

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING & ZONING BOARD MEETING
VERBATIM TRANSCRIPT

WEDNESDAY, JANUARY 10, 2024, COMMENCING AT 6:02 P.M.

Board Members Present at Commission Chamber:

- Eibi Aizenstat, Chairman
- Robert Behar
- Felix Pardo
- Sue Kawalerski
- Javier Salman
- Chip Withers

City Staff and Consultants:

- Jill Menendez, Administrative Assistant, Board Secretary
- Jennifer Garcia, City Planner
- Emilee Aguerrebere, Principal Planner
- Craig Collier, Special Counsel
- Arceci Redila, Zoning Administrator

Also Participating:

- Daniel Figueredo, Item E-1
- Laura Russo, Esq., Item E-2
- Alan Fine
- Alex Quevedo
- Luis Hoyos
- Rafael Portuondo
- Heather Quinlan

Pursuant to Resolution Number 2021-118, the City of Coral Gables has returned to traditional in-person meetings; however, the Planning and Zoning Board has established the ability for the public to provide comments virtually. For those members of the public who are appearing on Zoom and wish to testify, you must be visible to the court reporter to be sworn in. Otherwise, if you speak without being sworn in, your comments may not have evidentiary value.

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

As Chair, I now officially call the City of Coral Gables Planning and Zoning Board meeting of January 10th, 2024 to order. The time is 6:02.

Jill, please call the roll.

THE SECRETARY: Robert Behar?

MR. BEHAR: Here.

THE SECRETARY: Julio Grabiell?

He requested to be excused.

CHAIRMAN AIZENSTAT: Yeah. He's sick,

THEREUPON:

CHAIRMAN AIZENSTAT: Good evening. I'd like to go ahead and call the meeting to order. I'd like to ask everybody to please silence their cell phones and beepers, if they have.

Before we get started, I just want to wish everybody a healthy and a happy new year, and welcome back, and thank you for coming.

Good evening. This Board is comprised of seven members. Four Members of the Board shall constitute a quorum, and the affirmative vote of four members shall be necessary for the adoption of any motion. If only four Members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to a lack of quorum, the Chairperson or Secretary of the Board may set a Special Meeting to consider such matter. In the event that four votes are not obtained, an applicant, except in the case of a Comprehensive Plan Amendment, may request a continuance or allow the application to proceed to the City Commission without recommendation.

correct?

THE SECRETARY: That is correct.

CHAIRMAN AIZENSTAT: And he didn't want to give any of us the cold that he has. Thank you.

MR. SALMAN: Bless him for that.

CHAIRMAN AIZENSTAT: Bless him.

THE SECRETARY: Sue Kawalerski?

MS. KAWALERSKI: Here.

THE SECRETARY: Felix Pardo?

MR. PARDO: Here.

THE SECRETARY: Javier Salman?

MR. SALMAN: "Presente."

THE SECRETARY: Chip Withers?

MR. WITHERS: Here.

THE SECRETARY: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

Notice Regarding Ex Parte Communications, please be advised that this Board is a quasi-judicial board, which requires Board Members to disclose all ex parte communication and site visits. An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum or other written or verbal communication, that

1 takes place outside of a public hearing,
 2 between a member of the public and a member of
 3 a quasi-judicial board regarding matters to be
 4 heard by the Board. If anyone made any contact
 5 with a Board Member regarding an issue before
 6 the Board, the Board Member must state on the
 7 record the existence of the ex parte
 8 communication and the party who originated the
 9 communication.

10 Also, if a Board Member conducted a site
 11 visit specifically related to the case before
 12 the Board, the Board Member must also disclose
 13 such visit. In either case, the Board Member
 14 must state, on the record, whether the ex parte
 15 communication and/or site visit will affect the
 16 Board Member's ability to impartially consider
 17 the evidence to be presented regarding the
 18 matter. The Board Member should also state
 19 that his or her decision will be based on
 20 substantial competent evidence and testimony
 21 presented on the record today.

22 Does any Member of the Board have such a
 23 communication and/or site visit to disclose at
 24 this time? No?

25 Swearing in, everyone who speaks this

1 evening must complete the roster on the podium.
 2 We ask that you print clearly, so the official
 3 records of your name and address will be
 4 correct.

5 Now, with the exception of attorneys, all
 6 persons physically in the City Commission
 7 Chambers, who will speak on agenda items before
 8 us this evening, please rise to be sworn in.

9 (Thereupon, the participants were sworn.)

10 CHAIRMAN AIZENSTAT: Thank you.

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

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

24 First we have the Approval of Minutes. Has
 25 everybody had a chance to take a look at

1 December 13th, 20 -- last year's minutes from
 2 December 13th, 2023?

3 MR. PARDO: So moved.

4 MR. BEHAR: Second.

5 CHAIRMAN AIZENSTAT: Any comments?

6 THE SECRETARY: I'm sorry, who seconded?

7 MR. PARDO: Robert.

8 CHAIRMAN AIZENSTAT: Mr. Behar.

9 THE SECRETARY: Thank you.

10 CHAIRMAN AIZENSTAT: Having heard no
 11 comments, call the roll, please.

12 THE SECRETARY: Sue Kawalerski?

13 MS. KAWALERSKI: Yes.

14 THE SECRETARY: Felix Pardo?

15 MR. PARDO: Yes.

16 THE SECRETARY: Javier Salman?

17 MR. SALMAN: Yes.

18 THE SECRETARY: Chip Withers?

19 MR. WITHERS: Yeah.

20 THE SECRETARY: Robert Behar?

21 MR. BEHAR: Yes.

22 THE SECRETARY: Eibi Aizenstat?

23 CHAIRMAN AIZENSTAT: Yes.

24 The procedure we'll use for tonight, first
 25 we'll have the identification of the agenda

1 item by Mr. Coller, presentation by applicant
 2 or agent, presentation by Staff. Then I'll go
 3 ahead and open it for public comment, first in
 4 Chamber, then Zoom platform, and then phone
 5 line participants. After which, we'll go ahead
 6 and close the public comment, we'll have Board
 7 discussion, a motion, any further discussion,
 8 if necessary, and hopefully a second of a
 9 motion. We'll have the Board's final comments,
 10 and then a vote.

11 Mr. Coller, if you'll please read the --
 12 actually, before we go ahead and start, there
 13 are two items that have been deferred. E-3 and
 14 E-7, will not be heard tonight.

15 MR. COLLER: I think we should have just a
 16 motion on those, just to make it official.

17 CHAIRMAN AIZENSTAT: For the deferral --

18 MR. BEHAR: I'll make --

19 MR. COLLER: A motion for deferral of Items
 20 E-3 and E-7. Do we have a date certain on that
 21 or no date certain on those? No date certain.

22 MR. SALMAN: So moved.

23 MR. BEHAR: Second.

24 CHAIRMAN AIZENSTAT: We have a first and a
 25 second. Any discussion? No?

1 Call the roll, please.
 2 THE SECRETARY: Felix Pardo?
 3 MR. PARDO: Yes.
 4 THE SECRETARY: Javier Salman?
 5 MR. SALMAN: Yes.
 6 THE SECRETARY: Chip Withers?
 7 MR. WITHERS: Yes.
 8 THE SECRETARY: Robert Behar?
 9 MR. BEHAR: Yes.
 10 THE SECRETARY: Sue Kawalerski?
 11 MS. KAWALERSKI: Yes.
 12 THE SECRETARY: Eibi Aizenstat?
 13 CHAIRMAN AIZENSTAT: Yes.
 14 The first item is E-1.
 15 MR. COLLER: Item E-1, a Resolution of the
 16 City Commission of Coral Gables, Florida
 17 granting conditional use approval pursuant to
 18 Zoning Code Article 14, "Process," Section
 19 14-203, "Conditional Uses" for a walk-up
 20 counter as an accessory use to Sanguich, a
 21 restaurant, on property legally described as
 22 Track A, Plaza Coral Gables, also generally
 23 known as 111 Palermo Ave, Suite 103, Coral
 24 Gables, Florida; including required conditions;
 25 providing for a repeater provision,

1 severability clause, and an effective date.
 2 Item E-1, public hearing.
 3 MS. GARCIA: If we could have the
 4 applicant's submittal -- I'm sorry, applicant's
 5 PowerPoint, please?
 6 MR. FIGUEREDO: Okay. Perfect. Thank you.
 7 MR. PARDO: Mr. Chairman, he needs to be
 8 sworn in.
 9 CHAIRMAN AIZENSTAT: The gentleman -- you
 10 did stand up to be sworn in?
 11 MR. FIGUEREDO: I have, yes, sir.
 12 CHAIRMAN AIZENSTAT: Yes. If you could
 13 please state your name and address for the
 14 record? Thank you.
 15 MR. FIGUEREDO: My name is Daniel
 16 Figueredo, and you're looking for the address
 17 for the location? It's 111 --
 18 CHAIRMAN AIZENSTAT: No, for your address.
 19 MR. FIGUEREDO: Yes. It's 111 Palermo
 20 Avenue --
 21 CHAIRMAN AIZENSTAT: Thank you.
 22 MR. FIGUEREDO: -- Suite 103.
 23 CHAIRMAN AIZENSTAT: Thank you, sir.
 24 MR. FIGUEREDO: Good evening. So, for
 25 those of you who aren't familiar with Sanguich,

1 Sanguich is a Cuban restaurant. We are the
 2 most decorated Cuban restaurant, right now,
 3 currently, in the United States. We have two
 4 Michelins, various awards, and we are now,
 5 hopefully, going to have a location just down
 6 the street very soon.
 7 So, with that, we have -- a product of our
 8 process, of our brand, so to speak, is our
 9 window. The "ventanita" serves as a very
 10 integral part of the overall aesthetics and
 11 communicates the narrative of our culture
 12 effectively. And so we received a conditional
 13 approval from the landlord to have, I suppose,
 14 the first service window on the premises.
 15 The location that you have here is on
 16 Palermo. It's just east of that corner where
 17 you have what would be the CVI.CHE, or on the
 18 southeast corner, where Fugator is, so you have
 19 a good understanding of our position.
 20 So, the facade that you see here, this is
 21 just -- I guess, what you're seeing, north of
 22 where that truck is, is where that window would
 23 be. Moving to the other -- this is a rendering
 24 that I quickly did, just for the sake of giving
 25 you a pretty good idea of what that will look

1 like. That is the corner and we're seeking an
 2 approval for the use of this window, to be able
 3 to serve our customers. Like I said, it plays
 4 a very integral part to the narrative of our
 5 business.
 6 For those of you who don't know us, we are
 7 a Cuban sandwich shop. We do everything
 8 in-house. You know, this is the -- this is
 9 obviously new to me. You know, I see this as a
 10 window. It's part of the DNA of our business.
 11 It's a very important aesthetical aspect of the
 12 company, and it's as, I feel, an ingredient to
 13 serve our community, and bringing it here to
 14 Coral Gables has kind of been a life-long dream
 15 of mine.
 16 So here we are. I'm showing you quite a
 17 little bit of our aesthetics. We are highly
 18 decorated. We pay attention to details. You
 19 know, everything, from the aesthetics design,
 20 the materials, the ingredients that we put into
 21 our food, has been carefully curated, and I
 22 intend to ensure that, down to the window, that
 23 the window respects the aesthetics of the
 24 plaza, so we can emulsify it with, you know,
 25 the community.

1 I'm going to just show you this quickly,
 2 this last slide here, just to kind of give you
 3 a little idea of the amount of detail that I
 4 put into the overall businesses. I'm an
 5 engineer by trade, and I've engineered the
 6 entire mechanical nature of our business, and
 7 this is going to be the first time that most --
 8 anyone would see it, especially in a public
 9 forum like this, the first press of its kind,
 10 where we're able to produce 250 sandwiches an
 11 hour, and it took me about two years to
 12 produce, and the same level of detail that I
 13 put into that machine, I intend on putting into
 14 the window and the business, so we can, you
 15 know -- I hope I didn't take too much of your
 16 -- but it's pretty important to us.

17 So I hope this suffices, the presentation,
 18 and do you have any questions?

19 MR. WITHERS: Yeah. Did they not tell you
 20 that you were supposed to bring samples here
 21 this evening?

22 MR. FIGUEREDO: They did not.

23 MR. BEHAR: You know, that's a good point.

24 MR. WITHERS: Do we want to defer this for
 25 about 30 minutes?

13

1 MR. FIGUEREDO: I felt, given the current
 2 political climate nowadays, that wouldn't be --
 3 that wouldn't be a good decision.

4 MR. PARDO: It didn't take long, too.

5 MR. FIGUEREDO: So I appreciate your time,
 6 Gentlemen, and Miss.

7 MR. BEHAR: I have a question for you.

8 MR. FIGUEREDO: Yes, sir.

9 MR. BEHAR: Your hours of operation, I hope
 10 you go past six o'clock, because my only
 11 complaint about your current facility is, at
 12 six o'clock, you're --

13 MR. FIGUEREDO: Yes. And that's by design,
 14 because, you know, you can -- you know, there's
 15 labor considerations and there's mechanical
 16 considerations, but we've overcome that, and so
 17 now that I'm a little more relaxed, the answer
 18 is, yes. It's taken me two years to get to
 19 that point.

20 So we will have hours of operations
 21 between, hopefully -- this will be the first
 22 location we could serve breakfast -- so it
 23 would be 7:00 to 10:00. At that point, we've
 24 resolved a lot of the issues that most people
 25 complained about. It's just taken me a while.

14

1 MR. BEHAR: Good. I mean, I'm a fan of
 2 yours.

3 MR. FIGUEREDO: Thank you, sir.

4 MR. BEHAR: The food is great.

5 MR. FIGUEREDO: Thank you, sir.

6 MR. BEHAR: My kids are the ones that took
 7 me there, and we enjoyed it.

8 MR. FIGUEREDO: Thank you. Thank you.

9 Thank you. I take what we do pretty seriously.

10 CHAIRMAN AIZENSTAT: Thank you.

11 We have -- if you're done --

12 MR. FIGUEREDO: Yes, sir, I am done.

13 CHAIRMAN AIZENSTAT: Thank you very much
 14 for your presentation.

15 MR. FIGUEREDO: Thank you, sir.

16 CHAIRMAN AIZENSTAT: We have Staff that's
 17 going to be doing a presentation also, brief?

18 MS. GARCIA: Jennifer Garcia, City Planner.

19 Could I have the PowerPoint, please? Thank
 20 you. That was fast.

21 This is a conditional use for a walk-up
 22 counter. As you know, walk-up counters, in all
 23 of Coral Gables, is a conditional use, which
 24 requires a lengthy public review process.

25 So, as he said, the location of the

15

1 restaurant will be in The Plaza, off of
 2 Palermo, and you can see here, in this aerial,
 3 it's pretty much right across the street from
 4 the historic building that's there in the
 5 center, in the heart of The Plaza development.
 6 It will take up those two bays, that I guess
 7 are next to a sandwich -- I'm sorry, some kind
 8 of a restaurant -- I forgot the name of it --
 9 but it's in those two green bays right there.

10 So the current land use is high-rise
 11 intensity. The zoning is MX3. The bay that
 12 the walk-up window will be is highlighted there
 13 in red. You can see it there, on the top and
 14 the bottom image, and the current request is a
 15 conditional use.

16 This is the site plan. So the service area
 17 is right next to the walk-up window. There's,
 18 more or less, nine feet of pedestrian access
 19 and the sidewalk that's there in front of the
 20 walk-up window. It gets wider as you get
 21 closer to Ponce. There is a landscaped area
 22 just outside, as well as on-street parking.
 23 This is the rendering that we've seen before of
 24 how it will look.

25 And it went to DRC January of last year,

16

1 Board of Architects in May of last year. We
2 had the neighborhood meeting in March of last
3 year. And here we are for the Planning and
4 Zoning Board.

5 The letters were sent to the neighbors
6 within a thousand feet of the property, as
7 required by Code, and that happened twice. The
8 property was posted twice. The website was
9 posted twice, as well as newspaper
10 advertisement for today's meeting.

11 So Staff determined it is consistent with
12 the Comprehensive Plan, as far as promoting
13 pedestrian access and walkability and interest
14 in the street, and recommends approval with the
15 conditions. These conditions are very standard
16 for these kinds of uses.

17 So the walk-up counter would only be
18 operating during business hours. It would not
19 interfere with circulation of the sidewalk. If
20 any open-air dining will be requested, there
21 would have to be a separate sidewalk cafe
22 permit. He has to comply with the noise
23 regulations. It needs to be neat and clean and
24 in an orderly appearance. And any storage,
25 silverware or other restaurant counter

17

1 say, I've never heard it that short.

2 Felix.

3 MR. PARDO: I mean --

4 MR. WITHERS: Was that a compliment?

5 CHAIRMAN AIZENSTAT: Yeah. Yeah.

6 MR. PARDO: You know, it's not unique.
7 There's one at the Vicky Bakery down the street
8 on University. So it's been done before in the
9 City. So I think it's going to be a great
10 addition.

11 CHAIRMAN AIZENSTAT: Thank you.

12 Chip.

13 MR. WITHERS: If I could just ask Staff one
14 question. Is there anywhere in the City that
15 something like this would not be admissible or
16 acceptable in your mind?

17 MS. GARCIA: No. Unfortunately, it's a
18 conditional use City-wide. So the Starbucks on
19 Miracle Mile had the same process. So did
20 Tinta y Cafe on Ponce, in the North Ponce area,
21 had to do the same process, as well.

22 MR. WITHERS: So, if that's -- then why is
23 it a conditional use? Why don't we just write
24 an Ordinance to cover stuff like that? I'm
25 just questioning that.

19

1 equipment, would not be visible from the
2 street. And to also submit a restrictive
3 covenant.

4 That's all I have. Thank you.

5 CHAIRMAN AIZENSTAT: Thank you.

6 Sue, would you like to go first?

7 MS. KAWALERSKI: I like it.

8 CHAIRMAN AIZENSTAT: You like it.

9 MR. COLLER: Do we have any --

10 CHAIRMAN AIZENSTAT: Public comments.

11 MR. COLLER: Sorry.

12 CHAIRMAN AIZENSTAT: Do we have anybody
13 here from the public to speak on this item?

14 THE SECRETARY: No, we don't.

15 CHAIRMAN AIZENSTAT: No?

16 THE SECRETARY: Uh-huh.

17 CHAIRMAN AIZENSTAT: Anybody on Zoom or the
18 phone platform? No?

19 THE SECRETARY: No.

20 CHAIRMAN AIZENSTAT: I'll go ahead and
21 close it for public comment.

22 Sue --

23 MS. KAWALERSKI: Is that my shortest so
24 far?

25 CHAIRMAN AIZENSTAT: I was just going to

18

1 MS. GARCIA: Well, if the Board feels that
2 they want to recommend to the Commission that
3 this change be made, that would be appropriate.

4 MR. BEHAR: I think that's a good --

5 CHAIRMAN AIZENSTAT: That's a very good
6 point.

7 MR. BEHAR: Yeah.

8 Robert.

9 MR. BEHAR: I'm good with it. I -- after
10 Javier and you, I will make a motion.

11 CHAIRMAN AIZENSTAT: Javier.

12 MR. SALMAN: A couple of questions for Jill
13 (sic).

14 Parking along the street, how many spaces
15 do we have?

16 MS. GARCIA: The parking on the street is
17 parallel, yeah.

18 MR. SALMAN: How many spaces, more or less,
19 in that area? I see one adjacent to the --

20 MS. GARCIA: I can check an aerial.

21 MR. SALMAN: Because parking is a bit of an
22 issue.

23 MS. GARCIA: Do you know that -- okay.

24 Good. Yeah.

25 MR. FIGUEREDO: So you have four parking

20

1 spaces along Palermo, and then you have ten or
 2 twelve parking spaces along Ponce.
 3 MR. SALMAN: Here's my concern.
 4 MR. FIGUEREDO: Yes, sir.
 5 MR. SALMAN: It's going to be exceedingly
 6 successful.
 7 MR. FIGUEREDO: Thank you. From your mouth
 8 to God's ears.
 9 MR. SALMAN: I'm sure it's going to work
 10 out fine.
 11 MR. FIGUEREDO: Thank you.
 12 MR. SALMAN: My question is, walk-up versus
 13 people who drive up to --
 14 MR. FIGUEREDO: Yeah. I mean --
 15 MR. SALMAN: Because, I mean, I meet at
 16 other places, with other people, "Hey, I'll
 17 meet you there."
 18 MR. FIGUEREDO: Yeah, I think that's a
 19 valid concern. The truth is that, you know,
 20 the property right now has an incredible amount
 21 of corporate environments, and I think most of
 22 those people are going to come down from 2011.
 23 You've got Bacardi, that just signed a 100,000
 24 square foot space, Apple did 50,000 square
 25 feet. So I think there's going to be an

21

1 incredible amount of walking traffic.
 2 It's a valid concern. I don't know how to
 3 properly answer it, but I feel that most of it
 4 is going to be just walking --
 5 MR. SALMAN: But if you have a couple of
 6 spaces in front --
 7 MR. FIGUEREDO: Directly in front us, there
 8 are four parking spaces, and then they have an
 9 entire section devoted just to Uber, and that's
 10 just underneath that pathway that takes you
 11 from one tower to the other.
 12 MR. SALMAN: Okay. Thank you.
 13 MR. FIGUEREDO: Of course.
 14 MR. SALMAN: You may want to look into
 15 either designating a couple of spaces like a
 16 fifteen-minute only or something like that, to
 17 help ease traffic in that area.
 18 MS. GARCIA: Okay.
 19 MR. SALMAN: That will be -- knowing how
 20 these things work, parking is always an issue.
 21 MS. GARCIA: Yeah.
 22 MR. SALMAN: It doesn't matter if you have
 23 all of this walk-up traffic and whatnot, you're
 24 still going to have a pretty sizeable amount of
 25 people that are going to use it as a meeting

22

1 place.
 2 MS. GARCIA: Yeah. We can talk to the
 3 Parking Department before Commission.
 4 MR. SALMAN: I would think that that would
 5 be advisable.
 6 The other issue is, make sure we have a
 7 garbage can, really pretty, out by the thing,
 8 because those do generate little paper cups and
 9 napkins and all sorts of stuff. So that could
 10 easily get a little messy. I know that, in the
 11 other ones that I've been to, they're
 12 constantly cleaning outside, and some of them
 13 have garbage and some of them don't. That may
 14 be something that they want to look at, and
 15 make it part of the requirement.
 16 And, finally, this conditional use is tied
 17 specifically to the tenant at this location,
 18 it's not transferable to another tenant at this
 19 location, without coming to this Board,
 20 correct?
 21 MS. GARCIA: Correct. Yes.
 22 MR. COLLIER: Well, wait.
 23 MS. GARCIA: They're not?
 24 MR. COLLIER: It's a conditional use, a
 25 walk-up window, that's approved. I don't think

23

1 it's tied to this applicant. It's something
 2 we'll look at. I think it may run -- if
 3 somebody buys the property and there's a
 4 walk-up window, I don't think it's conditioned
 5 just to this owner.
 6 MS. GARCIA: Even for the accessory use to
 7 the restaurant, to the use?
 8 MR. COLLIER: Well, as long as it's used as
 9 a restaurant. We'll look at that.
 10 CHAIRMAN AIZENSTAT: When you say,
 11 "Somebody buys this property," you're saying,
 12 somebody buys the business?
 13 MR. COLLIER: Right. Or somebody buys this
 14 -- it's a leased space presumably, right?
 15 CHAIRMAN AIZENSTAT: Correct. So if
 16 somebody buys the business, it would have to be
 17 a restaurant that would go in there.
 18 MR. COLLIER: It would have to be a
 19 restaurant. It would have to be under the same
 20 use.
 21 CHAIRMAN AIZENSTAT: Okay.
 22 MR. SALMAN: Okay. That's it. That
 23 answers all of my questions. Thank you very
 24 much.
 25 MR. FIGUEREDO: I have a twenty-year lease.

24

1 MR. COLLER: So we'll worry about it in
2 twenty years.

3 MR. SALMAN: I hope to see you renew it.

4 CHAIRMAN AIZENSTAT: Yeah.

5 I mean, I have no concerns, but the only
6 thing which I would ask is, if something could
7 be put there that there wouldn't be trash
8 outside of that area, because I've noticed, in
9 a lot of these types of businesses, it just
10 automatically generates trash outside from
11 people having cortaditos, cafecitos, and they
12 just --

13 MR. FIGUERO: 100 percent. I couldn't
14 agree with the Board any more. We're also
15 using -- the manufacturer that was used to put
16 all of the accessories, the benches, the
17 kiosks, is called Nettie. They're out of
18 Italy. So I'm going to have two Nettie trash
19 cans right outside, and we are putting in place
20 the first brand ambassadors of Sanguich. So
21 I'm going to make sure that I have an attendant
22 outside, greeting everyone and making sure
23 people feel good, and the place is clean.

24 CHAIRMAN AIZENSTAT: Thank you.

25 MR. FIGUERO: Of course. Thank you.

25

1 MR. BEHAR: I'll make the motion for
2 approval with those two recommendations. And
3 the parking is one that I don't know if we
4 could make that a recommendation. That's
5 something that the Parking Director has to get
6 involved.

7 MR. SALMAN: I suggested it. I didn't say
8 it was a requirement. Mainly, a suggestion to
9 help alleviate the traffic.

10 MR. BEHAR: I like the idea, because then
11 you dedicate two spaces for their use. I think
12 that's a good -- you know, a suggestion, that
13 if that could be incorporated, goes along with
14 it.

15 CHAIRMAN AIZENSTAT: We have a motion. Is
16 there a second?

17 MR. SALMAN: Second.

18 CHAIRMAN AIZENSTAT: We have a second by
19 Javier.

20 Any other discussion? No?

21 Call the roll, please.

22 THE SECRETARY: Javier Salman?

23 MR. SALMAN: Yes.

24 THE SECRETARY: Chip Withers?

25 MR. WITHERS: Yes.

27

1 CHAIRMAN AIZENSTAT: I have no other
2 comments.

3 Is there a motion?

4 MR. BEHAR: I'll make a motion, and I
5 welcome any friendly amendment to the motion
6 for approval, if you want to put in to have
7 trash cans.

8 CHAIRMAN AIZENSTAT: I don't know if it's
9 necessary to say for the trash cans. The way I
10 see it, I like what Chip said, for the
11 recommendation --

12 MR. BEHAR: Yeah, but that's a separate.
13 This is not part of --

14 MR. COLLER: We can make, certainly, as a
15 condition -- well, with regard to the trash
16 cans, if you want to make them as a condition,
17 to have an appropriate trash receptacle, that's
18 an appropriate condition. And if you want to
19 add, as part of your recommendation, that the
20 City Commission consider making these walk-up
21 windows as a permitted use under certain
22 circumstances and not required to be a
23 conditional use in a public hearing, you can
24 make that as part of your recommendations, if
25 that's the case.

26

1 THE SECRETARY: Robert Behar?

2 MR. BEHAR: Yes.

3 THE SECRETARY: Sue Kawalerski?

4 MS. KAWALERSKI: Yes.

5 THE SECRETARY: Felix Pardo?

6 MR. PARDO: Yes.

7 THE SECRETARY: Eibi Aizenstat?

8 CHAIRMAN AIZENSTAT: Yes.

9 MR. FIGUERO: Thank you.

10 CHAIRMAN AIZENSTAT: You're welcome.

11 MR. BEHAR: Next meeting, bring some
12 samples. After the approval, you need to bring
13 some.

14 MR. FIGUERO: Thank you.

15 CHAIRMAN AIZENSTAT: The next item is E-2.

16 MR. COLLER: Yeah.

17 CHAIRMAN AIZENSTAT: Mr. Coller, if you'd
18 read that into the record, please.

19 MR. COLLER: Item E-2, an Ordinance of the
20 City Commission of Coral Gables, Florida
21 providing for a text amendment to Appendix A
22 "Site Specific Zoning Regulations," Section
23 A-94 "Snapper Creek Lakes" of the City of Coral
24 Gables Official Zoning Code to include all
25 types of accessory uses in the rear yard ground

28

1 coverage calculation, to remove outdated
2 Section A-94-2, and to provide consistency with
3 the Snapper Creek Lakes' protective covenants
4 by increasing various setbacks; providing for
5 severability, repeater, codification, and an
6 effective date.

7 Item E-2, public hearing.

8 CHAIRMAN AIZENSTAT: Ms. Russo.

9 MS. RUSSO: Good evening, Mr. Chairman,
10 Members of the Board, Laura Russo, with offices
11 at 2334 Ponce de Leon Boulevard. I am here
12 this evening representing Snapper Creek Lakes
13 Homeowners' Association.

14 I have with me the president, Alex Quevedo.
15 I have the Honorable Alan Fine, who is a Member
16 of the Board of Governors, and Heather Quinlan,
17 who is the administrator and dock master.

18 A little bit of background. Snapper Creek
19 Lakes was one of three subdivisions that the
20 City of Coral Gables annexed into the City
21 boundaries back in June of 1996. It is, for
22 those of you who don't know, a subdivision at
23 the southern end of Coral Gables, composed of
24 approximately 124 platted lots, bordered by Red
25 Road, Old Cutler Highway, and its internal

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1 clauses -- that the residents of Snapper Creek
2 Lakes want to preserve and maintain their
3 neighborhood character in a manner consistent
4 with the high standards of the City of Coral
5 Gables Zoning Code.

6 Snapper Creek Lakes is a little bit
7 different than the two other subdivisions that
8 were annexed at the time. Snapper Creek Lakes
9 has a mandatory homeowners' association and
10 recorded protective covenants. The other two
11 subdivisions do not. These covenants date back
12 to the '50s, when the subdivision was created.
13 Members agreed to abide by the covenants, when
14 they applied for membership, and they signed
15 that they have read them and accept them.
16 Plans for building a home in Snapper Creek are
17 presented to -- the HOA has their own
18 architect, that reviews their plans and
19 approves them, for, you know, Snapper Creek
20 Lakes, and then they go into the City.

21 We are here this evening requesting an
22 amendment to the site specific section of the
23 Zoning Code that pertains to Snapper Creek.
24 The requested amendments are to the site
25 setbacks. In the site specific, they are 15

31

1 boundary. There are 122 building sites.
2 There's a minimum of one acre required. So all
3 of lots are at a minimum of one acre. Some are
4 greater than an acre, and they go up to about
5 an acre and a half.

6 The City, as I said, annexed Snapper Creek
7 Lakes and two other neighboring subdivisions in
8 June of '96. In 1997, the City passed
9 Ordinance 32-49, that created a site specific
10 section in the Zoning Code for Snapper Creek
11 Lakes. Site specific regulations, as some of
12 you know very well, are an extension of the
13 Zoning Code that's tailored for specific areas,
14 whether it be the Ponce Circle Park, Gables
15 Estates, Cocoplum, Journey's End, Coral Gables
16 Section B, you know, Riviera Sections, et
17 cetera. The ordinance, in particular, states
18 that the Snapper Creek Lakes neighborhood of
19 one acre building sites has been developed with
20 a character unique to the neighborhood and in
21 harmony with its landscape environs. It
22 includes a change in topography, rich native
23 vegetations, two lakes, and homes designed in a
24 classical contemporary style. The ordinance
25 further states -- and these are in the whereas

30

1 feet. The protected covenant has them at 30
2 feet. The street side setbacks are at 30 feet.
3 In the protective covenants, they're 50 feet.
4 The rear setbacks are at 25. The covenants
5 have them at 30. And accessory building
6 setbacks are at 7.6 -- seven and a half feet,
7 and we're requesting eight feet. And we also
8 have an amendment, which is a clarification, of
9 accessory uses. And then there are two other
10 minor changes, which are corrections to the
11 marina slip and dock slip numbers, okay. And
12 that's just -- it's overall the same number of
13 dock slips and the same -- the total number is
14 the same. There's just one less marina slip
15 and one more dock slip. So it's just a
16 correction in the Zoning Code.

17 So a little history. This proposed
18 amendment came about -- and you're going to
19 say, "Well, Laura, if it was since 1997 and the
20 setbacks have been wrong all of this time, why
21 has it never been a problem?" Well, it just
22 hasn't. From 1997 to now, there hasn't been an
23 issue. Houses have been built pursuant to the
24 protective covenants. But in the last several
25 years, I don't know if COVID had anything to do

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1 with it, the association started noticing that
2 there were problems with plans being approved
3 that went against the protective covenants, and
4 also against the City Zoning Code.

5 So, for example, if you have a building
6 site that's an acre and a half, you're allowed
7 a guest cottage, but only if you have an acre
8 and a half. So there were a few plans that had
9 gazebos that were larger than the gazebo was
10 allowed to be, and enclosed on sides, and
11 cabanas larger than they were supposed to be.
12 So whenever the designing architect was
13 challenged, he would blame the City Architect.

14 So Heather and I had a visit to the City's
15 Development Services Department, and met with
16 the City Architect and the Development Services
17 Director and the City Planner and Zoning, and
18 it was determined that, yes, some things were
19 falling under the cracks, and we were catching
20 the Zoning Code, which is, really, the City's
21 job, and so it was decided that the best way to
22 address this was just to propose an amendment,
23 and that way we would make it more efficient
24 for both, the homeowner and for the City.

25 I'd like to show you just a little quick

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1 presentation here -- it's very quick -- just to
2 see if you can get a flavor, if you haven't
3 driven through Snapper Creek. So having been
4 in a lot of the different subdivisions and
5 having been in Gables Estates and Old Cutler
6 Bay and Journey's End and Cocoplum, you will
7 note that Snapper Creek is very unique, because
8 the lot coverage is 15 percent, and the
9 accessory lot coverage is five percent of the
10 rear. In the rest of the Gables, you know,
11 you're allowed 35 percent, and 10 percent of
12 the whole lot, so you tend to get not
13 insignificant houses, but you get a lot of lush
14 landscaping, and it's a very unique character.

15 So this is the entrance to Snapper Creek
16 Lake. It has a lot of natural hammock, a lot
17 of oak trees. Houses are sort of well-tucked
18 into the landscaping, and here's a copy of the
19 ordinance, with the proposed changes and
20 strikeouts, which you should have in your
21 package.

22 And to give you an idea, we had, as is
23 required, a neighborhood meeting. We invited
24 not just the entire residents of Snapper Creek,
25 but the City required us to notify residents

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1 within a thousand linear feet of the perimeter.
2 We had quite an attendance, mostly from people
3 from the outside, wanting to make sure that
4 whatever we were proposing here, wasn't going
5 to affect them.

6 I also have a map -- if you could bring up
7 the map -- a map that shows you that we sent
8 out e-mails to the residents, letting them know
9 about the amendment. The Board actually passed
10 a resolution to do this, and we have the
11 supporting e-mails, and we will be submitting
12 this to the Planning Department. This is the
13 list of all of the people so far in Snapper
14 Creek that support the proposed amendment, and
15 we still have people that are traveling back
16 from vacation, and we have a couple of deficits
17 here, where the family -- the estate hasn't
18 decided yet. They haven't had a chance to read
19 it. So this will be continued to be updated,
20 but I will submit with the Clerk, both, the map
21 and all of the e-mails that actually support
22 the "X" being put on this map.

23 So Staff has recommended the proposed
24 setbacks that pertain to the side setbacks,
25 both, for the regular setback, the street

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1 setback, and for the regular rear setback.
2 Staff is not supporting the setback from seven
3 and a half feet to eight, nor are they
4 supporting the clarification on accessory uses
5 that was made. So the clarification is just
6 that accessory uses -- allow for all accessory
7 uses that are outlined in the Zoning Code.

8 So the City considers that the language
9 being proposed for accessory uses is a change
10 in policy, and this policy is based on a
11 letter, that was addressed to a private
12 attorney, from a County Zoning Official, to
13 this private attorney, for a property in
14 Hammock Lakes II back in 2013. The letter was
15 copied to the Zoning Administrator of the City
16 of Coral Gables at the time. And the letter
17 states that the County did not count pools as
18 part of their accessory calculations.

19 And I say, "So"? Because a letter is not a
20 law. It has not been codified. I've been
21 representing Snapper Creek since 2007. I
22 helped them with their entire new marina
23 structure back in 2007. I had never seen or
24 heard of the letter until last year. Neither
25 had Heather Quinlan. And as I said to the

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1 City, I said, "It doesn't make sense to me,
 2 that to make a change, I notify people, all in
 3 the community, within a thousand linear feet.
 4 I have a neighborhood meeting. I come to a
 5 public hearing. But you're going to make a
 6 change, to a community, that no one knows
 7 about, right," and you think that that somehow
 8 is a policy? I mean, it's being treated as a
 9 law. And my answer is, "If you want to do
 10 that, try to change it, try to codify it into
 11 the Zoning Code," because several years ago
 12 Hammock Lakes wanted to change their lot
 13 coverage from 15 percent to 25 percent, and
 14 they did it by trying to change the three
 15 annexed areas, and when Snapper Creek got wind
 16 of it, they went ballistic, because a change in
 17 lot coverage from 15 to 25 percent would
 18 drastically change the community. We don't
 19 want that. Snapper Creek does not want that.

20 And so my argument is, please, accept the
 21 proposed amendment, as we have proposed it,
 22 with that language still in it, and if the City
 23 decides that that policy of not counting pools
 24 counts for Hammock Lakes II or Hammock Oaks, we
 25 are more than happy. We don't want to

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1 interfere with how they want to run their
 2 community. But since 1997, when Snapper Creek
 3 was annexed into the City of Coral Gables,
 4 pools have been counted as part of the rear
 5 setbacks calculation. So it just does not seem
 6 right to, all of a sudden, change this, without
 7 going through a full legislative process.

8 You know, the residents of Snapper Creek
 9 Lake never got to have an opinion on that
 10 policy, which was not requested by them, and it
 11 was not pertaining to property within their
 12 subdivision.

13 I respectfully request that you all approve
 14 the site specifics amendments as we proposed
 15 them.

16 Thank you.

17 CHAIRMAN AIZENSTAT: Thank you.

18 City Staff.

19 Laura, you'll reserve some time for
 20 rebuttal?

21 MS. RUSSO: Yes, please. I'll reserve time
 22 for rebuttal.

23 MS. GARCIA: Jennifer Garcia, City Planner.
 24 May I have the PowerPoint, please?

25 All right. So this is a Zoning Code Text

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1 Amendment to the site specifics of our Zoning
 2 Code specific to Snapper Creek Lakes.

3 So, as she said, Snapper Creek is located
 4 between Red Road and Old Cutler Road, with an
 5 internal boundary to the north and to the
 6 south. It's mostly, if not all, I believe, all
 7 single-family, low density, in the Future Land
 8 Use Map, and the Zoning is single-family
 9 residential.

10 Again, this is a Zoning Code Text Amendment
 11 to the site specifics. So this is summarized,
 12 more or less, into five main points, what
 13 they're requesting. The first one is to
 14 include all accessory uses and structures that
 15 are in this point, including pools, within the
 16 five percent rear yard ground coverage maximum.
 17 And I'll go through each of these five points
 18 in the continuing slides.

19 Also, mirroring the 50-foot and 30-foot
 20 setbacks that are currently enforced by their
 21 private covenants, increasing the setbacks for
 22 various accessory structures from seven feet
 23 and six inches to eight feet, also updating the
 24 maximum marina boat slips to be consistent with
 25 their County permit, and then to also remove

39

1 the redundant section A-94-2 for Snapper Creek
 2 Lakes Subdivision.

3 So including all accessories and structures
 4 within the five percent rear yard ground
 5 coverage maximum, this -- five percent ground
 6 coverage maximum is something that's specific
 7 to the Zoning for the County, for the EU-1, I
 8 think, was the Zoning designation before it was
 9 annexed in. So that's very particular to that
 10 Zoning, right. I'm sure you're familiar with
 11 our Zoning in Coral Gables, single-family, we
 12 allow for about 10 percent additional for the
 13 accessory structures, and that's for the entire
 14 property. This is just five percent of the
 15 rear yard.

16 So what the proposal is, and I think Laura
 17 already explained, in 2013, there must have
 18 been some kind of question of how the City is
 19 calculating the pool. So, pool, City-wide, we
 20 -- for single-family, we always include the
 21 pool as an accessory use structure in that
 22 calculation. However, in 2013, something must
 23 have happened. Someone requested this letter
 24 clarification to make sure that we were still
 25 keeping our promise to Snapper Creek and to

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1 Hammock Lakes -- they were annexed in together
2 with the same Zoning -- to make sure that we're
3 doing the same calculation, because we promised
4 them that we would annex them in with the same
5 rights that they had before they're annexed in.

6 So when that clarification came back that
7 they do not count pools, I'm assuming because
8 it's not an elevated structure, it's in the
9 ground -- I'm assuming that's the reason behind
10 it -- at that point, there was a policy change
11 in the City. It's absolutely right that it's
12 just a letter, it's not really codified in the
13 Code, it's just a letter that was given to
14 Staff, for them to -- from now on, to calculate
15 the rear yard ground coverage maximum,
16 separately and differently, in Hammock Lakes,
17 as well as Snapper Creek, differently than the
18 rest of the City. So, again, so the pool would
19 be calculated, as proposed, with the five
20 percent maximum.

21 So this is the map that shows vacant
22 properties right now, and that's shown in
23 green, the light green. So it's a handful.
24 And the properties that were built after 2013,
25 because 2013 is when that policy changed.

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1 So the second requested change is the
2 mirroring of the 50-foot and the 30-foot
3 setbacks, and that applies to the side street
4 setback, as well as the interior side setback
5 be 30 feet -- sorry, the street side is 50 feet
6 and then the rear to be 30 feet, and that's
7 consistent. I understand it's already being
8 enforced by their covenants.

9 And, then, increasing the setbacks for some
10 various accessory structures, that you have
11 listed in your Staff report, to increase that
12 from seven and a half feet, again, from the
13 original zoning of EU-1 from the County and
14 increasing that to eight feet.

15 And the last two are pretty simple. The
16 maximum marina boat slips, to update that from
17 35 to 36 boat slips for the wet marina boat
18 slips and the dry storage spaces from 32 to 31
19 spaces, and that's consistent with what has
20 been submitted for the permit.

21 And then the last one is to remove the
22 repetitive Section A-94-2, which reference
23 Snapper Creek Lakes Subdivision, and that
24 refers back to Hammock Lakes, for some reason.

25 So they had a neighborhood meeting back in

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1 December of last year. We're here for the
2 Planning and Zoning Board. And then to move
3 forward to the Commission for two readings.

4 They had sent a notice within a thousand
5 feet of the entire neighborhood of Snapper
6 Creek, and that happened twice, the
7 neighborhood meeting and for PZB. The property
8 was posted, in various places, for visibility
9 sake, not the entire area, website posting, and
10 also the newspaper advertisement for this
11 meeting for tonight.

12 So Staff has determined that it is
13 consistent, for most of the requested items,
14 with the Comp Plan, and recommend approval with
15 conditions, and we've gone through those
16 conditions. We have an issue with not keeping
17 the promise originally, before, when it was
18 annexed in, to now count all accessory uses and
19 structures, including a pool, in the rear yard,
20 and also increasing that setbacks from seven
21 and a half inches to eight feet. And that's
22 it.

23 Oh, here's the map of the impacted
24 neighborhoods -- or impacted properties,
25 rather. So the green represents the vacant

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1 properties. Moving forward, they would pull a
2 building permit using these regulations, as
3 proposed, and then the orange properties are
4 representing the ones that were built between
5 2013, when that letter was issued, and today.

6 That's it.

7 CHAIRMAN AIZENSTAT: Thank you.

8 Do we have -- Jill, do we have anybody here
9 for this item?

10 THE SECRETARY: Yes, we do. We have three.

11 CHAIRMAN AIZENSTAT: How many people?

12 THE SECRETARY: Three.

13 CHAIRMAN AIZENSTAT: Go ahead and call
14 them, please.

15 THE SECRETARY: Call them? Okay.

16 Alex Quevedo.

17 MR. QUEVEDO: Good evening. Thanks for
18 having us today.

19 My name is Alex Quevedo. I live at 10950
20 Snapper Creek Road. I've been a resident there
21 for the last 13 years. And I so happen to be
22 the president of the homeowners' association.

23 I'm here, as what Laura had described and
24 Alan will speak to, also, it's a very important
25 issue for the majority of the residents of

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1 Snapper Creek. We want to protect the
2 character and the charm of the neighborhood.
3 It's unique. Most of us purchased there or
4 moved there because of that, and it's remained
5 something special, and we want to continue to
6 have that.

7 The Board unanimously -- our Board
8 unanimously passed this, what we're discussing.
9 They approved it across the Board. We've
10 reached out to -- like the map showed, we
11 reached out to the entire community and we're
12 at over 60 percent. That's during the
13 holidays. So we haven't contacted everybody
14 yet. We expect that number to probably reach
15 80, 90 percent of the homeowners in agreement
16 with what we're proposing today.

17 So I just want to kind of stress the fact
18 that this is something that's extremely
19 important to the residents, because of where we
20 live. Coral Gables is a beautiful place, and
21 Snapper Creek is beauty within the beauty of
22 Coral Gables. So thank you for your time.

23 CHAIRMAN AIZENSTAT: Thank you.

24 THE SECRETARY: Alan Fine.

25 MR. FINE: Good evening and thank you for

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1 want to preserve and maintain the character of
2 their neighborhood as it has been developed and
3 in a manner which is consistent with the high
4 standards of the," quote, "Zoning Code,"
5 unquote, "of the City of Coral Gables by having
6 site specifics regulations for Snapper Creek."

7 We demonstrated the intent. The City
8 adopted our intent to use the zoning standards
9 of the City of Coral Gables, which included the
10 pools. Nowhere does it ever say that pools are
11 not to be included.

12 And later on, in that same ordinance, it
13 says, "In addition, up to five percent of the
14 rear yard may be used for accessory uses and
15 structures." It doesn't say, one way or the
16 other, whether pools are included, but we
17 adopted the City of Coral Gables Code, it
18 should be included.

19 We know that Miami-Dade County does not
20 include it. Again, so what, like Ms. Russo
21 said. All we're doing is trying to codify, on
22 the setbacks, the protective covenants that we
23 have and Staff has agreed with that part, but
24 because a City Commissioner wrote a letter in
25 2013 to someone on behalf of a homeowner of

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1 hearing from us.

2 I just wanted to address one point, which
3 is the inclusion of the pools in the definition
4 of accessory use.

5 THE SECRETARY: I'm sorry, can you please
6 state your name and address, please?

7 MR. FINE: Thank you. I'm not -- yes.

8 THE SECRETARY: Thank you.

9 MR. FINE: Alan Fine. I live next door to
10 Alex. 10900 Snapper Creek Road, proudly in
11 Coral Gables.

12 So the Coral Gables Code includes pools as
13 part of the accessory use calculation. For
14 some reason, even though there's never been a
15 letter, a ruling, an ordinance, nothing, that
16 says that that does not apply for Snapper Creek
17 Lakes, the department has considered that,
18 because Snapper Creek Lakes used to be in the
19 County, somehow the County rule, where pools
20 are not included, is grandfathered in,
21 notwithstanding the lack of any support for
22 that opinion, whatsoever.

23 In fact, in Ordinance 3249, from 1997, in
24 Coral Gables, one of the whereas clause says,
25 quote, "Whereas the residents of Snapper Creek

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1 Hammock Lakes, that said, "Oh, well, the County
2 didn't include the pool, so we won't either" --
3 or, actually, that one from the Miami-Dade
4 Commissioner said, "We did not include pools
5 and we don't." That shouldn't have any effect
6 on Snapper Creek Lakes, who affirmatively
7 elected the City of Coral Gables Code back in
8 1997.

9 It has been the consistent practice, with
10 possibly one exception, by mistake, that every
11 set of plans approved by Snapper Creek Lakes,
12 before they go to the City, has included the
13 counting of the pool as an accessory use. I
14 think we've discovered one that got through,
15 where we made a mistake, but one mistake is not
16 a waiver of a right, especially when our
17 protective covenants state, quote, "Failure to
18 enforce any right, reservation, restriction or
19 condition contained herein, however long
20 continued, should not be deemed a waiver of the
21 right to do so thereafter as to the same breach
22 and shall not bar or affect its enforcement."

23 So, in summary, and thank you for
24 listening, the concept that a Miami-Dade County
25 interpretation is grandfathered in to Snapper

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1 Creek Lakes, despite the plain language in
2 Ordinance 3249, that, I would respectfully
3 submit, doesn't have support and we request
4 that you support the text amendment and pass on
5 that. And I thank you for your time.

6 CHAIRMAN AIZENSTAT: Thank you.

7 THE SECRETARY; Luis Hoyos.

8 MR. HOYOS: Hi, how are you?

9 THE SECRETARY; Excuse me, can you swear
10 him in, too?

11 (Thereupon, additional participants were
12 sworn.)

13 MR. HOYOS: My name is Luis Hoyos. I live
14 in Snapper Creek. The address is 9950 Sea
15 Grape Circle. It's a beautiful community. I
16 have a boy and a girl, and we live super happy
17 there. I probably -- if I get older, probably
18 that will be the place where I want to be.
19 It's a beautiful neighborhood.

20 I have lived in the Gables before. We
21 built a beautiful house, and -- and we sold the
22 house. It was built by a renown architect that
23 is here today, Rafael Portuondo. So the
24 process was excellent with him. And we decided
25 to hire him again to build this authentic Coral

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1 submitted to Coral Gables Board of Architects.
2 Plans were approved for preliminary, and us, as
3 a client, begin construction document process.

4 June 2023, plans were submitted for final
5 approval to Snapper Creek.

6 July 2023, plans were picked up. The plans
7 had the approval stamp and signed by Mark
8 Reardon, and had the approved stamp from
9 Snapper Creek.

10 July 2023, subsequently, the approval stamp
11 was crossed out by Snapper Creek.

12 So I'm here because we been -- we should
13 have been looking at -- the lot that we have in
14 Snapper Creek, we have a structure already, but
15 we were denied, and I don't want to hire a
16 lawyer to sue them, because we have not been
17 given the right explanation.

18 I am not a lawyer. We are in the
19 restaurant business. And the last thing we
20 want to do is to sue an association, but there
21 is not something valid to tell us you cannot do
22 this, if the people that we hire, that are
23 professionals, follow the process, went to the
24 City, went to talk to them, and now we know
25 that they're trying to change a Code that is

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1 Gables house in Snapper Creek.

2 In June of 2022, plans were submitted for
3 preliminary review to Snapper Creek. It was
4 not approved by Snapper Creek. On July 7th,
5 2022, Mark Reardon, Snapper Creek architect and
6 agent, provide us with a letter, by Zeke
7 Guilford, clarifying the requirements for
8 accessory structures in the rear yard.

9 Pursuant to said instruction from Mark
10 Reardon, our architect revised the plans not to
11 include the pool in the rear yard calculation.
12 A note on the drawings clearly indicated that
13 us, as clients, were not including the pool in
14 the calculation.

15 July, the same year, 2022, plans were
16 submitted, subsequently revised and
17 resubmitted.

18 August, same year, plans were approved for
19 preliminary by Snapper Creek.

20 September 2022, meeting at Coral Gables
21 with the Staff to confirm the letter from Zeke
22 Guilford, provided by Mark Reardon, where the
23 pool was not part of the accessory structure.
24 Coral Gables confirmed.

25 The same month, same year, plans were

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1 not implemented.

2 Yes, I know we signed some rules, but it's
3 not there. It's not clear. So if they want to
4 change the Code, it's okay, but I don't think
5 we're supposed to be under something that is
6 not even written down by them.

7 So I'm here just to tell you guys -- sorry
8 to say guys -- everybody here tonight, they're
9 very respectful people, professional, that it
10 should be clear by them, yes, but we are not --
11 we are not given the right answer for that --

12 MR. BEHAR: May I interrupt you for a
13 second? You're not in favor of the proposed
14 changes, because your case -- I think, I don't
15 know if I'm misunderstanding, is not something
16 that is -- we are not going to give you an
17 answer. That's something that has to come
18 from -- you know, whether -- where the
19 association is coming is to have modifications
20 to the current guidelines, for lack of a better
21 word --

22 MR. HOYOS: I understand that, yes.

23 MR. SALMAN: -- you know. And are you not
24 in favor of that?

25 MR. HOYOS: I am not, right now, because we

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1 are not -- how am I going to be in favor of
2 something that is not -- that is affecting me?
3 Yeah, so I am not in favor.

4 MR. SALMAN: Just a quick question. The
5 reason for the rejection, was that a rear area
6 overage for axillary use?

7 MR. HOYOS: Yeah. We are not counting the
8 pool.

9 MR. SALMAN: I'm just trying to get -- is
10 this --

11 MR. HOYOS: We are not counting the pool.

12 MR. SALMAN: -- pertinent to the item
13 before us today?

14 MR. HOYOS: Yes.

15 MR. SALMAN: Okay.

16 MR. HOYOS: So this is a case that they're
17 trying to clarify, between them or not, that is
18 affecting us, and probably affect many
19 construction -- many people that work --

20 MR. BEHAR: The reason I ask, because I'm
21 not sure -- I feel like, you know, your
22 particular case is something that is not in
23 front of us today.

24 CHAIRMAN AIZENSTAT: That is correct. In
25 other words, we're listening --

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1 MR. PORTUONDO: 5717 Southwest 8th Street.

2 MR. COLLER: Thank you.

3 CHAIRMAN AIZENSTAT: Thank you.

4 MR. PORTUONDO: One of the things that I
5 take a lot of pride in -- and I've known Laura
6 for many, many years -- is, before we start any
7 project, we go through the due diligence as if
8 the project was starting from zero. Whether
9 we've talked to the City of Coral Gables a
10 hundred times, we start from zero in every
11 project.

12 We met with Suramy Cabrera to clarify how
13 you calculate the rear setback, the five
14 percent. We met with Suramy to calculate pools
15 and accessory structures. We met with the
16 Snapper Creek architect, and he clarified for
17 us that the pool was not counted as part of the
18 five percent. We proceeded, because, at that
19 point, we had an accessory structure and the
20 pool. Our rear calculation was approximately
21 800 and something square feet. So by not
22 counting the pool, it affected the size of the
23 accessory structure.

24 We proceeded the process of clarifying the
25 drawings, and submit it, with a note, pool not

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1 MR. COLLER: It may well impact his
2 situation, if there is a change.

3 CHAIRMAN AIZENSTAT: That's correct.
4 Correct.

5 MR. BEHAR: Right.

6 MR. SALMAN: Right.

7 MR. BEHAR: That's why I asked, is he in
8 favor or not. Obviously, he's not in favor,
9 because it will affect him.

10 MR. COLLER: It will impact his built.

11 MR. HOYOS: And we already submitted plans
12 to the City. Most of them were approved. They
13 came back with some revisions. But the pool
14 was there, and the City accepted it.

15 So this is my case. Thank you very much
16 for listening to us.

17 CHAIRMAN AIZENSTAT: Thank you.

18 Can you call the next speaker, please?

19 THE SECRETARY: Yes. The last speaker is
20 Rafael Portuondo.

21 MR. PORTUONDO: Rafael Portuondo, Portuondo
22 Perotti Architects.

23 One of the things that I think a lot of --

24 MR. COLLER: Would you give the address of
25 your office?

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1 included in rear setback lot coverage
2 calculation. He approved the set we submitted.
3 We proceeded with construction documents. If,
4 at the time, the architect that represents
5 Snapper Creek would have told us the pool
6 counts, I would have met with the owner and I
7 would have said, "Listen, you know, they made a
8 mistake, whatever, and we've got to count the
9 pool," but that didn't happen.

10 We proceeded with the most expensive part
11 of architecture, which is construction
12 documents. We submitted it to Snapper Creek,
13 and they approved it. So, at that point in
14 time, it had all of the stamps, like Luis was
15 saying, and we -- then we got called, a day or
16 so after, to unapprove it. So whoever was the
17 person involved or not involved, was obviously
18 not talking to their hired architect, that
19 represents Snapper Creek.

20 And so, as architects, the only thing you
21 can do is follow the guidelines of the person
22 in charge. Because of that, we went -- we
23 actually met with the City Attorney, and we
24 wanted a clarification on that. So the
25 clarification was that, when properties are

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1 annexed from Dade County, they follow the Dade
2 County regulations, and the City clarified to
3 us that they are -- that we are right in not
4 counting the pool. This is from Cristina
5 Suarez -- Suarez -- Sanchez -- Suarez, right?

6 MS. GARCIA: Suarez.

7 MR. PORTUONDO: And so we had a meeting
8 with her, with Staff, and the whole thing, and
9 they said to us, "Look, Snapper Creek is coming
10 to present, to clarify the Code, but why don't
11 you submit your drawings, so you document and
12 you're locked into the current Code," which is
13 why -- what we've done.

14 In the comments we got from the City of
15 Coral Gables, the pool is not included. In
16 other words, it wasn't part of the
17 calculations. They approved it that way.
18 There was a calculation -- there was a comment
19 on trellises and something else, that we can
20 solve. It's not a big deal.

21 And so what angers us, and angers me, is
22 that we did everything by the book, everything,
23 up until getting approvals from Snapper Creek,
24 approvals from the City of Coral Gables. The
25 reason why annexed properties in Dade County,

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1 that are absorbed into Coral Gables, the reason
2 they don't include pools and things like that
3 is because they would be including an existing
4 non-confirming, according to the attorney. In
5 other words, if there are 50 houses in Snapper
6 Creek that have pools that don't count, that
7 means there would be automatically 50
8 non-conformance, according to the City
9 Attorney.

10 While listening to this presentation and
11 seeing that they're requalifying the
12 calculations of pools and accessory structures,
13 it's great, but that's not what happened to us,
14 and the reason -- I'm glad that my client, my
15 friend, is here not agreeing, is because it
16 would affect him and it would have affected me.
17 And I asked Laura, "Who's going to pay for
18 this, after getting approved by Snapper Creek?
19 Who's going to pay for all of the fees that our
20 client has paid, approvals from Snapper Creek,
21 approvals from Coral Gables?"

22 So, yes, we're upset, because of the
23 process, and so what the -- I'm going to
24 reiterate what we did. The City Attorney and
25 the Staff said to submit the drawings, so

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1 you're locked into the Code modification that
2 Snapper Creek is going forward with, and that's
3 what we did. So we're hoping that this can
4 solve itself. We're hoping that it solves
5 itself for our client, because we feel that
6 either Snapper Creek was not organized, they
7 hired the wrong guy, he was given the wrong
8 information, but he's the one that told us how
9 to calculate for Snapper Creek.

10 So that's the process that we've gone
11 through. That's the process that we've been
12 given advice by the City Attorney, and so we're
13 upset.

14 Thank you very much.

15 CHAIRMAN AIZENSTAT: Thank you, sir.

16 Jill, any more speakers?

17 THE SECRETARY: No more speakers.

18 CHAIRMAN AIZENSTAT: What about on Zoom?

19 THE SECRETARY: No.

20 CHAIRMAN AIZENSTAT: On the phone?

21 THE SECRETARY: No.

22 CHAIRMAN AIZENSTAT: At this point, I'll go
23 ahead and close it for public comment.

24 Laura.

25 MS. RUSSO: Can I have -- thank you.

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1 I'm going to hand out to you the letter
2 that has been addressed, so you can take a look
3 at the fact. The letter is from a David
4 Johnson, an architect -- he's been around a
5 long time. I don't know if he's still
6 practicing, but I've worked with him before --
7 back in 2013.

8 It's obviously in response to a letter, but
9 we have no idea what this Zoning Permitting
10 Division Chief is answering, because the letter
11 doesn't accompany it. It copies the City of
12 Coral Gables, and it only references -- it's a
13 short paragraph, so you'll have a chance to
14 read it, Hammock Lakes II. And so what I want
15 to make clear is -- and that case is totally
16 irrespective, because that's a whole separate
17 thing, and has nothing to do with this
18 amendment.

19 We brought this amendment to make clear,
20 besides the setbacks, is all pools -- new pools
21 that have been built since 1997 have counted.
22 As the Honorable Judge Fine said, there may
23 have been one that slipped through. If a pool
24 had a home that did not count, because it was
25 built when it was unincorporated, if the house

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1 is renovated or if the house is demolished and
2 re-built, the pool has counted. So, other than
3 one, there has not been pools that have not
4 counted in the rear setback.

5 So, for us, this language is to clarify,
6 because the City is acting on this letter, and
7 this letter, there is no attachment or record
8 that shows that the Zoning Administrator at the
9 time sent this to zoning technicians. It
10 didn't go to Hammock Lakes. It definitely did
11 not go to Snapper Creek. So, once again, the
12 City is acting on a letter that has not been
13 codified, and while there may be cases in
14 Hammock Lakes and in Hammock Oaks, where they
15 don't count the pool, that's okay. We're not
16 asking for them. We are here, telling you, the
17 pool has always counted since we became
18 incorporated as Snapper Creek -- I wish I lived
19 in Snapper Creek -- incorporated into the City
20 of Coral Gables.

21 So the language wasn't to change, it was to
22 clarify, because this letter exists and people
23 are being confused, but this letter is not law.
24 I mean, the whole reason for having a Zoning
25 Code and the legislative process is to provide

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1 and regulations that originally were in place,
2 it was Miami-Dade County, which did not count
3 the pool as part of the five percent, correct?

4 So do you have, in your guidelines, that
5 specifically say that the pool must be counted
6 in the five percent?

7 MS. RUSSO: No, but every pool --

8 MR. BEHAR: So -- wait, hold on a second,
9 because if you don't have specifically to come
10 back and tell somebody that says, "Oh, by the
11 way, you need to count it," you know --

12 MS. RUSSO: Well, except everybody else who
13 built a pool, from '97, from 2013, and we can
14 give you, we have examples --

15 MR. BEHAR: Is it in writing, where you
16 says it has to count as part of the five
17 percent? Is it in writing? No.

18 MS. RUSSO: No, because what does it say,
19 according to the City's Zoning Code, and the
20 City's Zoning Code has pools as a specific --
21 it doesn't say some accessory uses, and that's
22 why I just want to clarify --

23 MR. BEHAR: But, remember, this was an
24 annexed property. This was not part of the
25 original City of Coral Gables.

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1 notice and an opportunity to be heard, and I
2 submit that the residents of Snapper Creek are
3 going to be affected by interpretations of
4 their Code, of their site specifics, that are
5 going to differ from the ones that they are
6 going to give, because they're going to say,
7 we're following the City of Coral Gables Zoning
8 Code, and somebody's going to pull out this
9 letter, and we're going to say, "But it's not
10 the law." If the City wants to make it a law,
11 they can amend the Zoning Code and amend
12 Hammock Lakes, Hammock Oaks and try to amend
13 Snapper Creek.

14 So I feel that this -- and, again, the
15 gentleman's case is something entirely
16 separate. It's not here. That's an issue that
17 has to be resolved between the homeowner and
18 the homeowners' association. We're here to
19 avoid any mess, because, as I said, I've been
20 representing this community for a long time,
21 and I never knew this letter existed, okay.

22 MR. BEHAR: But, Laura, let me -- because
23 as the City Attorney indicated, it does affect
24 the process tonight. This was an area that
25 belonged to Miami-Dade County, and the rules

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1 MS. RUSSO: Right, but when it became part
2 of the City of Coral Gables, there was the
3 opportunity, with the site specifics, to say,
4 "We don't want to count certain accessory uses.
5 We want to eliminate the pool." That was not
6 in there. And I would even submit that, in
7 2013, when this letter came to be, why did the
8 Zoning Administrator not say, "Let's make a
9 change, and for all of those in unincorporated
10 areas" -- there were only three. They have
11 site specifics -- "Let's add that the pools is
12 not counted"?

13 I submit that only some people are privy to
14 that letter. It's not shared with everybody,
15 because if you ask people who recently built
16 homes in Snapper Creek, and I gave the City a
17 list of the homes built from 2010, and I said,
18 "But you can go back to '97," the pool has been
19 counted in the rear setback, except for the
20 one, that we know, and there was an issue there
21 with it being a renovation, and it became a
22 demolition, but our covenants particularly say,
23 because something went through, doesn't mean
24 it's a change, and the City of Coral Gables, as
25 most of you well know, when they make a

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1 mistake, they can pull your permit and say, "We
2 made a mistake." But that issue is an issue
3 that the homeowner and the association have to
4 resolve, separate and apart from the amendment.

5 The amendment is to clarify for the future
6 that we want to make sure everyone understands
7 the pool is counted. I don't discount the
8 argument he's making, but that's not in front
9 of this Board today.

10 CHAIRMAN AIZENSTAT: I understand.
11 Chip.

12 MR. WITHERS: Yeah. Hi, Laura, nice to see
13 you.

14 MS. RUSSO: Nice to see you.

15 MR. WITHERS: Your Honor, nice to see you,
16 too.

17 So the question I have is, do any of
18 these -- does your amendment liberalize any of
19 the Coral Gables Zoning Code?

20 MS. RUSSO: Does it rely on the Zoning --

21 MR. WITHERS: Is it liberalized? Is it
22 less than --

23 MS. RUSSO: No. This is more restrictive.

24 MR. WITHERS: Okay. Okay. I just want to
25 point that out. Okay.

1 said, you know what, we're going to back off
2 and let home rule -- them manage their own
3 doings, you know, their own setbacks, their own
4 lot coverages, their own whatever.

5 So, I guess, like my next question to the
6 City is, why are we now trying to liberalize a
7 Code, when, for so many years, the deal that we
8 made with these annexed areas was that it was
9 okay for them to keep their own codes, as long
10 as they were more stringent than the Coral
11 Gables Code?

12 MR. COLLIER: Mr. Chairman, if I may comment
13 on that, because in the discussions only,
14 currently, what we told areas that could be
15 annexed is, if you were allowed it when you
16 were part of the unincorporated area, you would
17 be allowed it in Coral Gables, because one of
18 the concerns that neighborhoods had was that
19 there are areas in Coral Gables that is indeed
20 more restrictive than the County.

21 So that was how -- to encourage areas to
22 annex.

23 MR. WITHERS: I understand that argument.

24 MR. COLLIER: So, for example -- I'll give
25 you an example. Like a boat in the side yard,

1 MS. RUSSO: Yes. Nothing in here is more
2 liberal than the Zoning Code.

3 MR. WITHERS: I got it. I got it. Okay.

4 MS. RUSSO; On the contrary, much more
5 restrictive.

6 MR. WITHERS: Number 2, when Snapper Creek
7 was annexed into Coral Gables, along with
8 Hammock Oaks and -- were pools counted?

9 MS. RUSSO: In the County, no.

10 MR. WITHERS: In Coral Gables?

11 MS. RUSSO: But in Coral Gables, pools were
12 counted as an accessory use.

13 MR. WITHERS: So my memory is fading,
14 however, I can tell you that I probably sat
15 through four or five of these annexations, and
16 the comment was always made that the City of
17 Coral Gables had no problem with current home
18 rule law that these annexed areas had. In
19 fact, they had the right to be more stringent
20 than what the City of Coral Gables applied, and
21 I remember that pretty clearly, and I know you
22 were involved with quite a few of them.

23 So, when we looked at an area like Snapper
24 Creek, as long as their rules were more
25 restrictive than Coral Gables, we basically

1 you know, that's a big issue for areas, and it
2 might not be permitted in Coral Gables, but it
3 might be permitted under the County Code.

4 MR. WITHERS: And we didn't allow that. We
5 didn't allow wooden fences. We didn't allow
6 chain link fences.

7 CHAIRMAN AIZENSTAT: Right.

8 MR. WITHERS: We didn't allow commercial
9 vehicles.

10 MR. COLLIER: But whatever was permitted at
11 the time that it came -- my understanding, if
12 it was permitted under the County's --

13 MS. RUSSO: But it's a legal
14 non-confirming. So when they went to go do any
15 fixing -- for example, your fence falls down
16 and you go replace it, you don't get to keep
17 the wood fence.

18 MR. COLLIER: But what they were supposed to
19 do is, they adopted site specifics that were
20 to -- basically to codify that which was
21 permitted, so -- and that was what was supposed
22 to be done. Unfortunately, it looks like, in
23 this case, they were silent on this, and the
24 letter from a Mr. Byers, who, actually, I knew,
25 but he's talking about how the County viewed

1 those particular accessory uses at that time.

2 MS. RUSSO: But he's only referencing a
3 particular property, for a particular
4 architect. So, once again, my argument is, if
5 the most important thing, as part of our
6 democracy and part of our Constitution -- and,
7 you know, I've been here and how many times
8 have I heard, did you tell the neighbors, have
9 you had neighbors meetings -- that we are
10 enforcing a policy, not a law, not a
11 regulation, a policy, that has not been
12 publicly shared and has not been codified. It
13 was not sent to every resident.

14 You know, I had to have a letter and a
15 notice, I had to go post signs, and I sent a
16 letter inviting all of the residents within a
17 thousand linear feet and within Snapper Creek,
18 for a change that matched the protective
19 covenants, yet the City is allowed to make a
20 change that people are unaware of, and to
21 enforce it, and it's not a law.

22 So I'm just trying to clarify the language,
23 so that, in the future, people look at that
24 site specific and say, "Oh, it's counting
25 everything that's defined in the City Zoning

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1 Code," which is how we've interpreted it at
2 Snapper Creek since '97.

3 CHAIRMAN AIZENSTAT: Laura, what I'd like
4 to do -- I understand -- if you're done with
5 your rebuttal, I'd like to give the Board
6 Members an opportunity to speak.

7 MS. RUSSO: Uh-huh.

8 CHAIRMAN AIZENSTAT: Felix.

9 MR. PARDO: Thank you, Mr. Chairman.

10 I think this is super disturbing, and the
11 reason it's disturbing is that, from what I
12 understand, covenants trump the Zoning Code.
13 So if they more restrictive is the covenant,
14 you must go by the covenant.

15 Now, is the covenant silent when it comes
16 to calculations of areas of pool?

17 MS. RUSSO: What the covenant says is that
18 the Zoning Code prevails, the Zoning Code of
19 the governing body prevails, and when it went
20 to being the County, it became the Zoning Code
21 for the City of Coral Gables, which is why,
22 much to the chagrin of many homeowners, rest
23 assured, from '97 on, who built pools, found
24 out that now the Gables counts the pool in the
25 rear setback.

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1 MR. PARDO: With all due respect to our
2 attorney, our City Attorney, Mr. Sotolongo said
3 that, you know, legal non-confirming. It's
4 absolutely 100 percent true legal
5 non-confirming, but, in this particular case,
6 they have a vacant lot. So there's nothing
7 legal non-confirming, except the overall
8 regulations of whatever was --

9 (Simultaneous speaking.)

10 MR. PARDO: So if it was a legal
11 non-confirming, and as Chip said, well, someone
12 has -- you know, that's the problem with
13 annexations, that there's always a conflict,
14 unless you do a real good job, a thorough job
15 of trying to figure out all of the different
16 things, if you have a chain link fence on your
17 front yard, that's great, but if you build new,
18 then, all of a sudden, you can't do that.

19 Then you have to --

20 MR. COLLIER: I'm in complete agreement with
21 you. The issue is, what was done in the
22 annexed areas was, they adopted site specifics
23 for each area. So maybe -- I don't know
24 whether they did it or not, if they allowed
25 chain link fences at the time, and they wrote

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1 in there, "Chain link fences would be
2 permitted," in the site specifics -- the point
3 of the site specifics is, the site specifics
4 actually trump the Zoning Code. So the site
5 specifics were written so that they were,
6 essentially, an exception to whatever the
7 general Zoning Code was. In this case, it is
8 silent on this issue.

9 MR. PARDO: So going back to the
10 setbacks --

11 MR. COLLIER: Right.

12 MR. PARDO: -- which the applicant is
13 trying to make the setbacks stricter, going
14 from seven foot six inches to eight feet, is
15 that to be able to be in compliance with the
16 covenant?

17 MR. COLLIER: Well, there's -- the covenant
18 is a private covenant. Let's separate two
19 different types of covenants. There's
20 covenants that are proffered in connection with
21 a public hearing. Those are public covenants.
22 They're accepted by the Board. There are
23 private covenants, that private communities
24 have, where private communities are responsible
25 and have the right to enforce their private

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1 covenants.
2 So this particular community has a private
3 covenant, that, in fact, they have a right to
4 enforce. Their covenant may be more
5 restrictive than what the County regulations
6 were at the time, and their covenant governs,
7 because these folks bought with the
8 understanding that this is the covenant.

9 MR. PARDO: So the question becomes, is the
10 applicant trying to comply with the private
11 covenant that they have on their parcel, so
12 then, an architect can come in and say, the
13 setbacks is seven foot six or eight foot, and
14 now that is also an agreement with the
15 covenant, because --

16 MR. COLLER: Well, as I understand it, the
17 applicant in this case is Snapper Creek's
18 homeowners' association. What they're seeking
19 to do is to basically make that private
20 covenant to be part of the County Code.

21 MR. PARDO: Okay. So I --

22 MR. COLLER: I'm sorry, not -- the City
23 Code.

24 CHAIRMAN AIZENSTAT: The City Code.

25 MR. COLLER: Right.

1 you're a certain size, you can have a gazebo,
2 you can have a pool, you can have a trellis,
3 you can have -- and so we've always interpreted
4 it, as per the Zoning Code. So, to me, the
5 language has been just to avoid this scenario
6 that is happening now, and it is to make them
7 mesh more and to make it more efficient for
8 both, the homeowner and Snapper Creek, and the
9 City, right, so everything is meshed.

10 You know, Gables Estates has site specifics
11 that are different and more stringent than
12 Coral Gables, so does Cocoplum, so does
13 Journey's end, and as you know, there are
14 sections in the Gables where things, over the
15 years, that are back from the '50s and '60s,
16 have been changed in site specifics.

17 MR. PARDO: Can you explain why Staff says,
18 "The ground coverage calculation is outdated.
19 Snapper Creek Lakes protective covenants has
20 stricter setbacks to be consulted," and, then,
21 also, on Page 7 -- or 2, rather, of the
22 application that we all received, it says that
23 the City Commission caused tremendous confusion
24 by increasing the lot coverage from 15 to 25
25 percent?

1 MR. PARDO: And that's what --

2 MR. COLLER: They're trying to make the
3 site specifics change to align with their --

4 MR. PARDO: Right. I wanted to bifurcate
5 that conversation from the pool area situation
6 and the calculation there. The reason that
7 you're here is because you're trying to make
8 sure that they're coordinated, but Staff is
9 recommending against it.

10 MS. RUSSO: Correct.

11 MR. PARDO: I can't understand --

12 MS. RUSSO: To have them met -- and to
13 answer your question, if you look on Page 1 of
14 the proposed language that I added -- so the
15 ground coverage, everything, and it says, "In
16 addition, up to five percent of the rear yard
17 may be used for accessory uses and structures."
18 I added the new language, "As allowed and
19 defined in the City of Coral Gables Zoning Code
20 for single-family residential." So it ended,
21 "Uses and structures."

22 So if you're under the City of Coral
23 Gables, you would go to the Zoning Code.
24 There's a section that tells you, in
25 single-family, you can have a guest cottage if

1 MS. RUSSO: Oh, let me give that example.
2 So, just to clarify, so a few years ago, in
3 this unincorporated -- previously
4 unincorporated Dade County area, Hammock Lakes,
5 Hammock Oaks and Snapper Creek, there was a
6 proposed Zoning Code amendment, that was made,
7 that was going to be identical for the three
8 site specific sections, and that was to change
9 the lot coverage from 15 percent to 25 percent.

10 A letter went out saying this was going to
11 happen. The residents of Snapper Creek went
12 ballistic, because they did not want that
13 change, no one asked them if they wanted the
14 change. The City did not approach them about
15 the change. It was one homeowner, in one of
16 the subdivisions, that wanted the change. That
17 change was made for that subdivision, and I
18 think it was made for the second subdivision.
19 Snapper Creek showed up, with a similar map,
20 saying, that's okay, they can do what they
21 want, that goes against our community and our
22 wishes.

23 MR. PARDO: That only applies to Hammock
24 Lakes?

25 MS. RUSSO; Excuse me?

1 MR. PARDO: Because it says there, that
2 only applies to Hammock Lakes, because I read a
3 letter in there that says, "A neighbor from
4 Hammocks Lakes was upset because the lot
5 coverage was increased to 25 percent."

6 MS. RUSSO: Correct. And that neighbor
7 showed up at our meeting, because he's within a
8 thousand linear feet of the property, of the
9 Snapper Creek perimeter, and he showed up, at
10 our meeting, wanting to make absolutely sure
11 that anything we did in Snapper Creek wasn't
12 going to affect Hammock Lakes, and I said,
13 "We're only here for Snapper Creek." We showed
14 him. We showed him the proposed language. And
15 so part of that is, each of these communities
16 have distinct character, right, and so we're
17 just trying to make sure that the distinct
18 character of Snapper Creek is preserved and to
19 avoid confusion.

20 We had no confusion with the
21 interpretation, but obviously this letter was
22 taken to be some sort of law, and we just want
23 to make sure that that does not apply to our
24 community.

25 MR. PARDO: Well, to be quite candid, I

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1 interpretations are, by definition, binding,
2 because we need something to be able to build
3 to.

4 MS. RUSSO: But that was an interpretation
5 of the County. It's not -- so Coral Gables
6 never wrote a letter and said, "Hey, everybody,
7 this is how" -- because I said, "Is there a
8 letter from the Zoning Administrator to Staff?
9 How was this policy communicated, and how come
10 it wasn't communicated to the residents that
11 would be affected," and there's nothing. They
12 only have the letter, you know.

13 MR. PARDO: No, there's an e-mail from Jim
14 Byers.

15 MR. SALMAN: There's an e-mail. There's an
16 e-mail about that specifically.

17 MR. PARDO: About specifically saying --
18 you know, and Mr. Trias is going to write you a
19 letter for that --

20 (Simultaneous speaking.)

21 CHAIRMAN AIZENSTAT: Only one person
22 speaking at a time, because the court reporter
23 is going --

24 MR. COLLER: Thank you. I should have
25 mentioned that, too.

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1 mean, Jim Byers has been there forever, and Jim
2 Byers makes these interpretations and our City
3 Attorney worked at the County for a long, long
4 time, knows that there are books of these
5 interpretations. Why? Because they're great
6 guidelines. Not everything is codified. But
7 it becomes consistent with their processes.

8 MS. RUSSO: Right.

9 MR. PARDO: Unfortunately, we did not --

10 MS. RUSSO; But I think, the important
11 thing with the process is that it has to be
12 known. If it's not noticed, and you don't know
13 of the process, then what is the point of a
14 policy that's not public?

15 MR. PARDO: Yeah.

16 MR. SALMAN: But through the Chair, and in
17 support of the esteemed Mr. Pardo, we have
18 something called the authority having
19 jurisdiction, and that person's opinion or his
20 interpretation is binding.

21 MR. WITHERS: Sorry, what was it called?

22 MR. SALMAN: The authority having
23 jurisdiction.

24 CHAIRMAN AIZENSTAT: AHJ.

25 MR. SALMAN: His opinions and his

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1 MR. PARDO: You go ahead. I mean, the
2 interpretation is there.

3 MR. SALMAN: Yeah. Within the package that
4 I just saw, there are e-mails back and forth
5 regarding this issue --

6 MR. PARDO: That's right.

7 MR. SALMAN: -- that's opposite to what
8 you're seeking.

9 MS. RUSSO: Right. And that became -- we
10 became aware of this letter last year, and
11 that's --

12 MR. SALMAN: Not this letter. I'm talking
13 about e-mails. Here, let me see if I can find
14 it.

15 CHAIRMAN AIZENSTAT: In the meantime,
16 Felix, are you --

17 MR. PARDO: Mr. Chairman, I don't want
18 to take over -- I have so many questions, but
19 I'm going to rely on the rest of the Board
20 Members to ask the questions.

21 CHAIRMAN AIZENSTAT: Okay. In that case,
22 I'm going to ask Sue to go next, please.

23 MS. KAWALERSKI: Hi, Laura.

24 MS. RUSSO; Hi.

25 MS. KAWALERSKI: A couple of things. I

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1 mean, you're here really to make new and make
2 known what's to happen in Snapper Creek Lakes.

3 MS. RUSSO: That is correct.

4 MS. KAWALERSKI: Okay. So everybody knows,
5 when these gentlemen have a project, they know
6 exactly what it is and they have something to
7 rely on, rather than something from 2013 or
8 misinformation from a government body or a
9 lawyer or whatever.

10 MS. RUSSO: Or an architect.

11 MS. KAWALERSKI: You want to make sure that
12 everybody is on the same page from here on out.

13 MS. RUSSO; Correct.

14 MS. KAWALERSKI: When I saw that map, that
15 map said to me that these neighbors are
16 informed. I'm assuming they're all informed.
17 Number 2, it looks to me like a super majority
18 is for this.

19 MS. RUSSO: That is correct.

20 MS. KAWALERSKI: With that said, that's all
21 I need to know to make a decision. Thank you.

22 CHAIRMAN AIZENSTAT: Thank you, Sue. Also,
23 that was the shortest --

24 MS. KAWALERSKI: I'm getting better.

25 CHAIRMAN AIZENSTAT: Javier, do you want

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1 make sure, because this is your bite at the
2 apple, and there won't be another one, unless
3 you come in and ask for a change.

4 MS. RUSSO: Yes. And just so you know,
5 e-mails were sent to the residents so they
6 would understand what the site -- you know,
7 the --

8 MR. SALMAN: Did they give them examples of
9 what the rear areas would be and what your
10 maximum size for your approval and/or rear
11 construction would be?

12 MS. RUSSO: I think all of those who have
13 built recently know, because they have had that
14 rear area calculated, and they've had
15 calculated the gazebo, the cabana, you know,
16 the house itself can't go over the 15 percent.

17 MR. SALMAN: There's a lot of
18 non-conforming structures out there.

19 MS. RUSSO: That are the older structures,
20 but the newer structures -- and trust me, they
21 have had these structures --

22 MR. SALMAN: I painted a couple of them as
23 a youth.

24 MS. RUSSO: There are some older homes. As
25 we said, we just had three homeowners pass

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1 to --

2 MR. SALMAN: Yeah.

3 A couple of things here. I also agree that
4 whatever you want to do in Snapper Creek is
5 completely up to you. However, you're drawing
6 a line in the sand. Anything that comes
7 beforehand is open to interpretation. After
8 today, it won't be.

9 MS. RUSSO; Correct.

10 MR. SALMAN: Are you a hundred percent sure
11 that that five percent is something you can
12 live with, because on an acre estate, assuming
13 that half is the backyard, you only get a
14 thousand square feet for axillary structures
15 back there? Just so that we know what the math
16 is.

17 MS. RUSSO: Just so that we know what the
18 math is. And just to be absolutely clear --

19 MR. SALMAN: Because you're going to live
20 and die on this.

21 MS. RUSSO; It is how it has been
22 interpreted, the five percent, since 1997. So
23 it's not like -- we're not introducing
24 something new to Snapper Creek. Yes.

25 MR. SALMAN: No. No. No. I just want to

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1 away, so there are three houses that are in
2 estates. There are several residents that are
3 in advanced age. So, yes, there are still
4 homes that have not had any renovations or work
5 done under, you know, the City Zoning Code that
6 would impact the rear percent, but all houses
7 that have been built, they've had it. They've
8 been turned back. They've been told, you have
9 to take the pool and count it, because the City
10 of Coral Gables counts the pool as their
11 accessory use.

12 So I understand what you're saying. It's
13 what the community --

14 MR. SALMAN: I just want to make sure
15 everyone is clear --

16 MS. RUSSO; It's what the community wants,
17 yeah.

18 MR. SALMAN: -- from here going forward --
19 your argument is with what came before. I'm
20 looking at Mr. Portuondo.

21 MS. RUSSO: And that's a separate -- that's
22 a whole separate from the reason why we're
23 here, right.

24 MR. COLLER: So the only last thing I want
25 to mention is, whenever you adopt a more

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1 restrictive ordinance than what was previously
2 permitted, you have to thread lightly on that,
3 and, fortunately, in this particular case, the
4 local area, the Snapper Creek Lakes, was able
5 to enforce through their covenants more than
6 necessarily what was -- more restrictive than
7 even what the County had.

8 CHAIRMAN AIZENSTAT: Okay.

9 MR. SALMAN: I've been to the Design Review
10 Board.

11 MR. COLLER: I just want you to note that
12 when the City takes on that responsibility,
13 that's a different issue.

14 CHAIRMAN AIZENSTAT: Thank you.

15 Javier, are you --

16 MR. SALMAN: I just want to make sure we're
17 all clear here.

18 MS. RUSSO: I understand. This is one of
19 the few cases where I'm asking to be more
20 restrictive than the Zoning Code.

21 MR. SALMAN: Laura, for the many years that
22 I've known you, and I just want to make sure
23 that --

24 MS. RUSSO: Because as most of you know,
25 I'm usually trying to get a little bit more out

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1 MS. RUSSO: Correct. And they want that.

2 MR. SALMAN: And that's fine, and I'm not
3 here to judge or require anything different,
4 but it is a different character, and I applaud
5 your bravado in getting a more restrictive
6 Code, that inserted into the City of Coral
7 Gables Code by reference. So you go to the
8 reference and then there will be a little
9 asterisk, "And if you live in Snapper Creek,
10 here are your requirements," right?

11 MS. RUSSO: Right.

12 MR. SALMAN: Then that will clarify it for
13 everything going forward. However, there is a
14 muddled mess here, that this decision we're
15 going to make today has nothing to do with.

16 MS. RUSSO: Separate and --

17 MR. SALMAN: So I just want to make sure
18 that we're all clear on that as a Board.

19 MS. RUSSO; Yes. Right.

20 MR. SALMAN: And I'm very sorry, but that's
21 just the way it is, and that's how I see it and
22 how I will be voting. So thank you very much.

23 Through the Chair, I'm done.

24 CHAIRMAN AIZENSTAT: Okay. Robert.

25 MR. BEHAR: Laura, let me ask you --

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1 of the Zoning Code. In this case, you know,
2 I'm here happily saying, the community wants to
3 be more restrictive.

4 CHAIRMAN AIZENSTAT: Thank you.

5 MS. RUSSO: And they have been. We just
6 want to make sure there's no confusion because
7 of the inconsistencies, even with the setbacks.
8 If someone comes and buys a property and they
9 come from New York and they hire a New York
10 architect, and he pulls out the Zoning Code,
11 and the site specifics don't reflect the
12 protective covenants, why have that confusion?
13 We just decided -- because there's a difference
14 between a 30-foot side setback on a street and
15 50.

16 CHAIRMAN AIZENSTAT: Javier.

17 MR. SALMAN: That's all I wanted to say.

18 And I also wanted to say that, you know,
19 Snapper Creek is totally different than the
20 rest of Coral Gables. It doesn't have any
21 sidewalks. It has a whole different landscape
22 language. It's a series of secluded estates.
23 They're connected by a very thin little piece
24 of pavement, all right, and that's their
25 character.

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1 MS. RUSSO; Yes.

2 MR. BEHAR: -- does Snapper Creek allow
3 contemporary or modern style homes?

4 MS. RUSSO: Yes.

5 MR. BEHAR: And they have allowed that
6 since they incorporated in 1997?

7 MS. RUSSO: Correct. It's even stated in
8 the ordinance, that -- what is it, classical
9 contemporary style.

10 MR. BEHAR: And that's a little different
11 than the typical City of Coral Gables
12 ordinance.

13 MS. RUSSO: Correct.

14 MR. BEHAR: Now it may be different, but
15 back in the day --

16 MS. RUSSO: But back in the '90 --

17 MR. BEHAR: -- you could not do that. So
18 Snapper Creek has always had a little bit
19 different, because it was adopted from when it
20 was in the Miami-Dade.

21 My problem is that there was nothing in
22 writing specifically letting the applicant
23 coming in, whether it was 1997 to today, that
24 those are guidelines you had to follow, when it
25 came to the open space and the five percent of

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1 the pool.

2 Moving forward, if you notify all the
3 future applicants, I understand, but this is
4 going on for two years, right?

5 MS. RUSSO: Right. And that is, again,
6 separate and apart and I leave that to the --

7 MR. BEHAR: But it's not, because if we
8 make this change, it will affect that owner.

9 MR. SALMAN: No, because his plans are in
10 already.

11 MS. RUSSO: No. This change -- the
12 position of the homeowners is that they have
13 always counted the pool, all right, and I'm not
14 going to litigate that here, because that may
15 end up in litigation. I'm not a Snapper Creek
16 litigator or their homeowners' association
17 attorney, and that is being handled separately.

18 MR. BEHAR: But, Laura, their own architect
19 approved it the way it was.

20 MS. RUSSO: But you're trying to litigate a
21 particular thing that has nothing to do with
22 the clarification amendment. This is an
23 amendment to clarify and that is a whole
24 separate thing, and I don't know where that's
25 going to end up. That's something between the

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1 association --

2 MR. COLLER: I'm not certain how what's
3 going on with this gentleman impacts --

4 CHAIRMAN AIZENSTAT: Right. We need to
5 look at -- we need to look at what the
6 applicant has brought before us --

7 MR. COLLER: I don't know.

8 CHAIRMAN AIZENSTAT: -- in this case. Now,
9 I understand there are other issues, and we've
10 heard them, but we need to look at what the
11 applicant brought.

12 Robert, do you want to continue?

13 MR. BEHAR: Yeah. I see Snapper Creek has
14 always been different than the City of Coral
15 Gables, and when they came in, they had
16 regulations that applied specifically to them,
17 and I appreciate what -- the effort of making
18 more stringent requirement moving forward, and
19 that's great. I just have a problem that, if
20 an application was done prior to the changes,
21 you know -- I could see -- I could support this
22 more if your proposed changes, you know, will
23 be moving forward, but anything in the past --

24 MS. RUSSO: They're consistent. So my
25 answer is, from the homeowners' association, it

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1 has consistently, from the time of annexation,
2 counted pools in its rear setback calculation.
3 As you heard, there was one, excluding this one
4 here, that got through. We have language in
5 there that says that just because of one
6 mistake, as the City knows, doesn't mean you're
7 going to maintain that and you're going to
8 waive your requirement.

9 And so this language is to be absolutely
10 clear, and because more people are coming, that
11 are not local, and using architects that aren't
12 local and may not know that the site specifics
13 and -- the protective covenants are of record,
14 they're on the website, but the idea is to --
15 listen, a 30-foot setback, versus 50, when
16 you're constructing a home, is going to make a
17 big difference on how you locate the home on
18 the property. So this is meant to make
19 everybody's life easier, but it is not a change
20 in the Snapper Creek Association policy.

21 CHAIRMAN AIZENSTAT: Robert.

22 MR. BEHAR: Mr. Chairman, I'm done.

23 CHAIRMAN AIZENSTAT: Robert, you're done?
24 Okay.

25 A couple of things I'd like to go through,

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1 if I may. The association was established in
2 1997 or the association --

3 MS. RUSSO: No. No. Annexation. The
4 association was established --

5 CHAIRMAN AIZENSTAT: Let's go through a few
6 points. The association was established what
7 year?

8 MS. RUSSO: '55.

9 CHAIRMAN AIZENSTAT: 1955, okay.

10 Honorable Mr. Fine went ahead and read and
11 spoke about Ordinance 3249. Is it possible to
12 put it up, or, if we can't, could you just
13 recite it again, please? Or if -- there were
14 some basic comments that Mr. Fine made --

15 MR. PARDO: Was it A94-2?

16 MS. RUSSO: Here is the ordinance.

17 CHAIRMAN AIZENSTAT: I'd like to go over
18 what he read, that section, if you may.

19 MS. RUSSO: Okay. I can start with -- I'll
20 read the Ordinance 3249. "An ordinance
21 amending Ordinance Number 1525, as amended and
22 known as Zoning Code, and, in particular, Use
23 Area Map Plate Number 15, by establishing
24 Zoning classification in Article 4, Site
25 Specific Regulations, by adding 4.87 --

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1 CHAIRMAN AIZENSTAT: Can we go right
 2 specifically to what he spoke about?
 3 MS. RUSSO: Yeah. "Whereas Snapper Creek
 4 is a neighborhood of one acre building sites,
 5 which have been developed with a character
 6 unique to the neighborhood and in harmony with
 7 its landscape environs, that includes a change
 8 in topography, rich native vegetation, two
 9 lakes and homes designed in the classical
 10 contemporary style, and whereas the residents
 11 of Snapper Creek want to preserve and maintain
 12 the character of their neighborhood as it is
 13 developed."
 14 CHAIRMAN AIZENSTAT: Okay. So stop there.
 15 Listening to that, to preserve the character,
 16 to me would be to preserve the character before
 17 annexation.
 18 MS. RUSSO: Well, it continues --
 19 CHAIRMAN AIZENSTAT: No, I understand, but
 20 I'm not just -- I'm not an attorney, but the
 21 way I'm looking at this. The other thing is,
 22 how does the association fall within State
 23 Statute 718, which governs condominium
 24 associations?
 25 MS. RUSSO: Well, it's separate. A

1 homeowners' association is governed by its own
 2 set of rules.
 3 CHAIRMAN AIZENSTAT: But this is a
 4 homeowners' association, as such. Doesn't it
 5 have to follow the guidelines of the State
 6 Statute 718?
 7 MS. RUSSO: I think it has a different --
 8 MR. PARDO: It has a different number, Mr.
 9 Chairman.
 10 MS. RUSSO; Alan might know. I'm not --
 11 MR. PARDO: homeowners' association and
 12 condominium law are different.
 13 MS. RUSSO; There's a question -- yes, but
 14 is it 718 or is --
 15 CHAIRMAN AIZENSTAT: So it's not 718?
 16 MS. RUSSO: It's a different number, but it
 17 applies to homeowners' associations.
 18 CHAIRMAN AIZENSTAT: So it's not the same
 19 as a condominium?
 20 MS. RUSSO: Yes, it's not the same as a
 21 condominium, but it is a separate numbered
 22 Florida Statute, that addresses homeowners'.
 23 CHAIRMAN AIZENSTAT: I just want to be
 24 clear on that.
 25 MS. RUSSO: Yes. So it is governed by the

1 State of Florida and the Florida Statutes,
 2 correct.
 3 CHAIRMAN AIZENSTAT: Okay. So whatever the
 4 statute says by the State, supersedes whatever
 5 the bylaws are that are written within the
 6 association, unless there's language that says
 7 the bylaws, so forth, will govern?
 8 MS. RUSSO: Right.
 9 CHAIRMAN AIZENSTAT: The other point that I
 10 want to go into is, when you say you want to be
 11 more restrictive by changing or having the City
 12 change, Mr. Collier made a point that said,
 13 you've got to be very careful of it, because if
 14 you've got owners, before you do that change,
 15 that have owned the property, and they're now
 16 affected adversely, how does that work?
 17 MS. RUSSO: Well, let me answer from the
 18 homeowners. So we have protected covenants.
 19 As Mr. Collier told you, they are private. So
 20 when you buy in Snapper Creek or some of the
 21 other areas that have protective covenants, in
 22 your application, you agree to the terms and
 23 conditions in there, as part of your
 24 membership. You're agreeing to whatever the
 25 restrictions are, in terms of setbacks, et

1 cetera. I know that they are provided. I
 2 know, I went to the website, they're up on the
 3 website. So they're not hidden.
 4 And so, while if you bought a house in
 5 Coral Gables, your front setback is normally 25
 6 feet, when you buy in Snapper Creek, you can't
 7 say, "Oh, but it's 25 feet." No, you've
 8 agreed, as a resident and owner of Snapper
 9 Creek, that you're going to build your front
 10 setback at 50 feet, and while the City Zoning
 11 Code did not match, which was part of the
 12 confusion -- so the side setbacks matched what
 13 was in the County, but Snapper Creek, even from
 14 the '50s, was saying, our protective covenants
 15 say the side street is 30" -- I mean, the side
 16 setback is 30, not 15. And if you're on a
 17 street, and that's your side, it's 50 feet.
 18 So those are the corrections that you'll
 19 see in what we have proposed, because it was
 20 confusing. So we're not taking away any
 21 rights, because anybody who lives in Snapper
 22 Creek already agreed to the more restrictive
 23 conditions, as part of their membership. They
 24 pay to be members, right. So they pay extra to
 25 have more restrictions in this community.

1 MR. COLLER: Isn't it, in fact, the
2 restrictions part of the plat for Snapper
3 Creek?

4 MS. RUSSO: You know what, I can't answer
5 that. I don't know if they're part of the
6 plat, but they might be part.

7 MR. COLLER: Even more notice than just
8 being on the website. It's part of their --
9 when you buy in there, you buy subject to it.

10 MS. RUSSO: Yes. When you buy, you buy,
11 and it's in the title examination, your title
12 commitment references them. They also --

13 MR. COLLER: And that's why the homeowners'
14 association can enforce something more
15 restrictive than what the --

16 CHAIRMAN AIZENSTAT: Right, but at the same
17 time, the City trumps, if there's a conflict
18 with the homeowners' association language, and
19 that's, I assume, why you're here, because you
20 want to seal that hole?

21 MR. COLLER: No. Actually, that would not
22 be true.

23 MS. RUSSO; No.

24 CHAIRMAN AIZENSTAT: Can you explain that?

25 MR. COLLER: If you buy into a community --

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1 telling you, "No. The community has enforced
2 the pool as part of the setback." For us, it's
3 clarification.

4 And as to your point, Eibi, if this
5 property were in regular Coral Gables, not in a
6 subdivision, and I were to be proposing a
7 change that was more restrictive than the Code,
8 then you have all sorts of Bert Harris, what
9 are you doing, what have you here, but every
10 homeowner here already agreed, signed off,
11 accepted title, with all of the restrictions
12 that are recorded, right, and, in fact, has
13 paid extra to be a part of this zoning
14 restrictive community.

15 CHAIRMAN AIZENSTAT: But if that's your
16 argument, why are you here? You're telling me
17 that you're --

18 MS. RUSSO: Because it's being
19 misinterpreted. So they come to the City, and
20 sometimes they're told it doesn't count, but I
21 can bring you homeowners that can tell you, it
22 was counted when they brought in the pool.

23 CHAIRMAN AIZENSTAT: If you're telling --
24 to me, if you're telling me it's being
25 misinterpreted, then is that a decision that

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1 CHAIRMAN AIZENSTAT: Right.

2 MR. COLLER: -- and that community has more
3 restrictions than what the City has, then
4 you're subject to the more restrictions. Maybe
5 the City would allow "X", but the homeowners'
6 association says, "You can't have that if
7 you're going to live in this community," as
8 long as it's more restrictive.

9 Now, obviously, if it were more liberal
10 than what the City would permit, then there
11 would be a problem with the homeowners'
12 association documents.

13 CHAIRMAN AIZENSTAT: What if it's silent?

14 MR. COLLER: Well, that's the problem we
15 have here.

16 CHAIRMAN AIZENSTAT: Right.

17 MS. RUSSO: Well, I'm not sure it's silent,
18 because it says in this ordinance, the part
19 where you stopped me, it goes on, "And in a
20 manner which is consistent with the high
21 standards of the Zoning Code," right, and so
22 that is why, when the property became annexed,
23 they applied -- again, if you would tell me,
24 "Laura, this is the first time you're ever
25 going to enforce the pool rule," and I'm

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1 the Planning and Zoning Board should be making?
2 Isn't that not a legal decision that should be
3 done by the courts?

4 MS. RUSSO; No, because I'm asking for an
5 ordinance that will clarify the language.

6 MR. PARDO: She's asking for a change in
7 the Zoning Code.

8 CHAIRMAN AIZENSTAT: No. No. I understand
9 you're asking for a change in the ordinance,
10 but you're asking for that change because it is
11 not clear.

12 MS. RUSSO: Well, it's not clear to the
13 City, and the City is adopting or thinks it has
14 a policy that it has never shared with the
15 residents of Snapper Creek, and so we have
16 always interpreted it the same way. We aren't
17 here saying to you, "We interpreted it
18 different," right, and so -- and, again, the
19 case -- the particular case that was presented
20 to you may or may not end up in litigation, and
21 that's in a separate issue, for the homeowner's
22 attorney and for the association attorney,
23 whatever, to determine, because whether the
24 City gives him a building permit or not, if the
25 association thinks it violates its protective

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1 covenant, it can privately enforce them, and go
2 to court and say, "You can't build that house."

3 CHAIRMAN AIZENSTAT: Correct.

4 MS. RUSSO; All I'm trying to do is make
5 everybody's life easier and say, we've always
6 done it this way. Everyone here, except for
7 the one mistake, has done it this way. We want
8 to make it so everyone can see it and continue
9 to do it this way.

10 CHAIRMAN AIZENSTAT: Well, it's kind of two
11 mistakes.

12 MS. RUSSO: It's what?

13 CHAIRMAN AIZENSTAT: It's two mistakes.

14 MS. RUSSO; Well, yes. Yes. But one
15 was -- yes. One went through, but we have had
16 other mistakes, and when that person goes to
17 renovate or do something else, they have been
18 forced to correct their mistakes. The
19 association has asked them to correct their
20 mistake. Not through the City, through the
21 association.

22 So the idea is, we all make mistakes. The
23 City makes mistakes. We all make mistakes and
24 we correct them, because I wish the City didn't
25 have the authority to correct, but many times

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1 I want to clarify. When I go in, as an
2 architect, I don't know the history of Snapper
3 Creek. I don't know what they've approved in
4 the past. I don't know what they have done in
5 the past. So I go there to clarify current
6 understanding of the Code.

7 We were given the interpretation by their
8 City Architect.

9 MR. PARDO: Oh, no, I'm getting to that.
10 I'm getting to that.

11 MR. PORTUONDO: Wait a minute. And so --

12 MR. PARDO: But if you could answer my
13 question --

14 MR. PORTUONDO: So you asked me earlier,
15 how much it would take to redo the house? It's
16 like 300,000.

17 MR. PARDO: No. No. I'm asking you, how
18 many square feet would be taken out of
19 something else --

20 MR. PORTUONDO: It's not about taking out.
21 It's technically -- the goal was to do a one
22 story home. We have -- within the dormers of
23 the roof line of the one story home, we have
24 rooms in there, right, that don't count for lot
25 coverage. So, technically, it's a one story

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1 I've challenged the removal or the taking away
2 of a permit, and they go, "We made a mistake,"
3 okay, so --

4 CHAIRMAN AIZENSTAT: Understood.

5 MR. COLLER: That was my case, by the way.

6 MR. PARDO: I would have been quiet.

7 MR. COLLER: Because it's called
8 Fontainebleau Gas and --

9 MS. RUSSO: Now I'll have to go read that.

10 MR. PARDO: Mr. Chairman --

11 CHAIRMAN AIZENSTAT: Felix.

12 MR. PARDO: -- if you could indulge me for
13 one minute. I'd like to put a face on what the
14 difference is. In other words, I'd like to
15 call up the architect, Mr. Sotolongo (sic), so
16 he could tell us how many square feet is
17 affected. In other words, are we talking about
18 his house would have to be reduced 450 square
19 feet or "X"?

20 MR. PORTUONDO: So, if we count the pool, I
21 have to re-design the house completely, because
22 that's 800 square feet of a 10,000 plus or
23 minus house. So it's very difficult to make
24 that work.

25 But there is something that Laura said, and

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1 home.

2 We worked with the client for two years.
3 We worked with Snapper Creek for a year. And
4 so, at this point in time, to take out 900, 800
5 and something square feet, affects the house.
6 It's a one story. Are we getting rid of the
7 master bedroom?

8 MR. PARDO: So that's a big pool.

9 MR. PORTUONDO: It's a very big move at
10 this point.

11 MS. RUSSO: I think he asked you, is it a
12 very big pool? How big is the pool?

13 MR. PORTUONDO: It's 900 square feet.

14 MR. PARDO: So the 900 square feet would be
15 deducted from your home?

16 MR. PORTUONDO: Correct.

17 MS. RUSSO: No, from the rear setback. The
18 home is 15 percent. So his house is at 15
19 percent.

20 MR. PORTUONDO: We are okay with the house.
21 In other words, it comes down to the accessory
22 structure or the pool.

23 MR. PARDO: Okay. I'm sorry, but I needed
24 to understand that.

25 MS. RUSSO; Right.

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1 MR. PARDO: Because it doesn't affect the
2 house. It affects the accessory.

3 MS. RUSSO: Or the pool, and the size of
4 both.

5 But, again, that's a separate issue, that
6 will be decided in a separate forum, and I'm
7 just here so that we clarify for everybody and
8 everybody can be on the same page and there can
9 be no --

10 MR. PORTUONDO: One of the things, in
11 talking to the City Attorney is, when you look
12 at the City's interpretation of the Code -- in
13 Snapper Creek, as someone who is doing a home,
14 the pool is silent. There's nothing that says
15 the pool is counted, not counted. So we had to
16 clarify that with their architect and the
17 interpretation of the City of Coral Gables.

18 MS. RUSSO: Let me just ask you this, and I
19 know where you're going with that, but just as
20 a question to you --

21 MR. PORTUONDO: And the reason it's silent
22 is because, every time you bring it up, you can
23 say it's not clear.

24 MS. RUSSO: But if you were to go -- so
25 you're following the Zoning Code, right, you're

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1 following the Zoning Code, and it reads, "Rear
2 structures," you're at five percent for
3 accessory uses and structures. Forget now
4 you're in Snapper Creek. You're anywhere else
5 in Coral Gables, you count the pool, right. So
6 you don't look and say, "Well, they said
7 specifically you have to count the pool." You
8 go to the Zoning Code, where it says,
9 "Accessory uses and structures," and it
10 outlines what you can have. In a property
11 that's an acre, you can have, you know, a
12 bigger cabana. On a 5,000 square foot, you're
13 not going to be able to put a gazebo, a cabana
14 or a pool room, right. And you can have a
15 cottage, a guest home, right, officially that
16 has to be like 10 percent of the main size of
17 the house, but you have to be a residential
18 estate. You have to be a minimum of an acre
19 and a half. So those uses are in the Zoning
20 Code.

21 So I'm saying, we say we follow the Zoning
22 Code, so you would go to the Zoning Code.
23 Because it didn't happen this time, we wanted
24 to just make sure moving forward, we're not --

25 MR. PARDO: It's silent right now, that's

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1 why you're adding the language --

2 MS. RUSSO: We're adding clarification, so
3 that it's clear that we're using the Zoning
4 Code, when it comes to --

5 CHAIRMAN AIZENSTAT: That's where I was
6 going.

7 MR. BEHAR: You're absolutely right.
8 They're silent right now. Moving forward,
9 you're going to have clarification, moving
10 forward, but they're silent right now.

11 MS. KAWALERSKI: And if I could maybe bring
12 some closure to this, I think these are two
13 separate issues. I really sympathize with your
14 case, I really do, but I don't think it has a
15 place in our decision.

16 CHAIRMAN AIZENSTAT: That is correct.

17 MR. PARDO: I think that there are two
18 things, obviously, what the applicant has, and
19 then the other thing is that -- I mean, I'm
20 sorry, but it's very damning, the letter from
21 Zeke Guilford, dated 19 -- June 19, 2013, and
22 the first words out of his mouth is, "In 1996,
23 several neighborhoods were annexed." And then
24 it just snowballs into the City getting
25 involved, and Mr. Trias making an

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1 interpretation and basically instructing his
2 Staff that it goes one way or the other, and it
3 just so happens, he went according to the
4 interpretation from Jim Byers.

5 You know, I really do believe that, as far
6 as possible relief for the -- not the
7 applicant, but possible relief for --

8 MR. RUSSO: The homeowner.

9 MR. PARDO: -- the homeowner, is
10 possibly -- actually asking for a variance from
11 the Board of Adjustment, for the simple --

12 CHAIRMAN AIZENSTAT: But we're not here --

13 MR. PARDO: No. No. I understand.

14 MR. COLLIER: I've had a conversation with
15 the City Attorney on this, and I asked her and
16 what's been done in other legislation is, if
17 it's the intent of the Board to adopt all of
18 this, then have an expressed exemption for this
19 particular lot, which has -- and let the
20 homeowners' association, if they feel their
21 interpretation is more restrictive, that's part
22 of their --

23 MS. RUSSO: I have a recommendation that I
24 think may put everyone at ease and it comes
25 from Judge Fine, who says, perhaps pass the

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1 proposed amendment with a proviso stating that
2 this is for prospective clarification, so that
3 it doesn't affect the homeowner's case. In
4 other words, this is for prospective
5 clarification, and that way we're not -- we're
6 not trying to say this to them. We're just
7 saying, this is for prospective clarification.
8 Is that --

9 MR. COLLER: I don't want to disagree with
10 the Judge, but I'm a little bit concerned
11 and -- a little bit concerned about what
12 prospective clarification would mean in a
13 document. I think you could say -- what we
14 have done is, we've exempted items that have
15 received first review by the Board of
16 Architects. That we did actually for the
17 Zoning Code. I don't know where this --

18 MR. PORTUONDO: It's approved by Coral
19 Gables Zoning -- by the Design and Review
20 Board.

21 MR. COLLER: By the Design and Review Board
22 or the Board of Architects, is that the same
23 thing?

24 MR. Portuondo: By the Board of --

25 MR. COLLER: It's not the same thing. Was

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1 it approved by the Board of Architects?

2 MR. PORTUONDO: Yes.

3 MR. SALMAN: It was approved by the Design
4 and Review Board of Snapper Creek, correct?

5 MR. PORTUONDO: Yes.

6 MR. SALMAN: Let me finish, because I think
7 I have the solution.

8 Judge Fine, would you agree that the
9 architect that your association hired is your
10 authority having jurisdiction over
11 interpretation of the Code, yes or no?

12 MR. FINE: I object, on the basis that it's
13 a leading question.

14 MR. SALMAN: And I'm leading you to my
15 point.

16 MR. FINE: I have a sense that, frankly, he
17 may have to suffer the financial consequences
18 of his mistake, but what I wanted to point out
19 is just, we are not trying to use this text
20 amendment in this situation. What happened to
21 this homeowner is not fair. I mean, it's not.

22 MR. SALMAN: And I agree.

23 MR. FINE: And so we're going to have to
24 deal with that, but because of that, we have
25 the need to say, no, we want it --

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1 CHAIRMAN AIZENSTAT: That's why you're
2 here?

3 MR. FINE: We asked in 1997. In 1997, in
4 the ordinance, it said we're adopting the
5 higher standards of the Coral Gables Code.
6 We'll argue with them later about that, but
7 because it's come up, and because some people
8 have interpreted it to not include the pool,
9 because somehow it got grandfathered in without
10 any ordinance ever saying so, now we want to
11 clarify it, so we never have this situation.

12 MS. KAWALERSKI: Mr. Chair, I would like to
13 make a motion.

14 CHAIRMAN AIZENSTAT: Yes.

15 MS. KAWALERSKI: I'd like to make a motion
16 to pass, with friendly amendments, E-2.

17 CHAIRMAN AIZENSTAT: So you'd like to make
18 the motion to approve E-2.

19 MS. KAWALERSKI: Yes.

20 CHAIRMAN AIZENSTAT: Subject to Staff's
21 recommendation or as proposed?

22 MS. KAWALERSKI: As proposed.

23 CHAIRMAN AIZENSTAT: As proposed --

24 MR. WITHERS: As proposed by?

25 MS. KAWALERSKI: As proposed by the

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1 applicant.

2 CHAIRMAN AIZENSTAT: So we have that
3 motion. Is there a second?

4 MR. PARDO: Second.

5 CHAIRMAN AIZENSTAT: Mr. Pardo did a
6 second.

7 Is there any discussion?

8 MR. WITHERS: Yes. Go ahead.

9 MR. BEHAR: Go ahead.

10 MR. WITHERS: No, I mean, I'm glad we've
11 kind of broken through that log jam for the
12 resident who has been stuck in quagmire for all
13 of this.

14 So my question to our esteemed City
15 Attorney is -- or maybe the City would tell me,
16 has the City denied the application, at this
17 point, based on the covenant?

18 MR. COLLER: No. The City has not denied
19 the application. What I was suggesting, and my
20 apology to you, for interrupting you, I'm
21 sorry, that it wouldn't be appropriate -- if
22 you were going to consider an exemption, the
23 exemption should be based upon an activity of
24 the City, not an activity of a private party.

25 So what we did with the Zoning Code is, we

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1 said that this is exempt -- what we said was,
2 you go under the old Zoning Code if you've
3 received Board of Architects approval, and we
4 would say that this ordinance shall not apply
5 to any property that has received Board of
6 Architects approval.

7 MR. WITHERS: Okay. So the City's -- the
8 City's position is, this is still an active
9 application, an approved application?

10 MR. COLLER: No.

11 MR. WITHERS: Has it been approved?

12 MS. RUSSO: You're talking about the
13 homeowner?

14 MR. WITHERS: Yes. This application was
15 approved by the City.

16 MR. PORTUONDO: They approved it by not
17 counting the pool.

18 MR. WITHERS: I understand that.

19 MS. RUSSO; Right. Right.

20 MR. PORTUONDO: And there's some comments
21 on trellises and stuff.

22 MR. WITHERS: I understand, but the pool is
23 what's causing the issue?

24 MR. PORTUONDO: Yes. It's approved with --

25 MR. COLLER: I don't know if the City has

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1 approved it.

2 CHAIRMAN AIZENSTAT: It's in the process.

3 MR. PORTUONDO: Well, no, we have the
4 comments from the City.

5 MR. COLLER: It's in the process.

6 MR. WITHERS: You haven't been permitted,
7 though, right?

8 MR. PORTUONDO: No. It's still in the
9 process.

10 MS. RUSSO; It's in the process. He hasn't
11 been delayed. I don't think the City has said
12 not to approve it, because whether they approve
13 it or not, the association issues a separate --

14 MR. WITHERS: So what verbiage do we add to
15 allow the application to move forward with
16 that?

17 MR. BEHAR: Anything moving forward from
18 today, this will --

19 MR. WITHERS: Okay.

20 MR. BEHAR: But anything retroactive --

21 MR. COLLER: Well, then I think it would be
22 best to -- you have to pin it to a point, and I
23 would say, anything that's received Board of
24 Architects preliminary approval is exempt --

25 MR. WITHERS: Sue, are you okay with that,

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1 as a friendly amendment?

2 MS. KAWALERSKI: Yes. Absolutely.

3 MR. WITHERS: Okay. I'll propose that
4 friendly amendment.

5 MR. COLLER: Does that work for the --

6 CHAIRMAN AIZENSTAT: With today's -- in
7 other words, anything received with today's
8 date?

9 MR. BEHAR: No, the Board of Architects
10 approval. So that has to go back --
11 preliminary Board of Architects approval. It
12 has to go back. Not today. It may --
13 something might have been approved a year ago.

14 MS. RUSSO: Yes. And the year ago would
15 have already -- would count the pool. Like we
16 said, this fell through the cracks. The pools
17 have been counted. I'm not discounting what
18 happened to Mr. Hoyos, but I'm saying, the
19 Board -- homeowners of Snapper Creek -- and
20 there was a change, Robert Wade, for those of
21 you who know, used to be the architect and was,
22 for decades, at Snapper Creek. And when he
23 passed away, Mark Reardon came in.

24 And like they said, that's a whole, you
25 know, melange, that's going to have to be

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1 figured out either with mediation, litigation
2 or whatever, and I'm sure they'll all come to a
3 satisfactory accord, but it is separate. I
4 just don't want anything in the language to
5 affect how Snapper Creek -- to have a homeowner
6 say, "Oh, but now, I don't have to count the
7 pool." We're going to say, "No, we always
8 counted the pool. The City is saying they
9 didn't count the pool, but we always counted
10 the pool."

11 CHAIRMAN AIZENSTAT: Laura, how many
12 projects do you have that are been permitted
13 right now within this development?

14 MS. RUSSO: That are in -- you're saying,
15 with preliminary Board of Architects --

16 CHAIRMAN AIZENSTAT: Yes.

17 MS. RUSSO: -- that have not received
18 comments?

19 CHAIRMAN AIZENSTAT: That have already gone
20 into the Board of Architects, for example.

21 Yeah, four.

22 MS. RUSSO: Four.

23 CHAIRMAN AIZENSTAT: Out of those four --

24 MS. RUSSO: I think it's about four.

25 CHAIRMAN AIZENSTAT: Let's assume it's

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1 four. Out of those four, your architect didn't
2 make any mistakes?

3 MS. RUSSO: They counted the pool.

4 MR. COLLER: Wait a minute. You know what,
5 you need to come up and identify yourself. My
6 apologies.

7 MR. BEHAR: You need to come up. And for
8 the record, Mr. Portuondo, not Mr. Sotolongo.

9 MR. PORTUONDO: I've been called worse.

10 MS. QUINLAN: Hi.

11 CHAIRMAN AIZENSTAT: Can you say your name
12 and address, please, for the record?

13 MS. QUINLAN: Heather Quinlan -- Heather
14 Quinlan, 11190 Snapper Creek Road, Coral
15 Gables.

16 MR. COLLER: And you were previously sworn
17 in, correct?

18 MS. QUINLAN: Yes.

19 MR. COLLER: Okay. Great.

20 CHAIRMAN AIZENSTAT: So you're saying that
21 there's four -- roughly four. Let's assume
22 that to be --

23 MS. QUINLAN: There's four vacant lots,
24 yes. There's four --

25 CHAIRMAN AIZENSTAT: And they've already

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1 it's being proposed, they would be protected
2 also?

3 MR. BEHAR: Theoretically.

4 MR. SALMAN: Theoretically, yes.

5 CHAIRMAN AIZENSTAT: Theoretically --

6 MS. RUSSO: Theoretically.

7 CHAIRMAN AIZENSTAT: -- under what we're
8 looking at, not what happens internally?

9 MS. RUSSO: Right. You're looking,
10 theoretically, from the City's standpoint --

11 CHAIRMAN AIZENSTAT: Correct. We're not
12 looking at what happens to it --

13 MS. QUINLAN: We actually brought three
14 sets of plans to a meeting in Coral Gables and
15 sat with Juan Riesco and Suramy --

16 MS. RUSSO: -- Suramy and Jennifer, and I
17 think Arceli may have been, because it was --
18 in those particular ones, it wasn't that the
19 pool wasn't counted, is that the structures
20 were too big or they -- you know, there were
21 other City of Coral Gables Zoning Code issues.

22 CHAIRMAN AIZENSTAT: That's actually where
23 I was going. How do you take care of those
24 problems, when --

25 MS. RUSSO: It's not really our job -- it's

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1 gone through your process?

2 MS. QUINLAN: Uh-huh.

3 CHAIRMAN AIZENSTAT: So your architect has
4 already reviewed and approved their designs?

5 MS. QUINLAN: Yes.

6 CHAIRMAN AIZENSTAT: So the way that this
7 is being amended, with the friendly amendment,
8 if there is a mistake that's done at that
9 point, that would be covered, with those other
10 projects?

11 MR. PARDO: No, because it's the BOA, not
12 their board. BOA, zoning and impact fees
13 permit.

14 CHAIRMAN AIZENSTAT: But there's four
15 already, so forget about the Board of
16 Architects.

17 MR. BEHAR: But have they received
18 preliminary approval from the Board of
19 Architects?

20 MS. RUSSO: From the City.

21 MR. BEHAR: From the City.

22 MS. QUINLAN: Yes.

23 CHAIRMAN AIZENSTAT: Okay. So those
24 projects, if the association made a mistake,
25 hopefully not, but if they did, under the way

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1 not really the Snapper Creek job. The Snapper
2 Creek job is to see adherence to the Zoning
3 Code, but the reason we had the meeting was
4 because --

5 CHAIRMAN AIZENSTAT: Wait. Wait. Wait.
6 The Snapper Creek job is to see adherence
7 to your bylaws?

8 MS. RUSSO: To the protective covenants.

9 MS. QUINLAN: Protective covenants.

10 CHAIRMAN AIZENSTAT: To your covenants,
11 correct.

12 MS. QUINLAN: Correct.

13 CHAIRMAN AIZENSTAT: Not to the City.

14 MS. RUSSO: Not to the City Zoning Code,
15 although the association has the authority to
16 enforce the Zoning Code.

17 CHAIRMAN AIZENSTAT: Understood.

18 MS. RUSSO: And so what's happened is, we
19 were starting to get a lot of mistakes, that
20 Heather was catching, that had nothing to do
21 with the protective covenants. And so that's
22 how we ended up, because the designing
23 architects were throwing the City Architect
24 under the bus, and I said to Heather, "That
25 doesn't make sense, because the City Architect

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1 does aesthetics, not Zoning."
 2 CHAIRMAN AIZENSTAT: Right.
 3 MS. RUSSO: And there may have been some
 4 mess during COVID, when they changed the order
 5 of how things were done, but at that meeting,
 6 it was determined to make it clear for
 7 everybody, and to make it a simple process,
 8 let's amend the Code, let's clarify, and let's
 9 correct, because we mentioned at the time, the
 10 setbacks didn't align. And they go, "Go ahead.
 11 Let's just clean it up all at once."
 12 CHAIRMAN AIZENSTAT: Right.
 13 So we have a motion. We have a second.
 14 Any further discussion?
 15 MR. COLLER: So the motion right now is,
 16 that I don't believe we have these conditions
 17 on there, was just a straight approval; is that
 18 the motion?
 19 MS. KAWALERSKI: Mine is a straight
 20 approval of the applicant --
 21 MR. PARDO: Of the applicant, not the
 22 Staff.
 23 MR. BEHAR: With a friendly amendment that
 24 Chip --
 25 MR. COLLER: Are we putting the Board of

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1 Architects approval in, as they're exempt, or
 2 that's not in?
 3 CHAIRMAN AIZENSTAT: That's what I thought.
 4 MS. KAWALERSKI: That's what Chip proposed.
 5 CHAIRMAN AIZENSTAT: Yes.
 6 MR. BEHAR: Was that accepted --
 7 MR. PARDO: Yes, it was accepted.
 8 MS. KAWALERSKI: Yes.
 9 MR. COLLER: It was considered a friendly
 10 amendment?
 11 MS. KAWALERSKI: Right, and that's a
 12 friendly amendment.
 13 MS. RUSSO: And so the amendment -- just so
 14 I know, how -- the amendment is that this is
 15 prospective --
 16 MR. COLLER: That the --
 17 MS. RUSSO: -- from the City's,
 18 standpoint --
 19 MR. COLLER: From the City's standpoint,
 20 this ordinance does not apply to any project
 21 which has received preliminary Board of
 22 Architects approval.
 23 MS. RUSSO: The City, okay. We're good
 24 with that, yeah.
 25 CHAIRMAN AIZENSTAT: And I do want to ask

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1 the City, your recommendations that this motion
 2 does not take into account, can you just
 3 summarize them briefly, for the record?

4 MS. GARCIA: So, the conditions that Staff
 5 had, were just two, about the pool not
 6 counting, because that would be against what
 7 was promised to Snapper Creek at the time of
 8 annexation --

9 MS. RUSSO: It's the whole discussion we had.

10 CHAIRMAN AIZENSTAT: Understood. I just
 11 want to put in on the record.

12 MS. GARCIA: Yeah. And also the increased
 13 setbacks of the various --

14 MS. RUSSO: Just for accessory structures.

15 MS. GARCIA: From seven and a half to eight
 16 feet.

17 CHAIRMAN AIZENSTAT: Understood. Thank
 18 you.

19 MR. SALMAN: What was your objection to the
 20 eight feet?

21 MS. GARCIA: Just because I couldn't
 22 understand what the reason behind the change in
 23 the setback.

24 MR. SALMAN: I don't either. Why?

25 MS. RUSSO: For the accessory setbacks?

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1 Because it's been what the Snapper Creek
 2 Association has been doing since the beginning
 3 of time, right.

4 MR. SALMAN: Okay. So that's your
 5 arbitrary number, is what you're saying?

6 MS. RUSSO: Correct. The 7.6 was in the
 7 site specific --

8 MR. SALMAN: It falls under, because I feel
 9 like it. Okay. It's fine.

10 MS. RUSSO: Right.

11 MR. SALMAN: It's okay.

12 CHAIRMAN AIZENSTAT: I just wanted to put
 13 it on the record.

14 So we have a motion. We have a second. We
 15 have the friendly amendment that's in there,
 16 that's been accepted. Any other discussion?
 17 No?

18 MR. SALMAN: No. Go around.

19 CHAIRMAN AIZENSTAT: Call the roll, please.

20 THE SECRETARY: Chip Withers?

21 MR. WITHERS: Yes.

22 THE SECRETARY: Robert Behar?

23 MR. BEHAR: Yes.

24 THE SECRETARY: Sue Kawalerski?

25 MS. KAWALERSKI: Yes.

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1 THE SECRETARY: Felix Pardo?
 2 MR. PARDO: Yes.
 3 THE SECRETARY: Javier Salman?
 4 MR. SALMAN: Si.
 5 THE SECRETARY; Eibi Aizenstat?
 6 CHAIRMAN AIZENSTAT: Yes.
 7 MS. RUSSO; Thank you very much.
 8 CHAIRMAN AIZENSTAT: Thank you.
 9 MR. COLLER: Should we take --
 10 MR. SALMAN: Take a break.
 11 CHAIRMAN AIZENSTAT: Let's take a
 12 five-minute break -- eight-minute break.
 13 (Short recess taken.)
 14 CHAIRMAN AIZENSTAT: Let's go ahead and
 15 call the meeting back to order. When Javier
 16 comes, he can join us. We're going to jump
 17 over to E-5.
 18 MR. COLLER: Item E-5, an Ordinance of the
 19 City Commission providing for text amendments
 20 to Article 2, "Zoning Districts," Section
 21 2-201, "Mixed Use 1, 2 and 3 (MX1, MX2 and MX3)
 22 Districts" and Article 3, "Uses," Section
 23 3-209, "Live work minimum requirements," of the
 24 City of Coral Gables Zoning Code to allow a
 25 reduction of storefront transparency on

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1 frontages facing single-family and multi-family
 2 uses, providing for repeater provision,
 3 severability clause, codification, and
 4 providing for an effective date.
 5 Item E-5, public hearing.
 6 CHAIRMAN AIZENSTAT: Thank you.
 7 MS. GARCIA: Jennifer Garcia, City Planner.
 8 So there's two parts to this proposed text
 9 amendment for the Commission. The first one
 10 is, for all mixed-use districts, that if
 11 they're facing a single-family or a
 12 multi-family use, as a way to transition to
 13 those uses that have less transparency -- when
 14 I say, "Transparency," I mean, glass,
 15 storefront glass. It's a way to transition to
 16 those kinds of uses, there would be a required
 17 windowsill between 18 inches and 24 inches, to
 18 kind of soften that look. I think there's a
 19 PowerPoint slide that was sent to Coral Gables
 20 TV, so I can kind of illustrate that. It's
 21 also found on Page 2 of the Staff report. If
 22 you want to show that PowerPoint slide. Yes.
 23 So the top one is showing a windowsill,
 24 which lessens the amount of glass that's
 25 showing, that will be fronting single-family or

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1 multi-family uses, and then the bottom image is
 2 showing glass, you know, from the top to the
 3 bottom of the storefronts, which is showing
 4 more transparency. So that would still be
 5 allowed and required for any storefront in our
 6 mixed-use districts, but when you're facing
 7 multi-family or single-family, they will be
 8 required to have a windowsill.

9 The next change -- the last change, there's
 10 only two -- is for live work units. Since a
 11 lot of these live work units are embedded and
 12 within our multi-family districts and
 13 neighborhoods, less transparency seems to be
 14 needed, because a lot of the storefront is kind
 15 of harsh when you're facing a multi-family use.
 16 So when live work goes for approval, for the
 17 Board of Architects, they're allowed to reduce
 18 that transparency requirement from the minimum
 19 of 60 percent to 40 percent. 40 percent is
 20 because that's the minimum requirement for any
 21 multi-family ground floor transparency
 22 requirement.

23 You can take off the PowerPoint slide.
 24 Thank you.

25 So those are the two proposed amendments

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1 right now. That's it.

2 MR. BEHAR: You're proposing to reduce --

3 MR. COLLER: Is your microphone on?

4 MR. BEHAR: Sorry. There we go.

5 You're proposing to reduce from 60 percent
 6 to 40 percent?

7 MS. GARCIA: Minimum, yes, if the Board of
 8 Architects determines that it's needed for the
 9 neighborhood, when you're facing single-family,
 10 multi-family.

11 MS. KAWALERSKI: Minimum or maximum?

12 MS. GARCIA: Minimum, because that's the
 13 minimum in multi-family right now.

14 MR. BEHAR: Yeah.

15 MS. GARCIA: So, for example, MF2, which
 16 allows live work units, the minimum ground
 17 floor transparency requirement is 40 percent.
 18 They can always have more, but usually you
 19 don't want to have too much transparency,
 20 because people are living behind those windows.
 21 So the intent is that the live work would face
 22 the same, you know, transparency glazing
 23 requirement that's across the street.

24 MS. KAWALERSKI: But you want 40 percent or
 25 less?

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1 MS. GARCIA: No, minimum. So it can be
2 more glazing, because you want to have at least
3 some windows and glazing facing the street,
4 because you feel more comfortable as a
5 pedestrian knowing there's windows facing where
6 you're walking. You have eyes on the street.

7 CHAIRMAN AIZENSTAT: If I may, let the
8 record show that Javier's back with us.

9 MR. WITHERS: So what is the reasoning
10 behind -- what's the philosophy behind this? I
11 mean, why -- what's driving all of this?

12 MS. GARCIA: So there's been some recent
13 proposed projects that have a lot of glazing, a
14 lot of glass facing multi-family. I don't
15 think any of them are facing single-family, but
16 multi-family. So the concern is from the
17 residents, and they reached out to Members of
18 the Commission, that that requirement of 60
19 percent for the ground floor storefront or live
20 work units is too harsh, it's too commercial
21 looking.

22 So the intent here is to make it look less
23 commercial looking, so it looks like it's more
24 of a neighborhood.

25 MR. WITHERS: Okay. So this is a really

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1 stupid question. If someone doesn't want to
2 live there, where it looks too harsh and too --
3 like why don't they just live somewhere else?

4 MS. GARCIA: I think it's because they
5 already live there.

6 MR. WITHERS: So this is for a new
7 development coming in somewhere --

8 MS. GARCIA: Uh-huh. Correct. Yes.

9 MR. WITHERS: And why is it too harsh,
10 because it's too bright or -- I mean --

11 MS. GARCIA: It looks too commercial.
12 That's the verbiage I've been receiving, that
13 it looks too commercial. They don't feel
14 comfortable, that it looks like it's too
15 commercial. It should be on Miracle Mile or
16 some major retail street and not within their
17 neighborhood. So, remember, live work is
18 something you can have in MF2, throughout the
19 North Ponce area, surrounded by multi-family
20 zoning.

21 MR. WITHERS: So if I'm a commercial owner
22 of a building or a store and I want more glass,
23 I want more -- am I being denied something?

24 MS. GARCIA: No. This would really apply
25 more for new construction.

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1 MR. BEHAR: Yeah, but if you --

2 CHAIRMAN AIZENSTAT: You are being denied.

3 MR. PARDO: Yes, a hundred percent.

4 MS. GARCIA: If you're facing single-family
5 or multi-family?

6 MR. WITHERS: No. If I'm building
7 something, and I want to put more glass, just
8 through my design, and I can't now, I'm being
9 denied the opportunity to put more glass.

10 MR. PARDO: Yeah.

11 MS. GARCIA: If you're facing multi-family
12 or single-family uses.

13 MR. WITHERS: Yeah. Yeah. I mean, based
14 on this.

15 MS. GARCIA: Yes. This is more of --

16 MR. WITHERS: Someone is being affected.

17 MS. GARCIA: The intent of this is to
18 protect the neighbors that are facing these
19 commercial properties.

20 MR. WITHERS: And this is in commercial
21 areas, not in residential areas?

22 MS. GARCIA: The MX2 -- sorry, the text
23 amendment for the windowsill --

24 MR. WITHERS: It's not single-family, it's
25 Downtown living, basically, right?

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1 MS. GARCIA: Well, no. We have MX1, 2 and
2 3 throughout our entire city. So we have some
3 MX1 that's abutting and facing the
4 single-family.

5 MR. SALMAN: Where?

6 MR. WITHERS: Where is MX3 facing
7 single-family?

8 MS. GARCIA: MX1. MX1.

9 MR. WITHERS: Oh, MX1.

10 MS. GARCIA: Yes. MX3 -- the thing is
11 that, all of these requirements apply to all of
12 those mixed-use districts, MX1, MX2 and MX3.

13 MR. PARDO: So MX1 is the old duplex
14 zoning?

15 MR. WITHERS: Yeah.

16 MS. GARCIA: No. Duplex is MF1,
17 Multi-Family 1.

18 MR. PARDO: MF1.

19 MS. GARCIA: Yes.

20 MR. PARDO: I have a question, Mr. Chair.

21 CHAIRMAN AIZENSTAT: Yes.

22 MR. PARDO: In my opinion, with all due
23 respect, for me, what has a greater impact on
24 residential is our lack of control of exterior
25 lighting of those new commercial projects, that

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1 look like they're out of Las Vegas, they look
2 like they're part of a runway coming into MIA.
3 You could see it across -- you know, across the
4 City. There's no requirement to come up with a
5 plan, where people can do something nice, and
6 still light their buildings in such a way where
7 it's not as glaring and offensive, especially
8 to the residential areas.

9 I mean, I think that that has a much
10 greater positive impact, if that could be
11 honed, where it could be codified in such a way
12 that -- you know, through foot-candles,
13 studies, through -- you know, to accentuate the
14 buildings, but still in a subtle and nice way.
15 Because the way I see the City, it has changed
16 in many ways, but the lighting is just -- you
17 can't turn it of, and those people that live
18 there, they go to sleep, and they get up to go
19 to work, and they bought a single-family home,
20 and now they built a new building in front.
21 It's like staring at those bright lights up
22 there. Try that for a whole night. That's not
23 good.

24 I think it would be better, to have more of
25 an impact on something along those lines, than,

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1 you know, possibly taking away the property
2 rights of someone that has a commercial
3 building, that needs a storefront, in the
4 commercial areas, under --

5 MR. BEHAR: And by -- you're right, by
6 restricting the glass area on a commercial,
7 you're minimizing the visibility into the
8 space. I agree with you on the lighting. I
9 think that's going to be a way to --

10 MR. PARDO: You know, we've done lighting.
11 We use consultants. We make sure that it's
12 subtle, but nicely done, and I'm sorry, but no
13 one at the City has any control, because
14 there's not one ordinance about that.

15 MS. KAWALERSKI: What's the limit on the
16 first floor height in any MX project?

17 MS. GARCIA: The limit? There's not a
18 limit. There's a minimum of fifteen feet.

19 MS. KAWALERSKI: Pardon me?

20 MS. GARCIA: A minimum of fifteen feet.

21 MS. KAWALERSKI: A minimum?

22 MS. GARCIA: Yeah. There's no maximum.

23 MS. KAWALERSKI: There is no maximum. So
24 if something is zoned for 45 feet, they could
25 have one story, it's 45 feet, right?

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1 MS. GARCIA: Sure. Yeah.

2 MS. KAWALERSKI: So what does a 24-inch
3 thing do, when all of the rest of is pretty
4 much, you know, the sky is the limit in glass?
5 What does that achieve?

6 MS. GARCIA: Well, I mean, I've never seen
7 even proposed a 45-foot tall ground floor,
8 but --

9 MS. KAWALERSKI: But if I had 45 feet and
10 if I'm going to just deduct the 24 inches for
11 that little thing that I have to do, and then
12 I've got all of this glass above it, does that
13 make any sense?

14 MS. GARCIA: No, but, again, I've never
15 seen anyone waste their amount of FAR they have
16 for a property to do a massive ground floor --

17 MS. KAWALERSKI: I understand, but this
18 just limits me from building glass -- floor to
19 ceiling glass, right?

20 CHAIRMAN AIZENSTAT: That is correct, in
21 commercial.

22 MS. KAWALERSKI: Yeah, in an MX project.

23 MR. PARDO: The City just built their
24 parking garage next to the police station. I
25 think they have glass all of the way down.

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1 CHAIRMAN AIZENSTAT: Correct, but we've got
2 to remember that we're here because there are
3 residents that have spoken to the City, that
4 would like to soften the areas that abut.

5 MS. GARCIA: Right.

6 CHAIRMAN AIZENSTAT: And there may be other
7 ways to do that -- I'm not saying there are
8 not -- but this is the proposition that's
9 coming before us.

10 MS. KAWALERSKI: Well, point well-taken,
11 and I agree with the lighting. And what about
12 landscaping in front of it, as a buffer?

13 MR. COLLIER: Wait. Wait. I think -- I
14 think your mike might not be on.

15 MS. KAWALERSKI: I mean, a landscape
16 buffer, it makes a lot more sense than, you
17 know, putting this artificial 24-inch thing.

18 MS. GARCIA: So if they're at the zero foot
19 lot line, having landscape is difficult to
20 accommodate, because it would require some kind
21 of covenant in the right-of-way to allow some
22 kind of planters or something on the sidewalk.
23 There are areas in our City that we don't allow
24 planters in the sidewalk, because they dirty
25 the sidewalk or pavers or whatnot.

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1 I think there are some instances that they
2 use planters for meeting the open space
3 requirement, but there's not a requirement to
4 require some kind of landscape in the front. I
5 think we would want to limit that, more or
6 less -- depending on the location of it,
7 because you still want to have visibility into
8 the storefront. So you don't want to have
9 landscape covering the store itself. You just
10 want to limit the amount of light coming out,
11 the amount of glazing, and soften the facade.

12 MR. BEHAR: Jennifer, a quick question.

13 MS. GARCIA: Uh-huh.

14 MR. BEHAR: It says here that the text
15 amendment was approved by -- at City Commission
16 on December 12th for First Reading already.

17 MS. GARCIA: Yes.

18 MR. BEHAR: If it went to the Commission
19 already, why are we --

20 MS. GARCIA: It's part of the process, your
21 recommendation to go to the Commission.

22 CHAIRMAN AIZENSTAT: So we're -- so, first,
23 it goes to Commission for First Reading and
24 then comes to the Planning and Zoning --

25 MS. GARCIA: Typically, it goes to the

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1 to the Board of Architects, you have to present
2 who you have across the street, who you have on
3 either side, and the Board of Architects has to
4 take that into consideration, with regards to
5 the approval of the projects. I have no
6 project with the 24 inches along a residential
7 street that's facing -- I think that that will
8 just cut down the window size. It might make
9 it more residential, because it's less
10 storefront to commercial. I can see where
11 there's a logic to that, but we have that.

12 We also have minimum lighting guidelines,
13 okay, for public streets, you know, between one
14 and one and a half foot-candles, and I think
15 part of the problem is that, that light level
16 that they have on their building is bleeding
17 out into the street, because of a
18 misredirection of lighting, and I think that
19 having a lighting standard requirement to --
20 with regards to residential being perhaps a
21 little bit lower, maybe no more than half a
22 foot-candle at the opposite side of the street,
23 would help them focus the light on their
24 building and not on the neighborhood, and I
25 think that that will be a much more efficient

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1 Planning and Zoning Board first. However, some
2 Commissioners requested that it go to the
3 Commission first, I guess, the discussion, that
4 they take a vote at First Reading, and then
5 comes back to Planning and Zoning.

6 MR. PARDO: But I would like to see
7 examples, because I think that Staff --

8 CHAIRMAN AIZENSTAT: Could I ask you to
9 speak into the mike.

10 MR. PARDO: I'm sorry.

11 Staff, it would be helpful, to this Board
12 or any Board, to say, well, here's a picture of
13 this, on such and such a street, and here's a
14 picture of that, and look at the residential
15 over here, and this is how it affects it.

16 You know, I'm sorry. I mean, I've done
17 this all of my life, and I'm having a really
18 difficult time seeing this life changing
19 impact, on something like this, compared to
20 other things that could be done. That's my --

21 MR. SALMAN: Through the Chair.

22 CHAIRMAN AIZENSTAT: Yes.

23 MR. SALMAN: I agree with what Felix is
24 saying, Number One. Number Two, we have a
25 Board of Architects. As part of the submittal

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1 way to deal with this particular residential
2 issue.

3 Not everything is an architectural
4 solution, because we have architectural
5 solutions through the Board of Architects, and
6 perhaps those considerations need to be
7 outlined more clearly for their -- as part of
8 their review, rather than try to codify
9 something.

10 MS. GARCIA: Well, the issue right now is
11 that if they go to BOA and BOA says, "This
12 looks nice, but are you meeting your Zoning
13 requirement," Zoning says, "No. You're
14 required to have 60 percent transparency and
15 they only have a 40 percent," there's an issue.
16 So this is allowing BOA to opine and say, "Hey,
17 this makes sense in this location. You should
18 be able to have less transparency."

19 MR. SALMAN: But what is the transparency
20 of your proposed example here, what is your
21 percent here?

22 MS. GARCIA: Sorry?

23 MR. SALMAN: You have two examples. You
24 have a maximum glazing for commercial and you
25 have windowsill required when facing

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1 residential. What is the percent glazing here
2 that you're suggesting -- that you're
3 suggesting?

4 MS. GARCIA: I think we did the
5 calculations here and it was, more or less, 40
6 percent.

7 MR. SALMAN: So, then, if you want to
8 codify that, just say, make it no more than 40
9 percent when facing single-family residential.

10 MS. GARCIA: And that's the second part of
11 amendment, of the live work.

12 MR. SALMAN: Well, that's one, and then the
13 other one is one of lighting. That, you know,
14 you should have no more than, you know, one and
15 a half foot-candles on the sidewalk adjacent to
16 the building, and that it shouldn't bleed to no
17 more than a half foot-candle across the street.

18 CHAIRMAN AIZENSTAT: Javier, what I'm
19 hearing from you and from Felix is that,
20 basically, there should be another layer in
21 addition.

22 MR. SALMAN: I agree, yes.

23 CHAIRMAN AIZENSTAT: Is that --

24 MR. PARDO: Mr. Chairman, you're right.
25 I would defer it.

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1 ask is, before we start that consideration, if
2 you're done with your presentation, I'd like to
3 ask Jill if there's anybody -- I don't see
4 anybody here that's for this.

5 THE SECRETARY: No.

6 CHAIRMAN AIZENSTAT: Anybody on Zoom or
7 another platform?

8 THE SECRETARY: No.

9 CHAIRMAN AIZENSTAT: So I'll go ahead and
10 close it to public comment then.

11 Felix.

12 MR. PARDO: I would like to defer this
13 particular item.

14 CHAIRMAN AIZENSTAT: You'd like to make a
15 motion to defer this item.

16 MR. PARDO: To defer the item. Motion to
17 defer the item and have Staff study this a
18 little more thoroughly, to be able to come back
19 and make sure that we cover the comments that
20 were provided by this Board.

21 CHAIRMAN AIZENSTAT: We have a motion. Is
22 there a second?

23 MR. SALMAN: I'll second it, but I'd like
24 to make a friendly amendment.

25 CHAIRMAN AIZENSTAT: Okay.

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1 CHAIRMAN AIZENSTAT: What's your --

2 MR. PARDO: I would defer it. I think, you
3 know, to have Staff get a little more time to
4 do, you know, a more thorough job on how to
5 reduce the impact on those neighbors.

6 CHAIRMAN AIZENSTAT: Okay. Because Staff
7 right now is just -- right now what's before us
8 is the glazing, nothing more.

9 MR. PARDO: Right.

10 CHAIRMAN AIZENSTAT: What you're saying --
11 so you want to defer it, because that's not
12 sufficient?

13 MR. PARDO: I think that's not sufficient,
14 and I think that, based on what Javier
15 mentioned, that there are other percentages --

16 MR. COLLIER: I think it would be helpful --
17 she can't hear you.

18 MR. PARDO: Sorry. Sorry.

19 As Mr. Salman said, there are certain
20 restrictions that should be looked at very
21 carefully when it comes to glass glazing, in
22 making sure that we don't also take property
23 rights away from people, and, therefore, I
24 think it has to be studied better.

25 CHAIRMAN AIZENSTAT: So what I'd like to

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1 MR. SALMAN: That the City take into
2 account the lighting levels or the lighting of
3 the building, including light coming from the
4 storefronts, okay, in their overall
5 calculations with regards to it, and that they
6 limit the amount of light on the sidewalk,
7 adjacent to the building, to be no more than
8 one and a half foot-candles, which is pretty
9 standard for parking, okay, but there should be
10 no more than a half foot-candle bleed across
11 the street, and so that they have a specific
12 goal or something like it, to add to this --

13 MR. BEHAR: What foot-candle is required
14 for sidewalks?

15 MS. GARCIA: So, currently, in Section
16 12-102, the outdoor lighting permitted
17 standards, the requirement is, outdoor lighting
18 shall be designed so that any -- sorry,
19 overspill of lighting onto adjacent properties
20 shall not exceed half a foot-candle vertical
21 and half a foot-candle horizontal illumination
22 on adjacent properties.

23 MR. SALMAN: That's exactly what I'm
24 talking about.

25 MS. GARCIA: So it's there.

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1 CHAIRMAN AIZENSTAT: So that's there now.

2 MR. SALMAN: But the key here is that you
3 need to also include the light coming from the
4 storefront. You know, in street lighting
5 design, and this is something I actually have a
6 certain amount of expertise. I did South
7 Miami's Central Business District, and worked
8 with them, the City of Miami Beach on Lincoln
9 Road, and we discovered that most of our
10 lighting was coming and uncontrolled from the
11 storefronts. It wasn't the overhead lighting
12 poles.

13 When we had the lighting level designed by
14 the poles, it worked perfectly. When you
15 turned on the storefronts, we had a huge
16 disparity of lighting. And so that - -

17 CHAIRMAN AIZENSTAT: May I ask, how did you
18 control that? Did you control it by the type
19 of business within that area? Did you control
20 it by the glazing that's within the glass?

21 MR. SALMAN: We did limit the amount of
22 light that they could spill out from the
23 storefront, and we evened out the light along
24 the street, because the problem was that we had
25 really -- the way your eye works, it's that it

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1 You were talking about the lighting that was
2 coming from the buildings, in general, from the
3 appearance of the building. So now Javier has
4 come in and started to discuss about the
5 lighting that's coming from the storefront.

6 MR. PARDO: Yeah. It's a --

7 CHAIRMAN AIZENSTAT: So your motion was to
8 look at the lighting in the building that's
9 coming from the exterior of the building --

10 MR. PARDO: The exterior lighting and the
11 negative impact on these areas.

12 CHAIRMAN AIZENSTAT: Understood.

13 MR. BEHAR: But there's already language
14 that controls that. Do they have --

15 MR. SALMAN: But they don't have it for --

16 MR. BEHAR: How do you enforce it, is the
17 problem.

18 MR. PARDO: Right now, as you well know,
19 you finish a building, and your electrical
20 engineer provides a certification -- normally,
21 an electrical engineer provides a
22 certification, as of the foot-candle inside of
23 the property, for parking lots or parking
24 garages, et cetera, to comply with Miami-Dade
25 County, which is what they read.

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1 works in contrast, and so your eye adjusts to
2 the bright level when you're inside the area of
3 that bright level, and when you go into the
4 dark level, then it's really dark, while your
5 eyes adjusts, and it takes some time for that
6 to happen.

7 And so the perceived darkness is not
8 necessarily dark. It could be a half
9 foot-candle or one and a half foot-candles, but
10 when you have five foot-candles in front of a
11 storefront, that's a problem.

12 MR. PARDO: I would be very surprised if
13 the City kept track of all of the projects that
14 have been built, that the half foot-candle
15 spillage --

16 MR. SALMAN: I understand that. I
17 understand that, but that's really the problem.
18 That's the problem that we have here. And so
19 the way it can be handled, is that you limit
20 the amount of light spill from the storefront
21 after hours, and so there's a minimum lighting
22 you can have, and, then, when you're open for
23 business, you have your lights and that's fine.

24 CHAIRMAN AIZENSTAT: But, Felix, that was
25 not the way you were talking about the lighting

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1 The spillage component of it -- the
2 spillage component of it is more than just for
3 parking areas. The spillage comes from just
4 about everything. You walk outside tonight,
5 and you look across Biltmore Way, and you're
6 going to see -- when you turn around, you'll
7 see that impact. It comes from uplighting,
8 downlighting, inside, outside, and we all know
9 that it's too much, and like I said before,
10 it's the same as looking at those lights up
11 there. It's very difficult to do.

12 And if the premise is, let's provide some
13 relief to the neighbors that are across the
14 street, I don't think it's hard to do.

15 CHAIRMAN AIZENSTAT: Right. But from what
16 I'm understanding from the City, it's that it's
17 already within the Code, as far as the lighting
18 from the outside. If developers are just not
19 adhering to it, then that's something that the
20 City needs to look into, how to enforce it, but
21 for this discussion, what Javier has brought up
22 is the lighting that comes from within the
23 store or within the location.

24 MR. PARDO: I have no problem with the
25 friendly amendment.

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1 CHAIRMAN AIZENSTAT: Okay.
 2 MR. COLLER: Mr. Chairman, since it's
 3 already been adopted on First Reading, might it
 4 be better to consider denying the application,
 5 explaining that the lighting is more important,
 6 and advising the Commission as to, this is what
 7 needs to be done. That may be a more effective
 8 way to get your point across.
 9 CHAIRMAN AIZENSTAT: So would you like to
 10 change your motion?
 11 MR. PARDO: Yeah. I would, deny it, based
 12 on the complexities of the issue.
 13 MS. KAWALERSKI: I'll second that.
 14 CHAIRMAN AIZENSTAT: So we have denying the
 15 motion as is presented.
 16 MR. COLLER: Do you also want to recommend
 17 that they look at light spillage? You know, I
 18 want them to -- they're going to see the
 19 transcript.
 20 MR. PARDO: Right.
 21 MR. COLLER: But it might be useful to
 22 reflect that in the motion.
 23 MR. PARDO: That's a very good idea. You
 24 know, do you want to add that, the lighting?
 25 MR. BEHAR: To deny it.

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1 MS. KAWALERSKI: Yes. So we're denying the
 2 item, with a recommendation to explore the
 3 lighting emanating from the buildings.
 4 MR. PARDO: And its impact on --
 5 MS. KAWALERSKI: And its impact on
 6 residential areas.
 7 CHAIRMAN AIZENSTAT: So you're well on the
 8 amendment?
 9 MR. PARDO: Yes, I am.
 10 CHAIRMAN AIZENSTAT: Chip, do you have any
 11 comments on this?
 12 MR. WITHERS: I think it's good.
 13 CHAIRMAN AIZENSTAT: You're good?
 14 Any other comments? No?
 15 Call the roll, please.
 16 THE SECRETARY: Chip Withers?
 17 MR. WITHERS: Yes.
 18 THE SECRETARY: Robert Behar?
 19 MR. BEHAR: Yes.
 20 THE SECRETARY: Sue Kawalerski?
 21 MS. KAWALERSKI: Yes.
 22 THE SECRETARY: Felix Pardo?
 23 MR. PARDO: Yes.
 24 THE SECRETARY: Javier Salman?
 25 MR. SALMAN: Yes.

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1 THE SECRETARY: Eibi Aizenstat?
 2 CHAIRMAN AIZENSTAT: Yes.
 3 Next, I'd like to move into E-6.
 4 MR. COLLER: Item E-6, an Ordinance of the
 5 City of Commission of Coral Gables, Florida,
 6 providing for text amendments to the City of
 7 Coral Gables Official Zoning Code pursuant to
 8 Zoning Code Article 15, "Notices," Section
 9 15-102, "Notice," to amend requirement for the
 10 Applicants Required Public Information Meeting
 11 to occur prior to review by the Board of
 12 Architects and to require additional
 13 registration information for future
 14 notifications to be included in meeting notice,
 15 providing for repeater provision, severability
 16 clause, codification, and providing for an
 17 effective date.
 18 Item E-6, public hearing.
 19 CHAIRMAN AIZENSTAT: Thank you.
 20 Jennifer.
 21 MS. GARCIA: Jennifer Garcia, City Planner.
 22 I think I have a PowerPoint for this one, as
 23 well, just an image. It's just the flow chart.
 24 So there's two parts to this proposed text
 25 amendments, that also went to the City

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1 Commission last month. The first one is to
 2 change the order of when the public information
 3 meeting happens. Right now, the requirement is
 4 that any proposed development go to DRC, and
 5 then they make those adjustments based on
 6 Staff's comments, go to the Board of Architects
 7 for preliminary approval, and then they have a
 8 public information meeting at that point, with
 9 their approved plans from BOA, before
 10 submitting it and going through the Planning
 11 and Zoning Board and the City Commission.
 12 So the proposed change is to have that
 13 public information meeting, that the applicant
 14 hosts, and they send out notices and such,
 15 would happen before the Board of Architects
 16 preliminary approval, instead of after, with
 17 their BOA approved plans. That's the
 18 significant change.
 19 The other minor change is to require that
 20 the notice have a QR code and website for
 21 residents to be able to sign on with our e-mail
 22 notification that we have at the City, to have
 23 them be notified in the system earlier on in
 24 the process.
 25 CHAIRMAN AIZENSTAT: So it's basically just

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1 more notification and doing it earlier in the
 2 process as you just stated?
 3 MS. GARCIA: Right.
 4 MR. SALMAN: Through the Chair.
 5 CHAIRMAN AIZENSTAT: Yes.
 6 MR. SALMAN: I'm all about transparency and
 7 public notification, however, you're setting a
 8 situation up of a possible unintended
 9 consequence, which is that you'll be presenting
 10 to the public a project which has not been
 11 approved by the Board of Architects, which may
 12 or may not have been substantially changed
 13 during that process, which would then require
 14 another public hearing. Is that what you're
 15 suggesting?
 16 MS. GARCIA: Yes. The idea is to get
 17 neighbors to participate earlier in the
 18 process. But you're absolutely right, it would
 19 not be approved plans at that point.
 20 MR. SALMAN: But the plans could be changed
 21 through the Board of Architects --
 22 MS. GARCIA: Of course.
 23 MR. SALMAN: -- which would then negate and
 24 make liars of the presenters to the public at
 25 that point.

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1 MS. GARCIA: Right.
 2 MR. SALMAN: Isn't that correct?
 3 MS. GARCIA: Yes.
 4 MR. SALMAN: That is the unintended
 5 consequences. So I am completely against this.
 6 CHAIRMAN AIZENSTAT: Yes, Felix.
 7 MR. PARDO: There is an issue, also, that
 8 the public, when it comes to the Board of
 9 Architects, has a very limited role in being
 10 allowed to speak. They can speak before. It's
 11 very, very limited on what they can say or not
 12 say. I thought that it wouldn't be a bad idea,
 13 if and only -- because I was concerned about
 14 what you were concerned, but I was thinking
 15 that maybe they could have it before and then
 16 afterwards. In other words, the way it is
 17 now --
 18 MR. SALMAN: That's not what's being
 19 presented here.
 20 MR. PARDO: I know. I know. That's what
 21 I'm saying. When you look at your chart, if
 22 they have it before and they have it
 23 afterwards, because, also, keep in mind that,
 24 at the DRC -- at the DRC, the plans are
 25 somewhat occult, and by the time they get to

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1 the BOA, really, the public has not been able
 2 to say word one. They can't speak at the DRC,
 3 and they're very limited in what they could say
 4 at the BOA.

5 I think, my particular opinion is, I
 6 thought maybe not just moving it, but adding
 7 the public there. I mean, there's nothing to
 8 be concerned with the public. They're not
 9 going to come up and bite you, but at the same
 10 time, it also gives the applicant an
 11 understanding of the expectations from the
 12 particular community. That's the way I see it.

13 MR. SALMAN: And I agree, if that's what
 14 was being presented, that they're proposing
 15 another public hearing, before and after. That
 16 would make more sense to me.

17 MR. PARDO: No. This is a public
 18 information meeting. In other words, you're --
 19 this is a private meeting. This is not a
 20 public meeting.

21 MS. GARCIA: Correct.

22 MR. PARDO: And this is upon the
 23 developer --

24 MR. SALMAN: Yeah, but it's recorded and
 25 it's presented.

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1 MS. GARCIA: No. The applicant's
 2 information meeting?
 3 MR. SALMAN: A public information meeting
 4 is recorded and it is --
 5 MS. GARCIA: If it's recorded, then it's on
 6 them, but we just get back a summary of what
 7 happened.
 8 MR. SALMAN: That's correct, but that's a
 9 filing and that's recorded.
 10 MS. GARCIA: Yes. Okay. Yeah.
 11 MR. SALMAN: Okay. That's what I'm saying.
 12 It's being recorded, all right.
 13 MR. PARDO: There are some places, such as
 14 Collier County, that is very elaborate when it
 15 comes to recording their public meetings, and
 16 the reason is two-fold. It's also to protect
 17 the applicant, you know, from things that are
 18 being said, and they do a transcript and the
 19 videotape -- the applicant has to have a
 20 videotape, and they have all of the
 21 information, you know, on file.
 22 MR. SALMAN: Okay. But that can be on
 23 them, on whoever's holding that meeting.
 24 MR. PARDO: Right.
 25 MR. SALMAN: If they want to do that,

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1 that's fine.
 2 MR. PARDO: Right.
 3 MR. SALMAN: But I think all we're saying
 4 here is that they have to have a public
 5 presentation of the project. That's all we're
 6 saying. And what you're saying is that it
 7 should be before and after.
 8 MR. PARDO: Correct.
 9 MR. SALMAN: Okay. Which I would agree
 10 with, but that's not what's being presented.
 11 MS. KAWALERSKI: Right. And I think the
 12 more the public has a right -- I think the
 13 public has a right to know what's happening
 14 right from the beginning. The DRC meetings,
 15 they can attend. They can't say anything. But
 16 I think, at the point that it goes to the Board
 17 of Architects, I think there should already
 18 have been a public meeting, because if there's
 19 major outcry at a public meeting, there's going
 20 to major before, there's going to be major
 21 outcry afterwards. It gives the developer a
 22 chance to gauge the community sentiment and let
 23 them know where they're falling short, okay.
 24 So I totally am for the meeting before the
 25 Board of Architects.

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1 And I would say, if there are substantive
 2 changes at that point with the project, with
 3 the Board of Architects, if there are
 4 substantive changes, there should be a
 5 secondary meeting with the public, to inform
 6 them of those updates and the changes.
 7 CHAIRMAN AIZENSTAT: How do you define
 8 substantive changes? Is it arbitrary by a
 9 person in the Staff, that says, "Oh, there's
 10 been too many changes?"
 11 MS. KAWALERSKI: Well, I think if there are
 12 significant architectural changes, yes.
 13 MR. SALMAN: Don't go there, Sue. Just
 14 have the second.
 15 MS. KAWALERSKI: Okay. So two meetings.
 16 Two meetings, okay.
 17 MR. SALMAN: I mean, we're talking about
 18 substantial projects here. We're not talking
 19 about a project to the back of a house.
 20 MS. KAWALERSKI: Right. Exactly. Exactly.
 21 And the more the public has, right from the
 22 beginning, the better, because I've been there,
 23 where it's at the end of the process when the
 24 public gets to talk, and by that time, the ship
 25 has sailed.

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1 CHAIRMAN AIZENSTAT: But understand one
 2 thing, the way that we're talking about is, the
 3 public is not going to get to talk at the Board
 4 of Architects.

5 MS. KAWALERSKI: I understand.

6 CHAIRMAN AIZENSTAT: The developer is going
 7 to be required to have a meeting with its
 8 neighbors, present their project, then go to
 9 the Board of Architects. Then what you're
 10 saying is, after the Board of Architects, go
 11 back and have another meeting with the
 12 neighbors, before it comes to the Planning and
 13 Zoning?

14 MR. BEHAR: You're required, before coming
 15 to the Planning and Zoning, to have a
 16 neighborhood meeting. What this is requiring
 17 is to have a meeting before the Board of
 18 Architects.

19 MS. GARCIA: Correct.

20 CHAIRMAN AIZENSTAT: An additional meeting.

21 MS. GARCIA: Correct.

22 MS. KAWALERSKI: Also let me ask you --

23 CHAIRMAN AIZENSTAT: Well, no, sorry. The
 24 way it's being presented is, to move the one
 25 meeting before the Board of Architects and no

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1 longer have another meeting before the Planning
 2 and Zoning.

3 MS. GARCIA: Correct, because the concern
 4 is --

5 CHAIRMAN AIZENSTAT: What Javier is
 6 suggesting, or, Sue, or Felix, is to leave the
 7 public information meeting the way it is, but
 8 just add an additional one before the Board
 9 Architects.

10 MS. KAWALERSKI: Right.

11 And if I could ask you something, what is
 12 the current radius for public notice?

13 MS. GARCIA: 1,000 feet or 1,500 feet for a
 14 Comp Plan change.

15 MS. KAWALERSKI: Okay.

16 CHAIRMAN AIZENSTAT: Before we continue,
 17 we're running close to our time. I'd like to
 18 see if there is any sentiment to extend, and if
 19 so, for how long. There's one more after this.

20 MR. SALMAN: I make a motion that we extend
 21 to 9:15 time certain.

22 CHAIRMAN AIZENSTAT: 9:15 time certain. I
 23 would agree with that.

24 MR. COLLIER: You can do it on a voice vote.

25 CHAIRMAN AIZENSTAT: Everybody in favor

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1 until 9:15 say aye.

2 MS. KAWALERSKI: Yes.

3 (Board Members voted aye.)

4 MR. COLLER: Might I suggest that you could
5 approve this item on a modified basis, that
6 your recommendation is that there would be a
7 public meeting before it gets to the Board of
8 Architects and another public meeting after it
9 gets -- subsequent.

10 MS. KAWALERSKI: Before Planning and
11 Zoning.

12 CHAIRMAN AIZENSTAT: Wouldn't it be -- if
13 that's the case --

14 MR. COLLER: That's before it even gets to
15 Planning and Zoning. These are -- I'm sorry,
16 these are the private meetings that the
17 developer has with the neighborhood.

18 CHAIRMAN AIZENSTAT: Correct. What you're
19 suggesting is leaving the public information
20 meeting the way it is, just adding one before?

21 MR. COLLER: That's what you all are
22 suggesting, and --

23 MR. BEHAR: And what happens if there is
24 changes at the Board of Architects, you have to
25 go back to the neighborhood meetings, and then

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1 preliminary approval. In other words, you must
2 have the approval. If the BOA -- that's
3 between the architect and the BOA. The
4 architect can go two, three, four times to the
5 BOA, until they get that preliminary approval,
6 and so that preliminary approval -- Board of
7 Architects preliminary approval, then you would
8 have the other public meeting after that.

9 In other words, if it's changed four times,
10 you don't have four public information
11 meetings.

12 CHAIRMAN AIZENSTAT: Right, but that's what
13 I want to clarify, because what Robert was
14 saying is, you know, what happens if they
15 change --

16 MR. PARDO: I think Robert has a good
17 concern. The only thing is that Staff put on
18 there, the words, "Preliminary approval." In
19 other words, it's approved. Now they go back
20 to explain to the project what was approved.

21 MR. BEHAR: Then you go back, because it's
22 the meeting required before coming to the
23 Planning and Zoning Board.

24 MR. PARDO: Correct. Correct. But that's
25 why --

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1 you're going to have to come back to get that,
2 to go back to the Board of Architects, and then
3 another meeting before coming here?

4 MR. PARDO: No, Robert. I don't think
5 that's the intent. The intent is simply, when
6 you go to the Board of Architects, you know,
7 eventually, you need to get it approved,
8 preliminary approval. So, once you have that
9 preliminary approval, then you would have your
10 other public information meeting, telling
11 people, this is what was approved by the Board
12 of Architects.

13 CHAIRMAN AIZENSTAT: Yeah, but it kind of
14 makes sense what Robert is saying to me. You
15 go to the meeting before-hand, and you present
16 your project. Then you go to the Board of --
17 you have input. Then you go to the Board of
18 Architect. The Board of Architects,
19 completely, for whatever reason during that
20 process, changes the appearance, changes things
21 in the project. From there, now it goes on to
22 the next public meeting before the Planning and
23 Zoning. It doesn't go back --

24 MR. PARDO: No, I don't think so, because
25 Staff put on there, Board of Architects

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1 MR. BEHAR: What we're adding is one
2 meeting with the neighborhood before the BOA?

3 CHAIRMAN AIZENSTAT: Basically to present
4 the project at that point.

5 MR. PARDO: And the reason is, because the
6 public cannot speak at the DRC meeting.

7 MR. SALMAN: Nor the Board of Architects.

8 CHAIRMAN AIZENSTAT: Or the Board of
9 Architects, they can't speak either.

10 MR. PARDO: Well, it's very limited. They
11 could speak before -- you know, it's a very
12 limited type of --

13 MS. KAWALERSKI: They can ask the Chair.

14 MR. PARDO: This, I think, is very good for
15 the public, that are impacted by the project.

16 MR. SALMAN: I'm all for open and
17 transparency. So I think that what we're
18 suggesting is in that vein and I would be ready
19 to approve it.

20 MS. KAWALERSKI: Okay.

21 CHAIRMAN AIZENSTAT: Do you want to make
22 the motion?

23 MR. SALMAN: I'd like to make a motion that
24 we accept the recommendation of Staff, with the
25 addition of an additional public information

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1 meeting prior to the Board of Architects
 2 preliminary approval.
 3 MR. PARDO: Second.
 4 CHAIRMAN AIZENSTAT: So to be clear, you're
 5 just adding one meeting before the Board of
 6 Architects, the community meeting?
 7 MR. SALMAN: That's correct.
 8 MS. KAWALERSKI: And this is specifically
 9 between developer and neighborhood.
 10 MR. SALMAN: Correct.
 11 CHAIRMAN AIZENSTAT: That is correct.
 12 MS. KAWALERSKI: Correct?
 13 MR. SALMAN: Right.
 14 CHAIRMAN AIZENSTAT: Same as they do before
 15 they come here.
 16 MS. KAWALERSKI: Yeah.
 17 CHAIRMAN AIZENSTAT: We have a motion. We
 18 have a second. Any discussion?
 19 Chip?
 20 MR. WITHERS: I'm good with that. It's a
 21 good idea.
 22 CHAIRMAN AIZENSTAT: Okay. Call the roll,
 23 please.
 24 THE SECRETARY: Robert Behar?
 25 MR. BEHAR: No.

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1 THE SECRETARY: Sue Kawalerski?
 2 MS. KAWALERSKI: Yes.
 3 THE SECRETARY: Felix Pardo?
 4 MR. PARDO: Yes.
 5 THE SECRETARY: Javier Salman?
 6 MR. SALMAN: Yes.
 7 THE SECRETARY: Chip Withers?
 8 MR. WITHERS: Yes.
 9 THE SECRETARY: Eibi Aizenstat?
 10 CHAIRMAN AIZENSTAT: No.
 11 THE SECRETARY: Four-two.
 12 CHAIRMAN AIZENSTAT: Next item is -- the
 13 last one. E-4.
 14 MR. COLLER: Back to E-4, okay.
 15 Item E-4, an Ordinance of the City
 16 Commission amending Section 14-103.3, "Meeting
 17 Panel Review, Full by Full Board; Conflict
 18 Resolution Meeting; Special Master
 19 Quasi-Judicial Hearing" in order to amend
 20 certain procedures related to the conflict
 21 resolution and Special Master Quasi-Judicial
 22 Process for appeals for decisions by the Board
 23 of Architects; providing for a repeater
 24 provision, severability clause, codification,
 25 enforceability, and providing for an effective

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1 date.
 2 Item E-4, public hearing.
 3 CHAIRMAN AIZENSTAT: Thank you.
 4 MS. GARCIA: Jennifer Garcia, City Planner.
 5 I have a brief -- there we go. There it is.
 6 So these are making some clarifications to
 7 the appeal process for Board of Architects, as
 8 well as adding in some new ideas, as far as the
 9 Special Masters.
 10 So if you go to Page 3 of your Staff
 11 report, there are changes there, in
 12 strikethroughs and underline. The main -- I
 13 think the main thing is that -- well, two
 14 things, once -- okay. So let me go walk
 15 through the chart.
 16 So Board of Architects approval or denial,
 17 right, they make a decision. If someone
 18 appeals that decision, then it goes to the
 19 conflict resolution, which is a kind of an
 20 interior inside meeting with the City Architect
 21 and the applicant. From that, comes the
 22 settlement. And then it goes to the Special
 23 Master for a quasi-judicial hearing.
 24 At that point, what's being proposed is, if
 25 it's a single-family residential project, it

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1 will be heard by one Special Master. However,
 2 in all other projects, like the large
 3 multi-family, mixed-use projects, it will be
 4 reviewed by three Special Masters.
 5 The intent is that one person is not making
 6 a determination of appealing the Board of
 7 Architects, it would actually be three people
 8 for a discussion.
 9 CHAIRMAN AIZENSTAT: So majority?
 10 MS. GARCIA: Right. Exactly.
 11 The other clarification is that, if there
 12 are any changes during conflict resolution or
 13 during the Special Master process, that it go
 14 back to the Board of Architects, if the City
 15 Architect determines that it's substantially
 16 changed.
 17 MR. BEHAR: And, Jennifer, quick question,
 18 those three Special Masters --
 19 MS. GARCIA: Uh-huh.
 20 MR. BEHAR: Who are those -- you know, are
 21 those Board of Architects?
 22 MS. GARCIA: No.
 23 MR. BEHAR: They're independent?
 24 MS. GARCIA: Right.
 25 MR. PARDO: Elected by whom?

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1 MS. GARCIA: By the City Architect.
 2 CHAIRMAN AIZENSTAT: By the City Architect?
 3 MS. GARCIA: Yes. I think they submit it
 4 to the City Manager and they select the Special
 5 Master.
 6 MR. PARDO: I have a real problem with this
 7 change of process.
 8 MR. SALMAN: I have a terrible problem.
 9 MR. PARDO: I think it's a terrible idea.
 10 I think we're diluting what the Board of
 11 Architects does. If there's an aggrieved party
 12 now, they go straight to the Commission.
 13 MS. GARCIA: No. Right now they go to a
 14 Special Master.
 15 MR. PARDO: It was like that.
 16 MR. BEHAR: No, a Special Master.
 17 MR. PARDO: Well, there's a Special Master
 18 now, but before that --
 19 CHAIRMAN AIZENSTAT: Felix, pardon me, but
 20 what they're saying is, instead of having just
 21 one Special Master, to have three Special
 22 Masters, so there's a majority rule, for larger
 23 projects.
 24 MR. BEHAR: The problem I have is, who
 25 selects those three Special Masters?

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1 MR. PARDO: That's why I asked the
 2 question. I have a real problem with that.
 3 CHAIRMAN AIZENSTAT: Who do you think
 4 should select it?
 5 MR. PARDO: I don't think the City Manager
 6 or anyone like that is qualified, because
 7 they're not architects.
 8 MR. SALMAN: Jennifer, I think it would
 9 help -- through the Chair.
 10 Jennifer, I think it would help us if you
 11 walked us through a scenario, where -- let's
 12 say an architect goes and presents before Board
 13 of Architects. I'll present the scenario and
 14 you correct me as I go along. And let's say
 15 you have your select three architects that are
 16 reviewing your project, and they hate it. They
 17 think that this is not going to be acceptable.
 18 You have the right to ask for a full board
 19 review at that point; is that correct?
 20 MR. BEHAR: No. No. On major projects,
 21 you have to go before the full Board.
 22 MR. PARDO: Correct.
 23 MR. BEHAR: And, then, if you get denied,
 24 okay, you appeal it to the Special Master, one
 25 person.

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1 CHAIRMAN AIZENSTAT: Which would now be
 2 three people, to make a determination by
 3 majority.
 4 MR. BEHAR: Right. Up to now, the one that
 5 I've been aware of is Mitch Alvarez --
 6 MS. GARCIA: Yeah.
 7 MR. BEHAR: -- who has been the Special
 8 Master.
 9 CHAIRMAN AIZENSTAT: Who appoints him? How
 10 does he become Special Master?
 11 MR. BEHAR: He was appointed, I believe, by
 12 the City Manager.
 13 MS. GARCIA: Right, with recommendations
 14 from the City Architect.
 15 MR. BEHAR: Okay. Now it will be Special
 16 Masters to review major projects. The question
 17 is, who approved those three members?
 18 MS. GARCIA: The same process,
 19 recommendation from the City Architect, to be
 20 approved by the City Manager, because the City
 21 Manager, in essence, is really the one that's
 22 organizing and appointing these Board of
 23 Architects.
 24 CHAIRMAN AIZENSTAT: It's really the same
 25 process, except there's three people instead of

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1 one. If you're okay right now with one person
 2 being appointed, which is by the City Manager,
 3 why do you have a problem with more eyes -- I'm
 4 just --
 5 MR. BEHAR: You're right. Now, you have to
 6 get unanimous approval from the three or is it
 7 a majority?
 8 MS. GARCIA: Majority.
 9 CHAIRMAN AIZENSTAT: Two out of three.
 10 MS. GARCIA: Right.
 11 MR. PARDO: And the other thing is that --
 12 MR. COLLIER: Could you speak into the mike,
 13 because it's really hard to hear you? Sorry.
 14 MR. PARDO: One of the previous
 15 applicants -- one of the previous applicants
 16 tonight mentioned Robert Wade. Robert Wade was
 17 legendary, and he was the architect for that
 18 particular homeowners' association, but Dick
 19 Schuster was the architect for many years for
 20 Gables Estates, et cetera, et cetera, et
 21 cetera. So the qualifications of those people,
 22 and Mitch Alvarez, is very, very different than
 23 someone else.
 24 I really believe that this is going to go
 25 down the path of watering down what the Board

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1 of Architects and what a full Board of
2 Architects does. I think it's a huge mistake.
3 I'm voting against it, under every condition
4 you can think of.

5 MR. BEHAR: Felix, what it is, is the Board
6 of Architects still has the same control as
7 they do today. The difference here is that,
8 when it's appealed, on a major project, three
9 people would look at the appeal, not one
10 person.

11 CHAIRMAN AIZENSTAT: That's the only
12 difference.

13 MR. PARDO: I understand that, but I have
14 an issue, because the selection process is not
15 coming from the Board of Architects. The
16 selection process is coming from someone else.

17 MR. BEHAR: But if the City Architect
18 recommends to the City Manager who is going to
19 be in that special --

20 MR. PARDO: Again, the people that are left
21 out is the Board of Architects.

22 CHAIRMAN AIZENSTAT: But the person -- but,
23 Felix, the person that is the one that you
24 like, that is very good, he's going to be part
25 of those -- he'll be the one person out of the

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1 not the -- I thought there was a situation
2 where some neighbor objected and that went on
3 appeal. Do you recall that?

4 MS. GARCIA: I think the most recent one, I
5 don't think they went through the appeal
6 process. I think they withdrew their appeal.

7 MR. BEHAR: The most recent is the Merrick
8 Park project.

9 MR. GARCIA: (Unintelligible) Yes.

10 MR. WITHERS: Let me ask you this, is there
11 a conflict if the City appeals the project and
12 the person that they've appointed is the one
13 ruling as the Special Master?

14 MR. COLLER: I'm not sure I understand.
15 Where would the City appeal?

16 MR. WITHERS: If the City -- if the City
17 protests a decision from the Board of
18 Architects, the City Commission --

19 MR. COLLER: The City Commission
20 wouldn't --

21 MR. WITHERS: Does the City have the right
22 to appeal a decision of the Board of
23 Architects?

24 MS. GARCIA: The City, like the Commission,
25 as a whole?

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1 other two.

2 MR. COLLER: On behalf of the court
3 reporter, I request that all persons, not
4 singling out anybody in particular, speak
5 through the microphone. Thanks. Sorry.

6 MR. PARDO: Sorry.

7 Just for the record, I just think that, in
8 the future, we will regret this and I cannot
9 vote for it under any circumstances.

10 CHAIRMAN AIZENSTAT: Okay.

11 MR. SALMAN: Jennifer -- through the Chair.

12 CHAIRMAN AIZENSTAT: Yes, sir.

13 MR. SALMAN: How many times do we have to
14 deal with this?

15 MS. GARCIA: What?

16 MR. SALMAN: How many times has this
17 actually occurred, that we have a Board of
18 Architects that disapproves a project, that has
19 to go to a Special Master for review?

20 MS. GARCIA: Most recently, a lot, but how
21 many actually are a large project, that are not
22 single-family, in the last year, I can only
23 think of one.

24 MR. COLLER: And has there been occasions,
25 though, where an individual has objected and

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1 MR. WITHERS: The City. I mean, the City
2 has appealed --

3 MR. COLLER: Let's say the City Architect.
4 I think your hypothetical is, for some reason
5 or another, the Board of Architects does
6 something that the City Architect finds
7 objectionable?

8 MR. BEHAR: I think you're saying the City
9 Commission.

10 MR. WITHERS: City Commission.

11 MR. BEHAR: If the Board of Architects
12 approves something and the City Commission does
13 not agree with that approval, can they appeal
14 it?

15 MR. COLLER: Well, typically, it's not
16 really an appeal. It doesn't -- as I
17 understand it, an item that's a large project,
18 where the Board of Architects approves it, it
19 ultimately goes to the Commission for approval.
20 So, at that point, I presume that the
21 Commission is going to weigh in on how it feels
22 about the project.

23 MR. WITHERS: That's way downstream,
24 though, right? I mean, the City Commission has
25 appealed Historic Preservation decisions.

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1 MS. GARCIA: Because they were considering
2 it.

3 MR. WITHERS: I'm just asking. I don't
4 know. I'm just trying to think of the
5 conflicts that might be, and I don't know if a
6 three-two vote is better than a one-zero vote
7 as far as -- I mean, three votes better than
8 one vote, if it came to the situation.

9 MR. PARDO: Depends on who it is, you know,
10 and who selects them. I feel, again, still as
11 uncomfortable as I always have. I've seen this
12 go really, really, really wrong, and that's
13 where people scratch their heads and say, who
14 the heck approved that, and if you start to --
15 if you facilitate the Special Master,
16 eventually you will be dealing with the Special
17 Master or just those three -- not even a full
18 board. I have a problem with that.

19 CHAIRMAN AIZENSTAT: We've got six minutes
20 before we're supposed to finish. So do we
21 extend time?

22 MR. BEHAR: No.

23 MR. WITHERS: Call the question.

24 CHAIRMAN AIZENSTAT: If we don't extend
25 time, is there a motion?

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1 they're clarifying that, that we're requiring
2 that additional process in appeal. Right now,
3 it says, "May." So we're trying to clarify
4 that. That's one of the changes, right.

5 MR. COLLER: I think there are some
6 technical changes that are being made in the
7 process.

8 MS. GARCIA: Right.

9 MR. COLLER: I think you could approve it,
10 except for -- one possible motion is approval
11 with the exception of expanding the three
12 Special Masters.

13 MR. WITHERS: I'm just curious to know why
14 they're changing it. Is there a problem why
15 someone just said, let's have three, instead of
16 one? Is that why they changed it?

17 MS. GARCIA: Yeah. There is some concern
18 that just one person is voting on a substantial
19 project.

20 The other issue is that if there is changes
21 throughout the process of the conflict
22 resolution, as it goes to the Special Master,
23 there's no requirement for it to go back to the
24 Board of Architects and they want to see what
25 the final, you know, decision is.

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1 MR. PARDO: I make a motion to deny.

2 MR. WITHERS: I second it.

3 CHAIRMAN AIZENSTAT: We have a motion to
4 deny. We have a second to deny.

5 MR. WITHERS: So we can vote on it.

6 CHAIRMAN AIZENSTAT: Any friendly
7 amendments to the motion to deny? No? Any
8 discussion?

9 Call the roll, please.

10 THE SECRETARY: Sue Kawalerski?

11 MR. BEHAR: If we deny, we stay with the
12 process the way it is today, only one Special
13 Master?

14 CHAIRMAN AIZENSTAT: As of right now, yes.

15 MR. COLLER: That would be your
16 recommendation to the City Commission.

17 MR. BEHAR: Well, if you deny we're going
18 to keep the process the way it is today.

19 CHAIRMAN AIZENSTAT: It's our
20 recommendation.

21 MR. WITHERS: Is the process broken now?
22 Is that why they're changing it?

23 MS. GARCIA: Well, so right now, the
24 conflict resolution has the word "may" instead
25 of "shall" require an appeal process. So

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1 MR. PARDO: It's funny that you mention
2 that, because if you remember, just a few years
3 ago, one of the large projects on US-1, well,
4 how did they get away with this, how did they
5 get away with that, and all of a sudden, what
6 was built was completely different than what
7 was approved. You know, again somebody was
8 asleep at the wheel. You don't need three
9 masters for that. You just need someone, you
10 know, from the City, to look over the approved
11 plans and make sure it gets built that way.

12 CHAIRMAN AIZENSTAT: We have four minutes.

13 We have a motion. We have a second. So we
14 do have to take a vote.

15 MR. COLLER: So the motion is straight
16 denial?

17 CHAIRMAN AIZENSTAT: It's a straight
18 denial, unless there wants to be a friendly
19 amendment right now.

20 MR. WITHERS: Well, I would like to change
21 my motion, that the technical changes are
22 approved, but the three -- selection of three
23 Special Masters is denied.

24 MS. GARCIA: And what about the last
25 language about, if the design of a project

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1 should substantially change as is approved by
2 the City Architect during the conflict
3 resolution or a Special Master hearing process,
4 the Board of Architects shall be required to
5 review the changes of the design? Do you want
6 to keep, as well, because that, right now, is
7 not in our process?

8 MR. WITHERS: Is that not at the behest of
9 the applicant --

10 MR. SALMAN: Yeah, that's up to the
11 applicant, as to whether or not he wants to
12 make changes and re-submit. I mean, that's
13 what you're saying.

14 MR. WITHERS: It's not an automatic review,
15 is it? I mean, if the applicant wants to move
16 forward, right?

17 MR. SALMAN: Yeah. If he wants to move
18 forward and he wants to submit another project,
19 that's fine. It's up to the applicant.

20 MR. COLLER: So, really, the only thing
21 that you're finding objection to is the
22 expansion to three Special Masters in this
23 proposal?

24 MR. WITHERS: And it's because I don't know
25 why.

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1 resolution, and they go to the Special Master
2 process, at that point, it's just one person.
3 So the concern is, why would that water down to
4 one person deciding the final vote? Why
5 wouldn't you have three, for a majority?

6 MR. WITHERS: Okay.

7 MS. GARCIA: That's the concern.

8 MR. BEHAR: What doesn't make sense to me
9 is, it goes back to the Board of Architects
10 later.

11 MS. GARCIA: If it's substantially changed.

12 MR. BEHAR: If the Special Master approves
13 it, right, the way that -- then it doesn't go
14 back to the Board?

15 MS. GARCIA: No. If it's the same -- yeah,
16 if it's the same project they've already
17 rejected, it doesn't have to go back to the
18 board.

19 MR. PARDO: That's part of the problem.

20 MR. WITHERS: That's what I don't
21 understand.

22 MS. GARCIA: Only if it's been changed
23 substantially, according to the City Architect
24 -- if he finds like it's been substantially
25 changed --

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1 MR. COLLER: No, I'm not -- I'm trying to
2 get the motion because we have four minutes.

3 CHAIRMAN AIZENSTAT: I just want to be
4 clear, unless we extend it, in two minutes,
5 we're finished, no matter where we stand.

6 MR. SALMAN: I would like a motion to
7 extend it five more minutes.

8 CHAIRMAN AIZENSTAT: We have a motion to
9 extend it five more minutes. Everybody in
10 favor, aye.

11 (All Board Members voted aye.)

12 CHAIRMAN AIZENSTAT: Thank you.

13 So let's move --

14 MR. WITHERS: I mean, the explanation given
15 was that some people say that something was
16 done wrong or there's too much power or someone
17 didn't do it the right, but there's really no
18 specific thing you can point to as to why?

19 MS. GARCIA: No. Again, the concern is
20 just that, if the Board of Architects has a
21 full board reviewing a project, and they have,
22 what, seven, nine members, reviewing the
23 project, as it moves through the process to the
24 final -- you know, if they appeal it,
25 obviously, and then go through conflict

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1 MR. BEHAR: Then they have to go back to
2 the board. Otherwise the decision of the
3 Special Master stands.

4 MS. GARCIA: Right.

5 MR. SALMAN: And overrules the Board of
6 Architects.

7 MS. GARCIA: Right.

8 MR. SALMAN: All right. Thank you. That's
9 all I need to know. Thank you.

10 CHAIRMAN AIZENSTAT: Right now, we still
11 have a motion to deny, and a second.

12 MR. COLLER: We really can't hear -- we
13 need to be on the record throughout the
14 conversations.

15 MR. PARDO: I'll accept Chip's friendly
16 amendment.

17 MR. COLLER: So I understand the motion,
18 the motion is to approve, in part. Approve all
19 technical changes, deny that portion of the
20 Ordinance that would expand to three the
21 Special Masters?

22 MR. SALMAN: Correct.

23 MR. BEHAR: Are you sure you want to leave
24 out the three Special Masters?

25 MR. PARDO: Yes.

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1 CHAIRMAN AIZENSTAT: All right. We have a
 2 motion. We have a second. Any other
 3 discussion?
 4 Call the roll, please.
 5 THE SECRETARY: Sue Kawalerski?
 6 MS. KAWALERSKI: Yes.
 7 THE SECRETARY: Felix Pardo?
 8 MR. PARDO: Yes.
 9 THE SECRETARY: Javier Salman?
 10 MR. SALMAN: Honey, can you come please
 11 pick me up?
 12 Yes.
 13 THE SECRETARY: Chip Withers?
 14 MR. WITHERS: Yes.
 15 THE SECRETARY: Robert Behar?
 16 MR. BEHAR: No.
 17 THE SECRETARY: Eibi Aizenstat?
 18 CHAIRMAN AIZENSTAT: No. I like the three
 19 Masters. I thought that was a good idea.
 20 MR. COLLER: So it's passed on a four-two
 21 vote, correct?
 22 THE SECRETARY: Yes.
 23 MR. COLLER: I believe a motion to adjourn
 24 is in order.
 25 CHAIRMAN AIZENSTAT: Is there a motion to

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1 adjourn?
 2 MR. SALMAN: So moved.
 3 MR. COLLER: Is there something else that I
 4 missed?
 5 MR. SALMAN: We need a second.
 6 MR. BEHAR: Second.
 7 THE SECRETARY: No. The next Planning and
 8 Zoning Board Meeting is Tuesday, February 20th.
 9 That's all.
 10 CHAIRMAN AIZENSTAT: That's what's in the
 11 e-mails that you sent?
 12 THE SECRETARY: That's correct.
 13 CHAIRMAN AIZENSTAT: Thank you.
 14 MR. WITHERS: And what is it, February
 15 20th?
 16 THE SECRETARY: Correct.
 17 CHAIRMAN AIZENSTAT: Thank. So we have a
 18 motion to adjourn. Everybody say aye.
 19 (Board Members voted aye.)
 20 (Thereupon, the meeting was adjourned at 9:15
 21 p.m.)
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C E R T I F I C A T E

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 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8

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

DATED this 22nd day of January, 2024.

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

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