

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
TUESDAY, FEBRUARY 20, 2024, COMMENCING AT 6:02 P.M.

Board Members Present:

Eibi Aizenstat, Chairman
Robert Behar
Julio Grabiell
Javier Salman
Sue Kawalerski

City Staff and Consultants:

Jill Menendez, Administrative Assistant, Board Secretary
Jennifer Garcia, City Planner
Craig Collier, Special Counsel
Arceli Redila, Zoning Administrator

Also Participating:

Jorge Navarro, Esq., on behalf of Items E-1, E-2 and E-3
Edward Martos, Esq., on behalf of TFFO, LLC

City of Coral Gables has returned to traditional in-person meetings; however, the Planning and Zoning Board has established the ability for the public to provide comments virtually.

For those members of the public who are appearing on Zoom and wish to testify, you must be visible to the court reporter to be sworn in. Otherwise, if you speak without being sworn in, your comments may not have evidentiary value.

Lobbyist Registration and Disclosure, any person who acts as a lobbyist must register with the City Clerk, as required pursuant to City Code.

As Chair, I now officially call the City of Coral Gables Planning and Zoning Board Meeting of February 20th, 2024 to order. The time is 6:02.

Jill, if you'd please call the roll.

THE SECRETARY: Robert Behar?

MR. BEHAR: Here.

THE SECRETARY: Julio Grabiell?

MR. GRABIELL: Here.

THE SECRETARY: Sue Kawalerski?

(Thereupon, the following proceedings were held.)

CHAIRMAN AIZENSTAT: All right. I'd like to go ahead and start the meeting, please.

I'd like to call the meeting to order. I'd like to ask for all phones and beepers, if you have any, to please silence them.

Good evening. This Board is comprised of seven members. Four Members of the Board shall constitute a quorum, and the affirmative vote of four Members shall be necessary for the adoption of any motion. If only four Members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to a lack of quorum, the Chairperson or Secretary of the Board may set a Special Meeting to consider such matter. In the event that four votes are not obtained, an applicant may, except in the case of a Comprehensive Plan Amendment, request a continuance or allow the application to proceed to the City Commission without a recommendation.

Pursuant to Resolution Number 2021-118, the

MS. KAWALERSKI: Here.

THE SECRETARY: Mr. Pardo asked to be excused. He's out of town.

CHAIRMAN AIZENSTAT: Okay.

THE SECRETARY: Javier Salman?

MR. SALMAN: Present.

THE SECRETARY: Chip Withers? Also asked to be excused. He's out of town.

CHAIRMAN AIZENSTAT: Correct.

THE SECRETARY: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

Notice Regarding Ex Parte Communications, please be advised that this Board is a quasi-judicial board, which requires Board Members to disclose all ex parte communication and site visits. An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum or other written or verbal communication, that takes place outside of a public hearing, between a member of the public and a member of the quasi-judicial board regarding matters to be heard by the Board.

If anyone made any contact with a Board Member regarding an issue before the Board, the

1 Board Member must state, on the record, the
2 existence of the ex parte communication and the
3 party who originated the communication. Also,
4 if a Board Member conducted a site visit
5 specifically related to the case before the
6 Board, the Board Member must also disclose such
7 visit.

8 In either case, the Board Member must
9 state, on the record, whether the ex parte
10 communication and/or site visit will affect the
11 Board Member's ability to impartially consider
12 the evidence to be presented regarding the
13 matter. The Board Member should also state
14 that his or her decision will be based on
15 substantial competent evidence and testimony
16 presented on the record today.

17 Does any Member of the Board have such a
18 communication and/or site visit to disclose at
19 this time?

20 MR. GRABIEL: No.

21 MR. SALMAN: No.

22 MR. BEHAR: No.

23 CHAIRMAN AIZENSTAT: I did receive an
24 e-mail from an individual, and I went ahead and
25 forwarded that e-mail to City Staff and

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1 phone platform participants to comment on
2 tonight's agenda items. I also you ask to be
3 concise, for the interest of time.

4 First is the approval of the minutes of
5 January 10, 2024. Has everybody had a chance
6 to take a look at those?

7 Is there a motion?

8 MR. SALMAN: So moved.

9 MR. GRABIEL: I'll move it.

10 CHAIRMAN AIZENSTAT: Julio made a motion.

11 MR. SALMAN: I'll second.

12 CHAIRMAN AIZENSTAT: We have a second. Any
13 comments?

14 Call the roll, please.

15 THE SECRETARY: Julio Grabiél?

16 MR. GRABIEL: Here. Yes.

17 THE SECRETARY: Sue Kawalerski?

18 MS. KAWALERSKI: Here.

19 CHAIRMAN AIZENSTAT: That's a --

20 MS. KAWALERSKI: Yes. I'm sorry, yes.

21 THE SECRETARY: Yes.

22 CHAIRMAN AIZENSTAT: You were following
23 Julio.

24 THE SECRETARY: Javier Salman?

25 MR. SALMAN: "Si."

7

1 Counsel, for the record.

2 Swearing In, everyone who speaks this
3 evening must complete the roster on the podium.
4 We ask that you print clearly, so the official
5 records of your name and address will be
6 correct.

7 Now, with the exception of attorneys, all
8 persons physically in the City Commission
9 Chamber, who will speak on agenda items before
10 us this evening, please rise to be sworn in.

11 Anybody else going to be speaking on any
12 agenda items tonight, besides attorneys? No?
13 Raise your hand, please.

14 (Thereupon, the participants were sworn.)

15 CHAIRMAN AIZENSTAT: Thank you.

16 Zoom platform participants, I will ask any
17 person wishing to speak on tonight's agenda
18 items to please open your chat and send a
19 direct message to Jill Menendez, stating you
20 would like to speak before the Board, and
21 include your full name. Jill will call you
22 when it's your turn. I ask you to be concise,
23 for the interest of time.

24 Phone platform participants, after Zoom
25 platform participants are done, I will ask

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1 THE SECRETARY: Robert Behar?

2 MR. BEHAR: Here. Yes.

3 Might as well.

4 THE SECRETARY: Eibi Aizenstat?

5 CHAIRMAN AIZENSTAT: Yes.

6 Thank you to all of those involved.

7 The procedure that we will use for tonight,
8 identification of agenda item, first, by
9 Mr. Coller, presentation by applicant or agent,
10 then presentation by Staff. I'll go ahead and
11 open the public comment, first in Chamber, then
12 Zoom platform, and then phone line platform.
13 Afterwards, I'll go ahead and close the public
14 comment, we'll have Board discussion, and a
15 motion, discussion, and second of motion, if
16 necessary. We'll have the Board's final
17 comments and a vote.

18 Mr. Coller, we have the first agenda item,
19 and I think Mr. Behar will be -- will excuse
20 himself for that agenda item.

21 MR. BEHAR: Yes. I will recuse myself,
22 but --

23 CHAIRMAN AIZENSTAT: Go ahead.

24 MR. BEHAR: But we may not have to recuse
25 myself. I think the attorney is going to say

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1 something on this matter.
2 MR. COLLIER: Well, if he's seeking a motion
3 to defer, you ought not to be present for that
4 motion. So this will be -- for those items,
5 this would be the time where you should remove
6 yourself.

7 MR. BEHAR: Okay. Then I'm going to step
8 outside.

9 CHAIRMAN AIZENSTAT: Thank you, sir.

10 Please let the record reflect that Robert
11 Behar has excused -- recused himself or excused
12 himself and is going outside.

13 Mr. Collier, would you like to read the
14 first item into the record?

15 MR. COLLIER: Well, if there's going to be a
16 request for a motion to defer, then we don't
17 need to read the titles in.

18 CHAIRMAN AIZENSTAT: Okay.

19 MR. NAVARRO: Hopefully I can make this
20 simple. Good evening, Mr. Chair, Board
21 Members. Jorge Navarro, with offices at 333
22 Southeast 2nd Avenue. I'm here on behalf of
23 the applicant. I have my client here with me,
24 as well.

25 We, obviously -- this is a very unique and

1 and Item --

2 MR. MARTOS: Mr. Collier --

3 MR. COLLIER: I'm sorry?

4 CHAIRMAN AIZENSTAT: If I may, this is a
5 vote by the Board and not the outside public.

6 MR. MARTOS: I understand. I just want to
7 appear on the record, because Mr. Collier
8 mentioned if there are any objectors, I am an
9 objector, who is seeking a deferral, as well.
10 So I just want to be noted on the record as
11 being present.

12 My name is Edward Martos. I'm here on
13 behalf of TFFO, LLC, the property owner to the
14 south, at 129 Sevilla Avenue. Thank you.

15 CHAIRMAN AIZENSTAT: Thank you.

16 MR. COLLIER: That's fine.

17 And in this case, because the rules provide
18 that the applicant is entitled to a deferral,
19 it's not that the objectors could object to a
20 deferral. There are circumstances where
21 objectors might be able to object to a
22 deferral, but in this case, the rules provide
23 that when there's only four members, the
24 applicant is entitled to a deferral to the next
25 meeting.

1 special project in the southern portion of your
2 Downtown. Since June of last year, we've been
3 working intimately with the single-family
4 homeowners that are directly east of us and
5 we've been able to have a lot of positive
6 discussions. I think this is a project that
7 merits a full Board, because of the Land Use
8 Amendment request.

9 So, with that, I would kindly ask for this
10 item to be deferred. It gives us a little bit
11 more time to speak with some more residents and
12 also have an opportunity to get input from the
13 full Board, since I think one of these items
14 requires at least four votes to move forward.

15 CHAIRMAN AIZENSTAT: Correct.

16 Mr. Collier, a question for you. Do we need
17 to take a vote on this or is it an automatic
18 continuance that's being requested, because of
19 the --

20 MR. COLLIER: No. We would take a vote on
21 it.

22 Are there any objectors present?

23 Okay. So, yes, we do need to take a formal
24 vote on deferral. This would be deferral of
25 Item E-1, that's 24-6967, Item E-2, 224-6968,

1 CHAIRMAN AIZENSTAT: Understood.

2 Jill, call the roll, please.

3 MR. COLLIER: These are on both -- Items
4 E-1, E-2 and E-3.

5 CHAIRMAN AIZENSTAT: To defer.

6 MR. COLLIER: To defer. Wait a minute.
7 Let's get a date for the next meeting.

8 CHAIRMAN AIZENSTAT: Date certain to the
9 next meeting, so you don't have to advertise.

10 MR. NAVARRO: Yeah, to March 13th, I
11 believe is the next meeting, if I'm not
12 mistaken.

13 MR. GRABIEL: Correct.

14 CHAIRMAN AIZENSTAT: That is correct.

15 THE SECRETARY: That's correct.

16 MR. COLLIER: So there will be no further
17 advertising, unless the Department intends to
18 advertise anyway, so -- but we're announcing
19 the date now. What was it, March 13th?

20 CHAIRMAN AIZENSTAT: March 13, 2024.

21 MR. COLLIER: At our normal time.

22 CHAIRMAN AIZENSTAT: 6:00 p.m.

23 THE SECRETARY: It's at -- in the bottom
24 of the agenda, it states the next Board Meeting
25 date.

1 MR. COLLER: Very good.
 2 CHAIRMAN AIZENSTAT: Thank you. Call the
 3 roll, please.
 4 MR. NAVARRO: We need a motion.
 5 MR. COLLER: There is a motion, isn't
 6 there? Have we had a motion?
 7 MR. NAVARRO: No, we have not.
 8 MR. COLLER: Oh, we haven't had a motion.
 9 MR. SALMAN: I would like to make a motion
 10 that we accept the applicant's request for
 11 deferral and defer this item to March 13th at
 12 6:00 p.m., and that's it.
 13 MS. KAWALERSKI: I second.
 14 MR. GRABIEL: Second. Okay.
 15 CHAIRMAN AIZENSTAT: Sue went ahead and
 16 second.
 17 Call the roll, please.
 18 THE SECRETARY: Julio Grabiel?
 19 MR. GRABIEL: Yes.
 20 THE SECRETARY: Sue Kawalerski?
 21 MS. KAWALERSKI: Yes.
 22 THE SECRETARY: Javier Salman?
 23 MR. SALMAN: Yes.
 24 THE SECRETARY: Eibi Aizenstat?
 25 CHAIRMAN AIZENSTAT: Yes.

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1 MR. NAVARRO: Thank you very much. We look
 2 forward to coming back in March and presenting
 3 our project. Thank you.
 4 CHAIRMAN AIZENSTAT: Thank you.
 5 Would you ask Robert to come back in,
 6 please? Thank you.
 7 MR. GRABIEL: Or not.
 8 CHAIRMAN AIZENSTAT: Or not.
 9 So everybody that is in Chambers for Item
 10 E-1, E-2 and E-3, I just want to let everybody
 11 know that it has been deferred to March 13.
 12 I just want to make sure Robert comes in,
 13 before we read the next item, so he can vote on
 14 it.
 15 Thank you.
 16 Please let the record reflect that Robert
 17 Behar is back in Chambers.
 18 Mr. Coller, if you'll please read E-4.
 19 MR. COLLER: Sure.
 20 Item E-4, an Ordinance of the City
 21 Commission providing for a text amendment to
 22 the City of Coral Gables Official Zoning Code,
 23 Creating Section 5-314 "Windows and Hurricane
 24 Shutters" to regulate the closure of window and
 25 hurricane shutters and amending the City Code,

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1 Chapter 1-General Provisions, Section 1-7
 2 entitled "Penalties" to provide a penalty for
 3 the closure of window and hurricane shutters
 4 outside of the hurricane season; providing
 5 severability clause, repealer provision,
 6 codification, and providing an effective date.
 7 Item E-4, public hearing.
 8 MS. GARCIA: Jennifer Garcia, City Planner.
 9 This was approved at First Reading earlier
 10 in January by the City Commission. It's being
 11 sponsored by a Commissioner --
 12 CHAIRMAN AIZENSTAT: If I may, does
 13 Jennifer need to state an address or is she
 14 okay --
 15 MR. GRABIEL: No. She's --
 16 MS. GARCIA: I'm Staff.
 17 CHAIRMAN AIZENSTAT: City Planner, okay.
 18 MR. COLLER: She's sworn in, too.
 19 CHAIRMAN AIZENSTAT: Yes.
 20 MS. GARCIA: Yes.
 21 So the intent of this is to limit the time
 22 of the year that you can put on window shutters
 23 or any kind of closure to your windows, to only
 24 occur during the hurricane season, which is
 25 June 1st and November 30th.

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1 If there is a time during -- outside of
 2 that window, that someone has enclosures on
 3 their window, they'd be issued a thirty-day
 4 warning by Code Enforcement, and hopefully not
 5 incur too many fines after that thirty-day
 6 warning.
 7 So if you go to Page 2 of your Staff
 8 report, those are the three sentences that
 9 we're adding to Article 5 in regards to windows
 10 and hurricane shutters.
 11 CHAIRMAN AIZENSTAT: Okay.
 12 MS. GARCIA: Do you have any questions?
 13 CHAIRMAN AIZENSTAT: Sue.
 14 MS. KAWALERSKI: And this is for all kinds
 15 of enclosures, like clear plastic, metal?
 16 MS. GARCIA: Yes.
 17 MS. KAWALERSKI: Everything, right?
 18 MS. GARCIA: Uh-huh.
 19 MS. KAWALERSKI: I was a little confused,
 20 when I first read your Staff report, because it
 21 said properties with closed windows or
 22 hurricane shutters, and I was a little worried
 23 about that language, because everyone closes
 24 their windows, but you're talking about the
 25 covering over the window?

16

1 MS. GARCIA: Yeah, the closure of the
2 window. Right.
3 MS. KAWALERSKI: Okay. I just wanted to
4 make sure. It does clarify that in the actual
5 item title. So is this all around the house
6 we're talking about, you can't have any
7 enclosures?

8 MS. GARCIA: Yes.

9 MS. KAWALERSKI: All around the house?

10 MS. GARCIA: Uh-huh. Correct.

11 MS. KAWALERSKI: I would have -- you know,
12 I have some comments about that. I used to --
13 before I had hurricane impact glass windows, I
14 used to have accordions on my French doors, all
15 across the back of my house, and I would go on
16 vacation and I would close them and lock them
17 for security, because if a robber came, I mean,
18 that's added protection for me. It didn't --
19 you couldn't see them from the front or the
20 sides. They were in the back. And I've got,
21 you know, a 16-foot hedge in the back, even my
22 back door neighbors couldn't see them. So I
23 have no issue -- as long as they can't be seen
24 from the street, I have no issue with them
25 being around the house. It's just added

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1 protection from theft, and, from what I hear
2 from next door, there's a lot of theft going
3 on.

4 So if I'm one of those people that doesn't
5 have impact windows, has accordion shutters, I
6 want as much protection as possible if I'm on
7 vacation.

8 MS. GARCIA: Right. So the intent of this
9 is for aesthetic reasons. Maybe we should
10 clarify that and talk with the sponsoring
11 Commissioner, if that's more the concern, it's
12 just whatever is seen from the street, so the
13 back maybe would be okay. We can talk to him
14 about that.

15 CHAIRMAN AIZENSTAT: What I'd like to do is
16 just find out if we have anybody -- open it up
17 for public comment, because there may not be
18 that many people.

19 MS. KAWALERSKI: Okay.

20 CHAIRMAN AIZENSTAT: Jill, do we have
21 anybody here for public comment in Chambers?

22 THE SECRETARY: No.

23 CHAIRMAN AIZENSTAT: Anybody on Zoom?

24 THE SECRETARY: No.

25 CHAIRMAN AIZENSTAT: Anybody on the phone

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1 platform?

2 THE SECRETARY: No.

3 CHAIRMAN AIZENSTAT: Okay. At this time,
4 I'd like to go ahead and close it for public
5 comment.

6 Sue, please continue.

7 MR. COLLIER: Just my point, if the Board
8 feels that there's a concern for security and
9 you wanted to incorporate a recommendation to
10 the Commission, that's obviously one of your
11 roles as a Planning and Zoning Board Member.

12 CHAIRMAN AIZENSTAT: Understood.

13 MS. KAWALERSKI: Okay. And that's one
14 thing that I would recommend, it's just added
15 protection.

16 MR. BEHAR: You know, Sue, this is a very
17 special day. You and I are going to agree on
18 something.

19 MS. KAWALERSKI: Oh, my God. What day is
20 this? Let's write this down.

21 MR. BEHAR: You know, and I agree with you
22 a hundred percent. If it's not visible from
23 the street, and you don't have impact windows,
24 I don't see why not.

25 We were on vacation, and I have impact

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1 windows, and the police came, because my
2 neighbor called. They were trying to break in
3 through -- to my house through the back. So
4 if we -- luckily, we had impact glass and all,
5 so they were not able to get in. They tried to
6 break the glass, but they never got in, but I
7 think you're absolutely right. If you have a
8 condition where you don't have hurricane, you
9 know, windows and door, you should be able to
10 allow, as long as it's not visible from the
11 street.

12 CHAIRMAN AIZENSTAT: Let me ask you a
13 question, both of you. What happens in a case
14 where a neighbor leaves up their shutter, on
15 the side of the house, or in an area where it's
16 very visible from a neighborhood, and the
17 neighbor has an issue with it, how do you treat
18 that? How would you treat it, in that
19 situation?

20 I understand for security and I'm all for
21 it, but what happens -- not somebody that uses
22 on it, when they leave town and they want to
23 have security, but somebody that says, it's not
24 visible from the street, but yet, my neighbor
25 to my left, my neighbor behind me, and so

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1 forth, can see that shutter?
 2 MR. BEHAR: Look, when I used to go on
 3 vacation, I used to notify the -- you know, the
 4 Police Department, to have more --
 5 MS. KAWALERSKI: Patrols.
 6 MR. BEHAR: -- you know, patrols around the
 7 area. Maybe if that's a way that -- if you're
 8 going to go and you want to put the shutters up
 9 or the accordions or whatever it is, if you
 10 notify -- I don't know -- but to give the
 11 flexibility -- the ability to the homeowner to
 12 provide that extra protection.
 13 MS. KAWALERSKI: Yeah. And like Robert
 14 said, as long as it's not visible from the
 15 street -- 'cause it sounds to me like this is
 16 an overall aesthetic issue, not a neighbor to
 17 neighbor issue. It's like, when you're driving
 18 down the street, what do you see, and I believe
 19 that as long as it's not seen from the street,
 20 which means, in the back and the sides it's
 21 perfectly okay with me.
 22 I mean, I haven't seen really any ugly,
 23 ugly shutters. I mean, there are people in my
 24 neighborhood that have the clear glass -- the
 25 clear plastic, whatever it is, and they keep it

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1 up all year. It's not offensive at all.
 2 CHAIRMAN AIZENSTAT: But if you see it from
 3 your neighbors, that means you see it from the
 4 street?
 5 MS. KAWALERSKI: No. No. They keep it on
 6 the sides.
 7 CHAIRMAN AIZENSTAT: But do you see it from
 8 the street when you're driving by?
 9 MS. KAWALERSKI: No.
 10 CHAIRMAN AIZENSTAT: Okay.
 11 MR. BEHAR: And one thing is to, you know,
 12 put -- I'm going to use a radical example --
 13 plywood, you know. That's not -- but if you do
 14 have the accordions, you know --
 15 MS. KAWALERSKI: And, plus, if it's a
 16 Miami-Dade County approved shutter -- you can't
 17 put plywood up, because that's not an approved
 18 form of shutter in Miami-Dade County. It has
 19 to be an approved shutter system. So that
 20 means, whether it be the aluminum panels,
 21 whether it be the clear plastic, you know, to
 22 me, it's not offensive, especially if it's not
 23 seen from the street.
 24 MR. BEHAR: To me, the key there would be
 25 not visible from the street.

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1 MS. KAWALERSKI: Right.
 2 MR. BEHAR: Okay. I mean, I don't know how
 3 the other Board Members --
 4 CHAIRMAN AIZENSTAT: Javier.
 5 MR. SALMAN: I'm in complete agreement with
 6 my Board partner Sue over here.
 7 MS. KAWALERSKI: Wow.
 8 MR. SALMAN: And as long as, the key word,
 9 not visible from the street --
 10 MR. GRABIEL: Unanimous.
 11 MR. BEHAR: Are you in agreement with this
 12 other Board Member, as well?
 13 MR. SALMAN: Not yet. Julio, yes. You,
 14 no.
 15 CHAIRMAN AIZENSTAT: Any comments, Julio?
 16 MR. GRABIEL: No.
 17 CHAIRMAN AIZENSTAT: I mean, I guess it
 18 sounds like I'm the only one that has a qualm
 19 about it, and it's -- I agree with, when you go
 20 on vacation, but I have seen instances where
 21 people leave certain side windows, that they
 22 may not use all of the time, with shutters, and
 23 those shutters rust, and neighbors see that.
 24 So I just don't know how to deal with that,
 25 because then you can't go to them and say, "Can

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1 you take it down?" Code Enforcement can't go
 2 there and say, "Can you take it down," because
 3 they'll say, "Well, it's not visible from the
 4 street," although my neighbor to my south sees
 5 it and my back neighbor sees it.
 6 MS. KAWALERSKI: Do you think that's
 7 typical or one-off?
 8 CHAIRMAN AIZENSTAT: No, I don't think it's
 9 very typical at all, but I think you either
 10 deal with the situation or you don't. So -- or
 11 unless you put some kind of language that if
 12 it's, you know, rusting or the appearance or --
 13 like a building or a home that's not painted
 14 well, something like that.
 15 MS. KAWALERSKI: Okay. But I'd hate to
 16 penalize the majority for the one-off.
 17 MR. SALMAN: I actually find it to be, from
 18 a resident point of view, particularly heinous
 19 on condominiums, where I see them on the
 20 balcony windows closed in.
 21 MR. COLLIER: Can we speak into the mike?
 22 MR. SALMAN: I'm sorry.
 23 I particularly don't like it when I see it
 24 in condominiums, and this law would -- this
 25 Ordinance would address that in condominiums,

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1 correct, because we're talking about any
2 windows?
3 MS. GARCIA: Uh-huh. Yes.
4 MR. SALMAN: And as long as they're visible
5 from the street, they can't have it, outside of
6 the period of emergency, their shutters up,
7 which is fine with me. I think that's great.
8 But only for the ones that are visible from the
9 street.

10 MR. BEHAR: But by putting, visible from
11 the street, you're limiting it to practically
12 single family, because the condominiums, you
13 will see it from the street.

14 MR. SALMAN: Yeah, you can.

15 MR. BEHAR: You will see it, so you can't
16 do it there.

17 MR. SALMAN: You can't do it there, either.

18 MR. BEHAR: But if you put a recommendation
19 to the Commission that, you know, you are only
20 allowed to do it, if it's not visible from the
21 street, you're going to limit it to
22 single-family, and practically the side and the
23 backyards only, right?

24 MR. SALMAN: So --

25 MR. BEHAR: So I guess we're saying the

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1 City Attorney. Can we -- can we say that if
2 you -- if the homeowner, the property owner,
3 gets -- you know, I don't know, I mean,
4 notifies the City, the Police Department or
5 something, that will create an exception for
6 them to do it? Something that is not --
7 because, yeah, you could have it year-round and
8 not get rid of it, even though it's in the
9 back.

10 And I understand. I'm thinking about your
11 neighbor. I used to have -- my neighbors, they
12 were probably in their 80s, and he kept the
13 windows, you know, visible from my house, on
14 all of the time. I would help him put them up.
15 I would try to help him take it down, but
16 sometimes, "No, Robert, leave them there," and
17 it didn't bother me, but I could see where it
18 was constantly, you know, on, up.

19 CHAIRMAN AIZENSTAT: I just think there's a
20 lot of two-story homes next to a one story
21 homes throughout our City, and when people have
22 their rooms or bedrooms or whatever it is, on
23 the second floor, and they're looking at a
24 property or a home, that's a next door
25 neighbor, that is on a first story, that is

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1 same thing.

2 MR. SALMAN: Yeah.

3 MR. BEHAR: The condominium --

4 MR. SALMAN: You're trying hard not to
5 agree with me, and I'm going to say it's okay.

6 MR. BEHAR: No, you never agree with me.
7 So I think we both -- Sue and I agree that, if
8 it's not visible. In the case that you
9 mentioned, the condominiums, you can't have it,
10 because they're going to be visible from the
11 street. Automatically, they don't qualify,
12 right?

13 MR. SALMAN: You know, it would be enforced
14 upon them. Yes, we agree.

15 MR. BEHAR: Okay.

16 CHAIRMAN AIZENSTAT: Can we add some type
17 of language or some kind of recommendation to
18 it, the same as the home that has the paint
19 peeling or the roof that's bad, that Code
20 Enforcement goes there, whether it's visible or
21 not, they can tell them, you've got to clean it
22 and so forth or you've got to paint it or
23 you've got to do something to the shutters,
24 even if they're in the back?

25 MR. BEHAR: Let me ask one question to our

26

1 constantly shuttered -- and it may not be --
2 I'm not talking about when they leave. I'm
3 talking about, one window, for some reason,
4 that's a garage window. So it's not a window
5 that they use. It's not a window they go to.
6 And so they left up the shutters and now that
7 shutter starts rusting. That, to me, is an
8 issue, because now you can't go to them and
9 say, "You know, your neighbor behind has
10 complained. You've got to take down the
11 shutter." The way that it's being presented,
12 that neighbor can say, "Well, I'm complying
13 with the Code."

14 MS. KAWALERSKI: Well, maybe there is some
15 language we can insert regarding unsightliness
16 or the condition of the -- the condition of the
17 material.

18 CHAIRMAN AIZENSTAT: That would be my only
19 thing.

20 MR. SALMAN: We can insert the words,
21 properly maintained.

22 MS. KAWALERSKI: Yeah.

23 CHAIRMAN AIZENSTAT: Or leave it up to
24 Staff to add whatever language they deem would
25 be correct, the same as when there is a

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1 property, a house, a roof, so it coincides.
 2 In other words, from the street, you can't
 3 do it if it's visible, understood, but if it's
 4 in the back and there's a complaint from a
 5 neighbor that says, "You know, this person has
 6 had theirs up for the last ten years. I've
 7 seen this shutter, and it's rusting. It's
 8 dripping over the wall and so forth," just --
 9 there should be a remedy, there should be
 10 something not --

11 MS. KAWALERSKI: I like, properly
 12 maintained, because, for example, if some of
 13 those screws come out, it could be a perfect
 14 panel, but the screws come out and they're
 15 flapping in the wind, yes.

16 MR. SALMAN: Properly maintained, and in
 17 good order.

18 CHAIRMAN AIZENSTAT: Good working order.

19 MR. SALMAN: Good working order.

20 MS. KAWALERSKI: Yeah.

21 CHAIRMAN AIZENSTAT: I'd be good with that.

22 MS. KAWALERSKI: Okay.

23 CHAIRMAN AIZENSTAT: Would anybody like to
 24 make a recommendation? Sue?

25 MS. KAWALERSKI: Robert was very good at

29

1 the language.

2 MR. BEHAR: I'm going to follow your lead.

3 CHAIRMAN AIZENSTAT: Sue, this is a special
 4 day, with that pink bicycle on the belt.

5 MS. KAWALERSKI: I make a motion to amend
 6 or recommend amending this proposed Ordinance
 7 whereby -- help me out here.

8 MR. SALMAN: To limit it to windows only
 9 visible --

10 MR. COLLER: I have a thought.

11 MS. KAWALERSKI: Yes.

12 MR. COLLER: Provided that shutters in the
 13 rear or side parts of the home, that cannot be
 14 viewed from the street, are permitted.

15 Do you want to have a time limit on it?

16 MS. KAWALERSKI: You know what, I think I'd
 17 put it in reverse. I'd make it that these
 18 things can't be seen from the street, okay. I
 19 think that should be the first thing, they
 20 can't be seen from the street. However,
 21 shutters may be kept up, on the sides and the
 22 rear of the house, if they're properly
 23 maintained and --

24 MR. SALMAN: In good working order.

25 MS. KAWALERSKI: -- in good working order.

30

1 CHAIRMAN AIZENSTAT: And not visible from
 2 the street.

3 MS. KAWALERSKI: Well, we said that at the
 4 beginning. They cannot be visible from the
 5 street.

6 MR. BEHAR: Now, do you put -- if I'm going
 7 on vacation, do I put maybe 30 -- if Code
 8 Enforcement goes around and sees it, and 30
 9 days after notification from Code
 10 Enforcement --

11 MS. KAWALERSKI: Yeah, because there's
 12 something like that already in this language,
 13 right, about the 30-day.

14 MR. BEHAR: Okay. So if a neighbor
 15 complains because the shutters are up, they
 16 haven't been taken down, and Code Enforcement
 17 goes, that homeowner has 30 days. If you're
 18 more -- on vacation more than 30 days, you
 19 know -- so can that be done?

20 You already have language similar to that.

21 MS. KAWALERSKI: Yeah, I saw it in here.

22 MS. GARCIA: Yeah. Subsection B,
 23 properties with closed windows or hurricane
 24 shutters outside of hurricane season will be
 25 give a 30-day warning before any further

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1 enforcement action.

2 MR. COLLER: What you're doing here is,
 3 you're actually permitting -- you're creating
 4 an exception to this rule. The rule is, you
 5 can have hurricane shutters during the
 6 hurricane season, but after that, you have to
 7 take them down. You're creating an exception,
 8 to allow for these shutters, at other times, as
 9 long as these shutters are not visible from the
 10 street; is that correct?

11 MS. KAWALERSKI: And --

12 MR. COLLER: And that the shutters that are
 13 up are in good order and properly maintained.
 14 That's what you're doing.

15 Now, somebody could keep them up 365 under
 16 that --

17 MR. BEHAR: No, but if you have a time
 18 limitation --

19 MR. COLLER: Well, there's a time
 20 limitation, if you get a warning, you've got 30
 21 days. Now, if you want to have a time
 22 limitation, say, outside of the hurricane
 23 period, you are permitted to have shutters for
 24 a maximum of 30 days, as long as those shutters
 25 are not visible from the street and those

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1 shutters are in good order and properly
 2 maintained. So you have the
 3 pre-qualifications, right, not visible from the
 4 street, properly maintain and in good order,
 5 and a maximum of 30 days outside the hurricane
 6 period.
 7 MS. KAWALERSKI: Perfect.
 8 MR. COLLER: Okay. So that's basically the
 9 amended motion.
 10 CHAIRMAN AIZENSTAT: So we have a motion.
 11 MR. BEHAR: I'll second that.
 12 CHAIRMAN AIZENSTAT: We have a second by
 13 Robert. Any other discussion? No?
 14 Call the roll, please.
 15 THE SECRETARY: Javier Salman?
 16 MR. SALMAN: Yes.
 17 THE SECRETARY: Robert Behar?
 18 MR. BEHAR: Here. Yes.
 19 THE SECRETARY: Julio Grabiell?
 20 MR. GRABIEL: Yes.
 21 THE SECRETARY: Sue Kawalerski?
 22 MS. KAWALERSKI: Five.
 23 THE SECRETARY: Eibi Aizenstat?
 24 CHAIRMAN AIZENSTAT: Yes.
 25 The next item is E-5.

33

1 CHAIRMAN AIZENSTAT: Thank you.
 2 MS. GARCIA: Jennifer Garcia, Planning
 3 Official.
 4 So Miami-Dade County is requiring every
 5 municipality within its jurisdiction, within
 6 the Miami-Dade County area, to provide some
 7 kind of expedited review process for any
 8 workforce housing that is owned, financed or
 9 operated by the County, municipality or other
 10 public government entity. So, as a reaction to
 11 that, Staff prepared some amendments to be able
 12 to comply with that requirement at the State --
 13 I'm sorry, at the County level.
 14 So, if you go to Page 2, you can see that
 15 there's a new sentence imbedded into our
 16 already expedited review process
 17 (Unintelligible) is part of that process.
 18 CHAIRMAN AIZENSTAT: Okay.
 19 MS. GARCIA: Any questions?
 20 CHAIRMAN AIZENSTAT: Would you like to read
 21 it, for the record, so --
 22 MS. GARCIA: Oh, the addition? Yeah.
 23 Yeah.
 24 So Section 1-104, Subsection C-1, the
 25 addition is, "It is further provided that in

35

1 MR. COLLER: We asked if there were no
 2 objectors? Did we ask if there were any
 3 objectors? Of course, there's nobody in the
 4 room.
 5 CHAIRMAN AIZENSTAT: I went ahead and asked
 6 for public comments on all three platforms, and
 7 then I closed it.
 8 MR. COLLER: Okay. Very good.
 9 Item E-5, an Ordinance of the City
 10 Commission providing for text amendments to the
 11 City Coral Gables Official Zoning Code,
 12 amending Article 1, "General Provisions,"
 13 Section 1-104 "Jurisdiction and
 14 Applicability," amending provisions for the
 15 siting of the city facilities to include
 16 facilities for workforce housing that are
 17 owned, financed, or operated by the City, the
 18 County, or other public (governmental) entity
 19 as required by the Code of Miami-Dade County
 20 Section 33-193.7 "Applicability in the
 21 Incorporated and Unincorporated Areas; Minimum
 22 Standards; Exemptions," providing for repealer
 23 provision, severability clause, codification,
 24 and providing for an effective date.
 25 Item E-5, public hearing.

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1 addition to the City facilities listed in this
 2 subsection, the procedures set forth herein
 3 shall also apply to application for workforce
 4 housing, as that term is defined in" Article --
 5 sorry, "In Miami-dade County, for qualifying
 6 residential developments that are owned,
 7 financed or operated by the County, City or
 8 other public" facilities -- sorry, "public
 9 entity."
 10 MR. COLLER: So I could give a little bit
 11 of background on this. The City created a
 12 government facilities hearing, similar to what
 13 the County has, for its government facilities,
 14 and provided for an expedited process. The
 15 County has dictated to all of the
 16 municipalities that they need to have an
 17 expedited process in their Code.
 18 You've heard of State mandates, like
 19 housing that's occurred, well, this is a County
 20 mandate. So this is the City complying with
 21 the County's mandate to municipalities to
 22 provide this expedited process for this
 23 relatively narrow area.
 24 MS. KAWALERSKI: Is this at all tied to SB
 25 102?

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1 MR. COLLER: No. It is separate and apart
2 from that.

3 MS. KAWALERSKI: Well, I mean, it's kind of
4 like the same process, except this goes
5 directly to the Commission. SB 102 goes
6 directly to the City Manager.

7 MR. COLLER: Right. Well, this requires a
8 public hearing, whereas I believe that the --
9 well, I don't know what's going on in the
10 Legislature this year. Who knows -- but
11 whereas the other one is supposed to be through
12 an administrative process. But this is still a
13 public hearing process.

14 MS. KAWALERSKI: So that's the only
15 difference, really.

16 So, in the City of Coral Gables, the
17 Biltmore would apply, right? It's a City owned
18 facility. The Youth Center would apply.

19 MS. GARCIA: No, but it has to be workforce
20 housing.

21 MS. KAWALERSKI: I'm saying --

22 MR. BEHAR: If they were to do workforce
23 housing.

24 MS. KAWALERSKI: -- if a developer came
25 along and said, City of Coral Gables, I'm going

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1 MS. KAWALERSKI: Right.

2 MR. COLLER: So a private developer that
3 goes and buys the Biltmore to have workforce
4 housing --

5 MS. KAWALERSKI: I'm not saying buying.
6 I'm saying, leasing. I'm saying, a developer
7 could say, we want to lease the Biltmore,
8 right, for a billion dollars, and --

9 MR. COLLER: I don't think that would be
10 viewed as owned, financed or operated by the
11 City, the County or other public government.
12 I'm not sure it would meet that requirement,
13 because it's essentially a private company
14 that's operating it.

15 MS. KAWALERSKI: Well, that's operating it,
16 not owning it. The City would still own it.

17 MR. BEHAR: But the City is not asking for
18 financing.

19 MS. KAWALERSKI: It doesn't have to, if the
20 City owns it. Does the City own the Biltmore?

21 MS. GARCIA: Yes.

22 CHAIRMAN AIZENSTAT: Yes.

23 MS. KAWALERSKI: Okay. Then the Biltmore
24 applies.

25 MR. COLLER: I presume that if the City

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1 to pay you 150 million -- billion dollars for
2 the right to take over the Biltmore and make it
3 workforce housing, okay, so that the five
4 Commissioners, the elected officials, could
5 say, sure, right, without us hearing that.

6 Okay. They could take over the Biltmore,
7 if somebody waves money in their faces. They
8 could take over the Youth Center. They could
9 take over any of the public facilities.

10 MS. GARCIA: I don't think it --

11 CHAIRMAN AIZENSTAT: I don't see that.

12 MS. GARCIA: It has to be the correct
13 Zoning. This isn't trumping Zoning or Land
14 Use.

15 MR. BEHAR: It is not zoned for that.
16 There's a lot of different --

17 MS. KAWALERSKI: But this says it bypasses
18 all zoning and -- this is what it says.

19 MS. GARCIA: Procedures, but not -- like
20 for the review process, so not to go through
21 Planning and Zoning, through two Readings with
22 the Commission.

23 MS. KAWALERSKI: Okay. So --

24 MR. COLLER: No, but it also would have to
25 be owned, operated or financed by the City.

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1 wanted to operate workforce housing in the
2 Biltmore, they might consider it a government
3 facility, and, yes, they could go through that
4 process.

5 MS. KAWALERSKI: But the City doesn't even
6 have to agree to operate it. The City could
7 abdicate operation to a developer.

8 MR. COLLER: I mean, they could hire maybe
9 an operator to do it. It would be --

10 MS. KAWALERSKI: Pardon me?

11 MR. COLLER: It would be the City's
12 facility, but I suppose they might be able to
13 hire a private company to operate the workforce
14 housing on their behalf. That would be true.

15 MS. KAWALERSKI: So I'm reading this, and
16 I'm going, oh, my gosh. I mean, maybe not
17 today, but what about in five or ten years, and
18 what if the City is broke in ten years and a
19 billion dollars comes waving in our faces from
20 a developer who says, I want to lease that
21 property, the Biltmore. I'm going to build --
22 I'm going to build on that property, in
23 addition to what's already there, for workforce
24 housing.

25 This doesn't prevent any of that from

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1 happening. It fact, it almost kind of like
2 opens the door for that to happen.

3 MS. GARCIA: They have to comply with the
4 underlining Zoning and Land Use. The
5 underlining Zoning would control that you can't
6 have residential units on that Zoning. It's
7 Zoned Special Use, per your example.

8 MS. KAWALERSKI: Okay. Well --

9 MS. GARCIA: They would have to change the
10 Zoning. It goes through a hearing process.

11 MR. BEHAR: They would have to come in for
12 a change of Zoning and --

13 MS. KAWALERSKI: I mean, the change in Land
14 Use and Comp Plan could happen before this
15 Board and we could say no or if we're not here,
16 somebody else is here, and they say, sure, yes,
17 and all of a sudden the Biltmore becomes
18 workforce housing.

19 CHAIRMAN AIZENSTAT: But wouldn't that
20 happen -- okay, if somebody wanted to do that,
21 hypothetical -- I'm taking your hypethetical
22 example. Somebody wanted to do that. Couldn't
23 they come now and do it without any of this
24 going through or not going through?

25 MS. KAWALERSKI: I don't know.

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1 requirements. It might not be what you would
2 recommend. It's not that the City is the one
3 that's originating this. This is originating
4 by the County. It's exercising its home rule
5 authority and providing that all of the cities
6 provide this workforce housing basically
7 expedited review. It still has to go to a
8 public hearing, though.

9 MS. KAWALERSKI: Let me ask you something,
10 why doesn't the City of Coral Gables reject
11 this? What do you lose?

12 MR. COLLER: Well, I don't know what the
13 ramifications would be, if we don't comply with
14 the County's requirements.

15 MR. BEHAR: I'm sure there are some
16 penalties or something that would be -- affect
17 the City of Coral Gables. I mean, I can see
18 maybe that -- you know, saying, yes, provided
19 that all underlying Zoning are consistent,
20 that, you know, the process -- I mean, it says
21 no -- I don't see it, in this case, where it
22 will be -- I don't see what you're saying being
23 valid here, because there are so many checks
24 and balances to do this by the City, that, you
25 know --

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1 MR. COLLER: Actually, that's true. If
2 it's going to be a government facility, and
3 it's an exception to Zoning, but it still has
4 to comply with the Comprehensive Plan. So I
5 don't know what the Comprehensive Plan is for
6 the Biltmore. I don't know if workforce
7 housing would be consistent with the
8 Comprehensive Plan for the Biltmore, but it
9 would have to comply with the Comprehensive
10 Plan. But, yes, you're right, if it were
11 consistent with the Comprehensive Plan, I
12 suppose the City could do it. Of course,
13 there's all kinds of contractual --
14 practically, it couldn't be done.

15 MS. KAWALERSKI: I mean, it's a
16 hypothetical, but look what's happening these
17 days with everything else happening in this
18 country and the world. This could happen. And
19 we're going to say, yeah, sure, okay, no
20 problem.

21 MR. BEHAR: Yeah, but, Sue, that's a very
22 hypothetical. I mean, anything is possible,
23 yeah. I mean, I make -- you know --

24 MR. COLLER: I think the City is trying to
25 come into compliance with the County's

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1 MR. COLLER: I think there's a difference,
2 though, between what the State is doing for
3 workforce housing. Basically, they're saying,
4 you've got to do it. They're not even giving
5 me the -- governing body, some discretion on
6 whether something should happen or not happen.

7 This is just providing a process. It's
8 still, ultimately, the authority of the City
9 Commission in whether they're going to approve
10 this or not. So that's really a big
11 difference. Ultimately, it's the governing
12 body that's going to make a decision whether
13 they're going to approve this government
14 facility or not. So that's really the
15 difference.

16 Whereas, in the case of the State, some
17 private individual wants to build a 14-story
18 building next to a single-family homes, if it's
19 within a mile of the -- the height is within a
20 mile, that's very different from what this is,
21 and, indeed, the criteria in here, I believe,
22 as I recall, is they look to compatibility. So
23 is this government facility going to be
24 compatible. So I think it's a completely
25 different --

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1 MS. KAWALERSKI: And I'm not saying they're
2 exactly the same. I'm just saying that the
3 municipalities are being usurp by higher levels
4 of government. We are being told what to do.
5 And we are losing our identity and our
6 authority and our ability to say no.

7 MR. COLLER: I couldn't agree with you
8 more. And that's what's happening at the State
9 Legislature, as well. They are usurping the
10 local authorities decision-making process. I
11 couldn't agree with you more. However, at
12 least in this case, the ultimate buck stops at
13 the City Commission.

14 MS. KAWALERSKI: I know, and that worries
15 me. It does, because, I mean, one day, we're
16 going to have a City Commission that all agrees
17 with one special interest and then we're done.
18 Then the Youth Center will be turned into --

19 CHAIRMAN AIZENSTAT: But, Sue, let me ask
20 you, but can't the City Commission -- even if
21 the City Commission today votes one way, can't
22 the future City Commission overturn whatever is
23 written there? I'll give you an example,
24 covenants to run with the land. I have always
25 seen the City -- I've always seen the City of

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1 Coral Gables not allow lot splits, when certain
2 factors are in place, such as a wall running
3 through the house or running through the land,
4 whatever it is, but I have also seen where the
5 City undoes the covenant to run with the land,
6 which is in the property, to allow the property
7 to be separate.

8 So why wouldn't they be -- why wouldn't the
9 Commission be able to undo or change a Code?

10 MS. KAWALERSKI: Well, here's why. Okay.
11 So I'm a developer. I make a deal with the
12 five Commissioners to turn the Youth Center
13 into whatever its designated, under the current
14 Zoning Code, or maybe they come before us and
15 it changes.

16 So, all of a sudden, they make a lot of
17 rooms at the Youth Center specifically for
18 workforce housing. And then a new Commission
19 comes in and says, "We don't like that. You
20 have to undo all of those rooms at the Youth
21 Center." Then, wouldn't a law come about,
22 saying, well, you can't undo that thing,
23 because those people already invested the money
24 in building rooms into the Youth Center?

25 I'm telling you, this is the head of the

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1 snake.

2 MR. SALMAN: And the nose of the camel.

3 MS. KAWALERSKI: And the nose of the camel.
4 I'm just saying --

5 CHAIRMAN AIZENSTAT: I don't see it that
6 way.

7 MS. KAWALERSKI: -- I do not like -- and I
8 think we need to take this seriously. I don't
9 like the fact that we are being told what to do
10 and our hands will forever be tied. I think,
11 if we can somehow amend this, to soften this,
12 to eliminate some of the -- whatever, but as a
13 whole, as this sits right now, this is very
14 dangerous.

15 MR. BEHAR: I don't see it so dangerous, in
16 my opinion, and I'm not sure that we could tell
17 the County we're not going to accept it. I
18 don't know if really we have -- I mean, not us,
19 the City Commission, at the end, is going to
20 approve this or not, because we could recommend
21 something to them, and they're going -- I don't
22 know if they have, for lack of a better word,
23 the authority to say, sorry, County, we're not
24 going to accept this.

25 MS. KAWALERSKI: But look at SB 102. They

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1 passed this law. There were enough
2 municipalities that said, uh-uh, and now they
3 changed parts of it.

4 MR. BEHAR: Don't --

5 MS. KAWALERSKI: No. I know they didn't
6 change a lot, but they started to chip away at
7 it, and according to our State Senator, she
8 said she's going to continue the process of
9 chipping away at it. She's the one that
10 introduced it. She should never have
11 introduced it, in my opinion, and now she's
12 hearing enough from municipalities, where she's
13 going to start changing it and watering it
14 down. So I'm just saying, can we say, forget
15 it, County, we're not going to -- no, we
16 probably can't do that, but we can certainly
17 make recommendations saying, you have to carve
18 us out in these circumstances.

19 Look, if we say yes, we say yes and we can
20 never go back. If this Board says, let's make
21 some carve outs to this, let's be smart about
22 this for the future, let's make some carve outs
23 in this -- and I don't think we should make
24 them right now. I think we should really study
25 this and find out how we can soften this.

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1 MR. BEHAR: Let me ask --
 2 MR. COLLER: Well, I have a thought,
 3 actually. So to be a little creative --
 4 MR. BEHAR: Wait. What is the consensus of
 5 the City Commission in this? Have they seen
 6 it?
 7 MS. KAWALERSKI: I don't think it's been on
 8 their agenda.
 9 MS. GARCIA: No. It passed for First
 10 Reading in January.
 11 MS. KAWALERSKI: Oh, it did?
 12 MS. GARCIA: Uh-huh.
 13 MS. KAWALERSKI: How did it pass,
 14 unanimous?
 15 MS. GARCIA: Unanimous. Uh-huh.
 16 MS. KAWALERSKI: You know what, then maybe
 17 they didn't take the time to read this,
 18 because -- just read it.
 19 MR. COLLER: Well, one thought I have is,
 20 when treating it as a government facility, it's
 21 an exception to the Zoning, but you have to
 22 comply with the Comprehensive Plan. You can't
 23 except from the Comprehensive Plan. So we
 24 could say -- require, that notwithstanding,
 25 that workforce housing has to meet both, Zoning

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1 this is to require that other facilities -- not
 2 Coral Gables facilities, but other facilities,
 3 have to meet the Zoning Code.

4 MR. BEHAR: But what other facilities,
 5 because if it's not City owned --

6 MR. COLLER: Well, let's say the County
 7 finds a vacant piece of property in Coral
 8 Gables, and they want to build workforce
 9 housing. Let's say the Zoning for that area is
 10 single-family residential. So the County
 11 couldn't do that, because we're requiring that
 12 you can't build workforce housing in
 13 single-family residential. I guess, you could
 14 have single-family workforce housing, couldn't
 15 you? That's true.

16 MS. KAWALERSKI: I mean, you've got a
 17 courthouse. The County owns the courthouse.
 18 That's a prime example. It's not us. It's
 19 them. They can build whatever they want there,
 20 right?

21 MR. BEHAR: No. That's privately owned.
 22 It's not public. It's leased to --

23 MS. KAWALERSKI: Oh, it's leased?

24 MR. BEHAR: Yes. It's privately owned.

25 MS. KAWALERSKI: I thought it was County

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1 and the Comprehensive Plan, as an exception.
 2 So that would mean that we're going to treat
 3 the workforce housing as -- from other
 4 facilities, by either the County -- we're still
 5 providing the expedited process, but if it's a
 6 County facility or other public entity, they
 7 have to comply with both, Zoning and the
 8 Comprehensive Plan.

9 So that weakens it a little bit.

10 MR. BEHAR: No, it weakens it a lot. I
 11 mean, then, at that point, there's limited
 12 properties owned by the City. I mean, one that
 13 comes to mind is the fire station on US-1, that
 14 probably meets the Comprehensive Plan, even
 15 though it's a City owned facility, but it rules
 16 out the Biltmore, rules out the Youth Center.
 17 I don't know how many other -- I mean, the
 18 police station --

19 MR. COLLER: But my suggestion is, with
 20 regard to other facilities, other than the
 21 City's owned facilities, that they have to
 22 comply with the Zoning Code and the
 23 Comprehensive Plan. Everybody's got to comply
 24 with the Comprehensive Plan. There's an
 25 exception for Zoning, but one way to weaken

50

1 owned.

2 CHAIRMAN AIZENSTAT: How does it work with
 3 the School District?

4 MR. COLLER: Well, it would be considered a
 5 public -- how does the School District work?

6 CHAIRMAN AIZENSTAT: Yeah. In other words,
 7 between cities and --

8 MR. COLLER: There's some -- there's some
 9 lack of clarity on whose authority controls on
 10 the school.

11 MR. SALMAN: The School Board controls
 12 their own properties, period, end of story.

13 MR. GRABIEL: I mean, it's happening --

14 MR. SALMAN: Unless they transfer the
 15 property to the County, to make this property
 16 then viable for development by the County, as a
 17 government agency, it would have to be the
 18 School Board submitting for workforce housing.

19 MR. COLLER: Well, I think we've had issues
 20 with schools in Coral Gables and requirements
 21 that we asked them to meet. So --

22 MR. SALMAN: I've done a lot of schools. I
 23 can tell you, the school --

24 (Simultaneous speaking.)

25 MR. SALMAN: Not the County. It's the

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1 school.

2 MR. BEHAR: And they come -- even to the
3 Board of Architects, they come as a courtesy.
4 They don't even have to.

5 MR. SALMAN: They don't have to. They're
6 completely autonomous. They have their own
7 building department. They can do whatever they
8 want on any property.

9 MS. KAWALERSKI: We should be like that.

10 Jennifer, I've got a question for you. Is
11 there any other municipality, of the 34
12 municipalities, that is balking at this or also
13 making carve outs in their --

14 MS. GARCIA: Not to my knowledge, because I
15 think this was adopted a couple of years ago.

16 MR. COLLIER: Yeah. We're a little late.

17 MS. GARCIA: Yeah.

18 MS. KAWALERSKI: Okay. So no other
19 municipality has --

20 MS. GARCIA: Not to our knowledge.

21 MS. KAWALERSKI: -- changed this? We're
22 sure?

23 MS. GARCIA: Not to my knowledge. There
24 may be some that we're not familiar with.

25 MR. SALMAN: I have a question, through the

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1 private -- in the public-private venture to
2 develop a project.

3 MR. BEHAR: But isn't that a private
4 developer?

5 MR. SALMAN: Would those projects, then, be
6 entitled to an expedited review?

7 MS. GARCIA: I mean, we can verify what the
8 County says exactly, but I don't remember ever
9 there being any kind of percentage.

10 MR. BEHAR: But Javier, in your case, isn't
11 that a private developer, who's doing those
12 developments?

13 MR. SALMAN: Yeah, but it's government
14 financing, and financing is one of the triggers
15 for it. That's how I understand it. It's not
16 just government agencies. It could be
17 government financing.

18 MS. KAWALERSKI: You know what, I have to
19 tell you, there's so much in here that we don't
20 know about. I feel very uncomfortable moving
21 forward with any kind of vote on this. We
22 don't know enough about this. I mean, it seems
23 like, well, everybody else is doing it, why
24 don't we just do it, but I'm telling you, we
25 have a lot of valuable property here. We have

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1 Chair, to Jill (sic).

2 When it says, financing, is there a
3 percentage of financing that triggers this or
4 does it have to be 100 percent financing?

5 MS. GARCIA: It doesn't specify.

6 MR. SALMAN: That's an interesting issue.
7 It's a very interesting issue, because I've
8 done low income housing and elderly low income
9 housing, where the financing is through a
10 government agency, and they would qualify that
11 for an expedited review, but it would still
12 have to meet Zoning and Comprehensive Land Use.
13 That's still on the table. That's never going
14 to go away, right?

15 MS. GARCIA: Right.

16 MR. SALMAN: So it's interesting, because
17 you could have a private developer, who has a
18 portion of government financing as part of the
19 package, because a lot of times, bigger
20 developers, they have a package of financing
21 from private investors, some from banks, and
22 there may be a governmental portion, if there
23 is workforce housing included.

24 And you see that up north a lot, where you
25 have multiple agencies working together with

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1 to protect our City. And I just don't feel
2 that --

3 CHAIRMAN AIZENSTAT: Well, actually, before
4 we proceed, let me ask Jill, Jill, do we have
5 anybody in Chambers that wishes to speak on
6 this?

7 THE SECRETARY: No.

8 CHAIRMAN AIZENSTAT: Anybody on Zoom?

9 THE SECRETARY: No.

10 CHAIRMAN AIZENSTAT: Anybody in the phone
11 platform?

12 THE SECRETARY: No.

13 CHAIRMAN AIZENSTAT: Okay. So let me just
14 close it for public comment and then let's
15 proceed.

16 MR. SALMAN: Okay.

17 MS. KAWALERSKI: Okay. But I just feel
18 uncomfortable in even moving forward in any
19 part of this, and I'm not an expert on -- you
20 know, like some of you up here, on the ins and
21 outs, but all I can tell you, from just a
22 common person's reading of this, this doesn't
23 sound good. I mean, there's so many loopholes
24 and so many things we don't know about, and I
25 just don't want to give away the baby, you

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1 know.
 2 CHAIRMAN AIZENSTAT: Julio.
 3 MR. GRABIEL: I think that us, as a
 4 society, are all moving towards making it easy
 5 to get workforce housing in our communities,
 6 and I think we stay behind the times if we
 7 don't do it. The County is pushing us to do
 8 it. I understand all of the wherewithal, but
 9 if we worry about what can happen, we'll never
 10 get anything done, and I would like to move to
 11 approve this as it is.
 12 CHAIRMAN AIZENSTAT: As it is or with the
 13 recommendations for Zoning and so forth that
 14 Craig went ahead and --
 15 MR. COLLER: Well, it wasn't my
 16 recommendation, but one of the members was
 17 saying, is there anything we can do to soften
 18 it. The way this is worded, government
 19 facilities, in Coral Gables, it's specifically
 20 drafted that it's an exception to Zoning. It
 21 is not exception to the Comprehensive Plan.
 22 This addition could be clarified to say, with
 23 respect to workforce housing, requires
 24 compliance. Still goes through the expedited
 25 process, but it's required to meet, both,

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1 Zoning and the Comprehensive Plan.
 2 That was my suggesting, if you want to
 3 soften it.
 4 MR. GRABIEL: I will amend it.
 5 MR. BEHAR: In an effort to, you know, try
 6 to follow some of those concerns, I would feel
 7 more comfortable -- I would support this, with
 8 those provisions.
 9 CHAIRMAN AIZENSTAT: So, Robert, would you
 10 second Julio's --
 11 MR. BEHAR: With the amendment, I will
 12 second it.
 13 CHAIRMAN AIZENSTAT: So we have a motion,
 14 with the amendment, and a second. Any
 15 discussion? No?
 16 Call the roll, please.
 17 THE SECRETARY: Javier Salman?
 18 MR. SALMAN: No.
 19 THE SECRETARY: Sue Kawalerski?
 20 MS. KAWALERSKI: No.
 21 THE SECRETARY: Julio Grabiell?
 22 MR. GRABIEL: Yes.
 23 THE SECRETARY: Robert Behar?
 24 MR. BEHAR: Yes.
 25 THE SECRETARY: Eibi Aizenstat?

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1 CHAIRMAN AIZENSTAT: Yes.
 2 MR. COLLER: Okay. It goes forward, then,
 3 without a recommendation.
 4 CHAIRMAN AIZENSTAT: Correct.
 5 MR. SALMAN: Through the Chair, before we
 6 adjourn, I have a quick question for our
 7 esteemed Planning Director.
 8 MS. GARCIA: Uh-huh.
 9 MR. SALMAN: When notices go out for items
 10 that come before this Board, specifically
 11 projects and whatnot, when do they go out,
 12 timing wise, with regards to the actual
 13 meeting? Isn't it two weeks before?
 14 MS. GARCIA: 13 days.
 15 MR. SALMAN: 13 days. Close to two weeks.
 16 MS. GARCIA: Uh-huh. Yeah.
 17 MR. SALMAN: Okay. Is there any way or any
 18 reason why we, as Members of the Board, don't
 19 get notification?
 20 MS. GARCIA: I guess, because the Zoning
 21 Code doesn't require it, unless you're within a
 22 thousand feet.
 23 MR. SALMAN: Okay. There's no Staff
 24 objection to us being notified, right?
 25 MS. GARCIA: No.

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1 MR. SALMAN: Because this is a small town,
 2 it's a very small town, and we could
 3 accidentally -- and I actually averted a
 4 situation like that, with regard to today's
 5 issue, where somebody came up to me and started
 6 talking to me about it, and I go, "Wait a
 7 minute. Is this coming before this Board?"
 8 And he goes, no, it's -- wait, stop right
 9 there, I can't -- he says, well, we're only
 10 talking about what's in the public record. I
 11 said, "Fine, that's it. Don't say anything
 12 more. I don't want to hear your opinion," and
 13 we stopped it right there. But that way we
 14 could be a little bit better attuned and
 15 preserve our independence and our objectivity.
 16 I would think that it would be a good thing to
 17 do.
 18 MS. GARCIA: To be included, both, on any
 19 notification for the Planning and Zoning Board
 20 and Neighborhood Meetings, because they use the
 21 same --
 22 MR. SALMAN: Yeah. If it's an item that's
 23 going to come here, there's going to be a
 24 Zoning change, that you not only have to put
 25 out a mailer for 1,500 people, make it 1,507,

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1 just so we know that this is coming.
 2 MR. COLLER: My only word of caution is,
 3 you're doing it for a very good reason. You
 4 want to avoid an ex parte communication.
 5 MR. SALMAN: Exactly, inadvertently.
 6 MR. COLLER: So, obviously, when you see
 7 the listing of the public meetings that are
 8 done by the developer, you don't want to go to
 9 those meetings, but you want to be advised of
 10 where the location is, so if somebody comes up
 11 to you and says -- you could say, "Wait a
 12 minute, I really can't talk to you about that."
 13 MR. BEHAR: You get it -- we get it the
 14 Friday before.
 15 MR. SALMAN: Exactly. If we get it 13 days
 16 before, we could possibly avoid the situation.
 17 I've actually caught it more than once. But in
 18 that case, I've known about something coming
 19 up, just because I do. In this particular, I
 20 didn't. I didn't know it was coming up. I was
 21 more focused on the project that came in
 22 before, and so I avoided those issues, but this
 23 one caught me by surprise, and I was able to
 24 stop it, because it's actually happened to me
 25 before, a couple of times, when I was first on

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1 after the Neighborhood Meeting. So it's
 2 certainly when it's going to be coming here.
 3 MS. GARCIA: For Planning and Zoning only?
 4 MR. SALMAN: Exactly. Neighborhood
 5 Meetings, I think it would be more of a problem
 6 for us, if we're notified of them.
 7 MS. GARCIA: No. My only concern is that
 8 they may talk to you -- a resident may talk to
 9 you earlier on, before it even goes to Planning
 10 and Zoning, and you would not be aware that,
 11 eventually, in the next few months --
 12 MR. SALMAN: Well, I've caught a couple of
 13 those, too.
 14 MR. BEHAR: That's outside of the cone of
 15 silence anyways.
 16 MR. SALMAN: No, but it's -- the cone of
 17 silence is crouched upon advertising, isn't it?
 18 When does the cone of silence drop in Coral
 19 Gables?
 20 MS. GARCIA: When does it what?
 21 MR. SALMAN: When does the cone of silence
 22 drop?
 23 CHAIRMAN AIZENSTAT: Mr. Coller.
 24 MR. COLLER: I think it's when Maxwell
 25 Smart meets with -- that's really --

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1 this Board eight years ago.
 2 So I think it would be a good idea that
 3 Staff consider that, and I would like to make
 4 that recommendation, as a Board, to Staff, to
 5 do so.
 6 CHAIRMAN AIZENSTAT: Anybody have any
 7 objections?
 8 MR. BEHAR: I don't have a problem with
 9 that. We will not get the packages --
 10 MR. SALMAN: No, not the package. Just the
 11 same little notification -- we don't want the
 12 agenda, just the notice that this is coming,
 13 that tells you, you know, what the address is
 14 and where it is.
 15 MS. GARCIA: But for both, the notice for
 16 the Neighborhood Meeting and for Planning and
 17 Zoning notice?
 18 MR. SALMAN: Yeah.
 19 CHAIRMAN AIZENSTAT: Do you need to have
 20 the Neighborhood Meeting notice?
 21 MR. SALMAN: No, I don't think I need the
 22 Neighborhood Meeting.
 23 MS. GARCIA: That does happen first, so
 24 they may approach you --
 25 MR. SALMAN: It could die in the process --

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1 MR. SALMAN: Well, okay, but there's like
 2 an actual --
 3 MR. BEHAR: I'll make a motion to adjourn.
 4 MR. SALMAN: No, wait a minute.
 5 CHAIRMAN AIZENSTAT: Before we finish that,
 6 so we have a recommendation that Mr. Javier has
 7 brought forth, and I think there's consensus
 8 among the Board to proceed that way.
 9 MR. BEHAR: Yes.
 10 CHAIRMAN AIZENSTAT: So are you good with
 11 that?
 12 MR. SALMAN: I'm good. So can we make it
 13 an official vote and saying that we'd like
 14 to --
 15 CHAIRMAN AIZENSTAT: Well, I don't know if
 16 we would do an official vote. It's not an
 17 agenda item.
 18 MR. COLLER: You can do it as a motion if
 19 you feel you need to. You've given direction
 20 to Staff. I assume Staff will comply.
 21 CHAIRMAN AIZENSTAT: Can we do it verbal?
 22 Is everybody in agreement, yes or no, or
 23 anybody objects?
 24 MR. COLLER: I think you can do it
 25 informally or you could do a motion.

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1 MR. SALMAN: We can do it informally.
 2 That's fine. We can deal with it.
 3 MS. GARCIA: Okay.
 4 CHAIRMAN AIZENSTAT: Is everybody in favor
 5 of the recommendation?
 6 MR. BEHAR: Yes.
 7 CHAIRMAN AIZENSTAT: Yes.
 8 MR. SALMAN: Yes.
 9 MR. GRABIEL: Yes.
 10 CHAIRMAN AIZENSTAT: Anybody against?
 11 MR. BEHAR: I only heard four yeses. I did
 12 not hear a yes from that end.
 13 CHAIRMAN AIZENSTAT: Sue?
 14 MS. KAWALERSKI: I nodded very --
 15 MR. SALMAN: She nodded loudly.
 16 MS. KAWALERSKI: Loudly.
 17 MR. GRABIEL: It was a loud nod.
 18 CHAIRMAN AIZENSTAT: So, just for the
 19 record, the entire Board is in agreement with
 20 that recommendation.
 21 MR. BEHAR: There's five Members of the
 22 Board tonight, not the entire Board. We're
 23 missing two.
 24 CHAIRMAN AIZENSTAT: Present. The entire
 25 Board present.

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1 All right. We have a motion to adjourn, by
 2 Mr. Behar.
 3 MR. GRABIEL: Second.
 4 CHAIRMAN AIZENSTAT: We have a second. All
 5 in favor say aye.
 6 (All Board Members voted aye.)
 7 (Thereupon, the meeting was concluded at
 8 7:05 p.m.)
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C E R T I F I C A T E

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 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:

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 7
 8
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.

DATED this 23rd day of February, 2024.



-----NIEVES SANCHEZ-----

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