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<p>1 Ms. Velez?</p> <p>2 Mr. Aizenstat?</p> <p>3 CHAIRMAN AIZENSTAT: Yes.</p> <p>4 Okay. If we can go ahead and move on to</p> <p>5 the first item, please.</p> <p>6 Ramon.</p> <p>7 MR. COLLER: Okay. Do you want me to read</p> <p>8 them in? Okay.</p> <p>9 MR. BEHAR: Should we find out --</p> <p>10 CHAIRMAN AIZENSTAT: Actually, should we go</p> <p>11 ahead and -- somebody wanted to have an</p> <p>12 extension. Come up for a second. Do we want</p> <p>13 to go ahead and --</p> <p>14 MR. BEHAR: Yeah, and defer the item or</p> <p>15 whatever it is.</p> <p>16 MR. COLLER: Oh, there's an item to be</p> <p>17 deferred?</p> <p>18 CHAIRMAN AIZENSTAT: Ramon, wasn't there --</p> <p>19 Ramon --</p> <p>20 MR. TRIAS: Yeah. I think that the City</p> <p>21 Attorney spoke to the applicant's attorney and</p> <p>22 said that that was not necessary.</p> <p>23 MR. BEHAR: Oh --</p> <p>24 CHAIRMAN AIZENSTAT: Oh, I didn't</p> <p>25 understand --</p>	<p>1 additional information. My recommendation to</p> <p>2 the applicant is to -- probably will be to</p> <p>3 re-advertise and re-notice everything, because</p> <p>4 the facts are different than the way that I</p> <p>5 understood them back then.</p> <p>6 CHAIRMAN AIZENSTAT: Okay.</p> <p>7 MR. TRIAS: And I think it's going to</p> <p>8 require action by you. Before, I didn't think</p> <p>9 so, but now I do think you need to take action.</p> <p>10 MR. COLLER: Let me ask you a question,</p> <p>11 because maybe I didn't understand the facts.</p> <p>12 Was the item advertised for tonight?</p> <p>13 MR. TRIAS: No, not for tonight.</p> <p>14 MR. COLLER: And so I don't think it's</p> <p>15 necessary to take an action, because it was</p> <p>16 never advertised and it's not before the Board,</p> <p>17 correct?</p> <p>18 MR. TRIAS: Yeah. Right. It's not before</p> <p>19 you. It's something that the attorney believed</p> <p>20 that maybe they had to make a statement.</p> <p>21 Apparently that's not the case. That's fine</p> <p>22 with me. I don't have any issue with that.</p> <p>23 MR. COLLER: I think we're good.</p> <p>24 CHAIRMAN AIZENSTAT: So, on the record --</p> <p>25 we're good? They don't have to make a</p>
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<p>1 MR. COLLER: Oh, there was an item that was</p> <p>2 not officially on the calendar, was a plat.</p> <p>3 The applicant's attorney is here, but it was</p> <p>4 never something that was placed before the</p> <p>5 Board. I don't think there's really anything</p> <p>6 that needs to be done, any action to be taken,</p> <p>7 but she's here, if there are any questions that</p> <p>8 you may have.</p> <p>9 But it's not on the agenda. It's not been</p> <p>10 advertised. So I don't think there's -- in my</p> <p>11 judgment, there's any action for the Board to</p> <p>12 take.</p> <p>13 MR. BEHAR: If that's the case, we don't --</p> <p>14 you know, if it's not on the agenda, we don't</p> <p>15 do anything about it.</p> <p>16 MR. TRIAS: Yeah. That would be fine.</p> <p>17 That's okay.</p> <p>18 CHAIRMAN AIZENSTAT: So does that mean that</p> <p>19 they have an extension?</p> <p>20 MR. COLLER: Well, I don't believe there</p> <p>21 was ever -- I guess it's an extension by the</p> <p>22 fact that it's not on the agenda.</p> <p>23 MR. TRIAS: Mr. Chairman, what I would say</p> <p>24 is this, since the first time I talked to the</p> <p>25 applicant on this issue, I've learned some</p>	<p>1 statement?</p> <p>2 MR. COLLER: Yeah.</p> <p>3 MR. BEHAR: And Mr. Chair, can we find out,</p> <p>4 because I see a lot of members in the audience,</p> <p>5 because this is not --</p> <p>6 MR. COLLER: Well, let's make sure nobody's</p> <p>7 here for this.</p> <p>8 MR. BEHAR: Right, not for this item.</p> <p>9 MR. COLLER: Is there anybody here tonight</p> <p>10 for a plat, involving a plat?</p> <p>11 Okay. It wasn't advertised. It's not on</p> <p>12 the agenda. I think we're good.</p> <p>13 CHAIRMAN AIZENSTAT: Thank you.</p> <p>14 MR. TRIAS: So Mr. Chairman, we have two</p> <p>15 items today and both of them are Code</p> <p>16 Amendments, so I'll deal with the first one,</p> <p>17 which is the waterways.</p> <p>18 May I have the PowerPoint?</p> <p>19 MR. COLLER: May I read the item in?</p> <p>20 MR. TRIAS: Yes. Yes.</p> <p>21 MR. COLLER: Item Number 1, an Ordinance of</p> <p>22 the City Commission of Coral Gables, Florida</p> <p>23 providing for text amendments to the City of</p> <p>24 Coral Gables Official Zoning Code, Article 5,</p> <p>25 "Development Standards," Division 8, "Docks,</p>

<p style="text-align: right;">Page 9</p> <p>1 Wharves, Mooring Piles and Watercraft      2 Moorings," clarifying the distance of      3 unobstructed navigable water, providing for a      4 repealer provision, providing for a      5 severability clause, codification and providing      6 for an effective date. Item 1, public hearing.</p> <p>7 CHAIRMAN AIZENSTAT: Thank you.</p> <p>8 MR. TRIAS: Mr. Chairman, there are three      9 areas of the City that we have used to describe      10 this amendment, in terms of a simple way to      11 explain what the request is.</p> <p>12 And if you look at the amendment, which is      13 on Page 3, what we're doing is, we're      14 clarifying the unobstructed navigable waterway      15 that has to be between boats at the middle of      16 canals. And we have three categories. Only      17 one category is being changed. The other two      18 will remain the same.</p> <p>19 So the only category of canals that we are      20 changing or that we have a recommended change      21 from the Waterways Advisory Board is the canals      22 that are located north of US-1, which is what's      23 depicted in this image. Right now we have one      24 width that is required everywhere, which is 75      25 feet, except for the Mahi canal, which is 30</p>	<p style="text-align: right;">Page 11</p> <p>1 that is changing is that between boats that are      2 there at those docks, you need to have a      3 navigable waterway.</p> <p>4 So that is the change, and the proposed      5 text amendment, as you can see here, is a very      6 simple strike through and underline. We are      7 replacing Section C, and then we are clarifying      8 all of that.</p> <p>9 Okay. So -- great. Thank you.</p> <p>10 We've had multiple public notices, as      11 required by Code, and, in fact, we've had      12 notice beyond what the Code requires, which is      13 the courtesy notification that was mailed to      14 all property owners adjacent to waterways, and      15 I believe many of them, or some of them, are      16 here tonight, and that is the reason they're      17 here, because they received a mail notice, that      18 is not required by Code, but we sent it anyway,      19 to make sure that everybody got the -- knew      20 what was going on.</p> <p>21 In addition, we had legal advertisement, we      22 posted the agenda at City Hall, and also we      23 posted the Staff report and the agenda at the      24 City web page.</p> <p>25 The findings of facts is that the change</p>
<p style="text-align: right;">Page 10</p> <p>1 feet, but everywhere else in the City is 75      2 feet. 75 feet has turned out to be a little      3 bit too much in certain areas north of US-1.      4 So the recommendation is to change that width      5 to 45 feet.</p> <p>6 Now, south of US-1, there are no changes.      7 We continue to have the 75 feet, and the Mahi      8 canal, there are no changes, it continues to be      9 30 feet, and that has to do with the actual      10 design of the canal, which is narrower than      11 most.</p> <p>12 The reason we noticed everybody in the      13 courtesy notices is because we're actually      14 clarifying the Code and we're striking through      15 some of those provisions, but the content is      16 not being changed, except north of US-1.</p> <p>17 So that is the request. It's a text      18 amendment. It's a clarification of most of the      19 requirements and a change of the requirements      20 north of US-1. The change does not alter the      21 allowed docks. Right now we only allow five      22 feet for docks, five feet from the shoreline.      23 The change in the navigable waterway doesn't      24 mean that we now allow more encroachment. No,      25 that's not the case at all. The only thing</p>	<p style="text-align: right;">Page 12</p> <p>1 will promote the public health, safety and      2 welfare, and we believe that the standards of      3 review are satisfied, and, in fact, we also --      4 Staff also believes that the amendments are      5 consistent with the Comprehensive Plan. Staff      6 recommends approval.</p> <p>7 And that is the end of my presentation, and      8 I believe there may be some citizens who want      9 to speak.</p> <p>10 CHAIRMAN AIZENSTAT: Thank you.</p> <p>11 People that want to speak for the item, has      12 everybody signed up?</p> <p>13 Okay. So people that want to speak, they      14 have signed up, correct?</p> <p>15 If you'd please call the first individual.</p> <p>16 MR. BEHAR: Mr. Chair, should we set a time      17 of like maybe two minutes per speaker?</p> <p>18 CHAIRMAN AIZENSTAT: Two or three minutes      19 per speaker is ideal.</p> <p>20 MR. BEHAR: Okay. Because we have a lot.</p> <p>21 CHAIRMAN AIZENSTAT: Would you please call      22 the first individual?</p> <p>23 THE SECRETARY: Mr. Patrick Nolan.</p> <p>24 DR. NOLAN: Hi. I'm Dr. Patrick Nolan. I      25 live at 915 South Alhambra Circle, on the Mahi</p>

<p style="text-align: center;">Page 13</p> <p>1      Canal, and this is actually a wonderful thing      2      that I did receive a notice about -- that      3      something was going on with the canal, and I      4      found out for the first time that there's a      5      Waterway Committee, which was wonderful,      6      because I can talk to them about the illegal      7      marina at the end of the Mahi Canal, and about      8      all of the signage and the speed limit signs      9      that have been removed on both canals and      10     allowed a lot of speeding and a lot of manatees      11     to get hit.</p> <p>12     And my point about any changes to any      13     canal, the Mahi Canal and the Coral Gables      14     Canal Waterway are two of a very few number of      15     recognized manatee protection zones in the      16     State, where the manatees come to mate, and I      17     wonder if anyone involved in this mission has      18     coordinated with Fish and Wildlife to see if      19     any changes in the canal could affect adversely      20     the manatee population, which, as you should      21     know, is -- most of them are scarred, being hit      22     by boats.</p> <p>23     So I think before anything further is done      24     on anything to do with the waterway, it be      25     coordinated with Fish and Wildlife.</p>	<p style="text-align: center;">Page 15</p> <p>1      I'll try to keep it under two minutes. I have      2      a handout. If I could pass it up to you.</p> <p>3      CHAIRMAN AIZENSTAT: Please.</p> <p>4      Thank you.</p> <p>5      MR. SWAIN: Okay. The first page is just      6      an overview of the area that's going to -- that      7      is recommended for the 45 feet. It's US-1 down      8      at the bottom and Bird Road at the top. So      9      that's kind of an overview.</p> <p>10     And I'm only speaking about one -- I only      11     have a problem about one little spot, which if      12     you turn to Page -- you see, on Page 1, it has      13     an arrow and says, "See Page 2."</p> <p>14     This is a blow-up of that area. This is      15     where the canal takes a sharp left turn, almost      16     a 90-degree turn, and it turns under the      17     Granada Bridge. And right now, I can't tell      18     exactly, but it's about a 70-foot opening at      19     the moment, right now.</p> <p>20     And what happens is, when the boats -- now,      21     with the existing condition, boats have a hard      22     time -- the larger boats have a hard time,      23     'cause this is a blind corner, and it's      24     difficult to get around the corner. I'm a      25     boater. I do it a lot. And it's a tricky</p>
<p style="text-align: center;">Page 14</p> <p>1      CHAIRMAN AIZENSTAT: Thank you. Just one      2      question, though, are you stating that if it's      3      narrowed to 45 feet or what -- it's going to      4      impact -- you have an impact on that?</p> <p>5      DR. NOLAN: It could.</p> <p>6      CHAIRMAN AIZENSTAT: Okay.</p> <p>7      DR. NOLAN: Now, I read an article this      8      afternoon that the University of Miami student      9      newspaper published concerning the manatees in      10     the waterway, and they talked at great length      11     about how the manatees should not be disturbed      12     in any manner, that boaters should stay away      13     from them, that swimmers should stay away from      14     them, that if they're spooked in any way, they      15     stay out in the water, where it's cold, and      16     they get hypothermic and it affects their      17     flippers and it affects the population.</p> <p>18      CHAIRMAN AIZENSTAT: Okay. Thank you.</p> <p>19      THE SECRETARY: Mr. Swain.</p> <p>20      MR. SWAIN: All right. I'm John Swain.</p> <p>21      MR. COLLER: I think you need to speak into      22     the mike. If you can move it up.</p> <p>23      MR. SWAIN: Hi. I'm John Swain. I live at      24     4015 University Drive. I'm also on the      25     Advisory -- the Waterway Advisory Committee.</p>	<p style="text-align: center;">Page 16</p> <p>1      spot, as it is, with 70 feet.</p> <p>2      So I'm a little nervous -- and I did bring      3      this up at the Advisory Board, but I didn't      4      pursue it, unfortunately. I should have. I'm      5      a little nervous about this one spot.</p> <p>6      Everywhere else, the entire canal, the 45 feet      7      is fine, but I'm nervous about making this spot      8      any narrower than it already is.</p> <p>9      So if you look at the third page, you'll      10     see what I'm talking about. There's a little      11     spittle end that just sticks out, and why, when      12     they built the canal, they left that little      13     spittle in, I'll never know. It drives me      14     crazy every time we go by it. But it's there.</p> <p>15      And if you were to change the rule to 45      16     and you didn't make an exception for this spot,      17     somebody could actually put a dock right there      18     on that spittle end, be within the 45 limit,      19     and it would create a major hazard for the      20     larger boats that are going in and out of the      21     canal.</p> <p>22      So I'm just bringing that up, that maybe      23     you could add into there something that that      24     one spot is just left alone. That's it.</p> <p>25      CHAIRMAN AIZENSTAT: Thank you.</p>

1 MS. SWAIN: Okay. Thank you.  
 2 MR. BEHAR: Can I ask just quickly Staff  
 3 for a question? Because, Ramon, when -- if  
 4 this goes through and it's approved for 45  
 5 feet, it doesn't say that you're allowed to put  
 6 a dock that goes out and maintain it. That's  
 7 just when you're going to moor a boat, tie up a  
 8 boat?  
 9 MR. TRIAS: The dock can be only be five  
 10 feet.  
 11 MR. BEHAR: From the bank of the canal?  
 12 MR. TRIAS: Yes.  
 13 MR. BEHAR: Okay.  
 14 MR. TRIAS: Yes.  
 15 MR. SWAIN: My point is that the existing  
 16 70 feet right now is already a scary spot, and  
 17 if you ask the Marine Patrol, they'll agree  
 18 with me. They have agreed with me. And I'm  
 19 just asking that that one spot just be left as  
 20 it is.  
 21 Thank you.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 THE SECRETARY: Ms. Gema Pinon.  
 24 MS. PINON: Good evening. Good evening.  
 25 First of all, I --

1 don't know if that's the case in your  
 2 residence, but not everybody in the City  
 3 received notices.  
 4 CHAIRMAN AIZENSTAT: Only properties --  
 5 MR. TRIAS: Only affected properties, yeah.  
 6 MS. PINON: It's 100 feet.  
 7 MR. TRIAS: Okay. And the other issue is  
 8 that I'm happy to say that we finally have the  
 9 consultant on board. We are going to start  
 10 those meetings about the Zoning Code as we  
 11 speak. In fact, we have our first meeting  
 12 Friday with the BID on some of the Downtown  
 13 issues.  
 14 CHAIRMAN AIZENSTAT: Thank you.  
 15 You can call the next individual, please.  
 16 THE SECRETARY: My apologies if I will not  
 17 be able to pronounce this correctly -- JB  
 18 Diederich.  
 19 MR. DIEDERICH: Diederich.  
 20 THE SECRETARY: Diederich.  
 21 MR. DIEDERICH: How are you, gentlemen? My  
 22 name is JB Diederich. I live at 5410 Riviera  
 23 Drive. I did receive the notice, which put me  
 24 in a little bit of distress, because I have  
 25 learned that we are not in compliance, because

1 CHAIRMAN AIZENSTAT: Could you state your  
 2 name and address, please.  
 3 MS. PINON: My name is Gema Pinon. I  
 4 reside at 339 Alesio Avenue. I'm an attorney.  
 5 I also sit on the Board of Adjustments, just  
 6 for the record.  
 7 Hello, Marshall, how are you? Good  
 8 evening, ladies and gentlemen.  
 9 First of all, I did not receive any notice  
 10 of this hearing. I only found out because of  
 11 Ms. Sonia Blair, who told me about the meeting.  
 12 So that's my first comment.  
 13 My second comment is that we have spoken  
 14 about this before, Mr. Trias and I, that we  
 15 should not be having all of these meetings  
 16 about changes. We should just have changes to  
 17 the Zoning Code, which is very outdated. It's  
 18 very antiquated. It's inconsistent. And  
 19 there's no reason or rhyme for anything.  
 20 So that's what I would like to request for  
 21 the Board. Thank you very much.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 MR. TRIAS: Thank you.  
 24 Just for the record, the properties  
 25 adjacent to canals received mail notice and I

1 there aren't 70 feet between my home and my  
 2 neighbor across the water.  
 3 The waterway measures about 80 feet at that  
 4 spot, and for the past 20 years, I have been  
 5 out of compliance, and mea culpa, and I should  
 6 take, perhaps, my boat away.  
 7 No, what I was going to say is that I did a  
 8 lot of research, because I was going to replace  
 9 my boat, and I was going to get a beamier boat,  
 10 and I spoke to the Coast Guard, I spoke to  
 11 Zoning, I spoke to the Marine Patrol, I spoke  
 12 to the police, and there seems to be a  
 13 consensus that it's one-third, one-third and  
 14 one-third, with one-third of the canal being  
 15 the navigable part. I did not know that we had  
 16 70 feet. Clearly, this is something that  
 17 should be looked at and amended, perhaps,  
 18 because it's impossible.  
 19 Either he or I have to lose our dock, and  
 20 once we both have our boats out there, you  
 21 don't have 70 feet, you have more like 60, but,  
 22 anyway -- or less.  
 23 CHAIRMAN AIZENSTAT: You're saying, you  
 24 have 60? Once you both have your boats out  
 25 there, you have 60 feet in between them?

<p style="text-align: right;">Page 21</p> <p>1           MR. Diederich: If we're lucky. Yeah. The 2           problem is that we're south or -- or east of 3           US-1, south of US-1, on the Coral Gables 4           Waterway, and you have a couple of turns before 5           it actually widens, and we're a lot more like 6           the Mahi Canal at that point, because we are a 7           smaller waterway.</p> <p>8           MR. BEHAR: But you're south of US-1?</p> <p>9           MR. Diederich: Yes, we are.</p> <p>10          MR. BEHAR: But this is only pertaining to 11         north of US-1.</p> <p>12          MR. Diederich: I know, but the paperwork 13         that I received says that we're at 70 feet --</p> <p>14          MR. TRIAS: Yeah. If I understand your 15         issue, is that you believe that right now 16         you're not in compliance.</p> <p>17          MR. Diederich: Basically I'm not, because 18         it says 70 feet.</p> <p>19          MR. TRIAS: Now, what has happened in the 20         past is that variances have been used in cases 21         like that, when there's a constrain, and it's 22         not the fault of anyone. So I'll be happy to 23         look at your property in more detail, if you 24         want to, because we may have to adjust --</p> <p>25          MR. Diederich: I think you do, because I</p>	<p style="text-align: right;">Page 23</p> <p>1           US-1. If you look at the waterway, the 2           waterway is wide as it comes in off Biscayne 3           Bay, and when it get to the 5500 Block of 4           Riviera Drive or Orduna Drive, it reduces 5           significantly in width. And as JB has very 6           aptly put, we've got about 80 feet of waterway 7           between our homes, not the wide 125 feet, 8           whatever it is, on most of the canals south of 9           US-1.</p> <p>10         So if there was a requirement -- and by the 11         way, this notice -- I hear what you said, 12         Mr. Trias, but it says that this meeting is for 13         the proposed amendments to allow 75 feet of 14         navigable waterway south of US-1.</p> <p>15         So I'm assuming that we can, under this 16         Ordinance, consider changing that 75-foot width 17         for the area from the 5500 Block of Riviera or 18         Orduna Drive to US-1. It's about a quarter of 19         the mile.</p> <p>20         And as Mr. Diederich has said, what we 21         really need is one-third, one-third and 22         one-third. So the middle third of the waterway 23         would be navigable and the remaining would be 24         for boats tied up to docks, et cetera.</p> <p>25         I'd also like to add the fact that in that</p>
<p style="text-align: right;">Page 22</p> <p>1           don't want to be out of compliance. I want to 2           make sure that we are --</p> <p>3          MR. TRIAS: Keep in mind that this is the 4         Planning and Zoning meeting. This is a 5         recommendation to the Commission. So we have 6         an opportunity to refine the language prior to 7         Commission.</p> <p>8          MR. Diederich: Great. No, I just felt it 9         was a little bit strict, the way I saw it, and 10        didn't want to get rid of my boat, because I 11        would be really sad and I wouldn't be able to 12        take anybody out for a ride. Thanks.</p> <p>13          CHAIRMAN AIZENSTAT: If you would be in 14        touch with Mr. Trias --</p> <p>15          MR. Diederich: I will.</p> <p>16          CHAIRMAN AIZENSTAT: -- that would be 17        great. Thank you.</p> <p>18          THE SECRETARY: Mr. West.</p> <p>19          MR. WEST: Good evening, Mr. Chairman, 20        Members. My name is Macdonald West. I reside 21        at 5325 Orduna Drive. I'm actually a neighbor 22        directly across from JB Diederich.</p> <p>23         The reason for my coming here this evening 24        is because I would like you to consider making 25        an amendment to the 75-foot width south of</p>	<p style="text-align: right;">Page 24</p> <p>1           particular portion of the waterway, from the 2           5500 Block to US-1, the property owners 3           actually own to the center part of the 4           waterway. If you'll check the plats, maps and 5           so on, you'll find out that that is correct. 6           You can go onto miami-dade.gov and look at the 7           property search and that's probably the easiest 8           way to show it. My deed and the other deeds 9           also show that I own to the center of the 10          waterway.</p> <p>11         So, Mr. Trias, if there was a taking away 12         of rights, then, under the Florida 13         Constitutional Law, we would need to be 14         compensated for taking away those rights, just 15         as a comment.</p> <p>16         So, anyway, my proposal or request for a 17         change is that from the 5500 Block, Orduna and 18         Riviera goes, more or less, north to US-1, that 19         restricted narrower area of the waterway, would 20         have a navigable open area in the middle 21         one-third of the waterway only.</p> <p>22         CHAIRMAN AIZENSTAT: Thank you.</p> <p>23         MR. WEST: Thank you.</p> <p>24         MR. BEHAR: Can we ask our attorney -- can 25         I ask a question?</p>

<p style="text-align: right;">Page 25</p> <p>1 CHAIRMAN AIZENSTAT: Of course.      2 MR. BEHAR: The waterways is essentially a      3 right-of-way, correct?      4 MR. COLLER: Essentially. Just on this      5 comment about this possibly be being a taking,      6 well, I think this comes under no good deed      7 goes unpunished, because there's no change      8 proposed -- it was originally 75 feet. So      9 we're actually trying to reduce it in a certain      10 section, but now it appears that some people      11 also want it reduced to the south, as well,      12 and, actually, it's always been 75 feet, and it      13 was being maintained as 75 feet.      14 So you didn't have a right -- you don't      15 have a right to a narrower canal, that, of      16 course, is not your property. But, in any      17 event, I think that the Board may want to      18 consider a recommendation for the 75 feet south      19 of US-1. Right now the proposal is to maintain      20 that distance, but to make some adjustments      21 north of US-1, but I -- we're not making a      22 change to the 75 feet south. That's not being      23 proposed.      24 It looks like a change, because what      25 happened is, for purposes of readability, the</p>	<p style="text-align: right;">Page 27</p> <p>1 approved those docks in years gone by, and when      2 you tie a boat up to a five-foot dock, if      3 you've got a 15, 20-foot wide beam dock --      4 boat, then it reduces obviously the width.      5 CHAIRMAN AIZENSTAT: I understand.      6 MR. WEST: So my request, again, is that      7 quarter of a mile strip in the 5500 Block to      8 US-1, even if the Ordinance does say that, I'm      9 asking that we re-consider that.      10 MR. BEHAR: Can I ask you a question --      11 MR. WEST: Please.      12 MR. BEHAR: -- because a 15, 20-foot beam      13 boat, that boat would have to be probably close      14 to 100 foot in length. Because a boat that is      15 able to navigate through that canal cannot be      16 that big. I know the canal. I canoe      17 throughout those canals constantly. And I know      18 there are some cases where they're very, very      19 tight, but I don't believe a 20-foot beam boat      20 will even be able to go through underneath the      21 bridges.      22 MR. WEST: Well, that's a good point.      23 MR. BEHAR: Okay.      24 MR. WEST: And most of the boats, to be      25 honest, are not that wide. They're more about</p>
<p style="text-align: right;">Page 26</p> <p>1 Department decided to make clearer in the Code      2 the various distances, but the 75 feet is not      3 being proposed to be changed. It was always 75      4 feet. The only change is to the 45 feet north      5 of US-1, and, in fact, even though it's      6 underlined here, and I'm looking at Page 3 of      7 your kit, the Mahi Canal -- there's no proposed      8 change to the Mahi Canal, either. It happens      9 to be underlined, because they decided to put      10 in one place all of the provisions. So that's      11 why it appears to be underlined, but there's      12 nothing new proposed for the Mahi Canal,      13 either.      14 CHAIRMAN AIZENSTAT: Okay.      15 MR. COLLER: So I hope that clarifies it.      16 MR. WEST: Mr. Chairman, may I comment?      17 CHAIRMAN AIZENSTAT: If it's short, yes.      18 MR. WEST: I don't dispute Mr. Coller's      19 understanding of the law. I'd just like to      20 say, I've lived at my home since 1981. There      21 was a dock there when I bought the home, which      22 is still present. There are multiple docks on      23 this narrower quarter of a mile strip that have      24 been there forever.      25 So, at some point, the City of Coral Gables</p>	<p style="text-align: right;">Page 28</p> <p>1 15 --      2 MR. BEHAR: They're probably more like 10,      3 12 feet max.      4 MR. WEST: -- but with a Catamaran -- well,      5 my boat's got a 12-foot beam, almost 12-foot      6 beam.      7 MR. BEHAR: Okay. Well, it's typically      8 between 10 to 12 feet. And, you know, we're      9 not -- and by the way, like, you know, our      10 attorney had mentioned, we're not looking at --      11 we're not touching south of US-1. This right      12 now is only for north of US-1.      13 MR. WEST: And my request, sir, is that I      14 had no idea that the Ordinance was there.      15 First notice I ever had was last week when I      16 received this. I don't know when the Ordinance      17 was changed. But my comment is, it's not      18 practical, and so while we're considering this,      19 my request is that we consider a change on that      20 quarter of a mile stretch from US-1 south.      21 CHAIRMAN AIZENSTAT: Thank you.      22 MR. WEST: Thank you.      23 CHAIRMAN AIZENSTAT: If you'd call the next      24 individual, please.      25 THE SECRETARY: Mr. Larson, and I think he</p>

<p style="text-align: right;">Page 29</p> <p>1       needs to be sworn in.      2       (Thereupon, the participant was sworn.)      3       MR. LARSON: I do.      4       Ladies and gentlemen, Glen Larson, Dock and      5       Marine Construction, 752 Northeast 79th Street.      6       I was asked to make a presentation with the      7       Waterfront Advisory Board Committee at the end      8       of 2017 regarding this matter.      9       It's a simple matter. There are 200 to 250      10      houses on the northwestern side of US-1 and      11      Ponce that the waterway width is 70 feet, 75      12      feet, 74 feet, and it would require that all of      13      these people that have a dock or a boat lift or      14      use their properties, similarly to the people      15      outside US-1, would need a variance.      16      So basically the request to modify the Code      17      is to reduce the burden of a variance for every      18      single homeowner in that section of waterway,      19      and a lot of time went through Marine Patrol --      20      the Waterfront Advisory Board went up and down      21      the canal to make sure that we didn't create a      22      burden for anybody. The bridge restrictions      23      are horrendous. 16 feet wide is the Blue Road      24      bridge, and the height restriction at US-1,      25      Ponce, is seven-foot-nine. So boat size is</p>	<p style="text-align: right;">Page 31</p> <p>1       don't think -- I particularly don't like one of      2       the suggestions by one of the speakers to go      3       one-third, one-third, one-third, because then      4       you're going to limit that -- restricted, you      5       know, that navigational width significantly.      6       I'm fine with the way this was presented to      7       me.      8       CHAIRMAN AIZENSTAT: Marshall?      9       MR. BELLIN: I agree. I don't even know      10      why we're discussing the properties south of      11      Dixie. We really can't --      12      MR. COLLER: Can you speak into the mike a      13      little bit, because I think the court reporter      14      is having trouble picking it up?      15      MR. BELLIN: I'm sorry.      16      I don't know why we're discussing the      17      properties south of Dixie Highway. That's not      18      in this particular issue, I think.      19      MR. BEHAR: And I think, for the record,      20      maybe we can get a clarification. This has      21      been in the Code for how long?      22      MR. TRIAS: I don't know how long, but a      23      long time. Certainly more than I can remember.      24      MR. BEHAR: So this is not something that      25      just came back. I mean, I'm sure, back in</p>
<p style="text-align: right;">Page 30</p> <p>1       very restricted.      2       5500 Riviera, I think, where he is, it      3       won't be affected by this Code. He stays with      4       the 75 feet clear navigation. So it's really      5       only for those people behind the bridge. It      6       would be great for the City and save you guys a      7       lot of time.      8       If anybody has any questions --      9       CHAIRMAN AIZENSTAT: Thank you.      10      THE SECRETARY: That's the last speaker I      11      have for this item.      12      CHAIRMAN AIZENSTAT: That's the last      13      speaker?      14      THE SECRETARY: Yes.      15      CHAIRMAN AIZENSTAT: At this point, I'm      16      going to go ahead and close the floor to the      17      speakers.      18      Is there any discussion? Robert?      19      MR. BEHAR: You know, I mean, I don't see      20      an issue. I think that maintaining, you know,      21      a 45-foot navigational width is plenty. I      22      think this is -- and like our attorney has      23      described, this is not affecting everywhere.      24      It's not affecting the Mahi Canal.      25      So I think this could be worked out. I</p>	<p style="text-align: right;">Page 32</p> <p>1       1981, this was part of the Code.      2       MR. TRIAS: Yeah. And the only reason      3       we're talking about the other areas, is because      4       we're changing the language, but we're not      5       changing the content. We're just rearranging      6       it, so it's more clear. That's all.      7       CHAIRMAN AIZENSTAT: Jolie, any comment?      8       MS. BALIDO-HART: No.      9       CHAIRMAN AIZENSTAT: You're okay?      10      MS. BALIDO-HART: I'm good with it.      11      CHAIRMAN AIZENSTAT: I'd like to ask a      12      question to the gentleman that -- if he's still      13      here, the gentleman from the company.      14      MR. TRIAS: Mr. Larson.      15      CHAIRMAN AIZENSTAT: Mr. Larson. Sorry      16      about that.      17      There was a map that was given to us about      18      an area that's tight. Are you familiar with      19      this or were you here when that gentleman spoke      20      to us about it?      21      MR. LARSON: I'm familiar with the map.      22      CHAIRMAN AIZENSTAT: If somebody comes to      23      you and wants to built a dock on that piece of      24      rock on the end, how does DERM or Corps of      25      Engineers or anybody, would they be allowed for</p>

<p style="text-align: center;">Page 33</p> <p>1       that property?</p> <p>2       MR. LARSON: Let me -- can I come up?</p> <p>3       CHAIRMAN AIZENSTAT: Yes, of course.</p> <p>4       There's a rock at the end there.</p> <p>5       Thank you.</p> <p>6       MR. LARSON: So that specific rock, I'm</p> <p>7       familiar with, because it creates a very</p> <p>8       difficult turn for me to get a barge passed</p> <p>9       that into the University canal area. It's</p> <p>10      possible that they could have a dock. I would</p> <p>11      have to probably get a variance, because I</p> <p>12      believe that the area that's in there is going</p> <p>13      to have a problem mooring a vessel and</p> <p>14      maintaining the 45 feet clear.</p> <p>15      And when I met with the Waterfront Advisory</p> <p>16      Board, our concern was, that specific corner</p> <p>17      where that rock is, is a tight area, and we</p> <p>18      don't want people to block it off and make it</p> <p>19      so that it's inaccessible. It's already</p> <p>20      difficult to navigate there.</p> <p>21      So instead of making it 30 feet, like the</p> <p>22      Mahi canal, which would make that turn</p> <p>23      impossible for anybody with the biggest boat</p> <p>24      you could get in there, 45 feet seemed to be</p> <p>25      the right measurement that would prevent any</p>	<p style="text-align: center;">Page 35</p> <p>1       Board.</p> <p>2       MR. BEHAR: You know, maybe when that comes</p> <p>3       up, the re-write of the Code, maybe we could</p> <p>4       impose that any application must show the width</p> <p>5       entirely of that waterway, so the Staff and</p> <p>6       whoever is going to go for the variance is</p> <p>7       fully aware of what those dimensions --</p> <p>8       MR. TRIAS: Yeah, and that's required now.</p> <p>9       MR. BEHAR: It is required? Okay.</p> <p>10      MR. TRIAS: Yeah. You have to show it.</p> <p>11      MR. BEHAR: Then it covers it.</p> <p>12      MR. TRIAS: Yeah.</p> <p>13      CHAIRMAN AIZENSTAT: Right. Any other</p> <p>14      comments from the Board?</p> <p>15      MR. BEHAR: No. I'll make a motion to</p> <p>16      approve.</p> <p>17      MS. BALIDO-HART: Second.</p> <p>18      CHAIRMAN AIZENSTAT: We a motion. We have</p> <p>19      a second. Any discussion? No?</p> <p>20      Call the roll, please.</p> <p>21      THE SECRETARY: Ms. Balido-Hart?</p> <p>22      MS. BALIDO-HART: Yes.</p> <p>23      THE SECRETARY: Mr. Behar?</p> <p>24      MR. BEHAR: Yes.</p> <p>25      THE SECRETARY: Mr. Bellin?</p>
<p style="text-align: center;">Page 34</p> <p>1       unnecessary obstruction to the waterway.</p> <p>2       CHAIRMAN AIZENSTAT: Thank you.</p> <p>3       Ramon, would you agree with that? That if</p> <p>4       they wanted to do a dock and extend at that</p> <p>5       point, they would have to come before the City</p> <p>6       and get a variance?</p> <p>7       MR. TRIAS: Most likely, and I want to also</p> <p>8       say that the design is reviewed. So we don't</p> <p>9       just simply allow you to do whatever you want.</p> <p>10      It's reviewed for making sure that it fits</p> <p>11      within the house and so on.</p> <p>12      And the practical application is that, in</p> <p>13      the past, whenever there was an issue, there</p> <p>14      was a variance request, and Mr. Larson</p> <p>15      explained it very well. This simplifies the</p> <p>16      process and it's a benefit to the residents.</p> <p>17      CHAIRMAN AIZENSTAT: And taking into</p> <p>18      account that we're now going to be doing</p> <p>19      another Zoning Code re-write, how will all of</p> <p>20      this be affected? Will this be reviewed again?</p> <p>21      MR. TRIAS: If it has to. If we find some</p> <p>22      new information, certainly I'm open to any</p> <p>23      revisions, yes.</p> <p>24      At this point, we're going with the</p> <p>25      recommendation from the Waterways Advisory</p>	<p style="text-align: center;">Page 36</p> <p>1       MR. BELLIN: Yes.</p> <p>2       THE SECRETARY: Mr. Aizenstat?</p> <p>3       CHAIRMAN AIZENSTAT: Yes. Thank you.</p> <p>4       If we could go on to the next item, please.</p> <p>5       Mr. Attorney, if you'd read it into the</p> <p>6       record.</p> <p>7       MR. COLLER: Sure. I'm sorry.</p> <p>8       CHAIRMAN AIZENSTAT: Thank you.</p> <p>9       MR. COLLER: The second Ordinance on the</p> <p>10      agenda, an Ordinance of the City Commission of</p> <p>11      Coral Gables, Florida providing for text</p> <p>12      amendments to the City of Coral Gables Official</p> <p>13      Zoning Code, Article 4, "Zoning Districts,"</p> <p>14      Section 4-102, "Multi-Family 1 Duplex (MF1)</p> <p>15      District," to modify and clarify provisions</p> <p>16      regulating duplex standards related to</p> <p>17      setbacks, heights, and ground area coverage,</p> <p>18      providing for a repealer provision, providing</p> <p>19      for a severability clause, codification and</p> <p>20      providing for an effective date.</p> <p>21      Second item, public hearing.</p> <p>22      CHAIRMAN AIZENSTAT: Thank you.</p> <p>23      MR. TRIAS: Mr. Chairman, I won't make a</p> <p>24      PowerPoint. I'll just go through the memo.</p> <p>25      I would say that we did send a courtesy</p>