

City of Coral Gables City Commission Meeting
Agenda Item E-4 and E-5 are related
May 13, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal
City Attorney, Craig E. Leen (Absent)
Assistant City Attorney, Bridgette Thornton
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant Director Development Services, Charles Wu
Historic Preservation Officer, Dona Spain

Public Speaker(s)

Zeke Guilford, Attorney Representing the Applicant
Richard J. Heisenbottle, FAIA, Planning & Interior Design Firm (Historic Preservation)
Jorge Dalmau, Owner/Applicant
Celeste De Palma, Coral Gables Resident
Lina Eichenwald, Coral Gables Resident
Gil Haddad, Coral Gables Resident
Jose Perez, Orchid Man Landscape
Venny Torre, Coral Gables Resident
Jeff Bartel, Coral Gables Resident

Agenda Item E-4 and E-5 are related: [Start: 10:02:16 a.m.]

E-4: Conditional Use Review for a Building Site Determination. An Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, “Development Review”, Section 3-206, “Building Site Determination” to create two (2) separate single-family building sites on property assigned Single-Family Residential (SFR) zoning and Local Historic Landmark, one building site consisting of Lot 1 and the other of Lot 2, submitted concurrently with a proposed re-plat for the property legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida; including required conditions, providing for severability, repealer and an effective date.

E-5: Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, providing for a text amendment to the City of Coral Gables Official Zoning Code Appendix A, “Site Specific Regulations”, by adding Section A-17.1, “Revised Plat of Cartee Homestead”, to indicate Lots 1 and 2 are separate building sites; providing for severability, repealer, codification and an effective date.

Mayor Cason: Moving on to Agenda Items E-4 and E-5, these are related. They are Ordinances on First Reading, in connection with a conditional use review for a building site determination and zoning code text amendment. Madam Interim City Manager please read the titles of Agenda Items E-4 and E-5 into the public record.

Interim City Manager Olazabal: Yes. Conditional Use Review for a Building Site Determination. An Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, “Development Review”, Section 3-206, “Building Site Determination” to create two (2) separate single-family building sites on property assigned Single-Family Residential (SFR) zoning and Local Historic Landmark, one building site consisting of Lot 1 and the other of Lot 2, submitted concurrently with a proposed re-plat for the property legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida; including required conditions, providing for severability, repealer and an effective date. E-5: Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, providing for a text amendment to the City of Coral Gables Official Zoning Code Appendix A, “Site Specific Regulations”, by adding Section A-17.1, “Revised Plat of Cartee Homestead”, to indicate Lots 1 and 2 are separate building sites; providing for severability, repealer, codification and an effective date. Charles.

Mr. Charles Wu: Good morning. Thank you. Director Charles Wu, Assistant Development Director. We have a brief presentation for you. If Public Affairs can pull up the PowerPoint – the next PowerPoint.

Mayor Cason: Why don't we take a five minute bathroom break that way you can get your audio-visual ready?

[Note for the Record: The Commission took a recess and resumed the meeting at 10:19:00 a.m.]

Mayor Cason: Alright, we are ready to restart.

Mr. Charles Wu: Thank you Mayor. We have a brief presentation; this is the first slide. This shows the property where it's at, it's at the intersection of south Alhambra and Granada Road. Its approximately 2.94 acres, it has about 433 feet frontage along Granada, and recently designated in September of last year by Historic Preservation Board as a local historic landmark and as a result of that they also approved a Certificate of Appropriateness that some of those conditions, all of them have been incorporated as part of the ordinance for your consideration. For your information, mailers went out recently as a courtesy because there was a time gap between the Planning Board's vote and today's hearing. The next slide shows another graphic to show the lot configuration and....highlighted in yellow. The first request concerns a conditional use consideration for a building site determination, that is your first ordinance today, to create two (2) separate parcels on.....of a single family residential on a local landmark property. The second request concerns Zoning Code Text Amendment to separate the parcels into two. As you can see the red line demarcates the separation between Lot 1 on your left, and Lot 2 on the right. Lot 1 will become 82,906 square feet; Lot 2 will become 46,208 square feet. Lot 1, as you may have seen in the graphic does have an existing house; it's about 9,448 square feet today. Again, this is the second ordinance for your consideration, and that's the Zoning Code Text Amendment.

Vice Mayor Kerdyk: Can I ask you a question on that?

Mr. Charles Wu: Yes sir.

Vice Mayor Kerdyk: Frontage on the street – how much is the frontage on the street?

Mr. Wu: 130.

Vice Mayor Kerdyk: OK. It tapers back, what is the frontage on the back?

Mr. Wu: I think the applicant can address.

Vice Mayor Kerdyk: So maybe 110 feet?- 105 feet?- do we know?

Mr. Wu: I can find out for you?

Vice Mayor Kerdyk: What?

Mr. Wu: I can find out for you.

Vice Mayor Kerdyk: OK. Thank you.

Commissioner Lago: So currently the frontage is 130?

Mr. Wu: Yes, the front is 130.

Commissioner Lago: And proposed?- and proposed if there were to be approved lot split?

Mr. Wu: Yes.

Commissioner Lago: What would it be?- obviously you would have one that would be what?

Mr. Wu: Well 433 minus 130 will be 323.

Commissioner Keon: I'm sorry, I can't hear you.

Mr. Wu: 323.

Commissioner Keon: Is your mic on?- even the audience can't hear you apparently.

Mr. Wu: The entire parcel is 433 feet in width, if the parcel two has 130 feet; you will have 303 feet remainder for Lot 1 frontage.

Vice Mayor Kerdyk: My question is on the water, on the frontage on the water, it tapers down from 130 feet, you can see the jag right there, what is the frontage on the water?

Mr. Wu: I don't have that information, but I'll find out.

Commissioner Quesada: Bill, if you look at Tab 9 of our binder that we received, it doesn't look like it tapers back in Tab 9.

Commissioner Keon: Which binder are you looking at?- we have three different binders with tabs on them.

Commissioner Lago: You could also look at Tab 13, it gives you a breakdown of possible future house and it shows obviously the frontage being 130 feet.

Vice Mayor Kerdyk: I know – 130 feet.

Commissioner Lago: If you go to the back where the wood dock is, you can see it says, that's the link that's 71 feet from the corner – 34 – the pool, it's about 104 feet.

Vice Mayor Kerdyk: 104 feet in the back?

Commissioner Lago: 104 feet in the back because if you look at this in the center of the swimming pool on this site plan...

Vice Mayor Kerdyk: So it tapers back to 104 feet.

Commissioner Lago: So it tapers back 26 feet.

Vice Mayor Kerdyk: OK. Thank you.

Mr. Wu: Thank you.

Commissioner Lago: And that has to do obviously, correct me if I'm wrong with the jag, the zigzag that happens at the other parcel.

Mr. Wu: And there is a reason for the zigzag, I'll explain later. Request number three is not for your consideration today, but the resolution is to re-plat the lot into two, so that is a resolution for Second Reading, if you approve the ordinance on First Reading. Existing conditions – we have before you what the forms says today, the applicant is proposing to demolish everything in red starting from the front of the house, there is a guest house, that's the square box in front, and there is obviously a driveway highlighted in red traverses...Lot 1 and Lot 2. Then some walkways that lead from the pool deck to the rare to the dock and some planters. In addition, the dock obviously will be located within the two lots and the personal dock will be demolished according to the applicant upon 60 days of your Second Reading. The next slide shows for conceptual purposes, for street purposes what a home can look like and this is not for your

approval, this is just to show what it could look like, and just for the record you are not approving the site plan at all.

Mayor Cason: In that building on Lot 2 is the maximum that could be built, it's not anything to do with the actual size, is that correct?

Mr. Wu: I think it's just to show what can be built. I don't know if he designed it to reach the maximum. The P&Z Board did impose a condition on the total square footage on both homes and I can reach that upon the end of my presentation. Again, Lot 1 at the subdivision will be 28,906 square feet, Lot 2 would be 46,208 square feet, and again Lot 1 has an existing home, existing of 9,448 square feet. The brief history on this property: There was a similar re-plat, although a different configuration applied for in 2007, to separate again the property into two lots. July of that year, 2007, the Planning and Zoning Board recommended denial, a unanimous vote. The following month in August, the City Commission did deny the application. So as to be mindful of that configuration is dramatically different than today, so you have to review today's configuration on its own merits. Starting with the six criteria staff has found that it meets three of the six. The first one it has allowed a building frontage from the surrounding properties; the proposal meets neighborhood compatibility and preservation of historic character. Let's start off with the first one – it has a larger building frontage on the surrounding properties. Staff findings shows that it exceeds 73 percent of the area lots, which is 1,000 feet surrounding the property that exceeds those surrounding areas and brings the present lot to 130 feet. So it exceeds about 73 percent of the surrounding lots. Number 2 – denote the compatibility and preservation of historic character, it will preserve the historic building and through the design of the properties going through the Board of Architects and Historic Preservation Board, we believe it will meet the neighborhood compatibility question. The third point...in any existing structures becoming non-conforming – the property is subdivided such that existing structures will be conforming in terms of setbacks. Staff does not believe that these three criteria, d) no exceptional usual circumstances to this on the property; the encroachment exist that will have to be removed; and the last one the property was purchased by the current owner in 1980, which is after the cut-off of September 17, 1977.

Commissioner Lago: Charles would you like for us to reserve our questions for the end?

Mr. Wu: If you want to go through the six criteria...

Mayor Cason: How much more do you have?

Mr. Wu: I have maybe five slides left.

Mayor Cason: Why don't we go through your full presentation so we don't interrupt your train of thought?

Mr. Wu: Thank you. The Planning and Zoning Board recommendation did find December of last year, four members determined the application met four or more of the criteria and there was some disagreement as to exactly which of the criteria were met. Some members felt four of them were met, at least one member thought five of them were met. In any case they decided that they met at least four of the criteria recommended approval before you. The ordinance in front of you proposes should you approve this application, a number of conditions, and I would like to state for the record a seventh condition. The first condition: Existing historical residence remains on Lot 1. The new residence will have to meet all Code requirements and cannot seek any variances in the future, that's the first condition. The second condition: Retain the loggia of existing residence marked one and that loggia has been determined as historic by the Historic Preservation Board December of last year as well, and that explains the jag in the back is to protect the loggia. Number 3: The new residence is allowed to under demolition of the perimeter coral rock will have to go through a special Certificate of Appropriateness review by the Historic Preservation Board. Since the entire property has been designated as a local landmark and anything new going on the property will have to be new or demolished will have to go through that review. Number 4: Any removal or relocation of any trees on Lot 2 would also have to go through a Certificate of Appropriateness review as well. All trees on the historic properties will have to go through that review. Number 5: Submit the restrictive covenant. Number 6: There is a new condition by the Historic Preservation Board that the total square footage of both residences cannot exceed 39,574 square feet, and that number came about if the property was one property was the maximum allowed for one structure on that one property, he decided to use that number to impose on the two properties together. Just for your information, if this was separated and there was no condition both properties together will have a higher total square footage, so the Planning and Zoning Board reduced that if it were one structure. I hope that helps explain that condition; and the seventh condition is to demolish the encroachment portion of the dock within 60 days. The next slide will show you a graphic of the conditions. Number one talks about the historic house on Lot 1, the arrow showing where it is, and the new residence will have to meet the Code and no variances can be requested. Number 2 – the loggia in the back as I told you, the reason for the jag would have to remain. Again, that's the location of the loggia. Now the Historic Preservation Board deemed historic in addition to the residence. Number 3 – the new residence on Lot 2 will require a special Seaway review by phone and a demolition of the wall...review as Seaway approval. Number 4 – relocation of any trees also have to go through the Seaway approval, as well as approval by the Public Service and Planning and Zoning Division. All that has to go concurrent with the residence design of Lot 2. So the residence design, removal of the trees, replacement of the trees all have to go together in one package. Number 5 – restrictive covenant within 30 days. Number 6 – both residences cannot exceed

39,574 square feet and a seventh condition that's in the record to demolish the existing portion of the dock within 60 days. The applicant is in agreement with all the recommended conditions of approval. That concludes staff's presentation.

Commissioner Lago: Thank you sir.

Mayor Cason: Has there been a tree survey done on the whole property?- do we know exactly which trees are where and how many trees?

Mr. Wu: To a certain degree, yes.

Mayor Cason: To a certain degree?

Mr. Wu: Yes.

Mayor Cason: So we know which trees are where.

Mr. Wu: Yes.

Mayor Cason: I was reading through the material for the Zoning Board and there was a discussion of 92 or 93 trees that might be taken out depending on the size of the house on Lot 1. Do we know what kind of trees they are?- are they scrub trees?- or are they special trees?- is that number something that you agree with?

Commissioner Keon: There is a listing, there was an index of all of the trees and they are numbered and what they are.

Ms. Dona Spain: For the record Dona Spain, Historic Preservation Officer. I walked the property with the City's horticulturalist because I was concerned about the specimen trees on the lot that has the historic residence, and the reason the applicant is asking for demolition of the garage that was also by the way built by Alfred Browning and Parker, a year after the original house was. They are asking for that to save two specimen trees that would have to be demolished in order to get the driveway in because they are moving the location of the driveway, but at least on the lot that remains with the historic property the location of the new driveway would not impact any specimen trees.

Mayor Cason: I'm thinking about the other lot.

Ms. Spain: The other lot is a concern.

Commissioner Lago: Let me ask you a quick question in regards to them. When you look at tab 12, it basically denotes where the driveway and also the garage which is going to be demolished. Do you see a clear indication, sort of clear in regards to where there is a lot of existing trees, and I return to where the possible future home site is on Lot 2 like the Mayor was mentioning, if you put them together you can see there is probably 30 or 40 trees that are in question. Having not been to the site, I don't know what a specimen looks like. We are talking about palm trees, you can remove those, but if we are talking about significant oak trees, I'm pretty sure that the Commission would be obviously opposed to that. Do we have some sort of report which would basically dictate the circumference of the trees, specimen, non-specimen, native/non-native?

Ms. Spain: They do have that report on the property. I would not be comfortable with the diagram of the new residence. I believe they did max it out to show what the maximum square footage is, but I don't believe the footprint is appropriate, nor do I believe that the approach would be appropriate, because I believe it would be down specimen trees, and I would be against that.

Commissioner Lago: Even though like the Mayor had mentioned, I think the Mayor mentioned before, no, I'm sorry Mr. Wu mentioned it, the possible future house that is designed here on tab 13, excuse me, that's just something that's conceptual.

Ms. Spain: Yes.

Commissioner Lago: Obviously, it could be a host of other opportunities if the lot split were to be granted, but I think that if we could have, as City Commission we could have a breakdown of the trees that are there, I think that the decisions that are going to be forthcoming could be made with a little bit more...

Ms. Spain: There is a tree survey there with the identification of each of the trees even on the lot of the new residence.

Commissioner Keon: I agree with what has been said. I remember Carmen went over this yesterday and I talked with Jane Tompkins also, is that I think knowing that we have rules and regulations with regard to specimen trees, I really would like to see going forward I'd like to see it for this, but also always going forward I would like to see specimen trees identified and noted and labeled and I would like to see that go on the restriction on the deed that indicates that those trees cannot be, will not be, will never be permitted to move them or to affect their root systems, whatever else, that's an issue we are dealing with on Lisbon now, is that the person who buys – if you make the decision to split this lot, if that is where we come down the burden then shifts to

the individual who purchases the lot and understanding that these are specimen trees and that they are restricted and how they can develop and how they can build on that lot because of that restriction. I really think the burden for that restriction needs to shift to the person requesting the separation of the lot because it affects the valuation of the lot knowing going in that there are restrictions as to how you can build on that lot, not only that there are that you can't obtain variances and whatever else, but also that you have to respect the specimen trees that are identified on that lot. I don't have a problem with the issue of the palm trees and whatever else, it's easy to replace palm trees, you cannot replace specimen trees, so even on this property before I would make a decision with regard to this property, I want to see the specimen trees identified or a condition would be that the specimen trees are identified would it be our arborist, who is it that would identify?- who are you most comfortable to identify specimen trees?- our arborist within the City?

Mr. Wu: Yes.

Commissioner Keon: OK. Then our arborist would identify the specimen trees, they would be shown on the deed for this with a notation that anybody that is going to purchase this, if they do a title search they will know right away that this is a restriction on this lot and the restriction is to what can be built. So going forward I'd ask that you would do this and I would ask that this be done on this also.

Mayor Cason: Zeke are you able to address where the specimen trees are now?- do you have enough information on the new.

Mr. Guilford: Mr. Mayor for the record my name is Zeke Guilford, offices at 400 University Drive. I will tell you from my perspective and then also coming up later is somebody who actually he's worked with the City and we asked to go out there, has worked with the City previously and he will come up and testify as one of the speakers that frankly, there are four oaks which obviously we all love oaks, they are located toward the front of the property. Any house that can be built can be worked around those specimen trees.

Commissioner Keon: Cannot?

Mr. Guilford: Excuse me?

Commissioner Keon: Cannot be worked around?

Mr. Guilford: Can be, can be, can be. So we do not have a problem with that condition, as a matter of fact Mr. Mayor, part of my presentation is, we don't even have a problem submitting a

landscaping plan to be approved by Development Services, Public Service, Historic Preservation, prior to any permit being issued for a construction of a house should this application be approved.

Mayor Cason: So you're basically saying that whoever buys that new lot would be able to put a house on there to avoid taking down any specimen trees.

Mr. Guilford: Yes, I believe that's true.

Commissioner Keon: But I would like to see that on this before any decision is made and it also has to indicate the root field or whatever, because it's not just up to the tree trunk, it is the root field around it that if affected would damage the tree.

Ms. Spain: If you compare the Alfred Browning Parker footprint to what the proposed, not proposed, but the diagram you can see it Alfred Browning Parker actually worked around trees and that's what should happen on that new lot, if in fact you would.

Commissioner Keon: But I would like to see it. I don't know how – for those that are in real estate how do you identify those as a deed restriction?- or how do you identify that? I want to know that whoever buys it knows it.

Mr. Guilford: Commissioner, excuse me, I'm sorry to interrupt. The way we would do it is part of the restrictive covenant that we have compiled as recorded with the County which would show up on your title is that there would be a tree survey that says, you cannot touch tree A, B, C, D, so that when anybody who goes to purchase it and does their title search it will show up that those trees cannot be touched.

Commissioner Keon: OK.

Mayor Cason: So you are saying that the 90 – the allegation that there are 92 or 93 trees will have to be taken down that even if that were the correct number that only four are specimen trees?

Mr. Guilford: No. What I'm saying is four are oaks. Now there are some "gumbo limbos" which I hate, but I hear they are native, there is also Australian Pine, which are trash trees, but it's a hardwood tree, there are a lot of palms, there are a lot of different trees on that, but nothing we can't work around.

Commissioner Keon: OK. I would like it identified by the City's arborist.

Commissioner Lago: I think the problem was when you again, I hate to go back to tab 12, when you go to tab 12 when it talks about demolition site plan, the trees are denoted. Now it's just not specific, if it can be a little bit more specific because I think we've all gone through Lisbon and we've received probably over 100 e-mails over the past three months and you are talking about an oak with a circumference of like 13 feet I think it is, its gigantic, but that tree is also receiving a lot of fan fair because its right next to the street so everybody drives by it, and when they are doing construction on the property they didn't fence a tree off, they didn't do a few things that may be the residents a little bit up in arms.

Mayor Cason: Because in fairness to the applicant why don't you make your presentation and then we can follow up with our...

Mr. Guilford: I will but one thing I just want to say is, if you approve this on First Reading remember it has to come back for a Second Reading, so there is time between First Reading and Second Reading to have that survey accomplished.

Mayor Cason: OK.

Vice Mayor Kerdyk: I do need to ask him another question, but if you want to make your presentation first Zeke, then I can bring him back.

Mr. Guilford: No, go ahead.

Vice Mayor Kerdyk: Mine has to do with two of the criteria. First of all you mentioned that three out of the six criteria were not met, right?- thus the Planning Board did not recommend approval of the replatting, correct?- three out of the six.

Mr. Wu: That's staff's position.

Vice Mayor Kerdyk: OK. That's staff's position. OK. Two of the six have to do with the majority of existing building sites frontages, how did you determine frontage?- I mean what was the rationale?- you took 1,000 square feet, correct?

Mr. Wu: And the frontages the width of the property along the street.

Vice Mayor Kerdyk: OK. Is that definable on the street? Let me go ahead and make my thought process. My feeling is in this particular property, it's a little bit different than my house that I used to live on Riviera where the back neighbor was a neighbor, this is a navigable waterway, so

frontage is not defined as street frontage, it needs to be looked at as street frontage and waterway frontage. Here you have waterway frontage of 104 feet. I looked at, yesterday I looked at the frontages from Hardee Road on Granada all the way down to Sunset and the frontages of those houses were the following and this could be plus or minus: 122 feet; 262 feet; 97 feet; 128; 128; 300, the subject; 200; 185; 150; 150; 125; 150; 195; 250; 200; 163; and 288.

Commissioner Quesada: Those are the ones on Granada on the waterway?

Vice Mayor Kerdyk: On the navigable waterway. So it concerns me because that is a quality of life for people boating up and down the waterway that you are reducing that frontage, those beautiful vistas from the waterway there and not taking that into consideration in your presentation and I just wanted to point that out to my fellow Commissioners that that needs to be looked at and thought about before we make any votes on this.

Mayor Cason: And that's a good point, but is that the legal definition of frontage?

Mr. Wu: Well the definition, if I can clarify, frontage lot means the distance for which the front lot line and the front street line are coincidence, which is the front of the property where it faces the street. If you want to define it differently then you have to change the Code and the second point you want to make is about the compatibility in terms of the properties along Granada from the water. The definition how we use comparing the 1,000 feet is really 1,000 feet radius, so it includes those as well as all the properties...so if you want to have a different definition you have to change the Code as well to address your concerns of waterfront properties.

Commissioner Keon: I think that you need to change the Code for that, you certainly need to change the Code, because I don't think that – you know we have areas in the City that were built with very distinct buildings and characteristics because they were major boulevards and different things. I know along Segovia where there are all those duplexes, all of those duplexes were built to actually look like large homes, so although they are duplexes the intent was to have them look like large homes and so you would hope going forward when anybody wants to do something along there that you are going to maintain the ambiance that was intended for that particular street and it's not the side streets, it is that street because they are significant streets. Granada is a very significant thoroughfare in our City and so what I would hope you would be applying that too is the other homes along Granada on both sides of Granada or maybe you would look at Riviera that backs up to the other side of that waterway so that you are comparing homes or sizes and frontage that are of comparable type homes and comparable types of settings, because it certainly what is two blocks away on a small side street is not at all comparable to what is along Granada Boulevard and I know we already have Zoning Code provisions that apply to the waterway side and to the setback from the waterway and conditions with regard to the waterway,

so we need to look at those things that front on the waterway also, because they are comparable to three blocks, you know where you are looking at two streets and the waterway is navigable and waterways are a part of that appearance and the ambiance of our City.

Mayor Cason: In terms of the 73 percent that includes a lot of small side streets, so if you took those out of Granada would it be pretty comparable too.

Mr. Wu: The Vice Mayor is probably correct, if you took out the interior side streets then – we will have to come back and tell you what that number is, but probably would not be comparable.

Vice Mayor Kerdyk: He needs to be at half, right?- to meet the criteria you have to meet half?

Mr. Wu: Four out of the six.

Vice Mayor Kerdyk: But the building size created would be equal to or larger than the majority of existing building site frontage.

Mr. Wu: Fifty percent.

Vice Mayor Kerdyk: Fifty percent. If you take – well you know if they take the back portion of it there is not even close, its 5 percent or 10 percent, but if you take the front portion of it, it's probably 25 percent, the first 75 percent bigger on that road on Granada on the waterway side.

Mr. Wu: So we will have to change the Code.

Vice Mayor Kerdyk: I was just bringing it up so that people understand that we need to look at this both from the front perspective and from the rare perspective in this one particular case because this is such an important – the waterway is one of the key components of the City of Coral Gables and we need to make sure that we apply the right criteria to that waterway.

Commissioner Quesada: Bill, I'm going through, I'm on miamidade.gov looking at what you were mentioning and I believe you came up with those numbers, I believe the numbers...it's kind of tough to gauge the way I'm doing it right now. What are your thoughts on the fact that on the other side of the waterway of Granada Waterway, I'm looking at – I clicked on five or six here and its showing that the frontage on the street side frontage on Riviera is the same as the water side frontage and anywhere I'm seeing from 100 to 120.

Vice Mayor Kerdyk: I didn't look at Riviera.

Commissioner Quesada: I'm sorry.

Vice Mayor Kerdyk: I didn't look at Riviera. It goes down further on Granada.

Commissioner Quesada: No, I was looking at both sides. On the side of Granada you're correct.

Vice Mayor Kerdyk: Go down further, do down north to where I have my house right there, they are 125 feet, 150 feet. I don't know, I didn't look at the Riviera side.

Commissioner Quesada: OK.

Mayor Cason: Was there a lot on the other side that was split into three at some point?- do we know what the water frontages on those?

Mr. Wu: Are you talking about the north side?

Mayor Cason: Yes.

Mr. Wu: We could not find any information that they were officially subdivided. Those homes were built in 1937, 1962, probably predates our Code, leaps and bounds separates.

Commissioner Lago: Charles, two quick questions. Can you go back to the diagram which shows the six points that were reviewed by staff?

Mr. Wu: The criteria?

Commissioner Lago: Yes, the criteria and also while you are looking that up just a quick question. What is the minimum setback in regards to the property from Lot 1 to Lot 2?- what is required as per the Code?

Mr. Wu: Five feet on each side.

Commissioner Lago: OK – five feet. The reason why I'm asking is when you look at the jog you have obviously a portion of that building, a very small sliver, I know its small but still it's a portion of it, that's encroaching on the setback and I want you to make sure you clarify that for me, maybe I'm reading this wrong, but it states there that you are requesting a five-foot minimum setback and that area that you define as a loggia, which is the architectural feature, I want to clarify.

Mayor Cason: Is that the one that overlaps the roofline that overlaps...

Commissioner Lago: Is it just a roofline or is the actual structure that is encroaching on the structure>

Mr. Wu: The structure has to be 5 feet...roofline – encroach 2 feet into the setback.

Commissioner Lago: So that is the roofline not the actual structure of the building.

Mr. Wu: Correct. They design the lines to allow 5 foot setbacks.

Commissioner Lago: So it's OK.

Mr. Wu: So it's OK.

Mayor Cason: Zeke, do you want to make your presentation and then we'll open up to public hearing.

Mr. Wu: I wanted to address Commissioner Lago's – the six standards.

Commissioner Lago: Yes, there was one. Could you bring it up again, I didn't have time to write it down fast enough while you were going through it. Let me review this, give me a second. Thank you Charles, I appreciate it. Thank you very much.

Mr. Guilford: Good morning Mr. Mayor, Commissioners, for the record Zeke Guilford, offices at 400 University Drive. It gives me great pleasure today to be representing the Califon Company and the Dalmau family who are the owners of the property at 6801 Granada Boulevard. Here with me today are Mr. Richard Heisenbottle, the architect and Mr. George Dalmau. As you all know, we are here before you on a building site separation application. What I'd like to do today is focus on two of the criteria that staff says we do not meet, and I'd like to show you how in fact we do meet those criteria. Before I begin, I think it's important to understand the property; this property is almost 3 acres in size, it has a frontage of over 430 feet and a depth of 350 feet. It is probably one of the largest lots in the City of Coral Gables, clearly the largest lot in this area. Now criteria number one and it's important that we read these criteria correctly. It says that there are exceptional or unusual circumstances exist that are site specific such as, those two words are critical, such as, because it doesn't mean you are limited to what follows, it means those are what follows are only examples of what would comply. So today what I'm going to do, and actually Commissioner Kerdyk and Commissioner Keon, you've already helped me a little bit, is that I'm going to show you that we do in fact meet a couple of the examples, but as well what I'm going

to do is take the facts, take this piece of property and add fact and another layer of fact and another layer of fact to the point where I'm going to ask you a question at the end. Is there another property in the City of Coral Gables like this one?- and if your answer is no, then we meet criteria one. So let's begin. Again, let's start with the kind of the converse, what is a normal site configuration in the City of Coral Gables? A normal site configuration is a lot that's 50 by 100, 75 by 100, maybe 50 by 120. I'll tell you what it is not, it is not a track; a track of land by its definition means an expanse of land. An expanse of land, I looked it up means vastness, actually one of the definitions was a region, I'm not going to go so far to say this is a region, but clearly it's not a lot, it's not something that we look at in the City of Coral Gables. Tell me where in the City of Coral Gables do you have a frontage of 430 feet and a depth of 350? Let's think about that for a minute. That lot frontage alone, if you look at the shorting's of a block its over two blocks long, and the depth is over a block and-a-half. In the 3 acres when you look at it, that is larger than an entire city block, that property right there is bigger than the property that the Colonnade is on, it's bigger than any block in the City of Coral Gables.

Vice Mayor Kerdyk: Zeke how about Tract 1?- how big is that Tract?

Mr. Guilford: It's a little bit less than Tract 2, it's like four and three-quarters, but again, Commissioner it's already been subdivided. You, the City of Coral Gables already subdivided that property.

Vice Mayor Kerdyk: I wasn't around but OK.

Mr. Guilford: But it was done.

Commissioner Lago: Excuse me Zeke, we are talking about Tract 1, are you going to mention Tract 1?

Mr. Guilford: I'm going to mention Tract 1.

Commissioner Lago: Then I won't take up your time. I just want some clarification. I just heard right now that Coral Gables subdivided, just for me I need some clarity in regards to how.

Mr. Guilford: I will get to it Commissioner and I will actually clarify my statement, OK. So now we have to do, let's add the first layer. In 2007, the City of Coral Gables designated this property as historic, therefore we cannot demolish that house; that house was designed by Alfred Browning Parker, which is a disciple of Frank Lloyd Wright and the City has said you cannot demolish it. Did you know that only 7 percent of the residents of the City of Coral Gables are designated historic?- so it's a very small number, so that kind of makes it unique in itself. Now

let's talk about the property as it was originally platted, because this is absolutely amazing. Here's the property right here. Actually, it was originally platted as 4 – 75 foot lots. George Merrick had 4 lots here, and behind it was a park and behind that was a yacht basin. Now, I don't know – we all know what a definition of a yacht basin, but I'm going to go ahead and read it to you. It's a facility providing dock slips, piers, pilings, ballads, anchorage, and mooring for yachts and pleasure boats for the residents of the City of Coral Gables either by ownership or rent, and such off-street parking and buildings and structures and repairs for operations of such yacht basin. It's a commercial use. One of the criteria or the examples, let's say, says it had two different zoning. It didn't only two different zoning classifications, it had three – you had residential, you had park and you had a commercial function, so by that alone we met that criteria.

Commissioner Keon: Those criteria still exist?

Mr. Guilford: That criteria say in one of the examples is that, you have two or more zoning classifications.

Commissioner Keon: I thought that we will give it commercial, it's along the waterway, do we?

Mr. Guilford: What I'm saying Commissioner is that it was originally created that way; it was originally created to have four houses on that property, not one huge tract of land. Then in 1946 a gentleman by the name, Mr. Cartee replatted both Tract 1 and Tract 2. Again, you can see the four lots, actually four lots in 25 and the yacht basin behind. So he then went and took the four, I'm going to say quarter lots, replatted that and replatted that parcel, but what's interesting is that Mr. Cartee's family actually then re-subdivided his property into three lots....and sold of this to a third person. What we are asking for is two. We are asking for is fairness. If you've replatted or essentially almost gone back to what the original plat dictated, we are only asking you to do the same. We are asking for equal protection, we are asking for fairness, we are asking that we not be treated differently than the other tract was treated.

Commissioner Lago: Zeke, will you clarify in regards to other tract when it was replatted, any pertinent information that you may have in regards to the replat.

Mr. Guilford: I have asked staff and staff says they do not have any information. So frankly, we don't know – again, it was done, it's been done. No one is arguing that it's three lots and if you bring them three lots and you've accepted as three lots, we are asking for less, we are only asking for two.

Commissioner Keon: When did the lot go into effect in the City of Coral Gables?

Mr. Guilford: 1977.

Commissioner Keon: So it was done before 1977?

Mr. Guilford: But we have no record.

Commissioner Lago: 1936.

Mr. Guilford: So – I mean still, does anybody know?- it's not lots and blocks. So let's go back and figure out these layers. We have a 3 acre property that's 430 feet in length, 350 feet in depth, it's larger than the end of two city blocks, in length its deeper than a block and-a-half, it's larger than an entire city block, it's been declared historic, it was originally platted as four building sites to allow four houses, had a park, has water on two sides of the property, at one time had more than one zoning designation. So I ask you, what lot in the City, this isn't even a lot, what other property in the City of Coral Gables has that history?- and again, if the answer is none, we meet that criteria. But actually, I want to go back to Commissioner Keon and Kerdyk. You kept on about the rare being a waterway, a navigable waterway. Well what's interesting is, is one of the examples is a through lot. Well if you determine a navigable waterway is essentially a thoroughfare similar to a street, which is what Commissioner Kerdyk was mentioning then we meet the criteria as well because one of the examples is that it's a through lot, so if you consider this a through lot then we already meet the criteria. So number one, we believe that the site configuration meets these criteria. We believe that the history of this lot meets the criteria because you are allowed to go outside the three examples because of the words "such as" does not limit you, and based upon talking about the water is navigable waterway, we meet another one of the examples. So there are three ways we meet criteria one. Now what I want to do is talk about actually criteria number two, and Commissioner Kerdyk you were talking about this, because it's really interesting because the way the criteria reads it strictly limits you to the frontage of the property, it doesn't say you can look at anything else, and I really think that's kind of misplaced, because number one, with our lot we have two issues, because of the historic structure we can't split it down the middle so we have to shift that line, so it creates a small lot than what would otherwise had been created, because otherwise we would have had a much bigger lot on number 2; but in fact if you leave it as a single building site, Mr. Wu talked about this, you can build almost a 40,000 square foot house. Now are we going to say a 40,000 square foot house is compatible with this neighborhood?- of course it's not, it's nowhere close. I don't think you even build a 40,000 square foot house in Gables Estates. But what also is important where I always a lot of times think that the frontage is sometimes misleading, you need to look at the whole, and if you look at the square footage of this lot of over an acre, over one acre in size it is larger than 98 percent of the lots in the area. Let me take a minute and talk about criteria four,

and again, matter of fact between 2007 and today this criterion has changed. So I want to read it and make sure we understand exactly what it says, and this is the one as Mr. Wu said that the Planning and Zoning Board believed we met, even though there were one or two members that thought we met five of the six; but it says there are no restrictive covenants, encroachments, easements or the like that exist that would prevent the separation of the site. Now this is the second sentence is what was added to this criteria that makes us meet this criteria. It says the voluntary demolition of a building, of a building. It doesn't talk about sidewalks, it doesn't talk about driveways, it says then, which eliminates any of the conditions does not constitute meaningless criteria. Now your City Attorney opined at the Planning and Zoning Board meeting, and I just want to quote, it's from page 87 of the transcript, it says, "so I view a building in the common sense of an actual building, so I think it would be my opinion that a building would be something like, something like a house". So a sidewalk isn't a house, a driveway – as a matter of fact our Code allows two residents to share the same driveway, so you can't say it encroaches when our own Code allows it to happen, and we have a planter, again is not a building, so we can in fact demolish those minor things, which I believe the Code was intended by limiting it just to a building and come into compliance, and that is essentially what your City Attorney said. You know it's funny, I just want to point to the driveway for a minute, because it was interesting I was looking it up, and there is a case in Mississippi after Hurricane Katrina where they tried to recoup money for the driveway and the insurance company would not pay, so they sued and a judge said, a driveway is part of the premises it's not part of a building. So again, this is not a building that we need to...and in fact your Historic Preservation Board has granted us the right to remove those items. You know it's also interesting that there is a case at 5805 Riviera Drive and in that case it's a building site separation and a swimming pool encroached onto the back lots, and this Commission, not you gentlemen, but Coral Gables City Commission granted that lot separation and gave the owner one year to remove the encroachment and come into compliance. So again, it shows you that we are talking about buildings, we are not talking about things like sidewalks, planters, etc. So what is our proposal? Quite simply and I think you've heard some of it already, is to create two building sites; one that has a historic site on it of 1.9 acres and has a significant frontage; Lot 2 would have a frontage of 130 feet, which is equal to or larger than 73 percent of the lots in the area, be 1.06 acres in size which is greater in size than 98 percent of the lot. Also just to throw out facts, I did the two lots down that actually just tore down the house, so I took the land and guess that the new house would cost a million dollars. This would generate over \$100,000 in additional revenue to the City of Coral Gables. Now Mr. Mayor, Commissioners, I know we've already had a discussion about the trees. I want to assure you that we will not move, cut down, any specimen tree. Again, we will proffer a landscaping plan prior to any development, any building permit being issued on this property. Lastly, I think it's important to point out then I'm going to turn it over to Mr. Heisenbottle, is that this went to the Historic Preservation Board, and they reviewed this and while they didn't vote on the lot separation, it was part of the discussion, it was a large part of that discussion, and it was

determined that it was appropriate to remove those items in order to allow the building site separation. This matter also went to your Planning and Zoning Board, the finders of facts said each of you appointed a member and they found that we met four of the six criteria. Mr. Mayor what I'm going to do at this time is actually, we have 75 letters of support of this application, so I'd like to turn that in now.

Mayor Cason: Those letters are from people that live...

Mr. Guilford: The majority live – it's the white dots some are outside, a majority is inside, we have here, here, directly across the street, at the water, so we have a majority are inside the thousand feet, some are outside the thousand feet. Actually what I'd like to do at this time, there are some people here who are not going to speak and people who are going to speak in favor, at this time I'd like them all to stand up.

Commissioner Lago: Zeke may I ask you?

Mr. Guilford: Sure.

Commissioner Lago: Again, we've got so many documents here that I just want to clarify. I reviewed them but I'm continuing to review them, there are several hundred pages here. When you look at the submission for the Historic Preservation, which was done on July 15, 2013, I have the document here in front of me.

Mr. Guilford: OK.

Commissioner Lago: On Tab 8 and Tab 9 it discusses the proposed demolition plan and proposed site plan and zoning analysis and proposed site context plan, that's Tabs 8, 9, and 10. Can you clarify for me why when I look at this plan it delineates demolition of the existing pool pavilion?-

Mr. Guilford: Sure.

Commissioner Lago: And then that's on the historic and then on which you have submitted, well what the City has here is given to us, why does it dictate, show that the pavilion will stay and then we are going to do that jog? I just want to make sure that everything is in line.

Mrs. Spain: You notice things because with that entire document that's impressive. When they applied to the Preservation Board for this separation they wanted to have a straight shot back to the waterway and that included the demolition of the loggia. I actually recommended in favor of

that, saying that they could...but the Historic Preservation Board said that they wanted that loggia to remain so that created that jog, but what you are looking at is the application to the Historic Preservation Board that included this demolition.

Commissioner Lago: Thank you.

Commissioner Quesada: Zeke two things. I'm sorry to make you do this again. The individuals that you said are in support of it can they stand up again? I'm sorry I missed that.

Mayor Cason: We have speaker cards as well from them?

Mr. Guilford: You have some of those.

Mayor Cason: Thank you.

Mr. Guilford: What I'd also like to do is....

Commissioner Quesada: That's the first – the second thing and I don't know if the Code requires this or not, I hate getting documents the day of the hearing, so you said you submitted 75 letters in support, which is great for us, but makes it very difficult for us to read them obviously at this point. In the future because I know you are here all the time, if you could please submit them by that Thursday so we have additional time.

Mr. Guildford: That would be fine, that would be fine. Also, what I'd like to do and I just got this, actually to your point, I actually just received this letter last night, it's from Hilario Candela, I don't know if we all know Hilario Candela, great preservationist, an architect, he unfortunately could not be here today, he wanted to be and actually wrote this letter, and if it's alright with you Mr. Mayor, I'd like to read it into the record. My name is Hilario Candela, and I reside at 6201 Granada Boulevard, I've been a member of the Coral Gables community for the last 40 years. As an architect and preservationist my firm _____, Candela and Partners rescued from the wrecking ball in 1967 the beloved Douglas Entrance, proceeded with the first privately funded restoration project in our state for the benefit of our community at large. We obtained a landmark designation for the entrance and proudly proceeded to make it our national headquarters. Also as an architect my firm led the first restoration project in the Biltmore Hotel culminating with the complete renovation of the elegant clubhouse. Professionally and personally, I have a dedicated interest in preserving the quality of life and character of our City Beautiful at all times. These tenants have always ruled my judgments and opinions in matters of design and planning. It is on this basis that after careful consideration I am supporting the creation of a new one acre buildable lot at 6801 Granada out of the original 3.0 acre parcel. This action is totally consistent with the

existing zoning ordinance and the character of the existing neighborhood allowing a quality home with abundant and rich landscaping beyond the majority of the other homes in the immediate vicinity. This beautiful lot will encourage the development of a new home making our community proud. I recommend that you vote in favor of this application. Now Mr. Mayor what I'd like to do at this time because there has also been some issues regarding historic and how the historic – I'd like Mr. Richard Heisenbottle to come up and say a couple of words and then Mr. Dalmau to just kind of conclude and give you kind of – his family has owned this property for 3 years, so I just want you to hear him for a couple of minutes, then I'll go ahead and conclude and then I would ask just for a few minutes of rebuttal after all the speakers have spoken.

Mayor Cason: OK. Go ahead.

Mr. Heisenbottle: Thank you Mr. Mayor, Commissioners, ladies and gentlemen, for the record my name is Richard J. Heisenbottle, FAIA, with offices at 2199 Ponce de Leon Boulevard in Coral Gables, and it's always nice to be here. Some of you who do not know me terribly well may not know that we have a long history in historic preservation. We are one of the foremost preservation firms certainly in the State of Florida if not the southeast United States. We take this sort of thing very seriously as we take this lot split we've been asked to work with them on very seriously. First, before we ever even accepted this project we went through and studied it, before we ever accepted a dime of fee on this Mr. Kerdyk, we went through to look at each and every one of these criteria...

Vice Mayor Kerdyk: You don't specify me, you specify the Commission.

Mr. Heisenbottle: Oh, I will specify everyone before it's over.

Vice Mayor Kerdyk: I know who you are and you do a great job, no doubt about it.

Mr. Heisenbottle: Just being personal.

Vice Mayor Kerdyk: I know all about you. You are A-plus in my view; we might not agree all the time, but I respect you very, very much on what you do.

Mr. Heisenbottle: We went through each of these criteria to make sure that what we are proposing made good common sense and also met the absolute letter of the law in the City of Coral Gables, and without belaboring the excellent presentation that Mr. Guilford just did. Beyond any shadow of a doubt this is an exceptional and unusual circumstance, be it by size, be it by historic designation, be it by the history of this site and the multiple configurations of the past, the history of this lot and the uniqueness of it being on a navigable waterway as was

discussed, by all of those measures it meets criteria number one. It is an exceptional and unusual circumstance. Similarly, the criteria number four, the restrictive covenants and the notion of requiring easement. There is certainly an error at least in my mind, in the judgment of...when you say that we do not meet criteria number four, because as City Attorney opined during the Planning Board meeting, we are not demolishing any buildings, we are removing merely sidewalks and driveways. So again, we believe that beyond any shadow of a doubt we meet criteria number four. Now perhaps the most important thing on this unique circumstance is the historic preservation character of the property. We gave the two options in fact, to the City of Coral Gables Historic Preservation Board; one option that we run the property straight back to the water, maintain that 130 feet full distance, and we also drew for them and discussed the option of keeping what was the garden shed and grill area as part of this little pergola that goes out there around the pool, and they elected and saw fit to keep the integrity of the entire home which is why it is narrowed very deliberately in the back, and yes, there was a discussion earlier about the overhang, it's a good point, but it's the roof overhang that we were talking about there, the criteria for the 5-foot setback is certainly met. So, once again as Mrs. Spain stated in her comments to the Planning Board, I'm sure she will state it again; there will be no negative impact on the historic structure because of this lot split; and then one final point here. We are all shocked by, that's not the right drawing; we are all a little surprised to see this massive house shown on the proposed new lot. I acknowledge to you that this is a massive house, it is not one that I would necessarily want to design, but what it represents and everybody in the entire City should pay attention to this, what it represents is the maximum that could possibly be built on that lot under the zoning, the current zoning. Now the Planning Board has restricted that and we've accepted that restriction and we also accept all the other covenants that have been proffered here. It was not meant to be a design, it was meant to represent, to illustrate just how big a parcel, how big a home someone could actually put on that site. We certainly all hope that no one ever tries to and we certainly doubt they will; and then finally the issue of trees. Zeke has already proffered a covenant that will run with the land relative to those trees, but I would like to point out that whoever threw out this number of 90 trees is certainly just an off the cuff number, and not substantiated by a tree survey, which we have done. You'll find the area at the rare of the site, Maria would you just point to the area at the rare of the site where there are fewer trees. That's the kind of area where someone will actually site the house, and in addition you'll note that the original driveway, the current driveway runs through that side of the site. So I would suspect that anyone finally buying this property and designing a home on it will reuse that existing driveway and avoid having to relocate any tree specimen or otherwise.

Mayor Cason: For my own edification, is a specimen tree defined what it is?- what is a specimen tree?

Mr. Heisenbottle: I often look at it as a hardwood tree and the oaks are the biggest specimen trees that are on that site. I don't believe there is a definition, but I cannot properly quote it. We can have the arborist...

Mayor Cason: If we were to approve this now and come back to Second, would you be able to show anything that could be a specimen tree and show us how you could design a home in and around those trees?- because that's I think one of the keys.

Commissioner Keon: The City could identify what a specimen tree is.

Mr. Heisenbottle: We would propose to go out there with the City staff and we've been out there with City staff before, we can tag those trees, we'll locate them on the tree survey in red so that everybody can see them next time and we will talk about how one could build around it.

Mayor Cason: Can you envision in any circumstance that nobody would be able to build a house because of what the trees, in other words if we have the split is it likely, probable, improbable, that a house could not be designed around those trees?

Mr. Heisenbottle: Mr. Mayor that's a good question. I believe that we can design a house around this. Certainly Al Parker did as he built this house. But one other thing that you may also want to remember is that the folks who planted all of those trees are sitting right in front of you, the family, the Dalmau family is the one that made that site, it's an absolutely and wonderful. When they took it over it was nothing more than a thicket that was in terrible condition. They were actually given an award by the City, and published in the newspaper illustrating how wonderful a job they did with this property. The trees that they planted, in my mind, should not be held against them, it was Jorge's father who planted every one of those trees, so they should be applauded for that. At the same time, I would also suggest that it is very common; we've done this on other properties to relocate trees even oak trees and do it very, very, successfully. So I would suggest that we test this for the next meeting and allow me to present it to you after we've had an opportunity to walk the site with the City's arborist.

Commissioner Quesada: I have a quick question. There was a letter that we received from Robert Brennan dated October 20, 2013, have you had a chance to look at that letter?

Mr. Heisenbottle: I do not remember that letter but you can paraphrase the letter.

Commissioner Lago: That's part of the P&Z package.

Commissioner Quesada: Yes, it's part of the P&Z package and he says that he is an arboricultural consultant and he has issues with this tentative plat or revised plat of the Cartee Homestead prepared by Lannes & Garcia.

Mr. Guilford: Mr. Quesada, I would just say to you that Mr. Brennan has never been on this site, he's never reviewed this site, he's never walked this site, and therefore if you read this as going by it from the canal or looking at it from over the wall, I don't think that's an adequate representation of what's on that property.

Commissioner Quesada: What about in his fourth paragraph he say, moving trees properly so they will live a normal lifespan is a very expensive proposition especially for the nearly 100 trees that are on the southern one-third of the property, basically saying that it's going to be very, very expensive to move these trees. Do you agree with that or no?

Mr. Guilford: Excuse me?

Commissioner Quesada: Do you agree with that statement or not?

Mr. Guilford: I don't necessarily agree with that, I'm not a landscaper, I'm not a tree person, but at the same time it's not a question of expense. If someone is going to pay – the lot and I go back two doors down, they just paid \$4 million for three-quarters of a lot and knocked the house down. I don't think expense is an issue here, so they can work around the trees, they can move the trees, they can do what they want to, compared to \$4 million that's a drop in the bucket.

Commissioner Quesada: OK.

Mr. Heisenbottle: Just as by example, if I may Commissioner Quesada, I recently did a home on Brickell Avenue near Viscaya for Adrienne Arsht. The home had a landscape budget of \$260,000, the site is bigger than this one, and we had to relocate a number of trees, including an oak tree. It is now one of the most wonderfully landscaped projects that you can ever imagine, as any of you get to see this site, I would certainly...

Commissioner Lago: How big was the circumference of the oak tree that was moved?

Mr. Heisenbottle: Probably has a 40-foot...and so these are things that aren't done all the time, but within the budget, within the realm of this, we did the nicest landscape job you could imagine and we did it for about \$260,000, which in the scheme of this is not very high.

Mayor Cason: Alright, do you want to come up and tell us about your house.

Mr. Jorge Dalmau: Good morning Mr. Mayor, Commissioners, my name is Jorge Dalmau and my parents own the site that we are discussing here today. My parents bought the house in 1979 more or less, and our family has been living there for many, many years until about 2004 when my parents moved back to Spain. I've lived in this house, I grew up in this house, we love this property, we are committed to keeping the beauty of the trees and everything in this parcel. We, for example, when the City granted us the opportunity to build a tennis court on the site, we were very careful, when we were able to move many of the oak trees that were inside the tennis court, so we have the experience to do that, if that would be necessary, and we did it successfully, all the trees lived and there was absolutely no issue with it. We feel that it's important for the City to all us to get the lot split because economics of this world today are not the same as they used to be. This house is an extremely expensive house to carry, we have spent lots and lots of money to preserve and taking care of the trees that everybody seems to love here, so thanks to our efforts and our sacrifice the trees look like they do today. We need this lot split because of economic circumstances of today's life, the house is extremely expensive to maintain, etc., so for us we will appreciate the relief of being able to get the lot separation and be able to sell the lot to somebody who would like to live there. I think....will be very proud and happy to have a beautiful house there built. Thank you.

Mayor Cason: Somewhere I read that the possibility that a brother might want to live there or do you plan to sell it to just...?

Mr. Jorge Dalmau: Once we dreamed of basically the two brothers living together in this parcel, but that would be something that will be determined after the split is granted so he can build a house and I can keep the other house, but we'll see how the economics go. Thank you.

Mayor Cason: OK.

Mr. Guilford: Mr. Mayor, I'll just take two minutes to conclude and I don't know if George said it, he's been living, his family has been living in that house for 34 years, and it's not like he's a contract purchaser or is trying to split the lot to divide it. He didn't buy it last year trying to split it, he's owned it for 34 years, three years after that 1977 date of the criteria, so it's not like he's trying to do something with this piece of property as an investor/developer, etc.; and I think it's important when you look at that and you heard George say the economics because Mrs. Packet, who was the Chairperson of the Historic Preservation Board really put this quite well, she said, and I'm just going to read her statement, "I'm a historic preservationist my whole life I've studied architecture. I have a Master's degree in historic preservation; I do this every day in my job. Because historic preservation gets a bad name a lot of the times, I think ultimately it's my job I get paid to do every day and as a Board member here, I think we need to find a balance. I

think we need to find a balance to preserve highly significant structures, but also understand times change, the way families live change, the economics change, and that's what we have here". Now if you go back to the board, a great majority of the people in the neighborhood have supported this application for a building site separation. Your Historic Preservation Board recommended to remove certain things to allow this separation. Your Planning and Zoning recommended approval of this lot separation and I'll ask you Commissioners, Mr. Mayor that you follow your Board's determinations and grant this building site separation with the conditions. Just also remember staff's recommendation also contained an alternative recommendation. An alternative recommendation of approval with conditions and we accept that approval with the conditions. Thank you.

Mayor Cason: Thank you very much. Alright, let's open this up to the public. Please no more than three minutes if you can because we have seven or eight. Let's start with Celeste De Palma.

Ms. Celeste De Palma: Good morning.

Mayor Cason: Good morning.

Ms. Celeste De Palma: Thank you Commissioners and Mayor for allowing me the time to present to you. I have a letter that we have passed onto the members of the Planning Advisory Board and that you were copied on, it was sent on December 11, 2013, I'll pass the copies to the attorney.

Mayor Cason: Give your full name and your address please.

Ms. Celeste De Palma: Celeste De Palma from Tropical Audubon Society, 5530 Sunset Drive, Miami, FL 33143, and we actually want to mention that the City of Coral Gables has done an outstanding job at trying to preserve the historic character and the tree canopy for which you guys are so famous for, and it is thanks to the strictest tree code that we have in Miami-Dade County that we are able to enjoy this beautiful tree canopy which has added the highest property values for the entire county and which makes this location so famous around the world; and when we heard about this split lot application that will result in the loss of this 90-plus oak trees and native hammock trees, we were really surprised because it does not go in accordance to your standards of trying to keep the tree canopy high. At Tropical Audubon we try to increase the tree canopy in the county so that we can have plenty of space that would be especially beneficial to migratory birds that use these tree canopies to recharge and refuel along their journey in the Atlantic by-way, and so in honor of our mission we ask that you please deny this application and that you stay strong to preserving the tree canopy in the City of Coral Gables and the historic character of the City. Thank you so much.

Mayor Cason: Thank you very much. Lina Eichenwald.

Ms. Lina Eichenwald: Good morning ladies and gentlemen, my name is Lina Eichenwald; I reside at 6835 Granada Boulevard, the adjacent lot to the historical property. We are here today on a very special mission to decide whether we shall allow for the continuation of the disfiguration of our City. The old Coral Gables was so special because of the lushness of its shrubbery and the maturity of its trees the big lots overlooking the canals. Houses were surrounded by old greenery giving the residence the privacy of their special space. Pedestrians would rejoice with those wonderful views that could only be seen in the Gables, that's what makes the City the nicest of south Dade, the green management. It is definitely a pity to see what developers and residents are doing to the City Beautiful. The idea of owning a house and surrounding oneself with privacy is gone. Then came the two-story mega-mansions imposing themselves on neighbors forgetting that two floors up need a much bigger setup, setback, I'm sorry, gone is the idea of adequate spacing between homes. I know this concept very well since its happening now on the other side of my property where hence I had a nice canopy of mature mangoes, avocados and palm trees, now I have an intruse two-story home looking not only into my garden, but into my bedroom, the rest of my house. The serene one-floor Suarez residence gave space to the intrusive two-floor mansion that is so terribly close to mine. By splitting lots we are decimating the treasure of our City. Replacing trees with cement, forgetting that the real value of Coral Gables is in the land, the green beauty, the trees, the gardens, not in the excess of concrete overbuild. We are killing the City Beautiful, damaging its image. Splitting the property at 6801 will destroy the historical significance of the Alfred Browning Parker landmark that has in its surrounding hammock the reason for its design. Where would the trees be after building a 15,000 feet house, the whole hammock will be lost. There will be no space left for relocating them and actually relocating them successfully such big oak trees is almost impossible. As a next door neighbor I can only vehemently oppose. One of the important factors in the decision of buying my house was the forest next door. Since 1991 when we got the house, we relied on the presence of the natural hammock, the quite privacy it gave us, the security, the beauty of its birds and small animals, as long as the value that it added to our property. After 2007, I then relied on the historical status of the hammock adjacent to my residence. Splitting the lot will no doubt diminish the value of my property, any potential buyer would pay less if instead of an acre of natural beauty, he will have a 15,000 feet two-story house less than 20 feet away, not even speak about 5 feet away. It will more so diminish the value of this entire neighborhood with its iconic romantic lot where tourists drive by just to catch a glimpse wondering how wonderful it would be to live here. Ladies and gentlemen please help in keeping the beauty of our City not only for us but for generations to come.

Mayor Cason: Thank you. Gil Haddad.

Mr. Gil Haddad: Tom Smith is from the '73 Dolphins, he was one of their Fullbacks and I don't want to get Tom Smith mad at me.

Mayor Cason: Would you give your full name and address please.

Mr. Gil Haddad: Yes. I'm Gil Haddad; I live at 6800 Granada, directly across the street from the property in question. This is a magnificent strangler fig that embraces much of the south historic rock wall. This rock wall extends south beyond this property all the way to Hardee Road with two or three exceptions north of the Maje Canal. That's typical of the type of trees that are on that property, I've lived directly across the street since September 13, 1964, I've walked this property. Leonard Abess, Jr. whose bank took this property through foreclosure because at the time my firm represented the bank and we've seen this property in the 60's and the 70's and live directly across the street from it. It's always been tree-laden, it's always had a substantial number of oaks, mangoes, fichus trees, gumbo-limbo trees, and it does to this day because of the kind invitation of Mr. Dalmau's father, he and I walked this property just a few weeks ago, and it remains tree-laden. I want to talk about Cartee Number 1, which is the property just across the Maje Canal. Your Planning Department has for years been attempting to determine exactly how that property now has three lots on it. Apparently it was done so long ago your department has no ability to research how it happened. For all we know Mr. Cartee and Mr. Merrick went to lunch and did it, because few of us remember that the Maje Shrine Temple country club was planned to be on Alfonso Street directly on the Maje Canal and there was a golf course planned that would stretch all the way from Granada Boulevard to Ponce de Leon Boulevard, along the north side of the Maje Canal, so talking historically has absolutely nothing to do with the property in question here today. What we want to do here today is something that will be forever. Now the Cartee Tract on the other side is not historical, it has never been designated as historical. Section 3-206(f)(1) of our Code makes no reference whatsoever to size. If our City Commission all through the years had wanted size to be a factor it would have included it in the Code, it's not in 206(f)(1) determine size. Now Judge Coll, formerly a member of the Planning Board explained the reason very cogently. He said if size is a criteria there will always be one property that is the largest size and that only will say, split my property because I'm the largest, and you get into the phenomenon the half-life of....once that property is split there is another property that's the largest and then they will say, split that one. So the Code does not prescribe size and your professional staff is absolutely correct in finding criteria number one under the site separation criteria was not met, in fact three out of the six were not met and have tied those to the public. They've proffered letters here. My good friend Zeke Guilford has provided you with 25 letters, they were form letters and all throughout our neighborhood we are informed that an extremely attractive young lady has gone from house to house and the letters are form letters and

they say that I would like to build this house and people signed. Had the described person come to my house I would have signed.

[Laughter]

Mr. Gil Haddad: If a raise of hands of people that are in opposition – those of you who are in opposition would you please stand...and folks over there, Celeste, Jennifer, these are all friends and neighbors. I know my time is limited and I know that the reason that the applicant has been give virtually unlimited time is because the applicant bears the burden of proof here and our Code says that this Commission, this honorable Commission is required to make findings. As soon as the Code says you have to make a finding then the assumption is that the finding must be based on evidence. Now this is the owner's photograph, not my photograph, this is the owner's photograph in its sales brochure of the property in question. What we see of Professor Parker's design is on the left hand...here, right hand is here, this guest house, which incidentally Professor Parker designed and now they want to take down, does that cause us a moment of worry that we are going to take down Alfred Browning Parker structure? I'd be worried about that, given the issues before the City now. But what we have here, we have an embrace and what does this embrace? This embraces this natural hammock, this hammock was here, it's always been here, I'm confident that the Dalmau's who lived there for 30 years plus or minus, improved the landscaping in some way, who wouldn't? - they were very nice neighbors and they are very fine people. But the question now is forever and on June 21, 2007, at page 6 of the transcript my friend Mr. Guilford and I mean that seriously, I'm not just saying that....Mr. Guilford is quoted as saying, Califon Company, a Netherlands Antilles Corporation, incorporated on May – on March 3, 1980, is the owner of this property, the Dalmau's do not own the property and should not be associated with this application, quote/unquote on page 6 of the transcript of June 21, '07. Beginning in '07 when they first made an application your director of services said he would not accept the tree survey provided, because it did not contain a root survey. Now Mr. Brennan whose letter you have is the President of the Arborist Association of the United States, is also the Arborist at Fairchild Gardens. His letter says that he has known this property since he was a boy. He is absolutely convinced as is the Tropical Audubon Society and their scientific report prepared by their director within your file, that the removal of this entire section, this is Mrs. Eichenwald's roof here, with a 5-foot setback, the new house would be literally 10 feet from her house....comes under the eve of the pavilion it crosses the dock and all of this comes out with a new lot and all of this in here comes out with a new driveway. So we can talk about types of trees, there are oaks, there are fichus, there are numbo-limbos then its self-evident, then once somebody buys this lot there will be a tension between what they are entitled to build under the City Code and whatever our conversations and our promises and our assurances are today. Now being an extremely skillful advocate, Mr. Guilford wants you to do a First Reading today, well of course a First Reading is a very, very slippery slope, it would be a very, very thing after a First

Reading if there were any wrong decisions....the correct resolution here is the same one that this honorable Commission did in '07 when it voted unanimously to deny a lot split and the lot was proposed in '07 that is absolutely identical, absolutely identical to this lot to accept it. One is that this proposed lot is 10 feet wider, which makes it encroach on the Parker house even though you will have a two-story building within 50 feet of the front entrance of the Parker house. Secondly, the architect is gone; the architect in '07 was Mr. Jorge George Hernandez who was first hired by Califon Company in 2004. In 2004 he was hired to affect a historical landmark designation, in other words the corporate owner of this property just as it made the decision to hold title from 1980 to today and a corporate title and not get Homestead exemption and not get the assessment cap, they made a business decision to hold it in the name of a Netherlands Antilles Corporation. Well in '04 they made a business decision to hire Mr. Hernandez to effect historical designation. He testified in the transcript of June 21, 07 that it had taken him three years of lobbying to get to the point where he could make a presentation to the City, to its Historical Department and there is no person in the City, no resident that initiated this process for historical designation. There was no group, not the neighborhood association, not any group that pushed this thing forward, it was Califon Corporation, the owner of this property that hired Mr. Hernandez who, there is nothing wrong with lobbying, that's his testimony, his word, he lobbied for three years to effect a historical designation of this property. Now once that happened and it became historic we then get to 3-1101, which is another paragraph here that talks about tax advantages and I'm sure that was the basis of the business decision that they made, because their taxes were \$115,000 a year in '07, and then in '12 they got to 75,000 to save the \$40,000 a year by reason of this paragraph, taxes that goes right in here. Historic preservation its purpose, its purpose is to serve the public, so we no longer have an equipoise, we no longer have a balancing, we have a statutory commitment that Historic Preservation has designed to serve the public and to protect structures, sites, the whole thing is a site not by any resident of this City did it, but when in June of '07 Mr. Guilford and Mr. Hernandez made the presentation to Historic Preservation, they insisted that it be the entire parcel, because that's the way the tax assessor has it as one parcel. Natural landscape is another one; these are all natural landscapes and elements. Now something happened in '05, Califon's attorney went to the Building and Zoning Department that existed at the time and applied for a formal designation as to the use of this entire property. On July 27, 05, Building and Zoning issued a formal determination as to use that the entire property was for single family use and they were constrained and guided by Section 3-206(e)(2) of our Code, and active in September of '81, which says that, however there may exist a single family residence heretofore constructed on platted lots or a lot, the lot or lots shall thereafter constitute only building site and no permit shall be issued for the construction nor the one single family residence, such structures include but are not limited swimming pools, check, tennis courts, check, walls, check, fences, check, and other....or above grade improvements, check, check, check. Now anyone professional, amateur or otherwise that...this residual remaining historic property will not be detrimentally affected is just not telling the whole story. The proposal will

cause the Parker house portion of the property to lose the following and there are ten of them: the one acre national hammock that is an integral element of the entire Parker version design, as you can see...the guest house designed by Professor Parker, which will reduce the residence from 9.95, from a 9.9 to a 7.7 obviously affecting value. The dock – in the very sales brochures they stress that this property has direct ocean access, you talk about maintaining property value, this is the number one sales feature that they are trying to sell this property for, it has direct access to the ocean. Well it will no longer because the dock goes with the other lot. Now it's true, it's conceivable that another dock might be built, possibly if the City, the County and the State and the federal government approve a compromising radius, which is designed for boats being turned, obviously nothing can be built in the Maje this side of the bridge because it's too narrow, it's conceivable that a dock could be built there, but what are we talking about then?- we are talking about a new owner coming in and expending maybe \$75,000 to build a new dock. So we lose direct access, it goes from a 9.9 to a 7.7, you lose the entire hammock there is no question about that; we lose the aspired driveway. Now Mr. Guilford said that Professor Parker was an acrylate of our country's most famous architect, Frank Lloyd Wright. This driveway has certainly been there as long as I've been living there; this driveway is intentionally designed to capture what's known as the presentment concept, in other words a "wow". Frank Lloyd Wright realized that most people are right handed, they walk into a building, if they need to turn to the right they see a magnificent room that he has designed and they say wow. So he designed foyers to compel people to take a few steps to the left then turn to the right and really appreciate what he's done that's why this driveway starts here, it goes due south, curves east, then it comes back to the north into a circular parking area and there is an auxiliary parking area right here which will also be lost. The strangler fig is there that's in jeopardy, not because of its aerial root system, we know nobody will touch that, but we are talking about surveys, your Department of Public Services in '07 and Mr. Brennan in '13 have said that whatever survey had been submitted is inadequate because its mere little circle on a dot and does not have a comparable feature pertaining to the root structures. Every quality of sale that they market will be lost to the diminished residents. Existing pathways, nature trails, as noted by the staff the encroachments will be lost. The privacy of the entire property will disappear, especially the pool area which will have windows only a few feet away with a 5-foot setback. Security will be compromised because what power is going to keep the owner of the new house from members of his family or anybody else from curiosity going into the Parker house to use the tennis court, being around the pool, so the sales brochure folks is on security that would be lost, privacy would be lost, and the auxiliary parking area for visitors and vendors will be lost, so there will be 10 separate detriments. Now if you'll grant me a moment to get into – I'll bring you to the edges of your chairs with excitement when we start talking about the sixth criteria. First let's talk about number two – here we have criteria number two. Criteria number two is in the disjunctive and the two ties exactly into what Commissioner Kerdyk mentioned earlier, the question of the neighborhood. Here in the first proposition is a 1,000 foot radius, if it stopped right there it would be over, but it doesn't stop

there it says more, it extended further than the immediate vicinity whichever is less, so is the immediate vicinity less than 1,000 feet?- obviously, but then the Code goes on to help us again. It defines the term immediate vicinity and an attorney knows what the word shall means; shall be defined as an area in which a parcel of land is located that is functionally or geographically identifiable as an estate realm, place or neighborhood. Now it's very, very obvious that this is a neighborhood from the Maje to Sunset, or you can go from Hardee to Sunset, or you can go from Hardee to Sunset on the Riviera side. Obviously what we heard a lot size on the Riviera side picked out a few small lots, because these are all larger lots in the blue here. This chart employing the 1,000 foot radius that is unfair to homeowners on the canal, its erroneous factually and its certainly explicit terms of the Code is probably illegal, but what you have here are errors. This is the Fernandez mansion here; it stretches from the west sidewalk of Granada to the east sidewalk of....and they've got it shown as a small lot. Just across the canal has the same dimensions; they've got it shown as a small lot. What they've done is picked up townhouse lots that are three blocks away here and here, and you can see here just in the photograph that these lots are the same size as these lots, which are considered larger lots; and up here you can go all the way up to Galinda and all the way up to the townhouse region up here inside the....there are paraphrastic purposes to pick up enough small properties so that they can walk. Now the strange thing is, is when Mr. Hernandez did the exact same analysis on 120 foot lot it didn't come anywhere close and Mr. Hernandez acknowledged that. Now they've added 10 feet and they claim that this neighborhood needs nothing. Well does it need nothing? Your professional staff has made an evidentiary finding on this subject. This is what it says; it says that the property, this property is located in an established residential neighborhood consisting of one and two-story residences. Larger homes along Granada Boulevard are located on the Gables and Maje waterways. Smaller homes are located in the surrounding neighborhood. So this finding by your professional staff explicitly and that's evidence, that's competent substantial evidence that we are dealing with different neighborhoods here; we are dealing with neighborhoods with small townhouse lots which are here and here, and the people that live on the canal and pay their taxes and maintain these large beautiful, beautiful homes in all fairness to them, they are reminded of the legality of it, but in all fairness to them they should not be included in the rest of the houses...[inaudible – off mic]...compared this analysis...[inaudible]. Criteria number five that the Planning Department determined that the application met is not in the conjunctive like number two is, where it says “or”, not in the disjunctive, this one says “and” so that the burden is on the applicant every one of these. So there is open space quite obviously, open space is not preserved, so given the fact that it says “and” and they've got to hit all five of these they failed at the outset, preserves neighborhood compatibility – 130 foot lot south of the Maje canal and north of Sunset is absolutely not compatible with the rest of the houses in that neighborhood. Preserves historic character – we just stated ten reasons why it does not preserve historic character. Maintains property values – well you've got some evidence in the record now and Mrs. Eichenwald. This standard does not require an official appraisal. Mrs. Eichenwald's

statement that her property value would be diminished is logical and its truthful because just picture a perspective buyer, one sees a beautiful hammock next door and another sees a two-story elevation ten feet away, it does not preserve property values, it does not enhance the visual attractiveness of the area, the...will be more beautiful than the natural hammock. So criteria number two, the frontages; and criteria number five, surely failed and Mrs. Menendez, an intelligent, sober, serious lady who sits on the Planning Board was absolutely right, they meet one out of the six, one out of the six. Your staff, your professional staff that has accumulated experience of over 100 years has said they meet three. Well tie those to the public, they did not meet four. This is why Mr. Guilford wanted to so seriously attack the findings about number one and number four. Now you have been extraordinarily gracious as is every person associated with the City since this really regarding this issue first arose in 2004 when Mr. Hernandez was first hired. If you would permit me less than a half a minute and indulge me – this is the owners sales brochure and the other side will show you that there's been a...imposition to show the information from 2007 and 2013. The red lines on one side show everything that would be lost from the north, proposed north property line now to Mrs. Eichenwald's line; and then the textual information from 2007, look at every one of those items that the owner as the authorized agent are the qualities for sale; direct access to the ocean, privacy. Now when this property was bought in 1980 it was called an 80 percent to value transaction. The price was \$700,000, \$560,000 on purchase money mortgage, and the owner Califon Corporation came up with \$140,000 cash, it's an 80 percent land to value, value to loan transaction. They did it again in which the owner acknowledged that the value of this property in '04 was \$7 million. How did they do it?- they got a \$5.25 million tax free, cash extraction mortgage recorded as official record 27645, beginning on page 180, of the records of Dade County, Florida; \$5.25 million tax free, tax free, and if you extrapolate that borrowing to the 80 percent value to loan concept the owner was acknowledging that in '04 the value of the parcel was \$7 million. What does that matter? What does any of this matter to us what they do with their private...absolutely nothing, except that this is the seventh hearing of this matter and at every single hearing we've heard talk about the financial constraints of maintaining this property. Well it's quite obvious they are maintaining the south one-third of the property is not material, how is maintaining a natural hammock material?- it's not, its maintaining the house just as Mr. Dalmau just said that's material. So in '04 when as owner they acknowledged the valuation of \$7 million and now in '07 they've pegged it at \$13 million, and in '13 pegged it at \$12.5 million, they are proven beyond a reasonable doubt that they have not been damaged in any way, and the underlying concept is that they are the ones who effected the historic designation. Califon company...the Netherlands Antilles made a conscious business decision to effect historical landmarks status of this country, of this – how does it serve the public interest to cut this landmark, to cut it up?- how does it serve the public interest?- the argument here is so crass that they say the City would benefit \$100,000 a year. Well the City doesn't get all that money for sure, but that's not what historical preservation filled out. Once you effect historical preservation you lock in the concept of public interest and who am I who

comes here an hour every five years only because the Mayor is so gracious to allow me to talk, but who am I to talk about public interest?- you guys and ma'am you're here all the time, you have an office here, you have a box here with stacks and stacks of documents put in, you serve the public interest and all the public in this neighborhood and in our neighborhood, Mrs. Eichenwald got a petition signed by 38 people in the neighborhood. There are dozens of letters in the package that we presented. All they ask is that their reliance on the Code, the reliance on the finding of '07 be honored because we maintain our houses on that premise, we buy our houses on that premise, and we pay our taxes on that premise. Thank you very much. I apologize for my loquaciousness, but Mayor Cason we haven't met, but thank you so much for letting us make this presentation.

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you sir.

Mayor Cason: Very thorough. Next we have Venny Torre.

Mr. Venny Torre: I'd prefer for the whole Commission would be back

Commissioner Lago: You want to wait a second?

Mr. Torre: Yes, if you don't mind. I want to make it worth my while. Did he just leave?

Commissioner Keon: He just went to answer...

Mayor Cason: You can have a seat we'll wait and see if he comes back in two minutes because usually the 5 minutes turns into 25.

Commissioner Keon: Maybe somebody else that would like to speak that doesn't mind.

Mayor Cason: Let's do this; let's move on to Jeff Bartel.

Mr. Bartel: I'll want to wait until the full Commission is here, if you don't mind.

Mayor Cason: Alright. How about Ignacio Quirch?

Mr. Guilford: He had to leave.

Mayor Cason: He's left – OK. Alright, how about Carlos Grande?

Mr. Guilford: The same.

Mayor Cason: He left? Alright – and William, I can't read this. Can you read that?

Commissioner Lago: William Hare?

Unknown Speaker: [Inaudible – off mic]

Mayor Cason: OK. Orchid Man Landscape Jose de Perez.

Unknown Speaker: He is a tree expert, he was going to show the City that he was going to be responsible for taking care of the trees and making sure that the trees were preserved...

Mayor Cason: OK. How about Marlin Ebbert?

Commissioner Keon: She just walked outside, she was here.

Mayor Cason: She walked outside. As soon as Bill comes back – we are doing musical chairs here. Marlin you want to talk now or do you want to wait till Vince – OK, Vince is here, Vince is here. OK. Orchid Man – Mr. Tree go ahead.

Mr. Jose Perez: Good morning Mr. Mayor, good morning all the Commissioners, my name is Jose Perez, I am the owner of Orchid Man Landscape. I serve primarily residents of Coral Gables, Pinecrest, City of Miami, City of Miami Beach. I walked the property last week on the suggestion of the family and I found the property to have a number of specimen trees.

Mayor Cason: What's a specimen tree?

Mr. Jose Perez: Funny you say that. I'll give you the definition because it's important that you guys know. It's an individual animal, plant, piece of a mineral, etc., used as an example of its species or type for scientific study or display. The property has a number of oaks, has a number of gumbo limbos, and has a number of strangler figs primarily in my opinion on the borders of the property. The gentleman correctly stated that there is a strangler fig along the southern part of the property that would be considered a specimen; there are a number of oak trees that would be considered specimens. I work alongside a number of respected landscape architects that work in the City, a few that come to mind would be Robert Parsley, Orlando Comos, Raymond Jungle, I work and install those designs for them and in my opinion there is no reason why you cannot design a property, a house that incorporates the existing landscape. You can design the house

around the landscape, you can correctly trim, you can correctly design a house that would benefit that lot that would benefit the surrounding community and can be done tastefully, it can be done correctly, and when we are talking about a house that potentially is going to be sold for multiple millions of dollars, it would make no sense to do it any other way.

Mayor Cason: Would you be working with the applicant and the City in terms of the tree map, the tree site?

Mr. Perez: That's something that I could potentially down the road, yes work alongside the owner, I can work alongside the City, but that's to be determined at another time.

Mayor Cason: OK.

Commissioner Lago: May I just ask one question?

Mr. Perez: Sure.

Commissioner Lago: First of all, I've seen your trucks everywhere in the City of Coral Gables.

Mr. Perez: Thank you.

Commissioner Lago: When you look at – I know you don't have this presentation, but on Tab 13 where the proposed lot number 2 is the entrance, the rock wall that is there that would obviously have to be modified for means of ingress and egress, would that fig that you are talking about because I'm not a tree expert, but is that fig located on that rock wall?- or is that...

Mr. Perez: I don't believe and I can't recall right now exactly, but I don't believe it doesn't block the entrance of that. It's going to be alongside the southern property line, but I would say it's probably somewhere in the middle of that property.

Commissioner Lago: So when that rock wall would be punctured or I guess would be modified to allow the new entry point to lot 2, do you think that fig wouldn't be affected?

Mr. Perez: I don't believe so – and again when you look at the property and you look at the separation of the two lots, the historical property obviously is a lot bigger and I would say probably has a lot more of what you would call specimen trees. There was a discussion about 90 trees in question. I'm going to say that maybe less than 20 percent of those trees might be what you consider specimen, there are a lot of palm trees there that can be easily removed, a lot of those palm trees have come up over the years as seedlings, so if you look at the property a lot of

it is, in my opinion kind of in bad shape where you can easily clean it up, you can easily – you’ve got issues with Brazilian Pepper, Australian Tree Pines that have grown over years and years and years that have to be eradicated and have to be removed.

Commissioner Lago: So invasive species.

Mr. Perez: Invasive species, which Brazilian Peppers and Australian Tree Pines are both..

Commissioner Lago: Non-indigenous invasive species.

Mr. Perez: Right.

Mayor Cason: So your view is as a profession that a tree cover could be preserved or planted or whatever to cover between that and any new house and the neighboring house?

Mr. Perez: The way it is right now laid out, yes, you are going to have to develop a buffer between the historical house and the new house, because that line there is not a lot of – there is no buffer there. Now the existing trees that are there, the trees that are in question in relation to specimen trees, oak trees, gumbo limbos, such as that, in my opinion none of that has to go, in my opinion.

Mayor Cason: OK. Thank you very much. Let’s do Venny Torre.

Mr. Venny Torre: Thank you Mr. Mayor, Commissioners, Venny Torre for the record, with address at 208 Andalusia Avenue, my office. I’m here speaking as an individual citizen, I served on the Historic Preservation Board, as you know this Board ruled on this house, but I’m here speaking for myself. I also serve on the Dade Heritage Trust as the Vice President, so I find myself to be knowledgeable in historic preservation on this issue. I find it interesting that the issues I thought we’d be talking about today was mostly historical has turned into an issue of mostly trees, however, I do have quite a bit of experience with this issue, so I came here to also speak to you about that issue. First thing is, in terms of tree issues in Coral Gables this happens all the time, we develop properties that have trees all the time, mitigation is an issue we talk about and bring forth all the time. It’s a strict policy, it’s a policy that’s taken very serious around town, so this is nothing new and this is nothing that doesn’t happen every day for us who are building around town. Specifically, about 2003 we were developing a property that you all probably know on the 500 Block of South Dixie Highway and 550. There was at the time known as the Fireman’s lot to sell Christmas trees, that property was heavily burdened with oak trees, specimen trees, probably to the tune of 12 or 15 of them. We successfully moved all the trees we required to build two office buildings at the time. Now the way to do that is to take the root ball

and take it with the tree, so you are taking the root ball and you are not pulling the root off from the ground, you are taking the root ball with it. The good thing was that we were able to move them on site which means it didn't have a transportation issue involved, but in this particular site there is no reason why with a large site that these trees if they were any trees that needed to be moved couldn't be successfully altered moved, moved to the side and so forth. So, I think that issue has been a little bit overplayed here as far as I'm concerned; I think that we are taking this and making it into a tree issue, but the big item for me here is a little bit about balance and rights. As a member of the Historic Preservation Board we would take away some right a lot of times, which are very difficult decisions to take, and a perfect example you all know about is 2 Casa Rena Concourse, that's been in litigation. We took that right away from those folks. I think it's important that we balance the rights and I think sometimes when things are not something that will cause a real problem that we give the citizens something back, and I think in this case and when I voted I voted because this was one that from a historic perspective it did not alter the house, I didn't think that the canopy was significant enough to make a difference and I think that the Board ruled in that same fashion, but at the same time we needed to be balanced. This City needs to at some point say as well, as no, and in this case I ruled or I voted for this to go through. I think in this case you should also consider that this is a balance situation taking away the frontage and the waterway issue, I keep hearing about the trees, well this has become a big tree situation here and I think that the City has enough protections built in to allow for this development to go through. The protections will be there in the future, the Historic Preservation Board will be reviewing the house that goes on here, and they'll be reviewing what trees get moved. All this will be already in protection mode, its already in place; this is not new ground we are trying to do. So in summary, I think balance is the key and I think the City should begin to take that approach that this is a balance situation that we should follow. Thank you.

Mayor Cason: Thank you. Jeff Bartel.

Mr. Jeff Bartel: Good afternoon Mr. Mayor, Mr. Vice Mayor, members of the Commission, my name is Jeff Bartel, address 6909 Mandela Street, approximately one block from the subject property. I've been a long life, long time resident of the City of Coral Gables for the past 42 years; I've lived in my home for over 20 years. I know this neighbor intimately, I know this neighborhood intimately of which I'm part. I jog in this neighborhood, my children and I walk in this neighborhood by this property, Mr. Vice Mayor we also boat on that waterway, I'll speak to that in a moment, and as a former land use attorney, although I don't practice law, I'm troubled by some of the opposition that I've heard today. I'm here in favor of the application for a number of reasons, legal, equitable, and quite frankly political. There has been a lot of diversion of issues in front of you today for a number of reasons to consider every opportunity to throw up opposition of the application. From a legal perspective it's very simple: you have competent substantial evidence has been provided to you in your packets. Your Historic Preservation Board,

the folks upon which you rely to determine what should be historically preserved and how it should be preserved have opined officially that this application should be approved. They are folks that you appointed, you rely upon, they have staff, and that staff and those appointees have determined that this application is right and proper. Before this application came to this Board today, to this Commission, your Planning and Zoning Board heard this matter. They heard staff's recommendations, based on their expert testimony, and they determined that this application met four of the criteria. As your Planning and Zoning Director stated, in fact it's not clear whether or not they believe they met four or five, but at least four of the criteria, and with no disrespect to the neighbor the one that wanted to cite the one dissenter who found there only to be one criteria met, that's not competent substantial evidence. The facts are as follows: if this lot is subdivided, I think Mr. Vice Mayor you made a very good point about the waterway, would this disrupt the frontage along that waterway? Across the canal are homes that are on Riviera Drive, those homes have a waterfront frontage of somewhere between 100 feet up to over 200 feet. What we are saying is that the request here which affects that lot number 2, which would be 130 feet in waterfront coverage is consistent with what you would see along the waterway, with the exception of some of the larger tracts, but it is on the whole consistent with someone who has used that waterway, boating-wise, kayak-wise, and otherwise, I would find no personal issue with that at all. There was talk about property values. Mr. Haddad is absolutely, the neighbor who lives across the street has every right to give her opinion as to what property value would be diminished or not diminished. She is no more or less competent to speak about property values as I am, and I would tell you that property values in that neighborhood would not be diminished of any kind as someone who has practiced in the real estate and land use realm and even in some respects have provided expert opinion to that regard as well. As someone who has practiced law for over 20 years in real estate and land use and zoned properties in Coral Gables and elsewhere there would be no diminishment in property values. I think one of the Commissioners here asked an important question about trees being moved off site. Someone who is building a home a mile and-a-half away on Hammock Lake Drive, I've transplanted about six trees, those trees, I just e-mailed my landscape architect had been 50 feet high, 40 feet in circumference, and 150,000 pounds, they are capable of being moved. As the gentleman who just spoke before me, Mr. Torre said, this is not an issue about trees being preserved or not preserved. At the end of the day you have every right to rely upon your great City arborist to be able to determine what is a good tree, what is a specimen tree, what is a trash tree, what should be preserved, or what shouldn't be preserved; and if you drive in this area you'll find, by the way, that this is probably the thickest property that exist along the right-of-way and that's not going to be diminished in any way, shape, or form. Another legal issue is you heard evidence or you heard testimony from an individual from the Tropical Audubon Society that individual is not an arborist, and as I just found out a moment ago they never visited the site, they simply looked at the plans. So there is no touch and feel of this property of any kind by either that person or the individual who apparently represents some arborist association. So those are all things that are troubling. From a

legal perspective, it's very simple. The competent substantial evidence before you allows you to make a decision to approve this. You have your Planning and Zoning Board that has said, we approve this with conditions. Your staff have even recognized that there is a possibility of approving this and has provided conditions for that approval of which the applicant has agreed to every single one of those. There is no doubt that even if you approve this today on First Reading with some of the concerns that Commissioner Keon and Commissioner Quesada and Lago and Mayor Cason and Vice Mayor Kerdyk each of you have brought forth that there will be some additional staff requirements that will be brought forth to you. Equitably speaking – it is wholly unfair or I'll say it in the positive way, it would be entirely fair to allow this property owner to be able to subdivide this lot. It is consistent with the neighborhood as someone who has lived there for two decades, it would not be disruptive to the neighborhood, it would not disrupt property values, it meets each of the legal criteria, and quite candidly what they are planning for this property is marvelous and they've gone through every hoop they have to. The fact that they are being blamed for how the ownership is being held and what happened in 2007 is a smoke screen, it's irrelevant to the application you have today. The four corners of the document you have today in your staff recommendation deal with this application and this application alone. Politically speaking – As political officials each of you, as public officials each of you, we can bring down 30 people in favor, we can bring down 30 people against, however you decide to do that, that is not how you determine matters. There are a number of people who are in favor of this matter and there a number of neighbors who are against it, that is not the issue here. At the end of the day what you do have candidly, is a neighbor whose front yard or side yard is immediately in front of this property who does not want this to be approved and the neighbor immediately adjacent across from the property, across from the waterway who doesn't want this to be approved. They are the two lay person neighbors who've testified against this, and I absolutely respect their rights to do so as a neighbor, but at the end of day we have to recognize that it's not in my side yard or not in my back yard perspective, and that is something you all recognize happens all the time. So I think you for your time. My wife and I strongly support this application on legal grounds, on ethical grounds, and we would ask you to at least move this forward for First Reading today. Thank you.

Mayor Cason: Thank you very much. Marlin Ebbert was here, but I think she's left, so with that we will close the public testimony. Gill (sic Zeke) do you want to – you had asked for rebuttal.

Mr. Guilford: Thank you very much. I think you've heard a lot of testimony today. I think I'd just like to touch on a couple of items and Mrs. Eichenwald talked about how this is Califon/Dalmau property increases her value, well let's just go back. If the Dalmau's want to build another house, it could be 5 feet from that setback on the property, and in fact Mrs. Eichenwald's guest house and boat house is 5 feet from the property line. To the Dalmau's what does that do to their property value? Now Mr. Haddad, I will tell you this, through this whole

process Mr. Haddad has been nothing but a gentleman, I have nothing but the utmost respect for him and not only as a gentleman but as an exceptional attorney, but a couple of things he did say that I just wanted to bring up. He talked about that the historic designation – well, I was talking to Mrs. Spain earlier today, and she reminded me that kind of how this originally started. I didn't even realize this or remember this, I actually filed a demolition permit for the residence, so it was staff initiated basically said they would not allow the house to be demolished and that in fact we had to designate it as historic. He also mentioned about the 2007 application, that was a totally different application. It pertained to a flag lot, nothing like what we are presenting today. He also mentioned that by the designation we received a tax benefit, the taxes had gone down. I would submit to you that I think that during the process there was a recession and I think everybody's taxes went down, the reduction of taxes had absolutely nothing to do with historic designation, in fact being historic does not decrease your taxes, what it does is if you add something it abates the taxes for that addition. He talked about direct access to the ocean that still would not change; actually both lots would still have direct access to the ocean. He talked about the driveway, actually the original plans were just submitted to staff, doesn't even show a driveway. In fact, the first mention of a driveway is a modification that was done by Candela. He talked about townhouses, I'm not aware of any townhouses in the area. He talked about a brochure and no offense to Commissioner Kerdyk, but as a salesman apparently they are not doing a very good job because they haven't been able to sell the house so far, so you really can't believe everything you read in the sales brochure, but that being said, Mr. Chairman, I mean Mr. Mayor, again and I'm going to repeat, your Historic Preservation reviewed this, they looked at all the facts, they recommended in favor of this. Your Planning and Zoning Board looked at all the facts, all this competent substantial evidence and they recommended in favor. All I'm asking you today is follow the recommendations that are before you. If you have any questions, we are more than happy to answer them and that concludes our presentation.

Commissioner Quesada: I have one question for you. I think I missed a portion of it as Mr. Dalmau's was presenting it, the proper party whether it's...

Mr. Guilford: Califon is the property owner but obviously the owners of Califon are the Dalmau's.

Commissioner Quesada: OK. So your position is that it was properly presented by the Califon Company.

Mr. Guilford: Yes – and actually the application, I believe, says Califon etc.

Commissioner Quesada: I was just looking at it now; it does say Califon on it.

Mr. Guilford: Yes.

Commissioner Quesada: OK. Thanks.

Vice Mayor Kerdyk: Let me ask a question to Zeke. The Planning Board staff recommended denial of this, correct?- and then the Board recommended approval on a 4-2 split.

Mr. Guilford: Correct.

Vice Mayor Kerdyk: OK. I just want to make sure.

Mr. Guilford: But also Commissioner they also presented an alternative recommendation which was approval and staff basically gave you an alternative recommendation, their staff report that says, if you found four things we recommend approval with certain conditions of which we accept those conditions containing the alternative...

Vice Mayor Kerdyk: If you find four, but they found three, staff found three.

Mr. Guilford: Staff found three and I think I gave you evidence today of why and you actually helped me present why we actually met number one.

Vice Mayor Kerdyk: Actually, I don't think you meet two and five.

Commissioner Keon: Can I ask a question also? Are these homes on sewers or are they septic tanks?

Vice Mayor Kerdyk: I can tell you septic.

Commissioner Keon: Where is the septic tank for this house?- where are they?- are any of them on this other parcel?

Mr. Guilford: No.

Commissioner Keon: Could you confirm that before we come back?

Mr. Guilford: Sure. We can give you a plan that shows where the septic tanks are before Second Reading.

Mayor Cason: OK. Any more discussion? Anybody want to make a motion?

Commissioner Keon: Well you know, I have a problem with the particular, the issue of the surrounding property. I think that and I'm surprised when you could have chosen, whether it be the properties are in a very distinct and common area as opposed to 1,000 feet, you chose the 1,000 feet, because I don't think that's really applicable to this home that sits on the waterway. I think the comparison needs to be to neighboring homes on the waterway and not to the 1,000 feet. So I have some problems with accepting that it would meet those criteria. I don't think it does.

Commissioner Quesada: Commissioner Keon to that point and I'm still, I'm on the line on this. I'm trying to analyze all the evidence that we've heard today and everything we've read and there is a lot to digest. When you look at the Property Appraiser's website and I started doing this when Vice Mayor Kerdyk brought this up. When you look at the frontages on the street on Granada, if you at 1,000 feet or you look within half a mile of the immediate vicinity as requirement number two says, you know I think you can't argue with the fact that two is met whether you agree with the lot split or not, because if you look at the homes on the water on the Riviera side the frontages on the water as well as the street which are within 1,000 feet and within one-half of a mile are smaller than the 104 feet of the water frontage that...

Commissioner Keon: The point I'm making is that it's not within the 1,000 feet. I thought that when the Planning staff, the Code provides you the opportunity to look either within 1,000 feet or if the particular home sits in – if the neighborhood is distinct for that particular – or the siting for that home is particularly distinct than you would do the comparison to other homes that have that same distinction, which would be homes along the waterway along Granada, and because of the nature of and the role of Granada Boulevard and its significance in the City. So if you look at that frontage and you compare it to the frontage of other homes on the waterway along Granada Boulevard I don't think it meets that criteria, and I do think that that is the appropriate criteria to use. I don't think 1,000 feet is the appropriate criteria.

Mayor Cason: In three years when we've done these we've always gone out 1,000 feet, have we ever done anything...?- staff wants to address that?

Commissioner Quesada: Just so you are aware our Code, Article 3, Section 3-206(f) is where we get the sixth criteria which is whatever we are doing, so Commissioner Keon what you just brought up is not – it's somewhat in line with what the Code currently says now. You've added additional conditions to what the Code requires, so maybe the question is do we need to review that as a Commission-as-a-Whole.

Commissioner Keon: I don't have the Code in front of me. Can I ask someone from Planning to address that issue in the Code? Does the Code require that you go with 1,000 feet?- or what does the Code state when you are looking at comparable neighborhood?- what does the Code say?

Mr. Wu: That the building site created will be equal to or larger than the majority of the existing building site frontages of the same zoning designation within a minimum of 1,000 feet radius of the perimeter of the subject property or extending no further than the immediate vicinity whichever is less. There is a different definition of immediate vicinity, shall be defined as an area in which a parcel of land is located and is physically, functionally or geographically identifiable as a distinct realm, place, or neighborhood or an area within a radius of not more than half a mile of the subject property whichever is smaller.

Commissioner Keon: I think that is the part that to me it is a separate and a distinct neighborhood, because of the setting along Granada Boulevard and along the waterway. I think that makes it a very different setting than if it were on one of the side street or in an area that isn't – that's why I'm saying to you it's the same thing about the duplexes that are located along Segovia, they were designed by Merrick to look like grand houses. So that's why they have maintained that. I'd like to give a whole lot more thought to the applicability of the criteria that was used to make that determination because I really do think it's a very separate and distinct area, and if that is the criteria we are using I don't think it meets that criteria.

Commissioner Quesada: So you are saying then it would be pursuant to the Code, second criteria under (F), you are saying it should be half a mile up and down Granada Boulevard on the water.

Commissioner Keon: On the water – yes, because I think that is the defining neighborhood of that home. I think that makes a very big difference.

Commissioner Quesada: And you're saying frontage is not on the street, but frontage is on the water?

Commissioner Keon: No, actually frontage is on the street, I mean it is on the street. I also thought, I know that there are setback requirements on the waterway. I thought that there were also some requirements regarding – and I don't know, I don't know that. It does significantly reduce the frontage on the waterway and the issue with that, I remember when I was on the Planning and Zoning Board when we rewrote the Code and there was a lot of discussion about the waterways and some of the issue here is because of the size of boats and things that you can put on these waterways that can be still navigable on the waterways and whatever. The depth of the waterway limits to some extent the size of the boat because I don't think you can have or to get into the bay. I don't think you can draw more than five feet, so the ability to draw five feet

limits the size of the boat that you can put there, but I think some of that – that was some of the reasons as boats have gotten bigger and whatever issues. I don't really know that and that's an issue I would like no matter what the decision is today, if the decision is to move forward and approve this then those are things I really want staff to come back and talk to us about. I want to know about – I want them to please come back and tell me if there are any conditions about frontages on if there is any consideration in the Code given to frontages along the waterway.

Mayor Cason: Didn't we address that particular part of your argument a few minutes ago...

Commissioner Keon: With a question.

Mayor Cason:...that the frontage on the river on the waterway is not relevant to this; maybe we need an ordinance change at some point.

Vice Mayor Kerdyk: It might be relevant but you are saying it's not in our Code.

Mayor Cason: It's not in our Code that we take that into consideration.

Vice Mayor Kerdyk: But I think it's relevant, OK...

Commissioner Keon: I do. I think it's relevant.

Vice Mayor Kerdyk: It's relevant. That's a matter of opinion whether it's relevant or not. I agree the trees you can figure out a way to do the trees, the coral rock wall, don't like to see it taken down or a portion of it, but the historic piece of property, the fact that this is Alfred Browning, we are removing a structure of Alfred Browning Parker and currently as you know we are embroiled in a lawsuit about Alfred Browning Parker house right now. Staff recommended against doing this. I argue that several of the criteria that you are counting, Mr. Guilford, are not met, but is a matter of interpretation. I do agree with Commissioner Keon that the frontages do matter and I do think the frontages on the waterway do matter, and the fact is you can always find a way and reason to split a lot. The reason that we have the Code in the City of Coral Gables is to preserve the quality of life for all the residents of the City of Coral Gables. There is always a way, there is always compelling argument and you made a great compelling argument here, but the fact is that the Zoning Code is here to preserve the quality of life for the residents of the City of Coral Gables and not to enrich the applicant, it's here to preserve the quality of life. So, I can't support it from the lot split perspective.

Mayor Cason: Anymore discussion?

Commissioner Quesada: Yes. Bill earlier you mentioned, I'm stuck on the criteria too. I know you guys have moved on from it, but I'm still stuck on it. Bill, earlier you mentioned on Granada on that side you listed some of the frontages on the street and they were larger than the 130 that the proposed site would be. I think you were talking about the houses to the south of the subject property.

Vice Mayor Kerdyk: I said that these frontages on the water because I talked about the 104 foot water...

Commissioner Quesada: The numbers that you rattled out at the beginning of this item was it all water?

Vice Mayor Kerdyk: These are water...

Commissioner Quesada: OK. I got you.

Commissioner Lago: I think it was like two or three homes were under 130.

Vice Mayor Kerdyk: There is one that's 97 feet and there are a few in there, but the majority of them are significantly over the 104 feet that is what we are talking about.

Commissioner Quesada: OK. The ones on the street side frontage, I just pulled it from the Property Appraiser's office and it goes 98, 133, 180, 120, 92 and another one is 200-plus, so I just pulled the six closest ones.

Commissioner Keon: On the waterway side?

Commissioner Quesada: On the waterway side on Granada, I'm sorry, on the street side on Granada running north of the property. So, maybe I'm reading this too strictly, I'm reading it more strictly than you guys are, but from just that evidence alone and the reading of Section 2, it meets Section 2. Again, whether you are for it or against it, I think a clear reading of this allows it.

Vice Mayor Kerdyk: I don't understand. Repeat what you just said.

Commissioner Quesada: OK. The criteria for 3-206(f)(2)...

Vice Mayor Kerdyk: I understand that. Just tell me what your lot frontages you are using there.

Commissioner Quesada: The lot frontage for the proposed new lot on the street side is 130 feet.

Commissioner Keon: On the waterway side.

Commissioner Quesada: On the street. Who has a big map?

Commissioner Keon: No, I'm saying to you, I'm not talking about the waterway, but the homes on the waterway, the frontage of the homes on the waterway, that's what I'm asking.

Commissioner Quesada: Correct. The proposed split is 130. Immediately to the north on the same street on the waterway side, in front of the street 98 feet the neighbor, 133, 180, 120, 92, and then the next one it didn't have the number but it's at least 200-plus.

Vice Mayor Kerdyk: How about on the south side of the street?

Commissioner Quesada: I just did it pretty quickly. I thought your numbers were also including the south side of the street, so I didn't pull that.

Vice Mayor Kerdyk: Mine goes water from Hardee Road to Sunset Drive on Granada Boulevard – 122, 262, 97, 128, 128, 300, the subject, 200, 185, 150, 150, 125, 150, 195, 250, 200, 163, and 288, those are on the water that's the conversation.

Commissioner Quesada: I understand you. I understand you.

Commissioner Keon: That strikes me as that is the neighborhood; a distinct neighborhood is and particularly from Hardee to Sunset is a very distinct tract along the waterway.

Commissioner Lago: Here you are talking about 130 on Granada, but when you look at it on the waterway you are at 104, that's a pretty significant difference.

Commissioner Quesada: Running south of the property the homes have their backyards on the water with a street side frontage running south of the subject property, its 134, 134, 150, and that's all I have so far.

Commissioner Keon: I would like that to come back to us. This is on two readings, so I'm willing to move, I don't know if there is additional cost to the applicant or whatever, because I'm not leaning in favor of this lot split, but I'm willing to talk about it given additional information that I really need to make that decision, so I don't mind – I would do it on First Reading, but on Second Reading I want that information made available.

Mayor Cason: What are the things precisely that you want? Have the applicant come back on Second Reading.

Commissioner Keon: I think using the 1,000 mile radius is a huge error on the part of the Planning Department.

Commissioner Lago: 1,000 feet, 1,000 feet.

Commissioner Keon: Huge error. I think that what you have to look at is a comparable neighborhood. I would think – you can tell me why I'm wrong, if I'm wrong, that to me the comparable neighborhood would be from Hardee to Sunset on the water on Granada that would be a comparable neighborhood to this parcel of land. It isn't the house built on a 50 foot lot two blocks away, I think that is a huge error on your part to have taken that as a...

Commissioner Lago: That embodies the 73 percent.

Commissioner Keon: I don't think so. I'd like you to take that neighborhood come back and tell me what percentage of homes along there are in that 130. I also want a plan from the City arborist as to what are identifiable as specimen trees. I also want some notation as to whether they believe they could be moved or not, and they could be relocated on that property that could still allow enough space to have that property built, but I want to know what the specimen trees are? I want them identified on a map on that parcel of land.

Mayor Cason: OK. Anybody have anything else.

Commissioner Keon: That's for anything I want those specimen trees. The issue of the comparable neighborhood to me is the deciding criteria, because if you don't meet that you don't meet enough criteria. If you do then I think that it has to be really considered because I think you've done what you need to do within the Code; and again, I don't think the issue of the economics to the property owner is that is a difficult thing, but that is an individual and that really is not a public interest issue and we are here to decide the public interest issues. The issues within your personal life are the ones that it's up to you to rectify not a City.

Mayor Cason: Stewart you have something else you were going to add to this?

Mr. Wu: You said you wanted information between Hardee and Sunset along Granada...

Commissioner Keon: The waterway side, Granada Boulevard – the street frontage on the waterway side of Granada Boulevard. I'm not talking about the water, I'm not asking for frontages on the waterway.

Commissioner Quesada: How about if you said the east side of the street.

Commissioner Keon: I want on the – is that the east side, I guess it runs north-south, so it would be the east side of the street from Hardee to Sunset.

Mr. Wu: Which is the water frontage.

Commissioner Quesada: Yes sir.

Commissioner Keon: The street frontage on the waterway side.

Vice Mayor Kerdyk: Street frontage on the waterway.

Mayor Cason: The water is irrelevant even though we might want it to be relevant.

Commissioner Keon: I'll show you a map when we finish of what I want, OK, we'll go get a map.

Mayor Cason: Alright – do we have a motion?

Commissioner Quesada: What's the motion?

Commissioner Lago: There is no motion. The motion is to come back in two weeks or whenever we have this information.

Mayor Cason: First Reading with those criteria that they come back on a chance on Second Reading to decide whether you want to approve or not...

Commissioner Quesada: I think we have another decision to make. I don't know if you want to discuss it now or do you want to discuss it at the next meeting.

Commissioner Keon: Now.

Commissioner Quesada: But my opinion if you look at criteria number five, so 3-206(f)(5), states that the proposed building site maintains and preserves open space, proposed

neighborhood compatibility and preserves historic character, maintains property values and enhances visual attractiveness of the area, because I believe items, criteria 3 and criteria 4 meet, so if it's going to hit 4, if this application is going to meet the 4 criteria its really going to hinge on criteria number 2, which we just discussed and criteria number 5, which Mr. Haddad had a nice blow up of what the criteria said, I don't know if you can bring it up to us.

Commissioner Lago: When you look at number 5 in reference to maybe we can have our Historic Preservation Officer come up. I have a little bit of an issue in regards to the notation where it says, that the proposed building site maintains and preserves open space promotes neighborhood compatibility and preserves historic character. Are we discussing about potentially demolishing a portion of the structure which has historic implications?

Commissioner Keon: I also have that same question. Why....

Commissioner Lago: I know the structure was built post from the first construction, but it still was built by the same architect...

Commissioner Keon: It was.

Mrs. Spain: It was. It was originally built as a garage and it's now a guest house so it's been altered. The doors have been taken away that's been in filled so it's actually a different use and has been changed as a structure from when it was originally built by Alfred Browning Parker, so that gave the Board a comfort level to about to be demolished.

Commissioner Keon: I agree with Frank on 5.

Commissioner Quesada: We need to discuss it. Bill said it earlier, I'm sorry, Vice Mayor Kerdyk said it earlier to Mr. Guilford that he didn't believe that 5 was being met here, but I think that's the only discussion that this group has actually had, so you are the only one who really gave any input as to that. When I looked through this, the ones that really jump out to me, so that the proposed building site and so everyone in the audience and TV knows what we are looking at, we are looking at Article 3, 3-206(f)(5) pursuant to our Zoning Code, we just have a nice summary in front of us. So that the proposed building site preserves historic character – there was a map...

Vice Mayor Kerdyk: I was passing out those sign-up sheets that you sent out...

Commissioner Quesada: If you look at Tab 9 in our book as part of the staff – this book with the colored tabs, if you look at Tab 9 and Mr. Haddad actually pointed this out. This is a map from

1925 from the City and he pointed out the Maje Shriners Club and the proposed Shriners golf course, which I hadn't noticed the first time I looked at this on the west side of the map to the left of that map, and where it says the yacht basin which they were discussing. When I look at this and actually you can see also University Park on U.S.-1 right in front of the University of Miami that's actually now where the basketball arena is now there is a parking lot there and there are some university buildings there. So everything hasn't been exactly aligned, but when I look at this 1925, this is obviously the original intent of George Merrick. When you look at this area it's actually subdivided and it's not one large parcel that we have as exist today. So when I look at this again, not whether I'm for or against it, I think the only other way we can interpret this is that it was subdivided, the original intent was to subdivide it, so whether that preserves the historic character or not, I know we heard some testimony, it has changed throughout time. There was someone from the audience that mentioned that it's changed from this point.

Commissioner Keon: I don't really know that. I mean I think what you have to remember that as well as a visionary Mr. Merrick was a salesman, he was a real estate salesman and the City is - throughout the entire City they are, the plats are not dissimilar, but in certain areas as the City was planned plats were combined so that in order if you want to build there you are going to need four plats or you are going to need two plats. So I can tell you - but we know from what was built out that that's what happened. We know from what was built out that plats were combined in order to have the effect that he was looking for, so Dona maybe can address that for us also. Dona, the fact that the City was platted in these 50 foot lots was that the intent that every house be built on a 50 foot lot you think?- historically what do you think the intent was?

Mrs. Spain: The north Ponce area, the 50 by 100 foot lots, I believe it was Merrick's intent to have those be 50 by 100 foot lots.

Commissioner Keon: Right - those are small, but throughout the City, what do you think?- I mean as we saw the City develop...

Mrs. Spain: The City was platted that was the intent, but honestly I don't have anything written by Merrick, his words, we only have the platted map.

Commissioner Keon: But what about, I remember reading the issue of, particularly on Segovia when they did the duplexes, what was the intent of building those?- they look like single family homes.

Mrs. Spain: I don't know the answer to that.

Commissioner Lago: Can I just ask another quick question? I know that Commissioner Quesada was going to bring it up. When you look at Tab 8, it's something that we should discuss also, Tab 8. You can see there that on Tract 2 there are four lots actually 5 if you consider.

Commissioner Quesada: That was the next thing I was going to pull up, so thank you for pointing that out.

Commissioner Lago:...it's a little sliver of it.

Commissioner Quesada: And that's from April 1943.

Commissioner Lago: Yes.

Mayor Cason: So they are still the same.

Commissioner Lago: So there had to have been at some point, Vice Mayor I guess you need a title of some sort to bring forth that – 58, 57, 56, 55, plus the adjacent piece which is actually on the waterway.

Commissioner Quesada: Obviously what happened is one individual bought all the tracts and put them together.

Commissioner Keon: But what is interesting is the corner near the waterway isn't platted and neither is the property that goes back to the water. That looks like that was public land or whatever to plan for a yacht basin and have access and stuff to a yacht basin, so.

Commissioner Quesada: I don't think you want to suggest, that we eminent domain that property.

Commissioner Keon: I don't think although this may be dealt with a vision. The reality and the actuality is what is there now and I think what you need to do is what is there now and its compatibility with what is there, what is existing. So that's why I would like to look at that.

Commissioner Quesada: OK. The point was bringing up item number 5 and the reason why I started with preserving the historic character for criteria number 5. I think this is subjective, number 5, all of it is subjective, it really is. I think the historic character one I think it's a little bit easier for it to be objective, but I think the others are very subjective – maintains and preserves open space, as Mr. Haddad put in all caps there, and enhances visual attractiveness of the area,

that's very subjective for us to determine and its really going to turn on what we feel is going to be the case.

Mrs. Spain: I just want to say one more thing about that guest house. Not only has it changed, been altered, but if this lot separation would go through the Historic Preservation Board discussed at length where the driveway would have to go and if you keep the guest house it would have to go through two major specimen trees. So I believe in their view the trees really were a priority with that lot and they didn't want to compromise the trees and allow the building that had been altered to come down; and I think on Segovia they were done after the 20's, most of those were done later, so I'm not sure that, that was the original intent on that lot.

Commissioner Keon: I just read it, I mean I remember reading it....or whatever that had been published on the Gables.

Mayor Cason: Mr. Guilford is the applicant willing to plant more trees to enhance the character?

Mr. Guilford: We'd be more than happy to accept that as a condition to continue to enhance the property with landscape.

Commissioner Keon: I also would like to know where the from the City's records, where the septic tanks are on this property?

Unknown Speaker: [Inaudible]

Commissioner Keon: OK. I want to know what their records show though; I'd like to know what the City's record show.

Commissioner Quesada: OK. I want to make a motion. I'm going to make a motion with a conditional approval at this point, and it's conditioned on this. I want to see the detailed information as far as criteria number 2; I want to see that back from staff...

Commissioner Keon: Based on...

Commissioner Quesada:...what Commissioner Keon mentioned earlier because I did a very informal look here and so I want to see that really itemized, and then I want from the applicant as well as neighbors as well as staff, I want to see additional information. I want to see additional pictures of the area to help us reach a better determination, a full determination on whether it's going to enhance the visual attractiveness of the area and the neighborhood compatibility related to criteria 5. I think we need additional information related to that. I think we have received a lot.

Thank you for your time. I know how long you've been sitting around all day for this, we understand how difficult that is and we appreciate that, it helps us make that determination, but I think what I'm hearing and for myself as well is that we need a little bit more information. So I do want to see some more pictures of the neighborhood. I will drive through before the next Commission meeting, it was my fault, I didn't do that, I think we all should do that, but again that evidence has to come from staff and from the applicant as well, so that's my motion.

Commissioner Lago. You can drive by the property all you want you are not going to see much.

Commissioner Quesada: OK.

Commissioner Lago: Because of the way that the house is sitting and the tree canopy, but I think we need to amend your motion because I want to make sure that we get from somebody who is qualified by staff, an arborist to provide us with a report.

Commissioner Quesada: That's a good point.

Mayor Cason: How long do you think for the applicant to take and the City to come up with the kind of a detailed plan we want on the trees?

Commissioner Keon: Can I also ask what the setback is on that parcel?- would the setback change if it's divided from what it is on the original parcel?- what is the setback on that parcel?

Mr. Charles Wu: Its 25 feet unless you want to impose as part of a Zoning Code change additional consideration as part of your ordinance.

Commissioner Keon: Part of the visual attractiveness of that particular lot is that the house is setback quite far on the property now and that element would change if you split the lot, the existing house would remain where it is, but the new house would now move to 25 feet from that property, that front property line, which would I think, I'll go by there and look, but I think would make a significant visual change to that particular property that I'd like you to consider, but if you could just confirm that also.

Mr. Charles Wu: Sure.

Commissioner Keon: OK. And on the properties along there, we said from Hardee to Sunset on the east side of Granada on the waterway. Thank you.

Mr. Charles Wu: Yes.

Mr. Zeke Guilford: Mr. Mayor just to answer your question. I believe staff has told me that they intend on bringing this forward to the first meeting in June, I think that should give us adequate time to provide the information that Commissioner Keon as well as Commissioner Quesada and all of you have been asking for.

Mayor Cason: And come back and tell us where if you were going to plant more trees, if you come up with, you know to protect the house, that house across the street...

Mr. Guilford: Absolutely, we can do that.

Mayor Cason: OK.

Commissioner Keon: And I would like my colleagues here, if you are going to go look at it, know that that setback changes – will change.

Commissioner Lago: When you mention setback, which setback are you talking about?

Commissioner Keon: The front setback.

Commissioner Lago: The front?

Commissioner Keon: The front setback from the street. You can't even see the home from the street, you can't see anything and you can't see anything from the street, which is I know from the neighborhood and the people that live in the area and anybody in general from the public purposes – you don't see it, you don't see it.

Commissioner Lago: It's very dense.

Mayor Cason: We might be knocking on your front door.

Commissioner Keon: If you change it, if you split those lots, the home that will be built there by right will have a 25 foot setback.

Mr. Guilford: Commissioner Keon its actually when you are talking about the front set back, actually the quote, what you could build possible that has a 100 foot setback.

Commissioner Lago: See that's what I was talking about. When you said 25...

Mr. Guilford: That house that's shown is just for illustration purposes, that house is shown on the plan as a 100 foot setback.

Commissioner Keon: The house is shown as a 100 foot setback – what could someone build?- what is the...?

Mr. Guilford: The Code says 25, but again I don't think, but again, with the oak she is not going to be able to put it at 25, you are going to have to....

Commissioner Keon: But I don't know that. So you know that there is a potential for that home to have a 25 foot setback.

Commissioner Lago: That would change the look of the entire street.

Commissioner Keon: That would change it tremendously. So that is another condition that you may want to have to deal with or look at going forward, so please keep that in mind.

Commissioner Quesada: So my motion includes all of that.

Mr. Wu: If I could add the six staff conditions and the seventh about the demolition of the dock. Just want to make sure that the motion included those; the six conditions I mentioned are stated into the record and the seventh one, demolition of the dock encroachment upon 60 days of approval, that's the seventh condition.

Commissioner Keon: Yes, OK – with conditions.

Mayor Cason: Alright. So with all of that...

Commissioner Quesada: Is there opposition by the applicant for that?

Commissioner Keon: No, they've accepted all the conditions.

Commissioner Quesada: OK.

Mayor Cason: Alright. So Commissioner Quesada makes the motion, do we have a second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon seconds it.

City Clerk

Commissioner Quesada: Yes

Commissioner Keon: Yes

Vice Mayor Kerdyk: No

Commissioner Lago: No

Mayor Cason: Yes

(Vote: 3-2)

Commissioner Keon: I want to tell you that a yes vote now does not ensure a yes vote later. I just want you to know. Thank you.

[End: 1:14:30 p.m.]