

Page 5

1 Board Member's ability to impartially consider
 2 the evidence to be presented regarding the
 3 matter. The Board Member should also state
 4 that his or her decision will be based on
 5 substantial competent evidence and testimony
 6 presented on the record today.
 7 Does any Member of the Board have such
 8 communication and/or -- or site visit to
 9 disclose at this time?
 10 MR. BEHAR: No.
 11 MR. GRABIEL: No.
 12 CHAIRMAN AIZENSTAT: Swearing In, everyone
 13 who speaks this evening must complete the
 14 roster on the podium. If you have not done so,
 15 we ask you to please go over to Jill and
 16 complete that. We ask that you print clearly,
 17 so the official records of your name and
 18 address will be correct.
 19 Now, with the exception of attorneys, all
 20 persons physically in the City Commission
 21 Chambers who will speak on agenda items before
 22 us this evening, please rise to be sworn in.
 23 (Thereupon, the participants were sworn.)
 24 CHAIRMAN AIZENSTAT: Thank you.
 25 Zoom platform participants, I will ask any

Page 7

1 MR. TORRE: Yes.
 2 THE SECRETARY: Chip Withers?
 3 MR. WITHERS: Yes.
 4 THE SECRETARY: Robert Behar?
 5 MR. BEHAR: Yes.
 6 THE SECRETARY: Eibi Aizenstat?
 7 CHAIRMAN AIZENSTAT: Yes.
 8 The procedure that we'll use for tonight's
 9 meeting, first we'll have the identification of
 10 the agenda item by Mr. Coller, the presentation
 11 by the applicant or the applicant's agent, then
 12 the presentation by Staff. Then we'll have
 13 open public comment, first for in chamber, then
 14 Zoom platform and then phone line platform.
 15 Afterwards, I will go ahead and close for
 16 public comment; we'll have a Board discussion
 17 and questions, and a motion, and a discussion,
 18 and a second of motion, if it calls for it,
 19 then, Board's final comments and a vote.
 20 We are expecting one member to come in a
 21 little bit later, and if we start with the
 22 first two items, that Board Member will not be
 23 able to participate on the item we're on. So
 24 if it's okay with the rest of my Board Members,
 25 what I'd like to do is move the Legislative

Page 6

1 person wishing to speak on tonight's agenda
 2 items to please open your chat and send a
 3 direct message to Jill Menendez, stating that
 4 you would like to speak before the Board and
 5 include your full name. Jill will call you
 6 when it's your turn. I'd ask that you be
 7 concise, for the interest of time.
 8 Phone platform participants, after Zoom
 9 platform participants are done, I will ask
 10 phone participants to comment on tonight's
 11 agenda item. I'd also ask you to be concise,
 12 for the interest of time.
 13 First, we have the approval of the minutes.
 14 Has everybody had a chance to take a look at
 15 the September 14, 2022 --
 16 MR. BEHAR: Move -- I move to approve.
 17 CHAIRMAN AIZENSTAT: We have a motion to
 18 approve. Is there --
 19 MR. GRABIEL: Second.
 20 CHAIRMAN AIZENSTAT: We have a second by
 21 Julio. Any comments? No?
 22 Call the roll, please.
 23 THE SECRETARY: Julio Grabiel?
 24 MR. GRABIEL: Yes.
 25 THE SECRETARY: Venny Torre?

Page 8

1 items up first, which is Items E-4 and E-5.
 2 Is everybody okay with that?
 3 MR. BEHAR: I'm good with that.
 4 CHAIRMAN AIZENSTAT: Okay. Let's go ahead,
 5 Mr. Coller, if you would please read the first
 6 item -- in this case, it would be E-4 -- into
 7 the record.
 8 MR. COLLER: Item E-4, an Ordinance of the
 9 City Commission of Coral Gables, Florida
 10 providing for a text amendment to the City of
 11 Coral Gables Official Zoning Code by amending
 12 Article 14, "Process," Section 14-102.3,
 13 "Meetings; Quorum; Required Vote" to amend the
 14 requirement of four affirmative votes for
 15 recommendations relating to Comprehensive Plan
 16 amendments, providing for severability,
 17 repeater, codification, and an effective date.
 18 Item E-4, public hearing.
 19 CHAIRMAN AIZENSTAT: Thank you.
 20 MS. GARCIA: Good evening. Jennifer
 21 Garcia, City Planner.
 22 CHAIRMAN AIZENSTAT: Good evening.
 23 Before we continue, please let it be shown
 24 that we have Mr. Revuelta in the Chambers with
 25 us.

1 Go ahead, please.

2 MS. GARCIA: So these two items should be

3 fairly easy. The first item that you read into

4 the record is just about clarifying

5 Comprehensive Plan Map Amendments. In the

6 past, I'm sure you remember, we've had to have

7 a meeting again to confirm a recommendation to

8 go to the Commission.

9 The State Statute says that you have to

10 have a recommendation from the Planning Board,

11 which is you. And so instead of having to

12 bring an applicant back the next meeting and

13 wasting the Board's time, if they don't have a

14 confirm recommendation to go to the Commission,

15 it's an automatic denial recommendation to go

16 to the Commission. That's what the

17 clarification of the Code is.

18 MR. COLLER: Just to supplement that, since

19 I was involved in that issue, if, for example,

20 you have a three-two vote in favor of approving

21 the Comprehensive Plan Amendment, it would be

22 deemed a denial. In other words, in order to

23 have an approval of a Comprehensive Plan

24 Amendment, you would have to have at least four

25 votes.

1 else.

2 CHAIRMAN AIZENSTAT: So Legislative.

3 MR. COLLER: Just because State Law

4 requires a recommendation from this Board, this

5 is the way to avoid that problem.

6 MR. BEHAR: But it requires a

7 recommendation, but a three-two vote is a

8 recommendation.

9 MR. COLLER: It is a recommendation, but

10 it's not a sufficient recommendation for

11 approving a Comprehensive Plan Amendment

12 approval --

13 MR. BEHAR: And if we don't have --

14 MR. COLLER: -- just like other items.

15 MR. BEHAR: And if we don't have four

16 votes, it means that we could never be able to

17 move that forward?

18 MR. COLLER: No. It goes forward, but it

19 goes forward as a denial.

20 MR. BEHAR: But as a denial?

21 MR. COLLER: That's correct.

22 CHAIRMAN AIZENSTAT: Before we go ahead and

23 speak, Jill, do we have -- go ahead.

24 MR. COLLER: Now, I just want to say one

25 other thing. If the Board believes that it

1 In the past, what happens is, it would go

2 without a recommendation. But State Law says

3 that there has to be a recommendation from this

4 Board. And so, therefore, this solves that

5 issue, by simply saying, if you don't get four

6 votes to approve the Comp Plan, it's deemed a

7 denial, and it goes to the Commission with

8 whatever your vote is, and it's considered a

9 denial, unless, of course, you have four

10 affirmative votes for it.

11 So it avoids the situation that we had --

12 MR. BEHAR: Mr. Coller, so if we recommend

13 -- if we have a three-two vote and we move that

14 to Commission --

15 MR. COLLER: Yes. Right.

16 MR. BEHAR: -- it's not going with an

17 affirmative recommendation?

18 MR. COLLER: Right. The vote will show --

19 reflect that there was a three-two vote to

20 approve; however, the way the Code will be now

21 written is that a three-two vote is deemed to

22 be a denial on a Comprehensive Plan. On all of

23 the other items you have, a three-two vote for

24 approval would be deemed as not being a

25 recommendation. That's how we have everything

1 would be appropriate that an item to -- be

2 deferred to the next meeting, if you feel

3 that -- and hopefully it's not something that's

4 urgent, but if you -- you always have the

5 option to defer the Comprehensive Plan

6 Amendment to the next meeting, if you choose to

7 do so.

8 Obviously, there may be circumstances where

9 a deferral would be difficult, because of the

10 circumstances, but that is an option that the

11 Board would always have.

12 MR. BEHAR: And if the applicant chooses to

13 go with a three-two vote, they're going forward

14 with a negative -- a denial recommendation?

15 MS. GARCIA: Yes.

16 MR. COLLER: That's correct.

17 MR. BEHAR: Okay.

18 CHAIRMAN AIZENSTAT: Before we continue,

19 Jill, do we have anybody from the public that

20 would like to speak on this item?

21 THE SECRETARY: Not on this item.

22 CHAIRMAN AIZENSTAT: Anybody on Zoom?

23 THE SECRETARY: No.

24 CHAIRMAN AIZENSTAT: And on the phone

25 platform?

Page 13

1 THE SECRETARY: No.

2 CHAIRMAN AIZENSTAT: Okay. At this point,

3 I'm going to go ahead and close the floor for

4 public comment.

5 That's okay.

6 Luis.

7 MR. REVUELTA: Is the genesis of this

8 request coming from the City Commission, the

9 State Law? I just want to know --

10 MR. COLLER: It's coming -- the genesis, in

11 part, is the State Law, because the State Law

12 requires this Board, which acts as the Local

13 Planning Agency -- you sit as the LPA, and

14 you're required to make a recommendation. But

15 under our rules, because there has to be a

16 minimum of four votes to have a recommendation,

17 the problem was, we were passing -- we passed

18 something without a recommendation, and the

19 State Law requires a recommendation.

20 MR. REVUELTA: But a four-one is a

21 recommendation.

22 MR. COLLER: Four-one is a recommendation.

23 If you have four votes in favor of it, it's a

24 recommendation.

25 MR. REVUELTA: And a three-two is not

Page 15

1 MR. COLLER: No.

2 MR. BEHAR: No.

3 MR. COLLER: The City Commission has

4 determined that the Board's vote requires a

5 minimum four votes for any recommendation,

6 otherwise it goes forward -- it goes with no

7 recommendation. The problem we have is unique

8 to the Comprehensive Plan. You've had other

9 items, where you haven't been able to achieve a

10 four-vote, and that's gone without a

11 recommendation. The problem is, the

12 Comprehensive Plan can't go, under State Law,

13 without a recommendation. So this solves it,

14 because there is now a recommendation.

15 Three-two would be a recommendation for denial.

16 CHAIRMAN AIZENSTAT: So the State --

17 according to the Comprehensive Plan, the State

18 requires that?

19 MR. COLLER: The State requires that you

20 make a recommendation.

21 MR. REVUELTA: That's where I continue to

22 fail the mathematical logic here. It's either

23 a super majority of four-one, dictated by

24 somebody, or a three-two, a simple majority,

25 which happens in a lot of municipalities. And

Page 14

1 deemed to be a recommendation by the City of

2 Coral Gables?

3 MR. COLLER: The City of Coral Gables

4 doesn't -- requires four votes of this Board in

5 order for there to be a recommendation.

6 MS. GARCIA: Majority plus one.

7 MR. REVUELTA: Are we voting on today --

8 and I'm sorry for saying -- on whether to pass

9 three-two being a denial versus four-one, which

10 is the current situation we're in?

11 MR. COLLER: No. All you're passing today

12 is that -- that we're correcting a problem of

13 the Comprehensive Plan going to the Commission

14 without a recommendation. Under the State Law,

15 we can't do that.

16 MR. BEHAR: And unless you get four votes,

17 it's going without --

18 MR. COLLER: It's going with a denial.

19 MR. REVUELTA: I understand that math.

20 What I'm trying to say, who established the

21 math, that you need a super majority to

22 approve, rather than a simple majority of 3-2?

23 MR. COLLER: That has been years.

24 CHAIRMAN AIZENSTAT: That's with the State,

25 correct, or the County?

Page 16

1 I'm sorry, I'm not trying to push you on this

2 issue, but I don't know if the rest of you

3 understand it. If you understand, I'll just

4 basically stay quiet and listen to the

5 explanation.

6 CHAIRMAN AIZENSTAT: Venny.

7 MR. TORRE: Yeah, I understand it. I think

8 what it forces us, is to deliberate to a point

9 where we know it's either A or B. There's not

10 going to be any time where we are neutral

11 towards the subject. It's always going to be,

12 if we don't get the four votes, guys, it's

13 going to go as a negative, and that's the

14 debate we're going to have going forward. It

15 forces that debate.

16 CHAIRMAN AIZENSTAT: Unless, from what I

17 hear, we do have an option to make a deferral.

18 MR. COLLER: Right. If at a particular

19 meeting, you feel that, well, if we had a

20 deferral, we could gather sufficient votes --

21 but, of course, there's no guarantee at the

22 next meeting --

23 MR. BEHAR: You're going to have it.

24 MR. COLLER: -- that somebody else is not

25 going to be there. And there are times where,

1 I believe, the Commission has been concerned
2 about the Planning Advisory Board unduly
3 deferring an item. So you have to take that
4 into consideration, as well.

5 MR. REVUELTA: I think the more common
6 denominator here is, is three-two a sufficient
7 approval -- recommendation to the City
8 Commission or do we need a super majority. And
9 I'm trying to establish, and I'm not clear,
10 hopefully you guys are, what is the genesis
11 that is forcing us to make this decision of
12 four to one versus three to two?

13 CHAIRMAN AIZENSTAT: Venny, are you done?

14 MR. TORRE: Well, what I was going to say
15 is that, you know, the Commission is weighing
16 our vote as to their vote or to their
17 decision-making. So, you know, when -- when it
18 gets to three-two, I don't know if they really
19 take into consideration that three-two is a
20 close vote, we're going to vote, or -- it's a
21 six to zero, obviously they would take that
22 stronger position, right. So I just don't know
23 how that starts to weigh in on the -- you know,
24 these things become gray matters for the
25 Commission to interpret what we really want

1 this to look like.

2 MR. BEHAR: My concern is, there may be a
3 case where you don't achieve four votes. So
4 you're going to send it back --

5 MR. TORRE: You have to force it.
6 Otherwise you know it's going to be denied.

7 CHAIRMAN AIZENSTAT: I think the issue is
8 going to be, what if you don't have a member
9 sitting on the dais to keep going -- let's say
10 you have five members, you have a quorum --

11 MR. REVUELTA: I still would like to know
12 what is forcing us to make this decision.

13 MR. COLLER: So I can answer that. In this
14 unique case involving Comprehensive Plans,
15 that's all we're talking about here, because
16 State Law requires a recommendation, this is
17 what brought this about. On all of the other
18 items, you've had -- not frequently, but you've
19 had, from time to time, where you haven't
20 achieved four votes, and it went without a
21 recommendation. It hasn't been a problem, and
22 it's not a problem going forward. It is a
23 problem with the Comprehensive Plan, and,
24 indeed, we had to bring back an item to get a
25 vote.

1 In the future, we won't have to bring back
2 an item. You will have made a recommendation.
3 It may not be the recommendation a particular
4 person wants to make, because they voted in
5 favor of it, but you couldn't achieve four
6 votes, so it's deemed a denial.

7 Now, that's not unusual. There are other
8 bodies that have required extraordinary votes.
9 For example, moving the Urban Development
10 Boundary, I believe, for the County, requires a
11 nine vote and if you don't get nine votes, it's
12 deemed a denial. So it's not unusual, in other
13 jurisdictions, that you have a super majority
14 requirement in a particular case.

15 MR. REVUELTA: And the super majority --
16 excuse me, Chip, I'll just shut up and let you
17 go -- but the super majority of four-one is
18 required by the City of Coral Gables, by the
19 City Commission, on Comprehensive Plan issues?

20 MR. COLLER: No. The super majority
21 requirement is on all items that come before
22 the Planning Advisory Board. If you have an
23 approval of a Site Plan, that requires a
24 minimum of four votes; otherwise, it goes
25 without a recommendation. If you have a TDR,

1 which is before you tonight, and you don't --
2 and you can only get three votes to approve the
3 TDR transfer, then that goes without a
4 recommendation. The only time it ever goes
5 without a negative -- with a
6 negative recommendation is Comp Plan, and the
7 reason is, you have to make a recommendation on
8 the Comp Plan. So that's why we have this
9 unique rule for that particular circumstance.

10 MR. REVUELTA: And before, a three-two was
11 a positive recommendation?

12 MR. COLLER: No. Before, a three-two was
13 no recommendation.

14 CHAIRMAN AIZENSTAT: No recommendation.

15 MR. REVUELTA: I thought that's what we are
16 voting on tonight.

17 MR. COLLER: We're voting on tonight --

18 MR. BEHAR: The Commission wants us to send
19 it to them with a recommendation for a denial.

20 MR. COLLER: Right.

21 MR. REVUELTA: I understand.

22 MR. BEHAR: That's the bottom line.

23 MR. REVUELTA: Sorry.

24 CHAIRMAN AIZENSTAT: All right. Chip, go
25 ahead, please.

1 MR. WITHERS: So is the reason, not having
2 a full panel, an adequate reason for a
3 deferral?

4 MR. COLLER: It could be. An adequate
5 reason is a reason that you all decide is
6 appropriate.

7 MR. WITHERS: Okay. So that's a legitimate
8 request?

9 MR. COLLER: But I will caution this, the
10 Commission is concerned about continuing
11 deferrals, where essentially --

12 MR. WITHERS: I understand.

13 MR. COLLER: -- an applicant is being
14 denied the opportunity to have a hearing, and
15 sometimes an applicant is entitled to a denial.

16 MR. WITHERS: So if we decide to defer it,
17 because there are not two Board Members here or
18 one Board Member here, at the next meeting,
19 does the entire issue have to be re-discussed
20 for the benefit of that absentee --

21 MR. COLLER: Well, the way we've handled
22 that is, the transcript is prepared. The
23 Members that are not present are instructed to
24 read the transcript. At the time of the
25 meeting, I will ask the Members of the Board

1 that were not present to affirm that they did
2 review the transcript prior or the hearing, and
3 it's not necessary to open the public hearing.
4 However, the Board can, at its discretion,
5 decide to open the public hearing.

6 MR. WITHERS: Got it.

7 The last question -- or the second
8 question, so if the vote is three to two, the
9 Commission then sees it as a no vote or a
10 non-moving it forward. I understand that.
11 What votes, at the City Commission level,
12 require a super majority? I know probably the
13 sale of land, maybe 99-year leases, because
14 there are super majority votes that the
15 Commission has to follow; is that correct?

16 MR. COLLER: I believe so. I'd have to get
17 back to you on that, and I will have that
18 information to you at your next meeting. I'm
19 not sure which votes on the Commission require
20 a super majority.

21 MR. WITHERS: So there's a difference in
22 that that's a vote that fails, whereas ours is
23 a vote that goes forward with a negative
24 recommendation?

25 MR. COLLER: Right. You are not --

1 MR. WITHERS: Is there a difference than
2 that, between a denial and a negative
3 recommendation?

4 MR. COLLER: No.

5 MR. WITHERS: Okay.

6 MR. TORRE: So if I may. I think I
7 understand now. We had this come two months
8 ago, and there was a little bit of a snafu
9 here. In reality, in that meeting, we should
10 have said, "No. No. You can't do that. You
11 have to get a vote here today."

12 MR. COLLER: Right. If I had to do it --

13 MR. TORRE: And it didn't happen.

14 MR. COLLER: If I had to do it all over
15 again, I definitely would have done that.

16 MR. TORRE: So, in the future, if things
17 stay the same, we would still be forced to get
18 to a four vote; is that correct?

19 MR. COLLER: Right, you're --

20 MR. TORRE: You would make us get to a
21 four-vote, so we wouldn't have to go back --

22 MR. COLLER: Well, yes, but the Board might
23 say, "Well, I'm sorry, I feel strongly. I'm
24 not going to change my vote. And, you know, if
25 it means going the way it goes, then that's the

1 way it goes." I cannot force you to vote a
2 certain way.

3 MR. TORRE: I understand.

4 CHAIRMAN AIZENSTAT: So if it would have
5 been a three-two vote, it would be a denial,
6 according to the Commission?

7 MR. TORRE: Automatic denial.

8 CHAIRMAN AIZENSTAT: Automatic denial.

9 MR. WITHERS: So if we don't get a four-two
10 vote here, we deny it going to the Commission,
11 this motion, right?

12 MR. COLLER: But only with respect to
13 Comprehensive Plans, not with respect to any
14 other application.

15 CHAIRMAN AIZENSTAT: Not Legislative.

16 MR. WITHERS: Yeah.

17 CHAIRMAN AIZENSTAT: Julio?

18 MR. GRABIEL: No.

19 CHAIRMAN AIZENSTAT: You're good?

20 MR. GRABIEL: I'm good.

21 CHAIRMAN AIZENSTAT: Anybody want to make a
22 motion or --

23 MR. WITHERS: I'll move it.

24 MR. TORRE: Second.

25 CHAIRMAN AIZENSTAT: To approve as is,

1 without any deferral or so forth, correct?
 2 MR. WITHERS: Yeah. I mean, I don't see
 3 that we have a whole lot of wiggle room on this
 4 one.
 5 CHAIRMAN AIZENSTAT: Okay. We have a
 6 motion. Is there a second?
 7 MR. TORRE: I'll second.
 8 CHAIRMAN AIZENSTAT: Any comment?
 9 MR. WITHERS: I'm not saying I agree with
 10 it necessarily. I just don't see --
 11 MR. REVUELTA: He's making the motion --
 12 MR. TORRE: I think that forces us to vote
 13 and --
 14 MR. WITHERS: It forces us to come to a
 15 decision, you know.
 16 MR. BEHAR: But not really, because --
 17 CHAIRMAN AIZENSTAT: Your vote would be the
 18 same.
 19 MR. BEHAR: We may have five -- all it does
 20 is, it's going to go either with a negative or
 21 a recommendation of approval.
 22 MR. WITHERS: Yeah, but if I'm really in
 23 favor of it and I really think it's a good
 24 solid proposal, then it's incumbent upon me
 25 to --

1 blame anything, it's the State Law.
 2 The State Law could have said, "Well, you
 3 don't have to make a recommendation either
 4 denial or approval. You just make your
 5 comments." But that's not how the State Law
 6 reads. It requires you to make a
 7 recommendation. So that's what's putting us in
 8 this box.
 9 MR. REVUELTA: But right now, a three-two
 10 is a majority, in my view. In many
 11 municipalities, it's a recommendation. What
 12 I'm trying to find out is, if in the City of
 13 Coral Gables, legally, because of its Statutes,
 14 a three-two vote, right now, as it is without
 15 our vote, is a positive recommendation to the
 16 Planning Board (sic) or is not, right now?
 17 MR. COLLER: Right now, under the City's
 18 Code, three-two is not considered a
 19 recommendation by this Board for any item.
 20 This Board, for as long as I've been here,
 21 which is about seven years, has always been a
 22 requirement of four votes. So it's the -- it's
 23 unique to the City, that is requiring this
 24 Board to come up with four votes.
 25 MR. REVUELTA: Hence it's not the State,

1 MR. REVUELTA: Convince one more guy.
 2 MR. WITHERS: -- convince one more person.
 3 I mean, that's what this is all about, you
 4 know.
 5 MR. REVUELTA: Yeah. Is it clear on
 6 everybody that right now -- and please I need
 7 your help on this one more time --
 8 MR. COLLER: Sure.
 9 MR. REVUELTA: -- right now, a three-two
 10 vote on a Comprehensive Plan change and
 11 recommendation, in my view, because it's a
 12 majority, to the City Commission, is it being
 13 deemed to be a recommendation or not?
 14 MR. COLLER: Right now, without this
 15 change, it would be deemed to not be a
 16 recommendation, and I'm not going to do this
 17 again. I'm going to make us all sit here until
 18 we come up with it.
 19 MR. REVUELTA: Right now, a three-two is
 20 like a deferral, essentially?
 21 MR. COLLER: Well, it's not really a
 22 deferral. It's really violating the State Law.
 23 State Law requires this Board to make a
 24 recommendation. So we are coming really into
 25 compliance with State Law. So if you want to

1 it's the City that is essentially creating this
 2 guideline.
 3 MR. COLLER: True. You could have had --
 4 MR. REVUELTA: If I'm hearing you
 5 correctly.
 6 MR. COLLER: Right. If the City Code said,
 7 "We'll allow recommendations on three votes,"
 8 we wouldn't have this issue.
 9 MR. REVUELTA: And we would not be
 10 violating any State order or Federal law.
 11 MR. COLLER: Right, but because --
 12 because -- well, not Federal Law; State law.
 13 But because the Board is required to have four
 14 votes --
 15 MR. REVUELTA: By the City of Coral Gables.
 16 MR. COLLER: -- by the City of Coral
 17 Gables, this is how we have to fix it.
 18 CHAIRMAN AIZENSTAT: We have right now a
 19 motion and we have a second.
 20 MR. BEHAR: Yeah, but we need to discuss
 21 this, because some votes may be depending on
 22 that, you know. I'm concerned that we may
 23 never get a fourth vote on something. That's
 24 my concern.
 25 CHAIRMAN AIZENSTAT: Correct.

1 MR. COLLER: If you want to, with your
 2 vote, suggest to the Commission that on
 3 Comprehensive Plan items, the Board should be
 4 allowed to make a recommendation based upon
 5 three votes, you can.
 6 CHAIRMAN AIZENSTAT: But then you're going
 7 against the State guidelines.
 8 MR. REVUELTA: No, the City guidelines.
 9 That's what he just said.
 10 MR. COLLER: No. I'm just saying, if you
 11 want say to -- along with your vote, if you
 12 want to suggest to the Board, let's change our
 13 City Code and allow for three votes, that would
 14 fix it, but that changes the entire Code with
 15 regard to this Board.
 16 MR. REVUELTA: I guess this vote, to make
 17 it four, is to the Comprehensive Plan issue,
 18 which is different than other issues which are
 19 four or more votes, this will be consistent
 20 now -- it will be consistent now that the
 21 Comprehensive Plan is also requiring four
 22 votes.
 23 My grudge is with the City imposition that
 24 you basically need a super majority on
 25 everything. So that's another discussion for

1 correctly.
 2 MR. COLLER: But the person who made the
 3 motion and the seconder has to agree to the
 4 amendment.
 5 MR. TORRE: All you're saying is, if
 6 there's only five folks here, the majority is
 7 three. Is that sufficient to say --
 8 CHAIRMAN AIZENSTAT: It's a denial.
 9 MR. REVUELTA: According to what he's
 10 saying, it's got to be four.
 11 MR. TORRE: But what I hear you saying is,
 12 the proposal to the Commission is, if we ever
 13 only have five people and three votes -- it is
 14 a recommendation, even though it's not four.
 15 MR. BEHAR: And that's my concern. You
 16 only have five, and three of us says yes, you
 17 know, it's going to go in as a denial, and it
 18 shouldn't go in as a denial.
 19 MR. REVUELTA: I'm in agreement. And what
 20 I believe we are being told is an option, is to
 21 put a --
 22 MR. TORRE: I agree with you, except what I
 23 heard was that, if that happens, he's going to
 24 tell you, "Guys, I'm sorry, we can't do that,"
 25 and you're going to still have to do the same

1 another time, but this is the way I'm
 2 reading what's happening.
 3 MR. COLLER: And maybe you want to bring
 4 this up as a separate issue. The Board can
 5 always recommend, as a separate issue, that you
 6 feel that this should be changed. That's your
 7 prerogative.
 8 MR. WITHERS: Do you want me to add an
 9 amendment to my motion, saying that we highly
 10 request that the Commission review the
 11 three-two vote for Comprehensive Plans from the
 12 Planning and Zoning Board?
 13 MR. REVUELTA: I would. I don't know if
 14 the rest of you --
 15 MR. WITHERS: If someone wants to make that
 16 amendment, I might accept it in my motion.
 17 CHAIRMAN AIZENSTAT: Well, you have a
 18 second from Venny.
 19 MR. WITHERS: Is that a motion that you
 20 want to --
 21 MR. REVUELTA: I think you have to retract
 22 your motion and then --
 23 MR. WITHERS: No, we can just --
 24 MR. BEHAR: A friendly amendment.
 25 MR. REVUELTA: I just want to do it

1 thing.
 2 MR. BEHAR: And we can be here at eleven
 3 o'clock at night and you're not going to
 4 convince me to change my vote.
 5 MR. TORRE: I know that, but under both
 6 scenarios --
 7 MR. COLLER: If the Code were to change,
 8 obviously, the position would change. I'm not
 9 suggesting you suggest to amend the Code. I'm
 10 saying, some people are concerned that with a
 11 three-two vote, we would like to have a
 12 recommendation on the Comp Plan.
 13 Understand, right now you have three-two
 14 votes right now that go without a
 15 recommendation.
 16 CHAIRMAN AIZENSTAT: If anything, it would
 17 be keeping it consistent, wouldn't it?
 18 MR. TORRE: I would not go with the
 19 amendment.
 20 MR. WITHERS: I tried. You know, he's such
 21 an obstructionist.
 22 CHAIRMAN AIZENSTAT: So are you withdrawing
 23 your motion or --
 24 MR. WITHERS: No. My motion, I'm still
 25 moving forward with it.

Page 33

1 CHAIRMAN AIZENSTAT: Okay. The way it is?
 2 MR. WITHERS: Yeah.
 3 CHAIRMAN AIZENSTAT: We have a second.
 4 MR. WITHERS: If it passes, it passes, if
 5 not --
 6 CHAIRMAN AIZENSTAT: Any other discussion?
 7 No?
 8 Call the roll, please.
 9 THE SECRETARY: We have a motion by Withers
 10 and a second by Torre?
 11 CHAIRMAN AIZENSTAT: Yes.
 12 MR. TORRE: Correct.
 13 THE SECRETARY: Okay. Venny Torre?
 14 MR. TORRE: Yes.
 15 THE SECRETARY: Chip Withers?
 16 MR. WITHERS: Yes.
 17 THE SECRETARY: Robert Behar?
 18 MR. BEHAR: No.
 19 THE SECRETARY: Julio Grabiell?
 20 MR. GRABIEL: Yes.
 21 THE SECRETARY: Eibi Aizenstat?
 22 CHAIRMAN AIZENSTAT: No.
 23 THE SECRETARY: Luis Revuelta, I'm sorry?
 24 MR. REVUELTA: No.
 25 MR. WITHERS: Well, there you go.

Page 35

1 Item E-5, an Ordinance of the City
 2 Commission amending the City of Coral Gables
 3 Zoning Code Article 15, "Notices", Section
 4 15-104 "Quasi-Judicial Procedures" and amending
 5 Section 2-79 of Chapter 2, Article III of the
 6 City Code, titled "Order of Business" to
 7 clarify definitions of documentary evidence,
 8 and amend the Order of Presentation for
 9 Quasi-Judicial Hearings, providing for a
 10 repeater provision, severability clause,
 11 codification and providing for an effective
 12 date.
 13 Item E-5, public hearing.
 14 MS. GARCIA: Okay. So under our Zoning
 15 Code, there's an order of events for a
 16 quasi-judicial hearing. Right now, it states
 17 that the City Staff presents first, and then
 18 second is the applicant. We've been given
 19 direction to switch that. So the applicant
 20 presents first and City Staff present second.
 21 And so while we're cleaning up this order,
 22 we're also striking through some stuff and
 23 making it more generic. So instead of having
 24 put, for example, "Comment in favor of
 25 application and seconded then by public comment

Page 34

1 MR. GRABIEL: We just talked about that
 2 for 30 minutes.
 3 MR. REVUELTA: We just had the proof of the
 4 pudding, right.
 5 MR. WITHERS: Does that go forward with a
 6 recommendation or without a recommendation?
 7 MR. COLLER: So was the vote tied?
 8 MR. TORRE: Yes.
 9 MR. COLLER: So the beauty of this is, it's
 10 not a Comp Plan Amendment, it's a Legislative
 11 item, and it goes to the Board without a
 12 recommendation.
 13 CHAIRMAN AIZENSTAT: So it's coming back.
 14 MR. REVUELTA: And we'll hear about it --
 15 MR. TORRE: I kind of felt it was going in
 16 that direction.
 17 CHAIRMAN AIZENSTAT: Thank you. Let's go
 18 ahead and move on. Item E-5, please,
 19 Mr. Coller.
 20 MR. COLLER: Item E-5 -- we had asked for
 21 any public comment on that item, right? There
 22 was nobody?
 23 CHAIRMAN AIZENSTAT: There was nobody. I
 24 did ask for E-4.
 25 MR. COLLER: Right.

Page 36

1 in opposition of application," we're just going
 2 to say, "Public comment."
 3 And the same with Cross Examination.
 4 Instead of having City Staff and then
 5 applicant, we're just going to have "Cross
 6 Examination."
 7 So we're just kind of simplifying the
 8 order.
 9 CHAIRMAN AIZENSTAT: Thank you.
 10 Julio?
 11 MR. GRABIEL: No comments.
 12 MR. BEHAR: You want to open it to the
 13 public?
 14 CHAIRMAN AIZENSTAT: Oh, yeah, sorry.
 15 Do we have anybody on this item from the
 16 public?
 17 THE SECRETARY: No. No, we don't.
 18 CHAIRMAN AIZENSTAT: From Zoom?
 19 THE SECRETARY: No.
 20 CHAIRMAN AIZENSTAT: And from phone
 21 platform?
 22 THE SECRETARY: No.
 23 CHAIRMAN AIZENSTAT: Thank you.
 24 At this time, I'll go ahead and close the
 25 floor, and open it up for Board discussion.

1 Julio did not have any discussion.
 2 MR. REVUELTA: Who -- again, the genesis of
 3 this change -- it seems to me like I've
 4 always -- I used to, when I think the logic,
 5 the City goes first, makes their presentation,
 6 and then after that the applicant makes his
 7 presentation and then you have proponents or
 8 objectors.
 9 Right now, you're going to have the
 10 applicant making a presentation, the City makes
 11 their presentation and then you have proponents
 12 and objectors. So you're kind of cutting, to
 13 me, the sequence, but who is spearheading this
 14 effort, Staff?
 15 MS. GARCIA: I believe the Director of
 16 Development Services was given direction to
 17 have the applicant present first, and then City
 18 Staff. But to do that, we're just changing the
 19 wording in the Code.
 20 MR. REVUELTA: I would like to hear from
 21 the rest of the Board.
 22 MR. TORRE: Excuse me. Is there a reason
 23 why Staff may be better off going first, in
 24 terms of cleaning up or explaining things a
 25 little bit more generically or broadly?

1 the Code, that's it.
 2 CHAIRMAN AIZENSTAT: Thank you for the
 3 clarification.
 4 MR. TORRE: I want to ask you a question,
 5 though. Isn't that still allowed though? You
 6 guys could come at the end of the presentation
 7 from the client and still do the cleanup?
 8 MS. GARCIA: Yes. Yes. The Chair can
 9 always have the power to call anybody up to
 10 clarify anything.
 11 MR. BEHAR: We, as the Board, have the
 12 right to bring them back.
 13 MR. TORRE: Right, but if there's things
 14 that are misstated or not properly explained,
 15 doesn't the Staff always come back and try to
 16 do that anyway?
 17 MR. REVUELTA: The City has to the right to
 18 rebuttal, right?
 19 MS. GARCIA: Yes.
 20 MR. TORRE: I'm not against what you guys
 21 are proposing. I just wanted to understand a
 22 little bit.
 23 CHAIRMAN AIZENSTAT: Chip?
 24 MR. WITHERS: When does the applicant have
 25 the chance to rebutt in this procedure?

1 MS. GARCIA: And the intent might be that
 2 the applicant is presenting their project, you
 3 know, kind of selling it, giving the overall
 4 vision of it, and Staff follows up with the
 5 actual technical issues and comments.
 6 MR. BEHAR: What I do like about it is
 7 that, if the applicant says something that is
 8 not factual, maybe the Staff could clarify
 9 that.
 10 CHAIRMAN AIZENSTAT: That's what I like
 11 also. The City can clarify or correct --
 12 MR. BEHAR: Not that the applicants don't
 13 always tell us what's correct.
 14 MS. CABRERA: Good evening. Suramy
 15 Cabrera, Development Services Director. So
 16 changing the order of the presentation was at
 17 the request of the City Manager's Office, and
 18 that's what this is taking care of, no?
 19 And it is because we would like to be able
 20 to clarify, when we've had applicants that make
 21 it seem like the City is part of their selling
 22 the project to the, you know, Board Members or
 23 to the Commission, so we're trying to make it
 24 so that they're selling you the project, we're
 25 giving you our professional recommendation on

1 MS. GARCIA: Well, I should add, there's a
 2 sentence at the very end that says, "This order
 3 of presentation may be modified by agreement of
 4 all parties or by the Chair." So the Chair can
 5 always mix up things as he deems fit, but
 6 usually the rebuttal happens after Staff or
 7 even after public comment. They usually
 8 reserve time.
 9 MR. WITHERS: So the sequence is, the
 10 applicant --
 11 MS. GARCIA: The sequence proposed would be
 12 the applicant and then the City Staff and then
 13 public comment.
 14 MR. WITHERS: And then the public comments.
 15 CHAIRMAN AIZENSTAT: And then we open it up
 16 for public comment. The only difference would
 17 be changing around the order that it starts.
 18 MR. WITHERS: And many times the City just
 19 gives a one or two-minute and they hand it over
 20 to the applicant, anyway, I mean.
 21 MR. BEHAR: I'm okay with this.
 22 MR. WITHERS: Yeah, I'm not --
 23 CHAIRMAN AIZENSTAT: For me, I actually
 24 like the applicant to go first. I was always
 25 used to the applicant going first.

Page 41

1 MR. BEHAR: I'll make a motion to approve.
 2 CHAIRMAN AIZENSTAT: We have a motion to
 3 approve.
 4 MR. GRABIEL: Second.
 5 CHAIRMAN AIZENSTAT: Julio seconds.
 6 Any discussion? No?
 7 Call the roll, please.
 8 THE SECRETARY: Chip Withers?
 9 MR. WITHERS: Yes.
 10 THE SECRETARY: Robert Behar?
 11 MR. BEHAR: Yes.
 12 THE SECRETARY: Julio Grabiell?
 13 MR. GRABIEL: Yes.
 14 THE SECRETARY: Luis Revuelta?
 15 MR. REVUELTA: Yes.
 16 THE SECRETARY: Venny Torre?
 17 MR. TORRE: Yes.
 18 THE SECRETARY: Eibi Aizenstat?
 19 CHAIRMAN AIZENSTAT: Yes. Thank you.
 20 Now we'll move on to our regular order,
 21 which would be E-1. Mr. Coller, are you going
 22 to read E-1 and E-2 together into the record or
 23 are you going to read E-1 first?
 24 MR. COLLER: I'm going to read both in and
 25 we can have one hearing on both, and then we'll

Page 43

1 and 4225 Ponce de Leon Boulevard), Coral
 2 Gables, Florida, including required conditions,
 3 providing for a repeater provision,
 4 severability clause, and providing for an
 5 effective date.
 6 Item E-1 and E2, public hearing.
 7 CHAIRMAN AIZENSTAT: Thank you.
 8 Is the applicant here?
 9 MR. NAVARRO: Yes. I was confused as to
 10 the process.
 11 Good evening, Board Members, Mr. Chair.
 12 Jorge Navarro, with offices at 333 Southeast
 13 2nd Avenue. And Ray is going to be setting up,
 14 and I'll just give some kind of background as
 15 to the project before you and how we got here.
 16 With me this evening are the ownership
 17 group from 4225 Ponce Ventures. We have Mr.
 18 Eduardo Otaola, Alex Peters, Lester Garcia and
 19 Jose Boschetti. We also have the Ray Fort, our
 20 project architect, from Arquitectonica.
 21 In the audience, in case there are any
 22 questions, as well -- I know the City has their
 23 own independent traffic consultant, but we have
 24 our project traffic consultant, Juan Espinoza,
 25 from David Plummer & Associates, and my

Page 42

1 have a separate vote on each item, with the
 2 Chair's approval.
 3 CHAIRMAN AIZENSTAT: Yes.
 4 MR. COLLER: Okay. Item E-1, a Resolution
 5 of the City Commission of Coral Gables, Florida
 6 approving Mixed-Use Site Plan and Conditional
 7 Use review pursuant to Zoning Code Article 14,
 8 "Process" Section 14-203, "Conditional Uses,"
 9 for a proposed Mixed-Use project referred to as
 10 "4311 Ponce" on the property legally described
 11 as Lots 36 through 43, Block 5, "Industrial
 12 Section" (4311 and 4225 Ponce de Leon
 13 Boulevard), Coral Gables, Florida; including
 14 required conditions, providing for a repeater
 15 provision, severability clause, and providing
 16 for an effective date.
 17 Item E-2, a Resolution of the City
 18 Commission of Coral Gables, Florida approving
 19 Remote Parking and Conditional Use review
 20 pursuant to Zoning Code Article 14, "Process"
 21 Section 14-203, "Conditional Uses," for
 22 proposed Remote Parking associated with the
 23 Mixed-Use project referred to as "4311 Ponce"
 24 on the property legally described as Lots 36
 25 through 43, Block 5, "Industrial Section" (4311

Page 44

1 colleague, Devon Vickers.
 2 We're very excited to be here before you
 3 this evening. We believe this is a great
 4 addition to the Merrick Park area. It's
 5 actually the first Class A office building
 6 that's been proposed in Merrick Park in over
 7 twenty years.
 8 As many of you know, Merrick Park has
 9 experienced significant residential growth over
 10 the last years, and this complements the large
 11 high-end regional mall that anchors this area.
 12 But one component that has historically been
 13 missing is an office component, to complement
 14 the Residential and Commercial uses that
 15 comprise this Mixed-Use area.
 16 And this District naturally lends itself to
 17 Class A office space. Companies that are in
 18 the market for Class A office space in the
 19 greater Miami area are looking for locations
 20 that are amenity rich and walkable Mixed-Use
 21 communities, because it provides a better
 22 work-life balance, and it also includes all of
 23 the shopping, dining and housing options that
 24 employers need in order to attract and retain
 25 top talent, which is something that, when this