

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES LOCAL PLANNING AGENCY (LPA)/ PLANNING AND ZONING BOARD MEETING VERBATIM TRANSCRIPT VIA ZOOM TELECONFERENCE WEDNESDAY, OCTOBER 14, 2020, COMMENCING AT 6:06 P.M.</p> <p>Board Members Present: Eibi Aizenstat, Chairman Robert Behar Rhonda A. Anderson Venny Torre Wayne "Chip" Withers Rene Murai Maria Velez</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Devin Cejas, Deputy Development Services Director/Zoning Official Jill Menendez, Administrative Assistant, Board Secretary Jennifer Garcia, City Planner Ana Restrepo, Principal Planner Arceli Redila, Principal Planner Craig Collier, Special Counsel Kara Kautz, Interim Preservation Officer</p> <p>Also Participating: Laura Russo, Esq., on behalf of Item E-1 Teofilo Victoria Carlos Silva Richard Tejera Bob Deresz Erik Fresen, Esq., on behalf of Item E-2</p>	<p style="text-align: center;">Page 2</p> <p>1 THEREUPON: 2 (The following proceedings were held.) 3 CHAIRMAN AIZENSTAT: Good evening, 4 everybody. This Board is comprised of seven 5 members. Four Members of the Board shall 6 constitute a quorum and the affirmative vote of 7 four members shall be necessary for the 8 adoption of any motion. If only four Members 9 of the Board are present, an applicant may 10 request and be entitled to a continuance to the 11 next regularly scheduled meeting of the board. 12 If a matter is continued due to a lack of 13 quorum, the Chairperson or Secretary of the 14 Board may set a Special Meeting to consider 15 such matter. In the event that four votes are 16 not obtained, an applicant may request a 17 continuance or allow the application to proceed 18 to the City Commission without a 19 recommendation. 20 Just a brief explanation of tonight's 21 meeting. This meeting was originally scheduled 22 as using a hybrid format, where only Board 23 Members and City Staff were to be physically 24 present at the Commission Chambers at the City, 25 due to the expiration of an Emergency Order</p>
<p style="text-align: center;">Page 3</p> <p>1 that was dated March 20th, which allowed local 2 government officials to meet and vote 3 virtually. The order was to set to expire 4 October 1st. This order has now been extended 5 until November 1st, and that's why we're doing 6 a virtual meeting. 7 Lobbyist Registration and Disclosure. Any 8 person who acts as lobbyist a pursuant to the 9 City of Coral Gables Ordinance Number 2006-11 10 must register with the City Clerk prior to 11 engaging in lobbying activities or 12 presentations before City Staff, Boards, 13 Committees and/or the City Commission. A copy 14 of the Ordinance is available in the Office of 15 the City Clerk. Failure to register and 16 provide proof of registration shall prohibit 17 your ability to present to the Board. 18 As Chair, I now officially call the City of 19 Coral Gables Planning and Zoning Board Virtual 20 Meeting of October 14, 2020 to order. Due to 21 COVID-19, Zoom platform is being used, along 22 with a dedicated phone line. The time is 6:06. 23 Jill, will you please call the roll? 24 THE SECRETARY: Rhonda Anderson? 25 MS. ANDERSON: Here.</p>	<p style="text-align: center;">Page 4</p> <p>1 THE SECRETARY: Robert Behar? 2 CHAIRMAN AIZENSTAT: If everybody can 3 please unmute themselves. 4 THE SECRETARY: The Board Members. 5 MR. BEHAR: Here. 6 CHAIRMAN AIZENSTAT: Okay. 7 THE SECRETARY: Rene Murai? 8 Rene Murai? 9 CHAIRMAN AIZENSTAT: He's raised his thumbs 10 up. 11 THE SECRETARY: Venny Torre? 12 MR. TORRE: Here. 13 THE SECRETARY: Maria Velez? 14 MS. VELEZ: Here. 15 THE SECRETARY: Chip Withers? 16 MR. WITHERS: Here. 17 THE SECRETARY: Eibi Aizenstat? 18 CHAIRMAN AIZENSTAT: Present. 19 Notice Regarding Ex Parte Communications. 20 Please be advised that this Board is a 21 quasi-judicial board, which requires Board 22 Members to disclose all ex parte communications 23 and site visits. An ex parte communication is 24 defined as any contact, communication, 25 conversation, correspondence, memorandum or</p>

<p style="text-align: right;">Page 5</p> <p>1 other written or verbal communication that</p> <p>2 takes place outside of the public hearing</p> <p>3 between a member of the public and a member of</p> <p>4 the quasi-judicial board regarding matters to</p> <p>5 be heard by the Board.</p> <p>6 If anyone made any contact with a Board</p> <p>7 Member regarding an issue before the Board, the</p> <p>8 Board Member must state, on the record, the</p> <p>9 existence of the ex parte communication and the</p> <p>10 party who originated the communication. Also,</p> <p>11 if a Board Member conducted a site visit</p> <p>12 specifically related to the case before the</p> <p>13 Board, the Board Member must also disclose such</p> <p>14 visit. In either case, the Board Member must</p> <p>15 state, on the record, whether the ex parte</p> <p>16 communication and/or site visit will affect the</p> <p>17 Board Member's ability to impartially consider</p> <p>18 the evidence to be presented regarding the</p> <p>19 matter. The Board Member should also state</p> <p>20 that his or her decision will be based on</p> <p>21 substantial competent evidence and testimony</p> <p>22 presented on the record today.</p> <p>23 Does any Board Member have such</p> <p>24 communication and/or site visit that they wish</p> <p>25 to disclose at this time?</p>	<p style="text-align: right;">Page 6</p> <p>1 MS. VELEZ: I visited the site this</p> <p>2 afternoon. It is down the street from my</p> <p>3 office on Almeria. So I drove by and looked at</p> <p>4 it.</p> <p>5 CHAIRMAN AIZENSTAT: Okay.</p> <p>6 MS. VELEZ: It will not impair my judgment</p> <p>7 today.</p> <p>8 CHAIRMAN AIZENSTAT: Thank you, Maria.</p> <p>9 Next will be the swearing in. Now, because</p> <p>10 we're doing it by Zoom, the swearing in process</p> <p>11 will be different than normal today. With the</p> <p>12 exception of attorneys, when we take up a</p> <p>13 quasi-judicial item, each member of the public</p> <p>14 will be sworn in before they speak. Also, I</p> <p>15 ask that each speaker first state their full</p> <p>16 name and address, for the record, prior to</p> <p>17 speaking.</p> <p>18 I will first ask Zoom platform participants</p> <p>19 wishing to speak or testify on a specific</p> <p>20 agenda item to please open your chat and send a</p> <p>21 direct message to Jill Menendez, stating the</p> <p>22 agenda item they would like to speak about and</p> <p>23 include your full name. Jill will call you</p> <p>24 when it's your turn. Depending on the number</p> <p>25 of speakers, I ask that you limit your remarks</p>
<p style="text-align: right;">Page 7</p> <p>1 to three minutes.</p> <p>2 There is also phone platform participants.</p> <p>3 After the Zoom participants are done, I will</p> <p>4 ask phone participants to comment on the agenda</p> <p>5 item. I'd ask you to limit your remarks to</p> <p>6 three minutes.</p> <p>7 Jill, is it correct that it's *9 for the</p> <p>8 phone participants? You're muted, Jill.</p> <p>9 THE SECRETARY: That's correct.</p> <p>10 CHAIRMAN AIZENSTAT: Okay. Thank you.</p> <p>11 I will also ask the Clerk for any</p> <p>12 e-comments or e-mails received to please read</p> <p>13 them for the record when the item is called</p> <p>14 for.</p> <p>15 The first thing I'd like to take up is the</p> <p>16 approval of the minutes of the September 9th,</p> <p>17 2020 meeting. Has everybody gotten a chance to</p> <p>18 look at them? Is there a motion?</p> <p>19 MS. ANDERSON: I have one -- a couple of</p> <p>20 corrections.</p> <p>21 CHAIRMAN AIZENSTAT: Yes, please.</p> <p>22 MS. ANDERSON: On Page 19, Line 1, change</p> <p>23 the phrase, "In that issue," to "On that</p> <p>24 issue." And on Page 19, Line 6, change "some</p> <p>25 much" to "usable."</p>	<p style="text-align: right;">Page 8</p> <p>1 I have no other changes.</p> <p>2 CHAIRMAN AIZENSTAT: Okay. Any other</p> <p>3 comments? No?</p> <p>4 MR. BEHAR: Motion to approve.</p> <p>5 CHAIRMAN AIZENSTAT: Rhonda, would you make</p> <p>6 -- I'm sorry, Robert?</p> <p>7 MR. BEHAR: Motion to approve.</p> <p>8 CHAIRMAN AIZENSTAT: Robert made a motion.</p> <p>9 MS. ANDERSON: Second.</p> <p>10 CHAIRMAN AIZENSTAT: We have Rhonda second.</p> <p>11 Any other comments? Having heard none, Jill,</p> <p>12 please call the roll.</p> <p>13 THE SECRETARY: Robert Behar?</p> <p>14 MR. BEHAR: Yes.</p> <p>15 THE SECRETARY: Rene Murai?</p> <p>16 CHAIRMAN AIZENSTAT: He's still muted.</p> <p>17 MR. MURAI: Yes.</p> <p>18 THE SECRETARY: Thank you.</p> <p>19 Venny Torre?</p> <p>20 MR. TORRE: Yes.</p> <p>21 THE SECRETARY: Maria Velez?</p> <p>22 MS. VELEZ: Yes.</p> <p>23 THE SECRETARY: Chip Withers?</p> <p>24 MR. WITHERS: Yes.</p> <p>25 THE SECRETARY: Rhonda Anderson?</p>

<p style="text-align: right;">Page 9</p> <p>1 MS. ANDERSON: Yes.</p> <p>2 THE SECRETARY: Eibi Aizenstat?</p> <p>3 CHAIRMAN AIZENSTAT: Yes. Thank you.</p> <p>4 Let me go over a little bit about the</p> <p>5 procedure that we're going to use tonight.</p> <p>6 First, we'll go ahead and have the</p> <p>7 identification of the item by Mr. Coller, next</p> <p>8 will be the presentation by Staff, followed by</p> <p>9 the presentation by the Applicant.</p> <p>10 Afterwards, I will go ahead and open it to</p> <p>11 public comment, first Zoom participants, then</p> <p>12 the phone line platform, and the e-comment or</p> <p>13 e-mail will be read into the record.</p> <p>14 Afterwards, the public comment will be closed</p> <p>15 and we'll have discussion by the Board. Then</p> <p>16 there will be a motion, discussion, or a second</p> <p>17 motion, in a vote event.</p> <p>18 Craig, would you please read the first item</p> <p>19 into the record?</p> <p>20 MR. COLLER: Yes. Item E-1, an Ordinance</p> <p>21 of the City Commission of Coral Gables</p> <p>22 approving the vacation of a public alleyway</p> <p>23 pursuant to Zoning Code Article 3, Division 12,</p> <p>24 Abandonment and Vacations" and City Code</p> <p>25 Chapter 62, Article 8, "Vacation, Abandonment</p>	<p style="text-align: right;">Page 10</p> <p>1 and Closure of Streets, Easements and Alleys by</p> <p>2 Private Owners and the City; Application</p> <p>3 Process," providing for the vacation of that</p> <p>4 portion of the east-west alley twenty feet in</p> <p>5 width lying west of the northerly extension of</p> <p>6 the west line of the eastern ten feet of Lot</p> <p>7 36, Block 10, Coral Gables Crafts Section,</p> <p>8 according to the plat thereof recorded in Plat</p> <p>9 Book 10, Page 40 of the Public Records of</p> <p>10 Miami-Dade County, Florida; providing for</p> <p>11 substitute perpetual access easement, setting</p> <p>12 forth terms and conditions; providing for an</p> <p>13 effective date.</p> <p>14 Item E-1, public hearing.</p> <p>15 CHAIRMAN AIZENSTAT: Thank you.</p> <p>16 Mr. Trias.</p> <p>17 MR. TRIAS: Thank you, Mr. Chairman.</p> <p>18 If I could have the PowerPoint. Thank you</p> <p>19 very much.</p> <p>20 The request is fairly straight forward.</p> <p>21 It's the vacation of a portion of an alley.</p> <p>22 Next.</p> <p>23 Vacation of a portion of an alley, and the</p> <p>24 alley is a standard alley within the standard</p> <p>25 plat of the Crafts Section. Next.</p>
<p style="text-align: right;">Page 11</p> <p>1 The vacation is highlighted in blue in this</p> <p>2 area. As you can see, it's a portion of the</p> <p>3 block, and then there's also a highlight in</p> <p>4 yellow, which is the alternative easement for</p> <p>5 travel, but also for utilities, that the</p> <p>6 Applicant is proposing. Next.</p> <p>7 The existing Land Use and Zoning, of</p> <p>8 course, is not affected, but this gives you a</p> <p>9 sense of the grid of the City and where the</p> <p>10 subject property is located. Next.</p> <p>11 These are the existing conditions. As was</p> <p>12 before, it's a parking lot used by Mercedes</p> <p>13 Benz and it is anticipated that in the future a</p> <p>14 project for a multi-story building will be</p> <p>15 proposed at the site; however, that has not</p> <p>16 been proposed yet. That's something that is</p> <p>17 expected in the future, and the Applicant may</p> <p>18 want to explain that further. Next.</p> <p>19 The time line of review, the DRC, the</p> <p>20 Development Review Committee, looked at this in</p> <p>21 August. This was not applicable for the Board</p> <p>22 of Architects. There was a neighborhood</p> <p>23 meeting in September. And today we're having</p> <p>24 the Planning & Zoning Board Meeting. Next.</p> <p>25 Letters to property owners were sent within</p>	<p style="text-align: right;">Page 12</p> <p>1 a thousand feet radius, as shown in this</p> <p>2 diagram. Next.</p> <p>3 And the public notification included two</p> <p>4 times letters to the property owners, two times</p> <p>5 the posting of the property, two times the</p> <p>6 website posting, and one newspaper</p> <p>7 advertisement for this meeting tonight. Next.</p> <p>8 The request is a vacation of the alley, and</p> <p>9 Staff is recommending approval with conditions,</p> <p>10 and the conditions are listed in the Staff</p> <p>11 report and we can discuss them after the</p> <p>12 Applicant makes a presentation.</p> <p>13 Thank you very much. That's the end of my</p> <p>14 presentation.</p> <p>15 CHAIRMAN AIZENSTAT: Thank you very much.</p> <p>16 At this time, we'll go ahead and have the</p> <p>17 Applicant make its presentation, please.</p> <p>18 Laura, are you muted?</p> <p>19 MS. RUSSO: There we go. I just got --</p> <p>20 thank you.</p> <p>21 Good evening, Mr. Chair, Members of the</p> <p>22 Planning & Zoning Board. For the record, Lara</p> <p>23 Russo, with offices at 2334 Ponce de Leon</p> <p>24 Boulevard. I am here this evening representing</p> <p>25 the owners of the property on both, the north</p>

<p style="text-align: right;">Page 13</p> <p>1 and south side of the alley, Brockway Limited 2 and Brockway Valencia Limited, who are also the 3 owners of Mercedes. 4 We are here this evening requesting 5 vacation of a portion of the alley, the western 6 portion, from Salzedo on the west, 265 feet 7 eastward -- just, for those of you that can 8 place it, the property on the north is bounded 9 by Valencia, on the south by Almeria. This 10 block also has a north-south alley that runs 11 way east of this, approximately -- immediately 12 behind the lots that face Ponce. 13 This alley vacation will have no impact on 14 that at all. We have been working with the 15 Public Works staff, with the substitute access 16 easement and utility easement. There are 17 currently utility easements in the alley. We 18 have contacted all of the relevant utilities, 19 Florida Power & Light, Verizon, Water & Sewer. 20 The City has a sewer system. So we've 21 contacted all of the utilities, we submitted 22 letters, and all of them are fine. 23 Development, at the time that the alley is 24 vacated and a development ensues, will require 25 relocation of the alley, coordination with all</p>	<p style="text-align: right;">Page 14</p> <p>1 of the utility companies and upgrading of 2 utilities in the area. 3 This property is currently under contract 4 with a Codina group. This is part of an 5 exchange. The City is in a contract with 6 Codina for the Fire Station, and for the 7 current Fire Station Municipal Building that is 8 being built. We are now a third party to that 9 contract. So either the City will deed the 10 property to us in exchange for us deeding this 11 property to Codina. 12 It is anticipated that the Codina group 13 that will be developing this property will do 14 so and will present plans to the City, which 15 will be subject to Site Plan review within a 16 year of the approval of the alley vacation. 17 I have only to say that we listened to 18 Public Works when they wanted additional width. 19 Normally alley vacations and substitution 20 access easements are the same width. Public 21 Works asked us to give them additional width, 22 so that they would have no issue with trucks 23 going in and out of the substitute access 24 easement, and as you can see, we complied. 25 We have seen the conditions that have been</p>
<p style="text-align: right;">Page 15</p> <p>1 imposed by Staff and we are in agreement with 2 the conditions. 3 And at this time, I respectfully request 4 your approval, and I am happy to answer any 5 questions you may have that I can. 6 Thank you. 7 CHAIRMAN AIZENSTAT: Thank you, Laura. 8 Jill, do we have any individuals for public 9 comment? 10 THE SECRETARY: No. 11 CHAIRMAN AIZENSTAT: None at all? 12 THE SECRETARY: No. 13 MS. RUSSO: If I may, just to let you 14 know -- 15 CHAIRMAN AIZENSTAT: Go ahead. 16 MS. RUSSO: Yes. I just wanted to let you 17 know that I've spoken to numerous neighbors 18 since the time that the property was posted, 19 and neighborhood letters went out, and the 20 neighborhood meeting was held. So I've spoken 21 to property owners that actually live in 22 Naples. I've spoken to property owners who 23 actually have offices that abut the alley. And 24 I have spoken to other people within the 25 thousand linear feet that have contacted my</p>	<p style="text-align: right;">Page 16</p> <p>1 office in respect, and explained the situation 2 to them and the reason for the request. 3 CHAIRMAN AIZENSTAT: Okay. Thank you. 4 Jill, do we have any e-mails or e-comments 5 that were received? 6 THE SECRETARY: None were received. 7 CHAIRMAN AIZENSTAT: None were received. 8 Okay. At this time, I'm going to go ahead 9 and close for public comment. 10 I'd like to open it up for Board 11 discussion. Rene, would you like to go first? 12 You're muted, Rene. 13 MR. MURAI: Laura, hi. 14 MS. RUSSO: Yes. 15 MR. MURAI: How are you? 16 MS. RUSSO: Fine, thank you. 17 MR. MURAI: Nice article in Gables Living 18 about your family. 19 MS. RUSSO: Thank you. Thank you. 20 MR. MURAI: Who owns the property to the 21 east? 22 MS. RUSSO: To the east, there are several 23 owners, to the east, both on Valencia and on 24 Almeria. 25 As you know, the alley, it bisects the</p>

<p style="text-align: right;">Page 17</p> <p>1 block, so there are property owners on the</p> <p>2 north side and there are property owners on the</p> <p>3 south side.</p> <p>4 MR. MURAI: Yeah. I lost -- just give me a</p> <p>5 second, because I lost where I was. Sorry.</p> <p>6 Go ahead and have -- Eibi, have somebody</p> <p>7 else, so I can get back to where I was before,</p> <p>8 and I'd like to come back.</p> <p>9 CHAIRMAN AIZENSTAT: Okay. I'll come back</p> <p>10 to you.</p> <p>11 Rhonda, would you go ahead next, please?</p> <p>12 MS. ANDERSON: Am I? Yes. Yes.</p> <p>13 Okay. I'm getting up to speed with this</p> <p>14 particular venue still.</p> <p>15 Laura, I had a couple of questions for you.</p> <p>16 Who's responsible for doing the improvements</p> <p>17 for the alley, your client, or which one -- are</p> <p>18 your clients supposed to do it?</p> <p>19 MS. RUSSO: Well, I'm only representing the</p> <p>20 current property owners. The contract</p> <p>21 purchaser has in-house counsel, and I'm sure</p> <p>22 they will be -- they will be handling it at the</p> <p>23 time of submitting their plans for Site Plan</p> <p>24 review, that is when the improvements to the</p> <p>25 alley will be all done as part of an overall</p>	<p style="text-align: right;">Page 18</p> <p>1 project.</p> <p>2 MS. ANDERSON: Including the utilities? Or</p> <p>3 are those going to be --</p> <p>4 MS. RUSSO: Including the utilities.</p> <p>5 MS. ANDERSON: Okay. All right.</p> <p>6 And, curiosity, it said that there has to</p> <p>7 be a payment for the loss of parking on Almeria</p> <p>8 Avenue. How much does that amount to?</p> <p>9 MS. RUSSO: That is a very good question,</p> <p>10 and I think maybe only Kevin Kinney can tell us</p> <p>11 what that is. I'm imagining, in 35 feet,</p> <p>12 that's probably two parking spaces, maximum,</p> <p>13 depending on where that 35 feet lands on the</p> <p>14 metered parking that exists on Almeria.</p> <p>15 MS. ANDERSON: Okay. And in the past, the</p> <p>16 changes to this particular lot or the alley</p> <p>17 vacation is conditioned upon Site Plans being</p> <p>18 approved. I'm just a little concerned that if</p> <p>19 just Site Plans are approved and we don't</p> <p>20 actually have a permit issued and construction</p> <p>21 began, that there should be a Condition of</p> <p>22 Approval in there for that, as well.</p> <p>23 MS. RUSSO: I believe the proposed</p> <p>24 Ordinance, and working with the City Attorney's</p> <p>25 Office, there is a time frame within which the</p>
<p style="text-align: right;">Page 19</p> <p>1 contract purchaser has to submit the proposed</p> <p>2 plan and a time frame within which it has to be</p> <p>3 approved. If not, the alley vacation is</p> <p>4 undone.</p> <p>5 CHAIRMAN AIZENSTAT: It's reverted back.</p> <p>6 MS. RUSSO: It's reverted, correct.</p> <p>7 MR. TRIAS: And that is one year. That's</p> <p>8 what the condition says right now.</p> <p>9 MS. ANDERSON: So, Ramon, can you clarify</p> <p>10 what would happen if a permit is not actually</p> <p>11 pulled on the property?</p> <p>12 MR. TRIAS: Well, we could make it more</p> <p>13 clear, if you would like. I mean, right now,</p> <p>14 you're right, it says that you have to get the</p> <p>15 Site Plan approved within a year or the</p> <p>16 Ordinance is null and void.</p> <p>17 MS. RUSSO: Ramon, I believe it says there</p> <p>18 has to be approval, and if I'm not mistaken,</p> <p>19 the condition says, you have to submit within a</p> <p>20 year and get approval.</p> <p>21 MR. TRIAS: Yeah, that's what it says.</p> <p>22 MS. RUSSO: Okay.</p> <p>23 MR. TRIAS: And beyond that, I mean,</p> <p>24 certainly we could include, and get a building</p> <p>25 permit and get inspections and so on, but I</p>	<p style="text-align: right;">Page 20</p> <p>1 think it's sufficient for the purposes of the</p> <p>2 abandonment, given the fact that there's</p> <p>3 multiple other steps that need to take place.</p> <p>4 MS. ANDERSON: Yeah. Well, we've seen</p> <p>5 properties before, where, you know, Site Plans</p> <p>6 were submitted and permits eventually weren't</p> <p>7 pulled and the construction didn't happen. So</p> <p>8 that's my concern, you know, especially with</p> <p>9 the changing times right now. We're not sure</p> <p>10 if, you know, plans will actually be built.</p> <p>11 MR. TRIAS: We could research that a little</p> <p>12 bit more carefully as it goes through the</p> <p>13 process, but I think the intent is to say,</p> <p>14 within a year, you need to have a project.</p> <p>15 That project includes the plan and the permits,</p> <p>16 and multiple other things that would allow for</p> <p>17 the enforcement of the Ordinance.</p> <p>18 MS. ANDERSON: Okay. If we could clarify</p> <p>19 that, just to add the permitting language, I</p> <p>20 have no other questions.</p> <p>21 MR. TRIAS: Sure.</p> <p>22 CHAIRMAN AIZENSTAT: Thank you.</p> <p>23 Rene, coming back to you, are you all set?</p> <p>24 MR. MURAI: Yeah.</p> <p>25 Laura, to the east of the east boundary of</p>

<p style="text-align: right;">Page 21</p> <p>1 the alley, the portion of the alley being 2 vacated, there's other property owners. 3 MS. RUSSO: Yes. 4 MR. MURAI: And they, I guess, because they 5 haven't spoken, they don't really mind having 6 this alley, which provides access to their 7 property from Salzedo, I guess -- they don't 8 mind having this whole thing vacated? 9 MS. RUSSO: I've spoken to a couple of 10 them, and they actually have an issue with the 11 use of the alley now by the current owner. So 12 some of them would -- expressed that they might 13 be happier with a project that would not have 14 as much, let's call it, vehicular traffic going 15 in and out of the alley, since it's used as 16 a -- as where inventory is held and cars are 17 delivered and moved and what have you. 18 So having spoken to them, I let them know 19 that there would be a Site Plan. They would 20 have an opportunity to see what the Site Plan 21 is. Their property, for those that are east, 22 there still is access from the alley, both from 23 the north and the south, that would allow them 24 to come into the alley and head west and then 25 exit the alley on Almeria.</p>	<p style="text-align: right;">Page 22</p> <p>1 If you see where the substitute easement 2 is, the property immediately north of the 3 substitute easement is actually owned by my 4 client, Brockway, and so it is east of that, 5 that it begins to be owned by someone else. 6 MR. MURAI: But is the property 7 (unintelligible). 8 Hello? Hello? 9 CHAIRMAN AIZENSTAT: Yes. 10 MR. MURAI: I just lost the image, but it's 11 okay. 12 So, Laura, I can't see you, but -- okay, 13 now I can see you. 14 To the north of the alley and to the south, 15 is that the parking lot today for the Mercedes 16 cars? 17 MS. RUSSO: From Lots 1 through 12 on the 18 north, and Lots 35, which is now going to be 19 part of the substitute easement, from 35 west 20 to Lot 46, is currently where the Mercedes 21 parking lot and inventory -- and vehicles are 22 kept right now. 23 MR. MURAI: But both sides of the alley? 24 MS. RUSSO: That is correct, on both sides 25 of the alley.</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. MURAI: And is the alley in use today? 2 MS. RUSSO: The alley is in use by -- yes. 3 I mean, it is in use. Mercedes uses it for 4 delivery of cars, for moving cars around. 5 Waste Management accesses the property. And 6 there's currently a sewer line in the alley. 7 AT&T has lines, FPL. 8 MR. MURAI: Yeah, I heard that part. 9 MS. RUSSO: Yeah. 10 MR. MURAI: There's a curb cut on Salzedo 11 leading into the alley today? 12 MS. RUSSO: Yes, there is. That is correct. 13 MR. MURAI: I mean, I've seen this property 14 three thousand times and I don't remember, 15 frankly, the alley. I do remember the Mercedes 16 cars, because I've gone to look at them. Not 17 to buy them, by the way, just to look. 18 So, if the owners to the east don't have an 19 interest in the alley, and the City is okay 20 with vacating it, and the utilities are not 21 objecting, I don't see any reason not to grant 22 their vacation. 23 Ramon, is there any reason not to? 24 MR. TRIAS: No. Staff is recommending 25 approval and the geometry of the easement works</p>	<p style="text-align: right;">Page 24</p> <p>1 pretty well with the alley. 2 MR. MURAI: The geometry? 3 MR. TRIAS: The proposed easement at 90 4 degrees there. 5 MR. MURAI: The geometry works well? 6 MR. TRIAS: Yes. And I mean it, 7 specifically, because it's 35 feet wide. It's 8 wider than the 20 feet typical alley. 9 MR. MURAI: Okay. Well, I'm glad you 10 clarified what geometry means within this 11 context. Thank you. 12 CHAIRMAN AIZENSTAT: Thank you, Rene. 13 Venny. 14 MR. TORRE: I have a couple of questions. 15 The Staff report -- let me back up a second. 16 The removal of the parking spaces, I suspect 17 there are only two, maybe three, that are 18 related to the new alley? Is that what's 19 referred to as removal? 20 MR. TRIAS: Yes. 21 MR. TORRE: Okay. And I was going to look 22 at my Google Maps. When you do this new alley, 23 I think it's adjacent to this smaller building, 24 are you proposing that that little building 25 will be gone or is this new alley going to run</p>

<p style="text-align: right;">Page 25</p> <p>1 right by this?</p> <p>2 MS. RUSSO: I'm not quite sure, when you</p> <p>3 say, "The little building," which little</p> <p>4 building are you referring to?</p> <p>5 MR. TORRE: I believe, when I look at the</p> <p>6 lot -- the smaller building that runs north and</p> <p>7 south, I think, the little building, and I</p> <p>8 think that the new alley runs right next to it.</p> <p>9 I believe it's --</p> <p>10 MS. RUSSO: To the west of it? To the west</p> <p>11 of it?</p> <p>12 MR. TORRE: Yeah. Yeah.</p> <p>13 MS. RUSSO: Okay. So that building does</p> <p>14 not belong to us. It has another owner. And</p> <p>15 that building, as far as I know, since we have</p> <p>16 no control of it, will remain, and one of the</p> <p>17 reasons for the extra width of the substitute</p> <p>18 access easement and utility was so that you</p> <p>19 could go around that building, if you had to go</p> <p>20 in with one of the fire trucks that -- Public</p> <p>21 Works asked for several turning radii to be</p> <p>22 submitted to them. That truck, if we did only</p> <p>23 twenty coming off, you wouldn't be able to make</p> <p>24 the turn.</p> <p>25 So the additional fifteen feet was granted,</p>	<p style="text-align: right;">Page 26</p> <p>1 so that that turn could be made, of a vehicle</p> <p>2 running westbound and then southbound without</p> <p>3 having any impact on the existing building just</p> <p>4 to the east of the proposed access easement.</p> <p>5 MR. TORRE: And does the creation of that</p> <p>6 new easement cause any hindrance or problems to</p> <p>7 that building in its development, future</p> <p>8 development, or current state?</p> <p>9 MS. RUSSO: I don't know what you mean by</p> <p>10 hindrance. It's currently built on the setback</p> <p>11 line. If you read the Conditions of Approval,</p> <p>12 the substitute access easement has to remain</p> <p>13 clear. So, other than cars driving by it, you</p> <p>14 know, it shouldn't in any way hinder its</p> <p>15 development, if the building wanted to be torn</p> <p>16 down and rebuilt. I believe it's currently in</p> <p>17 use right now.</p> <p>18 MR. TORRE: So the only real -- I mean, I</p> <p>19 have no concerns with the vacation. I don't</p> <p>20 think it's controversial. I think it's fine.</p> <p>21 So the only thing I just wanted to know</p> <p>22 more about, is it normal to do these vacations</p> <p>23 ahead of a project? Has this been done</p> <p>24 normally? Is there a condition to the sale or</p> <p>25 transfer to Codina with Mercedes that this be</p>
<p style="text-align: right;">Page 27</p> <p>1 done ahead of it? That's one question.</p> <p>2 And the reason I ask is because, in the</p> <p>3 conditions, it states that there's an Exhibit</p> <p>4 B, which is general Site Plan attached hereto</p> <p>5 as Exhibit B, which does not exist yet. So how</p> <p>6 do you --</p> <p>7 MS. RUSSO: Venny, there was an Exhibit B,</p> <p>8 which was just a volumetric, but it was nothing</p> <p>9 that showed anything except basically a box on</p> <p>10 the property in question that was submitted.</p> <p>11 So, you know, as far as the time tables, I</p> <p>12 think that's why the Ordinance has time tables,</p> <p>13 in order to allow the contract purchaser to</p> <p>14 start working on proposed plans.</p> <p>15 And, again, if for whatever reason the</p> <p>16 plans are not done or do not get approved, then</p> <p>17 this alley vacation would revert.</p> <p>18 MR. TORRE: And, again, it's not an issue,</p> <p>19 it's just a matter of understanding, is it</p> <p>20 normal to just go about getting these ahead of</p> <p>21 the project being completely planned and</p> <p>22 proposed, that we do try to do these?</p> <p>23 MR. TRIAS: It's not typical, but I</p> <p>24 wouldn't describe it as something that is not</p> <p>25 reasonable.</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. TORRE: Okay. I have no further</p> <p>2 questions. I have no problems with it.</p> <p>3 CHAIRMAN AIZENSTAT: Okay. Before I go</p> <p>4 ahead and call Robert next, there are some</p> <p>5 people -- my understanding is, there are some</p> <p>6 people that did not understand how to go ahead</p> <p>7 and be recognized to speak. So when the Board</p> <p>8 is done with their questions and answers, I'm</p> <p>9 going to open it up again, but you must send a</p> <p>10 chat to Jill Menendez, telling her that you</p> <p>11 want to speak, with your name, and she will</p> <p>12 call your name. If you don't do that, there's</p> <p>13 no way that we know that you want to speak.</p> <p>14 So please do that. By phone, it's *9, and</p> <p>15 by Zoom, you go to the very bottom, there's a</p> <p>16 place where it says, "Chat," and you look at</p> <p>17 where it says, "Privately," and look for Jill's</p> <p>18 name and send it to her, okay? Thank you.</p> <p>19 Robert, you're up.</p> <p>20 MR. BEHAR: Thank you, Eibi.</p> <p>21 In principle, I don't have an issue with</p> <p>22 this. I just have two questions. The</p> <p>23 perpetual easement, access easement, that you</p> <p>24 are giving the City, Laura, will stay, and the</p> <p>25 future project has the right -- or Ramon -- to</p>

<p style="text-align: right;">Page 29</p> <p>1 build over that area, correct?</p> <p>2 MS. RUSSO: I believe, if you read the</p> <p>3 Ordinance, it says that a vertical clearance</p> <p>4 extending the full length and width of the</p> <p>5 easement shall be provided above the easement.</p> <p>6 MR. BEHAR: But it doesn't say how high,</p> <p>7 which I think we need to -- you know, I would</p> <p>8 recommend that we put -- and I believe that</p> <p>9 that vertical height has to be seventeen feet</p> <p>10 to meet the Fire Department and all.</p> <p>11 MS. RUSSO: That's a minimum.</p> <p>12 MR. BEHAR: Yeah, at a minimum. So I think</p> <p>13 it would be prudent to have that number there,</p> <p>14 okay, because I think it's -- in the past,</p> <p>15 we've seen that.</p> <p>16 The next question that I have is, we're</p> <p>17 vacating 5,300 square feet, and then we give</p> <p>18 the FAR that goes with that, 3.5, there's a</p> <p>19 gain of an additional 18,550 square feet that</p> <p>20 the future development will benefit from. Is</p> <p>21 the City getting compensated anything for that</p> <p>22 square footage?</p> <p>23 MS. RUSSO: I think I'll allow Craig Collier</p> <p>24 to answer that, but Florida Law does not allow</p> <p>25 compensation for alley vacations or</p>	<p style="text-align: right;">Page 30</p> <p>1 right-of-way vacations. And I'm not the</p> <p>2 developer who is going to be developing, but I</p> <p>3 suspect that when the Site Plan comes in, there</p> <p>4 will be opportunities to see how the City is</p> <p>5 benefited by the particular Site Plan and what</p> <p>6 has been done to internalize -- as you know,</p> <p>7 most high rise projects will internalize the</p> <p>8 alley uses within the project.</p> <p>9 MR. BEHAR: Craig, you may want to answer</p> <p>10 that first, before I go again.</p> <p>11 MR. COLLIER: Right. I think there's some</p> <p>12 generalized benefit from the City that this was</p> <p>13 part of a three-part land swap, but I don't</p> <p>14 believe that you can directly compensate the</p> <p>15 City for the vacation of the easement. I think</p> <p>16 that's correct.</p> <p>17 Of course, there's got to be a public</p> <p>18 purpose to this, which they're doing, but a</p> <p>19 direct compensation, not necessarily.</p> <p>20 MR. BEHAR: But I thought --</p> <p>21 MR. COLLIER: I do think, your point,</p> <p>22 though, on the vertical clearance, I just</p> <p>23 wanted to get an understanding of that. So, in</p> <p>24 condition small (e), the vertical clearance</p> <p>25 extending the full length and width of the</p>
<p style="text-align: right;">Page 31</p> <p>1 easement shall be provided above the easement,</p> <p>2 so it's your suggestion that it should be at a</p> <p>3 minimum of seventeen feet in height? Is that</p> <p>4 what you're suggesting?</p> <p>5 MR. BEHAR: That is, I think, what is going</p> <p>6 to be required to meet the fire trucks, because</p> <p>7 if the Fire Department does come through the</p> <p>8 alley, they have to find a way to get out, and</p> <p>9 I think seventeen feet is what I experienced in</p> <p>10 the project on Columbus Center.</p> <p>11 MR. COLLIER: Do you think it would be</p> <p>12 better maybe to say vertical clearance as</p> <p>13 required by the Fire Department, so we don't --</p> <p>14 MS. RUSSO: And Public Works. Maybe by</p> <p>15 Public Works and the Fire Department.</p> <p>16 MR. COLLIER: I think that will be better,</p> <p>17 maybe, than seventeen feet, because we don't</p> <p>18 know -- that's what you encountered, maybe --</p> <p>19 it might be different here.</p> <p>20 MR. BEHAR: Okay. But this is something</p> <p>21 that is -- you know, that has to comply to the</p> <p>22 Fire Department's, you know, requirement.</p> <p>23 MR. COLLIER: Sure.</p> <p>24 MR. TRIAS: We can come up with appropriate</p> <p>25 language. Seventeen feet has been in the past.</p>	<p style="text-align: right;">Page 32</p> <p>1 Either that or some other language. Certainly,</p> <p>2 I can do that.</p> <p>3 MR. BEHAR: Yeah. I'm okay with something</p> <p>4 like that.</p> <p>5 MR. COLLIER: Okay.</p> <p>6 MR. BEHAR: By the way, there have been</p> <p>7 cases where, when the vacation of the alley has</p> <p>8 occurred, the City has had some financial</p> <p>9 benefit for that vacation. I don't have a</p> <p>10 problem vacating. You know, 18,550 square feet</p> <p>11 is a lot of square footage. I just think that</p> <p>12 something, you know, will be appropriate for</p> <p>13 that.</p> <p>14 CHAIRMAN AIZENSTAT: Robert, I recall, in</p> <p>15 the past, when we've had alley vacations,</p> <p>16 there's been something that has been proffered</p> <p>17 or given to the City; is that correct? Do you</p> <p>18 recall that?</p> <p>19 MR. BEHAR: That's exactly what I'm</p> <p>20 referring to.</p> <p>21 CHAIRMAN AIZENSTAT: Okay. I do recall</p> <p>22 that.</p> <p>23 MR. COLLIER: There may have been a</p> <p>24 voluntary proffer from the applicant.</p> <p>25 CHAIRMAN AIZENSTAT: But, also, I think</p>

<p style="text-align: right;">Page 33</p> <p>1 that, Robert, what we have always seen is, we</p> <p>2 have always seen that in conjunction with a</p> <p>3 Site Plan.</p> <p>4 MR. BEHAR: Correct, which we're not seeing</p> <p>5 today.</p> <p>6 CHAIRMAN AIZENSTAT: This is the first time</p> <p>7 I'm seeing something like this, without a Site</p> <p>8 Plan.</p> <p>9 MR. BEHAR: You know, and I know -- and it</p> <p>10 goes back to the original Collection</p> <p>11 Residences, that they -- there was a payment in</p> <p>12 in exchange for the vacation of the alley that</p> <p>13 had to be made.</p> <p>14 MR. COLLER: But just a point about this,</p> <p>15 if a Site Plan is not approved, then the</p> <p>16 vacation goes away. So the control of what's</p> <p>17 going to be there is still in the hands of</p> <p>18 City, because there cannot -- if they don't get</p> <p>19 a Site Plan that's approved, then the vacation</p> <p>20 goes away, so --</p> <p>21 MR. BEHAR: But, Craig, at that point, it's</p> <p>22 too late for us, because at that point is just</p> <p>23 the approval of the Site Plan. At that point,</p> <p>24 you know, this Board cannot -- look, I'm in</p> <p>25 favor -- you know, like I say, I'm in favor of</p>	<p style="text-align: right;">Page 34</p> <p>1 vacation, but I think that something needs to</p> <p>2 be done, because it has been done in the past.</p> <p>3 MR. COLLER: But does the Site Plan, Ramon,</p> <p>4 go back before the Planning & Zoning Board or</p> <p>5 how is that --</p> <p>6 MR. TRIAS: Yes. Yes. And I think that</p> <p>7 what Craig was saying is that if you don't</p> <p>8 think the project is good enough, you could not</p> <p>9 recommend approval of the Site Plan, and if</p> <p>10 that Site Plan is not approved, then simply the</p> <p>11 vacation is null. So, I think, yes, this is</p> <p>12 not typical. This is not the typical process.</p> <p>13 Usually you get a chance to work in the project</p> <p>14 at the same time; however, the preference by</p> <p>15 the Applicant has been to go forward and the</p> <p>16 City is supporting that request, with the</p> <p>17 understanding that you will get a chance, in</p> <p>18 the future, in the near future, within a year,</p> <p>19 to review the plan and to design it</p> <p>20 accordingly. So I think that's the request.</p> <p>21 MR. BEHAR: But, Ramon, I am confident that</p> <p>22 at the time that a Site Plan will come, the</p> <p>23 developer will submit a plan that is acceptable</p> <p>24 and a great plan, I'm sure, and I -- you know,</p> <p>25 probably, most likely, will be approved.</p>
<p style="text-align: right;">Page 35</p> <p>1 The point I'm making is that, we're giving</p> <p>2 that site an additional 18,550 square feet and</p> <p>3 the City is not getting anything in return, and</p> <p>4 in the past, we have had that condition</p> <p>5 imposed. You know, in the Collection</p> <p>6 Residences, I'm sure you remember, the original</p> <p>7 plan did impose that -- you know, required that</p> <p>8 the developer contribute, I don't remember how</p> <p>9 much that was, but it was --</p> <p>10 MR. TRIAS: There was also a requirement</p> <p>11 for a paseo, a requirement for a lot of public</p> <p>12 benefits that were related to that project, and</p> <p>13 that later on, other projects had to follow.</p> <p>14 So I think that's likely to happen when the</p> <p>15 Site Plan comes to you. Unfortunately, we</p> <p>16 don't have it yet.</p> <p>17 CHAIRMAN AIZENSTAT: But, Craig, let me ask</p> <p>18 you a question, piggybacking off of what Robert</p> <p>19 was saying. I think what Robert is getting to</p> <p>20 is, once this is approved, because we can't get</p> <p>21 any money for the City or ask for any money for</p> <p>22 the City, in a Site Plan, at that point,</p> <p>23 they're going to get 18,500 square feet,</p> <p>24 roughly, of more building. At that point, we</p> <p>25 can't say, well, you've got to give the City</p>	<p style="text-align: right;">Page 36</p> <p>1 something for the 18,500 square feet, because</p> <p>2 that was already approved --</p> <p>3 MR. COLLER: Maybe you can't do it that</p> <p>4 way, but when somebody proposed a Site Plan,</p> <p>5 there may be public realm proposals as part of</p> <p>6 that Site Plan, just like there's public realm</p> <p>7 improvements for Paseo and other projects. So</p> <p>8 I think part of the problem here is, actually,</p> <p>9 the person that currently owns the property, is</p> <p>10 not the person that's going to be developing</p> <p>11 the property. There's an envision of the sale</p> <p>12 of the property and another developer is going</p> <p>13 to develop the property, but that developer, to</p> <p>14 get a Site Plan approved, it may be that he may</p> <p>15 be providing public realm improvements, just</p> <p>16 like we had with every other Site Plan that</p> <p>17 this Board -- has been brought to you.</p> <p>18 MR. TRIAS: Mr. Chairman, you can be</p> <p>19 assured that that's the first thing that Staff</p> <p>20 is going to tell the applicant, that they have</p> <p>21 to provide the public benefit that is</p> <p>22 appropriate, given the decisions that the City</p> <p>23 is making. That happens all of the time. And</p> <p>24 by the time it gets to you, as the Planning &</p> <p>25 Zoning Board, hopefully it's already</p>

<p style="text-align: right;">Page 37</p> <p>1 incorporated into the project and then your job</p> <p>2 is a little bit simpler.</p> <p>3 If it were not to happen, you can still do</p> <p>4 it at the Planning & Zoning Board level, and</p> <p>5 you could even recommend denial, if you believe</p> <p>6 that it's an inappropriate Site Plan.</p> <p>7 MR. BEHAR: I think, unfortunately, I don't</p> <p>8 think I'm conveying mine or Eibi's point across</p> <p>9 correctly. I respectfully disagree. In the</p> <p>10 past, we have done it at this point, when</p> <p>11 you're vacating an alley. Yes, there has been</p> <p>12 a Site Plan attached to the application, which</p> <p>13 we don't have today, but what you're referring</p> <p>14 to, Ramon, is going to happen, no matter what,</p> <p>15 when they come with a project. You know, the</p> <p>16 public improvement will happen no matter what.</p> <p>17 It will take place.</p> <p>18 My point is, you know, this site is going</p> <p>19 to benefit from an additional 18,550 square</p> <p>20 feet, that the City, in the past, has required</p> <p>21 certain projects to pay something or do</p> <p>22 something, that we're not doing it, and what</p> <p>23 Eibi said is a hundred percent correct, at the</p> <p>24 time of the Site Plan, we cannot go back and</p> <p>25 say, "Oh, by the way, you got an 18,550 square</p>	<p style="text-align: right;">Page 38</p> <p>1 feet increase of FAR, now you've got to give me</p> <p>2 something, you know, for that." It will be too</p> <p>3 late.</p> <p>4 MR. TRIAS: Why do you say that? It's not</p> <p>5 too late. It's the right time, given the</p> <p>6 request.</p> <p>7 MR. BEHAR: Okay. We'll see when that</p> <p>8 happens, you know. Again, I don't have a</p> <p>9 problem with the alley vacation. I think</p> <p>10 that -- what I do have a problem is that, in</p> <p>11 the past, we have imposed on projects, you</p> <p>12 know, to give something in return that we're</p> <p>13 not doing on this project. We don't even have</p> <p>14 a Site Plan or anything.</p> <p>15 MR. TRIAS: Well, we could have a condition</p> <p>16 that requests that any future project will have</p> <p>17 to show a significant public benefit or</p> <p>18 something like that. I mean, what do you</p> <p>19 think, Craig?</p> <p>20 MR. COLLIER: Well, you know, it's a bit</p> <p>21 vague of a condition and it's really of a</p> <p>22 future one. I think that the Board has control</p> <p>23 of this project. You're going to be looking at</p> <p>24 a Site Plan, and if you're not happy with the</p> <p>25 Site Plan, you're going to be able to turn it</p>
<p style="text-align: right;">Page 39</p> <p>1 down. I don't see where you are losing control</p> <p>2 over the project. I recognize the timing. You</p> <p>3 might have expected a Site Plan at this stage,</p> <p>4 but this is envisioning a land swap between two</p> <p>5 different developers.</p> <p>6 So the developer that's coming in, I think,</p> <p>7 is Codina, and he's the one that's expected to</p> <p>8 purchase it, and if he doesn't come to this</p> <p>9 Board with an appropriate Site Plan, that has</p> <p>10 all of the things that this Board wants, you</p> <p>11 can recommend denial, and a denial of the Site</p> <p>12 Plan means the vacation goes away.</p> <p>13 Now, there is a substitute alley proposed</p> <p>14 here and I don't know what the square footage</p> <p>15 of that alley is and how that enters into the</p> <p>16 net FAR when you look at it, but in any event,</p> <p>17 I think the Board does have control of this.</p> <p>18 MR. WITHERS: Eibi, can I --</p> <p>19 CHAIRMAN AIZENSTAT: Yeah. I was going to</p> <p>20 call you next.</p> <p>21 MR. WITHERS: Okay.</p> <p>22 CHAIRMAN AIZENSTAT: Hold on. One second,</p> <p>23 Chip.</p> <p>24 Robert, are you done?</p> <p>25 MR. BEHAR: Yeah, I'm done. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 CHAIRMAN AIZENSTAT: Okay. Thank you.</p> <p>2 Chip, go ahead please.</p> <p>3 MR. WITHERS: Before I go down memory lane</p> <p>4 on a mistake that was made by a developer and</p> <p>5 the City was the beneficiary of it, I wanted to</p> <p>6 just kind of understand this swap that Laura</p> <p>7 was talking about. So Codina, I know, owns the</p> <p>8 Fire Station or the old Fire Station, and --</p> <p>9 MS. RUSSO: Well, they gave up their</p> <p>10 property where the new Fire Station is being</p> <p>11 built.</p> <p>12 MR. WITHERS: Right.</p> <p>13 MS. RUSSO: And at the time the City is</p> <p>14 ready to vacate, the City would deed them the</p> <p>15 old Fire Station.</p> <p>16 MR. WITHERS: Right. Correct.</p> <p>17 MS. RUSSO: But, then, somehow, in</p> <p>18 conversation, it was decided that it would be a</p> <p>19 better site for Codina to have this site, which</p> <p>20 would take basically a parking lot out of the</p> <p>21 Central CBD and allow for a much nicer project,</p> <p>22 and then the owners of this project would be</p> <p>23 deeded the old Fire Station.</p> <p>24 MR. WITHERS: Okay. I understand. That's</p> <p>25 what I thought.</p>

<p style="text-align: right;">Page 41</p> <p>1 MS. RUSSO: Yes.</p> <p>2 MR. WITHERS: And so I guess my question to</p> <p>3 the Planning & Zoning Department is, once we</p> <p>4 vacate this alley, I'm assuming that a</p> <p>5 different style and height and FAR building can</p> <p>6 be built, when the two sides of the alley are</p> <p>7 adjoined together in one building site, as</p> <p>8 opposed to two separate building sites, and I'm</p> <p>9 curious to know how much more of an advantage</p> <p>10 the developer has, now having one big site, as</p> <p>11 opposed to two separate sites with an alley</p> <p>12 splitting it?</p> <p>13 MR. TRIAS: The advantage is very</p> <p>14 significant.</p> <p>15 MR. WITHERS: Okay. You answered my</p> <p>16 question. Okay. You answered my question.</p> <p>17 So I agree with my fellow Board Members</p> <p>18 that have mentioned that this is a huge</p> <p>19 windfall for the developer, and I don't know</p> <p>20 how many of you remember the Publix lot on</p> <p>21 Monza. I was on the Commission at the time,</p> <p>22 and Publix, without knowing that they could</p> <p>23 come in, in advance, and request an alley</p> <p>24 vacation, was naive enough to submit their Site</p> <p>25 Plan of what they were going to do once that</p>	<p style="text-align: right;">Page 42</p> <p>1 alley, that was between the parking lot on the</p> <p>2 west and their store, was removed and they were</p> <p>3 now allowed one tremendous building site.</p> <p>4 As soon as that -- it changed the whole</p> <p>5 complexion of what they could do with that</p> <p>6 site, hence the neighbors, you know, started</p> <p>7 burning down the City's gates, and it did not</p> <p>8 pass. The alley vacation was not granted to</p> <p>9 Publix.</p> <p>10 The City put a stopgap measure into play at</p> <p>11 that time, and that play was, before any alley</p> <p>12 vacation is done, that the City request a Site</p> <p>13 Plan to be presented as to what is the</p> <p>14 intention with that new building site. It's</p> <p>15 for the protection of not -- you know, I</p> <p>16 understand what you're saying, the half a</p> <p>17 million dollars in increased property value</p> <p>18 that Codina is going to enjoy. It has to do</p> <p>19 with what can be done with the new site.</p> <p>20 Because once we vacate that alley and once we</p> <p>21 give that alley to that new owner, we have no</p> <p>22 control over what they're allowed to build by</p> <p>23 right.</p> <p>24 So I'm not talking about whether they like</p> <p>25 a site or not like a site and what variances we</p>
<p style="text-align: right;">Page 43</p> <p>1 want to give, whether we want to go with</p> <p>2 Mediterranean or whatever, it has to do with</p> <p>3 now the developer can build by right. So I</p> <p>4 cannot support this, without a building Site</p> <p>5 Plan. Maybe we make it contingent, you know,</p> <p>6 that once we have the Site Plan, we can approve</p> <p>7 it, but once the Site Plan is approved, once we</p> <p>8 look at the Site Plan and see what is being</p> <p>9 done with this site, I just don't -- I don't</p> <p>10 see it's the right thing to do, until we know</p> <p>11 exactly what's being done with it.</p> <p>12 MS. RUSSO: Commissioner Withers, just so</p> <p>13 you know, that Condition M of the Ordinance</p> <p>14 says, "The alley vacation shall become</p> <p>15 effective as of the date that necessary Site</p> <p>16 Plan approval is obtained for a new development</p> <p>17 project which incorporates construction or use</p> <p>18 of the land vacated by this Ordinance."</p> <p>19 So, at that time -- so you have plenty of</p> <p>20 time. You will be seeing that project.</p> <p>21 MR. WITHERS: Then why vacate it now?</p> <p>22 MS. RUSSO: It was a condition in the</p> <p>23 contract between the Codina Group and</p> <p>24 Mercedes -- or Brockway -- the --</p> <p>25 MR. WITHERS: And what about -- I know,</p>	<p style="text-align: right;">Page 44</p> <p>1 it's a condition between those two third</p> <p>2 parties, but what about the City?</p> <p>3 MS. RUSSO: Well, it's an amendment to the</p> <p>4 contract, to the original contract.</p> <p>5 MR. WITHERS: So what happens if we don't</p> <p>6 approve it, the contract is void?</p> <p>7 MS. RUSSO: Well, no. Then what will</p> <p>8 happen is, Codina will get the old Fire Station</p> <p>9 and the parking lot will remain there until the</p> <p>10 Brockway family decides to do something with</p> <p>11 it. So, I mean, this was meant as a way that</p> <p>12 was going to be a win for the Downtown area, to</p> <p>13 not have a parking lot, and move the parking</p> <p>14 lot into the old police station, that has</p> <p>15 incorporated into it an existing parking</p> <p>16 garage, where all of these cars can be taken</p> <p>17 off the street, and allow Codina to develop in</p> <p>18 the Central Business District.</p> <p>19 MR. WITHERS: Listen, Armando, to me, is</p> <p>20 one of the top developers we've had in Coral</p> <p>21 Gables, recognized as a Class A, in my opinion,</p> <p>22 okay. Everything that I think about Armando</p> <p>23 Codina is excellence in what he does, you know.</p> <p>24 I'm not happy with the window size on the</p> <p>25 building above the Blue, but other than that,</p>

<p style="text-align: right;">Page 45</p> <p>1 everything else I like about him.</p> <p>2 So what keeps -- Armando does not seem to</p> <p>3 be a hold guy. He builds it and flips it. You</p> <p>4 know, he builds it and let's it go. What</p> <p>5 happens if Armando grabs this property, never</p> <p>6 builds on it, and just sells it and benefits</p> <p>7 from the closing of the alley? How is that a</p> <p>8 public --</p> <p>9 MS. RUSSO: Well, we would have to get the</p> <p>10 Site Plan approved, and I understand that there</p> <p>11 was talk about adding a condition about --</p> <p>12 adding a condition that there actually be a</p> <p>13 permit issued. So a condition could be added</p> <p>14 that not only does the project have to be</p> <p>15 approved within a time frame, but an actual</p> <p>16 permit issued. So, at the time that Mr. Codina</p> <p>17 comes to you with his proposed project, you</p> <p>18 will have, you know, ample opportunity, through</p> <p>19 the DRC and the Planning & Zoning Board</p> <p>20 process, to determine if it's appropriate, you</p> <p>21 like it, what other conditions, how the project</p> <p>22 is. I can't tell you, because I don't know if</p> <p>23 it's going to be a Mixed-Use building, is it</p> <p>24 going to have retail, what it's going to look</p> <p>25 like.</p>	<p style="text-align: right;">Page 46</p> <p>1 MR. WITHERS: I mean, that's exactly my</p> <p>2 point.</p> <p>3 MS. RUSSO: Well, but you will have an</p> <p>4 opportunity, because if they don't do it, then</p> <p>5 the alley stays as it is.</p> <p>6 MR. WITHERS: Okay. So why close the alley</p> <p>7 now, though? Why don't we close it at the time</p> <p>8 we approve the Site Plan?</p> <p>9 MR. COLLIER: Actually, you're not closing</p> <p>10 it now.</p> <p>11 MR. WITHERS: Then why are we discussing it</p> <p>12 now?</p> <p>13 MR. COLLIER: Because what you're doing is</p> <p>14 adopting an Ordinance that says, the alley gets</p> <p>15 closed when a Site Plan is approved. So that's</p> <p>16 all you're doing. So even when you pass this</p> <p>17 Ordinance, the alley is not vacated. All it</p> <p>18 does is set up for Step 2. It's a two-stage</p> <p>19 process. The alley doesn't get vacated until a</p> <p>20 Site Plan is approved.</p> <p>21 So the developer and the property owners</p> <p>22 apparently want this piece first.</p> <p>23 MR. WITHERS: Why?</p> <p>24 MR. COLLIER: You don't have to give it to</p> <p>25 them.</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. WITHERS: Yeah, but why?</p> <p>2 MR. COLLIER: I'm just telling you that you</p> <p>3 can recommend denial of the alley vacation and</p> <p>4 send that on to the Board.</p> <p>5 MS. RUSSO: I'm going to proffer an answer.</p> <p>6 I don't know if it's the answer. But in the</p> <p>7 exchange -- so, in the Police Station building,</p> <p>8 that would be the alternate site, the alley</p> <p>9 underneath that police municipal building has</p> <p>10 been vacated, okay. So it would be getting</p> <p>11 sort of equal sites. So Codina would get an</p> <p>12 equal site. Mercedes gets a building that's</p> <p>13 basically had an alley that was running the</p> <p>14 same, east-west, that was vacated, underneath,</p> <p>15 it when the City built the Fire Station.</p> <p>16 MR. WITHERS: Well, look, I mean, I think</p> <p>17 Armando did a very good deal with the swap he</p> <p>18 made for the property -- and the City may have</p> <p>19 had a good deal, but I guess my point is this,</p> <p>20 I really don't understand why we're at this</p> <p>21 juncture right now, having to even think of an</p> <p>22 Ordinance for an alley.</p> <p>23 I just don't -- if there is something more</p> <p>24 to it, then I would like to know it, but I know</p> <p>25 that the City was very concerned about alley</p>	<p style="text-align: right;">Page 48</p> <p>1 vacations without actually seeing a Site Plan,</p> <p>2 whether -- you know, it's the cart way before</p> <p>3 the horse.</p> <p>4 CHAIRMAN AIZENSTAT: Chip, I recall that.</p> <p>5 I was on the Planning & Zoning Board.</p> <p>6 MR. WITHERS: Yeah. Yeah. You know, so --</p> <p>7 listen, I'm in favor. I think Brockway, I</p> <p>8 think, you know, Codina, they're fine citizens,</p> <p>9 they're good people, they do great projects. I</p> <p>10 mean, the Mercedes dealership is an absolute</p> <p>11 beautiful, you know, addition to the Downtown</p> <p>12 there, but I'm just concerned that we don't</p> <p>13 know what we're going to do with the property.</p> <p>14 Even though you say we're going to have a shot</p> <p>15 at the -- but, look, once this is done, they're</p> <p>16 going to come back with a building that's going</p> <p>17 to incorporate the alley, and as Robert said,</p> <p>18 18,000 and whatever square feet, and I don't</p> <p>19 know what Downtown Coral Gables real estate</p> <p>20 goes for, but it's a significant amount of</p> <p>21 money, and, you know, I would like to see what</p> <p>22 they're planning to do for the City, as far as</p> <p>23 a site improvement, before we vacate the alley.</p> <p>24 I mean, how are they going to incorporate a</p> <p>25 quarter million dollars of street improvements</p>

<p style="text-align: right;">Page 49</p> <p>1 for the City of Coral Gables, by us vacating 2 the alley? 3 And I know you can't ask for money for the 4 vacation of an alley. I know that, Laura, 5 so -- 6 MS. RUSSO: Okay. I'm glad someone 7 remembers that. 8 MR. WITHERS: No. No. No. Listen, I 9 remember when we did the alley there off of 10 Ponce where 2199 Ponce is -- it was the same 11 thing -- where the Bank of Tokyo used to be. 12 Anyway, I just believe that we need to see a 13 Site Plan and -- but if the Commission has 14 already made the deal, and if the sales 15 contract is already in play, then obviously, 16 you know, the Commission is not going to want 17 to lose that opportunity anyway. 18 CHAIRMAN AIZENSTAT: Thank you, Chip. 19 Maria. 20 MS. VELEZ: I agree a hundred percent. I 21 don't like putting the horse before the cart -- 22 or the cart before the horse, sorry. I got it 23 backwards. Once the alley is vacated, the 24 square footage that is available within the 25 Central Business District makes this parcel a</p>	<p style="text-align: right;">Page 50</p> <p>1 much more expensive and much more desirable 2 parcel, than the police station, which is 3 outside -- I believe is outside of the Central 4 Business District. This is right on the border 5 of the Central Business District, because I 6 believe that it's at Almeria. So by expanding 7 the size of this lot, going along with what 8 Robert is saying, we're giving this developer a 9 lot more leeway as of right to build whatever 10 they really want to build here, with a lot more 11 leeway and a lot less stringent requirements 12 than we would have elsewhere, because it is 13 within the CBD and they will have a lot of 14 areas where we will not be able to say, you 15 can't do that. 16 MS. RUSSO: Actually, the main benefit, 17 Maria -- the main benefit of the CBD is if you 18 build a small building, you don't have to 19 provide parking. Once you build any large 20 building, as Ramon will attest, whether you use 21 Mediterranean or the Mixed-use, but the 22 benefits of being in the CBD really apply to 23 rebuilding or adding on to a small building, 24 where you're allowed to go 1.25 without 25 parking, under regular architecture, or 1.45</p>
<p style="text-align: right;">Page 51</p> <p>1 with Mediterranean, and not provide any 2 required parking. If you take any small lot in 3 the CBD and go above that FAR, you do have to 4 provide parking. 5 So that's why the CBD has always had the 6 advantage. It's more for the parking situation 7 than anything else. 8 MS. VELEZ: Thank you. 9 The other brief comment I had is, what 10 happened at the neighborhood meeting, because 11 supposedly there was a neighborhood meeting in 12 September? Was there any attendance? Were 13 there any comments made by the neighbors? 14 MS. RUSSO: No one attended, but I have 15 spoken to neighbors, some of whom are on the 16 call now. So I have a list of neighbors. I've 17 spoken to about seven neighbors, who called me. 18 I sent them a copy of the proposed sketch. 19 Some of them, I was able to answer questions. 20 I provided a sketch and information to two that 21 called me regarding today's meeting. One of 22 them is on, one of them is not on. 23 So I have answered to property owners. One 24 of them called me, it was a property owner, a 25 Mr. Spivey, who owns property on Ponce, and he</p>	<p style="text-align: right;">Page 52</p> <p>1 called me. I talked to someone from the 2 Colonnade Building. They called me, a 3 Mr. Borroso. So I've spoke to Mr. Tejera, who 4 is on this Zoom call, and I spoke this 5 afternoon to Carlos Silva, who is also on this 6 Zoom call. 7 MS. VELEZ: Have you spoken to the 8 neighbors to the north and the south of the 9 alley? 10 MS. RUSSO: I spoke to Alex Ortiz, who is a 11 property owner in a building very close by to 12 the subject one, as well. So, anyone who has 13 reached out, I have responded to them. And as 14 far as the Zoom call, we were on. Staff can 15 attest, I had Public Works on the Zoom call for 16 an hour, which is the time that had been 17 allotted for it. 18 MS. VELEZ: I don't like vacating an alley 19 without knowing what we're going to be doing 20 there in the future. I don't think that an 21 alley vacation should occur outside of a plan, 22 outside of a Site Plan, outside of knowing what 23 the proposed development is. We are losing 24 public space, gaining an easement, and an 25 easement that will eventually go up "X" number</p>

<p style="text-align: right;">Page 53</p> <p>1 of feet is not going to go all of the way up to 2 the sky. I don't like doing something of this 3 sort, when we don't know what the proposal is 4 for the future. 5 CHAIRMAN AIZENSTAT: Thank you, Maria. 6 I'd like to make a couple of comments, and, 7 then, afterwards, like I said, I'm going to 8 open it back up briefly. I think we've got 9 about three people that didn't understand how 10 to go ahead and get ahold of Jill, so they can 11 speak on the subject, that would like to speak. 12 Ramon, let me ask you a question, who will 13 have to maintain the alley during that one year 14 time period? 15 MS. RUSSO: There will be no alley -- 16 CHAIRMAN AIZENSTAT: I'm sorry? 17 MS. RUSSO: There will be no alley vacated, 18 so the current west 265 feet will continue to 19 be used as a City alley, and the private 20 property will continue to be used as private 21 property. 22 MR. TRIAS: Yeah. If I can answer, Eibi. 23 CHAIRMAN AIZENSTAT: Okay. 24 MR. TRIAS: Nothing happens until a project 25 is approved. Once a project is approved, then</p>	<p style="text-align: right;">Page 54</p> <p>1 things happen. So, frankly, I mean, at this 2 point, it's also possible that nothing will 3 ever happen. 4 CHAIRMAN AIZENSTAT: Okay. So what you're 5 saying is, it maintains as is. 6 MR. TRIAS: Yes. 7 CHAIRMAN AIZENSTAT: Laura, do you have an 8 idea of the square footage between the alley 9 that's being vacated and the alley that's being 10 proposed, what the total square footages are? 11 MS. RUSSO: Yes. The alley that's being 12 vacated is 265 feet by 20. So that's 5,300 13 square feet. And the easement is 35 feet by 14 100, so that's 3,500 square feet. 15 CHAIRMAN AIZENSTAT: And would you say that 16 by the easement being on the side, you're able 17 to do above, meaning, vertical, up to, we were 18 talking about 17 feet, where if you had the 19 easement in the back, you wouldn't be able to 20 do that? 21 MS. RUSSO: You mean -- yes. In other 22 words, building a high-rise with an alley in 23 the middle of the block? 24 CHAIRMAN AIZENSTAT: Right. Correct. 25 MS. RUSSO: Yeah. You know, unless you</p>
<p style="text-align: right;">Page 55</p> <p>1 build over the alley, again, over 17 or 20 2 feet, which has been done -- 3 CHAIRMAN AIZENSTAT: Right. But what I'm 4 saying is, by placing the substitute alley 5 between two properties, you can now build on 6 top by straddling both properties. 7 MS. RUSSO: Right. Right. 8 CHAIRMAN AIZENSTAT: Where it is existing, 9 you may not be able to straddle it. 10 MS. RUSSO: Correct. You have a much 11 bigger footprint, which would allow for 12 parking. As you know, in order to provide any 13 parking in a parking garage, you need a certain 14 depth -- 15 CHAIRMAN AIZENSTAT: Correct. 16 MS. RUSSO: -- in order to accommodate. 17 So, yes, the development of the block would go 18 very differently without the alley being 19 vacated. 20 CHAIRMAN AIZENSTAT: Okay. And, then, once 21 the alley is vacated, how -- Craig, maybe you 22 can answer this -- how does the property taxes 23 or so forth, how does that work? Does that get 24 titled into the new owner and they start paying 25 the City and the government, so forth, the</p>	<p style="text-align: right;">Page 56</p> <p>1 property taxes, but not a -- 2 MR. COLLIER: Right, as of January 1 of 3 whatever date it is, there will be an 4 assessment for the value of their property. 5 CHAIRMAN AIZENSTAT: Okay. For me, you 6 know, I have always been a proponent of 7 projects coming before us with Site Plans, 8 because that really gives you an idea of what's 9 going on and what's to be built. I have a 10 hard -- and this is just my point of view, but 11 I have a hard time envisioning this, because of 12 what can be done afterwards with that property, 13 without a Site Plan, and I understand it has to 14 come back to us for approval, but in my eyes, 15 and to me, if you approve the alley vacation, 16 you come back with a totally different Site 17 Plan at that time. 18 Now, what I'd like to do at this time is, 19 I'd like to open it up for a brief, three 20 minutes each, to the individuals that Jill has, 21 and then I'll close it right up. 22 Jill, would you call the first individual, 23 please? 24 THE SECRETARY: Mr. Victoria. 25 CHAIRMAN AIZENSTAT: Mr. Victoria, if you</p>

<p style="text-align: right;">Page 57</p> <p>1 would please state -- you need to be sworn in.</p> <p>2 If you'd please state your name and address,</p> <p>3 for the record, first.</p> <p>4 MR. VICTORIA: I can't be unmuted.</p> <p>5 CHAIRMAN AIZENSTAT: You are unmuted. We</p> <p>6 hear you.</p> <p>7 MR. VICTORIA: No, I'm not -- I am now.</p> <p>8 Yes, thank you. Sorry.</p> <p>9 First, I apologize for the demonstration of</p> <p>10 anxiety a moment ago, but when --</p> <p>11 CHAIRMAN AIZENSTAT: It's okay. Could you</p> <p>12 state your full name and address first?</p> <p>13 MR. VICTORIA: Teofelo Victoria. I am a</p> <p>14 principal at De La Guardia Victoria Architects,</p> <p>15 224 Valencia Avenue. So, you know, we're</p> <p>16 neighbors.</p> <p>17 CHAIRMAN AIZENSTAT: Go ahead, please.</p> <p>18 MR. VICTORIA: I have a front toward</p> <p>19 Valencia, of course, and a back towards the</p> <p>20 alley.</p> <p>21 But I did want to apologize for the signs</p> <p>22 of anxiety, but when -- with the first call,</p> <p>23 our names were not forwarded, so we got</p> <p>24 worried.</p> <p>25 I'd like --</p>	<p style="text-align: right;">Page 58</p> <p>1 MR. COLLER: I'm sorry to interrupt, but</p> <p>2 has the witness been sworn yet?</p> <p>3 CHAIRMAN AIZENSTAT: No. Is the court</p> <p>4 reporter there?</p> <p>5 MR. COLLER: She should be.</p> <p>6 CHAIRMAN AIZENSTAT: Let's see if we can</p> <p>7 unmute her so you can be sworn in first.</p> <p>8 (Thereupon, the participant was sworn.)</p> <p>9 MR. VICTORIA: Yes.</p> <p>10 MR. COLLER: Okay. The other right hand.</p> <p>11 MR. VICTORIA: Yes, the other one.</p> <p>12 CHAIRMAN AIZENSTAT: Go ahead, please.</p> <p>13 MR. VICTORIA: Yes. I wanted to make -- I</p> <p>14 wanted to comment from the perspective of a</p> <p>15 neighbor rather than from, you know, an</p> <p>16 architect or an urbanist. For us, who have</p> <p>17 been here for fifteen years, the alley is a</p> <p>18 difficult proposition, because of -- the</p> <p>19 vacation of the alley is a difficult</p> <p>20 proposition, because this -- the alley, as it</p> <p>21 is now, is constantly congested. The delivery</p> <p>22 trucks to the Ponce de Leon retail and</p> <p>23 restaurants, for instance, do their business</p> <p>24 from the back. I think, even -- from the back</p> <p>25 of Ponce de Leon, but also from the back of</p>
<p style="text-align: right;">Page 59</p> <p>1 Valencia.</p> <p>2 And even if the same space isn't there any</p> <p>3 longer, and they are part of the condition of</p> <p>4 the alley, still there is very little space</p> <p>5 back there and very little -- the turning radii</p> <p>6 are old, in terms of dimensions, and it's just</p> <p>7 a difficult proposition. From a safety point</p> <p>8 of view, too, it is not -- often we are trapped</p> <p>9 in the back of our alley, actually, because of</p> <p>10 the delivery trucks, in particular.</p> <p>11 And so I think we see it with great</p> <p>12 difficulty, and everyone that I have spoken to,</p> <p>13 my neighbors all are against this</p> <p>14 proposition -- or this proposal, rather, for</p> <p>15 those reasons.</p> <p>16 The other consideration that I would like</p> <p>17 to comment very quickly is that -- the</p> <p>18 structure of the alley is in the fabric of the</p> <p>19 Downtown -- of Downtown Coral Gables are an</p> <p>20 integral part of how the City worked -- yeah,</p> <p>21 how the City works and how Merrick considered</p> <p>22 this urban structure, the inner workings of the</p> <p>23 urban structure. I mean, if this alley goes,</p> <p>24 then the next one is between Valencia and</p> <p>25 Andalusia, for instance, and so on. And so we</p>	<p style="text-align: right;">Page 60</p> <p>1 begin to lose a very delicate fabric that has</p> <p>2 developed with the founding of the City. You</p> <p>3 know, I'm not quite sure whether it's worth it.</p> <p>4 The other point that, very quickly, that I</p> <p>5 would make is that the block, as it is, maybe</p> <p>6 with the Codina development, perhaps that</p> <p>7 happens, would be at maybe 60 percent of</p> <p>8 density, of the potential density. So if it</p> <p>9 was complete at 100 percent, this alley -- the</p> <p>10 dimensions of the alley as proposed would be an</p> <p>11 impossibility.</p> <p>12 So please consider this, the question of</p> <p>13 congestion and safety in the new proposed alley</p> <p>14 configuration, because it's going to be a very</p> <p>15 real problem.</p> <p>16 CHAIRMAN AIZENSTAT: Thank you.</p> <p>17 MR. VICTORIA: And also the value of the</p> <p>18 alley, in general, in the fabric of the City.</p> <p>19 Thank you.</p> <p>20 CHAIRMAN AIZENSTAT: Thank you,</p> <p>21 Mr. Victoria.</p> <p>22 Jill, who do we have next?</p> <p>23 THE SECRETARY: Carlos Silva.</p> <p>24 CHAIRMAN AIZENSTAT: Mr. Silva.</p> <p>25 THE SECRETARY: I think he's participating</p>

<p style="text-align: right;">Page 61</p> <p>1 via phone.</p> <p>2 CHAIRMAN AIZENSTAT: Can we unmute him?</p> <p>3 MR. SILVA: Hi, can you hear me?</p> <p>4 CHAIRMAN AIZENSTAT: Yes, we can hear you</p> <p>5 now.</p> <p>6 MR. SILVA: Can you see me?</p> <p>7 CHAIRMAN AIZENSTAT: No, we cannot see you.</p> <p>8 How do we swear him in, Craig?</p> <p>9 MR. COLLER: Is he on Zoom?</p> <p>10 CHAIRMAN AIZENSTAT: He is on his iPhone, I</p> <p>11 think, correct?</p> <p>12 MR. SILVA: Yes.</p> <p>13 MR. COLLER: There we go. We can see you now.</p> <p>14 MR. SILVA: Fantastic. I'll be brief.</p> <p>15 CHAIRMAN AIZENSTAT: If you could please</p> <p>16 state your name and address, for the record.</p> <p>17 MR. SILVA: My name is Carlos Silva. I am</p> <p>18 the property owner of 236 Valencia Avenue,</p> <p>19 right next to this project.</p> <p>20 CHAIRMAN AIZENSTAT: Thank you. Would you</p> <p>21 like to swear him in, please? Raise your right</p> <p>22 hand.</p> <p>23 (Thereupon, the participant was sworn.)</p> <p>24 CHAIRMAN AIZENSTAT: Thank you. Please,</p> <p>25 proceed.</p>	<p style="text-align: right;">Page 62</p> <p>1 MR. SILVA: I have been located at this</p> <p>2 small building, me and my brother, practicing</p> <p>3 law, for 23 years, and like it was stated</p> <p>4 earlier, there is safety concerns and a lot of</p> <p>5 traffic. But the biggest concern that I have</p> <p>6 is that, the cars that are there now in the</p> <p>7 parking lot, they don't all get moved in one</p> <p>8 particular day. They're just stationary.</p> <p>9 There are some that come in and out for Bill</p> <p>10 Ussery. But having this project really</p> <p>11 concerns me, because you're going to have a lot</p> <p>12 more movement of vehicles going in and out of</p> <p>13 that alleyway into a building.</p> <p>14 I mean, I don't know what they're</p> <p>15 proposing, if this is a high rise, if it's an</p> <p>16 office building, if it's an apartment building,</p> <p>17 I'm not sure, but you're going to have a lot</p> <p>18 more movement. So I think it is imperative</p> <p>19 that we look at the Site Plan before we give up</p> <p>20 this alley or even consider going forward</p> <p>21 without the neighbors who have been there</p> <p>22 paying their taxes for so many years having an</p> <p>23 opportunity to look at the Site Plans and see</p> <p>24 how it's going to affect our safety, our</p> <p>25 survivability with our businesses.</p>
<p style="text-align: right;">Page 63</p> <p>1 As it is now, the congestion back there is</p> <p>2 bad, so it really does concern me. Now, if I</p> <p>3 was shown a Site Plan where they're going to</p> <p>4 have the entrance on Salzedo and this side is</p> <p>5 going to be unobstructed -- the other side, the</p> <p>6 east side of the alleyway, is going to be</p> <p>7 unobstructed, because the only entrance to the</p> <p>8 new building is going to be through Salzedo,</p> <p>9 then, you know, that's something to consider,</p> <p>10 but as it stands right now, we don't know what</p> <p>11 they're going to do, and I think, blindly, this</p> <p>12 is not the way to do business. I think we</p> <p>13 should have an opportunity to look at this, at</p> <p>14 the Site Plan, what they're going to do, to see</p> <p>15 how it's going to affect us.</p> <p>16 Thank you.</p> <p>17 CHAIRMAN AIZENSTAT: Thank you very much,</p> <p>18 Mr. Silva.</p> <p>19 Who else do we have?</p> <p>20 THE SECRETARY: Richard Tejera.</p> <p>21 CHAIRMAN AIZENSTAT: Mr. Tejera. Where is</p> <p>22 Mr. Tejera?</p> <p>23 THE SECRETARY: He's on the phone, I believe.</p> <p>24 CHAIRMAN AIZENSTAT: No, there he is.</p> <p>25 MR. COLLER: He needs to be unmuted.</p>	<p style="text-align: right;">Page 64</p> <p>1 CHAIRMAN AIZENSTAT: Mr. Tejera, if you</p> <p>2 would please state your full name.</p> <p>3 MR. TEJERA: Yeah. My name is Richard</p> <p>4 Tejera. I am the president of the Sahara Club,</p> <p>5 which owns 232 Valencia.</p> <p>6 CHAIRMAN AIZENSTAT: If you'd please raise</p> <p>7 your right hand so we can swear you in?</p> <p>8 MR. TEJERA: Thank you.</p> <p>9 CHAIRMAN AIZENSTAT: Thank you.</p> <p>10 MR. TEJERA: Is somebody going to swear me in?</p> <p>11 CHAIRMAN AIZENSTAT: Yes, we're waiting.</p> <p>12 (Thereupon, the participant was sworn.)</p> <p>13 CHAIRMAN AIZENSTAT: Thank you. Please</p> <p>14 continue.</p> <p>15 MR. TEJERA: Okay. So our club has been</p> <p>16 here for almost 70 years. I don't understand</p> <p>17 the overwhelming need to vacate the alley</p> <p>18 before we know what's going in. I want to</p> <p>19 thank you Laura Russo, who's kept me up-to-date</p> <p>20 on the progress of this thing, but we are asked</p> <p>21 to voice our opinion on something that we don't</p> <p>22 know what's going to happen.</p> <p>23 I'm also concerned that the applicant owns</p> <p>24 the substitute easement, and how are we going</p> <p>25 to make sure that that easement stays an</p>

<p style="text-align: right;">Page 65</p> <p>1 easement for us. I mean, is it conveyed to us, 2 conveyed to the City? I'm just not sure how 3 that's going to work out. 4 But I don't see how we can voice our 5 opinion without knowing what's going in. 6 CHAIRMAN AIZENSTAT: Thank you, Mr. Tejera. 7 MR. TEJERA: Thank you. 8 CHAIRMAN AIZENSTAT: Thank you. 9 Jill, anybody else? 10 THE SECRETARY: Bob Deresz. 11 CHAIRMAN AIZENSTAT: Mr. Deresz? 12 MR. DERESZ: Bob Deresz, 232 Valencia. 13 (Thereupon, the participant was sworn.) 14 CHAIRMAN AIZENSTAT: Thank you. Please 15 continue. 16 MR. DERESZ: Who did I marry? 17 MS. RUSSO: All of us. 18 MR. DERESZ: Thank you for giving me the 19 privilege to talk. I find it -- excuse my 20 nomenclature, I'm not a lawyer, but I find it 21 interesting that the lawyers and our Staff 22 member -- I have his name -- I'll say that 23 nothing can be determined now, they have to 24 wait until the Site Plan, but in this case, 25 this has to be determined now, before the Site</p>	<p style="text-align: right;">Page 66</p> <p>1 Plan, just that point of interest there. 2 I also find it interesting that we're only 3 seeing half the deck of cards. You know, 4 they're only bringing up half of the 5 development. If you look at the other half, to 6 the east, that they're not giving us the 7 privilege to see, they've also taken an 8 easement through the City's parking lot, which 9 is adjacent to this development. They've made 10 a wide easement through that, taking up parking 11 spaces and income, and they're taking the two 12 other spots that would have been at Almeria, at 13 that easement, as well. 14 That's square footage is well over another 15 thousand square feet, and I know a thousand 16 square feet is probably worth a million dollars 17 in that area, if you look at the -- do a search 18 on that. 19 So, I suggest -- first I was suggesting 20 before I remembered about the other easement, 21 free square footage that the City is giving 22 away, that they have some parallel parking 23 under the new easement, but that doesn't make 24 that much sense, especially when you can 25 have -- part of the deal is to elongate the</p>
<p style="text-align: right;">Page 67</p> <p>1 existing City parking lot, which is adjacent to 2 this development, make it longer, by the same 3 square footage that you're giving up with the 4 easement they're taking out of -- the vacancy 5 they're taking out of the City parking lot for 6 an additional easement, and the footage lost by 7 vacating the alleyway, and make the City 8 parking lot bigger. 9 I would also add in a couple of extra 10 spaces, more footage, for the parking spaces 11 lost on the street. 12 Now, that's Codina that is going to be 13 building up. They're going to take this deal, 14 one way or the other. I'll make a bet to 15 anybody, you know. This is not -- this is 16 going to happen. So play the cards. Play your 17 cards. They're not showing their whole hand. 18 They didn't show you the whole map of the 19 development, trying to hide the other free land 20 that they want you to give away, so play the 21 whole deck. Play your cards, I'd bet you win. 22 Thank you for listening to me. 23 CHAIRMAN AIZENSTAT: Thank you, sir. 24 Jill, if I'm not mistaken, that was the 25 last speaker that we had, correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 THE SECRETARY: That's correct. 2 CHAIRMAN AIZENSTAT: Okay. At this time, 3 let's go ahead and close it. 4 Would any Board Member like to make a 5 motion at this time? 6 MS. ANDERSON: I would. I move for denial. 7 I do not prefer to approve any vacation of an 8 alley without a Site Plan in front of us. 9 CHAIRMAN AIZENSTAT: We have a motion. Is 10 there a second? 11 I think Chip is raising his hand, but he is 12 muted. 13 MS. VELEZ: I second it. 14 CHAIRMAN AIZENSTAT: Maria seconded it. 15 MR. BEHAR: Before -- I mean, listen, is 16 there a condition that will -- I know this is 17 coming back. Is there a condition -- no, we 18 have a motion and a second. Never mind. I 19 can't -- 20 CHAIRMAN AIZENSTAT: Correct. It's a 21 motion, a second, and I think the reason is 22 because there's no Site Plan. 23 MR. WITHERS: We can discuss it. I mean, 24 I'm welcome to hear what Robert has to say. 25 CHAIRMAN AIZENSTAT: Robert?</p>

<p style="text-align: right;">Page 69</p> <p>1 MR. WITHERS: Did you accept my second or</p> <p>2 did you accept Maria's second? I'm sorry.</p> <p>3 CHAIRMAN AIZENSTAT: Maria.</p> <p>4 Maria, would you be okay if Robert spoke?</p> <p>5 MS. RUSSO: Robert's Rules of Order allow</p> <p>6 you to have discussion after a second, before</p> <p>7 the vote is called.</p> <p>8 CHAIRMAN AIZENSTAT: Understood. Robert.</p> <p>9 MR. BEHAR: Is there -- I mean, obviously,</p> <p>10 we know that ultimately, you know, they're</p> <p>11 going to bring -- and Chip is right, you know.</p> <p>12 Codina is, you know, if not the best, one of</p> <p>13 the best developers that we have in the City of</p> <p>14 Coral Gables, and I know that there will be a</p> <p>15 project later, that will be a great project,</p> <p>16 that comes along to us.</p> <p>17 I do have a problem, you know, not having a</p> <p>18 Site Plan. Is there something that we could</p> <p>19 do, impose here a condition that something is</p> <p>20 done, you know, because I do want to see some</p> <p>21 benefit to the City, more than just a Site</p> <p>22 Plan, you know, and the public realm that we're</p> <p>23 going to get all on the sidewalks and on the</p> <p>24 street. If there's something that we could do</p> <p>25 in order to not deny this process, because</p>	<p style="text-align: right;">Page 70</p> <p>1 this, I understand, is tied to the land</p> <p>2 swapping with the City and the old Fire Station</p> <p>3 and the new site and all of that.</p> <p>4 If there's something that we can legally</p> <p>5 do, Craig, that will allow us to do something</p> <p>6 more than just give up that 18,000 square feet</p> <p>7 of FAR with no additional benefit to the City?</p> <p>8 MR. COLLIER: Okay. Well, what you can do,</p> <p>9 because -- you're a recommending body to the</p> <p>10 City Commission. So the City Commission is</p> <p>11 looking for your input. You could approve it,</p> <p>12 subject to your recommendation that the City</p> <p>13 should not act on this Ordinance until such</p> <p>14 time as the City receives a Site Plan and that</p> <p>15 that Site Plan should have considerable public</p> <p>16 realm improvements reflected in the Site Plan,</p> <p>17 and you could -- and a request from the</p> <p>18 Planning & Zoning Board that when that Site</p> <p>19 Plan is presented, that it be brought back to</p> <p>20 the Planning & Zoning Board for review. And</p> <p>21 make that as a condition of your approval, that</p> <p>22 there should be a Site Plan first, before this</p> <p>23 Ordinance is being acted upon, and that you're</p> <p>24 requesting an opportunity to review that Site</p> <p>25 Plan before the City Commission takes action on</p>
<p style="text-align: right;">Page 71</p> <p>1 the Ordinance.</p> <p>2 CHAIRMAN AIZENSTAT: Robert, how long does</p> <p>3 it take to put a Site Plan together for this</p> <p>4 property?</p> <p>5 MR. BEHAR: YOu know, a Site Plan for this</p> <p>6 could be done, realistically, in no more than a</p> <p>7 couple of weeks.</p> <p>8 CHAIRMAN AIZENSTAT: Laura, let me ask you</p> <p>9 a question.</p> <p>10 MS. RUSSO: Yeah.</p> <p>11 CHAIRMAN AIZENSTAT: Would your client like</p> <p>12 to come back at the next meeting with a Site</p> <p>13 Plan for this?</p> <p>14 MS. RUSSO: I can't answer, because I don't</p> <p>15 represent Codina, so I have no idea whether</p> <p>16 Codina would be able to get a Site Plan and</p> <p>17 have it ready for the next. So, in terms of a</p> <p>18 time table, I honestly can't tell you. So I</p> <p>19 can't make it on their behalf.</p> <p>20 You know, I could ask. I mean, that's all</p> <p>21 I can do, because I'm not in control of there</p> <p>22 being a Site Plan.</p> <p>23 CHAIRMAN AIZENSTAT: I understand.</p> <p>24 So, at this point, we have Rhonda, the</p> <p>25 denial, and Maria with a second. Any other</p>	<p style="text-align: right;">Page 72</p> <p>1 comments?</p> <p>2 MR. WITHERS: I just have a question. Can</p> <p>3 Armando sell this property once he gets title,</p> <p>4 without developing it, or is he obligated to</p> <p>5 develop it? Let's say he presents a Site Plan.</p> <p>6 He decides at the last minute he doesn't want</p> <p>7 to go forward, but he's got the approval with</p> <p>8 the alley closure and a Site Plan. He says,</p> <p>9 you know what, I'm walking away from this deal.</p> <p>10 I want to sell the land. Does he have the</p> <p>11 right to do that?</p> <p>12 MR. BEHAR: Of course.</p> <p>13 MR. COLLIER: He would, but one of the</p> <p>14 things you're talking about is also a</p> <p>15 condition, and that's to a permit.</p> <p>16 MR. WITHERS: No. No. What I'm saying is,</p> <p>17 we approve a Site Plan. We approve the alley</p> <p>18 vacation. He never pulls a permit. He just</p> <p>19 takes the property and sells it for "X" amount</p> <p>20 of dollars to someone to develop.</p> <p>21 MS. RUSSO: Chip, that was why -- I'm not</p> <p>22 sure if it was Rhonda or Maria, that suggested</p> <p>23 that there might be -- or maybe it was Rene,</p> <p>24 that there be an additional condition that a</p> <p>25 permit has to be issued, which would then mean</p>

<p style="text-align: right;">Page 73</p> <p>1 that that project would have to be built. If</p> <p>2 he sold it, he would have to sell it with the</p> <p>3 project. So that was something that someone</p> <p>4 discussed adding to the condition. Not just</p> <p>5 that it be approved, but that there actually be</p> <p>6 a permit issued.</p> <p>7 And I guess it could be a permit issued and</p> <p>8 construction commenced, because at the time</p> <p>9 that that ties -- the construction is</p> <p>10 commenced, it ties the project to the site. So</p> <p>11 if he's going to sell it, he's selling a permit</p> <p>12 with ongoing construction, with an actual</p> <p>13 approved project.</p> <p>14 MR. WITHERS: Laura, you are a lot smarter</p> <p>15 about the City Code than I am, there's no</p> <p>16 doubt, but are you telling me that someone can</p> <p>17 pull a permit, and, then, all of a sudden, have</p> <p>18 to build it, if they decide not -- I mean, look</p> <p>19 at the old Spanish Village. There were permits</p> <p>20 pulled by Ralph Sanchez on that, and that was</p> <p>21 never built according to the way -- the permit.</p> <p>22 Someone else ended up owning it and -- you</p> <p>23 know, Agave bought it, did a PAD, and changed</p> <p>24 the whole face of that project.</p> <p>25 MS. RUSSO: I know that project intimately,</p>	<p style="text-align: right;">Page 74</p> <p>1 and the reason nothing was built, as you know,</p> <p>2 is because we had the real estate bust.</p> <p>3 MR. WITHERS: Right.</p> <p>4 MS. RUSSO: On top of that, we had Ralph</p> <p>5 Sanchez, who was, you know, terminally ill, and</p> <p>6 there was no way to salvage the project. There</p> <p>7 could have been no way to salvage the project,</p> <p>8 to build it. Trust me, Ralph would -- that was</p> <p>9 his legacy and he would have loved to have</p> <p>10 brought that project to the City.</p> <p>11 So what happened is, the banks foreclosed.</p> <p>12 I don't know if you know that.</p> <p>13 MR. WITHERS: Yeah.</p> <p>14 MS. RUSSO: So the property was foreclosed</p> <p>15 upon. It then becomes open season, and the</p> <p>16 City had a second bite at the apple, and the</p> <p>17 City approved the current project that's there</p> <p>18 now, and had numerous, if I'm not mistaken --</p> <p>19 you'll recall, there were at least, you know,</p> <p>20 five to ten public hearings on the current</p> <p>21 Agave, whatever it's called, Ponce Plaza</p> <p>22 Project, that there's now.</p> <p>23 So the City had opportunity to discuss the</p> <p>24 differences between that project and the prior</p> <p>25 project, what they would allow, not allow, and</p>
<p style="text-align: right;">Page 75</p> <p>1 even after Mr. Solerno left, there were further</p> <p>2 changes that have been made to that project</p> <p>3 since his departure.</p> <p>4 MR. WITHERS: You know, Ralph is an angel,</p> <p>5 and I'm sure the Lord is happy that Ralph is</p> <p>6 with him, probably racing his Formula One race</p> <p>7 cars all around heaven. So Ralph was a hero of</p> <p>8 mine.</p> <p>9 But the point is, there were permits issued</p> <p>10 and that project was not built according to</p> <p>11 the --</p> <p>12 MS. RUSSO: Well, he did. He built the</p> <p>13 townhouses. The permits were issued for the</p> <p>14 townhouses, and they were built. They were</p> <p>15 later torn down. And he did all of the</p> <p>16 renovations to the historic building, which had</p> <p>17 been George Merrick's original. So all of the</p> <p>18 permits -- and he did a lot of the public realm</p> <p>19 improvements, which the project required be</p> <p>20 done prior to actually commencing.</p> <p>21 So some of the improvements that you saw on</p> <p>22 those side streets were actually done by Ralph,</p> <p>23 as part of the requirements of the Ordinance.</p> <p>24 MR. WITHERS: Well, I would highly urge,</p> <p>25 even though an alley may not be looked upon as</p>	<p style="text-align: right;">Page 76</p> <p>1 street vacating, as public property belonging</p> <p>2 to the residents of Coral Gables, I would</p> <p>3 highly urge that before we allow someone to</p> <p>4 vacate an alley, that the project which we</p> <p>5 expect to be built is built and that someone</p> <p>6 does not monetize it just to make money and</p> <p>7 sell it. I just think that's not good for the</p> <p>8 citizens of Coral Gables.</p> <p>9 CHAIRMAN AIZENSTAT: Okay. Rhonda, you</p> <p>10 have a motion. You want to stay with the</p> <p>11 motion the way you have it?</p> <p>12 MS. ANDERSON: I will stay with the motion</p> <p>13 the way I have it, because I have concerns</p> <p>14 about the burden upon the alley that exists and</p> <p>15 we need a Site Plan in order to resolve those</p> <p>16 issues.</p> <p>17 CHAIRMAN AIZENSTAT: Understood.</p> <p>18 And, Maria, your second?</p> <p>19 MS. VELEZ: I agree.</p> <p>20 CHAIRMAN AIZENSTAT: Second.</p> <p>21 Okay. Any other discussion? Having heard</p> <p>22 none, Jill, call the roll, please.</p> <p>23 THE SECRETARY: Rene Murai?</p> <p>24 CHAIRMAN AIZENSTAT: Hold on. Let me see</p> <p>25 if we can get him unmuted. Rene, if you can</p>

<p style="text-align: right;">Page 77</p> <p>1 hear us, can you put your thumbs up or thumbs 2 down? 3 Thumbs up for Rene. 4 Okay. 5 THE SECRETARY: Venny Torre? 6 MR. TORRE: Oh, no, for denial. Yes. 7 THE SECRETARY: Maria Velez? 8 MS. VELEZ: Denial. 9 THE SECRETARY: Chip Withers? 10 MR. WITHERS: Yes. 11 THE SECRETARY: Rhonda Anderson? 12 MS. ANDERSON: Yes. 13 THE SECRETARY: Robert Behar? 14 MR. BEHAR: Yes. 15 THE SECRETARY: Eibi Aizenstat? 16 CHAIRMAN AIZENSTAT: Yes. 17 MS. RUSSO: Thank you all very much. 18 MR. BEHAR: Hey, Rene wants to speak. Rene 19 wants to speak. 20 CHAIRMAN AIZENSTAT: Rene, can you -- there 21 you go. 22 MR. MURAI: Can you hear me? 23 CHAIRMAN AIZENSTAT: Yes, we can hear you. 24 MR. MURAI: The motion was to deny the -- 25 to recommend to the City the denial of the</p>	<p style="text-align: right;">Page 78</p> <p>1 vacation of the alley. 2 CHAIRMAN AIZENSTAT: Correct. 3 MR. MURAI: Correct? 4 CHAIRMAN AIZENSTAT: Yes. 5 MR. MURAI: Okay. And I thought Maria 6 seconded that motion. 7 CHAIRMAN AIZENSTAT: Yes. 8 MR. MURAI: Did I hear her say, "Denial"? 9 MS. VELEZ: Yes. 10 CHAIRMAN AIZENSTAT: Yes. 11 MR. MURAI: Denial meaning, yes, to the 12 motion? 13 MS. VELEZ: Yes, to the motion. 14 CHAIRMAN AIZENSTAT: Yes, to Rhonda's 15 motion to deny. 16 MR. MURAI: I just wanted to clarify that. 17 CHAIRMAN AIZENSTAT: Okay. 18 MR. MURAI: I'd tell you, I would -- it's 19 too late, but my preference would have been to 20 table this whole discussion, as everybody said, 21 until such time as we have a Site Plan, et 22 cetera. 23 CHAIRMAN AIZENSTAT: Just as an aside, and 24 then we'll move on to the next one, we did 25 actually ask Laura if her client could go ahead</p>
<p style="text-align: right;">Page 79</p> <p>1 and provide a Site Plan and bring it to the 2 next meeting, and she was unable to do that. 3 MR. MURAI: No, I understand that, but 4 I'm -- 5 MS. RUSSO: Only because my client is not 6 the developer. 7 CHAIRMAN AIZENSTAT: Understood. Okay. So 8 let's go ahead. 9 MS. RUSSO: If not, I would love to bring 10 you a Site Plan. 11 CHAIRMAN AIZENSTAT: Okay. 12 MR. MURAI: Okay. Just one quick one. I 13 mean, I think the message to both parties to 14 the transaction is not that this Board is 15 against the vacation of the alley, but that 16 it's just not the right time to bring it up, 17 until such time as we get a Site Plan, blah, 18 blah, blah. 19 CHAIRMAN AIZENSTAT: That is correct. 20 MR. MURAI: That should be clear. 21 CHAIRMAN AIZENSTAT: Yes. Thank you. 22 MR. BEHAR: I will agree with that, Rene. 23 That's a good way to put it, excellent way to 24 put it. 25 MS. ANDERSON: I concur.</p>	<p style="text-align: right;">Page 80</p> <p>1 CHAIRMAN AIZENSTAT: Thank you. Let's go 2 ahead and -- 3 MR. COLLIER: Should I read E-2? 4 CHAIRMAN AIZENSTAT: Yes, please. Let's 5 move on to the next agenda item. 6 Craig, if you would please read E-2 into 7 the record. 8 MR. COLLIER: Item E-2, an Ordinance of the 9 City Commission of Coral Gables, Florida 10 providing for text amendments to the City of 11 Coral Gables Official Zoning Code, Appendix A, 12 "Site Specific Zoning Regulations," by amending 13 "Section A-58 - Hammock Oaks Harbor Section 14 2(F)," amending provisions governing the use of 15 the private yacht basin facility, increasing 16 the number of dock slips from eight to nine, on 17 property legally described as A portion of 18 Tract E, Block 4 of Hammock Oaks Harbor Section 19 Two (11093 Marin Street), Coral Gables, 20 Florida; providing for severability, repealer, 21 codification, and an effective date. 22 Item E-2, public hearing. 23 CHAIRMAN AIZENSTAT: Okay. Ramon, before 24 you proceed, I'd like to remind everybody 25 that's on, if they would like to speak when</p>

<p style="text-align: right;">Page 81</p> <p>1 it's open for public comment, you must go ahead 2 and send a private chat message with your name, 3 that you'd like to speak on this item, and send 4 it to Jill Menendez. If you're on the phone, 5 it's *9 and that will get it over to Jill. 6 Otherwise, we will not be opening it back up, 7 if there's nobody there when I ask if there's 8 any speakers. Thank you. 9 Go ahead, please, Ramon. 10 MR. TRIAS: Thank you, Mr. Chairman. 11 May I have the PowerPoint, please? 12 You may recall that in October of 2018 13 there was a request to create a series of docks 14 in a very, very unique parcel of the City. 15 Next. 16 That parcel is a very thin piece of land, 17 and the dock has been built, and it has been 18 according to the approval. Next. 19 And as you can see, it's Zoned 20 Single-Family and it's surrounded by 21 Single-Family houses. So there was a lot of 22 discussion back in 2018 with the neighbors and 23 a lot of different conditions were proposed and 24 so on. And eventually the approval was 25 codified in such a way that it has some Site</p>	<p style="text-align: right;">Page 82</p> <p>1 Specific regulations in the Zoning Code that 2 were very detailed. Next. 3 Including the request for certain 4 management and design characteristics of the 5 site. Next. 6 So the request today is for a Zoning Code 7 Text Amendment for the Site Specific 8 regulations, and the request is to allow nine 9 slips. Right now eight slips are allowed. So 10 the request is for one additional slip. Next. 11 As you can see, the strike-through and 12 underline is simply, eight becomes nine. That 13 is the amendment. However, it's a significant 14 amendment, because it is in the Zoning Code as 15 a Site Specific Regulation. Next. 16 There was public notifications, two letters 17 to the property owners, also one property 18 posting, the website posting and a newspaper 19 advertisement. Next. 20 Staff recommends approval. 21 That is the end of my representation. 22 CHAIRMAN AIZENSTAT: Okay. Thank you. The 23 Applicant, please. One second, please. Let's 24 see if we can do Erik's phone. There you go. 25 MR. FRESEN: Am I unmuted? Can everybody</p>
<p style="text-align: right;">Page 83</p> <p>1 hear me okay? 2 CHAIRMAN AIZENSTAT: Yes. Continue, 3 please. 4 MR. FRESEN: Thank you very much, and thank 5 you Board for your time today, Board Chair and 6 Board Members, former Commissioners, and City 7 Staff for all of your assistance here. 8 My name is Erik Fresen, with offices at 9 8050 Southwest 72nd Avenue, Miami, Florida 10 33143. I'm here really as a local advocate on 11 behalf of my dear family friend, David 12 Cabarrocas, who is the property owner and 13 official applicant to this application. 14 And, well, Mr. Trias provided you a brief 15 background on the site. If you'll indulge me 16 for a couple of quick minutes, as I just 17 provide a brief summary or a brief historical 18 summary of this application, for those Board 19 Members that were not around in 2018, when the 20 crux of this application came before the City 21 for final approval, I'd just like to provide a 22 quick bit of context. 23 So the applicant, Mr. Cabarrocas, bought 24 this property in or around 2016, and in late -- 25 in middle 2017, around the summertime,</p>	<p style="text-align: right;">Page 84</p> <p>1 submitted a formal application to the City of 2 Coral Gables, as a matter of fact, represented 3 ably and competently by my friend, Laura Russo, 4 who was on the application just before us. 5 And that process involved a full breath and 6 comprehensive structure review, analysis, 7 negotiations, ultimate hearings that an 8 application of this nature would include. At 9 the time, it was obviously -- it was a Text 10 Amendment to the Zoning Code, as well as a 11 Conditional Use, recognizing that, as Mr. Trias 12 mentioned, the subject property is on what is a 13 Residential use area, and as such, this was a 14 Conditional Use subject to that Zoning 15 category. 16 When the application went through, and your 17 Staff report should mention this, it went 18 through, again, all of the reviews, Staff 19 review, ultimate presentation before the 20 Architectural Board, before the Development 21 Review Committee, before your Board, your 22 Planning & Zoning Board, and ultimately before 23 the Commission twice for final passage. 24 That process included, as Mr. Trias 25 referenced, a lot of negotiation.</p>

<p style="text-align: right;">Page 85</p> <p>1 CHAIRMAN AIZENSTAT: Erik, can I ask you to</p> <p>2 pause one second. I need to ask Craig a</p> <p>3 question.</p> <p>4 Craig, since he's not the applicant and --</p> <p>5 do we have the paperwork, just to make sure</p> <p>6 it's legal and so forth, that he's able to</p> <p>7 present this before us?</p> <p>8 MR. COLLER: That's an interesting</p> <p>9 question. I know that he's counsel. Are you</p> <p>10 representing the applicant? Is the applicant</p> <p>11 present?</p> <p>12 MR. FRESEN: The applicant is right next to</p> <p>13 me and even the letter of intent for this Text</p> <p>14 Amendment was originally prepared by myself and</p> <p>15 I've been in contact with City Staff as an</p> <p>16 applicant rep.</p> <p>17 MR. COLLER: So you are the applicant --</p> <p>18 MR. FRESEN: The applicant is here with me.</p> <p>19 MR. COLLER: Well, you're an attorney. You</p> <p>20 have the authority to represent the applicant.</p> <p>21 So there's no problem in going forward with it.</p> <p>22 CHAIRMAN AIZENSTAT: Correct. I just</p> <p>23 didn't know, Erik, that you were an attorney</p> <p>24 and I didn't want you to lose any of your legal</p> <p>25 rights.</p>	<p style="text-align: right;">Page 86</p> <p>1 MS. FRESEN: Hi, Craig. A pleasure to see you.</p> <p>2 MR. COLLER: Yes, hi. It's good to see</p> <p>3 you, Erik. It's been a while.</p> <p>4 MR. FRESEN: Since the County days.</p> <p>5 CHAIRMAN AIZENSTAT: Please, continue,</p> <p>6 Erik. Sorry for that.</p> <p>7 MR. FRESEN: No, that's quite okay.</p> <p>8 And I won't be, you know, overly long, but</p> <p>9 I just want to make sure that there's, you</p> <p>10 know, context for this.</p> <p>11 So, in that process, at that time, as I</p> <p>12 mentioned, there were various negotiations</p> <p>13 between the applicant/owner and the neighbors</p> <p>14 of the Hammock Oaks community that ultimately</p> <p>15 led to the compromise that allowed for the</p> <p>16 development of this basically small purely</p> <p>17 residential marina, for lack of a better term,</p> <p>18 for the expressed use of only Hammock Oaks</p> <p>19 property owners.</p> <p>20 At the time, a lot of things, as Mr. Trias</p> <p>21 said, were negotiated and finally compromised</p> <p>22 to. There is a declaration of restricted</p> <p>23 covenant that runs directly with this</p> <p>24 application. And to set it from the onset, not</p> <p>25 a word, not a period, not a comma, is being</p>
<p style="text-align: right;">Page 87</p> <p>1 changed from anything that precedes and that</p> <p>2 created this application to be previously</p> <p>3 approved.</p> <p>4 The only request on this application is to</p> <p>5 go from eight slips to nine. And just to</p> <p>6 provide a little bit of quick context on that,</p> <p>7 so when this dock and marina was being</p> <p>8 conceptualized and finally run through Site</p> <p>9 Plan review and with City Staff and as the --</p> <p>10 the estimations of what would be scaleable on</p> <p>11 that site were being determined by the</p> <p>12 applicant and by City Staff and others, one of</p> <p>13 the elements -- if you look at your Site Plan,</p> <p>14 provided by the City as the current as built</p> <p>15 plan, all eight of the current slips that were</p> <p>16 approved by the City Ordinances that Mr. Trias</p> <p>17 referenced, are on the north side of that</p> <p>18 marina.</p> <p>19 The reason being, is that although the</p> <p>20 applicant knew or hoped at the time that this</p> <p>21 application was going through that the</p> <p>22 potential possibility of a ninth slip would be</p> <p>23 allowed on the south side of the marina,</p> <p>24 because of the fact that the permitting process</p> <p>25 occurs after approval and not knowing what the</p>	<p style="text-align: right;">Page 88</p> <p>1 Army Corps of Engineers may or may not require</p> <p>2 as far as setbacks and allowances on the south</p> <p>3 side of that marine, the Applicant chose not to</p> <p>4 go for nine, and then ultimately not allow for</p> <p>5 nine to be permitted, based on some Army Corps</p> <p>6 of Engineer denial or recommendation to push</p> <p>7 back further onto the south side of that</p> <p>8 marina.</p> <p>9 Ultimately, this application was approved.</p> <p>10 Ultimately the elements of this application</p> <p>11 were met with. The Applicant submitted the</p> <p>12 Site Plans and all of the drawings to the City</p> <p>13 Staff. The City Staff reviewed it, permits</p> <p>14 were issued, and the dock was built. Along</p> <p>15 that plan, through all of the reviews of</p> <p>16 various Staff departments for the permitting,</p> <p>17 including the Department of Environmental</p> <p>18 Resource Management of the County and then</p> <p>19 ultimately the Army Corps of Engineers, those</p> <p>20 permits and approvals demonstrated or</p> <p>21 reflected, particularly the Army Corp, that</p> <p>22 what could have potentially been a restriction</p> <p>23 on the south side of the dock for that east --</p> <p>24 for that southeast portion of the dock, was not</p> <p>25 as restrictive as we may have thought, and as</p>

<p style="text-align: right;">Page 89</p> <p>1 such, that's essentially what leads to this</p> <p>2 application before you today.</p> <p>3 The applicant -- the marina is already</p> <p>4 built. All eight slips have already actually</p> <p>5 been sold to Hammock Oaks property owners and</p> <p>6 residents. All elements of the declaration of</p> <p>7 Restrictive Covenants have been met, including</p> <p>8 the formation of a condo association for the</p> <p>9 marina itself. That condo association has a</p> <p>10 president, vice-president and treasurer already</p> <p>11 selected, as the City Ordinance dictates, and</p> <p>12 we've had, as Mr. Trias mentioned -- we called</p> <p>13 for a couple of neighborhood meetings.</p> <p>14 The last one of which was actually, you</p> <p>15 know, relatively speaking, very well attended,</p> <p>16 north of thirty percent of the neighbors within</p> <p>17 the thousand feet joined the meeting. There</p> <p>18 were general questions just about, you know,</p> <p>19 how the ninth boat would enter and that sort of</p> <p>20 thing, but no disposition of opposition to the</p> <p>21 application. The homeowners association is</p> <p>22 well aware of the application, and we certainly</p> <p>23 haven't received any feedback, other than</p> <p>24 favorable feedback, and just requesting if they</p> <p>25 need us -- if we need them to come and speak to</p>	<p style="text-align: right;">Page 90</p> <p>1 reflect support to the project.</p> <p>2 So the Hammock Oaks Association, and the</p> <p>3 neighbors, for the most part, have been very</p> <p>4 content with what we would call the assets that</p> <p>5 was added to their community. As mentioned,</p> <p>6 several of the current resident slips that are</p> <p>7 owned were actually bought by new owners, post</p> <p>8 the application being approved, which, you</p> <p>9 know, most of the agents that are selling in</p> <p>10 that area will tell you that this was a but for</p> <p>11 factor, that but for the marina being there and</p> <p>12 a slip being available, likely those houses</p> <p>13 would not have sold at the rates that they</p> <p>14 sold.</p> <p>15 So it's been, in our opinion, certainly a</p> <p>16 tremendous benefit to the Hammock Oaks</p> <p>17 community. Again, the residents have not shown</p> <p>18 anything but support for the project, and,</p> <p>19 again, nothing else in the current approval of</p> <p>20 this dock is being changed, other than eight to</p> <p>21 nine. There is not an inch being added to the</p> <p>22 dock as built. All of the infrastructure for</p> <p>23 the ninth slip is already in place on the dock.</p> <p>24 There isn't an additional piling that needs to</p> <p>25 be done. In reality, there isn't even a permit</p>
<p style="text-align: right;">Page 91</p> <p>1 that needs to be pulled. Realistically, all</p> <p>2 that needs to be done, were the ninth slip to</p> <p>3 be approved, is the addition of three cleats,</p> <p>4 so that the ninth boat could tie up. There is</p> <p>5 no expansion to the dock. There is no material</p> <p>6 change to anything that was already approved by</p> <p>7 the City Commission, other than the number</p> <p>8 eight to the number nine.</p> <p>9 And that's just a quick summary, and I'll</p> <p>10 allow it -- we'll end it there.</p> <p>11 CHAIRMAN AIZENSTAT: Thank you, Erik.</p> <p>12 Before I open it --</p> <p>13 MR. COLLIER: Mr. Chairman, there's one</p> <p>14 minor legal matter that's reflected in this.</p> <p>15 There are actually two items. There was a</p> <p>16 Conditional Use Ordinance to allow for the</p> <p>17 private yacht basin, that in its title</p> <p>18 reflected eight, and there's this amendment to</p> <p>19 the Site Specifics.</p> <p>20 CHAIRMAN AIZENSTAT: Correct.</p> <p>21 MR. COLLIER: The Applicant, for whatever</p> <p>22 reason, has only gone forward with one of the</p> <p>23 items. In order to accomplish this, both of</p> <p>24 the items will ultimately have to be done, so</p> <p>25 there will be another item that will be coming</p>	<p style="text-align: right;">Page 92</p> <p>1 before the Board for its recommendation. So</p> <p>2 they're choosing to do this kind of in a</p> <p>3 two-step process, but both items have to be</p> <p>4 ultimately approved -- recommended by you, one</p> <p>5 way or the other, and has to be approved by the</p> <p>6 City Commission.</p> <p>7 CHAIRMAN AIZENSTAT: Craig?</p> <p>8 MR. FRESEN: May I?</p> <p>9 CHAIRMAN AIZENSTAT: One second, Erik.</p> <p>10 Craig, are they required to come in at the</p> <p>11 same time?</p> <p>12 MR. COLLIER: No. I mean, the way we've set</p> <p>13 this up, we've made it clear that there is a</p> <p>14 condition that this other has to be approved</p> <p>15 and they have chosen to go with this one first.</p> <p>16 Maybe they -- Erik, maybe you can explain why</p> <p>17 the decision was made to go for one and then</p> <p>18 wait. Maybe you wanted to get positive input</p> <p>19 on this before you do the other one.</p> <p>20 MR. FRESEN: No. I mean, I'm glad to have</p> <p>21 gotten positive input on this one, at least up</p> <p>22 to the Staff point, but, no. So, really, it's</p> <p>23 for two reasons. One of them was more of a</p> <p>24 hopeful optimism reason and the other one was</p> <p>25 more of a practical one.</p>

<p style="text-align: right;">Page 93</p> <p>1 As the City Attorney just mentioned, 2 ultimately the driving legal determination as 3 to the Conditional Use portion having to also 4 be formally heard before the formalized 5 process, as opposed to, since it is tied to an 6 item that's moving forward as a Zoning Text 7 Amendment through the formal process, that 8 otherwise could have possibly been approved 9 subsequent to, through a Staff analysis, is 10 because of what the City Attorney mentioned, 11 that unfortunately for the Applicant, the 12 Number 8 was also in the title portion of the 13 Conditional Use. 14 Had that number not been so specifically 15 stated, and it would have just -- as most 16 applications, that don't speak to that much 17 specificity in the tile, would have just 18 referenced, slips, we were hopeful that maybe 19 it could just have been done at the Staff 20 level. And, then, quite frankly, the second 21 reason, which is more practical, is that -- and 22 this is a conversation I had with Mr. Trias and 23 a few others, was a more practical financial 24 one. 25 The original application that I summarized</p>	<p style="text-align: right;">Page 94</p> <p>1 earlier, which was, as I explained, incredibly 2 comprehensive, required hours of Staff review 3 and negotiations back and forth and everything 4 else, had both, a Text Amendment and a 5 Conditional Use. The way that the City fee 6 schedules work is that they're both treated 7 separately and they're billed with a flat fee. 8 So there is no scalability on a fee relative to 9 either the size, impact, scope or breath or an 10 application. Essentially, if it is a 11 Conditional Use, regardless of whether it's a 12 Conditional Use application for a 50,000 square 13 foot office building or a Conditional Use 14 application to change the number from eight to 15 nine, without any other changes being made on 16 an existing approved Site Plan, unfortunately, 17 the City fees don't have a scale. They're 18 basically flat. 19 So the practical reason for knowing -- once 20 we knew the legal determination that, in fact, 21 we were going to have to come -- that there was 22 no way around, let's say, you know, formally 23 through Staff or otherwise, to not have to 24 formally go through the Conditional Use, 25 because of the fact that it was embedded in the</p>
<p style="text-align: right;">Page 95</p> <p>1 title amendment, this one -- Text Amendment 2 portion was already significantly brought 3 forward, so for that reason, I didn't want to 4 slow this one down, while readily acknowledging 5 here in public and understanding that 6 ultimately one cannot exist -- one will not 7 exist and will not be before final approval by 8 City Commission without the other, but it also 9 afforded the Applicant, who is not a wealthy 10 man, a few weeks to be able to essentially 11 cobble together the nearly \$12,000 application 12 fee that's going to accompany what essentially 13 is a minor scrivener amendment on a Conditional 14 Use order that's from eight to nine. 15 So, for those two reasons, it's why we did 16 so. So it wasn't either a flippant disregard 17 or otherwise, but we do recognize the fact 18 that -- you know, and we'll be doing it very 19 shortly, that both applications will ultimately 20 meet at the Commission level, and, again, both 21 of them are mirror applications. There is 22 nothing substantive in what will be the 23 Conditional Use that is not being discussed and 24 detailed in today's conversation. 25 So, essentially, when that one comes before</p>	<p style="text-align: right;">Page 96</p> <p>1 you, I may not even have an opening, other 2 than, this one is just like the last one that 3 you guys saw. So I'll be much shorter in my 4 presentation in that one, which is to your 5 benefit. 6 CHAIRMAN AIZENSTAT: Thank you, Erik. 7 Before I open it up for public comment, 8 Erik, I just want to ask a question. I recall 9 something of this when I was on the Board 10 previously that this came before us. I think 11 it was when Laura was handling it. 12 MR. FRESEN: Yes. 13 CHAIRMAN AIZENSTAT: And I recall at that 14 time -- was it for the same -- was it for the 15 ninth space or was it for the condo use at that 16 time? 17 MR. FRESEN: It was for the condo use at 18 that time. I'm sorry, through the Chair -- 19 well, you are the Chair. 20 CHAIRMAN AIZENSTAT: Yes. 21 MR. FRESEN: Yes, it was for the condo use 22 at the time, and, again, some other varying 23 elements regarding security elements and a few 24 others regarding the roundabout, to make sure 25 beforehand that there would be enough actual</p>

<p style="text-align: right;">Page 97</p> <p>1 radius, you know, for safety vehicles and that</p> <p>2 sort of thing.</p> <p>3 CHAIRMAN AIZENSTAT: Okay. Jill, do we</p> <p>4 have any speakers? Let me see if I can --</p> <p>5 Jill --</p> <p>6 THE SECRETARY: No speakers.</p> <p>7 CHAIRMAN AIZENSTAT: No speakers at all?</p> <p>8 Okay. At this time, I'm going to close it to</p> <p>9 the floor.</p> <p>10 Rene, will you go first, please?</p> <p>11 MR. MURAI: Can you hear me now?</p> <p>12 CHAIRMAN AIZENSTAT: I can hear you now.</p> <p>13 MR. MURAI: Okay. Did I understand at the</p> <p>14 beginning that this marina abuts City property?</p> <p>15 No?</p> <p>16 MR. TRIAS: No.</p> <p>17 MR. MURAI: The property is the owned by</p> <p>18 the developer?</p> <p>19 MR. TRIAS: Yes.</p> <p>20 MR. MURAI: Okay. And the City's</p> <p>21 recommendation is?</p> <p>22 MR. TRIAS: Approval.</p> <p>23 MR. MURAI: Okay. No further questions.</p> <p>24 CHAIRMAN AIZENSTAT: Thank you, Rene.</p> <p>25 Maria. Yes.</p>	<p style="text-align: right;">Page 98</p> <p>1 MS. VELEZ: I remember, when we first heard</p> <p>2 this in the Summer of 2018, there was some</p> <p>3 issues and that there was a pending lawsuit.</p> <p>4 Has that been resolved?</p> <p>5 MR. FRESEN: Yes.</p> <p>6 I'm sorry, through the Chair, yes.</p> <p>7 MS. VELEZ: Okay. Have any of the</p> <p>8 neighbors indicated any objection to increasing</p> <p>9 the docks from eight to nine?</p> <p>10 MR. FRESEN: Through the Chair?</p> <p>11 CHAIRMAN AIZENSTAT: Yes, please. You</p> <p>12 don't have to say through the Chair.</p> <p>13 Mr. FRESEN: Oh, I'm sorry.</p> <p>14 CHAIRMAN AIZENSTAT: It's okay.</p> <p>15 MR. FRESEN: I'm conditioned to a</p> <p>16 legislative process, sorry.</p> <p>17 So, yes, Maria -- no. So, again, I was</p> <p>18 actually rather relieved when I saw the amount</p> <p>19 of participation that occurred in our Zoom</p> <p>20 neighbor meeting. Because of COVID reasons, we</p> <p>21 didn't want to hold this one in person. And,</p> <p>22 again, north of thirty percent of those within</p> <p>23 the thousand foot radius attended and mostly</p> <p>24 just either -- just to commend the existing</p> <p>25 project, and, really, the only real questions I</p>
<p style="text-align: right;">Page 99</p> <p>1 remember being asked were -- they were curious</p> <p>2 as to how the ninth boat would come in, which</p> <p>3 Mr. Cabarrocas explained, and then there was</p> <p>4 another question from the residents, that</p> <p>5 because of the security elements that were</p> <p>6 required through the negotiations with the</p> <p>7 association back then and with City Staff to</p> <p>8 have, you know, a security element, which is</p> <p>9 essentially a gate to allow only access to the</p> <p>10 slips for those that are owners of said slips,</p> <p>11 one of the residents, who I guess was not aware</p> <p>12 of why that wall existed, was asking whether or</p> <p>13 not, as part of this application, that element</p> <p>14 could be removed, so that there could be</p> <p>15 pedestrian access to it, and, you know, that</p> <p>16 was it.</p> <p>17 But it wasn't anything they were living or</p> <p>18 dying on. I think they were just curious as to</p> <p>19 whether or not this application could open up</p> <p>20 the possibility for that to happen. But other</p> <p>21 than that, I mean, there was nobody expressing</p> <p>22 any sort of concern, again, especially since</p> <p>23 nothing of the scale that's already built and</p> <p>24 they've been living with for a while is</p> <p>25 changing in this application. It will be</p>	<p style="text-align: right;">Page 100</p> <p>1 indistinguishable from what's there right now,</p> <p>2 other than a ninth boat being parked on the</p> <p>3 south side of the dock.</p> <p>4 MS. VELEZ: Thank you. That's all I have.</p> <p>5 CHAIRMAN AIZENSTAT: Chip.</p> <p>6 MR. WITHERS: So, hey, Erik, how are you?</p> <p>7 MR. FRESEN: Hey, Commissioner, how are you?</p> <p>8 MR. WITHERS: I'm fine.</p> <p>9 I'm not really familiar with this, so I</p> <p>10 need to ask you just a couple of quick</p> <p>11 questions. So if the ninth slip was not</p> <p>12 allowed, would you just extend the size of the</p> <p>13 other slips or would it be vacant?</p> <p>14 MR. FRESEN: It would be vacant, because</p> <p>15 you can't fit -- the only place where a ninth</p> <p>16 boat could fit is exactly where the Site Plan</p> <p>17 that's before you -- where it highlights it.</p> <p>18 As a matter of fact, one of the only other</p> <p>19 points -- and thank you for -- you just brought</p> <p>20 this point back up -- another question that was</p> <p>21 asked by one of the neighbors was whether or</p> <p>22 not, you know, this could be the proverbial</p> <p>23 snowball, where the ninth then becomes the</p> <p>24 tenth, and neither through applicant's appetite</p> <p>25 for a tenth, but just as firmly, because of the</p>

<p style="text-align: right;">Page 101</p> <p>1 complete inability to ever fit a tenth. 2 It will never fit. You can't fit a tenth 3 boat onto this. 4 MR. WITHERS: So do they do dock side 5 fueling or how do they do the fueling of the 6 vessels? 7 MR. FRESEN: There is zero -- there is not 8 a single element of any commercial activity, 9 retail activity or otherwise. This is as 10 pedestrian as a marina gets. So they have to 11 go fuel and ice and everything else off-site. 12 MR. WITHERS: So do you have to be a 13 resident to own a dock? 14 MR. FRESEN: Yes, sir, and that is 15 memorialized in both, the Declaration of 16 Restrictive Covenants and in the Ordinance. 17 MR. WITHERS: Okay. So let's say I don't 18 have a dock now, and the guy next to me has a 19 dock, and he's selling his house. Can he sell 20 me the dock separately from his house? 21 MR. FRESEN: Yes, he can. 22 MR. WITHERS: Okay. So the dock can be 23 sold separately, as long as it's an owner? 24 MR. FRESEN: That's correct, sir. 25 MR. WITHERS: Okay. And you have to be an</p>	<p style="text-align: right;">Page 102</p> <p>1 owner and obviously -- 2 MR. FRESEN: Yes. As a matter of fact, 3 it's not only a Condition in the Declaration of 4 Restrictive Covenants, but ultimately it 5 becomes a condition to close. So you're 6 protected -- 7 MR. WITHERS: I understand. And, 8 obviously, you can't lease that. 9 Okay. So the dock could be sold separately 10 from the home, as long as obviously the new 11 homeowner doesn't want a dock and someone else 12 wants it. 13 Okay. I understand. I got it. All right, 14 thank you. 15 CHAIRMAN AIZENSTAT: Thank you, Chip. 16 Rhonda? 17 MS. ANDERSON: All right. It took me a 18 moment to unmute myself. 19 I remember this project well, when it was 20 originally presented, and we had all of the 21 questions, how fueling was going to be done, et 22 cetera, and I note that you included a 2017 23 aerial photo as opposed to the current aerial 24 photo in the presentation. 25 Is there any limitation on the size of the</p>
<p style="text-align: right;">Page 103</p> <p>1 boat that can fit between where this dock is 2 now and the shoreline that has been considered? 3 MR. FRESEN: Hi, Commissioner, thank you 4 for the question. I just asked Mr. Cabarrocas 5 and he told me that the maximum is a 40-foot 6 boat, as is every other slip. It's the same 7 dimension as what's there now. I don't think 8 any of the current vessels have reached that 9 number, but that would be the maximum 10 allowable, I guess, both in the physical nature 11 and the very dimension of the slip. 12 MS. ANDERSON: Okay. I have no further 13 questions. Thank you. 14 CHAIRMAN AIZENSTAT: Thank you very much, 15 Rhonda. 16 Is Venny still there? I know he had to 17 leave. He's not. 18 Robert? 19 MR. BEHAR: I mean, I don't have any 20 problem. I was not here in 2018, but I don't 21 have a problem with this. We're not increasing 22 any component of that existing dock. I don't 23 see a problem at all. 24 CHAIRMAN AIZENSTAT: Okay. Thank you. 25 MR. MURAI: I have a question.</p>	<p style="text-align: right;">Page 104</p> <p>1 CHAIRMAN AIZENSTAT: Yes, go ahead, Rene. 2 MR. MURAI: What about parking? How does 3 parking work there? 4 MR. FRESEN: Yeah, so currently there is -- 5 and, again, to even enter the site itself, 6 there is a little security gate with a keypad 7 and different elements there, and then there is 8 plenty of existing, and even a little bit of 9 overflow property, even though the covenant 10 and the condo docs for the marina only allow 11 the owners' cart to come in and be there. So 12 there's current parking staging on the site 13 itself, with crushed gravel, prior to getting 14 to the dock, but after the security gate 15 element. 16 So there's no imposition of parking onto 17 either the right-of-way or onto any other 18 neighbor's property. 19 MR. MURAI: But going from eight to nine 20 does not necessitate more parking than what is 21 there today? 22 MR. FRESEN: No, sir. 23 MR. MURAI: Okay. 24 MR. FRESEN: There's actually, I mean, in 25 theory and by dimension, and just to add,</p>

<p style="text-align: right;">Page 105</p> <p>1 there's actually dimensionally ten parking</p> <p>2 spaces on the existing site.</p> <p>3 MR. MURAI: Okay.</p> <p>4 CHAIRMAN AIZENSTAT: Erik, I actually, same</p> <p>5 as Rhonda, recall very vividly when this came</p> <p>6 before us, when it was being proposed, and,</p> <p>7 Rhonda, if I recall correctly, at that time, we</p> <p>8 had denied it for some reason or am I wrong?</p> <p>9 I'm not saying, the one space, I'm saying</p> <p>10 something was going on with the condominium,</p> <p>11 which I'm not sure of, from the developer. I</p> <p>12 remember when Laura was there.</p> <p>13 MS. VELEZ: I believe we approved it.</p> <p>14 MS. ANDERSON: I believe we approved it.</p> <p>15 MR. VELEZ: Yes, we approved it. We had</p> <p>16 a long conversation about the access and there</p> <p>17 were neighbors against it and neighbors for it,</p> <p>18 and ultimately we did approve it, with the</p> <p>19 conditions. Yeah.</p> <p>20 MS. ANDERSON: I recall detailed</p> <p>21 discussion. I mean, I know I brought up the</p> <p>22 width of the dock, having the ADA accessible,</p> <p>23 and --</p> <p>24 CHAIRMAN AIZENSTAT: Right. And the fuel.</p> <p>25 Is the applicant an owner at Hammock Oaks?</p>	<p style="text-align: right;">Page 106</p> <p>1 MR. FRESEN: No, he is not.</p> <p>2 CHAIRMAN AIZENSTAT: So if he's not an</p> <p>3 owner of Hammock Oaks and the restriction is,</p> <p>4 you have to be an owner of Hammock Oaks, how</p> <p>5 does that work?</p> <p>6 MR. FRESEN: It works, because even though</p> <p>7 he was the owner of the property where the</p> <p>8 marina was built, he does not have a boat slip</p> <p>9 and he can't have a boat slip.</p> <p>10 CHAIRMAN AIZENSTAT: Craig, do you remember</p> <p>11 now?</p> <p>12 MR. COLLER: I do. I do. I think you --</p> <p>13 Ramon, you recall it, too?</p> <p>14 MR. TRIAS: I do recall that discussion.</p> <p>15 Yes, sir. I do recall it.</p> <p>16 MR. FRESEN: I can't speak as to whether or</p> <p>17 not Mr. Cabarrocas originally wanted to have a</p> <p>18 boat slip there, but he does not have one there</p> <p>19 and he cannot have one there, unless he buys a</p> <p>20 property at Hammock Oaks.</p> <p>21 CHAIRMAN AIZENSTAT: So what's he going to</p> <p>22 do? So his intention is to build it and sell</p> <p>23 it?</p> <p>24 MR. TRIAS: It's built already.</p> <p>25 MR. FRESEN: Yeah, there's no building.</p>
<p style="text-align: right;">Page 107</p> <p>1 It's just to sell it.</p> <p>2 CHAIRMAN AIZENSTAT: So it's to sell it,</p> <p>3 but if he -- let me see if I understand this.</p> <p>4 If he's not an owner and there is a covenant to</p> <p>5 run with the land with restrictions, Craig, how</p> <p>6 does that work?</p> <p>7 MR. COLLER: Well, it requires coming back</p> <p>8 to a public hearing. That's why we're here,</p> <p>9 because he can't go --</p> <p>10 MR. TRIAS: Mr. Chairman, this is not a</p> <p>11 dock. This is a private yacht basin. So it's</p> <p>12 a slightly different condition. It was</p> <p>13 approved as a Conditional Use as a yacht basin</p> <p>14 owned by Mr. Cabarrocas.</p> <p>15 CHAIRMAN AIZENSTAT: No, I understand all</p> <p>16 of that, Ramon. I'm just trying to wrap my</p> <p>17 hands around it, because I'm recalling more</p> <p>18 about what happened back then.</p> <p>19 MR. COLLER: And they did not want this to</p> <p>20 be a marina, a public marina. So it was very</p> <p>21 much tied down that you -- only those people</p> <p>22 that actually owned property in --</p> <p>23 CHAIRMAN AIZENSTAT: Could own a space.</p> <p>24 MR. COLLER: -- in the plat, I guess, could</p> <p>25 have a slip or they could -- somebody other</p>	<p style="text-align: right;">Page 108</p> <p>1 than them, but they still had to live in the</p> <p>2 development.</p> <p>3 CHAIRMAN AIZENSTAT: I think you had to be</p> <p>4 an owner. So how does an Applicant come in for</p> <p>5 the ninth -- how does the Applicant come in for</p> <p>6 a ninth space, that's not an owner or part of</p> <p>7 the association?</p> <p>8 MR. BEHAR: Mr. Chairman, it's simple.</p> <p>9 He's a developer. He owned that property, and,</p> <p>10 you know, he's selling that slip after he's</p> <p>11 done.</p> <p>12 CHAIRMAN AIZENSTAT: So he would have to</p> <p>13 sell it only to an owner of Hammock Oaks?</p> <p>14 MR. FRESEN: 100 percent, yeah. And the</p> <p>15 way that it's structured right now, just to add</p> <p>16 a little bit of clarity to it, the second -- as</p> <p>17 Mr. Behar just mentioned, he was the original</p> <p>18 owner and ultimate developer of the marina,</p> <p>19 which was folio restricted and had conditions</p> <p>20 to only be sold in a fee simple condo way, and</p> <p>21 only to a homeowner within the Hammock Oaks</p> <p>22 community.</p> <p>23 As each slip got sold, the developer, the</p> <p>24 current Applicant, loses all ownership interest</p> <p>25 of that proportionate share of his development.</p>

<p style="text-align: right;">Page 109</p> <p>1 So as the slip --</p> <p>2 MR. MURAI: I'm sorry to interrupt you,</p> <p>3 but, Eibi, I know what you're struggling with.</p> <p>4 Theoretically the moment this was approved, he</p> <p>5 became an owner of these condos, even though he</p> <p>6 didn't own any property in Hammock Oaks, but</p> <p>7 implied in the approval was the fact that he</p> <p>8 would, obviously, initially own the slips. Now</p> <p>9 what he can't do is sell it to me, because I</p> <p>10 don't live there, but implied in the approval</p> <p>11 is obviously he has the right to own it until</p> <p>12 -- I mean, I don't think theoretically he</p> <p>13 should have the right to use it.</p> <p>14 MR. FRESEN: He doesn't.</p> <p>15 MR. COLLER: He actually doesn't have the</p> <p>16 right to use it, because of the condition.</p> <p>17 MR. FRESEN: Right. He does not.</p> <p>18 MR. COLLER: That it was only the people</p> <p>19 that lived in the development.</p> <p>20 MR. MURAI: Right. I know what Eibi is</p> <p>21 saying, the moment we approve this, he becomes</p> <p>22 the owner of a ninth slip, but he doesn't own</p> <p>23 property.</p> <p>24 CHAIRMAN AIZENSTAT: Yeah, that's where I'm</p> <p>25 having a hard time.</p>	<p style="text-align: right;">Page 110</p> <p>1 MR. FRESEN: Right. And what I'm saying,</p> <p>2 that transition period is substantially</p> <p>3 identical to the original approval, when, in</p> <p>4 essence, he owned eight, but in reality, since</p> <p>5 there's no usability for said eight, he either</p> <p>6 owns a lot of wood that's sitting on top of</p> <p>7 water without any use or he owns the ability to</p> <p>8 sell proportionate elements of said wood in</p> <p>9 units of eight, and now this would be the ninth</p> <p>10 unit, and the way that it reads right now,</p> <p>11 because the condo association was already</p> <p>12 formed for the existing eight, the ninth slip</p> <p>13 would automatically transfer into the condo</p> <p>14 association for all elements of ownership other</p> <p>15 than the fee simple control of ownership that</p> <p>16 the ninth buyer would have.</p> <p>17 MR. MURAI: So the owner, which is David at</p> <p>18 this point, is a member of the condo</p> <p>19 association by virtue of the fact that he owns</p> <p>20 a slip, and every slip is -- you know, there's</p> <p>21 common elements.</p> <p>22 But, listen, implied in all of the</p> <p>23 approvals is that he initially has to own it,</p> <p>24 because it cannot be owned --</p> <p>25 MR. BEHAR: You can't build it, unless you</p>
<p style="text-align: right;">Page 111</p> <p>1 own it.</p> <p>2 MR. MURAI: Right. Right.</p> <p>3 CHAIRMAN AIZENSTAT: Craig, wasn't there</p> <p>4 conditions with a covenant to run with the land</p> <p>5 when this was approved by the City?</p> <p>6 MR. COLLER: There were.</p> <p>7 CHAIRMAN AIZENSTAT: And now we're going to</p> <p>8 go ahead and change that covenant?</p> <p>9 MR. FRESEN: No.</p> <p>10 MR. COLLER: Let me look at the -- I don't</p> <p>11 know if I have the prior --</p> <p>12 CHAIRMAN AIZENSTAT: To be honest with you,</p> <p>13 I don't mind the ninth space. It doesn't</p> <p>14 bother me. I'm having a hard time wrapping my</p> <p>15 hands around it, when there's a covenant.</p> <p>16 MR. COLLER: Typically, there's a covenant</p> <p>17 at the end that ties all of the conditions that</p> <p>18 were -- there were a lot of conditions.</p> <p>19 CHAIRMAN AIZENSTAT: Correct, and one of</p> <p>20 the conditions was that -- there was -- I</p> <p>21 recall --</p> <p>22 MR. FRESEN: So that Declaration of</p> <p>23 Restrictive Covenants ultimately gets</p> <p>24 memorialized, as Craig was just mentioning, was</p> <p>25 done on the 7th day of October, 2018, prior to</p>	<p style="text-align: right;">Page 112</p> <p>1 final approval, and, again, because of the way</p> <p>2 that that's worded, where thank God that</p> <p>3 Restrictive Covenants that spoke to many</p> <p>4 elements, restrictions being what the Code</p> <p>5 would have even asked for on a Code Amendment</p> <p>6 and Text Amendment of this kind, because of the</p> <p>7 fact that it spoke to the slips, ownership of,</p> <p>8 who would, you know, control and cleanliness,</p> <p>9 security, everything else, but fortunately, in</p> <p>10 this document, the number eight was never</p> <p>11 there.</p> <p>12 CHAIRMAN AIZENSTAT: So that was my</p> <p>13 question, if the number eight was on there.</p> <p>14 MR. FRESEN: And that's why I had mentioned</p> <p>15 it earlier, because I thought it was important,</p> <p>16 that not a word, period, comma, anything, on</p> <p>17 the existing memorialized Declaration of</p> <p>18 Restrictive Covenants running with this land,</p> <p>19 is being changed or modified in this</p> <p>20 application.</p> <p>21 CHAIRMAN AIZENSTAT: Okay. That's where I</p> <p>22 was having a hard time, because I really</p> <p>23 thought that the number eight was in the</p> <p>24 covenant, then how do you go about, you know,</p> <p>25 changing that covenant? Do you need all of the</p>

<p style="text-align: right;">Page 113</p> <p>1 owners from Hammock Oaks?</p> <p>2 Okay. Thank you.</p> <p>3 So we've gone through everybody. Anybody</p> <p>4 want to make a motion?</p> <p>5 MR. BEHAR: I'll make a motion for</p> <p>6 approval.</p> <p>7 MR. MURAI: I'll second it.</p> <p>8 CHAIRMAN AIZENSTAT: Robert makes a motion</p> <p>9 for approval. Rene, on the bike --</p> <p>10 MR. MURAI: What do you mean I'm on the</p> <p>11 bike?</p> <p>12 CHAIRMAN AIZENSTAT: You're moving back and</p> <p>13 forth, Rene.</p> <p>14 MR. FRESEN: I didn't want to say anything,</p> <p>15 but it looked like you were getting your</p> <p>16 exercise in there.</p> <p>17 MR. COLLER: I just ask everybody to</p> <p>18 remember what happened tonight, because you're</p> <p>19 going to get another item that's going to have</p> <p>20 the same thing.</p> <p>21 MR. FRESEN: And I promise that my</p> <p>22 introduction will just be, I'm here for any</p> <p>23 questions. I'm not going to provide you or</p> <p>24 bore you with any details.</p> <p>25 CHAIRMAN AIZENSTAT: Okay. We have a</p>	<p style="text-align: right;">Page 114</p> <p>1 motion. We have a second.</p> <p>2 MR. MURAI: Move with the condition that</p> <p>3 Erik cannot speak at the next one.</p> <p>4 MR. BEHAR: I'll second that one.</p> <p>5 CHAIRMAN AIZENSTAT: Okay. We have a</p> <p>6 first, second. Any other comment? No?</p> <p>7 Having heard none, call the roll, please, Jill.</p> <p>8 THE SECRETARY: Maria Velez?</p> <p>9 MS. VELEZ: Yes.</p> <p>10 THE SECRETARY: Chip Withers?</p> <p>11 MR. WITHERS: Yes.</p> <p>12 THE SECRETARY: Rhonda Anderson?</p> <p>13 MS. ANDERSON: Yes.</p> <p>14 THE SECRETARY: Robert Behar?</p> <p>15 MR. BEHAR: Yes.</p> <p>16 THE SECRETARY: Rene Murai?</p> <p>17 MR. MURAI: Yes.</p> <p>18 THE SECRETARY: Eibi Aizenstat?</p> <p>19 MR. MURAI: He's muted.</p> <p>20 THE SECRETARY: Eibi Aizenstat?</p> <p>21 CHAIRMAN AIZENSTAT: Can you hear me okay?</p> <p>22 I'm going to go ahead and say, yes, on the</p> <p>23 advice that Craig told us that this can be done</p> <p>24 with a covenant and so forth.</p> <p>25 MR. COLLER: Were you able to hear him?</p>
<p style="text-align: right;">Page 115</p> <p>1 The volume sort of dropped out of your --</p> <p>2 CHAIRMAN AIZENSTAT: No, I'm not muted.</p> <p>3 Can you hear me?</p> <p>4 MR. BEHAR: Scream.</p> <p>5 MS. ANDERSON: I can hear him.</p> <p>6 MR. COLLER: Okay.</p> <p>7 CHAIRMAN AIZENSTAT: I said, yes.</p> <p>8 MR. BEHAR: Nothing else? I'll make a</p> <p>9 motion to adjourn.</p> <p>10 MS. VELEZ: I'll second.</p> <p>11 CHAIRMAN AIZENSTAT: Thank you very much,</p> <p>12 guys. Have a nice night.</p> <p>13 (Thereupon, the meeting was concluded at</p> <p>14 8:20 p.m.)</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 116</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 23rd day of October, 2020.</p> <p>17</p> <p>18</p> <p>19 SIGNATURE ON FILE</p> <p>20</p> <p>21 _____</p> <p>22 NIEVES SANCHEZ</p> <p>23</p> <p>24</p> <p>25</p>