

1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA) /
 3 SPECIAL PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 HYBRID FORMAT

6 TUESDAY, OCTOBER 29, 2024, COMMENCING AT 6:01 P.M.

7 Board Members Present at Commission Chamber:
 8 Eibi Aizenstat, Chairman
 9 Robert Behar
 10 Julio Grabiél
 11 Wayne "Chip" Withers
 12 Sue Kawalerski
 13 Felix Pardo
 14 Javier Salman

15 City Staff and Consultants:
 16 Jennifer Garcia, Planning Official
 17 Juan Riesco, City Architect

18 Also Present:
 19 Craig Collier, Esq., Assistant City Attorney

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1 THEREUPON:
 2 (The following proceedings were had:)
 3 MR. AIZENSTAT: Good afternoon. This Board is
 4 comprised of seven members. Four members of the Board
 5 shall constitute a quorum and the affirmative vote of
 6 four members shall be necessary for the adoption of
 7 any motion.
 8 If only four members of the Board are present, an
 9 applicant may request and be entitled to a continuance
 10 to the next regularly scheduled meeting of the Board.
 11 If a matter is continued due to lack of quorum, the
 12 Chairperson or Secretary of the Board may set a
 13 special meeting to consider such matter.
 14 In the event that four votes are not obtained, an
 15 applicant, except in the case of a Comprehensive Plan
 16 Amendment, may request a continuance or allow the
 17 application to proceed to the City Commission without
 18 a recommendation. Pursuant to resolution number
 19 2021-118, the City of Coral Gables has returned to
 20 traditional in-person meetings. However, the Planning
 21 and Zoning Board has established the ability for the
 22 public to provide comments virtually.
 23 Lobbyists, Registration and Disclosure. Any
 24 person who acts as a lobbyist must register with the
 25 City Clerk as required, pursuant to City Code.

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1 As Chair, I now officially call the City of Coral
 2 Gables Planning and Zoning Board's Second Special
 3 Meeting on Mediterranean Standards of October 29th,
 4 2024, to order. The time is 6.01.
 5 Jill, if you would please call the roll.
 6 THE SECRETARY: Robert Behar.
 7 MR. BEHAR: Present.
 8 THE SECRETARY: Julio Grabiél.
 9 MR. GRABIEL: Here.
 10 THE SECRETARY: Sue Kawalerski.
 11 MS. KAWALERSKI: Here.
 12 THE SECRETARY: Felix Pardo.
 13 MR. PARDO: Here.
 14 THE SECRETARY: Javier Salman.
 15 (Not present.)
 16 THE SECRETARY: Chip Withers.
 17 MR. WITHERS: Here.
 18 THE SECRETARY: Eibi Aizenstat.
 19 MR. AIZENSTAT: Here.
 20 MR. AIZENSTAT: We will not have swearing in
 21 tonight as this item is legislative. Everyone who
 22 speaks today must complete the roster on the podium.
 23 We ask that you print clearly so the official records
 24 of your name and address will be correct.
 25 Zoom platform participants. I will ask any

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1 person wishing to speak on tonight's agenda item to
 2 please open their chat and send a direct message to
 3 Jill Menendez stating you would like to speak before
 4 the board and include your full name. Jill will call
 5 you when it's your turn. I also ask you to be concise
 6 for the interest of time.
 7 Phone Platform Participants. After Zoom platform
 8 participants are done, I will ask phone platform
 9 participants to comment on tonight's agenda item. I
 10 also ask you to be concise for the interest of time.
 11 Procedure that we'll use for tonight's meeting will be
 12 first, the identification of agenda item by
 13 Mr. Collier, then the presentation by staff.
 14 We'll go ahead and have, we'll open it to public
 15 comment first in chamber, then Zoom platform and then
 16 phone platform. We'll go ahead and close public
 17 comment. We'll have Board discussion, motion
 18 discussion and second a motion, if necessary. Board's
 19 final comments and a vote.
 20 If the record can please show that Mr, Salman has
 21 arrived. Thank you.
 22 (Mr. Salman enters the meeting.)
 23 MR. AIZENSTAT: Tonight we have had on this
 24 item, actually six meetings, five actual, one was
 25 deferred. I just want to let everybody know that.

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1 Mr. Collier, if you would please read the agenda item
2 into the record.

3 MR. COLLIER: Yes. Item E1, an ordinance to the
4 City Commission of Coral Gables, Florida providing for
5 text amendments to the City of Coral Gables official
6 Zoning Code. Article 5, Architecture Section 5-200,
7 Mediterranean Standards. Article 3 uses Section
8 3-402, restrictions related to location, and Article
9 16, definitions to enhance the quality of Coral Gables
10 Mediterranean design by requiring a conceptual design
11 review, removing duplicative criteria, relocating
12 inapplicable standard, supplementing existing
13 criteria, and including additional Mediterranean
14 building examples, providing for severability,
15 repealer, codification and for an effective date.

16 There is a parenthetical which does provide you
17 the information on the dates that this hearing has
18 been either continued or deferred.

19 MR. AIZENSTAT: Thank you.

20 MR. COLLIER: Item E1, Public Hearing.

21 MS. GARCIA: So I have a brief presentation that
22 goes to the changes, if I could have the Power Point,
23 please. For the record, Jennifer Garcia, Planning and
24 Zoning Director. Thank you.

25 So this is kind of a snapshot of the review

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1 process. We have been back and forth before the Board
2 of Architects as well as City Commission to update
3 them and give a presentation. And again, back and
4 forth at the Planning and Zoning Board and the Board
5 of Architects.

6 Every time time that we've made changes as far as
7 architectural building precedents or anything we think
8 is substantial, we go back to the Board of Architects
9 and make sure that we get their feedback and input as
10 we move forward.

11 So the summary is listed in your memo from Staff
12 on page one. I can run through that really quickly.
13 So this relocates the setting ability that was
14 previously in Level 1 to be now prerequisites. And
15 the intent is actually changing, so instead of it
16 being more, to steal a word, was on more green Gizmo,
17 Gizmo green, this will be more time test
18 sustainability; high ceilings, natural ventilation,
19 things that are more inherent with traditional
20 architecture.

21 Also removing the street lighting, that was
22 always kind of a concern of why this is a part of
23 Mediterranean Bonus. It's not really related directly
24 to the actual style or architecture of the building.

25 MR. AIZENSTAT: Actually. Jennifer, if I may, we

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1 did skip one item, which was the approval of the
2 Minutes. If we can go ahead, and I do apologize, I am
3 going to interrupt you a second.

4 MR. BEHAR: I am going to make a motion to
5 approve.

6 MR. SALMAN: Second.

7 MR. AIZENSTAT: We have a motion to approve and
8 we have a second of the Meeting Minutes. And those
9 were the Meeting Minutes of 9/26/2024.

10 THE SECRETARY: The motion was made by Mr. Behar
11 and second by --

12 MR. AIZENSTAT: Javier. Yes. Any discussion?

13 (No answer.)

14 MR. AIZENSTAT: Call the roll, please?

15 THE SECRETARY: Julio Grabiel.

16 MR. GRABIEL: Yes.

17 THE SECRETARY: Sue Kawalerski.

18 MS. KAWALERSKI: Yes.

19 THE SECRETARY: Felix Pardo.

20 MR. PARDO: Yes.

21 THE SECRETARY: Javier Salman.

22 MR. SALMAN: Yes.

23 THE SECRETARY: Chip Withers.

24 MR. WITHERS: Yes.

25 THE SECRETARY: Robert Behar.

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1 MR. BEHAR: Yes.

2 THE SECRETARY: Eibi Aizenstat.

3 MR. AIZENSTAT: Yes. Sorry, Jennifer.

4 MS. GARCIA: No, worries.

5 MR. AIZENSTAT: Continue, please.

6 MS. GARCIA: If I can have the Powerpoint back.
7 Thank you.

8 And then also clarify the capital liners for the
9 front streets, clarify pedestrian improvements, what
10 that would include for the public open space, the
11 intent of the Open Space Fund. We added Board
12 architects as a reviewer for the sidewalks and the
13 type of pavers. There was some concern about that.
14 We clarified the reallocation of the square footage
15 for the building lot coverage. We also removed the
16 1/3 and the 25 feet maximum height up at and just
17 second. And then also clarified the definition for
18 architectural precedents.

19 So really quick, the first change on page 10 of
20 your attachment A, showing the removal of that street
21 lighting, and then on page 12 and page 13, the
22 addition of the sustainability.

23 Again, this is less of that solar panels, water
24 harvesting and more of those more architectural, time-
25 tested setting ability options. I can go through

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1 those operable windows, natural ventilation,
 2 conservation of shade trees and landscape area, garden
 3 rooms, having more outdoor space. Of course,
 4 preservation and reuse of existing structures; those
 5 types of time tested sustainability.

6 At the bottom of page 14 you can see the addition
 7 of having clarification for the front street for
 8 requirement of that habitable space for that liner.
 9 Page 16 are multiple changes for the plug open space,
 10 clarifying what types of amenities would be included
 11 in that, Open Space Fund and clarifying the intent of
 12 that and what that would be used for as far as the
 13 overall urban design move in our city and not just
 14 leftover open space or qualify for that.

15 Going on to the price of pavers, that would be
 16 ruled by the Board of Architects. The benches and
 17 fountains and fishery amenities, clarifying that would
 18 be within the private property, that expanded paving
 19 area we talked about at the last meeting. And again,
 20 subject to the Board of Architects review and
 21 approval.

22 Bottom of page 19, the building lot coverage,
 23 clarifying a lot of that intent as far as the
 24 building, get's more in detail as the building site
 25 gets, building coverage gets more where that square

1 footage will be allocated to. And this is kind of a
 2 diagram that kind of explains that. We were asked to
 3 test that, so we tested that. Of course, there are
 4 two requirements.

5 There's a minimum open space requirement, usually
 6 multifamily, that's 25 percent of the lot area has to
 7 be open space, landscape open space. And there's also
 8 a 60 percent building lot coverage.

9 Right now the Med Bonus is no minimum or maximum
 10 building lot coverage, so typically all it provides is
 11 25 percent open space. The change here would be that
 12 if you go over the maximum building lot coverage, you
 13 could accommodate that square footage either as an
 14 open loggia, porch, stoops, arcade or even in the
 15 right of way. So as the building site gets larger,
 16 it's more difficult to be within that maximum lot
 17 coverage at the 60 percent. And so again, that would
 18 be accommodated by either open loggias, arcades,
 19 porches, those kinds of spaces.

20 So we also looked at some older precedence, not
 21 older precedence but older buildings that were
 22 approved and built. This is 108 Menores, this is a
 23 building that's on Menores, in the North Ponce area.
 24 It's a very small lot. And of course, they meet their
 25 actual 50 percent lot coverage anyway, because it's

1 much easier to meet that maximum lot coverage for
 2 smaller properties.

3 As the properties get larger, it's more difficult
 4 to be within that maximum building lot coverage, you
 5 know, to meet their open space. So this could be
 6 accommodated by again an open loggia along the side to
 7 activate that open space, for example, at the end.
 8 And then as the building site gets even larger, that
 9 maybe there would be an accommodation providing that
 10 additional lot coverage, square footage as loggias and
 11 porches, but also in the right of way as well.

12 So moving on, there were additional examples
 13 precedents given by Mr. Brett Gillis. We reached out
 14 to him. We went back to Board of Architects again,
 15 and we kept some of the ones that he suggested. Some
 16 of them were not kept for various reasons. We can get
 17 to detail. I have one here to to get into that. We
 18 added in, I think a small handful, and these are
 19 images of those. So what eight images were -- sorry,
 20 precedents were added to that list of examples that
 21 architects can use as far as design elements to
 22 incorporate into their building.

23 And then the exclusion from height, we talked
 24 about 1/3 of a building, allow a building height might
 25 be too much, 25 feet might be too little. So what we

1 looked at were obviously, the regulation. So you can
 2 see here that this is the tallest building, right? So
 3 it's 190 feet with the Med Bonus. And then 30 percent
 4 of that would be 63 feet, so it would be 1/3 of the
 5 building height. And you can see that only is allowed
 6 to be beyond the maximum building height of 1/4 of the
 7 floor below. So keep in mind that rule.

8 So looking at the Biltmore Hotel, that's going
 9 beyond that ratio of 33 percent of the maximum
 10 building height for their architectural features that
 11 they have.

12 We looked at Alhambra Towers, which got a
 13 variance, actually to add even more height beyond
 14 their habitable height, so they're at 58 percent of
 15 the maximum habitable space. And then Sofia Codina,
 16 they are a little bit under, I guess at 30 percent of
 17 their maximum height. And then one we're more
 18 familiar with, we talked about last time, was the
 19 Ponce Park Residence Project, which they're 38 percent
 20 beyond their maximum habitable height.

21 So we've talked about this with the Board of
 22 Architects, they feel that since it depends really on
 23 the size of the parcel, the proportions, the massing,
 24 that it should be left up to the Board of Architects
 25 and the proportions of the building to determine how

1 high that extra architectural feature should be.

2 And then moving on to the last one was clarifying
3 the definition of precedent. So those are kind of
4 nine summary changes that's before you right now, and
5 I think that's it, yes.

6 MR. AIZENSTAT: Thank you. Jill, how many
7 speakers do we have in chambers?

8 THE SECRETARY: We have four.

9 MR. AIZENSTAT: Could we go ahead and please call
10 the first speaker?

11 THE SECRETARY: Maria Cruz.

12 (No response.)

13 THE SECRETARY: Armando. Denise Carvalho.

14 MR. AIZENSTAT: I want to say, thank you for
15 going being first.

16 MS. CARVALHO: It's a pleasure. It's very nice
17 to speak to all of you. I know you have a big
18 responsibility in front of you to decide on all those
19 projects.

20 MR. AIZENSTAT: Could you state your name and
21 address for the record?

22 MS. CARVALHO: My name is Denise Carvalho. I
23 live in 6308 Caballero Boulevard, and I'm here to
24 speak about Mediterranean Bonus for you guys so that
25 you can help us preserve our neighborhood. We need

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1 sustainability, as you guys are saying. We don't want
2 exclusion from height because this is the Gables
3 Waterway Project, the way they are planning.

4 This is my house in pink. If you can see this is
5 this is the Mahi Canal Caballero Boulevard, South
6 Alhambra. Up to here, 45 feet is what they are
7 allowed to build. Up to here is what they are asking.
8 And this would be the extra features, this in blue.
9 So imagine, the extra features, they also bring shade
10 to our house. All of these would bring shade to our
11 house.

12 We the four, we have three houses here; this,
13 this and this. Those houses here, we are all
14 represented here, we are here to speak to you guys. I
15 wrote a letter for the commissioners, mayor and vice
16 mayor, regarding the meeting of the Board of
17 Architects. Something you guys need to work, is that,
18 it's the Board of architects were deciding on this
19 project, already planning that you guys are going to
20 accept this height. Yes, Gus the lawyer, he said, let
21 me see, let me quote him. The architects had to vote
22 and they instructed the Board to consider the
23 developer's request as if the zoning change had
24 already been granted.

25 You guys are the ones that decide on the zoning

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1 change, right? So how they can they decide and vote
2 in favour of the project if you haven't decided on the
3 height. They present this, this is huge and they're
4 supposed to decide on the whistles and bells and if
5 it's beautiful, if it's not good, if it's perfect, if
6 the material is like that. But what about the mass
7 and the compatibility with the environment? They,
8 Gus, the lawyer, the attorney, he said, "Leave this to
9 the Board to the Planning and Zoning. You decide on
10 the beauty."

11 But this, even if it's like painted in gold, just
12 like the most beautiful thing ever, it's like
13 beautiful, is this good for this neighborhood? It's
14 not.

15 MR. AIZENSTAT: I just want to ask something to
16 Mr. Coller. Mr. Coller, we're looking at the overall
17 Mediterranean Standards as opposed to looking at a
18 specific project.

19 MR. COLLER: Right. I think there was, I was
20 trying to go over the minutes of your last meeting
21 where I think Gus was commenting about the role of the
22 --

23 MR. AIZENSTAT: He did. I agree with that.

24 MS. CARVALHO: Sorry to interrupt, but he made
25 all the architects very confused.

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1 MR. AIZENSTAT: But if I may, my question is, are
2 we supposed to take up a specific?

3 MR. COLLER: Yeah, I'm not sure it's -- is this
4 item scheduled for hearing before the Planning and
5 Zoning Board at this point, or is this before the
6 Historic Preservation Board?

7 MR. PARDO: Mr. Chairman, I'd like to interject.

8 MR. AIZENSTAT: Go to your microphone book.

9 MR. PARDO: There. All right. So I have a
10 series of questions. And I also got the verbatim
11 minutes of our last meeting on the 27th. And I
12 highlighted every word that Mr. Ceballos said.
13 Because if you recall from the previous meeting, there
14 was, there was some type of, well, we misunderstood.
15 Well, when I read and highlighted what Mr. Ceballos
16 said, I wasn't off the mark at all. And I think
17 because I was trying to follow the speaker, she was
18 talking about Mr. Ceballos as the attorney, not the
19 attorney for that particular.

20 MS. CARVALHO: He was in the meeting of the Board
21 of Architects. He was misleading the architects into
22 a decision, in my point of view.

23 MR. COLLER: Is the microphone on? I'm having
24 difficulty hearing the presenter right.

25 MS. CARVALHO: Sorry, is it on? I don't know.

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1 MR. AIZENSTAT: Is there a button in front?
 2 MR. COLLER: Maybe she just wasn't talking in the
 3 mic directly.
 4 MR. PARDO: Just get close to the mic, I think.
 5 MR. AIZENSTAT: Just stay close.
 6 MS. CARVALHO: I'll do my best to be heard.
 7 Sorry.
 8 MR. PARDO: And I think also, for example, staff
 9 came up with graphics that I wish we would have had in
 10 our packets because I would have liked to have been
 11 able to read it, understand it and be able to ask
 12 staff questions. I think that's important.
 13 So if you take this as not a specific project,
 14 but as a generic project, I think the point is
 15 incredibly poignant. And just to understand, the
 16 turquoise greenish color is the bonus component?
 17 MS. CARVALHO: The bonus component.
 18 MR. PARDO: The bonus component. You called it
 19 something else, but it's the bonus.
 20 MS. CARVALHO: Yeah, the bonus component.
 21 MR. PARDO: Right. And I think also what you
 22 said was --
 23 MS. CARVALHO: But this is what they can build,
 24 the pink one. And in the law it said, even more in
 25 the law, the Coral Gables Zoning Code, it said that if

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1 MX1 or MF4, or whatever, is located in front of a
 2 canal or a waterway, that is, that faces single family
 3 homes, they can only go up until 45 feet. It's
 4 written on the Code, the code of the city. And
 5 they're still trying to convince people to put all
 6 these over and get these with the Mediterranean Bonus.
 7 This is up to you guys, the pink one, because it
 8 would be MF4, but it's against the law.
 9 MR. PARDO: Mr. Chairman, I would use this as an
 10 example.
 11 MR. AIZENSTAT: As an example, I agree, but not
 12 not --
 13 MR. COLLER: We are not discussing a particular
 14 project.
 15 MR. AIZENSTAT: That's where my concern is that
 16 we're that we're talking --
 17 MS. CARVALHO: This is an example so that you --
 18 (Speaking over each other.)
 19 MR. AIZENSTAT: We can't all talk at the same
 20 time. Go ahead, please.
 21 MR. PARDO: In all fairness, I think this is
 22 great. This is an example of what you can and can't
 23 do. The code is basically a formula, and and that's
 24 the application of a formula. It just so happens that
 25 in section 5201 of the Coral Gables Mediterranean

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1 Style Design Criteria, and I have constantly said that
 2 we have a problem with the site specifics in this city
 3 where if you earn the bonus, you can ignore and go
 4 above and beyond the site specifics. I think that's
 5 dangerous. I think it doesn't apply.
 6 But under Section 5201, (A) Purpose and
 7 Applicability, and this has to do with the Coral
 8 Gables Mediterranean Style Design Standards that
 9 incorporate a basic requirement standard and two
 10 additional levels, under Purpose and Applicability,
 11 under (3), it says, site specific zoning regulations
 12 and Mediterranean Bonuses. The reason this is
 13 important is that it says it may be awarded a
 14 supplemental additional intensity density or the
 15 reduction of existing limitations as assigned in
 16 Appendix A, Site Specific Regulations.
 17 So the reason that it's important to understand
 18 that is that, how can you assume that the upzoning is
 19 going to be approved?
 20 Furthermore, under number (7) of that same
 21 section, it says, Special Location Site Plan Review,
 22 and it calls out all these different zoning. It says,
 23 all these zoning districts which are adjacent to or
 24 across the public right of way or waterway from any
 25 single family residence district or Fm1, the District

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1 shall comply with the following requirements to secure
 2 bonuses.
 3 So how the hell can you give someone bonuses when
 4 you don't have the upzoning secured? Now, you've put
 5 the Board of Architects who could do things about
 6 massing, you've just cornered him, them into a corner,
 7 where now they say, oh my gosh, now look at the size
 8 of the building.
 9 So you're saying that it went from 45 feet, which
 10 is the lower part, to what, 100 and something?
 11 MS. CARVALHO: One hundred and ninety. And I
 12 didn't do properly, 190 is up to here.
 13 MR. AIZENSTAT: I just want to be clear, this is,
 14 I want to be careful that we're not looking at a
 15 specific project. So what you have done is, you've
 16 brought us an example --
 17 MS. CARVALHO: Yes.
 18 MR. AIZENSTAT: -- of the Mediterranean Bonus and
 19 what can be done, and that's what we're discussing.
 20 MS. CARVALHO: Exactly.
 21 MR. PARDO: And Mr. Chairman, for the record, I
 22 have asked that to give us examples, which today they
 23 had certain examples of certain components of certain
 24 things. But volumetrically, this shows you the danger
 25 of when you don't have compatibility and when you

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1 force the Board of Architects now to look at something
2 that doesn't exist. And it says here, by the way,
3 under Special Location Site Review; height limitations
4 limited to a maximum height of 3 1/2 stories or 45
5 feet.

6 So in other words, the Board has the ability of
7 saying, wait a minute, we can't even evaluate the
8 project or the massing because the zoning that you
9 have, how would we then all of a sudden say, oh, we're
10 going to go from 45 feet to 100 and some odd feet.
11 That is crazy.

12 The other thing is, that the review process says,
13 this is, you have to secure certain special locational
14 site plan reviews, etcetera. It really is disturbing
15 when you actually read the words that are in plain
16 English of Section 5201, which is just wrong. And
17 then the review and authority of the board of
18 architects and by the way, the city architect is
19 sitting back there waving; is that a white flag?

20 MR. RIESCO: May I come up?

21 MR. PARDO: Yes, absolutely. And the thing is
22 that it says, the Board Of Architects shall be
23 responsible.

24 MR. AIZENSTAT: Felix, what I would also like to
25 do, though, is before we get into the heavy nitty

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1 gritty of all the comments, I'd like to hear everybody
2 speak. Because I think what we're going to do is get
3 into a discussion.

4 MR. PARDO: I apologize. I am saying that this
5 is, the way I see it, it's an example.

6 MR. AIZENSTAT: Agreed.

7 MR. AIZENSTAT: And I think it's important. And
8 the other thing is that the City, the City Architect,
9 I'm sure -- Juan, were you there Thursday?

10 MR. RIESCO: Sorry?

11 MR. PARDO: Were you there for this project on
12 Thursday that she said?

13 MR. RIESCO: Yes.

14 MR. AIZENSTAT: Yeah, and during the discussion,
15 he can talk about examples. I'm just, my concern is,
16 we don't have before us a specific project that we're
17 looking at. And the way that we need to look at it,
18 and I think the way the speaker has presented it is as
19 an example of what could be done, and that's what we
20 should be looking at this point.

21 When the project comes before us, it's a
22 different point. Right now we're just looking at
23 Mediterranean Standards and so forth.

24 MR. PARDO: And one last thing.

25 MR. AIZENSTAT: Yes, sir.

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1 MR. PARDO: Is to be crystal clear with the rest
2 of the Board members and the public.

3 MS. CARVALHO: Thank you, Felix. Thank you,
4 everyone.

5 MR. PARDO: When you look, when you look at and
6 and you're looking at the Mediterranean Design
7 Standards, etcetera, we went over the checklist, these
8 are the checklist items. This is the road map of how
9 you get to the checklist. And there are certain
10 things in there that are as or more important than any
11 of those elements that are in the checklist; I want
12 everyone to keep that in mind.

13 MR. AIZENSTAT: Thank you.

14 MS. CARVALHO: I agree. Thank you very much.

15 MR. AIZENSTAT: Thank you for coming up. Next
16 speaker, please.

17 THE SECRETARY: Kathy Burnett. Sorry, Burnett, I
18 think it is.

19 MR. BURNWEIT: Hi, I'm Kathy Burnweit, 6304
20 Caballero.

21 MR. AIZENSTAT: Welcome.

22 MR. BURNWEIT: I would like to reiterate what my
23 neighbor has said. I live in the house that's next to
24 her, closer to the development. But the Board of
25 Architectures, the Board of Architecture, wanted to

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1 turn down this project because of mass. And the
2 lawyer said, Mr. Ceballos, "No, you approve it on
3 aesthetics and then we'll go to Zoning to see what
4 they say about the mass."

5 Now, Mr. Pardo, at your last meeting, you said,
6 "The Board is 100 percent within the purview to look
7 at massing." And even in here it says, this is
8 5017(C), "The extent to which property, the proposed
9 plan departs from zoning and subdivision regulations,
10 including but not limited to density, size, mass, bulk
11 and use, and the reasons why such departures are not
12 deemed to be in public interest must be disclosed."
13 And that didn't happen.

14 They got the Mediterranean Bonus without jumping
15 through all of the hoops. They did the checklist.
16 And the thing is, they were, the Board was directed by
17 the attorney to ignore the massing, to ignore what the
18 Board of Architecture said, their job was to preserve
19 the traditional character of the neighborhood. The
20 Board, they were worried about that, they didn't want
21 to, they didn't want to rule. They wanted to make
22 them go back to the drawing board. But the lawyer
23 said, no, you rule on the aesthetics and we'll then go
24 to the Zoning Board to see if they change it, and that
25 is bass awkward, if you will.

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1 Speaker 6: { 32:02 }

2 MR. COLLER: Mr. Chairman, I just want to caution
3 the Board. This item is going to be noticed for this
4 meeting, and we wouldn't want to make a decision on
5 this item when all the parties aren't represented. So
6 I think if we look at this more from an example for
7 the standard, rather than getting the specifics of
8 what this Board did or didn't do, but rather how the
9 code should read, I think that would be --

10 MR. AIZENSTAT: Agreed.

11 MR. COLLER: The best way to go.

12 MR. AIZENSTAT: That's my concern on it.

13 MR. BURNWEIT: My goal would be to say, you have
14 to approve the building as it is for zoning, traffic,
15 parking, all of that, and then it goes to the Board of
16 Architecture to see how lovely the building is. I
17 mean, we put lipstick and mascara on the pig, but it's
18 still a pig, and that's what happened here.

19 MS. KAWALERSKI: And I appreciate you and Denise
20 coming up here and exposing this because we have a
21 flaw in the process. I brought this up before, It's
22 the cart before the horse, you know. How can -- I
23 understand the Board of Architects isn't the
24 aesthetics, okay, but you can't approve something like
25 this where it's a zoning change. So it's a cart

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1 before the horse.

2 So I think the best thing that this Board can do,
3 as opposed to the checklist, Juliet balconies and all
4 that stuff, it's how we get there. That's the most
5 important thing that we can do up here, and I think we
6 have been kind of ignoring that. Because there are
7 other applications that we should be looking at also
8 regarding work order changes. When something's
9 approved and all of a sudden we have sliders instead
10 of what was already approved. I mean, the process is
11 extremely flawed. That's what we should be focusing
12 on.

13 MR. BURNWEIT: But to be fair, the Board of
14 Architecture, they were going to deny this
15 Mediterranean Bonus until the lawyer spoke up and
16 said, rule on the aesthetics, not on the bulk and
17 mass; that's the thing. The lawyer, it seems to me
18 gave the wrong advice based on your own, the extent
19 to which the proposed plan departs from zoning.

20 MR. PARDO: Mr. Chairman?

21 MR. AIZENSTAT: Yes, sir.

22 MR. PARDO: This is the part of the process of
23 what is considered and not considered. I feel
24 strongly about it. I called out the City Attorney's
25 office on this before. I stand by the words I used,

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1 and they are part of the verbatim minutes. Before
2 this is over, I want to read just some of the
3 highlighted minutes of the exchange between
4 Mr. Ceballos and myself.

5 MR. AIZENSTAT: We can do that when we --

6 MR. PARDO: And Mr. Chairman, the only thing I
7 can tell you right now is, I don't appreciate if we're
8 doing the process wrong, because then the rest of it
9 is flawed.

10 MR. AIZENSTAT: Continue, please.

11 MR. BURNWEIT: I think I've said my piece. Thank
12 you. Thank you for listening. Thank you for the
13 floor.

14 MR. AIZENSTAT: Thank you for coming. Next.

15 THE SECRETARY: Maria Cruz.

16 MR. AIZENSTAT: Mrs. Maria Cruz, welcome.

17 MS. CRUZ: Mrs. Maria Cruz, 1447 Miller Road. As
18 you can see, I do not live in the area, but
19 Mediterranean Bonus has nothing to do with one area;
20 we're talking the whole city, and this is where the
21 problem is.

22 It's wonderful when you see projects that are
23 beautiful, that would be wonderful in other places,
24 but then they try to put them in the wrong place, and
25 this is what the problem is.

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1 I think that my issue, my big issue is how --
2 what you're doing is wonderful, let's look at the
3 standards. But how are you going to enforce what
4 you're saying? Because if people can go -- I was
5 there Thursday too, but forget about Thursday. How do
6 we enforce what you're saying when it gets to the
7 point that the project comes in, and they, you know,
8 they bought a land that fits only this size building,
9 but they want to build this size building, and we're
10 going to force the issue somehow, ignoring the
11 requirements.

12 And this is what the anguish that you feel from
13 the residents, you know, the ones that are really
14 getting affected, which could be any of us in the
15 future, because this is why what you're doing is so
16 important. It doesn't you know, we're not talking
17 about one project. We're talking about how what
18 you're doing is going to affect the rest of us, and
19 this is the serious part.

20 The bonus, there's a reason for the bonus.
21 There's a reason but there are some criteria that has
22 to be followed. Nobody can say, oh, ignore this
23 criteria, just go ahead and do this. No. This is my
24 concern, how are you going to make sure that what you
25 are agreeing on, because you've done a wonderful job,

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1 how is it going to go from here to there?

2 To me, there is a problem with the process. We
3 are looking at the beauty of the building before
4 making sure that the building fits what they want it.
5 Why? It should be the the other way. First we should
6 have, you know, if I'm going to have a, if somebody
7 made a dress for me, right, and I buy fabric that will
8 not make it, what good is it that the design is
9 beautiful, but the dress doesn't, the fabric I bought
10 doesn't allow for that dress because it wouldn't be
11 big enough. And this is what you're trying to do in
12 some places in this city. That we're forgetting,
13 we're ignoring, we're pretending, instead of making
14 sure that what you're doing, which is very valid and
15 very good, maybe it should be the other way around.

16 Maybe we should go through Planning and Zoning
17 before we look at what we're going to put there.
18 Because if you all do not grant the stuff, then what
19 purpose is it to look at the design? See, I think
20 that's what the problem is. What good is the design
21 if it doesn't fit where you want to put it?

22 MR. BEHAR: But Maria, I got a question for you.
23 Will you feel comfortable approving a zoning change
24 without seeing something, what it's going to look
25 like? To me, that's a problem too, right?

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1 MS. CRUZ: The big issue to me, to me, and like I
2 said, at this point I'm not affected, but it could be
3 anybody's problem. The problem is, how do you make
4 sure that what you're saying, which is very
5 reasonable, I think, fits when it goes someplace else.
6 Also, remember that in people's mind, you know when
7 you go and you say, oh, this board or that board
8 already approved it, they feel that that means that
9 you're caught between a rock and a hard place.
10 Because if they all thought it was very good, how
11 could you not go along with it? You see what I'm
12 saying?

13 How do you, what is there to do to keep this
14 issue from happening time and time again?

15 MR. BEHAR: It's an, and maybe this is a question
16 to the architect, to the City Architect. The
17 conceptual approval process that was implemented,
18 shouldn't that be, you know, taken to the Board,
19 conceptually approved -- Yes, come on up, please. But
20 conceptually approved but not get the Med Bonus until
21 it comes to us and then you go back?

22 MS. CRUZ: That may be the solution.

23 MR. RIESCO: Juan Riesco, City Architect. The
24 conceptual review process that we have in place now
25 does not proffer a disposition, first of all.

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1 MS. CRUZ: Those are the problems that we have.

2 MR. BEHAR: Because for me it's, you know, and I
3 hear you and I agree to some extent, that we should
4 approve a zoning change. But I need to see something
5 before I give the --

6 MS. CRUZ: But do you really need to see how it
7 looks as opposed to the size that it is? Because see,
8 there's a difference, you can have a pretty building
9 that is smaller, it doesn't have to be that big.

10 MR. BEHAR: But Maria, you need to look at it
11 contextually, how it's going to fit and everything. I
12 feel, I would not support changing a zoning, you know,
13 a land use change, a zoning change without seeing
14 what's going to go there. So I think it's, you
15 know --

16 MS. CRUZ: It's very hard. What comes first and
17 what goes second?

18 MS. KAWALERSKI: Well, isn't there a conceptual
19 design review? I mean, can't you have a skin,
20 something that without all the detail, without all the
21 architectural detail that we could look at?

22 MR. BEHAR: But that's what they're doing at the
23 Board of Architects.

24 MR. AIZENSTAT: Wait. Wait. We need to have a
25 little bit of control. Ms. Cruz, please continue.

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1 The conceptual review that we do now at the BOA
2 level is purely an aesthetic discussion on design, big
3 picture questions. There is no disposition. There is
4 no requirements for submittal.

5 It's purely a discussion, that what it does is,
6 it assists the developer in aligning their project
7 with the City's requirements. So we try to help them
8 at that level. That's what we have in place now. If
9 you're thinking that it should be modified, then maybe
10 that's a discussion.

11 MR. BEHAR: Well, maybe that's what should
12 happen, that process should happen.

13 MR. RIESCO: But that's not what we have in place
14 currently.

15 MR. AIZENSTAT: But what I'd like to remind the
16 Board is, that discussion I think we should have after
17 the speakers have put in all their comments, we've
18 taken our notes and then we --

19 MS. CRUZ: We are putting the little bug in your
20 ear so you know what needs to be discussed.

21 MR. AIZENSTAT: Oh, I write it down.

22 MS. CRUZ: Thank you.

23 MR. AIZENSTAT: Thank you.

24 THE SECRETARY: Armando?

25 MR. PEREZ: My name is Armando Perez. I live at

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1 6312 Caballer Boulevard. I'm just going to say pretty
2 much what Denise and my other neighbors have stated.

3 There seems to be a flaw in the system where a
4 Med Bonus is awarded when a conceptual review should
5 be kind of approved or, and then and you guys go
6 through your process, approve the mass and the size of
7 the building. And then it goes back to the City
8 Architect, I mean to the Board of Architects, and they
9 review, and they put the bells and whistles on the
10 buildings as they see fit.

11 Not -- When it goes through this process, the
12 well is kind of poisoned when they've already
13 received, somebody receives a bonus of two stories and
14 additional mass based on the potential change of a
15 code. And then they could come to the Board and argue
16 their case; the Board of architects has already
17 approved this project, they're good to go. They say
18 it's the best thing they've ever seen since sliced
19 bread. And then you guys are forced to, oh, maybe we
20 should change or approve a variance or go from an MF1
21 or MX1 to MF4, whatever the Code terms are.

22 That's all I was going to say because it does
23 impact a lot of families and, and whatnot. These
24 changes are pretty drastic.

25 MR. AIZENSTAT: Thank you, sir. Do we have any

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1 more speakers, Jill, in chambers?

2 THE SECRETARY: No, no more speakers.

3 MR. AIZENSTAT: Do we have any speakers on Zoom?

4 THE SECRETARY: No, I've forwarded a message and
5 no one has indicated they want to speak.

6 MR. AIZENSTAT: What about the phone platform?

7 THE SECRETARY: No.

8 MR. AIZENSTAT: Okay. At this time I'm going to
9 go ahead and close it for public comment and I'd like
10 to go ahead and open it for discussion.

11 Chip, I'd actually like for you to go first, if
12 you're okay with that.

13 MR. WITHERS: If I sound a little slurry, my left
14 side of my mouth is a little numb, so I apologize.
15 But I didn't really see all this coming, but I think
16 it's a huge issue.

17 I think that maybe a solution, the properties
18 that are built by Wright, probably can go through a
19 normal process, I'm guessing. I'm just trying to
20 figure out how to cut the baby here because those
21 properties really, as long as they're within the code,
22 then we probably won't even, you know, be that much
23 involved with them, I would suspect. Is that
24 generalization? All right.

25 So we're really looking at those that are pushing

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1 the envelope beyond what our code states anyway, is
2 what I see. So if that's the case, to me, an
3 architect is gifted enough to take a mass, and I guess
4 you architects can speak to this. You can make taller
5 buildings look smaller and massive buildings look less
6 massive. I mean, is that a goal when you design
7 buildings? And so, you know, maybe there's a middle
8 ground in there somewhere where the process can move
9 forward.

10 And I don't know what the cost is on this, I
11 don't know what the options are on this, but can a
12 person design two different buildings based on what
13 they can anticipate size and massing?

14 MR. SALMAN: Yes. If I may, just to respond to
15 Mr. Withers's comment because it's salient to what
16 what we're discussing today. An architecture firm and
17 a developer, when they go through the process of
18 designing a building and presenting it for potential
19 approval-- I emphasize the word, potential approval,
20 because until it gets approved, it's not approved. All
21 right?

22 And they take a risk, as we have seen, for
23 example, in the US1 shopping center, the old Pier One
24 shopping center across from UM, they came in with the
25 project, which this board said, forget it, it's too

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1 big, it's not compatible with the neighborhood. And
2 guess what, all the money they spent on that is now
3 garbage and they get to start all over again. And
4 that's the risk they want to take.

5 Now, if that's something they want to do, they're
6 welcome to it but that's why they have to come here
7 for approval. And if they have received Board of
8 Architect approval, which is what had happened on the
9 particular project that I'm mentioning, and I'm only
10 bringing it up because it's now history. It's not yet
11 to come. There may be another project coming, but at
12 least the one that was submitted was completely and
13 roundly and resoundingly rejected.

14 So I don't see the necessary glitch in the system
15 that has been proffered. I think that the
16 process of the Board of Architects may want to
17 emphasize more the massing, especially when you have
18 adjacency issues regarding scale and then put the
19 brakes on it at that point and say, hey, you know,
20 you're welcome to present it, but you're not going to
21 get it necessarily approved because we're not going to
22 approve it because it's not compatible with the
23 neighborhood. We have a compatibility clause that
24 we've approved and we're going to be submitting.

25 Now, we need to give a teeth, and the Board of

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1 Architects is the one who's going to be able to tell
 2 them yes or no as to whether or not it's compatible
 3 before it gets to here, assuming that they need
 4 something else beyond that. Now, we're talking
 5 specifically about a Planned Area Development Project.
 6 These are projects that are going to have more than
 7 200 linear feet of frontage or a certain amount of
 8 area or acreage, or in this case, in some cases, I
 9 won't say this case, but in some cases, adjacency to
 10 public rights of way and waterways, etcetera and other
 11 special features of the City which make them unique
 12 and important to the ultimate development of the
 13 fabric of our City.

14 So whereas I see that our process is not
 15 necessarily flawed, I think that we could probably
 16 emphasize it more by allowing the Board of Architects
 17 to deny projects that are not compatible with their
 18 surrounding neighborhood, and just leave it at that.
 19 And then if it gets passed as a compatible project and
 20 it still is in need of an approval because it's a PAD,
 21 because by definition, a PAD has to come to this Board
 22 for approval before it's approved by Commission, then
 23 that should be the process.

24 MR. WITHERS: So does, if it does not pass the
 25 Board of Architects, does it come to us in the same

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1 us, approved ready to go. Unless we want to say,
 2 okay, you got to submit for zoning review on a
 3 cardboard box volumetric basis. That is of use to no
 4 one, and that's exactly what you said.

5 MR. BEHAR: No, I disagree, I disagree with you
 6 because you're making the Board of Architects give
 7 Mediterranean Bonuses without having to come here. So
 8 I mean, I don't, I disagree with you a thousand
 9 percent. I think the process, conceptually, it could
 10 get approved. Then you get the upzoning, you get
 11 whatever, and then you got to go back for the
 12 aesthetics of the building. And that's not the way
 13 the process is being conducted today because we don't
 14 have those requirements.

15 MS. KAWALERSKI: And I totally agree with you,
 16 Robert, and that's what I was getting at.

17 MR. AIZENSTAT: Can you repeat that?

18 MR. BEHAR: Yeah, please, so it's on the record.
 19 Thank you, Sue.

20 MS. KAWALERSKI: That's your Christmas present.
 21 But I told -- and I guess that's what I was alluding
 22 to originally, going with the concept, okay, come here
 23 for either approval or denial of the upzoning and then
 24 go back to the Board of Architects for the bells and
 25 whistles. It just makes sense.

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1 way as presented to the Board of Architects?

2 MR. SALMAN: Not until it's past the Board of
 3 Architects.

4 MR. BEHAR: But I don't think that's the problem,
 5 Javier. I think the problem is that it goes to the
 6 Board, gets the Mediterranean Bonuses without getting
 7 even a conceptual that if you really, my opinion,
 8 analyze the process, you should go to the Board, get a
 9 conceptual. Doesn't mean it's getting the
 10 Mediterranean bonus, getting it, it potentially could
 11 get there, but you have to come to the Planning and
 12 Zoning, get this, the upzoning, whatever process will
 13 take, and then you got to go back to get the
 14 Mediterranean bonuses.

15 MR. SALMAN: Again, developers and we as
 16 architects sometimes take this on as a risk, assuming
 17 that we're going to be building something that's
 18 compatible and that we're going to be able to present
 19 it to the Board and to the City and to our fellow
 20 neighbors in a way that they're going to approve it.

21 Now, the Board of Architects is charged with
 22 here, compatibility review. What we're talking about
 23 here is compatibility issues. If they don't approve
 24 it based on a compatibility issue, then there's no
 25 reason why it should come to us. It should come to

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1 MR. AIZENSTAT: It does make sense.

2 MR. BEHAR: I would like Juan, you know, the City
 3 Architect to, what's your opinion on that?

4 MR. RIESCO: Juan Riesco, City Architect. I
 5 feel, I sat on the board for ten years, okay, and I
 6 felt awkward when I reviewed projects of this nature
 7 where we were told the height is not something that we
 8 discussed, the height. If the upzoning allows 13
 9 stories and the developer comes in with a 13-story
 10 building, that in a sense was taboo.

11 We could talk about the mass, we could talk about
 12 the scale, we could talk about the envelope, we could
 13 talk about the finishes, we could talk about the
 14 materials. But we were always, and this is going back
 15 to the previous Planning and Zoning director. And so
 16 this was a contention that I felt when I was, when I
 17 sat there.

18 We were approving or reviewing projects and
 19 granting Med Bonuses based on the supposition that
 20 this zoning change was going to happen, that was the
 21 directives that we were given. We have to look at the
 22 project based on the fact that this thing is
 23 happening. So that changes the dynamic of how you look
 24 at things. And yes, we could have discussions about
 25 the mass; we felt the building was too fat, too short,

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1 too tall, too skinny, too wide, not enough movement in
2 the building, not enough up and down, not enough in
3 and out. I mean, we, we talked about all those
4 things. But this discussion has been going on for
5 years. And Mr. Ceballos, I think touched on that
6 subject in the last meeting we had.

7 And again, this is the scenario that we get put
8 in. It's awkward from our perspective. Yes, it is,
9 the Board members feel somewhat strange that they're
10 looking at something that's not really there in terms
11 of zoning, and so we get shut down. So we try to
12 limit the discussion, the direction of the
13 conversation towards what we feel is important to the
14 Board of Architects, which is the aesthetics, the way
15 the building looks, the way the building gets built,
16 the materials that get put in, how the building
17 addresses the compatibility within that constraint
18 where the height -- In other words, we were told, hey,
19 you cannot tell somebody, you cannot do a 13-story
20 building. That's not acceptable from the Board of
21 architects rebuttal. That was not allowed, that was
22 not up for discussion. And so we have to deal with
23 what we get handed in terms of policy, procedure,
24 protocols. We go by what we were told, and that's
25 what we did.

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1 works, I had that opportunity to do that. I want to
2 push the envelope. I want to maximize what I can do
3 in this city. I want to maximize rent, my return, and
4 so that's what they do. But again, it's not
5 guaranteed.

6 We grant Med Bonuses. Yeah, that's one hurdle in
7 a series of multiple hurdles. It's got to go through
8 P&Z. It's got to go to Commission, which ultimately is
9 the body that grants the 13 or the 18-story building.
10 It's not really the BOA, it's not really P&Z. That
11 discussion happens at the Commission level where the
12 negotiations are intense. And what do we get if we
13 give an 18-story building? What does the City of
14 Coral Gables get? We get a park. We get
15 infrastructure improvements. We get upgrades to our
16 fire systems, whatever. Whatever the Commission feels
17 is important to them at that particular time and
18 moment, that's up to them, and we don't get involved
19 at that level. So we try to limit our discussions to
20 aesthetics, to architectural elements, to mass.

21 Yes, we do discuss mass. I know that you guys
22 don't think we do, but we discuss mass extensively.
23 And we feel, for example, in in the building, in the
24 model that she presented, you know, the model shows a
25 level rooftop. That's not the case. The building on

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1 Again, when I sat on the Board, and that's what
2 I'm doing now as a city architect, because it's been
3 very clear to me that that's, the way that the process
4 in this particular city works. And I think it works
5 that way in other municipalities but other
6 municipalities don't have the Board of architects.
7 Other municipalities may or may not grant bonuses.

8 But my understanding, putting myself on the shoes
9 of the developer, okay, I'm coming to this city to do
10 a project. And like every good developer, I want to
11 max out my site, right? That's kind of, I mean, all
12 the architects in the room, I think we've all heard
13 that when we go to that first meeting, I want the
14 highest and best use and I want to build the most that
15 I can, typically, typically. Some developers
16 understand that that quality is not -- that quality is
17 better than quantity. And there's a couple developers
18 in town that respect that and appreciate that and do
19 that. But the typical developer wants to maximize his
20 investment, and that's typical in this business.

21 You're going out on a limb, like Javier said, I'm
22 going to spend \$150,000, \$200,000 on architectural
23 fees to design a building that's 15 stories. It's not
24 guaranteed that I'm going to get approved, that's my
25 risk as a developer. And I have, the way the system

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1 Caballero steps down from 13 stories to, I think nine
2 or seven, right? Nine, 11 and 13. So there's three
3 tiers.

4 MR. AIZENSTAT: Excuse me.

5 MR. RIBESCO: Well, there is a gesture that the
6 architects responded to in one of the early
7 discussions when that project was brought to the City.
8 We talked about that, hey, you need to address the
9 residential neighborhood south of you, you need to
10 address the buildings on the east side, you need to
11 address US1 corridor.

12 So all those things are discussed, are somewhat
13 negotiated in those meetings and multiple meetings.
14 We just granted, yes, we just granted Med Bonus in the
15 last meeting, but we're very far away from the design.
16 And that's a moment in time that I like to specify in
17 the meetings is that I tell the developers, hey, just
18 because you got Med Bonus doesn't mean you got
19 approval on the project. That's just one step. Now
20 we got to get into the nitty gritty. Now we got to
21 get into the buildings. There's four or five
22 different buildings that have to be evaluated, and so
23 we're going to go through each building one meeting at
24 a time and discuss each particular building and how it
25 works with the overall composition. So there is a lot

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1 of scrutiny. There is a lot of discussion about mass.
2 But again, the height issue is something that we've
3 always been precluded from. And so that's just the
4 the policy and the procedure we have in place.

5 MR. AIZENSTAT: Javier, you had a --

6 MS. KAWALERSKI: Mr. Chair, if I could be, Juan
7 just said something very important. He says, we
8 approved the Med bonus, now we have to figure out the
9 design. That's backwards. You just told them they
10 can build.

11 MR. RIESCO: No, no, no what we told them was
12 that the direction that they're heading in, in terms
13 of the aesthetics of the building is proper based on
14 the Med bonus requirements, that's all we told them.
15 Now, we got to figure out the design, which is the
16 second hurdle and the bigger, hurdle in my opinion.

17 MS. KAWALERSKI: Well, the thing that blocks all
18 of that is the fact that they might not get the
19 upzoning.

20 MR. RIESCO: But that's not in our purview.

21 MS. KAWALERSKI: And I understand it. So what
22 I'm going to suggest, I'm going to make a suggestion.
23 There's two issues that have come up. The process is
24 flawed, number one, and number two, the marching
25 orders are not following the code.

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1 What the City Attorney is telling the Board of
2 Architects is not following the law, so we have two
3 problems here.

4 MR. SALMAN: I beg to differ. And if I may,
5 Juan, would you agree that any kind of approval where
6 there's a Med Bonus or the study of mass or anything
7 like that is only going to be conditional upon the
8 conditional approval of this Board and then the final
9 approval?

10 MR. RIESCO: Yeah, theoretically that's --

11 MR. SALMAN: That's, the theory, right? That's
12 the way it works, right?

13 MR. RIESCO: That's the understanding that
14 everybody has, it's a presupposition.

15 MR. SALMAN: I submit a project for for a PAD
16 somewhere in the city, I'm not going to say where.
17 And then I go and submit it and I have different site
18 related issues around me that I have to address or not
19 because the Board of Architects is looking at the
20 aesthetics of that building only. That's one of the
21 things I disagree with because you have a contextual
22 issue you have to respond to that is part of the
23 checklist. And perhaps that needs to be underlined a
24 little bit better, but more clearly to the Board in
25 regards to his contextual issue.

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1 MR. RIESCO: It's a zoning issue.

2 MR. SALMAN: I understand that.

3 MR. RIESCO: If the Zoning says I can put an
4 eight-story building next to a house, it allows it by
5 right or by whatever the nature of the procedure, how
6 can we in good faith tell somebody, hey, you cannot?

7 MR. SALMAN: No, because I think you're talking
8 about an established property right, that's something
9 else and we can't, necessarily have to go against
10 that. But at the same time, any Med Bonus that you
11 grant is going to be conditional upon the approval of
12 this Board, which is then conditional to the
13 Commission. So we have two conditional approvals.

14 And as I gave in my example, we've seen where a
15 developer has come along with a design, got it through
16 Board of Architects and it died a miserable,
17 disgusting death here. Because it was just too damn
18 big and it was going to cast too big a shadow, and
19 it's coming after a series of really bad precedents
20 around it.

21 And there are other properties in this area that
22 are going to be developed and that are in the process
23 of being developed. But that shot across the bow was
24 very clear from this Board as to what was going to be
25 acceptable on the US1 corridor or other PAD

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1 developments coming forward with regards to adjacency
2 to single family neighborhoods. And if they want to
3 hear it, that's fine. If they want to take their
4 money and throw it out the window, that's their
5 business as well. We're not here to to fix up at the
6 earliest stages. There is a process. The process has
7 been defined. We are refining and defining that
8 process in which we have included contextual issues to
9 be included as part of that review.

10 And your approval is always going to be
11 conditional, whether you like it or not; it's
12 conditional. The Board, we grant the Board of
13 Architects the right to provide a conditional increase
14 because of its Mediterranean character and having met
15 the criteria that we're discussing here today. But
16 that approval is conditional.

17 MR. RIESCO: Absolutely.

18 MR. SALMAN: And then it comes to this Board and
19 then we say, yes or no.

20 MR. RIESCO: And let's take it a step further.

21 MR. SALMAN: And then if we approve it, if it
22 goes to the Commission, they could say no.

23 MR. RIESCO: Which has happened.

24 MR. SALMAN: Which has happened a lot of times.
25 It's happened several times.

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1 MR. RIESCO: So the process works.
 2 MR. SALMAN: The process does work.
 3 MR. RIESCO: It does work and I think in the big
 4 picture, it's probably the right way to do it when you
 5 think about the potential of the site. And I think
 6 that's --
 7 MR. SALMAN: It's not pretty. Development is not
 8 pretty, okay. It's back and forth and you're going to
 9 be negotiating with the neighbor.
 10 MR. RIESCO: Negotiation that has to happen --
 11 MR. SALMAN: And you better out negotiate with
 12 those neighbors, otherwise they're going to kill you.
 13 MR. RIESCO: Well, I know whenever I go into a
 14 conference room with a developer or other people that
 15 they're going to try to max out everything.
 16 MR. SALMAN: Of course, and that's their right
 17 and that's what they want to do.
 18 MS. KAWALERSKI: You know what, Javier, I totally
 19 disagree with you. Totally disagree with you. And
 20 citing that one project that got resoundly, like you
 21 say, resoundly rejected; it wasn't resoundly rejected.
 22 There were some things we didn't like about it, but it
 23 wasn't like, damn you go away, okay?
 24 You can't cite that one project because there
 25 have been other projects that have come before this

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1 Board that slid through. So don't use that one
 2 project as being the example of how the process works.
 3 It doesn't work. We've seen things slip through the
 4 cracks constantly. Now is our opportunity and our
 5 responsibility to fix it. We have to fix the process,
 6 which is flawed. And we have to fix the City
 7 Attorney's Office that is giving wrong direction to
 8 boards. The city attorney is not following the law.
 9 MR. AIZENSTAT: Well, I don't know if I would --
 10 MR. COLLER: I would say that there is a
 11 difference.
 12 MS. KAWALERSKI: The Code is law correct, the
 13 code is law.
 14 MR. AIZENSTAT: We have Mr. Coller here. Let him
 15 speak.
 16 MR. COLLER: So the reason they're but now about
 17 120,000 lawyers in Florida is that there's always
 18 disagreement with the interpretation of a law that the
 19 City Attorney's office believes that the focus of
 20 Board of Architects is on design. And and it talks
 21 about in the code specifically, architectural
 22 compatibility. It does reserve to this Board the
 23 decision of whether the zoning should be granted or
 24 not granted. And yes, there's a risk to the
 25 developer. They built a beautiful building at

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1 whatever theoretical stories they want, 13 stories
 2 that comes here and gets shot down.
 3 Now you have the option, you have the opportunity
 4 if you choose to do so, in looking at this code is to
 5 you can recommend that you should change the procedure
 6 and have this Board look at it first. That's part of
 7 your opportunity in reviewing this. That's the whole
 8 point of looking at this, of the Board of Architects
 9 and the criteria for Mediterranean design.
 10 Now, I think the focus really was on the design,
 11 not necessarily on the procedure, but since the board
 12 is a recommending board, if you want to add a
 13 recommendation that you feel, and you may not feel and
 14 maybe the majority doesn't feel that the process
 15 should be changed, you can do that. You can make that
 16 recommendation. But the real, the focus of this was
 17 to go through the Mediterranean design standards and
 18 to figure that out.
 19 I don't know if there was a thought when this was
 20 coming to you that you might change the procedure and
 21 have this Board look at it first. But I have told
 22 this board on many occasions when we've had zoning
 23 matters and there's something you didn't like, I think
 24 there was a lighting standard you were unhappy about,
 25 and I said you can address the Commission and say,

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1 we're unhappy about the lighting standard, and this
 2 has come up, and then you can add that to your
 3 recommendation.
 4 MR. AIZENSTAT: Yes, sir?
 5 MR. PARDO: I disagree with Mr. Coller on one
 6 thing.
 7 MR. COLLER: I did pretty well if all you
 8 disagreed with me is on one thing.
 9 MR. PARDO: I want to make sure, and I thought it
 10 clear than the sections that have to do with
 11 Mediterranean Bonus is not just the check list. We
 12 concentrated a lot about the features, aesthetic
 13 features. And by the way when the preliminary design
 14 concept comes before the board, was brought up by the
 15 Mediterranean Blue Ribbon Committee that I chaired and
 16 that two other members on this board were on that
 17 Mediterranean Blue Ribbon Committee, the reason that
 18 that was so important was to discuss also the massing,
 19 which Mr. Riesco didn't say the first time, but he did
 20 say the second time he came up. The massing is
 21 extremely important.
 22 MR. COLLER: Well, I believe in that, if I might
 23 say in the in the record from the previous meeting,
 24 Gus Ceballos did mention the massing, did he not? I
 25 was just looking at the, I was not here for it but I

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1 thought he did mention.

2 MR. PARDO: I'm going to read this into the
3 record at another time after this meeting or at the
4 end of this meeting and the reason is because I
5 disagree, because what he said and what has been
6 reported that he did by the neighbors that were there
7 is very different.

8 So one of the things is that Mr. Behar has a very
9 good point, and that is that, well, you know, if, if
10 we could have maybe a two-step type of thing. Just so
11 happens that on on the 10th of July, I brought up a
12 two-part BOA review approved. Here are my handwritten
13 notes. I brought it up, and no, it's too complicated.
14 Well, there's a need for it sometimes.

15 The other thing is, so there's no disagreement,
16 what this neighbor did -- and by the way, I'm not
17 putting my shoes in the developer's shoes. I'm
18 putting my shoes in the resident's shoes because
19 they're the ones that are affected directly by it.
20 The other people just make money, and I'm sick and
21 tired of it. And I'll tell you right now, everybody
22 has a right to do that but the problem is, not at the
23 cost of destroying neighborhoods. That's where the
24 incompatibility comes from.

25 So if this particular neighbor that did a model

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1 can't do that. That's wrong.

2 But I think that staff providing, this is the
3 zoning and this is the zoning, upzoning, and then this
4 is the zoning with the BOA approval to it, and then
5 let's see what happens around it as far as
6 compatibility.

7 He also said that even though in particular
8 situations they could do 100 feet to 120 feet, because
9 of the surrounding neighborhood and because of the
10 content that they believe, the BOA, that they believe
11 that the appropriate building here, to do 80 feet. So
12 now you're telling someone that couldn't simply look
13 at the massing with the existing zoning versus the
14 upzoning, but now you're going to let them see if they
15 could reduce, once you gave them the bonus, see if
16 they could reduce it to 80 feet. That is the most
17 absurd argument I've heard.

18 MR. AIZENSTAT: Felix, I just want to ask Chip,
19 because I know that you're lengthy and you want to get
20 this into the record.

21 Chip, are you done with your comments?

22 MR. WITHERS: Kind of, I mean, there's a lot
23 there.

24 MR. PARDO: I was taking a little longer because
25 I saw him drooling.

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1 on her own, which explains volumes what works and
2 doesn't work. What I've asked staff to do in the past
3 is simply to come up with a volumetric model of what
4 the existing code is or the existing zoning is, and
5 then based on massing, and then what happens when you
6 up-zone it. And that's a particular, there's nothing
7 wrong with that because there you could see what the
8 impact is in the incompatibility with, or
9 compatibility with the surrounding neighborhood. It's
10 not rocket science.

11 And I really have an issue with the way that this
12 is done because when you look at Mr. Ceballos saying,
13 so there is zoning related items, meaning upzoning,
14 changes of compound, other things that are not within
15 the purview of the Board of Architects, said the
16 Board. But then when the design review of the
17 building happens, which is the second step, because
18 typically the Board will grant the bonus first and
19 then review the design.

20 I have heard more than once Board members on this
21 Planning Board say, well, it was approved for bonuses
22 by the BOA. Well, and then what you're not seeing is
23 what happened with someone putting their finger on the
24 scale when it comes before the BOA and you're telling
25 someone, you can't do this, you can't do this, you

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1 MR. WITHERS: Thank you. I'm getting feeling
2 back.

3 MR. AIZENSTAT: So he's ready to go. Felix, I'll
4 ask you to go after him.

5 MR. WITHERS: You know government hates being
6 subjective. Government likes to be as objective as
7 possible. They have to because they got both sides to
8 deal with. And so, you know, trying to find the
9 subjectivity in this whole issue, I think is probably
10 one of our biggest challenges. I really do. I mean,
11 because I hear what you're saying. I mean, that's why
12 what you said. I never thought we were going to go
13 down this road. It's been discussed a lot since I've
14 been around, is are we out of sync in what comes first
15 and what comes second. So I think it's a healthy
16 discussion though, I really do.

17 MR. PARDO: I saw the Commission honor a citizen
18 who just so happens, we honored them first, you know,
19 through the Rotary Club, of a gentleman that was a
20 teacher at Coral Gables High School for 65 years.

21 MR. WITHERS: Finora?

22 MR. PARDO: Yeah, and probably failed you, right?

23 MR. WITHERS: Gave me a C in typing, which I did
24 not deserve.

25 MR. PARDO: I put my money on Finora. So the

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1 thing is that, the last thing he said after accepting
2 the thing, very humble man, great person, can't say
3 enough great things about him, he says, and I can't
4 believe I'm still here in this beautiful city,
5 etcetera. The only thing is I'm surrounded by
6 13-story buildings. That is one of the saddest things
7 I've ever heard.

8 Everybody here has got to get this, and if we
9 don't get it right, we're doomed. So I would say also
10 that we need to make sure that when we have people
11 representing us in whatever department, that they
12 understand that the Board of Architects is not an
13 aesthetic review board. The Board of Architects has
14 one of the most important functions in this city, and
15 if you're allowed to make them or allow them to do
16 their work, they will do great work. But if you tie
17 their hands, it's impossible for you to get good work
18 out of anyone.

19 THE SECRETARY: Mr. Pardo, can you speak into the
20 microphone, please? Thank you.

21 MR. WITHERS: I can hear him fine.

22 THE SECRETARY: They're not.

23 MR. PARDO: So I would say that the most
24 important part is that you can't look at a project
25 that's being upzoned, without looking at the potential

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1 mass and what the impact is around the surrounding
2 neighbourhood. That is rule number one.

3 And the second thing is that, whether it's a
4 two-part BOA review approach, whether it goes here or
5 there, yes, I agree with Robert that you shouldn't
6 have someone approve the zoning without a plan because
7 the plan also will reflect massing, depending on the
8 talent of the designer and also the greed of the
9 person trying to make money off it, if they're trying
10 to do something that goes to the ultimate max or
11 beyond. So if you put two pounds in a one-pound bag,
12 usually that doesn't work.

13 But I think it's really, really important that
14 the Board of Architects understand that, that staff
15 understands it in the preparation. And I think that
16 it's very, very important that we all understand that
17 this is part of the Mediterranean Bonus. It's the
18 first section. It is the road map. And I just want
19 to make sure that everybody on this Board understands
20 it.

21 And it really is essential if we're going to make
22 sure that the impact on all their properties, that
23 they've lived there on for years, that all of a sudden
24 they don't have, let's say it one last time, you know,
25 another plaza surrounding them. I don't think that's

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1 right, not right today and will ever be.

2 MR. AIZENSTAT: Chip, are you?

3 MR. WITHERS: I'm done.

4 MR. AIZENSTAT: You're done? Felix, continue.
5 He's done.

6 MR. PARDO: I'm done.

7 MR. AIZENSTAT: Sue?

8 MS. KAWALERSKI: What he said and what he said,
9 but there are some other.

10 MR. BEHAR: Thank you, Sue, that's twice.

11 MS. KAWALERSKI: But there's another portion in
12 here that also goes to the process that I think we
13 need to discuss and that's on page four, and it
14 regards any change to the approved design. The
15 wording is on page 4. Let's see, it's number eight,
16 additional requirements and it's C. Everybody have
17 that?

18 I think this is too I'll say, gelatinous. It's
19 very vague. "Any change to the approved design,"
20 approved by whom? "Which exceeds five percent of that
21 which was originally approved, shall be reviewed by
22 the Board of Architects, Development Services Director
23 or designee and City architect for compliance with the
24 original approval."

25 It doesn't have any consequences, okay?

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1 MR. AIZENSTAT: Jennifer, can you elaborate on
2 that?

3 MS. GARCIA: Yes. This is actually put in as a
4 response I think to the Paseo. When we had met early
5 last year about this, we went through line, line,
6 line.

7 The Paseo, as you know, changed design from Board
8 of Architects approval through the permitting process.
9 And there wasn't really any teeth I guess that staff
10 would point to saying, you can't do that. So we put
11 that in there for those kinds of deviations from the
12 approved plan.

13 MS. KAWALERSKI: Listen, I think this is a great
14 start, but it needs more language is what I'm getting
15 it. It's too vague.

16 MR. SALMAN: I think it just needs to be made
17 clear.

18 MS. KAWALERSKI: It needs to be made clear.

19 MR. SALMAN: It needs to be clarified.

20 MS. KAWALERSKI: And let me just say where I'm
21 coming from on this because I know of two projects
22 only in my neighborhood. I can't imagine how how this
23 is going on throughout the entire Coral Gables. But
24 the Paseo and the Venera project, now known as the
25 standard, Mediterranean bonus. Guess what? Both of

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1 those projects have sliding glass windows. Was there
2 a change order for the Venera? I know there was a
3 change order --

4 MR. RIESCO: The Venera, I'm not sure of. I
5 think the Paseo was approved with horizontal roller
6 windows.

7 MS. KAWALERSKI: No, no, no, there was a change
8 order. I saw the change order. I asked for the change
9 order. It was signed off by who knows? I can't even
10 read the signature. It was signed off by somebody. I
11 have no idea who it was.

12 MR. RIESCO: By the City, you're saying somebody
13 signed off a change? We don't sign change orders.

14 MS. KAWALERSKI: Somebody signed a change order.

15 MR. RIESCO: We sign approved drawings or
16 rejected drawings, but we don't sign change orders.

17 MS. KAWALERSKI: So when there's a change order,
18 who signs? Who signs a change order?

19 MR. RIESCO: The owner.

20 MR. BEHAR: I don't think she's referring to a
21 change order the way you and I know it. I think it's,
22 she's referring to a modification revision that came
23 in.

24 MR. RIESCO: A change in the design? We don't do
25 change orders.

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1 MR. BEHAR: Change order for us is the cost --

2 MS. KAWALERSKI: I'm sorry if I have the wrong
3 terminology. Thank you, Robert.

4 But whatever made that happen, it went from
5 Mediterranean windows to sliding windows, okay. And
6 we can say, oh, yeah, that was a mistake. Oh, yeah?
7 Well, what about the Venera? Same mistake? And those
8 are only two projects in one neighborhood, what about
9 the rest of the city? Who the heck approves change
10 orders, not change orders, who approves this?

11 I mean, look, the language that I would like to
12 see here is language that says, if there's anything
13 that changes from the original design, it has to go
14 back to square one. And especially when it takes out
15 one of the Mediterranean requirements; windows, very
16 important, right? That's a major. Not a numerical
17 five percent, any change from, any deviation.

18 MS. GARCIA: Yes, that's fine. The fact that
19 this actually came from the discussion we had when a
20 neighbor from Alex Adams was here. He talked about,
21 he went through his list of changes. He mentioned
22 that the Board kind of seemed to quibble with that.
23 But we couldn't go back to the original of any
24 changes.

25 MR. RIESCO: Absolutely, I want to do that. Just

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1 so you know and understand, is I review the
2 construction drawings after the Board approves them.

3 And I have had this discussion with developers
4 already where that's happened, where somebody wants to
5 supersede or change something that wasn't approved at
6 Board level. And my response to them always is, if you
7 change the windows or if you change the doors or you
8 move the fence, you got to go back to BOA, and then
9 they panic and they don't do it. That's happened
10 several times.

11 MS. KAWALERSKI: How did the Paseo get through?

12 MR. RIESCO: It slid in at the back end during
13 construction, that is a bit more complex because I
14 don't do inspections. None of my BOA guys do
15 inspections. This is left up to the zoning inspectors
16 and the building inspectors. So if there's changes
17 during construction, that's, and again, we've aligned
18 ourselves now with the zoning inspectors.

19 I've had several meetings with our zoning
20 inspectors and we've had this discussion. It's
21 happening on on the smaller scale work. On the larger
22 projects it's even more important but on the
23 residential work, we have people all the time changing
24 out types of windows, doors, roof tiles, paint colors,
25 fence types.

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1 I mean, it happens daily. And it's something
2 that we do at staff level and we try our best, you
3 know, to review the project to go back to the BOA
4 approved drawings that are in the archives. We cross
5 reference those drawings against what they're
6 submitting now. And nine times out of ten, we
7 probably find something. There's always that one that
8 gets away and we didn't catch it; we missed it, we
9 weren't sharp enough that day, we weren't paying
10 attention. We're all human.

11 MS. KAWALERSKI: And I appreciate your efforts, I
12 really do Juan. But I think there has to be something
13 more formal in this language that says, if there is
14 any deviation from the plans that have been approved,
15 it has to go back to square one, number one.

16 Number two, if something slips through, there has
17 to be consequences. Why aren't the developers fined
18 or made to change those windows if they're doing it on
19 their own?

20 MR. RIESCO: Yeah, again, I'll explore that on
21 the Venera and the Paseo both. I'll find out and I'll
22 get back to you on that. I am not aware of that
23 change order that you mentioned.

24 MS. KAWALERSKI: Well, it's not a change order.

25 MR. RIESCO: That was pre my tenure, so I'll look

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1 at both of those buildings.

2 MS. KAWALERSKI: I really would like to know who
3 approved that because they should be fired.

4 MR. RIESCO: I will look into it.

5 MR. PARDO: I think they're already gone, yeah.

6 MS. KAWALERSKI: They're probably working for the
7 developer. They're working for the developer.

8 MR. BEHAR: No, they would not be working for the
9 developer.

10 MR. AIZENSTAT: Let's concentrate on what we have
11 before us tonight. Sue, do you have any more
12 comments?

13 MS. KAWALERSKI: No, but I really think this is
14 the most important thing we can do, I'll reiterate, is
15 the process, okay, the process and straightening out
16 what the boards are being told their purview is.

17 MR. RIESCO: And I appreciate what you're saying
18 and trying to do. And the more ammunition you give
19 us, the more power we have. So go for it, honestly.
20 You know, change the wording, make it more specific,
21 make it more detailed, because that makes my job
22 easier. All I got to do is say, hey, guys, there it
23 is. There's no discussion. There's no, let's meet,
24 let's let's do this. No, no, no, it's black and
25 white. You made a change to the approved design, you

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1 have to go back to BOA. I don't want to have a
2 discussion with you.

3 MS. KAWALERSKI: Okay, so how do we --

4 MS. GARCIA: So we can clarify that. So we can
5 say any architectural change. I don't want you to
6 think that the building gets higher or they encroach
7 on the set back here, that they're going to go back to
8 Board of architects. I mean, square one as far as
9 architectural change is Board of Architects or to the
10 architects.

11 MR. RIESCO: I mean the majority of things, when
12 we look at our features, elements, you know, finishes,
13 materials, that that's what we guard, that's what we
14 want when we ask people to give us a higher quality
15 building. And then again, the value engineering, the
16 cost overruns, the schedule delays. At the end, they
17 all want to just finish. And they want to cut stuff
18 out, and unfortunately, we don't allow it.

19 MS. GARCIA: This isn't a site plan change, it's
20 only architectural.

21 MS. KAWALERSKI: Right, I understand that. But
22 if you could strengthen the language and also the
23 process of who has to sign off on the change and what
24 are the consequences. I think we need something in
25 here. What are the consequences? If somebody --

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1 MS. GARCIA: You don't get your permit.

2 MS. KAWALERSKI: Pardon me?

3 MR. RIESCO: You won't get a CO.

4 MS. GARCIA: You don't get your permit, yeah.

5 MR. RIESCO: You don't get a permit. Yeah, the
6 consequence is, we don't approve the change.

7 MS. KAWALERSKI: Well, two buildings got COs, how
8 did that happen? There has to be some consequences.
9 There has to be consequences, and I'd like to see that
10 in here. Because I think by, if a developer sees this
11 and say holy, or somebody at the City sees this, I'm
12 going to get fired if I do this, or the developer
13 says, you'll never build in the City of Coral Gables
14 again. I mean, you have to have some teeth in this.
15 There has to be consequences.

16 MR. RIESCO: You want teeth.

17 MR. SALMAN: I like your point and I would like
18 to offer a suggestion.

19 MS. KAWALERSKI: Well, that's a first.

20 MR. SALMAN: I don't argue with you.

21 MR. AIZENSTAT: Before we go, Javier, are you
22 done, Sue? Okay. Go ahead.

23 MR. SALMAN: I have a series of points I'd like
24 to discuss based on the fact that I came in a little
25 bit late and I missed the last meeting that we had

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1 until the very end.

2 But before I go to that, I'd like to make a
3 suggestion that on that particular point that she was
4 bringing out, is you just add the caveat "Or a CO will
5 be denied until such time as compliance is achieved,"
6 simple as that. And then guess what? You've got
7 their attention. Believe me, you've got their
8 attention. And I would be all in favor of having that
9 in there or it gets approved as to removal by all the
10 steps.

11 MS. GARCIA: Yeah, that's fine. We can put that
12 in there. That's fine.

13 MR. SALMAN: And that would be, that would solve
14 that problem. So anyway, back to the points that we
15 have. So I'm going to offer that as a suggestion
16 whenever we get to the point of making a motion on
17 this item.

18 Page 6, section 2(D) intercolumniation, that's a
19 big ass word. Can we just use, excuse me, that's a
20 big word. Can we just use columns, column proportions
21 and spacing?

22 MS. GARCIA: Sure. Yeah, spacing, yeah.

23 MR. SALMAN: This is spacing that you're talking
24 about.

25 MS. GARCIA: Yeah.

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1 MR. SALMAN: Page eight. This would be Section
2 4, top of the page. "Facades of large scale basically
3 should be articulated through the application of
4 special architecture or ornate elements such as,"
5 etcetera, etcetera, etcetera, "and other ornate
6 features or materials." I would like to add the word
7 materials.

8 MS. GARCIA: This is before?

9 MR. SALMAN: After features and just add "or
10 materials." Okay, page 9 Section 5(D) "Porches may
11 encroach with a maximum of five feet into the front
12 set back." I would add, "where side setbacks are 10
13 feet or more."

14 MS. GARCIA: Sorry for (D) the five foot
15 encroachment to the front set back and side setbacks
16 as well?

17 MR. SALMAN: Into the front set back or side set
18 back if ten feet or more. Some areas you have a five
19 foot set back, you put a stoop in there, you're
20 cutting off a movement of water and people too.
21 Ten, page ten, Section ten, "Parking garages.

22 screening materials for parking garage openings shall
23 only include," and you have a material which I don't
24 believe is allowed, wood. I don't think it's allowed.

25 MS. GARCIA: As a reviewed feature?

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1 MR. RIESCO: We do decorative wood on commercial
2 buildings, yeah, louvers, grills. We accept that at
3 the BOA level, whether it's allowed --

4 MR. SALMAN: You're not allowed for structural.

5 MR. RIESCO: I'm sorry?

6 MR. SALMAN: You're not allowed for structural.

7 MR. RIESCO: On a multi-story building, probably
8 you're not allowed to have wood.

9 MR. SALMAN: No, in any building.

10 MR. RIESCO: On a Type 1 building.

11 MR. SALMAN: You're not allowed to do a wood
12 structure on the exterior.

13 MS. GARCIA: Right, on the exterior wall, wow.
14 But this would not be structural, this would just be
15 screening.

16 MR. RIESCO: These are screens, yeah, these are
17 used as screens.

18 MR. SALMAN: My concern is that it's going to be
19 an eyesore coming down the road later.

20 MR. RIESCO: Again, these are things that are
21 vetted by the Board during the design review process.
22 We question them. As long as the applicant shows us
23 and the details.

24 MR. SALMAN: Then I would say, include treated
25 wood.

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1 MR. RIESCO: We discuss it.

2 MR. AIZENSTAT: Or if I may, Javier, there's also
3 metals that look like wood today.

4 MR. RIESCO: Yeah, that's actually frowned upon
5 by the board.

6 MR. AIZENSTAT: It is? Okay.

7 MR. RIESCO: The Board does not appreciate
8 looking like something. The Board is --

9 MR. SALMAN: Can we add the word, insect
10 resistant wood?

11 MR. RIESCO: What's that?

12 MR. SALMAN: Can we use the word --

13 MR. BEHAR: That's pressure treated, you can't.

14 MR. SALMAN: No, cedar is insect resistant.

15 MR. RIESCO: There's sections in the code that
16 allow wood.

17 MR. BEHAR: Yes, like trellises in commercial
18 you're allowed to do in a trellis out of cedar.

19 MR. RIESCO: We've done it.

20 MR. SALMAN: We don't have a problem on the roof
21 terraces. The pool areas, you know. Southern yellow
22 pine and we got a problem and it's all out here.
23 That's it. It's a technical issue.

24 MR. RIESCO: It's done a lot at a pool levels,
25 common areas.

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1 MR. SALMAN: Let me finish. I think that's

2 something that we, I would insert the wood, the term
3 insect resistant ahead of wood.

4 MR. RIESCO: The type of wood species that's in
5 the code right now address that issue.

6 MR. BEHAR: You're right.

7 MR. SALMAN: Okay. Perfect, it's in there.
8 Forget what I said. Next, page 11, Section 11. Right
9 above where it says Streetscape and Public Realm
10 Buildings. "An open space design shall be coordinated
11 with existing and proposed public realm enhancement
12 for adjacent rights of ways to ensure unified and
13 pedestrian friendly, work friendly public spaces."

14 MR. RIESCO: You want to add the words existing
15 and proposed?

16 MR. SALMAN: Yes. It forces them to coordinate in
17 with Public Works and make sure that we're not doing
18 something cross purposes between what has been
19 designed by Public Works and approved by you guys, and
20 what is being proposed in a project. And hopefully,
21 and hopefully they work together. I've seen where it
22 doesn't many times, as of you, I'm sure.

23 Twelve, where we're talking about Section 13,
24 "Windows and doors shall be vertically proportioned or
25 subdivided to appear vertical." Horizontal windows,

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1 and I would add the word, "and doors are prohibited."
 2 MR. RIESCO: I had a question about that also. Is
 3 that horizontal format or horizontal rolling windows?
 4 MS. GARCIA: Rolling.
 5 MR. RIESCO: Rolling, right? Okay. So it's the
 6 type of window, it's not the layout of the window.
 7 MS. GARCIA: Not the proportion of it.
 8 MR. RIESCO: Yeah, which I think we don't want
 9 horizontal windows on a Med building because that's
 10 MR. SALMAN: And we don't want sliding doors,
 11 which is a rolling door.
 12 MR. RIESCO: What's that?
 13 MR. SALMAN: And a sliding door is a rolling
 14 door.
 15 MR. RIESCO: A slider, yes.
 16 MR. SALMAN: Okay, so windows or doors.
 17 MS. GARCIA: So replace "and" with "or," is that
 18 what I'm adding?
 19 MR. SALMAN: I said windows and or doors.
 20 MR. AIZENSTAT: Well, and or is sort of --
 21 MR. SALMAN: How about, and doors?
 22 MR. COLLER: Can they do either? I would say
 23 windows or doors or both windows and doors if you want
 24 to be very specific.
 25 MR. SALMAN: That's Why we have you here.

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1 MR. COLLER: Right.
 2 MR. SALMAN: All right.
 3 MR. COLLER: I think windows or doors covers it,
 4 which would allow --
 5 MR. SALMAN: I'm not as much of a legal wordsmith
 6 as you are, I'm just looking at it from English.
 7 MR. COLLER: That's why I'm sitting here with
 8 you.
 9 MR. SALMAN: Perfect. And I and I appreciate it.
 10 Thanks you.
 11 The rest of the items, 11, we talked about
 12 examples given in the code. I like the samples you
 13 came in with. The graphics of allowed height
 14 increases.
 15 MS. CARVALHO: The architectural features?
 16 MR. SALMAN: Yeah, yeah. I think if we we had
 17 that in in plan elevation and perhaps a three-
 18 dimensional, it would probably be much more
 19 illustrative and might benefit all of us going
 20 forward, and that would be my suggestion.
 21 MS. KAWALERSKI: Javier, can I just go back to
 22 one of your points here on 14, regarding the
 23 horizontal sliding windows and doors prohibited on the
 24 prohibited on the exterior building facade.
 25 What about, so that's the face, that's the front,

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1 right?
 2 MR. SALMAN: Yeah, right.
 3 MS. KAWALERSKI: Well, the Paseo is sticking out
 4 like a sore thumb, and you see three sides of that
 5 building from US1.
 6 MR. SALMAN: So?
 7 MS. KAWALERSKI: Do we want to see sliders on the
 8 sides of the buildings that is visible from the
 9 street?
 10 MS. GARCIA: That would still be the exterior of
 11 the facade?
 12 MS. KAWALERSKI: Pardon me?
 13 MS. GARCIA: It's still the exterior of the side,
 14 whether it's the front, the side or the rear.
 15 MS. KAWALERSKI: Not just the front, right?
 16 MR. SALMAN: No, no, no.
 17 MS. GARCIA: No.
 18 MS. KAWALERSKI: It's the entire wrap around the
 19 building?
 20 MS. GARCIA: But if you set your balcony in, they
 21 don't really mind if it's a roller at that point
 22 because we don't really see it.
 23 MR. RIESCO: Right, that's a discussion we've
 24 had, if if the balcony has a deep recess, they can do
 25 something different there because it's not visible

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1 from the plane of the building.
 2 MS. KAWALERSKI: Okay. Thank you.
 3 MR. SALMAN: Going back to that one, I would
 4 limit it to those that are doors and windows that are
 5 within five or six feet of the face of the building.
 6 When they're set with a set back, then they're not
 7 necessarily visually impacted. But I didn't want to
 8 go there and create that condition.
 9 MR. RIESCO: You don't have a measurement. I
 10 think again, it's up to the Board. They look at that
 11 and they openly --
 12 MR. SALMAN: As I recall at our last meeting,
 13 from what I saw, you said that there's a movement
 14 afoot for these folding --
 15 MR. RIESCO: The Nanawalls, right? The
 16 Nanawalls, yeah, a lot of people are looking at that
 17 now.
 18 MR. SALMAN: And as long as they're they're
 19 vertically divided and they're --
 20 MR. RIESCO: As they look like a French door, I
 21 don't think we have an issue with it. What we don't
 22 want is a little thin --
 23 MR. PARDO: They're on the same plane.
 24 MR. RIESCO: Yeah, they're on the same plane.
 25 MR. SALMAN: And ideally, they are set back from

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1 the facade.

2 MR. RIESCO: Typically, typically. Again, that
3 that's our request but we have to, again, negotiate
4 with people sometimes. It's not always black and
5 white.

6 MR. SALMAN: Felix covered this one. By the way,
7 I want to say thank you to fellow board member Felix,
8 for having done such a wonderful review of this Med
9 Bonus criteria.

10 MR. PARDO: Thank you. The word is,
11 excruciating.

12 MR. SALMAN: No, it wasn't excruciating. But it
13 was, it was very informative, very on point and very
14 helpful as I went through it again in preparation for
15 tonight.

16 Page 14, Section 1, about the middle of that
17 section. "When using columns from a classical order,
18 eg, Tuscan, Doric, Ionic, Corinthian, or Composite,
19 the correct elements and proportions of that order
20 shall be used."

21 I would add the term, "generally accepted," after
22 the word "the." Generally accepted, correct elements
23 and proportions that are the order shall be used.

24 MS. GARCIA: Okay.

25 MR. SALMAN: And those would be then, Vitruvius,

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1 Vignola, Lutyens, there's lots of it, but they're all
2 generally accepted, so they don't come in with
3 something crazy.

4 MR. RIESCO: You have several classically trained
5 architects on the Board that look at that.

6 MR. SALMAN: Yes.

7 MR. RIESCO: You know?

8 MR. SALMAN: I know them. I'm one of them,
9 believe it or not. I actually went to the Beaux Arts
10 and studied there.

11 MR. RIESCO: There you go.

12 MR. SALMAN: How about that? Page 16, Felix got
13 that one as well. Okay, I have an issue here on page
14 16 Section 7, and Felix partially addressed it but I
15 just want to go over it again so we can clarify it.

16 "Each multi-family zoned property shall provide
17 at least 20 percent of the required ground level
18 landscape open area, percentage based on the total
19 area as publicly accessible."

20 My problem with it is English. Because you've
21 got, as publicly accessible. I assume your intent is
22 that 20 percent is accessible to the public from a
23 public right of way; is that correct?

24 MS. GARCIA: Yeah.

25 MR. SALMAN: Is that your intent?

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1 MR. RIESCO: They can't fence it. They can't
2 enclose it. Yeah, that's the intent.

3 MR. SALMAN: Can we say that? That's the intent
4 but that's not what it said.

5 MR. RIESCO: That's my understanding when you say
6 that.

7 I would add some sort of term that says it's
8 readily accessible, readily, publicly accessible, so
9 that the term --

10 MR. COLLER: I do have a question on that?

11 MR. SALMAN: Yeah.

12 MR. COLLER: Do we use publicly accessible in
13 other places in the code?

14 MS. GARCIA: We have. Remember, this is
15 optional. This is one of the options they can pick
16 and choose.

17 MR. COLLER: Because if we start changing to
18 readily accessible, which is perfectly okay, then
19 we're going to have to do it throughout, because
20 somebody will say, well, you expressed it here but you
21 didn't express it there.

22 MR. SALMAN: Then perhaps what we can do is in
23 the definitions of publicly accessible, and say that
24 areas that are readily accessible from the public
25 right of way.

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1 MR. PARDO: You reminded me of something that
2 there's still references in the other sections of the
3 Mediterranean Bonus that still call, you know, the
4 three levels instead of now, it's called
5 prerequisites, Level 1, Level 2. You may want to go
6 back and look.

7 MS. GARCIA: Oh, you found some, okay.

8 MR. SALMAN: Next section. And again, Felix
9 addressed this last time we met, but I wanted to just
10 underline it because there was something I wanted to
11 clarify. And the next section having to do with the
12 developer shall contribute 1/4 percent, .25 percent of
13 the aggregate project value to an established fund for
14 landscape acquisition and the creation of parks
15 etcetera, etcetera, etcetera.

16 Where it says project value, is that defined
17 somewhere?

18 MS. GARCIA: I believe it's defined in our
19 definitions but I can double check.

20 MR. SALMAN: Can we check that? Because right
21 now project value can mean anything.

22 MR. AIZENSTAT: I think that was Robert who made
23 that point.

24 MR. SALMAN: Thank you, Robert.

25 MR. BEHAR: You're welcome.

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1 MR. SALMAN: Here's another one Felix brought up.
2 Let me see here. Okay. So we're going to leave that
3 in. That was clarified.

4 Did we decide or not to leave public art since
5 public art is on site? Page 17, Section 9, Pedestrian
6 Amenities, including public art. Are we leaving
7 public art in the list because there was some
8 discussion last time with regards to its inclusion as,
9 because there's art in public places that may or may
10 not be in conflict with it?

11 MS. GARCIA: Well, the Art in Public Places has
12 to go through a whole process. This would just be
13 public art.

14 MR. SALMAN: Again, when you say public art, it
15 could be a mural, it could be lots of different things
16 and there's no necessarily -- if it's the owner
17 provided, the developer provided.

18 MR. BEHAR: Then it doesn't count for Art in
19 Public Place.

20 MR. SALMAN: Yeah, it doesn't count as Art in
21 Public Place.

22 MR. BEHAR: It has to be approved.

23 MR. SALMAN: It has to be approved.

24 MR. PARDO: If it's by the Commission, it can
25 come in.

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1 MR. BEHAR: Yeah, but it has to go through the
2 process.

3 MR. GRABIEL: That's required on all projects,
4 right?

5 MS. GARCIA: Yeah. So you're required at a
6 certain threshold, I think it's 20,000 square feet to
7 be part of the Art In Public Places that's provided,
8 either on site or waiver by paying into the fund. I
9 think the waiver is to provide it and then otherwise
10 you pay into the fund.

11 MR. GRABIEL: But my only concern is that it says
12 pedestrian amenities in both private property and or
13 public open spaces, including a minimum of four of the
14 following, and one of those is public art. But if I
15 do four others, then I don't have to do public art?

16 MS. GARCIA: You would another process, right?
17 Art In Public Places process, you would have to do
18 that, yes.

19 MR. RIESCO: Arts In Public places is mandatory
20 based on the construction cost and then you have
21 options on how you execute the public park.

22 MR. GRABIEL: So why do we have public art in
23 this section?

24 MS. GARCIA: But you can still have public art
25 that's not part of the Art In Public Places.

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1 MR. RIESCO: There's Art In Public Places, that's
2 a whole.

3 MR. GRABIEL: Mandatory, you have to --

4 MR. RIESCO: Correct, that's a whole different.

5 MR. GRABIEL: This does not in any way conflict
6 monies?

7 MS. GARCIA: No.

8 MR. GRABIEL: Okay.

9 MR. SALMAN: Thank you.

10 MR. AIZENSTAT: Continue please.

11 MR. SALMAN: Okay, page 18, top of the page,
12 we're talking about pedestrian, paseos on properties,
13 contiguous through alleys and or streets. "Include
14 pedestrian amenities as defined herein."

15 I didn't see it, and I may have missed it, but
16 these paseos usually go along between one public right
17 of way and another either between the buildings or
18 through the building.

19 MS. GARCIA: Yes.

20 MR. SALMAN: And we've created, we've gone before
21 and and created the widths that we want, etcetera.

22 MR. RIESCO: That's a discussion that occurs at
23 the Board level if we feel it's too narrow, if it's
24 too wide.

25 MR. SALMAN: That's fine, and that's fine.

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1 MR. RIESCO: Not directional.

2 MR. SALMAN: My issue is, Juan, I would just add,
3 you know, that they align with existing paseos on
4 adjacent properties or alley ways.

5 MR. RIESCO: That's the big picture. The intent
6 is to have circulation through the blocks, but that
7 may or may not happen depending on the development.

8 MR. SALMAN: It might or it might not, but if you
9 have the opportunity, you have a property that's going
10 to be developed, that you would want to make sure that
11 they're aligned.

12 MR. RIESCO: That's the intent. That's the
13 intent.

14 MR. SALMAN: Or that there's some sort of
15 continuity connection to them. Like when they did the
16 parking garage in front of The Palace, they have a
17 walkway through it and they jiggered it to get through
18 there so that it aligned. It's not the world's
19 greatest jiggering, but you know, at least it does
20 provide covered access to, and you're only crossing in
21 the rain through the alley and so that, that is
22 actually helpful.

23 MS. GARCIA: Yeah, we can put Subsection B in
24 there and say align or be consistent with the existing
25 or proposed paseo network or something like that.

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1 MR. SALMAN: And that's what I'm looking for.
 2 Felix covered the next one as well. Felix, you're all
 3 over my notes.
 4 Okay. I think I was good for the rest of it.
 5 Thank you. I reserve my time for another comment.
 6 Let's finish.
 7 MR. AIZENSTAT: Julio?
 8 MR. GRABIEL: I don't have anything.
 9 MR. AIZENSTAT: Thank you, Julio. Robert?
 10 MR. BEHAR: Mine was very quick. Last time we
 11 talked about, and I think Felix and I were part of the
 12 conversation regarding the depth of the habital liner,
 13 that I saw something now that is 20 feet.
 14 MS. GARCIA: Twenty feet for the front street.
 15 MR. BEHAR: We also mentioned something to
 16 include where feasible, and I didn't see it there.
 17 MS. GARCIA: But then we talked about if it's
 18 optional, if it's feasible, do they get credit if they
 19 select that as one of their --
 20 MR. BEHAR: I remember the conversation. I don't
 21 remember --
 22 MR. AIZENSTAT: Agreed. Agreed. Agreed.
 23 MS. GARCIA: So if we put, it's feasible they can
 24 propose to the Board of Architects and say that they
 25 are complying with that.

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1 MR. PARDO: Well, the reason is that the
 2 discussion had to do with a previous project that came
 3 before the board, which was the triangular parcel on
 4 Alhambra Circle. Twelve story came down to eight
 5 story and they complied with the code. And then the
 6 problem was that they because they had one to resize
 7 on the frame of a partial, then they had difficulty.
 8 So Robert said --
 9 MR. COLLER: Is your point? May I interject, is
 10 your point that this is one of the optional elements?
 11 MS. GARCIA: Correct, yes.
 12 MR. COLLER: And if it's not feasible, should you
 13 get credit for it as an optional element? Maybe if
 14 it's not feasible, then why should you get credit
 15 under that option?
 16 MR. RIESCO: Because you don't use that one as a
 17 credit.
 18 MR. COLLER: So if that's the concern, you could
 19 say if determined not to be feasible, therefore.
 20 MR. BEHAR: But for that project that --
 21 MR. COLLER: You should not get credit for that.
 22 MR. BEHAR: But that project that we use as an
 23 example, they could only do it on one street.
 24 MS. GARCIA: On the front street. That's what I
 25 understood the discussion was the front street.

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1 MR. BEHAR: They had three front, three streets.
 2 I think that's where where feasible is applicable
 3 because they had three frontage. I thought it was
 4 triangular-sided and it had three frontages. They
 5 could only do it in one because it was only feasible
 6 in one. Then you're going to penalize them and not
 7 get the bonus for that.
 8 MR. COLLER: Right.
 9 MR. BEHAR: To me that project was a great
 10 example to use in this, where feasible, because they
 11 could only do it in one and could not do it on all
 12 three of them.
 13 MR. RIESCO: And I guess her point is that
 14 there's only one front street. There's only one front
 15 of the building. You don't have three fronts to the
 16 building. You have front, you have frontages.
 17 There's a difference between a front of a building, a
 18 main entrance, a lobby, elevator.
 19 MR. AIZENSTAT: The address.
 20 MR. RIESCO: This is where I want my people to
 21 come in. And then there is by nature of the site that
 22 I bought, I have three frontages.
 23 But again, we can't, I don't think you can hold
 24 somebody to that level where we say, hey, all three of
 25 your, right, I think that's unfair.

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1 MS. GARCIA: Because you have front street and
 2 you have side street.
 3 MR. BEHAR: But to the point that it's not clear,
 4 and then are you going to hold them? That's the only.
 5 And then the other one is the depth of the liner, you
 6 know?
 7 MS. GARCIA: So we took that out I think in July,
 8 and then we talked about it again in, I don't know,
 9 August or something or last meeting. And we put it
 10 back in because there was concerns that there wasn't
 11 an actual number and we talked about what the City --
 12 MR. BEHAR: But the liner, okay, the liner
 13 includes, to be clear, the liner includes the hallway,
 14 the corridor to get to it, or is that because it's
 15 just the actual liner unit? Because if it includes
 16 the the corridor, then you're going to have like a 15
 17 foot, you know, right, you know, 20. But because you
 18 don't want to do something, you may not be able to do
 19 20 plus in the corridor. O just to be -- that was my
 20 only comment that I remember.
 21 MS. GARCIA: Habitable space that you're counting
 22 against FAR, I don't see why it would not be part of
 23 that 20 feet. I think it would be included in that 20
 24 feet.
 25 MR. BEHAR: So the corridor is part of the

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1 habitable space? Okay, that's it.

2 MS. GARCIA: I mean, they can always provide
3 more, but again, this is for the front street.

4 MR. BEHAR: Okay. That's my only. Thank you.

5 MR. AIZENSTAT: We've had a lot of discussion
6 about the process and what should go first and what
7 should go second.

8 An example that we recently had was Ponce Park
9 Residences, the Alan Morris project, and that was a
10 project that went through the process as the City has
11 it today. It came to us and the project was obviously
12 just way too big, too massive, and it got sent back to
13 them three times, if I'm not mistaken. It went back
14 to the point where they actually had to redesign the
15 project, which we spoke about the cost involved of
16 having to redo the project.

17 MR. SALMAN: And then they actually went to
18 Commission, it was denied at Commission.

19 MR. AIZENSTAT: Correct, correct, it went through
20 us three times.

21 MR. SALMAN: Then they appealed it to the
22 Commission and it failed on appeal, if I remember
23 correct.

24 MR. AIZENSTAT: Correct. And then it went back
25 to the board of Architects as a brand new building

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1 we all looked at it, and we said this thing is huge.
2 There's just no way. It went through a process. I
3 don't think the process was as long, but it went
4 through a process.

5 But that developer, according to my
6 understanding, decided to take a different route to
7 look at its approvals. And the different route that
8 it decided to take were beyond our control of what we
9 can approve or not approve. And it may end up being
10 actually a bigger building. And I could be wrong, but
11 it may end up being a bigger building than what they
12 were coming before us.

13 MR. RIESCO: That that's the danger and the box
14 that we're opening up.

15 MR. AIZENSTAT: Correct, and that's what I want
16 to point out.

17 MR. RIESCO: That developers have the ability to
18 mass the site. And when they come to the BOA, they
19 address the comments and the massing discussions that
20 we have and they, they work on it and they provide
21 responses to what we tell them. But that's the
22 negative about this discussion is that you might get
23 developers that say, you know what. But again, that's
24 going to go nowhere.

25 MR. AIZENSTAT: Correct.

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1 through the process, through architect.

2 MR. SALMAN: Brand new attorney.

3 MR. AIZENSTAT: It was a whole new project when
4 it came to us. And at that point, that project was
5 approved because it was done right. And the example
6 that I want to bring is, I'm not so sure the entire
7 process is broken. I'm just looking at that project
8 as an example.

9 I'm not saying that the process shouldn't be
10 tweaked or there's, there's always something we can
11 all do better, whether it's a City, whether it's a
12 board, whether it's an individual. But I think the
13 main step is recognizing it. As long as we all
14 recognize that there's a flaw in a process, it's our
15 responsibility to improve on that process, and that's
16 what I'm hearing from my fellow board members.

17 It's not so much to chastise somebody and to me,
18 it's not who did this and why and what, it's there
19 were mistakes made, there were issues made. We need
20 to find out what they are to improve it, to improve
21 the quality of life for all of us, not just one
22 section of town or another section of town.

23 The other point that I want to make is the last
24 project, one of the last projects also that came
25 before us, which is the Mark. And that project also,

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1 MR. RIESCO: So we're going to spend more money,
2 more time, but that's a definite possibility. We have
3 that discussion internally all the time that, you
4 know, we're chastising these people. We're telling
5 them to reduce it, to drop it, to lower it, cut it up.
6 And they, I mean, it happens to us a lot on
7 residential work, on large lots where, you know, we
8 get these.

9 MR. AIZENSTAT: The one I'm discussing is on US1.

10 MR. RIESCO: On US1.

11 MR. AIZENSTAT: Bagle Emporium.

12 MR. RIESCO: So you know there's a danger there,
13 and and we deal with that weekly on our side.

14 MR. AIZENSTAT: My point is, we have to be
15 careful of those issues. And we have to be, to
16 familiarize ourselves as much as possible so we know
17 what to give and what not to give to reach a medium
18 it.

19 MR. RIESCO: It really is.

20 MR. AIZENSTAT: I think the discussions, like I
21 said at the very beginning, this is our sixth meeting
22 that was posted, Five, which we actually have spoken
23 about because we deferred one. And there's been a lot
24 of healthy discussion among everybody, and I think
25 it's good, I really do.

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1 Everybody on the Board does not always agree with
2 each other. But in the end, I think we always come to
3 a good decision as to what has to be done.

4 MR. BEHAR: You agree with me three times
5 tonight.

6 MR. AIZENSTAT: That's a bonus.

7 MR. SALMAN: Memorable Day. We're going to write
8 it down.

9 MR. AIZENSTAT: And the other, one last final
10 point which I want to make is, the City attorney's
11 office, there's been a lot of discussion about the
12 City Attorney's Office.

13 The City Attorney's office is a city staff in a
14 department within the City of Coral Gables. If there
15 are discrepancies, which the Board feels that we have
16 with an interpretation, then what I would ask is that
17 possibly we should ask for an interpretation itself of
18 that individual, the way they're interpreting the
19 code. I don't know. I'm not an attorney, so I don't
20 know what the venue is or what the process is but to
21 me, I think the right thing would be for us as a Board
22 to ask if an individual within the City Attorney's
23 Office feels strong about something.

24 For me, I'd like to know why, and I'd like to
25 know an interpretation in the legal sense. I

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1 understand Felix, and you make a very good point. I'm
2 not disagreeing with your point, it's clearly written
3 a certain way. But to me, I would like to ask an
4 interpretation to know from other legal individuals to
5 give that, for me or for the Board to really
6 understand what's going on. Because I think that's
7 going to be an issue going forward with the Board of
8 Architects. And I think that has to be clarified
9 because that's that's going to be a problem.

10 And I'm not, I don't know what the correct answer
11 is, but there's got to be some way to get a correct
12 interpretation, whether it's from outside counsel,
13 whether it's maybe looking.

14 MR. COLLER: The Board is a board, you can go to
15 outside counsel. But if you want to get, if you want
16 to get a further explanation from the City attorney on
17 this, on this issue, I believe that Gus was here at
18 the last meeting. But it seems like there's still a
19 feeling of not really sure you understand the scope of
20 the Board of Architects versus the scope of the
21 Planning and Zoning Board and whether, and the issue
22 of compatibility and how that's considered.

23 I thought there was a discussion. I'll certainly
24 report back to the City Attorney, there still is
25 uncertainty over that.

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1 MR. AIZENSTAT: There was there was a discussion,
2 but I just I feel it's unfair for Gus not to be here
3 to defend himself when he feels strong about
4 something, and that's what I meant by an
5 interpretation. Sometimes if, you know, one side
6 feels one way so strongly, the other side feels a
7 certain way, there's got to be something that
8 clarifies it. That's that's all I'm saying. I feel
9 that he should be allotted to defend himself.

10 MR. PARDO: Mr. Chairman?

11 MR. AIZENSTAT: Yes, sir?

12 MR. PARDO: I would like to correct Mr. Coller.
13 This is not a compatibility issue. It is a process
14 where Mr. Ceballos was here and the verbatim minutes
15 speak for themselves, because from the previous
16 meeting, if you recall, again, I was told through the
17 City attorney that I had made a mistake saying that,
18 that the City attorney's office was influenced by
19 restricting the Board of Architects and Judy Hardy,
20 the chair of the Board of Architects, came up and
21 reinforced exactly what I had said.

22 Then when you were out and the city attorney was
23 here, Tina was here and Mr. Ceballos was here also,
24 that's when he explained what he explained, which
25 sounded very good and well, except when I saw the

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1 transcripts, it's exactly the way I thought. He
2 defended himself from the previous meeting.

3 But I think this is not about defending or
4 refusing. This is not a personal thing. This is more
5 of a directive thing from the City Attorney's office,
6 Assistant City Attorney.

7 MR. COLLER: I believe that I texted the City
8 attorney on this issue and what she said to me was the
9 Board of Architects should not consider zoning
10 requests. So yes, appropriate to assume they have
11 zoning approval for purposes of focusing on just the
12 design, which is somewhat aligned with what was said
13 before.

14 But if the board doesn't like that, this is your
15 opportunity to make a change. If you -- you had
16 talked about, well, maybe we need to have a
17 theoretical project that comes before the Board and
18 then it goes back to the Board of architects.

19 I'm not supporting it or not supporting it. I'm
20 telling you this, I'm giving the Board the option, if
21 you wish, to address this as part of this process.

22 MR. PARDO: This had nothing to do with the board
23 of Architects obstructing upzoning. It was simply an
24 exercise of saying, well, this is the existing massing
25 that you get off the existing zoning, and then you

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1 show the massing of the proposal and award those
2 bonus, subjective, subjective to, well, you have to
3 assume that it's going to get approved.

4 That is where I think the City Attorney's Office
5 stepped way out of line.

6 MR. COLLIER: Well, I think the way they're
7 posturing it, and I wasn't there, but I think they're
8 trying to separate, which is very difficult to
9 separate, the zoning piece from the design piece.

10 It's a very difficult, but that's what the, the code
11 is really instructing. The Board of Architects is not
12 supposed to be the Board that grants zoning, so it's a
13 difficult challenge. I'm suggesting to the Board --
14 if you don't want --

15 MR. PARDO: You said something now that is not
16 right.

17 MR. COLLIER: Which is?

18 MR. PARDO: The Board of Architects has never
19 said, we're the ones that are going to approve the
20 zoning. But the massing is a direct, a direct cause
21 when you're looking at upzoning. The massing gets
22 changed from this size to maybe shown on the model
23 three or four or five times. Look at that.

24 MR. COLLIER: Which this Board, when they you look
25 at that, you find it to be incompatible. The massing

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1 Architects has to be looking at the massing. Before
2 they look at the details, before they look at the
3 laundry list of things for the bonuses that only give
4 you two floors. We're talking about projects that are
5 coming in for an upzoning. For example, the Alan
6 Morris building, which the chairman brought up, they
7 did a great job. They came in with a building that was
8 too big. But because they're being told no, no, no,
9 no, that was something. But they already had gone
10 through Bonus. Again, based on the aesthetics,
11 because they were told that by the City Attorney's
12 office. That is wrong. It was wrong then for that
13 project and it's wrong for every single project.

14 And then on top of that the City architect said
15 for ten years they've been doing like that. Well,
16 that's the reason we got the buildings that we have in
17 this city. That's the problem.

18 MR. COLLIER: And you can make a legislative
19 change.

20 MR. PARDO: And that's what we're discussing
21 today, a legislative change. And that part of the
22 code is part of the Mediterranean Bonus code, not just
23 the boxes, not just the list. And for me, I think
24 it's important to understand that if you're in the
25 CDD, that building should be treated differently than

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1 that, as I read the transcript, the massing that
2 they're talking about, as I understand it, is the
3 massing -- if you got the Mediterranean Bonus, what
4 does that, what is the impact of that massing?

5 MR. PARDO: Two or three floors. What you're
6 talking about is the massing of the change of zoning.

7 MR. COLLIER: Right, and that's the --

8 MR. PARDO: That's a completely different animal.

9 MR. COLLIER: And apparently, from what I'm
10 reading there, they want to tease out the zoning from
11 the design. They want the board to focus on the
12 design. And if the design has a problem, which I
13 believe was from the transcript, if the design has a
14 problem that makes it incompatible, then you make an
15 adjustment.

16 MR. PARDO: Again, you're repeating this, but
17 what I'm trying to tell you is, in the things that the
18 Board of Architects does, it's not just oh, how pretty
19 the color is. It's all about massing, scale and how
20 it relates to existing neighborhoods. It's black and
21 white.

22 MR. COLLIER: Okay.

23 MR. PARDO: The problem that we're having, I
24 think, it's not a question of that the Board of
25 Architects is blocking an upzone. The Board of

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1 if you're across the street from single family
2 residence.

3 MR. AIZENSTAT: Felix, would you like in order to
4 move this forward, would you like to make a motion?

5 MR. BEHAR: Mr. Chair, you're going to lose me
6 very soon. Unfortunately, I had a --

7 MR. AIZENSTAT: He's got a personal issue and --
8 well, no, what I'd like to do is keep the Board as
9 full as whole as possible on the Board.

10 MR. BEHAR: I'll make a motion to approve.

11 MR. WITHERS: I kind of like these special
12 meetings though, you know?

13 MR. BEHAR: I'll make a motion to improve and I
14 welcome whatever limited input so we could get this
15 the way that if the modification is being presented to
16 us.

17 MR. PARDO: I'm sorry, can't support that. I
18 would make a motion to defer.

19 MR. AIZENSTAT: Well, we have a motion. Let's
20 see what happens. We have a motion, as Robert has
21 stated. Is there -- with limited modifications, if
22 somebody would like to do that. Is there a second?

23 MS. KAWALERSKI: For clarification, what is a
24 limited? What are you talking about limited? Because
25 we're talking about a legislative item here, that's

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1 not limited. That's not an add on, that is a major
2 component.

3 MR. SALMAN: Not necessarily. I mean, I don't
4 see that as a major because that would be a process,
5 not redo the whole. I think that what Jennifer has
6 presented to us, I feel like, you know, for the most
7 part, I think we are in agreement that it's.

8 It it could be for example, the process to go
9 through.

10 MR. SALMAN: You go like conceptual and then you
11 come back here.

12 MS. KAWALERSKI: Would that be considered
13 legislative, right?

14 MR. AIZENSTAT: Would that be legislative?

15 MS. KAWALERSKI: And that's what I'm saying. So
16 it's not incidental. I mean, to me that's major,
17 changing a process.

18 MR. AIZENSTAT: If that's something that you'd
19 like to ask, but.

20 MR. BEHAR: Yes.

21 MR. COLLER: I do have one concern about
22 addressing it in this title because I don't know if
23 this title would cover that.

24 MS. GARCIA: I would suggest probably two
25 separate motions, one with the proposed changes and

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1 one with the proposed change in the process.

2 MS. KAWALERSKI: So this would be approving the
3 checklist, basically.

4 MR. BEHAR: Yes.

5 MR. WITHERS: Would you add based based on the
6 technical changes that we have put forth at this Board
7 and the previous meeting?

8 MR. SALMAN: All throughout, yeah, throughout.
9 Yeah, throughout. Including today. Including tonight.

10 MR. AIZENSTAT: It's on the record. So we have a
11 motion, we have a second. Any discussion?

12 MR. PARDO: Mr. Chairman?

13 MR. AIZENSTAT: Yes, sir.

14 MR. PARDO: Just you know, for the record, great
15 majority of these changes, great majority of these
16 changes were in the work of the Blue Ribbon Committee
17 did three years ago, because I checked almost verbatim
18 with the final draft

19 MR. AIZENSTAT: You did a great job.

20 MR. PARDO: I just want that to be in the record.

21 MR. AIZENSTAT: Everybody in the Blue Ribbon
22 Committee did a great job, and I commend that.

23 MR. BEHAR: I want to take credit for that too.

24 MR. WITHERS: How do we move the needle on the
25 legislative side?

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1 MR. COLLER: I have a thought, which I might
2 suggest to the Board, because this is really probably
3 beyond the scope of this title, because you're talking
4 about coming up with a conceptual plan going forward.
5 I would suggest that you make a motion, direct the
6 City Commission to consider a change in the process to
7 allow for conceptual projects to come first to the
8 Planning and Zoning Board.

9 MR. BEHAR: Well, not first to us, I think the
10 Board of Architects.

11 MR. COLLER: Well, first to the Board.

12 MR. BEHAR: As a conceptual.

13 MR. COLLER: As a conceptual, then the Planning
14 and Zoning Board gets the zoning. Then it goes back,
15 as I understand it, to the Board of Architects and for
16 them to decide whether or not they're going to give
17 them the --

18 MR. AIZENSTAT: And then it comes back to the
19 Board of, to Planning and Zoning?

20 MR. SALMAN: Yeah, when it gets final.

21 MS. GARCIA: So basically, I think you're
22 separating the site plan approval from the land use
23 and zoning changes.

24 MR. AIZENSTAT: But we always ask for site plans.
25 I know we've been very, that directive has always

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1 been, at least with my tenure, Robert's tenure, we've
2 always wanted a site.

3 MR. BEHAR: But if it comes here first and the
4 Board has not seen it, who are? We're not Board of
5 Architects.

6 MR. WITHERS: I didn't mean to get off the
7 discussion of the main motion, but I just, I'm in
8 favor, I'll support the motion if we can have some
9 discussion about how we kind of come up with a plan
10 on.

11 MR. AIZENSTAT: That where we're at.

12 MR. SALMAN: Might I suggest we just move or vote
13 on the first motion that we have, and then we can ask
14 for another motion with regards to the process? That
15 way we just go ahead and clean.

16 MS. KAWALERSKI: But is there some way to put in
17 there that, yeah, we're we're approving the checklist
18 provided that there's a fix on the process?

19 MR. BEHAR: Well, we're gonna make a motion now.
20 After we vote on this.

21 MR. PARDO: We're going to make a motion.

22 MR. AIZENSTAT: We're going to make a motion.
23 We're doing that tonight.

24 MR. RIESCO: Med Bonus and Design? That's what
25 you're doing, you're doing a two-step process?

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1 MR. AIZENSTAT: Right. We have a motion, we have
2 a second. Any other discussion?
3 No, Jill, call the roll please.
4 THE SECRETARY: Felix Pardo.
5 MR. PARDO: No.
6 THE SECRETARY: Javier Salman.
7 MR. SALMAN: Yes.
8 THE SECRETARY: Chip Withers.
9 MR. WITHERS: Yes.
10 THE SECRETARY: Robert Behar.
11 MR. BEHAR: Yes.
12 THE SECRETARY: Julio Grabiel
13 MR. GRABIEL: Yes.
14 THE SECRETARY: Sue Kawlerski.
15 MS. KAWALERSKI: Yes.
16 THE SECRETARY: Eibi Aizenstat.
17 MR. AIZENSTAT: Yes.
18 Now the second part.
19 MR. WITHERS: So here's a crazy idea, I don't
20 know if it makes.
21 MR. AIZENSTAT: I see the mouth is better.
22 MR. WITHERS: It would benefit me because you
23 have no idea how much respect I have for architects
24 over the last five months. And what Mr. Pardo said
25 really has resonated with me is that they really could

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1 be the gatekeepers in development of the city,
2 empowered to do so, assuming.
3 Would it would it benefit any of us, probably not
4 the architects on the Board, but to have any kind of
5 joint session with the Architectural board.
6 MS. KAWALERSKI: I like that.
7 MR. WITHERS: No? I mean, I just like to ask
8 them questions.
9 MR. PARDO: I personally would like to see the
10 city architect and the chair, Assistant chair, Board
11 of Architects as they were here at the previous
12 meeting.
13 MR. WITHERS: So let's just discuss it.
14 MR. PARDO: And to discuss it. They know what's
15 wrong and they know what has to be fixed. And the
16 other thing is, I would like to have the City
17 attorney's Office here also because it's not written
18 anywhere of the direction that they're giving. And
19 that should be, we don't want to get sued. We don't
20 want to this, we don't want to that. But there has to
21 be something very clear to the board of Architects so
22 they know what everybody that sits on that board that
23 makes the decision can and cannot do.
24 MR. BEHAR: So we're not going to be making a
25 motion and take a vote on that tonight.

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1 MS. KAWALERSKI: Well, you know what? I think it
2 needs a lot lot more discussion.
3 MR. BEHAR: Because if that's the case, I have to
4 leave. I had, unfortunately a death in the family, but
5 this was important to be here. Thank you.
6 MR. AIZENSTAT: He was not going to come. You
7 know, for the record, Robert was not going to come
8 tonight, and he felt it important to come.
9 Robert, thank you. Let the record show that
10 Robert has left the meeting, please.
11 (Mr. Behar left the meeting.)
12 MR. WITHERS: What I said earlier and I really,
13 the City has to be as objective as possible in their
14 policies, but we're really creating a great deal of
15 subjectivity in the process we have now because
16 they're making assumptions and plans on something that
17 is not solid, you know?
18 MR. PARDO: I believe that we need to get the
19 City Attorney on board with what has to be done for
20 the Board of Architects to do what they do, and to do
21 it right. And it goes from buildings that already
22 have a matter of right and protected by Bert Harris
23 and and also people that are applying to upzone
24 because nobody applies to down zone.
25 And the other thing is that it has, in my

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1 opinion, it has to be a public meeting because the
2 people that are sitting in this audience are the
3 people that are ultimately affected by this. And
4 this has just gone on way too long. There's been
5 already too much damage to the City.
6 MR. WITHERS: Well, it's already upzone. By the
7 time it hits us, it's already been upzoned. If you
8 think about it, because they've met the criteria, the
9 six or seven or eight criteria, it's already up zone
10 from from that envelope.
11 MR. PARDO: Right. And I really believe that by
12 doing it the way that it's been done, the Board of
13 architects is used basically as a tool when it comes
14 to this Board.
15 MR. COLLER: MR. Chairman, I just want to advise
16 the Board that any change in the comp plan or any
17 change in zoning has to go to this Board.
18 MR. AIZENSTAT: Correct.
19 MR. COLLER: It does not come to -- nothing comes
20 to this Board already upzoned unless the City
21 Commission already upzoned it and it would have had to
22 come before this board first.
23 MR. AIZENSTAT: No doubt.
24 MS. KAWALERSKI: But there's a presumption.
25 MR. WITHERS: But the project we looked at

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1 already has been, right?

2 MR. SALMAN: It's a perception. It's an
3 incorrect perception.

4 MS. KAWALERSKI: Exactly. As Maria just said
5 when she was up here, she said it's already kind of
6 like baked in, you know. There is a psychological
7 shadow saying if they approved it, it must be okay, we
8 we should do it too. And that's.

9 MR. AIZENSTAT: I don't agree with that because I
10 don't look at, I can speak for myself. I don't look
11 at a project and say this happened and I should do it
12 again. TO me, and we should all look at each project
13 individually for its own merits and for what it stands
14 for.

15 MR. RIESCO: We call it case by case.

16 MS. KAWALERSKI: Well, yeah, that's the idea,
17 that's the ideal. But you know, I would question
18 whether that has the practice I.

19 MR. AIZENSTAT: I disagree. In other words, I
20 disagree that that that a board member comes and says,
21 well, it's already been done or they give the bonuses
22 already with the Board of Architects, let me just
23 rubber stamp it. I haven't seen that.

24 MR. PARDO: I have heard on this. I've heard it
25 more than once where it was approved for bonus already

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1 by the Board of Archs. So whatever you think or say,
2 you still have to approve it, but still that carries
3 weight and it's the wrong weight to carry.

4 MR. SALMAN: Again, that is, as my recollection
5 of that particular statement, which I have heard
6 countless times here, it comes out of the mouth of the
7 attorney for the developer. And he's saying it on
8 purpose to create a perception. Now, if we want to
9 buy into that, that's up to us.

10 MR. RIESCO: It's called projections.

11 MR. SALMAN: It's all about projection. If we
12 want to be the suckers and say yeah, okay

13 MR. RIESCO: And again --

14 MR. SALMAN: We're not. We are not.

15 MR. RIESCO: I agree with the chair. If you look
16 at permits, how they're reviewed, you know, there's
17 multiple departments just like in here, there's
18 multiple steps to an approval. And just because you
19 get one department or one approval, doesn't guarantee
20 that you're going to get. For example, this happens
21 all the time with residential work and, and at a staff
22 level. Oh, I got approval from building and
23 Structural, but I think I can get my permit. No, you
24 got to get BOA approval and BOA approval is probably
25 more important than Structural. So it's part of a

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1 process and just because they have those approval
2 doesn't sway us.

3 MS. KAWALERSKI: You know what, and that's the
4 ideal. But we're human beings, we get persuaded and
5 we say, well, we did it for them the last month,
6 what's wrong with it, what's wrong with doing it this
7 time for this project too? We're human beings.

8 MR. WITHERS: More Importantly, you got staff
9 approval. Staff has said they met all the
10 qualifications, they are deserving of this.

11 MR. AIZENSTAT: But we're also supposed to listen
12 to all the testimony as presented before us.

13 MR. WITHERS: I know, I know.

14 MR. AIZENSTAT: Before we make our determination.
15 And there's been so many times that I've sat on this
16 Board where the staff has recommended approval, where
17 I've seen this Board and the individuals and the
18 members of this Board say I disagree, absolutely.

19 MS. KAWALERSKI: You know what, can I recommend,
20 because we can talk all night, that we have a special
21 meeting with you, Juan, and Judy Carty and --

22 MR. PARDO: And Peter.

23 MS. KAWALERSKI: And Peter and the City Attorney.
24 And I don't think it should be at a regular P&Z
25 meeting because I think we probably have a big agenda

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1 from what was cancelled last time. We have a big
2 upcoming agenda and I don't think we want to be here
3 until midnight. Can we have a special meeting?

4 I think this worked terrifically, and I think
5 this is important enough for a special meeting with
6 all those parties concerned is going to be very
7 important.

8 MR. SALMAN: I think we're putting the cart
9 before the horse because we're not in the position --
10 where we can make that recommendation. But I would
11 make the recommendation and get the Commission to
12 approve us to look at that issue with regards to the
13 process.

14 MS. KAWALERSKI: You know, I disagree because
15 it's a vague notion that we're presenting them.

16 MR. SALMAN: No, it's not a vague notion. We're
17 looking at making specific modifications to the
18 process for approval of buildings that will receive a
19 Mediterranean Bonus or with, or a PAD.

20 MS. KAWALERSKI: You know what, though, if I was
21 a commissioner, I would say, well, show me the
22 examples. Just like that model gave us a real clear
23 vision. If I'm a commissioner, I want to know exactly
24 what the heck you're talking about and what your
25 suggestions are, not a vague notion we're going to

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1 meet and we might change the process. I would rather
2 have something solid in front of me.

3 MR. PARDO: So the only reason it's in our
4 wheelhouse is because the first portion is part of the
5 Mediterranean bonus component. We were charged to
6 look at reviewing this entire section of the
7 Mediterranean component, which is all of it, including
8 that process. And I think that if we ignore what the
9 Board of Architects is or is not doing, then they're
10 the ones that ultimately get blamed. They get nothing
11 but blame. They get very little credit.

12 MR. SALMAN: Felix, all I'm suggesting is that we
13 make a motion to further review the process that is
14 used in the approval of the Mediterranean Bonuses, and
15 that's it, we'll just make that motion.

16 MS. KAWALERSKI: I think it delays the process.

17 MR. PARDO: To make, I'm sorry, to make a motion
18 to?

19 MR. SALMAN: Make a motion for us to, initially,
20 I said to seek approval from the Commission to
21 continue to make the changes to the process. But
22 you're, what you're saying is that we're already
23 charged that?

24 MR. PARDO: Right, because it's part of.

25 MR. SALMAN: Then the motion would be for us to

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1 then continue until such, for another special meeting
2 for the review of the process and have that discussion
3 at that time; is that what you're saying?

4 MR. GRABIEL: Do we need a motion for that?

5 MS. KAWALERSKI: We need a motion for that.

6 MR. SALMAN: Yes, because we just approved this.

7 MR. PARDO: We just approved part of part of it,
8 in other words.

9 MR. COLLER: I think, I think the Commission, it
10 would be helpful, since you're passing this, that the
11 Commission should be aware that you want to look at
12 this.

13 MR. AIZENSTAT: That's what Javier was saying.

14 MR. SALMAN: That's what I was saying initially,
15 but but Felix has a point, it's sort of included in
16 here.

17 MS. GARCIA: So the Commission, when they get
18 this recommendation of the changes to the
19 Mediteranean design, they'll have the minutes and
20 we'll summarize this meeting and we'll summarize the
21 discussion that this board had.

22 MR. AIZENSTAT: When is the Commission meeting
23 next?

24 MS. GARCIA: November 12, I think.

25 MR. SALMAN: Well, then we should make a motion

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1 to say that we further recommend, besides this
2 approval, that the process for awarding those bonuses
3 between the Board of Architects and this Board be
4 explored for further modification of this criteria.

5 MR. AIZENSTAT: You mean come back to us, is that
6 what you're saying, Felix?

7 MS. GARCIA: Well, I mean, any legislative change
8 in the code will come back here.

9 MR. AIZENSTAT: Correct.

10 MR. SALMAN: Understood. But I'm saying we're
11 approving the technical issues that we discussed today
12 which we just voted upon, and then add in the
13 recommendation that we continue to review the process
14 by which those Board, those bonuses are approved.
15 This is the, these are the technical criteria for the
16 approval we're looking. At the process approval, the
17 procedural approval. We make that further
18 recommendation with the approval of the technical.

19 MS. GARCIA: The larger concern is the change of
20 zoning, how it's being assumed at the Board of
21 Architects level before it comes here. I think it's
22 the bigger concern, right?

23 MR. SALMAN: It's about working it out between
24 the Board of -- we can't charge them without getting
25 them involved.

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1 MR. PARDO: What I want to make sure is that we
2 stop the City Attorney's Office from saying Board of
3 Architects, you must review this as if this is zoning,
4 which hasn't gone to the Planning Board, which hasn't
5 gone to the Commission for final approval.

6 In other words, it comes to us for recommendation
7 and then it goes to the Commission for final approval.
8 I think that we have to do it in such a way that the
9 City Attorney's Office is not instructing the Board of
10 Architects on something that they can or cannot do.

11 MR. AIZENSTAT: That's a legal determination,
12 what you're saying.

13 MR. PARDO: A legal determination is different.

14 MR. COLLER: But I think as I understand it,
15 there's a subset of applications that come before the
16 board of architects, those are applications that seek
17 in addition, comp plan changes and upzoning. Those
18 are the applications you're concerned about where the
19 Board of Architects is looking at it as if those
20 things would be granted. And then what does the
21 design look like?

22 So what you really want is for those applications
23 to actually come before this Board for a preliminary
24 determination as to whether or not you would in fact
25 grant that comp plan and grant that zone change.

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1 So when it goes back to the Board of Architects,
2 they know exactly whether or not this board, which is
3 still a recommending board, it's still going to be
4 made a decision of the City Commission. But the board
5 of Architects will know exactly where the board stands
6 on those issues.

7 MR. AIZENSTAT: Doesn't that resolve that?

8 MR. COLLER: So what you're looking for is
9 actually a procedural change into the zoning code.
10 And what I thought you were going to do is advise the
11 the City Commission that there's an issue that the
12 Board is concerned about with regard to this procedure
13 and that this Board would like to look at it and come
14 up with recommendations to the City Commission on how
15 it should be handled.

16 MR. PARDO: I think, you know, that's a healthy
17 discussion with the Commission, but since what came
18 before us is part of this section, what is missing is
19 the identification of those type of applications in
20 the two-part BOA review approvals.

21 MR. COLLER: But the problem is the title. I
22 think the title is limiting. So what you're going to
23 be given the opportunity if the City Commission wants
24 you to look at it is say, fine, let's have an item
25 that addresses that. Have a title that encompasses

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1 the potential change and have this Board weigh in on
2 it.

3 I think that's what you want.

4 MR. PARDO: Correct, that's exactly what I want.

5 MR. COLLER: So I'm just trying to -- there's a
6 couple ways to do it. One is you could just say, let's
7 have a special meeting, but then you're not letting,
8 yes, and the city Commission will look at your
9 minutes, which is one way to do it.

10 Another way to do it is, since this Board has
11 made recommendations in the past in connection with
12 other items, is to make a recommendation to the City
13 Commission that this issue needs to be looked at and
14 we would like to look at it.

15 MR. WITHERS: I like that.

16 MR. AIZENSTAT: So we have a motion, the way
17 Mr. Coller described it, we have a second by Chip.

18 MR. WITHERS: Yeah. I have a question.

19 MR. AIZENSTAT: Go ahead.

20 MR. WITHERS: Are we allowed to speak to our
21 Commission appointees on this issue?

22 MR. COLLER: I don't know. This is legislative,
23 so I would say, there's not an issue.

24 MR. AIZENSTAT: It's not a quasi judicial.

25 MR. COLLER: It's it's not a quasi judicial item.

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1 MR. PARDO: The only thing we can't do is talk
2 among ourselves.

3 MR. WITHERS: I just want to know if I can, if my
4 Commissioner calls me and says, what did you guys talk
5 about at the meeting? I just want to know.

6 MR. COLLER: Right. But you can't go from
7 commissioner to commissioner.

8 MR. WITHERS: I understand.

9 MR. COLLER: But you can speak to your
10 commissioner.

11 MR. AIZENSTAT: So we have a motion, we have a
12 second. Any other discussion?

13 (No response.)

14 MR. AIZENSTAT: Call the roll, please.

15 THE SECRETARY: Javier Salman?

16 MR. SALMAN: Before I say, yes, I want to thank
17 the City Attorney representative here to our Board for
18 having made concise a motion, that I think we were all
19 headed towards. And I appreciate that and I would
20 vote yes.

21 THE SECRETARY: Chip Withers.

22 MR. WITHERS: Yes.

23 THE SECRETARY: Julio Grabiell.

24 MR. GRABIEL: Yes.

25 THE SECRETARY: Sue Kawalerski.

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1 MS. KAWALERSKI: Yes.

2 THE SECRETARY: Felix Pardo.

3 MR. PARDO: Yes.

4 THE SECRETARY: Eibi Aizenstat.

5 MR. AIZENSTAT: Yes. Before we adjourn, I just
6 want to thank staff for all the hard work that they
7 have really done putting this together. I know that
8 there's a lot of discussion to be had going forward
9 with even projects coming before us, but you know, we
10 welcome that. Thank you.

11 MS. KAWALERSKI: And if I could add to that, and
12 thank you, Felix Pardo, for really going through this
13 with a fine-tooth comb so we didn't have to.

14 MR. AIZENSTAT: Is there a motion to adjourn?

15 MR. PARDO: And Mr. Chairman, can we have staff
16 send us all the exhibits that were put up here during
17 their presentation?

18 MS. GARCIA: The PowerPoint, sure I can get you
19 that.

20 MR. PARDO: The graphic.

21 MS. GARCIA: Yeah.

22 MR. AIZENSTAT: Thank you. Again, is there a
23 motion to adjourn?

24 We have a motion by Felix. Second.

25 MS. KAWALERSKI: Second.

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1 MR. AIZENSTAT: All in favor, say, aye.
 2 (The Board says Aye.)
 3 MR. AIZENSTAT: All right. Bye. Thank you,
 4 everybody.
 5 (The meeting was adjourned at 8:28 p.m.)
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 24 REPORTER'S CERTIFICATE
 25 I, Avonne White, a Notary Public and Reporter for

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1 the State of Florida, do hereby certify that I was
 2 authorized to and did stenographically report the
 3 foregoing proceedings at the time, place, and on the date
 4 herein before forth.
 5
 6 DATED this 7th Day of November, 2024
 7
 8 *Avonne White*
 9 Notary Public State of Florida
 10
 11 Commission No.: HH489503
 12 Commission Expires: February 6, 2028
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