

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">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.</p> <p>Board Members Present: Eibi Aizenstat, Chairman Robert Behar Wayne "Chip" Withers Julio Grabiell</p> <p>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</p>	<p style="text-align: center;">Page 2</p> <p>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</p>
<p style="text-align: center;">Page 3</p> <p>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</p>	<p style="text-align: center;">Page 4</p> <p>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,</p>

<p style="text-align: right;">Page 5</p> <p>1 please be advised that this Board is a</p> <p>2 quasi-judicial board, which requires Board</p> <p>3 Members to disclose all ex parte communication</p> <p>4 and site visits. An ex parte communication is</p> <p>5 defined as any contact, communication,</p> <p>6 conversation, correspondence, memorandum or</p> <p>7 other written or verbal communication, that</p> <p>8 takes place outside of a public hearing,</p> <p>9 between a member of the public and a member of</p> <p>10 a quasi-judicial board regarding matters to be</p> <p>11 heard by the Board. If anyone made any contact</p> <p>12 with a Board Member regarding an issue before</p> <p>13 the Board, the Board Member must state, on the</p> <p>14 record, the existence of the ex parte</p> <p>15 communication and the party who originated the</p> <p>16 communication.</p> <p>17 Also, if a Board Member conducted a site</p> <p>18 visit specifically related to the case before</p> <p>19 the Board, the Board Member must also disclose</p> <p>20 such visit. In either case, the Board Member</p> <p>21 must state, on the record, whether the ex parte</p> <p>22 communication and/or site visit will affect the</p> <p>23 Board Member's ability to impartially consider</p> <p>24 the evidence to be presented regarding the</p> <p>25 matter. The Board Member should also state</p>	<p style="text-align: right;">Page 6</p> <p>1 that his or her decision will be based on</p> <p>2 substantial competent evidence and testimony</p> <p>3 presented on the record today.</p> <p>4 Does any Member of the Board have such</p> <p>5 communication and/or site visit to disclose at</p> <p>6 this time?</p> <p>7 MR. BEHAR: No.</p> <p>8 MR. GRABIEL: No.</p> <p>9 CHAIRMAN AIZENSTAT: We're going to skip</p> <p>10 the swearing in, because of what you have just</p> <p>11 stated.</p> <p>12 MR. COLLER: Yes.</p> <p>13 CHAIRMAN AIZENSTAT: Zoom platform</p> <p>14 participants, I will ask any person wishing to</p> <p>15 speak on tonight's agenda item, please open</p> <p>16 your chat and send a direct message to Jill</p> <p>17 Menendez, stating you would like to speak</p> <p>18 before the Board, and include your full name.</p> <p>19 Jill will call you when it's your turn. I ask</p> <p>20 you to be concise, for the interest of time.</p> <p>21 Phone platform participants, after Zoom</p> <p>22 platform participants are done, I will ask</p> <p>23 phone participants to comment on tonight's</p> <p>24 agenda item. I will also ask you to be</p> <p>25 concise, for the interest of time.</p>
<p style="text-align: right;">Page 7</p> <p>1 First we have the approval of the minutes</p> <p>2 of February 8th, 2023. Did everybody get a</p> <p>3 chance to review those?</p> <p>4 MR. BEHAR: Yes. Motion to approve.</p> <p>5 MR. GRABIEL: Second.</p> <p>6 CHAIRMAN AIZENSTAT: We have a motion.</p> <p>7 Julio made the second. Any comments? No?</p> <p>8 Call the roll, please.</p> <p>9 THE SECRETARY: Julio Grabiell?</p> <p>10 MR. GRABIEL: Yes.</p> <p>11 THE SECRETARY: Chip Withers?</p> <p>12 MR. WITHERS: Yes.</p> <p>13 THE SECRETARY: Robert Behar?</p> <p>14 MR. BEHAR: Yes.</p> <p>15 THE SECRETARY: Eibi Aizenstat?</p> <p>16 CHAIRMAN AIZENSTAT: Yes.</p> <p>17 The procedure we will use for tonight,</p> <p>18 first we'll have the identification of the</p> <p>19 agenda item by Mr. Coller, then we'll have the</p> <p>20 presentation by the applicant, in this case,</p> <p>21 it's the City, then we'll go ahead and open it</p> <p>22 for public comment. First we'll open it in</p> <p>23 Chamber, then Zoom platform, and then phone</p> <p>24 line platform. At which time, I'll then close</p> <p>25 the public comment, we'll have a Board</p>	<p style="text-align: right;">Page 8</p> <p>1 discussion, and then a motion, more discussion,</p> <p>2 if necessary, and a second of motion, Board's</p> <p>3 final comments and then a Board -- and then a</p> <p>4 vote, I'm sorry.</p> <p>5 Mr. Coller, if you'd please read the first</p> <p>6 item into the agenda.</p> <p>7 MR. COLLER: Yes. The first --</p> <p>8 CHAIRMAN AIZENSTAT: And welcome back, by</p> <p>9 the way.</p> <p>10 MR. COLLER: Pardon? Oh, thank you. It's</p> <p>11 nice to be back.</p> <p>12 Item E-1, an Ordinance of the City</p> <p>13 Commission of Coral Gables, Florida providing</p> <p>14 for a Text Amendment to the City of Coral</p> <p>15 Gables Official Zoning Code by amending Article</p> <p>16 10, "Parking," Section 10-110, "Amount of</p> <p>17 Required parking" adding parking exemption for</p> <p>18 newly enclosed roof deck on existing office</p> <p>19 buildings, providing for severability,</p> <p>20 repeater, codification, and an effective date.</p> <p>21 MS. GARCIA: We're missing a comma.</p> <p>22 MR. COLLER: There's a little misprint here</p> <p>23 on the title, but I also think, the title, for</p> <p>24 purposes of the City Commission, we probably</p> <p>25 need to tweak it a little, because it should</p>

<p style="text-align: right;">Page 9</p> <p>1 say, as of the date.</p> <p>2 MS. GARCIA: Okay. That's fine. We can do</p> <p>3 that.</p> <p>4 MR. COLLER: So we can do that. And it</p> <p>5 will say that -- to be clear -- that of --</p> <p>6 MS. GARCIA: February 9, 2021.</p> <p>7 MR. COLLER: Right.</p> <p>8 MS. GARCIA: Yes.</p> <p>9 Okay. Jennifer Garcia, City Planner. This</p> <p>10 is a proposed Text Amendment sponsored by a</p> <p>11 Commissioner. The Text Amendment is exempting</p> <p>12 parking for an office building with a currently</p> <p>13 occupied and permanent as of February 9, 2021</p> <p>14 rooftop amenity, like a gym or some kind of</p> <p>15 after hour kitchen facility or something, that</p> <p>16 right now is open air.</p> <p>17 So what he's proposing -- they are</p> <p>18 proposing, is that you could enclose that space</p> <p>19 without triggering the parking requirement.</p> <p>20 I'm not going to keep going on and on and</p> <p>21 on. I'm sure there's questions and I don't</p> <p>22 want to think I can explain it very well --</p> <p>23 MR. BEHAR: I do. I have a question.</p> <p>24 MS. GARCIA: Yes.</p> <p>25 MR. BEHAR: That amenity will be strictly,</p>	<p style="text-align: right;">Page 10</p> <p>1 based on what I read, for the use of that</p> <p>2 building only?</p> <p>3 MS. GARCIA: Correct. Yes.</p> <p>4 MR. BEHAR: It's an amenity to the office</p> <p>5 building?</p> <p>6 MS. GARCIA: Absolutely, yes.</p> <p>7 MR. BEHAR: And the other question, we're</p> <p>8 going back to February 9th of what year, 2021?</p> <p>9 MS. GARCIA: 2021, because that's the date</p> <p>10 that the Zoning Code Update was codified, was</p> <p>11 adopted, and during that adoption, there were</p> <p>12 lots of changes to parking, the parking</p> <p>13 minimums -- a lot of them were just</p> <p>14 streamlined -- as well the option to remote</p> <p>15 park for any new construction was also created</p> <p>16 and allowed. The Mixed-Use Zoning Regulations</p> <p>17 were also implemented at that time.</p> <p>18 MR. BEHAR: Perfect.</p> <p>19 MR. GRABIEL: When you say, "Rooftop," it's</p> <p>20 an open rooftop or it can be an enclosed --</p> <p>21 MS. GARCIA: So, right now, it would be</p> <p>22 open air, and they would want to enclose it.</p> <p>23 Right now, the way that the Zoning Code reads,</p> <p>24 it would trigger the parking.</p> <p>25 MR. GRABIEL: Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 CHAIRMAN AIZENSTAT: And can you give us an</p> <p>2 example?</p> <p>3 MS. GARCIA: So this is proposing that they</p> <p>4 can enclose it without triggering the parking.</p> <p>5 CHAIRMAN AIZENSTAT: Can you given an</p> <p>6 example of what you mean by enclosing? What</p> <p>7 would they have to do to enclose it?</p> <p>8 MS. GARCIA: If they have like a roof and</p> <p>9 they have maybe a kitchen right there, next to</p> <p>10 the roof --</p> <p>11 CHAIRMAN AIZENSTAT: Okay.</p> <p>12 MS. GARCIA: -- probably next to a stair,</p> <p>13 to be able to enclose it --</p> <p>14 CHAIRMAN AIZENSTAT: I guess --</p> <p>15 MS. GARCIA: -- put glass or whatever makes</p> <p>16 sense, what the BOA will approve for the</p> <p>17 enclosed --</p> <p>18 CHAIRMAN AIZENSTAT: What I was getting at</p> <p>19 is, if they're going to be going through an</p> <p>20 enclosure, then they've got to meet Code and</p> <p>21 the requirements to be able to enclose, they're</p> <p>22 going to have to go before the Building</p> <p>23 Department --</p> <p>24 MS. GARCIA: Yes.</p> <p>25 CHAIRMAN AIZENSTAT: -- and they're going</p>	<p style="text-align: right;">Page 12</p> <p>1 to have to do structural calculations --</p> <p>2 MS. GARCIA: Yes.</p> <p>3 CHAIRMAN AIZENSTAT: -- that the</p> <p>4 enclosure --</p> <p>5 MS. GARCIA: They'll have to pull a permit,</p> <p>6 and Zoning will review it, making sure that</p> <p>7 it's not going beyond the height that's allowed</p> <p>8 and beyond the FAR that's allowed for that</p> <p>9 building.</p> <p>10 CHAIRMAN AIZENSTAT: Okay. So --</p> <p>11 MS. GARCIA: That's right. This is just a</p> <p>12 parking exemption.</p> <p>13 CHAIRMAN AIZENSTAT: Okay. And also with</p> <p>14 wind mitigation and so forth --</p> <p>15 MS. GARCIA: Right.</p> <p>16 CHAIRMAN AIZENSTAT: -- because you can't</p> <p>17 just put glass up there?</p> <p>18 MS. GARCIA: Exactly, yes.</p> <p>19 CHAIRMAN AIZENSTAT: Okay. I just wanted</p> <p>20 to --</p> <p>21 MR. BEHAR: But can you add some additional</p> <p>22 roofed area, enclose it?</p> <p>23 MS. GARCIA: As long as they have FAR to</p> <p>24 play with, then I don't see why not.</p> <p>25 CHAIRMAN AIZENSTAT: Okay.</p>

<p style="text-align: right;">Page 13</p> <p>1 MR. BEHAR: Thank you.</p> <p>2 MS. GARCIA: Yes. As long as it's only</p> <p>3 being used for an amenity.</p> <p>4 MR. BEHAR: Right. Right.</p> <p>5 MS. GARCIA: So you can't have office</p> <p>6 spaces, you know.</p> <p>7 MR. WITHERS: So let me give you a few</p> <p>8 examples. So if they have a spa --</p> <p>9 MS. GARCIA: Office use only.</p> <p>10 MR. WITHERS: Huh?</p> <p>11 MS. GARCIA: Office use only.</p> <p>12 MR. WITHERS: No, in the office building.</p> <p>13 That's my question. So if there's a use within</p> <p>14 the building, like a spa within the building,</p> <p>15 the spa couldn't take over that --</p> <p>16 MS. GARCIA: No.</p> <p>17 MR. WITHERS: Okay.</p> <p>18 MS. GARCIA: It has to be used as an</p> <p>19 amenity to the office space.</p> <p>20 MR. WITHERS: It could be a restaurant?</p> <p>21 MS. GARCIA: No.</p> <p>22 MR. WITHERS: You can't? That's not an</p> <p>23 amenity?</p> <p>24 MS. GARCIA: Right.</p> <p>25 MR. WITHERS: So what's an amenity?</p>	<p style="text-align: right;">Page 14</p> <p>1 MS. GARCIA: Amenity would be like a gym.</p> <p>2 MR. WITHERS: A gym, not a spa? Okay, so a</p> <p>3 guy -- say you had a gym --</p> <p>4 MS. GARCIA: The gym is only being used by</p> <p>5 the workers.</p> <p>6 MR. BEHAR: You could do a spa if it's used</p> <p>7 strictly for the office. Those --</p> <p>8 MS. GARCIA: Yes, I'm sorry. I'm thinking</p> <p>9 of a spa as a --</p> <p>10 MR. WITHERS: Yeah. When you say, "The</p> <p>11 office building," I mean, that would be the</p> <p>12 people within the building itself?</p> <p>13 MS. GARCIA: Yes.</p> <p>14 MR. WITHERS: Not a specific office itself,</p> <p>15 but the entire building?</p> <p>16 MS. GARCIA: But they can't have patrons</p> <p>17 from the outside.</p> <p>18 CHAIRMAN AIZENSTAT: They couldn't take</p> <p>19 membership from outside.</p> <p>20 MS. GARCIA: Right.</p> <p>21 MR. WITHERS: I mean, you could take</p> <p>22 membership from what's inside?</p> <p>23 MS. GARCIA: I mean, I'm not sure how these</p> <p>24 offices are set up, but I think it's part of</p> <p>25 their -- kind of like their HOA. They're</p>
<p style="text-align: right;">Page 15</p> <p>1 paying on a suite within the building.</p> <p>2 MR. WITHERS: If I hired a spa director and</p> <p>3 wanted to offer spa services to people inside</p> <p>4 my building, I would assume that would be an</p> <p>5 amenity that I could offer?</p> <p>6 MS. GARCIA: Right. Exactly. Yes, it</p> <p>7 would be.</p> <p>8 MR. WITHERS: So I could take that top</p> <p>9 floor and turn it into a gym or a spa?</p> <p>10 MS. GARCIA: As long as it's already</p> <p>11 occupied and permitted before February 9, 2021.</p> <p>12 MR. WITHERS: Okay.</p> <p>13 MS. GARCIA: So you can't just keep adding</p> <p>14 on floors. It has to be already occupied as a</p> <p>15 space.</p> <p>16 MR. WITHERS: So if I had a swimming pool</p> <p>17 in a Mixed-Use building or does it have to be a</p> <p>18 hundred percent --</p> <p>19 MS. GARCIA: Office building only.</p> <p>20 CHAIRMAN AIZENSTAT: Office only.</p> <p>21 MR. WITHERS: So it can't be the office</p> <p>22 component of a Mixed-Use building?</p> <p>23 MS. GARCIA: Right. Only office building.</p> <p>24 MR. BEHAR: But what I'm not understanding,</p> <p>25 what you're saying is, it has to be occupied.</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. GARCIA: Uh-huh. It has to have like</p> <p>2 feasibility already up there.</p> <p>3 MR. BEHAR: There's a structure that has to</p> <p>4 be there, that you could enclose?</p> <p>5 MS. GARCIA: And already being used as an</p> <p>6 amenity.</p> <p>7 MR. BEHAR: Okay.</p> <p>8 MR. WITHERS: But not the same amenity</p> <p>9 necessarily?</p> <p>10 MS. GARCIA: Not necessarily, yeah. If</p> <p>11 they want to -- right now, maybe if it's open,</p> <p>12 maybe they're doing some kind of --</p> <p>13 MR. WITHERS: So it's a rooftop garden and</p> <p>14 there's just some planters up there and some</p> <p>15 trees up there and some walkways up there and</p> <p>16 maybe a hammock --</p> <p>17 MS. GARCIA: And it's used as a meditation</p> <p>18 space, I guess, for --</p> <p>19 MR. WITHERS: And they wanted to turn that</p> <p>20 into a cafe for the building, they could do</p> <p>21 that?</p> <p>22 MS. GARCIA: As long as it's already being</p> <p>23 used as an amenity space and there are already</p> <p>24 access up there.</p> <p>25 MR. WITHERS: I understand, but I'm coming</p>

<p style="text-align: right;">Page 17</p> <p>1 -- okay. So I'm visiting that building now.</p> <p>2 I'm not a tenant, but I'm visiting you, who is</p> <p>3 a tenant. I can go up there and have lunch</p> <p>4 with this guy now?</p> <p>5 MS. GARCIA: Oh, no, no -- oh --</p> <p>6 MR. BEHAR: Yes.</p> <p>7 MS. GARCIA: If you are the client --</p> <p>8 MR. WITHERS: I mean, it's a slippery</p> <p>9 slope.</p> <p>10 MS. GARCIA: If you're the client, sure.</p> <p>11 MR. BEHAR: Yeah, because that's his</p> <p>12 amenity for his building and you're his guest.</p> <p>13 MS. GARCIA: Exactly.</p> <p>14 MR. WITHERS: And I'm his guest, so I'm</p> <p>15 using that amenity.</p> <p>16 MR. BEHAR: Yes.</p> <p>17 MS. GARCIA: Yeah.</p> <p>18 MR. WITHERS: So there's --</p> <p>19 MS. GARCIA: But you can now theoretically.</p> <p>20 You can go up there and sit down and meditate</p> <p>21 with your client.</p> <p>22 MR. WITHERS: See, now I have 10,000 square</p> <p>23 feet that's an open patio area and I want to</p> <p>24 turn it into a 10,000 square foot restaurant</p> <p>25 for the building, I can do that?</p>	<p style="text-align: right;">Page 18</p> <p>1 MS. GARCIA: For the building.</p> <p>2 MR. WITHERS: And no additional parking</p> <p>3 requirement for guests that come in to eat up</p> <p>4 there and hang like that?</p> <p>5 MS. GARCIA: If you really wanted to do</p> <p>6 that.</p> <p>7 MR. BEHAR: But my question here is, you</p> <p>8 said, an existing space. We know that 99.9</p> <p>9 percent of the buildings that, you know, was</p> <p>10 done, you never have an existing space that's</p> <p>11 not -- unoccupied that you could enclose. So</p> <p>12 this would allow -- from what I'm trying to</p> <p>13 understand, if I have a 10,000 square foot roof</p> <p>14 area, I could put -- add square footage up</p> <p>15 there, if it's only for the use of the</p> <p>16 building.</p> <p>17 MS. GARCIA: As long as you still have the</p> <p>18 FAR allowed. I mean, 10,000 square feet is a</p> <p>19 lot of square footage.</p> <p>20 MR. BEHAR: Yes, as long as you have FAR</p> <p>21 allowed.</p> <p>22 MS. GARCIA: It depends on the size of the</p> <p>23 office building. You may not have that</p> <p>24 available with your FAR that you're allowed to</p> <p>25 have.</p>
<p style="text-align: right;">Page 19</p> <p>1 CHAIRMAN AIZENSTAT: Can you then go out</p> <p>2 and get additional FAR from a donor site?</p> <p>3 MS. GARCIA: No.</p> <p>4 CHAIRMAN AIZENSTAT: You would not be able</p> <p>5 to?</p> <p>6 MS. GARCIA: I don't think so. I think we</p> <p>7 need to keep it within what you're allowed to</p> <p>8 have, which is 3.5 FAR.</p> <p>9 MR. WITHERS: So what's the intent of this?</p> <p>10 I mean, what's the big picture? Why is this</p> <p>11 needed? What's the benefit for everybody?</p> <p>12 MS. GARCIA: The intent is that -- to</p> <p>13 create nicer spaces for -- almost kind of like</p> <p>14 encouraging people to come back to work and</p> <p>15 have nicer office spaces. I guess there's an</p> <p>16 influx of interest of offices that are looking</p> <p>17 to renovate their office space and offer</p> <p>18 something nice for their office workers, to</p> <p>19 encourage them to come back.</p> <p>20 MR. BEHAR: I think it's a great idea. We</p> <p>21 just finished a building in Aventura that has,</p> <p>22 you know, amenity spaces on the roof and people</p> <p>23 do use it and it's a great amenity, and in that</p> <p>24 particular building, the rents are much higher</p> <p>25 than adjacent buildings, because of the</p>	<p style="text-align: right;">Page 20</p> <p>1 amenities they do provide. So I think this is</p> <p>2 a great idea, and it does -- it would</p> <p>3 encourage, I think, people to come and be able</p> <p>4 to use, whether it's a fitness center or</p> <p>5 whatever, you know.</p> <p>6 I don't foresee doing the restaurants.</p> <p>7 MR. WITHERS: Do you see just like a zen</p> <p>8 zone basically?</p> <p>9 MR. BEHAR: No, like -- you know, like a</p> <p>10 gym, you know. It may have some other areas,</p> <p>11 some other spaces, that are going to be usable.</p> <p>12 As long as -- you know, I understand now, you</p> <p>13 have to have sufficient FAR left over in your</p> <p>14 building to be able to do, you know, these</p> <p>15 spaces. I think it's a great idea.</p> <p>16 MS. GARCIA: And this does require a</p> <p>17 covenant, to make sure that it's enforceable,</p> <p>18 you know. If we start seeing that people are</p> <p>19 having parties and they're not really working</p> <p>20 at the office, they're just renting out spaces,</p> <p>21 then we have a way to say, "Code Enforcement,</p> <p>22 you need to go cite them."</p> <p>23 MR. WITHERS: Oh, no, that's definitely</p> <p>24 going to happen. I mean, the building is</p> <p>25 definitely going to rent that to someone to</p>

<p style="text-align: right;">Page 21</p> <p>1 have a party up there, let's not --</p> <p>2 CHAIRMAN AIZENSTAT: The tenant or the</p> <p>3 office space is going to want to have --</p> <p>4 MR. BEHAR: But think about it, there's one</p> <p>5 on Ponce, on the Circle, that they use the</p> <p>6 rooftop and it's great.</p> <p>7 MR. WITHERS: Yeah. No, no, I don't have a</p> <p>8 problem with that. But it's going -- if I'm an</p> <p>9 office building, I need to monetize it, if I'm</p> <p>10 going to put money into it, I'm assuming.</p> <p>11 CHAIRMAN AIZENSTAT: Okay. And it could be</p> <p>12 new construction also?</p> <p>13 MS. GARCIA: No. So this is as to only</p> <p>14 existing buildings can take advantage of this</p> <p>15 parking exemption.</p> <p>16 CHAIRMAN AIZENSTAT: So a new construction</p> <p>17 building could not utilize -- so a new building</p> <p>18 that's being --</p> <p>19 MS. GARCIA: Because new construction, you</p> <p>20 can always plan and make the parking work. You</p> <p>21 have options of remote parking and other</p> <p>22 options.</p> <p>23 CHAIRMAN AIZENSTAT: So you're limiting</p> <p>24 it --</p> <p>25 MS. GARCIA: This is just for existing</p>	<p style="text-align: right;">Page 22</p> <p>1 buildings.</p> <p>2 CHAIRMAN AIZENSTAT: -- only to existing</p> <p>3 buildings?</p> <p>4 MS. GARCIA: Prior to February 9, 2021.</p> <p>5 CHAIRMAN AIZENSTAT: But if the idea is to</p> <p>6 bring people in to work and to use the</p> <p>7 amenities, why are you restricting new</p> <p>8 buildings?</p> <p>9 MS. GARCIA: Because if you're designing a</p> <p>10 building right now to encourage people to work</p> <p>11 and make this fantastic office building, you</p> <p>12 can plan ahead and park for it.</p> <p>13 CHAIRMAN AIZENSTAT: Right. But they would</p> <p>14 not be able --</p> <p>15 MS. GARCIA: If that's what you want to do.</p> <p>16 CHAIRMAN AIZENSTAT: -- but they would not</p> <p>17 be able to utilize the parking requirement?</p> <p>18 MR. BEHAR: Exactly. And that's -- you're</p> <p>19 penalizing those new buildings, because you're</p> <p>20 requiring that they provide additional parking</p> <p>21 spaces.</p> <p>22 MS. GARCIA: It's not penalizing. You're</p> <p>23 helping those that are already existing and</p> <p>24 making the existing structure more viable.</p> <p>25 CHAIRMAN AIZENSTAT: I mean --</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. COLLER: I thought the issue, as I</p> <p>2 understand it, was that the parking under the</p> <p>3 new updated Code is more liberal and it's</p> <p>4 easier for buildings to achieve compliance,</p> <p>5 whereas the older buildings didn't have that</p> <p>6 option.</p> <p>7 MS. GARCIA: Right. They had higher</p> <p>8 parking requirements. They had -- they</p> <p>9 couldn't do a Mixed-Use. Yes.</p> <p>10 CHAIRMAN AIZENSTAT: Do you have an example</p> <p>11 of what it would be for an old building versus</p> <p>12 the new building in the parking requirement?</p> <p>13 MS. GARCIA: I mean, I think he brought up</p> <p>14 the Zubi building.</p> <p>15 MR. BEHAR: Right.</p> <p>16 MS. GARCIA: That has a rooftop amenity</p> <p>17 right now. You could look at enclosing more of</p> <p>18 that space.</p> <p>19 MR. BEHAR: I mean, I don't know the</p> <p>20 parking ratio between one and the other.</p> <p>21 Listen, you know, at the end of the day, I</p> <p>22 think this is doing, you know, for some of</p> <p>23 those buildings, an added, you know, benefit.</p> <p>24 I just see that the new buildings, you're going</p> <p>25 to have to provide additional parking, versus</p>	<p style="text-align: right;">Page 24</p> <p>1 that, but, you know --</p> <p>2 MR. WITHERS: So is there any restriction</p> <p>3 on the building owner not to lease the space</p> <p>4 out, because you're giving him additional --</p> <p>5 MS. GARCIA: The restriction would be that</p> <p>6 the covenant that's traveling with that</p> <p>7 property says you can only use that space for</p> <p>8 an amenity to the office.</p> <p>9 MR. WITHERS: I know, but my question is,</p> <p>10 does that mean --</p> <p>11 MS. GARCIA: So they can't apply here and</p> <p>12 say, "I want to be a rentable party place or</p> <p>13 entertainment use," because we'll catch it here</p> <p>14 in the Zoning.</p> <p>15 MR. WITHERS: I'm talking about, for their</p> <p>16 existing tenants, can they lease that space out</p> <p>17 to their existing -- as part of their annual</p> <p>18 lease?</p> <p>19 MS. GARCIA: To their tenants?</p> <p>20 MR. WITHERS: Yes.</p> <p>21 MS. GARCIA: Yes.</p> <p>22 MR. WITHERS: So it's giving them</p> <p>23 additional square footage for a specific</p> <p>24 tenant? They could do that, if they wanted to?</p> <p>25 MS. GARCIA: Well, I mean, I'm not sure how</p>

<p style="text-align: right;">Page 25</p> <p>1 it works, if they're leasing it out or if the</p> <p>2 office suites, the office spaces, are reserving</p> <p>3 that space to use.</p> <p>4 MR. BEHAR: Whether it's leased or</p> <p>5 reserved, if you're a tenant and you want to</p> <p>6 have your Christmas party up there, you're able</p> <p>7 to do it.</p> <p>8 MS. GARCIA: Right.</p> <p>9 MR. WITHERS: Which is fine.</p> <p>10 MR. COLLER: That would be viewed as an</p> <p>11 amenity. If you're leasing it out, then it's</p> <p>12 not an amenity.</p> <p>13 MS. GARCIA: Right.</p> <p>14 MR. COLLER: The Ordinance specifically</p> <p>15 provides that it be an amenity.</p> <p>16 MR. BEHAR: Well, but I'll tell you what,</p> <p>17 if somebody's going to have a party, somebody</p> <p>18 has to clean and pay for the cleaning and pay</p> <p>19 for all of that, you're going to generate some</p> <p>20 revenue from that. So, at the end of the --</p> <p>21 MR. COLLER: Right. I mean, you're right.</p> <p>22 If you're going to have a Christmas party up</p> <p>23 there, it's an amenity to the tenant, but the</p> <p>24 tenant can't say, "Well, I want to lease that</p> <p>25 out and add more office space to it."</p>	<p style="text-align: right;">Page 26</p> <p>1 MR. BEHAR: No. No. No.</p> <p>2 MS. GARCIA: Right. No, you can't do that.</p> <p>3 MR. BEHAR: No. No. We know it's for</p> <p>4 amenities only.</p> <p>5 MS. GARCIA: It has to be like an amenity.</p> <p>6 Right.</p> <p>7 MR. COLLER: Correct.</p> <p>8 CHAIRMAN AIZENSTAT: But, by the same</p> <p>9 token, let's say it's a marketing company, so</p> <p>10 the marketing company wants to go ahead, and</p> <p>11 there's a tenant in the building, and says,</p> <p>12 "You know, once a month I want to throw in my</p> <p>13 amenity a get together or a party for all of my</p> <p>14 sponsors for this new product I'm promoting.</p> <p>15 My business is now promoting X, Y, Z product.</p> <p>16 So I want to throw a party this month for X, Y,</p> <p>17 Z and invite a hundred people over to that --</p> <p>18 to my amenity."</p> <p>19 The next month, that marketing company</p> <p>20 says, "Now I'm promoting product I, G, Y, and I</p> <p>21 want to do this." They can continue to do that</p> <p>22 the way I read this?</p> <p>23 MS. GARCIA: Yeah. I mean, it's being</p> <p>24 treated like a conference room, like a large</p> <p>25 conference room that you already have in your</p>
<p style="text-align: right;">Page 27</p> <p>1 suite anyway.</p> <p>2 CHAIRMAN AIZENSTAT: Yes and no.</p> <p>3 MS. GARCIA: It's just much nicer.</p> <p>4 MR. BEHAR: But, Eibi, I mean -- you're</p> <p>5 right, that could be a possibility, but at the</p> <p>6 end of the day, it's an amenity for the</p> <p>7 building and they're using it. And the truth</p> <p>8 of the matter, I think -- I look at it from the</p> <p>9 point of view that the roof will look much</p> <p>10 better if it's enhanced than having, you know,</p> <p>11 an ugly roof.</p> <p>12 MR. WITHERS: So, my original question, if</p> <p>13 I wanted to put a leisure area up there and I</p> <p>14 wanted to hire Starbucks as a vendor up there</p> <p>15 to serve coffee, am I allowed to charge</p> <p>16 Starbucks rent?</p> <p>17 MS. GARCIA: No, I don't think so.</p> <p>18 MR. WITHERS: No?</p> <p>19 MS. GARCIA: Because they would need to</p> <p>20 have a Certificate of Use to be up there --</p> <p>21 MR. WITHERS: I'm sorry?</p> <p>22 MS. GARCIA: They would need to have a</p> <p>23 Certificate of Use to be up there, to be able</p> <p>24 to serve the patrons.</p> <p>25 MR. WITHERS: So if I want to put a juice</p>	<p style="text-align: right;">Page 28</p> <p>1 bar up there --</p> <p>2 MS. GARCIA: So when they go to Zoning,</p> <p>3 Zoning won't issue them a CU, because they're</p> <p>4 not -- it's not an amenity space. The cafe</p> <p>5 should be on the ground floor.</p> <p>6 MR. WITHERS: So there's no revenue derived</p> <p>7 from the amenity space?</p> <p>8 MS. GARCIA: Regularly, no.</p> <p>9 MR. WITHERS: No. No. On our Ordinance,</p> <p>10 is there an opportunity for a building to</p> <p>11 derive revenue from the space, because that's</p> <p>12 not what an amenity is? That's what I'm trying</p> <p>13 to get at.</p> <p>14 MS. GARCIA: Right. Right. Right.</p> <p>15 MR. WITHERS: So it precludes --</p> <p>16 MS. GARCIA: I mean, I'm thinking, maybe if</p> <p>17 they had a kitchen and a bar, maybe there's a</p> <p>18 cash bar.</p> <p>19 MR. BEHAR: But that's not really --</p> <p>20 MS. GARCIA: And it's not like you're</p> <p>21 having a company from the outside come in and</p> <p>22 run that space.</p> <p>23 MR. WITHERS: I'm just saying, I don't want</p> <p>24 it to turn into a food court.</p> <p>25 MS. GARCIA: Yeah.</p>

<p style="text-align: right;">Page 29</p> <p>1 MR. WITHERS: That's all I'm saying, you</p> <p>2 know, and --</p> <p>3 MS. GARCIA: And from the Zoning part, as</p> <p>4 far as like anyone coming in and requesting a</p> <p>5 CU, they won't -- they won't be able to issue</p> <p>6 that, because --</p> <p>7 MR. BEHAR: At that point, in other words,</p> <p>8 it would be an illegal use, you know.</p> <p>9 MS. GARCIA: Right.</p> <p>10 MR. BEHAR: You know, so you would not be</p> <p>11 able to --</p> <p>12 (Simultaneous speaking.)</p> <p>13 MS. GARCIA: It has to be only an --</p> <p>14 MR. BEHAR: -- as an amenity, but you</p> <p>15 cannot be, you know, conducting business from</p> <p>16 up there.</p> <p>17 CHAIRMAN AIZENSTAT: What I'd like to do is</p> <p>18 open it up, before we proceed, for public</p> <p>19 comment.</p> <p>20 Jill, do we have anybody --</p> <p>21 THE SECRETARY: We have Suramy Cabrera,</p> <p>22 Development Services Director, that would like</p> <p>23 to speak.</p> <p>24 CHAIRMAN AIZENSTAT: Okay. Do we have</p> <p>25 anybody in the Chambers?</p>	<p style="text-align: right;">Page 30</p> <p>1 THE SECRETARY: No.</p> <p>2 CHAIRMAN AIZENSTAT: No?</p> <p>3 Zoom?</p> <p>4 THE SECRETARY: Suramy.</p> <p>5 MS. CABRERA: Hi. This is Suramy,</p> <p>6 Development Services Director.</p> <p>7 I just wanted to clarify office, and maybe</p> <p>8 that will help clarify it. The only difference</p> <p>9 between the way that the Code reads today and</p> <p>10 the change we're making is that, today, if you</p> <p>11 have a rooftop use, whatever it is, and it's</p> <p>12 open, and now you decide to enclose it, if you</p> <p>13 enclose it, it has to have parking. If you</p> <p>14 leave it open, it doesn't have parking. But</p> <p>15 the use is exactly the same.</p> <p>16 So the only difference is -- and it came</p> <p>17 up, because we do have a building, that they</p> <p>18 have a rooftop amenity, and what they want to</p> <p>19 do is enclose a portion of it, because it gets</p> <p>20 really, really hot up there and they want to be</p> <p>21 able to use it year-round. So just because</p> <p>22 they enclose -- it has a roof, it has</p> <p>23 furniture, it has all of these things, but just</p> <p>24 putting a glass enclosure, that will open up,</p> <p>25 you know, when the weather is nice and have big</p>
<p style="text-align: right;">Page 31</p> <p>1 glass door openings, all of a sudden triggers,</p> <p>2 now you need parking.</p> <p>3 So it didn't really make sense that you</p> <p>4 have a rooftop use. If it's open air, it</p> <p>5 doesn't require parking. And, then, if it's</p> <p>6 enclosed, it does, because it's the same exact</p> <p>7 use. So the idea was to basically consolidate</p> <p>8 those two things, that it shouldn't be whether</p> <p>9 it's open or enclosed whether it triggers</p> <p>10 parking or not.</p> <p>11 I don't know if that helps.</p> <p>12 CHAIRMAN AIZENSTAT: Suramy, may I ask</p> <p>13 which building this is?</p> <p>14 MS. CABRERA: What's the name of the</p> <p>15 building, Jennifer, that brought it to us?</p> <p>16 MR. WITHERS: I think it's City Hall.</p> <p>17 MS. GARCIA: No. It's Shoma, the Shoma</p> <p>18 office building.</p> <p>19 MR. WITHERS: Shoma on the Park?</p> <p>20 MS. GARCIA: On Catalonia, isn't it?</p> <p>21 MS. CABRERA: You'd know -- if you've been</p> <p>22 there, you'll see -- and I visited the</p> <p>23 building, they have a rooftop use that's open</p> <p>24 air, but there's a trellis, there's columns</p> <p>25 that were part of the building columns, that</p>	<p style="text-align: right;">Page 32</p> <p>1 came up for this rooftop use. The only</p> <p>2 difference now is that, you know, this is</p> <p>3 Miami, and it gets really hot and in order to</p> <p>4 enjoy that space year-round, they would like to</p> <p>5 air-condition it, when necessary.</p> <p>6 So they came to us to enclose it, and we</p> <p>7 said, "Oh, now you need parking." But when we</p> <p>8 looked at it, we thought, well, why? The use</p> <p>9 is exactly the same. So a Commissioner decided</p> <p>10 to sponsor it, because they went to the</p> <p>11 Commission and a Commissioner decided to</p> <p>12 sponsor it, because the only thing it changes</p> <p>13 is that there's an existing rooftop use, people</p> <p>14 are up there, you know, having their drinks,</p> <p>15 whatever it is, whatever the permitted use was,</p> <p>16 whatever -- you know, because most roofs will</p> <p>17 not -- you won't be able -- it's not easy to</p> <p>18 change a roof from a roof space to an</p> <p>19 occupiable space, just because of the Building</p> <p>20 Code and the loading. The loading is very</p> <p>21 different for a roof than it is for an assembly</p> <p>22 space.</p> <p>23 This roof was permitted that way. It was</p> <p>24 always intended to (Unintelligible) and they</p> <p>25 want to just enclose a portion of it within the</p>

<p style="text-align: right;">Page 33</p> <p>1 existing columns. That's all it is.</p> <p>2 MR. BEHAR: I think it is --</p> <p>3 MS. CABRERA: And looking at it more</p> <p>4 closely, it didn't make sense to have the</p> <p>5 required parking in that type of -- you know,</p> <p>6 in this change to a space.</p> <p>7 CHAIRMAN AIZENSTAT: Thank you.</p> <p>8 MS. CABRERA: You're welcome.</p> <p>9 CHAIRMAN AIZENSTAT: All right. Thank you,</p> <p>10 Suramy.</p> <p>11 Do we have anybody else, Jill?</p> <p>12 THE SECRETARY: No.</p> <p>13 CHAIRMAN AIZENSTAT: Anybody on the phone</p> <p>14 platform?</p> <p>15 THE SECRETARY: No.</p> <p>16 CHAIRMAN AIZENSTAT: At this time, I'll go</p> <p>17 ahead and close it for public comment.</p> <p>18 MR. BEHAR: Motion to approve.</p> <p>19 CHAIRMAN AIZENSTAT: We have a motion to</p> <p>20 approve by Robert.</p> <p>21 MR. GRABIEL: I'll second it.</p> <p>22 CHAIRMAN AIZENSTAT: We have a second by</p> <p>23 Julio. Any discussion? No?</p> <p>24 Call the roll, please.</p> <p>25 THE SECRETARY: Chip Withers?</p>	<p style="text-align: right;">Page 34</p> <p>1 MR. WITHERS: Yes.</p> <p>2 THE SECRETARY: Julio Grabiel?</p> <p>3 MR. GRABIEL: Yes.</p> <p>4 THE SECRETARY: Robert Behar?</p> <p>5 MR. BEHAR: Yes.</p> <p>6 THE SECRETARY: Eibi Aizenstat?</p> <p>7 CHAIRMAN AIZENSTAT: Yes.</p> <p>8 MR. BEHAR: Motion to adjourn.</p> <p>9 CHAIRMAN AIZENSTAT: Since we only have one</p> <p>10 item tonight, we have a motion to adjourn by</p> <p>11 Robert. Is there a --</p> <p>12 THE SECRETARY: We do have a discussion</p> <p>13 item.</p> <p>14 MS. GARCIA: Very, very quick, we need to</p> <p>15 reschedule our April meeting due to holidays.</p> <p>16 CHAIRMAN AIZENSTAT: Okay. So we have</p> <p>17 options of April 4th, 17th or 20th.</p> <p>18 MR. BEHAR: April -- when is the --</p> <p>19 CHAIRMAN AIZENSTAT: April 4th, 17th --</p> <p>20 MR. GRABIEL: It was supposed to be the</p> <p>21 12th, right?</p> <p>22 MS. GARCIA: Yes.</p> <p>23 CHAIRMAN AIZENSTAT: The 17th is a Monday</p> <p>24 and the 20th is a Thursday.</p> <p>25 MR. BEHAR: When are the City elections?</p>
<p style="text-align: right;">Page 35</p> <p>1 MS. GARCIA: The 11th, I believe.</p> <p>2 MR. WITHERS: We should do it on the 11th.</p> <p>3 MS. GARCIA: I'm expecting one item.</p> <p>4 CHAIRMAN AIZENSTAT: Would you like to do</p> <p>5 April 4th? It's the beginning of the month.</p> <p>6 MR. BEHAR: I'm good with either date.</p> <p>7 CHAIRMAN AIZENSTAT: April 4th?</p> <p>8 MR. WITHERS: What day?</p> <p>9 CHAIRMAN AIZENSTAT: April 4th is a</p> <p>10 Tuesday. Does that work for everybody? We get</p> <p>11 it out of the way at the beginning of April.</p> <p>12 MS. GARCIA: Yes. Sounds good.</p> <p>13 MR. BEHAR: Works.</p> <p>14 CHAIRMAN AIZENSTAT: Chip?</p> <p>15 MR. WITHERS: Got it.</p> <p>16 CHAIRMAN AIZENSTAT: Got it? April 4th it</p> <p>17 is for our next meeting.</p> <p>18 MS. GARCIA: Thank you.</p> <p>19 CHAIRMAN AIZENSTAT: Thank you.</p> <p>20 We have a motion to adjourn by Robert.</p> <p>21 MR. GRABIEL: Second.</p> <p>22 CHAIRMAN AIZENSTAT: Second by Julio. All</p> <p>23 in favor say, aye.</p> <p>24 (Board Members voted aye.)</p> <p>25 CHAIRMAN AIZENSTAT: Thank you very much</p>	<p style="text-align: right;">Page 36</p> <p>1 for coming tonight.</p> <p>2 (Thereupon, the meeting was concluded at</p> <p>3 6:29 p.m.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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