

1 CITY OF CORAL GABLES
2 LOCAL PLANNING AGENCY (LPA)/
3 PLANNING & ZONING BOARD MEETING
4 VERBATIM TRANSCRIPT
5 WEDNESDAY, NOVEMBER 19, 2025, COMMENCING AT 6:02 P.M.

6 Board Members Present at Commission Chamber:

7 Robert Behar, Acting Chairman
8 Felix Pardo
9 Alice Bravo
10 Alex Bucelo
11 Nestor Menendez
12 Ignacio Alvarez
13 Gonzalo Sanabria

14 City Staff and Consultants.

15 Jill Menendez, Administrative Assistant/Board Secretary
16 Craig Collier, Special Counsel
17 Craig Southern, Planning Official
18 Jennifer Garcia, City Planner
19 Arceli Redila, Zoning Administrator

1

1 THEREUPON:

2 MR. BEHAR: It's six o'clock. We're going
3 to get started.

4 So, at this time, I'm going to call the
5 meeting to order. Can everybody please silence
6 your phones, and like Eibi used to say, the
7 beepers, as well?

8 Okay. Good evening. This Board is
9 comprised of seven members. Four Members of
10 the Board shall constitute a quorum. The
11 affirmative vote of four members should be
12 necessary for the adoption of any motion.

13 If only four Members of the Board are
14 present, an applicant may request and be
15 entitled to a continuance to the next regularly
16 scheduled meeting of the Board. If a matter is
17 continued due to the lack of quorum, the
18 Chairperson or the Secretary of the Board may
19 set a Special Meeting to consider such matter.

20 In the event that four votes are not
21 obtained, an applicant, except in the case of a
22 Comprehensive Plan Amendment, may request a
23 continuance or allow the application to proceed
24 to the City Commission without a
25 recommendation.

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1 Pursuant to Resolution 2021-118, the City
2 of Coral Gables has returned to traditional
3 in-person meetings. However, the Planning and
4 Zoning Board has established the ability for
5 the public to provide comments virtually.

6 For those members of the public who are
7 appearing by Zoom and wish to testify, you must
8 be visible to the court reporter to be sworn
9 in. Otherwise, if you speak without being
10 sworn in, your comment may not be of
11 evidentiary value.

12 Lobbyist Registration and Disclosure, any
13 person who acts as a lobbyist must be
14 registered with the City Clerk as required
15 pursuant to the City Code.

16 As Acting Chair, I now officially call the
17 City of Coral Gables Planning and Zoning Board
18 Meeting of November 19, 2025 to order. The
19 time is 6:02.

20 Jill, can you please call the roll?

21 THE SECRETARY: Ignacio Alvarez?

22 MR. ALVAREZ: Present.

23 THE SECRETARY: Robert -- excuse me, Alicia
24 Bravo?

25 Alex Bucelo?

3

1 MR. BUCELO: Here.

2 THE SECRETARY: Nestor Menendez?

3 MR. MENENDEZ: Here.

4 THE SECRETARY: Felix Pardo?

5 MR. PARDO: Here.

6 THE SECRETARY: Gonzalo Sanabria?

7 MR. SANABRIA: Here.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: Present.

10 Notice Regarding Ex parte Communication,
11 please be advised that this Board is a
12 quasi-judicial board, which requires Board
13 Members to disclose all ex parte communication
14 and site visits. An ex parte communication is
15 defined as any contact, conversation,
16 correspondence, memorandum or other written or
17 verbal communication, that takes place outside
18 a public hearing, between a member of the
19 public and a member of the quasi-judicial board
20 regarding matters to be heard before the Board.

21 If anyone made any contact with a Board
22 Member regarding an issue before the Board, the
23 Board Member must state, on the record, the
24 existence of the ex parte communication and the
25 party who originated the communication. Also,

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1 if a Board Member conducted a site visit
2 specifically related to the case before the
3 Board, the Board Member must also disclose such
4 visit. In either case, the Board Member must
5 state, on the record, whether the ex parte
6 communication or site visit will affect the
7 Board Member's ability to impartially consider
8 the evidence to be presented regarding the
9 matter. The Board Member should also state,
10 his or her decision will be based on
11 substantial competent evidence and testimony
12 presented on the record.

13 Does any member of the Board have such
14 communication or site visit to disclose at this
15 time?

16 MR. ALVAREZ: No.

17 MR. MENENDEZ: No.

18 MR. SANABRIA: No.

19 MR. BEHAR: Swearing in, anyone who speaks
20 this evening must complete the roster on the
21 podium, and we ask that you print clearly, so
22 that the official records of your name and
23 address will be correct.

24 Now, with the exception of the attorneys,
25 any -- all persons physically in the City

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1 Chamber, who would like speak on any item
2 tonight, please stand up to be sworn in.
3 Seeing none.

4 MR. COLLIER: No, we have one.

5 MR. BEHAR: We do? Oh, okay.

6 (Thereupon, the participant was sworn.)

7 MR. BEHAR: Thank you.

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

16 Phone platform participants, after the Zoom
17 platform participants, we will go into -- ask
18 the phone participants to be -- also to give
19 your name and address on any item that you will
20 be speaking on tonight. I will also ask you to
21 please be concise for the interest of time.

22 At this time, we are going to ask for the
23 approval of the minutes of September 17, 2025.
24 Do we have a motion?

25 MR. PARDO: So moved.

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1 MR. MENENDEZ: I'll second.

2 MR. BEHAR: Roll call, please.

3 MR. COLLIER: You can do that by a voice vote.

4 MR. BEHAR: All in favor?

5 MR. COLLIER: It's ministerial.

6 (All Board Members voted aye.)

7 MR. BEHAR: Procedures that we will use
8 tonight. We will identify the agenda item by
9 Mr. Collier. Then there will be a presentation
10 by the applicant or agent, followed by the
11 presentation by Staff. At the conclusion of
12 that presentation, we will open it for public
13 comment, first in the Chamber, followed by Zoom
14 platform, and then phone platform. I will
15 close the public comments. We will do Board
16 discussion. After Board's discussion, we will
17 entertain a motion and a second. We will do a
18 final Board comment and then we will take a
19 vote.

20 Before we start, I would like to take this
21 opportunity to thank our colleague and
22 Chairperson, Eibi Aizenstat, for his dedicated
23 service to the Board as the Chair, and his
24 great contribution to the City, as well. We're
25 deeply grateful at this time for his

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1 leadership, effort that he has given to the
2 City and to this Board. Thank you Eibi, if
3 you're listening.

4 At this time, I'm pleased to welcome two
5 new Board Members. First, I would like to
6 welcome Ignacio Alvarez to the Board. Ignacio,
7 could you please tell us a little bit about
8 yourself?

9 MR. ALVAREZ: I'm a -- I live in Coral
10 Gables. I am an attorney in Coral Gables, on
11 Ponce. I'm a retired police officer. I
12 retired as a major with the Miami-Dade
13 Sheriff's Office after 25 years, and decided
14 that retirement wasn't good enough, and opened
15 up my own practice in 2017, and I've been doing
16 very good ever since, and I'm happy to be here.

17 MR. BEHAR: Thank you very much. Welcome
18 to the Board.

19 I'd now like to introduce Gonzalo Sanabria
20 to the Board. Gonzalo, could you also please
21 tell us a little bit about yourself.

22 MR. SANABRIA: We don't want a longer
23 meeting, do we, we want a short meeting? So
24 I'm an economist.

25 MR. BEHAR: There we go.

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MR. SANABRIA: I'm an economist by education. I've been in land use and zoning my entire life, since I left college. I have my own firm called Real Estate Works, REW, Inc. I do lot entitlements throughout the whole State of Florida. I have no issues, nor any kind of conflicts with the City of Coral Gables, since I don't engage in Coral Gables real estate whatsoever.

And, also, I served for nineteen years in the Planning Advisory Board of Miami-Dade County, as Chairman, and we did a lot of work there, including the master plan and the concurrency status, et cetera. And I also served on the Board of Directors of Miami-Dade Expressway Authority as Chairman. So transportation is also a second nature to me.

Thank you.

MR. BEHAR: Thank you.

MR. SANABRIA: Also, I'd like to send my respect to Eibi Aizenstat, who spent a lot of time here in the Board and was very helpful, as well. Thank you.

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

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At this time, I want to, for the record, acknowledge that Alice Bravo has come to the meeting and is present.

THE SECRETARY: Noted. Thank you.

MR. BEHAR: Okay. Thank you both.

Mr. City Attorney, can you please start with the agenda items?

MR. COLLIER: Yes.

Agenda Item E-1, an Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Appendix A, "Site Specific Zoning Regulations," Section A-67, "Mahi Canal," requiring additional review and approval for all mooring piles, docks, wharves, davits, boat lifts, and similar structures located in MF and MXD districts that abut the Mahi Canal; providing for a repealer provision, severability clause, codification, and providing for an effective date.

Item E-1, public hearing.

MR. BEHAR: Thank you.

MR. SOUTHERN: Good evening, Vice Chair and fellow Board Members.

So tonight's first item is a text --

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MR. COLLIER: Introduce your name, for the record.

MR. SOUTHERN: Craig Southern, Planning and Zoning Division, City of Coral Gables.

So tonight's first text amendment is a portion of the Appendix A, Section A-67 of the Zoning Code, focused specifically on the Mahi Canal.

The purpose here is relatively straight-forward. It's a text amendment that adds water quality review requirements for new or modified docks, mooring piles, boat lifts and similar over water structures within the MF and MXD zoning districts.

The Mahi Canal is a narrow waterway, averaging about 90 feet in width or in average, where even small changes to any kind of structures can alter circulation, flushing benthic conditions and vessel movement, and when navigation potentially drops, with new structures being added, water quality is usually the first thing to be affected.

So the proposed text amendment tonight that we're taking a look at doesn't -- doesn't change any allowed uses, intensities or

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anyone's existing rights. It simply requires applicants to provide a water quality analysis, and it ensures that the Waterways Advisory Board and the City Commission review those findings, before approving projects. Applicants must also show compliance with the Florida DEP, which is within Chapter 62-302.

The proposed text amendment is basically just keeping the existing framework, but adding an ecological or a science-based check, to protect water quality, navigation and public safety, as redevelopment continues along the canal.

Staff finds that this text amendment does satisfy all five criteria for a text amendment and recommends approval. If you'd like, we can go in or discuss the text amendment.

MR. BEHAR: I don't see a need for it, unless once I open it to the Board. So thank you very much.

I will conclude the presentation by Staff. I'm going to open it up to the public comments, first in Chamber. I don't see any. So we will close the public comment in Chambers.

Jill, do we have any in Zoom platform?

12

1 THE SECRETARY: No, we don't.
 2 MR. BEHAR: How about in the phone
 3 platform?
 4 THE SECRETARY: No.
 5 MR. BEHAR: We will close the --
 6 MR. SANABRIA: I have comments, Mr.
 7 Chairman.
 8 MR. BEHAR: I'm sorry?
 9 MR. SANABRIA: I have comments on this
 10 item.
 11 MR. BEHAR: Let me open it up to the Board.
 12 MR. SANABRIA: Thank you.
 13 MR. BEHAR: Okay. So at this time, I'm
 14 going to close the public comment. We're going
 15 to open it up for Board discussion.
 16 Gonzalo, I'll start with you, then.
 17 MR. SANABRIA: Thank you.
 18 I know that property well, 'cause I do
 19 navigate that area every once in a while, and
 20 as you know, on the other side of that bridge,
 21 there are some homes, and they do have
 22 navigable waters and navigable kayaks and so
 23 on, that transit through that area.
 24 One of the things that concerns me is this,
 25 there's forty current slips, as I understand

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1 it, from meeting with Jennifer and Craig this
 2 afternoon. We counted about forty current
 3 slips, correct? I'm sorry.
 4 MS. GARCIA: Well, so per the -- Jennifer
 5 Garcia, Planning and Zoning Director.
 6 I did double-check that just now. We don't
 7 have an application from this property. I'm
 8 going off of minutes from an old Advisory Board
 9 meeting, and they indicated 22 to 26 slips, so
 10 not 40.
 11 MR. SANABRIA: 26 to 28, not 40, as --
 12 MR. COLLER: Would you identify yourself?
 13 MR. BEHAR: Yeah, please.
 14 MS. GARCIA: Jennifer Garcia, Planning and
 15 Zoning Director.
 16 MR. BEHAR: Thank you very much.
 17 MR. SANABRIA: Okay. So being around 28 to
 18 30 current slips --
 19 MS. GARCIA: 22 to 26 is what they said.
 20 MR. SANABRIA: Yes. My concern is, if this
 21 project goes the way of an RTZ development, how
 22 could that affect the number of slips that
 23 could be in place in the Mahi Canal? Do we
 24 know that answer?
 25 MR. SOUTHERN: Well, we know, on the west

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1 side of the canal, it's 900 feet, give or take.
 2 It's about 900 feet. So we would also need to
 3 like -- depending on the size of the slip
 4 requirements, that's all that it would really
 5 be dependent upon. So it would all be
 6 dependent upon the measurements within that 90
 7 linear feet.

8 MR. BEHAR: But that's not necessarily,
 9 because that particular site has a maximum
 10 allowable slips that they could go. So it's
 11 not like you could get 900 feet and divide it
 12 by twenty-foot and do so many. They have a
 13 maximum number of slips that they are entitled
 14 to, and that's not going to change.

15 So I don't think that's -- at this time,
 16 Mr. City Attorney, is that something that we
 17 could get involved with or -- because we don't
 18 know what's happening there anyways?

19 MR. SOUTHERN: Well, I just want to remind
 20 the Board that this particular amendment is
 21 specifically for a water quality analysis for
 22 any kind of development that would happen
 23 within the MF and MXD zoning districts within
 24 the Mahi Canal site specific.

25 MR. SANABRIA: I understand what you're

15

1 saying, but it precludes us from expanding that
 2 into a more generic issue with slips and the
 3 number of slips.

4 So, quite frankly, Mr. Chairman, I think we
 5 can add some language regarding the number of
 6 slips that could be in place on this property,
 7 because otherwise --

8 MR. BEHAR: I don't think we could control
 9 that.

10 MR. COLLER: Yeah. I would be concerned
 11 with -- sorry, pardon my interruption.

12 MR. SANABRIA: One more thing.

13 MR. COLLER: Sure.

14 MR. SANABRIA: One other thing that
 15 concerns me is the beam of these boats. I go
 16 to Sunrise Harbor, and I see some of these
 17 catamarans that are about twenty-feet wide in
 18 beam. If you create that kind of situation,
 19 where that can be in place on that canal, it's
 20 going to impair navigation to the other side of
 21 that bridge, and that's something that we
 22 should address at some point soon.

23 MR. BEHAR: Yeah, but Gonzalo, with all due
 24 respect, I don't think this item has to do with
 25 any of what you're saying. You know, I mean --

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1 MR. COLLER: The number of slips, the size
2 of the boats, anything like that, would be
3 beyond the scope of this title. This title
4 only relates to water quality and the impact of
5 any additional slips that would be built, and
6 the water quality.

7 Another item could be drafted, and I think
8 it's up to the Commission, if they want to
9 address this, and you could make a
10 recommendation to the Board, if you -- if you
11 were to recommend approval of this, that your
12 recommendation is, you should look at the size
13 of the boats and the number of slips. I would
14 caution you, that when you make changes in the
15 Zoning Code, when people have -- think they
16 have certain rights, it's possible that those
17 rights could be impacted, but the Board, if the
18 Board wants to direct -- wants to request the
19 Commission to take a look at that, that could
20 be part of your recommendation, if that's what
21 you wish to do.

22 MR. SANABRIA: I agree.

23 Now, also, I want to confirm that, that
24 water of body is under the sole jurisdiction of
25 the City of Coral Gables?

17

1 MR. SOUTHERN: That's correct. Right. Yeah.

2 MR. SANABRIA: Therefore --

3 MR. SOUTHERN: That portion, where the
4 Zoning Districts are MF and MXD.

5 MR. SANABRIA: I understand. Therefore, I
6 recommend that we do add some language that the
7 Commission should consider.

8 MR. BEHAR: Well, we could make a
9 recommendation, on a motion, you know, to do --

10 MR. SANABRIA: Yes, sir.

11 MR. BEHAR: -- separate to this, right,
12 Mr. Attorney?

13 MR. COLLER: Yes. It would be a --
14 basically a comment, that your recommendation
15 for approval --

16 MR. BEHAR: Okay. Okay.

17 MR. COLLER: So it would be viewed as a
18 comment to the Board, as you've commented on
19 other items that are not necessarily related to
20 the item, but you've asked the Board -- excuse
21 me.

22 MR. BEHAR: The Commission.

23 MR. COLLER: The Commission. I'm used to
24 Board of County Commissioners, even though I
25 haven't worked there for ten years.

18

1 MR. BEHAR: Okay.

2 MR. COLLER: But the Commission.

3 MR. BEHAR: Okay. Gonzalo, is that it?

4 MR. SANABRIA: That's it regarding this
5 item, yes, sir.

6 MR. BEHAR: Ms. Bravo?

7 MS. BRAVO: Hi. So, to clarify, this item,
8 in and of itself, does not approve additional
9 slips?

10 MR. SOUTHERN: No. No. This is only about
11 the water quality analysis requirement.

12 MS. BRAVO: I'm fine.

13 MR. BEHAR: Okay.

14 MR. BUCELO: What is a water quality
15 analysis? Like what does that entail? Is that
16 very burdensome on the homeowner?

17 MR. SOUTHERN: It would be an ecological
18 study, that would be done looking at the
19 benthic component. Usually benthic consists of
20 the sediment and any kind of ecological or the
21 like, fish nurseries, crabs, all of that kind
22 of stuff that's living in that area. There
23 would be a benthic study that would be
24 conducted.

25 I'm sure they would look at the depth, as

19

1 well, but --

2 MS. BRAVO: And so that would take into
3 account shading from the vessels and that type
4 of environmental analysis?

5 MR. SOUTHERN: Yeah.

6 MR. SANABRIA: Mr. Chairman.

7 MR. BEHAR: Yes.

8 MR. SANABRIA: It also is a manatee zone.

9 MR. SOUTHERN: Yes.

10 MR. SANABRIA: It's a well-known manatee
11 zone.

12 MR. SOUTHERN: There's already signs posted
13 on the site now, as well, on both sides of the
14 canal, as a manatee zone, yeah, by Fish and
15 Wildlife.

16 MR. BUCELO: Thank you.

17 Mr. Chairman, no further questions.

18 MR. BEHAR: Okay. Nestor.

19 MR. MENENDEZ: The proposed studies are at
20 a cost to, who, to the property owner?

21 MR. SOUTHERN: To the applicant that would
22 propose any kind of development on the canal,
23 yeah.

24 MR. MENENDEZ: No further questions.

25 MR. BEHAR: Ignacio.

20

1 MR. SOUTHERN: Within those zoning
2 districts.
3 MR. MENENDEZ: Right.
4 MR. ALVAREZ: Those were my two questions
5 so far.
6 MR. BEHAR: Okay. Mr. Pardo, last but not
7 least.
8 MR. PARDO: I have a few questions about
9 the water quality. What is the existing water
10 quality level -- thank you.
11 What are the existing water quality levels
12 of this particular canal? Do we know?
13 MR. SOUTHERN: I personally can't tell you
14 that, but I would say it's healthy, because we
15 have manatees within it. Well, I mean, I've
16 walked around the property or the canal, and
17 I've seen quite a few fish, but I can't say on
18 a professional --
19 MR. PARDO: With all due respect, let's
20 think about this scenario. So someone owns a
21 property there on this particular canal, and
22 the canal, unbeknownst, although there are
23 manatees -- there's all sorts of manatees in
24 that waterway -- and all of a sudden, it just
25 so happens that that canal, right now,

21

1 presently, doesn't comply with any of these
2 levels. So, therefore, by adding this to it,
3 without understanding what the current levels
4 are, it is possible that someone that doesn't
5 have a boat lift on their home, would not be
6 able to build a boat lift, if they don't comply
7 with this, correct?
8 MR. SOUTHERN: Well, it's not -- this does
9 not include single-family. I just want to
10 reiterate.
11 MR. PARDO: Okay.
12 MR. SOUTHERN: And there's -- if I remember
13 correctly, I think it's like maybe six or seven
14 properties, in total. You know, on the west
15 side, like I said, it's 900 liner feet. I
16 think there's like three parcels, but they're
17 all kind of unified already.
18 MR. PARDO: So it would only affect the MF
19 and MXD?
20 MR. SOUTHERN: Correct. Nobody that's
21 south of those zoning districts, as
22 single-family, would be required to do that.
23 MR. PARDO: So, again, it wouldn't be a
24 taking, but it is possible that people -- that
25 the people that would develop anything there,

22

1 would not be able to do anything, simply
2 because the current level -- environment level
3 of that particular canal may not comply with
4 the levels that the State and the County and
5 anyone else has established, correct?

6 MR. SOUTHERN: Well, I mean, we do have --
7 there's already a seawall. I mean, it's
8 already a hardened shoreline. There's no
9 natural shorelines there at all. Everything
10 has already been hardened. The north side of
11 the canal is University of Miami. So the -- I
12 think it's Dixie that, you know, crosses over
13 the Mahi Canal now.

14 I would say that -- I mean, it's a
15 disturbed canal. It's not in its original, you
16 know, what was there probably hundreds of years
17 ago. So it's a relatively urban area, but
18 that's the thing, whatever is there now, we
19 just want to make sure that maybe we don't
20 impact it any more than --

21 MR. PARDO: So it is possible that that
22 canal right now doesn't comply with any of
23 these requirements that -- minimum requirements
24 that they have to comply with, from an
25 environmental standpoint, a water quality

23

1 standpoint?

2 MR. SOUTHERN: I wish I could talk
3 intelligently about the ecology of the canal,
4 but I can't, you know, professionally, you
5 know -- other than we already know that it's a
6 hardened shoreline. There's already existing
7 mooring piles out there. There's already
8 docking that's there, but it is --

9 MR. PARDO: Right.

10 MR. SOUTHERN: -- but it is dedicated as a
11 manatee --

12 MR. PARDO: But although -- if there's any
13 type of mooring or someone wants to go in there
14 and improve and enhance it, replace it, any of
15 those things, they would have to comply with
16 this?

17 MR. SOUTHERN: That's correct.

18 MR. BEHAR: But don't forget, no matter
19 what, they have to go to DERM. They have to go
20 to all of those agencies, you know, that are
21 going to be probably more strict than this.
22 This is really -- from my experience, this is
23 really a problem -- it will be a problem if you
24 were like down in the Keys, where you have
25 seagrass and all, that you could impact it.

24

1 That canal, which is really at the end of
2 the property which Gonzalo was trying to refer
3 to, which I think it's called the Gables
4 Waterway property, so that canal --

5 MR. PARDO: Right.

6 MR. BEHAR: You know, there's no --

7 MR. PARDO: Yeah. And there are seagrasses
8 in this canal. That's why we have the
9 manatees.

10 MR. BEHAR: But further down, not at --

11 MR. PARDO: No, I understand, but that's
12 the reason we have the manatee there, because
13 they're not starving. They're eating those
14 grasses.

15 MR. BEHAR: So what -- my understanding of
16 this item, it will make it a little more
17 stringent to get approval.

18 MR. PARDO: Right.

19 MR. SOUTHERN: Yeah.

20 MR. PARDO: I don't disagree with that.
21 I'm just finding it a little bit difficult to
22 understand. We don't know what the standard
23 is, but we're setting a standard of the
24 existing canal quality -- water quality.

25 MR. BEHAR: To me, you know, as much as we

25

1 want to put that we're going to have a saying
2 or control, this is going to go to DERM, and
3 DERM is going to tell you what you could do and
4 cannot do. You know, as much as we want to say
5 that the City of Coral Gables is going to
6 control that waterway, not really, you know.

7 You know very well that if you want to do a
8 mooring or something, you have to go to DERM,
9 and you have to show, you know, your studies,
10 that you're not affecting the bay bottom and
11 there's no seagrass and all of that, you know,
12 goodies that they ask for.

13 MR. PARDO: And there is no effect
14 whatsoever on the site specific regulations?
15 This is in addition to --

16 MR. SOUTHERN: This is in addition to the
17 site specifics.

18 MR. PARDO: You're not taking away any of
19 the restrictions that exist there now?

20 MR. SOUTHERN: That's correct.

21 Now, like I said, I mean, ecologically, I
22 cannot intelligently talk about that, but when
23 it comes to circulation or navigation, which
24 would be another part of that analysis, you
25 know, the traffic, I can speak, I would say, to

26

1 some degree on that.

2 MR. PARDO: But in the site specific, it
3 tells you minimum dimensions for navigable
4 waters in the area, in all canals, in Coral
5 Gables.

6 MR. SOUTHERN: Right. In Section 3-700, we
7 actually have different canals.

8 MR. PARDO: Correct. Different widths,
9 different --

10 MR. SOUTHERN: The Mahi Canal must have 30
11 feet of navigable, unobstructed area.

12 MR. PARDO: Right.

13 MR. SOUTHERN: So, right now, it's at 90
14 feet. That's where we're at right now.

15 MR. BEHAR: But since that -- in a case
16 like this, since that canal terminates there at
17 US-1, you're going to have to allow -- they're
18 going to have to allow for boats to turn
19 around. So that thirty feet increases. I
20 don't know to what, but there are requirements
21 that you're going to get -- you know, that you
22 have to adhere to.

23 That's why, when Gonzalo mentioned the beam
24 of the boat, you know, there's regulations that
25 will dictate what you could do or not do.

27

1 MR. PARDO: Right. And like our attorney
2 said, you know, I felt uncomfortable, because
3 we started talking about a specific project,
4 which this is not a specific project.

5 MR. SANABRIA: Mr. Chairman, if I may just
6 again --

7 MR. PARDO: Those are all of my questions.

8 MR. BEHAR: Okay. Wait. I have -- Ignacio
9 had a question.

10 MR. SANABRIA: Go ahead.

11 MR. ALVAREZ: And I know I'm new here and I
12 don't know this area, but who is this
13 applicable to, when you said it is not
14 applicable to single homes?

15 MR. SOUTHERN: Yeah. MF and MXD zoning
16 districts only.

17 MR. ALVAREZ: Can you explain that a little
18 bit? Again, I'm new to this --

19 MR. SOUTHERN: Yeah, multi-family and
20 mixed-use properties, which -- I wish that I
21 would have created a PowerPoint tonight to show
22 you guys the location. Unfortunately, I did
23 not.

24 MR. PARDO: Can you just -- pardon me,
25 Mr. Chair. Can you just narrow it down, so he

28

1 understands where this zoning exists on the
2 canal?

3 MR. SOUTHERN: Yeah. So the canal
4 terminates on the north side, where Dixie
5 Highway. On the north side of Dixie is the
6 University of Miami. So bringing us back down
7 to where the canal terminates right now, just
8 south of Dixie, you have a grouping currently
9 of a couple of commercial properties, and on
10 the west side, it's predominantly MF. There's
11 a little bit of MXD zoning, as well. And,
12 then, on the east side, it's MXD, mixed-use
13 zoning. I don't know if this is helping or
14 not, but --

15 MR. BEHAR: Do you know, more or less, the
16 location that we're referring to?

17 MR. ALVAREZ: Yes.

18 MR. BEHAR: The --

19 MR. SOUTHERN: The Gables waterway.

20 MR. BEHAR: Yeah, Gables waterway. On both
21 sides, is the -- more of the mixed-use. The
22 single-family starts further down to the east.

23 MR. ALVAREZ: Thank you.

24 MR. BEHAR: Mr. -- Gonzalo, you have
25 another comment?

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1 MR. SANABRIA: Yes, Mr. Chairman.

2 I just want to emphasize my fear. My fear
3 is that, currently, as Jennifer Garcia and
4 Craig have delineated, there's about 28 to 30
5 boat slips there. Is that correct, more or
6 less, the number, roundabout number?

7 MR. BEHAR: 22 to 26, if I recall
8 correctly.

9 MR. SANABRIA: My fear is -- I don't know
10 how many exact units or density are planned for
11 this project, but I don't want that to
12 translate into a greater multiplier of slips on
13 that waterways, because that would really choke
14 off and put a stranglehold on that waterway.

15 So, somehow, we need to add this comment,
16 please, for the Commission to consider, or
17 within a Resolution.

18 MS. BRAVO: Can --

19 MR. BEHAR: Go ahead.

20 MS. BRAVO: So, once again, Craig, in
21 essence, we're creating an environmental
22 regulation for this canal?

23 MR. SOUTHERN: Correct. Right.

24 I mean, in a way, any new impacts, we just
25 want to make sure that we're analyzing those

30

1 impacts, if any new proposed development is
2 coming in on these zoning districts.

3 MS. BRAVO: Go through this process.

4 All right. Right. So I think, along the
5 lines of what the Chairman said before, if we
6 want to make a commentary about that, it would
7 be separate from this item, since this is, in
8 essence, creating an environmental process.

9 MR. SANABRIA: I think it can be added to
10 this item as a comment, yes. I intend to do
11 that.

12 MR. BEHAR: Mr. City Attorney, I mean, can
13 we do it to this item? You know, if you --

14 MR. COLLIER: Well, I think the Board has
15 the opportunity to make any recommendation that
16 it chooses to. It's obviously beyond this
17 title, and it's not really -- it couldn't be
18 addressed in this item, but if the Board wants
19 to suggest to the City Commission that you
20 should look at the number of additional slips
21 that may occur on the canal, I think you can
22 say that to them, but it's separate and apart
23 from the item. It's just a suggestion to the
24 Board that -- excuse me, a suggestion to the
25 Commission, that they should look at it, but

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1 that's only if you all agree with this comment.
2 If you don't agree with the comment, then --

3 MR. BEHAR: We'll see what we get there.

4 I, personally, for me, I don't have a
5 problem, because I know that there are greater
6 authority, besides the City of Coral Gables,
7 that are going to say what can be done and not
8 be done here. Now, I'm not -- I don't have any
9 fear of the increase in slips, because I know
10 that DERM has a maximum that has been given to
11 that property, but if you -- Gonzalo, if you
12 feel that a comment, okay, not a condition, a
13 comment, be made to the Commissioners, I'm okay
14 with that.

15 MR. SANABRIA: Thank you.

16 MR. BEHAR: So, at this time, you know,
17 we're going to close the Board's comment and
18 we'll -- we will entertain a motion.

19 MR. PARDO: I wanted to just bring up one
20 question, is that water quality was discussed,
21 but the animals were not discussed, which I
22 think falls short, and the reason is that, in
23 any part of Florida, you could have issues with
24 tortoises, bats. I mean, you name -- you know,
25 burrowing owls. How about the manatees, which

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1 we're losing left and right in the State of
2 Florida, because they're starving to death?

3 The question becomes, should that also be
4 added, and not just from a water quality
5 standpoint, but at least that it should -- it
6 should be mentioned in there, because
7 sometimes, if you add enough watercrafts, it
8 becomes a real problem, you know, for
9 especially the manatees that we've lost through
10 starvation of the seagrasses.

11 MR. BEHAR: I'm not -- I mean, unless I'm
12 not understanding this correctly, this is not
13 saying that we're going to have more
14 watercrafts there. This is saying that it's
15 going to require additional reviews for
16 approval, if you wanted to do --

17 MR. SOUTHERN: So we do actually have
18 benthic habitats. I know I like went through
19 that pretty quickly. Benthic habitats is
20 mentioned in here. Any impact --

21 MR. PARDO: Is it? Okay. I missed it.

22 MR. SOUTHERN: So that's the sediment.
23 That's the jelly fish. That's anything that's
24 within that, you know, underwater area, that
25 would be affected.

33

1 So we also referenced the Florida
2 Department of Environmental Protection, Chapter
3 62-302, and I know that they have quite a bit
4 more, when it comes to habitats within the
5 water. So we do actually have benthic
6 habitats, and that is what is the intention of
7 that.

8 MR. PARDO: Thank you. I feel comfortable now.

9 MR. BUCELO: Mr. Chair, I'm going to move
10 to approve the City's recommendation.

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

12 MR. MENENDEZ: I'll second.

13 MR. BEHAR: And we have a second.

14 Do we have any other comments before we
15 call the roll?

16 MR. SANABRIA: I'd like to add a comment on
17 this motion. Am I allowed to do that at this
18 time?

19 MR. BEHAR: The maker of the motion, will
20 you entertain a friendly amendment?

21 MR. BUCELO: Yes. Yes.

22 MR. BEHAR: What is your amendment?

23 MR. SANABRIA: I would like to concur with
24 Mr. Pardo on the manatee zone, because that is
25 a very crucial environmental area for manatees

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1 procreating and they actually live there. I've
2 seen them there, as well. So I'd like to
3 mention manatees, per se, word-wise, the word
4 manatees, that zone, to try to protect them as
5 much as we can from the City juris prudence.

6 Also, the number of slips that can be built
7 on that waterway, to me, is rather frightening,
8 because once you build way above the number of
9 the current slips, they will start taking up
10 more water body, more water body, and
11 strangling that waterway. So I'd like the
12 Commission to consider that there be some sort
13 of threshold, to protect against higher water
14 density, per se, not just higher density of the
15 building, but higher density, per se, on the
16 waterway, plus protect the manatee zone.

17 MR. BEHAR: Okay. So essentially what
18 you're saying, you're going to maintain
19 whatever the maximum allowable today is for
20 them to keep that number, not to increase those
21 numbers?

22 MR. SANABRIA: The current number.

23 MR. BEHAR: Okay.

24 MR. COLLIER: So that's unrelated to the
25 item, but it's a comment to the Board.

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1 MR. BUCELO: It's a comment, yes.

2 MR. BEHAR: It's a comment to the
3 Commission.

4 Do you accept that friendly amendment?

5 MR. BUCELO: I accept it, yes.

6 MR. BEHAR: Nestor, do you agree with that
7 also?

8 MR. MENENDEZ: Yeah.

9 MR. BEHAR: Okay. Jill can you please call
10 the roll now?

11 THE SECRETARY: Alice Bravo?

12 MS. BRAVO: Yes.

13 THE SECRETARY: Alex Bucelo?

14 MR. BUCELO: Yes.

15 THE SECRETARY: Nestor Menendez?

16 MR. MENENDEZ: Yes.

17 THE SECRETARY: Felix Pardo?

18 MR. PARDO: Yes.

19 THE SECRETARY: Gonzalo Sanabria?

20 MR. SANABRIA: Yes.

21 THE SECRETARY: Ignacio Alvarez?

22 MR. ALVAREZ: Yes.

23 THE SECRETARY: Robert Behar?

24 MR. BEHAR: Yes.

25 Thank you.

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1 Item E-2.
 2 MR. COLLIER: Item E-2, an Ordinance of the
 3 City Commission providing for text amendments
 4 to the City of Coral Gables Official Zoning
 5 Code, Article 5, "Architecture," Section 5-309,
 6 "Trellises;" Section 5-310, "Wood decks," and
 7 Section 5-311, "Pavers and walkways," to
 8 incorporate composite recycled materials as an
 9 approved material for trellises, decks, and
 10 walkways; providing for a repealer provision,
 11 severability clause, codification, and
 12 providing for an effective date.

13 Item E-2, public hearing.

14 MS. GARCIA: So, Jennifer Garcia, Planning
 15 and Zoning Director.

16 This is a very simple text amendment. We
 17 are allowing composite recycled material as a
 18 material to be allowed for trellises, decks and
 19 also those walkways along the waterway. And
 20 this is a good segue from waterway. We're
 21 talking about what we would be putting next to
 22 the waterway, which is the decking material.

23 There are many studies that show that
 24 having wood and having paint too close to a
 25 waterway can shut off and affect our quality of

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1 water in the waterway. So the intent of this
 2 text amendment is to allow these recycled
 3 composite materials to be used, again, for
 4 trellises, for decks and for these walkways.
 5 For clarification, allowance for the City
 6 Architect or the DRO to have other approved
 7 products to be of solid wood, as those noted
 8 above, the mahogany, teak, cedar, redwood and
 9 et cetera.

10 And, again, the recycled material has to be
 11 at least 60 percent recycled content. Usually,
 12 that's plastic bags or PVC materials. There's
 13 a couple of companies that are out there, that
 14 actually produce this recycled composite
 15 material.

16 Yes.

17 MR. BEHAR: Before -- I have a question.
 18 Do we have -- because I know a lot of these
 19 companies have multiple colors. Are we -- the
 20 City Architect is going to determine --

21 MS. GARCIA: Yes.

22 MR. BEHAR: -- what color will be allowed
 23 or not?

24 MS. GARCIA: Yeah. I think -- we still
 25 have the requirement that it should be

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1 compatible with the main principal building.

2 MR. BEHAR: Okay. Okay. All right. Thank
 3 you.

4 Before I open it up to public comment, that
 5 concludes your Staff presentation, right?

6 MS. GARCIA: Yes. It's that simple. Yes.

7 MR. BEHAR: Open it to public comment. No
 8 one in Chamber.

9 Jill, anybody on Zoom or the phone?

10 THE SECRETARY: No. No.

11 MR. BEHAR: Okay. Close the public
 12 comment.

13 Board discussion. I'm going to go to my
 14 left -- start with the left. Felix, can you
 15 please start us?

16 MR. PARDO: My concern, again, is the Board
 17 of Architects. It's just not the material, but
 18 how it looks. Some materials -- for example,
 19 you're trying to imitate wood texture. So,
 20 some materials, you know, Robert would tell
 21 you, you could see a mile away that it doesn't
 22 look right, looks cheap, looks this, looks
 23 that. I didn't see anywhere where the Board of
 24 Architects is going to be approving these
 25 materials on a case by case basis, because

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1 there's so many materials that are out there.

2 So sometimes you'll see, you know,
 3 companies like, you know, Hardie Board, and
 4 they have great quality materials. Then you'll
 5 see something, that is not Hardie Board, and
 6 you can tell two blocks away that it's just
 7 cheap looking, you know, and that becomes a
 8 real problem. I understand, you know,
 9 especially the longer, you know, we've seen
 10 some of the different materials fail over time,
 11 you know, tremendous amounts of time, and I get
 12 that.

13 Then you also have the issue of exempting
 14 historic buildings. You know, I didn't see a
 15 mention of that. For example, if you have a
 16 Pecky Cypress, you can't simply get one of
 17 these artificial materials to look like the
 18 rest of it, on a historic building, that uses
 19 that material.

20 So I thought that it was silent on that. I
 21 thought it was silent on the acceptability by
 22 the Board of Architects, as far as some of the
 23 materials, the same as paint colors, et cetera.

24 MS. GARCIA: Right. So this would be
 25 reviewed by the City Architect, like he reviews

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1 any deck permit. If he doesn't agree with what
2 they're providing or what they're, you know,
3 proposing to use --

4 MR. PARDO: You said, by the Board of
5 Architects?

6 MS. GARCIA: By the City Architect. If he
7 doesn't approve what they're proposing, he will
8 send it to the Board of Architects, and usually
9 he has a list of what the Board of Architects
10 feels comfortable with, as far as the material,
11 as far as the company that makes it look a
12 little more real, more grainy and not so
13 plastic.

14 MR. BEHAR: There are various
15 manufacturers, like Trex and Timber something,
16 that have good quality.

17 MS. GARCIA: Right.

18 MR. BEHAR: Are we allowed to say, you
19 know, in material, you know, specific
20 manufacturers or equal?

21 MR. PARDO: Robert, and as you know, that
22 changes, also, with time. You know, twenty
23 years ago, thirty years ago, some of these
24 materials were awful, and nowadays, they've
25 gotten so much better, and they're getting --

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1 hopefully they're getting better, you know, in
2 the future.

3 MR. BEHAR: I used them in my house in the
4 Keys, and let me tell you, it looks like teak
5 and it stays beautifully done, which is the
6 best thing I ever did. I don't have to
7 maintain it. I don't have to do anything.

8 MR. PARDO: Well, and the point I'm trying
9 to make is, there's a difference between, you
10 know, good quality material and those that
11 aren't. You and I know that difference. What
12 I'm saying is, to make sure that this is under
13 the control and the purview of the City
14 Architect, and, you know, the Board of
15 Architects, to make sure that we don't make
16 mistakes, and then make these buildings look
17 cheap, and I think that would be a step in the
18 right direction.

19 MS. GARCIA: Right. The City Architect
20 would still use those approved products, which
21 is basically the companies, like you said, and
22 would just make sure the color that they're
23 using is consistent with the building --

24 MR. PARDO: And there's, also, another
25 component to it, which is longevity. Some of

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1 these materials, which are painted internally,
2 you know, sometimes those colors fade very,
3 very quickly, and then they look awful. You
4 see it also in roofing materials.

5 So what I'm saying is that, we have to
6 be -- I think we should be very careful when it
7 comes to the longevity of these materials, to
8 make sure that it looks as good ten years from
9 now, as it does the day it was installed.

10 MR. BEHAR: All right. Thank you, Felix.
11 Ignacio?

12 MR. ALVAREZ: No comment.

13 MR. BEHAR: Nestor?

14 MR. MENENDEZ: Yeah. I'm all for this. I
15 think it's a good idea. I kind of want to -- I
16 agree with Felix. I think we should be very
17 careful, you know, staying silent, as far as
18 the materials that can be used, the
19 susceptibility to aging, but I'm sure that
20 there will be an added layer of protection at
21 the Architecture's board that will hopefully
22 guardrail this, similar to having -- I know
23 it's very difficult to not give guidelines to
24 individuals who want to use this, to the City,
25 but similar to the way that we have approved

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1 paint, the kind of paint you can use, colors, I
2 think something like that would be appropriate,
3 maybe some guidelines for the Board of
4 Architects.

5 I do have the same concern, that fading,
6 might end up looking bad, but similar to real
7 wood, real wood needs upkeep, sanding,
8 varnishing, if it's varnished, so I think
9 there's that added component into it, but I do
10 agree, that if we're trying to use these
11 recycled materials, we promote or we try and
12 get the people -- the end users, or the people
13 using the materials, to use higher end
14 materials, that last longer, look better.

15 I agree with Robert. Those materials, the
16 decks, they look fantastic, and if you upkeep
17 them, they last for a long time, and they look
18 great for a long time, and it's minimal wear
19 and tear and upkeep. So I think it's a very
20 good text amendment to add to the existing
21 Code.

22 MR. BEHAR: Thank you, Nestor.

23 Alex?

24 MR. BUCELO: No comment, Mr. Chairman.

25 MR. BEHAR: Alice?

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1 MS. BRAVO: Kudos to the Staff for bringing
2 an innovative --
3 MR. BUCELO: Absolutely.
4 MR. BEHAR: Gonzalo?
5 MR. SANABRIA: I have a deck, on my
6 seawall, made of composite materials. It's
7 been there for 25 years. Fantastic. I love
8 it. So I'm all in favor of this.
9 MR. BEHAR: Okay. Perfect.
10 I think it's a great idea. I'm all for it.
11 So with that, we're going to close the
12 Board comment --
13 MR. MENENDEZ: One more quick question,
14 Mr. Chairman.
15 MR. BEHAR: Sure.
16 MR. MENENDEZ: Is the City directed to use
17 these composite materials, as well, in like,
18 say, parks or anything that's -- any projects?
19 MS. GARCIA: Yes. Typically, yes.
20 MR. MENENDEZ: Okay.
21 MS. GARCIA: So knowing the RCA, like
22 knowing what the pre-approved products are, so
23 they can use that, and kind of bypass going to
24 the Board of Architects repeatedly, a number of
25 times, so, yes.

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1 MR. MENENDEZ: Okay. Okay. Thank you.
2 MR. BEHAR: Good question. Thank you.
3 Do we have a motion?
4 MR. BUCELO: I'll move, Mr. Chair.
5 MR. SANABRIA: Second.
6 MR. BEHAR: Okay. Can you please call the
7 roll?
8 THE SECRETARY: I'm sorry, who moved it?
9 MR. BEHAR: Alex, second by Gonzalo.
10 THE SECRETARY: Thank you.
11 Alex Bucelo?
12 MR. BUCELO: Yes.
13 THE SECRETARY: Nestor Menendez?
14 MR. MENENDEZ: Yes.
15 THE SECRETARY: Felix Pardo?
16 MR. PARDO: Yes.
17 THE SECRETARY: Gonzalo Sanabria?
18 MR. SANABRIA: Yes.
19 THE SECRETARY: Ignacio Alvarez?
20 MR. ALVAREZ: Yes.
21 THE SECRETARY: Alice Bravo?
22 MS. BRAVO: Yes.
23 THE SECRETARY: Robert Behar?
24 MR. BEHAR: Yes.
25 E-3, Mr. City Attorney.

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1 MR. COLLIER: Yes.
2 Item E-3, an Ordinance of the City
3 Commission providing for text amendments to the
4 City of Coral Gables Official Zoning Code,
5 amending 14-204, "Transfer of Development
6 Rights (TDRs)," and Article 16, "Definitions,"
7 of the City's Zoning Code to establish a
8 Conservation TDR Program and appraisal
9 framework; providing for definitions,
10 procedures, appraisal standards, and
11 conservation easement requirements; providing a
12 repealer provision, severability clause,
13 codification, and providing for an effective
14 date.
15 Item E-3, public hearing.
16 MR. BEHAR: Craig.
17 MR. SOUTHERN: Good evening, again. Craig
18 Southern, Planning and Zoning Division.
19 Okay. This next text amendment is,
20 basically, as Craig Collier just read, to
21 establish a Conservation Transfer of
22 Development Right program, to our already
23 existing TDR section, within the Zoning Code.
24 This program proposes to incentivize
25 permanent preservation of native and natural

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1 habitats, including mature tree canopy and
2 ecologically significant features, by allowing
3 property owners to voluntarily transfer
4 development rights from designated sending
5 sites to approved receiving sites.
6 The text amendment proposes that property
7 owners, who permanently protect environmentally
8 sensitive lands, go through a Grant of
9 Conservation Agreement or a GOCA, as the
10 acronym would read, and they may receive
11 transferable development rights, provided that
12 they meet the conservation benefits, and that
13 they are eligible.
14 Eligible sending sites are -- could, in the
15 proposal, be evaluated based on habitat
16 quality, tree canopy coverage, and overall
17 conservation value. Sites demonstrating
18 exceptional ecological value may qualify,
19 additionally, for ecological bonuses, that have
20 also been proposed in the text amendment.
21 These would have to be qualified by
22 environmental professionals, arborists, and
23 ecologists.
24 Just to give a couple of brief examples of
25 maybe some eligible sites within the City of

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1 Coral Gables, it could be a parcel along Old
2 Cutler, that's potentially adjacent to Matheson
3 Hammock, with dense hardwood canopy coverage, a
4 large residential lot within Cocoplum or
5 Hammock Oaks, with matures oaks and Gumbo Limbo
6 covering over forty percent of the property,
7 or, even, canal frontage parcels, along any
8 canal, waterway, with intact mangroves
9 providing shoreline stabilization and water
10 quality benefits.

11 So the text amendment proposes that an
12 applicant would be required to have a minimum
13 of two independent Uniform Standards of
14 Professional Appraisal Practice, or USPAP,
15 compliant appraisals, prepared by two qualified
16 appraisers, who are members of the Appraisal
17 Institute. Each appraisal will determine the
18 fair market value, under existing zoning and
19 land use conditions, and the TDR unit value
20 will be calculated from comparable recent sales
21 or transfers that have already been conducted
22 within the City.

23 Finally, the text amendment provides for
24 review by the Landscape Beautification Advisory
25 Board, and, finally, it would have to go in

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1 front of the City Commission, and a recording
2 of restrictive covenant, the grant of
3 conservation easement would have to be in
4 perpetuity, to protect the conserved areas.

5 So this proposed framework would support
6 environmental stewardship, while providing
7 certainty for both, property owners and the
8 City, and aligning with the City's
9 Comprehensive Plan for sustainability, open
10 space preservation, and natural resource
11 protection.

12 So Staff was directed by the City Manager's
13 Office to add this. I also want to add that, a
14 lot of these conservation TDRs are relatively
15 common within Florida, especially Monroe
16 County, down in the Keys, where there's lots of
17 wetland and mangrove areas. So we've got quite
18 a bit of those, so we thought we would try to
19 take advantage of that.

20 So any questions for the text amendment,
21 Staff is here.

22 MR. BEHAR: Thank you, Craig.

23 Before we bring it to the Board, any --
24 open it to the public comment. No one in
25 Chamber.

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1 Jill, anybody on Zoom or phone platform?

2 THE SECRETARY: No.

3 MR. BEHAR: Thank you.

4 Close the public comment.

5 Open it up to the Board.

6 Felix, since you had a question, if you
7 could start.

8 MR. PARDO: Yes. I find it very difficult
9 to wrap my head around this, and I'll tell you
10 why. When we first developed the TDRs many
11 years ago in the City, it was specifically to
12 save historic structures, which had a certain
13 footprint, that could be developed to a certain
14 size. Why, because in the zoning world, you
15 have setbacks, you have maximum densities, et
16 cetera, so someone that had a historic
17 building, if they could build, let's say, ten
18 units or six units or "X" amount of square
19 feet, then it was very easy to be able to say,
20 "Well, this is how we're going to extrapolate,
21 put a price on this, and then put it in a till,
22 that it could be used later on by a developer.
23 This is impossible. This becomes the well that
24 will never go dry, and, then, that's -- that's
25 the participating. Then, where do you dump

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1 these TDRs?

2 So it's very difficult to compare the
3 mangroves in the Keys, because it's used
4 specifically for -- in a very limited -- very,
5 very limited way. The other --

6 MR. SOUTHERN: Density -- yeah, intensity
7 versus density. Yeah.

8 MR. PARDO: Exactly. And it's the same
9 thing as, you know, let's say, when some of the
10 sugar industry gave up in the Everglades
11 certain areas, specifically to be able to clean
12 the Everglades, and they were paid hard core
13 money for that, it wasn't that they were given
14 sites to build highrises around Lake
15 Okeechobee.

16 This, right now, I cannot support it, under
17 any condition, because there isn't an
18 assessment of the limits of this, and it will
19 dwarf the historic buildings that we have, that
20 aren't eligible today for those TDRs. I
21 believe that there is no limit, no
22 understanding of what the ramifications were.
23 And the other thing is that, when you read it,
24 it becomes extremely subjective, within a
25 handful of people, to be able to provide that.

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1 What I would hope is that there would be
2 more restrictions in those areas, which are
3 restricted now by State -- well, by Federal, by
4 State, County laws, and preserving these areas
5 with those fully mature specimen trees, the
6 same as wetlands. Wetlands do not give TDRs to
7 people to build more somewhere else.

8 So the evaluation of one thing, versus the
9 other, is very difficult. I have a tremendous
10 issue, because, right now, we don't know what
11 the ramifications are going to be of using
12 this. I think, if you -- I personally believe
13 this item should be tabled, until we see much
14 more specificity what the ramifications are
15 going to be, you know, from this. It sounds
16 great, well, we can save a tree, well, before
17 it used to be, we can move a tree, we could do
18 this, we could do that, but I think that it
19 could be abused and used incorrectly.

20 Those are all of my comments.

21 MR. BEHAR: Before I open -- Craig, what
22 are the implications on this item, as far as --
23 give me your opinion.

24 MR. COLLIER: Well, I think it's going to be
25 judged individually about whether there's

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1 something that the City finds to be an
2 appropriate use, that it would qualify for a
3 conservation easement. It's going to be
4 evaluated, and I believe it -- does it provide
5 for approval --

6 MR. SOUTHERN: Yes. I mean, the
7 application would have to go in front of the
8 Landscape Advisory Board and the City
9 Commission.

10 MR. COLLIER: So it's got to be something
11 meaningful. It's not just, "Well, we'd like a
12 TDR for a tree." I think that it's --

13 MR. SOUTHERN: Forty percent of a sending
14 site would have to be completely covered in a
15 canopy coverage.

16 MR. BEHAR: But --

17 MR. SOUTHERN: And it would have to --

18 MR. BEHAR: The reason I'm asking, because
19 are you really allowed to take down those
20 trees?

21 MR. SOUTHERN: Well, there's a whole
22 process for tree removal, as we have now, but
23 this is an incentive -- I mean, the whole
24 purpose of this is to incentivize what we do
25 have left within the City and to give some kind

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1 of benefit to preserve some of these areas in
2 perpetuity.

3 MR. BEHAR: I think that -- and today, I
4 think, this morning, in the Code Enforcement,
5 there was a case, that a contractor excavated
6 right close to the roots of the tree. It
7 toppled over, and it was -- there was a fine.
8 I saw it on the -- you know, 12,500, if I
9 remember. That's nothing.

10 If you don't put, you know, severe
11 penalties to -- if you're going to take one of
12 these mature trees, then it's meaningless.

13 MR. PARDO: Mr. Chair, may I add something?

14 MR. SANABRIA: Mr. Chair, I have a comment.

15 MR. PARDO: Our attorney mentioned, there
16 are three levels. As a simple example, when
17 you're at the County, wetlands, for example,
18 the property is still owned by the owner of the
19 land. So let's say part of their land is in
20 wetlands. The conservation component is owned
21 by the County. So, in other words, the County
22 owns the conservation component, but the land
23 is owned and taxed to the property owner.

24 But let's say you own a piece of land,
25 let's say, ten acres, half of it is wetlands

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1 and the other half is not. You could build on
2 the part that is not wetland, but you don't get
3 TDRs for the wetland, because of the
4 conservation area that is actually owned by the
5 County. That's the way the law is written.

6 In this particular case, it's so
7 open-ended, that, as you said, I remember a
8 case many years ago, where someone went into a
9 parcel, in the North Gables, and they tore it
10 down. I think it was 25 100-and-some-odd year
11 old oaks, just on a Sunday. Ended up paying
12 like a thousand dollars a piece. That is
13 awful.

14 So we have laws and rules, and we're not
15 applying them, but now we're going to give
16 TDRs, which we have no idea how many TDRs there
17 are out there, because it's not buildings,
18 historic buildings, that you could count, you
19 could map. It is -- I think this needs a lot
20 more work to understand it.

21 MR. SANABRIA: Mr. Chairman.

22 MR. BEHAR: Go ahead, Gonzalo.

23 MR. SANABRIA: I'm in total opposition of
24 this ordinance, for many reasons. I think the
25 motive is good, it's benign, the intent, as

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1 well, but the language is so obtuse and it puts
2 a stranglehold on the property owner, as well.

3 I think, as far as TDRs, TDRs have very
4 little value. To put a TDR as a bonus,
5 somebody is essentially handicapping the value
6 of their property. That's what they'd be
7 doing. It's really unfathomable. I don't
8 understand why the City is before us, because
9 this is a very convoluted ordinance, and it
10 doesn't respect owner's rights, plus it puts a
11 very high economic burden on the owners.

12 For example, you've got to have MAI
13 appraisals to do the initial steps to get these
14 TDRs, which is worthless. They're not worth
15 anything in the marketplace, since I've dealt
16 with TDRs many times, and that is about what,
17 nine, ten thousand dollars each. There's
18 twenty thousand dollars just to get an idea of
19 TDRs. Then, you have to have a maintenance
20 agreement signed and sent and be part of the
21 record on this property, as well, which is
22 another limiting factor to a property owner.

23 I just don't understand. Plus the TDRs, if
24 you get them, they have a total lifespan of two
25 years. If you don't use them in two years, you

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1 can't even get a cafe con leche with that. So,
2 I'm telling you, I understand the concept, but
3 this is something that I cannot support. It's
4 just too obtuse, too convoluted.

5 MR. BEHAR: Thank you.

6 Alice.

7 MS. BRAVO: Well, I think it's an
8 interesting concept, and could you elaborate on
9 the steps? Let's say you get through the
10 process, and who finally approves it, Staff or
11 the City Commission?

12 MR. SOUTHERN: So an application would come
13 in. It would go through our DRC process
14 initially, and then it would go into the
15 Beautification. We've also got a requirement
16 that the Green Space Management Division would
17 have to take a look at it, and make a
18 recommendation, as well, and then it would
19 finally go to the City Commission for final
20 approval.

21 MS. BRAVO: And I guess, throughout this
22 process, we're to determine if this is a
23 property that everyone is really interested in
24 conserving?

25 MR. SOUTHERN: Exactly. Yeah. So we would

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1 have to go through a public hearing process,
2 yes.

3 MS. BRAVO: And that process would also
4 evaluate whether the property is developable to
5 start with?

6 MR. SOUTHERN: Exactly. All of the
7 environmental and ecological assessments, just
8 basically signifying if the natural habitats
9 are mature. I mean, that's --

10 MS. BRAVO: So to alleviate some of our
11 comments that we've heard here today, you know,
12 it would be like willy-nilly to preserve just a
13 piece of property that otherwise you couldn't
14 develop or you could develop it?

15 MR. SOUTHERN: Well, this would be a
16 voluntary component from the property owner,
17 you know. And that's the thing, most --
18 without the -- throughout the nation, there's a
19 lot of conservation transfer of development
20 rights, agricultural, ecological, like I said,
21 down in the Keys. They have different ways of
22 how they do it. This is the way that we're
23 proposing currently, but we do feel like it
24 would be a healthy addition to our current
25 Transfer of Development Rights, which

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1 predominantly is, right now, just within the
2 historical component, where the Historical
3 Division, they take -- Historic Preservation,
4 they look at that through their board, and then
5 there's also an open space component, and now
6 we would be proposing to add a conservation
7 component, as well.

8 MS. BRAVO: Okay. Could you try to address
9 some of the concerns that the Board Members
10 raised as to why this is beneficial?

11 MR. SOUTHERN: I think, maybe, from what is
12 being -- so how we currently calculate or how
13 we're proposing to calculate, from what I
14 understand, is maybe probably the biggest
15 concern; is that accurate?

16 MR. PARDO: I would say so. There's no
17 assessment of the amount of area or the
18 conversion, and, remember, you're converting
19 acreage to square footage of the buildings.
20 It's like apples and oranges.

21 MR. SOUTHERN: So the number of TDRs would
22 equal the fair -- the average fair market
23 value, divided by the TDR unit value. Now, we
24 do currently have a TDR list, that we've
25 utilized in the past. We can reference that as

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1 a reference point, but --
 2 MR. BEHAR: But, Craig, to his point,
 3 and -- how do you -- let's say that you have a
 4 property in Snapper Creek, and the property is
 5 a two-acre. One acre of that property has
 6 beautiful mature oak trees, Gumbo Limbos,
 7 whatever. How do I put a value? Because
 8 TDRs -- I disagree with my colleague, TDRs are
 9 very valuable, you know, because TDRs are --
 10 you know, whether it's density or FAR, are very
 11 valuable in the City of Coral Gables.

12 MR. SOUTHERN: Intensity. Right.

13 MR. BEHAR: How do I equate ten trees to a
 14 value of a TDR?

15 MR. SOUTHERN: Well, it's going to be more
 16 than that. It's going to basically look at
 17 that square footage component and give a fair
 18 market valuation. And you're right, other
 19 places do it in different manners. They look
 20 at a portion of the intensity or the, you know,
 21 square footage of that property, and they'll
 22 give a fraction, and then they'll only allow a
 23 certain floor area ratio to be transferred.

24 This particular one, which has gone through
 25 different reiterations throughout, you know,

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1 touched and it's recorded, correct?

2 MR. SOUTHERN: Correct.

3 MR. COLLIER: And so there's a valuation for
 4 what that's worth, and that's going to be
 5 calculated.

6 MR. SOUTHERN: So for the open space
 7 portion that we currently have in the Code,
 8 this is how it reads, just hopefully for
 9 clarity a little bit. "TDRs eligible to be
 10 transferred from the property shall be
 11 calculated as follows: The difference between
 12 the existing gross floor area on the property
 13 and the maximum floor area permitted on the
 14 subject property by the applicable zoning
 15 district requirements, including any available
 16 development bonuses."

17 MR. PARDO: That's exactly what I said. In
 18 other words, it's restricted by the
 19 restrictions of the zoning that exists there.
 20 So if you apply it this way, just imagine
 21 you're applying it to rights-of-ways, public
 22 right-of-ways, because we have a series of
 23 oaks, and maybe that particular street was
 24 never dedicated, now they can ask for a TDR
 25 based on it. It was never buildable to begin

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1 the review process and the composition process,
 2 that's what we've gotten to is the fair market
 3 average value.

4 MR. COLLIER: But haven't we done this
 5 already with parks?

6 MR. SOUTHERN: Yeah.

7 MR. COLLIER: So we evaluate -- you know, if
 8 somebody wants to donate a park to the City,
 9 there's a valuation on the amount of the park
 10 area to be done, and you calculate what the
 11 value of the property is, and then you convert
 12 the value to what the TDR is.

13 I presume, in this case, I want to make
 14 sure I understand this --

15 MR. SOUTHERN: Right.

16 MR. COLLIER: -- because math was the reason
 17 I'm a lawyer, not a doctor, is because math
 18 wasn't my strong suit, but anyway, there's
 19 going to be --

20 MR. SOUTHERN: I could read what the Code
 21 says, if you'd like.

22 MR. COLLIER: No. I mean, there's a
 23 valuation on the property that's to be
 24 preserved, and there's an easement where,
 25 essentially, that area is not going to be

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1 with.

2 I think -- maybe I'm completely out of step
 3 with this, because we are comparing buildable
 4 area, that could have been maximized, where
 5 historic buildings that have a certain value
 6 are, the buildings that were not historic could
 7 be torn down and new development be built
 8 there, but the reason the TDR was incorporated,
 9 was to be able to save them.

10 The difference today is that, many of those
 11 areas that you gave us examples of down on Old
 12 Cutler, for example, are in these
 13 extraordinarily large setbacks, which could
 14 have never been built on, but now you're going
 15 to give those homeowners development rights,
 16 when those trees and natural resources are
 17 protected by City Ordinance, which sometimes,
 18 when people violate them, they are not held
 19 accountable in the right way.

20 MR. SOUTHERN: I just want to clarify. It
 21 wouldn't be for that particular property that
 22 would be having the conservation easement
 23 permanently attached to it. It would have to
 24 be transferred to a different property. So
 25 that's the thing. You couldn't add any

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1 additional -- if you put --
 2 MR. PARDO: No. No. Yeah, I understand.
 3 That's going to be sold. That's going to be
 4 put somewhere. And then you're going to have a
 5 receiving area somewhere else.
 6 MR. SOUTHERN: Correct. Right.
 7 MR. PARDO: There was a reason that the
 8 TDRs were done for historic buildings within a
 9 certain area of -- which started in the CBD
 10 area.
 11 MR. SOUTHERN: Right.
 12 MR. PARDO: There was a reason for that,
 13 because of the higher density, et cetera. In
 14 other words, it could blend in better.
 15 Now, you're not going to have enough
 16 receiving sites, because it is a bottomless,
 17 bottomless, type of amount of land area. When
 18 you look at our City's interpretation of
 19 recreation area, one of the things that they
 20 count in there for recreation are large areas
 21 that, really, are not accessible to the public.
 22 They're not developed, and they're in the south
 23 part of the Gables.
 24 What I'm saying is that, trying to save
 25 these trees, you don't allow people to simply

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1 combination of this.
 2 The park example that our City Attorney
 3 came up with is normally in an urban area,
 4 where that park area that is being donated --
 5 MR. BEHAR: Has a value.
 6 MR. PARDO: I'm sorry?
 7 MR. BEHAR: Has a value.
 8 MR. PARDO: Has a value. Why? Because,
 9 you know, someone's going to go in there, buy
 10 it, and it's "X" amount of millions of dollars,
 11 and then you could take that and put the units
 12 here or there and use your imagination.
 13 MR. SOUTHERN: I mean, that's what Staff is
 14 trying to say, is that this conservation area
 15 does have value, and, you know, preserving
 16 it --
 17 MR. BEHAR: Let's continue.
 18 Alex.
 19 MR. BUCELO: I don't have any questions. I
 20 just have a few comments or, I guess, a
 21 statement. I happen to disagree with certain
 22 colleagues of mine. I think -- to Alice
 23 Bravo's point, I think it's voluntary on the
 24 homeowner's part. I think it is very specific,
 25 and quite frankly, I happen to agree with the

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1 cut them down. I just don't understand the
 2 complexity of doing this, and there's no hard
 3 fact of the amount that can be saved, because
 4 there's no assessment, and then there's no
 5 transfer area specifically designated for this
 6 type of --
 7 MR. SOUTHERN: Well, the assessment is part
 8 of the requirement process.
 9 MR. PARDO: No, but I'm talking about the
 10 City's assessment.
 11 MR. SOUTHERN: You mean, for the City as a
 12 whole?
 13 MR. PARDO: Correct.
 14 MR. SOUTHERN: How much hardwood hammock do
 15 we currently have within the City, that -- is
 16 that the --
 17 MR. PARDO: Right. If you were talking a
 18 golf course that's 168 acres, you could do the
 19 math really quickly.
 20 MR. SOUTHERN: Right.
 21 MR. PARDO: But that golf course was
 22 designated for recreation. It doesn't have any
 23 TDRs there. Even though you have these massive
 24 trees, that are beautiful, on the golf course,
 25 it's not there. There's no -- there's no

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1 ordinance. So, on my end, I'm in favor of it.
 2 MR. BEHAR: Nestor.
 3 MR. MENENDEZ: I echo what Alex said. I
 4 think we're just getting into the weeds a
 5 little bit about this. The way I read the
 6 language, it has to deal with specific
 7 ecological parcels. So I think it's a little
 8 bit different from historic homes or
 9 rights-of-ways that have canopy. I think you
 10 have to qualify. There's a qualifying
 11 criteria.
 12 MR. SOUTHERN: Correct.
 13 MR. MENENDEZ: So I think it's a little bit
 14 more specific than just that. I think the
 15 language is pretty clear, and, you know, I
 16 think we do have guardrails for eliminating
 17 green space. Whether the teeth or the remedies
 18 or the punishment or whatever you want to call
 19 it, for eliminating that green space
 20 willy-nilly, should be a little bit tougher, I
 21 think I agree with you there, but I don't think
 22 that this has to do with the language in the
 23 ordinance right now, and if you want to add a
 24 comment, I think that would actually be pretty
 25 productive, as far as the enforcement of the

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1 removal of any of these protected trees by the
2 City, but, yeah I agree, I think the language
3 is spot on.

4 MR. SANABRIA: Mr. Chairman --

5 MR. BEHAR: Can I -- give me a second. Let
6 me get Ignacio and then I'll come back to you.

7 MR. SANABRIA: Yes, sir.

8 MR. BEHAR: Ignacio, go ahead.

9 MR. ALVAREZ: Who are the approved
10 recipients to the TDRs?

11 MR. SOUTHERN: So that's the thing, right
12 now, it would have to be determined upon that
13 application process, if it would be an eligible
14 receiving site, yeah.

15 MR. BEHAR: Okay. Gonzalo.

16 MR. SANABRIA: Are we talking about a
17 specific parcel or parcels right now, because
18 it's not identified in this -- it's not
19 identified.

20 MR. SOUTHERN: No, we're not. I mean, the
21 idea is to create this conservation --

22 MR. SANABRIA: I understand, from the
23 comments of Mr. Menendez, that it does address
24 certain parcels. Could you identify what those
25 parcels are?

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1 MR. SOUTHERN: I'm unfamiliar with those.

2 MR. MENENDEZ: No. My comments were more
3 to the language here. And when I read it, it
4 speaks to certain ecological that would
5 qualify, that has a certain amount of canopy or
6 native foliage or trees or -- and please
7 correct me if I'm wrong. I think you have
8 to --

9 MR. SOUTHERN: Mature habitats.

10 MR. MENENDEZ: Mature habitats. Like you
11 have to qualify.

12 MR. BUCELO: There are certain criteria.

13 MR. MENENDEZ: Certain criteria that you
14 have to qualify. It's not just, I have three
15 nice oaks on my five-acre property; therefore,
16 I qualify for this specific TDR. Maybe you
17 qualify for another one, similar to what Felix
18 was talking about, about the historic homes.
19 Maybe, if that qualifies for that TDR under a
20 separate ordinance, but, I think, as far as
21 what I'm reading, this is pretty specific to
22 certain ecological habitats and it's to promote
23 the preservation of these certain ecological
24 habitats, at least that's what I --

25 MR. SOUTHERN: With a minimum of 40

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1 percent.

2 (Simultaneous speaking.)

3 MR. BUCELO: It would be a case by case
4 circumstance.

5 MR. MENENDEZ: No, no, I'm saying -- right,
6 it's a case by case.

7 MR. BUCELO: That's why it's an application
8 process.

9 MR. PARDO: And TDRs aren't available for
10 historic homes. It's commercial properties.

11 MR. MENENDEZ: I don't know. I was just
12 talking to what you were saying about the
13 historical --

14 MR. PARDO: No, it's historic buildings
15 that are commercial.

16 MR. MENENDEZ: Right. Historic buildings.
17 Okay. Thanks for --

18 MR. SANABRIA: Mr. Chairman.

19 MR. BEHAR: Go ahead.

20 MR. SANABRIA: Thank you, Mr. Chairman.

21 And with the understanding of my
22 colleagues, I've heard everything they've had
23 to say. I did study this thoroughly, and I'm
24 going to make a suggestion for consideration,
25 that this item probably requires some edits,

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1 that are constructive and positive.

2 MR. BEHAR: Before you do, I haven't given
3 my opinion yet.

4 MR. SANABRIA: I understand, but I'm
5 trying --

6 MR. BEHAR: If you're going to make a
7 motion or a recommendation --

8 MR. SANABRIA: Sir, I am leaning that way.
9 If you will --

10 MR. BEHAR: Then you want to say something
11 and make a motion before I make my statement --

12 MR. SANABRIA: Yes, sir.

13 MR. BEHAR: And then I'm going to hold you
14 back, until I finish, and then I'll bring it
15 back to you to make a comment.

16 MR. SANABRIA: You have the words.

17 MR. BEHAR: Thank you.

18 Look, in principle, I like this. I am a
19 bit concerned how we do the process. My
20 biggest concern is that we give, after all of
21 the evaluation, everything is done, and goes
22 through the City, goes through the different
23 boards and everybody says yes, we give TDRs.
24 How are we to assure ourselves that, later on,
25 those conservation areas are maintained and not

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1 taken down or not, because who is going to
2 enforce those areas?

3 MR. SOUTHERN: The Grant of Conservation
4 easement. So they would have to be dedicated
5 in perpetuity, recorded with Miami-Dade County.

6 MR. BUCELO: Recorded.

7 MR. SOUTHERN: You know, recorded here with
8 the City Clerk's Office. I mean, they're
9 supposed to be within perpetuity, for all time.
10 So that's the intent.

11 MR. BEHAR: I mean -- I mean, I think we do
12 need a little bit more clarification. I think
13 I agree with some of the comments, because I
14 don't feel like I have enough information.

15 MR. SOUTHERN: Okay.

16 MR. BEHAR: And perhaps we need to bring it
17 back.

18 MR. SOUTHERN: Yeah, direct Staff and we
19 will -- it sounds like the calculation
20 component is definitely one of the items.

21 MR. PARDO: And the concern, some of the
22 areas that you mentioned, you know, down on Old
23 Cutler, those are residential areas.

24 MR. BEHAR: Single-families.

25 MR. PARDO: I'm sorry?

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1 part of the Gables, you have these beautiful
2 homes overlooking the bay, and between -- and
3 they're still part of their property, they have
4 maybe thirty, forty, fifty feet of mangroves,
5 the entire width of their property, and their
6 neighbors, and they cannot cut them down, but
7 they must maintain and trim them.

8 There's no covenant on the property
9 normally, but they have to pay a tremendous
10 amount -- you know, to people that are
11 qualified only to do work within those mangrove
12 areas, and they must be supervised by DERM. So
13 that's without having any of these --

14 MR. SOUTHERN: Those probably would not
15 qualify then.

16 MR. PARDO: No, I understand, but what I'm
17 saying is that, the way it's open-ended, in the
18 single-family areas, that's point number two,
19 they should not be included in there, and I
20 think that a preliminary assessment of these
21 areas, and the conversion -- the formula -- the
22 mathematical formula should be shown, to be
23 able to understand what is the volume, and,
24 then, where do we put it, in the transfer area.

25 It would be -- because the only thing

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1 MR. BEHAR: They're single-family, right.

2 MR. PARDO: They're single-family, so they
3 don't even qualify for TDRs, which is one of
4 the things --

5 MR. BEHAR: That's a point.

6 MR. PARDO: And, remember, you know first
7 rule of physics -- Newton's first law of
8 physics, for every reaction, there's an equal
9 and opposite reaction. So when you take those
10 units, where are you going to put them? We
11 don't know where the recipient area is. Is
12 there enough space? Are we going to put it
13 somewhere else? I don't know. They don't
14 know.

15 MR. SOUTHERN: So clarification, and
16 receiving site and the sending sites, is that
17 one of the items that --

18 MR. PARDO: That's one of the items. The
19 other thing is that, if some of the areas that
20 you're looking at are single-family
21 residential, I think you're opening a Pandora's
22 Box, that you will not be able to close, okay,
23 because in the single-family residential areas,
24 some of these areas -- for example, some of the
25 beautiful areas that we have in the southern

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1 you're going to do is, devalue the TDRs that
2 you have already in your pool of TDRs, that the
3 City has from historic buildings. So you will
4 dilute this. It's almost like a Bitcoin
5 conversation.

6 MR. BEHAR: All right. Thank you, Felix.
7 Gonzalo, before we close this.

8 MR. SANABRIA: Thank you, Mr. Chairman.

9 I'm open to a deferment of this item, which
10 I will support in case of further edits and
11 clarifications, because as it stands now, with
12 this language, I am in total opposition of
13 this, because it's too confusing, and it puts a
14 great deal of hardship on the property owner,
15 as it reads.

16 So I would like to make a motion to defer
17 this, to fine tune the language, to do some
18 further edits. If you will allow me to do that
19 motion, I will make that motion.

20 MR. PARDO: I'd like to second that.

21 MR. BEHAR: Okay. But if we do that -- we
22 have a motion and a second -- we have to be
23 clear, give the Staff specific instruction of
24 what to do, so when they bring it back, we
25 could look at it in a more positive manner.

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MR. PARDO: Mr. Chairman, what I would suggest, instead of listing them here now, is for Staff to simply look at the recording of this conservation that we've had. All of us have had our comments, you know, and this would give the ability -- you know, Staff is smart. They can go in there and see what the concerns are and how to address them.

MR. SOUTHERN: We've had several reiterations of this. Probably, initially, it was quite a bit longer, quite a bit more detailed, but most of the Transfer of Development section of our Code is relatively simple, and this was going to be -- and it still is the most complex currently within the Code, but from what I'm understanding, from what the Board is -- ending and receiving sites clarity, is one of them.

MR. PARDO: Exemption of single-family --

MR. SOUTHERN: Calculation component.

MR. BEHAR: I think, his comment -- go through the records, and then you could come back with it. So we'll -- I'm sure you can see many more.

MR. PARDO: So we don't miss anything.

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MR. BEHAR: Yes.

MR. COLLER: Can I just ask the Department, where is this item? This item has not been heard by the City Commission?

MR. SOUTHERN: This item --

MR. COLLER: This hasn't gone to First Reading yet, has it?

MR. SOUTHERN: It has actually gone to City Commission previously by the Director. Let me see here real quick. It did go, last month, October 14th, I think, primarily as a discussion item.

MR. COLLER: Discussion item.

MR. SOUTHERN: Yeah, the ordinance was discussed, yeah.

MR. BEHAR: When can you bring this back to us, next meeting?

MR. SOUTHERN: Yeah, next scheduled meeting.

MR. BEHAR: Okay. So we have a motion and a second to defer the item, and we're going to bring it back next scheduled meeting.

MR. COLLER: When is that? When is that next scheduled meeting? Do we know the date and time? I don't know if we're readvertising,

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but if we announce the date and time now, you don't have to readvertise, but it may be the department readvertises anyway.

MR. PARDO: Mr. Chairman, they have a heavy -- in my opinion, they have a heavy lift in figuring this out. I would let them come back to us when they're ready.

MS. GARCIA: I just want to clarify something. So this is one property. So a property owner that has an acre can't convey half their property to the City to convey for TDRs. They would have a non-conforming property. That's not an option. You can't have your side yard be conveyed and get TDRs.

MR. BEHAR: So this doesn't apply to single-family?

MR. PARDO: No. No. Right, but --

MS. GARCIA: It could be zoned single-family. There can be a house on the property, and you can't convey your backyard to the City for conservation TDRs. That's not what's being proposed today. What is proposed today is a property that's open, zoned single-family, if you were to figure out how much square footage you could develop on the

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land and try and sell TDRs that way, you couldn't get anywhere. The property would be worth too much. You can't sell TDRs. No one would buy it. It wouldn't be worth the process.

What we're proposing here today is to see the value of that land, divide it by the going rate of TDRs, and convey the land to the City to be preserved -- to be conserved for conservation purposes, and that would be the value that the homeowner would have had, is how much TDRs they have on the property.

MR. COLLER: Can I ask you a question, because I'm confused now?

MR. PARDO: That's really confusing.

MR. COLLER: This is going to be a conservation easement. The easement is going to be in favor of the City for preservation. It's not actually a -- you're not actually conveying the property. It's -- are you? Or are you conveying --

MS. GARCIA: Yes. So the language in the Code says that it's being conveyed to the City, just like the open space parks is being conveyed to the City, with the easement on it.

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1 MR. COLLER: Oh, with the easement on it,
 2 okay.
 3 MR. BEHAR: That's going to create a mess.
 4 MR. PARDO: It's going to be a mess.
 5 MR. BEHAR: How are you -- on a two-acre
 6 site --
 7 MR. PARDO: Replat it.
 8 MR. BEHAR: Yeah, exactly. That will
 9 require -- if I'm going to convey it to the
 10 City, we're going to have to replat, because
 11 then I'm going to lose control of my property,
 12 that area.
 13 MR. SANABRIA: Exactly.
 14 MR. PARDO: And that's why I gave the
 15 example of the wetland. If you own those ten
 16 acres and those back five are wetland, you
 17 still own them, you're responsible, but the
 18 conservation area is owned by the County.
 19 MS. GARCIA: So that would not be an
 20 application that would come before us for that.
 21 That's not an option for you. You have part of
 22 your property in the wetlands and that's what
 23 you own.
 24 MR. BEHAR: But Jennifer --
 25 MS. GARCIA: If there's a block somewhere

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1 MS. GARCIA: Then you can't take advantage
 2 of this ordinance.
 3 MR. BEHAR: So that doesn't apply to you?
 4 MS. GARCIA: Right.
 5 MR. BEHAR: All right.
 6 MR. COLLER: Just so I understand this,
 7 somebody can't convey their backyard.
 8 MS. GARCIA: Correct.
 9 MR. COLLER: Because their backyard may be
 10 what they need in order to satisfy the zoning.
 11 MR. GARCIA: Yes.
 12 MR. COLLER: It's a one acre zoning, and if
 13 you were to convey half an acre, you wouldn't
 14 comply with the zoning. This is really for
 15 vacant lots -- these are for vacant lots. It's
 16 not for --
 17 MS. GARCIA: Not someone's front yard.
 18 MR. BEHAR: Well, but it could be a
 19 single-family lot, that becomes, you know, a
 20 vacant lot. I don't know where you're going to
 21 find it, but let's say, in case you do find it,
 22 you have a vacant lot, that you're going to
 23 convey to the City, and it becomes no different
 24 than a park?
 25 MS. GARCIA: Right, but in this instance,

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1 that's zoned single-family, there's no
 2 development on there, it's thick with trees,
 3 you could take advantage of this and convey it
 4 to the City, through these conservation TDRs.
 5 MR. BEHAR: And the City is going to take
 6 ownership of that conservation area?
 7 MS. GARCIA: Yes.
 8 MR. BEHAR: So you're going to replat your
 9 property to dedicate that portion --
 10 MS. GARCIA: No, you're not replatting
 11 anything. You're giving your property to the
 12 City in exchange for TDRs.
 13 MR. BEHAR: How do I define the boundaries?
 14 MS. BRAVO: The entire property. You're
 15 talking about the entire property?
 16 MR. BEHAR: No. No.
 17 MS. GARCIA: Yeah. It's a vacant lot.
 18 It's full of trees. It has an ecological value
 19 to it, that you are going to exchange with TDRs
 20 for the City.
 21 MR. BEHAR: If you're referring to a vacant
 22 lot, it could be a different story, but if you
 23 have a large parcel, a large property, and half
 24 of your property is conservation area, how do
 25 I --

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1 since it's probably single-family --
 2 MR. BEHAR: So you're going to put a value
 3 to that property?
 4 MS. GARCIA: Yes.
 5 MR. BEHAR: And that value -- let's say,
 6 Snapper Creek, for example, and the property
 7 could be worth two million dollars, so they're
 8 going to get that value in return through TDRs?
 9 MS. GARCIA: Right.
 10 MR. BEHAR: That they're able to sell the
 11 TDRs to receiving sites.
 12 MR. COLLER: I mean, that's a very narrow
 13 number of parcels that are still vacant.
 14 MS. GARCIA: Yes.
 15 MR. COLLER: And so your concern about the
 16 (unintelligible) is not an issue, because
 17 there's only going to be a few sites that are
 18 going to even qualify for this.
 19 MR. PARDO: But I would like to see that
 20 assessment from Staff. "Hey, it's only" --
 21 MR. COLLER: How many vacant parcels?
 22 MR. PARDO: Exactly.
 23 MR. COLLER: Can they really assess how
 24 many vacant parcels might qualify for this?
 25 MS. GARCIA: No one's promised that

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1 someone's property, because, that it would
2 qualify for this robust conservation land, you
3 know what I mean, because -- just because it's
4 vacant doesn't mean that it's going to have a
5 habitat --

6 MR. COLLIER: Right.

7 (Simultaneous speaking.)

8 MR. MENENDEZ: It's very narrow.

9 MR. COLLIER: That would be very difficult
10 to assess, because you don't know what's on the
11 property.

12 MR. BEHAR: I mean, the truth of the
13 matter, this is very, very limited amount of
14 property that would qualify for this.

15 MR. PARDO: Yes. So the question was -- so
16 we do know -- we have no idea. I don't know
17 how Staff could even bring back an assessment,
18 because what are they going to do, use Google
19 Earth -- a satellite image to determine --

20 MR. MENENDEZ: Like the one thing -- the
21 one property that I would think that would
22 qualify would be like something like Four
23 Fillies Farm, that has already been developed,
24 that was at the end of -- at the corner of Old
25 Cutler and 57th. I don't know if it's in the

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1 that is the whole point of this ordinance.

2 MR. BEHAR: Yeah.

3 MR. PARDO: So there's no assessments of
4 the properties and there's no assessment of the
5 receiving area.

6 MS. GARCIA: The receiving sites, as you
7 know, are our CBD, our North Ponce area --
8 sorry, North Ponce Mixed-Use District along
9 North Ponce de Leon, and the Design and
10 Innovation District. Those are our receiving
11 areas.

12 MR. BEHAR: That's already in place. The
13 receiving sites are very limited areas, not
14 anywhere in the City.

15 MR. PARDO: Well, I just can't vote on it,
16 the way this is presented --

17 MR. COLLIER: And there's no -- I'm sorry,
18 go ahead.

19 MR. BEHAR: Okay.

20 MR. COLLIER: And there's no expansion of
21 the receiving sites or is the receiving sites
22 to be determined?

23 MS. GARCIA: With this ordinance.

24 MR. COLLIER: With this ordinance.

25 MS. GARCIA: So it specifies that --

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1 City of Coral Gables, but that was like a five
2 or six acre parcel that had --

3 MR. SANABRIA: It's in City of Coral
4 Gables.

5 MR. MENENDEZ: That is, right? So I think
6 that that parcel had a lot of natural habitat.
7 It was used as a farm before. I think we're
8 talking about something pretty specific, like
9 that, right? Or I know that there's -- Robert
10 keeps bringing up Snapper Creek, which there is
11 like a big -- I think, like a three or
12 four-acre parcel on the lake, right now, which
13 I don't know, could or could not, qualify. I
14 guess, it would have to qualify through the
15 process. Somebody would have to go there and
16 assess and say, "Yes, you qualify for the
17 ecological exemption or bonus for the TDR."

18 So I think it's a pretty -- but the way I
19 understood it, it's not like if I own five
20 acres, I can knock down five houses, and, then,
21 all of a sudden, I'm going to qualify for this.

22 MR. BEHAR: In a case, like you say, the
23 three acre site, yes, I'm willing -- I'm in
24 favor of giving TDR, so we can preserve that.

25 MR. BUCELO: To keep that, right. I think

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1 somewhere in there, I think, towards the end,
2 toward the City Commission, that the receiving
3 areas are the same. The Commission does have
4 authority to expand to a different receiving
5 area, if it's zoned mixed-uses.

6 MR. SANABRIA: Mr. Chairman --

7 MR. BEHAR: We have a motion and a second.
8 I have to take the roll on that. I feel a lot
9 better now, that there was a little
10 clarification.

11 MR. SANABRIA: Mr. Chairman, with the
12 motion and the second, when we defer it, when
13 they're ready and prepared, not necessarily at
14 the next meeting, because they may not have the
15 proper time to do an evaluation. I don't want
16 to put them on a time clock, because that could
17 be pressuring them too much.

18 MR. BEHAR: Yeah, but by the same token, I
19 want to ask Staff when you're going to be
20 ready, because I don't want to prolonged this
21 for another three, four months?

22 MR. SANABRIA: Exactly, whatever it takes.

23 MR. BEHAR: You know, if you're ready next
24 month, we will schedule it for next month. If
25 you need additional time --

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1 MS. GARCIA: So what assessment are you
2 looking for?
3 MR. BEHAR: Honestly, after the
4 clarification, I don't think I need much more.
5 MR. BUCELO: Yeah.
6 MS. BRAVO: And I think, at the beginning
7 of the presentation, I believe you mentioned
8 that this mimics the process that was already
9 in place, and that's why the restriction of the
10 recipients and the CBD.
11 MR. BEHAR: We have a motion and a second.
12 Let's take the vote on it.
13 THE SECRETARY: The motion was to defer.
14 MR. BEHAR: To defer.
15 MR. PARDO: To defer.
16 THE SECRETARY: Nestor Menendez?
17 MR. MENENDEZ: No.
18 THE SECRETARY: Felix Pardo?
19 MR. PARDO: Yes.
20 THE SECRETARY: Gonzalo Sanabria?
21 MR. SANABRIA: Yes.
22 THE SECRETARY: Ignacio Alvarez?
23 MR. ALVAREZ: Yes.
24 THE SECRETARY: Alice Bravo?
25 MS. BRAVO: No.

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1 really, and there's no value to TDRs that can
2 be assessed monetarily. I don't understand
3 what is the rush involving this, unless there's
4 something else that I don't know about, and if
5 there's something else I don't know about, I
6 don't understand why it hasn't been identified
7 at this time in this public hearing.

8 So if there's something else that we don't
9 know about, and we find out later that there
10 is, I'll be greatly disappointed that we went
11 forward with this without total clarification
12 on what this is all about. So my vote is
13 absolutely no.

14 MR. BEHAR: Okay. When it comes to it,
15 why -- just clarification, why did you say this
16 was going to put a hardship on properties?
17 This is voluntary. If you don't want to --
18 nobody's telling you that you've got to do
19 that, you know. So if you want to do this,
20 you're putting your self-imposed hardship. The
21 City is not mandating that your property has to
22 do this. So there's no hardship on behalf of
23 the City, Gonzalo.

24 MR. BUCELO: I agree with you.

25 MR. BEHAR: I mean, that's my opinion.

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1 THE SECRETARY: Alex Bucelo?
2 MR. BUCELO: No.
3 THE SECRETARY: Robert Behar?
4 MR. BEHAR: No.
5 Okay. So that motion failed.
6 Do we have a motion -- a different motion?
7 MR. BUCELO: I'm going to move to approve
8 the City's recommendation.
9 MR. MENENDEZ: I'll second.
10 MR. BEHAR: Any conditions -- not
11 conditions, any suggestions to that?
12 MR. BUCELO: I think -- as I stated, I
13 think it's very narrowly tailored.
14 MR. SANABRIA: I will make my comments on
15 this motion.
16 MR. BEHAR: We have a motion and a second.
17 Let's take a vote on this.
18 MR. PARDO: Well, I'd like to add --
19 MR. SANABRIA: Well, before that, I would
20 like to make a comment, as well.
21 MR. BEHAR: Go ahead. I'm going to let you
22 make a comment.
23 MR. SANABRIA: I think this ordinance is
24 confusing. It's actually a hardship on
25 property owners. It doesn't solve anything,

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1 Unless, legally, you know -- City Attorney --
2 you told me that the City is imposing a
3 hardship on property. This is -- you have the
4 choice to do this. I wish -- yes, do I wish I
5 had a little bit more, but I can't tell Staff
6 to identify sites that -- from where?

7 MS. BRAVO: And if I can clarify, if
8 someone pursues this, it's because they're
9 willing to give their property to the City and
10 cash out their development rights and sell them
11 to someone else. So it might help someone, and
12 they're doing this voluntarily, rather than
13 developing what they're allowed to develop on
14 the property.

15 MR. COLLIER: And I will say something on
16 the item. It does indicate, in the beginning,
17 the purpose of this, under the underline, is
18 actually the transfer of the property to the
19 City. So that is listed as a purpose.

20 MR. PARDO: So --

21 MR. COLLIER: It says, "Native and natural
22 habitats on land conveyed to the City to
23 incentivize the permanent preservation of
24 native habitat, mature tree canopy and natural
25 eco systems with the City," and it's also

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1 pretty narrow in that it's got to be something
2 more than just a minor thing.

3 MR. BEHAR: Right.

4 MR. PARDO: So, Mr. Chairman, do any of the
5 Board Members here know how many TDRs the City
6 has in their bucket of TDRs for development --
7 for developers to buy?

8 MR. BEHAR: Do we have --

9 MR. PARDO: Does Staff know?

10 MR. BEHAR: Jennifer, do we have an idea
11 how much TDRs the City has available?

12 MS. GARCIA: In the City's bucket of TDRs?

13 MR. BEHAR: That are TDRs in the City.

14 MR. PARDO: Actually, it could be more than
15 the City. It's the City and other people that
16 have TDRs. How many TDRs are available now?

17 MR. BEHAR: But you don't know, because
18 some property -- historic property, may not
19 have applied for the transfer of TDRs.

20 MS. GARCIA: Right.

21 MR. PARDO: Correct, but right now they
22 have a well of TDRs.

23 MS. GARCIA: But that's sold in the private
24 sector, so we don't have a list of --

25 MR. BEHAR: The City-own properties, do you

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1 have any idea how many TDRs are based on
2 City-owned property? Because you cannot go
3 into the private property. That's not
4 realistic, to have that information.
5 Properties that are owned by the City, do you
6 know if there's any TDRs that are available --

7 MS. GARCIA: I know there are a few. I
8 think we did sell some -- you know, public
9 hearing, to the Codina property, as well as --

10 MR. BEHAR: Are we talking ten, a hundred,
11 a thousand? Do we know how many TDRs are
12 available?

13 MS. GARCIA: Well, it's more than a
14 hundred, yes. It's probably less than --

15 MR. PARDO: So is the City --

16 MS. GARCIA: -- five hundred thousand.

17 MR. PARDO: Is the push of this because the
18 City is running out of TDRs? They need a
19 little --

20 MR. BEHAR: Who knows.

21 MR. MENENDEZ: I think it's more on the,
22 we're trying to preserve -- what I understood,
23 I think we're trying to preserve green space.

24 MS. GARCIA: That's the idea.

25 MR. PARDO: Well, I mean, if you run out of

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1 historic buildings, where TDRs are available to
2 preserve them, the TDRs die out.

3 MR. BEHAR: Let me ask you a question, your
4 opinion. Let's use the example that Nestor
5 brought up, that property in Snapper Creek,
6 which is a large property. I don't know how
7 big it is --

8 MR. MENENDEZ: I think it's like four --
9 four acres.

10 MR. BEHAR: Okay. Is that property, which
11 is by the lake, beautiful piece of property,
12 that property owner says, "You know what, I
13 want to preserve and do it. I'm going to
14 transfer to the City, and in return I get the
15 value of the TDRs." You don't think that would
16 be a benefit to the City?

17 MR. PARDO: Well, the question is, it's --
18 I think it's a little more complex. I
19 understand what you're saying, and I appreciate
20 what you're saying, but what I'm saying is
21 that, the second component -- the second shoe
22 to drop is, where is the receiving site and
23 what is the equivalent of the impact of that
24 particular parcel? Is it ten TDRs? Is it a
25 million TDRs? I don't know.

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1 The way that it's written right now,
2 there's not enough information to vote on
3 this --

4 MR. BEHAR: But it's based on an assessment
5 by two appraisers.

6 MS. BRAVO: If I may, I believe Staff said
7 that it would go to the CBD --

8 MS. GARCIA: The receiving areas stay the
9 same. You can still not receive them on 25
10 percent of your allowed floor area. So it's
11 still a very limiting amount of square footage
12 to the receiving building.

13 MR. BEHAR: And that's in the CBD.

14 MS. GARCIA: The CBD, the North Ponce
15 Mixed-Use District, as well as the Design and
16 Innovation District.

17 MR. PARDO: That's the receiving area,
18 perfect. So now we've got a million TDRs
19 through that parcel and other parcels,
20 whatever. What's that going to look like on
21 Ponce?

22 MS. GARCIA: Well --

23 MR. BEHAR: You're allowed to do it today.
24 You're not taking that away. Today, I'm
25 allowed, on those properties -- on those zoned

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1 areas, I'm allowed to transfer TDRs to those
2 receiving sites. It's not going to change it.

3 MR. PARDO: That's correct. So what I'm
4 saying is that the amount of TDRs that are out
5 there now, which has not preserved anything,
6 except now we're preserving trees or a view,
7 whatever, I get that, but that area there, that
8 you described perfectly, is in a single-family
9 residential area, correct, which is not
10 available. Even if it was buildable land, it
11 would not be available for TDRs today.

12 Again, it goes to back to the fact that we
13 are combining -- we're taking something, and
14 then we're combining it into buildable TDRs, on
15 top of everything --

16 MR. BEHAR: Based on the value of property.

17 MR. PARDO: That's correct.

18 MR. BEHAR: Now, in those properties -- in
19 a four-acre site, and I don't know if that
20 property is zoned single one acre estates or
21 whatever, let's say I could do four houses, and
22 as an architect, you know you could design a
23 house around the trees and make that work, and,
24 yeah, you can go for some mitigation and you
25 could take some trees down and you can develop

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1 four houses, just as an example. I think that
2 the difference here is that, that property will
3 stay as a conservation, as a park, for lack of
4 a better word, and I'm going to transfer that
5 value to the CBD district, so they could
6 acquire TDRs and do something in either the
7 CBD, North Ponce and all, which are only
8 limited to 25 percent of that development
9 right.

10 I don't see --

11 MS. BRAVO: And one clarification. A
12 property owner that goes through this process
13 will then receive these TDRs and they have two
14 years to find someone to buy them from them,
15 right?

16 MS. GARCIA: I had thought we had taken out
17 the expiration.

18 MR. SOUTHERN: Yeah, that's not in the
19 Code.

20 MS. BRAVO: Okay. I thought you had
21 mentioned two years.

22 MR. COLLIER: Somebody mentioned two years,
23 and I was a little --

24 MR. SANABRIA: It has a lifespan of two
25 years. If it's not used in the two years, it

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1 becomes null and void. It's right here in
2 the --

3 MS. BRAVO: And you mentioned that earlier.
4 So could you clarify that? The property owner
5 that --

6 MS. GARCIA: Is that in the Historic
7 Preservation Section of the Code or where --

8 MR. SANABRIA: That's in your writing right
9 here, that it has a lifespan of two years.
10 Here it is, on Section 14-204-9, Expiration of
11 Approvals, on the first paragraph. It only has
12 two years of a lifespan.

13 MR. SOUTHERN: Section 14-204 what --

14 MR. SANABRIA: Yes, sir.

15 MR. SOUTHERN: Can you repeat that?

16 MR. COLLIER: That's existing language.
17 That's not new language. There's existing
18 language about TDRs only lasting two years.

19 MR. SANABRIA: That's right.

20 MR. COLLIER: That's not new language,
21 unless --

22 MR. SOUTHERN: What section, again, I'm sorry?

23 MR. COLLIER: It's 14-204.9. It's on Page 5
24 of the --

25 MS. BRAVO: It says that the receiver site

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1 has two years to use the TDRs.

2 MS. GARCIA: So I need to check that,
3 because I thought, in the last three years or
4 so, we had stricken through that, but I will
5 check and make sure that's accurate.

6 MS. BRAVO: Right. But, still, that
7 two-year restriction, if it's still in the
8 Code, that applies to the receiving property,
9 so whoever buys the TDRs.

10 MR. BEHAR: No, to the sending property.
11 You've got two years to be able to sell it.
12 Otherwise, it becomes void.

13 MS. GARCIA: I think the sending and the
14 receiving become void, but I'm going to
15 double-check and make sure that's still in the
16 Code today. I vaguely remember Gus presenting
17 to the Commission to change that.

18 MR. MENENDEZ: That's existing language.

19 MS. GARCIA: No, but sometimes our Code is
20 not always updated.

21 MR. MENENDEZ: No. No. I mean, but this
22 is existing language, so we're not changing
23 anything.

24 MS. GARCIA: Yes.

25 MS. BRAVO: Basically that's something on

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1 the entity buying the TDRs. They have a
2 certain amount of time to use them.
3 MS. GARCIA: Yes. Yes.
4 MS. BRAVO: Okay. So let the buyer beware.
5 MR. BEHAR: All right. So we have a motion
6 and a second.
7 Jill, can you please call the roll?
8 THE SECRETARY: Sure.
9 Mr. Menendez?
10 MR. MENENDEZ: Yes.
11 THE SECRETARY: Felix Pardo?
12 MR. PARDO: No.
13 THE SECRETARY: Gonzalo Sanabria?
14 MR. SANABRIA: Absolutely not.
15 THE SECRETARY: Ignacio Alvarez?
16 MR. ALVAREZ: No.
17 THE SECRETARY: Alicia Bravo -- Alice
18 Bravo, I'm sorry?
19 MS. BRAVO: Yes.
20 THE SECRETARY: Alex Bucelo?
21 MR. BUCELO: Yes.
22 THE SECRETARY: Robert Behar?
23 MR. BEHAR: Yes.
24 Item E-4.
25 MR. COLLER: What was the vote for that

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1 item?
2 THE SECRETARY: Four-three.
3 MR. COLLER: Four-three, right?
4 Okay. Item E-4, an Ordinance of the City
5 Commission providing for a text amendment to
6 the City of Coral Gables Official Zoning Code
7 by amending Article 7, "Sustainability and
8 Resilience Standards," Section 7-102, "Green
9 Building Requirements," to provide National
10 Green Building Standards (NGBS) requirements,
11 to provide -- I'm sorry, (NGBS) Silver
12 Certification as an acceptable option for
13 compliance; providing for a repealer provision,
14 severability clause, codification, and
15 providing for an effective date.
16 Item E-4, public hearing.
17 MR. SOUTHERN: Okay. This next text
18 amendment is relatively simple. As just read,
19 it's Section 7-102, Green Building
20 Requirements, within Article 7. The proposed
21 text amendment adds the National Green Building
22 Standards, the NGBS Silver, with certification
23 of energy star certification as an additional
24 compliance option.
25 As that section, 7-102A, basically reads

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1 right now, it's green building requirements,
2 "The following new construction is required
3 within 24 months after the issuance of a
4 Certificate of Occupancy or Completion,
5 whichever is less, to achieve no less than
6 Leadership in Energy and Environmental Design
7 Silver Certification, under the latest
8 applicable version of the LEED Green Building
9 Rating System of the U.S. Green Building
10 Council."

11 Bless you.

12 "Silver Certification by the Florida Green
13 Building Coalition," and that is where we're
14 adding, "The National Green Building Standards
15 Silver Certification with Energy Star
16 Certification."

17 So, if you look underneath that, you'll see
18 what we currently have in the Code about
19 buildings over 20,000 square feet and so on,
20 but all we're saying is, we're just simply
21 adding this additional standard into our green
22 building requirements. It's just giving
23 another option.

24 MR. BEHAR: I'm also going to defer to
25 Felix, as an architect, and we deal with this

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1 on a daily basis, I just want to make sure that
2 you make a provision that any qualified entity,
3 authority, you know, in addition, because you
4 do have -- you have LEED, you have Florida
5 Council, you have every -- multiple, you know,
6 that they all will qualify, right?

7 MR. SOUTHERN: Yes.

8 MR. PARDO: Yes, a hundred percent.

9 And the other thing is, I think that the
10 City should lead by example. They made an
11 exemption for themselves. I think that's
12 wrong. They should lead by example. If you
13 want it from the developer, we're going to do
14 it first.

15 MR. BEHAR: Yeah.

16 Before we go into us, public comments.
17 Anybody on --

18 THE SECRETARY: No.

19 MR. BEHAR: Okay. Close the public
20 comment.

21 Board discussion.

22 Felix, you want to continue? Are there any
23 other comments, Felix?

24 MR. PARDO: I'd like to make --

25 MR. BEHAR: Well, let me finish.

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MR. PARDO: Yes. So the whole point is that, LEED, being the forerunner, is not the only game in town --

MR. SOUTHERN: Correct.

MR. PARDO: -- okay, in the State of Florida. And the second thing is that, although the City doesn't have presently a lot of buildings that are 20,000 square feet or more, they may be having that soon, and leading by example, I think, is really what we should be doing.

So I would -- in any motion -- I support this, but I would like to have both of those things in there, exactly what Robert just said, and also about the City not exempting themselves, because I don't think that's a good look.

MR. BEHAR: Okay. Ignacio?

MR. ALVAREZ: I agree.

MR. SANABRIA: Mr. Chairman --

MR. BEHAR: Let me come around, please. Nestor.

MR. MENENDEZ: I agree.

MR. BUCELO: The same, I agree.

MR. BEHAR: Alice?

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MR. SANABRIA: I understand. So you're saying it's compulsory, not optional, by a building owner on a building project, correct?

MR. SOUTHERN: I mean, it's -- yes. It would have to be considered, yes.

MR. BEHAR: All right. I'm also good. I just, like I stated before, make sure we add as many as we can, because LEED is not the only game in town. We have Florida Council and we have somebody else. I'm in favor of this.

With that said, I'm going to close the Board comments. Do we have a motion?

MR. PARDO: I'd like to move the Staff recommendation, with the two specific discussed items, worded any way you want, but it has to do, we're opening it up to the accredited conservation -- certifications that exist in the State of Florida.

MR. BEHAR: Certification, not conservation.

MR. MENENDEZ: Yeah.

MR. PARDO: It came out the wrong way. And, then, the second thing is that the City -- on City-owned property, that those parcels will also -- will not be exempt.

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MS. BRAVO: Yes.

MR. BEHAR: Gonzalo.

MR. SANABRIA: Thank you, Mr. Chairman.

On the Staff report, on Section 7-102, Page 2, Item 1, "All buildings over 20,000 square feet not owned by the City of Coral Gables."

MR. SOUTHERN: Yeah.

MR. SANABRIA: I just want some clarification, Mr. Chairman, if this is now a compulsory requirement or not.

MR. SOUTHERN: This is what's currently existing in the Code.

MR. SANABRIA: Can you say that again?

MR. SOUTHERN: Yeah. That's already existing within the Code.

MR. SANABRIA: So you're saying that any building more than 20,000 square feet has to abide by this?

MR. SOUTHERN: Go through these green building requirements, correct.

MR. SANABRIA: They would have to be compulsory? Not optional, it's compulsory, right?

MR. SOUTHERN: The only thing added is the underlined portion, yeah. That's correct.

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MR. COLLIER: Okay. Well, let's back up for a little bit.

MR. PARDO: Okay.

MR. COLLIER: That's beyond this title. We're not dealing with the -- the title doesn't address City owned property. If we want to have a comment, that the City should follow this -- are you saying it's currently -- I don't know --

MR. MENENDEZ: Craig, in Section 7-102, where the green building requirements, Number 1, all buildings over 20,000 square feet, not owned by the City of Coral Gables. So a comment or whatsoever, just to eliminate the language, from not to Gables --

MR. SOUTHERN: If you guys take a look at Number 2, "The City of Coral Gables' buildings and buildings constructed on City of Coral Gables property, this requirement may be waived by the City Manager or City Manager's designee, if it can be demonstrated that compliance with this requirement would create an unreasonable burden on the construction project, that would be inconsistent with furtherance of the economic development goals of the City."

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MR. COLLIER: So I don't have a problem if the title said, removal of waiver -- of City's authority to waive this right, but the way the ordinance reads right now, it's a very technical change.

MR. MENENDEZ: Right.

MR. COLLIER: So if you want to have, as a comment to this item, that you believe that the City should not have the ability to waive and that they should be required to meet it, then that can be a comment to your approval.

MR. BEHAR: From the development side, if I have to do it, I think the City has to do it.

MR. MENENDEZ: I agree. And I think that's what Felix was saying, to change it, but as a comment --

MR. PARDO: Craig, keep in mind that, for example, the City owns the Biltmore Hotel, and let's say it's got more than 20,000 square feet, but it's an existing facility. They build a new facility, that's 20,000 square feet or more, they should have to comply.

MR. COLLIER: I'm not arguing with that this is a good idea or not. This is a pure title issue. The title to this item is related to --

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is just related to adding this green build standards in Section 7-102. Now you're having a substantive change, where you want to take away the City's authority, which the City has a right to do, and the Board could certainly recommend it, but that's beyond what's before the Board.

So all I'm saying is, just make it a comment.

MR. PARDO: I understand what you're saying, but any condition -- I mean, you're the lawyer, not me, any condition that you put on there, at the end of the day, it is a recommendation to the Commission.

MR. BEHAR: It's a recommendation.

MR. COLLIER: I'm saying, it's a recommendation, but it can't be included in this item the way it's drafted. Now, they can redo it and change the title and say -- and you can make a recommendation that this should be expanded to prevent the City from waiving that right.

MR. BEHAR: Felix, can you make a strong recommendation -- a comment to follow this, to go with this? Since we cannot alter this, we want to make sure that you make your motion to

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include a recommendation.

MR. MENENDEZ: Yeah, and I'll second that.

MR. PARDO: Out of respect, you know, I'm not going to debate, I just wanted to make sure that I understand that, because the title says standards. It doesn't say just sustainability and resilience.

MR. COLLIER: No. It says, "To provide national green" --

MR. PARDO: Okay. Now I understand.

MR. COLLIER: Okay. If it said, "To provide these standards and to remove waiver of the City" -- now, if the City wants to expand the title and go forward with it, that could be done. So I'm suggesting to you, that should be a recommendation.

MS. BRAVO: That would have to be advertised. That would have to be advertised.

MR. COLLIER: Exactly.

MR. BEHAR: At the end of the day, you and I know, any new project complies, you know, with basic certification.

MR. PARDO: And you and I know that, also, you know, when you have certification, that that means a lot to people, because you're the

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leader.

MR. BEHAR: You're --

MR. PARDO: Miami Beach does it, everybody else does it. We should do it, too.

MR. COLLIER: And I'm not arguing the merits.

MR. BEHAR: So you made a motion.

MR. PARDO: I'll make a motion --

MR. MENENDEZ: I'll second it.

MR. BEHAR: You made a motion.

MR. PARDO: Yes.

MR. BEHAR: Do you want to add the language to --

MR. PARDO: The language is that the Commission should --

MR. BEHAR: Mandate that City properties also follow --

MR. COLLIER: To expand this item to mandate the City has to meet these requirements.

MR. PARDO: Lead by example, no spun intended.

MR. COLLIER: Right.

MR. BEHAR: All right. So we have a motion and a second.

Jill.

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1 THE SECRETARY: Felix Pardo?
 2 MR. PARDO: Yes.
 3 THE SECRETARY: Gonzalo Sanabria?
 4 MR. SANABRIA: No.
 5 THE SECRETARY: Ignacio Alvarez?
 6 MR. ALVAREZ: Yes.
 7 THE SECRETARY: Alice Bravo?
 8 MS. BRAVO: Yes.
 9 THE SECRETARY: Alex Bucelo?
 10 MR. BUCELO: Yes.
 11 THE SECRETARY: Nestor Menendez?
 12 MR. MENENDEZ: Yes.
 13 THE SECRETARY: Robert Behar?
 14 MR. BEHAR: Yes.
 15 Last item, E-5.
 16 MR. COLLER: E-5, an Ordinance of the city
 17 Commission providing for text amendments to the
 18 City of Coral Gables Official Zoning Code by
 19 amending Section 3-200, "Principal Uses";
 20 amending Section 3-201, "Group Homes, Assisted
 21 Living Facilities, and Child Care Facilities,"
 22 to clarify statutory capacity and licensing
 23 requirements; adding Section 3-202, "Certified
 24 Recovery Residences," to establish procedures
 25 for review and approval consistent with state

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1 and federal law; amending Article 16,
 2 "Definitions," to add definitions for "Adult
 3 Day Care Center," "Certified Recovery
 4 Residence," "Dwelling Unit," and "Group
 5 Residential Home"; providing for a repealer
 6 provision, severability clause, codification,
 7 and providing for an effective date.
 8 Item E-5, public hearing.
 9 MR. SOUTHERN: All right. Good evening
 10 again, Vice Chair, Planning Board Members, out
 11 last proposed text amendment for the night.
 12 As Mr. Coller just read, this proposed
 13 ordinance establishes a regulatory framework
 14 for certified recovery residences, which is
 15 currently -- this would be in full alignment
 16 with Section 397.487 of the Florida State
 17 Statutes, which was just amended this year, in
 18 Chapter 2025-182, the Fair Housing Amended Act,
 19 which was originally enacted in 1988.
 20 So this legislation is a requirement by the
 21 State, that by January 1st of 2026, all
 22 municipalities adopt procedures for review and
 23 approval of Certified Recovery Residences,
 24 including processes for reasonable
 25 accommodations and prohibition for revocation,

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1 if necessary.

2 So, to briefly kind of give everybody a
 3 little bit of information and definition of
 4 what a Certified Recovery Residence is, as it
 5 is currently defined under Florida State
 6 Statute 397.487, "A dwelling unit or structure
 7 that provides a family-like living environment
 8 for persons recovering from substance use
 9 disorders. These residences emphasize peer
 10 support and shared accountability to maintain
 11 sobriety and do not provide -- and do not
 12 provide on-site medical treatment,
 13 detoxification or clinical counseling. Homes
 14 with six or fewer residents, excluding on-site
 15 Staff, are treated as single-family uses.
 16 Larger homes, with seven to fourteen residents,
 17 must comply with all State licensing, spacing
 18 and siting requirements, with the reasonable
 19 accommodations available, through a clear
 20 timely review process. Approvals may be
 21 revoked, if certification is lost and
 22 conditions are violated or the residence ceases
 23 operation for more than 180 days, consecutive
 24 days, with notice and opportunity for curing
 25 the situation."

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1 So the proposed ordinance also updates
 2 local -- City of Coral Gables definitions of
 3 group residential home, dwelling unit, and
 4 adult day care center, to assure consistency
 5 with current State laws. So when drafting
 6 these provisions, the Planning and Zoning Staff
 7 reviewed best practices from multiple other
 8 jurisdictions within the State of Florida that
 9 are currently going through the exact same
 10 process. The Town of Orchid; here in
 11 Miami-Dade County, the Town of Cutler Bay,
 12 Seminole County, they have already gone through
 13 this approval process, and quite honestly, the
 14 framework was looked at, in all of these.
 15 This chapter, 2025-108, is -- more or less
 16 gives all of these requirements that is
 17 required by the State. Some municipalities or
 18 counties, they've just basically cut and paste
 19 the Senate Bill, and they've just went ahead
 20 and they've just added it into their code.
 21 We've tried to make it as simplified as
 22 possible, and just make sure that we just
 23 follow the basic framework.

24 So if you have any questions --

25 MR. BEHAR: Is this something that the

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1 State is mandating or --
 2 MR. SOUTHERN: Yes. Yeah, for all counties
 3 and municipalities, yes.
 4 MR. BEHAR: So this is very similar to when
 5 the State mandated that all ALF had to provide
 6 generators as a backup, generators?
 7 MR. SOUTHERN: I don't know about that,
 8 but --
 9 MR. BEHAR: Is that a law that became, that
 10 we have to follow this?
 11 MR. SOUTHERN: This is State mandated, yes.
 12 MR. COLLIER: Well, like Live Local. It's a
 13 State mandate.
 14 MR. BEHAR: Okay. Any public -- I'm going
 15 to open it up to the public comments. Seeing
 16 none, close the Chamber.
 17 Anybody on Zoom or the phone?
 18 THE SECRETARY: No.
 19 MR. BEHAR: Close that, too.
 20 Bring it up to the Board. Who wants to
 21 start with any comments?
 22 MR. SANABRIA: Mr. Chairman --
 23 MR. BEHAR: You want to start? Go ahead.
 24 MR. SANABRIA: Thank you.
 25 I read this whole thing, and principally,

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1 I'm not against it. I just have one comment,
 2 that deals with the national right of quiet
 3 enjoyment. The right of quiet enjoyment says
 4 that you're allowed to live a life free of a
 5 lot of things, and one of the things is safety.
 6 We have neighbors that could be next to one
 7 of these houses, and there's no safety
 8 mentioned here. There's no background on who
 9 are the people living in those residences, and
 10 it should be inserted, that we have a right to
 11 look at who's actually going to be living
 12 there, and if they have a criminal record, God
 13 forbids something happens, then how are we
 14 going to look, because this ordinance went
 15 through, and then somebody committed something
 16 that is unspeakable?
 17 And I don't understand why safety -- the
 18 word, safety, is not included in this language,
 19 the safety of not just the residents in that
 20 facility, but the safety of the neighbors and
 21 the community as a whole. So I would like to
 22 add that word, safety, and a background check,
 23 in the verbiage of the ordinance. If you will
 24 allow me to do that, I will be happy to do
 25 that.

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1 MR. BEHAR: Okay.
 2 MR. COLLIER: I think that's problematic.
 3 The State of Florida has said that these are
 4 supposed to be treated like residential units.
 5 Whether we like it or not, you're not checking
 6 a residential -- somebody who resides in a
 7 home, you don't get a criminal background
 8 check, and I completely understand and
 9 sympathize with your concerns about this, but
 10 the State has made a mandate that we're not
 11 going to treat these people that are -- that
 12 have an addiction, which they view as a
 13 disease, we're not going to treat them
 14 differently than the guy next door.
 15 MR. SANABRIA: That's fine.
 16 MR. COLLIER: And so I think this would be
 17 contrary to the State law on requiring
 18 background checks on all of the residents. I'm
 19 not saying it's not -- a bad idea --
 20 MR. BEHAR: I tend to agree, I mean, but I
 21 don't know if we could limit that. I wish we
 22 could. I don't think we -- legally we have the
 23 right to do that. You know, if my neighbor --
 24 somebody buys the house next to me, I cannot,
 25 you know, mandate for them to do a criminal

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1 record. So, as much as I would like to agree
 2 with you, I don't know if we -- legally we
 3 could do it.
 4 MR. COLLIER: I don't believe that we can do
 5 that.
 6 MR. BEHAR: Okay. All right. Let's go
 7 through the comments.
 8 MR. COLLIER: But I think that you should
 9 speak with your State Legislature and might
 10 want to make a suggestion for amendment under
 11 State law, if you feel strongly that way.
 12 MR. BEHAR: Okay.
 13 Okay. Let's go to Ignacio. You're the
 14 attorney here today.
 15 MR. ALVAREZ: I've got one question.
 16 Generally, I get the point that the State is
 17 mandating this, but D1, A and B --
 18 MR. BEHAR: Speak into the mic, Ignacio,
 19 please.
 20 MR. ALVAREZ: I'm sorry, D1, A and B,
 21 talking about Planning and Zoning has to review
 22 each one of these applications. What does it
 23 mean that, whether the requested accommodation
 24 is reasonable and necessary to afford equal
 25 housing opportunity? What does equal housing

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1 opportunity mean?

2 MR. SOUTHERN: As defined by the State, you
3 know. I mean, that's -- I think, as Craig is
4 saying, as well, is that equal -- you know,
5 where Federal anti-discrimination protections,
6 I think, would, you know, provide fair
7 consistent housing.

8 MR. ALVAREZ: Is it your department
9 reviewing each one of these applications?

10 MR. SOUTHERN: That's how -- with the City
11 Manager, that's correct.

12 MR. ALVAREZ: Okay. So what does A, equal
13 housing opportunity, mean, and then, what is
14 undue financial administrative burden on the
15 City mean?

16 MR. COLLIER: Well, these are --

17 MR. SOUTHERN: Let me take you down -- if I
18 can, down to, "City Manager or designee may
19 consult with appropriate departments or
20 external professionals and may conduct any kind
21 of site analysis necessary."

22 MR. ALVAREZ: Listen, I'm putting my
23 attorney hat on, because I know every single
24 person here is going to have a different
25 definition for that, and if we don't define

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1 that, then you're going to give me more money
2 in my account, because there's going to be
3 lawsuits coming that on that.

4 MR. MENENDEZ: I second that.

5 MR. ALVAREZ: And I know we can't change
6 this, but, at a minimum, I think A and B needs
7 to be better defined.

8 MR. COLLIER: I think that was taken
9 directly out of the State law, was it not?

10 MR. SOUTHERN: Yeah, this is verbatim.

11 MR. MENENDEZ: Well, then maybe the State
12 law needs to better define it.

13 MR. COLLIER: Which is actually -- we sent
14 over -- this has to be -- in theory, I don't
15 know what happens if you don't do it, but it
16 has to be done by January 1. Every other
17 jurisdiction, I think, we've looked at, they've
18 basically taken these definitions in whole.

19 MR. SOUTHERN: Right.

20 MR. BEHAR: I understand, and the State law
21 is not -- here, I think we're all going to be
22 in consensus, that this is not going in the
23 right direction. Yeah, we've got to do
24 something about this, because if I have, you
25 know, an attorney, a Board Member, saying that

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1 this is going to open it up for a lot of
2 lawsuits, right, we --

3 MR. COLLIER: Well, I think, if you deny
4 it --

5 MR. BEHAR: Forget about that, I'm in
6 agreement with Gonzalo, that, listen, I want to
7 know -- I can't do a background check, but I
8 want to know who's going to go in there. This
9 is --

10 MR. ALVAREZ: Listen, I was a police major
11 with the Miami-Dade Sheriff's Office, and I had
12 one of these locations in my district, and we
13 had 300 calls a year. So does that mean that
14 it's going to be an undue financial
15 administrative burden on the City? There has
16 to be, I guess, call it a commentary -- I'm
17 sorry, there has to be, call it a commentary or
18 whatever, but we need to add definitions to
19 these, that -- and I'm sorry, I never caught
20 your name -- but that individual and/or the
21 City Manager can make a determination.

22 MR. PARDO: I'd like to add something from
23 my recent experience. I saw this debate
24 somewhere else, public hearing, full
25 Commission, and it did not go well. The reason

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1 is, the amount of Code Enforcement calls, the
2 amount of police calls, it was ridiculous. So
3 I'm watching this, it looked -- it really
4 didn't look good. And they used a key word,
5 this is a business model that got pushed in
6 Tallahassee, it's a business model.
7 Unfortunately, there is a need. If you have
8 elderly parents, you want them to be in a group
9 home, where they could be looked at, bathed,
10 all of these things. I understand that.

11 The problem is that, normally, when you
12 look at these things, too, you also have
13 visitor parking. You have employee parking. A
14 single-family home, in this particular area,
15 you had to take it to another type of zoning,
16 and we don't have that. It's been, you could
17 put it in any single-family property, next to
18 anyone, and you're going to have people
19 blocking your driveway, parking in the street.
20 And the other thing is, most of our
21 single-family homes are on septic. Now you
22 have six adults, and then you have the
23 employees -- and by the way, sometimes you have
24 certain requirements for -- financial
25 requirements, to comply with AHCA, and AHCA

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1 requires that you have to have a certain amount
2 of employees 24/7 on those homes.

3 You've just destroyed a neighborhood, and
4 you're talking about a neighborhood, here, in
5 Coral Gables, where if you want to rent a
6 house, you can't put it as an Airbnb here. You
7 have to have a minimum of a six-month lease.
8 So the ramification, I would think, is that you
9 should be able to refine -- comply with the
10 State law, but add certain things, which
11 address the concerns of people that are going
12 to be living now next to not a single-family
13 residence, a family, let's say, but more of a
14 transient type of thing, how is that possible?

15 We're not doing a good job in adding a
16 performance type of restrictions, not a use
17 restriction, which is, I think, what can't be
18 defined -- or can't be defended legally, but
19 you can add the performance one, you know. So
20 you have to have a carrot and a stick.

21 MR. COLLIER: Well, I'm not disagreeing with
22 any of this. I'm just telling you what's
23 required under State law. And a group home, by
24 the way, and it's a different term now, I
25 always forget the new term, but allowing six

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1 adults in a single-family home, has been the
2 law for years.

3 MR. PARDO: Right.

4 MR. COLLIER: For years. They've introduced
5 this recovery residence, and they see this as
6 just another disability, as if -- and I'm not
7 commenting whether it's true or not true.
8 They're saying recovery residence is just
9 another disability, like needing a group home
10 for six adults, who are not physically able to,
11 you know, eat and function on their own. So
12 they just see it as just another disability.

13 MR. PARDO: But most of those people can't
14 drive, and they're driven there, and they're
15 dropped off and they live there, but depending
16 on what type of use, within the uses, then it
17 becomes a burden. You know, just imagine,
18 you're in the North Gables area, with
19 fifty-foot lots, and someone came in and now
20 they've bought three, four homes, one right
21 after the other. It will alter that
22 neighborhood forever.

23 MR. COLLIER: Well, all of the laws that are
24 related to single-family, I don't think you're
25 allowed parking of ten, twelve cars on a

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1 single-family home. You'd be -- all of the
2 laws that are associated with single-family are
3 also associated to any other use.

4 MR. BEHAR: But, in some areas, let's say,
5 the North Ponce area, you could park on the
6 street and nobody says you can't, you know.

7 MR. COLLIER: Well, that's true. That's
8 true.

9 MR. BEHAR: I mean, listen, let's go
10 through this, but this is going to be one of
11 those that --

12 MR. COLLIER: This is one of these, you
13 can't fight City Hall, but the City Hall is the
14 Florida Legislature, who has taken it upon
15 itself to preempt local government for many
16 things. They feel -- I'll get on my high
17 horse, because it's upsetting, but the Florida
18 Legislature feels that they do a better job of
19 zoning and land use than local government.

20 MR. BEHAR: Nestor, any comments from you?

21 MR. MENENDEZ: Yeah. I just want to
22 reiterate what Ignacio said. You know, my
23 concern is, where it says, "Reasonable and
24 necessary and impose undue financial
25 administration." Those are review terms. My

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1 fear is that, the reviewer could be very
2 subjective and we could adopt this language,
3 and we're preempted, and I agree, I think the
4 intent is there, but the way it reads, the City
5 Manager or the designee could find none of the
6 applications reasonable and necessary. I mean
7 is that right, Craig?

8 I mean, obviously there would be a
9 challenge --

10 MR. COLLIER: Obviously, then there's going
11 to be an appeal or a challenge.

12 MR. MENENDEZ: Right, but the way it reads,
13 I mean, they could deny every application.

14 MR. COLLIER: They could, and it might be
15 problematic.

16 MR. MENENDEZ: Yeah. Yeah. So, I mean,
17 look, it's either good for the plaintiffs'
18 lawyers or good for the -- you know, but --

19 MR. COLLIER: Well, as long as the lawyers
20 are taken care of, that's all that's important,
21 right?

22 MR. MENENDEZ: No, but that's the only
23 concern that I have, that, you know, it -- it's
24 a bit subjective to the person doing the
25 reviewing, and my fear is that, you have an

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1 overzealous -- and I'm not saying that the City
2 Manager, by no means, is overzealous, or the
3 designee, they could just either approve every
4 application or deny every application, the way
5 it reads right now, correct?

6 MR. COLLIER: Well, I don't think they can
7 do it with unbridled discretion.

8 MR. BEHAR: Arbitrary.

9 MR. COLLIER: They have to look at the
10 purpose of the law and what it's designed to
11 do.

12 MR. SOUTHERN: So we've got it specifically
13 indicated in here where conditions can be
14 applied upon approval, and within that -- you
15 can revoke the approval, as well, and that's a
16 whole process, that Subsection G, as well, if
17 one of these conditions of approval has been
18 broken or it's inconsistent. There's that
19 process, as well. So I'm just --

20 MR. SANABRIA: Mr. Chair --

21 MR. COLLIER: And I think we're going to see
22 a lot of cases come out of this, because it
23 becomes live on January 1, and we're going to
24 see what happens, because this has to be
25 adopted throughout the State of Florida.

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1 MR. BEHAR: Alex, do you have any --

2 MR. BUCELO: I echo my colleagues'
3 concerns, but it is what it is.

4 MR. BEHAR: Alice.

5 MS. BRAVO: I have a question.
6 Procedurally, if an application is denied, who
7 would the appeal go to?

8 MR. SOUTHERN: So if the application is
9 denied, it must be within writing and state the
10 basis for the denial. The written
11 determination shall also advise the applicant
12 of any right to appeal.

13 (Simultaneous speaking.)

14 MS. BRAVO: Who does the appeal go to?

15 MR. BEHAR: No, who reviews it.

16 MR. MENENDEZ: Who reviews the appeal?

17 MS. BRAVO: Does it go to court? Does it
18 go to the City Commission?

19 MR. MENENDEZ: Does it go to Tallahassee?

20 MR. BEHAR: Commission.

21 MR. COLLIER: Well, they might -- I thought
22 there was a review of a decision of a --

23 MS. GARCIA: Staff appeal, yeah. So it
24 would go to the Board of Adjustment.

25 MR. COLLIER: It goes to the Board of

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1 Adjustment?

2 MS. GARCIA: Yes.

3 MR. COLLIER: It goes to the Board of
4 Adjustment.

5 MR. PARDO: Mr. Chairman, he said that the
6 larger homes -- what is the definition of the
7 larger home?

8 MR. SOUTHERN: The seven to fourteen
9 residents?

10 MR. PARDO: No. No. I mean, what's a
11 smaller home, compared to a larger? Is it
12 based on square footage of the actual residence
13 or is it based on the lot size? What is it
14 based on?

15 MR. SOUTHERN: So how I understand it, the
16 smaller home is only for living. There is no
17 kind of rehabilitation. There is no kind of
18 medical treatment. Anything within that site,
19 on either one of these, but the smaller one is
20 six or less residents in that dwelling unit.

21 MR. PARDO: And the larger one is how many
22 residents?

23 MR. SOUTHERN: It goes from seven to
24 fourteen residents.

25 MR. PARDO: Again, that's an apartment

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1 building. That's a small apartment building.

2 MR. BEHAR: Right.

3 MS. BRAVO: Another question --

4 MR. PARDO: And there's no definition of
5 larger or smaller.

6 MR. SOUTHERN: All of that is within the
7 State Statutes.

8 MR. PARDO: I understand what you're
9 saying, seven compared to fourteen. I'm just
10 asking, what's larger and what's smaller? Is
11 it 2,000 square feet or is it 5,000 square
12 feet?

13 MR. SOUTHERN: I don't know.

14 MR. PARDO: So, in other words, are the
15 ones that have seventeen residents going to be
16 all where the larger homes are in the South
17 Gables?

18 MR. BEHAR: We're going to put it in
19 Snapper Creek, next to the conservation area.

20 MR. COLLIER: I think the seven to fourteen
21 has been the law; is that right?

22 MR. SOUTHERN: Yes. That's correct.

23 MR. COLLIER: And all we did was just update
24 our Code.

25 MR. BEHAR: Let me get Gonzalo. Any other

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comment, Gonzalo, before we --

MR. SANABRIA: Yes, I do. I have a very significant comment, in the sense that, let's say that Alex's house next door is approved for 16 plus people. You're going to have ambulances. You're going to have 24/7. You're going to have sirens. So you're right -- Alex, your right of quiet enjoyment is going to be severely curtailed, as a neighbor, and in that sense, and Iggy Alvarez also mentioned it, too, is a concern.

I know it's State mandated, so we're going to have to swallow the hook and the bait, but necessarily, I think that we should have certain measures to protect our community against these types of activities within our communities. So I am for denial or I'm for deferment, whatever you want, but just for a blanket approval of this -- I mean, why are we here? Everything here has to be approved by us.

MR. BEHAR: But this is no different than the Live Local.

MR. COLLIER: I think there's a correction on the seven to fourteen concern.

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MR. SANABRIA: Sixteen.

MR. SOUTHERN: Seven to Fourteen. So the six or less, as I think Mr. Pardo was mentioning earlier, that's only within that single-family component. That is what's actually -- so any larger home -- and you're right, it would be more of a multi-family area.

Now, the State has very specific licensing, spacing requirements, one of them being a thousand foot radius --

MR. PARDO: I want the Board Members to understand, if you throw in AHCA, you have to have --

MR. BEHAR: But this would not qualify, because, AHCA, you need hallways to be eight-foot hallways and you need --

MR. PARDO: No. No. No. No. There's a care mandate within AHCA based on the amount of patients. So, in other words, for every I think it's five or six, you have to have one employee.

MR. BEHAR: Yeah, full-time staff member.

MR. PARDO: Right. But the full-time is 24 hours. So you really have three employees. So, in other words, you've got one car. One

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car leaves, one car in, and all of that.

You're not counting, again, you want to go see your dad that's in --

MR. BEHAR: Listen, I hear you.

Alice had one more question before we --

MS. BRAVO: I wanted the answer to the original question, who the appeal goes to.

MR. COLLIER: Well, it goes to the Board of Adjustment, right, but the six or less recovery residence, there's no treatment.

MR. SOUTHERN: Right, no treatment whatsoever.

MR. COLLIER: No treatment whatsoever, so the AHCA doesn't really apply. You're not going to have employees.

MR. PARDO: I'm telling you, for a fact, I know that it applies in the amount of care, per the amount of patients. I know that for a fact.

MR. COLLIER: Right, but this State law says there's not supposed to be --

MR. SOUTHERN: So I can read it, if that will help.

MR. COLLIER: Yes, why don't you read it.

MR. SOUTHERN: "The residences emphasize

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peer support and shared accountability to main sobriety, and do not provide any on-site medical treatment, detoxification or clinical counseling on-site."

MR. COLLIER: So peer support are the other people that are in that home.

MR. SOUTHERN: Correct. So whoever is living there, they're supposed to help them be sober, you know --

MR. PARDO: No. Yeah, but that's the sober part, but like the assisted living facility, you know, the ACL (sic) --

MR. SOUTHERN: That's a different kind of group residential home.

MR. PARDO: That's correct.

MR. SOUTHERN: That's less than 24 hours. This would be more of the 24 hours. Assisted, yeah --

MR. PARDO: All right.

MR. BEHAR: Do we -- I'm going to close the Board discussion. Do we -- I will entertain a motion.

MR. BUCELO: I have a motion to approve.

MR. ALVAREZ: Can we add a commentary to that?

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1 MR. BEHAR: We have a motion. We have a
2 second --
3 MR. MENENDEZ: I'll second.
4 MR. BEHAR: You could add an amendment, you
5 know, to that.
6 MR. ALVAREZ: I want to add a commentary,
7 to better define D1, A and B, because it's
8 going to give us problems.
9 MR. BUCELO: Could that be an issue?
10 MR. COLLER: Well, I think the -- we
11 certainly can take a look at it, but I think
12 that we're -- there's a State law provision
13 providing for reasonable accommodations.
14 That's the problem. And what's reasonable is
15 based on a --
16 MR. ALVAREZ: I briefly looked and it
17 wasn't in there, I could be wrong, but if the
18 office making that determination doesn't have
19 an answer, there has to be something -- a
20 criteria it has to be connected back to, where
21 the person reviewing the application can say,
22 "Okay. Affordable equal housing opportunity,
23 the State Statute explains this like this, this
24 is what we're going to say." The same thing
25 for, when does it become an undue financial

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1 and/or administrative burden. There has to
2 be -- that has to be connected to something.
3 So that's my commentary. Just add it in as a
4 commentary.
5 MR. BEHAR: And I agree and I think -- I
6 mean, I don't know if some of Gonzalo's
7 comments could be added, how -- without
8 creating discrimination. That's a tightrope
9 that we're walking.
10 MR. COLLER: That's the issue.
11 MR. ALVAREZ: With Mr. Bucelo's permission,
12 I would like to add that.
13 MR. BEHAR: A friendly amendment.
14 MR. BUCELO: Yeah, I agree. Yes.
15 MR. MENENDEZ: I second that.
16 MR. PARDO: Because, all of a sudden, you
17 could have half a dozen, you know, fire rescue
18 calls there.
19 MR. COLLER: Well, if that's the case, it
20 becomes a nuisance, then --
21 MR. ALVAREZ: But what is a nuisance, 100
22 calls, 200 calls, 300? What's a nuisance?
23 MR. COLLER: Well, I can tell you that
24 those decisions are made every day, either by a
25 nuisance Abatement Board or by a determination.

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1 MR. ALVAREZ: But we're not there yet.
2 We're at his office.
3 MR. COLLER: Right. We're not at that yet,
4 but he can make a determination that what's --
5 MR. SOUTHERN: Well, I don't know if this
6 helps or not, but conditions can be applied to
7 an application, and that could definitely be
8 defined.
9 MR. ALVAREZ: If you don't have a guide to
10 go by, the attorneys are going to become rich,
11 because there's going to be attorneys suing on
12 both sides, and especially when they move in
13 next to an attorney. There's going to be
14 attorneys suing on both sides.
15 MR. SANABRIA: If I may just tell one
16 comment. Have you seen those Leon Medical
17 vans? Have you seen those Leon green medical
18 vans --
19 MR. BEHAR: Stopping in front of those
20 houses.
21 MR. SANABRIA: They're going to be circling
22 right there all of the time picking up the
23 patients. That's how they get their monies
24 that they give to the doctor. If the facility
25 is not providing medical help there, believe

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1 me, all six of them will have vans. They'll
2 get picked up, ambulances. It's going to be a
3 mess.
4 MR. MENENDEZ: Let me ask you something,
5 Craig, any amendment to the language of what
6 Ignacio is suggesting -- definition, meaning,
7 not amending, but just defining those terms,
8 are we preempted by the State to define that?
9 MR. COLLER: I mean, you could add criteria
10 which would determine whether someone is out of
11 compliance with the single-family home, if
12 there's undue calls for service, if -- but,
13 basically, that's what a nuisance is, and the
14 term nuisance is found to be sufficient.
15 MR. MENENDEZ: And if there's enough
16 nuisances, it would qualify for revocation?
17 MR. COLLER: Yes. They can be revoked.
18 MR. MENENDEZ: I think that resolves -- I
19 mean, if you say --
20 MR. COLLER: I mean, in the event that this
21 facility becomes a nuisance, it would be
22 revoked.
23 MR. BEHAR: Listen, the problem here is
24 that we have a gun to our head, that the State
25 is putting on us.

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1 MR. SANABRIA: Exactly.
2 MR. MENENDEZ: Right. I think we need to
3 pass this.
4 MR. ALVAREZ: We need to pass it, but with
5 that commentary, let the Commission deal with
6 it.
7 MR. MENENDEZ: Yeah. I agree.
8 MR. COLLER: I think you could pass and
9 say, you have an extreme concern that these
10 things could become nuisances and they need to
11 be carefully watched.
12 MR. ALVAREZ: I think we have extreme
13 concern that this language doesn't have
14 definitions. One being that they can become a
15 nuisance. Another thing, it could be equal
16 housing -- Board of Adjustments, how are they
17 going to decide?
18 MR. PARDO: What is the function of the
19 Board of Adjustment in this particular case,
20 because, normally, when they have cases that
21 come up, they're for variances, which have to
22 -- the applicant has to prove a hardship, and
23 it can't be a self-imposed hardship?
24 MR. COLLER: This would not be a hardship,
25 but -- see, we don't know -- I can't know what

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1 the City Manager's decision will be and why he
2 chose to deny it. I don't know -- I can't
3 envision now. So you're asking me, what would
4 be the Board of Adjustment --
5 MR. PARDO: What is the criteria for the
6 Board of Adjustment?
7 MR. COLLER: Well, the question is, was the
8 City Manager reasonable in denying this
9 location, this facility?
10 MR. ALVAREZ: What's the definition of
11 reasonableness? Are you going to bring in
12 every single City Manager in and see how they
13 define it?
14 MR. COLLER: Well, reasonableness has been
15 in the law for many years, whether somebody
16 exercised reasonable care. That's a negligence
17 standard. Did the driver, who hit another
18 vehicle, did they exercise reasonable care, and
19 that's based on a reasonable man -- well, now,
20 a reasonable person standard.
21 MR. MENENDEZ: Right, but that's the thing.
22 Since it's a new law, there's no case law to
23 define what would be considered reasonable. So
24 we're kind in new territory here.
25 MR. COLLER: This is called uncharted

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1 waters.
2 MR. MENENDEZ: Yeah. We're just going to
3 have to go forward and let the chips fall where
4 they may.
5 MR. PARDO: Mr. Chairman, I still don't
6 have --
7 MR. ALVAREZ: I know this is going to be
8 quoted --
9 MR. BEHAR: Hold on. Hold on. One at a
10 time, please. She cannot take all. One at a
11 time.
12 Felix, please.
13 MR. PARDO: I have a question, which has to
14 do with the Board of Adjustment. The Board of
15 Adjustment is now serving as an appeal process
16 for the Manager's decision?
17 MS. GARCIA: I believe that it would be a
18 decision -- an appeal of a decision of City
19 Staff, and the Board of Adjustment does review
20 the appeals, which we never get, but --
21 MR. PARDO: But the Board of Adjustment
22 does not have that type of power in their
23 authority. I sat on the Board of Adjustment
24 two different times. It's doesn't have that.
25 It's for granting variances, not for appealing.

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1 Normally appeals happen at the level of the
2 Commission.
3 MS. GARCIA: So they would appeal the Board
4 of Adjustment and go to the Commission, but
5 14-208.4, any appeal of Staff -- City Staff,
6 goes to the Board of Adjustment, or Historic
7 Board, if it's a historic preservation
8 decision. Any appeal of Staff goes to Historic
9 -- sorry, goes to the Board of Adjustment.
10 MR. MENENDEZ: That's in the Code, right?
11 MS. GARCIA: It's in the Code today, yes.
12 That's not being changed.
13 MR. COLLER: I think we can certainly take
14 a look --
15 MS. GARCIA: It has not happened very
16 often, Mr. Pardo.
17 MR. PARDO: Well, you know, like I said, I
18 sat on the Board twice --
19 MR. COLLER: We can look at it. I would
20 suggest that maybe one of your comments would
21 be, consider an alternative process for appeals
22 of decisions of the City Manager.
23 MR. BEHAR: We have a motion and a second
24 and we have some friendly amendment to those.
25 MR. BUCELO: Yes, and those have been

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1 adopted.
 2 MR. BEHAR: Okay.
 3 MR. PARDO: I'm just -- what I'm trying to
 4 do is just get to the point, so we don't box
 5 ourselves in to something that can't be done.
 6 I think, the Board of Adjustment, their
 7 authority has to be increased to be able to
 8 hear an appeal for a different type of
 9 decision, that doesn't exist at this particular
 10 time. That's all I'm saying, if you want to
 11 tie it up tightly.
 12 MR. BEHAR: All right. So we have a motion
 13 and a second, friendly amendment.
 14 MR. BUCELO: Call the roll.
 15 THE SECRETARY: Gonzalo Sanabria?
 16 MR. SANABRIA: Could you define the
 17 friendly amendment? What is the friendly
 18 amendment?
 19 MR. ALVAREZ: The friendly amendment --
 20 MR. BEHAR: The friendly amendment is, the
 21 maker of the motion accepted the comment that
 22 was the -- typically it's called a friendly
 23 amendment.
 24 MR. SANABRIA: What is the comment?
 25 MR. ALVAREZ: Basically it's to give

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1 definition to D1A and D1B.
 2 MR. SOUTHERN: Subsection D, Review and
 3 Determination.
 4 MR. BUCELO: Yes, that's correct.
 5 MR. ALVAREZ: So they can give better
 6 criteria for the group selecting each
 7 application or approving each application.
 8 MR. SANABRIA: No.
 9 MR. BUCELO: He voted no.
 10 MR. BEHAR: Okay. No. Next.
 11 Jill?
 12 THE SECRETARY: Mr. Sanabria, you said, "No"?
 13 MR. SANABRIA: Yes. No.
 14 THE SECRETARY: No, okay.
 15 MR. SANABRIA: Yes. I said, "No."
 16 THE SECRETARY: Ignacio Alvarez?
 17 MR. ALVAREZ: Yes.
 18 THE SECRETARY: Alice Bravo?
 19 MS. BRAVO: Yes.
 20 THE SECRETARY: Alex Bucelo?
 21 MR. BUCELO: Yes.
 22 THE SECRETARY: Nestor Menendez?
 23 MR. MENENDEZ: Yes.
 24 THE SECRETARY: Felix Pardo?
 25 MR. PARDO: I have many concerns. I'm

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1 going to vote, yes, and leave it up to the
 2 Commission.

3 THE SECRETARY: Robert Behar?

4 MR. BEHAR: I agree with Felix. Exactly.
 5 I'm going to vote, yes, but I have a lot of
 6 concerns. Let the Commission make -- the
 7 motion passes six to one. That's it.

8 MR. SANABRIA: Mr. Chairman, I'd like to
 9 retract my no vote and make an affirmative yes
 10 vote at this time.

11 MR. BEHAR: Okay. Noted.

12 MR. MENENDEZ: Unanimous.

13 MR. BEHAR: Okay. So no discussion item.
 14 Do we have a motion to adjourn?

15 MR. BUCELO: Motion.

16 MS. BRAVO: Second.

17 MR. MENENDEZ: Second.

18 MR. BEHAR: All in favor?

19 (The Board Members voted aye.)

20 (Thereupon, the meeting was concluded at 8:35

21 p.m.)

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C E R T I F I C A T E

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 2
 3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

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 7
 8
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.

15
 16 DATED this 24th day of November, 2025.

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 20 -----NIEVES SANCHEZ-----
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