

1 CHAIRMAN AIZENSTAT: Okay.  
 2 MR. COLLER: Mr. Chairman, since it's  
 3 already been adopted on First Reading, might it  
 4 be better to consider denying the application,  
 5 explaining that the lighting is more important,  
 6 and advising the Commission as to, this is what  
 7 needs to be done. That may be a more effective  
 8 way to get your point across.  
 9 CHAIRMAN AIZENSTAT: So would you like to  
 10 change your motion?  
 11 MR. PARDO: Yeah. I would, deny it, based  
 12 on the complexities of the issue.  
 13 MS. KAWALERSKI: I'll second that.  
 14 CHAIRMAN AIZENSTAT: So we have denying the  
 15 motion as is presented.  
 16 MR. COLLER: Do you also want to recommend  
 17 that they look at light spillage? You know, I  
 18 want them to -- they're going to see the  
 19 transcript.  
 20 MR. PARDO: Right.  
 21 MR. COLLER: But it might be useful to  
 22 reflect that in the motion.  
 23 MR. PARDO: That's a very good idea. You  
 24 know, do you want to add that, the lighting?  
 25 MR. BEHAR: To deny it.

1 MS. KAWALERSKI: Yes. So we're denying the  
 2 item, with a recommendation to explore the  
 3 lighting emanating from the buildings.  
 4 MR. PARDO: And its impact on --  
 5 MS. KAWALERSKI: And its impact on  
 6 residential areas.  
 7 CHAIRMAN AIZENSTAT: So you're well on the  
 8 amendment?  
 9 MR. PARDO: Yes, I am.  
 10 CHAIRMAN AIZENSTAT: Chip, do you have any  
 11 comments on this?  
 12 MR. WITHERS: I think it's good.  
 13 CHAIRMAN AIZENSTAT: You're good?  
 14 Any other comments? No?  
 15 Call the roll, please.  
 16 THE SECRETARY: Chip Withers?  
 17 MR. WITHERS: Yes.  
 18 THE SECRETARY: Robert Behar?  
 19 MR. BEHAR: Yes.  
 20 THE SECRETARY: Sue Kawalerski?  
 21 MS. KAWALERSKI: Yes.  
 22 THE SECRETARY: Felix Pardo?  
 23 MR. PARDO: Yes.  
 24 THE SECRETARY: Javier Salman?  
 25 MR. SALMAN: Yes.

1 THE SECRETARY: Eibi Aizenstat?  
 2 CHAIRMAN AIZENSTAT: Yes.  
 3 Next, I'd like to move into E-6.  
 4 MR. COLLER: Item E-6, an Ordinance of the  
 5 City of Commission of Coral Gables, Florida,  
 6 providing for text amendments to the City of  
 7 Coral Gables Official Zoning Code pursuant to  
 8 Zoning Code Article 15, "Notices," Section  
 9 15-102, "Notice," to amend requirement for the  
 10 Applicants Required Public Information Meeting  
 11 to occur prior to review by the Board of  
 12 Architects and to require additional  
 13 registration information for future  
 14 notifications to be included in meeting notice,  
 15 providing for repeater provision, severability  
 16 clause, codification, and providing for an  
 17 effective date.  
 18 Item E-6, public hearing.  
 19 CHAIRMAN AIZENSTAT: Thank you.  
 20 Jennifer.  
 21 MS. GARCIA: Jennifer Garcia, City Planner.  
 22 I think I have a PowerPoint for this one, as  
 23 well, just an image. It's just the flow chart.  
 24 So there's two parts to this proposed text  
 25 amendments, that also went to the City

1 Commission last month. The first one is to  
 2 change the order of when the public information  
 3 meeting happens. Right now, the requirement is  
 4 that any proposed development go to DRC, and  
 5 then they make those adjustments based on  
 6 Staff's comments, go to the Board of Architects  
 7 for preliminary approval, and then they have a  
 8 public information meeting at that point, with  
 9 their approved plans from BOA, before  
 10 submitting it and going through the Planning  
 11 and Zoning Board and the City Commission.  
 12 So the proposed change is to have that  
 13 public information meeting, that the applicant  
 14 hosts, and they send out notices and such,  
 15 would happen before the Board of Architects  
 16 preliminary approval, instead of after, with  
 17 their BOA approved plans. That's the  
 18 significant change.  
 19 The other minor change is to require that  
 20 the notice have a QR code and website for  
 21 residents to be able to sign on with our e-mail  
 22 notification that we have at the City, to have  
 23 them be notified in the system earlier on in  
 24 the process.  
 25 CHAIRMAN AIZENSTAT: So it's basically just

1 more notification and doing it earlier in the  
2 process as you just stated?

3 MS. GARCIA: Right.

4 MR. SALMAN: Through the Chair.

5 CHAIRMAN AIZENSTAT: Yes.

6 MR. SALMAN: I'm all about transparency and  
7 public notification, however, you're setting a  
8 situation up of a possible unintended  
9 consequence, which is that you'll be presenting  
10 to the public a project which has not been  
11 approved by the Board of Architects, which may  
12 or may not have been substantially changed  
13 during that process, which would then require  
14 another public hearing. Is that what you're  
15 suggesting?

16 MS. GARCIA: Yes. The idea is to get  
17 neighbors to participate earlier in the  
18 process. But you're absolutely right, it would  
19 not be approved plans at that point.

20 MR. SALMAN: But the plans could be changed  
21 through the Board of Architects --

22 MS. GARCIA: Of course.

23 MR. SALMAN: -- which would then negate and  
24 make liars of the presenters to the public at  
25 that point.

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1 the BOA, really, the public has not been able  
2 to say word one. They can't speak at the DRC,  
3 and they're very limited in what they could say  
4 at the BOA.

5 I think, my particular opinion is, I  
6 thought maybe not just moving it, but adding  
7 the public there. I mean, there's nothing to  
8 be concerned with the public. They're not  
9 going to come up and bite you, but at the same  
10 time, it also gives the applicant an  
11 understanding of the expectations from the  
12 particular community. That's the way I see it.

13 MR. SALMAN: And I agree, if that's what  
14 was being presented, that they're proposing  
15 another public hearing, before and after. That  
16 would make more sense to me.

17 MR. PARDO: No. This is a public  
18 information meeting. In other words, you're --  
19 this is a private meeting. This is not a  
20 public meeting.

21 MS. GARCIA: Correct.

22 MR. PARDO: And this is upon the  
23 developer --

24 MR. SALMAN: Yeah, but it's recorded and  
25 it's presented.

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1 MS. GARCIA: Right.

2 MR. SALMAN: Isn't that correct?

3 MS. GARCIA: Yes.

4 MR. SALMAN: That is the unintended  
5 consequences. So I am completely against this.

6 CHAIRMAN AIZENSTAT: Yes, Felix.

7 MR. PARDO: There is an issue, also, that  
8 the public, when it comes to the Board of  
9 Architects, has a very limited role in being  
10 allowed to speak. They can speak before. It's  
11 very, very limited on what they can say or not  
12 say. I thought that it wouldn't be a bad idea,  
13 if and only -- because I was concerned about  
14 what you were concerned, but I was thinking  
15 that maybe they could have it before and then  
16 afterwards. In other words, the way it is  
17 now --

18 MR. SALMAN: That's not what's being  
19 presented here.

20 MR. PARDO: I know. I know. That's what  
21 I'm saying. When you look at your chart, if  
22 they have it before and they have it  
23 afterwards, because, also, keep in mind that,  
24 at the DRC -- at the DRC, the plans are  
25 somewhat occult, and by the time they get to

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1 MS. GARCIA: No. The applicant's  
2 information meeting?

3 MR. SALMAN: A public information meeting  
4 is recorded and it is --

5 MS. GARCIA: If it's recorded, then it's on  
6 them, but we just get back a summary of what  
7 happened.

8 MR. SALMAN: That's correct, but that's a  
9 filing and that's recorded.

10 MS. GARCIA: Yes. Okay. Yeah.

11 MR. SALMAN: Okay. That's what I'm saying.  
12 It's being recorded, all right.

13 MR. PARDO: There are some places, such as  
14 Collier County, that is very elaborate when it  
15 comes to recording their public meetings, and  
16 the reason is two-fold. It's also to protect  
17 the applicant, you know, from things that are  
18 being said, and they do a transcript and the  
19 videotape -- the applicant has to have a  
20 videotape, and they have all of the  
21 information, you know, on file.

22 MR. SALMAN: Okay. But that can be on  
23 them, on whoever's holding that meeting.

24 MR. PARDO: Right.

25 MR. SALMAN: If they want to do that,

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1 that's fine.  
 2 MR. PARDO: Right.  
 3 MR. SALMAN: But I think all we're saying  
 4 here is that they have to have a public  
 5 presentation of the project. That's all we're  
 6 saying. And what you're saying is that it  
 7 should be before and after.  
 8 MR. PARDO: Correct.  
 9 MR. SALMAN: Okay. Which I would agree  
 10 with, but that's not what's being presented.  
 11 MS. KAWALERSKI: Right. And I think the  
 12 more the public has a right -- I think the  
 13 public has a right to know what's happening  
 14 right from the beginning. The DRC meetings,  
 15 they can attend. They can't say anything. But  
 16 I think, at the point that it goes to the Board  
 17 of Architects, I think there should already  
 18 have been a public meeting, because if there's  
 19 major outcry at a public meeting, there's going  
 20 to major before, there's going to be major  
 21 outcry afterwards. It gives the developer a  
 22 chance to gauge the community sentiment and let  
 23 them know where they're falling short, okay.  
 24 So I totally am for the meeting before the  
 25 Board of Architects.

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1 And I would say, if there are substantive  
 2 changes at that point with the project, with  
 3 the Board of Architects, if there are  
 4 substantive changes, there should be a  
 5 secondary meeting with the public, to inform  
 6 them of those updates and the changes.  
 7 CHAIRMAN AIZENSTAT: How do you define  
 8 substantive changes? Is it arbitrary by a  
 9 person in the Staff, that says, "Oh, there's  
 10 been too many changes?"  
 11 MS. KAWALERSKI: Well, I think if there are  
 12 significant architectural changes, yes.  
 13 MR. SALMAN: Don't go there, Sue. Just  
 14 have the second.  
 15 MS. KAWALERSKI: Okay. So two meetings.  
 16 Two meetings, okay.  
 17 MR. SALMAN: I mean, we're talking about  
 18 substantial projects here. We're not talking  
 19 about a project to the back of a house.  
 20 MS. KAWALERSKI: Right. Exactly. Exactly.  
 21 And the more the public has, right from the  
 22 beginning, the better, because I've been there,  
 23 where it's at the end of the process when the  
 24 public gets to talk, and by that time, the ship  
 25 has sailed.

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1 CHAIRMAN AIZENSTAT: But understand one  
 2 thing, the way that we're talking about is, the  
 3 public is not going to get to talk at the Board  
 4 of Architects.

5 MS. KAWALERSKI: I understand.

6 CHAIRMAN AIZENSTAT: The developer is going  
 7 to be required to have a meeting with its  
 8 neighbors, present their project, then go to  
 9 the Board of Architects. Then what you're  
 10 saying is, after the Board of Architects, go  
 11 back and have another meeting with the  
 12 neighbors, before it comes to the Planning and  
 13 Zoning?

14 MR. BEHAR: You're required, before coming  
 15 to the Planning and Zoning, to have a  
 16 neighborhood meeting. What this is requiring  
 17 is to have a meeting before the Board of  
 18 Architects.

19 MS. GARCIA: Correct.

20 CHAIRMAN AIZENSTAT: An additional meeting.

21 MS. GARCIA: Correct.

22 MS. KAWALERSKI: Also let me ask you --

23 CHAIRMAN AIZENSTAT: Well, no, sorry. The  
 24 way it's being presented is, to move the one  
 25 meeting before the Board of Architects and no

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1 longer have another meeting before the Planning  
 2 and Zoning.

3 MS. GARCIA: Correct, because the concern  
 4 is --

5 CHAIRMAN AIZENSTAT: What Javier is  
 6 suggesting, or, Sue, or Felix, is to leave the  
 7 public information meeting the way it is, but  
 8 just add an additional one before the Board  
 9 Architects.

10 MS. KAWALERSKI: Right.

11 And if I could ask you something, what is  
 12 the current radius for public notice?

13 MS. GARCIA: 1,000 feet or 1,500 feet for a  
 14 Comp Plan change.

15 MS. KAWALERSKI: Okay.

16 CHAIRMAN AIZENSTAT: Before we continue,  
 17 we're running close to our time. I'd like to  
 18 see if there is any sentiment to extend, and if  
 19 so, for how long. There's one more after this.

20 MR. SALMAN: I make a motion that we extend  
 21 to 9:15 time certain.

22 CHAIRMAN AIZENSTAT: 9:15 time certain. I  
 23 would agree with that.

24 MR. COLLER: You can do it on a voice vote.

25 CHAIRMAN AIZENSTAT: Everybody in favor

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1 until 9:15 say aye.

2 MS. KAWALERSKI: Yes.

3 (Board Members voted aye.)

4 MR. COLLER: Might I suggest that you could  
5 approve this item on a modified basis, that  
6 your recommendation is that there would be a  
7 public meeting before it gets to the Board of  
8 Architects and another public meeting after it  
9 gets -- subsequent.

10 MS. KAWALERSKI: Before Planning and  
11 Zoning.

12 CHAIRMAN AIZENSTAT: Wouldn't it be -- if  
13 that's the case --

14 MR. COLLER: That's before it even gets to  
15 Planning and Zoning. These are -- I'm sorry,  
16 these are the private meetings that the  
17 developer has with the neighborhood.

18 CHAIRMAN AIZENSTAT: Correct. What you're  
19 suggesting is leaving the public information  
20 meeting the way it is, just adding one before?

21 MR. COLLER: That's what you all are  
22 suggesting, and --

23 MR. BEHAR: And what happens if there is  
24 changes at the Board of Architects, you have to  
25 go back to the neighborhood meetings, and then

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1 preliminary approval. In other words, you must  
2 have the approval. If the BOA -- that's  
3 between the architect and the BOA. The  
4 architect can go two, three, four times to the  
5 BOA, until they get that preliminary approval,  
6 and so that preliminary approval -- Board of  
7 Architects preliminary approval, then you would  
8 have the other public meeting after that.

9 In other words, if it's changed four times,  
10 you don't have four public information  
11 meetings.

12 CHAIRMAN AIZENSTAT: Right, but that's what  
13 I want to clarify, because what Robert was  
14 saying is, you know, what happens if they  
15 change --

16 MR. PARDO: I think Robert has a good  
17 concern. The only thing is that Staff put on  
18 there, the words, "Preliminary approval." In  
19 other words, it's approved. Now they go back  
20 to explain to the project what was approved.

21 MR. BEHAR: Then you go back, because it's  
22 the meeting required before coming to the  
23 Planning and Zoning Board.

24 MR. PARDO: Correct. Correct. But that's  
25 why --

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1 you're going to have to come back to get that,  
2 to go back to the Board of Architects, and then  
3 another meeting before coming here?

4 MR. PARDO: No, Robert. I don't think  
5 that's the intent. The intent is simply, when  
6 you go to the Board of Architects, you know,  
7 eventually, you need to get it approved,  
8 preliminary approval. So, once you have that  
9 preliminary approval, then you would have your  
10 other public information meeting, telling  
11 people, this is what was approved by the Board  
12 of Architects.

13 CHAIRMAN AIZENSTAT: Yeah, but it kind of  
14 makes sense what Robert is saying to me. You  
15 go to the meeting before-hand, and you present  
16 your project. Then you go to the Board of --  
17 you have input. Then you go to the Board of  
18 Architect. The Board of Architects,  
19 completely, for whatever reason during that  
20 process, changes the appearance, changes things  
21 in the project. From there, now it goes on to  
22 the next public meeting before the Planning and  
23 Zoning. It doesn't go back --

24 MR. PARDO: No, I don't think so, because  
25 Staff put on there, Board of Architects

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1 MR. BEHAR: What we're adding is one  
2 meeting with the neighborhood before the BOA?

3 CHAIRMAN AIZENSTAT: Basically to present  
4 the project at that point.

5 MR. PARDO: And the reason is, because the  
6 public cannot speak at the DRC meeting.

7 MR. SALMAN: Nor the Board of Architects.

8 CHAIRMAN AIZENSTAT: Or the Board of  
9 Architects, they can't speak either.

10 MR. PARDO: Well, it's very limited. They  
11 could speak before -- you know, it's a very  
12 limited type of --

13 MS. KAWALERSKI: They can ask the Chair.

14 MR. PARDO: This, I think, is very good for  
15 the public, that are impacted by the project.

16 MR. SALMAN: I'm all for open and  
17 transparency. So I think that what we're  
18 suggesting is in that vein and I would be ready  
19 to approve it.

20 MS. KAWALERSKI: Okay.

21 CHAIRMAN AIZENSTAT: Do you want to make  
22 the motion?

23 MR. SALMAN: I'd like to make a motion that  
24 we accept the recommendation of Staff, with the  
25 addition of an additional public information

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1 meeting prior to the Board of Architects  
 2 preliminary approval.  
 3 MR. PARDO: Second.  
 4 CHAIRMAN AIZENSTAT: So to be clear, you're  
 5 just adding one meeting before the Board of  
 6 Architects, the community meeting?  
 7 MR. SALMAN: That's correct.  
 8 MS. KAWALERSKI: And this is specifically  
 9 between developer and neighborhood.  
 10 MR. SALMAN: Correct.  
 11 CHAIRMAN AIZENSTAT: That is correct.  
 12 MS. KAWALERSKI: Correct?  
 13 MR. SALMAN: Right.  
 14 CHAIRMAN AIZENSTAT: Same as they do before  
 15 they come here.  
 16 MS. KAWALERSKI: Yeah.  
 17 CHAIRMAN AIZENSTAT: We have a motion. We  
 18 have a second. Any discussion?  
 19 Chip?  
 20 MR. WITHERS: I'm good with that. It's a  
 21 good idea.  
 22 CHAIRMAN AIZENSTAT: Okay. Call the roll,  
 23 please.  
 24 THE SECRETARY: Robert Behar?  
 25 MR. BEHAR: No.

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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: Eibi Aizenstat?  
 10 CHAIRMAN AIZENSTAT: No.  
 11 THE SECRETARY: Four-two.  
 12 CHAIRMAN AIZENSTAT: Next item is -- the  
 13 last one. E-4.  
 14 MR. COLLER: Back to E-4, okay.  
 15 Item E-4, an Ordinance of the City  
 16 Commission amending Section 14-103.3, "Meeting  
 17 Panel Review, Full by Full Board; Conflict  
 18 Resolution Meeting; Special Master  
 19 Quasi-Judicial Hearing" in order to amend  
 20 certain procedures related to the conflict  
 21 resolution and Special Master Quasi-Judicial  
 22 Process for appeals for decisions by the Board  
 23 of Architects; providing for a repeater  
 24 provision, severability clause, codification,  
 25 enforceability, and providing for an effective

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1 date.  
 2 Item E-4, public hearing.  
 3 CHAIRMAN AIZENSTAT: Thank you.  
 4 MS. GARCIA: Jennifer Garcia, City Planner.  
 5 I have a brief -- there we go. There it is.  
 6 So these are making some clarifications to  
 7 the appeal process for Board of Architects, as  
 8 well as adding in some new ideas, as far as the  
 9 Special Masters.  
 10 So if you go to Page 3 of your Staff  
 11 report, there are changes there, in  
 12 strikethroughs and underline. The main -- I  
 13 think the main thing is that -- well, two  
 14 things, once -- okay. So let me go walk  
 15 through the chart.  
 16 So Board of Architects approval or denial,  
 17 right, they make a decision. If someone  
 18 appeals that decision, then it goes to the  
 19 conflict resolution, which is a kind of an  
 20 interior inside meeting with the City Architect  
 21 and the applicant. From that, comes the  
 22 settlement. And then it goes to the Special  
 23 Master for a quasi-judicial hearing.  
 24 At that point, what's being proposed is, if  
 25 it's a single-family residential project, it

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1 will be heard by one Special Master. However,  
 2 in all other projects, like the large  
 3 multi-family, mixed-use projects, it will be  
 4 reviewed by three Special Masters.  
 5 The intent is that one person is not making  
 6 a determination of appealing the Board of  
 7 Architects, it would actually be three people  
 8 for a discussion.  
 9 CHAIRMAN AIZENSTAT: So majority?  
 10 MS. GARCIA: Right. Exactly.  
 11 The other clarification is that, if there  
 12 are any changes during conflict resolution or  
 13 during the Special Master process, that it go  
 14 back to the Board of Architects, if the City  
 15 Architect determines that it's substantially  
 16 changed.  
 17 MR. BEHAR: And, Jennifer, quick question,  
 18 those three Special Masters --  
 19 MS. GARCIA: Uh-huh.  
 20 MR. BEHAR: Who are those -- you know, are  
 21 those Board of Architects?  
 22 MS. GARCIA: No.  
 23 MR. BEHAR: They're independent?  
 24 MS. GARCIA: Right.  
 25 MR. PARDO: Elected by whom?

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