

1 this line approximately -- the three interior  
2 lines approximately a foot over. Really what  
3 that does is, it allows the corner unit,  
4 because we have a street setback, to have a  
5 legitimate building site. So it's not a narrow  
6 townhouse. So all four townhouses would be  
7 essentially of equal size, and that's the  
8 reason we're doing it.

9 So it may look like it's really nothing,  
10 because it's eight inches, but, in the scheme  
11 of things, it means a lot for that corner unit.

12 Staff has recommended approval of it. All  
13 of the departments have reviewed it, and we  
14 would ask for your approval of this  
15 application.

16 Thank you.

17 MS. MENENDEZ: Okay. Mr. Guilford.

18 Do we have anyone from the public that  
19 would like to speak on this matter?

20 Okay. I'm going to close the public  
21 hearing.

22 Does any Board Member have any questions or  
23 any comments?

24 I have a question or two to Staff. Is  
25 there a minimum width requirement for

1 MR. PEREZ: Up against each other.

2 MR. RODRIGUEZ: Excuse me, I have a  
3 question on this. Are the widths of the new  
4 proposed townhomes similar to what the widths  
5 are of the existing ones that were recently  
6 built?

7 MR. Guilford: The existing -- yes. Yes, sir.

8 MR. RODRIGUEZ: Okay. Thank you.

9 MS. MENENDEZ: Any other questions?

10 MR. BELLO: Madam Chair, I'll move  
11 approval.

12 MS. MENENDEZ: Do I have a second?

13 MR. LEEN: Madam Chair, was there a public  
14 hearing? I'm sorry, I stepped out of the room.

15 MS. MENENDEZ: I asked, and there was no  
16 one to speak.

17 MR. LEEK: Okay. There's no one?

18 MR. PEREZ: I'll second it.

19 MS. MENENDEZ: Okay. Please call the roll.

20 THE SECRETARY: Frank Rodriguez?

21 MR. RODRIGUEZ: Yes.

22 THE SECRETARY: Marshall Bellin?

23 MR. BELLIN: Yes.

24 THE SECRETARY: Anthony Bello?

25 MR. BELLO: Yes.

1 townhouses?

2 MR. BOLYARD: Yes. The minimum required  
3 width is 24 feet.

4 MS. MENENDEZ: 24 feet?

5 MR. BOLYARD: 24 feet.

6 MS. MENENDEZ: Okay. That's all of the  
7 comments I have.

8 Is there any motion?

9 MR. PEREZ: I have a question.

10 MS. MENENDEZ: Okay.

11 MR. PEREZ: The existing building to the  
12 east that's currently a newer building, how do  
13 the side setbacks play into with the new  
14 building? Is it going to be property line to  
15 property line or is that new building going to  
16 be attached? How is that working?

17 MR. Guilford: Mr. Perez, it will be  
18 property line to property line, if you're  
19 talking about the existing townhomes that were  
20 recently built.

21 MR. PEREZ: Correct.

22 MR. Guilford: Yeah.

23 MR. PEREZ: So it would be --

24 MR. Guilford: It will basically be up  
25 against each other.

1 THE SECRETARY: Maria Menendez?

2 MS. MENENDEZ: Yes.

3 THE SECRETARY: Alberto Perez?

4 MR. PEREZ: Yes.

5 MR. Guilford: Thank you.

6 MS. MENENDEZ: Charles, can you go ahead  
7 and read the seventh item?

8 MR. WU: Yes, Madam Chair.

9 An ordinance of -- this is Item Number 7,  
10 an Ordinance of the City Commission of Coral  
11 Gables, Florida requesting Conditional Use  
12 Review for a Building Site Determination  
13 pursuant to Zoning Code Article 3, "Development  
14 Review," Section 3-206, "Building Site  
15 Determination" to create two separate  
16 single-family building sites on property zoned  
17 Single-Family Residential District; one  
18 building site consisting of a portion of Lot 1  
19 and all of Lot 2; and one building site  
20 consisting of a portion of Lot 1 and all of Lot  
21 23 on the property legally described as Lots 1,  
22 2 and 23, Block 263, Riviera Section Part 11,  
23 which is at 450 Como Avenue, Coral Gables,  
24 Florida; including required conditions;  
25 providing for a repealer provision, providing

1 for a severability clause, codification, and  
 2 providing for an effective date.  
 3 MS. MENENDEZ: Thank you.  
 4 Staff.  
 5 MR. BOLYARD: Thank you.  
 6 Aaron, if you could please start the  
 7 PowerPoint. Thank you.  
 8 The application before you here is for a  
 9 separation of a building site and Conditional  
 10 Use Site Plan Review for the property located  
 11 at 450 Como Avenue. This property is southwest  
 12 of the intersection of LeJeune Road and Hardee  
 13 Road. This is where San Vicente Street, Como  
 14 Avenue and Maggiore Street come together.  
 15 Here's an aerial view depicting the  
 16 development pattern of the area.  
 17 In this 3-D aerial view, you can see the  
 18 neighborhood and that the site is currently  
 19 vacant.  
 20 The request is to separate an existing .6  
 21 acre building site, with 176.75 feet of street  
 22 frontage on San Vicente Street, into two  
 23 building sites, the first of which would be .38  
 24 acres in size and would have a 150.57 foot  
 25 street frontage along Como Avenue.

1 meeting.  
 2 The following public notifications were  
 3 completed to solicit input and provide notice  
 4 of the application. The applicant held a  
 5 public information meeting on May 18th,  
 6 courtesy notifications went out to all property  
 7 owners within a thousand feet of the property,  
 8 the property was posted, a legal advertisement  
 9 was published, the agenda was posted on the  
 10 City's web page and at City Hall, and the Staff  
 11 report was posted on the City's web page.  
 12 The next two slides provide site plan  
 13 information, comparing the existing building  
 14 site with the proposed building sites. The  
 15 existing building site on San Vicente has a  
 16 176.75 foot street frontage. The proposed Como  
 17 Avenue site would have a 150.57 foot frontage  
 18 along Como Avenue and the Garlenda Avenue site  
 19 would have a 55.32 foot frontage. The building  
 20 site depth for the site on San Vicente, the  
 21 current existing site, is approximately 130  
 22 feet, and both of the building sites proposed  
 23 would have a depth of approximately 100 feet.  
 24 The total site area for the existing site  
 25 is 25,989 square feet. The proposed Como

1 The second is a .21 acre building site,  
 2 with 55.32 feet of street frontage proposed on  
 3 Garlenda Avenue.  
 4 The site is currently zoned Single-Family  
 5 Residential District, which is the same as the  
 6 surrounding properties.  
 7 It has an existing Land Use Designation of  
 8 Residential Single-Family Low Density.  
 9 The property survey here shows the site as  
 10 vacant, with three platted lots.  
 11 The applicant has included a Conceptual  
 12 Site Plan, which is not tied to the  
 13 application, shown here. You can see -- this  
 14 is the Como Avenue site right here, and this is  
 15 the Garlenda Avenue site.  
 16 They also have rendering views of the  
 17 Conceptual Site Plan. This is along San  
 18 Vicente Street.  
 19 This is a view along Como Avenue.  
 20 Here we have a rendering view from Garlenda  
 21 Avenue.  
 22 This application went before the  
 23 Development Review Committee on February 27th  
 24 of this year. The applicant satisfactorily  
 25 resolved all of the DRC comments from that

1 Avenue building site would have 16,712 square  
 2 feet. The proposed Garlenda Avenue building  
 3 site would have 9,277 square feet. The maximum  
 4 square footage that could be built, as per the  
 5 Zoning Code, on the existing building site, is  
 6 8,947 square feet. 6,164 square feet would be  
 7 able to be built on the proposed Como Avenue  
 8 building site and a maximum of 3,897 square  
 9 feet would be able to be built on the proposed  
 10 Garlenda Avenue building site.  
 11 The maximum permitted height for this site  
 12 is two stories, 29 feet. The setbacks are  
 13 listed here. The front and side street  
 14 setbacks would remain the same, regardless of  
 15 the orientation. The rear setbacks stay at 10  
 16 feet; however, on the Garlenda side, the side  
 17 interior setback for the building would be five  
 18 feet six inches.  
 19 The Zoning Code requires that applications  
 20 for building site separation must satisfy four  
 21 of the following six criteria. The first is  
 22 that exceptional or unusual circumstances  
 23 exist, that are site specific, such as  
 24 properties having multiple facings.  
 25 The property has multiple facings, with

Page 45

1 frontages on San Vicente Street, Como Avenue  
 2 and Garlenda Avenue; therefore, the application  
 3 satisfies this criterion.  
 4 The second is that the building sites  
 5 created would be equal to or larger than the  
 6 majority of existing building site frontages of  
 7 the same Zoning designation within a 1,000 foot  
 8 radius.  
 9 The Como Avenue, with this proposed street  
 10 frontage of 150.57 feet, is equal to or larger  
 11 than just under 92 percent of the building  
 12 sites within 1,000 feet. The Garlenda Avenue  
 13 site would have a 55.32 foot street frontage  
 14 and would be equal to or larger than 10.44  
 15 percent of the building sites within 1,000  
 16 feet.  
 17 The proposed Como Avenue building site  
 18 meets this criterion; however, the Garlenda  
 19 Avenue site does not; therefore, the  
 20 application does not satisfy this criterion.  
 21 The third is that the site would not result  
 22 in any existing or previously demolished  
 23 structures becoming non-conforming. There was  
 24 a previous residence that was demolished in  
 25 2003, that was located approximately in the

Page 46

1 center of the property, as you can see in the  
 2 slide here. As a result, the application does  
 3 not satisfy this criterion.  
 4 The fourth criterion is that no restrictive  
 5 covenants, encroachments, easements or the like  
 6 exist which would prevent the separation of the  
 7 site, including previously demolished  
 8 structures. There are two Declaration of  
 9 Restrictive Covenants that exist, from 2003 and  
 10 2008, requiring the lots be held together as  
 11 one tract. There's an additional Restrictive  
 12 Covenant that exists as part of a request from  
 13 2008 to allow for encroachments for a special  
 14 driveway approach and irrigation system, and  
 15 the previous residence was demolished in 2003;  
 16 therefore, the application does not satisfy  
 17 this criterion.  
 18 The fifth is that the proposed building  
 19 site maintains and preserves open space,  
 20 promotes neighborhood compatibility, preserves  
 21 historic character, maintains property values  
 22 and enhances visual attractiveness of the area.  
 23 The conceptual plans show that both  
 24 building sites can be developed in compliance  
 25 with the Zoning Code. The average lot area for

Page 47

1 building sites within 1,000 feet of this  
 2 property is 12,894 square feet. The lot area  
 3 proposed for the building sites are 16,712  
 4 square feet for the Como Avenue site and 9,277  
 5 square feet for the Garlenda Avenue site.  
 6 Staff has determined that the application  
 7 satisfies this criterion.  
 8 The last criterion was that the building  
 9 site created was purchased prior to September  
 10 17th, 1977. The property was purchased in  
 11 2014, and, therefore, the application does not  
 12 satisfy this criterion.  
 13 Staff recommends denial of the request,  
 14 since the application satisfies only two of the  
 15 six criteria.  
 16 If the Planning and Zoning Board  
 17 determines, based upon additional information  
 18 presented by the applicant, that the  
 19 application satisfies the criteria and desires  
 20 to recommend approval, then Staff recommends  
 21 the following conditions:  
 22 The first is that the new single-family  
 23 residences constructed on the two building  
 24 sites shall meet all applicable requirements of  
 25 the Zoning Code and no variances shall be

Page 48

1 required or requested.  
 2 The second is that the two building sites  
 3 shall be deemed to face San Vicente Street, the  
 4 main entrances shall face San Vicente Street,  
 5 and the driveway shall be required to have  
 6 access from the side streets of Como Avenue and  
 7 Garlenda Avenue. These conditions are based on  
 8 the following:  
 9 The previous single-family residence  
 10 located on this property faced San Vicente  
 11 Street. Most single-family residences with  
 12 property located on San Vicente Street face San  
 13 Vicente Street. The originally platting of the  
 14 City has the shortest lot lines along San  
 15 Vicente Street, which is the basis for  
 16 determining lot facings per the Zoning Code,  
 17 and building frontages facing distinctive  
 18 diagonal streets is consistent with George  
 19 Merrick's plan.  
 20 The third condition is that a detailed tree  
 21 disposition plan and landscape plan shall be  
 22 prepared and provided by the applicant, subject  
 23 to review and approval of the Directors of the  
 24 Public Service Division and the Planning and  
 25 Zoning Division prior to the submittal to the

1 Board of Architects for either building site.

2 The next is that prior to the Board of  
3 Architects submittal a release of the  
4 restrictive covenants currently running with  
5 the land shall be filed.

6 The fifth condition, that letters from all  
7 affected utility companies shall be obtained  
8 and any requests for easements must be complied  
9 with prior to the Board of Architects  
10 submittal.

11 And the last condition, the total square  
12 footage of the two residences shall be equal to  
13 or less than 8,947 square feet, which would be  
14 the maximum size of a residence permitted by  
15 the Zoning Code that could be constructed on  
16 the property if developed as a single building  
17 site.

18 This concludes Staff's presentation.

19 MR. WU: Thank you.

20 The applicant.

21 MR. GARCIA-SERRA: Good evening, Madam  
22 Chair. I just need one minute to set up my  
23 exhibit board.

24 MS. MENENDEZ: Okay.

25 MR. GARCIA-SERRA: Better for the easel, I

1 MR. LEEN: And then, for purposes of the  
2 record, I have a couple of questions. First,  
3 did you become a potential partner?

4 MR. PEREZ: No.

5 MR. LEEN: Okay. Second -- I guess, did  
6 you become a partner, not a potential partner?  
7 Did you become a partner?

8 MR. PEREZ: No.

9 MR. LEEN: Okay. Second, do you have any  
10 private information from that discussion?

11 MR. PEREZ: I do not.

12 MR. LEEN: Okay. And you said that you  
13 were not aware that they were going to seek a  
14 lot split?

15 MR. PEREZ: No.

16 MR. LEEN: Do you believe you can be fair  
17 in this proceeding?

18 MR. PEREZ: Yes.

19 MR. LEEN: I don't believe you have a  
20 conflict, so you can proceed.

21 MR. GARCIA-SERRA: Okay. Thank you very  
22 much.

23 For the record, Mario Garcia-Serra, with  
24 offices at 600 Brickell Avenue, representing  
25 the Blossom Avenue Development Miami, LLC,

1 always forget, on this side or this side, as  
2 far as presentation purposes?

3 MS. MENENDEZ: I typically see it there. I  
4 don't know if you all have any other  
5 preference. I think there is fine, right?

6 MR. LEEN: Can you wait one moment?

7 MR. GARCIA-SERRA: Sure.

8 MS. MENENDEZ: Do you want to go ahead or  
9 do you want to wait for the Board member?

10 MR. GARCIA-SERRA: The attorney just asked  
11 me to wait, I believe.

12 MS. MENENDEZ: Oh, okay. Then please do.

13 MR. LEEN: Mr. Perez is going to disclose  
14 an item and then I was going to give an  
15 opinion.

16 MR. PEREZ: Yeah. Just for the record, the  
17 applicant had approached me probably about  
18 eight or nine months ago to potentially partner  
19 with him on the deal. At that time, he didn't  
20 disclose to me his intentions of a lot split or  
21 nothing. He had just approached me as a  
22 potential partner. So I just want to disclose  
23 that the applicant, probably eight or nine  
24 months ago, had approached me for a potential  
25 partnership.

1 which is the owner of the property located at  
2 450 Como Avenue, which you see demonstrated  
3 here on the aerial photograph, bounded on the  
4 west by San Vicente, on the north by Como, and  
5 on the south by Garlenda Avenue.

6 It was originally platted as three separate  
7 lots, Lots 1, 2 and 23 of the Riviera Section  
8 Number 11. The first and so far only home to  
9 have ever been built on this property was  
10 constructed in the 1950s and demolished in  
11 2003.

12 As you can tell by this survey, which shows  
13 the platted lot lines and then overlays the  
14 proposed homes, there was one lot here, another  
15 lot over here, Lot 1 -- Lot 1, Lot 2 and Lot 23  
16 down here.

17 What we are proposing to do is keep Lot 1  
18 and 23, and then give a portion -- excuse me,  
19 Lot 2 and 23, and give a portion of Lot 1 over  
20 to the Garlenda site on the south side of the  
21 property.

22 As I mentioned, we're now requesting that  
23 the site be separated into two separate  
24 building sites. The northern lot would be  
25 16,712 square feet in size and the southerly

1 lot would be 9,277 square feet in size.  
 2 My client, Marco Facchinetti, the principal  
 3 of Blossom Avenue, is unique in certain ways.  
 4 Originally from Milan, Italy, he is an  
 5 architect, an urban planner by training, and  
 6 has now become a developer in both, Italy and  
 7 New York City. More so than most developers,  
 8 he is attuned to the context of a neighborhood  
 9 and wanting to make sure that what he builds  
 10 fits into the neighborhood.

11 When he first commenced this process, he  
 12 considered the possibility of just one home on  
 13 this site; however, he came to the conclusion  
 14 that one very large home at this site was out  
 15 of context.

16 When the application was reviewed by the  
 17 Development Review Committee, we were  
 18 approached by several neighbors, who wanted to  
 19 know more about the project, and that started a  
 20 process of five separate meetings with  
 21 neighbors, to gather their input on the  
 22 proposed homes.

23 The majority opinion expressed at those  
 24 meetings was very instructive for us and we  
 25 have followed it, by incorporating it into our

1 why you will have some significant support from  
 2 the neighbors this evening.

3 However, some of these changes complicated  
 4 our compliance with Code criteria, and, in  
 5 particular, with Staff's interpretation of  
 6 certain of those criteria.

7 This now takes me to my discussion of the  
 8 criteria and Staff's recommendation. Here are  
 9 the criteria, which are also in your Staff  
 10 report, which you are probably familiar with  
 11 already. The first one here, we don't need to  
 12 have any discussion about, because we're in  
 13 agreement on both, Staff and ourselves, that we  
 14 satisfy Condition Number 1.

15 Condition Number 2 is where some discussion  
 16 is required, and if we read the relevant part  
 17 of that section, it says that the building  
 18 sites created would be equal to or larger than  
 19 the majority of the existing building site  
 20 frontages of the same zoning designation, with  
 21 a minimum of a 1,000 foot radius of the  
 22 perimeter of the subject property.

23 That's a lot, and the difference between  
 24 how we are interpreting the Code and how City  
 25 Staff is interpreting the Code is, do you give

1 plans, the proposed plans for the homes.

2 The three most significant expressions of  
 3 neighborhood preference were, Number One, to  
 4 avoid a McMansion or an oversized home in  
 5 proportion to the lot.

6 This was important, because it re-enforced  
 7 Marco's initial inclination for two homes  
 8 instead of one large home. It also meant that  
 9 we had to find ways to control the massing of  
 10 each of the new buildings.

11 The neighbors had a preference, secondly,  
 12 for the front of the homes to face Como and  
 13 Garlenda Avenues and not San Vicente. They  
 14 wanted front yards to be facing front yards and  
 15 not to have backyards facing the sides of their  
 16 homes.

17 Number Three, they wanted the homes to be  
 18 in a style more reminiscent of Coral Gables, as  
 19 opposed to the original design that was  
 20 proposed.

21 Other important points included  
 22 presentation of existing specimen size trees  
 23 and having sufficient area for car parking.

24 Marco incorporated each and every one of  
 25 these points into the proposed plan, which is

1 emphasis to the term, building sites created  
 2 would be equal to or larger or do you give  
 3 emphasis to building site frontages?

4 There's actually another one.

5 Okay. Here's an exhibit board, showing the  
 6 original configuration of the properties, as we  
 7 proposed it at the time of the DRC application,  
 8 and the thousand foot radius.

9 Now, the top map is measuring area,  
 10 complete areas of each lot, and then ranking  
 11 where the two new created lots are among all of  
 12 the lots that are in this radius, and then the  
 13 bottom map is looking at frontages, and ranking  
 14 all of these properties by their frontage.

15 I will submit to you that the important  
 16 thing in determining a lot separation is the  
 17 size of the lot, because you want the size of  
 18 that lot to be proportionate or in context, at  
 19 least, with all of the other lots that there  
 20 are in the neighborhood, and if you look at how  
 21 they were originally ranked, the northerly lot,  
 22 which is Lot A, is ranked 21 out of 184 and  
 23 then Lot B is ranked 93 out of 184.

24 So very close to being able to satisfy that  
 25 criteria of 50 percent or better of the other

1 lots in the area, but the way that Staff is  
 2 interpreting it is, you don't look at the area  
 3 of the lot, you look at the frontages, and so  
 4 they draw their thousand foot radius, and then  
 5 they look at the frontage of each property, and  
 6 then they rank these properties according to  
 7 frontage, and, then, when you do that, the  
 8 southerly lot fails the test of frontages.

9 Now, why do I think that building size is  
 10 more important than frontage? As mentioned  
 11 earlier, it's going to deal with the proportion  
 12 of the house, what size house is going to be  
 13 there, what else is around there.

14 Frontage also could be very misleading.  
 15 You could have a significant frontage, but a  
 16 very small size lot, which I don't think is  
 17 necessarily what the Code is looking to  
 18 establish here, that because you can somehow  
 19 create a large frontage, you can then, you  
 20 know, split two lots in two which would be  
 21 substandard in size.

22 And just as importantly in this argument is  
 23 that when we then started meeting with the  
 24 neighbors, and you'll remember that important  
 25 point, the majority of the neighbors wanted to

1 Criteria Number 2 and how we complied with it,  
 2 that we should be looking at area, instead of  
 3 frontages. When you look at area, we're in a  
 4 much better situation, and we also have to take  
 5 into consideration that sometimes -- these  
 6 lines have moved, and why have they moved?  
 7 They haven't moved because we're trying to take  
 8 advantage of the criteria and move them in such  
 9 a way so we can definitely comply, we're moving  
 10 them in response to what the neighbors are  
 11 telling us.

12 Now we go on to Condition Number 3 or  
 13 Criteria Number 3.

14 MR. LEEN: Can I ask a question, Madam  
 15 Chair?

16 MR. GARCIA-SERRA: Sure.

17 MR. LEEN: Because I'm curious about this,  
 18 what you're stating.

19 Why is the word "frontages" in the clause  
 20 then? I mean, that's important for them to  
 21 understand, because the word frontages is  
 22 there, and one of the principles that you apply  
 23 when doing statutory construction is, every  
 24 word should have a meaning.

25 MR. GARCIA-SERRA: Sure.

1 see the fronts of the homes facing on Garlenda  
 2 and on Como, we had to change the  
 3 configuration. We had to change the  
 4 configuration of the property.

5 So this bent, which you can barely see  
 6 there, but this bent happened here so that this  
 7 property could front Garlenda and this property  
 8 could front Como, thereby affecting both, the  
 9 size and the frontage ranking even further, but  
 10 the important thing to point out here is,  
 11 again, we were being put in a situation, which  
 12 you'll see, we were put another criteria of  
 13 having to choose, okay, do we follow Staff and  
 14 what Staff is directing us to do, because of  
 15 the way they are interpreting the criteria,  
 16 which we have issues with, or do we go with  
 17 what the neighbors -- at least the majority of  
 18 the neighbors in our consultations with them  
 19 want to do, and we went in that direction.

20 We went in the direction of trying to have  
 21 a building that's in context, that's welcomed  
 22 by at least the majority of the neighbors, and  
 23 something that they feel is appropriate for the  
 24 area.

25 So that is basically my argument on

1 MR. LEEN: You can't have a word not have a  
 2 meaning. So if you're going to propose an  
 3 alternate construction for them to accept,  
 4 which you're able to do, and I would like to  
 5 hear it, too, as the City Attorney, but what  
 6 does frontages mean?

7 MS. MENENDEZ: Well, I was going to ask  
 8 Staff that. I was going to ask Staff that  
 9 after his presentation.

10 MR. LEEN: Sure.

11 MS. MENENDEZ: But if you want to take it  
 12 up now --

13 MR. LEEN: Since he's speaking, I was just  
 14 curious what --

15 MR. GARCIA-SERRA: I can bring it up now,  
 16 if you'd like.

17 The way that I incorporate frontage in the  
 18 interpretation of the criteria is, you do your  
 19 1,000 foot radius. Then you see which  
 20 frontages fall within that radius. So in other  
 21 words, if the frontage of the property is  
 22 falling within the radius, you count it.

23 There are some cases, like when you go down  
 24 here, when you're crossing over the canal or  
 25 the waterway, that frontages are falling

1 outside of that radius, and then you wouldn't  
2 count those.

3 So you see, the way I'm interpreting that  
4 Criteria Number 2 is, frontages is a sort of  
5 limiting factor as to what goes in or out of  
6 the calculation, in and out of the radius  
7 circle, and then what you look at is whether  
8 the building sites created -- in other words,  
9 the size of the building sites created -- would  
10 be equal to or larger than the majority of the  
11 existing building sites, because frontages are  
12 in the same zoning designation and fall within  
13 that 1,000 foot radius.

14 MS. MENENDEZ: But wouldn't that be the  
15 case with the size also?

16 MR. GARCIA-SERRA: Say it again. With the  
17 size --

18 MS. MENENDEZ: Wouldn't that be the case  
19 with the size also? There are going to be some  
20 parcels that are going to fall outside of that  
21 radius.

22 MR. GARCIA-SERRA: Correct.

23 MS. MENENDEZ: So what do you do with  
24 those? You have to do the same, you have to  
25 eliminate it --

1 MR. GARCIA-SERRA: Right.

2 MS. MENENDEZ: -- because you're not taking  
3 up the whole parcel.

4 MR. GARCIA-SERRA: Correct. Yeah, that's  
5 how I would interpret it.

6 When you have a situation where the line is  
7 cutting through the property, if the frontage  
8 is within that line, you count it. If it  
9 isn't, then you don't.

10 MR. LEEN: Madam Chair, I do have some  
11 thoughts on that. When you do talk to Staff, I  
12 would like to comment, as well.

13 MS. MENENDEZ: Okay.

14 MR. GARCIA-SERRA: Okay. Now we'll talk  
15 about the third criterion, and the third  
16 criterion is that building site separated or  
17 established would not result in any -- and this  
18 is my emphasis here -- existing structures  
19 becoming non-conforming as it relates to  
20 setbacks, lot area, lot width and depth, et  
21 cetera.

22 I emphasize existing structure, because,  
23 indeed, this site is a vacant site. By  
24 approving a lot split today, you're not  
25 creating -- causing any existing structure to

1 become non-conforming.

2 Now, what Staff tells you is, hey, you have  
3 to take into consideration the house that  
4 existed there between the 1950s and 2003, and  
5 the fact that that was voluntarily demolished,  
6 and so because it was voluntarily demolished,  
7 if it still theoretically existed today and we  
8 were trying to do this lot split, we would be  
9 running the line between the properties right  
10 within the house, and so you would obviously be  
11 making it non-conforming, but, again, I think  
12 the plain reading of the language means that  
13 this criterion should be applied prospectively.

14 If there's an existing structure today and  
15 you're creating the lot split and it's becoming  
16 -- and it causes one of those structures to  
17 become non-conforming, then you don't pass that  
18 criteria, but since there are no existing  
19 structures on the property, you do comply with  
20 the criteria.

21 Now, let me point out one more thing,  
22 because the way Staff is looking at it and  
23 applying it retroactively and seeing if there  
24 are any previous structures that existed on the  
25 property and that were previously permitted and

1 then voluntarily demolished and have created  
2 this situation, is a criteria to consider, so  
3 that retrospective -- that look back to see if  
4 the structure was there or wasn't there is  
5 done, but it's done at another level. It's  
6 done at the level that proceeds the conditional  
7 use application that we're currently processing  
8 right now and going before the Board.

9 At the administrative level, the first step  
10 in a lot split process is, you go and you ask  
11 the administration, can I have these two or  
12 three or four separate building sites, and then  
13 they have certain criteria that they apply to  
14 determine whether you can or you can't, and one  
15 of them is this one, which reads, "Wherever  
16 there may exist a single-family residence,  
17 duplex or any lawful accessory building or  
18 structure which was heretofore constructed on  
19 property containing one or more platted lots,  
20 such lot or lots shall thereafter constitute  
21 one building site, and then it has another  
22 section here that talks about a  
23 voluntarily demolition of that building cannot  
24 qualify you for that criteria.

25 So what I am submitting to you is that this

1 criteria is the one that looks retrospectively  
2 and sees if anything else -- looks at the  
3 permitting history, sees if anything else was  
4 previously built there and voluntarily  
5 demolished, to determine whether you satisfy  
6 that criteria or not.

7 This criteria is only looking  
8 prospectively, to what is existing today, if  
9 any existing structures are becoming  
10 non-conforming as a result of the proposed lot  
11 split, and, again, no existing structures on  
12 the property today. I don't think anyone will  
13 argue that point, that it's vacant, and so we  
14 are not creating any non-conformities of any  
15 existing structures.

16 Lastly is the criteria on unities of  
17 title -- well, not lastly, but close to, that  
18 no restrictive covenants, encroachments,  
19 easements or the like exist which would prevent  
20 the separation of the site.

21 In response to this issue, I'd like to give  
22 you a handout from just -- different documents  
23 from the public record. Three fairly short  
24 documents, self-explanatory. The first one is  
25 the Warranty Deed from the owner of the home

1 is still trying to enforce the document, even  
2 though when you look at the document and you  
3 look at the second Whereas, the clear sort of  
4 justification and underpinning of the document  
5 was that the undersigned owner intends to  
6 construct a single-family residence at 450 Como  
7 and desires to utilize said lots as a single  
8 building site.

9 That never actually happened. That may  
10 have been proposed at one point, but as you  
11 know, the home was never built.

12 As far as Criteria Number 6 is concerned, I  
13 acknowledge that we do not comply with Criteria  
14 Number 6, but I would submit that this  
15 criterion is constitutionally suspect. It  
16 basically states that property owners, who  
17 owned property prior to 1977, get an increased  
18 right over post 1977 property owners, with no  
19 rational as to why this distinction furthers a  
20 public purpose.

21 As you can see, I believe that the Code  
22 criterion and Staff's interpretation of those  
23 criteria in some cases are flawed. My  
24 understanding is that these criteria are  
25 presently under review and I encourage that.

1 since it was originally constructed, a  
2 Mr. Books or the Brooks Estate, to Hugh  
3 Overhouse (phonetic) in June of 2003, conveying  
4 the property.

5 The next document is the demolition permit  
6 application to demolish the building which  
7 previously existed on the property, which was  
8 approved in August of 2003, so about two months  
9 later.

10 And then the final document, the first  
11 unity of title that Staff mentions, which was  
12 executed in September of 2003. So in other  
13 words, this unity of title was executed and  
14 recorded in the public records not in  
15 connection with the actual house that existed  
16 on the property, but with a planned and  
17 proposed home that was never built, that was  
18 proposed back in 2003.

19 And what we're submitting here is that when  
20 the intent of -- the intent that was behind  
21 this document, which was to build that house,  
22 when that intent disappeared, the purpose of  
23 this document disappeared also, and so it is a  
24 situation that the home was never built, the  
25 property changed hands three times, but Staff

1 In this particular case that we have before  
2 us tonight, the important thing to keep in mind  
3 is that one of the overall purposes of the  
4 Zoning Code is the preservation of the quality  
5 of the City's single-family neighborhoods.

6 In the Gables, neighborhood input and  
7 opinion has always played a role in that  
8 process. Indeed recently you have all heard  
9 about the City conducting neighborhood studies  
10 and Charrettes -- one of them was mentioned  
11 during the meeting earlier -- in certain areas,  
12 so as to solicit neighborhood input in guiding  
13 re-development.

14 We did that here, in a smaller context, and  
15 feel that it has created the right result,  
16 which complies with a correct interpretation of  
17 the applicable criteria.

18 With that said, I would ask that you  
19 recommend approval of this application. Staff  
20 has provided alternative conditions of  
21 approval, which we are in agreement with, with  
22 one exception, and it's a pretty important  
23 exception, which is Alternative Condition  
24 Number 2, which requires that the front of the  
25 buildings face San Vicente.



1 As I mentioned earlier, one of our biggest  
 2 points in meeting with the neighbors, and  
 3 especially the neighbors, of course, that live  
 4 across the street from Garlenda or Como and San  
 5 Vicente, the nearest neighbors, was that these  
 6 buildings should face Garlenda and Como, so  
 7 that front yards are facing front yards, and on  
 8 the San Vicente side, they wanted the side of  
 9 the property treated in a certain manner, so  
 10 that it's respectful of what's across on the  
 11 other side, but the emphasis, the importance,  
 12 was that these homes front Garlenda and Como.  
 13 So that is one condition of approval that we  
 14 are not in support of.

15 With that said, I'll reserve time for  
 16 rebuttal, if necessary, and, of course, we're  
 17 here to entertain any questions you have.

18 Thank you.

19 MS. MENENDEZ: Thank you.

20 At this time, I'd like to open it up for  
 21 public speaking.

22 Ms. Menendez, if you could read out the  
 23 first person that would like to speak on the  
 24 matter.

25 THE SECRETARY: Marlin Ebbert.

1 But before I get started on what I want to  
 2 say to you tonight, I really have to say to you  
 3 that since the very first meeting in February  
 4 with the DRC Committee, both Marco, from  
 5 Blossom Development Corporation, and Mario  
 6 Garcia-Serra, have just been wonderful to work  
 7 with. I don't know if there's another  
 8 situation that has gone so smoothly.

9 We have met repeatedly with them and with  
 10 the concerned neighbors. They have always been  
 11 gracious, receptive to our ideas, respectful  
 12 and always aiming to please. We've met at my  
 13 dining room table, and they've gone back to the  
 14 drawing board repeatedly to satisfy people, but  
 15 I must be truthful and I've been very truthful  
 16 with them, that I've always been against lot  
 17 splitting.

18 I'm a 27-year resident of Coral Gables.  
 19 I've been active in the City most of all that  
 20 time, and the Gables just really does not split  
 21 lots traditionally, and it's only been in the  
 22 recent last few years that we've really had an  
 23 uptick in lot splitting, and a lot, right in  
 24 this neighborhood, at 5656 San Vicente, was  
 25 formed when there was a lot split in 2012 with

1 MS. EBBERT: Hi, there. Good evening. My  
 2 name is Marlin Ebbert, and I live at 6935  
 3 Almanza Street, but I also own a property at  
 4 6510 San Vicente Street, and I just got a  
 5 building permit yesterday to construct a new  
 6 home.

7 I wonder how many of you have driven by and  
 8 seen the property that we're talking about  
 9 tonight. Have any of you?

10 MS. MENENDEZ: Yes.

11 MS. EBBERT: Okay. You really should.  
 12 It's a very pretty street. It's at a corner  
 13 where San Vicente, Maggiore and Como all come  
 14 together. There's a traffic circle there. The  
 15 City calls it a trapezoid shape. I've just  
 16 always called it a pie shape.

17 And it's just not -- since I bought this  
 18 property at 6510 San Vicente in February of  
 19 2014, that I've been aware of this, I walk with  
 20 a group every morning, and we have walked by  
 21 this property every day for the last seven or  
 22 eight years, so I'm very aware of this  
 23 neighborhood. It's one of the reasons that I  
 24 pounced on this property even before it went on  
 25 the market.

1 a property at 5705 Riviera Drive. It was the  
 2 back. Riviera is the next street over from San  
 3 Vicente.

4 In 2013, there was a lot split at 6009  
 5 Maggiore Street, resulting in two 7,500 square  
 6 foot lots.

7 In 2014 -- well, this is the real shame, in  
 8 2014, at 5602 San Vicente, it already was an  
 9 existing 5,000 square foot lot, with a  
 10 magnificent oak tree that was allowed to be  
 11 taken down and a house is built there now.

12 And not far from here, at 6801 Granada  
 13 Boulevard, there was a lot split there. That's  
 14 the Arthur Browning Parker house, that they  
 15 split along the driveway.

16 And just recently, within the last few  
 17 months, the one in Gables Estates, the old  
 18 Wackenhut property.

19 I'm just really sorry to see that happening  
 20 throughout the Gables. I think that a friend  
 21 of mine, Charlie Girtman, spoke when the  
 22 Maggiore lot was split, and he said, "They're  
 23 just going to be lining up, just waiting at the  
 24 door, if you start letting them split lots all  
 25 over the Gables."

1 So I have another solution to what I'd like  
 2 to see happen with this property, and I know  
 3 that -- I know the Commission pretty well, and I  
 4 know that four out of five of those members  
 5 have put buying green space at the top of their  
 6 list for the next budget year, and that's what  
 7 I would like to see happen to 450 Como, it --  
 8 let it stay green for the neighborhood.

9 You know, George Merrick -- I know a lot  
 10 about the City's history, and George Merrick is  
 11 really -- you know, we're celebrating the 90th  
 12 year of the City, so that was 1925, and it was  
 13 really the 1926 hurricane that stopped all of  
 14 the building for him, because a boat was sunk  
 15 at the mouth of the Miami River, and they  
 16 couldn't get supplies in, and then the  
 17 Depression hit. So that was really the end of  
 18 what he built.

19 He owned the property on our side of the  
 20 highway, the east side of the highway, but  
 21 aside from building the Villages -- and we're  
 22 lucky to have them, the Country French Village,  
 23 the City Village and the Country Village and  
 24 the Dutch South African Village, and we're  
 25 lucky to have those on our side of the highway,

1 I'll stop pretty soon, I promise.  
 2 "Pocket parks and top lot should be  
 3 distributed so they are within a two-minute  
 4 walk of most households and they should be --  
 5 and they should be usually about the size of a  
 6 quarter acre."

7 So this is perfect. I'm going to continue  
 8 my mission. I will take this to the Commission  
 9 and see what happens.

10 I also want to say that the reason -- if  
 11 you approve the lot split, the reason it's  
 12 called 450 Como is because the neighbors  
 13 remember that the house did face on Como, never  
 14 faced on San Vicente.

15 So thank you very much.

16 MS. MENENDEZ: Thank you.

17 THE SECRETARY: Ed Soto.

18 MR. SOTO: Hi. My name is Ed Soto. I live  
 19 at 400 Como Avenue. I should mention right off  
 20 the bat, I'm an attorney. I have worked for  
 21 the City of Coral Gables. I've worked on the  
 22 other side of transactions from  
 23 Mr. Garcia-Serra. I've got no interest in this  
 24 transaction, other than as a resident and as a  
 25 neighbor.

1 but I truly believe that he planned for a much  
 2 greater ratio of green to concrete, and we're  
 3 going to lose it.

4 Can I read you a couple of things? David  
 5 Lawrence, who was the publisher of the Miami  
 6 Herald, Tuesday, July the 7th, "In Miami-Dade,  
 7 we have just 2.8 acres of green space per 1,000  
 8 residents. The national figure is 12.8 acres  
 9 per 1,000 residents. It's more than four times  
 10 what we have."

11 Javier Soto, who is the CEO of the Miami  
 12 Foundation, he said, "The Miami Foundation  
 13 believes that greater investment in our public  
 14 spaces is critical to ensuring that the  
 15 explosive growth throughout Miami results in a  
 16 greater quality of life for all of us."

17 Andres Duany, who is Elizabeth Plater  
 18 Zyberk's husband, and he lives in the Dutch  
 19 South African Village, just not far from there  
 20 at all, he talks that every neighborhood should  
 21 include a plaza, a green or a square as its  
 22 social center. Pocket parks or small  
 23 playgrounds should be located so the children  
 24 need not to cross any major streets to reach  
 25 them.

1 MR. LEEN: Yes. He's a very good attorney,  
 2 but please don't consider that.

3 MR. SOTO: I am in favor of this proposal,  
 4 and the main reason, and it seems to be the  
 5 issue that everyone's been harping on, is  
 6 preservation of the area, and, frankly, you  
 7 don't have to look very far to see what would  
 8 happen if this would remain one lot and  
 9 developed as a large home.

10 Right across the street, on San Vicente,  
 11 you have a home that is being built and it is  
 12 very much out of character with the rest of the  
 13 neighborhood. Everything on our street, and  
 14 within the next couple of blocks, is about two  
 15 to four thousand square feet, and then there is  
 16 one other home on San Vicente that just dwarfs  
 17 everything, and if this were to remain one lot,  
 18 realistically, to be economically viable, the  
 19 house would have to be similar to that size.  
 20 It would have to -- I think the limit was  
 21 something like 8,900 square feet, it would have  
 22 to be something in that magnitude in order to  
 23 make this an economically viable project.

24 So for that reason, I think that splitting  
 25 the lot and having two homes, which are more in

1 character with the rest of the neighborhood,  
 2 that I think are well-designed, facing Como and  
 3 Garlenda, does make sense, and I think it  
 4 was -- the fifth criteria in the lot split is  
 5 really the one that I think should be focused  
 6 on and just, again, maintaining the harmonious  
 7 and just maintaining the consistent sizes,  
 8 maintaining the property values and just not  
 9 having something that would now be next to  
 10 something that's already out of place and just  
 11 compounding the McMansions in the area.

12 Thank you.

13 MS. MENENDEZ: Thank you.

14 THE SECRETARY: Elaine Weiss.

15 MS. WEISS: I'm Elaine Weiss. I'm here  
 16 with my husband and my daughter. We live at  
 17 421 Como.

18 First of all, I want to thank the  
 19 Commission (sic) for this opportunity to speak  
 20 and to Staff for their hard work and the  
 21 developer and his counsel, they have been very  
 22 much -- very generous with information and  
 23 time.

24 I realize that my comments are those of a  
 25 lay person, and so I provide them in the hopes

1 slung street. Two houses have been totally  
 2 renovated in the last few years. Both  
 3 homeowners chose to keep the one story houses.

4 So we have this very wide open street, and,  
 5 potentially, at 450 Como, this looming  
 6 two-story house.

7 So I don't have a problem necessarily -- I  
 8 appreciate what Mr. Soto says about, we might  
 9 want to avoid yet a bigger house on that lot --  
 10 on that property, but what I'm suggesting is a  
 11 little more cooperation perhaps from the  
 12 developer in keeping the scale of each  
 13 respective street unchanged, if they are going  
 14 to put houses in there.

15 There's a lot of horizontal space in that  
 16 lot. There's plenty of space to have a one  
 17 story house on the northern side.

18 Thank you.

19 MS. MENENDEZ: Thank you.

20 THE SECRETARY: We have no more speakers.

21 MS. MENENDEZ: That's all?

22 Thank you.

23 I'll close the public hearing right now.

24 Board Members, any comments?

25 MR. RODRIGUEZ: First of all, I want to

1 that with your expertise you'll be able to  
 2 properly slot them into the criteria that you  
 3 have to apply in making your decision.

4 Basically, we don't oppose the splitting of  
 5 the lot, provided -- provided that the scale of  
 6 Como Avenue is respected. If you stand at the  
 7 south end of the lot, on Garlenda Street, and  
 8 look to your left, you'll see that there are  
 9 four two-story houses on 50-foot lots on the  
 10 north side of Garlenda; two two-story houses on  
 11 the south side of Garlenda, and if you look at  
 12 the T over to the right, across the street,  
 13 another two-story house. Two-story houses on  
 14 50-foot lots are common there, and that's what  
 15 that street looks like. That's the scale of  
 16 that street.

17 If you go to Como Avenue, though, stand at  
 18 the lot, 450 Como, and look down the street,  
 19 all you're going to see are one story 100-foot  
 20 or more lots. There's one exception. At the  
 21 very east end, there's a little 50-story --  
 22 50-foot two-story house, but you can't even  
 23 really see it from 450 Como.

24 If you look at our street from the west,  
 25 all you see are 100-foot lots of very open, low

1 disclose -- excuse me, I want to disclose that  
 2 I know Ms. Ebbert and I believe, Marlin, you  
 3 worked with Susan on the Merrick House Board?

4 Ms. Ebbert worked with my wife, Susan  
 5 Rodriguez, on the Merrick House Board, so I  
 6 want to make those disclosures.

7 And I don't know if there's something I can  
 8 do, now that the hearing has been closed, but I  
 9 had a question for Ms. Ebbert.

10 Am I able to ask that question?

11 MS. MENENDEZ: Sure.

12 MR. LEEN: Just for purposes of the record,  
 13 that is not a conflict, so you can proceed.

14 MS. EBBERT: Oh, no. No, we never talked  
 15 about this.

16 MR. RODRIGUEZ: Right.

17 Well, I just had a couple of questions.  
 18 One is, you know, I share your view about green  
 19 space, but as I understand it, and I may have  
 20 misunderstood it, but the house -- the two  
 21 houses that they're going to build on this  
 22 lot --

23 MS. EBBERT: That they would build, yes.

24 MR. RODRIGUEZ: That they would build on  
 25 these two lots are -- or what the Staff

1 has conditioned approval on or recommended  
2 conditional approval on is, they be the same  
3 size as the square footage of a house that  
4 would be built in -- you know, if there was one  
5 lot. I may have misunderstood that.

6 MS. EBBERT: I think, added together, it  
7 has to be a little less, doesn't it, than what  
8 one house could be?

9 MR. GARCIA-SERRA: Well, the proposed  
10 condition in the Staff recommendation is to  
11 limit the maximum size of both houses to the  
12 equivalent of what you can build today with one  
13 house, which that number is --

14 MR. RODRIGUEZ: So I understood it  
15 correctly?

16 MR. GARCIA-SERRA: Right.

17 MR. RODRIGUEZ: Okay. But my question to  
18 you is, with regard to your view about green  
19 space --

20 MS. EBBERT: Who is going to pay for it, right?

21 MR. RODRIGUEZ: Well, but here's my point,  
22 you already know -- you've seen -- you,  
23 yourself, said that they were very gracious and  
24 you didn't say, but I assume that you don't  
25 really have -- you didn't say you had a problem

1 So they haven't kept up in buying green  
2 space, and they are very aware of it. I  
3 listened to the budget hearing -- they had a  
4 budget workshop. It wasn't a hearing.

5 MS. MENENDEZ: I'm sorry to cut you off,  
6 but the reason --

7 MS. EBBERT: I know. It's got to go.

8 MS. MENENDEZ: -- I need to is because that  
9 really is not before us tonight.

10 MS. EBBERT: I understand.

11 MS. MENENDEZ: The issue of, you know,  
12 making it a park. We're just here listening to  
13 the consideration to lot split -- you know, to  
14 split that lot, so I'd like to just keep focus  
15 on that, if I may, but thank you.

16 MS. EBBERT: Okay.

17 MS. MENENDEZ: Did you want to say a few  
18 things before we continue?

19 MR. GARCIA-SERRA: Just a few minutes of  
20 rebuttal, exactly, to the objections that were  
21 raised.

22 And the first issue, I think you've touched  
23 upon already, which is that when Ms. Ebbert  
24 brings up the idea of open space, whether it's  
25 a good or bad idea, it's a discussion for

1 with the actual -- the way the house that they  
2 are envisioning or the two houses they're  
3 envisioning, you know, putting there, the way  
4 they looked or the architecture or anything  
5 like that, right?

6 MS. EBBERT: No. You know, it might not be  
7 exactly my style, but that's fine.

8 MR. RODRIGUEZ: But, see, you know, if this  
9 thing doesn't go through then you've got to  
10 figure, you know, what's going to happen down  
11 the road, who's going to come next and possibly  
12 put one house on there, the same size as the  
13 two that they're proposing, but maybe the  
14 architecture might not be as much to your  
15 liking. I'm just throwing this out for  
16 consideration.

17 MS. EBBERT: I understand. I understand,  
18 and I have in my figures -- the only two plots  
19 that the City has bought in recent years is,  
20 2005, they bought, by the Chinese Village, I  
21 think it was about a 20,000 square foot lot  
22 that they paid 900,000 for, and then one over  
23 on Alhambra Circle, that -- both smaller than  
24 this lot, and they paid a million dollars for  
25 that.

1 another day, and I think it's very important  
2 that whatever decision is reached here is based  
3 on the Code criteria and not whether that idea  
4 would be a good one or not to have a park  
5 there.

6 MS. MENENDEZ: Okay. Understood.

7 MR. GARCIA-SERRA: It's very important not  
8 only for our discussion, but even for any  
9 future discussion as to if the City ever tries  
10 to potentially acquire that site.

11 MR. LEEN: In fact, you cannot consider  
12 that. You cannot consider that at all.

13 MR. GARCIA-SERRA: I'll point out,  
14 Ms. Ebbert also mentioned several of the lot  
15 splits that happened in the area, so it's not  
16 something that's completely unheard of. It's  
17 something, I think, that's part of the  
18 evolution, sort of, of Coral Gables, as to what  
19 sort of appropriate sized homes you want to  
20 have in the area.

21 Ms. Weiss brought up the issue of having a  
22 second story on Como. When we met with her, we  
23 had expressed a willingness to at least scale  
24 back a bit that second story. We're not  
25 willing to eliminate it completely.

1 We also think having a second story on Como  
 2 is in context and I'll show you some pictures.  
 3 This is looking down Garlenda, which is a  
 4 street to the south. It is not Como, but still  
 5 it borders the property and is very close by.  
 6 Here you see three two-story homes in a row.  
 7 Same homes from another direction. This home  
 8 is immediately next to the property -- to the  
 9 subject site on Garlenda.

10 If you look at the -- across San Vicente, a  
 11 two-story home directly across from the  
 12 property. This is the home that was mentioned  
 13 earlier with regards to scale.

14 And, then, lastly, along Como, the home  
 15 that Ms. Weiss mentioned, the two-story home  
 16 that's further east on Como, but indeed is  
 17 there and on Como and it is two stories.

18 And keep in mind that today, if somebody  
 19 were to try to build one house as of right, it  
 20 could be two stories in that location.

21 Lastly, I think it's very important to  
 22 point out, sometimes there are residents that  
 23 are likely to speak just based on their  
 24 personal preferences, but I think it's very  
 25 important to point out that in the audience we

1 would say, of its platting. As you can see,  
 2 when they platted the property, Lot 2  
 3 undoubtedly has a frontage on Como; Garlenda  
 4 and San Vicente, depending on which way you  
 5 think it is appropriate to configure those  
 6 lots. It could be either Como or Garlenda, but  
 7 indeed it's -- historically this consolidation  
 8 of lots has always had these three frontages,  
 9 which is what's recognized in the Staff report  
 10 as a unique circumstance that we satisfy.

11 MR. BELLIN: Okay.

12 MR. LEEN: I did have a couple of legal  
 13 comments, but I didn't know if you wanted to  
 14 check with Staff first.

15 MS. MENENDEZ: No. That's fine. Go ahead.

16 MR. LEEN: And I think maybe -- I would  
 17 also want to hear from either Charles or from  
 18 the Planning & Zoning Director, Ramon Trias, on  
 19 these issues, but I just wanted to give you my  
 20 thoughts on a couple of the legal issues that  
 21 were raised.

22 First, on the question of the frontages,  
 23 Item Number 2 that you're considering, that's  
 24 an intriguing interpretation, I have to say.  
 25 That has not been the way that the City has

1 have Mr. and Mrs. Cooper, who live directly  
 2 across the street from the property on Como, at  
 3 pretty much all of our meetings to discuss the  
 4 design of the homes, from both, them, and  
 5 Mr. Chenovin (phonetic), who owns the property  
 6 to the immediate east on Como, came -- the  
 7 primary motivation in the direction to have the  
 8 houses face on Como and on Garlenda, so that  
 9 those fronts of homes are facing the fronts of  
 10 the Coopers, and in the case of Mr. Chenovin,  
 11 not having backyards face the side of his home.

12 So indeed we have incorporated all of their  
 13 recommendations, and while the public hearing  
 14 is over, I think it's safe to say that they are  
 15 supportive of our efforts and what we have  
 16 proposed.

17 So with that said, I'll leave it to your  
 18 discussion, of course, and I'm prepared to  
 19 answer any questions you have.

20 MS. MENENDEZ: Thank you.  
 21 Questions?

22 MR. BELLIN: Mario, let me ask you a  
 23 question. Why does this property have three  
 24 fronts?

25 MR. GARCIA-SERRA: It's a consequence, I

1 interpreted it in the past.

2 In fact, I do think it is a permissible  
 3 interpretation of the language. I don't know  
 4 if it's the best interpretation of the  
 5 language. It's something I want to think  
 6 about, but it is not the current interpretation  
 7 of the language. It's something I would want  
 8 to raise with the Commission, to get their  
 9 thoughts, and also raise with you, to get your  
 10 thoughts, to see what you think, but right now  
 11 we have always interpreted that to be the  
 12 frontages of the actual sites.

13 It is not worded in the best way, I would  
 14 tell you, because it does say that the building  
 15 sites created, it doesn't say, "The building  
 16 frontages," so -- that the building sites  
 17 created would be equal to or larger, so I can  
 18 understand why he's raised it that way, but I  
 19 do think you need to look to precedent and how  
 20 it's been applied in the past, as well.

21 So I don't have much to say on that. I do  
 22 think you have a degree of discretion there,  
 23 that you always do, particularly when there's  
 24 three frontages and two frontages that are  
 25 being compared, but all I wanted to say, it's a

1 permissible interpretation, but not the current  
2 one.

3 On the second issue, I do happen to agree  
4 on Item 3. That has been -- I have said in the  
5 past that the Planning and Zoning Board and  
6 ultimately the Commission has discretion on 3,  
7 where the demolition has occurred a long time  
8 ago.

9 I know Staff has always interpreted these  
10 as conservatively as possible, based on the  
11 Commission's general direction that lot splits  
12 are disfavored. So any time there's a  
13 demolition, they will come with a  
14 recommendation that it does not satisfy the  
15 criterion, but you and the Commission have the  
16 authority to find that the criteria is  
17 satisfied.

18 What you are looking at, in my opinion,  
19 although you have discretion, is that this  
20 demolition in 2003 -- is the intent of this  
21 provision not being met by allowing it to be --  
22 by finding that it exists?

23 So, for example, if a party goes and  
24 demolishes a property in 2014, and then in 2015  
25 seeks the lot split, I think you can make a

1 extent you can, based on the record, and is it  
2 being violated here by what's being requested,  
3 the intent, the reason why it was put on the  
4 land.

5 The Commission and you have the authority  
6 to release the restrictive covenant, but in  
7 order to do that, that has to be a condition of  
8 the approval. So you have to condition  
9 approval on release of the restrictive  
10 covenant. We can't have that existing and also  
11 allow a lot split. I have issued that opinion  
12 in the past.

13 And, lastly, on 6, I don't agree that 6 is  
14 unconstitutional. I do need to say that, for  
15 purposes of the record. I think that there are  
16 issues with 6. In a sense, creates a  
17 grandfathering provision, but it's not a true  
18 grandfathering provision for properties that  
19 have been owned prior to September 17, 1977,  
20 because it allows only for one factor to exist;  
21 however, whatever the positives or negatives of  
22 this provision -- and it is true, we are  
23 looking at it and it may be removed, but that  
24 decision hasn't been made yet -- whatever the  
25 positives or negatives of this provision, it

1 finding that that is in violation of the spirit  
2 and intent of 3, because the whole purpose of  
3 this is, you're not supposed to -- through a  
4 voluntary demolition, you're not supposed to  
5 meet 3.

6 On the other hand -- but it does say,  
7 "Existing buildings," doesn't it? It does say,  
8 "Existing structures."

9 So, in my view, where it says, "The  
10 voluntary demolition of a building, which  
11 eliminates any of the conditions identified in  
12 this criterion shall not constitute or result  
13 in compliance with this criterion" -- because  
14 it refers to an existing structure earlier, one  
15 that existed in 2003 is not existing, and I've  
16 given the opinion in the past that you can find  
17 that this is met.

18 The other one I wanted to raise with you is  
19 the restrictive covenant, Item 4. I've given  
20 the opinion in the past that because a  
21 restrictive covenant exists on the property, of  
22 course, there can be no lot split, unless the  
23 restrictive covenant is released.

24 So you have to determine, what was the  
25 purpose of that restrictive covenant, to the

1 does not either allow or prevent a lot split  
2 alone. There are other factors, and they can  
3 obtain a lot split even if this factor doesn't  
4 exist.

5 So I don't view it in the same negative way  
6 that you do. I don't think it makes this  
7 illegal, and I have to say, for purposes of the  
8 record, I don't think it's unconstitutional.  
9 You can have grandfathering type provisions.  
10 They do exist in other parts of the Code.

11 So those are my legal opinions.

12 MR. BELLIN: Craig, let me ask a question.  
13 What was the reasoning behind putting the  
14 restrictive covenants on the property? Why was  
15 that done?

16 MR. LEEN: Well, in this particular case,  
17 let me pull out the restrictive covenant, its  
18 right here.

19 I would ask Staff to also give their view,  
20 because they've done an interpretation. I have  
21 a thought, but I'd defer first to Staff.

22 MR. WU: To Staff, and the Planning answer  
23 is, it's clear to us that it is the planning  
24 intention -- for planning purposes, it's going  
25 to be developed as one property, with one

1 single-family home, since the two covenants  
 2 were written, and now what the applicant is  
 3 saying is, that circumstance has changed, since  
 4 they have new owners, that the covenant no  
 5 longer applies to them, and they would like to  
 6 develop two separate homes, but the intent has  
 7 always been that this covenant declares to the  
 8 public and the world these two lots are to be  
 9 developed as one property.

10 MR. LEEN: And then the legal purpose of  
 11 this, and I think the reason why we have them a  
 12 lot in the City of Coral of Gables is, it puts  
 13 people on notice when they come to an empty lot  
 14 -- we often require these accompanying a  
 15 demolition, when there's multiple lots, it's my  
 16 understanding.

17 It puts people on notice that they're not  
 18 going to be able to build two lots. It  
 19 prevents fraud. In the record title, there's a  
 20 restrictive covenant indicating that this will  
 21 be developed as one lot. So a party coming in  
 22 there knows that they have to seek a lot split  
 23 if they're going to have two lots, and that  
 24 it's going to have to go through the whole  
 25 criteria, and that there is a discretion that

1 MR. LEEN: And please note, the Commission  
 2 does not have to release the covenant. If they  
 3 don't, that prevents the lot splitting. So  
 4 that always has to be a condition.

5 MS. MENENDEZ: Do we have any other  
 6 comments from the Board?

7 MR. PEREZ: What's the applicant's  
 8 feedback on Staff's alternate recommendations?

9 MR. GARCIA-SERRA: We're in agreement with  
 10 all of them, with the exception of Alternative  
 11 Condition Number 2, which was requiring that  
 12 the front entrances face San Vicente.

13 Like I mentioned, and it was mentioned a  
 14 bit during the public discussion, a big issue  
 15 of the neighbors, especially those immediate to  
 16 this property, was to have the fronts and the  
 17 front doors of those homes facing Garlenda and  
 18 Como.

19 MR. PEREZ: So inclusive of bringing one of  
 20 the homes to a smaller footprint to be  
 21 compliant with maximum FAR, they're open to  
 22 that?

23 MR. GARCIA-SERRA: Yes. Yes.

24 MR. RODRIGUEZ: Madam Chair, I have a  
 25 question for the Staff.

1 exists among the Planning and Zoning Board and  
 2 the Commission as to whether to grant it or  
 3 not. So it puts people on notice.

4 MR. GARCIA-SERRA: Madam Chair, if I could  
 5 just add one or two things to that discussion.

6 The important thing, I think, to mention on  
 7 behalf of my client is that those covenants  
 8 were entered into in anticipation of  
 9 construction. So normally prior to the  
 10 issuance of a building permit, you're required  
 11 to enter into a unity of title combining the  
 12 lots, where you're going to build one home, and  
 13 what the argument is, is that home was never  
 14 built.

15 So that sort of intent, reason,  
 16 justification, why they required either of  
 17 those covenants, was never realized.

18 And, then, secondly, of course, if -- you  
 19 know, when we move forward with the application  
 20 to the City Commission, it would be also with a  
 21 request to release that unity of title.

22 MS. MENENDEZ: Okay. We already have heard  
 23 your arguments.

24 MR. GARCIA-SERRA: Sure. Okay.

25 MS. MENENDEZ: Thank you.

1 Assuming that the Board were to believe  
 2 that four out of the six criterion had been  
 3 met, do you have any other basis for  
 4 recommending that this not be approved?

5 MR. WU: Well, Staff has made into the  
 6 record what we believe is the evaluation of the  
 7 criteria. It really is up to you whether the  
 8 criteria is met. We take no quarrel in your  
 9 decision.

10 We are recommending -- Staff, we are  
 11 recommending to the City Commission. Both of  
 12 those recommendations will be shared with the  
 13 City Commission. That's why we prepare  
 14 alternative conditions in preparation, if you  
 15 want to approve.

16 I just want to echo what the City Attorney  
 17 is saying, is that in your deliberation to  
 18 share with us what four criteria the applicant  
 19 has met, so we can state into the record -- we  
 20 can build a record for the City Commission, if  
 21 you so want to approve, which of the four  
 22 criteria the application has met.

23 MR. LEEN: I agree with Mr. Wu, because the  
 24 thing that's important to us is that -- I  
 25 think, to you, too, is that the City never

1 approve a lot split with less than four,  
2 because it sets a very bad precedent. So we  
3 always want to approve it with at least four  
4 conditions present or a finding that there's  
5 been four conditions present, if you decide to  
6 do that.

7 One other thing I wanted to say was,  
8 regarding the facing, my office has also given  
9 the interpretation in the past that you can  
10 impose any condition that you believe is  
11 justified, assuming that there's competent and  
12 substantial evidence supporting it, of course,  
13 that it addresses a harm or an issue that's  
14 been raised in this proceeding, but in terms of  
15 the facing of the houses, you do have the  
16 authority to decide that or recommend that.

17 MS. MENENDEZ: I have some comments. You  
18 know, it seems that every time we go through a  
19 lot split, we kind of like discuss how it's not  
20 clear, how we should be looking at the square  
21 footage or the lot size versus the frontage,  
22 but yet we continue seeing the lot splits and  
23 the criteria hasn't changed.

24 I happen to agree with Staff's  
25 interpretation that only two of the six

1 not much more we can do. I mean, if you can  
2 identify four of the six or five of the six,  
3 then it's favorable to them.

4 I personally happen to agree with Staff's  
5 interpretation of the two out of six being met,  
6 based on how -- interpretations of the past and  
7 how, you know, rulings have been made on  
8 previous lot splits.

9 MR. BELLIN: I don't believe that four have  
10 been met, either. I think three have been met,  
11 but I would be in favor of the lot split, just  
12 because of what it brings to the table. I  
13 think a house of 10,000 square feet, and that's  
14 about what you can put -- we know exactly what  
15 you can put on the lot, you know, it's in the  
16 Code, and I personally, even if it doesn't  
17 fulfill four of the requirements, I would vote  
18 for it.

19 MS. MENENDEZ: Then make -- then someone  
20 has to make a motion.

21 MR. BELLIN: I'll make a motion to approve,  
22 with the conditions.

23 MS. MENENDEZ: You mentioned that you  
24 needed to specify the four criteria's.

25 MR. LEEN: Which four are you finding

1 criteria has been met, given the history that  
2 we've always interpreted lot splits based on  
3 the criteria, as it has been interpreted by  
4 Staff and Staff's recommendation.

5 So, I mean, that's my comments.

6 MR. BELLIN: Maria?

7 MS. MENENDEZ: Yes.

8 MR. BELLIN: I think what we need to look  
9 at is, what do two smaller houses bring as  
10 opposed to one larger house? If we keep the  
11 FAR the same, the lot coverage is the same, I  
12 would rather see two smaller houses than one  
13 house that's 10,000 square feet, because I  
14 think the massing becomes overwhelming.

15 MS. MENENDEZ: You know, that's a good  
16 point; however, we haven't seen the size of  
17 what can be built there. We're really just  
18 faced with looking at the six criteria and  
19 determining, of those six, what have they met,  
20 and so that's why I have a hard time, you know,  
21 kind of like considering that, when we have  
22 before us some criteria that we should be  
23 following.

24 So, I guess, unless you can determine the  
25 four out of six being met -- I mean, there's

1 exist?

2 MR. RODRIGUEZ: Let me second the motion,  
3 and I'll -- my view of this, I think that the  
4 first one was met.

5 The second one was not met. I don't find  
6 counsel's argument on that persuasive at all.

7 I believe the third one was met. You know,  
8 I think that the language -- the reason I don't  
9 find counsel's argument on the second as being  
10 persuasive, is because I can read, and that's  
11 not what it says. You may not agree with it,  
12 but that's not what it says.

13 Number 3, I agree with counsel's argument,  
14 for the same reason. It says, "There are no  
15 existing structures," and I think that the  
16 plain reading is, again, very clear. So I  
17 agree that Number 3 is a yes.

18 Number 4, I think is the one that's sort of  
19 dispositive for me, that was the toughest one,  
20 but after hearing the City Attorney and hearing  
21 what everyone has to say, I think it's a, yes,  
22 because I think there's a restrictive covenant  
23 in place for when the intention was to build  
24 one house. Now the intention is to build two  
25 houses, so I see that as a, yes.



1 I find E is a, yes -- or 5 is a, yes, and  
2 six is a, no. So I find four -- that's why I  
3 asked the question. I find four out of the six  
4 of the criteria were met. So I would second  
5 the motion.

6 MR. LEEN: Mr. Bellin, do you agree with  
7 those four, I would ask, as part of your  
8 motion? Are those the four that you would  
9 find?

10 MR. BELLIN: I wouldn't agree with the  
11 four, no. I would agree with three.

12 MR. LEEN: It's out of order, though, Mr.  
13 Bellin. You can't make a motion based on three  
14 out of six. It violates the Code.

15 MR. BELLIN: Then I'll withdraw my motion.

16 MR. RODRIGUEZ: How about if I make the  
17 motion for approval, based on my finding that  
18 four out of six criteria have been met?

19 MS. MENENDEZ: Is there a second?

20 MR. WU: Can I clarify that? Is that based  
21 on the condition, Number 1, to release the  
22 covenant? Would that be the ultimate  
23 condition, is to release the covenant?

24 MR. RODRIGUEZ: Yes.

25 MR. WU: And Number 2, the applicant has

1 disagreed to condition Number 2, that the homes  
2 face San Vicente, do you take a position?

3 MR. RODRIGUEZ: I take no position on that.

4 MR. LEEN: On Number 2? I thought you said  
5 that you didn't --

6 MR. RODRIGUEZ: No. No. I'm sorry, that's  
7 not what you said. You were asking about where  
8 the homes would face.

9 MR. RODRIGUEZ: Correct.

10 MR. LEEN: Okay. I'm sorry.

11 MR. WU: Do you agree with the applicant or  
12 do you agree with Staff? I just want to  
13 clarify how the condition is written.

14 MR. RODRIGUEZ: I'm sorry, you're talking  
15 about a Staff recommendation --

16 MR. WU: Yes.

17 MR. RODRIGUEZ: Okay. I would go along  
18 with the Staff's recommendation.

19 MR. LEEN: But your motion finds that four  
20 of the six exist and you've stated those four,  
21 and your motion includes Staff's conditions?

22 MS. MENENDEZ: Right.

23 MR. LEEN: Okay.

24 MR. WU: Plus releasing the covenant.

25 MR. LEEN: With the condition that the

1 covenant be released.

2 MS. MENENDEZ: Is there a second?

3 MR. PEREZ: So is the motion to comply with  
4 all of Staff's recommendation or just the ones  
5 fronting San Vicente?

6 MS. MENENDEZ: All of them.

7 MR. PEREZ: All of them.

8 I would second it.

9 MS. MENENDEZ: Can you call the roll,  
10 please?

11 THE SECRETARY: Anthony Bello?

12 MR. BELLO: Yes.

13 THE SECRETARY: Maria Menendez?

14 MS. MENENDEZ: No.

15 THE SECRETARY: Alberto Perez?

16 MR. PEREZ: Yes.

17 THE SECRETARY: Frank Rodriguez?

18 MR. RODRIGUEZ: Yes.

19 THE SECRETARY: Marshall Bellin?

20 MR. BELLIN: Yes.

21 MR. GARCIA-SERRA: Thank you very much. We  
22 appreciate it. Have a good night.

23 MR. WU: Just for the record, the motion  
24 fails on a three-two vote.

25 MR. LEEN: I thought there were four. It

1 was four to one.

2 MR. WU: I'm sorry, four-one. Motion  
3 passes four-one.

4 MR. GARCIA-SERRA: I would thank you  
5 nonetheless either way. Thank you very much.  
6 Have a good night.

7 MS. MENENDEZ: Okay. I think we have one  
8 last item. Charles, can you read it into the  
9 record?

10 MR. WU: Yes, Madam Chair. This is Item  
11 Number 8, an Ordinance of the City Commission  
12 of Coral Gables, Florida requesting conditional  
13 use with site plan review pursuant to Zoning  
14 Code Article 3, "Development Review," Division  
15 4, "Conditional Uses" and Article 4, "Zoning  
16 Districts," Division 2, "Overlay and Special  
17 Purpose Districts," Section 4-204, "Special Use  
18 District," for an amendment to an approved site  
19 plan and previous conditions of approval,  
20 Ordinance 2009-47, for an existing country club  
21 located within a Special Use zoning district,  
22 for the property commonly referred to as the  
23 "Coral Gables Country Club," and as legally  
24 described as Lots 1-9 and Lots 37-39, Block 32,  
25 Coral Gables Section B, that's at 997 North

## **Bolyard, Scot**

---

**From:** Mark Riedmiller <MarkRiedmiller@bellsouth.net>  
**Sent:** Wednesday, July 29, 2015 8:23 AM  
**To:** Planning  
**Subject:** Fwd: 450 Como Ave, separation of site

Mark Riedmiller  
6301 Maggiore Street  
Coral Gables  
305-331-4688

City of Coral Gables-Planning and Zoning Board

Re: 450 Como Ave-Separation of a Building Site

With all due respect, the proposed division of this site is not within the character of the neighborhood. The home under construction across the street emphasizes this point as well as the surrounding properties.

The outcome would be of a negative impact and would be more in character with West Kendall or Hialeah.

FYI, the owner(S) of this land have it listed for sale with the potential subdivision in the listing as a selling point!

Regards,

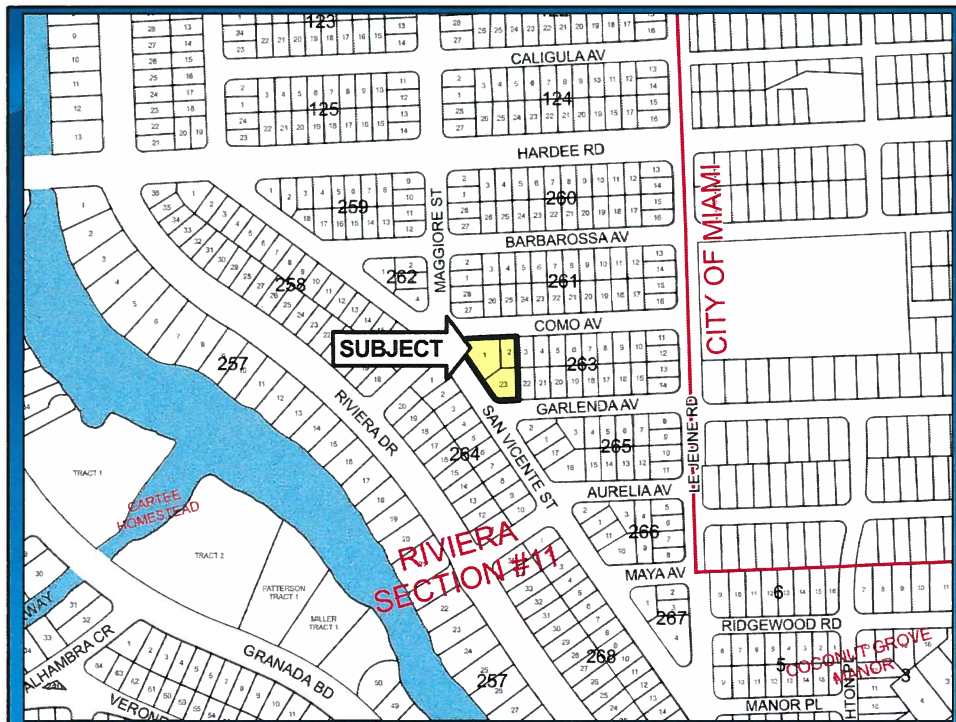
Mark Riedmiller

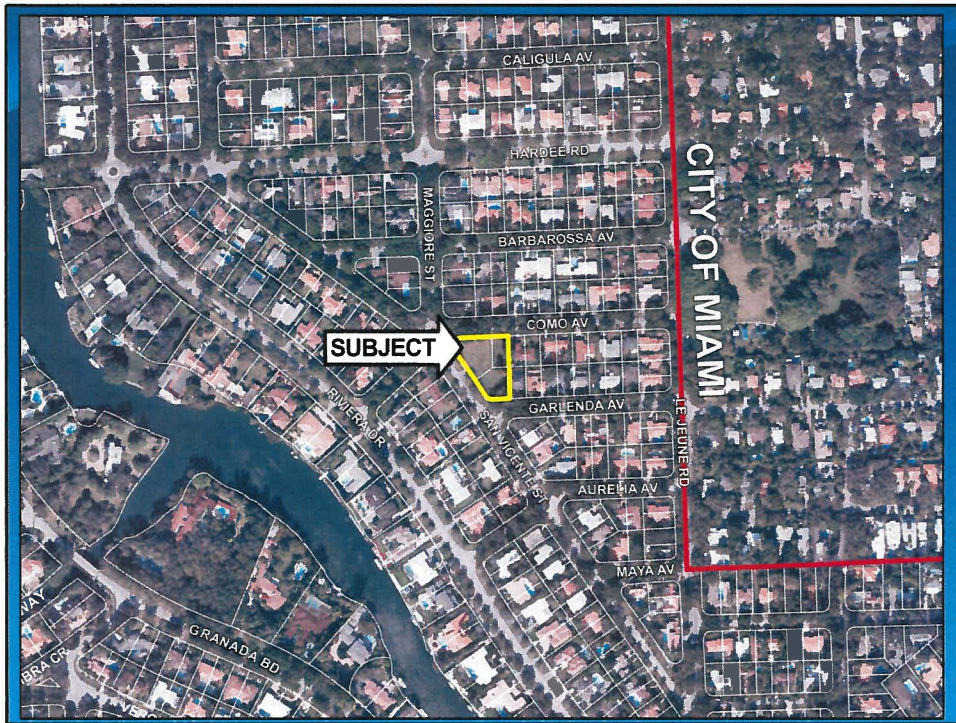


# Planning and Zoning Board

## 450 Como Avenue Separation of a Building Site and Conditional Use Site Plan Review

July 29, 2015

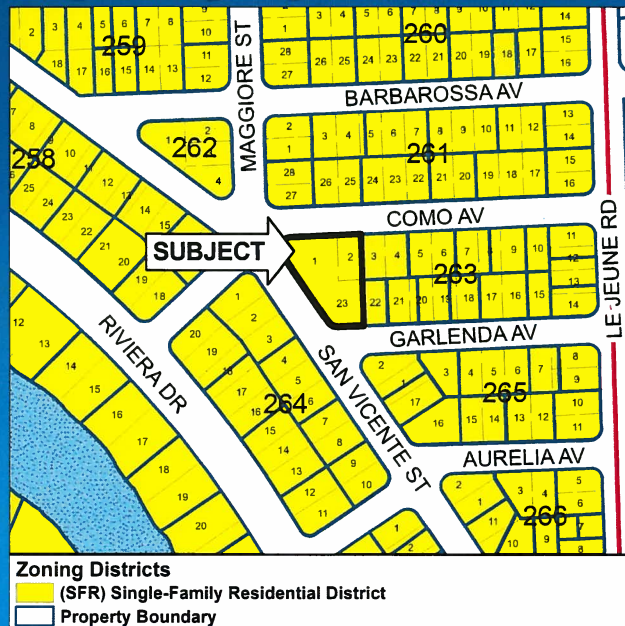




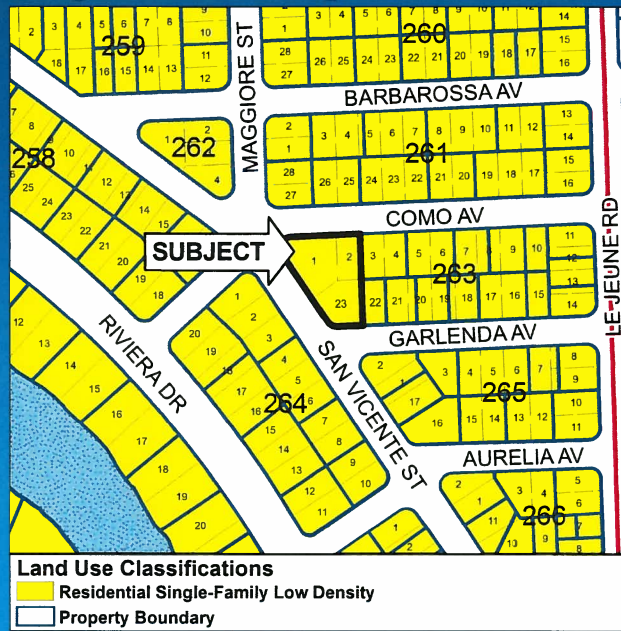
## Request: Separation of a Building Site and Conditional Use Site Plan Review

- ❖ Separate an existing 0.60 acre (25,989 square feet) building site with 176.75' of street frontage on San Vicente Street into two (2) building sites
- ❖ Proposed building sites:
  1. 0.38 acre (16,712 square feet) building site with 150.57' of street frontage proposed on Como Avenue
  2. 0.21 acre (9,277 square feet) building site with 55.32' of street frontage proposed on Garlanda Avenue

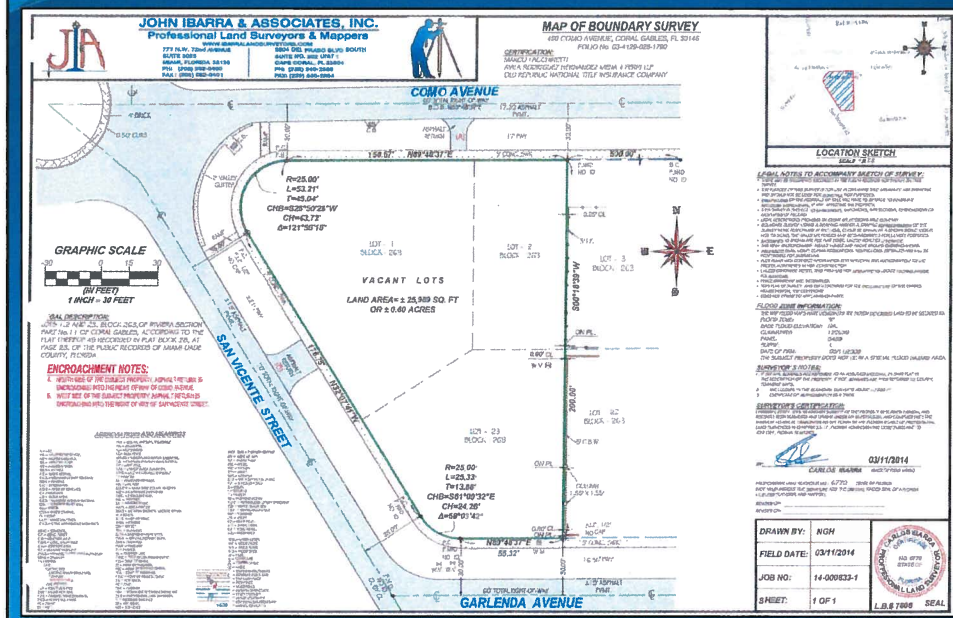
### Existing Zoning Map



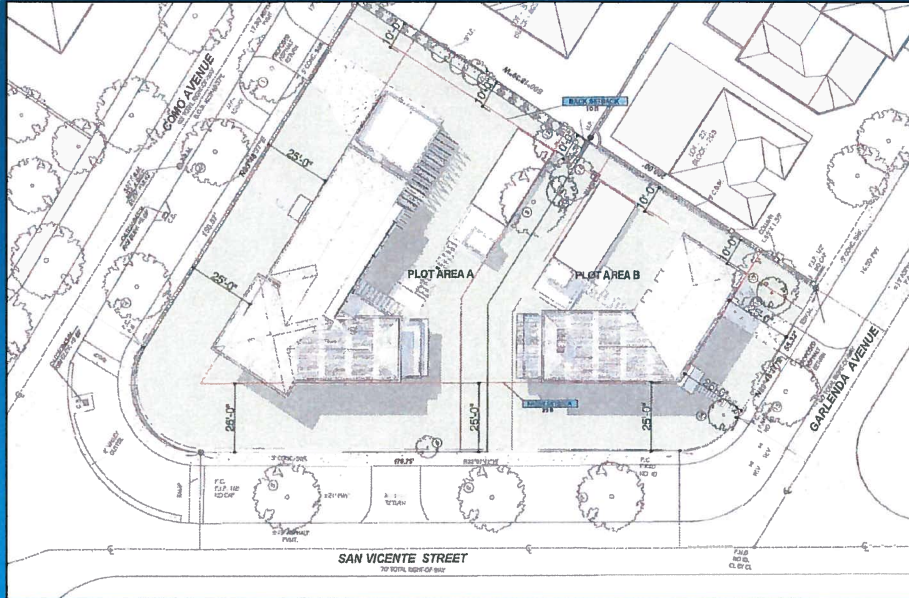
## Existing Land Use Map



## Property Survey



### Conceptual Site Plan (not tied to Application)



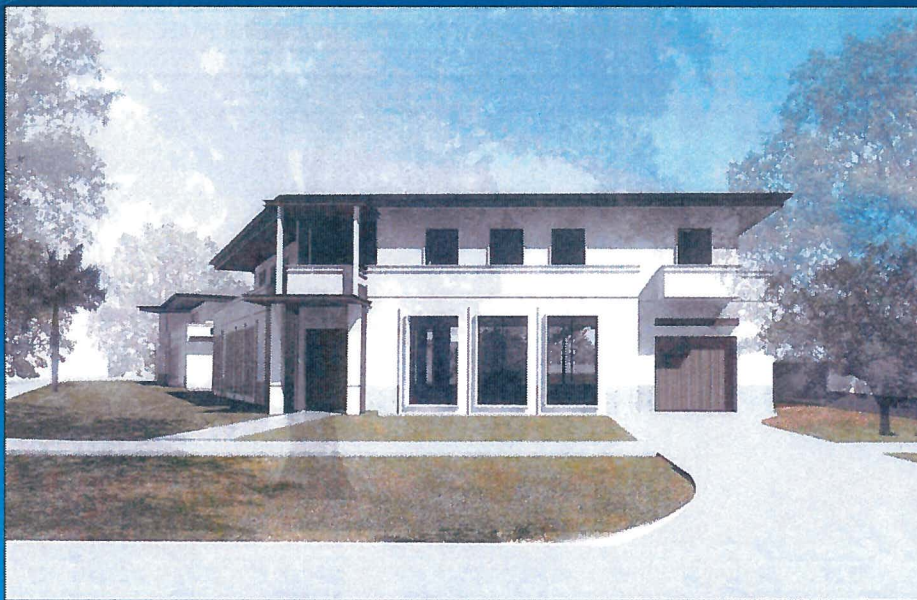
### Rendering View from San Vicente Street



Rendering View from Como Avenue



Rendering View from Garlenda Avenue





## Application History

- ❖ February 27, 2015: Application presented to Development Review Committee (DRC)
- ❖ Applicant has satisfactorily resolved all DRC comments

## Public Notifications

- ❖ The following has been completed to solicit input and provide notice of the application:

Type	Date
Public information meeting	05.18.15
Courtesy notification – mailed to property owners within 1,000 feet of the property	07.17.15
Posting of property	07.17.15
Legal advertisement	07.16.15
Posted agenda on City web page/City Hall	07.21.15
Posted Staff report on City web page	07.24.15

### Site Plan Information

Type	Existing San Vicente St Building Site	Proposed Como Ave Building Site	Proposed Garlenda Ave Building Site
Building site frontage	176.75'	150.57'	55.32'
Building site depth	Approx. 130'	Approx. 100'	Approx. 100'

### Site Plan Information

Type	Existing San Vicente St Building Site	Proposed Como Ave Building Site	Proposed Garlenda Ave Building Site
Total site area	25,989 sq. ft.	16,712 sq. ft.	9,277 sq. ft.
Building floor area (FAR)	Max. 8,947 sq. ft.	Max. 6,164 sq. ft.	Max. 3,897 sq. ft.
Building height (max. permitted)	2 stories/29'-0" above est. grade	2 stories/29'-0" above est. grade	2 stories/29'-0" above est. grade
Setbacks:			
Front	Min. 25'-0"	Min. 25'-0"	Min. 25'-0"
Side interior	N/A	Min. 10'-0"	Min. 5'-6"
Side street	Min. 25'-0"	Min. 25'-0"	Min. 25'-0"
Rear	Min. 10'-0"	Min. 10'-0"	Min. 10'-0"

## Review of Zoning Code Criteria

Zoning Code Section 3-206(F) provides that the application must satisfy 4 of the 6 building site determination criteria:

1. *Exceptional or unusual circumstances exist, that are site specific such as properties having multiple facings.*
- ❖ The property has multiple facings with frontages on San Vicente Street, Como Avenue, and Garlenda Avenue.

The Application **satisfies** this criterion.

## Review of Zoning Code Criteria

2. *Building site(s) created would be equal to or larger than the majority of existing building site frontages of the same zoning designation within 1,000 foot radius.*

### Building Site Street Frontage Analysis

Frontage	0' to 55'	55' to 150'	+150'	Total
No. of Sites	19	148	15	182
Percentage	10.44%	81.32%	8.24%	100%

Como Ave: 150.57' street frontage; equal to or larger than 91.76% of the building sites within 1,000'.

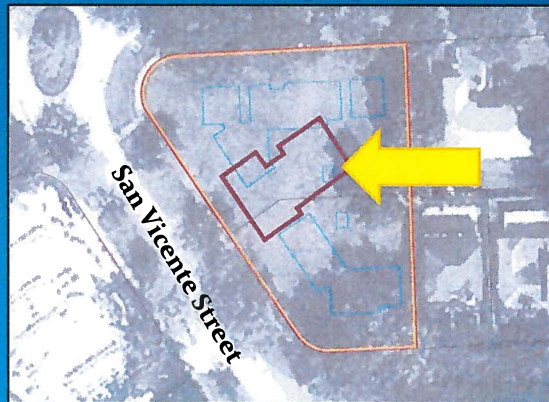
Garlenda Ave: 55.32' street frontage; equal to or larger than 10.44% of the building sites within 1,000'.

The Application **does not satisfy** this criterion.

## Review of Zoning Code Criteria

3. *Would not result in any existing or previously demolished structures becoming non-conforming.*
- ❖ The previous residence that was demolished in 2003 was located approximately in the center of the property.

The Application **does not satisfy** this criterion.



## Review of Zoning Code Criteria

4. *No restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site, including previously demolished structures.*
- ❖ Two Declaration of Restrictive Covenants exist from 09.09.2003 and 07.09.2008 requiring Lots 1, 2 and 23 be held together as one tract.
  - ❖ An additional Restrictive Covenant exists as a part of a request from 07.16.2008 to allow for encroachments for a special driveway approach and irrigation system.
  - ❖ Previous residence demolished in 2003.

The Application **does not satisfy** this criterion.

## Review of Zoning Code Criteria

5. *Proposed building site(s) maintains and preserves open space, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area.*

- ❖ Conceptual plans show both building sites can be developed in compliance with the Zoning Code.
- ❖ Average lot area for building sites within 1,000': 12,894 sq. ft.
- ❖ Lot area of proposed building sites: Como Ave: 16,712 sq. ft.; and, Garlenda Ave: 9,277 sq. ft.

The Application **satisfies** this criterion.

## Review of Zoning Code Criteria

6. *That the building site(s) created was purchased as a separate building(s) by the current owner prior to September 17, 1977.*

- ❖ The property was purchased in 2014.

The Application **does not satisfy** this criterion.

## Staff Recommendation

- ❖ Staff recommends **denial** of the request since the Application satisfies only two (2) of the six (6) criteria.

## Alternative Recommendation Conditions

- ❖ If the Planning and Zoning Board determines based upon additional information presented by the applicant that the application satisfies the criteria and desires to recommend **approval** then Staff recommends the following conditions:
  1. The new single-family residences constructed on the two (2) building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.

### Alternative Recommendation Conditions

2. The two (2) building sites shall be deemed to face San Vicente Street. The main entrances shall face San Vicente Street and the driveways shall be required to have access from the side streets of Como Avenue and Garlenda Avenue. These conditions are based on the following:
  - ❖ The previous single-family residence located on this property faced San Vicente Street
  - ❖ Most single-family residences with property located on San Vicente Street face San Vicente Street
  - ❖ Original platting of the City has the shortest lot lines along San Vicente Street which is the basis for determining lot facings per the Zoning Code
  - ❖ Building frontages facing distinctive diagonal streets is consistent with George Merrick's plan

### Alternative Recommendation Conditions

3. A detailed tree disposition plan and landscape plan shall be prepared and provided by the Applicant, subject to review and approval of the Directors of the Public Service Division and the Planning and Zoning Division prior to the submittal to the Board of Architects for either building site.
4. Prior to Board of Architects submittal a release of the restrictive covenants currently running with the land shall be filed.

## Alternative Recommendation Conditions

5. Letters from all affected utility companies shall be obtained and any requests for easements must be complied with prior to Board of Architects submittal.
6. The total square footage of the two (2) residences shall be equal to or less than 8,947 square feet, which would be the maximum size of a residence permitted by the Zoning Code that could be constructed on the property if developed as a single building site.



## Planning and Zoning Board

### **450 Como Avenue** Separation of a Building Site and Conditional Use Site Plan Review

July 29, 2015