

City of Coral Gables
Local Planning Agency (LPA)/Planning and Zoning Board Meeting
Wednesday, December 11, 2013
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

MEMBERS	J9	F13	M13	A10	M8	J12	J10	A14	S11	O9	D11	APPOINTMENT
	'13	'13	'13	'13	'13	'13	'13	'13	'13	'13	'13	
Eibi Aizenstat - Chair	P	P	C	C	P	P	C	C	E	P	P	City Manager Patrick Salerno
Marshall Bellin	-	-	-	-	-	-	-	-	P	P	P	Commissioner Vince Lago
Jeffrey Flanagan - Vice Chair	P	P	C	C	P	P	C	C	P	P	P	Commissioner Pat Keon
Julio Grabiell	P	P	C	C	P	P	C	C	P	E	P	Mayor Jim Cason
Maria Menendez	-	-	-	-	-	-	-	-	-	P	P	VM William H. Kerdyk, Jr.
Alberto Perez	-	-	-	-	-	-	-	-	-	P	P	Commissioner Frank C. Quesada

DRAFT

P = Present
E = Excused
C = Meeting Cancelled
R = Resigned
X = Term Expired

City Staff and Consultants:

Ramon Trias, Director of Planning and Zoning Division
Walter Carlson, Asst. City Planner
Jill Menendez, Administrative Assistant
Craig E. Leen, City Attorney
Jane Tompkins, Development Services Director
Charles Wu, Asst. Development Services Director
Dona Spain, Historic Preservation Officer
Lina Hickman, Civil Engineer, Public Works

Court Reporter:
Joan Bailey

Attachments:

1. 12 11 13 Attendance/Speaker Sign In Sheet.
2. 12 11 13 Planning and Zoning Board Meeting Verbatim Minutes.
3. Letters of support entered into the record by Zeke Guilford (25 letters).
4. Documents entered into the record by Gil Haddad (spiral-bound notebook and binder).
5. Letter entered into the record by Laura Reynolds, Tropical Audubon Society.

Attendance/Speaker Sign In Sheet – December 11, 2013

Planning & Zoning Board Meeting

	Name	Mailing Address	Phone	(If you wish to speak, please check the box below)
1.	Gonzalo Sanabria	944 San Pedro	305 785 4239 #3	<input checked="" type="checkbox"/>
2.	Gil HADJAD	6800 GRANADA		<input checked="" type="checkbox"/> ③
3.	JORGE DALMAU	6801 GRANADA	(866) 375 1444	<input checked="" type="checkbox"/> ②
4.	SARA FAIN	1172 S. DIXIE HWY #246	786.942.7680	<input checked="" type="checkbox"/> ④
5.	RICHARD HEISENBÖTTLER	620 SANSEBASTIANO AVE	786-218-6722	<input checked="" type="checkbox"/> ①
6.	MITCH ALVAREZ	1207 SOUTH ALHAMBRA CIR.	305-462-0214	<input checked="" type="checkbox"/> ⑤
7.	LANA RYNNILDS	5530 Smyth Dr.	786-543-1926	<input checked="" type="checkbox"/> ⑥
8.	Martin Ebbert	6935 Almansa St	305.665.5701	<input checked="" type="checkbox"/> ⑦
9.	Ruth Ruth Jacobs	10105 Alhambra	305-667-5222	<input checked="" type="checkbox"/> ⑧
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>

1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA)/
 3 PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY HALL
 6 405 BILTMORE WAY, COMMISSION CHAMBERS
 7 CORAL GABLES, FLORIDA
 8 WEDNESDAY, DECEMBER 11, 2013, COMMENCING AT 6:05 P.M.

9 Board Members Present:
 10 Eibi Aizenstat, Chairperson
 11 Jeffrey Flanagan, Vice-Chairperson
 12 Marshall Bellin
 13 Julio Grabiell
 14 Maria Alberro Menendez
 15 Alberto Perez

16 City Staff and Consultants:
 17 Ramon Trias, Planning & Zoning Director
 18 Walter Carlson, Assistant City Planner
 19 Craig E. Leen, City Attorney
 20 Jane Tompkins, Development Services Director
 21 Dona Spain, Historic Preservation Officer
 22 Jill Menendez, Planning Administrative Assistant
 23 Charles Wu, Assistant Development Services Director
 24 Lina Hickman, Civil Engineer, Public Works

25 Others Participating in Proceedings:

Eric Riel
 Zeke Guilford, Esq.
 On behalf of the Applicant
 Richard Heisenbottle, Architect
 Jorge Dalmau

Public Speakers:

Gil Haddad
 Sara Fain
 Aramis "Mitch" Alvarez
 Laura Reynolds
 Marlin Ebbert
 Ruth Jacobs
 Gonzalo Sanabria

1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN AIZENSTAT: Let's go ahead and get
 4 started, please.
 5 I'd like to welcome everybody to tonight's
 6 meeting. Will you call the roll?
 7 MS. MENENDEZ: Marshall Bellin?
 8 MR. BELLIN: Here.
 9 MS. MENENDEZ: Jeff Flanagan?
 10 MR. FLANAGAN: Here.
 11 MS. MENENDEZ: Julio Grabiell?
 12 MR. GRABIEL: Here.
 13 MS. MENENDEZ: Maria Menendez?
 14 MS. ALBERRO MENENDEZ: Here.
 15 MS. MENENDEZ: Alberto Perez?
 16 MR. PEREZ: Here.
 17 MS. MENENDEZ: Eibi Aizenstat?
 18 CHAIRMAN AIZENSTAT: Here.
 19 The first item on the agenda is going to
 20 be, we have with us our former Director, Eric
 21 Riel, and he has given this community and this
 22 City a great many years of dedicated service,
 23 and on behalf of the Board --
 24 Eric, if you would come up, please.
 25 On behalf of the Board, for all your years

1 of commitment and service, you know, we really
 2 want to thank you. Truly, I think I speak for
 3 the entire Board, and you've truly done a great
 4 job. You really have. You've gone out of your
 5 way, and we thank you. So we decided --
 6 MR. RIEL: Oh, wow.
 7 CHAIRMAN AIZENSTAT: -- to have a little
 8 Emmy, I mean, plaque for you, and I just want
 9 to give this to you.
 10 MR. RIEL: Okay. I'd like to say a couple
 11 words, too.
 12 (Applause)
 13 MS. SPAIN: I need a photograph, sorry.
 14 One more, sorry. I'm not good at this.
 15 All right.
 16 CHAIRMAN AIZENSTAT: Can we get the rest of
 17 the Board up here to get a picture, if that's
 18 okay with everybody.
 19 MS. SPAIN: One, two, three -- One, two
 20 three. Okay, thank you.
 21 CHAIRMAN AIZENSTAT: Okay.
 22 MR. RIEL: First off, I want to say thank
 23 you. I really appreciate this.
 24 After working here thirteen and a half
 25 years, I have to be thankful for allowing the

1 City (sic) the opportunity to grow, from a
 2 professional standpoint. I also want to thank
 3 my Staff at the time. Jill has been a great
 4 administrative assistant, Walter a very
 5 dedicated person -- I think he called in sick
 6 once in 26 years. I don't see Scot here. Scot
 7 started when he was like this tall.
 8 I really appreciate -- I couldn't have done
 9 it without Staff, and I also couldn't have done
 10 it with (sic) the Board Members. You've been
 11 very professional with me. We've gone through
 12 a lot, in terms of the Zoning Code update, the
 13 Comp Plan. You gave me a lot of respect, you
 14 gave my Staff respect, and I appreciate that.
 15 And I can say, after working for five cities,
 16 you are the best Board, and I really appreciate
 17 that.
 18 CHAIRMAN AIZENSTAT: Thank you very much,
 19 and we wish you all the best and all the luck
 20 in your future endeavors.
 21 MR. RIEL: Thank you. Again, thank you. I
 22 appreciate the opportunity to come here this
 23 evening, and I'm not going to stay for the
 24 meeting. I'll sit in a little bit, but thank
 25 you.

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1 CHAIRMAN AIZENSTAT: Thank you.
 2 (Applause)
 3 CHAIRMAN AIZENSTAT: The next item on the
 4 agenda, which is going -- which would be the
 5 appointment of a Planning Board -- Planning and
 6 Zoning Board member, I'd like to move that over
 7 to the last item, so we can first go ahead and
 8 hear the public hearing that we have before us,
 9 if everybody is okay with that.
 10 MS. ALBERRO MENENDEZ: Yes.
 11 MR. GRABIEL: Yes.
 12 MR. PEREZ: Yes.
 13 MS. ALBERRO MENENDEZ: Great idea.
 14 CHAIRMAN AIZENSTAT: That would be good.
 15 Next, let's go ahead, is there a motion to
 16 approve the minutes of the October 9th meeting?
 17 MR. FLANAGAN: So moved.
 18 MS. ALBERRO MENENDEZ: I'll second.
 19 CHAIRMAN AIZENSTAT: We have a first and a
 20 second. Any discussion?
 21 Hearing none, call the roll, please.
 22 MS. MENENDEZ: Jeff Flanagan?
 23 MR. FLANAGAN: Yes.
 24 MS. MENENDEZ: Julio Grabiell?
 25 MR. GRABIEL: Fine, yes.

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1 MS. MENENDEZ: Maria Menendez?
 2 MS. ALBERRO MENENDEZ: Yes.
 3 MS. MENENDEZ: Alberto Perez?
 4 MR. PEREZ: Yes.
 5 MS. MENENDEZ: Marshall Bellin?
 6 MR. BELLIN: Yes.
 7 MS. MENENDEZ: Eibi Aizenstat?
 8 CHAIRMAN AIZENSTAT: Yes.
 9 Mr. City Attorney?
 10 MR. LEEN: Yes.
 11 CHAIRMAN AIZENSTAT: The next three items,
 12 would you like for us to read them in, all
 13 three at the same time? What do you suggest is
 14 the best procedure on that?
 15 MR. LEEN: I suggest that they be read at
 16 the same time, that we hold the public hearing
 17 on all of them at once, and then vote on each
 18 separately.
 19 CHAIRMAN AIZENSTAT: And then vote on each
 20 separately? Okay, very good.
 21 Item Number 7 is an Ordinance of the City
 22 Commission of Coral Gables, Florida, requesting
 23 Conditional Use Review for a building site
 24 determination, pursuant to Zoning Code Article
 25 3, "Development Review," Section 3-206,

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1 "Building Site Determination," to create two
 2 separate single-family building sites on a
 3 property assigned Single-Family Residential
 4 (SFR) zoning and Local Historic Landmark.
 5 One building site consists of Lot 1, and
 6 the other of Lot 2, submitted concurrently with
 7 a proposed replat for the property legally
 8 described as Tract 2, Cartee Homestead Section,
 9 whose address is 6801 Granada Boulevard, Coral
 10 Gables, Florida, including repealer --
 11 including required conditions; providing for
 12 severability, repealer, codification, and an
 13 effective date.
 14 Number 8 is a Resolution of the City
 15 Commission of Coral Gables, providing for a
 16 Final Plat entitled "Revised Plat of Cartee
 17 Homestead," pursuant to Zoning Code Article 3,
 18 Division 9, "Platting/Subdivision, being a
 19 re-plat of an approximately three-acre site --
 20 single tract into two platted lots for
 21 residential, single-family use on property
 22 assigned Single-Family Residential (SFR) zoning
 23 and Local Historic Landmark, legally described
 24 as Tract 2 of Cartee Homestead Section, whose
 25 address known as 6801 Granada Boulevard, Coral

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1 Gables, Florida, providing for an effective
 2 date.
 3 And Item 9 is an Ordinance of the City
 4 Commission of Coral Gables, Florida, providing
 5 for a text amendment to the City of Coral
 6 Gables official Zoning Code Appendix A, "Site
 7 Specific Regulations," by adding Section
 8 A-17.1, "Revised Plat of Cartee Homestead," to
 9 indicate Lots 1 and 2 are separate building
 10 sites; providing for severability, repealer,
 11 codification, and an effective date.
 12 First, I'd like to ask, if there's anybody
 13 that's going to be speaking today, that if they
 14 have already given their names to Jill. If
 15 not, please do so. And also, we need to swear
 16 in all the people that will be speaking, so if
 17 everybody that is going to be speaking would
 18 please stand up and raise your right hand.
 19 (Thereupon, all who were to speak were duly
 20 sworn by the court reporter.)
 21 CHAIRMAN AIZENSTAT: Thank you.
 22 Mr. Guilford?
 23 MR. GUILFORD: Good evening, Mr. Chairman,
 24 Members of the Board. For the record, my name
 25 is Zeke Guilford, with offices at 400

1 University Drive. It gives me great pleasure
 2 to be here this evening, representing the
 3 Dalmau family, the owners of property located
 4 at 6801 Granada Boulevard.
 5 Now, Mr. Chairman, we have gone through the
 6 criteria, and what I'd like to do this evening
 7 is kind of basically go through the criteria
 8 where we disagree with Staff's recommendation
 9 and explain to you why we disagree and why we
 10 believe that we meet those criteria. So what
 11 I'd like to do at this time is basically --
 12 According to Staff, we do not meet the first
 13 criteria, which says -- and I think it's
 14 important that we understand the language of
 15 each criteria that we're going to talk about.
 16 It says, "Exceptional or unusual circumstances
 17 exist that are site-specific, such as," and it
 18 lists three or four items. "Such as" is not a
 19 limiting factor to those items. Now, we
 20 believe we actually meet two of those, but I
 21 think you have to take the whole property into
 22 consideration, because it's all the facts that
 23 surround the property, and you're not limited
 24 to those by the clear language of that
 25 criteria.

1 So what is a normal site configuration?
 2 Well, when we look at the City of Coral Gables,
 3 most lots are 50, 75 feet in width. It
 4 definitely isn't 460 feet in length and 353
 5 feet in depth. The frontage alone is as long
 6 as the ends of two city blocks, and the depth
 7 is as long as a block and a half.
 8 If you'd go ahead and put those up, please.
 9 The property also has waters on two sides.
 10 It has the Mahi Waterway on one and the Coral
 11 Gables Waterway on the other. So I ask that
 12 you tell me, what property in the City of Coral
 13 Gables is three acres in size, has a length of
 14 460 feet, again, the size of the ends of two
 15 city blocks, 353 feet in depth, a block and a
 16 half, and has water on two sides?
 17 But now, what we have to do is add another
 18 layer to that, and what we're going to do is --
 19 Actually, in 2007, the City of Coral Gables
 20 declared this property as historic. It doesn't
 21 declare just the residence; it declares the
 22 entire property. But what is important here is
 23 that the property was declared historic because
 24 of the architect. The original residence on
 25 that house was designed by Alfred Browning

1 Parker, who was a disciple of Frank Lloyd
 2 Wright, and the City has told us that we cannot
 3 demo that house.
 4 But it gets better. In 1950, the
 5 gentleman, Mr. Cardell, actually hired Alfred
 6 Browning Parker, but he was a single man, so
 7 the actual original house only has one bedroom.
 8 There were two bedrooms at the far end of the
 9 house, on the other side of a four-car garage
 10 that was open-air. So the two bedrooms weren't
 11 even attached to the main house.
 12 Also, did you know that there's only
 13 approximately seven percent of all the
 14 residences in the City of Coral Gables that
 15 have been designated as historic? It's really
 16 a very small number, which actually makes this
 17 property very unique.
 18 Now, let's talk about the original plat,
 19 please.
 20 Marie, if you can actually point to the
 21 property.
 22 There's the property, right there. What is
 23 actually really unique about this piece of
 24 property is that it was actually platted as
 25 four lots. And believe it or not, those lots

1 were 75 feet in width. So, in fact, you could
 2 have had four houses put on that piece of
 3 property. What also makes it extremely unique
 4 is, there's a yacht basin, and let me -- I'm
 5 going to read the definition of a yacht basin.
 6 I have to pull out my -- I'm getting old.
 7 A yacht basin is a facility providing
 8 docks, slips, piers, pilings, bollards,
 9 anchorage, and moorings for yachts and pleasure
 10 boats for the residents of the City of Coral
 11 Gables, either by ownership, lease or rent, and
 12 such off-street parking and buildings and
 13 structures that are required for the operation
 14 of such yacht basin.
 15 There was planned a commercial use behind
 16 this property. It was a yacht basin. Also,
 17 what's important, directly behind these four
 18 lots was a city park. George Merrick intended
 19 this property to have four lots that had 75
 20 feet of frontage, and behind it, a city park.
 21 If you can go to the next one.
 22 This is just a blowup. You can see the
 23 yacht basin, here's the park, and the four
 24 lots.
 25 According to this plat, then in 19-- I

1 believe it was 1946, a gentleman by the name of
2 Mr. Cartee actually had this lot and the lot
3 next to it replatted as the Cartee 1 and Cartee
4 2. Cartee 1, which is the one that's a little
5 higher, or Tract 1, is actually a little bit
6 smaller than the tract that is before you
7 today. But what is really amazing --

8 If you can go to the -- No, I don't want
9 that one. The one that shows the separation.
10 No, where's the one with the separation, that
11 shows Cartee 1, divided? Yeah, exactly, right
12 here.

13 Now, if you look at it, which Cartee 1 is
14 now the lower site, it's already been
15 subdivided into three separate, individual
16 building sites. We have a larger lot. What
17 we're asking, we're actually less than what the
18 City has already granted to the property next
19 to us.

20 So what do we have regarding the first
21 criteria? We have a three-acre property that
22 is 460 feet in length, 353 feet in depth. It
23 is as long as the ends of two city blocks. It
24 has a depth of at least one and a half city
25 blocks, and believe it or not, the three acres

1 is actually bigger than an entire city block of
2 the City of Coral Gables. It has water on two
3 sides. It's been declared historical. It was
4 designed in the '50s for a single man. It was
5 originally platted for four separate,
6 individual building sites. It has a park along
7 the water, and therefore, in fact, because it
8 is a park, it did have two separate zoning
9 classifications. You had a park and you had a
10 single-family residence, which is actually one
11 of the criteria that is before you, that it had
12 two different -- that it has two different
13 zonings. Well, in fact, it had. As a matter
14 of fact, if you had a Comprehensive Land Use
15 back then, it would have had two separate,
16 independent land uses, as well. So we meet
17 this criteria.

18 And what I'd ask you to do -- and what is
19 amazing is that with all that information,
20 Staff says we don't meet it. So what I'd like
21 to do is say, give me five examples of this
22 situation that I've explained to you so far
23 that are located in the City of Coral Gables.
24 Give me four. Give me three. Give me two.
25 Give me one. The fact that there are no other

1 properties located in the City of Coral Gables
2 that has this size, has this depth, has the
3 historic preservation, has all those items, had
4 a park behind it, had a yacht basin behind it,
5 all those things make it extremely unique and
6 exceptional circumstances that only relate to
7 this property, and because it only relates to
8 this property, we meet that criteria.

9 Now, just for Number 2, and I'm going to
10 get to it a little bit, but one other criteria
11 is, you have to be equal to or larger than the
12 properties in the general area. In fact, we
13 are larger than 73 percent of the properties in
14 the general area.

15 Now, what I want to do is now touch on
16 Criteria Number 4, because it's important that
17 we read it carefully, and what it says is that
18 there's no restrictive covenants,
19 encroachments, easements or the like exist
20 which prevent the separation of the site.

21 Now, what is critical here is that there is
22 a second sentence to that criteria. It says,
23 "The voluntary demolition of a building which
24 eliminates any of the conditions identified in
25 the criterion shall not constitute or result in

1 compliance with this criterion." It
2 specifically says, "a building." It does not
3 say "a sidewalk." It does not say "a
4 driveway." It talks about buildings.

5 So, therefore -- and actually, what's
6 amazing is, that criteria, if you go to the
7 2007 report, that second sentence is not in
8 that criteria. It stopped at the first
9 criteria. So someone came in after 2007 -- and
10 I actually looked at an older one, in 1995, I
11 believe, Zoning Code, and it did not have that
12 second sentence in there, as well -- is that
13 what they didn't want you doing is taking a
14 residence, a building, and demolishing and
15 taking two. What we have here is not a
16 building. A sidewalk is not a building.

17 As a matter of fact, there's a court case,
18 interesting, that I found in Mississippi, where
19 it talked about a driveway and whether a
20 driveway was a building. It was actually after
21 Katrina, and what happened is, the homeowner
22 wanted to claim damage to the driveway, and the
23 insurance company denied the claim. And so
24 what happened is, they sued, and the court
25 said, while a driveway is part of the premises,

1 it is not a building. So, clearly, we could go
 2 and demolish those minor items, not even
 3 buildings, and come into compliance, and in
 4 fact, there was a recent building site
 5 separation, and some of you all may remember
 6 it, at 5805 Riviera Drive, and what it had, it
 7 had three lots on the front, along Riviera
 8 Drive, and three lots on the back, on San
 9 Vicente, and there was a pool that encroached,
 10 went longways instead of the width of the
 11 property, and in that case, the City, and I
 12 can't remember if it was this Board or the City
 13 Commission, basically said, "We're going to go
 14 ahead and allow you the right to demolish that
 15 pool to bring it into compliance, and we will
 16 give you one year to do it. If you do not do
 17 it within a year, then in fact you're back to
 18 being tied as one building site." A pool isn't
 19 a structure or a building. So what we have
 20 here is a situation of, we're taking minor
 21 things that are inconsequential to the
 22 property.

23 Let's take a minute and talk about our
 24 proposal. What we're proposing is actually two
 25 building sites. Lot 1 would consist of the

1 historic residence and would consist of 1.9
 2 acres and have a frontage of 287 feet. Lot 2
 3 would have a frontage of 130 feet, which is
 4 equal to or larger than 73 percent of the lots
 5 in the area. It is also 1.06 acres in size,
 6 which in 2007, this lot was going to be 46,000
 7 square feet. In 2007, the lot we were
 8 proposing was 49; it was bigger than 83.
 9 Clearly, this is bigger than 75 -- I didn't do
 10 the math, but clearly, it is a considerably
 11 large piece of property for this neighborhood.
 12 Clearly, by anybody's definition, this building
 13 site that's being proposed is compatible with
 14 the neighborhood.

15 Now, lastly, Mr. Chairman, this matter went
 16 to the Historic Preservation Board a couple
 17 months ago, and while the matter of the lot
 18 separation was not before the Board, I'm here
 19 to tell you, and if you read the transcript or
 20 notes, it was clearly discussed by the Board,
 21 and actually, that Board actually granted the
 22 right to remove those items that were
 23 encroaching in order for this property to come
 24 forward with a building site separation. And
 25 in fact, it was interesting to hear, their

1 conversation was, "We have to balance historic
 2 preservation with the hardship to the owner,"
 3 and they felt that this was a good compromise,
 4 to allow them to remove those things and
 5 allow -- let them take that first step towards
 6 that building separation.

7 Also, what I have here is -- what I'd like
 8 to give to the secretary is actually 25 letters
 9 in support of this application, of people in
 10 the neighborhood.

11 CHAIRMAN AIZENSTAT: If I can ask, your
 12 letters that you have in support, within what
 13 radius of the property are they?

14 MR. GUILFORD: What, a thousand feet?

15 CHAIRMAN AIZENSTAT: Thank you.

16 MR. GUILFORD: And, actually, what's
 17 interesting is, one of those letters is from a
 18 Mr. Hilario Candela. Mr. Candela actually did
 19 the additions to this house, and actually, if
 20 you don't know who Mr. Candela is, he is the --
 21 I want to say the leading advocate of saving
 22 the Miami Marine Stadium, so he is a historic
 23 preservationist, and I don't think Mr. Candela
 24 would sign a letter in support of a lot
 25 separation if he thought that this in any way

1 hurt or was detrimental to the Alfred Browning
 2 Parker house.

3 Now, Mr. Chairman, I believe that we have,
 4 without a doubt, proved that there are special
 5 and exceptional and unusual circumstances, and
 6 that we meet Criteria Number 1, and I also
 7 believe that the plain language of Number 4
 8 allows the removal of minor items to come into
 9 compliance with that section, that criteria,
 10 and in fact, there's precedent for that. As
 11 such, we meet five of the six criteria, and
 12 therefore, you must recommend approval of this
 13 application to the City Commission. We are not
 14 asking anything more than what the property
 15 owner to the north of us has received. In
 16 fact, we are asking less.

17 Now, at this time, Mr. Chairman, I have a
 18 couple people who would like to speak,
 19 Mr. Heisenbottle, who is an architect and also
 20 an expert in historic preservation, who's going
 21 to go through some of the things I may have
 22 missed and also add to it.

23 Also, I'd like to have Mr. Dalmau, the
 24 property owner, because sometimes it keeps
 25 coming up that this is -- the property is

1 actually owned by a company called Califon,
2 which is an Antilles corporation, but the
3 Dalmaus have lived in the house, and I would
4 like to put a face with this piece of property
5 and let him talk to you about his experience on
6 this piece of property.

7 So, with that, I'm going to have
8 Mr. Heisenbottle come forward.

9 MR. HEISENBOTTLE: Zeke, thank you very
10 much.

11 Board Members, Rich Heisenbottle, with
12 offices at 2199 Ponce de Leon Boulevard, in
13 Coral Gables, and I don't think Zeke left very
14 much out. I think that he was very, very clear
15 that we do meet at least five of the six
16 criteria. But what I want to talk to you a
17 little bit about is a bit of the background
18 here. You know, a friend of mine, Ruth Jacobs,
19 who's sitting in the audience and will probably
20 speak against this in a few minutes, said to
21 me, "But the owner designated this house
22 historic earlier," and that's right, Ruth, he
23 did designate it historic. But that does not
24 freeze this home in time, nor does it freeze
25 the entire parcel in time. Hilario Candela, a

1 that property to someone else, but because of
2 the size of the property, because of the
3 circumstances that are unique to this site, it
4 is very, very difficult to sell the property
5 with the burden that it has. So, by
6 subdividing the property into two parcels, one
7 nearly two acres and the other just a tad over
8 one acre, everyone feels in the real estate
9 industry that the property has a much better
10 chance of being sold and reoccupied. What we
11 don't want in historic buildings, as Julio
12 knows, is an unoccupied building, anywhere in
13 the City of Coral Gables. So this is all
14 further to the preservation of the home, not
15 something that works against the home.

16 I think as you can see from the drawings
17 that are up there that the proposed parcel is
18 very consistent with the rest of the
19 neighborhood and still leaves the historic home
20 sitting on nearly two acres of property. Thank
21 you very much, and I'll gladly answer any
22 questions you might have.

23 In the meantime, Jorge?

24 MR. DALMAU: Hello. I'm Jorge Dalmau, and
25 as was previously stated, my family --

1 good friend of mine and a former employer of
2 mine, added on to this house many years ago,
3 and did a fine job with that addition. And
4 this particular owner, yes, he did voluntarily
5 designate this house, but that doesn't mean
6 that the lot cannot be split. It doesn't mean
7 that future additions and future architects
8 can't come along and make further adjustments
9 to the home. They just have to do it within
10 the criteria set forth in the Secretary of the
11 Interior's standards.

12 They clearly love the house. They still
13 love the house. Jordi raised his entire family
14 in the house, and the family is sitting in the
15 back row over there right now, and they could
16 have lived virtually anywhere they chose.

17 Why, at this point, are they choosing to
18 subdivide the property? Well, it's very
19 simple. The property is one of the largest in
20 Coral Gables. It pays one of the highest tax
21 rates of anywhere in Coral Gables, and as a
22 practical matter, Jordi now lives in Spain and
23 visits only occasionally and does not live in
24 the house when he does visit. So, as a
25 practical matter, they've been trying to sell

1 CHAIRMAN AIZENSTAT: I'm sorry, could you
2 state your address, also, please, for the
3 record?

4 MR. DALMAU: 6801 Granada Boulevard.

5 My parents are the owners of the house, and
6 I grew up in this house. We love this house.
7 My brother and I grew up in this house. We
8 both got married in the house. I mean, we want
9 to preserve the house, preserve the integrity
10 of the property or whatever that we can do.
11 But it's also very -- It has to be understood
12 that for today's financials, the burden of
13 maintaining this property as a single-family
14 home is just beyond our means, and we have been
15 keeping and taking care of this house since
16 1979, when my parents bought the property. We
17 love the house. We want to preserve it as much
18 as possible. We want to preserve the trees, we
19 want to preserve whatever we can, but we can no
20 longer continue to afford the financial burden
21 that this house is on our family. So we
22 need -- The only way that we can move forward
23 and be able to take care of our property is by
24 being able to divide the house into two, and
25 sell the lot or maybe at least have the

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1 possibility of building two homes, so if one
 2 day my brother wants to build a house and have
 3 his home next to my parents' home, that we
 4 should be allowed to do that.
 5 So we kindly ask the Board to approve the
 6 lot split, because it's absolutely necessary
 7 for our family to be able to continue to live
 8 in Coral Gables, and we will make sure that the
 9 best interests of the property will be taken
 10 care of at all times. Thank you.
 11 CHAIRMAN AIZENSTAT: Thank you.
 12 MR. GUILFORD: Now, Mr. Chairman, I know
 13 there's some people here who are going to speak
 14 for and against this application, so I'm going
 15 to actually reserve some time for rebuttal, but
 16 I also want to make it -- and Dona Spain is
 17 here and she can correct me if I'm wrong -- I
 18 believe the City, or Historic Preservation
 19 Department, basically said, "We're going to
 20 designate this property whether you like it or
 21 not. It's a good example of an Alfred Browning
 22 Parker house, and it's going to be done, one
 23 way or the other."
 24 Again, we believe we meet five of the six
 25 criteria. I mean, you can't look at that piece

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1 of property and say there aren't exceptional
 2 circumstances. You can't think of a single
 3 property that is like this one. And clearly,
 4 by the definition of Number 4, we comply with
 5 that one, and again, there's precedents. We
 6 would kindly ask that you, again, recommend
 7 approval. Staff has provided you an
 8 alternative approval, which is acceptable to
 9 us. Also, I have to point out that anything
 10 that is built on this piece of property will
 11 have to go through Historic Preservation. This
 12 is very similar to a lot separation that
 13 happened at 1800 LeJeune Road, where we
 14 provided a proposed site plan but the fact that
 15 it had to go through Historic Preservation, and
 16 I think it's important to Dona that whatever is
 17 built -- and the Historic Preservation Board,
 18 that whatever is built on that property is
 19 sensitive to the Alfred Browning Parker house.
 20 If you have any questions, we'll be more
 21 than happy to answer them at this time. Thank
 22 you.
 23 CHAIRMAN AIZENSTAT: Let's go ahead and
 24 hear from the -- Is it okay to go ahead and
 25 listen to, first, the Planning Staff?

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1 MR. TRIAS: Thank you, Mr. Chairman. Staff
 2 has prepared a memo that explains the six
 3 criteria that need to be reviewed, and
 4 certainly, taking a strict view, which we
 5 always take, we determined that three criteria
 6 were met, and the minimum is four, as you well
 7 know. So that is why we recommended denial.
 8 If, for whatever reason, there's testimony
 9 here that changes your mind and you make a
 10 different determination, we did provide some
 11 conditions that could be attached to another
 12 alternative motion, if you choose to go that
 13 way. If you have any specific questions, I'll
 14 be happy to address any of the issues.
 15 CHAIRMAN AIZENSTAT: You're done with the
 16 Staff presentation?
 17 MR. TRIAS: Yeah. I would prefer just to
 18 simply answer questions, if you don't mind.
 19 CHAIRMAN AIZENSTAT: Okay. Let's go ahead
 20 and open to it public comment, if everybody is
 21 okay with that, or are there pressing questions
 22 that anybody would like to ask right away?
 23 Could we ask if you could just put down the
 24 boards? That way, we can just see everybody.
 25 Thank you.

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1 We'll do all of our questions at the end.
 2 MS. ALBERRO MENENDEZ: Sure.
 3 CHAIRMAN AIZENSTAT: Call the first person.
 4 MS. MENENDEZ: Gil Haddad.
 5 MR. HADDAD: Good evening, Mr. Chairman and
 6 ladies and gentlemen. My name is Gil Haddad.
 7 I live at 6800 Granada Boulevard, Coral Gables,
 8 which is directly across the street from 6801
 9 Granada Boulevard.
 10 I'd like to clarify a few housekeeping
 11 points first. One is that Architect Jorge
 12 Hernandez represented the owner in '07, when
 13 this property was declared historic, and at
 14 Pages 5 and 6 of that transcript, Mr. Hernandez
 15 explicitly stated that it was not the house
 16 that was being declared historic, it was the
 17 entire property. And Mr. Hernandez testified
 18 explicitly about the trees, about the
 19 landscaping, about Professor Parker's concept
 20 of including the landscaping, the trees and
 21 everything similar to that into the property.
 22 So, when the Historic Preservation Board
 23 acted --
 24 Thanks, Tom.
 25 CHAIRMAN AIZENSTAT: Continue, please, I'm

1 sorry.
 2 MR. HADDAD: That's Mr. Smith. If you've
 3 never seen a Super Bowl ring, you can take a
 4 glimpse at one now. He was with the Dolphins
 5 that did that, and his lovely wife, Elizabeth,
 6 is there. But when anybody stands here and
 7 says --
 8 MR. LEEN: I'm sorry, can I ask a question,
 9 real fast? I don't mean to interrupt. Are you
 10 presenting this to the Board?
 11 MR. HADDAD: Yes.
 12 MR. LEEN: Okay. So this is being
 13 presented to you.
 14 CHAIRMAN AIZENSTAT: That's what I heard.
 15 MR. LEEN: Do you accept it?
 16 CHAIRMAN AIZENSTAT: Yes, we do, and the
 17 secretary went ahead and received a copy.
 18 MR. LEEN: Have you seen a copy of it, the
 19 applicant?
 20 MR. HADDAD: Well, I have -- There's copies
 21 of everything.
 22 MR. LEEN: No, the applicant.
 23 MR. HADDAD: Were there enough copies?
 24 MR. GUILFORD: No, we haven't.
 25 MR. LEEN: As a matter of due process, I

1 the criteria, it has nothing to do with size.
 2 They've been talking about size since 2007.
 3 Size is not one of the criteria. Size has
 4 nothing to do with Criteria Number 1, and your
 5 distinguished Staff has found that to be a
 6 fact.
 7 As to Criteria Number 4, it pertains to
 8 encroachments. The Staff found that the
 9 driveway was an encroachment, and it also found
 10 the walkways were encroachments. But later in
 11 my discussion with you, when I show you
 12 drawings that are contained in there that were
 13 done by Mr. Heisenbottle, you're going to see
 14 that there's a car park that's going to be
 15 destroyed. You're going to see that there's a
 16 dock that's going to be missing from the
 17 original property. So these are additional
 18 encroachments, even more important than the
 19 pathways through there, but it's a
 20 distinguished -- I mean, it's a discretionary
 21 decision by your Staff to determine that
 22 Criteria Number 4 was not met.
 23 Now, of course, it's Mr. Guilford's job to
 24 take exception to -- I don't want to use the
 25 word "criticize," because I know Zeke

1 have to provide them a copy.
 2 MR. HADDAD: Yes. I thought there were
 3 enough copies. Did we run out of copies? I
 4 guess we did.
 5 I meant for you to have one, sorry.
 6 So, in 2007, the owner, the owner's
 7 architect, Mr. Jorge Hernandez, and the owner's
 8 attorney, Mr. Zeke Guilford, came before the
 9 Historic Preservation Board and specifically
 10 requested that the entire property be declared
 11 historic, and Mr. Hernandez gave a presentation
 12 as to why it should be the entire property, and
 13 he discussed at length, as did the Staff,
 14 Professor Parker's visions for this property.
 15 Now, the thrust of the argument that my
 16 friend Zeke just gave, and Mr. Heisenbottle
 17 concurred in, pertained to size. I have to
 18 believe that your City Staff -- and it was just
 19 disclosed here when Mr. Riel spoke, that one of
 20 the Staff members has been there 27 years.
 21 Other Staff members have been there many years.
 22 I've got to believe, with the 40 or 50 years of
 23 expertise, and professional expertise, that
 24 they have, that they can read the six criteria.
 25 And when they read Criteria Number 1, or any of

1 personally and he's not criticizing anybody,
 2 but it's his job to take exception to the
 3 Staff's findings, because the Staff's result is
 4 absolutely correct. The Staff took I-75.
 5 Mr. Guilford wants to take I-95. But everybody
 6 reaches the same destination. The Staff came
 7 to the correct conclusion. This should be
 8 denied, as it was by your predecessors,
 9 unanimously, in '07.
 10 Now, unfortunately, there's been so much
 11 discussion with an effort to denigrate what the
 12 Historic Preservation Staff refers to as an
 13 Alfred Browning Parker jewel. Shortly, I'm
 14 going to take you on an interior tour of the
 15 house, with the photographs that I provided to
 16 you, and there's a reason for it, because you
 17 may be thinking, "What does the interior of the
 18 house have to do with this question?" It has
 19 everything to do with the question, because
 20 when you look at the interior of the house,
 21 you're going to see that it was designed to
 22 embrace the full acre of natural hammock that
 23 exists at this house.
 24 Now, Mr. Guilford went back to 1920 to talk
 25 about platting that existed in '20. He went

1 back a decade to talk about ordinances that
 2 have since been changed. And all we ask is
 3 that you go by the current platting and the
 4 current ordinance, because your Staff was
 5 eminently correct.
 6 Now, if I may be permitted, Mr. Chairman,
 7 to inject one moment of humor into this very,
 8 very serious question. On September 19th of
 9 this year, at Page 73, Line 22 of the
 10 transcript, Mr. Guilford said words to the
 11 effect, "You can't believe a word Mr. Haddad
 12 says, because he's a lawyer." Guilty. And he
 13 even says I was a trial lawyer. Well, it's
 14 been 25 years since I was in a courtroom, and
 15 I've been retired for 10 years, but I accept
 16 Mr. Guilford's heartfelt compliments. But I
 17 also accept his challenge, that you not believe
 18 a word that I say to you. Don't believe a word
 19 that I say to you, because my presentation is
 20 going to be entirely from the testimony of
 21 Mr. Hernandez, from the documents that are in
 22 this record, from the letters that are in this
 23 record, from the report from the arborist at
 24 Fairchild Gardens, and it may be a little bit
 25 tedious, it may be a little bit boring, but I'm

1 going to stick to Mr. Guilford's guidelines and
 2 ask you not to believe a word that I tell you;
 3 just let's look at this record.
 4 Now, I would like for you to pick up and
 5 help me with this, if you would, the spiral
 6 bound notebook.
 7 CHAIRMAN AIZENSTAT: Mr. Haddad, just a
 8 question, if I may. Normally, when we do
 9 presentations from the public, we do about a
 10 two to three-minute presentation. I understand
 11 it's going to take longer, and I'd like to give
 12 that you leeway.
 13 MR. HADDAD: Thank you.
 14 CHAIRMAN AIZENSTAT: Can I ask about how
 15 long you think your presentation is going to
 16 be?
 17 MR. HADDAD: Once we get into these two
 18 written presentations, I'm going to fly.
 19 CHAIRMAN AIZENSTAT: So you figure maybe
 20 about 10 minutes, at the most?
 21 MR. HADDAD: Yes, yes.
 22 CHAIRMAN AIZENSTAT: Thank you.
 23 MR. HADDAD: But don't believe a word I
 24 say.
 25 CHAIRMAN AIZENSTAT: I'll be sure to cut

1 you off at 10. Thank you.
 2 MR. HADDAD: All right. I'm so confident
 3 of my hypnotic, persuasive abilities that I'll
 4 bet my wife's car that by the time I'm
 5 finished, you will conclude that the applicant
 6 meets one out of the six criteria.
 7 If you would first take the insert out of
 8 the spiral-bound notebook, this insert is
 9 the -- The insert is in the front of the
 10 spiral-bound notebook. There you go.
 11 This is a sales brochure produced by an
 12 authorized agent of the owner. I have
 13 superimposed, along the blank space on the
 14 bottom, the text that was on the sales brochure
 15 in 2007. And up here in the original printing
 16 is the sales information from 2013. It tells
 17 you about this property, not in the words of an
 18 advocate, but in the words of the owner and his
 19 authorized agent. In 2007, this agent said:
 20 This is a three-acre waterfront estate -- and I
 21 remind you again, nowhere in our regulations is
 22 size a criteria for anything. This is a
 23 three-acre waterfront estate with direct ocean
 24 access. Now, of course, it's not going to have
 25 direct ocean access if you cut off the bottom

1 third of it, which includes the dock. And
 2 whether a new dock can be built or not is
 3 highly problematic, highly problematic, because
 4 of the narrowness of the Mahi Canal, the
 5 proximity of the Granada bridge, and the fact
 6 that is a yacht basin and is designed for the
 7 turning of large boats. This is the largest
 8 property on the South Gables Waterway and it
 9 boasts 757 feet of waterfront, with a 75-foot
 10 dock, which will be gone. It's architecturally
 11 unique, 10,000 square feet, renowned architect
 12 Alfred Browning Parker. It sits on lush
 13 private grounds with mature oaks, surrounded by
 14 a coral rock wall.
 15 Now, what do we say in Coral Gables about
 16 our tradition with coral rock walls? You're
 17 going to see that there's a Code provision that
 18 expressly calls upon us to preserve those
 19 walls, and I'll get to that in just a moment.
 20 It features a tennis court, pool, screened
 21 porch. It's located and provides an
 22 opportunity to create the ultimate lifestyle in
 23 your private compound. Price, thirteen five.
 24 Now, the 2013 sales brochure says: It's a
 25 unique opportunity to own the best, a totally

1 secure private property, three acres of forest.
 2 That's an exaggeration. It's about an acre and
 3 a half of actual forest, because of the
 4 existence of the house. It's a great family
 5 compound, so many feet of waterfront, designed
 6 by the renowned architect. It's seven
 7 bedrooms, seven and a half baths, plus two
 8 bedrooms and two baths in the guest house.

9 Well, right away, they want to take down
 10 that guest house, which reduces this property
 11 and affects its property value, so it goes from
 12 9/9 to 7/7. And again, it boasts about direct
 13 access to the Bay.

14 Now, attached to this -- Did you get a
 15 pencil? I was hoping you all would have a
 16 pencil. Well, all you need is a straight edge.

17 CHAIRMAN AIZENSTAT: I think, if we can
 18 move on, it would be helpful, only because the
 19 time for a sales brochure and so forth, I'd
 20 like to stick, if I can, just to the facts
 21 pertaining to the lot split.

22 MR. HADDAD: All right.

23 CHAIRMAN AIZENSTAT: That would be very
 24 helpful.

25 MR. HADDAD: What I was about to point out

1 thing for you to consider here is, have there
 2 been any changes since 2007 in the proposed new
 3 lot? No.

4 Now, Mr. Heisenbottle says, just because
 5 the entire property is declared historic does
 6 not mean that it's frozen in time and space. I
 7 agree. But if there's absolutely no changes in
 8 it except a change in architects from
 9 Mr. Hernandez to Mr. Heisenbottle and a change
 10 in paperwork, what's on the ground, the facts
 11 on the ground, are that there's absolutely no
 12 change. And what this diagram tells you is
 13 that 50 feet or so from the primary southern
 14 elevation of the Parker house, you're going to
 15 have a two-story concrete wall, being the
 16 elevation of a new McMansion.

17 Now, I don't want to lose any votes by
 18 going to a sports metaphor, but a basketball
 19 court is 50 feet wide, and a pitcher throws the
 20 ball 60 feet, nine inches, and once a team gets
 21 on the 20-yard line, they're considered in the
 22 red zone. And this house is going to be that
 23 close to another house with a two-story house
 24 overlooking this magnificent swimming pool that
 25 you see on this sales brochure.

1 is that if you put a straight edge from the
 2 corner of the pool pavilion to the point on
 3 Granada --

4 CHAIRMAN AIZENSTAT: Yes, sir.

5 MR. HADDAD: -- this is what you have in
 6 your hands. You literally have this in your
 7 hands. This will all be gone. All of that
 8 will be gone, everything from the corner of
 9 that pool pavilion south, to the next house
 10 down. And here are some sketches by
 11 Mr. Heisenbottle. If you'll look at the first
 12 one, you can see that not only is the driveway
 13 an encroachment, but there's a secondary
 14 parking area there that's an encroachment, and
 15 you will see that the line dictated by Historic
 16 Preservation, which goes around the swimming
 17 pool, which they wanted to take out, cuts into
 18 the dock. So the dock is mostly in the
 19 proposed new lot, but there's a piece of it
 20 that sticks over into the old lot, which is
 21 going to be extremely confusing to anybody
 22 involved in this.

23 Now, if you'll look at the next piece of
 24 paper attached to that brochure, you'll see --
 25 and this gets to the heart of this. The key

1 Now, the Chairman has instructed me to get
 2 on to the question of lot separation. If we'll
 3 go now to the three-ring binder -- Well, let me
 4 walk you through this spiral binder first,
 5 because this is absolutely critical. You've
 6 admired the interior of this house, which for
 7 some reason they keep saying it's a one-bedroom
 8 house and all that. It doesn't matter what
 9 they say about the past, because this house was
 10 declared historic at their request, and in '07,
 11 when Historic Preservation -- in '07, Historic
 12 Preservation was asked for a recommendation,
 13 they recommended no. When Planning and Zoning
 14 was asked for a recommendation, they
 15 unanimously voted no. Now, there were other
 16 different issues. I'm not saying the issues
 17 were identical. But the key here is that the
 18 property south of the Parker house is
 19 identical. There have been absolutely no
 20 changes in that whatsoever, except they've
 21 added 10 feet to that proposed lot, which does
 22 nothing more than encroach more on the Parker
 23 house than they did in '07.

24 So, if we look at this house -- The reason
 25 I put these pictures here for you, you might

1 wonder, what's the interior got to do with
 2 this? You will see every aperture in this
 3 house has a hinge. Every aperture has a latch.
 4 Every one has a doorknob. And you'll see
 5 pictures in here of the southern exposure of
 6 the Parker house looking directly out onto the
 7 natural forest.

8 Now, Mr. Guilford did what a good lawyer
 9 would do; he tried to persuade you to go
 10 against your Staff on Criteria 1 and 4. Well,
 11 four is very, very clear. The part about not
 12 taking down a voluntary building has been put
 13 in there repeatedly by our City Commission, all
 14 through the years, because the ordinance
 15 regarding single-family residences was first
 16 amended in '73, '77, '83, '86, and January of
 17 '07. And every time the City Council amended
 18 that ordinance, they made it stronger, with the
 19 intention of preserving density in our City and
 20 preserving single-family residences.

21 Now, let me speak to you, only because
 22 counsel is attempting to persuade you to go
 23 against your Staff on Criteria 1 and 4. Let me
 24 speak to you about Criteria 2, which has
 25 nothing to do with size, but has to do with

1 of the side streets. When this criteria says,
 2 in the disjunctive, or extending no further
 3 than -- I'm sorry, I used the wrong word -- no
 4 farther than the immediate vicinity, whichever
 5 is less, and it defines immediate vicinity, and
 6 immediate vicinity's definition is also broken
 7 in half -- or a half a mile radius, whichever
 8 is less. So it is the functionally and
 9 geographically distinct, identifiable realm,
 10 place or neighborhood, or a thousand feet,
 11 whichever is less, or a half a mile, whichever
 12 is less, which gets you back to apples and
 13 apples. That's what we're talking about here.
 14 We're talking about apples and apples, and
 15 there isn't a property from Hardee Road to
 16 Sunset that's this narrow. There's not.
 17 That's why, when you use the thousand-foot
 18 measure, it's a standard that really doesn't
 19 apply under the codification Number 2.

20 Now, let's go to Number 5.

21 CHAIRMAN AIZENSTAT: I'm going to ask you,
 22 if you may, just to wrap it up.

23 MR. HADDAD: This is the last thing I'm
 24 going to say.

25 CHAIRMAN AIZENSTAT: Thank you. I

1 frontage. In your spiral-bound -- in your
 2 three-ring binder, if you would kindly turn to
 3 that, we have the reference to Criteria 2, in
 4 the back of the binder, Criteria 2. In the
 5 very, very back, in the pocket in the back of
 6 the binder. It doesn't pertain to size at all.
 7 It pertains to frontages, and it says we're
 8 interested in frontages in a thousand-foot
 9 radius or -- in the disjunctive, not the
 10 conjunctive -- or extending no farther than the
 11 immediate vicinity, whichever is less.

12 And then your City Commission went to the
 13 trouble of giving you a definition of the word,
 14 immediate vicinity. It shall be defined as an
 15 area in which a parcel of land is located that
 16 is functionally -- here I say waterfront -- and
 17 geographically -- on the canal, on the corner
 18 of the canal -- and identifiable as a distinct
 19 realm, place or neighborhood.

20 Now, Granada is a Boulevard. Riviera is a
 21 Drive. By going a thousand feet, you pick all
 22 the streets around there, and I'm not
 23 denigrating my own house, you know, or my
 24 street or my neighbors' places, but when you
 25 use the thousand-foot measure, you pick up all

1 appreciate it.

2 MR. HADDAD: Scout's honor.

3 This says that the proposed building site
 4 maintains and preserves open space. Well,
 5 you've got to be kidding me. All you have to
 6 do is look at Richard's drawings and see the
 7 size. Anybody that's going to buy an expensive
 8 piece of property like this is going to
 9 maximize the land coverage and the size of the
 10 building. So, it maintains and preserves open
 11 space?

12 Now, these criteria are in the conjunctive,
 13 which means every one of them applies, in
 14 contrast to Number 2, which is in the
 15 disjunctive. And then it goes on to say,
 16 preserves historic character. I mean, believe
 17 me, if Professor Parker were sitting in this
 18 master bedroom with the windows open, as you
 19 see in that picture, looking to the south, and
 20 looking against the concrete wall of a new
 21 building, I don't think Professor Parker, with
 22 whom Staff spoke and with whom I've spoken,
 23 would say that his vision has been preserved
 24 and it maintains property values. Wow. All we
 25 have to do is look to see what the owner has

1 said about property values. Access to the sea,
 2 that's what it says. Your own private
 3 compound, nine bedrooms, nine baths.
 4 And how about the lady next door? When she
 5 puts on her robe and goes out in the morning to
 6 get her paper, to her immediate right is an
 7 acre and a half of natural hammock, and in your
 8 file there you've got a report from the
 9 arborist at Fairchild Gardens, Mr. Bob Brennan,
 10 who is the president of the American Guild of
 11 Arborists. He knows this property since he was
 12 a kid. He says this is one of the most unique
 13 and rare natural hammocks anywhere in South
 14 Florida. That's what he has to say about it.
 15 Maintains property values? I mean, this lady,
 16 instead of having the quiet and a forest right
 17 next to her right hand, she's going to have a
 18 two-story building, with the cars, the trash,
 19 the kids --
 20 CHAIRMAN AIZENSTAT: But that really
 21 doesn't fall within the lot separation that
 22 we're dealing with right now, as far as the
 23 height of it, but if you can just wrap it up.
 24 MR. HADDAD: Well, that's Item D under
 25 Category 5.

1 and restoring the South Florida ecosystem. I
 2 will definitely be shorter and probably less
 3 eloquent than Mr. Haddad, but I'm here today to
 4 ask that you deny this application that's
 5 contrary to, first, Coral Gables Code; two, the
 6 interests of the neighborhood; and to
 7 protecting what's special about Coral Gables.
 8 When the City Commission passed the
 9 relevant portions of the Code in 1977, they
 10 clearly intended to make the threshold for such
 11 a proposal very high. I was planning today to
 12 talk about a number of the criteria that I also
 13 believe that the applicant does not match. I
 14 think Mr. Haddad spoke to many of those
 15 criteria. We would agree that this application
 16 does not fulfill four of the six criteria.
 17 I would like to touch on a couple things
 18 that the applicant's attorney spoke to. On
 19 Criteria 1, Mr. Haddad spoke to the size issue.
 20 I think if the drafters of the Code had
 21 intended something as specific as that to be in
 22 the criteria, then they would have written
 23 something like that, and there's nothing like
 24 that. The attorney also raised the issue of --
 25 that this is a historic property, and because

1 CHAIRMAN AIZENSTAT: Yes.
 2 MR. HADDAD: All right.
 3 CHAIRMAN AIZENSTAT: Thank you.
 4 MR. HADDAD: So, obviously there's no open
 5 space, obviously property values are impacted,
 6 and obviously it doesn't protect the historic
 7 character. So I suggest to you that what
 8 they've got here is one out of six, and the
 9 Staff was generous to give them three out of
 10 six, and the standard is four out of six.
 11 I apologize for taking more than my
 12 allotted time, and thank you for your
 13 generosity, sir.
 14 CHAIRMAN AIZENSTAT: Thank you for all your
 15 time and effort. Thank you.
 16 MS. MENENDEZ: Sara Fain.
 17 CHAIRMAN AIZENSTAT: What I am going to ask
 18 is just if everybody speaking, if they'd just
 19 keep it to a two to three-minute interval.
 20 Thank you.
 21 MS. FAIN: Good evening, Mr. Chair,
 22 Members of the Board. My name is Sara Fain.
 23 I'm here as the executive director of the
 24 Everglades Law Center, and ELC is dedicated to
 25 representing the public interest in protecting

1 only seven percent of Coral Gables properties
 2 are designated as historic, that therefore
 3 makes it unusual. I'm not quite sure I
 4 understand that logic. Because it's been
 5 designated historic, we then should use that as
 6 a circumstance or -- a circumstance that would
 7 merit lot splitting? I'm not sure I understand
 8 that logic. He also talked about how this used
 9 to be four lots. Well, when the architects
 10 designed this, in the 1950s, it was one lot.
 11 When the Code was included to -- included this
 12 criteria, in 1977, it was also one lot. So we
 13 should look at it as one lot.
 14 On Criteria Number 5, we would also agree
 15 with Mr. Haddad, but we are particularly
 16 concerned where it does talk about that it must
 17 maintain and preserve open space and preserve
 18 historic character. The application clearly
 19 fails. The proposed site plan may protect much
 20 of the existing building, but the historic
 21 designation is not on the building; it's on the
 22 property, and this application will not protect
 23 the property. Indeed, it will require the
 24 removal of dozens of mature hardwood trees that
 25 provide valuable habitat to our local wildlife.

1 Mr. Haddad has in front of you a letter that
 2 was on the record from the arborist from
 3 Fairchild Tropical Garden, who stated that this
 4 site is an ecological, arboricultural and
 5 historical gem, with an incredible display of
 6 nature. It would be devastating to this
 7 community to see those lost.

8 Coral Gables founders refer to Coral Gables
 9 as The Garden City, and while this application
 10 and its proposed site plan conveniently does
 11 not locate the trees on that site plan, it's
 12 obvious that many trees would have to be
 13 destroyed by placing so much impermeable
 14 surface on the property. And I believe that
 15 this is contrary to the goals of our City's
 16 founders.

17 Lastly, while I sympathize with the
 18 applicant's family concerns, there is nothing
 19 in the Code that provides exceptions for
 20 economic hardship. The applicant stated that
 21 the family has lived there and enjoyed this
 22 property for 30 years. They purchased this
 23 property in 1980, or perhaps it was 1979, for
 24 \$700,000. The purchase, even at the time,
 25 appeared to be a business transaction, not --

1 clear, the value of one's land and building is
 2 what it can be used for, not the highest and
 3 best use of the land. If it were, we would all
 4 be building high-rises. And even if this
 5 application is denied, the applicant still has
 6 beneficial use of its property, and surely an
 7 economic beneficial use.

8 One last thing on the taxes, sorry, I
 9 forgot this, that I did see in the tax rolls
 10 that in 2007, their taxes were 117,000. After
 11 their application to have it designated as
 12 historic, and that designation was granted,
 13 their taxes were reduced to 75,000 in 2012.

14 So we call on this Board to abide by the
 15 Code, listen to the neighborhood, and deny this
 16 application. Thank you for your time.

17 CHAIRMAN AIZENSTAT: Thank you.

18 MS. MENENDEZ: Mitch Alvarez.

19 MR. ALVAREZ: For the record, my name is
 20 Aramis Alvarez, known as Mitch. I've been a
 21 resident of the City ever since --

22 CHAIRMAN AIZENSTAT: Could you state your
 23 address, please?

24 MR. ALVAREZ: -- 1972, when I moved from
 25 San Juan.

1 or business decision, not bought in the name of
 2 the person who was living there, but rather in
 3 a corporation, and if they were concerned about
 4 taxes, if they listed it in their name, if they
 5 were living there, they would have a homestead
 6 exemption, and they don't have that, because
 7 they chose to make this a business decision.

8 Today they're seeking to sell this for 12.5
 9 million, and they've claimed that they can't
 10 sell it. Perhaps they can't sell it at 12.5
 11 million, but that doesn't mean that they can't
 12 sell it, and I think it's implausible to
 13 believe that they would sell it anywhere near
 14 what they bought it for. They would be selling
 15 it for much higher than that. The land is
 16 clearly worth a whole lot more than when they
 17 moved in, and they have had the benefit of
 18 living on this property.

19 All homeowners in Coral Gables, property
 20 owners, are expected to pay property taxes, and
 21 any homeowner would expect to have to maintain
 22 the property, and if you're purchasing a
 23 property of three acres, you would probably
 24 expect those maintenance costs to be higher
 25 than on a smaller size property, and the law is

1 CHAIRMAN AIZENSTAT: If you could state
 2 your address, also, please.

3 MR. ALVAREZ: The address is 1207 South
 4 Alhambra Circle. That's on the waterway. As a
 5 property owner, as a boater, I drive by the
 6 property frequently. It's a unique property.
 7 I had the opportunity to work on it as an
 8 architect. At the time I was at Spillis
 9 Candela & Partners, this project was assigned
 10 to my effort, and our efforts to develop and
 11 maintain the positive -- you know, the
 12 possibility of preserving existing trees and
 13 vegetation to the most enhancement. I have
 14 seen the application, the lot proposal. I
 15 think the lot resulting from this subdivision
 16 could indeed be developed in a manner that
 17 would not be adverse or impacting the home.

18 In the present drawing that I have seen,
 19 the area of the cul-de-sac and accessibility
 20 stays on the side of the lot, meaning the open
 21 spaces that exist on the house and the
 22 relationship of the building to the adjacent
 23 land will still maintain considerable
 24 separation and distance, so I believe that the
 25 possibility of subdividing is feasible without

1 in any manner adversely impacting the aesthetic
2 or the character of the existing home. I have
3 heard the arguments presented by the family who
4 owns the property. I believe the case of the
5 higher taxes and the hardship imposed on them
6 should be, you know, a significant
7 consideration on the case, and a concern is
8 that if this property remains as large as it
9 is, the maintenance of the existing vegetation
10 is going to become harder for whoever buys the
11 property because of the maintenance and cost
12 and elements of preserving the nature as it is.

13 I have, obviously, a favorable opinion of
14 the proposal as a resident, as a boater, as a
15 neighbor of the waterway, and for the record,
16 I'd like to just present the case.

17 CHAIRMAN AIZENSTAT: Thank you.

18 MR. ALVAREZ: Thank you.

19 MS. MENENDEZ: Laura Reynolds.

20 MS. REYNOLDS: Thank you. Just for the
21 record, I'm Laura Reynolds, at 5530 Sunset
22 Drive, and I'm the executive director of the
23 Tropical Audubon Society. So I'm here today to
24 speak about the trees, the 93 hardwoods that
25 are being proposed to disappear as a result of

1 this lot split application that's before you.

2 Just so you know a little bit about us, our
3 mission is to preserve and protect habitat for
4 the benefit of wildlife. I added that in there
5 for you, in our letter, and one of the things
6 that we've focused in on is that we're at about
7 14 percent tree canopy in Dade County, and we
8 should be at 34. That's the national average.
9 And so we are working all the time to preserve
10 trees when we can, and we feel like this
11 particular area has been designated historic
12 not just for the house, but also because of the
13 trees, and so I want you to consider the whole
14 parcel as the historic designation when you're
15 considering this lot split and what would be
16 lost as a result of doing that.

17 The other thing I'll point out is, we are a
18 peninsula, and many bird species come through
19 here in the spring and the fall, and so in
20 other words, our little area, our strip of
21 trees that we have preserved here in Coral
22 Gables, which I applaud you for having the
23 strongest tree ordinance in Dade County --
24 thank you for maintaining that -- it's really
25 important that they have a place to rest as

1 they go through, and so we see this as a really
2 important aspect of your decision today.

3 What I would recommend, because I could
4 imagine owning a three-acre parcel and
5 maintaining it as historic is difficult -- in
6 fact, our offices are designated historic, and
7 also we have three acres of trees to maintain,
8 so I can understand what that's like, and being
9 the executive director, it's about a \$50,000
10 proposition, just to maintain the property.
11 And so I propose to you that the applicant
12 should consider pursuing a conservation
13 easement, and I would volunteer the Tropical
14 Audubon Society to do a wildlife survey, to get
15 that designation or to help do that.

16 I also think that the decision before you,
17 you don't have enough information. I think, as
18 Robert Brennan said, you need another tree
19 survey. The one that was done is not up to
20 par. So more information before you make this
21 decision, I think, would be to your benefit. I
22 also think the owner should consider
23 potentially applying for a conservation
24 easement, because that does exist.

25 In addition, we pointed out in our letter

1 that Section 5 of the Code is one of the
2 biggest ones of our concern, because of the
3 open space aspect. Also, we have data going
4 back about 60 years on this property and what
5 bird species are there. I can provide that to
6 you, if need be. I listed some of the species
7 there in the letter, and would like to tell you
8 that we're concerned that they're -- you know,
9 looking at the tree survey and the site plan,
10 they're pushing for maximum removal of the
11 trees, 93 hardwoods. It seems like the square
12 footage that they're proposing for the
13 development is the highest it could be. The
14 question I have is, where would you replant the
15 trees? There's no place to do that, and so by
16 splitting this lot, you are, in fact, making
17 the decision to remove all of those trees, and
18 I can't imagine where you would put them. So
19 please keep that in mind. I'm available for
20 any further discussion about that. Thank you.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MS. MENENDEZ: Marlin Ebbert?

23 MS. EBBERT: Good evening. My name is
24 Marlin Ebbert. I live at 6935 Almansa Street.
25 I'm a neighbor, and I'm here strictly to talk

1 about that I'm worried about my neighborhood.
 2 Yesterday the Commission approved a lot split
 3 that is just really three and a half blocks
 4 from this proposed split on Granada, at 6009
 5 Maggiore, and when my family moved here 25
 6 years ago, with three school-age children, we
 7 were told to buy in Pinecrest, that area, for
 8 the schools. And I just kept coming back to
 9 Coral Gables, because I thought it was so
 10 unique, and I think that lot splitting is
 11 something that the Gables didn't do, and I
 12 think you are just -- If another one just
 13 follows so quickly upon yesterday, I think
 14 you're just opening the door for many more
 15 people. Everybody would like to split their
 16 lots. You know, everybody would like to
 17 have -- make that kind of money. I think
 18 you're just on a slippery slope.
 19 Thank you.
 20 CHAIRMAN AIZENSTAT: Thank you.
 21 MS. MENENDEZ: Ruth Jacobs?
 22 MS. JACOBS: Actually, I'll be very brief.
 23 It's very nice to see you all working, because
 24 your role is so important to this City --
 25 CHAIRMAN AIZENSTAT: If you could state

1 your address, please.
 2 MS. JACOBS: -- because we have a unique
 3 City, and you help make it so, and everything I
 4 have heard here tonight adds to that,
 5 because --
 6 CHAIRMAN AIZENSTAT: Could you state your
 7 address? I'm sorry.
 8 MS. JACOBS: Oh, my name?
 9 CHAIRMAN AIZENSTAT: Your address, also.
 10 Your address.
 11 MS. JACOBS: Oh, 1010 -- I'm sorry.
 12 CHAIRMAN AIZENSTAT: That's okay.
 13 MS. JACOBS: 1010 South Alhambra Circle.
 14 CHAIRMAN AIZENSTAT: Thank you.
 15 MS. JACOBS: So you can see, I'm very close
 16 to this wonderful property, and I'm actually
 17 here to congratulate the owners for owning a
 18 unique piece of property, and everything I've
 19 heard here tonight gives us more reason to help
 20 them keep it that way, a conservation easement,
 21 whatever it takes, because that is a unique
 22 piece of property, and I'm a little surprised
 23 to hear someone arguing to say, "We don't want
 24 to be unique." No, no. That's why Coral
 25 Gables is the City it is. That's why it's been

1 nominated for its livability and for the kind
 2 of preservation that we have, which is for the
 3 resident, and it makes everything we do in this
 4 City more pleasurable, because of our
 5 surroundings.
 6 So anything we can do to help people
 7 maintain those special, unique surroundings,
 8 let's do it. Thank you all.
 9 CHAIRMAN AIZENSTAT: Thank you.
 10 MS. MENENDEZ: We have no more speakers.
 11 CHAIRMAN AIZENSTAT: No more speakers?
 12 MR. GUILFORD: Mr. Chairman, Members of the
 13 Board, I'll make it brief, and I just want to
 14 start by saying, I think Mr. Haddad
 15 misunderstood me at the Historic Preservation
 16 meeting. He is actually one of the great
 17 lawyers in the State of Florida, and also quite
 18 a gentleman, but to kind of follow up on
 19 Mr. Haddad a little bit, as a colleague, fellow
 20 lawyer, actually, in zoning cases, lawyers are
 21 not -- their testimony is not considered
 22 substantial or competent, so I guess we have
 23 one thing -- so neither one of us knows what
 24 the heck we're talking about.
 25 Now, let me just talk a minute. Mr. Haddad

1 talked about Mr. Hernandez, and he talked about
 2 the entire property and how the entire property
 3 is historic. He's absolutely right. The City
 4 of Coral Gables doesn't designate just a house.
 5 It doesn't designate just a portion of the
 6 property. By its Code or by its rules, it
 7 designates the entire property. And what
 8 Mr. Haddad didn't tell you is, what
 9 Mr. Hernandez planned for this property
 10 originally was actually three building sites,
 11 so we'd probably be taking more down than what
 12 is actually being proposed.
 13 He also talks about a carport which got
 14 turned into a two-bedroom addition that
 15 encroaches. It does not encroach. An
 16 encroachment is something that would go from
 17 one building site to the other. Actually, the
 18 Historic Preservation Board looked at it and it
 19 has actually given approval for the demolition
 20 of that -- I call it a guest house, a prior --
 21 formerly a carport.
 22 I'd also like to go back to the driveway
 23 for one second, because I missed on something,
 24 is that actually, our Zoning Code, under
 25 Article 5, actually allows two properties to

1 have the same driveway. So, in fact, if we
2 needed to, we could make this actually a
3 community driveway, and then branch off it,
4 which is actually permitted under our Zoning
5 Code.

6 Mr. Haddad said this is the same
7 application that was heard in 2007. It's not.
8 It's a totally different application. What was
9 proposed in 2007 was a flag lot. There are no
10 flag lots here. There are no subdivision
11 variances being proposed. This is a totally
12 different application than what was there in
13 2007.

14 Ms. Reynolds talked about the trees. I'm
15 not sure how many trees. I guess she counted
16 up the hardwoods. You know, it's also -- The
17 gentleman, Mr. Brennan, who they say is a
18 Fairchild arborist, he is not acting on behalf
19 of Fairchild. He's acting on his individual
20 capacity. If you read Mr. Brennan's letter, he
21 admits he has never been on this property.
22 Also, there's no information whether this is,
23 quote, natural, that has always been there, or
24 in fact my client planted those trees. So,
25 frankly, we don't know what this is.

1 have.

2 CHAIRMAN AIZENSTAT: Thank you.
3 Before we ask questions, I'd like to ask
4 Dona Spain from Historic Preservation to come
5 up a second.

6 Hi. How are you?

7 MS. SPAIN: For the record, Dona Spain,
8 Historic Preservation Officer. I just briefly
9 wanted to enter into the record a memo that I
10 sent the Planning Department on October 11th,
11 that has a transcript from the Historic
12 Preservation Board --

13 CHAIRMAN AIZENSTAT: Okay.

14 MS. SPAIN: -- meeting, and also letters of
15 support and letters against this application.
16 That wasn't in your packet.

17 CHAIRMAN AIZENSTAT: Is there a reason why
18 it wasn't in the packet?

19 MS. SPAIN: I don't know.

20 MR. TRIAS: No, no, certainly she can
21 provide that right now.

22 CHAIRMAN AIZENSTAT: Oh, okay. Did you
23 receive the transcripts?

24 MR. TRIAS: Wally, did you get --

25 MR. CARLSON: I can't recall.

1 Also, Ms. Ebbert said that this is just
2 another one following another lot separation.
3 Well, this Board clearly knows and the City
4 Attorney can tell you that every application
5 stands on its own merits. This application is
6 different than the one on Maggiore, and the
7 next one will be different than this one.

8 So what I'd ask this Board to do is go back
9 and take a look and listen to the information
10 and testimony that was given to you today.
11 Clearly, I believe we meet Criteria 1, because
12 if you read it carefully, it doesn't limit it
13 to those things. Even though we believe we
14 meet two of those, you have a right to look at
15 all the situations affecting this property. In
16 addition, we also believe we meet Criteria 4,
17 and that Criteria 4 says -- talks about
18 buildings, voluntary demolition of buildings.
19 This is not a building, and we have a
20 precedent.

21 Because of those two things, Mr. Chairman
22 and Members of the Board, we again ask that you
23 recommend approval of this application, and
24 myself and Mr. Dalmau and Mr. Heisenbottle will
25 be more than happy to answer any questions you

1 CHAIRMAN AIZENSTAT: Okay.

2 MS. SPAIN: It needs to be at least to the
3 City Commission --

4 CHAIRMAN AIZENSTAT: Can you give us an
5 overall of what is in those transcripts?

6 MS. SPAIN: Well, actually, they talked at
7 length about the demolition specifically of the
8 trees and also of the cabana and the pool. The
9 Staff report, I think you do have. I was
10 recommending that if the lot separation went
11 forward, that nothing happens to it until the
12 Commission approves it. I actually was
13 allowing, in the Staff report, for the pool to
14 be demolished, to accommodate the lot
15 separation, and the loggia around the pool.
16 The Board wanted that saved, so I think that's
17 why, in your application, it jogs. That's
18 because of the Historic Preservation Board.

19 CHAIRMAN AIZENSTAT: Okay.

20 MS. SPAIN: But I do believe that a lot
21 separation can occur, and it would not affect
22 the historic significance of the property. We
23 do designate the entire property. I don't
24 believe that the outline of the building that's
25 on the other lot is appropriate for that lot,

1 but that would be -- you know, they draw that
 2 because that's what's allowed by zoning. They
 3 max out the property. But that, I don't
 4 believe would be the building that would be
 5 built on that, and it would have to be reviewed
 6 by the Historic Preservation Board.
 7 CHAIRMAN AIZENSTAT: Okay. Thank you.
 8 MS. SPAIN: So, I don't have anything else.
 9 I'd be happy to answer questions.
 10 CHAIRMAN AIZENSTAT: Do you have questions?
 11 MR. FLANAGAN: Yeah. I think this is an
 12 important component of this application. It's
 13 unfortunate that we don't have that transcript.
 14 That would have been nice to review and I think
 15 definitely help better comprehend.
 16 There's a lot of talk about preserving the
 17 trees and the natural habitat, and the possible
 18 removal of the trees, I'm sure if you max out
 19 your development envelope, you'll probably take
 20 out 90 percent of the trees. But if this gets
 21 approved and one of the recommendations or the
 22 conditions is that a certificate of
 23 appropriateness be issued, how do you analyze
 24 or then review, or the Board review, the
 25 existing trees and what gets removed, what has

1 home. It's one of the reasons that I was
 2 comfortable recommending in favor of the cabana
 3 coming down, because if you don't take that
 4 building down, you need to take more trees to
 5 accommodate a driveway, and between the cabana
 6 and the trees, I thought the trees were more
 7 important.
 8 MR. FLANAGAN: Okay, well, because the demo
 9 plan we have shows one, two, three, four, five,
 10 six -- at least half a dozen trees coming down
 11 to accommodate the new driveway.
 12 MS. SPAIN: But are you talking about the
 13 new driveway on the new lot?
 14 MR. FLANAGAN: No, sorry, the new driveway
 15 on the existing lot.
 16 MS. SPAIN: Can you address that, Rich?
 17 MR. HEISENBOTTLE: If I may -- Marie, would
 18 you put up the general plan, which I think is
 19 in the back over there? There's some
 20 misunderstanding --
 21 MR. HADDAD: Do we get an opportunity?
 22 CHAIRMAN AIZENSTAT: We've gone ahead and
 23 closed the meeting to the public at this point.
 24 MR. HEISENBOTTLE: Mr. Chairman, if it is
 25 okay with the Board, I will answer some

1 to be replaced or replanted -- I think maybe it
 2 was Ms. Reynolds who was talking about, if you
 3 maxed out or tried to max out, there's no room
 4 to replant.
 5 MS. SPAIN: Uh-huh.
 6 MR. FLANAGAN: How does your department and
 7 the Board then look at that? Because to me,
 8 becomes an important component.
 9 MS. SPAIN: Yeah. No, I absolutely agree
 10 with you, because that property is unique, when
 11 it comes to the landscaping on it. I walked
 12 the property with Troy Springmyer, who's the
 13 Public Service Director, and we would do the
 14 same on any application that would come in. We
 15 work very closely with them. Any tree that
 16 comes down in Coral Gables that's on a historic
 17 property, we sign off on, whether it's alive or
 18 dead. So we would have to look at that. And I
 19 think it's very important.
 20 I did walk the property that the historic
 21 building is on, with the homeowner and with
 22 Troy, and in order to accommodate the new
 23 driveway, they will not have to knock down any
 24 tree. They won't have to take out any of the
 25 trees for the driveway to the existing historic

1 questions --
 2 CHAIRMAN AIZENSTAT: No, no --
 3 MR. HEISENBOTTLE: -- relative to trees --
 4 CHAIRMAN AIZENSTAT: Yes.
 5 MR. HEISENBOTTLE: -- because I think
 6 there's some misunderstanding. As Ms. Spain
 7 was indicating, we deliberately --
 8 And Marie, would you put the other board up
 9 that shows where the proposed driveway is?
 10 It's the one -- It's right behind this one.
 11 The trees that you're looking at that are
 12 in red there, there's not one of those that is
 13 a specimen tree. They are palm trees, called
 14 for on the drawings to be relocated. The size
 15 that you're seeing as to the construction of
 16 the new home is not a proposed new home at all.
 17 We're not here proposing a new home. We're --
 18 This is not a development order that we're
 19 seeking here today. That just happens to be
 20 what is allowed by your zoning law. It happens
 21 to be 7,845 square feet, and I think all of us
 22 in this room would say that's probably
 23 excessive, but that's merely there to
 24 illustrate for you what the maximum would be
 25 under your zoning law. More than likely, the

1 home will be something less than half of that.
 2 But as far as the driveways are concerned,
 3 you'll see that we've re-used the location of
 4 the existing driveway as it would minimize any
 5 impact on getting to the motor court or garage
 6 of the new home, and at the same time, when we
 7 constructed the new driveway, we were very
 8 careful to put it in a location that did not
 9 impact any of the specimen trees. And I can
 10 point at that, if it helps. Thank you.
 11 CHAIRMAN AIZENSTAT: Mr. Guilford, is there
 12 a reason that you're very specific not to tie
 13 this to a specific site plan, the lot
 14 splitting?
 15 MR. GUILFORD: Because, again, it's -- The
 16 client is not a developer, so what he will
 17 either -- As he said up here, either his
 18 brother will potentially build a house, or they
 19 will sell it, and as we've done before with
 20 other historic properties, as I mentioned, 1800
 21 LeJeune Road, the fact of the matter is, you
 22 have that extra layer of protection and City
 23 review. Not only do they have to go through
 24 the Board of Architects, they have to go
 25 through Historic Preservation, and that's the

1 reason we are not tying it to a site plan. In
 2 fact, I believe the Zoning Code says you must
 3 show a site plan, but it doesn't say you have
 4 to -- I don't believe, and I'm just recalling,
 5 that you have to tie yourself to that site
 6 plan.
 7 CHAIRMAN AIZENSTAT: Right. Usually this
 8 Board has always asked --
 9 MR. GUILFORD: Right.
 10 CHAIRMAN AIZENSTAT: -- for it to be tied
 11 to a site plan, in the past.
 12 MR. GUILFORD: Right, and again, because we
 13 have to go through the Historic Preservation
 14 Board, this is no different than what this
 15 Board did at 1800 LeJeune.
 16 CHAIRMAN AIZENSTAT: And then just one more
 17 question, if I may, actually.
 18 MR. GUILFORD: Yes.
 19 CHAIRMAN AIZENSTAT: I noticed, when the
 20 application was done back in '07, the numbers
 21 for the site frontage analysis are totally
 22 different than what they are now.
 23 MR. GUILFORD: Correct.
 24 CHAIRMAN AIZENSTAT: Completely.
 25 MR. GUILFORD: Yes.

1 CHAIRMAN AIZENSTAT: Can you tell me why?
 2 MR. GUILFORD: At the time when we met with
 3 Staff --
 4 MS. ALBERRO MENENDEZ: But that was --
 5 MR. TRIAS: '07. Yeah, it's a different
 6 design. It's a completely different layout and
 7 so on. That is why. That's the reason why.
 8 CHAIRMAN AIZENSTAT: Right, but the
 9 difference is that you're comparing from zero
 10 to 120 on feet, to zero to 130 on feet. It
 11 makes that much of a difference that you go
 12 from 73 -- you go up to 73 percent from a 25
 13 percent?
 14 MR. TRIAS: In terms of the -- To summarize
 15 the issue, the design from 2007 is completely
 16 different than the design that is being
 17 proposed today, so I think that comparing those
 18 two really doesn't give you any --
 19 CHAIRMAN AIZENSTAT: So you're saying just
 20 because we're looking at 10 extra feet on the
 21 length of the frontage, it jumps that much?
 22 MR. TRIAS: Do you have a sketch of the
 23 2007 site plan?
 24 MR. GUILFORD: No.
 25 MR. FLANAGAN: I don't think he understands

1 your question.
 2 CHAIRMAN AIZENSTAT: Ramon, I'm not sure if
 3 you understand the question that I'm asking.
 4 Walter, do you follow what I'm asking?
 5 MR. CARLSON: Walter Carlson, the Planning
 6 Department. The 2007 proposal that came before
 7 you was a flag lot. And the flag lot, the
 8 frontage on a flag lot is very narrow, very
 9 narrow and it goes back to a larger portion
 10 which the house would be built on, and the
 11 narrow portion provides for the driveway that
 12 goes back to it.
 13 CHAIRMAN AIZENSTAT: Right.
 14 MR. CARLSON: When Staff did the frontage
 15 analysis, we always based how many up to the
 16 proposed frontage and how many over the
 17 proposed frontage. So what we looked at was
 18 the width of the flag portion of it. Not the
 19 larger portion of the back, the flag portion.
 20 So, when you compared the flag portion, which
 21 was very narrow, to the surrounding
 22 neighborhood, that portion was much smaller
 23 than the comparables.
 24 MR. TRIAS: Mr. Flanagan --
 25 MR. CARLSON: This one goes completely

1 back.
 2 MR. TRIAS: Just like I said --
 3 CHAIRMAN AIZENSTAT: I understand that, but --
 4 MR. TRIAS: -- the design is completely
 5 different.
 6 CHAIRMAN AIZENSTAT: I understand, but if
 7 you go from zero -- if you look back at the
 8 '07, and you go from zero to 120 feet --
 9 MR. CARLSON: Uh-huh.
 10 CHAIRMAN AIZENSTAT: -- and the percentage
 11 is 25 percent, from zero to 120 feet --
 12 MR. CARLSON: Let me get to there.
 13 CHAIRMAN AIZENSTAT: Now, this is based --
 14 and I agree, it's based upon a flag lot.
 15 MR. CARLSON: Uh-huh.
 16 CHAIRMAN AIZENSTAT: But I'm just looking
 17 at my frontage.
 18 MR. CARLSON: I don't have it in front of
 19 me.
 20 CHAIRMAN AIZENSTAT: Let me give you this.
 21 MR. CARLSON: Okay.
 22 CHAIRMAN AIZENSTAT: It's under Attachment
 23 C. If you notice, if you go zero to 120 feet,
 24 you're at 25 percent, under that analysis.
 25 MR. CARLSON: Okay.

1 CHAIRMAN AIZENSTAT: Today's analysis, if
 2 we go to zero to 130 feet, a 10-foot
 3 difference, I'm at 73 percent.
 4 MR. CARLSON: This --
 5 CHAIRMAN AIZENSTAT: Why does it -- Explain
 6 to me why it jumps dramatically like that.
 7 MR. CARLSON: Well, the new Code required
 8 that we go out to a minimum of a thousand feet.
 9 CHAIRMAN AIZENSTAT: Right.
 10 MR. CARLSON: Okay, and this one was a
 11 different area of study.
 12 CHAIRMAN AIZENSTAT: How much of an area
 13 was it?
 14 MR. CARLSON: I can't recall at this time.
 15 I'd have to go back and go into the --
 16 CHAIRMAN AIZENSTAT: Was it a hundred feet,
 17 500 feet?
 18 MR. CARLSON: I really can't remember.
 19 MS. ALBERRO MENENDEZ: I would think it was
 20 500 feet.
 21 MR. FLANAGAN: No, it's a thousand.
 22 MS. ALBERRO MENENDEZ: A thousand?
 23 MR. FLANAGAN: Criteria Number 2, from
 24 2007, says within a minimum of a thousand foot
 25 radius.

1 MR. CARLSON: But when this was done in --
 2 MR. FLANAGAN: In '07.
 3 MR. CARLSON: But it was of a comparable --
 4 It was comparable zoning districts, and the
 5 districts, we had R1 through R17. Now it's all
 6 SFR at this time.
 7 CHAIRMAN AIZENSTAT: But weren't -- If you
 8 go a thousand feet, weren't they all
 9 single-family homes?
 10 MR. CARLSON: But we had about 12 different
 11 categories of single-family homes, and we would
 12 only include those which are of the same --
 13 MS. ALBERRO MENENDEZ: Category?
 14 MR. CARLSON: -- zoning designation, let's
 15 say SF -- or R14s. So we would only include
 16 the R14s, and those would be, typically, the
 17 ones which would go along the Boulevard.
 18 This one, we go out to a thousand feet, and
 19 we include all single-family residences, which
 20 would include a lot more smaller properties,
 21 which are interior and off the Boulevard.
 22 CHAIRMAN AIZENSTAT: Okay.
 23 Continue, Jeff. You had something?
 24 MR. LEEN: Mr. Chair?
 25 CHAIRMAN AIZENSTAT: Yes.

1 MR. LEEN: If I may, I just wanted to
 2 clarify one point regarding the building
 3 site -- pardon me, regarding the proposed site
 4 plan. Our Code does require a proposed site
 5 plan be provided with the application. I
 6 think, in my opinion, the reason it's done is
 7 to facilitate you applying conditions to that
 8 property. If you decide to approve the lot
 9 split, you're allowed to put conditions to
 10 protect for each of the categories. Each of
 11 the criteria that you're looking at, you can
 12 impose conditions that will protect and ensure
 13 that the goals of the City for each of those
 14 criteria are met, and the site plan allows you
 15 to do that, because it gives you a much better
 16 indication of what's being planned there.
 17 CHAIRMAN AIZENSTAT: Thank you.
 18 MS. ALBERRO MENENDEZ: I have a question.
 19 I have some plans that show an encroachment
 20 with the dock and I show some plans that don't
 21 show the encroachment. I don't see it being
 22 demolished, those that show the encroachment.
 23 Can you answer?
 24 MR. TRIAS: The dock is clearly an
 25 encroachment.

1 MS. ALBERRO MENENDEZ: It is an
 2 encroachment?
 3 MR. TRIAS: Yes.
 4 MS. ALBERRO MENENDEZ: Okay. Can you also
 5 share with me, the pool area or the cabana,
 6 what distance is it to the proposed property
 7 line? Because it seems very close.
 8 MR. TRIAS: I think the applicant can give
 9 you the precise dimension.
 10 MS. ALBERRO MENENDEZ: Five feet? But is
 11 that proper? Oh, there it is. Yes, I see a
 12 plan here that's five feet --
 13 MR. HEISENBOTTLE: In that particular
 14 location, Zoning has advised us that that
 15 setback is applied at five feet on the Lot 1
 16 side of the property, and it's applied at 10
 17 feet on the opposite side of the property, on
 18 the Lot 2 side of the property. So there's a
 19 15-foot separation between any two buildings
 20 there.
 21 MS. ALBERRO MENENDEZ: But if this was a
 22 stand-alone building, what is the setback from
 23 that pool cabana to the property line? What is
 24 the required zoning setback?
 25 MR. HEISENBOTTLE: Five feet.

1 MS. ALBERRO MENENDEZ: Is there anyone here
 2 from Zoning?
 3 MR. TRIAS: Yes. Yes, that's correct.
 4 MS. ALBERRO MENENDEZ: Okay.
 5 MR. TRIAS: That's correct.
 6 MS. ALBERRO MENENDEZ: Five feet? We've
 7 always had more stringent setbacks for pools
 8 and cabanas. I guess that changed, too, Wally?
 9 MR. CARLSON: I don't remember.
 10 MS. SPAIN: I know. A few years ago, I
 11 believe that the -- You're thinking about the
 12 rear setback on the pools. It went from five
 13 feet to 10 feet.
 14 MS. ALBERRO MENENDEZ: Right.
 15 MS. SPAIN: But the side setback has always
 16 been five. There is an overall 20 percent of
 17 the lot that sometimes requires a person to
 18 pull the structure back, because of the overall
 19 setbacks, but typically it's five feet.
 20 MS. ALBERRO MENENDEZ: Okay. Thank you,
 21 Ms. Lubin.
 22 MS. SPAIN: Not that I'm in Zoning.
 23 MR. BELLIN: Maybe I can clear it up. The
 24 pool and cabana setback at the rear of the
 25 property is the same as the building. So, if

1 the setback required is 20 feet, you can go
 2 five on one side, 15 on the other. And if the
 3 pool happens to be on one side, and the
 4 building is set back five feet, then the pool
 5 is set back five feet.
 6 MS. ALBERRO MENENDEZ: Okay.
 7 MR. FLANAGAN: Do you mind if I follow up
 8 with that?
 9 MS. ALBERRO MENENDEZ: Sure.
 10 MR. FLANAGAN: So it's a five-foot setback
 11 where -- What do we call it, the pool pavilion?
 12 Mr. Trias, my plans --
 13 MR. TRIAS: Yes.
 14 MR. FLANAGAN: -- show that basically the
 15 southernmost corner of that pool pavilion then
 16 actually encroaches into the five-foot setback.
 17 Is that correct?
 18 MR. HEISENBOTTLE: No, that's not correct.
 19 MR. FLANAGAN: Okay.
 20 MR. HEISENBOTTLE: That's the overhang that
 21 you're seeing on the drawing, the roof
 22 overhang.
 23 MR. FLANAGAN: Okay, thank you.
 24 Mr. Trias --
 25 MR. TRIAS: And that can encroach two feet,

1 yes.
 2 MR. FLANAGAN: But it's not -- it looks
 3 like it encroaches -- It actually looks like it
 4 encroaches in several areas into that five-foot
 5 setback.
 6 MR. TRIAS: And that is not intent of this
 7 proposal, and certainly there's flexibility in
 8 terms of where that line is drawn, and if
 9 they've done it wrong, then I --
 10 MR. HEISENBOTTLE: We haven't done it
 11 wrong.
 12 MR. TRIAS: From my perspective, they did
 13 it correctly, but if you believe there's a
 14 mistake, certainly, you can point that out.
 15 MR. FLANAGAN: So we're being asked to
 16 evaluate under some very technical criteria,
 17 and I think we spent a lot of time at our last
 18 application about a lot split on the technical
 19 criteria. The plans that I have show that the
 20 pool pavilion encroaches into the setback. But
 21 then the Staff report says there's no
 22 encroachments. You just stated that they can
 23 move the line, if they've done it wrong. I
 24 hear the architect in the audience saying they
 25 haven't done it wrong.

1 MR. TRIAS: Mr. Flanagan, what I said was
2 that the intent of the architect as presented
3 is to comply, comply with the zoning
4 requirements. That is what they have done, and
5 that's what they have provided to you. Now,
6 that's --

7 MR. FLANAGAN: I'm not talking about the
8 proposed house. I'm not talking about the one
9 that's going to be constructed. I'm talking
10 about what remains on --

11 MR. TRIAS: Right, right, I understand, the
12 area -- Clearly, the applicant --

13 Would you -- Why don't you testify, as the
14 architect?

15 MR. HEISENBOTTLE: May I speak? But I want
16 to make sure that --

17 CHAIRMAN AIZENSTAT: No, no -- Yeah, if
18 you're being directed a question to you, that's
19 fine.

20 MR. HEISENBOTTLE: I think what you're
21 suggesting is incorrect. The building
22 deliberately sets back five feet from the wall,
23 but you have an overhang on the roof, and the
24 line you're referring to is the roof overhang
25 that is encroaching into the five-foot setback.

1 It's a typical eave on a typical house that
2 extends a foot and a half or two feet over the
3 edge of the base building itself, of the
4 concrete block wall that is there.

5 MS. ALBERRO MENENDEZ: Do you have -- Can
6 I --

7 MR. FLANAGAN: As long as the overhangs are
8 allowed to encroach?

9 MR. TRIAS: They are allowed to encroach,
10 as long as it's up to two feet. They're not
11 allowed to encroach any more than that.

12 MS. ALBERRO MENENDEZ: The shared driveway
13 approach, I don't recall us ever allowing
14 shared driveway approaches. Now, we just got
15 this plan. This is a new plan that we were
16 just given. If it's two separate houses with
17 two separate folio numbers, I don't think
18 they'd be sharing an approach.

19 CHAIRMAN AIZENSTAT: Do we --

20 MS. ALBERRO MENENDEZ: Who maintains it, I
21 guess, is --

22 MR. TRIAS: That plan has been provided to
23 us, also, just now, so we haven't reviewed it.

24 CHAIRMAN AIZENSTAT: Who can give us that
25 answer, if it's allowed?

1 MR. GUILFORD: Mr. Chairman, I can actually
2 give you the provision. It's actually -- The
3 provision is Section 5-1408, called Common
4 driveways and remote off-street parking.
5 "Common driveways. Adjacent properties are
6 permitted to share a common driveway, provided
7 the property owners submit an appropriate
8 restrictive covenant or access easement in
9 recordable form acceptable to the City
10 Attorney; and the restrictive covenant or
11 access easement provides for the continued
12 existence of the shared driveway until such
13 time as the City Manager releases the
14 obligation of the restrictive covenant or
15 easement."

16 Again, that is Section 5-1408 of the Zoning
17 Code.

18 MR. LEEN: And just for the record, I would
19 likely require both properties to maintain it,
20 so that both would have the duty --

21 MS. ALBERRO MENENDEZ: Right.

22 MR. LEEN: -- to maintain that driveway.

23 MS. ALBERRO MENENDEZ: Okay.

24 MR. LEEN: And then -- in the public
25 right-of-way, and so we could seek Code

1 enforcement against either, if they didn't.

2 CHAIRMAN AIZENSTAT: Thank you.

3 MS. ALBERRO MENENDEZ: I have a question
4 for Staff. You know, we always go through
5 these criterias, and for the most part, I agree
6 with the criterias that you have set forth, but
7 the two that bother me -- because I really
8 think that only one is being met. The two that
9 kind of like, I'd like to discuss, is Item 3 --
10 because of the encroachment of the dock, I
11 think it doesn't meet that criteria. I'm
12 sorry, I'm trying to look for my paperwork
13 here. Can you explain to me why you all saw it
14 otherwise?

15 MR. TRIAS: The encroachment?

16 MS. ALBERRO MENENDEZ: Yes.

17 MR. TRIAS: No, we agree, the encroachment
18 doesn't meet the criteria.

19 MS. ALBERRO MENENDEZ: I'm sorry?

20 MR. TRIAS: The encroachment is there, so
21 that's one of the -- I agree with you, Ms.
22 Menendez.

23 MS. ALBERRO MENENDEZ: Okay, and then under
24 Criteria 5 --

25 CHAIRMAN AIZENSTAT: Well, Number 3, you

1 said, is satisfied.

2 MS. ALBERRO MENENDEZ: Right. He said it's

3 satisfied, but I think there's a problem with

4 that criteria, given that there's a dock

5 encroachment. Outside of all the other

6 encroachments that have been approved to be

7 removed, you still have that dock encroachment.

8 CHAIRMAN AIZENSTAT: So, Mr. Trias, are you

9 saying, then, that Number 3 would not be

10 satisfied?

11 MR. TRIAS: Well, Number 3 talks about

12 creating nonconformities.

13 CHAIRMAN AIZENSTAT: Right.

14 MR. TRIAS: Okay, and Number 4 is the one

15 that talks -- speaks about the encroachments.

16 So I think, what my thinking is, that the dock

17 is clearly an encroachment and it would be

18 covered under Number 4.

19 MS. ALBERRO MENENDEZ: But Number 3 also

20 relates to setbacks, and docks require a

21 setback.

22 MR. TRIAS: That is true. That is true.

23 And certainly, you may look at it. You have

24 the ability to look at it that way.

25 MS. ALBERRO MENENDEZ: Right, and then

1 under Number 5, you know, I have a question.

2 We satisfied this one, according to Staff, yet

3 the architectural (sic) of this property that

4 made it historic, to say that the lot split is

5 going to enhance it, how does that happen?

6 MR. TRIAS: And you may disagree with the

7 Staff view on this, and the way that we looked

8 at this is that one of the main ideas was to

9 preserve the building, one of the proposals of

10 the applicant, so therefore, the criteria was

11 satisfied in general, but you may disagree.

12 MS. ALBERRO MENENDEZ: Okay. That's all I

13 have for now.

14 MR. BELLIN: Yeah, I've got a number of

15 questions. First I'd like to ask Craig a

16 question.

17 The Code specifically states encroachment

18 with respect to buildings, take down a

19 building. I don't consider these encroachments

20 buildings. Could you tell me if that's a

21 correct interpretation or it's not?

22 MR. LEEN: Are you talking about the word

23 "building" in four, when it talks about the

24 voluntary demolition?

25 MR. BELLIN: Yes.

1 MR. LEEN: I would look to the -- There is

2 a definition in our Code of "building," so

3 that's where I would start, which I have. It

4 says -- Pardon me. It says that, "Building

5 means any structure used or intended for

6 supporting or sheltering any use or occupancy,"

7 under the Florida -- and then it says Florida

8 Building Code. So then I would look to see if

9 there's a definition of structure. Let me just

10 find it.

11 "Structure means any object anchored to the

12 ground, constructed or installed by humankind,

13 including signs, buildings, parking lots,

14 garages, carports, flagpoles, stoops and

15 utility buildings. Note: All buildings are

16 structures but not all structures are

17 buildings."

18 So I view a building in the common sense,

19 of an actual building. So I think -- so it

20 would be my opinion that a building would be

21 something like a house, and not something like

22 a dock.

23 MR. BELLIN: Or a driveway?

24 MR. LEEN: Say that again?

25 MR. BELLIN: Or a driveway?

1 MR. LEEN: Or a driveway, for purposes of

2 four. But I do need to also state, though,

3 that for purposes of three, they might -- it

4 might fall under that, in terms of what you

5 can't demolish, for three. But for four, I

6 view building under the common definition of

7 it.

8 MR. BELLIN: Okay. So I want to address

9 that particular issue. Staff said it doesn't

10 satisfy it. But I think it does satisfy it, by

11 that definition, and somebody stated that as

12 the Code, through the years, has been

13 rewritten, it's been rewritten to be more

14 stringent than the Code before, and I think if

15 the intent was to make it buildings, then

16 that's what they made it. If they didn't

17 intend it to be buildings, but docks and

18 driveways and everything else, they would have

19 taken buildings out, which they didn't do, in

20 all those years of Code rewrites.

21 MR. LEEN: Well, in analyzing four, I don't

22 want to tell you which way to determine that.

23 I would say that presently it doesn't meet it,

24 because they exist. So there is an existing

25 encroachment which would prevent separation of

1 the site.
 2 Now, if you were to -- You are allowed to
 3 impose a condition that they remove those, and
 4 that would not violate the next sentence, in my
 5 opinion. But right now, you could make a
 6 finding it does not meet four, because it does
 7 not meet four.
 8 MR. BELLIN: But --
 9 MR. LEEN: You can do things to ensure that
 10 they meet four.
 11 MR. BELLIN: Okay. I'd like to make a
 12 motion to approve the lot split.
 13 MR. PEREZ: I'll second it.
 14 CHAIRMAN AIZENSTAT: We have a motion --
 15 MS. ALBERRO MENENDEZ: For purposes -- Can
 16 we discuss it?
 17 MR. TRIAS: We need to make a motion for
 18 each of the three --
 19 MS. ALBERRO MENENDEZ: Wait --
 20 CHAIRMAN AIZENSTAT: Well --
 21 MS. ALBERRO MENENDEZ: I'd like to discuss
 22 a few things.
 23 CHAIRMAN AIZENSTAT: Just one second. We
 24 have a motion for the lot split. Now --
 25 MR. BELLIN: And I'd like to attach a

1 finding that you're making, that you're
 2 attempting to preserve.
 3 CHAIRMAN AIZENSTAT: Right, but for
 4 purposes of discussion, we understand what he
 5 is saying at this point, if that's okay.
 6 So we have a motion in general. We have a
 7 second.
 8 MR. PEREZ: We have a second on the lot
 9 split, yes.
 10 CHAIRMAN AIZENSTAT: Let's open it up for
 11 any discussion.
 12 MS. ALBERRO MENENDEZ: Yes. I'd like to
 13 make a few points. I was writing while I was
 14 hearing the public testimony on both sides.
 15 You know, when I looked at this site, and I
 16 even went by it, I'm very familiar with it. I
 17 believe that the architectural and the historic
 18 significance is tied to the entire lot. That
 19 house was designed with the whole, entire lot
 20 in mind. You can just tell by looking at the
 21 site plan, the way that the driveway comes in
 22 and comes right, you know, to a circular -- I
 23 mean, the whole lot was -- The house was
 24 designed with the entire lot in mind. So I
 25 think that the architecture is compromised when

1 condition to it, as well.
 2 MR. LEEN: Well, there's a lot here.
 3 Mr. Chair, may I --
 4 CHAIRMAN AIZENSTAT: Yes, please.
 5 MR. LEEN: In terms of the procedure, is
 6 this just a general vote, and then you're going
 7 to go, one by one, through the specific items,
 8 or are you voting on Number 1, the ordinance?
 9 MR. BELLIN: No, I would do it as a general
 10 vote and then go back and --
 11 MR. LEEN: So this is to get the sense
 12 of -- Mr. Chair, I would treat it as a sense of
 13 the Planning and Zoning Board, and then based
 14 on that, you could act on the three.
 15 MR. BELLIN: And I'd like to add a
 16 condition to it. When you split a lot, it
 17 allows you more FAR than you would ordinarily
 18 get if the lot stayed as one lot. It increases
 19 by about 5,000 square feet. And I'd like to
 20 attach a condition to that, that the FAR
 21 doesn't increase any greater than it would be
 22 if it was a single lot.
 23 MR. LEEN: I think, for purposes of that
 24 condition, when you discuss it, it is better if
 25 you attach that to a specific provision or

1 we start splitting this lot.
 2 I think that the property owner benefited
 3 at one time, it being historically designated.
 4 I think, as someone has testified here, the
 5 fact that I believe at 2007, and I'd like to be
 6 corrected if I'm wrong, some improvements were
 7 made that benefited him, from having tax
 8 exemptions, because of the fact that it was
 9 historically designated.
 10 I mentioned the fact that I only see one of
 11 the six criterias being met. So I am going to
 12 vote against the motion that's been made.
 13 CHAIRMAN AIZENSTAT: But right now, we're
 14 just having a discussion. Any other
 15 discussion?
 16 MR. BELLIN: I think that what we have to
 17 base our opinion on is whether this complies
 18 with four of the six requirements.
 19 MS. ALBERRO MENENDEZ: Right.
 20 MR. BELLIN: And if it does, then I think
 21 they have the right to split the lot.
 22 MS. ALBERRO MENENDEZ: Right.
 23 MR. BELLIN: So the discussion really needs
 24 to be about, does it comply with four of the
 25 six, and then after we have the discussion,

1 everybody makes their own decision as to
 2 whether it does or not.
 3 MS. ALBERRO MENENDEZ: Right, I agree with
 4 that. But my comments are based on the
 5 criteria. We're all interpreting the criteria,
 6 and the loss of trees, to me, does not enhance
 7 the area. The cutting off of the lot
 8 compromises the visibility of that property.
 9 The whole site is being compromised.
 10 So all of my comments are tied to the
 11 criteria. If you want, we can go one, this one
 12 meets that one, you know, but overall, I think
 13 that the criteria is not being met, as I
 14 mentioned. I believe one out of the six
 15 criteria are being met.
 16 CHAIRMAN AIZENSTAT: Okay.
 17 Jeffrey, any comments?
 18 MR. FLANAGAN: Yeah, back to the dock, it's
 19 not shown on the demo plan as being removed,
 20 but yet on the conceptual site plan, it looks
 21 like a new dock on proposed Lot 2. I guess
 22 there's no question there, but Ramon, how is
 23 that being -- What's the analysis on that?
 24 It's not shown in red on the demo plan, which
 25 everything else that's being removed is.

1 MR. TRIAS: Right.
 2 MR. FLANAGAN: It says -- it actually says
 3 on the demo plan, "existing wood dock to
 4 remain," but yet when you look at the
 5 conceptual plan, the wood dock does not extend
 6 northerly over onto and encroach onto Lot 1.
 7 MR. TRIAS: Yeah, the only way I can look
 8 at it is looking at the demolition plan, which
 9 is the one that has been reviewed by the
 10 Historic Preservation Board, and I believe
 11 that's the intent, and that shows the dock and
 12 it's an encroachment. I mean, I think that's
 13 factual.
 14 Now, as far as the proposed site plan,
 15 that's a concept, as you can see. It's not
 16 even being proposed as a development.
 17 MR. FLANAGAN: No, I understand that. I
 18 just got confused over the fact that one
 19 plan -- The two plans seem to relatively mesh
 20 together for what's being demo'd --
 21 MR. TRIAS: Yeah.
 22 MR. FLANAGAN: -- and what may be built.
 23 But the dock, they don't mesh together, on the
 24 two plans.
 25 MR. TRIAS: And that's true.

1 MR. HEISENBOTTLE: If I may --
 2 MR. FLANAGAN: Sure.
 3 MR. HEISENBOTTLE: One -- The dock is made
 4 up of a number of different bays of piles, and
 5 one bay of those piles would have to be
 6 demolished to relieve the encroachment. It
 7 should have been shown on a demo plan. We can
 8 certainly make it part of the criteria this
 9 evening, that that one bay of the dock would be
 10 removed.
 11 MR. FLANAGAN: Okay. Again, I think that's
 12 yet another important component, because of
 13 course, Maria sees it as an encroachment. We
 14 now have Mr. Trias calling it an encroachment,
 15 which may impact the analysis of one of these
 16 criteria. So you're saying that should have
 17 been shown in red? It should be demo'd? It is
 18 being demo'd?
 19 MR. HEISENBOTTLE: We would demo that
 20 section of the dock that encroaches, yes.
 21 MS. ALBERRO MENENDEZ: Was that approved by
 22 the Historic Preservation Board to be demo'd?
 23 MR. HEISENBOTTLE: No.
 24 MS. SPAIN: I actually don't believe the
 25 dock is designated as historic, because it

1 falls outside of the property line. They
 2 didn't discuss it. It wasn't brought up.
 3 MR. BELLIN: We --
 4 MR. PEREZ: A question that I would have
 5 for the City Attorney is as relates to the
 6 shared drive, as well.
 7 MR. LEEN: Yes.
 8 MR. PEREZ: I'm not sure, without knowing
 9 what the intent of the dock is or who it
 10 belongs to, but can there be kind of a shared
 11 agreement, as well, if in fact that dock would
 12 remain?
 13 MR. LEEN: A shared dock?
 14 MR. PEREZ: Yeah, that's just a point of
 15 clarity. I'm not sure, because if you have a
 16 shared drive and you have -- and you'd be
 17 seeking the both parties to maintain it, will
 18 the same kind of theory apply towards a dock?
 19 MR. LEEN: A shared driveway is expressly
 20 allowed by the Code so as long as there's a
 21 restrictive covenant ensuring the City is
 22 protected. I have not heard of a shared dock,
 23 and it would be an encroachment. It would
 24 normally tie the two properties together, which
 25 is why you need the lot split, to begin with.

1 You have a fair amount of discretion -- so does
 2 the City Commission, ultimately, in approving
 3 it -- over the conditions you impose. So I
 4 would want to take a look at that. My feeling
 5 is that the Commission has a lot of discretion
 6 here, and so you could recommend almost
 7 anything in terms of the conditions that you
 8 would apply.
 9 In light of that, just in further answer to
 10 your question, I do believe that in considering
 11 this motion, you need to consider also whether
 12 you're going to include Historic Preservation's
 13 conditions, and also you should consider
 14 whether -- Are there -- For example, in Number
 15 4, right now it doesn't comply with four unless
 16 they do remove a couple of these encroachments,
 17 which I've interpreted not to be buildings, but
 18 you may want to require that as part of the
 19 condition of the approval, to make sure that it
 20 meets Number 4. You may want to consider what
 21 to do regarding trees. You have the authority
 22 to do that, in terms of Number 1. That's only
 23 if you vote to approve. You can also then
 24 impose the conditions.
 25 CHAIRMAN AIZENSTAT: How does the wall --

1 basically ties the property.
 2 MS. SPAIN: It does.
 3 CHAIRMAN AIZENSTAT: Correct.
 4 MS. SPAIN: It does, as did the wall on
 5 Coral Way, 1248 Coral Way. So when they do a
 6 new house on that property that is now a
 7 separate building site, they'll have to come to
 8 the Historic Preservation Board to get the
 9 driveway put through there.
 10 CHAIRMAN AIZENSTAT: Okay.
 11 MR. LEEN: And I agree with Dona. That's
 12 generally the process. This is a little
 13 different because it's a lot split. The
 14 Commission could conceivably impose a condition
 15 that would take precedence over that, but
 16 normally I would think that the Commission
 17 would want to be very careful about the coral
 18 rock wall, so it probably would send it to the
 19 Historic Preservation Board.
 20 MS. SPAIN: Well, the resulting lot would
 21 be historic, and so it would have to go to the
 22 Historic Preservation Board.
 23 MR. LEEN: The only issue is that the lot
 24 split ordinance is more specific, and so any
 25 condition they impose would have the force of

1 How does the surrounding wall come into play,
 2 as far as encroachment?
 3 MR. LEEN: Well, a surrounding wall
 4 normally ties the properties together.
 5 CHAIRMAN AIZENSTAT: Right.
 6 MR. LEEN: So you would -- You may want to
 7 address that. You could allow it to remain.
 8 You could require there to be a separation.
 9 CHAIRMAN AIZENSTAT: But there --
 10 MR. LEEN: Historic Preservation might have
 11 an issue with that, though.
 12 CHAIRMAN AIZENSTAT: I mean, the way I'm
 13 looking at it is, there's currently a wall that
 14 surrounds the property.
 15 MS. SPAIN: There is. It's a coral rock
 16 wall. They did discuss the wall. That would
 17 require -- if the lot was separated and a new
 18 driveway was put in for the new property, that
 19 would require a certificate of appropriateness
 20 and approval by the Historic Preservation
 21 Board, and that has been done before, on walls.
 22 I mean, every time you have a lot separation,
 23 if there's a wall, that you're going to have to
 24 cut into it for a driveway.
 25 CHAIRMAN AIZENSTAT: But that wall

1 law and would take precedence over that.
 2 MS. SPAIN: Oh, I see what you mean.
 3 MR. LEEN: That's what I --
 4 But I'm --
 5 MS. SPAIN: Well, that's one of the
 6 conditions that I put --
 7 MR. LEEN: -- sure you would bring this
 8 issue up.
 9 MS. SPAIN: -- that I put down that --
 10 MR. LEEN: Yes.
 11 MS. SPAIN: -- the Board has asked for, is
 12 that that needs to be a separate --
 13 MR. LEEN: That's why you may want to
 14 recommend those conditions as part of your
 15 recommendation.
 16 CHAIRMAN AIZENSTAT: Understood.
 17 MR. BELLIN: Craig, I think one of the
 18 problems that I'm having is, unfortunately,
 19 showing a building on this site like that, you
 20 look at it and you say, it's wiping out all the
 21 trees. First of all, they don't --
 22 MR. GUILFORD: Just a point of
 23 information -- I'm sorry.
 24 CHAIRMAN AIZENSTAT: Go ahead, Marshall.
 25 MR. BELLIN: First of all, the house will

1 never be built like that, and I think good
2 design that is sensitive to the environment and
3 sensitive to the placement of the trees can be
4 handled in a very nice way. And that house,
5 because it's designated historic, that house
6 that's designed there is going to have to go to
7 the Historic Board, and they're going to look
8 at the trees that are going to be removed and
9 say, "I'm not going to approve this."

10 So I think that's one way to sort of help
11 out with respect to what goes and what stays.

12 MS. SPAIN: No, I agree with you.

13 MR. BELLIN: And I think that that house
14 probably wipes out 50 percent of the trees, but
15 being sensitive to the design maybe takes 10
16 percent of the trees down, and maybe none of
17 the important trees.

18 MR. LEEN: And I'm not stating it -- All
19 I'm saying is that, for example, you've given a
20 condition on FAR. You could also give a
21 condition regarding trees, or not. You can say
22 that that will go to the Historic Preservation
23 Board. That's all I'm saying.

24 MR. BELLIN: Well, I'd like Historic
25 Preservation, since they're already involved in

1 that process, to determine whether the trees
2 being taken out are acceptable or not.

3 MS. SPAIN: I just need to clarify one
4 thing, that that wall does not surround the
5 property. It's just in the front.

6 CHAIRMAN AIZENSTAT: Okay, but it still
7 encroaches?

8 MS. SPAIN: Yes.

9 MR. PEREZ: One quick question regarding
10 the dock. So it's outside of the property
11 line, so it's not deemed historic?

12 MS. SPAIN: It's not deemed historic.

13 CHAIRMAN AIZENSTAT: Julio?

14 MR. GRABIEL: Yeah, I have a question on
15 the historic listing that was made by the
16 Historic Preservation Board.

17 MS. SPAIN: On the conditions?

18 MR. GRABIEL: Conditions, yeah. Are those
19 automatically --

20 MS. SPAIN: I'm sorry, those are what?

21 MR. GRABIEL: Are those automatically -- If
22 the Board were to agree to the splitting of the
23 lot, would those requirements be part of
24 that --

25 MS. SPAIN: Not necessarily.

1 MR. GRABIEL: -- or would we have to vote
2 on that, on those?

3 MS. SPAIN: I would request that that be
4 part of your recommendation --

5 MR. GRABIEL: Okay.

6 MS. SPAIN: -- if in fact you're
7 recommending in favor of the lot separation.

8 MR. GRABIEL: Even though it was voted by
9 the Historic Board --

10 MS. SPAIN: Uh-huh.

11 MR. GRABIEL: -- we would have to make sure
12 that those would be part?

13 MS. SPAIN: That's a question for the City
14 Attorney.

15 MR. LEEN: You don't have to. You can.

16 MR. TRIAS: Yeah, if I could assist on
17 that, the Staff Report includes those
18 conditions, in case you wanted to propose to
19 approve this. It does specify the conditions
20 that deal with the Historic Preservation
21 content, and you could add more. So I would
22 encourage you to think in those terms, if
23 you're so inclined.

24 MS. SPAIN: Okay.

25 CHAIRMAN AIZENSTAT: Any other comments?

1 MR. FLANAGAN: A question. Back to
2 Criteria 4, I read the two together. I think
3 you have to read them together. The first
4 sentence stands on its own, or the second one
5 stands on its own.

6 But let me ask Ramon, could they come in
7 today, no lot split request -- if they wanted
8 to be sneaky, could they have come in today,
9 two years ago, and obtained approval to
10 relocate the driveway, maybe remove the
11 planter, bring things back from the property
12 line, so that other than, let's say, the wall
13 and the dock, there wouldn't have been any
14 encroachments?

15 MR. TRIAS: If they get a certificate of
16 appropriateness and the Historic Preservation
17 Board agrees with their proposal, yes, they
18 could do some of those things.

19 MR. FLANAGAN: And then on Cartee Lot 1,
20 which is on the north side of the Mahi
21 Waterway, did that get -- Was that a lot split?
22 All of the paperwork we have shows it as one
23 platted lot, but yet there's three home sites
24 on it. How did we get there?

25 MR. TRIAS: It did not follow this process.

1 That, we know. And the specifics of how it was
 2 platted, I don't believe we know, right? We
 3 tried to research that, yeah.
 4 MS. ALBERRO MENENDEZ: What year was that
 5 done? What year was it platted?
 6 MR. CARLSON: We have no record on it.
 7 MR. TRIAS: We researched that, and we
 8 could not find any information on that, but
 9 certainly -- you know.
 10 CHAIRMAN AIZENSTAT: So, technically, then,
 11 it's one lot? Do you show it as three lots?
 12 Is it three folio numbers?
 13 MR. FLANAGAN: It could be three folio
 14 numbers. I didn't look at property ownership
 15 to see if it's a metes and bounds description.
 16 Zeke, I don't know if you know.
 17 MR. GUILFORD: Yeah, it's actually --
 18 There's actually already two houses located on
 19 it. It has three separate folio numbers.
 20 MS. ALBERRO MENENDEZ: Then it was
 21 replatted.
 22 MR. GUILFORD: And it is -- to answer
 23 Mr. Flanagan's question, it's metes and bounds.
 24 MR. FLANAGAN: Thank you. So it's not?
 25 MR. GUILFORD: What?

1 MR. FLANAGAN: Not?
 2 It's metes and bounds?
 3 MR. TRIAS: It's metes and bounds.
 4 MR. GUILFORD: It's in metes and bounds,
 5 has three separate folio numbers, and two of
 6 the lots already have residences on them.
 7 CHAIRMAN AIZENSTAT: Separate owners?
 8 MR. GUILFORD: Separate owners.
 9 CHAIRMAN AIZENSTAT: How did that happen?
 10 MS. ALBERRO MENENDEZ: So the question is,
 11 what year did it happen?
 12 MR. TRIAS: Yeah, we looked into that, and
 13 perhaps the Historic Preservation officer can
 14 help us with that.
 15 MR. BELLIN: Craig, I have another
 16 question. What is the magic number, where
 17 there's 1977? How did that come about? Why is
 18 that a break-off point?
 19 MR. LEEN: 1977? My understanding is that
 20 that ties to sort of a legally non-conforming
 21 type analysis, whereby you basically -- you're
 22 not completely grandfathering, but you're
 23 giving a partial grandfathering before 1977,
 24 when certain laws were passed. Ramon, I know,
 25 researched that.

1 MR. TRIAS: That's when the original
 2 ordinance was passed --
 3 MR. LEEN: Yes.
 4 MR. TRIAS: -- and they basically said,
 5 "Okay, anything before 1977 doesn't quite
 6 apply," so -- and that has stayed through the
 7 years.
 8 MR. LEEN: I think the idea behind it is
 9 that if you had the property before then, you
 10 didn't know about the ordinance, so the idea
 11 that once the ordinance is in place, if you
 12 purchased the property, you purchased it with
 13 notice of the ordinance, so it makes it a
 14 little harder for a newer purchaser to lot
 15 split than a purchaser from farther back.
 16 CHAIRMAN AIZENSTAT: Okay.
 17 Marlin, do you have some information on Lot
 18 1?
 19 MS. EBBERT: Almalee Moure --
 20 CHAIRMAN AIZENSTAT: Can you come up,
 21 just -- please.
 22 MS. EBBERT: The family that lives on the
 23 other side of the canal, the Mahi Waterway,
 24 Almalee Moure, her maiden name was Cartee. Her
 25 father owned both those pieces of property.

1 She grew up there. She's probably in her
 2 mid-seventies, and her family resides there, on
 3 that white house that's out on the point, okay?
 4 At some point, a property to the north, you
 5 can see where there's a cut in the wall, was
 6 sold off. But the Moures just maintain those
 7 other two lots. She was here at the Historic
 8 Preservation meeting about this. She was
 9 against the lot split. I just want to say
 10 that. But that's the history.
 11 CHAIRMAN AIZENSTAT: Okay, thank you.
 12 MS. EBBERT: You know, because Dorothy
 13 Thomson kept saying, "Who is this family?" But
 14 that was her family, so --
 15 CHAIRMAN AIZENSTAT: Thank you.
 16 Any other comments?
 17 Would you like to formulate your motion
 18 into each one of these individual items?
 19 MR. BELLIN: I would prefer that somebody
 20 else did, to tell you the truth.
 21 CHAIRMAN AIZENSTAT: Mr. City Attorney?
 22 MR. LEEN: Yes.
 23 CHAIRMAN AIZENSTAT: Maybe hearing --
 24 If I understand the motion that you're in
 25 favor, that you're in favor of, is granting the

1 lot splits?
 2 MR. BELLIN: Granting the lot splits.
 3 CHAIRMAN AIZENSTAT: You would like to tie
 4 into it the Historic Preservation, the records
 5 and everything that was done with Historic
 6 Preservation?
 7 MR. BELLIN: Yes.
 8 CHAIRMAN AIZENSTAT: Number one. There was
 9 another item that we were talking about.
 10 MR. BELLIN: The FAR.
 11 CHAIRMAN AIZENSTAT: The FAR, so -- and you
 12 would also like to encompass so that after the
 13 lot split, the amount that is allowed to be
 14 built will be no greater than if the parcel was
 15 one --
 16 MR. BELLIN: Yes.
 17 CHAIRMAN AIZENSTAT: -- in percentage
 18 comparison?
 19 MR. BELLIN: Not in percentage. If the FAR
 20 on the large lot without the split is 40,000
 21 square feet --
 22 CHAIRMAN AIZENSTAT: Okay.
 23 MR. BELLIN: -- then I would like to see no
 24 more than 40,000 square feet after the lots are
 25 split.

1 CHAIRMAN AIZENSTAT: In total --
 2 MR. BELLIN: Yes.
 3 CHAIRMAN AIZENSTAT: -- between the two
 4 homes?
 5 MR. BELLIN: Yes.
 6 CHAIRMAN AIZENSTAT: Okay. That's
 7 understandable.
 8 MR. LEEN: And that condition would tie
 9 into five?
 10 CHAIRMAN AIZENSTAT: Correct.
 11 MR. LEEN: So that would be a legal
 12 condition, a legal condition.
 13 CHAIRMAN AIZENSTAT: Any --
 14 MR. TRIAS: Mr. Chairman, we do have five
 15 conditions on Page 20 that may be helpful in
 16 this discussion.
 17 CHAIRMAN AIZENSTAT: And would you tie the
 18 recommendations from the City, if you want to
 19 take a look at them?
 20 MR. TRIAS: And generally, they deal with
 21 the historic issues and the things that have
 22 been discussed. They're very standard ideas.
 23 MR. BELLIN: I read through these, and I
 24 would like to have these attached, as well.
 25 CHAIRMAN AIZENSTAT: And you'd like to have

1 those attached, as well?
 2 MR. BELLIN: Yes.
 3 CHAIRMAN AIZENSTAT: Anything else that you
 4 would like to put in your motion?
 5 MR. BELLIN: If you give me a week, I can
 6 figure out some --
 7 CHAIRMAN AIZENSTAT: We're here now.
 8 MR. BELLIN: Okay.
 9 CHAIRMAN AIZENSTAT: Anything with the
 10 trees?
 11 MR. BELLIN: Well, I think the trees would
 12 be tied to Historic Preservation, so anything
 13 that's designed on this site has to be reviewed
 14 by your department, and if they deem that too
 15 many trees are coming out, there's a specimen
 16 tree that should stay, then they have to do
 17 some redesign.
 18 CHAIRMAN AIZENSTAT: But would that fall
 19 under Historic Preservation?
 20 MR. TRIAS: Condition 4 addresses the
 21 trees. You may want to read it.
 22 MR. BELLIN: It says it involves the trees.
 23 CHAIRMAN AIZENSTAT: Okay.
 24 MS. ALBERRO MENENDEZ: But they have to get
 25 a tree removal permit from --

1 MR. TRIAS: Right.
 2 MS. ALBERRO MENENDEZ: -- the Department of
 3 Public Service.
 4 MR. TRIAS: And Condition 4 addressed that
 5 issue, so you may want to read it and see if
 6 that's sufficient for your purposes.
 7 CHAIRMAN AIZENSTAT: Marshall, is that
 8 okay? I'll let you take a look at Condition 4.
 9 MR. BELLIN: Yeah, I think this really
 10 hands it over to the Historic Department, and
 11 they can't remove anything without their
 12 approval.
 13 CHAIRMAN AIZENSTAT: Is there a second? So
 14 we're taking the first item, which is the lot
 15 split, to separate it into two single-family
 16 building sites.
 17 MR. PEREZ: I'll second it, and as a point
 18 of clarity, so basically it will go to
 19 Historic, but as it relates to the trees, it
 20 goes to Public Service?
 21 CHAIRMAN AIZENSTAT: And Historic.
 22 MS. ALBERRO MENENDEZ: And Historic.
 23 MR. PEREZ: Because I believe we're making
 24 a little bit of a big deal about the trees, but
 25 without seeing a tree survey, there might be

1 trees there that from a County perspective,
 2 they might want to get removed, anyways.
 3 MR. TRIAS: Condition Number 4 speaks of
 4 the Historic review, it speaks to the Public
 5 Service, and also the Planning and Zoning
 6 review, for the trees. For the trees.
 7 MR. PEREZ: So, yeah, I'll second it.
 8 MR. LEEN: Mr. Chair, before -- Well, I see
 9 Ms. Spain would like to speak, but after she
 10 does, I do think you should allow the applicant
 11 to speak on the conditions, to see if they'll
 12 proffer them or if they have any objection to
 13 them.
 14 MS. SPAIN: I just want to say, there is a
 15 tree survey in there, at least there was when
 16 they went to the Historic Preservation Board;
 17 but what isn't in there, because you don't have
 18 it tied to a site plan, which of those trees is
 19 coming down in the new residence.
 20 CHAIRMAN AIZENSTAT: So the way it is now,
 21 it is not tied to a site plan?
 22 MR. TRIAS: But you may choose to --
 23 CHAIRMAN AIZENSTAT: No, no, I understand,
 24 but I'm going on your motion. So your motion
 25 is not to have it tied to a site plan?

1 MR. BELLIN: Actually, it should be tied to
 2 a site plan, because when a house is designed
 3 on that site, how the trees are treated is
 4 incorporated in the site plan.
 5 MS. SPAIN: But do you want that site plan
 6 to be before this Board? I have an issue with
 7 that. I'm sorry. But really, on these lot
 8 separations, when an architect does an outline,
 9 and you know, they do an outline to max out the
 10 property. Well, specifically in this property,
 11 that site plan is not going to be approved by
 12 the Historic Preservation Board, because it's
 13 taking down too many trees. It would never be
 14 approved.
 15 MR. BELLIN: It shouldn't have been drawn
 16 like that. That's the problem. You show
 17 something that covers half the site, knowing
 18 that it's never going to be like that, and if
 19 you want to show the outline of the house
 20 dotted in and say this is what zoning allows --
 21 MS. SPAIN: But then what do they do,
 22 Marshall? They design a house on that property
 23 and then they sell it with those designs? What
 24 if the person buying the property doesn't want
 25 to build that house? It's a real problem with

1 these lot separations. I certainly understand
 2 how you would want to see a site plan, but I
 3 think it makes it difficult.
 4 MR. BELLIN: Dona, I'm not saying that.
 5 I'm not saying to design the house. What I'm
 6 saying is, when the house is designed by
 7 whoever --
 8 MS. SPAIN: Right.
 9 MR. BELLIN: -- it comes before you so that
 10 you can say yes or no with respect --
 11 MS. SPAIN: Oh, okay. I understand that.
 12 But to tie the lot separation to a specific
 13 site plan on the new, I would have a problem
 14 with.
 15 MR. BELLIN: No, I don't think that's the
 16 way to do it.
 17 MS. SPAIN: Okay.
 18 MR. BELLIN: And I think that's part of the
 19 problem with the way the house is shown. There
 20 should be no house shown on it. Say, "This is
 21 the way it is. We're going to design a house
 22 in the future, and -- "
 23 MS. SPAIN: And they could list the zoning
 24 that's on it.
 25 MR. BELLIN: List the zoning requirements,

1 what the setbacks are, dot in the footprint,
 2 and say they have to come back to you for
 3 approval.
 4 MS. SPAIN: Okay.
 5 MR. BELLIN: So it's really your baby.
 6 CHAIRMAN AIZENSTAT: Zeke, having heard
 7 what you heard so far, how does your client
 8 feel with that motion?
 9 MR. GUILFORD: Yes, we have no objections
 10 to the conditions that are being proposed in
 11 the motion. We accept those conditions.
 12 CHAIRMAN AIZENSTAT: Any other comment?
 13 Okay, on Item Number 1, call the roll,
 14 please.
 15 MS. MENENDEZ: Julio Grabiell?
 16 MR. GRABIEL: Yes.
 17 MS. MENENDEZ: Maria Menendez?
 18 MS. ALBERRO MENENDEZ: No.
 19 MS. MENENDEZ: Alberto Perez?
 20 MR. PEREZ: Yes.
 21 MS. MENENDEZ: Marshall Bellin?
 22 MR. BELLIN: Yes.
 23 MS. MENENDEZ: Jeff Flanagan?
 24 MR. FLANAGAN: Yes.
 25 MS. MENENDEZ: Eibi Aizenstat?

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1 CHAIRMAN AIZENSTAT: No.
 2 Okay, so on that, we have a -- That passes?
 3 MR. TRIAS: That's four to two, so it goes
 4 as a recommendation. Four is the minimum.
 5 MS. ALBERRO MENENDEZ: It goes with our
 6 recommendation.
 7 CHAIRMAN AIZENSTAT: Right, Item Number 8,
 8 is there a motion for the final plat? So the
 9 last vote was on Item Number 7. I think you
 10 said 1. So the first --
 11 MR. TRIAS: The first one was the
 12 ordinance.
 13 CHAIRMAN AIZENSTAT: Is the ordinance,
 14 correct.
 15 MR. LEEN: Okay, so this is on the Number
 16 2, the resolution, which is also Number 8 in
 17 the agenda, I understand.
 18 CHAIRMAN AIZENSTAT: Correct.
 19 Marshall, would you like to make a motion?
 20 MR. BELLIN: Yeah, I'll make a motion for
 21 approval.
 22 MR. PEREZ: I'll second.
 23 CHAIRMAN AIZENSTAT: A first and second.
 24 Any questions or comments?
 25 Call the roll.

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1 MS. MENENDEZ: Maria Menendez?
 2 MS. ALBERRO MENENDEZ: No.
 3 MS. MENENDEZ: Alberto Perez?
 4 MR. PEREZ: Yes.
 5 MS. MENENDEZ: Marshall Bellin?
 6 MR. BELLIN: Yes.
 7 MS. MENENDEZ: Jeff Flanagan?
 8 MR. FLANAGAN: Yes.
 9 MS. MENENDEZ: Julio Grabiell?
 10 MR. GRABIEL: Yes.
 11 MS. MENENDEZ: Eibi Aizenstat?
 12 CHAIRMAN AIZENSTAT: No.
 13 And the third item, which is for the
 14 site-specific regulation for the text
 15 amendment. Marshall, since you're on a roll?
 16 MR. BELLIN: I move for approval.
 17 MR. PEREZ: I'll second.
 18 CHAIRMAN AIZENSTAT: A first and second.
 19 Any questions, any comments? No?
 20 Call the roll, please.
 21 MS. MENENDEZ: Alberto Perez?
 22 MR. PEREZ: Yes.
 23 MS. MENENDEZ: Marshall Bellin?
 24 MR. BELLIN: Yes.
 25 MS. MENENDEZ: Jeff Flanagan?

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1 MR. FLANAGAN: Yes.
 2 MS. MENENDEZ: Julio Grabiell?
 3 MR. GRABIEL: Yes.
 4 MS. MENENDEZ: Maria Menendez?
 5 MS. ALBERRO MENENDEZ: No.
 6 MS. MENENDEZ: Eibi Aizenstat?
 7 CHAIRMAN AIZENSTAT: No.
 8 MR. LEEN: Mr. Chair?
 9 CHAIRMAN AIZENSTAT: Yes.
 10 MR. LEEN: One other -- one other issue. I
 11 do think it would be useful for the City
 12 Commission to know which of the six factors you
 13 have found. I understand that that's not on
 14 the agenda, but in preparing the report to
 15 them, what is the additional factor you have
 16 found? I think that would be useful.
 17 CHAIRMAN AIZENSTAT: The additional factor
 18 out of the six?
 19 MR. LEEN: Well, since you have to find
 20 four out of the six.
 21 CHAIRMAN AIZENSTAT: You would have to ask
 22 the people that voted yes, because -- for
 23 example, myself, I did not find that they met
 24 the criteria.
 25 MR. LEEN: I understand.

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1 CHAIRMAN AIZENSTAT: And I did it strictly
 2 on that. So you would have to poll the
 3 individuals that said yes.
 4 MR. BELLIN: I agree with the Staff --
 5 MR. LEEN: That's fine. It's perfectly
 6 legal to do it that way. I didn't think that
 7 there was necessarily disagreement over what
 8 the fourth one was, but maybe there is.
 9 MR. BELLIN: I agree with Staff on three,
 10 and disagree on four, I think it is, with
 11 respect to the definition of building. If they
 12 didn't want it in there, they would have taken
 13 it out. They had many, many opportunities to
 14 do that, and never did. So they wanted it
 15 there for a reason.
 16 MR. LEEN: Okay.
 17 CHAIRMAN AIZENSTAT: Does that satisfy it
 18 for Marshall?
 19 And your reason, which was the --
 20 MR. PEREZ: I -- my opinion, I believe that
 21 they abide by five of the six, personally.
 22 CHAIRMAN AIZENSTAT: Which one did you
 23 believe that they did not abide by?
 24 MR. PEREZ: The last one, because it had
 25 been acquired in 1980, but I personally believe

1 they abide by five out of six.
 2 CHAIRMAN AIZENSTAT: Does that satisfy
 3 your --
 4 MR. LEEN: Yes. Yes, that's useful to
 5 know.
 6 CHAIRMAN AIZENSTAT: Mr. Flanagan?
 7 MR. FLANAGAN: I agree with Staff except as
 8 to Number 4.
 9 CHAIRMAN AIZENSTAT: Okay. Julio?
 10 MR. GRABIEL: The same for me.
 11 CHAIRMAN AIZENSTAT: Okay.
 12 MR. FLANAGAN: Before we grant them, I'm
 13 sorry, I forgot this comment. It doesn't
 14 impact on my analysis, but just before it goes
 15 to the Commission, my math calculations, Ramon,
 16 come out differently than what's in the report,
 17 as far as the size of the lots in square
 18 footage and what would be allowed for square
 19 footage of buildings. I just would request
 20 that that be reviewed.
 21 MR. TRIAS: And that's a critical issue
 22 because of the condition that Mr. Bellin
 23 proposed, so thank you.
 24 MR. BELLIN: I think one of the problems
 25 is -- I'll address this to you, Richard. The

1 calculation for the FAR is incorrect. You've
 2 got 45 percent of the first 5,000 square feet,
 3 and it's 48 percent.
 4 MR. HEISENBOTTLE: We'll go back and look
 5 at that --
 6 MR. BELLIN: Okay.
 7 MR. HEISENBOTTLE: -- and correct it for
 8 the Commission.
 9 MR. BELLIN: Okay.
 10 MR. LEEN: One other issue for the Planning
 11 and Zoning Director. I noticed on three,
 12 Number 3, that amends the site-specific
 13 regulations, are you recommending that the FAR
 14 limitation be put into the site-specific
 15 regulations?
 16 MR. TRIAS: I think that's the cleanest way
 17 to do it, if it's legal to do it that way.
 18 MR. LEEN: Okay.
 19 MR. TRIAS: Yes.
 20 MR. LEEN: We would likely include that as
 21 part of the recommendation for three, unless
 22 there's some dissent from the Board.
 23 CHAIRMAN AIZENSTAT: Is there any dissent?
 24 No, that's fine.
 25 MR. LEEN: Thank you.

1 CHAIRMAN AIZENSTAT: Thank you. That item
 2 is done.
 3 MR. GUILFORD: Mr. Chairman, Members of the
 4 Board, we thank you for taking the time to
 5 listen to us, and may each and every one of you
 6 have a happy holiday and safe holiday, as well.
 7 Thank you.
 8 MR. HEISENBOTTLE: Thank you all very much.
 9 CHAIRMAN AIZENSTAT: Thank you.
 10 Let's take just a five-minute recess, while
 11 it clears up, and then we'll continue.
 12 (Thereupon, a brief recess was taken.)
 13 CHAIRMAN AIZENSTAT: All right, we're going
 14 to continue with the meeting. A couple of
 15 items. First, I'd like to welcome with us here
 16 today Jane Tompkins, the Development Services
 17 Director, and Charles Wu -- I think you're new
 18 to the City -- the Assistant Development
 19 Services Director. Would you just like to take
 20 a moment and tell us a little bit about
 21 yourself, since we haven't met you before?
 22 Thank you.
 23 MS. ALBERRO MENENDEZ: Well, we know Jane.
 24 CHAIRMAN AIZENSTAT: Well, Jane, yes.
 25 MS. TOMPKINS: Of course, you know me, but

1 we have a couple of new members.
 2 Good evening. Jane Tompkins. I'm the
 3 Development Services Director. It's a pleasure
 4 to be here with you tonight. I've been with
 5 the City now for a little over two years. I'm
 6 originally from the Midwest, but very happy to
 7 be in South Florida and working for the City
 8 Beautiful. We have a great Staff here, great
 9 boards and committees like yourselves, and
 10 we're just doing our best to really make this
 11 the City Beautiful. Thank you.
 12 CHAIRMAN AIZENSTAT: Thank you.
 13 Charles? Put you on the hot seat.
 14 MR. WU: Thank you. For the record,
 15 Charles Wu. I've been working in South Florida
 16 for 25 years; 18 years, City of West Palm
 17 Beach, five years, City of Palm Beach Gardens,
 18 both jurisdictions as Planning Director. I'm
 19 glad to be here.
 20 CHAIRMAN AIZENSTAT: Thank you and welcome.
 21 MR. WU: Thank you.
 22 MS. ALBERRO MENENDEZ: Welcome.
 23 CHAIRMAN AIZENSTAT: Okay, the next item on
 24 the agenda, I think we need to go ahead and put
 25 in nominations, first for Chair and Vice-Chair

1 of the Board. This is something we were
 2 putting off because we did not have a full
 3 Board. Seeing that we have the members here
 4 today, are there any motions or --
 5 MR. GRABIEL: I'd like to move to keep the
 6 Chair and the Vice-Chair exactly as they are.
 7 CHAIRMAN AIZENSTAT: Thank you.
 8 MS. ALBERRO MENENDEZ: Who's the
 9 Vice-Chair? I don't know.
 10 CHAIRMAN AIZENSTAT: Jeff.
 11 MS. ALBERRO MENENDEZ: Jeff. I agree. I
 12 second that motion.
 13 CHAIRMAN AIZENSTAT: So there's a motion
 14 for Eibi, and for Jeff as Vice-Chair. Is there
 15 a second? We have a second.
 16 MS. ALBERRO MENENDEZ: I seconded.
 17 CHAIRMAN AIZENSTAT: Any other comments,
 18 questions?
 19 Would you call the roll, please?
 20 MS. MENENDEZ: Marshall Bellin?
 21 MR. BELLIN: Yes.
 22 MS. MENENDEZ: Jeff Flanagan?
 23 MR. FLANAGAN: Yes.
 24 MS. MENENDEZ: Julio Grabiell?
 25 MR. GRABIEL: Yes.

1 MS. MENENDEZ: Maria Menendez?
 2 MS. ALBERRO MENENDEZ: Yes.
 3 MS. MENENDEZ: Albert Perez?
 4 MR. PEREZ: Yes.
 5 MS. MENENDEZ: Eibi Aizenstat?
 6 CHAIRMAN AIZENSTAT: Yes. And thank you
 7 very much for entrusting that in us.
 8 MR. BELLIN: Do we do this again next year?
 9 CHAIRMAN AIZENSTAT: Every year.
 10 MR. BELLIN: Okay, good.
 11 CHAIRMAN AIZENSTAT: The next item on the
 12 agenda is the election or the appointment of a
 13 Planning and Zoning Board member, which also
 14 requires City Commission confirmation after the
 15 Board appointment.
 16 Everybody has gone ahead and received --
 17 There are three individuals whose names have
 18 been put in by different Board members. What
 19 I'd like to do, at this point, if we can, is
 20 have each individual Board member just announce
 21 who they would like to nominate, and we'll take
 22 it from there. This is a little bit different
 23 process. In the past, we have not had three
 24 different Board members that have been
 25 nominated, so we'll see how it goes.

1 Julio, would you --
 2 MR. GRABIEL: Start? Yes.
 3 CHAIRMAN AIZENSTAT: Let's take it from the
 4 right to the left.
 5 MR. GRABIEL: I've nominated Mr. Sanabria.
 6 Gonzalo, I've known Gonzalo for a long time.
 7 He's a member of the City of Coral Gables. I
 8 think he brings, also, the advantage of having
 9 been with the Miami-Dade Planning Advisory
 10 Board, which is -- It's a different body
 11 altogether looking, but what they look at, I
 12 think, is -- we might be able to learn from his
 13 experience there. And I've talked to him and
 14 he's very much -- would very like to become
 15 part of this Board. He is here, and maybe at
 16 the end, after every member has talked, maybe
 17 he has the opportunity to say a few words.
 18 CHAIRMAN AIZENSTAT: Well, if you'd like
 19 to -- It's a little different, but if you'd
 20 like to just say -- if you'd just tell us a
 21 little bit about yourself, since you're the
 22 only person that's here.
 23 MR. SANABRIA: I'd be happy to wait until
 24 you all go through your nominations, and I
 25 would like to talk.

1 CHAIRMAN AIZENSTAT: It's best if you do it
 2 right now, I think.
 3 MR. SANABRIA: You'd rather do that?
 4 CHAIRMAN AIZENSTAT: Yes.
 5 MR. SANABRIA: Okay. Thank you.
 6 MR. BELLIN: Maybe --
 7 CHAIRMAN AIZENSTAT: Yes, go ahead.
 8 MR. BELLIN: I think it's a little
 9 unfair --
 10 CHAIRMAN AIZENSTAT: Okay.
 11 MR. BELLIN: -- because there's only one
 12 member who was nominated, and I guess the other
 13 two were not notified or didn't know --
 14 MS. ALBERRO MENENDEZ: No, they weren't
 15 asked to come.
 16 MR. BELLIN: Well, none of them were asked
 17 to come.
 18 CHAIRMAN AIZENSTAT: None of them were
 19 asked to come.
 20 MR. BELLIN: I think, you know, maybe we
 21 need to make a decision, and I don't want to
 22 say anything about Mr. Sanabria, I really don't
 23 know him very well, but I think either
 24 everybody has the opportunity to say something
 25 or nobody does.

1 CHAIRMAN AIZENSTAT: It does make sense,
 2 what he is proposing. How does the Board feel?
 3 Maria?
 4 MS. ALBERRO MENENDEZ: I'm fine about it.
 5 I understand what he's trying to say.
 6 CHAIRMAN AIZENSTAT: I would ask the other
 7 people that have nominated somebody, so how do
 8 you feel about it?
 9 MR. PEREZ: I agree with Marshall's
 10 position. I mean, out of all fairness, I
 11 believe the other --
 12 MR. SANABRIA: I think that --
 13 CHAIRMAN AIZENSTAT: Excuse me, please.
 14 MR. SANABRIA: I think they know. They
 15 knew about the meeting as well as I did. I
 16 wouldn't do it --
 17 CHAIRMAN AIZENSTAT: I know, but I think
 18 it's a decision that the Board really needs to
 19 take. I think it would be fair that -- let the
 20 person that brought you, let him just tell us
 21 about what you did. I think it would be just,
 22 at this point. I mean, there are some
 23 objections from other members. Nobody was
 24 asked to come. Like I said, it is unusual. We
 25 have not had anybody before come and speak

1 before us when they've been nominated or so
 2 forth, so it is unusual.
 3 For right now, unless -- If you guys want
 4 to put off this vote for the next meeting, I
 5 mean, I will entertain that, if you want to put
 6 off this --
 7 MR. PEREZ: I mean, again, that might be a
 8 wise idea.
 9 CHAIRMAN AIZENSTAT: That's why I'm just
 10 asking. If you would like to --
 11 MS. ALBERRO MENENDEZ: Let me ask -- I'm
 12 sorry to interrupt you, but do we want the ones
 13 who were nominated to come and then say -- you
 14 know, I mean --
 15 CHAIRMAN AIZENSTAT: Well, I think that's
 16 why we have the resumes of the individuals.
 17 MS. ALBERRO MENENDEZ: Right.
 18 CHAIRMAN AIZENSTAT: And for me, I am
 19 satisfied having the resume of the individual,
 20 reading it and making a decision based upon
 21 that, for me.
 22 MS. ALBERRO MENENDEZ: For me, that --
 23 CHAIRMAN AIZENSTAT: If other Board members
 24 would like to have their nominees come and
 25 speak, then it should be fair that we have all

1 the Board -- all those nominees come up and
 2 speak.
 3 MR. SANABRIA: I'd be happy to waive that
 4 request to speak, if you're ready to make a
 5 decision, yes, sir.
 6 CHAIRMAN AIZENSTAT: Yes, we're just trying
 7 to keep it all -- Now, like I said, I do want
 8 to put out to the Board that if the Board would
 9 like to put this off to the next meeting, so
 10 that the other nominees are here to present
 11 themselves, we can do that. If the Board feels
 12 comfortable going at it without that, we can do
 13 that, also. I'd like to get a feel of the
 14 Board.
 15 MR. BELLIN: I would prefer to take a vote
 16 now.
 17 CHAIRMAN AIZENSTAT: Okay.
 18 MR. BELLIN: Based on the information that
 19 we have.
 20 CHAIRMAN AIZENSTAT: Okay.
 21 MR. GRABIEL: I do, too.
 22 CHAIRMAN AIZENSTAT: So Julio --
 23 MR. GRABIEL: I think we've been a long
 24 time missing one member, and we still -- it
 25 still has to go through the City Commission for

1 approval.
 2 CHAIRMAN AIZENSTAT: I understand.
 3 MR. GRABIEL: And I think it's important
 4 that we --
 5 CHAIRMAN AIZENSTAT: Maria, how do you
 6 feel?
 7 MS. ALBERRO MENENDEZ: I agree. I agree.
 8 CHAIRMAN AIZENSTAT: Jeffrey?
 9 MR. FLANAGAN: That's fine.
 10 CHAIRMAN AIZENSTAT: Okay, so --
 11 MR. LEEN: Mr. Chair?
 12 CHAIRMAN AIZENSTAT: Yes, please.
 13 MR. LEEN: There is a statute that was
 14 passed recently that does say that if he wishes
 15 to speak, he has the right to speak.
 16 CHAIRMAN AIZENSTAT: Okay, so --
 17 MR. LEEN: You may want to -- and I did ask
 18 him, and he said that he wants to speak.
 19 CHAIRMAN AIZENSTAT: Okay, so --
 20 MS. ALBERRO MENENDEZ: Let him speak.
 21 CHAIRMAN AIZENSTAT: Is everybody okay with
 22 that? Do we want to invite all the other
 23 nominees? I just want to be fair to everybody.
 24 MS. ALBERRO MENENDEZ: I think, given that
 25 he has come, just let him. I would have no

1 problem with it.
 2 MR. PEREZ: I agree with Maria.
 3 CHAIRMAN AIZENSTAT: Thank you. I just
 4 want to be fair with everybody.
 5 MR. SANABRIA: I understand, and I
 6 appreciate it.
 7 CHAIRMAN AIZENSTAT: Because this would be
 8 a decision from the Board as a whole.
 9 MR. SANABRIA: That's fine. That's fine.
 10 I'd like to go over a few things, okay? My
 11 credentials, I'm an economist. I served as
 12 senior vice-president of Coldwell Banker
 13 Commercial Real Estate. I've been in land use
 14 and development since 1972, fresh out of
 15 college. I've served for 19 straight years in
 16 the Planning Advisory Board of Dade County.
 17 For five consecutive years by unanimous vote, I
 18 served as Chairman. We implemented some very
 19 ingenious rules that are still in effect today.
 20 I'll tell you about some of them. We wouldn't
 21 allow a school near the UDB borders. We
 22 undersized the water and sewer lines near the
 23 UDB, to discourage development. We established
 24 concurrency regulations for traffic and also
 25 for schools. A level of traffic arose; if they

1 were F, you couldn't sustain any more
 2 development. We also came up with the
 3 traditional neighborhood development scheme,
 4 which is known today more into the mixed use,
 5 and we also did the infill criteria that has
 6 spurred the development you see east of 27th
 7 Avenue in the County.
 8 I also served in the Miami-Dade Expressway
 9 Authority, with a number of duties. Some of
 10 the things that I had planned under my
 11 responsibility, for example, that loop on the
 12 Palmetto and 836. That's some of the things
 13 that we did. I just negotiated with FDOT on
 14 behalf of the Authority, the Miami Intermodal
 15 Center, which is -- you know where the rental
 16 car facility is? Okay, well, we're doing a one
 17 point four hundred thousand -- 1,400,000 square
 18 feet of development there, and it's a PP3 --
 19 it's a PP3 or public partnership development.
 20 My track record in this City is well known.
 21 I served on the Historic Preservation Board.
 22 Back in 2009, when I was on the Board, there
 23 was some controversy on Matheson Hammock, in
 24 which development of Matheson Hammock was going
 25 to take place, and after that time we started

1 the Save our Matheson Hammock Project, and we
 2 were able to prevail after so many years of
 3 fighting it.
 4 I also got involved as a citizen with
 5 Gulliver Schools. Eric Riel knows about that.
 6 We fought that for three years. We finally
 7 came to a compromise, and we worked it out.
 8 I'm also the former Chairman of Doctors
 9 Hospital, and where we came up with an
 10 innovation on the emergency room area, where we
 11 increased it by 23 beds. I don't know if
 12 you've ever been to the emergency room doctors,
 13 but it used to be a crazy house. Now, thank
 14 God, it's a very well thought out and modern
 15 facility.
 16 I have a vision for Coral Gables. I think
 17 that Coral Gables can increase its commercial
 18 tax base and can also look at annexation and
 19 some creative ways to tweak some of the zoning
 20 codes that it has.
 21 So I would love to be considered to be part
 22 of your Board, and I would appreciate your
 23 vote. Thank you.
 24 CHAIRMAN AIZENSTAT: Thank you.
 25 MR. BELLIN: Eibi, can you explain the

1 mechanism for how this takes place, because I
 2 don't have a clue.
 3 CHAIRMAN AIZENSTAT: This is actually the
 4 first time we've had three candidates. I
 5 think --
 6 MS. ALBERRO MENENDEZ: Let's take a vote,
 7 whichever way you want. I mean, Craig, you can
 8 correct me if I'm wrong.
 9 CHAIRMAN AIZENSTAT: What I'd like to do
 10 first is, each person just tell us a little bit
 11 about the person that they want to nominate.
 12 Julio just did, on the gentleman.
 13 Maria, you nominated somebody.
 14 MS. ALBERRO MENENDEZ: Yes.
 15 CHAIRMAN AIZENSTAT: If you could tell us
 16 about that person, also.
 17 MS. ALBERRO MENENDEZ: Absolutely.
 18 CHAIRMAN AIZENSTAT: Thank you.
 19 MS. ALBERRO MENENDEZ: When I was first
 20 appointed to the Board, the Planning Department
 21 mentioned to me that we needed -- or we didn't
 22 need to, but if I was interested in nominating
 23 someone as the seventh member, and I gave it a
 24 lot of thought and the first one that came to
 25 my mind was Mr. Felix Pardo. I think most of

1 us know Felix. He's been around for a long
 2 time. He's been in the profession. He's an
 3 architect. He's practiced architecture for
 4 over 30 years. He's been Chairman of this
 5 Board. He served on this Board, as well as
 6 other Boards, in a voluntary capacity, of
 7 course, and he's a very respected individual,
 8 and I think that our Board would benefit from
 9 his knowledge of our Zoning Code and our
 10 Planning Code, and therefore, I put in his
 11 nomination, and I hope the Board will also
 12 consider him. Thank you.

13 CHAIRMAN AIZENSTAT: Okay, thank you.
 14 Albert, You have somebody else that you
 15 nominated?

16 MR. PEREZ: Yes. After learning of the
 17 opportunity to nominate a potential candidate,
 18 I, as well, for quite a while, thought of who
 19 to nominate. At one point, I wasn't going to
 20 nominate anybody, but after further thought,
 21 the person that I chose to nominate is an
 22 individual who has served on the Variance Board
 23 in the City of Coral Gables for quite a while.
 24 He's been a resident, long-standing resident of
 25 Coral Gables for over 20 years. I elected to

1 put Mr. Tony Bello's name into the nomination
 2 list, I've known him to be an established
 3 businessman, and I believe he will add a
 4 substantial amount of value to the Board.

5 CHAIRMAN AIZENSTAT: Okay, thank you.
 6 Is there any discussion that anybody would
 7 like to have about the process or any of these
 8 individuals, or any suggestions?

9 MR. GRABIEL: I think the fairest way of
 10 doing it would be that each one -- Well,
 11 there's three votes already for three
 12 individuals, so the rest of the Board
 13 members --

14 CHAIRMAN AIZENSTAT: Right.
 15 MR. GRABIEL: -- who have not put in or who
 16 have not voted --

17 CHAIRMAN AIZENSTAT: Right, well, what
 18 we'll do is, we'll have the secretary call the
 19 roll and I guess state the name of the
 20 individual that you would like? How do you
 21 suggest --

22 MR. LEEN: Well, normally, if you do a
 23 motion, it should be yes/no. I would -- You
 24 can do one of two things. You could have
 25 someone make a motion for one of the three and

1 just do it until you get a majority for one of
 2 them, or you could have each person state who
 3 they would like, publicly, and then you could
 4 see if one has a majority and then you could
 5 make a motion for that person.

6 MR. BELLIN: I don't see how those can
 7 work.

8 CHAIRMAN AIZENSTAT: Yeah. Do we have to
 9 do it that way?

10 MR. LEEN: Yes, you --

11 MS. ALBERRO MENENDEZ: You can also --
 12 Correct me if I'm wrong. You can also do a
 13 little ballot where everybody puts the name and
 14 then she reads it.

15 MR. LEEN: She can read the votes.

16 MS. ALBERRO MENENDEZ: And then she reads
 17 the votes, and then whoever has the majority
 18 would win. I mean, we can do a secret ballot.

19 CHAIRMAN AIZENSTAT: Well, I don't know if
 20 you can do a secret ballot.

21 MR. LEEN: I wouldn't do a secret ballot.

22 MS. ALBERRO MENENDEZ: No?

23 MR. LEEN: No.

24 MR. BELLIN: The problem I see is, we
 25 pretty much know how you're going to vote. We

1 know how Maria is going to vote. We know how
 2 Albert is going to vote. So how can anybody
 3 win?

4 MS. ALBERRO MENENDEZ: It's up to you
 5 three.

6 MR. TRIAS: Is there a second for any of
 7 those three?

8 CHAIRMAN AIZENSTAT: Well, to me, I think
 9 the best way to do it, to be honest with you,
 10 is to call the roll.

11 MS. ALBERRO MENENDEZ: On each one?

12 CHAIRMAN AIZENSTAT: No, I would have each
 13 member -- I would have Jill call the roll, and
 14 the Board member will say the name of one of
 15 the three that they would like to vote for, and
 16 whoever has the majority out of -- we have one,
 17 two, three, four, five, six votes -- that's who
 18 we nominate, as a Board.

19 MS. ALBERRO MENENDEZ: Right. If there's
 20 one that's absolutely --

21 CHAIRMAN AIZENSTAT: If there's a tie --

22 MS. ALBERRO MENENDEZ: -- out because
 23 there's only one vote, then maybe we can focus
 24 in on the two that's left, et cetera, et
 25 cetera.

1 CHAIRMAN AIZENSTAT: Unless -- unless
 2 one --
 3 MS. ALBERRO MENENDEZ: One gets all the
 4 votes.
 5 CHAIRMAN AIZENSTAT: Well, assume one gets
 6 a four to two --
 7 MS. ALBERRO MENENDEZ: Right.
 8 CHAIRMAN AIZENSTAT: -- then that person is
 9 in.
 10 MS. ALBERRO MENENDEZ: Exactly.
 11 MR. BELLIN: Yeah.
 12 CHAIRMAN AIZENSTAT: If a person gets a
 13 three to three, then we take those two and we
 14 do it again.
 15 MS. ALBERRO MENENDEZ: Right. Is that
 16 acceptable?
 17 MR. LEEN: That is legal, but you should
 18 do -- That's perfectly fine, but you should do
 19 a motion at the end.
 20 MS. ALBERRO MENENDEZ: Yes.
 21 MR. LEEN: Whoever you choose.
 22 CHAIRMAN AIZENSTAT: At the end, once we
 23 choose, I agree with that.
 24 MR. LEEN: But you could do it that way.
 25 CHAIRMAN AIZENSTAT: I think that's our

1 best way of doing it.
 2 Okay, so we have three names that are up.
 3 Call the roll, please.
 4 MS. MENENDEZ: I will call each individual
 5 name?
 6 CHAIRMAN AIZENSTAT: Yes, please.
 7 MS. MENENDEZ: Or each Board member?
 8 CHAIRMAN AIZENSTAT: No, no --
 9 MS. ALBERRO MENENDEZ: The members.
 10 CHAIRMAN AIZENSTAT: The members.
 11 MS. MENENDEZ: Okay. Julio Grabiell?
 12 MR. GRABIEL: Sanabria.
 13 MS. MENENDEZ: Maria Menendez?
 14 MS. ALBERRO MENENDEZ: Mr. Felix Pardo.
 15 MS. MENENDEZ: Alberto Perez?
 16 MR. PEREZ: Tony Bello.
 17 MS. MENENDEZ: Marshall Bellin?
 18 MR. BELLIN: Tony Bello.
 19 MS. MENENDEZ: Jeff Flanagan?
 20 MR. FLANAGAN: Tony Bello.
 21 MS. MENENDEZ: Eibi Aizenstat?
 22 CHAIRMAN AIZENSTAT: Sanabria. So the vote
 23 is four to two?
 24 MS. ALBERRO MENENDEZ: No, actually,
 25 it's --

1 MR. FLANAGAN: It's three to two.
 2 MR. GRABIEL: Three, two, one.
 3 MS. MENENDEZ: Bello has three.
 4 MR. FLANAGAN: Sanabria has two, Pardo one.
 5 MR. LEEN: So, at this point, you could
 6 talk about the two -- the two who have received
 7 the most votes. You could find out who, for
 8 example, Maria would vote for among those two,
 9 or you don't have to do that. You could
 10 discuss it.
 11 CHAIRMAN AIZENSTAT: You know, but I think
 12 we --
 13 MS. ALBERRO MENENDEZ: It's three-two now?
 14 CHAIRMAN AIZENSTAT: Three-two.
 15 MS. ALBERRO MENENDEZ: It's three to two?
 16 CHAIRMAN AIZENSTAT: Three, two, one.
 17 MR. BELLIN: Three, two, and --
 18 MS. ALBERRO MENENDEZ: It's three, two,
 19 one.
 20 MR. BELLIN: Three, two, one.
 21 MS. ALBERRO MENENDEZ: So I can either tie
 22 it -- You don't want me to vote, right?
 23 CHAIRMAN AIZENSTAT: No, you have to vote.
 24 You have to vote.
 25 MS. ALBERRO MENENDEZ: No, eventually I'll

1 vote for whoever the majority gets, absolutely.
 2 CHAIRMAN AIZENSTAT: Well, no, if we're
 3 going to call another roll, you've got to --
 4 See, we have three -- One person is out.
 5 There's one support for one individual. We
 6 have two individuals left. So either the
 7 person who got the most votes, we see if
 8 there's a motion to put that person in, we call
 9 the roll. I think that's what we should do,
 10 and if we don't have a majority to put that
 11 person in, then we have to go between the two
 12 people and see that we have somebody. Do you
 13 agree with that?
 14 MS. ALBERRO MENENDEZ: Yeah, I don't have a
 15 problem with that.
 16 Do you have a problem with that?
 17 CHAIRMAN AIZENSTAT: Are we okay, Mr. City
 18 Attorney?
 19 MR. LEEN: That would be fine. You can
 20 move the --
 21 CHAIRMAN AIZENSTAT: So would you like to
 22 make a motion?
 23 MR. PEREZ: I would like to make a motion
 24 to nominate Tony Bello.
 25 MR. BELLIN: I will second it.

1 CHAIRMAN AIZENSTAT: Call the roll, please.
 2 MS. MENENDEZ: Maria Menendez?
 3 MS. ALBERRO MENENDEZ: No.
 4 MS. MENENDEZ: Alberto Perez?
 5 MR. PEREZ: Yes.
 6 MS. MENENDEZ: Marshall Bellin?
 7 MR. BELLIN: Yes.
 8 MS. MENENDEZ: Jeff Flanagan?
 9 MR. FLANAGAN: Yes.
 10 MS. MENENDEZ: Julio Grabiell?
 11 MR. GRABIEL: No.
 12 MS. MENENDEZ: Eibi Aizenstat?
 13 CHAIRMAN AIZENSTAT: No.
 14 MS. MENENDEZ: Three-three.
 15 CHAIRMAN AIZENSTAT: Okay. So we're down
 16 to two candidates.
 17 MR. GRABIEL: That's why we need the
 18 seventh.
 19 MS. ALBERRO MENENDEZ: That's what I was --
 20 MR. GRABIEL: That's why we need the
 21 seventh member.
 22 MS. ALBERRO MENENDEZ: That's why we need
 23 the seventh.
 24 MR. PEREZ: So what happens now?
 25 CHAIRMAN AIZENSTAT: Mr. City Attorney, how

1 do you suggest?
 2 MR. LEEN: Well, you could discuss it more.
 3 You could continue it to the next meeting,
 4 which is generally what the Code requires, and
 5 discuss it more then. I could -- You know, the
 6 other thing you could do is, you could send
 7 both names and let the Commission choose, but
 8 I'd be concerned about that, because I wouldn't
 9 want the Board to lose its opportunity to
 10 choose one, which is your prerogative.
 11 MR. TRIAS: What the Code says is that if
 12 the six members shall fail to agree on the
 13 seventh member, such member shall be then
 14 nominated by the City Commission after a 30-day
 15 waiting period. That's from the Code.
 16 CHAIRMAN AIZENSTAT: I would suggest we do
 17 that.
 18 MS. ALBERRO MENENDEZ: So, then, should we
 19 wait for the next month?
 20 CHAIRMAN AIZENSTAT: Well, no, what it
 21 means is, we send both members to the City
 22 Commission and let them nominate an individual,
 23 by Code.
 24 MR. TRIAS: Right, yes.
 25 CHAIRMAN AIZENSTAT: I think that's fine.

1 I mean, that's --
 2 MS. ALBERRO MENENDEZ: If that's what you
 3 guys want to do, that's fine.
 4 MR. BELLIN: No, that's what we have to do.
 5 CHAIRMAN AIZENSTAT: Yeah, by Code, he's
 6 telling us that that's what --
 7 MR. TRIAS: Yeah, and maybe the City
 8 Attorney can review that, and make sure.
 9 MR. LEEN: Only if you don't agree. I
 10 mean, you could talk more and one could change
 11 their vote.
 12 CHAIRMAN AIZENSTAT: I mean, I like the
 13 fact that everybody gave their vote and -- It
 14 is the Commission that can put an individual on
 15 the Board, because either way, whoever we
 16 choose has to go before the Commission for a
 17 vote. They have the last say. And they know
 18 that we have a deadlock of three-three on two
 19 individuals that are -- that we propose.
 20 MR. LEEN: See, the way I would interpret
 21 this is that you should make the decision,
 22 whether you do this as a final vote. If you
 23 finally agree, it's your final decision you
 24 can't reach agreement, there's a 30-day waiting
 25 period and it goes to the Commission. You

1 could, for example, send it to the next meeting
 2 and have them come and consider it more, or you
 3 could consider another applicant, as well.
 4 MS. ALBERRO MENENDEZ: I don't know --
 5 MR. LEEN: Or you could just send it to the
 6 Commission, the Commission nominates it, which
 7 means ultimately they don't have to choose
 8 either of your two people. Just understand
 9 that.
 10 CHAIRMAN AIZENSTAT: They could choose a
 11 different person.
 12 MR. LEEN: Yes, they could choose a
 13 different one.
 14 MS. ALBERRO MENENDEZ: I prefer we choose
 15 it.
 16 CHAIRMAN AIZENSTAT: Well, let me ask you a
 17 question. Today, are you going to change your
 18 vote?
 19 MS. ALBERRO MENENDEZ: No, because I don't
 20 know this individual.
 21 CHAIRMAN AIZENSTAT: Okay. So, then, maybe
 22 we defer it to the next meeting and we ask both
 23 individuals to come in.
 24 MS. ALBERRO MENENDEZ: That's fine. I have
 25 no problem with that.

1 MR. PEREZ: I'm okay with that.
 2 MS. ALBERRO MENENDEZ: Let's do that.
 3 CHAIRMAN AIZENSTAT: Is everybody okay with
 4 that? Do we need a motion for that?
 5 MR. LEEN: I would -- Well, it needs to be
 6 clear that you haven't disagreed. So the
 7 motion should be to defer the matter, but what
 8 are you going to do at the next meeting?
 9 CHAIRMAN AIZENSTAT: I would defer the
 10 matter and invite --
 11 MR. PEREZ: Mr. Tony Bello.
 12 CHAIRMAN AIZENSTAT: -- Mr. Tony Bello and
 13 Mr. Sanabria to come back to the Board at that
 14 time.
 15 MR. SANABRIA: What's the date?
 16 MR. PEREZ: January 8th, I believe it is.
 17 Right?
 18 MR. CARLSON: Wednesday, January 8th.
 19 MS. ALBERRO MENENDEZ: What time -- What
 20 day is it?
 21 CHAIRMAN AIZENSTAT: January 8th.
 22 MR. FLANAGAN: So I move that we defer this
 23 agenda item to our next meeting, so that the
 24 remaining candidate can appear in front of us
 25 and we can have further discussion and review.

1 MR. LEEN: Yes. I have to tell you, my
 2 advice is, that's a good suggestion, because
 3 then it gives him an opportunity to speak, as
 4 well, so both of them will speak.
 5 CHAIRMAN AIZENSTAT: No, I agree.
 6 MR. LEEN: And then you can decide, and if
 7 you can't decide at that one, I would suggest
 8 you send it to the Commission.
 9 CHAIRMAN AIZENSTAT: I agree. Is everybody
 10 okay with that? We have a motion. Is there a
 11 second?
 12 MR. SANABRIA: The only question I have is,
 13 will I have an opportunity to speak at that
 14 meeting, as well?
 15 MR. LEEN: Yes.
 16 CHAIRMAN AIZENSTAT: Just one second,
 17 please.
 18 We have a motion. Is there a second?
 19 MR. BELLIN: Yes.
 20 MS. ALBERRO MENENDEZ: I'll second it.
 21 CHAIRMAN AIZENSTAT: We have a second.
 22 Call the roll. Do we need to call the roll
 23 to defer? I guess it would be --
 24 MR. LEEN: I would call the roll.
 25 MS. MENENDEZ: Alberto Perez?

1 MR. PEREZ: Yes.
 2 MS. MENENDEZ: Marshall Bellin?
 3 MR. BELLIN: Yes.
 4 MS. MENENDEZ: Jeff Flanagan?
 5 MR. FLANAGAN: Yes.
 6 MS. MENENDEZ: Julio Grabiell?
 7 MR. GRABIEL: Yes.
 8 MS. MENENDEZ: Eibi Aizenstat?
 9 CHAIRMAN AIZENSTAT: Yes.
 10 The idea will be for both candidates to be
 11 able to speak. Thank you.
 12 MR. SANABRIA: Thank you.
 13 CHAIRMAN AIZENSTAT: Thank you for coming.
 14 MR. SANABRIA: Yes.
 15 CHAIRMAN AIZENSTAT: Let's go ahead and
 16 adjourn the meeting. Is there a motion to
 17 adjourn?
 18 MS. ALBERRO MENENDEZ: Motion, I'll move
 19 it.
 20 MR. GRABIEL: Second.
 21 CHAIRMAN AIZENSTAT: Second.
 22 All in favor?
 23 (Thereupon, all members voted aye.)
 24 CHAIRMAN AIZENSTAT: Thank you. Meeting
 25 adjourned.

1 (Thereupon, the meeting was adjourned at
 2 8:50 p.m.)
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