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1 MS. MIRO: Yes.
 2 THE SECRETARY: Luis Revuelta?
 3 MR. REVUELTA: Yes.
 4 THE SECRETARY: Venny Torre?
 5 MR. TORRE: Yes.
 6 THE SECRETARY: Chip Withers?
 7 MR. WITHERS: Yes.
 8 THE SECRETARY: Alex Bucelo?
 9 MR. BUCELO: Yes.
 10 THE SECRETARY: Eibi Aizenstat?
 11 CHAIRMAN AIZENSTAT: Yes.
 12 Luis, I'm glad you could participate on
 13 that one.
 14 MR. REVUELTA: Oh, so much. Thank you.
 15 CHAIRMAN AIZENSTAT: The next item, please,
 16 E-7.
 17 MR. COLLER: An Ordinance of the City of
 18 Coral Gables, Florida, providing for text
 19 amendments to the City of Coral Gables Official
 20 Zoning Code, Article 4, "Zoning Districts,"
 21 Section 2-100, "Residential Districts," to
 22 increase the interior side setback of certain
 23 Multi-Family 3 (MF3) properties; providing for
 24 severability, repealer, codification, and for
 25 an effective date. Item E-7, public hearing.

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1 CHAIRMAN AIZENSTAT: Thank you.
 2 MR. TORRE: I know this item very well, so
 3 I'll see if I can help it along. So the item
 4 is related to issues that relate to
 5 constructability, when you're basically having
 6 to stand on your neighbor's property to finish
 7 the building. That's really what happens.
 8 The issue is the zero setback, you have to
 9 stand on your neighbor's property to finish the
 10 wall.
 11 CHAIRMAN AIZENSTAT: Correct.
 12 MR. TORRE: Stucco, paint, all of that.
 13 All of the stuff falls on your property, on the
 14 next door property, because it's zero. So
 15 that's what this is about.
 16 So a couple of questions.
 17 CHAIRMAN AIZENSTAT: Yes.
 18 MR. TORRE: What is the minimum -- and I
 19 think I know the answer, but just asking, what
 20 is the minimum for M3 townhouse? Is it two? I
 21 mean, if you have 25 feet -- you can't have a
 22 25-foot buildable -- you have a 50-foot
 23 buildable lot, can you do two units? Correct,
 24 you can?
 25 MR. TRIAS: Yeah.

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1 MR. TRIAS: Mr. Chairman, this is a
 2 relatively minor amendment that is sponsored by
 3 Commissioner Anderson. She requested a
 4 five-foot setback for townhomes, on the side of
 5 the townhome. Right now, that's not a
 6 requirement, except for Historic -- except when
 7 the building next to the townhome is a Historic
 8 Building. We're removing that, and just in any
 9 case, five-foot setback.
 10 CHAIRMAN AIZENSTAT: So are you saying, as
 11 long as a wall is attached between townhomes,
 12 there's obviously no setback required. So
 13 you're saying, a five-foot setback would be on
 14 the last unit or on the first unit?
 15 MR. TRIAS: At the last unit. Yes.
 16 CHAIRMAN AIZENSTAT: And what happens if
 17 that falls on a street?
 18 MR. TRIAS: There's a 15-foot setback on
 19 the street.
 20 CHAIRMAN AIZENSTAT: Say that again,
 21 please.
 22 MR. TRIAS: 15 feet setback.
 23 CHAIRMAN AIZENSTAT: Okay. So then it's
 24 only when it abuts an adjacent property?
 25 MR. TRIAS: Yes.

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1 MR. TORRE: Yes?
 2 MR. TRIAS: Yes.
 3 MR. TORRE: So if you have five feet on
 4 either side, the unit becomes 20 and 20.
 5 Garages are required to be 22. Does that mean
 6 you can only build one unit?
 7 MR. TRIAS: Well, I forgot to explain that
 8 we also include some language that says that
 9 the Board of Architects may recommend a
 10 variance to that requirement, and I think that
 11 would be the case, in very rare instances.
 12 CHAIRMAN AIZENSTAT: That's not a rare
 13 instance, though, is it? A 50-foot lot
 14 that's --
 15 MR. TRIAS: I haven't seen two-unit
 16 projects.
 17 MR. TORRE: There's one.
 18 MR. TRIAS: I mean, I think the smallest
 19 one I've seen is four.
 20 MR. TORRE: There's one that exists. I
 21 know it pretty well.
 22 MR. TRIAS: Which one?
 23 MR. TORRE: It's between Almeria Row and
 24 the condo -- and the other -- both on Almeria.
 25 MR. TRIAS: And that's built?

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1 MR. TORRE: It's built. It's owned by
 2 somebody that you know.
 3 MR. TRIAS: Well, I mean, somebody may be
 4 thinking about that, yes, but I don't know of
 5 any built projects.
 6 MR. TORRE: So the fixed area is to go to
 7 the Board of Architects to let them re-consider
 8 it? Is that --
 9 MR. TRIAS: To make a recommendation for a
 10 variance. I mean, the fix is a variance. In
 11 other words, if the setback is five feet,
 12 there's some hardship, so you apply for a
 13 variance, and then the Board of Adjustment will
 14 say yes or no.
 15 CHAIRMAN AIZENSTAT: But, then, isn't that
 16 very subjective, as opposed to being in the
 17 Code as to what has to be done?
 18 MR. TRIAS: Yeah, but what I'm saying is,
 19 that in cases where there's a hardship, for
 20 example, you cannot meet the minimum size for
 21 the parking garage or whatever, that could be
 22 seen as a hardship. So there may be some
 23 instances in which there's a need for some
 24 relief, but as a standard procedure, I think
 25 it's a good idea to have that setback, and

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1 MR. TRIAS: Well, the MX3 properties, yes,
 2 sir -- I'm sorry, MF3.
 3 CHAIRMAN AIZENSTAT: But have you gone
 4 through City records and identified how many
 5 properties you have that are 50-foot properties
 6 in there that fall under this?
 7 MR. TRIAS: I have not, no. This is
 8 something that has been sponsored by
 9 Commissioner Anderson.
 10 CHAIRMAN AIZENSTAT: I understand, and
 11 Venny brings up a good point.
 12 MR. TORRE: No, it's a good suggestion and
 13 I understand why it's happening.
 14 CHAIRMAN AIZENSTAT: Right. The suggestion
 15 is good.
 16 MR. TORRE: It's brought for a good reason.
 17 But my question is, if both sides can agree,
 18 would there be any way to make it easier for
 19 this not to occur, when they don't have to?
 20 MR. TRIAS: Yes.
 21 MR. TORRE: I am trying to put a way to
 22 have that. But the idea is that it shouldn't
 23 happen, but you may say that's the way it has
 24 to be, and I'm just looking for --
 25 MR. TRIAS: Of course, in Coral Gables,

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1 that's what --
 2 MR. TORRE: Yeah, it's understood why it
 3 happens. But the other question for you is, so
 4 if you have -- and I'm not sure how many of
 5 these blocks are left, but if you have a street
 6 that has three, and then a gap, and then two
 7 and a gap, does that work well for the way
 8 townhouses are supposed to work?
 9 MR. TRIAS: No, it wouldn't work, if you
 10 were to have too many five-foot setbacks,
 11 certainly, in that block.
 12 MR. TORRE: If you have a full City block,
 13 and you want to do your four projects, you have
 14 four gaps -- three gaps.
 15 MR. TRIAS: Yes.
 16 CHAIRMAN AIZENSTAT: Aren't you having an
 17 issue, then, with people that own 50-foot
 18 properties that bought it because they could do
 19 a twin home, and now, after this, they can't do
 20 that?
 21 MR. TRIAS: Nobody has approached me on
 22 that, but I --
 23 CHAIRMAN AIZENSTAT: Well, nobody has
 24 approached you, but have you identified which
 25 properties qualify under this?

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1 we're looking for quality, right. We're
 2 looking for the best design possible. So, I
 3 think, any time we have simple rules like, oh,
 4 you have to have five feet, no matter what,
 5 that's probably not a good idea. So it's a
 6 good idea to have the rule, five feet, and then
 7 to have some process, in which case there may
 8 be some hardship, to waive it or to change it.
 9 I think that's my recommendation.
 10 MR. TORRE: Is the language good enough to
 11 allow for that congeniality to happen and allow
 12 us to figure out a --
 13 MR. TRIAS: Zoning is limited in its
 14 abilities. So I think that's the best I could
 15 come up with. If you have some better way of
 16 phrasing it, I'll be happy to --
 17 CHAIRMAN AIZENSTAT: I mean, Mr. Collier,
 18 let me ask you a question. Let's say, Person
 19 X, Y, Z owns a property that's 50-foot within
 20 the area. What happens now, when he says to
 21 you, I was able to build two homes, you know, a
 22 twin home. You've now taken that right away.
 23 Yes, the City is going to say, you can go
 24 before the Board of Architects, you can go
 25 ahead and get a variance, but you didn't have

1 to do that before, you didn't have to go
 2 through those steps.
 3 MR. TRIAS: I'm sorry, you can still do two
 4 units. It's just that the garage is not a
 5 two-car garage, for example, but the two units
 6 are still possible.
 7 CHAIRMAN AIZENSTAT: Aren't you taking away
 8 something from them?
 9 MR. COLLER: I don't know. Ultimately, you
 10 can still build the townhouse you want to
 11 build. The question is, I guess, any time you
 12 add a setback or add some type of distance,
 13 you're subtracting. So that --
 14 MR. TORRE: I guess my point is, as a row
 15 home street, you're supposed to have one that
 16 was built over time next to the other, like any
 17 other old city has, and here you may get to a
 18 point where you have this sort of -- it's a
 19 duplex sitting in the middle of a block, as
 20 opposed to looking at a row house. And, again,
 21 I'm just trying to find a way for everybody to
 22 say, if we can agree on this, can you allow me
 23 to do this, and not have this long battle to
 24 the variance.
 25 Is there any way to accomodate where things

1 stack cars going there.
 2 MR. TRIAS: Yes.
 3 CHAIRMAN AIZENSTAT: And I may have to
 4 start using street parking, if it's available,
 5 because I don't want to get up in the morning
 6 and have to move the car before my wife goes to
 7 work. So that creates a problem.
 8 MR. TRIAS: Yes. You're correct. Yes.
 9 CHAIRMAN AIZENSTAT: And that's why I
 10 brought it up.
 11 MR. REVUELTA: Who's bringing this? Who's
 12 the sponsor of this change?
 13 MR. TRIAS: Commissioner Anderson.
 14 MR. TORRE: There was a property where the
 15 neighbor and the developer could not agree on
 16 how to move this, and they got into
 17 difficulties, and it got to be a big problem,
 18 and that's because you have to actually step on
 19 the property next door.
 20 CHAIRMAN AIZENSTAT: So, for that, it makes
 21 sense. I don't disagree with that. I just
 22 don't know how you deal with a single property,
 23 that you're now taking away the ability to have
 24 that -- you know, the five-foot, if you start
 25 going on a fifty-foot lot between your setbacks

1 can happen without -- again, I don't know --
 2 variances? Is that their only option here?
 3 MR. TRIAS: I don't know of any other way
 4 in our Code, other than the variance. Once you
 5 establish a setback, the only way to change it
 6 is through a variance.
 7 MR. REVUELTA: Either that or they have to
 8 go through the process of changing the Code,
 9 one of them.
 10 MR. TORRE: You're losing one unit no
 11 matter what, because if you own five units and
 12 one has to have five feet less, then you can't
 13 build -- you know, it kind of restricts it a
 14 little bit.
 15 CHAIRMAN AIZENSTAT: I mean, for me, my
 16 concern is somebody that just owns one property
 17 that's 50 feet. I'm not looking so much at a
 18 row house. I'm looking at that 50-foot
 19 property, and I don't know how many properties
 20 there are. I like the idea of the five feet.
 21 That doesn't -- it's good. But if I own a
 22 property, now you're telling me I can only
 23 do -- let's assume that I could do a
 24 three-bedroom home on each one, but I can only
 25 do a one car garage, which means now I have to

1 and everything -- I mean, I would have liked to
 2 know how many properties are being identified
 3 or how many fall within this, just to get an
 4 idea. There may have been zero, but you've
 5 already said that there's at least one
 6 property.
 7 Any other comments? Alex?
 8 MR. BUCELO: No.
 9 MR. REVUELTA: Is this the first time this
 10 issue came up, with this argument? This
 11 Ordinance has been in place for how many years?
 12 MR. TRIAS: I don't know exactly, but
 13 certainly 20 years or something like that.
 14 MR. REVUELTA: In 20 years, we've had one
 15 problem?
 16 MR. TRIAS: I'm sorry, I believe I know.
 17 It's since 2004.
 18 MR. REVUELTA: You know the old saying, if
 19 it's not broken, don't fix it, and it seems to
 20 me that, one glitch, does it call --
 21 MR. TORRE: Looks, there's a give and take
 22 to being on somebody's property, disturbing the
 23 neighbor. There's a cost. And usually there's
 24 a bargaining that happens. I'm going to do
 25 underground electrical service for you or I'm

1 going to upgrade your electrical. I'm sorry
 2 for the disturbance. And there's a work
 3 around, usually. Sometimes it doesn't happen
 4 that way, and that's where this became an
 5 issue.
 6 MR. REVUELTA: I have some examples of
 7 that.
 8 MR. TRIAS: I had a chance to --
 9 MR. REVUELTA: Ramon, I wish we'd let you
 10 point it out, but, you know, I built the fence
 11 for my back door neighbors, who are both
 12 architects, and then I had to plant a whole
 13 bunch of plantings, and I have experienced
 14 that, and frankly I have paid a painful price
 15 for it, and so has Ramon.
 16 MR. TRIAS: I worked with you personally in
 17 that one.
 18 MR. REVUELTA: Right. But I don't know --
 19 MR. TRIAS: This is, again, an issue that
 20 is a good idea, but it has problems. So the
 21 question is, do we have a process to deal with
 22 any kind of issues like that? I think we do,
 23 and that's the variance.
 24 CHAIRMAN AIZENSTAT: I would like to --
 25 Alex, do you have a comment?

1 modules lose too much square footage, it could
 2 be relevant.
 3 MR. TRIAS: But the historic model before
 4 the automobile, it was 16 feet.
 5 MR. TORRE: 16?
 6 MR. TRIAS: 16 feet in width.
 7 MR. WITHERS: 16?
 8 MR. TRIAS: Yes. 16, or 18 when --
 9 MR. TORRE: The U.S. has houses at 15, so,
 10 you know, we can go back to that.
 11 CHAIRMAN AIZENSTAT: But it goes back to
 12 what we were talking about, which is the
 13 individual unit owner that has a 50-foot lot.
 14 MR. TRIAS: Yes, sir. And if you believe
 15 this is a bad idea, certainly you can vote
 16 against it.
 17 CHAIRMAN AIZENSTAT: I don't have
 18 anything -- personally, me, you know, it's a
 19 good idea not to have to step on somebody
 20 else's property to finish. I like that. But I
 21 just would like to know, are there 35
 22 properties that unit owners --
 23 MR. TORRE: But here's the thing, let's say
 24 you and I are neighbors, and I have to be five
 25 feet away from you, but I want to go to you and

1 MR. BUCELO: Venny, can you explain to me
 2 how you would lose a unit if you have the
 3 setbacks on a row? You had mentioned that
 4 earlier. Just elaborate on that.
 5 MR. TORRE: So the typical townhouse module
 6 is 25 feet, because we have usually lots of 50
 7 feet or the units in Coral Gables start at 25.
 8 It's a multiple of 25. Every block is a
 9 multiple of 25. And they're usually sold on
 10 units of 25, and you actually do fee simple
 11 replats to get them to be 25 feet, could be 24.
 12 Unless you have a really big block, when
 13 you start taking away five feet, you basically
 14 move that module into unworkable, and then it
 15 becomes kind of hard to work on a 23-foot
 16 module, because you just lost too many feet.
 17 MR. BUCELO: Got it.
 18 MR. TORRE: That's where the multiplier
 19 becomes an issue. If you had a whole block, it
 20 didn't matter, 'cause you can space out five
 21 feet --
 22 MR. WITHERS: You're going to do a PAD
 23 anyway and get zero lot lines.
 24 MR. TORRE: Because of a PAD. So it
 25 becomes, when you're breaking it up, that the

1 I say, "I'm willing to give you \$100,000 if you
 2 let me do that," and we can agree on that, we
 3 agree. Now, I just gave you \$100,000. I win,
 4 'cause I got that much more property. So it's
 5 a work around.
 6 Is that something that's off the table?
 7 MR. TRIAS: No. No. It's not off the table.
 8 MR. TORRE: It could be as simple as that.
 9 CHAIRMAN AIZENSTAT: Well, no, you're
 10 changing the Code.
 11 MR. TORRE: No, we have to agree that the
 12 five feet is not -- like you said, there's some
 13 exceptions to where we don't have to agree.
 14 MR. TRIAS: I think there should be room to
 15 make exceptions. I'm not convinced that a
 16 study of the existing land owners is really
 17 going to be that revealing, in the sense that
 18 land ownership changes all of the time. We
 19 could do a study and tomorrow's going to be
 20 something else. Fine.
 21 I do think that there will be some issues,
 22 that you're correct, you know, certainly.
 23 CHAIRMAN AIZENSTAT: That's who I'm
 24 concerned about, that smaller --
 25 MR. WITHERS: So this doesn't deal with air

1 conditioning compressors or generators? It's a
 2 wall of a house, right?
 3 MR. TRIAS: No. Yes, sir.
 4 CHAIRMAN AIZENSTAT: Right, because as it
 5 is, you can't put any of that in the five-foot
 6 setback either way.
 7 MR. TRIAS: Usually they place them on the
 8 roof.
 9 CHAIRMAN AIZENSTAT: Correct.
 10 MR. TORRE: And, you know, then there may
 11 be other issues, and I don't know these. Then
 12 there are Fire Code issues, how far can you be
 13 from the house to that wall, so that wall may
 14 still be a very bland wall, five feet -- so it
 15 puts a wall of nothing five feet from the other
 16 person's property. So, again --
 17 CHAIRMAN AIZENSTAT: I mean, Venny, going
 18 back to what you said, if there's a work
 19 around. A single-family home, I've got, let's
 20 say, a ten-foot back at the rear or wherever it
 21 is. Would I then be able to go to my neighbor
 22 and say, you know what, I'm going to do your
 23 electrical if I can have a zero setback, so I
 24 can make my structure bigger and so forth?
 25 MR. TORRE: No, but you're making a point

1 CHAIRMAN AIZENSTAT: We have a second. Any
 2 other discussion? No?
 3 Call the roll, please.
 4 THE SECRETARY: Luis Revuelta?
 5 MR. REVUELTA: No.
 6 THE SECRETARY: Venny Torre?
 7 MR. TORRE: No.
 8 THE SECRETARY: Chip Withers?
 9 MR. WITHERS: Yes.
 10 THE SECRETARY: Alex Bucelo?
 11 MR. BUCELO: No.
 12 THE SECRETARY: Claudia Miro?
 13 MS. MIRO: Yes.
 14 THE SECRETARY: Eibi Aizenstat?
 15 CHAIRMAN AIZENSTAT: No, and for the reason
 16 that I just don't know how many properties are
 17 out there for that single owner.
 18 MR. TRIAS: So the motion failed four-two.
 19 THE SECRETARY: It failed.
 20 MR. COLLER: I think we need a reverse
 21 motion, then, because the person that made the
 22 motion, that failed, so we need a motion to
 23 recommend denial.
 24 MR. BUCELO: I'll move to recommend denial.
 25 CHAIRMAN AIZENSTAT: We have a motion to

1 where you're reversing what was already in the
 2 Code. Here, the Code was already at zero and
 3 we're trying to take away something that was
 4 already theirs. So, I mean, there wasn't
 5 anything wrong with it, except there's an
 6 issue, which is understandable, that there
 7 could be a conflict where two people just can't
 8 agree on that. I mean, I'm just -- again, I
 9 like the issue -- I mean, I like this solution.
 10 I just want to make sure that if some people
 11 can agree to reverse back to the zero, it's not
 12 the end of the world here to make it happen,
 13 that's all, and if a variance is the solution,
 14 Ramon, then maybe that's the only way around
 15 it, you know.
 16 MR. TRIAS: I don't know of any other
 17 solution with the Code that we have.
 18 CHAIRMAN AIZENSTAT: Any other discussion?
 19 No?
 20 Anybody that would like to make a motion?
 21 MR. WITHERS: I'll move it.
 22 CHAIRMAN AIZENSTAT: As is?
 23 MR. WITHERS: As is.
 24 CHAIRMAN AIZENSTAT: Anybody second?
 25 MS. MIRO: I'll second.

1 recommend denial from Alex. Is there a second?
 2 MR. TORRE: I'll second it.
 3 CHAIRMAN AIZENSTAT: Venny seconds. Any
 4 discussion?
 5 Call the roll, please.
 6 SECRETARY: Venny Torre?
 7 MR. TORRE: No. I mean, yes.
 8 THE SECRETARY: Chip Withers?
 9 MR. WITHERS: Yes. I mean, no. I mean --
 10 I mean, no.
 11 MR. COLLER: Wait.
 12 MR. WITHERS: He's trying to confuse you,
 13 you know that, right?
 14 MR. COLLER: No, you're opposed to the
 15 motion?
 16 MR. WITHERS: I'm opposed to the motion.
 17 MR. COLLER: Okay.
 18 THE SECRETARY: Alex Bucelo?
 19 MR. BUCELO: Yes.
 20 THE SECRETARY: Claudia Miro?
 21 MS. MIRO: No.
 22 THE SECRETARY: Luis Revuelta?
 23 MR. REVUELTA: Yes.
 24 THE SECRETARY: Eibi Aizenstat?
 25 CHAIRMAN AIZENSTAT: Yes, for the same

1 reason as before.
 2 MR. TRIAS: Thank you very much. The
 3 motion passes.
 4 CHAIRMAN AIZENSTAT: Thank you. Thank you
 5 everybody for coming. Is there a motion to
 6 adjourn the meeting?
 7 MS. MIRO: I'll make a motion.
 8 CHAIRMAN AIZENSTAT: We have a motion to
 9 adjourn the meeting. Is there a second?
 10 MR. WITHERS: Second.
 11 CHAIRMAN AIZENSTAT: We have a second. All
 12 in favor say aye.
 13 (All Board Members voted aye.)
 14 (Thereupon, the meeting was adjourned at 8:00
 15 p.m.)
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1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8
 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
 16 DATED this 17th day of March, 2022.
 17
 18
 19 SIGNATURE ON FILE
 20 _____
 21 NIEVES SANCHEZ
 22
 23
 24
 25