

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

Board Members Present at Commission Chamber:

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

City Staff and Consultants:

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

Page 2

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

Page 4

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

Page 3

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

Page 5

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

Page 6

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

Page 8

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

Page 7

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

Page 9

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

Page 10

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

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

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

Page 12

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

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

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

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

Page 11

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

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

Page 13

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

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

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

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

Page 14

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

Page 16

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

Page 15

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

Page 17

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

Page 18

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

Page 20

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

Page 19

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

Page 21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 42

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

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

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

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

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

Page 44

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

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

12 That's all I have to say.

13 CHAIRPERSON AIZENSTAT: Thank you.

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

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

Page 43

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

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

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

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

Page 45

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

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

13 CHAIRPERSON AIZENSTAT: Okay. Well --

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

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

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

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

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

Page 46

1 5-102.

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

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

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

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

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

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

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

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

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

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

12 will be looked at.

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

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

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

16 indicated to the City Attorney is that I thought it

17 was important to read the transcript of this

18 discussion so that she had an opportunity to review

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

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

21 explain the situation.

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

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

24 misunderstanding. That's all.

25 CHAIRPERSON AIZENSTAT: Well, would you feel,

Page 48

1 has to go to Commission.

2 CHAIRPERSON AIZENSTAT: Right.

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

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

5 acceptable at that height because it's not our

6 purview.

7 CHAIRPERSON AIZENSTAT: Okay.

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

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

10 probably agree with you, that we have been told

11 because of that that the granting of additional

12 height and additional FAR is really not our purview.

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

14 we are there to do.

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

16 to do?

17 MS. CARTY: Yes.

18 CHAIRPERSON AIZENSTAT: Okay.

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

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

21 more that we would look at the context.

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

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

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

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

Page 47

1 Felix, would you feel comfortable if the City

2 Attorney, if it's asked --

3 MR. PARDO: I would actually feel more

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

5 trenches that Chairs the Board states whatever she

6 wants to state.

7 MS. KAWALERSKI: And I second that.

8 CHAIRPERSON AIZENSTAT: Then if you --

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

10 CHAIRPERSON AIZENSTAT: Could you state your

11 name?

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

13 Avenue, Coral Gables.

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

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

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

17 have purview over.

18 Actually, Gus was in our last meeting and did

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

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

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

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

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

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

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

Page 49

1 all important.

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

3 why I would strongly support these changes, is

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

5 context. And that is very specifically written, and

6 it wasn't specifically written previously even though

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

8 Code. So --

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

10 document. Sorry?

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

12 all have copies of this here, but the first

13 prerequisite is Context Analysis and proposed

14 building massing scale and height shall be compatible

15 with the urban context and adjacent buildings.

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

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

18 the conceptual review there is no requirement to

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

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

21 first blush does this fit is really important.

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

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

24 document helps us in terms of the Board of

25 Architects.

Page 50

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

Page 52

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

Page 51

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

Page 53

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 70

1 that they approved?

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

3 Commission. You have elected officials that come in

4 that do a vote --

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

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

7 Board of Architect?

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

9 MS. KAWALERSKI: Huh?

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

11 back.

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

13 the process right now or is it

14 maybe-kinda-sorta-sometime?

15 CHAIRPERSON AIZENSTAT: Jennifer, would you

16 answer that?

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

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

19 CHAIRPERSON AIZENSTAT: Thank you.

20 MS. GARCIA: The site plan requires Board

21 approval. It goes up to the Planning and Zoning

22 Board, it goes to Commission. The Commission

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

24 City architect. He determines if it's substantial

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

Page 72

1 where the railings are going from what looked like

2 rod iron railings that were very nice to now glass

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 sense when you're looking --

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

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

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

21 it, we fought against it. The neighbors fought

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

23 They're sliding glass windows throughout the whole

24 building. No one wants to take responsibility how

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

Page 71

1 okay with it moving to the Commission.

2 MS. KAWALERSKI: Who determines it?

3 MS. GARCIA: City architect.

4 CHAIRPERSON AIZENSTAT: The City architect.

5 MS. GARCIA: City architect, right?

6 .

7 MS. KAWALERSKI: One person?

8 MS. GARCIA: Yes.

9 MS. KAWALERSKI: Okay.

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

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

12 Architects. The Board of Architects I think deferred

13 with a lot of comments and the Commission basically

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

15 a passageway on the property.

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

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

18 development director tried to defend one of the

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

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

21 through shop drawings. Nobody reviewed it.

22 MS. GARCIA: Different process.

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

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

25 the same thing happening with some large projects

Page 73

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

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

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

4 glass gets in a building that should not have been

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

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

7 Are we fining the developer for going against --

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

9 think we should move forward. I think the

10 Mediterranean Bonus has been brought before us to

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

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

13 think going back and looking this should have been

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

15 get us, really, anywhere right now.

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

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

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

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

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

21 recommendation down the road that should be put in

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

23 in --

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

25 original contextual analysis and to be able to move

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

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

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

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

Page 78

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

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

Page 80

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

3 CHAIRPERSON AIZENSTAT: Thank you.
 4 Javier?

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

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

Page 79

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

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

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

Page 81

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

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

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

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

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

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

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

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

1 review, and not being an optional.

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

3 MR. BEHAR: Yes.

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

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

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

13 MS. GARCIA: It is not.

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

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

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

21 MS. GARCIA: The Board and the Commission.

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

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

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

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

16 CHAIRPERSON AIZENSTAT: Thank you.
 17 Robert?

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

21 CHAIRPERSON AIZENSTAT: Of course.

22 MR. BEHAR: I vote on that yes.

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

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

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

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

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

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

1 MR. BEHAR: An then this makes it more difficult
 2 for the BOA to follow because -- at least that's my
 3 opinion, you know. I -- I think that a lot of this
 4 has been very good and I -- I read it and, you know,
 5 I even went back and even looked at the best practice
 6 manual that we had in the City that I don't know how
 7 much of this really is -- is really -- okay? You
 8 know, I think the new examples that you're putting in
 9 there are probably more appropriate because you got
 10 taller building. And I forget who, it was Venny or
 11 somebody, said the problem that you have is that when
 12 you have taller buildings it's a big difference
 13 between the pink building and a building like this.

14 So I like where we're going. I think there's a
 15 lot of things that need to be worked out. I'm -- I
 16 don't know what's going to happen today with this.

17 CHAIRPERSON AIZENSTAT: I mean I agree that we're
 18 not there yet. I mean that's what I'm hearing.

19 It's very valuable the comments that we got from
 20 the architects who are on the Board. Judy herself,
 21 who came in, told us what's there.

22 One of the -- one of the questions that I have
 23 is, in your Staff recommendation on -- if you can
 24 pull up on -- bare with me. Let me get to where it
 25 is. It was on page 2 at the top. You start talking

1 that's one of the most contested projects -- by
 2 sitting on the Board, that's one of the projects that
 3 people have come and complained the most about.

4 MS. GARCIA: Right, but from my understanding
 5 it's not about the architecture. It's about the
 6 scale.

7 MR. SALMAN: The massing.

8 MR. BEHAR: The massing.

9 CHAIRPERSON AIZENSTAT: Right. But -- but the
 10 point that I'm getting to is by being able to do that
 11 architecture they were able to get that massing.

12 MS. SALMAN: No.

13 MS. GARCIA: No. They first were --

14 CHAIRPERSON AIZENSTAT: They were not?

15 MR. SALMAN: No.

16 MS. GARCIA: They first were --

17 MR. SALMAN: Excuse me. The PAD came with an
 18 overall design of the project of the mass, and that's
 19 how it was originally approved. And they came back
 20 to this Board three times, or four times.

21 CHAIRPERSON AIZENSTAT: Right. We voted no.

22 MR. SALMAN: Where it got an increase and
 23 increase, and increase.

24 CHAIRPERSON AIZENSTAT: Correct.

25 MR. SALMAN: But it had nothing to do with the

1 about the Plaza. On page 2 of the recommendation you
 2 say the architectural elements are portions of the
 3 recently built plaza formerly known as the
 4 Mediterranean Village have of received significant
 5 recognition.

6 MS. GARCIA: Architecturally, yes.

7 CHAIRPERSON AIZENSTAT: Correct. Can you go
 8 into that? You're saying that what they've provided
 9 in the Mediterranean style has received a lot of
 10 recognition.

11 MS. GARCIA: No. I think just the build
 12 environment, so the build project, the plaza has
 13 received, you know, praise as far as architectural
 14 quality that it has, right? Mostly on the buildings
 15 that are facing Ponce, to be honest.

16 CHAIRPERSON AIZENSTAT: But at the same time --

17 MS. GARCIA: But the reason I'm bringing this up
 18 is because they have their own PAD. It includes
 19 architectural standards, right, and none of those
 20 standards, the proportions between the bay -- the
 21 widths of the windows and the width of the bay, the
 22 window bay and other things have come from those
 23 standards that are in the Mediterranean, what's it
 24 called, Mediterranean Village pad standards.

25 CHAIRPERSON AIZENSTAT: But at the same time,

1 architect. It had to do with the FAR and the
 2 entitlement that was being granted to that property.

3 CHAIRPERSON AIZENSTAT: And the bonuses? It
 4 didn't have bonuses?

5 MR. SALMAN: The bonuses came on top. But I
 6 don't think it had any bonuses. It was all part of
 7 a PAD anyway.

8 MS. GARCIA: True, but you can't get that high --

9 CHAIRPERSON AIZENSTAT: They got bonuses.

10 MR. SALMAN: No, they got bonuses for height.

11 CHAIRPERSON AIZENSTAT: Well, that's what I'm
 12 saying is --

13 MR. SALMAN: They got bonuses for height.

14 CHAIRPERSON AIZENSTAT: -- they got the bonuses
 15 that came off of that style.

16 MR. SALMAN: I know, but that's what I was saying
 17 is that's a multiplying effect, it's a conflating
 18 multiplying effect that I think the City and its
 19 residents are naturally objecting to.

20 CHAIRPERSON AIZENSTAT: Agreed. I agree, but
 21 here it's being mentioned -- it stuck to me reading
 22 this that that project is being mentioned as such a
 23 great project. I'm not saying it's an ugly project.
 24 I agree. I think what's captivating a lot is what's
 25 on the ground floor, and that's what Venny spoke

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

9 MR. SALMAN: No.

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

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

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

25 But as a resident it just concerns me that the

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

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

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

22 MR. BEHAR: A sill.

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

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

4 MR. WITHERS: Can I ask a question?

5 CHAIRPERSON AIZENSTAT: Yeah.

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

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

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

20 MS. GARCIA: They can.

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

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

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

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

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

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

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

Page 102

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

Page 104

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

Page 103

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

Page 105

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 CERTIFICATE
2
3 STATE OF FLORIDA:
4 SS.
5 COUNTY OF MIAMI-DADE:
6
7 I, JANINE P. CARROLL, Court Reporter, and a Notary
8 Public for the State of Florida at Large, do hereby
9 certify that I was authorized to and did stenographically
10 report the foregoing proceedings and that the transcript
11 is a true and complete record of my stenographic notes.
12
13 Dated this 27th day of August, 2024.
14
15
16
17
18 Janine P. Carroll /es
19 _____
20 JANINE P. CARROLL
21
22
23
24
25