

CITY OF CORAL GABLES  
PLANNING AND ZONING BOARD MEETING  
VERBATIM TRANSCRIPT  
WEDNESDAY, AUGUST 14, 2024, COMMENCING AT 6:01 P.M.

Board Members Present at Commission Chamber:

Chairperson Eibi Aizenstat  
Vice Chairperson Robert Behar  
Board Member Julio Grabiell  
Board Member Sue Kawalerski  
Board Member Felix Pardo  
Board Member Javier Salman  
Board Member Wayne "Chip" Withers

City Staff and Consultants:

Jennifer Garcia, City Planner  
Jill Menendez, Administrative Assistant, Board Secretary  
Craig Collier, Special Counsel

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1 THEREUPON:  
 2 CHAIRPERSON AIZENSTAT: I'd like to call this  
 3 meeting to order. I'd like to have everybody please  
 4 silence all phones and beepers, if you still have  
 5 one.  
 6 Good evening. This Board is comprised of seven  
 7 members. Four members of the Board will constitute a  
 8 quorum and the affirmative vote of the four members  
 9 shall be necessary for the adoption of any motion.  
 10 If only four Board members are present, an Applicant  
 11 may request to be entitled to a continuance to the  
 12 next regularly scheduled meeting of the Board.  
 13 If a matter is continued due to a lack of quorum,  
 14 the Chairperson or Secretary of the Board may set a  
 15 Special Meeting to consider such matter. In the  
 16 event that four votes are not obtained, an Applicant,  
 17 except in the case of a Comprehensive Plan Amendment,  
 18 may request a continuance or allow the application to  
 19 proceed to City Commission without a recommendation.  
 20 Pursuant to Resolution Number 2021-11A, the City  
 21 of Coral Gables has returned to traditional in-person  
 22 meetings. However, the Planning and Zoning Board has  
 23 established the ability for the public to provide  
 24 comments virtually. For those members of the public  
 25 who are appearing on Zoom -- actually, it's not a

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1 quasi-judicial.  
 2 Everyone who wishes to speak this evening must  
 3 complete the roster on the podium, please. We ask  
 4 that you print your name clearly so the official  
 5 records of your name and address will be correct.  
 6 Zoom Platform Participants: I will ask any  
 7 person wishing to speak on tonight's agenda item to  
 8 please open their chat and send a direct message to  
 9 Jill Menendez stating you would like to speak before  
 10 the Board and include your full name. Jill will call  
 11 you when it's your turn. I ask you to be concise for  
 12 the interest of time.  
 13 Phone Platform Participants: After Zoom Platform  
 14 Participants are done I will ask Phone Participants  
 15 to comment on tonight's agenda item. I also ask you  
 16 to be concise for the interest of time.  
 17 First we have the approval of the minutes of July  
 18 10th, 2024. Has everybody had a chance to read  
 19 those?  
 20 MS. KAWALERSKI: I move.  
 21 MR. SALMAN: I second.  
 22 CHAIRPERSON AIZENSTAT: We have a motion. We  
 23 have a second. Any comments?  
 24 No?  
 25 Call the roll, please.

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1 quasi-judicial so you don't have to be visible to the  
 2 court reporter, or you don't have to be sworn in.  
 3 Lobbyist Registration and Disclosure: Any person  
 4 who acts as a lobbyist must register with the City  
 5 Clerk as required pursuant to the City Code.  
 6 As Chair, I now officially call the City of Coral  
 7 Gables Planning and Zoning Board Meeting of August  
 8 14, 2024 to order. The time is 6:02.  
 9 Jill, if you'll please call the roll.  
 10 THE SECRETARY: Robert Behar?  
 11 MR. BEHAR: Here.  
 12 THE SECRETARY: Julio Grabiél?  
 13 MR. GRABIEL: Here.  
 14 THE SECRETARY: Sue Kawalerski?  
 15 MS. KAWALERSKI: Here.  
 16 THE SECRETARY: Felix Pardo?  
 17 MR. PARDO: Yeah, here.  
 18 THE SECRETARY: Javier Salman?  
 19 MR. SALMAN: Here.  
 20 THE SECRETARY: Chip Withers?  
 21 MR. WITHERS: Here.  
 22 THE SECRETARY: Eibi Aizenstat?  
 23 CHAIRPERSON AIZENSTAT: Here.  
 24 Tonight we'll have no swearing in on the two  
 25 items because, as I said before, they're not

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1 THE SECRETARY: Julio Grabiél?  
 2 MR. GRABIEL: Here.  
 3 THE SECRETARY: Sue Kawalerski?  
 4 MS. KAWALERSKI: Here -- yes.  
 5 THE SECRETARY: Felix Pardo?  
 6 MR. PARDO: Yes.  
 7 THE SECRETARY: Javier Salman?  
 8 MR. SALMAN: Yes.  
 9 THE SECRETARY: Chip Withers?  
 10 MR. WITHERS: Yes.  
 11 THE SECRETARY: Robert Behar?  
 12 MR. BEHAR: Yes.  
 13 THE SECRETARY: Eibi Aizenstat?  
 14 CHAIRPERSON AIZENSTAT: Yes.  
 15 One question, if I may, Craig. I was not here,  
 16 and Robert was not here, at the last meeting. We're  
 17 allowed to vote yes on those minutes --  
 18 MR. COLLER: Correct.  
 19 CHAIRPERSON AIZENSTAT: -- even though we didn't  
 20 participate?  
 21 MR. BEHAR: I read the minutes.  
 22 MR. COLLER: Correct, you are allowed to.  
 23 CHAIRPERSON AIZENSTAT: I just want to clarify  
 24 that for the record.  
 25 MR. BEHAR: And I read that my friend here,

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1 Chip Withers, wanted me to be present.  
 2 Thank you.  
 3 MR. WITHERS: I'm rethinking you guys' strategy  
 4 now.  
 5 CHAIRPERSON AIZENSTAT: Thank you.  
 6 The procedure we'll use for tonight; first we'll  
 7 have the identification of the Agenda item by Mr.  
 8 Coller. Then we'll have presentation by an Applicant  
 9 or an Agent, which in this case will be Staff. Then  
 10 I'll go ahead and open it for public comment, first  
 11 in chamber. Then I'll do Zoom platform and the phone  
 12 line platform. Afterwards we'll go ahead and close  
 13 public comment for discussion, a motion discussion  
 14 and second of the motion, if needed, and the Board's  
 15 final comments and the vote.  
 16 As I said before at the beginning just to let  
 17 everybody know that we're broadcasting live on  
 18 YouTube and on Zoom, but not on channel 77. There's  
 19 some technical difficulties going on with that, but  
 20 it will be replayed there afterwards.  
 21 Mr. Coller?  
 22 MR. COLLER: Item E-1. An Ordinance of the City  
 23 Commission of Coral Gables, Florida, providing for  
 24 text amendments to the City of Coral Gables Official  
 25 Zoning Code, Article 5, "Architecture," Section

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1 Craig -- harmonious types of architecture. And that  
 2 was later implemented into the Zoning Code, the first  
 3 Zoning Code, of Coral Gables in 1930.  
 4 And then in the post-war period the original  
 5 vision of George Merrick kind of was pushed aside, I  
 6 guess, in favor of more, you know, in favor of trends  
 7 of the time of a different century until the 1980s  
 8 when the City decided to implement the Mediterranean  
 9 Bonus, 1986 actually, with the intent to encourage,  
 10 right, encourage Mediterranean architecture in our  
 11 city.  
 12 And at first it was limited to just the CBD and  
 13 the north Ponce area, so more of our pro urban or --  
 14 a year later in 1987 they expand that to include the  
 15 Biltmore Way area, as well as the area south of the  
 16 CBD down to, I think, University Drive that, more or  
 17 less that downtown area they have. And a few years  
 18 later in the early 1990s that expanded to City-wide  
 19 that you could use and utilize the Med Bonus.  
 20 So now we have actually areas in our city that  
 21 are mandated Mediterranean architecture, and that's  
 22 in the old industrial area which has now been reband-  
 23 -- rebranded, sorry, as a design innovation district,  
 24 Giralda Plaza, that one block of the -- 100 block of  
 25 Giralda, as well as the RAR. There is an -- and

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1 5-200, "Mediterranean Standards;" Article 3, "Uses,"  
 2 Section 3-402, "Restrictions related to location,"  
 3 and Article 16, "Definitions;" to enhance the quality  
 4 of Coral Gables Mediterranean design by requiring a  
 5 conceptual design review; removing duplicative  
 6 criteria; relocating inapplicable standards;  
 7 supplementing existing criteria; and including  
 8 additional Mediterranean building examples; providing  
 9 for severability, repealer codification, and for an  
 10 effective date. Item E-1, Public Hearing.  
 11 CHAIRPERSON AIZENSTAT: Thank you.  
 12 MS. GARCIA: Jennifer Garcia, Building official.  
 13 I apologize if -- I'm a little under the weather so  
 14 my voice can be a little cracky and -- and low.  
 15 Could I have the PowerPoint, please? Thank you.  
 16 Okay. So this is a little refresher. As you  
 17 know, Mediterranean architecture that we refer to as  
 18 now has been part of the vision of George Merrick for  
 19 Coral Gables for almost one century so far. So it  
 20 dates back to the original warranty deed, which is  
 21 the little image on the left side, which dated --  
 22 which stated basically that all buildings except for  
 23 those that are in the schematic villages of Coral  
 24 Gables shall have Spanish style, Venetian, Moorish,  
 25 Italian, or similarly harmonious -- looking at you

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1 MF4 and MF3 zoning districts. So in those areas, in  
 2 those zoning districts you have to build  
 3 Mediterranean architecture.  
 4 So I should go back. So what we're looking at  
 5 today -- go back quickly. What we're looking at  
 6 today is not just for Med Bonus, an actual bonus from  
 7 the Board of Architects, but to have a better  
 8 criteria in their standards, right, that the City  
 9 actually mandate the style of architecture.  
 10 So the Med Bonus has been amended many times  
 11 since the 1980s, and most recently it was amended a  
 12 couple years ago thanks to the Blue Ribbon Committee  
 13 to require that the style has to be Mediterranean.  
 14 They took out the other styles. It has to be  
 15 Mediterranean. And, also, a prior to conceptual  
 16 design review is optional.  
 17 This initiative to revise the standards for  
 18 Mediterranean design is kind of piggy-backing off of  
 19 that Blue Ribbon Committee and their ideas.  
 20 We reviewed it with the Board of Architects,  
 21 literally line by line, criterion by criterion, for  
 22 many months I think back then, back last fall of  
 23 2023. Even, you know, meeting with you guys in the  
 24 City Commission, obviously, to update them and to  
 25 have orientation so they understand what we've bene

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1 working on. So now we're at the beginning phases of  
 2 a adoption process, looking for recommendation from  
 3 this Board to move forward to Commission. So the  
 4 goal is, and already in the order itself is to  
 5 provide incentive and to encourage Mediterranean  
 6 architecture.

7 So right now the standards are a little  
 8 subjective, they're a little repetitive, because a  
 9 lot of them were about windows and doors facing the  
 10 street, which is part of the underlying zoning right  
 11 now anyway. So the intent of this to make something  
 12 that's a little more rigid, a little more clear, more  
 13 about architecture and about Mediterranean  
 14 architecture style.

15 So you'll recognize this building on University  
 16 and Ponce. The first rendition of that building on  
 17 the left side was fought and hard by the residents.  
 18 They did not like it. And it changed a lot in  
 19 architecture. Same request of change of land --  
 20 land use and zoning. Same zoning changes, same  
 21 allocation, replat, all that. The obvious  
 22 difference, the biggest difference here, is  
 23 architecture change and that's when the residents  
 24 came out to the City Commission meetings and  
 25 requested the City Commission approve the project.

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1 and first second -- so, first second review of the  
 2 Commission.

3 So, again, the height difference is between who  
 4 approves it. Right? Board of Architects can only  
 5 approve Level 1/Level 2 Bonus. They can't approve a  
 6 taller building that the land use doesn't allow.  
 7 They only approve those two Bonuses. Right?

8 But, City Commission, they approve the land use  
 9 and zoning changes, and that's usually what the  
 10 residents for -- are mostly concerned about, is that  
 11 additional height as it jumps from low rise to high  
 12 rise. That change is not from the Med Bonus, it's  
 13 not from Board of Architects. It's from the land use  
 14 and zoning changes that's approved by the City  
 15 Commission. So let me clarify that.

16 So the summary of those changes are pretty much  
 17 the standards we've already discussed. It's about  
 18 strengthening the purpose and the review process of  
 19 the Med Bonus. It's also to remove the redundant  
 20 criteria that we have already in our Code. It's to  
 21 move some -- certain criteria that's more appropriate  
 22 in other areas, such as drive-throughs on certain  
 23 streets are prohibited. Same thing with  
 24 porte-cocheres, moving that to a more appropriate  
 25 part of our Code. It's also incorporating provisions

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1 So architecture is very important, right, in our  
 2 City.

3 So Development Review Process. This is a very  
 4 heavy slide and we can understand this. The first --  
 5 the first flow chart is kind of the by right, what  
 6 Coral Gables has as by right, the DRC, Preliminary  
 7 Review Committee, Board of Architects Preliminary  
 8 Review, and then to building permit. But as you  
 9 know, this is very rarely ever used. Most site plans  
 10 do require City Commission approval. And that, of  
 11 course, involves the DRC and it involves the Board of  
 12 Architects. However, most of the buildings that you  
 13 see as a Board are accompanied with a change of land  
 14 use and zoning. And so the Board of Architects is  
 15 not approving that change of land use and zoning as  
 16 part of that process. They're part of the Site Plan  
 17 Approval process. They're approving the  
 18 architecture, approving aesthetics. They're not  
 19 part of the change of land use and the change of  
 20 zoning. They're just -- they're reviewing the site  
 21 plan because they're part of it. But because our  
 22 City encourages change of land use and zoning to be  
 23 accompanied with the site plan it usually tracks  
 24 together. So it travels from DRC to Board of  
 25 Architects, to this Board, Planning and Zoning Board,

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1 for the Mediterranean Village PAD, architectural  
 2 standards that's in our Appendix C, expanding the  
 3 list of example buildings. And then also including  
 4 a character defining feature list to help architects  
 5 to incorporate features of architecture -- features  
 6 of Mediterranean architecture.

7 So right now we have eight example buildings in  
 8 our Zoning Code. Probably the one that's used most  
 9 often is The Biltmore. So they need to have better  
 10 examples there for larger sites because that's  
 11 clearly what we're -- our Zoning Code encourages.

12 So what I would propose today is to remove the  
 13 San Sebastian apartments. It's not seen as a  
 14 exemplary building. And the same with the Granada  
 15 Shops. Since there's not really good elevations and  
 16 plans of that building the Board of Architects kind  
 17 of felt that wasn't an important precedent to keep.  
 18 And in replacing those two and adding onto the list  
 19 many buildings that you can recognize by your fine  
 20 architects, fine architects being the architects that  
 21 we recognize, Martin Hampton, Schultze & Weaver,  
 22 the ones that really created the character of our  
 23 -- of our City back in the 1920s.

24 And then also some local examples. And then I  
 25 think we talked about this already, Vizcaya, I think

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1 we added, as well as some other examples that are  
 2 outside the South Florida -- Spain and Palm Beach.  
 3 And then since we've discussed this in May, I  
 4 believe, we've added a few more examples, Spain,  
 5 France, and United Kingdom as well.  
 6 And the list, the long list of defining features,  
 7 I don't want to go through that, but it's -- it's  
 8 really just, you know, stucco, towers, you know, use  
 9 of two piece barrel roof tile, those types of  
 10 features that you see on Mediterranean architecture.  
 11 It's not really spelled out right now in our criteria  
 12 to the list of those defining features in our Code  
 13 that the architects used in incorporating designs.  
 14 So since we last met in May we've addressed some  
 15 of the comments that we've received. We moved  
 16 Context Analysis to be the very first criterion in  
 17 the Prerequisites Table. So that was really  
 18 important, as we discussed in the last meeting, that  
 19 context is very, very important. Also, when you  
 20 design a building for a site usually it is context  
 21 first, kind of the first step. So it makes sense it  
 22 should be first.  
 23 And then we kind of addressed some comments about  
 24 the scale. So like I said, we expanded the Context  
 25 Analysis language to talk about site planning and how

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1 So all of these twelve, if you're multi-family  
 2 you have to complete six of the twelve of those  
 3 requirements, or eight of the twelve if you're  
 4 mixed-use. And that would grant you, or if an  
 5 architect felt that you've met that, right, that  
 6 would grant you the Level 1 Bonus.  
 7 And then Level 2 Bonus, there are four. I don't  
 8 think we talked about it very much last time. So it  
 9 wasn't much of an update to that. But if they made  
 10 all four of that, then the Board of Architects still  
 11 can consider the -- if they meet the criteria of that  
 12 -- of that list then they could make a motion to  
 13 grant that Med Bonus for that building.  
 14 I think that's -- that's it. Yes.  
 15 CHAIRPERSON AIZENSTAT: Thank you.  
 16 Do we have any speakers signed up?  
 17 THE SECRETARY: Present we do have two speakers.  
 18 CHAIRPERSON AIZENSTAT: Okay. Can you call them,  
 19 please?  
 20 THE SECRETARY: Sure.  
 21 Maria Cris Longo.  
 22 MS. LONGO: Good evening. My name is -- my name  
 23 is Maria Cristina Longo and I live at 16 Venetia  
 24 Avenue and I'm going to speak in favor of the Med  
 25 Bonus revisions.

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1 far that is, as far as massing and building height  
 2 and how any kind of a conflict should be addressed  
 3 and reviewed by the Board of Architects. So just  
 4 kind of clarifying that language.  
 5 And for building scale, I -- and some language  
 6 about large scale buildings having a more formal  
 7 design and more refined design elements, and smaller  
 8 scale buildings having a little bit more asymmetrical  
 9 forms. And you can see that very clearly with The  
 10 Biltmore. The Biltmore is more of a classical formal  
 11 looking building. It has very defined design details  
 12 versus the smaller pink building is a little more  
 13 asymmetrical. It's a little more rustic on the  
 14 spectrum of architecture.  
 15 So, again, the precedents is not for granting any  
 16 Bonus at that time. It's really just meeting the  
 17 criteria and being eligible, I guess, to apply for  
 18 the Level 1/Level 2 Med Bonus.  
 19 So we've updated some language for the facade  
 20 composition. Just kind of clarifying the language as  
 21 far as base, middle, and top and the importance of  
 22 the of -- of those three areas of the composition of  
 23 facade. Kind of the same language that was already  
 24 there and add onto it. And that would be -- so let  
 25 me go back.

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1 The Mediterranean Bonus was created as an  
 2 incentive for developers to continue with the  
 3 traditional Mediterranean theme that George Merrick  
 4 started in the 1920s. Preserving this theme helps  
 5 preserve our history and our character.  
 6 George Merrick, the visionary and genius that he  
 7 was, understood the importance for a city to have a  
 8 distinctive and specific identity, or branding.  
 9 Having a cohesive theme creates value and a sense of  
 10 place. Take a look at the history of Paris'  
 11 Haussman's buildings. Paris' harmonious architecture  
 12 is iconic.  
 13 The problem is not the Med Bonus. The problem is  
 14 that developers and their lawyers request  
 15 unreasonable change of zoning that impact people's  
 16 lives in negative ways.  
 17 The Med Bonus only grants a total of two  
 18 additional stories, and just 18 percent additional  
 19 are to a specific site when developers meet all the  
 20 prerequisites and criterias for Bonus 1 and 2.  
 21 Eliminating the Med Bonus is not the solution to  
 22 increase density and height. Moreover, with the  
 23 revised criteria architects -- with these revised  
 24 criteria architects and developers will have to  
 25 really perform to meet them.

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1 Why make the Med Bonus standards more rigorous?  
 2 Because this incentive has not produced consistently  
 3 timeless and beautiful buildings that add value to  
 4 our Mediterranean theme and our identity.  
 5 About two and a half years ago the city created  
 6 the Blue Ribbon Committee to improve the Med Code due  
 7 to understandable increased frustration by residents,  
 8 including myself with the outcome, with the product  
 9 that their Med Bonus was producing.  
 10 The Blue Ribbon Committee was chaired by  
 11 architect Felix Pardo who now sits on this Board.  
 12 The Blue Ribbon Committee initiative was a great  
 13 start. However, more needs to be done to make the  
 14 Code stricter by adding language that will produce  
 15 timeless buildings like the new Ponce Residence by  
 16 Alan Morris that Jennifer showed you today. I was  
 17 one of the individuals who fought the Alan Morris  
 18 Ponce Residence project initial design wholeheartedly --  
 19 wholeheartedly and with great passion because the  
 20 original design and style were -- were not  
 21 Mediterranean.  
 22 After the BOA rejected the second version for the  
 23 Ponce Residence the Alan Morris team reached out to  
 24 me to help them with the design concept. Two  
 25 residents and I influenced significantly the final

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1 proportional analysis of buildings. One excellent  
 2 requirement which was brought up by, initially by the  
 3 Blue Ribbon Committee but now it's proposed to be  
 4 mandatory, is a conceptual review -- review, the  
 5 conceptual review.  
 6 And the list of images for precedent buildings  
 7 use for inspiration have increased significantly so  
 8 there is more to draw inspiration from -- for  
 9 architects. These comprehensive revisions are a  
 10 great win for everyone. The BOA wins because they  
 11 will have legal grounds to reject poorly designed  
 12 projects and they will have higher standards to  
 13 expect more. The mandatory conceptual review process  
 14 will help residents like myself win because of bad  
 15 projects that are not in context will be stopped in  
 16 initial stages freeing citizens from the burden of  
 17 having to organize to fight unreasonable projects.  
 18 Also, developers win with the mandatory review  
 19 process because they will get feedback early on  
 20 before spending thousands of dollars on the  
 21 developmental review process.  
 22 The Planning and the Zoning Board, you win  
 23 because there will be -- people will be happier and  
 24 there will be less frustration with the outcome, less  
 25 people fighting to protect their quality of life.

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1 approved new design for the Ponce Residence that so  
 2 many people love now. It was through this experience  
 3 with the Alan Morris project that I realized that our  
 4 Med Bonus needed further enhancements.  
 5 About a year and a half ago the Coral Gables  
 6 Planning Department retook a 2018 initiative to  
 7 revise the Med Bonus Zoning Code line by line.  
 8 This comprehensive initiative to revise the Med  
 9 Bonus Code has been matched by the Planning  
 10 Department with the participation of the BOA and the  
 11 City architect. Their goal simply has been to create  
 12 more rigorous design parameters and guidelines for  
 13 projects to qualify for the incentive. The ultimate  
 14 goal has been to elevate the quality of design  
 15 because the genuine and truthful goal is to increase  
 16 the quality of design.  
 17 I'm just going to give you a few examples of the  
 18 new revisions which are incredible. Now the  
 19 pre-requisites are much more rigorous and what -- and  
 20 in the prerequisites the first criteria, which I'm  
 21 super happy about it because it's always been my  
 22 issue, they have -- developers, architects have to do  
 23 a context analysis. That's number one.  
 24 Another requirement is that it addresses the  
 25 scale of the building. Another one is a required and

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1 The City wins because beautiful timeless  
 2 architecture creates value. There's no doubt about  
 3 that. Now more than ever, more than ever now, this  
 4 is critically important, that we keep and we improve  
 5 it because of the Live Local Act.  
 6 The Live Local act is an incentive that does not  
 7 have design parameters. We need our incentive with  
 8 higher design quality, design parameters.  
 9 Please, please, vote yes for further revision  
 10 that will increase our standards and architecture.  
 11 Thank you.  
 12 CHAIRPERSON AIZENSTAT: Thank you.  
 13 THE SECRETARY: Venny Torre.  
 14 MR. TORRE: Venny Torre, 208 Andalusia.  
 15 CHAIRPERSON AIZENSTAT: Welcome back, Venny.  
 16 MR. TORRE: Thanks.  
 17 My hope here is to create a dialogue. I have a  
 18 few things to say. They're not necessarily  
 19 critiques. They're just things that I think I see  
 20 and some of these things we still do, I think, need  
 21 to chew on. I've been reviewing this for a little  
 22 while, so a few questions on the process because  
 23 we understand how things go here and some of the  
 24 implications that would come from this. So I've been  
 25 sort of studying that -- that kind of thing.

1 I'm in favor of the improvements. I think we can  
 2 always gain by having better architecture. It's just  
 3 what are the implications and how do we get there?  
 4 So one of the things that I was kind of thinking  
 5 about, and I think I discussed this with Jennifer.  
 6 She put on the -- on the board there, on the screen,  
 7 a building that is quite higher than what the Code  
 8 allows by -- by three or four stories, five stories.  
 9 Maybe the zoning is for four or five and they  
 10 came in with nine. So the Board is supposed to judge  
 11 it on the Level 1/Level 2 which is giving it two  
 12 extra floors. But the Board is going to have a  
 13 review of a building that's nine stories or nine --  
 14 or higher, let's pretend.  
 15 So that first review by Board of Architects  
 16 could be that they say this building looks fantastic  
 17 and it passes the muster and it's a beautiful wedding  
 18 cake and it contextually fits, in their view, a  
 19 location, but it still has to go through your Board,  
 20 the Commission. I wonder if that approval can be  
 21 given on something that is completely above and  
 22 beyond the Level 1/Level 2, and -- and this sort of a  
 23 question, I guess, for us to think through. Because  
 24 I think some of the stuff that happens is that we're  
 25 asking the Board to take a harder view of context and

1 several times, is to incentivize several things.  
 2 Right? This is more about incentivizing. I would  
 3 think that's what this is about, because that's what  
 4 you really need to do here, give more people more  
 5 reasons to do certain things. But it's, besides  
 6 getting to the fact that we want to incentivize  
 7 Mediterranean, the second and third applicability  
 8 lines B and C are promoting something different.  
 9 They're promoting an assortment of street level  
 10 public realms of pedestrian amenities in exchange for  
 11 increases in building height, residential density in  
 12 foot area. So that bonus is also tied to public  
 13 realm. So that, in a sense, deviates a little bit  
 14 from the art- -- from the Mediterranean. It's just  
 15 asking for certain things that could be any style.  
 16 It's not necessarily a Mediterranean request. It's a  
 17 design request, right, that's also in here.  
 18 So the other item, again, provide additional  
 19 bonuses to incentivize Coral Gables Mediterranean  
 20 architecture designed to continue support of the best  
 21 practice of schematics established historic as  
 22 referenced in best practice. So that's specifically,  
 23 hey, we're going to try to get this to be  
 24 Mediterranean from that point forth.  
 25 But I think that the issue of us struggling with

1 compatibility, and I think that's really the main  
 2 focus that we're all trying to get to. Obviously,  
 3 better aesthetics, but I think the gripes, if I  
 4 should call it gripes, or the concerns that I've  
 5 always heard deal more with context and with size,  
 6 and things like with that.  
 7 So I think what, I think what folks are trying to  
 8 do is create more of a way to control that, and that  
 9 I think is being sort of slid towards the Board of  
 10 Architects. I may be wrong here, but that first  
 11 review is -- is critical.  
 12 Now, the first review is meant to be does it  
 13 meet the criteria if it's Mediterranean style. We're  
 14 going to look at it very harshly through these anew  
 15 requirements and academics. A lot of these are  
 16 academic requirements. But beyond that, you know,  
 17 there's a -- there's a -- there's a review that they  
 18 may say the building looks fantastic, it's still five  
 19 stories higher than the Code allows. I don't know  
 20 what that means and how that process will happen, but  
 21 I can see that their role may be, look, it looks  
 22 fantastic and architecturally it's beautiful. That  
 23 that's one question.  
 24 The second thing is, I think one of the important  
 25 features of what this is trying to do, and I read it

1 big buildings gets us back to the first three floors,  
 2 and this is where we're fighting the architecture,  
 3 but we're also fighting mass.  
 4 So the requirements of the ground floor, the  
 5 second floor, the third floor to be, whether they're  
 6 Mediterranean or any other style is really the key  
 7 for us to be able to judge our streets levels and  
 8 that's one of the things that I want to discuss  
 9 amongst us because, again, we're pushing, pushing  
 10 Mediterranean, but we really should be pushing maybe  
 11 other things as well to the large degree.  
 12 The third thing to bring up is the -- the list of  
 13 buildings that are being shown here, which are all  
 14 perfectly good and so forth. The majority of them I  
 15 think are lower scale buildings. The majority of  
 16 them are lower scale buildings, three, four, five  
 17 story buildings, which is good. They're great.  
 18 There's only four, five, maybe three, four, five that  
 19 are tall. Mostly The Breakers, The Biltmore, a  
 20 couple others. There's only a few that come off  
 21 Europe. Basically, we're trying to bring it back to  
 22 what's being built by these architects who are  
 23 locally. There isn't a lot to go with it.  
 24 So I think the struggle goes back to tall  
 25 buildings are hard. Doing in the Mediterranean style

1 are really hard, and then there's not a lot to go  
 2 with. Then you've got a few hotels that have gone  
 3 and made it to be fourteen, fifteen stories. But  
 4 that's, I think that's part of our struggle, is  
 5 whether this would work with the big buildings. And  
 6 how do we do it? How do we make it?  
 7 So I'm here to make this work. I'm here to help  
 8 get it to the right place. I think we're all  
 9 under -- we're all trying to get this to be right and  
 10 the question is debating this to the point where we  
 11 feel we've done a good job and getting it to where we  
 12 all want great architecture, compatibility, massing.  
 13 And that's just my thought and I'll come back maybe  
 14 later on when you guys have discussed more.  
 15 Thank you.  
 16 CHAIRPERSON AIZENSTAT: Thank you, Venny.  
 17 Do we have any other speakers that are in the  
 18 chamber signed up?  
 19 THE SECRETARY: No.  
 20 CHAIRPERSON AIZENSTAT: What about in Zoom?  
 21 THE SECRETARY: No one's indicated they want to  
 22 speak. I sent a message to them, if they wish to  
 23 speak please raise their hand and no one has.  
 24 CHAIRPERSON AIZENSTAT: And on the phone platform  
 25 either?

1 would look at precedents at how those example  
 2 buildings treat the first three floors.  
 3 Let's see. The ground floor design, how it stays  
 4 just to the ground floor, not just the first three,  
 5 but a lot of the characteristics are the same.  
 6 Let me see.  
 7 MR. WITHERS: Okay. Let me back up. I'm sorry.  
 8 So if we're really looking to improve pedestrian  
 9 feel and walk -- walkability, or whatever we call it,  
 10 in Coral Gables, I would think that encouragement of  
 11 those lower areas are the ones that are probably the  
 12 ones that re- -- should receive the most attention  
 13 and developers could get the most benefit. Is that  
 14 practical thinking or is that -- is that -- or are  
 15 they all weighted the same?  
 16 MS. GARCIA: No, I think you both are very  
 17 correct. I think you really need to focus, again, on  
 18 the base of the building because that's where you're  
 19 going to be seen. The base can range between -- the  
 20 base can range how tall the building is, how you want  
 21 to divide it up, the composition of the building.  
 22 So the base of the building, you want to have  
 23 more fine details, a little more pedestrian --  
 24 MR. WITHERS: I get that.  
 25 MS. GARCIA: -- scale versus the upper floors and

1 THE SECRETARY: No.  
 2 CHAIRPERSON AIZENSTAT: Okay. So at this time  
 3 I'm going to go ahead and close it for public  
 4 comment.  
 5 Chip, would you mind going first?  
 6 MR. WITHERS: No, I don't mind. I'm certainly  
 7 not as educated as some of our Board members here as  
 8 to the skills that think have, but I guess what it  
 9 boils down, and Venny kind of hit it on the second  
 10 -- there's a criteria that we establish for the  
 11 different bonuses. Did we assign values to them  
 12 based on are they -- are they the common area of  
 13 benefits, does it make the building look better? You  
 14 know, there's different points and different bonuses  
 15 -- I think there's twelve or thirteen of them, was  
 16 there?  
 17 MS. GARCIA: Yeah. So if I go to my PowerPoint  
 18 slide I can show you.  
 19 Yeah, so those -- basically those four -- three  
 20 different tables.  
 21 MR. WITHERS: Yeah, I'm just trying to figure  
 22 out, if we can look at those a second, each of the  
 23 criteria. But which ones speak specifically to the  
 24 first three floors?  
 25 MS. GARCIA: So, obviously, precedents, you

1 -- okay.  
 2 MR. WITHERS: I get that. Are they valued more  
 3 than other parts of the Bonuses?  
 4 MS. GARCIA: No. So what this is, is it's got  
 5 the same weight as it right now, the checklist.  
 6 Right? I don't want to say checklist, but that  
 7 makes it more -- not important. But it's not like  
 8 if you meet criteria three you get point .5 FAR.  
 9 MR. WITHERS: Right, and what I'm just wond- --  
 10 the weighting of each of the -- W-E-I-G-H-T-I-N-G --  
 11 of each of the bonuses are all eight percent, or  
 12 whatever -- whatever, seven percent, whatever it adds  
 13 up to, I don't know. Thirteen divided by a hundred,  
 14 what is that -- so the one on the first floor and  
 15 that gives you a great arcade to walk under is -- is  
 16 given the same amount of Bonus as window trim or  
 17 something like that.  
 18 MS. GARCIA: Sure. But I think the ground floor  
 19 in your -- and your base and the composition, and I  
 20 think there's some requirements in Level 1 -- not in  
 21 Level 1, but -- or I think that's all -- I think it's  
 22 Level 1 because Level 1 is the one that you need six  
 23 of twelve. You're also required to have a certain  
 24 percentage that needs to be applicable -- sorry, not  
 25 applicable. That it needs to be adult space facing



1 the street. That's really what I think we're trying  
 2 to get at. It's not just a very beautiful designed  
 3 parking garage, but actually uses that are facing  
 4 the street. So that's really where you're going to  
 5 sort of create that nice pedestrian feel. You have  
 6 people who are outside their balconies and their  
 7 windows and you feel like you have the security of  
 8 people watching eyes on the street. Right? So I  
 9 think having that is probably a little bit stronger  
 10 than having a really beautiful parking garage on the  
 11 first three floors.  
 12 MR. WITHERS: I get it.  
 13 CHAIRPERSON AIZENSTAT: So are you asking if  
 14 there's a weighted scale to the system?  
 15 MR. WITHERS: Yeah. I don't think there is  
 16 though.  
 17 CHAIRPERSON AIZENSTAT: It doesn't sound like  
 18 there is.  
 19 MS. GARCIA: Right. No. What I'm trying to say  
 20 is that the ground floor is addressed in multiple  
 21 requirements.  
 22 MR. WITHERS: I get it. I get it. And there  
 23 were some things that were previously bonuses that  
 24 are now you have to do it.  
 25 MS. GARCIA: Right.

1 the vision in five years with these changes?  
 2 MS. GARCIA: I think we want to see better  
 3 quality buildings in the --  
 4 MR. WITHERS: Quality, better looking  
 5 buildings --  
 6 MS. GARCIA: Yes.  
 7 MR. WITHERS: -- better -- better flow --  
 8 MS. GARCIA: Better quality buildings. Yeah,  
 9 yeah. Not as much as cheap looking buildings that  
 10 barely meet the requirement, but some that you say  
 11 that was really a beautiful building, I'm glad they  
 12 got the extra --  
 13 MR. WITHERS: So there really wasn't a thought  
 14 about building up the downtown or congestion, or  
 15 density, or --  
 16 MS. GARCIA: As far as this -- as far as this --  
 17 MR. WITHERS: As far as this concept. As far  
 18 as --  
 19 MS. GARCIA: No. No. This is really just  
 20 strengthening the criteria.  
 21 MR. WITHERS: So as long as the buildings are  
 22 good looking, they're -- the feeling about how dense  
 23 it is or how busy it is downtown, that really doesn't  
 24 matter?  
 25 MS. GARCIA: Not part of this review. This

1 MR. WITHERS: So why was the University of  
 2 Miami -- why was the San Sebastian apartments X'd  
 3 out? What was the -- I'm just -- I'm just curious to  
 4 know. I mean I'm --  
 5 MS. GARCIA: They felt like it wasn't an  
 6 exemplary building. It was a little --  
 7 MR. WITHERS: What?  
 8 MS. GARCIA: It's a -- designed in a very common  
 9 way. A little -- it's not very ornate, I guess.  
 10 MR. SALMAN: Pedestrian.  
 11 MS. GARCIA: It's very pedestrian? That's how  
 12 you would say it? Okay. Very pedestrian. I think  
 13 what they're trying to say it's not a very ornate  
 14 building. It's very simple. And they felt like it  
 15 wasn't a good example for a building to be getting a  
 16 Mediterranean bonus for if they're using that as an  
 17 example. I think that was kind of the concern.  
 18 MR. SALMAN: It's not exemplary of the style.  
 19 MS. GARCIA: Not very what?  
 20 MR. SALMAN: It's not exemplary of the style.  
 21 MS. GARCIA: Right.  
 22 MR. WITHERS: And then the last question I had  
 23 had to do with just, basic, like, you know, what's  
 24 the end game on all of this? I mean what's the --  
 25 where are we headed in five years with this? What's

1 really is a -- this is really just giving a toolbox  
 2 to the Board of Architects to do their job that they  
 3 want to do better of. I don't want to put words in  
 4 their mouth. I have Judy here, but --  
 5 MR. WITHERS: I understand. But it gives them  
 6 the opportunity to add more mass and add more FAR,  
 7 and add more height.  
 8 MS. GARCIA: Which they are doing right now.  
 9 Just not --  
 10 MR. WITHERS: Which they're doing now, which is a  
 11 concern of a lot of people --  
 12 MS. GARCIA: Right.  
 13 MR. WITHERS: -- let's face it. And so this  
 14 doesn't really deal with any of the -- the density or  
 15 the massing, or the heights or anything like that.  
 16 It's just simply design and what it looks like?  
 17 MS. GARCIA: No. So there's -- there's some  
 18 language in here about massing and how it needs to be  
 19 in context and how the Board of Architects could use  
 20 that language to really strengthen their review and  
 21 be able to control the architecture, the form of  
 22 the buildings. Right? But this isn't -- this isn't  
 23 addressing .5 FAR. It's not addressing additional  
 24 two stories. It's just -- it's addressing how to get  
 25 that and giving them teeth in the toolbox to be able

1 to form it in a way that they feel it appropriate.  
 2 CHAIRPERSON AIZENSTAT: Thank you. So it's  
 3 giving a tool, is what you're saying?  
 4 MS. GARCIA: Right.  
 5 CHAIRPERSON AIZENSTAT: Okay.  
 6 Felix?  
 7 MR. PARDO: So, unfortunately, when the Blue  
 8 Ribbon Committee stopped --  
 9 Can you hear?  
 10 So when the Mediterr-- when the Blue Ribbon  
 11 Committee was disembowed (verbatim) quickly by one of  
 12 the Commissioners that's no longer on -- representing  
 13 the City, you know, it -- it just stopped at a  
 14 screeching halt, and I see that many of the comments  
 15 that were already -- that had already been addressed  
 16 by the Committee have now found themselves somewhat  
 17 into this particular new -- new standard.  
 18 I have an issue, a very large issue, with the way  
 19 that the BOA does their job, and I know that Judy is  
 20 sitting right there and I think the world of her.  
 21 The problem, I think, is that most people don't  
 22 understand that there are two components to the  
 23 Design Review Standards that the Board of Architects  
 24 must apply. It's written in black and white in our  
 25 -- in our Zoning Code.

1 ingress/egress to the site.  
 2 I'll skip to 9: Whether the application provides  
 3 improvements, public open space, pedestrian amenities  
 4 which benefit the public. Why is this important?  
 5 Because then you go to B. B-1 is Aesthetics. But  
 6 nobody talks about B-2: Architectural compatibility  
 7 with neighboring properties and uses.  
 8 I have heard over and over, and over by the Board  
 9 of Architects that there is a representative from the  
 10 City Attorney's Office where they tell them you can't  
 11 look at these things. It's in the Code.  
 12 If the City Attorney thinks that the Board of  
 13 Architects cannot look at these things, then I think  
 14 that the City Attorney should somehow drive the  
 15 ability to change what is written in black and white  
 16 under Section 5-102 Design Review Standards for the  
 17 Board of Architects because the first sentence says,  
 18 "The Board of Architects shall determine if an  
 19 application satisfies the following Design Review  
 20 Standards." I think that's important.  
 21 When you go to the second page, because there are  
 22 only two pages to this. You go to the second page  
 23 under H: Building Scale and Mass. And then I:  
 24 Building Facade Step-Backs.  
 25 So if the Board of Architects have their hands

1 Section 5-102 is Design Review Standards. Has  
 2 nothing to do with bonuses. But it has everything to  
 3 do with, first, that is the part that must be  
 4 reviewed by the Board of Architects first. Why?  
 5 And if you would indulge me, Mr. Chairman, and  
 6 Board members, for example, A-3: Whether adjacent  
 7 existing historic features, natural features, and  
 8 street level pedestrian view corridors are -- are  
 9 appropriately integrated or otherwise protected.  
 10 4: Whether the amount and arrangement of open green  
 11 space, including urban open space, e.g., plazas or  
 12 unimproved areas, e.g. open lawns, are appropriate to  
 13 the design function and location in relation to the  
 14 function of the structures of adjacent and  
 15 surrounding properties. 5: Whether sufficient  
 16 buffering, including hard and soft scape is provided  
 17 when non-compatible uses abut or adjoin one another.  
 18 6: Whether the proposed lighting provided for safe  
 19 movement of persons in vehicles provided security and  
 20 minimize glare and reflection on adjacent properties.  
 21 7: Whether access to the property and circulation is  
 22 safe and convenient for pedestrians, cyclists, and  
 23 vehicles and is designed to interfere as little as  
 24 possible with the traffic flow on the roads and to  
 25 permit -- permit vehicles a prompt and safe

1 tied because it's not written in the Code, I get it.  
 2 But it's written in the Code, and I'm sure that --  
 3 that the Chair can probably say, yeah, we've been  
 4 told we can't look at this or we can't look at that.  
 5 I think that before the Board of Architects can  
 6 review and assess where the bonuses can be issued to  
 7 the applicant, I think this should be, instead of a  
 8 one-step process, it should be a two-step process.  
 9 The first step is making sure that they get the  
 10 massing and they get all of these components in right  
 11 where everybody feels comfortable. And compatibility  
 12 that was laughed at by some people in the City is not  
 13 a laughable matter. It's -- it's a matter that has  
 14 to be addressed. And you cannot offer bonuses if you  
 15 can't get the first component right.  
 16 So when we first discuss going in for a  
 17 preliminary review, which now is being proposed as  
 18 mandatory so people don't waste time and they get it  
 19 right, then if you simply do the first part right it  
 20 would even save a lot more effort for the second  
 21 part, which would be the Med Bonuses.  
 22 CHAIRPERSON AIZENSTAT: But --  
 23 MR. PARDO: That's the first thing I want to  
 24 address.  
 25 CHAIRPERSON AIZENSTAT: Just a question though.

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1 From the -- from what Jennifer put up there, it's not  
 2 the Board of Architects that gives the bonuses like  
 3 you're saying.  
 4 I -- I -- am I incorrect? The Board of  
 5 Architects approve whether it's Mediterranean and  
 6 whether they're entitled to Level 1 or Level 2 as far  
 7 as -- but it's up to the Commission --  
 8 MS. GARCIA: No.  
 9 MR. PARDO: No.  
 10 CHAIRPERSON AIZENSTAT: So I'm incorrect?  
 11 MR. PARDO: It's a change, Mr. Chairman, it's a  
 12 -- change of zoning --  
 13 CHAIRPERSON AIZENSTAT: Correct. Correct.  
 14 Correct. Correct.  
 15 MR. PARDO: -- is the Commission.  
 16 MS. GARCIA: Right.  
 17 MR. PARDO: And it goes with a recommendation  
 18 from this Board most of the time.  
 19 CHAIRPERSON AIZENSTAT: All right.  
 20 MR. PARDO: But the only ones that grant it is  
 21 not the City Commission. That's how powerful the  
 22 Board of Architects should and is, and has been in  
 23 the past.  
 24 But what I am saying is that the massing, the  
 25 compatibility, the urban planning, that is all part

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1 then great architecture.  
 2 So I think that this is a very good step of  
 3 having the mandatory meeting with the BOA first, but  
 4 I think, I see it over and over, that they are  
 5 handcuffed, and I -- I don't think I am guessing at  
 6 this, you could ask the Chair of the Board of  
 7 Architects whether that's a correct statement or not.  
 8 The second thing I'd like to bring up, which I  
 9 think is extremely important, is that there are 78  
 10 pages in Appendix A of site specific parcels  
 11 throughout the City. They are identified there.  
 12 Most of these parcels either went through public  
 13 hearings or they went through different mechanisms  
 14 where there were certain guarantees that were offered  
 15 through the public hearing process to the neighbors,  
 16 to the surrounding area.  
 17 It is absolutely incredible that in our code  
 18 today there is a small paragraph that says that --  
 19 So one of the things I think is very important is  
 20 that most individuals in the City don't understand  
 21 that very innocuously there was a sentence that was  
 22 added that said, that basically these site specific  
 23 regulations trump everything with one exception, that  
 24 if you qualify for a Mediterranean Bonus that trumps  
 25 the site specific. I say that that should be

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1 of it. Granted, there are certain rights that the  
 2 property owner has. There's no doubt about that.  
 3 But he's got to make it work to make sure that you  
 4 have all of these things and that's just part one  
 5 without any bonuses.  
 6 Now when you get to part two, which are the  
 7 bonuses, then the Board of Architects -- right now  
 8 they simply have a point system, and this point  
 9 system as -- as Chip correctly said, it's not a  
 10 weighted system, you know. Nowadays, kids go to high  
 11 school, they're taking honors, whatever, they get a  
 12 weighted system for them because of the degree of  
 13 difficulty.  
 14 What Chip has said correctly is that if you look  
 15 at the pedestrian component, how we blend into the  
 16 rest of the fabric of the neighborhood, that should  
 17 be weighted, and right now there is no weight. So  
 18 if you put in a four inch reveal on a window it  
 19 carries the same weight as if you put a fountain on  
 20 the ground floor where people can enjoy that. That's  
 21 absurd. And that's because the simplification of  
 22 this system has gotten to the point of where we are  
 23 today. Then the only thing you can depend on is the  
 24 ability of the architect and the -- the agreeing of  
 25 the developer to do what should be done to provide

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1 stricken immediately.  
 2 You can remove site specifics, but then that  
 3 would require that you go to the City Commission to  
 4 do it.  
 5 Why are the site specifics important? Sometimes  
 6 based on the site you have a limitation of height, a  
 7 limitation of use, a limitation of different things,  
 8 but it was done to be able to protect and guarantee  
 9 something. And again, with a compatibility of the  
 10 neighborhood. I think it has -- that sentence should  
 11 be stricken. It's in at least three different places  
 12 in the Zoning Code. It has never been mentioned by  
 13 Staff to be removed, and I want to make sure that  
 14 this is on this Board's radar.  
 15 The third thing, the compensation of the bonuses.  
 16 The bonuses go through compensation through the use  
 17 of height or square footage through the increase of  
 18 the floor area ratio. There are certain corridors in  
 19 the City that are made specifically for height.  
 20 The City of Coral Gables was designed in a  
 21 north/south axis. It was not designed as an  
 22 east/west axis. The principal access was Ponce de  
 23 Leon Boulevard, and now it's starting to be  
 24 developed, especially on the north side.  
 25 I don't have an issue with height when your

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1 right-of-way is -- is of a significant amount. The  
 2 problem that we have is that when there are changes  
 3 of zoning and then you throw in the compensation of  
 4 the Level 1 and Level 2 Bonuses and you put it on a  
 5 very small right-of-way you create a losing  
 6 proposition because it becomes -- it becomes less  
 7 human to scale and it becomes less livable for the  
 8 people that are in that area.

9 I believe that there should be height, but I  
 10 think that we should provide that bonus on the larger  
 11 right-of-ways. We have larger right-of-ways such as  
 12 Alhambra where Alan Morris did his iconic building  
 13 years ago, and many other buildings that are very  
 14 large that are on Alhambra. There are other  
 15 right-of-ways that are also wide.

16 You have to be careful when you're abutting  
 17 single family residential so you do not dwarf or  
 18 basically destroy those areas.

19 So I think that where we put the height is  
 20 important, and I also think that you should not be  
 21 able to piggy-back other things for additional  
 22 height, such as parks.

23 So it's amazing, we take away the setbacks when  
 24 it comes to zoning. Then there's no green space, and  
 25 then we tell the developer if you give us a 50 foot

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1 Commission to make sure that it's successful. And I  
 2 just think that we have a very serious issue when it  
 3 comes to our planning and we're not -- we're not  
 4 meshing the planning component with the architectural  
 5 component, with the -- the -- I'm not going to call  
 6 it style. I'm going to call it good architecture  
 7 component.

8 I'm for great architecture and I think that we  
 9 have to be able to make sure that we give all the  
 10 tools to the professionals and we safeguard the  
 11 residents through the Board of Architects.

12 That's all I have to say.

13 CHAIRPERSON AIZENSTAT: Thank you.

14 Yes, if I may one second. Craig, what was stated  
 15 by Felix that the City Attorney stands by the Board  
 16 of Architects and says you can't say this or say  
 17 that, can you comment on that?

18 MR. COLLER: Well, I texted the City Attorney and  
 19 she advised me that it's not accurate, that the  
 20 County -- the City Attorney's Office position is that  
 21 where it says the Board of Architects shall determine  
 22 if an application satisfies the following Design  
 23 Review Standard Section 5-102, it is not their  
 24 position that the Board of Architects cannot consider  
 25 this criteria, which the Code requires them to

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1 by a hundred foot park, then we'll give you more  
 2 height. We should put all the cards on the table and  
 3 say this is the way we should change it and this is  
 4 the way it should be.

5 There are -- there are many other things, and I  
 6 spent a tremendous amount of time to be fair to Staff  
 7 and the Board of Architects, and -- and also to this  
 8 Board because I had said that I thought that these  
 9 bonuses had run their course.

10 I will tell you right now that three years ago in  
 11 2021 we started looking, with the Blue Ribbon  
 12 Committee we started looking at a lot of issues, and  
 13 one of the issues were -- you know, it was almost an  
 14 epiphany that, gee, you should get Med Bonuses if  
 15 you do Med architect. I got that. Everybody got  
 16 that. But we never went to the next level.

17 I think it's important that people understand  
 18 that since then there have been other buildings that  
 19 are being built that have nothing to do with Med  
 20 Bonuses, but they were granted Med Bonuses, and  
 21 whether it's slight of hand or someone falling out --  
 22 you know, asleep at the wheel, it doesn't matter what  
 23 the words say if the intent isn't really there. And  
 24 it has to be brought to light, I think, to the Board  
 25 of Architects, to the Planning Board, and to the

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1 consider that criteria. But I haven't had an at  
 2 length conversation. I'm just hearing this for the  
 3 first time, and I'm not disputing what you're saying.  
 4 I'm just saying that when I tried to summarize as  
 5 quickly as I could what your position is, and  
 6 apparently there's a miscommunication, or  
 7 misunderstanding.

8 MR. PARDO: Mr. Chairman, I would like to ask the  
 9 Chair of the Board Of Architects to address  
 10 specifically what was -- what was responded to by  
 11 the -- by the City Attorney because I guarantee you,  
 12 there's one thing I never do, which is lie --

13 CHAIRPERSON AIZENSTAT: Okay. Well --

14 MR. PARDON: The reason -- wait, wait, wait --

15 CHAIRPERSON AIZENSTAT: -- I don't think that's  
 16 what he's saying, though.

17 MR. PARDO: No, no. I understand.

18 And there's a simple reason that I don't lie.  
 19 That way I don't have to remember what I said.

20 So I would like, if you don't mind, Mr. Chairman,  
 21 for the Chair of the Board of Architects to simply  
 22 say whether -- whether they have ever been informed  
 23 by the -- by the City Attorney's Office or one of the  
 24 Assistant City Attorney's whether they can or cannot  
 25 look at certain elements that are specifically in

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1 5-102.

2 CHAIRPERSON AIZENSTAT: Well, if -- if that's

3 what you'd like to do. I mean you're welcome to call

4 up the individual. I just -- I just would rather not

5 get into a -- that type of a scenario at this

6 meeting. But if it's something that you feel

7 strongly about, then of course. But by the same

8 token, I think that's something that I think has been

9 brought up, and because of the fact that it's been

10 brought up and on the record, we've asked the City

11 Attorney to look into it, I think it's something that

12 will be looked at.

13 MR. COLLER: I certainly will be able happy to

14 get back to this Board at the next meeting. If

15 there's any further comment -- actually, what I

16 indicated to the City Attorney is that I thought it

17 was important to read the transcript of this

18 discussion so that she had an opportunity to review

19 what you've said. I'm only right now, you know,

20 limited to a minimum -- a certain number of words to

21 explain the situation.

22 I, in no way, am suggesting that you're not

23 lying (verbatim). I think there may be a

24 misunderstanding. That's all.

25 CHAIRPERSON AIZENSTAT: Well, would you feel,

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1 has to go to Commission.

2 CHAIRPERSON AIZENSTAT: Right.

3 MS. CARTY: So that is an accurate statement,

4 right, that we are not allowed to say if something is

5 acceptable at that height because it's not our

6 purview.

7 CHAIRPERSON AIZENSTAT: Okay.

8 MS. CARTY: So I -- I think that's part of it.

9 And I think the other part of it is that I would

10 probably agree with you, that we have been told

11 because of that that the granting of additional

12 height and additional FAR is really not our purview.

13 We're looking at the architecture, and that is what

14 we are there to do.

15 CHAIRPERSON AIZENSTAT: That's what you're tasked

16 to do?

17 MS. CARTY: Yes.

18 CHAIRPERSON AIZENSTAT: Okay.

19 MS. CARTY: So, you know, these things come in

20 different waves. Right? I think now the push is

21 more that we would look at the context.

22 And certainly, you know, what I would respond to

23 you, sir, is that there is a series of precedents,

24 right, and all of those precedents have to be met.

25 So they're not weighted in any way because they're

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1 Felix, would you feel comfortable if the City

2 Attorney, if it's asked --

3 MR. PARDO: I would actually feel more

4 comfortable if -- if the person that is in the

5 trenches that Chairs the Board states whatever she

6 wants to state.

7 MS. KAWALERSKI: And I second that.

8 CHAIRPERSON AIZENSTAT: Then if you --

9 MS. CARTY: So what I would say is --

10 CHAIRPERSON AIZENSTAT: Could you state your

11 name?

12 MS. CARTY: Oh, sorry. Judy Carty. 920 Medina

13 Avenue, Coral Gables.

14 So what I would say to that is that there has

15 been quite a long history on what we've been told we

16 have purview over and what we've been told we don't

17 have purview over.

18 Actually, Gus was in our last meeting and did

19 clarify, again, what we can and cannot review. And

20 it is a nuanced response that he gave us. Right?

21 One thing I would like to do is -- can you bring

22 that slide up? Because there are things that we do

23 not have purview over. Right? We can't -- we only

24 have two stories that we can say that it can be

25 increased by. The rest we don't have purview. It

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1 all important.

2 And the first one of those is actually, which is

3 why I would strongly support these changes, is

4 because the first one says that we now have to review

5 context. And that is very specifically written, and

6 it wasn't specifically written previously even though

7 I understand where you're saying it is in the Zoning

8 Code. So --

9 And I don't know if you -- do you have the

10 document. Sorry?

11 The first one you look at, I don't know if you

12 all have copies of this here, but the first

13 prerequisite is Context Analysis and proposed

14 building massing scale and height shall be compatible

15 with the urban context and adjacent buildings.

16 And one thing which I'd like to add to that,

17 which is a discussion we had last week, is that in

18 the conceptual review there is no requirement to

19 bring in any context and scale, and mass, and I

20 really think that to what you were saying, that as a

21 first blush does this fit is really important.

22 So -- and it's emphasized in this new -- new

23 revision, right, and which is why I think this

24 document helps us in terms of the Board of

25 Architects.

1 CHAIRPERSON AIZENSTAT: Which is what they're  
 2 expanding on now?  
 3 MS. CARTY: Exactly.  
 4 MR. BEHAR: I have a question since you bring  
 5 exactly that. One of the requirements is that you  
 6 have to consider the contextual -- context analysis,  
 7 but if the property is zoned, let's say, MF2, but the  
 8 surrounding buildings are one or two stories, in the  
 9 MF2 you're allowed to do much taller, but just by --  
 10 MS. CARTY: Yeah.  
 11 MR. BEHAR: How do you do contextually there?  
 12 Then -- then you're going to say well, the existing  
 13 buildings are one or two story, but even though your  
 14 property is zoned MF2, right, or something --  
 15 MS. CARTY: I agree. I totally agree with you.  
 16 It's the biggest dilemma that we have. Right? And  
 17 -- and, you know, we see single family house and then,  
 18 you know, ten story --  
 19 MR. BEHAR: Well, not single family house --  
 20 MS. CARTY: No, but that has come in, and that  
 21 exists, right, in the city, right, where we have a  
 22 single family house looking at a loading dock of a,  
 23 you know, ten story building. You know, and I have  
 24 to say we've -- I've had this discussion with  
 25 multiple of you that I don't know that the Board of

1 it.  
 2 MR. BEHAR: Felix, you're right if somebody's  
 3 coming for an up-zoning, but if they're not they're  
 4 there job to -- to -- to look at the contextual of  
 5 that proposed building may not be easy to do because  
 6 you're allowed to do something, but contextually  
 7 what you have next to it is not compatible. So what  
 8 do you do then?  
 9 MR. PARDO: I don't -- I don't disagree with what  
 10 you're saying, but what Judy specifically said is,  
 11 for example, the loading dock. That particular  
 12 function of that particular project, you know where  
 13 to put the vol- -- the zoning dock. But some people  
 14 just, well, you know, I could get two more units if I  
 15 stick the -- the -- the loading dock directly in  
 16 front of that single family house.  
 17 CHAIRPERSON AIZENSTAT: But isn't that up to the  
 18 Board of Architects to look at that?  
 19 MR. PARDO: But that has been the problem,  
 20 Mr. Chairman. The problem has been what I said  
 21 before, what Judy said now, which is that now they  
 22 are -- they have the ability, and what they're  
 23 proposing to do with certain parts of this change has  
 24 been to provide even more clarity to be able to make  
 25 those suggestions at that Design Review.

1 Architects and my colleagues, because there's a lot  
 2 of money at play in the approval, or lack of approval  
 3 of these things, right, to a developer, I don't know  
 4 how comfortable we are saying yay or nay. I feel it  
 5 needs to be, honestly, you all at the Planning and  
 6 Zoning level. And for years we've said, hey, why  
 7 isn't somebody else saying, yes, this is good to come  
 8 to us and then we'll review the architecture?  
 9 MR. PARDO: Mr. Chairman, to answer --  
 10 CHAIRPERSON AIZENSTAT: Can you speak into the  
 11 microphone, please?  
 12 MR. PARDO: Mr. Chairman, to respond to what  
 13 Robert was saying, which is a very good point,  
 14 one of the things that you do if you go through this  
 15 -- this review, this two part review, is that many  
 16 times, many times, not always, but many times the  
 17 Applicant is going to be applying for an up-zoning.  
 18 They never apply for a down-zoning. They're applying  
 19 for an up-zoning, so maybe this is a way from a  
 20 massing standpoint, intensity standpoint, a use  
 21 standpoint to be able to say, wait a minute, over on  
 22 this side this isn't good, but if you put it on that  
 23 side it can work. And if you have the board of  
 24 Architects also giving you that type of information  
 25 in the physical world, that would help to understand

1 You're correct. Should they -- isn't that what  
 2 they do?  
 3 CHAIRPERSON AIZENSTAT: But -- but I would think  
 4 that --  
 5 MR. PARDO: Not always.  
 6 CHAIRPERSON AIZENSTAT: But I would think that  
 7 that's part of the task that the Board of Architects  
 8 have, is to look at the quality of the design of a  
 9 project, and when they look at the quality of the  
 10 design of the project the -- if -- first thing I  
 11 would do is look if the loading dock is next to a  
 12 single family residential. Then that means they -- I  
 13 have to assume that you've looked at it or the Board  
 14 of Architects has --  
 15 MS. CARTY: We do.  
 16 CHAIRPERSON AIZENSTAT: -- and has approved it.  
 17 MR. PARDO: You would -- you would be surprised  
 18 how many times those projects come already, as we say  
 19 before, so cooked that they can't -- they can't do  
 20 anything at that point.  
 21 CHAIRPERSON AIZENSTAT: But that -- that project  
 22 goes now before the entire Board of Architects, not  
 23 just by a pocket of three or --  
 24 MS. CARTY: Oh, no, no, no. Big projects are  
 25 entire Board.

1 CHAIRPERSON AIZENSTAT: Right. So the entire --  
 2 I mean there's -- how many sets of eyes are looking  
 3 at it at that point?  
 4 MS. CARTY: Now we're catching it. I mean I  
 5 think there were a period -- there was a period of  
 6 time where it -- yeah, it came, you know, more. But  
 7 it's not just -- I mean Robert knows this. It's not  
 8 -- it's a lot of items, right, that are back of  
 9 house.  
 10 CHAIRPERSON AIZENSTAT: Of course.  
 11 MS. CARTY: It's FPL volt, it's loading dock,  
 12 it's -- you know, it's the electric room. It's the  
 13 -- I mean there's -- it's not always easy, and it  
 14 does --  
 15 MR. BEHAR: A lot of fun things that need to be  
 16 looked --  
 17 MS. CARTY: And they're big blank ugly walls, or  
 18 worse again, you know --  
 19 MR. BEHAR: FPL's one of them. You may think,  
 20 might want to put the volt in the back and FPL is  
 21 going to tell you it has to be right on the street  
 22 and you can't do anything about it because they're  
 23 not going to give you that service.  
 24 MS. KAWALERSKI: But -- but, you know, let me  
 25 talk about when Venny Torre was talking about, and

1 I'm not blaming the Board of Architects.  
 2 MS. CARTY: But I agree with you. Some of those  
 3 things happen outside of our purview and it does not  
 4 come back.  
 5 MS. KAWALERSKI: Well, it seems like the process  
 6 is flawed.  
 7 MS. CARTY: Right. That's a solvable process in  
 8 my opinion because it could easily be brought back.  
 9 Some of these items are more complicated because  
 10 Robert -- Robert is absolutely right. If the zoning  
 11 allows, you know, a particular zoning next to a two  
 12 story that is something that is already ratified  
 13 by the City.  
 14 MS. KAWALERSKI: Right, exactly. But you're  
 15 talking about loading docks. I've been to DRC, many  
 16 DRC meetings. Isn't it up to Staff to say, hey,  
 17 look, wait a minute, it's facing a residential -- at  
 18 that point, at the DRC meeting, isn't that up to the  
 19 Staff to say, architect, you can't do that, before it  
 20 even goes to any Boards?  
 21 MR. BEHAR: I think the bigger problem that we  
 22 are facing is not the loading dock. It's -- it's  
 23 contextually how are you going to be able to  
 24 integrate one and the other, and I think that's --  
 25 how do you solve that? And there's many more that

1 you were also talking about it, it's like you -- you  
 2 -- before it comes a plan that is either  
 3 Mediterranean or not, and it's 190 feet when it comes  
 4 to you, okay, and you no darn well it has to come to  
 5 the Planning and Zoning to get that and eventually  
 6 Commission to get approved. So you're approving a  
 7 Mediterranean design that may not be a 190 feet when  
 8 you right -- come down to it and it never goes back  
 9 to the Board of Architects.  
 10 So you may be looking at a wedding cake and it's  
 11 going to be, at the end, a flat sheet cake with a  
 12 cherry on the top. That's different architecture  
 13 than what you approved.  
 14 MS. CARTY: Absolutely. And that is a separate  
 15 problem.  
 16 MS. KAWALERSKI: Okay, but it's a -- it's a  
 17 problem. It never goes back to --  
 18 MS. CARTY: Exactly.  
 19 MS. KAWALERSKI: -- with sig- -- with any kind of  
 20 significant change.  
 21 MS. CARTY: Absolutely. And we see a lot of  
 22 changes that even the Commission makes that never  
 23 comes back to us. So I would take some of the blame  
 24 off --  
 25 CHAIRPERSON AIZENSTAT: Judy, please, I'm not --

1 we're going to go through here that are going to make  
 2 it more difficult for the Board of Architects to be  
 3 able to do it correctly.  
 4 You know, and let's go back to the example of the  
 5 original Alan Morris building because at least three  
 6 of us, Chip, Eibi and I were here when that project  
 7 first came to --  
 8 CHAIRPERSON AIZENSTAT: When it first started.  
 9 MR. BEHAR: Okay. That I will never forget  
 10 because it was during the pandemic and the attorney  
 11 who represented them went on to like almost 9:00  
 12 o'clock at night and then he wanted ten minutes for  
 13 us to -- to evaluate and approve the project, which,  
 14 you know, I was the one, and Mr. Morris got mad at me  
 15 because I made a motion to defer because, you know,  
 16 we knew it was not right. That project, we denied  
 17 it. It went back multiple times to the Board of  
 18 Architects. Right?  
 19 MS. CARTY: It did.  
 20 MR. BEHAR: Until this last time that it came  
 21 back finally bringing it down from 190 feet to, I  
 22 forget the final, you know, height that it did, but  
 23 it --  
 24 MR. SALMAN: 146.  
 25 MR. BEHAR: Huh?

1 MR. SALMAN: 146.  
 2 MR. BEHAR: 146, which originally we told them --  
 3 and I think --  
 4 CHAIRPERSON AIZENSTAT: Venny was --  
 5 MR. BEHAR: -- Venny was on the Board with us at  
 6 the time.  
 7 CHAIRPERSON AIZENSTAT: Yes.  
 8 MR. BEHAR: Okay. So that project went back.  
 9 But, you know, I think there is a mechanism for  
 10 the Board of Architects to go back and review and  
 11 make sure that the project is acceptable, compatible,  
 12 whatever you want to call it. I think the mechanism  
 13 is there. I think the biggest problem that they're  
 14 going to be looking at is how do you make a  
 15 determination what's appropriate and what's not  
 16 appropriate for the project? If the project's going  
 17 through a rezoning and they cannot -- how -- how are  
 18 you going to -- how are you going to do that?  
 19 MR. PARDO: But in the case of the Alan Morris  
 20 project they were up-zoning, and --  
 21 CHAIRPERSON AIZENSTAT: But they were not  
 22 approved. In the case of the Alan -- I remember  
 23 clearly. In the case of the Alan Morris project was  
 24 the massing was so big --  
 25 MR. PARDO: Right.

1 CHAIRPERSON AIZENSTAT: But then it's up to the  
 2 Commission. We can say no, but it's up to the  
 3 Commission to go ahead and say yes or no. I don't --  
 4 I don't necessarily agree with you, that it's up  
 5 to the Board of Architects to state that the massing  
 6 is just too big for -- for the size. That's just --  
 7 I think it's more for the -- I think it's more for  
 8 the Board Of Architects to look at a project if it  
 9 fits within the design and the scope, and possibly  
 10 the scale. But if it passes the design from the  
 11 Board of Architects -- I -- I understand what you --  
 12 MR. PARDO: I said clearly.  
 13 CHAIRPERSON AIZENSTAT: I know, but that should  
 14 be treated at the beginning then when it goes to the  
 15 Board of Architects. And it shouldn't go to the  
 16 Commission and then the Commission says, you  
 17 know, we're not approving it for the third time. I  
 18 think what happened is the Commission said for the  
 19 third time we're not approving it they went back to  
 20 the drawing board. And when they went back to the  
 21 drawing board it had to go back through the  
 22 entire process.  
 23 MR. PARDO: And again, I think that having the  
 24 Board of Architects early on in there speaking about  
 25 the massing, which is specific in the Code, I think

1 CHAIRPERSON AIZENSTAT: -- and the Board, the  
 2 Commission, everybody said no.  
 3 MR. PARDO: Everybody --  
 4 CHAIRPERSON AIZENSTAT: And that's why they came  
 5 back with the design that they did, and the size of  
 6 the building. I mean on there was -- it was Venny,  
 7 Chip was on there. I was on there --  
 8 Julio, I don't think you were, were you.  
 9 MR. GRABIEL: No.  
 10 CHAIRPERSON AIZENSTAT: And Robert --  
 11 MR. PARDO: I wasn't on there, but I came --  
 12 CHAIRPERSON AIZENSTAT: You came to speak.  
 13 MR. PARDO: -- and I spoke against it.  
 14 CHAIRPERSON AIZENSTAT: Yes.  
 15 MR. PARDO: And -- and the reason is that if they  
 16 would have gone maybe to the Board of Architects, if  
 17 they would have used this two tier system, and the  
 18 Board of Architects would have told them at that time  
 19 your massing is just too out of proportion they could  
 20 have saved themselves maybe a lot of time and money.  
 21 CHAIRPERSON AIZENSTAT: But -- but it was the --  
 22 but it was the Commissioners who told them we're not  
 23 going to approve this when -- I think they came twice  
 24 and that -- it came before us --  
 25 MR. BEHAR: It came three times to us.

1 is the best idea to be able to have that sounding  
 2 board because the training of the architect is  
 3 helpful. The developer is doing numbers. The  
 4 developer is crunching the numbers to see if he  
 5 could get, or she can get X to make it work, and the  
 6 architect does their best in trying to make it fine.  
 7 But at the same time, the land use attorney --  
 8 MS. CARTY: Could we put up the slide? Would you  
 9 mind? You have the perfect slide.  
 10 MS. GARCIA: Can I have the --  
 11 MR. COLLER: Can you check the microphone over  
 12 there because I don't think you're talking into it.  
 13 It's not picking you up.  
 14 MS. CARTY: I know Jennifer's --  
 15 MR. COLLER: Okay. It's picking up.  
 16 MS. CARTY: Okay. But to me this is -- this is  
 17 the key slide. Right? That middle piece, that's not  
 18 us. That's what the City Attorney is saying. You  
 19 don't have purview over that. Right? And that's  
 20 true. I mean there's more that's being said as well,  
 21 but lately, that's -- that's the --  
 22 CHAIRPERSON AIZENSTAT: But you're there to --  
 23 correct me -- I'm going back to what I said before.  
 24 You're there to determine whether it qualifies for  
 25 the Level 1 or the Level 2 within the design. But



1 you're not there when it goes to the change of land  
 2 use and zoning --  
 3 MS. CARTY: No, but we get that. We get the big  
 4 one. Right?  
 5 CHAIRPERSON AIZENSTAT: Right. But -- but you  
 6 -- you can't -- can you deny a project because it's  
 7 too big right now?  
 8 MS. CARTY: That's the thing. That's the essence  
 9 of the discussion. No we cannot.  
 10 MS. KAWALERSKI: So -- so let me ask you this  
 11 because it seems like the cart is before the horse.  
 12 It sounds like the developer should have the ability  
 13 to know how this Planning Board feels on the mass  
 14 for the additional heights and if it's appropriate  
 15 for the land use. We should be the ones looking at  
 16 that before it goes to the Board of Architects.  
 17 MS. CARTY: Totally. Before they cook the  
 18 project.  
 19 MS. KAWALERSKI: Right, before they cook the  
 20 project and then you give it the blessing one way or  
 21 another and it comes back to us for --  
 22 MS. CARTY: It can be on a preliminary basis,  
 23 right? They don't have to decide on the  
 24 architecture --  
 25 MS. KAWALERSKI: Right. Exactly. But if they

1 compatibility forever. It's in the Code.  
 2 CHAIRPERSON AIZENSTAT: But I want to remind  
 3 everybody we're here to look at the Mediterranean  
 4 Bonuses as opposed --  
 5 MS. CARTY: You're right.  
 6 CHAIRPERSON AIZENSTAT: That's -- that's what's  
 7 before us. I'm not disagreeing with you, Sue.  
 8 MS. KAWALERSKI: Okay. But I mean this is a  
 9 great discussion because I think it's backwards. I  
 10 think we've been doing things backwards.  
 11 CHAIRPERSON AIZENSTAT: It is a very good  
 12 discussion. I'm not disagreeing with you. But what  
 13 I want to do is I want to try to move it forward  
 14 based on what's before us, which is the  
 15 Mediterranean.  
 16 Now, Venny, you had made some comments. Would  
 17 you mind coming a second? I'd like to ask you on  
 18 that, please.  
 19 MR. TORRE: I wanted to come back to where Felix  
 20 was going. I want to remind you of something. I  
 21 think this goes amiss -- hi everybody.  
 22 The way the -- first of all, we're all trying to  
 23 get to the same place. Process is the key here, and  
 24 no other city has this process as intricate and as  
 25 good as we have it. So this is a good thing. We're

1 say we want 190 feet --  
 2 MS. CARTY: Exactly.  
 3 MS. KAWALERSKI: -- and we know what the land use  
 4 is and --  
 5 MR. BEHAR: Sue, we're the recommending Board.  
 6 The Commission is the one that's going to make the  
 7 final decision.  
 8 MS. KAWALERSKI: Well, that's up -- that's up to  
 9 them. But I mean I'm just talking about the process  
 10 right now. What they do is out of our control. But  
 11 what is in our control is the ability to say to the  
 12 developer that's going to work, the massing is going  
 13 to work or it's not going to work, and the  
 14 architecture is secondary to that.  
 15 MS. CARTY: It's not even the massing to me that  
 16 you all need to say works. It's like can this  
 17 location within the City --  
 18 MS. KAWALERSKI: Right.  
 19 MS. CARTY: -- whether it's infrastructure,  
 20 whether it's, you know, roads, et cetera, can it  
 21 support a building of this size?  
 22 MS. KAWALERSKI: And the compatibility. We keep  
 23 -- you know --  
 24 MS. CARTY: And compatibility.  
 25 MS. KAWALERSKI: -- Felix has been preaching

1 just to perfect it. Trying to get better with it.  
 2 The Code, the way it's written, has a site plan  
 3 approval by the Commission. It -- it's basically the  
 4 Commission has to have review of anything over 20,000  
 5 feet. What happens, meant to be horse traded.  
 6 Everything is a horse trade. Everything is a  
 7 negotiation, and that's the way it's written. Who  
 8 doesn't like it, that's the way it is. So when you  
 9 get parks on the corner and you get setbacks or a  
 10 change it's because somebody is saying if you get me  
 11 this into this and those discussions, some are  
 12 discussed and sometimes negotiated early on. They  
 13 are.  
 14 And when it comes to the Board of Architects,  
 15 hopefully they say, well, if you can get it through  
 16 and make it look good, that's even better. Right?  
 17 Get the -- get the neighbors to do it. Some of these  
 18 things, they are in concept approved, then they have  
 19 to get through the Board, they have to look right,  
 20 and they have to get through the neighbors. So it's  
 21 a process that begins with a negotiations and ends  
 22 with Commission approval. And it's difficult because  
 23 sometimes what they're trying to do isn't anywhere  
 24 near what the Code requires. They're going to move  
 25 the things right over and they're going to say, well,

1 I'm going to give you park over there and all of a  
 2 sudden it changes dramatically.  
 3 So what they're trying to do, I think with what's  
 4 given to them is what's the best possible building we  
 5 can make here contextually and architecturally. But  
 6 sometimes what they're being given, these  
 7 negotiations either have begun or are going to happen  
 8 at the end, and they're in the middle of these  
 9 negotiations. It's the way it is. So the task for  
 10 them --  
 11 MR. PARDO: You're talking about a pad.  
 12 MR. TORRE: No, I'm talking about a lot of the  
 13 projects.  
 14 MR. PARDO: No, but I mean you're talking  
 15 specifically about a pad where you can avoid --  
 16 MR. TORRE: No, I can give you an example --  
 17 MR. PARDO: Okay.  
 18 MR. TORRE: You have plenty of examples, but the  
 19 building that's going on right now In Merrick Park  
 20 Village. I think it's a condo. It used to be a  
 21 hotel, it's a condo. It has a park on one side.  
 22 They slid the building over. I think they added a  
 23 floor. I'm not sure. I don't remember. But  
 24 basically that was one example where the building was  
 25 changed, maybe for the better. I'm not suggesting

1 typical, but --  
 2 MS. KAWALERSKI: But I mean can't you have a  
 3 conceptual drawing with height?  
 4 MR. TORRE: That's what they're forcing them to  
 5 do now.  
 6 MS. KAWALERSKI: No, I understand it, but you're  
 7 saying baking in the Med -- the Mediterranean  
 8 features.  
 9 MR. TORRE: Yeah. And again, they're going to  
 10 get more square footage and they're going to get an  
 11 extra two floors so they have to make that work  
 12 better. They have to make it work. Now they're  
 13 saying, this -- this new written, you got to make it  
 14 work. That extra two floors that we've giving you  
 15 have to be earned, and I think that's where the  
 16 problem, partial of the problem was that the -- the  
 17 lax of the -- the strictness of the -- of the way  
 18 that we're interpreting it, we're allowing things  
 19 that we, I think we all heard, they don't deserve the  
 20 two extra floors, that's not Mediterranean, that kind  
 21 of thing.  
 22 So, but I think that the first review,  
 23 whether they're going to get more floors, less  
 24 floors, bigger mass, less mass is basically, hey,  
 25 architecturally this works, contextually this works.

1 it's not. Every project -- or not every project. A  
 2 lot of projects are done that way. Going to have an  
 3 extra floor, going to have this. It's just normal.  
 4 It's the way the Code is written.  
 5 But I think that the ultimate goal, with that  
 6 being said, I'm not sure we can change that, is how  
 7 do we get the better architecture? And I'm not sure.  
 8 Again, this is a process that I don't know the final  
 9 answer to, but I know that maybe you should go first,  
 10 or maybe the Board should go first.  
 11 I can't see you going first because you can't see  
 12 what's being proposed. It has to be conceived. It  
 13 has to be this is going to be beautiful at the end,  
 14 and you have to say you want two extra floors, but  
 15 it looks horrible, or it doesn't work or the two  
 16 extra floors aren't so bad.  
 17 It's got to start with the Board, I think.  
 18 MR. BEHAR: No, you're right. You cannot grant a  
 19 zoning change without seeing something. I mean that  
 20 to me is not, you know, the way to do it. You were  
 21 just saying they've got to come here first, from what  
 22 I understood.  
 23 MR. TORRE: I did say that.  
 24 MR. BEHAR: Can't do that.  
 25 MR. TORRE: I did say that. No, no, it's

1 Now, it may be that, yeah, it's in the middle of an  
 2 area that's completely, you know, first time around.  
 3 Good example, and we all maybe have heard this, Alan  
 4 Morris, is, let me see here, is north of a property  
 5 that is even more intensity, that hasn't been built  
 6 yet. Right? We know which one that is. Right?  
 7 It's the -- it's the courthouse. So if you had bid  
 8 that building first Alan Morris would have gotten an  
 9 easier slide through their process, and since it's  
 10 not they had to go through harder -- harder process.  
 11 But if you had had a building built there, again,  
 12 it's -- it's a different --  
 13 I still think that the Board of Architects should  
 14 go first regardless of this thing and say this  
 15 building works, this building doesn't work and -- and  
 16 obviously increase the way --  
 17 MR. BEHAR: I agree with you. I think the Board,  
 18 the process -- whether it's a hundred percent not --  
 19 they have to go first. Because they're not going to  
 20 come to us and they're going to go to the Commission  
 21 and say I want to do a zoning change and let me start  
 22 over with the Board of Architects.  
 23 MS. KAWALERSKI: Okay. What happens when you get  
 24 the flat cake because we rejected it -- the flat cake  
 25 with the cherry on the top, is that the architecture

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1 that they approved?

2 CHAIRPERSON AIZENSTAT: It's up -- it's the

3 Commission. You have elected officials that come in

4 that do a vote --

5 MS. KAWALERSKI: I know they have -- I know they

6 have the final say, but at that point, why have a

7 Board of Architect?

8 MR. TORRE: I think it has to go back.

9 MS. KAWALERSKI: Huh?

10 MR. TORRE: I think they agreed that it has to go

11 back.

12 MS. KAWALERSKI: Well, yeah, but I mean is that

13 the process right now or is it

14 maybe-kinda-sorta-sometime?

15 CHAIRPERSON AIZENSTAT: Jennifer, would you

16 answer that?

17 MR. COLLER: We can only have one person speak at

18 a time and it has to be at the podium.

19 CHAIRPERSON AIZENSTAT: Thank you.

20 MS. GARCIA: The site plan requires Board

21 approval. It goes up to the Planning and Zoning

22 Board, it goes to Commission. The Commission

23 changes something. At that point it does go back to

24 City architect. He determines if it's substantial

25 enough to take it back to the whole Board or if he's

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1 where the railings are going from what looked like

2 rod iron railings that were very nice to now glass

3 railings. Again, not even going to the -- to the

4 City architect because it's being treated as a shop

5 drawing. They -- they don't even know what they --

6 what they have under their own noses, and it changes

7 the look of, you know, some of the architecture.

8 CHAIRPERSON AIZENSTAT: But that's up to -- how

9 do I say this? You've got to have the right staff in

10 place because one person or one Board is not going to

11 be able to look at everything and that's why you have

12 a City architect or you have -- or there's a process,

13 and I understand -- and I understand what you're

14 talking about, the glass -- the glass balconies. It

15 doesn't make sense to me. You know, I didn't know

16 about it, but what you're saying now it does make

17 sense when you're looking --

18 MS. KAWALERSKI: Well, we're looking at it every

19 day at Paseo De La Riviera. That's what we're

20 talking about. They got the bonus. They fought for

21 it, we fought against it. The neighbors fought

22 against it. They got the bonus. It got built.

23 They're sliding glass windows throughout the whole

24 building. No one wants to take responsibility how

25 that happened. But it happened. And that's why I'm

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1 okay with it moving to the Commission.

2 MS. KAWALERSKI: Who determines it?

3 MS. GARCIA: City architect.

4 CHAIRPERSON AIZENSTAT: The City architect.

5 MS. GARCIA: City architect, right?

6 .

7 MS. KAWALERSKI: One person?

8 MS. GARCIA: Yes.

9 MS. KAWALERSKI: Okay.

10 MS. GARCIA: And there had been times that the

11 City -- City Commission sent it back to the Board of

12 Architects. The Board of Architects I think deferred

13 with a lot of comments and the Commission basically

14 veto'd it and brought it back to the Commission about

15 a passageway on the property.

16 MR. PARDO: We went through not that long ago --

17 well, maybe a couple years now -- where the

18 development director tried to defend one of the

19 projects on US 1. And they changed the doors to

20 sliding doors, they did this, they did that, all

21 through shop drawings. Nobody reviewed it.

22 MS. GARCIA: Different process.

23 MR. PARDO: Right. And that was no culpe, no

24 culpe, that. Was it. And -- and now I understand

25 the same thing happening with some large projects

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1 saying when one person says, and it's the City

2 architect or it's just one person alone and they say

3 yeah, go ahead with it, do this, that's how sliding

4 glass gets in a building that should not have been

5 Mediterranean because it didn't meet the Code. And

6 we're stuck with it now. What are we going to do?

7 Are we fining the developer for going against --

8 CHAIRPERSON AIZENSTAT: But I think we need -- I

9 think we should move forward. I think the

10 Mediterranean Bonus has been brought before us to

11 take a look. It's been brought before the

12 Commission, and that's what we're tasked with, and I

13 think going back and looking this should have been

14 done or this should not have been done isn't going to

15 get us, really, anywhere right now.

16 MS. KAWALERSKI: Well, you have to look at the

17 past so you don't make the same mistake.

18 CHAIRPERSON AIZENSTAT: Well, it's good to bring

19 it up, but let's try to move forward with what we

20 have here. If it's something that there's a

21 recommendation down the road that should be put in

22 there, or one of the Board members feels it should go

23 in --

24 MR. BEHAR: But, Eibi, it goes back to the

25 original contextual analysis and to be able to move

1 with this, that was, you know, my first comment, is  
 2 how do we resolve that? Because, you know, if -- if  
 3 it's not within the character the rest doesn't mean  
 4 anything, you know. To me -- and how do you give,  
 5 you know, the Board of Architects the necessary tools  
 6 to be able to do that? And -- and -- and I -- and  
 7 when it's my turn I will express my concerns because  
 8 I have a few of them.  
 9 CHAIRPERSON AIZENSTAT: Okay.  
 10 MR. BEHAR: You know. And --  
 11 CHAIRPERSON AIZENSTAT: What I'd like to do is,  
 12 Julio would you mind continuing on? That way we get  
 13 a little bit from everyone.  
 14 Sue, were you done? I apologize.  
 15 MS. KAWALERSKI: I didn't start. I was  
 16 just commenting on a --  
 17 CHAIRPERSON AIZENSTAT: No, but are you done with  
 18 your comments right now so I can continue --  
 19 MS. KAWALERSKI: No, I'm not. I didn't start.  
 20 CHAIRPERSON AIZENSTAT: Just with the comments  
 21 you have for now. I'll call you to --  
 22 MS. KAWALERSKI: The comments on -- on this  
 23 proposal, right?  
 24 CHAIRPERSON AIZENSTAT: The comments that you had  
 25 made as to how to go ahead and define it and -- in

1 subjective interpretation. Subject interpretations,  
 2 that's what it comes down to. Because we've seen it  
 3 with the current Code. It's subjective.  
 4 So any time you have a subjective Code there are  
 5 going to be abuses. We saw it with Zubi, we saw it  
 6 with Paseo De La Riviera. There are probably many  
 7 more that I don't even know about.  
 8 So we're talking about no matter what kind of  
 9 language you write and how many criteria you come up  
 10 with, there will be always be abuses. And  
 11 particularly now that I'm hearing about all the holes  
 12 in our process about how things get slipped by and  
 13 what should be and what shouldn't be, I think we  
 14 should be addressing the process rather than voting  
 15 on a Code that's going to be abused again.  
 16 The compatibility issue that Felix brings up I  
 17 think is very important. I think we need to have the  
 18 City attorney fully explain what the Board of  
 19 Architects are able to do and what they should do by  
 20 the Code because I think it's about compatibility.  
 21 Okay?  
 22 I can tell you that in my neighborhood -- I live  
 23 in a nondescript architectural neighborhood in Coral  
 24 Gables. If somebody came in with an architect --  
 25 with a Mediterranean design for my neighborhood, no

1 other words, I'd like to get your full comments --  
 2 MS. KAWALERSKI: Right now?  
 3 CHAIRPERSON AIZENSTAT: No. I'd like to get  
 4 Julio's first on --  
 5 MS. KAWALERSKI: Oh, I thought we were going this  
 6 way.  
 7 CHAIRPERSON AIZENSTAT: I like to skip.  
 8 MS. KAWALERSKI: Okay. Because I wanted to  
 9 piggy-back off of him, but I'll wait.  
 10 CHAIRPERSON AIZENSTAT: Okay. Go ahead.  
 11 MS. KAWALERSKI: Okay.  
 12 CHAIRPERSON AIZENSTAT: I don't want to you  
 13 wait.  
 14 MS. KAWALERSKI: Because I do want to talk about  
 15 abuses and this is the perfect opportunity to talk  
 16 about abuses. We have had an abuse of our  
 17 Mediterranean Code. I think we can all agree.  
 18 People up here say, oh, yeah, how did that happen,  
 19 that we've had abuses? Because I think the process  
 20 is flawed. So I think we have to seriously look at  
 21 that process, okay, so it doesn't happen again. And  
 22 that falls into what are we trying to approve today?  
 23 We're trying to approve stricter language, more  
 24 criteria, stricter criteria, more pictures. You know  
 25 what it all comes down to? It all just comes down to

1 matter how beautiful it is, it doesn't fit. It's a  
 2 nondescript neighborhood, nondescript architectural  
 3 neighborhood.  
 4 So the compatibility I think is the number one  
 5 issue that we're looking at here, and that should be  
 6 in the purview of the Board of Architects and I  
 7 think until we solve that I don't think any of this  
 8 is going to matter. Nothing is going to matter.  
 9 There's going to be too many abuses. So you can tell  
 10 where I'm going with my vote. We need a lot of  
 11 fixin' before we come up with more stuff.  
 12 CHAIRPERSON AIZENSTAT: Thank you.  
 13 Julio?  
 14 MR. GRABIEL: Cities don't grow overnight.  
 15 They're a slow process. I think what we're seeing  
 16 right now is that slow process. You give and you  
 17 take and you measure, and you cut, but it is -- takes  
 18 a while for everybody to be in one concert.  
 19 Board of Architects, I don't see any reason why,  
 20 even though it's not the preview (verbatim) of a  
 21 Board of Architects to make a decision on the height  
 22 of a building, they can still make a comment on the  
 23 quality of architecture even though it's not a  
 24 zoning change that they're looking at. So I think  
 25 to tell them that it's not your preview (verbatim),

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1 you cannot make a decision, or you cannot make a  
 2 comment on that, I think they should have the  
 3 flexibility if they see something that is out of  
 4 scale, to say it. And you can send it through with  
 5 notes saying, okay, it's -- look, the architecture  
 6 is good, but we don't like the height change, or  
 7 whatever. So I think they should have the  
 8 flexibility because they're -- they're the first  
 9 eyes that the City has on any project that's coming  
 10 through. So I think they should be given the  
 11 flexibility and nobody should be telling them, no,  
 12 you cannot talk about that because that's not in  
 13 your preview (verbatim). So either we have to change  
 14 the preview (verbatim) of the Board of Architects or  
 15 we have to allow them to have that because I feel a  
 16 lot more comfortable when I sleep better at night  
 17 knowing that the Board of Architects is there and  
 18 that it's looking at the projects early on before it  
 19 gets a full set of working drawings out on the  
 20 street. So that's -- that's one.

21 The other one is it's going to take time. It's  
 22 going to take time for us -- you know, we all have  
 23 different ways of looking at projects, we all have  
 24 different ways of looking at a city, but we're all  
 25 looking at trying to improve the quality of the

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1 of the architecture and the environment of the  
 2 City, it's the right way of doing it.

3 CHAIRPERSON AIZENSTAT: Thank you.  
 4 Javier?

5 MR. SALMAN: First off, thank you, everybody,  
 6 for your public comments. I think they were all very  
 7 good. And we're also looking at the same problem  
 8 from many different ways, and for the changes that  
 9 are being proposed for the Med Bonus, that's a very  
 10 specific thing that we are going to be deciding  
 11 today, but what I'm hearing is also that we have a  
 12 problem with process. We are addressing it partially  
 13 through the conceptual review, which will involve  
 14 some massing, but the underlying problem is that  
 15 we have a multiplier effect with regards to zoning  
 16 changes and comprehensive land use changes, and  
 17 unfortunately, the Board of Architects is presented  
 18 with a proposed project which includes those without  
 19 ever having been necessarily approved by the  
 20 Commission. So they're tasked with reviewing a  
 21 design which is co-dependent on a change in zoning  
 22 without ever really looking at what the massing  
 23 implication is.

24 Now, the conceptual review, which is part of the  
 25 changes that were being addressed here today would --

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1 environment. And it could be a Mediterranean  
 2 building or it could be a contemporary building. A  
 3 lot of the things that we talk about the quality  
 4 of street level, the first three floors, the top of  
 5 the buildings could work either with a Mediterranean  
 6 architecture or a contemporary architecture. And I  
 7 think that's what's more important.

8 I think that we came to depend on the Board on  
 9 the Mediterranean architecture as the cure all and it  
 10 always bothers me that there's no comments anywhere  
 11 in the City about the quality of the architecture of  
 12 those buildings which are not Mediterranean. But we  
 13 have to be looking at it. We know that there has  
 14 been very bad examples of Mediterranean architecture  
 15 that has passed through all of our hands, you know,  
 16 and that we -- they shouldn't have. They shouldn't  
 17 have gone through a Board of Architects, they  
 18 shouldn't have gone through Planning and Zoning and  
 19 they shouldn't have gone through the City Commission.  
 20 And just because you put three arches on the ground  
 21 floor, an arcade on the top floor that does not make  
 22 it a Mediterranean architecture.

23 So I think the direction that this is going,  
 24 which is try to quantify and qualify two things,  
 25 projects so that we preserve and improve the quality

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1 would go a long way towards that and under Ms.  
 2 Carty's stewardship with the Board of Architects I  
 3 could tell you that it's really well run, very  
 4 collegial. The commentary is all fairly non-abrasive  
 5 between the presenters and the reviewers, and it's  
 6 always very constructive, so such that we are already  
 7 getting a better quality of architecture in this  
 8 city. And this is one of the tools that were needed.

9 But there's an overlying issue, which is -- which  
 10 is that conflation of the design with the -- the  
 11 change in zoning, which is really what creates the  
 12 massing and objections that we have of -- of these  
 13 buildings that -- that happen -- threw everybody's  
 14 -- put everybody's hair on fire, for obvious reasons,  
 15 because they are non-contentional.

16 If we were to take The Biltmore, which I think  
 17 we all agree is a beautiful building and we put it  
 18 slap up to US 1 I guarantee you nobody's going to  
 19 like it because it's not quite contextual, is it?  
 20 But yet, it would be perfectly acceptable for the  
 21 Board of Architect's point of view with regards to  
 22 the design.

23 So the massing, its location, and its approval  
 24 of the zoning changes really one issue that is  
 25 parallel to, but outside of the purview of the Board

1 of Architects, but it needs to be addressed, I think  
 2 it's a separate issue and it's a discussion for  
 3 another time. Perhaps there is a separate review for  
 4 zoning change at -- as part of the conceptual review,  
 5 once that's approved maybe they have to get approved  
 6 and then maybe it goes back to the Board of  
 7 Architects as, okay, here's your envelope, now design  
 8 a building. And then you review it. And that might  
 9 solve the problem. Okay? And that's just my --  
 10 one person's, one lay person's idea of a possible  
 11 solution to help get us around the -- the big  
 12 problem, the biggest problem, the elephant in the  
 13 room where we get these projects that are like  
 14 surprise. And we don't like those surprises because  
 15 they usually do not end well.

16 Now, with regards to context, I think that the  
 17 contextual review that we're offering, and now  
 18 probably making mandatory for projects over 20,000  
 19 square feet is -- is -- it's very positive and needs  
 20 to be mandatory if you're going to go for zoning  
 21 change. Absolutely. I think that that's one issue  
 22 I think I would like to see included in the changes  
 23 in the Med Bonus, that if you go over 20,000 and  
 24 you're going for a Med Bonus you better get a  
 25 conceptual review prior to submittals for design

1 Board of Architects before it gets approved. Before  
 2 the implications of that are approved. So that's my  
 3 particular point. I don't have an issue with the  
 4 recommendations as presented to me. So -- but I just  
 5 want to underline the fact that we are dealing with  
 6 only a very limited part of what is the problem with  
 7 regards to development of review in the City.

8 But I offer an example in which a project, and  
 9 I'll say which one it is. It was the Publix  
 10 project. Came to us for a -- for a review for a  
 11 variance. So it went to the Board of Adjustments,  
 12 and I just happened to be sitting as the Chair of  
 13 that Board at that time, and my understanding is that  
 14 all the fish had been cut, all the bait had been  
 15 divided up amongst the fisherman and that everybody  
 16 was happy and that the project was done. It was  
 17 frozen. That was it. And at that point it seemed to  
 18 be okay. It seems to meet all the requirements for  
 19 the variance, it was positively recommended by Staff  
 20 and we voted approving it. And then by happenstance  
 21 I ended up being on this Board where we get to review  
 22 the project again and everything was thrown up in the  
 23 air. And that was part of not having added  
 24 conceptual review for a project over 20,000 feet  
 25 where those decisions should have been made and

1 review, and not being an optional.

2 Is that -- is that the way it's written?

3 MR. BEHAR: Yes.

4 MR. SALMAN: Okay. Because I wasn't sure. The  
 5 way I read it it didn't look like it was -- maybe I  
 6 was reading an older version where it was still  
 7 optional.

8 MS. GARCIA: Yes, as of today the conceptual  
 9 review is mandatory for any Med Bonus, whether it's  
 10 small scale or large scale.

11 MR. SALMAN: But also, is it required for any  
 12 zoning change?

13 MS. GARCIA: It is not.

14 MR. SALMAN: Let's say you're building by right,  
 15 but you just want to -- you don't care about the Med  
 16 Bonus, you just want to go get a zoning change and  
 17 increase your density. Are you required?

18 MS. GARCIA: You're not required, but it --

19 MR. SALMAN: Because it's outside of the Med  
 20 Bonus?

21 MS. GARCIA: The Board and the Commission.

22 MR. SALMAN: Okay. Again, a discussion for  
 23 another day. There is something to be done with  
 24 regards to the conceptual review and separating the  
 25 zoning approval, or the increases, from going to the

1 should have been locked into an agreement and then  
 2 be submitted to the Board of Architects for review so  
 3 you're not getting these redesigned halfway between  
 4 one review Board and another review Board and then  
 5 expecting it to be finally resolved by the  
 6 Commission. And if that's the case, then that's  
 7 neither transparent, nor should it be allowed.

8 So we need to look at how the process works in  
 9 general. This is just the specific of the Med Bonus.  
 10 And as I said, I don't have a problem with the  
 11 recommendations. In fact, I'm very positive  
 12 supporting of the changes as proposed. We can always  
 13 add more, but we've got to start somewhere and I  
 14 think this is a very good start.

15 So that's it. Those are my comments.

16 CHAIRPERSON AIZENSTAT: Thank you.  
 17 Robert?

18 MR. GRABIEL: Before you do, Mr. Chairman, you  
 19 can hear from my cold, I am not feeling well, so if I  
 20 may be excused.

21 CHAIRPERSON AIZENSTAT: Of course.

22 MR. BEHAR: I vote on that yes.

23 MR. GRABIEL: You're next to me.

24 CHAIRPERSON AIZENSTAT: Too late, Robert.  
 25 Julio, thank you for coming.

1 Let the record note that Julio is excused and  
 2 is leaving the chambers.  
 3 Robert?  
 4 MR. BEHAR: Thank you.  
 5 I'm not going to go back to the process. I'm  
 6 just going to concentrate on giving my comments based  
 7 on what was presented to us today. And I -- I think  
 8 some of us, I know Felix and I know Javier have  
 9 mentioned in the past that we're -- it's becoming  
 10 very prescriptive in the way this is being put  
 11 together and that -- what I would like to --  
 12 Jennifer, if you could put up the -- the example  
 13 -- the exhibit of the Alan Morris building, the  
 14 latest because -- and I'm just going to use a couple  
 15 examples. One says, you know, may require classical  
 16 massing. I see this building -- by the way, I like  
 17 this building a lot. Okay? I -- I think the -- the  
 18 new building. Not the old building. And I'm trying  
 19 to look at how do I define classical massing in that  
 20 structure and I -- I personally don't know how to  
 21 define that. But again, I do like that building.  
 22 And where this is becoming very prescriptive.  
 23 If I look at that elevation, that facade, I see that  
 24 that building is probably, I would say it's 70  
 25 percent, 75 percent glass to solid. Okay? Right?

1 assuming that you're not going to do zero setback on  
 2 the back.  
 3 So how do you make a podium work having to put  
 4 a habit of space and having those depths? And  
 5 unfortunately, the reality, you know, the depth of  
 6 the property in the Gables, the majority, are a  
 7 hundred feet. So I have a problem with some of these  
 8 numbers and -- and maybe it's 20 feet from setback --  
 9 I mean from the property line, but not from the  
 10 setback because otherwise it's impossible to -- to  
 11 make, you know, more than a one story building.  
 12 Am I -- am I looking at it -- you know, am I  
 13 not misreading this? I think a lot of the other  
 14 sections are acceptable even though I'm not a fan who  
 15 says to coordinate windows, but, you know, it's --  
 16 it's okay. We could -- that's -- it's subjective to  
 17 interpretation.  
 18 But I think this, is it going is the right  
 19 direction? I agree with some of the comments of  
 20 Javier, we need to start somewhere. But I think this  
 21 is becoming very prescriptive.  
 22 And, Felix, you and I were on the Blue Ribbon  
 23 Committee and I remember you mention on many  
 24 occasions that the Regions Bank building on Ponce de  
 25 Leon was a great building, okay, and I agree with

1 But when I look at what's is being asked of  
 2 windows and doors, that the proportion of one to five  
 3 and, you know, and not -- not of the -- you know,  
 4 wind- -- the ratio of windows and doors to solid  
 5 walls should be measured of each floor to have a  
 6 one to five ratio and at a minimum of one to three.  
 7 I'm not sure how to correlate this with that, which,  
 8 again, I really think they did a great job. Okay?  
 9 And how do you -- how do you do that? That's --  
 10 that's one.  
 11 The other, which I think Judy started to mention,  
 12 is when you have to incorporate the FPL vault and all  
 13 the other back of house areas that, unfortunately,  
 14 are needed. And under the -- under the provision, or  
 15 the prerequisite says that a minimum of 80 percent  
 16 of the linear frontage of this story of any building  
 17 space in the primary street should be habitable  
 18 space. Well, unfortunately, some of the properties  
 19 in the City of Coral Gables the depth is a hundred  
 20 feet. Okay?  
 21 And in the same paragraph it says all storage of  
 22 vehicles off street parking that is above grade  
 23 should not occur within 20 feet of the front setback  
 24 line. So you have a ten foot setback and then you  
 25 have to put 20 feet. That gives you 70 feet,

1 you. And I think a lot of the architects will agree  
 2 with that.  
 3 With this, that building's impossible to do.  
 4 Okay? That building -- and that building we would  
 5 not be able to get it. With this I wouldn't be able  
 6 to get that. All right? Am I -- am I --  
 7 MR. PARDO: Listen, I wrote --  
 8 CHAIRPERSON AIZENSTAT: Felix, can you talk into  
 9 the microphone, please?  
 10 MR. PARDO: I wrote, so you -- so you know where  
 11 I'm coming from, right on this I had written the  
 12 formula. And then hence the formula because one of  
 13 the problems is that when you write these formulas,  
 14 design with it. See if it works. See if you can do  
 15 what you're saying. And that's the problem when you  
 16 have prescriptive codes. Half of the time it doesn't  
 17 work right.  
 18 And by the way, the symmetry, if the picture  
 19 would have been taken straight on from University,  
 20 looks completely different. The classical component  
 21 is there, not from the angle that we're showing to  
 22 you there. But it is definitely on the other side.  
 23 But the point is that when you get into the formulas  
 24 you start getting into trouble real quick, and I  
 25 agree with you a hundred percent.

1 MR. BEHAR: An then this makes it more difficult  
 2 for the BOA to follow because -- at least that's my  
 3 opinion, you know. I -- I think that a lot of this  
 4 has been very good and I -- I read it and, you know,  
 5 I even went back and even looked at the best practice  
 6 manual that we had in the City that I don't know how  
 7 much of this really is -- is really -- okay? You  
 8 know, I think the new examples that you're putting in  
 9 there are probably more appropriate because you got  
 10 taller building. And I forget who, it was Venny or  
 11 somebody, said the problem that you have is that when  
 12 you have taller buildings it's a big difference  
 13 between the pink building and a building like this.  
 14 So I like where we're going. I think there's a  
 15 lot of things that need to be worked out. I'm -- I  
 16 don't know what's going to happen today with this.  
 17 CHAIRPERSON AIZENSTAT: I mean I agree that we're  
 18 not there yet. I mean that's what I'm hearing.  
 19 It's very valuable the comments that we got from  
 20 the architects who are on the Board. Judy herself,  
 21 who came in, told us what's there.  
 22 One of the -- one of the questions that I have  
 23 is, in your Staff recommendation on -- if you can  
 24 pull up on -- bare with me. Let met get to where it  
 25 is. It was on page 2 at the top. You start talking

1 that's one of the most contested projects -- by  
 2 sitting on the Board, that's one of the projects that  
 3 people have come and complained the most about.  
 4 MS. GARCIA: Right, but from my understanding  
 5 it's not about the architecture. It's about the  
 6 scale.  
 7 MR. SALMAN: The massing.  
 8 MR. BEHAR: The massing.  
 9 CHAIRPERSON AIZENSTAT: Right. But -- but the  
 10 point that I'm getting to is by being able to do that  
 11 architecture they were able to get that massing.  
 12 MS. SALMAN: No.  
 13 MS. GARCIA: No. They first were --  
 14 CHAIRPERSON AIZENSTAT: They were not?  
 15 MR. SALMAN: No.  
 16 MS. GARCIA: They first were --  
 17 MR. SALMAN: Excuse me. The PAD came with an  
 18 overall design of the project of the mass, and that's  
 19 how it was originally approved. And they came back  
 20 to this Board three times, or four times.  
 21 CHAIRPERSON AIZENSTAT: Right. We voted no.  
 22 MR. SALMAN: Where it got an increase and  
 23 increase, and increase.  
 24 CHAIRPERSON AIZENSTAT: Correct.  
 25 MR. SALMAN: But it had nothing to do with the

1 about the Plaza. On page 2 of the recommendation you  
 2 say the architectural elements are portions of the  
 3 recently built plaza formerly known as the  
 4 Mediterranean Village have of received significant  
 5 recognition.  
 6 MS. GARCIA: Architecturally, yes.  
 7 CHAIRPERSON AIZENSTAT: Correct. Can you go  
 8 into that? You're saying that what they've provided  
 9 in the Mediterranean style has received a lot of  
 10 recognition.  
 11 MS. GARCIA: No. I think just the build  
 12 environment, so the build project, the plaza has  
 13 received, you know, praise as far as architectural  
 14 quality that it has, right? Mostly on the buildings  
 15 that are facing Ponce, to be honest.  
 16 CHAIRPERSON AIZENSTAT: But at the same time --  
 17 MS. GARCIA: But the reason I'm bringing this up  
 18 is because they have their own PAD. It includes  
 19 architectural standards, right, and none of those  
 20 standards, the proportions between the bay -- the  
 21 widths of the windows and the width of the bay, the  
 22 window bay and other things have come from those  
 23 standards that are in the Mediterranean, what's it  
 24 called, Mediterranean Village pad standards.  
 25 CHAIRPERSON AIZENSTAT: But at the same time,

1 architect. It had to do with the FAR and the  
 2 entitlement that was being granted to that property.  
 3 CHAIRPERSON AIZENSTAT: And the bonuses? It  
 4 didn't have bonuses?  
 5 MR. SALMAN: The bonuses came on top. But I  
 6 don't think it had any bonuses. It was all part of  
 7 a PAD anyway.  
 8 MS. GARCIA: True, but you can't get that high --  
 9 CHAIRPERSON AIZENSTAT: They got bonuses.  
 10 MR. SALMAN: No, they got bonuses for height.  
 11 CHAIRPERSON AIZENSTAT: Well, that's what I'm  
 12 saying is --  
 13 MR. SALMAN: They got bonuses for height.  
 14 CHAIRPERSON AIZENSTAT: -- they got the bonuses  
 15 that came off of that style.  
 16 MR. SALMAN: I know, but that's what I was saying  
 17 is that's a multiplying effect, it's a conflating  
 18 multiplying effect that I think the City and its  
 19 residents are naturally objecting to.  
 20 CHAIRPERSON AIZENSTAT: Agreed. I agree, but  
 21 here it's being mentioned -- it stuck to me reading  
 22 this that that project is being mentioned as such a  
 23 great project. I'm not saying it's an ugly project.  
 24 I agree. I think what's captivating a lot is what's  
 25 on the ground floor, and that's what Venny spoke



1 about, is that you're able to look at it on the  
2 ground level of the ground floor and see a lot of the  
3 Mediterranean style as opposed to just putting  
4 everything on the top with the steeple, with a roof,  
5 or whatever is being done. But at the same time, I'm  
6 not sure that myself as one individual, or one  
7 member, would want to have all the buildings look the  
8 same.

9 MR. SALMAN: No.

10 CHAIRPERSON AIZENSTAT: Or have -- the way it's  
11 being described here is sort of like, here's a door  
12 -- or here's these buildings. You want to design,  
13 you gotta design as these buildings.

14 MS. GARCIA: Right, which is the issue now, as  
15 now we have eight buildings and that's it, and most  
16 of them are two story.

17 CHAIRPERSON AIZENSTAT: But to me there should be  
18 more of a diversity within the design. And I think  
19 some of the design -- you have good architects and  
20 you have bad architects and it's really up to the  
21 Board of Architects, and now as a whole, to look at  
22 the design and say this is good or this is really  
23 just a bad job, they're just trying to get FAR with a  
24 straight forward concrete facade.

25 But as a resident it just concerns me that the

1 buildings will start to look the same that are being  
2 designed, the way I'm reading this with the  
3 requirements because I think by nature most of the  
4 developers are going to want to get as much FAR as  
5 they can. Whether they're going to get approved or  
6 not I don't know. But because of dollars and cents,  
7 and square footage they want more FAR. And by  
8 wanting more FAR they're going to say, okay, this is  
9 what you're going to have to design. Architect X,  
10 they're a good architect, but I want to go with the  
11 person that designs specifically this only style and  
12 this type of building, and I just -- I don't know if  
13 I agree with that throughout the City or throughout  
14 these areas that those buildings be that way.

15 What bothers me the most is what, I think the  
16 word that was used that Robert brought up, which is  
17 prescriptive. You know, it's -- I think there has to  
18 be something more there. I think we're in the right  
19 direction. And I understand -- to me probably this  
20 all started because of FAR and it was being granted  
21 to people that design or put a little steeple or just  
22 something at some point in the building and said this  
23 is Mediterranean, give me my FAR, and I think the  
24 purpose is to curtail that. And I could be wrong,  
25 but that's -- that's what I'm hearing from everybody

1 in the way they're talking. And at the same time,  
2 there's a good side and a bad side to that because  
3 you can start to curtail it, but then everything may  
4 just start to look with the same type of designs that  
5 are going on in there, and to me I wouldn't want to  
6 see all that. It's a different point of view, I  
7 think, than most of you have spoken about. But to me  
8 not being an architect, that would bother me. And I  
9 really thought hard about Venny's point that he said,  
10 you know, the first three levels is really what you  
11 see in a pedestrian area, or in these areas, and I  
12 think we really need to concentrate on those levels,  
13 even though you've got to do some kind of -- of a  
14 frame or so forth to build on top of it. But that's  
15 really what the pedestrian's to me, that's what you  
16 see. When you're talking downtown or you're walking  
17 through a certain area you're visualizing, you're  
18 looking at those areas, those windows, and if you  
19 have to go ahead and take every window and put some  
20 kind of a, I don't know what the right word is that  
21 they use at the bottom that makes it Mediterranean --

22 MR. BEHAR: A sill.

23 CHAIRPERSON AIZENSTAT: If you go ahead and have  
24 to put a specific sill on that window so it  
25 qualifies, is that really the right thing for those

1 buildings to have? I don't know. But to me, I just  
2 don't know if I would want that in all those  
3 buildings for it to qualify.

4 MR. WITHERS: Can I ask a question?

5 CHAIRPERSON AIZENSTAT: Yeah.

6 MR. WITHERS: If a developer comes in and they've  
7 checked all twelve boxes, the Board of Architects  
8 could say "we're not going to grant you the bonus."  
9 Right?

10 MS. GARCIA: It's probably a little more  
11 difficult to back that no up with, but, yes, I think  
12 they have the right to say no because a lot of that  
13 language they kind of finesse to make sure that we're  
14 not just sticking elements onto --

15 MR. WITHERS: I get it. So they can say no.  
16 We agree we love it all, but we're not going to give  
17 you your additional FAR, we're not going to give you  
18 your additional height. They could say that.  
19 Correct?

20 MS. GARCIA: They can.

21 MR. WITHERS: So the Board of Architects --

22 MS. GARCIA: They need to give specific reasons  
23 of why.

24 MR. BEHAR: I'm not sure. I'm not sure you could  
25 say --

1 MR. WITHERS: Well, that's why I'm -- I'll ask  
 2 our attorney then.  
 3 MR. PARDO: Robert is a hundred percent right.  
 4 There's only one part of your Code that does allow  
 5 the discretion of lowering the amount of the bonus  
 6 and that is when it's an addition or renovation.  
 7 That's the only where -- the only place that says --  
 8 in fact, I recommended where I marked up to have  
 9 the ability to do that. So when you see it, listen,  
 10 you did a good job, we're going to give you  
 11 everything that you -- gives you that incentive to do  
 12 a better job. I think that's what you were talking  
 13 about.  
 14 CHAIRPERSON AIZENSTAT: Yeah.  
 15 MR. PARDO: But the point is that it does say  
 16 clearly in the Code, and it says it clearly under  
 17 where you have the renovations component of it, and I  
 18 marked it up and in there it says specifically that  
 19 they have the ability of only giving you part of it.  
 20 Here it is under your page 3, Section E, as in  
 21 echo, Additions, Restorations, and Renovations of  
 22 Existing Buildings. The Board shall have final  
 23 determination to the amount of Bonus granted. Right  
 24 there, black and white.  
 25 MR. WITHERS: So does that apply throughout the

1 MS. CARTY: Sure.  
 2 MR. COLLER: -- what's the benefit of this. So  
 3 could you just mention what you just said before?  
 4 MS. CARTY: Sure. Absolutely. And what I  
 5 said -- what I asked, really, is to Felix's earlier  
 6 point of what we can and cannot speak on, it would be  
 7 great if we could get a written interpretation by the  
 8 City Attorney so that it is very clear and we're not  
 9 basing it on sort of varying --  
 10 MR. WITHERS: So that was my -- my thought is, if  
 11 you know -- you know the -- when you get the building  
 12 in front of you initially, you know the height.  
 13 Right?  
 14 MS. CARTY: Um-hmm.  
 15 MR. WITHERS: And you know how that building's  
 16 going to look at fifteen stories, you know how that  
 17 building's going to look at thirteen stories.  
 18 Hypothetically. I mean you would decide, hey --  
 19 MS. CARTY: We're all probably thinking something  
 20 different.  
 21 MR. WITHERS: Yeah, but my point is, I mean you  
 22 can look at a building and say -- I can't look at a  
 23 building and look at that picture and say that  
 24 building will look good at eight stories or that  
 25 building will look good look at twelve stories, or that

1 whole --  
 2 MR. PARDO: I would apply it to the whole thing.  
 3 MR. WITHERS: Okay.  
 4 MR. PARDO: Because that gives you a tool for the  
 5 Board of Architects to say --  
 6 MS. GARCIA: The Code goes on -- I'm sorry. The  
 7 Code goes on for each of those tables, Level 1/Level  
 8 2, it goes on to say additional Bonus up to .3, up to  
 9 .2. So they're not required to say you get the whole  
 10 twelve. You have .3. They may feel that the  
 11 intensity is too much and they may only want to give  
 12 a .15.  
 13 MR. WITHERS: I guess my point is the discussion  
 14 about the Board of Architects not having control over  
 15 height or massing.  
 16 MR. PARDO: They don't know that, Chip. That's  
 17 the problem. They don't --  
 18 MR. COLLER: Ma'am -- Judy, can you come up?  
 19 Sorry.  
 20 MR. PARDO: What I'm saying is that, Chip,  
 21 they --  
 22 MR. COLLER: Could you just repeat -- I  
 23 apologize, Eibi.  
 24 It's really important that we get the full  
 25 transcript, not only because --

1 building will look at fifteen stories. I don't have  
 2 that ability. But I am sure that your trained eye  
 3 you probably could, or Robert's trained eye he could  
 4 say that building would look better if it was a  
 5 little taller, or a little shorter, or a little  
 6 fatter, or a little skinnier. I mean is that --  
 7 MS. CARTY: Yeah, that's --  
 8 MR. WITHERS: Am I way off base on that?  
 9 MS. CARTY: That's accurate.  
 10 MR. WITHERS: Okay. So if you have an  
 11 architectural -- if you have bonuses coming to you  
 12 and you like the style of the building, but you just  
 13 don't think the bonuses would make that building look  
 14 better at fifteen stories, why not just deny the  
 15 bonuses?  
 16 MS. CARTY: Remember, we are told that those are  
 17 not part of our purview.  
 18 MR. WITHERS: No, I know you're not -- it's  
 19 what you're being told. I'm saying what the  
 20 practicality of the issue would be to me.  
 21 MS. CARTY: To Felix's point, that's what we've  
 22 been instructed. We're looking at the architecture  
 23 because the purview is not ours to tell them that.  
 24 MS. KAWALERSKI: Well, not only that, Chip, but  
 25 she might it would look better shorter, so no, but

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1 the rest of the Board of Architects might say no,  
 2 we love it. That's where the subjectivity comes in.  
 3 Everybody's going to look at it differently.  
 4 MS. CARTY: There's nine opinions on the Board.  
 5 I mean --  
 6 MS. KAWALERSKI: Yeah.  
 7 MS. CARTY: -- that's the diversity that we get.  
 8 MS. KAWALERSKI: Right.  
 9 MR. WITHERS: Right.  
 10 MS. CARTY: But remember, one thing I want to  
 11 say, though, the Alan Morris building, it was not  
 12 only the size of it. It was the architecture.  
 13 Right?  
 14 MR. WITHERS: Yeah.  
 15 MS. CARTY: I mean I don't want to not be clear  
 16 on that. That's why we at the Board denied it  
 17 multiple times.  
 18 MR. PARDO: Also, Robert is, again, a hundred  
 19 percent correct in saying because it doesn't tell you  
 20 specifically, I -- I heard -- where did she go?  
 21 Oh. I heard you say that it's implied. It's --  
 22 it's implied saying up to. But this says it crystal  
 23 clear when it says the "Board shall have final  
 24 determination to the amount of the Bonus granted."  
 25 In my opinion, that should be added in the other

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1 You're going to have issues. There's no doubt  
 2 about it, but I think that the first thing is you  
 3 have to give the Board of Architects the tools for  
 4 them to develop -- or redevelop the reputation that  
 5 they've had here in the past of guarding us.  
 6 I think also that the Plaza, which I have spoken  
 7 over and over again as a critic, is that I think that  
 8 they had many opportunities to do something and still  
 9 come up with the square footages that they had, or  
 10 it could have been done in a different -- in a  
 11 different way. It was driven not -- with present  
 12 Staff excluded. It was driven a lot by Staff, and  
 13 part of the cooks that were in the kitchen were  
 14 Staff, and it really is unfortunate because that  
 15 building, they put a lot of money into the detailing  
 16 of that building. There's no doubt. And you can't  
 17 bash them for that. And they did what they were  
 18 allowed to do in this City. So they can't be blamed  
 19 for that.  
 20 But what I'm saying is, you have to look at each  
 21 project individually, its compatibility in all these  
 22 different things. I think we've discussed a lot of  
 23 these items and we know what should and should not  
 24 happen. We could dissect this thing forever. But  
 25 I'm just saying, is that we all know what good

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1 part because therefore, maybe at that particular  
 2 point, you could even start goofing around with  
 3 certain elements on the pedestrian level, let's say,  
 4 for the plazas or the pedestrian experience, et  
 5 cetera, and weigh it even more if you think that it  
 6 deserves that additional bonus there. It gives you  
 7 that flexibility. But right now it's not written  
 8 that way.  
 9 MR. BEHAR: But, Felix, what happens if the Board  
 10 of Architects says no, we're not going to grant you  
 11 the additional floors, right? And then they go to  
 12 Commission and the Commission says -- or I mean I  
 13 guess it's appealed of the -- you know, and then the  
 14 Commission says yes, we're going to grant you the  
 15 additional floors.  
 16 MR. PARDO: Right.  
 17 MR. BEHAR: So how do you --  
 18 MR. PARDO: I have a real serious problem with  
 19 one project that's going up in the City that I'm not  
 20 going to mention, and the problem that I have, it's a  
 21 substantial project. They were granted Mediterranean  
 22 Bonuses, and I'm more martian than it is  
 23 Mediterranean. I have a problem with that, and it  
 24 just happened recently. It was just approved  
 25 recently.

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1 architecture is and the massing and the scale, and  
 2 the experience are all part of it, and we're just  
 3 falling short, and it's very difficult to do it in  
 4 the basis of a formula.  
 5 MR. BEHAR: I agree, and I'm going to tell you,  
 6 the Plaza, that project, I will venture to say  
 7 whoever was on the Board of Architects back then did  
 8 not approve that project. We on this Board did not  
 9 approve that project. There was a City Manager that  
 10 has been long gone, okay, that has a street named  
 11 after him in --  
 12 CHAIRPERSON AIZENSTAT: Broward.  
 13 MR. COLLIER: Broward.  
 14 MR. BEHAR: -- Sunrise that stood at that door  
 15 and looked at us, that intimidated us to approve the  
 16 project, and I, I said absolutely not. Okay? And  
 17 that project got approved back then before -- that  
 18 project was, somebody said was cooked before. That  
 19 project was completely done before it got here,  
 20 before it went to the Commission, before the Board of  
 21 Architects, so -- and I agree with you. And I have  
 22 been a critic of that project. They have spent a lot  
 23 of money and have some beautiful material. But I  
 24 don't think that project -- the massiveness of that  
 25 projects is what has caused a lot of residents to

1 come out and speak against that project, speak  
 2 against the Paseo De La Riviera, and the one across  
 3 the street from my office, whatever -- Gables  
 4 Station. Okay? So those have been the three that  
 5 has --  
 6 MR. SALMAN: Tipped the bucket, as they say.  
 7 MR. WITHERS: So my question, Mr. City  
 8 Attorney, does the Board of Architects have the right  
 9 to deny Bonuses if someone has met all the criteria?  
 10 MR. COLLER: So the Board cannot act in an  
 11 arbitrary and capricious manner. That's a general  
 12 standard of all administrative bodies, that they  
 13 cannot act arbitrarily and capricious. "I don't like  
 14 you so I'm going to deny your application." That  
 15 would be inappropriate.  
 16 I want to point out one section --  
 17 MR. WITHERS: So the answer is they do have the  
 18 -- they have the ability but it's -- you have to  
 19 challenge legally if they do it capriciously.  
 20 MR. COLLER: Right. If they're completely  
 21 arbitrary and capricious; they cannot attach a reason  
 22 to their decision.  
 23 I just wanted to point out under 6-B about  
 24 Preliminary Board of Architects Review, it does  
 25 indicate that it may grant, may approve, approve with

1 discretion --  
 2 MR. WITHERS: Okay.  
 3 MR. COLLER: -- and judgment that goes into the  
 4 criteria. So when something becomes a matter of  
 5 judgment that's in there because this is -- you don't  
 6 just check the boxes. There's judgment as to whether  
 7 you met them. So in the judgment of the Board, if  
 8 they felt that he did not meet all the criteria, then  
 9 they have the ability to deny it.  
 10 And, of course, Alan Morris, if he thinks they  
 11 were acting arbitrary and capricious, he has the  
 12 ability to appeal it.  
 13 MR. PARDO: But he was also up-zoning the  
 14 property. So it wasn't just the Mediterranean Bonus,  
 15 which is discretionary.  
 16 MR. COLLER: Sure. And they could -- and one of  
 17 the issues you look at in an up-zoning is  
 18 compatibility. It doesn't meet compatibility, and  
 19 that's a decision that this Board is supposed to --  
 20 MR. BEHAR: And we did that on the first go  
 21 round.  
 22 MR. PARDO: Right. Absolutely.  
 23 MR. BEHAR: It wasn't compatible at 190 feet,  
 24 and we -- and I remember clearly, we denied it three  
 25 times.

1 modifications defer or deny the application. They  
 2 have the authority to do that. The only thing is,  
 3 what you asked is if they met every criteria, and  
 4 there's no basis for denying them their --  
 5 MR. WITHERS: Right.  
 6 MR. COLLER: -- their bonus, can they say, well,  
 7 you know, you met everything, but we're sorry, we're  
 8 not going to give it to you, if they're acting  
 9 arbitrary and capricious, then there is a review, as  
 10 I recall, or an appeal of a Board of Architects  
 11 Review, is there not? So obviously they'll go to, I  
 12 believe it's a Special Master that they go to, and  
 13 they're going to bring up, hey, we met everything,  
 14 there's no substantial competent evidence to  
 15 support -- just like you are required when you make a  
 16 decision, you are supposed to have substantial  
 17 competent evidence -- well, you make a  
 18 recommendation. Supposed to have substantial  
 19 competent evidence to support your recommendation.  
 20 They're required to do the same.  
 21 MR. WITHERS: So my question is, if Alan Morris  
 22 had met every criteria for the Mediterranean Bonus,  
 23 but his building was denied, why?  
 24 MR. COLLER: Well, you know, the thing is, when  
 25 you look at this criteria there's a lot of

1 MR. PARDO: And the Board of Architects also  
 2 says compatibility with neighboring properties and  
 3 uses. Right there.  
 4 CHAIRPERSON AIZENSTAT: So what direction from  
 5 what we're hearing right now --  
 6 MR. PARDO: I think, my opinion, Mr. Chairman,  
 7 what I would like to do is -- is pass the motion  
 8 basically telling Staff that they're going in the  
 9 right direction and that they have to refine it more  
 10 and take our -- our comments and -- and try to  
 11 incorporate as many as they can to whittle it down.  
 12 CHAIRPERSON AIZENSTAT: So you're saying -- is  
 13 that a deferral or how do we address --  
 14 MR. COLLER: Well, that's a --  
 15 CHAIRPERSON AIZENSTAT: Would it a continuance?  
 16 MR. COLLER: Well, let me -- I'd like to ask  
 17 Staff.  
 18 Where are we? Is the Board expecting this at the  
 19 next Commission Meeting? Is there an urgency?  
 20 Because we've had -- we've had this once, we deferred  
 21 it, then we didn't. Then we had a small Board so we  
 22 deferred it to a full Board and now we're here.  
 23 Where are we as far as what the Board is expecting?  
 24 MS. GARCIA: The Commission you mean?  
 25 MR. COLLER: I mean, sorry, the Commission.

1 MS. GARCIA: They're anxious --  
 2 MR. COLLER: The Board of County Commissioners.  
 3 My apologies.  
 4 MS. GARCIA: The Commission is anxious like they  
 5 always are, but I mean if the Board wishes to have  
 6 the comments to implement into this draft of the  
 7 provisions to the Med Design, we could do that.  
 8 MR. COLLER: Are we clear on what -- does the  
 9 Board feel they made clear to Staff what additional  
 10 changes they want to make? Because I've heard things  
 11 like, well, they're -- there was some suggestion that  
 12 this Board -- that the -- this Board should hear it  
 13 before the Board of Architects. So that's not before  
 14 the Board --  
 15 CHAIRPERSON AIZENSTAT: No. No, no.  
 16 MR. BEHAR: That's not --  
 17 MR. COLLER: Okay. So what are the things that  
 18 Staff has to go back and do?  
 19 CHAIRPERSON AIZENSTAT: Felix, why don't you give  
 20 us a list?  
 21 MR. PARDO: I'll give you a stab at it.  
 22 MR. WITHERS: And so the motion -- the motion is  
 23 to approve the -- the Staff with these  
 24 recommendations?  
 25 MR. PARDO: No, to continue until they -- they

1 I don't -- I wouldn't feel comfortable --  
 2 MR. COLLER: So you're making a motion to  
 3 continue and you're going to list what you believe  
 4 the criteria --  
 5 MR. PARDO: Correct.  
 6 MR. COLLER: -- the Staff need to address.  
 7 MR. PARDO: Yes, sir.  
 8 MR. COLLER: Okay.  
 9 CHAIRPERSON AIZENSTAT: Continue, please.  
 10 MR. BEHAR: Perfect. We have a motion. Do  
 11 we get a --  
 12 MS. SALMAN: I second it.  
 13 CHAIRPERSON AIZENSTAT: I'd like to hear --  
 14 actually, we do have a second, so would either of  
 15 you --  
 16 MR. SALMAN: Yes.  
 17 CHAIRPERSON AIZENSTAT: Thank you.  
 18 THE SECRETARY: He seconded it?  
 19 CHAIRPERSON AIZENSTAT: Javier did, yes.  
 20 THE SECRETARY: I'm sorry, Javier seconded it?  
 21 CHAIRPERSON AIZENSTAT: Yes.  
 22 THE SECRETARY: Sue Kawalerski?  
 23 CHAIRPERSON AIZENSTAT: No, no, no, we don't have  
 24 a complete motion.  
 25 THE SECRETARY: Got it.

1 rewrite it. It's a continuance until they rewrite  
 2 it. They have to get as many of these things -- I  
 3 mean there are a lot of things here that we discussed  
 4 tonight that were much more specific than any other  
 5 time.  
 6 CHAIRPERSON AIZENSTAT: Correct.  
 7 MR. PARDO: And I think it would be unfair to  
 8 Staff for them to, you know, kind of polish it off.  
 9 For example, if -- and maybe you could -- you  
 10 could take a straw vote on different items, if you  
 11 wanted to do that, Mr. Chairman.  
 12 CHAIRPERSON AIZENSTAT: What I would suggest is  
 13 just -- it's your recommendation so put in there the  
 14 items that you feel we have discussed, and if any  
 15 other Board member would like to add anything to it  
 16 that you haven't added at that point, I think they  
 17 can.  
 18 MR. PARDO: Okay.  
 19 CHAIRPERSON AIZENSTAT: As a friendly amendment,  
 20 if there's a second.  
 21 MR. PARDO: But this would be for a continuous  
 22 anyway?  
 23 CHAIRPERSON AIZENSTAT: If that's your  
 24 recommendation -- that is what you're saying.  
 25 MR. PARDO: My recommendation is for continuance.

1 CHAIRPERSON AIZENSTAT: Thank you, Jill.  
 2 MR. PARDO: Oh, wait. So --  
 3 MR. WITHERS: I remember everything you said. Do  
 4 you want me to repeat it back to you?  
 5 MR. PARDO: No, I could say it backwards. I  
 6 could say it backwards. There's no doubt in my  
 7 mind. The way that it's written, I'm trying to  
 8 follow, you know, the -- your requirements here.  
 9 But I would say that the best thing is actually  
 10 to look at your synopsis and follow the synopsis.  
 11 CHAIRPERSON AIZENSTAT: But it's also in the  
 12 transcribe -- in the minutes that we have -- that the  
 13 court reporter is taking from the discussion.  
 14 MR. PARDO: Correct. I would say one of the  
 15 things that I -- that I specifically had mentioned  
 16 was the two part BOA review approach for the  
 17 Section 5-102, which incorporates the Design Review  
 18 Standards, and then Sex 200, which are the Med  
 19 Standards. Why is it important? Because you can't  
 20 get to the Med Standards until you get the first  
 21 component done. That would have been one of the much  
 22 more different ways of approaching this. So that --  
 23 that would have been one.  
 24 Do you want to have a discussion about that  
 25 first? Because that's a big one.

1 CHAIRPERSON AIZENSTAT: Well --  
 2 MR. WITHERS: I like that.  
 3 MR. PARDO: You like that? Okay.  
 4 CHAIRPERSON AIZENSTAT: I mean continue -- I'd  
 5 rather you continue --  
 6 MR. PARDO: Okay.  
 7 CHAIRPERSON AIZENSTAT: -- with what you have,  
 8 and then I think Staff's also going to go ahead and  
 9 look at the minutes from the court reporter because  
 10 there was a lot of discussion that took place.  
 11 MR. PARDO: All right. The second one was the  
 12 striking out of the site specific -- usurping  
 13 (verbatim) the site specific zoning regulations that  
 14 are mentioned at least three times in -- in the Med  
 15 Bonus component 5-02.  
 16 MR. BEHAR: You said striking the site specific?  
 17 MR. PARDO: No. Striking the portion that  
 18 usurps (verbatim) the site specifics by simply  
 19 qualifying as Med Bonus. In other words --  
 20 MR. WITHERS: It trumps it.  
 21 MR. PARDO: Right. Leaving it the way it was  
 22 always intended, which site specifics cannot be  
 23 trumped and the only way that they can be changed,  
 24 if they go back to the public hearing process that  
 25 they were approved to begin with.

1 MS. GARCIA: I thought it was on top of what's --  
 2 MR. PARDO: No.  
 3 MS. GARCIA: -- allowed by the site specific.  
 4 MR. PARDO: No.  
 5 MS. GARCIA: What do you mean by trump? You mean  
 6 -- is it the setbacks or --  
 7 MR. PARDO: Overrule something that normally went  
 8 through a public hearing to get it approved.  
 9 MS. GARCIA: Yeah, but is that just height? It's  
 10 not just height, is it?  
 11 MR. PARDO: No, there are all sorts of things.  
 12 If you read the site specifics --  
 13 MS. GARCIA: Right.  
 14 MR. PARDO: -- they have all sorts of  
 15 restrictions, from uses, the height, to FAR. Very,  
 16 very specific things.  
 17 MS. GARCIA: Okay.  
 18 MR. PARDO: And those site specifics have been  
 19 part of the code forever --  
 20 MS. GARCIA: Since the 1970s, yeah.  
 21 MR. PARDO: I'm sorry?  
 22 MS. GARCIA: Since the 70s, yeah.  
 23 MR. PARDO: Oh, way before. Site specifics  
 24 existed way before the 70s.  
 25 MS. GARCIA: Okay.

1 CHAIRPERSON AIZENSTAT: Usurp.  
 2 MR. BEHAR: Yes.  
 3 MR. PARDO: Yes. Thank you.  
 4 MR. BEHAR: I agree.  
 5 MR. PARDO: I misspoke?  
 6 CHAIRPERSON AIZENSTAT: You said "usurp."  
 7 MR. PARDO: Okay.  
 8 CHAIRPERSON AIZENSTAT: You're good. Continue.  
 9 MR. PARDO: You are correct.  
 10 MR. WITHERS: You're on a roll.  
 11 MR. PARDO: Exactly. Yeah.  
 12 MS. GARCIA: Does that include the blanket 100  
 13 feet that's throughout north Ponce and the CBD?  
 14 MR. PARDO: It would be that by the granting of  
 15 Med Bonuses it still is secondary to the site  
 16 specific properties and their conditions, which are  
 17 in Appendix A, which consists of --  
 18 MS. GARCIA: You can't do a Med Bonus on top of  
 19 the site specific.  
 20 MR. PARDO: No, no, no, no.  
 21 MR. WITHERS: On top of the zoning --  
 22 MR. PARDO: No. Okay. The way that the Code is  
 23 written now, if you're granted Med Bonuses you can  
 24 trump site specific. That's the way it's written  
 25 now. I could read it to you if you would like.

1 MR. PARDO: Okay. And they're -- Appendix A,  
 2 Site Specific Zoning Regulations --  
 3 MS. GARCIA: Right.  
 4 MR. PARDO: -- and they're in there by section  
 5 and component, and then each one has its own merit.  
 6 I'm just trying to make sure that something that we  
 7 don't do, that should have nothing to do with this,  
 8 that one does not overrule the other one. In fact,  
 9 the other way around.  
 10 CHAIRPERSON AIZENSTAT: We also have to be  
 11 careful to not give a suggestion that rewrites the  
 12 Code.  
 13 MR. PARDO: No, no. This is not rewriting the  
 14 Code. It's actually taking out a component that  
 15 should have never been put in the Med Bonus component  
 16 of it.  
 17 MR. BEHAR: What you're saying is, nothing here  
 18 will affect those site specific properties?  
 19 MR. PARDO: Only those site specific properties.  
 20 MR. BEHAR: Those are exempted from anything --  
 21 whatever is written there applies and nothing else  
 22 has been affected.  
 23 MR. PARDO: I'm going to use a fictitious  
 24 example. The youth center; maybe in 1930 they went  
 25 to a public hearing and they approved it as a site

1 specific for the youth center only. Someone --  
 2 that's a City owned property. Just imagine if it  
 3 wasn't, then all of a sudden you don't want to  
 4 relinquish that. There is a mechanism. You'd have  
 5 to go back to the Commission to erase that agreement.  
 6 So people rely on that agreement --  
 7 MR. COLLER: Like a covenant.  
 8 MR. PARDO: Exactly. That's why it's so  
 9 important that we make sure that we protect that.  
 10 CHAIRPERSON AIZENSTAT: But if you take that  
 11 example and you take that example of a covenant,  
 12 right now the Commission can undo you covenants.  
 13 MR. PARDO: That's correct.  
 14 MR. COLLER: And I don't think you can write that  
 15 Commission doesn't have the authority to --  
 16 MR. PARDO: Oh, no, no, I didn't say that. I'm  
 17 saying, if you wanted to overrule one of these site  
 18 specifics you have to go through a public hearing  
 19 first.  
 20 MR. COLLER: So you're saying in order to take  
 21 advantage of the Med Bonus you have to rezone your  
 22 property to whatever the -- and basically abandon  
 23 your site specific benefits. Is that what you're  
 24 saying?  
 25 MR. PARDO: Let me -- let me read this to you,

1 CHAIRPERSON AIZENSTAT: I was thinking more of  
 2 instead of going through such a -- such specific  
 3 changes I was thinking more of just all the comments  
 4 that we made with suggestions to come back with the  
 5 language as opposed to stating the way you're stating  
 6 it.  
 7 MR. PARDO: The reason, Mr. Chairman, that I  
 8 bring it up is because this is very specific to the  
 9 Mediterranean Bonus.  
 10 CHAIRPERSON AIZENSTAT: Okay.  
 11 MR. PARDO: And that has nothing to do with the  
 12 price of tea in China as far as the protection of  
 13 70-some odd pages of listed properties under Appendix  
 14 A that have been there forever. I think it's a  
 15 protection that exists, but if there's enough of a  
 16 will for someone to say we want to eliminate this  
 17 because it was maybe archaic, or it's run its course  
 18 we could go through the proper channels of going  
 19 through a public hearing.  
 20 It's almost the same as changing a plat. There's  
 21 a process to change a plat. There's a very specific  
 22 process. Just imagine if that process now can be  
 23 changed simply because now a particular property  
 24 qualifies for Mediterranean Bonus, which on top of  
 25 everything else is discretionary.

1 which is very specific.  
 2 MR. COLLER: I'm trying to see where it is in the  
 3 -- and I'm getting help with Staff.  
 4 MR. PARDO: Under page 2 of the Staff report.  
 5 MR. COLLER: Item number 3?  
 6 MR. PARDO: No page 2, item number 3.  
 7 MR. COLLER: Yes.  
 8 MR. PARDO: Site specific zoning regulations  
 9 and Mediterranean Bonuses.  
 10 MR. COLLER: Right.  
 11 MR. PARDO: 'Coral Gables Mediterranean style  
 12 design standard Bonuses/incentives as provided for in  
 13 this section may be awarded as supplemental,  
 14 additional intensity/density, or reduction of  
 15 existing limitations as assigned in Appendix A site  
 16 specific zoning regulations.'  
 17 That is crazy. That should have never have been  
 18 put in there. Because you can eliminate it, but you  
 19 have to go through a hearing process. Because there  
 20 were agreements probably made with neighbors and --  
 21 MR. WITHERS: Under a public process.  
 22 MR. PARDO: Under a public process. How dare  
 23 anyone say just because it qualifies as Mediterranean  
 24 Bonus that now you could wave a wand and say it's not  
 25 important anymore. You still have the process.

1 MR. COLLER: So the way you would have it read  
 2 would be that Mediterranean Bonuses shall not apply  
 3 to site specific zoning --  
 4 MR. PARDO: No.  
 5 MR. COLLER: -- and that if you want site  
 6 specific -- if you want Mediterranean Bonus you need  
 7 to rezone your site specific to the underlying zone?  
 8 MR. PARDO: No. No. What I -- what I would -- I  
 9 would simply strike out you can have Mediterranean  
 10 Bonus on something that has site specific. What you  
 11 can't do is take the site specific restriction out of  
 12 that property. That doesn't mean you can't apply for  
 13 Mediterranean Bonus.  
 14 What they have done is that --  
 15 MR. COLLER: So what you're saying, if there's a  
 16 site specific that says you can't have more than 50  
 17 feet --  
 18 MR. PARDO: You can't sell liquor. You can't  
 19 sell liquor. It was site specific, you can't sell  
 20 liquor on this property.  
 21 MR. WITHERS: But I don't -- I don't know if I  
 22 agree with that.  
 23 MR. COLLER: No, I just -- I was -- wanted to  
 24 make sure that I understood what --  
 25 MR. WITHERS: The site specific says you can't be

1 more than three stories and Mediterranean makes it  
 2 four stories.  
 3 MR. COLLER: So you can't have that because the  
 4 site specifics are three stories, so you can't exceed  
 5 the site specific. Would that be an example?  
 6 MR. PARDO: That could be an example. I don't  
 7 know. What has been done is just a blanket erasing  
 8 simply for qualifying for something that is --  
 9 CHAIRPERSON AIZENSTAT: Those weren't all -- I  
 10 don't know if that falls within the comments that  
 11 we -- that everybody made and we made here as to how  
 12 to guide them. I think -- I think what's -- I think  
 13 what I'm hearing from you is you want to be very  
 14 specific in what to strike out from the Code or  
 15 from -- from wherever it is because it should or it  
 16 should not be there --  
 17 MR. PARDO: The reason -- Mr. Chairman, the  
 18 reason I'm -- I think this is so important is because  
 19 unless Staff has gone through all 77 pages of every  
 20 one of those properties to see what the restriction  
 21 that exists there is -- I just find it incredible  
 22 that this was added there where it simply just erases  
 23 all of these -- all of these site specific standards,  
 24 which are zoning standards. These are part of the  
 25 zoning standards under Appendix A. And how can you

1 language should be brought back or something, but I  
 2 just don't see that as to what -- the way it was  
 3 brought before us tonight.  
 4 MR. PARDO: This, you know, the way that this was  
 5 surgically inserted, for me it is very suspicious and  
 6 I think it's a mistake that this doesn't get taken  
 7 care of now that we're looking at the Mediterranean  
 8 Bonuses because it's specifically triggered once it's  
 9 a Mediterranean Bonus. So I'll let it go,  
 10 Mr. Chairman, I'll let it go, but I'm going to bring  
 11 it up privately to -- to whomever it is that is  
 12 willing to listen because I think this is a very  
 13 dangerous predic- -- and, in fact, you know, there's  
 14 always a big bugaboo that we hear from the City  
 15 Attorney to make sure that we don't get sued et  
 16 cetera.  
 17 If I lived next door to something that had a  
 18 site specific and the City granted a Mediterranean  
 19 Bonus and changed something there I would sue the  
 20 City in a New York minute.  
 21 MS. KAWALERSKI: And is that in the --  
 22 MR. PARDO: And I'd probably win.  
 23 MS. KAWALERSKI: And that's in the Code right  
 24 now? We're not changing the Code by your --  
 25 MR. PARDO: No. We're going to leave this

1 do that? Because we are discussing specifically --  
 2 CHAIRPERSON AIZENSTAT: Felix, let's just go back  
 3 to basics. Why are we here? Why is this brought  
 4 before us? This is, to me this is brought before us  
 5 because the Board of Architects, or whatever the  
 6 powers, are saying buildings are being designed and  
 7 given the Mediterranean Bonuses when these buildings  
 8 are not really Mediterranean in style. Am I wrong?  
 9 MR. COLLER: No.  
 10 MR. PARDO: No. No. And you're a hundred  
 11 percent right. But you're a hundred percent right.  
 12 The thing is that because it is a Mediterranean Bonus  
 13 that does this as far as negating the site specific  
 14 standards that normally went through public hearings,  
 15 I just think that they're hand in hand, that they're  
 16 not one or the other.  
 17 CHAIRPERSON AIZENSTAT: And I think that that  
 18 language should be brought back to us --  
 19 MR. BEHAR: That's different.  
 20 CHAIRPERSON AIZENSTAT: Yeah --  
 21 MR. BEHAR: And I don't -- by the way, I don't  
 22 disagree with you, but I --  
 23 CHAIRPERSON AIZENSTAT: Yeah, I just don't know  
 24 if that's within the scope of what we're -- here  
 25 right now. We can make a recommendation that that

1 independently right now, which is fine.  
 2 CHAIRPERSON AIZENSTAT: That's sort of a  
 3 recommendation --  
 4 MS. KAWALERSKI: Yeah, well we're --  
 5 CHAIRPERSON AIZENSTAT: -- but not necessarily  
 6 righted or dictate what should or should not be  
 7 removed. To me it should be more, look, this is --  
 8 the Board feels that this is wrong the way it's  
 9 written, so...  
 10 MR. COLLER: I just want to ask Staff.  
 11 This language wasn't actually changed. It was  
 12 just updating how you changed the tables and things,  
 13 this --  
 14 MS. GARCIA: Yeah.  
 15 MR. COLLER: Right. So I think this might be  
 16 beyond the scope of the title, but I think you could  
 17 as a recommendation say the Board should look at  
 18 Med Bonus as it applies to site specifics.  
 19 CHAIRPERSON AIZENSTAT: Correct.  
 20 MR. COLLER: And you could include that. When  
 21 you ultimately decide on this item you can say  
 22 separate and apart the Board should look at how Med  
 23 Bonus applies to site specifics.  
 24 MS. CARTY: Mr. Chairman, would it be possible  
 25 for me to render an opinion? Because I think -- I



1 think this is really important. Right? So we as the  
 2 Board -- Staff put this together. We as the Board of  
 3 Architects reviewed it. Right? But I would have to  
 4 say, myself included, I mean all of the zoning  
 5 nuances are not something I think that we as a Board  
 6 of Architects really understand. So it may be that  
 7 this needs to be workshopped. As we did at the Board  
 8 on an Architectural level, it should be workshopped  
 9 from a Planning and Zoning level and the  
 10 implications. Because I can tell you, that I had no  
 11 understanding of whatsoever.  
 12 So, I mean I think it's a great point, and maybe  
 13 it's a workshop because I don't know how long it  
 14 would take tonight to go word by word.  
 15 CHAIRPERSON AIZENSTAT: No, no. And that's what  
 16 I'm saying is --  
 17 MR. PARDO: For example, you know, for me, area  
 18 replat height of townhouses shall be limited to 45  
 19 feet. It was -- this, for it to be site specific and  
 20 not in the Zoning Code there was an agreement with  
 21 people that went before the Commission that got this  
 22 into the Code. Where is my -- who is protecting me  
 23 if I'm the neighbor and now someone comes in with a  
 24 PAD that says I'm going 60 feet? Wait a minute. Oh,  
 25 I got Mediterranean Bonus, so therefore I can abuse

1 at --  
 2 MR. PARDO: With the amount -- with the amount of  
 3 change --  
 4 MS. GARCIA: -- 45 feet --  
 5 MR. PARDO: With the amount of changes of zoning  
 6 that there have been over the last few years, last  
 7 couple decades I'd say, I am sure that there have  
 8 been changes of zoning that have occurred on  
 9 properties where the underlying site specific was  
 10 never looked at.  
 11 MS. GARCIA: And typically they remove the site  
 12 specific. They remove their property from the site  
 13 specific that's listed in Appendix A.  
 14 MR. PARDO: I'm telling you right now, there's  
 15 absolutely no business for that being there. I'm  
 16 going to defer to the Chairman. I'll continue if  
 17 you'd like.  
 18 CHAIRPERSON AIZENSTAT: Well, I mean for me I  
 19 to have -- my thought was to have more, at this  
 20 stage, an understanding of what the comments were in  
 21 the field of what the Board was looking at as opposed  
 22 to being more specific and rewriting with the  
 23 language or the actual --  
 24 MR. BEHAR: Because if we're going to do that,  
 25 Judy's right, we're going to go past 9:00 o'clock.

1 that.  
 2 MR. BEHAR: No, you can't.  
 3 MR. PARDO: Yes --  
 4 MR. BEHAR: No, you can't because the site  
 5 specifics does not allow you to do that.  
 6 MR. PARDO: No. Robert, the thing is that the  
 7 way that it's written in the Bonus, if you're granted  
 8 the Bonus you could do whatever you want with that.  
 9 MR. GARCIA: No. As long as the land use and  
 10 zoning supports it.  
 11 MR. BEHAR: Yes.  
 12 MS. GARCIA: I'm pretty sure Almeria Row is not  
 13 zoned to be high rise.  
 14 CHAIRPERSON AIZENSTAT: That's the underlying  
 15 factor.  
 16 MS. GARCIA: It's low density, residential.  
 17 MR. PARDO: I don't understand.  
 18 MS. GARCIA: There's land use and there's zoning  
 19 and they cap height. Both of them cap the height.  
 20 You can't have beyond what you're allowed to have  
 21 for land zoning and land use.  
 22 MR. PARDO: But the land use -- we're talking  
 23 about the site specifics.  
 24 MS. GARCIA: Yes, but the land use -- if land use  
 25 doesn't support it -- if land use only is capped

1 This is going to go take a --  
 2 CHAIRPERSON AIZENSTAT: I mean this is more of a  
 3 workshop-type thing if that's what we want to look  
 4 at. I'm not saying --  
 5 Felix, I'm not saying you're wrong. I'm really  
 6 not. What I'm saying is, I don't think it's part of  
 7 what's before us at this point. We can make a  
 8 recommendation and we can make a recommendation for a  
 9 workshop, and we can make a recommendation to look at  
 10 it.  
 11 MR. BEHAR: And to me, I think that the Staff is  
 12 going to have the transcript of what we did today,  
 13 and they should go back for us to give them -- repeat  
 14 everything that we did -- that we said today.  
 15 MR. PARDO: Yeah, I agree.  
 16 CHAIRPERSON AIZENSTAT: Yeah.  
 17 MR. BEHAR: If you have enough to say, you know,  
 18 I'm going to go back, take that information and try  
 19 to come back to you guys with a revised document that  
 20 incorporates our comments, I think that may be a lot  
 21 more productive.  
 22 CHAIRPERSON AIZENSTAT: And possibly, instead of  
 23 a strike-out or so forth with those comments, maybe  
 24 putting it in red so it stands out, and you think  
 25 this is -- say these are the changes that came back

1 from this meeting.  
 2 MS. GARCIA: Yeah. Yeah. I can --  
 3 MR. PARDO: Mr. Chairman, jumping forward, the  
 4 formulas that were brought up by Robert, I agree that  
 5 the formulas and the best practices should be  
 6 reviewed completely starting on page 8. Right?  
 7 MR. COLLER: I thought we were just going to  
 8 allow the transcript to stand as is.  
 9 MR. BEHAR: No, no --  
 10 MR. PARDO: But I --  
 11 MR. BEHAR: He's making a big statement. This is  
 12 not specific, but you're right, that's part of the  
 13 comments that we made. Those should be looked at --  
 14 MR. PARDO: Right. I just picked up --- I moved  
 15 on.  
 16 CHAIRPERSON AIZENSTAT: He's trying to make --  
 17 MR. PARDO: No, no, no, I just -- I moved on to  
 18 the next set of comments which were the formulas.  
 19 The formulas don't work. They haven't been tested.  
 20 Either test them or strike out the formulas. So  
 21 that's on page 8. That's also on page 10.  
 22 MS. GARCIA: Formulas of the section and are  
 23 there --  
 24 MR. PARDO: On page 10 for multi-family  
 25 buildings, the following about the porches; eight

1 MS. GARCIA: Oh --  
 2 MS. KAWALERSKI: And you've got it down as 83.5  
 3 feet. Okay. So that's a typo.  
 4 MR. PARDO: Second to the last, yeah.  
 5 MR. BEHAR: Those would be short stories.  
 6 MR. PARDO: And by the way, the other thing is,  
 7 if I may, the other thing is, that Chip made a point  
 8 about whether it's a weighted system or not.  
 9 CHAIRPERSON AIZENSTAT: Correct.  
 10 MR. WITHERS: Right.  
 11 MR. PARDO: One of the examples that Chip was  
 12 talking about was sustainability. If you have  
 13 sustainability you're going to get the same point  
 14 for --  
 15 CHAIRPERSON AIZENSTAT: Felix, would you be okay  
 16 just saying that for Staff to read the transcript --  
 17 MR. PARDO: Oh, yeah.  
 18 CHAIRPERSON AIZENSTAT: -- as opposed to going --  
 19 because --  
 20 MR. PARDO: Oh, no, no. I was just doing a  
 21 general to -- to help everyone as part -- you know,  
 22 very, very general. I'm almost done, if you'd like.  
 23 CHAIRPERSON AIZENSTAT: Okay.  
 24 MR. PARDO: And, by the way, we did not discuss  
 25 this, Mr. Chairman. On page 18, 'The developer shall

1 feet. The stoop; three feet. The finished floor;  
 2 eighteen inches. The porches/stoops; five feet. You  
 3 know, it's a formula-based, and I think Robert had  
 4 also mentioned on the -- 8 on the best practices that  
 5 he was having a difficult time, and so was I, on a  
 6 formula base thing where it's very, very strict and  
 7 there isn't a lot of discretion of being able to move  
 8 those numbers.  
 9 Correct, Robert?  
 10 MR. BEHAR: At least not from -- without the  
 11 benefit of doing the exercise. Correct.  
 12 MR. PARDO: Without -- which is test the formula.  
 13 MR. BEHAR: Right.  
 14 MR. PARDO: So then the next item -- and by the  
 15 way, also on page 14 on the testing, on the center  
 16 line on the open bays, et cetera, that's also on page  
 17 14. And there were more formulas on page 13 on the  
 18 bottom.  
 19 MS. KAWALERSKI: And if I can interject. On  
 20 page 14 I think there's a typo. Under MX3 10,000.  
 21 You have fourteen stories that would equal 83.5 feet.  
 22 I think that's a typo, isn't it?  
 23 MS. GARCIA: Wait --  
 24 MS. KAWALERSKI: It should be 163.5 feet. Right?  
 25 Fourteen stories?

1 contribute one percent of the aggregate project.' In  
 2 case they can't make a park or land acquisition, or  
 3 whatever, they contribute one percent. I think that  
 4 should really be studied, you know, where our art in  
 5 public places has been used very differently than the  
 6 original intention where it's been turned over to  
 7 developers and sometimes that doesn't work well.  
 8 CHAIRPERSON AIZENSTAT: Okay.  
 9 MR. PARDO: And now it's being -- it was just  
 10 brought in to for parts. That's on the top of page  
 11 18. I thought that that is something that is a red  
 12 flag.  
 13 MR. WITHERS: So I guess you stand to reason if  
 14 you -- if you're trading a park you're no longer  
 15 donating to art and public places? Is that what  
 16 you --  
 17 MR. PARDO: No. No, no. I'm sorry. It's that  
 18 it's very similar, as you recall when the County  
 19 passed it, that we had one percent. So we were --  
 20 the City would get the money and then they would deem  
 21 we're going to put this in a public right-of-way,  
 22 we're going to do this. Now you have the developer  
 23 saying oh, I'm going to bring in this piece of art,  
 24 you know, from this artist somewhere or -- actually,  
 25 we're going to rip it out of the ground and bring it

1 over here and then try to fix it up some and then put  
 2 it in here, and now they don't have to donate the one  
 3 percent of the aggregate cost.  
 4 So this is almost like the same template, the  
 5 same blueprint for the same thing for now, parts. So  
 6 now you give one percent. And I don't know what the  
 7 value is. It's like --  
 8 MR. BEHAR: Yeah, but, Felix, up to -- I mean you  
 9 got to start looking for one percent for, you know,  
 10 public park, one percent for open space. There is a  
 11 limitation where --  
 12 MR. PARDO: Oh, no, no, no, I'm not --  
 13 MR. BEHAR: -- you're going to be extracting  
 14 from --  
 15 MR. PARDO: What I'm saying is, I'd rather have  
 16 the open space provided by the developer. I don't  
 17 want the one percent. I don't know what I can get  
 18 from one percent of the aggregate value of a normal  
 19 development. It probably is nothing, you know.  
 20 MR. COLLER: Is this open space fund a new  
 21 concept?  
 22 MR. PARDO: That is -- of course it is a new  
 23 concept.  
 24 MR. COLLER: Is it flagged in the --  
 25 MS. GARCIA: Yeah, we discussed it. It's part of

1 we're going to counter that needs to further change  
 2 the -- this is not, you know -- and I think, Julio,  
 3 this is -- you know, you don't do this in points.  
 4 Okay? So we're going to have to go back.  
 5 And if the Commission is in a hurry to pass this,  
 6 well, they're going to bypass us and take, you  
 7 know -- but I think for me to support this we have to  
 8 do a lot more work.  
 9 CHAIRPERSON AIZENSTAT: Okay. So we have a  
 10 motion?  
 11 MR. PARDO: No, that's it. And that was --  
 12 CHAIRPERSON AIZENSTAT: And we have the second.  
 13 Is there any other comment?  
 14 MR. SALMAN: Yes. Just a question of  
 15 housekeeping. Generally, actions by the Board are  
 16 defined by the majority of the members of the  
 17 Board.  
 18 MS. GARCIA: Yes.  
 19 MR. SALMAN: It just needs to be clear, this is  
 20 the Board, the Board, the Board --  
 21 MS. GARCIA: Right, but four need to be  
 22 affirmative vote.  
 23 MR. SALMAN: Okay.  
 24 CHAIRPERSON AIZENSTAT: Yeah. We're going to  
 25 take a vote on it.

1 the if you meet the twelve or --  
 2 MR. PARDO: It came out of left field.  
 3 MS. GARCIA: -- or how many there are. It's not  
 4 required.  
 5 MR. COLLER: It's not required.  
 6 MS. GARCIA: Right. It's part of the --  
 7 MR. PARDO: No. This came out of left field.  
 8 And this is one of the things where you get the check  
 9 off to be able to get the Bonus.  
 10 MR. COLLER: Oh, it's one of the -- it's an  
 11 optional --  
 12 MR. PARDO: We weren't fine tuning anything, you  
 13 know, so now --  
 14 MR. COLLER: But it's not something you're  
 15 required to do. It's one of the options that you  
 16 can do.  
 17 MR. PARDO: Which didn't exist, which we didn't  
 18 even discuss here tonight because we didn't get  
 19 there. So I'm sorry I brought it up, but I brought  
 20 it up because I thought it was important.  
 21 CHAIRPERSON AIZENSTAT: Okay.  
 22 MR. BEHAR: Look, I think --  
 23 MR. PARDO: That's about it.  
 24 MR. BEHAR: -- well, there's a lot -- I'm sure  
 25 there's going to be more once they go through it that

1 Any other comments? No. So hopefully we're  
 2 clear.  
 3 Call the roll, please.  
 4 MR. PARDO: I'm sorry, could you read the motion  
 5 first? I want to make sure --  
 6 MR. COLLER: We're deferring it to the next  
 7 meeting. Correct?  
 8 MR. BEHAR: Or whenever they're ready.  
 9 CHAIRPERSON AIZENSTAT: Or whenever they're  
 10 ready.  
 11 MR. BEHAR: And what the motion -- there was a  
 12 motion, you know, the suggestion that they go back to  
 13 the transcript and look at that and come back to us  
 14 based on the comments that they make in two hours or  
 15 more.  
 16 CHAIRPERSON AIZENSTAT: They may not be ready at  
 17 the next meeting.  
 18 MR. COLLER: Well, I didn't know if we wanted --  
 19 if we needed a date certain or if you're  
 20 noticing when --  
 21 CHAIRPERSON AIZENSTAT: I think it's best to  
 22 notice this.  
 23 MR. COLLER: Oh, yeah.  
 24 CHAIRPERSON AIZENSTAT: Okay. Call the roll,  
 25 please.

1 THE SECRETARY: Sue Kawalerski?  
 2 MS. KAWALERSKI: Yes.  
 3 THE SECRETARY: Felix Pardo?  
 4 MR. PARDO: Yes.  
 5 THE SECRETARY: Javier Salman?  
 6 MR. SALMAN: Yes.  
 7 THE SECRETARY: Chip Withers?  
 8 MR. WITHERS: Yes.  
 9 THE SECRETARY: Robert Behar?  
 10 MR. BEHAR: Yes.  
 11 THE SECRETARY: Eibi Aizenstat?  
 12 CHAIRPERSON AIZENSTAT: Yes.  
 13 Thank you.  
 14 MR. SALMAN: For the Chair, may I suggest that we  
 15 take a break for five minutes and extend our time to  
 16 9:15?  
 17 MR. BEHAR: No, no, no.  
 18 MR. SALMAN: Or do you think we can finish up?  
 19 MR. BEHAR: We've got one item left.  
 20 CHAIRPERSON AIZENSTAT: Which is the canal.  
 21 Let's take a five minute break.  
 22 (Recess taken 8:44 p.m. - 8:52 p.m.)  
 23 MR. COLLER: Should we read the last item,  
 24 Mr. Chairman?  
 25 CHAIRPERSON AIZENSTAT: Well, before we read the

1 MR. SALMAN: Second.  
 2 CHAIRPERSON AIZENSTAT: Everybody in favor say  
 3 aye.  
 4 (All Board members said aye.)  
 5 MR. COLLER: Let me read this first.  
 6 Item F-1. All right. Item F-1.  
 7 An Ordinance of the City Commission of Coral  
 8 Gables, Florida, providing for text amendments to the  
 9 City of Coral Gables Official Zoning Code Article 15,  
 10 "Notices," Section 15-102, "Notice," to require  
 11 notice to all properties along the Mahi Canal  
 12 regardless of distance for any new Mixed-use and  
 13 Multi-family developments on the Mahi Canal,  
 14 providing for repealer provision, severability  
 15 clause, codification, and providing for an effective  
 16 date. Item F-1 Public Hearing.  
 17 CHAIRMAN AIZENSTAT: Thank you.  
 18 MS. GARCIA: Jennifer Garcia, Planning Official.  
 19 So this little item, one sentence, a long sentence at  
 20 the end of our notice requirement.  
 21 So I have one slide to show where Mahi Canal is.  
 22 It's in between US 1 and the Coral Gables Canal Way.  
 23 It's the only canal way that has mixed-use and  
 24 multi-family -- multi-family uses on it.  
 25 This request came from the Waterways Advisory

1 last item we have to have a motion to either extend  
 2 our time, or if not, it's going to get deferred to  
 3 the next meeting.  
 4 MS. KAWALERSKI: I have a motion to extend the  
 5 time fifteen minutes.  
 6 CHAIRPERSON AIZENSTAT: So we have a motion to  
 7 extend. Is there a --  
 8 MR. SALMAN: Question to Staff, can we finish  
 9 this presentation in less than ten minutes?  
 10 MS. GARCIA: It's one PowerPoint -- it's one  
 11 slide. Sorry. If you don't know where the Mahi  
 12 Canal is, it's just one slide that shows you where it  
 13 is.  
 14 MR. COLLER: I think this is can be done in five  
 15 minutes.  
 16 MS. GARCIA: I think so too.  
 17 CHAIRPERSON AIZENSTAT: Do we have a motion to  
 18 extend by ten minutes, the meeting?  
 19 MS. KAWALERSKI: Wait, did I say fifteen? I  
 20 already put a motion on for fifteen.  
 21 CHAIRPERSON AIZENSTAT: Oh, you did? I'm sorry.  
 22 I didn't hear it. So fifteen.  
 23 MS. KAWALERSKI: I mean it can be shorter, but  
 24 fifteen.  
 25 CHAIRPERSON AIZENSTAT: Do we have a second?

1 Board to request that the entire canal have mail  
 2 notice, like everybody else, within a thousand or  
 3 1500 feet depending on the request; that they would  
 4 receive a mail notice and be involved in the process.  
 5 That's it.  
 6 CHAIRPERSON AIZENSTAT: Okay. Do we have any  
 7 speakers for this item?  
 8 THE SECRETARY: No, we don't.  
 9 CHAIRPERSON AIZENSTAT: In any of the platforms?  
 10 THE SECRETARY: No.  
 11 CHAIRPERSON AIZENSTAT: Let's go ahead and close  
 12 it to -- to speakers.  
 13 Does anybody --  
 14 MR. BEHAR: I have a question. What is the  
 15 distances from the properties to the end?  
 16 MS. GARCIA: It's 1000 feet for a site plan  
 17 approval, but it's 1500 feet if you're changing the  
 18 land use and zoning.  
 19 MR. BEHAR: And what is the distance between the  
 20 Mahi Canal at US 1 to the end?  
 21 CHAIRPERSON AIZENSTAT: To the end.  
 22 MS. GARCIA: To the end? It's a little over 6000  
 23 feet.  
 24 MR. BEHAR: 6000 feet?  
 25 MS. GARCIA: Yes. Linear feet. Yes.

1 CHAIRPERSON AIZENSTAT: So just explain one thing  
 2 to me. If something happens in any of those projects  
 3 --  
 4 MS. GARCIA: No. Only from mixed-use and  
 5 multi-family projects.  
 6 CHAIRPERSON AIZENSTAT: So if something happens  
 7 on US 1 --  
 8 MS. GARCIA: Um-hmm.  
 9 CHAIRPERSON AIZENSTAT: The person that lives  
 10 6000 feet away has to get notified?  
 11 MS. GARCIA: Correct. That way it's prepared  
 12 today, yes.  
 13 CHAIRPERSON AIZENSTAT: Everything's that's in  
 14 the red?  
 15 MS. GARCIA: Right.  
 16 CHAIRPERSON AIZENSTAT: And what's the purpose of  
 17 it? I'm just curious.  
 18 MR. COLLER: Can I just ask a question?  
 19 MS. GARCIA: Um-hmm.  
 20 MR. COLLER: It would have to be US 1 or if it's  
 21 adjacent to the Mahi Canal --  
 22 MR. BEHAR: Well, if it's adjacent to the Mahi  
 23 Canal it falls --  
 24 CHAIRPERSON AIZENSTAT: Except for the US 1 --  
 25 MR. BEHAR: It's a mixed-use project and it's

1 areas adjacent to the Mahi Canal?  
 2 MS. GARCIA: Yes. Yes, they are.  
 3 MR. COLLER: They are?  
 4 MS. GARCIA: They're abutting, yes.  
 5 MR. COLLER: Oh, okay.  
 6 CHAIRPERSON AIZENSTAT: Only the -- only those  
 7 two pink areas. Not any other pink area. Only if it  
 8 falls within the canal.  
 9 MR. COLLER: Oh.  
 10 MS. GARCIA: Correct. Yes.  
 11 MR. COLLER: I just want to clarify.  
 12 MS. KAWALERSKI: Right. Properties adjacent to  
 13 the canal. Correct?  
 14 MS. GARCIA: Right. Abutting, yes.  
 15 CHAIRPERSON AIZENSTAT: And I just need to ask,  
 16 and maybe -- what's -- what's the purpose to notify  
 17 the person on the canal at the other end? I  
 18 understand it's residential and if there's a project  
 19 then they want to come before the Board to the extent  
 20 there's -- advertise. But what's the purpose to  
 21 notify the person on the very end of the canal  
 22 that is on Granada?  
 23 MS. GARCIA: So, again, I'm taking this request  
 24 from the Commission who heard it from the Waterways  
 25 Advisory Board. The main concern is that it's a

1 only --  
 2 CHAIRPERSON AIZENSTAT: Except for the US 1 --  
 3 MS. GARCIA: Right.  
 4 MS. KAWALERSKI: And on Caballero and South  
 5 Alhambra.  
 6 CHAIRPERSON AIZENSTAT: Where?  
 7 MS. KAWALERSKI: On South Alhambra and  
 8 Caballero.  
 9 CHAIRPERSON AIZENSTAT: South --  
 10 MS. KAWALERSKI: On US 1, South Alhambra, and  
 11 Caballero. That's mixed-use.  
 12 MS. GARCIA: Yeah.  
 13 CHAIRPERSON AIZENSTAT: Where the pink is.  
 14 MS. GARCIA: Right. Where it's on right now --  
 15 MR. COLLER: Yeah.  
 16 MS. KAWALERSKI: So it's not just US 1.  
 17 CHAIRPERSON AIZENSTAT: Right.  
 18 MR. BEHAR: Well, okay -- right. Abutting on  
 19 Caballero. Essentially, it's where Paseo De La  
 20 Riviera is all the -- you know --  
 21 MS. KAWALERSKI: Right, and it extends twice as  
 22 far on South Alhambra.  
 23 MR. BEHAR: All the way --  
 24 MR. COLLER: I still don't -- can I ask a  
 25 question? It requires to be that the -- are the pink

1 limited amount of canal.  
 2 CHAIRPERSON AIZENSTAT: Okay.  
 3 MS. GARCIA: It's the only canal that has  
 4 commercial uses on it and they feel that during  
 5 construction or during commercial uses that they  
 6 could potentially impact the canal and everyone on  
 7 the canal wants to be notified of any changes that  
 8 might trigger any impacts.  
 9 MS. KAWALERSKI: Plus, I believe, you know,  
 10 there's -- that's people's backyards. Right now  
 11 there's a lot of boat traffic as it is there. Okay?  
 12 And I think the neighbors are concerned that there's  
 13 going to be a marina at the end, which will increase  
 14 the boat traffic in their backyards. Right?  
 15 MR. BEHAR: But the marina is there now.  
 16 MS. KAWALERSKI: Right, but --  
 17 MR. BEHAR: It's currently there.  
 18 MS. KAWALERSKI: Right.  
 19 MR. BEHAR: They're not increasing -- nobody's  
 20 going to be allowed to increase.  
 21 MS. KAWALERSKI: They -- they feel -- they  
 22 feel with the commercialization --  
 23 MR. WITHERS: You don't know --  
 24 MR. BEHAR: Oh, absolutely, because you don't get  
 25 in -- in South Florida you don't get, you know, more,

1 you know, usage.  
 2 MR. WITHERS: Is the marina even legally there  
 3 now?  
 4 MS. KAWALERSKI: Right. It's not even legal.  
 5 It's not a legal marina.  
 6 MR. BEHAR: No, they have -- they have --  
 7 CHAIRPERSON AIZENSTAT: You're saying a public  
 8 marina --  
 9 MR. BEHAR: There's not a marina. You could dock  
 10 boats along the seawall, and you're allowed to do  
 11 that today with like 30-something boats legally.  
 12 MR. WITHERS: But who -- are those public slips?  
 13 MR. BEHAR: No, they're private slips.  
 14 MR. WITHERS: Oh, they're private.  
 15 MR. BEHAR: I looked at this property twelve,  
 16 fourteen years ago myself. Okay? Actually, I had  
 17 it under contract and that property have the right to  
 18 33 slips along the seawall. Only for them. Not for  
 19 public use. So those are there today. It's not like  
 20 they're going to bring in a marina. You're never  
 21 going to -- I could tell you what I was told by the  
 22 guy from up in Tallahassee. They -- you know, in  
 23 your lifetime you've not going to get any more slips  
 24 what I was looking at before.  
 25 Here it's the same case. You're never going to

1 6000 linear feet from US 1.  
 2 CHAIRPERSON AIZENSTAT: It's 6000 linear feet,  
 3 not --  
 4 MS. GARCIA: 6000 linear feet including the curb  
 5 all the way down to the other canal.  
 6 MR. WITHERS: That's -- that's not 6000 feet.  
 7 MS. GARCIA: That's what the Google Earth says.  
 8 CHAIRPERSON AIZENSTAT: I should point out --  
 9 MR. WITHERS: You're saying it's 6000 feet from  
 10 the US 1 to the --  
 11 CHAIRPERSON AIZENSTAT: To Granada.  
 12 MS. GARCIA: Moving along the curve, yes.  
 13 MR. WITHERS: Where Granada intersects the  
 14 waterway? That's where Granada comes in? That's  
 15 where Granada ties into that canal. Right?  
 16 CHAIRPERSON AIZENSTAT: Yes.  
 17 MR. WITHERS: That's a mile? Over a mile.  
 18 MS. GARCIA: Little over a mile, yes.  
 19 MR. WITHERS: I don't know about that.  
 20 CHAIRPERSON AIZENSTAT: It actually could be.  
 21 But either way -- those 30 spaces that are there  
 22 now, if a project goes there, would they not be  
 23 allowed to have those 30 --  
 24 MR. BEHAR: Yes.  
 25 CHAIRPERSON AIZENSTAT: Would they not

1 gets any more slips allowed there. So whatever is  
 2 there now, they cannot increase it.  
 3 MS. KAWALERSKI: But if the -- but if the usage  
 4 increases because there aren't 30 boats parked back  
 5 there right now. There's -- in fact, I haven't seen  
 6 any boats parked back there. But if a development  
 7 comes in and they all of a sudden start selling those  
 8 slips to the unit owners there's 30 boats that  
 9 currently aren't there right know that will be  
 10 passing in back of everybody's backyard.  
 11 MR. SALMAN: Isn't that their right?  
 12 MS. KAWALERSKI: I'm not saying it's their right  
 13 or it's not their right. I'm saying the -- this  
 14 motion is for people to be notified of what's  
 15 happening in the -- what might be happening in their  
 16 backyard so that they can come for public comment.  
 17 MR. BEHAR: But 6000 feet away, four times what  
 18 is the typical protocol in the City?  
 19 MS. KAWALERSKI: Because this is not a circle.  
 20 This is -- this is a line. That's where the 6000  
 21 feet comes. It's not a circle like we normally have.  
 22 CHAIRPERSON AIZENSTAT: If you do -- if you do a  
 23 Google map without the curve, what's the distance  
 24 from the furthest house to the point on US 1?  
 25 MS. GARCIA: Oh, I measured it. It's 6000 feet.

1 automatically be allowed those 30 spaces?  
 2 Mr. Attorney?  
 3 MR. COLLER: I don't know. Are they allowed  
 4 those spaces? Is it a matter of right?  
 5 MS. GARCIA: I think this one they have permits  
 6 with the County for those slips. But, again, this is  
 7 really just for noticing --  
 8 CHAIRPERSON AIZENSTAT: No, I understand. I'm  
 9 just trying to understand.  
 10 MS. KAWALERSKI: I live there. I live there. So  
 11 the neighbors are very, very concerned about what  
 12 might be going and they want to be sure they know  
 13 what's going to be going in. So they want to be  
 14 noticed so they can attend public meetings, have  
 15 input.  
 16 CHAIRPERSON AIZENSTAT: You would think the  
 17 neighbors that aren't on the waterway would want to  
 18 know also.  
 19 MS. KAWALERSKI: Well, the most affected are  
 20 going to be on the waterway. That's why the Waterway  
 21 Board say we would like it noticed. I mean we have  
 22 one Board already that's saying, and it has listened  
 23 to the residents, and they said let's move forward  
 24 with this.  
 25 So I have a motion to approve as -- this item, if

1 there's no other discussion.  
 2 CHAIRPERSON AIZENSTAT: Before we have a motion,  
 3 would anybody like to just say anything from the  
 4 Board without me asking individual people to  
 5 comment?  
 6 MR. SALMAN: I'm trying to justify in my -- in my  
 7 mind what makes this so unique. I mean, you said a  
 8 thousand or 1500 feet depending on the type of  
 9 change. Correct?  
 10 MS. GARCIA: Right.  
 11 MR. SALMAN: That takes us about a quarter of --  
 12 about halfway between US 1 and, oh, midway between  
 13 Granada and US 1.  
 14 MS. KAWALERSKI: Yeah, but it's not --  
 15 MR. SALMAN: That's a long way.  
 16 MS. KAWALERSKI: -- it's not a circle.  
 17 MR. SALMAN: No, no, but it's a half circle.  
 18 Let's say it's a U shape. But either --  
 19 MS. KAWALERSKI: It's not -- don't look at this.  
 20 Look at what a circle is. 1500 times -- if that is  
 21 --  
 22 MR. SALMAN: No, most of the circle is going to  
 23 be UM and UM's housing so don't --  
 24 MS. KAWALERSKI: No, I mean UM's not part of the  
 25 waterway.

1 MR. COLLER: I reviewed an ordinance that was  
 2 drafted by Staff where I was concerned, we need to  
 3 explain why this notice is different from all other  
 4 notices.  
 5 MS. GARCIA: And while we have canals that run  
 6 through our City, this is the only canal that has  
 7 mixed-use or civic and multi-family uses on it that's  
 8 zoned that. Right? Most other canals have single  
 9 family. Some have duplex.  
 10 MR. PARDO: There's one more thing, Mr. Chairman.  
 11 We have endangered species in that canal.  
 12 CHAIRPERSON AIZENSTAT: Okay.  
 13 MR. PARDO: And -- and this -- these -- these  
 14 people that live there, that have their boats on the  
 15 back of their canal are impact -- you know, they have  
 16 a relationship and they have to guard, you know,  
 17 those resources.  
 18 In other words, the -- the manatees that live  
 19 there. And there are very similar situations in the  
 20 canals in Marco Island where the people that own  
 21 property have a responsibility.  
 22 MR. BEHAR: Felix, I -- I'm having the same issue  
 23 as Javier. What this is, I understand all that.  
 24 They have the right for those slips today. They're  
 25 not increasing. Just because they don't have,

1 MR. SALMAN: I'm just talking about normal  
 2 notification you would have to provide.  
 3 MS. KAWALERSKI: Yeah, in a circle.  
 4 MR. SALMAN: In the circle.  
 5 MS. KAWALERSKI: In a circle.  
 6 MR. SALMAN: From the -- from US 1, from one of  
 7 those two sites on US 1, takes you about 1500 feet,  
 8 takes you about a quarter of a way from that  
 9 distance. So we're looking at like ten or twelve  
 10 blocks, plus most of the -- about a quarter of the  
 11 houses in that section. I'm just trying -- it's not  
 12 like a remote situation where they're not going to  
 13 notice.  
 14 CHAIRPERSON AIZENSTAT: Are we setting a  
 15 precedent by --  
 16 MR. SALMAN: And I'm afraid that's what we're  
 17 going to be doing. I can't see where it's a special  
 18 condition that requires extra notice. That's what I  
 19 can't get my head around.  
 20 MS. KAWALERSKI: Well, I think it's because  
 21 there's water in back of these properties.  
 22 MR. SALMAN: Well, there's water behind a lot of  
 23 properties.  
 24 CHAIRPERSON AIZENSTAT: Can we just ask the  
 25 question? I'd like to just a question to counsel.

1 whatever, 10, 30 boats there now, what is the  
 2 difference? Why is this so special that it requires  
 3 all the way to the end that is not anywhere else?  
 4 MR. PARDO: I just don't see what the harm is  
 5 in the notification.  
 6 MS. KAWALERSKI: Right. Not only that.  
 7 MR. PARDO: It's not the other way around --  
 8 MS. KAWALERSKI: And it's not only 30 boat slips.  
 9 It's boat traffic increased in general. Boat traffic  
 10 is going to increase in general. Not just slipped  
 11 boats, but boat traffic in general. If the --  
 12 MR. PARDO: Is there --  
 13 CHAIRPERSON AIZENSTAT: Guys, one person only at  
 14 a time for the court reporter.  
 15 MR. BEHAR: I have a boat. Am I not allowed to  
 16 navigate those waters today? Yes.  
 17 CHAIRPERSON AIZENSTAT: As long as you fit  
 18 underneath those bridges.  
 19 MR. BEHAR: Yeah, yeah, yeah. Okay. I'm allowed  
 20 to navigate those waters.  
 21 CHAIRPERSON AIZENSTAT: Right.  
 22 MR. BEHAR: So the argument in increasing in  
 23 traffic in there to me is not a valid --  
 24 MS. KAWALERSKI: But this is about noticing so  
 25 if there is a project that will increase the boat

1 traffic those residents have a right to know how and  
 2 why the boat traffic is going to be increased and  
 3 have an opportunity to input on anything that is  
 4 going in there.  
 5 MR. PARDO: So, Robert, if they put a use  
 6 such as a restaurant at the end, and now, you know,  
 7 you've got a big boat, you can go in there. That's  
 8 one boat. And now you have personal watercraft.  
 9 Personal watercraft. Twenty people. They could go  
 10 up there, they take very little space. They've  
 11 impacted this completely. It's very unusual because  
 12 it's a waterway, and it's a waterway that leads to  
 13 commercial. Then the commercial will attract -- they  
 14 live off that, will attract uses that are going to  
 15 increase the intensity.  
 16 CHAIRPERSON AIZENSTAT: Jennifer, at that  
 17 project right now can a restaurant open at the very  
 18 end?  
 19 MS. GARCIA: Yes.  
 20 CHAIRPERSON AIZENSTAT: Today?  
 21 MS. GARCIA: Um-hmm.  
 22 MR. BEHAR: Yes.  
 23 CHAIRPERSON AIZENSTAT: Do they have to come  
 24 before us to open a restaurant there?  
 25 MS. GARCIA: It depends on the size of it. I

1 Waterway, it gets bigger.  
 2 MR. BEHAR: Look, there's a --  
 3 MR. SALMAN: On that logic then we'd have to go  
 4 all the way down to hit the ocean because it's going  
 5 to impact all the people on the Coral Gables  
 6 Waterway. Right?  
 7 MR. PARDO: No, no, I said to the intersection to  
 8 where the waterway is.  
 9 MR. SALMAN: No, no, no, but on your logic, how  
 10 are boats going to get there? They're not going to  
 11 be dropped by parachute. They're going to go  
 12 down the Coral Gables Waterway underneath the LeJeune  
 13 Bridge.  
 14 MR. BEHAR: All the all the way from the bay.  
 15 CHAIRPERSON AIZENSTAT: Gentleman, we do have a  
 16 motion by Sue.  
 17 MR. WITHERS: I'll second.  
 18 CHAIRPERSON AIZENSTAT: We have a second.  
 19 Is there any comment?  
 20 MR. SALMAN: My comment is that I would be more  
 21 willing to go up to Malaga.  
 22 MR. BEHAR: Well, listen, we have a motion.  
 23 We have a second. Call the role.  
 24 CHAIRPERSON AIZENSTAT: We have a motion. We  
 25 have a second.

1 mean there's existing building right there, so --  
 2 CHAIRPERSON AIZENSTAT: Let's say they want to  
 3 open a Monty's, not that big, 30 seats --  
 4 MS. GARCIA: Right. There's  
 5 restaurants there right now. There's a deli that's  
 6 there right now.  
 7 MR. SALMAN: There's a sandwich shop there.  
 8 MS. GARCIA: Yes.  
 9 MR. SALMAN: I've been there. It's good.  
 10 CHAIRPERSON AIZENSTAT: But if personal  
 11 watercraft want to go there now, they can go there  
 12 now to that sandwich shop.  
 13 MR. PARDO: Well, let's think of it in a  
 14 different way. This is one of the most unusual  
 15 places that there is here in the City. Let's say  
 16 now, because of the commercial use, Chip over here  
 17 wants to put up a sightseeing business with shelving.  
 18 Now you have shelving with pontoon boats.  
 19 MR. WITHERS: Yeah, I could make a lot of money  
 20 on renting out boats and --  
 21 CHAIRPERSON AIZENSTAT: Guys, we've got five  
 22 minutes.  
 23 MR. PARDO: Completely different. This is a very  
 24 unique site and it's going to impact everyone up to  
 25 that turn where the waterway, the Mahi

1 Any other comment?  
 2 Call the roll, please.  
 3 THE SECRETARY: Chip Withers?  
 4 MR. WITHERS: Yes.  
 5 THE SECRETARY: Javier Salman.  
 6 MR. SALMAN: No.  
 7 THE SECRETARY: Felix Pardo?  
 8 MR. PARDO: Yes.  
 9 THE SECRETARY: Sue Kawalerski?  
 10 MS. KAWALERSKI: Yes.  
 11 THE SECRETARY: Robert Behar?  
 12 MR. BEHAR: No.  
 13 THE SECRETARY: Eibi Aizenstat?  
 14 CHAIRPERSON AIZENSTAT: No.  
 15 MR. COLLER: Okay. So you have the opportunity  
 16 for a reverse motion. Otherwise it goes without a  
 17 recommendation. It's a 3-3 vote. If anybody desires  
 18 to make a reverse motion.  
 19 CHAIRPERSON AIZENSTAT: To me, I feel all the  
 20 neighbors are going to show up for the project  
 21 whether you're on the canal or you're not on the  
 22 canal. That's why, I just want you to know, that's  
 23 why I voted that way. I'm afraid of setting a  
 24 precedent.  
 25 We've got three minutes before we sunset. Does



1 anybody want to go ahead and make a motion to extend?  
 2 MS. KAWALERSKI: I don't. I just want to say, we  
 3 have to be for the residents, and this is one of  
 4 those that we should be for the residents and notify  
 5 them as much as possible. It doesn't affect  
 6 anything, at all, except it does good will for the  
 7 residents who are going to have to live with  
 8 increased boat traffic.  
 9 CHAIRPERSON AIZENSTAT: Anybody want to extend?  
 10 MR. COLLER: There's no other motion, so 3-3 is  
 11 the tie and it goes as no recommendation.  
 12 MR. BEHAR: Do you want to set something that is  
 13 less than, you know, like Javier suggests --  
 14 MR. SALMAN: No.  
 15 MS. KAWALERSKI: No. I mean I wouldn't, I mean  
 16 -- and then the other people on the other side --  
 17 MR. BEHAR: Then it goes to the Commission with  
 18 no recommendation.  
 19 Since nothing else, Mr. Chairman, I make a  
 20 motion to adjourn.  
 21 MR. WITHERS: I second the motion.  
 22 CHAIRPERSON AIZENSTAT: Thank you.  
 23 So adjourned. All in favor say aye.  
 24 (All Board members voted aye.)  
 25 (Meeting adjourned at 9:14 p.m.)

1 CERTIFICATE  
 2  
 3 STATE OF FLORIDA:  
 4 SS.  
 5 COUNTY OF MIAMI-DADE:  
 6  
 7 I, JANINE P. CARROLL, Court Reporter, and a Notary  
 8 Public for the State of Florida at Large, do hereby  
 9 certify that I was authorized to and did stenographically  
 10 report the foregoing proceedings and that the transcript  
 11 is a true and complete record of my stenographic notes.  
 12  
 13 Dated this 27th day of August, 2024.  
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 17  
 18 Janine P. Carroll /es  
 19 \_\_\_\_\_  
 20 JANINE P. CARROLL  
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