

1 developer, right, Jennifer?  
2 MS. GARCIA: Correct. Yes.  
3 MS. SUAREZ: So, you know, I think that  
4 they have to just set a date and a location  
5 that's within proximity of their proposed  
6 project and then they mail out the notice. So,  
7 perhaps, I don't know his particular case, but  
8 perhaps there's a unique situation or some  
9 particularly vocal residents that are not  
10 available, I'm not sure, but it's a matter of  
11 scheduling a date, choosing a date within the  
12 time frames, and providing the mailed notice.  
13 MR. PARDO: Robert, up in that area, a lot  
14 of it is City of Miami.  
15 MR. BEHAR: Well, and that's the other  
16 thing, you've got to notify the City of Miami  
17 and you've got to notify -- not only Coral  
18 Gables, because it says, if you're abutting  
19 another municipality, you have to do that, too.  
20 MS. SUAREZ: I think it's 500 feet.  
21 MR. BEHAR: In my case, yes, you're  
22 absolutely right, we've got to notify the City  
23 of Miami.  
24 CHAIRMAN AIZENSTAT: All right. So would  
25 anybody like to make a motion, on the item

137

1 before us right now, on E-4?  
2 MR. PARDO: I'd like to move it.  
3 MR. WITHERS: Second.  
4 CHAIRMAN AIZENSTAT: We have Felix. We  
5 have Chip on a second. Any comments?  
6 MS. SUAREZ: Just it's a motion to  
7 recommend.  
8 MR. PARDO: Right. Sorry.  
9 CHAIRMAN AIZENSTAT: No comments? Call the  
10 roll, please.  
11 THE SECRETARY: Robert Behar?  
12 MR. BEHAR: No.  
13 THE SECRETARY: Julio Grabiell?  
14 MR. GRABIELL: Yes.  
15 THE SECRETARY: Sue Kawalerski?  
16 MS. KAWALERSKI: Yes.  
17 THE SECRETARY: Felix Pardo?  
18 MR. PARDO: Yes.  
19 THE SECRETARY: Javier Salman?  
20 MR. SALMAN: Yes.  
21 THE SECRETARY: Chip Withers?  
22 MR. WITHERS: Yes.  
23 THE SECRETARY: Bibi Aizenstat?  
24 CHAIRMAN AIZENSTAT: Yes.  
25 MR. WITHERS: Robert.

138

1 CHAIRMAN AIZENSTAT: All right. The last  
2 item on the agenda, Madam City Attorney, E-5.  
3 MS. SUAREZ: So E-5 is an Ordinance of the  
4 City Commission providing for a text amendment  
5 to the City of Coral Gables Official Zoning  
6 Code, amending Section 14-202.6 "Building Site  
7 Determination" to facilitate building site  
8 determination applications; providing for  
9 severability, repealer, codification, and for  
10 an effective date.  
11 MR. WITHERS: Wow. That was like one of  
12 those informercials.  
13 MS. REDILA: Good evening. Arceli Redila,  
14 Zoning Administrator.  
15 The last item for tonight, so the proposed  
16 item before you tonight is regarding a building  
17 site determination, Section 14.202.6 of the  
18 Zoning Code.  
19 So, as you may all know -- can I, please,  
20 have the presentation? Okay.  
21 As you may all know, a building site  
22 determination is required for a single-family  
23 dwelling and duplex building, to go through a  
24 building site determination, that is required  
25 prior to a permit issuance. Now, that is to

139

1 ensure that there is a buildable site.  
2 So the process is that, an applicant will  
3 submit an application for a building site  
4 determination, and then that would be reviewed  
5 by the DRO. In this case, the DRO is me. I am  
6 the one that reviews and processes this  
7 application.  
8 If the DRO determines that the site is  
9 buildable, a letter will be issued to the  
10 applicant, and then they go through the  
11 building permit process. If the DRO denies the  
12 application, because it does not meet those  
13 criteria, the applicant may have the option to  
14 submit for a Conditional Use process, asking  
15 the City Commission eventually. So there's --  
16 so if they move forward with what they are  
17 proposing, they go through the DRC, they go to  
18 the Board of Architects, before you for a  
19 recommendation, and then ultimately to the City  
20 Commission.  
21 Now, with that, when you are recommending  
22 an approval, when you're considering this,  
23 there's criteria, and this criteria, the  
24 application must satisfy three of the four  
25 criteria below, which is that the building

140

1 created would have a street frontage equal or  
2 larger than the majority of the building sites  
3 within a thousand feet radius of the subject  
4 property. Now, the building site separated or  
5 established will not result in any  
6 non-conformities, And the third one is that  
7 there is no restrictive covenants,  
8 encroachments, easements, unity of title and  
9 all of that, and that the building site created  
10 has been owned by the current owner for at  
11 least ten years.

12 Now, what we are proposing here is to  
13 eliminate C, because this is already addressed  
14 in other areas of the code. It's kind of like  
15 redundant. So, with this, to streamline that,  
16 and we recognize that there is that redundancy,  
17 what we are proposing is to eliminate C, and  
18 instead of satisfying three of four, it will  
19 be satisfying two of three.

20 With that, this went to the City Commission  
21 for First Reading, here for you, and going back  
22 to the City Commission. So Staff is hopefully  
23 -- hoping for your recommendation.

24 CHAIRMAN AIZENSTAT: Thank you.

25 MS. REDILA: Any questions?

141

1 as long --

2 MS. REDILA: One year.

3 MR. WITHERS: One year.

4 MS. REDILA: One year.

5 MR. WITHERS: And then after one year --

6 MS. REDILA: After one year -- you have one  
7 year to submit a building permit, essentially.

8 MR. WITHERS: And then that letter is  
9 revoked and they have to start the process all  
10 over again?

11 MS. REDILA: If within one year, they have  
12 to go back to us and we either extend or -- do  
13 an analysis, again, if there's anything that  
14 changes. If there's nothing that changes, then  
15 that letter could be extended or we will issue  
16 another letter.

17 MR. WITHERS: Okay. And so the other  
18 question I have is about an existing structure.  
19 That would be a fence, a tennis court, septic  
20 tank, a wall.

21 MS. SUAREZ: Or even part of the main  
22 structure.

23 MR. WITHERS: Or even part of the existing  
24 structure. It could be any driveway.

25 MS. REDILA: Yes, all of those is

143

1 CHAIRMAN AIZENSTAT: Jill, do we have  
2 anybody --

3 THE SECRETARY: No.

4 CHAIRMAN AIZENSTAT: -- in any of the  
5 platforms? No?

6 Let's go ahead and close it for public  
7 comment.

8 Chip.

9 MR. WITHERS: You know, the letter used to  
10 be given by the Building Department, correct?

11 MS. REDILA: Yes. Yes. It still goes  
12 through the Development Services Department.

13 MR. WITHERS: Okay. I'm not sure of the  
14 City's org chart. So is your department inside  
15 the Building Department?

16 MS. REDILA: Yes. Yes. Planning and  
17 Zoning is under Development Services.

18 MR. WITHERS: And you report to?

19 MS. REDILA: To Development Services.

20 MR. WITHERS: Okay. Okay. And so let me  
21 get this straight, so if I own a piece of  
22 property and I want to -- and I get a building  
23 site determination letter, because I want to  
24 build on it, I would write you a letter and you  
25 would say -- is that letter good for how long,

142

1 considered, but typically this building site  
2 determination process only happens when the  
3 site is more than one lot.

4 MR. WITHERS: Right, where it's tied  
5 together and they want them separated.

6 And then the last question I have is the  
7 requirement about properties within a thousand  
8 feet. If the property is smaller, say it's 49  
9 feet, instead of 50 feet --

10 MS. REDILA: The minimum street frontage is  
11 50 feet. They need to meet it.

12 MR. WITHERS: Okay. Let's say it comes up  
13 at 49 feet. Is there an appeal process to --

14 MS. REDILA: They would have to analyze all  
15 of the properties within a thousand feet.  
16 Typically they would give us a table, of all of  
17 the streets -- all of the houses in that  
18 street, in that block, within a thousand feet,  
19 and then we will average it up. Typically all  
20 of the sites should meet the minimum lot, which  
21 is 50 by 100.

22 MR. WITHERS: Okay. I'm good. Thanks.

23 CHAIRMAN AIZENSTAT: You know, for me,  
24 Chip, I mean, I am going on what you asked  
25 about encroachments and covenants. I've served

144

1 on the Planning and Zoning Board for many, many  
2 years, long. One of the taboos that I've  
3 always seen is, if you have anything that  
4 crosses the property line, whether it's a wall,  
5 a fence -- I haven't heard of a septic tank --  
6 that's built, you can't undue that covenant.

7 MR. WITHERS: Right.

8 CHAIRMAN AIZENSTAT: And I have seen, as of  
9 late, a lot of covenants being undone, on  
10 people that say, we have four lots or two lots,  
11 and now we want to build two homes. And I've  
12 always been of the position that, if you have  
13 something that crosses that property line, you  
14 shouldn't be able to undue it.

15 So, for me, I have an issue when you're  
16 going to take away -- I understand it's  
17 redundant, but if you're going to go ahead and  
18 strike that out completely -- you know, I'm  
19 just piggybacking on what you said, to me, I  
20 have an issue with that.

21 MS. SUAREZ: Can I perhaps just clarify a  
22 little bit here?

23 CHAIRMAN AIZENSTAT: Yeah, please.

24 MS. SUAREZ: So this isn't -- this doesn't  
25 change the requirements for when it's a

145

1 comes through to the public hearing process  
2 here, and at Commission. And the rationale is  
3 that, a restrictive covenant cannot be released  
4 by Staff anyway, only the City Commission can  
5 release a restrictive covenant.

6 So if the encroachment no longer exists,  
7 right, and it was demolished within the prior  
8 ten years, so it no longer exists, and then  
9 they want to go through this building site  
10 determination process, through the Conditional  
11 use process and go to Commission, they can do  
12 that and they -- because, ultimately, it would  
13 be up to the Commission whether to release that  
14 covenant. They have the authority to release  
15 the covenant.

16 So if the Commission is willing to grant  
17 them that Conditional Use, then they can  
18 necessarily provide for release of the  
19 covenant.

20 CHAIRMAN AIZENSTAT: But if C was still  
21 there, then could they not --

22 MS. SUAREZ: It would be precluded from  
23 even going through the process.

24 MR. WITHERS: They have to go through the  
25 lot split or something like that.

147

1 building site determination that's made by the  
2 DRO.

3 MS. REDILA: Yes. So there are criteria  
4 when I'm analyzing as a DRO, the first step.  
5 There are criteria. So the first is that  
6 there's more than building site. One of those  
7 criteria actually is that there no  
8 encroachments, including fences, walls and  
9 other associated improvements, with the  
10 building site, which typically travels with the  
11 unity of title. Yes, it's already in there.

12 And if there's a unity of title on the  
13 site, then me, as the DRO, would automatically  
14 deny that, and it will go through the motion of  
15 going through for a conditional --

16 MS. SUAREZ: This is just making changes to  
17 the process, that would allow someone to go  
18 through the process, that comes to the Planning  
19 and Zoning Board and the City Commission. This  
20 is not changing the way it's done  
21 administratively by Staff.

22 CHAIRMAN AIZENSTAT: Now I understand.

23 MS. SUAREZ: So this would just allow,  
24 perhaps, additional properties to be able to go  
25 through this Conditional Use process, that

146

1 CHAIRMAN AIZENSTAT: But --

2 MR. WITHERS; How do you deal with the  
3 easement?

4 MS. SUAREZ: I'm sorry. Hold on.

5 MR. WITHERS: I'm sorry.

6 MS. SUAREZ: Whoever wants --

7 CHAIRMAN AIZENSTAT: My question is -- my  
8 concern is, there's been a bunch of properties  
9 that have come before this Board for a lot  
10 split, that, technically, her Department would  
11 have had to say you can't.

12 MS. SUAREZ: Correct.

13 CHAIRMAN AIZENSTAT: But it's come by  
14 through this Board anyways.

15 MS. SUAREZ: And that's still going to  
16 happen. This doesn't change that. This just  
17 allows perhaps additional properties, that  
18 would have been told, you don't meet the  
19 threshold to even go to Commission, to then  
20 come through the process.

21 MR. PARDO: You're talking about the  
22 barbecue instance.

23 CHAIRMAN AIZENSTAT: Yeah. That's one of  
24 the instances.

25 Well, there was one property that we saw

148

1 clearly was stated as two properties, but  
2 there's actual another property which I'm  
3 talking about.

4 MR. BEHAR: We had one recently.

5 MS. REDILA: This is -- since when I first  
6 started in 2017, there were only two building  
7 site determination requests that came before  
8 the Board, which is the Sunset one and then --

9 CHAIRMAN AIZENSTAT: Right.

10 MR. PARDO: Can I ask a question? So was  
11 this brought up by a Commissioner or was this  
12 brought up by an individual? Was this brought  
13 up only by Staff?

14 MS. REDILA: This was as instructed by the  
15 City Commission, and that's why we're bringing  
16 it here.

17 MR. PARDO: But, I mean, is it like a  
18 specific Commissioner or is it the Commission  
19 as a whole, they said, "We want you guys to  
20 take a look at this, Staff"?

21 MS. REDILA: The sponsor of the item -- it  
22 already went for First Reading.

23 MS. SUAREZ: Yes. It was sponsored by  
24 Commissioner Castro.

25 MR. PARDO: Okay.

149

1 just giving an example, you know, as far as,  
2 you know, the bending of certain things,  
3 setbacks and things like that.

4 And one of the things that makes Coral  
5 Gables special is that, when you go before the  
6 Board of Adjustment --

7 CHAIRMAN AIZENSTAT: It's got to be a  
8 hardship.

9 MR. PARDO: -- it has to be a hardship, not  
10 a self imposed hardship.

11 CHAIRMAN AIZENSTAT: Agree. Agree.

12 MR. PARDO: Not many people ever do that,  
13 and that's what makes or supposedly makes us  
14 stricter. But, then, all of a sudden, you get  
15 into PADs and things like that, and, you know,  
16 you could kind of -- you know it as well as  
17 anyone, you could push this or you could push  
18 that, and all of a sudden, it's just different.  
19 And I have a huge concern with the Site  
20 Specific Zoning Regulations, because we have in  
21 our Code, in Appendix A, 57 pages of  
22 restrictions of properties throughout the City,  
23 and I've seen where they've been -- they could  
24 be altered by the Commission and a majority,  
25 but they don't make it to Commission sometimes,

151

1 MS. SUAREZ: But the Commission approved it  
2 on First Reading.

3 MS. REDILA: Yes.

4 MR. PARDO: Me, I'm in full agreement with  
5 the Chairman. I think, you know, redundancy --  
6 in aviation, check, check, double-check, you  
7 miss it, things get clouded, you know, and --  
8 over the years.

9 My biggest concern, and you say, you know,  
10 you've seen this, I've seen them. I've seen  
11 also big public hearings where they've been  
12 denied, where people said, well, you know, I  
13 can easily have two big lots, but, listen,  
14 that's not the way it was.

15 Me, my biggest concern in the preservation  
16 of the City of Coral Gables as we have known it  
17 in the past, is Site Specific Zoning  
18 regulations. They are under constant attack.  
19 And for me, the Board of Adjustment has always  
20 been a very important Board -- which is now  
21 almost shriveled up to nothing, as far as the  
22 cases that go before it.

23 MS. REDILA: The Board of Adjustment does  
24 not review this.

25 MR. PARDO: No. No. I understand. I'm

150

1 and I have a real concern with that, the same  
2 as I have a real concern with this.

3 I am of the opinion that if it ain't broke,  
4 don't fix it.

5 MS. SUAREZ: So this is not Site Specific  
6 Zoning Regulation. This is simply a  
7 modification to the process.

8 MR. PARDO: No, I know it's not a Site  
9 Specific. I'm saying, these are relatively  
10 similar issues and it's the same thing as --  
11 because the stricter -- I think, the stricter  
12 you make certain elements, the more you're  
13 preserving the quality of life of why people  
14 live in this City.

15 MR. BEHAR: But Felix, not necessarily,  
16 because -- and maybe I'm -- if you have one  
17 site that you could say, you know, I could  
18 maybe build a larger home, versus if there's a  
19 determination that you could have two lots, you  
20 could do two smaller homes, which is -- I mean,  
21 the flip side, I don't know if that has to do  
22 with it, because I'd rather, personally, if I  
23 lived in an area, have two smaller homes than  
24 one larger home.

25 MR. PARDO: Well, I'll tell you a story.

152

1 The property next door to my property, we have  
2 a 10,000 square foot double lot, and most of  
3 the houses there are either 100-foot wide,  
4 125-foot wide, some are 75, very few, just the  
5 way the math worked out when they were building  
6 at that time.

7 There was a parcel that had -- there was an  
8 issue, right, about an inch, and there's, you  
9 know, some type of story going back to a card  
10 game. The point was that eventually they got  
11 it cleared, and they put the smaller house,  
12 two-story house. They have no rear yard,  
13 because we're on septic tanks. So they had to  
14 push that -- slam it all of the way to the  
15 back. They're got maybe six, seven feet in the  
16 back, almost unusable. They've got a barbecue  
17 out there. Great people. Great neighbors.  
18 But the problem is, is that then it gets to the  
19 point that you've got two grown up children,  
20 you have two adults, you have four cars. It's  
21 not the same. You alter the compatibility of  
22 the neighborhood. They do have in here, right  
23 now, which has existed forever, about the  
24 percentages of lots and the widths and that  
25 kind of thing.

153

1 Pardon me, but back in the day, we had  
2 people that were extremely qualified and their  
3 first priority was maintaining the consistency  
4 of these neighborhoods throughout the City of  
5 Coral Gables. I have a real issue with that,  
6 because this is like the last place where you  
7 could protect the quality of life of our  
8 residents, where they live, where their largest  
9 investment is, in many cases -- in most cases.  
10 I have a real problem with this.

11 When I saw it, it was, you know -- there's  
12 no reason to change this, to make it more  
13 expeditious to be able to go through a lot  
14 change.

15 MS. SUAREZ: It's not more expeditious.  
16 It's just simply facilitating certain  
17 properties, that otherwise would not be able to  
18 do it. So that it is doing. It is  
19 facilitating it -- or not streamlining,  
20 facilitating for certain properties that would  
21 not currently qualify.

22 MR. PARDO: For me, I'll tell you what  
23 facilitating is for the residents, my neighbor  
24 across the street took three and a half years  
25 to get a building permit for his swimming pool.

155

1 So I'm for looking at this very carefully,  
2 because, you know, they're just taking out  
3 covenants, encroachments, easements and these  
4 words mean something, and you could stretch it  
5 to another place. I know that we're being told  
6 it's in other parts of the Code, but I'd like  
7 to see it on the front -- the first chapter.

8 MS. SUAREZ: So if I can clarify. It's  
9 not -- only the City Commission can release  
10 those covenants. So if this process is -- this  
11 is just addressing the process by which someone  
12 who's making this request can get to the City  
13 Commission. So if the City Commission is  
14 considering it anyway, the City Commission has  
15 the ability to decide whether to release the  
16 covenant, which you would necessarily have to  
17 do if you were to approve this.

18 MR. PARDO: To me, with all due respect, it  
19 just seems like -- you know, when you're  
20 putting yourself in the hands of the  
21 Development Director, which could be an  
22 engineer and not a person that's qualified in  
23 Planning or Zoning, and all of a sudden they're  
24 the ones that can make a determination like  
25 this, I have a real problem with that.

154

1 It took him three and a half years. Robert is  
2 complaining about people, you know, not  
3 returning the thing, because of a process  
4 issue. In this particular case, I just want to  
5 have more protection for the residents. I have  
6 an issue with it. I just don't see the  
7 advantage of anything that we're discussing,  
8 where it's going to protect, you know, that  
9 neighbor from a lot split.

10 And if the Commission wants to split a lot,  
11 they could split a lot anyway.

12 MS. SUAREZ: No, they cannot. There are  
13 some properties that do not qualify with this  
14 requirement. So the Commission doesn't get to  
15 see those. So that's the purpose of this.

16 MR. PARDO: Which one doesn't qualify?

17 MS. SUAREZ: There are certain properties  
18 that would have -- they do not meet three out  
19 of these four criteria.

20 MR. PARDO: Oh, no, that's fine.

21 MS. SUAREZ: So the Commission doesn't get  
22 to decide to do that. They don't get to -- the  
23 applicant doesn't get there. They don't  
24 qualify to even get to Commission. So this  
25 would certainly facilitate additional

156

1 properties being able to go through that  
2 process.

3 MR. PARDO: Okay. I just don't -- I just  
4 don't think it's a good idea. That's all I  
5 have to say.

6 MS. REDILA: I just want to clarify, that  
7 during Staff's review, my review as the DRO, I  
8 also have to check those. I have to consider  
9 it. I have to check if there's any unity of  
10 title, and if there is, then that's one of the  
11 criteria for it to be denied. And then it gets  
12 to the City Commission.

13 MS. KAWALERSKI: Yeah. I personally am for  
14 this, because it does allow more properties to  
15 go through the process. You always have the  
16 Commission as the stopgap, right. So I'm  
17 actually for it.

18 CHAIRMAN AIZENSTAT: Javier.

19 MR. SALMAN: I don't have a problem with  
20 it.

21 CHAIRMAN AIZENSTAT: Okay. Julio.

22 MR. GRABIEL: No problem.

23 MR. SALMAN: Copy cat.

24 CHAIRMAN AIZENSTAT: Anybody that would  
25 like to make a motion.

157

1 the --

2 THE SECRETARY: The motion to denied passed.

3 CHAIRMAN AIZENSTAT: The motion to deny  
4 passed.

5 THE SECRETARY: Yes.

6 CHAIRMAN AIZENSTAT: Would you like to make  
7 a motion to adjourn, Chip?

8 MR. WITHERS: I'll make a motion to adjourn.

9 MR. GRABIEL: Second.

10 MR. SALMAN: If I might, through the Chair,  
11 we're coming to the end of a period where we  
12 all need to do our reporting, our financial  
13 statements --

14 CHAIRMAN AIZENSTAT: July 1. July 1st.

15 MR. SALMAN: We should probably have them  
16 before our next meeting. So I think this would  
17 be a good time just to remind anybody who still  
18 needs to do it, to get it in.

19 CHAIRMAN AIZENSTAT: Electronically.

20 MR. SALMAN: Electronically now.

21 MS. SUAREZ: You all should have received  
22 an e-mail, right?

23 MR. SALMAN: Several.

24 CHAIRMAN AIZENSTAT: Jill is very --

25 MR. BEHAR: Especially if you have

159

1 MR. PARDO: I'll make a motion to deny.

2 CHAIRMAN AIZENSTAT: A motion to deny?

3 Is there a second?

4 MR. WITHERS: I'll second, so we can vote  
5 on it.

6 CHAIRMAN AIZENSTAT: We have a second to  
7 deny. Any comments?

8 Call the roll, please.

9 THE SECRETARY: Julio Grabiell?

10 MR. GRABIEL: No.

11 THE SECRETARY: Sue Kawalerski?

12 MS. KAWALERSKI: No.

13 THE SECRETARY: Felix Pardo?

14 MR. PARDO: Yes.

15 THE SECRETARY: Javier Salman?

16 MR. SALMAN: No.

17 THE SECRETARY: Chip Withers?

18 MR. WITHERS: Yes.

19 THE SECRETARY: Robert Behar?

20 MR. SALMAN: He's confused.

21 MR. BEHAR: Yes.

22 THE SECRETARY: Eibi Aizenstat?

23 CHAIRMAN AIZENSTAT: Yes.

24 MR. WITHERS: I'll move approval of the motion.

25 CHAIRMAN AIZENSTAT: Just to be clear,

158

1 multiple --

2 (Simultaneous speaking.)

3 CHAIRMAN AIZENSTAT: We have a motion and  
4 we have a second. Everybody in favor to  
5 adjourn say aye.

6 (Board Members voted aye.)

7 (Thereupon, the meeting was adjourned at 8:55

8 p.m.)

160