

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

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

Board Members Present at Commission Chamber:

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

City Staff and Consultants:

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

Also Participating:

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

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

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

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

Jill, please call the roll.

THE SECRETARY: Robert Behar?

MR. BEHAR: Here.

THE SECRETARY: Julio Grabiell?

He requested to be excused.

CHAIRMAN AIZENSTAT: Yeah. He's sick,

THEREUPON:

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

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

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

correct?

THE SECRETARY: That is correct.

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

MR. SALMAN: Bless him for that.

CHAIRMAN AIZENSTAT: Bless him.

THE SECRETARY: Sue Kawalerski?

MS. KAWALERSKI: Here.

THE SECRETARY: Felix Pardo?

MR. PARDO: Here.

THE SECRETARY: Javier Salman?

MR. SALMAN: "Presente."

THE SECRETARY: Chip Withers?

MR. WITHERS: Here.

THE SECRETARY: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

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

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

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

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

25 Swearing in, everyone who speaks this

5

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

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

9 (Thereupon, the participants were sworn.)

10 CHAIRMAN AIZENSTAT: Thank you.

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

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

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

6

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

3 MR. PARDO: So moved.

4 MR. BEHAR: Second.

5 CHAIRMAN AIZENSTAT: Any comments?

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

7 MR. PARDO: Robert.

8 CHAIRMAN AIZENSTAT: Mr. Behar.

9 THE SECRETARY: Thank you.

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

12 THE SECRETARY: Sue Kawalerski?

13 MS. KAWALERSKI: Yes.

14 THE SECRETARY: Felix Pardo?

15 MR. PARDO: Yes.

16 THE SECRETARY: Javier Salman?

17 MR. SALMAN: Yes.

18 THE SECRETARY: Chip Withers?

19 MR. WITHERS: Yeah.

20 THE SECRETARY: Robert Behar?

21 MR. BEHAR: Yes.

22 THE SECRETARY: Eibi Aizenstat?

23 CHAIRMAN AIZENSTAT: Yes.

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

7

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

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

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

17 CHAIRMAN AIZENSTAT: For the deferral --

18 MR. BEHAR: I'll make --

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

22 MR. SALMAN: So moved.

23 MR. BEHAR: Second.

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

8

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

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

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

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

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

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

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

22 MR. FIGUEREDO: They did not.

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

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

13

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

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

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

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

8 MR. FIGUEREDO: Yes, sir.

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

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

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

14

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

3 MR. FIGUEREDO: Thank you, sir.

4 MR. BEHAR: The food is great.

5 MR. FIGUEREDO: Thank you, sir.

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

8 MR. FIGUEREDO: Thank you. Thank you.

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

10 CHAIRMAN AIZENSTAT: Thank you.

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

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

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

15 MR. FIGUEREDO: Thank you, sir.

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

18 MS. GARCIA: Jennifer Garcia, City Planner.

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

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

25 So, as he said, the location of the

15

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

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

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

25 And it went to DRC January of last year,

16

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

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

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

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

17

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

2 Felix.

3 MR. PARDO: I mean --

4 MR. WITHERS: Was that a compliment?

5 CHAIRMAN AIZENSTAT: Yeah. Yeah.

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

11 CHAIRMAN AIZENSTAT: Thank you.

12 Chip.

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

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

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

19

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

4 That's all I have. Thank you.

5 CHAIRMAN AIZENSTAT: Thank you.

6 Sue, would you like to go first?

7 MS. KAWALERSKI: I like it.

8 CHAIRMAN AIZENSTAT: You like it.

9 MR. COLLER: Do we have any --

10 CHAIRMAN AIZENSTAT: Public comments.

11 MR. COLLER: Sorry.

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

14 THE SECRETARY: No, we don't.

15 CHAIRMAN AIZENSTAT: No?

16 THE SECRETARY: Uh-huh.

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

19 THE SECRETARY: No.

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

22 Sue --

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

25 CHAIRMAN AIZENSTAT: I was just going to

18

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

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

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

7 MR. BEHAR: Yeah.

8 Robert.

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

11 CHAIRMAN AIZENSTAT: Javier.

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

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

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

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

20 MS. GARCIA: I can check an aerial.

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

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

24 Good. Yeah.

25 MR. FIGUEREDO: So you have four parking

20

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

21

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

22

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

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

24

1 MR. COLLER: So we'll worry about it in  
2 twenty years.  
3 MR. SALMAN: I hope to see you renew it.  
4 CHAIRMAN AIZENSTAT: Yeah.  
5 I mean, I have no concerns, but the only  
6 thing which I would ask is, if something could  
7 be put there that there wouldn't be trash  
8 outside of that area, because I've noticed, in  
9 a lot of these types of businesses, it just  
10 automatically generates trash outside from  
11 people having cortaditos, cafecitos, and they  
12 just --  
13 MR. FIGUERO: 100 percent. I couldn't  
14 agree with the Board any more. We're also  
15 using -- the manufacturer that was used to put  
16 all of the accessories, the benches, the  
17 kiosks, is called Nettie. They're out of  
18 Italy. So I'm going to have two Nettie trash  
19 cans right outside, and we are putting in place  
20 the first brand ambassadors of Sanguich. So  
21 I'm going to make sure that I have an attendant  
22 outside, greeting everyone and making sure  
23 people feel good, and the place is clean.  
24 CHAIRMAN AIZENSTAT: Thank you.  
25 MR. FIGUERO: Of course. Thank you.

25

1 CHAIRMAN AIZENSTAT: I have no other  
2 comments.  
3 Is there a motion?  
4 MR. BEHAR: I'll make a motion, and I  
5 welcome any friendly amendment to the motion  
6 for approval, if you want to put in to have  
7 trash cans.  
8 CHAIRMAN AIZENSTAT: I don't know if it's  
9 necessary to say for the trash cans. The way I  
10 see it, I like what Chip said, for the  
11 recommendation --  
12 MR. BEHAR: Yeah, but that's a separate.  
13 This is not part of --  
14 MR. COLLER: We can make, certainly, as a  
15 condition -- well, with regard to the trash  
16 cans, if you want to make them as a condition,  
17 to have an appropriate trash receptacle, that's  
18 an appropriate condition. And if you want to  
19 add, as part of your recommendation, that the  
20 City Commission consider making these walk-up  
21 windows as a permitted use under certain  
22 circumstances and not required to be a  
23 conditional use in a public hearing, you can  
24 make that as part of your recommendations, if  
25 that's the case.

26

1 MR. BEHAR: I'll make the motion for  
2 approval with those two recommendations. And  
3 the parking is one that I don't know if we  
4 could make that a recommendation. That's  
5 something that the Parking Director has to get  
6 involved.  
7 MR. SALMAN: I suggested it. I didn't say  
8 it was a requirement. Mainly, a suggestion to  
9 help alleviate the traffic.  
10 MR. BEHAR: I like the idea, because then  
11 you dedicate two spaces for their use. I think  
12 that's a good -- you know, a suggestion, that  
13 if that could be incorporated, goes along with  
14 it.  
15 CHAIRMAN AIZENSTAT: We have a motion. Is  
16 there a second?  
17 MR. SALMAN: Second.  
18 CHAIRMAN AIZENSTAT: We have a second by  
19 Javier.  
20 Any other discussion? No?  
21 Call the roll, please.  
22 THE SECRETARY: Javier Salman?  
23 MR. SALMAN: Yes.  
24 THE SECRETARY: Chip Withers?  
25 MR. WITHERS: Yes.

27

1 THE SECRETARY: Robert Behar?  
2 MR. BEHAR: Yes.  
3 THE SECRETARY: Sue Kawalerski?  
4 MS. KAWALERSKI: Yes.  
5 THE SECRETARY: Felix Pardo?  
6 MR. PARDO: Yes.  
7 THE SECRETARY: Eibi Aizenstat?  
8 CHAIRMAN AIZENSTAT: Yes.  
9 MR. FIGUERO: Thank you.  
10 CHAIRMAN AIZENSTAT: You're welcome.  
11 MR. BEHAR: Next meeting, bring some  
12 samples. After the approval, you need to bring  
13 some.  
14 MR. FIGUERO: Thank you.  
15 CHAIRMAN AIZENSTAT: The next item is E-2.  
16 MR. COLLER: Yeah.  
17 CHAIRMAN AIZENSTAT: Mr. Coller, if you'd  
18 read that into the record, please.  
19 MR. COLLER: Item E-2, an Ordinance of the  
20 City Commission of Coral Gables, Florida  
21 providing for a text amendment to Appendix A  
22 "Site Specific Zoning Regulations," Section  
23 A-94 "Snapper Creek Lakes" of the City of Coral  
24 Gables Official Zoning Code to include all  
25 types of accessory uses in the rear yard ground

28

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

7 Item E-2, public hearing.

8 CHAIRMAN AIZENSTAT: Ms. Russo.

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

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

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

29

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

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

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

31

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

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

30

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

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

32



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

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

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

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

33

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

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

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

34

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

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

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

35

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

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

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

36

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

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

37

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

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

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

16 Thank you.

17 CHAIRMAN AIZENSTAT: Thank you.

18 City Staff.

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

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

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

25 All right. So this is a Zoning Code Text

38

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

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

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

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

39

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

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

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

40

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

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

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

41

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

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

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

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

43

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

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

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

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

25 So they had a neighborhood meeting back in

42

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

6 That's it.

7 CHAIRMAN AIZENSTAT: Thank you.

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

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

11 CHAIRMAN AIZENSTAT: How many people?

12 THE SECRETARY: Three.

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

15 THE SECRETARY: Call them? Okay.

16 Alex Quevedo.

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

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

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

44

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

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

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

23 CHAIRMAN AIZENSTAT: Thank you.

24 THE SECRETARY: Alan Fine.

25 MR. FINE: Good evening and thank you for

45

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

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

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

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

47

1 hearing from us.

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

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

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

8 THE SECRETARY: Thank you.

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

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

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

46

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

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

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

48

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

6 CHAIRMAN AIZENSTAT: Thank you.

7 THE SECRETARY; Luis Hoyos.

8 MR. HOYOS: Hi, how are you?

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

11 (Thereupon, additional participants were  
12 sworn.)

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

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

49

1 Gables house in Snapper Creek.

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

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

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

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

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

25 The same month, same year, plans were

50

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

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

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

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

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

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

51

1 not implemented.

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

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

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

22 MR. HOYOS: I understand that, yes.

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

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

52

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

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

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

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

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

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

14 MR. HOYOS: Yes.

15 MR. SALMAN: Okay.

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

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

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

53

1 MR. PORTUONDO: 5717 Southwest 8th Street.

2 MR. COLLER: Thank you.

3 CHAIRMAN AIZENSTAT: Thank you.

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

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

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

55

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

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

5 MR. BEHAR: Right.

6 MR. SALMAN: Right.

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

10 MR. COLLER: It will impact his built.

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

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

17 CHAIRMAN AIZENSTAT: Thank you.

18 Can you call the next speaker, please?

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

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

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

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

54

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

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

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

56

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

6 MS. GARCIA: Suarez.

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

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

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

57

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

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

14 Thank you very much.

15 CHAIRMAN AIZENSTAT: Thank you, sir.

16 Jill, any more speakers?

17 THE SECRETARY: No more speakers.

18 CHAIRMAN AIZENSTAT: What about on Zoom?

19 THE SECRETARY: No.

20 CHAIRMAN AIZENSTAT: On the phone?

21 THE SECRETARY: No.

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

24 Laura.

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

59

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

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

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

58

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

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

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

60

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

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

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

61

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

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

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

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

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

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

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

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

63

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

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

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

62

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

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

64



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

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

10 CHAIRMAN AIZENSTAT: I understand.  
11 Chip.

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

14 MS. RUSSO: Nice to see you.

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

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

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

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

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

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

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

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

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

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

23 MR. WITHERS: I understand that argument.

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

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

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

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

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

9 MS. RUSSO: In the County, no.

10 MR. WITHERS: In Coral Gables?

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

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

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

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

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

7 CHAIRMAN AIZENSTAT: Right.

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

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

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

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

1 those particular accessory uses at that time.

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

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

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

69

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

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

7 MS. RUSSO: Uh-huh.

8 CHAIRMAN AIZENSTAT: Felix.

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

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

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

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

70

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

9 (Simultaneous speaking.)

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

19 Then you have to --

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

71

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

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

11 MR. COLLIER: Right.

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

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

72

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

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

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

21 MR. PARDO: Okay. So I --

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

24 CHAIRMAN AIZENSTAT: The City Code.

25 MR. COLLER: Right.

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

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

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

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

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

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

10 MS. RUSSO: Correct.

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

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

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

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

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

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

25 MS. RUSSO; Excuse me?

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

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

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

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

77

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

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

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

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

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

20 (Simultaneous speaking.)

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

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

79

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

8 MS. RUSSO: Right.

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

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

15 MR. PARDO: Yeah.

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

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

22 MR. SALMAN: The authority having  
23 jurisdiction.

24 CHAIRMAN AIZENSTAT: AHJ.

25 MR. SALMAN: His opinions and his

78

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

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

6 MR. PARDO: That's right.

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

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

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

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

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

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

23 MS. KAWALERSKI: Hi, Laura.

24 MS. RUSSO; Hi.

25 MS. KAWALERSKI: A couple of things. I

80

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

3 MS. RUSSO: That is correct.

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

10 MS. RUSSO: Or an architect.

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

13 MS. RUSSO; Correct.

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

19 MS. RUSSO: That is correct.

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

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

24 MS. KAWALERSKI: I'm getting better.

25 CHAIRMAN AIZENSTAT: Javier, do you want

81

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

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

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

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

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

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

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

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

83

1 to --

2 MR. SALMAN: Yeah.

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

9 MS. RUSSO; Correct.

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

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

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

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

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

82

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

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

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

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

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

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

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

84

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

8 CHAIRMAN AIZENSTAT: Okay.

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

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

14 CHAIRMAN AIZENSTAT: Thank you.

15 Javier, are you --

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

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

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

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

85

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

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

11 MS. RUSSO: Right.

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

16 MS. RUSSO: Separate and --

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

19 MS. RUSSO; Yes. Right.

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

23 Through the Chair, I'm done.

24 CHAIRMAN AIZENSTAT: Okay. Robert.

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

87

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

4 CHAIRMAN AIZENSTAT: Thank you.

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

16 CHAIRMAN AIZENSTAT: Javier.

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

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

86

1 MS. RUSSO; Yes.

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

4 MS. RUSSO: Yes.

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

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

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

13 MS. RUSSO: Correct.

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

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

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

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

88

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

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

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

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

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

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

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

89

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

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

21 CHAIRMAN AIZENSTAT: Robert.

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

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

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

91

1 association --

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

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

7 MR. COLLER: I don't know.

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

12 Robert, do you want to continue?

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

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

90

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

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

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

8 MS. RUSSO: '55.

9 CHAIRMAN AIZENSTAT: 1955, okay.

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

15 MR. PARDO: Was it A94-2?

16 MS. RUSSO: Here is the ordinance.

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

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

92

1 CHAIRMAN AIZENSTAT: Can we go right  
2 specifically to what he spoke about?

3 MS. RUSSO: Yeah. "Whereas Snapper Creek  
4 is a neighborhood of one acre building sites,  
5 which have been developed with a character  
6 unique to the neighborhood and in harmony with  
7 its landscape environs, that includes a change  
8 in topography, rich native vegetation, two  
9 lakes and homes designed in the classical  
10 contemporary style, and whereas the residents  
11 of Snapper Creek want to preserve and maintain  
12 the character of their neighborhood as it is  
13 developed."

14 CHAIRMAN AIZENSTAT: Okay. So stop there.  
15 Listening to that, to preserve the character,  
16 to me would be to preserve the character before  
17 annexation.

18 MS. RUSSO: Well, it continues --

19 CHAIRMAN AIZENSTAT: No, I understand, but  
20 I'm not just -- I'm not an attorney, but the  
21 way I'm looking at this. The other thing is,  
22 how does the association fall within State  
23 Statute 718, which governs condominium  
24 associations?

25 MS. RUSSO: Well, it's separate. A

1 State of Florida and the Florida Statutes,  
2 correct.

3 CHAIRMAN AIZENSTAT: Okay. So whatever the  
4 statute says by the State, supersedes whatever  
5 the bylaws are that are written within the  
6 association, unless there's language that says  
7 the bylaws, so forth, will govern?

8 MS. RUSSO: Right.

9 CHAIRMAN AIZENSTAT: The other point that I  
10 want to go into is, when you say you want to be  
11 more restrictive by changing or having the City  
12 change, Mr. Collier made a point that said,  
13 you've got to be very careful of it, because if  
14 you've got owners, before you do that change,  
15 that have owned the property, and they're now  
16 affected adversely, how does that work?

17 MS. RUSSO: Well, let me answer from the  
18 homeowners. So we have protected covenants.  
19 As Mr. Collier told you, they are private. So  
20 when you buy in Snapper Creek or some of the  
21 other areas that have protective covenants, in  
22 your application, you agree to the terms and  
23 conditions in there, as part of your  
24 membership. You're agreeing to whatever the  
25 restrictions are, in terms of setbacks, et

1 homeowners' association is governed by its own  
2 set of rules.

3 CHAIRMAN AIZENSTAT: But this is a  
4 homeowners' association, as such. Doesn't it  
5 have to follow the guidelines of the State  
6 Statute 718?

7 MS. RUSSO: I think it has a different --

8 MR. PARDO: It has a different number, Mr.  
9 Chairman.

10 MS. RUSSO; Alan might know. I'm not --

11 MR. PARDO: homeowners' association and  
12 condominium law are different.

13 MS. RUSSO; There's a question -- yes, but  
14 is it 718 or is --

15 CHAIRMAN AIZENSTAT: So it's not 718?

16 MS. RUSSO: It's a different number, but it  
17 applies to homeowners' associations.

18 CHAIRMAN AIZENSTAT: So it's not the same  
19 as a condominium?

20 MS. RUSSO: Yes, it's not the same as a  
21 condominium, but it is a separate numbered  
22 Florida Statute, that addresses homeowners'.

23 CHAIRMAN AIZENSTAT: I just want to be  
24 clear on that.

25 MS. RUSSO: Yes. So it is governed by the

1 cetera. I know that they are provided. I  
2 know, I went to the website, they're up on the  
3 website. So they're not hidden.

4 And so, while if you bought a house in  
5 Coral Gables, your front setback is normally 25  
6 feet, when you buy in Snapper Creek, you can't  
7 say, "Oh, but it's 25 feet." No, you've  
8 agreed, as a resident and owner of Snapper  
9 Creek, that you're going to build your front  
10 setback at 50 feet, and while the City Zoning  
11 Code did not match, which was part of the  
12 confusion -- so the side setbacks matched what  
13 was in the County, but Snapper Creek, even from  
14 the '50s, was saying, our protective covenants  
15 say the side street is 30" -- I mean, the side  
16 setback is 30, not 15. And if you're on a  
17 street, and that's your side, it's 50 feet.

18 So those are the corrections that you'll  
19 see in what we have proposed, because it was  
20 confusing. So we're not taking away any  
21 rights, because anybody who lives in Snapper  
22 Creek already agreed to the more restrictive  
23 conditions, as part of their membership. They  
24 pay to be members, right. So they pay extra to  
25 have more restrictions in this community.



1 MR. COLLER: Isn't it, in fact, the  
2 restrictions part of the plat for Snapper  
3 Creek?  
4 MS. RUSSO: You know what, I can't answer  
5 that. I don't know if they're part of the  
6 plat, but they might be part.  
7 MR. COLLER: Even more notice than just  
8 being on the website. It's part of their --  
9 when you buy in there, you buy subject to it.  
10 MS. RUSSO: Yes. When you buy, you buy,  
11 and it's in the title examination, your title  
12 commitment references them. They also --  
13 MR. COLLER: And that's why the homeowners'  
14 association can enforce something more  
15 restrictive than what the --  
16 CHAIRMAN AIZENSTAT: Right, but at the same  
17 time, the City trumps, if there's a conflict  
18 with the homeowners' association language, and  
19 that's, I assume, why you're here, because you  
20 want to seal that hole?  
21 MR. COLLER: No. Actually, that would not  
22 be true.  
23 MS. RUSSO; No.  
24 CHAIRMAN AIZENSTAT: Can you explain that?  
25 MR. COLLER: If you buy into a community --

97

1 telling you, "No. The community has enforced  
2 the pool as part of the setback." For us, it's  
3 clarification.  
4 And as to your point, Eibi, if this  
5 property were in regular Coral Gables, not in a  
6 subdivision, and I were to be proposing a  
7 change that was more restrictive than the Code,  
8 then you have all sorts of Bert Harris, what  
9 are you doing, what have you here, but every  
10 homeowner here already agreed, signed off,  
11 accepted title, with all of the restrictions  
12 that are recorded, right, and, in fact, has  
13 paid extra to be a part of this zoning  
14 restrictive community.  
15 CHAIRMAN AIZENSTAT: But if that's your  
16 argument, why are you here? You're telling me  
17 that you're --  
18 MS. RUSSO: Because it's being  
19 misinterpreted. So they come to the City, and  
20 sometimes they're told it doesn't count, but I  
21 can bring you homeowners that can tell you, it  
22 was counted when they brought in the pool.  
23 CHAIRMAN AIZENSTAT: If you're telling --  
24 to me, if you're telling me it's being  
25 misinterpreted, then is that a decision that

99

1 CHAIRMAN AIZENSTAT: Right.  
2 MR. COLLER: -- and that community has more  
3 restrictions than what the City has, then  
4 you're subject to the more restrictions. Maybe  
5 the City would allow "X", but the homeowners'  
6 association says, "You can't have that if  
7 you're going to live in this community," as  
8 long as it's more restrictive.  
9 Now, obviously, if it were more liberal  
10 than what the City would permit, then there  
11 would be a problem with the homeowners'  
12 association documents.  
13 CHAIRMAN AIZENSTAT: What if it's silent?  
14 MR. COLLER: Well, that's the problem we  
15 have here.  
16 CHAIRMAN AIZENSTAT: Right.  
17 MS. RUSSO: Well, I'm not sure it's silent,  
18 because it says in this ordinance, the part  
19 where you stopped me, it goes on, "And in a  
20 manner which is consistent with the high  
21 standards of the Zoning Code," right, and so  
22 that is why, when the property became annexed,  
23 they applied -- again, if you would tell me,  
24 "Laura, this is the first time you're ever  
25 going to enforce the pool rule," and I'm

98

1 the Planning and Zoning Board should be making?  
2 Isn't that not a legal decision that should be  
3 done by the courts?  
4 MS. RUSSO; No, because I'm asking for an  
5 ordinance that will clarify the language.  
6 MR. PARDO: She's asking for a change in  
7 the Zoning Code.  
8 CHAIRMAN AIZENSTAT: No. No. I understand  
9 you're asking for a change in the ordinance,  
10 but you're asking for that change because it is  
11 not clear.  
12 MS. RUSSO: Well, it's not clear to the  
13 City, and the City is adopting or thinks it has  
14 a policy that it has never shared with the  
15 residents of Snapper Creek, and so we have  
16 always interpreted it the same way. We aren't  
17 here saying to you, "We interpreted it  
18 different," right, and so -- and, again, the  
19 case -- the particular case that was presented  
20 to you may or may not end up in litigation, and  
21 that's in a separate issue, for the homeowner's  
22 attorney and for the association attorney,  
23 whatever, to determine, because whether the  
24 City gives him a building permit or not, if the  
25 association thinks it violates its protective

100

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

3 CHAIRMAN AIZENSTAT: Correct.

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

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

12 MS. RUSSO: It's what?

13 CHAIRMAN AIZENSTAT: It's two mistakes.

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

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

101

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

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

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

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

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

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

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

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

103

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

4 CHAIRMAN AIZENSTAT: Understood.

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

6 MR. PARDO: I would have been quiet.

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

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

10 MR. PARDO: Mr. Chairman --

11 CHAIRMAN AIZENSTAT: Felix.

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

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

25 But there is something that Laura said, and

102

1 home.

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

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

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

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

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

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

16 MR. PORTUONDO: Correct.

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

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

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

25 MS. RUSSO; Right.

104

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

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

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

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

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

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

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

105

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

21 So I'm saying, we say we follow the Zoning  
22 Code, so you would go to the Zoning Code.

23 Because it didn't happen this time, we wanted  
24 to just make sure moving forward, we're not --

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

106

1 why you're adding the language --

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

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

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

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

16 CHAIRMAN AIZENSTAT: That is correct.

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

107

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

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

8 MR. RUSSO: The homeowner.

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

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

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

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

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

108

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

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

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

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

24 MR. Portuondo: By the Board of --

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

109

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

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

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

14 CHAIRMAN AIZENSTAT: Yes.

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

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

19 MS. KAWALERSKI: Yes.

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

22 MS. KAWALERSKI: As proposed.

23 CHAIRMAN AIZENSTAT: As proposed --

24 MR. WITHERS: As proposed by?

25 MS. KAWALERSKI: As proposed by the

111

1 it approved by the Board of Architects?

2 MR. PORTUONDO: Yes.

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

5 MR. PORTUONDO: Yes.

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

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

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

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

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

22 MR. SALMAN: And I agree.

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

110

1 applicant.

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

4 MR. PARDO: Second.

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

7 Is there any discussion?

8 MR. WITHERS: Yes. Go ahead.

9 MR. BEHAR: Go ahead.

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

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

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

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

112

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

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

10 MR. COLLER: No.

11 MR. WITHERS: Has it been approved?

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

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

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

18 MR. WITHERS: I understand that.

19 MS. RUSSO; Right. Right.

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

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

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

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

113

1 approved it.

2 CHAIRMAN AIZENSTAT: It's in the process.

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

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

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

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

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

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

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

19 MR. WITHERS: Okay.

20 MR. BEHAR: But anything retroactive --

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

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

114

1 as a friendly amendment?

2 MS. KAWALERSKI: Yes. Absolutely.

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

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

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

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

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

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

115

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

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

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

16 CHAIRMAN AIZENSTAT: Yes.

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

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

21 Yeah, four.

22 MS. RUSSO: Four.

23 CHAIRMAN AIZENSTAT: Out of those four --

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

25 CHAIRMAN AIZENSTAT: Let's assume it's

116

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

3 MS. RUSSO: They counted the pool.

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

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

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

10 MS. QUINLAN: Hi.

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

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

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

18 MS. QUINLAN: Yes.

19 MR. COLLER: Okay. Great.

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

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

25 CHAIRMAN AIZENSTAT: And they've already

117

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

3 MR. BEHAR: Theoretically.

4 MR. SALMAN: Theoretically, yes.

5 CHAIRMAN AIZENSTAT: Theoretically --

6 MS. RUSSO: Theoretically.

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

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

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

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

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

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

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

119

1 gone through your process?

2 MS. QUINLAN: Uh-huh.

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

5 MS. QUINLAN: Yes.

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

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

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

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

20 MS. RUSSO: From the City.

21 MR. BEHAR: From the City.

22 MS. QUINLAN: Yes.

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

118

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

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

8 MS. RUSSO: To the protective covenants.

9 MS. QUINLAN: Protective covenants.

10 CHAIRMAN AIZENSTAT: To your covenants,  
11 correct.

12 MS. QUINLAN: Correct.

13 CHAIRMAN AIZENSTAT: Not to the City.

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

17 CHAIRMAN AIZENSTAT: Understood.

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

120

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

121

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

122

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

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

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

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

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

14 MS. RUSSO: Just for accessory structures.

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

17 CHAIRMAN AIZENSTAT: Understood. Thank  
 18 you.

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

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

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

25 MS. RUSSO: For the accessory setbacks?

123

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

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

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

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

10 MS. RUSSO: Right.

11 MR. SALMAN: It's okay.

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

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

18 MR. SALMAN: No. Go around.

19 CHAIRMAN AIZENSTAT: Call the roll, please.

20 THE SECRETARY: Chip Withers?

21 MR. WITHERS: Yes.

22 THE SECRETARY: Robert Behar?

23 MR. BEHAR: Yes.

24 THE SECRETARY: Sue Kawalerski?

25 MS. KAWALERSKI: Yes.

124

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

125

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

126

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

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

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

25 So those are the two proposed amendments

127

1 right now. That's it.

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

3 MR. COLLER: Is your microphone on?

4 MR. BEHAR: Sorry. There we go.

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

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

11 MS. KAWALERSKI: Minimum or maximum?

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

14 MR. BEHAR: Yeah.

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

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

128



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

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

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

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

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

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

129

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

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

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

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

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

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

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

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

130

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

2 CHAIRMAN AIZENSTAT: You are being denied.

3 MR. PARDO: Yes, a hundred percent.

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

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

10 MR. PARDO: Yeah.

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

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

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

16 MR. WITHERS: Someone is being affected.

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

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

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

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

131

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

5 MR. SALMAN: Where?

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

8 MS. GARCIA: MX1. MX1.

9 MR. WITHERS: Oh, MX1.

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

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

15 MR. WITHERS: Yeah.

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

18 MR. PARDO: MF1.

19 MS. GARCIA: Yes.

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

21 CHAIRMAN AIZENSTAT: Yes.

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

132

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

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

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

133

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

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

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

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

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

19 MS. KAWALERSKI: Pardon me?

20 MS. GARCIA: A minimum of fifteen feet.

21 MS. KAWALERSKI: A minimum?

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

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

134

1 MS. GARCIA: Sure. Yeah.

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

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

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

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

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

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

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

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

135

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

5 MS. GARCIA: Right.

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

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

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

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

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

136

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

12 MR. BEHAR: Jennifer, a quick question.

13 MS. GARCIA: Uh-huh.

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

17 MS. GARCIA: Yes.

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

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

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

25 MS. GARCIA: Typically, it goes to the

137

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

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

139

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

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

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

10 MR. PARDO: I'm sorry.

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

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

21 MR. SALMAN: Through the Chair.

22 CHAIRMAN AIZENSTAT: Yes.

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

138

1 way to deal with this particular residential  
2 issue.

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

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

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

22 MS. GARCIA: Sorry?

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

140

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

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

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

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

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

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

22 MR. SALMAN: I agree, yes.

23 CHAIRMAN AIZENSTAT: Is that --

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

141

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

5 THE SECRETARY: No.

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

8 THE SECRETARY: No.

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

11 Felix.

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

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

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

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

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

25 CHAIRMAN AIZENSTAT: Okay.

143

1 CHAIRMAN AIZENSTAT: What's your --

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

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

9 MR. PARDO: Right.

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

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

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

18 MR. PARDO: Sorry. Sorry.

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

25 CHAIRMAN AIZENSTAT: So what I'd like to

142

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

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

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

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

25 MS. GARCIA: So it's there.

144

1 CHAIRMAN AIZENSTAT: So that's there now.

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

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

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

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

145

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

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

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

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

12 CHAIRMAN AIZENSTAT: Understood.

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

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

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

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

147

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

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

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

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

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

146

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

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

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

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

148

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

149

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

150

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

151

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

152

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

153

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

154

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

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

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

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

21 MS. GARCIA: Correct.

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

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

155

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

156

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

157

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

158

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

5 MS. KAWALERSKI: I understand.

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

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

19 MS. GARCIA: Correct.

20 CHAIRMAN AIZENSTAT: An additional meeting.

21 MS. GARCIA: Correct.

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

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

159

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

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

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

10 MS. KAWALERSKI: Right.

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

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

15 MS. KAWALERSKI: Okay.

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

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

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

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

25 CHAIRMAN AIZENSTAT: Everybody in favor

160



1 until 9:15 say aye.

2 MS. KAWALERSKI: Yes.

3 (Board Members voted aye.)

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

10 MS. KAWALERSKI: Before Planning and  
11 Zoning.

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

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

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

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

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

161

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

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

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

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

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

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

163

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

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

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

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

162

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

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

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

7 MR. SALMAN: Nor the Board of Architects.

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

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

13 MS. KAWALERSKI: They can ask the Chair.

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

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

20 MS. KAWALERSKI: Okay.

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

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

164

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

165

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

166

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

167

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

168

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

169

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

170

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

171

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

172

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

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

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

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

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

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

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

173

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

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

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

9 MR. GARCIA: (Unintelligible) Yes.

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

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

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

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

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

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

175

1 other two.

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

6 MR. PARDO: Sorry.

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

10 CHAIRMAN AIZENSTAT: Okay.

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

12 CHAIRMAN AIZENSTAT: Yes, sir.

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

15 MS. GARCIA: What?

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

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

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

174

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

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

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

10 MR. WITHERS: City Commission.

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

15 MR. COLLER: Well, typically, it's not  
16 really an appeal. It doesn't -- as I  
17 understand it, an item that's a large project,  
18 where the Board of Architects approves it, it  
19 ultimately goes to the Commission for approval.  
20 So, at that point, I presume that the  
21 Commission is going to weigh in on how it feels  
22 about the project.

23 MR. WITHERS: That's way downstream,  
24 though, right? I mean, the City Commission has  
25 appealed Historic Preservation decisions.

176

1 MS. GARCIA: Because they were considering  
2 it.

3 MR. WITHERS: I'm just asking. I don't  
4 know. I'm just trying to think of the  
5 conflicts that might be, and I don't know if a  
6 three-two vote is better than a one-zero vote  
7 as far as -- I mean, three votes better than  
8 one vote, if it came to the situation.

9 MR. PARDO: Depends on who it is, you know,  
10 and who selects them. I feel, again, still as  
11 uncomfortable as I always have. I've seen this  
12 go really, really, really wrong, and that's  
13 where people scratch their heads and say, who  
14 the heck approved that, and if you start to --  
15 if you facilitate the Special Master,  
16 eventually you will be dealing with the Special  
17 Master or just those three -- not even a full  
18 board. I have a problem with that.

19 CHAIRMAN AIZENSTAT: We've got six minutes  
20 before we're supposed to finish. So do we  
21 extend time?

22 MR. BEHAR: No.

23 MR. WITHERS: Call the question.

24 CHAIRMAN AIZENSTAT: If we don't extend  
25 time, is there a motion?

177

1 they're clarifying that, that we're requiring  
2 that additional process in appeal. Right now,  
3 it says, "May." So we're trying to clarify  
4 that. That's one of the changes, right.

5 MR. COLLER: I think there are some  
6 technical changes that are being made in the  
7 process.

8 MS. GARCIA: Right.

9 MR. COLLER: I think you could approve it,  
10 except for -- one possible motion is approval  
11 with the exception of expanding the three  
12 Special Masters.

13 MR. WITHERS: I'm just curious to know why  
14 they're changing it. Is there a problem why  
15 someone just said, let's have three, instead of  
16 one? Is that why they changed it?

17 MS. GARCIA: Yeah. There is some concern  
18 that just one person is voting on a substantial  
19 project.

20 The other issue is that if there is changes  
21 throughout the process of the conflict  
22 resolution, as it goes to the Special Master,  
23 there's no requirement for it to go back to the  
24 Board of Architects and they want to see what  
25 the final, you know, decision is.

179

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

2 MR. WITHERS: I second it.

3 CHAIRMAN AIZENSTAT: We have a motion to  
4 deny. We have a second to deny.

5 MR. WITHERS: So we can vote on it.

6 CHAIRMAN AIZENSTAT: Any friendly  
7 amendments to the motion to deny? No? Any  
8 discussion?

9 Call the roll, please.

10 THE SECRETARY: Sue Kawalerski?

11 MR. BEHAR: If we deny, we stay with the  
12 process the way it is today, only one Special  
13 Master?

14 CHAIRMAN AIZENSTAT: As of right now, yes.

15 MR. COLLER: That would be your  
16 recommendation to the City Commission.

17 MR. BEHAR: Well, if you deny we're going  
18 to keep the process the way it is today.

19 CHAIRMAN AIZENSTAT: It's our  
20 recommendation.

21 MR. WITHERS: Is the process broken now?  
22 Is that why they're changing it?

23 MS. GARCIA: Well, so right now, the  
24 conflict resolution has the word "may" instead  
25 of "shall" require an appeal process. So

178

1 MR. PARDO: It's funny that you mention  
2 that, because if you remember, just a few years  
3 ago, one of the large projects on US-1, well,  
4 how did they get away with this, how did they  
5 get away with that, and all of a sudden, what  
6 was built was completely different than what  
7 was approved. You know, again somebody was  
8 asleep at the wheel. You don't need three  
9 masters for that. You just need someone, you  
10 know, from the City, to look over the approved  
11 plans and make sure it gets built that way.

12 CHAIRMAN AIZENSTAT: We have four minutes.

13 We have a motion. We have a second. So we  
14 do have to take a vote.

15 MR. COLLER: So the motion is straight  
16 denial?

17 CHAIRMAN AIZENSTAT: It's a straight  
18 denial, unless there wants to be a friendly  
19 amendment right now.

20 MR. WITHERS: Well, I would like to change  
21 my motion, that the technical changes are  
22 approved, but the three -- selection of three  
23 Special Masters is denied.

24 MS. GARCIA: And what about the last  
25 language about, if the design of a project

180

1 should substantially change as is approved by  
2 the City Architect during the conflict  
3 resolution or a Special Master hearing process,  
4 the Board of Architects shall be required to  
5 review the changes of the design? Do you want  
6 to keep, as well, because that, right now, is  
7 not in our process?

8 MR. WITHERS: Is that not at the behest of  
9 the applicant --

10 MR. SALMAN: Yeah, that's up to the  
11 applicant, as to whether or not he wants to  
12 make changes and re-submit. I mean, that's  
13 what you're saying.

14 MR. WITHERS: It's not an automatic review,  
15 is it? I mean, if the applicant wants to move  
16 forward, right?

17 MR. SALMAN: Yeah. If he wants to move  
18 forward and he wants to submit another project,  
19 that's fine. It's up to the applicant.

20 MR. COLLER: So, really, the only thing  
21 that you're finding objection to is the  
22 expansion to three Special Masters in this  
23 proposal?

24 MR. WITHERS: And it's because I don't know  
25 why.

181

1 resolution, and they go to the Special Master  
2 process, at that point, it's just one person.  
3 So the concern is, why would that water down to  
4 one person deciding the final vote? Why  
5 wouldn't you have three, for a majority?

6 MR. WITHERS: Okay.

7 MS. GARCIA: That's the concern.

8 MR. BEHAR: What doesn't make sense to me  
9 is, it goes back to the Board of Architects  
10 later.

11 MS. GARCIA: If it's substantially changed.

12 MR. BEHAR: If the Special Master approves  
13 it, right, the way that -- then it doesn't go  
14 back to the Board?

15 MS. GARCIA: No. If it's the same -- yeah,  
16 if it's the same project they've already  
17 rejected, it doesn't have to go back to the  
18 board.

19 MR. PARDO: That's part of the problem.

20 MR. WITHERS: That's what I don't  
21 understand.

22 MS. GARCIA: Only if it's been changed  
23 substantially, according to the City Architect  
24 -- if he finds like it's been substantially  
25 changed --

183

1 MR. COLLER: No, I'm not -- I'm trying to  
2 get the motion because we have four minutes.

3 CHAIRMAN AIZENSTAT: I just want to be  
4 clear, unless we extend it, in two minutes,  
5 we're finished, no matter where we stand.

6 MR. SALMAN: I would like a motion to  
7 extend it five more minutes.

8 CHAIRMAN AIZENSTAT: We have a motion to  
9 extend it five more minutes. Everybody in  
10 favor, aye.

11 (All Board Members voted aye.)

12 CHAIRMAN AIZENSTAT: Thank you.

13 So let's move --

14 MR. WITHERS: I mean, the explanation given  
15 was that some people say that something was  
16 done wrong or there's too much power or someone  
17 didn't do it the right, but there's really no  
18 specific thing you can point to as to why?

19 MS. GARCIA: No. Again, the concern is  
20 just that, if the Board of Architects has a  
21 full board reviewing a project, and they have,  
22 what, seven, nine members, reviewing the  
23 project, as it moves through the process to the  
24 final -- you know, if they appeal it,  
25 obviously, and then go through conflict

182

1 MR. BEHAR: Then they have to go back to  
2 the board. Otherwise the decision of the  
3 Special Master stands.

4 MS. GARCIA: Right.

5 MR. SALMAN: And overrules the Board of  
6 Architects.

7 MS. GARCIA: Right.

8 MR. SALMAN: All right. Thank you. That's  
9 all I need to know. Thank you.

10 CHAIRMAN AIZENSTAT: Right now, we still  
11 have a motion to deny, and a second.

12 MR. COLLER: We really can't hear -- we  
13 need to be on the record throughout the  
14 conversations.

15 MR. PARDO: I'll accept Chip's friendly  
16 amendment.

17 MR. COLLER: So I understand the motion,  
18 the motion is to approve, in part. Approve all  
19 technical changes, deny that portion of the  
20 Ordinance that would expand to three the  
21 Special Masters?

22 MR. SALMAN: Correct.

23 MR. BEHAR: Are you sure you want to leave  
24 out the three Special Masters?

25 MR. PARDO: Yes.

184

1 CHAIRMAN AIZENSTAT: All right. We have a  
 2 motion. We have a second. Any other  
 3 discussion?  
 4 Call the roll, please.  
 5 THE SECRETARY: Sue Kawalerski?  
 6 MS. KAWALERSKI: Yes.  
 7 THE SECRETARY: Felix Pardo?  
 8 MR. PARDO: Yes.  
 9 THE SECRETARY: Javier Salman?  
 10 MR. SALMAN: Honey, can you come please  
 11 pick me up?  
 12 Yes.  
 13 THE SECRETARY: Chip Withers?  
 14 MR. WITHERS: Yes.  
 15 THE SECRETARY: Robert Behar?  
 16 MR. BEHAR: No.  
 17 THE SECRETARY: Eibi Aizenstat?  
 18 CHAIRMAN AIZENSTAT: No. I like the three  
 19 Masters. I thought that was a good idea.  
 20 MR. COLLER: So it's passed on a four-two  
 21 vote, correct?  
 22 THE SECRETARY: Yes.  
 23 MR. COLLER: I believe a motion to adjourn  
 24 is in order.  
 25 CHAIRMAN AIZENSTAT: Is there a motion to

185

1 adjourn?  
 2 MR. SALMAN: So moved.  
 3 MR. COLLER: Is there something else that I  
 4 missed?  
 5 MR. SALMAN: We need a second.  
 6 MR. BEHAR: Second.  
 7 THE SECRETARY: No. The next Planning and  
 8 Zoning Board Meeting is Tuesday, February 20th.  
 9 That's all.  
 10 CHAIRMAN AIZENSTAT: That's what's in the  
 11 e-mails that you sent?  
 12 THE SECRETARY: That's correct.  
 13 CHAIRMAN AIZENSTAT: Thank you.  
 14 MR. WITHERS: And what is it, February  
 15 20th?  
 16 THE SECRETARY: Correct.  
 17 CHAIRMAN AIZENSTAT: Thank. So we have a  
 18 motion to adjourn. Everybody say aye.  
 19 (Board Members voted aye.)  
 20 (Thereupon, the meeting was adjourned at 9:15  
 21 p.m.)  
 22  
 23  
 24  
 25

186

C E R T I F I C A T E

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 2  
 3 STATE OF FLORIDA:  
 4 SS.  
 5 COUNTY OF MIAMI-DADE:  
 6  
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9 I, NIEVES SANCHEZ, Court Reporter, and a Notary  
 10 Public for the State of Florida at Large, do hereby  
 11 certify that I was authorized to and did  
 12 stenographically report the foregoing proceedings and  
 13 that the transcript is a true and complete record of my  
 14 stenographic notes.  
 15

DATED this 22nd day of January, 2024.

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

187