

City of Coral Gables
Local Planning Agency (LPA)/Planning and Zoning Board Meeting
Wednesday, June 13, 2012, 6:00 p.m.
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

MEMBERS	J11	F15	M26	A24	M9	J13	J11	A8	S12	O10	APPOINTMENT
	'12	'12	'12	'12	'12	'12	'12	'12	'12	'12	
Eibi Aizenstat - Chair	C	P	P	P	C	P					City Manager Patrick Salerno
Robert Behar	C	P	P	P	C	P					Commissioner Rafael Cabrera, Jr.
Jeffrey Flanagan - Vice Chair	C	P	P	P	C	P					Commissioner Maria Anderson
Julio Grabiell	C	P	P	P	C	P					Mayor Jim Cason
Pat Keon	C	P	P	E	C	P					Planning and Zoning Board
Vince Lago	C	P	P	P	C	P					Commissioner Frank C. Quesada
Javier Salman	C	P	P	P	C	P					Vice Mayor William H. Kerdyk, Jr.

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:

Eric Riel, Jr., Planning Director
 Jill Menendez, Adm. Assistant
 Craig E. Leen, City Attorney
 Jane Tompkins, Development Services Director
 Dona Spain, Historic Preservation Officer

Court Reporter:

Joan Bailey

1 CITY OF CORAL GABLES
2 LOCAL PLANNING AGENCY (LPA)
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 WEDNESDAY, JUNE 13, 2012, COMMENCING AT 6:05 P.M.
8 Board Members Present:
9 Eibi Aizenstat, Chairperson
10 Robert Behar
11 Jeffrey Flanagan, Vice Chairperson
12 Julio Grabiell
13 Pat Keon
14 Vicente "Vince" Lago
15 Javier Salman
16 City Staff and Consultants:
17 Eric Riel, Jr., Planning Director
18 Craig E. Leen, City Attorney
19 Jill Menendez, Administrative Assistant
20 Jane Tompkins, Development Director
21 Dona Spain, Historic Preservation Officer
22 Also Participating:
23 Eric S. Kleinman
24 1248 Coral Way, LLC, Applicant
25 Pedro P. Bravo
Bravo Architecture
Public Speakers:
Grace G. Schulte
Ricardo Perez
Paolo Possenti

1 MS. MENENDEZ: Jeff Flanagan?
2 MR. FLANAGAN: Yes.
3 MS. MENENDEZ: Julio Grabiell?
4 MR. GRABIEL: Yes.
5 MS. MENENDEZ: Vince Lago?
6 MR. LAGO: Yes.
7 MS. MENENDEZ: Javier Salman?
8 MR. SALMAN: Yes.
9 MS. MENENDEZ: Eibi Aizenstat?
10 CHAIRMAN AIZENSTAT: Yes.
11 Okay, we have only one item on the agenda
12 today, and that is a Conditional Use Review for
13 Building Site Determination. An ordinance of
14 the City Commission of Coral Gables, Florida,
15 requesting Conditional Use Review for a
16 Building Site Determination pursuant to Zoning
17 Code Article 3, "Development Review", Section
18 3-204, "Building Site Determination", to create
19 two separate single-family building sites on a
20 property assigned Single-Family Residential
21 zoning and Local Historic Landmark; one
22 building site consisting of Lots 5 and 6 and
23 the other of Lots 7 and 8 on property legally
24 described as Lots 5 through 8, Block 1, Section
25 "D", whose address is 1248 Coral Way, Coral

1 THEREUPON:
2 The following proceedings were had:
3 CHAIRMAN AIZENSTAT: Let's go ahead and
4 start. Call the roll, please.
5 MS. MENENDEZ: Robert Behar?
6 Jeff Flanagan?
7 MR. FLANAGAN: Here.
8 MS. MENENDEZ: Julio Grabiell?
9 MR. GRABIEL: Here.
10 MS. MENENDEZ: Pat Keon?
11 Vince Lago?
12 MR. LAGO: Here.
13 MS. MENENDEZ: Javier Salman?
14 MR. SALMAN: Here.
15 MS. MENENDEZ: Eibi Aizenstat?
16 CHAIRMAN AIZENSTAT: Here.
17 Eric, for the approval of the minutes, with
18 four, if we have a quorum, we're okay? One,
19 two, three, four, five -- We're good.
20 Is there a motion for --
21 MR. SALMAN: So moved.
22 MR. FLANAGAN: Second.
23 CHAIRMAN AIZENSTAT: Any comments,
24 questions? No?
25 Call the roll, please.

1 Gables, Florida, including required conditions;
2 providing for severability, repealer,
3 codification, and an effective date.
4 MR. LEEN: Mr. Chair, just --
5 CHAIRMAN AIZENSTAT: Yes, sir.
6 MR. LEEN: -- a point of clarification. I
7 think you said Section 3-204, but it says in
8 the agenda, 3-206.
9 CHAIRMAN AIZENSTAT: Did I say 3-204?
10 MR. LEEN: I think you did. I may have
11 misheard, but either way, that's the --
12 CHAIRMAN AIZENSTAT: Either way, it's
13 3-206. Thank you.
14 Eric?
15 MR. RIEL: Basically, the order of business
16 is, the applicant will do a presentation and
17 Staff will make its recommendation.
18 CHAIRMAN AIZENSTAT: Okay.
19 MR. KLEINMAN: Good evening. My name is
20 Eric Kleinman, and I'm here with our architect,
21 Pedro Bravo.
22 Myself, my wife, Karen Coppa, and friends,
23 Greg Lopez, Bobby Perez, we're essentially the
24 ownership of 1248 Coral Way. We were lucky
25 enough to acquire this special property at an

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1 auction that took place on the premises, when
 2 the owner left it to the U.S. Government to
 3 auction off, to pay down the national debt.
 4 The home that sits on Lots 5 and 6 was
 5 designated historic back in November, before
 6 the auction, and we closed on the property in
 7 January. We've been working with the Historic
 8 Preservation Board and with Planning. Our
 9 intention is obviously to renovate and improve
 10 the existing structure, and we've already gone
 11 through the process of getting that approved,
 12 but we're here about separating the properties.
 13 (Thereupon, Pat Keon and Robert Behar
 14 arrived.)
 15 MR. KLEINMAN: What's unique about this
 16 situation is, this is really -- It's entitled
 17 an application to separate the properties, but
 18 it's really an application to restore them to
 19 their original designation, because
 20 historically, the lots were never intended
 21 originally, as it was developed, to be two
 22 separate building -- to be one site. It was
 23 intended to be two sites. Historically, as we
 24 understand it, the house was built in 1929.
 25 The Davidson family acquired it in '39, and

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1 sometime in the '40s, acquired the neighboring
 2 17,500 square feet and just never built on it.
 3 At some point, we don't know when, a wall
 4 was built along the front and back. The wall
 5 is actually not contiguous. It actually has
 6 openings, about a half an inch, right on the
 7 property lines in the front and back, and we've
 8 provided pictures of those.
 9 CHAIRMAN AIZENSTAT: If I could just
 10 interrupt you, I'd like to note that Robert
 11 Behar and Pat Keon have joined me.
 12 I'm sorry.
 13 MR. KLEINMAN: So, historically, also
 14 interestingly, the 5 and 6 have one tax folio;
 15 7 and 8 have another tax folio. The properties
 16 have never had a unity of title. We acquired
 17 the properties by two separate deeds. So, from
 18 a title perspective, they are separate
 19 properties. They're only considered one
 20 property for purposes of building at this
 21 point.
 22 Our intention -- And the house that exists
 23 and the house as it's planned for renovation is
 24 completely separate and independent of the
 25 empty lot, and that's the status of the

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1 property. That's why we think it's primarily
 2 appropriate to be restored to its original
 3 condition. The restoration of it to its
 4 original status would also make it more
 5 consistent with the neighborhood as it exists
 6 now, as the neighborhood basically consists of
 7 fronts of a hundred feet, which is what this
 8 would wind up being.
 9 That's all. We wanted to keep it brief, if
 10 you have any questions.
 11 CHAIRMAN AIZENSTAT: Thank you.
 12 MR. KLEINMAN: Thank you.
 13 MR. RIEL: Basically, what this is, this is
 14 a request to separate an existing 200-foot
 15 frontage building site into two separate
 16 building sites. Essentially, it would be a
 17 hundred feet frontage, approximately 17,500
 18 square feet each.
 19 As the applicant indicated, there's two
 20 separate folio numbers on the parcels, which is
 21 just in itself kind of unique. The zoning is
 22 Single-Family, the land use is Single-Family,
 23 and it is entirely surrounded by, obviously,
 24 Single-Family uses.
 25 The applicant did prepare a conceptual site

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1 plan, which is included in your packet -- it's
 2 actually in the Staff Report -- as well as the
 3 existing for expanded -- proposed expansion to
 4 the existing single-family home.
 5 The conceptual site plan is not tied to the
 6 request. Just like any other developer or a
 7 person who wants to develop a parcel, they have
 8 to meet the Single-Family regulations, which
 9 you -- you know, the Board had gone through an
 10 extensive rewrite and review back in 2006, and
 11 advanced the Zoning Code rewrite, so they would
 12 have to satisfy the Single-Family review
 13 criteria, which again, is very restrictive.
 14 The Historic Preservation Board and the
 15 Board of Architects will review the actual --
 16 the new proposed -- anything that's built on
 17 the lot that's separated. Both of those boards
 18 did review the existing expansion. In fact,
 19 the proposal went to the Board of Architects
 20 twice and then went to the Historic
 21 Preservation Board a couple weeks ago.
 22 All the departments or divisions, Zoning
 23 Division, Historic Resources, Public Works,
 24 Public Service, have reviewed the request. And
 25 again, the site plans and proposed elevations

1 are all in your packet.
 2 Basically, to recommend approval for a lot
 3 split or a separation of a building site,
 4 there's six criteria that Staff needs to
 5 evaluate, and four of those must be satisfied,
 6 and those begin on Page 11 in the packet.
 7 Staff's findings, in evaluating each of the six
 8 criteria, find that they satisfy the four --
 9 four of the six. Therefore, Staff does
 10 recommend approval of the separation into two
 11 separate lots. The proposal -- since the
 12 conditional use, as well, requires it to
 13 satisfy the Comprehensive Plan, Staff provided
 14 evaluation of that in the packet. It satisfied
 15 that, as well.
 16 With the recommendation for approval, Staff
 17 has included, basically, one condition, and
 18 that condition gets fairly detailed in terms of
 19 what is actually happening off site of the
 20 property. There's an existing large overstory
 21 tree on Coral Way. We want to make sure that
 22 the renovation of the residence, as well as the
 23 new residence, doesn't impact that in any
 24 manner. So you're going to see some very, very
 25 specific conditions of approval that deal with

1 blue and yellow -- That's what you're looking
 2 at?
 3 MR. BEHAR: Yes.
 4 MR. RIEL: The property frontage? Yes,
 5 you're correct.
 6 MR. BEHAR: And then the property in back
 7 of -- on the south side, on the Andalusia side,
 8 they're smaller than 100 feet. Only one of
 9 those properties is 100 feet or bigger,
 10 correct?
 11 MR. RIEL: Correct.
 12 MR. BEHAR: Okay.
 13 MR. SALMAN: A question to --
 14 MR. BEHAR: Thank you.
 15 MR. SALMAN: Eric, a fine job on the
 16 report. I have a quick question with regards
 17 to the specific tree in question that you want
 18 to protect. It's not shown on the conceptual
 19 site plan. Do we know where it is?
 20 MR. RIEL: It's actually -- I think it's --
 21 MR. SALMAN: Is it in conflict in the
 22 driveway as they proposed or the --
 23 MR. RIEL: No. That was one of the issues
 24 that was discussed at length, when we went to
 25 the Board of Architects. The driveway -- there

1 preservation of that tree. The preparation of
 2 an arborist's report prior to and after
 3 construction of the new residence or the
 4 renovation of the existing residence, and this
 5 condition of approval was drafted with a number
 6 of divisions and departments, because obviously
 7 the expertise for the planning on this involves
 8 Public Service, which is the department that's
 9 responsible for the review of landscaping in
 10 the City.
 11 We did publish a notice. The property was
 12 posted. We sent out about 238 notices, and
 13 you'll note in the packet, we did receive one
 14 written comment from an individual.
 15 MR. BEHAR: Eric, I have a --
 16 May I, Mr. Chairman?
 17 I have a question for you. I'm looking at
 18 a map that was prepared under the Tab Number 6
 19 that shows the properties immediately to the
 20 east and west of the subject property are
 21 hundred-foot properties, and the four
 22 properties across the street are also 100 feet
 23 in width. Is that correct?
 24 MR. RIEL: Correct. This is -- What you're
 25 looking at is on Tab 6. It's like a green,

1 was a lot of discussion to make sure the
 2 driveway doesn't impact the tree itself, as
 3 well as the root system, and I believe there
 4 was some discussion about using --
 5 MS. SPAIN: The tree is approximately five
 6 feet away from the proposed driveway.
 7 CHAIRMAN AIZENSTAT: State your name,
 8 please.
 9 MS. SPAIN: Dona Spain, Historic
 10 Preservation Officer. And that was discussed
 11 at the Historic Preservation Board, because
 12 that is historically designated, Coral Way, and
 13 the trees are also designated.
 14 MR. SALMAN: So it's five feet off the
 15 driveway. Are we doing anything special with
 16 the driveway? Because that's a very old tree.
 17 It's going to have a pretty substantial root
 18 system, even within five feet of the trunk of
 19 the tree.
 20 MS. SPAIN: Well, that's why we were
 21 concerned.
 22 MR. SALMAN: Okay.
 23 MS. SPAIN: We discussed it with the Public
 24 Service Department. They seemed to be okay
 25 with it, when it went to the Historic

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1 Preservation Board. But still, I think it's
 2 important to have it as a condition. I would
 3 hate to see anything happen to the tree.
 4 MR. SALMAN: My concern is, do we allow
 5 pervious driveways?
 6 MS. SPAIN: Pervious?
 7 MR. SALMAN: Yeah.
 8 MS. SPAIN: I don't know the answer to
 9 that.
 10 MR. SALMAN: Like pervious concrete
 11 driveways.
 12 MS. SPAIN: No, I understand what you're
 13 saying. I don't know.
 14 MR. SALMAN: Because that would be a
 15 situation that might be one of the conditions
 16 for this, just to protect the tree.
 17 MS. SPAIN: That's a very good idea. I
 18 mean, honestly, even if it's not allowed, it
 19 could be something that the Historic
 20 Preservation Board could consider as a
 21 variance. I don't know how that works with
 22 offsite, though. It wouldn't be a variance.
 23 MR. SALMAN: Some sort of a paver system or
 24 a pervious concrete or something --
 25 MR. BEHAR: But, you know, at the end of

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1 the day, Javier, whatever they do has to comply
 2 with all the requirements and they cannot
 3 endanger the root system of the tree.
 4 MR. SALMAN: We're asking them to do an
 5 arborist's report prior, okay --
 6 MS. SPAIN: Right.
 7 MR. SALMAN: -- and then post. But post,
 8 is it dead or not? And I'm trying to make sure
 9 it's not dead when it comes in. That's all my
 10 point.
 11 MR. BEHAR: Yeah. No, I think you're
 12 making a good point, but, you know, you've got
 13 to have so many restrictions on them that they
 14 are not able to put the driveway five feet if
 15 it will not -- if it's not feasible.
 16 MS. SPAIN: Right.
 17 MR. BEHAR: You know? It may have to be
 18 whatever -- I hear what you're saying, and
 19 you're making a good point, but, you know,
 20 we've got to impose on them that they follow
 21 the guidelines to the T, so there's no chance
 22 of ruining that tree.
 23 MR. SALMAN: I'm familiar, I drove by the
 24 site. I saw where the tree was, and I was just
 25 surprised it wasn't shown on the site plan.

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1 That was the start of the question, and it
 2 appeared to me that it was in too close a
 3 proximity, the trunk, within five feet of the
 4 driveway, to protect almost half the root
 5 system of the tree, and it's a substantial
 6 tree. It's at least 40 inches diameter at the
 7 base.
 8 My question is, can we make sure that
 9 whatever the arborist's report comes in for the
 10 treatment of that driveway, to allow for water
 11 percolation for that root system to be included
 12 as part of the requirements?
 13 MS. SPAIN: Sure.
 14 MR. SALMAN: Okay.
 15 MS. SPAIN: I think that's a great idea.
 16 MR. BEHAR: And if you have to redesign the
 17 driveway, you have to redesign it.
 18 MR. SALMAN: There it is.
 19 CHAIRMAN AIZENSTAT: As it is now, this is
 20 a conceptual site plan --
 21 MS. SPAIN: Well --
 22 CHAIRMAN AIZENSTAT: -- or are we tying
 23 it --
 24 MR. SALMAN: No.
 25 MS. SPAIN: The site plan on the two

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1 western lots --
 2 CHAIRMAN AIZENSTAT: Okay.
 3 MS. SPAIN: -- have been approved by the
 4 Board of Architects and the Historic
 5 Preservation Board, so they can go through
 6 permitting --
 7 CHAIRMAN AIZENSTAT: Okay.
 8 MS. SPAIN: -- for that.
 9 MS. KEON: I think that -- I think those
 10 old oak trees have very, very deep tap roots,
 11 and they're not so dependent on that -- that
 12 surface root system, because they have
 13 particularly deep tap roots.
 14 MR. SALMAN: I don't know.
 15 MS. KEON: I do.
 16 MR. BEHAR: We don't know that.
 17 MR. SALMAN: I don't know that.
 18 MS. KEON: I know that oak trees do.
 19 MR. SALMAN: And it may not be the case
 20 here.
 21 MS. KEON: I wouldn't say that maybe that
 22 oak tree does, but I know that oak trees do.
 23 MR. SALMAN: In Florida, they grow out
 24 because they hit rock and they move out, and,
 25 you know, in the City of Coral Gables, a lot of

1 these historic trees, when they were drug up,
2 when they blew over in '93, I was here and I
3 could see where they had dug the hole for the
4 initial planting of the tree, into the rock,
5 and that's all they had. And that's all they
6 had.

7 MS. KEON: Right.

8 MR. SALMAN: And it was five or six feet
9 deep into the rock and then it was all lateral
10 roots.

11 MS. KEON: But very -- How many oak trees
12 do you think have gone over?

13 MR. SALMAN: I saw a lot of them on --

14 MS. KEON: Really?

15 MR. SALMAN: Yeah.

16 MS. KEON: I mean, a lot of the banyans and
17 the ficus --

18 MR. SALMAN: Well, ficus --

19 MS. KEON: -- and all those not native
20 trees.

21 MR. SALMAN: -- and there were also oaks.

22 MS. KEON: A lot of the native trees don't.

23 You're right, though.

24 MR. SALMAN: It was on Maynada, I believe.
25 I was living in the South Gables at the time.

1 CHAIRMAN AIZENSTAT: Let's go ahead and get
2 some public input.

3 Is there anybody from the audience that
4 would like to speak? If you would --

5 MR. LEEN: They need to be sworn in. Have
6 they been sworn?

7 CHAIRMAN AIZENSTAT: Everybody that wants
8 to speak, please stand up so we can swear you
9 in.

10 (Thereupon, all who were to speak were duly
11 sworn by the court reporter.)

12 CHAIRMAN AIZENSTAT: Did you understand,
13 ma'am, the swearing in? They're going to swear
14 you in.

15 (Thereupon, Ms. Schulte was duly sworn by
16 the court reporter.)

17 CHAIRMAN AIZENSTAT: If you could please
18 state your name and address.

19 MS. SCHULTE: Grace G. Schulte, 1235 Coral
20 Way, Coral Gables.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MS. SCHULTE: I'm right across the street.

23 CHAIRMAN AIZENSTAT: Okay.

24 MS. SCHULTE: And that's the way it's been
25 every time since the Gables started, and from

1 Alhambra down to Anderson, that's the way it
2 is. There's nothing new, nothing new. They're
3 going to put two houses on one lot, and there's
4 not even enough room for the one. That's all I
5 have to say.

6 CHAIRMAN AIZENSTAT: Thank you, ma'am.

7 MR. BEHAR: Can I ask you a question?

8 Ma'am, can I ask you a question a second,
9 please? You say you live immediately across
10 the street?

11 MS. SCHULTE: Yes.

12 MR. BEHAR: How wide is your lot?

13 MS. SCHULTE: Two lots.

14 MR. BEHAR: You've got -- Yours is two
15 lots?

16 MS. SCHULTE: Two -- double lots.

17 MS. KEON: Right. It's a hundred feet.

18 MR. BEHAR: Is that on the aerial --

19 MR. RIEL: The lots are 50 feet each.

20 MR. BEHAR: 50 feet each? So you have a
21 hundred foot in width; is that right?

22 MS. SCHULTE: It's a hundred.

23 MR. BEHAR: A hundred, one hundred.

24 CHAIRMAN AIZENSTAT: In total, between the
25 two lots. In total, between the two lots?

1 MS. SCHULTE: Yes.

2 MR. BEHAR: So what they're proposing is to
3 make -- keeping two lots. Each will be 100
4 feet, equal to your lot, no smaller than your
5 lot width.

6 Am I not -- Am I missing a point or is that
7 correct?

8 MR. RIEL: That's correct.

9 MR. BEHAR: Okay.

10 MS. SCHULTE: Well, then, he's going to
11 take some for this house adjacent to it.
12 There's not room for three.

13 MR. BEHAR: But they're not doing three
14 houses. They're asking to do -- in that big
15 lot, which is 200 feet, asking to divide it,
16 two lots of 100 feet each. So it will be only
17 two houses, unless I'm missing --

18 MR. RIEL: Yeah.

19 MR. LAGO: You're right.

20 MS. KEON: Two houses.

21 MS. SCHULTE: Two houses only?

22 MR. LAGO: Two houses.

23 MR. BEHAR: Only two houses.

24 MS. KEON: No, the existing house stays.
25 The existing house stays.

1 MR. SALMAN: Two lots.
 2 MS. KEON: And on the other half, one
 3 house.
 4 MR. BEHAR: Just one more house.
 5 MS. KEON: So one more house will be built
 6 there.
 7 MS. SCHULTE: So two houses only?
 8 MR. BEHAR: Yes, yes.
 9 MS. KEON: Well, just -- Yes, just the one
 10 that's existing, it is already there --
 11 MS. SCHULTE: Yes.
 12 MS. KEON: -- and then one in the open
 13 space that they'll separate.
 14 MS. SCHULTE: Okay, well, my boys and I --
 15 Everybody had something different.
 16 MR. BEHAR: Well, that's why I wanted to
 17 ask, because they're only adding one house, and
 18 the lot width will be the same as you have
 19 today, a hundred foot in width.
 20 MS. KEON: Right.
 21 MS. SCHULTE: Well, why can't he just go
 22 ahead and build it?
 23 MR. BEHAR: Because they have to go through
 24 the process to be able to do that.
 25 MS. KEON: So that you know.

1 MR. BEHAR: Yes.
 2 MS. KEON: So that three houses don't get
 3 built there. So it's only one.
 4 MS. SCHULTE: Okay.
 5 MS. KEON: That's why.
 6 MS. SCHULTE: Excuse me.
 7 MS. KEON: Okay, thank you.
 8 CHAIRMAN AIZENSTAT: Thank you, ma'am.
 9 MR. PEREZ: We're two families, neighbors
 10 on the south side of this property.
 11 CHAIRMAN AIZENSTAT: Will you state your
 12 name and address, please?
 13 CHAIRMAN AIZENSTAT: Ricardo Perez, 1241
 14 Andalusia Avenue. So we're -- Both of our
 15 houses are on the south side of this property,
 16 and when -- and they've been here longer than
 17 we have, and we've been here in that house 10
 18 years, and when we first considered the
 19 purchase, one of the reasons why we bought it,
 20 got interested in it, was because from our back
 21 yard, we could see Coral Way. There's no big
 22 building blocking sunlight or air, so it's a
 23 pretty nice scenery, and that's going to be --
 24 if the proposed thing goes through, it's going
 25 to be blocking our view, our fresh air and

1 sunlight, and very concerned about that.
 2 Now, we did ask the owner, a very eccentric
 3 individual, knocked on his door at that time,
 4 and we asked him that 10 years ago, what was
 5 his idea, because we figured they're going to
 6 put a big skyscraper over here, like they're
 7 building in old Coral Gables, I mean, a
 8 two-story huge house. He says, "No, over my
 9 dead body."
 10 So, obviously, you know, that's the way we
 11 would like it to remain, and we don't know
 12 what -- you know, the extent of what we can do
 13 to air our concern, maybe get as much attention
 14 as the oak trees are getting here, because that
 15 would be nice.
 16 CHAIRMAN AIZENSTAT: Is your property,
 17 then, one of the smaller -- Are you on two
 18 lots?
 19 MR. PEREZ: One lot.
 20 CHAIRMAN AIZENSTAT: One lot. So you've
 21 got, what, about a 50-foot lot?
 22 MR. PEREZ: You know what? I don't know.
 23 Mine is an odd shape.
 24 CHAIRMAN AIZENSTAT: Oh, yours is the odd
 25 shape?

1 MR. PEREZ: Yes.
 2 MR. LAGO: 1272?
 3 MR. PEREZ: No, 1241.
 4 MR. BEHAR: No, no --
 5 (Simultaneous comments).
 6 MR. BEHAR: They're probably 171.
 7 CHAIRMAN AIZENSTAT: 171.
 8 MR. BEHAR: 171.
 9 CHAIRMAN AIZENSTAT: We're just looking at
 10 the chart to determine.
 11 MR. BEHAR: Yeah, you probably have like a
 12 67-foot width lot, at the front.
 13 CHAIRMAN AIZENSTAT: That tapers back.
 14 MR. PEREZ: It tapers, yes.
 15 CHAIRMAN AIZENSTAT: Okay. Okay.
 16 MR. BEHAR: Just to address one of the
 17 concerns, the sunlight, that will not be
 18 blocked, because actually the sun comes from
 19 the south --
 20 MR. PEREZ: East-west, you can say that.
 21 MR. BEHAR: And the south side, so that's
 22 one. The air, maybe, you know, is a different
 23 story, but the sun will not be blocked.
 24 MR. PEREZ: All right, but the view
 25 certainly is. And as I saw that conceptual

1 drawing, you know, there's a two-car garage,
 2 right next to our property, so -- and that's
 3 looking right out of our picture window in our
 4 living room, so that will be a wall, the whole
 5 south side.
 6 MR. BEHAR: Yeah, that will be.
 7 MR. PEREZ: Yes.
 8 MR. BEHAR: Right.
 9 MS. KEON: I think that under the new
 10 Zoning Code, though, you won't see homes built
 11 as big and as massively as they had been in the
 12 past. Anything that now is coming for
 13 permitting is built under the new Zoning Code,
 14 and they are -- The houses are required to
 15 be -- They cannot be those huge houses that
 16 take up the entire lot and are much taller than
 17 the other homes in the neighborhood. They have
 18 a lower -- a lower height requirement -- the
 19 restrictions and all, so as difficult as it may
 20 be for you, it's a better time to have
 21 something built there.
 22 MR. PEREZ: Yeah, the setback, I don't know
 23 if it's 10 or 20 feet from the rear property
 24 line, but it's going to be very close to our
 25 property, because we have a small lot.

1 MS. KEON: Yeah.
 2 MR. PEREZ: So we're very concerned about
 3 that.
 4 CHAIRMAN AIZENSTAT: Any other questions?
 5 Thank you.
 6 MR. PEREZ: All right.
 7 CHAIRMAN AIZENSTAT: Yes, come up, please.
 8 (Thereupon, Mr. Possenti was duly sworn by
 9 the court reporter.)
 10 CHAIRMAN AIZENSTAT: If you can take
 11 that over there -- Thank you.
 12 MR. POSSENTI: My name is Paolo Possenti.
 13 I'm next to Mr. -- We are neighbors. We're
 14 just --
 15 CHAIRMAN AIZENSTAT: State your -- Could
 16 you state your address?
 17 MR. POSSENTI: 1243 Andalusia. Okay, we
 18 bought the house 18 years ago. I approached
 19 many times the original owner of the big lot,
 20 and he told me it's only one property. I
 21 went -- I'm thinking he was -- I was thinking
 22 he's lying to me, because I was trying to
 23 approach to buy a lot to add to my house, to
 24 have something to do, and really, he told me,
 25 "Don't worry, you're not able, because in the

1 City Hall, they know, I already applied many
 2 years ago for something" -- He don't explain
 3 very well. I come here and they tell me it's
 4 exactly the same, it's one lot, and really, we
 5 have two stories. We have our balcony over
 6 his -- it's not nice gardens, but we was
 7 thinking, okay, it's the view to Coral Way. I
 8 have two-story, he has only one, but really, I
 9 have -- every morning I'm sitting on the
 10 balcony. You know, you have something and
 11 you -- we already know from the beginning was
 12 only one lot. You understand? It's like a --
 13 I use, you know, status quo. It's status quo.
 14 I saw the letter, you tell it's only one lot.
 15 The new owner bought the property knowing it
 16 was one lot. Working with the Historic Board,
 17 trying to follow the rules of the historic in
 18 exchange for the support for the splitting. I
 19 think it's something not right, because they
 20 already know before buying the property it was
 21 only one property, even if it was two folios,
 22 okay? And really, I don't know why we need to
 23 approve something when they bought something
 24 knowing it's one lot, without any pre-approval
 25 for the splitting, and now they already approve

1 the renewal of the older property and try to do
 2 a completely brand new home on the empty lot,
 3 just in front of our -- It's not in front, it's
 4 the back, but for us it's the front.
 5 Okay, I don't have nothing to do -- Thank you.
 6 CHAIRMAN AIZENSTAT: Thank you.
 7 Anybody else that would like to speak?
 8 Nobody else?
 9 Okay. Let's go ahead. Do you have any
 10 comment, Eric?
 11 MR. RIEL: I would like to ask the
 12 applicant if they could -- do they agree with
 13 the conditions, if they can do so on the
 14 record.
 15 MR. KLEINMAN: Yeah, I think the condition
 16 about the arborist's report and making sure
 17 that the trees are protected -- I think the
 18 condition about the arborist's report and the
 19 condition that the trees are protected is an
 20 important one, and we certainly agree to that.
 21 It's not our intention to damage the trees in
 22 any way.
 23 MR. RIEL: So you agree with the condition
 24 that Staff --
 25 MR. KLEINMAN: We agree.

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1 MR. RIEL: Okay.

2 CHAIRMAN AIZENSTAT: Seeing that there's

3 nobody else, let's go ahead and close the

4 public comment for the Board discussion.

5 Yes, go ahead, please, Jeff.

6 MR. FLANAGAN: Eric, I always thought the

7 City had a very hard and fast rule about if

8 there were double lots, and there's any

9 improvements or encroachments that went across

10 one lot into the other, the City was pretty

11 averse to splitting those lots up. I don't

12 remember reading -- I don't have my packet with

13 me, but I read it thoroughly over the weekend.

14 I don't remember seeing anything in the Staff

15 Report that addressed the wall.

16 I know the applicant in their report and

17 then tonight noted that there is -- I think

18 they've said basically a half-inch gap right

19 along the property line. Do we know that that

20 is, in fact -- that that gap is there, that it

21 has been there, that at one point these weren't

22 connected, that would maybe give it a different

23 analysis under the lot split procedure?

24 MR. RIEL: I mean, what we do is, based

25 upon the information that we receive from the

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1 applicant, as well as doing a site visit, we

2 evaluate the criteria, and Staff's evaluation

3 finds that, you know, of the six, that it meets

4 the four, and didn't feel that that type of

5 encroachment was substantial, so --

6 CHAIRMAN AIZENSTAT: Do we know -- Do we

7 know as far as the age, Dona, of that wall?

8 MS. SPAIN: No.

9 CHAIRMAN AIZENSTAT: The reason I ask is, I

10 drove by the property today, and the wall

11 seemed more or less to go with the time period

12 of the home.

13 MS. SPAIN: It's old, but --

14 CHAIRMAN AIZENSTAT: It's not a recent

15 wall?

16 MS. SPAIN: -- we couldn't find a permit

17 for it, and I believe the -- I could be wrong,

18 but the photograph we have --

19 Do you have a photograph from the '20s?

20 MR. KLEINMAN: From the 1940s.

21 MS. SPAIN: Oh, from the '40s. From the

22 1940s, it was there. So sometime between when

23 it was built and the 1940s.

24 CHAIRMAN AIZENSTAT: But there's no record?

25 MS. SPAIN: No, there's no permit.

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1 MR. KLEINMAN: The wall is not on the

2 original plans.

3 MS. SPAIN: And it doesn't show up on the

4 original plans.

5 CHAIRMAN AIZENSTAT: Right, but looking at

6 that wall from the time period -- to me, it

7 appears to be from the time period --

8 MS. SPAIN: It could very well be.

9 CHAIRMAN AIZENSTAT: -- of the home. You

10 know, it has been known in old homes in the

11 City and so forth to have walls or other

12 structures that are not in City records.

13 MS. SPAIN: Right. That's right.

14 CHAIRMAN AIZENSTAT: Robert?

15 MR. BEHAR: I don't have any other

16 questions, Mr. Chairman.

17 CHAIRMAN AIZENSTAT: Javier?

18 MR. SALMAN: No questions.

19 CHAIRMAN AIZENSTAT: Pat?

20 MS. KEON: No. I have one question for

21 Dona.

22 Dona, anything that's done or any

23 renovation to the existing home, because it's

24 historic, will come back through the Historic

25 Preservation Board?

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1 MS. SPAIN: I'm sorry, what was that?

2 MS. KEON: Any -- because the home, the

3 existing home, is a historically designated

4 home --

5 MS. SPAIN: Yes. The entire parcel is

6 historic, even the two lots that you're

7 considering.

8 MS. KEON: Even -- So everything --

9 MS. SPAIN: Everything.

10 MS. KEON: Everything, or any changes,

11 alterations or modifications will all come back

12 through the --

13 MS. SPAIN: That's right.

14 MS. KEON: -- Historic --

15 MS. SPAIN: That's right, even any

16 potential new residence that's built would have

17 to be reviewed by the Historic Preservation

18 Board.

19 MS. KEON: Okay. Thank you.

20 CHAIRMAN AIZENSTAT: Any other questions

21 from anybody? Okay.

22 For me, I have a little bit of a concern as

23 far as the wall that's on site. You know, it

24 is an existing encroachment. The one time that

25 I remember that a double lot came before us was

1 actually a property, I think, that was on
2 Riviera, and if I remember correctly, there was
3 a pool or some kind of a structure that was
4 within that property, but the reason we were
5 looking at that property is because it faced
6 two sides of the street.

7 Driving through this area, I noticed that
8 this is the biggest property that is in the
9 area. All the other properties that are within
10 the area are smaller. They're about a hundred
11 foot. There may be something a little bit
12 bigger. There's a school nearby that's bigger.
13 There's a lot that's for sale that has some
14 trees on it and so forth. My other concern
15 which I have is the fact that it's a conceptual
16 site plan, but with the new Code, they are more
17 restrictive to what they can do there, as
18 opposed to what they could have done. If I
19 remember correctly, in the past, we have always
20 required a site plan be attached to whatever we
21 do on the Board.

22 I don't know how the Board feels because of
23 the fact that this is only is a conceptual plan
24 and not an actual plan.
25 Jeff?

1 MR. FLANAGAN: I mean, your last lot split
2 was before my time, but I mean, I'm always of
3 the belief that any future development has to
4 comply with the Code. The Code is the Code.

5 CHAIRMAN AIZENSTAT: Right.

6 MR. FLANAGAN: Site plans are nice to see.
7 I think if it wasn't the discussion and the big
8 concern about the oak tree, and there was no
9 oak tree issue, maybe I wouldn't need to see a
10 site plan, but knowing that that's an issue and
11 the driveway is a big and grave concern, maybe
12 it's not such a bad idea to ask for a site plan
13 to come back that gets tied to it.

14 MR. BEHAR: They do -- are submitting a
15 proposed site plan, right? So --

16 CHAIRMAN AIZENSTAT: But it's conceptual,
17 meaning it's not tied in. They can change.

18 MR. BEHAR: Well, but you could tie this
19 in, where the footprint cannot exceed here, and
20 if they're going to deviate from that
21 footprint, they have to come back.

22 CHAIRMAN AIZENSTAT: Okay.

23 MR. BEHAR: And they have to make -- I'm
24 sure the architect has designed a house that
25 would fit within this footprint. Anything else

1 that is beyond these boundaries, they have to
2 come back.

3 MS. KEON: I guess I take some comfort in
4 knowing that because the site is historic,
5 anything built on that site has to go through
6 Historic Preservation, who, I think, as mindful
7 as we are, they are equally or more mindful,
8 and that's exactly what they do, is to deal
9 with that site. So I'm very comfortable that
10 they will review and ensure that whatever
11 happens on that site won't detract from the
12 existing historic site or the historic area or
13 the historic nature and ambience of that
14 community.

15 I would have to take -- The gentleman
16 testified under oath that there is a small gap
17 in that wall, so I would believe that he's
18 telling us the truth, that there is a gap in
19 that wall at the property line, which -- and
20 because they maintained two separate folio
21 numbers, they put a gap there, I think it was
22 maybe always the intention that at some point
23 it could be. I mean, it didn't, but it could
24 be, and so I don't -- I don't really feel
25 uncomfortable with it. I think it's within the

1 scale of the neighborhood. It remains within
2 the scale of the neighborhood for them to
3 divide that lot. It probably provides for -- I
4 mean, I would hope that it makes it very able
5 for the owner or someone to go back and
6 renovate the historic structure and return that
7 to its -- to as beautiful a residence as that
8 once was, and could be, and really improve the
9 historic look of Coral Way.

10 So I don't -- I think it has met the
11 criteria, and I don't -- I don't feel that -- I
12 think that it will -- although someone -- I
13 know the neighbors aren't -- wouldn't like
14 their park taken away from them, and I don't
15 blame them for it, I think that, you know, it's
16 a buildable lot and they're entitled to build
17 there, and thankfully, the Code is such that
18 they will not have as huge a residence as they
19 would have had six or seven years ago.

20 CHAIRMAN AIZENSTAT: Eric --

21 MR. BEHAR: Very well put, Pat.

22 My only concern, when I look at the site
23 plan, is that their edge of driveway is --
24 They're bringing it three feet from the
25 property line. I would like to see that the

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1 entire 10-foot setback is maintained, including
 2 to the edge of the driveway, and they could --
 3 they could do it. That's the only thing,
 4 because that's where the adjacent property will
 5 get a minimum landscaped area buffer from their
 6 property to this proposed site plan.
 7 CHAIRMAN AIZENSTAT: That makes sense.
 8 MR. BEHAR: That's the only real concern I
 9 have with that site plan.
 10 MS. KEON: I'm sorry, could you say that --
 11 Say that again.
 12 MR. BEHAR: If you look at, on the east
 13 side of the property, they're bringing the
 14 driveway within three feet of the property
 15 line, okay? I would like for them to maintain
 16 the 10-foot that they have, all the way in the
 17 front, carry that all the way to the back, so
 18 they will always have --
 19 MR. GRABIEL: As green space.
 20 MR. BEHAR: As green space, keep a constant
 21 10-foot buffer there.
 22 MS. KEON: On each side of the driveway, so
 23 that on the side --
 24 MR. BEHAR: On the side, adjacent to the
 25 adjacent property.

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1 MS. KEON: There is a green space.
 2 MR. BEHAR: There is, but right now, if you
 3 look at the site plan --
 4 MS. KEON: Okay, that's what you're asking
 5 for. I'm sorry.
 6 MR. BEHAR: Yes.
 7 MS. KEON: Okay.
 8 MR. BEHAR: 10 feet for the first half of
 9 the property and then only three feet for the
 10 back portion of it. That would be really the
 11 only --
 12 MR. LAGO: So you're saying to cut out
 13 those three feet and continue 10 feet across --
 14 MR. BEHAR: Correct.
 15 MR. LAGO: All the way to the garage?
 16 MR. BEHAR: Correct.
 17 CHAIRMAN AIZENSTAT: Craig, do you see any
 18 issue with this wall tying this property,
 19 legally?
 20 MR. LEEN: No. The criteria does take into
 21 account the possibility of the wall or an
 22 encroachment like that, or an existing -- Let's
 23 assume it even did tie the two together, it
 24 does take it into account, and it says that you
 25 don't have to find all six criteria. So it

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1 implies that you could find four other
 2 criteria.
 3 Now, if you want to protect the wall in
 4 some way, that could be a condition of your
 5 approval.
 6 CHAIRMAN AIZENSTAT: Well, going through
 7 them, let's say that Number 1 is not satisfied,
 8 going under your theory. So Number 1 is not
 9 satisfied, if that's the case.
 10 Number 2 is satisfied, so you've got your
 11 first one.
 12 Number 3 is satisfied.
 13 Number 4 is not satisfied.
 14 Under Number 5, what I've noticed is that
 15 it's saying that the historic residence could
 16 be demolished, but to me, in reality, that
 17 historic residence could not be demolished. So
 18 is Number 5 satisfied?
 19 MR. LEEN: I was curious about that
 20 comment, as well. When it says,
 21 "Alternatively, the historic residence would be
 22 demolished," is that -- Is that what you're
 23 proposing in the alternative to this?
 24 MR. KLEINMAN: We never proposed destroying
 25 the historic residence. We've only proposed

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1 renovating and improving the historic
 2 residence, and we've worked closely with the
 3 Historic Preservation Board to that end,
 4 through that process.
 5 CHAIRMAN AIZENSTAT: Those were the
 6 comments from the City.
 7 MR. LEEN: Oh, no, I know that, but I
 8 was -- you know, at least in historic --
 9 Normally, the City would not allow the
 10 demolition of an historic building unless it
 11 was the only economic use for the property,
 12 so what was the --
 13 MS. SPAIN: You understand that we
 14 designated this property against the consent of
 15 the Federal Government.
 16 CHAIRMAN AIZENSTAT: I understand.
 17 MS. SPAIN: So it's not something that we
 18 would allow to be demolished.
 19 CHAIRMAN AIZENSTAT: They can renovate
 20 it --
 21 MS. SPAIN: They can. They can renovate
 22 it.
 23 CHAIRMAN AIZENSTAT: -- as long as they get
 24 approval from the Historic Board --
 25 MS. SPAIN: That's right.

1 CHAIRMAN AIZENSTAT: -- and the Board of
 2 Architects and so forth.
 3 MS. SPAIN: That's right. But honestly, it
 4 was never their intent, in fairness to them, to
 5 demolish the house.
 6 CHAIRMAN AIZENSTAT: I understand that.
 7 So, in reality, is Number 5 satisfied, that
 8 the proposed building site maintains and
 9 preserves open space, promotes neighborhood
 10 compatibility, preserves historic character,
 11 maintains property values and enhances
 12 visual attractiveness -- Actually, it does.
 13 MR. BEHAR: It does.
 14 CHAIRMAN AIZENSTAT: It does.
 15 MR. BEHAR: It does.
 16 CHAIRMAN AIZENSTAT: So I take it back.
 17 What threw me off was when I saw the historic
 18 residence could be demolished.
 19 MR. BEHAR: No, no, no.
 20 CHAIRMAN AIZENSTAT: So -- Okay. So you've
 21 got three -- You would have four, if that's the
 22 case, correct. Go ahead.
 23 MR. GRABIEL: Actually, I think -- I mean,
 24 if you look at streets in Coral Gables, Coral
 25 Way has got to be one of the grandest, if not

1 the grandest street --
 2 CHAIRMAN AIZENSTAT: Agreed.
 3 MR. GRABIEL: -- that we have.
 4 Historically, you know, those oak trees have
 5 been there forever, and there's a rhythm to
 6 that street. Urbanistically, the street is
 7 defined by two things, the planting, which are
 8 the oaks, and the houses, and most of the
 9 houses in there are all on hundred-foot lots,
 10 and all of a sudden, you come to this and
 11 there's a gap. It's almost like you have a
 12 tooth missing. I think, actually, building on
 13 that empty lot preserves the historic character
 14 and enhances the historic character of Coral
 15 Way, better than having that empty lot in
 16 there.
 17 You know, I understand your concerns over
 18 the view, but if we're looking at it
 19 urbanistically, as the overall, that makes a
 20 better sense, and I have my full faith in the
 21 Historic Department, that will make sure that
 22 the house that's built will be compatible with
 23 all the other houses and the historic nature of
 24 that site. So I have no problem with that.
 25 CHAIRMAN AIZENSTAT: Yes, Pat?

1 MS. KEON: Another question for Dona.
 2 Dona, the existing wall now that goes
 3 across the entire frontage and down the
 4 sides --
 5 MS. SPAIN: Yes.
 6 MS. KEON: -- that circle --
 7 MS. SPAIN: Yes.
 8 MS. KEON: -- that entire --
 9 MS. SPAIN: And it does have a gap, by the
 10 way.
 11 MS. KEON: -- less the gap -- that is
 12 around this residence, would you want to see or
 13 would it be of any value to have them actually
 14 move the wall or create a wall that -- that
 15 ties that whole property together, as opposed
 16 to having just the wall end --
 17 MS. SPAIN: You mean, other than just the
 18 front wall, to have a wall somehow -- a wall go
 19 back --
 20 MS. KEON: Yes, coming down --
 21 MS. SPAIN: No, that would be fine. I
 22 mean, whatever that --
 23 MS. KEON: Would it be good?
 24 MS. SPAIN: I mean, whatever happens, that
 25 wall is now designated also as historic. It's

1 part of the overall character of the site, and
 2 so any alterations, even to that wall, would
 3 need to be done by a certificate of
 4 appropriateness to the Historic Preservation
 5 Board, so --
 6 CHAIRMAN AIZENSTAT: Because I, for one,
 7 would like to see that wall kept as much as
 8 possible.
 9 MS. SPAIN: Right.
 10 MS. KEON: Well, I mean --
 11 CHAIRMAN AIZENSTAT: Except for whatever
 12 entrances they have to --
 13 MS. SPAIN: Exactly, exactly, and that's
 14 protected under the Preservation Ordinance.
 15 CHAIRMAN AIZENSTAT: Okay, so that is
 16 protected?
 17 MS. SPAIN: Yes.
 18 MS. KEON: All right, so -- But, I mean, if
 19 they wanted to build a different wall that was
 20 more in keeping with the house that they're
 21 building --
 22 MS. SPAIN: That would need to go to the
 23 Historic Preservation Board.
 24 MS. KEON: Well, it's going to have to go,
 25 anyway.

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1 MS. SPAIN: Yes.
 2 MS. KEON: Okay. So the whole issue of the
 3 wall is dealt with.
 4 MS. SPAIN: Pardon me?
 5 MS. KEON: The whole issue of the wall,
 6 then, is dealt with, in the Historic
 7 Preservation.
 8 MS. SPAIN: Right.
 9 MS. KEON: Okay. I'm fine.
 10 MR. BEHAR: And we could, in addition to
 11 that, put a condition that they maintain the
 12 wall.
 13 MS. KEON: Well, you know what --
 14 MR. SALMAN: It's already part of their
 15 historic designation. They've got to, anyway.
 16 MR. BEHAR: They're caught. They can't do
 17 anything about it.
 18 CHAIRMAN AIZENSTAT: Dona, let me ask you a
 19 question. If they decide to do a modern home,
 20 just for argument's sake, on that site --
 21 MS. SPAIN: They'd have to get through the
 22 Board of Architects before they get through the
 23 Historic Preservation Board.
 24 MR. BEHAR: In Coral Gables?
 25 CHAIRMAN AIZENSTAT: And then they have

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1 to -- Okay. I just want to be clear on that
 2 fact.
 3 MS. SPAIN: Right.
 4 CHAIRMAN AIZENSTAT: Okay.
 5 MR. BEHAR: No.
 6 CHAIRMAN AIZENSTAT: Any other comments or
 7 questions? Is there a motion?
 8 MR. BEHAR: Yeah. I'd like to add a
 9 condition that they preserve the 10-foot
 10 buffer, landscape buffer.
 11 CHAIRMAN AIZENSTAT: Are you making a
 12 motion with certain conditions?
 13 MR. BEHAR: I'll make a motion to approve,
 14 with a condition that they maintain a 10-foot
 15 green space on the east side of that property.
 16 MS. KEON: In addition to the other of
 17 Staff's --
 18 MR. BEHAR: Yes, yes.
 19 MS. KEON: In addition to Staff's --
 20 CHAIRMAN AIZENSTAT: Only on the east side?
 21 MR. BEHAR: Well, the proposed site plan
 22 does not show anything else on the west side,
 23 so it will only affect --
 24 CHAIRMAN AIZENSTAT: But remember, this is
 25 a -- not -- It's not a binding site plan, so

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1 what happens if they change it?
 2 MR. BEHAR: I would think if they change
 3 the site plan, they would have to come back;
 4 will they not?
 5 CHAIRMAN AIZENSTAT: No, that's not the way
 6 I interpret it.
 7 MR. RIEL: Where are you talking about the
 8 10-foot buffer, on the vacant parcel?
 9 MR. BEHAR: On the vacant parcel.
 10 MS. KEON: On the vacant parcel.
 11 MR. RIEL: Right.
 12 MR. BEHAR: On the vacant parcel.
 13 MR. RIEL: No, this is only a conceptual
 14 site plan. This is not tied to any --
 15 CHAIRMAN AIZENSTAT: See, that's what's
 16 getting me a little bit --
 17 MR. LEEN: But -- but --
 18 MR. RIEL: And let me -- if you want me, I
 19 can explain further why we didn't tie it, the
 20 site plan, because you could construct almost
 21 an 11 or 12,000 square foot home on this parcel
 22 if you kept it as one building site, which
 23 essentially is the same as what you would have
 24 with two buildings, and you would have, on the
 25 rear setback, I believe it's five feet, the

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1 front 25. So, you know, in terms of the
 2 potential of this lot not being developed at
 3 any time in the future, you could add on to
 4 this existing historic home, and the reason
 5 why Staff didn't tie it to a specific site plan
 6 is because, you know, the design regulations
 7 the City has for single-family residences, and,
 8 you know, we've reduced the height from 35 to
 9 29 feet --
 10 CHAIRMAN AIZENSTAT: Right.
 11 MR. RIEL: -- and, you know, all the
 12 surrounding residences in here have a height --
 13 my guess is about 35 feet.
 14 CHAIRMAN AIZENSTAT: Yeah, there are some.
 15 MR. RIEL: So --
 16 MR. BEHAR: Can we tie --
 17 CHAIRMAN AIZENSTAT: To the footprint.
 18 MR. BEHAR: -- to the footprint of this
 19 proposed site plan?
 20 CHAIRMAN AIZENSTAT: With the setbacks that
 21 Robert --
 22 MR. LEEN: Well, in my view, there's six
 23 criteria you're looking at. According to the
 24 Code, Section (G), which comes right after (F),
 25 it says -- and this is an application for -- to

1 split -- you know, to have two building sites,
2 so, "If an application is recommended for
3 approval, the Planning Department, Planning and
4 Zoning Board and City Commission may prescribe
5 conditions, restrictions or safeguards deemed
6 necessary to satisfy the provisions within this
7 section."

8 One of the sections, as the Chair
9 mentioned, is that -- let me just find the one
10 I'm -- that the proposed building sites
11 maintain and preserve open space. So, to me,
12 in my view, you could put a condition related
13 to the amount of space, because they're seeking
14 the approval. You don't have to grant it.

15 CHAIRMAN AIZENSTAT: Right.
16 Robert?

17 MR. BEHAR: I have a question for the
18 applicant. Have you -- Have you designed a
19 house for this lot yet? Is this indicative of
20 a proposed house?

21 CHAIRMAN AIZENSTAT: Maybe the architect.

22 MR. BRAVO: Good evening. Pedro Bravo,
23 Bravo Architecture.

24 That is just a conceptual site plan. That
25 was just kind of an L-shaped building that

1 To me, if I'm starting on a lot that is a
2 hundred-foot width, to come in within three
3 feet on the drive, I think that's -- you know,
4 you're pushing that limit. If this was a
5 50-foot lot, I would understand, but not on a
6 50-foot lot -- I mean, excuse me, on a
7 hundred-foot lot.

8 I would feel comfortable -- If we don't tie
9 this footprint, I would not feel comfortable
10 making the approval, recommending approval.

11 MR. BRAVO: So you're saying maintaining a
12 10-foot separation from the driveway to the
13 property line --

14 MR. BEHAR: Yes.

15 MR. BRAVO: -- on the east side.

16 MR. BEHAR: And tying to this footprint,
17 because I can see that this footprint preserves
18 the open space required. If you're telling me
19 this was just, you know, too schematic and you
20 threw an L-shaped building and this may change,
21 then I will tell you what, I will withdraw my
22 motion to approve and will request that a site
23 plan be brought to us before we could -- before
24 I feel comfortable recommending approval.

25 MR. BRAVO: I understand. I think this is

1 conformed to the whole setback requirements,
2 the heights, lot coverage and FAR. It was just
3 a conceptual box, if you can notice.

4 MR. BEHAR: Right.

5 MR. BRAVO: So the setbacks that you're
6 talking about with regards to the driveway on
7 the east side, Mr. Behar, it's a five-foot
8 separation from the property, not three feet.
9 The Code allows 18 inches of green space.
10 We're going to five.

11 MR. BEHAR: But the Code -- The Code allows
12 it, but you're coming for an approval.

13 MR. BRAVO: Understood.

14 MR. BEHAR: So you open yourself for
15 additional requirements that may not be
16 necessarily -- To me, I think three feet, when
17 you have a lot that's a hundred foot wide and
18 you're starting from scratch, I think that, you
19 know, you're asking for too much in that sense.

20 I don't have a problem tying, for example,
21 this site plan, because I'm sure you could make
22 a beautiful design out of a footprint like
23 this, I'm confident, and when you look at the
24 volume that you do on the proposed elevation,
25 you know, you could tell it would work.

1 a decision the owner needs to make.

2 MR. BEHAR: Do you understand where my --
3 and I think that's the same --

4 CHAIRMAN AIZENSTAT: It's the same for me.

5 MR. BEHAR: -- concern that the Chairman
6 has. If this is not going to tie the footprint
7 of the house, then I have a problem approving
8 something that says, well, as long as it
9 complies with all the setbacks.

10 MR. RIEL: Mr. Chair, has there been a
11 second on the motion?

12 MS. KEON: No.

13 CHAIRMAN AIZENSTAT: No, because Robert has
14 not really made his motion.

15 MR. RIEL: Okay, I just wanted to make --
16 clarify that.

17 MR. KLEINMAN: I understand the condition
18 that you propose.

19 CHAIRMAN AIZENSTAT: Can you come up?

20 MR. KLEINMAN: Sure. I understand the
21 condition that you propose. My understanding
22 is, the conceptual site plan that we proposed
23 actually exceeded the requirements. The
24 condition that you propose, from my
25 perspective, I don't really, truly understand

1 how it impacts the ability of our architect to
2 design what's appropriate there, and I don't
3 truly understand how that might impact where
4 that driveway might wind up in relation to
5 those trees that were a concern. But I
6 understand, I understand your concern. These
7 are great questions. These are -- you know,
8 it's a conceptual site plan, it's in the early
9 stages, and I'll probably need to talk to Pedro
10 a bit about whether or not that's a condition
11 that is something that I need to discuss with
12 my partners or not.

13 MR. BEHAR: You know, then, I would -- You
14 need to make a decision, because if I cannot
15 feel like we could tie this site plan, the
16 proposed site plan, the footprint of the
17 proposed structure, then I'm going to withdraw
18 my motion for approval until you come back with
19 a site plan that he says, "This is what we feel
20 comfortable."

21 MR. KLEINMAN: I understand. I guess, from
22 my perspective, my understanding really was
23 that -- I understand you have the ability to
24 impose conditions, fair conditions, and that
25 could happen. I guess the issue you're

1 raising, I viewed as something that would be
2 addressed more towards this phase of going in
3 front of Board of Architects, going in front of
4 Historic and going through all the other layers
5 of protection that are out there to evaluate
6 the aesthetics and the criteria of the actual
7 design, but this is an education for me.

8 MR. BEHAR: We're not talking about the
9 design of a house. We're not -- at least I'm
10 personally not. That's something that you will
11 deal with the Board of Architects and Historic
12 Preservation on that issue. We're -- I'm just
13 looking at it from -- let's call it the
14 planning point of view, where the house will
15 sit on that lot and how it impacts your
16 neighbor, and the reason I'm saying the 10 feet
17 is that, you know, in a hundred-foot lot, I
18 mean, 10 feet is more than sufficient, you
19 know, to have, and I think that it works.

20 I'm more concerned now, also, with the
21 footprint of the structure. If I look at -- if
22 I compare that footprint to the adjacent
23 structure, I mean, it's somewhat comparable to
24 the existing house, and the existing house
25 has --

1 MR. LAGO: 6,000 and change.

2 MR. BEHAR: -- 64 -- how much?

3 MR. LAGO: 6,000 and change.

4 MR. BEHAR: Yeah. So, I mean, if I look at
5 the footprint you're giving us, you could build
6 a 6,000 square foot home easily there. I don't
7 know how -- how my two architect colleagues
8 feel about it.

9 MR. GRABIEL: What's the lot coverage that
10 you're proposing on the proposed residence?

11 MR. BRAVO: It's the 35 percent that's
12 allowable by Code.

13 MR. GRABIEL: And that's what's shown in
14 there?

15 MR. BRAVO: Yes. It's slightly under.
16 It's slightly under, yes.

17 MR. GRABIEL: Slightly under?

18 MR. BRAVO: Yes.

19 MR. GRABIEL: So you could not build
20 anything -- The house on that site could not be
21 bigger, the lot coverage will not be bigger
22 than what you've shown in there?

23 MR. BRAVO: No. By Code, we would not be
24 allowed to.

25 MR. GRABIEL: So, in reality, the open

1 space around the house, it's what's in here.
2 It's just the shape, which could --

3 The setback, you're at the setback that's
4 required, or you have that as part of the --
5 trying to match the existing home?

6 MR. BRAVO: Well, the setbacks are in
7 compliance, the rear and the side setbacks. 20
8 percent of the lot width is in compliance, 10
9 feet. In fact, the 10-foot on the east side is
10 to the garage in the back, to kind of mimic
11 what we had on the opposite side, and if you
12 look at the way we designed it, I just laid out
13 that conceptual site plan. We put that garage
14 on the opposite side just to kind of preserve
15 some light and air between both the properties.
16 But yeah, it's -- and it will be a two-story
17 house, so I mean, at this point, the footprint
18 is -- you're limited to the footprint, that
19 will be two stories, so therefore, it won't be
20 taking up the majority of the site.

21 MR. GRABIEL: What's the maximum amount of
22 square foot that you can build?

23 MR. BRAVO: 6,400 square feet of FAR,
24 according to the Code, if it were to be maxed
25 out.

1 MR. GRABIEL: Okay.
 2 MR. BRAVO: That includes the entire
 3 garage, and it's a two-car garage.
 4 MR. GRABIEL: Okay, and what did you say
 5 the footprint was, actual area of footprint?
 6 MR. BRAVO: Well, actually, no, to correct
 7 myself from earlier, what we had proposed --
 8 The lot coverage proposed is 28 percent on this
 9 sketch. On this conceptual drawing, we're at
 10 28 percent, when 35 is allowed, but that,
 11 again, is just with this particular sketch.
 12 MS. KEON: So it could be bigger?
 13 MR. BEHAR: It could be bigger.
 14 MR. BRAVO: It could be a little bit bigger
 15 than what's here, to clarify.
 16 MR. BEHAR: It could be bigger, and that's
 17 why I like what you gave us, because, you know,
 18 this is a proposed and, you know --
 19 CHAIRMAN AIZENSTAT: This is what you gave
 20 us. This is what you're asking us to look at.
 21 MR. BEHAR: I mean, seven percent more,
 22 yeah. I mean, I don't know if we're going to
 23 cover the seven percent. You know, you could
 24 maintain -- We could impose a 10-foot setback,
 25 which the Code requires, but the footprint, you

1 may decide not to do it on that two story, and
 2 do it one story that covers 6,100 square feet
 3 of the house -- of the lot.
 4 MR. BRAVO: No, you really couldn't do
 5 that, because the maximum would be --
 6 MR. BEHAR: 35 percent.
 7 MR. BRAVO: Right, and that includes the
 8 garage, too.
 9 MR. BEHAR: Yeah, so the lot coverage is
 10 6,125 square feet. You know, I personally like
 11 what you're doing because you're providing more
 12 open space.
 13 CHAIRMAN AIZENSTAT: You did a nice job.
 14 MR. BEHAR: You know, you sold me on this.
 15 MR. BRAVO: That was, I guess, a
 16 double-edged sword, submitting a site plan
 17 or --
 18 CHAIRMAN AIZENSTAT: Well, you could have --
 19 MR. SALMAN: It shouldn't be. And with all
 20 deference to my esteemed colleagues, the matter
 21 before us today is whether or not it's
 22 appropriate and allowable to separate these two
 23 lots, and as far as I see it, they've met the
 24 conditions that they're required to. I also
 25 have opinions on the architecture that I'm

1 keeping to myself, that have to do with certain
 2 things, but, you know, I think you've done a
 3 good job and we're not here to comment on that.
 4 From a level of appropriateness, I don't
 5 feel that I could support your motion. I think
 6 that we have a Board of Architects whose job is
 7 to do that, and what we're talking about is a
 8 matter of paving approaching a property line,
 9 and that's a detail issue that really is a
 10 Board of Architects question, as to whether or
 11 not that's going to work, and as long as it
 12 meets Code, and everything I see here, from a
 13 50-foot setback, from a side setback, from a
 14 rear setback, this is just an example of what
 15 could be done.
 16 CHAIRMAN AIZENSTAT: Haven't we always
 17 asked, though, for a site plan?
 18 MR. SALMAN: No. Absolutely not.
 19 MS. KEON: No.
 20 MR. SALMAN: Not a final.
 21 MS. KEON: Not a final.
 22 MR. SALMAN: We're asking for now is a
 23 final, when all we need is a conceptual.
 24 That's it.
 25 MR. BEHAR: Javier, I hear what you're

1 saying. I will respectfully disagree with you.
 2 I am not getting involved in the architecture.
 3 I'm just saying a footprint. Footprint does
 4 not mean I'm getting involved in the
 5 architecture of the structure. That's his
 6 responsibility, his job to do, and the Board of
 7 Architects and Historic Preservation to approve
 8 it, but I think that we have a responsibility
 9 to the adjacent neighbors to say, "Listen, you
 10 know, we want to preserve, you know, a minimum
 11 open space on the side of the property," which
 12 is the only -- you know, really, what I'm
 13 requiring for them to preserve, the 10-foot on
 14 there, it may be -- to you, it may not be
 15 significant. To me, it is.
 16 MR. SALMAN: We're looking at 10-foot above
 17 the ground. What you're looking at is 10-foot
 18 on the ground.
 19 MR. BEHAR: What I'm looking --
 20 MR. SALMAN: You're looking at -- The only
 21 thing that exceeds the 10-foot is the paving
 22 for the motor court.
 23 MR. BEHAR: Correct, but they're coming
 24 within three feet of that. I mean, you think
 25 that on a lot -- professionally, you think that

1 three feet on a brand new driveway is adequate,
2 when the proposed structure is not even -- you
3 know, is 10 feet away?

4 MR. BRAVO: Mr. Behar, the setback for the
5 driveway is shown at five feet, a good buffer.

6 We can -- you know, it's up to them to
7 decide about the 10 feet, but it is shown at
8 five feet, not at three.

9 MR. BEHAR: Okay. I'm -- Maybe I'm --
10 Maybe it's time. Maybe it's time to go.

11 MR. SALMAN: It's late. It's late.

12 MR. BEHAR: Okay.

13 CHAIRMAN AIZENSTAT: I agree with -- I
14 agree with Robert, as far as with the footprint
15 and with the 10 feet, even if it's five feet.
16 That's just my opinion, also.

17 MR. GRABIEL: If I can ask a question.
18 When you are -- In the proposal, you're saying
19 that the lot coverage proposal is 28 percent,
20 4,900 square feet. Is that a commitment, that
21 the lot coverage for the new house, even if the
22 change -- the shape of the house changes,
23 you'll keep it at that 28 percent?

24 MR. BRAVO: I wouldn't commit to that. I
25 mean --

1 CHAIRMAN AIZENSTAT: Well, that's his
2 question.

3 MR. BEHAR: Yeah. I mean, I would be okay
4 with that.

5 MR. GRABIEL: In other words, your ground
6 floor would be at 4,900 hundred square feet,
7 just like you're proposing here, at 28 percent.
8 You could have gone 6,000, but you're saying in
9 your document that the lot coverage proposed is
10 4,900 square feet, which is 28 percent. I
11 think I can support this without tying you to
12 the shape of the house, as long as you keep
13 that lot coverage at 28 percent, just like
14 that.

15 MR. BEHAR: That would satisfy me, as well.

16 MR. BRAVO: Well, that's kind of a moving
17 target. I mean, it depends, if we design
18 bigger terraces -- I mean, there's a lot of
19 design to be done on this thing. We haven't
20 even gotten that deep into it. I would hate to
21 tie ourselves into the 28 percent. Assuming
22 the garage and the house are a further
23 distance, then we're going to -- I mean,
24 there's so many variables that go against that
25 lot coverage that I think it would be difficult

1 to tie it in to that. I would really hope not
2 to. I mean, 28 -- This is a graphic
3 representation of what could be done there.

4 MR. BEHAR: I understand.

5 MR. BRAVO: And it ended up being that
6 square footage. It's not exactly what we're
7 proposing.

8 MR. FLANAGAN: But I think you're hearing,
9 there's some Board members, I think, who have
10 some serious concerns.

11 I think, Julio, that's a good compromise.

12 You're not stuck to a footprint. You know,
13 you end up with a development envelope, and you
14 can configure it however you want. I
15 definitely agree with Robert on the 10 feet on
16 the east side, that's for sure, and I think the
17 full-blown site plan, maybe not, but I think
18 Julio's compromise is a very fair one, based on
19 the discussions, at least that I'm hearing from
20 the Board.

21 MR. RIEL: Board Members, just to -- kind
22 of some history. When other applications have
23 come through, in advance of redoing the
24 Single-Family regulations, when the height was
25 35 feet, there were conditions put on

1 properties that would reduce the size or
2 intensity of the development, such as, you
3 know, reductions in the height of the building,
4 reductions in the open space and that sort, so
5 there have been conditions in the past that
6 have allowed the applicants the flexibility to
7 design, but within reduced parameters of the
8 Code, so that is an option that's available, as
9 well.

10 MR. SALMAN: Again, but let me remind you
11 what you preceded your statement with, which
12 was prior to the institution of the new Code.

13 MR. RIEL: Right.

14 MR. SALMAN: The new Code creates much
15 greater limits as to the amount of square
16 footage and height that's allowed. If we then
17 further proscribe, we're creating a greater
18 threshold of regulation for this particular
19 site, beyond what we've already required for
20 everybody else, solely because -- solely
21 because he's coming in to divide what are
22 already two separate lots, that only happen to
23 have the -- only happen to have the unifying
24 factor of a wall along the front, all right?

25 And I agree with Julio's position that this

1 property has been a gap in the smile of Coral
2 Way for ever and ever, and it's been somewhat
3 unkempt for the last 20 years. Nothing has
4 been growing on it. It looks like a big vacant
5 lot. And to further instill restrictions on
6 what has already become a more restrictive
7 Code, I think belies the effort that this Board
8 made, over a period of five years, to look at
9 this issue.

10 Quite honestly, I think that I'm very
11 comfortable in moving forward with the
12 recommendations as given by Staff and as
13 accepted by the applicant. I don't see the
14 need to impose any further restrictions.

15 CHAIRMAN AIZENSTAT: Well, I mean,
16 Robert --

17 MR. BEHAR: I'm going to withdraw my
18 motion, then.

19 CHAIRMAN AIZENSTAT: Would you like to make
20 a new motion?

21 MR. SALMAN: I'd like to make a motion to
22 approve, subject to the conditions of Staff,
23 and if I can turn my phone -- It's probably my
24 wife. I bet you five dollars it's my wife.
25 There she is, all right.

1 I'm in a Board meeting. Good-bye.
2 And for that purpose, I'd like to make that
3 motion.

4 MS. KEON: What about --

5 CHAIRMAN AIZENSTAT: So, to be clear, your
6 motion is just as --

7 MR. SALMAN: Approved as per Staff
8 recommendation and as accepted by the
9 applicant.

10 CHAIRMAN AIZENSTAT: Is there --

11 MS. KEON: I'll second the motion.

12 CHAIRMAN AIZENSTAT: You'll second the
13 motion?

14 MS. KEON: Yes.

15 CHAIRMAN AIZENSTAT: Comments, questions?

16 MR. LEEN: Well, can I ask one legal point,
17 clarification? Are you accepting Staff's
18 findings as to the four out of six issues?

19 MR. SALMAN: Yes, that's correct.

20 MS. KEON: The item -- What was the item,
21 that you -- when you were going to propose it,
22 you were asking for an additional condition.
23 What was that condition?

24 MR. LAGO: The 10 feet setback.

25 MS. KEON: A 10-foot setback on the

1 wall beside --

2 MR. BEHAR: On the drive.

3 MR. SALMAN: On the driveway. The wall --
4 The building is already 10 feet --

5 MR. BEHAR: On the drive, and maintaining
6 the footprint of 28 percent of lot coverage,
7 which is 4,900 square feet, but that's not --

8 That was not my motion. Javier made a motion.

9 CHAIRMAN AIZENSTAT: Javier made a motion.

10 MS. KEON: No, I wanted to go back to ask
11 what it was, and I seconded his motion, yes.

12 CHAIRMAN AIZENSTAT: Any other comments or
13 concerns on the motion?

14 MR. BEHAR: Call the roll.

15 CHAIRMAN AIZENSTAT: We have a motion and
16 second. Call the roll, please.

17 MS. MENENDEZ: Julio Grabiell?

18 MR. GRABIEL: Yes.

19 MS. MENENDEZ: Pat Keon?

20 MS. KEON: Yes.

21 MS. MENENDEZ: Vince Lago?

22 MR. LAGO: Yes.

23 MS. MENENDEZ: Javier Salman?

24 MR. SALMAN: Yes.

25 MS. MENENDEZ: Robert Behar?

1 MR. BEHAR: No.

2 MS. MENENDEZ: Jeff Flanagan?

3 MR. FLANAGAN: No.

4 MS. MENENDEZ: Eibi Aizenstat?

5 CHAIRMAN AIZENSTAT: No.

6 MR. BEHAR: Four-three. You got it.

7 MR. KLEINMAN: Thank you.

8 CHAIRMAN AIZENSTAT: Thank you.

9 MR. RIEL: And just for everybody's
10 information, this is going to the Commission on
11 July 24th.

12 CHAIRMAN AIZENSTAT: On July 24th? Okay.

13 Eric, seeing that there's no other
14 agenda -- Our next meeting is scheduled for
15 when?

16 MR. RIEL: July 11th.

17 MS. KEON: I won't be here.

18 CHAIRMAN AIZENSTAT: Thank you very much,
19 and we are adjourned.

20 (Thereupon, the meeting was adjourned at
21 7:11 p.m.)
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CERTIFICATE

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STATE OF FLORIDA:
SS.
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate
Reporter, Florida Professional Reporter, and a Notary
Public for the State of Florida at Large, do hereby
certify that I was authorized to and did
stenographically report the foregoing proceedings and
that the transcript is a true and complete record of my
stenographic notes.

I further certify that all public speakers were
duly sworn by me.

DATED this 20th day of June, 2012.

SIGNED COPY ON FILE

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192.
My Notary Commission expires 6/14/15.