

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING & ZONING BOARD MEETING
VERBATIM TRANSCRIPT
TUESDAY, JULY 12, 2023, COMMENCING AT 6:01 P.M.

Board Members Present at Commission Chamber:

Eibi Aizenstat, Chairman
Robert Behar
Julio Grabiell
Felix Pardo
Sue Kawalerski
Claudia Miro, present until 6:15 p.m.

City Staff and Consultants:

Jill Menendez, Administrative Assistant, Board Secretary
Jennifer Garcia, City Planner
Emilee Aguerrebere, Principal Planner
Craig Collier, Special Counsel
Suramy Cabrera, Development Services Director
Judy Carty, Board of Architects Chair

Also Participating:

Mario Garcia-Serra, Esq., on behalf of
Items G-2 through G5
Glenn Pratt
Zeke Guilford, Esq., on behalf of Item G-7
Juan Espinoza, David Plummer and Associates
Ann Zanetti
Jim Dockerty
Victor Salcedo
Andre Vazquez, Esq., on behalf of Item G-6
Alvaro Adrian
Cheryl Gold, via Zoom teleconference

not obtained, an applicant, except in the case of a Comprehensive Plan Amendment, may request a continuance or allow the application to proceed to the City Commission without a recommendation.

Pursuant to Regulation Number 2021-118, the City of Coral Gables has returned to traditional in-person meetings. However, the Planning and Zoning Board has established the ability for the public to provide comments virtually. For those members of the public who are appearing on Zoom and wish to testify, you must be visible to the court reporter to be sworn in. Otherwise, if you speak, without being sworn in, your comments may not have evidentiary value.

Lobbyist Registration and Disclosure, any person who acts as a lobbyist must register with the City Clerk, as required pursuant to the City Code.

As Chair, I now officially call the City of Coral Gables Planning and Zoning Board Meeting of July 12th, 2023 to order. The time is 6:01.

Jill, if you would please call the roll.
THE SECRETARY: Robert Behar?

THEREUPON:

CHAIRMAN AIZENSTAT: Gentlemen, I'd like to go ahead and call the meeting to order. Thank you.

I'd like to go ahead and call the meeting to order. I'd like to ask everybody to please silence your phones, and anybody that still has a beeper, to do so, also.

CHAIRMAN AIZENSTAT: Okay. It's six o'clock. I'd like to go ahead and call the meeting to order, please. I'd like to ask everybody to please silence their phones and beepers, if you still have any.

Good evening. This Board is comprised of seven members. Four Members of the Board shall constitute quorum and the affirmative vote of four members shall be necessary for the adoption of any motion. If only four Members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to a lack of quorum, the Chairperson or Secretary of the Board may set a Special Meeting to consider such matter. In the event that four votes are

MR. BEHAR: Present.
THE SECRETARY: Julio Grabiell?
MR. GRABIEL: Here.
THE SECRETARY: Sue Kawalerski?
MS. KAWALERSKI: Here.
THE SECRETARY: Claudia Miro?
MS. MIRO: Here.
THE SECRETARY: Felix Pardo?
MR. PARDO: Here.
THE SECRETARY: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Here.

Notice Regarding Ex Parte Communications, please be advised that this Board is a quasi-judicial board, which requires Board Members to disclose all ex parte communication and site visits. An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum or other written or verbal communication that takes place outside of a public hearing between a member of the public and a member of the quasi-judicial board regarding matters to be heard by the Board. If anyone made any contact with a Board Member regarding an issue before the Board, the Board Member must state on the

1 record the existence of the ex parte
2 communication and the party who originated the
3 communication.

4 Also, if a Board Member conducted a site
5 visit specifically related to the case before
6 the Board, the Board Member must also disclose
7 such visit. In either case, the board member
8 must state, on the record, whether the ex parte
9 communication and/or site visit will affect the
10 Board Member's ability to impartially consider
11 the evidence to be presented regarding the
12 matter. The board member should also state
13 that his or her decision will be based on
14 substantial competent evidence and testimony
15 presented on the record today.

16 Does any Member of the Board have such
17 communication or site visit to disclose at this
18 time?

19 MR. BEHAR: No.

20 MS. MIRO: No, none.

21 CHAIRMAN AIZENSTAT: Swearing In, everyone
22 who speaks this evening must complete the
23 roster on the podium that Jill has. We ask
24 that you print clearly, so the official records
25 of your name and address will be correct.

5

1 opportunity to review the minutes, do you know?

2 MR. PARDO: I reviewed the minutes, but I
3 wasn't present so I feel uncomfortable voting
4 on it.

5 MS. KAWALERSKI: I feel the same way.

6 CHAIRMAN AIZENSTAT: So would they abstain,
7 which is a yes vote, if you abstain, if I'm
8 correct?

9 MR. COLLER: Well, abstention is only
10 allowed when you have a conflict and you have
11 to leave.

12 CHAIRMAN AIZENSTAT: Okay.

13 MR. COLLER: So you sort of have to vote
14 one way or the other, or if you have a
15 conflict. Those are the choices. I realize
16 that --

17 MR. PARDO: Mr. Chairman, I could vote on
18 the context of what I read.

19 CHAIRMAN AIZENSTAT: Understood.

20 What I'd like to do, then, is call for the
21 approval of the minutes of June 6, 2023.

22 MR. BEHAR: Motion to approve.

23 CHAIRMAN AIZENSTAT: We have a motion.

24 MR. GRABIEL: Second.

25 CHAIRMAN AIZENSTAT: We have a second.

7

1 Now, with the exception of attorneys, all
2 persons physically in the City Commission
3 Chambers, who will speak on agenda items before
4 this evening, please rise to be sworn in.

5 (Thereupon, the participants were sworn.)

6 CHAIRMAN AIZENSTAT: Thank you.

7 Zoom platform participants, I will ask any
8 person wishing to speak on tonight's agenda
9 item to please open your chat and send a direct
10 message to Jill Menendez, stating what item you
11 would like to speak before the Board and
12 include your full name. Jill will call you
13 when it's your turn. I'd ask you to be
14 concise, for the interest of time.

15 Phone platform participants, after Zoom
16 participants are done, I will ask phone
17 participants to comment on tonight's agenda
18 item. I also ask you to be concise, for the
19 interest of time.

20 First we have the approval of the minutes
21 of June 6, 2023.

22 Craig, if I may ask you a question. We
23 have two new board members. Can they vote, and
24 is it okay for the minutes of the June --

25 MR. COLLER: Sure. Did they have an

6

1 MR. COLLER: You can do it as a voice vote.

2 CHAIRMAN AIZENSTAT: Everybody in favor say
3 aye.

4 (All members voted aye.)

5 CHAIRMAN AIZENSTAT: Anybody against? No.

6 The procedure we'll use for tonight's
7 agenda, first we'll have the identification of
8 the agenda item by Mr. Coller, second will be
9 the presentation by the applicant or the agent,
10 then the presentation by Staff. I'll go ahead
11 and open it for public comment, first in
12 Chamber, then Zoom platform, and then the phone
13 line platform. I'll close the public comment,
14 have Board discussion, motion, discussion, and
15 second of motion, and the Board's final
16 comments and vote.

17 We have two new individuals to the Board
18 tonight, Felix Pardo and Sue Kawalerski. I
19 hope I said that right. I'd like to ask each
20 of you just to introduce yourselves to the
21 Board and say a little bit about yourselves.
22 Felix, if you would start, please.

23 MR. PARDO: Yes.

24 I've been a long time resident. I'm a
25 registered architect with more years than I

8

1 want to admit to, and I've sat on most of
2 the -- I've been able to sit on most boards
3 here in the City for over 35 years, and I also
4 sat on this Board, and I chaired it in the
5 past, and I'm very honored to be here tonight.

6 CHAIRMAN AIZENSTAT: Thank you. Welcome.
7 Sue.

8 MS. KAWALERSKI: And I'm Sue Kawalerski, a
9 long time resident, as well. And currently I
10 reside on Gratian Street, which is on the east
11 side of US-1. I work for Miami-Dade County in
12 the Parks Department. I love it. It's my
13 second career. My first career, which I
14 retired from, I was in broadcast journalism for
15 40 years and now I get to work and have some
16 fun in Parks.

17 I was appointed by Commissioner Castro and
18 I appreciate her support. I served as the
19 Chairman of the Transportation Advisory Board
20 for a number of years, and I'm really happy to
21 be here. Thank you.

22 CHAIRMAN AIZENSTAT: Thank you.

23 MS. MIRO: Welcome.

24 CHAIRMAN AIZENSTAT: Welcome. Thank you.
25 First, we have the election. The first is

1 CHAIRMAN AIZENSTAT: Yes.

2 MR. COLLER: So that's a tie vote and the
3 motion fails.

4 CHAIRMAN AIZENSTAT: Okay.

5 MR. COLLER: So we can entertain another
6 motion for another candidate, if --

7 MR. BEHAR: I'll make a motion to nominate
8 Chip Withers.

9 CHAIRMAN AIZENSTAT: Chip has actually
10 served on the Commission and on this Board,
11 very good, too. I would second that.

12 Any comments? No? Call the roll, please.

13 THE SECRETARY: Claudia Miro?

14 MS. MIRO: No.

15 THE SECRETARY: Felix Pardo?

16 MR. PARDO: No.

17 THE SECRETARY: Robert Behar?

18 MR. BEHAR: Yes.

19 THE SECRETARY: Julio Grabiell?

20 MR. GRABIELL: Yes.

21 THE SECRETARY: Sue Kawalerski?

22 MS. KAWALERSKI: No.

23 THE SECRETARY: Eibi Aizenstat?

24 CHAIRMAN AIZENSTAT: Yes.

25 MR. COLLER: Another tied vote. That

1 the Board as a whole. I'd like to go ahead and
2 nominate Venny Torre, because he has served on
3 the Board for four years, and he's well versed
4 with --

5 MR. GRABIELL: I will second that.

6 CHAIRMAN AIZENSTAT: We have a second. Any
7 comments?

8 MS. KAWALERSKI: What is the procedure, if
9 I may ask, for the nomination?

10 CHAIRMAN AIZENSTAT: We vote on it.

11 MS. KAWALERSKI: Okay.

12 CHAIRMAN AIZENSTAT: So we have a first,
13 second. Having no comments, call the roll,
14 please.

15 THE SECRETARY: Sue Kawalerski?

16 MS. KAWALERSKI: No.

17 THE SECRETARY: Claudia Miro?

18 MS. MIRO: No.

19 THE SECRETARY: Felix Pardo?

20 MR. PARDO: No.

21 THE SECRETARY: Robert Behar?

22 MR. BEHAR: Yes.

23 THE SECRETARY: Julio Grabiell?

24 MR. GRABIELL: Yes.

25 THE SECRETARY: Eibi Aizenstat?

1 motion fails. We can entertain another motion.

2 MS. KAWALERSKI: I would like to nominate
3 Javier Salman.

4 MS. MIRO: I'll second that.

5 MR. PARDO: I have a question,
6 Mr. Chairman.

7 CHAIRMAN AIZENSTAT: Yes, sir.

8 MR. PARDO: We were given a packet by Staff
9 right before we sat down, which has
10 applications for people that are interested in
11 sitting on this Board, and Chip Withers was not
12 one of them.

13 CHAIRMAN AIZENSTAT: Okay.

14 MR. PARDO: I thought Mr. Torre was on
15 there, and I didn't know if anyone had a chance
16 to review these submittals for us for our
17 consideration. I did see that most of the ones
18 that are here have filled out the form, but not
19 many have attached anything in addition to, for
20 their qualifications to sit on the Board, and
21 the present person that is nominated,
22 Mr. Salman, I had the pleasure of sitting on a
23 board with him a couple of years ago, also with
24 Mr. Behar, and I found his contributions to --
25 that board very good, and I noticed that on his

1 bio and his application, it was very extensive,
2 and I find that he would be very qualified and
3 I don't think he's ever sat on this board, but
4 it would be maybe a fresh person that could
5 look at the Planning Board with a set of
6 different eyes.

7 So I want to bring that to everyone's
8 attention, because I was given this packet, the
9 same as all of us were, and I know -- I saw
10 Mr. Salman sitting in the audience. Would it
11 be inappropriate for him to say a couple of
12 words on his behalf?

13 CHAIRMAN AIZENSTAT: Well, I think we
14 should vote on it --

15 MR. PARDO: Okay.

16 CHAIRMAN AIZENSTAT: -- before we proceed
17 and so forth.

18 MR. BEHAR: And, actually, we had the
19 pleasure of sitting with Mr. Salman for many
20 years.

21 CHAIRMAN AIZENSTAT: On this Board.

22 MR. BEHAR: You know, so he's been a member
23 of this Board.

24 MR. PARDO: Okay.

25 MS. KAWALERSKI: And by the way, the reason

13

1 I'm nominating him, my experience with him is
2 that he sat on the Mediterranean Blue Ribbon
3 Panel and he was excellent. So that's why I'm
4 nominating him.

5 MS. MIRO: I would also like to speak and
6 say that I am familiar -- I'm very familiar
7 with Mr. Salman. I worked with him when I was
8 in Tallahassee many, many years ago, and with
9 his firm, C3PS, if I remember the name
10 correctly, for many, many years. So I have a
11 good working relationship with him and I do
12 respect him as a professional.

13 CHAIRMAN AIZENSTAT: Okay. We have a
14 motion and we have a -- who second, please?

15 THE SECRETARY: Claudia.

16 CHAIRMAN AIZENSTAT: Claudia.

17 MS. MIRO: I seconded it, yes.

18 CHAIRMAN AIZENSTAT: Any other comments?

19 Call the roll, please.

20 THE SECRETARY: Julio Grabiél?

21 MR. GRABIEL: Yes.

22 THE SECRETARY: Sue Kawalerski?

23 MS. KAWALERSKI: Yes.

24 THE SECRETARY: Claudia Miro?

25 MS. MIRO: Yes.

14

1 THE SECRETARY: Felix Pardo?

2 MR. PARDO: Yes.

3 THE SECRETARY: Robert Behar?

4 MR. BEHAR: We got four, right, so I'm
5 going to go with yes.

6 THE SECRETARY: Eibi Aizenstat?

7 CHAIRMAN AIZENSTAT: Yes.

8 Now, if Mr. Salman would like to come up
9 and speak.

10 MR. SALMAN: Sure.

11 CHAIRMAN AIZENSTAT: Thank you.

12 MR. SALMAN: No, thank you.

13 Mr. Chair, Members of the Board, it is a
14 distinct honor to be called back to this Board.
15 I actually served on the Board when we did the
16 first re-write of the Code in 2008, 2009,
17 around there, and so I look forward to being of
18 service again. And I know many of you and I
19 look forward to working with you. Thank you.

20 CHAIRMAN AIZENSTAT: Thank you. Welcome.

21 The next item is the election of a Chair.

22 MR. BEHAR: Well, I'm going to nominate Mr.
23 Aizenstat to be the Chairperson.

24 MS. MIRO: I'm going to second that.

25 CHAIRMAN AIZENSTAT: Any comments? No?

15

1 Call the roll, please.

2 THE SECRETARY: Sue Kawalerski?

3 MS. KAWALERSKI: No.

4 THE SECRETARY: Claudia Miro?

5 MS. MIRO: Yes.

6 THE SECRETARY: Felix Pardo?

7 MR. PARDO: Yes.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: Yes.

10 THE SECRETARY: Julio Grabiél?

11 MR. GRABIEL: Yes.

12 CHAIRMAN AIZENSTAT: Thank you.

13 I'd like to go ahead and nominate Robert to
14 be the Vice Chair. He has been in the past and
15 he has handled it very well when I was unable
16 to be here.

17 MR. GRABIEL: I'll second that.

18 CHAIRMAN AIZENSTAT: We have a second.

19 Any discussion? No? Call the roll,
20 please.

21 THE SECRETARY: Claudia Miro?

22 MS. MIRO: Yes.

23 THE SECRETARY: Felix Pardo?

24 MR. PARDO: Yes.

25 THE SECRETARY: Robert Behar -- sorry,

16

1 Julio Grabiell?
 2 MR. BEHAR: No.
 3 MR. GRABIEL: Yes.
 4 THE SECRETARY: Sue Kawalerski?
 5 MR. BEHAR: No.
 6 THE SECRETARY: Sue?
 7 MS. KAWALERSKI: No.
 8 THE SECRETARY: Eibi Aizenstat?
 9 CHAIRMAN AIZENSTAT: Yes.
 10 MR. COLLER: He gets to vote, Mr. Behar.
 11 CHAIRMAN AIZENSTAT: Mr. Behar?
 12 MR. BEHAR: What's the -- four to two? No.
 13 No, I'm only kidding.
 14 THE SECRETARY: Four to one.
 15 MR. BEHAR: Yes. Thank you. Yes.
 16 CHAIRMAN AIZENSTAT: Thank you. Thank you
 17 very much.
 18 Let's continue. The first item on the
 19 agenda tonight that we have is -- are you
 20 leaving?
 21 MS. MIRO: Yes.
 22 CHAIRMAN AIZENSTAT: Oh, okay. Let the
 23 record note that Claudia Miro had to leave.
 24 Thank you.
 25 The first item -- the following items,

17

1 Items G-2 and G-5 are related. Now, my
 2 understanding is that the applicant -- should
 3 we read it into the record first?
 4 MR. COLLER: I think we should read the
 5 items into the record and -- well, actually,
 6 since there's a request for deferral, I don't
 7 think it's necessary.
 8 CHAIRMAN AIZENSTAT: Okay.
 9 MR. COLLER: So I understand there's a
 10 request for a deferral of G-2, G-3 --
 11 MR. BEHAR: We have never read them -- when
 12 they are going to be deferred, we never read
 13 them into the record.
 14 MR. COLLER: Yeah. I know that -- that's
 15 what I'm saying. So I'm in complete agreement
 16 with you, Mr. Behar.
 17 CHAIRMAN AIZENSTAT: Okay. That's fine.
 18 MR. BEHAR: Thank you.
 19 MR. COLLER: It's G-4 and G-5, right?
 20 MR. GARCIA-SERRA: No, G-2, 3, 4 and 5.
 21 MR. COLLER: Right.
 22 MR. GARCIA-SERRA: G-2, 3, 4 and 5.
 23 CHAIRMAN AIZENSTAT: So before we vote on
 24 the deferral --
 25 MR. COLLER: So, I think, he'll make the --

18

1 let the applicant make the request, and to what
 2 date he wants the deferral.

3 MR. GARCIA-SERRA: Right. We're under that
 4 section anyways right now, the changes to the
 5 agenda --

6 CHAIRMAN AIZENSTAT: Thank you.

7 MR. GARCIA-SERRA: -- and -- for the
 8 record, Mario Garcia-Serra, with offices at 600
 9 Brickell Avenue, representing 33 Alhambra
 10 Propco, LLC, the applicant and property owner
 11 for those agenda items, G-2 through G-5, the 33
 12 Alhambra project, and we are requesting a
 13 deferral, in great part due to the short Board
 14 that you have this evening, and the fact that
 15 one of the requests that we have is for an
 16 amendment to the Future Land Use Map, which,
 17 one way or another, requires an affirmative
 18 four votes, and so we would like to request
 19 deferral to the August meeting, your next
 20 meeting, in order to hopefully have a more
 21 complete Board at that point in time in order
 22 to proceed.

23 MR. PARDO: Mr. Chairman, I'd like to make
 24 a motion to accept the deferral.

25 CHAIRMAN AIZENSTAT: We have a motion to

19

1 defer. Is there a second?

2 MR. BEHAR: Second.

3 CHAIRMAN AIZENSTAT: We have a second. Any
 4 comments?

5 MR. COLLER: So the deferral is to a date
 6 certain, that would be the --

7 MR. GARCIA-SERRA: August 9th, I believe it is.

8 MR. COLLER: -- August 9th meeting.

9 CHAIRMAN AIZENSTAT: To the next meeting we
 10 have.

11 MR. GARCIA-SERRA: Correct.

12 MR. COLLER: So, for people that were here
 13 for this one, I don't believe there will be
 14 additional mail notice.

15 Are you intending to mail notice anyway?

16 MS. GARCIA: Yes.

17 MR. COLLER: Yeah, okay.

18 CHAIRMAN AIZENSTAT: You are going to go
 19 ahead and do a mail notice either way? Okay.
 20 So are you going to do an advertisement also?

21 MR. GARCIA-SERRA: Did we pay the electric
 22 bill?

23 MR. PARDO: Better be living right.

24 MS. GARCIA: I think it would be wise to
 25 mail notice again, as well as advertise.

20

1 MR. BEHAR: But if you're going to a time
2 certain and you notify today, why do you have
3 to send notices?

4 CHAIRMAN AIZENSTAT: Yeah, because I don't
5 think we've ever done that when an item is
6 deferred.

7 MR. COLLER: Well, it's really actually the
8 discretion of the Planning Department, if
9 they're going -- Planning and Zoning, if
10 they're going to re-notice. They may do it as
11 a courtesy to the public. So, yes,
12 technically, if we're -- and, actually, there's
13 just a new law passed to confirm this, because
14 there was some confusion about deferrals and
15 whether -- if you announce a deferral at the
16 time of the meeting, whether that was
17 sufficient, but the Legislature recently
18 adopted to correct a Fourth District Court of
19 Appeal decision.

20 So, yes, you can hopefully announce
21 deferral and there's not a requirement to
22 re-advertise, re-notice, but it is at the
23 discretion of the department. If the
24 department feels it's appropriate, given the
25 length of time, they may feel that they want to

21

1 notice it.

2 CHAIRMAN AIZENSTAT: Okay.

3 MR. PARDO: Mr. Chair --

4 MR. COLLER: But we have announced the date
5 and time.

6 MR. PARDO: Mr. Chairman, since I made the
7 motion, one of the things that I would think
8 automatically is that they would
9 re-advertise -- that Staff would re-advertise,
10 that we renotice, et cetera, because we're
11 talking about the next meeting, maybe it's the
12 meeting after, depending on the agenda and
13 everything else. So, you know, you want to
14 make sure, I think, that when you defer
15 something this way, at the request of the
16 applicant, it also is the responsibility of the
17 applicant to allow everyone to understand --
18 that's affected by that, to understand when,
19 where and about what the project is.

20 So I would think, in an abundance of
21 caution, it would -- maybe they'll fix the
22 lights by then. I think it would be, good in
23 an abundance of caution, to make sure that
24 everyone know when, where and how.

25 CHAIRMAN AIZENSTAT: Okay. I think City

22

1 Staff has said that they are going to go ahead
2 and do it.

3 MS. GARCIA: Yes, we are.

4 MR. GARCIA-SERRA: From our point of view,
5 we have no objection. That's perfectly fine.
6 It also will perhaps provide some flexibility,
7 too, because I'm thinking about this now -- the
8 new member that you just appointed, I think, is
9 going to have to be confirmed by the City
10 Commission.

11 CHAIRMAN AIZENSTAT: Correct.

12 MR. GARCIA-SERRA: I'm not sure when -- the
13 next time the City Commission meets, so maybe
14 we need an August, September sort of --

15 MR. COLLER: So we're going to make it to a
16 date uncertain --

17 CHAIRMAN AIZENSTAT: Right.

18 MR. GARCIA-SERRA: With re-advertising.

19 MR. COLLER: -- because otherwise we're
20 going to be forced to have it on that date. So
21 I would suggest we defer to a date uncertain
22 and let them re-notice for when they feel
23 they're going to have a full Board.

24 CHAIRMAN AIZENSTAT: Okay.

25 MR. COLLER: So why don't we do it that way?

23

1 MR. GARCIA-SERRA: That's fine.

2 MR. COLLER: So it definitely needs to be
3 re-noticed and re-advertised.

4 CHAIRMAN AIZENSTAT: I just know, from
5 past -- whenever we've had a deferral, it has
6 never, that I know of, been noticed. It's good
7 that you're noticing it. I have no objection
8 to it.

9 MR. COLLER: I think the City has
10 frequently, even though not technically needed,
11 they have done it. They have done it.

12 CHAIRMAN AIZENSTAT: Thank you. Good.

13 MS. GARCIA: I think it depends on the
14 substance of the application. I think this one
15 needs it. So we'll re-notice.

16 CHAIRMAN AIZENSTAT: Okay. Thank you.

17 MR. GARCIA-SERRA: Okay. Did you guys
18 vote?

19 CHAIRMAN AIZENSTAT: No, not yet. Not yet.

20 MR. BEHAR: There's a motion and a second.

21 CHAIRMAN AIZENSTAT: We have a motion. Who
22 made the motion, please? Mr. Pardo. And we
23 have a second.

24 MR. PARDO: Yes.

25 CHAIRMAN AIZENSTAT: Very good. Call the

24

1 roll, please.

2 THE SECRETARY: Felix Pardo?

3 MR. PARDO: Yes.

4 THE SECRETARY: Robert Behar?

5 MR. BEHAR: Yes.

6 THE SECRETARY: Julio Grabiel?

7 MR. GRABIEL: Yes.

8 THE SECRETARY: Sue Kawalerski?

9 MS. KAWALERSKI: Yes.

10 THE SECRETARY: Claudia -- I'm sorry, she left.

11 Eibi Aizenstat?

12 CHAIRMAN AIZENSTAT: Yes.

13 MR. GARCIA-SERRA: Thank you very much.

14 CHAIRMAN AIZENSTAT: Thank you.

15 MR. GARCIA-SERRA: We'll be back.

16 CHAIRMAN AIZENSTAT: What I'd like to do is

17 call an item that is on the agenda out of turn.

18 I would like to have -- if it's okay with

19 everybody on the Board, I'd like to call G-8.

20 The City has asked for that item, if we could

21 hear that first.

22 MR. PARDO: I'm sorry, Mr. Chairman, which

23 item --

24 CHAIRMAN AIZENSTAT: Item G-8.

25 MR. PARDO: 8.

25

1 MR. COLLER: Item G-8 --

2 CHAIRMAN AIZENSTAT: Yes, please.

3 MR. COLLER: -- an Ordinance of the City

4 Commission of Coral Gables, Florida providing

5 for a text amendment to Article 2 "Zoning

6 Districts," Section 2-405 "Residential Infill

7 Regulations Overlay District (RIR)" of the City

8 of Coral Gables Official Zoning Code to provide

9 a maximum building length of three hundred feet

10 for all properties seeking approval pursuant to

11 the Residential Infill Regulations; providing

12 for severability, repealer, codification, and

13 an effective date.

14 Item G-8, public hearing.

15 MS. GARCIA: All right. Thank you.

16 CHAIRMAN AIZENSTAT: Thank you.

17 MS. GARCIA: Jennifer Garcia, City Planner.

18 This was continued from our last meeting,

19 and if you could recall, but for the benefit of

20 our new members, I'll just go ahead and explain

21 what this is about.

22 There is an area of our City, in the North

23 Ponce area, that we allow Residential Infill

24 Regulations, and that's giving an extra bonus,

25 double the density, if you meet the criteria of

26

1 the Residential Infill Regulations.

2 Now, we've discovered that some of the

3 parcels get combined into a much larger parcel,

4 and they're developing buildings that are more

5 out of context with the existing urban fabric

6 of the North Ponce neighborhood. So to try and

7 fix that issue, we're proposing to limit the

8 building frontage on any street to 300 feet,

9 and that's -- again, this is -- I'm sorry, this

10 is a sponsored text amendment from a

11 Commissioner, and that's pretty much it.

12 So, after our discussion from our last

13 meeting, the Board had requested to have an

14 architect from the Board of Architects to come

15 and explain different ways that we could

16 accomplish it through architecture or if it's

17 better if we discuss splitting the building or

18 to space in between. So I brought, Judy, our

19 Board of Architects Chair, actually, here to

20 discuss this, any questions for her.

21 MS. CARTY: Yeah, I mean, I guess --

22 CHAIRMAN AIZENSTAT: Welcome. If you'd

23 please state your name and address, for the

24 record.

25 MS. CARTY: Sure. Judy Carty, 920 Medina

27

1 Avenue.

2 CHAIRMAN AIZENSTAT: Thank you.

3 MS. CARTY: So, I mean, I think, at the end

4 of the day, the question is whether it gets

5 limited to 300 feet or not. That's really the

6 primary question. And then the secondary is,

7 there's multiple ways that that could be done,

8 and is it a separation, a physical separation,

9 that's required or can it be done in an

10 architectural manner, right, within the actual

11 building development itself.

12 I think that the answer is, yes, to all,

13 right, in terms of possibilities, but probably,

14 if the physical requirement of a separation is

15 required, I think it may be more effective,

16 only because from sitting on the Board, I

17 feel -- and I'm speaking for myself, I think

18 there are others on the Board, Glenn Pratt,

19 who's in the audience, who may be more familiar

20 with each of the nuances of the different

21 areas, but I would say that probably we are all

22 not as familiar, and what that means is, is

23 that if we're not, if put it in the Zoning

24 Code, it is much more quantifiable than leaving

25 it to our discretion, but, you know, obviously,

28

1 that's sort of up to this group to decide.

2 CHAIRMAN AIZENSTAT: Does anybody -- before
3 I open it up for public comment, any quick
4 questions that you'd like to ask? If not, I'll
5 open it up for public comment.

6 MR. PARDO: I have a quick question, Mr.
7 Chairman.

8 CHAIRMAN AIZENSTAT: Yes, please.

9 MR. PARDO: So, Judy, in your opinion, is
10 300 feet really the -- from a massing
11 standpoint, because we're looking at it
12 horizontally, but if we're looking from a
13 massing standpoint, do you think 300 feet would
14 accommodate, you know, to reduce the massing
15 problem that exists in such an area, where you
16 have the infill area, where the streets are so
17 narrow, in both, the east and west and north
18 south corridor, or is this something that maybe
19 should be studied a little bit more indepth as
20 a whole at the BOA or a sub-committee of the
21 BOA to come up with a number or is this the
22 only number that was given to you by Planning?

23 MS. CARTY: So this was the only number
24 that was given to me. It's not something that
25 I've discussed with the rest of our board. I'm

29

1 the nature of it, it becomes a large mass, and
2 I feel like, so maybe it's -- in addition to
3 the 300 feet, if that remains, maybe there's
4 other stipulations, in terms of setbacks that
5 have to occur, and maybe planting that needs to
6 happen in front of those types of elements, in
7 order to sort of nuance the requirements. So
8 that, yes, the development can take place, but
9 that it's more on a scale that we're looking
10 for.

11 MR. BEHAR: I've got a quick -- go ahead.

12 CHAIRMAN AIZENSTAT: Sue.

13 MS. KAWALERSKI: Yeah, I've got a few
14 questions, if you don't mind, please.

15 Are there any current buildings of that
16 length there at this point in time in that
17 neighborhood?

18 MS. GARCIA: No.

19 MS. KAWALERSKI: Okay. What --

20 MS. GARCIA: That are currently built, no.

21 MS. KAWALERSKI: That are currently built.
22 Currently, in the pipeline, to be built there?

23 MS. GARCIA: Yes.

24 MS. KAWALERSKI: Currently in the pipeline
25 to be built up to 300 or over 300 feet?

31

1 sure there's, you know, varying opinions on
2 that. 300 feet is a considerable length,
3 right. So I think some of it, even within
4 that, will depend on the architecture and the
5 requirements, if we require a paseo or other
6 things, that cause it to be further broken up
7 from the 300 foot mass.

8 I mean, 300 foot, as a sheer wall, is, to
9 me, an issue. And one of the other things that
10 sort of gets discussed is, the setbacks and the
11 maximum height from like single-family
12 residential, and I think that's the danger in
13 that area, is that there is a fair amount of
14 very, you know, low properties, and so maybe a
15 more effective or an alternate to that would be
16 to stipulate, as well, you know, how high you
17 can go across the street from a single-family,
18 and then step further back, so that there are
19 more requirements that are put in place.

20 The thing I know that we deal with on the
21 board with larger properties is the loading
22 dock, FP&L vault, pump room, you know, switch
23 gear, and what that does, as a facade, on a
24 street, that you want as a pedestrian oriented
25 street, and it's just -- you know, because of

30

1 MS. GARCIA: Over 300.

2 MS. KAWALERSKI: Over 300 feet in length.
3 (Simultaneous speaking.)

4 MS. KAWALERSKI: Is that what caused this
5 amendment?

6 MS. GARCIA: More or less, yes.

7 MS. KAWALERSKI: That's what's causing
8 this. So there's something already in the
9 pipeline that's over 300 feet in length and
10 that's why one of the Commissioners wants to
11 change that; is that correct?

12 MS. GARCIA: Yes.

13 MS. KAWALERSKI: Okay. Just to give me
14 some perspective, the Lifetime Building, how
15 long is that?

16 MS. GARCIA: I don't know off the top of my
17 head, but this is just the area that's in North
18 Ponce.

19 MS. KAWALERSKI: No, I know, but I'm just
20 trying to visualize how long 300 feet is, is
21 what I'm trying to say. Is it the Lifetime
22 Building, is it --

23 MS. GARCIA: It's normally half a block.

24 MR. PARDO: A football field.

25 MS. KAWALERSKI: A football field, okay.

32

1 MR. PARDO: Goal line to goal line.
 2 MS. GARCIA: There you go.
 3 MS. KAWALERSKI: Okay. So is a football
 4 field larger or smaller than the Lifetime
 5 Building?
 6 MR. PARDO: I am not familiar enough to be
 7 able to calculate.
 8 MS. KAWALERSKI: I'm just saying that if
 9 300 feet is the Lifetime Building, and you're
 10 putting it into a neighborhood, that
 11 neighborhood, that's going to overwhelm the
 12 neighborhood. I totally agree with what you
 13 said.
 14 And, Judy, to your point, you're talking
 15 about total physical separation in the 300 foot
 16 length or physical separation for 300 and
 17 another 300 and another 300? What are you
 18 talking about, a total physical separation?
 19 MS. CARTY: Well, the initial point was, if
 20 you want to make it 300 feet, that you're
 21 limiting it to -- the question is, is it an
 22 architectural separation, like a setback, or
 23 does it have to be a physical non-connected
 24 separation, if you do have longer than 300
 25 feet, right, because -- and I think -- and,

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1 required. The landscape requirements of trees
 2 every, I want to say, 30 feet or so, the lush
 3 landscapes that are in the front, 20 percent of
 4 your landscape requirement has to be in the
 5 front yard, that all is -- all of this is in
 6 play. All this is doing is, basically just
 7 limiting the size of the building you can build
 8 on a building site within this area.
 9 MS. KAWALERSKI: Okay. Well, I would
 10 strongly suggest what Mr. Pardo has already
 11 suggested, that this be further discussed and
 12 -- I mean, we're changing the Zoning Code.
 13 This is just a simple, you know --
 14 CHAIRMAN AIZENSTAT: Sue, let's go ahead
 15 and open it --
 16 MR. BEHAR: Let's open it, because there's
 17 some of us that do have questions.
 18 MS. KAWALERSKI: Yeah. Sorry.
 19 MR. BEHAR: I have a question for Staff and
 20 Judy, maybe.
 21 Are there any single-family homes in that
 22 area?
 23 MS. GARCIA: There are not, no.
 24 MR. BEHAR: None?
 25 MS. GARCIA: Uh-huh.

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1 then, the question is, what is that separation,
 2 right, what is the size of it? Is it, you
 3 know, five feet, is it twenty feet, what is
 4 that separation requirement, which I think has
 5 to go along with the 300-foot discussion,
 6 right, if that's what you want to implement?
 7 MS. KAWALERSKI: Yes. Okay. So there are
 8 enough questions in my mind about this, and you
 9 brought up a whole lot more that I had not even
 10 thought of, where I think it deserves further
 11 discussion, and I agree with Mr. Pardo, that
 12 possibly the Board of Architects should take
 13 this up, and not only discuss the length of the
 14 building, but the setbacks, the step backs, et
 15 cetera, because 300 feet -- a 300-foot wall is
 16 not very attractive in that kind of
 17 neighborhood, correct?
 18 MS. CARTY: Right, exactly. I mean, that's
 19 the question, how do you nuance the development
 20 that, you know, is already in place to occur
 21 with the architectural elements that can soften
 22 that.
 23 MS. GARCIA: And just to clarify, all of
 24 the setbacks and the step backs that are
 25 required in this area of this City are still

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1 MR. BEHAR: Are the right-of-ways less than
 2 50 feet?
 3 MS. GARCIA: No, they're not.
 4 MR. BEHAR: They're not?
 5 MS. GARCIA: Most of them are 60, but --
 6 MS. CARTY: But let's clarify that, though.
 7 We're talking about only in the --
 8 MS. GARCIA: The North Ponce area.
 9 MR. BEHAR: Yeah, the North Ponce.
 10 MS. CARTY: Right, but there are --
 11 MS. GARCIA: So north of Downtown and
 12 between Douglas Road and Le Jeune to Eight
 13 Street.
 14 MR. BEHAR: It's from Zamora to Eighth
 15 Street, basically --
 16 MS. GARCIA: Correct.
 17 MR. BEHAR: -- from Le Jeune to Ponce,
 18 basically. That's the area.
 19 (Simultaneous speaking.)
 20 MS. GARCIA: Uh-huh.
 21 MR. BEHAR: So we do not have a street --
 22 MS. GARCIA: Our apartment district.
 23 MR. BEHAR: Apartment?
 24 MS. GARCIA: Yeah.
 25 MR. BEHAR: We don't have a right-of way of

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1 less than 50 feet and we don't --
 2 MS. GARCIA: We have some that are 50 feet,
 3 on the southern side, that are in Section K and
 4 Section L, but most of them are 60 feet in the
 5 Douglas Section.

6 MR. BEHAR: Correct.

7 And something else, this area was never
 8 planned to have alleys at the rears of the
 9 property? That will be ideal to locate the
 10 FP&L vault and all of those back of house areas
 11 that are necessary to do a development? This
 12 is not -- this is somewhere unique.

13 I'll tell you, I just came back, literally
 14 last Wednesday, and I had the opportunity to
 15 visit three beautiful cities, London,
 16 Copenhagen, Stockholm, and Madrid, I should
 17 say, all there, and I took pictures of street
 18 frontages of buildings are in excess of 300
 19 feet.

20 And to answer your question, just to debate
 21 for a second, the Lifetime Building, that
 22 building is not a good comparison because that
 23 building goes on for like 700 feet. So that
 24 was one of those that, you know, it really
 25 doesn't come, in my opinion, into the equation

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1 break, you know, continuous. That's my two
 2 cents for today.

3 CHAIRMAN AIZENSTAT: What I'd like to do
 4 is, before we continue, Jill, do we have any
 5 public comment on this item?

6 THE SECRETARY: We have one speaker.

7 CHAIRMAN AIZENSTAT: That's what I meant.
 8 Sorry, one speaker?

9 THE SECRETARY: Yes.

10 CHAIRMAN AIZENSTAT: Could you please call
 11 their name?

12 Jim Dockerty.

13 (Inaudible.)

14 THE SECRETARY: Okay. So --

15 CHAIRMAN AIZENSTAT: What about Zoom?

16 THE SECRETARY: No.

17 CHAIRMAN AIZENSTAT: Nobody on Zoom?

18 THE SECRETARY: No. No one's raised their
 19 hand to --

20 CHAIRMAN AIZENSTAT: Anybody on the phone
 21 platform?

22 THE SECRETARY: No.

23 CHAIRMAN AIZENSTAT: Then, at this -- are
 24 we good?

25 MS. CABRERA: Yes.

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1 here.

2 But, again, going back to, I visited -- you
 3 know, and a lot of the time, and I think, Judy,
 4 you mentioned it, you could achieve by
 5 architectural, you know, treatment how you're
 6 going to separate it, not necessarily physical,
 7 because that could create a hardship to a
 8 property owner, if you have to, because now,
 9 instead of playing with the architecture, you
 10 have to introduce two buildings that may or not
 11 may, at the end of the day, will be perceived,
 12 you know, very similar, and what is that
 13 separation? Unless you dig like a 60-foot
 14 separation, you will still perceive that, from
 15 the street view, as one building.

16 So I think there's multiple ways. Do we
 17 have a clear -- and I'm going to go into your
 18 comment. Do we have a clear solution? I don't
 19 think we do. I think that, you know, limiting
 20 to 300 feet in the Zoning Code is not the wise.
 21 And I know that we have, you know, Glenn Pratt
 22 here, and he's done a building, that I want to
 23 say, that if I recall, are going to be 300 or
 24 even maybe a little bit more than a 300,
 25 there's ways to articulate that, to create that

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1 CHAIRMAN AIZENSTAT: Okay. Then I'd like
 2 to go ahead and close it for public comment and
 3 open it for discussion.

4 Felix, I'm going to start with you.

5 MR. PARDO: You know, I agree with Robert.
 6 You know, exactly -- I've been in Copenhagen,
 7 I've been -- you know, you're right, and most
 8 of these areas have been developed -- the city
 9 planning is completely different than our City
 10 planning. In the North Gables area, which I
 11 sat on a Blue Ribbon Committee many years ago,
 12 to make sure that we didn't lose all of the
 13 apartments in that area, one of the things --
 14 one of the joys is walking or driving through
 15 that area, where you have these street canopies
 16 on these very small streets. Fifty feet is,
 17 you know, pretty much -- it's not too small,
 18 you know, when you have two-story apartments
 19 that you have throughout that area, peppered
 20 throughout, because then you have parallel
 21 parking on both sides, which is every planner's
 22 dream, right, and then you have enough area for
 23 the tree canopy in the swales to be able to
 24 create that softness that you have in that
 25 area.

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1 I think that the reaction here is basically
2 that some of the proposed buildings that are
3 coming up are just so massive horizontally that
4 they overwhelm, and once you keep those two
5 parallel parking spaces on either side of that
6 small right-of-way and you include the
7 sidewalk, then, all of the sudden, it dwarfs
8 the originally intended planning use of that
9 area.

10 I think it should be reviewed. I'm not a
11 believer in taking away property rights from
12 developers in any way, shape or form, but I
13 think that this area and the size of the
14 buildings, as far as the massing is concerned,
15 really should be looked at. We have to be
16 careful that we don't canonize the scale of
17 these things, because when you have a
18 fifty-foot right-of-way, and you have these old
19 apartments in there, instead of being restored,
20 of course, they're disappearing, that's okay,
21 if it's part of it, but if you do all of it,
22 then it becomes a problem.

23 I think that most of the length issue is a
24 direct correlation of the total length of the
25 physical blocks that were plotted by George

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1 day. My office is directly across the street
2 from the new police station. I have seen
3 officers, where they have to go through alleys,
4 just to be able to get out to Le Jeune to be
5 able to go south to be able to respond. It
6 becomes a problem when you have deliveries all
7 of the time, and it's just a choking effect.

8 So, Number One, I applaud the Planning
9 Director for bringing in Judy and having her
10 expertise and her experience on this. I think
11 that it's important that we look at not only
12 the length, but as Judy said, also the breaking
13 up of this, so they just don't become
14 monoliths.

15 I am not saying anything negative to the
16 pictures that Robert brought in. These areas
17 are absolutely beautiful, but, also, in these
18 areas, many of the times, you see these small
19 ancient roadways that had carts being pulled by
20 horses, and then, all of a sudden, they explode
21 into these open plaza area, which make part of
22 the senses that we feel that make it so
23 beautiful.

24 We don't have that luxury in the north --
25 in the North Gables Apartment District, but I

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1 Merrick years ago. So if the block is 400
2 feet, and then you have the turn lot on either
3 end at fifty feet, will allow you to have 300
4 feet, and that's including the setback. So I
5 think that it has to be done in such a way that
6 you, Number One, allow the designer to come up
7 with the ability to be able to break up a
8 block, but also have the limitation, because
9 you will run into blocks where you're going way
10 beyond the 300 feet, and that becomes the
11 problem. Basically, it becomes a high-rise on
12 its side.

13 That's where I have the difficulty with,
14 and, obviously, you lose the scale. And this
15 is not a problem just here in our City. It was
16 a problem in the Art Deco area of Miami Beach,
17 where I own buildings. It's a problem in many
18 other places, where you're now substituting to
19 the next level, but the next level sometimes
20 has different hardships, and loading and
21 unloading becomes a problem, even in the
22 commercial areas, when you have that fifty-foot
23 right-of-way.

24 People are blocking the streets. Emergency
25 vehicles can't get through. I see it every

42

1 understand that it's an infill area, the
2 densities is important, but I also understand
3 that there's a great reservation of what the
4 total length are, because not everyone can
5 design a very nice building that gets broken
6 up, where the massing doesn't become obtuse.

7 MS. CARTY: In your example, it was
8 Kensington, but that's -- they would love
9 Kensington, right, because it's only four or
10 five stories and it's broken up.

11 MR. BEHAR: It's not just Kensington.

12 MS. CARTY: And there's a stoop and tree
13 every 25 feet.

14 MR. BEHAR: But, Judy, six stories, and
15 this is not broken up. This is pretty much,
16 except for the little portico as an entrance,
17 is not broken up, but there's plenty of example
18 that I took -- and this, I was able to even go
19 to Google Earth, you know, to get a more
20 perspective of what you could do. I think
21 that, you know, it happens in every city that
22 is -- especially in the infill areas, that you
23 want that.

24 Something to keep in mind, Felix, is that
25 in addition to the fifty-foot right-of-way, you

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1 have a ten-foot setback. So that makes the
2 building 70 feet. And when it comes above the
3 45 feet, you step it back another 10 feet. So,
4 all of a sudden, you've 90 feet from face of
5 building to the potential face of building
6 across the street. I don't know about -- you
7 know, maybe Sue doesn't picture it, but 90 feet
8 is a long way, and we're not talking The
9 Lifetime Building.

10 I have the honor to see that building every
11 day. I sit on my windows and I see that
12 building in front of me, okay. And some of us
13 that sat on this Board -- and I don't know if
14 Mr. Salman was here at the time, we voted
15 against that project, just for the record,
16 okay.

17 But I think that -- in the infill area, I
18 think there's -- you know, we've got to be
19 careful of what we limit, you know, because I
20 would hate to have -- and the other thing is,
21 how many properties do we know that would
22 qualify to do such a project?

23 CHAIRMAN AIZENSTAT: Right.

24 MR. BEHAR: Not many.

25 MR. PARDO: You have to go back and do an

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1 commend you for bringing in the BOA, you know,
2 a very qualified person to discuss this, and I
3 truly believe that it should be maybe studied,
4 from a massing standpoint, a very simple
5 massing standpoint, a little bit more, with
6 some good ideas from the BOA, that it won't
7 infringe on developer rights, but at the same
8 time, will make it a better product at the end
9 of the day and better livable.

10 And the only thing, Robert, that I want to
11 remind you of is that when we visit over there
12 in Europe, everybody's walking, because they
13 have great mass transportation. The problem
14 is, out of these buildings, come all of the
15 required cars that are coming out. They choke
16 the streets, and, unfortunately, I have the
17 pleasure of having to hustle people out, for me
18 to come into my covered parking spot inside my
19 building, and I have to get people out, that
20 are blocking my driveway, because they're just
21 standing there, stopping, and, also, the
22 loading and unloading, which has become even a
23 worse situation, because there's no side area
24 for the trucks to get out of the way, only the
25 bays that are done --

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1 inventory of the size of the blocks, because
2 these ownerships aren't -- you know, they
3 haven't been accumulated yet necessarily. In
4 other words, you have to buy one lot, then the
5 other lot, then the other lot, then the other
6 lot, then you put it together.

7 I mean, this all goes back to the PAD, and
8 the PAD was used to be able to facilitate
9 innovation and design. We're talking about
10 many years ago, years ago, when Zeke and his
11 father were practicing land use here in this
12 City, and it was, take the shackles off, to be
13 able to come up with something better.

14 I don't necessarily think that everything
15 that's going up is better. I personally
16 believe that an inventory for the size of the
17 blocks is -- it should be -- it's more than
18 warranted at this time, because that area is
19 going to get filled up very, very soon, because
20 people are going to get bought out and people
21 are going to accumulate these things, and I
22 think that whomever the Commissioner was that
23 brought this up, you know, about the 300-foot
24 max, I think the intention was good. I think
25 it needs a little more study, but, you know, I

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1 CHAIRMAN AIZENSTAT: Let's concentrate on
2 what we have before us right now, which is the
3 300 feet.

4 What I'd like to do is, Julio, I'd like to
5 get your comments on this, please.

6 MR. GRABIEL: I'm never worried about the
7 length of a building --

8 CHAIRMAN AIZENSTAT: If you could turn on
9 your microphone. I don't think it's on.

10 MR. GRABIEL: Okay. I'm on.

11 CHAIRMAN AIZENSTAT: Thank you.

12 MR. GRABIEL: I'm never worried about the
13 length of a building. I think, if you have a
14 good architect and you've got supervision, you
15 can have a building that's 600 feet in length
16 and be a good building. It doesn't matter.

17 We have the kind of controls in this City
18 that the building could be a hundred, 300, even
19 bigger than 300. If 300 is the magic number,
20 we know that that's peculiar and not
21 necessarily a fixed amount of length, but
22 Robert was showing buildings that are longer
23 than 300 feet and they're beautiful.

24 If you go to England and you go to Bath,
25 some of those buildings are -- forget about 300

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1 feet, they're 10,000 feet in length, and
2 they're beautiful and people go there just to
3 see those buildings. So the 300 building --
4 300 feet, it's a number that we can begin to
5 work with, but we have the Board of Architects,
6 who will be looking at each project to make
7 sure that there's enough variation in the
8 facade, so that a building would look good, and
9 I don't have a problem whatsoever with it.

10 MS. KAWALERSKI: Mr. Chairman --

11 CHAIRMAN AIZENSTAT: Sue.

12 MS. KAWALERSKI: -- I have one question.
13 Compatibility. Where does compatibility play
14 into this? You were saying that there are no
15 buildings so far this length in this area. So
16 what are you comparing that to? I mean, would
17 a building right now -- a project coming in at
18 310 feet, is that compatible with the present
19 neighborhood?

20 MS. GARCIA: So the Commission approved
21 back in 2017 that the minimum lot width to have
22 these infill regulations be applied to would be
23 20,000 square feet. That itself is not
24 compatible, but that's adopted. So what the
25 Commission is trying to do right now is to

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1 this is --

2 MR. BEHAR: Because that's a blank facade
3 with just --

4 MS. CARTY: No, exactly. And, of course,
5 if you had Kesington in front of you, yeah, of
6 course.

7 MR. BEHAR: Okay.

8 MS. CARTY: Right. Then you could have the
9 tower behind it. It would be fine.

10 MR. BEHAR: You know, and, unfortunately,
11 you know --

12 MR. ARTY: Maybe it wouldn't. You might
13 disagree.

14 MR. BEHAR: If you do that, where you put
15 your parking behind those units, you're going
16 to conceal it and you're going to create a
17 streetscape that we're not going to compare it
18 to this. I mean, this is beautiful and we
19 cannot duplicate this. First of all, there's
20 no parking in those buildings, you know.

21 MS. CARTY: Right.

22 MR. BEHAR: So we don't have that challenge
23 that we have to do, us architects, but I think
24 there's ways to achieve it. That is horrible.
25 That's a terrible example.

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1 control how long those buildings are in
2 affecting the built environment. That's all
3 this is.

4 All other regulations, the step back, the
5 setbacks, the landscape, all apply. It's just
6 controlling the length and the effect on the
7 street and for the ground.

8 MS. CARTY: But, see, what I would say to
9 that is, yes, it complies, but what it creates
10 is things like, you know -- like this. I mean,
11 this is the City of Miami. This is the Zahar
12 (phonetic) Building, right, which is, as we all
13 know, brand new. To me, those requirements, in
14 a way, if we could change that and make it so
15 that this is set back, maybe there's more
16 landscape, you know, things that happen with --
17 so that these type of facades don't occur, may
18 be a better approach, and maybe the 300 feet
19 isn't as important as controlling other
20 elements a little bit stronger.

21 MR. BEHAR: Judy, let me ask your opinion.
22 If that example -- if that building had
23 units -- walk-up units on the street, would
24 that change the character of that building?

25 MS. CARTY: Well, I mean, all of this --

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1 MS. CARTY: Terrible, exactly.

2 MR. BEHAR: Okay. But if that facade had
3 walk-up units all along the facade, it will
4 completely change the character of that --

5 MR. PARDO: Liners.

6 MR. BEHAR: Yes.

7 MS. CARTY: I agree with you a hundred
8 percent. I mean, part of the problem with
9 larger buildings is, they need all of this,
10 right. You need a big FP&L vault. You need a
11 bigger switch gear. You need a loading dock.
12 So the question is, how do we temper that?
13 And, yeah, maybe it's -- there's a lot of ways
14 architecturally that it could be achieved.

15 MR. PARDO: Mr. Chairman --

16 MR. GRABIEL: I think, in the last few
17 years that I've been here, we have, as a Board,
18 insisted that no building becomes a blank wall
19 on the street, and the liners on the front.
20 And I remember being here and seeing parking
21 garages all of the way down to the ground.
22 That has not happened for years.

23 CHAIRMAN AIZENSTAT: That is correct.

24 MR. GRABIEL: I think we have been pushing
25 for (A) to screen the parking garage

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1 completely, and (B) to make activity -- people
2 spaces all of the way down to the ground, so
3 when people walk by or drive by, they see that.

4 MS. GARCIA: Which is already a requirement
5 in the RIR. The parking has to be stepped back
6 30 feet from the property line, which gives you
7 a 20-foot -- at least a 20-foot liner.

8 MR. GRABIEL: I think we've become a little
9 bit more sophisticated than we were a few years
10 ago, where buildings would come down to the
11 ground with the parking garage open to the
12 streets. That should not be allowed anymore.

13 CHAIRMAN AIZENSTAT: Correct. Correct.

14 MR. PARDO: Mr. Chairman, in my personal
15 opinion, I think that we need, Number One, the
16 Planning Department to really look at the
17 inventory of all of the area in this area
18 that's affected. That's my opinion. And,
19 therefore, you know, I think it would be
20 premature to approve or deny, you know, this
21 300-foot --

22 CHAIRMAN AIZENSTAT: I think we'd have to
23 see if there's a motion first, but I'd like to
24 speak before we get to that.

25 MR. PARDO: Okay. Yes, sir.

1 it's done.

2 What I am hearing is that we should have --
3 and the senses I'm hearing is that we should
4 have more discussion on this, but at the same
5 time, I would like to see a presentation, and
6 I'd like to see the presentation with massing,
7 what it may look like, and a presentation with,
8 when you go to break it up, what that would
9 look like, seeing it both ways.

10 I agree with Julio that I don't know if
11 it's necessarily the amount of linear feet that
12 will make a project good or bad. You can have
13 a project that's 200 liner feet, and it's
14 still, to me, and I'm not an architect, just
15 not pleasant to look at, and it doesn't feel
16 right in the neighborhood.

17 I also agree that we're looking at a very
18 specific area for this, and at the same time,
19 we have the Board of Architects, and every
20 project that comes before the City, first, as
21 this, does go before the Board of Architects,
22 and that's their responsibility. It's, the
23 Board of Architects is the first step, for them
24 to look at it and say, you know, this looks
25 right or this doesn't look right. So we have

1 CHAIRMAN AIZENSTAT: Thank you.

2 A couple of things that I've noticed from
3 comments that were made. One is, when
4 Mr. Pardo went ahead and said we don't want to
5 take or taking away rights from developers,
6 it's actually from property owners. So they're
7 not necessarily developers, but we have to look
8 not to take away rights from actual property
9 owners.

10 What I, myself, would like to see is a
11 presentation, more so. Not necessarily because
12 you're going "X" amount of feet are you
13 creating a bad project. I agree with what
14 you're saying and Sue is also talking about it,
15 and even Robert and Julio, it depends how you
16 break up the project. If you put something
17 that's just a massing straight forward, I
18 agree, it's terrible, but if you break it up
19 correctly -- I've seen architects, within even
20 our City, that are here today, that have done
21 projects, where you walk by and the way it's
22 broken up, it looks good. I've seen projects
23 that are done in our City where you walk by the
24 project and it looks like a brick wall, and to
25 me, I don't like that, but I think it's how

1 to trust in that opinion of those people that
2 are in that place, to make sure that they're
3 doing their jobs.

4 Second is, we have Staff within the City
5 that also looks at it, and we have to rely upon
6 the Staff in the City, that they are doing also
7 their job.

8 And it's important to look at every project
9 individually, not group every project as this
10 is what it should be and this is not what it
11 should not be, and that's why we're here.
12 We're all here because we look at every single
13 project that comes before us as an individual
14 project. None of those look at a project and
15 say, "This is for everything." And, I think,
16 to me, it's wrong to define something that you
17 group together.

18 If you look at a project that looks good
19 and you agree with it, then that's how you
20 should look at it. That's just my two cents or
21 what I feel, and I do want to thank you for
22 taking the time and coming, and that is
23 important and it's well recognized.

24 MS. CARTY: We try at the board, I will
25 tell you, every week, to, you know, review it

1 in detail, every project, and we do exactly
2 what you say. Every project is individual.
3 Not everybody likes to hear that, but that is
4 how it's dealt with. So there is that.

5 I mean, from my perspective, having sat on
6 that board for a long time, the zoning laws
7 assist us with making sure that certain things
8 happen architecturally, and as you know, I
9 mean, there are good architects, there are bad
10 architects. Good architects is really easy.

11 CHAIRMAN AIZENSTAT: Right.

12 MS. CARTY: And it's only a portion that
13 you're really struggling with anyway, but the
14 zoning helps that. So that's all I would say
15 is, the more defined -- what you do here
16 defines, the easier it is for us

17 CHAIRMAN AIZENSTAT: Thank you, and I
18 agree.

19 Mr. Pardo.

20 MR. PARDO: Mr. Chairman, I'd like to make
21 a motion, and before doing that, unless I
22 misunderstood, this was brought up by a
23 Commissioner, correct?

24 MS. GARCIA: Yes.

25 MR. PARDO: And I think the Commissioner

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1 is not that simple, doing massing, you know.
2 There's many ways to break up that massing. I
3 mean, I think some of us that do that, you
4 know, for a living, it's not that simple. It's
5 not a prescription.

6 MR. PARDO: And, Robert, you and I have
7 gone down the path and I don't want to do that.
8 I'm deferring to Staff, let them do what they
9 do, but what's here before us, I don't want to
10 deny. I simply want to defer it and let Staff
11 be able to come back with something.

12 MR. BEHAR: But then you've got to tell
13 Staff, okay, do a massing that is maximum of
14 300 feet or do a massing that could be, for
15 lack of a number, 600 feet, but it's broken up
16 into what appears to be two masses or
17 something, because I don't know -- and
18 Ms. Garcia, you know, this has been put on you,
19 okay, on your department. This is a lot of
20 work. And I'm sure you're going to get help
21 from the whole Board, but this is a lot of work
22 and I don't know -- and maybe we should bring
23 up, you know, Mr. Pratt to say a word,
24 because --

25 MR. PARDO: Like I said --

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1 should be -- I don't know who it is -- they
2 should be applauded for trying to do something
3 about a situation that they're perceiving, and
4 I understand that, but I would feel more
5 comfortable, at this point, to make a motion to
6 defer this item, because it's complex and it
7 needs a little more work, and -- to be able to
8 get the results that I think the Commissioner
9 was looking for originally.

10 CHAIRMAN AIZENSTAT: When you say to go
11 ahead and defer, defer and come back with?

12 MR. PARDO: I would not want to deny it.
13 What I want to do is defer it, because maybe
14 whatever they come up with will be different,
15 where -- as far as the amendment to the Code
16 and that's why it's before us.

17 CHAIRMAN AIZENSTAT: But what are you
18 looking -- are you looking for a presentation,
19 are you looking for some massing --

20 MR. PARDO: Yes, of course.

21 CHAIRMAN AIZENSTAT: That's what I want --

22 MR. PARDO: Deferring for a study, to be
23 able to come back before this Board.

24 MR. BEHAR: But you need to be very clear,
25 because that's a big task for them to do. This

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1 MR. BEHAR: You know, listen, I called you
2 up to the stand.

3 MR. PARDO: Pratt, you're near the door.
4 Make the exit.

5 CHAIRMAN AIZENSTAT: Let the record show
6 that Mr. Pratt was called. Mr. Pratt, did you
7 stand before to be sworn to speak?

8 MR. PRATT: Yes, I did.

9 CHAIRMAN AIZENSTAT: Thank you.

10 MR. PRATT: Glen Pratt, Bellin, Pratt,
11 Fuentes Architects, 301 Almeria, Suite 210.

12 CHAIRMAN AIZENSTAT: Thank you.

13 MR. COLLER: Could you just pick up the
14 mike, because you're a little tall?

15 CHAIRMAN AIZENSTAT: Just a little tall.

16 MR. PRATT: How's that?

17 No, it's been interesting listening to the
18 comments, and I think that all of the
19 discussion is very, very good. I think that
20 there are -- to Robert's point, I think -- and
21 to Felix's point, I think that there's a lot of
22 nuances in each individual site, and I think
23 that, you know, it depends on the lot depth.
24 One of the things that is -- we always find in
25 trying to figure out the puzzle of the design

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1 is the parking, and one of the things that is
2 really, to me, or at least what I find always
3 is the difficult -- most difficult part is that
4 the lot depth is just insufficient for setting
5 up any kind of parking bay that works well and
6 that has any type of very efficient set-up.

7 And what happens is that because of the
8 insufficient lot depth, you wind up with having
9 the parking becoming very irregular, and, you
10 know, we wind up using auto lifts and other
11 means to try and satisfy the parking, and so
12 that's really one of the main things that I've
13 always found is one of the most problematic
14 things, it's essentially the depth of the lot.

15 The lots in the north -- especially in the
16 North Gables area, generally they're only a
17 hundred or sometimes a hundred and ten feet,
18 and by the time you get done with subtracting
19 out the thirty-foot setback for the parking on
20 the ground on the levels that you're not
21 permitted to have that on the front elevation,
22 it just really creates a very difficult
23 situation to try and resolve, and so that, you
24 know, because of the inefficiency of the
25 parking, the pedestal, the parking area becomes

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1 much, much larger, because they just can't be
2 compressed.

3 So there's a number of things that, I
4 think, it would be good to study and to see if,
5 you know, some of these dimensions that were
6 chosen or, you know, put into the Code for the
7 design architects to utilize, you know, maybe
8 that might even be a part of the study, too,
9 that I would suggest.

10 I do agree with Mr. Grabiell. I think that
11 part of the -- the whole thing comes down to
12 how good the architect is and how good the
13 design is, and I think that if you have a good
14 architect, hopefully you wind up with a good
15 design and somebody that recognizes the need
16 for, you know, creating the massing in such a
17 way that begins to break it down to a more
18 urban scale.

19 So that's, I guess, all I would really say
20 on the subject.

21 CHAIRMAN AIZENSTAT: Thank you very much
22 for your input.

23 MR. PRATT: Thank you very much. It's a
24 very good discussion.

25 CHAIRMAN AIZENSTAT: Thank you.

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1 Sue.

2 MS. KAWALERSKI: It sounds like, if there's
3 a development in the pipeline that is 300 feet
4 or more, Jennifer, if that's what you said, if
5 there's an imminent application, that could
6 certainly be a test of what can be done and
7 what it's going to look like.

8 MS. GARCIA: There's not an active
9 application that's over 300 feet right now.

10 MS. KAWALERSKI: Okay.

11 MS. GARCIA: This is a reaction to a past
12 approved project.

13 MS. KAWALERSKI: Okay. All right.

14 CHAIRMAN AIZENSTAT: We should also -- I
15 just want to point out, we need to look at each
16 project individually, not do as a knee jerk
17 reaction because there's a project in the
18 pipeline or something that's working, because
19 when that project comes before us, that's when
20 we make our comments and that's when we look at
21 those projects, whether they're worthy or not.

22 MS. KAWALERSKI: And that's what I was
23 referring to.

24 CHAIRMAN AIZENSTAT: Okay. Felix, we have
25 a motion.

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1 MR. PARDO: I tried to make a motion --

2 CHAIRMAN AIZENSTAT: Please.

3 MR. PARDO: -- to defer the item and let
4 Staff come back, at the appropriate time --

5 CHAIRMAN AIZENSTAT: With a presentation?

6 MR. PARDO: -- with their recommendation
7 and proposal.

8 CHAIRMAN AIZENSTAT: Okay. Jennifer, did
9 you get a sense of what the Board is looking
10 for?

11 MS. GARCIA: Yeah, I think so.

12 CHAIRMAN AIZENSTAT: Okay. We have a
13 motion. Is there a second?

14 MR. BEHAR: I'll second it.

15 CHAIRMAN AIZENSTAT: We have a second by
16 Robert.

17 Any discussion?

18 MR. COLLIER: Are we doing this to a date
19 uncertain, because we don't know when this is
20 going to come back?

21 CHAIRMAN AIZENSTAT: Yeah, I think it
22 should be uncertain.

23 MR. BEHAR: This is a lot of work, and I
24 don't foresee a date certain any time soon.

25 MR. COLLIER: Now, let me just say one

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1 thing, just because -- this is a Commissioner's
2 proposal. The other alternative is to
3 communicate to the Commissioner that you think
4 that the project -- that this needs more study,
5 because right now what's happening is, the
6 Board is holding up -- and I don't know what
7 the time sensitivity from -- of this item is.

8 And the other option is to communicate to
9 the Commission, on this item, that this item
10 needs to be deferred for further study and for
11 Staff to make a presentation, so that the Board
12 is aware of what -- excuse me, not the Board,
13 the Commission is aware of, you know, what this
14 Board is struggling with.

15 MR. BEHAR: Mr. Collier, at the end of the
16 day, we are a recommendation to the Commission.
17 They could take it upon themselves and pass
18 this item without our recommendation.

19 MR. COLLIER: Well, I think they wait for
20 your recommendation, but -- they do wait for
21 it. I mean, there's two ways to go. You could
22 just defer it, date uncertain, and let Staff
23 handle it or you communicate to the Board that
24 your recommendation on this item is that it
25 should be deferred and that the Commission

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1 It's two different ways to go with this.

2 CHAIRMAN AIZENSTAT: Felix, which is your
3 motion?

4 MR. PARDO: I would think -- you know, I
5 feel comfortable this way, because Staff will
6 explain and a Commissioner could watch, you
7 know, the conversation of this particular item.
8 This is not easy, but I think this is the way
9 to do it. I would be sickened if the
10 Commission said, "Well, we're just going to
11 adopt the 300 feet." That would be wrong, and
12 I don't think -- I don't care which one of the
13 Commissioners it is, I don't think that's their
14 intent.

15 Their intent -- and I said, their intent
16 was to correct. It was trying to reply to
17 something that is an issue in their mind, the
18 perception, and we've discussed it, I think, at
19 length, and I feel comfortable just deferring
20 it here and asking Staff to come back, so they
21 have something better to provide to the
22 Commission to review and consider.

23 CHAIRMAN AIZENSTAT: Okay. Is that clear?

24 MR. COLLIER: Yeah.

25 CHAIRMAN AIZENSTAT: And, Robert, you're

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1 should defer it and allow Staff for appropriate
2 study. I think that would be the other
3 alternative.

4 CHAIRMAN AIZENSTAT: I was going to say,
5 that sounded like that was part of Felix's
6 motion.

7 MR. PARDO: I think that was it, that they
8 would study it and come back, and I think Staff
9 can then, you know, explain to the Commission
10 what this conversation was about.

11 MR. COLLIER: So it really -- you're not
12 actually deferring it from this Board. You're
13 making a recommendation to the Commission, on
14 this item, that it should be deferred for
15 further study.

16 There's two ways to go. One is, like we
17 did here, it was never seen by the Commission
18 and you're deferring it at this Board level.
19 The other option is, you're communicating,
20 through your action, that you're recommending
21 to the Board (sic) that the item should be
22 deferred for further study. I know it sounds
23 like the same thing --

24 CHAIRMAN AIZENSTAT: To the Commission.

25 MR. COLLIER: To the Commission, right.

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1 good with the second?

2 MR. BEHAR: I'll take that friendly
3 amendment.

4 CHAIRMAN AIZENSTAT: Any other comments?
5 No? Call the roll, please.

6 THE SECRETARY: Felix Pardo?

7 MR. PARDO: Yes.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: Yes.

10 THE SECRETARY: Julio Grabiell?

11 MR. GRABIEL: Yes.

12 THE SECRETARY: Sue Kawalerski?

13 MS. KAWALERSKI: Yes.

14 THE SECRETARY: Eibi Aizenstat?

15 CHAIRMAN AIZENSTAT: Yes.

16 Thank you very much.

17 Now we're going to go back to the agenda in
18 the regular order. We have G-1.

19 Mr. Collier, if you'd please read that into
20 the record.

21 MR. COLLIER: Item G-1, an Ordinance of the
22 City Commission of Coral Gables, Florida,
23 providing for text amendments to the City of
24 Coral Gables Official Zoning Code pursuant to
25 Zoning Code Article 14, "Process," Section

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1 14-214 -- excuse 14-212, "Zoning Code Text and
 2 Map Amendments," by amending the following
 3 provisions: (1) Article 1, "General
 4 Provisions," creating a new zoning district
 5 Mixed-Use 2.5 (MX2.5); (2) Article 2, "Zoning
 6 Districts," creating a new zoning district
 7 Mixed-Use 2.5 (MX2.5) and associated
 8 provisions; (3) Article 3, "Uses," creating a
 9 new zoning district and assigning certain uses;
 10 and (4) Article 5 "Architecture," creating a
 11 new zoning district; providing for repeater
 12 provision, severability clause, codification,
 13 and providing for an effective date.

14 Item G-1, public hearing.

15 CHAIRMAN AIZENSTAT: Thank you.

16 MS. GARCIA: Thank you.

17 Jennifer Garcia, City Planner, for the
 18 record.

19 I do have graphics for this, with a
 20 PowerPoint, if they could pull it up really
 21 quick, so you can visualize what's being
 22 proposed.

23 This is a text amendment, again, to the
 24 Zoning Code. This is introducing a new zoning
 25 district. This is being sponsored by one of

1 77 feet, but if you have a larger parcel of
 2 more than 10,000 square feet, you can go to 97
 3 feet, including Med Bonus.

4 MX3 has three categories. If you're less
 5 than 10,000 square feet, you're capped at 97
 6 feet, but if you have 20,000 feet or more, then
 7 you can jump to 190.5 feet, and that's the
 8 issue.

9 The issue is, there's a big gap between the
 10 MX2 and the MX3 zoning, and that's in the land
 11 use. It's not something that's new, created
 12 from the Zoning Code update or anything.
 13 That's been in our Code. That's been a gap in
 14 our Code for a long time, and the issue is
 15 that, in the past, you probably remember that a
 16 project will come forward requesting a change
 17 of land use and change of zoning to have the
 18 highest and best, but they only need a few feet
 19 more than what they're allowed to have right
 20 now. They only need to have 100 feet or 120
 21 feet, but they need to request the high-rise
 22 designation, the MX2, and go to MX3 -- get an
 23 MX3 designation to be able to have the extra
 24 height, but then the project falls through, the
 25 land use and zoning are already changed.

1 our Commissioners. Actually, I think, by now,
 2 we have two Commissioners, I think, that are
 3 sponsoring this, if I remember correctly.

4 So, the top row -- and this is actually in
 5 your Staff report, as well, so it should look
 6 familiar. Your top row is our current
 7 mixed-use zoning. As you remember, we don't
 8 have commercial zoning or industrial zoning.
 9 We have mixed-use zoning.

10 So right now we have three categories of
 11 zoning, and they're consistent with the Land
 12 Use Map. Our Land Use Map is in our
 13 Comprehensive Plan. We have two maps, our
 14 Zoning Map and our Land Use Map.

15 So the first row is the mixed-use that we
 16 have currently. So we have MX1, MX2 and MX3,
 17 and within that, you can see that it depends on
 18 the size of your property how high you can go
 19 in those districts. So MX1, you can only go to
 20 45 feet, if you're less than 10,000 square
 21 feet. If you're larger than 10,000 square
 22 feet, you could have Med Bonus, and you can go
 23 to 77 feet.

24 For MX2, if you're smaller than 10,000
 25 square feet, with Med Bonus, you can only go to

1 Another person comes forward and they have the
 2 MX3 zoning already in place, and then you get a
 3 high-rise, when you were promised to have a
 4 110, 120-foot building.

5 So there's a couple of examples that we
 6 have had in our Downtown. So this is proposing
 7 a new mixed-use district. This is MX2.5. This
 8 will be right between the MX2 and the MX3. So
 9 if you have less than 10,000 square feet,
 10 you're still capped at 77 feet, the same as
 11 Mixed-Use 2, the same we have right now. If
 12 you're less than 20,000 square feet, you're
 13 still capped at 97 feet. That's not changing.
 14 The only change would be if you're more than
 15 20,000 square feet. You can go to 110.5
 16 without Med Bonus or 127.5 with Med Bonus.

17 So you can see that that's intended to fit
 18 right between the MX2, again, the max height of
 19 97, and the MX3, which is 100.5 (sic) at its
 20 maximum.

21 If you look at what we have now, if you
 22 have MX3, usually on the larger streets and
 23 sometimes going into our smaller streets from
 24 the largest streets, you have a big gap between
 25 your Mixed-Use 1 -- I'm sorry, Mixed-Use 1 is

1 on the left side, you have a little bit of a
2 jump to MX2, which is 97, and then a big jump
3 here to MX3. So you see there's a big gap.
4 We're missing that transition.

5 So that the MX2.5 would have a much
6 smoother transition from your high-rise,
7 usually reserved just for your larger streets,
8 your larger thoroughfares, down to your MX2.
9 So it creates a better transition between the
10 two districts.

11 I think that's it, yeah.

12 CHAIRMAN AIZENSTAT: Okay. Do you have, by
13 any chance, a map where you propose this would
14 work?

15 MS. GARCIA: This is a new district that an
16 applicant can be able to apply for. This is
17 not being applied anywhere in the City. This
18 is just an option that they'll be able to apply
19 -- instead of having MX3, because I only want
20 to have 140 feet or 100 feet, I'm not going to
21 apply for the MX3 designation, I want to have
22 MX2. That way it's a little more predictable
23 of what --

24 CHAIRMAN AIZENSTAT: So if the applicant
25 has an MX2, they can't to say, "I want to apply

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1 they changed the land use to high-rise, but
2 they promised, "We're not going to go higher
3 than 97 feet," I believe, but the project fell
4 through.

5 The land use was already changed. So the
6 new project came in. Remember, the Commission
7 had voted in favor of the land use change to
8 high-rise, because they were being promised a
9 lower building, but now there's a higher
10 building that's there right now.

11 MR. BEHAR: What this would do, in those
12 projects, give you a safety guideline, you
13 know, that you would not be able to go to the a
14 hundred -- MX3. If they're granted that, they
15 would not be able to go beyond that point.

16 MS. GARCIA: Correct.

17 MR. BEHAR: So you're going to limit it at
18 120 feet -- I don't know. I couldn't read
19 that.

20 MS. GARCIA: I kind of like the graphic,
21 but, yeah, 110.5 without Med Bonus, and, then,
22 135.5.

23 CHAIRMAN AIZENSTAT: I understand that
24 theory, but to me, in my mind, it says, "Okay.
25 I've got an MX2," but now, if you're telling me

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1 for an MX2.5?"

2 MS. GARCIA: Yes, they can. Yes.

3 CHAIRMAN AIZENSTAT: Yeah, but, then, if
4 you're doing that, aren't you doing away with
5 the transition?

6 MS. GARCIA: No, because you're doing --
7 the MX2.5 is in between the MX2 and the MX3.

8 MR. BEHAR: This would take the place of
9 somebody asking for MX3.

10 MS. GARCIA: Right.

11 MR. BEHAR: You know, so they would go for
12 an MX2.5 to be the transition, and there was a
13 project last year on University Drive that was
14 not approved, that they were asking -- seeking
15 for MX3 --

16 MS. GARCIA: Yes. Right.

17 CHAIRMAN AIZENSTAT: Got it.

18 MR. BEHAR: -- you know.

19 CHAIRMAN AIZENSTAT: Yeah, I remember that,
20 actually.

21 MS. GARCIA: Yeah. Because, for example,
22 2020 Salzedo, that was a project that was
23 approved back in early 2000, but they were
24 promised -- when they changed the land use,
25 Planning changed the zoning of just commercial,

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1 they can apply for an MX2.5, it kind of takes
2 -- I understand going down, but you're telling
3 me that a person can also go up?

4 MR. BEHAR: Well, they could apply for MX3,
5 but they're not going to do that.

6 CHAIRMAN AIZENSTAT: For MX2.5.

7 MR. BEHAR: 2.5. They're going to limit it
8 at 2.5.

9 MS. GARCIA: Right. Trying to make what's
10 going to be developed there more predictable.

11 CHAIRMAN AIZENSTAT: Why would they not
12 apply for 2.5, if they've got an MX2?

13 MS. GARCIA: They could apply for an MX2.

14 MR. BEHAR: If they have an MX3, they would
15 not apply to a 2.5.

16 CHAIRMAN AIZENSTAT: Right.

17 MR. BEHAR: That's the only time that
18 you're not going to get somebody going for the
19 2.5.

20 MR. GRABIEL: It seems reasonable to have
21 that kind of a transition.

22 CHAIRMAN AIZENSTAT: The transition seems
23 reasonable to me. I'm just -- don't know if
24 it's going to function that way. Is there --
25 will it function? I mean, I'm not an

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1 architect.
 2 MR. PARDO: Mr. Chairman --
 3 CHAIRMAN AIZENSTAT: Yes.
 4 MR. PARDO: -- the comment -- your first
 5 comment was on point. The difference here is,
 6 when we look at the sketches, you know, the --
 7 this, okay --
 8 CHAIRMAN AIZENSTAT: Right.
 9 MR. PARDO: -- it sounds very reasonable,
 10 but the difference is that, in reality, you're
 11 upzoning, because you're going from -- this is
 12 MX2 property going to MX2.5. It will rarely
 13 ever go from MX3 down to 2.5.
 14 CHAIRMAN AIZENSTAT: Will the parking allow
 15 you to upzone or the size of the property?
 16 MR. PARDO: Yes, because --
 17 CHAIRMAN AIZENSTAT: You're looking at the
 18 square footage.
 19 MR. PARDO: No. What I'm saying is that
 20 what we're not looking at is, we're not looking
 21 at the zoning map, you know, the map itself.
 22 So what you're -- your first point was exactly
 23 the point. In other words, I know what Staff
 24 is trying to do, and that's fine, but the thing
 25 is that you're going from MX2 to more area that

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1 which is one of the things you asked for,
 2 where, in the City, is this -- there's a direct
 3 consequence to this, because we're looking at
 4 trying to keep it to a simpler transition to
 5 the highest intensity, which is MX3, but we're
 6 not looking at it in the reverse, which is why
 7 was there MX1 put there, what is it buffering?
 8 Why is MX2 there? There's a reason why it's
 9 coming up.
 10 Now, could the City have done a better job
 11 in saying, well, maybe MX2 originally should
 12 have been a little bit higher or with certain
 13 things, so the transition would have been
 14 softer? That's fine, but right now, if you
 15 take that MX2 and make it into the MX2.5, just
 16 take a look at the height on the graphic there
 17 of MX2, the height on the graphic of MX2 is
 18 substantially lower than the 2.5.
 19 CHAIRMAN AIZENSTAT: Robert, would you give
 20 me some feedback on that?
 21 MR. BEHAR: No. I mean, I see this as a
 22 transitional opportunity. Yes, you are going
 23 to upzone. You are correct. You know, I'm
 24 not -- but you're doing it in a way that it's
 25 going to be more gradual, the upzoning, you

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1 you're allowed and more height that you're
 2 allowed, when you request the MX2.5.
 3 Because you're requesting the MX2.5 where
 4 you have MX2, not the other way around. You're
 5 not going in and saying, "I have MX3, but I
 6 want to bring it down to MX2.5." In other
 7 words, these are not in a vacuum area. If you
 8 look at the zoning map, you have MX2, and let's
 9 say you have MX3 next to it, but then, let's
 10 say, MX2, now I want MX2.5 Yes, it's a
 11 smoother look when you look at it, but, in
 12 reality, you just gave them that more square
 13 footage, height, et cetera.
 14 CHAIRMAN AIZENSTAT: But they'd have to fit
 15 it within the square footage of the property?
 16 MR. PARDO: That's correct.
 17 MS. GARCIA: Yes. This change only applies
 18 for properties that are 20,000 square feet or
 19 more.
 20 CHAIRMAN AIZENSTAT: Correct.
 21 MS. GARCIA: If you're less than, your
 22 still permitted to the same height maximums
 23 that you have for MX2.
 24 MR. PARDO: And that's why, when you
 25 approve these things in a vacuum, without --

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1 know, or the transition between the MX2 and the
 2 MX3.
 3 I personally think this is a -- and this is
 4 my personal opinion -- I think this is a good
 5 way to mitigate that going back, and in some
 6 cases -- again, this is not City wide. This is
 7 just in some areas that we're allowed to do
 8 this, correct?
 9 CHAIRMAN AIZENSTAT: What are the areas
 10 that you're allowed to do this?
 11 MS. GARCIA: I mean, anyone could request
 12 this, but they have to have reasoning to
 13 request it. A single-family house would
 14 probably not request this, but --
 15 MR. GRABIEL: It depends on the size of the
 16 lot.
 17 CHAIRMAN AIZENSTAT: On the size of the
 18 lot.
 19 MS. GARCIA: Yeah, exactly.
 20 MR. PARDO: I would very much like to see
 21 where these areas are, where you have MX2
 22 against MX3, because not everywhere is like
 23 that. And, in fact, you know -- and to pick up
 24 20,000 square feet when you're doing these type
 25 of buildings, which, you know, are very large

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1 commercial buildings, it doesn't take much for
2 you to pick up 20,000 square feet. That's a
3 lot less than a block, as far as an area.

4 So my concern is, are we talking about --
5 is this further down, let's say, in some of the
6 areas that were just converted recently, let's
7 say, north of University, let's say, east of Le
8 Jeune Road?

9 MS. GARCIA: So our MX3 is typically,
10 historically, on Ponce de Leon, on major
11 streets, and Alhambra.

12 MR. PARDO: Right.

13 MS. GARCIA: Right?

14 MR. PARDO: Right.

15 MS. GARCIA: From there, it kind of tapers
16 down to MX2, which I think is probably maybe
17 the majority of our Downtown, our CBD. There
18 are pockets -- little bit random pockets of MX3
19 in the CBD.

20 MR. BEHAR: The CBD, for the most part, is
21 MX3, though. You do have -- as you go away --
22 closer to the outskirts of the CBD is where you
23 have some MX2.

24 MR. PARDO: Correct.

25 MS. GARCIA: Yeah.

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1 Director.

2 So what actually happens today is, nobody
3 comes in with an MX3 and says, I want to go
4 down to MX2. Absolutely, that doesn't happen
5 today. But what does happen today, all of the
6 time, is that people come in with an MX2
7 property and say, "You know what, we can't make
8 it 97, but we could do it at 110," but, guess
9 what, we need an MX3 to get 110.

10 So Staff is good with 110, but they're not
11 good with 190. So, then, it's like, how do you
12 limit it, so that you force them, after you
13 give them MX3, to not come back with a
14 different project and say, "Well, I've already
15 got the zoning at MX3, I'm just going to build
16 190"?

17 MS. KAWALERSKI: Okay. So this would be
18 much easier for a developer to get an approval,
19 slide right through, rather than applying for
20 an MX2 and ask for more height, correct?

21 MS. CABRERA: No. The process is exactly
22 the same. Instead of coming before you for
23 MX3, they will come before you for MX2.5, but
24 the process is exactly the same.

25 MS. KAWALERSKI: I'm saying, let's say we

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1 MR. BEHAR: If I recall, looking at -- you
2 know, looking at the map, the MX2 is pretty
3 much just on the outskirts. So, I think, what
4 this would do, I think it would serve as a
5 better transition between the MX3 and the MX2,
6 and when you look at -- I'm just thinking, for
7 example, Miracle Mile and the two blocks
8 adjacent in either direction --

9 MS. GARCIA: Yes.

10 MR. BEHAR: -- you know, north and south,
11 those are where -- you know, in those types of
12 areas is where it makes sense to do that.

13 MS. KAWALERSKI: Let me ask something.
14 What would prevent a developer from applying
15 for an MX3 to build a building at 110 and half
16 feet? What would prevent that from happening?

17 MR. BEHAR: Because the moment that you
18 give them the MX3, it's a free-for-all. They
19 could come back -- that project may die, and
20 they're going to come back in two years, five
21 years, and they could go up to 190 feet --
22 190.5.

23 MS. CABRERA: Exactly. Which has
24 happened, by the way.

25 Suramy Cabrera, Development Services

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1 don't have MX2.5.

2 MS. SURAMY: 2.5. So they'll come in and
3 ask for an MX3.

4 MS. KAWALERSKI: So they only have an
5 option of 2 or 3?

6 MS. CABRERA: Correct.

7 MS. KAWALERSKI: They come in at 2 and they
8 say, "But we want a little bit more height."
9 It's a lot more -- harder to get that approved,
10 isn't it?

11 CHAIRMAN AIZENSTAT: It has to come before
12 us either way.

13 MS. CABRERA: If you feel it's appropriate,
14 you feel it's appropriate. You still have to
15 be willing to go to 2.5. It's not that they
16 have the 2.5, and now, hey, we got 2.5,
17 free-for-all. No. It's that instead of coming
18 before you and asking for 3, when they only
19 need 2.5, now they'll come before you at 2.5.
20 You could still say, no. Absolutely, you could
21 say no.

22 MR. BEHAR: And if that project doesn't go
23 forward --

24 MS. KAWALERSKI: But, I mean, if that's
25 already in place, it's a lot easier to get

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1 approved.

2 MS. CABRERA: Well, I don't know if that

3 affects the way you feel, but I think that what

4 is easier is that if they come in and you give

5 them an MX3, that then they go to 190, than you

6 give them a 2.5 and you limit them.

7 MS. KAWALERSKI: Okay. Let's scratch that

8 one, but come back to my second thing. It's a

9 lot of easier if you have a MX2.5 to get

10 approved versus you only have a 2 and a 3?

11 MS. CABRERA: If it's more appropriate,

12 absolutely. That's why we're proposing it,

13 because we feel that it's not appropriate to

14 give 3, where you should only be getting 2.5.

15 MS. KAWALERSKI: Okay. Let's say we don't

16 have a 3. Let's say we only have a 2.

17 CHAIRMAN AIZENSTAT: Sue --

18 MS. CABRERA: If you don't want to give

19 anybody more than MX2, then you should

20 absolutely -- you would absolutely say no, but

21 you are really -- and I'm sure that there are

22 architects here that will come up and speak and

23 Staff will tell you that the reason why people

24 come in and ask for MX3, not everybody's coming

25 in at 190. A lot of projects come in at 110,

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1 yeah, we're going to give you MX3, but, hey,

2 don't go above the 110 --

3 CHAIRMAN AIZENSTAT: Right.

4 MS. CABRERA: -- that is a very

5 uncomfortable position for everybody. Staff

6 doesn't like that. How do you track that?

7 They could just drop the project, sell the

8 property, and now they have the 190.5, and come

9 back, and, then, how do you stop it?

10 MR. BEHAR: You can't.

11 MS. CABRERA: But if you gave them a 2.5,

12 then maybe you do feel more comfortable. Maybe

13 you personally would feel more comfortable

14 saying, oh, I'm good with the 110, as long as

15 it's a 2.5 --

16 MS. KAWALERSKI: Okay. I got you.

17 MS. CABRERA: -- but I wouldn't have been

18 good with 110, if it was MX3.

19 MS. KAWALERSKI: I got you. I just want to

20 put on the record, it would be more -- easier

21 if you had the 2.5 -- it would be much more

22 easier --

23 MS. CABRERA: That's a personal question to

24 you. The building is going to be 110 when it

25 comes in -- or 120, let's say. The developer

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1 115, and we feel that, you know -- and they

2 passed -- but they get passed at MX3.

3 So you make the decision, do you prefer

4 that it goes forward with an MX2.5 or do you

5 prefer that it goes forward with an MX3.

6 That's the decision that you're making.

7 CHAIRMAN AIZENSTAT: Sue --

8 MS. CABRERA: However you want to do it.

9 MS. KAWALERSKI: Okay. I understand.

10 CHAIRMAN AIZENSTAT: One second, please.

11 The decision is still yours. The point that

12 she's trying to make is, the decision is still

13 yours. As an individual, that's still your

14 decision. It can come as an MX3, it can come

15 as an MX2, but the vote is still yours. I

16 think what they're trying to say is, it closes

17 a little bit of a loophole that's out there or

18 it directs Staff better for that project.

19 MS. CABRERA: I think what it does is, if

20 you have an earnest --

21 CHAIRMAN AIZENSTAT: Desire.

22 MS. CABRERA: -- desire to allow

23 appropriate development in the City, and 110 is

24 what a lot of developers are coming in at, or

25 115, but you don't feel comfortable say, oh,

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1 is going to come in and say, "We want 120 feet.

2 To get that, we cannot do it in MX2. We need

3 to do it in MX3."

4 And you are like, "I don't want to give you

5 MX3, but I don't want to give you 120 feet,

6 either. I want you to stay a 97, because I

7 feel very strongly about the 97." Of course,

8 you would vote no. You would vote no to the

9 2.5, too.

10 MS. KAWALERSKI: Has that happened? Has

11 that happened?

12 MS. CABRERA: Absolutely, it's happened.

13 MS. KAWALERSKI: Really? Recently?

14 MR. PARDO: I sorry, you can condition

15 height.

16 MS. KAWALERSKI: Okay.

17 MS. CABRERA: And you could condition

18 height through covenant, which anybody would

19 tell you is a horrible way to do it.

20 MR. PARDO: Right. Right.

21 MS. KAWALERSKI: Okay. And let me ask

22 you --

23 MS. CABRERA: You shouldn't do your zoning

24 through a covenant.

25 MS. KAWALERSKI: Just one more question in

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1 a broader subject. We changed our Zoning Code
2 three years ago. We paid a consultant a
3 quarter of a million dollars plus to re-write
4 our Zoning Code three years ago. Why do we
5 keep changing them?

6 MS. CABRERA: So we didn't pay a consultant
7 to re-write our Zoning Code. We paid a
8 consultant to clean up our Zoning Code. So
9 they re-arranged it. They went -- I mean, you
10 were very involved, so I think you would know
11 that basically they changed -- they tried to
12 clarify a lot of things, get rid of
13 inconsistencies between one part of the Code
14 and the other. They redid all of the chapters,
15 right -- renamed all of the chapters. The
16 Table of Content is completely different. All
17 of that was changed.

18 But we did not look at, hey, should we add
19 a new MX2.5, should we look at maybe -- that
20 wasn't part -- that wasn't a major part of
21 that.

22 MS. KAWALERSKI: Why wasn't it? If there
23 was such a big gap, why wasn't that a major
24 part of it?

25 MR. PARDO: That did happen on Biltmore

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1 MR. BEHAR: And, you know, land use
2 attorneys and architects know that the Zoning
3 Code is always a moving -- it's a moving
4 target.

5 MS. KAWALERSKI: Then why have a Zoning
6 Code?

7 MR. PARDO: Well, wait just a minute.

8 Mr. Chairman, may I?

9 CHAIRMAN AIZENSTAT: Yes, sir.

10 MR. PARDO: First of all, going back to --
11 Robert had a very good comment, which is, well,
12 it depends on where it is. In other words,
13 basically, it's the compatibility. Right now
14 we have something extremely generic. We don't
15 know what areas are affected. I would feel
16 very uncomfortable voting for this, not knowing
17 where and what, because, Robert said, there are
18 certain areas where it's very appropriate, like
19 near the commercial areas and the CBD area, and
20 this area and that area.

21 I don't know where the areas are, because
22 it hasn't been provided to us. It makes it
23 very difficult for us --

24 MS. CABRERA: For the record, that's the
25 case right now when they have MX2 and they

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1 Way, yeah.

2 CHAIRMAN AIZENSTAT: But hold on a second,
3 we're not here --

4 MS. KAWALERSKI: I understand that.

5 CHAIRMAN AIZENSTAT: Sue, please, I like to
6 keep order. We're not here to litigate that
7 and to go on that.

8 We're here basically on what's being
9 proposed on the 2.5. If there is an issue with
10 the Zoning Code and so forth, and the Board
11 wants to take that up, I think that's a
12 different discussion to be had. I think, when
13 we sit here and we look at these projects or we
14 sit here and we look at these items, we must
15 look at the items based on the facts that we
16 have before us.

17 MS. KAWALERSKI: I understand it. I just
18 want it on the record, if this is so important
19 today, why wasn't it important three years ago?

20 MS. CABRERA: You can ask the Planning
21 Director from three years ago.

22 MS. KAWALERSKI: Pardon me?

23 MS. CABRERA: He's not here anymore. The
24 Planning Director from three years ago is no
25 longer here.

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1 request MX3. You don't know who's going to ask
2 for it.

3 MR. PARDO: No.

4 MR. CABRERA: We don't want a blanket --

5 MR. PARDO: No. No. Wait. Wait. Wait.

6 MR. BEHAR: And, Felix, the application
7 that comes before us is going to identify
8 where.

9 MS. CABRERA: You will see every single
10 application.

11 MR. PARDO: But right now --

12 MS. CABRERA: You will see every single
13 one.

14 MR. PARDO: Excuse me. Right now, there
15 are areas that have MX2. There are areas that
16 have MX3. I'm not talking about areas that
17 haven't been rezoned. I'm talking about areas
18 that are rezoned and haven't been developed.
19 Those are the areas I'm talking about and I
20 think that's what -- how the Chairman started
21 this conversation.

22 MS. CABRERA: But we're not rezoning. We
23 are adding a new zoning category, but we are
24 not rezoning any property.

25 MR. PARDO: No, I didn't say you're

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1 rezoning.
 2 MS. CABRERA: Okay. Just making sure we're
 3 clear.
 4 MR. PARDO: Again, going back, unless --
 5 you know, I'm paraphrasing the Chairman, where
 6 is it? In other words, not where is the 2.5.
 7 It's nowhere, because it doesn't exist.
 8 Where is the existing MX2 next to the MX3?
 9 Why is that --
 10 MS. CABRERA: But this --
 11 MR. PARDO: Excuse me -- why is that
 12 important? It's important, because if it's in
 13 the CBD area, you know, it's not going to
 14 impact certain places, such as single-family
 15 residential, that have existed since the
 16 beginning of this City's planning. I am very
 17 concerned -- very, very concerned -- of taking
 18 something like this, voting for it, and not
 19 having any idea what the repercussions are.
 20 I'm not going to vote for something like that.
 21 MR. BEHAR: But, Felix, it's not --
 22 MS. CABRERA: I need to say something,
 23 because would you feel more comfortable if we
 24 would rezone MX2 to MX2.5, a whole bunch of
 25 properties and just go ahead and rezone them or

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1 these things, compared to other areas that are
 2 not.
 3 CHAIRMAN AIZENSTAT: But that's what Suramy
 4 is exactly saying. From listening to it --
 5 MS. CABRERA: I honestly give up. We're
 6 not rezoning.
 7 CHAIRMAN AIZENSTAT: -- what she's saying
 8 is, it's up to the Board to make that
 9 determination through the individual votes.
 10 MS. CABRERA: What we're giving you is the
 11 option to not give MX3, but to give MX2.5 --
 12 MR. BEHAR: And I feel more comfortable not
 13 giving them MX3, because, if we give MX3 and
 14 they don't go forward with the project, we
 15 could end up with a building -- somebody could
 16 proffer, we're going to do 110 feet, and once
 17 you give them MX3, we can't do anything about
 18 it.
 19 MR. PARDO: Robert, right now there is an
 20 inventory of MX3 and there's an inventory of
 21 MX2. Do you know where it is, because I don't?
 22 MR. BEHAR: Felix, but --
 23 MS. CABRERA: I can give you that. That's
 24 online. We have that --
 25 MR. BEHAR: This is not -- we're not

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1 would you prefer --
 2 MR. BEHAR: No.
 3 MS. CABRERA: -- that a category is there
 4 and that every time somebody wants it, they
 5 need to get your permission to do -- your vote
 6 to do it?
 7 MR. PARDO: I have two thresholds. Number
 8 One, because I live in the City, I want to make
 9 sure that the compatibility around me stays
 10 preserved.
 11 MS. CABRERA: That's why you should see it.
 12 MR. PARDO: And people are sick and tired
 13 of having high-rises built right next to their
 14 single-family homes, where they get to see
 15 them, where they didn't exist before, that's
 16 Number One.
 17 Number Two, when we look at a change of
 18 zoning, it would be irresponsible for me, as a
 19 Planning Board Member, and I think it's very
 20 serious, that -- for us to say, we're going to
 21 create something new, but we have no idea where
 22 it could be done, and the applicants always
 23 have the ability to come before this Board and
 24 request whatever the change is, but there are
 25 certain areas that are more compatible with

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1 rezoning anything. We're not rezoning. This
 2 is --
 3 (Simultaneous speaking.)
 4 MR. COLLIER: Guys, we can't -- I'm going to
 5 take a time out. The court reporter can only
 6 take one person at a time. She doesn't have a
 7 stereo machine, so I would appreciate if one
 8 person would speak at a time, for her benefit.
 9 MR. PARDO: Go ahead, Robert, you were
 10 talking.
 11 MR. BEHAR: We're not rezoning throughout
 12 the City. This is -- the applicant is going to
 13 come in and says, "I have this parcel, I want
 14 to apply for MX2.5. First of all, it's going
 15 to be up to this Board to say yes or no. It
 16 doesn't mean that automatically they're going
 17 to get it. We're just giving them a new zoning
 18 category for them to do -- to chose, instead of
 19 going to MX3, which at that point we give them
 20 as carte blanche to come back, somebody else
 21 that says, "You know what, I got MX3. I want
 22 to do 190.5 feet." We have no control over
 23 that.
 24 This will say, okay, if you don't do this
 25 project, the project you're proposing, that

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1 land will be limited to 110 feet, and I
2 think -- my understanding, that is what we'll
3 be doing today. Is that not correct? We'll be
4 limited to 110 feet?

5 MS. CABRERA: Yes, because you're not going
6 to stop a developer for coming and asking for
7 more. All they're going to do is come in and
8 ask for MX3, and provide a covenant saying,
9 "We're going to stay at 120 feet," and that may
10 be what you feel more comfortable with, and
11 that's fine. If you want to do your zoning
12 through covenant, that's fine. It's not the
13 recommendation, but absolutely, that's fine.

14 If you feel that that makes it easier for
15 them to come in and ask, I don't know. If I
16 were a developer, I don't know if I would care
17 if I was asking for MX3 or MX2.5. I would ask
18 for whatever I need, for whatever is going to
19 make my project successful. I wouldn't really
20 care what anybody thinks about it. I would ask
21 whatever makes a successful project, because
22 people, that's what they do. When they
23 develop, they want to make a successful
24 project, and if they need 120 feet, that's what
25 they're going to ask for.

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1 would need like a 13-foot --

2 MS. GARCIA: 13 and a half feet.

3 MS. CABRERA: 13 and a half feet, because
4 you don't want developers to be limited to a
5 low floor to floor. It's not as high end --

6 MR. BEHAR: And having done a building at
7 97, you get eight foot eight, which in today's
8 environment, today's market, that's not
9 acceptable. You want to have ten-foot
10 ceilings, you know.

11 MS. CABRERA: Because the number of stories
12 is still the same.

13 MR. BEHAR: Yes.

14 CHAIRMAN AIZENSTAT: Jill --

15 MS. CABRERA: The number of stories is till
16 the same.

17 THE SECRETARY: Yes.

18 CHAIRMAN AIZENSTAT: -- let me ask you a
19 question. Do we have any people from the
20 audience that have signed up for this item?

21 THE SECRETARY: No.

22 CHAIRMAN AIZENSTAT: No? Do we have
23 anybody on Zoom for this item?

24 THE SECRETARY: No.

25 CHAIRMAN AIZENSTAT: Anybody on the phone

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1 And if you're going to give them 190, then
2 maybe they'll build to the 190 instead. I
3 don't know. That's something that I can't
4 control, but if you feel that it opens it up to
5 developers being more willing to ask for
6 additional height, then, yeah, maybe.

7 MR. BEHAR: Suramy, correct me, right now
8 you're allowed -- or Jennifer, you're allowed
9 97 feet in MX2.

10 MS. GARCIA: Yes.

11 MS. CABRERA: Yes.

12 MR. BEHAR: And this is going to 110 feet.

13 MS. GARCIA: 110.5 without Med Bonus.

14 (Simultaneous speaking.)

15 MR. BEHAR: Okay. But you still get Med
16 Bonuses in both.

17 I think the difference here is that, floor
18 to floor, in order to allow ten, eleven, twelve
19 feet, you need the extra height. This is
20 not -- it's simple, between 97 and 110, yeah,
21 you could fit one more floor -- no, no -- 13
22 feet, unless you're going to -- you know,
23 unless you're going to walk in sideways, you
24 can't fit two floors.

25 MS. CABRERA: That was considered, that you

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1 platform?

2 THE SECRETARY: No.

3 CHAIRMAN AIZENSTAT: Okay. So let me go
4 ahead and close it for public comment.

5 MR. BEHAR: I have one more. Does the
6 MX2.5 -- if you ask for MX2.5, do you have to
7 give public benefit, such as a park or
8 something like that?

9 MS. GARCIA: Not as currently drafted, no.
10 It's just one of the categories you can select.

11 MR. BEHAR: Okay.

12 MS. CABRERA: Right. You could still
13 negotiate all of that, though.

14 MS. GARCIA: Right.

15 MS. CABRERA: Which is why you would want
16 to keep it this way, than be an outright
17 rezoning, because then you all wouldn't see it,
18 the Commission wouldn't see it, it would just
19 be -- well, I think, for 20,000, they have to
20 go in front of the Commission regardless,
21 right?

22 MS. GARCIA: Right. Yes.

23 CHAIRMAN AIZENSTAT: Okay. Any other --
24 Julio.

25 MR. GRABIEL: I think it's actually a

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1 better control than what we have right now.
2 Right now, we either go through MX2 or then you
3 jump to MX3, which is what we've been fighting
4 against, because developers are not going to go
5 for the lower square footage and the lower
6 buildings. So, I think, having the MX2.5
7 makes a lot of sense.

8 CHAIRMAN AIZENSTAT: Any other comments?

9 MR. BEHAR: I agree with Julio. And at the
10 end of the day, whatever application comes
11 through this Board, it's up to us whether it's
12 MX2, MX3. The application has to come through
13 us, and it's up to us to approve or not
14 approve. So, I mean, I agree. I feel very
15 good about the 2.5. I think it's going to set
16 additional control for future sites that we
17 don't have today. I really think this is going
18 to give, you know, an insurance that somebody
19 in the future cannot do a bate and switch and
20 say, "Hey, you know, I'm going to sell this
21 property to the other company, and the other
22 company is going to go 190 feet," and that's
23 going to be a way to limit that.

24 I really feel this is -- more than
25 anything, it's a safety measure that we put in

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1 place. I'm in favor. I mean, I'll make a
2 motion to approve it.

3 MR. GRABIEL: I'll second it.

4 CHAIRMAN AIZENSTAT: We have a motion to
5 approve. We have a second. Any further
6 comments, discussion? No?

7 Call the roll, please.

8 THE SECRETARY: Sue Kawalerski?

9 MS. KAWALERSKI: No.

10 THE SECRETARY: Felix Pardo?

11 MR. PARDO: No.

12 THE SECRETARY: Julio Grabiell?

13 MR. GRABIEL: Yes.

14 THE SECRETARY: Robert Behar?

15 MR. BEHAR: Yes.

16 THE SECRETARY: Eibi Aizenstat?

17 CHAIRMAN AIZENSTAT: Yes. I feel
18 comfortable with the explanations. Thank you.

19 MR. COLLER: Okay. So because we don't
20 have four votes, it goes without a
21 recommendation.

22 CHAIRMAN AIZENSTAT: Understood. Thank
23 you.

24 If you would, let's move on, in the agenda.
25 We have G-6. Mr. Coller.

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1 MR. COLLER: I just want to check with the
2 court reporter, if she needs a break. We've
3 been going since 6:00. Are you good? Okay.
4 Too bad.

5 MR. BEHAR: How about the Board Members?

6 MR. COLLER: How about the Board Members?
7 The Board Members, that's up to the Chair.

8 MR. VAZQUEZ: I'll be brief.

9 CHAIRMAN AIZENSTAT: Anybody need a
10 bathroom break? No?

11 Let's continue.

12 MS. COLLER: G-6, an Ordinance of the City
13 Commission of Coral Gables, Florida granting
14 Conditional Use for a Building Site
15 Determination approval pursuant to Zoning Code
16 Article 14, "Process", Section -- the building
17 is saying something to us -- "Building Site
18 Determination" approval pursuant to Zoning Code
19 Article 14, "Process," Section 14-202.6
20 "Building Site Determination" and Section
21 14-203, "Conditional Uses" to separate to two
22 single-family building sites on the property
23 zoned Single-Family Residential (SFR) District,
24 legally described as Lots 21 and 22, Block 3,
25 Coral Estates, Coral Gables, Florida; one

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1 building site consisting of Lot 21 (east
2 parcel), and the one one building site
3 consisting of Lot 22 (west parcel); including
4 required conditions; providing for a repeater
5 provision, severability clause, and an
6 effective date.

7 Item G-6, public hearing.

8 MR. VAZQUEZ: Thank you.

9 Good afternoon, Mr. Chairman, Board
10 Members. My name is Andre Vazquez, 1892
11 Southwest 10th Street, Miami, Florida. I'm
12 here on behalf of Adrian Construction Group.
13 With me, from Adrian Construction Group, is my
14 client, Alvaro Adrian. We also have our
15 architect -- I believe we have our architect
16 via Zoom, Jennifer Salman.

17 So the subject property of our application
18 is 631 Zamora Avenue, which is currently a
19 vacant parcel, comprised of two platted lots.
20 Our intention is to build two single-family
21 homes, which will be accomplished by a lot
22 split, which is achieved via a Conditional Use
23 Site Plan Review, which is why we're here
24 today.

25 Now, I'd like to highlight a few points in

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1 the Staff report prepared by the professional
2 members of your Planning and Zoning Staff.
3 First, a quick history of the property, which
4 contained one single story structure, built in
5 1940. In 2020, it was demolished. Shortly
6 after that, Adrian Construction Group purchased
7 the property, in November of 2020. Important
8 to note is that the demolished structure sat on
9 one of the two platted lots, which is the
10 subject of the application, and this is
11 important, because had the structure sat on the
12 lot line, it would have been detrimental to the
13 application itself. Also, worth noting from
14 the Staff report, that there is no unity of
15 title tying the lots together and the Staff
16 report confirm this.

17 Okay. As to designations, it's designated
18 single-family low density and zoned SFR,
19 Single-Family Residential. That won't change.

20 A quick procedural history of the
21 application. So in May of 2022, we went to the
22 Development Review Committee, accepted several
23 department comments, and they were addressed.
24 Then, after that, we went to the Board of
25 Architects twice, once in November of 2022,

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1 I said, three of the four are met, so we're
2 good there.

3 Okay. As to the Comprehensive Plan itself,
4 instant analysis of all conditional use
5 applications, Staff also looks at the
6 Comprehensive Plan for an evaluation of
7 consistency with its goals, objectives and
8 policies. Page 12 and Page 13 of the Staff's
9 report goes through each plan -- plan's goal,
10 objective and policy, and across the board, it
11 complies with each and every single one.

12 Lastly, another important part of this
13 process is the notice to the neighbors and
14 meeting with them, and we recognize that a few
15 may not be in favor of the project, but, as I
16 stated, we meet the criteria in the Code, we
17 are consistent and compatible with the
18 objectives, goals and policies of the
19 Comprehensive Plan. So this is exactly the
20 type of project -- an application that is
21 contemplated within your Comprehensive Plan.

22 So, briefly, just to summarize, before I
23 conclude, DRC, Development Review Committee,
24 received comments, addressed them. Board of
25 Architects approved our plan. No issue there.

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1 and, again just a few months ago, in March of
2 2023, where the Board of Architects approved
3 our design from there.

4 So that brings us here in front of the
5 Planning and Zoning Board, where we come with a
6 recommendation of approval from the Planning
7 and Zoning Staff.

8 First, I want to get into the City Code --
9 Zoning Code itself. Section 14-2002.6F lays
10 out the criteria that are required for a lot
11 split in the City of Coral Gables. Lot splits
12 in the City of Coral Gables are very difficult
13 due to the stringent Code requirements, and it
14 lays out, like I said, four criteria. Of the
15 four criteria in the Code, three need to be met
16 in the application. Our application meets
17 three of the four.

18 I can go into it, for the record, one by
19 one, but I will point to the Staff report, on
20 Page 11, which lays out the four criteria, Page
21 11 and Page 12. The only criteria of the Code
22 which is not met is that the owner must own the
23 property for ten years or more. As I stated
24 just before, the applicant purchased the
25 property in 2020. So that's not met. But like

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1 Check. City Code, four criteria that need to
2 be met -- three of four which need to be met.
3 We've met three of four. Check. Comprehensive
4 Plan, is it compatible, consistent with the
5 characteristics -- with the goals, objectives,
6 and policies of Coral Gables? Check. And,
7 lastly, we come with a recommendation of
8 approval, with conditions, all of which we are
9 in agreement with.

10 So, with that, we would respectfully
11 request a Board recommendation of approval and
12 I'd like to save time for rebuttal, if
13 necessary.

14 MR. BEHAR: Mr. Chair, I have a question to
15 the applicant.

16 MR. VAZQUEZ: Yeah.

17 MR. BEHAR: You say that the original
18 house, the building, the 1940, it was built on
19 one lot, not straddling both lots?

20 MR. VAZQUEZ: That's correct, yeah. And we
21 have -- attached to my statement of use and
22 also in the packet before you is the survey of
23 that existing structure, which shows that.

24 MR. BEHAR: Okay. And was there a recorded
25 covenant or anything -- you know, unity of

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1 title on this property?

2 MR. VAZQUEZ: No. No unity of title
3 issues. It was -- quite frankly, we were -- at
4 first, we didn't understand why we had to come
5 through to do this process, but we understood,
6 at that point, that a lot split, there is --

7 MR. BEHAR: But if you've got -- I mean,
8 I'm just -- and Staff will come up. If you got
9 two platted lots, right -- and you do have two
10 platted -- legally platted lots --

11 MR. VAZQUEZ: Right.

12 MR. BEHAR: Why are you here? I'm going to
13 let Staff, when Staff do the --

14 MR. PARDO: Was there a fence going around
15 it or is there --

16 MR. VAZQUEZ: Around the -- you mean, the
17 lots?

18 MR. PARDO: A fence going around the entire
19 property, the non-built on lot and that lot? I
20 think that's where Robert is going. In other
21 words, there are certain thresholds, that back
22 in the day, even if you had a fence going
23 around it, would tie both lots together.

24 MR. VAZQUEZ: I would have to check on
25 that. I'm not sure if there was a fence or

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1 microphone, please?

2 MR. ADRIAN: Yes.

3 CHAIRMAN AIZENSTAT: Raise your right hand,
4 please.

5 (Thereupon, the participant was sworn.)

6 MR. ADRIAN: I do.

7 CHAIRMAN AIZENSTAT: Can you please state
8 your name and address, for the record?

9 MR. ADRIAN: Good afternoon, Board Members.
10 My name is Alvaro Adrian, and the reason that
11 we had to come here --

12 CHAIRMAN AIZENSTAT: And your address,
13 please.

14 MR. ADRIAN: The address is 631 Zamora, and
15 the reason that we had to come here is because
16 we have to get a second address for the second
17 property. So we couldn't present plans without
18 a second address.

19 MR. PARDO: Wait. Wait. Can you say that
20 again?

21 MR. ADRIAN: We have two folios with the
22 city -- Dade County. When we proposed our
23 building permit, they asked for a second
24 address. That's why we're here, to get our
25 second address for our second --

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1 not.

2 MR. PARDO: I'm trying to wrap my head
3 around the same thing that Robert is, in
4 understanding why Staff determined that it
5 was -- that it needed a lot split, when it
6 doesn't seem like any of the criteria are
7 there, right, Robert?

8 MR. BEHAR: I don't see any. I mean, if
9 the house was not built -- so let Staff do the
10 presentation and find out, because --

11 CHAIRMAN AIZENSTAT: Just one quick
12 question. Do you have one folio number or two
13 folio numbers?

14 MR. VAZQUEZ: Right now we have one folio
15 number.

16 MR. ADRIAN: Two.

17 CHAIRMAN AIZENSTAT: So there's two folio
18 numbers, which means it was never -- it was not
19 tied. If you have one folio number, then that
20 property was tied. If you have two folio
21 numbers, to me it shows that the property was
22 not tied.

23 MR. ADRIAN: Good afternoon --

24 MR. COLLIER: Wait.

25 CHAIRMAN AIZENSTAT: Can you go to the

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1 MR. BEHAR: Yeah, because an empty property
2 does not get an address until you apply for a
3 building permit.

4 MR. PARDO: I'm still lost, because
5 normally a lot split has nothing to do with
6 assigning a property address.

7 MR. BEHAR: No. Felix, you have one
8 address, which was where the house was. The
9 house has an address. The empty lots are not
10 given addresses. They're given folio numbers.

11 MR. ADRIAN: So I can't apply for a
12 building permit without an address.

13 CHAIRMAN AIZENSTAT: Speak into the mike,
14 just for the court reporter, please.

15 MS. GARCIA: Just to clarify --

16 CHAIRMAN AIZENSTAT: Yes.

17 MS. GARCIA: -- the folio -- the second
18 folio is new. He was assigned that folio when
19 he applied for the Board of Architects, because
20 you need to have a second folio to assign the
21 property to.

22 CHAIRMAN AIZENSTAT: So that's a new folio
23 number?

24 MS. GARCIA: Yes.

25 MS. ADRIAN: That was given to us by Dade

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1 County, the Property Appraiser's Office.
 2 MS. GARCIA: Right. Right.
 3 MS. ADRIAN: When we applied --
 4 MR. COLLER: You need to really speak into
 5 the mike. Nobody can hear you.
 6 MR. ADRIAN: I apologize.
 7 CHAIRMAN AIZENSTAT: Okay. Thank you for
 8 the clarification.
 9 MR. BEHAR: Okay. Now I'm more confused.
 10 MR. GRABIEL: Join the club.
 11 MR. BEHAR: Can I get a bathroom break?
 12 So --
 13 CHAIRMAN AIZENSTAT: Go ahead.
 14 MR. BEHAR: -- just to -- were there ever
 15 two folio numbers from the beginning?
 16 MS. GARCIA: No.
 17 MR. BEHAR: So what was -- that other
 18 platted lot, how was that identified in
 19 Miami-Dade County Property Appraisal?
 20 MS. GARCIA: They included both platted
 21 lots. That one folio included both platted
 22 lots.
 23 CHAIRMAN AIZENSTAT: So there was only one
 24 property tax being paid on both properties the
 25 entire time?

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1 MR. ADRIAN: No. There's two folios and
 2 two properties taxes.
 3 MR. BEHAR: But today.
 4 CHAIRMAN AIZENSTAT: Today, now?
 5 MR. ADRIAN: As of two years ago.
 6 CHAIRMAN AIZENSTAT: Okay. All right.
 7 MS. GARCIA: Yes. When this application
 8 was reviewed, we determined it as one building
 9 site. There was only one folio number at the
 10 time.
 11 CHAIRMAN AIZENSTAT: Was there a pool,
 12 any --
 13 MS. GARCIA: They had a fire pit on the
 14 vacant lot as an accessory structure.
 15 CHAIRMAN AIZENSTAT: Was that fire pit
 16 straddled on the property line at all?
 17 MS. GARCIA: No. It was on the other
 18 platted lot.
 19 CHAIRMAN AIZENSTAT: So it is independent,
 20 separate?
 21 MS. GARCIA: Oh, it was an accessory to the
 22 house that was on the other lot.
 23 MR. BEHAR: A fire pit?
 24 CHAIRMAN AIZENSTAT: It was a fire pit, but
 25 it was on the separate lot?

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1 MS. GARCIA: Yes.
 2 CHAIRMAN AIZENSTAT: On the survey, the old
 3 survey, it will show if you had a fence on it.
 4 Does that survey show any type of fence?
 5 The reason I'm asking, and I think this is
 6 the reason Felix is asking, I remember, from
 7 years and years and years, if there was a fence
 8 or something that was around the property --
 9 MR. GRABIEL: Continuous.
 10 CHAIRMAN AIZENSTAT: -- a continuous --
 11 you're right. You were on the Board, also.
 12 MS. GARCIA: Yes, there was a continuous
 13 fence along the property, as well, that linked
 14 the property. It was always considered one
 15 property since the '40s.
 16 MR. GRABIEL: And owners could do a fence
 17 to the property line and then start the fence
 18 again on the other side of the property --
 19 MS. GARCIA: No, there was never a fence
 20 between the two lots to link them together.
 21 MR. GRABIEL: No, I'm saying, to keep the
 22 separation of lots at that time, to avoid the
 23 fence making it or forcing it to be a single
 24 property, you would stop the fence on the
 25 property line and then start another one on the

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1 other side.
 2 MR. BEHAR: An inch apart.
 3 MR. GRABIEL: An inch apart, yes.
 4 MR. PARDO: Yeah. Yeah. That's exactly
 5 how it was done.
 6 CHAIRMAN AIZENSTAT: I clearly remember
 7 that. And, I think -- you know, it's
 8 interesting, I think that one of the reasons
 9 that that was, done, too, was years ago, to
 10 keep the big properties as big properties, but
 11 I also think that that was done to keep those
 12 big properties in the major thoroughfares, not
 13 in the back portions or in the internal areas,
 14 from what I recall. That was the vision of
 15 that.
 16 MR. PARDO: I sat twice on the Board of
 17 Adjustments for all variances, so these things
 18 would come up every once in a blue moon, but
 19 normally it was somebody had built, you know, a
 20 rock fence that was continuous; couldn't split
 21 it, you know. Or sometimes there was even a
 22 unity of title, which would go straight to the
 23 Commission, not to the Board of Adjustments to
 24 release that.
 25 MR. VAZQUEZ: Just as to that point real

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1 quick, right now the property is 11,300 square
2 feet. A lot split would make the properties
3 5,650 square feet, and just on Zamora Avenue
4 itself, 12 of the 16 lots on Zamora Ave are
5 5,650 square feet. So it would be very
6 consistent and compatible with the existing
7 square feet. I mean, in fact, the two
8 properties in front and the two properties next
9 to the lot are 5,000 square feet.

10 MR. BEHAR: Has the architect done an
11 analysis, if you were doing one house, which
12 would be much more intrusive, versus two? And,
13 you know --

14 MR. PARDO: It's on there. It's on Page 8.

15 MR. BEHAR: I didn't print that whole thing
16 out.

17 MR. PARDO: It's Page 8, and the difference
18 is that if you did only one house, you could
19 get only 4,525 square feet, but if you do the
20 two separate ones, you get 2,619.22 feet, plus
21 2,556.21, giving you a combined of 5,175.43
22 feet.

23 MR. BEHAR: Versus if you did one --

24 MR. PARDO: Robert, about a fifteen-percent
25 difference, but -- for me, I'm looking at this,

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1 finished.

2 CHAIRMAN AIZENSTAT: Okay. Sorry, go
3 ahead, Sue.

4 MS. KAWALERSKI: So there was one folio,
5 one tax bill -- one tax bill?

6 MS. GARCIA: I'm assuming, one tax bill.

7 MR. ADRIAN: As of 2020, there's been two
8 tax bills. There are two folios, there are two
9 tax bills.

10 MS. GARCIA: Before a couple of years ago,
11 there's only one folio?

12 MR. VAZQUEZ: Prior.

13 CHAIRMAN AIZENSTAT: When was the house
14 demolished?

15 MR. ADRIAN: In 2020.

16 CHAIRMAN AIZENSTAT: The house was
17 demolished in 2020.

18 MR. PARDO: And do you have the survey that
19 had the original house there with you?

20 MR. VAZQUEZ: Yes. It is attached to the
21 statement --

22 MR. BEHAR: Jill, can I get one of those
23 packages, because I didn't print mine and --

24 MR. VAZQUEZ: I thought they were passed out.

25 MR. PARDO: No bathroom break for you for

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1 again, going back to, if there was something
2 continuous, if there was a permanent structure
3 -- if they had a swimming pool there, if they
4 had anything there, I couldn't find it, and I
5 looked through every page twice. I couldn't
6 find it. So I was getting confused on that.

7 And in my opinion, for me, then it becomes
8 now an exercise, well, technically, if you had
9 this or you had that. That's why many years
10 ago, back then, the City Attorney said, I don't
11 care if you're building an addition, you have
12 to execute a unity of title and it has to be
13 recorded, so they wouldn't have this kind of
14 situation happen in the future, because the
15 thing is, you go in, you demolish the house,
16 well, you can't tell what was here and what was
17 there.

18 The difference here is, Staff can go back
19 to the aerial photographs and see if there was
20 some type of improvement going back years
21 before that.

22 CHAIRMAN AIZENSTAT: What I'd like to do --
23 I just want to make sure the presentation that
24 is being presented is finished.

25 MR. VAZQUEZ: Yes, our presentation is

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1 not bringing your laptop.

2 MR. BEHAR: Thank you.

3 MS. GARCIA: So attached to his Statement
4 of Use, there is, you know, a survey that shows
5 the barbecue pit on the vacant parcel.

6 MR. PARDO: That's why.

7 MS. GARCIA: Yes.

8 MR. PARDO: So it's a barbecue.

9 MS. GARCIA: Yes. Whenever you have an
10 accessory structure on the other property, it's
11 considered to be a unified parcel -- a unified
12 property.

13 MR. PARDO: That's what it is. It's the
14 barbecue.

15 MR. BEHAR: It's the what, I'm sorry?

16 MS. GARCIA: Barbecue pit.

17 MR. PARDO: There's a barbecue in the
18 northwest corner.

19 CHAIRMAN AIZENSTAT: What section, Felix?

20 MR. BEHAR: Right here.

21 MR. PARDO: Two pages before Tab 3 -- or
22 four pages before Tab 3, you'll see the old
23 survey.

24 MR. BEHAR: And one more from Staff --

25 MR. PARDO: And there's a continuous fence.

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1 MR. BEHAR: -- the applicant stated that
2 the properties in that area are fifty --
3 MS. GARCIA: Yes. I have a graphic in the
4 Staff report for that.

5 MR. BEHAR: So all of the other properties
6 are compatible to the proposed size of the lot;
7 is that correct?

8 MR. VAZQUEZ: That's correct. And if you
9 look at the actual Statement of Use, which is
10 right before, I believe, the exhibit of the
11 survey, on Page 2 of the Statement of Use,
12 there's a breakdown of every property --
13 adjacent or properties within the radius, and
14 its gives the breakdown of the square feet, and
15 as I stated, 12 of the 16, just on Zamora Ave,
16 are 5,650 square feet, and our lot split would
17 be --

18 MR. BEHAR: No, I see it right before Tab
19 5. There is that, right, where it shows all of
20 the properties are compatible.

21 MR. VAZQUEZ: That's correct.

22 CHAIRMAN AIZENSTAT: But, Felix, I don't
23 think -- to me, the barbecue is not an issue,
24 and that's because the barbecue is strictly in
25 Lot 5 and not straddled between -- anywhere

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1 you --

2 MS. GARCIA: I have some graphics. Do you
3 want to see them?

4 CHAIRMAN AIZENSTAT: Please.

5 MR. BEHAR: Yes.

6 MS. GARCIA: Yes. Can you pull up my
7 PowerPoint?

8 CHAIRMAN AIZENSTAT: And then I'd like to
9 open it up for public comment, after you're
10 done.

11 MS. GARCIA: Okay. Perfect.

12 So, of course, this is the site, the two
13 lots, Lot 21 and 22 on Zamora. That's an
14 aerial showing that block. The zoning, of
15 course, and land use are consistent,
16 single-family, and that's a picture showing Lot
17 22 and Lot 21. This is the plans. This is the
18 building information that you have in your
19 Staff report. I was hoping to see if there's
20 -- oh, this is the renderings of the two lots
21 together, what they have approved from the
22 Board of Architects. This is Lot 22, the one
23 on the west and Lot 21 on the east. I was
24 hoping that the graphic was in here, but I
25 guess it's not.

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1 straddling between the property line.

2 MS. KAWALERSKI: Is there a continuous
3 fence here?

4 CHAIRMAN AIZENSTAT: That's different. I'm
5 just talking about the barbecue. The barbecue
6 that you mentioned, to me, it's not an issue.

7 MR. PARDO: Imagine if you had a swimming
8 pool there. You know, the use is obviously
9 from the owner, but I think here -- though,
10 unfortunately, here, the fence is continuous.

11 MR. VAZQUEZ: Well, this fence is for the
12 demo permit. If you go there today, the east
13 side of the property has no fence. This is
14 when the previous owner applied for a demo
15 permit and they demolished --

16 MR. PARDO: This is a permit for a fence.
17 Very different.

18 MR. BEHAR: Yeah.

19 MR. PARDO: Yeah.

20 MR. BEHAR: And I want to make sure that
21 the presentation is concluded before we really
22 get into it.

23 CHAIRMAN AIZENSTAT: That's why I asked him
24 that, and he said it was.

25 MR. BEHAR: Okay. Staff, Jennifer, do

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1 Again, the review time line started in May
2 of 2022 -- it's been a long process -- at the
3 DRC, Board of Architects a couple of times,
4 neighborhood meeting this year in May, and here
5 we are at the Planning and Zoning Board.
6 They've mailed out their notices to the
7 property owners without a thousand feet, and
8 500 feet, outside of the City limits, two times
9 they've mailed out to the property owners,
10 three times property posting, two times per the
11 website posting and one time for newspaper
12 advertisement.

13 So Staff recommends approval based on it
14 being consistent with the Comp Plan, and also
15 just the standards that are in the Zoning Code.
16 And we have three conditions. These are the
17 three conditions that are standard in our
18 Zoning Code whenever you review and approve a
19 separation of building site. These are the
20 three conditions, so that they can't have any
21 variances in the future, their site plans that
22 you see today, the elevations, are tied to this
23 approval. If they change those elevations or
24 site plans, they have to come back and do the
25 whole process again, and they're required to

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1 have a bond, as well.
 2 And that concludes it.
 3 CHAIRMAN AIZENSTAT: Thank you.
 4 Jill --
 5 THE SECRETARY: Yes.
 6 CHAIRMAN AIZENSTAT: -- do we have any
 7 members of the audience that have signed up to
 8 speak?
 9 THE SECRETARY: Yes.
 10 CHAIRMAN AIZENSTAT: How many do we have?
 11 THE SECRETARY: One.
 12 CHAIRMAN AIZENSTAT: Would you please
 13 call -- you're done with your presentation?
 14 Thank you.
 15 Could you please call that individual?
 16 MS. ZANETTI: I'm here.
 17 THE SECRETARY: Ann Zanetti.
 18 MS. ZANETTI: Is that on?
 19 CHAIRMAN AIZENSTAT: One second, please.
 20 MR. VAZQUEZ: Just that I'd like to reserve
 21 five minutes for rebuttal, if necessary.
 22 CHAIRMAN AIZENSTAT: Yes, of course.
 23 What's the name, please?
 24 THE SECRETARY: Ann Zanetti.
 25 CHAIRMAN AIZENSTAT: Did you get sworn in?

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1 Could you raise your right hand, please, for
 2 the court reporter?
 3 MS. ZANETTI: I do.
 4 CHAIRMAN AIZENSTAT: Thank you.
 5 If you'd please speak into the microphone
 6 and states your name and address, for the
 7 record?
 8 MS. ZANETTI: Is it on?
 9 CHAIRMAN AIZENSTAT: It's on.
 10 MS. ZANETTI: Thank you. Okay.
 11 My name is Ann Zanetti, and I am a 30-year
 12 resident of Zamora Avenue. I reside at 621
 13 Zamora Avenue.
 14 So, in thirty years, I've seen a lot of the
 15 history of the parcels that are in -- you know,
 16 being under discussion. It was a family that
 17 lived there, that used both of them, so for the
 18 thirty years plus, more, that I lived there.
 19 And, you know, the house was demolished.
 20 It was a family type of situation, an old lady
 21 lived there, blah, blah, blah. And then it
 22 went into disrepair after the hurricanes and it
 23 was eventually demolished and the family sold
 24 the property after the death.
 25 So my one thing is, some of the pictures I

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1 see that the developer has presented, I don't
 2 really feel that they show the impact to the
 3 600 block of Zamora. We currently have no
 4 two-story structures on the 600 block of
 5 Zamora, save, maybe, 601 did an addition that
 6 goes up in the back, but on the 600 block,
 7 that's it.
 8 So, introduction of a two-story house is
 9 something new, and spitting a lot and putting
 10 two side-by-side totally changes the feel of
 11 our block, where all of the houses are
 12 single-family.
 13 I also had a concern about the -- because a
 14 lot of the -- the left one most parcel was
 15 empty, we have a lot of foliage there. I
 16 understand the mangos -- it's like a hundred
 17 year old mango, probably from the days when
 18 this area used to be orchards, and not being
 19 able to protect the fruit trees in the North
 20 Gables really puts a lot of our canopy in
 21 jeopardy, as development occurs, because we --
 22 this area was orchards. We all know that. We
 23 have -- a lot of our canopy are loquats and
 24 mangos and avocados, and I have seen so much
 25 street canopy disappear in the last few years.

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1 Our block, the 600 block of Zamora, had
 2 like a minor twister -- there was some kind of
 3 microburst go through in 2017, when Hurricane
 4 Michael came through, and it took down numerous
 5 loquats, avocado. Then, you know, again,
 6 invasive trees have been taken out. There
 7 was -- my neighbor behind took out a couple of
 8 schefflera. There was an avocado and a
 9 schefflera taken down between my property and
 10 the property that's under development, but I'm
 11 just wondering, you know, we know we're getting
 12 hotter and hotter all of the time. The past
 13 few days show it. But, you know, this lot
 14 splitting is going to limit the opportunity
 15 even for replacement trees to grow to the size
 16 of what's there now.
 17 And I hope the Planning and Zoning Board is
 18 starting to look -- I hear all of this
 19 discussion about building sizes, but how are
 20 we, you know, protecting the coolness of the
 21 Gables? I mean, that's one of our big
 22 attractions in living here, is our environment,
 23 which includes our tree canopies and everything
 24 else, not just creating beautiful structures
 25 and making our population density, you know,

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1 higher and higher all of the time.
 2 But, again, as a thirty-year resident --
 3 the other property, even if it's separate, it
 4 never had infrastructure, it never had
 5 plumbing, never had anything, you know, put on
 6 it since, I don't know, way back -- way, way,
 7 way, way back. So, again, you know, I'm kind
 8 of getting tired of the overdevelopment that --
 9 and it's not overdeveloping. I mean, I know
 10 you have to control it in the commercial area,
 11 and now I see it happening in residential, and
 12 I'd just like to protect our neighborhoods
 13 more. I don't like every lot being uniform.
 14 That is aesthetically unpleasing to me. When I
 15 drive through the North Gables, the variety in
 16 the lots and the houses is what makes it
 17 different.

18 So that's all I have to say. Thank you.
 19 CHAIRMAN AIZENSTAT: Thank you.
 20 Do we have any other speakers?
 21 THE SECRETARY: No, no more speakers.
 22 CHAIRMAN AIZENSTAT: Do we have anybody on
 23 Zoom?
 24 THE SECRETARY: No.
 25 CHAIRMAN AIZENSTAT: The phone platform?

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1 No?
 2 At this time, I'd like to go ahead and
 3 close it for public comment.
 4 MR. VAZQUEZ: I'll be really fast.
 5 CHAIRMAN AIZENSTAT: Yes.
 6 MR. VAZQUEZ: Just quickly -- so just to
 7 address some of her concerns -- while there is
 8 no two-story houses on the actual Zamora
 9 Avenue, I mean, there are several within the
 10 1,000 foot radius of the property, and, of
 11 course, as we all know, there's several
 12 two-story houses in Coral Gables. So there's
 13 nothing in the Code or the Comprehensive Plan
 14 that would prohibit Mr. Adrian to build a
 15 two-story home.
 16 So we satisfied the requirements in the
 17 Code. We're compatible and consistent with the
 18 Comp Plan. We have a recommendation of
 19 approval, so we would request approval. Thank
 20 you.
 21 CHAIRMAN AIZENSTAT: Thank you.
 22 I'd like to go ahead and open it up for
 23 Board comment.
 24 Sue, why don't you go first?
 25 MS. KAWALERSKI: Yeah. I'm still confused.

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1 Is it one lot or two lots?
 2 MR. PARDO: It's two lots, two platted
 3 lots.
 4 MS. KAWALERSKI: So we're not deciding to
 5 split a lot? There's no action needed,
 6 correct?
 7 CHAIRMAN AIZENSTAT: Jennifer, will you
 8 come up here and answer these questions,
 9 please? Thank you.
 10 MS. GARCIA: Yeah. So many parts in Coral
 11 Gables are containing more than one platted
 12 lot. Actually, some of our site specifics
 13 require that you have to have multiple platted
 14 lots to, you know, be on Granada or all of
 15 these major streets.
 16 So, when there's a vacant lot, the
 17 requirement of the Zoning Code says you have to
 18 come through Planning and Zoning, to
 19 Development Services, and request a building
 20 site determination.
 21 So when they requested that, Staff looks at
 22 the history of the property, they look at the
 23 survey, they look at the past conditions and
 24 they make a determination if it's going to be
 25 one building site or two building sites. In

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1 this case, Staff -- I wasn't involved -- Staff
 2 determined it's one building site.
 3 So only way for them to develop two houses
 4 here is for it to go through the conditional
 5 use process, which involves coming to Planning
 6 and Zoning -- well, first DRC, Board of
 7 Architects, get their approval of that house
 8 and site plan, coming to Planning and Zoning
 9 for a recommendation, and going to the
 10 Commission for final approval.
 11 So, right now, it's one building site, that
 12 consists of two platted lots. What they're
 13 requesting is to split that building site, to
 14 separate it into two building sites.
 15 MR. BEHAR: But just to -- because I'm a
 16 bit confused, as well, and trying to
 17 determine -- when I look at the actual platted
 18 lots on that block, it shows as two platted
 19 lots, Lot 21 -- or 20 and 21. If it would have
 20 been one lot, it would not be the case.
 21 MR. PARDO: I took the old survey. I did
 22 the math. And they actually complied with the
 23 original setback of just over five feet on that
 24 interior side. In other words, that house was
 25 built specifically there to stay as one house

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1 on that one lot. There's no doubt.
 2 MS. GARCIA: Right. That's one of the
 3 criteria.
 4 MR. PARDO: The architect at that time, the
 5 builder at that time, didn't put it there willy
 6 nilly. They calculated it based on the
 7 five-foot side setback and it has just a couple
 8 of inches beyond that.
 9 MR. BEHAR: Over the five feet?
 10 MR. PARDO: Not over the five feet. In
 11 other words, within the five feet, it complies
 12 with the old Zoning Code of the five-foot side
 13 setback.
 14 CHAIRMAN AIZENSTAT: Understood.
 15 MR. PARDO: In other words, it was done
 16 intentionally, without a doubt, that that was
 17 one lot.
 18 CHAIRMAN AIZENSTAT: Meaning the house was
 19 on one lot and the other property was another
 20 lot?
 21 MR. PARDO: Another lot. And they most
 22 likely, which was --
 23 MR. BEHAR: Felix, but if you look at this
 24 survey, it shows five feet from the right side,
 25 and you got 55.42 feet from the left side.

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1 MR. PARDO: Robert, I took the width of the
 2 two lots. I subtracted the side setback and
 3 the width of the existing house, and you had a
 4 little over five feet to the platted line --
 5 the platted line.
 6 CHAIRMAN AIZENSTAT: In other words, I
 7 think what Felix is saying is that it conforms
 8 as one lot to the right and it conforms as one
 9 lot to the left.
 10 MR. PARDO: If the house would not have
 11 been torn down, they could have kept that house
 12 and lived in it and built another house.
 13 MR. BEHAR: Another house anyway. Okay.
 14 Okay. Okay. I didn't get that.
 15 MR. PARDO: Yeah. There's no doubt it was
 16 done -- there's one here --
 17 CHAIRMAN AIZENSTAT: It was specifically
 18 done.
 19 MR. PARDO: And a lot of people did that.
 20 Where I live, you know, there was a neighbor,
 21 and he bought five or six lots, and then he
 22 would build one and sell it, build -- they kept
 23 one for themselves. The family's been there
 24 since the early '50s and all of them were built
 25 up. So there's no doubt in my mind that the

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1 original intent was to have two lots.
 2 Now, I also understand, you know, the
 3 neighbor's point of view, but, you know, at the
 4 same time, what I'm applying is, you know, back
 5 in the day, you would come in here to see
 6 someone and they would give you a
 7 determination. Unfortunately, I don't see the
 8 letter -- the determination letter in here. Do
 9 you have it?
 10 MS. GARCIA: It's attached to the Staff
 11 report.
 12 CHAIRMAN AIZENSTAT: I'm sorry?
 13 MS. GARCIA: It's attached to the Staff
 14 report. It's Attachment B.
 15 CHAIRMAN AIZENSTAT: The determination
 16 letter?
 17 MS. GARCIA: Attachment B is the building
 18 site determination.
 19 MR. PARDO: B?
 20 MS. GARCIA: Attachment B.
 21 CHAIRMAN AIZENSTAT: While Felix is looking
 22 that up, just a question. Were there any Code
 23 violations on the property?
 24 MS. GARCIA: I don't believe so.
 25 MR. VAZQUEZ: I don't believe so.

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1 CHAIRMAN AIZENSTAT: So it was always
 2 conforming, it was always -- there was no
 3 additions made --
 4 MS. GARCIA: No.
 5 CHAIRMAN AIZENSTAT: Before it was knocked
 6 down, there were no additions that were made
 7 that were illegal or so forth?
 8 MS. GARCIA: No.
 9 CHAIRMAN AIZENSTAT: Okay.
 10 MR. BEHAR: No, you're right, Felix, 39.70
 11 and five feet, so you had --
 12 MR. PARDO: That wasn't a joke. They did
 13 it on purpose.
 14 MR. BEHAR: They did it on purpose to be
 15 able to build another house next door.
 16 Look, I personally -- I don't think we're
 17 doing a lot split. I think that the lots are
 18 already split. I don't know what determines
 19 the lot split. I'm in favor of having two
 20 houses versus one bigger house.
 21 MR. PARDO: And I want to add a personal
 22 note, especially for the neighbor. I've only
 23 lived in my house for 32, 33 years, in the same
 24 house. I added to it, et cetera. And I had an
 25 empty lot next to me. And that empty lot was

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1 just a 50-foot wide lot. All of the other lots
2 in the entire block, both sides of the block, a
3 hundred feet, because it was two, 125, because
4 it was two and half, there was one 75, but they
5 were all bigger. And they built a two-story
6 house, and they had to shoe horn in it in
7 there, with the septic tank provisions and all
8 of that, and you know what, I wasn't pleased.
9 It's a nice family living there. We're good
10 friends. And that's the end of that.

11 But the point I'm trying to make is, that
12 was less compatible, because it was the only
13 50-foot wide lot. Everything else was a
14 hundred, 125, except one exception of a 75,
15 which took it from the other 125 feet. So you
16 also look at compatibility, which Staff did,
17 and they did a very good job in marking all of
18 the different things to see the compatibility.
19 And to be quite honest, I've looked at the
20 application and I thought, you know, it's just
21 a typical developer trying to get a little more
22 square footage out of the thing.

23 I don't think the developer is trying to
24 get a little more square footage of 15 percent.
25 I think what he's trying to do is simply build

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1 one house here and one house there, because
2 that was the original intent of this thing.
3 That's my perspective, you know, and,
4 unfortunately, most of the properties there, up
5 and down, and when you look at the map -- and I
6 made a copy of the map and I'm looking at it
7 and I'm saying, you know, most of them are
8 50-foot in that area.

9 The corner lots, every once in a while
10 you'll find something, but, you know, I now
11 feel very conflicted, because I think that the
12 developer wasn't doing anything wrong and I
13 think that we're more caught up in a
14 technicality of a folio number versus the this,
15 versus the that, and I don't think it would be
16 fair to say no.

17 CHAIRMAN AIZENSTAT: Julio.

18 MR. GRABIEL: I agree. It's -- that area
19 is growing. It's very attractive. New
20 families are moving in. Our children, who need
21 homes, are moving into that area. So two homes
22 is better than a single home. And if it fits
23 all of the parameters of the City, I'm all for
24 it.

25 CHAIRMAN AIZENSTAT: Would anybody like to

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1 make a motion?

2 MS. KAWALERSKI: Can I just make a comment?

3 CHAIRMAN AIZENSTAT: Yeah, of course.

4 MS. KAWALERSKI: You know, it looks like
5 there were two lots. I mean, it does. And
6 with that said, all of the other properties on
7 that street are 50-foot frontage. So, you
8 know, one thing adds up to another, and it
9 looks like there was two lots there, regardless
10 of folio. So I would be inclined to be a yes
11 vote for this, because I think it's proper.

12 CHAIRMAN AIZENSTAT: Would you like to make
13 a motion?

14 MS. KAWALERSKI: Sure. My first motion.

15 CHAIRMAN AIZENSTAT: Yeah, of course. Go
16 ahead.

17 MS. KAWALERSKI: So I'm not exactly sure if
18 it's a motion to split the lot, because there
19 are two lots.

20 MR. COLLER: Well, the motion is to approve
21 the lot split in accordance with the
22 Department's recommendation, which includes
23 conditions. That would be the motion.

24 MS. KAWALERSKI: That would be my motion.

25 MR. BEHAR: But to her point, we're not

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1 splitting a lot. The lot is already split.

2 MR. COLLER: I understand the feeling of
3 the Board, that they feel that the lot has been
4 split, but the building site determination was
5 one building site.

6 MR. BEHAR: You're going to make a motion
7 to approve the application.

8 MS. KAWALERSKI: Yeah.

9 MR. COLLER: You can do it that way. Don't
10 even mention lot split, just say, approve the
11 application in accordance with the Department's
12 recommendation.

13 MS. KAWALERSKI: Yeah. I make a motion to
14 approve the application based on the
15 Department's recommendation.

16 MR. BEHAR: And I'm going to second. Maybe
17 this will be the only time.

18 MS. KAWALERSKI: You never know. Things
19 could change.

20 CHAIRMAN AIZENSTAT: We have a motion and
21 we have a second. Any discussion?

22 Call the roll, please.

23 THE SECRETARY: Robert Behar?

24 MR. BEHAR: Yes.

25 THE SECRETARY: Julio Grabiell?

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1 MR. GRABIEL: Yes.
 2 THE SECRETARY: Sue Kawalerski? Sue?
 3 MS. KAWALERSKI: Yes.
 4 THE SECRETARY: All right. Felix Pardo?
 5 MR. PARDO: Yes.
 6 THE SECRETARY: Eibi Aizenstat?
 7 CHAIRMAN AIZENSTAT: I'm going to say, no,
 8 and the reason I'm going to say no is because
 9 of the fence. It doesn't make a difference,
 10 but it's always been my policy, based on
 11 properties and so forth -- it's not going to
 12 make a differences to you, but I want to be
 13 consistent.
 14 MR. PARDO: I don't think there's a fence
 15 there.
 16 CHAIRMAN AIZENSTAT: There was a fence
 17 there that was all of the way around.
 18 MR. BEHAR: No, but you don't -- I mean,
 19 you can't tell from that. You cannot tell from
 20 that.
 21 MR. PARDO: That --
 22 CHAIRMAN AIZENSTAT: Was there no fence?
 23 If there was no fence, then I'm a yes. I just
 24 need clarification.
 25 MR. PARDO: The "X"s that are drawn on this

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1 old survey, it does -- first of all, a chain
 2 link fence is not allowed in the front. So
 3 that's not a chain link fence.
 4 CHAIRMAN AIZENSTAT: Okay.
 5 MR. PARDO: The one in the back is. So if
 6 there were a fence and it was a legitimate
 7 fence, I would be voting against it.
 8 CHAIRMAN AIZENSTAT: Okay. So given that
 9 there was no fence, I'm a yes, also, but I just
 10 want to be clear, with any other properties
 11 that come before me for lot splits, you know,
 12 if there's anything that was in the past that
 13 was dividing it or so forth, it's always been a
 14 certain way. So if there's no fence, then,
 15 yes.
 16 MR. BEHAR: I agree. And, look, you know,
 17 Felix brought up a good point. This was
 18 intended, because by dimension it was intended
 19 to be two lots.
 20 CHAIRMAN AIZENSTAT: I agree with the
 21 intention, it's just the practice that we've
 22 always had.
 23 MR. PARDO: Without a doubt. And if they
 24 would have put something like a pool or a fence
 25 or something like that or if the building would

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1 have straddled, there's no doubt it's not a lot
 2 split --
 3 CHAIRMAN AIZENSTAT: I agree.
 4 MR. PARDO: At least I wouldn't have voted
 5 in favor of it all --
 6 MR. BEHAR: Okay. The application --
 7 CHAIRMAN AIZENSTAT: It passed.
 8 MR. BEHAR: Passed.
 9 MR. COLLER: Mr. Chairman, are we taking a
 10 break at this point, five minutes?
 11 CHAIRMAN AIZENSTAT: Sir, it sounds like
 12 you would like to take a break. Yes. Let's
 13 take a five-minute break.
 14 MR. COLLER: Well, you can read it.
 15 MR. BEHAR: How many more items do we have?
 16 THE SECRETARY: Two more items.
 17 MR. COLLER: Mr. Chair, did you say it was
 18 a five-minute break?
 19 CHAIRMAN AIZENSTAT: Yes.
 20 (Short recess taken.)
 21 CHAIRMAN AIZENSTAT: If everybody is here,
 22 let's go ahead and resume, please.
 23 Mr. Coller, please read Item G-7.
 24 MR. COLLER: Item G-7, an Ordinance of the
 25 City Commission of Coral Gables, Florida,

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1 amending Ordinance Number 2014-05 to increase
 2 the maximum student enrollment from 140 to 195
 3 students at the Margaux Early Childhood School
 4 at Temple Judea located at 5500 Granada
 5 Boulevard, Coral Gables, Florida; all other
 6 conditions of approval contained in Ordinance
 7 Number 2014-05 shall remain in effect, and
 8 providing an effective date.
 9 Item G-7, public hearing.
 10 CHAIRMAN AIZENSTAT: Thank you.
 11 Mr. Guilford.
 12 MR. GUILFORD: Good evening, Mr. Chair and
 13 Members of the Board. Sue, welcome to the
 14 Board, and, Felix, welcome back.
 15 MS. KAWALERSKI: Thank you.
 16 MR. PARDO: Thank you.
 17 MR. GUILFORD: For the record, my name is
 18 Zeke Guilford, with offices at 400 University
 19 Drive. I'm here with Juan Espinoza, David
 20 Plummer and Associates, if you guys have any
 21 questions on their parking analysis.
 22 You all probably know where Temple Judea
 23 is, but just in case, it's on the west side of
 24 US-1. To the north is the Baptist Church of
 25 Coral Gables. To the south is Ponce Middle

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1 School. Obviously, across Dixie Highway, is
2 the University of Miami, and behind the Temple
3 is single-family residential.

4 In 2014, we applied for and was granted an
5 expansion of the building, which allowed
6 additional classrooms to be added. Those
7 completions have already taken place, and to
8 kind of regress a little bit -- and I don't
9 know if back then Staff asked the wrong
10 question or if we answered the wrong question,
11 because before the expansion, they asked, how
12 many students do you have, not how many
13 students can you have. So we answered
14 honestly, we have 140. Well, now, with the
15 expansion, we can have more children, and
16 that's the reason we're asking for this
17 modification today.

18 And what's also important is not really the
19 number of students, but what effect do those
20 students have on the infrastructure, parking,
21 traffic, and through David Plummer's analysis,
22 is -- what we found out, there are 37 a.m. peak
23 trips -- additional trips and there are 34 p.m.
24 trips -- additional trips. And to be honest
25 with you, the p.m. is kind of misleading,

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1 changing text that's in an adopted ordinance,
2 Ordinance 2014-05. So that ordinance limits
3 the amount of students to 140, and they're
4 requesting to have 195. So right now they have
5 140, and they're capped at that limit -- and,
6 actually, right now, they have 124, but they're
7 going to slowly -- if approved, they're going
8 to slowly increase that to 129, to be the new
9 cap.

10 So they went through DRC back in April of
11 this year, a neighborhood meeting in May that
12 was not very well-attended, and here we are for
13 Planning and Zoning in July.

14 Letters were sent to the property owners
15 within a thousand feet twice, a neighborhood
16 meeting, MPCP. It was posted twice, and the
17 website was also posted twice, and the
18 newspaper advertisement was one time.

19 So Staff determined it's consistent with
20 the Comprehensive Plan and satisfies all of the
21 standards and recommends approval, with all of
22 the conditions that are already in the
23 ordinance to remain in effect.

24 That's it.

25 CHAIRMAN AIZENSTAT: Thank you.

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1 because the way traffic is reviewed, we look
2 at -- we look at -- peak period is really 4:00
3 to 6:00. The school ends at 3:00. So we're
4 really not getting into that peak, peak
5 traffic.

6 So Staff is recommending approval of this
7 application. Really, if there's any
8 questions -- this is a nominal request that
9 we're asking of the Board today. So we ask
10 that you follow Staff's recommendation.

11 Thank you.

12 CHAIRMAN AIZENSTAT: Thank you.

13 Jennifer.

14 And, Zeke, you reserve time for rebuttal?

15 MR. GUILFORD: Sure.

16 MS. GARCIA: Jennifer Garcia, City Planner.

17 Could I have the PowerPoint, please?

18 Okay. So we know where we are. We're just
19 southeast of US-1, between Granada and Marius
20 Street. Here's an aerial showing the
21 development around the area. This is across
22 the street from UM. The land use is Religious
23 and Institutional and the zoning is Special
24 Use.

25 So what we're doing today is, we are

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1 Do we have anybody here that would like to
2 speak on this item, Jill?

3 THE SECRETARY: No, no one on Zoom or the
4 phone.

5 CHAIRMAN AIZENSTAT: Thank you.

6 At this time, I'd like to go ahead and
7 close it for public comment.

8 Sue.

9 MS. KAWALERSKI: No one showed up for
10 public comments in the neighborhood meeting?

11 MS. GUILFORD: That is correct. We waited
12 a half an hour past the starting time and
13 nobody showed.

14 MS. KAWALERSKI: Wow. That's incredible.

15 I have a couple of questions on the traffic
16 study, the Plummer study.

17 MR. GUILFORD: Sure.

18 MS. KAWALERSKI: So if you have 37 more
19 a.m. trips and 34 more p.m., but you're adding
20 55 more students, why wouldn't there been 55
21 back or forth trips?

22 MR. ESPINOZA: For the record, Juan
23 Espinoza, with David Plummer and Associates,
24 1750 Ponce de Leon Boulevard.

25 So this is based on data from different

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1 schools. So this is just in one hour --
2 CHAIRMAN AIZENSTAT: If I can ask, you were
3 sworn in?

4 MR. ESPINOZA: No, sorry.

5 CHAIRMAN AIZENSTAT: Could you raise your
6 right hand?

7 (Thereupon, the participant was sworn.)

8 MR. ESPINOZA: I do.

9 CHAIRMAN AIZENSTAT: Thank you.

10 MR. ESPINOZA: So this is based on data
11 collected at different pre-schools, and what
12 happens is, there's carpooling. There's kids
13 that come in two cars. There might be kids
14 that walk to the site, bike to the site. So
15 the number of trips does not represent the
16 number of students.

17 The same way we're overestimating the p.m.,
18 like Zeke said, because a lot of day cares
19 usually extend past the 3:30. They usually end
20 at six o'clock. So we are overestimating the
21 p.m.

22 MS. KAWALERSKI: Okay. I just didn't know
23 that carpooling was so popular in Coral Gables.
24 So I was a little surprised that you wouldn't
25 show 55 trips.

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1 MR. GUILFORD: You could also have two
2 children that go in the same car.

3 MS. KAWALERSKI: Yeah, I understand there's
4 different kinds of reasons.

5 MR. ESPINOZA: This is an hour. Say some
6 parents drop off at 7:30, another at 8:30, it
7 doesn't coincide in the same hour.

8 MS. KAWALERSKI: I'm sorry, I didn't catch
9 your first name.

10 MR. ESPINOZA: Juan.

11 MS. KAWALERSKI: Juan. What about the
12 stacking, did you consider the stacking of
13 cars, cars waiting to pick up the kids, cars
14 waiting to drop off the kids? Because that's
15 essentially -- if it's 37 and 34, that's 37
16 more cars in the morning stacking. Where are
17 they stacking?

18 MR. GUILFORD: So if I can answer that for
19 you. In the original traffic study, only nine
20 parents dropped off their cars. So less than
21 10 percent. Because we're going from 18 months
22 to four years old, what the original traffic
23 study found is, people don't want to drop off
24 their 18 month old. So what they're doing is
25 parking out in front, on the Miami Homestead

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1 Avenue --

2 MS. KAWALERSKI: Uh-huh.

3 MS. GUILFORD: -- and walking them into the
4 classroom.

5 MS. KAWALERSKI: That's a pretty long walk.

6 MR. GUILFORD: It's right in front of the
7 Temple. You can't get any closer.

8 MS. KAWALERSKI: Yeah, that's true. Okay.

9 So the increase in the cars is not going to
10 increase more side streets on Marius, more
11 stacking on swales, parking on swale, idling?

12 MR. ESPINOZA: In traffic engineering,
13 anything less than a hundred trips an hour
14 doesn't affect the level of service on the
15 roadways. The City has the threshold of fifty,
16 so we don't even meet the threshold for a
17 traffic impact study.

18 MS. KAWALERSKI: And I'm not necessarily
19 talking about level of service, but I'm talking
20 about people parking on residential swales or
21 idling. They're in the travel lane, but
22 they're idling, they're not moving.

23 MR. GUILFORD: There are a lot of parking
24 spaces on both sides of the Homestead Avenue in
25 front of the Temple. I'm sure, and I'm just

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1 going to throw out a number, I don't have it,
2 but it's got to be close to a hundred parking
3 spaces. I don't know -- Jennifer, I don't know
4 if you want to get back to the map or if you
5 have it, that shows the parking.

6 MS. KAWALERSKI: And the only reason I'm
7 bringing this up, because what was included in
8 the package was a survey from 2014. There's no
9 current survey, I don't think, in the package.

10 MR. GUILFORD: You're talking about the
11 traffic?

12 MS. KAWALERSKI: Yeah.

13 MR. GUILFORD: Yes, there was a traffic
14 analysis that was done for this.

15 MS. KAWALERSKI: I might have missed that.
16 I know there was a letter from 2014. I thought
17 it was a little outdated. It seemed like
18 everything was based off of 2014.

19 MR. GUILFORD: No. It was updated -- what
20 year -- August 16, 2022.

21 MS. KAWALERSKI: Okay. That's the Plummer
22 study and that shows the 37 and 34?

23 MR. GUILFORD: Yeah. David Plummer did
24 both studies, the original for the expansion,
25 and then once we had requested the additional

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1 students.

2 MS. KAWALERSKI: I was just concerned
3 about, you know, having people park on swales,
4 idling, you know, gas emissions, all of that --

5 MR. GUILFORD: Understood. I understood,
6 but with the number of actual parents dropping
7 off, versus parking out in front, they're not
8 even going to the residential street.

9 MS. KAWALERSKI: Okay. Thank you, Zeke.

10 MR. GUILFORD: Sure.

11 CHAIRMAN AIZENSTAT: Felix?

12 MR. PARDO: Mr. Chairman, I think one of
13 the things is that, what Mr. Espinoza was
14 talking about, is that, you know, he's
15 obviously using standards that they use as
16 traffic engineers, and that's why you don't get
17 a one-to-one ratio, and one of the things is
18 that, if this were, let's say, a school with a
19 church, in the middle of a single-family
20 residential area -- here, they're the buffer to
21 the single-family residential. The temple has
22 been wonderful over the years, because one of
23 the things that they do for the community is,
24 Mitch Kaplan, at Books & Books, will have signs
25 there, because they have ample parking, you

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1 MS. KAWALERSKI: You need to hire Felix.

2 MR. GUILFORD: He's quite an advocate for
3 this application. Thank you.

4 MR. PARDO: No, I just think that this is
5 kind -- you know, of all of the applications I
6 saw, I thought this was kind of one of those,
7 you know, slam dunk kind of thing.

8 CHAIRMAN AIZENSTAT: Thank you.

9 Julio, no comment?

10 MR. GRABIEL: No comment.

11 MR. BEHAR: No. This application has taken
12 seven minutes longer than it needed to. I'll
13 make a motion to approve.

14 CHAIRMAN AIZENSTAT: If I can, I'd just
15 like to put a couple of comments. I was here
16 when the application -- when you guys came in
17 2014, and I think in 2003, when it was done,
18 also.

19 How are you going to deal with the
20 covenant, the restrictive covenant that's in
21 place?

22 MR. GUILFORD: What we'll do is, through an
23 amended restated covenant --

24 CHAIRMAN AIZENSTAT: Okay.

25 MR. GUILFORD: -- that will basically

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1 know, on the road, and they've done that for
2 years and years and years, and we're talking
3 about hundreds of people that go to these book
4 signings and they're not parking on people's
5 swales. You know, it's very contained. They
6 have this.

7 So, for this, you know -- you have three
8 things for this application. Number One, they
9 haven't added one square foot to the building.
10 Number Two, they're within the compliance of
11 the State ordinance, you know, based on the
12 amount of students, based on what I read in the
13 report, and, Number Three, they have a traffic
14 study that shows that they happen to have the
15 increase.

16 And, actually, the other thing is, if
17 people were upset with Temple Judea, they'd be
18 here or they would send letters or whatever,
19 and you don't have any protestors. Of all of
20 the places here, the temple is facing basically
21 US-1 and it serves as a noise buffer to the
22 neighbors, and this additional amount of
23 students doesn't do anything in a negative way
24 to the existing community that is directly
25 behind it.

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1 change that number.

2 CHAIRMAN AIZENSTAT: Okay. You've spoken
3 to the City based on that and so forth?

4 MR. GUILFORD: Yes.

5 CHAIRMAN AIZENSTAT: Okay. The other
6 thing, I'd just -- one of the comments that Sue
7 had made. The Temple actually has police
8 officers that are there, that not only are in
9 front outside, but also direct traffic when the
10 drop off -- ingress and egress and I think that
11 was part --

12 MR. GUILFORD: That was one of the
13 conditions of that one, as well.

14 CHAIRMAN AIZENSTAT: Correct. So it's
15 there.

16 MS. KAWALERSKI: 2014.

17 CHAIRMAN AIZENSTAT: Right. So it's there.
18 I mean, there is no reason -- so that was the
19 only comment. We have a motion. We have a
20 second.

21 MR. PARDO: Motion and a second.

22 CHAIRMAN AIZENSTAT: Motion by Robert,
23 second. Any discussion?

24 Call the roll, please.

25 THE SECRETARY: Julio Grabiell?

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1 MR. GRABIEL: Yes.
 2 THE SECRETARY: Sue Kawalerski?
 3 MS. KAWALERSKI: Yes.
 4 THE SECRETARY: Felix Pardo?
 5 MR. PARDO: Yes.
 6 THE SECRETARY: Robert Behar?
 7 MR. BEHAR: Yes.
 8 THE SECRETARY: Eibi Aizenstat?
 9 CHAIRMAN AIZENSTAT: Yes.
 10 MR. GUILFORD: Thank you all very much.
 11 CHAIRMAN AIZENSTAT: Sorry, for taking
 12 eight minutes --
 13 MR. BEHAR: Ten minutes. It's going to
 14 ten.
 15 CHAIRMAN AIZENSTAT: All right. That was
 16 G-7. G-8, we have done already.
 17 MR. GRABIEL: 9 and 10.
 18 CHAIRMAN AIZENSTAT: G-9 and 10 are
 19 related. You're going to read them into the
 20 record?
 21 MR. COLLER: Yeah. I'll read them both.
 22 Item G-9, an Ordinance of the City
 23 Commission of Coral Gables, Florida granting
 24 approval of proposed amendments to the text of
 25 the City of Coral Gables Comprehensive Plan

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1 Future Land Use Element, pursuant to expedited
 2 state review procedures and Zoning Code Article
 3 14, "Process," Section 14-213, "Comprehensive
 4 Plan Text and Map Amendments;" to provide for
 5 additional building height up to one hundred
 6 and thirty-seven feet and six inches with parks
 7 incentives if developed pursuant to the Design
 8 & Innovation District regulations; and
 9 clarifying the Design and Innovation District
 10 as a Transfer of Development Rights receiving
 11 area; providing for a repeater provision,
 12 providing for a severability clause, and
 13 providing for an effective date.

14 Item G-10, an Ordinance of the City
 15 Commission of Coral Gables, Florida, providing
 16 for text amendments to the City of Coral Gables
 17 Official Zoning Code pursuant to Zoning Code
 18 Article 14, "Process," Section 14-212, "Zoning
 19 Code Text and Map Amendments," to create an
 20 incentive program within the Design &
 21 Innovation District to allow a maximum building
 22 height of one hundred and thirty-seven feet and
 23 six inches by providing a park open to the
 24 public, providing for repeater provision,
 25 severability clause, codification, and

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1 providing for an effective date.
 2 Item G-9 and G-10, public hearing.
 3 MS. GARCIA: Okay. For the record,
 4 Jennifer Garcia, City Planner. Yes.
 5 CHAIRMAN AIZENSTAT: No. No. I said,
 6 thank you.
 7 MS. GARCIA: Oh, thank you, Craig.
 8 MR. COLLER: You're welcome.
 9 MS. GARCIA: I have some slides. If we can
 10 pull up the slides. Thank you.
 11 All right. So the Design and Innovation
 12 District is historically the industrial area of
 13 our City, and as you remember, it used to be
 14 the Public Works grounds. I'm sure a lot of
 15 you have been here probably a long time and you
 16 know what I'm talking about. And since then,
 17 it has been re-developed as a mixed-use center.
 18 So it's south of Bird Road, to the east of
 19 Le Jeune Road, and just north of Ponce of Leon,
 20 when it starts to angle down.
 21 So this is what it looks like now with the
 22 aerial. Most of the area is the Village of
 23 Merrick Park, with some mixed-used buildings
 24 surrounding it. And this is kind of looking at
 25 like the street and looking at open space that

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1 there is right now. As you can see, it's
 2 lacking a little bit of the open space, the
 3 major open space. The heart of the district
 4 is, of course, the square, that courtyard
 5 that's inside the mall, and, then, of course,
 6 the Underline, which is the linear park to the
 7 south of Ponce de Leon.

8 So what this text amendment is doing is --
 9 it's sponsored by a Commissioner -- in exchange
 10 for additional on-site, open to the air park
 11 space, open space, they -- a developer could
 12 increase the height past the 97 feet.

13 I should go back. So the MX2 zoning, which
 14 is most of the zoning in this area, is capped
 15 at 70 feet, with Med Bonus, which is the
 16 requirement of the district, the maximum height
 17 is 97 feet. So, right now, a developer could
 18 come forward and request 120 feet, at ten
 19 stories, and go through the conditional use
 20 process of Planning and Zoning and to
 21 Commission for that approval.

22 This would be an additional about three
 23 stories from the 97 feet, all of the way to
 24 137.5 feet, with a public park. So the way it
 25 is designed is that with each five percent

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1 additional on-site landscaped open space, open
2 to the sky, a/k/a a park, that you would
3 normally -- park -- not an arcade, not elevated
4 open space, not, you know, open space on the
5 right-of-way, but it has to be on-site, open to
6 the sky and landscaped, each traditional five
7 percent of that, it could be an additional ten
8 and a half -- I'm sorry, thirteen and a half
9 feet.

10 Thirteen and a half feet is the magic
11 number in our Zoning Code, as you know, for the
12 Med Bonus, right. So with each additional five
13 percent open space, a property could increase
14 the height all of the way to 137.5 feet.

15 So the requirements are on the left. You
16 could see that it has to be reviewed and
17 approved by the City Commission. It's not a by
18 right by any means. It's maintained and
19 constructed privately. Thirty percent of the
20 maximum of that park can be used for outdoor
21 dining. It has to be to the public, obviously.
22 Fifty percent of that park has to be shaded
23 with tree canopy. So we don't want to have a
24 hardscape park. We want to have a very lush
25 and shaded landscaped park.

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1 MR. BEHAR: -- is there a project
2 specific -- because I know this area very well.
3 There's not many properties available in this
4 area. I know it very well. The only property
5 that I'm familiar with is that empty lot that
6 is in front of Nordstrom.

7 MS. GARCIA: Yes.

8 MR. BEHAR: Okay. Is this specifically to
9 a project that is being contemplated?

10 MS. GARCIA: No. This would be applied for
11 this whole entire district, but this is in
12 partnership -- not partnership, this was
13 envisioned because of that property being
14 requested to be developed, the landscape that's
15 already providing. A lot of the residents,
16 from my understanding, from meetings that
17 they've had with the Commission and the
18 residents there in the area, they want to see
19 more open space. They're lacking open space.

20 So, of course, that property is privately
21 owned --

22 MR. BEHAR: Right.

23 MS. GARCIA: -- but the owner is willing to
24 give some open space in exchange for some
25 higher height. So this is a way to basically

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1 The maximum width to depth ratio would be
2 one to three. So you're not going to have a
3 linear skinny park on the side of a building.
4 You're going to have a very -- not fat, but a
5 comfortable ratio space. And some other
6 requirements, as far as improving the abutting
7 rights of ways and other benefits as deemed
8 appropriate by the Commission in exchange for
9 the additional height.

10 So, as you probably know, our height is
11 also capped in the Comprehensive Plan. So this
12 would require some language to be added to the
13 Comprehensive Plan, under the Commercial Mid
14 Rise Intensity and also the Industrial Land
15 Use. The added language would be to allow 135
16 point feet (sic), a maximum limitation of
17 twelve stories, with the public park's
18 incentive, both for the Mid Rise and for the
19 Industrial. And also to clarify that TDRs
20 would be acceptable in the Industrial Land Use.

21 That's all I have.

22 Let's go back actually to the graphic.
23 Could I have my PowerPoint back?

24 MR. BEHAR: While you wait for that --

25 MS. GARCIA: Yeah.

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1 control what open space you would get, in
2 exchange for allowing that additional height.

3 As you know, you can only have so much
4 square footage at a certain height, before
5 you're just kind of maxed out and you can't
6 provide any more open space.

7 MR. GRABIEL: Which site is this?

8 CHAIRMAN AIZENSTAT: Where the pizza place
9 was.

10 MR. BEHAR: No. No. Closer -- right next
11 to Ponce de Leon. Right in front of Nordstrom,
12 there's an empty lot -- the only empty lot
13 property parcel in this whole area that is --

14 MR. GRABIEL: We're looking to do a --

15 MS. KAWALERSKI: Isn't this The Avenue?
16 Isn't that where they want to do The Avenue
17 Hotel?

18 MS. GARCIA: The Avenue is on San Lorenzo
19 and Laguna, on -- yeah, on the west side.

20 CHAIRMAN AIZENSTAT: Did you want to
21 finish? Your slide is up.

22 MS. GARCIA: Well, I just want to have this
23 for reference to answer any questions.

24 CHAIRMAN AIZENSTAT: Got it. Okay.

25 Yes, Felix.

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1 MR. PARDO: Julio, when you designed
2 Merrick Park, how big did you make the green
3 space? Do you recall?

4 MR. GRABIEL: I don't remember.

5 MR. PARDO: But it was pretty substantial?

6 MR. GRABIEL: Yes.

7 CHAIRMAN AIZENSTAT: Can you speak into the
8 mike, please?

9 MR. GRABIEL: Oh, I'm sorry.

10 No, I don't remember the dimension. It was
11 the result of the demands for the Rouse
12 Corporation, with the amount of square footage
13 that they needed from retail, and to create an
14 open space big enough that it would be
15 significant.

16 MR. PARDO: You're making my next point.
17 And the reason is that, when Julio designed
18 Merrick Park and he made this beautiful green
19 space in the front, the proportions and the
20 size were appropriate to this gigantic
21 commercial area. What I find disturbing about
22 this is that, it sounds great from a perception
23 standpoint, but these little pocket parks are
24 altering visually, from all of the
25 single-family areas to the north and to the

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1 recipient of the TDRs. So, on top of that,
2 you've increased the FAR with the TDRs. Now
3 you're squeezing the site, giving them an
4 incentive to give us this little, you know -- I
5 wouldn't even call it a dog park, but it's a
6 micro park.

7 This is not Manhattan. Unfortunately,
8 what's happened is, many of these buildings
9 have already been built and there aren't enough
10 amenities for the thousands of people that are
11 going to be living in that area, and, now, by
12 adding additional height, that can be seen from
13 most of the single-family homes so far across
14 the way from Bird Road, beyond University, I
15 think is a travesty. That's my opinion. I am
16 definitely against this, because we're not
17 getting -- we're not getting the perception of,
18 we'll give them a little height and we'll get a
19 park.

20 This is not a usable park, in my -- the
21 park that Julio designed across the street,
22 that's a usable park.

23 CHAIRMAN AIZENSTAT: What I'd like to do,
24 before we continue with Board discussion, Jill,
25 do we have anybody for public comment?

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1 northwest and also all of the way across from
2 the high school and across Riviera, where now
3 they get to see another almost 30 feet more of
4 additional height, and most people, they feel
5 like they're being attacked visually, because
6 these buildings, on top of everything, of being
7 there, they don't just have the lights for the
8 FAA requirement up on top, they're now lighting
9 these buildings like Christmas trees, and it's
10 offensive when you're in the single-family
11 residential area. This is like -- in my
12 opinion, it's like pollution. It's a visual
13 pollution into the single-family residential
14 area.

15 I don't find any redeeming value to try to
16 say, well, this little pocket park, that's
17 fifty-foot wide by a hundred foot deep, is even
18 going to come close to, you know, the beautiful
19 park that Julio designed for Merrick Park. I
20 think -- in my opinion, I disagree a hundred
21 ten percent.

22 The second thing is, this area is a very
23 intense area, very intense, a very urban area.
24 It's become a very urban area, and that has
25 happened is that it's because it's the

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1 THE SECRETARY: Yes, we do.

2 MR. BEHAR: And then I'm going to make a
3 motion, because we're going to have to extend
4 the meeting.

5 CHAIRMAN AIZENSTAT: Yeah, go ahead.

6 We have to go ahead and make a motion to
7 continue.

8 MR. BEHAR: I'm going to make a motion to
9 extend to 9:15, to start with that, and we can
10 take it up at that point --

11 CHAIRMAN AIZENSTAT: We have a motion to
12 9:15.

13 MS. KAWALERSKI: I second.

14 MR. COLLIER: We can do that as a voice vote.

15 CHAIRMAN AIZENSTAT: We have a second. All
16 in favor say aye.

17 Anybody against?

18 MR. BEHAR: No.

19 (All Board Members voted aye.)

20 CHAIRMAN AIZENSTAT: Go ahead. Call the
21 individual, please.

22 THE SECRETARY: Victor Salcedo.

23 MR. SALCEDO: Yes. Hello, Board Members.
24 Yes, my name is Victor Salcedo and --

25 CHAIRMAN AIZENSTAT: Could you state your

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1 address, for the record, please?
 2 MR. SALCEDO; Excuse me?
 3 CHAIRMAN AIZENSTAT: Could you state your
 4 address, for the record, please?
 5 MR. SALCEDO: 126 Frow Avenue.
 6 CHAIRMAN AIZENSTAT: Thank you.
 7 MR. SALCEDO: Okay. I saw the little
 8 picture there. It really doesn't give a
 9 rendering of how the park would look. There
 10 was no architectural renderings so we could
 11 actually see what's there. It's just a box
 12 with a little green space.
 13 So they didn't -- the people that want to
 14 develop didn't invest any money in showing us
 15 what they want to do, Number One. And Number
 16 Two, I don't see -- there's parking in the
 17 area. Because I go to Chase Bank just across
 18 the street, and I no longer can go there simply
 19 because there is no parking anywhere around
 20 there, throughout the day and into the late
 21 afternoon.
 22 So when they're making this building right
 23 here, there's no parking space at all for the
 24 building, and let alone how are the people
 25 going to get there, to the park, if it were to

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1 be constructed.
 2 So I see it totally negative as far as the
 3 building, and the only way I can see any kind
 4 of redeeming value would be if the architect or
 5 the developer comes here and states what he
 6 wants to do and -- what kind of park he wants
 7 to put and what kind of building, but just a
 8 box there and say, approve it, no -- no, that's
 9 not -- there's nothing there to approve.
 10 Thank you very much for your time.
 11 MR. COLLIER: So I just want to advise the
 12 Board of this, we are not looking at an
 13 application. It would be really inappropriate
 14 to discuss an application that's not before us.
 15 There hasn't been an opportunity for the
 16 application to be heard. We're looking for a
 17 general Zoning Code amendment, and I think that
 18 the discussion really should be to the concept,
 19 which I believe you did that, and not to look
 20 at like, okay, but what project is this for --
 21 MR. BEHAR: No. And the reason I asked,
 22 Mr. Attorney, is that we did an approval a
 23 couple of months ago for remote parking, that,
 24 you know, I just wanted to make sure if it was
 25 that or not, but specifically to this --

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1 CHAIRMAN AIZENSTAT: I just want to see if
 2 there's anybody else, unless you want to make a
 3 comment specifically --
 4 THE SECRETARY: We have one more speaker.
 5 CHAIRMAN AIZENSTAT: Okay.
 6 THE SECRETARY: Jim Dockerty.
 7 MR. DOCKERTY: Jim Dockerty, 1230
 8 Catalonia. I also own two buildings on Ponce,
 9 in the 4200 block, adjacent to the project that
 10 the other gentleman was referencing.
 11 CHAIRMAN AIZENSTAT: Just to be clear,
 12 there is no project that's there now.
 13 MR. DOCKERTY: I've been in several
 14 community meetings about the project. I mean,
 15 it's not approved or anything. I know we're
 16 not going to talk about that tonight. That's
 17 fine. I'm not here to talk about the project.
 18 But because I am an adjacent property owner
 19 and I've looked at what their proposal is, and
 20 it will eventually come before you and the
 21 Commission and all of the boards, I'm a hundred
 22 percent in favor of the concept of trading
 23 height for parks. I've owned property in this
 24 neighborhood almost 20 years.
 25 You know, I'm basically pleased with all of

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1 the density and development that have come
 2 around the mall. I think the mall was
 3 originally designed to have all of this
 4 residential density built around it.
 5 Thankfully, The Avenue, which is a hotel, is
 6 finally going to be in the neighborhood. The
 7 neighborhood needs a hotel.
 8 But specifically to this issue, which is
 9 the broader concept of the City trading height
 10 for park area, right, I'm a hundred percent for
 11 it, not only in this neighborhood, which I know
 12 a lot about -- I can tell you, in this
 13 neighborhood, the Underline is not going to
 14 necessarily be an option for a lot of people to
 15 walk their dogs. It's too far. It's nice.
 16 I'm all for that.
 17 The mall, you can go to the mall, but the
 18 mall has a lot of activity and people don't
 19 really walk their dog into the park in the
 20 mall, but there's no other area for people to
 21 walk their dog in this whole neighborhood. I
 22 don't know who pointed this out, there's really
 23 very few sites in the Design and Innovation
 24 District that can even accomodate this concept.
 25 You have Baptist on Le Jeune Road that has

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1 assemblage and would be able to do something
2 like this. You have Gables Engineering, that
3 has a lot of land south of the mall, between
4 the Lifetime Fitness and the mall, and that's
5 going to probably have a lot of density one
6 day.

7 So I, for one, would love to see a park
8 become part of eventually what gets developed
9 if the Gables Engineering site -- and I, a
10 hundred percent, support the idea of what's
11 being proposed by the developer behind me, to
12 have a 5,000 square foot parcel of land with
13 tree canopy, so people can walk and sit under a
14 tree and walk their dog.

15 So there are a lot of property owners that
16 are a hundred percent for this, that are in the
17 neighborhood.

18 CHAIRMAN AIZENSTAT: Thank you, sir.

19 MR. PARDO: Mr. Chairman, I just wanted to
20 clarify. When you gave your address, is that
21 your business address or your residence?

22 MR. DOCKERTY: No. No. 1230 Catalonia is
23 my home, and then I said I own two buildings in
24 the 4200 block of Ponce that are adjacent to
25 the proposed lot that you guys referenced.

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1 remembers it. And they were all full of blood,
2 because that's what they used to do in there.

3 So, it went from there, to one of the most
4 sophisticated neighborhoods in the City, and
5 there's a dire need for green space in that
6 area. So anything that we can do to help bring
7 that about, I would go for it.

8 In addition to that, this is becoming a
9 very high-rise area, and not because the City
10 of Coral Gables has allowed it, but the City of
11 Miami, who is adjacent to it, is allowing very
12 high buildings right next to it. So you can't
13 escape the high-rises, but if there's a zone in
14 the City that should allow for the higher
15 buildings, is this area. I mean, if the
16 benefit to the neighborhood and to the
17 residents is to get a little bit more green
18 space, I'm all for it.

19 CHAIRMAN AIZENSTAT: Thank you.

20 Sue.

21 MS. KAWALERSKI: This is almost another
22 discussion on an MX2.5, because the height is
23 137.5, right? That would be the max height for
24 this area?

25 MR. PARDO: Yes.

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1 CHAIRMAN AIZENSTAT: Thank you, sir.

2 MR. DOCKERTY: Okay. Thank you.

3 CHAIRMAN AIZENSTAT: Thank you.

4 Jill, anybody else?

5 THE SECRETARY: No, no more speakers.

6 CHAIRMAN AIZENSTAT: Nobody on Zoom or
7 platform?

8 Okay. At this time, let's go ahead and
9 close it for public comment.

10 Julio.

11 MR. GRABIEL: Yes.

12 CHAIRMAN AIZENSTAT: I'm going to let you
13 start.

14 MR. GRABIEL: This is my second
15 neighborhood. I go there five days a week to
16 my gym, and I've been going to that gym for the
17 last ten, twelve years. It needs green space.
18 It's been a very successful change in zoning,
19 from an industrial zoning to what it is right
20 now, which is actually a very good
21 neighborhood.

22 I still remember -- that's how old I am --
23 when they had the meat packer in that area, and
24 you would go around and you would see the
25 people coming out of the neighborhood. Felix

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1 MS. GARCIA: Yes, as proposed.

2 MS. KAWALERSKI: Okay. So that's exactly
3 like an MX2.5 that you were talking about,
4 right?

5 MS. GARCIA: It's the same height.

6 MS. KAWALERSKI: So is that the intention,
7 to make this like an MX2 district?

8 MS. GARCIA: It's the same height because
9 of the number of stories. Thirteen and a half
10 is the magic number for a story in our Zoning
11 Code.

12 MS. KAWALERSKI: Okay. You know, one other
13 thing, Page 2 of the report here, it says up to
14 150 feet. Is that an error?

15 MS. GARCIA: Yes, that's an error.

16 MS. KAWALERSKI: Pardon me?

17 MS. GARCIA: That's an error, yes.

18 MS. KAWALERSKI: That's error? Okay,
19 because that freaked me out, because I said,
20 wow, they snuck that in there. So that is an
21 error, it's only 137.5, right?

22 MS. GARCIA: Yes.

23 MS. KAWALERSKI: All right. I mean, not
24 only, but it is less than 150.

25 So the TDRs -- explain how the TDRs would

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1 work here?
 2 MS. GARCIA: Yes. So a TDR in Coral Gables
 3 is only from a historic property. So if a
 4 historic property is in a sending area, which
 5 right now is just in our CBD, our Downtown area
 6 and our North Ponce area, for those
 7 multi-family buildings, when a property is
 8 designated historic, they're then allowed, in
 9 that area, to send their access extra square
 10 footage. So they have that on the private
 11 market. They sell to a buyer, to a developer,
 12 and that developer then purchases that TDR and
 13 they use it to their new construction in a
 14 receiving sites.

15 The receiving sites are only along the
 16 North Ponce Boulevard between Eight Street and
 17 downtown, within the CBD, and also within the
 18 Design and Innovation District.

19 MS. KAWALERSKI: Okay. So --

20 MS. GARCIA: It doesn't add -- sorry, I
 21 just want to clarify, it doesn't add, as far as
 22 the number of stories, the number of height,
 23 it's just really making the building fatter.

24 MS. KAWALERSKI: Right. It's just the
 25 square footage, right?

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1 with everybody, I'd like to give that speaker
 2 an opportunity.

3 MS. KAWALERSKI: Yeah. I just want to make
 4 one more comment, why did we sell Greco -- our
 5 Greco Park -- potential green space. I mean,
 6 that would have solved the green space problem
 7 in the area, and yet we sold it for the cheap,
 8 3.5 mill and now we're looking for postage
 9 stamps, for little green spaces. I mean, it's
 10 crazy.

11 I mean, there was no forethought put into
 12 parks. I mean, we gave it away. That's my
 13 only comment.

14 CHAIRMAN AIZENSTAT: Okay. Go ahead,
 15 please, Jill.

16 Cheryl Gold. Ms. Gold, if you could please
 17 open up your mike.

18 MS. GOLD: Good evening, and thank you for
 19 accommodating me. For some reason, my request
 20 went -- can you hear me?

21 CHAIRMAN AIZENSTAT: Yes, we can, Ms. Gold.
 22 If you would like to be sworn in, we need to
 23 visually see you, and if not, you just won't be
 24 sworn in.

25 MS. GOLD: Yeah. Yeah, no, let's forget

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1 MS. GARCIA: Square footage, yes.

2 MS. KAWALERSKI: So smaller units?

3 MS. GARCIA: If they want to. Or larger
 4 units.

5 MS. KAWALERSKI: Okay. I don't know. You
 6 know, we're just, you know, going higher and
 7 higher and higher. I mean, I don't hear
 8 anybody saying, let's stay the course; higher.

9 So I have to think about this, but I'm
 10 tending more towards what Felix is talking
 11 about, especially with the intrusion of the
 12 lights at the top, the rooftop amenities, et
 13 cetera, et cetera, just overflowing into the
 14 residential area, residential neighborhood. So
 15 I've got to think about this a little bit.

16 CHAIRMAN AIZENSTAT: But, Sue, I just want
 17 to be clear about one thing. There is nothing
 18 that's being presented to you today that has
 19 the roof lights. If a project does come, it
 20 will come at that time, and we can discuss the
 21 roof lights, whatever is appropriate.

22 THE SECRETARY: I'm sorry, we do have a
 23 speaker on this item. She had sent a message
 24 to CGTV and not me.

25 CHAIRMAN AIZENSTAT: Okay. If it's okay

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1 the swearing in at nine o'clock at night, okay,
 2 and I'm actually in New York and have listened
 3 to the entire meeting.

4 So I'll make it very brief, and I'll try
 5 not to address what the developer -- you know,
 6 just address the concept, actually, of putting
 7 a park on the rooftop. Do I understand that
 8 correctly? Is that -- is this trade off for
 9 the extra height green space on the roof? Is
 10 that the concept?

11 CHAIRMAN AIZENSTAT: It is not, ma'am.

12 MS. GOLD: It is not. The green space
 13 would be on the ground level?

14 CHAIRMAN AIZENSTAT: Yes, ma'am.

15 MS. GOLD: Okay. So -- okay. Then I will
 16 forgo my comments then, but it wasn't clear
 17 from, I guess, the illustration. It sounded
 18 like they were going put -- so what are the
 19 rooftop amenities, then?

20 CHAIRMAN AIZENSTAT: There are no rooftop
 21 amenities, ma'am.

22 MS. GOLD: Okay. All right.

23 CHAIRMAN AIZENSTAT: And it's not a project
 24 that we're looking at this time.

25 MS. GOLD: I understand that. I understand

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1 that and I'm just trying to address the concept
2 of trading -- adding height for these postage
3 stamp green spaces. So, in other words, the
4 green space could be on the ground or it could
5 be on a rooftop; is that correct?

6 MR. BEHAR: No.

7 MS. GOLD: Okay. All right. Thank you for
8 the clarification.

9 MR. BEHAR: Because it's green color. If
10 this was blue, it would not be confusing.

11 MS. GOLD: Actually, Mr. Behar, the public
12 park, if you look at the illustration, it is
13 green, and it says, "Public park," and that's
14 what's confusing about this, and I thought
15 there was a reference to rooftop amenities and
16 then we gotten into the light thing.

17 I'll just say one thing in closing, and I
18 am a green space and tree canopy advocate, I've
19 been one for like 35 years, and I probably
20 won't be attending all of your meetings, but
21 there is a tendency to talk about these rooftop
22 parks, and I would just remind everybody about
23 the extreme heat events that will be
24 increasing, the difficulty and challenge of
25 tree canopy, providing shade on a rooftop. So

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1 CHAIRMAN AIZENSTAT: Where were we?

2 Felix, you had spoken. Sue, you had gone
3 ahead and made your comments. Julio had.

4 Robert.

5 MR. BEHAR: Okay. Thank you, Mr. Chairman.

6 I brought something that -- it was not
7 related to this, but I was going to talk about
8 it, because the State passed a State Bill, it's
9 called Senate Bill 102, which is a Live Local
10 Act, and I want you to know that if this -- if
11 this or any property were doing residential,
12 they don't even have to come to us, and I don't
13 know if the City Attorney have taken a
14 decision, but I could tell you, the City of
15 Miami, and Miami-Dade County, already came with
16 their opinion, and there's nothing that we will
17 be able to do about it.

18 So if they wanted to do a residential
19 project here and they met the criteria of 120
20 percent of the AMI, they could go -- because
21 this is mixed-use zoning and -- you're allowed
22 to do it in commercial and mixed-used. They
23 could go within a mile -- not a 1,000 feet, a
24 mile, which would be The Plaza, and they could
25 do a building here of 190 or more, because The

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1 I don't think that these are practical and I'm
2 certainly against the one that's being proposed
3 on the mobility hub. I think it's
4 irresponsible --

5 CHAIRMAN AIZENSTAT: Thank you, ma'am, but
6 that's not what we are discussing tonight. But
7 it is noted.

8 If you would, please, I don't know if you
9 stated your address for the record, for the
10 court reporter.

11 MS. GOLD: It's 721 Biltmore Way.

12 CHAIRMAN AIZENSTAT: Thank you, Ms. Gold.

13 MS. GOLD: Thank you.

14 CHAIRMAN AIZENSTAT: Have a nice night.

15 Do we need to extend --

16 MR. BEHAR: I'm going to make a motion to
17 extend for another fifteen minutes, to 9:30, so
18 we can, you know, be done with this tonight.

19 CHAIRMAN AIZENSTAT: We have a motion to
20 9:30.

21 MS. KAWALERSKI: I second.

22 CHAIRMAN AIZENSTAT: We have a second.

23 Everybody in favor say aye.

24 Anybody against?

25 (All Board Members voted aye.)

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1 Plaza is 200 and something feet.

2 MS. KAWALERSKI: But that would have to be
3 forty percent affordable housing, right?

4 MR. BEHAR: Yes, but at 120, you know,
5 percent of the --

6 MS. KAWALERSKI: Right. And I'm glad you
7 brought that up. That is a very important Bill
8 to discuss and for the City to take a stand on.

9 MR. BEHAR: We can't.

10 MR. COLLIER: We've already had an initial
11 meeting on this. There will be other meetings.
12 We're also seeking out, from other communities,
13 how they're addressing it, and it's a little
14 bit more nuances with regard for the role the
15 City has. There's some significant preemptions
16 in the Bill, that the Legislature has
17 overwritten local zoning on, certain points,
18 but we're taking it carefully, and there will
19 be a presentation at some point on the impacts
20 to the City on this, but we're not quite there
21 yet.

22 MS. KAWALERSKI: But you're absolutely
23 right, this is one of those areas where that
24 could happen.

25 MR. BEHAR: It could. And we could look at

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1 a project two hundred and something feet,
2 residential project, you know what, and it
3 wouldn't even come through us, because it
4 clearly says no additional public hearing
5 required.

6 MR. COLLER: With respect to height,
7 density and zoning. There are other metrics
8 involved that the City still has input, but I
9 don't want to get ahead of the people that are
10 looking at this.

11 MR. BEHAR: I understand.

12 MR. COLLER: I just want to say, it's a
13 very good point to make, because it's a very
14 significant bill. I was at the Florida
15 Municipal Attorney's Association -- and we have
16 until 9:30 and so --

17 MR. PARDO: You're going to extend it until
18 11:30?

19 MR. BEHAR: No. No. No. I just brought
20 it up, because potentially you could do this,
21 okay. And I'm going specific to the
22 presentation, the five percent, is that of the
23 entire site that they're looking at? So it
24 could be a significant -- fifteen percent, you
25 know, is not -- that's in addition to what is

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1 days a week for lunch, and I think this could
2 be a very welcomed park or miniature park, if
3 you want to call it, but, you know, a green
4 space to the area. There is none.

5 The project that Julio did is a beautiful
6 project, but that's -- you cannot really walk
7 your dog in that beautiful space, because if I
8 was there and I see a dog, I will probably --
9 and I've got two dogs, so it's not like I'm not
10 a dog lover, you know, and I'll show you a
11 picture with me, last night, you know, laying
12 next to me, which my wife says, I can't believe
13 you're doing that.

14 MR. PARDO: Robert, that's not a problem
15 anymore. You just go into the restaurant and
16 they're sitting there already, the dog is.

17 MR. BEHAR: Okay. So I think this could be
18 a very positive. I wish more projects would
19 have done that before.

20 MR. PARDO: Mr. Chairman, I'd like to make
21 a comment. You know, the 800 pound gorilla is
22 that this Planning Board makes recommendations
23 and protects and shields certain things. I
24 understand green space is always good. If we
25 were in Manhattan, we'd be talking about over a

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1 required?

2 MS. KAWALERSKI: Wait. Fifteen or five
3 percent?

4 MR. BEHAR: No, for every level you get --
5 for every five percent, you get an additional
6 level.

7 MR. PARDO: Robert is taking it to the
8 maximum --

9 MR. BEHAR: Whoever is going to do it, is
10 going to do it to the maximum. So fifteen
11 percent in addition to the ten percent. So 25
12 percent of the lot will be a green space.
13 Because you cannot have a five-foot rear
14 setback count towards that.

15 MR. COLLER: For the record, she's shaking,
16 no.

17 MS. GARCIA: No.

18 MR. BEHAR: No, meaning that you cannot
19 count the five feet of setback.

20 MS. GARCIA: Right. Uh-huh.

21 MR. BEHAR: Okay. So I personally -- and
22 I'm a proponent to have green space wherever
23 possible throughout the City. Because I,
24 myself, I've been in this area for 23 years
25 now, and I walk to the mall practically three

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1 hundred floors. We're not in Manhattan.
2 What's happened on Brickell, I think, is
3 obviously a change, but I don't necessarily
4 agree with the change, because I'm old enough
5 where I remember what it was like and where we
6 are now.

7 There is some type of modification, and the
8 problem is that, that's the reason that we
9 adopted the Comprehensive Land Use Map. This
10 is a change of the Comp Plan. It's a change of
11 Comp Plan to allow additional height, and then
12 you have the incentives, et cetera. If you
13 don't change the Comp Plan, you can't add that
14 additional height.

15 That limit was put there for a reason. The
16 farther you personally live away from this, or
17 you live, the less you're impacted. You know,
18 I remember a great story, a friend of mine,
19 Stan Price, after they had built this enormous
20 church, he calls the monsignor and he says, you
21 know, I don't know that the neighbors were
22 complaining about, I can't see the church.
23 Then, again, I am driving on Krome Avenue.

24 So the farther away you are, the less of an
25 impact, and the problem is that impact is

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1 permanent. We see the impact from the projects
2 that belong to the City of Miami on the transit
3 corridor of US-1. They're enormous. And I
4 could be -- when I run in the morning, I could
5 be in the other side of the City and I could
6 still see them. That's pretty wild for me.
7 And we have a beautiful incredibly tree canopy
8 here.

9 I think that, for me, it's more serious,
10 because I can do the math, also. I know there
11 aren't that many lots left in this area. So
12 they could only build so many projects in this
13 area. So they really can't compromise it that
14 much. But you're establishing a precedent by
15 simply taking very lightly, moving a great
16 component of the Comprehensive Land Use Plan
17 ceiling, moving it off the thing, and say, just
18 because we want parks, we're not only going to
19 change the zoning, we're going to add that.

20 If the Comprehensive Land Use Plan, the
21 limit was higher and you were there, it's a
22 different conversation. For me, I'm trying to
23 protect the Comprehensive Land Use Plan,
24 because this becomes not spot zoning, it
25 becomes a change to Comprehensive Land Use Plan

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1 of service for this, for this, for that, and
2 all of these things. This really is, in my
3 opinion, changing it on a willy nilly basis
4 specifically to say, oh, we're giving you a
5 park.

6 Listen, not all parks work in the City. We
7 have a lot of pocket parks, some are
8 successful, and some are not successful. I
9 agree, we need more green space, but, then,
10 again, maybe what should have been done is not
11 an incentive for additional height, but it
12 would have been an incentive for something
13 else, and I'll just caution my fellow Board
14 Members here, that when you get into the
15 ability of changing the Comprehensive Land Use
16 Plan simply to accommodate one idea, it
17 normally has repercussions somewhere else.

18 MR. BEHAR: Felix, and I would tend to
19 agree with -- not everything, but some of the
20 things that you said. Today, that area allows
21 120 feet, right?

22 MS. GARCIA: With City Commission approval.

23 MR. BEHAR: With Commission approval, but
24 everybody -- I mean, pretty much, 120 is the
25 norm. Let's be realistic. They're asking for

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1 on a spot basis. And the other thing is, just
2 be forewarned that this same concept can then
3 be used in any commercial parcel in the City.
4 In other words, it doesn't matter where you
5 are, someone can use this as a precedent, in
6 another area for an argument to change the
7 Comprehensive Land Use Plan height for the
8 purpose of one specific purpose, which is to
9 get a postage stamp piece of green space.

10 CHAIRMAN AIZENSTAT: But, Felix, let me ask
11 you a question. The way I see this, this is
12 being proposed for a very specific area.

13 MR. PARDO: Correct.

14 CHAIRMAN AIZENSTAT: When you say this
15 could be used for anywhere, couldn't that
16 argument be made no matter what, any area that
17 wants to come and wants to create something
18 higher than a Comp Plan, they would come to us?

19 MR. PARDO: That's true. And the reason
20 is, you know, you have small changes of the
21 Master Plan -- or the Comprehensive Land Use
22 Plan, and then you have large ones, but,
23 remember, within the Comprehensive Land Use
24 Plan limits, you also are taking in many
25 components, which includes, you know, the level

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1 seventeen and a half feet, which is basically
2 one more floor.

3 MR. PARDO: As long as Staff corrects the
4 150 feet that's here.

5 MR. BEHAR: Yeah. Yeah. Yeah.

6 MR. PARDO: Okay.

7 MR. BEHAR: So, essentially, what they're
8 doing -- the way I look at this equation is,
9 they're taking that -- I'm looking at 137,
10 okay, fifteen percent of that lot area, and,
11 essentially, that over the 120 feet, they're
12 transferring that FAR to the roof, in order to
13 create that open space. To me, it becomes a
14 mathematical equation. I get fifteen percent
15 on my lot -- and I'm going to use 40,000 square
16 feet, because -- just as a round number. So 15
17 percent will be 6,000 square feet, that I could
18 do over 120 feet.

19 CHAIRMAN AIZENSTAT: You've got to use the
20 other two --

21 MR. BEHAR: No, because the 10 you need to
22 do, no matter what. It's 15 percent
23 additional. So that 6,000 that I could do
24 essentially for 120, which is 10 floors --
25 right -- they're going to put it on top of the

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1 roof, but they're not really maximizing,
2 because if you take the 15 percent, you
3 equate -- I'm using a hypothetical 40,000
4 square feet, you're building less at that
5 height than you would do if you did it without
6 increasing the height.

7 MR. PARDO: What do you think of this idea?
8 In my opinion, what they should have done is,
9 leave the height where it is, which they can
10 receive TDRs, and then just closed a good
11 portion of a couple of the streets, allowing
12 for cul-de-sacs in there, after a proper
13 traffic study, and now you have a park that is
14 as wide as the right-of-way and it doesn't
15 affect the height.

16 MR. BEHAR: Well, let me tell you, I was
17 against the street closures when -- you know,
18 along 57th Avenue and I never believe that in
19 any cities, streets should be closed, little
20 less in this area. This area, you know, I
21 will go to the end of the earth to make sure
22 there's no street closures in this area. You
23 can't. This is one that you need to maintain,
24 you know, all of the streets.

25 Before we sold the lot in Greco, maybe that

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1 So, to me, they're asking for seventeen and
2 a half feet, which is one more story, because
3 you're not going to get -- in seventeen and a
4 half, again, it goes back to the original
5 comment before, you're not going to get two
6 stories. So you're going to get one more
7 story, for a trade-off of -- which I don't know
8 the size of the lot that we're talking about,
9 but I could imagine is close to an acre, that
10 parcel.

11 So, you know, I could see the benefit
12 behind it. And Miami-Dade County, and I'm
13 going to be guilty of, on the City of Miami
14 side, okay, you know, that just got approved
15 for RTZ, the Rapid Transit Zoning, okay. It
16 got approved. So when the owner of a property
17 comes to develop a building, they have the
18 right to do what the other buildings did, and
19 we are not going to be able to do anything
20 about it.

21 CHAIRMAN AIZENSTAT: I'm looking at the
22 time. Is anybody going to want to make a
23 motion so we can extend the time or nobody
24 wants to make a motion and we don't need to
25 extend the time?

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1 would have been an opportunity, but that's
2 gone. I can't go back to those days. I've got
3 to look at the present, and the present tells
4 me that the only way to achieve something is --
5 to achieve some green space is via this tool,
6 and right now, the only lot left that -- except
7 for the Gables Engineering, which is a big, big
8 parcel, I don't think there's anything else
9 that you're going to even potentially do
10 anything else, and the Gables Engineering
11 parcel, which is a great story, but
12 unfortunately, when the gentleman died, he left
13 the company to the employees --

14 CHAIRMAN AIZENSTAT: Clark.

15 MR. BEHAR: Clark died, he left the company
16 to the employees. There are no way they're
17 going to get out of the hole, you know. It's
18 very difficult. And if that time comes, that's
19 a piece of property that hopefully, yes, they
20 dedicate green space for the area, but
21 otherwise we're not going to get anything, and
22 I think that if you look at the equation that
23 I'm saying, taking that piece for the FAR, the
24 actual FAR that they will be doing is half of
25 what they could potentially get.

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1 MR. BEHAR: I think --

2 CHAIRMAN AIZENSTAT: You're going to want
3 to make a motion? So let's go ahead and extend
4 the time.

5 MR. BEHAR: I really don't know if we
6 need -- I'm not going to make a motion to
7 extend any more time.

8 CHAIRMAN AIZENSTAT: It's just because we
9 have two items that have to be individually --

10 MR. COLLER: Individually voted on.

11 So the first motion would be the motion for
12 the Comp Plan.

13 CHAIRMAN AIZENSTAT: Can we extend it ten
14 minutes only for the motions, if you're going
15 to make a motion?

16 MR. BEHAR: I'll make a motion to extent
17 for ten minutes, but I'm hungry.

18 CHAIRMAN AIZENSTAT: Ten minutes. Is there
19 a second?

20 MR. GRABIEL: I second.

21 MS. KAWALERSKI: Second.

22 MR. BEHAR: Don't put that on the record.

23 CHAIRMAN AIZENSTAT Julio went ahead and
24 second. All in favor say aye.

25 Anybody against? No?

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1 (All Board Members voted aye.)
 2 CHAIRMAN AIZENSTAT: Robert, do you want to
 3 make a motion?
 4 MR. BEHAR: Look, I'll make a motion to
 5 approve G-9, is it?
 6 CHAIRMAN AIZENSTAT: G-9 and also --
 7 MR. BEHAR: We have to take one at a time.
 8 CHAIRMAN AIZENSTAT: Okay.
 9 MR. BEHAR: I'll make a motion to approve
 10 G-9.
 11 MR. COLLER: That's in accordance with be
 12 the Department recommendation.
 13 MR. GRABIEL: I'll second it.
 14 CHAIRMAN AIZENSTAT: We have a motion. We
 15 have a second? Any discussion?
 16 Julio made the second. Any discussion?
 17 MS. KAWALERSKI: Just one comment, I'm
 18 going to vote, no, and here's the reason why, I
 19 believe that that MX2.5 discussion, once it
 20 gets up into the Commission level, and if that
 21 passes, that can apply to this area. So, at
 22 this point in time, I don't want to change the
 23 Comp Plan --
 24 CHAIRMAN AIZENSTAT: Understood.
 25 MR. BEHAR: Okay. That's a good point.

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1 Hold on, because I want to -- if they would
 2 apply -- once -- if they apply to 2.5, can they
 3 do that?
 4 MS. GARCIA: They could request it, sure,
 5 but you don't get a park from it.
 6 MR. PARDO: That's part of the problem.
 7 CHAIRMAN AIZENSTAT: Say that again.
 8 MS. GARCIA: You're not going to get a park
 9 from it. This will guarantee you to have a
 10 park, if they went to that magical number.
 11 MS. KAWALERSKI: But we could require it,
 12 no, as part --
 13 MR. BEHAR: No.
 14 CHAIRMAN AIZENSTAT: No.
 15 MS. KAWALERSKI: We couldn't? Well, the
 16 Commission could, right?
 17 CHAIRMAN AIZENSTAT: Yes.
 18 MS. KAWALERSKI: And we know how the
 19 Commission feels about parks.
 20 CHAIRMAN AIZENSTAT: I don't want to
 21 speculate on the Commission.
 22 MR. BEHAR: You know, Sue, one bird in the
 23 hand is better than two flying.
 24 CHAIRMAN AIZENSTAT: We have a motion. We
 25 have a second. Any other comments? No.

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1 MR. PARDO: I think Sue's comment was on
 2 point.
 3 CHAIRMAN AIZENSTAT: Understood. It's on
 4 the record.
 5 Call the roll, please.
 6 THE SECRETARY: Sue Kawalerski?
 7 MS. KAWALERSKI: No.
 8 THE SECRETARY: Felix Pardo?
 9 MR. PARDO: No.
 10 THE SECRETARY: Robert Behar?
 11 MR. BEHAR: Yes.
 12 THE SECRETARY: Julio Grabiell?
 13 MR. GRABIEL: Yes.
 14 THE SECRETARY: Eibi Aizenstat?
 15 CHAIRMAN AIZENSTAT: Yes.
 16 MR. COLLER: Okay. And so it goes without
 17 a recommendation -- well, I take that back,
 18 because it's a Comp Plan, it's deemed denial,
 19 because there weren't four votes. So that's a
 20 new change in the Code, because this Board has
 21 to make a recommendation, therefore, on
 22 three-two, it's deemed to be a denial.
 23 MR. PARDO: So because of the denial of the
 24 Comp Plan, do we even vote on the Zoning?
 25 MR. COLLER: Since you're making

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1 recommendations, you should vote on both.
 2 MR. BEHAR: I'll make a motion to approve
 3 G-10 as presented --
 4 CHAIRMAN AIZENSTAT: With Staff's
 5 recommendation.
 6 MR. GRABIEL: I second it.
 7 MR. COLLER: And I just want to make
 8 something clear. What you're doing is not
 9 approving an item. You're making a
 10 recommendation to the Commission. That's why
 11 we're taking the vote, but I get your point.
 12 MR. PARDO: Yeah. You can't have one
 13 without the other.
 14 CHAIRMAN AIZENSTAT: Any comments, Sue?
 15 MS. KAWALERSKI: No.
 16 CHAIRMAN AIZENSTAT: Call the roll, please.
 17 THE SECRETARY: Robert Behar?
 18 MR. BEHAR: Yes.
 19 THE SECRETARY: Julio Grabiell?
 20 MR. GRABIEL: Yes.
 21 THE SECRETARY: Sue Kawalerski?
 22 MS. KAWALERSKI: No.
 23 THE SECRETARY: Felix Pardo?
 24 MR. PARDO: No.
 25 THE SECRETARY: Eibi Aizenstat?

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1 CHAIRMAN AIZENSTAT: Yes.
 2 MR. COLLER: Okay. So that goes with --
 3 because it's a zoning item, that is a three-two
 4 vote, and it goes without a recommendation.
 5 MR. PARDO: Mr. Attorney, I just wanted to
 6 say something, for the record, to make sure,
 7 that whomever your counterpart is with the
 8 Commission understands, they can't approve the
 9 zoning without approving the change of the
 10 Master Plan, because you can't have one in
 11 violation of the other.
 12 MR. COLLER: Well, you've made a
 13 recommendation for denial, but that's not
 14 binding on the Commission. They just need your
 15 recommendation. So you've recommended it. It
 16 would be up to the Commission, as far as what
 17 they choose to do with these two items.
 18 MR. PARDO: Okay. Thank you.
 19 MR. GRABIEL: I move to adjourn.
 20 CHAIRMAN AIZENSTAT: We have a motion to
 21 adjourn.
 22 MR. GRABIEL: Second.
 23 CHAIRMAN AIZENSTAT: All in favor say aye.
 24 (All Members voted aye.)
 25 (Thereupon, the meetin was concluded at 9:30 p.m.

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1 C E R T I F I C A T E

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 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:

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 8
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.

15
 16 DATED this 18th day of July, 2023.

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 20 -----NIEVES SANCHEZ-----
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