

CITY OF CORAL GABLES  
LOCAL PLANNING AGENCY (LPA)/  
PLANNING & ZONING BOARD MEETING  
VERBATIM TRANSCRIPT  
WEDNESDAY, OCTOBER 11, 2023, COMMENCING AT 6:01 P.M.

Board Members Present at Commission Chamber:

Eibi Aizenstat, Chairman  
Robert Behar  
Julio Grabiell  
Felix Pardo  
Sue Kawalerski  
Javier Salman  
Chip Withers

City Staff and Consultants:

Jill Menendez, Administrative Assistant, Board Secretary  
Jennifer Garcia, City Planner  
Emilee Aguerrebere, Principal Planner  
Craig Collier, Special Counsel  
Arceli Redila, Zoning Administrator

Also Participating:

Edward Baker, Esq., on behalf of Items E-1  
Joe Lindsay  
Carl Leon Prime  
Mosezell Aguilar

Pursuant to Resolution 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 planning to appear 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, 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 meeting of the City of Coral Gables Planning and Zoning Board of October 11, 2023 to order. The time is 6:01.

Jill, please call the roll.

THE SECRETARY: Robert Behar?

MR. BEHAR: Here.

THE SECRETARY: Julio Grabiell?

MR. GRABIELL: Here.

THE SECRETARY: Sue Kawalerski?

MS. KAWALERSKI: Here.

THEREUPON:

CHAIRMAN AIZENSTAT: All right. Let's go ahead and get started, please. I'd like to call the meeting to order. I'd ask everybody to please silence all of their phones and beepers, at this time, if anybody has any beepers.

Good evening. This Board is comprised of seven members. Four Members of the Board shall constitute a 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 a matter.

In the event that four votes are 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.

THE SECRETARY: Felix Pardo?

MR. PARDO: Here.

THE SECRETARY: Javier Salman?

MR. SALMAN: "Presente."

THE SECRETARY: Chip Withers?

MR. WITHERS: I'm 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 a 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 record, the existence of the ex parte communication and the party who originated the communication.

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

13 Does any Member of the Board have such a  
 14 communication and/or site visit to disclose at  
 15 this time?

16 MR. GRABIEL: No.  
 17 MR. BEHAR: No.  
 18 MS. KAWALERSKI: No.

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

24 Now, with the exception of attorneys, all  
 25 persons physically in the City Commission

1 Chambers, who will speak on agenda items before  
 2 us this evening, please rise to be sworn in.  
 3 (Thereupon, the participants were sworn.)  
 4 CHAIRMAN AIZENSTAT: Thank you.

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

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

18 As for tonight, we don't have any approval  
 19 of the minutes.

20 The procedures that we'll use tonight is,  
 21 first, the identification of agenda item by  
 22 Mr. Collier, then we'll have presentation by the  
 23 applicant or agent, in some cases it could be  
 24 the Staff, and then we'll have a presentation  
 25 by Staff. I'll go ahead and I'll open up the

1 floor for public comment, first in Chambers,  
 2 Zoom platform, and then the phone line  
 3 platform. Then I'll go ahead and close the  
 4 public comment. Board discussion, motion,  
 5 discussion, and second of the motion, if  
 6 necessary. Then we'll have the Board's final  
 7 comments, and we'll have a vote.

8 Before we go ahead and start tonight, in  
 9 light of what the City Commission has done in  
 10 support for the people of Israel, I would like  
 11 to ask for a moment of silence, to show support  
 12 against the heinous acts that were done by the  
 13 Hamas terrorists.

14 Thank you.  
 15 Mr. Collier.

16 MR. COLLIER: Item E-1, a Resolution of the  
 17 City Commission granting conditional use  
 18 approval pursuant to Zoning Code Article 14,  
 19 "Process," Section 14-203, "Conditional Uses"  
 20 for a School on a property zoned as Mixed-Use-1  
 21 (MX1) located at 141 Grand Avenue, Coral  
 22 Gables, Florida; providing for a repeater  
 23 provision, severability clause, and providing  
 24 for an effective date.  
 25 Item E-1, public hearing.

1 MR. BAKER: Hi, good evening, Board  
 2 Members. Eddy Baker, representing the  
 3 applicant this evening, Spark Learning, before  
 4 you today, for a conditional use application  
 5 for a private school --

6 CHAIRMAN AIZENSTAT: Would you please state  
 7 your address?

8 MR. BAKER: Sorry. 1450 Brickell Avenue,  
 9 Miami, Florida 33131 -- to establish a private  
 10 school at 141 Grand Avenue.

11 I've joined with all of the forces this  
 12 evening, our civil engineer, traffic engineer,  
 13 and also applicant's representative, to answer  
 14 any questions you might have, once I wrap up  
 15 with this brief presentation.

16 So the school will be operating under the  
 17 name Primer Microschools. As the name infers,  
 18 these are microschoools, very small class sizes.  
 19 This location proposes to have 35 students.  
 20 It's going to be grades third through eight.  
 21 The school day will run from 8:00 a.m. to 3:00  
 22 p.m. You'll have an hour drop-off in the  
 23 morning, and an hour of pick-up in the  
 24 afternoon.  
 25 With respect to the existing site, it had

1 been operating previously as an architecture  
2 firm. It's a two-story commercial building.  
3 There's a Mezzanine area that will be solely  
4 used for storage. No students will go up  
5 there. All of the classroom teaching will  
6 happen on the ground floor.

7 In terms of the interior modifications,  
8 it's very limited. Really, the majority of the  
9 changes are going to be happening outside of  
10 the building. There's a rear parking lot  
11 on-site that -- yeah, I've got the presentation  
12 queueing up as I speak.

13 This is the existing building. I'm sure  
14 many of you are familiar with it. This is on  
15 Grand Avenue, right here, on the bottom.  
16 Here's the existing parking lot, which I'll  
17 talk about the reconfiguration now. And, then,  
18 this is how it stands currently, and this is  
19 the proposed modifications, if you see that. I  
20 don't know if it's possible to zoom in at all.

21 All right. So the rear parking lot is  
22 going to be re-configured to add a roundabout.  
23 As you can imagine, with the new school,  
24 there's, obviously, traffic, parking safety  
25 concerns. So we wanted to really try to

1 swale and also in and around the roundabout.

2 And, then, finally, parking and traffic,  
3 right, the biggest issue that we were  
4 addressing when this application came before  
5 DRC and our interactions with Public Works and  
6 the County, and we're of the opinion that we  
7 came up with a really reasonable and realistic  
8 plan to mitigate any of the traffic and  
9 queueing issues on Grand Avenue as much as  
10 possible. There's going to be two off-site  
11 parking locations.

12 So we entered into agreements with a  
13 property owner directly to the west of our  
14 property, just across Jefferson, about two  
15 properties down, and, then, also, to a property  
16 to the east, that will be for drop-off and  
17 pick-up.

18 So, throughout the process with the County,  
19 obviously safety being the number one concern,  
20 they requested that we utilize the west site  
21 solely for employees and staff -- so we will be  
22 doing that -- so we can keep the students on  
23 the northeast corner of Grand and Jefferson,  
24 without having to cross any of the  
25 thoroughfares. So we'll have drop-off and

1 mitigate the queueing on Jefferson and Grand  
2 Avenue as much as possible. So we configured  
3 this roundabout. It will allow parents to  
4 drive in, park into the parking spaces, back  
5 out, and go back out north on Jefferson Street,  
6 while also having a car being able to queue off  
7 Jefferson, but on the site.

8 So that's really the major modification of  
9 the site. We'll also be adding a buffer wall  
10 in the rear. A six-foot buffer wall is  
11 required by the Code to separate residential  
12 and commercial. We'll also be adding various  
13 improvements to the front of the property, that  
14 were requested by the County. Of course, they  
15 were involved with this process. There's  
16 already, as you know, Carver Middle and  
17 Elementary across the street, on the south side  
18 of Grand Ave, southwest. So we're going to be  
19 extending the school zone further east on Grand  
20 Avenue to account for our school's location.  
21 We're also going to be adding a crosswalk from  
22 the northeast corner of Grand Ave and  
23 Jefferson, to the southeast corner. There will  
24 also be additions of landscaping, both, to the  
25 front and the rear of the property, in the

1 pick-up in the rear, drop-off and pick-up on  
2 the site to the east. We will also be having a  
3 staggered drop-off and pick-up window. Parents  
4 will be allocated a ten-minute window, both, in  
5 the morning and afternoon. The school will  
6 also try to enforce that by, you know, making  
7 sure there's no repeat offenders, maybe a fine  
8 for a parent, if, you know, they can't stick to  
9 their schedule, but at the same time, we're  
10 also going to be very cognizant of encouraging  
11 carpooling. Hopefully, a lot of these students  
12 will be from in and around the school and we  
13 can try to mitigate the number of cars at the  
14 site overall.

15 And, then, finally, as suggested by Staff,  
16 we're going to be placing a police officer on  
17 the northeast corner of Grand Ave to help with  
18 crossing Grand Avenue, as well as any traffic  
19 mitigation.

20 I just wanted to lastly touch on our  
21 community outreach. Prior to even submitting  
22 the application, we met with the Lola B. Walker  
23 Homeowners Association, which is largely in and  
24 around the north side of Grand Avenue. We  
25 wanted them to know about the project, before

1 we put this forth, and we tried to do  
2 everything we can to mitigate any traffic  
3 concerns they had.

4 Subsequently, we had the required community  
5 meeting. We had a rather good turnout, and an  
6 overall consensus of support for the project.  
7 Unfortunately, I don't think we have anyone --  
8 oh, we do have people in support of it. I also  
9 have several e-mails from neighborhood  
10 residents that are in support of the project.  
11 So I think we had a very fair and reasonable  
12 compromise with the City, with the County, on  
13 how we can really mitigate these traffic and  
14 safety concerns. So this is the project we  
15 bring before you.

16 We would respectfully, of course, request  
17 your support for this application, and, of  
18 course, if I could have a couple of minutes for  
19 rebuttal, if necessary, I'm happy to answer any  
20 questions you might have.

21 MR. BEHAR: Mr. Chair, I do have a  
22 question.

23 You said, how many students?

24 MR. BAKER: 35 maximum.

25 MR. WITHERS: So, is that any virtual kids

13

1 or that's just -- that's six kids in a  
2 classroom, basically, right? Three, four, five  
3 -- six grades, 35 kids --

4 MR. BAKER: Sorry. Yes. I mean, I don't  
5 know the exact figures, but Joe Lindsay, the  
6 applicant's representative --

7 MR. WITHERS: How do you make any money?

8 MR. LINDSAY: So, a good question. So it's  
9 a couple of different things.

10 MR. COLLER: Can we get your name and  
11 address, for the record, please?

12 MR. LINDSAY: Yeah. Joseph Lindsay. My  
13 address 20 Acempobo (phonetic). So, yeah, we  
14 do a couple of things. We run a school called  
15 Prime Microschools, and so our entire model is  
16 based on these small classroom sizes, and so we  
17 do mixed grade classrooms. And so we have K  
18 through 2 in one classroom, in areas where we  
19 have K through 2, and then we have third  
20 through fifth in one classroom, and six through  
21 eight in another, and our belief and our  
22 pedagogy is that that helps with social  
23 development, that helps with -- kids are able  
24 to get like more personalized learning that  
25 way, because we maintain somewhere around line

14

1 a fifteen to one teacher to student ratio.

2 And so how we make money, a couple of  
3 different things. Like our main source of  
4 income are like, one, like private paying for  
5 tuition. And, then, I don't know if you guys  
6 are familiar with Step Up for students, and the  
7 ESAs -- and so we also receive ESA funds for  
8 schools, and the two combined allow us to be  
9 need blind in our admission process and yields  
10 a pretty diverse set of students at the school.

11 MR. WITHERS: But how do you make certain  
12 some of the kids from the local neighborhood  
13 are participating in this great learning  
14 experience?

15 MR. LINDSAY: How do we draw them from the  
16 community, you're asking?

17 MR. WITHERS: Yeah. I mean, the immediate  
18 area. I mean, I'm sure there's a need in the  
19 immediate area. Are you addressing that at  
20 all?

21 MR. LINDSAY: Yeah.

22 MR. WITHERS: It has nothing to do with the  
23 application. I'm just asking, from a social  
24 perspective, I'm curious to know.

25 MR. LINDSAY: For sure. So right now we're

15

1 operating five different locations throughout  
2 the state. We have locations in Dade County,  
3 Broward County and Duval County. We have a  
4 great marketing team, a great team that helps  
5 on that side of things, and a lot of the kids  
6 that we end up admitting -- we have like two  
7 broad groups. One are kids whose parents are  
8 fed up with the public schools.

9 MR. WITHERS: Okay. That's a pretty big  
10 group, okay.

11 MR. LINDSAY: That is mostly the case in  
12 Coral Gables. The other group is kids who  
13 really need individualized learning. And so  
14 there's a lot of schools, whether they're  
15 public, private, parochial, whatever it is,  
16 that have had their class sizes really swell  
17 over the years, and especially in the last like  
18 five years, in South Florida, and so what we're  
19 doing to partially combat that is, focusing on  
20 individualized learning.

21 Our goal, like as a company, is to help  
22 students become independent learners, with like  
23 a real sense of passion. And so two of the  
24 things that we do, like throughout our school  
25 day, One, we make use of virtual teachers, as

16

1 well, and so we have like two teachers who will  
2 be on-site. They're former teachers, former  
3 principals. That's like the kind of profile  
4 that we hire for. But then we also -- whether  
5 you're in Coral Gables, Liberty City, wherever  
6 it is, you can get access to the same great  
7 math teacher, who lives in Colorado, for  
8 example, and they can deliver the same level of  
9 education to students across --

10 MR. WITHERS: I got you. So the teacher is  
11 virtual on some of the learning?

12 MR. LINDSAY: Some of teachers, yes.

13 MR. WITHERS: And so once they hit eighth  
14 grade, where do they go? They go back into the  
15 public schools?

16 MR. LINDSAY: Yeah, for now.

17 MR. WITHERS: Would they be ahead of the  
18 eighth graders in those public schools?

19 MR. LINDSAY: Yeah. We hope so.

20 MR. WITHERS: Yeah. Well, okay.

21 MR. LINDSAY: So, I mean, we started  
22 operating in Florida last year, so we haven't  
23 had any like full -- no kind of studies done  
24 yet, in terms of like the effect of our  
25 curriculum, but, I mean, just like personally,

17

1 And so we do community outreach, we do like  
2 events like in the area. We really try to like  
3 make it like a local feel school, but we also  
4 don't like restrict admission in any way to  
5 like within a fifteen-minute radius or anything  
6 like that.

7 MS. KAWALERSKI: So, for example, with the  
8 Lola B. Walker Community, are you going to be  
9 having like an event to attract parents, to  
10 encourage them to apply? I mean, how is that  
11 outreach actually going to happen? I think  
12 Mr. Prime is here, right, Mr. Prime, is here  
13 from --

14 MR. LINDSAY: Yes.

15 MS. KAWALERSKI: So are you going to join  
16 with that community group and encourage those  
17 parents in the neighborhood -- by the way, that  
18 would help with your traffic problem, right, if  
19 you have kids walking to school?

20 MR. LINDSAY: Yeah. Yeah. Yeah.

21 MS. KAWALERSKI: Are you going to actually  
22 have a community event, where you're  
23 encouraging those parents to apply to your  
24 school, and, again, are you going to weight the  
25 number of enrollees to the neighborhood or are

19

1 I'm like most enheartened by families and  
2 parents who say things like, "My child comes  
3 home happy from school now, my child, that  
4 didn't have a chance, wasn't enjoying it  
5 before." And our focus on like, personalized  
6 learning, in particular, has really resonated.

7 MR. WITHERS: Okay.

8 MS. KAWALERSKI: If I may piggyback off of  
9 what Chip said.

10 So I was very -- my interest was piqued  
11 when it said, economic development and  
12 educational access for residents in the area,  
13 okay. So are you going to weigh the enrollment  
14 towards neighborhood kids? How are you going  
15 to exactly get neighborhood kids at the school?

16 MR. LINDSAY: I mean, yes. A part of like  
17 -- just in terms of the enrollment process and  
18 like our kind of sales process, commuting time  
19 is a big factor. It's one of our like biggest  
20 factors for parents deciding where they're  
21 sending kids. Again, we have like a couple of  
22 different locations around South Florida, and,  
23 so, on average, our parents are driving  
24 somewhere between like fifteen minutes --  
25 somewhere around like fifteen minutes.

18

1 you going to give preference to people that  
2 live out of the neighborhood?

3 MR. LINDSAY: So, a couple of questions,  
4 and a couple of answers. We haven't discussed  
5 like a specific event with the homeowners'  
6 association, but, I mean, like food drives and  
7 like things like that, like that we're doing in  
8 the neighborhood, just to attract people from  
9 the area, and we're not weighting anything, in  
10 terms of like preferential admission to kids in  
11 the area, but just like what we've noticed over  
12 the course of doing this for two years now in  
13 Florida, is that that just kind of naturally  
14 happens.

15 So, naturally, parents from the area will  
16 gravitate towards like -- towards like the  
17 closest microschool location to them, and so --  
18 yeah, I mean, that's definitely something that  
19 we're thinking about, in terms of like how to  
20 do that more formally, but we haven't done any  
21 of that.

22 MS. KAWALERSKI: Well, I'd encourage you to  
23 do that, but one --

24 CHAIRMAN AIZENSTAT: Sue, what I'd like to  
25 do is have the City do their presentation also,

20

1 and then we'll go ahead -- because they haven't  
2 done their presentation. And then we'll go  
3 ahead and ask the applicant more questions.

4 MS. KAWALERSKI: Okay. Thank you.

5 CHAIRMAN AIZENSTAT: That way we'll have a  
6 better guidance and understanding.

7 Thank you.

8 MS. GARCIA: Thank you.

9 Jennifer Garcia, City Planner. May I have  
10 the PowerPoint, please? All right. Thank you.

11 So this is the existing building, that you  
12 can see, on the left side of the screen. It's  
13 an existing building. It's two stories right  
14 now. The current use is an office.

15 So, this is, right now, as you know,  
16 located on Grand, across the street from the  
17 middle and high -- sorry, elementary and middle  
18 school, on the corner of Grand and Jefferson.  
19 This is an aerial, looking down. It's just  
20 south of a single-family neighborhood.

21 The current Land Use is Commercial Low Rise  
22 and the Zoning is Mixed-Use 1.

23 This is the Site Plan. So you can see what  
24 we're talking about, the driveway is being  
25 reconfigured to allow more cars to stack.

21

1 meeting, as well as the PZB, for tonight's  
2 meeting. The property was posted twice, for  
3 DRC and PZB, and website posting, also, twice,  
4 and advertised once in the newspaper.

5 So Staff has determined that this is  
6 consistent and we recommend approval with  
7 conditions. Those conditions are outlined in  
8 your Staff report, but overall it's capping the  
9 students to be at 35 students, no more, grades  
10 between three and eighth grade, between the  
11 hours of 8:00 a.m. to 3:00 p.m., so no evening  
12 classes that be allowed, currently drop-off is  
13 between 7:00 and 8:00 a.m. and pick-up between  
14 3:00 and 4:00 p.m.

15 The on-site is only for drop-off and  
16 pick-up. There's no parking to be located on  
17 the site. Off-Site B is limited to just  
18 pick-up and drop-off, and Off-Site A will be  
19 for faculty and employee parking only.

20 The conditions of approval also include  
21 that the applicant pay for a police officer for  
22 the first three months, and that's basically to  
23 allow the caretakers and the parents to get  
24 used to the scheduling, because they have a  
25 very strict scheduling, to be able to be in and

23

1 There's a new crosswalk being proposed or  
2 being, I guess, re-emphasized on Grand, to be  
3 able to cross the street, where they're going  
4 to be using their open space and their, I  
5 guess, PE activities and outdoor activities,  
6 will be across the street. The existing  
7 building will be remaining, obviously, and the  
8 school lunches will be off of Grand Avenue.

9 So, this is the same images you saw before.  
10 Site A, which is the location off to the west,  
11 will be just for faculty and staff. The school  
12 site will allow some pick-up and drop-off  
13 activities. And then the parking will happen  
14 off of Site B, which is the location to the  
15 east.

16 So this has been through DRC, back in April  
17 of this year. They had a neighborhood meeting  
18 back in August of this year. And here we are  
19 for Planning and Zoning. And they'll be set up  
20 for City Commission thereafter.

21 Letters were sent to the property owners  
22 within a thousand feet within the City of Coral  
23 Gables, and 500 feet outside of the City of  
24 Coral Gables, as required by Code. And this  
25 was sent out twice, for the neighborhood

22

1 out of that small location, as far as pick-up  
2 and drop-off, and, if needed, they can petition  
3 the City, later on, in future years, to be able  
4 to lower that requirement, as Staff feels fit.

5 The off-site agreements between the  
6 property owners will be renewed, as needed, and  
7 they will have to be able to supply an active  
8 agreement for their renewal of their CU, which  
9 happens every year, and, then, they'll also  
10 re-install the crosswalk, to cross the street,  
11 to cross on Grand Avenue.

12 And that's it.

13 MR. COLLIER: Mr. Chairman, one comment to  
14 the Board. This is a conditional use, and as a  
15 conditional use, it's only permitted in a  
16 Zoning district after a public hearing, which  
17 is what we're having tonight.

18 And the chief concern is the compatibility  
19 of the use in the neighborhood. I'm going to  
20 caution the Board, I know that the admission  
21 criteria is very well-motivated thinking on the  
22 part of the Board Members, but we really need  
23 to focus on the land use and the compatibility  
24 and the criteria for the compatibility.

25 CHAIRMAN AIZENSTAT: Understood. Thank you

24

1 for the clarification.

2 Thank you.

3 Let's go ahead first and see if there's any  
4 public comments. Is there anybody in Chambers  
5 that has signed up for public comment?

6 THE SECRETARY: Yeah. Carl Prime. I  
7 believe he needs to be sworn in and so does the  
8 following speaker. I'm sorry, I can't make out  
9 the name.

10 CHAIRMAN AIZENSTAT: Come up, sir. If you  
11 could please raise your right hand to be sworn  
12 in.

13 (Thereupon, the participant was sworn.)

14 MR. PRIME: Yes.

15 CHAIRMAN AIZENSTAT: If you could please  
16 state your name and address, for the record.  
17 Thank you.

18 MR. PRIME: Carl Leon Prime, 141 Florida  
19 Avenue, Coral Gables.

20 CHAIRMAN AIZENSTAT: Thank you, sir.

21 MR. PRIME: For this project, the  
22 principals here have been in contact. They  
23 have explained what they want to do. And,  
24 pretty much, you know, it's going to go ahead.  
25 However, we do have concerns, and that is with

25

1 various things throughout the years. However,  
2 you know, we know that progress needs to go on,  
3 but we have to also look at what we're leaving  
4 for our own legacy. I've been -- I just  
5 recently moved back into my ancestral home, and  
6 so I've been a life-long citizen of Coral  
7 Gables. I've seen things come and go. So take  
8 that into consideration.

9 One other thing that I would mention is  
10 that, with their drop-off and pick-up, that  
11 they have someone there to monitor it, because  
12 if it's open, the parents from Carver, who we  
13 have to deal with it every day, will just say,  
14 "Oh, it's an open space. We'll just park there  
15 anyway."

16 Thank you.

17 CHAIRMAN AIZENSTAT: Thank you, sir.

18 If I may ask you just one question,  
19 Mr. Prime. When you referenced, we, are you  
20 speaking for the Lola B. Walker Association or  
21 just --

22 MR. PRIME: I'm speaking for myself and as  
23 a member -- and as the president of the  
24 homeowners' association.

25 CHAIRMAN AIZENSTAT: Thank you, sir.

27

1 the traffic, which is already a zoo, and what  
2 we would like to see is, if this does go  
3 through, we've asked for help in getting extra  
4 traffic calming measures in the neighborhood.  
5 It's necessary, especially four-way stops, in  
6 the Historic District.

7 It's one of those things where, you can add  
8 the extra cars, you can make the extra drop-off  
9 and whatever, but the congestion is still going  
10 to be there, and an extra 30 cars per day is  
11 going to cause a problem. There's also a major  
12 infrastructure problem along Grand Avenue. At  
13 around 137 Grand Avenue, there's a drain there  
14 that hasn't been draining for the last 40  
15 years. The County has said that, "Oh, well,  
16 we've vacuumed this," whatever else, but it  
17 hasn't worked. Any time there's a major storm  
18 or just ten minutes worth of rainfall, it's a  
19 flood, you know, and the traffic has to go  
20 around.

21 All in all, we believe that they are acting  
22 in good faith, and that it may be beneficial  
23 for our neighborhood. However, we do -- we are  
24 a little bit weary. You know, we've been  
25 overpromised and underdelivered and told

26

1 THE SECRETARY: I believe it's Aguilar. Is  
2 that correct?

3 MS. AGUILAR: Yes.

4 (Thereupon, the participant was sworn.)

5 CHAIRMAN AIZENSTAT: If you could lower the  
6 microphone a little. Thank you.

7 And state your name and address, please,  
8 for the record.

9 MS. AGUILAR: Mosezell Aguilar, and I live  
10 at 221 Florida Avenue.

11 Okay. I'm just here to confirm. Also, I  
12 concur with Carl in reference to the traffic.  
13 We would like to see four-way stop signs put  
14 there. I have no problem with the school, and  
15 we stated in the meeting with the principal,  
16 and I think it's a very good idea, and they  
17 also have a stand that reached out to the  
18 community through meetings -- through a couple  
19 of meetings, to offer the parents and the  
20 community the opportunity to sign -- register  
21 their kids for the school, as well.

22 So my main concern is the traffic there,  
23 because we are already having a big problem  
24 with the traffic. And if we could, along with  
25 four-way stop signs, I'd like to ease in there

28

1 some speed bumps, because we have people flying  
2 through the neighborhood from the George  
3 Washington Carver School. They're flying  
4 through there, at speed limits of 40 and 50  
5 miles per hour.

6 Thank you.

7 CHAIRMAN AIZENSTAT: Thank you, ma'am.

8 Do we have any more speakers in Chambers?

9 THE SECRETARY: No more speakers, no.

10 CHAIRMAN AIZENSTAT: Anybody on Zoom or  
11 phone?

12 THE SECRETARY: No.

13 CHAIRMAN AIZENSTAT: No?

14 At this time, I'd like to go ahead and  
15 close it for the public.

16 Chip, since you had started, do you have any --

17 MR. WITHERS: I'm good with it.

18 MR. COLLER: Mr. Chairman --

19 CHAIRMAN AIZENSTAT: Yes.

20 MR. COLLER: -- we need -- if the counsel  
21 for the applicant has any rebuttal, we need to  
22 take that at this point, and then close the  
23 public hearing.

24 CHAIRMAN AIZENSTAT: Thank you.

25 Do you have any rebuttal, sir?

29

1 MR. BEHAR: But I'm not talking about Grand  
2 Avenue. I'm talking about the neighborhood  
3 that, you know, the two speakers have asked for  
4 something, traffic calming methods, to do.

5 MS. GARCIA: Yes. So Public Works did  
6 reach out to the County, to see what the status  
7 is of a four-way stop there. I think right now  
8 they have two stop signs, on the north and  
9 south side, but not on the east and west, and  
10 the County is now reviewing it. So it's in the  
11 works, on the County time.

12 MR. BEHAR: Thank you.

13 CHAIRMAN AIZENSTAT: Thank you, sir. Is  
14 there anything further you'd like to say?

15 MR. BAKER: No, I think that's it. Thank  
16 you.

17 CHAIRMAN AIZENSTAT: Okay. At this time,  
18 I'll go ahead and officially close the public  
19 comment.

20 Chip, again, were you good?

21 MR. WITHERS: No, I'm good with it. I'd  
22 like to see a little more landscaping on the  
23 west side. Maybe that will keep cars from  
24 parking there.

25 MS. BAKER: Where, exactly?

31

1 MR. BAKER: Thank you.

2 I just wanted to touch on the four-way stop  
3 sign. We're, of course, in support of any  
4 traffic calming measures that will improve  
5 queueing the traffic in and around Jefferson  
6 and Grand Avenue. You know, anything that the  
7 applicant can do, to facilitate that process,  
8 if it's some kind of donation, anything like  
9 that, that could pay for the signs, if that's  
10 an issue or anything like that, we're happy to  
11 support the City in their efforts.

12 MR. BEHAR: I have a question before. Has  
13 anybody met with Public Works? Because those  
14 are City roads, they're not DOT roads? Has  
15 anybody met with Public Works to be able to see  
16 if there's a possibility to incorporate a  
17 four-way stop sign or speed humps or whatever?  
18 Maybe Staff could --

19 MR. BAKER: Yeah. I mean, we met with  
20 Public Works throughout the DRC process. I  
21 don't know if you want to touch on anything,  
22 but we also worked with the County, of course,  
23 on the Grand Avenue portion, and they reviewed  
24 the whole site plan, with respect to calming  
25 measures.

30

1 MR. WITHERS: On the west side. The site  
2 plan is just a green space there.

3 MR. BAKER: Yeah, if you don't -- could we  
4 pull up the PowerPoint again?

5 We have landscaping that will be on the  
6 northwest corner of the site, that will be  
7 added. There will be bushes and a large tree.  
8 There will also be a tree added on the southern  
9 -- or in the middle of the roundabout, as well,  
10 and I believe, to the south of the roundabout,  
11 just abutting Jefferson. So you're saying --

12 MR. WITHERS: The west side of the  
13 building. I don't know how much space is  
14 there.

15 MR. BAKER: Yeah, it's just a swale that's  
16 probably two feet wide.

17 MR. WITHERS: I support the project.

18 CHAIRMAN AIZENSTAT: Thank you.

19 Sue, do you want to go ahead and continue?

20 MS. KAWALERSKI: Yeah. I've got a safety  
21 and security issue here regarding the six  
22 ground level entrances. Four of those  
23 entrances are approximately seven to ten feet  
24 away from a public sidewalk, and an additional  
25 three feet away from the actual street.

32



1 Okay. Uvalde, Texas, open door, gunman  
2 goes in. How are you going to secure these  
3 very, very vulnerable entrances on a very, very  
4 highly used roadway?

5 MR. LINDSAY: Yeah. No, absolutely. So  
6 school safety and security is obviously  
7 something that we think is of paramount  
8 importance. We're planning on blocking all of  
9 those, so through a combination of like a  
10 visual level window film, and, then, at a  
11 physical level, like locking those doors and  
12 not -- teachers will have keys, but we won't be  
13 using those for entry or exit. All of the  
14 entry and exit -- we'll have like two of the  
15 rear doors, those will be the ones that we use.

16 And so our plan and our hope is that the  
17 back lot is the main like means of ingress and  
18 egress for any students, and that's also with  
19 the addition of both, the roundabout and the  
20 additional wall, an area that we feel like we  
21 have more control over, and then combined  
22 with -- it's a valid point, like during the  
23 day, for sure, but pick-up and drop-off, in  
24 particular, we'll also have like a police  
25 officer on-site for those times.

33

1 thoroughfare, with tons of vehicular and  
2 pedestrian traffic going by on a, you know,  
3 minute by minute basis.

4 MS. KAWALERSKI: And, therefore, my  
5 concern. It is so vulnerable because of all of  
6 the traffic and the people, seven feet away  
7 from the door.

8 MR. LINDSAY: Yeah. And we've had -- I  
9 mean, in our time since taking over the lease  
10 back in April, we've had issues with homeless  
11 people, in particular, like in the area. The  
12 Coral Gables Police Department have been great  
13 working with us. We've developed a  
14 relationship with them. I understand the  
15 concern. I understand that's not like a  
16 permanent solution in that moment that  
17 something could happen, but we do have like an  
18 established relationship with the Police  
19 Department at this point. They know what we're  
20 planning on doing there.

21 MS. KAWALERSKI: Okay. Well, that is my  
22 concern and I'll vote accordingly.

23 MR. BAKER: Yeah, there's also -- just to  
24 point out, there's a tutoring location just  
25 north of Merrick Park, that's right on the

35

1 MS. KAWALERSKI: Okay. But that's for  
2 traffic enforcement, correct?

3 MR. LINDSAY: It is, yes.

4 MS. KAWALERSKI: Okay. But during school  
5 hours, security -- you're not having any  
6 security on-site, with this very vulnerable  
7 layout?

8 MR. LINDSAY: We're not currently planning  
9 on having additional. We have trainings that  
10 we run through with our staff, we have  
11 trainings that we do with all of our teachers,  
12 but we're not planning on having an additional  
13 security guard there now.

14 MS. KAWALERSKI: Okay.

15 MR. BAKER: I believe there will be  
16 security cameras.

17 MR. LINDSAY: Yeah, we do have security  
18 cameras throughout. I understand the concern  
19 now. We do have security cameras.

20 MR. BAKER: It is also a very busy  
21 thoroughfare. I understand the concern, and  
22 this is not trying to lessen that valid  
23 concern, but, you know, we're not a hundred  
24 yards set off the street, where there's not  
25 visibility. You know, it's a major

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1 street, you know. There's students coming in  
2 and out of there on a daily basis.

3 MS. KAWALERSKI: There's a fence around  
4 that school.

5 MR. BAKER: No, it's on the sidewalk.

6 CHAIRMAN AIZENSTAT: I think, Sue, he's  
7 talking about a different location.

8 MS. KAWALERSKI: Okay.

9 MR. BAKER: So, I'm just saying, there's  
10 precedent for it in the City, that locations  
11 where students are located on a regular basis  
12 are abutting streets and sidewalks.

13 MS. KAWALERSKI: I understand that, but  
14 this is a conditional use you're coming to us  
15 for, and while we have the opportunity to opine  
16 on this, we need to bring that security issue  
17 up, I believe.

18 MR. BAKER: Fair enough. Thank you.

19 CHAIRMAN AIZENSTAT: Thank you, Sue.

20 MR. LINDSAY: Thank you.

21 CHAIRMAN AIZENSTAT: Julio?

22 MR. GRABIEL: I have a couple of questions.  
23 You're going to have a police or security  
24 for the first three months?

25 MR. LINDSAY: That's right.

36

1 MR. GRABIEL: What happens at the end of  
2 the three months? How is that going to be  
3 reviewed, to make sure that you don't need to  
4 continue with it?

5 MR. BAKER: Sure. So the reason for  
6 having them there is really to understand the  
7 flow of traffic. It's beginning from day one  
8 of the school year and continuing three months  
9 thereafter. The idea is that we'll be able to  
10 have a very good view of how traffic flow  
11 happens and how people's habits change from  
12 year to year, you know, with student count  
13 increasing or decreasing at Carver and the same  
14 going on at our site, traffic patterns might  
15 change. So the thought is to have someone  
16 there for that period, to really understand  
17 what needs to be done for the, you know, next  
18 six months going forward, to minimize or change  
19 our practices.

20 MR. GRABIEL: How is the decision going to  
21 be made?

22 MR. BAKER: It's going to be by Public  
23 Works, I believe -- is that correct -- the  
24 Police Department? They're going to be working  
25 concurrently. Again, as Joe mentioned,

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1 throughout this process, we've had a very good  
2 working relationship, not just with the Coral  
3 Gables Police Department, but also the City of  
4 Miami Police Department, and we're going to  
5 continue to have that relationship and deal  
6 with any issues that come about as they arise.

7 MR. GRABIEL: On the stacking, when you're  
8 queuing up, is there enough space for cars to  
9 stack and not affect the traffic on Grand?

10 MR. BAKER: You're saying, for the on-site  
11 location at the back of the school?

12 MR. GRABIEL: Yeah.

13 MR. BAKER: So there's, I believe it's an  
14 allocation of four cars per every ten minutes  
15 for the on-site location. So that will, in  
16 essence, have -- there's three parking spaces  
17 in the rear, and an ADA space, and you're going  
18 to have sufficient room for a car to pull off  
19 into the roundabout, off of Jefferson, and cue,  
20 while you have three cars, hypothetically,  
21 parked in the three parking stalls.

22 So within any given moment, if all four  
23 cars, during that ten-minute period, arrive at  
24 the same time, we would be able to accommodate  
25 them.

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1 MR. LINDSAY: I'll just add one thing to  
2 that, that was a concern that was raised during  
3 our -- after the DRC meeting, and we widened  
4 the width of the proposed semicircle there, to  
5 accommodate for SUVs and bigger cars.

6 MR. BAKER: And I misspoke, maximum, at  
7 any given ten-minute window, is three cars, and  
8 that's only two instances in the morning and  
9 two instances in the afternoon.

10 MR. GRABIEL: Okay. Thank you.

11 MR. BAKER: Thank you.

12 MR. LINDSAY: Thank you.

13 CHAIRMAN AIZENSTAT: Javier.

14 MR. SALMAN: Thank you.

15 I've got a couple of questions. I'm very  
16 familiar with the area. I, actually, working  
17 with the City, developed Pierce Park. My wife  
18 taught at Carver Middle, and I worked with the  
19 homeowners' association when we did the park,  
20 and I also did some improvement to Carver  
21 school, precisely having to do with the pick-up  
22 and drop-off.

23 And the school has a major drop-off,  
24 pick-up in the back, and it also has one on the  
25 front. Why people want to use the front, I

39

1 don't know, because it's horrible. The one in  
2 the back works much better, but it is what it  
3 is.

4 And being a magnet school, they bring  
5 students from all over the County. So it's a  
6 lot of -- there's very little walk-in traffic,  
7 although there are a lot of students that are  
8 from the area, and the area is very proud of  
9 that school. It's an institution that is part  
10 of that neighborhood, back when schools were  
11 the pride of their neighborhood, and this is  
12 one of them, and you're setting up a school  
13 caddy-corner to it, in direct competition,  
14 which is all right, I guess. I'm not here to  
15 say that you can't do that, but I think we want  
16 to look at the land use of this issue, and  
17 right now that land is commercial; is that  
18 correct?

19 MR. BAKER: It's Zoned MX1; is that  
20 correct? Yeah. So that allows a private  
21 school by conditional use.

22 MR. SALMAN: Uh-huh.

23 MR. BAKER: Just to speak on the City  
24 Attorney's comments about the compatibility,  
25 or, more eloquently, Jennifer can chime in, but

40

1 there's various references in the Staff report  
2 to how it is compatible. You have, you know,  
3 this specific district, and you have  
4 residential, you have office, you have a  
5 school, all within a block radius. So it's  
6 really in keeping with what is existing there.

7 MR. SALMAN: Okay. And what is the  
8 property on the back of it, directly behind, to  
9 the north?

10 MS. GARCIA: Single-family, I believe.

11 MR. SALMAN: Single-family?

12 MS. GARCIA: Yeah.

13 MR. SALMAN: Well, schools, they're often  
14 compatible to single-family. I don't see a  
15 compatibility issue here.

16 Addressing the security issue, the building  
17 is actually a Historic Building. It's been  
18 there for a long time. It's one that addresses  
19 the environment having to do with hurricanes.  
20 It's got hurricane doors, that close in front  
21 of French doors. It has, I think, two sets of  
22 doors. So I don't see security being an issue  
23 during operation time, if you lock all of those  
24 doors, except for the one that you want to use  
25 for your entrance, so you can control.

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1 like a plain white wall.

2 MR. SALMAN: That's not what your plans  
3 say.

4 MR. LINDSAY: Okay.

5 MR. BAKER: You're referring to the buffer  
6 wall?

7 MR. SALMAN: Uh-huh.

8 MR. LINDSAY: Oh, the buffer wall. The  
9 buffer wall, we'll do a grated patten on. We  
10 can make it the same as the front, and the  
11 property directly behind the school, just to  
12 speak to that, as well, it is Zoned as  
13 single-family residential, but it's currently  
14 being used as -- it's like a butterfly garden,  
15 basically.

16 MR. SALMAN: Okay. Those are of my  
17 questions. Thank you.

18 CHAIRMAN AIZENSTAT: Thank you, Javier.  
19 Felix.

20 MR. PARDO: Yeah. So I think Staff did a  
21 very good job in analyzing the compatibility of  
22 the school, which is not just a school, but a  
23 very small type of school, where, you know, you  
24 don't have kids running outside, you know, for  
25 exercise, that kind of thing.

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1 MR. LINDSAY: That's right.

2 MR. SALMAN: So I would make that a  
3 condition of granting this particular --

4 MR. BAKER: That's during the operating  
5 hours?

6 MR. SALMAN: Hours of operations, that the  
7 doors, all of them, but one, need to be closed  
8 and locked.

9 My concern, also, is with the wall that  
10 you're proposing, that's going to have a  
11 pattern similar to the open fences there, and  
12 the limitations of that wall, where it begins  
13 and where it ends.

14 MR. LINDSAY: Yeah, so the front of the  
15 property, we're not adding like any wall to  
16 that. That will continue to be -- I don't know  
17 if you're familiar with the property, like how  
18 it looks, it's just kind of like a braided  
19 fence.

20 The back lot, it will be just like a plain  
21 white wall, up to six feet.

22 MR. SALMAN: But will it be scored with the  
23 same pattern? That's what the drawings call  
24 for.

25 MR. LINDSAY: We're planning on just doing

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1 But, you know, we do have neighbors that  
2 have expressed the concern. Just a matter of,  
3 you know, for the record, I have had  
4 conversations in the past asking for a four-way  
5 stop in the City of Coral Gables, on the corner  
6 of my office on Salzedo and Madeira. I am  
7 directly across the street from the Police  
8 Station. And I was informed by our Public  
9 Works Director that his hands are tied, he has  
10 to go to the County to get the approval, just  
11 for a four-way stop or a crosswalk, on any  
12 street, inside of any street in the City of  
13 Coral Gables, and it's the same thing for the  
14 County, it's the same thing for any other  
15 municipality.

16 So I think that the neighbors will  
17 understand that, if the County does not allow  
18 that four-way stop, the City's hands are  
19 absolutely tied, and I speak from experience,  
20 and from my experience of speaking with the  
21 Public Works Director, that I've known for many  
22 years.

23 The school is, as our attorney said, a  
24 conditional use, and the application has  
25 checked off, you know, all of the boxes. It's

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1 a very small use. It's a very small building.  
2 It's a very small site. But, at the same time,  
3 you thought out the parking for your teachers  
4 off-site, you thought of the drop-off area,  
5 and, unfortunately, most of the traffic on  
6 Grand Avenue has existed there for years,  
7 including, you know, from Carver, and my wife  
8 also taught at Carver.

9 So, I think, at the end of the day, I think  
10 this is a great benefit for the community, for  
11 the children of the community, but I think that  
12 we have to listen carefully to the neighbors  
13 and their concerns, because, you know, for  
14 them, it's all about, you know, livability and  
15 safety, and they're kind of in -- just off the  
16 highway, right off Grand Avenue. People speed  
17 through there. They don't think, when they're  
18 in their cars, listening to the radio or  
19 talking on the phone or distracted, and the  
20 last thing you want is to have a tragedy there.

21 I am for the application, as far as it  
22 being compatible with the neighborhood, because  
23 of the scale of the neighborhood. And Grand  
24 Avenue, like every street, every, you know,  
25 simple planning theme that exists is that, on

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1 And I know the area very well, and I think --  
2 as a matter of fact, there's some other block  
3 or two, to the west, there's already one  
4 intersection that has it. So I'm sure that it  
5 could be done, as well. So I'm in support. I  
6 will make a motion to approve the project, with  
7 the recommendation -- my recommendation to the  
8 Public Works Director, in conjunction with the  
9 neighborhood, looking to add in those four-way  
10 stops or whatever, speed humps, whatever could  
11 be done, and I'll accept any friendly amendment  
12 to that recommendation.

13 CHAIRMAN AIZENSTAT: I'd like to make some  
14 comments.

15 MR. BEHAR: Oh, I'm sorry.

16 CHAIRMAN AIZENSTAT: No. No. That's okay.

17 There's a couple of questions, which I had,  
18 in looking at this.

19 The officer is going to be there only three  
20 months? You said there was going to be a  
21 police officer for the crossing.

22 MR. BAKER: Correct.

23 CHAIRMAN AIZENSTAT: But is it my  
24 understanding that he's only there three  
25 months?

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1 the major streets, you have commercial, whether  
2 it's intense or medium or light. In this case,  
3 Grand Avenue is very light in its commercial.  
4 It's very neighborhood oriented, and the school  
5 is very neighborhood oriented, and it's right  
6 across the street from one of the jewels in the  
7 community, which is Carver.

8 I'm in support of this application.

9 MR. LINDSAY: Thank you.

10 CHAIRMAN AIZENSTAT: Thank you.

11 Robert?

12 MR. BEHAR: Thank you.

13 I'm going to make it very brief, my wife  
14 never taught at Carver, but my three kids did  
15 attend Carver. I'm in support of the project a  
16 hundred percent. I would like to see, if it's  
17 possible, that the Public Works Director, in  
18 conjunction with the neighborhood, because  
19 we're going to need your efforts to approach  
20 the County, to be able to install whatever  
21 mechanism is necessary, four-way stops,  
22 especially with the applicant willing to pay  
23 for it.

24 MR. LINDSAY: Yeah.

25 MR. BEHAR: Okay. And I think it's doable.

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1 MR. BAKER: Yeah, with the idea that --  
2 well, this is in addition to having a staff  
3 member helping to facilitate traffic and  
4 queueing, right. The police officer is there  
5 as a guardian angel, to make sure that they're  
6 reporting back to Public Works and to the  
7 Police Department that, you know, things are  
8 operating as we presented them to you today,  
9 and I think that's kind of the idea, right.  
10 There's oversight in that capacity, and  
11 that's kind of where they step in or make their  
12 recommendation.

13 CHAIRMAN AIZENSTAT: But for me, I think,  
14 three months is really not enough, especially  
15 when you're looking at operating at the same  
16 time, where you have co-op traffic from the  
17 school. My concern isn't just the crossing.  
18 My concern is the traffic that's going to be in  
19 the area.

20 The other thing, which I just wanted to ask  
21 about --

22 MS. GARCIA: Mr. Chair, just to clarify, so  
23 it's not just three months. At three months,  
24 they're allowed to then petition the City and  
25 say, "Look, we're complying with what we said

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1 we were going to do. Everything is working  
2 great and wonderfully. Everyone is getting  
3 there on time. We're not having any issues  
4 with the traffic." At that point, then they  
5 could -- Public Works and the Police Department  
6 could then say, okay, you're fine, you don't  
7 have to keep paying for a police officer, but  
8 if there's still issues happening, they'll  
9 still continue to pay for a police officer to  
10 be there on-site.

11 CHAIRMAN AIZENSTAT: I understand. I just  
12 don't think three months is enough of a time  
13 frame to really get a feel for what's going on.

14 You have an off-site -- could you put up,  
15 is it possible, on the screen, the Off-Site A  
16 and Off-Site B?

17 MS. GARCIA: Could you bring up the  
18 PowerPoint, please?

19 CHAIRMAN AIZENSTAT: I just wanted to go  
20 through, just to make sure I understand.

21 Okay. So Off-Site B, you said is going to  
22 be a drop-off and pick-up only?

23 MR. BAKER: Correct.

24 CHAIRMAN AIZENSTAT: That's a commercial  
25 zoned property?

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1 you say, drop-off and pick-up, it's that they  
2 have to park there and walk, it's not a site  
3 that has vehicular traffic circulating or going  
4 in and out? In other words, a parent isn't  
5 waiting with the engine running?

6 MR. LINDSAY: Correct. That's correct.

7 CHAIRMAN AIZENSTAT: And how many parking  
8 spaces do you have there in Off-Site B?

9 MR. BAKER: Four spaces. Four set of  
10 spaces.

11 CHAIRMAN AIZENSTAT: Okay. Now, let's go  
12 to Off-Site A. Off-Site A is a commercial  
13 property or it's a residential?

14 MR. LINDSAY: Commercial, as well.

15 CHAIRMAN AIZENSTAT: Okay. And that's --  
16 how many parking spaces do you have there?

17 MR. BAKER: Three, and one ADA.

18 CHAIRMAN AIZENSTAT: Okay. And, then, you  
19 have, I think, three spaces or four spaces  
20 within your property?

21 MR. LINDSAY: Three, and one ADA.

22 CHAIRMAN AIZENSTAT: Okay. Now, I saw on  
23 there that there's -- at the end of the year,  
24 you have to re-apply or re-evaluate that those  
25 spaces are still there, and that you're under a

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1 MR. LINDSAY: That's correct.

2 CHAIRMAN AIZENSTAT: Okay. The way I see  
3 it on the map, how do you -- is there a street  
4 that's running there, because I wasn't able to  
5 see that? How is the ingress and egress off of  
6 -- for Off-Site A and B -- Off-Site B, how are  
7 you treating that?

8 MR. LINDSAY: For sure.

9 So, Off-Site B, we entered into an  
10 agreement with the real estate group that owns  
11 the property there. One of the concerns that  
12 that came up earlier in the process was,  
13 particularly, Public Works didn't want to see  
14 kids crossing the street, and so that's why  
15 Off-Site A became just teacher parking and  
16 nothing else.

17 CHAIRMAN AIZENSTAT: Okay.

18 MR. LINDSAY: The school site will be  
19 straight-forward, just that kids get dropped  
20 off there.

21 Off-Site B, parents will park there and  
22 walk their kid from Off-Site B to the school  
23 site, on the sidewalk, without crossing the  
24 street.

25 CHAIRMAN AIZENSTAT: So it's not a -- when

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1 contract; is that correct?

2 MR. LINDSAY: That's correct.

3 CHAIRMAN AIZENSTAT: One of the items that  
4 was talked about was -- what Felix mentioned  
5 was good, about the four-way stop signs, but  
6 there was also a comment about traffic calming,  
7 and I don't know, and maybe, Felix, you can  
8 answer, I don't know if the traffic calming --  
9 or staff can -- is that something that also has  
10 to go to the County for traffic calming? So it  
11 does? Okay.

12 That was the question that I had, based on  
13 the traffic calming.

14 MR. COLLIER: Indicating, yes, for the  
15 record.

16 CHAIRMAN AIZENSTAT: Thank you.

17 You know, to me, a big concern -- I think  
18 the school is good, and I think, you know, your  
19 concept, but looking at what the land use is  
20 and so forth, the big concern for me is  
21 traffic, because you are adapting to a school  
22 area. You know, I drive through there. I'm  
23 familiar with the traffic that goes on during  
24 the drop-off and pick-up, and it's hard. It's  
25 really hard. I just don't know how you're

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1 really going to do it. You're going to have a  
2 limited amount of students, I understand that,  
3 but there are still going to be parents that  
4 are driving, you know, unless you're taking  
5 kids from within the neighborhood, that will  
6 cut down on the vehicular cars, then that will  
7 cut down on the traffic, but, to see -- the way  
8 I'm seeing it is, there's going to be quite a  
9 bit of traffic.

10 I mean, you can have -- did your traffic  
11 engineer tell you how many cars you're going to  
12 have? He's here?

13 MR. BAKER: He's here, yes.

14 MR. KIM: Good evening. John Kim, with  
15 Bowman Group, offices at 3 Brentwood Road, Palm  
16 Beach Gardens, Florida. I knew I wouldn't get  
17 off easy, right?

18 The trip generation really talks more about  
19 the peak hour, and so, in terms of peak hour,  
20 we expect, at the worst hour of the morning, 20  
21 coming in and 15 coming out, but the idea here  
22 is to sort of -- that graphic, in particular,  
23 we tried to make it so that we could schedule  
24 parents at a time or at least a time specific,  
25 in terms of a ten-minute window. That's what

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1 they want -- and, also, I will say this, these  
2 people have the ability to not have one phone  
3 call to your Public Works Director saying  
4 they're queueing on Jefferson or they're  
5 queueing on Grand. So that's why that schedule  
6 -- and, listen, some parents, obviously, may  
7 have to be whipped into shape, but without that  
8 schedule, it just won't work, and that's one of  
9 the reasons, I think, why the three-month grace  
10 period, which you should think maybe should be  
11 longer. You know, we're going to find out how  
12 were these parents behave and avoid causing  
13 problems, because it's -- I think, with  
14 schools, you notice more the queueing than you  
15 would, let's say, the additional traffic, in  
16 terms of the study.

17 MR. BEHAR: But you do have four spaces on  
18 the west lot and three spaces on-site, correct?

19 MR. BAKER: Four on the east lot, which is  
20 going to be strictly for drop-off and pick-up,  
21 the west lot is only for teachers.

22 MR. BEHAR: No. No. On-site, behind the  
23 building, there's three spaces?

24 MR. BAKER: It's three standard and one  
25 ADA, yeah.

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1 kind of went behind trying -- because the  
2 biggest problem with a school -- I've been  
3 doing this a long time -- is the queueing, it's  
4 people getting in line. So that's why the  
5 concept of having the off-site parking spaces,  
6 as opposed to just a drop-off operation, like  
7 an off-site -- did I answer your question?

8 CHAIRMAN AIZENSTAT: In a way, yeah.

9 A lot of times, what I've noticed in  
10 schools, and especially in the elementary  
11 schools, is the people come early to pick up  
12 their kids, and they just park their cars, to  
13 try to be first in line or not have to wait.  
14 Did you look at that?

15 MR. KIM: Well, I didn't specifically look  
16 at it, but the idea is really -- it all hinges  
17 on the schedule. I mean, the school has to --  
18 and they're aware of this. I made it very  
19 clear. You're correct. I mean, I can name you  
20 a number of schools where the fences are closed  
21 purposefully so not to let them in, but they  
22 will park there or somewhere else, in someone's  
23 yard.

24 So every one on the team understands the  
25 importance of that schedule. The last thing

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1 MR. KIM: If I may, I had to be very  
2 careful with the County, so I only reference  
3 the three spaces. I didn't count what cues in  
4 that little porte cochere or the semicircular  
5 driveway. I didn't want them -- you know,  
6 sometimes they get a little funny about that.  
7 So I referenced three, but there's actually  
8 room for probably four, maybe five, porte  
9 cochere --

10 MR. BEHAR: Plus the other four on the  
11 other --

12 MR. KIM: Plus the other, yes, sir.

13 MR. BAKER: Yeah. And another thing to  
14 note is, just with respect to the staggered  
15 scheduled, right, we have 35 students, who the  
16 whole motto of the school is collegiality, you  
17 know, being very involved with your students'  
18 education, the staff, and teachers at the  
19 school will have to be able to, you know, have  
20 conversation with these parents on a regular  
21 basis to really encourage them to meet the  
22 schedule that is imposed on them, because it's  
23 going to adversely affect, you know, the school  
24 and it's a tight-knit community. So I think  
25 that makes it a little different than, you

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1 know, a two, three, four hundred student school  
2 that's trying to implement this type of plan.

3 CHAIRMAN AIZENSTAT: And how many staff are  
4 you going to have?

5 MR. BAKER: To begin, there's I believe two  
6 teachers, that will both act as teachers and  
7 staff.

8 CHAIRMAN AIZENSTAT: So you're going to  
9 have basically just two individuals in the  
10 school at all times?

11 MR. BAKER: Again, the 35 number is maximum  
12 capacity. I can let Joe touch on that, but --

13 MR. LINDSAY: Yeah, that's correct. We're  
14 going to have two adults there during the day.  
15 Our model is what -- we call our teachers  
16 microschoo leaders. And so, a part of like  
17 our business, as to that question, is we're  
18 able to centralize a lot of like the  
19 administrative work, and then microschoo  
20 leaders are teachers, but they're also people  
21 who are taking care of like the admin stuff  
22 on-site.

23 CHAIRMAN AIZENSTAT: Okay.

24 MR. PARDO: Mr. Chair --

25 CHAIRMAN AIZENSTAT: Yes.

1 them in one at a time, but --

2 MR. LINDSAY: That is our plan. For what  
3 it's worth, it's to have --

4 CHAIRMAN AIZENSTAT: You only have two  
5 individuals.

6 MR. LINDSAY: Correct. So with the  
7 addition of the police officer, we would  
8 have --

9 CHAIRMAN AIZENSTAT: The police officer is  
10 not going to walk your child in.

11 MR. LINDSAY: Oh, no. I'm not expecting  
12 them to.

13 So we have one adult inside the actual  
14 building during the hour of pick-up and  
15 drop-off, and, then, one adult in the back lot,  
16 and they would be, essentially, like the  
17 receiving adult.

18 MS. KAWALERSKI: And just to clarify,  
19 there's only one travel lane on that side of  
20 the street; is that true?

21 MR. LINDSAY: That's correct.

22 MS. KAWALERSKI: Grand, only one travel  
23 lane? Okay. So that queueing is going to  
24 happen on Grand. It's going to block all of  
25 the traffic on Grand.

1 MR. PARDO: -- would you feel more  
2 comfortable, if instead of three months, that  
3 it be the first scholastic year? That gives  
4 you a complete scholastic year of understanding  
5 any issues.

6 CHAIRMAN AIZENSTAT: I mean, I'm not sure  
7 about that.

8 Javier had a comment.

9 MR. SALMAN: I had a question, not with  
10 regards to that. It has to do with -- of the  
11 35 students, how do they break down by age or  
12 grade or do you know?

13 MR. LINDSAY: We don't have exact numbers  
14 at the moment, but it's, I mean, roughly  
15 distributed within the grades. One of the  
16 harder things is to get like an eighth grader  
17 to come in for one year. So it does tend to  
18 skew a bit younger, but we'll see, like when  
19 the school starts up.

20 MR. SALMAN: And this has to do directly  
21 with the pick-up and drop-off, because up to  
22 about third grade, the parents are parking and  
23 walking their kids in. So there's no really  
24 queueing. Unless there's teachers to receive  
25 them at the pick-up, and, then, you know, take

1 And the traffic study, was that done when  
2 Carver was in school?

3 MR. KIM: I don't know that I'd call it a  
4 traffic study. Because of the number of trips  
5 we generated, we didn't -- I mean, I think the  
6 total was, net, it was like 32. So they  
7 don't -- most jurisdictions don't require a  
8 comprehensive traffic study, especially with 35  
9 students.

10 MS. KAWALERSKI: And the reason I'm asking,  
11 you've got school buses. How is the school bus  
12 going to --

13 MR. KIM: We're not going to --

14 MS. KAWALERSKI: Oh, no, not your school  
15 buses; Carver. I mean, you have Carver  
16 traffic, okay. At the same time that you have  
17 pick-up and drop-off at your school, Carver is  
18 doing the same thing, and they've got a lot  
19 more students to deal with and a lot more  
20 traffic.

21 MR. KIM: Understood.

22 MS. KAWALERSKI: And school buses, on Grand  
23 Avenue -- if you're queueing on Grand, how are  
24 those school -- I mean, the traffic stops at  
25 that point.

1 MR. KIM: Understood, but the intent is not  
2 for us to be queueing anywhere. I mean, that's  
3 lip service. You're going to hear about it,  
4 very quickly, when that happens, and that is --  
5 I think that, for this school, their paramount  
6 concern would be the queueing, and the last  
7 thing they want is a phone call from anybody  
8 from the City.

9 I think, in this particular case, they have  
10 the ability. When you look at charter schools,  
11 that's a whole different ball game. You're  
12 talking 400 and up, the number of students.  
13 This, I believe, is manageable. So I'm very  
14 hopeful we won't queue and you won't get a  
15 phone call. It will be you and the County that  
16 gets the phone call.

17 CHAIRMAN AIZENSTAT: Is there a covenant  
18 that's being done, Jennifer?

19 MR. BAKER: Yes.

20 CHAIRMAN AIZENSTAT: So there's a covenant  
21 that's being done, that will go ahead and state  
22 the maximum amount of children that is allowed  
23 for this property?

24 MS. GARCIA: Yes. That will be part of  
25 the Resolution.

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1 MR. BEHAR: And that's going to be a key,  
2 for them not to increase that number, not  
3 because -- look, you do have eight parking  
4 spaces, that the parents, at the age -- and  
5 Javier, you're right, up to grade three, you're  
6 going get off at the school, you're going to  
7 approach -- you're going to get out of the car  
8 and you're going to walk into it, and get your  
9 kid.

10 MR. SALMAN: Those are going to be anywhere  
11 from three to eight of the 35 that are going to  
12 be tied up. So those eight spaces go away --

13 MR. LINDSAY: Yes.

14 MR. SALMAN: -- for all intents and  
15 purposes, for the drop-off period. I mean,  
16 they'll drop-off, and then it will liberate  
17 them, and somebody else would come in and use  
18 them. There's also staff. Yeah, my concern is  
19 that it's going to back up on Grand.

20 MS. KAWALERSKI: On Grand, yeah.

21 MR. SALMAN: Jefferson is not one way, is  
22 not one lane?

23 MR. LINDSAY: No, it's not one way.

24 MR. SALMAN: Two ways.

25 MS. KAWALERSKI: It's a narrow street.

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1 MR. SALMAN: It's a fairly narrow street.

2 CHAIRMAN AIZENSTAT: Felix, in regard to  
3 your question of for a year, I mean, I would be  
4 comfortable for six months, which is double  
5 what's there. My concern is, really, the same  
6 as Javier or Sue, just the traffic on Grand  
7 Avenue at the time.

8 You know, I just want to make sure that  
9 there's no issue there, and I don't know how to  
10 put that into the recommendation, because we a  
11 have motion and a second.

12 MR. SALMAN: No, we have no second.

13 CHAIRMAN AIZENSTAT: There was no second?

14 MR. BEHAR: No second.

15 MR. SALMAN: He was open to friendly  
16 amendments.

17 MR. BEHAR: And welcome friendly  
18 amendments.

19 MR. PARDO: And I think you were going to  
20 try to add the security thing on there. That's  
21 where we left off.

22 MS. KAWALERSKI: Definitely. We need the  
23 security thing on there. And let me just tell  
24 you about locked doors, Uvalde, Texas. That  
25 was supposed to be a locked door. A teacher

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1 went out to smoke a cigarette and left the door  
2 unlocked. That's how the gunman got in.

3 MR. LINDSAY: Yeah.

4 MS. KAWALERSKI: So this notion about,  
5 we're going to lock the doors, whose going to  
6 check that they're locked, is my concern.

7 MR. LINDSAY: It's a valid concern. Again,  
8 I don't pretend to know what the future holds  
9 in that regard, but we do have -- it's a  
10 smaller space. That's the one thing that I  
11 would say. It's essentially two rooms on the  
12 ground door, and there are four doors on the  
13 Grand Avenue facing the front side, but then we  
14 also have two doors in the back. I'm not aware  
15 that any of our teachers are smokers, but if  
16 they were to take a smoke break -- I understand  
17 it's not the question.

18 MS. KAWALERSKI: I mean, practically  
19 speaking, you have two people and 35 kids.  
20 They're not going to be checking if the doors  
21 are locked.

22 MR. LINDSAY: Well, the two microschoool  
23 leaders, we will definitely enforce that. Like  
24 that is something that we will enforce.

25 MS. KAWALERSKI: I'm just saying, I mean,

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1 you have very limited personnel to handle a lot  
2 of responsibilities, including walking the kids  
3 from their parent's car to your school.

4 MR. SALMAN: No, the parents will do that.

5 MR. BAKER: The parents will be walking  
6 the -- the parents are walking the students.

7 MS. KAWALERSKI: Okay.

8 MR. LINDSAY: They're on-site.

9 Just to finish the point, the two  
10 functional -- it's two large rooms, it's like  
11 on the ground floor. We are channeling  
12 everything into the back lot, which is the lot  
13 that we control, more than the front,  
14 obviously. And so I do hear the concern. I'm  
15 not trying to avoid that. But the ingress and  
16 egress is going to be through the back 99  
17 percent of the time.

18 MS. KAWALERSKI: Is there a way to secure  
19 those four doors with just a fire release only?  
20 I mean, permanently locked, except in case of  
21 fire, you have to break something to open up  
22 those doors?

23 MR. LINDSAY: We would, you know, be  
24 amenable to that. We haven't looked into that,  
25 but we would be amenable to that.

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1 what they're permitted to do with regard to the  
2 ingress and egress. Now, I think what the  
3 Board can recommend is to look at appropriate  
4 securing of the doors on Grand Avenue, and we  
5 can leave it at that, and allow the Building  
6 Department to look at that, to see what is  
7 permitted. So I think we can go that far, but  
8 I don't know what is required. Your concept of  
9 maybe breaking some glass to get out, that may  
10 not be good, because you may want to have --  
11 there may be a fire --

12 MS. KAWALERSKI: That's what I'm saying,  
13 there are emergency exits, right, architects?  
14 There are emergency exits? Why can't those be  
15 emergency exits?

16 MR. COLLER: Well, that's why I'm saying is  
17 that the Board can suggest the Building  
18 Department look at making sure that the doors  
19 that are adjacent to Grand Avenue be  
20 appropriately secured.

21 MR. BEHAR: Yeah. That is a doable --

22 MR. COLLER: I think that kind of gets you  
23 where you want to be.

24 MR. BEHAR: Yeah, that's a doable  
25 condition, but we cannot impose for them to

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1 MS. KAWALERSKI: Okay. I mean, I'd feel  
2 better with that. I would vote, yes, in that  
3 case, with conditions, and that being one of  
4 the conditions, but I just fear for the safety  
5 of those kids with this configuration.

6 MR. BEHAR: What you could do -- I mean, I  
7 don't think you could permanently lock those  
8 doors, but I think you could lock them and you  
9 could put an alarm, that if it opens, your  
10 alarm will go off or something. That you could  
11 do, but I would not want to put a condition --

12 CHAIRMAN AIZENSTAT: Is that part of our --

13 MR. BEHAR: No, it's not, but I would not  
14 want to put a condition that those locks are to  
15 remain locked. God forbid there's a fire and  
16 they can't get out.

17 MS. KAWALERSKI: Well, that's why I'm  
18 saying, in case of fire, there has to be some  
19 kind of release. And as far as, conditional  
20 use, I believe that should be in our purview to  
21 put that into a motion. I mean, we're talking  
22 about a major safety issue here.

23 MR. BEHAR: I'm not sure.

24 MR. COLLER: Well, I think it's more of a  
25 building permit and a building code, as far as

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1 install anything. Let the Building Department  
2 deal with it. Safety is a concern for  
3 everybody here, for them, and we leave it at  
4 that, but I am -- at least in my motion, I'm  
5 not going to put that we need to put locks  
6 mechanism, anything that could potentially  
7 create another problem.

8 MS. KAWALERSKI: Well, I think we need to  
9 put something in there, maybe the specific kind  
10 of door, but there has to be some kind of  
11 safety measure put in.

12 CHAIRMAN AIZENSTAT: But he just  
13 explained --

14 MR. COLLER: Well, I think, as a general  
15 condition, you say that the Building Department  
16 look at appropriate securing of the doors that  
17 are adjacent to Grand Avenue, and that gives  
18 the Building Department the flexibility of  
19 determining what is appropriate for Fire Code  
20 safety and all of the other requirements that  
21 are part of a Building Code review.

22 MS. KAWALERSKI: And that goes into the  
23 motion? Is that what you're saying?

24 MR. BEHAR: I made a motion. Whoever does  
25 the friendly -- the second friendly --

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1 MR. SALMAN: I'll give you a second, with a  
2 friendly amendment. That the applicant ensure  
3 that the doors along Grand Avenue are secured  
4 during hours of operation.

5 CHAIRMAN AIZENSTAT: And would you -- and  
6 the six months for the police officer, as  
7 opposed to the three months?

8 MS. KAWALERSKI: I would do the scholastic  
9 year. Who came up with -- was that you --  
10 scholastic year? I think that makes sense.

11 CHAIRMAN AIZENSTAT: But it has to be  
12 reviewed after six months. It's not just six  
13 months and he walks away. I just think, during  
14 six months, you get a --

15 MR. BEHAR: I think six months is plenty of  
16 time.

17 CHAIRMAN AIZENSTAT: Just to get a  
18 barometer. I'm not saying that he can walk  
19 away.

20 MS. KAWALERSKI: Right.

21 CHAIRMAN AIZENSTAT: And the other thing  
22 that I would ask is, I would ask in your  
23 amendment for Staff to look further into the  
24 traffic in that area, and if there's anything  
25 that can be done to alleviate -- and I don't

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1 Number 5-C, there's a sentence that says, "Upon  
2 applicant's request, Public Works and police  
3 may elect to reduce such three-month review  
4 period for subsequent school years, provided  
5 that the applicant provide sufficient evidence  
6 substantiating the effectiveness of its  
7 internal traffic monitoring procedures." Could  
8 we include that same language, provided that  
9 it's six months?

10 MR. SALMAN: I think that it should be six  
11 months for the initial, and it can go three  
12 months every year thereafter. And, really, the  
13 reason we want that, and the reason it's there,  
14 is that as the school year gets on, the  
15 students come in, everybody starts to fall into  
16 play, and that happens in the first three  
17 months, and we just want to make sure that it's  
18 supervised in those first three months, and I  
19 think that's reasonable, and asking for the  
20 first year --

21 MS. KAWALERSKI: Let me just ask something.  
22 So if we discover that the cars are blocking  
23 Grand Avenue and it's a major problem, what's  
24 the cure for that?

25 CHAIRMAN AIZENSTAT: Staff.

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1 know how. I'm just very concerned with that.

2 MR. BEHAR: Well, that's my motion, to get  
3 Public Works and Staff and the homeowners'  
4 association to work together with the County  
5 and Public Works to achieve something.

6 MR. PARDO: And the improvements are on the  
7 applicant.

8 MR. BEHAR: Yes. They're simple --

9 MR. COLLER: Which the applicant has  
10 indicated that they would be willing to pay  
11 for.

12 MR. BAKER: Correct.

13 MR. LINDSAY: That's correct.

14 MR. BAKER: Can I ask for a point of  
15 clarification with respect to the six-month  
16 police officer -- or six-month tenure of the  
17 police officer? Would that be for the initial  
18 year of the school, and then thereafter we can  
19 revert back to the three months, as Staff  
20 recommended?

21 CHAIRMAN AIZENSTAT: For me, it would be  
22 six months and then there's a determination  
23 that's made by Staff.

24 MR. BAKER: Okay. Just so I clarify, just  
25 looking at the conditions of approval for

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1 MS. GARCIA: So, if they are queueing on  
2 Grand Avenue, that means their traffic plan is  
3 not working. So the police will get involved  
4 and make sure that the parents and whoever is  
5 supposed to be parking and arriving at those  
6 times, will start arriving at those time.

7 CHAIRMAN AIZENSTAT: Or would the police  
8 get more involved and have to have more  
9 officers there?

10 MR. KIM: Yeah, and, I think, to get tough  
11 about it, I believe there have been incidents,  
12 at least in Miami-Dade County, where even in  
13 gated communities, if the cars are queueing  
14 into the public right-of-way, the officer can  
15 issue a citation. So I hope that doesn't  
16 happen. I'm not suggesting that. I'm just  
17 saying --

18 MR. SALMAN: Whoever is the police officer  
19 is going to probably end up issuing a couple of  
20 citations in the first three months. And the  
21 other concern is, in the opposite direction, on  
22 Jefferson, that they cue up there and then  
23 block that exit for the neighborhood to try to  
24 get in and turn around and to drop-off.

25 MS. KAWALERSKI: That's true.

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1 MR. BAKER: You're saying, coming south on  
2 Jefferson?

3 MR. SALMAN: Uh-huh. They'll come in and  
4 stop and block traffic for people trying to get  
5 out.

6 MR. BAKER: Well, there will be -- right,  
7 there's the three spots. There's, as John  
8 mentioned, the control --

9 MR. SALMAN: I would just add that that  
10 other lane needs to be kept clear during the  
11 drop-off.

12 MR. BAKER: The southern lane?

13 MR. SALMAN: Yeah. The southbound lane.

14 MR. BAKER: Yeah. So to encourage parents  
15 to come off of Grand --

16 MR. SALMAN: No, no, to force them. We  
17 don't want to encourage them. We want to force  
18 them come in and drop-off.

19 CHAIRMAN AIZENSTAT: All right. We have a  
20 motion. We have a second, with the amendments.  
21 Any other discussion? No?

22 Call the roll, please.

23 THE SECRETARY: Julio Grabiell?

24 MR. GRABIELL: Yes.

25 THE SECRETARY: Sue Kawalerski?

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1 building length of three hundred feet for all  
2 properties seeking approval pursuant to the  
3 Residential Infill Regulations; providing for  
4 severability clause, repeater provision,  
5 codification, and providing for an effective  
6 date.

7 Item E-2, public hearing.

8 MS. GARCIA: For the record, Jennifer  
9 Garcia, City Planner, and I have a lengthy  
10 presentation for this. This is the item we  
11 discussed back in June. You asked for  
12 additional information from the Board of  
13 Architects. They appeared, I think, in July of  
14 this year. It was deferred again, by this  
15 Board, to get additional information. So  
16 that's why we're here today, to give the  
17 presentation, okay.

18 So this is the layout of this presentation.  
19 So, first, I'll start off by talking about the  
20 purpose and the regulations of the RIR, a  
21 little bit of the history in the North Ponce  
22 area, existing conditions in the area, as well,  
23 and then some past community visions of how we  
24 got to this legislation, that's been in effect  
25 for, I think, since 2017. So what is that, six

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1 MS. KAWALERSKI: Yes.

2 THE SECRETARY: Felix Pardo?

3 MR. PARDO: Yes.

4 THE SECRETARY: Javier Salman?

5 MR. SALMAN: I say, yes, to the one room  
6 school house.

7 THE SECRETARY: Chip Withers?

8 MR. WITHERS: Yes.

9 THE SECRETARY: Robert Behar?

10 MR. BEHAR: Yes.

11 THE SECRETARY: Eibi Aizenstat?

12 CHAIRMAN AIZENSTAT: Yes. Thank you. Good  
13 luck.

14 MR. BEHAR: Good luck.

15 MR. LINDSAY: Thank you very much. I  
16 appreciate it.

17 CHAIRMAN AIZENSTAT: Mr. Coller, the next  
18 item on the agenda.

19 MR. COLLER: Yes.

20 Item E-2, an Ordinance of the City  
21 Commission providing for a text amendment to  
22 Article 2 "Zoning Districts," Section 2-405  
23 "Residential Infill Regulations Overlay  
24 District (RIR)" of the City of Coral Gables  
25 Official Zoning Code to provide a maximum

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1 years or so, some capital improvements that  
2 have been done in the neighborhood, as well as  
3 the recent policy changes, including the RIR,  
4 some approved projects that have been approved  
5 through the RIR regulations, and then some  
6 analyses and the proposed changes for  
7 discussion.

8 So, the RIR, which is called the  
9 Residential Infill Regulations, was meant to  
10 provide additional housing opportunities in  
11 this area. So the North Ponce area is a very  
12 dense part of our City. It's just north of  
13 Downtown. And the intent of those was to  
14 provide greater density in that area.

15 And the regulations are crafted in a way to  
16 have the buildings be more pedestrian oriented  
17 and have a garden like feel, which that area is  
18 very well-known for garden apartments. Also,  
19 Mediterranean architecture was a very important  
20 standard that's required in this RIR  
21 regulations, to -- and, again, also to increase  
22 the potential, right, for this area. So that  
23 was the density.

24 So the minimum standards are that the lot  
25 size has to be 20,000 square feet -- sorry, the

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1 building site needs to be 20,000 square feet.  
 2 If you don't have 20,000 square feet, you can't  
 3 take advantage of the RIR. The density doubles  
 4 from 50 units an acre to 100 units an acre, if  
 5 you take advantage of the RIR. The FAR is the  
 6 same, at 2.0, 2.5 with architectural  
 7 incentives. The maximum height is 100 feet  
 8 and, as I said, Mediterranean architecture is  
 9 required on all of these buildings.

10 So this is a graphic that kind of shows  
 11 what those requirements are for the RIR. The  
 12 setback is 10 feet all around the building  
 13 site, which recognizes that 20,000 square feet  
 14 is the minimum building site for any building  
 15 site with the RIR. There's a step back at 45  
 16 feet, and the maximum height is 100 feet.

17 So a little bit of the history, most of the  
 18 North Ponce area is the Douglas Section, and  
 19 that's comprised mostly of Ponce de Leon, and  
 20 then a little bit of a segment of East Ponce  
 21 that veers off. I should say, the north is on  
 22 the right. So if you tilt your head over to  
 23 the right, that's how the north is situated.

24 So this is a map -- a use map from the  
 25 1930s, and as you can see, the yellow,

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1 of many, many units, very, very dense units.  
 2 So you can see here, there's some buildings  
 3 that had a very squared feeling. The bottom  
 4 one is a little more playful with the massing.  
 5 Some of them were more designed as a house  
 6 typology. This one's on Madeira, which is  
 7 more, like I said, like a house typology. This  
 8 is right now, I think, a bed and breakfast, I  
 9 believe, on Venetian, and that's the existing  
 10 condition.

11 Like I said, this area, North Ponce, is  
 12 just north of Alhambra and south of Eighth  
 13 Street, on the west side of Douglas, the City  
 14 limits to the east -- sorry, to the west. And  
 15 from this map, if you, I guess, look carefully,  
 16 it's comprised mostly of very small building  
 17 footprints, as it was developed in the past --  
 18 you know, in the earlier part of the Century.

19 So this is the map that shows the year it  
 20 was built. So a lot of the darker green are  
 21 the older buildings, and the newer buildings  
 22 are the orange and red. You can see that a lot  
 23 of the buildings existing right now are pretty  
 24 old, not historic, but pre-World War. So there  
 25 remain buildings that are also historic, a few

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1 byzantine apartment or hotel uses. This area  
 2 was really meant for apartments. It's known as  
 3 the apartment district, until recently, when it  
 4 was kind of rebranded as the North Ponce.

5 So an important entrance into this area is  
 6 the Douglas Entrance, which is off on the  
 7 northeast part of the neighborhood. This was  
 8 basically the main entrance. It was envisioned  
 9 originally to have lots of apartments in it,  
 10 and basically a very small village type feel.  
 11 It was meant to be an entranceway into what  
 12 they called the most important section of Coral  
 13 Gables. So this is a rendering of the whole  
 14 section, which was supposed to be one of many  
 15 institutional or civic uses of the area.

16 So, many of you, probably the older, mature  
 17 residents, may remember the Colosseum, which  
 18 was located -- I think we're shaking our head  
 19 yes. I unfortunately never got to know the  
 20 Colosseum, but it was supposedly a very  
 21 beautiful building, and that's located on the  
 22 present site of the Publix on Douglas.

23 So most of the area was planned to have  
 24 apartments, apartments of different scales and  
 25 different typologies. A lot of them were full

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1 that are sprinkled out. The top one is  
 2 Douglas' original house, that was made in that  
 3 section, of course. The bottom one is part of  
 4 a mini historic district that's on Menores.

5 And the public realm is very simple,  
 6 there's a five-foot sidewalk and a six-foot  
 7 green strip, with shade trees, on, I think,  
 8 most of all of the streets in that area, and  
 9 then the asphalt. There's always parking on  
 10 both sides of the street, with two lanes of  
 11 traffic. So this image shows that public realm  
 12 condition. And Phillips Park is the heart of  
 13 the district. It's also the second busiest  
 14 park in the City, as well.

15 So as you can imagine, this part of the  
 16 City has been studied a lot, dating back to  
 17 2002, for the Charrette. After that, I think,  
 18 2005, there was a North Ponce Re-development.  
 19 Then there was a landscape master plan, as well  
 20 as, right now, there's a -- not right now, but  
 21 most recently, 2015, the North Ponce Community  
 22 Vision Workshop.

23 So the 2002 Charrette looked at the  
 24 potential infill area. They looked at building  
 25 types that could be rebuilt for those small

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1 lots and how to build buildings that kind of  
2 fit the character of the neighborhood. And  
3 then the Master Streetscape Plan laid out  
4 different street types for each of those  
5 blocks.

6 Most recently, in the 2015 plan, there was  
7 an extensive amount of community engagement,  
8 and from that came a lot of diagrams and plans  
9 and recommendations for adoption. So this is a  
10 plan that shows, on the left side, the open  
11 space that's in the area, and potential future  
12 open space in the area, as well. Right there,  
13 on the right, is a City parking lot, but you  
14 can imagine, those smaller buildings have more  
15 people living in them, that are not  
16 accommodating the parking, they have to store  
17 their cars somewhere, and so it's been sitting  
18 in that area, as well.

19 So the recommendations that came from the  
20 North Ponce Community Visioning, some of them  
21 were short-term, other ones were long-term  
22 plans, and from that came a lot of capital  
23 improvements. So there's a canopy tree  
24 planting plan that went forward, that replaced  
25 all of the palm trees that were out in some of

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1 the blocks with shade trees. There's a new  
2 park that is part of the City right now, at 301  
3 Majorca. There's a North Ponce Streetscape  
4 Program that a lot of the newer projects are  
5 taking advantage of the RIR, that are actually  
6 contributing to this plan, to be able to  
7 rebuild some of the streets to have proper  
8 shades trees.

9 And Alhambra Circle also has a master plan  
10 for replacement of some of the asphalt and  
11 street trees, bike lane and additional  
12 landscape in that area. There's another plan  
13 for East Ponce, as well. And in Galiano,  
14 there's another plan for undergrounding of  
15 those utility lines on Galiano and replacing  
16 them with proper shade trees.

17 So, recently, in 2015, the community  
18 vision, there's been three major policy changes  
19 that came from that, the North Ponce  
20 Conservation District, the North Ponce  
21 Mixed-Use District, and then the Residential  
22 Infill Regulations, which we're talking about  
23 today.

24 So the North Ponce Community -- sorry, the  
25 North Ponce Neighborhood Conservation District

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1 makes up most of those apartment buildings that  
2 are just off of Ponce de Leon, and you can see  
3 here that these are the buildings that are --  
4 that are highlighted, are the ones that have  
5 been built before 1964. 1964 is when parking  
6 was started to be required. So those are the  
7 buildings that are colored here, and they're  
8 organized based on the year built.

9 So the North Ponce Conservation District  
10 pre-1964 allows buildings to have additions in  
11 the rear and in the side, some variances, as  
12 far as open space and setback, and some  
13 allowances to be able to preserve those  
14 buildings. If you're designated historic, then  
15 you're allowed to sell your TDRs to a receiving  
16 site. You also have conditional use, such as a  
17 bed and breakfast, museums, schools, your  
18 parking can be waived. You have additional  
19 benefits for being historically designated.

20 And, then, the RIR, like I said, has a  
21 minimum building site of 20,000 square feet, a  
22 maximum height of 100 feet, and the setbacks  
23 and step backs. And the Mixed-Use District is  
24 just along Ponce de Leon, meant to incentivize  
25 mixed-use. So you can see here that the

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1 Mixed-Use District is meant to transition down  
2 to the MF2 zoned properties, to kind of create  
3 a transition from the higher buildings on Ponce  
4 de Leon down to the multi-family building.

5 Now, there's been a few approved, and, I  
6 guess, built projects, as a result of the RIR.  
7 The first one was 44 Zamora at the location of  
8 Galiano and Zamora. There was 23 Sidonia,  
9 which is probably the smallest one, and had a  
10 frontage of 171 feet, and it is comprised of  
11 four platted lots. Then, 211 Santillane, which  
12 is currently a vacant lot on the 200 Block of  
13 Santillane, that had a building frontage of 217  
14 feet. The most recent one was on Madeira, the  
15 300 Block of Madeira, which had a building  
16 frontage of 477 feet.

17 So, looking at the area, the map on the  
18 left is the Future Land Use, which is  
19 consistent with the Zoning Map. As you can  
20 see, most of the brown is the MF2 multi-family,  
21 which is taking advantage of the RIR. The red  
22 is the Commercial, which we're not going to  
23 talk about today.

24 So, density, I want to bring up this slide,  
25 because the historic buildings are actually

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1 more dense than what the RIR is allowing. The  
 2 building on the left is actually 126 Mendoza,  
 3 that was recently designated a historic  
 4 building, that currently has 120 units an acre.  
 5 As you know, you count density as units per  
 6 acre. And the building on the right, which is  
 7 44 Zamora, has a maximum density of 100 units  
 8 an acre. So you can see, it's much larger and  
 9 it has less density, because density doesn't  
 10 really impact your built environment. It's  
 11 really just the height and FAR that does that.

12 This is an analysis about -- that shows  
 13 that the common ownership and the common  
 14 ownerships of the properties that are actually  
 15 large enough to be impacted by the proposed  
 16 legislation. So the orange, the bright orange,  
 17 are four properties. The first one is the one  
 18 on the 300 Block of Madeira. Another one is 44  
 19 Zamora, which are two approved projects right  
 20 now. There's two additional ones that are on  
 21 Sidonia and Salamanca. So their building site  
 22 is 335 feet. The other one is 440 feet. So,  
 23 if you would imagine, if you built a building  
 24 there that's only 300 feet, those two would be  
 25 impacted. The ones that have approved projects

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1 that's built, that is wider than 300 feet, it's  
 2 310 feet, and it is a two-story townhouse  
 3 development, that was built in the Mid Century,  
 4 that's located on the Zero Block of Madeira.  
 5 And so here's a massing of what it could like,  
 6 if it was limited to 300 feet, within the  
 7 existing character of the neighborhood. So you  
 8 can see, 300 feet maximum building length  
 9 looking south and what that would look like,  
 10 with the existing character, and looking down  
 11 and seeing the six platted lots, that would be  
 12 the maximum that you'd most likely be  
 13 developing, and then a view of that.

14 So the 300 feet came from -- Miami 21 has a  
 15 lot of 300 feet maximum rules that they have in  
 16 their Code. Additionally, based on feedback we  
 17 got from June, we did look into the Zoning  
 18 Code, and in 1965, there was a 20-foot building  
 19 separation for any apartment building or any  
 20 apartment building site that had multiple  
 21 buildings on it. So we're comfortable with  
 22 amending what we had proposed originally, with  
 23 the 300 foot maximum, and, then, if there are  
 24 multiple buildings on that lot, that they be  
 25 separated by 20 feet.

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1 would not be impacted by the legislation.

2 So, looking at the layout of the district,  
 3 the average lot -- I'm sorry, the average block  
 4 length is about 455 feet, to a maximum of about  
 5 630 feet. So they can be quite long. The  
 6 depth of these blocks are 220 feet. So,  
 7 zooming in, each platted lot is about 50 feet  
 8 and 110 feet deep. And you can see that most  
 9 of the existing character of the neighborhood,  
 10 as build out on these 50-foot wide lots, some  
 11 of them do take up two and a maximum of three  
 12 platted lots, for these small scale  
 13 developments. So the minimum requirement is  
 14 20,000 square feet, which takes approximately  
 15 four platted lots. And if you build on top of  
 16 that, that would be about 180 feet. So right  
 17 now there's no maximum, as far as RIR. So  
 18 that's what we're trying to -- oh, thank you --  
 19 that's what we're trying to accomplish today.

20 So the proposed is a maximum of 350 feet,  
 21 which would be six platted lots. Remember, the  
 22 four is the minimum required. So it would be  
 23 six platted lots, and that's how it'd look like  
 24 on the existing neighborhood fabric. Right  
 25 now, there is only one building within the area

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1 So that's it.

2 CHAIRMAN AIZENSTAT: Thank you.

3 Since the City is the applicant, do we have  
 4 any speakers on this?

5 THE SECRETARY: No, we don't.

6 CHAIRMAN AIZENSTAT: On any of the  
 7 platforms?

8 THE SECRETARY: No.

9 CHAIRMAN AIZENSTAT: Okay. At this point,  
 10 I'll go ahead and close it for public comment.

11 I actually would like to get some input  
 12 first from the architects on this. Felix.

13 MR. PARDO: Yeah. I sat on the original  
 14 North Gables Apartment District Committee, and  
 15 the reason was, because we -- at that time,  
 16 many, many years ago, we were concerned that we  
 17 were going to lose many of these quaint  
 18 buildings, which, of course, we have, and it  
 19 was accelerated in 2015, when, in my opinion,  
 20 the Charade was -- or, I'm sorry, the  
 21 Charrette, was misguided, completely misguided.

22 I've own historic buildings, and I've got  
 23 to tell you, the scale is very different. One  
 24 of the concerns I have is that when you look --  
 25 and, you know, any -- I'll take anything, at

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1 this point. This is what's before us right  
2 now. You know, you chuckle, and you know that,  
3 you know, at the end of the day, that entire  
4 North Gables area is going to lose three  
5 things. Number One, that's where our  
6 affordable housing is today. When a new  
7 project gets built, it's not affordable  
8 anymore. By the time you put in the interest  
9 rates, the construction costs of this year, the  
10 land cost, all of these things put together,  
11 it's just a matter of putting as much as you  
12 can -- two pounds into a one pound bag.

13 The second thing is, the fabric changes,  
14 because now -- and you saw, by Staff's  
15 graphics, you saw what happened when you had  
16 these little multiple buildings on the block --  
17 on a city block, and then you had all of these  
18 setbacks, which provided all of the green space  
19 that we lose, once we allow the developer to  
20 consolidate, and then just compact it, and make  
21 it as big as they're allowed to make it. It's  
22 not about the density. It's the quality of  
23 what's there. That's the second thing that  
24 we've lost permanently.

25 And the third thing, which is, I think,

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1 really, really important, is that once all of  
2 this gets built out the way it's directed,  
3 which was, in my opinion, poorly done, in 2015,  
4 at best, is that these people now, they're in  
5 there like sardines. They don't even have a  
6 place to walk their dog. They have a sidewalk.  
7 It's a little green space. There's no larger  
8 spaces. There's no spaces for trees in between  
9 smaller buildings. So those are the three  
10 components that are terrible.

11 So when you say, well, we're going to  
12 limit -- because of a half a dozen of those  
13 properties, we're going to limit only up to 300  
14 feet, it's a travesty, because if you take that  
15 300 feet and you turn it vertically, it's a  
16 30-story building. And that's what's happened  
17 throughout or what will be happening throughout  
18 that area.

19 So if you look at this carefully, the 300  
20 foot limitation that Staff is coming up with  
21 now, based on what one of the Commissioners  
22 requested, it's not really a step in the right  
23 direction. It's really a placebo. So I weep  
24 for that area. It has been changed. It will  
25 be permanently changed in the future, and we,

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1 as citizens of Coral Gables, will have lost  
2 this area forever.

3 That being said, what George Merrick  
4 intended on that original map was, there was a  
5 north/south corridor, which was on Ponce, and  
6 the north/south corridor was based on a street  
7 that was -- a right-of-way that was over a  
8 hundred feet in width. I don't have a problem  
9 with tall buildings and large buildings and  
10 mixed-uses there, but when you walk through  
11 these areas, these streets, and you see these  
12 tree canopies, that's toast.

13 CHAIRMAN AIZENSTAT: Thank you.

14 Javier.

15 MR. SALMAN: Felix had a lot to say that I  
16 agree with. I just want to add, without being  
17 repetitive, that part of that canopy that we  
18 have has to do with the front areas in front of  
19 the buildings. Yeah, they're actually a higher  
20 density as per unit, because there's a lot of  
21 small units, that was supposed to make them  
22 affordable, but they also have a variety of  
23 setbacks. Some of them have 10, some have 25,  
24 some vary, where they're closer to the street.

25 I mean, I'm working on one now, a smaller

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1 lot, but it's actually a U-shaped building and  
2 it has a big courtyard, and it has trees in the  
3 courtyard. So if you take the average depth  
4 from the street, until you hit the building,  
5 the depth of it is like 25 feet, and there's a  
6 language to this area, that is composed of the  
7 boundaries that were originally created with  
8 the property line, but also the sidewalks and  
9 the green areas, and even the curbs, that -- it  
10 is a different language than you have in the  
11 suburban, where you have wider green areas and  
12 greater forced setbacks. Here, the setbacks  
13 are a little more fluid, in that they were done  
14 not necessarily to the maximum use, to bring it  
15 to the minimum setback allowed.

16 So I think that the 300 foot is something,  
17 and you're forcing anything more than 300 feet  
18 to be broken up into two buildings, with a  
19 20-foot space in between, that's what you're  
20 telling us, right, if I understand that  
21 correctly?

22 MS. GARCIA: Yes.

23 MR. SALMAN: I would like to see maybe we  
24 also add an increase in the average depth away  
25 from the street that needs to be landscaped,

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1 because that's really the character of that  
2 area and that's what gives it its scale,  
3 because it's not just the canopy that's along  
4 the street. It's the canopy that's contributed  
5 by property on the either side, in many  
6 respects. And we've lost that. Wherever we  
7 get a big building put up, it goes right to the  
8 minimum setbacks and then you get a little  
9 strip of green, with nothing on it, okay, and,  
10 then, you have that green space between the  
11 sidewalk and the edge of the street, which can  
12 only have so many trees, but they look so  
13 lonely out there.

14 And the whole concept of the outdoor room  
15 is lost on one side, where one side totally  
16 dominates the area, and in some cases, if  
17 they're on the south side, they shade the  
18 street, to the point where it's fundamentally  
19 changed, and I don't see that 300 foot limit is  
20 something that is going to contribute to doing  
21 that, without having some sort of a varied  
22 setback component, where you come up with an  
23 average setback that they have to meet, that  
24 how they meet it is up to them.

25 I don't want to be prescriptive. The

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1 problem with Miami 21 is, it's too much damn  
2 prescriptive, and that if we say that they have  
3 to do a 25-foot setback on average, between ten  
4 and whatever they want to do, and that forces  
5 them, without having said, you have to have a  
6 courtyard, it has to be a minimum of this,  
7 they'll figure it out. I think we need to look  
8 at something like that. I mean, I'll take you  
9 what I get. I don't have a problem with that.  
10 But it's a start, but I think that that's  
11 really where we should go, at least in my  
12 opinion, as to how I understand Coral Gables.

13 And I understand that area very well,  
14 because I had my office on Ponce, at 901, for  
15 25 years, and I walked that whole area, and I  
16 know -- well, I have a lot of friends who live  
17 there, a lot of employees who live there. So,  
18 yeah, it's a really nice area.

19 In fact, just a little bit of history, the  
20 Douglas Entrance, the reason that it is still  
21 there, is because a couple of the principals of  
22 the architecture firm, lived there in the  
23 apartment buildings, and then they decided to  
24 buy it and make it their office, and they were  
25 there for, what, 50 years, 60 years?

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1 MR. GRABIEL: Well, actually --

2 MR. SALMAN: Or are they still there? I  
3 don't know.

4 MR. GRABIEL: Actually, it's even more  
5 interesting. So Douglas Entrance was going to  
6 be torn down.

7 MR. SALMAN: You're kidding?

8 MR. GRABIEL: No. A food fair --

9 MR. SALMAN: For a food fair? You're  
10 kidding?

11 MR. GRABIEL: No. And, then --

12 MR. SALMAN: I'm going to go in front of  
13 that bulldozer --

14 MR. GRABIEL: Then Andy Fern (phonetic) and  
15 Ed --

16 (Simultaneous speaking.)

17 MR. SALMAN: I know. Those are the ones I  
18 mentioned, but nobody would know who they are,  
19 so that's why I didn't say it.

20 MR. GRABIEL: They sold their homes in  
21 Gables Estates to buy Douglas Entrance and move  
22 the office over there. So it is there, because  
23 of those two individuals. The City was not  
24 considering it an important building enough to  
25 preserve it.

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1 MR. SALMAN: So, anyway, there you go.  
2 That is a crying shame.

3 CHAIRMAN AIZENSTAT: Thank you.

4 Julio.

5 MR. GRABIEL: A question, right now,  
6 without the 300 feet length control, what could  
7 be built in that zone?

8 MS. GARCIA: They can take it to the entire  
9 block. This is a no maximum scenario.

10 MR. GRABIEL: Right now?

11 MS. GARCIA: Uh-huh.

12 MR. GRABIEL: As it is right now?

13 MS. GARCIA: Right. Yes.

14 MR. GRABIEL: So what we're doing right now  
15 is limiting the maximum development on the  
16 block?

17 MS. GARCIA: Right. Uh-huh. Correct.

18 MR. GRABIEL: And I think the pressure is  
19 -- I understand and I cry for the loss of  
20 affordable units, but I think the value of the  
21 land and the real estate is such, in that area,  
22 that it's going to happen, nothing we could do,  
23 unless it's a historic building, that the City  
24 can preserve and force the developer to keep,  
25 like we've seen. The movement -- the pressure

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1 of real estate is going to happen.  
 2 Now, the question then becomes, in my mind,  
 3 how can we still preserve some of the value and  
 4 quality of the area, once -- as that happens,  
 5 and I think moving to a 300-foot maximum is in  
 6 the right direction. I don't know if it's  
 7 enough, but it's in the right direction.  
 8 How about the setbacks from the street, has  
 9 that changed?  
 10 MS. GARCIA: No, those are proposed to stay  
 11 the same, at 10 feet.  
 12 MR. GRABIEL: So whatever setbacks we have  
 13 right now in those existing buildings, on that  
 14 zone, are going to remain as it is?  
 15 MS. GARCIA: Ten feet, correct.  
 16 MR. GRABIEL: So there's no problem with  
 17 buildings being built all of the way to the  
 18 sidewalk?  
 19 MS. GARCIA: No. No. No. Not in this  
 20 area, not for the RIR. No, they're required to  
 21 have ten-foot landscaped front yard, no fences,  
 22 no walls. It's supposed -- it's meant to be  
 23 kind of garden like, to really be, more or  
 24 less, in keeping with the existing fabric and  
 25 the character of the area.

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1 Let's just table this motion.  
 2 MR. SALMAN: Yeah, but if we table it, then  
 3 anybody can come in and build the whole 600  
 4 feet and we can't even stop them. We've got to  
 5 take what we've got.  
 6 MR. PARDO: Exactly.  
 7 MR. SALMAN: Which was Felix's point.  
 8 MS. KAWALERSKI: Okay. Then --  
 9 MR. SALMAN: Then I was adding, let's do --  
 10 let's add --  
 11 MR. COLLER: I don't think you're -- either  
 12 your mike is not on --  
 13 MR. SALMAN: No, I was way back there,  
 14 sorry.  
 15 MR. COLLER: That's okay.  
 16 MR. SALMAN: And then my idea was that we  
 17 also add some sort of a minimum average  
 18 setback, that will be allowed or required.  
 19 MS. KAWALERSKI: I mean, well, who came up  
 20 with 300? I know it's from Miami 21. We're  
 21 all great fans of that, aren't we, Miami 21?  
 22 You said --  
 23 MR. SALMAN: I hate it --  
 24 MS. KAWALERSKI: Right. Can this Board  
 25 make a suggestion that it's a hundred feet?

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1 MR. GRABIEL: Okay. Thank you.  
 2 CHAIRMAN AIZENSTAT: Sue, it seems that you  
 3 wanted to speak.  
 4 MS. KAWALERSKI: I'm not an architect. Any  
 5 other architects here that want to speak first?  
 6 MR. GRABIEL: You know enough now that you  
 7 can speak as an architect.  
 8 MS. KAWALERSKI: Well, I have to echo what  
 9 you said and what Felix said. I mean, this is  
 10 sad. Who allowed this to happen? I know we're  
 11 not supposed to be talking about history here,  
 12 but who allowed this to happen? I mean, this  
 13 is awful, just awful, and it's sad. And what  
 14 can we do? What can we do? What can we do  
 15 about this?  
 16 I mean, I'm asking you a question. You've  
 17 been on this Board a lot longer than I have.  
 18 What can we do, because this 300 --  
 19 CHAIRMAN AIZENSTAT: Let's direct our  
 20 comments specifically to the agenda item.  
 21 MS. KAWALERSKI: Okay. Well, my thought  
 22 about this agenda item is that we table it,  
 23 until there's wise heads that prevail and  
 24 figure out what to do to stop the destruction  
 25 of this neighborhood. That's my thought.

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1 Who came up with 300, other than Miami 21?  
 2 MS. GARCIA: Well, the minimum lot size has  
 3 to be 20,000 square feet.  
 4 MS. KAWALERSKI: Okay.  
 5 MS. GARCIA: At that, you're pushing  
 6 probably close to 200 feet for the building  
 7 length. The minimum requirement right now is  
 8 probably about 200 feet anyway.  
 9 MS. KAWALERSKI: 200 feet?  
 10 MS. GARCIA: Yes.  
 11 MS. KAWALERSKI: Okay. I'd go 200, rather  
 12 than 300.  
 13 CHAIRMAN AIZENSTAT: Are you done? Any  
 14 further comments?  
 15 MS. KAWALERSKI: Yeah. I'd like to make a  
 16 motion. I want to --  
 17 MR. BEHAR: Wait.  
 18 CHAIRMAN AIZENSTAT: Excuse me. We have  
 19 other Board Members that have not gotten a  
 20 chance to speak and I'd like to give everybody  
 21 an opportunity to speak.  
 22 MS. KAWALERSKI: Okay.  
 23 CHAIRMAN AIZENSTAT: And I know, you know,  
 24 there are people that are very passionate, it's  
 25 a good point to make, how you feel during

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1 discussion and bring everything out, but it's  
2 important that we hear everybody.

3 Chip.

4 MR. WITHERS: Yeah. So, I think, when we  
5 first looked at the mixed-use ordinance in this  
6 area, the idea was to use the mixed-use  
7 ordinance to keep the village concept in play,  
8 and that village concept was to maybe allow  
9 parking in the front, as opposed to behind or  
10 underneath, but in return, you know, they would  
11 be allowed a little more density, to put a  
12 little more in there, to cover their cost, but  
13 I don't think the intent of the original  
14 mixed-use ordinance was ever to build large 300  
15 foot long buildings in this area. I don't  
16 know. But I don't know what happened in '15 or  
17 '16 or '17, Sue, but it's a shame the direction  
18 it's headed.

19 So I guess my question is, do these  
20 buildings now, are they entitled to bonuses, as  
21 well, any kind of FAR bonuses?

22 MS. GARCIA: Yes. They're required to do  
23 the Med Bonus. That's one of the requirements,  
24 to be a Mediterranean building. So with that  
25 comes the .5 FAR, as well as the height.

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1 MR. COLLER: So when you trim around the  
2 edges, you just have to be mindful of that.

3 MR. WITHERS: And that's exactly the  
4 direction I'm going, it's that we can't take  
5 away development rights from people without  
6 putting the City in a very, very difficult  
7 situation, but can we do work-arounds, through  
8 bonuses, through setbacks, through FAR, through  
9 other means, to help restrict growth in that  
10 area. And I'm not talking about shutting it  
11 down. I'm just talking about putting a theme  
12 back into the City that I think everybody would  
13 like to see there.

14 MR. BEHAR: You could do something like  
15 that moving forward, so that people cannot  
16 assemble a lot -- you know, in excess.

17 MR. WITHERS: I got it.

18 MR. BEHAR: The problem is that -- and I  
19 want to see the properties that are currently  
20 there, that exceed the sizes, those you cannot  
21 do this, because then you're going to take away  
22 property rights for them.

23 MR. WITHERS: I thought there were only  
24 four, though. Weren't there only four that  
25 were 300, and two of them have already been

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1 MR. WITHERS: So if you took that  
2 requirement away and made them build to the  
3 Code right now, what would that be?

4 MS. GARCIA: Well, remember, the RIR is a  
5 conditional use. So it's not --

6 MR. WITHERS: I understand. I mean, would  
7 it be 50 feet, 60 feet? I mean, if we're  
8 looking for ways to limit development up there,  
9 would that be a way to limit the development?

10 MS. GARCIA: Well, the underlying zoning  
11 allows you to go 70 feet if you're MF2 or 97  
12 with Med Bonus.

13 MR. WITHERS: So if we did decide on a 200  
14 foot length, we could go with a 70 foot height?  
15 Would we be taking anybody's property rights  
16 away by doing something like that?

17 MR. COLLER: Well, I think you're going to  
18 have to proceed with caution, because you have  
19 to remember --

20 MR. WITHERS: I know. That's why I'm  
21 having this discussion.

22 MR. COLLER: Well, I don't like to exactly  
23 detail everything, but you have to consider  
24 what people currently are able to do.

25 MR. WITHERS: Exactly.

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1 developed?

2 MR. SALMAN: So far.

3 MR. WITHERS: Yeah, so far, but, I mean, as  
4 of right now.

5 MR. BEHAR: But we don't know what  
6 ownership have more than the six lots  
7 assembled, that you could do a bigger building.  
8 I'm in favor of, moving forward, you cannot  
9 assemble to do "X," but if you have a property  
10 today that is in excess of six lots, you're  
11 taking the development rights away from them.  
12 Correct me if I'm wrong, Mr. City --

13 MR. COLLER: There are some concerns.

14 MR. BEHAR: Okay.

15 MR. WITHERS: That's a pretty broad answer.

16 MR. BEHAR: Yeah.

17 MR. WITHERS: I mean, where does the  
18 Planned Area Development overlays come into  
19 play up here? Does it come into play that  
20 often?

21 MS. GARCIA: So you can have a PAD, if  
22 you're one acre.

23 MR. WITHERS: Okay.

24 MR. PARDO: 43,000 --

25 MR. WITHERS: So twice the size of the

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1 minimum building site we have right now.  
 2 MS. GARCIA: Correct.  
 3 MR. SALMAN: Correct.  
 4 MR. BEHAR: And Mr. Chair, today, the only  
 5 difference from what you're proposing is  
 6 that -- the limitation of a 300-foot maximum  
 7 length, but everything else is still there.  
 8 MR. PARDO: Yeah.  
 9 MR. BEHAR: So it's not like -- you know,  
 10 my concern, and Mr. City Attorney will  
 11 emphasize, we've got to be careful how we do  
 12 this.  
 13 MR. WITHERS: Absolutely.  
 14 MR. BEHAR: Okay. You know, I could see --  
 15 and I'm going to let you finish before I --  
 16 MR. WITHERS: No. No. No. I mean,  
 17 really, the only area I think we have  
 18 flexibility in is the bonuses, is what we allow  
 19 people, because, I mean, it's really in our  
 20 discretion whether we want to --  
 21 CHAIRMAN AIZENSTAT: Jennifer, let me ask  
 22 you a question. You're proposing 20 feet  
 23 between the buildings, when you go ahead and do  
 24 that.  
 25 MS. GARCIA: That's based on feedback from

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1 the June meeting.  
 2 CHAIRMAN AIZENSTAT: No, no, I understand  
 3 that. There are -- to me, and I'm not an  
 4 architect, but when you travel Europe, there's  
 5 been long buildings, that if they're designed  
 6 correctly, you have residential in front, and  
 7 they're setback or you have stairs, steps. It  
 8 just works, and it gives that hometown feeling,  
 9 as opposed to a straight wall.  
 10 Wouldn't the City be better off with some  
 11 kind of an exchange for a park, a bigger area,  
 12 as opposed to just a 20-foot green space in  
 13 between buildings? I don't know how, but an  
 14 incentive. You showed previously that you  
 15 designated some areas as green space.  
 16 MS. GARCIA: Yes. Right.  
 17 CHAIRMAN AIZENSTAT: What about if an owner  
 18 goes ahead and gives, on the ground floor, a  
 19 park, an area that is a usable park for the  
 20 City? Isn't there a bigger benefit than just a  
 21 20-foot space between the buildings?  
 22 MR. BEHAR: As an architect, I will tell  
 23 you, yes, because 20 feet is --  
 24 CHAIRMAN AIZENSTAT: What are you going to  
 25 do?

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1 MR. SALMAN: Not a lot.  
 2 MR. BEHAR: Not a lot. I'd rather take a  
 3 good chunk of the ground floor. I don't know,  
 4 a lot is 50 by a hundred, a lot, and make that  
 5 a green space, that is accessible to the  
 6 public, more so than a 20-foot strip.  
 7 CHAIRMAN AIZENSTAT: That's what I'm  
 8 looking at.  
 9 MR. BEHAR: And we also have to be very  
 10 careful here, that we have not contemplated --  
 11 I don't know if the City is looking into it --  
 12 the SP-102 (sic), which I mentioned it a few  
 13 meetings ago. That's a State resolution,  
 14 right, statute, that passed that they could do  
 15 -- a building could be done within the height  
 16 or the density of a mile from that location of  
 17 the City, right, and you don't even have to  
 18 come here. You don't have to come to the City.  
 19 And that's something that we, Doral and  
 20 Hollywood -- the City of Doral and Hollywood  
 21 has already tried to appeal it, and there's no  
 22 turning back, and what I'm concerned is, if we  
 23 start limiting too, too much, that's going to  
 24 happen. My concern here -- the fundamental  
 25 concern is, taking away people's development

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1 rights, that you have it today.  
 2 I could be in favor, moving forward, that  
 3 people cannot assemble the land, but if you  
 4 already own those land today, I'm really  
 5 concerned that that's really taking --  
 6 MR. SALMAN: Well, this is a real  
 7 disincentive to really put together more than  
 8 the six lots, because you're going to be  
 9 penalized a lot, whether you like it or not.  
 10 CHAIRMAN AIZENSTAT: Going forward.  
 11 MR. BEHAR: Going forward.  
 12 MR. SALMAN: That's what I'm saying.  
 13 MR. BEHAR: But to implement this on those  
 14 owners that have more than 300 or six lots,  
 15 you're taking away their development rights,  
 16 whether we like it or not.  
 17 MR. WITHERS: But if you take away their  
 18 bonuses, if we say we suspend all bonuses in  
 19 that area --  
 20 MR. BEHAR: But you can't do that, because  
 21 if you own the land and you bought the land ten  
 22 years ago or whenever this passed, and you  
 23 bought your property, and you had the property  
 24 before this is being --  
 25 MR. WITHERS: I don't know. I think

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1 bonuses are pretty much at the discretion of  
2 the City.

3 MR. BEHAR: But the bonuses are to the  
4 Board of Architects.

5 MR. WITHERS: No. I don't know. I mean,  
6 I'm getting into territory that I'd have to --  
7 that our legal eagle down there, but, I mean,  
8 what did we do on Biltmore Way? I wasn't on  
9 the Board, but what was done on one side of  
10 Biltmore Way and the other side of Biltmore  
11 Way, as far as the bonus overlay?

12 MR. PARDO: It's different on the south  
13 side than the north side.

14 CHAIRMAN AIZENSTAT: Give me a second.  
15 Felix --

16 MR. PARDO: Sorry. It's different on the  
17 south side than the north side, and the reason  
18 is unjustifiable, in my opinion, but the thing  
19 is that, on the south side, there's a very big  
20 difference in height, and on the north side,  
21 all of a sudden, it became a high-rise,  
22 whatever, and it was, again, not poorly -- it  
23 was poorly thought out.

24 The biggest problem that you have here  
25 tonight, that we all have, that the City has,

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1 that we are extremely concerned with other  
2 components that must be addressed, not just  
3 this particular thing that we have before us  
4 today.

5 CHAIRMAN AIZENSTAT: Well, right now we're  
6 just looking at what we have.

7 MR. PARDO: Correct. Correct.

8 CHAIRMAN AIZENSTAT: If you have -- if any  
9 of us has a concern, then we should speak to  
10 the Commissioner or that representative who  
11 appointed that person or voice your opinion,  
12 but what I'd like to do, at this point, is look  
13 at what we have before us.

14 MS. KAWALERSKI: Jennifer, how many  
15 projects are in the pipeline right now for this  
16 area?

17 MS. GARCIA: Currently in the pipeline?

18 MS. KAWALERSKI: Yeah.

19 MS. GARCIA: I don't know of any.

20 MS. KAWALERSKI: Okay.

21 MR. BEHAR: Mr. Chair, and something else,  
22 as bad as Miami 21 is, and I deal with Miami 21  
23 probably a little bit more than most of the  
24 architects here, it gives you a timeline, that  
25 if the property was assembled prior to 2010,

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1 this is not just systemic to the North Gables  
2 area. Right now, there is nothing that  
3 prevents developers from accumulating entire  
4 blocks abutting duplex areas, single-family  
5 residential areas. If you have just the right  
6 zone, you can now, basically, wipe out an  
7 entire block, which means the entire fabric  
8 that historically was there.

9 So, one thing is, Robert is a hundred  
10 percent right about property rights. I'm not  
11 concerned about the State law. Eventually,  
12 State Legislature is going to be changed, and  
13 that law will be removed, and I think what's  
14 going to happen, at the end of the day, is that  
15 you have to look at what the fabric is.

16 So when you have a tool, a design tool,  
17 like bonuses, and you have certain Boards that  
18 will allow certain bonuses, they can put into  
19 play many things, and it's not just the  
20 aesthetic thing, when it comes to the  
21 architecture, which includes, you know, four  
22 letter words like compatible.

23 And what I'm saying is, right now, I would  
24 move this forward on the 300 feet, but I would  
25 definitely direct Staff to tell the Commission

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1 you're not affected, anything after that. And  
2 I think that may be a solution here. If the  
3 property -- the assemblage was prior to a  
4 date --

5 MR. WITHERS: 2023?

6 MR. BEHAR: Well, you know, look, that --  
7 that answer, I don't know, but --

8 MR. WITHERS: I'm just kidding.

9 MR. BEHAR: But I think that, moving  
10 forward, you cannot assemble, you know, more  
11 than -- oh, you could assemble more. You could  
12 assemble the whole block, but you're going to  
13 have a limitation on how big the building will  
14 be, whether it's 300, 200 -- you know, 200, I  
15 don't think is -- but that would be moving  
16 forward. It should not affect properties that  
17 were already, you know, assembled, since 1975.  
18 You know, I -- that's my concern, because,  
19 essentially, you're telling a property owner  
20 that says, yeah, you're allowed to do all of  
21 this, but moving forward, I take that away from  
22 you.

23 CHAIRMAN AIZENSTAT: You can't do it.

24 MR. BEHAR: I don't think that's -- I think  
25 that would put the City in a predicament that

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1 it's going to be very difficult to overcome.  
 2 And, Felix, I respectfully disagree that SP-103  
 3 (sic) -- that's here to stay, and, you know,  
 4 hopefully it does not happen -- hopefully we  
 5 don't get a developer that does anything like  
 6 that in Coral Gables, because, here, we have --  
 7 an example, within the mile distance from any  
 8 property, a project that is 223 feet high.  
 9 That's a 21-story building.

10 MR. PARDO: Different jurisdiction.

11 MR. BEHAR: No, sir. The Plaza is 223 feet  
 12 high, forget about -- within our jurisdiction.

13 MS. GARCIA: But not to the habitable  
 14 space.

15 MR. BEHAR: Huh?

16 MS. GARCIA: Not to the habitable space The  
 17 habitable space is to 190.

18 MR. BEHAR: Is it 190?

19 MS. GARCIA: Yes.

20 MR. PARDO: No, that's why I thought you  
 21 were talking about the one on the highway.

22 MR. BEHAR: No. No. No. No, that's City  
 23 of Miami.

24 MR. PARDO: That's why I said, different  
 25 jurisdiction.

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1 MR. BEHAR: The Plaza is 190 plus. So we  
 2 could do -- somebody could do, on here, with  
 3 the density allowed, because you cannot exceed  
 4 the density and the FAR, but you could do a  
 5 project that is -- on a 20,000 square foot lot,  
 6 an 18-story building.

7 MR. PARDO: Or as the infrastructure  
 8 allows.

9 MS. KAWALERSKI: So regarding this item,  
 10 what's the issue about recommending 200?

11 MR. BEHAR: I'm going to speak for me. I'm  
 12 not in favor. I think 300 would be the minimum  
 13 that I would go for, me, personally. I think  
 14 that 300 feet, if it's treated correctly, you  
 15 know, it's not -- to me, it's not an issue.

16 MS. KAWALERSKI: But what is the issue? Is  
 17 there an issue with 200 feet versus 300 feet?

18 MR. BEHAR: I --

19 MR. SALMAN: It's a larger unit, because  
 20 all you have to do is assemble four and you're  
 21 limiting that number from six to four, and  
 22 there's a lot of lots around here that would  
 23 probably --

24 MR. BEHAR: And keep in mind, the lots  
 25 here, the depths are not standard. When this

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1 City was platted, the depth is only -- for the  
 2 most part 100 feet.

3 MS. GARCIA: 110.

4 MR. BEHAR: 110. Most municipalities is  
 5 150. So when you start having to put a liner  
 6 unit, you really take away so much ability on  
 7 those -- the potential. Forget about when you  
 8 go 97, 70 or anything. You know, four stories,  
 9 you take away a lot of -- you really limit the  
 10 ability, and Javier said something, you're  
 11 really becoming very prescribed.

12 CHAIRMAN AIZENSTAT: Everything will look  
 13 the same.

14 Chip, you had a --

15 MR. WITHERS: Robert, is your concern  
 16 violating folk's abilities and their rights and  
 17 the City is liable? Is that why you don't want  
 18 to go to 200 feet or you think 200 feet is not  
 19 a workable number?

20 MR. BEHAR: I personally don't think 200,  
 21 because you've got -- you still have setbacks,  
 22 okay, because it's 300 feet, and you're going  
 23 to have to have setbacks, minimum -- right?  
 24 You've got a step back, and -- so that  
 25 building, 200 feet will become 150 feet, and

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1 150 feet, when a unit is -- an average unit is  
 2 about 35 feet, so how many units can I get, you  
 3 know? Four units, by the time you do the  
 4 setback, and four units -- so you're not  
 5 talking -- it's not going to be a -- I don't  
 6 think it's going to be sufficient. I think  
 7 300, you know -- moving forward, 300 may be a  
 8 number that will work, and like, you know, Eibi  
 9 said, look at a lot of the European cities.  
 10 You know, the architecture plays with that.

11 We're really being very, you know -- and  
 12 the quality of the project doesn't mean,  
 13 whether it's 200 or 300, any better. I think  
 14 it's more important like you give me green  
 15 space, give me a useful green space, that, you  
 16 know -- one of those buildings is my building,  
 17 my project, but the corner lot, 7,000 square  
 18 foot, has been deeded, 7,000 for a park, open  
 19 to the public, to the neighborhood. The  
 20 neighborhood was very in favor of it, not a  
 21 20-foot strip.

22 MS. KAWALERSKI: But there is no issue  
 23 between 200 and 300 and we can't control the  
 24 architecture? If he wants to build a slab,  
 25 he's going to build a slab, and it's up to our

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1 architectural board to give it a thumbs up or  
2 thumbs down. We've got no control over that,  
3 how it's going to look, okay, but we do have  
4 control over whether we're voting yes for 300  
5 and 200, and the question -- just like Chip  
6 said, what is the issue? Is there an issue?  
7 Is there a legal issue with 300 to 200?

8 MR. COLLER: Yes.

9 MS. KAWALERSKI: 300 to 200, there's an  
10 issue. What's the issue?

11 MR. COLLER: The issue is, right now  
12 there's no regulation on what your frontage is.  
13 So, now, you're going to consider a regulation.

14 MS. KAWALERSKI: And the 300 is a  
15 regulation, right?

16 CHAIRMAN AIZENSTAT: Let him finish.

17 MR. COLLER: So when you're thinking about  
18 the current zoning regulation or restrictions,  
19 there are no restrictions, and then you're  
20 placing a restriction, it's kind of like a  
21 continuum, as far as your risk. As you move  
22 from one direction, you increase the risk.

23 MR. WITHERS: What if we suggested a  
24 120-day moratorium to give the City an  
25 opportunity to study the issue?

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1 risk you undertake.

2 MR. BEHAR: You could limit those risks, if  
3 you, moving forward, you know, you cannot do  
4 it.

5 MR. COLLER: Well, I think that it's an  
6 interesting -- if there's a way to be able to  
7 determine what's been assembled and what's not  
8 been assembled, if that's based upon, I  
9 presume, somebody has filed a deed or -- I  
10 don't know how they assemble a property,  
11 whether they replatted the property to do that  
12 size or what instrument reflects this  
13 ownership, and that may require a look by Staff  
14 to say, okay, has this assemblage occurred or  
15 has it not occurred? But, obviously, making it  
16 something going forward is better than applying  
17 it retroactively.

18 MR. WITHERS: Look, the last thing I would  
19 ever want to do, living through two or three  
20 City -- you know, Edgewater Drive, lived  
21 through that, okay, and I know that the City,  
22 really, was fortunate to come out with the  
23 millions they spent instead of three or four  
24 times that, but, I mean, through -- I don't  
25 know if unity of title would come into play,

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1 CHAIRMAN AIZENSTAT: Hasn't the City  
2 studied the issue already?

3 MR. WITHERS: No. How many lots are over  
4 200 feet, how many ownerships are over 200 feet  
5 and how many over 300? I only saw four over  
6 300. I didn't see a 200.

7 MS. GARCIA: Right. So I don't have a map  
8 that shows over 300 -- I'm sorry, over 200.

9 MR. WITHERS: I saw 300. There were four,  
10 and I think one of them or two of them have  
11 already been developed.

12 MS. GARCIA: Two of them were already  
13 approved.

14 MR. WITHERS: How many over 200?

15 MS. GARCIA: I don't have that information  
16 right now. I would have to look that. I think  
17 there's also the legal concern of, if we do  
18 find that, is that going to be an issue?

19 MR. COLLER: We're in an area that's new to  
20 the law, and it's hard to predict. I think,  
21 the more restrictive you are, the more risk you  
22 undertake, and I'm not saying that 200 is going  
23 to be a problem. I'm saying, when you look at  
24 putting in a regulation that has not previously  
25 existed, the more restrictive you are, the more

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1 but I would think, if we require a unity of  
2 title during a lot assemblage, I don't know if  
3 we can work in that direction, but all I'm  
4 saying is, if we're going to make a decision  
5 based today on what the City's liability is,  
6 then we really need to know what the City's  
7 liability is. That's my only point. That's my  
8 only point.

9 So if we have to take a deep breath and hit  
10 the pause button and use -- I don't think I've  
11 ever voted for a moratorium, but if we have to  
12 use a moratorium to kind of pump the brakes a  
13 little bit, to see what our liability might be  
14 in that area or even the area south of us or  
15 east of us or whatever -- I mean, I think --

16 CHAIRMAN AIZENSTAT: Why a moratorium?

17 MR. WITHERS: To buy some time.

18 MR. SALMAN: No.

19 MR. WITHERS: If that's not the way to do  
20 it, then whatever tool we have. I mean,  
21 listen, I'll vote for the 300 feet right now to  
22 slow this thing. I'll vote for the 200 feet.  
23 But if the 200 feet is going to cause a bigger  
24 issue, and obviously someone picked 300 feet,  
25 because hopefully someone looked at 300 feet

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1 and saw that the City doesn't have any  
2 liability, I pray, then that's probably why the  
3 300 foot was proposed, but if we can go to 200  
4 feet -- did anybody even look at 200 feet?

5 CHAIRMAN AIZENSTAT: But with 200 feet,  
6 then you only have to amass four lots.

7 MR. WITHERS: Okay.

8 MS. GARCIA: Which is the minimum  
9 requirement.

10 CHAIRMAN AIZENSTAT: Which is the minimum  
11 required.

12 MR. WITHERS: Which is 20,000 feet.

13 MR. PARDO: Robert, what was the size of  
14 your building, the one --

15 MR. SALMAN: There's a beauty in that  
16 parallel, and I count about ten properties  
17 there.

18 MR. BEHAR: Yes. There's more than four.

19 MR. SALMAN: There's about ten. I counted  
20 them all on the screen.

21 MR. PARDO: Robert, what was the length of  
22 the building that you said that you donated a  
23 park?

24 MR. BEHAR: The building was like 450 feet,  
25 but it was like two towers. The podium -- the

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1 was -- the economy was nothing, okay, and  
2 that's where it passed. You did not get the  
3 opposition, because --

4 MR. WITHERS: No one was doing it.

5 MR. SALMAN: Nobody cared.

6 MR. BEHAR: Nobody could do anything, okay.  
7 This is different times. So I think maybe  
8 there's a possibility where you say, okay, this  
9 will go into effect. If you have assemblage in  
10 excess of the six lots prior -- what did you  
11 say -- 2023, you know, or moving forward,  
12 you've got 36 months to submit an application,  
13 something that you're not putting the gun to  
14 the head, but you eventually take it away.

15 MR. PARDO: I agree with Robert, Mr.  
16 Chairman, but getting back to the 300 feet, the  
17 length of a typical block is 600 feet, right?

18 MS. GARCIA: It varies between 450 to 600.

19 MR. PARDO: Yeah. I read the example you  
20 had there. I added it up. It was 600 feet.

21 MS. GARCIA: From 50 to 60 --

22 MR. PARDO: Right where the 30 is, it says  
23 600 feet there.

24 MS. GARCIA: Right. So that's the -- yeah.

25 MR. PARDO: So if that's 600 feet, why not

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1 podium was -- and this is an old, old picture.  
2 This is not the final one. It read like two  
3 buildings. And the center was stepped back  
4 like 30 feet, to create a break. This is  
5 what's allowed. This is what's allowed.

6 So, you know, whether it was Robert Behar  
7 or Javier Salman or anybody else or Felix  
8 Pardo, you know, this is what you're allowed to  
9 do there today. It doesn't matter -- how do  
10 we -- and I'm perfectly fine limiting, going  
11 forward, moving forward, but I just -- I would  
12 hate to see the City be in a predicament where  
13 today, this is what was allowed to do, and,  
14 then, all of a sudden, you know -- a  
15 moratorium, I don't think is the way to go.

16 Now, let me ask the City Attorney something  
17 else. If we put out something that says, okay,  
18 whoever -- this is not retroactive, but moving  
19 forward, you'll have two years, three years, to  
20 submit an application, if not, then you lose,  
21 and it goes back -- I mean, something that if  
22 somebody has it, you give them time, because  
23 what happened in Miami 21, it was passed in the  
24 worst time, at least in my professional, that  
25 we have seen, between 2008 and 2010. There

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1 make it, you know, that it would be up to 300  
2 feet, but you must donate a 50-foot park?

3 CHAIRMAN AIZENSTAT: Well, I don't know if  
4 I would set a 50-foot park, to me. I'm not an  
5 architect. I wouldn't want to limit the park.  
6 But whatever they do, the project has to come  
7 before us, and they have to bring that park or  
8 that property. It's up to the Board to give a  
9 recommendation. Remember, it's up to the  
10 Commission to approve.

11 MR. PARDO: Mr. Chairman, I would like to  
12 make a motion, if you don't mind, to approve  
13 what we have before us here tonight and then,  
14 separately, I would like to have the Board then  
15 make a motion separately to instruct Staff to  
16 bring up to the Commission our concerns that  
17 were voiced tonight.

18 MR. BEHAR: But is your motion to do it,  
19 you know, retroactive, everything that is --

20 MR. PARDO: Right now, what we have before  
21 us is a limitation, which there are limitations  
22 now, as the City Attorney said. So what I'm  
23 saying is, adopting what Staff is recommending  
24 now, because what do we have to lose right now?

25 MR. BEHAR: You have a lot to lose.

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1 CHAIRMAN AIZENSTAT: The Bert Harris Act.  
 2 MR. BEHAR: Yeah. You do. I would -- a  
 3 motion with the caveat that properties that are  
 4 in excess of the 300 feet be exempted, prior --  
 5 you know, assembled prior to a certain date be  
 6 exempted, I'm okay with that, but if you do  
 7 that today, Felix, you're going to put the  
 8 City -- you're taking development rights away.  
 9 MR. COLLER: So your amendment would be  
 10 that the Ordinance would only apply to -- or,  
 11 excuse me, would not apply to properties that  
 12 were assembled prior to the effective date of  
 13 the ordinance.  
 14 MR. PARDO: Excuse me, not assembled, owned  
 15 and assembled.  
 16 MR. BEHAR: Owned.  
 17 MR. PARDO: There's a big difference from a  
 18 contract to I own it.  
 19 MR. BEHAR: I agree with you. Owned.  
 20 MR. COLLER: Owned -- of course, the  
 21 ownership could be in multiple names and  
 22 multiple corporations, and, you know --  
 23 CHAIRMAN AIZENSTAT: Which they usually  
 24 are.  
 25 MR. COLLER: Right. So what you're saying

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1 is that, the ordinance would not apply to  
 2 properties which have been owned and assembled  
 3 prior to the effective date of the ordinance.  
 4 MR. PARDO: What about the unity of title?  
 5 And the other thing is, when you're looking at  
 6 ownership, and then you create the unity of  
 7 title, you know, are you allowed to create a  
 8 unity of title with separate corporations?  
 9 MR. BEHAR: Yes, you are.  
 10 MR. COLLER: But I don't know if -- whether  
 11 you have a unity of title or you don't have a  
 12 unity of title at that particular time, is  
 13 necessarily determinative of the assemblage.  
 14 You know, it's -- they have a unity of  
 15 title and may have felt, well, we don't need it  
 16 at this point, we're not building on the  
 17 property yet.  
 18 MR. SALMAN: I would just say, contiguous.  
 19 Forget about the ownership and who owns it,  
 20 just contiguous blocks over 300 feet in total.  
 21 MR. BEHAR: But I think ownership is key,  
 22 because --  
 23 MR. SALMAN: Contiguous ownership, there  
 24 you go.  
 25 MR. BEHAR: Well, continuous ownership --

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1 CHAIRMAN AIZENSTAT: Contiguous.  
 2 MR. BEHAR: -- it could be under different  
 3 entities, but it has to be one -- look, for the  
 4 most part, you're not going to have, you know,  
 5 two owners, "Let's get together. Let's put the  
 6 properties." That doesn't happen. You know,  
 7 it's more rare.  
 8 Typically, if one owner has six lots,  
 9 seven, eight lots, ten lots, those are the ones  
 10 that I am more concerned about.  
 11 MR. COLLER: And let me just say one other  
 12 thing, I don't really know, because this -- now  
 13 we're getting into -- how easy it is to be able  
 14 to figure out these assemblages and whether  
 15 staff is able to determine it. Maybe they are  
 16 able to determine who has assembled the  
 17 properties and who hasn't.  
 18 MR. BEHAR: The only way you could do  
 19 that --  
 20 MR. COLLER: To do a title search really --  
 21 MR. BEHAR: Well, that, or typically even  
 22 if you go simply to Miami-Dade Property  
 23 Appraisal, and you look for ownership,  
 24 typically it takes you back even where they  
 25 have common addresses and all, you know. So

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1 you could do it. I mean, it's a lot of work.  
 2 It's something that, to do it City-wide, you  
 3 need a department to do that, you know.  
 4 MR. COLLER: Fortunately, it's not going to  
 5 be City-wide. It's in this RIR area.  
 6 MR. BEHAR: This area.  
 7 MS. KAWALERSKI: And Jennifer, did you do  
 8 that for the 300? You've already checked?  
 9 That's why you came up with 300?  
 10 MS. GARCIA: Yes, correct.  
 11 MS. KAWALERSKI: You already checked that,  
 12 right? Was that hard to do?  
 13 MS. GARCIA: Well, I asked our GIS  
 14 department to pull up common ownership of the  
 15 area, and they came up with that map, yes.  
 16 MS. KAWALERSKI: Okay. So you already did  
 17 that for 300?  
 18 MS. GARCIA: For 300, yes.  
 19 MS. KAWALERSKI: Okay. So you can do that  
 20 for 200?  
 21 CHAIRMAN AIZENSTAT: Well, Felix, we have a  
 22 motion that you made.  
 23 MR. PARDO: It didn't have a second.  
 24 CHAIRMAN AIZENSTAT: I understand, because  
 25 we were under discussion.

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1 MR. PARDO: Correct.

2 CHAIRMAN AIZENSTAT: So the question was,  
3 with his motion, how did we incorporate --

4 MR. COLLIER: Well, you can have a second,  
5 with a friendly amendment, to see if the movant  
6 is willing to --

7 CHAIRMAN AIZENSTAT: No. No. But what I'm  
8 saying is, how do you add that date, to that  
9 motion? How do you --

10 MR. COLLIER: Well, the person who seconds  
11 can request a friendly amendment, and if the  
12 movant agrees with the friendly amendment -- if  
13 not, then we don't have a second.

14 CHAIRMAN AIZENSTAT: No, I understand, but  
15 what I'm saying is, how do you implement the  
16 date that it starts?

17 MR. COLLIER: Well, you would, in the  
18 effective date of the ordinance, you would  
19 include a provision, "It is provided this shall  
20 be effective as of the date of adoption. It is  
21 provided; however, that this Ordinance shall  
22 not apply to properties that have been  
23 assembled and owned," or whatever -- the devil  
24 might be in the details a little bit, but I'm  
25 just kind of trying to draft something,

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1 assembled and owned prior to the effective date  
2 of this ordinance. That's how it would appear  
3 in the Ordinance.

4 MR. SALMAN: I would do it in the future,  
5 within six months of the effective date of the  
6 ordinance -- to take effect six months after  
7 passage of the ordinance.

8 MR. COLLIER: Well, the only problem with  
9 doing that is, then everybody starts running to  
10 the courthouse.

11 CHAIRMAN AIZENSTAT: Is there a second that  
12 would make a friendly amendment to Felix's?

13 MR. PARDO: There wasn't a second --

14 CHAIRMAN AIZENSTAT: No, that's what I'm  
15 asking now, if there is.

16 MR. BEHAR: I will make a second, with the  
17 condition -- those conditions, okay, that  
18 properties that are owned and assembled be  
19 exempted prior to the effective date, and there  
20 was something else that I wanted to add to  
21 that.

22 CHAIRMAN AIZENSTAT: The park.

23 MR. BEHAR: Well, no -- and how about if  
24 those owners or those are not exempted in  
25 perpetuity? They have a time limitation to

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1 submit an application? Do we want to say  
2 that -- because the way we're doing it --

3 MR. SALMAN: Yeah, we can do that.

4 MR. BEHAR: Because that way we're doing  
5 it, I could own that property and wait 20 years  
6 and still get the same benefit, right?

7 MR. COLLIER: That's true.

8 CHAIRMAN AIZENSTAT: So within what period  
9 would you say, 24 months?

10 MR. BEHAR: No. I think 36 months would be  
11 a time frame, because, that way, moving  
12 forward, in three years, if you did not apply,  
13 sorry, you lose it.

14 CHAIRMAN AIZENSTAT: But at least you know  
15 this is the Ordinance.

16 MR. COLLIER: I just want to say, the most  
17 cautious you are with existing property rights,  
18 the better --

19 MR. BEHAR: The most conscious is putting  
20 that property be exempt --

21 MR. COLLIER: There's no cases on this.  
22 When you look at the case law, there's no cases  
23 on this.

24 CHAIRMAN AIZENSTAT: So, Robert, to move it  
25 forward, 36 months is what you're proposing?

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1 MR. BEHAR: Is that -- are we potentially  
2 going to create a problem?

3 MR. COLLIER: I always say that anybody can  
4 sue for anything at any time.

5 MR. BEHAR: How about if we -- the step one  
6 is, do not put a time limit for the future,  
7 just property that were owned and assembled  
8 prior to the effective date be exempted? That  
9 way we limit anybody going forward. Are you  
10 okay with that?

11 MR. PARDO: I agree, yes.

12 CHAIRMAN AIZENSTAT: Okay. So that motion,  
13 and he has agreed. Any other discussion?

14 MR. WITHERS: I have some discussion,  
15 sorry. So I don't know how architects and  
16 builders make money. I just know that it's by  
17 scaling as much as they can, I'm assuming,  
18 taking a large piece of property and building  
19 as much as they can on it and renting it out or  
20 selling it, and there's nothing wrong with  
21 that. So is there a difference between having  
22 a 300-foot piece of property versus 250-foot  
23 piece of property or a 350-foot piece of  
24 property with a 50-foot lot in the middle of  
25 it?

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1 I mean, I'm just trying to get away from  
2 the Las Vegas hotel look in the North Gables.  
3 I'm trying to get away from the -- you know, on  
4 Ponce Circle, when you drive by, just one huge  
5 mass. I wouldn't mind 250-foot buildings, if  
6 there was space in-between.

7 So if you want to assemble 350 feet and  
8 build 150 feet here and 150 feet here and 50  
9 feet in the middle, do you still make your  
10 money?

11 MR. BEHAR: Keep in mind that you have  
12 setbacks. So you're not -- the 300 feet is not  
13 300 feet.

14 (Inaudible.)

15 MR. BEHAR: No, less, because you at least  
16 have 10 and 10, right?

17 MR. WITHERS: But I'm assuming it's going  
18 to be a PAD and I'm assuming the City is going  
19 to say, if you give us this 50-foot park in the  
20 middle, we're going to relieve some of the  
21 setback? I'm assuming that's the kind of horse  
22 trading that's going to take place, because  
23 that's normally what takes place.

24 CHAIRMAN AIZENSTAT: But it also has to  
25 come back before --

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1 MR. WITHERS: I understand.

2 CHAIRMAN AIZENSTAT: It has to go through  
3 all of the processes.

4 MR. PARDO: And the massing -- in your  
5 project, Robert, in the massing of the two  
6 buildings, was that something that was  
7 suggested by the Board of Architects?

8 MR. BEHAR: Yes.

9 MR. PARDO: So, then, again, the Board of  
10 Architects has it. They've got your back.

11 MR. BEHAR: We went through hell and back  
12 from --

13 CHAIRMAN AIZENSTAT: Any other --

14 MS. GARCIA: And just to clarify, it has  
15 to be a PAD. It has to be one acre to be able  
16 to have that horse and trade situation.  
17 Otherwise, they have to meet the setbacks.

18 MR. WITHERS: For the 350 feet, you'll have  
19 more than 43,000 --

20 MR. BEHAR: No, you don't, because it is  
21 110 by 350 -- you're not even getting to the  
22 PAD. So you couldn't even take advantage of a  
23 PAD.

24 CHAIRMAN AIZENSTAT: All right. Any other  
25 discussion? No?

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1 Call the roll, please.

2 THE SECRETARY: Sue Kawalerski?

3 MS. KAWALERSKI: No.

4 THE SECRETARY: Felix Pardo?

5 MR. PARDO: Yes.

6 THE SECRETARY: Javier Salman?

7 MR. SALMAN: Yes.

8 THE SECRETARY: Chip Withers?

9 MR. WITHERS: Yes.

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: Mr. Chairman, we've been going  
17 now for two and a half hours. We haven't given  
18 the court reporter a five-minute break. We  
19 typically take a five-minute break. I  
20 recognize you have two items left on your  
21 agenda, that may have some extensive comments.

22 MR. BEHAR: We could take the break, but  
23 tonight is a nine o'clock on the dot, because I  
24 don't want to go until ten o'clock like we did  
25 last time.

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1 MR. COLLER: Jennifer, is there a must pass  
2 item in here? I shouldn't say, must pass --  
3 must be addressed item in here?

4 MR. WITHERS: The TV shouldn't take more  
5 than 10 minutes, should it?

6 MS. GARCIA: I hope not.

7 MR. BEHAR: And the grass --

8 MR. WITHERS: I don't see either one of  
9 them -- they're easy --

10 CHAIRMAN AIZENSTAT: Do we need to take a  
11 break? The court reporter says she's good.  
12 Does any Board Member here want to take a  
13 break?

14 MR. BEHAR: Let's go.

15 MR. WITHERS: I apologize.

16 MR. COLLER: I may walk out, but that's okay.

17 MR. BEHAR: We don't need you.

18 MR. COLLER: Let's see if we can truly do  
19 these two items in ten minutes.

20 MR. WITHERS: I want to revisit that last  
21 item just a second. I really would like to  
22 figure out a way to try to revisit that  
23 200-foot deal. I really would. You know, if  
24 we make a motion to the Commission, then they  
25 have to accept our motion and act on it, from

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1 what I understand? So if it takes a motion to  
2 the Commission --

3 MR. COLLER: Well, wait a minute. Let's  
4 clarify that. You've made a recommendation.  
5 Your transcript is seen by the Commission.  
6 They've seen the comments about preference for  
7 potentially 200 feet. So they're aware of it.

8 MR. WITHERS: I always thought, and I could  
9 be totally wrong, because I am a lot of times,  
10 but if a Board made a specific motion of action  
11 to the Commission, they had to act on it. Is  
12 that not correct?

13 MR. COLLER: Not correct. You're merely  
14 making a recommendation.

15 CHAIRMAN AIZENSTAT: We're just a  
16 recommending Board.

17 MR. WITHERS: Okay. I'm wrong. I  
18 apologize for your time. But I would like to  
19 emphasize that to the Commission to look at.

20 CHAIRMAN AIZENSTAT: It's been noted.

21 MR. PARDO: Now we have seven minutes.

22 CHAIRMAN AIZENSTAT: Thank you.

23 Next item, please.

24 MR. WITHERS: I'll move it.

25 MR. GRABIEL: Second.

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1 even if it's a quick process, Jennifer, is  
2 there --

3 MS. GARCIA: So it's two points to this.  
4 One, we're removing the option to have  
5 artificial turf within the pavement joints. I  
6 don't need a PowerPoint. Thank you.

7 And, then, the second point is to add  
8 alternatives, as far as what to put in between  
9 those pavements.

10 CHAIRMAN AIZENSTAT: So those alternatives  
11 are guided? You must do A, B, C or D?

12 MS. GARCIA: River rock, Jersey shore  
13 gravel, marble chips -- these are consistent  
14 with what's allowed, as far as the swale  
15 package goes which is adjacent to these  
16 driveways --

17 MR. SALMAN: I hate the swale package.

18 MR. PARDO: This is only in front yards?

19 MS. GARCIA: Yes, driveways.

20 CHAIRMAN AIZENSTAT: Okay. That's your  
21 presentation?

22 MS. GARCIA: Yes.

23 CHAIRMAN AIZENSTAT: Okay. Do we have  
24 anybody for any comment, whether it's Zoom,  
25 phone or in Chambers -- in Chambers, there's no

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1 MR. COLLER: I have to read it first.

2 Item E-3, an Ordinance of the City  
3 Commission providing for text amendments to the  
4 City of Coral Gables Official Zoning Code,  
5 Article 6, "Landscape," by amending the  
6 utilization of artificial turf on open joints  
7 of pavement; and Article 10, "Parking and  
8 Access," by providing review of materials in  
9 pavement joints; and providing for a repeater  
10 provision, severability clause, codification,  
11 and providing for an effective date.

12 Item E-3, public hearing.

13 MR. BEHAR: Motion to approve.

14 MR. COLLER: Well, let's -- first of all, I  
15 think we need the record to reflect there is no  
16 one in the room to speak on this item. Do we  
17 have anybody in the --

18 CHAIRMAN AIZENSTAT: Well, should we do the  
19 presentation by Staff?

20 MS. GARCIA: It's very simple --

21 MR. COLLER: Well, I wasn't sure where you  
22 were going with this, so I want to make sure  
23 that we have on the record that nobody is  
24 speaking on this.

25 CHAIRMAN AIZENSTAT: No. I'd like to go,

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1 one.

2 THE SECRETARY: No.

3 CHAIRMAN AIZENSTAT: Okay. I'm going to go  
4 ahead and close the public comment.

5 Sue.

6 MS. KAWALERSKI: You know, we're limiting a  
7 resident's ability to do things again; not  
8 developers. We're limiting residents'  
9 abilities to do things. So I'm totally against  
10 this. If they want artificial -- I mean, if  
11 we're discussing joints in a driveway, don't we  
12 have better things to discuss? Let them have  
13 artificial turf. It's not displeasing. Let  
14 them have it. That's my opinion.

15 CHAIRMAN AIZENSTAT: Thank you, Sue.  
16 Chip.

17 MR. WITHERS: I thought we gave them  
18 options to do so.

19 CHAIRMAN AIZENSTAT: We are. The only  
20 thing that they cannot do is artificial turf,  
21 according to this.

22 MR. PARDO: In the front yard.

23 MS. GARCIA: Yes.

24 MS. KAWALERSKI: And just the joints,  
25 right? We're talking about joints in a

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1 driveway.

2 MS. GARCIA: Yes.

3 CHAIRMAN AIZENSTAT: You can't do  
4 artificial turf --

5 MS. GARCIA: Currently you can have it in  
6 the joint, that's it.

7 MR. SALMAN: And why are we taking this  
8 right away from the residents?

9 MS. GARCIA: We don't like the look of it.

10 MR. SALMAN: You don't like it? Are there  
11 complaints from anybody that it's loose or  
12 comes loose, because I've seen it everywhere?

13 MS. GARCIA: No. I guess it's not wearing  
14 very well in locations, as far as like heavy  
15 traffic, with people driving into their  
16 driveways a lot. It's not aging very well.

17 MR. SALMAN: I think part of the problem is  
18 that people tried to use it in bigger areas. I  
19 think you're better off when you limit it to  
20 like three or four inches --

21 CHAIRMAN AIZENSTAT: Four inches --

22 MR. BEHAR: And the problem is, people are  
23 doing it on the separation and then they're  
24 going to continue it. And then it becomes  
25 where is the cut-off point.

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1 MR. WITHERS: Disco lighting?

2 CHAIRMAN AIZENSTAT: Hold on. Let's say  
3 you want to do very low tone packed tight  
4 lighting that goes in there. Has anybody ever  
5 presented that or anybody ever looked at that?  
6 Does that exist?

7 MR. BEHAR: It does exist. In walkways,  
8 I've seen it.

9 CHAIRMAN AIZENSTAT: In walkways. I'm not  
10 talking about bright lights. I'm looking at a  
11 very subtle --

12 MR. BEHAR: That's a whole different --

13 MR. SALMAN: I advise the Chair to stick to  
14 his comments, directly to the item before us.

15 CHAIRMAN AIZENSTAT: I'm just asking if  
16 that would be something -- and like I said, I'm  
17 not talking about bright lights, just to  
18 clarify. You know, I'm just talking about --

19 MR. BEHAR: And, Sue, I don't have a  
20 problem with, if you keep, don't keep it. I  
21 personally don't like it, but it doesn't mean  
22 that we're going to take it away from people's  
23 ability to do it. I just said it, just to move  
24 it forward.

25 MS. KAWALERSKI: So you're a no?

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1 MR. PARDO: No, then you have the wear and  
2 tear of the tire turning on the thing and  
3 destroys it.

4 MS. GARCIA: So what's being used as an  
5 alternative are more natural materials, that  
6 will allow that percolation you don't really  
7 get with turf that much.

8 CHAIRMAN AIZENSTAT: Chip, did you have  
9 any --

10 MR. WITHERS: No. I'm good.

11 CHAIRMAN AIZENSTAT: Felix?

12 MR. PARDO: No.

13 CHAIRMAN AIZENSTAT: Javier?

14 MR. SALMAN: She answered my question.

15 CHAIRMAN AIZENSTAT: Julio?

16 MR. GRABIEL: No problem.

17 CHAIRMAN AIZENSTAT: Any comments, Robert?

18 I had a comment which I wanted to ask. Did  
19 you -- has anybody ever presented to the Board  
20 of Architects with anything to do with some  
21 kind of lighting in those strips? Does  
22 anything like that exist?

23 MS. GARCIA: The lighting?

24 CHAIRMAN AIZENSTAT: Yeah. Let's say you  
25 want to go ahead and do a low --

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1 CHAIRMAN AIZENSTAT: Any other discussion?  
2 Is there a motion? Anybody that would like to  
3 make --

4 MR. PARDO: I'd like to make a motion to  
5 disapprove the taking away of the artificial  
6 turf, and I think it should be left up to the  
7 Board of Architects on determining the width of  
8 the strip.

9 CHAIRMAN AIZENSTAT: And as a question,  
10 would you go to a size vote?

11 MR. PARDO: No more than two inches.

12 CHAIRMAN AIZENSTAT: Two inches?

13 MS. KAWALERSKI: The Board of Architects --

14 MR. PARDO: Let the Board of Architects  
15 decide.

16 CHAIRMAN AIZENSTAT: Okay.

17 MS. KAWALERSKI: I would second that.

18 CHAIRMAN AIZENSTAT: So we have a  
19 disapprove by Felix and we have a second by  
20 Sue, but not to approve -- to decline --

21 THE SECRETARY: Excuse me, so the motion is  
22 to deny?

23 CHAIRMAN AIZENSTAT: To deny.

24 MR. PARDO: To deny the limitation.

25 MR. BEHAR: Where did this come from? I

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1 mean, just to the point --  
 2 MS. GARCIA: From a member of the  
 3 Commission. It's a sponsored text amendment.  
 4 MS. KAWALERSKI: Yeah, there's nothing  
 5 better to do, right?  
 6 CHAIRMAN AIZENSTAT: So we have a motion to  
 7 deny. We have a second. Any discussion? No?  
 8 Call the roll, please.  
 9 THE SECRETARY: Felix Pardo?  
 10 MR. PARDO: Yes.  
 11 THE SECRETARY: Javier Salman?  
 12 MR. SALMAN: Yes, to deny.  
 13 THE SECRETARY: Chip Withers?  
 14 MR. WITHERS: No.  
 15 THE SECRETARY: Robert Behar?  
 16 MR. BEHAR: No.  
 17 THE SECRETARY: Julio Grabiél?  
 18 MR. GRABIEL: I just want to clarify, if I  
 19 vote, yes, it means that we continue --  
 20 CHAIRMAN AIZENSTAT: That means you're  
 21 denying.  
 22 THE SECRETARY: Denying --  
 23 MR. GRABIEL: To deny that --  
 24 MR. PARDO: To be able to use artificial  
 25 turf.

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1 MR. GRABIEL: Yes.  
 2 THE SECRETARY: Sue Kawalerski?  
 3 MS. KAWALERSKI: Yes.  
 4 THE SECRETARY: Eibi Aizenstat?  
 5 CHAIRMAN AIZENSTAT: No.  
 6 So what do we have?  
 7 THE SECRETARY: Four to three, the motion  
 8 to deny was approved -- passed.  
 9 MR. COLLER: Okay. Item E-4, an Ordinance  
 10 of City Commission providing for text  
 11 amendments to the City of Coral Gables Official  
 12 Zoning Code, Article 2, "Zoning Districts,"  
 13 Section 2-403, "Giralda Plaza District  
 14 Overlay," by allowing a television screen on  
 15 the inside of a window on the pedestrian street  
 16 of Giralda Plaza; providing for severability  
 17 clause, repeater provision, codification,  
 18 providing for an effective date.  
 19 Item E-4, public hearing.  
 20 I just have one question on this, Jennifer.  
 21 As I understand it, this is only permitted if  
 22 you have outdoor dining, correct.  
 23 MS. GARCIA: Correct. Yes.  
 24 MR. COLLER: Okay. We may need to play  
 25 with the title a little bit.

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1 MS. GARCIA: Okay. That's fine. Yeah.  
 2 Yeah.

3 So, for the record, Jennifer Garcia, City  
 4 Planner. So the pedestrian street of Giralda,  
 5 as you know, is the 100 Block of Giralda.  
 6 There's no cars allowed. It's just  
 7 pedestrians. There's a lot of outdoor seating,  
 8 a lot of sidewalk cafes that are taking  
 9 advantage of this area. An idea of how to  
 10 encourage that pedestrian activity in that part  
 11 of the City more is to allow TV screens be  
 12 facing the already allowed sidewalk cafe, as  
 13 approved. It think it's worded as open air  
 14 dining.

15 The screen will be limited to the width of  
 16 the windows. So they can't be a large screen  
 17 that's expanding beyond the width of the  
 18 window, it has to be set with the window, and  
 19 it cannot occupy more than 50 percent of the  
 20 entire window size. I think that pretty much  
 21 sums it up. Oh, and it's limited to one screen  
 22 per 25 feet of frontage. You can't have  
 23 screen, screen, screen, screen. It has to be  
 24 within 25 feet of each other, or as approved by  
 25 the Development Review Official, for some

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1 flexibility.

2 MR. BEHAR: And this TV is going to be  
 3 inside the space?

4 MS. GARCIA: Yes, inside, facing out  
 5 towards the --

6 MR. BEHAR: The window?

7 MS. GARCIA: Uh-huh. Correct.

8 MR. SALMAN: What about the sound?

9 MS. GARCIA: I'm sorry?

10 MR. SALMAN: What about the sound?

11 MS. GARCIA: The sound would have to follow  
 12 the sound ordinance, a different part of that  
 13 section, but they could have sound during  
 14 certain hours.

15 MR. PARDO: If you're watching a baseball  
 16 game while you're having dinner outside --

17 MR. BEHAR: That's the intent of this, a  
 18 soccer game, to have a TV that people outside  
 19 can see.

20 MS. KAWALERSKI: Just a question. Is there  
 21 anything in the Code about any kind of active  
 22 displays? So this would be an active display.  
 23 Is there anything in the Code against VMS  
 24 signs, variable message signs, tickers --

25 MS. GARCIA: Well, this wouldn't be a sign.

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1 This would be a TV screen playing live -- well,  
2 I guess --

3 CHAIRMAN AIZENSTAT: What Sue is saying, no  
4 advertising or we're open, big TV that says,  
5 open.

6 MS. GARCIA: So, from my understanding and  
7 I'm looking at legal, we can't limit as far as  
8 what they're showing on a screen.

9 MR. COLLER: I thought they had said a live  
10 -- what do we have in the Ordinance? I haven't  
11 seen the latest revision. Did it have live  
12 action or what --

13 MS. GARCIA: We couldn't limit that only to  
14 live sports events --

15 MS. KAWALERSKI: But I'm saying, if you  
16 have an active display --

17 MR. COLLER: I think there are restrictions  
18 on signage for -- general restrictions on  
19 signage, so that would be inconsistent with the  
20 sign regulations. I think what we're -- I  
21 believe this, the intent was for display of  
22 live action.

23 MS. GARCIA: That's the intent. We can't  
24 limit it to only --

25 MR. BEHAR: Can you prohibit advertisement?

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1 MR. COLLER: Well, I think there's already  
2 a regulation on -- obviously, when somebody's  
3 watching a baseball game and there's a  
4 commercial, there's going to be an advertising,  
5 but I think that --

6 MS. KAWALERSKI: That's part of the  
7 programing.

8 MR. COLLER: I think that the television,  
9 there are point-of-sale sign regulations, and  
10 so that would potentially conflict with that,  
11 if the television wasn't being used for the  
12 purpose of live action, but they were going to  
13 say, So and So's Cafe, on the TV, and then that  
14 would be construed to -- it would have to meet  
15 the point-of-sale sign restrictions for the  
16 property.

17 You do have to be careful about  
18 content-based.

19 MS. KAWALERSKI: I mean, I'm not against  
20 this. I just want to know what the Code is. I  
21 mean, can I put a variable message sign on the  
22 inside and it's saying exactly that, Tuesday  
23 night, free wings.

24 MR. BEHAR: I think that would be going  
25 into the advertisement.

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1 MR. COLLER: That would go into the sign  
2 regulation of the --

3 MS. KAWALERSKI: Even though it's an active  
4 display. You know, there's flashing, you know,  
5 girls --

6 MR. BEHAR: Or guys.

7 MS. KAWALERSKI: Or guys. You know what I  
8 mean?

9 MR. BEHAR: I used to work at Hooters.

10 CHAIRMAN AIZENSTAT: Jennifer, let me ask  
11 you, if somebody takes that TV and moves it  
12 back four feet, back from the window, but yet  
13 you can see that TV from the window. Let's say  
14 I have a restaurant, and I put that television  
15 four-foot back from the window, but I aim it  
16 towards the window, am I allowed to do that?

17 MS. GARCIA: I think, as long as you're not  
18 attached to the window, it wouldn't be  
19 considered blocking the window. Right now you  
20 can't do that, because you're blocking the  
21 window. You're not allowed to block the  
22 window. I think, if you're four feet away, you  
23 could probably argue that you're not attached  
24 to the window --

25 CHAIRMAN AIZENSTAT: Or even a foot away,

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1 but I'm not attached.

2 MS. GARCIA: Right.

3 CHAIRMAN AIZENSTAT: So why wouldn't  
4 somebody that's doing -- Code Enforcement comes  
5 up to somebody and say, "You can't do this, why  
6 wouldn't they just move it six inches away or a  
7 foot away?"

8 MS. GARCIA: I'm assuming the space -- the  
9 interior space may not have enough space to  
10 move it back.

11 CHAIRMAN AIZENSTAT: All right. I'm just  
12 asking a question.

13 MR. WITHERS: So that big TV on the corner  
14 of Giralda and Ponce, on that sports bar, is  
15 that allowed, where that is?

16 MS. GARCIA: Currently, no, it's not  
17 allowed, because it's blocking the window.

18 MR. PARDO: Have they been cited?

19 MS. GARCIA: I believe so.

20 MR. WITHERS: But it was on the back wall,  
21 over the bar and it was looking --

22 MS. GARCIA: That's fine, right. You just  
23 can't block the window.

24 MR. PARDO: Mr. Chairman, I'd like to make  
25 a motion, if you don't mind and we can keep

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1 discussing --

2 CHAIRMAN AIZENSTAT: If I can, I just want

3 to find out, do we have any speakers for this

4 item?

5 THE SECRETARY: No, no speakers.

6 CHAIRMAN AIZENSTAT: No speakers whatsoever

7 in any platform?

8 Yes, sir.

9 MR. PARDO: I'd like to make a motion to

10 approve this change.

11 CHAIRMAN AIZENSTAT: As presented?

12 MR. PARDO: As presented.

13 CHAIRMAN AIZENSTAT: Is there a second?

14 MR. BEHAR: I'm going to second that.

15 CHAIRMAN AIZENSTAT: We have a second. Any

16 discussion?

17 MR. PARDO: I just want to add one thing,

18 there was a lot of money that was spent on

19 Giralda for those people to survive there.

20 This is just something that makes sense, and

21 most of the glass, by the way, Mr. Chairman --

22 most of the glass nowadays is tinted for energy

23 and the further back you set it, you can't see

24 anything.

25 MR. SALMAN: And the moldings are 48 inches

1 Javier. Everybody in favor, aye.

2 (Thereupon, Board Members voted aye.)

3 (Thereupon, the meeting was adjourned at 8:45

4 p.m.)

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1 and it's a continuous glass that we have to

2 have.

3 CHAIRMAN AIZENSTAT: All right. We have a

4 motion and we have a second. Robert seconded

5 it. Any further discussion? No?

6 Call the roll, please.

7 THE SECRETARY: Javier Salman?

8 MR. SALMAN: Yes.

9 THE SECRETARY: Chip Withers?

10 MR. WITHERS: Yeah.

11 THE SECRETARY: Robert Behar?

12 MR. BEHAR: Yes.

13 THE SECRETARY: Julio Grabiell?

14 MR. GRABIELL: Yes.

15 THE SECRETARY: Sue Kawalerski?

16 MS. KAWALERSKI: Yes.

17 THE SECRETARY: Felix Pardo?

18 MR. GRABIELL: Yes.

19 THE SECRETARY: Eibi Aizenstat?

20 CHAIRMAN AIZENSTAT: Yes.

21 Thank you.

22 MR. BEHAR: I'll make a motion to adjourn.

23 MR. GRABIELL: Second.

24 MR. SALMAN: I'll second.

25 CHAIRMAN AIZENSTAT: We have a second by

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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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 25th day of October, 2023.

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20 -----NIEVES SANCHEZ-----

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