

1 MR. TORRE: Present.  
 2 THE SECRETARY: Maria Velez?  
 3 MS. VELEZ: Here.  
 4 THE SECRETARY: Chip Withers?  
 5 MR. WITHERS: I'm here.  
 6 THE SECRETARY: Eibi Aizenstat?  
 7 CHAIRMAN AIZENSTAT: Here.  
 8 Please be advised that this board is a  
 9 quasi-judicial board, and the items on the agenda  
 10 are quasi-judicial in nature, which requires board  
 11 members to disclose all ex-parte communications and  
 12 site visits.  
 13 An ex-parte communication is defined as any  
 14 contact, communication, conversation,  
 15 correspondence, memorandum or other written or  
 16 verbal communication that takes place outside a  
 17 public hearing between a member of the public and a  
 18 member of the quasi-judicial board regarding  
 19 matters to be heard before the board.  
 20 If anyone made any contact with a board member  
 21 regarding an issue before the board, the board  
 22 member must state on the record the existence of  
 23 the ex-parte communication and the party who  
 24 originated the communication.  
 25 Also, if a board member conducted site visits

1 specifically related to the case before the board,  
 2 the board must also disclose such visit. In either  
 3 case, the board member must state on the record  
 4 whether the ex parte communication and/or site  
 5 visit will affect the member's ability to  
 6 impartially consider the evidence to be presented  
 7 regarding the matter.  
 8 The board member shall also state that his or  
 9 her decision will be based on substantial competent  
 10 evidence and testimony presented on the record.  
 11 Does any board member have any such  
 12 communication or site visit to disclose?  
 13 MR. TORRE: I visited both sites that are on  
 14 the agenda tonight.  
 15 CHAIRMAN AIZENSTAT: And will that impair your  
 16 ability to be impartial?  
 17 MR. TORRE: Not at all.  
 18 CHAIRMAN AIZENSTAT: All the parties that will  
 19 be speaking today, if they can please stand up to  
 20 be sworn in, with the exception of the attorneys.  
 21 THE COURT REPORTER: Please raise your right  
 22 hand.  
 23 Do you swear or affirm the testimony you are  
 24 about to give with the truth, the whole truth and  
 25 nothing but the truth?

1 (ALL): Yes.  
 2 CHAIRMAN AIZENSTAT: Thank you.  
 3 And what I would also like to ask is anybody  
 4 that's going to be speaking today, there's a  
 5 sign-up sheet with Jill, if they would please go  
 6 over there or make sure that they've signed their  
 7 names. She will be calling you up in reference to  
 8 each agenda items that's presented.  
 9 First I'd like to do the approval of minutes.  
 10 Has everybody had a chance to go over, to go over  
 11 and read the minutes? Is there a motion?  
 12 MR. MURAI: So moved.  
 13 MS. ANDERSON: Second.  
 14 CHAIRMAN AIZENSTAT: Motion to second. Any  
 15 discussion?  
 16 MR. WITHERS: I just have a question.  
 17 CHAIRMAN AIZENSTAT: Yes, sir.  
 18 MR. WITHERS: I was marked as excused in May,  
 19 and I didn't -- was there a meeting in May?  
 20 And I thank you for excusing me.  
 21 I don't know if I was yet appointed. I  
 22 believe it was the June, but I just want the --  
 23 CHAIRMAN AIZENSTAT: Okay. Ramon, would you  
 24 have your office take a look at that?  
 25 MR. TRIAS: Yeah, we will verify the

1 appointment and certainly we can do that.  
 2 CHAIRMAN AIZENSTAT: Thank you. Because I  
 3 know you haven't missed any meetings since your  
 4 appointment.  
 5 MR. WITHERS: No.  
 6 MR. TRIAS: Right.  
 7 CHAIRMAN AIZENSTAT: Thank you.  
 8 Any other discussion?  
 9 Having heard none, call the roll, please.  
 10 THE SECRETARY: Rene Murai?  
 11 MR. MURAI: Yes.  
 12 THE SECRETARY: Venny Torre?  
 13 MR. TORRE: Yes.  
 14 THE SECRETARY: Maria Velez?  
 15 MS. VELEZ: Yes.  
 16 THE SECRETARY: Chip Withers?  
 17 MR. WITHERS: Yes.  
 18 THE SECRETARY: Rhonda Anderson?  
 19 MS. ANDERSON: Yes.  
 20 THE SECRETARY: Eibi Aizenstat?  
 21 CHAIRMAN AIZENSTAT: Yes.  
 22 I'd like to go ahead and change the order of  
 23 the agenda. The first items I'd like to hear, for  
 24 the board to hear, is Item E-4 and E-5.  
 25 Mr. Collier, would you please read the item

1 into the record.

2 MR. COLLIER: Well, that's the city attorney,  
3 for the record.

4 CHAIRMAN AIZENSTAT: Correct.

5 MR. COLLIER: But I will read this item.

6 CHAIRMAN AIZENSTAT: Excuse me.

7 MS. RAMOS: Please.

8 MR. COLLIER: Item E-4, an ordinance of the  
9 City Commission of Coral Gables, Florida providing  
10 for text amendments to the City of Coral Gables  
11 official zoning code, Article 4, Zoning District,  
12 Section 4-206, business improvement overlay  
13 district, BIOD, to permit a conditional use for  
14 outdoor seating for non-restaurant facilities  
15 fronting Miracle Mile and Giralda Plaza, providing  
16 for a repealer provision, severability clause,  
17 codification providing for an effective date. Item  
18 E-4, public hearing.

19 CHAIRMAN AIZENSTAT: Thank you.

20 MS. RAMOS: Good evening. Miriam Soler Ramos,  
21 city attorney for the record. Pleasure to be with  
22 all of you tonight.

23 I'm here because these items were each  
24 sponsored. I'll talk about the one that Mr. Collier  
25 has read in first. But both items were sponsored

1 by different commissioners. They've already gone  
2 to first reading at the August commission meeting,  
3 and they're coming to you between first and second.

4 So the one that we are currently on is the one  
5 fronting Miracle Mile and Giralda. This was  
6 sponsored by the vice mayor.

7 And the idea was that we would allow -- so we  
8 currently allow outdoor seating for restaurant  
9 facilities. But there is a process in the city by  
10 which a non-restaurant facility may obtain a liquor  
11 permit essentially. And so the idea is to allow  
12 outdoor seating through a conditional use process,  
13 which we all know is very stringent, has to go to  
14 the commission, they can place whatever conditions  
15 they believe are appropriate for businesses that  
16 have this -- that already have this non-restaurant  
17 facility license or liquor approval to apply for  
18 outdoor seating. So that's what this essentially  
19 does.

20 It does provide for an administrative  
21 approval, or renewal I should say, if certain  
22 conditions are complied with. And this is --

23 MR. COLLIER: Chairman, maybe I should read E-5  
24 in since we're going to be taking both of them up  
25 and then we can do a public hearing on --

1 MS. RAMOS: Sure. Let me just finish this one  
2 thing. This only applies to the Miracle Mile and  
3 Giralda streets. That's the only place that this  
4 particular one applies to.

5 Go ahead, Craig.

6 MR. COLLIER: E-5, an ordinance of the city  
7 commission of Coral Gables, Florida, providing for  
8 text amendments to the City of Coral Gables  
9 official zoning code, Article 4, zoning district,  
10 Section 4-206, business improvement overlay  
11 district, BIOD, to permit a conditional use for  
12 outdoor seating on private property for  
13 non-restaurant facilities providing for a repealer  
14 provision, severability clause, codification, and  
15 providing for an effective date.

16 Item E-5, public hearing.

17 MS. RAMOS: So similarly, as I mentioned, this  
18 was also brought forth and sponsored by  
19 Commissioner Fors. It's been heard by the  
20 commission on first reading and is coming to you  
21 between first and second.

22 This is very similar to the one that I just  
23 spoke about except that this is the entire business  
24 improvement district, not only Miracle Mile and  
25 Giralda, and it only applies to private property.

1 So you would have to have a space within your  
2 business where this would even work, and then you  
3 would go through the same process.

4 You would first have to have your  
5 non-restaurant liquor approval, and then you would  
6 have to come, and it would be a conditional use  
7 process. You would go to the commission. They  
8 could apply whatever conditions they thought were  
9 necessary, and then you could potentially have  
10 outdoor seating.

11 So that's kind of the totality of the two  
12 ordinances and what they do.

13 MR. MURAI: What kind of businesses are we  
14 talking about that have a liquor license and  
15 they're not restaurants?

16 MS. RAMOS: So the ones that we've seen that I  
17 can think of off the top of my head, one is a  
18 barber shop.

19 MR. MURAI: A barber shop is going to have  
20 liquor -- they're going to kill those people.

21 MS. RAMOS: So I think it's for the person  
22 having the haircut, not the person giving, at least  
23 I hope. I doubt that they are going to be the  
24 people that are going to apply for outdoor seating,  
25 because that's not their business model. But, for

1 example, Wolf's Wine is a good example.

2 MR. MURAI: Which one?

3 MS. RAMOS: Wolf's Wine Shop. They typically  
4 only sell as a liquor store, the closed bottle of  
5 wine, they now have permission to serve the wine by  
6 the glass and sell it to the customer.

7 And so they would, for example, be able to put  
8 a table outside or two whatever, all the regular  
9 requirements are going to be in place, of course.  
10 You have to have ADA space for -- you know, the  
11 sidewalks will still be ADA accessible, it can't  
12 exceed the frontage of your particular store.

13 All those things are still going to be in  
14 place, but you might have one or two tables outside  
15 where someone might be able to enjoy a glass of  
16 wine that they purchased from the store.

17 MR. MURAI: Do those people have a liquor  
18 license?

19 MS. RAMOS: These people have a non-restaurant  
20 facility approval to sell liquor in the city. They  
21 have to go through their process with the State,  
22 but this is our zoning piece of it.

23 MS. ANDERSON: Here's a question that I have.  
24 Indoor versus outdoor use, is the veranda area  
25 considered part of the indoor space?

1 MS. RAMOS: It depends. That's the answer.  
2 It depends on which space. Some of them may be  
3 private property. Some of them may be public  
4 property. Some of them -- well, I guess those are  
5 the only two categories.

6 But one of the items has been often discussed  
7 by the commission, and what we do with them is  
8 areas that were intended to be open to the public  
9 and often used by establishments as part of a  
10 private building, but I think that's a little bit  
11 more than what this is trying to capture.

12 This is truly trying to capture Miracle Mile  
13 and Giralda. Just like you see tables outside of a  
14 restaurant on Miracle Mile and Giralda, you would  
15 see a couple of tables outside that would be  
16 allowed to sell.

17 And I don't know how many of these there  
18 really are. I don't know how often we're going to  
19 see it on the first one.

20 The second, with the private property, we may  
21 see more often.

22 MS. ANDERSON: I would have an issue with it  
23 if we don't fill up the verandas, block the  
24 verandas, allow ADA accessible routes so  
25 pedestrians can use the verandas for the purposes

1 they were really meant for.

2 MS. RAMOS: And so when public works looks at  
3 it as it goes through the process, they would have  
4 to check for that, as they do now, by the way, with  
5 all outdoor seating. So if you want to have a  
6 table that exceeds too far into -- and I know, that  
7 doesn't -- it doesn't always happen. That's what  
8 your face is telling me.

9 MS. ANDERSON: You see the look on my face,  
10 yeah.

11 MS. RAMOS: I know. But the idea is that when  
12 you have outdoor seating, it's gone through a  
13 process and we've told you, you need to leave this  
14 much space to make sure that it's ADA accessible.

15 MS. ANDERSON: So why don't we put it in the  
16 ordinance that there has to be a minimum of 36  
17 inches?

18 MS. RAMOS: So it refers back to a different  
19 section that talks about fulfilling those  
20 requirements.

21 MS. ANDERSON: And as for those places where  
22 they're given permits to completely fill up their  
23 verandas --

24 MS. RAMOS: That's a separate conversation. I  
25 know that code is looking into it comprehensively.

1 MS. ANDERSON: Do those permits eventually  
2 expire?

3 MS. RAMOS: I don't believe that most of those  
4 were permits. Most of those were part of the site  
5 plan approval, and so the question is have they  
6 exceeded that or not, and it's something that I  
7 know staff is looking at.

8 MS. ANDERSON: Okay.

9 CHAIRMAN AIZENSTAT: Besides the wine and the  
10 barber shop that you gave us an as example, give me  
11 a strange example that might be able to do this --

12 MR. MURAI: A barber shop.

13 MS. RAMOS: That is a strange example.

14 Mr. Trias, can you think of anything?

15 MR. WITHERS: I have one. How about like  
16 cigars and hookah and things like that?

17 MS. RAMOS: So cigar shops, I don't know if we  
18 have one in Miracle Mile.

19 MR. WITHERS: Not now, we don't.

20 MS. RAMOS: But if we did, yes, that would be  
21 an example, because we have two cigar shops in the  
22 city that have obtained non-restaurant approvals to  
23 sell alcoholic beverages.

24 CHAIRMAN AIZENSTAT: And is that hard liquor  
25 or is that beer and wine?

1 MS. RAMOS: So they're licensed through the  
 2 State, is whatever the State gives them. For us,  
 3 beer and wine is no different than hard liquor.  
 4 CHAIRMAN AIZENSTAT: So as long as they get a  
 5 State license, we're looking at it for within the  
 6 city and the zoning?  
 7 MS. RAMOS: For us, that's something they must  
 8 do to even apply. They don't have it. They can't,  
 9 you know...  
 10 CHAIRMAN AIZENSTAT: So, for example, a shoe  
 11 repair.  
 12 MS. RAMOS: Right. So a shoe repair would not  
 13 qualify.  
 14 CHAIRMAN AIZENSTAT: Okay.  
 15 MR. MURAI: Why wouldn't it qualify?  
 16 MS. RAMOS: That would be weird, right? I'm  
 17 sorry.  
 18 MR. MURAI: Why would it not qualify any more  
 19 than a barber shop?  
 20 MS. RAMOS: Well, that's a good point, right?  
 21 So I guess if they were able to get it, I guess it  
 22 would just not be the business model.  
 23 MR. TRIAS: Mr. Chairman, one of the issues is  
 24 that this is a conditional use process being  
 25 proposed, so the standard's very high. It has to

1 be reviewed by the Planning and Zoning and  
 2 commission.  
 3 MR. COLLER: And I presume that it will be  
 4 heard by this board.  
 5 MR. TRIAS: Planning and Zoning --  
 6 MR. COLLER: Right. So every one is going to  
 7 have to be separately evaluated.  
 8 CHAIRMAN AIZENSTAT: Individually.  
 9 MR. COLLER: Individually. And there may be  
 10 issues of compatibility where one place it might be  
 11 appropriate, another place it might not be  
 12 appropriate.  
 13 MR. TRIAS: And conditions may be placed that  
 14 deal with the site --  
 15 MS. RAMOS: That was the idea of making it a  
 16 conditional use approval, that it's very stringent,  
 17 and it's a long process. It's not easy to get, so  
 18 that we don't have these things popping up left and  
 19 right.  
 20 CHAIRMAN AIZENSTAT: Understood.  
 21 MR. WITHERS: Can I ask a question?  
 22 MS. RAMOS: Of course.  
 23 MR. WITHERS: Just so does the use outside  
 24 have to match the use on the permit inside?  
 25 MS. RAMOS: This is only for the serving of --

1 so if you serve alcohol, you can apply for to have  
 2 tables outside. That's all that this is doing.  
 3 MR. WITHERS: I understand.  
 4 MS. RAMOS: Yeah, I would say that if they're  
 5 trying to -- if you're a shoe repair and you're  
 6 trying to have a nail salon on the right-of-way,  
 7 that that would violate your certificate of use.  
 8 Right?  
 9 MR. WITHERS: So I guess my point is, the use  
 10 on the outside of the sidewalk has to match the use  
 11 on the inside of the building?  
 12 MR. MURAI: No. No. Because she gave the  
 13 example of the barber shop.  
 14 MS. VELEZ: They're not going to cut the hair  
 15 outside.  
 16 MR. WITHERS: So who makes that decision? Is  
 17 it an administrative --  
 18 MS. RAMOS: The commission. The commission  
 19 will make it as part of a conditional use process.  
 20 MR. TRIAS: Upon recommendation by Planning  
 21 and Zoning.  
 22 MS. RAMOS: Right.  
 23 CHAIRMAN AIZENSTAT: So they can put  
 24 restrictions on the use that would be outside, for  
 25 example, you can't cut hair out there?

1 MS. RAMOS: Most certainly. And the request  
 2 would not be -- well, I guess a request would be  
 3 for outdoor seating, and then you could say the  
 4 only thing you can do in this outdoor seating is A,  
 5 B, C and D.  
 6 CHAIRMAN AIZENSTAT: Understood.  
 7 Venny, you had --  
 8 MR. TORRE: I do have a question. A business  
 9 improvement district has an option for people  
 10 outside of the CBD, or the -- I should say the  
 11 business improvement district would be opting in.  
 12 You're talking about a boundary, not members  
 13 of the bid, per se, correct?  
 14 MS. RAMOS: Correct. This is what's called,  
 15 and to speak appropriately I will read it, it's the  
 16 area known as the -- where did it go?  
 17 MR. TORRE: BOD.  
 18 MR. MURAI: Business improvement overlay  
 19 district.  
 20 MS. RAMOS: That's exactly right, business  
 21 improvement overlay district.  
 22 MR. TORRE: For not members on the --  
 23 MS. RAMOS: Not members of the BOD, just that  
 24 district.  
 25 CHAIRMAN AIZENSTAT: Understood.

1 MS. RAMOS: And then for the first one, only  
 2 Giralda and Miracle Mile.  
 3 CHAIRMAN AIZENSTAT: Any other questions,  
 4 Miriam?  
 5 MR. MURAI: Can I make a motion to approve  
 6 both items at the same time?  
 7 CHAIRMAN AIZENSTAT: Yes, you may.  
 8 MR. COLLER: We'll have a separate vote on  
 9 each, but --  
 10 MS. RAMOS: Does anybody wish to speak?  
 11 MR. COLLER: Oh, yeah, we have not done that.  
 12 Sorry.  
 13 MS. RAMOS: That's okay.  
 14 CHAIRMAN AIZENSTAT: Are we done?  
 15 Let's go ahead and open it for the public.  
 16 Anybody here that wants to comment on either one of  
 17 these items, E-4 or E-5?  
 18 No? I'll go ahead and close it to the floor.  
 19 MR. MURAI: I move approval of E-4.  
 20 MS. VELEZ: I'll second.  
 21 CHAIRMAN AIZENSTAT: As is?  
 22 MR. MURAI: As is.  
 23 CHAIRMAN AIZENSTAT: We have a first and a  
 24 second.  
 25 Any discussion? No.

1 Call the roll, please.  
 2 THE SECRETARY: Venny Torre?  
 3 MR. TORRE: Yes.  
 4 THE SECRETARY: Maria Velez?  
 5 MS. VELEZ: Yes.  
 6 THE SECRETARY: Chip Withers?  
 7 MR. WITHERS: Yes.  
 8 THE SECRETARY: Rhonda Anderson?  
 9 MS. ANDERSON: Yes.  
 10 THE SECRETARY: Rene Murai?  
 11 MR. MURAI: Yes.  
 12 THE SECRETARY: Eibi Aizenstat?  
 13 CHAIRMAN AIZENSTAT: Yes.  
 14 Next we have E-5.  
 15 MR. MURAI: Move approval of E-5.  
 16 MS. VELEZ: I'll second.  
 17 CHAIRMAN AIZENSTAT: As is?  
 18 MR. MURAI: As is.  
 19 CHAIRMAN AIZENSTAT: Any discussion? No?  
 20 Call the roll, please.  
 21 THE SECRETARY: Maria Velez?  
 22 MS. VELEZ: Yes.  
 23 THE SECRETARY: Chip Withers?  
 24 MR. WITHERS: Yes.  
 25 THE SECRETARY: Rhonda Anderson?

1 MS. ANDERSON: Yes.  
 2 THE SECRETARY: Rene Murai?  
 3 MR. MURAI: Yes.  
 4 THE SECRETARY: Venny Torre?  
 5 MR. TORRE: Yes.  
 6 THE SECRETARY: Eibi Aizenstat?  
 7 CHAIRMAN AIZENSTAT: Yes.  
 8 Thank you. Just one comment, I notice on the  
 9 sheet that we're provided by the City, they're  
 10 inverted, meaning first is E-5, then second is E-4.  
 11 Since this goes into the record, I don't know if  
 12 you want to put E-4 first.  
 13 MS. RAMOS: Fix it. Absolutely.  
 14 Thank you, everyone.  
 15 CHAIRMAN AIZENSTAT: Thank you very much.  
 16 MS. RAMOS: Thank you.  
 17 CHAIRMAN AIZENSTAT: Okay. Would you read the  
 18 next item please, which would be E-1 and E-2.  
 19 MR. COLLER: I'll read both items in.  
 20 CHAIRMAN AIZENSTAT: Please.  
 21 MR. COLLER: E-1, An ordinance of the City  
 22 Commission of Coral Gables, Florida, requesting  
 23 receipt of transfer of development rights, TDRs,  
 24 pursuant to zoning code, Article 3, development  
 25 review, Division 10, transfer of development right,

1 Section 3-1006, review and approval of use of TDRs  
 2 on receiver sites for the receipt and use of TDRs  
 3 for the proposed project referred to as 220 Miracle  
 4 Mile on the property legally described as Lots  
 5 17-24, Block 2, Crafts Section, Coral Gables,  
 6 Florida; including required conditions; providing  
 7 for a repealer provision, severability clause, and  
 8 providing for an effective date.  
 9 CHAIRMAN AIZENSTAT: Thank you.  
 10 MR. COLLER: Item E --  
 11 MR. TRIAS: Second item.  
 12 CHAIRMAN AIZENSTAT: Next item.  
 13 MR. COLLER: I'm sorry. I'll read Item E-2?  
 14 MR. TRIAS: Yes.  
 15 CHAIRMAN AIZENSTAT: Yes, please.  
 16 MR. COLLER: A resolution of the city  
 17 commission of Coral Gables, Florida requesting a  
 18 site plan review pursuant to zoning code Article 4,  
 19 zoning districts, Division 2, overlay and special  
 20 purpose districts, Section 4-203, Zaine/Friedman  
 21 Miracle Mile downtown overlay for the proposed  
 22 project referred to as 220 Miracle Mile on property  
 23 legally described as Lot 17-24, Block 2, Craft  
 24 Section, Coral Gables, Florida, including required  
 25 conditions, providing for a repealer provision,