

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES LOCAL PLANNING AGENCY (LPA)/ PLANNING AND ZONING BOARD MEETING VERBATIM TRANSCRIPT CORAL GABLES CITY HALL 405 BILTMORE WAY, COMMISSION CHAMBERS CORAL GABLES, FLORIDA WEDNESDAY, JULY 11, 2018, COMMENCING AT 6:01 P.M.</p> <p>Board Members Present: Eibi Aizenstat, Chairman Rhonda A. Anderson Maria A. Menendez Julio Grabiell Maria Velez</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Craig Coller, Special Counsel Jennifer Garcia, City Planner Arceli Redila, Principal Planner Paula Roldos, Principal Planner Jill Menendez, Administrative Assistant, Board Secretary Ed Santamaria, Director of Public Works Hermes Diaz, Deputy Director of Public Works</p>	<p style="text-align: right;">Page 2</p> <p>1 Also Participating: 2 Sofia Larraz 3 Adam Moskowitz 4 Peter Zubizarreta 5 Rene Arencibia 6 Deborah Koch 7 Mario Garcia-Serra, Esq., on behalf of Monsier, LLC 8 Mark Grafton, Esq., on behalf of Tom Singer 9 David Cabarrocas 10 Laura Russo, Esq., on behalf of David Cabarrocas 11 Marisa Chisena 12 Peggy Sapp 13 Tom Singer 14 Carolyn Bado 15 Debra Price 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 THEREUPON: 2 (The following proceedings were held.) 3 CHAIRMAN AIZENSTAT: Good evening, I'd like 4 to call this meeting to order. I'd also like 5 to ask, please, everybody turn off their cell 6 phones, pagers or other electronic devices or 7 put them on silent at this time. Thank you. 8 This Board is comprised of seven members. 9 Four Member of the Board shall constitute a 10 quorum, and the affirmative vote of four 11 members shall be necessary for the adoption of 12 any motion. If only four Board Members are 13 present, an applicant may request and be 14 entitled to a continuance to the next regularly 15 scheduled meeting of the Board. If a matter is 16 continued due to a lack a quorum, the 17 Chairperson or Secretary of the Board may set a 18 Special Meeting to consider such matter. In 19 the event that fours votes are not obtained, an 20 applicant may request a continuance or allow 21 the application to proceed to the City 22 Commission without a recommendation. 23 The next item is for lobbyist registration 24 and disclosure. Any person who acts as a 25 lobbyist pursuant to the City of Coral Gables</p>	<p style="text-align: right;">Page 4</p> <p>1 Ordinance Number 2006-11 must register with the 2 City Clerk prior to engaging in lobbying 3 activities or presentations before City Staff, 4 Boards, Committees and/or the City Commission. 5 A copy of the Ordinance is available in the 6 Office of the City Clerk. Failure to register 7 and provide proof of registration shall 8 prohibit your ability to present to the Board. 9 As Chair, I now officially call the City of 10 Coral Gables Planning and Zoning Board of July 11 11, 2018 to order. The time is 6:01. 12 Jill, if you would please call the roll. 13 THE SECRETARY: Rhonda Anderson? 14 MS. ANDERSON: Present. 15 THE SECRETARY: Jolie Balido-Hart? 16 Robert Behar? 17 Julio Grabiell? 18 MR. GRABIEL: Here. 19 THE SECRETARY: Maria Menendez? 20 MS. MENENDEZ: Here. 21 THE SECRETARY: Maria Velez? 22 MS. VELEZ: Here. 23 THE SECRETARY: Eibi Aizenstat? 24 CHAIRMAN AIZENSTAT: Here. 25 Notice regarding ex parte communications.</p>

<p style="text-align: right;">Page 5</p> <p>1 Please be advised that this Board is a</p> <p>2 quasi-judicial board and the items on the</p> <p>3 agenda are quasi-judicial in nature, which</p> <p>4 requires Board Members to disclose all ex parte</p> <p>5 communications and site visits.</p> <p>6 An ex parte communication is defined as any</p> <p>7 contact, communication, conversation,</p> <p>8 correspondence, memorandum or other written or</p> <p>9 verbal communication that takes place outside a</p> <p>10 public hearing between a member of the public</p> <p>11 and a member of a quasi-judicial board</p> <p>12 regarding matters to be heard by the board.</p> <p>13 If anyone made any contact with a Board</p> <p>14 Member regarding an issue before the Board, the</p> <p>15 Board Member must state on the record the</p> <p>16 existence of the ex parte communication and the</p> <p>17 party who originated the communication.</p> <p>18 Also, if the Board Member conducted a site</p> <p>19 visit specifically related to the case before</p> <p>20 the Board, the Board Member must also disclose</p> <p>21 such visit. In either case, the Board Member</p> <p>22 must state on the record whether the ex parte</p> <p>23 communication and/or site visit will affect the</p> <p>24 Board Member's ability to impartially consider</p> <p>25 the evidence to be presented regarding the</p>	<p style="text-align: right;">Page 6</p> <p>1 matter. The Board Member should also state</p> <p>2 that his or her decision will be based on</p> <p>3 substantial competent evidence and testimony</p> <p>4 presented on the record today.</p> <p>5 Does any Member of the Board have such a</p> <p>6 communication or a site visit to disclose at</p> <p>7 this time?</p> <p>8 MR. GRABIEL: No.</p> <p>9 CHAIRMAN AIZENSTAT: No?</p> <p>10 Everybody that will be speaking tonight, if</p> <p>11 they can please stand up to be sworn in. Thank</p> <p>12 you.</p> <p>13 (Thereupon, the participants were sworn.)</p> <p>14 CHAIRMAN AIZENSTAT: Thank you.</p> <p>15 First let's go ahead and approve the</p> <p>16 minutes. Has everybody gone ahead and had a</p> <p>17 chance to look over those?</p> <p>18 MR. GRABIEL: Move for approval.</p> <p>19 CHAIRMAN AIZENSTAT: Move for approval.</p> <p>20 MS. VELEZ: Second.</p> <p>21 CHAIRMAN AIZENSTAT: Second.</p> <p>22 Any discussion? No?</p> <p>23 Call the roll, please.</p> <p>24 THE SECRETARY: Julio Grabiél?</p> <p>25 MR. GRABIEL: Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 THE SECRETARY: Maria Menendez?</p> <p>2 MS. MENENDEZ: Yes.</p> <p>3 THE SECRETARY: Maria Velez?</p> <p>4 MS. VELEZ: Yes.</p> <p>5 THE SECRETARY: Rhonda Anderson?</p> <p>6 MS. ANDERSON: Yes.</p> <p>7 THE SECRETARY: Eibi Aizenstat?</p> <p>8 CHAIRMAN AIZENSTAT: Yes.</p> <p>9 What I'd like to do at this item is bring</p> <p>10 Item E-2 first, which is the vacating of the</p> <p>11 alleyway, and then we'll go ahead with Item</p> <p>12 E-1, and so forth.</p> <p>13 MR. TRIAS: Mr. Chairman, the Applicant for</p> <p>14 this request is the City. The project is the</p> <p>15 Public Safety Building, and part of the site is</p> <p>16 currently an alley. The request is to vacate</p> <p>17 the alley. It's a fairly logical and routine</p> <p>18 request, from my perspective. It was --</p> <p>19 MR. COLLER: Could I just read in --</p> <p>20 CHAIRMAN AIZENSTAT: Sorry.</p> <p>21 MR. COLLER: Do you want me to read in the</p> <p>22 title first?</p> <p>23 CHAIRMAN AIZENSTAT: Yes. Thank you very</p> <p>24 much.</p> <p>25 MR. COLLER: Okay. Item E-2, an Ordinance</p>	<p style="text-align: right;">Page 8</p> <p>1 of the City Commission of Coral Gables, Florida</p> <p>2 requesting vacation of a public alleyway</p> <p>3 pursuant to Zoning Code Article 3, Division 12,</p> <p>4 "Abandonment and Vacations" and City Code</p> <p>5 Chapter 62, Article 8, "Vacation, Abandonment</p> <p>6 and Closure of Streets, Easements and Alleys by</p> <p>7 Private Owners and the City; Application</p> <p>8 Process," providing for the vacation of the</p> <p>9 twenty foot wide alley which is two-hundred and</p> <p>10 seventy feet in length between Lots 38-48, 1-10</p> <p>11 and a portion of Lot 11, and the dedication of</p> <p>12 a substitute perpetual access and utility</p> <p>13 easement on Lot 38 in Block 20, Coral Gables</p> <p>14 Section "K" Coral Gables, Florida; providing</p> <p>15 for an effective date.</p> <p>16 Item E-2 public hearing.</p> <p>17 CHAIRMAN AIZENSTAT: Thank you very much.</p> <p>18 MR. COLLER: No problem.</p> <p>19 MR. TRIAS: So, Mr. Chairman, the last</p> <p>20 time, the item was continued because there were</p> <p>21 some issues that had to be resolved with the</p> <p>22 County. I understand that they have been</p> <p>23 resolved. The Director of Public Works is</p> <p>24 here, if you have any questions, and Staff</p> <p>25 recommends approval.</p>

<p style="text-align: right;">Page 9</p> <p>1 CHAIRMAN AIZENSTAT: Okay.</p> <p>2 MR. SANTAMARIA: Good evening. For the</p> <p>3 record, Ed Santamaria, Director of Public</p> <p>4 Works. I'm here to answer any questions you</p> <p>5 may have in connection to this item. Thank you</p> <p>6 very much for indulging us and allowing us to</p> <p>7 go first on the agenda.</p> <p>8 CHAIRMAN AIZENSTAT: Thank you.</p> <p>9 Any questions from anybody on the Board?</p> <p>10 I do want to open it back up to the public.</p> <p>11 Is there anybody here that would like to speak</p> <p>12 on this item? No?</p> <p>13 Having none, I'll close the floor.</p> <p>14 MS. ANDERSON: With regard to the lot</p> <p>15 shape -- now it's on? Oh, now you can hear me.</p> <p>16 It has nothing to do with the issue before</p> <p>17 us tonight, but it's been noted with the</p> <p>18 Commission that we wanted more shade. Instead</p> <p>19 of palm trees, things that would provide shade</p> <p>20 for the pedestrians. So I'll just make that</p> <p>21 note to you and request that we follow through.</p> <p>22 MR. SANTAMARIA: I will take that to our</p> <p>23 design team and also discuss it with Ramon.</p> <p>24 Ramon has been involved with the design</p> <p>25 deliberations, which have involved a lot of</p>	<p style="text-align: right;">Page 10</p> <p>1 participation from Staff and we will take that</p> <p>2 as a consideration.</p> <p>3 MS. ANDERSON: Yes.</p> <p>4 MR. TRIAS: And, Ms. Anderson, that request</p> <p>5 has already been made multiple times to the</p> <p>6 design team. The problem is that they haven't</p> <p>7 designed the sidewalk yet. They've been</p> <p>8 working on the building. But they are aware of</p> <p>9 that, that shade trees are preferable.</p> <p>10 MS. ANDERSON: Okay. We appreciate that.</p> <p>11 Thank you.</p> <p>12 MS. VELEZ: My only question has to do with</p> <p>13 the alternative easement. Does that easement</p> <p>14 service the remaining part of the alley?</p> <p>15 MR. SANTAMARIA: Yes.</p> <p>16 MS. VELEZ: East of this --</p> <p>17 MR. SANTAMARIA: Well, the remaining part</p> <p>18 of the alley that is east feeds into a similar</p> <p>19 arrangement on the other side, which is under</p> <p>20 the Regions Bank building, where there is a</p> <p>21 perpetual public access easement that has the</p> <p>22 same identical condition.</p> <p>23 So what we have created is an alley that</p> <p>24 is, on one side -- that is basically book ended</p> <p>25 by two perpetual access easements and we're</p>
<p style="text-align: right;">Page 11</p> <p>1 avoiding a dead end alley condition by doing</p> <p>2 that.</p> <p>3 MS. VELEZ: Excellent. Thank you.</p> <p>4 CHAIRMAN AIZENSTAT: Go ahead.</p> <p>5 MR. GRABIEL: Nothing to do with the</p> <p>6 easement, but one of the pet peeves of this</p> <p>7 Board is that once the garage is built higher</p> <p>8 than the ground -- hello, okay -- that</p> <p>9 absolutely no visible light from that parking</p> <p>10 garage at night can come out to the sidewalk or</p> <p>11 to the people who live around it.</p> <p>12 Typically when the building comes here, we</p> <p>13 include that in some of our requirements.</p> <p>14 Since this building has not come for that, I</p> <p>15 would like for you to request the architect to</p> <p>16 make sure that all screening on the parking</p> <p>17 garage is designed in such a way that no light</p> <p>18 from the parking garage can be seen from the</p> <p>19 outside at night.</p> <p>20 MR. SANTAMARIA: Mr. Grabiell, I'm happy to</p> <p>21 convey that to the design team. The design</p> <p>22 team is very experienced. It's ACOM. They</p> <p>23 deliver on --</p> <p>24 MR. GRABIEL: I know ACOM well.</p> <p>25 MR. SANTAMARIA: They deliver on numerous</p>	<p style="text-align: right;">Page 12</p> <p>1 public safety facilities, and there's also</p> <p>2 going to be a parking garage that's associated</p> <p>3 with this, that will be a part. It's a</p> <p>4 different project.</p> <p>5 MR. GRABIEL: So the building and the</p> <p>6 parking -- the parking garage within the</p> <p>7 building and the parking garage which is</p> <p>8 separate, the screen has to be designed in such</p> <p>9 a way that at night no light from that parking</p> <p>10 garage is visible at all, at any elevation,</p> <p>11 from the ground floor all of the way through to</p> <p>12 the top. MR. SANTAMARIA: I'm happy to</p> <p>13 convey that.</p> <p>14 MR. GRABIEL: Okay. Thank you.</p> <p>15 MR. SANTAMARIA: You're welcome.</p> <p>16 CHAIRMAN AIZENSTAT: Any other comments?</p> <p>17 Is there a motion?</p> <p>18 MS. MENENDEZ: I move it.</p> <p>19 MR. GRABIEL: I second it.</p> <p>20 CHAIRMAN AIZENSTAT: Motion and a second.</p> <p>21 Any discussion?</p> <p>22 MS. ANDERSON: No.</p> <p>23 CHAIRMAN AIZENSTAT: Call the roll, please.</p> <p>24 THE SECRETARY: Julio Grabiell?</p> <p>25 MR. GRABIEL: Yes.</p>

<p style="text-align: right;">Page 13</p> <p>1 THE SECRETARY: Maria Menendez?</p> <p>2 MS. MENENDEZ: Yes.</p> <p>3 THE SECRETARY: Maria Velez?</p> <p>4 MS. VELEZ: Yes.</p> <p>5 THE SECRETARY: Rhonda Anderson?</p> <p>6 MS. ANDERSON: Yes.</p> <p>7 THE SECRETARY: Eibi Aizenstat?</p> <p>8 CHAIRMAN AIZENSTAT: Yes.</p> <p>9 Thank you.</p> <p>10 Mr. Coller, if you'll please read Item E-1</p> <p>11 into the record.</p> <p>12 MR. COLLER: Yes.</p> <p>13 Item E-1, an Ordinance of the City</p> <p>14 Commission of Coral Gables, Florida providing</p> <p>15 for text amendments to the City of Coral Gables</p> <p>16 Official Zoning Code, Article 3, "Development</p> <p>17 Review," Division 10, "Transfer of Development</p> <p>18 Rights," expanding the receiver sites for the</p> <p>19 use of transfer of development rights to</p> <p>20 include Blocks 1, 2, 3, 4, 6, 7, 8 and 10 in</p> <p>21 the Biltmore Section, providing for a repealer</p> <p>22 provision, providing for a severability clause,</p> <p>23 codification, and providing for an effective</p> <p>24 date.</p> <p>25 Item E-1, public hearing.</p>	<p style="text-align: right;">Page 14</p> <p>1 CHAIRMAN AIZENSTAT: Thank you.</p> <p>2 Mr. Trias.</p> <p>3 MR. TRIAS: Mr. Chairman, you requested</p> <p>4 some additional information as far as</p> <p>5 possibilities for application of this request.</p> <p>6 That's reflected in the updated Staff Report.</p> <p>7 As with any of these types of programs,</p> <p>8 it's very difficult to predict the impact, so</p> <p>9 let's keep that in mind when we have that</p> <p>10 discussion, but I think there are some citizens</p> <p>11 that want to express their opinion, and we also</p> <p>12 received a few e-mails that we have forwarded</p> <p>13 to you, and, hopefully, that will be helpful in</p> <p>14 the discussion.</p> <p>15 CHAIRMAN AIZENSTAT: Do you have any</p> <p>16 updated presentation?</p> <p>17 MR. TRIAS: It's only included in the Staff</p> <p>18 Report, which has the map. This is basically</p> <p>19 the main update, and we could discuss it after</p> <p>20 the public input, if you would like.</p> <p>21 CHAIRMAN AIZENSTAT: Okay. That's the only</p> <p>22 update to your presentation?</p> <p>23 MR. TRIAS: That's the most significant</p> <p>24 update. The rest of it is minor stuff.</p> <p>25 MS. MENENDEZ: Is that -- I'm sorry.</p>
<p style="text-align: right;">Page 15</p> <p>1 CHAIRMAN AIZENSTAT: Go ahead, Maria.</p> <p>2 MS. MENENDEZ: Is that a summary? Like one</p> <p>3 thing -- I had difficulty with this item,</p> <p>4 because I couldn't remember what we had asked</p> <p>5 you to do.</p> <p>6 MR. TRIAS: Yeah, you wanted more</p> <p>7 information as far as what kind of parcels</p> <p>8 could benefit from this program, and we tried</p> <p>9 to map it a little bit and give you some idea</p> <p>10 of the square footage of -- actually, I may</p> <p>11 want to -- I do have a PowerPoint on this.</p> <p>12 Yeah. If you want, I'll show the</p> <p>13 PowerPoint.</p> <p>14 CHAIRMAN AIZENSTAT: Please.</p> <p>15 MS. MENENDEZ: I think it's important.</p> <p>16 MS. ANDERSON: It is.</p> <p>17 MR. TRIAS: All right. That's not the</p> <p>18 PowerPoint. Can you check if you have the</p> <p>19 other PowerPoint?</p> <p>20 Maybe not.</p> <p>21 CHAIRMAN AIZENSTAT: No. No. They went to</p> <p>22 check on it.</p> <p>23 MR. TRIAS: Okay. If you want, you can</p> <p>24 have the public speak and then -- or we could</p> <p>25 wait.</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. ANDERSON: Yeah, I do have a few</p> <p>2 questions for you.</p> <p>3 MR. TRIAS: Yeah.</p> <p>4 MS. ANDERSON: With regard to the notice to</p> <p>5 the property owners, is it just the property</p> <p>6 owners that would be affected by the TDRs, in</p> <p>7 other words, their property only, or did it</p> <p>8 include the adjacent properties? And if so,</p> <p>9 what was the radius?</p> <p>10 MR. TRIAS: First of all, the notice is not</p> <p>11 a requirement of the Code. It's sent out as a</p> <p>12 courtesy. And we sent the notices within the</p> <p>13 areas that are affected as receiving areas.</p> <p>14 And that was the mail notice for last meeting.</p> <p>15 And, then, because this meeting was</p> <p>16 continued, we did not send notices for this</p> <p>17 meeting. We will send notices for the next</p> <p>18 Commission Meeting, should this item proceed to</p> <p>19 that point.</p> <p>20 MS. ANDERSON: Okay. In the Biltmore</p> <p>21 Section, the corner of Hernando and Biltmore</p> <p>22 Way, you've included some properties that</p> <p>23 include specimen oak trees and other green</p> <p>24 areas --</p> <p>25 MR. TRIAS: Yeah.</p>

<p style="text-align: right;">Page 17</p> <p>1 MS. ANDERSON: -- and areas that were</p> <p>2 already affected by the Villa Valencia project,</p> <p>3 which were going to be designated as park area.</p> <p>4 What was the reasoning behind that?</p> <p>5 MR. TRIAS: The reason is that, the reality</p> <p>6 is that it's very difficult to come up with a</p> <p>7 plan or to predict the impact of this type of</p> <p>8 program in a realistic way, and the reason is</p> <p>9 that, as you have mentioned, rightfully so, in</p> <p>10 some of those parcels, you may have specimen</p> <p>11 trees, in other parcels you may have actually a</p> <p>12 project and so on.</p> <p>13 You requested for me to speculate on some</p> <p>14 possibilities of the impact. I will tell you</p> <p>15 that in my six years here, the program for TDRs</p> <p>16 has been used once, and that's the existing</p> <p>17 program, the one that deals with Downtown. So</p> <p>18 it's not a very common occurrence. So this</p> <p>19 really is one tool that is probably very rare,</p> <p>20 in terms of its use, and the reality is that I</p> <p>21 cannot anticipate more than one or two parcels</p> <p>22 really taking advantage of this.</p> <p>23 You did ask that question, and we tried to</p> <p>24 come up with some maps, but, frankly, in terms</p> <p>25 of a realistic assessment, one, two, maybe</p>	<p style="text-align: right;">Page 18</p> <p>1 three parcels will be my best guess at this</p> <p>2 point.</p> <p>3 MS. ANDERSON: Well, if the purpose of</p> <p>4 this --</p> <p>5 MR. TRIAS: All right. So the updated</p> <p>6 PowerPoint, apparently we didn't have it, so</p> <p>7 it's best that we talk from the Staff Report.</p> <p>8 MS. ANDERSON: Okay. If the purpose of</p> <p>9 this is to assist the smaller properties, then</p> <p>10 why not designate the smaller properties that</p> <p>11 the City wishes to encourage development on,</p> <p>12 instead of the entire block area?</p> <p>13 MR. TRIAS: Well, keep in mind that the</p> <p>14 area is designated as a receiving area. What</p> <p>15 that means is that if there is a sending</p> <p>16 site -- and that has to be the first item,</p> <p>17 there has to be a site, that is a historically</p> <p>18 designated property, somewhere else, that has</p> <p>19 development potential that can be sent to the</p> <p>20 receiving area. So that has to happen first.</p> <p>21 So the reality is that the designation</p> <p>22 takes place in the historic property, and then</p> <p>23 this area becomes a receiving area. So if you</p> <p>24 have a parcel -- yeah.</p> <p>25 MS. ANDERSON: I understand that. My</p>
<p style="text-align: right;">Page 19</p> <p>1 question, though, is focused on the purpose of</p> <p>2 making this a receiving area. If the purpose</p> <p>3 of making this a receiving area is to turn some</p> <p>4 of the smaller buildings, such as the strip</p> <p>5 where the door store is and some of those</p> <p>6 smaller buildings or some other specific sites</p> <p>7 that are --</p> <p>8 MR. TRIAS: Maybe we do have the</p> <p>9 PowerPoint.</p> <p>10 MS. MENENDEZ: There you go.</p> <p>11 MS. ANDERSON: -- then why not limited it</p> <p>12 to just those parcels?</p> <p>13 MR. TRIAS: Certainly you could reduce the</p> <p>14 size of the receiving area; however, once you</p> <p>15 start pointing out the one or two parcels,</p> <p>16 you're getting into spot Zoning territory here.</p> <p>17 So I wouldn't really recommend pointing just</p> <p>18 one or two or a few parcels like that. That</p> <p>19 probably is not something that we could do</p> <p>20 within the Zoning practice.</p> <p>21 MS. ANDERSON: But as you accumulate</p> <p>22 parcels, and you can explain this better to me,</p> <p>23 if you have two parcels next to each other,</p> <p>24 what is the maximum height under this proposal</p> <p>25 that the building could be?</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. TRIAS: Well, the height has nothing to</p> <p>2 do with the proposal. The height is already</p> <p>3 there, is already in the existing regulations,</p> <p>4 and according to the City Attorney's Office,</p> <p>5 what governs here is the Site Specifics, which</p> <p>6 is 150 feet.</p> <p>7 MS. ANDERSON: I understand that.</p> <p>8 CHAIRMAN AIZENSTAT: Rhonda, if we may.</p> <p>9 Maybe if we let him do the presentation first,</p> <p>10 it may -- because he does note --</p> <p>11 MR. TRIAS: That's the sketch that shows</p> <p>12 that.</p> <p>13 MS. ANDERSON: I know, but that's for an</p> <p>14 entire block.</p> <p>15 MR. TRIAS: No. No. No. This is just a</p> <p>16 diagram.</p> <p>17 CHAIRMAN AIZENSTAT: Let's go ahead and do</p> <p>18 the presentation and then we can ask him</p> <p>19 questions based off of that.</p> <p>20 MS. ANDERSON: Okay. Thank you.</p> <p>21 MR. TRIAS: Yeah. Yeah. What happens is</p> <p>22 that, this is the simplest diagram that I could</p> <p>23 come up with, that, more or less, explained</p> <p>24 what this is about.</p> <p>25 In red, you can see 150. That's the</p>

<p style="text-align: right;">Page 21</p> <p>1 existing height. So that's there. That's not 2 being changed. The buildings are not getting 3 any taller, okay. 4 Now, what happens is that if you have a 5 small building, which is a building that has 6 some potential to have additional development 7 in that area, it could be a receiving site, 8 okay. A receiving site requires a sending 9 site, which is somewhere else, and as you can 10 see, the total additional FAR, which is the 11 square footage of the building, through the 12 regular process of TDRs, is 25 percent. 13 Typically, in a normal, let's say, TDR 14 situation Downtown, you have a 3.5 maximum FAR, 15 plus 25 percent, that can become 4.375. FAR 16 means square footage. So it doesn't change the 17 height. It just changed the size of the 18 building. So that's what's being proposed. 19 Now, to achieve this, as I said, you need 20 two things; one is the sending site. We're not 21 touching that. That's the existing regulations 22 that we have in place. The other one is the 23 receiving area. We're adding an additional 24 area, which is the area on Biltmore Way. 25 Right now, there are two areas. There's</p>	<p style="text-align: right;">Page 22</p> <p>1 Ponce de Leon Boulevard and the CBD, the 2 Downtown. So this will be the third area. 3 That's basically the concept. So that's it. 4 It's a little bit hard to see here in this 5 map, but in the red, what we have is the 6 commercial areas and you can see the Downtown, 7 also the corridor on Ponce de Leon, and then 8 here, where we have the Biltmore Way Zoning, 9 the Future Land Use, and some of the existing 10 conditions. 11 Now, the important thing to keep in mind is 12 that when you look at the existing conditions, 13 we have a lot of multiple story buildings. 14 Basically, those buildings are not going to 15 change. I don't anticipate those buildings 16 changing. So, really, the possibility of a 17 project is in the smaller buildings in between, 18 like you're pointing out. So there's a few 19 areas, a few sites. It's a very reduced number 20 of options. 21 So that's what we have, and the area is 22 shown in blue, and here is the way that it 23 affects the Future Land Use Map. The idea is 24 that the potential building, which is shown in 25 the light shade here, could have an extra 25</p>
<p style="text-align: right;">Page 23</p> <p>1 percent, as you can see. It's not taller, 2 necessarily. It's within the maximum height. 3 It's just a little bit more area. 4 Hopefully we can also re-design Biltmore 5 Way with more shade trees, as you can see in 6 this sketch. 7 MS. ANDERSON: I appreciate that. 8 MR. TRIAS: So that's it. That's the 9 presentation. I hope it's helpful. I 10 understand that it certainly doesn't give you 11 all of the answers, but it's impossible to give 12 you all of the answers. It really depends on 13 the specifics of a project. 14 So I do understand that there are some 15 citizens that may want to speak, but Staff has 16 reviewed this and we believe it's consistent 17 with the Comprehensive Plan and recommend 18 approval. 19 MS. ANDERSON: I do have questions for you 20 still. 21 MR. TRIAS: Now, the question of the public 22 notice, just to remind people, we did send one 23 letter to the property owners in June for the 24 June Planning and Zoning meeting, we had three 25 times posting on the website and two times</p>	<p style="text-align: right;">Page 24</p> <p>1 newspaper advertisement. 2 The only required notice is the newspaper 3 advertisement. Everything else is additional 4 notice that we do to be able to communicate 5 with the community as well as we do, as well as 6 we can. 7 So that's the presentation, and thank you. 8 CHAIRMAN AIZENSTAT: Okay. Let's go ahead 9 and open it up first to the floor and then 10 we'll go ahead and direct questions. 11 Ramon, there are two e-mails that your 12 office had sent, which are also here. We have 13 entered these into the record? 14 MR. TRIAS: Yes. If you could. Thank you. 15 CHAIRMAN AIZENSTAT: Thank you. 16 Once again, everybody that wishes to speak, 17 I want to make sure that they have gone ahead 18 and signed up. If you can go ahead and sign 19 up. 20 We need to swear in the people that have 21 recently come in. The people that are just 22 signing up, if they were not here, we'd like to 23 swear you in, if you'd just raise your right 24 hand, please. 25 You did that already? All right. Thank</p>

<p style="text-align: right;">Page 25</p> <p>1 you very much.</p> <p>2 Jill, you want to go ahead and call the</p> <p>3 first person.</p> <p>4 THE SECRETARY: Sofia.</p> <p>5 MS. LARRAZ: Yes, ma'am.</p> <p>6 CHAIRMAN AIZENSTAT: How many people do we</p> <p>7 have, Jill, that are going to be speaking?</p> <p>8 THE SECRETARY: Four more.</p> <p>9 CHAIRMAN AIZENSTAT: Another four more?</p> <p>10 At this time, what I'm going to do is, I'd</p> <p>11 like to limit the time to three minutes, for</p> <p>12 everybody to speak, and I'd like to also ask if</p> <p>13 other people have made the comments, you can</p> <p>14 acknowledge and so forth, but it would be great</p> <p>15 if, yeah, we go ahead and have new comments and</p> <p>16 so forth. Thank you.</p> <p>17 MS. LARRAZ: Thank you. Thank you.</p> <p>18 My name is Sofia Larraz. I live at 440</p> <p>19 Almeria, and I've lived there for the last 30</p> <p>20 years. It's going to be 31 in December.</p> <p>21 When I moved into that area, it was a nice</p> <p>22 little community, with single-family homes,</p> <p>23 like we still do, and some of the improvements,</p> <p>24 you know, on Valencia have been very welcoming</p> <p>25 and very pretty designs. However, I'm kind of</p>	<p style="text-align: right;">Page 26</p> <p>1 not understanding very well how this is going</p> <p>2 to affect Biltmore Way, but it's my</p> <p>3 understanding that some of these buildings --</p> <p>4 and please correct me if I'm wrong -- are going</p> <p>5 to increase in density and in height.</p> <p>6 And If that would be the case, I don't know</p> <p>7 if any of you ever drive through there at rush</p> <p>8 hour traffic, but the traffic there is</p> <p>9 horrendous, and we, living on Almeria, and some</p> <p>10 other residents on the streets behind us, like</p> <p>11 Palermo and so forth, they have horrible,</p> <p>12 horrible traffic, and that's one of my</p> <p>13 concerns, that, you know, if some of these</p> <p>14 proposals come through and some of these</p> <p>15 buildings are going to go higher and -- you</p> <p>16 know, higher and the density is going to get</p> <p>17 bigger, how is this going to impact the quality</p> <p>18 of our life?</p> <p>19 Thank you.</p> <p>20 CHAIRMAN AIZENSTAT: Thank you very much.</p> <p>21 THE SECRETARY: Deborah Koch.</p> <p>22 MS. KOCH: Good evening. Thank you. I'm</p> <p>23 Deborah Koch. I'm the president of the Junior</p> <p>24 League of Miami. We have been proud residents</p> <p>25 of the City of Coral Gables for many years.</p>
<p style="text-align: right;">Page 27</p> <p>1 Since you all know, we have 713 --</p> <p>2 CHAIRMAN AIZENSTAT: Would you state your</p> <p>3 address for the record, please?</p> <p>4 MS. KOCH: Certainly. We're at 713</p> <p>5 Biltmore Way. Our building is mentioned in the</p> <p>6 report, in the Staff Report, as one of the</p> <p>7 small, one to two-story buildings primed for</p> <p>8 re-development.</p> <p>9 I'd like to advise the Board that it is a</p> <p>10 historically designated building. It was</p> <p>11 actually one of George Merrick's original</p> <p>12 offices many, many years ago, and we are very,</p> <p>13 obviously, concerned about the plan in front of</p> <p>14 us and would love to be a part of the</p> <p>15 conversation and make sure that our historic</p> <p>16 designation is reflected in future versions of</p> <p>17 the report.</p> <p>18 MS. MENENDEZ: Good point.</p> <p>19 MS. KOCH: Thank you.</p> <p>20 CHAIRMAN AIZENSTAT: Thank you.</p> <p>21 THE SECRETARY: Mario Garcia-Serra.</p> <p>22 MR. GARCIA-SERRA: Good evening, Mr. Chair,</p> <p>23 Members of the Board, Mario Garcia-Serra, with</p> <p>24 an address at 600 Brickell Avenue, and I'm here</p> <p>25 on behalf of the Monsier, LLC. Monsier, LLC is</p>	<p style="text-align: right;">Page 28</p> <p>1 a holder of certain TDRs as a result of a</p> <p>2 historic property that they own at 235 Majorca</p> <p>3 Avenue.</p> <p>4 One thing that I think has to be taken into</p> <p>5 consideration here is what the overall purpose</p> <p>6 of the TDR program is. The overall purpose of</p> <p>7 the TDR program is to preserve and incentivize</p> <p>8 the preservation of historic structures in the</p> <p>9 City of Coral Gables.</p> <p>10 There also is now, as you all did at your</p> <p>11 last meeting, recommend approval of an</p> <p>12 initiative to also use TDRs to incentivize the</p> <p>13 conveyance of land for open space. So the idea</p> <p>14 is to preserve historic structures and</p> <p>15 potentially also encourage and increase the</p> <p>16 amount of open space in the City.</p> <p>17 In order for any TDR program to work well,</p> <p>18 the owners of those TDRs have to feel that they</p> <p>19 have something of value. My client's building</p> <p>20 in question was designated historic, if I</p> <p>21 remember right, in 2013, 2014. He got these</p> <p>22 TDRs. Part of what sort of led him not to</p> <p>23 oppose historic designation and support</p> <p>24 historic designation of this property was the</p> <p>25 ability to have these TDRs and the hope and the</p>

<p style="text-align: right;">Page 29</p> <p>1 prospect that sooner or later these TDRs could 2 be sold and sort of make him whole for whatever 3 he may have lost in development rights because 4 of the historic designation, he could 5 potentially gain back through the sale of TDRs. 6 Despite his best efforts to try to sell 7 these TDRs in that, you know, four to five-year 8 time frame now, he has not been able to. So I 9 think that the expansion of the TDR receiver 10 zone to areas that, you know, conceivably, 11 reasonably could absorb some of this additional 12 floor area that's being developed is 13 responsible and the right thing to do, to sort 14 of have the right sort of TDR incentives. 15 TDRs now -- historically have always been 16 able to be utilized within the Central Business 17 District. They were about two years ago, I'd 18 say, or a year and a half ago, extended to the 19 North Ponce corridor, and now it's being 20 proposed as an expansion of that receiver zone 21 to the Biltmore Way corridor, let's call it, 22 for properties that are already designated 23 Commercial-Residential high. 24 Again, I think this is sort of a 25 responsible, well-planned, well-thought way of</p>	<p style="text-align: right;">Page 30</p> <p>1 figuring out how do we have a better TDR 2 program. Part of having a better TDR program 3 is making sure those TDRs have value and making 4 sure that they can be sold within some sort of 5 reasonable time frame. Part of that, I think, 6 is making sure that there's a market out there 7 for the potential purchase and use and part of 8 that is where can they potentially be used. 9 One point that Sofia raised right now is, 10 does this increase density? Does this increase 11 height? TDRs in Coral Gables can only be 12 utilized to increase floor area. The only 13 thing that's increased is the maximum floor 14 area. It doesn't increase maximum permitted 15 height, doesn't increase permitted density, the 16 maximum permitted density right now. 17 So with that said, you know, aside from my 18 client, I'm sure there's many others that are 19 out there similarly situated that have TDRs. I 20 know from my work representing just developers 21 in Coral Gables, quite often, randomly, I'll 22 get phone calls from owners of historic 23 buildings, who have these TDRs, who have had 24 them even for a longer period of time than my 25 client and are sort of desperate to sell them,</p>
<p style="text-align: right;">Page 31</p> <p>1 and it's tough -- it is tough to find a buyer 2 for them. 3 Ramon mentioned, in his experience, only 4 one time does he remember them being utilized. 5 I personally have yet to work on a project that 6 has utilized them, but if you would ask me, I 7 can maybe remember another two or three, 8 perhaps, that have happened in the history of 9 the City of Coral Gables. 10 So, again, part of having a TDR program 11 that works and works to the end of historic 12 preservation and open space and so forth, is 13 making sure you have TDRs that can reasonably 14 be sold at an acceptable price, with an 15 acceptable time frame. 16 MS. MENENDEZ: Could I ask you a question? 17 Who sets the value of the TDRs? 18 MR. GARCIA-SERRA: The market. 19 MS. MENENDEZ: The market? 20 MR. GARCIA-SERRA: Right. Yes. 21 MS. MENENDEZ: So it's, you know -- 22 CHAIRMAN AIZENSTAT: Supply and demand. 23 MS. MENENDEZ: -- right, supply and demand, 24 and -- 25 MR. GARCIA-SERRA: Exactly.</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. MENENDEZ: Okay. 2 MR. GARCIA-SERRA: Thank you. 3 MS. ANDERSON: Mario, I have a couple of 4 questions for you. I know you worked on the 5 Plaza at Coral Gables. 6 MR. GARCIA-SERRA: Right. 7 MS. ANDERSON: Right. And were you 8 familiar with what happened with some of the 9 values of the residential properties adjacent 10 to that development once it got approved? 11 MR. GARCIA-SERRA: I haven't necessarily 12 been provided any information. I would think 13 and hope that they increased, but what 14 information have you been provided? 15 MS. ANDERSON: I have heard complaints that 16 the residences couldn't be sold as residences 17 anymore. So, as far as appropriateness of 18 areas that need more density, you know, these 19 areas where there's residential property that 20 can't be sold as residential property anymore 21 may be the more appropriate area for TDRs, you 22 know, being a receiving site. 23 MR. GARCIA-SERRA: Right. 24 MS. ANDERSON: This is some of my concern 25 for this area, because if you take, for</p>

<p style="text-align: right;">Page 33</p> <p>1 instance, Section 8 or is it Block 8, and you</p> <p>2 run that all of the way from Biltmore Way all</p> <p>3 of the way to Valencia, you're essentially</p> <p>4 making a large development in that area that's</p> <p>5 going to impact the community.</p> <p>6 MR. GARCIA-SERRA: You know, you touched</p> <p>7 upon something in your comments that I think is</p> <p>8 very relevant. The maximum height and what is</p> <p>9 permitted always seems to be a sort of</p> <p>10 stumbling block in Coral Gables to having sort</p> <p>11 of lower scale development, and what I mean by</p> <p>12 lower scale development is that six, seven,</p> <p>13 eight story. Very rarely do you ever see</p> <p>14 buildings of that height being built. You</p> <p>15 usually see either a hundred feet or more or 45</p> <p>16 feet or less. You don't see anything really</p> <p>17 between 45 feet and a hundred.</p> <p>18 And historically the reason for that has</p> <p>19 been, more than anything, the fact that there</p> <p>20 has been, in most areas of the City, it's long</p> <p>21 time been a threshold of 20,000 square feet.</p> <p>22 You need to have at least 20,000 feet and 200</p> <p>23 feet of frontage to go above those three</p> <p>24 stories and 45 feet. That is the incentive</p> <p>25 that has created -- or the situation that's</p>	<p style="text-align: right;">Page 34</p> <p>1 created this incentive to assemble larger</p> <p>2 pieces and larger properties and then</p> <p>3 ultimately make a larger building, because in</p> <p>4 order to go up above those 45 feet, you usually</p> <p>5 had to assemble the 20,000 square feet.</p> <p>6 I think the more important issue, and an</p> <p>7 issue to be looked at perhaps during the Zoning</p> <p>8 Code Rewrite is, there should be different</p> <p>9 thresholds. You know, 5,000 gets you a certain</p> <p>10 height, 10,000 gets you a certain height,</p> <p>11 15,000 gets you a certain height, 20,000 gets</p> <p>12 you a certain height. I think if that were to</p> <p>13 take place, you would see everywhere, including</p> <p>14 along Biltmore Way -- Biltmore Way perhaps not</p> <p>15 the same exact situation, because of the Site</p> <p>16 Specifics, but nonetheless you would see a</p> <p>17 bigger incentive given to doing buildings that</p> <p>18 are appropriate in scale or perhaps lower in</p> <p>19 scale and less objectionable to some others,</p> <p>20 you know, six, seven, eight stories, around</p> <p>21 there.</p> <p>22 Because, indeed, I think we could all agree</p> <p>23 that one story or two-story height on a street</p> <p>24 as prominent as Biltmore Way isn't necessarily</p> <p>25 the best architectural design or planning</p>
<p style="text-align: right;">Page 35</p> <p>1 solution for that stretch of Biltmore Way,</p> <p>2 either, especially considering when you've got</p> <p>3 13, 15-story buildings in the area.</p> <p>4 And another important point to make is,</p> <p>5 again, TDRs in Coral Gables can only be used</p> <p>6 for increased floor area. So you can make a</p> <p>7 bigger floor area, bigger units and so forth,</p> <p>8 but it can't increase the number of units, in</p> <p>9 particular.</p> <p>10 MS. ANDERSON: I'd like to ask you to give</p> <p>11 me a hypothetical, using the corner of Biltmore</p> <p>12 Way and Hernando, where you have the door</p> <p>13 store. It's relatively -- you know, one</p> <p>14 story --</p> <p>15 MR. GARCIA-SERRA: Southeast corner, right?</p> <p>16 MS. ANDERSON: Yeah, it would be the</p> <p>17 southeast corner.</p> <p>18 Taking that strip of buildings, if you or</p> <p>19 your client were able to sell the TDRs to those</p> <p>20 sites, those adjacent pieces of property --</p> <p>21 MR. GARCIA-SERRA: Correct.</p> <p>22 MS. ANDERSON: -- what would the building</p> <p>23 look like?</p> <p>24 MR. GARCIA-SERRA: The building would</p> <p>25 certainly be bigger. It would be 25 percent</p>	<p style="text-align: right;">Page 36</p> <p>1 bigger. Remember there is a limitation on how</p> <p>2 much larger --</p> <p>3 MS. ANDERSON: I'm not talking percentages.</p> <p>4 I'm talking about something here that the</p> <p>5 public can understand.</p> <p>6 MR. GARCIA-SERRA: You mean, in how many</p> <p>7 stories and so forth?</p> <p>8 MS. ANDERSON: How many stories, what would</p> <p>9 the massing be on that building.</p> <p>10 MR. GARCIA-SERRA: That's hard. That's</p> <p>11 hard for me to be able to tell you. You know,</p> <p>12 I'd have to look to see what the lot area is of</p> <p>13 the building, how much floor area could be</p> <p>14 permitted, including the 25 percent increase,</p> <p>15 what density is permitted.</p> <p>16 MR. TRIAS: Ms. Anderson --</p> <p>17 CHAIRMAN AIZENSTAT: Let's go ahead and do</p> <p>18 this, let's finish with the people that are</p> <p>19 here to speak comments and then we can call</p> <p>20 speakers up and ask them questions directly,</p> <p>21 and then we will get all of the comments from</p> <p>22 everybody, if that's okay.</p> <p>23 MS. ANDERSON: All right.</p> <p>24 MR. GARCIA-SERRA: And one final point,</p> <p>25 because I think what you're getting at is, how</p>

<p style="text-align: right;">Page 37</p> <p>1 can we assure that this will be compatible.</p> <p>2 Remember, the use of TDRs in the City</p> <p>3 ultimately has to be approved by the City</p> <p>4 Commission, after a recommendation from this</p> <p>5 Board.</p> <p>6 So lets say somebody is proposing to</p> <p>7 utilize TDRs to increase, you know, the size of</p> <p>8 a building here along Biltmore Way. If it is</p> <p>9 not compatible, really, with the rest of the</p> <p>10 area, the City Commission is completely in its</p> <p>11 power and this Board is in its power to</p> <p>12 recommend approval, in your case -- excuse me,</p> <p>13 denial, in your case, and for the City</p> <p>14 Commission to actually deny the project.</p> <p>15 Thank you.</p> <p>16 CHAIRMAN AIZENSTAT: Thank you.</p> <p>17 Next speaker.</p> <p>18 THE SECRETARY: Marisa.</p> <p>19 MS. CHISENA: Good evening.</p> <p>20 CHAIRMAN AIZENSTAT: We have two Marisas, I</p> <p>21 think. Do we know which one it is?</p> <p>22 MS. CHINESA: Good evening, Commission --</p> <p>23 I'm sorry, Commissioner -- Chairman and ladies</p> <p>24 and gentlemen. My name is Marisa Chisena. I</p> <p>25 live at 721 Biltmore Way. I'm also an owner at</p>	<p style="text-align: right;">Page 38</p> <p>1 625 Biltmore Way. I've been a resident in</p> <p>2 Coral Gables for about fifteen years.</p> <p>3 I love the quaintness of Coral Gables, and</p> <p>4 although I'm a real estate agent, so I should</p> <p>5 be promoting for development, I'm obviously</p> <p>6 also, like I said, I love the Gables the way it</p> <p>7 is in many respects.</p> <p>8 I have a few concerns. One is the timing</p> <p>9 of this meeting. Most of the residents of</p> <p>10 Biltmore Way are elderly people, who go away</p> <p>11 for the summer. They're not in Coral Gables</p> <p>12 right how. They cannot be here for this</p> <p>13 meeting. They may not even have seen the</p> <p>14 newspaper or any of the advertisement for this</p> <p>15 meeting. So I think they have not been given a</p> <p>16 chance to participate or give their opinion.</p> <p>17 Another concern I have is the fact that</p> <p>18 even though it sounds like possibly this</p> <p>19 building cannot be higher, but it can be</p> <p>20 larger, which I interpret as taking up more of</p> <p>21 our little green space that we have on Biltmore</p> <p>22 Way, so -- because it's larger, there's less</p> <p>23 garden, less possibility of having trees, and</p> <p>24 as it is, Biltmore Way is really sad looking,</p> <p>25 lacking green trees and a canopy, which we, I</p>
<p style="text-align: right;">Page 39</p> <p>1 know, have been somewhat promised for several</p> <p>2 years, it's in the Renaissance project, but we</p> <p>3 haven't seen anything happening, and we haven't</p> <p>4 heard anything happening yet. And, again, it's</p> <p>5 a street with several elderly people, who might</p> <p>6 like to get out and walk to Miracle Mile, but</p> <p>7 it's way too hot, because of all of the cement</p> <p>8 that we have.</p> <p>9 So these are some of my concerns. And</p> <p>10 then, of course, I also wonder if once this</p> <p>11 building have a little bit -- you know, they're</p> <p>12 allowed to build a little higher, there may be</p> <p>13 other meetings where there's other requests to</p> <p>14 build even higher, which we have seen</p> <p>15 happening. I don't know if I made it very</p> <p>16 clear, but there could be additional, later on,</p> <p>17 requests to make these buildings even higher,</p> <p>18 because I've seen it happening, as I said, in</p> <p>19 this neighborhood.</p> <p>20 So I thank you for the time. Thank you for</p> <p>21 looking into it.</p> <p>22 CHAIRMAN AIZENSTAT: Thank you.</p> <p>23 THE SECRETARY: Peggy Sapp.</p> <p>24 MS. SAPP: Good evening. I'm Peggy Sapp,</p> <p>25 and I live at 700 Biltmore Way. Thank you for</p>	<p style="text-align: right;">Page 40</p> <p>1 allowing us to speak.</p> <p>2 I certainly want to second the speaker's</p> <p>3 recommendation that this notice sent out in the</p> <p>4 summertime, when most people are gone, is</p> <p>5 probably a very poor idea, and we have moved</p> <p>6 this TDR, which is a whole new term, that I</p> <p>7 didn't even know before, from industrial or</p> <p>8 business to residential, and I think that's</p> <p>9 something that, you know, just as a resident,</p> <p>10 I'd like to understand more about it, because</p> <p>11 it has to do with density.</p> <p>12 But one of my main concerns, because I've</p> <p>13 lived in the Gables for forty years and just</p> <p>14 moved to Biltmore Way two years ago, you have a</p> <p>15 drainage problem. So I want to know, have you</p> <p>16 done a consolidated drainage test in the</p> <p>17 Biltmore Section area, when did you do it, and</p> <p>18 what were the results, because it doesn't even</p> <p>19 need to rain for us to have a drainage problem.</p> <p>20 The ground field drainage comes under the golf</p> <p>21 course under this area, which that means that</p> <p>22 the water level is high where we are.</p> <p>23 It's okay that we have to have some pumps</p> <p>24 to keep the water out. That's okay. I get it.</p> <p>25 But we do have a problem in that area that more</p>

<p style="text-align: right;">Page 41</p> <p>1 density will only make worse.</p> <p>2 So those are things that I want to know,</p> <p>3 and so when you say you have met all of the</p> <p>4 requirements, I'm not sure that you have met</p> <p>5 all of the requirements, because requirements</p> <p>6 mean, is it safe, what's going to happen, what</p> <p>7 if we build more area, and I'm especially</p> <p>8 concerned about the 700 block of Valencia.</p> <p>9 CHAIRMAN AIZENSTAT: Thank you.</p> <p>10 MS. SAPP: That is now two-story buildings.</p> <p>11 I believe it could go up much higher. And my</p> <p>12 question to you is, can the ground absorb it</p> <p>13 and how do you know that the ground can absorb</p> <p>14 it?</p> <p>15 So I just would like to see those reports</p> <p>16 before you pass a TDR or -- and, also, if you</p> <p>17 all could explain that jargon when you send out</p> <p>18 a notice, I think that would be helpful for</p> <p>19 people. Thank you.</p> <p>20 CHAIRMAN AIZENSTAT: Thank you.</p> <p>21 THE SECRETARY Carolyn.</p> <p>22 MS. BADO: Good evening. My name is</p> <p>23 Carolyn Bado, and I'm a member of the Junior</p> <p>24 League, as well, at 713 Biltmore Way. I'm also</p> <p>25 the building's manager. And when I was</p>	<p style="text-align: right;">Page 42</p> <p>1 informed of the Staff Report for the text</p> <p>2 amendment to the Biltmore Way area, I noticed</p> <p>3 that in the report it indicated that that area</p> <p>4 was solely a receiving site, and from my</p> <p>5 understanding, as a historically designated</p> <p>6 landmark, we are designated as a sending site.</p> <p>7 So because of that designation, it will</p> <p>8 change the total parcel area available to be a</p> <p>9 receiving site. So, from my calculations and</p> <p>10 from what I understand, is that the total</p> <p>11 amount of TDRs calculated in the Staff Report</p> <p>12 may be a little excessive, because our historic</p> <p>13 status was not accounted for in that</p> <p>14 calculation. So I wanted the Board to be aware</p> <p>15 of that.</p> <p>16 Thank you.</p> <p>17 CHAIRMAN AIZENSTAT: No more speakers?</p> <p>18 Okay. At this time, I'd like to go ahead</p> <p>19 and close the floor for public comment and open</p> <p>20 it up.</p> <p>21 Rhonda, would you like to continue?</p> <p>22 MS. ANDERSON: Yes, I would like to</p> <p>23 continue.</p> <p>24 Block A, you had it highlighted, Ramon,</p> <p>25 from the front of Biltmore Way all of the way</p>
<p style="text-align: right;">Page 43</p> <p>1 to Valencia, and my question is, if that block</p> <p>2 is designated as being included as a receiving</p> <p>3 site for TDRs, the fact that the language</p> <p>4 restricts it to properties that face Biltmore</p> <p>5 Way, if someone purchased the property facing</p> <p>6 Biltmore Way and asked for the alley to be</p> <p>7 vacated, could they run it all of the way</p> <p>8 through to Valencia?</p> <p>9 MR. TRIAS: No. I think that's the short</p> <p>10 answer to that. I mean, I -- no.</p> <p>11 MS. ANDERSON: Then my next question is,</p> <p>12 why did you highlight the entire block?</p> <p>13 MR. TRIAS: Yeah, the text is what rules</p> <p>14 here, and, you know, we could spend the next</p> <p>15 ten hours talking about the theory of this</p> <p>16 thing, and I'm just going to tell you that that</p> <p>17 is not a good use of anybody's time.</p> <p>18 The practical application of this is very</p> <p>19 limited, very limited. It's something that</p> <p>20 requires, first of all, having a sending site,</p> <p>21 which is difficult enough, and, unfortunately,</p> <p>22 the historic buildings that are not Downtown</p> <p>23 are not part of the sending sites. So that's</p> <p>24 one of the things that I tried to change prior</p> <p>25 to this meeting, but that wasn't -- I guess</p>	<p style="text-align: right;">Page 44</p> <p>1 there was no support for that.</p> <p>2 So what happens is that, first of all, this</p> <p>3 is a very rare thing that needs to happen.</p> <p>4 I've only seen it once. Mario has never worked</p> <p>5 on a project, right? So I think that the best</p> <p>6 way to look at this is that it's simply one</p> <p>7 tool, among many, and, frankly, I would prefer</p> <p>8 to deal with the issues of the right-of-way,</p> <p>9 planting some trees on Biltmore Way, maybe</p> <p>10 dealing with the drainage and so on that was</p> <p>11 raised, that, to me -- that is a much more</p> <p>12 effective use of our time, in terms of</p> <p>13 improving that area.</p> <p>14 This is really a very minor request. It's</p> <p>15 a very minor request that came from the Mayor.</p> <p>16 He requested that we look at this. And this is</p> <p>17 the best approach that we can have, in terms of</p> <p>18 providing that option.</p> <p>19 So I would prefer to take a more realistic</p> <p>20 look at this, in the sense that it has to be a</p> <p>21 parcel that is -- Number One, it has to be</p> <p>22 multi-family high-density or commercial</p> <p>23 high-density. So, for example, MFSA parcels</p> <p>24 that are row houses, those don't qualify. So</p> <p>25 that's the first thing. And, Number Two, it</p>

<p style="text-align: right;">Page 45</p> <p>1 has to face Biltmore Way. And, Number Three, 2 you need to have a sending site, a sending site 3 identified. So all of those things need to 4 happen. 5 MS. MENENDEZ: Does the sending site have 6 to be within the Biltmore Way area? 7 MR. TRIAS: No. No. It could be any 8 sending site. So that is why Mario was saying 9 that it increases the likelihood -- 10 MS. MENENDEZ: No, I understand. I just 11 wanted the public to hear that, that it doesn't 12 necessarily mean that the transfer of the 13 development rights are going to go on Biltmore 14 Way. 15 MR. TRIAS: Right. 16 MS. MENENDEZ: You're just creating the 17 ability for buildings that are 18 underdeveloped -- does it have to be historic? 19 MR. TRIAS: The sending site has to be 20 historic. The receiving site cannot be 21 historic. 22 MS. MENENDEZ: Okay. Right. 23 MR. TRIAS: That's a very good point. It 24 cannot be historic, because that's not -- 25 MS. MENENDEZ: Right. But the sending</p>	<p style="text-align: right;">Page 46</p> <p>1 site -- 2 MR. TRIAS: The receiving site -- 3 MS. MENENDEZ: -- has to be a historic 4 building, Because the purpose of them receiving 5 the funds for the transfer of development 6 rights is to maintain the building. 7 MR. TRIAS: Right. 8 MS. MENENDEZ: That's the why the City 9 originally created the incentive. 10 MR. TRIAS: Now, the recent development is 11 that also can be done for open space, for the 12 creations of a public park. 13 MS. MENENDEZ: Okay. 14 MR. TRIAS: They're still going through the 15 process. So that's the only other option. 16 MS. MENENDEZ: Right. Right. Right. It 17 seems to me as though there's like a lack of 18 education as far as the TDRs, and if it's 19 somewhat difficult for us at times as Board 20 Members, for the public, it's like ten times 21 more difficult. 22 MR. TRIAS: Yes, and I don't disagree with 23 that, and the main concern that I have is that, 24 we're thinking of this as some big effect on 25 the area, and the reality is that it's going to</p>
<p style="text-align: right;">Page 47</p> <p>1 have a very small effect. 2 MS. MENENDEZ: But it's an education thing. 3 MR. TRIAS: Yeah. 4 MS. MENENDEZ: Let me ask you, is this a 5 time sensitive issue? 6 MR. TRIAS: Not from my perspective, maybe 7 from the perspective of other people it is. 8 But certainly this is not a Staff driven item. 9 MS. MENENDEZ: The reason I say it, because 10 maybe there would be a benefit to trying to 11 educate the area on TDRs with a Workshop or 12 something, but, you know, I don't know if it's 13 a time sensitive matter. 14 CHAIRMAN AIZENSTAT: Ramon, let me ask you, 15 the Junior League building is both a receiving 16 and a donor site at the same time. So given 17 that, can you explain -- use that as an example 18 of what would happen with the TDRs on that 19 site? 20 MR. TRIAS: Yeah. What happens on that 21 site is that it's not part of the process, 22 because it's designated as a historic landmark. 23 CHAIRMAN AIZENSTAT: Okay. 24 MR. TRIAS: Meaning, you are not going to 25 demolish it, I assume, right, and do another</p>	<p style="text-align: right;">Page 48</p> <p>1 building. So it's not a receiving -- even 2 though it may be in the receiving area, it's 3 not. It's just there. It's not a realistic -- 4 MS. VELEZ: But it can send? 5 MS. MENENDEZ: Yeah. 6 MR. TRIAS: Well, that is the problem. It 7 cannot send, either, because it is not part of 8 the sending sites, which are limited to 9 Downtown and North Ponce. Now, that may 10 change. I mean, my opinion was that any 11 building that was historic should be a sending 12 site, but that is not what the Code says right 13 now. 14 CHAIRMAN AIZENSTAT: But that's not what 15 we're discussing -- 16 MR. TRIAS: We're not doing that right now. 17 CHAIRMAN AIZENSTAT: Okay. So basically 18 the individuals that spoke in fear with that 19 site, for example, it does not play into 20 anything with the TDRs? 21 MR. TRIAS: Right. That's not an issue for 22 that site. 23 CHAIRMAN AIZENSTAT: And I think that's 24 another reason to possibly educate the public, 25 because we have people coming here to speak to</p>

<p style="text-align: right;">Page 49</p> <p>1 us that are not aware of what entails with the</p> <p>2 transfer of TDRs. I think that's Maria's</p> <p>3 point.</p> <p>4 MS. MENENDEZ: Yeah.</p> <p>5 MS. ANDERSON: And I would agree with that.</p> <p>6 If I'm having difficulty wrapping my head</p> <p>7 around it, you know --</p> <p>8 MS. VELEZ: I have some concerns about the</p> <p>9 way that this is phrased, because it includes</p> <p>10 the entire block. You mentioned, Ramon, that</p> <p>11 it's only the parcels that face onto Biltmore</p> <p>12 Way.</p> <p>13 MR. TRIAS: Well, you have to read the</p> <p>14 text, the actual amendment.</p> <p>15 MS. VELEZ: Okay. So it has to face --</p> <p>16 MR. TRIAS: Yeah.</p> <p>17 MS. VELEZ: So it does not apply to the</p> <p>18 Block 5 on Valencia.</p> <p>19 MR. TRIAS: Right.</p> <p>20 MS. VELEZ: So Valencia would not be</p> <p>21 affected with higher.</p> <p>22 MR. TRIAS: Right. If you look at Page 4,</p> <p>23 it's three lines of text that are underlined,</p> <p>24 that's the actual amendment.</p> <p>25 MS. VELEZ: Okay. Facing Biltmore Way or</p>	<p style="text-align: right;">Page 50</p> <p>1 Coral Way. So it would affect any parcels that</p> <p>2 would fall, that face on Coral Way, and there</p> <p>3 are some. I don't know that there are any.</p> <p>4 But not on Valencia.</p> <p>5 Okay. Thank you.</p> <p>6 CHAIRMAN AIZENSTAT: Julio?</p> <p>7 MR. GRABIEL: I don't have anything.</p> <p>8 CHAIRMAN AIZENSTAT: Ramon, let me ask you</p> <p>9 a question.</p> <p>10 MR. TRIAS: Yes.</p> <p>11 CHAIRMAN AIZENSTAT: With TDRs, in the area</p> <p>12 that's up to 150 feet; is that correct?</p> <p>13 MR. TRIAS: The Site Specifics allow 150</p> <p>14 feet.</p> <p>15 CHAIRMAN AIZENSTAT: In the area of</p> <p>16 Biltmore Way, you have buildings that are</p> <p>17 already built and are condos, for example, but</p> <p>18 are under the 150 feet.</p> <p>19 MR. TRIAS: Yes.</p> <p>20 CHAIRMAN AIZENSTAT: Would these buildings</p> <p>21 be able to sell their roof rights or their area</p> <p>22 rights above so they can add more area above</p> <p>23 it, if the -- I mean, it's an architectural</p> <p>24 question if the structure can hold it, but</p> <p>25 let's assume in a perfect world that it does,</p>
<p style="text-align: right;">Page 51</p> <p>1 would they be able to go out and sell that and</p> <p>2 buy TDRs or somebody buying TDRs would come to</p> <p>3 that building and say, yeah, we want to build</p> <p>4 some townhouses or we want to build some extra</p> <p>5 units on top of this building, would they be</p> <p>6 able to do in that scenario?</p> <p>7 MR. TRIAS: Theoretically, if they have not</p> <p>8 maxed out their FAR, they could. A more</p> <p>9 realistic scenario would be that they could</p> <p>10 in-fill in their parking lot, for example, and</p> <p>11 enlarge in a more realistic way the building,</p> <p>12 in theory, if the numbers are not to the</p> <p>13 maximum.</p> <p>14 Now, it's very unlikely that that's the</p> <p>15 case, and why I'm saying that is that</p> <p>16 generally, when you see a building, it's the</p> <p>17 maximum development that you can do in that</p> <p>18 site, for one other reason, which has nothing</p> <p>19 to do with FAR or even height, it has to do</p> <p>20 with parking. The answer to Ms. Anderson's</p> <p>21 question, at the end of the day, is that what</p> <p>22 can you build on this site? Well, however many</p> <p>23 units you can park, and that has been the</p> <p>24 limit, the realistic limit in terms of density,</p> <p>25 and what happens is that let's say you can do</p>	<p style="text-align: right;">Page 52</p> <p>1 ten units, with this program, you could do ten</p> <p>2 units that are a little bit larger. Doing</p> <p>3 eleven units would not be feasible, most</p> <p>4 likely, because of the parking arrangements.</p> <p>5 CHAIRMAN AIZENSTAT: But could you do</p> <p>6 lifts? Can you take single parking spaces and</p> <p>7 then adapt lifts to it or start to create</p> <p>8 tandem spaces?</p> <p>9 OMR. TRIAS: Clearly, we would have to look</p> <p>10 at the specifics, but generally speaking, that</p> <p>11 may give you one additional unit. I mean,</p> <p>12 we're not talking about a meaningful change.</p> <p>13 CHAIRMAN AIZENSTAT: Okay. Okay. Any</p> <p>14 other --</p> <p>15 MR. GRABIEL: Well --</p> <p>16 CHAIRMAN AIZENSTAT: Go ahead.</p> <p>17 MR. GRABIEL: -- Biltmore Way is basically</p> <p>18 a short street that runs from Le Jeune to</p> <p>19 Anderson. It's very wide. It has a very wide</p> <p>20 right-of-way. It is right now not one of the</p> <p>21 nicest streets in Coral Gables. It is lacking,</p> <p>22 as we all talked about, landscaping and edges.</p> <p>23 There are a lot of open spaces, which are</p> <p>24 parking lots, which don't add anything to the</p> <p>25 beauty of a street.</p>

<p style="text-align: right;">Page 53</p> <p>1 A beautiful urban street has edges on the</p> <p>2 sides --</p> <p>3 MR. TRIAS: Excuse me, Page 5.</p> <p>4 MR. GRABIEL: Yeah, I saw that, but I want</p> <p>5 to bring it up.</p> <p>6 MR. TRIAS: Bring it up, please.</p> <p>7 MR. GRABIEL: I'm bringing it up. And it's</p> <p>8 only four blocks. And it's four blocks that</p> <p>9 runs from a very beautiful residential street,</p> <p>10 which is defined by Anderson, to Le Jeune Road,</p> <p>11 which is very commercial. At the end, by Le</p> <p>12 Jeune, there is City Hall and the park.</p> <p>13 I think what we need is a comprehensive</p> <p>14 analysis of the street that looks at how can we</p> <p>15 make it a beautiful street by creating an edge</p> <p>16 that works, with pedestrian walkways and</p> <p>17 commercial development on the ground floor, and</p> <p>18 landscaping. It could become a beautiful</p> <p>19 Champs-Elysees type of street, because of the</p> <p>20 width of it, and the edges of the street, but</p> <p>21 for us to now pick up and say that this is a</p> <p>22 receiving site for TDRs, without looking at the</p> <p>23 overall comprehensively four blocks, I think</p> <p>24 we're wasting our time.</p> <p>25 I think it's got a tremendous potential. I</p>	<p style="text-align: right;">Page 54</p> <p>1 think, if we show the residents around it that</p> <p>2 we are benefiting the value of their homes and</p> <p>3 condominium by creating this beautiful wide</p> <p>4 landscaped street, then we can look at TDRs as</p> <p>5 a way of creating those edges, but right now, I</p> <p>6 feel uncomfortable voting for the transfers of</p> <p>7 TDRs to that site without having an overall</p> <p>8 look at the street.</p> <p>9 MS. MENENDEZ: The problem with that -- the</p> <p>10 only problem I see is that we're not here to</p> <p>11 kind of like design Biltmore Way. It's not</p> <p>12 before us. I mean, that would be like a</p> <p>13 City --</p> <p>14 MR. GRABIEL: What we have is the head of</p> <p>15 our City Planning Department with us --</p> <p>16 MS. MENENDEZ: But those are capital</p> <p>17 projects that the City undertakes, and -- I</p> <p>18 mean --</p> <p>19 MR. GRABIEL: I agree.</p> <p>20 MS. MENENDEZ: It's nothing really in our</p> <p>21 purview, but -- I mean, I understand, but I'm</p> <p>22 not sure that -- I guess we can recommend</p> <p>23 anything we want, but at the end of the day,</p> <p>24 what's before us is the TDR issues.</p> <p>25 CHAIRMAN AIZENSTAT: Mr. Collier.</p>
<p style="text-align: right;">Page 55</p> <p>1 MR. COLLIER: Well, I believe that the Board</p> <p>2 has the opportunity, whatever action it takes,</p> <p>3 to include additional recommendations to the</p> <p>4 City Commission. And assuming you act today on</p> <p>5 this, whether you approve it or deny it or</p> <p>6 whatever recommendation you make, you can</p> <p>7 include recommendations such as, you know,</p> <p>8 additional information to be given to the</p> <p>9 public on TDRs and the impact of TDRs. I think</p> <p>10 that could be included as part of your</p> <p>11 recommendation.</p> <p>12 CHAIRMAN AIZENSTAT: As a Workshop.</p> <p>13 MR. COLLIER: Or as a Workshop. You could</p> <p>14 recommend that. You could also include, you</p> <p>15 know, your suggestion about planning for</p> <p>16 Biltmore Way, and whatever action you take, you</p> <p>17 can include those recommendations as part of</p> <p>18 your action, and that way you're informing the</p> <p>19 City Commission of what you're interested in.</p> <p>20 So I might suggest that as an opportunity</p> <p>21 for the Board to consider.</p> <p>22 MR. TRIAS: Mr. Chairman, Staff has</p> <p>23 prepared a typical section that is on Page 5.</p> <p>24 That typical section is small, but I showed it</p> <p>25 in the PowerPoint, includes 18-foot sidewalks,</p>	<p style="text-align: right;">Page 56</p> <p>1 with oak trees, separated bike lanes and two</p> <p>2 lanes of traffic and a median with landscape.</p> <p>3 So there's a lot you can do there, and we</p> <p>4 certainly would recommend that, if you want,</p> <p>5 you can forward that as an idea to start the</p> <p>6 design on the road.</p> <p>7 MS. VELEZ: We also have a lot of parking</p> <p>8 on that street. Would that be affected with</p> <p>9 this design on Page 5?</p> <p>10 MR. TRIAS: It may, and that's something</p> <p>11 that we may want to recognize, that we need to</p> <p>12 keep parking there, too.</p> <p>13 MS. VELEZ: Yeah.</p> <p>14 MR. TRIAS: I mean, there are multiple ways</p> <p>15 to do this. I think that, at a minimum, we can</p> <p>16 improve the sidewalks and the landscape on the</p> <p>17 sidewalks, meaning the shade trees, at a</p> <p>18 minimum, and that could be a fairly</p> <p>19 straightforward Public Works type of project.</p> <p>20 I've discussed that multiple times in the</p> <p>21 past, so I'm hoping that we can get this done</p> <p>22 in the near future.</p> <p>23 MS. MENENDEZ: The challenge when you do</p> <p>24 these types of developments with underdeveloped</p> <p>25 areas is that you make all of these</p>

<p style="text-align: right;">Page 57</p> <p>1 improvements, you make curb-cuts, you put in</p> <p>2 the beautiful sidewalks, and then here comes a</p> <p>3 development and then it gets interrupted and</p> <p>4 then it gets -- you know, it just doesn't look</p> <p>5 the same. That's why typically you wait for</p> <p>6 developments to proffer these types of</p> <p>7 improvements.</p> <p>8 But I'm all for it, but, you know,</p> <p>9 realistically I'm not sure if it's the way to</p> <p>10 plan, you know, for an undeveloped area. And</p> <p>11 when I say, undeveloped, meaning a potential</p> <p>12 development area that might interrupt whatever</p> <p>13 improvements and investment the City does for</p> <p>14 the blocks.</p> <p>15 MR. TRIAS: But Ms. Menendez, when I look</p> <p>16 at the aerial photographs that are in the first</p> <p>17 page and I see all of those large buildings, I</p> <p>18 don't really see that many new buildings that</p> <p>19 are going to come up. So I think this area is</p> <p>20 fairly mature in its development.</p> <p>21 MS. MENENDEZ: Okay.</p> <p>22 MR. TRIAS: And it's at a point in which we</p> <p>23 can probably follow up with Julio's</p> <p>24 recommendation.</p> <p>25 CHAIRMAN AIZENSTAT: Ramon, there was a</p>	<p style="text-align: right;">Page 58</p> <p>1 speaker that spoke about the drainage problem</p> <p>2 and so forth in that area.</p> <p>3 MR. TRIAS: I'm not aware of the details,</p> <p>4 but I'll be happy to talk to the Public Works</p> <p>5 Director about it. So I'm sure they are aware</p> <p>6 of the issues.</p> <p>7 CHAIRMAN AIZENSTAT: Would you be kind</p> <p>8 enough to put that speaker in touch with the</p> <p>9 Public Works Director?</p> <p>10 MR. TRIAS: Yeah, we can do that. If you</p> <p>11 can give your name to Jill.</p> <p>12 MS. ANDERSON: Ramon, a couple of more</p> <p>13 questions. Further down, towards the 700</p> <p>14 Block, yeah, there is more of a drainage issue,</p> <p>15 because the elevation declines towards the golf</p> <p>16 course, but the public parking lot that exists,</p> <p>17 I think it's in Block 7, between the Aloft</p> <p>18 building and Le Roc --</p> <p>19 MR. TRIAS: Yes, right west of the Aloft</p> <p>20 building, yeah.</p> <p>21 MS. ANDERSON: Right. Is it conceivable</p> <p>22 that that could be, instead of just permit</p> <p>23 only, additional parking for the Biltmore Way</p> <p>24 area? We have a sidewalk now that transects</p> <p>25 through that block that would alleviate some of</p>
<p style="text-align: right;">Page 59</p> <p>1 the parking concerns if the area is beautified.</p> <p>2 MR. TRIAS: I mean, I think we can discuss</p> <p>3 that with the Parking Director, and he's</p> <p>4 extremely creative and open-minded. So if that</p> <p>5 works better for the neighborhood, maybe that's</p> <p>6 a solution. That could be discussed with him.</p> <p>7 MS. ANDERSON: I do think a Workshop is</p> <p>8 necessary here, because I'm trying to educate</p> <p>9 myself, as well as, you know, those who are</p> <p>10 here in the audience as to what the effect</p> <p>11 would be, if a hypothetical section was sold,</p> <p>12 such as the strip between the door store and</p> <p>13 that section of the shops there, because those</p> <p>14 are all low, and as you had indicated on your</p> <p>15 presentation, primed for redevelopment. I</p> <p>16 think that would be an appropriate hypothetical</p> <p>17 to run.</p> <p>18 MR. TRIAS: Okay.</p> <p>19 CHAIRMAN AIZENSTAT: Okay. Any other</p> <p>20 comments? Is there a motion? Anyone want to</p> <p>21 make a motion?</p> <p>22 Maria?</p> <p>23 MS. VELEZ: I don't feel comfortable moving</p> <p>24 forward on this at this point.</p> <p>25 CHAIRMAN AIZENSTAT: What would you like to</p>	<p style="text-align: right;">Page 60</p> <p>1 see?</p> <p>2 MS. VELEZ: I would like to see further</p> <p>3 information out to the public. I'd like to</p> <p>4 hear more from the public.</p> <p>5 CHAIRMAN AIZENSTAT: But we can also make a</p> <p>6 recommendation, and part of our recommendation</p> <p>7 would be to have a Workshop to the public.</p> <p>8 MS. VELEZ: Yes.</p> <p>9 CHAIRMAN AIZENSTAT: Remember, it has to go</p> <p>10 before the Commission, also. That's one</p> <p>11 option.</p> <p>12 MR. TRIAS: That may be the best option,</p> <p>13 Mr. Chairman --</p> <p>14 MS. VELEZ: All right.</p> <p>15 MS. MENENDEZ: Yeah.</p> <p>16 MR. TRIAS: -- in order to move forward,</p> <p>17 because of the fact that I don't think anything</p> <p>18 is going to happen in the summer. In fact, we</p> <p>19 don't have anything scheduled until the end of</p> <p>20 the August, and the summer, as some of the</p> <p>21 speakers pointed out, is not a good idea.</p> <p>22 CHAIRMAN AIZENSTAT: Okay.</p> <p>23 MR. TRIAS: So you may want to recommend</p> <p>24 that a Workshop be held some time after</p> <p>25 September.</p>

<p style="text-align: right;">Page 61</p> <p>1 CHAIRMAN AIZENSTAT: And there's other</p> <p>2 recommendations we can make, such as the</p> <p>3 recommendations that Julio suggested, so and so</p> <p>4 forth. So we can incorporate all of those.</p> <p>5 MR. COLLER: Right. I mean, IF the Board</p> <p>6 chooses to recommend denial based upon the fact</p> <p>7 that there's insufficient information, that</p> <p>8 there needs to be a Workshop, there's further</p> <p>9 education, or you could approve it; however, we</p> <p>10 have concerns about the following. So you can</p> <p>11 go either way to express to the Commission how</p> <p>12 you feel that the Commission should move or not</p> <p>13 move forward on this type of an item.</p> <p>14 MS. MENENDEZ: Should we just continue it,</p> <p>15 though?</p> <p>16 MR. COLLER: Well, I think there's some</p> <p>17 concern about the Board just kind of pocketing</p> <p>18 an item and just continuing and continuing it</p> <p>19 and it's been a concern in the past. And so I</p> <p>20 think the best way to communicate to the</p> <p>21 Commission what you want to have accomplished</p> <p>22 is through a recommendation.</p> <p>23 MS. MENENDEZ: Well, I think, whenever</p> <p>24 we've continued an item, it's been for a very</p> <p>25 good cause.</p>	<p style="text-align: right;">Page 62</p> <p>1 MR. COLLER: No, and I'm --</p> <p>2 MS. MENENDEZ: And I think we've expressed</p> <p>3 it. Whether you agree with us or not is</p> <p>4 different. But I'll do whatever the majority</p> <p>5 of the Board wants to do.</p> <p>6 MR. GRABIEL: Let me ask a question. Can</p> <p>7 we approve it, but conditionally --</p> <p>8 CHAIRMAN AIZENSTAT: Sure.</p> <p>9 MR. GRABIEL: -- that it could not go forth</p> <p>10 until the City creates a Workshop that analyzes</p> <p>11 the concerns of the residents and comes up with</p> <p>12 an urban plan for Biltmore Way from Anderson to</p> <p>13 Le Jeune?</p> <p>14 MR. COLLER: That's entirely appropriate.</p> <p>15 MS. MENENDEZ: That's a recommendation.</p> <p>16 CHAIRMAN AIZENSTAT: That's only a</p> <p>17 recommendation. We can't stop it.</p> <p>18 MR. GRABIEL: Yeah.</p> <p>19 MR. TRIAS: Right.</p> <p>20 MS. MENENDEZ: They could move forward with</p> <p>21 it regardless of what we say. Either way,</p> <p>22 right, so --</p> <p>23 MR. GRABIEL: Yeah, that's true, either</p> <p>24 way.</p> <p>25 MR. TRIAS: Now, generally, when you have</p>
<p style="text-align: right;">Page 63</p> <p>1 recommended approval with some recommendations,</p> <p>2 those recommendations have been followed. I</p> <p>3 mean, that has been the prior practice. So I</p> <p>4 wouldn't discourage that idea.</p> <p>5 CHAIRMAN AIZENSTAT: Correct.</p> <p>6 MS. MENENDEZ: Okay.</p> <p>7 CHAIRMAN AIZENSTAT: Julio, would you like</p> <p>8 to make a --</p> <p>9 MR. GRABIEL: I am willing, then, to</p> <p>10 approve it with a conditional --</p> <p>11 CHAIRMAN AIZENSTAT: Make a motion.</p> <p>12 MR. GRABIEL: Okay. I'd like to make a</p> <p>13 motion approving the item, but conditional to</p> <p>14 creating and establishing a Workshop that will</p> <p>15 analyze the urban character of that street, the</p> <p>16 appropriateness of the transfer of TDRs to that</p> <p>17 concept, and an urban plan that will improve</p> <p>18 the quality of the street from Anderson to Le</p> <p>19 June.</p> <p>20 MS. MENENDEZ: How about educating the</p> <p>21 public?</p> <p>22 MR. GRABIEL: I'm sorry, and, yeah, and in</p> <p>23 the process educating the residents of the TDRs</p> <p>24 so that everybody understands what it is and</p> <p>25 the impact they may have on them.</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. MENENDEZ: The concept.</p> <p>2 CHAIRMAN AIZENSTAT: And there was also</p> <p>3 discussion about looking into maintain parking</p> <p>4 in the area.</p> <p>5 MR. GRABIEL: Well, when I say, "Urban</p> <p>6 plan," they will look at parking, will look at</p> <p>7 landscaping, will look at existing conditions.</p> <p>8 CHAIRMAN AIZENSTAT: All encompassed?</p> <p>9 MR. GRABIEL: Yeah.</p> <p>10 MS. ANDERSON: I would not like this to</p> <p>11 move forward without that Workshop being</p> <p>12 conducted first and the public having a chance</p> <p>13 to be educated and have additional input and</p> <p>14 the urban plan being part of this proposal.</p> <p>15 CHAIRMAN AIZENSTAT: We have a motion. Is</p> <p>16 there a second?</p> <p>17 MS. MENENDEZ: I'm going to second it.</p> <p>18 CHAIRMAN AIZENSTAT: We have a motion. We</p> <p>19 have a second. Discussion?</p> <p>20 Rhonda?</p> <p>21 MS. ANDERSON: My comments, I'd just repeat</p> <p>22 them.</p> <p>23 CHAIRMAN AIZENSTAT: Okay. I feel that the</p> <p>24 Public Workshop in our recommendation is there</p> <p>25 and it's up to the Commission to move this</p>

<p style="text-align: right;">Page 65</p> <p>1 forward.</p> <p>2 MS. MENENDEZ: See, even if we don't</p> <p>3 approve it, they're going to get it and they're</p> <p>4 going to decide whether to move forward or not.</p> <p>5 We're just a recommending body.</p> <p>6 MS. ANDERSON: I understand.</p> <p>7 MS. MENENDEZ: Okay.</p> <p>8 CHAIRMAN AIZENSTAT: We have a motion and a</p> <p>9 second. Any other discussion? No? Call the</p> <p>10 roll, please.</p> <p>11 MS. VELEZ: One question.</p> <p>12 CHAIRMAN AIZENSTAT: Oh, yes. Sorry.</p> <p>13 MS. VELEZ: Do we need to make any</p> <p>14 provisions for the Junior League Building? Do</p> <p>15 we have to say anything at all about that?</p> <p>16 CHAIRMAN AIZENSTAT: No. It's on the</p> <p>17 record. My understanding is, it's on the</p> <p>18 record --</p> <p>19 MR. TRIAS: Right. Yeah.</p> <p>20 CHAIRMAN AIZENSTAT: -- with Ramon --</p> <p>21 MR. TRIAS: That's fine.</p> <p>22 MS. VELEZ: All right.</p> <p>23 CHAIRMAN AIZENSTAT: Call the roll, please.</p> <p>24 THE SECRETARY: Maria Menendez?</p> <p>25 MS. MENENDEZ: Yes.</p>	<p style="text-align: right;">Page 66</p> <p>1 THE SECRETARY: Maria Velez?</p> <p>2 MS. VELEZ: Yes.</p> <p>3 THE SECRETARY: Rhonda Anderson?</p> <p>4 MS. ANDERSON: No.</p> <p>5 THE SECRETARY: Julio Grabiell?</p> <p>6 MR. GRABIEL: Yes.</p> <p>7 THE SECRETARY: Eibi Aizenstat?</p> <p>8 CHAIRMAN AIZENSTAT: Yes.</p> <p>9 Thank you.</p> <p>10 If we can now go ahead and move on to the</p> <p>11 next item, which would be E-3 and E-4, as they</p> <p>12 are related.</p> <p>13 Are you going to read them into the record?</p> <p>14 MR. COLLER: Yes. I'm going to read both</p> <p>15 items into the record, and we'll have one</p> <p>16 public hearing on both items, and we can then</p> <p>17 vote on them separately.</p> <p>18 CHAIRMAN AIZENSTAT: Okay. Go ahead,</p> <p>19 please.</p> <p>20 MR. COLLER: Okay.</p> <p>21 Item E-3, an Ordinance of the City</p> <p>22 Commission of Coral Gables, Florida providing</p> <p>23 for text amendments to the City of Coral Gables</p> <p>24 Official Zoning Code, Appendix A, "Site</p> <p>25 Specific Zoning Regulations," by creating a new</p>
<p style="text-align: right;">Page 67</p> <p>1 subsection, "Section A-58 - Hammock Oaks Harbor</p> <p>2 Section 2(F)," providing provisions governing</p> <p>3 the use of the proposed private yacht basin</p> <p>4 facility, on property legally described as A</p> <p>5 portion of Tract E, Block 4 of Hammock Oaks</p> <p>6 Harbor Section Two, Coral Gables, Florida;</p> <p>7 providing for severability, repealer,</p> <p>8 codification and an effective date.</p> <p>9 Item E-4, a Resolution of the City</p> <p>10 Commission of Coral Gables, Florida granting</p> <p>11 conditional use approval pursuant to Zoning</p> <p>12 Code Article 3, "Development Review," Division</p> <p>13 4, "Conditional Uses," for a private yacht</p> <p>14 basin on property zoned Single-Family</p> <p>15 Residential for the property legally described</p> <p>16 as A portion of Tract E, Block 4 of Hammock</p> <p>17 Oaks Harbor Section Two, Coral Gables, Florida;</p> <p>18 including required conditions; providing for</p> <p>19 severability, repealer, providing for a clause,</p> <p>20 and providing for an effective date.</p> <p>21 I think there's an issue in the title here,</p> <p>22 on the second one.</p> <p>23 CHAIRMAN AIZENSTAT: Can you elaborate,</p> <p>24 please?</p> <p>25 MR. COLLER: Yeah. I'm not sure what</p>	<p style="text-align: right;">Page 68</p> <p>1 "providing for a clause is." I want to just</p> <p>2 double-check that with Staff for a minute. I</p> <p>3 don't think it affects our ability to hear it.</p> <p>4 It might just be a scribe's thing.</p> <p>5 MS. MENENDEZ: Where is that?</p> <p>6 CHAIRMAN AIZENSTAT: The last one.</p> <p>7 MS. VELEZ: The last one.</p> <p>8 MS. MENENDEZ: But where?</p> <p>9 MR. COLLER: Item E-3 and E-4, public</p> <p>10 hearing.</p> <p>11 CHAIRMAN AIZENSTAT: Would you like to take</p> <p>12 a five-minute recess while you do that or what</p> <p>13 would you like to do?</p> <p>14 MR. COLLER: I think we can take a</p> <p>15 five-minute recess if you'd like or I can do it</p> <p>16 while we're going through the hearing.</p> <p>17 CHAIRMAN AIZENSTAT: No, go ahead. Let's</p> <p>18 do it while we're going through the hearing.</p> <p>19 MR. COLLER: Okay.</p> <p>20 MR. TRIAS: All right. Mr. Chairman, I</p> <p>21 have a brief PowerPoint, and the request is a</p> <p>22 little bit unusual, so let me see if I can</p> <p>23 explain it. If I could have the PowerPoint.</p> <p>24 There are two requests. One is a</p> <p>25 conditional use, which is one of the</p>

<p style="text-align: right;">Page 69</p> <p>1 conditional uses listed in the single-family, 2 which is the private yacht basin. In addition, 3 there's a definition in the Code that explains 4 what that is, but that's basically a small 5 operation that is used by the neighbors and so 6 on. 7 In addition, there's a text amendment for 8 the Site Specifics. That may not be absolutely 9 necessary, but we thought that it would be 10 better if that was also included, given the 11 area, that that area has Site Specifics 12 already. So this simply would memorialize the 13 request. So those are the two requests. 14 Now, the site is a little bit unusual. 15 It's a very long and narrow strip of land at 16 the very end of a cul-de-sac. As you can see, 17 there's a lot of houses there along a street 18 that goes north/south, and then it ends in a 19 cul-de-sac, and there's a fifty-foot frontage, 20 and then the rest of the strip of land is the 21 property that we're talking about. As you can 22 see, there's also two bodies of water on either 23 side. So there's water on both sides. 24 Now, the request, as you saw in the 25 materials, the background materials, is for a</p>	<p style="text-align: right;">Page 70</p> <p>1 series of -- for a dock, basically, a long 2 dock, with eight slips -- boat slips and some 3 parking, a small parking area, in the front, a 4 wall and a gate and landscape. So that's 5 basically it. It's an unusual project from 6 that point of view, but as you can see, the 7 cul-de-sac is shown as a circle there and the 8 entrance into the property is shown in gray. 9 There's no change in Zoning or Land Use. As we 10 said, it's a conditional use. It's a 11 conditional use already listed in the Code, and 12 that requests you to review the Site Plan that 13 is attached. 14 The Site Plan, as you can see, includes 15 landscape, includes the materials. It has been 16 already reviewed through some of the County 17 agencies, and the Applicant could explain that 18 in more detail. 19 And then the Request Number Two is to 20 memorialize some of the conditions in the Site 21 Specifics that the Applicant is proposing. 22 Among them are that the restrictions would 23 include that the use of the docks would be for 24 owners or residents only of that neighborhood 25 and no commercial operations, no parking on</p>
<p style="text-align: right;">Page 71</p> <p>1 swales, and that the docks will be for 2 residents only, the vehicular parking is inside 3 the property, which is for two cars and several 4 golf carts, that there will be security 5 provided by a four-foot gate and that there 6 will be a landscape buffer along Marin Street. 7 So the public notice, two times letters 8 have been sent to property owners, the property 9 has been posted three times, the website 10 posting has happened three times and there has 11 been one newspaper advertisement. 12 Staff recommends approval, with conditions, 13 which are the conditions proffered by the 14 Applicant, and for the application for 15 conditional use, and Staff recommends also 16 approval for the amendment to the Site Specific 17 Zoning Code text amendment. 18 There are some ways to improve the language 19 that we have discussed with the Applicant. I 20 think all of those have been incorporated. And 21 that is the end of the my presentation, if you 22 have any questions. 23 There's also a couple of other materials on 24 your desk. One of them is fairly thick. That 25 is a lawsuit that one of the neighbors is --</p>	<p style="text-align: right;">Page 72</p> <p>1 and the attorney may explain it better. There 2 was a request for a deferral from the attorney. 3 Our City Attorney reviewed it, and we believe 4 that we don't need to defer this item. 5 CHAIRMAN AIZENSTAT: Mr. Collier, I'd like 6 to ask your opinion on that. 7 MR. COLLIER: Yes. First, on the reading of 8 the title, sometimes when you read things out 9 loud, you miss something, but it should have 10 been "severability clause and effective date." 11 So it doesn't impact the jurisdiction. It's 12 just a scribe's error. You know that scribe 13 is constantly making errors. So, in any event, 14 as far as the -- so that's on that issue. 15 As far as the lawsuit, the City Attorney 16 and I reviewed it. We believe that there may 17 or may not be a dispute among the private 18 parties, but it is our position that it doesn't 19 impact the jurisdiction of the Board and you 20 can move forward with your decision on this 21 particular issue. 22 CHAIRMAN AIZENSTAT: Okay. Thank you. 23 Is the Applicant here? 24 MS. RUSSO: Good evening, Mr. Chairman, 25 Members of the Board, Mr. Collier and Mr. Trias.</p>

<p style="text-align: right;">Page 73</p> <p>1 For the record, my name is Laura Russo, with 2 offices at 2655 Le Jeune Road, and I'm here 3 this evening with co-counsel, Lynn Lewis, at 4 501 Brickell Key Drive, and we are here this 5 evening representing David Cabarrocas, who is 6 the owner of the referenced property. 7 This is a portion of Tract E located in 8 Hammock Oaks Subdivision Section Two. The 9 property, as Mr. Trias told you, is a vacant 10 strip of land at the south end of Lake B, which 11 is on Section Two of Hammock Oaks plat and also 12 Lake B is on Hammock Oaks Section Three. 13 The property is approximately 510 feet long 14 and varies in width from about 30 feet to about 15 40 to 50 feet on the northern most end. So you 16 know, for those of you who do real estate, the 17 legal description of the property includes a 18 portion of the lake. 19 MS. MENENDEZ: I'm sorry, the lake to the 20 north or -- 21 MS. RUSSO: The lake to the north. The 22 lake to the north, yes. 23 Mr. Cabarrocas is requesting a conditional 24 use approval for a private yacht basin, which 25 is allowed, as Mr. Trias said, under our Zoning</p>	<p style="text-align: right;">Page 74</p> <p>1 Code, under Section 4-01 C-1 as an axillary, an 2 accessory use. It's a use allowed in 3 residential, and it's also allowed and more 4 elaborated in Section 5-2501 of our Zoning 5 Code. 6 We are proposing a text amendment as sort 7 of an additional measure of security, and that 8 was discussed at the beginning, when we were in 9 our pre-application meetings, that we would add 10 a text amendment Site Specific, so it would be 11 under Hammock Oaks Section Two. Some could 12 look at it and it would list all of the 13 conditions of approval, so that there would be 14 that extra protection that Code Enforcement 15 would be able to enforce it without having to 16 go through a rigamarole and looking at whether 17 the Ordinance got recorded or not. All of the 18 conditions of approval would be in the Site 19 Specific. And this has been done in other 20 instances, with other projects. 21 The Site Plan, as you heard, consists of -- 22 and I'm going to walk over there -- 23 CHAIRMAN AIZENSTAT: There's a microphone 24 right there, if you'd like. 25 MS. RUSSO: Yeah, but I find that it</p>
<p style="text-align: right;">Page 75</p> <p>1 becomes a hard thing, too many -- the project 2 itself, the proposed project, is this strip of 3 land. This is the cul-de-sac. The property is 4 this, and we are proposing eight slips on this. 5 There is also, which you can see on the 6 rendering, there will be a wall. So the 7 property will be walled off at the cul-de-sac 8 with a vehicular gate, as well as with a 9 pedestrian gate. Both of those gates will be 10 access only for the owners. The idea is that 11 the property will be submitted to a condominium 12 form of ownership, and the docks will be units, 13 and then the common elements will be the water, 14 the landscaping, the wall, the care, the 15 pathways and the access piers that lead to the 16 docks. 17 We had a neighbors meeting, as is required, 18 and so you know, under the last tab, the 1,000 19 foot radius only incorporated 48 homes. So we 20 took it upon ourselves to incorporate all of 21 Hammock Oaks in our notice, thinking it's the 22 right thing to do. I mean, back in the day 23 when I started practicing, the notice area was 24 300 linear feet. We're now at 1,500. In this 25 case, we just took the entire subdivision.</p>	<p style="text-align: right;">Page 76</p> <p>1 We had a neighborhood meeting, which was on 2 June 14th. We submitted a sign-in sheet. Not 3 everyone was willing to sign-in, but we had 4 approximately thirty neighbors, not including 5 myself and the Cabarrocas and one of their 6 sons, who attended. 7 We heard some additional concerns which 8 were raised by some of the neighbors, in terms 9 of issues that they were worried about. So as 10 a result of those meetings, we proffered some 11 additional conditions. So under Section 5-2501 12 of the Zoning Code, there are a bunch of 13 prohibitions already built in on what a private 14 yacht basin is prohibited from doing. We added 15 those specifically to our request -- so it 16 would be located in the Site Specific -- but we 17 also added some additional items. 18 So there was a concern about garbage and 19 the smell of garbage. So we prohibited fish 20 cleaning. So if anyone wants to clean any fish 21 that they catch, they have to stop at Matheson 22 Hammocks first or take the fish home and clean 23 their fish at home. We also added landscaping, 24 which will be a buffer between this property 25 and the abutting property owner to the north.</p>

<p style="text-align: right;">Page 77</p> <p>1 We added the required parking, actually a</p> <p>2 couple of extra spaces, and we added -- the</p> <p>3 parking is two parking spaces for regular cars</p> <p>4 and eight for golf carts.</p> <p>5 We have the wall. So the wall will be four</p> <p>6 feet high, and it can't violate the triangle of</p> <p>7 visibility. We've made arrangements for trash</p> <p>8 pickup and recycling twice a week by the City</p> <p>9 of Coral Gables.</p> <p>10 MS. MENENDEZ: Excuse me, Ms. Russo.</p> <p>11 MS. RUSSO: Yes.</p> <p>12 MS. MENENDEZ: Is that like listed in one</p> <p>13 of your --</p> <p>14 MS. RUSSO: Yes, it is. It is --</p> <p>15 MS. MENENDEZ: Which one?</p> <p>16 MS. RUSSO: -- Tab F.</p> <p>17 And I'm on the second page of the Zoning</p> <p>18 Code Text Amendment.</p> <p>19 MS. MENENDEZ: So these are --</p> <p>20 MS. RUSSO: Additional conditions --</p> <p>21 MS. MENENDEZ: -- additional conditions</p> <p>22 that your client is adding?</p> <p>23 MS. RUSSO: Correct.</p> <p>24 MS. MENENDEZ: In addition to the ones that</p> <p>25 are already set forth in the Zoning Code?</p>	<p style="text-align: right;">Page 78</p> <p>1 MS. RUSSO: In the Zoning Code, which we</p> <p>2 have, in addition, added here, so that someone</p> <p>3 doesn't have to go look at Section 25-01, they</p> <p>4 can just go to this particular section.</p> <p>5 We also added that all vehicles, so any</p> <p>6 owner of a car or a golf cart or a boat, must</p> <p>7 display a decal, that will be issued by the</p> <p>8 condominium association, so that there is an</p> <p>9 ability for Code Enforcement to fine, for</p> <p>10 example, if there is a car with a decal that's</p> <p>11 parked outside the swale -- you know, on the</p> <p>12 swale area.</p> <p>13 We've also agreed that the daily roving</p> <p>14 patrol to be able to monitor and confirm</p> <p>15 ownership of any, you know, car or boat that is</p> <p>16 parked on the property. The property, of</p> <p>17 course, as I said, will only be accessible to</p> <p>18 property owners. So the gate won't open for</p> <p>19 people who aren't property owners, and the</p> <p>20 pedestrian gate will be locked. But probably</p> <p>21 the biggest condition that we've put in is that</p> <p>22 the sale, conveyance or leasing of a dock can</p> <p>23 only be to someone who is an owner of property</p> <p>24 in Hammock Oaks.</p> <p>25 So this idea is not to bring someone, who</p>
<p style="text-align: right;">Page 79</p> <p>1 lives up in North Gables, who doesn't have a</p> <p>2 place to put their boat or someone who lives in</p> <p>3 another section of the Gables, but rather to</p> <p>4 provide for this neighborhood.</p> <p>5 We also have that parking of vehicles can</p> <p>6 only be inside. So they can only park inside,</p> <p>7 no parking on the swale, and we are willing to</p> <p>8 have, you know, tow away signs, so that if</p> <p>9 there is a car parked on the swale, the roving</p> <p>10 patrol has the authority to tow away a vehicle.</p> <p>11 We, also, at the request of Staff, appeared</p> <p>12 before the Waterway Advisory Board on June 6th.</p> <p>13 They heard our proposed Site Plan. They had no</p> <p>14 particular issues. There is no obstruction of</p> <p>15 the required waterway access, in the boats</p> <p>16 accessing and going out, and so we are</p> <p>17 respectfully requesting approval.</p> <p>18 I know there are some neighbors here who</p> <p>19 are in opposition. There are some neighbors</p> <p>20 here who also are in favor. And I'd like to</p> <p>21 reserve time for rebuttal.</p> <p>22 And with respect to the lawsuit, I will</p> <p>23 say, my client has engaged litigation counsel</p> <p>24 that will be handling -- it's a dec action, for</p> <p>25 those of you that are lawyers. It's requesting</p>	<p style="text-align: right;">Page 80</p> <p>1 a declaration as to the rights under the plat.</p> <p>2 I happen to disagree on some of the</p> <p>3 premises, as a real estate lawyer, as to</p> <p>4 whether plat restrictions and dedications</p> <p>5 actually convey ownership rights, as opposed to</p> <p>6 use rights, but as the City Attorney and</p> <p>7 Mr. Collier have ruled, that will be a private</p> <p>8 dispute that will be taken up by the Courts and</p> <p>9 doesn't affect the City's jurisdiction.</p> <p>10 This is an allowed use. There's an allowed</p> <p>11 process, and this Board is a recommending body</p> <p>12 to the City Commission. So I respectfully</p> <p>13 request approval of our Site Plan and also</p> <p>14 respectfully request some rebuttal at the end.</p> <p>15 CHAIRMAN AIZENSTAT: Thank you.</p> <p>16 MS. RUSSO: And I'm happy to answer any</p> <p>17 questions.</p> <p>18 CHAIRMAN AIZENSTAT: Thank you.</p> <p>19 MS. ANDERSON: Do we have an opportunity</p> <p>20 for questions now?</p> <p>21 CHAIRMAN AIZENSTAT: We will. Let's go</p> <p>22 ahead and open up the floor first and hear</p> <p>23 public comment.</p> <p>24 MS. ANDERSON: Okay.</p> <p>25 CHAIRMAN AIZENSTAT: Thank you.</p>

<p style="text-align: right;">Page 81</p> <p>1 MS. RUSSO: Okay. You're welcome.</p> <p>2 THE SECRETARY: Adam Moskowitz.</p> <p>3 MR. MOSKOWITZ: Good evening. Thank you</p> <p>4 for hearing me. I am Adam Moskowitz. I live</p> <p>5 at 414 Rovino Avenue with my beautiful wife,</p> <p>6 Jessica, and our three children, Samantha,</p> <p>7 Serafina and Michael.</p> <p>8 And, actually, I live here.</p> <p>9 CHAIRMAN AIZENSTAT: If you would, there's</p> <p>10 a microphone right there, if you don't mind.</p> <p>11 MR. MOSKOWITZ: Oh, yeah.</p> <p>12 That's my house. So I'm --</p> <p>13 MS. MENENDEZ: Can you show me again?</p> <p>14 MR. MOSKOWITZ: Yeah.</p> <p>15 CHAIRMAN AIZENSTAT: Just point to it.</p> <p>16 MR. MOSKOWITZ: Yeah, it's the top. Here.</p> <p>17 I didn't know I'd be in the diagram.</p> <p>18 So we've lived there for many years, and we</p> <p>19 lived next door. We sold our house, when we</p> <p>20 had more children, and we got a bigger house.</p> <p>21 So we love Hammock Oaks. Some of my best</p> <p>22 friends' parents built Hammock Oaks, Howard</p> <p>23 Wolofsky, Jeanie Jontiff and Dr. Elias. I</p> <p>24 mean, they built the development. So it's</p> <p>25 always been my dream. When we were very</p>	<p style="text-align: right;">Page 82</p> <p>1 fortunate to be able to buy a home in Hammock</p> <p>2 Oaks, we did, and I've been a lawyer for 25</p> <p>3 years here in Coral Gables. I ran the class</p> <p>4 action practice for Kozyak Tropin. I started</p> <p>5 my own firm, the Moskowitz Firm, here in Coral</p> <p>6 Gables.</p> <p>7 We were first very skeptical of this</p> <p>8 proposal. Well, I don't know the people who</p> <p>9 developed it. We knew nothing about it. My</p> <p>10 wife is on the homeowners association, and when</p> <p>11 we heard about it, we were skeptical, because,</p> <p>12 as you can see, there's already eight docks for</p> <p>13 the people that live on the ocean, and that</p> <p>14 area is not that great. And I'll just walk</p> <p>15 over. It's here.</p> <p>16 These people, they all have docks, but</p> <p>17 they're not organized. They're wonderful</p> <p>18 people, and we've met them at the homeowners</p> <p>19 association. They're wonderful people, but</p> <p>20 it's not organized. They don't have like an</p> <p>21 easement where there's a walkway area. I</p> <p>22 wouldn't bring my children to go to that area.</p> <p>23 And they have problems. It's not an organized</p> <p>24 dockaminium like this developer is trying to</p> <p>25 do, and it's not run very well, and there's</p>
<p style="text-align: right;">Page 83</p> <p>1 only a few.</p> <p>2 So when we heard about what his idea was,</p> <p>3 as a lawyer, I was very careful. I said, well,</p> <p>4 how are you going to organize this in a nice</p> <p>5 fashion to make our development a better home,</p> <p>6 a better place to live, a place where I bring</p> <p>7 my four-year-old daughter, Samantha, to go</p> <p>8 walk, because I wouldn't take them where the</p> <p>9 current homes are. And those are the people</p> <p>10 that are opposing this.</p> <p>11 And, again, they're wonderful people. I</p> <p>12 know them. They have their own docks. They</p> <p>13 have ocean access. We don't. The hundred</p> <p>14 people that live in Hammock Oaks, they don't</p> <p>15 have ocean access. We have lake access. Only</p> <p>16 those seven people have access to the ocean.</p> <p>17 So we had many meetings with David. I sat</p> <p>18 down and went to lunch with him, and I said,</p> <p>19 "Explain to me in detail what you plan to do,</p> <p>20 because I have three children that are going to</p> <p>21 grow up here." And I said, "It's not good</p> <p>22 enough. Revise it. Revise it." And he kept</p> <p>23 revising it, like what his attorney said. They</p> <p>24 put security. Then they put different</p> <p>25 restrictions down. Then they put landscaping</p>	<p style="text-align: right;">Page 84</p> <p>1 down, so there's not going to be cars. And,</p> <p>2 then, most importantly, you have to live in</p> <p>3 Hammock Oaks to get a slip. That wasn't in</p> <p>4 there originally. So you have to live there to</p> <p>5 use these slips, like the people who currently</p> <p>6 have the docks, and one of them is opposing it,</p> <p>7 who's a wonderful person, but they have their</p> <p>8 own docks already with ocean access, and many</p> <p>9 of these developments, like Gables by the Sea,</p> <p>10 Gables Estates, Cocoplum, only have few people</p> <p>11 that have ocean access and they don't want the</p> <p>12 lakes to connect to the ocean, like us.</p> <p>13 So I thought, after hearing him out, you</p> <p>14 know what, I would support this plan, because I</p> <p>15 think that this is a wonderful development. I</p> <p>16 think it's a reasonable, small little</p> <p>17 development. It's not a marina. There's no</p> <p>18 lunch room or anything. It's just six docks.</p> <p>19 It's beautifully landscaped. There's going to</p> <p>20 be security. There's going to be restrictions</p> <p>21 there. Only people who live there can get</p> <p>22 them. So I thought, this is going to be</p> <p>23 something that I would like, that I'd be</p> <p>24 interested in, and that my children would be</p> <p>25 interested in and would be open to other</p>

<p style="text-align: right;">Page 85</p> <p>1 people, who are residents, and the people who 2 live on my block, we support it. 3 You know, I haven't met anybody who's 4 against it yet, who doesn't have one of the 5 other docks. The people that I've met that 6 oppose it, they have docks already and they 7 have ocean access. And they have their 8 concerns, and I understand them. They don't 9 want construction or they don't want noise, and 10 I hear them, and I think that they need to be 11 reasonable in terms of how they build this 12 project. I think it needs to be a carefully 13 done project, but I think I've carefully 14 reviewed it. I mean, I went page by page 15 through it, and I think they've done 16 everything, in addition to what was originally 17 there, to address all of the concerns that we 18 heard from the homeowners, including myself and 19 my wife and our children, to make it a really 20 beautiful addition to what we have now. 21 So we support it. Thank you very much for 22 hearing me out. 23 CHAIRMAN AIZENSTAT: Thank you. 24 THE SECRETARY: Peter Zubizarreta. 25 MR. ZUBIZARRETA: Hi. I'm Peter</p>	<p style="text-align: right;">Page 86</p> <p>1 Zubizarreta. I live at 490 Campana Avenue. I 2 happen to be the president of the homeowners 3 association, so I've kind of heard both sides 4 of this issue, those that are for and those 5 that are against. 6 And I think, if you look at communities 7 that have a marina or have a boat basin, it 8 does add value to a community. It adds value 9 to be able to have your boat in your community, 10 improves property values. It's an appeal that 11 people are looking for in South Florida. 12 On the other hand, and these are some of 13 the concerns that I'm hearing, it can't be at 14 the expense of the rest of the community. I 15 was happy to hear some of the restrictions that 16 were added to the property, in terms of parking 17 on the swale, which I think was a big concern 18 for people that are on Marin. There were 19 concerns about trash collection, and that came 20 up several times. People are concerned about 21 noise and traffic and a few other things. 22 Now, one thing that really concerned me was 23 making sure we have a tight covenant with the 24 land that does not allow non-residents of 25 Hammock Oaks to either buy a slip or rent a</p>
<p style="text-align: right;">Page 87</p> <p>1 slip. I believe that's addressed. 2 Now, there's one thing that did concern me, 3 which it says, "Property owners." So a 4 property owner could be somebody that just owns 5 an empty piece of land in Hammock Oaks and they 6 want to have a boat slip. So they might not 7 treat the community as well as somebody that 8 lives there. So that gives me some concerns. 9 I also feel like there might be a little bit of 10 a loophole there, and I'm sorry, David, this 11 might actually affect you, but if you own a 12 slip, does that make you a property owner? So 13 if you own a slip, now you sell your home, 14 you're considered a property owner? I think 15 that needs to be addressed. I think that needs 16 to be tightened a little bit, because 17 technically you can sell that slip to someone 18 that no longer lives in the community. So 19 that's one issue that I hope you guys will look 20 at and tighten up. Thank you. 21 CHAIRMAN AIZENSTAT: Thank you. 22 THE SECRETARY: Rene Arencibia. 23 MR. ARENCIBIA: Good evening. Thank you 24 for giving me an opportunity to address the 25 Board. My name is Rene Arencibia, 435 Campana</p>	<p style="text-align: right;">Page 88</p> <p>1 Avenue. I've been a resident of Coral Gables 2 for 28 years. 3 I am in favor of this project. I 4 personally own a boat, which I keep at Miami 5 Yacht Club, which is Downtown by the Parrot 6 Jungle. Basically, drive 45 minutes to be able 7 to use my boat, load up the car with the 8 fishing rods, coolers and so on and so on. It 9 will be a great opportunity that I can acquire 10 a dock at Hammock Oaks. 11 Currently there's approximately a hundred 12 homes, and I think between 18 or 20 have 13 waterfront or dock. So the rest of 80 homes 14 don't have access or a dock. So I think it 15 will be a great opportunity for a few to be 16 able to acquire a dock. And whoever acquires 17 one, it will increase their property value. So 18 definitely I'm in favor of this project. 19 I've seen the presentation, security, gate, 20 access code, so all of those things are 21 basically for the resident who lives close by, 22 limited view. I personally own a golf cart 23 already, so that will be a plus already. And I 24 think that's it. Thank you. 25 CHAIRMAN AIZENSTAT: Thank you.</p>

<p style="text-align: right;">Page 89</p> <p>1 THE SECRETARY: Mark Grafton.</p> <p>2 MR. GRAFTON: Good evening. Thank you,</p> <p>3 Mr. Chair, Members of the Board. My name is</p> <p>4 Mark Grafton. I'm an attorney with Shubin &</p> <p>5 Bass. Our office is located at 46 Southwest</p> <p>6 First Street.</p> <p>7 I'm here today representing Tom Singer, who</p> <p>8 owns a property that sits directly abutting to</p> <p>9 the proposed site, and I can just walk over and</p> <p>10 show you real quick.</p> <p>11 MS. MENENDEZ: Do you know the address?</p> <p>12 MR. GRAFTON: The address is --</p> <p>13 MR. COLLIER: There's a mike there, right</p> <p>14 there. If you'd pick that up. You have to</p> <p>15 turn it on.</p> <p>16 CHAIRMAN AIZENSTAT: You have to turn it</p> <p>17 on. Underneath.</p> <p>18 MR. GRAFTON: Is it on? I don't really</p> <p>19 need to be over there, anyway.</p> <p>20 So Tom Singer is here today, and he will</p> <p>21 also speak. He's directly abutting, and so</p> <p>22 what I want to get across is that we do have a</p> <p>23 number of significant concerns about this</p> <p>24 project and how it's going to affect his</p> <p>25 family's quality of life, as well as the</p>	<p style="text-align: right;">Page 90</p> <p>1 quality of life of some of his neighbors.</p> <p>2 As you've heard, we filed the lawsuit that</p> <p>3 relates to the private property rights at</p> <p>4 issue, and I'm not going to get into that. I</p> <p>5 respect the decision from your City Attorney</p> <p>6 and the counsel that's here today. We also</p> <p>7 have a separate set of arguments that relate to</p> <p>8 the City's Code, and I know that this Board</p> <p>9 takes the City's Code very seriously and</p> <p>10 attempts to faithfully apply all of the</p> <p>11 provisions of the Code. So we would just</p> <p>12 respectfully urge that you take a look at some</p> <p>13 of these points that I'm going to bring up.</p> <p>14 First and foremost, before you can develop</p> <p>15 a property in Coral Gables, you must have a</p> <p>16 lawful building site. That requirement can be</p> <p>17 found throughout the Code, but as a specific</p> <p>18 example, Section 4-101 D-1, and I'll read that</p> <p>19 very briefly. It's a short section. It comes</p> <p>20 right after 4-101 C-1, which states that</p> <p>21 private yacht basins are listed as conditional</p> <p>22 uses in single-family residential districts.</p> <p>23 We understand that. We understand that under</p> <p>24 certain circumstances, a private yacht basin</p> <p>25 could make sense, but the very next section</p>
<p style="text-align: right;">Page 91</p> <p>1 says, Performance Standards.</p> <p>2 "The following performance standards shall</p> <p>3 govern the general development of structures in</p> <p>4 the district. Building sites, building and</p> <p>5 structures shall be constructed or erected upon</p> <p>6 a building site containing at least one platted</p> <p>7 lot and such building site shall have a minimum</p> <p>8 street frontage of fifty feet. See also</p> <p>9 Section 3-206."</p> <p>10 This is not a platted lot. In 2014, the</p> <p>11 City -- Mr. Trias determined that this piece of</p> <p>12 land shall not constitute a lawful building</p> <p>13 site. This is a formal written determination.</p> <p>14 It was not appealed.</p> <p>15 In 2018, after the Applicant went to the</p> <p>16 DRC, the Planning and Zoning Board -- Planning</p> <p>17 and Zoning provided the following comment:</p> <p>18 Comment Number 1, follow application procedures</p> <p>19 for separation or establishment of a building</p> <p>20 site, conditional use as per Section 3206 of</p> <p>21 the Zoning Code.</p> <p>22 Now, we've heard no testimony about whether</p> <p>23 or not there is a lawful building site. We've</p> <p>24 heard no testimony about 3206 and I submit that</p> <p>25 it may very well be, because the Applicant</p>	<p style="text-align: right;">Page 92</p> <p>1 cannot satisfy the standards that are set forth</p> <p>2 in 3206, which would allow them to establish a</p> <p>3 lawful building site, which is essentially step</p> <p>4 one of any development application in the City</p> <p>5 of Coral Gables.</p> <p>6 We have a number of other Code based</p> <p>7 arguments, and I'm happy to go into them. I</p> <p>8 don't know how much time I'm going to be</p> <p>9 allowed today, Mr. Chair. If I could have</p> <p>10 maybe another minute or two.</p> <p>11 CHAIRMAN AIZENSTAT: Another minute or two</p> <p>12 is fine. Thank you.</p> <p>13 MR. GRAFTON: Okay. Thank you.</p> <p>14 So 3206-E, which is the section that is</p> <p>15 referenced in the comments by Planning and</p> <p>16 Zoning, after this application went to DRC,</p> <p>17 states, again, all buildings or structures</p> <p>18 located in districts shall be constructed or</p> <p>19 erected upon a building site containing one</p> <p>20 platted lot. Again, we don't have a platted</p> <p>21 lot. This plot was never platted. It was a</p> <p>22 remnant parcel when this subdivision went in,</p> <p>23 and it was the only non-platted lot,</p> <p>24 essentially. All of the other neighbors, every</p> <p>25 other property on there, all of those are</p>

<p style="text-align: right;">Page 93</p> <p>1 platted lots, and they're buildable lots. This</p> <p>2 is the only one that is not and it's a very</p> <p>3 strange narrow parcel and that's why it's</p> <p>4 different.</p> <p>5 The last argument that I'll make is related</p> <p>6 to Section 10940 of the Code, which essentially</p> <p>7 states that you can't construct a dock until</p> <p>8 you have a platted lot. So this, again,</p> <p>9 re-enforces the concepts that platted lots and</p> <p>10 building sites are the precursors for what</p> <p>11 comes next, and we haven't seen any testimony</p> <p>12 or any attempt to get that first step.</p> <p>13 So thank you for your time. We would</p> <p>14 request denial until the Applicant can attempt</p> <p>15 a building site determination. Thank you.</p> <p>16 CHAIRMAN AIZENSTAT: Thank you.</p> <p>17 THE SECRETARY: David Cabarrocas.</p> <p>18 MR. CABARROCAS: Good evening. My name is</p> <p>19 David Cabarrocas.</p> <p>20 CHAIRMAN AIZENSTAT: Can you use that</p> <p>21 microphone? I think that one's off.</p> <p>22 MR. CABARROCAS: I'm the owner of the</p> <p>23 property that we're trying to get the docks</p> <p>24 built.</p> <p>25 Laura did a great job explaining basically</p>	<p style="text-align: right;">Page 94</p> <p>1 our goal here and how we've addressed the</p> <p>2 concerns of the neighbors to keep it where it</p> <p>3 causes minimal disruption to the neighbors and</p> <p>4 create a value to the Hammock Oaks development,</p> <p>5 and the people who are able to purchase the</p> <p>6 slips obviously will increase the value of</p> <p>7 their home, having a slip with their house.</p> <p>8 And, basically, that's it.</p> <p>9 It's a project that I think is a great</p> <p>10 project for the community, and, you know, it</p> <p>11 will add a lot of value to it. That's it.</p> <p>12 CHAIRMAN AIZENSTAT: Thank you.</p> <p>13 MS. MENENDEZ: Thank you.</p> <p>14 THE SECRETARY: Tom Singer.</p> <p>15 MR. SINGER: Good evening. My name is Tom</p> <p>16 Singer. I live with my lovely wife, Cheryl, at</p> <p>17 11095 Marin Street. We've been there for</p> <p>18 almost 40 years.</p> <p>19 We have been afforded a peaceful, quiet</p> <p>20 secure cul-de-sac style living in this</p> <p>21 neighborhood. Directly south of my property</p> <p>22 line, the developer is proposing to build, in</p> <p>23 this residential neighborhood, a complex</p> <p>24 consisting of an eight-unit dock condominium,</p> <p>25 with ten parking spaces of various sizes.</p>
<p style="text-align: right;">Page 95</p> <p>1 There's no apartments there, but they're</p> <p>2 calling the ownership of the docks a</p> <p>3 condominium. So, in a residential</p> <p>4 neighborhood, in a sliver of land, we have an</p> <p>5 eight-unit condominium and ten parking spaces.</p> <p>6 I would like you to consider that this is</p> <p>7 not practical, not in continuity with the</p> <p>8 residential neighborhood. It will have an</p> <p>9 impact. In parting, I would like to mention</p> <p>10 that some of you probably have friends that</p> <p>11 bought condominiums from developers who said</p> <p>12 this is what's going to happen, and, then, when</p> <p>13 the developer turned it over to the owners,</p> <p>14 different things happened.</p> <p>15 So I'm sure David's intent is to do</p> <p>16 everything he says. I'm sure Adam, as long as</p> <p>17 he's living at Hammock Oaks, is going to make</p> <p>18 sure everything is perfect, but this project is</p> <p>19 not Zoned in a residential area and you should</p> <p>20 consider keeping Hammock Oaks a residential</p> <p>21 area. Thank you.</p> <p>22 CHAIRMAN AIZENSTAT: Thank you.</p> <p>23 THE SECRETARY: Lynn Lewis.</p> <p>24 CHAIRMAN AIZENSTAT: No more speaker?</p> <p>25 Did you sign up?</p>	<p style="text-align: right;">Page 96</p> <p>1 MS. PRICE: I did not.</p> <p>2 CHAIRMAN AIZENSTAT: You're the last one,</p> <p>3 then. Were you sworn in?</p> <p>4 MS. PRICE: I was not sworn in.</p> <p>5 CHAIRMAN AIZENSTAT: Right over here to the</p> <p>6 court reporter. You can stay where you're at.</p> <p>7 (Thereupon, the participant was sworn.)</p> <p>8 MS. PRICE: Hi, my name is Debra Price --</p> <p>9 this one -- yes -- and I live with my husband,</p> <p>10 Steven Price, at 11085 Marin Street. We live</p> <p>11 next to Mr. Singer. And I just want to say</p> <p>12 that we are opposed to this variance for a</p> <p>13 condo marina in our backyard.</p> <p>14 While, you know, we bought our home --</p> <p>15 actually, we built our home in this</p> <p>16 neighborhood, because it was on a quiet street,</p> <p>17 that was a cul-de-sac, with a quiet lake, that</p> <p>18 didn't have a condo marina. I think it's</p> <p>19 exceedingly unfair to us, at this point in our</p> <p>20 lives, for you to change the nature of our home</p> <p>21 in the back and the nature of your backyard to</p> <p>22 create really what I believe is going to be a</p> <p>23 change in our living environment and the quiet</p> <p>24 peace that we have in our neighborhood, by</p> <p>25 putting a marina in our backyard.</p>

<p style="text-align: right;">Page 97</p> <p>1 And so I just would like to say that I'm</p> <p>2 opposed to it and I think you need to consider</p> <p>3 all of the homeowners in Hammock Oaks. There</p> <p>4 are people's whose properties will increase in</p> <p>5 value by getting a dock. There are also people</p> <p>6 who have lived here for 30 years, who have</p> <p>7 enjoyed not having a condo marina in our</p> <p>8 backyard, and I hope that you'll consider that,</p> <p>9 as well. Thank you.</p> <p>10 CHAIRMAN AIZENSTAT: Thank you.</p> <p>11 Having no more speakers, I'll go ahead and</p> <p>12 close the floor and open it up.</p> <p>13 Rhonda?</p> <p>14 MS. ANDERSON: I had several questions, and</p> <p>15 mainly directed for Laura Russo to respond to.</p> <p>16 MS. RUSSO: I can't see you over the</p> <p>17 monitor.</p> <p>18 MS. ANDERSON: Sorry.</p> <p>19 MS. RUSSO: That's okay. That's okay.</p> <p>20 Hopefully some of the improvements that they're</p> <p>21 going to make over the summer will make this a</p> <p>22 little bit more user friendly on this side of</p> <p>23 the podium.</p> <p>24 MS. ANDERSON: I have several questions for</p> <p>25 you. One of them has to do with the width of</p>	<p style="text-align: right;">Page 98</p> <p>1 the dock space itself. In some areas, it's</p> <p>2 clearly indicated it's only five feet, sixty</p> <p>3 inches, and although it meets the minimum</p> <p>4 requirements under the ADA at sixty inches,</p> <p>5 there's also a recommendation that it be</p> <p>6 bigger, for safety concerns.</p> <p>7 And related to that question is whether or</p> <p>8 not any of the -- there's at least one dock</p> <p>9 slip that would be accessible for individuals</p> <p>10 with disabilities, as well as the sloping</p> <p>11 requirements and so forth on the rest of the</p> <p>12 docking area.</p> <p>13 So I would recommend that the dock space be</p> <p>14 increased so it will be safer for an individual</p> <p>15 with disabilities.</p> <p>16 The second question regarding the dock</p> <p>17 space deals with the distance of the first boat</p> <p>18 slip from the private property owners,</p> <p>19 particularly, you know, the Singer residence.</p> <p>20 MR. RUSSO: This is one of the -- there's</p> <p>21 no lip so everything --</p> <p>22 MS. ANDERSON: I'm very familiar with that</p> <p>23 problem.</p> <p>24 MS. RUSSO: Okay. Your question is with</p> <p>25 respect to the slip.</p>
<p style="text-align: right;">Page 99</p> <p>1 MS. ANDERSON: The distance from the</p> <p>2 residential properties themselves.</p> <p>3 MS. RUSSO: Well, there's a twelve-foot</p> <p>4 drainage easement. So I think, if we look at</p> <p>5 the plat, you may be able to see it better.</p> <p>6 The first slip is right here. There's a</p> <p>7 twelve-foot drainage easement that runs</p> <p>8 diagonally, and that's an easement from the</p> <p>9 plat, which is to drain Marin Street. So Marin</p> <p>10 Street drains into Lake B. And then you have</p> <p>11 Mr. Singer's property is over here.</p> <p>12 So I think from far --</p> <p>13 MR. CABARROCAS: The distance is about 80</p> <p>14 feet, approximately.</p> <p>15 MS. ANDERSON: From Mr. Singer's property</p> <p>16 to the first boat slip?</p> <p>17 MS. RUSSO: The first dock slip.</p> <p>18 MR. CABARROCAS: Yeah, to the property</p> <p>19 line.</p> <p>20 CHAIRMAN AIZENSTAT: If you could speak</p> <p>21 into the microphone.</p> <p>22 MS. RUSSO: So this is our piece of</p> <p>23 property. This is Mr. Singer's home. And if</p> <p>24 we can locate his property -- it's this, right</p> <p>25 -- and this is the cul-de-sac. So we have a</p>	<p style="text-align: right;">Page 100</p> <p>1 twelve-foot easement.</p> <p>2 Okay. So it is, from the property line,</p> <p>3 you say the first dock -- let me see.</p> <p>4 MR. CABARROCAS: There's 47 feet here, and</p> <p>5 then there's like another 40 feet, 30 feet to</p> <p>6 the first dock. It's about 80 feet from his</p> <p>7 property line.</p> <p>8 MS. RUSSO: If you look at the Site Plan</p> <p>9 which is included, the length of the</p> <p>10 twelve-foot drainage easement that runs</p> <p>11 adjacent to Mr. Singer's property is</p> <p>12 approximately just shy of 48 feet in length,</p> <p>13 and then the length to the first pier, which</p> <p>14 would be the first slip, it looks more like 30</p> <p>15 feet. So it's approximately 70 feet from the</p> <p>16 property, from Mr. Singer's property.</p> <p>17 MS. ANDERSON: Okay. With regard to the</p> <p>18 mangroves that are there, would your client</p> <p>19 entertain a restrictive covenant to not trim</p> <p>20 any of the mangrove?</p> <p>21 MS. RUSSO: The proposed plans have already</p> <p>22 been to DERM for an initial approval. They</p> <p>23 will be going back to DERM as they are -- you</p> <p>24 know, once we get our approval, but there will</p> <p>25 be no trimming of mangroves. They have</p>

<p style="text-align: right;">Page 101</p> <p>1 requested that some rip rap be put in and they</p> <p>2 have made some request for shoring up the</p> <p>3 bottom, and the real concern is that water from</p> <p>4 the other lake seep through to this one, but</p> <p>5 the plans have gone to DERM and they've also</p> <p>6 been reviewed by the City of Coral Gable Public</p> <p>7 Works Department.</p> <p>8 So they've made some comments that are</p> <p>9 really more for the building plan, for the</p> <p>10 actual, you know, building stage, so when you</p> <p>11 submit plans for construction, but there is no</p> <p>12 intent whatsoever to touch the mangroves. DERM</p> <p>13 wouldn't allow it.</p> <p>14 MS. ANDERSON: But could that be included</p> <p>15 as one of the restricted covenant?</p> <p>16 MS. RUSSO: Yes, that there would be no</p> <p>17 damage done to the mangroves? Yes.</p> <p>18 MS. ANDERSON: And no future trimming of</p> <p>19 the mangroves.</p> <p>20 MS. RUSSO: No future trimming of the</p> <p>21 mangroves.</p> <p>22 MS. ANDERSON: Because, I think, if it's</p> <p>23 spelled out for people, they will.</p> <p>24 MS. RUSSO: I have no issue adding that to</p> <p>25 the restricted covenant and proffering it as a</p>	<p style="text-align: right;">Page 102</p> <p>1 condition that can be placed, both either in</p> <p>2 the Text Amendment and also a condition that</p> <p>3 can be made part of the Declaration of</p> <p>4 Restrictive Covenant.</p> <p>5 MS. MENENDEZ: I think that you should</p> <p>6 consider, unless it's required by DERM or by</p> <p>7 the City, because sometimes they infringe into</p> <p>8 the navigable waterway and the adjacent owners</p> <p>9 are required to trim them.</p> <p>10 MS. RUSSO: And just so you know, we have a</p> <p>11 proposed declaration of the condominium, and</p> <p>12 we've actually addressed this in the</p> <p>13 condominium docs. It says, in the condominium</p> <p>14 docs, "No dock owner may cut, remove, tie or</p> <p>15 otherwise interfere with or impact the mangrove</p> <p>16 vegetation on the condominium property," but</p> <p>17 I'm happy to take that language and bring it to</p> <p>18 the Text Amendment, so that it can be -- our</p> <p>19 goal was to try to make everything, as much as</p> <p>20 possible, that the City could enforce, Code</p> <p>21 Enforcement, by looking at the Text Amendment,</p> <p>22 the condominium which is going to have its own</p> <p>23 violations and fine structure could enforce</p> <p>24 looking at its documents and the two would</p> <p>25 mirror each other.</p>
<p style="text-align: right;">Page 103</p> <p>1 MS. ANDERSON: Okay. And Provision 2-H,</p> <p>2 on-site fuel truck delivery dispensing is</p> <p>3 permitted. What is meant by that? Is it water</p> <p>4 side or dock side fuel delivery?</p> <p>5 MS. RUSSO: Do you want to answer that?</p> <p>6 MR. CABARROCAS: Yeah. Basically it's a</p> <p>7 service that you see in a lot of the waterfront</p> <p>8 homes, where a truck comes to your property,</p> <p>9 and with a hose, takes it to the back, and</p> <p>10 fuels your boat, so you don't have to go to a</p> <p>11 gas stock. You know, it's a little cheaper and</p> <p>12 obviously more convenient. Just a phone call</p> <p>13 and your boat is full, you know, as opposed to</p> <p>14 you have having to go to the gas stock and</p> <p>15 taking the time to fill your tank yourself.</p> <p>16 MS. ANDERSON: So where would the vehicle</p> <p>17 pull into?</p> <p>18 MS. RUSSO: Into the gate. Into the</p> <p>19 property.</p> <p>20 MR. CABARROCAS: Yeah, he'll come through</p> <p>21 the gate. There's a paved driveway where he</p> <p>22 can get to where he's -- the walkway to the</p> <p>23 boats, and from there, he'll put the -- pass</p> <p>24 the hose to fill the boat.</p> <p>25 MS. ANDERSON: Is it feasible for the hose</p>	<p style="text-align: right;">Page 104</p> <p>1 to reach from outside of the gate all of the</p> <p>2 way back to the --</p> <p>3 MR. CABARROCAS: It is. I've seen a lot of</p> <p>4 waterfront homes where the truck just stays on</p> <p>5 the street right in front of the house, and</p> <p>6 from there they take the hose all of the way</p> <p>7 around.</p> <p>8 MS. ANDERSON: Can you add as a condition</p> <p>9 that the truck would have to pull inside of the</p> <p>10 gated area?</p> <p>11 MR. CABARROCAS: We have that provision</p> <p>12 already in the condo docs, where there will be</p> <p>13 no parking on the swale, including mechanics,</p> <p>14 if somebody's going to come and service a boat,</p> <p>15 or the fuel truck. They all come into the</p> <p>16 property and do the service.</p> <p>17 MS. MENENDEZ: But is that needed, because</p> <p>18 that's not -- like that's one of the</p> <p>19 restrictions of Article 5 of dispensing fuels</p> <p>20 unless in compliance with minimum standards set</p> <p>21 forth in Ordinance -- I'm sorry to interject.</p> <p>22 MS. ANDERSON: No. No. It's okay. Go</p> <p>23 ahead.</p> <p>24 MS. MENENDEZ: Is that really needed? You</p> <p>25 have Matheson Hammocks right next door. You</p>

<p style="text-align: right;">Page 105</p> <p>1 have the fueling station right there.</p> <p>2 MR. CABARROCAS: I know. It's a</p> <p>3 convenience. Obviously it's a lot easier for</p> <p>4 the owner to do it. It's done all around the</p> <p>5 Gables, you know, at Gables Estates. Any place</p> <p>6 that has waterfront or marinas have this</p> <p>7 service going to them --</p> <p>8 MS. MENENDEZ: At the homes?</p> <p>9 MR. CABARROCAS: -- so I don't see why that</p> <p>10 would be -- yeah, homes, and there's -- I can't</p> <p>11 think of any now. I don't know if Snapper</p> <p>12 Creek has fuel trucks go to their folks there,</p> <p>13 but it's done on a regular basis.</p> <p>14 MS. ANDERSON: One of the neighbors had</p> <p>15 expressed concerns about the parking, that</p> <p>16 there needed to be no parking signs. Is there</p> <p>17 going to be sufficient landscaping that would</p> <p>18 make that -- obviate that need?</p> <p>19 MS. RUSSO: We have proffered additional</p> <p>20 landscaping actually on the swale, so on the</p> <p>21 City's property, and we would be working with</p> <p>22 Public Works in order to make sure it's not</p> <p>23 something that a big truck -- you know, that a</p> <p>24 big SUV type can run over, which you know</p> <p>25 happens sometimes, but the idea is to keep that</p>	<p style="text-align: right;">Page 106</p> <p>1 entire cul-de-sac free from anybody parking</p> <p>2 either in the cul-de-sac or on the bit of swale</p> <p>3 that surrounds that cul-de-sac. So we have</p> <p>4 proffered that as a condition, as well.</p> <p>5 MS. ANDERSON: And have you thought about</p> <p>6 the concerns that were expressed about</p> <p>7 conditions of ownership, and that, you know,</p> <p>8 someone has to be an owner within Hammock Lakes</p> <p>9 (sic) as opposed to an owner of a single-family</p> <p>10 home?</p> <p>11 MS. RUSSO: Well, I'm sure you have no</p> <p>12 issues -- you know, the idea was that it was</p> <p>13 meant for someone who owns property in Hammock</p> <p>14 Oaks, but at the time we weren't thinking of</p> <p>15 someone who owns vacant land and was buying a</p> <p>16 dock, you know, not because -- because they</p> <p>17 didn't live there.</p> <p>18 So I don't know if you would object to</p> <p>19 adding the restriction that it be limited to</p> <p>20 people who have homes? So the developer is</p> <p>21 going to keep one unit for himself, and his</p> <p>22 restriction in the condo doc, as well, is that</p> <p>23 any time that he sells it, it would be a</p> <p>24 resident -- a lot improved with a single-family</p> <p>25 home. I think we have to be specific. You</p>
<p style="text-align: right;">Page 107</p> <p>1 can't just call it a residential lot, but a lot</p> <p>2 improved with a single-family home, because you</p> <p>3 can own a residential lot and it can be vacant.</p> <p>4 So I think the language would have to be</p> <p>5 clarified, and I'm happy to work with Mr.</p> <p>6 Coller on it, to specify that it is an</p> <p>7 improved --</p> <p>8 CHAIRMAN AIZENSTAT: And the developer</p> <p>9 lives at Hammock Oaks?</p> <p>10 MS. RUSSO: No, the developer does not live</p> <p>11 in Hammock Oaks.</p> <p>12 CHAIRMAN AIZENSTAT: So how does he retain</p> <p>13 one slip?</p> <p>14 MS. RUSSO: Well, that is the request.</p> <p>15 He's going to retain one slip, but he has the</p> <p>16 burden that his sale can only be now to an</p> <p>17 improved single-family lot.</p> <p>18 CHAIRMAN AIZENSTAT: I understand that the</p> <p>19 developer can make the condo docs any way he</p> <p>20 chooses, and a condominium -- and, Craig, if</p> <p>21 you'll correct me, a condominium is just a form</p> <p>22 of ownership, correct?</p> <p>23 MR. COLLER: Well, that's correct, and</p> <p>24 there should be a distinction between condo</p> <p>25 docs that have certain restrictions versus the</p>	<p style="text-align: right;">Page 108</p> <p>1 City's Ordinances. The City does not enforce</p> <p>2 the condo docs. It would enforce its Ordinance</p> <p>3 or its Site Specific Ordinance.</p> <p>4 MS. RUSSO: Right, which is why I've made</p> <p>5 them mirror each other so the City has the</p> <p>6 ability --</p> <p>7 MR. COLLER: I'm a little confused,</p> <p>8 actually, on this issue about ownership,</p> <p>9 because the way I'm reading this condition, it</p> <p>10 says, "Sale, conveyance, transfer, leasing of a</p> <p>11 dock to anyone who is not an owner in Hammock</p> <p>12 Oaks Subdivision. Boat slip shall only be for</p> <p>13 the use of Hammock Oaks Harbor property owners</p> <p>14 or residents."</p> <p>15 So your proposal is to -- are you</p> <p>16 suggesting that if you're a property owner, but</p> <p>17 you're not an owner of a single-family</p> <p>18 residence, you cannot transfer the dock --</p> <p>19 MS. RUSSO: Correct.</p> <p>20 MR. COLLER: Now, of course, if a resident</p> <p>21 is renting in Hammock Oaks, they would be able</p> <p>22 to use the boat slip, correct?</p> <p>23 MS. RUSSO: If they are renting -- if the</p> <p>24 house they are renting -- correct, if the house</p> <p>25 -- and that's currently in the City Code. If a</p>

<p style="text-align: right;">Page 109</p> <p>1 Hammock Oaks resident is renting someone's</p> <p>2 house and that house owns the dock, then the</p> <p>3 tenant of the house can put his boat at the</p> <p>4 dock. You see what I'm saying?</p> <p>5 There's currently a requirement under the</p> <p>6 City Code that if you have a property and you</p> <p>7 have a dock, you can put your boat there, if</p> <p>8 you're renting the house, but if you're not</p> <p>9 renting the house, you can't put the boat</p> <p>10 there. So that same restriction would apply</p> <p>11 here.</p> <p>12 MR. COLLIER: Got it.</p> <p>13 MS. RUSSO: If you're renting a house in</p> <p>14 Hammock Oaks and that house owns, let's say,</p> <p>15 Unit 3, then, yes, you can put your boat there.</p> <p>16 CHAIRMAN AIZENSTAT: Okay.</p> <p>17 MS. RUSSO: But if you're renting a house</p> <p>18 and that house does not own a unit, you don't</p> <p>19 get to rent -- we're not leasing them.</p> <p>20 CHAIRMAN AIZENSTAT: What happens if that</p> <p>21 owner sells the house? Is he required to sell</p> <p>22 the dock space?</p> <p>23 MS. RUSSO: Yes.</p> <p>24 CHAIRMAN AIZENSTAT: Or does it run -- is</p> <p>25 it a covenant to run with the land, where the</p>	<p style="text-align: right;">Page 110</p> <p>1 house takes that space also?</p> <p>2 MS. RUSSO: We are going to have a covenant</p> <p>3 running with the land, so that you can't -- you</p> <p>4 can't sell the dock unless it is to a now</p> <p>5 improved single-family lot in Hammock Oaks.</p> <p>6 CHAIRMAN AIZENSTAT: So you're tying the</p> <p>7 docks to the lots?</p> <p>8 MS. RUSSO: We had not, on the theory that,</p> <p>9 let's say, I live, you know, on Rovino, and I</p> <p>10 buy a dock. And now I want to sell my house,</p> <p>11 but my neighbor's been desperate and wished he</p> <p>12 had bought one of the eight docks. And my</p> <p>13 neighbor says, "Please can you sell me your</p> <p>14 dock. I'm a resident, and I own my house here</p> <p>15 in Hammock Oaks. I would like to buy your</p> <p>16 dock." And there would be a restriction on the</p> <p>17 sale of the dock that would restrict it to only</p> <p>18 property -- so you would have a double</p> <p>19 restriction in the condominium documents, as</p> <p>20 well as the restriction with the covenant</p> <p>21 running with the land.</p> <p>22 CHAIRMAN AIZENSTAT: But the example is,</p> <p>23 you sell your house and nobody wants to buy</p> <p>24 that dock. What happens?</p> <p>25 MS. RUSSO: You have to sell the dock to</p>
<p style="text-align: right;">Page 111</p> <p>1 someone else or it has to go with the -- you</p> <p>2 can't own it freestanding. So it either goes</p> <p>3 with the house. Then the person gets a dock --</p> <p>4 CHAIRMAN AIZENSTAT: So at the time of</p> <p>5 sale, that the deed is transferred, the dock</p> <p>6 title is transferred automatically, if it's not</p> <p>7 sold before-hand?</p> <p>8 MS. RUSSO: Correct.</p> <p>9 CHAIRMAN AIZENSTAT: Is that correct?</p> <p>10 MS. RUSSO: We can word it so that it would</p> <p>11 have to be sold before-hand to another property</p> <p>12 owner, yes, and then -- yes, that can be worded</p> <p>13 in the declaration, which we will have that</p> <p>14 reviewed by both, Craig Collier and Miriam.</p> <p>15 MR. TRIAS: I think that that should be in</p> <p>16 the condominium documents, but I think it</p> <p>17 shouldn't be in the Zoning Code.</p> <p>18 MS. RUSSO: No, but it should be a</p> <p>19 declaration of restrictive covenant.</p> <p>20 MR. TRIAS: Yes.</p> <p>21 MS. MENENDEZ: It would be a deed</p> <p>22 restriction with the dock.</p> <p>23 MS. RUSSO: In a sense, yes. It would a</p> <p>24 deed restriction with a conveyance of the dock.</p> <p>25 CHAIRMAN AIZENSTAT: If an owner from House</p>	<p style="text-align: right;">Page 112</p> <p>1 A at Hammock Oaks owns Dock 3, he doesn't use</p> <p>2 it, can another home within Hammock Oaks rent</p> <p>3 that space from that owner?</p> <p>4 MS. RUSSO: I would say, no. I would</p> <p>5 say, he would have to sell it to him.</p> <p>6 CHAIRMAN AIZENSTAT: So there's no leasing</p> <p>7 whatsoever of any kind?</p> <p>8 MR. TRIAS: That's not what it says here.</p> <p>9 CHAIRMAN AIZENSTAT: But that's why I'm</p> <p>10 asking that question.</p> <p>11 MS. RUSSO: Yeah, no leasing. So it could</p> <p>12 only be if someone comes and leases that house</p> <p>13 that owns Dock 3.</p> <p>14 CHAIRMAN AIZENSTAT: But it allows it here.</p> <p>15 MS. MENENDEZ: I mean, what you're</p> <p>16 allowing, from what I read here, is you can</p> <p>17 transfer or lease a dock space to anyone who is</p> <p>18 an owner -- oh, I'm sorry, this is the</p> <p>19 opposite.</p> <p>20 Okay. If I'm an owner there and I don't</p> <p>21 have a dock -- I mean, I don't have a boat and</p> <p>22 I choose to lease it to another owner in</p> <p>23 Hammock Oaks, can't I do that? I mean, it</p> <p>24 makes sense, but -- the restriction is, it has</p> <p>25 to be --</p>

<p style="text-align: right;">Page 113</p> <p>1 MS. RUSSO: It has to be someone who resides --</p> <p>2 MS. MENENDEZ: It would have to be an owner</p> <p>3 or a resident, really, that lives there.</p> <p>4 MS. RUSSO: Yes. Yes.</p> <p>5 CHAIRMAN AIZENSTAT: And, then, are you</p> <p>6 allowing lifts, any motorized options to take</p> <p>7 the boats out of the water, whether it's a</p> <p>8 lift, it's an elevator?</p> <p>9 MR. CABARROCAS: That would be up to the</p> <p>10 individual buyers. We're not selling it with a</p> <p>11 lift.</p> <p>12 CHAIRMAN AIZENSTAT: So they can go ahead</p> <p>13 and do additional improvements to that space?</p> <p>14 MR. TRIAS: Mr. Chairman, I would recommend</p> <p>15 against that. I don't think that's --</p> <p>16 CHAIRMAN AIZENSTAT: I agree with that.</p> <p>17 That's why I'm asking that.</p> <p>18 In other words, not going -- you know, if</p> <p>19 you use a whip, for example, to keep your boat</p> <p>20 off, that's one thing, but to go ahead and</p> <p>21 install elevators or some kind of a lift and</p> <p>22 start bringing the boats out of the water, I</p> <p>23 think you're undoing what you're proposing, and</p> <p>24 if you leave it for an owner to do what they</p> <p>25 want, then we start getting into problems.</p>	<p style="text-align: right;">Page 114</p> <p>1 MS. RUSSO: We could add that as a</p> <p>2 restriction, and it could be -- that one I</p> <p>3 think should be in the text amendment.</p> <p>4 MR. TRIAS: Yes.</p> <p>5 MS. RUSSO: As well as in the condominium docs.</p> <p>6 CHAIRMAN AIZENSTAT: And then the other</p> <p>7 note that I have, do you have any type of a</p> <p>8 hurricane plan or some kind of procedure that</p> <p>9 has to be done by the owner once a warning is</p> <p>10 issued or so forth? Because you've got homes</p> <p>11 that are directly there, and if you've got an</p> <p>12 owner that's got a dock space, and he's out of</p> <p>13 town or whatever, who handles that? You know,</p> <p>14 when it's an owner that has their boat at their</p> <p>15 home right in front, it's their responsibility.</p> <p>16 How would you handle something like that?</p> <p>17 MR. CABARROCAS: We really haven't</p> <p>18 discussed it. I would imagine it would be the</p> <p>19 same that any other person who has a slip</p> <p>20 across the basin. You know, it's a matter of</p> <p>21 securing your boat.</p> <p>22 CHAIRMAN AIZENSTAT: But that's their own</p> <p>23 home. This is off --</p> <p>24 MR. CABARROCAS: You know, these homes</p> <p>25 here -- you know, all of these slips here are</p>
<p style="text-align: right;">Page 115</p> <p>1 the same thing we're trying to accomplish here.</p> <p>2 You know, the residents are here.</p> <p>3 MS. MENENDEZ: Oh, wait. That's</p> <p>4 interesting. That's interesting. I didn't</p> <p>5 realize that.</p> <p>6 CHAIRMAN AIZENSTAT: Neither did I.</p> <p>7 MS. MENENDEZ: That area there --</p> <p>8 MR. CABARROCAS: All this here, was here in</p> <p>9 I think the '70s.</p> <p>10 MS. MENENDEZ: Who owns that?</p> <p>11 MR. CABARROCAS: Each slip is deeded to a</p> <p>12 house in Hammock Oaks.</p> <p>13 MS. MENENDEZ: So you're just repeating</p> <p>14 what's already existing on the other side?</p> <p>15 MS. RUSSO: Exactly.</p> <p>16 CHAIRMAN AIZENSTAT: I didn't know that,</p> <p>17 either.</p> <p>18 MS. RUSSO: Exactly.</p> <p>19 MS. MENENDEZ: That's a good point. I</p> <p>20 didn't realize that. So what you're doing is</p> <p>21 replicating what already exists. So those</p> <p>22 docks are tied to the homes on Marin Street?</p> <p>23 MS. RUSSO: Correct.</p> <p>24 MS. VELEZ: And are they deeded?</p> <p>25 MS. RUSSO: They were deeded simultaneous.</p>	<p style="text-align: right;">Page 116</p> <p>1 So when you look in the tax roll, it will say,</p> <p>2 Lot 2 and lot 2-A.</p> <p>3 CHAIRMAN AIZENSTAT: Got it.</p> <p>4 MS. MENENDEZ: And how do you access-- I'm</p> <p>5 sorry to interrupt you, Ms. Russo. How do</p> <p>6 you --</p> <p>7 MR. CABARROCAS: There is a narrow strip</p> <p>8 right here.</p> <p>9 MS. RUSSO: There's a tract, an unplatted</p> <p>10 -- it's a Tract Z which allows --</p> <p>11 MR. CABARROCAS: And there's also a sliver</p> <p>12 of land. And you keep saying, we have a sliver</p> <p>13 of land. They have the same sliver of land</p> <p>14 there. We're literally, mirroring what they</p> <p>15 have.</p> <p>16 MS. MENENDEZ: Right. And that part there,</p> <p>17 the one north -- it's really the one east,</p> <p>18 because you need to go like this, right? Is it</p> <p>19 like that? No.</p> <p>20 MS. RUSSO: North is this way. So east is</p> <p>21 that way. North is that way.</p> <p>22 MS. MENENDEZ: Okay. So that area that's</p> <p>23 to the south, that's the protective land; isn't</p> <p>24 it or what's that? That's Matheson Hammocks?</p> <p>25 MS. RUSSO: No.</p>

<p style="text-align: right;">Page 117</p> <p>1 MS. MENENDEZ: Where is Matheson Hammocks?</p> <p>2 MR. CABARROCAS: It's over here.</p> <p>3 MS. RUSSO: We have a bigger aerial to show</p> <p>4 you.</p> <p>5 MS. MENENDEZ: Okay. I'd like the bigger</p> <p>6 aerial, because I have questions concerning --</p> <p>7 MS. RUSSO: To answer your question about a</p> <p>8 hurricane, in the condominium docs, so you</p> <p>9 know, Lynn Lewis has drafted the proposed</p> <p>10 declaration of condominium, she addresses, "In</p> <p>11 the event a hurricane or high velocity wind</p> <p>12 watch or warning is issued by the United States</p> <p>13 Weather Service, and the Hammock Oaks Harbor</p> <p>14 Property Owners Association, the HOA, requires</p> <p>15 all vessels be removed from Hammock Oaks</p> <p>16 Harbor, each dock owner or user of a boat slip</p> <p>17 is required forthwith to remove its craft from</p> <p>18 the condominium property in accordance with the</p> <p>19 directive of the HOA. Should a dock owner fail</p> <p>20 to do so, the association or its agents may do</p> <p>21 so, without notice and without liability, to</p> <p>22 the dock owner for damage -- for trespass,</p> <p>23 damages or other claims of any kind and to</p> <p>24 charge the cost incurred by the association to</p> <p>25 the dock owner as an assessment to be paid upon</p>	<p style="text-align: right;">Page 118</p> <p>1 presentation for the bill thereof. The</p> <p>2 association has all rights and remedies as</p> <p>3 provided in this declaration or the bylaws</p> <p>4 against such dock owner for failure to remove</p> <p>5 the vessel."</p> <p>6 So that could be put in a restrictive</p> <p>7 covenant, as well, or I don't know --</p> <p>8 MS. MENENDEZ: That's the right way to do</p> <p>9 it, because having seen what happens in these</p> <p>10 marinas in a hurricane --</p> <p>11 MS. RUSSO: Right. Right.</p> <p>12 MS. MENENDEZ: So you see -- okay, so I'm</p> <p>13 right. So that land that's to the northeast is</p> <p>14 part of Matheson Hammocks.</p> <p>15 MS. RUSSO: This?</p> <p>16 MS. MENENDEZ: Yes.</p> <p>17 MR. CABARROCAS: Matheson Hammocks channel</p> <p>18 that goes out, but you can see it over here.</p> <p>19 This is the channel. It's a small -- this is</p> <p>20 Matheson Hammocks right here.</p> <p>21 MS. MENENDEZ: Right. Is there a bridge</p> <p>22 there?</p> <p>23 MR. CABARROCAS: Yes.</p> <p>24 MS. MENENDEZ: How high is that bridge?</p> <p>25 MR. CABARROCAS: I think it's like sixteen</p>
<p style="text-align: right;">Page 119</p> <p>1 -- it's got an arch on it, but you're not going</p> <p>2 to get any sports fish, anything with a</p> <p>3 tower --</p> <p>4 MS. MENENDEZ: So that's what I was going</p> <p>5 to ask you. So what are the sizes of the boats</p> <p>6 we're looking at?</p> <p>7 MR. CABARROCAS: The boats here we're</p> <p>8 looking at, most of them obviously are going to</p> <p>9 be the open fisherman, the T-Top. There's room</p> <p>10 for a little driving station on top, but that's</p> <p>11 really the market here.</p> <p>12 MS. MENENDEZ: So what are we looking at</p> <p>13 length wise? I know your slips are 45.</p> <p>14 MR. CABARROCAS: 45s to a 40-feet.</p> <p>15 MS. MENENDEZ: 40? And the beam?</p> <p>16 CHAIRMAN AIZENSTAT: That's tight.</p> <p>17 MS. MENENDEZ: And the beam?</p> <p>18 MR. CABARROCAS: The beam, an average boat</p> <p>19 is about 10, but the beam is not really the</p> <p>20 situation here. There's plenty of room, but --</p> <p>21 MS. MENENDEZ: There's plenty of room.</p> <p>22 Let me ask you, that canal, what's the</p> <p>23 width of the canal? I call it a canal, but</p> <p>24 it's just like a waterway.</p> <p>25 MS. RUSSO: Oh, wait. Hold on. I think it</p>	<p style="text-align: right;">Page 120</p> <p>1 might be in one of the DERM --</p> <p>2 MS. MENENDEZ: Is it enough for two boats</p> <p>3 to navigate?</p> <p>4 MS. RUSSO: Yeah. It meets the -- DERM</p> <p>5 looks at that, in terms of --</p> <p>6 MS. MENENDEZ: That's true. And so does</p> <p>7 Zoning, I think.</p> <p>8 MS. RUSSO: I saw it. I'd give you the</p> <p>9 wrong number if I did it from memory, but</p> <p>10 that's one of the things DERM looks at when</p> <p>11 they do their original -- do you see how this</p> <p>12 doesn't work here --</p> <p>13 MS. MENENDEZ: So you all are repeating</p> <p>14 what's on the other side.</p> <p>15 MS. RUSSO: Correct, except they have a</p> <p>16 voluntary homeowners association. When that</p> <p>17 was originally done in 1976, it was done</p> <p>18 without an HOA, without any rules, without any</p> <p>19 regulations. It was just deeded as part of the</p> <p>20 lot. Their access is through Tract Z. So</p> <p>21 Tract Z is reserved solely for the owners of</p> <p>22 those docks.</p> <p>23 MS. MENENDEZ: I'm sorry to interrupt you.</p> <p>24 Did the City approve that dock?</p> <p>25 MS. RUSSO: In 1976, they signed -- it was</p>

<p style="text-align: right;">Page 121</p> <p>1 part of the plat.</p> <p>2 MR. TRIAS: That was the County.</p> <p>3 MR. RUSSO: Hammock Oaks Three which was</p> <p>4 platted in 1976. So the City had to sign off</p> <p>5 on it. So that big triangular piece, if you</p> <p>6 can hold it up -- so Hammock Oaks, all three</p> <p>7 sections, has 153 properties. Everybody's</p> <p>8 given numbers. I know, because I've got the</p> <p>9 labels. Within a thousand feet is 48. Beyond</p> <p>10 the thousand feet is 105.</p> <p>11 So when Hammock Oaks was subdivided, on</p> <p>12 Section Two, it included this and it included</p> <p>13 this plat and included this lake. When Section</p> <p>14 Three was platted, it included this triangular</p> <p>15 piece and another piece that is not waterfront,</p> <p>16 and they gave those non-waterfront lots, the</p> <p>17 docks that you see.</p> <p>18 MS. MENENDEZ: Ms. Russo -- I had a</p> <p>19 question and it just slipped my mind right now.</p> <p>20 I'll come back to it.</p> <p>21 CHAIRMAN AIZENSTAT: We'll come back to it.</p> <p>22 MS. RUSSO: Okay.</p> <p>23 CHAIRMAN AIZENSTAT: Maria.</p> <p>24 MS. VELEZ: I have a question. That area</p> <p>25 where the waterway comes into Lake B, and</p>	<p style="text-align: right;">Page 122</p> <p>1 assuming we have your eight docks at the bottom</p> <p>2 and then we've got the nine over there, how</p> <p>3 wide is that opening? You know, following what</p> <p>4 Maria was talking about, I see where the</p> <p>5 waterway is a little wider, but that particular</p> <p>6 opening there, when you're going to have a boat</p> <p>7 turning out, a boat turning in, is that going</p> <p>8 to be an issue?</p> <p>9 MS. RUSSO: It isn't. It meets the</p> <p>10 requirements. I'm trying to find it, because I</p> <p>11 know that DERM looked at it, in terms of it,</p> <p>12 and the Waterway Advisory Board that we</p> <p>13 appeared before also looked at it and said that</p> <p>14 it easily met the minimum requirements that the</p> <p>15 City has, which used to be 75 feet.</p> <p>16 MR. TRIAS: But that's when you have two</p> <p>17 docks. That's different. That's a different</p> <p>18 thing.</p> <p>19 MS. RUSSO: Right. Well, when you have two</p> <p>20 docks, it's 75 feet.</p> <p>21 MR. TRIAS: Right.</p> <p>22 MS. RUSSO: So this is even greater,</p> <p>23 because you don't have a dock. So when you</p> <p>24 have two docks that are parallel to each other</p> <p>25 across the waterway, there's a requirement that</p>
<p style="text-align: right;">Page 123</p> <p>1 there be a minimum, except in the --</p> <p>2 MR. TRIAS: 75 feet applies here, 75 feet</p> <p>3 of clear navigable waterway.</p> <p>4 MS. RUSSO: -- except in the Granada</p> <p>5 waterway.</p> <p>6 MS. VELEZ: Well, here you would have one</p> <p>7 horizontal --</p> <p>8 MS. RUSSO: They made it narrower in the</p> <p>9 Granada waterway.</p> <p>10 MS. VELEZ: -- dock and one vertical dock</p> <p>11 and I see that that last dock of the existing</p> <p>12 is pretty far out.</p> <p>13 MS. RUSSO: Yeah, but here -- our piece</p> <p>14 ends here. So even if that -- the two boats --</p> <p>15 if you look at -- you can take it closer so you</p> <p>16 can see, but if you look at it, obviously the</p> <p>17 length of our dock limits the size of the boat</p> <p>18 that you can have.</p> <p>19 MS. VELEZ: All right. Thank you.</p> <p>20 CHAIRMAN AIZENSTAT: Julio?</p> <p>21 MS. RUSSO: Here we go. In the DERM</p> <p>22 documents put in by Dock and Marine, it says,</p> <p>23 "Nearest opposing shoreline is 200 feet bank to</p> <p>24 bank. Structured myriad allows for 150 foot</p> <p>25 clear minimum." Allowed by Code is 75 feet.</p>	<p style="text-align: right;">Page 124</p> <p>1 So to answer your question, Ms. Velez,</p> <p>2 it's, bank to bank structure is 150-foot clear.</p> <p>3 CHAIRMAN AIZENSTAT: Okay.</p> <p>4 MS. MENENDEZ: Oh, now I remembered, if I</p> <p>5 may.</p> <p>6 CHAIRMAN AIZENSTAT: Yes, go ahead.</p> <p>7 MS. MENENDEZ: Thank you.</p> <p>8 The roving patrol, which is the one that's</p> <p>9 going to be enforcing all of the different</p> <p>10 quality of life issues in the area, is it one</p> <p>11 that's already on board and just going to</p> <p>12 extend the duties or are you going to get</p> <p>13 someone exclusively for the dock area?</p> <p>14 MR. CABARROCAS: It's a separate contract,</p> <p>15 but it's the same company that is servicing the</p> <p>16 gate, the guard house today.</p> <p>17 MS. MENENDEZ: Okay. Good.</p> <p>18 MR. CABARROCAS: And they're just</p> <p>19 supplementing a roving patrol, once a day, that</p> <p>20 will come into our property, verify that all of</p> <p>21 the vehicles and boats have the decal sticker.</p> <p>22 If they do not have a decal sticker, they will</p> <p>23 contact the person we put in charge of the</p> <p>24 association to let them know, so a warning can</p> <p>25 be issued, so that the boat or car is removed.</p>

<p style="text-align: right;">Page 125</p> <p>1 MS. MENENDEZ: And they're going to enforce</p> <p>2 the parking outside the gate, in case it</p> <p>3 happens?</p> <p>4 MR. CABARROCAS: Exactly.</p> <p>5 MS. MENENDEZ: Okay.</p> <p>6 MS. VELEZ: I had another concern. How are</p> <p>7 you going to enforce the no fish cleaning,</p> <p>8 because that was one of my concerns?</p> <p>9 MS. RUSSO: The no fish cleaning?</p> <p>10 MS. VELEZ: Yes. I've been at other</p> <p>11 marinas, and as soon as you come in with your</p> <p>12 boat, the first thing you do is, your captain</p> <p>13 goes and takes the fish and cleans your fish.</p> <p>14 MR. CABARROCAS: Yeah, we're going to have</p> <p>15 here eight owners --</p> <p>16 MS. RUSSO: You being one of them.</p> <p>17 MR. CABARROCAS: Yes. They're residents of</p> <p>18 Hammock Oaks, and, you know, obviously we're</p> <p>19 not going to put a fish cleaning table, which</p> <p>20 is the main deterrent, but, you know, it's a</p> <p>21 rule. We're going to have cameras in the</p> <p>22 property. We're going to have cameras in the</p> <p>23 entrance. So if anything occurs where we see</p> <p>24 debris or anything, it's very easy to verify,</p> <p>25 you know, who did it and enforce it that way.</p>	<p style="text-align: right;">Page 126</p> <p>1 MS. VELEZ: And my other concern, which you</p> <p>2 have addressed, is the tying the ownership of</p> <p>3 the dock to ownership of a habitable lot in the</p> <p>4 area, sort of as limited common element type.</p> <p>5 MS. RUSSO: Right.</p> <p>6 MS. VELEZ: You can't have a parking space</p> <p>7 in a condominium building if you don't own a</p> <p>8 condo unit. So the same thing here.</p> <p>9 MS. RUSSO: Right. Yes.</p> <p>10 MR. TRIAS: It is problematic, though, that</p> <p>11 the developer is not going to follow that rule.</p> <p>12 MS. RUSSO: No, it will be for one dock,</p> <p>13 and then as with all condominium property, the</p> <p>14 successor owner -- so when he sells his unit,</p> <p>15 he then is bound by the same restriction, but</p> <p>16 as the developer of it --</p> <p>17 MR. TRIAS: The way that you wrote the Site</p> <p>18 Specifics, it says, "Boat slips shall be only</p> <p>19 for the use of Hammock Oaks Harbor property</p> <p>20 owners."</p> <p>21 MS. RUSSO: Well, he's a property owner.</p> <p>22 So we have to make the revision to that,</p> <p>23 because the way it was worded, he is a property</p> <p>24 owner. He owns all of Tract E.</p> <p>25 MS. VELEZ: But he won't be a property</p>
<p style="text-align: right;">Page 127</p> <p>1 owner after this is submitted to condo --</p> <p>2 MS. RUSSO: Well, he will own one of --</p> <p>3 he's going to retain -- you know how the</p> <p>4 developer -- the developer is the one that</p> <p>5 sells the unit. So he will sell, you know,</p> <p>6 assuming and hopefully after all of this, there</p> <p>7 will be people who will want to buy seven of</p> <p>8 the eight units, and there will be a turnover,</p> <p>9 but he, himself, will be restricted. He will</p> <p>10 be able to own it, but at the point he goes to</p> <p>11 sell, he will be bound by the same restriction</p> <p>12 that everyone is bound.</p> <p>13 So he can't sell it to a family member,</p> <p>14 unless they happen to be living in a house in</p> <p>15 Gables Estates. So as the developer, he keeps</p> <p>16 one. And at the point he gives it up, he gives</p> <p>17 it up under the same conditions as everyone</p> <p>18 else.</p> <p>19 MR. COLLIER: But the way you have the</p> <p>20 regulation, though, set up, the minute it gets</p> <p>21 adopted, he's in violation; isn't he?</p> <p>22 MS. RUSSO: He's a property owner. Unless</p> <p>23 I change -- I will have to reword --</p> <p>24 MR. COLLIER: See, well, the problem is, the</p> <p>25 reason you had talked about it was, you had --</p>	<p style="text-align: right;">Page 128</p> <p>1 property owner is fine. The minute you change</p> <p>2 it to a property owner with a home, it just</p> <p>3 doesn't work, and we can't put in a regulation</p> <p>4 in an Ordinance, it's a property owner, except</p> <p>5 this person, in the Code.</p> <p>6 So I think you have to make a decision how</p> <p>7 it's going to be worded, and we can look at it</p> <p>8 to see how it works, but I think it becomes</p> <p>9 problematic if you change property owner --</p> <p>10 well, first of all, how many vacant parcels are</p> <p>11 there in Hammocks Lake? Are we really talking</p> <p>12 about an issue?</p> <p>13 MS. RUSSO: Do you know? I mean, we can</p> <p>14 probably find out. I mean, I'm sure I can get</p> <p>15 you that, but --</p> <p>16 MR. COLLIER: And I'm not even sure --</p> <p>17 MR. CABARROCAS: I don't think there's any.</p> <p>18 MS. RUSSO: There may not be any.</p> <p>19 MR. COLLIER: So, really, leaving it as</p> <p>20 property owners is probably going to be the</p> <p>21 easiest way to it. I don't see how you can do</p> <p>22 it --</p> <p>23 MS. RUSSO: Okay. We're being told, so I</p> <p>24 don't want to misrepresent -- one of the</p> <p>25 residents is saying there's at least one, but</p>

<p style="text-align: right;">Page 129</p> <p>1 we can get you that answer. I mean, that's</p> <p>2 easy enough to look up, since there's only 153.</p> <p>3 You can easily look that up on the Dade County</p> <p>4 website.</p> <p>5 MR. COLLER: Right. Well, the issue is, if</p> <p>6 you do it as property owners, it works out. If</p> <p>7 you say property owners --</p> <p>8 MS. RUSSO: I would then suggest we keep it</p> <p>9 as property owner. If there's only one vacant</p> <p>10 site -- if they had -- if this were an</p> <p>11 undeveloped neighborhood that had a bunch of</p> <p>12 vacant sites, then I would say, yes, you want</p> <p>13 to be worried about people owning it, but if</p> <p>14 there's only one or two vacant properties, then</p> <p>15 I think property owner is protection, because</p> <p>16 the subdivision has been fully developed.</p> <p>17 CHAIRMAN AIZENSTAT: For me, a parcel of</p> <p>18 land, even if it's not developed, has the same</p> <p>19 rights to Hammock Oaks as a parcel of land that</p> <p>20 has a home on it. He pays the City taxes. He</p> <p>21 pays State taxes. He pays School taxes. So,</p> <p>22 to me, a parcel of land that's not developed</p> <p>23 should not be excluded. He's still an owner.</p> <p>24 This is only me. He's still an owner there.</p> <p>25 MR. TRIAS: Mr. Chairman, as long as it's a</p>	<p style="text-align: right;">Page 130</p> <p>1 buildable lot.</p> <p>2 CHAIRMAN AIZENSTAT: As long as it's a</p> <p>3 buildable lot, correct.</p> <p>4 Now, what I see that your owner has is, he</p> <p>5 owns a piece of land. Once he goes away and</p> <p>6 does a condominium, he now only owns that one</p> <p>7 slip, and in my eyes, you're going against what</p> <p>8 you're saying, that every owner has to be a</p> <p>9 Hammock Oaks owner.</p> <p>10 And I don't know the rest of my Board or</p> <p>11 their position --</p> <p>12 MS. MENENDEZ: But is he selling them all</p> <p>13 or is he leasing them?</p> <p>14 CHAIRMAN AIZENSTAT: He's keeping one.</p> <p>15 MS. MENENDEZ: Are you going to lease also?</p> <p>16 MR. CABARROCAS: No. The plan is to sell</p> <p>17 them.</p> <p>18 MS. MENENDEZ: To sell each one?</p> <p>19 CHAIRMAN AIZENSTAT: Except one.</p> <p>20 MS. MENENDEZ: But, I mean, he's the owner</p> <p>21 of the tract of land.</p> <p>22 CHAIRMAN AIZENSTAT: I understand that,</p> <p>23 but --</p> <p>24 MS. MENENDEZ: And he's going to continue</p> <p>25 being an owner when he keeps one slip.</p>
<p style="text-align: right;">Page 131</p> <p>1 CHAIRMAN AIZENSTAT: But he doesn't own a</p> <p>2 home. He just owns it as condominium.</p> <p>3 MR. COLLER: Well, he also -- well, does he</p> <p>4 own property --</p> <p>5 MS. VELEZ: After he sells --</p> <p>6 MS. MENENDEZ: But it says property --</p> <p>7 MS. RUSSO: An undivided interest in the</p> <p>8 whole -- remember, in a condominium --</p> <p>9 MS. VELEZ: But after he sells seven docks,</p> <p>10 the only ownership interest he will have will</p> <p>11 be in his unit, his dock.</p> <p>12 MS. MENENDEZ: Right.</p> <p>13 MS. RUSSO: Well, and his undivided</p> <p>14 interest, because realize every owner will have</p> <p>15 an undivided interest --</p> <p>16 MS. VELEZ: In the common elements.</p> <p>17 MR. RUSSO: -- in the common area.</p> <p>18 MS. MENENDEZ: In the common area. And I</p> <p>19 would assume you're going to collect some type</p> <p>20 of fee?</p> <p>21 MS. RUSSO: Maintenance fee? Oh,</p> <p>22 absolutely. Absolutely.</p> <p>23 MS. MENENDEZ: You know, you're going to be</p> <p>24 managing that or is someone else going to be --</p> <p>25 someone has to manage that to maintain that</p>	<p style="text-align: right;">Page 132</p> <p>1 whole tract, and you're not really -- are you</p> <p>2 giving up only the slips to the dock -- you</p> <p>3 know, to that dock or are you giving up the</p> <p>4 parcels to the south, which is kind of like a</p> <p>5 roadway, no?</p> <p>6 MS. RUSSO: Right. It's the access, vehicle --</p> <p>7 MS. MENENDEZ: There's an access point, and</p> <p>8 then you have an access to the dock. So are</p> <p>9 you just giving up -- and it depends how you</p> <p>10 write it up, right? So are you just giving up</p> <p>11 the dock slips and then everything else is</p> <p>12 common and owned by him and then he --</p> <p>13 CHAIRMAN AIZENSTAT: It's a common element.</p> <p>14 MS. MENENDEZ: Is it a common element?</p> <p>15 But --</p> <p>16 MS. RUSSO: It would be a limited common</p> <p>17 element, because right now the dock slips are</p> <p>18 in the water, but realize part of the legal</p> <p>19 description of this tract is the lake. So each</p> <p>20 unit has a little bit of the, you know,</p> <p>21 underlying lake, but then everyone has -- so</p> <p>22 eight -- and do the math -- everyone has a</p> <p>23 percentage, a one-eighth percentage, in the</p> <p>24 rest of the whole.</p> <p>25 So everyone else is an owner equally in the</p>

<p style="text-align: right;">Page 133</p> <p>1 upland and the common elements.</p> <p>2 MR. TRIAS: But Mr. Cabarrocas is not an</p> <p>3 owner of a buildable lot. He may be in the</p> <p>4 future, but certainly not at this point, right?</p> <p>5 And that to me is the distinction.</p> <p>6 MS. VELEZ: Right. And we have been</p> <p>7 talking about tying ownership of the slips to</p> <p>8 ownership of a lot. So we don't have that if</p> <p>9 you retain one of the slips.</p> <p>10 CHAIRMAN AIZENSTAT: Would you like to</p> <p>11 defer this issue and consider it? Would you</p> <p>12 like --</p> <p>13 MR. CABARROCAS: I mean, we're going</p> <p>14 forward with the project whether --</p> <p>15 MS. RUSSO: Whether he gets to keep it or</p> <p>16 not. He may end up not being --</p> <p>17 MS. MENENDEZ: Right.</p> <p>18 MR. CABARROCAS: If it becomes a major</p> <p>19 issue, then, you know, that decision will be</p> <p>20 made. If there's a way of doing it, where I</p> <p>21 still am the property owner of the parcel, but,</p> <p>22 you know, I rather get the deal done, move the</p> <p>23 project forward.</p> <p>24 MS. VELEZ: And how do we get around the</p> <p>25 buildable site?</p>	<p style="text-align: right;">Page 134</p> <p>1 MR. TRIAS: Well, you can make a</p> <p>2 recommendation to the Commission, whatever you</p> <p>3 think is the best language.</p> <p>4 MS. RUSSO: So this could be a buildable</p> <p>5 site, just not for a single-family house. Even</p> <p>6 if it meets the frontage requirement, it</p> <p>7 doesn't --</p> <p>8 MR. TRIAS: The issue of the buildable site</p> <p>9 was raised prior to that, and that applies to</p> <p>10 building a house.</p> <p>11 MS. MENENDEZ: That's what I was going to</p> <p>12 say. That applies to building a house.</p> <p>13 MS. RUSSO: Yeah. Correct.</p> <p>14 MS. MENENDEZ: Because here, under Article</p> <p>15 5, Development Standards, there's Division 25,</p> <p>16 that's called Private Yacht Basin, that sets</p> <p>17 forth the ability to build a private yacht</p> <p>18 basin on a single-family zone lot.</p> <p>19 MR. TRIAS: As a conditional use.</p> <p>20 MS. MENENDEZ: As a conditional use and</p> <p>21 then it sets forth all of these conditions.</p> <p>22 The one condition that I do not particularly</p> <p>23 care for is the fueling.</p> <p>24 You have Matheson Hammock -- when you leave</p> <p>25 that -- I'm sure you're familiar with the area.</p>
<p style="text-align: right;">Page 135</p> <p>1 When you leave that canal, the fueling station</p> <p>2 is right there for Matheson Hammocks.</p> <p>3 MR. GRABIEL: I agree with that.</p> <p>4 MS. MENENDEZ: You know, to come in with a</p> <p>5 fuel truck -- and I know they're very high tech</p> <p>6 now, but I just --</p> <p>7 MS. VELEZ: And in a cul-de-sac,</p> <p>8 maneuvering a fuel truck in a cul-de-sac is not</p> <p>9 an easy thing.</p> <p>10 MS. MENENDEZ: Right. And then it's a one</p> <p>11 way type road, and then, you know -- no, I just</p> <p>12 don't think it's going to work there. It's</p> <p>13 going to cause more problems than anything. I</p> <p>14 wouldn't suggest you move forward with that</p> <p>15 item, but then we'll have to hear from the</p> <p>16 other Board Members.</p> <p>17 CHAIRMAN AIZENSTAT: Anybody want to make a</p> <p>18 motion?</p> <p>19 MS. MENENDEZ: I'll make the motion that we</p> <p>20 approve, subject to the ownership matter being</p> <p>21 resolved.</p> <p>22 MR. TRIAS: Keep in mind, there's the</p> <p>23 conditional use and there's the Site Specifics.</p> <p>24 CHAIRMAN AIZENSTAT: We understand.</p> <p>25 MR. COLLIER: So that we have to take up the</p>	<p style="text-align: right;">Page 136</p> <p>1 two items separately, but we can have the</p> <p>2 conditions in both. I mean, it's belts and</p> <p>3 suspenders. I don't know -- Ramon, do you feel</p> <p>4 that the conditions should match both, in the</p> <p>5 Site Specifics and the Conditional Use?</p> <p>6 MR. TRIAS: Yes. And I think that -- at</p> <p>7 this point, I think it's clear that we need to</p> <p>8 work a little bit on some of the conditions.</p> <p>9 So if you can make some recommendations. You</p> <p>10 don't necessarily have to have the final</p> <p>11 language. You could make recommendations and</p> <p>12 perhaps we can finalize it prior to the</p> <p>13 Commission.</p> <p>14 CHAIRMAN AIZENSTAT: Maria.</p> <p>15 MS. MENENDEZ: Okay. So the first one is</p> <p>16 the Ordinance that basically calls for Text</p> <p>17 Amendments governing the use of the proposed</p> <p>18 private yacht basin facility.</p> <p>19 So, in this area -- I mean, the condition</p> <p>20 that I have primarily is the ownership matter</p> <p>21 that has to be resolved and the fueling.</p> <p>22 MR. COLLIER: And I think there was a</p> <p>23 prohibition for having lifts.</p> <p>24 CHAIRMAN AIZENSTAT: Prohibition for having</p> <p>25 lifts.</p>

<p style="text-align: right;">Page 137</p> <p>1 MS. MENENDEZ: And prohibition for any</p> <p>2 lifts.</p> <p>3 MS. VELEZ: Leasing.</p> <p>4 CHAIRMAN AIZENSTAT: Leasing.</p> <p>5 MS. MENENDEZ: You should try to keep it</p> <p>6 consistent with what's happening across from</p> <p>7 you, on the other side, that was approved,</p> <p>8 would be my recommendation.</p> <p>9 But I don't know, if anybody has</p> <p>10 conditions, throw them in, because I haven't</p> <p>11 really thought of all of the conditions, if</p> <p>12 there's any more.</p> <p>13 CHAIRMAN AIZENSTAT: I would not be</p> <p>14 favorable to letting them -- you know, putting</p> <p>15 it in someone's hand to resolve the form of</p> <p>16 ownership.</p> <p>17 MS. MENENDEZ: Okay.</p> <p>18 CHAIRMAN AIZENSTAT: To me, it's either you</p> <p>19 have a restriction to where you have to own a</p> <p>20 parcel of land, which I don't mind, which is a</p> <p>21 buildable parcel of land or a home to own a</p> <p>22 unit or you don't.</p> <p>23 MS. MENENDEZ: Okay.</p> <p>24 CHAIRMAN AIZENSTAT: And I understand --</p> <p>25 it's no disrespect to the developer, and I</p>	<p style="text-align: right;">Page 138</p> <p>1 understand when you form condominiums, it's</p> <p>2 very typical, it's the way it's done, but I</p> <p>3 think, in this specific case, if you're putting</p> <p>4 a restriction running with the land, you know,</p> <p>5 and with the covenant, then I think that the</p> <p>6 developer should abide by it, at the bare</p> <p>7 minimum. That's only my opinion.</p> <p>8 MS. MENENDEZ: Okay. Is that your</p> <p>9 condition?</p> <p>10 CHAIRMAN AIZENSTAT: Yeah, that's a</p> <p>11 condition that I would have to put there.</p> <p>12 MS. RUSSO: So that's the second. I'm</p> <p>13 keeping track. So we have no lifts or any type</p> <p>14 of motorized --</p> <p>15 MS. MENENDEZ: No fuel dispensing.</p> <p>16 MS. RUSSO: No fuel dispensing, and now</p> <p>17 ownership is with --</p> <p>18 MS. VELEZ: Tied to a buildable lot.</p> <p>19 CHAIRMAN AIZENSTAT: To a buildable lot.</p> <p>20 Yeah, I don't mind it being an empty lot, but</p> <p>21 it has to be a real lot, a buildable lot.</p> <p>22 MS. VELEZ: Within Hammock Oaks.</p> <p>23 MS. RUSSO: Yes, within Hammock Oaks. So</p> <p>24 it's adding the buildable parcel with the</p> <p>25 Hammock Oaks Subdivision.</p>
<p style="text-align: right;">Page 139</p> <p>1 CHAIRMAN AIZENSTAT: And no leasing of that</p> <p>2 specific --</p> <p>3 MR. GRABIEL: Of any of the slips.</p> <p>4 CHAIRMAN AIZENSTAT: Of any of the slips.</p> <p>5 MS. VELEZ: By the owners.</p> <p>6 MS. MENENDEZ: Regardless of ownership?</p> <p>7 CHAIRMAN AIZENSTAT: Let me just elaborate.</p> <p>8 If a home is leased to Individual A and that</p> <p>9 home owns that dock, I am okay with that</p> <p>10 individual that's living there leasing that</p> <p>11 home putting his boat in that dock.</p> <p>12 MS. VELEZ: What happens if that person who</p> <p>13 leases the home doesn't have a boat, but you,</p> <p>14 as the owner, want to continue keeping your</p> <p>15 boat there?</p> <p>16 CHAIRMAN AIZENSTAT: That's a good point.</p> <p>17 MS. RUSSO: But are you leasing your dock?</p> <p>18 You're not, because you're leasing your home,</p> <p>19 but you're not leasing the dock.</p> <p>20 CHAIRMAN AIZENSTAT: I think it should run</p> <p>21 together.</p> <p>22 MS. RUSSO: The issue is whether you allow</p> <p>23 people, other boats that aren't --</p> <p>24 MS. VELEZ: Right. But what I'm saying is,</p> <p>25 I lease my home, but my tenant doesn't care for</p>	<p style="text-align: right;">Page 140</p> <p>1 a boat, but I have my boat there. So I can</p> <p>2 continue to use my boat and keep my boat there.</p> <p>3 I am still a property owner.</p> <p>4 CHAIRMAN AIZENSTAT: Right. For me, it</p> <p>5 should go one way only. You lease the home.</p> <p>6 That person has the exclusive use of the dock.</p> <p>7 If they don't use it, the owner can't use it.</p> <p>8 MS. VELEZ: But the dock is separate and it</p> <p>9 will have a separate folio number from the</p> <p>10 home.</p> <p>11 CHAIRMAN AIZENSTAT: But can't you put that</p> <p>12 in a covenant, a deed restriction.</p> <p>13 MS. VELEZ: IT will be totally separate.</p> <p>14 CHAIRMAN AIZENSTAT: It can be put in a</p> <p>15 deed restriction.</p> <p>16 MS. MENENDEZ: But what is the objective,</p> <p>17 though? I mean, what are you trying to</p> <p>18 achieve?</p> <p>19 CHAIRMAN AIZENSTAT: To have more people</p> <p>20 coming back and forth to that specific --</p> <p>21 MS. MENENDEZ: I see.</p> <p>22 MS. VELEZ: Right. Because if I'm the</p> <p>23 property owner of the house, but I'm not living</p> <p>24 in the house, I will need to bring a car into</p> <p>25 the subdivision to have access.</p>

<p style="text-align: right;">Page 141</p> <p>1 MS. MENENDEZ: I see.</p> <p>2 CHAIRMAN AIZENSTAT: You're already</p> <p>3 creating more traffic.</p> <p>4 MS. MENENDEZ: I see. Okay.</p> <p>5 MS. ANDERSON: It's like adding a homestead</p> <p>6 requirement on there. If you live in the home,</p> <p>7 you qualify for homestead, so therefore you get</p> <p>8 to own one of those dock slips.</p> <p>9 CHAIRMAN AIZENSTAT: Yeah, you know, I</p> <p>10 don't know how to write it up, but my point</p> <p>11 is --</p> <p>12 MS. RUSSO: I can write it out. What</p> <p>13 you're saying is, if you lease the house,</p> <p>14 either that lessee is going to use the dock or</p> <p>15 he's not, but nobody else can.</p> <p>16 CHAIRMAN AIZENSTAT: Not even the owner.</p> <p>17 MS. RUSSO: So that would be the only time</p> <p>18 a, quote, tenant, would be allowed to use the</p> <p>19 dock, is if he were the tenant of the house, as</p> <p>20 well. Even the owner cannot continue to use</p> <p>21 it.</p> <p>22 CHAIRMAN AIZENSTAT: Correct.</p> <p>23 MS. RUSSO: Got it.</p> <p>24 MR. COLLER: So I have one question with</p> <p>25 regard to that. So if a property owner that</p>	<p style="text-align: right;">Page 142</p> <p>1 lives in Hammock Oaks wants to lease the spot</p> <p>2 to another property owner in Hammock Oaks, who</p> <p>3 resides in it, are we not permitting that</p> <p>4 either?</p> <p>5 MS. MENENDEZ: From what I'm hearing is,</p> <p>6 you probably would permit it, because he lives</p> <p>7 in the area.</p> <p>8 MS. RUSSO: And he's coming in. He already</p> <p>9 lives there.</p> <p>10 MR. COLLER: Because the way the condition</p> <p>11 reads right now, and I know we're going to</p> <p>12 tweak it, it says that you can lease it to</p> <p>13 somebody who is a Hammock Oaks --</p> <p>14 MS. RUSSO: Who's living there.</p> <p>15 CHAIRMAN AIZENSTAT: I'm okay if he's an</p> <p>16 owner there that doesn't have a dock slip.</p> <p>17 MS. MENENDEZ: Because it meets your</p> <p>18 objective.</p> <p>19 CHAIRMAN AIZENSTAT: Yes.</p> <p>20 MS. RUSSO: We could make that, leasing</p> <p>21 only to someone who is residing. In other</p> <p>22 words -- because you could own the property and</p> <p>23 have it leased to someone else, and want to</p> <p>24 lease -- do you see what I'm saying?</p> <p>25 MR. COLLER: It's going to be a very</p>
<p style="text-align: right;">Page 143</p> <p>1 difficult thing to enforce for the City. I</p> <p>2 think that's the problem.</p> <p>3 MR. TRIAS: Mr. Attorney, I was going to</p> <p>4 ask you, how do you propose to enforce it?</p> <p>5 MS. COLLER: Yes, that's problematic.</p> <p>6 MS. RUSSO: You're going to have decals.</p> <p>7 So either have the decal or --</p> <p>8 MS. MENENDEZ: No, the objective is, from</p> <p>9 what I understand, and I think it's a very good</p> <p>10 objective, is, you know, eliminating or</p> <p>11 minimizing the cars coming in.</p> <p>12 CHAIRMAN AIZENSTAT: Traffic.</p> <p>13 MS. MENENDEZ: You know, because if you</p> <p>14 don't live there, then likely you have to come</p> <p>15 in a car.</p> <p>16 MR. COLLER: So if you're a resident --</p> <p>17 MS. MENENDEZ: To enforce it, that's a good</p> <p>18 question, but --</p> <p>19 MR. COLLER: If you're a resident of</p> <p>20 Hammock Oaks, you have a driver's license with</p> <p>21 your address on it. So you are a resident. So</p> <p>22 I don't think you're prohibiting somebody</p> <p>23 that -- and this would be a way to enforce it,</p> <p>24 if somebody is there with a boat, they'd say,</p> <p>25 let's --</p>	<p style="text-align: right;">Page 144</p> <p>1 CHAIRMAN AIZENSTAT: Ramon, let me ask you</p> <p>2 a question.</p> <p>3 MR. TRIAS: Yes.</p> <p>4 CHAIRMAN AIZENSTAT: How do you enforce all</p> <p>5 of this?</p> <p>6 MS. MENENDEZ: Code Enforcement.</p> <p>7 MR. TRIAS: I would assume that a neighbor</p> <p>8 would make a complaint to Code Enforcement, and</p> <p>9 then Code Enforcement would go there and ask</p> <p>10 the questions, are you a resident, are you --</p> <p>11 MR. COLLER: Right.</p> <p>12 MS. MENENDEZ: No, I think you could</p> <p>13 formalize it a little by having the guard</p> <p>14 person, the roving patrol, have a list of</p> <p>15 owners or people that are -- the eight people</p> <p>16 that are supposed to have slips there.</p> <p>17 MR. TRIAS: Yeah. And that would be the</p> <p>18 private enforcement. I was speaking more in</p> <p>19 terms of a City enforcement.</p> <p>20 MS. MENENDEZ: No, but you can come in and</p> <p>21 ask for that list. I mean, you can basically</p> <p>22 say, can I see the list of the owners for the</p> <p>23 slips, for enforcement purposes.</p> <p>24 MR. TRIAS: Sure.</p> <p>25 MS. RUSSO: I mean, you know, Code</p>

<p style="text-align: right;">Page 145</p> <p>1 Enforcement also knows how to use the</p> <p>2 Miami-Dade County site. You can pull up the</p> <p>3 ownership in two minutes on your phone. So</p> <p>4 they know. They're good at doing that.</p> <p>5 MS. MENENDEZ: Yeah.</p> <p>6 CHAIRMAN AIZENSTAT: Okay. So your</p> <p>7 recommendation is with the conditions that we</p> <p>8 have set forth.</p> <p>9 MS. MENENDEZ: Set forth, yes. And she's</p> <p>10 written them down. If she wants to repeat</p> <p>11 that, please, for us.</p> <p>12 MS. RUSSO: I will repeat them. So we have</p> <p>13 no lifts or any motorized, and I'll find a word</p> <p>14 to be added to the dock.</p> <p>15 MR. TRIAS: Just follow the Code language,</p> <p>16 no davits --</p> <p>17 MS. MENENDEZ: No davits.</p> <p>18 MS. RUSSO: No davits, no lifts. I'll</p> <p>19 follow the Code language.</p> <p>20 CHAIRMAN AIZENSTAT: Let me just interject</p> <p>21 something. What about the pontoons that lift</p> <p>22 out of the water that bring the boats up?</p> <p>23 MS. RUSSO: Is that in the water?</p> <p>24 CHAIRMAN AIZENSTAT: That's motorized,</p> <p>25 also, though. It's in the water, but the idea</p>	<p style="text-align: right;">Page 146</p> <p>1 is not to have the boats up. I mean, it's a</p> <p>2 marina where the boats stay in the water.</p> <p>3 MS. RUSSO: Yeah, the intent is not to have</p> <p>4 the boats --</p> <p>5 CHAIRMAN AIZENSTAT: Exactly.</p> <p>6 MS. MENENDEZ: It's to minimize the</p> <p>7 commercialized --</p> <p>8 MS. RUSSO: Right. It's to make it look</p> <p>9 like boats docked. Okay. So no lifts, and</p> <p>10 I'll follow that language --</p> <p>11 MR. TRIAS: Yes, follow the Code Language.</p> <p>12 It addresses most of those issues.</p> <p>13 MS. RUSSO: Okay. Then no fueling. So no</p> <p>14 fueling permitted. So whoever wants to fuel</p> <p>15 has to go to Matheson Hammocks.</p> <p>16 MS. MENENDEZ: Right there. You have to</p> <p>17 see it when you leave. It's right there.</p> <p>18 MS. VELEZ: You pass it.</p> <p>19 (Simultaneous speaking.)</p> <p>20 MS. RUSSO: Well, if you can afford a dock,</p> <p>21 you can afford that.</p> <p>22 MS. MENENDEZ: Exactly.</p> <p>23 MS. RUSSO: I'm just saying.</p> <p>24 Then we will make the ownership subject</p> <p>25 to -- the ownership of a dock will be tied to</p>
<p style="text-align: right;">Page 147</p> <p>1 owning a buildable parcel of land within the</p> <p>2 Hammock Oaks subdivision.</p> <p>3 CHAIRMAN AIZENSTAT: Or an existing home.</p> <p>4 MS. RUSSO: Or an existing home, yeah. A</p> <p>5 buildable parcel or existing improved lot,</p> <p>6 okay.</p> <p>7 And then there will be no leasing of the</p> <p>8 dock unit separate from leasing the house that</p> <p>9 is tied to the unit.</p> <p>10 CHAIRMAN AIZENSTAT: Correct.</p> <p>11 MS. VELEZ: So all of these things are</p> <p>12 being put into the proposed Text Amendment?</p> <p>13 MS. RUSSO: Correct.</p> <p>14 CHAIRMAN AIZENSTAT: It's only our</p> <p>15 recommendation.</p> <p>16 MS. VELEZ: Because we need to remember,</p> <p>17 after the Declaration of Condominium goes into</p> <p>18 place, it can always be amended. So we need</p> <p>19 to --</p> <p>20 MS. RUSSO: Well, that's why it's going to</p> <p>21 be in the Text Amendment.</p> <p>22 MS. VELEZ: That's why it has to be in the</p> <p>23 text.</p> <p>24 CHAIRMAN AIZENSTAT: Right. It supersedes</p> <p>25 the condo docs.</p>	<p style="text-align: right;">Page 148</p> <p>1 MS. RUSSO: Right. And I will submit</p> <p>2 another clean version to Staff and the City</p> <p>3 Attorney for them to review the changes that we</p> <p>4 made to what's submitted, because this is now</p> <p>5 the revised conditions.</p> <p>6 CHAIRMAN AIZENSTAT: What other conditions</p> <p>7 do you have?</p> <p>8 MS. RUSSO: No lift, davits, et cetera as</p> <p>9 set forth in the Zoning Code, and I'll copy</p> <p>10 that language; no fueling permitted on site or</p> <p>11 from the street. So I'll clarify, it can't be</p> <p>12 from the street.</p> <p>13 MS. MENENDEZ: Or canal.</p> <p>14 MS. RUSSO: Or canal. So no fueling</p> <p>15 permitted either on site, canal or street, so</p> <p>16 we cover all --</p> <p>17 CHAIRMAN AIZENSTAT: And the sale of the</p> <p>18 home --</p> <p>19 MS. RUSSO: Ownership is subject to -- it</p> <p>20 is tied to a buildable parcel or an existing</p> <p>21 improved lot with a single-family home within</p> <p>22 Hammock Oaks subdivision, and no leasing of the</p> <p>23 dock separate from the house to which the dock</p> <p>24 is tied.</p> <p>25 CHAIRMAN AIZENSTAT: And if the home is</p>

<p style="text-align: right;">Page 149</p> <p>1 sold, the lot can't be retained and sold later.</p> <p>2 MS. RUSSO: Right, you have to sell the</p> <p>3 dock first.</p> <p>4 CHAIRMAN AIZENSTAT: Correct, or it goes</p> <p>5 with the home.</p> <p>6 MS. RUSSO: You have to sell the dock first</p> <p>7 and then you're just a property owner selling</p> <p>8 your house. If you sell the dock, you have to</p> <p>9 sell it first.</p> <p>10 MS. VELEZ: Or you can sell the dock with</p> <p>11 the lot, with your home.</p> <p>12 MS. RUSSO: Yeah, right.</p> <p>13 MS. VELEZ: You just cannot sell the home</p> <p>14 and retain ownership of the dock.</p> <p>15 CHAIRMAN AIZENSTAT: And keep the dock.</p> <p>16 MS. RUSSO: Unless you own two homes --</p> <p>17 MR. COLLER: Just so you're aware, by doing</p> <p>18 that condition you're prohibiting the leasing</p> <p>19 to another person in Hammock Oaks. If that's</p> <p>20 not your intent, we'll have to modify no</p> <p>21 leasing, except to property owners that live</p> <p>22 and have boats.</p> <p>23 CHAIRMAN AIZENSTAT: We'll work that out.</p> <p>24 MR. COLLER: We'll work that out, but your</p> <p>25 intent is to allow a property owner that owns</p>	<p style="text-align: right;">Page 150</p> <p>1 the dock to be able to at least lease to a</p> <p>2 property owner that lives in Hammock Oaks?</p> <p>3 Isn't that your intent?</p> <p>4 MS. RUSSO: Yes.</p> <p>5 MR. COLLER: So we'll have to modify the</p> <p>6 language to clarify that part.</p> <p>7 MS. RUSSO: Because that doesn't bring</p> <p>8 additional traffic, which is the concern.</p> <p>9 MS. VELEZ: Exactly.</p> <p>10 MS. MENENDEZ: The objective is the</p> <p>11 traffic.</p> <p>12 MS. RUSSO: Okay. I'll work on that and</p> <p>13 let Ramon and you massage it.</p> <p>14 MR. COLLER: Okay.</p> <p>15 CHAIRMAN AIZENSTAT: Any other condition?</p> <p>16 MS. ANDERSON: Right.</p> <p>17 CHAIRMAN AIZENSTAT: Well, let her put it</p> <p>18 in her motion.</p> <p>19 MS. MENENDEZ: Any other condition?</p> <p>20 MS. ANDERSON: The width of the dock. We</p> <p>21 spoke about going beyond the 60 inches to --</p> <p>22 what's your client willing to do?</p> <p>23 MS. RUSSO: Are you willing to increase the</p> <p>24 width of the actual dock, the long --</p> <p>25 MS. ANDERSON: The long strip, because the</p>
<p style="text-align: right;">Page 151</p> <p>1 minimum, under the ADA, is five feet.</p> <p>2 CHAIRMAN AIZENSTAT: Based on DERM allowing</p> <p>3 it, because he may have to go back to DERM. If</p> <p>4 DERM says to him, you can't come out that much,</p> <p>5 they control it.</p> <p>6 MS. ANDERSON: Yeah.</p> <p>7 MS. RUSSO: Subject to DERM approval.</p> <p>8 MS. ANDERSON: Subject to DERM approval.</p> <p>9 Just note, for DERM, that it is a</p> <p>10 recommendation under the ADA.</p> <p>11 MR. COLLER: Do we have a width of the dock</p> <p>12 that we're saying? Is it --</p> <p>13 CHAIRMAN AIZENSTAT: ADA compliance.</p> <p>14 MS. RUSSO: Right now the dock is five</p> <p>15 feet.</p> <p>16 MR. COLLER: Well, that is technically ADA</p> <p>17 compliance, but they recommend a greater</p> <p>18 amount.</p> <p>19 MR. TRIAS: But that's what's allowed by</p> <p>20 Code.</p> <p>21 CHAIRMAN AIZENSTAT: Right. Don't go past</p> <p>22 what's allowed by Code.</p> <p>23 MR. TRIAS: That's right. You don't want</p> <p>24 to go beyond that.</p> <p>25 MS. MENENDEZ: The problem is, if you go</p>	<p style="text-align: right;">Page 152</p> <p>1 wider than that, then you have go through --</p> <p>2 it's a Code variation.</p> <p>3 MR. TRIAS: 60 inches. I believe that's</p> <p>4 what she was saying, right? You were</p> <p>5 recommending 60 inches, which is five feet?</p> <p>6 MS. ANDERSON: It's a recommendation under</p> <p>7 the ADA, which is a Federal provision.</p> <p>8 MR. TRIAS: Five feet is the standard size</p> <p>9 for a dock.</p> <p>10 MS. RUSSO: It's 60 inches.</p> <p>11 MS. MENENDEZ: Try to see if you can do it.</p> <p>12 MS. ANDERSON: Right, but your ramp going</p> <p>13 up to the dock area are ten feet and then they</p> <p>14 narrow to five feet.</p> <p>15 MS. MENENDEZ: Let's go ahead and make it</p> <p>16 subject --</p> <p>17 MS. RUSSO: The access piers are wider.</p> <p>18 MS. ANDERSON: The access piers are wider,</p> <p>19 and the reason is because the minimum turning</p> <p>20 space for anybody that's using a wheelchair</p> <p>21 is -- the minimum is 60 inches, in a bathroom,</p> <p>22 anywhere.</p> <p>23 MS. MENENDEZ: Yeah. That's five feet.</p> <p>24 MS. ANDERSON: And here it's not a</p> <p>25 bathroom, it's a dock, where you have water on</p>

<p style="text-align: right;">Page 153</p> <p>1 the other side. So for safety concerns, that's</p> <p>2 why the ADA makes this recommendation that it</p> <p>3 be more than the 60 inches. So if it is</p> <p>4 permissible to go out further, whether it be</p> <p>5 four inches or twelve inches, that's my</p> <p>6 recommendation.</p> <p>7 CHAIRMAN AIZENSTAT: Just keeping it within</p> <p>8 Code and DERM approval.</p> <p>9 MS. MENENDEZ: Any other suggestions?</p> <p>10 CHAIRMAN AIZENSTAT: So we have a motion.</p> <p>11 Is there a second?</p> <p>12 MR. COLLER: So we're doing --</p> <p>13 MR. GRABIEL: I'll second it.</p> <p>14 MR. COLLER: Okay. So we have two votes.</p> <p>15 CHAIRMAN AIZENSTAT: The first one.</p> <p>16 MR. COLLER: The first one.</p> <p>17 MR. TRIAS: The first one is, let's say,</p> <p>18 the conditional use and those are the</p> <p>19 conditions for the conditional use. How about</p> <p>20 that?</p> <p>21 CHAIRMAN AIZENSTAT: And the other</p> <p>22 conditions --</p> <p>23 MR. COLLER: Okay. We'll do the</p> <p>24 conditional use first and then we copy those</p> <p>25 conditions into the Site Specifics.</p>	<p style="text-align: right;">Page 154</p> <p>1 CHAIRMAN AIZENSTAT: Yeah, exactly.</p> <p>2 MS. RUSSO: And I'll just add also all of</p> <p>3 the other conditions that I've proffered that</p> <p>4 are not amended by this.</p> <p>5 CHAIRMAN AIZENSTAT: And all of the other</p> <p>6 conditions that Staff recommended -- correct.</p> <p>7 Julio has a second.</p> <p>8 MR. GRABIEL: Yes.</p> <p>9 CHAIRMAN AIZENSTAT: Any discussion?</p> <p>10 MR. COLLER: This is on E-4. We're taking</p> <p>11 E-4 first.</p> <p>12 CHAIRMAN AIZENSTAT: One at a time, yes.</p> <p>13 We have a first, second, no discussion.</p> <p>14 Call the roll, please.</p> <p>15 THE SECRETARY: Maria Velez?</p> <p>16 MS. VELEZ: Yes.</p> <p>17 THE SECRETARY: Rhonda Anderson?</p> <p>18 MS. ANDERSON: Yes.</p> <p>19 THE SECRETARY: Julio Grabiell?</p> <p>20 MR. GRABIEL: Yes.</p> <p>21 THE SECRETARY: Maria Menendez?</p> <p>22 MS. MENENDEZ: Yes.</p> <p>23 THE SECRETARY: Eibi Aizenstat?</p> <p>24 CHAIRMAN AIZENSTAT: Yes.</p> <p>25 Now that was E-3 -- well, okay --</p>
<p style="text-align: right;">Page 155</p> <p>1 MR. COLLER: No, that was E-4, because we</p> <p>2 took the conditional use first. Now we're</p> <p>3 going to go E-3, where all of the conditions</p> <p>4 that were put in E-4, we're going to put in</p> <p>5 E-3, so can we use the same person that made</p> <p>6 the motion and the seconder for this one?</p> <p>7 MS. MENENDEZ: I'll make the motion.</p> <p>8 MR. GRABIEL: I second it.</p> <p>9 CHAIRMAN AIZENSTAT: Any discussion?</p> <p>10 MS. ANDERSON: No.</p> <p>11 CHAIRMAN AIZENSTAT: Having heard none,</p> <p>12 call the roll, please.</p> <p>13 THE SECRETARY: Rhonda Anderson?</p> <p>14 MS. ANDERSON: Yes.</p> <p>15 THE SECRETARY: Julio Grabiell?</p> <p>16 MR. GRABIEL: Yes.</p> <p>17 THE SECRETARY: Maria Menendez?</p> <p>18 MS. MENENDEZ: Yes.</p> <p>19 THE SECRETARY: Maria Velez?</p> <p>20 MS. VELEZ: Yes.</p> <p>21 THE SECRETARY: Eibi Aizenstat?</p> <p>22 CHAIRMAN AIZENSTAT: Yes.</p> <p>23 Before we adjourn, Julio you wanted --</p> <p>24 MS. RUSSO: Thank you all very much.</p> <p>25 CHAIRMAN AIZENSTAT: Thank you very much.</p>	<p style="text-align: right;">Page 156</p> <p>1 Good luck.</p> <p>2 Before you adjourn, Julio you wanted to say</p> <p>3 something?</p> <p>4 MR. GRABIEL: Yeah. I have a point of</p> <p>5 discussion. I just wanted to get my fellow</p> <p>6 member's opinions on it. As you know, one of</p> <p>7 my concerns in the City of Coral Gables is how</p> <p>8 parking garages are seen at night. And</p> <p>9 whenever there's been a project coming to this</p> <p>10 Board, we have requested that verbally, but I</p> <p>11 have noticed that the results have not been</p> <p>12 what I truly thought would happen, that no</p> <p>13 light and no noise would come from the parking</p> <p>14 garage to the outside.</p> <p>15 So if my fellow members are agreeable, I</p> <p>16 would like to ask Staff to come up with a</p> <p>17 verbal description of what is our intent on</p> <p>18 that, so that it can be included into the City</p> <p>19 Code.</p> <p>20 MS. MENENDEZ: Absolutely. I agree with</p> <p>21 Julio.</p> <p>22 MS. ANDERSON: I agree.</p> <p>23 CHAIRMAN AIZENSTAT: Yes.</p> <p>24 MS. VELEZ: Yes.</p> <p>25 MR. GRABIEL: Okay. That's it.</p>

<p style="text-align: right;">Page 157</p> <p>1 MR. TRIAS: We can certainly do that.</p> <p>2 Mr. Chairman, when you're done, I have --</p> <p>3 MR. GRABIEL: I'm done.</p> <p>4 MR. TRIAS: The next meeting -- tonight is</p> <p>5 the last meeting that we can actually use this</p> <p>6 room for the next month and a half. It's not</p> <p>7 going to be usable. So that is why the next</p> <p>8 meeting is scheduled for August 29th, and my</p> <p>9 thinking is, we probably should combine the</p> <p>10 items for September and August for that</p> <p>11 meeting, since we're also scheduling a meeting</p> <p>12 on September 20th with you to deal with the</p> <p>13 Zoning Code update.</p> <p>14 So basically what I'm recommending is a</p> <p>15 regular meeting for August 29th and then a</p> <p>16 Workshop for September 20th.</p> <p>17 CHAIRMAN AIZENSTAT: That's fine.</p> <p>18 MR. TRIAS: Now, the consultant has had</p> <p>19 several meetings with Staff and with the</p> <p>20 steering committee, so they have been working</p> <p>21 on some of the ideas. I think they're going be</p> <p>22 ready to give you a very good Workshop, and,</p> <p>23 then, depending on how that Workshop proceeds,</p> <p>24 we may decide to take certain steps and do more</p> <p>25 or less, depending on how you feel.</p>	<p style="text-align: right;">Page 158</p> <p>1 So that's my thinking. Hopefully you</p> <p>2 agree.</p> <p>3 CHAIRMAN AIZENSTAT: That's fine.</p> <p>4 MS. VELEZ: Unfortunately, I will not be</p> <p>5 here September 20th. So if you have any</p> <p>6 materials -- I leave the day before, so if you</p> <p>7 have any materials, I will be grateful. Thank</p> <p>8 you.</p> <p>9 CHAIRMAN AIZENSTAT: Thank you.</p> <p>10 Is there motion to adjourn?</p> <p>11 MS. VELEZ: So moved.</p> <p>12 MS. ANDERSON: Second.</p> <p>13 MS. MENENDEZ: Second.</p> <p>14 CHAIRMAN AIZENSTAT: Thank you. We're</p> <p>15 adjourned. Thank you very much everybody for</p> <p>16 coming.</p> <p>17 (Thereupon, the meeting was adjourned at</p> <p>18 8:45 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 159</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF FLORIDA:</p> <p>4 SS.</p> <p>5 COUNTY OF MIAMI-DADE:</p> <p>6</p> <p>7</p> <p>8</p> <p>9 I, NIEVES SANCHEZ, Court Reporter, and a Notary</p> <p>10 Public for the State of Florida at Large, do hereby</p> <p>11 certify that I was authorized to and did</p> <p>12 stenographically report the foregoing proceedings and</p> <p>13 that the transcript is a true and complete record of my</p> <p>14 stenographic notes.</p> <p>15</p> <p>16 DATED this 19th day of July, 2018.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p style="text-align: center;">_____ NIEVES SANCHEZ</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	