMAN AIZENSTAT: There is no power.
24 THE SECRETARY: Yeah, it died.
25 CHAIRMAN AIZENSTAT: Okay. We're going to

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1 go ahead and pause just a second so we can have
2 all of it recorded.
3 MR. WITHERS: Okay. Here we go. We're
4 back.
5 So if I already have 10 percent and I
6 already have 35 percent, how does -- how can --
7 MR. RIESGO: Can I respond?
8 MR. WITHERS: Yeah. Yeah.
9 MR. RIESGO: Okay. So, again, thinking of
10 that same concept of the detached garage on the
11 rear of the property or on the side of the
12 property, this concept allows you to attach it
13 and still comply with the 45 percent. Versus,
14 the Code, the way it is today, if the applicant
15 attaches the rear garage to the house, he gets
16 reverted back to the 35 percent. So nobody
17 attaches, like you say, rear garages.
18 Everything is detached. Nobody likes that,
19 because on a rainy day or a sunny day or you've
20 got groceries or whatever, you park in your
21 detached garage in the rear and you want to
22 come to your main structure, you go in open
23 air.
24 MR. BEHAR: What I think he's asking, if
25 you already have the detached structure, 10

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1 percent, and a house that's 35 percent, you're
2 just going to be allowed to do a connection, a
3 covered connection. You cannot do an
4 additional structure.
5 MR. RIESGO: Correct.
6 MR. BEHAR: You're done. You exceeded --
7 MR. WITHERS: Like a garage on the side to
8 park your car?
9 MR. BEHAR: If you already exceeded -- if
10 you're using the 10 percent and the 35 percent,
11 no more.
12 MR. RIESGO: You're done.
13 MR. BEHAR: That's it. You're done.
14 MR. WITHERS: I could tear the cottage down
15 and --
16 MR. BEHAR: Yeah.
17 MR. RIESGO: Yeah.
18 MR. BEHAR: This is only allowing you to do
19 the connection, a covered connection, from --
20 MR. RIESGO: Yeah, from accessory to main.
21 That's all we're asking for.
22 MR. WITHERS: Without counting the covered
23 condition as part of the -- as part of the -- I
24 get it. Okay. I misunderstood Jennifer.
25 MR. GRABIEL: Is there a limit to the size

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of the connection?

MR. RIESGO: Not now. I think that's up to the Board's discretion, and the design and the overall site plan, and, you know, where the pool is and -- you know, all of those things are looked at and vetted by the Board.

If they feel that the connection is too wide, I'm sure they'll make a comment, "Hey, bring it back narrower. Tone it down. Lower it." You know, if we feel it's impinging on the neighborhood, discuss it, at that point.

CHAIRMAN AIZENSTAT: Chip, are you done with your comments?

MR. WITHERS: I'm done. Thank you.

Mr. Pardo.

Thank you for patiently waiting.

MR. PARDO: So I've been walking around -- a little bit around the City.

CHAIRMAN AIZENSTAT: If you would speak up into the microphone, please. Thank you.

MR. PARDO: Is this on?

MS. KAWALERSKI: Uh-huh.

CHAIRMAN AIZENSTAT: Yeah.

MR. PARDO: Okay. I've been walking around the City recently, and -- different parts of

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the City. I've got to tell you, I'm very, very, very disappointed on many of the projects that I've seen. Residences, that I've seen, that the bulk, the mass, is so enormous, and, in fact, many of the residents have told me that they are kind of taken aback by these, what they call, not me, shoe box designs, this enormous mass. It's not, you know, modern or whatever, just have absolutely no push and pull, no interest in it. I've seen it myself. Maybe you guys have a different opinion, but it's really altering, in a very negative way, the City, I think, the residential areas.

In the graphics that Staff came up with, they show this U-shaped, very usable, very friendly, you know, very somewhere else kind of thing, or here, but one of the things about that particular proposed open air accessory structure is that, although you have a swimming pool inside of this U-shape, let's say, and it looks fantastic and all of this stuff, the mass gets pushed to the outside, towards the front.

When you have an accessory building that has that additional 10 percent, you have a natural push and pull and you have a

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separation, where you have green space, most of the time, and usable areas.

I remember that I designed for my brother-in-law an outside gazebo, which was absolutely spectacular, and I turned it at an angle, and it had the swimming pool, and it looked fantastic, like a garden, much better than this. And from a massing standpoint, on the outside, it paid homage to the rest of the buildings and houses that were in that neighborhood. This doesn't do this.

What this is, is simply adding more massing to things. I personally think it's a really bad idea, and the reason I think it's a bad idea is because many of the lots are fifty by a hundred in the north part of the Gables. This is putting two pounds in a one pound bag. Visually it looks like two pounds in a one pound bag.

I remember that this has been -- and people, when they bought their properties, the Zoning Code said, "This is it."

Now, for certain people to say, "I want more," they could ask for anything else, but the thing is, now we're getting into a point

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where someone can obtain a variance, because it's a self-imposed type of thing, and they can't go to the Board of Adjustment and get that, so, therefore, now they just want to change the Code. This changing of the Code changes the massing, the breaks between this.

Now let me give you another example. For example, when you take a City block and some of the areas here in the City, and let's say that a certain block is peppered with these little two-story apartments buildings, they have set backs in between them, and they have trees that grow in between them. Some developers now can take all of those little apartments, tear them down, and now build one large thing, under a PAD, Planned Area Development.

You lose something. It doesn't matter how nice you do the architecture. You lose something, which means green space, the heat index that we get from the heat island effect, which is very real, and we're just not thinking that way.

So the problem I have with this is that, this was not haphazardly put in there of the 35 or 10 percent. It was put in there by really

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smart people, a long time ago, to make sure that we kept it that way. Those limitations are there for a reason.

One of the problems that they have with the larger areas, estate areas, are, these are areas that were annexed afterwards. They were working under the Miami-Dade Zoning Code. That's not a fair comparison.

I think that one of the things that we have to do is be very, very careful on how we change the future of just our residential areas. Putting two pounds in a one pound bag is never a good idea. And I think, visually, this is one of the problems that I have with this. The charm that you have, even if it's a larger lot, when you have that push and pull, and even a separate building, which used to be a garage, and then it became an in-laws quarters, which is allowed by Code, what is not allowed by Code is to rent it out to somebody else that's not part of your family. That's what's not allowed.

I just find it distressing walking through these areas, that some of the architecture, the mass is so enormous, the height is so enormous,

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that it's just transforming those neighborhoods into something else. I don't think it's part of Coral Gables, and I disagree with you a hundred percent.

CHAIRMAN AIZENSTAT: Thank you.

Sue.

MS. GARCIA: Sorry, Chair. I just wanted to clarify things. This is not going to decrease any requirement for -- 40 percent open space requirement that they have in the Code. This is only just being able to attach an accessory structure.

MR. PARDO: I'm sorry Jennifer. I understood that perfectly. The thing that I'm talking about is separating masses. When you separate a mass, it usually looks smaller or more compatible or more human in scale. When you add and attach the mass, it doesn't. I don't care how many arches you put in it, it's different.

MS. GARCIA: Right.

MR. PARDO: You could take a house, on a very long lot, and make it look completely different. In this particular case, what you do with separate buildings -- I mean, this has

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been going on for a long, long time. Franklin Lloyd Wright did it very successfully and he always separated things with other buildings, other structures. We have examples over and over very successfully done.

He also is very careful with the height issue, to maintain that the massing didn't look as bad as possible. In this particular case now, we're adding more massing and we're adding more height, and it almost -- it almost looks like your 25-foot setback in the front is less, when you put these bulky buildings in front of it, and it doesn't matter how much decoration you put on it. It's like putting lipstick on a pig sometimes.

MS. GARCIA: Right. So the way that this is written today, it's not proposed as a by right thing you can do. The hands are in the Board of Architects. They can approve or not approve something based on the massing. So we did take that into account with the language proposed.

CHAIRMAN AIZENSTAT: Thank you.

Sue.

MS. KAWALERSKI: I have an issue with size.

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You know, to Julio's point, like how big can these things be? Because I can imagine a house, and then a pool, and then a structure on the opposite side of the pool, and somebody says, "I want to connect to that thing on the other side of the pool," and all of a sudden, you have this roof structure where, from above, you've got no backyard anymore, it's a giant roof, which becomes a livable space.

You can live in an open air environment like that. You can put a kitchen in there. All of a sudden, you're expanding your living space.

And I know you said, "Well, the Board of Architects won't allow that to happen," well, you know, we've heard that before, too, okay, and then we end up with these kinds of structures that we're seeing all over.

So without limitations that it has to directly attach to, there can't be any interference in between -- I mean, there are all kinds of options, I think, that if we were going to pass this, need to be in there, to protect it, and not just leaving it to the Board of Architects, who with a very, you know,

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savvy person in front of them, can convince them that that roof over it is perfectly fine.

So you take a drone above it, and all of a sudden, it's nothing but a giant gigantic roof. So I've got a real problem with this.

MR. RIESGO: Okay.

CHAIRMAN AIZENSTAT: Thank you, Sue.

Julio.

MR. GRABIEL: Well, same point. Sorry. I'm concerned with not having a limit to the size of the connector. I mean, we all see it, as architects, as the main residence, the adjacent residence, and the hallway covered walk, whatever, but, again, if it can be made as wide as the main residence, then you end up with too much square footage.

MS. GARCIA: So the limitation would be the height. They can't go beyond the 25 feet maximum height. The limitation would be the actual ground coverage, right. So they can't have too much of that.

It can be enclosed today. What you're saying, like if they have an open air structure that's as wide as the building, they could do that today. They probably wouldn't, because

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it's not, you know, usable space, enclosed, a bedroom, a kitchen, whatever. It's open air. This is not going beyond that 45 percent lot coverage.

So that would be the limitation that they would have for the size of any attached open air structure, it would be how much they're going to be able to cover their property, and, of course, balancing that with the 40 percent open air landscaped area.

MR. GRABIEL: So to connector is limited to the same lot coverage?

MS. GARCIA: Correct.

MR. RIESGO: Yeah.

MR. GRABIEL: Okay. I'm fine with that.

MS. GARCIA: Yes.

MR. RIESGO: That's still there.

MR. GRABIEL: I'm fine.

MR. RIESGO: That has not changed, and thought I explained it.

MR. GRABIEL: In addition to?

MR. RIESGO: Yeah. You still have that control. We haven't increased any of that. It's still the same parameters, with the exception of we're allowing some flexibility in

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the connectors. And, again, that -- the amount of flexibility is dictated by the discussion that occurs at the Board level during the design review.

And if the Board feels or is compelled to say, "Hey, this is too big, too wide, too imposing, too massive, too large," I'm sure that comment will come up. It comes up now, as Jennifer stated.

You have the ability to take the back of your house, put a covered terrace from one end to the other. That's something that's allowed by Code, by right, now. If you want to use that as part of your 35 percent, you can do that, but most people are savvy and they want air-conditioned space, and so they want to try to make the air-conditioned space more usable than the covered terrace, so that that gets reduced to a certain extent, but it's still part of the program. Nothing has changed with that regard.

I don't think, honestly, that adding the -- the allowance of a connector piece, at the rear of the property, that connects an accessory structure to the rear of the property, is going

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to impact the mass of the front of the house. I think that's already said and done during the design of the house and that should be addressed by the Board, in terms of what you stated, Mr. Pardo, the height, the mass. And the Board, again, looks at that, vets that, discusses that, and, you know, at the end, we hope that we have a design that's contextual, that's within scale, but we also understand that applicants want higher ceilings. Nobody wants a house with an eight-foot beam anymore. That's a dinosaur in today's world, based on my experience attending these meetings on a weekly basis.

So a ten-foot tie beam is a no-no in today's world. If you're in real estate and you're developing your property or your home for your family, your kids, you want a higher ceiling. So we do look at that. We do allow nine-foot beams, ten-foot beams. Sometimes, in some of these designs, one of the popular themes nowadays is to have the great room. The great room has been introduced back into equation. That started many years ago, and now people want the large living area, kitchen as

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one large open space.

That creates massing problems for us. We deal with this all of the time. And we discuss that with the applicants, hey, you know, it's creating a room that's probably like the size of this room, you know, 30, 40 feet long, that has a living space, a dining space and a kitchen space all under one volume, under one ceiling. You can't have a nine-foot ceiling for a space this long. The proportionality of the space is awkward. So you do have to go up.

Now, again, I understand the massing discussion, and I think the Board understands the massing discussion, and we try to refine the design as much as possible to address that, but we also want the applicants and the residents and the homeowners to get the product that they expect and want, and I think that's a viable discussion that we wrestle with every week. And how do we address that? You know, it's part of the BOA meetings on Thursdays and sometimes we win, sometimes they win, and that's part of the negotiation, and that's part of our job here at the City, is to try to get something that's compatible with the

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neighborhood, in terms of mass, but also is productive for the homeowner, that they can enjoy their space and their home.

And, you know, that's -- that would be my response to the issue of -- your statement about this particular discussion today, connecting an accessory structure to the main house is going to trigger a larger mass in the front of the house. I'm not sure -- I can understand your position, I get it, but I don't know if that's a direct result of this discussion and this allowance of connecting the structures.

Yes, it's going to create more roof area in the backyard. Yes, it's going to create maybe a little bit less green area, but I think that the positive side is that it creates a more unified property for the homeowner.

MR. PARDO: Juan, do you remember, about 20 years ago, when Don Slesnick, you know, was championing against McMansions? Do you remember that?

MR. RIESGO: I remember discussions about that, yeah, absolutely.

MR. PARDO: So the McMansions are alive and

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well now, because I see them all over the place in the City of Coral Gables and specifically in lots that are no more than a hundred by a hundred, and it's just gotten to the point where people were very upset about these McMansions.

They're very upset about the type of architecture and massing that's going up right now, and people expect or deserve this? No, I think they expect and deserve to play under the rules when they bought. Changing the rules during the game isn't the right thing to do.

Me, with four balls, you walk, and three strikes you're out. That's the rule.

CHAIRMAN AIZENSTAT: Felix, what I'd like to do is, I'd like to continue with the process and then we'll have a final discussion. If not, it takes away time from other members.

MR. PARDO: Sure. I'm sorry. It's that, I'm sorry, he was addressing me, and therefore --

MR. RIESGO: Yeah. Yeah. And my response was --

CHAIRMAN AIZENSTAT: I understand. I understand.

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Julio, are you --

MR. GRABIEL: I'm done.

CHAIRMAN AIZENSTAT: Thank you. Javier.

MR. SALMAN: Is there an attachment to this item with regards to the specific wording that you're going to be using?

MR. RIESGO: Yeah.

MS. GARCIA: Yeah. So it's in the Staff report, on Page 3 and Page 4, of your Staff report.

MR. SALMAN: Okay.

MS. GARCIA: So it's under single-family --

MR. SALMAN: May I have a copy of it, because I can't find it on the --

MS. GARCIA: Yeah. I think Arceli has one.

MR. RIESGO: Can I give him mine?

MR. SALMAN: I'll hold my comments until I get a chance to read this. Robert.

CHAIRMAN AIZENSTAT: Robert.

MR. BEHAR: Yeah. I see this, and I respectfully disagree with the comments from my fellow Board Member and architect -- and by the way, I did study Franklin Lloyd Wright pretty

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1 good, and a lot of this, it goes back to the --
2 more than anything else, the prairie houses,
3 where he did have connectors, open connector
4 covered areas.

5 I don't see this as a McMansion or
6 anything. I see this as a way to go from an
7 existing structure or -- a structure that is
8 the accessory, to the main house.

9 Sue has a valid point. Maybe we do have
10 some limitation on the width of these elements
11 that do the connection. I don't think that the
12 width of the house, the main house is
13 appropriate, so maybe a limitation of how wide
14 could this be is the correct condition for
15 something like this.

16 I don't see it as an adding anything more
17 than a convenience to go from a detached
18 whatever, garage, whatever, to the main house.
19 I see this as -- and I don't see this, you
20 know, in any way, shape or form -- you know,
21 compare it to some of the houses that, you
22 know, Felix has brought up. I think this is
23 good. I think that it's probably time where --
24 this should have been done a long time ago.
25 It's time that we do it today.

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1 My only -- and I don't know, at the end,
2 I'm going to -- you know, the width that we
3 should limit these connectors, for lack of a
4 better word, to have. I would not want to see
5 them the width of the principal structure.

6 MR. RIESGO: Yeah. Of course not. I don't
7 think anybody would.

8 MR. BEHAR: But right now, I don't see that
9 there's a limitation. Yes, it's up to the
10 Board, but I think there, we need to be a
11 little bit more prescriptive, if we have to.

12 MS. GARCIA: So, typically, porches or
13 loggias, you know, are typically eight or ten
14 feet deep, you know.

15 MR. BEHAR: Look, I'm thinking -- and I'm
16 going to throw -- I'm thinking maybe you cap it
17 at twelve to fifteen feet in width, because an
18 accessory structure, a garage, let's say --
19 what used to be a garage, used to be like 20
20 feet minimum, I think, or 22 feet. I don't
21 want it the whole width. Maybe we limit it to,
22 you know, 60 percent of that, and that's where
23 I came up with a number, just to a connector,
24 so it doesn't look like a massive connector.

25 MR. RIESGO: Right. We concur with that.

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1 We agree with that wholeheartedly. I don't
2 think that's something that's been overlooked,
3 but, again, we don't want a prescriptive Code.
4 We don't want to tell people what to do. We'd
5 like to, I think, let the architects present
6 their cases, and then we review it, and then we
7 say, "Hey, this is a great idea. It's
8 beautiful" or "This is terrible. It's too
9 massive. You need to tone it down. You need
10 to scale it down."

11 So I don't think that's --

12 MR. SALMAN: I think, in a matter of
13 helping you, if you went and added the purpose
14 for the structure, it would be -- go a long way
15 to helping the Board basically decide whether
16 it's an appropriate connection. You know, we
17 can get into the nitty-gritty of the width and
18 whatnot, but if you say its primary purpose is
19 for a pedestrian connection between an
20 auxiliary structure and the main structure, and
21 limit it to one story high -- I don't know why
22 you would want two stories -- but that would go
23 a long way to controlling its size, and give
24 you the power to be able to -- or give the
25 Board the power to be able to reject things

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1 which are obviously not designed for a primary
2 purpose of a walkway connection.

3 MR. RIESGO: I think there's two things at
4 play here. One item or one issue in the
5 discussion is what you just said, a pedestrian
6 connector, a way for me to walk from A to B and
7 be covered and protected.

8 The other option is, using that covered
9 space as a usable space, as a barbecue area, as
10 a gazebo, a place where you can lay out -- like
11 in the photographs that she showed. These are
12 living spaces, that you can use outdoor, that
13 can be used for recreation as part of the pool,
14 that's covered, that's protected.

15 So if you limit the width of a connector to
16 five feet, then you can't use it.

17 MR. BEHAR: You're right. You're
18 absolutely correct.

19 MR. RIESGO: And is that what we want? Do
20 we want little hallways in the backyard that
21 are four or five feet wide? No. I think the
22 concept here is to promote livability and
23 enjoyment of the backyard and to give people
24 the ability to use the space for an activity, a
25 function, a sit down, a lounge chair. I want

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1 to have my drink next to the pool.

2 MS. KAWALERSKI: Now I'm totally confused,
3 because I thought this was about just
4 connecting structures.

5 MR. RIESGO: That's why I'm bringing it up.

6 MR. SALMAN: That's the way it was
7 presented. I mean, that's the way it came
8 across.

9 MR. RIESGO: I'm taking it to the level
10 where I think we need to discuss, that's the
11 reason we're here.

12 MS. GARCIA: Right. So this diagram,
13 remember, we're trying -- the concern we get
14 from residents is, they can't get to their
15 garage. That's the concern we hear about.

16 We also hear the concern that people can't
17 have courtyards, and that's why I had those
18 images of U-shaped buildings, that have
19 courtyards and had loggias and have porches
20 facing these courtyard areas.

21 MR. RIESGO: You might want to put the
22 images again. It might be helpful to look at
23 the sketches.

24 MS. GARCIA: Sure. If I could have that
25 PowerPoint.

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1 open air accessory structures in Single-Family
2 Residential and Multi-family 1 Districts may
3 include one or two story breezeways, loggias,
4 porches and other open air structures. Loggias
5 are not usually something you walk through.
6 The breezeway is. Porches are not. So it's a
7 variety of different open air areas.

8 MR. BEHAR: I do think, when I see some of
9 the examples, the width is important, too. I
10 don't have a problem with the exhibit all of
11 the way in the right, which is a two-story. If
12 it's appropriate, I don't have a problem with
13 that, but I do have some concerns of how
14 wide -- I see the middle bottom, you know,
15 image, and that is more than a, let's say,
16 connector.

17 I do -- maybe it's not 15, maybe it's a
18 little bit more, but it's not -- you know, it's
19 got to be some type of balance, in my opinion.

20 MR. SALMAN: Yeah, it can't be the width of
21 the building that it's connecting, one way or
22 the other, and it should be limited to some
23 proportion of it, whether it's half or
24 two-thirds or even -- and that the cover be
25 limited.

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1 MS. KAWALERSKI: No. I mean, we saw
2 this -- we saw it. We know what you're talking
3 about. But I mean, this is presented as let me
4 get to my garage without getting wet, and that
5 I get. That's what I thought we were talking
6 about. Now we're talking about, oh, let's put
7 lounge chairs out there and a barbecue grill
8 and have it all covered, and then you look from
9 above and it's all a roof.

10 MR. RIESGO: Okay. If that's -- if we want
11 to limit it to a walkway, that's why -- here's
12 the view.

13 MS. GARCIA: Right. So these are the
14 courtyard images, mostly of Alys Beach that
15 have -- right, that have loggias and open rooms
16 facing these courtyard areas.

17 MS. KAWALERSKI: Yeah. Well, it should be
18 presented -- if it's a loggia, it's a loggia.
19 If it's a walkway, a connector, that's what --
20 but now you're expanding the whole thing to
21 let's fill the whole backyard with a roof.

22 MS. GARCIA: Yes. On Page 4 of your Staff
23 report, under Accessory Use Building or
24 Structure, the underlined portion is the
25 proposed language, and it goes into attached

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1 MR. RIESGO: Yeah.

2 MS. GARCIA: Yeah, there's still a
3 limitation of 10 percent. That's the
4 limitation. The limitation is the open air
5 requirement, the ground coverage requirement,
6 the 10 percent accessory open air structure.
7 So there's limitations, yeah.

8 MR. RIESGO: That's all they get.

9 MR. BEHAR: Oh, because that's going to be
10 -- then I'm getting confused here, because you
11 allow a 10 percent accessory, and you have your
12 main structure. This is just to be able to
13 connect from one to the other, and does not
14 count towards the accessory square footage?

15 MS. GARCIA: It counts against your 45
16 percent, yes.

17 MR. BEHAR: Oh, it counts towards --

18 MS. GARCIA: Yes. We're not increasing
19 that.

20 MR. SALMAN: If you already have both,
21 then you can't have this, right?

22 MR. RIESGO: Yeah. You're still contained.
23 (Simultaneous speaking.)

24 CHAIRMAN AIZENSTAT: Guys, everybody can't
25 talk at the same time.

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MR. COLLIER: For people that haven't spoken on the record, they should identify themselves, I am, so and so, from the department, something like that.

MS. REDILA: For the record, Arceli Redila, Zoning Administrator. So, really, nothing is changed here. The only change here is that now those accessory structure, it's 10 percent -- limited to 10 percent, now be attached, but it would still be limited to 10 percent. That's it.

MR. BEHAR: Oh, then this is simple.

CHAIRMAN AIZENSTAT: Javier.

MS. KAWALERSKI: Okay. What if somebody has a 35 percent primary and a 10 percent accessory?

MR. SALMAN: They're done.

MS. KAWALERSKI: Then they can't have anything any more?

MS. GARCIA: That was Chip Wither's comment and that was correct. You're maxed out at 45 percent, 35 plus 10. So if you have that condition right now that Mr. Withers brought up, you can't attach. Sorry.

MR. RIESGO: I thought I explained that,

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but I guess I didn't properly, but that's what we're doing. We're not increasing the 45 percent. We're not increasing mass. We're working within the constraints that we have. We're just allowing the connector piece, so it doesn't penalize you back into the 35 percent. That's all. It's still the same, at the end of the day.

CHAIRMAN AIZENSTAT: All right. Javier, are you done?

MR. SALMAN: I have no further questions for this witness.

CHAIRMAN AIZENSTAT: A couple of questions I'd like to ask. How do you handle an open kitchen today?

MR. RIESGO: How do you, what?

CHAIRMAN AIZENSTAT: How do you handle an open kitchen? Let's say I want to do an open kitchen in my yard.

MR. RIESGO: An outdoor kitchen?

CHAIRMAN AIZENSTAT: Outdoor kitchen.

MR. RIESGO: That's the term that we have in our business right now, and the answer is, very carefully. Again, we review the project. We look at the location, the position, where it

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sits, you know, is it concealed from the neighbor, is there an issue with the barbecue and the smoke? I mean, we look at all of those things and we determine, hey, it's accessible or it's not.

MS. GARCIA: And if it's attached to the main structure, it counts against your 35 percent. If it's detached, it's counting against your extra 10 percent, if that's what your question is, how is it calculated? It's calculated today, it's calculated in the future, if this gets approved.

CHAIRMAN AIZENSTAT: What I'd like to is recognize and welcome Commissioner Fernandez for coming in. Thank you. Welcome. Let's continue.

MR. RIESGO: Okay. Yeah, when it comes to the calculations, I leave that up to Zoning. We only look at the aesthetic aspect of this thing. And, again, if it's a positive looking concept, then we go with it.

CHAIRMAN AIZENSTAT: In Florida, we have a lot of wind driven rain. So if you go ahead and you want to do a point to connect from Point A to Point B, how do you handle the part

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where, if it's too high, you've got rain coming in there and it defeats the whole purpose of what you're trying to do?

MR. RIESGO: That's a very good point. Then, again, we discuss all of the time, some people want to have a 10-foot, 12-foot tie beam, and it's only a five-foot wide walkway, and I say, "Guys, in the driving rain, you're going to soaked here. You're not protected. You're fully exposed, because that driving rain comes in at 45 degrees, we're not doing a whole lot here."

So, again, those are things that we talk about. Those are the things that look at, in terms of, also, the width of the overhang, you know, sometimes increases the roof mass too much, so we work on that. "Hey, tone down the overhang. Bring it back in a little bit. Lower the beam," to make it more in sync with the scale of the home.

You know, a lot of these things happen with existing properties, not new construction, so we have to deal with existing eight-foot beam heights, we have to deal with existing six-inch overhangs of these older homes that have the

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1 concave, you know, stucco overhangs. So, you
2 know, a lot of architects come in with crazy
3 idea and dreams, and somehow it gets whittled
4 down to something that we feel is productive
5 and acceptable, from a design standard.

6 CHAIRMAN AIZENSTAT: I mean, Sue makes a
7 very valid point, as you take this area, you
8 make it 10-foot wide or 12-foot wide, and then
9 you start sticking furniture under there.

10 MR. RIESGO: Right.

11 CHAIRMAN AIZENSTAT: And I understand
12 you're limited to your 35 and your 10, but then
13 you start creating other outdoor areas that
14 maybe would not be intended within the Code to
15 be there.

16 If I take an area -- if I take a walkway
17 and I'm 12-foot wide, 10-foot high, and I start
18 creating a lot of arches or somehow closing
19 that area more and more, is that allowed?

20 MR. RIESGO: Again, that's something we'll
21 look at, in terms of the vocabulary of what the
22 existing house is, what the proposed addition
23 is. If they coincide and it's acceptable to do
24 arches, then we recommend that. If it isn't,
25 then we'll say, "Hey, you know, come up with

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1 another vocabulary that" -- but, I think, as
2 far as percentage of enclosure, is that what
3 you're alluding to?

4 CHAIRMAN AIZENSTAT: Yes.

5 MR. RIESGO: That people are going to
6 enclose these things later? I mean, that's an
7 ongoing battle in this City with everything and
8 anything, whether it's a Code change or
9 whatever. I mean, we deal with the stuff with
10 Code Enforcement all of the time, where people
11 take existing gazebos in the backyard and all
12 of a sudden they're air-conditioned and
13 enclosed and they have a dance floor, you know.

14 MS. REDILA: But once it is enclosed, we'll
15 take a look at it, and it will be part of the
16 FAR calculation or building area calculation,
17 and once it's enclosed, it will be part of the
18 35, and not the 45 now. So there are other,
19 you know --

20 MR. RIESGO: No. I know what he's
21 referring. It's the percentage of opening and
22 how enclosed the structure is. It's open air.
23 It's not air conditioned. The only thing that
24 triggers you into the 35 percent rule is the
25 air conditioning, and it's livable space.

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1 MR. BEHAR: I think that should be up to
2 the Board, I mean, because then we're going to
3 be very --

4 MS. GARCIA: Prescriptive.

5 MR. RIESGO: Prescriptive.

6 MR. BEHAR: -- prescriptive. I think now
7 we're --

8 MR. RIESGO: That's kind of our posture,
9 also. That's why I'm trying to defend the
10 idea, because I think it's a good concept. I
11 think it's a beautiful space. I think it's a
12 great backyard to enjoy your home, and our
13 temperature, our climate, lends itself to
14 outdoor living, and I think it's a positive
15 feature, that doesn't change anything in the
16 Code today, in terms of square footage.

17 MR. BEHAR: I agree with you, that it's a
18 positive thing and it's a connection. I'm just
19 worried about some of the abuse that will
20 happen with it.

21 MR. RIESGO: That is a different
22 discussion. Yeah, I agree.

23 MR. BEHAR: You can't.

24 CHAIRMAN AIZENSTAT: How to do that, is it
25 subjective, is it not subjective when it comes?

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1 Is it written in the Code that says, your
2 walkway can't be more than "X" amount wide,
3 period? It can't be more than a percentage? I
4 think there has to be just a few more
5 definitions in there, to me.

6 How did this come about? Was this
7 sponsored by a Commissioner?

8 MS. GARCIA: I just want to clarify
9 something. If they propose to enclose it with
10 Zoning, Zoning will say, "I'm sorry, you are at
11 the maximum square footage allowed for your
12 property."

13 CHAIRMAN AIZENSTAT: When you go ahead and
14 do your roof line, that's going towards your 35
15 and your 10?

16 MS. GARCIA: If you're going to go ahead
17 and do what, sorry?

18 CHAIRMAN AIZENSTAT: If you're connecting
19 your roof line. You've got a 35 percent and
20 you've got a 10 percent. Now you're connecting
21 it.

22 MS. GARCIA: But, yeah, you can't do that,
23 right, because you're beyond the 45 percent.

24 MR. RIESGO: You can't do it now.

25 CHAIRMAN AIZENSTAT: What I'm concerned

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1 about is existing properties that have this and
2 now want to connect it. If they built it at a
3 35 and a 10 --

4 MR. RIESGO: You can't do it.

5 MS. GARCIA: This won't help you.

6 MR. BEHAR: You can't do it.

7 CHAIRMAN AIZENSTAT: Okay.

8 MR. PARDO: You don't have to worry about
9 that. They're just going to tear all of these
10 little detached areas down and then add to it.
11 I mean, that's what, you know, they're going to
12 do.

13 The other thing is that, I mean, we're
14 having the same problem when you came before us
15 with the three-story thing. Remember, we
16 started talking about the three-story, and then
17 all of a sudden, someone had a refrigerator, a
18 jacuzzi up there. I mean, I don't understand
19 what is driving these changes, you know, by
20 Staff. We have so many bigger fish to fry.

21 It is amazing to me that, first it's, let's
22 try to make a third store on a two-story
23 limitation of the house. I don't think it's
24 fine. I really don't. I find it really
25 offensive, because I go through this City and I

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1 see all of the these beautiful homes on North
2 Greenway, and they have exactly what you're
3 describing, except they were built in 1926.
4 Beautiful homes. They have larger properties,
5 but they have these connections, and all of
6 these things, and they're not the gross ones
7 that are being built today.

8 Well, I want a 12-story -- you know, maybe
9 what we should do is limit the height, and if
10 they want to have a higher height, let them go
11 to Doral and build it there. I mean, you know,
12 there's a certain amount of character and charm
13 and with these shoe boxes that are being built
14 in this City, we're losing that charm. It's
15 not just the big commercial buildings. We're
16 talking about now the City and the
17 neighborhoods and the scale.

18 I think that when you only have 25 feet,
19 you increase another four or five feet to the
20 height of a tie beam, it makes a big difference
21 on the perception.

22 MR. RIESGO: No, but we're not increasing
23 it to a 25-foot tie beam height.

24 MR. PARDO: No. I'm giving you that as an
25 example.

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1 MR. RIESGO: Okay. Okay.

2 MR. PARDO: And what I'm saying, Juan, and
3 you know it -- I mean, you live in a beautiful
4 home, you know.

5 MR. RIESGO: Of course. Of course. I
6 mean, I understand.

7 MR. PARDO: And the whole point is, you
8 just go around the corner, almost on the
9 intersection of North and South Greenway, and
10 you have some of the most beautiful homes,
11 about four or five of them in a row.

12 MR. RIESGO: And that's kind of my point.
13 I live in a historic house. My living room has
14 an 11-foot ceiling.

15 MR. PARDO: I know you do.

16 MR. RIESGO: I love it. It's the most
17 beautiful space in my house. Everybody that
18 goes there is in awe, 'cause other houses next
19 to me are eight-foot ceilings, nine-foot
20 ceilings, maybe a ten. So the concept of a
21 higher ceiling to us is acceptable. It depends
22 on how you carve it out and how you design it.

23 And I agree, some houses that have been
24 built in the prior years, may have not
25 addressed that properly, but it's something

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1 that we look at extensively at the Board level
2 and we try to vet that as much as possible.

3 MR. PARDO: And I mean, recently. I mean,
4 these are homes that have been built recently,
5 and it's just, you know, concerning to me,
6 because we're taking away the character. The
7 other thing is, we're incentivizing people to
8 just knock down houses, that really are
9 beautiful, you know, so they can put up these
10 monstrosities that don't have the charm.

11 CHAIRMAN AIZENSTAT: But, Felix, we're here
12 today just to talk about the connection between
13 the 10 to the 35. I'm not disagreeing with
14 you, please. I don't disagree with you. I
15 actually agree with you.

16 MR. PARDO: Technically, you're correct,
17 but it's -- one thing is to discuss the usable
18 separation, all right, between these things. I
19 get that all day, and that's fine, but we are
20 going into a prescriptive Code.

21 COMMISSIONER FERNANDEZ: So if I may, this
22 came about from a resident --

23 CHAIRMAN AIZENSTAT: Could I ask you to
24 state your name, for the record, please?

25 COMMISSIONER FERNANDEZ: Ariel Fernandez.

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1 This came about from a resident who reached out
2 to me. Their property --

3 CHAIRMAN AIZENSTAT: Could I ask you to
4 please state your name, for the record?

5 COMMISSIONER FERNANDEZ: I just did.

6 CHAIRMAN AIZENSTAT: Oh, I apologize. I
7 did not hear it.

8 COMMISSIONER FERNANDEZ: No problem.

9 CHAIRMAN AIZENSTAT: Thank you.

10 COMMISSIONER FERNANDEZ: The resident lives
11 in a 5,000 square foot lot. Their house has
12 maxed out. They wanted to build a terrace that
13 they could use with their family for their
14 barbecue in the back of the house. So it would
15 fit under their 45 percent; however, it could
16 not be attached to their house. So they had to
17 have it separate. So, on a rainy day, all of a
18 sudden, that area is no longer usable, because
19 it has to be separate to the house.

20 So I reached out to Staff and I said, "Is
21 there a way for us to find where, if it is an
22 open space, it can be attached to the house, so
23 that it can be usable space?" At the end of
24 the day, the livelihood and the ability of our
25 residents to use their properties in the best

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1 way they can should be our end goal.

2 And I agree with Mr. Pardo, we want to make
3 sure that this also doesn't open up for the
4 mega mansions that we're seeing in the City
5 that are transforming our historic areas into
6 areas where you don't even recognize them
7 anymore. You know, that house that was built
8 right off Bird Road, that looks like it doesn't
9 fit in Coral Gables, I've heard about it many
10 times. So this is just finding a way where
11 residents now have an ability to use their
12 backyards or whatever space they have, in a way
13 where it connects to their house, and they
14 don't have to have the separation.

15 This resident ended up having to have, I
16 think it was a three-inch separation at the
17 house, between their house and their terrace,
18 so that it wasn't attached. So all of a
19 sudden, rainy days, you can't walk out there.
20 So that's the reason this came about.

21 Now, I've been listening on the way here to
22 the discussion. I think there's a lot that
23 needs to be considered, potential changes that
24 we can make to it to make it better, and ensure
25 that it doesn't open the door for additional

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1 other ways that it can be taken advantage of,
2 and make sure that it really gets to the grass
3 roots of making sure that it helps the
4 livability of our residents.

5 So I'll take any questions anybody has.

6 CHAIRMAN AIZENSTAT: I actually have a
7 question for you.

8 COMMISSIONER FERNANDEZ: Sure.

9 CHAIRMAN AIZENSTAT: That example that you
10 gave, which was the 5,000 square foot, and now
11 the structure in the back, where they're maxed
12 out, how do they attach it, if we allow this?
13 Doesn't it count against their --

14 COMMISSIONER FERNANDEZ: They're already
15 under construction. This would no longer work
16 for them. So, in their case, they're already
17 -- their plans are approved. They're moving
18 forward the way it is. I'm just looking for a
19 solution for future residents, who will be in
20 the same situation.

21 CHAIRMAN AIZENSTAT: So it doesn't help
22 that individual?

23 COMMISSIONER FERNANDEZ: It does not.
24 They're already under construction. It's not
25 going to change things for them. So they never

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1 even asked for this. I just met with Staff and
2 tried to say, hey, let's find a solution that
3 works for others, so that they don't find
4 themselves in the same situation.

5 CHAIRMAN AIZENSTAT: Thank you.

6 MR. PARDO: If I may, Mr. Chairman, I'd
7 like to address the Commissioner.

8 CHAIRMAN AIZENSTAT: Yes, sir.

9 MR. PARDO: The way this was presented to
10 us does not address the specific issue that you
11 came up with. The point I'm making is that, if
12 this is changed, the way that it's been
13 proposed to us, it will lead to the possibility
14 of, again, abuse of things, and that's -- you
15 know, I've said it over and over again, one
16 thing is to write the formula, but you have to
17 test it. You have to have the ability to test
18 it, under certain circumstances, before you fly
19 it, and the problem is that hasn't been tested
20 under that situation.

21 The way I see it right now is just going to
22 increase massing and do all of the things that
23 aren't necessary, and it could be easily fixed,
24 and, again, this is not what was presented to
25 us, where it could stay, for example -- and I

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1 think maybe the other Board Members, the
2 architects, may agree, is that maybe you limit
3 it to the back 50 percent distance from the
4 front property line, where these attachments
5 would occur, and then all of a sudden, your
6 massing can change completely.

7 So it could be done that way, if that seems
8 to be --

9 MR. BEHAR: But what would happen if you
10 have a --

11 MR. SALMAN: Corner lot.

12 COMMISSIONER FERNANDEZ: Side yard.

13 MR. BEHAR: I mean --

14 COMMISSIONER FERNANDEZ: But the reality
15 is, most of our homes, the front yard --

16 MR. BEHAR: Is never an issue.

17 COMMISSIONER FERNANDEZ: About 40 percent
18 of the front of your house is behind the first
19 40 percent of your lot, for the most part.

20 MR. BEHAR: That's actually here. That's a
21 given.

22 COMMISSIONER FERNANDEZ: Correct. I don't
23 think that will be a major issue. And I
24 apologize for not having been here. I wasn't
25 aware that this was on the agenda today. It

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1 wasn't until I started watching, that I got in
2 my car and I headed over here. If not, I would
3 have been here for the presentation portion.

4 MR. BEHAR: See, to me the key here is
5 that, no matter what you do, you cannot exceed
6 the 35, plus the 10 percent. You are limited
7 to 45. So we're not giving -- they could do
8 today a 35 percent on the main structure, they
9 could do a 10 percent accessory, one inch way,
10 or in the case of yours, three inches.

11 COMMISSIONER FERNANDEZ: Correct.

12 MR. BEHAR: And they're fine with that.

13 MR. PARDO: Right.

14 MR. BEHAR: All this is doing is keeping
15 the 35 percent -- that 10 percent may be only
16 eight percent, so you could have two percent or
17 whatever it is, to get your connector. To me,
18 you're not adding anything more than is allowed
19 today. You're making it better for the
20 resident. To me, I think this is a very simple
21 mechanism to make a better quality of home than
22 we have today.

23 COMMISSIONER FERNANDEZ: And Mr. Behar,
24 that was my request. My request was, that we
25 do not increase the 45 percent that's allowed.

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1 It's was just, let's find a way where it's more
2 usable to the resident. You see many homes
3 where they have a detached terrace out back,
4 all of a sudden, rainy summer days, you can't
5 use your backyard. Whereas, if it was
6 attached, you could go out, you can sit out
7 there, you can watch your ballgame, you can
8 have a barbecue with your family, but if it's
9 not -- and one of the things we had talked
10 about, I'm not sure if it made it in here, was
11 ensuring that there were at least two open
12 sides, correct?

13 MS. GARCIA: Yes.

14 COMMISSIONER FERNANDEZ: So if it was
15 attached to the home, and it's an L-shaped
16 home, it can be out there, but at least two of
17 the sides needed to be open.

18 MR. PARDO: Right. And the reason I just
19 brought up the suggestion, Robert, about the
20 50 -- you know, pushing it back 50 percent, is
21 to make sure that all of these projects don't
22 get pushed forward, which increases the massing
23 issue.

24 MR. BEHAR: But you have a minimum setback
25 that you've got to adhere to. So you're not

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1 changing that.

2 MR. PARDO: That's 25 feet on a hundred
3 foot lot.

4 MR. BEHAR: So I could do that. I could do
5 a house, you know, to my front setback. This
6 is, you know, that 10 percent that is on the
7 back naturally, I'm just going to connect it.
8 If I have -- you know, let's say that little
9 structure is eight percent, whatever, I'm just
10 allowed to connect it with a minimum. If the
11 accessory structure is five percent, I could do
12 the covered connector a little bit bigger.

13 You're not deviating from what we're
14 allowing to do today.

15 MR. PARDO: The only difference is that, up
16 to now, we haven't been given the right
17 amounts, you know. I'm not saying the
18 prescriptive amounts, but I haven't been given
19 more information to be able to say, I'm okay
20 with it.

21 MR. BEHAR: Felix, they have. You know, I
22 disagree. They said, 35 and 10. That's it.
23 You're there. What else -- you know, you
24 can't --

25 MR. PARDO: Okay. So you're comfortable,

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1 because it's just mathematical, 35 and 10?

2 MR. BEHAR: That's what they could do
3 today.

4 MR. PARDO: Exactly, but the massing
5 component has just been completely ignored.

6 MR. BEHAR: No, because they could do --
7 you know what, it could be worse, where in the
8 case that the resident approached Commissioner
9 Fernandez, where they could do it three inches
10 away, to me, that's a worse case, and you could
11 do that today.

12 MR. PARDO: That's correct, but that would
13 be an easy fix, by saying it has to be at least
14 five feet or --

15 MR. BEHAR: Well, but you can't, because
16 now you can't have the cake and eat it too, and
17 impose more regulations than you're allowed to
18 do it today. I think this -- me, I mean, I
19 feel -- originally, I thought of putting a
20 limitation on the width, but the fact that you
21 have percentages to adhere to is going to give
22 you that --

23 MS. KAWALERSKI: You know what, if I can
24 just jump in here for a second. I mean, this
25 was presented, I've got a garage over here and

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1 I have a house over here, and I want to walk
2 protected from here to there. That's what it
3 was presented as.

4 Now we're talking about, I want to extend
5 my patio. That's what it sounds like.

6 MR. PARDO: Yes, that's what they
7 presented.

8 MS. KAWALERSKI: Okay. It's not connecting
9 to another structure. It's let me add a patio,
10 is that correct or is it attaching two
11 structures?

12 MS. GARCIA: Should I show the diagrams
13 again? So there's the two scenarios.
14 Remember, there's a scenario of a detached
15 building, that you can't get to, without it
16 being attached. If you attach it, it becomes
17 part of the 35, 45 percent, right.

18 MS. KAWALERSKI: Forget the percentages.
19 I'm just trying to look at the visuals, because
20 I'm thinking, man, okay, you want to get to
21 your garage, you don't want to get wet, okay,
22 it's a four-foot wide sidewalk cover to your
23 garage, and now we're talking about a patio.

24 MS. GARCIA: Right, a courtyard, right.
25 Loggias facing the courtyard, with those images

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1 of the --

2 CHAIRMAN AIZENSTAT: But, Sue, you're
3 limited to your percentage. So if you want to
4 have a huge outdoor space that's open, like the
5 middle down below, then your house is going to
6 be much bigger air conditioned.

7 MS. KAWALERSKI: I understand, but I
8 thought it was connecting two structures.
9 That's how it was presented, connecting two
10 structures.

11 MR. BEHAR: It is connecting two
12 structures. There's just no limit on the width
13 of that connector. It's all predicated by the
14 percentage.

15 COMMISSIONER FERNANDEZ: Right. So I think
16 the two variations, one is what I had proposed
17 regarding future construction. The other one
18 is for existing residents, who have a similar
19 situation, so that they can address, I guess,
20 the issue that they're having, whether it's a
21 detached garage or a detached terrace, now they
22 can connect it, as long as they don't pass that
23 45 percent.

24 MS. KAWALERSKI: Got you, but --

25 COMMISSIONER FERNANDEZ: But it has to

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1 remain open space.

2 MS. KAWALERSKI: Okay. But in your
3 scenario with your neighbor, they wanted to
4 extend their patio?

5 COMMISSIONER FERNANDEZ: They just wanted
6 to create a terrace. They did not have a
7 terrace. They just have an open backyard. I
8 think they were in the process of having a pool
9 out there, so they wanted to have an area where
10 they have a barbecue and some chairs to sit
11 down, and in order for them to have that --
12 because of them being I think at 32 or 33
13 percent, in order to attach it to the house, it
14 would have to be, I think it was, like three
15 feet.

16 So in order for them to build something
17 that was usable, it had to be detached from the
18 house, and I think they came up with three
19 inches, because of the separation --

20 MS. KAWALERSKI: They just wanted to attach
21 it to their house?

22 COMMISSIONER FERNANDEZ: Right.

23 MS. KAWALERSKI: An awning?

24 COMMISSIONER FERNANDEZ: Right. It was
25 just basically an outdoor terrace, where they

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1 could have a barbecue and some chairs in the
 2 rear of the house.
 3 MR. BEHAR: And if we're done, I feel
 4 comfortable, I'll make a motion to approve this
 5 item.
 6 CHAIRMAN AIZENSTAT: So we have a motion to
 7 approve. Is there a second?
 8 MR. SALMAN: I would like to second, but
 9 with an amendment.
 10 CHAIRMAN AIZENSTAT: Negotiation.
 11 MR. SALMAN: I would like to see that this
 12 type of a structure as an in-between structure,
 13 because what the Honored Commissioner presented
 14 was actually an addition that he's trying to
 15 get in under the 45 percent, so that it is
 16 actually an auxiliary structure now attached to
 17 the house, which then, by right, increases the
 18 size of the main house by 10 percent, whereas
 19 before we had 35 percent for the main house and
 20 10 percent for an auxiliary structure, now you
 21 have 45 percent for the main house and no
 22 auxiliary structure. That's the upshot.
 23 MS. GARCIA: Right. 45 percent overall.
 24 You're just moving that 10 percent and
 25 attaching it, but only if it's open air.

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1 MR. SALMAN: Define open air being?
 2 MS. GARCIA: Open area being loggias,
 3 breezeways, porches and other open air
 4 structures.
 5 MR. SALMAN: So it has to be open on at
 6 least two sides?
 7 MS. GARCIA: We can clarify that. That's
 8 fine.
 9 MR. SALMAN: Okay. You need to clarify
 10 that. That it should be to promote the
 11 movement of air across the space, so you don't
 12 have an "L" necessarily. Sorry, for the
 13 Commissioner's example, because that may or may
 14 not work.
 15 COMMISSIONER FERNANDEZ: If it's open on
 16 three side, which was the initial conversation
 17 we had, I think it works out better, because
 18 once enclosed in two sides, then you're opening
 19 up to a lot of this to different things. I'm
 20 okay with it being open on three sides, just to
 21 ensure --
 22 MR. SALMAN: My position, at least to be
 23 open on two sides.
 24 MR. COLLER: Guys, for the court reporter --
 25 MR. BEHAR: It has to be on two sides.

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1 MR. SALMAN: On two sides.
 2 MR. BEHAR: Because three sides, then you
 3 don't have a connector. Then it's not
 4 connected.
 5 MR. SALMAN: Okay. And that's my
 6 additional --
 7 MR. BEHAR: I'll accept your friendly
 8 amendment.
 9 MR. SALMAN: And then I will second.
 10 CHAIRMAN AIZENSTAT: We have a motion. We
 11 have a second.
 12 MR. PARDO: Robert --
 13 MS. KAWALERSKI: You know what, discussion.
 14 I think this has to be rewritten. I mean, we
 15 talked -- it has to be rewritten.
 16 MR. PARDO: I was going to say the same
 17 thing, because I know that the intent is right.
 18 I don't have a problem with the friendly
 19 amendment component of it, but I think we've
 20 got to get this right. I mean, I don't want
 21 Staff to use their imagination on this. I
 22 think Staff should look at the transcript, get
 23 it right, do it the right way, put in the
 24 caveats that have been discussed here, and then
 25 come back and then get it approved.

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1 CHAIRMAN AIZENSTAT: Well, any other
 2 discussion? No? We have a motion. We have a
 3 second. Let's go ahead and call the roll,
 4 please.
 5 THE SECRETARY: Julio Grabiell?
 6 MR. GRABIEL: Yes.
 7 THE SECRETARY: Sue Kawalerski?
 8 MS. KAWALERSKI: No.
 9 THE SECRETARY: Felix Pardo?
 10 MR. PARDO: No.
 11 THE SECRETARY: Javier Salman?
 12 MR. SALMAN: Yes.
 13 THE SECRETARY: Chip Withers?
 14 MR. WITHERS: No.
 15 THE SECRETARY: Robert Behar?
 16 MR. BEHAR: Yes.
 17 THE SECRETARY: Eibi Aizenstat?
 18 CHAIRMAN AIZENSTAT: Yes.
 19 MR. COLLER: Okay. So it's recommended for
 20 approval with the amendment that it has to be
 21 open air on two sides.
 22 MR. BEHAR: Two sides.
 23 MR. COLLER: Two sides.
 24 MR. PARDO: Mr. Chairman, point of order.
 25 CHAIRMAN AIZENSTAT: Yes, sir.

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MR. PARDO: We have approved things before and then we don't see a follow-up. I would like Staff to give us the final resolution, the one that is being -- that will be going to the Commission for approval, so we could read it. I don't think we should just be reading our verbatim minutes. I think we should actually look at how it turns out, you know, and that's the importance --

CHAIRMAN AIZENSTAT: I agree with you, but then it doesn't come back to us for a vote on how it's going to the Commission. At that point, it's going to the Commission for their vote and their discussion.

MR. PARDO: Right, but what I'm trying to say is that somebody has cleaned this up right now, and I don't think it's quite fair to this Board, or any Board, for that fact, because, you know, I'm -- I don't want them to say, you voted against this, and then, all of a sudden, it was written differently or the other way around.

MS. KAWALERSKI: And this is what I've been bringing up at every meeting for the past five meetings, that we have to see what it is,

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because I don't know what this is. I mean, what we talked about right now is not in here. If it is, it's so vague, it's left to subjective interpretation, and I'm not comfortable with that.

MR. BEHAR: But, Sue, isn't it then at the purview of the Commission, they're the Elected Officials, to make a determination and if they see fit to bring it back to the Planning and Zoning Board, then that's when it comes back to us, to review it or tweak it or go further, but, to me, if we do a vote and that vote passes, how do you move forward?

MR. PARDO: No. No. I'm not saying to come back to us. I would like to see what the sausage, you know, looks like at the end of the day.

MR. BEHAR: Well, the good thing is, in this particular kitchen today, we have the sus chef here, that is going to be able to go to the Commission Meeting and say this is what the Board intended to be, and if there's a misconception or whatever, it could be clarified, and I think Commissioner Fernandez, since he's here, he sees what our intent

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clearly was for this item.

CHAIRMAN AIZENSTAT: And I think his intent is the same, to be honest with you, the way I see it. His intent is the same.

MS. GARCIA: And to address the concern, we did hear you, and we have been, for every single e-mail, including a recap, at the end of the e-mail, that sends links to the legistar item that has the cover memo, that has the draft ordinance, resolution, whatever it is, so that you guys can see what the Commission is seeing. So we took that into account.

MS. KAWALERSKI: In this past e-mail?

MS. GARCIA: Yes. We sent it on Friday.

MS. KAWALERSKI: Okay.

CHAIRMAN AIZENSTAT: It was there.

COMMISSIONER FERNANDEZ: If I may, Mr. Chair.

CHAIRMAN AIZENSTAT: Yes, ir.

COMMISSIONER FERNANDEZ: I will say, being here is a different experience than what we get at the Commission. A lot of times, we do not get the comments. So all we get is, there was a seven-zero vote, there was a four-three vote, and being here presents us with the opportunity

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to really understanding what the will of this Board is, and I think it's important. I think this is -- this is the most important Board in this City, following the Commission, and the participation of each Board Member and the comments of each Board Member can really enhance the legislation that we pass in the Commission, to ensure that our residents are getting the best services from our City.

So I agree with you. I mean, I'd be open to deferring the item and sending it back when it comes to the Commission, to ensure that it is properly vetted. You know, I appreciate the votes in support and the concerns that you all have voiced today, and I'll commit to ensuring that it comes back to this Board for another look at the final piece of legislation.

MR. PARDO: Commissioner Fernandez, I just want to make a point. What you said now has been my concern, which is, hey, they voted, you know, four to three to approve, but it gets lost in the weeds, because you don't have the verbatim transcripts. You don't have the discussions. You could, if you had enough hours in the day, go through our entire, you

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1 know, one hour discussion on this item.

2 CHAIRMAN AIZENSTAT: They do have minutes.
3 Doesn't the Commission --

4 COMMISSIONER FERNANDEZ: Unfortunately, we
5 don't get them on time. So a lot of times,
6 things go to the Commission and the verbatim
7 minutes have not been submitted on time.

8 MR. PARDO: Exactly.

9 COMMISSIONER FERNANDEZ: So, at times we
10 do, and at times we don't, and I'll make a call
11 to the appointee to the Committee to get an
12 idea of what was actually discussed and what
13 came up during conversation or I'll just have
14 to refer back to the video. At least the City
15 is doing a pretty good job of posting the
16 YouTube videos. It is live. It is always
17 available for residents to watch, and for us to
18 watch, and that's extremely helpful, but the
19 transcripts do take some time to actually come
20 through, so we sometimes -- if a vote is taken
21 today, and this goes up in a Commission meeting
22 next week, there isn't enough time for us to
23 actually receive that.

24 MR. PARDO: And that is the problem,
25 Mr. Chairman, because, you know, we're assuming

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1 they have this, and it's not necessarily there,
2 and this is on this one small item. Sometimes
3 it's big projects that we review, and that's
4 not fair to them, and, you know, it's almost
5 like dealing with, you know, buying a used car.

6 COMMISSIONER FERNANDEZ: I thank you for
7 your time.

8 CHAIRMAN AIZENSTAT: Thank you,
9 Commissioner.

10 COMMISSIONER FERNANDEZ: And I thank you
11 all for your service to our City and for your
12 dedication to this Board.

13 CHAIRMAN AIZENSTAT: Thank you.

14 All right. Let's move on. The next agenda
15 item, please, Mr. Collier.

16 MR. COLLIER: Item E-2, an Ordinance of the
17 City Commission of Coral Gables, Florida,
18 providing for text amendments to the City of
19 Coral Gables Official Zoning Code Article 10,
20 "Parking and Access," Section 10-109, "Remote
21 Off-Street Parking and Payment-in-Lieu,"
22 Section 10-111, "Share Parking Reduction
23 Standards," Section 10-112, "Miscellaneous
24 Parking Standards," Article 14, "Process,"
25 Section 14-204, "Transfer of Development

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1 Rights," to address the applicability of these
2 provisions to projects utilizing provisions of
3 the Live Local Act, Chapter 2024-188, laws of
4 Florida; providing for repealer provision,
5 severability clause, codification, and
6 providing for an effective date.

7 Item E-2, public hearing.

8 MS. GARCIA: Jennifer Garcia, Planning and
9 Zoning Director.

10 If I could have the PowerPoint, please?

11 So this is the long-anticipated PowerPoint
12 that we've been talking about for a few months
13 now about Live Local. So I'll be going through
14 the snippets of the Act, both from 2023 and for
15 2024, the last year glitch bill.

16 As you know, this is preemptive bill by the
17 Florida State Legislature, and it was signed
18 into law by the Governor back in 2023. It was
19 signed in March 2023, and effective July 1st of
20 2023. And, then, a year later, they came
21 through with the glitch bill, State Bill --
22 sorry, Senate Bill 328, and that changed some
23 elements, added some more preemptions.

24 So, a preemptive bill is basically the
25 State's way of preempting certain aspects of

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1 municipalities. So it's, throughout the whole
2 act, a municipality must authorize, must
3 consider, must do this. So I'm going through
4 the Act.

5 So a city must authorize a development if
6 it has 40 percent affordable housing, and
7 that's between 30 percent and 125 percent of
8 AMI addressed in the income, and that is also
9 only in our mixed-use districts, as it applies
10 to Coral Gables. It's also in the commercial,
11 industrial districts, which we don't have in
12 Coral Gables anymore. We only have mixed-use
13 districts.

14 So looking at the map in Coral Gables, all
15 of the red is our mixed-use districts. So you
16 see that along Eighth Street, you see it down
17 Ponce de Leon, you see a big chunk of it in our
18 Downtown, as well as a couple of blocks on
19 Biltmore Way. Going south, the map on the
20 right side is the former Industrial District,
21 the Design and Innovation District and pockets
22 of mixed-use along US-1, and then the small
23 urban center that's next to -- south of Miami.

24 So affordability is defined by Florida
25 State Statutes, monthly rents not exceeding 30

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percent of the amount which represents the percentage of the medium adjusted gross annual income, the AMI. So our AMI is based on Miami-Dade County. So looking at FloridaHousing.org, they have some resources there to see what our AMI is and what's considered to be affordable.

So the median income is \$79,400. So if you look at the box on the right, you see the rent limit by number of bedrooms and units. So, for example, a studio, which has zero number of bedrooms, could rent at 120 percent AMI for \$2,300, just to give an estimate. That would be the maximum that you would be able to rent 40 percent, again, of the whole building, that would have to have that, to qualify for Live Local preemption.

So, moving on, the maximum height is also preempted by the State to be the highest allowed height within one mile, and that's within Coral Gables. That's not including South Miami, not including City of Miami, only within Coral Gables. And the glitch bill of last year added some useful language about single-family height, as it relates to

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max, as long as MX3 is within one mile of the property, and, again, that Med Bonus would be on top of that height, not the -- they cannot go above, in our City, with Mediterranean Bonus, beyond 195 feet.

And, then, the density is analyzed throughout the City. So the highest allowed density on any land in the municipality. So our highest density is in our mixed-used districts. That's a little hard to read, but the highest density is 125 units an acre, and, then, administrative approval for density, for height, for land use and FAR.

If you look at this, this is kind of the meat of the law of the Live Local Act for administrative approval. However, our Zoning Code requires building sites of 20,000 square feet or more to go through, again, the Board of Architects, of course, and the Planning and Zoning Board and the City Commission. Now, if the property is less than 20,000 square feet, it would just go through the typical DRC, Development Review Committee, and the Board of Architects, before submitting for a building permit.

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being attached -- sorry, adjacent by two or more sides, and different heights allowing.

So this is a map, again, showing the north part of Coral Gables on the left side, the south part of Coral Gables on the right side, and that gray area is the 70 feet that's our mid rise height. So that's the gray area. You can see it spans most of our urban areas, and 150 feet, which is the kind of light yellow area, and how much of that encompasses the City. As you know, our city is very small and compact, so one mile is quite expansive. So you can see it encompasses most of Eighth Street, all of our Downtown, Biltmore Way, and along US-1.

And so moving on, yes, they are allowed to have a bonus, if they satisfy our requirement for the bonus, to be eligible to get the Coral Gables Mediterranean Design Bonus. And looking at what that would be, the green area, those four floors, is kind of a make believe MX1 low rise zoning. That pink area in the middle is the height preemption that the Live Local Act is now allowing an affordable developer to do, a maximum of 150 feet. So that would be the

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And then the FAR, as I mentioned, came about last year, with the glitch bill, and they can have a maximum of 150 percent of the highest currently allowed floor area ratio. In our City, the highest floor area ration is 3.0, so a hundred percent of that would be 4.5 FAR.

So looking at this, qualifying developments, they must -- it's not -- they must be zoned in a mixed-use district in our City. We don't have industrial or commercial, so it's only in the mixed-use district. They have to provide at least 40 percent of the residential units to be affordable, and that's for 30 years at least, and that would be tracked by a covenant on the property, and then it must contained at least 65 percent or more residential use, as in you can't have one affordable housing unit and have a very tall office building, for example.

So if they meet those qualifications from the State, then they are preempting us on, again, the density, the height and the FAR. So they can have the highest density in Coral Gables, 125 units an acre, the height that's permitted within one mile within City limits,

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and then the floor area ration will be 100 percent of the highest allowed, which is 3.0, which the total would be a 4.5 FAR.

So comparing our typical mixed-use zoning, if they were to follow our Zoning Code versus the preemption of the Live Local Act, you can see the different heights, MX1, MX2, MX3. MX1 allows for 45 feet or 77 with Med Bonus. However, if they are within a mile of MX3 and they're using the Live Local preemption process, then they could go up to 150 feet or 190.5 with Med Bonus.

The same thing with the MX2, 70 feet or 97 feet with Med Bonus, per our Zoning Code, but if they are within a mile of MX3, then they can go higher, to 150 or 190.5 with a Med Bonus. FAR, as you know, is 3.0 or 3.5, with Med Bonus. Live Local Act would allow for 4.5 FAR.

The density remains the same, 125 units an acre. Affordable units, as you know, we don't have a requirement for a minimum amount of affordable units, but for them, it would be 40 percent of the residential units. And the open space and other requirements of the setback and front will remain the same.

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This is a hard to see screenshot of our Live Local Act, one page that we have, for the City. It's at [CoralGables.com/Department/DevelopmentServices](https://coralgables.com/Department/DevelopmentServices), and it's on our Development Services website, and there you can see a description of the Live Local Act. You have links to the two State bills, from 2023 and 2024. You have a link to our Administrative Order, as well as a link to the Commission's Resolution, as required by the State Statute.

Now, moving on to what we actually have to adopt, is the parking requirements. So the State is mandating that we require consideration of parking reductions within a quarter mile of a transit stop. So this map, again, is the north side of Coral Gables, on the left side, the south side on the right side, and you can see that the bus lines are running along Eighth Street. The trolley runs along Ponce de Leon. And the bus lane runs along -- not bus lane, bus route, runs along Douglas Road. And on the right side, you can see the South Coral Gables and different bus lines that run along there.

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So what you can see in the white would be within a quarter mile of this bus routes, and that would be eligible for a parking reduction, per State Statute, for us to consider a parking reduction. So we're proposing a 10 percent parking reduction. That's in line with our shared parking increments. They have to fulfil -- it would have to, of course, be a quarter of a mile of a transit stop, which is the Metrorail or a trolley stop -- I'm sorry, Metro bus or trolley stop and must be accessible by safe and pedestrian friendly infrastructure, crosswalks, sidewalks, bike paths, et cetera, as well as the Commission would consider the impact of any parking reduction and its compatibility with the area. So, again, this is required to be adopted by the municipality.

And, then, the State Statute also requires like a 20 percent parking reduction if you're within a half mile of a major transportation hub. Now, looking at this map, you can see the major transportation hubs would be the Metrorail stations at Douglas, University and South Miami. So you can see the area that are

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encompassing those major transportation hubs, and they have criteria in the State Statute that has to be, again, within half a mile of a transportation hub, as well as has to have available parking within 600 feet of the development and accessible by safe pedestrian means of a structure.

So, in summary, the preemption is touching height. The height would be the highest allowed height within one mile within Coral Gables. Density would be the highest density on any land in the City. The FAR is 150 percent of the highest currently allowed. The use would be allowing residential used on mixed-use, commercial zoning, and the parking, the 20 percent reduction would be required within a half mile of major transportation hubs, and then for us to consider a reduction and we're proposing it to be the 10 percent, within a quarter mile of a transit stop.

In addition to the proposed amendment required by the State for the parking reduction, we are proposing a few more amendments to our Code to better align any future Live Local application to be more

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consistent and compatible with our area. So prohibiting the utilization of remote parking, except on Miracle Mile, where it is required. So any Live Local application would not be allowed to request remote parking with their proposed development. They're also not allowed to apply for a shared parking reduction, in addition to the reduction they are already getting from the State. So, for example, if they get a 20 percent reduction, they can't go ahead and reduce it furthermore with a shared parking study. It's one or the other.

And, then, also, they would be prohibited from utilizing Transfer of Development Rights or TDRs. Since their max FAR would be 4.5, the addition of TDRs would be a much more incompatible development. That's also in the proposed text amendment before for you today.

In essence, we published this back in September of last year. There has been two proposed bills, both by the House and also by the Senate. We have reviewed that. We're going through that currently right now. We're not prepared to have a reaction on that, just because it's moving through the process at the

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State level.

But, then, just to recap, you guys, we have not had any applications for Live Local. We have not reviewed or processed any Live Local applications in the City. And we haven't approved any. There hasn't been any developments that have been approved through the use of Live Local within Coral Gables. The closest one, that's not within our borders will be the Sears redevelopment on Coral Way and Douglas Road. So just to emphasize, there's other large developments on our borders, but those are not Live Local applications.

So we did reach out to City of Miami to see what the update is on the Sears property. They haven't had any movement since last Summer, when it was first reviewed.

That's it.

MR. COLLIER: Jennifer, do we have the actual what you're proposing as an amendment? Do you have that as a slide or -- do you all have the actual amendment, because it's pretty small. There's a lot of conversation about Live Local Act, but the actual amendments that we're doing to our Code right now are limited

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to a couple of pages. It's attached to the report on --

MS. GARCIA: Yes, Page 3. I guess, kind of starting on Page 2, but Page 3 of your -- and Page 4, as well, of your Staff report has those amendments.

MR. PARDO: The implementation order?

MS. GARCIA: No, the Staff report from September 11, 2024. We're just going to pass those out.

MR. BEHAR: While we do that, can I ask the attorney a question?

One is, in Jennifer's presentation, she said that the highest density is what is the maximum allowed in the City. She stated, 125 units per acre, but, in fact, in the CBD, there's no limitation on density. Would that not be the case? Because you're allowed what is the maximum allowed in the municipality. So I think -- that's from, you know, a legal point of view.

MR. COLLIER: Well, we have certain thoughts about how that could be addressed. I'd be happy to discuss that with you on a one to one basis, but I'd rather not chat about what

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possible responses we would have to that.

MR. BEHAR: And then the second, you know, to you, as well, is, we're proposing additional restrictions, such as remote parking, shared parking and the TDRs.

MR. COLLIER: Right. Well, I think we feel that these bonus programs that we've provided, we had envisioned based upon what we thought height, density would be, but when the Live Local Act came out, it was determined that, well, wait, it's one thing if we're doing it under a regular development, but it would not be fair to do that -- to offer those bonuses for those particular developments.

MR. BEHAR: But this is just me, you know, just trying to play devil's advocate here, are we not setting restrictions, that based on the Live Act -- Live Local Act, they're entitled to do, because -- are we making that interpretation?

MR. COLLIER: No. I think what it is, is that they're bonus programs that we have to do, which is the if they offer a Mediterranean style, that their subject to it, but they're getting so much more in the Live Local Act,

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that -- where we feel that we have the right to restrict their ability to get TDRs and the other restrictions, that would even make their developments more intense.

So we're of the belief that these -- now, we may do this and the Legislature and may look at this and say, "Oh, well, we're not going to let you do that." That's a possibility. But right now, we don't see that there's a restriction on our providing this restriction.

MS. KAWALERSKI: So let me piggy back off of Robert. Since we're offering these changes, why aren't we also including in there no Med Bonus?

MR. COLLIER: Because the law changed in the last legislative session and specifically -- do you want to bring that up again?

MR. BEHAR: See, I think we have a better chance --

MR. COLLIER: It's one thing when we have a direct statement by the Legislature, "You have to offer this." That's not -- we haven't gotten it for this.

MR. BEHAR: But you have a better chance of restricting the Med Bonuses than you have the

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doesn't go beyond that. It doesn't contemplate any kind of higher zoning or higher building height to go beyond that.

MS. KAWALERSKI: Codina Building, 204 feet. That's not 190.

MS. GARCIA: Yeah, but they're in a PAD. So part -- within the CBD, on certain streets, within a density I think of 100 units an acre or something like that -- don't quote me on that -- so it's a different animal, different legislation to go through.

MR. PARDO: I don't understand your explanation.

MS. KAWALERSKI: No, I don't either.

MR. PARDO: Can you break that down a little bit?

MS. GARCIA: So Codina was allowed to build beyond 190 feet, because there's language in our Pad that allows that, within the CBD, limiting the density to 100 something units an acre --

MR. PARDO: No. The limit in the PAD does not allow you to put additional height on it. The limit in the PAD allows you all sorts of things, such as setbacks, but not additional

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other, because my understanding, and I've been trying to be very proactive and familiar with it, you're not allowed to ask for any deviation and variances and waivers, you know, to what is allowed in a city.

In my opinion, my eyes, the Med Bonuses could constitute as a waiver, a variance, from the base code -- what is allowed under the, you know, base code. I think that we may have a better chance of limiting the Med bonuses.

MS. KAWALERSKI: Well, here's my fear. So say they get the Med Bonus, and all of a sudden they're at 190. So another Live Local comes in and they say, "Well, our base is going to be 190, and we want a Med Bonus on top of that."

MR. BEHAR: No, you're not allowed to do that.

MS. GARCIA: No, that's not allowed.

MS. KAWALERSKI: Why?

MR. BEHAR: Because I think --

MS. GARCIA: The Comp Plan and the Zoning Code is very clear. If you get Med Bonus, this is your height. It's not to whatever height you have. It's very clear, if you get a Med Bonus, you get this height or this height. It

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height.

MS. GARCIA: Yes.

MR. PARDO: And I always -- you're shaking your head, so I'm wrong? Where does it say height?

MS. GARCIA: So there was an Ordinance set forth by the Commission to add on to the PAD, at the very end, after --

MR. PARDO: No, I understand that. What I couldn't understand, also, is that, all of these things that we're talking about tonight, right, is this just based on the Zoning or is this based on the Land Use Plan? Everything we're talking about with Live Local, are we using the height of the Comprehensive Land Use Plan or are we using the height of the existing Zoning on the particular property?

MS. GARCIA: So most of the time, they're consistent with each other. So if you're mixed-use, you are also high rise.

MR. PARDO: No. I'm asking a very specific question. Right now we have a Comprehensive Land Use Plan. The Comprehensive Land Use Plan is the limit, the ceiling, but underneath that, you have the Zoning. So when you're talking

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1 about the Live Local Act, are you using our
2 extended height of Live Local with the
3 Comprehensive Land Use Plan, for example, just
4 to separate it, the height at 190 feet for
5 every single property that you showed there?

6 MS. GARCIA: So, I think, in general, we're
7 using the Zoning, but, again, our Zoning and
8 Land Use are usually very consistent, except
9 for areas on Miracle Mile, which has the Land
10 Use of high-rise and we're not allowed to go
11 high-rise on Miracle Mile.

12 MR. PARDO: I'm sorry, you're saying that
13 they're very consistent.

14 MS. GARCIA: Uh-huh.

15 MR. PARDO: So let's say a project that has
16 a Zoning, that has a limitation of 60 feet, and
17 the Land Use Plan says you could go up to 90
18 feet, which one do you use, the 60 feet for
19 Zoning or the Land Use Plan?

20 MS. GARCIA: I would use the 60 feet in
21 Zoning, but, again, I don't know of any
22 properties that are inconsistent.

23 MR. PARDO: Robert, I'm going to say
24 exactly what you're saying, because what you're
25 talking about is, then you're going to say, for

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1 height, it's whatever the highest building is
2 within the mile and the thing. That's fine.
3 That's height. But what I'm trying to say is
4 that when you get into the weeds on Live Local,
5 for example -- for example, Broward County,
6 City of Hollywood, what's it called --

7 MR. COLLIER: Margaritaville.

8 MR. PARDO: There you go. You know exactly
9 where I was going. They're being sued right
10 now by a developer, because they said, Live
11 Local, I want to be as high at Margaritaville.
12 Margaritaville was given all sorts of bonuses,
13 every single one, and the City determined that
14 the bonuses were not on the table when it came
15 to height. They were not on the table when it
16 came to height. Although that building
17 measures, "X", they said, no, no, no, it's
18 going to be "Y".

19 MR. BEHAR: Because that property, you said
20 it, probably got waivers and additional
21 approval, that you're not allowed to seek under
22 the Live Local. You know, it has to be what is
23 permitted without any special approval
24 exception.

25 So, in the City of Coral Gables, you would

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1 allow, for example, 190 feet, if I'm in the MX
2 -- mixed-use district in the -- by the
3 Collection, let's say, right. That's a
4 mixed-use district. The CBD, which is one mile
5 away, you're allowed to do up to that height,
6 in that area.

7 MR. PARDO: The problem is that --

8 MR. BEHAR: But I can't go more than the
9 190.

10 MR. PARDO: And the problem is that on
11 Miami Beach, they've already had a couple of
12 developers trying to utilize Live Local, and
13 they ran into a problem. The problem they ran
14 into was that, they could get the amount of
15 units, but they couldn't get it within the
16 height. In other words, when they squeezed it
17 one way, it went the other way. Then they
18 tried to get a variance, and they were denied.

19 MR. BEHAR: Because you cannot -- you are
20 not allowed to seek special variances, waivers,
21 nothing. And that happened in the Beach, in
22 the Cleveland property.

23 MR. PARDO: Correct.

24 MR. BEHAR: Because it is not a mixed-use
25 zonification.

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1 MR. PARDO: This, in my opinion -- well,
2 forget about my opinion. When that particular
3 project that you mentioned before was granted
4 over 200 feet, there was a change of the Comp
5 Plan, right?

6 MS. GARCIA: Correct, and the Zoning Code,
7 as well, yes.

8 MR. PARDO: And, again, here we go again.
9 We change the Comp Plan as easy as we change
10 Zoning. The Comp Plan theoretically
11 established -- those maximum heights were
12 established specifically wrapping around the
13 idea of concurrency, in other words, all of the
14 different things that you need to be able to
15 make development viable. The problem I see is
16 that we are now reaping the rewards, at a State
17 level, of people now wanting to build even
18 more, without the concept of concurrency.

19 In other words, we are building
20 unsustainable projects. And by the way, what
21 happens, Mr. Collier, after the 30 years? Does
22 it turn magically into something else? Because
23 now in 30 years now, you don't have enough
24 parking, you have all of this density, now
25 those people are going to be paying rent

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1 through the nose, it's not affordable anymore,
2 and this is like the Trojan Horse; isn't it?

3 MR. COLLIER: Well, I think that all of
4 those questions are excellent questions that
5 you should address to your State
6 Representatives. They're the ones that adopted
7 this thing. It was not -- it was not something
8 that Coral Gables does.

9 What we're trying to do here, I think, is
10 to do what we can and make clear that certain
11 bonuses that we provide are not subject to a
12 Live Local project, and I think that that's a
13 reasonable opportunity. These are things
14 that -- we're encouraging TDRs in certain areas
15 of the City, but that was based upon a certain
16 level of development. Now, this Live Local
17 project ignores, really, what our restrictions
18 are, really ignores our Zoning and says, "You
19 can build this." So the least we can do is
20 say, "Well, these bonus programs that the local
21 government has provided, I'm sorry, that's not
22 going to be available to you, because you're
23 getting a ton of development based upon the
24 State law. You don't need, in our view, these
25 extra bonuses."

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1 MS. KAWALERSKI: So why aren't we including
2 the Med Bonus in this? I mean, these are small
3 potatoes in comparison.

4 MR. COLLIER: But the problem is, there are
5 certain things that the Legislature has
6 directly preempted us on, and said, "No, you've
7 got to have -- if you offer a bonus program for
8 Med Bonus, you've got to offer this bonus
9 program to Live Local." They did this this
10 year. Maybe they saw our situation. I don't
11 know why they did it.

12 And when you look at the new law, they're
13 targeting municipalities, trying to preempt
14 them as much as they can and -- but it's not
15 the new law, which is about 65 pages, I think
16 the House Bill is. We have -- you know, we've
17 gone through it once, but there's a lot in
18 there, but at least with regard to what we can
19 do, we're doing.

20 MS. KAWALERSKI: Why? They're bonuses. A
21 bonus is a bonus.

22 MR. COLLIER: Well, I don't think it's --
23 there's bonuses and there's bonuses.

24 MS. KAWALERSKI: Well, let's make it a
25 bonus. Let's do the big B instead of the small

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1 B. I mean, because the Med Bonus is the issue
2 here, it's not remote parking, it's not TDR.

3 MR. COLLIER: I'm not sure that the Med
4 Bonus is what really getting you. What they're
5 really getting, the big thing, is that they're
6 really getting this height within a mile of the
7 City. I mean, that's the huge --

8 MR. BEHAR: Which is how you're going to
9 achieve the height through the Med Bonuses. So
10 you could get the 190 feet 6 inches, okay, and
11 you're going to be able to get, in my opinion,
12 and based on conversation I'm having with the
13 City of Miami, in relationship to the density,
14 you know, you're going to get the maximum
15 density. And the City of Miami is way out,
16 because it's a thousand units per acre, okay.

17 Here, I think the density is going to go
18 back to the CBD, which there's no cap on the
19 density.

20 MS. KAWALERSKI: Okay. But Robert, to your
21 point about, you know, like in the Collection
22 area, they would be able to go to 190.
23 Wouldn't they be able to go to 204? We have a
24 precedent setting --

25 MR. BEHAR: No. No. No. No. Because

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1 that got a special exception, a special
2 approval for that.

3 MS. GARCIA: No, not a special approval.
4 They followed criteria in our Zoning Code, and
5 they met that criteria, by limiting the
6 density, being on certain streets, and being
7 within the CBD and being a PAD.

8 MR. BEHAR: But that got an approval -- a
9 special approval from us.

10 MS. GARCIA: Right. If they meet that
11 criteria, then, yes, they can have extra
12 height, but they're going to blow their density
13 to do that and provide more open space, which
14 I'm not sure --

15 MS. KAWALERSKI: But I'm just saying, if
16 that's the tallest building in Coral Gables --
17 is that the tallest building in Coral Gables?

18 MS. GARCIA: If they meet the -- well, no,
19 the Biltmore is. But if they meet that
20 criteria -- they have to meet the criteria in
21 the legislation. We don't interpret it to be
22 that that would apply to anyone else, except
23 for meeting that criteria in our Zoning Code.

24 MR. BEHAR: If they come in as of right,
25 Jennifer, for the Live Local, because that's

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1 the intent, that you don't have to, they cannot
2 do 204 feet or whatever height that is?

3 They're limited at the 190 feet 6 inches?

4 MR. PARDO: Why?

5 MR. BEHAR: Because that's the way that the
6 Live Local is written.

7 MS. GARCIA: Right.

8 MR. BEHAR: To get anything over what is
9 normally allowed -- normally allowed -- without
10 going through any hearing, going to any
11 approval, you've got to keep it at what is
12 today allowed in that municipality.

13 MR. PARDO: Yeah, but allowed how, by
14 Zoning or allowed by the Comprehensive Land Use
15 Plan?

16 MR. BEHAR: It's whatever is -- I don't --
17 and I'm not going to say -- you know, address
18 exactly that, because I'm not sure how they're
19 referring to it, but they're referring as the
20 maximum height allowed within one mile radius
21 of your location, and the density is the
22 maximum allowed in that municipality, as well.

23 MR. PARDO: Whether it's built or not
24 built?

25 MR. BEHAR: Correct.

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1 MR. COLLIER: The problem is, there are
2 certain areas of the City that are within the
3 grid, I think, that are an exception to
4 concurrency.

5 MR. WITHERS: But I don't think South
6 Miami.

7 MR. PARDO: No, you're talking about only
8 traffic concurrency, Mr. Collier, which was
9 exempted by Miami-Dade County, which is
10 everything that's within the Palmetto, to is
11 the sea -- toward the ocean, is exempt from
12 traffic concurrency.

13 MR. COLLIER: Well, that's Miami-Dade County
14 and the unincorporated area.

15 MR. PARDO: No. No. No. No. That's
16 everything. There's a traffic concurrency
17 allowance for every municipality, everything in
18 the County, that circles -- not circles, it's
19 an inverted "L" of the Palmetto Expressway,
20 that runs east to west and then south, and
21 everything toward the bay is exempt from
22 traffic concurrency, and the County Commission
23 addressed that for all municipalities. If not,
24 nobody would meet traffic concurrency, because
25 Le Jeune Road has been at Level F for at least

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1 CHAIRMAN AIZENSTAT: Wait. Chip, you have
2 a question?

3 MR. WITHERS: I have a question. Is there
4 a traffic concurrency part to this Live Local?
5 I haven't seen anything about traffic. I've
6 seen parking, I've seen density, I've seen
7 height, but I haven't seen traffic.

8 MR. COLLIER: I don't think they've
9 addressed concurrency.

10 MR. WITHERS: Why?

11 MR. PARDO: I thought I read it in the
12 Ordinance.

13 MS. KAWALERSKI: Because we're going to be
14 taking the Metrorail. There will be no
15 traffic.

16 MR. COLLIER: In the State Law, they
17 addressed concurrency?

18 MR. PARDO: It mentions it. It doesn't say
19 the word, concurrency, but it mentions the
20 elements of concurrency in it.

21 MR. WITHERS: Can we look at that maybe?

22 MR. COLLIER: We can look at that.

23 MR. WITHERS: I mean, why not?

24 MS. KAWALERSKI: You know, can I ask maybe
25 Jennifer --

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1 25 years.

2 MR. COLLIER: Well, there's other
3 concurrencies. There's a water and sewer. If
4 you don't have the sewer, you can't hook up.

5 MR. PARDO: That's correct.

6 MR. COLLIER: And that's a problem, right?

7 MR. PARDO: And that is correct, and that's
8 what I've been --

9 MR. COLLIER: That is not addressed in
10 what's before you, because there's a separate
11 requirement for meeting water and sewer.

12 MR. WITHERS: So what about the definition
13 of a transportation hub? I mean, the
14 Metrorail, is that really a serious
15 transportation hub? Is there a number of
16 people that it has to move? What's the
17 criteria to be a transportation hub?

18 MR. COLLIER: I'm not sure I understand the
19 question.

20 MR. PARDO: It's not based on logic. What
21 they do is, they actually do a cross hair of an
22 intersection of two bus routes, and that's good
23 enough for -- it is absurd, because it doesn't
24 resolve anything, and, you know, these guys are
25 just painting us into a corner.

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1 MS. KAWALERSKI: So let me ask you a
2 question, a project has to have 65 percent
3 residential units, right, 65 percent, and yet
4 it says 40 percent must be affordable housing.
5 Is it 40 percent of the hundred percent of the
6 project or is it 40 percent of the 65 percent
7 residential?

8 MS. GARCIA: Yes, of the residential units.
9 So you can have 65 percent minimum. You could
10 have 85 percent, right. But 40 percent of
11 whatever amount you have has to be affordable.

12 MS. KAWALERSKI: So what I'm getting at,
13 the 40 percent of 65 means not too many units
14 necessarily, right, not too many units, to
15 qualify for this. So it's not like we're
16 solving the affordable housing crisis here.

17 MR. COLLIER: Right, but we're not passing
18 on the Live Local Act.

19 MR. WITHERS: It's not like you will be
20 able to afford --

21 MS. KAWALERSKI: Well, that's another
22 issue. Who's going to be able to afford it?

23 MR. WITHERS: That's been our whole issue
24 with our affordable crisis in Coral Gables. I
25 mean, we were at 970 when I got on the

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1 Commission, I think, and I don't know that we
2 even put a dent in that, because who can really
3 afford a 225 or \$250,000 condo as affordable.

4 MS. KAWALERSKI: I agree.

5 MR. BEHAR: Listen, at 120 percent of the
6 income median, look at the numbers. They're
7 not affordable units.

8 MR. WITHERS: Right. That's what I'm saying.

9 MR. BEHAR: You're telling me that a two
10 bedroom unit is going to be paying \$3,000?

11 MR. WITHERS: That's not affordable housing.

12 MS. KAWALERSKI: No, it's not. So why
13 aren't we arguing that?

14 MR. COLLIER: I think what's before you is
15 not the Live Local Act.

16 MS. KAWALERSKI: It can change. It's
17 changing all of the time. There's going to be
18 another revamp of this; isn't there? They're
19 now revamping this for a third time.

20 CHAIRMAN AIZENSTAT: They're doing it now.
21 It started about a month ago.

22 MS. KAWALERSKI: Right.

23 MR. COLLIER: So we're really dealing with a
24 moving target. What we're trying to do here
25 is --

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1 MS. KAWALERSKI: But it's not for our
2 benefit though. This is going to all --
3 Anthony De Yurre is working for the developers.
4 He's the main driver behind this; isn't he,
5 Robert?

6 MR. BEHAR: There's many, many people at
7 the State level behind this, and I don't
8 think --

9 MR. WITHERS: But my bigger question is,
10 what has the City done? They're been sitting
11 on their hands for the past two or three years,
12 not trying to build a coalition with cities in
13 Naples or Orlando or Fort Myers or anywhere in
14 the State.

15 MS. KAWALERSKI: Or Doral. Doral is suing.

16 MR. WITHERS: Or Doral, not even in our own
17 neighborhood, and we're just letting -- where
18 is the fight from the municipalities against
19 the State of Florida? And that's a
20 hypothetical. That's not a question to you,
21 but I'm just saying, it's extremely
22 disappointing that we, as a City, have not at
23 least tried to form a group or foundation to
24 fight this. It's obscene and absurd.

25 MS. KAWALERSKI: It's not like we would be

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1 on our own. There are a lot of municipalities
2 in Florida that are fighting. We're doing
3 nothing but laying down. I mean, what we're
4 offering here, we're not even addressing the
5 Med Bonus.

6 CHAIRMAN AIZENSTAT: Well, I think what's
7 going on, we don't really know what's going on
8 behind the scenes legally with the City. I
9 would also think that there's a lot of
10 discussion that's going on behind the City that
11 they don't want to come before, in an open
12 public meeting, and let everybody know what
13 their action is going to be or their course to
14 fight it is going to be. That's what I'm
15 feeling.

16 MS. KAWALERSKI: Yeah, but why would Doral
17 sue, why would Miami Beach sue, why would -- I
18 mean, there's a list of --

19 MR. BEHAR: But we don't know if the City
20 of Coral Gables is going to sue right now.

21 MR. WITHERS: Then why are we even voting
22 on this today?

23 MR. COLLIER: I don't think Miami Beach has
24 sued --

25 MR. BEHAR: No.

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MR. COLLIER: -- but I don't think that Miami Beach has sued.

MR. BEHAR: Yeah, only Doral. Doral and Hollywood are the only two that I'm aware of.

MR. COLLIER: Well, I think that they worked something out with the developer in Doral.

CHAIRMAN AIZENSTAT: Let me ask a question before we proceed, do we have anybody -- obviously, we don't have anybody in Chambers. Do we have anybody on Zoom?

THE SECRETARY: No.

CHAIRMAN AIZENSTAT: Anybody on the phone platform?

THE SECRETARY: No.

CHAIRMAN AIZENSTAT: Okay. I'm going to go ahead and close it for public comment.

My question is, what direction do you need from us tonight and how do we proceed?

MR. WITHERS: Well, I'll move Staff's recommendation. I think that's what you want, right?

MR. COLLIER: That's always helpful.

CHAIRMAN AIZENSTAT: Is there --

MR. BEHAR: But can we do that?

CHAIRMAN AIZENSTAT: We have a motion. Is

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there a second, before we continue?

MR. SALMAN: Second, for discussion.

CHAIRMAN AIZENSTAT: We have a motion and we have a second from Mr. Javier.

MR. PARDO: Mr. Chairman?

CHAIRMAN AIZENSTAT: Yes, sir.

MR. PARDO: I don't know how many meetings in a row, when we've discussed this issue, I've said it over and over and over, I suggested that we follow the track of what Miami Beach did with the Live Local Act and write a separate chapter, and in there, put all of the exceptions, as they did.

I have a feeling that eventually, I think the voters in Florida are going to turn on this legislature, and this is eventually going to go away, once the outrage hits the right level, which is a political level. I believe that we should write this as a separate section, because it would be easier to amend and also to bifurcate, in case that happens, too.

So the reason I am saying this is, right now we're taking these sections, which Staff has identified, and we're peppering them through our Zoning Code. It will be very

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difficult to retract later on, alter, and someone is going to simply make a simple mistake. That is why Miami Beach did it in a separate way, which I think would be the right way to do it.

I don't mind the issue of the concepts of the different things that have been proposed by Staff. I just think that the vehicle is the wrong vehicle to do it. I suggest that they come back with a chapter, which is specifically of Live Local, similar to what Miami Beach did. I think it's the most logical way to keep it fresh, separate, where it can be altered, because as Mr. Collier said, right now, there is more changes coming and the same that is going in the up direction, tomorrow it could be going in the down direction.

MR. COLLIER: My suggestion is that you should move for denial on the basis that you want it to be a separate section and that you're not happy with it, the way the Staff has done it. It's a motion for denial, and that's your recommendation.

CHAIRMAN AIZENSTAT: Right now, we have a motion for approval and we have a second, for

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discussion.

MR. COLLIER: Right.

CHAIRMAN AIZENSTAT: So unless that changes --

MR. COLLIER: Right. That's true, but that would be an alternate -- if this fails that would be your motion.

MS. KAWALERSKI: All right. And as part of the discussion, I totally agree with Felix. Let's not integrate it. This should be separate.

MR. WITHERS: I will withdraw my motion.

MR. SALMAN: I withdraw my second for discussion.

CHAIRMAN AIZENSTAT: Okay. Does anybody want to make another motion? Mr. Pardo?

MR. PARDO: Okay.

CHAIRMAN AIZENSTAT: In simple terms.

MR. PARDO: What Mr. Collier said. Is that simple terms?

CHAIRMAN AIZENSTAT: Yes.

MR. COLLIER: So you move for a recommendation of denial based upon the fact the City's approach is not to create a separate section, but, rather, to amend those pieces

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1 that need to be amended.
 2 CHAIRMAN AIZENSTAT: In other words, he
 3 wants a separate section.
 4 MR. COLLER: He wants a separate section.
 5 MS. KAWALERSKI: Yes. We all do.
 6 MR. COLLER: The City wants to just amend
 7 what they feel needs to be amended and not do
 8 any more than that.
 9 MR. WITHERS: I'll second it.
 10 CHAIRMAN AIZENSTAT: Mr. Pardo, is that
 11 good?
 12 MR. PARDO: Yes.
 13 CHAIRMAN AIZENSTAT: We have a motion. We
 14 have Mr. Withers with a second. Any
 15 discussion?
 16 MR. BEHAR: What exactly are we doing? So
 17 this will be a separate section to --
 18 MR. PARDO: To the Zoning Code.
 19 CHAIRMAN AIZENSTAT: To the Zoning Code.
 20 MR. BEHAR: Addressing the Live Local. But
 21 what intent is that going to do, what purpose
 22 is that going to do?
 23 MR. PARDO: I mentioned that. Several
 24 things. Number One, this is changing almost on
 25 a daily basis. If we take these sections,

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1 Robert, like Parking and Remote Parking and
 2 TDRs and we start peppering it all over the
 3 Code, every time that there is a change from
 4 the Legislature, either going up or down on the
 5 thing, it will be almost impossible.
 6 MR. BEHAR: Okay. If I understand you
 7 correctly --
 8 MR. SALMAN: The other thing is that it
 9 allows the City, should this eventually go
 10 away, which I agree with Mr. Pardo that it
 11 will, that it becomes a discreet section, which
 12 then is -- so I admire the logic of that.
 13 MR. PARDO: It's for clarity purposes.
 14 MR. BEHAR: Okay. So you're not --
 15 whatever the Live Local, it's just under --
 16 completely under a different section? That's
 17 what we're doing?
 18 MR. PARDO: And that's how Miami Beach has
 19 it.
 20 MR. BEHAR: Okay.
 21 CHAIRMAN AIZENSTAT: I agree, also.
 22 MR. BEHAR: Okay.
 23 CHAIRMAN AIZENSTAT: All right. Any other
 24 discussion? No? Call the roll, please.
 25 THE SECRETARY: Sue Kawalerski?

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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, to deny.
 6 THE SECRETARY: Chip Withers?
 7 MR. WITHERS: Yeah.
 8 THE SECRETARY: Julio Grabiell?
 9 MR. GRABIEL: Yes.
 10 THE SECRETARY: Robert Behar?
 11 MR. BEHAR: Yes.
 12 THE SECRETARY: Eibi Aizenstat?
 13 MR. BEHAR: Yes.
 14 CHAIRMAN AIZENSTAT: We have one last
 15 thing, and that is Item E-3, Mr. Coller.
 16 MR. COLLER: Item E-3, an Ordinance of the
 17 City Commission of Coral Gables, Florida,
 18 providing for Text Amendments to the City of
 19 Coral Gables Official Zoning Code, by amending
 20 Article 14, "Process," Section 14-202.6,
 21 "Building Site Determination" to prioritize
 22 frontage consistency with existing Building
 23 Sites, allowing under certain circumstances the
 24 voluntary demolition of an -- existing
 25 structures that become non-conforming from the

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1 separation of Building Sites to satisfy
 2 non-conforming structure criteria and establish
 3 size restrictions on residences in separated
 4 Building Sites based on the square footage
 5 permitted if developed as a single Building
 6 Site; providing for repealer provision,
 7 severability clause, codification and providing
 8 for an effective date.
 9 Item E-3, public hearing.
 10 MR. SOUTHERN: Thank you, Mr. Coller.
 11 Good evening, Planning and Zoning Board.
 12 The final item tonight, proposed text
 13 amendment for Section 14-202.6, for building
 14 site determinations. This is specifically for
 15 the conditional use component of building site
 16 determinations. We'll break into just the
 17 meaning of building site separation just
 18 quickly.
 19 If you take a look at the graph on the
 20 PowerPoint, right now you'll see a division of
 21 an existing building site into two smaller
 22 sites. This is only applicable to
 23 single-family and duplex or MF1 Zoning
 24 Districts. This establishes eligibility for
 25 issuing building permits for a residence within

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one of those sites.

So, currently, the administrative approval criteria within the Code indicates the following: You must have at least one platted lot and a street frontage of fifty feet. You could have no more than one building on an existing previous building site with structures, and that includes walls, fences. There's no more than one building to be rebuilt after voluntarily or involuntarily removing a previous structure. And, then, it must also meet all of the following, no more than one building site could have 5,000 square feet minimum, no building site shall reduce or diminish less than 50 linear feet of the street frontage, there should be no encroachments, avoidance of creating non-conformities, and that can also mean having a swimming pool on the adjacent platted lot. There must be an absence of a restrictive covenant or a unity of title that currently ties the property in the sense or has restrictions that would not allow any kind of building site separation.

So we'll take a quick look at the kind of lots that we traditionally see currently in

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Coral Gables, interior lots, corner lots, through lots and corner through lots. So the current conditions right now, if somebody comes in for a building site determination, if you take a look at the left, you'll see that there are two platted lots. It sufficiently meets the frontage, the square footage requirement. This would actually be a property that could administratively be approved for a building site determination.

On the other hand, if you take a look at the graph or the site plan that's on the right-hand side, you can see how the existing residence currently straddles the two lot lines. Unfortunately, that would not be something that could be administratively approved. It would potentially have to go through a conditional use process, which would be the Development Review Committee, the Board of Architects, your Board, the Planning and Zoning Board, and eventually the City Commission.

So right now, the conditional use approval requirements are as follows, and this is for that public hearing component, so proposed

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building sites must be greater or equal to other lots within a thousand foot perimeter, maintains open space, neighborhood compatibility and historic character. Exceptional or unusual circumstances, where it could have multiple street frontings, as we saw that corner through lot, as well, as we looked at earlier at the examples, and then the fourth component within the conditional use criteria, you must meet at least two of the three criteria, and that's where the proposed text amendment or a portion of it is being proposed. So comparable street frontage, there is no non-confirming setbacks or encroachments and there must be continuous ownership of the subject property for at least ten years.

Quickly, we'll just take a look at a case study that was previously approved by the City Commission in 2023. This is located at 631 Zamora Avenue. It's an interior lot. It was on the north side of Zamora Avenue. The original building site had 11,300 square feet of net area, and it had two platted lots. So what was proposed is that the two lots be separated. They met all of the criteria for

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that conditional use component, except the continuous ownership for ten years. Now, if you kind of look at the criteria that's mentioned there, you must meet at least two of the three criteria. They met the comparable street frontages and there was no nonconformity, no setback or encroachment issues.

Another case study is one that we just recently saw, that came in front of the Board. It's 5810 Maggiore Street, located on a corner through lot, on the northwest corner of Duraco Avenue and Maggiore Avenue, in the southwest corner of Marmore Ave. So this building site had 20,006 square feet. It had four combined lots together. The proposal was to split it into two 10,003 square foot building sites. As we know, it's currently pending. It was denied in front of the Board recently, and it was also not recommended for approval from Staff, because it did not meet two of the three criteria.

It might have had comparable frontage, but when it came to encroachments and setbacks and that continuous ownership for ten years, it did

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not meet that criteria.

So, once again, this is the conditional use criteria overview for when somebody comes or submits an application and they are not able to administratively approve, and the applicant chooses to continue, they feel like they have an opportunity to meet the criteria and go through the public hearing process.

So, just as the previous text amendment came before you, the first item, this item was also proposed by a City Commissioner. So Staff did a GIS analysis and just a basic overview. So, as of January 2025, within the City of Coral Gables, we've got 13,518 properties with folio numbers. So the parcels that currently have 20,000 square feet, which we're just starting to whittle down the properties, that's 1,747.

Then what we did is, we took a look at the properties that didn't have any site specifics, that didn't have any historic determination associated with it, and also any kind of site specifics. So, then, that took us down, within the single-family residential zoned properties, 239, and that also gave us only two

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multi-family duplex zoned properties. So, overall, that would be 241 properties that could potentially be affected by the proposed text amendment that we're about to delve into here.

So if you take a look at the graph again, this is a 20,000 square foot building site, with four platted lots, and you can see where it could potentially be separated into two 10,000 square foot building sites. I know it's a little hard to read, hopefully you got the Staff report in front of you and the proposed draft ordinance, but for the component that requires two of the three criteria, you can see that what we've added in the first component -- now, this is somewhat in the middle of the actual language, is relatively lengthy, but we added that the three frontage of building sites created shall also be equal to or larger than the majority of the existing frontages on the abutting streets. So this also plays a role within that thousand foot perimeter, as well. If you want, later I can like delve into the whole Subsection of A there.

And, then, Subsection B, what we added here

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is basically, "The voluntary demolition of non-confirming structures on properties that have more than 20,000 square feet." So currently the building site, if it's separated or established, and it has less than 10,000 square feet, it would not result in any existing structures becoming non-confirming, as it relates to the setbacks, lot area, lot width, depth, ground coverage and any other applicable provisions on the Zoning Code.

And, then, the next -- and the final portion of the proposed text amendment falls within Subsection G. This is actually something that was within the Code previously, and then it was taken out recently, back in 2022. To kind of give a balance, and as Staff has communicated with counsel and with the City Commissioner that has requested this, we thought we would try to actually add the teeth back in, so to speak, of what we had. So the total square footage of a residence allowed on a separated building site shall be equal to or less than the total square footage that could be constructed on the property if developed as a single building site. So that's exactly what

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you would look at there on the property, the 20,000 versus the two 10,000 square foot building sites.

Whoops. Forgive me.

So that concludes -- let me just go ahead and reiterate real quick, is that really what this proposal is doing or what the proposed text amendment is, we're affecting two of the -- two of the three criteria that's required within the conditional use component for an approval for a building site determination, with the frontage consistency, and that voluntary demolition of a non-confirming structure, if the lot -- the original lot has got more than 20,000 square feet, and then adding that condition back into the Code, to where if a building determination is actually approved, a residence and the residences allowed would not be able to exceed -- they would only have to be equal or less than the total square footage of a residence on the original subject property.

So Staff is here to answer questions.

CHAIRMAN AIZENSTAT: I have a question for you. You keep mentioning two of three. It's

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1 always been three of five.

2 MR. SOUTHERN: From what I understand, that
3 was changed a couple of years ago.

4 CHAIRMAN AIZENSTAT: That was changed?

5 MR. SOUTHERN: Yes, sir.

6 CHAIRMAN AIZENSTAT: I was not familiar
7 with that. My understanding was, it was always
8 three of five.

9 MR. SOUTHERN: Okay. So, right now, it's
10 Subsection F, and then, within F, it's
11 Subsection 4. "The application satisfies at
12 least two of the following three criteria."
13 That's how the ordinance currently reads.

14 CHAIRMAN AIZENSTAT: So we just had a
15 presentation, which you showed here, and that
16 presentation, even Staff's presentation, was
17 talking about the five requirements and not
18 meeting it. So I'm a little confused.

19 MR. SOUTHERN: I'm sorry --

20 CHAIRMAN AIZENSTAT: Yes, Maggiore.

21 MR. SOUTHERN: Okay. So we're talking
22 about the entirety of -- it's actually -- it's
23 not numbered in the Code like that. So
24 Subsection F has one, two, three and four.
25 Where we're actually putting the proposed -- or

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1 requesting the proposed text amendments are
2 Subsection 4 of Subsection F.

3 CHAIRMAN AIZENSTAT: Honestly, you're
4 confusing me.

5 MR. SOUTHERN: If you take a look at the
6 ordinance or the Staff report, I think that
7 would be helpful.

8 CHAIRMAN AIZENSTAT: I did.

9 MR. SOUTHERN: Okay.

10 CHAIRMAN AIZENSTAT: No, no, I took a look
11 at it.

12 MR. COLLIER: Mr. Chair, I thought there was
13 a recent amendment to the lot split ordinance
14 where they took out one of the requirements.
15 Which one was that?

16 MS. GARCIA: Jennifer Garcia, Planning and
17 Zoning Director.

18 So, yes, there was a requirement that used
19 to have, I believe, four -- meet three of the
20 four. The fourth one, that was taken out, was
21 the restrictive covenant or the unity of title
22 requirement, because it was kind of redundant.

23 MR. COLLIER: Oh, now I remember. They were
24 saying that if the Commission is granting it,
25 then, essentially, what they're doing is

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1 modifying a previous covenant they did.

2 CHAIRMAN AIZENSTAT: Right.

3 MR. COLLIER: So they took that covenant
4 requirement out. So this is what you're left
5 with.

6 CHAIRMAN AIZENSTAT: When did they take
7 that covenant requirement out?

8 MR. COLLIER: When was that done?

9 MS. GARCIA: I'm not really sure. 2023 or
10 2024.

11 CHAIRMAN AIZENSTAT: I'm sorry, I don't
12 recall that ever being taken out.

13 MR. PARDO: What's the Code section --

14 CHAIRMAN AIZENSTAT: Can I ask a question
15 to all of my Board Members? Do any of my Board
16 Members recall that being taken out at all or
17 any presentation made to us or anything?

18 So out of everybody here, none of us recall
19 that or are familiar with that happening.

20 MR. BEHAR: Well, actually not all of the
21 Board Members. That happened in 2022?

22 CHAIRMAN AIZENSTAT: '23, he said, but the
23 presentations have come before us listing all
24 of them since then.

25 MR. COLLIER: Well, I don't think we've had

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1 a presentation, that I recall, where --

2 CHAIRMAN AIZENSTAT: Maggiore that he just
3 gave as an example, had it in there still.

4 MS. KAWALERSKI: And the covenant --

5 CHAIRMAN AIZENSTAT: And the covenant was
6 one of the items --

7 MR. COLLIER: We recently had that lot split
8 that came before you.

9 MS. KAWALERSKI: Maggiore.

10 CHAIRMAN AIZENSTAT: Maggiore.

11 MR. COLLIER: The covenant was not part of
12 the presentation.

13 MR. WITHERS: Yes, it was.

14 MR. COLLIER: It was?

15 MR. WITHERS: That's what Hartnett -- James
16 Hartnett, I think, was the neighbor --

17 MS. KAWALERSKI: Yes.

18 MR. COLLIER: James Hartnett was arguing
19 that, well, they did this covenant, but they
20 took that requirement out.

21 MS. KAWALERSKI: When?

22 CHAIRMAN AIZENSTAT: No. I remember
23 reading that in there.

24 MS. KAWALERSKI: Yeah.

25 MR. COLLIER: Jennifer, are you looking up

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1 the ordinance? She's so good. She's looking
2 up the ordinance.

3 CHAIRMAN AIZENSTAT: Thanks.

4 I mean, for me, I've always been against --
5 you know, I've been against lot splits in the
6 City of Coral Gables, specifically when the
7 requirement was whether the house was straddled
8 between the properties or there was a pool that
9 was between the properties or there was a wall
10 or a fence or something.

11 MR. SALMAN: Or a septic tank.

12 CHAIRMAN AIZENSTAT: Anything that would
13 straddle it.

14 The other thing to me was, a covenant, to
15 me, meant a covenant to run with the land. I'm
16 not in agreement with covenants being undone,
17 because what's a covenant for than just do
18 something and say, in the future, we can just
19 remove it or in the future we can modify it.

20 I'm not talking for the Board, but for me,
21 I see that as an issue going forward with
22 properties within the City. You're going to
23 have a lot of -- what I see happening with this
24 is, you're going to have a lot of people coming
25 with lot splits, which we've never had before.

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1 to demolish it. The Commission had it sent
2 back here, because he attempted to argue that,
3 in essence, that the structure had been so --
4 had so deteriorated, that essentially it was an
5 involuntary demolition, not a voluntary
6 demolition. If you recall, the other side
7 brought all of these pictures, seeming to
8 suggest it wasn't as bad as counsel was
9 arguing.

10 The issue was not the covenant. The issue
11 was the demolition of -- the voluntary
12 demolition of the building. Had this law been
13 adopted, they would have been able to split the
14 property, because it would be -- they were
15 maintaining the frontages, they were keeping, I
16 believe, the square footages the same, but they
17 were going to be able to, pursuant to the Code,
18 voluntarily demolish the structure that was
19 straddling the property line. So this
20 essentially addresses that issue.

21 Whether -- you all are free to recommend
22 denial, if you don't think this is a good idea.
23 That's why it's come before this Board.

24 MR. SOUTHERN: To answer the Chair's
25 previous question --

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1 MR. COLLIER: I think the rationale, as I
2 recall, was that the covenant can be released
3 by the City Commission. It's always been that
4 case.

5 CHAIRMAN AIZENSTAT: Correct. No, no, I
6 agree.

7 MR. COLLIER: So the point was, if the City
8 Commission were allowing the lot split, in
9 essence, they were, in effect, releasing the
10 covenant and that's why they took that
11 requirement out, since they felt it was
12 duplicative. I'm not saying -- I'm not
13 commenting on whether it was a good idea or not
14 a good idea. I'm just explaining what was
15 done.

16 MS. REDILA: It was adopted on August 24,
17 2022, that change happening.

18 MS. KAWALERSKI: Why wasn't it an issue a
19 month ago with Maggiore?

20 MR. PARDO: I'm sorry what year?

21 MS. REDILA: 2022.

22 MR. COLLIER: I think the issue with the
23 Maggiore one was that they would have to
24 demolish -- remember, the building for that one
25 was -- covered both lots. So they would have

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1 CHAIRMAN AIZENSTAT: By the way, before you
2 continue, you should be on radio, because your
3 voice is very soothing. I just think it's a
4 good -- sorry. It's out of context.

5 MR. SOUTHERN: Okay. I'll take that as a
6 compliment.

7 MR. COLLIER: I hope that's not a reflection
8 on my voice, but anyway. I won't take it that
9 way.

10 CHAIRMAN AIZENSTAT: Sorry about that.

11 MS. REDILA: A nice baritone.

12 CHAIRMAN AIZENSTAT: Go ahead.

13 MR. SOUTHERN: Okay. Well, I think where
14 maybe a little bit of the confusion is, I'm
15 looking through the Code, right. So, remember,
16 we've got a standard of administrative
17 approval, and then, for all of the other
18 components that do not meet the five components
19 of administrative approval, and that's within
20 the Code right here, it's Subsection E -- I
21 don't know if anybody's got the Code up.

22 MR. PARDO: 14-202 --

23 MR. SOUTHERN: 14-202.6, Subsection E,
24 Standards for Approval, and that would go for
25 the administrative component.

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1 MR. PARDO: I'm looking at it.
 2 MR. SOUTHERN: But when we get into the
 3 conditional use component, and that's what
 4 we're talking about tonight, and that's
 5 actually, as another question came up -- it
 6 looks like the Director has just provided me
 7 with the information.
 8 Back in June of last year, of 2024, the
 9 Planning and Zoning Board did actually approve
 10 an ordinance to basically assist with the
 11 process for building site determinations by
 12 removing redundant regulatory language that was
 13 already comprehensively addressed elsewhere
 14 within the Zoning Code.
 15 So what we do have now under the
 16 conditional use component for Building Sites
 17 Determination, is that Subsection F, and that's
 18 where we have four components within F, and
 19 what we're looking at tonight for the proposed
 20 text amendment is F4A and then F4B, and then
 21 additionally, the very last one, the one that
 22 we're actually talking about bringing back,
 23 which was previously in the Code back until
 24 2022, is for conditions of approval, and that's
 25 in Subsection G, if that helps at all,

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1 hopefully.
 2 I've actually got a copy of the Code, if
 3 you'd like to --
 4 CHAIRMAN AIZENSTAT: No. No. I
 5 understand. I just -- I mean, I'd like to hear
 6 everybody's -- actually, do we have anybody on
 7 Zoom for this?
 8 MR. PARDO: No. They all went to bed.
 9 MS. REDILA: No one on Zoom.
 10 CHAIRMAN AIZENSTAT: In the platform,
 11 phone?
 12 MS. REDILA: No.
 13 CHAIRMAN AIZENSTAT: Okay. Let's close it
 14 for public comment.
 15 Felix.
 16 MR. PARDO: What about Chip?
 17 CHAIRMAN AIZENSTAT: I want to start with
 18 you.
 19 MR. PARDO: So can you disclose or is it a
 20 secret of who brought this up on the
 21 Commission?
 22 MR. SOUTHERN: From what I understand,
 23 Commissioner Castro is the one that --
 24 MR. PARDO: Okay. So my question is, from
 25 what I am understanding, you could now take two

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1 fifty-foot by one hundred foot platted lots,
 2 that have a house straddled across it, demolish
 3 the house and build two houses?

4 MR. WITHERS: Right.

5 MR. SOUTHERN: That would be incorrect. So
 6 that's the joy of the conditional use
 7 component, is that each item would have to come
 8 in front of the whole process, DRC, Board of
 9 Architects, Planning and Zoning, and then that
 10 determination would be made by, you know --
 11 through the whole public hearing process.

12 MR. PARDO: My house was originally built
 13 in 1950 and it straddled two lots, two platted
 14 lots, and when I bought it in 1990, I applied
 15 for a permit, and the City Attorney, Liz
 16 Hernandez at that time, had me execute a unity
 17 of title.

18 CHAIRMAN AIZENSTAT: Correct.

19 MR. PARDO: To make sure that, forever,
 20 that would be one house. I could build a
 21 second story on it, I could build an auxiliary
 22 building on it, as long as I met all of the
 23 Zoning requirements. That was that.

24 The lot next to me was an empty lot. It
 25 had some type of title issue, and they bought

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1 it. The person that built it was a speculator
 2 and he put two pounds in a one pound bag, and
 3 the house has a rear setback of about six feet.
 4 They have a front setback, which is greater
 5 than 25 feet, simply because they couldn't fit
 6 the septic tank anywhere else. The
 7 incompatibility of that house exists.

8 The neighbors are wonderful, very nice
 9 people. It's been sold twice since the
 10 original developer sold it. And you look at
 11 it, and it just doesn't look like it fits
 12 normally.

13 The problem that I see is that we have
 14 right now 77 pages in the back of our Zoning
 15 Code that have to do with uniqueness of every
 16 single site, from things such as mundane as
 17 which way the facing is on a particular street,
 18 to many other things there, and many of them
 19 have to do with these nuances that go
 20 neighborhood to neighborhood.

21 Unfortunately, what I see is that I see
 22 people that speculate coming in and altering
 23 the feel and the look, you know, of the
 24 neighborhood, that particular block. I see it
 25 over and over. The neglect issue, in other

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words, not deferred maintenance, the neglect when -- I remember the attorney that was representing his mom said that, you know, this thing, just a couple of years ago, looked like it was being rented and here are the pictures. They've done that everywhere over time. Look at Miami Beach, an iconic hotel that was absolutely abandoned, and then finally it had to be demolished because it was beyond repair.

So I don't see a real advantage of this, without going through a specific hardship and going through the process as it stands now. I don't understand, you know, what the great advantage is to the great -- you know, for the greater good. That's where I'm having a difficult time with it. For me, I'd just make it as difficult as possible for people to comply with this, to make sure that it doesn't actually bring in speculators to do more of it, and that's always my concern, that when you make a change to the Code, you know, it has a reaction somewhere else.

So I have a difficult time in justifying this particular change, and, also, you know I

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think the Commission has the power to remove their own covenants. They do not have the power to remove agreements between two parties, where the City is not a part of it, correct, Mr. Collier?

MR. COLLIER: That would be correct.

MR. PARDO: So, for me, where I'm having a problem is that, I think the unities of title should be required to ensure that, as it was to me 35 years ago, and I think that we should keep the status quo, to be able to preserve that. I understand what is trying to be done, as far as limiting the square footage so basically it's the same thing, but it's not the same thing when you finally develop what's there.

CHAIRMAN AIZENSTAT: Go ahead.

MR. PARDO: That was it.

MR. SOUTHERN: Staff wholeheartedly agrees with the component of the unity of title and the declaration of restrictive covenant. We're not touching any of that. And once again, that's why any application that would come in under this conditional use component would be looked at specifically during that conditional

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use component.

Now, I'm a relatively recent employee here -- I've only been here about three months now -- and I will admit we do get a relatively good amount of phone calls for building site determinations. The majority of them, we tell them, unfortunately, it's just not even a possibility. But that being said, the analysis that we did -- and you mentioned the site specifics and so forth, only 241 properties within the City could potentially be affected by these proposed text amendments, and they're predominantly for those that are over that 20,000 square feet.

Like I said previously, no matter what, each one of these applications would have to come in and be looked at individually, not only in front of Staff, the DRC, Board of Architects, but it would also come in front of the Planning and Zoning Board, the City Commission. And, really, I mean, not only are we making it more restrictive with the street frontage component and also bringing back the component for the restrictiveness of the residence, where it could not be any bigger

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than the original lot, but we're just slightly creating a little bit of flexibility for larger lots.

MR. PARDO: So, at no point, is this administrative anymore?

MR. SOUTHERN: No.

MR. PARDO: It will always go before this Board --

MR. SOUTHERN: Yes.

MR. PARDO: -- and it will always be properly advertised to the public within the thousand foot radius, et cetera?

MR. SOUTHERN: Yes. Yes, sir.

MR. PARDO: Okay.

CHAIRMAN AIZENSTAT: Chip.

MR. WITHERS: Well, I remember, years ago, there were probably nine or ten conditions to lot splitting. I think one of them was, you had to own the property before 1971 or something like that, long, long ago.

I agree with you. I would like to make it as strict as we possibly can. You know, I would encourage the Commission, if they do remove a covenant, that it's a unanimous vote or at least a four-fifth, as opposed to a

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1 majority.
 2 And I know folks that have been pretty
 3 upset with the City because they were required
 4 to put a unity of title on their property when
 5 they were doing construction on their home. So
 6 anything we can do to make it stronger and more
 7 difficult, I'm a hundred percent.
 8 CHAIRMAN AIZENSTAT: Sue.
 9 MS. KAWALERSKI: Well, if this benefits
 10 residents -- does this benefit residents or
 11 does it benefit speculators?
 12 MR. SOUTHERN: It could benefit somebody
 13 that owns that property, yeah. Yeah.
 14 CHAIRMAN AIZENSTAT: By them getting more
 15 dollars.
 16 MS. KAWALERSKI: Yeah.
 17 MR. PARDO: It's all about money.
 18 MS. KAWALERSKI: Yeah, it's a whole lot
 19 more money.
 20 With that said, I think I'm with the Chair
 21 as far as the lot splitting. I don't think we
 22 should split lots.
 23 MR. WITHERS: I don't, either.
 24 CHAIRMAN AIZENSTAT: Julio.
 25 MR. GRABIEL: I'll pass.

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1 CHAIRMAN AIZENSTAT: Mr. Javier?
 2 MR. SALMAN: One question for Staff.
 3 MR. SOUTHERN: Yes, sir.
 4 MR. SALMAN: The project that we denied
 5 vehemently, would this have any effect on that?
 6 These changes, would that --
 7 MR. SOUTHERN: Well, Staff made a
 8 recommendation for --
 9 MR. SALMAN: I didn't ask that question.
 10 I'm saying, what impact would it have had on
 11 this process?
 12 MR. PARDO: Can they utilize it?
 13 MR. SOUTHERN: The only component that it
 14 could utilize is the 20,000 square foot.
 15 They're over 20,000 square feet.
 16 MR. SALMAN: The answer is yes?
 17 MR. SOUTHERN: Yeah.
 18 MR. SALMAN: You don't want to say, yes,
 19 but it's yes.
 20 MR. SOUTHERN: Well, but there's also the
 21 frontage component, which would be added, in
 22 addition to that --
 23 MR. SALMAN: Yeah, but they met the
 24 frontage component.
 25 MR. SOUTHERN: Yeah.

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1 MR. SALMAN: Absolutely.
 2 MR. SOUTHERN: It does have over 20,000
 3 square feet.
 4 MR. SALMAN: Yes, it does.
 5 CHAIRMAN AIZENSTAT: Robert?
 6 MR. SALMAN: Thank you.
 7 CHAIRMAN AIZENSTAT: Any comments, Robert?
 8 MR. BEHAR: No. This is a lot split.
 9 MR. WITHERS: I'm sorry, what did you say?
 10 MR. PARDO: It's a lot split.
 11 MR. BEHAR: It's a lot split.
 12 MR. WITHERS: Yeah, I agree.
 13 CHAIRMAN AIZENSTAT: And to me, I've
 14 already made my comments, so I won't make any
 15 further comments.
 16 Does anybody want to make a motion?
 17 MS. KAWALERSKI: I'll make a motion to
 18 deny.
 19 MR. SALMAN: I'll second it.
 20 CHAIRMAN AIZENSTAT: We have a motion to
 21 deny. We have a second by Javier. Any further
 22 discussion?
 23 MR. WITHERS: No.
 24 CHAIRMAN AIZENSTAT: Call the roll, please.
 25 THE SECRETARY: Felix Pardo?

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1 MR. PARDO: Yes.
 2 THE SECRETARY: Javier Salman?
 3 MR. SALMAN: Yes, to deny.
 4 THE SECRETARY: Chip Withers?
 5 MR. WITHERS: Yes.
 6 THE SECRETARY: Julio Grabiell?
 7 MR. GRABIEL: Yes.
 8 THE SECRETARY: Sue Kawalerski?
 9 MS. KAWALERSKI: Yes.
 10 THE SECRETARY: Robert Behar?
 11 MR. BEHAR: Yes.
 12 THE SECRETARY: Eibi Aizenstat?
 13 CHAIRMAN AIZENSTAT: Yes, to deny. Thank
 14 you very much.
 15 Is there anything else tonight?
 16 MR. BEHAR: Motion to adjourn.
 17 CHAIRMAN AIZENSTAT: Is there a motion to
 18 adjourn? We have a motion by Robert.
 19 MR. SALMAN: Second.
 20 CHAIRMAN AIZENSTAT: Second by Javier.
 21 Everybody in favor say, aye.
 22 (All Board Members voted aye.)
 23 (Thereupon, the hearing was concluded at 8:45
 24 p.m.)
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C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

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

DATED this 24th day of March, 2025.



-----NIEVES SANCHEZ-----