

1 MR. PARDO: Can you rephrase it, because I
2 didn't understand?
3 CHAIRMAN AIZENSTAT: No, let's read what
4 exactly I said. I said that we must --
5 MR. COLLER: I'll make this easy, for
6 having --
7 CHAIRMAN AIZENSTAT: Go ahead, Craig.
8 MR. COLLER: You have to base your decision
9 on substantial competent evidence. Certain
10 evidence can be lay testimony and certain
11 evidence may require experts, sometimes, and in
12 the case law, sometimes traffic requires an
13 expert testimony. Compatibility, in the
14 courts, does not have to be expert testimony.
15 It can be certainly be lay testimony.
16 MR. PARDO: That's what I --
17 CHAIRMAN AIZENSTAT: But we are a
18 quasi-judicial board.
19 MR. PARDO: No, I understand.
20 MR. COLLER: So you consider all of the
21 evidence that is substantial, competent.
22 MR. PARDO: Right. I just wanted to make
23 sure that there's no doubt in anyone's mind
24 that the neighbors are testifying --
25 CHAIRMAN AIZENSTAT: Oh, they're important

1 with what they're testifying, but the expert
2 that they have, on the traffic, to me, I'm not
3 satisfied with the answer.
4 MR. PARDO: Okay. Well, that's fine. But
5 what I'm -- just to make sure I get this right,
6 the testimony from those neighbors, based on
7 their observations, based on their quality of
8 life, can carry weight with this Board.
9 MR. COLLER: That's correct. The line has
10 to be drawn, when you're looking at a project
11 and somebody say, "Well, this is going to be a
12 lot of traffic," if the testimony is, "I'm
13 sitting at my intersection right now and I
14 can't get out of my house," that is observation
15 testimony. That's a different kind of
16 testimony. So I think we're both saying the
17 same thing.
18 MR. PARDO: And Mr. Chairman, what I was
19 doing is not trying to insult you. What I was
20 trying to do is clarify exactly -- what I've
21 done my entire life, sitting on this Board
22 before, chairing this Board before, and other
23 quasi-judicial boards, because, if not, you
24 know, we just don't have to have neighbors come
25 here. They should just go straight to the

1 Commission, because we only recommend. The
2 Commission actually approves.
3 CHAIRMAN AIZENSTAT: Correct.
4 MR. COLLER: That's correct, but -- we
5 recommend, but it is a quasi-judicial board,
6 under our Code.
7 (Simultaneous speaking.)
8 MR. COLLER: And those witnesses can
9 provide substantial, competent evidence, as
10 well as the experts.
11 MR. PARDO: Okay. Thank you for the
12 clarity.
13 MR. COLLER: Sure.
14 CHAIRMAN AIZENSTAT: We have a motion. We
15 have a second. Any other discussion?
16 MR. COLLER: So this is a deferral of E-1
17 through E-6 to no date certain.
18 CHAIRMAN AIZENSTAT: Correct.
19 Call the roll, please.
20 THE SECRETARY: Felix Pardo?
21 MR. PARDO: No.
22 THE SECRETARY: Javier Salman?
23 MR. SALMAN: Out of reasonableness, yes.
24 THE SECRETARY: Chip Withers?
25 MR. WITHERS: Yes.

1 THE SECRETARY: Julio Grabiell?
2 MR. GRABIEL: Yes.
3 THE SECRETARY: Sue Kawalerski?
4 MS. KAWALERSKI: Yes.
5 THE SECRETARY: Eibi Aizenstat?
6 CHAIRMAN AIZENSTAT: Yes.
7 MS. RUSSO: Thank you very much.
8 MR. COLLER: All right. We're not done
9 yet.
10 CHAIRMAN AIZENSTAT: No. No. I realize
11 that.
12 My question to the Board is, we have other
13 items. Do we want to defer the other items or
14 do we want to listen to them and extend?
15 MR. DIAZ: If I may, I have what I hope is
16 a very simple, quick item. There's a City
17 project that is predicated on this closure, so
18 I respectfully ask that you allow me to --
19 CHAIRMAN AIZENSTAT: Is there a motion to
20 extend?
21 MR. WITHERS: Listen to the good man.
22 CHAIRMAN AIZENSTAT: Is there a motion to
23 extend to -- excuse me, until what time?
24 MR. COLLER: I would suggest you make it
25 ten o'clock.

1 CHAIRMAN AIZENSTAT: 9:59, since Javier has
2 an adverse reaction --

3 MR. SALMAN: I have an adverse reaction. I
4 won't be here past ten o'clock.

5 MR. WITHERS: I will move --

6 MR. COLLER: So there's a motion to extend
7 to 9:59.

8 CHAIRMAN AIZENSTAT: There's a motion to
9 9:59?

10 MR. SALMAN: Second.

11 MR. WITHERS: All right. Let's do it.

12 MR. COLLER: We can do a voice vote.

13 (All Board Members voted aye.)

14 MR. DIAZ: Thank you.

15 Okay. Ready, set, go. Can I please have
16 the presentation up?

17 MR. COLLER: Wait a minute. I have to read
18 this first. Which item are we --

19 MR. DIAZ: Biltmore Drive right-of-way
20 vacation.

21 MS. GARCIA: E-7.

22 MR. COLLER: E-7, right? Okay.

23 Item E-7, an Ordinance of the City
24 Commission of Coral Gables, Florida, approving
25 the vacation of a public right-of-way pursuant

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1 to Zoning Code Article 14, "Process," Section
2 14-211, "Abandonment and Vacations" and City
3 Code Chapter 62, Article 8 "Vacation,
4 abandonment and closure of streets, easements
5 and alleys by private owners and the city;
6 application process," providing for the
7 vacation of the seventy foot wide Biltmore
8 Drive between Lots 1 and 2 in Block 25 and Lot
9 1 in Block 27, Riviera Section Part 1 (757 Blue
10 Road), Coral Gables, Florida; providing for a
11 repealer provision, severability clause, and
12 providing for an effective date.

13 Item E-7, public hearing.

14 MR. DIAZ: Thank you for hearing the item.

15 The purpose of this item is, the
16 Biltmore --

17 CHAIRMAN AIZENSTAT: Would you state your
18 name?

19 MR. DIAZ: Oh, I'm sorry. Hermes Diaz. I
20 am the Public Works Director.

21 This was the Biltmore Drive right-of-way
22 vacation. This section of Biltmore Drive,
23 which you can see up on the screen, was created
24 by Riviera Section Part 1 subdivision, in Plat
25 Book 20-31, as recorded in Miami-Dade County

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1 Clerk of the Courts.

2 It was originally intended to cross the
3 Coral Gables waterway, but this connectivity is
4 no longer feasible. In fact, if you see that
5 lot that is called 25A, that is the Coral
6 Gables Waterway.

7 MR. COLLER: I know you need to make the
8 9:59 --

9 MR. DIAZ: I'll be slower.

10 MR. COLLER: -- but be a little slower.

11 Thank you.

12 MR. DIAZ: Absolutely.

13 So, to the left, you see the original plat,
14 as it was intended to be developed. Biltmore
15 Drive was intended to go across the waterway,
16 which is Lot 25A, and to the hundred foot
17 right-of-way that you see right behind it, and
18 to the right, you see an aerial view of what
19 the area actually looks like.

20 The section of Biltmore Drive, between Blue
21 Road and the waterway, was left unimproved. So
22 it's basically an empty lot. So what we want
23 to do is, we want to vacate that right-of-way,
24 which is approximately 14,500 square foot.

25 Now, based on your typical rights of

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1 reversal, this right-of-way will be split in
2 half. The City owns the lot to the left.
3 There's a private property owner who owns the
4 other side. So subject to an execution
5 agreement with the abutting property owner, the
6 City will be taking three-quarters of the
7 vacation, as opposed to half and half. So
8 we'll be taking a little more, and -- for the
9 purpose to have it incorporated into Blue Road
10 Park.

11 The park itself -- the current site is used
12 to provide waterway access for kind of
13 maintenance, and the development of the park
14 will retain that purpose. An initial design
15 meeting was held on October 21st, in accordance
16 with the requirements of a grant, which the
17 City obtained, for the development this
18 project. It's a \$200,000 grant, and there is a
19 requirement that the project gets completed by
20 June of 2025.

21 This is another closeup. This is the
22 boundary -- the approximate boundary of the
23 park. And then you see the empty space in
24 between, which is the right-of-way that is
25 being vacated.

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1 The next thing is just a rendering of what
2 the proposed park -- where the park is being
3 proposed, and that is the end of the
4 presentation.

5 MR. WITHERS: Can you go back up two slides
6 real quick?

7 MR. DIAZ: Sure. Please, pick it up.

8 MR. WITHERS: What is the neighbor getting
9 out of this deal?

10 MR. DIAZ: They get -- so you have a 70
11 foot right of way --

12 MR. SALMAN: He's getting a quarter of the
13 right-of-way.

14 MR. DIAZ: He's getting a quarter of the
15 right-of-way.

16 MR. WITHERS: That's why I'm saying.

17 Maybe the neighbor will help pay for the
18 park. I'm just kidding.

19 MR. DIAZ: The neighbor agreed to, we're
20 getting three-quarters, as opposed to half,
21 which is standard in these cases, and that's,
22 you know --

23 MR. WITHERS: So that's just the protection
24 between the neighbor's house --

25 MR. DIAZ: It creates a buffer between the

1 park and the neighbor, absolutely.

2 MR. WITHERS: But the neighbor can't
3 develop on it or anything like that; is that
4 correct?

5 MR. DIAZ: It is part of property, if they
6 do end up claiming it. So I'm not sure at that
7 point what the setbacks will be --

8 MR. WITHERS: On a park? I don't know.
9 What is our setback on public parks, or the
10 side setback on a public park?

11 MS. GARCIA: Yes, so it will be
12 incorporated as part of their folio, right, the
13 vacated portion, the one-quarter of it, I
14 guess, in this case.

15 MR. WITHERS: I know. What is the setback
16 between a physical building and a public park?

17 MS. GARCIA: There's no specific setback
18 for next to a park. You could have a side
19 setback.

20 MR. SALMAN: It's always a side street.
21 Otherwise, it's treated as a neighbor. So it's
22 the same, you know, ten foot or fifteen foot,
23 whatever it is.

24 MS. GARCIA: Twenty percent of your side
25 area, yeah.

(Simultaneous speaking.)

1 MR. DIAZ: Right, it does, which nobody is
2 paying taxes on it.

3 MR. PARDO: I mean, I think it's
4 reasonable -- I'm sorry, Mr. Chairman.

5 MR. COLLIER: Could you speak into the
6 microphone?

7 MR. PARDO: I think it's reasonable,
8 because it's creating just a little more
9 separation for noise and activity. You know,
10 so it seems to be a fair deal.

11 MR. SALMAN: I have a concern.

12 MR. DIAZ: Sure.

13 MR. SALMAN: Through the Chair. We're not
14 providing any parking on this property, right?

15 MR. DIAZ: No. A neighborhood park.

16 MR. SALMAN: And one of the requirements of
17 the grant is that it provides access to the
18 waterway? Is it physical access to the
19 waterway or is it just visual access?

20 MR. DIAZ: No. No. I don't believe that
21 the grant requires that; however, the park will
22 have some viewing --

23 MR. SALMAN: No, because I see a drive or
24 what appears to be a drive.

1 MR. DIAZ: So that drive is there, because
2 we actually use that ourselves. The Public
3 Works Department has a pontoon and that's what
4 we --

5 MR. SALMAN: You will put, for official use
6 only, it's not for public launching there.

7 MR. DIAZ: No, because that condition
8 exists right now. We need to maintain it,
9 because that's where our pontoon, if we need to
10 bring things in and out of the waterway, we
11 currently use that. So we need to main that.
12 So that's not public use, that's for the City's
13 own --

14 MR. PARDO: And the neighbors are good with
15 the park?

16 MR. DIAZ: The Parks Department has a very
17 robust public engagement, and I've done several
18 public meetings on this matter, and, you know,
19 what you see on the park is what the neighbors
20 have expressed a desire to. And, in fact, the
21 park itself will be built in two phases,
22 because we have this grant and we need to get
23 it done within a certain time period, and we
24 don't have the money to build it all in one
25 shot. So a portion of the park will be done

1 now, and then, at a later year -- the water
2 work will actually be added later.

3 MR. SALMAN: That was my concern. I just
4 wanted to make sure we're not providing
5 parking, because I already see people fishing
6 off the other bridge.

7 MR. DIAZ: That drive is mine.

8 MR. SALMAN: And it's going to be blocked
9 off? I mean, there will be some sort of --

10 MR. DIAZ: It's gated, yes, correct.

11 MR. SALMAN: I just want to go on record.
12 I see what looks like a gate from here, but I
13 don't see that well.

14 MR. DIAZ: Right. You know, unfortunately,
15 I should have chosen a different rendering that
16 shows that area, but, yes, there is a gate on
17 that area.

18 MR. SALMAN: I just wanted to clarify. I'm
19 ready to vote for it.

20 MR. DIAZ: That's correct. Thank you.

21 MR. COLLIER: Mr. Chairman, we need to find
22 out if there's any person wanting to speak on
23 this item.

24 CHAIRMAN AIZENSTAT: Is there anybody to
25 speak on this item?

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1 MS. SECRETARY: No.

2 CHAIRMAN AIZENSTAT: No?

3 THE SECRETARY: No.

4 CHAIRMAN AIZENSTAT: Close the public
5 comment.

6 Any discussion?

7 MR. PARDO: I would like to make a motion.

8 CHAIRMAN AIZENSTAT: Please.

9 MR. PARDO: To go ahead and approve the
10 Staff recommendation for receiving
11 three-quarters of that right-of-way and then
12 one-quarter for the other --

13 CHAIRMAN AIZENSTAT: So we have a motion.

14 MS. KAWALERSKI: I second.

15 MR. COLLIER: That's approval of E-7, in
16 accordance with Department recommendation.

17 MR. PARDO: Yes.

18 CHAIRMAN AIZENSTAT: We have a second.

19 MS. KAWALERSKI: Second.

20 CHAIRMAN AIZENSTAT: Any discussion? Call
21 the roll, please.

22 THE SECRETARY: Javier Salman?

23 MR. SALMAN: Yes.

24 THE SECRETARY: Chip Withers?

25 MR. WITHERS: Yes.

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1 THE SECRETARY: Julio Grabiell?

2 MR. GRABIEL: 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. COLLIER: Mr. Chairman, I don't know
10 what you want to do with E-8. We do have nine
11 minutes left.

12 MR. GRABIEL: And --

13 MR. SALMAN: Do we have new business?

14 MR. PARDO: Well, I would move to it to the
15 next meeting.

16 CHAIRMAN AIZENSTAT: I would agree.

17 MR. COLLIER: Okay. So can we get a motion
18 to defer it to the date certain, then?

19 MR. PARDO: So moved.

20 MR. COLLIER: So what is the date of the
21 next meeting?

22 MS. GARCIA: May 8.

23 MR. COLLIER: It's a motion to defer to May 8th.

24 CHAIRMAN AIZENSTAT: Made by Mr. Pardo. Is
25 there a second?

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1 MR. GRABIEL: I'll second.

2 CHAIRMAN AIZENSTAT: Julio seconds.

3 Any discussion? No?

4 Call the roll, please.

5 THE SECRETARY: Chip Withers?

6 MR. WITHERS: Yes.

7 THE SECRETARY: Julio Grabiell?

8 MR. GRABIEL: Yes.

9 THE SECRETARY: Sue Kawalerski?

10 MS. KAWALERSKI: Yes.

11 THE SECRETARY: Felix Pardo?

12 MR. PARDO: Yes.

13 THE SECRETARY: Javier Salman?

14 MR. SALMAN: Yes.

15 THE SECRETARY: Eibi Aizenstat?

16 CHAIRMAN AIZENSTAT: Yes.

17 Thank you.

18 MR. COLLIER: I did note there was a
19 discussion item. There was a discussion item.
20 I presume -- do we need a formal motion to
21 defer that? No.

22 MS. GARCIA: I don't think so. The
23 discussion item was for your homework, by the
24 way.

25 CHAIRMAN AIZENSTAT: Is there a motion to

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1 adjourn?
 2 MR. SALMAN: So moved.
 3 MR. GRABIEL: Second.
 4 CHAIRMAN AIZENSTAT: All in favor?
 5 (All Board Members voted aye.)
 6 (Thereupon, the meeting was concluded at 9:50
 7 p.m.)
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C E R T I F I C A T E

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 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
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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 19th day of April, 2024.



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