

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES BOARD OF ADJUSTMENT VERBATIM TRANSCRIPT CORAL GABLES CITY HALL 405 BILTMORE WAY, COMMISSION CHAMBERS CORAL GABLES, FLORIDA MONDAY, DECEMBER 3, 2018, COMMENCING AT 8:05 A.M.</p> <p>Board Members Present: Oscar Hidalgo, Chairman Maria D. Garcia Jorge Otero John M. Thomson Michael Sotelo</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Stephanie M. Throckmorton, Assistant City Attorney Arceli Redila, Principal Planner</p> <p>ALSO PARTICIPATING: Kirk Lofgren, Ocean Consulting, LLC</p> <p>BA-18-11-3399 (15 Tahiti Beach Island Road) LOT 6, BLOCK: 22 COCOPLUM SECTION 2 PLAT E Ocean Consulting, LLC - Applicant Bhavana Janak Shah - Owner</p>	<p style="text-align: right;">Page 2</p> <p>1 THEREUPON: 2 (The following proceedings were held.) 3 CHAIRMAN HIDALGO: Good morning. The 4 City's Board of Adjustment is now called to 5 order. 6 The Board of Adjustment is comprised of 7 seven members. Four members of the Board shall 8 constitute a quorum. The affirmative vote of 9 four members of the Board present shall be 10 necessary to authorize or deny a variance or 11 grant an appeal. A tie vote shall result in 12 the automatic continuance of the matter to the 13 next meeting, which shall be continued until a 14 majority vote is achieved. 15 If only four Members of the Board are 16 present, an applicant shall be entitled to a 17 postponement to the next regularly scheduled 18 meeting of the Board. 19 Any person who acts as a lobbyist pursuant 20 to the City of Coral Gables Ordinance Number 21 2006-11 must register with the City Clerk prior 22 to engaging in lobbying activities or 23 presentations before City Staff, Boards, 24 Committees and/or the City Commission. 25 A copy of the Ordinance is available in the</p>
<p style="text-align: right;">Page 3</p> <p>1 office of the City Clerk. Failure to register 2 and provide proof of registration shall 3 prohibit your ability to present to the Board. 4 I now officially call the City of Coral 5 Gables Board of Adjustment meeting of December 6 3rd, 2018 to order. The time is 8:05. 7 Can we take a roll, please? 8 THE SECRETARY: Ms. Garcia? 9 MS. GARCIA: Present. 10 THE SECRETARY: Mr. Lage? 11 Mr. Otero? 12 MR. OTERO: Present. 13 THE SECRETARY: Ms. Pinon? 14 Mr. Sotelo? 15 MR. SOTELO: Present. 16 THE SECRETARY: Mr. Thomson? 17 MR. THOMSON: Present. 18 THE SECRETARY: Mr. Hidalgo? 19 CHAIRMAN HIDALGO: Present. 20 Please be advised this Board is a 21 quasi-judicial board and the items on the 22 agenda are quasi-judicial in nature, which 23 requires Board Members to disclose all ex parte 24 communications and site visits. An ex parte 25 communication is defined as any contact,</p>	<p style="text-align: right;">Page 4</p> <p>1 communication, conversation, correspondence, 2 memorandum or any other written or verbal 3 communication that takes place outside a public 4 hearing between a member of the public and a 5 member of a quasi-judicial board regarding 6 matters to be heard by the Board. 7 If anyone made any contact with a Board 8 Member regarding an issue before the Board, the 9 Board Member must state on the record the 10 existence of the ex parte communication and the 11 party who originated the communication. 12 Also, if a Board Member conducted a site 13 visit specifically related to the case before 14 the Board, the Board Member must also disclose 15 such visit. In either case, the Board Member 16 must state on the record whether the ex parte 17 communication and/or site visit will affect the 18 Board Member's ability to impartially consider 19 the evidence to be presented regarding the 20 matter. 21 The Board Member should also state that his 22 or her decision will be based on substantial 23 competent evidence and testimony presented on 24 the record today. 25 Does any Member of the Board have any</p>

<p style="text-align: right;">Page 5</p> <p>1 communication and/or site visit to disclose at 2 this time? No? 3 We'll be swearing in -- everyone who speaks 4 today must complete the roster on the podium. 5 We ask that you print clearly so the official 6 records of your name and address will be 7 correct. 8 Now, with the exception of attorneys, all 9 persons who will speak on agenda items before 10 us this morning, please rise to be sworn in. 11 (Thereupon, the participant was sworn in.) 12 MR. LOFGREN: Yes, I do. 13 CHAIRMAN HIDALGO: Thank you. 14 In deference to those present, we ask that 15 all cell phones, pagers and other electronic 16 devices be turned off at this time. Now we 17 will proceed with the agenda. 18 First item, we should vote on Mr. Lage and 19 Ms. Pinon not being present. Do we need to 20 take a vote for excused absences on the two 21 members? 22 THE SECRETARY: I have not received any 23 e-mails from them. 24 MR. TRIAS: Ms. Pinon called me. 25 THE SECRETARY: Mr. Lage --</p>	<p style="text-align: right;">Page 6</p> <p>1 CHAIRMAN HIDALGO: Do we know about 2 Mr. Lage? 3 THE SECRETARY: I did not receive any 4 communications from Mr. Lage. 5 CHAIRMAN HIDALGO: Okay. So let's take a 6 vote to excuse the absence of Ms. Pinon, who 7 called that she would not be able to make the 8 Board today. All those in favor say aye. 9 MR. THOMSON: Aye. 10 MR. SOTELO: Aye. 11 MS. GARCIA: Aye. 12 CHAIRMAN HIDALGO: And on Mr. Lage? Should 13 we give him a little more time or at this point 14 do we take a vote on Mr. Lage's excused absence 15 or not? Does any member have a motion on 16 Mr. Lage not being on the Board today? 17 MR. OTERO: I would suggest that we wait 18 until the next meeting and see what the 19 explanation was. 20 CHAIRMAN HIDALGO: There is a motion. Is 21 there a second? 22 MR. SOTELO: Second. 23 CHAIRMAN HIDALGO: There's a motion and a 24 second. Could you take a vote, please? 25 THE SECRETARY: Ms. Garcia?</p>
<p style="text-align: right;">Page 7</p> <p>1 MS. GARCIA: Aye. 2 THE SECRETARY: Ms. Pinon? 3 Mr. Otero? 4 MR. OTERO: Yes. 5 THE SECRETARY: Mr. Sotelo? 6 MR. SOTELO: Yes. 7 THE SECRETARY: Mr. Thomson? 8 MR. THOMSON: Yes. 9 THE SECRETARY: Mr. Hidalgo? 10 CHAIRMAN HIDALGO: Yes. 11 MS. THROCKMORTON: Good morning, everyone. 12 I apologize for my tardiness. I got a flat 13 tire on my way to work this morning. So thank 14 you very much. 15 CHAIRMAN HIDALGO: The first item we need 16 to do is to vote on the minutes of our 17 September 10th meeting, the last agenda. All 18 those in favor say aye or are there any 19 comments? 20 MS. GARCIA: Move to approve. 21 CHAIRMAN HIDALGO: Move to approve. Is 22 there a second? 23 MR. SOTELO: Second. 24 CHAIRMAN HIDALGO: There's a motion and a 25 second. Could we take a vote, please?</p>	<p style="text-align: right;">Page 8</p> <p>1 THE SECRETARY: Ms. Garcia? 2 MS. GARCIA: Aye. 3 THE SECRETARY: Mr. Otero? 4 MR. OTERO: Abstain. 5 THE SECRETARY: Mr. Sotelo? 6 MR. SOTELO: Yes. 7 THE SECRETARY: Mr. Thomson? 8 MR. THOMSON: Yes. 9 THE SECRETARY: Mr. Hidalgo? 10 CHAIRMAN HIDALGO: Yes. 11 So this morning we have one case. Would 12 the City like to read it into the record, 13 please? 14 THE SECRETARY: Good morning. For the 15 record, Arceli Redila from Planning & Zoning. 16 The item before you today is a variance 17 request, Case Number BA-18-11-3399. The 18 applicant, Ocean Consulting, LLC, on behalf of 19 the property owner, Mr. Shah, is requesting a 20 variance to allow a watercraft lift to extend 21 41 feet eleven inches from the seawall where 25 22 feet is the maximum allowed per Section 23 5-805(E) of the City's Zoning Code. 24 Now, the subject property is located at 15 25 Tahiti Beach Island Road, which is located</p>

<p style="text-align: right;">Page 9</p> <p>1 within Cocoplum Section 2 of the City. There</p> <p>2 is an existing single-family home in such a</p> <p>3 property and an existing L-shaped dock with a</p> <p>4 boat slip located inside the dock.</p> <p>5 Now, the dock will be reconstructed in the</p> <p>6 same footprint, but the boat slip will be</p> <p>7 relocated towards the waterward edge of the</p> <p>8 dock extending 18 feet 11 inches from the dock</p> <p>9 line, but from the seawall, the maximum</p> <p>10 projection into the bay is 41 feet 11 inches.</p> <p>11 The Code only allows a maximum of 25.</p> <p>12 So as shown on the plans, this request</p> <p>13 received a preliminary application from the</p> <p>14 Board of Architects, but as you know, such</p> <p>15 approval is for architectural design and it's</p> <p>16 not an endorsement of any kind for the variance</p> <p>17 being requested today.</p> <p>18 Now, Staff reviewed and analyzed this</p> <p>19 application based on the variance criteria for</p> <p>20 granting a variance and it doesn't meet all of</p> <p>21 the requirements, and with that, Staff is not</p> <p>22 recommending approval, as clearly shown in the</p> <p>23 existing condition that a dock or a boat slip</p> <p>24 could be placed in an area where it can meet</p> <p>25 the Code.</p>	<p style="text-align: right;">Page 10</p> <p>1 So with that, Mr. Kirk Lofgren is here, if</p> <p>2 you have any questions for him.</p> <p>3 CHAIRMAN HIDALGO: Thank you, City.</p> <p>4 Mr. Lofgren.</p> <p>5 MR. LOFGREN: Good morning. My name is</p> <p>6 Kirk Lofgren. Good to see you again. I know</p> <p>7 it's Monday morning and I know I'm the only</p> <p>8 item on the agenda, so I apologize. I know</p> <p>9 we've been trying to put this off for a little</p> <p>10 while, but it's good to see you and thank you</p> <p>11 for hearing us today.</p> <p>12 For the record, I'm with Ocean Consulting,</p> <p>13 with offices at 340 Minorca Avenue, Suite 7, in</p> <p>14 Coral Gables, here locally.</p> <p>15 Normally I'm standing here before you today</p> <p>16 with hard evidence that Miami-Dade County DERM</p> <p>17 would not allow us to put a boat lift or any</p> <p>18 structure closer to shore. That is not the</p> <p>19 case here. I'm actually here on a safety</p> <p>20 issue, and I'm actually here for a practical</p> <p>21 issue.</p> <p>22 So if you'll just entertain me for a few</p> <p>23 minutes, I just want to go through four really</p> <p>24 quick bullet points about why I believe this</p> <p>25 variance is necessary and why I think this</p>
<p style="text-align: right;">Page 11</p> <p>1 Board could consider this variance.</p> <p>2 If I may, I'm going to show you just a</p> <p>3 series of presentation boards that give you an</p> <p>4 idea of what we're talking about. The original</p> <p>5 dock here -- and I don't know if you guys can</p> <p>6 all see that, but the original dock here was</p> <p>7 approved in 1991 and actually constructed in</p> <p>8 1991. The dock, in the original approval,</p> <p>9 extended 25 feet to the inside edge of the</p> <p>10 deck, an additional six inches beyond that, so</p> <p>11 25 feet 6 inches.</p> <p>12 From there, 20 feet out, there's a series</p> <p>13 of mooring piles. So the total projection</p> <p>14 prior to us even coming here today was 45 feet</p> <p>15 6 inches.</p> <p>16 What's important about this point is that</p> <p>17 we're not proposing to exceed that dimension.</p> <p>18 That was an original approved dimension. And</p> <p>19 what you'll find is, on this waterway, all</p> <p>20 along this waterway, you're going to see</p> <p>21 projections that exceed what we're asking for.</p> <p>22 Immediately next door to us, they go to 63 feet</p> <p>23 with their mooring piles and their dock goes</p> <p>24 further than our proposed projection for our</p> <p>25 dock.</p>	<p style="text-align: right;">Page 12</p> <p>1 If you take a look at our existing</p> <p>2 condition, this drawing shows the boat lift on</p> <p>3 the inside of the L. You'll see the</p> <p>4 projection, as it stands, is greater than 25</p> <p>5 feet and you might be asking, okay, why was</p> <p>6 this dock actually built further out? Well,</p> <p>7 the dock was destroyed in 1992 by Andrew. So</p> <p>8 they rebuilt the dock. This dock was then,</p> <p>9 again, destroyed last year. So there is no</p> <p>10 dock here. There is no boat lift now. It's</p> <p>11 not functional. It was destroyed. It's gone.</p> <p>12 And you're going to start to see a theme in</p> <p>13 my discussion about the safety issue, but let's</p> <p>14 take a look at this condition. You'll notice</p> <p>15 that the boat lift is on the inside of the L.</p> <p>16 When the boat owner came in to park the vessel,</p> <p>17 he was typically pushed against this seawall,</p> <p>18 and you're pushed against the seawall for a</p> <p>19 number of reasons.</p> <p>20 The primary wind direction is from the</p> <p>21 southeast and the east. So as you're coming</p> <p>22 in, the waves are moving -- this dock is</p> <p>23 oriented north-south. This is the east</p> <p>24 direction. He's getting pushed into the</p> <p>25 seawall. So there's a safety hazard there,</p>

<p style="text-align: right;">Page 13</p> <p>1 just from the simple act of trying to moor his 2 vessel. 3 The second question you might have is, 4 well, why isn't he parking his boat out here? 5 The reality is, along this waterway, you'll see 6 zero boats right now, that are parked out here, 7 that are floating, and there's a reason for 8 that. And I just wanted to show, for the 9 record, if I might -- I printed two aerials 10 this morning. If you want to just distribute 11 those. 12 The first aerial shows the area in front of 13 Tahiti Beach. The second aerial shows the area 14 in front of Sunrise Harbor. And what you'll 15 notice is that there are zero boats there, and 16 there is a reason for that, especially boats 17 that are actually not moored, floating. In 18 Sunrise Harbor you might see one vessel, maybe 19 two vessels, that are sitting on a boat lift. 20 The only way to park a boat along this Biscayne 21 Bay waterfront is to, One, have a vessel that's 22 greater than a hundred feet or, Two, have a 23 boat lift, and it's a really important point 24 that I want to make. There are zero boats on 25 the Tahiti Beach side when this aerial was</p>	<p style="text-align: right;">Page 14</p> <p>1 taken. So that's the first point. 2 The next point that I'd like to make is 3 that this is the existing condition -- I'm 4 sorry, this is the proposed condition. When 5 you compare it -- is there a way that we can 6 switch back on the aerial here? 7 THE SECRETARY: Yes. 8 MR. LOFGREN: Can you go to the existing 9 condition? Thank you. 10 Okay. Notice really quick for me, in order 11 for us to avoid the variance for the dock, we 12 actually pulled the dock back two-and-a-half to 13 three feet from what exists now. Take a look 14 at the projection. You'll see it's 26 feet 2 15 inches, right, as confirmed by DERM. That's 16 the existing condition. 17 Our projection is now 23 feet plus a fender 18 pile, which is 24 feet, and we did that on 19 purpose. We pulled it back to avoid the 20 variance for the dock. We know that we're 21 limited to 25 feet. We could make that work. 22 Part of the reason why we did that is to 23 allow for the boat lift to extend on the 24 waterward side so there's access on both sides, 25 primarily from the south, so the vessel coming</p>
<p style="text-align: right;">Page 15</p> <p>1 in could use the dock to fend itself off, as 2 opposed to trying to use the seawall and get 3 stuck under the cap or dry piles along the 4 seawall, et cetera. It's a safer access point. 5 He can come forward. He can come this way, 6 depending on the wave generation. 7 So when we project -- pull this dock in 8 closer to shore to avoid a second variance for 9 the dock, we no longer have no access here. 10 There is no option for us to put a boat on the 11 inside of this or even a lift. So we're 12 avoiding the variance with the dock. 13 My third point is, just real quickly, we 14 just did a quick tabulation of what's going on 15 in our area, in terms of projections offshore. 16 This is the subject property here. This is the 17 property immediately next door to us. If you 18 took a look at their projection, their dock 19 projects 43 feet. Their dock is projecting 20 farther than our boat lift is projecting -- our 21 boat lift is proposed to be projecting. We're 22 proposed to be 41 feet 11 inches. Their dock 23 is already at 43 feet. Their mooring piles are 24 at 67 feet, an additional 24 feet offshore. 25 So it's not navigation issues for people</p>	<p style="text-align: right;">Page 16</p> <p>1 along with waterway. It's simply, for us, a 2 safety issue. It's the same story as you could 3 see at 14 Tahiti Beach, which is -- this used 4 to be 13 Tahiti Beach. Their projection is 28 5 feet for the dock and 47 for their mooring 6 piles. Again, we're inside of these lines. 7 And the story is the same as you work your way 8 down. There's one single dock that doesn't 9 project beyond the 25 feet for their dock and 10 it's a marginal dock, which is not an option 11 here, and I'm going to keep coming back to 12 this, it's about safety. 13 The further you are away from the seawall 14 using a wave climate, the more the waves 15 dissipate and the more those waves don't impact 16 either a structure or a vessel, which is why 17 you'll see 99 percent of the dock structures 18 pushed offshore here, and all we're simply 19 asking to do is put a boat lift in the same 20 space that a boat would moor. 21 This area is preempted already. Right now 22 we have mooring piles, and you can park a boat 23 there now, but nobody is going to moor a boat 24 here in the water unless it's a large boat. 25 This family does not have a large boat. They</p>

<p style="text-align: right;">Page 17</p> <p>1 have a 35 foot vessel. And in order for them</p> <p>2 to safely moor it, it needs to be on a lift.</p> <p>3 I'm happy to answer questions. I apologize</p> <p>4 it was so long of a presentation.</p> <p>5 CHAIRMAN HIDALGO: Thank you, Mr. Lofgren.</p> <p>6 MR. OTERO: Just for purposes of</p> <p>7 terminology, what is meant by projections? And</p> <p>8 can I achieve those projections -- after you</p> <p>9 explain what they are -- without a variance?</p> <p>10 MR. LOFGREN: No, we cannot. So the</p> <p>11 projections --</p> <p>12 MR. OTERO: You're talking about the</p> <p>13 neighboring people. Project 50 feet, 60 feet.</p> <p>14 What does that mean?</p> <p>15 MR. LOFGREN: As measured from the edge of</p> <p>16 their seawall cap out, which is exactly how</p> <p>17 we're measuring our projection.</p> <p>18 MR. OTERO: What is a projection? What is</p> <p>19 underneath? What is the structure evidence 60</p> <p>20 feet out? I'm not sure I follow.</p> <p>21 MR. LOFGREN: Okay. So each one of the</p> <p>22 neighboring properties, if I'm following your</p> <p>23 question, has a dock and then they have mooring</p> <p>24 piles. Several of them have boat lifts, as</p> <p>25 well, although we weren't able to find any</p>	<p style="text-align: right;">Page 18</p> <p>1 permits for the lifts there.</p> <p>2 So when I talk from a projection from the</p> <p>3 seawall in these neighboring properties, I'm</p> <p>4 talking about a dock first, wood or concrete,</p> <p>5 and then I'm talking about mooring piles beyond</p> <p>6 that point. So that's the structure that I'm</p> <p>7 talking about here.</p> <p>8 MR. OTERO: Maybe it will sink in later.</p> <p>9 I'm not sure that I follow that.</p> <p>10 MR. SOTELO: If I'm not mistaken, let me</p> <p>11 try, this is going to be the wooden stakes that</p> <p>12 are off of the dock itself that allow you to</p> <p>13 park in, but tying up the vessel?</p> <p>14 MR. LOFGREN: Right. That's exactly right.</p> <p>15 So those mooring piles, they hold you off of</p> <p>16 the dock. That's the idea behind them.</p> <p>17 MR. OTERO: Parking places?</p> <p>18 MR. LOFGREN: It's a parking spot. Sorry.</p> <p>19 And we're proposing the parking spot that we</p> <p>20 have. We're just proposing to use it with a</p> <p>21 lift, so that we can actually keep the vessel</p> <p>22 out of the water, protect it from waves,</p> <p>23 protect it from the weather, which is an</p> <p>24 important point here.</p> <p>25 MR. OTERO: There's a line of criteria that</p>
<p style="text-align: right;">Page 19</p> <p>1 appears to me is crucial in that, why is your</p> <p>2 situation unique and different? Like you said</p> <p>3 earlier, we have heard a lot of applications, a</p> <p>4 lot from you, as to the DERM requirement that</p> <p>5 you shall not build close to the property.</p> <p>6 MR. LOFGREN: That's right.</p> <p>7 MR. OTERO: What is unique about this lot</p> <p>8 that would not follow every other lot on Tahiti</p> <p>9 Beach?</p> <p>10 MR. LOFGREN: Well, it's the same issue</p> <p>11 that we would have at any other lot in this</p> <p>12 particular section, and that's that we're on</p> <p>13 Biscayne Bay, and being --</p> <p>14 MR. OTERO: So the fact that you're on</p> <p>15 Biscayne Bay makes it unique and then everybody</p> <p>16 should follow properly and seek and obtain a</p> <p>17 variance, because of Biscayne Bay?</p> <p>18 MR. LOFGREN: Right. So, in this</p> <p>19 particular case, you have heavy, heavy wave</p> <p>20 activity, not just from weather events, but</p> <p>21 from passing boaters. So, in this particular</p> <p>22 case, if you see where they're located -- let</p> <p>23 me go back to my aerial.</p> <p>24 They're located the closest you can</p> <p>25 possibly be to the channel that runs out of the</p>	<p style="text-align: right;">Page 20</p> <p>1 Coral Gables waterway, on the bay, to the</p> <p>2 right.</p> <p>3 MR. OTERO: Your argument would be that the</p> <p>4 proximity to the channel makes 15 Tahiti Beach</p> <p>5 Island unique as opposed to the ones to the</p> <p>6 north -- well, actually, to the south?</p> <p>7 MR. LOFGREN: Absolutely. Right. So</p> <p>8 they're closest to the channel on the bay,</p> <p>9 right. They're on the bay, which is a huge</p> <p>10 issue for us, because of the wave activity.</p> <p>11 That's, to me, a critical point of this,</p> <p>12 because we wouldn't be projecting out this far</p> <p>13 had that not been the case.</p> <p>14 There's Code already that allows us to</p> <p>15 project 25 feet. So there's Code that allows</p> <p>16 us to project. Even if we were just proposing</p> <p>17 mooring piles here, it would still require a</p> <p>18 variance, and you cannot park a boat here</p> <p>19 without a boat lift or without mooring piles.</p> <p>20 In fact, every single homeowner along this</p> <p>21 waterway has elected not to float a boat here,</p> <p>22 even though they have mooring piles, and there</p> <p>23 is a reason for that, and that's the weather,</p> <p>24 the weather and the boating activity, 100 or</p> <p>25 200 boats passing this particular point every</p>

<p style="text-align: right;">Page 21</p> <p>1 day.</p> <p>2 MR. OTERO: I'd like to ask the City</p> <p>3 whether that would be a compelling argument for</p> <p>4 the other lots to the south of this property?</p> <p>5 Are we going to be here listening to the other</p> <p>6 lots? That would be a compelling argument?</p> <p>7 I know the City has found that there is no</p> <p>8 unique situation. The Applicant asserts that</p> <p>9 there is, because of safety in waves. Would</p> <p>10 that apply to the other properties, also?</p> <p>11 THE SECRETARY: Mr. Chair, based on the</p> <p>12 records, those properties in the south, 14</p> <p>13 Tahiti Beach and 12 Tahiti Beach, already have</p> <p>14 gotten a variance for the work previously. I</p> <p>15 have not looked into the details of it, as to</p> <p>16 what are the special conditions when those</p> <p>17 variances were granted.</p> <p>18 But 14 Tahiti Beach, as the applicant has</p> <p>19 mentioned, their dock is projecting way more</p> <p>20 into Biscayne Bay, and 12 Tahiti Beach, I</p> <p>21 believe, the dock is projecting 28 feet from</p> <p>22 the dock -- from the seawall to the bay.</p> <p>23 CHAIRMAN HIDALGO: Just to clarify what</p> <p>24 Mr. Otero is asking, those other two properties</p> <p>25 that he mentioned, it's that the dock is</p>	<p style="text-align: right;">Page 22</p> <p>1 projecting past what Mr. Lofgren has in this</p> <p>2 particular case, not the lift?</p> <p>3 THE SECRETARY: Not the lift.</p> <p>4 CHAIRMAN HIDALGO: It's the docks that are</p> <p>5 actually projecting out.</p> <p>6 THE SECRETARY: Yes.</p> <p>7 MR. LOFGREN: I might clarify, our</p> <p>8 immediate neighbor to the south of us, their</p> <p>9 dock projects further than our boat lift is</p> <p>10 proposed to project. Their dock projects 43</p> <p>11 feet. We're 41-11.</p> <p>12 MS. GARCIA: And they have a boat lift out</p> <p>13 there?</p> <p>14 MR. LOFGREN: They don't have a boat lift.</p> <p>15 They have mooring piles 25 feet further out,</p> <p>16 which, again, is a structure.</p> <p>17 MS. GARCIA: So their projection is further</p> <p>18 out?</p> <p>19 MR. LOFGREN: Their projection for their</p> <p>20 dock is projected further than we're proposing.</p> <p>21 I actually have been here for variances before,</p> <p>22 in Cocoplum, where we've got a boat, we've got</p> <p>23 a dock, right, and that dock is 25 feet out,</p> <p>24 which is where we are, and then we are putting</p> <p>25 a boat lift beyond that allowable projection.</p>
<p style="text-align: right;">Page 23</p> <p>1 And that, to me, it's a very -- I know you</p> <p>2 don't want to hear it, but it a very common</p> <p>3 case for us, because that is our mooring space.</p> <p>4 That's where we're going to park a boat, right.</p> <p>5 We've pulled this dock back to avoid a</p> <p>6 variance for the dock. So our space on the</p> <p>7 inside is not allowable anymore. So, at that</p> <p>8 point, because we're unsafe, because we have</p> <p>9 wave activity that's pushing us into the</p> <p>10 seawall, we're looking for a mooring space on</p> <p>11 the outside edge of the dock, which is common,</p> <p>12 but on the inside of any other projection along</p> <p>13 this area. So we're not projecting as far.</p> <p>14 So we're asking for the minimum variance</p> <p>15 necessary that would allow us to park a boat in</p> <p>16 a lift to keep it safe.</p> <p>17 CHAIRMAN HIDALGO: So I have a couple of</p> <p>18 questions.</p> <p>19 MR. LOFGREN: Sure.</p> <p>20 CHAIRMAN HIDALGO: So the first question is</p> <p>21 leading to the two prior docks being destroyed.</p> <p>22 Would there be a consideration to build the</p> <p>23 docks out of concrete and not wood, meaning</p> <p>24 they're going to last longer, they may not get</p> <p>25 destroyed, and not deal with that factor?</p>	<p style="text-align: right;">Page 24</p> <p>1 I know there's a cost issue, but from the</p> <p>2 standpoint of longevity --</p> <p>3 MR. LOFGREN: So notwithstanding the cost</p> <p>4 issue, I took a look at 14 and 13 Tahiti Beach,</p> <p>5 which are the two properties immediately south</p> <p>6 of us. And both of those docks were concrete.</p> <p>7 One of them has wood, like an inland, and what</p> <p>8 we noticed from the storm, from Irma, is that</p> <p>9 there is a significant number of cracks and</p> <p>10 cracking that happened from Irma alone. So I</p> <p>11 can imagine what would have happened with</p> <p>12 Andrew or something similar.</p> <p>13 So, yes, I think generally concrete could</p> <p>14 allow for a longer lifespan of the dock, yes,</p> <p>15 but in this particular case, we saw damage all</p> <p>16 along that waterfront even to concrete docks.</p> <p>17 Some of the slabs were lifted and moved. So</p> <p>18 we're processing those approvals now.</p> <p>19 So, yes, I think that generally, but under</p> <p>20 the conditions that we had recently from Irma,</p> <p>21 I'm not sure much would improve it pertaining</p> <p>22 to the concrete.</p> <p>23 CHAIRMAN HIDALGO: My second question would</p> <p>24 be, from the standpoint of the location of the</p> <p>25 lift, one would be, can the dock move landward</p>

<p style="text-align: right;">Page 25</p> <p>1 more to prevent the lift from being so far 2 waterward or (B) that the dock be situated on 3 the north tip of the L-shaped dock, so that the 4 boat can actually come in from offshore, bow 5 towards the land and dock, it would be north of 6 the tip of the dock? 7 MR. LOFGREN: In regards to your first 8 question, I am of the mindset that we cannot 9 move the dock closer, and it goes back to a 10 point about safety and wave reflection. As we 11 move the dock closer and we move the boat 12 closer to the seawall, the waves get more 13 intense. The idea behind taking advantage of 14 the 25 feet that's allowed by Code is to get us 15 offshore enough to allow for those waves that 16 are reflecting to dissipate, and that's why I 17 think we need to be as far as we can away from 18 it. 19 This is not a typical concrete wall, where 20 you have rock along the shoreline that's going 21 to absorb those waves. This is a steel sheet 22 pile wall, with no rock, and so you just get 23 constant wave activity here, that's just 24 creating this really tumultuous heavy wave 25 climate, and that wasn't by the action of the</p>	<p style="text-align: right;">Page 26</p> <p>1 owner. There was steel sheet pile there from 2 before. 3 In regards to -- I'm not sure if this is 4 the second question -- but in regards to 5 pushing into the north, do you mean pushing it 6 to the north -- let me make sure I'm 7 understanding what you're asking. 8 Is it okay if we switch to the next? 9 Here? What were you asking in the second 10 question? 11 CHAIRMAN HIDALGO: So is there a way to 12 orient or situate the lift so instead of being 13 on the east side of the dock, for it to be on 14 the north tip of the dock, of the L-shaped? 15 MR. LOFGREN: So you're saying, can I 16 rotate it -- 17 CHAIRMAN HIDALGO: Correct. 18 MR. LOFGREN: Rotate it and have it be 19 perpendicular to the shoreline? 20 CHAIRMAN HIDALGO: So when the boat comes 21 in from the bay, bow towards the west, it would 22 dock itself perpendicular to the existing 23 seawall. 24 MR. LOFGREN: Not without a variance, and 25 I'll tell you why. For a 35-foot vessel and</p>
<p style="text-align: right;">Page 27</p> <p>1 given our dimension offshore, when you're 2 parking bow in or even stern in, but let's talk 3 bow in first, since you asked, bow in, it's 4 always a two-third one-third ratio with boat 5 lifts. Two-thirds of that level is sticking 6 forward in the lift, so that they're bow in. 7 So I would have to be projected roughly, 8 let's say, 20 feet offshore with the start of 9 my lift in order to be able to get the bow all 10 of the way in and not hit the seawall. Does 11 that make sense? 12 CHAIRMAN HIDALGO: Sure. 13 MR. LOFGREN: So by rotating it, it's going 14 to have to be projected, let's call it, 20 15 feet. Well, from 20, and then I've got my 16 piles, an additional 16 feet out, I'm at 36 17 feet already, and then I've got a level that 18 the stern of my vessel is projecting beyond 19 that point. It's already a variance. 20 CHAIRMAN HIDALGO: And then the bow gets to 21 be too close to the seawall. 22 MR. LOFGREN: No question about it. 23 Especially in a heavy wave climate, where I'm 24 trying to come in and hit the remote to lift 25 up. I can't be anywhere near that seawall.</p>	<p style="text-align: right;">Page 28</p> <p>1 The primary wind direction, again, is from 2 the southeast. So those waves are going to be 3 pushing me in, and I would not recommend to 4 this homeowner that they spin the boat around 5 and try to park stern, too, either, because of 6 the complexity of that maneuver here. 7 It's a safer environment to park coming in, 8 right, using the momentum of the waves -- I'm 9 sorry, you can't see where I'm pointing -- 10 using the momentum of the waves to push me 11 against the dock and then try to get into the 12 lift from the south. This is the safest 13 possible maneuver or design that we came up 14 with. 15 And to give you an idea, I certainly can't 16 move it to the south side, because if you'll 17 see, there's the D-5 triangle here, and that's 18 what we call a viewing corridor triangle, and 19 we actually approached the neighbor to get a 20 waiver to move everything to that side and 21 there was zero response. It was a, no, 22 essentially. 23 MR. OTERO: What are they doing today to 24 park their boat? 25 MR. LOFGREN: They have it at a marina and</p>

<p style="text-align: right;">Page 29</p> <p>1 they have for the last year, at considerable</p> <p>2 expense, while we get this figured out, because</p> <p>3 if you remember, the dock is destroyed. It's</p> <p>4 not there anymore. That's an important point.</p> <p>5 Same for the lift.</p> <p>6 MR. OTERO: I have one more question. Have</p> <p>7 there been any variances granted to do what</p> <p>8 this owner wants to do in this subdivision,</p> <p>9 i.e., to allow a watercraft lift to extend at</p> <p>10 least 41 feet? Have there been any variances</p> <p>11 granted? Are there any lifts in existence</p> <p>12 today?</p> <p>13 THE SECRETARY: Actually, the last Board of</p> <p>14 Adjustment meeting, one of the items, 156</p> <p>15 Paloma Drive, that the sample applicant is</p> <p>16 speaking today, they have received a variance</p> <p>17 for a watercraft lift outside of the dock line,</p> <p>18 but there was a special condition there that is</p> <p>19 evident, the mangrove fringe, that deterred</p> <p>20 them from having the boat lift inside of the</p> <p>21 dock.</p> <p>22 MR. OTERO: That was a DERM condition. But</p> <p>23 in this case, have there been any variances</p> <p>24 granted due to the safety issue presented by</p> <p>25 the Applicant?</p>	<p style="text-align: right;">Page 30</p> <p>1 THE SECRETARY: Not that I recall,</p> <p>2 Mr. Chair.</p> <p>3 MS. THROCKMORTON: Mr. Otero, I believe</p> <p>4 Arceli said before that there have been two</p> <p>5 variances granted for docks. Not knowing the</p> <p>6 reasons why those two were granted, without</p> <p>7 pulling the history of those, there have been</p> <p>8 two variances granted. That's not for lifts,</p> <p>9 but for docks projecting over 25, and without</p> <p>10 knowing what those special conditions they</p> <p>11 considered were.</p> <p>12 MR. OTERO: Is it, this property to the</p> <p>13 south, where there seems to be a dock coming</p> <p>14 out?</p> <p>15 MS. THROCKMORTON: And Mr. Lofgren</p> <p>16 presented the projection of that as 47 --</p> <p>17 MR. LOFGREN: Yeah. It's an important</p> <p>18 point to make, just to clarify, the dock was</p> <p>19 allowed at 43 feet immediately next to us,</p> <p>20 which is further than what we're proposing,</p> <p>21 right.</p> <p>22 MR. OTERO: Can I see that? Would this be</p> <p>23 the one that shows on the application?</p> <p>24 MR. LOFGREN: Yes. And, then, from there,</p> <p>25 the variance had to have included the mooring</p>
<p style="text-align: right;">Page 31</p> <p>1 piles that were offshore. Correct. So not</p> <p>2 only was it the dock, but if there's any</p> <p>3 concern about navigation, from that</p> <p>4 perspective, there are no vessels that are</p> <p>5 traveling inside, in the mooring space of this</p> <p>6 area, because those mooring piles demarcate --</p> <p>7 they set the boundary, so vessels travel</p> <p>8 outside the edge of the mooring piles, those</p> <p>9 structures.</p> <p>10 So those are permanent structures, just</p> <p>11 like this boat lift would be, and, again, we're</p> <p>12 not projecting further than that dock projects</p> <p>13 with our boat lift, and that homeowner has the</p> <p>14 right to park his vessel on the outside edge of</p> <p>15 the dock, the same thing that we're proposing.</p> <p>16 All it is a lift to get him out of the water to</p> <p>17 protect him from heavy wave activity in this</p> <p>18 particular area.</p> <p>19 MR. OTERO: Can you illustrate how far out</p> <p>20 your boat lift will go compared to the one --</p> <p>21 MR. LOFGREN: The first one south? All</p> <p>22 right. So that one is 43 feet. We're at</p> <p>23 41-11. It's exactly the same, essentially.</p> <p>24 MR. OTERO: It's about the same.</p> <p>25 CHAIRMAN HIDALGO: I mean, I'm familiar</p>	<p style="text-align: right;">Page 32</p> <p>1 with the condition, especially on that side of</p> <p>2 Tahiti Beach, because you do get a lot of wind</p> <p>3 and waves, as opposed to the interior channels</p> <p>4 that we've seen in the Board before, where</p> <p>5 they're very protected. This, you're</p> <p>6 completely exposed to the bay and I guess the</p> <p>7 concern would be that the boat just keeps</p> <p>8 pounding up against the dock at some point.</p> <p>9 But to follow up on two comments that</p> <p>10 Mr. Otero made, so none of these lots that are</p> <p>11 facing the bay on Tahiti have lifts, right?</p> <p>12 MR. LOFGREN: No, some of them do. The</p> <p>13 question was, we weren't able to find a permit.</p> <p>14 CHAIRMAN HIDALGO: Permitted.</p> <p>15 MR. LOFGREN: Permitted. So, yes, if you</p> <p>16 take a look at four docks down from us -- I'm</p> <p>17 sorry, three docks, they've got a lift. Their</p> <p>18 projection of their dock is further out than</p> <p>19 ours. So their dock would have required a</p> <p>20 variance, and then they installed a lift on the</p> <p>21 inside. Again, we weren't able to find a</p> <p>22 building permit for that.</p> <p>23 There is one, that we don't see on the</p> <p>24 aerial that is on the screen, that actually has</p> <p>25 the lift on the outside edge of their dock.</p>

<p style="text-align: right;">Page 33</p> <p>1 That's the furthest dock to the south. You</p> <p>2 don't see that on here.</p> <p>3 CHAIRMAN HIDALGO: And how did the</p> <p>4 homeowner dock their vessel prior to it being</p> <p>5 destroyed by Irma when it was between the</p> <p>6 seawall and the dock?</p> <p>7 MR. LOFGREN: So the dock projected further</p> <p>8 out by three feet, roughly, and they had a</p> <p>9 narrower scope between their boat lift to</p> <p>10 pilings. So they came around and they could</p> <p>11 only do it on a calm weather day -- on a rough</p> <p>12 weather day, they couldn't do it -- so they</p> <p>13 came around and then they would go bow in</p> <p>14 inside the lift. The problem was, they kept</p> <p>15 damaging their boat from hitting the seawall,</p> <p>16 because if you imagine, you're coming around,</p> <p>17 right, and you're getting pushed --</p> <p>18 CHAIRMAN HIDALGO: But their stern would</p> <p>19 want to hit the seawall.</p> <p>20 MR. LOFGREN: Because your momentum is</p> <p>21 moving you in that direction, which is why they</p> <p>22 want to switch it and be able to come in from</p> <p>23 the south, where the momentum and the waves are</p> <p>24 pushing them against the dock instead of just</p> <p>25 fender, and then they can move into the lift</p>	<p style="text-align: right;">Page 34</p> <p>1 offshore.</p> <p>2 The intensity of the waves is going to be</p> <p>3 less. Everything is going to be a safer</p> <p>4 environment for them as they push offshore.</p> <p>5 MR. SOTELO: Don't they have trouble coming</p> <p>6 in anyway from that direction because of the</p> <p>7 neighbor's setup? I mean, to come in through</p> <p>8 that angle anyway would be a difficult --</p> <p>9 MR. LOFGREN: From the south?</p> <p>10 MR. SOTELO: Correct.</p> <p>11 MR. LOFGREN: That's why we moved -- can</p> <p>12 you switch back our -- that's why we moved the</p> <p>13 lift to the farthest edge -- there we go -- to</p> <p>14 the farthest edge of the dock, to the north end</p> <p>15 of our dock, so there was -- if you'll notice,</p> <p>16 there's 42 feet to our property line, and we're</p> <p>17 proposing a 35-foot vessel, and then the</p> <p>18 nearest closest mooring piles are -- I don't</p> <p>19 even have that dimension here, but would be</p> <p>20 another 10 feet.</p> <p>21 So they've got roughly 50 feet to maneuver</p> <p>22 a 35-foot vessel, which is doable, especially</p> <p>23 with the fender piles up against the dock, to</p> <p>24 be able to spin from the south, let that</p> <p>25 momentum carry them into the dock, and then</p>
<p style="text-align: right;">Page 35</p> <p>1 drive up onto the lift.</p> <p>2 So the other alternative for them, if there</p> <p>3 was a heavy, heavy wave climate, and they</p> <p>4 didn't want to risk the neighbor, it's to go</p> <p>5 through the north side, because you now have</p> <p>6 room. You don't have to worry so much about</p> <p>7 hitting the seawall in this particular area.</p> <p>8 The way we're oriented is really the safest</p> <p>9 possible way to present the most options. You</p> <p>10 would probably use the north side only in heavy</p> <p>11 traffic times. The majority of the time, they</p> <p>12 would use the south side access, but they can</p> <p>13 go either way.</p> <p>14 MS. THOMSON: I guess I'm always the one</p> <p>15 with the yachting experience. You know, I've</p> <p>16 got a home down in Key Largo and we're on the</p> <p>17 bay side, with a similar dock, only we're</p> <p>18 further out from the land. And I just came</p> <p>19 back from the weekend down there and our 65th</p> <p>20 wedding anniversary, and coming in, it was</p> <p>21 windy down there this past weekend, and we just</p> <p>22 have a 28-foot boat, and coming in from that</p> <p>23 wind into that kind of a dock, you really have</p> <p>24 to be skilled to get it in. And it's not only</p> <p>25 the wind, but it's the tides. So the two of</p>	<p style="text-align: right;">Page 36</p> <p>1 them together can kind of get frightening here</p> <p>2 and there.</p> <p>3 I happen to have a grandson that's a pretty</p> <p>4 good docker and when you see the way that they</p> <p>5 have to come in and shifting gears constantly</p> <p>6 and guide it, it can get away from you like</p> <p>7 this.</p> <p>8 That's the reason I think this is -- as a</p> <p>9 matter of fact, when they put this road in, in</p> <p>10 Tahiti Beach, and took the beach away from us,</p> <p>11 by the way, I wondered how they were going to</p> <p>12 get boats on the bay side safely, and I see how</p> <p>13 they do it.</p> <p>14 MR. LOFGREN: But that's why there's no</p> <p>15 boats floating in the water here. Those aerial</p> <p>16 tell the story.</p> <p>17 Do you have Google Earth on there?</p> <p>18 Getting back to your point, Oscar, if you</p> <p>19 zoom out and you took a look at the other</p> <p>20 channels in this area that are projected, every</p> <p>21 single waterway here has boats that are</p> <p>22 floating in the water. It tells a big story</p> <p>23 about the safety here, about what's happening</p> <p>24 on the bay. These are maybe the most expensive</p> <p>25 homes in that area, all right, and none of them</p>

<p style="text-align: right;">Page 37</p> <p>1 have large vessels that are parked up against 2 their dock. The condition just doesn't exist 3 for that. 4 MR. OTERO: But it's possible that they 5 will have them once this is granted, right? I 6 mean, if all of the neighbors come in with the 7 same argument, that the safety constitutes a 8 special condition, we could have numerous boat 9 docks, right? 10 MR. LOFGREN: With a boat lift? 11 MR. OTERO: Yes. 12 MR. LOFGREN: The conditions exist already 13 for -- 14 MR. THOMSON: I wanted to point out, you 15 can't put a huge yacht on a boat lift, okay. 16 So if that's what you're looking for -- 17 MR. OTERO: I understand. 18 MR. THOMSON: This is a 38. I think this 19 is the maximum you can try to get on a boat 20 lift. 21 MS. GARCIA: And if it's over 100 feet, 22 they could just dock it there, they don't need 23 a boat lift, correct? 24 MR. LOFGREN: Well, there's other issues 25 that we have with a hundred foot vessel. In my</p>	<p style="text-align: right;">Page 38</p> <p>1 experience, and we've done a lot of permitting 2 for vessels that are a hundred feet, you have 3 to beef up the outer piles in order to keep 4 that large of the vessel and the heavy load 5 that that's going to be pushing up with all of 6 the waves from destroying the dock. So they 7 would be back here for a variance to beef up 8 what I call mooring piles, which are those 9 piles that are off the dock 25 feet, et cetera, 10 so that they're strong enough to support. A 11 single pile would not support a hundred foot 12 vessel in the kind of wave load that we're 13 talking about here. 14 So they would be here for a variance to 15 request a structure offshore. It's the same 16 reason why we're here, just a different type of 17 structure. 18 MR. SOTELO: I have one last question for 19 the City. By granting this, if we were to 20 grant this, who and how are we impacting? Are 21 we impacting visibility to the neighbors? How 22 are we impacting the City itself, because from 23 what I've seen here, other than us violating or 24 changing the Code, there seems to be minimal 25 impact to entry into the waterway or even</p>
<p style="text-align: right;">Page 39</p> <p>1 visibility for the adjacent neighbors? 2 THE SECRETARY: This variance request is to 3 single-family homes. This property is fronting 4 the bay. Actually, Staff is in agreement with 5 that criteria. The reason Staff is 6 recommending denial is for special conditions, 7 which was Criteria 1, 2, 4 and 5, but with 8 regard to your question, Staff is in agreement 9 with that. 10 MR. LOFGREN: And if I may, just to address 11 your question about views to the neighbors, if 12 you don't mind -- I should be holding that 13 myself -- if you don't mind going to the 14 proposed condition. 15 We have something called the D-5 triangle, 16 and that D-5 triangle demarcates the view 17 corridor for each neighbor and corridor 5 has 18 to stay within our window. 19 MS. THROCKMORTON: Arceli, can you confirm 20 that notices were mailed to the neighbors 21 regarding this -- 22 THE SECRETARY: Yes. Notices were mailed 23 to the neighbors on November 20th. We have not 24 received any opposition. 25 MR. OTERO: It answers my question that I</p>	<p style="text-align: right;">Page 40</p> <p>1 was going to ask, so there is no neighbors that 2 called up -- so, really, the issue, as I see 3 it, is, the Board's flexibility in defining a 4 special condition, which is unique, since I've 5 been here, in terms of its safety issue. 6 Before today, it has been quite objective, 7 as you mentioned earlier. DERM says you should 8 not build. That's it. There's nothing to do 9 about it. This is more subjective. 10 Is there any magical engineering reason for 11 the 41 feet versus 36 versus 52? 12 MR. LOFGREN: Is there any, what? 13 MR. OTERO: Any magical engineering 14 rationale for the distance? 15 MR. LOFGREN: I tried to keep it as simple 16 as possible. Could we do an analysis? Sure, 17 we could. But the further offshore that we 18 are, the better and safer it is, because those 19 waves dissipate. 20 MR. OTERO: So 52 would be better? 21 MR. LOFGREN: Absolutely. 22 MR. OTERO: 60? 23 MR. LOFGREN: Better. At some point you're 24 going to hit a point, you know, where it's not 25 better, but the further we are from the</p>

<p style="text-align: right;">Page 41</p> <p>1 reflection coming off the seawall, the better.</p> <p>2 CHAIRMAN HIDALGO: So from a design intent,</p> <p>3 the idea was to keep that eastern tip of the</p> <p>4 lift within that D-5 triangle?</p> <p>5 MR. LOFGREN: Absolutely.</p> <p>6 CHAIRMAN HIDALGO: So what's governing the</p> <p>7 dimension of the dock is getting that lift as</p> <p>8 far waterward as possible, and then wherever</p> <p>9 the dock lands is where it lands, and it's a</p> <p>10 foot or two or three from where the prior dock</p> <p>11 was --</p> <p>12 MR. LOFGREN: Well, it was also because</p> <p>13 that dock projected beyond the D-5 boundary and</p> <p>14 DERM required that we go to the neighbor and</p> <p>15 get a waiver and we could not get the waiver.</p> <p>16 So we pulled that.</p> <p>17 All right. There's two reasons why we did</p> <p>18 what we did. Number One, there's a permit for</p> <p>19 it, right, we're in that footprint. There's a</p> <p>20 historic City permit right now that says we</p> <p>21 could be out 25-and-a-half feet and another 20</p> <p>22 feet.</p> <p>23 We pulled it in, because the neighbor had</p> <p>24 objected based on the D-5 boundary, but also</p> <p>25 because we're trying to not request as many</p>	<p style="text-align: right;">Page 42</p> <p>1 variances as we needed, right. It's better for</p> <p>2 us if we're out 25 feet. That wasn't allowed</p> <p>3 by DERM. So we pulled the dock in and we put</p> <p>4 the lift on the outside to keep it at a safe</p> <p>5 distance from the seawall and that wave</p> <p>6 reflection.</p> <p>7 MR. OTERO: I would ask the City Attorney,</p> <p>8 if the variance is granted, how narrow could it</p> <p>9 be granted? Could it be conditioned on not</p> <p>10 exceeding the triangle for the future owners or</p> <p>11 future applicants? Are there any other</p> <p>12 conditions that can be placed on the language</p> <p>13 of the variance?</p> <p>14 MS. THROCKMORTON: You could place</p> <p>15 conditions. I would note that any future dock</p> <p>16 that would be built there would have to come in</p> <p>17 for its own variance. So, you know, if this</p> <p>18 dock were destroyed again, and someone wants to</p> <p>19 come back with a different footprint, they</p> <p>20 would have to go through the same process.</p> <p>21 And the D-5 triangle, sounds to me, is a</p> <p>22 DERM condition, rather than a City condition.</p> <p>23 So to the extent that a waiver of that would be</p> <p>24 needed, that would have to go through DERM.</p> <p>25 The City doesn't have the right to waive that.</p>
<p style="text-align: right;">Page 43</p> <p>1 MR. OTERO: And it would not be binding on</p> <p>2 the neighbors, whatever language we put on this</p> <p>3 variance?</p> <p>4 MS. THROCKMORTON: No. This is for this</p> <p>5 subject property.</p> <p>6 MR. LOFGREN: We would be okay with the</p> <p>7 language that forces us inside the triangle.</p> <p>8 That's not something that we would object to.</p> <p>9 MR. OTERO: Well, it is already inside,</p> <p>10 so --</p> <p>11 MR. LOFGREN: Right.</p> <p>12 CHAIRMAN HIDALGO: But I think that any</p> <p>13 future docks, whether it's on this same</p> <p>14 property or an adjoining property, could not</p> <p>15 exceed the D-5, unless DERM would grant a</p> <p>16 variance.</p> <p>17 MS. GARCIA: I don't think we can assert</p> <p>18 that type of limitation.</p> <p>19 MS. THROCKMORTON: No, we cannot. We can</p> <p>20 only do that -- we can only set any conditions</p> <p>21 or whatever variance for this property and this</p> <p>22 project. So it's not even this property in</p> <p>23 perpetuity. Whatever project would come before</p> <p>24 us, again, would go through a variance process,</p> <p>25 because who knows what that project would be.</p>	<p style="text-align: right;">Page 44</p> <p>1 The DERM conditions, the City cannot waive</p> <p>2 them, the City cannot alter them, we cannot --</p> <p>3 if DERM would grant a waiver and the City</p> <p>4 wouldn't, DERM can give the waiver and the City</p> <p>5 would not give the variance, for instance, but</p> <p>6 the City cannot alter the DERM requirements.</p> <p>7 MR. OTERO: So just to be clear -- that was</p> <p>8 helpful, but just to be clear, you could not</p> <p>9 have gone outside the triangle without a waiver</p> <p>10 from DERM?</p> <p>11 MR. LOFGREN: That's correct. I'm sorry,</p> <p>12 it's not DERM. It's the neighbor.</p> <p>13 MR. OTERO: Okay.</p> <p>14 MS. THROCKMORTON: But, again, even if that</p> <p>15 waiver were procured by the property owner, the</p> <p>16 City would determine the variance.</p> <p>17 MR. OTERO: As we're doing today.</p> <p>18 MS. THROCKMORTON: As we're doing today,</p> <p>19 exactly.</p> <p>20 MS. GARCIA: Separate areas of power.</p> <p>21 MS. THROCKMORTON: I'm sure the City would</p> <p>22 like to have those powers, but --</p> <p>23 MS. GARCIA: I move to approve.</p> <p>24 CHAIRMAN HIDALGO: Any other questions or</p> <p>25 comments to Mr. Lofgren from the Board Members?</p>

<p style="text-align: right;">Page 45</p> <p>1 Okay. So the public forum is closed. Any</p> <p>2 comments within the Board Members relating to</p> <p>3 the case? Is there a motion?</p> <p>4 MS. GARCIA: Yes, move to approve.</p> <p>5 CHAIRMAN HIDALGO: We have a motion to</p> <p>6 approve. Is there a second?</p> <p>7 MR. THOMSON: Second.</p> <p>8 CHAIRMAN HIDALGO: It's been moved and</p> <p>9 seconded. Could we take a roll, please?</p> <p>10 THE SECRETARY: Ms. Garcia?</p> <p>11 MS. GARCIA: Yes.</p> <p>12 THE SECRETARY: Mr. Otero?</p> <p>13 MR. OTERO: Yes.</p> <p>14 THE SECRETARY: Mr. Sotelo?</p> <p>15 MR. SOTELO: Yes.</p> <p>16 THE SECRETARY: Mr. Thomson?</p> <p>17 MR. THOMSON: Yes.</p> <p>18 THE SECRETARY: Mr. Hidalgo?</p> <p>19 CHAIRMAN HIDALGO: Yes.</p> <p>20 MR. LOFGREN: Thank you very much.</p> <p>21 MS. THROCKMORTON: To be clear for the</p> <p>22 record, that was a finding that all of the nine</p> <p>23 -- all of the eight conditions for granting of</p> <p>24 the variance were satisfied in this</p> <p>25 application.</p>	<p style="text-align: right;">Page 46</p> <p>1 CHAIRMAN HIDALGO: Correct.</p> <p>2 MS. THROCKMORTON: Okay. Thank you.</p> <p>3 CHAIRMAN HIDALGO: Yes.</p> <p>4 MR. LOFGREN: Thank you very much.</p> <p>5 CHAIRMAN HIDALGO: Thank you.</p> <p>6 Does the City have any additional business</p> <p>7 for the Board?</p> <p>8 THE SECRETARY: Not at this time,</p> <p>9 Mr. Chairman.</p> <p>10 CHAIRMAN HIDALGO: Thank you very much.</p> <p>11 Everyone have a happy holidays.</p> <p>12 MS. THROCKMORTON: Arceli, do we have a</p> <p>13 meeting for January 2019?</p> <p>14 THE SECRETARY: It depends. Staff</p> <p>15 typically would like to bring in at least two</p> <p>16 applications before the Board. In this case,</p> <p>17 this application had been waiting for a month.</p> <p>18 That's why we only have one today.</p> <p>19 But we have some things working in the</p> <p>20 pipeline, but I don't know if they're going to</p> <p>21 make it for today's deadline.</p> <p>22 CHAIRMAN HIDALGO: Thank you.</p> <p>23 MR. THOMSON: Before we all run off, I</p> <p>24 would like to tell you, tomorrow I'm going to</p> <p>25 Tallahassee, where I'm being installed as a</p>
<p style="text-align: right;">Page 47</p> <p>1 Florida Veteran in the Florida Hall of Fame.</p> <p>2 They have a program where they bring in wartime</p> <p>3 veterans, who return to the community and serve</p> <p>4 their State and the community in a special way,</p> <p>5 and apparently I'm one of those that got</p> <p>6 honored.</p> <p>7 CHAIRMAN HIDALGO: Congratulations.</p> <p>8 MS. GARCIA: Congratulations.</p> <p>9 MR. SOTELO: Congratulations.</p> <p>10 MR. OTERO: As your spouse has, too.</p> <p>11 (Thereupon, the meeting was concluded at</p> <p>12 8:55 a.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</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 48</p> <p>1 C E R T I F I C A T E</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 5th day of December, 2018.</p> <p>17</p> <p>18</p> <p>19 SIGNATURE ON FILE</p> <p>20 _____</p> <p>21 NIEVES SANCHEZ</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>