

1 want to thank first the applicant for E-1 for
2 standing by. I do appreciate it.

3 At this time I'm going to recuse myself, not
4 that I agree that I should recuse myself, but the
5 city attorney has advised that it's probably
6 prudent that I do because the proximity of my home.

7 Seeing that the vice chair is not here, which
8 would be Maria Menendez, I would like to ask Robert
9 if he would continue the meeting?

10 MR. BEHAR: Sure.

11 MR. AIZENSTAT: For Item E-1 given his
12 experience and tenure on the board. And thank you
13 very much.

14 MR. BEHAR: Thank you.

15 MR. AIZENSTAT: Please note for the timestamp
16 that I left at 7:10.

17 MR. BEHAR: Thank you. I guess this is a
18 first but we'll do it.

19 Mr. Attorney, can you read that item on the
20 record for the record, please.

21 MR. COLLIER: Yes. Item E-1, an Ordinance of
22 the City Commission of Coral Gables, Florida
23 requesting conditional use review for a building
24 site determination pursuant to zoning code, Article
25 3, development reviews, Section 3-206, building

1 site determination to separate into two single
2 family building sites on the property zoned single
3 family residential district, legally described as
4 Lots 10 through 18, Block 236, Coral Gables
5 Riviera, Section Part II, 601 Sunset Drive, one
6 building site consisting of Lots 13, 14, and 15,
7 east parcel, and the other building site consisting
8 of Lot 16, 17 and 18, west parcel including
9 required conditions, providing for a repealer
10 provision, providing for a severability clause, and
11 providing for an effective date. Item E-1, public
12 hearing.

13 MR. BEHAR: Thank you.

14 MR. TRIAS: Mr. Chairman, the request is to do
15 a building site separation at the end of a block
16 that is facing Sunset and it's bound by Tordera and
17 Almansa Street. As you can see in the existing
18 plat there are six platted lots and the applicant
19 is proposing to make two parcels with three lots
20 each.

21 There's a house, there's an existing house
22 over the whole property right now and that is the
23 way the house looks. The request as the
24 chairman -- as the attorney explained, is the
25 create two parcels, and you can see how that looks

1 in the site.

2 The parcels would front Sunset and the access
3 for automobile would be on the side street, so from
4 many points of view it implements some of the ideas
5 that you have worked on so hard for the past year
6 or so as you worked on the improvement of the
7 single family regulations. This is I think a very
8 good examples of that.

9 The existing land use and the zoning is single
10 family, and there's no change, there's no proposed
11 changed for any of that. And as the applicant will
12 explain later on, they have prepared two very
13 different custom designs for each parcel, and they
14 have preserved the trees, the existing trees. It's
15 a very sensitive design as you can see with a full
16 landscape plan.

17 There are very different houses. They're
18 compatible with the scale of the neighborhood, and
19 they do preserve the existing open space.

20 The applicant will go into more detail as far
21 as the architecture, but this is to give you a
22 sense of the design. As you know, one of the
23 conditions is to have two houses fully designed and
24 that is part of the review and approval process.

25 Now, the timeline that the DRC, the

1 Development Review Committee, took place in
2 September of 2018, and then there was a
3 neighborhood meeting in December, and today we are
4 dealing with the planning and zoning meeting.

5 Public notice, the neighborhood meeting, it
6 was noticed. Also there was a courtesy
7 notification mailed to property owners within a
8 thousand feet. The property was posted. There was
9 a legal ad and there was also the posting of the
10 agenda on the city web page and also here at city
11 hall, and the staff report was also posted on the
12 web page.

13 And that's what we had talked about before,
14 there's additional ways to get the word out and
15 posting and so on than what's required by the code.

16 This gives you a sense of the 1,000 radius,
17 the 1,000-foot radius that received the mailed
18 notice. And here we have the site information.
19 The current frontage is 200 feet so therefore there
20 will be two 100-foot parcels. The depth is 154,
21 and the site area would be 15,500 for each, and the
22 building floor area would be no more than what's
23 the maximum allowed now. So that's another one of
24 the conditions which is very typical condition.

25 The reviewed criteria as you know if very

1 difficult to meet, but in this case the applicant
2 satisfies the size, the area of the lot
3 requirement. It also explains the exceptional
4 circumstances and that's also satisfied.

5 As I mentioned before they preserve open space
6 and promotes a compatible design with the
7 neighborhood. And then they need to satisfy three
8 of the other four criteria, and three of them are
9 satisfied; the building site created would have a
10 frontage equal or larger than the existing building
11 sites within the 1,000-foot radius, that the
12 building site would not result in any
13 nonconforming -- any structure becoming
14 nonconforming, and that no restrictive covenants or
15 encroachments or easements exist. Those are
16 satisfied.

17 The fourth condition is that the site is owned
18 for longer than ten years by the property owner.
19 That is not satisfied, but you only have to satisfy
20 three of the four, so the criteria is met.
21 Therefore staff recommends approval with
22 conditions, and the conditions are the typical
23 conditions. See here that we have that the square
24 footage of the residence allowed by the separated
25 building sites will not be more than the one

1 allowed in one site. As you know, when you divide
2 it sometimes you're able to do more, and that they
3 should follow the zoning requirements, that the
4 plans attached will be part of the application, the
5 plans that the applicant will present, and that a
6 bond shall be required to ensure a timely removal
7 of any nonconforming as a result of the building
8 site separation approvals.

9 That is the end of my presentation. I believe
10 the applicant has a power point.

11 MR. BEHAR: Before we open to the applicant,
12 can you go back to the timeline that you presented
13 to us, the city review timeline?

14 MR. TRIAS: This one or that one? This one.

15 MR. BEHAR: This one. In this staff report
16 you showed the Board of Architects, that they went
17 to the Board of Architects.

18 MR. TRIAS: They did. That is missing in
19 this. It's a typo.

20 MR. BEHAR: But they did comply.

21 MR. TRIAS: They did go to the board, yes.

22 MR. BEHAR: Okay. Thank you.

23 Let me go ahead then open it to the applicant.

24 MR. NAVARRO: Good evening, Mr. Chair,
25 congratulations. Board members, happy new year.

1 For the record, my name is Jorge Navarro with
2 offices at 333 Southeast Second Avenue. With me
3 this evening is my colleague, Ms. Devon Vickers,
4 and our project architect, Reinaldo Borges from
5 Borges & Associates.

6 It's my pleasure to be here before you this
7 evening to present this project. It is an
8 application that not only revitalizes a piece of
9 property that's been neglected and abandoned for
10 some time, but also furthers the city's initiative
11 which was recently done to improve abandoned and
12 foreclosed properties.

13 Many of you may be familiar with this property
14 at 601 Sunset Drive. It's a property that has made
15 the headlines for all the wrong reasons. It's been
16 in the news stories and articles and the topic of
17 various city's meetings due to the poor condition
18 of the home, several issues with squatters and
19 recent foreclosure proceedings. And I'd like to
20 just say for the record, that all of this happened
21 before my client purchased the property. We're
22 here before you this evening with clean hands.

23 But as a result of this and with the help of
24 your city attorney's office who did a fantastic job
25 throughout that process, the city commission and

1 the city attorney's office created a process where
2 they would go and make sure that these properties
3 that were going through the foreclosure process and
4 were being neglected by owners, that the bank had
5 some skin in the game, and they went after them and
6 made sure that they put liens, and they initiated
7 their own enforcement proceedings to make sure that
8 people would take care of these properties.

9 And as a result of this ordinance that was
10 passed, my client had the opportunity to purchase
11 this property, and since then he has cleaned it,
12 he's maintained it, he's brought it up to code, and
13 unfortunately due to all the issues that have
14 happened, the property's in very poor condition.
15 This is a property that was originally constructed
16 in the 1960s and it has structural issues and, you
17 know, due to the squatters the interior of the
18 property is no longer salvageable.

19 In lieu of this we have proposed to take this
20 very large site, it's currently 31,000 square feet,
21 so about seven-tenths of an acre, and we are
22 proposing to subdivide this lot into two
23 15,000-square foot lots with 100 feet of frontage.
24 And this condition, as you'll see, is the same
25 condition that exists all along the north side of

1 Sunset. This is only one of two properties that
2 have more than 20,000 square feet. The other one's
3 an institutional use. So it's the only single
4 family lot that has more than 20,000 square feet on
5 Sunset Drive that's comprised of six platted lots.
6 So this property actually has six underlying lots.

7 Our program, as you'll see here, is to combine
8 three of the lots, and three of the lots to create
9 two independent building sites, which is very
10 similar in size as to what you see in this
11 neighborhood.

12 The 15,000-square foot lots are larger than 85
13 percent of the lots within this neighborhood and
14 within this plat. So this is very compatible with
15 what's there. And in lieu of building one very
16 large home, a McMansion, we're proposing to build
17 two more modest homes which we believe are going to
18 be very consistent with the existing development
19 trend and also create that pattern of development
20 that you see along Sunset Drive.

21 With that I'd like to present Reinaldo so that
22 he can walk you through the plan. It's important
23 to highlight that these homes are being built fully
24 in compliant with your zoning code. We're not
25 asking for any rezoning, any variances. In fact,

1 we have less lot coverage and less building height
2 than would normally be allowed. And as Reinaldo
3 will discuss, we've gone through great efforts with
4 your planning and zoning director to make sure that
5 we're preserving onsite resources and maintaining
6 open space.

7 So with that I'll turn over the microphone to
8 Reinaldo and I'm here to answer any questions that
9 you may have.

10 MR. BORGES: Thank you, Jorge.

11 Reinaldo Borges, for the record, Borges &
12 Associates. I'm here with my partner, Alice
13 Dahbura, and the project architect, Luis Gabriel.

14 So I'll walk you briefly through the project
15 since it's a bit late in the day and then open it
16 for questions. I think both Ramon and Jorge gave
17 you already good insight into the project.

18 You know, we have by the nature of the
19 clarification here to design two very unique
20 residences that cannot be mirror images of each
21 other, same prototypes. So you can see that the
22 characteristic of the homes are quite different,
23 the spacing, the distancing, the conformity with
24 the setbacks.

25 We've also taken a very careful look at the

1 existing tree canopy scenario in the site. We
2 started with our arborist doing a very careful
3 report on the existing trees that we were to really
4 protect and preserve. The trees that you notice
5 with a dot where the trunk would be are the ones
6 that are really specimen trees that we're keeping,
7 and we basically have designed around these trees
8 to make sure that we are maintaining the distancing
9 from the root structure and make sure that those
10 trees remain very healthy. We also have a tree
11 protection plan that's been submitted already to
12 the city.

13 You will see that, you know, if you look at
14 the tree mitigation plan and preservation strategy
15 we're keeping everything that is really significant
16 from oak trees to gumbo limbos and such. There are
17 lot of palm trees that are really not worth
18 preserving and we're replanting a lot of new very
19 rich material. So the landscaping will really be
20 fantastic, you know, to really dress up these
21 homes.

22 You can see the massing here, the two houses
23 fronting Sunset. Wanted to make sure that both
24 houses would have their distinguished main
25 entrance, you know, fronting Sunset. There's a

1 very low wall really to provide a protective
2 barrier anticipating that these would be homes with
3 children and families and such. But as you know,
4 there's really no allowance for any significant
5 permanent wall around these homes.

6 There's a pool barrier issue related to code
7 and things like that that are also resolved.

8 And the two entrances to the garages are on
9 the side streets. You see the massing from the
10 opposite corner. And then, you know, they're four
11 bedroom homes, very flexible open spaces in the
12 ground floor, you know, service facilities for the
13 maids and, you know, home office that could be also
14 convertible to a guest room, bedrooms upstairs
15 primarily with a grand master bedroom suite.

16 We're also conforming to all the heights
17 associated with your codes, and we did receive our
18 preliminary approval from the Board of Architects,
19 and we'll come back for a final approval once these
20 plans get more detailed.

21 As you can see the extensive process to get to
22 this point to get this lot split is pretty
23 significant. The city is very careful to make sure
24 that this is done properly. These are the side
25 facades here, and the facades towards the rear.

1 Again, the houses are compatible in terms of
2 their language. They do have some stone applied to
3 them, nothing artificial, everything is going to be
4 natural materials. And we're still in that process
5 of process selecting all the final materials with
6 our client.

7 You saw the aerials and the parcel split.
8 Existing home, you've seen that already, and our
9 strategy for splitting the house.

10 So the sequential nature of this PDF that I'm
11 showing you now basically is repetitive because I'm
12 showing you two different homes, and in both cases
13 I wanted to show you the context of the two houses
14 together.

15 This is the plan of the second home that you
16 can see really is more of a courtyard house in a
17 way that really forms itself around the pool, and
18 the nature of the site kind of allowed for that
19 based on the placement of trees and so on.

20 And so you've got the four bedroom upstairs
21 with wonderful outdoor terraces and, you know, just
22 a lot of opportunities to enjoy this beautiful
23 neighborhood.

24 So, you know, with that -- and these are more
25 technical facade drawings.

1 I will probably leave it then open for
2 questions, if any. So that's the conclusion of my
3 presentation. Thank you.

4 MR. BEHAR: And that concludes your
5 presentation at this point?

6 MR. NAVARRO: Yes. Thank you, Mr. Chair.
7 That concludes our presentation. We're here to
8 answer any questions, and if possible, I'd like to
9 save a few minutes for rebuttal if needed.

10 Thank you very much.

11 MR. BEHAR: I'm going to go ahead at this
12 point open it up to the board. Julio, do you want
13 to start?

14 MR. COLLIER: Do we have anybody in the
15 audience?

16 MR. BEHAR: Sorry. Have you signed in?
17 Jill, can we call them up, please.

18 THE CLERK: Diane Landsberg.

19 MR. BEHAR: I think both work.

20 MS. LANDSBERG: Thank you. Hi. Good evening.
21 I've been a resident, I've lived in my home
22 for almost 50 years in the same house that's kind
23 of caddy-corner across from this place, and I'm
24 just here interested to know what's going up.

25 I did go to the neighborhood meeting. They

1 arrived late and I couldn't stay very long, so I
2 didn't hear everything that was going on with this
3 property and what they were planning to do, so
4 that's why when I did get the notice like ten days
5 ago, which from this -- for this meeting, I think,
6 so I'm just really here just to find out what's
7 really going on.

8 I personally don't like design because I don't
9 think it fits with the Old Gables, but that's just
10 me personally. It's irrelevant. That's just my
11 taste. But I'm really here just to find out what
12 is going on.

13 I understand as far as the design, I think
14 it's kind of strange that the front door is on
15 Sunset, but you don't -- I don't know how you get
16 into that front door, you know, because it's not
17 the front of the house really, it's designed like
18 that but it seems kind of strange to me. But,
19 again, that's a design thing.

20 So I'm just really here to see what's going on
21 in my neighborhood.

22 MR. BEHAR: And you feel comfortable that what
23 you heard today about what's going in your
24 neighborhood?

25 MS. LANDSBERG: I think that the houses are

1 too close together. I mean, I wouldn't want to
2 look out of my second story bedroom and see
3 something that's about where that TV is, you know I
4 wouldn't, you know, personally. You know, and
5 again that doesn't make sense to me.

6 But, you know, and most of the houses on that
7 side of the street are smaller than on the side
8 that I live on. But, you know, I'm just curious
9 where's the trash pit going to go? Because my, you
10 know, it's on Sunset, you know, is it going to be
11 on the side streets or something? Because you got
12 to consider that.

13 But, you know, just -- I really just want to
14 see what's going on. So I appreciate the
15 opportunity.

16 MS. ANDERSON: They may choose not to have a
17 trash pit too.

18 MS. LANDSBERG: Pardon?

19 MS. ANDERSON: They may choose to have their
20 landscaper taking it off and not have a trash pit.

21 MS. LANDSBERG: Yeah, I mean, they've talked
22 about the trees, and I'm all for saving all the
23 trees, you know, in that sense, so that's
24 important.

25 You know, but again, I built onto my house, I

1 built a pool and I know how important zoning is and
2 all of the steps, and I've been through this
3 process. So I know that it's quite lengthy with
4 everything, and we appreciate the idea.

5 I mean, I love living in the Gables because of
6 this management and ensuring that quality is built,
7 and consistency, and you know, safety in mind also
8 because of the hurricanes and the zoning and code
9 enforcement where it's gone. So I appreciate
10 everything that you do to really continue to keep
11 the value of our homes.

12 And I pay a lot of taxes, but not as much as
13 everyone else because I've lived there so long.

14 Thank you.

15 MR. BEHAR: Thank you. You're lucky.

16 Next speaker, please.

17 THE CLERK: Mark Leban.

18 I don't think he was sworn in.

19 MR. BEHAR: Could you swear him in.

20 THE COURT REPORTER: Yes, sir.

21 Please raise your right hand.

22 Do you swear to tell the truth, the whole
23 truth and nothing but the truth?

24 MR. LEBAN: Before I begin --

25 MR. BEHAR: Speak to the microphone, please.

1 MR. LEBAN: Could you show up there compatible
2 homes that you had up for a second or two?

3 MR. BORGES: The existing homes?

4 MR. LEBAN: The existing homes just to the
5 north. I think you had one.

6 MR. BEHAR: Speak to the microphone, if you
7 don't mind.

8 MR. LEBAN: I will.

9 I thought I saw one. You mentioned something
10 about the compatibility with the neighboring homes.

11 My name is Mark King Leban, I'm a retired
12 circuit judge. I've lived in 6916 Almansa Street,
13 three houses behind the east parcel for 35 years
14 this April.

15 I don't have a strong objection, I'll tell you
16 that. What's certainly an eyesore is what's there
17 now, and I commend any landowner who proposes to
18 enhance the neighborhood.

19 My comments though deal with a couple of
20 things that I heard here, and I just want to voice
21 my concern. This is a McMansion, two McMansions,
22 in my opinion, and it is not compatible, the design
23 itself, with the surrounding neighborhood with my
24 humble home at 6916. It reminds of a home that's
25 across the street on Sunset that I like to call the

1 public library. It actually looks like a, you
2 know, public facility which obviously passed muster
3 here. So I'm not saying we shouldn't have similar
4 homes, but it is not at all compatible with the
5 design that I saw with the homes that I've lived --
6 the home that I live in in my surrounding
7 neighborhood.

8 The mention was made of the foliage and the
9 existing trees. I would wonder what the people
10 immediately -- they're not here, I can't speak for
11 them, would say who live right behind each of those
12 parcels. Certainly the neighbor who lives directly
13 behind on the east side, two houses away from me
14 would be horrified to see this McMansion literally
15 ten feet in his backyard, but he's not here.

16 There was some denigration, if you will, of
17 palm trees. Palm trees are our life blood
18 everywhere in South Florida, including Coral
19 Gables. I have approximately 50 palms and other
20 varieties of palms in my home. But that's neither
21 here nor there because we don't have to have palms
22 to make a house beautiful.

23 My only objection is to the scale of it, and I
24 don't think that it's compatible with my
25 neighborhood, and I'm hoping something could be

1 done. I'm not saying to change it completely, but
2 to me it looks like it certainly isn't what George
3 Merrick had in mind.

4 Any questions?

5 MR. BEHAR: Okay. Thank you very much.

6 Any other speaker?

7 Okay. Then we're going to close the public
8 hearing. Let's get it to open up to the board.

9 Julio?

10 MR. GRABIEL: Mr. Borges, just a minor point,
11 you did not give your address when you addressed
12 the board.

13 MR. BORGES: Okay. So our offices are at 999
14 Brickell, Suite 700.

15 MR. GRABIEL: We don't miss anything.

16 MR. BORGES: City of Miami, 33131.

17 MR. GRABIEL: The trees, could you go through
18 the landscaping plan again. I wasn't sure if I
19 understood how much of the trees are staying.

20 MR. BORGES: So in your packages you have more
21 information on the landscaping, you actually even
22 have a planting list with all our trees being
23 planted, and there's a lot of specificity there.

24 The nature of this slide doesn't have a lot of
25 the high resolution to really identify all the

1 trees for you. But most of the ones with the red
2 dots are live oaks, and there's a also pretty
3 significant --

4 MS. ANDERSON: Which tab are you referring to
5 for the foliage and the tree list?

6 MR. BORGES: Well, we submitted the project by
7 sheets, not tabs.

8 MS. VELEZ: Tab 3.

9 MR. BEHAR: We're looking for the landscape
10 plan that you're referring to, right?

11 MR. GRABIEL: Yeah.

12 MS. VELEZ: I see under Tab 3 the existing --

13 MR. TRIAS: The survey, the survey is on
14 Tab 3, at the first page, and that survey has a
15 description of the existing trees.

16 MR. BORGES: Yeah, so the survey does describe
17 the existing trees, and then if you look at all the
18 L sheets, L-100, this starts -- this is our
19 disposition plan and that shows you the list of
20 trees, what is being removed, and what is being
21 kept.

22 MR. BEHAR: I don't see an L sheet on mine.

23 MR. TRIAS: If you keep going, the whole
24 package, the 11 by 17 that is folded --

25 MR. BORGES: Do you not have the L sheets?

1 MR. TRIAS: Some site plans that are --

2 MS. ANDERSON: L what?

3 MR. BORGES: It's L-100, L-200 and L-300.

4 MS. ANDERSON: I have some A dash numbers.

5 MR. BEHAR: I don't believe I have any L
6 drawings, landscape drawings in my package.

7 MS. ANDERSON: No. There's no large folded
8 sheets in mine with a prefix of L.

9 MR. TRIAS: I think you're correct, I think
10 that the landscape sheets were not included in the
11 submittal, however, the site plan does show some of
12 the trees.

13 MR. BORGES: I have them here, I could share
14 if you want to glance at them. Yes?

15 MR. BEHAR: Sure.

16 MS. ANDERSON: Yes.

17 MS. VELEZ: I'm looking at the survey under
18 Tab 3, and it does -- there are some very mature
19 trees on there, there's some oak trees with a
20 40-foot canopy and 25-foot height, 30-foot height.
21 Are those being maintained?

22 MR. BORGES: Yes.

23 MS. VELEZ: And there's a banyan, there's also
24 a large banyan with a 50-foot height.

25 MR. BORGES: Yes.

1 MR. TRIAS: Mr. Chairman, I think the
2 applicant forgot to include the L sheets on the
3 package you got. We do have it on file, and I
4 think they have it also for the presentation.

5 MR. BORGES: So, you know, it says normal now.
6 In most municipalities we start with a very careful
7 tree report with a certified arborist, and then we
8 work closely with a landscape architect to make
9 sure that we're keeping everything that's
10 significant.

11 And then we're planting. There are many, many
12 palm trees and other species that are being
13 planted. I mean, the whole landscape scheme is
14 going to be quite rich for this project. And in
15 these renderings that you see that we've shown the
16 two homes, they don't have all the trees in the
17 foreground because you wouldn't really see the
18 houses if we were to place those trees. You can
19 see those better in the plan that's on the screen
20 right now.

21 MR. GRABIEL: I like the project. I think
22 it's preferred to have two homes than allow one
23 extremely large home that would be allowed on that
24 site. And if it has followed every zoning
25 requirement and has been approved by the Board of

1 Architects I don't see any problem with this
2 project at all. I think it's actually an
3 improvement eliminating the driveway coming out on
4 Sunset, which you have right now, and can be a
5 problem with that street.

6 MR. BEHAR: Okay how about Alex?

7 MR. MANTECON: I mean, I think the project is
8 great. I think it's -- you know, I think with
9 relation to the neighborhood I think by right they
10 can build over 10,000 square feet, and instead --
11 which would be massive and really different from
12 the rest of the neighborhood to his concern.

13 I think, you know, the two smaller homes would
14 definitely be more compatible with the existing
15 neighborhood. And also, you know, I think the
16 traffic is an issue on Sunset and getting those
17 driveways off of Sunset I think is an important
18 factor as well, you know, backing people up as, you
19 know, people are coming in or out of the house, et
20 cetera.

21 You know, I think they've done a great job,
22 you know, with the amount of tree canopy,
23 maintaining everything that's going to be in there,
24 and, actually, it's refreshing to see how the
25 architecture actually goes around the existing tree

1 canopy as opposed to relocating or moving so many
2 trees. They're actually cognizant of it and
3 actually building the houses around what the tree
4 canopy permits.

5 MR. GRABIEL: I do have another question, if I
6 may?

7 MR. BEHAR: Go ahead.

8 MR. GRABIEL: I think one of the requirements
9 from staff is that you do not build more in the two
10 homes than it's allowed in a single home, and
11 that's -- if I read it right, maximum allowable in
12 the single lot would be 10,450, yet you're
13 proposing two houses of 5800 square feet which
14 would be more.

15 MR. BORGES: We're going to need to implement
16 a dietary plan as we move forward to final to the
17 Board of Architects.

18 MR. GRABIEL: So you are agreeing --

19 MR. BORGES: Yes, of course.

20 MR. GRABIEL: -- and conforming to homes of
21 5,225 --

22 MR. BORGES: Yeah.

23 MR. BEHAR: That is a staff condition.

24 MS. VELEZ: Yes.

25 MR. BORGES: Yes. And I think it's actually

1 in the code --

2 MR. TRIAS: Yeah, the conditional use process
3 is used for this request, and that is a typical
4 condition that is applied every time.

5 MR. BEHAR: Okay. Maria?

6 MS. VELEZ: I am usually opposed to lot
7 splits. I'm happy to see that this is a very large
8 lot and that the frontage is 100. I think it's
9 fine. So I have no objection on that end.

10 I do have a question. This house sits on
11 several of the lots, the existing house. Most
12 times when we have a house like this in the Gables
13 we have a decoration of restrictive covenant that
14 has been filed by the owner. Is that the situation
15 here? Do we have one here? And if so, how do we
16 get around that?

17 MR. NAVARRO: That's a very good question and
18 we've been working with staff on that. There's
19 actually two items. So normally when you create a
20 building site -- this house was built in the '60s,
21 this single family home was built in the '60s,
22 that's when building site is created and the unity
23 of title is done. In this particular case it's
24 very interesting. The unity of title was not until
25 almost 30-plus years later when they went to go do

1 a small patio addition.

2 MS. VELEZ: That's typical in these homes that
3 they're not there at the beginning, but when you do
4 make an addition, you are required to sign a unity
5 of title.

6 MR. NAVARRO: Correct. So the unity of title
7 was done at the time they did a small patio
8 addition, so it does not apply necessarily to the
9 principal structure.

10 MR. TRIAS: The question was, what is the
11 process to change it, and this is the process.

12 MS. VELEZ: What happened --

13 MR. TRIAS: This is the process. The process,
14 plan, zoning and commission approval of the
15 conditional use process for the building site
16 separation.

17 MS. VELEZ: So if we are to approve the lot
18 split we are in essence deleting and making nothing
19 of an existing covenant.

20 MR. TRIAS: Well, it has to be eliminated or
21 modified in a legal way, but the process to do it
22 is the process we're going through right now.

23 MS. VELEZ: But we would be deleting an
24 existing covenant?

25 MR. NAVARRO: Yeah, and at the point we will

1 come in and do two new unities unifying the three
2 lots that are going comprise the two new building
3 sites, and at that point we'll have two fresh
4 unities of title which are more in line with the
5 city's current language of the unities of title
6 which are much more restrictive than the one that
7 we have from the '80s.

8 MS. VELEZ: I think I would like to have had
9 that information in my packet. That's just my
10 comment on that.

11 Thank you.

12 MR. NAVARRO: We had a very long letter of
13 intent, that it was buried in there but...

14 MS. VELEZ: I think it's important that we're
15 aware that we're made aware of any restrictive
16 covenants that apply to any parcels that we are
17 dealing with, especially on a situation like this.

18 MS. ANDERSON: I was looking for it as well.
19 This mentions it, but we don't the language, we
20 don't a copy of it.

21 MS. VELEZ: Yeah. Many times we do get a copy
22 not only of the deed or the certificate of title,
23 like in this instance, but we have been supplied in
24 other situations with copies of covenants that
25 affect the property. I think that's vital to our

1 deliberations.
 2 MR. NAVARRO: Yeah, it took us some time to
 3 dust off that copy because of the distressed nature
 4 of this property. It's gone through several
 5 different many court proceedings so the title was
 6 not as clean when we got it. But we were able to
 7 finally dust it off and find it.

8 And the way it reads is it was from the '80s.

9 MR. TRIAS: So it should be included when it
 10 goes to the commission as the background material.

11 MR. COLLIER: Excuse me. I'm sorry. I didn't
 12 mean to interrupt you. Isn't it included in this
 13 notebook.

14 MR. NAVARRO: I think it's reference with
 15 recording book and page. It may not be attached,
 16 but it's part of the public record.

17 MR. BEHAR: Rhonda?

18 MS. ANDERSON: Yeah, I'll continue. I was
 19 just waiting for the copy of the tree plan to
 20 arrive.

21 MR. NAVARRO: I'm being told it's Tab 2 under
 22 statement of use so --

23 MS. ANDERSON: The covenant or the trees?

24 MR. NAVARRO: No, it's just the recording
 25 information for the covenant. But in the letter of

1 intent, Tab 2, you have the letter of intent we
 2 discussed, the compliance of the criteria, it's
 3 referenced in there.

4 MR. TRIAS: So if you could add the actual
 5 document --

6 MR. NAVARRO: Yeah.

7 MR. TRIAS: -- that would be very helpful.

8 MS. VELEZ: Thank you.

9 MS. ANDERSON: So for future submissions can
 10 we please have this included at the time so we can
 11 actually have an opportunity to study it.

12 MR. BORGES: Well, we submitted that as part
 13 of our submittal, right?

14 MR. TRIAS: Right. And I think that the
 15 applicant just forgot to include it --

16 MS. ANDERSON: Yeah, with the binders.

17 MR. TRIAS: -- and it's just not here.

18 MR. NAVARRO: The landscape drawings may have
 19 come separately.

20 MR. TRIAS: It's not here, Reinaldo, I'm sure
 21 you intended to include it, but it's just not here.

22 MR. BORGES: And also this is the one for
 23 house two.

24 MR. COLLIER: What page is the reference to on
 25 that?

1 MS. VELEZ: Page 5.

2 MR. COLLIER: Page 5.

3 MS. VELEZ: Uh-huh. I had actually marked it.

4 MS. ANDERSON: Although I said that I'd like
 5 to have this ahead of time, I do applaud the
 6 efforts have been made to preserve the specimen
 7 trees on the lot, and although palm trees I know
 8 are an important part of our canopy, when they need
 9 to be moved, I mean, you can donate them to folks
 10 that can use them if it's feasible to do so. It's
 11 not always feasible to do so. So I applaud your
 12 efforts in preserving this tree canopy as much as
 13 possible. I just ask that you take special note to
 14 the root systems as well on some of these trees.

15 There are specific ordinances now dealing with
 16 roots two inches of diameter and more that would
 17 have to be addressed with the city.

18 MR. BORGES: Yes, and we've been working with
 19 the city architect and that came up also during the
 20 Board of Architects process, and we're working
 21 carefully to make sure we conform to that.

22 MS. ANDERSON: And as far as the members of
 23 the audience that are talking about the building
 24 design and the architect itself, the Board of
 25 Architects would be the more appropriate venue to

1 express your concerns with the compatibility with
 2 the neighborhood as far as the architecture itself.
 3 As far as the diet plan for the square footage
 4 on this, is it the intent to give more of a setback
 5 in the rear on the adjacent properties or the side
 6 properties depending on which way you look at this
 7 lot?

8 MR. BORGES: So, look, in both houses we had
 9 designed them to be below the allowable FAR, so
 10 once we learned about this condition we really
 11 haven't had a chance to sit with our client and
 12 kind of work through that. But we would really
 13 reduce the house in a way that it doesn't lose any
 14 of its, you know, features and its qualities. In
 15 some cases it could add to the front, the front has
 16 some.

17 Like the pool, the one that has the courtyard
 18 and the pool in the courtyard format, we may add
 19 space to that. I mean, we really haven't studied
 20 that, so I don't have any clear idea of how we're
 21 going to reduce the square footage at the moment.

22 MS. ANDERSON: Right. I'm just responding to
 23 the resident's comment about the closeness to the
 24 adjacent home, and as homes get closer and closer
 25 together it does affect the quality of a

1 neighborhood.

2 MR. BORGES: Right. Yeah. I think she was

3 referring to the two houses side by side and the

4 distance between them, and what we had done already

5 as part of our process was that we increased that

6 setback. If you look at our site plan we have

7 actually increased the setback of one of the houses

8 to increase that space in between.

9 And if you look at the landscape plan, there's

10 a lot of landscape density in between the two

11 houses that are going to really create a sense of

12 privacy and lush tropical landscape in between the

13 two houses. So you really in most cases are not

14 going to see your neighbor. You're going to see a

15 lot of beautiful green outside your window.

16 MR. BEHAR: Is that also -- let me -- because

17 you're showing a couple of the oak trees, existing

18 oak trees that you're preserving, you had to move

19 the houses closer together, is that the reason you

20 did that?

21 MR. BORGES: Well, so in terms of the site --

22 MR. BEHAR: Because you see right now you see

23 the red dots that you have on both lots --

24 MR. BORGES: Yes.

25 MR. BEHAR: -- I guess that's -- I mean, I

1 would look at it one of the reasons they had to

2 come closer in the center.

3 MR. BORGES: Well, in a way not really because

4 that really created a challenge for the way we laid

5 out the pool and make sure we don't put a pool

6 right under a tree and things like that. So it

7 kind of affected the way we did the backyard design

8 on the house that we call House 2.

9 And then, you know, the other house, the trees

10 really affected the way we were working the schemes

11 out, you know, but I don't know that they really

12 compress, this is between the two houses, and we

13 actually exceeded that setback by about five feet

14 from what's required.

15 MR. NAVARRO: Yeah, normally you would require

16 a ten-foot interior side setback between the homes,

17 and we're almost I think at 30, right?

18 MR. BORGES: We have about 25 feet between the

19 houses on that side yard.

20 MS. ANDERSON: All right. I'm satisfied with

21 the project.

22 MR. BEHAR: I'm typically not in favor of lot

23 split, but I think this is a very compatible and a

24 very good, you know, request because I rather have

25 two houses that are going to be about 5200 square

1 feet than one house that's going to be 10,000

2 square feet. I think this is more in keep, and

3 more in character with the neighborhood.

4 The architecture, like Rhonda says,

5 unfortunately we don't have any restrictions on the

6 architecture, that's the Board of Architects, and

7 you've gone through the process, and they're the

8 one that are going to set forth, you know,

9 whatever.

10 I think you've done a great job trying to keep

11 the trees, which is important. I think those

12 canopy trees are going to be beautiful and, you

13 know, you're right, like you mentioned you're not

14 showing all the trees on the renderings because

15 otherwise it would take away. But I think that

16 once these houses are completed, however they look,

17 they're going to be great because you have

18 beautiful mature canopy trees on top of it.

19 So that's my...

20 With that I'll close it to the board. Do

21 we --

22 MR. GRABIEL: I'd like to make a motion?

23 MR. BEHAR: Okay. We have a motion.

24 MR. GRABIEL: A motion for approval. Somebody

25 mentioned that we want covenants to go to the

1 commission.

2 MS. VELEZ: Yes, the amendment on that when

3 you get to the second.

4 MR. GRABIEL: Okay. So with that pending

5 amendment I'll move for approval.

6 MR. MANTECON: I'll second the motion.

7 MR. BEHAR: And that's going to be based on

8 staff recommendation with the conditions that they

9 have?

10 MR. GRABIEL: Oh, yes, absolutely.

11 MS. VELEZ: Yes, and to make sure that we do

12 know that there is a restrictive covenant, although

13 it appears on the findings of fact that we

14 received, that that was satisfied, that there was

15 no restrictive covenant, there is in fact a

16 restrictive covenant, a unity of title on all six

17 parcels which would be eliminated by this house

18 split.

19 MR. TRIAS: The findings of fact don't says

20 exactly that. What they say is that a restrictive

21 covenant that would prevent a split. So I think

22 that's an important interpretation that needs to be

23 made by staff and also by you. However, the

24 information I agree should be provided.

25 MR. BEHAR: Okay. We have a motion, a second.

1 Can we please call the role?
 2 THE CLERK: Rhonda Anderson?
 3 MS. ANDERSON: Yes.
 4 THE CLERK: Julio Grabiell?
 5 MR. GRABIEL: Yes.
 6 THE CLERK: Alex Mantecon?
 7 MR. MANTECON: Yes.
 8 THE CLERK: Maria Velez?
 9 MS. VELEZ: Yes.
 10 THE CLERK: Robert Behar?
 11 MR. BEHAR: Yes.
 12 MR. BORGES: Thank you so much.
 13 MR. BEHAR: You're very welcome.
 14 MR. NAVARRO: Thank you very much, everyone.
 15 MR. BEHAR: All right. Do we have anything
 16 else on the agenda? Then we're going to make a
 17 motion to adjourn.
 18 MS. VELEZ: So moved.
 19 MR. GRABIEL: Second.
 20 MR. BEHAR: Thank you, everybody.
 21 MS. ANDERSON: Thank you.
 22 (The proceedings concluded at 7:49 p.m.)
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2
 3 STATE OF FLORIDA
 4 COUNTY OF PALM BEACH
 5
 6 I, Jessica A. Donnelly, Florida Professional Reporter
 7 and Notary Public in and for the State of Florida at
 8 large, do hereby certify that I was authorized to and
 9 did report said meeting in stenotype; and that the
 10 foregoing pages, numbered from 1 to 97, inclusive, are a
 11 true and correct transcription of my shorthand notes of
 12 said meeting.
 13 I further certify that said meeting was taken at the
 14 time and place hereinabove set forth and that the taking
 15 of said meeting was commenced and completed as
 16 hereinabove set out.
 17 I further certify that I am not an attorney or
 18 counsel of any of the parties, nor am I a relative or
 19 employee of any attorney or counsel of party connected
 20 with the action, nor am I financially interested in the
 21 action.
 22 The foregoing certification of this transcript does
 23 not apply to any reproduction of the same by any means
 24 unless under the direct control and/or direction of the
 25 certifying reporter.
 IN WITNESS WHEREOF, I have hereunto set my hand this
 24th day of January, 2019.
 Jessica A. Donnelly
 Jessica A. Donnelly

