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1 Ms. Velez?

2 Mr. Aizenstat?

3 CHAIRMAN AIZENSTAT: Yes.

4 Okay. If we can go ahead and move on to

5 the first item, please.

6 Ramon.

7 MR. COLLER: Okay. Do you want me to read

8 them in? Okay.

9 MR. BEHAR: Should we find out --

10 CHAIRMAN AIZENSTAT: Actually, should we go

11 ahead and -- somebody wanted to have an

12 extension. Come up for a second. Do we want

13 to go ahead and --

14 MR. BEHAR: Yeah, and defer the item or

15 whatever it is.

16 MR. COLLER: Oh, there's an item to be

17 deferred?

18 CHAIRMAN AIZENSTAT: Ramon, wasn't there --

19 Ramon --

20 MR. TRIAS: Yeah. I think that the City

21 Attorney spoke to the applicant's attorney and

22 said that that was not necessary.

23 MR. BEHAR: Oh --

24 CHAIRMAN AIZENSTAT: Oh, I didn't

25 understand --

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1 MR. COLLER: Oh, there was an item that was

2 not officially on the calendar, was a plat.

3 The applicant's attorney is here, but it was

4 never something that was placed before the

5 Board. I don't think there's really anything

6 that needs to be done, any action to be taken,

7 but she's here, if there are any questions that

8 you may have.

9 But it's not on the agenda. It's not been

10 advertised. So I don't think there's -- in my

11 judgment, there's any action for the Board to

12 take.

13 MR. BEHAR: If that's the case, we don't --

14 you know, if it's not on the agenda, we don't

15 do anything about it.

16 MR. TRIAS: Yeah. That would be fine.

17 That's okay.

18 CHAIRMAN AIZENSTAT: So does that mean that

19 they have an extension?

20 MR. COLLER: Well, I don't believe there

21 was ever -- I guess it's an extension by the

22 fact that it's not on the agenda.

23 MR. TRIAS: Mr. Chairman, what I would say

24 is this, since the first time I talked to the

25 applicant on this issue, I've learned some

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1 additional information. My recommendation to

2 the applicant is to -- probably will be to

3 re-advertise and re-notice everything, because

4 the facts are different than the way that I

5 understood them back then.

6 CHAIRMAN AIZENSTAT: Okay.

7 MR. TRIAS: And I think it's going to

8 require action by you. Before, I didn't think

9 so, but now I do think you need to take action.

10 MR. COLLER: Let me ask you a question,

11 because maybe I didn't understand the facts.

12 Was the item advertised for tonight?

13 MR. TRIAS: No, not for tonight.

14 MR. COLLER: And so I don't think it's

15 necessary to take an action, because it was

16 never advertised and it's not before the Board,

17 correct?

18 MR. TRIAS: Yeah. Right. It's not before

19 you. It's something that the attorney believed

20 that maybe they had to make a statement.

21 Apparently that's not the case. That's fine

22 with me. I don't have any issue with that.

23 MR. COLLER: I think we're good.

24 CHAIRMAN AIZENSTAT: So, on the record --

25 we're good? They don't have to make a

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1 statement?

2 MR. COLLER: Yeah.

3 MR. BEHAR: And Mr. Chair, can we find out,

4 because I see a lot of members in the audience,

5 because this is not --

6 MR. COLLER: Well, let's make sure nobody's

7 here for this.

8 MR. BEHAR: Right, not for this item.

9 MR. COLLER: Is there anybody here tonight

10 for a plat, involving a plat?

11 Okay. It wasn't advertised. It's not on

12 the agenda. I think we're good.

13 CHAIRMAN AIZENSTAT: Thank you.

14 MR. TRIAS: So Mr. Chairman, we have two

15 items today and both of them are Code

16 Amendments, so I'll deal with the first one,

17 which is the waterways.

18 May I have the PowerPoint?

19 MR. COLLER: May I read the item in?

20 MR. TRIAS: Yes. Yes.

21 MR. COLLER: Item Number 1, an Ordinance of

22 the City Commission of Coral Gables, Florida

23 providing for text amendments to the City of

24 Coral Gables Official Zoning Code, Article 5,

25 "Development Standards," Division 8, "Docks,

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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.
 7 CHAIRMAN AIZENSTAT: Thank you.
 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.
 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.
 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

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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.
 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.
 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.
 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

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1 that is changing is that between boats that are
 2 there at those docks, you need to have a
 3 navigable waterway.
 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.
 9 Okay. So -- great. Thank you.
 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.
 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.
 25 The findings of facts is that the change

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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.
 7 And that is the end of my presentation, and
 8 I believe there may be some citizens who want
 9 to speak.
 10 CHAIRMAN AIZENSTAT: Thank you.
 11 People that want to speak for the item, has
 12 everybody signed up?
 13 Okay. So people that want to speak, they
 14 have signed up, correct?
 15 If you'd please call the first individual.
 16 MR. BEHAR: Mr. Chair, should we set a time
 17 of like maybe two minutes per speaker?
 18 CHAIRMAN AIZENSTAT: Two or three minutes
 19 per speaker is ideal.
 20 MR. BEHAR: Okay. Because we have a lot.
 21 CHAIRMAN AIZENSTAT: Would you please call
 22 the first individual?
 23 THE SECRETARY: Mr. Patrick Nolan.
 24 DR. NOLAN: Hi. I'm Dr. Patrick Nolan. I
 25 live at 915 South Alhambra Circle, on the Mahi

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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.
 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.
 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.

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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?
 5 DR. NOLAN: It could.
 6 CHAIRMAN AIZENSTAT: Okay.
 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.
 18 CHAIRMAN AIZENSTAT: Okay. Thank you.
 19 THE SECRETARY: Mr. Swain.
 20 MR. SWAIN: All right. I'm John Swain.
 21 MR. COLLER: I think you need to speak into
 22 the mike. If you can move it up.
 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.

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1 I'll try to keep it under two minutes. I have
 2 a handout. If I could pass it up to you.
 3 CHAIRMAN AIZENSTAT: Please.
 4 Thank you.
 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.
 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."
 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.
 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

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1 spot, as it is, with 70 feet.
 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.
 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.
 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.
 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.
 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.
 25 CHAIRMAN AIZENSTAT: Thank you.

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 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 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 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?

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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.
 8 MR. BEHAR: But you're south of US-1?
 9 MR. Diederich: Yes, we are.
 10 MR. BEHAR: But this is only pertaining to
 11 north of US-1.
 12 MR. Diederich: I know, but the paperwork
 13 that I received says that we're at 70 feet --
 14 MR. TRIAS: Yeah. If I understand your
 15 issue, is that you believe that right now
 16 you're not in compliance.
 17 MR. Diederich: Basically I'm not, because
 18 it says 70 feet.
 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 --
 25 MR. Diederich: I think you do, because I

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1 don't want to be out of compliance. I want to
 2 make sure that we are --
 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.
 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.
 13 CHAIRMAN AIZENSTAT: If you would be in
 14 touch with Mr. Trias --
 15 MR. Diederich: I will.
 16 CHAIRMAN AIZENSTAT: -- that would be
 17 great. Thank you.
 18 THE SECRETARY: Mr. West.
 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.
 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

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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.
 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.
 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.
 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.
 25 I'd also like to add the fact that in that

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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.
 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.
 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.
 22 CHAIRMAN AIZENSTAT: Thank you.
 23 MR. WEST: Thank you.
 24 MR. BEHAR: Can we ask our attorney -- can
 25 I ask a question?

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

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

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

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

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

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

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

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 build 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

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1 that property?

2 MR. LARSON: Let me -- can I come up?

3 CHAIRMAN AIZENSTAT: Yes, of course.

4 There's a rock at the end there.

5 Thank you.

6 MR. LARSON: So that specific rock, I'm

7 familiar with, because it creates a very

8 difficult turn for me to get a barge passed

9 that into the University canal area. It's

10 possible that they could have a dock. I would

11 have to probably get a variance, because I

12 believe that the area that's in there is going

13 to have a problem mooring a vessel and

14 maintaining the 45 feet clear.

15 And when I met with the Waterfront Advisory

16 Board, our concern was, that specific corner

17 where that rock is, is a tight area, and we

18 don't want people to block it off and make it

19 so that it's inaccessible. It's already

20 difficult to navigate there.

21 So instead of making it 30 feet, like the

22 Mahi canal, which would make that turn

23 impossible for anybody with the biggest boat

24 you could get in there, 45 feet seemed to be

25 the right measurement that would prevent any

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1 unnecessary obstruction to the waterway.

2 CHAIRMAN AIZENSTAT: Thank you.

3 Ramon, would you agree with that? That if

4 they wanted to do a dock and extend at that

5 point, they would have to come before the City

6 and get a variance?

7 MR. TRIAS: Most likely, and I want to also

8 say that the design is reviewed. So we don't

9 just simply allow you to do whatever you want.

10 It's reviewed for making sure that it fits

11 within the house and so on.

12 And the practical application is that, in

13 the past, whenever there was an issue, there

14 was a variance request, and Mr. Larson

15 explained it very well. This simplifies the

16 process and it's a benefit to the residents.

17 CHAIRMAN AIZENSTAT: And taking into

18 account that we're now going to be doing

19 another Zoning Code re-write, how will all of

20 this be affected? Will this be reviewed again?

21 MR. TRIAS: If it has to. If we find some

22 new information, certainly I'm open to any

23 revisions, yes.

24 At this point, we're going with the

25 recommendation from the Waterways Advisory

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1 Board.

2 MR. BEHAR: You know, maybe when that comes

3 up, the re-write of the Code, maybe we could

4 impose that any application must show the width

5 entirely of that waterway, so the Staff and

6 whoever is going to go for the variance is

7 fully aware of what those dimensions --

8 MR. TRIAS: Yeah, and that's required now.

9 MR. BEHAR: It is required? Okay.

10 MR. TRIAS: Yeah. You have to show it.

11 MR. BEHAR: Then it covers it.

12 MR. TRIAS: Yeah.

13 CHAIRMAN AIZENSTAT: Right. Any other

14 comments from the Board?

15 MR. BEHAR: No. I'll make a motion to

16 approve.

17 MS. BALIDO-HART: Second.

18 CHAIRMAN AIZENSTAT: We a motion. We have

19 a second. Any discussion? No?

20 Call the roll, please.

21 THE SECRETARY: Ms. Balido-Hart?

22 MS. BALIDO-HART: Yes.

23 THE SECRETARY: Mr. Behar?

24 MR. BEHAR: Yes.

25 THE SECRETARY: Mr. Bellin?

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1 MR. BELLIN: Yes.

2 THE SECRETARY: Mr. Aizenstat?

3 CHAIRMAN AIZENSTAT: Yes. Thank you.

4 If we could go on to the next item, please.

5 Mr. Attorney, if you'd read it into the

6 record.

7 MR. COLLER: Sure. I'm sorry.

8 CHAIRMAN AIZENSTAT: Thank you.

9 MR. COLLER: The second Ordinance on the

10 agenda, an Ordinance of the City Commission of

11 Coral Gables, Florida providing for text

12 amendments to the City of Coral Gables Official

13 Zoning Code, Article 4, "Zoning Districts,"

14 Section 4-102, "Multi-Family 1 Duplex (MF1)

15 District," to modify and clarify provisions

16 regulating duplex standards related to

17 setbacks, heights, and ground area coverage,

18 providing for a repealer provision, providing

19 for a severability clause, codification and

20 providing for an effective date.

21 Second item, public hearing.

22 CHAIRMAN AIZENSTAT: Thank you.

23 MR. TRIAS: Mr. Chairman, I won't make a

24 PowerPoint. I'll just go through the memo.

25 I would say that we did send a courtesy