

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
WEDNESDAY, MARCH 8, 2023, COMMENCING AT 6:04 P.M.

Board Members Present:
Eibi Aizenstat, Chairman
Robert Behar
Wayne "Chip" Withers
Julio Grabiell

City Staff and Consultants:
Suramy Cabrera, Development Services Director, via Zoom
Jill Menendez, Administrative Assistant, Board Secretary
Jennifer Garcia, Principal Planner
Craig Coller, Special Counsel
Arceli Redila, Zoning Administrator
Emilee Aguerrebere, Principal Planner
Belkys Perez, Economic Development Director

1 (Thereupon, the following proceedings were
2 held.)

3 CHAIRMAN AIZENSTAT: Let's go ahead and get
4 the meeting started, please. I'd like to call
5 the meeting to order. I'd like to ask
6 everybody to please silence your phones and
7 beepers, if you have them.

8 Good evening. This Board is comprised of
9 seven Members. Four Members of the Board shall
10 constitute a quorum and the affirmative vote of
11 four Members shall be necessary for the
12 adoption of any motion. If only four Members
13 of the Board are present, an applicant may
14 request and be entitled to a continuance to the
15 next regularly scheduled meeting of the Board.
16 If a matter is continued due to a lack of
17 quorum, the Chairperson or Secretary of the
18 Board may set a Special Meeting to consider
19 such matter. In the event that four votes are
20 not obtained, an applicant may -- an applicant,
21 except in the case of a Comprehensive Plan
22 Amendment, may request a continuance or allow
23 the application to proceed to the City
24 Commission without a recommendation.

25 Pursuant to Resolution Number 2021-118, the

1 City of Coral Gables has returned to
2 traditional in-person meetings; however, the
3 Planning and Zoning Board has established the
4 ability for the public to provide comments
5 virtually.

6 For those members of the public who are
7 appearing on Zoom and wish to testify, you must
8 -- the court reporter --

9 MR. COLLER: I thought somebody fell.

10 CHAIRMAN AIZENSTAT: No. That was the
11 table.

12 MR. WITHERS: Woke us all up, didn't it?

13 MR. COLLER: Woke me up.

14 CHAIRMAN AIZENSTAT: Okay -- however, the
15 Planning and Zoning Board has established the
16 ability for the public to provide comments
17 virtually.

18 Continuing on, for those members of the
19 public who are appearing on Zoom and wish to
20 testify, you must be visible to the court
21 reporter to be sworn in. Otherwise, if you
22 speak without being sworn in, your comments may
23 not have evidentiary value.

24 Lobbyist Registration and Disclosure, any
25 person who acts as a lobbyist must register

1 with the City Clerk as required pursuant to
2 City Code.

3 AS Chair, I now officially call the meeting
4 of the City of Coral Gables Planning and Zoning
5 board of March 8th, 2023 to order. The time is
6 6:03.

7 Jill, please call the roll.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: Here.

10 THE SECRETARY: Claudia Miro? She
11 requested to be excused.

12 Julio Grabiell?

13 MR. GRABIEL: Here.

14 THE SECRETARY: Luis Revuelta?

15 Venny Torre? He also requested to be excused.

16 Chip Withers?

17 MR. WITHERS: I'm here.

18 THE SECRETARY: Eibi Aizenstat?

19 CHAIRMAN AIZENSTAT: Here.

20 MR. COLLER: Mr. Chairman, one housekeeping
21 measure. Because this is a purely legislative
22 item, we don't need to swear any witnesses in
23 tonight.

24 CHAIRMAN AIZENSTAT: Thank you.

25 Notice Regarding Ex Parte Communication,

1 please be advised that this Board is a
 2 quasi-judicial board, which requires Board
 3 Members to disclose all ex parte communication
 4 and site visits. An ex parte communication is
 5 defined as any contact, communication,
 6 conversation, correspondence, memorandum or
 7 other written or verbal communication, that
 8 takes place outside of a public hearing,
 9 between a member of the public and a member of
 10 a quasi-judicial board regarding matters to be
 11 heard by the Board. If anyone made any contact
 12 with a Board Member regarding an issue before
 13 the Board, the Board Member must state, on the
 14 record, the existence of the ex parte
 15 communication and the party who originated the
 16 communication.

17 Also, if a Board Member conducted a site
 18 visit specifically related to the case before
 19 the Board, the Board Member must also disclose
 20 such visit. In either case, the Board Member
 21 must state, on the record, whether the ex parte
 22 communication and/or site visit will affect the
 23 Board Member's ability to impartially consider
 24 the evidence to be presented regarding the
 25 matter. The Board Member should also state

1 that his or her decision will be based on
 2 substantial competent evidence and testimony
 3 presented on the record today.

4 Does any Member of the Board have such
 5 communication and/or site visit to disclose at
 6 this time?

7 MR. BEHAR: No.

8 MR. GRABIEL: No.

9 CHAIRMAN AIZENSTAT: We're going to skip
 10 the swearing in, because of what you have just
 11 stated.

12 MR. COLLER: Yes.

13 CHAIRMAN AIZENSTAT: Zoom platform
 14 participants, I will ask any person wishing to
 15 speak on tonight's agenda item, please open
 16 your chat and send a direct message to Jill
 17 Menendez, stating you would like to speak
 18 before the Board, and include your full name.
 19 Jill will call you when it's your turn. I ask
 20 you to be concise, for the interest of time.

21 Phone platform participants, after Zoom
 22 platform participants are done, I will ask
 23 phone participants to comment on tonight's
 24 agenda item. I will also ask you to be
 25 concise, for the interest of time.

1 First we have the approval of the minutes
 2 of February 8th, 2023. Did everybody get a
 3 chance to review those?

4 MR. BEHAR: Yes. Motion to approve.

5 MR. GRABIEL: Second.

6 CHAIRMAN AIZENSTAT: We have a motion.
 7 Julio made the second. Any comments? No?

8 Call the roll, please.

9 THE SECRETARY: Julio Grabiel?

10 MR. GRABIEL: Yes.

11 THE SECRETARY: Chip Withers?

12 MR. WITHERS: Yes.

13 THE SECRETARY: Robert Behar?

14 MR. BEHAR: Yes.

15 THE SECRETARY: Eibi Aizenstat?

16 CHAIRMAN AIZENSTAT: Yes.

17 The procedure we will use for tonight,
 18 first we'll have the identification of the
 19 agenda item by Mr. Coller, then we'll have the
 20 presentation by the applicant, in this case,
 21 it's the City, then we'll go ahead and open it
 22 for public comment. First we'll open it in
 23 Chamber, then Zoom platform, and then phone
 24 line platform. At which time, I'll then close
 25 the public comment, we'll have a Board

1 discussion, and then a motion, more discussion,
 2 if necessary, and a second of motion, Board's
 3 final comments and then a Board -- and then a
 4 vote, I'm sorry.

5 Mr. Coller, if you'd please read the first
 6 item into the agenda.

7 MR. COLLER: Yes. The first --

8 CHAIRMAN AIZENSTAT: And welcome back, by
 9 the way.

10 MR. COLLER: Pardon? Oh, thank you. It's
 11 nice to be back.

12 Item E-1, an Ordinance of the City
 13 Commission of Coral Gables, Florida providing
 14 for a Text Amendment to the City of Coral
 15 Gables Official Zoning Code by amending Article
 16 10, "Parking," Section 10-110, "Amount of
 17 Required parking" adding parking exemption for
 18 newly enclosed roof deck on existing office
 19 buildings, providing for severability,
 20 repeater, codification, and an effective date.

21 MS. GARCIA: We're missing a comma.

22 MR. COLLER: There's a little misprint here
 23 on the title, but I also think, the title, for
 24 purposes of the City Commission, we probably
 25 need to tweak it a little, because it should

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1 say, as of the date.

2 MS. GARCIA: Okay. That's fine. We can do

3 that.

4 MR. COLLER: So we can do that. And it

5 will say that -- to be clear -- that of --

6 MS. GARCIA: February 9, 2021.

7 MR. COLLER: Right.

8 MS. GARCIA: Yes.

9 Okay. Jennifer Garcia, City Planner. This

10 is a proposed Text Amendment sponsored by a

11 Commissioner. The Text Amendment is exempting

12 parking for an office building with a currently

13 occupied and permanent as of February 9, 2021

14 rooftop amenity, like a gym or some kind of

15 after hour kitchen facility or something, that

16 right now is open air.

17 So what he's proposing -- they are

18 proposing, is that you could enclose that space

19 without triggering the parking requirement.

20 I'm not going to keep going on and on and

21 on. I'm sure there's questions and I don't

22 want to think I can explain it very well --

23 MR. BEHAR: I do. I have a question.

24 MS. GARCIA: Yes.

25 MR. BEHAR: That amenity will be strictly,

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1 CHAIRMAN AIZENSTAT: And can you give us an

2 example?

3 MS. GARCIA: So this is proposing that they

4 can enclose it without triggering the parking.

5 CHAIRMAN AIZENSTAT: Can you given an

6 example of what you mean by enclosing? What

7 would they have to do to enclose it?

8 MS. GARCIA: If they have like a roof and

9 they have maybe a kitchen right there, next to

10 the roof --

11 CHAIRMAN AIZENSTAT: Okay.

12 MS. GARCIA: -- probably next to a stair,

13 to be able to enclose it --

14 CHAIRMAN AIZENSTAT: I guess --

15 MS. GARCIA: -- put glass or whatever makes

16 sense, what the BOA will approve for the

17 enclosed --

18 CHAIRMAN AIZENSTAT: What I was getting at

19 is, if they're going to be going through an

20 enclosure, then they've got to meet Code and

21 the requirements to be able to enclose, they're

22 going to have to go before the Building

23 Department --

24 MS. GARCIA: Yes.

25 CHAIRMAN AIZENSTAT: -- and they're going

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1 based on what I read, for the use of that

2 building only?

3 MS. GARCIA: Correct. Yes.

4 MR. BEHAR: It's an amenity to the office

5 building?

6 MS. GARCIA: Absolutely, yes.

7 MR. BEHAR: And the other question, we're

8 going back to February 9th of what year, 2021?

9 MS. GARCIA: 2021, because that's the date

10 that the Zoning Code Update was codified, was

11 adopted, and during that adoption, there were

12 lots of changes to parking, the parking

13 minimums -- a lot of them were just

14 streamlined -- as well the option to remote

15 park for any new construction was also created

16 and allowed. The Mixed-Use Zoning Regulations

17 were also implemented at that time.

18 MR. BEHAR: Perfect.

19 MR. GRABIEL: When you say, "Rooftop," it's

20 an open rooftop or it can be an enclosed --

21 MS. GARCIA: So, right now, it would be

22 open air, and they would want to enclose it.

23 Right now, the way that the Zoning Code reads,

24 it would trigger the parking.

25 MR. GRABIEL: Okay.

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1 to have to do structural calculations --

2 MS. GARCIA: Yes.

3 CHAIRMAN AIZENSTAT: -- that the

4 enclosure --

5 MS. GARCIA: They'll have to pull a permit,

6 and Zoning will review it, making sure that

7 it's not going beyond the height that's allowed

8 and beyond the FAR that's allowed for that

9 building.

10 CHAIRMAN AIZENSTAT: Okay. So --

11 MS. GARCIA: That's right. This is just a

12 parking exemption.

13 CHAIRMAN AIZENSTAT: Okay. And also with

14 wind mitigation and so forth --

15 MS. GARCIA: Right.

16 CHAIRMAN AIZENSTAT: -- because you can't

17 just put glass up there?

18 MS. GARCIA: Exactly, yes.

19 CHAIRMAN AIZENSTAT: Okay. I just wanted

20 to --

21 MR. BEHAR: But can you add some additional

22 roofed area, enclose it?

23 MS. GARCIA: As long as they have FAR to

24 play with, then I don't see why not.

25 CHAIRMAN AIZENSTAT: Okay.

1 MR. BEHAR: Thank you.
 2 MS. GARCIA: Yes. As long as it's only
 3 being used for an amenity.
 4 MR. BEHAR: Right. Right.
 5 MS. GARCIA: So you can't have office
 6 spaces, you know.
 7 MR. WITHERS: So let me give you a few
 8 examples. So if they have a spa --
 9 MS. GARCIA: Office use only.
 10 MR. WITHERS: Huh?
 11 MS. GARCIA: Office use only.
 12 MR. WITHERS: No, in the office building.
 13 That's my question. So if there's a use within
 14 the building, like a spa within the building,
 15 the spa couldn't take over that --
 16 MS. GARCIA: No.
 17 MR. WITHERS: Okay.
 18 MS. GARCIA: It has to be used as an
 19 amenity to the office space.
 20 MR. WITHERS: It could be a restaurant?
 21 MS. GARCIA: No.
 22 MR. WITHERS: You can't? That's not an
 23 amenity?
 24 MS. GARCIA: Right.
 25 MR. WITHERS: So what's an amenity?

1 paying on a suite within the building.
 2 MR. WITHERS: If I hired a spa director and
 3 wanted to offer spa services to people inside
 4 my building, I would assume that would be an
 5 amenity that I could offer?
 6 MS. GARCIA: Right. Exactly. Yes, it
 7 would be.
 8 MR. WITHERS: So I could take that top
 9 floor and turn it into a gym or a spa?
 10 MS. GARCIA: As long as it's already
 11 occupied and permitted before February 9, 2021.
 12 MR. WITHERS: Okay.
 13 MS. GARCIA: So you can't just keep adding
 14 on floors. It has to be already occupied as a
 15 space.
 16 MR. WITHERS: So if I had a swimming pool
 17 in a Mixed-Use building or does it have to be a
 18 hundred percent --
 19 MS. GARCIA: Office building only.
 20 CHAIRMAN AIZENSTAT: Office only.
 21 MR. WITHERS: So it can't be the office
 22 component of a Mixed-Use building?
 23 MS. GARCIA: Right. Only office building.
 24 MR. BEHAR: But what I'm not understanding,
 25 what you're saying is, it has to be occupied.

1 MS. GARCIA: Amenity would be like a gym.
 2 MR. WITHERS: A gym, not a spa? Okay, so a
 3 guy -- say you had a gym --
 4 MS. GARCIA: The gym is only being used by
 5 the workers.
 6 MR. BEHAR: You could do a spa if it's used
 7 strictly for the office. Those --
 8 MS. GARCIA: Yes, I'm sorry. I'm thinking
 9 of a spa as a --
 10 MR. WITHERS: Yeah. When you say, "The
 11 office building," I mean, that would be the
 12 people within the building itself?
 13 MS. GARCIA: Yes.
 14 MR. WITHERS: Not a specific office itself,
 15 but the entire building?
 16 MS. GARCIA: But they can't have patrons
 17 from the outside.
 18 CHAIRMAN AIZENSTAT: They couldn't take
 19 membership from outside.
 20 MS. GARCIA: Right.
 21 MR. WITHERS: I mean, you could take
 22 membership from what's inside?
 23 MS. GARCIA: I mean, I'm not sure how these
 24 offices are set up, but I think it's part of
 25 their -- kind of like their HOA. They're

1 MS. GARCIA: Uh-huh. It has to have like
 2 feasibility already up there.
 3 MR. BEHAR: There's a structure that has to
 4 be there, that you could enclose?
 5 MS. GARCIA: And already being used as an
 6 amenity.
 7 MR. BEHAR: Okay.
 8 MR. WITHERS: But not the same amenity
 9 necessarily?
 10 MS. GARCIA: Not necessarily, yeah. If
 11 they want to -- right now, maybe if it's open,
 12 maybe they're doing some kind of --
 13 MR. WITHERS: So it's a rooftop garden and
 14 there's just some planters up there and some
 15 trees up there and some walkways up there and
 16 maybe a hammock --
 17 MS. GARCIA: And it's used as a meditation
 18 space, I guess, for --
 19 MR. WITHERS: And they wanted to turn that
 20 into a cafe for the building, they could do
 21 that?
 22 MS. GARCIA: As long as it's already being
 23 used as an amenity space and there are already
 24 access up there.
 25 MR. WITHERS: I understand, but I'm coming

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1 -- okay. So I'm visiting that building now.
 2 I'm not a tenant, but I'm visiting you, who is
 3 a tenant. I can go up there and have lunch
 4 with this guy now?
 5 MS. GARCIA: Oh, no, no -- oh --
 6 MR. BEHAR: Yes.
 7 MS. GARCIA: If you are the client --
 8 MR. WITHERS: I mean, it's a slippery
 9 slope.
 10 MS. GARCIA: If you're the client, sure.
 11 MR. BEHAR: Yeah, because that's his
 12 amenity for his building and you're his guest.
 13 MS. GARCIA: Exactly.
 14 MR. WITHERS: And I'm his guest, so I'm
 15 using that amenity.
 16 MR. BEHAR: Yes.
 17 MS. GARCIA: Yeah.
 18 MR. WITHERS: So there's --
 19 MS. GARCIA: But you can now theoretically.
 20 You can go up there and sit down and meditate
 21 with your client.
 22 MR. WITHERS: See, now I have 10,000 square
 23 feet that's an open patio area and I want to
 24 turn it into a 10,000 square foot restaurant
 25 for the building, I can do that?

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1 CHAIRMAN AIZENSTAT: Can you then go out
 2 and get additional FAR from a donor site?
 3 MS. GARCIA: No.
 4 CHAIRMAN AIZENSTAT: You would not be able
 5 to?
 6 MS. GARCIA: I don't think so. I think we
 7 need to keep it within what you're allowed to
 8 have, which is 3.5 FAR.
 9 MR. WITHERS: So what's the intent of this?
 10 I mean, what's the big picture? Why is this
 11 needed? What's the benefit for everybody?
 12 MS. GARCIA: The intent is that -- to
 13 create nicer spaces for -- almost kind of like
 14 encouraging people to come back to work and
 15 have nicer office spaces. I guess there's an
 16 influx of interest of offices that are looking
 17 to renovate their office space and offer
 18 something nice for their office workers, to
 19 encourage them to come back.
 20 MR. BEHAR: I think it's a great idea. We
 21 just finished a building in Aventura that has,
 22 you know, amenity spaces on the roof and people
 23 do use it and it's a great amenity, and in that
 24 particular building, the rents are much higher
 25 than adjacent buildings, because of the

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1 MS. GARCIA: For the building.
 2 MR. WITHERS: And no additional parking
 3 requirement for guests that come in to eat up
 4 there and hang like that?
 5 MS. GARCIA: If you really wanted to do
 6 that.
 7 MR. BEHAR: But my question here is, you
 8 said, an existing space. We know that 99.9
 9 percent of the buildings that, you know, was
 10 done, you never have an existing space that's
 11 not -- unoccupied that you could enclose. So
 12 this would allow -- from what I'm trying to
 13 understand, if I have a 10,000 square foot roof
 14 area, I could put -- add square footage up
 15 there, if it's only for the use of the
 16 building.
 17 MS. GARCIA: As long as you still have the
 18 FAR allowed. I mean, 10,000 square feet is a
 19 lot of square footage.
 20 MR. BEHAR: Yes, as long as you have FAR
 21 allowed.
 22 MS. GARCIA: It depends on the size of the
 23 office building. You may not have that
 24 available with your FAR that you're allowed to
 25 have.

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1 amenities they do provide. So I think this is
 2 a great idea, and it does -- it would
 3 encourage, I think, people to come and be able
 4 to use, whether it's a fitness center or
 5 whatever, you know.
 6 I don't foresee doing the restaurants.
 7 MR. WITHERS: Do you see just like a zen
 8 zone basically?
 9 MR. BEHAR: No, like -- you know, like a
 10 gym, you know. It may have some other areas,
 11 some other spaces, that are going to be usable.
 12 As long as -- you know, I understand now, you
 13 have to have sufficient FAR left over in your
 14 building to be able to do, you know, these
 15 spaces. I think it's a great idea.
 16 MS. GARCIA: And this does require a
 17 covenant, to make sure that it's enforceable,
 18 you know. If we start seeing that people are
 19 having parties and they're not really working
 20 at the office, they're just renting out spaces,
 21 then we have a way to say, "Code Enforcement,
 22 you need to go cite them."
 23 MR. WITHERS: Oh, no, that's definitely
 24 going to happen. I mean, the building is
 25 definitely going to rent that to someone to

Page 21

1 have a party up there, let's not --

2 CHAIRMAN AIZENSTAT: The tenant or the

3 office space is going to want to have --

4 MR. BEHAR: But think about it, there's one

5 on Ponce, on the Circle, that they use the

6 rooftop and it's great.

7 MR. WITHERS: Yeah. No, no, I don't have a

8 problem with that. But it's going -- if I'm an

9 office building, I need to monetize it, if I'm

10 going to put money into it, I'm assuming.

11 CHAIRMAN AIZENSTAT: Okay. And it could be

12 new construction also?

13 MS. GARCIA: No. So this is as to only

14 existing buildings can take advantage of this

15 parking exemption.

16 CHAIRMAN AIZENSTAT: So a new construction

17 building could not utilize -- so a new building

18 that's being --

19 MS. GARCIA: Because new construction, you

20 can always plan and make the parking work. You

21 have options of remote parking and other

22 options.

23 CHAIRMAN AIZENSTAT: So you're limiting

24 it --

25 MS. GARCIA: This is just for existing

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1 MR. COLLER: I thought the issue, as I

2 understand it, was that the parking under the

3 new updated Code is more liberal and it's

4 easier for buildings to achieve compliance,

5 whereas the older buildings didn't have that

6 option.

7 MS. GARCIA: Right. They had higher

8 parking requirements. They had -- they

9 couldn't do a Mixed-Use. Yes.

10 CHAIRMAN AIZENSTAT: Do you have an example

11 of what it would be for an old building versus

12 the new building in the parking requirement?

13 MS. GARCIA: I mean, I think he brought up

14 the Zubi building.

15 MR. BEHAR: Right.

16 MS. GARCIA: That has a rooftop amenity

17 right now. You could look at enclosing more of

18 that space.

19 MR. BEHAR: I mean, I don't know the

20 parking ratio between one and the other.

21 Listen, you know, at the end of the day, I

22 think this is doing, you know, for some of

23 those buildings, an added, you know, benefit.

24 I just see that the new buildings, you're going

25 to have to provide additional parking, versus

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1 buildings.

2 CHAIRMAN AIZENSTAT: -- only to existing

3 buildings?

4 MS. GARCIA: Prior to February 9, 2021.

5 CHAIRMAN AIZENSTAT: But if the idea is to

6 bring people in to work and to use the

7 amenities, why are you restricting new

8 buildings?

9 MS. GARCIA: Because if you're designing a

10 building right now to encourage people to work

11 and make this fantastic office building, you

12 can plan ahead and park for it.

13 CHAIRMAN AIZENSTAT: Right. But they would

14 not be able --

15 MS. GARCIA: If that's what you want to do.

16 CHAIRMAN AIZENSTAT: -- but they would not

17 be able to utilize the parking requirement?

18 MR. BEHAR: Exactly. And that's -- you're

19 penalizing those new buildings, because you're

20 requiring that they provide additional parking

21 spaces.

22 MS. GARCIA: It's not penalizing. You're

23 helping those that are already existing and

24 making the existing structure more viable.

25 CHAIRMAN AIZENSTAT: I mean --

Page 24

1 that, but, you know --

2 MR. WITHERS: So is there any restriction

3 on the building owner not to lease the space

4 out, because you're giving him additional --

5 MS. GARCIA: The restriction would be that

6 the covenant that's traveling with that

7 property says you can only use that space for

8 an amenity to the office.

9 MR. WITHERS: I know, but my question is,

10 does that mean --

11 MS. GARCIA: So they can't apply here and

12 say, "I want to be a rentable party place or

13 entertainment use," because we'll catch it here

14 in the Zoning.

15 MR. WITHERS: I'm talking about, for their

16 existing tenants, can they lease that space out

17 to their existing -- as part of their annual

18 lease?

19 MS. GARCIA: To their tenants?

20 MR. WITHERS: Yes.

21 MS. GARCIA: Yes.

22 MR. WITHERS: So it's giving them

23 additional square footage for a specific

24 tenant? They could do that, if they wanted to?

25 MS. GARCIA: Well, I mean, I'm not sure how

1 it works, if they're leasing it out or if the
 2 office suites, the office spaces, are reserving
 3 that space to use.
 4 MR. BEHAR: Whether it's leased or
 5 reserved, if you're a tenant and you want to
 6 have your Christmas party up there, you're able
 7 to do it.
 8 MS. GARCIA: Right.
 9 MR. WITHERS: Which is fine.
 10 MR. COLLER: That would be viewed as an
 11 amenity. If you're leasing it out, then it's
 12 not an amenity.
 13 MS. GARCIA: Right.
 14 MR. COLLER: The Ordinance specifically
 15 provides that it be an amenity.
 16 MR. BEHAR: Well, but I'll tell you what,
 17 if somebody's going to have a party, somebody
 18 has to clean and pay for the cleaning and pay
 19 for all of that, you're going to generate some
 20 revenue from that. So, at the end of the --
 21 MR. COLLER: Right. I mean, you're right.
 22 If you're going to have a Christmas party up
 23 there, it's an amenity to the tenant, but the
 24 tenant can't say, "Well, I want to lease that
 25 out and add more office space to it."

1 suite anyway.
 2 CHAIRMAN AIZENSTAT: Yes and no.
 3 MS. GARCIA: It's just much nicer.
 4 MR. BEHAR: But, Eibi, I mean -- you're
 5 right, that could be a possibility, but at the
 6 end of the day, it's an amenity for the
 7 building and they're using it. And the truth
 8 of the matter, I think -- I look at it from the
 9 point of view that the roof will look much
 10 better if it's enhanced than having, you know,
 11 an ugly roof.
 12 MR. WITHERS: So, my original question, if
 13 I wanted to put a leisure area up there and I
 14 wanted to hire Starbucks as a vendor up there
 15 to serve coffee, am I allowed to charge
 16 Starbucks rent?
 17 MS. GARCIA: No, I don't think so.
 18 MR. WITHERS: No?
 19 MS. GARCIA: Because they would need to
 20 have a Certificate of Use to be up there --
 21 MR. WITHERS: I'm sorry?
 22 MS. GARCIA: They would need to have a
 23 Certificate of Use to be up there, to be able
 24 to serve the patrons.
 25 MR. WITHERS: So if I want to put a juice

1 MR. BEHAR: No. No. No.
 2 MS. GARCIA: Right. No, you can't do that.
 3 MR. BEHAR: No. No. We know it's for
 4 amenities only.
 5 MS. GARCIA: It has to be like an amenity.
 6 Right.
 7 MR. COLLER: Correct.
 8 CHAIRMAN AIZENSTAT: But, by the same
 9 token, let's say it's a marketing company, so
 10 the marketing company wants to go ahead, and
 11 there's a tenant in the building, and says,
 12 "You know, once a month I want to throw in my
 13 amenity a get together or a party for all of my
 14 sponsors for this new product I'm promoting.
 15 My business is now promoting X, Y, Z product.
 16 So I want to throw a party this month for X, Y,
 17 Z and invite a hundred people over to that --
 18 to my amenity."
 19 The next month, that marketing company
 20 says, "Now I'm promoting product I, G, Y, and I
 21 want to do this." They can continue to do that
 22 the way I read this?
 23 MS. GARCIA: Yeah. I mean, it's being
 24 treated like a conference room, like a large
 25 conference room that you already have in your

1 bar up there --
 2 MS. GARCIA: So when they go to Zoning,
 3 Zoning won't issue them a CU, because they're
 4 not -- it's not an amenity space. The cafe
 5 should be on the ground floor.
 6 MR. WITHERS: So there's no revenue derived
 7 from the amenity space?
 8 MS. GARCIA: Regularly, no.
 9 MR. WITHERS: No. No. On our Ordinance,
 10 is there an opportunity for a building to
 11 derive revenue from the space, because that's
 12 not what an amenity is? That's what I'm trying
 13 to get at.
 14 MS. GARCIA: Right. Right. Right.
 15 MR. WITHERS: So it precludes --
 16 MS. GARCIA: I mean, I'm thinking, maybe if
 17 they had a kitchen and a bar, maybe there's a
 18 cash bar.
 19 MR. BEHAR: But that's not really --
 20 MS. GARCIA: And it's not like you're
 21 having a company from the outside come in and
 22 run that space.
 23 MR. WITHERS: I'm just saying, I don't want
 24 it to turn into a food court.
 25 MS. GARCIA: Yeah.

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1 MR. WITHERS: That's all I'm saying, you
 2 know, and --
 3 MS. GARCIA: And from the Zoning part, as
 4 far as like anyone coming in and requesting a
 5 CU, they won't -- they won't be able to issue
 6 that, because --
 7 MR. BEHAR: At that point, in other words,
 8 it would be an illegal use, you know.
 9 MS. GARCIA: Right.
 10 MR. BEHAR: You know, so you would not be
 11 able to --
 12 (Simultaneous speaking.)
 13 MS. GARCIA: It has to be only an --
 14 MR. BEHAR: -- as an amenity, but you
 15 cannot be, you know, conducting business from
 16 up there.
 17 CHAIRMAN AIZENSTAT: What I'd like to do is
 18 open it up, before we proceed, for public
 19 comment.
 20 Jill, do we have anybody --
 21 THE SECRETARY: We have Suramy Cabrera,
 22 Development Services Director, that would like
 23 to speak.
 24 CHAIRMAN AIZENSTAT: Okay. Do we have
 25 anybody in the Chambers?

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1 glass door openings, all of a sudden triggers,
 2 now you need parking.
 3 So it didn't really make sense that you
 4 have a rooftop use. If it's open air, it
 5 doesn't require parking. And, then, if it's
 6 enclosed, it does, because it's the same exact
 7 use. So the idea was to basically consolidate
 8 those two things, that it shouldn't be whether
 9 it's open or enclosed whether it triggers
 10 parking or not.
 11 I don't know if that helps.
 12 CHAIRMAN AIZENSTAT: Suramy, may I ask
 13 which building this is?
 14 MS. CABRERA: What's the name of the
 15 building, Jennifer, that brought it to us?
 16 MR. WITHERS: I think it's City Hall.
 17 MS. GARCIA: No. It's Shoma, the Shoma
 18 office building.
 19 MR. WITHERS: Shoma on the Park?
 20 MS. GARCIA: On Catalonia, isn't it?
 21 MS. CABRERA: You'd know -- if you've been
 22 there, you'll see -- and I visited the
 23 building, they have a rooftop use that's open
 24 air, but there's a trellis, there's columns
 25 that were part of the building columns, that

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1 THE SECRETARY: No.
 2 CHAIRMAN AIZENSTAT: No?
 3 Zoom?
 4 THE SECRETARY: Suramy.
 5 MS. CABRERA: Hi. This is Suramy,
 6 Development Services Director.
 7 I just wanted to clarify office, and maybe
 8 that will help clarify it. The only difference
 9 between the way that the Code reads today and
 10 the change we're making is that, today, if you
 11 have a rooftop use, whatever it is, and it's
 12 open, and now you decide to enclose it, if you
 13 enclose it, it has to have parking. If you
 14 leave it open, it doesn't have parking. But
 15 the use is exactly the same.
 16 So the only difference is -- and it came
 17 up, because we do have a building, that they
 18 have a rooftop amenity, and what they want to
 19 do is enclose a portion of it, because it gets
 20 really, really hot up there and they want to be
 21 able to use it year-round. So just because
 22 they enclose -- it has a roof, it has
 23 furniture, it has all of these things, but just
 24 putting a glass enclosure, that will open up,
 25 you know, when the weather is nice and have big

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1 came up for this rooftop use. The only
 2 difference now is that, you know, this is
 3 Miami, and it gets really hot and in order to
 4 enjoy that space year-round, they would like to
 5 air-condition it, when necessary.
 6 So they came to us to enclose it, and we
 7 said, "Oh, now you need parking." But when we
 8 looked at it, we thought, well, why? The use
 9 is exactly the same. So a Commissioner decided
 10 to sponsor it, because they went to the
 11 Commission and a Commissioner decided to
 12 sponsor it, because the only thing it changes
 13 is that there's an existing rooftop use, people
 14 are up there, you know, having their drinks,
 15 whatever it is, whatever the permitted use was,
 16 whatever -- you know, because most roofs will
 17 not -- you won't be able -- it's not easy to
 18 change a roof from a roof space to an
 19 occupiable space, just because of the Building
 20 Code and the loading. The loading is very
 21 different for a roof than it is for an assembly
 22 space.
 23 This roof was permitted that way. It was
 24 always intended to (Unintelligible) and they
 25 want to just enclose a portion of it within the

1 existing columns. That's all it is.
 2 MR. BEHAR: I think it is --
 3 MS. CABRERA: And looking at it more
 4 closely, it didn't make sense to have the
 5 required parking in that type of -- you know,
 6 in this change to a space.
 7 CHAIRMAN AIZENSTAT: Thank you.
 8 MS. CABRERA: You're welcome.
 9 CHAIRMAN AIZENSTAT: All right. Thank you,
 10 Suramy.
 11 Do we have anybody else, Jill?
 12 THE SECRETARY: No.
 13 CHAIRMAN AIZENSTAT: Anybody on the phone
 14 platform?
 15 THE SECRETARY: No.
 16 CHAIRMAN AIZENSTAT: At this time, I'll go
 17 ahead and close it for public comment.
 18 MR. BEHAR: Motion to approve.
 19 CHAIRMAN AIZENSTAT: We have a motion to
 20 approve by Robert.
 21 MR. GRABIEL: I'll second it.
 22 CHAIRMAN AIZENSTAT: We have a second by
 23 Julio. Any discussion? No?
 24 Call the roll, please.
 25 THE SECRETARY: Chip Withers?

1 MS. GARCIA: The 11th, I believe.
 2 MR. WITHERS: We should do it on the 11th.
 3 MS. GARCIA: I'm expecting one item.
 4 CHAIRMAN AIZENSTAT: Would you like to do
 5 April 4th? It's the beginning of the month.
 6 MR. BEHAR: I'm good with either date.
 7 CHAIRMAN AIZENSTAT: April 4th?
 8 MR. WITHERS: What day?
 9 CHAIRMAN AIZENSTAT: April 4th is a
 10 Tuesday. Does that work for everybody? We get
 11 it out of the way at the beginning of April.
 12 MS. GARCIA: Yes. Sounds good.
 13 MR. BEHAR: Works.
 14 CHAIRMAN AIZENSTAT: Chip?
 15 MR. WITHERS: Got it.
 16 CHAIRMAN AIZENSTAT: Got it? April 4th it
 17 is for our next meeting.
 18 MS. GARCIA: Thank you.
 19 CHAIRMAN AIZENSTAT: Thank you.
 20 We have a motion to adjourn by Robert.
 21 MR. GRABIEL: Second.
 22 CHAIRMAN AIZENSTAT: Second by Julio. All
 23 in favor say, aye.
 24 (Board Members voted aye.)
 25 CHAIRMAN AIZENSTAT: Thank you very much

1 MR. WITHERS: Yes.
 2 THE SECRETARY: Julio Grabiel?
 3 MR. GRABIEL: Yes.
 4 THE SECRETARY: Robert Behar?
 5 MR. BEHAR: Yes.
 6 THE SECRETARY: Eibi Aizenstat?
 7 CHAIRMAN AIZENSTAT: Yes.
 8 MR. BEHAR: Motion to adjourn.
 9 CHAIRMAN AIZENSTAT: Since we only have one
 10 item tonight, we have a motion to adjourn by
 11 Robert. Is there a --
 12 THE SECRETARY: We do have a discussion
 13 item.
 14 MS. GARCIA: Very, very quick, we need to
 15 reschedule our April meeting due to holidays.
 16 CHAIRMAN AIZENSTAT: Okay. So we have
 17 options of April 4th, 17th or 20th.
 18 MR. BEHAR: April -- when is the --
 19 CHAIRMAN AIZENSTAT: April 4th, 17th --
 20 MR. GRABIEL: It was supposed to be the
 21 12th, right?
 22 MS. GARCIA: Yes.
 23 CHAIRMAN AIZENSTAT: The 17th is a Monday
 24 and the 20th is a Thursday.
 25 MR. BEHAR: When are the City elections?

1 for coming tonight.
 2 (Thereupon, the meeting was concluded at
 3 6:29 p.m.
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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 10th day of March, 2023.

NIEVES SANCHEZ