

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-10**  
**February 9, 2016**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Vice Mayor Frank Quesada**  
**Commissioner Jeannett Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Planning and Zoning Director, Ramon Trias**

**Public Speaker(s)**

**Zeke Guilford, Representing the Applicant**

---

Agenda Item E-10 [10:51:05 a.m.]

Resolution of the City Commission of Coral Gables approving the Final Plat entitled “Townhouse on Valencia Phase II” pursuant to Zoning Code Article 3, Division 9, “Platting / Subdivision” being a re-plat of an approximately 0.27 acre property into four (4) platted lots for four (4) residential townhouses on property assigned Multi-Family Special Area District (MFSA) zoning, on the property legally described as Lots 1-4, Block 15, Biltmore Section (444 Valencia Avenue), Coral Gables, Florida; providing for an effective date.

Mayor Cason: We are going to move onto E-10 so that we don’t keep people waiting.

City Attorney Leen: Item E-10 is a Resolution of the City Commission of Coral Gables approving the Final Plat entitled “Townhouse on Valencia Phase II” pursuant to Zoning Code Article 3, Division 9, “Platting / Subdivision” being a re-plat of an approximately 0.27 acre property into four (4) platted lots for four (4) residential townhouses on property assigned Multi-Family Special Area District (MFSA) zoning, on the property legally described as Lots 1-4, Block 15, Biltmore Section (444 Valencia Avenue), Coral Gables, Florida; providing for an

effective date. This item follows from prior approvals that have been granted. What happens with our platting process, it has to go to the County and be approved and it then comes back to you for your final approval, is that what's been happening? So technically this is a quasi-judicial proceeding under certain case law, although it's very much follows from everything you've already done, so there is not much discretion here, unless there is objection to the plat or something of that sort. I have not been made aware of any, but this is a quasi-judicial hearing and also a public hearing.

Mayor Cason: Do we have any speaker cards?- OK, we'll close the public hearing. Go ahead Zeke.

Mr. Guilford: Good morning Mr. Mayor, Commissioners, for the record, my name is Zeke Guilford with law offices at 400 University Drive here representing 444 Valencia Inc. regarding this re-plat. This has already gone to the Planning and Zoning Board as a tentative plat. It has gone to the County for review as a tentative plat. It is here before you as a final plat. What we are doing is, our existing four lots, we are taking the interior lot lines and moving them over one foot so this corner lot, right here, is required to have a ten-foot setback. So by moving these lines over a foot, it then allows us to build an adequate corner property a building on the corner property. After staff has recommended approval, again, Planning and Zoning has recommended approval, and we are here before you for final approval. If you have any questions, I'll be more than happy to answer them at this time.

Mayor Cason: Any discussion?

Commissioner Keon: No. It's really a very pretty product.

Commissioner Lago: I also wanted to concur with what Commissioner Keon mentioned. It's very well done. Can I just ask one question really quick Mayor? How is this affecting, how is this affecting in regards to this project with the U.S. Post Office? Are there any issues that you want to discuss here?- and I want to make sure the applicant is made aware of what's going on, if they are not aware already. I think they are.

City Attorney Leen: Mr. Trias can come up and Mr. Wu has been involved in this too. First, I'd like to say, as you all know the Commission got involved regarding the Postal Service not delivering mail to certain townhouse right by the Youth Center. Those townhouses were built, they had their mailboxes and they weren't getting the mail delivered. Commission intervened and now they are getting their mail delivered, that's my understanding. Also, I wanted to tell you, we did send a resolution to Congresswoman Ros Lehtinen, and I wanted you to know that she did send a letter, which I have a copy of, which I'll forward to all of you, to the Postal Service raising this issue for us. So those sorts of things work and I did get an e-mail from the

U.S. Attorney asking us to inform her that the matter has now been resolved and that we have a way forward. So just to know in the future, these resolutions urging action by our Representatives in Congress or Senators, they do respond and they can be actually quite helpful. Now what happened was, we had the Post Master come and speak to the Board of Architects and we are trying to establish a cooperative way forward regarding these townhouse developments, and its mostly townhomes where this comes up, because what the Postal Service has told us is that for single family houses that have been receiving mail, they are going to continue receiving mail at their house. They are not going to have a centralized box. But in situations where there's been a multi-family development there in the past, or where there's been some sort of centralized delivery, or where there hasn't been single-family homes with single-family delivery to the home, they are going to start moving toward centralized mailboxes, and what they said is though, look at it on a case-by-case basis as we present to them these projects. They've asked that it be done at the DRC level, if there is no DRC level as early as possible that we provide them the information regarding the project that the developer do that in tandem with the City, and that they'll get back to us whether they'll allow delivery to each individual townhome or whether they will allow a centralized box. It's useful to have that information at the beginning because then the Board of Architects and Development Services and my office, would work with the developer to make sure that there is an area for common mail delivery in the plans, and that to the extent possible they comply with the Zoning Code. Now getting to your specific case, what we've been finding is that, at least the last two instances when we raised the issue with the Postal Service, they are really adhering to the common mailbox paradigm, even in a situation where there is a good argument for individual mailboxes. So, I just need to make you aware of that. Zeke, Mr. Guilford, do you have any information regarding a particular project?

Mr. Guilford: No.

City Manager Swanson-Rivenbark: Mr. City Attorney, this is an addition. This is the same concept that has previously been approved and they are adding additional units. So I would think with your skill and the commitment of the attorney representing the owner, they would argue that this is already been approved.

Commissioner Lago: Yes, that's the problem.

Mr. Guilford: And the reason we are doing this re-plat is so we don't have common areas, so each townhouse is a fee-simple unit, no different than a house. So it really doesn't make any sense to put a centralized box – now you are putting it on individual properties, somebody's property that now you have neighbors coming to your house to collect mail. It makes absolutely no sense to me. There is a condition that they put in that they want a note on the plat, we've agreed to it. My concern, which I've spoken to staff about, is that if the County rejects that note,

do I have to come back to you to remove the note; we'll leave that as it is right now. But to me, what the Postal Service is requesting doesn't make sense in this particular situation.

Mayor Cason: So these are four separate homes rather than a condominium?

Mr. Guilford: That's correct. So there is no common area, there is no lobby, there is nothing.

Commissioner Lago: And I agree with you, that's why I brought it up, because we are having that same situation occur, I think, at least in two different developments right now when you are talking about these row-home type developments that are being used in certain parts of the City. The issue is, I just want to pre-empt and make you aware of what the requests are from the U.S. Post Office. This is purely an efficiency issue for them. Again, for me it's more of an aesthetic issue, because what ends up happening are the requirements they were asking for the developer is to put a free-standing postal box which would basically service the entire row home fee simple development. So, I agree with you 110 percent, but I'm just afraid, and Ramon can go back and forth a little bit in regards to this issue, that they may have that requirement in the near future. So I want to take the proper measures now to either incorporate it into your design because I think that the request that the U.S. Post Office made was to have a pre-standing postal box on the swale, and again in Coral Gables we would never allow that. That would be a horrendous eyesore in my opinion. But Ramon, you want to explain a little bit of what's been going on with the Post Office and what their requests are?

Mr. Trias: I think everybody here has done a great job of explaining this issue. The City Attorney has used his skill to have that conversation. As far as this applicant, Section 3 in the ordinance informs the applicant of the status of the conversations and that maybe in the future they may have to do a common mailbox. However our preference is to continue that discussion and to provide the best quality of service to our community, which is individual delivery.

Commissioner Lago: But that issue hasn't been resolved, just so you are aware.

Mr. Trias: No it hasn't.

Commissioner Lago: I want to be clear about that. We agree with the applicant 110 percent. Now the issue is, the difference in agreeing and what we are actually going to get. At the end of the day the U.S. Post Office says we are not going to service you....

City Attorney Leen: The problem is, they have an actual policy so it's not just ad hoc. We've looked at the policy. I had Craig Collar take a look at the policy too, and it says that the general rule is centralized delivery throughout the United States now, and that they can grant exceptions where they have been basically doing individual delivery in that area, and by are they don't mean

our City, which of course they haven't, but they mean like that specific block or that half a block; and they've agreed to work with us on each individual case. What I found though so far, they've come back each time with centralized delivery. Even in one case where it seemed to be very clear that they probably should grant it, because it was just the four townhomes.

Commissioner Lago: Which is similar to what the applicant is stating right now.

City Attorney Leen: Yes.

Commissioner Keon: You know, I don't think that we have the ability or we are not going to fare well in trying to fight the federal government, so I would think that this is where you enlist your local, our representatives...

City Attorney Leen: Yes.

Commissioner Keon:...to work on our behalf in Washington to have this issue addressed and dealt with.

City Attorney Leen: Here's what's appropriate and what I don't think we can do anymore. We did settle with the government. We did set up a process going forward. They came here, the Commission approved that. Because of that eight homes will be getting mail for, unless they changed their whole policy citywide forever, or for a long time at least, until they change their policy, and they could retract that; and those are homes that were already built with mailboxes that already existed. These are ones that are in development, so the City viewed those two things as different. The problem is if we sue the Postal Service, one, we have the settlement, that would probably bar the suit; but in addition, they have a policy and it is the federal government, they are allowed to have centralized delivery if they wish by law. The one thing that we could have an argument, a legal argument is that they have to comply with our Zoning Code, and we did raise that, and they've agreed to comply with our Zoning Code. So they want to put these boxes on – they are fine not putting them in the right-of-way because that would violate our Zoning Code or between the street and the building. They want the developments now to work out among themselves where they are going to put the centralized box. So they've acquiesced to everything we've asked for. In many ways this is really an issue between the developer and the Postal Service at some point. However, the City has always been supportive of its developers in this sort of regard dealing with – and homeowners associations by the way, in dealing with other governments. So we haven't waived our ability to persuade though or go to our representatives in Congress or Representative Ros Lehtinen or Senators or continuing to press, having staff press for this to be done, it's just we've given up our ability to sue.

Commissioner Keon: So now it's an ability to work with them.

City Attorney Leen: Yes.

Mayor Cason: So you want to proceed and see what happens?

Mr. Guilford: Yes sir. To be honest with you, I don't think I have a choice other than to appeal to the Post Office to request that we have individual unit mail delivery.

Mayor Cason: And your argument would be they are single-family homes, they are not a condominium, they are not an apartment house.

Vice Mayor Quesada: I think you have a pretty good argument.

Mayor Cason: Yes. On E-10 do we have a motion?

Commissioner Lago: I'll make the motion.

Mayor Cason: Commissioner Lago makes the motion, the Vice Mayor seconds. City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mr. Guilford: Thank you very much.

Mayor Cason: Thank you.

[End: 11:03:23 a.m.]