

Exhibit C

CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
WEDNESDAY, AUGUST 8, 2024, COMMENCING AT 6:01 P.M.

EXCERPT

Board Members Present at Commission Chamber:

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

City Staff and Consultants:

Jennifer Garcia, City Planner
Jill Menendez, Administrative Assistant, Board Secretary
Craig Collier, Special Counsel

1 THEREUPON:

2 * * * * *

3 MR. COLLIER: Item F-1. All right. Item F-1.

4 An Ordinance of the City Commission of Coral
5 Gables, Florida, providing for text amendments to the
6 City of Coral Gables Official Zoning Code Article 15,
7 "Notices," Section 15-102, "Notice," to require
8 notice to all properties along the Mahi Canal
9 regardless of distance for any new Mixed-use and
10 Multi-family developments on the Mahi Canal,
11 providing for repealer provision, severability
12 clause, codification, and providing for an effective
13 date. Item F-1 Public Hearing.

14 CHAIRMAN AIZENSTAT: Thank you.

15 MS. GARCIA: Jennifer Garcia, Planning Official.
16 So this little item, one sentence, a long sentence at
17 the end of our notice requirement.

18 So I have one slide to show where Mahi Canal is.
19 It's in between US 1 and the Coral Gables Canal Way.
20 It's the only canal way that has mixed-use and
21 multi-family -- multi-family uses on it.

22 This request came from the Waterways Advisory
23 Board to request that the entire canal have mail
24 notice, like everybody else, within a thousand or
25 1500 feet depending on the request; that they would

1 receive a mail notice and be involved in the process.
2 That's it.

3 CHAIRPERSON AIZENSTAT: Okay. Do we have any
4 speakers for this item?

5 THE SECRETARY: No, we don't.

6 CHAIRPERSON AIZENSTAT: In any of the platforms?

7 THE SECRETARY: No.

8 CHAIRPERSON AIZENSTAT: Let's go ahead and close
9 it to -- to speakers.

10 Does anybody --

11 MR. BEHAR: I have a question. What is the
12 distances from the properties to the end?

13 MS. GARCIA: It's 1000 feet for a site plan
14 approval, but it's 1500 feet if you're changing the
15 land use and zoning.

16 MR. BEHAR: And what is the distance between the
17 Mahi Canal at US 1 to the end?

18 CHAIRPERSON AIZENSTAT: To the end.

19 MS. GARCIA: To the end? It's a little over 6000
20 feet.

21 MR. BEHAR: 6000 feet?

22 MS. GARCIA: Yes. Linear feet. Yes.

23 CHAIRPERSON AIZENSTAT: So just explain one thing
24 to me. If something happens in any of those projects
25 --

1 MS. GARCIA: No. Only from mixed-use and
2 multi-family projects.

3 CHAIRPERSON AIZENSTAT: So if something happens
4 on US 1 --

5 MS. GARCIA: Um-hmm.

6 CHAIRPERSON AIZENSTAT: The person that lives
7 6000 feet away has to get notified?

8 MS. GARCIA: Correct. That way it's prepared
9 today, yes.

10 CHAIRPERSON AIZENSTAT: Everything's that's in
11 the red?

12 MS. GARCIA: Right.

13 CHAIRPERSON AIZENSTAT: And what's the purpose of
14 it? I'm just curious.

15 MR. COLLER: Can I just ask a question?

16 MS. GARCIA: Um-hmm.

17 MR. COLLER: It would have to be US 1 or if it's
18 adjacent to the Mahi Canal --

19 MR. BEHAR: Well, if it's adjacent to the Mahi
20 Canal it falls --

21 CHAIRPERSON AIZENSTAT: Except for the US 1 --

22 MR. BEHAR: It's a mixed-use project and it's
23 only --

24 CHAIRPERSON AIZENSTAT: Except for the US 1 --

25 MS. GARCIA: Right.

1 MS. KAWALERSKI: And on Caballero and South
2 Alhambra.

3 CHAIRPERSON AIZENSTAT: Where?

4 MS. KAWALERSKI: On South Alhambra and
5 Caballero.

6 CHAIRPERSON AIZENSTAT: South --

7 MS. KAWALERSKI: On US 1, South Alhambra, and
8 Caballero. That's mixed-use.

9 MS. GARCIA: Yeah.

10 CHAIRPERSON AIZENSTAT: Where the pink is.

11 MS. GARCIA: Right. Where it's on right now --

12 MR. COLLIER: Yeah.

13 MS. KAWALERSKI: So it's not just US 1.

14 CHAIRPERSON AIZENSTAT: Right.

15 MR. BEHAR: Well, okay -- right. Abutting on
16 Caballero. Essentially, it's where Paseo de Rivera
17 is all the -- you know --

18 MS. KAWALERSKI: Right, and it extends twice as
19 far on South Alhambra.

20 MR. BEHAR: All the way --

21 MR. COLLIER: I still don't -- can I ask a
22 question? It requires to be that the -- are the pink
23 areas adjacent to the Mahi Canal?

24 MS. GARCIA: Yes. Yes, they are.

25 MR. COLLIER: They are?

1 MS. GARCIA: They're abutting, yes.

2 MR. COLLER: Oh, okay.

3 CHAIRPERSON AIZENSTAT: Only the -- only those
4 two pink areas. Not any other pink area. Only if it
5 falls within the canal.

6 MR. COLLER: Oh.

7 MS. GARCIA: Correct. Yes.

8 MR. COLLER: I just want to clarify.

9 MS. KAWALERSKI: Right. Properties adjacent to
10 the canal. Correct?

11 MS. GARCIA: Right. Abutting, yes.

12 CHAIRPERSON AIZENSTAT: And I just need to ask,
13 and maybe -- what's -- what's the purpose to notify
14 the person on the canal at the other end? I
15 understand it's residential and if there's a project
16 then they want to come before the Board to the extent
17 there's -- advertise. But what's the purpose to
18 notify the person on the very end of the canal
19 that is on Granada?

20 MS. GARCIA: So, again, I'm taking this request
21 from the Commission who heard it from the Waterways
22 Advisory Board. The main concern is that it's a
23 limited amount of canal.

24 CHAIRPERSON AIZENSTAT: Okay.

25 MS. GARCIA: It's the only canal that has

1 commercial uses on it and they feel that during
2 construction or during commercial uses that they
3 could potentially impact the canal and everyone on
4 the canal wants to be notified of any changes that
5 might trigger any impacts.

6 MS. KAWALERSKI: Plus, I believe, you know,
7 there's -- that's people's backyards. Right now
8 there's a lot of boat traffic as it is there. Okay?
9 And I think the neighbors are concerned that there's
10 going to be a marina at the end, which will increase
11 the boat traffic in their backyards. Right?

12 MR. BEHAR: But the marina is there now.

13 MS. KAWALERSKI: Right, but --

14 MR. BEHAR: It's currently there.

15 MS. KAWALERSKI: Right.

16 MR. BEHAR: They're not increasing -- nobody's
17 going to be allowed to increase.

18 MS. KAWALERSKI: They -- they feel -- they
19 feel with the commercialization --

20 MR. WITHERS: You don't know --

21 MR. BEHAR: Oh, absolutely, because you don't get
22 in -- in South Florida you don't get, you know, more,
23 you know, usage.

24 MR. WITHERS: Is the marina even legally there
25 now?

1 MS. KAWALERSKI: Right. It's not even legal.
2 It's not a legal marina.

3 MR. BEHAR: No, they have -- they have --

4 CHAIRPERSON AIZENSTAT: You're saying a public
5 marina --

6 MR. BEHAR: There's not a marina. You could dock
7 boats along the seawall, and you're allowed to do
8 that today with like 30-something boats legally.

9 MR. WITHERS: But who -- are those public slips?

10 MR. BEHAR: No, they're private slips.

11 MR. WITHERS: Oh, they're private.

12 MR. BEHAR: I looked at this property twelve,
13 fourteen years ago myself. Okay? Actually, I had
14 it under contract and that property have the right to
15 33 slips along the seawall. Only for them. Not for
16 public use. So those are there today. It's not like
17 they're going to bring in a marina. You're never
18 going to -- I could tell you what I was told by the
19 guy from up in Tallahassee. They -- you know, in
20 your lifetime you've not going to get any more slips
21 what I was looking at before.

22 Here it's the same case. You're never going to
23 gets any more slips allowed there. So whatever is
24 there now, they cannot increase it.

25 MS. KAWALERSKI: But if the -- but if the usage

1 increases because there aren't 30 boats parked back
2 there right now. There's -- in fact, I haven't seen
3 any boats parked back there. But if a development
4 comes in and they all of a sudden start selling those
5 slips to the unit owners there's 30 boats that
6 currently aren't there right now that will be
7 passing in back of everybody's backyard.

8 MR. SALMAN: Isn't that their right?

9 MS. KAWALERSKI: I'm not saying it's their right
10 or it's not their right. I'm saying the -- this
11 motion is for people to be notified of what's
12 happening in the -- what might be happening in their
13 backyard so that they can come for public comment.

14 MR. BEHAR: But 6000 feet away, four times what
15 is the typical protocol in the City?

16 MS. KAWALERSKI: Because this is not a circle.
17 This is -- this is a line. That's where the 6000
18 feet comes. It's not a circle like we normally have.

19 CHAIRPERSON AIZENSTAT: If you do -- if you do a
20 Google map without the curve, what's the distance
21 from the furthest house to the point on US 1?

22 MS. GARCIA: Oh, I measured it. It's 6000 feet.
23 6000 linear feet from US 1.

24 CHAIRPERSON AIZENSTAT: It's 6000 linear feet,
25 not --

1 MS. GARCIA: 6000 linear feet including the curb
2 all the way down to the other canal.

3 MR. WITHERS: That's -- that's not 6000 feet.

4 MS. GARCIA: That's what the Google Earth says.

5 CHAIRPERSON AIZENSTAT: I should point out --

6 MR. WITHERS: You're saying it's 6000 feet from
7 the US 1 to the --

8 CHAIRPERSON AIZENSTAT: To Granada.

9 MS. GARCIA: Moving along the curve, yes.

10 MR. WITHERS: Where Granada intersects the
11 waterway? That's where Granada comes in? That's
12 where Granada ties into that canal. Right?

13 CHAIRPERSON AIZENSTAT: Yes.

14 MR. WITHERS: That's a mile? Over a mile.

15 MS. GARCIA: Little over a mile, yes.

16 MR. WITHERS: I don't know about that.

17 CHAIRPERSON AIZENSTAT: It actually could be.
18 But either way -- those 30 spaces that are there
19 now, if a project goes there, would they not be
20 allowed to have those 30 --

21 MR. BEHAR: Yes.

22 CHAIRPERSON AIZENSTAT: Would they not
23 automatically be allowed those 30 spaces?

24 Mr. Attorney?

25 MR. COLLIER: I don't know. Are they allowed

1 those spaces? Is it a matter of right?

2 MS. GARCIA: I think this one they have permits
3 with the County for those slips. But, again, this is
4 really just for noticing --

5 CHAIRPERSON AIZENSTAT: No, I understand. I'm
6 just trying to understand.

7 MS. KAWALERSKI: I live there. I live there. So
8 the neighbors are very, very concerned about what
9 might be going and they want to be sure they know
10 what's going to be going in. So they want to be
11 noticed so they can attend public meetings, have
12 input.

13 CHAIRPERSON AIZENSTAT: You would think the
14 neighbors that aren't on the waterway would want to
15 know also.

16 MS. KAWALERSKI: Well, the most affected are
17 going to be on the waterway. That's why the Waterway
18 Board say we would like it noticed. I mean we have
19 one Board already that's saying, and it has listened
20 to the residents, and they said let's move forward
21 with this.

22 So I have a motion to approve as -- this item, if
23 there's no other discussion.

24 CHAIRPERSON AIZENSTAT: Before we have a motion,
25 would anybody like to just say anything from the

1 Board without me asking individual people to
2 comment?

3 MR. SALMAN: I'm trying to justify in my -- in my
4 mind what makes this so unique. I mean, you said a
5 thousand or 1500 feet depending on the type of
6 change. Correct?

7 MS. GARCIA: Right.

8 MR. SALMAN: That takes us about a quarter of --
9 about halfway between US 1 and, oh, midway between
10 Granada and US 1.

11 MS. KAWALERSKI: Yeah, but it's not --

12 MR. SALMAN: That's a long way.

13 MS. KAWALERSKI: -- it's not a circle.

14 MR. SALMAN: No, no, but it's a half circle.

15 Let's say it's a U shape. But either --

16 MS. KAWALERSKI: It's not -- don't look at this.

17 Look at what a circle is. 1500 times -- if that is

18 --

19 MR. SALMAN: No, most of the circle is going to
20 be UM and UM's housing so don't --

21 MS. KAWALERSKI: No, I mean UM's not part of the
22 waterway.

23 MR. SALMAN: I'm just talking about normal
24 notification you would have to provide.

25 MS. KAWALERSKI: Yeah, in a circle.

1 MR. SALMAN: In the circle.

2 MS. KAWALERSKI: In a circle.

3 MR. SALMAN: From the -- from US 1, from one of
4 those two sites on US 1, takes you about 1500 feet,
5 takes you about a quarter of a way from that
6 distance. So we're looking at like ten or twelve
7 blocks, plus most of the -- about a quarter of the
8 houses in that section. I'm just trying -- it's not
9 like a remote situation where they're not going to
10 notice.

11 CHAIRPERSON AIZENSTAT: Are we setting a
12 precedent by --

13 MR. SALMAN: And I'm afraid that's what we're
14 going to be doing. I can't see where it's a special
15 condition that requires extra notice. That's what I
16 can't get my head around.

17 MS. KAWALERSKI: Well, I think it's because
18 there's water in back of these properties.

19 MR. SALMAN: Well, there's water behind a lot of
20 properties.

21 CHAIRPERSON AIZENSTAT: Can we just ask the
22 question? I'd like to just a question to counsel.

23 MR. COLLIER: I reviewed an ordinance that was
24 drafted by Staff where I was concerned, we need to
25 explain why this notice is different from all other

1 notices.

2 MS. GARCIA: And while we have canals that run
3 through our City, this is the only canal that has
4 mixed-use or civic and multi-family uses on it that's
5 zoned that. Right? Most other canals have single
6 family. Some have duplex.

7 MR. PARDO: There's one more thing, Mr. Chairman.
8 We have endangered species in that canal.

9 CHAIRPERSON AIZENSTAT: Okay.

10 MR. PARDO: And -- and this -- these -- these
11 people that live there, that have their boats on the
12 back of their canal are impact -- you know, they have
13 a relationship and they have to guard, you know,
14 those resources.

15 In other words, the -- the manatees that live
16 there. And there are very similar situations in the
17 canals in Marco Island where the people that own
18 property have a responsibility.

19 MR. BEHAR: Felix, I -- I'm having the same issue
20 as Javier. What this is, I understand all that.
21 They have the right for those slips today. They're
22 not increasing. Just because they don't have,
23 whatever, 10, 30 boats there now, what is the
24 difference? Why is this so special that it requires
25 all the way to the end that is not anywhere else?

1 MR. PARDO: I just don't see what the harm is
2 in the notification.

3 MS. KAWALERSKI: Right. Not only that.

4 MR. PARDO: It's not the other way around --

5 MS. KAWALERSKI: And it's not only 30 boat slips.
6 It's boat traffic increased in general. Boat traffic
7 is going to increase in general. Not just slipped
8 boats, but boat traffic in general. If the --

9 MR. PARDO: Is there --

10 CHAIRPERSON AIZENSTAT: Guys, one person only at
11 a time for the court reporter.

12 MR. BEHAR: I have a boat. Am I not allowed to
13 navigate those waters today? Yes.

14 CHAIRPERSON AIZENSTAT: As long as you fit
15 underneath those bridges.

16 MR. BEHAR: Yeah, yeah, yeah. Okay. I'm allowed
17 to navigate those waters.

18 CHAIRPERSON AIZENSTAT: Right.

19 MR. BEHAR: So the argument in increasing in
20 traffic in there to me is not a valid --

21 MS. KAWALERSKI: But this is about noticing so
22 if there is a project that will increase the boat
23 traffic those residents have a right to know how and
24 why the boat traffic is going to be increased and
25 have an opportunity to input on anything that is

1 going in there.

2 MR. PARDO: So, Robert, if they put a use
3 such as a restaurant at the end, and now, you know,
4 you've got a big boat, you can go in there. That's
5 one boat. And now you have personal watercraft.
6 Personal watercraft. Twenty people. They could go
7 up there, they take very little space. They've
8 impacted this completely. It's very unusual because
9 it's a waterway, and it's a waterway that leads to
10 commercial. Then the commercial will attract -- they
11 live off that, will attract uses that are going to
12 increase the intensity.

13 CHAIRPERSON AIZENSTAT: Jennifer, at that
14 project right now can a restaurant open at the very
15 end?

16 MS. GARCIA: Yes.

17 CHAIRPERSON AIZENSTAT: Today?

18 MS. GARCIA: Um-hmm.

19 MR. BEHAR: Yes.

20 CHAIRPERSON AIZENSTAT: Do they have to come
21 before us to open a restaurant there?

22 MS. GARCIA: It depends on the size of it. I
23 mean there's existing building right there, so --

24 CHAIRPERSON AIZENSTAT: Let's say they want to
25 open a Monty's, not that big, 30 seats --

1 MS. GARCIA: Right. There's
2 restaurants there right now. There's a deli that's
3 there right now.

4 MR. SALMAN: There's a sandwich shop there.

5 MS. GARCIA: Yes.

6 MR. SALMAN: I've been there. It's good.

7 CHAIRPERSON AIZENSTAT: But if personal
8 watercraft want to go there now, they can go there
9 now to that sandwich shop.

10 MR. PARDO: Well, let's think of it in a
11 different way. This is one of the most unusual
12 places that there is here in the City. Let's say
13 now, because of the commercial use, Chip over here
14 wants to put up a sightseeing business with shelving.
15 Now you have shelving with pontoon boats.

16 MR. WITHERS: Yeah, I could make a lot of money
17 on renting out boats and --

18 CHAIRPERSON AIZENSTAT: Guys, we've got five
19 minutes.

20 MR. PARDO: Completely different. This is a very
21 unique site and it's going to impact everyone up to
22 that turn where the waterway, the Mahi
23 Waterway, it gets bigger.

24 MR. BEHAR: Look, there's a --

25 MR. SALMAN: On that logic then we'd have to go

1 all the way down to hit the ocean because it's going
2 to impact all the people on the Coral Gables
3 Waterway. Right?

4 MR. PARDO: No, no, I said to the intersection to
5 where the waterway is.

6 MR. SALMAN: No, no, no, but on your logic, how
7 are boats going to get there? They're not going to
8 be dropped by parachute. They're going to go
9 down the Coral Gables Waterway underneath the LeJeune
10 Bridge.

11 MR. BEHAR: All the all the way from the bay.

12 CHAIRPERSON AIZENSTAT: Gentleman, we do have a
13 motion by Sue.

14 MR. WITHERS: I'll second.

15 CHAIRPERSON AIZENSTAT: We have a second.
16 Is there any comment?

17 MR. SALMAN: My comment is that I would be more
18 willing to go up to Malaga.

19 MR. BEHAR: Well, listen, we have a motion.
20 We have a second. Call the roll.

21 CHAIRPERSON AIZENSTAT: We have a motion. We
22 have a second.

23 Any other comment?

24 Call the roll, please.

25 THE SECRETARY: Chip Withers?

1 MR. WITHERS: Yes.

2 THE SECRETARY: Javier Salman.

3 MR. SALMAN: No.

4 THE SECRETARY: Felix Pardo?

5 MR. PARDO: Yes.

6 THE SECRETARY: Sue Kawalerski?

7 MS. KAWALERSKI: Yes.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: No.

10 THE SECRETARY: Eibi Aizenstat?

11 CHAIRPERSON AIZENSTAT: No.

12 MR. COLLER: Okay. So you have the opportunity
13 for a reverse motion. Otherwise it goes without a
14 recommendation. It's a 3-3 vote. If anybody desires
15 to make a reverse motion.

16 CHAIRPERSON AIZENSTAT: To me, I feel all the
17 neighbors are going to show up for the project
18 whether you're on the canal or you're not on the
19 canal. That's why, I just want you to know, that's
20 why I voted that way. I'm afraid of setting a
21 precedent.

22 We've got three minutes before we sunset. Does
23 anybody want to go ahead and make a motion to extend?

24 MS. KAWALERSKI: I don't. I just want to say, we
25 have to be for the residents, and this is one of

1 those that we should be for the residents and notify
2 them as much as possible. It doesn't affect
3 anything, at all, except it does good will for the
4 residents who are going to have to live with
5 increased boat traffic.

6 CHAIRPERSON AIZENSTAT: Anybody want to extend?

7 MR. COLLIER: There's no other motion, so 3-3 is
8 the tie and it goes as no recommendation.

9 MR. BEHAR: Do you want to set something that is
10 less than, you know, like Javier suggests --

11 MR. SALMAN: No.

12 MS. KAWALERSKI: No. I mean I wouldn't, I mean
13 -- and then the other people on the other side --

14 MR. BEHAR: Then it goes to the Commission with
15 no recommendation.

16 Since nothing else, Mr. Chairman, I make a
17 motion to adjourn.

18 MR. WITHERS: I second the motion.

19 CHAIRPERSON AIZENSTAT: Thank you.

20 So adjourned. All in favor say aye.

21 (All Board members voted aye.)

22 (Meeting adjourned at 9:14 p.m.)

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

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

Dated this 21st day of August, 2024.

Janine P. Carroll

JANINE P. CARROLL