

**City of Coral Gables City Commission Meeting
Agenda Item E-1
February 10, 2026
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Richard D. Lara**

City Staff

**City Attorney, Cristina Suárez
City Manager, Peter Iglesias
City Clerk, Billy Urquia
Assistant City Attorney, Gus Ceballos
City Architect, Juan Riesco**

Public Speaker(s)

**David Winker, Attorney for Appellant
Bonnie Bolton, Appellant
George Navarro, Attorney for Developer
Albert Cordoves, Architect, Lead Designer
Maria De Leon-Fleitis
Maria Cruz
Joann Meagher
James Berlin
Maria Cristina Longo
Kelly Vedrani
Mariana Fleites
Victor Fleites
Lisette Arango
James O'Neill
Javier Rotaldi
Nicholas Cabrera**

Stephen Pearson
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Alexis Santos
Anna Holman
Carol Smith
Kevin Kalus
German Tinoco
Helena Mena
Carlos Segrera
Mary Palacio
Omar Packard
Judith Packard
Julia Rojas
Jorge Arrizurieta
Karelia Carbonell
Maria Esenwiger
Thomas Mooney (Zoom)
Lynne Blustein (Letter)

Agenda Item E-1 [Start: 2:08 p.m.]

An Appeal to the City Commission of the Board of Architects Special Masters decision on January 13, 2026, affirming the Board of Architects October 19, 2023, design approval for property located at 110 Phoenetia Avenue, Coral Gables, Florida 33134. Lobbyist: Jorge Navarro

Mayor Lago: Welcome back. I'd like to thank everyone for being here. It's always great to see democracy in action. We're here for a time certain item. Agenda item E-1. Mr. Clerk, you'd like to put an item on the record first?

City Clerk Urquia: Yes, Mr. Mayor. Commissioner Fernandez is on Zoom. But I believe in order for him to be able to participate in this meeting, the Commission needs to take a vote allowing him to do that.

Vice Mayor Anderson: I'll move it.

Mayor Lago: I'll entertain a motion.

Vice Mayor Anderson: I'll move it.

Commissioner Castro: I'll second.

City Clerk Urquia: All in favor? Aye. Thank you.

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[Date]

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Mayor Lago: Moving on to item E-1. An appeal to the City Commission of the Board of Architects Special Master's decision on January 13, 2026. Affirming the Board of Architects October 19, 2023, design approval for property located at 110 Phoenetia Avenue, Coral Gables, Florida, 33134. Madam City Attorney?

City Attorney Suarez: Thank you, Mayor. So pursuant to Section 14-208.6 of the City Zoning Code, this appeal is based on the record of the hearing before the Board of Architects Special Master's and shall not be a de novo hearing. What that means is that no new or additional testimony shall be taken. This is an appeal that's based only on the record. And so, as a reminder, your role in considering this appeal is one, whether due process was afforded. Two, whether the essential requirements of law were met. And three, whether the decision by the panel of Special Masters was based on competent substantial evidence. The Commission's role is to determine whether due process is afforded, whether the zoning code was followed, and whether the competent substantial evidence supported the decision of the Special Masters. After the Commission's review, the Commission has four options as provided in the zoning code. The City Commission can affirm the decision of the Special Masters. The City Commission can affirm the decision of the Special Masters with conditions. The City Commission can override the decision of the Special Masters. Or the City Commission can remand for further proceedings to the Special Masters. And to be clear, affirming the decision would be affirming the approval of the design. The Mayor as Chair of the City Commission with me as parliamentarian has issued a procedural order that was provided in advance to the Commission and to the parties. Pursuant to that procedural order, the appellant will be allowed 15 minutes for presentation, five of which can be reserved for rebuttal, and that presentation shall be limited to the record before the Special Masters. Next, the Assistant City Attorney as counsel for the Special Masters and the City Architect will be allowed 15 minutes for presentations, also limited to the record below. Then the property owner will be allowed 15 minutes for presentation, also limited to the record below.

Mayor Lago: Thank you, Madam City Attorney.

City Attorney Suarez: Sorry, Mayor, if I can just kind of go through.

Mayor Lago: Okay.

City Attorney Suarez: So next will be time for questions by the members of the City Commission to staff or the parties, and then public comment will be allowed, but will be limited to two minutes per speaker. Because the review of this appeal is not de novo, public comments shall not be considered testimony in this case. And then finally, there'll be time for additional questions and discussion by members of the City Commission. And as a reminder, this is a quasi-judicial item, so any ex parte communications should be disclosed.

Mayor Lago: Madam City Attorney, just for the record, can you discuss and put it on the record what we as a Commission are considering today exactly? I want to make sure I put this on the record so everyone here understands when you're giving testimony or you're speaking on the issue, that I want you to be able to use the time as wisely as possible and as effectively as possible. So, I want you to talk about issues that, again, could be considered or could be discussed in an effort to swing one way or another in regard to what you're advocating on behalf.

City Attorney Suarez: Yes, Mayor. So, this is an appeal of the approval of the design by the Board of Architects that was affirmed by the Board of Architects Special Masters, a panel of three. And so, it's the design approval, essentially, the architecture, the design approval. And so that is what's before you today. But again, you're basing it on the record below. So, this is not a brand-new hearing. There's no new testimony or any testimony. This is a presentation for you all to review the record below and base your decision whether to affirm or override the decision.

Mayor Lago: Okay. So, for example, are we talking about the tree in question? Are we talking about the park? Are we talking about anything that deals with landscaping?

City Attorney Suarez: Limited to the design approval.

Mayor Lago: Limited to the design approval. Perfect. Are we talking about the zoning in regard to the property?

City Attorney Suarez: No, Mayor. If this project continues...

Mayor Lago: No. I'm being facetious. I want to ask these questions. I want to... I just want to make sure I put this all on the record.

City Attorney Suarez: There are no zoning requests before you today. There will be, if this process moves forward, there will be a time when those items would have to come before you. But that is not today. This is solely limited to the design.

Mayor Lago: So, again,

Commissioner Lara: Through the Mayor...

Mayor Lago: Okay.

Commissioner Lara: So, in following through with the Mayor's questions, let me make the public understand and everybody present today that our position, our posture here on the dais today is of a limited review, quasi-judicial limited review. Right?

City Attorney Suarez: Correct.

Commissioner Lara: And can you just say once again what it is that we are to be looking for that is based on the record below that would empower us, authorize us, legally permit us to change a decision rendered below already?

City Attorney Suarez: So, there's three prongs that you are supposed to consider. The first one is whether the due process was afforded. Due process is notice and an opportunity to be heard. The second is whether the essential requirements of law were met. In other words, whether the correct law was applied by the Special Masters in reviewing this matter. So, the correct provisions of the zoning code. And finally, whether the decision by the panel of Special Masters was based on competent, substantial evidence. So, on that point, it's important that you're not supposed to put yourselves in the shoes of the Special Masters. You're supposed to just review whether there was competent, substantial evidence upon which they could have based their decision. And that would be sufficient.

Mayor Lago: So, on that point that you're saying, remember, on the advocacy point, you have two minutes. Let's try to be effective as possible. We're dealing with the design issue today. I know everyone wants to talk about a litany of different issues. I want to talk about litany of different issues. But at the end of the day, to be effective, I'll be here as long as it takes. But to be effective in regard to advocacy, let's really focus in and dial in on the Board of Architecture and the effort in regard to design. Okay. Yes, Madam Vice-Mayor.

Vice Mayor Anderson: Okay. We received a lot of comments on both sides of this issue. And my question for you, Madam City Attorney, is with regard to issues that were previously considered and voted upon by the Commission previously, whether it be the Garden of Our Lord issue or historic preservation of a garden. Are those issues before us today?

City Attorney Suarez: No, that is not before you today. What is before you today is the approval of the design by the Board of Architects.

Mayor Lago: And if I may, I'd like to put it on the record. I know my colleagues would also like to put it on the record that we've been notified by both sides of the aisle in regard to this issue via email, via phone call, via text message. There's a whole host of discussions back and forth with both sides of this issue. Okay. Anybody else would like to say put it on the record?

Commissioner Castro: Yes, there's been ex-parte communications regarding this item.

Vice Mayor Anderson: Yes, I think that's across the board and acknowledged.

Mayor Lago: All right. Commissioner Fernandez.

Commissioner Fernandez: I also add ex-parte communications.

Mayor Lago: Okay, thank you very much. All right, Madam City Attorney.
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City Attorney Suarez: Yes, so next we're ready, Mayor, if you're ready for the presentation by the appellant.

Mayor Lago: The appellant, please come forward.

Mr. David Winker: Good afternoon. David Winker, offices at 4720 South LeJeune Road. Thank you, Mayor, Commissioners, City Attorney, City Clerk, for this opportunity to be here today. As you guys carefully spoke about, we're here today on appeal of a Board of Architect decision approving the design of this project. We are here today and appealing that decision because the substantial competent evidence is clear. The proposed design is incompatible with the surrounding Garden Apartment communities, aesthetic standards, particularly regarding harmony and proportionality. We're asking that you review the evidence below and we believe that you will find that it is clear the evidence, this project is incompatible with the neighborhood and it's incompatible with the overlay that was put into place in 2015 in this Garden Apartment District. We often talk about Merrick's plan for the city and what we expect our neighborhoods to look like. And again, I appreciate you being here. Residents so value their ability to have a say in what their neighborhoods look like. And you will see from public comment today and the public comment and the evidence that was put on the record that residents are pushing back. This project is simply out of harmony and incompatible with the neighborhood. So often, residents are here and the Commission has to tell residents, our hands are tied. We can only do so much. This is the opportunity for the Commission to carefully consider the evidence and help make a project that is compatible with the neighborhood. And with that, I'm going to turn it over to my client, Bonnie Bolton, to go through the evidence below.

Ms. Bonnie Bolton: And for a procedural issue, I wanted to bring up that during the Special Master's hearing, and it's proven by the transcripts, that the developer received double the amount of time that I did. And the transcripts prove that incontrovertibly. All right. Good afternoon.

Mayor Lago: May you please state your name and your address?

Ms. Bonnie Bolton: I'm Bonnie Bolton. I live at 42 Phoenetia Avenue. Good afternoon. As you know, this is an appeal of the Special Master's decision to uphold the approval of the plans by the BOA. The plans for the Garden of Our Lord must be denied because they dramatically deviate from our code. 110 Phoenetia Avenue has two extraordinarily unique features. The Garden of Our Lord and the 200-year-old tree. The Garden was one of the first three biblical gardens in America. It is a military memorial, community memorial, and religious memorial and a cemetery. Some of the trees and bushes which grow in the garden today came as seeds from Gethsemane. The garden was designed by acclaimed architect Robert Fitch Smith, and it was designed to complement the historic Women's Club, which is immediately adjacent to it. The proposed project seeks to demolish the garden, remove specimen trees from the swale with Spanish Moss, and move the 200-year-old tree. Experts from Vizcaya, Fairchild, Montgomery, and the Gifford state with

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authority that the ancient tree will die if it is moved. And for that reason, a lawsuit has been filed against the city to preserve the tree. And the photos that are being displayed are of Phoenetia, Antillia, Galliano, and East Ponce. And they demonstrate the character of this residential neighborhood. Our City Charter clearly and succinctly defines the responsibilities and obligations of our Special Masters. Pursuant to the City Charter Section 14-103.2 and 103.3, the Special Masters are a design review administrative board created to ensure that the city's architecture meets the design review standards of the zoning code. And is consistent with the city's regulations and to preserve the traditional aesthetic character of the community, unquote. The Special Masters must adhere to three different criteria. The first criteria that they must follow are our design review standards. Design review standards are concerned with issues such as context, compatibility, scale, massing, style, density, height, facades, and setbacks. These design review standards are clearly explained in Section 5-103 Architectural Style Letter B. The code says, quote, the architectural context of an area includes height, scale, massing, separation between buildings and style in regard to how buildings and structures relate to each other within a specified area, unquote. In our code, the word context appears nine times and the word compatibility appears 12 times. Article 16 from our code explains that, quote, compatibility means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures, pedestrian or vehicular traffic, circulation, access, and parking impacts. Compatibility refers to the sensitivity of development proposals in maintaining the character of existing development, unquote. The photos being displayed demonstrate conclusively that this project is out of context and incompatible with this neighborhood. On Phoenetia Avenue, there are six historically designated structures and on Antilla, there are three. This project is incompatible with these structures. This project fails to adhere to the design review standards, most especially context and compatibility, but also scale, massing, style, density, height, facades, and setbacks. The second criteria which our Special Masters must adhere to are our city regulations. The most important regulations are our city ordinances. There are two ordinances which apply directly to this project. Coral Gables Historic City Plan is an ordinance unanimously approved by the City Commission to preserve Merrick's vision for our city. It specifically states that the Douglas Section, which is what that area was referred to in his plan, be, quote, low in height and remain in the same scale as the single-family homes, unquote. The other ordinance which applies to this project is the North Ponce Conservation District Overlay. The North Ponce Conservation District Overlay Ordinance was created for the preservation and conservation of the traditional garden apartment fabric of the North Ponce neighborhood. This ordinance was written to quote, preserve and enhance the character of the neighborhood, unquote. Also, you must remember that this residential neighborhood is currently being studied to potentially be designated the North Ponce Historic Garden Apartment District. The architecture of this project flagrantly violates the most fundamental tenets of our building code. The project received the Mediterranean bonus because the standards for it were very lax at the time of its approval. Under the new and revised standards, it would not be qualified for it. It is

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also important to note that this residential neighborhood lacks the infrastructure for the project. It seriously ignores our code's requirements for setbacks. And even though the project seeks planned area development PAD in exchange for public green space, it only provides an insufficiently small interior courtyard, which is to serve primarily as a playground for the school, which is to be located on the property. Thus, they will only be providing an occasional green space, which will only be available to the public, Monday through Friday after 4 p.m. The third criteria which the Special Masters must abide by is that they preserve the traditional aesthetic character of our community. This city was founded under the precepts of the Garden City Movement. No other neighborhood in this city exemplifies the core principles of the Garden City Movement better than the North Ponce Garden Apartment District. And nothing threatens this neighborhood more than this project. There are a plethora of reasons why this project must be denied. It utterly disregards the sacredness of the Garden of Our Lord and the 200-year-old tree, and it is an abomination and repugnant violation of our code. And I'm going to save the rest of my time for rebuttal. Thank you.

Mayor Lago: Thank you very much. Mr. Winker, is there anything else you'd like to add?

Ms. Bolton: I'm just wondering why Rhonda has not recused herself. She had recused herself when it came before the Commission during the historic preservation designation.

Vice Mayor Anderson: I'll provide you an explanation on the record. The issue on historic preservation is whether or not the garden itself was historic. Because I had personally walked the property, because I had personally seen the property for decades, because I had in-laws that used to own the property across the street, I had personal knowledge that meant that I could not sit on that particular issue. The issue here does not deal with the historic preservation of a garden. It deals with the architecture of the building itself.

Mayor Lago: Thank you very much. Mr. Winker, anything further? OK. Mr. City Attorney, good afternoon.

Assistant City Attorney Ceballos: Good afternoon, Mayor, Vice Mayor, and Commissioners, Assistant City Attorney Gus Ceballos. I'm before you as the attorney for the Board of Architects and the Board of Architects Special Master. I will keep my comments very brief. They're mostly procedural in nature, just to give you some bit of a background. So, this project originally came to the Board of Architects for preliminary design review back in August of 2022, and was subsequently heard again December 7th of 2022. It came before the Board for the first full hearing on December 15, 2022, and was deferred. In February of 2023, it came back again, and it was approved for Mediterranean bonus. Mediterranean bonus and the design approval are two separate approvals. The design was again deferred for a second time. In April of 23, it once again was deferred, and again in June 29 of 2023, it was deferred for a fourth time. On the fifth time that this project came before the Board of Architects, it was approved with some conditions, specifically to the FPL vault doors, arch trims, and some finished materials. It was then in October of 2023 that

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it was appealed by the appellant, Ms. Bonnie Bolton. A conflict resolution was held on January 30th of 2024, as required by our code. We had a subsequent conflict resolution meeting in April 26 of 2024. No resolution came of those meetings. A subsequent BOA meeting was held with a slightly modified design. That was something that the property owner and the applicant brought forth in August of 2025, it did not move forward, it did not get approval, did not get denied. They withdrew their application, so their existing approval remains. A Special Master hearing was scheduled for December 8th of last year. We had to cancel that at last minute, and it was rescheduled for January 31, 2026, at 2 p.m. That Special Master hearing was held before a panel of three Special Masters. As the City Attorney indicated before you today, whether the three prongs are being met, meaning was there due process? In essence, was there notice? I haven't heard anything that would indicate that there was a lack of due process or notice. Ms. Bolton's comment about different times, I kept the time as the Commission is used to. The Clerk may keep time, but it is up to the Mayor to regulate how that time is controlled. Everyone got the same amount of time. If someone spoke longer, there was more interaction between the Special Master and them. That's outside the time of their original 15 minutes, but my recollection is that nobody was cut off at any point, neither public, nor the applicant, nor the appellant, nor the city staff. The second prong is whether the essential requirements of the law were followed. The review of the design was based on the standards of Article V of the Coral Gables Zoning Code, and the third prong was whether there was competent substantial evidence. The determination as written in the order was based on the competence substantial evidence that was presented by both the appellant, the applicant, and city staff. Also to note, it was a unanimous decision by the Special Masters to uphold the decision of the Board of Architects. Myself and the City Architect are available. If you have any other questions, please let us know.

Mayor Lago: Just one request. You mentioned the vote for the Special Master was a three zero, correct?

Assistant City Attorney Ceballos: Correct.

Mayor Lago: What was the vote of the Board of Architecture?

Assistant City Attorney Ceballos: I have to defer to the City Architect on the specifics on that particular vote.

Mayor Lago: Mr. City architect, if you have that information, just to put it on the record, because I know that I'm going to get asked later, and I want to make sure I have that.

Assistant City Attorney Ceballos: That is the October 19th, 2023, decision.

Mayor Lago: Madam Vice Mayor.

Vice Mayor Anderson: Quick question for staff. So, for the benefit of the community, three, four years ago, were there three special masters required?

Assistant City Attorney Ceballos: No, this was a decision that was made by this Commission to change the requirements so that when any commercial or MX use review went through the process, that it wouldn't be a single special master, but a panel of three. This is the first one we've ever held in that way.

Mayor Lago: May I add some more color to the Vice Mayor's comment, just to give you a little bit more understanding. Before it was just one, now it's three. Do you know what year that was instituted, that change?

City Attorney Suarez: It was in either 2023 or 2024.

Assistant City Attorney Ceballos: It was recent.

Mayor Lago: Okay.

Vice Mayor Anderson: It was an ordinance I sponsored because I was the first individual that appealed a Special Master's decision. It was based upon a single opinion. And for projects of this magnitude, I felt it would be best that we not have a single individual weigh in.

Mayor Lago: Thank you very much, Madam Vice Mayor. Mr. Architect.

City Architect Riesco: I do not have the information available for the meeting. I can have somebody look it up if you...

Mayor Lago: That's perfect. We're going to be asked, so I just want to have it on the record. Thank you very much, sir.

City Architect Riesco: I'll follow up on that.

Mayor Lago: I appreciate you. Anything else for the good of the order, Mr. City Architect? Mr. City Attorney, excuse me. All right, perfect. The applicant.

City Attorney Suarez: Yes, now it's the property owner's presentation.

Mayor Lago: The property owner. Good afternoon.

Mr. George Navarro: Good afternoon. Give me a second before the timer starts. We're going to connect. We have a presentation as well. Just give us a minute to set it up.

Mayor Lago: Okay.

Mr. Navarro: Thank you. Okay, I think we're good. I got the thumbs up. Good afternoon, Mr. Mayor, Commissioners. George Navarro with offices at 333 Southeast 2nd Avenue. I'm here this afternoon on behalf of the property owner and on behalf of Crystal Academy to defend the BOAs and the Special Master's approval of this project. There we go. Thank you. You go on the next slide. The project and the design of the project proposes ground-level live-work units. If you go on the next slide. Upper-level residence and a new 5,500 square foot educational facility for Crystal Academy. Fully funded and fully built by the owner and leased back to the school rent-free. Creating a permanent home for this important community resource and the family it serves. If you go on the next slide, please. What makes this school so unique and special is the combination of academic and therapeutic programs that it provides in one setting for children with development delays. Over the last few months, we have had the opportunity to meet with many residents within an eight-block radius and we have obtained 400 signed petitions of support in favor of this project and its design. Demonstrating the strong community support for this project. As we consider this appeal, you go to the next slide, please. It's important to clearly define what is before you today and what is not. This appeal is limited by law and by your code to a review of the existing record to determine whether the Special Master's decision, unanimous decision, to approve the project is supported by substantial competent evidence. This is not a rehearing of that proceeding.

Mayor Lago: May I ask you a question, sir? I apologize for interrupting you.

Mr. Navarro: Yes.

Mayor Lago: Everything there in green obviously shows support. What is the red?

Mr. Navarro: The red is the project site. Micael, if you could go to the next slide, please. As reflected in the record, the majority of the appellant's presentation focused on items that are not part of the architectural review criteria under the code and respectfully fall outside the scope of this appeal. Items such as rezoning and land use policy, tree relocation, alleged impacts to adjacent properties, historic designation and preservation of private green spaces are all governed by a completely separate set of regulatory framework and approvals and under the jurisdiction of different boards and departments, not the Board of Architects. So, for purposes of the record, I would like to clarify a few points. If you could go to the next slide, Micael. First, Ms. Bolton's characterization of the North Ponce overlay area as a low-rise area is factually and legally inaccurate. The MPCD is a broad overlay, as you can see here, that applies to a majority of the North Ponce area. While the MPCD was adopted to encourage the preservation of existing garden-style apartment buildings by giving them additional development incentives to be able to develop when you have an existing apartment building, it did not eliminate lawfully existing MF2 zoning. If the intent was to require low-rise development, the ordinance would say so. Instead, and if we could go to the next slide, the overlay actually expressly allows buildings up to 97 feet tall. And here's an aerial that shows the height context in the area to show this is all in the MPCD, what the

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height in this area actually is. The MPCD allows a height of 97 feet. This project is 93 feet. If you could see as we go through the photos here, if you go to the next slide, there are multiple high-rise buildings in this area directly adjacent to this property that range in heights between 130 to 190 feet in height, which greatly exceeds the 93 feet that our project is proposing. The BOA and the Special Master carefully considered this context in ultimately approving this project for architectural compatibility, which is the only appropriate compatibility standard under Section 5-102B of your code. Regarding the concerns regarding the project's proximity to the Women's Club, there is no rule, criteria or regulation or other requirements in your code that allows or requires the board to evaluate the building size, massing or impact to nearby historic sites. It does not exist, especially across the street. In fact, as you can see in this image, there are numerous comparable projects in the city and in this immediate area that are closer to or taller to historic structures than our project is. For example, Fink Studios, right down the street in downtown Coral Gables, is flanked by high-rise buildings. This shows that proximity to historic structure is not a relevant consideration in your code for architectural design approval and is not something that has been done in the past and is inconsistent with past practices. Regarding the tree relocation, which has been discussed at length in the record, if we could go to the next slide, please. Tree preservation and relocation are also not listed as an architectural review criteria in the code. These are also governed by a completely separate set of city and state permitting regulations. That said, our project does provide a robust tree preservation plan. We're preserving a large mahogany that we redesigned the building and the design to preserve, and we are also relocating a mature oak tree to make it a prominent feature of the project, as you can see in this image. There's been much to say about Ms. Bolton's letter from Vizcaya, but I would like to respectfully move to disqualify that letter that was submitted by Ms. Bolton from Mr. Simpkins that she relies on to support her claim regarding the alleged age of the on-site oak tree. This letter is not credible, and it does not constitute expert testimony. It provides no indication that Mr. Simpkins ever visited the site, nor does it address his qualifications or credentials, and he was never properly qualified as an expert in these proceedings. The appellant has used this letter to suggest that it reflects Vizcaya's official position on the tree, but that is misleading and inaccurate. As confirmed by a letter that we received from the CEO and Executive Director of Vizcaya, which I would like to read into the record, the statements of Mr. Simpkins are his personal views and do not represent those of Vizcaya. "Dear Coral Gables officials, please be advised that the attached letter written by Vizcaya's Senior Director of Horticulture and Sustainability, Ian Simpkins, on November 22, 2022, represents the personal opinions of Mr. Simpkins. I was not aware that this letter had ever been written, and it should not be construed as representing the views of Vizcaya Museum and Gardens," and I will be submitting this letter to the Clerk at the conclusion of my presentation. On the other hand, our certified arborist, Mr. Michael McCoy, who has over 25 years of experience with tree risk assessments, impact evaluations, and tree relocation planning, who has been qualified as an expert and actually inspected the tree, provided a detailed assessment report that's part of your record, confirming that this tree is an excellent candidate for relocation. Mr. McCoy, along with Mr. David

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Bryant, who also has 40 years of experience in relocating large specimen trees such as this, are here to answer any questions that this Commission may have at the conclusion of my presentation. If we could go to the next slide. I also want to address the issue about the private garden, which has already gone, as you can see here, through a separate and extensive review process. Your Historic Preservation Officer, Historic Preservation Board, this City Commission, and two courts have reviewed this, and all categorically denied this request to designate this property as historic, finding that it did not in any case meet any of the criteria to require designation or preservation. This architectural review process cannot be used as a vehicle to re-litigate or re-open historical designation issues that have already been settled and addressed. If you could go to the next slide, please. Having clarified what is not at issue today, let's talk about what is. Article V of your code sets out clear and specific set of criteria for architectural design approval, which is the only standard that we are talking about here this afternoon. Your BOA, which is comprised of highly experienced professionals who know the city well and who apply this criteria weekly, reviewed these exact plans on five separate occasions, provided input, requested refinements, and ultimately approved the final project, finding that it fully complied with the requirements for architectural design approval in Article V. Your Special Master's Board, an expert body made up of three architects that each has four decades of professional experience in architecture, carefully reviewed the testimony provided and the evidence presented and unanimously denied the appeal. Our lead designer, Mr. Albert Cordoves, and our expert witness, Mr. Bob Chisholm, presented our project to the board in detail, walking through each design element to demonstrate how the project meets and exceeds each and every one of the required code criteria. And I'd like to invite Albert Cordoves up, our lead designer, to provide a brief summary of his testimony and the materials that were presented to the Special Master, so you could have that as part of your background.

Mr. Albert Cordoves: Thank you, George. Mr. Mayor, Vice Mayor, Commissioners, good afternoon. Albert Cordoves is with Corwil Architects at 4210 Laguna Street, Coral Gables, Florida. First and foremost, I want to thank you for your time in reviewing our application and our project this afternoon. This is one that we have been working for quite some time with our client city staff. In an incredible and great collaborative effort with the Board of Architects, which ultimately approved what we felt and we feel still today is a great project for the residents to be and for the community of the City of Coral Gables. Project constitutes 200 units in nine levels, nine stories. The unit makes ranging from studios to three-bedroom units. We also have a 5,000 square feet special needs school, which is one of the fair and prides of this project. And in addition to that, we're housing 301 structural parking spaces within the project. So, from the onset, when we looked at this project, we found an incredible opportunity, an opportunity to design a small city block in the City Beautiful. And that opportunity was really to take what's existing there today and creating an amazing and gorgeous pedestrian route. And we started doing that. That's what we set out to do. And it was an incredible collaborative effort with this city, the Board of Architects. So, in starting to do that, what we did is we actually went ahead and took that perimeter of that particular

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city block and developed it with almost 95 percent of active, truly active use spaces. In addition to that, we felt it was really important to create quality of life in the pedestrian realm by increasing the landscaped areas in that realm. And for that reason, you see that in our perimeter, we established distances greater than the required setback by articulating the porticos along the facades where you have the live-work units and adding additional landscaping. We felt it was also important to extend that quality of life to the interior of the project by creating beautiful open space. The central point of our project is a beautiful courtyard with almost 6,000 square feet. And it's linked in addition to that, not required by code, but it's linked through a pedestrian passage, through block that links pedestrian with ability to go and visit the courtyard as well. Again, maximizing the pedestrian quality of the entire project. The next thing we did is we wanted to minimize and increase that quality by introducing only two curb cuts and introducing an internal vehicular drive north to south where we have access to the school functions. As far as drop-off is concerned, we have access to our internal parking circulation and most importantly, access to internalized loading functions of the project. Therefore, minimizing any impact on the pedestrian realm itself. All in all, I think we increased from the 20 percent required open space required by code to almost 32 percent of the open space. Forgot to mention that we also have the northeast corner of the project anchored by an open space for the school but also allowed to be used by residents on non-school hours in addition to. So, from what we have today, we have developed almost 30- something percent of open landscape pedestrian areas that we think establish incredible quality to this particular project. Our upper levels are housing the balance of the units. And as you can see, one of the main things, again it was to shield the parking garage. You can see it's totally shielded with active uses and essentially units from the streets. Lastly, we have our culminating at the last level with an open beautiful deck, which essentially brings the project volume from an eight-story to a nine-story volume. And I think it articulates the massing very well. In the exterior components, we absolutely, through the efforts of design with the board, with staff, with our client, designed this building in purely Coral Gables Mediterranean style, complying with every single guideline element of the code. We feel very proud of it. I think this is going to be an amazing project for the city, for the community, for the residents to be. And we are here to answer any questions, any comments that you might have.

Mayor Lago: Thank you very much. Closing?

Mr. Navarro: I'd like to reserve, I know we had a question in the middle as well and a few seconds, but I'd like to reserve a minute for rebuttal.

Mayor Lago: Okay.

Mr. Navarro: Awesome.

Mayor Lago: Thank you.

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Mr. Navarro: Thank you.

Mayor Lago: For the record, Mr. Clerk, 17 seconds.

City Clerk Urquia: Thank you.

Mayor Lago: All right. Don't worry. I'll give anybody enough time. Don't worry.

Commissioner Lara: I had a quick question.

Mayor Lago: We'll do questions. I just want to have, Mr. Winker, do you have anything you'd like to add for the record?

Mr. Winker: The audience has been doing four minutes of rebuttal there.

Mayor Lago: Just for the record, I think just for the record, because I want to be clear, because there were some things that were said that were not correct, factually correct. Would you provide the time that they have available?

City Clerk Urquia: Three minutes and 58 seconds.

Mayor Lago: You can take the time that you need. Go ahead.

Ms. Bolton: Okay. I want to state that the transcripts of the Special Master hearing incontrovertibly demonstrate that my due process was violated. I received much less time than the developer. They received double the time. Don't take my time, Mr. Navarro.

Mr. Navarro: I'm here to object. That's all.

Ms. Bolton: Also, the Chair of the Special Masters, contrary to what the city, the Assistant City Attorney stated, cut me off and said, come on, wrap it up. And the transcripts demonstrate that. Additionally, I want to reiterate that the Mediterranean bonus that they received is not the Med bonus that currently exists now. The standards were strengthened. It's completely different. And this project would not qualify for it under the new standards. Additionally, the green space that they're offering is a box. They received PAD, planned area development in exchange for the additional square footage. However, they are only providing occasional shared green space. And never before in this history of this city has there ever been this kind of negotiation where the green space is only occasional and that they've been granted the planned area development PAD. So yes. Additionally, I want to remind the Commission that this project violates the North Ponce Conservation District Overlay. Many of the photos that Mr. Navarro showed included Ponce de Leon itself, which has a completely different zoning code. And it's not applicable to the Garden Apartment District, which is inset from Ponce. And also, I want to point out the fact that I have 12 different architects who've spoken out against this project. Maria de la Guardia, Rafael Portuondo,

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Elizabeth Platter-Zyberk, Joanna Lombard, and Robert A.M. Stern additionally wrote letters in opposition to this project. And Liz Platter-Zyberk even allowed one of her employees, a landscape architect, Mariana Flites, to come to participate in this meeting today because she is so against this project. And she understands the NPCO code, the North Ponce Conservation District Overlay code, and sees that this is a major violation of it. So yes, this project must be denied. It flagrantly violates two city ordinances. It violates our standards for scale, for massing, for height, for density, for infrastructure. That area has no infrastructure to accommodate that project. There are only two tall buildings in that area. And Phoenetia Avenue, it's 99 percent of the buildings are one or two stories. One building on Phoenetia is four stories. On Antilla, every building on that street is two or three or one stories. So, it's completely out of context and incompatible.

Mayor Lago: Oh, you don't have to end there. You can take a few extra seconds if you need it. I want to make sure you get all the time.

Mayor Lago: Thank you so much, Mayor Lago. And yes, I just want to reiterate, my due process was denied. Thank you.

Mayor Lago: All right, thank you. I'd like to put on the record what our city, Mr. City Attorney, would you like to respond to her statement about time? I think you put it on the record, but maybe you want to put it on the record again, to be clear. I think it's important. Especially when you're talking about due process, I think it's important.

Assistant City Attorney Ceballos: So, as I indicated before, like most meetings, in this particular case, the City Clerk keeps times, and the alarm goes off and the Mayor has the ability to ask somebody to wrap things up. Same thing happened in the Special Master hearing. I kept the time. The timer went off. The transcript doesn't indicate when the timer goes off, but the transcript does indicate that the Chairman does ask him to please wrap up and she proceeds to then provide more input. And at no point is she ever asked to stop speaking or anything like that. At the end of the day, the last comments before she sat down was good. Okay, good, good. She was perfectly satisfied with everything she had presented. Nobody prevented her from presenting anything else. And then the opportunity was given to the city for Mr. Riesco to speak at that time.

Mayor Lago: Okay, is that on the public record? Is there a public record of that?

Assistant City Attorney Ceballos: Yes.

Mayor Lago: Okay, Mr. Clerk, please provide that for anyone that would like to have a public record of that to make sure that obviously the City Attorney's comments are on the record and everyone understands that no due process was violated.

Commissioner Lara: Mr. Mayor, are we in the question mode at this point?

Mayor Lago: Yeah, I'm just going to go back to the council for the property owner. He has a few, I think he said he needed a minute. So, I wanted to see how much time-

City Attorney Suarez: Mayor, while he comes up, I just want to say that what Ms. Bolton was referring to and what the Assistant City Attorney was reading from, that is the transcript that is part of the record. It's on the agenda item and it is what you are reviewing today.

Mayor Lago: Yeah, I just want to make sure we put it on the record even though I know, again, it doesn't matter. People can say whatever they'd like to say. But I think it's critically important that we put things on the record, especially when you're talking about due process and you're saying you violated someone's due process. Go ahead, sir.

Mr. Navarro: So, before I start my rebuttal, I just wanted to put an objection onto the record. Just if I may...

Mayor Lago: Remember, when you go into your rebuttal, every moment you go into your rebuttal, I'm going to give you the same amount of time.

Mr. Navarro: Of course, I think that was what also happened at the last proceeding. So just the issues of infrastructure were not raised as part of the Special Master meeting, so those should not be considered here. I know we're going off the record, but I wanted to just put that objection on the record. Regarding the prior hearing, and I'll talk very fast for this minute, but Ms. Bolton essentially used the entire public comment portion of the Special Master meeting as part of her presentation in chief. She was personally selecting witnesses and bringing them up and having the Clerk put up exhibits as to what they were speaking and coordinating with all these witnesses. So, she almost had double the amount of time that we had. And I want to just make that clear because it was a concern that I had on my side representing the property owner during those proceedings. I'll conclude with this because this has been a three-and-a-half-year process of appeal after appeal. The right to appeal is fundamental, but it comes with a responsibility to make arguments with accuracy and good faith representations of fact. In the past several years, many of the claims advanced by Ms. Bolton over the years have been carefully reviewed and conclusively found to be untrue. The first, that this site is a cemetery, which the state confirmed to be untrue. The second is that the trees on this site originated from the Garden of Gethsemane, which multiple arborists, including the city's own, concluded that that was not true. And most recently that an oak on site is 200 years old, which is also unsupported by any professional analysis of the record, but also highly improbable as prior to the development of Coral Gables in the 1920s, most of Coral Gables consisted of pine rocklands, not mature high-wood forests. So that would be quite impossible to have an oak tree that's 200 years old. At some point when appeals rely on unfounded assertions, they can no longer be viewed as good faith efforts to resolve legitimate issues. Instead, they risk transforming a protective process into a mechanism for delay. And those delays have real life consequences, not only to the city that has to expend time and resources, not only to my client and

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the property owner who has to absorb additional costs, but in this case to an important critical community that is not able to have certainty as to its future in this community, and that is Crystal Academy. The record before you is clear. The project's architecture complies with the code. It's undergone an extensive review by two expert bodies who both found the project complied with all the requirements in your code. Your City Architect has also reviewed the project independently and has reached the same conclusion. Personal disagreements with policy or design preference by Ms. Bolton is not a legal basis for reversal. We ask this Commission deny the appeal based on the substantial competent evidence of the record and allow this important project to move forward without any more unwarranted delays. Thank you very much.

Mayor Lago: Thank you. Mr. Winker, you have two minutes and 26 seconds.

Ms. Bolton: Okay. Yes, I'm just going to read.

Mayor Lago: I can see already a few heads shaking about the two minutes and 26 seconds. Go ahead, but make it count. Let's talk about the design. Let's talk about the design, not about the tree, about anything else. Let's talk about the design. Let's make it count.

Ms. Bolton: Okay, but I do want to reiterate that my due process was violated at the Special Masters, and there is proof of that in the transcript, so I just want to reiterate that. Additionally, one of the most fundamental rights that we have as American citizens is the right to appeal a decision, and I am so grateful and thankful to live in a country and a city where I have that right, and so I'm so happy to exercise that, and I will continue to do so. The project is a major violation of our code for not just our ordinances, but our design review standards, and I'm going to pass the mic over to Maria de Leon-Fleitish, who's an architect and urbanist, and she's going to get up and use the minute and a half.

Mayor Lago: Thank you very much. Yes, ma'am.

Maria De Leon-Fleitish: Hi, good afternoon. My name is Maria De Leon-Fleitish. I am an architect. I've lived in Coral Gables for 43 years at 825 Messina Avenue. I am a practicing architect. I'm also a new urbanist, and I'm also adjunct faculty at the University of Miami. I'd like to say that we need to speak with fact, and that is very true, Attorney Navarro. First of all, starting with the fact that the rendering that is presented to all of us, first of all, in January, I understood that the building had 177 units. Now, today, the architect is saying it's got 200 units. The rendering that is shown to all of us in public shows the building on an island. Really, there's no buildings adjacent to it, and it frustrates me very much to see this building is not part of an island. It is not isolated. It is part of a very tight-knit community, a community that is composed of one, two-story, and three-story buildings, and I have a presentation that I can talk to you about later on, but I want to specify that right now, that it's not truthful, and if we need to be truthful, then your images, attorney and architect, should be truthful and should show the neighborhood adjacent around it. You're not

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building this building alone. There are buildings, and there is a community that I saw it, yeah, and there's no buildings on your rendering, so your rendering shows your building as an island, and it is not an island, so please consider that, because it's not factual, and it's not truthful. The buildings also that he talks about are on Ponce, and they're farther away. They're not within the neighborhood, so I'll continue this presentation, if you allow me to. Thank you so much.

Mayor Lago: Okay, for the record, for the record, you had 16 more seconds than anybody else has. How about we call that a win, and we call that a truce in regard to the war of the seconds, okay?

Mr. Navarro: So just for the record, I'm not, this is not de novo. I have to clarify the record.

Mayor Lago: Done, done, five seconds. I want him to win.

Mr. Navarro: I just want to object to that being considered expert testimony, as the prior testimony was provided as public comment.

Mayor Lago: Sit down, please. Both of you sit down. Look at you, look. Yeah, how about that, right? 10 seconds. We did it. All right, Mr. Clerk.

City Clerk Urquia: Yes, sir.

Mayor Lago: To my colleagues, would you like to have a conversation amongst the Commission, or would you like to hear public comment first? What would you like to do? It's designed for us to have conversation first, but I'm more than willing to hear public comment out of respect for the residents who may have to leave.

Commissioner Lara: Through the Mayor, I would prefer public comment first.

Mayor Lago: Perfect. Vice Mayor, what would you like?

Vice Mayor Anderson: As far as discussion, that's one thing, but how about if we have any questions?

Mayor Lago: Of course.

Vice Mayor Anderson: Because it may help weigh in on public comment as well.

Mayor Lago: Okay, not a problem. I see it, I see it.

Vice Mayor Anderson: Because, you know, I've seen, I've heard a lot of concern about a tree. We have some staff members here. We have other witnesses here that I think can help enlighten the parties regarding the health of the tree, the movability of the tree, and the other is the compliance with our code. Because we have a City Architect who's also looked at this, and whether or not the Mediterranean bonus itself is compliant with our current city code.

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Mayor Lago: If I may, I don't have an issue with that. We'll do the Q&A now, but I want to put it on the record just to be very clear again, because I know the City Attorney's jumping at the bit to press the button to step in. We're not here to talk about the tree. The tree has no standing in today's conversation. I love trees. No standing, no standing today, okay? Remember, yes, ma'am, go ahead.

City Attorney Suarez: I'm sorry, Mayor. And one other thing, the approval of the Mediterranean bonus is also not being appealed.

Mayor Lago: I was going to get there.

City Attorney Suarez: Sorry.

Mayor Lago: We love trees. This is the Commission that loves the trees the most. We've done everything we can for the trees, okay? We've actually done everything, okay?

Vice Mayor Anderson: Then I'll withdraw my questions.

Mayor Lago: We're not going to discuss about the memorial. We're not discussing here about the memorial. We're not here to discuss whether it's a cemetery or not. I would like to discuss Live Local, one of the opportunities in regard to Live Local on the site, but we're not discussing that either. Okay. What we're here to discuss is what we've had 35 minutes of conversations on by both sides who handle themselves incredibly professional. More than 35 minutes, excuse me. I'm here to have a conversation now amongst my Commissioners. Madam Vice Mayor, would you like to discuss any issues in regard to the design moving forward?

Vice Mayor Anderson: As I had mentioned, I brought the ordinance change that we would have three Special Masters on projects of this magnitude because I did, as a resident, appeal the design of a project one time, and it was one special master, and it felt on something of that significance, we should have more than one opinion. So that's my first comment on that.

Mayor Lago: Can I add something to that, if I may? I just want to commend you on that because since you did bring that legislation up, I think it's brought a different kind of, how do I put this, objectivity and opportunity for having multiple people in the room having a conversation on the issue, but it's also allowed us to review things, have three different professionals in a room having a conversation about whatever the issue's at hand. So, I commend you for bringing that legislation forward. I think it's paid dividends when we're trying to work on issues of this magnitude. I called the City Architect up here just in case you have any questions. I think this is the person who has the most knowledge in regard to the process and the issues of the design.

Vice Mayor Anderson: So, my second comment is I worked for several years with our City Architect, our staff, Board of Architects, et cetera, on revising the Mediterranean design bonus so that we had stricter requirements on the design bonus. And having sunk that many hours into it,

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because it took years, I don't see anything glaring on this that would cause this project to be not in compliance with the design requirements. Am I correct?

City Architect Riesco: The project at hand was reviewed based on the Mediterranean standards at the time and was approved based on that. We since then have modified the Mediterranean standards. And as you said, after several years, back and forth, we've made the standards, I think, better and better is probably stricter. And has more compliance requirements than was previously in place when this project was approved. Does that answer your question?

Vice Mayor Anderson: It does. And for the public that didn't go through the laborious task of those revisions, we had buildings with birds on them that were very modern that were being approved with a Mediterranean bonus. And instead, we eliminated other architectural styles, and we limited Mediterranean bonus to only those who met the Mediterranean standard with high-quality materials.

City Architect Riesco: That is correct. And that was the sole largest change that we made to the zoning code at the time with regard to bonus standards is the original code had a caveat that it was Mediterranean style and other styles. That last part of that sentence was removed based on the will of the community and the Commission and we are now enforcing Mediterranean style only. So that's why the previous projects, the ones with the birds, were approved because other acceptable styles were allowed back then to receive a MED bonus. We've since made the change. We understood the ramifications of what that zoning code implication had. And again, there was some pushback on architectural style and buildings that were being built under the previous code. And that's the reason we made the adjustment, and we had all the meetings and we had all these exchanges with the community, with the Commissioners, and we modified the code to address the concern that is prevalent in the last, I would say, two or three years where we were able to make that adjustment. And now moving forward, we are doing that. It has to be a MED style building. It cannot be another style if you're going to receive a MED bonus. That was the agreement that was made across the board based on the changes to the code.

Mayor Lago: When was that approved?

City Architect Riesco: I don't know the time.

Vice Mayor Anderson: The final vote was January of 2025.

City Architect Riesco: A year and a half ago?

Vice Mayor Anderson: Well, it was 2025. The final vote...

City Architect Riesco: The final was last year?

Vice Mayor Anderson: January of 2025.
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City Architect Riesco: We started a couple of years ago.

Vice Mayor Anderson: Well, no.

City Architect Riesco: And it went through a couple of iterations and we made some adjustments and we finalized it. I'm not sure of the date, honestly.

Vice Mayor Anderson: Right. The material standards on this building do...

City Architect Riesco: Extensive changes to the code, extensive. To table one, table two, table three. So, we went through word by word of the zoning code. For months at a time.

Vice Mayor Anderson: But it ensured that we used high quality materials.

City Architect Riesco: Absolutely. That was one of the benefits of the changes that we made to the code was to guarantee that the materiality would be high-end and not just substandard stuff that we were getting.

Vice Mayor Anderson: So, I'll ask you this question. The design that was approved by the Board of Architects and affirmed by the Special Masters doesn't meet the quality standards material-wise?

City Architect Riesco: Yes, absolutely.

Vice Mayor Anderson: Of the current code?

City Architect Riesco: Building has high quality materiality throughout. The building complies actually with a lot of the standards that were triggered in the change. And I think the building, it steps back, it steps in. It has volume changes. It has Mediterranean features that are known and prevalent for that style. It has high-end materiality. It complies with a lot of the code changes that we have made. I would say that.

Vice Mayor Anderson: Okay. Does it comply with the setback requirements?

City Architect Riesco: Yes, it does. Even though, again, I'm Board of Architects. I'm not zoning. So, setbacks are a zoning condition, not an architectural condition.

Vice Mayor Anderson: I understand the difference.

City Architect Riesco: There's a difference in an architectural setback that's based on a volume or a mass. And then there is a zoning setback that says you got to be 10 feet away. This project complies with that.

Vice Mayor Anderson: And there were some comments about massing. And that buildings are in the neighborhood two to three stories in height. I took a look at the map of the neighborhood and I see buildings eight stories on Galliano within a block. Is that your, when you've reviewed the neighborhood, what you saw as well?

City Architect Riesco: Yes, that's our consideration when we look at context. As we look to the south, we look to the north. There's multi-story buildings north of us. There's multi-story buildings south of us. There's multi-story buildings to the east of us. I'm sorry, to the west of us. So contextually, there are multi-story buildings that are part of that area. And that's how we base our compatibility.

Vice Mayor Anderson: So, there are multi-story buildings.

City Architect Riesco: Yes.

Vice Mayor Anderson: The zoning in the area allowed for those multi-story buildings?

City Architect Riesco: Yes.

Vice Mayor Anderson: Is that correct?

City Architect Riesco: To my knowledge, I wasn't here when they were built. But they've been around for a long time. And I'm sure they complied with the requirements at the time.

Vice Mayor Anderson: Right. So, we're not here for zoning. But I just wanted to bring that up since it was mentioned by someone that there were no other multi-story buildings in the area that exceeded two to three stories in height. So, do any of my other colleagues have any questions?

Commissioner Castro: Yes.

Mayor Lago: Commissioner.

Commissioner Castro: Through the Mayor. Yes, I have a question. And this is for Ms. Bolton. You said that your due process was violated. Can you go ahead and guide me to where in the transcript you feel, or it proves that it was violated?

Ms. Bolton: Yes. In the transcript. And I apologize. I don't remember the exact page numbers. But you can see where I began to speak and where I end. It's about 20 pages. And then where the developer has an opportunity to speak, it goes on for approximately 40, 45 pages. So that incontrovertibly demonstrates that they got more time.

Commissioner Castro: But did at any point anybody stop you from talking?

Ms. Bolton: Yes. Chairperson Willie Bermello specifically said to me, you need to wrap it up. And I did continue speaking for like another minute. And I wrapped it up early because I was asked to.

Commissioner Castro: So, are you telling me your due process was violated because of the amount of time you spoke?

Ms. Bolton: Yes. And the amount of time that the developer received. They received at least double the amount of time as I did. They had architect Chisholm come up and speak. They had, I think, a Mr. McCoy and the other arborist come up and speak. And you can see that. If you look at when I started to speak during the transcript, when I finished and you compare it to the number of pages that the developer received.

Commissioner Castro: Are you trying to tell me that you had more testimony or that you had more things to say and you weren't able to say them? Or do you feel that you were able to state your case completely?

Ms. Bolton: There were certainly additional comments that I would have made, but I was told to stop. So yeah, my due process was violated in a major manner at that hearing.

Commissioner Castro: Thank you.

Ms. Bolton: And also, I just want to mention, this clock here was not available to the public during the Special Master's hearing. I couldn't see it from where I was sitting. And I was well aware when the developer was speaking that they received much more time. But unfortunately, I did not have the foresight to begin timing them.

Commissioner Castro: Thank you.

Mayor Lago: Are you done?

Commissioner Castro: I'm done.

Mayor Lago: Okay.

Mr. Winker: It was on page 68, line four, where Chairman Bermello says, can you wrap it up?

Mayor Lago: Again, for the record, that happens at every Commission meeting. That happens at every meeting here. When there's testimony being given, I ask people to, they could please wrap it up because as we go over time and there's discussion, we have to move on because you have to respect the entire agenda. There's many items on the agenda. I want to make sure that people can speak. So again, I think you've had a fair amount, more time than the individual who was Mr. Navarro to speak and his team. You've spoken more today. So, I don't think your rights have been in any form or any way trampled. But please sit down. That may be used against me later because

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I asked her to sit down. Respectfully. So, you've been given ample time, more time than counsel, but you've been given more time. You've spoken. You just got up and spoke again. So, my point is that it's been very fair and I want to keep it that way. Commissioner Lara.

Commissioner Lara: Just a quick question. Mr. Winker, can I ask you some questions, please? Sir, were you present during that particular meeting that Ms. Bolton claimed that she was deprived?

Mr. Winker: Special Master hearing. Yes.

Commissioner Lara: Okay. Did you object?

Mr. Winker: No.

Commissioner Lara: Did you ask for more time?

Mr. Winker: No, we took our allotted time. She was cut off within the allotted time. And the issue is the developer was allowed to do almost double the time. That's what was the allotted time.

Commissioner Lara: What was the allotted time?

Mr. Winker: Do you remember what the allotted time was?

Ms. Bolton: I just know the page numbers.

Mr. Winker: Yeah, I don't. I'm sorry, Commissioner. I don't remember the amount of time.

Commissioner Lara: Are you saying that she was deprived a minimum amount of time that was allotted for the presentation?

Mr. Winker: No, she. Just be clear. The issue is not her amount of time. It was the Commissioner. I'm sorry. It was the developer's amount of time. The issue is it looks like we didn't have a timer. But if you look at this transcript, it's approximately double the time.

Commissioner Lara: So, if I understand maybe what you're trying to say is like if you put it on the scales, right, there's more time that one side took to present because they maybe had more to say and less time for your client devoted to speaking. But if you feel, I think that's your point, right, that you feel that she was cut off. I think you already answered my question. You didn't object.

Mr. Winker: No, let's be clear. We complied. We used up our time. The developer went well over the time and that's the issue.

Commissioner Lara: Mr. Winkler, did you object to that?

Mr. Winker: No, that's my point is.

Commissioner Lara: So, we sit in a quasi-judicial appellate capacity. I've litigated for 30 years. Maybe you have as well. What you don't preserve below, I can't hear again today, correct?

Mr. Winker: No, that's the issue. The issue is you are reviewing the record, the due process. There is no necessity of preserving. This isn't an objection such as hearsay, such as relevance. This is a fundamental how it was conducted, the hearing was conducted.

Commissioner Lara: And I'm on that point.

Mr. Winker: He gave twice as much time to the other side. Whether I reject it or not, the facts are the facts.

Commissioner Lara: But you sought no more time, correct?

Mr. Winker: That's correct.

Commissioner Lara: Okay, on to the next issue. Can you please just tell me what is the essential requirement of the law that you contend was not met as pertains to the design that was approved by the architectural board? That is my specific question.

Mr. Winker: Well, I think it's mixing two elements, right? There are three elements on appeal. Due process.

Commissioner Lara: No, just excuse me. I have to interrupt you because I asked you a very specific question. The essential element of the law as pertains to the approval by the architectural board of the design of this building, you contend was missed. It was not complied with. So, what is the essential element of the law as pertains to the approval of the design of the building that you want to bring to my attention?

Mr. Winker: So that is not our contention. Our contention is that the competent substantial evidence makes clear that when you apply the law which requires compatibility with the surrounding neighborhood, harmony with the surrounding neighborhood, the evidence is clear that the project is out of compliance with that. So, no one is arguing that the wrong law was applied, right? The essential requirement, the law was applied.

Commissioner Lara: Law is applied, right?

Mr. Winker: There was no evidence, sorry, the evidence is clear that the project fails to comply with that.

Commissioner Lara: So having gone through prong number one, due process. Now prong number two, essential requirements of the law. Now we're on to number three. Was there competent and substantial evidence to support the finding of the architectural board that the design of the building.

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Mr. Winker: That's the contention. That's why we're here today. That's the, the appeal is due process. And then three, the evidence. And it's our contention that when you review the record, and as you will hear today from other people that are speaking that will talk about what happened at the meeting, the evidence is clear that it is incompatible with the neighborhood. It fails to meet that standard.

Commissioner Lara: So that I understand then, are there any arguments that you're raising here today that haven't been raised before as pertains to the approval of the architectural design, both among the Board of Architects and the multiple review bodies that reviewed the decision initially made by the Board of Architects. Are there any new arguments or new facts that you're bringing before us today?

Mr. Winker: No, and I would agree with the City Attorney, that's not why we're here today. We're going to go over what happened below and that's what we're arguing the transcript below.

Commissioner Lara: So, from the Board of Architects to the various appellate reviews which includes a unanimous vote of a Special Master, your contention has to be, right, that each of those bodies got it wrong. In each, in each of the opportunities that you were given to present your case.

Mr. Winker: Exactly. And that's what I said earlier on. We're so often here where the Commission says, our hands are tied. We can't help you residents with what's happening here. This is a unique process. You can have input on the design of this building. This is an opportunity for the Commission to say, what do we want this to look like after hearing the resident input about what the issues are with this building. One of the examples that was said below. It's unprecedented in Coral Gables. We live in a tropical environment where we can grow trees, we can grow, we can have open spaces. This is a silo within a building. When you're in the green space, you're surrounded by four walls, the sky is above it basically it's like this, the garden, the open space is surrounded by, and I don't want to misspeak I think it's four-story walls at a minimum that you're in. We've never had; it's like a coffee can on it. So those are the things that you can consider whether we want to set that precedent.

Commissioner Lara: Right. Well, I disagree because I believe that the Commission sitting here in this quasi-judicial appellate review of decision board is limited to due process, essential requirements, along where the competent substantial evidence was provided below. And the only criteria with respect to compatibility is the architectural compatibility, and I think we've heard unless you disagree evidence below. And today, the design that was approved by the Board of Architects falls within applicable zoning.

Mr. Winker: But again, we're not looking...

Commissioner Lara: Just answer that question. Is that true what I just said.

Mr. Winker: Well, first of all, we're not here on zoning. So, I don't know how to answer that question.

Commissioner Lara: We can answer yes or no because I asked that question.

Mr. Winker: Okay, so if we're going to get into zoning.

Commissioner Lara: Well, my question is whether the architectural compatibility is the only criteria that should be reviewed with respect to your argument that competent substantial evidence and due process was violated. The only incompatibility you can refer to is where the architectural design is incompatible.

Mr. Winker: Absolutely. That's what we're talking about. We're talking about design, right, what do we want to have buildings that have silos. It's reminiscent of the Plaza, right.

Commissioner Lara: But you're going off again. I'm asking whether or not with respect to architectural compatibility, right, the design. I think you're suggesting that we can sit here and substitute our view with what was rendered as the opinion and decision of the Board of Architects. Are you asking me to put my view in substituted for theirs.

Mr. Winker: Absolutely, you, your job as the Commissioner is to review the evidence to determine whether this design is compatible with the neighborhood.

Commissioner Lara: We're not talking about that. We're talking about whether I was asking whether or not there's any architectural code or zoning provision that has been violated with this design having been approved. Just identify that for me.

Mr. Winker: Okay. So, I mean, I guess we're going to get into zoning, so you're talking about zoning violations.

Commissioner Lara: Talk about any architect.

Mayor Lago: No, no, no, that's not talking about zoning, but he's talking about design, whether this design that was approved by the BOA and then reaffirmed by an independent panel, who has three members, was any law violated?

Mr. Winker: Yes.

Mayor Lago: And I don't mean to jump into Commissioner Lara.

Commissioner Lara: Oh, I would have just asked him, you know, just quote to me the section.

Mr. Winker: The code requires that the architecture be compatible with the neighborhood. That is the standard. So, you sit in judgment when you see that massive building within the context of this garden district. Is it compatible? And is it in harmony? That is the question before you.

Mayor Lago: Okay, Madam City Attorney, you'd like to...

City Attorney Suarez: Sorry, I just want to clarify and remind the Commission of the standard that you're supposed to be following here today. So, you are not supposed to make a judgment as to whether the design satisfies the criteria in the zoning code. You're supposed to be determining whether there was competent substantial evidence relied upon by the Special Masters in making that determination. So, you're not supposed to step into their shoes, you're not supposed to make a judgment on that, you're supposed to review the record, was there substantial competent evidence, and if there was competent substantial evidence to support the decision of the Special Masters, that is sufficient. So that's what you're determining today. Was there substantial competent evidence?

Commissioner Lara: Do you agree with that, Mr. Winker? That that's the correct review?

Mr. Winker: Yes. And so let me quote the law, Section 5103, architectural style, letter B says, the architectural context of an area includes height, scale, massing, separation between buildings, and style in regard to how buildings and structures relate to each other within a specified area. Unquote. Then we talk about what does compatibility mean? Compatibility means the characteristics of different uses or activities or designs which allow them to be located near or adjacent to each other in harmony. So, you guys today, and I think the City Attorney has said this and made this clear, you have to see if the evidence supports the conclusion that this is in harmony with the other buildings. So, you're not substituting judgment, you're not, you know, you're looking, is there evidence that this is in harmony based on what happened below?

Commissioner Lara: Right. Well, just a couple of things real quick and then I'll pass the gavel, I guess, or the dais over, the mic to my colleagues. Mr. Winkler, you've said a couple of times, you refer to us here as guys, and I would, I mean, I'm not trying to stand on ceremony here, but we're all Commissioners, and if you refer to us that way, I doubt you would say to a judge, hey folks, or something like that, but that's, I'm trying to maintain some decorum in that respect. And second, I think that we're all on the same page, since we are not, and I think you agreed, to substitute our view of what the evidence below would have been had we sat in the shoes of the Board of Architects, right? All that we're looking at is whether or not what they did see is substantial and competent evidence for the decision they made, correct?

Mr. Winker: Absolutely. So, the idea is you can look at that picture, and you are able to determine, that picture is evidence, is that building in harmony? That's the decision you have to make. To say that's substituting judgment, you have to sit based on the evidence before you. And we believe that the evidence is clear, it's not compatible, it's not in harmony.

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Commissioner Lara: I know your position, but I disagree that I can look at it and decide differently, because I can look at the same evidence and come up possibly with a different interpretation, but my limit is whether or not when they looked at it, what their decision was, is it supported? You would have to make the argument that there is no way that they could find that it complied with applicable law, correct?

Mr. Winker: No, I do not believe that's the standard.

Commissioner Lara: Okay, we'll agree to disagree to that.

Mr. Winker: Thank you.

Mayor Lago: Okay, Mr. Winker, if I may, I haven't said a word yet. Just a few points that I think is very concerning, and as you can tell, for the record, I think we've, you said that there was about double the amount of time that was spent going back and forth during the Special Master, I think we have surpassed that by far, in regards to the amount of time that you've gotten here today. I think that's critically important, because it's one of the fundamental principles of your argument and Ms. Bolton's argument that due process was violated, and you're the one standing up here for the last probably 30 minutes, so you've had the floor to really state your case. On that point, I think you infer that the city's fingers were on the scale in regard to what has transpired over the multiple different boards, from the BOA to the Special Master, and that you were not treated fairly. Commissioner Lara very eloquently brought to light the fact that there was no objection on your part, zero objection, and as the attorney, I imagine you're not doing this out of the goodness of your heart, you're being paid to be here.

Mr. Winker: Actually, I'm not being paid.

Mayor Lago: Well, congratulations. At least you're getting some good publicity out of it, you're getting some good publicity out of it. That's beautiful. I believe in charity work also. Why didn't you object?

Mr. Winker: I don't think it was appropriate to interrupt. At the end of the day, the hearing is the hearing. This is not a, under law, this is not a violation that requires preservation below. Whether people were given equal time is a fact to be determined by this board.

Mayor Lago: So let me ask you a question. If I vote in your favor today, does that mean that Mr. Navarro and his clients have some claim against me for not providing enough time for them today? You said you don't want to interrupt, but your client has interrupted things about the third time that she interrupts, which is perfectly fine, I understand, we're a little overzealous on issues, and I get it, but I'm not a lawyer, but when you're brought in to represent somebody, you should do everything in your power within the confines of the process to make sure you represent them. So when you tell me you didn't object, but then you're going to come back a few weeks later and say,

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hey, our due process was violated, we were not afforded the same rights as Mr. Navarro and the owners of the property, I want to help you, and that's why, if you notice, I'm giving you a lot of time to explain yourself up here. I think we've been more than fair. So, you've got to give me something that I can really hang my hat on, because you've really talked about due process and due process and due process, that it was violated. So, I want to make sure, because this will hit the blogs later, and I want to make sure that at least on my account, I feel comfortable when they write an article that spins this off the rails, you know, that at least someone can go back and look at the transcript. So, I want to understand, you feel like you didn't want to object because you didn't want to go over the process?

Mr. Winker: You know, it's like the idea of that I'm going to tell the city how to conduct that hearing. The hearing is the way the hearing is going to go, right? There's questions asked, just like you're giving me more time today. Ms. Bolton raised the issue, and there was no timer, let's be clear, first of all, right? There was no timer available to us. Here we have a timer.

Mayor Lago: But that's not an excuse. There is a timer.

Mr. Winker: No, there is no timer.

Mayor Lago: Sir, with all due respect, there is a timer. In the meetings, you're given time. The Clerk or the person who's running the meeting is going to tell you, you have 15 minutes, you have 15, whatever the time may be, and there's a timer. Whether you see it or you don't see it, there is a timer present, because both you have time on your end and I have time on my end over here so I can see. And then it's very clear. So, there is a timer.

Mr. Winker: But let me- Just to be clear, at the meeting we were at-

Mayor Lago: Maybe you didn't see the timer, but there is a timer.

Mr. Winker: No, there was no timer.

Mayor Lago: All right. But at the end of the day, you should still object. If you feel you did not get enough time, you should object. That's the bottom line.

Commissioner Lara: Mayor, if I may, as well, so as I asked and you just brought up again, number one, the basis for your lack of due process, I think, is that she wasn't afforded the same or relatively the same amount of time as her adversary, but you didn't object and you didn't ask for more time.

Mr. Winker: That's what I was getting to.

Commissioner Lara: But in the end, right, that's the basis for coming here today and saying that I was deprived of something then. As the Mayor is saying, help us understand, if you didn't object or didn't ask for more time, how can that be considered prejudicial?

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Mayor Lago: So again, I'm going to get to the final point, okay? Which Commissioner Lara, as a good attorney, basically made my point. Literally was so you feel you didn't get sufficient time-

Mr. Winker: No.

Mayor Lago: But you didn't-

Mr. Winker: Let's be clear. Not that we didn't get sufficient time.

Mayor Lago: But that's my-

Mr. Winker: They got double the time.

Mayor Lago: Okay, but then why are you making an argument today if you didn't object? And then also, you didn't seek out additional time. So, at the end of the day, I think that you're not focusing in on what I believe is the important facts here. And that is, do you have any competent, substantial evidence for me to review, not on time, due process violations that are somewhere in the nebulous state, do we have something here that you can show me that will overturn what the Special Master clearly voted on unanimously, are competent, professional board at the Board of Architecture, which are all architects, I need you to tell me something. And it can't be just some real mumbo-jumbo legal terminology to try to confuse me because I'm not a lawyer. I have lawyers all around me, okay? They can iron this thing out and take it all apart for me. I need you to do me a favor, please, and explain to me, and I'm going to, really simple. Do you have any competent, substantial evidence that will render the decision by the Special Master invalid, and I can move in a different direction? I need you to tell me that.

Mr. Winker: Yes, absolutely.

Mayor Lago: Oh wait, hold on. And you cannot tell me about a coffee can, because I wrote this down, a coffee can and a park. Sir? But no, please come forward. We're focusing in on the park? No, no focus on the park. It is about design. It's about design. I need you to explain to me the design and where it falls short and does not meet the criteria, please.

Mr. Winker: Yes.

Mayor Lago: Okay, go ahead.

Mr. Winker: The applicable law is section 5-103.

Mayor Lago: So, we went through this already. Tell me, tell me.

Mr. Winker: The architectural context of an area includes height, scale, massing, separation between buildings and style in regard to how buildings and structures relate to each other within a specified area. Article 16 of our code explains what compatibility means. Compatibility means the

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characteristics of different uses or activities or design which allows them to be located near or adjacent to each other in harmony, compatibility, harmony. The evidence before you, the comments from the public, you're going to hear them again now. This isn't in harmony and it is not compatible. This is a giant building within a garden district with an overlay. It's across the street from the Women's Center. It is jarring. You can see from the pictures it's jarring. But the evidence below, the resident's testimony is what matters. And the resident testimony, the competent substantial evidence, is that it's not compatible and it's not in harmony. That is the evidence.

Mayor Lago: So, Madam City Attorney, I've heard. Can I consider any of this? Jarring. Women's club. Any of that makes a decision, help me make a decision here?

City Attorney Suarez: So, Mayor, there was, my understanding from reviewing the transcript is there was various evidence that was presented and, you know, if the property owner wants to review what was submitted or just kind of summarize it for you, but in addition to whatever the property owner submitted in terms of plans and specifications, the testimony of their architect, in addition I know there was a staff report by our City Architect.

Mayor Lago: I read all that. Everything.

City Attorney Suarez: And so, if there was testimony by residents, lay, you know, lay opinion, let's say, that is not competent substantial evidence.

Mayor Lago: I'm happy you said that. Thank you.

City Attorney Suarez: So, if there's factual testimony by any of the residents, if there was factual testimony in the transcript, factual testimony, then that can be considered substantial competent evidence. But if it's just opinion testimony by a lay person, then it's not competent substantial evidence.

Mayor Lago: So, you have been asked multiple times by myself, by Commissioner Lara, in regard to show me competent substantial evidence, you would continue to repeat the law.

Mr. Winker: Let's be clear. Factual evidence. I'm going to go over it again.

Mayor Lago: Hold on one second. And you mentioned a coffee can and a park. All that doesn't come into play.

Mr. Winker: But Mayor it does apply.

Mayor Lago: It does not. It does not come into play here.

Mr. Winker: It does apply.

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Mayor Lago: Sir. Sir, it does not.

Mr. Winker: Listen, that will all be taken up on appeal. But the idea is the factual evidence before you is the resident factual testimony about incompatibility and out of harmony. That's what you have to focus on.

Mayor Lago: I'd like to put this on the record, since you already mentioned it's going to go to appeal. I don't know how you know that. You must have a crystal ball. I'm just, I've given you every opportunity, Mr. Winker. Every opportunity to produce something. To produce something. You've gone off.

Mr. Winker: You have it, Your Honor. You have it, Your Honor. You have it, Mayor. It's in the record. Your job is to go through the factual statements from the residents regarding facts that go to compatibility. You're now going to hear public comment. What are they going to talk about? Compatibility and harmony.

City Attorney Suarez: Mayor, I do need to clarify, kind of just to follow up on what I had said previously. If the record reflects that there was competent substantial evidence supporting different outcomes, and the Special Masters who were there and heard the testimony, heard the evidence, considered the evidence, they are the ones who are responsible for weighing that evidence and making a decision. So long as there was competent substantial evidence to support their decision, it doesn't matter if there was other competent substantial evidence that would have supported a different outcome. They're the ones who weighed the evidence. So, your job today is to see whether there was, and to make that determination, whether there was competent substantial evidence to support their decision. Not whether there was other, you know, they're the ones who weighed the evidence.

Mayor Lago: I'm just hoping and praying that you could come up with some sort of item or argument that makes me see something differently.

Mr. Winker: You're going to hear public comment from the same people.

Mayor Lago: Just so you're aware, just so you're, please, and I try not to interrupt you, just give me one second, Mr. Winker. I apologize. You've interrupted me maybe half a dozen times. I listened to all the public testimony. I was there. Okay? Listening to the tape. It's fine. We've been very clear on this. I'm going to hear and listen to everybody. I'm going to give them the time they need. So, but this was your job to put forth an argument that would explain your case. And I'm sorry, I don't think I'm the only one up here that doesn't see it. Okay? So, yes, Commissioner.

Commissioner Castro: Through the Mayor. My last question here is for you, Mr. Winker, or maybe for the representation of the developer. At any point during the last hearing, did the Chair ask the developer to wrap it up?

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Mr. Winker: No.

Commissioner Castro: Okay. So, you're telling me the developer got half the time, well, two times more, and the Chair didn't ask them to wrap it up?

Mr. Winker: Correct.

Mayor Lago: Stop. No, no, no. No more. No more. We're done. We're done. We're done, we're done, we're done. That's it. Mr. Clerk? Mr. Clerk.

City Clerk Urquia: Yes, Mr. Mayor.

Mayor Lago: I'm not going to get into this game back and forth. I'm not going to. I know where this is going. I know where the Commission is going. Okay? I'm not going to allow it. I'm not going to allow it. But hold on. Hold on, Commissioner. Hold on. Hold on. At the end of this Commission meeting, Mr. Clerk, at the end of the Commission meeting, I asked you to please, I want you to put the comments by both sides, how much time, and I want to make it a public record. I want to show very clearly the amount of time and the leniency that was given to Bonnie Bolton and her attorney. I want to make it very clear, because we keep going back to the due process and the due process and that the city had the finger on the scale, I will not stand for that. And for the Commission to even imply that and continue to say that, is not the way it should be. No Commissioners should say that. None. That is an assault on who we are as a city and we will never do that, whether we are on one side of an argument or an issue or the other side of an issue. We respect everybody's time here. Commissioner Lara, let's wrap it up and then we'll have our public comment.

Commissioner Lara: Mr. Mayor, since there's been suggestion by Mr. Winker that he may be seeking. Depending on the outcome today, an appellate review, I think we should grant three minutes to Mr. Navarro to at least get on the record some rebuttal to these points raised by Mr. Winker. I would ask that.

Mr. Navarro: I appreciate that.

Mayor Lago: All right. Commissioner. Jesus, now I'm even confused. Okay. Councilor Navarro, I'm going to give you two minutes and 45 seconds.

Mr. Navarro: I will be less than that. I would just like to clarify, and I mentioned earlier that there was an allotted amount of time. Each side had 15 minutes, plus there was a one hour of public comment.

Mayor Lago: This is exactly what I didn't want to do.

Mr. Navarro: I am just setting the record straight. I'm just going to read from the record. This is from page 21 of the record. Ms. Bolton, it seems like you're using the public comment as part of your presentation and your public comment is limited to 15 minutes. Throughout this record, if you look, while the public speakers are speaking, Ms. Bolton's name pops up saying, please put up these photos. I'm introducing someone. At the conclusion of where Mr. Winker says that the Chairman asked him to wrap up, Ms. Bolton was able to read five, five letters into the record after that point. So, there was plenty of opportunity to speak. No objection on the record and no ask for additional time. The record speaks for itself. I appreciate it.

Mayor Lago: If I may, thank you very much. That was 52 seconds. Put that on the record. Stop the clock. Stop the clock. I want to make sure that we add this up. By the way, Mr. Clerk, I'm not kidding. We're going to do this. We're going to get down to the second and we're going to post this. Again, the idea that we're saying here that the city has their finger on the scale and gives preference to one person over another is not going to happen here. The key here was to have a conversation, whether it's on one side or the other, to talk about the competent, substantial evidence that was provided by the Special Master. That's what the intent was. Right, Madam City Attorney?

City Attorney Suarez: Correct, Mayor. It's to review the record below.

Mayor Lago: And what have we done? We have spent over an hour and a half not talking about that. Talking about due process, talking about trees, talking about open space, talking about exactly what I didn't want to do. You did it. Okay. All right. Well, with that being said, we'd like to move it now so hopefully people can get home to deal with the issues that they have. Okay? Even though I love the fact that all of you are here, I'm excited about continuing to push forward on democracy, but I know you have better things to do. Mr. Clerk.

City Clerk Urquia: Yes, sir.

Mayor Lago: Let's open the public hearing.

City Clerk Urquia: First speaker, Cheryl Ackerman.

Mayor Lago: Okay. You see? That's why we have to do it, because people have to leave. Just for the record, please, we need to be honest and transparent. Did she leave a comment there?

City Clerk Urquia: She did, yes, sir.

Mayor Lago: What is it?

City Clerk Urquia: She just said she needed to leave early. That's all her comments.

Mayor Lago: Well, sorry about that.

City Clerk Urquia: Maria Cruz.

Mayor Lago: Yes.

Mrs. Cruz: This is Maria Cruz, 1447 Miller Road, 305-323-2154. First comment. Winker got up because he was asked to get up and to answer questions. He didn't get up on his own. He answered when he was asked. Okay. Number two. That project is incompatible with the rest of the area. Very clearly. It has to do with design. Massing is absolutely out of the park. In massing. Height. This is what they were supposed to be looking at. The project is out of context. Once again, this project should not be approved as it is. They should go back and do it the way it is supposed to be. Thank you.

City Clerk Urquia: Joanne Meagher.

Ms. Meagher: Hello. Joanne Meagher, 1225 Valencia Avenue. I'm not here to talk about the tree. However, I will talk about the design of the interior courtyard so trees in general will be mentioned. The children of Crystal Academy currently play in the grass under the shade of trees that have lived in their school home since well before they or their parents were born. Those who drive in the neighborhood see mature trees rather than more concrete. Those who walk by, even if they don't currently have access to the Garden of our Lord while all of this plays out, benefit from a tree canopy that shades the sidewalk, lowers temperatures, and contributes to a sense of well-being. Do these students deserve a new facility to enhance their education? Absolutely. Do they deserve an outdoor environment that is robust, one that allows them not only to play but to explore, to get into the dirt, to observe birds, bees, butterflies, and to listen to the ch-ch-ch of squirrels working on a live acorn? The green space courtyard in this proposal, which is surrounded by nine stories, falls very short of what these children, the neighbors, and the people of Coral Gables deserve. Studies have linked nature exposure with restoration of cognitive processes and increased capacity for cognitive processing in children and adolescents. During the January meeting of the Board of Architects Special Masters, the developers' representatives spoke of a shade study but offered no details. I'm wondering how many hours of sun that courtyard will get each day. What kind of trees will thrive there? Will they just put in palms? Will the grass thrive? My prediction is when they discover it will not, they will install artificial turf for the children's safety. Goodbye birds, goodbye butterflies, goodbye ch-ch-ch of squirrels. The green space will become merely a space. It is hardly green and will have nothing to do with nature. We are told that residents will have access to this green space when school is not in session. My question, which was not answered during the Special Masters meeting, is how will residents even know that the space exists or that it is available to them? Will the trees planted there tower over the nine stories? I believe not. I encourage the Commission to take very careful consideration of the Ponce neighborhood overlay and George Merrick's master plan for the city when it votes. And I urge the Commission to vote no on the project as it is currently designed. Thank you.

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Mayor Lago: Thank you very much. Only 20 seconds over.

City Clerk Urquia: James Berlin, Maria Cristina Longo will be next.

Mr. James Berlin, 737 Tebadaba. I've been before this Commission several times and I've been on the Zoom and I've done emails. My concern is in addressing development of high rise, which are not to the benefits of the community. And have you heard this discussion today? I don't think we're asking you to nitpick over the law or to look at the fine points. There's a lot of things historically on this case that are smelled. We've talked about the historical. We've talked about the religion. We've talked about the trees. But as part of it is, we've elected you to represent us. And the community is upset over high-rise development and the result of traffic and crime. So, we challenge you to look beyond that and say, is this position, your position serving the public by canceling a project, but just not desired? Thank you.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Maria Cristina Longo.

Ms. Longo: Good afternoon. My name is Maria Cristina Longo. And I live in a beautiful two-story house, Mediterranean, but Italian with Italian inspired on Phoenetia, just one block east of the proposed project. And I just want to say something very fast. Regarding the amount of times that the project went in front of the architectural board, if the project would have been good, it would have passed with flying colors. The project, because it's so controversial, it went in front of the BOA six times. The last meeting, and unfortunately, we did not have the revised Med Bonus, which I actually participated. I was part of the community who participated in the revisions of the Med Bonus. So, one thing that happened in a Special Master that I want to bring to tell you is that they said that we're going to uphold, because it went six times in front of the BOA, but it went, which makes no sense, because that's why we have a Special Master. And to me, it was a little bit absurd to hear that, because it went in front of the BOA six times. Again, if it would have been a good project, it would have passed with flying colors. So, I just want to tell you that the applicant's request for MX2 zoning is unreasonable. And I'm here to respectfully request the proposed project at 110 Phoenetia Avenue be redesigned in strict accordance with the MF2 zoning district regulations that govern the residential North Ponce neighborhood. We're not saying that I don't want development. I just want the zoning that belongs to design the prototype that belongs in this neighborhood. MF2 zoning is specifically intended for residential context. The problem that we're having here, sorry, the problem that you can give me, please, because I live in the street. I live in the street and I am vested. So, the MF2 zoning focuses on multifamily development that is compatible in scale, provides smooth transitions to surrounding neighborhoods and includes substantially more green and open space. And the setbacks requirements are different. One of the difficulties with this project is that they brought the MX2 setbacks that is commercial into a residential area. And that's why when you have, and it's not the height, I want you to tell you that

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I don't mind. I love New York and I like high buildings, but when you have a mega block project with that height and no setbacks, that's the issue. Important also, the MF2 requires 25 percent of the lot to be dedicated to green and open spaces. This neighborhood, as you already heard, is protected by the conservation district overlay established to prevent development of this type, ignoring standards and guidelines of the zoning code and overlay district would call into question the value of having them. And this is an unreasonable request. The MX2 enables a development prototype that is incompatible with the residential context. That's why we're having this problem with incompatibility is the prototype allowing intensity and setbacks that do not, they're not in context and not compatible. Rezoning to MX2, especially with commercial uses could also open the door to Live Local Act zoning greatly expanding development rights beyond today's proposal. I know that I'm fast, but...

Mayor Lago: You've doubled the time.

Ms. Longo: Please, please, please, please, please. Okay.

Mayor Lago: Ma'am, ma'am, you've doubled. You've doubled the time.

Ms. Longo: One more second. I want to tell you something.

Mayor Lago: 15 seconds, that's it.

Ms. Longo: Okay. 15 seconds. 91 letters were submitted to the Special Master by residents along with several letters from renowned architects. I want to tell you that one of those architects which was de la Guardia, which has never ever written in opposition to her project. And she agrees that the problem should adhere to MF2 zoning and she's willing to meet with Commissioners. Okay. Thank you very much. I am very invested. I am very frustrated. It's been a long time.

Mayor Lago: Thank you very much.

Ms. Longo: Thank you.

Mayor Lago: Okay. So that is two minutes and 23 seconds over. Okay.

City Clerk Urquia: Kelly Vedrani, Mariana Freitas will be next.

Mayor Lago: Thank you very much for being here.

Ms. Vedrani: Hi, my name is Kelly Vedrani. I'm a resident of Coral Gables, 10001 Fairchild Way. My son is Miles Vedrani, who will be turning 13 this Saturday, and has been at Crystal Academy for eight years. It is his home away from home, and I'm here to speak on behalf of some of our most vulnerable residents who are caught in the middle of this ongoing process. These special needs residents and their families are waiting to move forward because Crystal is the only school

of its kind in our city and the neighboring community. It is a place they all consider home. We cannot recreate this in our town with the current real estate costs. We ask the Commission to consider how important it is to move forward with these plans, because we need to be able to provide our children with predictability, and these families who are living with the insecurity of this situation every single day. That's all I have to say.

Mayor Lago: Thank you very much. You still had a minute and five seconds.

City Clerk Urquia: Mariana Fleites.

Ms. Fleites: Hello, good afternoon. Thank you for your time. My name is Mariana Fleites, and I live at 114 Andea Avenue directly across the street from this proposed development. I graduated from the University of Miami in 2024 with a Bachelor of Architecture degree, and I currently work at Duane Plater Zybert and Company, an urban design firm founded on principles of placemaking and human-centered design. A former professor of mine, Joanna Lombard, conducted research with the University of Miami Built Environment Behavior and Health Research Group and found that neighborhoods in Miami-Dade County with higher levels of greenness experienced an 11 percent reduction in Alzheimer's, 13 percent reduction in hypertension, a 14 percent reduction in diabetes, and a 28 percent reduction in depression. Research on green schoolyards further shows that children thrive in large tree-canopied spaces that regulate heat, support mental health, and encourage positive social interaction. Reducing Crystal Academy's outdoor space removes those benefits and replaces them with smaller, more constrained areas that are far less comfortable for children. I see the children at Crystal Academy every day. Their mornings begin outside, playing in their garden. The school currently has approximately 20,000 square feet of green open space, if not more. This proposal offers just 4,138 square feet for the school, which is not even a quarter of the allotted or what will be lost. The proposed park would also be planted with 22 pigeon plum trees, which is a species of dense, bush-like canopies that do not branch outwards or cast wide pockets of shade. They attract lots of bees for most of the year, especially when in bloom, which is the majority of the year. Without additional canopy trees, this is not an appropriate or comfortable environment for children. The children regularly walk around the block as a group activity with 177 new units, what I thought was 177, might be 200. Minimal setbacks along Antilla Avenue and a loss of existing trees, this block risks becoming overwhelming and overstimulating while also jeopardizing century-old trees. I really just beg that there is some sort of redesigning of this development. I know it's inevitable for the lot to be developed, but there can definitely be a way to benefit everybody and especially the school. Thank you.

Mayor Lago: Thank you very much. 17 seconds over.

City Clerk Urquia: Maria De Leon-Fleites.

Mayor Lago: Good afternoon.

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Ms. De Leon-Fleites: Good afternoon, how are you?

Mayor Lago: Good.

Ms. De Leon-Fleites: Maria De Leon-Fleites, 825 Messina Avenue. We've already talked a little bit before. 43 years residents of Coral Gables. I am an architect, and I feel strongly in the preservation of George Merrick's vision for a garden city. The North Ponce Conservation District and the History City Plan Ordinance are meant to preserve the character of the neighborhood, which specifically states it to be low and high and remain in the same scale as a single-family homes. I have a, I'm glad that Commissioner Anderson brought up the surrounding area in terms of the height of the buildings because it is misleading to say that there are buildings that are 12, 16, 20 stories high. Yes, but this is the adjacent area and you can see the site in yellow. The two buildings that are directly adjacent to this site are six stories and eight stories. Everything else on this picture here, including the buildings on the east side of Ponce are less than four stories, including the Chateau Blue Hotel and everything else. Now, to the west of Ponce, we do have the high-rise buildings, the multifamily buildings that are taller. That is west of Ponce and that is a four-lane road, which we know is a very wide road. The nine-story building really has no place in this area. It is directly surrounded by one, two, and three-story single and multifamily buildings, which you see here. These are the street sections. The streets are narrow and will have difficulty supporting the traffic caused by 177 slash 200 units. I know we're talking about architecture, but architecture is a complete package. Architecture is not building a building in an island. It has to do with a neighborhood, has to do with a context, it has to do with a scale. So, it's important to consider the materials, it's important to consider the windows that are going to be placed here, but it's also very important to see where the placement of this building is. Do we have a traffic impact study done for this area? I confidently can say that this building can be redesigned in a manner that would accommodate the school, the tree, the garden, and fit within the scale and context of the neighborhood. Please favor the history and beauty of this neighborhood by voting against this project. Thank you for your time.

Mayor Lago: Thank you very much. Thank you – 24 seconds.

City Clerk Urquia: Victor Fleites.

Mayor Lago: Good afternoon, sir.

Mr. Fleites: Good afternoon. Victor Fleites, born and raised in Miami. My family moved to Coral Gables when I was five years old. I attended St. Teresa, Dearborn, UM class of 83.

Mayor Lago: What is your address, sir?

Mr. Fleites: When we married, my wife and I purchased a home at 825 Messina Avenue where we still live. So, I've lived in Coral Gables just over 60 years. I'm no stranger to construction industry.

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I'm an FPL engineer. I negotiated and provided service to several developer-driven projects from Miami Beach to West of Chrome. I've seen a lot of change, some of it welcome, some not. I recognize the needs for progress, and I respect that developers need to maximize profit. That said, I regret not hearing about this project earlier in order to voice my concerns. Regarding the neighborhood surrounding 110 Phoenetia, I've had the privilege of walking the neighborhood along Antilla, Galliano, and Ponce since my daughter, which you heard from just a moment ago, moved to 114 Antilla last year. The character of the neighborhood welcomes pedestrian traffic. During the last meeting I attended, I heard the road to approval for this project was not easy, and multiple design iterations were submitted for review before approval was given. I'm grateful to the Coral Gables Board of Architects for their rigorous process. However, the proposed project at 110 Phoenetia will dwarf anything in the immediate area. There must be an alternative that better reflects the character of the surrounding neighborhood. I'm surprised the Board of Architects moved this project forward in its current form, and I respectfully request that you take action to prevent the construction of this project as it is currently designed. Thank you very much.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Lisette Arango.

Ms. Arango: Hi, good afternoon. My name is Lisette Arango. I live at 4152 Southwest 13th Street, Apartment 3, Coral Gables. I don't know why aren't we all talking about the importance of Crystal Academy. It's the best for Coral Gables, and especially for the children. It serves better than a private garden. At least that's what I think. I don't know what you do. Thank you so much for your time.

Mayor Lago: Thank you very much.

City Clerk Urquia: James O'Neill.

Mr. O'Neill: Good afternoon. I want to thank everyone here for the opportunity to speak, especially the clerk for letting me do it. I have to go pick up my granddaughter, Miriam O'Neill, at Crystal Academy. So, they have after school. I just want to say.

Mayor Lago: Sorry, sir, what is your name and your address?

Mr. O'Neill: James O'Neill, 521 Perugia Avenue, Coral Gables.

Mayor Lago: Thank you very much.

Mr. O'Neill: Thank you for the opportunity, Mr. Mayor and Commission. My granddaughter, Mimi O'Neill, has been at Crystal Academy now for five years. And the change in her, the nurturing environment, and how it has let her blossom as an individual has been quite dramatic.

And I'm here to speak really for Miriam and her friends, her teachers, her aides, and the literally
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generations of families that now benefit from Crystal Academy and the wonderful environment there from the support that we're given in Coral Gables and for the potential for generations to come to have this action, this development, commitment by the developer and to Crystal Academy to have such a benefit of a 99-year lease without any disruptions, without further developments, without the uncertainty and cost that would be concomitant with this project not moving forward. There are benefits to it about housing and building a stronger Coral Gables community. But I'm here to talk about the kids and to focus on them. And I hope that I know I'm out of bounds on architecture and I'm not trying to be in bounds on that. I am trying to say it's been four long years. And I think what the Commission and this issue should focus on is the joy that this great school brings to its students, the gratitude that we feel as the families of those students for the opportunity presented and for the pillar that it forms in our lives. And securing that for the future is not a zoning or a preservation question. It's a life-affirming moment. And you have the great and rare opportunity directly to support our community, Crystal Academy's families, and those who come in the future. It's a moment to act. And I hope you support moving forward. I'm sorry I ran over. Thank you.

Mayor Lago: Seven seconds over.

City Clerk Urquia: Javier Rotaldi?

Mr. Rotaldi: Yes, my name is Javier Rotaldi. My address is 104 Antigua Avenue, Apartment 6. Basically, this area has been developing for years. And growth is new for Coral Gables. But it's important how that growth happens. This particular project respects the Coral Gables look and architectural style. And many other developments have already been approved. So that's my point of view on what I said.

Mayor Lago: Thank you, sir.

Mr. Rotaldi: Thank you.

Mayor Lago: Thank you for being here.

City Clerk Urquia: Nicholas Cabrera.

Mayor Lago: Good afternoon.

Mr. Cabrera: I'm glad that ex-parte communications were disclosed because that performance between Ms. Bolton and Commissioner Castro was well rehearsed. Good afternoon. My name is Nicholas Cabrera. And I reside at 45 Antilla Avenue, Coral Gables, Florida. For context, my building is located directly across the street from the proposed project on Phoenetia. During the Special Master meeting in early January, I made the following statement during public comments. Modified, of course, because this is in the past tense. As a resident, I would like to express my

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concern and frustration regarding the misuse of the appeal process for the purpose of opposing a project that is not only compatible but will contribute to the City of Coral Gables in a multitude of ways. Many of the comments spoken at the Special Master's meeting in January in opposition to this project were outside the purview of the Special Master's board and further demonstrate the misuse of the appeal process. This board was organized in order to address architecture and architecture only. However, much of the opposition did not focus their comments on this aspect and used the Special Master's meeting for a purpose other than what it was designed for. There are many reasons why this project is compatible in this neighborhood. Most importantly, the following. The Northeast quadrant is probably the last and most ideal area for development in our city. And here are four reasons why. Number one, it has little to no historic significance. Number two, it is the most accessible area with Southwest 8th Street, Douglas Road, and LeJeune Road as its perimeter and accessible roadways. Number three, it is also the most transient section of our city with mostly rental apartment buildings and very few single-family homes. Number four, this developer has worked hand in hand with the city to ensure their project is smart development, not development for the sake of development. Aside from the factors stated above, the value this project will bring to Crystal Academy is unparalleled to anything any other developer has offered in our community. Each day, the students, staff, and administration of Crystal Academy wake up unsure of what their future holds. I apologize, Mayor, if I may. The misuse of the appeal process has contributed to that strain. We're here today because the future of Crystal Academy is at stake. We're here today because of the immense financial strain that has been placed on a private property owner because of the misuse of an appeal process. We're here today because Coral Gables needs growth, and all aspects of this project contribute to growth of this neighborhood positively, responsibly, and intelligently. With all that being said, I'd like to express my support for this project in all aspects and look forward to the vast contributions it will make for Crystal Academy, their community, my neighborhood, and our community as a whole. I apologize for going overtime. Thank you very much.

Mayor Lago: 39 seconds over.

City Clerk Urquia: Stephen Pearson, Alexis Santos will be next.

Mayor Lago: Sir, thank you for being here.

Mr. Pearson: Good afternoon, Mayor and Commissioners. I'm Stephen Pearson. I don't live in this community, but my parents lived here for decades, and I care about it very much. Commissioner Lara asked how you could overturn this decision, and I have not studied the statute, but certainly if this project is against the spirit or letter of the North Ponds Overlay Ordinance, that's grounds for reversing it. It's also grounds, I think, if it's against the spirit of your Charter here. Certainly, Mr. Merrick loved trees, and he tried to put many trees in there. I look at this project, and it seems completely inconsistent with the other buildings and the whole nature of that neighborhood, so it

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seems like a glaring kind of contrast that should not be encouraged or allowed, but I also want to say that as the elected officials of this community, you're charged with the health and welfare of the citizens, and if you've ever studied the history of life, you know that all life comes from plants. Without plants making oxygen, we would not be here. No higher forms of life would ever have come here, and I submit to you that we've come full circle in that issue, unless you don't believe that climate change and sea level rise is real. I think we have a duty now, and I know Vice Mayor Anderson, and I applaud her efforts to encourage more trees, but I think we're at the point now that every tree is important. They're the lungs of this planet. I think we're also at the point that every bit of impervious surface we pour just encourages more of the heat island effect that's going to cause the demise of our whole area if this climate change and sea level rise continues, so I think you have a duty to actually resist anything that takes out trees and encourages more impervious surface and heat island effect, and lastly, I would say, since the developer tried to act like this was some narrow issue only about whether the architecture board or the review board did their job properly, he also throws in that you can save that giant oak tree that's over there. I and a lot of other experts think that's a very doubtful proposition. Oaks are hard to move. We've all driven around the community where you see an oak standing there with a bunch of brown leaves on it. When that happens, the oak's gone. You can't bring it back, and even if they move this giant oak and it meets the criteria or it lives for a year, it's going to be just a shadow of itself. It's going to take decades for those roots to regrow, to be strong like they are now, so what happens if a hurricane or a drought happens in the meantime? Yeah, one year later, maybe they water it, keep it going, and then it's gone. That's a real resource that should not be squandered, and I urge you to do everything you can to make sure that the Garden of our Lord and that tree is kept and is a viable thing in any development.

Mayor Lago: I didn't catch your name and your address. I apologize. I didn't catch your name and your address.

Mr. Pearson: I'm Stephen Pearson.

Mayor Lago: And what is your address? What is your address?

Mr. Pearson: 10665 Southwest 62nd Avenue, Pinecrest, Florida.

Mayor Lago: Thank you. A minute and 15 seconds over. Thank you, sir, for being here. I appreciate you.

City Clerk Urquia: Alexis Santos. Ana Holman will be next.

Mayor Lago: Good afternoon.

Ms. Santos: Hi, how are you? My name's Alexis Santos. I was told to read this letter for the record from a friend. Good afternoon. My name is Natalie Marquise, and my address is 45 Antilla Avenue,
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Coral Gables. I'm the Department Head of Academics for Crystal Academy, but for the record, I live directly across the street. Yes, I walk about 50 feet to work every day. My bedroom window will look at this new building if approved as it currently looks directly at the entrance of our school. To be honest, I was concerned when I first heard about the building itself. It wasn't what I had signed up for when choosing my place of residence. Then I saw the actual renderings, and I fell in love with it. This could have been a place I would have chosen had I seen it and understood it from the start. Classic Coral Gables with all the amenities. I moved here from Kendall mid-2025 and adore the rich George Merrick-inspired feel of the project. In comparison to Kendall, there is no comparison. As for the benefits to the school, clearly it goes without saying how this upgrade will help generations of our most needy children. Enough said. As for our current building, it needs help. Although it feels like a second home, truth is repair after repair are costing precious funds that instead could go to the children and the ability to offer them more than we already do. As for so-called garden, I won't say it's run down because it's cared for, but I will say it isn't anything to write home about. As a neighbor who wants to see what's best for our community, I believe this is a win, a beautiful building and even more secure, state-of-the-art beautiful school with all the needs for our students. Right in the same place where it currently is, the place our students also associate with the second home. Please accept this letter instead of my personal appearance as my health doesn't allow me to appear before you today. Therefore, I have asked an old friend and neighbor to read it to you. Thank you for your consideration. Also, FYI, I was also at the special meeting last time and I remember the other attorney did get double the time. Just FYI. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Anna Holman. Carol Smith would be next.

Mayor Lago: Good afternoon.

Ms. Holman: Hello, good afternoon. Anna Holman, 1400 Douglas Road. So, I'm here specifically because I truly believe that this is a great opportunity. Ms. Architecture Fleites just mentioned earlier that this is considered a tight-knit community. So, with that being said, I think that it is important for something to be built to build a future for kids that are going to continue to become part of the community. They mentioned that there are massive buildings around, yet this one is 93 feet, as also they mentioned, which is, there are taller buildings than that. I think this is, as I mentioned also about a great opportunity for the community, for the kids, for the future. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Carol Smith.

Mayor Lago: Good afternoon, Ms. Smith.

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Ms. Smith: Good afternoon.

Mayor Lago: Just want to make sure we hear you. Okay. Thank you.

Ms. Smith: My name is Carol Smith. I live at 824 Galiano Street and for the last 20 years, I've lived a few blocks away from Crystal Academy, and I appreciate all that they do for the kids in our community. I've come to read a letter from an engineer and long-time resident of Coral Gables. His name is Frank Gonzalez. I've been a resident of Coral Gables for over 20 years. I am writing to support the preservation of the Garden of Our Lord. I believe Bonnie Bolton presents a strong case for why this should be a decision that the City of Carl Gables should make, benefiting both the residents near the garden and the city as a whole. My letter aims to support her efforts to save the garden. Along with Mrs. Bolton's points, I think that from a community planning standpoint, it would be the right decision for the City of Carl Gables. The expected growth in residential development would benefit from the available open space. The garden would offer a planned increase in green shady areas for residents to gather, which would help promote a healthy community. If we lose this open space, the additional buildings that will likely follow won't have much green space within walking distance. In my opinion, maximizing open green space in that part of the city would demonstrate the city's willingness to think of development in Coral Gables in a comprehensive way, rather than the spot development we often see throughout Miami-Dade County. I respectfully request that you preserve the garden and its mature trees, not only for their historical importance, but also for their value to future residents. The alternative would be a neighborhood resembling government housing from the old Soviet Union. Thank you for your time.

Mayor Lago: Well, thank you.

City Clerk Urquia: I believe the name is Kevin Kalus.

Mayor Lago: Good afternoon, sir.

Mr. Kalus: My name is Kevin Kalus. I reside at 1208 Salsard Street, apartment 18, 33134. And I mean, everyone's been talking about how it's going to further the education stuff. I just want to say 100 percent support, you know, Crystal going in there and it's going to be a great development and things got to move forward in the future. So, we should definitely approve it.

Mayor Lago: Thank you, sir.

Mr. Kalus: Thank you.

City Clerk Urquia: German Tinoco.

Mayor Lago: Good afternoon, sir.

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Mr. Tinoco: Good afternoon. As he mentioned, my name is German Tinoco. I live in 888 and 37th Avenue. And I'm here to support the project. You know, there is one main reason that moved me to come here, and talk is the academy that helps the children with autism. And that number of children with autism in the past years has increased a lot. It's one of 31 children, you know, with autism in Miami, or especially in Florida. And this project is also; it's a beautiful project. It goes with the design, you know, according to Coral Gables. That brings also home opportunity for people live in the building and also, you know, the academy, the Crystal Academy to stay there for free for many years. That's something that helps, you know, especially for this concept, okay. Thank you very much.

Mayor Lago: Thank you, sir.

City Clerk Urquia: David Barbato.

Mayor Lago: Is there a comment?

City Clerk Urquia: No, sir. Just wrote Crystal Academy.

Mayor Lago: Thank you.

City Clerk Urquia: Heriberto Regueira. There's no comment on this one. Helena Mena.

Mayor Lago: Good afternoon.

Ms. Mena: Good afternoon, everybody. I come here.

Mayor Lago: Ma'am. Ma'am, will you use the microphone? Thank you so much.

Ms. Mena: Okay. My name is Helena Mena. I come here for my beautiful grandson, Avery. As you can see, he's one of the students in Crystal Academy. Excuse me. My grandson has significant support needs. He requires trained staff, structure, and environment that understands how to work with children who have complex behavioral development challenges. He finds these things, and we find these things in Crystal Academy that provided something that we have been searching for consistency, trained professionals, and learning environment designed specifically for children like Avery. The repeated delays surrounding this permanent facility do not just affect construction timeline, they affect children who depend on routine. They affect families who already live with uncertainty. Children with special needs drive unpredictability. They do not drive in limbo. This project has been approved. It has public benefits, and most importantly, it serves children who need stability more than most. As a grandmother, I am simply asking you and praying that you allow this project to move forward, no more delays, no more uncertainty for our children. Please give these families and my grandson the stability they deserve. Thank you.

Mayor Lago: Thank you very much.

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City Clerk Urquia: Carlos Segrera.

Mayor Lago: Good afternoon, sir.

Mr. Segrera: Good afternoon, Carlos Segrera, 100 Southwest 44th Avenue, Miami, Florida. Parent of my daughter at Crystal Academy. 100 percent in support with this project. It's design is going to change the neighborhood. It really aligns with surrounding properties. I've worked in Coral Gables 15 years. I live close by. My daughter's been going there for 14 years, so I'm very familiar with the area. When Mary, a couple of days ago, she asked me for, once again, parental support. Honestly, I was flabbergasted and disappointed. Another appeal, another hearing, another stalling tactic. How many more appeals are we going to have? We have a person here that likes the status quo and wants her backyard to look exactly like it was 100 years ago. This is 2026, this is not 1926. I was there the last time at the Board of Architects hearing that the opposing group is not against the school. I think they are against everything. What's more important, a tree or 40 special needs kids with 40 families that struggle day to day and have an opportunity to have a modern facility at basically zero cost? Also, where's the care for the existing property owner that is carrying a loan, property taxes, insurance, investing millions of dollars to see a project stop and most likely losing millions of dollars at this point? Where's the care for the new buyer that will be investing millions of dollars in a new beautiful project in line with other similar developments in the area? It is obvious that if the project is stalled long enough, new buyer will drop the contract and move on, and that is what most likely will happen. To close, the City Beautiful must say enough with the delay tactic, enough with this nonsense, and have a stronger hand and allow us to see this project through. Thank you for your attention to this matter.

Mayor Lago: Sir, did I miss your address? What was your address?

Mr. Segrera: 100 Southwest 44th Avenue.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Mary Palacio.

Mayor Lago: Good afternoon.

Ms. Palacio: Mayor, Commissioner, City Attorneys, City Clerk, City Manager, thank you so much for all your comments. I am Mary Palacio, 712 Samoda Avenue. I'm also the founder of Crystal Academy, and I thank you for the comments and the support for the school, but every time I hear about this, it's not about the school, it's about the architecture, but it's really about the school, because for us, for more than four years, we've been living this, and every delay do have an impact on planning for us, on staffing, on fundraising, because we've been denied fundraising because they don't know what the future is for us, and obviously for the families that are navigating autism, like the families that we represent, and we have served for 16 years and plus. At some point, this

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continued appeals stop being an oversight and become procedural roadblocks. There's some, you might not know, but before Century Builders bought the property, it was another developer that came and wanted to buy the property, and the first thing that he said to us was, actually, that was during the pandemic, the investors do not see a return on investment, and I said, you don't see a return on investment in these children? And he's like, they just don't, and they offer us \$60,000 just to leave the property. I prayed, I prayed hard, and that was the best November in my life, because that day, that November, it was at Thanksgiving time, and the deal fell through. That's when Century came in, they visited the school, and they say, we have to make an agreement, because if something happens, you're left with nothing, and that agreement now is being honored by a third developer, Fifield, doing the due dividends, and like Mr. Segrera said, what about if they get tired because it's just been too many years, too many delays, too many appeals, and somebody else has come, and they say, you know what? There's no return on investment, so I'm asking that upheld the decision that was already done at the Board of Architects for so many, many times, and so we can move forward, and we can have some certainty about the futures of the kids that we represent. Thank you.

Mayor Lago: Thank you. 10 seconds over.

City Clerk Urquia: Omar Packard. No comments. Judith Packard. Juliet Rojas. Oh, yes, I did.

Mayor Lago: Good afternoon, sir.

Mr. Packard: My name is Omar Packard. I live in 911 East, Ponce de Lame Boulevard. I am a lifelong resident of Coral Gables, and I'm here to speak in opposition to the proposed development at the Garden of Our Lord. This project does not comply with the city's building code. The code exists to ensure proper spacing, scale, and separation between structures, especially in established neighborhoods like this one. In this case, the developer is requesting deviations that significantly reduce the required setbacks and ignore longstanding zoning standards. This project is also not compatible with the surrounding neighborhood of historic low-rise homes. Its size, scale, and design are completely out of place and undermine the character and image of Coral Gables. Quite frankly, the building looks cheap and generic, and it does not belong in this setting. Additionally, the plan jeopardizes a historic garden and centuries-old tree that cannot survive relocation. These elements have culture, environmental, and community value that deserve full protection. Coral Gables has earned its reputation through careful planning and respect for its code. Approving a project that so clearly violates those standards would set a harmful precedent and weaken the integrity of our city. I respectfully ask that you deny this proposal. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Judith Packard. Juliet Rojas.

Mayor Lago: Ms. Packard, good afternoon. Please join us.

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Ms. Packard: My name is Judith Packard. I live at 911 East Ponce de Leon Boulevard. I've been a resident of Coral Gables for the past 42 years, and I'm here today to oppose the proposed project at the Garden of Our Lord. This development is fundamentally inconsistent with the city's building code, which was adopted to safeguard appropriate setbacks, building massing, and compatibility within established neighborhoods. The proposal relies on substantial departures from those standards, creating a structure that bears little relationship to the scale and intent of the surrounding area. Such deviations undermine the purpose of the code and weaken the predictability and fairness of our planning process. Beyond these regulatory concerns, the project fails to respect the unique character of its setting. The Garden of Our Lord is not an isolated parcel, but a part of a cohesive neighborhood defined by historic, low-rise buildings, and carefully maintained open space. Introducing a building of this size and configuration disrupts that balance and diminishes the architectural harmony that Coral Gables is known for. The plan also places at risk irreplaceable natural and historic resources, including a centuries-old tree that experts have stated cannot survive relocation. Once lost, such features cannot be replaced, and their destruction would represent a permanent sacrifice of the city's heritage for a project that does not meet our established standards. Coral Gables has earned its reputation through discipline, planning, and respect for its history. Approving this proposal would signal a troubling departure from those values. I respectfully request that the city deny the application. Thank you.

Mayor Lago: Thank you very much.

City Clerk Urquia: Julia Rojas.

Mayor Lago: Good afternoon.

Ms. Rojas: Hi, my name is Julia Rojas, 231 Menores Avenue, apartment one, Coral Gables, 33134. I'm here representing Crystal Academy. I want to say that this building is really well thought out and beautifully designed. It's not just being dropped into a neighborhood without consideration. It actually accounts for traffic flow, has on-site parking, and includes great amenities that are designed with intention. Instead of taking it away from the neighborhood, the school would genuinely add to it and improve the area overall. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Vanessa Ramos.

Mayor Lago: Is there any comment there?

City Clerk Urquia: No comment, sir.

Mayor Lago: Okay.

City Clerk Urquia: Jorge Arrizurieta.
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Mayor Lago: Mr. Clerk, for the future, when we have these many public speakers, can we request, when they're signing up, that they can leave a little comment, just in case they have to leave? Good afternoon, sir.

Mr. Arrizurieta: Good afternoon, Mr. Mayor. Jorge Arrizurieta, President and CEO of the Coral Gables Chamber of Commerce, 201 Alhambra Circle, Coral Gables. It's important to recognize the broader housing needs of our community. Thoughtful development, when responsibly designed and properly integrated, play a role in addressing the evolving needs of residents, families, and families within Coral Gables. This project represents a transformational opportunity for Crystal Academy. The proposal provides for a brand-new, purpose-built facility, along with a 99-year rent-free lease. Crystal Academy has served families in the city for many years, delivering an essential and highly specialized educational service. Ensuring its long-term stability within Coral Gables is not only compassionate but is responsible stewardship of a valued community institution. The architectural design as presented is consistent with the scale and character of many existing buildings in the surrounding neighborhood. Compatibility with the built environment matters, and this proposal demonstrates attention to that standard. Finally, the development team at Fifield has successfully delivered well-situated projects throughout Miami-Dade County. Their experience and track record reflect an understanding of quality development in complex urban environments. The Coral Gables Chamber of Commerce welcomes responsible investment that strengthens our community and contributes to its long-term vitality. Thank you very much for your consideration.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Karelia Carbonell.

Mayor Lago: Good afternoon, thank you for being here.

Ms. Carbonell: Good afternoon, everyone. And let me get my statement here up. So, yes, this is about the building, but the building and the design is not made in a bubble. So, I am going to read a statement concerning George Merrick's city plan. Coral Gables is among a limited number of actually, well, Karelia Martinez Carbonell, I'm here representing the Historic Preservation Association of Coral Gables. Coral Gables is among a limited number of municipalities whose city plan is a local historic landmark, officially recognized in 2018 by a unanimous vote of the City Commission. In planning Coral Gables, founder George Merrick employed the concepts of the Garden City and City Beautiful Movements of comprehensive planning. This type of planning took into account the philosophy of aesthetics, which played a major role in the movements. Furthermore, the city plan's landmark status not only protects its carefully developed urban landscape from ill-conceived projects that detract from the harmonious existing attributes of Merrick's vision, but also safeguards against any potential giveaways or takeaways, specifically the greenscape features that are an integral part of the Garden City precepts. Today, the Garden City Movement can best be appreciated in the area of the North Ponce District, where one can find

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beauty and solace in its green corridor, an enclave with sculpted fountains, you can give me another minute, please, fountains as an enclave and heritage trees and the low rise single and multifamily residences. And to further understand Merrick's intention for the district, one must read or refer to the landmark city plan. On page 32 of the plan, Merrick goes on to stipulate exact instructions to preserve the trees in the area. Quote, the new development also will take steps to save from destruction full grown trees when new buildings are erected in new structures. This is Merrick. As all of the full-grown trees and old foliage will be kept intact. And to finish, yes, Merrick was a developer and yes, he developed a brand-new city, but he also made sure to keep the old foliage intact. So please consider that. Thank you.

Mayor Lago: Thank you very much.

City Clerk Urquia: Maria Esenwiger.

Mayor Lago: A minute and 10 seconds over. Good afternoon.

Ms. Esenwinger: Hi, good afternoon, everyone. My name is Maria Esenwiger. My address is 240 Salamanca Avenue, Coral Gables. This is where public space, the concern will be understandable, but this is private, long abandoned property. Crystal Academy has served autistic children for many years and an outdated facility. This project provides housing and most importantly, security and support for one of Coral Gables most valuable institutions. Thank you very much.

Mayor Lago: Thank you.

City Clerk Urquia: Mr. Mayor, I'm going to be going to Zoom next.

Mayor Lago: Okay.

City Clerk Urquia: The speaker is Thomas Mooney.

Mayor Lago: Mr. Mooney, good afternoon.

Mr. Mooney: Good afternoon, Mr. Mayor and members of the Commission. Thank you very much for spending all the time that you have on this. There I am. My address is 601 Navarre Avenue and I've been a resident of the City of Coral Gables since 2000 and I'm sorry that I was not able to be in attendance in person today. As a lot of you are aware, and because the City of Coral Gables has always been a great host, my son has been attending Crystal Academy since 2010. And I say that for transparency purposes because I think a lot of the other speakers have underscored the importance of the school. But one of the things that my limited time that I wanted to stress was the importance of the process. What's before you as has been explained is an appeal of a decision of the Board of Architects and their decision, which was very lengthy, it went through a number of hearings, was very thoughtful. Buildings such as this evolve over time, areas such as this evolve over time. And I think the board went to great lengths to ensure that this new building would be

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compatible with the scale, context and character of the surrounding area. And their record reflects that. And because of that, I would encourage you to uphold their decision and to move this along. And with that, again, thank you for your time on this matter.

Mayor Lago: Thank you, Mr. Mooney.

City Clerk Urquia: That's it, Mr. Mayor. I had one more speaker in person, but they had to leave and they did leave a note. It's Lynne Blustein, 4330 Southwest 15th Street. The note reads, I'm asking you to pause before making a decision that cannot be undone. The Garden of our Lord is shared community space. Even in time of war, the Bible gives this instruction, do not destroy the trees. If restraint is required in conflict, sure if it's possible here in peace. I respectfully request you to choose preservation. Please save the garden. Long after this meeting is forgotten, the legacy of this decision will remain either in what you choose to protect or what you allow to be lost. That's it, Mr. Mayor. Thank you.

Mayor Lago: Thank you, sir. Let's close the public comment. I need a motion from the Commission, or would you like further comment?

Commissioner Castro: Through the Mayor.

Mayor Lago: Yes.

Commissioner Castro: Okay. I have some comments and then I'll go ahead and I'll move it. Number one, I want to start off with the fact that this has nothing to do with Crystal Academy as it comes to this vote. It might be that after this Commission meeting, things are going to be said in blogs or in anonymous blogs that I am against Crystal Academy. In fact, I've spent most of my life treating young adults and children with developmental disabilities. That's what I've spent most of my life doing. Moving over from that, I'm just putting down the record before it happens. I also believe that due process was not met according to the questions that I asked the developer and Bonnie. Number two, I've lived in that area for over 10 years. I don't live there anymore. I lived in that area for over 10 years, and I do not believe that what is being proposed right now is compatible with the neighborhood. So that being said, what I'm considering and what I'm thinking right now is volume, mass separation between buildings, context and scale. I believe it's incompatible with the character of the neighborhood and my job as Commissioner is obviously to protect and preserve our neighborhoods here in Coral Gables. That being said, I will move to override the decision of the Special Master.

Commissioner Fernandez: I will second.

Mayor Lago: Any further public comment from the Commission before we take a vote?

Commissioner Lara: Mr. Mayor, question. So, the vote that you're referring to is on the motion that was just seconded?

Mayor Lago: Yes.

Commissioner Lara: Okay.

Mayor Lago: All right, so first and foremost, there was a comment made by a Commissioner and I think we have to be very, very careful in choice with our words. They carry a lot of weight. Madam City Attorney, you're the attorney of the Commission. I need a straight and thorough answer and you have your attorney in the back. If you'd like to bring him up, I'm more than willing to bring him up. I need an answer because we've been, this is why later people say, why did you keep tabs of every second that went over? Because comments are made and like the Commissioner said, they're used on blogs later to misrepresent the case. Was due process violated here? Yes or no? I need an answer.

City Attorney Suarez: So, Mayor, my understanding is the argument that there was not due process because there was not equal time provided. So, whether there was equal time provided or not, it's my understanding from reviewing the transcript that Ms. Bolton did not ask or did not indicate that she had more to say or more to present at the Special Master's hearing. So, if that is the case, and I believe that she had the notice, she had an opportunity to be heard. I don't see any indication in the transcript that she had asked for additional time or for anything else. So, I will ask Assistant City Attorney Gus Ceballos, since he served as counsel to the Special Masters, to give us any further information from the hearing.

Mayor Lago: Mr. Ceballos, was Ms. Bolton's due process violated? Yes or no?

Assistant City Attorney Ceballos: As an attorney present there for the Board of Architects Special Masters, I saw nothing that would have been a violation of anyone's due process at that meeting. There was an abundance of comment and opportunity to speak on both behalves. If the transcript shows more language, more verbiage on one party, as this Commission knows, whenever you engage with a participant who's limited to five minutes, as soon as there's engagement from the Commission, that time is no longer part of your five minutes, you're answering questions. So, I think that that may shed some more light on, so back and forth, but at no point was anyone's due process violated.

Mayor Lago: I want to be clear, right? So, the answer is no, correct? Let me explain to you why. Because it's very reckless, very reckless and a lack of professionalism to make those kind of statements on the record, especially coming from a Commissioner, because it gives credence to that we potentially have violated someone's due process. And when I mean we, I mean the city. Let me give you an example. If you look at the record today, if you look at the record today, was the property owners' due rights violated? No, they were not. But if you're going to add up all the

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time, I'm pretty sure that they spoke for one third of the time. And if you look at the time in regard to a public comment, I added it up. The people in opposition spoke extended, five minutes and 54 seconds. I have it written down here, over the time, almost six minutes. The people in favor of Crystal Academy, and obviously keeping, and affirming the board's decision, spoke for an additional 56 seconds. I have it written down here, and that's why I would always say at the end of the speaker, additional time, so you can go back on the transcript, and you can review it. So, but no one's due process was violated. It just happened to be that it worked out that way. That when we had a discussion back and forth, Mr. Winker came up and spoke for an extended amount of period of time because Commissioner Lara asked him questions. I asked him questions. Also, I think Commissioners Castro and the Vice Mayor also asked questions. So, at the end of the day, no one's due process. We have to be very careful when we say things. I know how things are said sometimes, you know, for the blogs, like you said, you were very appropriate on that, you know, so that we can make a statement and say that nobody had the appropriate time. But I think we have been incredibly lenient, correct, right, Councilor Winker? Incredibly lenient. I want, can you put it on the record?

Mr. Winker: I'll put that on the record today.

Mayor Lago: Okay, you have got an extended and massive amount of time. So, your due process was not violated. And this is, your due process was not violated. You have an attorney here who was present who said it very, very clearly. We have to say things based on facts. We cannot just continue to repeat things and hope that they're true. They're not, okay? Okay, moving forward. Do you have anything else you'd like to add for the record?

Commissioner Castro: That was my motion.

Mayor Lago: Okay, perfect. Commissioner Lara.

Commissioner Lara: Just to continue the commentary. So, I find it curious, Commissioner Castro, that you moved for what you've moved, right? Because we are here today, if I'm not mistaken, on an appeal of a decision by the Board of Architects, Special Masters of January 13, 2026. We have heard for hours now testimony, public commentary, an argument from Council. The vote will be, I assume, based on everything we've heard for all that time. And yet, you're bringing a motion to create your own decision based upon your framing the issue as a you're moving, if I quote correctly, to override the decision of the Master. As if you're creating your own review body with no parameters and no guideposts. We are here to determine whether or not there was due process missing, whether there was a lack of substantial competent evidence, right? And what you're trying to do here is flip it on its back and say, I just want to vote to say, before we answer that question, I want my question to be whether or not we should override the Master. The three unanimous Master vote. I find it a waste of time, respectfully. I find it an attempt to subvert what everyone here has spent all this time to consider. If your belief is that you don't agree with what the Master's

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decision was, then respectfully, your vote should be no. I don't know why you feel it's appropriate that before we take that vote, you want a different vote to make yours the decision to be rendered in advance of the one why we're gathered here with no parameters whatsoever. Perhaps you can clarify for me why you wouldn't just vote no but prefer to bring a motion. And I'll open it up to anybody who wants to answer after you give your position, because I understand Commissioner Fernandez seconded it, but maybe just for discussion.

Commissioner Castro: Through the Mayor?

Mayor Lago: Yes.

Commissioner Castro: Well, Commissioner Lara, I'm very sorry that you feel so confused. I did say in the beginning what my reasons were, and that is my decision. That's it. I'm not going to go back and forth with you.

Commissioner Lara: Through the Mayor.

Mayor Lago: Yes, sir.

Commissioner Lara: I asked the question. You may consider it to be going back and forth, but if your answer is it was already stated before I asked the question, it falls woefully short of everything I just identified. But if that's all you have to say, if that's your final word on that, unless anybody has anything to say.

Mayor Lago: I have a point, if I may. The purpose of being an elected official is to debate. And when you're up here and you have a decision to make, I listen a little bit from here, I listen from a little bit, and then I make my own decision based on what I believe is in the best interest of this community. So, the idea that we're not going to engage in debate, we're not going to engage in discourse, positive, fruitful discourse, I think it goes against the spirit of what it is to be an elected official. We can disagree, and I don't have a problem with disagreeing. I disagree with my colleagues all the time, and they disagree with me, perfectly fine. But the idea that I'm not going to debate with you because I don't want to debate with you, no, that's not the issue. I understand if you may not have a handle on the issues, and that's respectable, I understand it, and if you want some clarity on the facts. But what I was trying to make a point is that Mr. Winker and his client based their argument today, the crux of the matter was that their due process was violated. That is one of the main fundamental points that has been repeated over, and over, and over, and over, and over again. And that is something to me that I'm not an attorney. We have bookends, we have three attorneys on this dais, okay, but I understand very clearly that when you talk about time, if your attorney does not request additional time, how is it incumbent on me? I mean, I'm not an attorney, and I understand that very, very clearly. It's incumbent of the applicant, or the individual who Mr. Winker is representing to say, hold on one second, I would like some additional time when you're in front of the Special Master. It's just common sense. It's not whether you want to debate it or not.

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So that goes out the window, and if you look at today's point, and you can go back, I've been very clear, I gave examples here, I wrote it all down, it's part of the public record. This is just the additional allotted time for public speakers. Forget the amount of time that was given through the back and forth that we had, which is a public record. So, I think it's good to have a conversation so people can understand your positions, but the idea that I'm not going to have a debate with you because I just don't want to have a debate with you, it, to me, is undemocratic, in my opinion. Vice Mayor, you wanted to say something.

Vice Mayor Anderson: So, I'm going to go over a couple things on, number one, I'm going to cover due process, because that's a fundamental thing that I've dealt with throughout my career. I've done, I did well in excess of 100 appeals in my first 10 years of practice, and I've been practicing for 38 years. You cannot use pages to quantify time, and it is fundamental in any proceeding. If you fail to object, if you fail to ask for more time, if you fail to complain, you've waived the argument. I think we've demonstrated today that not only was due process afforded, there was not a request for more time. If you don't ask, you don't receive, okay? And I understand, Ms. Bolton, that you're shaking your head, but the record doesn't bear you out. You cannot count pages. Some of us speak faster, some of us speak slower. Some of us pause more between when we speak. That airtime does not quantify into pages. So, you cannot use pages to quantify time. You never can, okay? Compatibility, talking about massing and so forth, and height, and you not only have to look at existing buildings, but you have to look at existing zoning. You have on Ponce, buildings that are 16 stories zoned for 16 stories. They're not going to necessarily be there forevermore. They might be there now; they could be gone tomorrow. The zoning is the zoning. 16 stories is almost double what this property is. The eight stories, that is roughly about 500, 600 feet away from there on the corner of Sedonia and Galiano is MF zoning of 80 to 90 feet. This project is 97. There's a 17-foot difference. There is more green space than the coffee can that was described, okay? You have the green space that is the play yard area in the northeast corner that was not addressed, okay? You have the green space that would be created because I know this has been represented, that this developer's willing to move the tree, unlike what we experienced in another project where it was nothing but a fight to get trees moved. And trees are going to be preserved. Electric lines will come down. And there's a historical record, if you want to debate the tree issue, which is not the issue before us today, where you have trees been moved on the University of Miami, Fire Station 2 across US 1. You have the property on Valencia in Cardena where another tree was moved. Another tree, Mahogany, on Cardena as well. You have Salzedo Street in the 300 Block of Catalonia. All of them are living. The oak tree that we're talking about right now, if you look back in historical photos, wasn't there. What you had was Pine Rockland. All of it was taken down. So if we were going to preserve existing trees, the Pine Rockland is what should have been preserved. This is zone Special Use for a church. We cannot force people to keep a church. However, a Charter School could be built on that land. That would be a far different project than what we're looking at here. In my personal opinion, which is irrelevant to this appeal, would be less compatible than

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what is proposed here today. So, I'm a no vote on the Commissioner's motion because I don't see that the competent substantial evidence has not supported the Special Master's decisions.

Commissioner Fernandez: Through the Mayor.

Mayor Lago: Yes, sir.

Commissioner Fernandez: Thank you, Mr. Mayor. I apologize for not being there. I'm dealing with bronchitis and sinusitis. I'm going to try to get through this. I'm seconding this motion because I do believe there is evidence and it hasn't just been presented by Ms. Bolton and her attorney. We actually had one of the witnesses who spoke from the other side who said that she agreed that the other side got twice as much time to speak. I don't think the issue is about how much time was allotted in the procedural section. It's for me about nobody was able to answer the question on whether the developer side was asked to limit their comments as Ms. Bolton's side was. And I've had this conversation with the City Attorney before and I'm going to have a conversation with her again about potential legislation that can fix this. The fact that we do not record these meetings leaves us as a Commission at a real disadvantage because it's really hard for us to understand what actually took place in the room. I think you know from what I've heard you have the votes to affirm. I stand by my vote not to affirm the Special Master and I'm ready to vote.

Mayor Lago: Commissioner, are you there?

Commissioner Castro: He's ready to vote, he said.

Mayor Lago: He's ready to vote.

Commissioner Fernandez: I am here.

Mayor Lago: Okay.

Commissioner Lara: So briefly, I'm wishing Commissioner Fernandez a speedy recovery. I hope you feel better very soon.

Commissioner Fernandez: Thank you.

Commissioner Lara: I still don't believe and I don't know and maybe it's a question to the City Attorney whether when we're sitting and convened in this particular body on an appeal if it's appropriate or permissible to bring forth a motion during the appeal to set aside the appeal and have the Commission vote on the outcome of the Special Master's report below. I don't even know if that's something that can be done.

City Attorney Suarez: So the way I understood the motion it's a motion to override the decision of the Board of Architects Special Master so that would result in the essentially would be reject the

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approval so the project would not have would not have its approval and then they would have to you know they could resubmit something new a different application etc.

Mayor Lago: Right but that's how we're voting on today.

Commissioner Lara: No.

City Attorney Suarez: That was the motion.

Commissioner Lara: There's a motion pending. So, a no vote would achieve that but to the appeal. What to the appeal? A no vote would achieve what you just said, right? If carried.

City Attorney Suarez: No it depends on the motion.

Commissioner Lara: No, no, no, no, no. Let me be clear. We're sitting here in an appeal.

City Attorney Suarez: Mm-hmm.

Commissioner Lara: So, if the majority finds and votes to not affirm the Master's opinion it would be rejected, correct?

City Attorney Suarez: I think we would need a -- that would be a failed motion essentially.

Commissioner Lara: I'm not talking about the motion. Talking about us first sitting here in the capacity.

City Attorney Suarez: So, you have four options into the zoning code, and it's set forth in our zoning code. You can affirm the decision of the Board of Architects Special Masters. You can affirm with conditions. You can override the decision, or you can remand for further proceedings. That's what the zoning code says. Those are the potential motions essentially.

Commissioner Lara: So, we're sitting in a we're convened right now.

City Attorney Suarez: Mm-hmm.

Commissioner Lara: Open to anybody making one of four different motions.

City Attorney Suarez: Correct.

Commissioner Lara: Okay. So, Commissioner Castro your motion was to reject with no conditions the decision below.

Commissioner Castro: My motion through the Mayor.

Mayor Lago: Yes.

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Commissioner Castro: My motion exactly as I stated before. I move to override the decision of the Special Master which is option number three.

Commissioner Lara: Thank you.

Commissioner Castro: You're welcome.

Commissioner Lara: So with respect to, well are we in the vote yet?

Mayor Lago: Well, we have to first address address her motion.

Commissioner Lara: Correct. Okay.

Mayor Lago: Mr. Clerk we have a motion and a second unless there's any other further conversation.

Commissioner Castro: Yes.

Commissioner Fernandez: Yes.

Commissioner Lara: And I'll just say before I vote that the fundamental argument I've heard again and again was the due process was denied. To say that you have provided Ms. Bolton with and Mr. Winkler provided with the minimum time allotted for both sides and that you neither objected to the other side having more time or requested that you have more time to speak is indisputably a waiver of your ability to claim today that you were prejudiced. Unfairly prejudiced. That's the same as saying that somebody is seeking leniency for being an orphan because they killed their parents. You can't use your failure to complain at a time when some corrective action assuming there was corrective action needed to be taken is the place of this body right now to put ourselves in the shoes of you Mr. Winker who I believe should have objected if you feel that today that was a harm that wasn't rectified or recognized then. So, I believe that all of the record and all of the argument I've heard today shows that there was not only proper due process, competent substantial evidence, no departure from the essential requirements of the law. It doesn't matter what I think I'm limited in terms of what my personal opinion might be, but I'm limited as an elected official to what the rules are for reviewing the lower body's decision and there's nothing there to disturb that decision based on what I've been told, what I've been shown, and what I've reviewed today. My answer is no.

Mayor Lago: Madam Vice Mayor Anderson. Mr. Clerk.

Vice Mayor Anderson: For those same reasons as well as, I mean we covered the Med Bonus issue and in fact that not only the Board of Architects and Special Masters meet the then current Med Bonus but the current requirements of the Med Bonus plus the one-story difference for the massing and compatibility my vote on this is no as well.

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Mayor Lago: In line with the comments made by the Vice Mayor and Commissioner Lara I also will be voting no. Now we've addressed that. We've also addressed the issues that were mentioned before in regard to the time constraints. I'll entertain a motion.

Vice Mayor Anderson: I move to affirm.

Commissioner Lara: Second.

Mayor Lago: Mr. Clerk.

Commissioner Fernandez: No.

Commissioner Lara: Yes.

Vice Mayor Anderson: Yes.

Commissioner Castro: No.

Mayor Lago: Yes. Thank you very much. Moving on to the next item which is not on the agenda.