

1 MR. AIZENSTAT: Let's do that.
2 The first item that we're going to listen to
3 is Item E-2.
4 Mr. City Attorney, if you would please read it
5 into the record.
6 MR. COLLIER: Item E-2, an Ordinance of the
7 City Commission of Coral Gables, Florida providing
8 for text amendments to the City of Coral Gables
9 Official Zoning Code amending Article 3,
10 Development Review, Division 3, Uniform Notice and
11 Procedures for Public Hearing, Section 3-302,
12 Notice, Division 5, Planned Area Development,
13 Section 3-506, Application and Review Procedures
14 for approval of plans, Division 6, Appeals, Section
15 3-606, Procedure for appeals, Division 7,
16 Moratorium, Section 3-708, City Commission Review
17 and Decisions, Division 10, Transfer Development
18 Rights, Section 3-1006, Review and approval of use
19 of TDRs on Receiver Sites, Division 12, Abandonment
20 and Vacations, Section 3-1205, City Commission
21 Review and Decision, Division 15, Comprehensive
22 Plan Text and Map Amendments, Section 3-1059,
23 Transmittal Hearing, and Article 5, Development
24 Standards, Division 6, Design Review Standards,
25 Section 5-604, Coral Gables Mediterranean Style

1 Design Standards providing for required mailed
2 notice for certain actions pursuant to the Zoning
3 Code providing for repealer provision, severability
4 clause, codification and providing for an effective
5 date. Item E-2, public hearing.
6 MR. AIZENSTAT: Thank you.
7 Mr. Trias?
8 MR. TRIAS: I'm going to defer to Craig
9 because this is his work and he can give you a very
10 good explanation of the intent.
11 MR. AIZENSTAT: Thank you.
12 MR. COLLIER: Mr. Chairman, members of the
13 board, the city commission had requested that there
14 be required mail notice for certain actions of the
15 planning and zoning board and the city commission.
16 It was -- the city attorney directed me to prepare
17 a draft, which is what's here before you tonight.
18 In summary it provides for mailed notice for
19 generally the zoning actions that you take before
20 the planning and zoning board and provides mailed
21 notice to the -- at a city commission meeting. If
22 it's an action taken by RESO it will take place at
23 the hearing of -- the single hearing of the city
24 commission. If it's an action taken by ordinance,
25 for example, a zone change it would -- the mailed

1 notice would take place at the second public
2 hearing that's required because ordinances require
3 two public hearings.
4 And there is also that notice is within a
5 thousand feet with the exception of comp plan
6 amendments, which have previously for this board
7 has been 1500 feet. So the radius is generally a
8 thousand feet for most zoning items except for comp
9 plan items.
10 The other thing that's a little bit different
11 about this is that the burden is actually placed on
12 the applicant to do the physical mailing rather
13 than having the department be involved in the
14 mailing. The department obviously is going to have
15 to approve the form of the notice, but the -- and
16 that has actually been the -- that was a provision
17 that was put in for the planning and zoning board.
18 But I put in for both to sort of get the
19 people that are actually reviewing your
20 applications get out of the mail business and be
21 able to reserve their time for reviewing
22 applications.
23 Again, ultimately it's going to be a policy
24 decision and the board may have their own feelings
25 about how it should be done, but that's -- we've

1 extended this process to the city commission
2 process.
3 So I think that pretty much covers it.
4 Ramon, is there something that I may have left
5 out that you want to mention?
6 MR. TRIAS: No. I think from my point of view
7 it's just clean up and improving a little bit some
8 of the technical requirements of notice, so it's
9 something that certainly we would recommend
10 approval.
11 MR. BEHAR: Can I -- can we ask questions at
12 this point, at this time or are you still -- let me
13 ask you, I see some of it that makes sense, but I
14 see that you have the Section 3-1006, which is
15 review and approval of the use of the TDRs on
16 receiver sites, and the Section 5-604, the Coral
17 Gables Mediterranean Style Design Standards. I
18 don't see why those two needs to be notified to,
19 you know, be amended, particularly, the
20 Mediterranean Style unless I'm understanding this
21 incorrectly.
22 Maybe, Ramon, you can clarify that.
23 MR. TRIAS: Are you speaking of page 3 at the
24 bottom where it says Corals Gables --
25 MR. BEHAR: It's page actually -- page 11,

1 which is section at the bottom where I think you're
2 trying to -- if this is -- you're going to notify
3 when it comes to Mediterranean style --

4 MR. TRIAS: That is a very, very specific,
5 very rarely used provision of the Mediterranean
6 style. It's not the typical Mediterranean Bonus.
7 It has to do with adjacencies next to single
8 family. It was used with the Bacardi building, I
9 think, the last time. It's a very -- it's a very
10 unusual provision, and that's the reason why it has
11 notice requirements because it deals with noticing
12 of the neighbors and so on.

13 But that is not the 99 percent of the time of
14 the use of the Mediterranean.

15 MR. BEHAR: I'm just concerned for that 1
16 percent.

17 MR. TRIAS: No, I understand, but the way that
18 I understand that provision, and I did not draft
19 it, it predates my work, is that it applies to
20 projects that would be otherwise by right, for
21 example, if you were to do an office building, like
22 the Bacardi building, for example, and it happens
23 to be next to single family, in order to get
24 Mediterranean Bonus, there's this very specific
25 process. When you do mixed use, that's not the

1 case. When you do typical projects that are not
2 next to single family, that's not the case. It
3 doesn't apply to any of that.

4 It's a provision that we I -- I think we
5 should probably review in the context of the work
6 that we're doing as --

7 MR. BEHAR: I think so. I think we should
8 take that section out and review it further before
9 I feel comfortable.

10 MR. COLLER: Can I just, on the issue what we
11 were requested by the city commission is on
12 quasi-judicial hearings that there be a required
13 notice. This is in that grouping.

14 MR. TRIAS: Yeah.

15 MR. COLLER: And it may be that this shouldn't
16 be in the code at all. That's --

17 MR. TRIAS: That is --

18 MR. COLLER: That's a substantive issue --

19 MR. TRIAS: -- that's what Mr. Behar is
20 saying.

21 MR. BEHAR: That's a substantive issue.

22 MR. COLLER: So what -- I think that's
23 something that can be looked at. This is just kind
24 of, well, we're doing this blanket thing, but we
25 may need to look at certain provisions and say, why

1 are we having these hearings in the first place.

2 MR. BEHAR: But if that's the case, and we got
3 to look at it in the code, perhaps that should not
4 be here now.

5 MR. TRIAS: Yeah. No. I think that's a very
6 valid observation, and I -- yes. The only issue is
7 that I don't believe that Craig has made any
8 changes in the content. He's kept everything
9 there. He's only made changes on the dates and the
10 notice requirements.

11 MR. COLLER: There were no substantive changes
12 to the code made in this item. This is separate
13 and apart from the code revision that the --

14 MR. TRIAS: Yeah.

15 MR. COLLER: -- consultant was hired for, and
16 I think that we can certainly put this on the
17 agenda, the things that she needs to look at.

18 MS. ANDERSON: I had a few questions.

19 MR. AIZENSTAT: Please.

20 MS. ANDERSON: The first one is directed to
21 the chart, it's Page No. 3 of the chart, Type of
22 Application, and with regard to mailing, I notice
23 that it doesn't have a provision for what I
24 typically see in civil rules of procedure and any
25 rules of procedure, three days allowed for mailing

1 so that the party that is being notified at least
2 has that ten-day notice period. Is there -- are
3 people open to allowing, you know, three days for
4 mailing so it has to be mailed 13 days in advance
5 so the residents have at least ten days notice to
6 fit things into their calendars to be present at
7 these hearings?

8 MR. AIZENSTAT: Ramon?

9 MR. TRIAS: I don't have a preference. I
10 think that ten days is what we have currently right
11 in the code, and if that is not sufficient you can
12 recommend something different to the commission,
13 right, Craig? Is there any --

14 MR. COLLER: No. I think the ten days was
15 taken from other provisions in this code that were
16 actually sort of courtesy notice, ten days, and you
17 could add three additional days and change
18 everything to 13 days.

19 The only issue when you do have that is if
20 you're having a hearing here and then you want to
21 have a hearing at the city commission, it may mean
22 that the city commission hearing, it might not make
23 that hearing so it will be pushed off another
24 month. So that could be a practical issue, but
25 that's really a policy issue. From a legal issue,

1 there's -- we can make it whatever --

2 MR. TRIAS: From my point of view ten days is
3 sufficient and certainly we never had any issues
4 before as far as the number of days. Now, some
5 people may claim they never got the letter, but
6 that usually had to do with the area, the
7 1,000 feet versus 1500 feet.

8 MS. ANDERSON: Well, I'm really relying upon
9 what is accepted norms in the legal community for
10 notice, ten days notice is the minimum and notice
11 is actually governed by when it's received.

12 That three-day provision has been removed from
13 some of the rules of court where you have
14 electronic notification to attorneys that they have
15 the ten-day notice provision before they have to go
16 to a hearing, and that's pretty consistent
17 throughout the civil and criminal rules of
18 procedure, both in the federal and state courts
19 except where you have electronic notification or
20 hand delivery of notices.

21 So I would think it would be prudent to make
22 sure that people have notice in hand ten days in
23 advance, and allowing three days for mailing should
24 suffice to cover that.

25 MR. AIZENSTAT: I'd like to ask Julio, another

1 architect on the board, how do you feel about the
2 comments?

3 MR. GRABIEL: All my experience over the
4 years, never had a problem with ten days. And I
5 fear what our attorney said that it creates for a
6 project going through another month of extension
7 because we didn't make it to the commission, and
8 that could be a serious problem.

9 MR. BEHAR: To that point, in all the
10 municipalities that I -- we do work, ten days is
11 the norm. Perhaps when it comes to some criminal
12 matter, something differently, but it when it comes
13 to zoning matters, I've seen ten days as the norm.

14 MS. ANDERSON: Well, even for zoning hearings
15 in circuit court and State of Florida notice is
16 counted upon the date received and if you're
17 mailing it three days is added.

18 I feel very strongly about this position
19 because people are receiving notices in the mail
20 seven days in advance. You can't alter your
21 schedule on such short notice, meetings and doctors
22 appointments and everything else if we really want
23 to have public participation, and if three days
24 makes or breaks whether it makes a commission
25 meeting, I'm having difficulty understanding why

1 three days is such a big deal. Just get those
2 notices out three days earlier so people have them
3 in hand and they can make their plans for the week.

4 MR. AIZENSTAT: Maria?

5 MS. VELEZ: I think ten days is sufficient. I
6 have received notices as a property owner and
7 sometimes I'm not able to attend, but other people
8 might be able to attend on my behalf. I think that
9 ten days is sufficient to get the notice out.
10 Because, in addition, most of these things are
11 posted or appear on our website.

12 MS. ANDERSON: That's another issue I want to
13 discuss about the website posting, you know, the --
14 I don't know how many people actually look at the
15 website for the posting of these things, but by the
16 time the agenda is published we're less than ten
17 days out. Most people are looking for the agenda
18 to determine what's going to be happening for the
19 next planning and zoning meeting or the commission
20 meetings. And if they're not getting -- if it's
21 not posted until the Friday before the commission
22 meeting or the Friday before the planning and
23 zoning meeting, it's less than ten days notice.

24 MR. AIZENSTAT: Alex?

25 MR. MANTECON: Does the posting refer to the

1 website or does that refer to being posted on the
2 physical property, one says on the chart?

3 MR. AIZENSTAT: The posting is based upon the
4 notice given, correct?

5 MR. TRIAS: The posting is the posting of the
6 site.

7 MR. AIZENSTAT: On the site itself?

8 MR. MANTECON: On the property.

9 MR. TRIAS: Yeah.

10 MR. MANTECON: So that's not the posting on
11 the websites?

12 MR. TRIAS: Right.

13 MR. MANTECON: When does it get posted on the
14 website? Is that addressed anywhere?

15 MR. TRIAS: I don't believe that's addressed
16 in the notice.

17 MR. COLLER: It's not addressed in the code as
18 far as what gets placed on the website. The
19 notice, it does get -- there is a published
20 requirement.

21 Ramon, you --

22 MR. TRIAS: There's some legal requirements
23 and those are the newspaper advertisements. The
24 other postings we do are additional and we try to
25 do them as earlier as we can and for the very good

1 reasons that Ms. Anderson is speaking now.

2 The downside of extending the dates to longer
3 periods is that things just get delayed longer.

4 MS. ANDERSON: Well, I'm trying to enhance
5 notice to the public. Not many people receive the
6 Miami Review, but if the City's website has that
7 link with a layman's term topic of what it is,
8 whether it's the address and a link to the Miami
9 Review ad itself, whether it be scanned in or a
10 link to it for the Miami Review that people can
11 actually read without subscribing to the Miami
12 Review, then that would be helpful.

13 MR. TRIAS: Okay. Now, what I would say as an
14 observation is that lately I've actually seen
15 people for the first time in my life come and said
16 we got notice, we actually got notice. So clearly
17 we're doing something right. Most of the time you
18 hear, oh, I never got any notice. And that usually
19 doesn't have to do with the dates or whatever, it
20 has to do with the geographic distribution of the
21 mail notice.

22 So I think that Craig has done a very good job
23 cleaning things up. I think that we had to do it
24 because there were many meetings that we were
25 sending letters but it was not a requirement. We

1 were just doing it because we wanted to enhance the
2 process, but now it's going to be in the code, so
3 that is the purpose of this amendment.

4 MR. MANTECON: I think it's calendar days, is
5 it ten days calendar or business days?

6 MR. TRIAS: It's calendar days.

7 MR. COLLER: Ten days are calendar days.

8 MR. AIZENSTAT: Anybody like to -- Craig, did
9 you have something to say?

10 MR. COLLER: Well, I respect the view of the
11 board member as far as the five days. It went I
12 think up to five days mailing, and then it was
13 three days, and now with the electronic service, I
14 will say that at least my experience with the
15 county code there isn't a provision for the, you
16 know, three additional days for mailed notice.

17 One difference maybe here is that since most
18 of the notices are going locally, it's many times
19 people get their mail sometimes the next day. So
20 there is -- and, obviously, the more notice the
21 better, but I think ten days certainly meets the
22 legal requirement, but I think it's a policy issue
23 for this board and for the city commission, you
24 know, what you feel is appropriate that's not
25 become overly burdensome to the City as well.

1 MS. ANDERSON: I've received notice with less
2 than five days, five days, because you have the
3 intervening holidays, you have the Saturdays and
4 Sundays, so if we're going to be talking about
5 calendar days as opposed to business days, it's
6 going to affect people's ability to timely be able
7 to schedule in participation in the process. And
8 if what we're trying to really achieve is
9 participation in the process we need to enhance it.

10 Going back to the proposed web link for the
11 Miami Review, you know, by a topical index of the
12 items that are going to be heard by the planning
13 and zoning board, that notice could easily be put
14 on the website with a link to it so people would be
15 aware of what's happening at the property.

16 And as far as posting on the properties
17 itself, I did have a question. Is that requiring a
18 posting on each facing street side? So like if you
19 have three street sides like we have on one of the
20 items coming up later on on each side of the lot,
21 there's some kind of posting on the corners where
22 people can see it?

23 MR. TRIAS: That's typically done like that,
24 and they get a map with a location, and it's based
25 on the specifics of the site. It's hard to

1 describe that with words in the code, but that is
2 the way it's done.

3 MS. ANDERSON: Okay. Because, you know, if
4 you only post it on one street, it's not
5 necessarily going to be seen by the adjacent
6 property.

7 MR. TRIAS: Exactly. Exactly. And some
8 properties are a whole block and they may require
9 multiple locations so, yeah.

10 MS. ANDERSON: Okay.

11 MS. VELEZ: I have a question.

12 MR. AIZENSTAT: Yes, go ahead, please.

13 MS. VELEZ: I'm all in favor of requiring
14 notice as opposed to courtesy notice. I think
15 that's a great step.

16 I have on page 7, on No. 2, this is the one
17 for city commission. It only requires mailed
18 notice for the second public hearing or the second
19 reading of an ordinance. Why can we not make it
20 for both?

21 MR. COLLER: Well, I believe -- well, this is
22 a policy issue. Legally the feeling was that this
23 is the final passage so this would be the
24 appropriate time to have the mailed notice.

25 The concern I think was for both notices is

1 that it could very well delay the second hearing
2 and then it would be pushed off to another month.
3 So from a legal perspective, as long as we're
4 giving notice and if since the final adoption is
5 when substantive changes are typically made, it was
6 made -- it was a policy decision in discussion with
7 the city attorney and with staff that if we're
8 going to -- we want to give notice that we should
9 give it at the most important hearing which is the
10 final passage hearing. So that's why the notice
11 was given for that period of time.

12 MS. VELEZ: I can see the reasoning, you know,
13 behind the delaying because it could kick it off to
14 the second -- to another month if the two weeks go
15 by and the commission meets and then you don't get
16 the notice out. But I don't know, as a citizen I
17 find that if you have notice of the first hearing I
18 think a lot more people might be involved and a lot
19 more discussion can then happen, and then the city
20 commissioners would be able to hear the
21 perspectives of the residents at that point.

22 MS. ANDERSON: I would agree with you.

23 MR. COLLIER: Again, that's a policy
24 choice that the board --

25 MS. VELEZ: So that's -- my recommendation

1 would be that notice would be given on first and
2 second on that.

3 Then I have on page 8, there are two items
4 seven and eight where notice is given only at the
5 discretion, the sole discretion of the
6 developmental review official. I think notice
7 should be given regardless of the discretion of the
8 zoning review.

9 MR. COLLIER: Let me explain what that was. So
10 there's certain text amendments of a comprehensive
11 plan that generally apply to all properties in the
12 city, and you ordinarily wouldn't give notice
13 because it's, first of all, comprehensive plan is
14 legislative so really a notice is not even
15 required, and, in fact, Dade County sends just a
16 courtesy notice.

17 And I think with regard to eight was if
18 there's a specific set of properties that's going
19 to be determined by the review official, somebody
20 has to make that decision, is this amendment
21 dealing with specific properties or is it affecting
22 an entire city. So somebody has to make that
23 decision. So that's why it was written that way.

24 MR. TRIAS: For example, and seven is zoning
25 and eight is the code. For example --

1 MR. COLLIER: Right.

2 MR. TRIAS: -- the artificial grass amendment,
3 if we were to send a letter to every resident in
4 the city that may not be the most effective way to
5 notice people. So the issue is that certainly
6 should be left to some discretion because
7 otherwise, I mean, we've been sending thousands of
8 letters already because we've been implementing
9 this informally without changing the code, and it
10 gets to a point where that it's just not practical
11 so that's why it was written like this.

12 MS. VELEZ: That makes sense.

13 MR. COLLIER: And I stand corrected, we did do
14 it with zoning too because, again, a zoning text
15 amendment may have to do with all properties as an
16 example.

17 MS. VELEZ: Okay. That makes sense. Thank
18 you.

19 MR. AIZENSTAT: Craig, what are you looking
20 for a motion?

21 MR. TRIAS: Yes.

22 MR. COLLIER: Ramon is looking for a motion.
23 I'm advising you legally.

24 MR. AIZENSTAT: Well, you brought this up.

25 MS. ANDERSON: I still have another question.

1 MR. AIZENSTAT: Okay.

2 MS. ANDERSON: On the chart on page 5,
3 transfer of development rights, it states that
4 notice is required for the receiving site plan
5 application. Is there a reason why there was not
6 included expansion of the TDR areas as requiring
7 notice to the nearby residents?

8 MR. TRIAS: That would be an amendment to the
9 zoning code if the rules were to be changed. It
10 wouldn't be under this provision. It would be
11 under the other provision that we talked about.

12 MS. ANDERSON: The discretionary provision?

13 MR. TRIAS: I think so. What do you think,
14 Craig? Is there any other provision that would
15 apply to that?

16 MR. COLLIER: I'm not 100 percent clear. We
17 have the --

18 MR. TRIAS: The way I understand the question
19 is if there's a proposal to change the zoning code
20 provisions for the area, meaning expanding the area
21 in the map, is that --

22 MR. COLLIER: So is it a zoning code text
23 amendment to --

24 MR. TRIAS: Yeah.

25 MR. COLLIER: -- expand the area, then you

1 would make the determination if that affects
2 specific properties and they would get mailed
3 notice under this provision as a text amendment
4 relating to specific properties. And that's
5 provided for in Subsection 7.

6 MR. TRIAS: The issue is that if it was an
7 expansion to some area that is very specific, the
8 judgment of any professional would be, yes, send
9 notice.

10 Now, if you want to make it mandatory to send
11 notice for every change, every amendment of the
12 zoning code, then basically we're going to have a
13 mail operation instead of a zoning department.

14 MR. BEHAR: That's --

15 MS. ANDERSON: That's not my suggestion.
16 That's not the suggestion.

17 MR. COLLER: But I think your issue is
18 regarding a text amendment that might impact
19 specific properties.

20 MR. TRIAS: Right, because --

21 MR. COLLER: Because you -- the receiving zone
22 got expanded, right?

23 MR. TRIAS: That's what I said. That's
24 exactly --

25 MR. COLLER: So that gets covered.

1 MR. TRIAS: That is exactly what I said. The
2 way I understand your question is if we expand the
3 area to a specific area that's larger, yes, they
4 should get notice. That would be the judgment of
5 any staff person doing the review.

6 If the change is, as I said before, for
7 example, the requirements for the artificial grass,
8 for example, a minor change that applies throughout
9 the city, then mail notice really doesn't make
10 sense.

11 MS. ANDERSON: Right. Now, historically I
12 know we didn't have mail notice to the adjacent
13 property owners for expansion of the TDR receiving
14 area. Based upon the way this is written here, are
15 we going to be notifying the homeowners and owners
16 of the business?

17 MR. TRIAS: Are you speaking of -- because the
18 expansion has nothing to do with this provision.
19 The provision here is for a project that is
20 requesting sending and receiving.

21 MS. ANDERSON: Then my suggestion is is that
22 we include it also for expansion of TDR receiving
23 areas, because the adjacent property owners would
24 be affected by any potential impact there, and
25 providing them notice they have an opportunity to

1 participant and we don't have issues in the future
2 with saying I had no idea this was going on.

3 MR. TRIAS: I understand what you're saying,
4 and what I'm saying is that that is an amendment to
5 the zoning text. Okay? If we want to have some
6 specific zoning text amendments beyond just a
7 general term --

8 MS. ANDERSON: Right.

9 MR. TRIAS: -- that is one certainly, but it
10 complicates, it complicates the amendment.

11 MR. COLLER: Well, can I -- I think it's
12 addressed actually.

13 MS. ANDERSON: Where?

14 MR. COLLER: If you look at Item 1 on where
15 mailed notices are it talks about the mailed
16 notices subject property and the property owner's
17 address are known by reference and the latest ad
18 valorem tax record within 1,000-foot radius. So if
19 you were to amend the zoning code text, and I may
20 want Ramon to respond to this, you change the area
21 so now you have these subject properties that are
22 now going to be subject to receiving these TDRs,
23 then they are part of the subject property and also
24 within a thousand feet of the surrounding property.

25 So I think it would be covered. This is --

1 we're trying to respond to questions as they come,
2 but I believe it would be viewed as a subject
3 property, and it provides in the code that it's
4 within a thousand feet, so I think it would be
5 covered.

6 MR. TRIAS: I think it is covered. I think
7 it's very clearly covered.

8 MR. COLLER: Right.

9 MS. ANDERSON: I just noted that in the past
10 the notice hadn't been sent to the adjacent
11 property owner so therefore I'm concerned.

12 MR. TRIAS: In the past, I mean, let's say
13 several years ago, certainly you were right.

14 MS. ANDERSON: No, within the past few months.

15 MR. TRIAS: But in the -- which project are
16 you thinking?

17 MS. ANDERSON: It wasn't a particular project.
18 It was an expansion of the TDR area on Biltmore
19 Way.

20 MR. TRIAS: There was a neighborhood meeting
21 and that was --

22 MS. ANDERSON: There was workshop after the
23 fact.

24 MR. TRIAS: There was the workshop -- there
25 were multiple opportunities for public input.

1 Now --

2 MS. ANDERSON: I'm just saying going forward,

3 can we have --

4 MR. TRIAS: Going forward it is covered in the

5 text right here clearly. I think that Craig and I

6 have explained that. I don't think there's any

7 need to add any language, but if you believe that

8 there is, you're free to make that recommendation.

9 MS. VELEZ: And this does say required as

10 opposed to courtesy, so I think going forward it's

11 very clear.

12 MS. ANDERSON: All right.

13 MR. BEHAR: And before, just to make sure,

14 Ramon, the language of going back to Section 5-604,

15 that's the same language that exists today?

16 MR. AIZENSTAT: Page 11.

17 MR. BEHAR: Page 11.

18 MR. TRIAS: Page 11.

19 MR. BEHAR: Except for that one line that says

20 after notice in accordance with provision of

21 Article 3, Division 3.

22 MR. TRIAS: Yeah, and as you can see there

23 it's about properties in the MF 2C. It's a very

24 specific type of request. It's not the

25 Mediterranean Bonus as we know it.

1 MR. COLLER: Yeah, only the underlying

2 language is new language. Everything that's there

3 is existing language. Only that which is

4 underlined.

5 MR. TRIAS: It's a provision that's called

6 special location site plan review for Mediterranean

7 Bonus. It is not the Mediterranean Bonus.

8 MR. BEHAR: You say that the Bacardi building

9 had to go through this process.

10 MR. TRIAS: Yes.

11 MR. BEHAR: For example, the Collection

12 Building on Bird Road.

13 MR. TRIAS: Maybe. I don't know that one

14 specifically.

15 MR. BEHAR: And neither of the projects are

16 this here.

17 MR. TRIAS: What happens is that the other

18 projects close by were mixed use projects so they

19 went through a different process.

20 MR. BEHAR: So the mixed use project are now

21 required to --

22 MR. TRIAS: Right. They go through the mixed

23 use process.

24 MR. BEHAR: Okay. All right.

25 MR. MANTECON: I have a question. So if --

1 and I understand Maria's concern with having to

2 give two notices, you know, to be able to give two

3 notices to people in order to be able to come to

4 different meetings, I think that would -- but I

5 mean, I don't think I've seen that --

6 MR. TRIAS: For the commission, you mean the

7 first and --

8 MR. MANTECON: For commission. The first and

9 second reading, I think that's a little bit of a

10 big burden for any project or anything like that.

11 Would it maybe make sense to give maybe 13 days

12 notice, as she had mentioned before, but doing it

13 on first reading where then it wouldn't put any

14 impact on potentially going into second reading

15 between the attorneys, you know, between going from

16 first reading to second reading it wouldn't delay

17 or cause any potential delays on hearings.

18 Is that maybe something to explore?

19 MR. TRIAS: It certainly we could explore all

20 that, but I think at some point we need to try to

21 understand what kind of problem are we trying to

22 fix, and we haven't had any problem in terms of

23 notice any time recently because we've basically

24 have been following what has been proposed.

25 Now, more notice is better, perhaps, I don't

1 know. I mean, it's one of those things that I

2 don't hear except the issues that you're bringing

3 up with the Biltmore Way expansion. I haven't

4 really heard anybody express any frustration with a

5 notice recently.

6 MR. COLLER: I don't have -- can I -- we're

7 talking about a very small set here, first of all.

8 Many of the actions that are taken by the city

9 commission, or I should say some of them, there's a

10 subset that are done by resolution. There's only

11 one hearing and there's only one notice.

12 MR. TRIAS: Yes.

13 MR. COLLER: The legislative items, or I

14 shouldn't say ordinances, but items that have to be

15 passed by ordinance, they're the ones that have the

16 two readings, so those are the ones where we

17 provided the notice for the second reading.

18 Obviously the board is in the position if you

19 wish to recommend two notices on first reading and

20 second reading or you'd rather have the notice

21 meaning on first reading or you want to have the

22 notice be 13 days for the first reading, these are

23 all appropriate recommendations --

24 MR. TRIAS: Yes.

25 MR. COLLER: -- that the board, you know, may

1 want to consider making to the city commission on
2 this item.

3 MS. ANDERSON: I would recommend that because
4 if you send it on first -- if you at least send it
5 out on the first commission hearing people are
6 aware the issue exists. They can follow up on it,
7 figure out when the second hearing is by looking,
8 you know, alerting them to look at the city's
9 website, to look at the agenda, see when an item's
10 going to be heard again.

11 I think it's more important to get it at that
12 first commission hearing for that reason and give
13 them adequate notice and an opportunity to
14 participate in the process.

15 MR. BEHAR: I don't have a problem with that
16 because the fact of the matter is you always have
17 more time between planning and zoning and for
18 commission versus, you know, the first and second
19 reading of commission. So I don't think if you
20 want to give them additional time, the three extra
21 days between, you know, before the first hearing, I
22 don't think that's going to affect any --

23 MR. MANTECON: And if you put it at ten days
24 and, you know, if you keep it at ten days, do it at
25 first reading maybe, then at that point if they

1 can't make the first, it's on their radar and they
2 can make the second.

3 MR. BEHAR: Yeah, you know what, that should
4 work.

5 MR. AIZENSTAT: Would anybody like to make a
6 motion? Maria?

7 MS. ANDERSON: Rhonda. Rhonda. Maria's not
8 here.

9 MR. AIZENSTAT: Sorry about that.

10 MS. ANDERSON: It's one of those nights.

11 I would make a motion for this to be passed
12 with the notice being provided at the first
13 commission hearing with ten days notice and three
14 days required for mailing.

15 MR. AIZENSTAT: Is there a second or --

16 MS. ANDERSON: Yeah, just one other thing is
17 the recommendation that I had for posting on the
18 city's website with a link to the Miami Review
19 postings so that people can review that as well.

20 MR. AIZENSTAT: Is there a second?

21 MS. VELEZ: I'll second.

22 MR. AIZENSTAT: That's Maria's second. Any
23 comments? No?

24 Call the role, please.

25 THE CLERK: Julio Grabiell

1 MR. GRABIEL: Yes.

2 THE CLERK: Alex Mantecon?

3 MR. MANTECON: Yes.

4 THE CLERK: Maria Velez?

5 MS. VELEZ: Yes.

6 THE CLERK: Rhonda Anderson?

7 MS. ANDERSON: Yes.

8 THE CLERK: Robert Behar?

9 MR. BEHAR: Yes.

10 THE CLERK: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 Craig, if you would, please, read Item E-3.

13 MR. COLLER: Item E-3, an Ordinance of the
14 City Commission of Coral Gables, Florida providing
15 text amendments to city of Coral Gables Official
16 Zoning Code amending Article 2, decision making and
17 administrative bodies, Division 2, Planning and
18 Zoning Board, Section 2-203, meetings, quorum,
19 required vote, providing for clarifying planning
20 and zoning board voting procedures providing for
21 repealer provision, severability clause,
22 codification, and providing for an effective date.

23 Item E-3, public hearing.

24 I don't know, before we -- did we ask for
25 comments from the audience on the last one?

1 MR. AIZENSTAT: No, we did not.

2 MR. COLLER: So maybe before we -- I may have
3 to read this again. We need to see if we had any
4 comments.

5 MR. AIZENSTAT: Is there anybody here for Item
6 E-2 that would like to make any comments?

7 MR. COLLER: Let the record reflect nobody
8 stepped forward.

9 MR. AIZENSTAT: All right.

10 MR. COLLER: All right. I don't think I need
11 to read E-3 since I read it. It's again my
12 ordinance so I guess I need to explain it.

13 I'm hoping this will be viewed as a
14 housekeeping measure. There's a provision in your
15 code that says on a tie vote or where you have less
16 than four affirmative votes it goes to the city
17 commission without a recommendation. We had a
18 situation that occurred, I think it was a couple
19 meetings ago, where it was a 3-3 tie vote so there
20 was no motion passed, but the board fashioned a new
21 motion, I think it was kind of a compromise between
22 the groups about how the motion should be and it
23 did go to the city commission with your
24 recommendation.

25 All this does is just reconfirm in an