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Adjustment, only for historically designated buildings.

CHAIRMAN AIZENSTAT: That answers my question.

MS. SPAIN: Because they understand the issues.

CHAIRMAN AIZENSTAT: Okay.

Any other comments?

MS. SPAIN: Now that we're thoroughly confused?

CHAIRMAN AIZENSTAT: Would anybody like to make a motion?

MR. FLANAGAN: I'll move it.

MR. GRABIEL: Second it.

CHAIRMAN AIZENSTAT: As is? Any comments?

MR. FLANAGAN: Do you want your language, or do you want to deal with that later?

MR. LEEN: Well, maybe you could -- Instead of putting an amendment, maybe just a suggestion to the City Attorney and Staff to look at adding some language regarding the Code compliance.

MS. ALBERRO MENENDEZ: Okay.

MS. SPAIN: Yeah, I like that.

CHAIRMAN AIZENSTAT: Is that okay with your

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motion?

MR. FLANAGAN: Yeah, that's fine.

CHAIRMAN AIZENSTAT: Julio, the second?

MR. GRABIEL: Yes.

CHAIRMAN AIZENSTAT: Any other comments?

Having heard none, call the roll, please.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: Yes.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Julio Grabiell?

MR. GRABIEL: Yes.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Yes.

MS. SPAIN: Thank you very much.

CHAIRMAN AIZENSTAT: Thank you, Dona.

The next item and the final item on our agenda tonight is an Ordinance of the City Commission of Coral Gables, Florida, repealing Sections 101-20, 101-21, 101-22, 101-23, 101-24, 101-25, and 101-26 of Article 2,

"Development Review Committee," of Chapter 101, Administration and Enforcement, of the Coral Gables Code of Ordinances in its entirety; and Division 8 of Article 2, Decision Making and Administrative Bodies, of the Official Zoning Code of Coral Gables in its entirety; amending Section 101-19, Development Review Committee, of Chapter 101, Administration and Enforcement, of the Coral Gables Code of Ordinances; and providing for a new Division 8, of Article 2, Official Zoning Code of Coral Gables, by updating, revising and codifying Development Review Committee, known as DRC, procedures and review requirements as originally established in Ordinance Number 2003-45; providing for severability, repealer, codification and an effective date.

MR. WU: Thank you, Mr. Chair. We believe this is a housekeeping matter. In 2003, the City Commission adopted extensive City Code provisions related to Development Review Committee, and during the Code rewrite, we also adopted some provisions, rather minor, in the Zoning Code.

So we have two provisions in the City Code

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and the Zoning Code that speak to the DRC, the Development Review Committee.

At the same time, 10 years later, since 2003, we have since -- We have new practices as to how we conduct the Development Review Committee, some things we do, some things we do not any longer, so we thought it would be more practical to repeal both sections and readopt sections in the Zoning Code, and it resides in the Zoning Code, and update the Development Review in terms of its makeup, its processes and its scheduling.

So, to start off with, we copied the purpose and intent into the Zoning Code provision. We have clarified what types of applications go before the DRC, and we also have a provision for discretionary or the items that the Staff can determine whether to take before the DRC. For example, we used to take all cases when you have a tenant change-out before the DRC, and we thought they were rather minor, but the Code does tie our hands to take it before the DRC, and we'd like to make that discretionary.

The membership remains the same. The

responsibilities generally are the same. The applications, we have greatly reduced that into one paragraph, the City Code provisions that spell out in minute detail what constitutes the application form, and we do have that in-house and maintain it in-house by the Planning and Zoning Division. We do have a requirement of pre-application meeting. We clarified that DRC meetings that used to be required twice a month are now required once a month, and we do have the discretion to call for special DRC meetings, if warranted. Pretty much the scheduling stays the same. We require the same amount, the 21 days in advance. The posting requirement for the DRC also stays the same.

Essentially, we modified -- we're modernizing, streamlining the Code, consolidating both sections, and resolving some of the conflicts between the two codes.

Hopefully, Staff is here to answer any questions you may have.

MS. ALBERRO MENENDEZ: I have a suggestion or -- In the new ordinance, under Section 2-801, where you put purpose and intent, and I don't know if this is what you all have

experienced, but I remember that one of the biggest problems we had with the DRC and the public is that the public -- because we post it, which we should, the public thought that they could come and speak on the project.

So what I was going to suggest, because it is a public review, but it's not a public hearing, because it's a technical staff, it's not elected officials or appointed officials, and I just thought that it was important, since you're doing this, to perhaps make a statement in the ordinance as to the purpose of the meeting, that it is a public review, that no public input, you know --

CHAIRMAN AIZENSTAT: Is allowed.

MS. ALBERRO MENENDEZ: -- is allowed. I mean, whichever way you want to do it so it's not, you know, that it sounds harsh, but I think by emphasizing that it's a technical review by City administrators, City Staff, because I remember, that used to be an issue for us, and we used to always have to deal with people challenging that.

So I would suggest you try to make that clear in the ordinance, so that anyone that

reads it is clear that it's not for a public meeting, but it's a public review. They're welcome to come and view it and ask questions, maybe, later, but during the meeting, it's a public review, would be my suggestion.

MR. LEEN: You know, I have a thought on that, too, because you know, under the Sunshine Law, my view is that -- and it has been since I've been here -- is that this is a Staff committee and it's a non-decision-making committee, so it's not subject to the Sunshine Law, which is very important, because otherwise the Staff could not speak to each other about the project, which would --

CHAIRMAN AIZENSTAT: Defeat the whole purpose.

MR. LEEN: -- defeat the whole purpose of everything and it would be very difficult to proceed with any project. So I do think it would be worthwhile to add, maybe, a sentence at the end that says that -- or it could be at the beginning, because right now, it says, "The Development Review Committee is an administrative committee." Maybe we could put, "is an administrative staff committee," and

maybe at the end, put that, you know, although this is open to public review, public comment is not required.

I mean, you could prohibit it, but then if we prohibit it, we cannot allow anyone to speak --

MS. ALBERRO MENENDEZ: I think we did do that.

MR. LEEN: -- and you're talking about every circumstance now. I don't know, if there is no discretion, if we ever do allow someone to speak, then it could cause a problem.

CHAIRMAN AIZENSTAT: Ramon?

MR. TRIAS: Yes, Mr. Chair. Thank you very much. Currently, I chair that committee, and it is very rare that we have any citizens wanting to speak. However, the two or three times where they wanted to speak, I have allowed them to speak, and I think that was a good decision in the sense that it made the meeting much more productive. I think it's okay to say that it's mostly a staff committee, but I think the chair should have the discretion. It really made the process much better. I think that --

MS. ALBERRO MENENDEZ: The problem is that when you start -- Staff is providing their professional opinion, and it really should not be impacted by the public input. You know, a building official is looking at the Building Code. The Public Service Director is looking at the trees. The Public Works Director is looking at the traffic impact. You know, to allow public input, the public is going to think that they're going to weigh in on that decision, and again, it's not a decision; it's more of a technical committee. So, if you allow public input, you're getting into a situation that the minute you put a development close to a residential neighborhood, and it goes through a DRC process and people find out about it, you're going to have a lot of people wanting to speak on it.

You've been fortunate. We had cases, before you got here, that we had this room filled, and we had to tell them, "I'm sorry, this not for public input."

MR. TRIAS: Yeah, and, Ms. Menendez, I think you're right on that. There has to be a point at which it's very clear, and I make it

false."

MS. ALBERRO MENENDEZ: Do you swear them in?

MR. LEEN: Well, no, we don't swear them in.

MS. ALBERRO MENENDEZ: That's the thing, so --

MR. LEEN: We don't swear them in.

MS. ALBERRO MENENDEZ: Once you start allowing public input, you start creating this atmosphere that, who's saying the truth?

MR. LEEN: I'm just worried that if we prohibit it, it's going to happen, though, probably. You know, it doesn't mean that it won't happen.

MS. ALBERRO MENENDEZ: It will happen when it comes to us. It will happen when it goes to the Commission. That's where the public input is warranted. Listen, it's a suggestion, just based on my experience.

MR. LEEN: It's a good point.

MR. TRIAS: And it's a very good one.

MS. ALBERRO MENENDEZ: And it's one that if you don't say it here, you're not going to win that battle and you're going to have to allow

very clear, this is a very informal meeting. It is for the benefit of the applicant. No decisions are made -- because that's very important. No decisions are made, as far as approving or denying a project.

So, in that context, in some cases, I think there should be some discretion, but in other cases, yeah, you need to certainly say, "Look, you know, this is not a public hearing."

MS. ALBERRO MENENDEZ: It's up to our attorney.

MR. LEEN: Maybe what you could say is -- Maybe at the end, you could say, "This is a non-decision-making staff committee, and public comment is not intended, and the process does not intend for public comment."

CHAIRMAN AIZENSTAT: That's actually --

MR. TRIAS: Some language that --

MR. LEEN: So you're talking about intent, and you're saying it's not intended. You're making that clear, but maybe -- you know, I could imagine a circumstance where a neighbor, maybe some information presented to the committee is wrong, and the person wants to stand up and say, "Oh, well, what they said was

public input, and it's going to prolong the technical review of a project, but it's up to you.

MR. LEEN: Well, actually, it's --

MR. TRIAS: Just one final comment. What I would do is probably ask Craig to clarify the intent, as an informal discussion, and discouraging, perhaps --

MR. LEEN: Public comment is not intended.

MS. ALBERRO MENENDEZ: But if everyone --

MR. TRIAS: But not prohibited, a hundred percent, just in case.

MR. BELLIN: Ramon, I --

MR. TRIAS: Yes, sir.

MR. BELLIN: To me, there's always been sort of a little misunderstanding with respect to the DRC, and my experience is, most people think that it's an approval process, and -- because it's not really clear. It's not an approval process.

MR. TRIAS: No, it's not.

MR. BELLIN: We all know that, but I think it needs to be very clear that it's not an approval, and if it's not an approval process --

MR. TRIAS: It is for the benefit of the applicant to get input from Staff and to realize if there are any issues, and if it is beneficial to listen to a citizen who's there, the applicant certainly should have that opportunity. I mean, that's my view. It's worked very well so far.

CHAIRMAN AIZENSTAT: It's also very informative. It allows residents that want to come and listen --

MS. ALBERRO MENENDEZ: Absolutely.

CHAIRMAN AIZENSTAT: -- to be informed, and sometimes they learn more about a project, as opposed to something which they think is happening which isn't happening.

MS. ALBERRO MENENDEZ: Right.

MR. WU: Mr. Chair, I feel pretty confident we can come up with some language that will meet our goals on it.

CHAIRMAN AIZENSTAT: Jeff, did you have any comments?

MR. FLANAGAN: No.

CHAIRMAN AIZENSTAT: Julio?

MR. GRABIEL: No.

MR. BELLO: No.

CHAIRMAN AIZENSTAT: Marshall, anything further?

MR. BELLIN: No.

CHAIRMAN AIZENSTAT: Do we need a motion on this?

MR. LEEN: Yes.

CHAIRMAN AIZENSTAT: Is there anybody that would like to make a motion?

MR. FLANAGAN: So moved.

CHAIRMAN AIZENSTAT: Is that so moved with allowing Staff to come up with some kind of language?

MR. WU: To address the public comment.

CHAIRMAN AIZENSTAT: To address that issue?

MR. FLANAGAN: Okay.

CHAIRMAN AIZENSTAT: We have a motion. Is there a second?

MR. BELLO: Second.

CHAIRMAN AIZENSTAT: We have a second. Any discussion?

Call the roll, please.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Julio Grabiell?

MR. GRABIEL: Yes.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: Yes.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Yes.

This concludes our --

MR. WU: Mr. Chair, if I may, I'd like to introduce a new Staff member from the Planning and Zoning Division.

CHAIRMAN AIZENSTAT: Please, if you could come up and --

MR. WU: It's a great honor to introduce Ms. Megan McLaughlin, who recently came from the City of Miami.

CHAIRMAN AIZENSTAT: I'm sorry, from where?

MR. WU: Megan McLaughlin --

CHAIRMAN AIZENSTAT: No, from what city?

MR. WU: The City of Miami --

CHAIRMAN AIZENSTAT: Oh.

MR. WU: -- from the Historic Preservation Office, and she also brought a number of years with Dover Kohl, a local -- world-known

architecture and urban planning firm, Dover Kohl & Associates.

Megan?

CHAIRMAN AIZENSTAT: Could you tell us a little bit about yourself?

MS. McLAUGHLIN: Sure. Thank you for having me this afternoon. I'm very, very happy to be here, and the last three days have been a very positive experience.

My background is in architecture and planning. I have a Bachelor's from the College of William and Mary, in art history, and a Master's in Architecture from the University of Miami. And my first professional experience coming out of the Master's was working with Dover Kohl & Partners, as a town planner and also managing projects. We did a number of projects throughout the country. And for the last two years, I've been working at the City of Miami, in the Preservation Office, and most recently as the preservation officer there.

CHAIRMAN AIZENSTAT: Thank you. Welcome.

MR. WU: This position is the City Planner position.

CHAIRMAN AIZENSTAT: As the City Planner?