

1 to vote or not.
 2 MS. RAMOS: I would just err on the side of
 3 caution and just ask, right?
 4 MR. LEEN: Yes.
 5 MS. RAMOS: Absolutely. That's what we're here
 6 for.
 7 MS. BALIDO-HART: Thank you.
 8 MR. LEEN: And it's a positive thing. You should
 9 ask us. That's better for you. And we may just say,
 10 "Yes, of course." And we'll put it in writing, if it
 11 makes you feel more comfortable, and then you'll be
 12 fine.
 13 MS. BALIDO-HART: Thank you.
 14 MR. BELLIN: One thing you mentioned is contingent
 15 contract. If the contract is not contingent, it's a
 16 contract, it doesn't depend on whether there's approval
 17 or not--
 18 MR. LEEN: Well, Marshall, I'm not exactly sure
 19 what you're talking about, but let me answer because
 20 we've talked about these issues generally in the past.
 21 If you have a-- if we're taking action on a particular
 22 parcel, and you're involved as the architect with the
 23 contract, likely I would ask you not to vote on that.
 24 If, on the other hand, we're doing a large Overlay
 25 District, and you happen to be the architect for one

1 property in that Overlay District, which has more than
 2 100 properties, it's probably not an issue. You should
 3 still tell us, though, and we'll give you a written
 4 opinion.
 5 MS. RAMOS: And you still can't present before the
 6 Board.
 7 MS. MENENDEZ: Is the threshold 100?
 8 MR. LEEN: The threshold is generally 100,
 9 although there's a little bit of-- there are some
 10 opinions on that from the Ethics Commission.
 11 MS. MENENDEZ: That's why. I've read opinions on
 12 it, so--
 13 MS. RAMOS: Yeah. There's a number of them, and
 14 the 100 talked about homes that are in closer proximity.
 15 So it may be there are larger parcels. It may be less.
 16 I would have to look at it.
 17 MR. LEEN: It could be less. I believe it could
 18 be less, but what we would want to make a-- what we
 19 would do in that situation is, we would determine if we
 20 feel comfortable giving this opinion. If we felt that
 21 it was a very close call, we might ask the Ethics
 22 Commission ourselves on your behalf.
 23 MS. RAMOS: Thank you very much for having me.
 24 MS. MENENDEZ: Thank you.
 25 MR. AIZENSTAT: Thank you for your presentation.

1 MR. BELLIN: Before you leave, when we discussed
 2 the issue with presentation before this Board by a
 3 partner or an associate, how do we handle that? Because
 4 we've got projects that will be coming before this
 5 Board, and I understand that I can't present them.
 6 MR. LEEN: Well, I did give you an opinion the
 7 last time on that, which was that when they come before
 8 this Board-- there's nothing in the Ethics Code that
 9 says that you cannot be the architect of a project that
 10 comes before this Board. What it says is that you can't
 11 present before this Board. And it does say, "through an
 12 associate." So the way that we've interpreted that is--
 13 because this Board does have a right to receive quite a
 14 bit of information from whoever the architect is, it's
 15 quasi-judicial, so someone has to answer those
 16 questions. So we have said, as long as an architect
 17 doesn't present, you have someone else presenting, which
 18 is typically an attorney, but it could be someone else,
 19 then that person just answers questions basically and
 20 describes the project.
 21 MS. RAMOS: Like a witness essentially.
 22 MR. LEEN: Like a witness, that's fine. And
 23 before the Commission you've said that could even be--
 24 that could be the Board Member appearing in your
 25 individual capacity. But, again, not presenting, only

1 answering questions as a witness or it could be the
 2 associate, but answering questions as a witness.
 3 MR. BELLIN: So an attorney presents, and then if
 4 I'm there, it's to answer questions that somebody may
 5 have with respect to the project?
 6 MS. RAMOS: As a witness, during quasi-judicial.
 7 MR. LEEN: It could be your attorney to ask you,
 8 can you please explain why you designed it this way, and
 9 you could talk and explain that. But what you shouldn't
 10 be doing-- and we talked about this last time, I gave a
 11 long discussion-- you shouldn't be the presenter coming
 12 up here and advocating and arguing with the other side,
 13 and trying to convince the Board to approve something
 14 like an advocate.
 15 MR. BELLIN: Okay.
 16 MS. MENENDEZ: Thank you.
 17 CHAIRMAN AIZENSTAT: Thank you.
 18 MR. COLLER: Ready to proceed with the agenda?
 19 CHAIRMAN AIZENSTAT: Ready to proceed. Thank you.
 20 MR. COLLER: Excuse me. We're in the public
 21 hearing items, Item Number 5, Resolution of the City
 22 Commission of Coral Gables, Florida approving the Final
 23 Plat entitled Biltmore Parc Homes pursuant to Zoning
 24 Code Article 3, Division 9, Platting/Subdivision, being
 25 a re-plat of an approximate 0.57 acre property into 15

1 platted lots for 15 residential townhomes on property
2 assigned Multi-Family Special Area District zoning, on
3 the property legally described as Lots 1, 2 and 18
4 through 23, Block 11, Biltmore Section, Coral Gables,
5 Florida; providing for an effective date.

6 Item 5, public hearing.

7 CHAIRMAN AIZENSTAT: Thank you.

8 MR. TRIAS: May I have the Powerpoint, please.

9 Mr. Chairman, the issue today is the plat. The
10 project itself was approved as a building permit about a
11 year ago. It went through the Board of Architects. It
12 was properly zoned, and there were no requests that
13 would come before you. However, the property was
14 platted because the project is townhomes. So that is
15 the aspect of the request that is before you.

16 The location is Anderson, between Valencia and
17 Almeria. There's a similar project being built already
18 in the north of the site. So it's very similar in
19 character, the way that Anderson is redeveloping.

20 Currently there are some small apartment
21 buildings, mid-century-- typical mid-century
22 development, and the replat is about half an acre, and
23 there's 15 lots and also an alley.

24 Okay. Now, the zoning is FMSA, and the-- it's
25 just the conditions, as you can see, include an alley--

1 a portion of the alley is already there, and fairly a
2 narrow platting from the base that Merrick did the
3 platting. So the proposed, as you can see, has in
4 yellow highlighted the portion of the alley that is
5 missing, and the Applicant is dedicating that to the
6 City, and then the narrow, according to the Regulation
7 Code, townhome lots. So that's depicted in this image.

8 The Conceptual Site Plan includes parking from
9 behind. Of course, the parking, that's the reason for
10 the alley, and a frontage that is fully built. And you
11 can see the way that the typical elevation along
12 Anderson is going to look like; three stories with
13 individual entrances.

14 The site elevation, which shows the depth of the
15 project, and the rear elevation, which shows the
16 garages. This gives you an overall view of the massing,
17 and the general layout, as you can see, it wraps around
18 the block, and it matches the existing layout of the
19 blocks.

20 There you see the review happened in July of 2016,
21 and the planning/zoning is today. Three times, we sent
22 letters to the property owners, as required by Code.
23 The property was posted three times, and also in the
24 website we posted it three times, and it was advertised
25 twice.

1 The findings of fact include that the application
2 is consistent with the Comprehensive Plan's goals,
3 objectives and policies. Public works does not object.
4 There's a condition in the Staff report that talks about
5 a note that would specify the details of the maintenance
6 and so on. That was already included in the plat. The
7 plat has already been revised, according to that note;
8 however, Public Works is fine-tuning the language on
9 that. So I think that is something that if you have any
10 more questions, the Public Works Director is here.

11 There were no objections from the utility
12 companies, and Miami-Dade County will review this.
13 Sometimes it takes several months, and then it goes to
14 the Commission. So this process tends to be fairly
15 lengthy.

16 Staff recommends approval, and I said that the
17 condition of updating the text for the alleyway, that
18 has already been done in the actual plat documents. So
19 if you have any questions, I'm here, and the Applicant
20 is also here.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MR. GUILFORD: Good evening, Mr. Chair, Members of
23 the Board. For the record, my name is Zeke Guilford,
24 with Law Offices at 400 University Drive. It gives me
25 great pleasure to be here this evening representing

1 Biltmore Parc Homes, LLC, regarding the subject
2 property.

3 Now, Mr. Chairman, I just need to make one
4 correction, which really does not affect the application
5 at all. In my letter of intent and application, the
6 property is actually larger than what I stated. It's
7 actually .93 acres and 40,510 square feet. But, again,
8 that does not affect the application. We're replatting
9 from eight lots to fifteen lots.

10 The purpose for this replat is the developers
11 found-- this is the third or fourth one they've done-- is
12 that people like to own a fee simple lot versus a
13 condominium form of ownership. So what you had and what
14 Staff has shown you is basically fifteen sites which
15 would be fifteen townhouses.

16 Staff has recommended approval with conditions.
17 We accept the conditions, and we've already started-- we
18 have already amended the plat, and we're working with
19 Public Works to make sure it has the wording that they
20 want. If there's anything else-- Mr. Chairman, Members
21 of the Board, if you have any questions, I'd be more
22 than happy to answer them at this time.

23 CHAIRMAN AIZENSTAT: Zeke, if I may, I have a
24 question for you. Why is it that the Site Plan is not
25 tied to the application? In the past, we have always

1 asked that we have the Site Plan tied to the
 2 application.
 3 MR. GUILFORD: Usually that occurs on a building
 4 site separation. This is not a building site
 5 separation. The only thing that has come before this
 6 Board is actually the replat of the property. That is
 7 our application. You know, we never have-- we have
 8 always included them as a means of reference on these
 9 projects, but it's not-- the Site Plan is not reviewed
 10 because the application is the replat.
 11 MR. TRIAS: The Site Plan was reviewed and
 12 approved separately, and it's not expected to change.
 13 Technically, it's not part of the replat.
 14 MS. MENENDEZ: I have a quick question.
 15 MR. GUILFORD: Sure.
 16 MS. MENENDEZ: Maybe this is more of a Staff
 17 question than a question to you, Mr. Guilford. The
 18 question, as it relates to the alleys, now that we're
 19 building so many of the townhomes, and they're dependent
 20 on the alleys, and they're public alleys, are there
 21 provisions for the Developer to maintain the alleys or
 22 is it something that the City takes on?
 23 MR. SANTAMARIA: Good evening, Members of the
 24 Board. Ed Santamaria, Director for Public Works. I
 25 spent the afternoon at the dentist today, so if I look a

1 little punched drunk, it's because of that.
 2 With regard to this particular alley, because it
 3 is in compliance with the City's vision for this area,
 4 in terms of townhomes or, I'm sorry, row houses with
 5 alleys at the back and entrances at the back, we are
 6 willing to take this alley on as one that we will
 7 maintain.
 8 MS. MENENDEZ: Okay. So I would assume that
 9 that's going to be the policy for the future, and
 10 probably would exist today with the other townhomes that
 11 have access?
 12 MR. SANTAMARIA: If there is no change in Zoning,
 13 yes.
 14 MS. MENENDEZ: Okay. Thank you.
 15 MR. BELLIN: Zeke, I'd just like to mention that
 16 neither the Site Plan nor the architecture is tied to
 17 this application.
 18 MR. GUILFORD: Correct.
 19 MR. BELLIN: Okay.
 20 CHAIRMAN AIZENSTAT: Any other questions?
 21 MS. MENENDEZ: I'll make a move (sic) to accept
 22 the application.
 23 MR. BELLIN: I'll second.
 24 MR. COLLER: One of the motions, I think, since
 25 there's been an error in the .57 acres, that to approve

1 of a request to the amendment from .57 acres to .93
 2 acres to correct what appears to have been some sort of
 3 a Scrivener's error or somewhere along the way.
 4 MS. MENENDEZ: Okay.
 5 CHAIRMAN AIZENSTAT: What I'd like to do is ask,
 6 is there anybody in the audience that wishes to speak on
 7 this subject?
 8 No. We'll go ahead and close it to the floor. We
 9 have a motion. We have second.
 10 Any discussion?
 11 MS. MENENDEZ: Of course, the motion includes what
 12 our City Attorney has amended?
 13 CHAIRMAN AIZENSTAT: Right. And we don't have any
 14 issues with that.
 15 MR. COLLER: Well, I was a little bit concerned
 16 about the advertising, but since this is a
 17 recommendation, it's going to be officially advertised
 18 for the hearing for the City. I think from what Mr.
 19 Trias has explained to me is that the advertising will
 20 be corrected.
 21 MR. TRIAS: We can check with Mr. Leen later on,
 22 but I believe that as long as we are correctly
 23 advertised for the Commission meeting, we'll be fine.
 24 MR. GUILFORD: Mr. Chairman, we will amend the
 25 application, the letter of intent between now and the

1 City Commission. Also, the legal is correct for the
 2 property. So, again, what we're dealing with here is a
 3 replat that really is not tied to the size of the
 4 property.
 5 CHAIRMAN AIZENSTAT: So the Applicant is okay?
 6 MR. GUILFORD: Yes.
 7 CHAIRMAN AIZENSTAT: Okay.
 8 MR. COLLER: So we can confirm that with the City
 9 Attorney on the advertising, but I think we can go
 10 forward, at least at this point.
 11 CHAIRMAN AIZENSTAT: Okay. We have a motion, a
 12 second. Any other discussion?
 13 No. Call the roll, please.
 14 THE SECRETARY: Julio Grabiell?
 15 MR. GRABIEL: Yes.
 16 THE SECRETARY: Maria Menendez?
 17 MS. MENENDEZ: Yes.
 18 THE SECRETARY: Jolie Balido-Hart?
 19 MS. BALIDO-HART: Yes.
 20 THE SECRETARY: Marshall Bellin?
 21 MR. BELLIN: Yes.
 22 THE SECRETARY: Eibi Aizenstat?
 23 CHAIRMAN AIZENSTAT: Yes.
 24 MR. GUILFORD: Thank you very much.
 25 CHAIRMAN AIZENSTAT: Thank you.