

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
TUESDAY, NOVEMBER 1, 2022, COMMENCING AT 6:01 P.M.

Board Members Present:
Eibi Aizenstat, Chairman
Robert Behar
Luis Revuelta
Wayne "Chip" Withers
Venny Torre
Claudia Miro

City Staff and Consultants:
Suramy Cabrera, Development Services Director
Douglas Ramirez, Deputy Development Services Director
Jill Menendez, Administrative Assistant, Board Secretary
Jennifer Garcia, Principal Planner
Craig Collier, Special Counsel
Deena Bell-Llewellyn, Assistant Director of Public Works
Kevin Kinney, Parking Director
Warren Adams, Director of Historical Resources and
Cultural Arts

Also Participating:

Jackson Rip Holmes
Mario Garcia-Serra, Esq.

1 (Thereupon, the following proceedings were
2 held.)
3 CHAIRMAN AIZENSTAT: I'd like to call the
4 meeting to order. I will ask everybody to
5 please silence their phones and beepers, if
6 they still have them.
7 Good evening. This Board is comprised of
8 seven members. Four Members of the Board shall
9 constitute a quorum and the affirmative vote of
10 four members shall be necessary for the
11 adoption of any motion. If only four Members
12 of the Board are present, an applicant may
13 request and be entitled to a continuance to the
14 next regularly scheduled meeting of the Board.
15 If a matter is continued due to a lack of
16 quorum, the Chairperson or Secretary of the
17 Board may set a Special Meeting to consider
18 such matter.
19 In the event that four votes are not
20 obtained, an applicant, except in the case of a
21 Comprehensive Plan Amendment, may request a
22 continuance or allow the application to proceed
23 to the City Commission without a
24 recommendation.
25 Pursuant to Resolution Number 2021-118, the

1 City of Coral Gables has returned to
2 traditional in-person meetings; however, the
3 Planning and Zoning Board has established the
4 ability for the public to provide comments
5 virtually.
6 For those members of the public who are
7 appearing on Zoom and wish to testify, you must
8 be visible to the court reporter to be sworn
9 in. Otherwise, if you speak without being
10 sworn in, your comments may not have
11 evidentiary value.
12 Lobbyist Registration and Disclosure, any
13 person who acts as a lobbyist must register
14 with the City Clerk as required pursuant to the
15 City Code.
16 As Chair, I now officially call the City of
17 Coral Gables Planning & Zoning Board Meeting of
18 November 1, 2002 to order. The times is 6:01.
19 Jill, would you please call the roll?
20 THE SECRETARY: Robert Behar?
21 MR. BEHAR: Here.
22 THE SECRETARY: Claudia Miro?
23 MS. MIRO: Here.
24 THE SECRETARY: Julio Grabiell?
25 Luis Revuelta?

1 MR. REVUELTA: Here.
2 THE SECRETARY: Venny Torre?
3 MR. TORRE: Here.
4 THE SECRETARY: Chip Withers?
5 MR. WITHERS: Here.
6 THE SECRETARY: Eibi Aizenstat?
7 CHAIRMAN AIZENSTAT: Here.
8 Notice Regarding Ex Parte Communications,
9 please be advised that this Board is a
10 quasi-judicial board, which requires Board
11 Members to disclose all ex parte communication
12 and site visits. An ex parte communication is
13 defined as any contact, communication,
14 conversation, correspondence, memorandum or
15 other written or verbal communication that
16 takes place outside of the public hearing
17 between a member of the public and a member of
18 a quasi-judicial board regarding matters to be
19 heard by the Board. If anyone made any contact
20 with a Board Member regarding an issue before
21 the Board, the Board Member must state, on the
22 record, the existence of the ex parte
23 communication and the party who originated the
24 communication.
25 Also, if a Board Member conducted a site

1 visit specifically related to the case before
 2 the Board, the Board Member must also disclose
 3 such visit. In either case, the Board Member
 4 must state, on the record, whether the ex parte
 5 communication and/or site visit will affect the
 6 Board Member's ability to impartially consider
 7 the evidence to be presented regarding the
 8 matter. The Board Member should also state
 9 that his or her decision will be based on
 10 substantial competent evidence and testimony
 11 presented on the record today.
 12 Does any Board -- does any Member of the
 13 Board have such a communication and/or site
 14 visit to disclose at this time?
 15 MR. BEHAR: No.
 16 MR. REVUELTA: No.
 17 CHAIRMAN AIZENSTAT: No? Thank you.
 18 Swearing In, everyone who speaks this
 19 evening must complete the roster on the podium.
 20 We ask that you print clearly, so the official
 21 records of your name and address will be
 22 correct.
 23 Now, with the exception of attorneys, all
 24 persons physically in the City Commission
 25 Chambers, who will speak on agenda items before

1 THE SECRETARY; Claudia Miro?
 2 MS. MIRO: Yes.
 3 THE SECRETARY: Luis Revuelta?
 4 MR. REVUELTA: Yes.
 5 THE SECRETARY: Venny Torre?
 6 MR. TORRE: 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 CHAIRMAN AIZENSTAT: Yes.
 13 The procedure that we will use for tonight,
 14 first we'll have the identification of the
 15 agenda item by Mr. Coller, then we'll have the
 16 presentation by the applicant or agent, and
 17 presentation by Staff. In this case, it will
 18 be the Staff. Then we'll go ahead and open it
 19 for public comment, first in Chamber, then the
 20 Zoom platform, and then the phone line
 21 platform. Afterwards, I'll go ahead and close
 22 for public comment. We'll have Board
 23 discussion, a motion, discussion, and second of
 24 motion, if appropriate, Board's final comments
 25 and a vote.

1 us this evening, please rise to be sworn in.
 2 (Thereupon, the participants were sworn.)
 3 CHAIRMAN AIZENSTAT: Zoom platform
 4 participants, I will ask any person wishing to
 5 speak on tonight's agenda item to please open
 6 your chat and send a direct message to Jill
 7 Menendez, stating that you would like to speak
 8 before the Board and include your full name.
 9 Jill will call you when it's your turn. I ask
 10 you to be concise, for the interest of time.
 11 Phone platform participants, after the Zoom
 12 platform participants are done, I will ask
 13 phone participants to comment on tonight's
 14 agenda item. I also ask you to be concise, for
 15 the interest of time.
 16 We have the approval of the minutes of
 17 October 12, 2022. Has everybody had a chance
 18 to review those?
 19 MR. BEHAR: Yes. I make a motion for
 20 approval.
 21 CHAIRMAN AIZENSTAT: We have a motion for
 22 approval.
 23 MS. MIRO: Second.
 24 CHAIRMAN AIZENSTAT: Any comments? No?
 25 Call the roll, please.

1 Mr. Coller, if you'd please read the first
 2 item into the record.
 3 MR. COLLER: Item F-1, an Ordinance of the
 4 City Commission amending the City of Coral
 5 Gables Zoning Code, Article 6 "Landscape,"
 6 Section 6-104 "Landscape Requirements for
 7 Public Rights-of-Way; to amend planting height
 8 and various other provisions, providing for a
 9 repeater provision, severability clause,
 10 codification, and providing for an effective
 11 date.
 12 Item F-1, public hearing.
 13 CHAIRMAN AIZENSTAT: Thank you.
 14 MS. CABRERA: Good evening. Suramy
 15 Cabrera, Development Services Director.
 16 You actually saw this item, I believe, one
 17 or two meetings ago. It went back to the
 18 Landscape Beautification Committee --
 19 MS. BELL-LLEWELLYN: -- Advisory Board.
 20 MS. CABRERA: -- Advisory Board. They
 21 voted in favor of it. There was a lot of
 22 discussion, but they voted in favor of it.
 23 We're brining it back in front of you today.
 24 I just want to clarify that, I know there
 25 was a lot of discussion the last time that you

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1 saw this item, but what this item does is, it
 2 only allows the minimum height requirements to
 3 be reduced, so that you don't have to have
 4 fifteen or sixteen feet as the minimum height
 5 for trees, which the Code now requires. So
 6 we're bringing that down, so that it's easier
 7 to get trees from the nurseries. That's the
 8 extent of that modification to the Zoning Code.
 9 CHAIRMAN AIZENSTAT: Thank you.
 10 MS. BELL-LLEWELLYN: Hi, and I'm Deena
 11 Bell, from Green Space Management, Assistant
 12 Public Works Director, if there are any
 13 questions.
 14 MS. MIRO: I want to know what happened.
 15 What changed from the last time that this item
 16 came to now? So what are the differences? Are
 17 there any differences? Did anything change or
 18 are we seeing the exact same item?
 19 MS. BELL-LLEWELLYN: I believe it's the
 20 exact same item. The request from the Board
 21 was that we take it to the Landscape
 22 Beautification Advisory Board --
 23 MS. MIRO: Right.
 24 MS. BELL-LLEWELLYN: -- and get them to
 25 weigh in, which we did, and now we're back to

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1 tree. Then, all of a sudden, someone plants
 2 four palm trees between those Oak trees, you
 3 don't think that's going to affect the visual
 4 perception of that street?
 5 MS. CABRERA: So --
 6 MS. BELL-LLEWELLYN: I have some images.
 7 Do you want me to show them?
 8 MS. CABRERA: Yeah.
 9 MR. WITHERS: No, you don't need images.
 10 I'm just asking you your opinion.
 11 MS. BELL-LLEWELLYN: Yeah. Absolutely.
 12 MR. WITHERS: I mean, I understand there's
 13 an Ordinance on the books, which I totally
 14 disagree with, and I disagree with not -- don't
 15 take it personally, but -- I mean, I -- since
 16 we had this item, I, visually, in my mind,
 17 every street I went down, driving throughout
 18 the City, and I drive Granada, I drive Riviera,
 19 I drive Hardee, I drive all of the streets, and
 20 I'm visualizing what planting between these
 21 majestic trees will be in the right-of-way.
 22 MS. CABRERA: Right, and I think Deena does
 23 have some images, but it doesn't change the
 24 process to plant something in the right-of-way.
 25 So it would still be reviewed by Staff, the

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1 you with the same item. The Landscape
 2 Beautification Advisory Board, as Ms. Cabrera
 3 said, had no opposition to it as written.
 4 MS. MIRO: About our concerns that we
 5 raised last time, were any of those addressed
 6 in the discussions with the Landscape Advisory
 7 Board? I think we were talking about losing
 8 the canopy and all of that, if I remember
 9 correctly. I don't know if there was --
 10 MS. CABRERA: Well, there was a lot of
 11 discussion on how does this change the look of
 12 the streets and the trees, and, you know, did
 13 we have -- but this doesn't really change that.
 14 The City has, and Deena could go into it
 15 further, a Tree Succession Plan, which has been
 16 in place for years -- it has nothing to do with
 17 what's in front of you today -- that does allow
 18 the City to not have to, for example, only
 19 plant Oaks or Mahogany, which are what is
 20 typically readily available at the sixteen
 21 feet, but this doesn't really change that Tree
 22 Succession Plan.
 23 MR. WITHERS: I don't see how it can't
 24 change the landscape vistas of our streets. If
 25 you have a street with Oak tree, Oak tree, Oak

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1 same Staff that's always been reviewing it --
 2 MR. WITHERS: I understand.
 3 MS. CABRERA: -- and they still get the
 4 input of the property owner in front of it. So
 5 if it's not appropriate, then it would not be
 6 approved.
 7 MR. WITHERS: Well, I know, but appropriate
 8 by who?
 9 MS. CABRERA: Now -- that's what I was
 10 going to say. Now, there is the conversation
 11 of whether Mr. Merrick, George Merrick, had
 12 this idea that one street should only have a
 13 certain type of tree, but that was abandoned by
 14 the City years ago. That idea of the street
 15 landscaping in the right-of-way was abandoned
 16 years ago.
 17 MR. WITHERS: Years ago meaning when?
 18 MS. CABRERA: How long has that Tree
 19 Succession Plan been in place?
 20 MS. BELL-LLEWELLYN: The Tree Succession
 21 Plan that's the document -- I believe you have
 22 copies of it in your packet, right -- I think
 23 it was written in 2014, and basically there was
 24 a consultant landscape architecture firm hired.
 25 They did an assessment of all of the tree

1 species in Coral Gables, and they basically put
 2 a document together that said, street tree
 3 species are already diverse and mixed
 4 throughout Coral Gables, just by the natural
 5 evolution of the City.
 6 It's very difficult, driving around, to
 7 find streets that are only one species of tree
 8 today. Our practice, in Green Space
 9 Management, when we're going through swales and
 10 removing trees and deciding what species to
 11 come back to plant again, we naturally look at
 12 the specific location and find the right tree
 13 for that location, and we also get the
 14 residents' weigh-in.
 15 So, today, this does not change our
 16 practice. We currently plant different tree
 17 species on streets, and have always been, since
 18 I've been here working at the City.
 19 CHAIRMAN AIZENSTAT: So, is it fair to say,
 20 as you had said before, that you're coming here
 21 just to lower the height of the required tree,
 22 nothing more?
 23 MS. CABRERA: That's correct.
 24 CHAIRMAN AIZENSTAT: Nothing more is
 25 changing?

1 see different species that would work for that
 2 location.
 3 CHAIRMAN AIZENSTAT: But before there was a
 4 requirement of fifteen feet, was the --
 5 MS. BELL-LLEWELLYN: Right now, it says --
 6 MS. CABRERA: Fifteen or sixteen.
 7 MS. BELL-LLEWELLYN: -- sixteen feet, and
 8 so it's very difficult to approve a
 9 development, when they're not allowed to put
 10 trees in that are fourteen feet, 'cause that's
 11 all they found available in the nursery.
 12 MR. BEHAR: Deena, I think I will be okay
 13 with that, but what I don't want to do is not
 14 put any minimum and then they come in with, you
 15 know, an eight-foot tree, and it may not affect
 16 the visibility triangle, may not affect any of
 17 that.
 18 MS. BELL-LLEWELLYN: Right.
 19 MR. BEHAR: And from the development point
 20 of view, you know, yes, we want to see
 21 something that is compatible and something
 22 different and it doesn't always have to be Oaks
 23 or Mahoganies. You know, it could be many
 24 multiple, you know, different tree species that
 25 are beautiful. And, then, you're right, it's

1 MS. CABRERA: Right.
 2 MS. BELL-LLEWELLYN: No.
 3 MR. BEHAR: And are we putting a minimum,
 4 because, I mean, I don't like to see somebody
 5 come in with a six-foot tree?
 6 MS. CABRERA: What is it -- is it a
 7 twelve-foot minimum or --
 8 MR. BEHAR: If we have a minimum, you know,
 9 and we know what that is, I think I would be
 10 more comfortable, because --
 11 MS. BELL-LLEWELLYN: Well, just the bottom
 12 line issue is, when applicants are coming with
 13 new homes or projects or the plan reviewers are
 14 approving street tree planting plans, it's very
 15 difficult sometimes to get good interesting
 16 trees fifteen, sixteen feet and above.
 17 So, all of the time, the developers want,
 18 "Well, I found these beautiful Satin Leaf
 19 trees. They're only ten feet tall." And as
 20 long as they meet the visibility triangle
 21 requirements, which is creating a window of
 22 visibility between thirty inches high and eight
 23 feet, and as long as the branching is more than
 24 seven feet above the sidewalk or above the
 25 road, we always allow it, because we want to

1 hard to get them sixteen footers from the
 2 get-go, but what we don't want to do is, you
 3 know -- and you know how it is, if you allow
 4 something, then it's going to be difficult, you
 5 know, if they come in with a six-foot tree, to
 6 say, "Well, you can't do that."
 7 MS. BELL-LLEWELLYN: Well, you know, we
 8 have professional landscape architects and
 9 arborists that are reviewing all of the
 10 landscape plans. We have a review process,
 11 just to make sure that doesn't happen, and
 12 that's our current --
 13 MR. BEHAR: But if you don't give me a
 14 minimum, I will challenge that, because if you
 15 don't give me a minimum, you cannot force me to
 16 do something. So I agree with what you're
 17 doing, you know, lowering, you know, the
 18 minimum of sixteen feet, but I think we should
 19 establish a minimum that is, you know --
 20 MS. BELL-LLEWELLYN: Okay. The definition
 21 of tree in the Zoning Code now is ten to twelve
 22 feet tall, and for planting inside the
 23 Residential properties, trees are defined as
 24 that.
 25 MR. BEHAR: Would you say that a

1 twelve-foot tree of any species is easily
 2 accessible? I mean, maybe not sixteen --
 3 MS. BELL-LLEWELLYN: It depends on the
 4 species. It depends on the species.
 5 MR. TORRE: I think that, the way I'm
 6 reading this, this is for trees that are a
 7 maximum of twenty-five feet, that you're trying
 8 to use those trees. That's what it says in
 9 this Ordinance, right? So you're trying to get
 10 a tree that only grows to twenty-five, and
 11 it's, maybe, when you find them at the nursery,
 12 they're ten -- eight or ten. That's the
 13 starting number. And those are the trees that
 14 have to be bought for that particular brand to
 15 succeed with.
 16 So I don't know, different trees have
 17 different starting points for that
 18 particular --
 19 MS. BELL-LLEWELLYN: Uh-huh.
 20 MR. BEHAR: One example is the Bridal
 21 Veils.
 22 MS. BELL-LLEWELLYN: Uh-huh.
 23 MR. BEHAR: You know, those, to me, I think
 24 they're beautiful trees, but you cannot get
 25 them mature.

1 know. And the visibility triangle, if you are
 2 pulling out of a driveway, you're right, it has
 3 to be between thirty inches and -- I don't
 4 think eight feet. I think maybe that could be
 5 lowered to like six-and-a-half feet.
 6 You cannot have anything that is above
 7 thirty --
 8 MR. REVUELTA: That triangle, it cannot be
 9 more than thirty.
 10 MR. BEHAR: Right. But then you cannot --
 11 if you have a shade tree, that, you know, you
 12 have to have visibility, so the bottom of those
 13 branches cannot be less than seven feet or
 14 whatever.
 15 MR. TORRE: I think it applies when you're
 16 fixated on a particular tree, and then you say,
 17 "Well, the only thing I can find are trees this
 18 size, and that's what tree I want, and there's
 19 nothing I can do about it," and you're sort of
 20 stuck, if that's the tree you want, having to
 21 get a small tree.
 22 MS. BELL-LLEWELLYN: Well, that happens
 23 very often.
 24 MR. TORRE: That's what I think is sort
 25 of --

1 MS. BELL-LLEWELLYN: Correct.
 2 MR. BEHAR: I understand, but, you know, I
 3 think there's a minimum that, you know, you
 4 could find, that would be compatible with what
 5 we're trying to do.
 6 MR. TORRE: I mean, I get what you're
 7 saying. You don't want to get something in a
 8 seven gallon and then it has a little -- you
 9 know, and then you say, "Okay, that meets the
 10 criteria." So I understand what you're trying
 11 to get to. Is there a way to curtail that?
 12 MS. BELL-LLEWELLYN: You could probably --
 13 I think the clear trunk clearance of a tree is
 14 more important than the overall height, in the
 15 urban area, because we're talking about
 16 visibility and clearance over sidewalks and
 17 roads, for the most part.
 18 MR. TORRE: Is there like a minimum that
 19 you could say, all trees of this sort of,
 20 twenty-five max, could fall under, and say, "No
 21 tree less than six-foot"? Is there a number
 22 that you could kind of --
 23 MR. BEHAR: I mean, the trunk -- if you
 24 establish a minimum trunk height, you're going
 25 to meet -- match whatever height that is, you

1 CHAIRMAN AIZENSTAT: Let me ask you a
 2 question. Chip has a concern about mixing
 3 trees within certain areas where it's already
 4 established, but I want to be clear and
 5 understand, that is not changing with this? In
 6 other words, the establishment of keeping it
 7 the way it was or the trees or the way we see
 8 it, that will continue?
 9 MS. BELL-LLEWELLYN: Right now, since 2014,
 10 the Tree Succession Plan encouraged diversity
 11 of species. There are certain trees, and I
 12 drove around for three hours the other day
 13 taking pictures, trying to find streets that
 14 had one species only. It's difficult.
 15 You've got Coral Way's Live Oaks. You've
 16 Columbus' Ficuses. Granada, you've got large
 17 Black Olives.
 18 CHAIRMAN AIZENSTAT: Hardee.
 19 MS. BELL-LLEWELLYN: Hardee, you have Black
 20 Olives. Anastasia, you have Coconut Palms.
 21 Those are the only ones I can think of, that
 22 are still today one species. All of the other
 23 streets have already been mixed species
 24 throughout the years.
 25 CHAIRMAN AIZENSTAT: Well, I know, when the

1 City went ahead and replaced trees that were
 2 dying in the swale and so forth, they gave
 3 property owners a choice of certain trees that
 4 they wanted.
 5 MS. BELL-LLEWELLYN: Correct. That is our
 6 practice.
 7 MR. BEHAR: I'll give you an example, Santa
 8 Maria, which is one of old streets, is Black
 9 Olives, okay, and Black Olives are not great
 10 trees, right? I mean, you could agree with me.
 11 MS. BELL-LLEWELLYN: Staining.
 12 MR. BEHAR: You know, they really aren't.
 13 You can't put your car there, because it will
 14 be stained completely. Forget about the
 15 driveway. I don't care so much about the
 16 driveway, but, you know, the cars.
 17 But, look, if you think this is the right
 18 way to go, I guess -- you know, I will, you
 19 know, support it. I still think that we should
 20 have a minimum.
 21 CHAIRMAN AIZENSTAT: Chip, let me ask you a
 22 question. I share your concern, but my
 23 understanding is that this process has been
 24 ongoing since 2014. I guess we didn't know
 25 that.

1 MS. BELL-LLEWELLYN: There's some photos.
 2 Okay, so do I have to flip this myself or does
 3 -- okay.
 4 Okay. So let me back up a little bit.
 5 MR. WITHERS: Okay.
 6 MS. BELL-LLEWELLYN: So just a few images
 7 here. Look at this one, mixed species stopper
 8 trees on the left side. You can see there
 9 six --
 10 MR. WITHERS: You lost me. Is that a
 11 median there in the middle or what is that?
 12 MS. BELL-LLEWELLYN: This is a Residential
 13 street in North Coral Gables, just east of
 14 Merrick House. On the right side, you can see
 15 big mature Live Oaks in the swale. You can see
 16 a lot of vegetation in the swale already from
 17 the Merrick House. On the left side, you see a
 18 swale that's been planted solid with warped
 19 ferns at the bottom and small tree species,
 20 called a Stopper. That was done by the
 21 resident as part of the swale planting package.
 22 So this kind of thing is already --
 23 MR. WITHERS: And how long is that block,
 24 one block long maybe?
 25 MS. BELL-LLEWELLYN: Uh-huh.

1 MR. WITHERS: I know. I agree with you.
 2 CHAIRMAN AIZENSTAT: How do we --
 3 MR. WITHERS: I know I'm going to say, no,
 4 and I'm voting against; no, because I think the
 5 Ordinance is a terrible Ordinance. That's just
 6 how I feel, I mean, and I'm not challenging
 7 you, but I suggest you drive down Riviera,
 8 Granada. I can give you a list of fifteen or
 9 twenty streets.
 10 Now, grant it, it might break where there's
 11 a major street, like the south side of Riviera
 12 is different than the north side of Riviera, on
 13 Hardee Road. The north side of Granada, where
 14 US-1 is, and the south side of Granada, is
 15 different, but the majority of our streets have
 16 single trees; North Gables, South Gables. I
 17 don't see very much planting in any of the
 18 swales. In fact, I saw almost no planting.
 19 So I don't know how effective this
 20 Ordinance was in 2014, because I really haven't
 21 seen the benefit of the Ordinance in the past
 22 eight years. If you can show me some beautiful
 23 photos of where people have taken advantage of
 24 this Ordinance in the past eight years, I would
 25 love to see what you have.

1 MR. WITHERS: And I'm talking about
 2 boulevards. I'm not talking about little areas
 3 stuck behind the Merrick House. I'm taking
 4 about full-blown Granada Boulevard, Columbus
 5 Boulevard, Riviera. That's what I'm referring
 6 to.
 7 MS. BELL-LLEWELLYN: The swale planting
 8 package is a current Public Works permit that's
 9 being implemented all over the City. This is
 10 just one example I saw driving.
 11 MR. WITHERS: Okay.
 12 MR. REVUELTA: This is Toledo Street, from
 13 Coral Way to Valencia.
 14 MS. BELL-LLEWELLYN: Yeah.
 15 MR. WITHERS: So where is this one now?
 16 MS. BELL-LLEWELLYN: This is a Black Olive
 17 street that I found in North Gables, near the
 18 Biltmore.
 19 MR. WITHERS: Wait. That's an Oak tree,
 20 though, no, on the left?
 21 MS. BELL-LLEWELLYN: Exactly. It was very
 22 difficult to find a street that had one
 23 species, without others already being mixed in
 24 already. You know, when a tree falls or, let's
 25 say, the City has to take it out because of a

1 lightning strike, we get the homeowner involved
 2 and allow them to help choose. A lot of
 3 homeowners like different species. They might
 4 want a flowering tree. They might want another
 5 type of native tree. They want something very
 6 resilient to hurricanes. They want something
 7 that doesn't stain. So we end up replacing the
 8 Black Olive trees with other species anyway.
 9 That's our current practice.
 10 Here's another mixed species photo in the
 11 North Gables. You can see pretty mature Live
 12 Oaks on the left, and on the right we have a
 13 native stopper tree, that are smaller, because
 14 we have powerlines above. So we want to have
 15 the option to plant trees below powerlines, and
 16 we can't use the Live Oaks on the right side,
 17 because it's too large to go under the
 18 powerline. So we have this condition many
 19 places around the City where you have
 20 powerlines.
 21 Here's a mixed species on Alhambra Circle.
 22 The Alhambra Circle road median is a great
 23 example of all different mixed up trees. You
 24 see Coconuts, you see ficus, and Live Oaks all
 25 here in this image.

1 MS. BELL-LLEWELLYN: The linear park, The
 2 City plants those trees and maintains that.
 3 Here's a great example, again, on Prado.
 4 You have Live Oaks on the right side in front
 5 of the residences and then you have a smaller
 6 flowering Cassia tree on the left side, just to
 7 get variety and have some flowering trees in
 8 the environment.
 9 CHAIRMAN AIZENSTAT: How do you deal with
 10 areas that are specific, for example, what Chip
 11 was mentioning? Are there certain streets or
 12 boulevards that are very specific, that have
 13 not been mixed? Have you looked at possibly
 14 keeping those areas that have not been mixed in
 15 uniform?
 16 MS. BELL-LLEWELLYN: Yes. We do respect
 17 that already. And like I said, there are very
 18 few of those streets. Coral Way happens to be
 19 a Dade County street. We don't plant trees on
 20 the Dade County swale. That's their
 21 jurisdiction.
 22 Columbus is ficus, the big Banyan, Indian
 23 Banyan. There's just no room to plant anything
 24 under those trees because of their large root
 25 system. So they have stayed a single tree

1 MR. WITHERS: Okay. But the neighbors
 2 didn't plant any of that stuff, right? That
 3 was all City planting?
 4 MS. BELL-LLEWELLYN: Some do. Well, some
 5 do, in their swales.
 6 MR. WITHERS: But, I mean, I don't think
 7 the neighbors planted those palm trees, did
 8 they?
 9 MS. BELL-LLEWELLYN: No. That happens to
 10 be the Coral Gables Country Club, but when
 11 people are developing new homes or doing
 12 renovation, as part of their building permit,
 13 they're allowed to plant different species.
 14 Here's Country Club Prado. Again, very
 15 mixed up all over Prado. I think what people
 16 really love here, it's like a tree park, with
 17 different species, and the ability to bring in
 18 some amazing flowering trees.
 19 MR. REVUELTA: Are people allowed to plant
 20 on Country Club Prado in the center?
 21 MS. BELL-LLEWELLYN: No. That is a City
 22 maintained property in the center, but they're
 23 allowed to plant in their swale, on their side.
 24 MR. REVUELTA: On their side, but not on
 25 the City liner park?

1 species street.
 2 MR. TORRE: I think this needs to be split
 3 in two things, because we're talking about the
 4 initial height of a tree, as opposed to the
 5 trees that are allowed, which I think is what
 6 they're concerning themselves with.
 7 So, in this Code verbiage, I'm going to
 8 take the word, height, out. I'm going to read
 9 this without the word, height, and see what it
 10 says.
 11 "Exceptions to planting for tree varieties
 12 whose average mature height is 25 feet or less
 13 may be approved by Green Space Management. The
 14 approval of the trees under 25 feet may be
 15 approved."
 16 Forgetting the starting, is that already an
 17 approved thing? Can you install trees less
 18 than 25 feet? So if this is clarifying the
 19 beginning height, you take the height at the
 20 beginning away, then the rest is, you already
 21 have the right to install trees that are 25 or
 22 less, right?
 23 MS. BELL-LLEWELLYN: Uh-huh.
 24 MR. TORRE: So a tree that's 12 or 15 feet
 25 in full height, you already do that? You're

1 already doing it in some cases?
 2 MS. BELL-LLEWELLYN: Well, it says, "Street
 3 trees are required to be 16 feet in height."
 4 MR. TORRE: But when they're not -- okay.
 5 So if you were to go with a tree that's 25 feet
 6 or less in its mature form, you have to find it
 7 at 16 feet and then you can go with it?
 8 MS. CABRERA: 16 feet.
 9 MR. TORRE: So if you can't find 16 feet --
 10 those trees that fall under those small tree
 11 things are almost impossible to find.
 12 MS. CABRERA: Correct.
 13 MR. TORRE: So all you're saying is, I want
 14 to be able to use this option of trees that are
 15 25 feet or less, and I think that goes to the
 16 point --
 17 MS. CABRERA: Yeah, because by default,
 18 it's sort of --
 19 MR. TORRE: That's really the bottom line.
 20 If that is already a fact, then the only issue
 21 is, how much of it can happen by virtue of the
 22 trees -- you're never going to find the tree,
 23 so it's not that your --
 24 MS. CABRERA: Yes, that's exactly what it
 25 is.

1 CHAIRMAN AIZENSTAT: Any other comment?
 2 MR. REVUELTA: The whole point is, Chip's
 3 concerns, which are with the way the Code is
 4 written by right now, are not being addressed
 5 or are not affected by this amendment.
 6 CHAIRMAN AIZENSTAT: Let's go ahead and
 7 open it up for public comment, before we
 8 continue further discussion.
 9 MR. REVUELTA: Okay.
 10 CHAIRMAN AIZENSTAT: Is there anybody that
 11 we have in the Chambers that would like to
 12 speak on this item? No? So there's nobody
 13 here?
 14 Anybody on Zoom?
 15 THE SECRETARY: No.
 16 CHAIRMAN AIZENSTAT: Anybody on the phone
 17 platform?
 18 THE SECRETARY: No.
 19 CHAIRMAN AIZENSTAT: At this time, I'll go
 20 ahead and close it for public comment.
 21 Let's continue.
 22 MR. REVUELTA: I wanted to ask Chip --
 23 Chip, just to clarify, your problem is with the
 24 way this section of the Code is written right
 25 now, it's not really with the amendment? The

1 MR. TORRE: It's just going to be more of
 2 it or less of it.
 3 MS. CABRERA: We have a policy, that we
 4 really haven't seen it, because you can't find
 5 the diversity, but otherwise you would have
 6 diversity. So that's really what it boils down
 7 to.
 8 MR. TORRE: So this is more allowing of
 9 that opportunity to happen.
 10 MR. BEHAR: It's allowing to go to a
 11 smaller tree.
 12 MR. TORRE: But those trees can happen. So
 13 you're promoting that option or not promoting
 14 the option, in a sense, or helping --
 15 MS. CABRERA: You're allowing to actually
 16 do what the plan was, but if you don't like the
 17 plan, then obviously you don't want to lower
 18 the height, right, because by default you're
 19 getting rid of one, because of this other
 20 issue.
 21 MR. TORRE: This is the grease that helps
 22 the other part get in there, and, I think,
 23 without this, you don't have the options of
 24 doing it as much.
 25 MS. CABRERA: That's right.

1 amendment is a mathematical --
 2 MR. WITHERS: Well, the amendment makes it
 3 a lot easier for this to move forward. Right
 4 now, I present to you that it hasn't moved
 5 forward in any significant way in the past
 6 eight years, because it's very difficult to
 7 meet the terms. This allows -- you know, and,
 8 again, in all fairness, the photos you showed
 9 of Country Club Prado, you've got a huge
 10 boulevard in the middle before Andrew, and it
 11 became a burn zone for the City of Coral
 12 Gables, that it was nicely -- you know, the
 13 City hasn't replaced what it was supposed to.
 14 The little stretch on whatever --
 15 MR. REVUELTA: Toledo.
 16 MR. WITHERS: Toledo -- but, I mean, maybe
 17 I'm not clear on this. If you take a boulevard
 18 like Granada Boulevard, from Bird to the
 19 fountain, and people started putting up trees
 20 in between the Black Olive trees, you don't
 21 think that would change the entire look of that
 22 boulevard, if people started putting, you know,
 23 twelve-foot Slash Pines or Palm trees or
 24 whatever in that boulevard area?
 25 And, again, it's totally subjective on what

1 the green people committee allows it to be
 2 built. There's no standard as to what tree can
 3 -- you only have a height. As long as they
 4 feel that it's a nice tree to put there, it can
 5 go there. You could put up -- you know, you
 6 could put anything in there.

7 So my point is, is that what the City wants
 8 to see? The City wants to see their boulevards
 9 filled up with trees in the swales? Is that
 10 what we want? And I suggest that most people
 11 don't. I mean, I bet you, if you put it out to
 12 a referendum tomorrow and asked the citizens of
 13 Coral Gables, "Do you want your boulevards to
 14 be filled in with trees," I would say, 90
 15 percent of them would say, "No, we don't."
 16 Now, I could be wrong --

17 MR. BEHAR: No. I think you're being -- 99
 18 percent.

19 MR. WITHERS: Yeah. So I don't know why
 20 we're even here talking about this, because I
 21 don't think it's what the people want. Some
 22 people might. They want to build new homes and
 23 put stuff, but most of the people, I don't
 24 think, want you to start filling up their
 25 swales and their neighbors' swales with trees.

1 available, I understand.

2 To me, I agree with you, I would rather
 3 keep the consistent to one, and that the
 4 beautiful thing about our streets. You drive
 5 by and you see -- and I don't like -- I
 6 personally don't like Black Olives, and when I
 7 drive on Santa Maria, you know, it's all Black
 8 Olives, but it looks nice, because it's
 9 consistent. To put something else on the swale
 10 -- well, I don't think you could do it, because
 11 whatever you put on the swale has to be -- you
 12 know, One, you have to give the City a hold
 13 harmless, I think, because you cannot put it on
 14 -- outside of your property. Inside of your
 15 property, you could do whatever.

16 So I don't think the issue is, you know, to
 17 have diversity in trees. I think they're
 18 coming in for the minimum height on the trees,
 19 instead of being sixteen, to allow for less.
 20 My concern is, if we don't put a minimum size,
 21 I know we're going to get a six-foot tree.

22 CHAIRMAN AIZENSTAT: Yeah, because it's
 23 going to be challenged.

24 MR. BEHAR: Yeah. You know, I do not want
 25 to do anything that takes away the requirements

1 I don't. I mean, they get mad when people
 2 plant bushes in their swales, much less trees.

3 So that's my feeling on this, and I don't
 4 know -- I really haven't seen anything from
 5 2014. The pictures you have were nice, but all
 6 of those are kind of anomalies as to what the
 7 main focus of this thing was.

8 MR. BEHAR: You know, Chip, where I see
 9 this is in new developments, where the trees
 10 are going to be on the right-of-way. You may
 11 not be able to find in 16-foot Bridal Veil, if
 12 you want to use that.

13 MR. WITHERS: Yeah.

14 MR. BEHAR: It would allow to go to a
 15 smaller tree. And, you know, and it may not be
 16 in a neighborhood. It may be more in a
 17 Commercial area. I'm thinking, you know, the
 18 project, for example, by Merrick Park, which,
 19 you know, for the most part, all of those are
 20 new projects, and if you have, you know, a side
 21 of the street that already has Oaks, I think
 22 you should put Oaks on the other side, you
 23 know, but if you don't have anything, you're
 24 going to set precedent, you know, and you want
 25 to go with something that is not, you know,

1 to keep the same consistency, as you mentioned,
 2 throughout. I think that's -- I, a hundred
 3 percent, agree with you and I'm not going to
 4 support anything that is deviating from that,
 5 you know. I'm not in favor of lowering from 16
 6 to no -- no, you know, minimum size.

7 It's more difficult -- you're right, it is
 8 more difficult to find, you know, a 16-footer,
 9 but if you're doing a big development, hey, I
 10 think 16 --

11 MS. CABRERA: So it's more difficult to
 12 find, the diversity, in the lower (sic)
 13 heights. So you would be, by default, getting
 14 more diversity. So if that's definitely not
 15 what you want -- that's not -- this -- you know
 16 --

17 MR. WITHERS: So explain to me the need for
 18 diversity in the neighborhoods of trees. What
 19 is it? Is it an aesthetic thing? Is it just a
 20 feel good thing? I mean, I'm not quite -- I
 21 understand what you're saying, but what does
 22 diversity, really, really, do for the
 23 neighborhood? It changes the look.

24 MS. BELL-LLEWELLYN: Well, first of all, it
 25 could be an aesthetic thing. Diversity and

1 aesthetics would be -- like the images I showed
2 of Prado, for instance. You get beautiful pops
3 of color with flowering trees. You have native
4 trees to attract different wildlife. You might
5 have some exotic trees that are really unusual,
6 and that's an aesthetic diversity, and then you
7 also have the environmental diversity.

8 It's important to have environmental
9 diversity within a City, because if any one
10 tree species has an illness or a sickness or a
11 blight and dies out --

12 CHAIRMAN AIZENSTAT: Well, the palms --

13 MS. BELL-LLEWELLYN: -- we want to make
14 sure we have other species close by it to take
15 over for it and fill in the gaps. So you've
16 got to think of that. So there are two
17 different types of diversities.

18 CHAIRMAN AIZENSTAT: See, to me it would
19 look more like the Grove.

20 MR. REVUELTA: Chip --

21 CHAIRMAN AIZENSTAT: Coconut Grove has --

22 MS. CABRERA: Will look more like, what?

23 CHAIRMAN AIZENSTAT: Like Coconut Grove.

24 Coconut Grove, to me, has a diversity of
25 species within blocks that are just mixed in

1 amount of feet from the sidewalk or so forth
2 for somebody to walk by, but you're allowing
3 people to challenge that, I think, without
4 being specific.

5 MR. REVUELTA: What I'm finding in my
6 house, which is behind -- in my property, I
7 have Tabebuias. I like trees with yellow
8 flowers. They flower very timidly, because of
9 three Black Olives, which I love, in front of
10 my house. They don't allow it enough sunlight
11 for these trees to develop or to bloom. So I'm
12 just thinking now of the logistics.

13 And I don't have a problem with what you
14 guys are proposing, and I can understand what
15 Chip is saying, that by lowering the height,
16 now you're really going to open the door for
17 this diversity that -- he's making a good
18 point, that there are certain areas of the City
19 that should not have the diversity, according
20 to some of us.

21 So my questions are, if we're going to
22 allow diversity, what's going to happen to that
23 diversity that is between trees that are maybe
24 forty feet in the center or something like
25 that, that are not going to allow these new

1 throughout, than I see in the Gables.

2 MS. BELL-LLEWELLYN: Let me use Miracle
3 Mile. I mean, we're all familiar with Miracle
4 Mile. It was professionally designed by
5 landscape architects. The tree species are
6 mixed.

7 CHAIRMAN AIZENSTAT: Yeah, but there's also
8 certain areas that are predominant with a
9 certain species, and I think that's -- that's
10 an issue that I'm having for certain areas.
11 While I do think that there are areas that
12 mixing would be appropriate, I also think there
13 are certain areas where they would not be. But
14 if you've had this from 2014 going forward, how
15 do you adjust that?

16 One of the things that I see, that Chip
17 says is, now, by lowering it, you're going to
18 be able to implement it. So now you may be
19 seeing it more, where we didn't see it before,
20 because you weren't able to implement it.

21 But I agree with Robert, also, that you
22 should have a certain height minimum. You
23 shouldn't just allow any height. If somebody
24 comes and demonstrates -- and I understand that
25 you say you have to have seven feet or whatever

1 lower trees to bloom or to grow crooked,
2 because that's what they do? They just
3 basically bend over to go get the light.
4 That's one point that I wanted to ask, was
5 there any studies on that?

6 Number Two, is the amendment reacting to
7 certain streets that should be kept the way
8 that I think most of us think should be kept or
9 is the amendment silent on that? This can
10 happen anywhere?

11 MS. CABRERA: Yes.

12 CHAIRMAN AIZENSTAT: I think it can happen
13 anywhere.

14 MS. CABRERA: Yes.

15 MS. BELL-LLEWELLYN: Anywhere.

16 MR. REVUELTA: I'm just thinking, I mean,
17 some of the concerns that we're talking about,
18 the streets that we keep mentioning, there's
19 probably six, then, that should -- in my
20 opinion, should be addressed in the amendment,
21 saying you can't do this in these areas, that
22 this is the context that we want it to be.
23 This is the landscape aesthetics that we want
24 to keep. And I do think that certain thoughts
25 should be given to the fact that some of this

1 lower planting, in all likelihood, is going to
 2 grow bent and go look for the light and there
 3 is going to be a loss of some of that formality
 4 that there is.
 5 I'm not a landscape architect, but I know
 6 what's happening to me in my own house, and --
 7 I don't have a problem with that happening. I
 8 live on Castile. I don't have a problem with
 9 that on Castile or Asturias, and, you know, you
 10 start naming streets, but I think when you're
 11 talking about major boulevards, I think to
 12 address what Chip is saying, it would be good
 13 to address that, because he's seen some of the
 14 other things that he's concerned about, not
 15 wanting to turn Coral Gables into, blank,
 16 another city. You already can do that, right?
 17 That's already allowed.
 18 So I think that's probably a conversation
 19 for another -- maybe we need to add one of
 20 those things that we add to these motions, to
 21 bring us something back, but I don't have a
 22 problem with what is being proposed. I have a
 23 problem when it's boulevards, as Chip has been
 24 pointing out, and I have a logistical question
 25 of what's happening in my own house and

1 tree is not appropriate, because it can't grow
 2 in that environment, because it's under the
 3 canopy of a bigger tree or the exposure is not
 4 right, she wouldn't approve it, but, of course,
 5 that would be at the Staff level.
 6 MR. TORRE: Or to his comment, it just
 7 doesn't feel like that should be in our
 8 neighborhood or it doesn't feel like that
 9 should be on my street, so is there some of
 10 that weigh in? I mean, is that something
 11 that --
 12 MS. BELL-LLEWELLYN: Every street tree
 13 that's planted in a swale in Coral Gables, a
 14 permit's required, a Public Works permit, to
 15 plant in the swale. So those are all reviewed.
 16 MR. TORRE: And how do you answer the two
 17 or three major concerns about the loss of the
 18 tradition, I guess? How would you address
 19 that?
 20 MS. BELL-LLEWELLYN: Well, Suramy, there's
 21 nothing codified to keep --
 22 MS. CABRERA: Yeah, we spoke about this a
 23 little bit.
 24 MR. TORRE: I mean, I think that's the
 25 bottom line.

1 wondering how is that going to -- what's going
 2 to be the end result.
 3 MR. TORRE: So this is really the freeing
 4 up of the ability for the Staff to allow this.
 5 It's a freeing up -- it's really more like,
 6 okay, you got more of this option on your
 7 table.
 8 CHAIRMAN AIZENSTAT: It allows it to be up
 9 to them.
 10 MR. TORRE: Right. So this is the concern
 11 that now you've sort of allowed this to really
 12 start to flourish, but what I ask is: In all
 13 of these conversations, one thing that hasn't
 14 been asked, Staff, from my personal experience
 15 and the past history, has to weigh in and has
 16 to make the call and has to give you the
 17 permit. So it all comes down to what you will
 18 allow, to answer his question, and his question
 19 and all of these questions. Really, it goes
 20 down to, would you be the one letting this go
 21 this direction or more strict towards this
 22 direction. So that really goes back to, what
 23 is the expectation upon Staff.
 24 MS. CABRERA: Actually, you do the reviews
 25 for the plantings in the right-of-way. So if a

1 MS. BELL-LLEWELLYN: There's nothing
 2 codified that mandates consistent street trees
 3 in the Code.
 4 MS. CABRERA: Right. And I think that,
 5 when I spoke with Deena, because I wanted to
 6 understand, because I watched this the last
 7 time and I saw that there was a real concern
 8 about, you know, how reducing the height,
 9 which, to us, is a simple amendment to the
 10 Code, is a big concern, because it's going to
 11 change the look of the streets and it may very
 12 well change the look of some streets, depending
 13 on what the arborists feel that is appropriate
 14 and would best -- would thrive in that area,
 15 would look good in the mix of the species.
 16 You know, I've talked to Deena a lot. I
 17 like gardening and I pretend like I'm a -- but
 18 I'm not an arborist. I don't know like how to
 19 mix different types of species and what grows
 20 best under what and all of that, but she does,
 21 and that's the idea, that she has to approve
 22 it.
 23 MR. WITHERS: So do you like this idea? Do
 24 you think it will look good?
 25 MS. CABRERA: I think, on a case by case

1 basis --

2 MR. WITHERS: No, I'm asking -- but you

3 can't go case by case. That's the problem.

4 MS. CABRERA: I do. I do. I think it

5 looks really beautiful when you go through and

6 you see that, all of a sudden, there is, you

7 know, the silk -- whatever it's called, the

8 Saba tree, with the pink flowers, in the middle

9 of like --

10 MR. WITHERS: It blooms twice a year, but

11 go ahead, for two weeks.

12 MS. CABRERA: It does, but it has a

13 beautiful trunk, right?

14 MR. WITHERS: So the other 50 weeks of the

15 year, it's just a stick.

16 MS. CABRERA: It has a really beautiful

17 trunk. I mean, Fairchild Tropical Gardens

18 probably has more species than anybody and I

19 don't think that it's ugly in any sense. It's

20 a beautiful --

21 MR. WITHERS: So what's the setback without

22 a sidewalk?

23 MS. CABRERA: What is the, what?

24 MR. WITHERS: What's the setback from the

25 street without a sidewalk? If your home --

1 MR. WITHERS: So it's six and six. Is that

2 the triangle --

3 MS. BELL-LLEWELLYN: Minimum, depending on

4 the tree species. If someone says they want to

5 plant a Live Oak, in my review, I would say,

6 "You need to be at least twelve feet away," you

7 know.

8 MR. WITHERS: So, for example, if someone

9 wanted to plant six Gumbo Limbo trees on

10 Granada Boulevard in front of their Black Olive

11 trees, six feet off the street, would you allow

12 that?

13 MS. BELL-LLEWELLYN: Of course not. That's

14 not --

15 MR. WITHERS: What would you allow to be

16 planted on Granada, Palm trees?

17 MS. BELL-LLEWELLYN: Well --

18 MR. WITHERS: Look, you're the gatekeeper.

19 You're the subjective gatekeeper on this, which

20 I honor your profession and I honor your

21 expertise, but I'm just --

22 MS. BELL-LLEWELLYN: I would continue to

23 say that we always give the residents -- input

24 of the person living in front of the home and

25 make sure that what is in front of their swale,

1 like on Granada, where there's no sidewalk, how

2 close to the street can they plant?

3 MS. CABRERA: I don't know if there's a --

4 MS. BELL-LLEWELLYN: Minimum six, seven

5 feet off the edge of pavement.

6 MR. WITHERS: So you've got a 40-foot

7 setback there on those homes. So you allow

8 them to go six feet from the street, then?

9 MS. BELL-LLEWELLYN: Well, depending on the

10 tree species. If it's a small tree.

11 MR. REVUELTA: Is it by Code or by

12 experience?

13 MS. BELL-LLEWELLYN: The Code right now

14 says it's six feet distance from driveway

15 approaches --

16 MR. WITHERS: I'm sorry, from where?

17 MS. BELL-LLEWELLYN: Six feet --

18 MS. CABRERA: From driveway approaches.

19 MS. BELL-LLEWELLYN: -- from driveway

20 approaches is the closest a tree could be

21 planted in the swale. We respect that.

22 MR. WITHERS: No, I'm talking about, from

23 the edge of the street.

24 MS. BELL-LLEWELLYN: Uh-huh. From the edge

25 of the street, we respect six feet.

1 in their swale, is compatible with their whole

2 landscape design.

3 MR. WITHERS: Not the street landscape but

4 with their landscape?

5 MS. BELL-LLEWELLYN: It does not have to

6 stick with the street species necessarily, but

7 we look at their whole landscape to make sure

8 it's pleasing and environmentally going to

9 work. You know, certain tree species have to

10 be placed together to be a successful

11 landscape.

12 MR. WITHERS: So what could be acceptable

13 on Granada, if it was -- I'm just trying to get

14 an idea --

15 MS. BELL-LLEWELLYN: Under the Black

16 Olives? It's very difficult.

17 MR. WITHERS: I don't know why people would

18 plant Black Olives if they're already there.

19 I'm talking about what trees do you think would

20 go under that?

21 MS. BELL-LLEWELLYN: I mean, there are

22 hundreds of varieties of things that could

23 work, but under Black Olives, it's very

24 difficult. You know, as Mr. Revuelta said,

25 it's very difficult near those big Black Olives

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1 on Granada.

2 So naturally -- I think naturally probably

3 Granada stayed a monoculture because of that

4 reason, if that makes any sense.

5 MR. WITHERS: I don't have any --

6 MS. MIRO: I have a question. Deena, I

7 have a question for you. You mentioned that

8 you always get the homeowner's input, right.

9 So has there ever been a situation where you've

10 gone out to a neighborhood and got the

11 homeowner's input and done something different

12 than what the input was from the homeowner?

13 MS. BELL-LLEWELLYN: No. We always work

14 with the homeowners to do what's appropriate

15 aesthetically. Of course, they ask for our

16 opinion, because we are professional arborists

17 and horticulturalists and we might know the

18 species that's more appropriate better than

19 they do, so --

20 MS. MIRO: I understand. So, like, for

21 instance, Mr. Revuelta like trees that have

22 yellow flowers. So if somebody wants a tree

23 with yellow flowers and you don't think it's

24 appropriate, has there ever been a time where

25 you've said, "Oh, I don't -- you know, we don't

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1 to enable something to move forward, that I

2 don't -- now, would a minimum -- yeah, a

3 minimum would work.

4 CHAIRMAN AIZENSTAT: But that's not going

5 to change the species.

6 MS. CABRERA: Exactly.

7 MS. MIRO: Right. Exactly.

8 CHAIRMAN AIZENSTAT: Okay. Would anybody

9 like to make a motion either way?

10 MR. REVUELTA: Is there a consensus that at

11 least we should request that part of the

12 addendum should clarify that there's certain

13 boulevards and avenues that should keep the

14 current context that they have now, because I

15 think that was one of the main concerns that

16 Chip has brought up, and I think most of

17 us share that?

18 CHAIRMAN AIZENSTAT: How do you go about

19 quantifying that at this point? I mean, we

20 could say a couple of boulevards or streets,

21 but --

22 MR. BEHAR: I don't think you can. And the

23 more we talk about it, the more I'm agreeing

24 with my colleagues over there.

25 MS. MIRO: And I wanted to say something.

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1 think it's appropriate. We are the

2 professionals" and then it's been

3 different than --

4 MS. BELL-LLEWELLYN: Of course.

5 MS. MIRO: So we listen to the input, but

6 we don't necessarily in every case do whatever

7 the homeowner wants.

8 MS. BELL-LLEWELLYN: Professional opinion.

9 MS. MIRO: Right. Okay.

10 And, then, Chip, I had a question for you.

11 MR. WITHERS: Uh-huh.

12 MS. MIRO: Listening to your concerns and

13 also the other comments, do you feel that if we

14 put a minimum height, would that appease you at

15 all or not at all?

16 MR. WITHERS: Well, I mean, to me, this is

17 an enabling Ordinance to allow something I

18 disagree with, and that's the only reason I'm

19 voting against it, because it just enables

20 something that I don't think is the right thing

21 to do.

22 Listen, this is just my opinion. I mean,

23 you guys -- obviously, I honor and respect you

24 more than you think I respect you, but I do.

25 So, this is, you know, just my feeling, this is

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1 I think that, as a Board, we did our due

2 diligence by sending this back to Landscaping,

3 I think, in hopes of having some of these

4 questions answered, but it seems to me, and you

5 tell me if I'm wrong, that we have the same

6 concerns and the same questions that we did the

7 first time this item came before, and I think

8 no one feels comfortable because of certain,

9 you know, things.

10 It's not that we don't want to work with

11 you, but there's certain items or parts about

12 this that, like Chip says, that enable change.

13 MR. REVUELTA: I think identifying the

14 boulevards and the streets, we have that in all

15 municipalities, when we're dealing with Zoning

16 issues, right-of-ways that are greater than 50

17 or 60 or 70 feet, that affect Zoning issues,

18 the same way, I think, could be an approach --

19 I don't think it's difficult for them to

20 identify, based on what we're saying, which are

21 the major streets and boulevards that have the

22 context that we're concerned about. Maybe I'm

23 in a minority here thinking that it's a very

24 simple task.

25 CHAIRMAN AIZENSTAT: We don't have that

1 information tonight.
 2 MR. REVUELTA: Oh, no, no, I know that.
 3 MS. CABRERA: So I think it's important for
 4 you all to know that this actually was brought
 5 to Staff by the Commission. It wasn't Staff
 6 initiated, it was by the Commission, because
 7 they do want to see the diversity, and when
 8 Staff is asked, "Well, you can't get that with
 9 the heights limitations that we have."
 10 So if it's a, no, then, you know, it's a,
 11 no. I mean, that's perfectly fine. I mean,
 12 Staff is going to go in the direction that the
 13 Commission ends up going, and your opinion to
 14 the Commission will obviously help all of the
 15 other members make a decision on what you all
 16 do not like, which is becoming very clear, that
 17 you don't like the diversity.
 18 MR. BEHAR: You know where I could see a
 19 diversity? If you were creating a new little
 20 park area or something, that you could be
 21 independent, but I think -- I agree with Chip
 22 and most of the other comments, if you're on a
 23 street, you want to keep it consistent, and I
 24 would not like to see, on a street -- it
 25 doesn't have to be a boulevard, that you have

1 you've taken to go over this for us once again,
 2 but I really like the way that things look
 3 right now and I share the same concerns or
 4 feelings as my colleague here. I'd like to
 5 make a motion to deny.
 6 CHAIRMAN AIZENSTAT: So you would like to
 7 make a motion to deny as presented?
 8 MS. MIRO: As presented, yes.
 9 CHAIRMAN AIZENSTAT: Is there a second?
 10 MR. WITHERS: I'll second that.
 11 CHAIRMAN AIZENSTAT: Chip seconded that.
 12 Any discussion?
 13 MR. TORRE: I'm going to vote opposite, but
 14 just to clarify why, I think that Staff has had
 15 this opportunity to do this, and I don't know
 16 that this really opens the floodgates in my
 17 view -- in my view -- and I think we have to
 18 give them a little bit of the tools, but at the
 19 same time, the respect that they're going to do
 20 what I think Coral Gables has already been
 21 doing.
 22 I go through this rigmarole a lot, and
 23 they're tough, since the time that I've been
 24 working here, and I don't think it's going to
 25 change, and to add more layers to the City and

1 whether they're Oak Trees or they're Black
 2 Olives, introduce a -- what do you call -- the
 3 Tabebuias.
 4 MR. REVUELTA: Tabebuias.
 5 MR. BEHAR: -- the yellow Tabebuias,
 6 because -- you know, so you've got to be
 7 consistent. So what I don't want is for this
 8 to open up that possibility for it to happen.
 9 If you had a park setting, well, you could
 10 do -- you know, like you showed me some of the
 11 photographs --
 12 CHAIRMAN AIZENSTAT: Diversity.
 13 MR. BEHAR: -- diversity. I'm okay with
 14 that, but not along the streets. I think that,
 15 for me, and I didn't think I was going to say
 16 this, but I'm agreeing with my colleague over
 17 there.
 18 MR. REVUELTA: And he said he respects you
 19 a lot.
 20 MR. TORRE: I'm going to try to make a
 21 motion. It may flunk.
 22 MS. MIRO: I was about to do the same.
 23 CHAIRMAN AIZENSTAT: Claudia.
 24 MS. MIRO: Yes. I've heard everybody's
 25 comments and I really respect the time that

1 to -- I think what you guys do already puts a
 2 lot of burdens, the restrictions that we have
 3 to have. So I think this is just giving you a
 4 tool to work with, so --
 5 CHAIRMAN AIZENSTAT: Any other discussion?
 6 No?
 7 Call the roll, please.
 8 THE SECRETARY: The motion is to deny,
 9 second by Chip Withers.
 10 Luis Revuelta?
 11 MR. REVUELTA: I'm going to vote, no, but I
 12 would really like to, at some point, see the
 13 whole Ordinance come back to try to address
 14 some of the concerns that we have, but I don't
 15 know how to do that.
 16 THE SECRETARY: Venny Torre?
 17 MR. TORRE: No.
 18 THE SECRETARY: Chip Withers?
 19 MR. WITHERS: Yes.
 20 THE SECRETARY: Robert Behar?
 21 MR. BEHAR: I'm going to vote, yes.
 22 THE SECRETARY: Claudia Miro?
 23 MS. MIRO: Yes.
 24 THE SECRETARY: Eibi Aizenstat?
 25 CHAIRMAN AIZENSTAT: For the same reason

1 that Venny stated, I feel confident on the
 2 Staff and I'm going to vote, no.
 3 MR. COLLER: So we have a tie vote. I've
 4 become an expert on tied vote. Let me just say
 5 this before you, if I might. The Board has an
 6 opportunity -- at this point, any motion is in
 7 order, to try to reach a consensus.
 8 May I make a suggestion of a possible
 9 amendment that might encompass some of the
 10 concerns for your consideration, and I won't be
 11 hurt in the least if you say, "Why are you
 12 getting involved in this?"
 13 MR. REVUELTA: Why are you --
 14 MR. COLLER: One of the things I was going
 15 to add was, consideration should be given to
 16 the unique aesthetic of certain streets where
 17 species and height predominate.
 18 MR. REVUELTA: I like that.
 19 MR. BEHAR: I like that, too.
 20 MR. COLLER: So I don't know how Staff
 21 feels about it, but if that --
 22 CHAIRMAN AIZENSTAT: But isn't that what's
 23 happening now?
 24 MS. CABRERA: I think Staff does that,
 25 anyway, but codifying it would make it really

1 minimum when they take it to the City
 2 Commission? So the amendment would have the
 3 two-part amendment --
 4 MR. BEHAR: Then I'm going to make a
 5 motion, a new motion, that we leave it up to
 6 the Staff, with -- what was the wording you put
 7 on, Mr. Coller?
 8 MR. COLLER: The wording I would add to the
 9 end of that part of the urban canopy, then I
 10 would say, "Provided, however, consideration
 11 should be given to the unique aesthetic of
 12 certain streets where a species and heights
 13 predominate."
 14 MR. REVUELTA: And for Staff to
 15 recommend --
 16 MR. COLLER: Now, what I would suggest you
 17 do is, maybe your recommendation to the
 18 Commission is, you've added that language. If
 19 you feel that a minimum height should be given,
 20 but you don't have a height, then, perhaps, as
 21 part of your recommendation, you recommend to
 22 the Commission that Staff should consider a
 23 minimum height.
 24 MR. BEHAR: I'm going to make a motion.
 25 You want to second it, and you make that

1 clear.
 2 MS. BELL-LLEWELLYN: Yes, this was brought
 3 up by Commission, not Staff. I just want to
 4 repeat that.
 5 MR. WITHERS: I love you're doing that now,
 6 because --
 7 MR. BEHAR: Since that's a tie, we need a
 8 new motion.
 9 MR. COLLER: You need a new motion, or if
 10 you can't come to anything but a tie, then it
 11 goes without a recommendation.
 12 MR. BEHAR: Well, I would offer a new
 13 motion, that incorporates that language.
 14 MR. REVUELTA: And it incorporates your
 15 minimum --
 16 MR. BEHAR: Of a minimum. I don't know
 17 what a minimum would be. You know, I may not
 18 need a minimum. With that, it may be
 19 sufficient, that language, not to have a
 20 minimum.
 21 CHAIRMAN AIZENSTAT: I would be in favor if
 22 there was a minimum height. I'm concerned,
 23 without having any minimum height at all.
 24 MR. REVUELTA: Without setting a number,
 25 why don't we trust Staff to come up with a

1 friendly amendment?
 2 MR. REVUELTA: Yes.
 3 CHAIRMAN AIZENSTAT: So, Robert, you're
 4 going to make a new motion.
 5 MS. CABRERA: Just, I asked Deena,
 6 because --
 7 MS. BELL-LLEWELLYN: Minimum height, maybe
 8 I can -- again, the clear distances from the
 9 ground should be the minimum height, not the
 10 overall height of the tree.
 11 CHAIRMAN AIZENSTAT: The clear trunk.
 12 MS. BELL-LLEWELLYN: Clear trunk.
 13 MS. CABRERA: And you're comfortable with
 14 that? Because I don't want us to leave here
 15 and you thinking that we're going to go in and
 16 say, "The minimum height is 12 feet," and then
 17 that's not --
 18 MR. BEHAR: What would you think is a good
 19 minimum clear --
 20 MS. BELL-LLEWELLYN: If there's a sidewalk
 21 where pedestrians have to walk, seven feet
 22 minimum clear. If there's no sidewalk and if
 23 it's in a swale --
 24 MR. BEHAR: Why don't we keep it seven feet
 25 consistently?

1 MS. BELL-LLEWELLYN: Could be lower.
 2 MS. MIRO: I'm sorry, didn't we say earlier
 3 that we don't want somebody to put up a six
 4 foot tree? So one foot more, we're
 5 comfortable?
 6 MR. BEHAR: No. No. No. The trunk.
 7 MS. CABRERA: The clear trunk, not the
 8 overall height.
 9 (Simultaneous speaking.)
 10 CHAIRMAN AIZENSTAT: Yeah, but let me make
 11 a comment. I know that on the street I live
 12 in, the City went ahead and planted certain
 13 trees that were way below that height.
 14 MS. BELL-LLEWELLYN: Because of
 15 availability problems.
 16 CHAIRMAN AIZENSTAT: And they have grown
 17 and they look beautiful and they're grown.
 18 MS. BELL-LLEWELLYN: They will grow.
 19 That's why we're here. That's the bottom line
 20 of why we're here, right there, and all
 21 different directions. So that's the bottom
 22 line of why we're here.
 23 MR. BEHAR: All right. And we made a new
 24 motion.
 25 CHAIRMAN AIZENSTAT: Can we be clear on the

1 certain streets where species and height
 2 predominate. Further, that the minimum trunk
 3 height should --
 4 MR. REVUELTA: Clear.
 5 MS. BELL-LLEWELLYN: Clear.
 6 MR. COLLER: -- clear trunk height" -- are
 7 you getting this, Jennifer?
 8 MS. BELL-LLEWELLYN: Measurement from
 9 grade.
 10 MR. COLLER: -- clear trunk height should
 11 be eight feet.
 12 MR. BEHAR: Okay. We have a motion and a
 13 second.
 14 MR. REVUELTA: I second it.
 15 CHAIRMAN AIZENSTAT: Any other comments?
 16 MR. WITHERS: I just have a question. So
 17 you're not saying that you have to plant a tree
 18 that matches. I don't really understand how
 19 that changes the landscape on this, because
 20 you're still going to --
 21 MR. REVUELTA: Because it controls the
 22 major thoroughfares that you and us have been
 23 talking about. It doesn't control the minor
 24 streets.
 25 MR. BEHAR: I think it will be throughout

1 motion, please? So the motion is to approve,
 2 with the condition that Craig went ahead and
 3 stated?
 4 MR. COLLER: But do you want a minimum --
 5 what do you call it, a clearance, a trunk
 6 height?
 7 MS. BELL-LLEWELLYN: Clear trunk, is the
 8 technical term.
 9 MR. COLLER: Clear trunk. And is it your
 10 desire that the minimum clear trunk should be
 11 seven feet?
 12 MR. REVUELTA: I would make it eight, just
 13 to be totally clear.
 14 MR. COLLER: Eight feet?
 15 MR. REVUELTA: The worse that can happen is
 16 that they buy the tree and they clip the
 17 branches and the tree is there. So I would
 18 make it eight feet. Eight feet will work on a
 19 swale, should work on a driveway, should work
 20 on a pedestrian, and that would be the second
 21 on part of the --
 22 MR. COLLER: Okay. So I think the
 23 amendment would read, after the end of the
 24 sentence, "Provided, however, consideration
 25 should be given to the unique aesthetic of

1 the City, because anything on the swale has to
 2 be approved by the City.
 3 MR. REVUELTA: And that's what some of us
 4 are saying, we're trusting Staff.
 5 MR. BEHAR: If I'm in my property, inside
 6 my property line, I could do whatever I want,
 7 like you did. You put your yellow Tabebuias
 8 and there is a -- but on the public
 9 right-of-way, in the swale, it has to be
 10 approved. So they have to give the
 11 consideration to the existing trees.
 12 MR. WITHERS: Which she says she does
 13 anyway. You do that anyway, right?
 14 MS. BELL-LLEWELLYN: Right.
 15 MR. WITHERS: So that's why I don't quite
 16 understand what this -- I mean, it's your
 17 amendment, but I just -- but I don't know what
 18 that really does, because you're not saying you
 19 still have to plant an Oak tree or you still
 20 have to plant a tree that matches.
 21 MR. BEHAR: But right now you don't have
 22 any specifics. It's to their discretion,
 23 right? Is that not the case? Up to now, it's
 24 up to -- you know, and somebody could come in
 25 next year and say, "You know what, I'm going to

1 allow yellow Tabebuias on the right-of-way,"
 2 and I think this may accomplish it to be
 3 specific.
 4 MR. COLLER: The only thing is, I don't see
 5 anything in the criteria that addresses the
 6 concern that certain people -- that you all
 7 believe that there are certain streets where,
 8 really, it's Oaks and it's this height and it's
 9 this height. So this directs Staff to say,
 10 when you consider the tree, consider those
 11 streets where the species and height
 12 predominate. It doesn't mean that they're
 13 mandated to do that, but it does require them
 14 to consider it.
 15 CHAIRMAN AIZENSTAT: Which they do.
 16 MS. CABRERA: Which she does, because she
 17 makes sure that it's appropriate for the
 18 street, that it works well with the other
 19 species, but it does not mean that she wouldn't
 20 allow something else.
 21 MS. BELL-LLEWELLYN: Compatible.
 22 MR. COLLER: The other thing, of course,
 23 now we're putting a minimum of eight feet from
 24 the clear trunk height --
 25 CHAIRMAN AIZENSTAT: -- requirement. Which

1 what you're referring to for trees?
 2 MR. WITHERS: So the City would only have
 3 to put a tree a minimum of eight feet, as well?
 4 Is this applicable to City planting?
 5 MS. BELL-LLEWELLYN: Eight feet clear
 6 trunk --
 7 MR. WITHERS: Yeah.
 8 MS. BELL-LLEWELLYN: -- means the foliage
 9 is taller than that.
 10 MS. CABRERA: Yeah. What he's saying is,
 11 does this apply on a City planted tree, and,
 12 yes, it would.
 13 MR. BEHAR: Probably not. Probably not.
 14 CHAIRMAN AIZENSTAT: All right. We have a
 15 motion and a second. Let's go ahead and call
 16 the roll, please.
 17 THE SECRETARY: Chip Withers?
 18 MR. WITHERS: No.
 19 THE SECRETARY: Venny Torre?
 20 MR. TORRE: Yes.
 21 THE SECRETARY: Luis Revuelta?
 22 MR. REVUELTA: Yes.
 23 THE SECRETARY: Claudia Miro?
 24 MS. MIRO: No.
 25 THE SECRETARY: Robert Behar?

1 means, if you take a tree that's eight feet,
 2 and you just cut it up all of the way straight
 3 up and plant the trunk, so that it will grow
 4 later -- is that allowed? I'm just curious.
 5 MS. BELL-LLEWELLYN: That would probably
 6 kill the tree then, but -- it would be a dead
 7 tree.
 8 MR. REVUELTA: You would have to plant it
 9 again.
 10 MR. WITHERS: So does the City have to
 11 abide by the same rule of eight-foot clear,
 12 because the Florida One Standard is what, six
 13 feet, on an Oak tree? When they rate their
 14 trees, I think it's six feet, and I think the
 15 City has the Florida One Standards requirement.
 16 Do you know that?
 17 MS. CABRERA: If you're over the street,
 18 but if it's not over the street --
 19 MR. WITHERS: I'm sorry?
 20 MS. CABRERA: If over the street, but if
 21 it's not over the street, there is no clearance
 22 requirements.
 23 MR. WITHERS: If it's in the swale, would
 24 the City have to have them --
 25 MS. BELL-LLEWELLYN: Grade and standards is

1 MR. BEHAR: Yes.
 2 THE SECRETARY: Eibi Aizenstat?
 3 CHAIRMAN AIZENSTAT: Yes.
 4 MR. BEHAR: Only took an hour and five
 5 minutes.
 6 MR. REVUELTA: Is four a recommendation?
 7 MR. COLLER: Yes. The minimum vote for a
 8 recommendation is four, which is what you have.
 9 CHAIRMAN AIZENSTAT: So we have a four to
 10 two.
 11 MR. REVUELTA: That's right.
 12 CHAIRMAN AIZENSTAT: Thank you.
 13 MS. BELL-LLEWELLYN: Okay. Thank you.
 14 MR. WITHERS: Thank you, Guys.
 15 CHAIRMAN AIZENSTAT: The next item, please.
 16 MR. COLLER: Item G-1, an Ordinance of the
 17 City Commission of Coral Gables Florida
 18 providing for a text amendment to the City of
 19 Coral Gables Official Zoning Code by amending
 20 Article 2, "Zoning Districts," Section 2-402,
 21 "Zain/Friedman Miracle Mile Downtown District
 22 Overlay" to promote quality design and to
 23 reduce the size of property required for
 24 Conditional Use review for parcels facing
 25 Miracle Mile, providing for severability,

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1 repeater, codification, and an effective date.
 2 Item G-1, public hearing.
 3 MS. GARCIA: Good evening, Jennifer Garcia,
 4 City Planner.
 5 So this is a sponsored text amendment from
 6 the Commission, and they're interested in
 7 lowering the requirement of requiring a
 8 Conditional Use process. A Conditional Use
 9 process is what you're used to. All of the
 10 applications you see are a Conditional Use. It
 11 requires DRC, Planning and Zoning Board
 12 recommendation, and Commission for approval.
 13 So, right now, the requirement for Miracle
 14 Mile, a property on Miracle Mile, and, really,
 15 anywhere City-wide, if you're over 20,000
 16 square feet, you're required the Conditional
 17 Use process, which requires, again, DRC,
 18 Planning and Zoning Board, Board of Architects
 19 in between there, and also Commission approval
 20 to get approval. So this is lowering that
 21 requirement just for the four blocks that are
 22 Miracle Mile.
 23 So there was a change to some of the
 24 language, that I printed off for each of you.
 25 There's one extra copy over there. If you go

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1 Conditional Use process, can't deprive that
 2 property owner of what they're allowed to
 3 build, which is 3.0 FAR or 3.5 with Med Bonus.
 4 CHAIRMAN AIZENSTAT: Can you tell us, how
 5 does this come about?
 6 MS. GARCIA: Well, there's some proposed
 7 developments on Miracle Mile, and the
 8 Commission felt that -- a Commissioner, in
 9 particular, felt the Commission should have
 10 more input on those properties on Miracle Mile.
 11 So that's kind of what spurt this.
 12 CHAIRMAN AIZENSTAT: By not having to come
 13 before the Planning and Zoning Board, that
 14 gives more power to the Commission?
 15 MS. GARCIA: No, it's just making less,
 16 quote/unquote, by right, and I should actually
 17 go back a little bit. Miracle Mile is required
 18 to have remote parking. That's the only place
 19 in the entire City that you're required to have
 20 remote parking. And if you remember, remote
 21 parking is also a Conditional Use. So that's
 22 why the Commission felt that it was reasonable
 23 to request that the minimum lot size to require
 24 Conditional Use could be reduced to 10,000
 25 square feet, because, in reality, if you're

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1 to Page 2, that's kind of the bulk change, in
 2 my opinion, and that's just clarifying that
 3 whatever conditions the Commission imposes,
 4 that wouldn't deprive the property to be less
 5 than what they're allowed to have, which is 3.5
 6 FAR.
 7 MR. REVUELTA: Is this Ordinance 2022 --
 8 MS. GARCIA: Yes.
 9 MR. REVUELTA: -- what we're supposed to be
 10 looking at?
 11 MS. GARCIA: Yes. It's Item G-1. It
 12 should be printed on the corner.
 13 MR. TORRE: I'm sorry, say again what you
 14 just said about the FAR? I didn't quite
 15 understand.
 16 MS. GARCIA: So, right now, you can develop
 17 on Miracle Mile with a maximum 3.5 FAR or 3.0
 18 FAR if you're doing Med Bonus. So this is
 19 language that I think is red in your -- is it
 20 red or the purple?
 21 CHAIRMAN AIZENSTAT: Blue.
 22 MS. GARCIA: The new language -- it's blue?
 23 Okay. There you go. Okay. It's blue. That
 24 clarifies that whatever the Commission imposes,
 25 as far as conditions, as part of the

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1 developing a property that's 10,000 feet or
 2 more, you're going to request the remote
 3 parking anyway.
 4 MR. BEHAR: You're saying that we're going
 5 to lower, you know, to 10,000 and you will
 6 require Conditional Use?
 7 MS. GARCIA: Yes.
 8 CHAIRMAN AIZENSTAT: But they don't have to
 9 come to the Planning and Zoning.
 10 MR. BEHAR: Are we not making it --
 11 MS. GARCIA: No, but they would have to go
 12 to the Planning and Zoning Board, because
 13 that's part of the Conditional Use process.
 14 MR. BEHAR: Are we not making it more
 15 difficult?
 16 MS. GARCIA: You're making -- the thought
 17 is that they're already difficult to get
 18 something approved, because of the remote
 19 parking requirement, which is also already
 20 requiring a Condition Use. So you're adding in
 21 an additional review, additional fees, but
 22 they're going through the same process,
 23 because, as you know, most of these projects
 24 have an accompanying requests that just kind of
 25 travels with the project.

1 MR. BEHAR: It seems to me that we're
 2 making it more difficult for every property
 3 that comes in, in Miracle Mile, and I would
 4 like to hear maybe from, you know -- from an
 5 attorney, to see what, but it seems to me that
 6 this, what it does, creates more obstacle to
 7 develop on Miracle Mile.
 8 MS. GARCIA: Yes. I mean, you can
 9 definitely see it that way. The Commission
 10 sees it as an extra set of eyes, that they can
 11 be able to see more projects on those four
 12 blocks of Miracle Mile, but definitely you can
 13 see it -- the other point of view is that
 14 you're requiring an additional requirement.
 15 MS. MIRO: Which Commissioner, you said,
 16 brought it forward?
 17 MS. GARCIA: Commissioner Anderson.
 18 CHAIRMAN AIZENSTAT: Do you have further
 19 presentation or --
 20 MS. GARCIA: No, that's it. I'm here to
 21 answer any questions.
 22 CHAIRMAN AIZENSTAT: Thank you.
 23 Before we go ahead and bring an attorney or
 24 somebody that would like to speak on it, do we
 25 have any speakers on this item?

1 The fact that you're confused, Mr. Behar, I
 2 mean, it's like we're both coming at this
 3 probably from opposite views. You're not sure
 4 what it is and I'm not sure what it is, but,
 5 anyway, so here's my panic button.
 6 The reality is, if you think of your own
 7 shopping, that if you go to a place and you
 8 can't park or it's so hard to park that you're
 9 losing time on other things you have to do,
 10 you're going to be less likely or even unlikely
 11 to return, because people in their stressed
 12 daze don't have extra time to remote park. If
 13 that adds forty minutes while you're walking to
 14 and from your remote park or whatever, at some
 15 point, you say, "Okay, I'm going somewhere
 16 else. I don't have the extra time."
 17 So my panic button is, anything that
 18 approves remote parking is basically poison to
 19 the prosperity of Miracle Mile, and I really
 20 view this as a panic button, because nobody --
 21 the developers now, forgive the expression
 22 here, we live -- thanks to Citizens United,
 23 developers can contribute most to the political
 24 campaigns, and if we -- Plato had philosopher
 25 kings. We live in an era and an epic of

1 THE SECRETARY: Yes, we do.
 2 CHAIRMAN AIZENSTAT: Can you call the first
 3 person, please?
 4 MR. HOLMES: Greetings. It's good to see
 5 you all.
 6 THE SECRETARY: Sorry, can you state your
 7 name and address?
 8 CHAIRMAN AIZENSTAT: Could you state your
 9 name?
 10 MR. HOLMES: Thank you very much.
 11 My name is Rip Holmes. I'm a Miracle Mile
 12 property owner.
 13 CHAIRMAN AIZENSTAT: Can you state your
 14 physical address, please --
 15 MR. HOLMES: 35 Sidonia Avenue, Coral Gables.
 16 CHAIRMAN AIZENSTAT: -- for the record.
 17 MR. HOLMES: I'd offer to joke with you
 18 all, but I'm one of the few people with an
 19 inexpensive apartment. I may have the least
 20 expensive apartment in Coral Gables. It took a
 21 long search.
 22 So, anyways, I'm confused, like I think you
 23 are. I didn't do my homework on this item,
 24 and -- so I'll just express my panic, because I
 25 don't even know what the item is proposing.

1 developer kings, because they control the
 2 contributions, unlimited donations to PACs, and
 3 so there's only so much I can say, and at the
 4 end of the day, if you're talking -- with our
 5 friend here, Venny Torre, who is partially a
 6 developer, you have to say, are you going to
 7 end up squeezing yourself out of parking?
 8 And I think that if you go very far with
 9 this remote parking -- first of all, there is
 10 no remote parking. The only parking that can
 11 be done for remote is to raid --
 12 MR. BEHAR: But --
 13 MS. HOLMES: Wait a second. Let me just
 14 finish.
 15 CHAIRMAN AIZENSTAT: Excuse me, let me just
 16 state that the remote parking is G-2, the next
 17 item.
 18 MR. BEHAR: It's coming up. This is not.
 19 This is something else.
 20 MR. HOLMES: These are two divorced items?
 21 They're separate? They're not connected?
 22 MR. BEHAR: Mr. Chair, can I?
 23 CHAIRMAN AIZENSTAT: Sure. Please.
 24 MR. BEHAR: When it comes to that other
 25 item, you could speak on that item. This is --

1 we're dealing with something else right now.
 2 When G-2 comes, you could speak on that, and
 3 that's what you're referring to, the remote
 4 parking. We're not discussing --
 5 MR. HOLMES: I hope that your optimism is
 6 correct. I'd like to believe that these two
 7 items are completely separate.
 8 MR. BEHAR: This is an item that is not --
 9 right now we're not dealing with remote
 10 parking, so let's keep it --
 11 CHAIRMAN AIZENSTAT: You're welcome to
 12 speak. I'm not going to tell you're not
 13 welcome to speak. We always encourage people
 14 to speak.
 15 MR. HOLMES: No, I hear you. So I'll
 16 surrender to the fact that I'm confused and
 17 I'll sit down and I'll wait for the next item.
 18 CHAIRMAN AIZENSTAT: Thank you, sir.
 19 Mr. Holmes, you're always welcome to speak.
 20 MR. HOLMES: Thanks.
 21 CHAIRMAN AIZENSTAT: Do we have a next
 22 person?
 23 MR. GARCIA-SERRA: I can sign-in, if you'd
 24 like.
 25 THE SECRETARY: Were you sworn in?

1 Miracle Mile, which were approved last year.
 2 And so, now, there are some projects that are
 3 coming along or perhaps considering moving
 4 forward with the Overlay District Regulations
 5 as they were adopted last year, and now this
 6 possibility of a Site Plan -- of an additional
 7 Site Plan review process has come.
 8 Now, keep in mind, as Jennifer mentioned
 9 already, and I think Mr. Holmes was alluding
 10 to, one of the changes that happened last year
 11 for Miracle Mile was the requirement that all
 12 properties fronting Miracle Mile have to remote
 13 park. So because of that remote parking
 14 requirement for all properties along Miracle
 15 Mile, they already are going to go through a
 16 Conditional Use approval process for the
 17 purpose of getting the remote parking approved.
 18 So it will ultimately come to this Board, and
 19 then ultimately the City Commission.
 20 Now what's proposed is, aside from the
 21 Conditional Use review of the remote parking, a
 22 Conditional Use review of the Site Plan, all
 23 right. So, when I first hear that, of course,
 24 I get some concerns as to, will this lead to
 25 ultimately maybe opening up the door to further

1 MR. GARCIA-SERRA: Sure. I don't think
 2 attorneys have to be sworn in, but I'll --
 3 CHAIRMAN AIZENSTAT: Attorneys don't.
 4 MR. WITHERS: Oh, I know those are the
 5 people that should be sworn in. I don't know
 6 where we went wrong on that one.
 7 CHAIRMAN AIZENSTAT: Jill, just to be
 8 clear, in Chambers, we don't have anybody else
 9 signed up?
 10 THE SECRETARY: No.
 11 CHAIRMAN AIZENSTAT: Sorry about that.
 12 Thank you.
 13 MR. GARCIA-SERRA: That's quite all right.
 14 By the way, good evening, Mr. Chair,
 15 Members of the Board. Mario Garcia-Serra, with
 16 offices at 600 Brickell Avenue, here tonight
 17 because I do represent several entities that do
 18 own property along the Mile, and I think we
 19 sort of have to put in context -- it's good for
 20 the discussion -- what the Mile has experienced
 21 over the last year, because, if you remember,
 22 this Board was part of it back last year.
 23 There were significant amendments done to this
 24 Overlay District, which brought down height,
 25 took away the ability to utilize TDRs along

1 reductions in the maximum permitted floor area
 2 or height or whatever it might be. And so, you
 3 know, I'll throw out there that, those
 4 revisions that are on the revised version
 5 presented to you, some of them, I think, come
 6 from some suggestions that I have made to try
 7 to protect those properties and the development
 8 rights of those properties from being deprived
 9 of any futher floor area or height as part of
 10 this new Conditional Use Site Plan review
 11 process. That's one thing I think you could
 12 potentially do to grant some assurance to
 13 property owners along the Mile. You could also
 14 maybe try to exempt projects that are already
 15 going through the process right now. You know,
 16 there's a host of things.
 17 But, certainly, where I'm coming from,
 18 where I think most property owners on the Mile
 19 are coming from is, we already went through a
 20 pretty grueling process last year with regards
 21 to amendments to the Overlay District. Let's
 22 not make this an additional grueling process of
 23 Site Plan review for properties along the Mile.
 24 CHAIRMAN AIZENSTAT: Thank you.
 25 Jill, do we have nobody else in Chambers?

1 THE SECRETARY: No, no one else.
 2 CHAIRMAN AIZENSTAT: Do we have anybody on
 3 Zoom?
 4 THE SECRETARY: No.
 5 CHAIRMAN AIZENSTAT: Anybody on phone
 6 platform?
 7 At this time, I'll go ahead and close it
 8 for public comment; open it up for Board
 9 discussion.
 10 Luis.
 11 MR. REVUELTA: I think if the Commission
 12 wants to review smaller sites, because they
 13 have the concerns that they want to see and
 14 they want a Site Plan review, I have a
 15 difficult time voting against the will of the
 16 Commission on this. Right now it's 20,000
 17 square feet. So if you have a smaller
 18 property, you have to go through that grueling
 19 process, like Mario was pointing out, but the
 20 Commission probably has their reasons for
 21 wanting to review and have their say in the
 22 oversight.
 23 CHAIRMAN AIZENSTAT: Claudia.
 24 MS. MIRO: I want to listen to more
 25 comments.

1 say, that's what we want. I'm not sure from
 2 the business side or from the people who
 3 develop continuing to add layers and delays to
 4 have ultimately the Commission decide what
 5 comes and goes is the best way forward.
 6 CHAIRMAN AIZENSTAT: Thank you.
 7 Chip.
 8 MR. WITHERS: Yeah, I kind of tend to agree
 9 with Venny on this one, but I don't -- maybe
 10 Staff -- I don't -- maybe I need a little more
 11 explanation. I mean, what is the concern? I
 12 mean, at the end of the day, like I got tied up
 13 on that tree issue, at the end of the day, what
 14 are we trying to accomplish five or ten years
 15 from now? What's the long-term play on this?
 16 MS. GARCIA: The Commission wants people to
 17 see more projects on Miracle Mile. I think
 18 that's --
 19 MR. WITHERS: More projects?
 20 MS. GARCIA: Uh-huh.
 21 MR. WITHERS: And this is the way to
 22 stimulate projects, they think?
 23 MS. GARCIA: No. They want to have input
 24 on more projects.
 25 MR. REVUELTA: More review.

1 CHAIRMAN AIZENSTAT: Venny? Would you like
 2 to ask any questions?
 3 MR. TORRE: Sure. You know, I go to some
 4 of the things that I bring up once in a while,
 5 which I think goes back to something Chip has
 6 said in the past, and it's about what's by
 7 rights and what's not by right in the City, and
 8 that's a discussion that comes up quite a bit,
 9 build by what's right, build by what's right.
 10 At the end of the day, we keep removing the
 11 by rights away and we keep giving more and more
 12 of the final say to the Commission, which I'm
 13 not saying is good or bad. I'm just saying,
 14 the trend has been, the projects that are
 15 approved, good, bad or indifferent -- some of
 16 them have been very controversial -- have been
 17 reviewed by Conditional Use by the Commission.
 18 I'm not sure that a final word by the
 19 Commission is the ultimate best solution for
 20 the City -- maybe it is, maybe it's not -- but
 21 what we keep doing is taking away the by
 22 rights, to the point where it's almost designed
 23 by Commission here.
 24 So this debate that opens the floor for the
 25 whole citizenship to come up. Some people may

1 MR. WITHERS: Oh, they want to see
 2 visually. They don't want to see more
 3 projects, they just want to see more project?
 4 MS. GARCIA: Yes. Yes. They want their
 5 fingerprints on more projects.
 6 MR. WITHERS: And why? Are they not happy
 7 with the projects now? I mean, I wasn't -- I
 8 didn't read the minutes --
 9 MS. GARCIA: I'm not sure if there are any
 10 that have really been done in the last few
 11 years, besides the one that's, you know, by
 12 right on the corner of Le Jeune and Miracle
 13 Mile.
 14 MR. WITHERS: So what was the impetus from
 15 Commissioner Anderson? Were you privy to those
 16 discussions at the Commission Meeting,
 17 because --
 18 MS. GARCIA: I think the concern is that
 19 even though remote parking is required, that
 20 the Commission can't really get involved at the
 21 Site Plan part of that aspect. So she wants
 22 to --
 23 MR. WITHERS: So this is Site Plan review?
 24 MS. GARCIA: Yes.
 25 MR. WITHERS: Because Conditional Uses, to

1 me, were always like schools, churches, banks
 2 drive-thrus, it was more of a use than an
 3 underlying Zoning. I mean, so that's why I
 4 don't quite understand what the --
 5 MS. GARCIA: So the Conditional Use is an
 6 approval process.
 7 MR. WITHERS: Right. I understand, but
 8 it's more for the use of the property, right,
 9 Conditional Use?
 10 MS. GARCIA: It's more about adding
 11 conditions to what you're requesting.
 12 MR. WITHERS: Okay. Thank you.
 13 MR. BEHAR: I tend to agree with Mario's
 14 comment -- Mario Garcia-Serra's comment. You
 15 know, we already went through a process that we
 16 took away the maximum of height, that, at one
 17 point used to be, if I remember, like 70 feet.
 18 We lowered it down to 50 feet. We did so much
 19 already, that we're not making it easy to
 20 build, you know, as Venny said, as of right.
 21 We're complicating, you know, the ability to do
 22 something.
 23 A 10,000 square foot site, that you already
 24 have to go through Conditional Use, because of
 25 the remote parking, I think that's more than

1 develop it, put it together and have to go
 2 through the same steps as a 20,000 square foot
 3 lot, would it not then induce people to mass or
 4 put together larger lots, if they have to go
 5 through the process anyway?
 6 For me, I'd rather have smaller projects
 7 coming through the City, which is tough enough
 8 as it is, and have the diversity. That's just
 9 my view on it.
 10 MR. REVUELTA: I have one question. The
 11 Site Plan review, what would that review add to
 12 a 10,000 square foot property that already
 13 doesn't -- is not in the system? Other than
 14 spending that money, what kind of --
 15 MS. GARCIA: What kind of things are the
 16 Commission looking for? I can't answer that.
 17 MR. REVUELTA: But is it -- this Site Plan
 18 review, basically having -- the additional step
 19 is having to go to the City Commission?
 20 MS. GARCIA: Right.
 21 MR. REVUELTA: Which is a political --
 22 MS. GARCIA: Absolutely.
 23 MR. REVUELTA: -- arena.
 24 MS. GARCIA: But they may see it as far as
 25 notifying more extensively for the neighbors,

1 enough. I'm not in favor of adding more layers
 2 to this process. I think that, you know, we're
 3 going to discourage new developments to come on
 4 Miracle Mile, that we need it. We really need
 5 it. You know, it's a beautiful street that --
 6 MR. REVUELTA: Sorry.
 7 MR. BEHAR: It's a beautiful street, that
 8 today we need to add more life to it. So I'm
 9 not favor of this.
 10 CHAIRMAN AIZENSTAT: Claudia.
 11 MS. MIRO: I agree with Mr. Behar. I
 12 think -- and also with what Venny said. You
 13 know, I think that there is already a process
 14 in place and adding to that process -- I mean,
 15 I think it's a good process. It's already a
 16 rigorous process, and I really do think that
 17 Miracle Mile, right now, needs to be
 18 revitalized and we want to attract those
 19 businesses. We want that to come to Miracle
 20 Mile. And maybe adding another layer, that
 21 might delay that process or might discourage
 22 some from coming there.
 23 CHAIRMAN AIZENSTAT: One of the concerns
 24 that I would have is, it would be so difficult
 25 for a person -- for a 10,000 square foot lot to

1 and the business owners in the area to be more
 2 aware of the project.
 3 MR. BEHAR: You know, Luis --
 4 MS. GARCIA: And it's about, the Commission
 5 wants to have their -- you know, put their
 6 fingerprints on the project.
 7 MR. REVUELTA: Well, I think, after
 8 listening to you and Chip and Venny, I think I
 9 would probably have to --
 10 CHAIRMAN AIZENSTAT: Anybody that would
 11 like to make a motion on this? Venny?
 12 MR. WITHERS: You started all of this.
 13 MR. TORRE: I didn't start it.
 14 MR. COLLIER: Just a little housekeeping
 15 measure.
 16 CHAIRMAN AIZENSTAT: Yes.
 17 MR. COLLIER: The amendments that were put
 18 on here, I assume, regardless of what the vote
 19 is, which is a recommendation, is going to go
 20 to the Commission. They use the old format.
 21 This is not the Ordinance that's actually on
 22 the agenda. So you just need to make these
 23 changes to the draft Ordinance that's on the
 24 agenda.
 25 MS. GARCIA: Yes. So when this moves

1 forward to the Commission with whatever
 2 recommendation comes from tonight, it will be
 3 the one that is printed in front of you right
 4 now with those changes.
 5 CHAIRMAN AIZENSTAT: Okay. Perfect.
 6 MR. WITHERS: So I will vote for denial.
 7 I'll make a motion to deny it, I guess.
 8 CHAIRMAN AIZENSTAT: So Chip is making a
 9 motion to deny as presented.
 10 MR. TORRE: I'll second it.
 11 CHAIRMAN AIZENSTAT: We have a second by
 12 Venny.
 13 Any discussion?
 14 Call the roll, please.
 15 THE SECRETARY: Luis Revuelta?
 16 MR. REVUELTA: Yes.
 17 THE SECRETARY: Venny Torre?
 18 MR. TORRE: Yes.
 19 THE SECRETARY: Chip Withers?
 20 MR. WITHERS: Yes.
 21 THE SECRETARY: Robert Behar?
 22 MR. BEHAR: Yes.
 23 THE SECRETARY: Claudia Miro?
 24 She stepped out.
 25 Eibi Aizenstat?

1 payment in lieu, and a payment in lieu is,
 2 you're paying out of the requirement, that you
 3 can pay out of your requirement as much as you
 4 want. Those are three options, as far as
 5 providing parking or meeting the parking
 6 requirements.
 7 So back when this was amended last, which
 8 was last year -- it was part of the Zoning Code
 9 update -- the intent was that there would be a
 10 fee associated with each remote parking space
 11 that you're remote parking. And, then, in
 12 addition to that fee, if you decide to pay out
 13 of the requirement, then you pay again, and
 14 that's, you're out of the requirement for life.
 15 Now, when that was drafted in the Zoning
 16 Code update, for whatever reason, it wasn't as
 17 clear as what the intent was. So now that
 18 we're starting to get more remote parking
 19 requests, we're looking at this and we're
 20 making some changes, according to what the
 21 intent originally was.
 22 So I have Kevin Kinney here, our Parking
 23 Director, for any questions.
 24 MR. KINNEY: Mostly to answer questions, I
 25 would say. I think Jennifer --

1 CHAIRMAN AIZENSTAT: Yes. Thank you.
 2 Next item on the agenda, please.
 3 MR. COLLER: Item G-2, an Ordinance of the
 4 City Commission of Coral Gables, Florida
 5 providing for text amendments to the City of
 6 Coral Gables Official Zoning Code, Article 10,
 7 "Parking," Section 10-109, "Payment in Lieu and
 8 Remote Off-Street Parking," to clarify remote
 9 parking processes and fee structure, providing
 10 for severability, repeater, codification, and
 11 an effective date.
 12 Item G-2, public hearing.
 13 MS. GARCIA: Thank you.
 14 Jennifer Garcia, City Planner. I have a
 15 few slides that they should have. Perfect.
 16 And this is also in your Staff report, as well.
 17 So, right now, there are three ways to park
 18 cars. Option one is the way that we're most
 19 likely used to, that you park it on-site. You
 20 meet your minimum parking requirements on-site.
 21 Another option is the remote parking. So
 22 the remote parking is when you're parking all
 23 or an amount of parking -- amount of spaces
 24 remotely, within a thousand feet, okay.
 25 And then the third option you have is the

1 CHAIRMAN AIZENSTAT: Would you state your
 2 name and position?
 3 MR. KINNEY: Kevin Kinney. I'm the Parking
 4 Director for the City of Coral Gables.
 5 Just a minor couple of minor tweaks to what
 6 Jennifer said. Yes, is a payment in lieu,
 7 although we do not give applicants carte
 8 blanche on deciding how many spaces they can
 9 buy out of. That is something, in the City
 10 Code, once you go over 25 spaces. It does have
 11 to be reviewed, and if the system can't handle
 12 somebody buying out of a hundred parking
 13 spaces, it won't be allowed. So it is an
 14 option, but it has to work in the system.
 15 And since we had some conversation about
 16 Miracle Mile, I will just mention -- and
 17 Jennifer mentioned, also -- that we have
 18 prohibited development of parking on Miracle
 19 Mile, and one of the reasons we can do that
 20 comfortably is, within a hundred feet of
 21 Miracle Mile, I have 3,000 parking spaces
 22 available, and, currently, even at peak, we are
 23 not hitting 50 or 60 percent occupancy. So
 24 there is capacity there.
 25 We still review any request for remote

1 parking on the Mile, and like I said, the
 2 amount you're allowed to buy has to be -- if
 3 it's over 25 spaces, has to be reviewed, and we
 4 have to be able to justify that the system can
 5 manage whatever the request is.
 6 MR. BEHAR: I have a question for Jennifer,
 7 just a clarification. On the summary, on the
 8 application summary, the second -- the Number
 9 2, the second bullet point says, "Payment in
 10 lieu of providing any parking, if paid per
 11 space, in addition to the payment of 100
 12 percent into the parking trust."
 13 Does that mean that -- explain that to me.
 14 I'm not sure.
 15 MS. GARCIA: So this is -- the amendment is
 16 to clarify the remote parking, right. So,
 17 remote parking, now, as drafted, you'd be
 18 paying a fee to remote park. So not only are
 19 you finding the space and you're leasing it or
 20 however -- you're making an agreement with your
 21 neighbor to park the cars there or you say
 22 you're parking the cars there, you're going to
 23 be charged a fee for that per space.
 24 So if you want to pay out of it as much as,
 25 you know, Kevin feels comfortable that the City

1 Looking through here, in the Design and
 2 Innovative District, how much is it?
 3 MR. KINNEY: 10,000. That's surrounding
 4 Shops at Merrick Park. And the reason it works
 5 there is because the City has some control over
 6 400 parking spaces in the development at
 7 Shops --
 8 CHAIRMAN AIZENSTAT: And what about City
 9 wide?
 10 MR. KINNEY: It's 12,500, and that is
 11 actually primarily where we're concerned about
 12 the larger requests. Anything over 25 spaces,
 13 we would want to review that, to make sure we
 14 can make it work.
 15 CHAIRMAN AIZENSTAT: Okay. Now, the City
 16 is building a hub right now for parking, right,
 17 in the area? What would you say it's costing
 18 the City to build that versus this?
 19 MR. KINNEY: That's probably not a good
 20 example, because the Design --
 21 CHAIRMAN AIZENSTAT: Let's just answer the
 22 question.
 23 MR. KINNEY: The garage we're building at
 24 the Public Safety Building, we're probably in
 25 the 35 to \$40,000 a space.

1 can handle, as far as the payment in lieu, you
 2 would pay again to be paid out of that system.
 3 So you pay twice, to pay the payment in lieu,
 4 as Kevin feels comfortable, as far as the City
 5 can handle.
 6 MR. KINNEY: And that's a fair
 7 characterization.
 8 I would classify it this way, typically
 9 you're required to have remote parking, but the
 10 issue is, what happens if, at some point, you
 11 cannot end up paying the remote parking? Then
 12 how does the City handle that situation,
 13 because we're in a tough spot, and essentially
 14 the stick is that, well, you either go find
 15 alternative remote parking or you're going to
 16 have to pay again.
 17 Now, remember, especially when we're
 18 talking about Miracle Mile, the amount being
 19 paid for remote parking is a significantly
 20 discounted number. It's \$5,500. Anybody who
 21 is building anything right now knows that's a
 22 steep, steep discount.
 23 MR. REVUELTA: It's a good deal.
 24 CHAIRMAN AIZENSTAT: Let me ask you
 25 something, for Miracle Mile, it's 5,500.

1 CHAIRMAN AIZENSTAT: 35 to 40,000. We've
 2 got some architects with us. How much does it
 3 cost to build -- when you build, how much does
 4 a parking space cost you?
 5 MR. REVUELTA: I think it's in that range,
 6 35 to 40.
 7 CHAIRMAN AIZENSTAT: That range?
 8 MR. BEHAR: Absolutely.
 9 CHAIRMAN AIZENSTAT: Venny?
 10 MR. TORRE: That's correct.
 11 MR. REVUELTA: And if you're going into a
 12 basement, it's even more.
 13 CHAIRMAN AIZENSTAT: Okay. So why are our
 14 fees so cheap? I understand --
 15 MR. KINNEY: Okay. No. No. There's
 16 differences here.
 17 CHAIRMAN AIZENSTAT: Okay.
 18 MR. KINNEY: Now, if you're eliminating a
 19 space from the City, it costs you 42,000.
 20 MR. BEHAR: But that's on the right-of-way.
 21 MR. KINNEY: That's in the right-of-way,
 22 right.
 23 CHAIRMAN AIZENSTAT: But that's not --
 24 MR. KINNEY: Well, but that's how we got to
 25 that number. The reason the numbers are

1 different when we talk about requirements and
 2 the payment in lieu is, for example, at Village
 3 of Merrick Park, you are not only paying into
 4 the system \$10,000, but you have to pay monthly
 5 for the parking space. So that is covering for
 6 this development.
 7 CHAIRMAN AIZENSTAT: Let's talk about City
 8 wide. Let's look at City wide. 12,500 City
 9 wide.
 10 MR. KINNEY: Right.
 11 CHAIRMAN AIZENSTAT: If it costs a
 12 developer, right -- let's just take a number at
 13 \$35,000 -- why are we only asking for 12,500?
 14 Why would a developer even want to provide
 15 parking?
 16 MR. KINNEY: Most of the developments
 17 happening City wide, the developers are
 18 providing parking.
 19 CHAIRMAN AIZENSTAT: Are not?
 20 MR. KINNEY: No, they are.
 21 CHAIRMAN AIZENSTAT: They are.
 22 MR. KINNEY: They're choosing to provide
 23 parking.
 24 Now, here's kind of the thought process.
 25 If they did buy into it, it would be 12,500,

1 MR. KINNEY: Well, I will tell you, we
 2 established the number for Miracle Mile based
 3 on calculations done by an appraiser, so that
 4 we would not go cross-wise with law.
 5 MR. TORRE: What I'm hearing, and what I
 6 think this goes to is that second payment,
 7 which I had never heard of, and some the things
 8 you're adding is that we must make it work or
 9 we -- I had not understood, I guess, that the
 10 condition of remote parking had to be, in a
 11 City situation, if we could handle you, as
 12 opposed to if I can find parking, that --
 13 right.
 14 So, you're saying, my lease expires, and
 15 I'm nowhere able to find more spots, and I
 16 can't ask you for those spots, I've got to give
 17 you more money. That's new for me.
 18 MR. KINNEY: Well, no. The Commission can
 19 approve remote parking in a City facility.
 20 It's not happened very many times, but it has
 21 happened. Typically -- and we need to step
 22 back here. The reason the number is anything
 23 over 25 spaces is, we recognize that we would
 24 like to help and encourage the smaller
 25 developments, because even if they're not on

1 that supports the public parking system.
 2 CHAIRMAN AIZENSTAT: Okay.
 3 MR. KINNEY: They would then either find
 4 remote parking or they would build their own
 5 parking or some combination of both.
 6 If they had purchased remote parking and
 7 then later got in a situation where they would
 8 not -- could not provide the parking, they have
 9 to pay it a second time. So their total cost
 10 at that point is 25,000.
 11 But what we're going to be reviewing is
 12 whether it's feasible, in a specific situation.
 13 Right now we're building 450 spaces on Minorca.
 14 If there were a development close to there,
 15 there may be capacity in the system to support
 16 some remote parking.
 17 The idea behind remote parking is so that
 18 the developments can reach a higher quality, so
 19 you don't have to build a big box and then your
 20 development on top of the box.
 21 CHAIRMAN AIZENSTAT: For me, I understand
 22 the theory behind it, and it makes sense. I
 23 just think it's quite a bit of a discount to a
 24 developer at the pricing structure. That's
 25 just me.

1 the Mile, you can't really develop a 2,500
 2 (sic) square foot lot, at any height,
 3 without --
 4 MR. TORRE: Parking --
 5 MR. KINNEY: Your site doesn't allow for
 6 parking.
 7 MR. TORRE: What you said confuses me. You
 8 said, "Unless we can make it work." I don't
 9 quite understand, when you say, unless the City
 10 can make it work. What does that ultimately
 11 mean?
 12 MR. KINNEY: Well, okay, we have to look at
 13 the parking -- the system as a whole. Now,
 14 make it work may be, there's a private garage
 15 next door that has capacity, where you can get
 16 a long-term agreement.
 17 MR. TORRE: So does that mean proof to you
 18 that we're able to find parking? That's making
 19 it work?
 20 MR. KINNEY: Yes.
 21 MR. TORRE: Okay. So if we can find
 22 parking, five years later, I give you another
 23 lease, as long as that keeps going --
 24 MR. KINNEY: Well, I believe the Zoning
 25 Code currently requires an annual

1 certification --
 2 MS. GARCIA: At least, yeah.
 3 MR. TORRE: As long as the concurrent lease
 4 is in place --
 5 MR. KINNEY: Yes.
 6 MR. TORRE: -- and that could go
 7 indefinitely?
 8 MR. KINNEY: And the only reason to even
 9 talk about the second payment is if a developer
 10 gets in a situation where there's no
 11 alternative or they can't find an alternative.
 12 MR. BEHAR: So, at that point, they would
 13 pay the City 25,000 per space?
 14 MR. KINNEY: They would pay whatever the
 15 original number is.
 16 CHAIRMAN AIZENSTAT: An additional same
 17 number.
 18 MR. KINNEY: So if they paid 10,000 --
 19 well, let's say they were at Village of Merrick
 20 Park. They paid 10,000. Later, they find out
 21 that they can no longer get the spaces that
 22 they entered into the agreement with, and
 23 there's no alternative, they would pay a second
 24 10,000, and, then, at that point, essentially
 25 the City would probably have to tap into the

1 going to make the system work.
 2 MR. BEHAR: Maybe you have these facts,
 3 maybe you don't, annually, a space in a garage,
 4 what is the revenue that you get from that
 5 space?
 6 CHAIRMAN AIZENSTAT: One space.
 7 MR. BEHAR: After your expenses, okay,
 8 because in order for me to calculate that, you
 9 know, you're going to pay in ten years --
 10 MR. KINNEY: I'll use a word that outside
 11 of this room I never said it, our profit --
 12 MR. REVUELTA: You're on TV.
 13 MR. KINNEY: -- our profit on a space is
 14 probably about \$1,500 a year.
 15 MR. BEHAR: Okay. So your profit. So it
 16 would take us, today, 20 years, 25 years to pay
 17 for that space?
 18 MR. KINNEY: Not if half of it was paid off
 19 with the payment in lieu.
 20 MR. BEHAR: You know, -- listen, I --
 21 CHAIRMAN AIZENSTAT: I just don't see it
 22 that way. On the financial end, I just don't
 23 see it that way.
 24 MR. BEHAR: I'm trying to look at it to
 25 encourage more development, especially in the

1 400 spaces we have some control over.
 2 CHAIRMAN AIZENSTAT: But isn't the idea of
 3 this to also fund parking for the City to
 4 build?
 5 MR. KINNEY: Yes.
 6 CHAIRMAN AIZENSTAT: So how --
 7 MR. KINNEY: I mean, we believe in a robust
 8 public parking system being the most efficient
 9 way to manage parking.
 10 CHAIRMAN AIZENSTAT: Which I agree, but
 11 then how does the City charge less than what it
 12 will cost them to build even in the future?
 13 MR. KINNEY: Well, but the initial
 14 payment -- the payment in lieu has never been
 15 intended to cover the cost. If you come to us
 16 and you're renting space, we're obtaining
 17 revenue through that stream, also.
 18 CHAIRMAN AIZENSTAT: Understood.
 19 MR. KINNEY: I mean, if you looked at our
 20 system, essentially we hope to pay off or raise
 21 revenue to the point where every facility is in
 22 the black within ten years, which is a fairly
 23 high bar for most public parking systems.
 24 So, yes, the initial payment helps us, but
 25 it is the recurring permit payment that is

1 Mile, that remote parking is the right way to
 2 go, because there's no other option.
 3 CHAIRMAN AIZENSTAT: Which we want to
 4 encourage. I want to encourage that, but I
 5 just think the City fee is very low.
 6 MR. BEHAR: And, actually, in the Mile, you
 7 really should not maybe even require parking,
 8 if you're on Miracle Mile.
 9 MR. REVUELTA: No. No. You have to park
 10 remote parking.
 11 MR. TORRE: You need to get a finance guy
 12 to tell you whether the amortized \$35,000 over
 13 -- for the bond over 20 to 30 years, does
 14 \$1,500 cover the debt and I'm not sure I know
 15 the answer.
 16 Here's a question, and maybe -- I'm still
 17 confused. Let's pretend it's a hundred parking
 18 spaces you're required to have. My
 19 understanding is, 25 of those have to be
 20 purchased. You have to pay out, no matter
 21 what, 25, at \$10,000 a pop. The other 75, I
 22 can go remote parking and lease my spaces and
 23 give you the lease, and I'm good to go. Is
 24 that an option, pay down my 25 required, give
 25 you 10,000 times 25 -- give you \$250,000, the

1 rest of my spaces are fulfilled by lease
 2 option, which I can prove to you I have a lease
 3 --
 4 MR. KINNEY: Yes.
 5 MR. TORRE: -- and then I'm good to go?
 6 Then I have fulfilled the Conditional Use?
 7 MR. KINNEY: That's correct.
 8 MR. TORRE: I can also pay down 12,500 --
 9 I'm sorry, 10,000, for the 75 or the entire
 10 hundred, and I still have to go out and lease
 11 my spaces? I'm paying you down, but I still
 12 have to go lease my spaces?
 13 MR. KINNEY: Yes, you have to.
 14 MR. TORRE: So I have Option A and Option
 15 B.
 16 Now, what I'm lost on is on that third
 17 payment that I still don't know what the hell
 18 we're talking about, that second payment.
 19 All right. So, under Plan B, I already
 20 paid all of my spaces, and I'm still leasing
 21 spaces, and you're saying, if I have done that
 22 and I can't find the spaces, then I've got to
 23 give you another 12,500.
 24 MR. BEHAR: No. No. If you cannot renew
 25 those leases --

1 in the Innovation -- Design and Innovation
 2 District, we have access to 400 spaces that
 3 we -- not that we would want to, but we could
 4 possibly make those available.
 5 MR. TORRE: If I go to Choice A, which
 6 means that I pay down only my 25 percent, and
 7 lease from the beginning, and then I cannot
 8 find a lease, am I paying you \$25,000 or
 9 12,500?
 10 MR. KINNEY: Well, I don't think you can
 11 get a building permit until you can show where
 12 you're going to park.
 13 MR. TORRE: Correct. So let's say that's
 14 been fulfilled Year 1, Year 2. In Year 3, I
 15 can't find parking anymore, but I have not
 16 given you more than 25 percent of the spaces
 17 paid.
 18 MR. KINNEY: No, but then you would have to
 19 pay for everything.
 20 MR. TORRE: The 25? The double -- the
 21 double payments?
 22 MR. REVUELTA: The 75.
 23 MR. TORRE: The double payment -- for the
 24 75, I have never paid -- my point -- I always
 25 leased. I don't have to buy down those spaces,

1 MR. TORRE: Right.
 2 MR. BEHAR: -- then you have to come back
 3 for that payment.
 4 MR. TORRE: So, I was talking to somebody
 5 the other day, and obviously everybody wants to
 6 go to Plan A. Why am I going to pay it down,
 7 if I can just give you the lease, I'm good to
 8 go, otherwise you're double paying.
 9 Am I saying something that's not true here?
 10 CHAIRMAN AIZENSTAT: Well, I think you're
 11 good to go for that year, and, then, if it's
 12 not renewed on the second year --
 13 MR. TORRE: Understood.
 14 CHAIRMAN AIZENSTAT: -- then you've got to
 15 double.
 16 MR. KINNEY: If you're unable to come back
 17 to Development Services on your anniversary
 18 date and show that you're continuing, then you
 19 have a problem, because you no longer are
 20 parking your demand, and, then, if you cannot
 21 correct that situation, you would have to pay
 22 the City again.
 23 Now, in certain situations, what would
 24 happen, if you were near Miracle Mile, we
 25 probably could easily handle that. If you're

1 less than 25 percent of the spaces --
 2 MR. REVUELTA: Your question is, where does
 3 this double payment come in? There's no double
 4 payment.
 5 MR. BEHAR: There is a double payment.
 6 MR. TORRE: That's what they're referring
 7 to, and I completely got lost on that.
 8 MR. KINNEY: Yes. I think our opinion
 9 right now is, you would have to pay the double.
 10 MR. BEHAR: And how much would that be?
 11 MR. KINNEY: Well, in the Design and
 12 Innovation District, that would be 20,000. On
 13 Miracle Mile, that would be 11,000.
 14 MR. BEHAR: That's a great deal, still.
 15 MR. TORRE: Okay. But here is what was
 16 throwing me off. The clarification to this was
 17 clarifying why. Okay. So, you're saying,
 18 there's a second payment, if somebody cannot
 19 find parking at some point in time?
 20 MR. KINNEY: If they can't fulfill their
 21 obligation.
 22 MR. TORRE: You've got to come back and pay
 23 us --
 24 CHAIRMAN AIZENSTAT: The double.
 25 MR. TORRE: -- the double.

1 CHAIRMAN AIZENSTAT: Is that correct?
 2 MR. KINNEY: Yes.
 3 MS. GARCIA: You're forced to do the
 4 payment in lieu option.
 5 MR. TORRE: Correct.
 6 CHAIRMAN AIZENSTAT: But for the double
 7 amount?
 8 MR. TORRE: There you go. That's the right
 9 term. The fourth, payment in lieu, but I
 10 always thought it was 10,500, never a double --
 11 never the second payment.
 12 MS. GARCIA: Well, because now we're
 13 clarifying that there is a fee associated with
 14 the remote parking, and the payment in lieu is
 15 paid at the end to get out of the requirement
 16 altogether.
 17 CHAIRMAN AIZENSTAT: But in his example,
 18 which is a great example, if you're able to
 19 satisfy 75 percent at the beginning, you're not
 20 paying anything?
 21 MR. KINNEY: Right.
 22 CHAIRMAN AIZENSTAT: And, then, when he
 23 goes ahead --
 24 MS. GARCIA: No. You're paying for a
 25 remote parking space, though.

1 it.
 2 They're constructing 80 spaces. They're
 3 remote parking 130. They would -- in that
 4 situation, they would pay us for the 130 just
 5 for the right to remote park and they would
 6 contract with the provider for the remote
 7 parking, and if they ever lost those spaces,
 8 they would have to come back and pay us a
 9 second time for the 130.
 10 MR. BEHAR: So right now they're paying you
 11 the 10,000 for those 130, 1.3 million dollars
 12 --
 13 MR. KINNEY: Under this Code, that's what
 14 it is.
 15 MR. BEHAR: -- under this, and, then, if in
 16 the future, you know, in two years, three
 17 years, they cannot renew those leases where
 18 they are providing it, they have to come and
 19 pay you another \$10,000 per space?
 20 MR. KINNEY: Because they can't meet their
 21 obligation.
 22 And at that point, the City would have to
 23 decide whether we would dip into our 400
 24 spaces.
 25 MR. TORRE: So just to be clear --

1 CHAIRMAN AIZENSTAT: Only on the 25
 2 percent.
 3 MS. GARCIA: Correct.
 4 MR. TORRE: To somebody, could be
 5 anybody --
 6 CHAIRMAN AIZENSTAT: It could be anybody.
 7 He can be paying --
 8 MS. GARCIA: No. For anything that you're
 9 remote parking, you're paying for like each
 10 space.
 11 MR. TORRE: Yeah, but that could be Ocean
 12 Bank or The Hyatt or anybody.
 13 MS. GARCIA: No. You're paying the City
 14 for the ability to remote park.
 15 MR. BEHAR: So you're paying -- in the
 16 Innovative Design District, for remote parking,
 17 you're saying I'm paying, from the get-go,
 18 10,000 per space to be able to go lease it
 19 somewhere else?
 20 At the time that I have to renew that
 21 lease, if I don't -- I cannot renew the lease,
 22 I would have to pay the additional 10,000?
 23 MR. KINNEY: Okay. We're actually going
 24 through one of these in the Design District
 25 right now, so let me kind of walk you through

1 CHAIRMAN AIZENSTAT: That's a great deal.
 2 MR. TORRE: -- everybody in Miracle Mile
 3 has got to do remote parking. Everybody is
 4 going to pay you 5,000 times whatever parking
 5 they're required? That's just a must. There's
 6 no way around it, right? Everybody would have
 7 to pay the remote parking fee?
 8 MR. KINNEY: Well, we have an interesting
 9 situation, when you're talking about Miracle
 10 Mile, because they get the ground floor without
 11 parking.
 12 MR. TORRE: For the required parking.
 13 MR. KINNEY: Yeah, the requirement is going
 14 to be smaller.
 15 MR. TORRE: But there's no way around
 16 having to pay into the remote parking fee?
 17 MR. KINNEY: No.
 18 MR. TORRE: They must put that into your
 19 proposed --
 20 MR. REVUELTA: For a hundred percent of the
 21 parking that you need.
 22 MR. TORRE: That you need.
 23 MR. REVUELTA: I still don't understand
 24 where the 25 comes in, because it seems to me
 25 that, in any district, any which way, you've

1 got to pay the City the going amount.
 2 MS. GARCIA: What's the 25 that you're
 3 referring to?
 4 MR. REVUELTA: I'm sorry?
 5 MS. GARCIA: What's the 25 that you're
 6 referring to?
 7 MR. REVUELTA: The 25 spaces that he was
 8 mentioning --
 9 CHAIRMAN AIZENSTAT: The 25 percent --
 10 MR. REVUELTA: No, the 25 spaces.
 11 MR. KINNEY: That's what triggers the
 12 review. Anything over 25 spaces triggers a
 13 review, so the City has an opportunity to say,
 14 you know, in this case, it will not work.
 15 CHAIRMAN AIZENSTAT: But in the example
 16 that you just gave, the person is going to pay
 17 the City one million three hundred thousand
 18 dollars on the 130 spaces.
 19 MR. KINNEY: Yes.
 20 CHAIRMAN AIZENSTAT: If the person had to
 21 build those 130 spaces, they would be paying
 22 four million five hundred and fifty thousand
 23 dollars. I still go back to, it's a great
 24 deal, for the developer. Why is the City not
 25 charging more money on that? Sorry.

1 Code, so already you're paying a hundred
 2 percent of those remote spaces.
 3 So what this is doing is, it's tying each
 4 space fee to the remote parking that you're
 5 actually responsible for.
 6 MR. WITHERS: So what percentage of your
 7 parking can you do in lieu of? If you needed a
 8 hundred spots, can you do all 100?
 9 MR. KINNEY: Well, it actually depends
 10 on -- on the Mile, you're required to remote
 11 park everything.
 12 CHAIRMAN AIZENSTAT: Understood, but let's
 13 go away from the Mile.
 14 MR. WITHERS: Let's go away from the Mile.
 15 Outside of Miracle Mile --
 16 CHAIRMAN AIZENSTAT: Let's do City wide.
 17 MR. KINNEY: In the Design and Innovation
 18 District, there may be somebody who comes in
 19 and asks to remote park a hundred percent of
 20 it. It hasn't happened yet, but it may happen.
 21 CHAIRMAN AIZENSTAT: But it's a great deal
 22 for it to happen.
 23 MR. WITHERS: Yeah, it's a great deal for
 24 it to happen. So what does it cost to rent a
 25 spot in Coral Gables if you have to go and

1 MR. TORRE: I'm sure that you only had to
 2 buy down 25 percent of your needs. That's how
 3 I remember it.
 4 MS. GARCIA: Currently, yes. Currently the
 5 Zoning Code --
 6 MR. TORRE: You're saying, that's being
 7 wiped away.
 8 MS. GARCIA: Yes.
 9 MR. TORRE: So it's no longer -- 25 percent
 10 is the minimum. You must pay the entire
 11 required?
 12 MS. GARCIA: Yes. Correct.
 13 MR. TORRE: Is this --
 14 MS. GARCIA: Because the 25 percent was
 15 tied to the required parking. It wasn't tied
 16 to the remote parking. So it's kind of
 17 confusing as far as why is it tied to the
 18 required parking. So depending on how much
 19 you're going to remote park, how much you were
 20 actually going to pay for the fee of remote
 21 park, if that makes sense. Like if you had a
 22 hundred spaces that you're required to have,
 23 and you're remote parking 25 percent of that,
 24 you're already required to have 25 percent of
 25 your required parking, with today's Zoning

1 lease one to remote park?
 2 MR. TORRE: 130, 140.
 3 MR. WITHERS: A month?
 4 CHAIRMAN AIZENSTAT: How much?
 5 MR. TORRE: 130 -- 120, 130, 140.
 6 CHAIRMAN AIZENSTAT: Venny, could you speak
 7 into the mike?
 8 MR. TORRE: Between a hundred and \$150 a
 9 month per space.
 10 MR. WITHERS: So what's that, 1,500 bucks a
 11 year or so?
 12 MR. KINNEY: Per spot.
 13 If you did a hundred spaces, you know, it
 14 would be 10,000 or \$11,000 a month.
 15 CHAIRMAN AIZENSTAT: Why are you going to
 16 build a parking?
 17 MR. WITHERS: Well, no, I'm just trying to
 18 figure out how long, by the time you pay your
 19 lease fee, is it more advantageous for you just
 20 to pay the entire amount upfront, which it
 21 probably is, if you don't ever have to pay for
 22 parking again? I mean --
 23 MS. GARCIA: Well, that second payment in
 24 lieu fee has to be reviewed by Kevin and his
 25 team.

1 MR. WITHERS: I understand, but still, I
 2 mean, 1.3 million to totally eliminate a
 3 hundred spot parking requirement is a pretty --
 4 MR. KINNEY: Right, but then the hundred
 5 spots are going to cost you \$130,000 a year.
 6 MR. REVUELTA: One time.
 7 MR. KINNEY: No. No. No. Annually.
 8 MR. WITHERS: Wait. Run that by me again.
 9 I'm sorry, I misunderstood. I thought, if you
 10 bought the spots --
 11 MR. REVUELTA: I thought it was a one time.
 12 MR. TORRE: You still have to pay somebody
 13 for your use of the spot.
 14 MS. GARCIA: They're doing the remote
 15 parking.
 16 MR. TORRE: You bought yourself the remote
 17 parking option.
 18 MR. WITHERS: Right.
 19 MR. TORRE: Now you still have to go rent
 20 the spaces for you to park.
 21 MR. WITHERS: But if you wanted to pay --
 22 buy a spot in lieu of remote parking, you can't
 23 do that?
 24 MS. GARCIA: Yes. If Kevin can -- you pay
 25 again, right, the same fee, 12,000 --

1 CHAIRMAN AIZENSTAT: No. No. But what
 2 alternative --
 3 MR. TORRE: You still have to park your
 4 office workers and your folks living in the
 5 building. You have to park them, unless
 6 nobody's coming in a car.
 7 MR. KINNEY: That's why we're saying, you
 8 have to come in with proof that you have the
 9 remote parking, and the penalty is, if you fail
 10 to do what your obligation is.
 11 MR. WITHERS: But that doesn't relieve you
 12 of the responsibility of parking?
 13 MR. KINNEY: No.
 14 MR. BEHAR: Forget about what the market
 15 may require or not, it's what the Code is
 16 enforcing.
 17 MR. WITHERS: I get it now.
 18 MR. BEHAR: I don't see, in the Gables, any
 19 development, new project, whether it's
 20 Residential or Office, to be viable without,
 21 you know, providing any parking. This is not
 22 what you see in the City of Miami Downtown.
 23 But, you know, I -- and I want to be very
 24 careful, because I think it's a good thing for
 25 the development, yes. It's a great option to

1 MR. WITHERS: So you're paying \$20,000?
 2 MS. GARCIA: Right.
 3 MR. WITHERS: So you're paying 2.5
 4 million --
 5 MR. KINNEY: But that's not your choice. I
 6 mean, if you get to the point where you cannot
 7 meet your obligation. Your obligation is to
 8 have remote parking.
 9 MR. WITHERS: I'm sorry, I can't meet my
 10 obligation.
 11 MR. KINNEY: Then you have to pay the
 12 double.
 13 MR. WITHERS: Yeah, so I come to you one
 14 day and I say, "I can't meet my obligation. I
 15 want to pay for all 100 spots. Here's
 16 two-and-a-half million bucks."
 17 MR. TORRE: But I don't think he's saying
 18 that you're going to get a spot after that.
 19 You still have to go out --
 20 MR. KINNEY: You may have a building you
 21 can't lease.
 22 CHAIRMAN AIZENSTAT: So what do you do?
 23 You're going to demolish the building?
 24 MR. KINNEY: I'm not the developer. The
 25 developer --

1 have.
 2 CHAIRMAN AIZENSTAT: What I'd like to do is
 3 to see if we have any speakers before we
 4 continue, if you're done with the presentation.
 5 Thank you.
 6 Jill, do we have any speakers for this
 7 item?
 8 THE SECRETARY: Mr. Holmes.
 9 CHAIRMAN AIZENSTAT: Welcome back,
 10 Mr. Holmes.
 11 MR. HOLMES: Thanks. You're very nice. I
 12 appreciate that.
 13 And I've got to tell you something, I think
 14 I'm going to have sweet dreams tonight, maybe,
 15 because I was afraid that --
 16 CHAIRMAN AIZENSTAT: Can you state your
 17 name, for the record, again, please and your
 18 address?
 19 MR. HOLMES: Thank you.
 20 So my name is Jackson Rip Holmes. I live
 21 at 35 Sidonia Avenue, Coral Gables. I'm a
 22 property owner on Miracle Mile. So, again, you
 23 already have the feeling I'm defensive for
 24 parking on Miracle mile, because if there is no
 25 parking, there's no money, and even the City

1 has an interest in people spending money on
 2 Miracle Mile.
 3 Think of South Beach. If you're going to
 4 go shopping, it may not be on South Beach,
 5 because the parking is a hassle. You get a
 6 \$350 towing fee just if you park in the wrong
 7 place. No parking, no money.
 8 I was very -- forgive me for saying --
 9 happy that you shot down the previous
 10 amendment. I still don't understand it. Maybe
 11 none of us really did and that's why it got
 12 shot down, but as we head now to this item,
 13 which you were kind enough to re-orient me to
 14 speak on, I hope that you shoot this down, too.
 15 It is confusing. You know, it's so
 16 interesting, really, all of us are kind of
 17 students of government. This whole thing, if
 18 you recall -- forgive me now, I'm going to make
 19 a criticism -- was done outside of the public
 20 purview. I think this Zoning re-write,
 21 whatever we want to call it, was done over a
 22 period of three years, two-and-a-half of which
 23 the public was not even informed, and I think
 24 that was actually detrimental, because it gets
 25 down, at the end of the day, to a developer --

1 prove him wrong. I'll bet you -- I'll bet you
 2 any amount of money I can prove him wrong.
 3 Thank you very much.
 4 CHAIRMAN AIZENSTAT: Thank you, sir.
 5 Do we have any other speakers?
 6 THE SECRETARY: Mr. Serra.
 7 MR. GARCIA-SERRA: Good evening, Mr. Chair,
 8 Members of the Board. Mario Garcia-Serra, with
 9 offices at 600 Brickell Avenue, here -- I have
 10 clients that are property owners, both, along
 11 the Mile and the Central Business District, as
 12 well as the Design District.
 13 I walked in here, I think, just as confused
 14 as you guys with regards to what's proposed. I
 15 think I'm a little less confused, but you guys
 16 tell me. I'm going to try to summarize, I
 17 think, what the situation is. I believe the
 18 existing Code allows you to remote park. If
 19 you remote park, you have to buy down 25
 20 percent of it. The existing Code, I think,
 21 also allows you to pay in lieu a hundred
 22 percent of all of the parking requirement.
 23 I believe the proposed Ordinance, and Kevin
 24 and Jennifer, correct me if I'm wrong, is
 25 proposing that if you're parking remotely, you

1 Mr. Behar, I think you're sympathetic to their
 2 point of view, Mr. Torre -- at the end of the
 3 day, if we think into fifteen years into the
 4 future, what I see is -- I'm going to pick on
 5 Terranova for a second, they cannibalized their
 6 own parking, to the point where Miracle Mile
 7 becomes Terranova Street. Nobody else has
 8 parking.
 9 Even if you look at what they want to do at
 10 the corner of Galiano and Miracle Mile right
 11 now, I'm going to reach out to those nearby
 12 property owners, because they're going to
 13 starve those property owners nearby of parking.
 14 They're going to die or they're going to lose
 15 the value of their property. They're not going
 16 to have parking, because the remote parking
 17 will be the public parking in that parking
 18 garage at Fritz & Franz, right?
 19 All of the businesses in that area depends
 20 on that public parking, but guess what, that's
 21 going to evaporate. This idea that there's
 22 plenty of remote parking, yeah, let's talk
 23 about that. Fortunately, we have a good
 24 Parking Director, who is willing to talk, he
 25 said he can find you 3,000. I bet you I can

1 have to pay -- you find the spaces and you're
 2 going to pay whoever is giving you those spaces
 3 their lease amount. You're also going to pay a
 4 hundred percent of that remote parking to the
 5 City, with the potential backup being, if at
 6 some point in time you can no longer have
 7 access to those remote parking spaces, you then
 8 pay another in lieu payment to the City.
 9 That's not right?
 10 MS. GARCIA: Yes, that's correct.
 11 MR. GARCIA-SERRA: Okay. At least I know.
 12 I just needed to get clarification on what
 13 exactly is proposed.
 14 You know, the one thing I might say is,
 15 under -- with this Ordinance adopted, would --
 16 could you still pay at initiation -- at the
 17 very beginning, could you still pay off your
 18 parking requirement a hundred percent, pay the
 19 in lieu payment?
 20 MR. KINNEY: Well, there is, in the City
 21 Code, the requirement that anything above 25
 22 spaces --
 23 CHAIRMAN AIZENSTAT: If you could direct
 24 your comments to the Board.
 25 MR. KINNEY: There is, in the City Code,

1 the current requirement that anything over 25
 2 spaces does have to be reviewed. So the City
 3 could deny a payment in lieu of something over
 4 25 spaces, if it, essentially, did not make
 5 sense.
 6 MR. GARCIA-SERRA: Okay.
 7 MR. COLLER: Just a clarification. When
 8 you say that the City could deny, you mean the
 9 City Commission?
 10 MR. KINNEY: Yes.
 11 MR. COLLER: In other words, if it's 25 or
 12 less; then it can be approved administratively.
 13 If it's more 25 spaces, then it's got to go to
 14 a public hearing; is that correct?
 15 MR. KINNEY: Yes.
 16 CHAIRMAN AIZENSTAT: Thank you for the
 17 clarification.
 18 Do we have any other speakers?
 19 THE SECRETARY: No.
 20 CHAIRMAN AIZENSTAT: Any on Zoom?
 21 THE SECRETARY: No.
 22 CHAIRMAN AIZENSTAT: Any on the phone
 23 platform?
 24 MS. GARCIA: No.
 25 CHAIRMAN AIZENSTAT: At this time, I'll go

1 MR. KINNEY: I am only a recovering
 2 attorney, I am no longer practicing, but that
 3 is something that -- I think it would be the
 4 rate existing at the time.
 5 MR. REVUELTA: But to your question, is
 6 there a escalation rate?
 7 MR. WITHERS: Yeah. Five years from now,
 8 if I lose my ability and I have to pay the --
 9 MR. REVUELTA: My question is, is there an
 10 escalation rate or is this a fixed number?
 11 MR. COLLER: So I think I understand this
 12 part. The actual fee is not part of the Zoning
 13 Code. The fee is part of the City Code. Is
 14 that correct?
 15 MR. KINNEY: Yes.
 16 MR. COLLER: And the fee, pursuant to the
 17 Code, is set by a Resolution; is that right?
 18 MR. KINNEY: Yes.
 19 MR. COLLER: So if the Resolution over time
 20 gets changed, and it would be up to the City
 21 Commission to change that amount, then, if at
 22 the time you find yourself without spaces, then
 23 whatever the Resolution then provides, that's
 24 what the cost would be.
 25 MR. WITHERS: Okay.

1 ahead and close it for public comment.
 2 MR. WITHERS: I just have two questions.
 3 How did you come up with the number, 10,000,
 4 12,000? How was that --
 5 MR. KINNEY: At the time of the Zoning
 6 Code, Development Services or the City
 7 Manager's Office, I'm not sure which, hired an
 8 appraiser to come up with the numbers.
 9 MR. WITHERS: Okay. And so do I lock that
 10 number in? If five years from now I lose my
 11 remote parking, do I pay the current cost --
 12 I'm assuming it's going to rise -- or do I pay
 13 the number that I originally locked in at five
 14 years earlier?
 15 MR. KINNEY: As opposed to, if five years
 16 from now the rate is --
 17 MR. WITHERS: I mean, I'm sure that \$10,000
 18 figure might be \$15,000 five years from now.
 19 I'm assuming it's going to be looked at and
 20 adjusted. So do I lock myself in at the
 21 current rate or am I paying a future rate when
 22 it comes time to pay up?
 23 (Simultaneous speaking.)
 24 MR. REVUELTA: You're buying futures in the
 25 stock market.

1 CHAIRMAN AIZENSTAT: That makes sense.
 2 MR. REVUELTA: Does that mean that there's
 3 an automatic escalation rate?
 4 MR. KINNEY: No, but it is reviewed and
 5 changed by the Commission.
 6 MR. REVUELTA: Should there be an
 7 escalation rate?
 8 MR. KINNEY: Our experience with kind of
 9 automatic escalations is not real good, but we
 10 do, annually, at the budget, review all fees,
 11 and if it's appropriate to change the fee at
 12 budget time, that happens, on a regular basis.
 13 MR. REVUELTA: It would happen on a yearly
 14 basis?
 15 MR. KINNEY: Yes. There is at least the
 16 review every year.
 17 MR. REVUELTA: Is there a limit right now
 18 in the City of what's the minimum amount of
 19 spaces, if I'm developer, that I need to
 20 provide of my required parking or there's not?
 21 MR. KINNEY: No. The Code allows
 22 discussion of up to a hundred percent, but
 23 anything over 25 spaces will be reviewed, and
 24 it's a Conditional Use.
 25 MR. REVUELTA: And there's no condition in

1 terms of distance? For example, other cities
 2 have --
 3 MR. KINNEY: Yes. There is. It's a
 4 thousand feet.
 5 MR. REVUELTA: Okay. Some cities say, you
 6 have to provide a minimum of "X" amount of
 7 spaces of the required parking, and then you
 8 can buy the rest, figure it out.
 9 MS. GARCIA: So there is a minimum of ten
 10 remote parking spaces. If you have less than
 11 ten, then you can talk to Kevin about possibly
 12 paying out of the system.
 13 MR. REVUELTA: But if I'm doing a project,
 14 let's say, for 200 spaces, and I say, I want to
 15 deal, I can just park remotely, pay the City,
 16 and not spend thirty, forty thousand dollars on
 17 my parking garage, because I'm dealing with
 18 height and this and that and the other and I
 19 don't want to do a basement, or the City
 20 doesn't take the position, okay, you're
 21 required 200 spaces, you have to provide a
 22 minimum because we know that you're going to be
 23 able to fix "X" within your property, and,
 24 then, after that, we can talk about what you
 25 can buy?

1 say near Village of Merrick Park somebody needs
 2 200 spaces. They may come to the City, but
 3 because it's more than 25, it's going to be
 4 reviewed, and the City may say, you know,
 5 you've got room on your site. We know there's
 6 a garage across the street, but we don't think
 7 you should park 200 spaces there, maybe a
 8 hundred, and you need to provide -- that
 9 conversation will be had. I mean, just because
 10 it's coming in, doesn't mean the City is going
 11 the allow it.
 12 MR. REVUELTA: But the fact that, as an
 13 architect, we have to read Codes and all of
 14 that, and then refer back to the developers or
 15 our clients, if the Code doesn't say anything,
 16 I have to tell you that the conversation goes
 17 on and on and on. So I don't know how the rest
 18 of the Board feels, but I think a certain
 19 distance and a certain minimum amount required
 20 per project, could be healthy, and then you
 21 have the conversation whether the amounts are
 22 too low or not.
 23 MR. TORRE: So that goes to two points.
 24 One is, the development of small sites, you
 25 cannot really have a minimum, because at that

1 But if the City doesn't have a minimum
 2 requirement for the spaces that you have to
 3 provide in a development, it opens up the door
 4 for the discussion and the questions that have
 5 been asked, that the developer begins to
 6 questions, what's my best deal.
 7 MS. GARCIA: Well, remember, the remote
 8 parking, in general, is a Conditional Use
 9 request. So if the Commission or Staff has
 10 gone through the review process, doesn't feel
 11 like you're providing enough on-site parking,
 12 that you're in an area that has a lot of, you
 13 know, on-street parking or, you know, garages
 14 or such, I think the recommendation would
 15 probably not be favorable.
 16 MR. REVUELTA: Well, I'm thinking of other
 17 areas obviously than the Mile, right. So I
 18 think it's healthy to have the minimum amount
 19 of parking spaces -- healthy for the City to
 20 say, "Developer, you need to provide a minimum
 21 amount of parking spaces within your
 22 development, and the rest then you can --"
 23 MR. KINNEY: Well, I think that
 24 conversation is going to be had. You mentioned
 25 a development that requires 200 spaces. Let's

1 point you're lifting up the building and it
 2 doesn't work, and I think the whole point is to
 3 try to get some things on Ponce, some things on
 4 the Mile, some things other places, that the
 5 land is worth more than the building. You'd
 6 have to knock something down without parking by
 7 waivers, you can't do it. So that's really
 8 part of the reason for all of this.
 9 The second thing is, you made a point of,
 10 okay, if I can get this great deal, I'll take
 11 it. I think this is all market driven, too,
 12 You know, I'm not going to go ahead and just do
 13 it because I can. If my folks are not going to
 14 stay in my building or are not going to rent
 15 from me, because I have no parking, it doesn't
 16 work. So there's going to have to be a back
 17 and forth of what works. It not just, it's
 18 cheaper for me not to do it, so I'm not going
 19 to do it. And then what, you don't have any
 20 tenants? So there's a whole series of back
 21 stories to this.
 22 MR. KINNEY: Well, let's go back to the
 23 Design and Innovation District. The one
 24 project we know that has moved quite a ways
 25 down the path, is that they're providing 80

1 spaces on-site, and the conversation is remote
 2 parking 130 spaces. I think that's a typical
 3 situation.
 4 They could have come in and said, "You
 5 know, we need 210 spaces. Let me buy 210
 6 spaces in the garage across the street."
 7 MR. TORRE: Your executives aren't going to
 8 stay there and you're not going to get a doctor
 9 to say, "I'm going to put my practice there,"
 10 because they're not going to be able to park
 11 there.
 12 MR. KINNEY: I think developers are going
 13 to be sensitive to those types of issues. And
 14 let's say they did come in and say we want to
 15 buy 210 spaces across the street, if the City
 16 knows that that garage is 75 percent full and
 17 there's only 120 spaces available, the City is
 18 not going to allow them to then go park 210
 19 spaces.
 20 I mean, there is a requirement on the City
 21 to get traffic counts, to get studies, and
 22 we've done that in the Village of Merrick Park
 23 area, so we know what's available, and we
 24 hopefully are not going to allow a developer to
 25 come in and ask for more than will work in the

1 ready to go.
 2 MS. CABRERA: Okay.
 3 CHAIRMAN AIZENSTAT: It's up to you.
 4 MR. BEHAR: I think there's a lot of
 5 confusion, and I think that if we're being
 6 asked to defer the item, I --
 7 CHAIRMAN AIZENSTAT: That's what I want to
 8 make sure.
 9 MS. CABRERA: If you feel that you would
 10 benefit from having the City Manager here to
 11 perhaps explain portions of the item, because
 12 it seems to me, watching over there, that
 13 there's a lot of questions about the item, that
 14 I'm not sure that you feel comfortable in that
 15 you understand it completely, but that's just
 16 my perception.
 17 MR. BEHAR: From my personal, I understand
 18 what's being proposed. I'm clear about it.
 19 MR. WITHERS: But -- is there an and a or
 20 however?
 21 CHAIRMAN AIZENSTAT: No. I'm sensing that
 22 the City would like to defer this item to the
 23 next meeting.
 24 MR. REVUELTA: But if we're going to defer,
 25 should we make some comments or recommendations

1 district.
 2 CHAIRMAN AIZENSTAT: All right.
 3 MS. GARCIA: So I've been told that the
 4 City Manager is watching, and since this is
 5 more like his item, it is requested by him,
 6 he'd like to defer the item until the following
 7 meeting, when he will be able to be present.
 8 CHAIRMAN AIZENSTAT: So would the City like
 9 to go ahead and --
 10 MS. GARCIA: The City Manager wishes to
 11 defer the item.
 12 MS. CABRERA: If you all feel that there's
 13 still some confusion about the numbers and all
 14 of this, because it seems like there's some of
 15 that, then we could defer it and he would be
 16 present if you have questions.
 17 CHAIRMAN AIZENSTAT: The City would like to
 18 defer at this time this item?
 19 MS. CABRERA: If you feel that, you know,
 20 you need additional clarification before you
 21 vote on the item.
 22 CHAIRMAN AIZENSTAT: I was actually going
 23 to ask if anybody would like to make a motion.
 24 MR. TORRE: And I would do that. If the
 25 City wants a motion to move forward, we're

1 of what we're expecting for them to come back
 2 with?
 3 CHAIRMAN AIZENSTAT: Well, my understanding
 4 is that, for a clearer explanation. Now we can
 5 always state some of our concerns, so that the
 6 City can come back and maybe answer those
 7 concerns or look at those concerns. I think
 8 that would be appropriate.
 9 MR. REVUELTA: I was thinking, when we go
 10 to the Board of Architects or any kind of Board
 11 of Architects, and the architect say, "Come
 12 back," I beg for, please, give me some
 13 guidance, give me some thoughts. That's what
 14 I'm relating to, right, something that happens
 15 to us at other Boards.
 16 MR. WITHERS: Can I make a motion to defer
 17 this, Mr. Chairman?
 18 CHAIRMAN AIZENSTAT: You would like to make
 19 a motion to defer it?
 20 MS. MIRO: Yeah, and I'd like to second
 21 that motion, because I think that it reads
 22 here, this whole process is to clarify the
 23 remote parking process, and I'm still very
 24 confused, so --
 25 CHAIRMAN AIZENSTAT: We have a motion and

1 we have a second to defer. Any discussion?
 2 MR. COLLER: Wait.
 3 CHAIRMAN AIZENSTAT: Go ahead, please.
 4 MR. COLLER: Are we -- I think we need to
 5 defer to a date certain.
 6 CHAIRMAN AIZENSTAT: To the next meeting.
 7 MR. WITHERS: The next meeting.
 8 MS. GARCIA: I think it's deferred to when
 9 the City Manager is available, I think it is --
 10 MR. COLLER: Okay. So then it would have
 11 to be re-advertised.
 12 MS. GARCIA: Exactly. Yeah.
 13 MR. COLLER: So it will be deferred to when
 14 the City Manager can come and make a
 15 presentation.
 16 CHAIRMAN AIZENSTAT: Is that okay that way?
 17 MR. COLLER: Yes, which means that it will
 18 have to be re-noticed and re-advertised,
 19 because we don't have a date certain at this
 20 point.
 21 MR. BEHAR: Is that okay with the City?
 22 MS. GARCIA: Correct.
 23 CHAIRMAN AIZENSTAT: Is that okay with the
 24 City?
 25 Suramy, you're okay with the City -- we'll

1 So, Chip, that's your motion, to defer it
 2 to the next meeting, until the 14th --
 3 MR. WITHERS: It's your birthday; isn't it?
 4 CHAIRMAN AIZENSTAT: No.
 5 MS. MIRO: Fourteen days after mine.
 6 MR. WITHERS: I knew it was somebody's
 7 birthday.
 8 Yes, that's my motion.
 9 CHAIRMAN AIZENSTAT: Mine is close.
 10 Do we have a second?
 11 MS. MIRO: I second.
 12 CHAIRMAN AIZENSTAT: Any discussion? No?
 13 Call the roll, please.
 14 THE SECRETARY: Chip Withers?
 15 MR. WITHERS: Yes.
 16 THE SECRETARY: Venny Torre?
 17 MR. TORRE: Yes.
 18 THE SECRETARY: Luis Revuelta?
 19 MR. REVUELTA: Yes.
 20 THE SECRETARY: Claudia Miro?
 21 MS. MIRO: Yes.
 22 THE SECRETARY: Robert Behar?
 23 MR. BEHAR: Yes.
 24 THE SECRETARY: Eibi Aizenstat?
 25 MS. MIRO: Yes.

1 have to re-advertise or would the Manager like
 2 to come in at the next meeting?
 3 MS. CABRERA: I think he would make himself
 4 available for the next meeting.
 5 CHAIRMAN AIZENSTAT: Okay. That was my
 6 understanding.
 7 MS. CABRERA: That was my understanding
 8 with the phone call with him now.
 9 CHAIRMAN AIZENSTAT: So you'd like to do it
 10 to a time certain to the next meeting.
 11 MS. CABRERA: Yes.
 12 CHAIRMAN AIZENSTAT: That's the City's
 13 position.
 14 MR. COLLER: Okay.
 15 CHAIRMAN AIZENSTAT: We have a motion to
 16 defer to the next meeting.
 17 MR. COLLER: What's the date of that
 18 meeting?
 19 CHAIRMAN AIZENSTAT: Jill?
 20 THE SECRETARY: December 14th.
 21 MR. COLLER: So December 14th. So there
 22 would be no further notice, because we're
 23 giving the notice now.
 24 CHAIRMAN AIZENSTAT: Correct. So there's
 25 no advertisement that would be necessary.

1 MR. COLLER: Mr. Chair, should we take a
 2 five-minute break for the court reporter?
 3 CHAIRMAN AIZENSTAT: Can we do a six,
 4 six-minute?
 5 MR. COLLER: Six minutes should be fine.
 6 MR. BEHAR: What is the next item?
 7 THE SECRETARY: Item G-2 and G-3 are related.
 8 MR. REVUELTA: I'm going to have to go.
 9 CHAIRMAN AIZENSTAT: Okay. If you have to
 10 go -- I think Claudia has to go, do we have a
 11 quorum? One, two, three -- we only have four
 12 left.
 13 MR. COLLER: We have a quorum.
 14 CHAIRMAN AIZENSTAT: We have a quorum.
 15 For the record, let's note that Claudia
 16 Miro is leaving the meeting and so is
 17 Luis Revuelta. Let's take a five-minute break,
 18 please.
 19 (Short recess taken.)
 20 CHAIRMAN AIZENSTAT: We're going to
 21 continue with the meeting, please. Thank you.
 22 So we are back in session. Mr. Coller, if
 23 you could please read the next item into the
 24 record.
 25 MR. COLLER: Item G-3, an Ordinance of the

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1 City Commission of Coral Gables, Florida
 2 providing for a text amendment to the City of
 3 Coral Gables Official Zoning Code by amending
 4 Article 15, "Notices" to require online
 5 publication of historical determination letters
 6 and Article 8, "Historic Preservation" revising
 7 the process of historical determination
 8 letters, providing for severability clause,
 9 repeater provision, codification, and providing
 10 for an effective date.
 11 Item G-3, public hearing.
 12 CHAIRMAN AIZENSTAT: I think the
 13 microphones are not working, even though they
 14 are on. I don't know if the court reporter is
 15 able to hear it, and I don't know if it's being
 16 televised.
 17 It's just for the record. So maybe we
 18 ought to just -- we're going to have to speak
 19 up.
 20 MR. BEHAR: No problem.
 21 CHAIRMAN AIZENSTAT: Go ahead, Jennifer.
 22 MS. GARCIA: So this text amendment is
 23 sponsored by the Commission. The concern is,
 24 when Historic gets a determination letter
 25 issued, they're not publicized, they're not

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1 CHAIRMAN AIZENSTAT: Okay.
 2 MS. GARCIA: Yeah, they're both Historic
 3 related. I have -- yes.
 4 MR. ADAMS: Warren Adams, Preservation
 5 Officer.
 6 Any time someone requests demolition of a
 7 property, they are required to come through my
 8 office, for me to determine whether the
 9 property is eligible to be historically
 10 designated or not.
 11 If we determine it as eligible for
 12 designation, we must take the designation
 13 report to the Preservation Board. If I
 14 determine that it is not eligible, then the
 15 Code, at the moment, does not prevent someone
 16 from submitting a designation application even
 17 after I've made the determination.
 18 This issue came up, because recently I
 19 received a designation application for a
 20 property I determined had no significance over
 21 a year ago. So a year later, after I've made
 22 the determination, someone submitted a
 23 designation report for a property.
 24 What this process seems to do is, the
 25 Commission felt that there should be more

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1 brought to the public, and the public feels
 2 like they're behind, I guess, when these
 3 determinations are made.
 4 So the sponsored text amendment is to
 5 require they be posted online and that there is
 6 a clarified appeal process that they can go
 7 through.
 8 Oh, I've come back on. That's nice. Good.
 9 So they would have had the appeal within
 10 ten days, which is pretty standard, as far as
 11 appeal processes go, but they would be required
 12 to submit within 21 days an actual completed
 13 administrative report with that appeal, that
 14 they feel that this property is historic and
 15 that they know the history behind it, and they
 16 are going to submit something within 21 days
 17 with that appeal.
 18 MR. BEHAR: Am I looking at the same,
 19 because this is the notices, right?
 20 MS. GARCIA: It's item G-3, which has the
 21 Staff report of two items.
 22 MR. BEHAR: Okay.
 23 CHAIRMAN AIZENSTAT: G-3 and G-4 are the
 24 same Staff reports.
 25 MS. GARCIA: Yes. Correct.

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1 transparency when I issue these letters. So
 2 the letters will be published online, for the
 3 public to see. Within ten days, a member of
 4 the public, a resident, has the right to submit
 5 a notice of intent to appeal, and if they do
 6 that, they have 21 days to submit a completed
 7 Historic designation report.
 8 CHAIRMAN AIZENSTAT: And then what's the
 9 process after that?
 10 MR. ADAMS: If I still determine the
 11 property is not eligible, I deny it, but they
 12 do have the right to take it forward to the
 13 Preservation Board. If the Preservation Board
 14 recommends denial, they would have a right to
 15 appeal to the City Commission.
 16 So that is generally what this is intending
 17 to do, transparency, and allow members of the
 18 public the right to appeal my determination, if
 19 I determine it is not Historically significant.
 20 CHAIRMAN AIZENSTAT: But the process is the
 21 same?
 22 MR. ADAMS: The process is the same. The
 23 only difference is, at the moment, they can
 24 submit a designation application a year after I
 25 submitted my initial determination saying it's

1 not significant.
 2 CHAIRMAN AIZENSTAT: Yes, Venny.
 3 MR. TORRE: No, I understood the point.
 4 How long are the letters that you are providing
 5 now good for? This one was a year later. How
 6 long do they stay --
 7 MR. ADAMS: They're valid for 18 months,
 8 and then the property owner must re-submit. If
 9 the letter expires and the property owner has
 10 not re-submitted, a member of the public can
 11 submit a designation application then, but
 12 there's nothing in the Code at the moment that
 13 prevents someone submitting a designation
 14 application any time after I've made my
 15 determination.
 16 MR. TORRE: And the timing -- so there's 21
 17 days for them to give you the designation
 18 report, which could be good, bad or
 19 indifferent. They're just going to provide you
 20 with something they feel is adequate?
 21 MR. ADAMS: This is one of the issues.
 22 It's going to be up to me to determine if the
 23 designation report is sufficient. It's almost
 24 certain, in most cases, that they will not be
 25 as thorough as the designation reports that our

1 eligible --
 2 MR. WITHERS: Right. That was my point.
 3 MR. ADAMS: -- it's normally the property
 4 owner that would actually appeal the
 5 designation when it goes -- they would go to
 6 the Preservation Board. They would argue their
 7 case.
 8 MR. WITHERS: Okay. I got it. I got it.
 9 MR. ADAMS: Yes.
 10 MR. TORRE: So -- how can I say this?
 11 CHAIRMAN AIZENSTAT: Just say it.
 12 MR. TORRE: If there's a continual coming
 13 to you, over and over, "This one shouldn't have
 14 gone this way; no, this one shouldn't have gone
 15 this way," and now, all of a sudden, you're
 16 feeling the same pressure from the same person
 17 or group four or five times, what happens?
 18 MR. ADAMS: Yeah. My issue is, I've
 19 already made the determination. Unless they
 20 come up with something which I overlooked or
 21 missed, or -- you know, I'm not sure why my
 22 determination would be different, because we do
 23 thorough research on these, and, you know,
 24 unless a property was built in the 1980s or
 25 something and it's a clear, no, this isn't

1 department provides. So that is a potential
 2 issue, if I determine something is insufficient
 3 to go forward, would they still have to right
 4 to take it to the Board.
 5 MR. TORRE: If that happens -- so they give
 6 you a semi produced report, you deny it. Does
 7 the Historic Board review that same package
 8 that you just sort of denied? There's no
 9 additional --
 10 MR. ADAMS: There's no additional, unless I
 11 say to them, "You know, you're going to have
 12 to, you know, add more information to this
 13 report."
 14 MR. WITHERS: So who can file the appeal,
 15 anybody, City-wide?
 16 MR. ADAMS: Any resident, yes.
 17 MR. WITHERS: Any resident, City-wide, can
 18 file it?
 19 MR. ADAMS: Yes.
 20 MR. WITHERS: And they can file an appeal
 21 whether you give the letter of determination in
 22 a positive or give a determination letter in
 23 the negative?
 24 MR. ADAMS: Normally the negative comes
 25 from the property owner. So if I say it's

1 eligible.
 2 But of tricky ones, come those properties
 3 built in the '40s and '50s, but if I make a
 4 determination that it's not eligible, then a
 5 designation report can still be submitted, but
 6 unless there's some information in there that I
 7 missed or haven't found, my determination would
 8 possibly be the same.
 9 MR. TORRE: It just seems to me that there
 10 could be some anti-development reasons for
 11 these to filed for whatever. I mean, it's just
 12 what happens, and then this becomes a big deal,
 13 and you're facing something that is not even
 14 worth -- and, again, when you guys do it, your
 15 Staff reports have very much -- you know,
 16 there's a big vet in there. I'm just concerned
 17 that then you're still relying on having this
 18 process take 21 days and it's still with the
 19 same piece of paper, that doesn't mean any --
 20 MR. ADAMS: Well, I think the other thing
 21 to consider is, you submit a letter of
 22 determination to me. I have 45 days to make
 23 the determination. So the determination is
 24 then published. If someone wishes to appeal,
 25 they have 10 days to submit their intent to

1 appeal, and then 21 days to submit the
2 designation application. I then maybe take a
3 week or two to review it, and if I say, no,
4 it's probably going to take five or six weeks
5 to get it to the Preservation Board. If the
6 Preservation Board denies it, it's then
7 potentially going to be another four weeks
8 before it goes to Commission.
9 But I must stress, at the moment, that the
10 Code allows people to do that. The only
11 difference is, there isn't this time
12 constraint. They can submit it a year after
13 the determination has been issued.
14 MR. WITHERS: And that's the same if the
15 City is the appellant, as well?
16 MR. ADAMS: It would be, although I don't
17 believe I've ever seen the City appeal one --
18 MR. WITHERS: But, I mean, if the City
19 itself wanted to appeal a decision from a Board
20 or an action?
21 MR. ADAMS: Yes. I believe it's ten days
22 to submit the notice of intent and then however
23 long -- I'm not sure that it's 21 days to
24 submit for a re-appeal. I believe it is.
25 CHAIRMAN AIZENSTAT: Interesting. Thank

1 MR. BEHAR: This is just on -- this item,
2 G-3, is not a companion with --
3 CHAIRMAN AIZENSTAT: G-4?
4 MR. BEHAR: -- G-4?
5 CHAIRMAN AIZENSTAT: We're just voting on
6 G-3 right now.
7 MR. TORRE: So just to clarify, before I
8 leave this, you're going to post any letter
9 that you give out on some platform online, and
10 that will happen so that anybody that keeps up
11 with it, is going to see all of the stuff that
12 you're saying is not Historically worthy?
13 MR. ADAMS: Yes.
14 MR. BEHAR: And they could appeal that,
15 because you're going to post it up and they
16 could appeal it?
17 MS. GARCIA: Yeah.
18 MR. TORRE: I mean, I get it and I, you
19 know, obviously, openness and transparency is a
20 good thing. I see some ulterior motive and
21 people maybe using this as a --
22 MR. WITHERS: The people that have been in
23 the process are probably going to be the ones
24 that are going to be appealing it, anyway? You
25 think you're going to draw --

1 you.
2 Is that the City's presentation?
3 MS. GARCIA: Yeah.
4 CHAIRMAN AIZENSTAT: Jill, do we have
5 anybody in Chambers for this item?
6 THE SECRETARY: No.
7 CHAIRMAN AIZENSTAT: Anybody on Zoom?
8 THE SECRETARY: No.
9 CHAIRMAN AIZENSTAT: Anybody on the phone
10 platform?
11 THE SECRETARY: No.
12 CHAIRMAN AIZENSTAT: At this point, I'd
13 like to go ahead and close it for public
14 comment.
15 Any further discussion from anybody,
16 questions? Anybody would like to make a
17 motion?
18 MR. WITHERS: I'll move it.
19 CHAIRMAN AIZENSTAT: Chip makes a motion to
20 move. As presented?
21 MR. WITHERS: Yes.
22 CHAIRMAN AIZENSTAT: Is there a second?
23 MR. TORRE: I'll second it.
24 CHAIRMAN AIZENSTAT: Venny seconds.
25 Any discussion?

1 MR. TORRE: No. No, that's correct.
2 MR. WITHERS: It's the people that have
3 already been involved.
4 MR. TORRE: That care and watch this and
5 stay tune with what's going on.
6 MR. WITHERS: And groups.
7 MR. TORRE: Yeah.
8 CHAIRMAN AIZENSTAT: Any further
9 discussion? No?
10 Call the roll, please.
11 THE SECRETARY: Chip Withers?
12 MR. WITHERS: Yes.
13 THE SECRETARY: Venny Torre?
14 MR. TORRE: Yes.
15 THE SECRETARY: Robert Behar?
16 MR. BEHAR: No.
17 THE SECRETARY: Eibi Aizenstat?
18 CHAIRMAN AIZENSTAT: No.
19 MR. COLLER: So we have a tied vote. You
20 could try to break the tie or just go as no
21 recommendation. Do we have two yeses, two nos?
22 THE SECRETARY: Correct.
23 MR. COLLER: So it goes as no
24 recommendation, or you could have another
25 motion, if you think you can reach consensus.

1 MR. TORRE: Is there anything that
 2 particularly bothers both of you?
 3 CHAIRMAN AIZENSTAT: For me, my concern is
 4 people that for no reason or rhyme are just
 5 going to go ahead and appeal.
 6 MR. BEHAR: I agree.
 7 CHAIRMAN AIZENSTAT: That's my concern.
 8 MR. BEHAR: I agree.
 9 CHAIRMAN AIZENSTAT: I have no objections
 10 with posting. I think it should be posted, and
 11 it should have been posted all along, but I
 12 think --
 13 MR. BEHAR: And I'm putting more burden on
 14 that property owner that --
 15 CHAIRMAN AIZENSTAT: Because we have an
 16 expert that makes that determination and there
 17 are Boards and there are people that review and
 18 so forth, and you do a very thorough job, a
 19 deep dive.
 20 MR. BEHAR: A fantastic job.
 21 MR. ADAMS: Thank you.
 22 CHAIRMAN AIZENSTAT: So, to me, it's
 23 just -- that's why.
 24 MR. BEHAR: From me, it's simply that, that
 25 it opens up for anybody else that, you know,

1 community asking which ones have been issued
 2 that month.
 3 CHAIRMAN AIZENSTAT: But they still have
 4 the same process?
 5 MR. ADAMS: Yes. They can still submit a
 6 designation application. The only difference
 7 is, this is at least limiting the amount of
 8 time they have to do so, because we recently
 9 received one for a determination that was made
 10 a year ago.
 11 CHAIRMAN AIZENSTAT: Then I'm confused and
 12 I apologize.
 13 MR. COLLER: Maybe I can clarify it.
 14 Previously, there wasn't a time deadline for
 15 somebody to appeal your determination.
 16 MR. ADAMS: No.
 17 MR. COLLER: So they could, in theory, six
 18 months from your determination, make an appeal?
 19 MR. TORRE: Up to 18 months, because the
 20 letter then expires.
 21 CHAIRMAN AIZENSTAT: Unless the property
 22 was demolished.
 23 MR. COLLER: Well, I guess then there's
 24 nothing --
 25 CHAIRMAN AIZENSTAT: If the property is

1 for the hell of it --
 2 MR. ADAMS: Bear in mind, they can do that
 3 at the moment. There's nothing in the Code
 4 that prevents them from doing it.
 5 MR. WITHERS: They still have the appeal
 6 process.
 7 MR. BEHAR: But this just makes it easier
 8 for them to.
 9 MR. TORRE: Because of the transparency of
 10 the posting?
 11 MR. BEHAR: No, because now you're posting
 12 online.
 13 MR. TORRE: That's what I'm saying to you.
 14 It's the posting part.
 15 CHAIRMAN AIZENSTAT: No, the posting -- I
 16 don't mind the posting, but now you're changing
 17 that for ten days, that they can make that
 18 appeal. Am I incorrect in the way I understood
 19 it?
 20 MR. ADAMS: Ten days to submit the intent
 21 and then 21 days after that to submit a --
 22 CHAIRMAN AIZENSTAT: If it wasn't posted at
 23 all, they could still do that?
 24 MR. ADAMS: We do receive regular public --
 25 public records requests from people in the

1 demolished four months later --
 2 MR. COLLER: So this really cuts the
 3 appellate time off.
 4 MR. ADAMS: Yes.
 5 MR. BEHAR: So they only have ten days to
 6 appeal your decision?
 7 MR. WITHERS: To notify of the appeal.
 8 MR. ADAMS: Ten days to submit the letter
 9 of intent, an intent to appeal, and then they
 10 have 21 days after that letter to submit the
 11 appeal.
 12 CHAIRMAN AIZENSTAT: Okay. Because I
 13 understood it differently.
 14 MR. BEHAR: I did, too.
 15 MR. TORRE: It's more stringent. The only
 16 issue is, there's an openness to all of this.
 17 CHAIRMAN AIZENSTAT: Right. I have no
 18 issue with the posting.
 19 MR. ADAMS: No.
 20 CHAIRMAN AIZENSTAT: My issue was, I
 21 thought you were adding now, you know, that
 22 they have ten days, which wasn't before.
 23 MR. ADAMS: No.
 24 MR. BEHAR: Before, it's unlimited, 18
 25 months?

1 MR. ADAMS: Yeah.
 2 MR. BEHAR: So we're cutting it down to ten
 3 days to submit a letter of intent and 21 days
 4 to appeal?
 5 MR. ADAMS: To submit a full designation
 6 application.
 7 MR. BEHAR: Would you -- can they present
 8 it the same way?
 9 MR. COLLER: Any motion is in order at this
 10 point.
 11 CHAIRMAN AIZENSTAT: If you would --
 12 MR. COLLER: You can make the same motion
 13 again.
 14 MR. WITHERS: I would like to make a motion
 15 to vote in favor of this, please. I move the
 16 motion. I rewound and I repeated it, okay.
 17 MR. TORRE: I will rewind and second it.
 18 CHAIRMAN AIZENSTAT: Thank you.
 19 Call the roll again, please.
 20 THE SECRETARY: Chip Withers?
 21 MR. WITHERS: Yes.
 22 THE SECRETARY: Venny Torre?
 23 MR. TORRE: Yes.
 24 THE SECRETARY: Robert Behar?
 25 MR. BEHAR: Yes.

1 there's anybody in the audience.
 2 CHAIRMAN AIZENSTAT: Would you like to make
 3 your presentation?
 4 MS. GARCIA: Well, it's not a presentation.
 5 I think you already know what the text
 6 amendment does. So, currently, the TDRs, they
 7 expire in two years. So this is removing that
 8 two-year expiration for the certificate, but
 9 keeping the two-year expiration for the
 10 receiving site.
 11 MR. WITHERS: Say that again. I'm sorry.
 12 MS. GARCIA: So, right now, TDRs, the
 13 certificate of transfer, that historic property
 14 gets when they have square feet that are unused
 15 development rights, to transfer them, that
 16 expires right now after two years, and I think
 17 it's renewed --
 18 MR. WITHERS: Is that, once they have been
 19 designated, is that what you're saying?
 20 MS. GARCIA: After they've been designated,
 21 yes --
 22 MR. WITHERS: Okay.
 23 MS. GARCIA: -- they're allowed to transfer
 24 those development rights that are unused.
 25 MR. WITHERS: Because the transfer of

1 THE SECRETARY; Eibi Aizenstat?
 2 CHAIRMAN AIZENSTAT: Yes. Now I have a
 3 clear understanding of it.
 4 MR. TORRE: Craig, that's two for two
 5 today. You're two for two today.
 6 MR. COLLER: I'm on a roll.
 7 MR. TORRE: You're good.
 8 MR. BEHAR: Thank you for the
 9 clarification.
 10 CHAIRMAN AIZENSTAT: Let's go on to G-4,
 11 please.
 12 MR. COLLER: Item G-4, an Ordinance of the
 13 City Commission providing for a text amendment
 14 to the City of Coral Gables official Zoning
 15 Code by amending Article 14, "Process," Section
 16 14-204.9, "Expiration of Approvals; to
 17 eliminate the expiration of Certificates of
 18 TDR; providing for severability clause,
 19 repeater provision, codification, and providing
 20 for an effective date.
 21 Item G-4, public hearing.
 22 MR. BEHAR: I'll make a motion to approve.
 23 I'll take that back. Strike that.
 24 MR. COLLER: You could do that. You don't
 25 have to have -- but we do need to see if

1 development rights never expire.
 2 MS. GARCIA: That's the thought, but,
 3 however, the Zoning Code does expire them.
 4 MR. WITHERS: That's what I'm saying,
 5 before they've been transferred and designated
 6 or just now? I mean --
 7 MS. GARCIA: No, before they're actually
 8 being utilized and put into a receiving site.
 9 MR. WITHERS: So let's talk about one of my
 10 favorite topics, the Coral Gables Museum.
 11 MS. GARCIA: Okay.
 12 MR. WITHERS: Okay. They have transfer of
 13 developments rights and I thought they've had
 14 them for many, many years. We just, a couple
 15 of weeks -- a couple of meetings ago changed
 16 the Code to reflect that. So are you saying
 17 that those transfer of development rights
 18 available expire or they only expire after
 19 they're already been designated --
 20 MS. GARCIA: The certificate itself
 21 expires. The unused development rights are
 22 always there until they're actually received
 23 and built by a property.
 24 CHAIRMAN AIZENSTAT: So that means you'd
 25 have to pay the fees to get the certificate

1 back in? How does that work?
 2 MR. ADAMS: No. I have the ability, after
 3 the two years on the sending site, which is
 4 what the museum is, because they're sending
 5 their TDRs elsewhere, so we were at the meeting
 6 recently, and it was approved to send them
 7 elsewhere.
 8 MR. WITHERS: So that's when the time
 9 starts.
 10 MR. ADAMS: Yeah. If those rights are not
 11 transferred after two years, they expire.
 12 CHAIRMAN AIZENSTAT: And you have to go
 13 through the same process again.
 14 MR. ADAMS: And the Code allows me to --
 15 MR. WITHERS: I got it. So, once it's been
 16 designated to be sent, that's when it kind
 17 of --
 18 MR. ADAMS: Yeah. The Code allows me to
 19 extend it for six months at the moment, but
 20 this would do away with that expiration.
 21 MR. BEHAR: The receiving site would have
 22 still the two years expiration?
 23 MR. ADAMS: Yes.
 24 MR. BEHAR: What happens if a recession
 25 comes and the project is delayed for more than

1 maintenance plan to be submitted for review by
 2 the Preservation Board.
 3 CHAIRMAN AIZENSTAT: So what happens if,
 4 when they get the certificate, they're in
 5 compliance, and for some reason, five years
 6 down the road, they're not in compliance
 7 anymore, but they have that right and that
 8 certificate? Is there a check or a balance
 9 that the City goes back in, and before it's
 10 done, has to review that property again?
 11 MR. ADAMS: Well, normally, for a sending
 12 site, they have to --
 13 CHAIRMAN AIZENSTAT: For a sending site,
 14 because I assume that the monies that the
 15 sending site is also going to get is to
 16 upkeep --
 17 MR. BEHAR: That's the intent.
 18 CHAIRMAN AIZENSTAT: -- if that's the
 19 intent.
 20 MR. ADAMS: Normally, a requirement of
 21 being able to send TDRs is, One, obviously, the
 22 building has to be historic, but, Two, they
 23 must have a maintenance plan approved by the
 24 Preservation Board, and that will list
 25 short-term items that must be done within the

1 two years?
 2 MR. ADAMS: Well, at the moment, that
 3 would, I believe, have to go through the same
 4 review process again.
 5 CHAIRMAN AIZENSTAT: For the receiving
 6 site?
 7 MR. ADAMS: For the receiving site, but
 8 there would be no requirement to do that for
 9 the sending site. Once they've been authorized
 10 for transfer, people may wait for the market to
 11 go up, they may sit on them for a while --
 12 CHAIRMAN AIZENSTAT: So somebody else can
 13 come, if the value changes -- there's a value
 14 to those TDRs. So another site can come in and
 15 say, "You know what, now that your deal has
 16 expired, I'm going to give you one dollar more,
 17 and I'd like to purchase those TDRs"?
 18 MR. ADAMS: Well, that's all done in the --
 19 CHAIRMAN AIZENSTAT: Understood, but I
 20 think that's the theory.
 21 And then the other question that I have is,
 22 I assume, for a sending site to be able to
 23 utilize TDRs, they have to come up to Code,
 24 they have to have no violations and so forth?
 25 MR. ADAMS: There's a requirement for a

1 next six months, and long-term items, how do
 2 you propose to maintain this building over the
 3 next --
 4 CHAIRMAN AIZENSTAT: Let's say they've done
 5 it and they've gotten their certificate and
 6 they've complied with everything and the
 7 property is beautiful, it's up to Code, it's up
 8 to date, no violations.
 9 Five years down the road, the place has
 10 been run down, but they have their certificate
 11 in hand to be able to then sell those TDRs. Is
 12 there a check or balance in place from the City
 13 to come back in, before that takes place from
 14 Year 2 to Year 5, to ensure that it's still in
 15 compliance?
 16 MR. ADAMS: Normally, the Preservation
 17 Board requires Preservation Staff go out to the
 18 building once a year to just check properties
 19 that have transferred TDRs.
 20 CHAIRMAN AIZENSTAT: But it hasn't been
 21 transferred yet. You've issued the
 22 certificate, but according to this, it hasn't
 23 been transferred yet, it doesn't expire.
 24 MR. ADAMS: Well, in order for them to
 25 transfer them, there must be a maintenance plan

1 and part of that maintenance plan is that
2 Preservation Staff go out once a year. So they
3 may not actually transfer them for five years'
4 time, but we would still be required to go out
5 and look at it.

6 CHAIRMAN AIZENSTAT: I would just like to
7 make sure that there's something --

8 MR. COLLER: I think the question is, if
9 they fail to maintain as they promised to, is
10 that considered a Code violation? Or how is
11 that enforced?

12 MR. BEHAR: And, then, do you void the
13 certificate?

14 CHAIRMAN AIZENSTAT: And does that negate
15 the certificate until they comply?

16 MR. ADAMS: I don't believe that has ever
17 happened.

18 CHAIRMAN AIZENSTAT: But now it may happen,
19 because we're changing it.

20 MR. ADAMS: But they are required to keep
21 the property maintained, regardless of whether
22 it's Historic or not.

23 MR. BEHAR: But the point that the Chairman
24 is making is a very good point, because, today,
25 I'm in compliance, everything is good, there is

1 MR. ADAMS: Yeah.

2 CHAIRMAN AIZENSTAT: That's my only
3 concern.

4 MR. BEHAR: You have some other comment?

5 MS. GARCIA: So Mario is reminding me that
6 there is a covenant that runs with the land
7 with the sending site, that requires them to
8 upkeep and maintain the property as they
9 promised they would in the maintenance plan.

10 CHAIRMAN AIZENSTAT: Correct.

11 MR. BEHAR: And who checks that in Year 3?

12 MR. ADAMS: Well, again, we are required to
13 go out and look and inspect the property once a
14 year. So we can go out, the Preservation
15 Staff, if the property is not being maintained,
16 and as Mario said, there is a covenant that
17 runs with the property, and you can say to the
18 property owner, "You're not" --

19 MR. BEHAR: At that point, if it's not
20 being maintained, that certificate could be
21 pulled back?

22 CHAIRMAN AIZENSTAT: Can it be pulled back?

23 MR. ADAMS: I believe so, because --

24 CHAIRMAN AIZENSTAT: But is there something
25 in place to pull it back on Year 3?

1 certificate issued. Two years later, the
2 property may, you know, go into disrepair or
3 whatever, but you still have that certificate.
4 You could still transfer, sell, those TDRs, but
5 there's not a check and balance to make sure
6 that the property has been maintained?

7 CHAIRMAN AIZENSTAT: It's just a Code
8 violation.

9 MR. COLLER: But my question is, if the
10 property is in disrepair, isn't that a Code
11 violation?

12 MR. BEHAR: It may not be a Code violation.
13 If you're not maintaining completely, it may
14 not be a Code violation, you know.

15 MR. COLLER: Okay.

16 CHAIRMAN AIZENSTAT: I would just like to
17 see -- I think, to me, when I reviewed all of
18 this, there was something missing between Year
19 2 to the time that it transfers.

20 MR. BEHAR: But, I think, I like the fact
21 that there's no expiration date. There's just
22 got to be something to check and balance, to
23 make sure.

24 CHAIRMAN AIZENSTAT: Correct.

25 MR. BEHAR: I like this, you know.

1 MR. TORRE: What is the instrument -- you
2 know the answer. What is the instrument that
3 is transferred for money at Year 3? What is
4 the instrument that somebody would say, okay,
5 great, let me have it and I'm going to give you
6 the money? Is it a certificate and that
7 certificate alone is the value or does it have
8 any other recorded --

9 CHAIRMAN AIZENSTAT: Why don't we do
10 something, because Mario is from the public?
11 Are you done with your presentation at this
12 point?

13 MR. ADAMS: Yes.

14 CHAIRMAN AIZENSTAT: Okay. Jill, do we
15 have any speakers? We have one gentleman that
16 would like to speak.

17 MR. GARCIA-SERRA: Good evening, Mr. Chair,
18 Member of the Board, Mario Garcia-Serra, with
19 offices at 600 Brickell Avenue, here,
20 sincerely, as a member of a public, but there's
21 only been a handful of TDR transactions that
22 have happened. I've been involved in some of
23 them. There's a private component to that, you
24 know, I think you're asking about right now,
25 and to your direct question, Mr. Torre, at the

1 time of the closing on the TDRs, there is a TDR
2 deed that's executed, saying, we're
3 transferring these development rights from here
4 to here.

5 The City also requires that the sender site
6 have entered into a covenant tying it to that
7 Stabilization and Maintenance Plan, that Warren
8 and his staff are then reviewing or going to
9 inspect every year, to make sure that the
10 property is being properly maintained, and, you
11 know, at this point, I think what's being
12 proposed is something practical.

13 You know, these sender sites are usually
14 smaller Historic properties. It's a bit of a
15 burden to go get this sender site approval.
16 They get the sender site approval. They've
17 gone through the expense of the Stabilization
18 and Maintenance Plan, attorneys, City
19 processing and fees, and they want to be able
20 to continue to have that right and not
21 necessarily lose it after two years.

22 And so the idea here, I think, is to try to
23 make this a little more user friendly for the
24 purposes of the sending site.

25 MR. COLLER: Could I ask Mario a question?

1 CHAIRMAN AIZENSTAT: Please.

2 MR. COLLER: In the covenant, is there a
3 provision, if you fail to comply with the
4 requirements of this covenant, what happens?

5 MR. GARCIA-SERRA: If you fail to comply
6 with the requirements of the covenant and the
7 transfer has not taken place, I guess you could
8 then invalidate the certificate of transfer.
9 If the transfer has taken place already, then
10 it becomes a Code violation. They're not
11 complying with the Stabilization and
12 Maintenance Plan.

13 CHAIRMAN AIZENSTAT: I asked that question,
14 because the key word that you said is, at the
15 time of sale, this all takes place, but in this
16 case now, there isn't going to be a time of
17 sale.

18 MR. GARCIA-SERRA: Right, but at the -- if
19 the transfer of TDRs has not happened and
20 you're in violation of the Stabilization and
21 Maintenance Plan, that could be grounds for
22 invalidating your certificate of TDRs. If you're
23 past that point, then -- and the TDRs have
24 already been sent to the receiver site, it
25 could then constitute a Code violation.

1 You're violating a covenant that you've entered
2 into with the City, and so you're subject now
3 to fines.

4 CHAIRMAN AIZENSTAT: A Code violation, I
5 can understand, because that's the way it's
6 been. Like I said, my concern is after Year 2
7 and there's been no sale.

8 MR. COLLER: And you think that there's a
9 provision in the covenant that says, "Failure
10 to comply with the requirements may terminate
11 your TDR"?

12 MR. BEHAR: And that's really, essentially,
13 your check and balance.

14 MR. GARCIA-SERRA: We have to take a look
15 at the form covenant. This has only been done
16 two or three times.

17 MR. COLLER: If the form covenant doesn't
18 say that, of course, the Board could make a
19 recommendation that it should have it there.

20 MR. GARCIA-SERRA: Correct.

21 MR. TORRE: So here's the question that
22 would answer your concerns, is the City
23 involved in the action, involved, present, in
24 any way, shape, attached to the deed transfer?
25 Does the City need to be at that --

1 MR. GARCIA-SERRA: No one is going to close
2 on a transaction unless we have a Certificate
3 of TDRs saying --

4 MR. TORRE: Which is gotten at that
5 particular point in time? Is it something you
6 put in the file? Is there something -- my
7 question is, again, you're going to go to
8 close. You grab your paper from the file and
9 you just transfer it for money or do you have
10 to call the City and say, "I'm going to take
11 care of this," and make sure this is -- the
12 covenant has to be fulfilled and all of that?
13 Isn't there an involvement by the City at that
14 time?

15 MR. BEHAR: You have to come to the City --

16 MR. GARCIA-SERRA: Right. The City has to
17 sign off on the covenant also.

18 MR. TORRE: Wouldn't that be the time for
19 you to check whether this thing is in
20 disrepair?

21 CHAIRMAN AIZENSTAT: Meaning, if it's three
22 years down the road?

23 MR. ADAMS: Yes, and the --

24 MR. BEHAR: Okay. That's it. That's it.
25 You do --

1 CHAIRMAN AIZENSTAT: So you do have --
 2 okay.
 3 MR. ADAMS: And as a part of approval of
 4 the maintenance plan, which is required of the
 5 Board, has been asking to go once a year just
 6 to check that these properties are maintained.
 7 CHAIRMAN AIZENSTAT: Before we continue, a
 8 second, we are close. Is there a motion --
 9 MR. BEHAR: No, we're going to finish this.
 10 MR. WITHERS: We're going to be finished.
 11 CHAIRMAN AIZENSTAT: We have two more
 12 items.
 13 MR. BEHAR: We made a motion.
 14 MR. WITHERS: I second your motion.
 15 CHAIRMAN AIZENSTAT: Okay. We have a
 16 motion.
 17 MR. COLLER: Is the motion to approve?
 18 MR. BEHAR: Yes.
 19 MR. COLLER: Okay.
 20 CHAIRMAN AIZENSTAT: Robert made a motion
 21 to approve.
 22 Hold on. Jill, do we have anybody else?
 23 THE SECRETARY: No.
 24 CHAIRMAN AIZENSTAT: Anybody on Zoom?
 25 THE SECRETARY: No.

1 G-5. Mr. Coller.
 2 MR. COLLER: Item G-5, an Ordinance of the
 3 City Commission of Coral Gables, Florida
 4 providing for a text amendment to the City of
 5 Coral Gables Official Zoning Code by amending
 6 Article 15, "Notices" to include mailed notice
 7 to all properties within the applicable mailing
 8 distance, providing for severability clause,
 9 repeater provision, codification, and providing
 10 for an effective date.
 11 Item G-5, public hearing.
 12 MS. GARCIA: So this is another Commission
 13 sponsored --
 14 CHAIRMAN AIZENSTAT: Can you state your
 15 name and position, please?
 16 MS. GARCIA: Yes. Jennifer Garcia, City
 17 Planner. This is another text amendment
 18 sponsored by the Commission. It's adding in
 19 two sentences into Article 15, Notices. It's
 20 saying, "All required mail notice will be sent
 21 to the property address and the mailing address
 22 per the Miami-Dade County property Appraiser's
 23 website. If the address is the same for both,
 24 then only one notice must be sent."
 25 So, right now, property owners get the

1 CHAIRMAN AIZENSTAT: Anybody on the phone
 2 platform?
 3 THE SECRETARY: No.
 4 CHAIRMAN AIZENSTAT: No? At this time,
 5 we'll go ahead and close it for public comment.
 6 THE SECRETARY: I need to know who made the
 7 motion and who seconded it.
 8 MR. BEHAR: I made the motion.
 9 CHAIRMAN AIZENSTAT: The motion was made by
 10 Mr. Behar and second by Mr. Withers.
 11 THE SECRETARY: Thank you.
 12 CHAIRMAN AIZENSTAT: Any discussion? No?
 13 Call the roll, please.
 14 THE SECRETARY: Venny Torre?
 15 MR. TORRE: Yes.
 16 THE SECRETARY: Chip Withers?
 17 MR. WITHERS: Yes.
 18 THE SECRETARY: Robert Behar?
 19 MR. BEHAR: Yes.
 20 THE SECRETARY: Eibi Aizenstat?
 21 CHAIRMAN AIZENSTAT: Yes.
 22 MR. BEHAR: Is that it?
 23 CHAIRMAN AIZENSTAT: Jennifer --
 24 MR. COLLER: Okay. G-5.
 25 CHAIRMAN AIZENSTAT: We've got, I'm sorry,

1 notice. This is going to increase that go to
 2 the property itself.
 3 MR. BEHAR: And whoever -- if there's a
 4 tenant on the property, they will get it, as
 5 well?
 6 MS. GARCIA: Correct. Yes.
 7 MR. BEHAR: We may -- I'm going to make a
 8 motion to extend the meeting for 15 minutes in
 9 case we need it.
 10 MR. WITHERS: 14 minutes.
 11 MR. BEHAR: 14 minutes, in case we need it.
 12 CHAIRMAN AIZENSTAT: We have a motion to
 13 extend for 14 minutes. Is there a second?
 14 MR. TORRE: I'll second it.
 15 CHAIRMAN AIZENSTAT: Venny seconds.
 16 MR. COLLER: You can do a voice vote.
 17 CHAIRMAN AIZENSTAT: Everybody in favor say
 18 aye.
 19 (All Board Members voted aye.)
 20 CHAIRMAN AIZENSTAT: Go ahead, please.
 21 MS. GARCIA: Are there questions? That's
 22 the extent --
 23 CHAIRMAN AIZENSTAT: Jill, do we have
 24 anybody for this item?
 25 THE SECRETARY: No.

1 CHAIRMAN AIZENSTAT: Either in Chambers,
 2 the Zoom or phone platform?
 3 THE SECRETARY: no.
 4 CHAIRMAN AIZENSTAT: Okay. At this point,
 5 we'll go ahead and close it for public comment.
 6 Mr. Behar.
 7 MR. BEHAR: Thank you, Mr. Chairman.
 8 I'm okay, and the way it should be, where
 9 the property owner gets the notification. Why
 10 are we now involving a tenant, you know, that
 11 is leasing that property to get notification?
 12 What's the intent or, you know, the benefit of
 13 doing that?
 14 MS. GARCIA: I think the intent is to
 15 provide more notice probably for the Commercial
 16 properties, since most of those are not owner
 17 occupied, as well as probably the rental
 18 properties.
 19 CHAIRMAN AIZENSTAT: Let me go --
 20 MR. COLLER: But just to be clear, it's not
 21 notice to a tenant.
 22 MS. GARCIA: Yes.
 23 MR. COLLER: It's notice to property.
 24 Sometimes, on the Property Appraiser's list, it
 25 will show a mailing address different than the

1 I'm going to get this notice and I'm going to
 2 come here and I'm going to say, "You know, I'm
 3 not in agreement, because I rent there, I live
 4 there, and if you knock it down, I don't have
 5 where to go. Or I'm paying a thousand dollars
 6 a month, and if you knock it down, I'm going to
 7 have to go pay \$1,800 a month."
 8 MS. GARCIA: Well, currently, the affected
 9 property of any project is required to be
 10 posted.
 11 CHAIRMAN AIZENSTAT: Okay.
 12 MS. GARCIA: So they should already be
 13 notified that something is going to happen.
 14 CHAIRMAN AIZENSTAT: Posted on the
 15 property?
 16 MS. GARCIA: Uh-huh, correct.
 17 CHAIRMAN AIZENSTAT: Okay. I didn't know
 18 the process.
 19 MS. GARCIA: Yeah. This is just adding a
 20 mailing to that, to both, the affected property
 21 and the within the thousand foot radius.
 22 MR. TORRE: But here's a questions, so you
 23 said something different. So it's ABC
 24 Corporation that owns the property. You send
 25 it to ABC Corporation in Tallahassee, and then

1 property address, because the bill is going to
 2 a different place. All this requires is that
 3 the -- that a mailing be sent to that physical
 4 address. Whether the tenant gets it or doesn't
 5 get it is not a requirement. Presumably a
 6 tenant might get it.
 7 CHAIRMAN AIZENSTAT: So the mailing notice
 8 will be the owner's name at the property
 9 address?
 10 MS. GARCIA: No. It will go to the owner's
 11 name at their address, the mailing address, and
 12 the property.
 13 MR. COLLER: If it's different.
 14 MS. GARCIA: Right, only if it's different.
 15 CHAIRMAN AIZENSTAT: But the property
 16 address will also have the owner's name?
 17 MR. GARCIA: No, I think it will just say,
 18 "Current resident."
 19 CHAIRMAN AIZENSTAT: Okay. So let me give
 20 you an example.
 21 MR. WITHERS: Like junk mail.
 22 CHAIRMAN AIZENSTAT: I live in an apartment
 23 building that I'm renting. It's a Commercial
 24 property. I know it's being sold or it's been
 25 sold and I know they want to knock it down.

1 you're going to say, "Current resident," as
 2 opposed to ABC Corporation at Miracle Mile?
 3 MS. GARCIA: Right.
 4 MR. TORRE: It's going to say, "Current
 5 resident"? It won't say the name of the
 6 corporation, as well?
 7 MS. GARCIA: No. No. It will say --
 8 MR. TORRE: So somebody wouldn't say, "This
 9 isn't mine," and pass it up to the owner. They
 10 would say, "I've got to open the letter."
 11 MR. WITHERS: It's junk mail.
 12 CHAIRMAN AIZENSTAT: When you post, don't
 13 you post to the current owner or do you post to
 14 all residents?
 15 MS. GARCIA: When we post for an affected
 16 property, like we're not posting, you know, a
 17 thousand foot radius, we're posting the
 18 property --
 19 CHAIRMAN AIZENSTAT: No, but if you post
 20 the affected property, do you title it?
 21 MS. GARCIA: Yeah. We say what the request
 22 is, what the address is, the application number
 23 and the date of the public hearing and the
 24 website.
 25 MR. COLLER: So it's staked on the

1 property, correct?
 2 MS. GARCIA: Right, on the property.
 3 MR. COLLER: So, if somebody is on the
 4 property, presumably they will see it.
 5 MS. GARCIA: They will know, yes.
 6 MS. COLLER: This is just an additional
 7 mailed notice to, I guess, current occupant.
 8 It might not be a resident.
 9 MS. GARCIA: Okay. That's probably a
 10 better word. Yeah, that's a better word.
 11 MR. BEHAR: The owner may not want the
 12 occupant to know, but we're going to notify the
 13 occupant.
 14 MS. GARCIA: Well, it will be to that
 15 affected property and properties within the
 16 thousand foot radius. It's not just the
 17 affected property.
 18 MR. WITHERS: What's the cost of this? Has
 19 anyone calculated that?
 20 MS. GARCIA: I think the argument was that
 21 this has been done by the applicant. For most
 22 mailings, it's done by the applicant.
 23 MR. WITHERS: So it's not a City burden?
 24 MS. GARCIA: Right.
 25 MR. WITHERS: But, I mean, I really think

1 occupant at this address or whatever they want
 2 to put. It will be delivered to that address.
 3 MR. TORRE: To your point, if you put the
 4 name of the owners both times, it works when
 5 you have one tenant, one entity, but if you do
 6 have multiple, that's where you can't use the
 7 owner's name because, you're going to send the
 8 owner's name 20 times?
 9 CHAIRMAN AIZENSTAT: It will be Apartment
 10 101, Apartment 102 --
 11 MS. GARCIA: No. The way that it's
 12 drafted, it will go to the property. So one
 13 letter to the property.
 14 MR. WITHERS: To the property manager's
 15 office.
 16 MR. BEHAR: No. No. No. It goes to the
 17 mailbox for that unit, 1 through 20.
 18 CHAIRMAN AIZENSTAT: Because if there's 20
 19 units, it's going to be 20 mailings.
 20 MS. GARCIA: No. We don't have information
 21 on the Property Appraiser. It's going to
 22 the --
 23 MR. COLLER: No. You may not have the
 24 units. Well, I'll give you an example.
 25 CHAIRMAN AIZENSTAT: Isn't a post --

1 you should have a name on it, instead of just
 2 current resident.
 3 CHAIRMAN AIZENSTAT: So do I. I think it
 4 should be the property owner, in other words --
 5 MR. COLLER: Well, it is. It does have the
 6 property owner, but understand you don't have a
 7 name on the Property Appraiser's list. You
 8 don't have tenants. That's not disclosed
 9 necessarily unless it's a 99-year lease, where
 10 the Property Appraiser considers the person to
 11 be the owner.
 12 CHAIRMAN AIZENSTAT: Correct.
 13 MR. COLLER: So you will never know who is
 14 necessarily the tenant on that property,
 15 because it's not the Property Appraiser's list.
 16 MR. WITHERS: I don't want the tenant's
 17 name. I want the owner's name of the property.
 18 MR. COLLER: Yeah. Well, the owner's name,
 19 it will be mailed to the owner. If the owner
 20 is at that address, then there's only one
 21 mailing.
 22 MR. WITHERS: I understand that.
 23 MR. COLLER: If the owner lives in
 24 Tallahassee, which was the example, then you
 25 get the owner's name in Tallahassee and you get

1 MR. COLLER: Let's say you have a
 2 condominium --
 3 MS. GARCIA: For the affected property,
 4 it's a post --
 5 MS. COLLER: If you have a condominium,
 6 every unit is owned and there's an address for
 7 the property. That address may not be at the
 8 unit. They may --
 9 MR. WITHERS: Understood.
 10 MR. COLLER: So you have a mailing to the
 11 owner at a completely different address and you
 12 have, because the Property Appraiser's Office
 13 shows a unit number and an address, the mailing
 14 would go there, as I understand it.
 15 But you do have situations where it's not a
 16 condominium and you don't know who's in the
 17 building. It's just going to go to the
 18 building.
 19 MR. BEHAR: And then the property that is
 20 200 feet away is getting notification, too,
 21 those properties because you're within a
 22 thousand, right?
 23 MS. GARCIA: Correct.
 24 MR. BEHAR: So anybody that is not even an
 25 owner is getting notification.

1 MR. COLLER: And it's being staked on the
 2 property. So, presumably, somebody walking on
 3 the property, trips over the stake, they know
 4 that there's notice there.
 5 MR. WITHERS: It's going to either be used
 6 to wrap fish or put at the bottom of a bird
 7 cage, because I doubt very seriously the
 8 property manager getting the current
 9 residents --
 10 MR. BEHAR: Well, but the current resident
 11 may see, what is this, and you're putting
 12 the -- more burden on the property that is
 13 responsible to send out all of this mail, you
 14 know, for what reason? I don't get it. If
 15 it's --
 16 MR. WITHERS: I will move it.
 17 CHAIRMAN AIZENSTAT: We have a motion to
 18 approve as stated.
 19 MR. WITHERS: Yes. Let's see where it
 20 goes. Otherwise we're going to have to extend
 21 it for another four minutes.
 22 CHAIRMAN AIZENSTAT: We have a motion. Is
 23 there a second?
 24 MR. WITHERS: Maybe it will die because of
 25 a second.

1 CHAIRMAN AIZENSTAT: Everybody, aye?
 2 MR. BEHAR: Aye.
 3 CHAIRMAN AIZENSTAT: Aye.
 4 MR. BEHAR: See you all December 14th.
 5 (Thereupon, the meeting was concluded at 9:05
 6 p.m.)
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1 MR. TORRE: I'm thinking. Sure, I'll
 2 second it. Let's see what happens. We're
 3 getting Craig some more work.
 4 CHAIRMAN AIZENSTAT: Any comment?
 5 Call the roll, please.
 6 THE SECRETARY: Robert Behar?
 7 MR. BEHAR: No.
 8 THE SECRETARY; Venny Torre?
 9 MR. TORRE: Yes.
 10 THE SECRETARY; Chip Withers?
 11 MR. WITHERS: Yes.
 12 THE SECRETARY: Eibi Aizenstat?
 13 CHAIRMAN AIZENSTAT: No.
 14 MR. WITHERS: I don't think we're going to
 15 break this tie.
 16 MR. COLLER: I'm not going to try to work
 17 on it.
 18 MR. TORRE: This is -- we're not going to
 19 go for three for three.
 20 MR. COLLER: So a tied vote --
 21 MR. TORRE: No recommendation.
 22 MR. BEHAR: I'll make a motion to adjourn.
 23 MR. COLLER: The only motion that's in
 24 order is a motion to adjourn.
 25 MR. BEHAR: I did. Motion to adjourn.

1 C E R T I F I C A T E
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.
 15
 16 DATED this 8th day of November, 2022.
 17
 18
 19 SIGNATURE ON FILE
 20 _____
 21 NIEVES SANCHEZ
 22
 23
 24
 25