

**City of Coral Gables City Commission**  
**August 25, 2015**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Vice Mayor Frank Quesada**  
**Commissioner Patricia Keon**  
**Commissioner Vince Lago**  
**Commissioner Patricia Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Planning & Zoning Director, Ramon Trias**  
**Principal Planner, Scot Bolyard**

**Public Speaker(s)**

**Mario Garcia-Serra**  
**Marlin Evert**

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[Start:

Mayor Cason: We'll move on now to Item E.-1, which is an ordinance on first reading.

Craig Leen: Yes, sir.

Mayor Cason: City Manager --

Mr. Leen: Let me --

Mayor Cason: -- you want to read that?

Mr. Leen: Yes, I'll read it. One second, sir. Forgive me. Item E.-1 is an ordinance on first reading. It is an ordinance of the City Commission of Coral Gables, Florida, requesting conditional use... for a building site determination, pursuant to Zoning Code Article 3, Development Review, Section 3-206, Building Site Determination, to create two separate single-family building sites on properties zoned single-family residential district; one building site consisting of a portion of lot 1 and all of lot 2; and one building site consisting of a portion of lot 1 and all of lot 23 on the property legally described as lots 1, 2, and 23, block 263, Rivera Section, Part 11. This is also 450 Como Avenue, Coral Gables, Florida; including required conditions; providing for a repealer provision, a severability clause, codification, and providing for an effective date. The Planning Department Board recommended approval; the vote was 4 to 1.

Scot Bolyard: Good morning, Mayor, Vice Mayor, Commissioners, City Manager and City Attorney. For the record, my name is Scot Bolyard, Principal Planner, with the City of Coral Gables. The application before you this morning is for a separation of a building site and conditional use site plan review for the application referred to as 450 Como Avenue, and if you'll please bring up the PowerPoint. The subject property is located southwest of the corner of LeJeune Road and Hardee Road. It's at the intersection of San Vicente Street, Maggiore Street, and Como Avenue. The subject property is bounded to the west by San Vicente Street; to the north by Como Avenue; and to the south by Garlenda Avenue. The property is currently vacant and fronts onto a roundabout. The request is to separate an existing .6 acre building site with 176.75 feet of street frontage on San Vicente Street and the two building sites. The first of which will be a .38 acre site with 150 feet of street frontage proposed on Como Avenue. The second would be a .21 acre site with 55 feet of street frontage proposed on Garlenda Avenue. The existing zoning on the property is single-family residential. The land use classification is residential, single-family, low density. The property survey shown here shows the site as currently vacant with three fully platted lots. The conceptual site plan shows the proposed split of the property. The site plan itself is not tied to the application. Here, you can see some rendering views of the conceptual site plans from San Vicente Street, from Como Avenue, and from Garlenda Avenue. The application went before the DRC, the Development and Review

Committee, in February of this year. The applicant has satisfactorily resolved all comments from that DRC meeting. It went to the Planning & Zoning Board in July where the board recommended approval with conditions. The following public notifications have been completed, solicited input, and provide notice of the application. The applicant held a public information meeting. A courtesy notification was mailed to all property owners within a thousand feet. The property was posted. A legal advertisement was published, and the agendas and staff reports were posted on the City's web page. The existing San Vicente building site has just under 177 feet of frontage on San Vicente Street. The hundred fifty foot frontage on Como Avenue and 55 feet of frontage on Garlenda Avenue, and it has approximate building site depth of 130 feet. The proposed Como Avenue building site would retain approximately 105 feet of the frontage on San Vicente Street. It will retain the entire Como Avenue frontage, and it would have an approximate 100 foot building site depth. The Garlenda Avenue building site would have -- would retain approximately 72 feet of the frontage along San Vicente Street and would retain the entire building to have a new building site frontage and would have an approximate 100 foot building site depth. The existing San Vicente building site has a total site area of just under 26,000 square feet. The Como Avenue site would have 16,712 square feet after the split. The Garlenda Avenue site would retain 9,277 square feet of the original. The maximum permitted FAR (floor area ratio) on the existing building site is 8,947 square feet. It's separated. The proposed Como Avenue building site would be permitted a maximum FAR of 6,164 square feet, and the Garlenda Avenue site would be fronted a maximum FAR of 3,897 square feet.

Vice Mayor Quesada: Just a quick question.

Mr. Bolyard: Yes.

Commissioner Lago: Sorry to interrupt you, but just want to make sure my colleagues understand what we just said right now. In reference to FAR, can you give a little bit of a -- does everybody understand what he's mentioning right now in reference to if we consider and we approve the lot split, what the FAR is currently if the lot stays as is or if the lot split, correct? So you're talking about an additional -- close to 1,000 --

Mr. Bolyard: Just to let you know, staff has a conditional of approval that limits the two building sites to the maximum FAR that will be permitted on the existing building site to 8,947 square feet.

Commissioner Lago: OK. And does the applicant accept that?

Mr. Bolyard: Yes.

Commissioner Lago: OK, I just want to make sure. OK.

Mayor Cason: Why don't you continue? I'm going to ask Mr. Garcia to come up.

Mr. Bolyard: Sure. The maximum building permitted height on the property is two floors, 29 feet. The 25-foot setbacks are required on all street frontages with 10-foot setbacks required along the rear property line. The side interior setbacks would be 10 feet for Como Avenue and five and a half feet for Garlenda Avenue. Zoning Code requires that applications for building site separation must satisfy four of the following six criteria: The first is that exceptional or unusual circumstances exist that are site-specific, such as properties having multiple facings. This site has multiple facings with frontages on San Vicente Street, Como Avenue, and Garlenda Avenue. Therefore, the application satisfies this criterion. The second is that the building sites created would be equal to or larger than the majority of existing building site frontages within a thousand feet. The Como Avenue building site, which would have 150 feet of street frontage on Como Avenue, would be equal to or larger than about 92 percent of the building sites within a thousand feet. The Garlenda Avenue, which has just over 55 feet of street frontage on Garlenda Avenue, would be equal to or larger than about 10 and a half percent of the building sites.

Vice Mayor Quesada: So 55 to 150?

Mr. Bolyard: And also, just to let you know, staff looked at the resulting San Vicente Street frontages and found that the Como Avenue building site, which would have 105 feet of frontage on San Vicente Street, would be larger than about 76 percent with the building sites within a thousand feet, and the Garlenda Avenue building site with a 72 feet of frontage on San Vicente Street would be larger than 22 percent of the building sites within a thousand feet.

Mayor Cason: Which way at the end of all of this did they decide to face the entrances?

Commissioner Lago: Como Avenue and Garlenda Avenue.

Mr. Bolyard: Yeah.

Mayor Cason: ...

Mr. Bolyard: Staff is requesting as a condition of approval that the entrances face San Vicente Street with the driveways facing Como Avenue and Garlenda Avenue.

Mayor Cason: OK.

Commissioner Lago: Yeah, but that -- I guess we'll get to it later.

Mr. Bolyard: Yeah.

Commissioner Lago: I have an issue with that, personally.

Mr. Bolyard: OK. Yeah. The proposed Como Avenue site meets this criterion. However, the Garlenda Avenue site does not. Therefore, the application does not satisfy this criterion. The third criterion is that the application will not result in any existing or previously demolished structures becoming nonconforming. There was a previous residence that was demolished in 2003 that was located approximately in the center of the property as shown here. As a result, the

application does not satisfy this criterion. The fourth: that no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site, including previously demolished structures. There are two restrictive covenants from 2003 and 2008 requiring the lots be held together as one tract, and an additional restrictive covenant that exist as part of a request from 2008 to allow for encroachments, and the previous residence demolished in 2003; altogether result in the application not satisfying this criterion. The fifth is that the proposed building sites maintain and preserves open space, promotes neighborhood compatibility, preserves historic character, maintains property values, and enhances visual attractiveness of the area. The conceptual plan shows that the building sites can be developed in compliance with the Zoning Code. The average lot area for building sites within a thousand feet is 12,894 square feet. The lot area of the proposed building sites are 16,712 square feet for the Como Avenue site and 9,277 square feet for the Garlenda Avenue site. Staff has determined that the application satisfies this criterion. The last is that the building sites created were purchased by the current owner prior to 1977. This property was purchased in 2014. Therefore, the application does not satisfy this criterion. Staff's recommends denial as a request satisfies only two of the six criteria. On July 29, 2015, the Planning & Zoning Board recommended approval, 4 to 1, with the conditions recommended by staff. The board's recommendation for approval includes the determination that application satisfy the following four criteria: criterion one, exceptional circumstances exist; criterion three, the separation will not result in demolished structures becoming nonconforming; criterion four, no restrictive covenants exist ... separation; and criterion five, neighborhood compatibility. Staff's conditions of approval are as follows.

Mr. Leen: Please, may I add one thing there? Just -- I was sitting with the Planning & Zoning Board. Obviously, there are restrictive covenants. That was contingent on the restrictive covenants being released by the City Commission, which I gave the opinion the Commission could do, but it's within your sovereign authority, but that would have to -- those would have to be released. You'd have to find that they're released for that to be met.

Commissioner Keon: Yeah. I -- you know, what I -- I'm sorry. Go ahead and finish.

Mr. Bolyard: I -- almost done.

Commissioner Keon: I'm really ... by the Planning & Zoning Board's recommendation and how they got to where they are.

Mr. Bolyard: That's it. Just about done here. Staff's conditions of approval are as follows. That both building sites shall meet all Zoning Code requirements; no variances shall be requested. The building site shall be deemed to face San Vicente Street; the main entrances shall face San Vicente Street, and the driveway shall have access from Como Avenue and Garlenda Avenue. These conditions are based on the following facts: that most single-family residences with property located on San Vicente Street face San Vicente Street. The original platting of the City has the shortest lot lines along San Vicente Street, which determines the facing of the lots, and building frontages facing distinctive diagonal streets is consistent with George Merrick's plan. Prime examples include Alhambra Circle, Granada Boulevard, and Rivera Drive. Further conditions, a tree disposition plan and landscape plan shall be approved by staff prior to Board of Architects' submittal; a release of their restrictive covenant shall be filed and received prior to Board of Architects' submittal; letters from all affected utility companies shall be obtained, and any requests for easements must be complied with prior to Board of Architects' submittal; the total square footage of both residences shall be equal to or less than 8,947 square feet, which is the maximum resident size if developed as one site; and the last one, that the driveway aprons on Como Avenue and San Vicente Street shall be removed prior to Board of Architects' submittal. This concludes staff's presentation. Thank you.

Mayor Cason: Mario, would you like to make your presentation; then we can have a discussion?

Mario Garcia-Serra: Sure. Good morning, Mr. Mayor, members of the Commission. Mario Garcia-Serra.

Vice Mayor Quesada: I'm sorry to interrupt you, Mario. Just real quick, can someone bring me a copy of the City Code, because I'm trying -- my Internet's not working here -- 3-206(f), the sixth criteria? Just add -- just that one section, the one that has the sixth criteria.

Commissioner Keon: Isn't it in here?

Vice Mayor Quesada: I think it's 3-206(f).

Commissioner Keon: I thought it was in the --

Vice Mayor Quesada: It is, but I --

Commissioner Keon: It's in the packet.

Commissioner Lago: Oh, you don't have it?...

Vice Mayor Quesada: My Internet's not ...I'm in trouble, so I couldn't pull it up.

Commissioner Keon: All right. Was this worth a tree?

Mayor Cason: Go ahead.

Mr. Garcia-Serra: Good morning, Mr. Mayor, Commissioners. Mario Garcia-Serra, with offices at 600 Brickell Avenue. We're representing the Blossom Avenue Development Miami, LLC (Limited Liability Company), the property owner of the property located at 450 Como Avenue, indicated on the aerial photo I have up here, east of San Vicente, South of Como, and north of Garlenda Avenue. It was originally platted as three separate lots, lots 1, 2, and 23, of the Rivera Section, number 11. The first and so far only home to have ever been built on the property was constructed in the 1950s and demolished in 2003. We are now requesting that the site be separated into two building sites. Let me show you exactly how ... building sites will fall. OK,



here we have an overlay of the proposed building sites, as well as the buildings on the survey indicating the platted lot line. As you can see, there are -- here are the three lots that are part of the property, lot 2, lot 1, and lot 23 indicated here by straight lines, and the proposed lot division -- excuse me -- indicated by dotted lines. The proposed building sites separation would keep lot two and most of lot one on the Como Avenue site, and then a bit of lot one, you can see here between the solid line and the dotted line would be part of the lot fronting on Garlenda Avenue. My client, Marco Facchinetti, the principal of Blossom Avenue, is unique in certain ways. Originally from Milan, Italy, he is an architect and urban planner by training and has now become a developer in both Italy and New York City. More so than most developers, he is attuned to the context of a neighborhood and wanting to make sure that what he builds fits into the neighborhood. When we first commenced this process, he considered the possibility of just one home on the site. However, he came to the conclusion that one very large home at the site was out of context. When the application was reviewed by the Development and Review Committee, we were approached by several neighbors who wanted to know more about the project, and that started a process of five separate neighborhood meetings to gather their input on the proposed homes. The majority opinion expressed at these meetings was very instructive for us, and we have followed it by incorporating it into our plans. The three most significant expressions of neighborhood preference were, number one, avoid a McMansion, an oversized home in proportion to the lot. This was important because it reinforced Marco's initial inclination for two homes instead of one big one.

Mayor Cason: Mario, are there McMansions in the area now?

Mr. Garcia-Serra: There was one home that is currently under the construction just across from San Vicente that indeed is of considerable size, and that sort of was -- is what engendered that reaction to the idea of not having one large McMansion here. You have a photo.

Vice Mayor Quesada: You have one just northwest -- I'm looking at Google Maps -- you have one just northwest of the circle on San Vicente, which seems to be about the same lot size.

Mr. Garcia-Serra: Correct. I have a picture of that home, actually, if we can ....

Commissioner Keon: Is that the one under construction?

Mr. Garcia-Serra: -- size.

Vice Mayor Quesada: No, It's completed. ... construction he's mentioning is --

Commissioner Lago: Adjacent.

Vice Mayor Quesada: -- directly across the street.

Mr. Garcia-Serra: Right. That's the one that --

Commissioner Keon: That's the one that's under construction.

Mr. Garcia-Serra: -- came up in discussions.

Commissioner Keon: Right.

Mr. Garcia-Serra: Right.

Commissioner Keon: It's the other one.

Commissioner Lago: Yeah, and what does the residents -- what is the concern in reference to the residents about the size of the home?

Mr. Garcia-Serra: Yeah. About the size of that particular home --

Commissioner Lago: Yeah.

Mr. Garcia-Serra: -- in front of San Vicente?

Commissioner Lago: Yeah.

Mr. Garcia-Serra: Simply, that it's too big and overwhelming is the ....

Commissioner Lago: The aesthetics or is it the fact that expecting too many people to live there, additional traffic?

Mr. Garcia-Serra: ... it's certainly not traffic; aesthetics to a certain extent. I think people won't - they didn't like the look of that home in particular, but I think, more than anything, the sort of size, massing, sort of fortress-like impression that it gives to the neighborhood.

Commissioner Lago: How large is the lot adjacent to this proposed development, the one that's under construction? Do you know?

Mr. Garcia-Serra: How big is the one across the street?

Commissioner Lago: Yes, sir.

Mr. Garcia-Serra: We --

Vice Mayor Quesada: It looks --

Commissioner Keon: It looks like it's about 120.

Vice Mayor Quesada: From Google Maps, it looks just slightly smaller.

Commissioner Keon: Right. Yeah. Could we have the Building Department, you know, talk to us about how that was permitted, Cathy?

Commissioner Lago: Madam City Manager.

Commissioner Keon: Madam City -- yeah.

Mr. Garcia-Serra: Twenty-five thousand square feet.

Commissioner Keon: Can we have someone from the Building Department talk to us when -- after Mr. Serra's done with his presentation? Can he talk to us about that particular building site that's under review now? I mean, that is currently being built. It does look very big, and I -- it's under construction, so it's really hard to tell what it will look like as a finished product.

Ms. Swanson-Rivenbark: We'll get that information.

Commissioner Keon: Thank you.

Ms. Swanson-Rivenbark: ... that's across the street that's under construction? Commissioner wants to know square footage and I guess floor area.

Commissioner Keon: And setbacks and height and everything else.

Mr. Garcia-Serra: You want me to bring out a picture of it?

Commissioner Lago: No, no, because I'm just going to basically dovetail off what the Commissioner's saying. I also want to find out in reference to if you were to do a lot split and if the applicant had not agreed to stay at the maximum if it was one lot in reference to the allowable square footage of the potential home, this home could be an additional 30 percent larger ... 95, 96, 9,700 square feet. I apologize for not knowing off the top of my head.

Commissioner Keon: I think it was 80-some -- 8 --

Mr. Garcia-Serra: The exact number --

Commissioner Lago: Now, if you keep it as one lot, it's 87, right --

Commissioner Keon: Right.

Commissioner Lago: -- hundred? And if you split it as per the Code, it could be up to 9,700?

Commissioner Keon: Right.

Commissioner Lago: Correct.

Commissioner Keon: Right. But it --

Mr. Garcia-Serra: So it's 8,900 under the -- with just one-home scenario. Under the two-home scenario, about 9,500.

Commissioner Lago: So you're talking about an additional close 600, 700 square feet, 8 or 9 percent. To me, I find that also perplexing.

Commissioner Slesnick: But they're not asking for that.

Commissioner Lago: No, I know they're not. I'm just saying I also find that --

Commissioner Keon: No, but I'd like to --

Commissioner Lago: -- I also find -- they're accepting, you know, the permissible square footage as per one lot.

Commissioner Slesnick: Yes.

Commissioner Lago: But if they were to split the lot, they could get an additional 700 square feet. In today's home prices, you know better than anybody else -- What are lots selling for right now? I heard they're in the 500s.

Commissioner Slesnick: Outrageous.

Commissioner Lago: In the \$500 per square foot?

Commissioner Slesnick: No. Constructed maybe, but not --

Commissioner Lago: Yeah, constructed.

Commissioner Slesnick: Yes.

Commissioner Lago: I mean, they're leaving a significant amount of money on the table.

Commissioner Slesnick: Yes.

Commissioner Lago: So to me, I find that very interesting and a little bit -- it's an issue for me, you know, if you split a lot -- I see these larger lots are going to -- more people are going to start coming to us now and saying, "OK, I want to split the lot because I can make even more money."

Commissioner Keon: That's right.

Commissioner Lago: They make even more money. This applicant is different. This applicant is saying, "Listen, I want to split." I have my own issues, and I will discuss them later, but I -- this issue itself, they're trying to do their best to conform to the City. But if they didn't want to conform, they're leaving about 700 square feet on the table, which is a pretty significant sum of money.

Mayor Cason: But their restrictions --

Mr. Garcia-Serra: Correct.

Mayor Cason: -- that they wouldn't be able to do that, right, under this scenario?

MULTIPLE SPEAKERS ...

Mr. Garcia-Serra: ... limitation.

Commissioner Lago: They're accepting that.

Mayor Cason: How much bigger -- if -- as of right, they could build right now on one lot compared to the house that nobody likes that's being constructed.

Commissioner Keon: But I think we really need to --

Commissioner Lago: How much is --

Commissioner Keon: -- look at what the house is under construction --

Commissioner Lago: That's what I want.

Commissioner Keon: -- looks like, how it looks. One, it's under construction; it hasn't been finished, so there are --

Vice Mayor Quesada: I'm not asking ....

Commissioner Keon: The building equipment -- you know, when -- I go by there at least twice a day.

Commissioner Lago: I went by there yesterday.

Commissioner Keon: At least twice a day, I make -- I go -- because I go up San Vicente to go home, so coming and going every day, I go by there. That house does -- that is under construction -- does look very big, but it's also under construction, so there is also construction equipment there. There is -- yeah, and it hasn't been finished yet.

Mayor Cason: But the square footage must be known, whether it's finished or not.

Commissioner Keon: Well -- I also want to know about --

Mayor Cason: My question is, is it going to be --

Commissioner Keon: 6,400.

Mayor Cason: -- is that one bigger than the one -- the neighbors are complaining about this one.

Mr. Garcia-Serra: Yes.

Mayor Cason: Is the maximum that could be built now ....



Mr. Garcia-Serra: That lot is bigger than our lot. I assume that they are taking advantage of that and building an overall bigger home than they could have if we --

Commissioner Keon: Well, it's because the lot was of that size.

Commissioner Slesnick: And the houses are always --

Commissioner Lago: That lot is bigger than the -- than your lot?

Commissioner Keon: Yes.

Mr. Garcia-Serra: That lot is 25,000 --

Commissioner Lago: Twenty-five thousand?

Commissioner Keon: Yeah.

Commissioner Lago: When I look at the --

Vice Mayor Quesada: It looks smaller, right?

Commissioner Lago: When I look at the drawing here -- and I'm looking just to make sure everybody's aware. I'm looking at the site plan. At the proposed site plan for the San Vicente Street development which is T-10.01. I mean, to me it looks like your parcel is significantly larger.

Mr. Garcia-Serra: What's the --

Commissioner Lago: I'm not denying what you're saying. I'm just saying --

Mr. Garcia-Serra: Yeah.

Commissioner Lago: -- maybe ....

Mr. Garcia-Serra: No, you're probably right. You're looking at the plans, so the lot ...

Commissioner Lago: I'm looking at the plans.

Mr. Garcia-Serra: -- ... the lot area there indicated there in total is, if you don't mind?

Commissioner Lago: It doesn't say.

Mr. Garcia-Serra: It should be --

Commissioner Keon: That's why I like -- I'd like Development --

Commissioner Slesnick: We have the owner --

Commissioner Keon: -- Services to be able to tell us

Commissioner Slesnick: -- across the street here.

Commissioner Keon: -- that information, please. Could we -- maybe you could finish your --

Mr. Garcia-Serra: Sure.

Commissioner Slesnick: -- presentation, and then somebody from Development Services could talk to us about the house under construction.

Mr. Bolyard: According to the Miami-Dade County property appraiser's web site, the address for that property across the street is 6400 San Vicente Street, and the lot size is 18,969 square feet.

Commissioner Keon: Yeah. It's not as big.

Mr. Bolyard: ... 19,000.

Commissioner Keon: It's smaller.

Mayor Cason: Continue, Mario.

Mr. Garcia-Serra: OK. The second preference that was expressed by the majority of the neighbors when we were having our meetings was the issue of how the homes were going to face. There is a clear preference among the neighbors to have the homes facing both Como and Garlenda, so the side streets as opposed to San Vicente, because these neighbors didn't want their front yards facing side yards or the rear of these homes facing into their homes. So, again, we complied with those wishes and faced each house; one facing Como, the other one facing Garlenda, the side streets. Lastly, they wanted the homes to be in a style more reminiscent of the Coral Gables styles, opposed to their original design, and we also complied with that. Other points included in the presentation, as part of the discussion, which were important to the neighbors, were preservation of existing specimen size trees and having sufficient area for car parking, both of which we also complied with. My client incorporated each and every one of these points into his proposed project, which is why we have obtained some significant support from the neighbors. However, some of these changes complicated our compliance with Code criteria in a particular staff's interpretation of those criteria. This now takes me to the discussion of the criteria, which staff discussed in their presentation, the sixth criterion and how do we comply with them, so I'll have a brief discussion on that. OK, here are the six criteria in Section 3-206(f) of the Code. Of the six, you have to come comply with four in order to be able to permit a lot separation. On criteria number one, there is no dispute between ourselves and

City staff. They're in agreement that we are in compliance. Number two is the first one where there is disagreement, and I will tell you that this is an issue not only of Code interpretation, but also sort of neighborhood preferences. That second criteria reads as follows: that the building site created will be equal to or larger than the majority of the existing building site frontages of the same zoning designation within a minimum of 1,000-foot radius of the perimeter of the subject property or extending no farther than the immediate vicinity, whichever is less. Let me take out another board to help better explain that. OK, 1,000-foot radius is indicated on these aerial photographs. The interesting thing is is what is important factors to consider. Is it building sight -- size, lot area, or is it length of frontage. Staff looks at that criteria; does the thousand-foot radius, and then measures what the frontages are of each of the properties in there, and then puts them in different percentiles rankings to determine where this property falls in the frontages. I would submit, based on the language of that actual criterion, that the appropriate thing to do is not to look at lot frontages. Frontages is something that does come into consideration as to what properties to count, but that the important thing is size; that the building sites created will be equal to or larger than the majority existing building site frontages of the same zoning designation within a minimum of 1,000-foot radius of the perimeter of the subject property. Again, I think the important thing and the thing that's relevant to neighborhood compatibility and what people want to see is that the home sites created are of a size equivalent to what there is in the majority of the rest of the neighborhood, but staff's analysis looks at the frontages. And I would posit to you that it could be easy to have a frontage that complies perhaps with that interpretation, but that the site's very small. Frontage is not necessarily always an indicator of how big the building site's going to be. If you look at building site size and you see how they rank, you'll see that the site created on Como Avenue is 31 ranked out of 183. The building site on Garlenda is 132 of 183.

Vice Mayor Quesada: Do you think -- do we have an exhibit like that in our --?

Mr. Garcia-Serra: In your staff recommendation?

Vice Mayor Quesada: In our packet? No, we don't have that in our packet.

Mr. Garcia-Serra: I'm not sure.

Vice Mayor Quesada: OK.

Mr. Garcia-Serra: And part of the reason why the Garlenda site is smaller was because when we were talking with the neighbors, and the neighbors told us we want a frontage on the side streets on Garlenda and Como, we ended up doing the sort of jog in this property line here so as to better accommodate a home facing Garlenda and a home facing Como. By doing that jog, we then end up decreasing the size of the avenue site and decreasing the .... You see, on this exhibit board, you see we had a straight line, an original point, and the Garlenda Avenue property is considerably higher up at 93 out of 184. But by doing that jog in order to accommodate fronting the Garlenda frontage, it then dropped the sides of the Garlenda Avenue site. But again, in a situation of what do we do? Do we do -- do we work with the numbers to -- and the lines to try to find a way to, you know, essentially, you know, find a way to comply with our criteria, or do we listen to what the neighbors are telling us? And in that decision and on that issue, we decided to go with what the neighborhood preference was in order to make sure that we were doing something that's going to be welcomed by all of our neighboring residents.

Mayor Cason: Craig, do you have any thoughts on that issue? And do we have any legislative intent when we -- when this was set up to go for frontage versus lot size?

Mr. Leen: Yes. I gave an opinion at the Planning & Zoning Board, that it could be read either way. It's not worded in the best way because -- let me go through the specific wording. That the building's sites could -- created -- so it's referring to the whole site -- would be equal to or larger than the majority of the existing building site frontages. Then it goes to frontage. So it creates a little bit of an ambiguity. Now, normally, in those situations, you would look to past practice. And my understanding, the past practice of the City, what I've been hearing and I've also talked to Development Services staff, has been to look ... building site frontages. That hasn't always been the only role that's been applied. We have looked also at water frontages in a couple

instances. So there has been some flexibility provided to this rule. And I do think that there is an argument in favor of Mr. Garcia-Serra's position. So I do think the Commission has some discretion. But you should know the current practice has been generally, aside from what the water frontage is, that we look at building site frontage.

Vice Mayor Quesada: But a year ago we had a discussion, 6901 Granada.

Commissioner Keon: Yes.

Vice Mayor Quesada: There was water frontage, and I believe at that meeting we had directed staff to amend this provision to discuss frontages and the rear of the home.

Commissioner Keon: It was rear --

Vice Mayor Quesada: Remember, the waterfront frontage --

Commissioner Keon: It was set -- it was the rear property line when it is along a waterway, because --

Vice Mayor Quesada: Didn't we ask --

Commissioner Keon: We did.

Vice Mayor Quesada: -- them to amend this --? That's why I asked ...

Commissioner Keon: No, not related --

Vice Mayor Quesada: ... this ... provision.

Commissioner Keon: -- to this. It was related to those properties along a waterway.

Mayor Cason: A waterway.

Commissioner Keon: Because I think what we were looking at at the time was the consistency of the visual corridor as you go down a street. So it's not only for the sake of the neighbors; it's the sake of, you know -- when we sit and we make those decisions, it's the sake of a neighborhood, it's the sake of a community for a long time, not just for the sake of the people that happen to live in that house at that given moment at that given time. So what we said was because of the vista that is created along a waterway is really an important vista also and an important corridor, that we should consider that as well as the street frontage corridor --

Vice Mayor Quesada: But let's think about this.

Commissioner Keon: -- for that reason.

Vice Mayor Quesada: But let's think about this.

Commissioner Keon: And that was one.

Vice Mayor Quesada: And I recall that now. Thank you for inviting me.

Mayor Cason: And also, you had another discussion --

Commissioner Keon: Could we --

Mayor Cason: -- in terms of the Casuarina (phonetic), I think, the -- that particular --

Vice Mayor Quesada: Oh, yeah, that's right.

Mayor Cason: -- frontage on a --

Mr. Leen: If I could just add something here. You have -- when there's a cul-de-sac, you have given some relaxation of this rule. I recall that. Also, I will look back at the tape whether you directly change to the Zoning Code. I thought that you directed that they look at -- as one of the building frontages, look at the water frontage, because that is a ....

Vice Mayor Quesada: Yes, that's correct.

Commissioner Keon: That's ...

Mr. Leen: -- ... doing that.

Vice Mayor Quesada: That's correct.

Commissioner Keon: Yes, and they're doing that --

Mr. Leen: I think you could do that under the rule.

Commissioner Keon: Right. But the other thing we also -- when we looked at -- I think it was along Mariposa, where we did vote for a lot split, but the condition was that both homes had to face -- I think it was Mariposa. Is that the street?

Unidentified Speaker: Maggiore.

Commissioner Keon: Maggiore, Maggiore, but it was along Maggiore. That they both had to face Maggiore because that was the way that the -- that boulevard or that street was configured and platted under Merrick was so that it's the front of homes that face those major streets.

Commissioner Slesnick: It was the width. ... the biggest width.



Commissioner Keon: Right. And so the -- and so homes faced them, so as you're driving by, you see the fronts of --

Commissioner Lago: ...

Commissioner Keon: -- the homes and boulevards and you don't see side yards.

Commissioner Lago: Side yards. Side yards.

Commissioner Keon: So you see boulevards. So I -- I mean, I -- you know, I don't want to get into that discussion now because we can discuss it later, but I think it's something that we should keep in mind as to, you know, particularly staff's -- you know, the recommendation is that that has to remain --

Vice Mayor Quesada: Focal point.

Commissioner Keon: -- the focal point is San Vicente. It would -- I mean, how many homes along San Vicente don't face onto San Vicente? How many side yards do we view from San Vicente as we drive up San Vicente?

Vice Mayor Quesada: Well, if you look immediately -- you know, it's kind of a -- I'm looking at Google Maps here, just bouncing around. And I'm sorry if I cut you off. I'm sure you have an answer for that. But just tell you from what I'm seeing here, it's -- there's no consistency. ... consistent --

Commissioner Keon: They don't face --

Vice Mayor Quesada: -- inconsistent --

Commissioner Keon: They don't all face --

Vice Mayor Quesada: There are some that face San Vicente. There are some that face Garlenda or Aurelia or Miya (phonetic) or Como.

Commissioner Keon: I think as you drive along --

Vice Mayor Quesada: It's a little back and forth. It's not ... consistent.

Commissioner Keon: Well, I don't have Google Maps in front of me, but I would -- I only know from driving the street that --

Vice Mayor Quesada: On the west -- on the west side of the street it's all consistent San Vicente, but on the east side of the street, it's not.

Commissioner Keon: Well, it's because there is -- what do you call it -- there's the Dutch villages... a long ... Whenever that changes -- sort of that little configuration, so I think you have to take that out of there, but I think everything else faces -- doesn't it? It doesn't all face San Vicente? I mean, it strikes me that I remember it as doing it, but I'm not looking at your map, so.

Vice Mayor Quesada: Again, you're --

Commissioner Keon: I may be wrong.

Vice Mayor Quesada: -- 50 percent correct, because it's both.

Commissioner Lago: For example --

Vice Chair Quesada: ... map.

Commissioner Lago: ... question across the street from this proposed development --

Commissioner Keon: Faces San Vicente.

Commissioner Lago: -- it faces San Vicente, correct?

Mr. Garcia-Serra: It does, yeah.

Commissioner Lago: Because when I look at the -- obviously, the site plan here, it doesn't have a driveway on it for that --

Commissioner Keon: It's on the side street.

Commissioner Lago: -- property.

Mr. Garcia-Serra: Correct.

Commissioner Lago: OK.

Mr. Garcia-Serra: I will continue our discussion of the criteria. Criteria number three is that the building site separated or established will not result in any -- and this is my ... here -- existing structures becoming nonconforming as it relates to setbacks, lot area, lot width, depth, ground coverage, and other applicable provisions of the Zoning Code. My issue here is exactly an underline phrase here: existing structures. Right now the property is vacant. There is no structure on there. The last structure that was on there was demolished in 2003. And staff is basically saying we don't comply with that condition, because if that old house were to still exist, meaning the house that was already demolished -- if it was still existing and we did this lot split, it would become nonconforming because, of course, the new property line would be running through the building. But the issue that I have here, of course, is that this is prospective in nature, this criterion. In other words, that criterion says, if you approve this lot split, make sure that it doesn't make any existing structures nonconforming. That's not the case here because

there is no structure to make nonconforming. Now, staff raises a concern, well, what if now, you know, people go demolishing properties in order to comply with this criterion? But the important thing to note there is that you have another criterion in the administrative determination section of the Code regarding lot splits that talks about any previous structure that may have existed there. If you look at Section 3-206(e), the section right before the one we were talking about, it says building site requirements. Whenever -- wherever there may exist a single-family residence or any lawful accessory structure which was heretofore constructed on property containing one or more platted lots or portions thereof, such lot or lot shall thereafter constitute only one building site and no permit shall be issued for construction of more than one single family. It then has another section that says, if a single-family residence or duplex building is demolished or removed, whether voluntary or involuntary, no permit shall be issued for the construction of more than one building on site. This criteria is the one that looks retrospectively, and it's the one that's in the administrative determination section of building sites separations, which is the one that, by our own admission, we do not comply with, and because we couldn't get this determination administratively is why we're now in the public hearing, conditional use section of the Code talking about building site separations, which is where this criteria comply, and this criteria again are prospective. It's looking to see if there's any existing structure today on site that we will make nonconforming by the separation of these building sites.

Mayor Cason: Craig, do you want to discuss that? We talked about this in the context of Casuarina, if I'm not mistaken, not too long ago. For me, if somebody intends to build a house next year and demolishes it this year, it's obvious that they're trying to get around it, but 12, 13 years ago, probably different owners, different people. I see a difference in that --

Mr. Leen: Yes, Mr. Mayor.

Mayor Cason: -- and I don't know what your opinion is.

Mr. Leen: I gave opinion that's consistent with that. You should look at all the factual circumstances and determine was the voluntary demolition done here in order to obtain a lot split

or to meet a condition of a lot split. If so, you should find that this doesn't exist. But if you don't find that, you can find that this condition exists.

Commissioner Lago: Yeah, but that --

Vice Mayor Quesada: Go ahead.

Commissioner Lago: Go ahead. I know where you're going.

Vice Mayor Quesada: No, no, no, I don't. I'm going somewhere else, so you speak.

Commissioner Lago: We just -- that goes back to what I mentioned before in reference to -- I mean, the proof is there. It's simple. If you have a lot 20,000 square feet, for example, and you split it, you're going to make more money, because the square footage is there. So I kind of have an issue with that --

Mr. Leen: I understand.

Commissioner Lago: -- with the findings. I don't know how my colleagues, if they disagree with me or not, but -- I mean, it's --

Commissioner Keon: Well, I'm sure --

Commissioner Lago: -- the findings are there. You -- ... existing home, you demolish it -- And I know several examples where this is going to be the case in the future.

Mr. Leen: But the purpose of this provision -- at least the way I read it -- is settled expectations. So if you have one house that's been there for 50 years, and then you go and demolish it and then try to put two houses, this condition's not met. If the house has been demolished, I think

Casuarina, for 10 or 15 years, the people are -- have settled expectations that there's just an empty lot. I don't see the --

Vice Mayor Quesada: But then --

Mr. Leen: -- ... in the same way.

Vice Mayor Quesada: That interpretation -- and I'm not saying I'm for or against this project, but that interpretation of this provision of the Code means that no project can ever satisfy. Tell me a situation under your interpretation where it can't satisfy this then.

Mr. Leen: Where it can't?

Vice Mayor Quesada: Where it can.

Mr. Leen: Where it can? Casuarina, I thought, was a good example.

Vice Mayor Quesada: Because it was an empty lot and then --

Mr. Leen: Yes.

Vice Mayor Quesada: -- ... we were going to ...

Mr. Leen: For many years.

Vice Mayor Quesada: And then they're going to put -- well, hold on a second. But you said the expectation was that there was a home there; now there's going to be two homes, so it's different, but the same line of logic would say there's an empty lot and everyone uses that empty lot there, but now you're putting two homes on it.

Mr. Leen: But what I meant was if someone comes into a neighborhood and they're living next to one house and there's an actual house there and the person goes and demolishes to try to build two houses, it doesn't ... that idea of the settled expectation, but you have an empty lot for 10 or 15 years and it's a new owner who did not intend to do that, so it's been sold to a new owner. All I'm saying is, I think you could find that the -- I've given the opinion since I've been here that you can find that the voluntary demolition was not meant to meet this requirement. You don't have to.

Vice Mayor Quesada: When was the... demolished?

Mr. Leen: It's within the Commission's discretion.

Mr. Garcia-Serra: Two thousand and three.

Commissioner Keon: Two thousand and three, right?

Mr. Garcia-Serra: Two thousand and three.

Commissioner Lago: That's 13 years.

Commissioner Keon: Yeah. I remember when it was demolished. It was when I moved. That was when I started going up and down San Vicente.

Commissioner Lago: Does anybody have any background in reference to the previous owner's intentions? Did they submit an application to the City? I just want to get an idea.

Commissioner Keon: But they agreed to a unity of title, so that individual who purchased the home -- who purchased that home and went to demolish the structure agreed to that unity of title in a covenant on that land. So whoever purchased that land -- I mean, I don't know what their

circumstances were that they demolished it and never moved forward. Now, why they never build? I don't know.

Commissioner Lago: Yeah. That's their --

Commissioner Keon: That's their business.

Commissioner Lago: That's their prerogative.

Mayor Cason: Mario, do you have any answers to this?

Commissioner Keon: But at the time that --

Mr. Garcia-Serra: We can --

Commissioner Keon: But at the time, the lot then became --

Commissioner Lago: Intents.

Commissioner Keon: -- a unified lot as it was --

Commissioner Lago: So the intent is clear.

Commissioner Keon: Correct. So whoever purchased it at this time -- whoever would purchase it thereafter knows that there is a covenant on that land that unifies that parcel, so they know that going in that -- you know, that's like buying stock. You know, sometimes it goes up and sometimes it goes down, and you know that there's volatility. But anyone coming in knows that this is a single building site, and, you know, that's a chance you take, you know. And sometimes you win; sometimes you lose, but --



Mr. Leen: And can I -- may I add something to that?

Commissioner Keon: That's the ... you take.

Mr. Leen: Just one thing to think about is this is discretionary. There was a restrictive covenant here, so whoever came in -- you're absolutely right -- is on notice, record notice that this is one lot. So you can factor that into your determination, whether you want to release the restrictive covenant, for example. You can also factor it into your determination as to this factor. But these are factors, and I don't believe they were meant to be simply automatic factors that are technical -- purely technical in nature. This is a quasi-judicial hearing. You are looking at these and determining whether these factors are met, and I do think that you can look at substantial compliance. I think that you can look at the goal of this -- remember, the -- one other thing to think about in doing this is that the City had -- generally has a policy against lot splits, so you're perfectly free to interpret this narrowly. That has been the practice of Coral Gables. The problem is that if you interpret it too narrowly, you could never have a lot split, and I don't think that was the intent of the Commission either.

Commissioner Lago: No. I mean, I understand in reference how we can interpret it, but I mean, there are situations like what happened with the home on the waterway. That was a three-and-a-half acre parcel of land. There was a few different factors that weighed into our decision. But I understand what you're saying. I want --

Commissioner Keon: There were no structures there.

Commissioner Lago: I want to -- yeah. There was an existing structure there. I want to hear what the Vice Mayor has to say.

Vice Mayor Quesada: I'm --

Commissioner Lago: It's from a legal -- from a legal standpoint.

Vice Mayor Quesada: No, no, no. I'm on a completely different topic ... my question is.

Commissioner Lago: Oh.

Mayor Cason: Mario, what else do you --?

Mr. Garcia-Serra: Before you ... three --

Vice Mayor Quesada: I am in -- I'm sort of back and forth on this issue. Mr. City Attorney, a quick question.

Mr. Leen: Yes, Mr. Vice Mayor.

Vice Mayor Quesada: On this item number 3-206(f), number 3 -- first of all, I would like to rewrite this in the positive, in the negative. I think it makes it confusing. I've always had to -- every time we've had a lot split issue, I've had to reread this provision 15 times. I don't know if the other Commissioners feel the same way. And you have to break up the sentence. I think, if you took out the word "not results in nonconforming" and just put "results in conforming" just -- if you can just clean it up a little bit so it's a little bit easier for non-attorneys to read and understand moving forward, and I think -- Mario, I think you have to agree with me, because I know you've read that a million times over. And then also on the third line, it says, provisions of the Zoning Code CP. What's CP?

Mr. Garcia-Serra: Comprehensive plan.

Commissioner Keon: Plan.

Vice Mayor Quesada: Comprehensive plan. It's defined somewhere else in the document?

Mr. Garcia-Serra: I don't know if it is or it isn't.

Commissioner Lago: ....

Mr. Garcia-Serra: Yeah. I don't know if it is or it isn't.

Vice Mayor Quesada: Can we just make a simple amendment so it doesn't say CP, so it says comprehensive plan? I'm sorry.

Mr. Leen: Yes, that should say --

Commissioner Lago: I don't know --

Mr. Leen: You know what? I can -- I can do that.

Vice Mayor Quesada: I've read over it, and I just glossed over it a million times. I just want to make sure we're following everything.

Mr. Leen: Yes. I can -- ... -- I can -- I'll just direct that it be changed to comprehensive plan.

Vice Mayor Quesada: Yeah.

Mr. Leen: OK.

Vice Mayor Quesada: That's just easier. I'm sorry. I guess it was more stylistic, administrative than anything else.

Mayor Cason: Mario, in terms of the intention of the --

Mr. Garcia-Serra: Well, before we leave the topic of criterion three, I think the important thing to see in criterion three is that that criterion is there so as to avoid the situation, somebody coming to you already with a structure existing on the property. ...that structure existing today and telling you we're not going -- it's not going to be a nonconforming with this lot split because we're going to demolish it. Clearly, if they're in that situation, they're not in compliance with it. But again, it says clearly there, existing structure. You have another criterion that lets you look backward retrospectively under the administrative criteria, which we admit we don't comply with, which puts us in this process of then having to go through the conditional use approval --

Vice Mayor Quesada: On this item --

Mr. Garcia-Serra: -- of the site plan.

Vice Mayor Quesada: -- I agree with Mario in a sense, just because it has the words "would not result" in that first line. "Would not result" makes it perspective in nature, as you mentioned. The way I see this is like -- say you have a little -- a guest house in the back of your house and that's going to be split. That house is being knocked down, but now because of the new configuration of the lot split, now it's nonconforming, now it's within the setback, now it's on the property line, now it's creating that kind of situations. At least that's the way I've always interpreted this provision.

Mayor Cason: I agree with you on that one.

Mr. Garcia-Serra: Now we can move on to criteria number four, which discusses restrictive covenants, in which I'll be referring to the handout that I passed out right now. Number four reads that no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building, which eliminates any of the condition identified in this criterion, shall not constitute or result in compliance with this criteria. The unity of title in question was not entered in the 1950s when the original home was built. It was entered into in September of 2003 when the intent was to build one home on the

property. Once that intent in that project died, the unity of title's reason for being also dies with it. If you look at the documents that I gave to you, you look at the first warranty deed that's on there, you'll see that Mr. ... house acquired this property in June of 2003. You can also find in microfilm the building permit plans that he had submitted at the time and got an approved for one home. The next document will show the application for the demolition, which was submitted in August of 2003, and then acted upon with the home being demolished. And then lastly, you'll see the document, the unity of title document which was executed in September of 2003 and recorded in February of 2014.

Vice Mayor Quesada: I'm sorry. What are you trying to establish with these documents as it relates to section four?

Mr. Garcia-Serra: That these documents were not entered into to preserve the original house that was built in the 1950s as one building site.

Vice Mayor Quesada: Got it.

Mr. Garcia-Serra: They were done in expectation of another building that was going to be built that was never actually built.

Vice Mayor Quesada: OK, got it.

Mr. Garcia-Serra: As you can see, the house is -- the property is vacant today. The old house was demolished. There's a covenant on here. And if you look at the covenant itself, it reads by its own terms: Whereas the undersigned owner intends to construct -- in the second whereas clause -- whereas the undersigned owner intends to construct a single-family residence at 450 Como Avenue and desires to utilize said lot as a single building site. The undersigned owner hereby declares and agrees as follows: that the single-family residence will not be used in violation of any of the ordinances of the City of Coral Gables, and that said lots described upon which the single-family residence is situated shall not be conveyed or mortgaged or leased upon

separately. So what we're essentially arguing is that the intent of that unity of title was never realized because the college was never constructed.

Mayor Cason: Could you --

Commissioner Keon: But the intent --

Mayor Cason: -- ... for us the -- where the Planning & Zoning Board came out on each of these?

Mr. Garcia-Serra: Sure. The Planning & Zoning Board found that we satisfied four of the six criteria, and the four that they found that we satisfied were was 1, 3, 4, and 5.

Commissioner Keon: Well, I --

Mr. Garcia-Serra: Five discusses that the proposed building sites maintains and preserve open space, promotes neighborhood compatibility, preserves historic character, and maintains property values. Both your staff and we assert that we're in compliance with criterion number five. And criterion number six, it specifically is tied to the property owner acquiring the -- having acquired the property before 1977. I've had some concerns with that provision, because I think if you grandfather previously existing building sites, it should be tied to the building site and not necessarily to the owner, but I acknowledge with the way that the criteria is worded right now, we do not comply with it, nor did staff find that we comply with it. As you can see, I believe that the Code criterion, staff's interpretation of those criteria in some cases are flawed. My understanding is that those criteria are presently under review, and I encourage that. In this particular case, the important thing to keep in mind is that one of the overall purposes of the Zoning Code is the preservation of the quality of the City single-family neighborhoods, and the Gables neighborhood impact and opinion has always played a role in that process. Indeed, recently, you're all familiar with the City conducting neighborhood studies and charrette in certain areas so as to solicit neighborhood input in guiding redevelopment. We did that here in a smaller context and feel that it has created the right result, which complies with a correct

interpretation of the applicable criteria. Some of the neighbors were in support of that ... attendance today, but ... Mr. Ed Soto (Phonetic) of 400 Como Avenue asked me to just read the statement that he did at the Planning and Zoning Board into the record so that we have it here and ... position of support is clear. And this is the quote of Mr. Soto from the Planning & Zoning Board hearing. And I'm in favor of this proposal, and the main reason -- and it seems to me the issue that everyone's been harping on -- is preservation of the area. And frankly, you don't have to look very far to see what would happen if this were to remain one lot and developed as a large home. Right across the street on San Vicente, you have a home that is being built and that is very much out of character with the rest of the neighborhood. Everything on our street and within the next couple of blocks is about 2 to 4,000 square feet, and then there is one other home on San Vicente that just ... everything. And if this were to remain one lot, realistically, to be economically viable, the house would have to be similar to that size. I would have to -- I think the limit was something like 8,900 square feet. It would be something in that magnitude in order to make this an economically viable project. So for that reason, I think that splitting the lots and having two homes which are more in character with the rest of the neighborhood that I think are well designed facing Como and Garlenda does make sense, and I think it was the fifth criteria in the lot split is really the one that I think should be focused on. And just again, maintaining the harmonious and consistent sizes, maintaining the property values and just not having something that would now be next to something that's already out of place and just compounding the McMansions in the area. So that was Ed Soto of 400 Como.

Mayor Cason: Did you have any neighbors that opposed the lot split?

Mr. Garcia-Serra: We did. At the Planning & Zoning Board hearing, Ms. Evert --

Mayor Cason: Who I'll have up in a few minutes, but I just wanted to see -- other than her particular angle on this, was anybody that said they prefer the McMansion versus -- or whatever could be built as of right?

Mr. Garcia-Serra: One other neighbor was there residing on Como Avenue, Ms. Weiss, last name. And her concern wasn't so much the splitting of the lots, but she wanted the lot on Como Avenue to not have a second story, and she felt that there was only one other second story house on the block and that that house shouldn't have a second story. My response, of course, was that everyone is permitted as of right along that street to have a second story. We did decrease the size of that second story somewhat in order to try to assuage those concerns, but that house still has a second story on the property.

Commissioner Lago: Mario, quick question. Have you entered into the record the list of the residents that are in favor, any letters are against?

Mr. Garcia-Serra: Well, not yet, but I have them.

Commissioner Lago: OK. Please enter... into the record. And the second -- it's not a question; it's more of a statement. I noticed when I drove by the lot yesterday, that there -- yesterday or the day before -- that there was a for sale sign on the property. What is the intent -- and I want to -- you know, I'm going to hold you to this, so I want to make sure that -- what I'm clear standing here. What is the true intent of the developer here? Is the intent of the developer here to entitle this piece of land and then flip it on the open market? Or are they actually going to build their own personal residence? What is the intent of developer?

Mr. Garcia-Serra: In all our meetings with the neighbors, the client has communicated that he is considering doing it himself, developing the property himself; a slight possibility for his own and his partner's use, but, more likely than not, to sell those properties once developed. Now, he also has a for sale. There is a possibility that if an offer were to come, you know, that's attractive enough, he would accept it. But I would say of those three scenarios, the more likely one is him keeping it, developing it, and then selling it.

Mayor Cason: If we don't approve the lot split, what is his intention; to build up to the maximum?



Mr. Garcia-Serra: Well, no. We have limited -- we've agreed to the staff condition which would limit us to the floor area of both homes total, equivalent to what could be built in one home today, which is the 8,900 number.

Commissioner Lago: And that's -- I know I'm mentioning this for the third time, and I'm requesting through the City Manager, that we have staff really look at that equation, because it -- to me, it makes no sense. I don't know how my colleagues feel. I -- you know, I'm not going to reiterate again my statement. But I really think that we need to look at how you can have a one lot, and then when you split it, you get even more square footage. I want to make sure we --

Commissioner Keon: Because of the setback.

Commissioner Lago: I know. I understand that. But I really want to make sure that we look into that, because it's a concern. And I think we're going to see a lot more of that --

Commissioner Keon: OK.

Commissioner Lago: -- of this similar situation currently happening.

Commissioner Keon: OK. I would like to say, to begin with, I really -- I have a real problem with the Planning & Zoning Board making this recommendation with -- and accepting number three, because that is then based on what we would do after they make their decision. They are to make their decision based on the information that is current and present at the time that they are making their decision. I think that they have truly overstepped their bounds in doing this, and I would like someone to have that conversation with them. You don't make a decision -- you know, that --

Mr. Leen: You mean number four --

Commissioner Keon: I'm --

Mr. Leen: -- the restrictive covenant.

Commissioner Keon: The restrictive covenant.

Mr. Leen: OK.

Commissioner Keon: I mean, they made their decision and found that it met the criteria because of that. They have -- they have no right to make a decision or a recommendation to this board based on telling us that -- because it's saying, well, if you do it, then, you know, we're doing it.

Mayor Cason: Did you have any guidance --

Commissioner Keon: Because what they have the right to do is make a decision based on the information that is there before them. So I really think that they were wrong --

Mayor Cason: Glenn, did you give them any guidance...

Commissioner Keon: -- and I think you should have a conversation with that board about that.

Commissioner Lago: And let me tell you. Just to reiterate what --

Commissioner Keon: Now, we both sat on that board and we know.

Commissioner Lago: Yeah. And I --

Commissioner Keon: And you know that.

Commissioner Lago: -- I have to agree with Commissioner Keon's statement, because it's clear. The information is right in front of them. It's undeniable. So I expected more from -- I have some other issues I'm going to bring up in reference to the P & Z (Planning & Zoning) Board, but this is something that troubles me.

Commissioner Keon: I think they're out of line.

Mr. Leen: I'd like to say two things.

Commissioner Keon: Absolutely.

Mr. Leen: First, I think that we should discuss that issue among the Commission, because if that's the direction of the Commission as a whole, or a majority of you, I will tell them that, and in the future, they won't do that. Second is the -- there -- the reason why, at least in the past, they've been able to make that finding -- and I think I've given that opinion before a couple times, and I think it's come to you a couple times with that sort of recommendation where you put a condition releasing the restrictive covenant, as I recall just sitting here. But the reason is -- like for example, this restrictive covenant is a restrictive covenant that my office would cancel and in some circumstances, because there was no consideration for it. In the end, they never built the structure, is my understanding. So these types of restrictive covenants, there's a good argument, they're not enforceable. But even if they are enforceable, it's something that we've cancelled in the past, because they were only put on the property in order to be able to build a structure that was never built.

Commissioner Keon: All right. But you demolished it -- you demolished the structure that unified that lot, so that lot was a unified lot.

Commissioner Lago: It was recorded.

Mr. Leen: But that --

Commissioner Lago: It was recorded.

Commissioner Keon: It's recorded as a unified lot.

Mr. Leen: ... document, but we --

Commissioner Lago: Can we order the document?

Commissioner Keon: And so then you have this covenant that just --

Commissioner Lago: The owner entered into this agreement --

Commissioner Keon: -- edifies that --

Commissioner Lago: -- freely under his or her own will.

Mr. Leen: But just understand that we have -- the City insists on these as a regulatory matter. And if this is imposed on a property and they never go forward and build it, it can create a great hardship on the property. It could -- because essentially, it's a restraint on the property going forward. So, for example, let's say you're going to build a multiuse project, and we put a covenant on that property, and then they want to build a single-family residence, or something like that, in the future, and let's say it's allowed, they can't because of this restrictive covenant they never really went into effect because there was no structure that was placed there.

Vice Mayor Quesada: But you know --

Mr. Leen: The City has to be able to lease ...

Commissioner Lago: Craig, but this is --

Vice Mayor Quesada: Yes.

Commissioner Lago: -- but it's clear when -- like what Commissioner Keon said, when you purchase this property, you have a realtor. Commissioner Slesnick can give us further information. When she deals with a client, she makes a client aware of every single situation that could affect this property. What you can build there, what you can't.

Mr. Leen: Sure.

Commissioner Lago: What are the requirements; if it's historic; if it's not historic, so it's clear as day that the person that purchased this property understood that the restrictive covenant was in place.

Mr. Leen: Well, I understand. We did not release this particular one because --

Commissioner Keon: OK, but --

Mr. Leen: -- it's a significant restrictive covenant. But I was just saying you could --

Commissioner Lago: But that's not the --

Mr. Leen: -- if you wanted to.

Commissioner Lago: -- ...

Commissioner Keon: But we also know --

Mr. Leen: Yes.

Commissioner Keon: -- that when we demolish a house that covers more than one lot, part of the demolition -- the demolition permit being given is to ensure that, you know, if it was agreed you're going to demolish this house --

Mr. Leen: Yes.

Commissioner Keon: -- and it's on multiple lots, that this was a single building site.

Mr. Leen: Yes.

Commissioner Keon: And so that's why you enter into the covenant; it's because there's no longer a house there that visually tells you this is a building site. It's a document now that takes the place of that visual -- that home.

Commissioner Lago: It basically memorializes --

Commissioner Keon: That -- Right. It memorial --

Commissioner Lago: -- the fact that it was a home --

Commissioner Keon: -- that there was a home there that --

Commissioner Lago: There was a home --

Commissioner Keon: -- unified that lot.

Commissioner Lago: -- that encompassed those lots.

Mr. Leen: Yes, there are restrictive covenants. And I've asked that this be done --

Commissioner Keon: And that's why --

Mr. Leen: -- and they ...

Commissioner Keon: And that's why --

Mr. Leen: -- ...know.

Commissioner Keon: -- this is, because it was a unified parcel. Now, I would like to ask -- now, I don't think that there is anyone here that was in Planning at the time in 2003 when this demolition permit, you know, went into effect, but I -- for whatever reason, it would appear that, at that time, the Planning Department believed that it was important to maintain this as a single building site. Can you -- can one of you speak to that? Why would they have done that? Why would Planning have asked that this remain a single building site at the time that the home was demolished in order to --

Unidentified Speaker: For the reasons --

Commissioner Keon: Right.

Unidentified Speaker: Commissioner, for the reasons you stated. And in fact, what I want to testify is that I met with the owner multiple times about designing one house, one house. I mean, we met three or four times, and it was later that he decided that was not feasible, for whatever reason, and then he went ahead and requested the lot split. So he was aware of the fact that it was --

Commissioner Keon: He -- it wasn't feasible because of cost?

Unidentified Speaker: I don't know. Whatever business reason --

Commissioner Keon: But who knows?

Commissioner Lago: That's what I said.

Commissioner Keon: Wasn't --

Unidentified Speaker: But ...

Commissioner Keon: It wasn't feasible for him --

Unidentified Speaker: Yeah.

Commissioner Keon: -- in building a speculative property --

Unidentified Speaker: Right.

Commissioner Keon: -- to build one house.

Unidentified Speaker: Yeah. But the point I want to make is that he was intending to do one house originally, so he was aware of those issues.

Commissioner Keon: Thank you.

Mr. Leen: May I raise one thing?

Commissioner Lago: Thank you ....

Mr. Leen: Mr. Mayor, it's important to recognize so that this restrictive covenant -- and perhaps it's just a flaw with the covenant -- it has a whereas clause that says the undersigned owner intends to construct a single-family residence at the address and desires to utilize said lot as a



single building site, and then didn't -- then he didn't go forward and do. And this is part of the consideration, the basis for the covenant. Now, for a covenant where there's a demolition, it shouldn't say that.

Commissioner Keon: Well, then --

Mr. Leen: What it should say is that it's being demolished and we want to put people on notice going forward that this is one building site. The Commission still has the authority to release it, but I understand your point. I think --

Commissioner Keon: Do we believe that that was the intent at the time?

Mr. Leen: I think...

Commissioner Keon: Was the intent to maintain it as one building site?

Unidentified Speaker: Yes. And those are very typical intent. I mean, that has been the policy ....

Commissioner Keon: So maybe you need better language in your covenant.

Mr. Leen: Well, remember, this is a 2003 covenant.

Commissioner Keon: I know.

Mr. Leen: I didn't write it.

Commissioner Keon: But going forward -- I know you didn't write it.

Vice Mayor Quesada: Craig, why don't ...

Commissioner Keon: But maybe going forward, you need to have better language in the covenants.

Mr. Garcia-Serra: But if I may, Commissioner, that's a very important point. If the covenant had been entered into in the original home that existed in 1950 whatever year it was built, that would be one thing. But here, clearly, that covenant was entered into after the demolition of that home, and ... intent --

Commissioner Keon: Now, it probably to allow the demolition of that home. Usually, you have to enter into that covenant before you're given a permit to demolish that home. So it was to secure that as a single building site that that covenant was written, and then they were given a demolition permit, because that is a process; is it not?

Commissioner Lago: Pamela, that's why I called you up. Can we -- I know that maybe Mr. Minor's not here, or maybe Jane can mention that. But if you're pulling a demolition permit in this situation, as Commissioner Keon said, is this required?

Unidentified Speaker: Everything is correct. What you're saying is correct, yes.

Commissioner Keon: Yes.

Mr. Garcia-Serra: And ... --

Commissioner Keon: ... required.

MULTIPLE SPEAKERS...

Commissioner Lago: I just want to put on the record, Mario.

Mr. Garcia-Serra: Yeah. If I may, look at the documents, the documents that I handed out. The demolition permit was applied for and approved in August of 2003, and the covenant was not executed until September and not recorded until February of 2014. So clearly --

Commissioner Keon: But we know that the process and the procedure and the administrative procedures in this City is that -- I don't know what the dates on those documents are -- before you are given a demolition permit, or you're allowed to proceed with demolition, a covenant needs to be in place, if that is what is required at the time.

Mr. Garcia-Serra: In my experience, it's always been you execute the covenant in lieu of the unity of title prior to building permit not prior to --

Commissioner Keon: OK.

Mr. Garcia-Serra: ... building permit --

Commissioner Keon: Right. So the dates on the documents are really not the determining factor; the practice is and the policy is?

Mr. Garcia-Serra: But the practice is prior to building permit, not prior to demolition permit.

Commissioner Keon: But you have to -- but before you're allowed to go forward, because you won't be given a building permit unless that document is in place.

Mr. Garcia-Serra: If you're building one home, correct.

Commissioner Keon: If you're rebuilding on a lot that you are -- that you have purchased and that you're going to build on; makes no difference.

Mr. Leen: I just think -- I think the point, though, was -- if at the time they had wanted to build two, there would not be a restrictive covenant preventing it. What would have prevented it was our Zoning Code, and they would come to you and ask for a lot split at the time --

Commissioner Keon: Right.

Mr. Leen: -- that they would satisfy that criteria at the time.

Commissioner Keon: I mean, it is --

Mr. Leen: And now they ...

MULTIPLE SPEAKERS...

Commissioner Lago: I think that would be -- at that point, it would be ultimately the interpretation of the Commission, because in my opinion, the home was direct -- was completely in the middle of the property. So to me, that carries a lot of weight. That's just my opinion. I don't know how the rest of my colleagues feel.

Mayor Cason: So, originally, three plats, right? So originally --

Mr. Garcia-Serra: Correct ....

Mayor Cason: So ... have three homes on ...

Mr. Garcia-Serra: When the area was originally --

Commissioner Keon: Well--

Mr. Garcia-Serra: -- platted, it was for three homes.

Commissioner Keon: But I think what we need to keep in mind and what we need to remember about, you know, the platting of our city, particularly this part of our city -- I mean, north of Sunset -- well, maybe all of our city, other than those areas that are the gated communities, because they have their own regulations to -- the size of their building sites. But in general, the City was platted in 50-foot lots. In -- for Merrick, that 50-foot lot allowed people of all different incomes and of all different desires to be able to assemble enough lots to provide them with what they want and to meet their needs, whether it's, you know, economically, whether it's because of size of family, whether it's a winter home, for whatever reason. And so one of the things that is -- one of the attributes of our community that make it so aesthetically pleasing is that it's not -- you know, it's not a development. It's not all 50-foot lots. It's not all 100-foot lots, you know. It's not -- you know, it's about like -- you know, a lot of the developments that we have around us, but makes us such an appealing city and really adds to our aesthetics is those different sizes of lots, and then the conformity with setbacks and those sorts of things that do provide some conformity, but it's the different size of the different lots, and so instead of, you know, taking ... say, you know, listen, we can really build on 50-foot lots all these homes. That isn't -- that really goes against the grain, I think, of the original platting of our city, the intention in the platting of our city, and the building of our city. I mean, I'd like to ask maybe Donna as a historian to tell us, you know, is it significant that we have variety of sizes of homes along our streets and whatever? Does it add to the interests, the visual interests and the character of our city?

Vice Mayor Quesada: Commissioner, that's -- I think as elected officials, that's for us to determine. I mean, I agree. I --

Commissioner Keon: I mean, I don't think -- I think it's --

Vice Mayor Quesada: I'm not disagreeing with you.

Commissioner Keon: -- knowing what the history of our city is and why it does what it does.

Vice Mayor Quesada: Yeah.

Commissioner Keon: And why we don't dismiss it so readily.

Commissioner Slesnick: Mr. City Attorney.

Mr. Leen: Yes, Commissioner.

Commissioner Slesnick: Many people normally buy property, they do lien search and so forth for the title company in order to buy title insurance. Would this come up in that lien search with the City?

Mr. Leen: Yes.

Commissioner Slesnick: So the buyer knew purchasing the property that there was a restriction?

Mr. Leen: Yes.

Commissioner Slesnick: OK.

Commissioner Lago: Donna, could you come up, please?

Ms. Donna: Certainly, the 50-foot lot is very prevalent in the historic part of Coral Gables. This area around City Hall, 50-by-100 foot lots is the norm. But if you get to streets like Granada, the lots become bigger, and so the original plat recognizes that there are certain avenues and streets in the City that can take the larger residences. On those streets that had the 50-by-100 foot lots, there is the ability to accumulate property to have a larger home. I do think that the City in the past, the Commission has not wanted to do lot separations because they were concerned with density in neighborhoods. I do believe that it harms neighborhoods to have large out-of-scale homes that are built -- even if built according to the Code. You know, if you had -- because that

Zoning Code has -- I was a zoning administrator for many years. And the Zoning Code has, you know, 48 percent of first 5,000, and you go from there that sets the FAR, and I don't know the year, but the City changed the Zoning Code because we were getting these McMansions.

Commissioner Keon: Well, I remember we were on the Planning & Zoning --

Ms. Donna: And so with the zoning change --

Commissioner Keon: -- Board when we rewrote that quote.

Ms. Donna: Right. And they didn't change --

Commissioner Keon: -- ... that purpose.

Ms. Donna: And I was very much involved in that. We were going over the Code. Single-family homes were zeroed in on. And in those days, the homes were allowed to be much taller. And there was a big discussion at the Commission level that to keep the FAR the same, because of variance reasons, including, property rights, but to change the way the FAR was calculated so that the massing became ... I think in those days, it was like 34 feet, you could build a house.

Commissioner Keon: Right. Now it's 29.

Ms. Donna: And it's -- now it's 29.

Commissioner Keon: Now it's 29. They also -- we also included -- there was spaces now that are included partially --

Ms. Donna: That's right.

Commissioner Keon: -- with the square footage if -- for FAR that were excluded previously.

Ms. Donna: That's right.

Commissioner Keon: And so we --

Ms. Donna: ... all ...

Commissioner Keon: -- you know, under the current Code --

Ms. Donna: ...down the ...

Commissioner Keon: -- you really -- you cannot build a McMansions that were built previously.

Ms. Donna: And it's -- and actually --

Commissioner Keon: You can't do it anymore.

Ms. Donna: -- it's very -- you can really see it when you drive down the streets.

Commissioner Keon: Yeah. You can't do it anymore.

Ms. Donna: To see those homes that were built before that Code was done, and then to see the homes that were maxing out.

Commissioner Keon: Right.

Mayor Cason: But it seems to me in this case, the neighbors, regardless of what -- how you define a McMansion, look at this as a McMansion equivalent in their neighborhood, and they don't want it.



Commissioner Keon: Well, I think they're concerned about -- that's why I wanted to know the house that's under construction on San Vicente. Could you -- I mean, it -- it does look big. I don't -- you know, but I think what changes it, it has a side setback from the side street. Is that Como that it sits on also?

Ramon Trias: Yes.

Commissioner Keon: What's the side setback on that? So it has a side setback --

Mr. Trias: If I can give you the numbers, it may be helpful. The -- allowed FAR in that property is 6735 -- 6,735 feet. Now -- 37 feet. And the proposal is 6,735 feet, so it's almost the actual maximum that is allowed there. So it's as big as it can be. Now, what I have observed, based on my review in the last few minutes, is that there are some things that are still not counted forward FAR that add to the volume of the house, which are covered areas that are not enclosed, but -- like a porch, for example, and this house has significant porches, and that makes it look larger, and based on the on my ... and my ... on the information. Let me see if I have the setbacks here.

Vice Mayor Quesada: While he's looking for that --

Mr. Trias: Yeah ... the by 25 feet, the side setbacks are also 25 through 28. I mean, they -- it meets all the setbacks. It's allowed 12, so it does meet the setbacks. But I think that what Donna was explaining, the smaller -- the first 5,000 feet -- 5,000 square feet have a higher amount of FAR makes this issue, because then if you split it, then you can do it twice. So then that's -- that was the issue and that's ....

Commissioner Lago: That's why --

Mr. Trias: But that is what the Code says today ...

Commissioner Lago: ... I wanted my colleagues to kind of understand a little bit, and that's -- we could potentially see that. And I know of two existing properties that are currently in the same situation where the resident may entertain that in the future.

Vice Mayor Quesada: There's an existing ....

Mr. Trias: But I also think that --

Commissioner Lago: ... existing ...,yeah.

Mr. Trias: -- the appearance --

Mayor Cason: But then we would come into the question, that would be a definite intention to demolish in order to do it.

Commissioner Lago: Yeah, but the home -- One of them had a home that was demolished, and it's similar.

Mr. Trias: But I believe that the owner ... open cover areas that they appear -- they make the house appear much larger, and that's one of the issues.

Commissioner Keon: I do, too.

Mr. Trias: Yeah.

Commissioner Keon: So, I mean, I think that house is -- it's a 6,000 square foot house, which is not -- I mean, certainly not --

Commissioner Lago: On a 19,000 square foot lot.

Commissioner Keon: That --

Commissioner Lago: To be exact, 18,900 ...

Commissioner Keon: It's inappropriate --

Mr. Trias: And ... setbacks --

Commissioner Keon: It's appropriate for the size. It's just --

Commissioner Lago: It didn't max out the available square footage, correct?

Mr. Trias: It did, by one foot.

Commissioner Keon: It did.

Commissioner Lago: By one foot.

Commissioner Keon: By one foot. But I also think because of the amount of terraces and roofs and --

Vice Mayor Quesada: Do you have --

Commissioner Keon: -- things connecting different pieces. It looks bigger.

Commissioner Lago: Mark, could you put in the photo of the adjacent property

Commissioner Keon: It looks --

Commissioner Lago: -- on --

Commissioner Keon: It's right across the street.

Commissioner Lago: Thank you, Ramon. I appreciate it.

Commissioner Keon: You know, and so I -- you know -- and I think it's homes we develop.

Commissioner Slesnick: Mario.

Commissioner Keon: They're going to build --

Commissioner Slesnick: Mario --

Commissioner Keon: -- bigger homes.

Commissioner Slesnick: -- but the Planning & Zoning Board, what one person objected. What was their objection?

Mr. Garcia-Serra: Well, there was two that gave different ideas. Ms. Weiss and I spoke about previously that's down on Como Avenue; discussed that she didn't want the second story.

Commissioner Slesnick: No, no; on the Planning & Zoning Board. ....

Mr. Garcia-Serra: Well, on the -- oh, you mean the one objector?

Commissioner Slesnick: It was 4 to 1. Yes.

Mr. Garcia-Serra: OK, that was Maria Menendez, who voted against the proposed lot split.

Vice Mayor Quesada: And she agreed with staff basically --

Mr. Garcia-Serra: Right. She ...

Vice Mayor Quesada: -- ... line.

Mr. Garcia-Serra: -- staff recommendation.

Vice Mayor Quesada: ... line. Yeah.

Mayor Cason: On the issue?

Vice Mayor Quesada: Yes. She found the two exist.

Commissioner Keon: According to the -- yeah.

Vice Mayor Quesada: I actually read it.

Commissioner Keon: According to the minutes, yes.

Mayor Cason: OK.

Mr. Garcia-Serra: Here's the home across from San Vicente. I think Ramon just mentioned 6,700 and some square feet in size. The total permitted for area on our property, if we were to build just one property, would be 8,947 in one home. So, again, that's sort of is what has driven us, in part, to this point with neighborhood input, that they want to see the actual area divided into two homes as opposed to one. You know, I think, historically, lot splits were not welcomed in the City more than anything because of like, what Donna mentioned, the density issue. In other words, more -- another home on a smaller property is not going to affect market value. What you're seeing now, at least from our interactions with the neighbors, is the opposite. What

they want to see is not these huge homes that are maxed out, but smaller homes more in keeping with the ... neighborhood.

Mayor Cason: How many --

Vice Mayor Quesada: ... consistency with their neighborhood.

Mayor Cason: How many neighbors weighed in ...?

Mr. Garcia-Serra: I would say, at our meetings, we probably, in total, interacted with probably about 10 to 12 neighbors in total. I just gave you emails of the Coopers, who are directly across the street at 445 Como Avenue. Big issue for them was having front of the house face their front of the house. Mr. Fraga, who's just south on San Vicente, was also supportive; passed around an email for him. Mr. ... was going to try to be here. He owns to the east of the property at 4045 Como Avenue; is also supportive, and he didn't want a rear yard facing his side yard...property.

Commissioner Keon: But isn't he also building a house there? That's not his home.

Mr. Garcia-Serra: He does not live there, no. He owns it.

Commissioner Keon: He doesn't live in that house. He's --

Mr. Garcia-Serra: Correct.

Commissioner Keon: He's building a house to sell.

Mr. Garcia-Serra: Correct.

Commissioner Keon: So it's not --

Mr. Garcia-Serra: So --

Commissioner Keon: -- a current homeowner.

Mr. Garcia-Serra: Right. One of the objectors is also in that situation too, so keep that in mind when the time comes.

Vice Mayor Quesada: Commissioners Keon and Lago, you guys had a concern with the Planning & Zoning Board on item four with the restrictive covenant. I'll ask you to reread the minutes of the meeting on that section. I point you to -- really starts at page about 95 of the minutes, and then they really get into it at about page 100.

Commissioner Keon: Right.

Vice Mayor Quesada: So it's actually not too many pages. It's pretty quick read. I just reread it. They struggled with it.

Commissioner Keon: I know.

Vice Mayor Quesada: They struggled with the restrictive covenant aspect of it.

Commissioner Keon: Yeah. I read -- because I was surprised by --

Vice Mayor Quesada: And actually, on page 100, the member of the Planning & Zoning Board that made the motion said that, you know, based on what he had heard from Mr. Rue and what he had heard from Mr. Leen, he was up in the fence, but he felt -- because of what he had heard, he felt a little bit better about it. So don't think that they just willy-nilly just threw it out the window.

Commissioner Keon: Well --

Vice Mayor Quesada: So ....

Commissioner Keon: No, no. I know, but I --

Vice Mayor Quesada: -- ... before we come down on them.

Commissioner Keon: OK. Right, but -- then if --

Vice Mayor Quesada: Because I think they were trying to do their best in that process.

Commissioner Keon: -- the advice and everything else that they are given. They are not there -- I -- well -- and maybe I -- I could be wrong too. I may be wrong. But I sat on that board for eight years. Vince sat on that board. And you know, the direction was, you made your decisions based on the facts before you. You didn't have -- I mean, in these types of things, based on facts.

Vice Mayor Quesada: You will see from the discussions, it was not so clear for them. The facts were not black and white. The facts were... gray --

Commissioner Keon: Well, then, maybe they weren't --

Vice Mayor Quesada: -- based on the discussion.

Mr. Leen: Mr. Mayor, I did give them that opinion, and just to explain it, to me, I've always seen them as a recommending board to you. So I felt that that recommendation was for you to release the covenants. They where, essentially, recommending that you release the covenant. If you did --

Commissioner Keon: That's not what it says.



Mr. Leen: -- that would satisfy it. Well, it's just the way that it's presented to you. But I did feel like that's what they intended. Any condition that's granted is always a condition -- that's what a conditional approval is, a conditional use approval. You're saying -- they're making a finding or they're recommending that these items are met with -- as long as these conditions are satisfied. So, for example, they're finding that it may not -- on a different type of matter, they might find that this is a suitable development for this area, assuming that a traffic plan is done and that it's satisfied and that these improvements are done; and if those aren't done, then it's not a sufficient traffic plan. So from a legal perspective, I viewed it the same way. They're saying this is not satisfied unless the Commission decides to release the restrictive covenant. Now, I hear what you're saying, and I just -- I would ask for you direction ...

Commissioner Keon: That's not what their recommendation says, though.

Mr. Leen: Well, what I could tell you -- what I could tell them to do in the future based on what you tell me is, I could tell them, look, if it's there, you can't make this recommendation. What you can do is say, you can say "no" for this one. You may even end up recommending denial because you can't find four factors, but you can always put in there a recommendation that the Commission consider releasing a restrictive covenant.

Commissioner Keon: Yes.

Mr. Leen: And if they did, that this would be satisfying.

Commissioner Keon: Right.

Mayor Cason: That makes sense. ... matter what, I think it'll come to us.

Commissioner Keon: And that, to me, is very appropriate.

Mayor Cason: It'll come to us, no matter what they --

Commissioner Keon: That's right.

Mr. Leen: And I hear you. And if that's what the Commission's --

Commissioner Keon: That's right. But I think it's very --

Mr. Leen: -- will is, that's what we'll do.

Commissioner Keon: -- appropriate, because we know that when people go forward, what they say is, oh, but it was recommended by the Planning & Zoning Board. Oh, it was recommended by this.

Commissioner Lago: Yeah, it carries weight.

Commissioner Keon: Oh, it carries --

Mr. Leen: I understand what you're saying.

Commissioner Keon: -- weight, and I don't think that it is -- it shouldn't carry --

Mr. Leen: I understand what you're saying.

Commissioner Keon: -- that level of weight.

Mr. Leen: I hear.

Mayor Cason: Anything else, Mario, that you want to say ....

Mr. Garcia-Serra: Sure. But what I'll leave you with is we've talked a lot about the covenant, but keep in mind that we've been arguing that -- we're satisfied with condition -- we comply with conditions one, two, three, four and five, and you need four of those in order to get the approval. So even if you feel very strongly about the condition number four and think that even if the intent when the covenant was entered into was to build a single-family home that was never built but that covenant should still be, you know, seen as being effective, you could find, perhaps, one, two, three, and five are complied with until those -- both staff and us are in agreement. So with that said, I will let you, of course, have the public hearing. I'll reserve a little bit of time for rebuttal, if necessary, and of course, any questions.

Commissioner Slesnick: Mario, I want to ask you something.

Mr. Garcia-Serra: Sure.

Commissioner Slesnick: On the packet that we have on page six where you have the renderings, is this the most recent rendering?

Mr. Garcia-Serra: There's been a slight change in response to one of staff's recommendations. you'll see that there's a bit of a tug-of-war again also between us wanting to do what the neighbors want and staff with the issue of San Vicente and how the house should be fronting it.

Commissioner Slesnick: I'm just thinking about this garage, which is a free-standing garage with no windows or no landscaping. I mean, it looks like a bunker sitting out there by itself. If I were driving in the neighborhood, I'd be very shocked to see something like this that doesn't -- it's a very contemporary design that ... you said they went back to something that's more conforming in Coral Gables, but it's a very contemporary design.

Mr. Garcia-Serra: Well, assuming that this lot -- if this lot split were to be approved, we'd still have to go to the Board of Architects review, and of course, that could be incorporated then; and if it's a condition of approval that that garage be treated differently, we'll comply with it also.

Commissioner Slesnick: I mean, we don't normally even have separate garages, so you'll see ... with the houses.

Mr. Garcia-Serra: I believe --

Commissioner Slesnick: It's a separate --

Mr. Garcia-Serra: -- it's connected. It might look like it's --

Vice Mayor Quesada: It looks separate in the renderings.

Mr. Garcia-Serra: But it's at least connected. I understand what you're saying with the ....

Mr. Trias: But, Commissioner, I want --

Vice Mayor Quesada: And also keep in mind, Mario -- and I think this goes to Commissioner Slesnick's point, and I think to the intent of the neighborhood -- technically, we don't have a requirement for homes in residential areas to be built to a Mediterranean style. They can be built contemporary as of right, and Board of Architects can't prevent that.

Commissioner Slesnick: No.

Vice Mayor Quesada: So --

Commissioner Slesnick: I agree, but I mean --

Vice Mayor Quesada: But I'm saying, if the neighborhood wants that and it's going in that direction, maybe we can make it a condition. Let's see first if we have the votes to get it passed, but I mean, that's something that we can -- ....

Commissioner Slesnick: Oh, they have the right to build --

Mayor Cason: Mario ..., right?

Vice Chair Quesada: -- ...your point.

Commissioner Slesnick: They have the right to build whatever they want, but over in Segovia and Catalonia, we have a big discussion now about something very, very contemporary, under-established neighborhoods, so -- but it's been --

Mr. Trias: Mayor --

Mayor Cason: But for the record, you've already -- they've already agreed to this, so --

Mr. Trias: And for the record, if I could stress that this is only an illustration. It has no value.

Commissioner Keon: This is not a site plan.

Mr. Trias: Right.

Commissioner Keon: So we're not giving approval --

Mr. Trias: You're not approving this.

Commissioner Keon: -- relative to a site plan.

Commissioner Slesnick: Yes, I know.

Commissioner Lago: Maybe several iterations that have to go through the direction of staff and -  
-

Mr. Trias: But you may make some conditions of approval that are related to design, if you choose to do so.

Mr. Leen: One other thing, Mr. Mayor, I do recommend that if you grant the lot split, that you do impose the condition, the restrictive covenant be released.

Mr. Garcia-Serra: Of course.

Mr. Leen: It has to be released.

Mayor Cason: It would have to.

Mr. Leen: You don't have to, but if you grant the lot split, I would think legally you would.

Mayor Cason: Let's ask Marlin Evert to come up. I think this is a public hearing. Do we have any other speaker cards, Mr. Clerk?

Mr. Foeman: No, Mr. Mayor.

Mayor Cason: OK, so we'll close the public hearing after Marlow.

Marlin Evert: Good morning.

Commissioner Lago: Good morning.

Ms. Evert: Hope you all had a nice summer. Hope you're ready to get back to work.

Mr. Foeman: Can I swear you in?

Ms. Evert: This is a tough one.

Mr. Foeman: Would you raise your right hand, please? Let me swear you in first.

Mayor Cason: You need to be sworn in, Ms. Evert.

Ms. Evert: I know. What?

Mr. Leen: They're going to swear you in.

Ms. Evert: Oh.

Oath given at this time.

Ms. Evert: For the record, my name is Marlin Evert, and I live at 6935 Almansa Street, but I also own a property at 6510 San Vicente Street and just about a stone's throw from this property. It seems a lot of you have driven by. Has everybody driven by? This is a really pretty little neighborhood. I had no intention of buying this lot. I have walked down this street every morning for the last seven or eight years with a walking group, and I knew this neighborhood very, very well, and ... nice 94-year-old woman said to me at church one day, "I'm moving to Ashville, Marlin. I'm going to sell my house." And I said, "Well, Annie Mae, I just might buy it." And I did. This piece of property is a pie shape. It has a traffic circle in front of it, and there are five streets that come together: two Como's, two San Vicentes, and one Maggiore. It's where Maggiore ends. And that's why I just pounced on this really before it even went on the market. But before I get started this morning, just as I said at the Planning & Zoning meeting, I have to say a few words about the applicant and his attorney. Since the very first DRC meeting in February of this year, both Marco ... Blossom Development and Mario Garcia-Serra have been just wonderful to work with. They have met with us repeatedly. Most of those meetings have

been at my dining room table. They were looking for a place to meet, and I just said, you know, “you can come to my house.” They have gone back to the drawing board. They've listened over and over again to the concerns of the neighbors. And listening to what you were talking about this morning, the real reason that neighbors buy into the lot splitting is because, as you say, they don't want a large house. I have never understood why you don't develop a ratio. When my husband was sick 12 years ago, a house went in behind me that I just wasn't paying attention. It was a large piece of property. They took down maybe a 2,000 square-foot house, and they built over 9,000 square feet; just very out of keeping with the neighborhood. I can't understand why you don't have a ratio. If you take down 2,000 square feet, you can double it, you can triple it, but you can't four-and-a-half times it. You know, I just never understood that. Anyway, but I must be truthful, and I was very truthful with Mario and with Marco from the very beginning. I'm just against lot splitting. The Gables traditionally does not split lots. I happen to sit next to Philip Stoddard, the Mayor of South Miami, general party in late March, and he told me of his concern about the dramatic number of lots splitting requests in South Miami. You know there are just green fences everywhere in South Miami. And he told me that he had invited you to come to a Commission meeting to talk about how the Gables was able to control it. Well, maybe we're not controlling it very well. As a 27-year resident of Coral Gables, I'm concerned about the un -- increase of the number of lot splits here. I ran into Chip Withers, who said that in the 16 years that he was a Commissioner, two or three lot splits happened during the time that he was here just in this neighborhood that we're talking about alone. In the last three years, 2012, 5656 San Vicente was created as a result of splitting a property at 5705 Rivera. December, 2003, 6009 Maggiore, a 15,000 square-foot lot; now two 7,500 square-foot lots; 2014, 6801 Granada, which is directly across the canal from this area, the Alfa Browning Parker house was split. I know there was one up on Coral Gables. I know about the Wackenhut property in Gables Estates. I have a picture to show you, too. Also in 2014, the City allowed a property -- a new property to go in, a 5,000 square-foot lot at 5602 San Vicente. A magnificent oak was taken down. Just ... This was ... challenge shown as a ... in the North Gables that they thought about. ... it's gone; a two-story house is built there. So where am I going with all this? As anyone knows that knows me well, I love quotes. One of my favorite is by Carl Sandberg. “Nothing happens unless first a dream.” Well, I have a dream for this property, and I want to keep it



green. I know the Commission, as a whole, is very interested in acquiring property. In the last 10 or 15 years, we have lost so much of our green space in this City. There was a family that bought lots of property years and years ago, moved out of the City, by the name of McBride, and these are just ones that I know about. Across from the Biltmore Hotel, 2008, that these people -- they held these properties for years and years and years and then sold at the height of the market. Two thousand and eight, a 91,000 square-foot lot; now six houses. An area just south of Biltmore Way where Cardena Biltmore Court, Almeria, and Sevilla intersect, 2007, 2008, there was a 98,000 square-foot lot, and it is now eight houses. The Bermuda Village, at the corner of Rivera and Ponce de Leon Boulevard, 3.3 acres. It's now a 22 single-family residences and two duplexes for a total of 30 units. When you're just increasing the density everywhere, we're losing all of this beautiful green space that was here. The way I feel about lot splits only, two entities really gain in a lot split: That's the developer who ends up selling the lots, building on them, and the attorney. The City eventually will get more taxes. Who loses? The neighborhood loses, forever. Thank you. The density increases. We all talk about what George Merrick did, and what he would have done if the 1926 hurricane and depression hadn't interfered. I truly believe that he planned for a much greater ratio of greenery to concrete in our neighborhoods. Look what he did in the short time that he had in the North Gables. Look at Country Club Prado. I mean, that could have been two totally different streets. He left all that green space in the middle; the median along Alhambra Circle, a 36-hole golf course at the Biltmore, 9-hole golf course that was his farm. The City has done a very poor job of acquiring green space. The ones that I know in April of 2005, you bought a 20,000 square-foot lot by the Chinese Village for 900,000. June 30 of 2010, you bought 2,100 square feet on Alhambra Circle for a million dollars. I urge you to consider purchasing this property. I know your question would be how do we pay for it? As I watch you allow developers to do all sorts of things in this town, a 20 feet higher vacate alleys, stick it to them. I mean, get some money from them. Let it come into our neighborhoods. Have some sort of a green fund. I know you have a partnership. I know that Commissioner Kerdyk -- anyways, he started one exactly for purchasing green space. I'm going to end with another -- one of my favorite quotes by Mark Twain: "Buy land; they're not making it anymore."

Mayor Cason: Thank you.

Commissioner Slesnick: Marlin, I just want to correct. You said the City purchased the lot at 4700 Block of Alhambra. It's 20 -- you said 2,100 square feet. It's 21,000.

Ms. Evert: That's what I mean.

Commissioner Slesnick: For a million. Just --

Ms. Evert: Yes. I'm sorry.

Commissioner Lago: Marlin -- if I could just say one thing, Mayor -- I agree with you 110 percent, okay, and I know this Commission agrees with you. I had a meeting this morning with a developer who wanted to speak to me about a few different issues that were going on, and one of the interesting items that was brought forth, which I was going to speak with the Manager to see a little bit more clarification, was in reference to that other municipality, especially the City of Miami. When new developments come into the City, the City not only charges you, for example, an art fee, which is 1 percent of the total cost of the project, but they also charge you an impact fee of close to \$6,000 per unit to buy land.

Ms. Evert: Wow.

Commissioner Lago: And that, from my understanding, is something that the City does not currently -- hasn't entertained or just not currently have on the books, and it may be something that we look at. But let me explain to you just so you have an idea. The City Manager, for the first time since I've been elected -- I can't speak for the Vice Mayor and also the Mayor -- he had a budget hearing this year, which was, in my opinion, incredible. The Commission had a voice in reference to what we wanted and it was put up on a diagram, and we were able to voice our opinions in reference to what we viewed as essential in our priorities. I know this Commission,

as a whole -- and I don't want to speak for the entire Commission, but it's -- if you attended the budget hearing, you'll see that all of us mentioned buying land --

Ms. Evert: I watched it.

Commissioner Lago: -- as essential. And as important as any other item, potentially CCTV and reinforcing the police department, you know, infrastructure, but it was viewed upon as probably one of the most important topics that the City's going to face in the near future.

Ms. Evert: Absolutely.

Commissioner Lago: Just like you mentioned those few properties. I wasn't in public office. I don't think any of us was in public office when those beautiful lots in front of the Biltmore, the one Rivera and Ponce were developed. It's a shame, and I agree with you wholeheartedly. I wish you would have been able to purchase those back then. I don't think the City was in the financial situation it's in today. Back then it was in a much worse situation. But there are other lots that exist, and I am working on one of them, which happens to be adjacent to my residence, right on San Amaro. A lot of people are not aware that there's a three and a half acre lot, which most people consider that it's University Miami-owned or it's owned by the City. It is not owned by the City. That's in private hands.

Ms. Evert: By people in Pine Crest.

Commissioner Lago: Yes.

Ms. Evert: Yes. No. I -- you know, I --

Commissioner Lago: And I have been --

Ms. Evert: -- I haven't done my homework.

Commissioner Lago: And I have been in contact with them, and you know, trying to mend some fences in reference to the relationship that currently does not exist; I wish it existed. And the owners have been very nice, but they're not currently interested in selling. I view that along with the few different parcels that are left in the City as essential, like they just -- they're irreplaceable, because as you know -- you mentioned before, your quote by Mark Twain -- land is irreplaceable or land is unaffordable right now, the cost.

Ms. Evert: They're not making it anymore.

Commissioner Lago: They're not making it anymore. So I think you have a lot of support from this Commission in reference to your comments. I don't know if this Commission would even want to have a discussion in reference to potentially entertaining purchasing this piece of property. I know that Vice Mayor Quesada was instrumental in really having a hand in the reshaping of the adjacent park, which escapes my memory right now.

Commissioner Keon: Yeah.

Vice Mayor Quesada: Ingraham Park?

Commissioner Lago: Ingraham Park. I apologize. Go ahead. No, no. Please.

Ms. Evert: I attended that meeting when you had -- I was noticed in the thousand feet when we sat under that little tent. The same concern we had, what, five years ago we have today. We can't get there. There's no crosswalk. I remember the neighbors that afternoon saying, we can't get there.

Vice Mayor Quesada: We're working on something...

Commissioner Keon: We're working on that, yeah. Glen can tell you, there is a plan, a reconstruction plan.

Vice Mayor Quesada: ... meeting wasn't five years ago, though.

Commissioner Lago: And let me --

Ms. Evert: Four years ago; you had just been elected.

Commissioner Lago: Marlin, and just to give you --

Vice Mayor Quesada: No.

Ms. Evert: Yes, it -- yes, it --

Vice Mayor Quesada: There was a meeting -- I guess the meeting was -- there were a few meetings. The few -- that first meeting ... you referred to, right. That first meeting you talk about was before we actually ... redesign. I'll tell you, we're talking about once it was completed, that last meeting.

Ms. Evert: No, no, no, no. No, no, but we didn't --

Commissioner Lago: Marlin, and --

Ms. Evert: But we didn't -- we couldn't get there then.

Commissioner Keon: Right. But we have -- the County is the one that we are working with on developing crosswalks to that park and that -- I mean, if you call Glen Kephart, he can tell you all about it. There is a very good plan.

Vice Mayor Quesada: Yeah, there's a nice ....

Commissioner Keon: -- to provide very good crosswalks --

Vice Mayor Quesada: -- to get there safely.

Commissioner Keon: -- very safely --

Commissioner Lago: In closing --

Commissioner Keon: -- to that park.

Commissioner Lago: -- the Mayor brought up something to me, which is essential, and I have to bring it up, because he's 100 percent correct. You have a piece of property -- and I brought it up to the City Manager before -- on Blue Road. It's a sliver on the water, right over the bridge, correct, right adjacent to the bridge.

Commissioner Keon: I know it. I know it.

Commissioner Lago: That's publicly-owned property, but it's not open to the public, because the neighbors have objected to it.

Mayor Cason: Yeah.

Commissioner Lago: For example -- again, I brought it up to the Manager. I said, maybe we should sell that property and put that money to the fund or do something with it. What I would recommend is you go build consensus with your neighbor and see if they're even interested in potentially having a piece of land that's open to the public, because there -- in my opinion, I don't think the City should buy anymore land if the neighbors say we're going to buy it and then end up in a situation like we are in Blue Road where the neighbors don't want --

Commissioner Keon: Don't want anybody using....

Commissioner Lago: -- people congregating ...

Mayor Cason: We've had many, many -- we've looked at lots before, and you generally get “not in my back yard,” particularly if they're not a passive park. Anything that -- people say, “I don't want those people to come in,” and so what happens if you put a ... We have -- we couldn't even put a bench in front of the water tower because the neighbors were against it, because they said a lot of people were going to park there and eat and... So we're putting a lot of money into buying land. We're also looking at the possibility of foreclosures or land that we acquire because --

Commissioner Lago: Pocket parks.

Mayor Cason: Pocket parks and things --

Ms. Evert: Well, that's --

Mayor Cason: But we have to look very carefully at what we buy, make sure we have the neighborhood input, where best to use the money. We've said we wanted to have parks within walking distance of every neighborhood. So we can't just say we're going to buy this particular -  
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Commissioner Lago: And -- excuse me, Mayor. And the City Manager can verify this. I think we had a discussion that this year we're putting more money than ... put --

Mayor Cason: Another 300,000, I think, at least.

Commissioner Lago: -- into buying land. Again -- and we have pretty significant money right now in the fund. We just got to make sure that the properties -- or property that we do acquire meets the needs and the requirements of the adjacent owners.

Ms. Evert: Trust me, I brought this up the first morning after Mario and Marco left at my house and they -- and everyone just said, "Oh, you're dreaming." And I said, yes, but I can -- you know, I can follow my dreams and see if I can do something. I mean, the neighbors, they were -- you know, Mario and Marco were wonderful to work with, and they convinced us all that this was the best solution, and I know it will be a nice solution. But I just -- I still think that you should come up with a ratio of what you take down --

Mayor Cason: That's something we can -- as we look at Zoning Codes and other things moving forward, but not for this particular meeting. Thank you, Marlin.

Ms. Evert: His one person who wrote the letter, Mr. Soto; didn't attend any of the meetings. So he attended the Planning & Zoning meeting and that was it. There was a real core group that came to my house every time, so.

Mayor Cason: Thank you very much.

Commissioner Lago: Mario.

Mayor Cason: And I close the public hearing. Mario, do you have any last thoughts?

Mr. Garcia-Serra: Just some minor responses to some things that Marlin brought up. Number one, the tree that was ... that picture. I want to make sure that's not on our property.

Commissioner Keon: That's not your ...

Mr. Garcia-Serra: ... we ... another property.



Mayor Cason: And we've also addressed trees on lots ...

Commissioner Keon: Right, but I think that --

Mayor Cason: And demolition permits and all of that.

Commissioner Keon: -- I think on that particular lot, I think that tree was right until the center of the lot, and it would prohibit them from building on the lot, and so in those instances, we have to allow them to remove the tree.

Commissioner Lago: What year was that?

Commissioner Keon: It was --

Ms. Evert: ...

Commissioner Keon: Yeah, but --

Commissioner Lago: I know what I'm saying, but I wasn't sure if it was --

Commissioner Keon: Yeah, but I think it was -- you know, you can't -- you have to allow people to build on their property.

Mr. Garcia-Serra: And on the issue of trees, actually, we've been asked by the neighbors to preserve all the specimen-size trees and the plants, and we're prepared indeed to preserve the trees that are on site. There aren't many, but those --

Commissioner Keon: There's not that many, yeah.

Mr. Garcia-Serra: -- that are ...

Commissioner Keon: There aren't many.

Commissioner Lago: It's a pretty open space.

Commissioner Keon: Yeah, it's a pretty open space.

Mr. Garcia-Serra: But there's some along the edges.

Commissioner Keon: Right.

Mr. Garcia-Serra: ...

Mayor Cason: Let me go back to one point that Marlin brought up about lot splits. You know, we have over 10,000 homes in Coral Gables. I think the figures -- homes and apartments 16,389, or something like that. We've only done four, that I recall, or five lot splits. Each one has been very particular, very -- for example, we did one to save a tree on Lisbon. We divided it into three parks. So, yes, we're against lot splits, and very few -- or probably less than, you know, one-tenth of 1 percent of the homes. So it's not like we're out splitting lots everywhere. I -- back to your point earlier about demolition, obviously, if somebody decides to demolish a house because they want to put five homes on it, I know how we're going to vote on that. And we have not approved any lot splits for more than one home. We haven't -- other than the Lisbon one. So those things that happened before, 15 or 20 homes, I can't see those happening under this Commission. So these are very rare occasions. Everyone has something special and --

Commissioner Lago: It's not commonplace.

Mayor Cason: It's not commonplace. So don't have the perception that we're out splitting lots willy-nilly. It's not the case.

Mr. Garcia-Serra: Indeed. And that's another issue that I was going to bring up. What we're talking about today is not lot splits in the abstract and is it a good policy or is it a bad policy. We're looking at this unique circumstance. And we're looking at the unique circumstance; does it satisfy development criteria. And in my mind very important, what have we done in response to neighborhood input in trying to incorporate that. You know sometimes on lot splits, you'll have a parked house of people opposing it, and you know, we had one speaker today, and you know, she was very honest also on how well our discussions have gone with the neighborhood and so forth. And what her aspiration really is is for -- to have this as potentially open space instead... to park, and that might be a very good idea, but it's very important. I have to mention also that there probably were some neighbors, and you heard that idea, that had some resistance to it, but most importantly, it's not something that should be discussed in the context of this application. You know, whether it's a good idea to acquire that property or not as a park is another discussion for another day and shouldn't influence the discussion of do we satisfy the criteria and is it appropriate to have this lot split here. So with that said, I just would reiterate again all the efforts that we've made to try to incorporate neighborhood input, to try to be in context with the neighborhood. We think we have achieved it here. And again, we're not looking today to make an overall statement on lot splits. We're figuring out whether it's appropriate to have one larger home or two smaller homes on this property today in conjunction with the criteria.

Mayor Cason: And I'm reminded, this is an ordinance on first reading. So --

Mr. Garcia-Serra: Correct.

Mayor Cason: -- if we were to approve it, we'll have a chance to come back, if anything happens between now and the next meeting, to change anybody's mind so.

Mr. Garcia-Serra: That said, if there are modifications to what we're proposing, in other words, move the line slightly this way or that way and change the design of the homes, we have been

very open to every suggestion that has been made so far, and of course, we'll -- we will be open to yours and, in all likelihood, incorporate them also.

Mayor Cason: Thank you. Thank you very much.

Commissioner Keon: Have we ever approved a lot split without a site specific plan? I mean, it seems to me -- what I -- I remember that -- like I know on Maggiore, we approved that lot split, but it was site specific. They had to come forward with a site specific. How often -- I mean, I think when there are -- this type of lot, so when it's a very large -- I don't know that we have -- I don't think on Granada we didn't, but on this type of lot, we have always required -- have we always required a site-specific plan?

Mr. Trias: The Code does not require a site plan to be approved. It does require an illustration to be presented to you of the general concepts, so that's what happened with Granada. In Maggiore --

Commissioner Keon: Right.

Mr. Trias: -- what happened was that the applicant was ready to go with the --

Commissioner Keon: Right.

Mr. Trias: -- design and he went and get a building permit for that. So he gave you what he was intended to do.

Mayor Cason: On Lisbon?

Commissioner Keon: No, Maggiore.

Mayor Cason: I don't think we even ....

Mr. Trias: Lisbon was...

Commissioner Keon: No. The one -- no, we did ask for it. We did get a site plan for --

Mr. Trias: Yeah, and --

Commissioner Keon: -- Lisbon also.

Mr. Trias: Lisbon was a settlement, so it's a separate -- it's a different process.

Commissioner Keon: Right, but it was a different process. But there was a site plan.

Mayor Cason: On Casuarina?

Commissioner Keon: No, but there was a conceptual plan --

Mr. Trias: Yeah, it was just a concept.

Commissioner Keon: -- because of the size of the lot.

Mr. Trias: Yeah.

Mayor Cason: Are you proposing that there be one before now ....

Commissioner Keon: Well, you know, I don't -- we can take a vote. I'm going to ... on first reading. I don't think it meets the criteria. I think there was an intention as to why it was -- there was a covenant that held it together. I think San Vicente -- you know, other than the Dutch Front Village -- or the Dutch Village that's, you know, on the corner of San Vicente and LeJeune, you know, has a different character altogether. Other than that, the homes face San Vicente; it is a

larger street; it is, you know -- it's one of the more significant, you know, city streets that we have. So I think for all those reasons, I am not comfortable in supporting the lot split at all. If the majority of the Commission votes for this lot split, I would ask that there be site specific. I mean, in looking at the renderings too. The renderings are -- although the homes are not exactly the same, they are very similar. They are very, very similar homes, which is -- which you don't see much. And I know one of the criteria here -- in anybody building more than one home, you know, on a parcel is that they can't be -- they have to be separate and distinct.

Mr. Garcia-Serra: Yeah. I want to say --

Commissioner Keon: In design.

Mr. Trias: My recollection on the ... and the attorney may correct -- is that the applicant does not intend to have that as a design proposal. He was just simply fulfilling the requirement.

Commissioner Keon: Whatever. So, I mean, I would think -- I mean, that depends on the way the vote goes. But I would ask you to really consider this --

Mayor Cason: Were we to approve it, would you be able to come back with some site-specific renderings?

Mr. Garcia-Serra: Sure. And -- no -- and even the plans that have been produced so far, we're willing to stick to them, but if the response is they need to be better; you know, they need to be different, we'll make them better. You know, we are willing to do that and stick to a particular plan. You know, we would also need to go to Board of Architects approvals and that incurs a considerable fee, so you know, we were going -- we're doing this step first to see, number one, if we could get this approval before going to the ... design review process. But we do have fairly elaborated plans.

Commissioner Keon: Right. I think it's essential that there's homes -- you know, that you maintain the -- San Vicente in the way that it is currently laid out, but --

Mayor Cason: All right. I guess how to proceed on this now? Do we need to vote on the four criteria? Can we --

Mr. Leen: No. I would -- if there's going to be a motion -- depends on if there's a motion to approve or not approve. If there's a motion to approve, you can either specify the four findings or you can just say that you move that four of the findings exist, and then it would be up to us to defend what those four findings were. You can do either. The Planning & Zoning Board, I asked them to make specific findings, because their goal was to give you guidance. And so we wanted to see what were the findings that they were recommending. But, for example, you may disagree with one of the other Commissioners over which four exist, and you're allowed as a body to find four, so --

Mayor Cason: And we don't have to specify the four. We just --

Mr. Leen: You don't have to specify the four. You do have to specify that four of the six exist.

Mayor Cason: OK. All right, let me just ask this. Somebody willing to make a motion that four of those exist without specifying which ones, and we'll see where we go from there?

Commissioner Keon: Well, I don't think four exists, so I can't do that.

Commissioner Lago: I'm also on the same boat as Commissioner Keon.

Vice Mayor Quesada: So am I.

Mayor Cason: OK. Well, then -- so doesn't somebody make a motion --

Commissioner Lago: I make a motion to deny approval.

Vice Chair Quesada: Look --

Commissioner Lago: And I'll tell you what my findings are. Like Maggiore -- unlike Maggiore, you know, the frontage doesn't exist in reference to San Vicente, and that's a major sticking point to me. I think we could resolve that, but I think that's a major sticking point. And also, another major point, which kind of complexes the issue -- makes the issue a little more complicated for me is the adjacent property is -- has the same footprint as this lot, so I would like to see it kind of mimic, so make it have -- make the footprint just be one lot.

Mayor Cason: But let me say -- let me ask this. If you want those things to happen, we have to approve it now and you make the changes before the second. If you don't approve it now, that's it. It's over.

Commissioner Lago: Yeah, stays as one lot.

Mayor Cason: Stays as one lot.

Commissioner Slesnick: Remains as one lot.

Mayor Cason: Depending --

Mr. Leen: You could do two things. You could approve with conditions and with directions. You could -- if you want to achieve that. You could reject it. Actually, there's three things. Or you could continue it with your comments and give him a chance to meet them and then make a decision at the next meeting.

Mayor Cason: So it depends on whether you think this is, as they would say in Spanish, res.... Is this something that can be -- that could be -- ... say there's something that could be --



Commissioner Keon: Salvaged?

Mayor Cason: -- ... solved between now and the second reading.

Commissioner Keon: I think it -- is it salvaged?

Vice Mayor Quesada: I'm always -- yes, it is. And I'm always of the opinion as -- and always allow applicants to speak as much as possible. So I mean, I would have -- I mean, my vote right now is "no," but if the rest of the Commission is willing to pass it temporarily so -- that they want to present additional information, provide additional feedback, I don't see what else they can show to change my mind, but I don't know. Maybe there's something else that --

Mayor Cason: ...

Vice Mayor Quesada: -- I'm missing. I don't know.

Mayor Cason: ...like solve one of those issues.

Mr. Garcia-Serra: Well, I think it's important to make clear the direction. Aside from a motion for either approval or denial, there's also the possibility of a motion for continuance to see if we could address issues.

Mayor Cason: But my question on that, are their issues that you think can be addressed or do you think that --

Commissioner Lago: I think you can address the issues of the frontages on San Vicente, but I think that the issue of it being one lot is contrary to the request from the owner.

Mayor Cason: So you're saying no, there's nothing --

Commissioner Lago: In my opinion.

Mayor Cason: It's not res...?

Commissioner Keon: I would second Commissioner Lago's motion.

Commissioner Lago: Commission -- I want to hear what Commissioner Slesnick has to say.

Vice Mayor Quesada: Hoping that it's not salvageable?

Mayor Cason: Not salvageable. Everyone's saying it's not salvageable, no matter what we do with the ....

Commissioner Lago: I mean, they're here applying for a lot split. I mean, at the end of the day.

Vice Mayor Quesada: Yeah, yeah. I got it. I got it.

Commissioner Lago: No, no, no. I'm just saying. Commissioner.

Commissioner Slesnick: I would move to deny their request.

Unidentified Speaker: We're all on the same page.

Commissioner Keon: Well, we need to take a vote.

Commissioner Lago: Well, then -- all right. Well, I'll make a motion.

Commissioner Keon: I second it.

Commissioner Lago: I'll make a motion to deny the request in reference to two points: frontage on San Vicente, and also the fact that the Commission as a whole --

Commissioner Keon: Doesn't meet the --

Vice Chair Quesada: Can I --

Commissioner Lago: That the project doesn't meet the requirements of the neighborhood, in context with the neighborhood.

Vice Mayor Quesada: It doesn't meet the -- if I could modify it, if you're okay?

Commissioner Lago: Of course.

Vice Chair Quesada: If -- just amend it. It doesn't satisfy Article 3-206(f).

Commissioner Lago: Yes.

Mayor Cason: That would be the way to do it, because I think the neighbors are going to have a different point of view so.

Commissioner Keon: Right. That's a different issue.

Vice Mayor Quesada: Based on the facts and testimony presented to us and the law as set forth in our Code, it doesn't meet the requirements. Is that ... phrase it?

Commissioner Slesnick: Is that an amendment?

Commissioner Keon: Got say... that's the motion.

Mayor Cason: That's your motion.

Commissioner Keon: That's the motion.

Mayor Cason: That's your motion. Second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon. City Clerk.

Mr. Foeman: Commissioner Keon?

Commissioner Keon: Yes...

Mr. Foeman: Commissioner Lago?

Commissioner Lago: Yes.

Mr. Foeman: Vice Mayor Quesada?

Vice Chair Quesada: Yes.

Mr. Foeman: Commissioner Slesnick?

Commissioner Slesnick: Yes.

Mr. Foeman: Mayor Cason?

Mayor Cason: Yes.

Mr. Garcia-Serra: Thank you for your consideration.

Mayor Cason: Thank you.

Commissioner Keon: Thank you.

Commissioner Lago: Thank you, sir.

Mayor Cason: All right, we're going to take a lunch break, and we'll be back at 1:20 precisely to start. We have a long day left.

Vice Mayor Quesada: Actually, before the break, just real quick. Commissioner Keon, Commissioner Lago, I'd ask you to reread the Planning & Zoning Board minutes, starting on like page 95.