

1 MR. GRABIEL: Yes.
2 THE SECRETARY: Sue Kawalerski?
3 MS. KAWALERSKI: Yes.
4 THE SECRETARY: Felix Pardo?
5 MR. PARDO: Yes.
6 THE SECRETARY: Robert Behar?
7 MR. BEHAR: Yes.
8 THE SECRETARY: Eibi Aizenstat?
9 CHAIRMAN AIZENSTAT: Yes.
10 MR. GUILFORD: Thank you all very much.
11 CHAIRMAN AIZENSTAT: Sorry, for taking
12 eight minutes --
13 MR. BEHAR: Ten minutes. It's going to
14 ten.
15 CHAIRMAN AIZENSTAT: All right. That was
16 G-7. G-8, we have done already.
17 MR. GRABIEL: 9 and 10.
18 CHAIRMAN AIZENSTAT: G-9 and 10 are
19 related. You're going to read them into the
20 record?
21 MR. COLLER: Yeah. I'll read them both.
22 Item G-9, an Ordinance of the City
23 Commission of Coral Gables, Florida granting
24 approval of proposed amendments to the text of
25 the City of Coral Gables Comprehensive Plan

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1 Future Land Use Element, pursuant to expedited
2 state review procedures and Zoning Code Article
3 14, "Process," Section 14-213, "Comprehensive
4 Plan Text and Map Amendments;" to provide for
5 additional building height up to one hundred
6 and thirty-seven feet and six inches with parks
7 incentives if developed pursuant to the Design
8 & Innovation District regulations; and
9 clarifying the Design and Innovation District
10 as a Transfer of Development Rights receiving
11 area; providing for a repeater provision,
12 providing for a severability clause, and
13 providing for an effective date.
14 Item G-10, an Ordinance of the City
15 Commission of Coral Gables, Florida, providing
16 for text amendments to the City of Coral Gables
17 Official Zoning Code pursuant to Zoning Code
18 Article 14, "Process," Section 14-212, "Zoning
19 Code Text and Map Amendments," to create an
20 incentive program within the Design &
21 Innovation District to allow a maximum building
22 height of one hundred and thirty-seven feet and
23 six inches by providing a park open to the
24 public, providing for repeater provision,
25 severability clause, codification, and

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1 providing for an effective date.
2 Item G-9 and G-10, public hearing.
3 MS. GARCIA: Okay. For the record,
4 Jennifer Garcia, City Planner. Yes.
5 CHAIRMAN AIZENSTAT: No. No. I said,
6 thank you.
7 MS. GARCIA: Oh, thank you, Craig.
8 MR. COLLER: You're welcome.
9 MS. GARCIA: I have some slides. If we can
10 pull up the slides. Thank you.
11 All right. So the Design and Innovation
12 District is historically the industrial area of
13 our City, and as you remember, it used to be
14 the Public Works grounds. I'm sure a lot of
15 you have been here probably a long time and you
16 know what I'm talking about. And since then,
17 it has been re-developed as a mixed-use center.
18 So it's south of Bird Road, to the east of
19 Le Jeune Road, and just north of Ponce of Leon,
20 when it starts to angle down.
21 So this is what it looks like now with the
22 aerial. Most of the area is the Village of
23 Merrick Park, with some mixed-used buildings
24 surrounding it. And this is kind of looking at
25 like the street and looking at open space that

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1 there is right now. As you can see, it's
2 lacking a little bit of the open space, the
3 major open space. The heart of the district
4 is, of course, the square, that courtyard
5 that's inside the mall, and, then, of course,
6 the Underline, which is the linear park to the
7 south of Ponce de Leon.
8 So what this text amendment is doing is --
9 it's sponsored by a Commissioner -- in exchange
10 for additional on-site, open to the air park
11 space, open space, they -- a developer could
12 increase the height past the 97 feet.
13 I should go back. So the MX2 zoning, which
14 is most of the zoning in this area, is capped
15 at 70 feet, with Med Bonus, which is the
16 requirement of the district, the maximum height
17 is 97 feet. So, right now, a developer could
18 come forward and request 120 feet, at ten
19 stories, and go through the conditional use
20 process of Planning and Zoning and to
21 Commission for that approval.
22 This would be an additional about three
23 stories from the 97 feet, all of the way to
24 137.5 feet, with a public park. So the way it
25 is designed is that with each five percent

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1 additional on-site landscaped open space, open
2 to the sky, a/k/a a park, that you would
3 normally -- park -- not an arcade, not elevated
4 open space, not, you know, open space on the
5 right-of-way, but it has to be on-site, open to
6 the sky and landscaped, each traditional five
7 percent of that, it could be an additional ten
8 and a half -- I'm sorry, thirteen and a half
9 feet.

10 Thirteen and a half feet is the magic
11 number in our Zoning Code, as you know, for the
12 Med Bonus, right. So with each additional five
13 percent open space, a property could increase
14 the height all of the way to 137.5 feet.

15 So the requirements are on the left. You
16 could see that it has to be reviewed and
17 approved by the City Commission. It's not a by
18 right by any means. It's maintained and
19 constructed privately. Thirty percent of the
20 maximum of that park can be used for outdoor
21 dining. It has to be to the public, obviously.
22 Fifty percent of that park has to be shaded
23 with tree canopy. So we don't want to have a
24 hardscape park. We want to have a very lush
25 and shaded landscaped park.

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1 MR. BEHAR: -- is there a project
2 specific -- because I know this area very well.
3 There's not many properties available in this
4 area. I know it very well. The only property
5 that I'm familiar with is that empty lot that
6 is in front of Nordstrom.

7 MS. GARCIA: Yes.

8 MR. BEHAR: Okay. Is this specifically to
9 a project that is being contemplated?

10 MS. GARCIA: No. This would be applied for
11 this whole entire district, but this is in
12 partnership -- not partnership, this was
13 envisioned because of that property being
14 requested to be developed, the landscape that's
15 already providing. A lot of the residents,
16 from my understanding, from meetings that
17 they've had with the Commission and the
18 residents there in the area, they want to see
19 more open space. They're lacking open space.

20 So, of course, that property is privately
21 owned --

22 MR. BEHAR: Right.

23 MS. GARCIA: -- but the owner is willing to
24 give some open space in exchange for some
25 higher height. So this is a way to basically

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1 The maximum width to depth ratio would be
2 one to three. So you're not going to have a
3 linear skinny park on the side of a building.
4 You're going to have a very -- not fat, but a
5 comfortable ratio space. And some other
6 requirements, as far as improving the abutting
7 rights of ways and other benefits as deemed
8 appropriate by the Commission in exchange for
9 the additional height.

10 So, as you probably know, our height is
11 also capped in the Comprehensive Plan. So this
12 would require some language to be added to the
13 Comprehensive Plan, under the Commercial Mid
14 Rise Intensity and also the Industrial Land
15 Use. The added language would be to allow 135
16 point feet (sic), a maximum limitation of
17 twelve stories, with the public park's
18 incentive, both for the Mid Rise and for the
19 Industrial. And also to clarify that TDRs
20 would be acceptable in the Industrial Land Use.

21 That's all I have.

22 Let's go back actually to the graphic.
23 Could I have my PowerPoint back?

24 MR. BEHAR: While you wait for that --

25 MS. GARCIA: Yeah.

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1 control what open space you would get, in
2 exchange for allowing that additional height.

3 As you know, you can only have so much
4 square footage at a certain height, before
5 you're just kind of maxed out and you can't
6 provide any more open space.

7 MR. GRABIEL: Which site is this?

8 CHAIRMAN AIZENSTAT: Where the pizza place
9 was.

10 MR. BEHAR: No. No. Closer -- right next
11 to Ponce de Leon. Right in front of Nordstrom,
12 there's an empty lot -- the only empty lot
13 property parcel in this whole area that is --

14 MR. GRABIEL: We're looking to do a --

15 MS. KAWALERSKI: Isn't this The Avenue?
16 Isn't that where they want to do The Avenue
17 Hotel?

18 MS. GARCIA: The Avenue is on San Lorenzo
19 and Laguna, on -- yeah, on the west side.

20 CHAIRMAN AIZENSTAT: Did you want to
21 finish? Your slide is up.

22 MS. GARCIA: Well, I just want to have this
23 for reference to answer any questions.

24 CHAIRMAN AIZENSTAT: Got it. Okay.

25 Yes, Felix.

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1 MR. PARDO: Julio, when you designed
2 Merrick Park, how big did you make the green
3 space? Do you recall?

4 MR. GRABIEL: I don't remember.

5 MR. PARDO: But it was pretty substantial?

6 MR. GRABIEL: Yes.

7 CHAIRMAN AIZENSTAT: Can you speak into the
8 mike, please?

9 MR. GRABIEL: Oh, I'm sorry.

10 No, I don't remember the dimension. It was
11 the result of the demands for the Rouse
12 Corporation, with the amount of square footage
13 that they needed from retail, and to create an
14 open space big enough that it would be
15 significant.

16 MR. PARDO: You're making my next point.
17 And the reason is that, when Julio designed
18 Merrick Park and he made this beautiful green
19 space in the front, the proportions and the
20 size were appropriate to this gigantic
21 commercial area. What I find disturbing about
22 this is that, it sounds great from a perception
23 standpoint, but these little pocket parks are
24 altering visually, from all of the
25 single-family areas to the north and to the

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1 recipient of the TDRs. So, on top of that,
2 you've increased the FAR with the TDRs. Now
3 you're squeezing the site, giving them an
4 incentive to give us this little, you know -- I
5 wouldn't even call it a dog park, but it's a
6 micro park.

7 This is not Manhattan. Unfortunately,
8 what's happened is, many of these buildings
9 have already been built and there aren't enough
10 amenities for the thousands of people that are
11 going to be living in that area, and, now, by
12 adding additional height, that can be seen from
13 most of the single-family homes so far across
14 the way from Bird Road, beyond University, I
15 think is a travesty. That's my opinion. I am
16 definitely against this, because we're not
17 getting -- we're not getting the perception of,
18 we'll give them a little height and we'll get a
19 park.

20 This is not a usable park, in my -- the
21 park that Julio designed across the street,
22 that's a usable park.

23 CHAIRMAN AIZENSTAT: What I'd like to do,
24 before we continue with Board discussion, Jill,
25 do we have anybody for public comment?

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1 northwest and also all of the way across from
2 the high school and across Riviera, where now
3 they get to see another almost 30 feet more of
4 additional height, and most people, they feel
5 like they're being attacked visually, because
6 these buildings, on top of everything, of being
7 there, they don't just have the lights for the
8 FAA requirement up on top, they're now lighting
9 these buildings like Christmas trees, and it's
10 offensive when you're in the single-family
11 residential area. This is like -- in my
12 opinion, it's like pollution. It's a visual
13 pollution into the single-family residential
14 area.

15 I don't find any redeeming value to try to
16 say, well, this little pocket park, that's
17 fifty-foot wide by a hundred foot deep, is even
18 going to come close to, you know, the beautiful
19 park that Julio designed for Merrick Park. I
20 think -- in my opinion, I disagree a hundred
21 ten percent.

22 The second thing is, this area is a very
23 intense area, very intense, a very urban area.
24 It's become a very urban area, and that has
25 happened is that it's because it's the

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1 THE SECRETARY: Yes, we do.

2 MR. BEHAR: And then I'm going to make a
3 motion, because we're going to have to extend
4 the meeting.

5 CHAIRMAN AIZENSTAT: Yeah, go ahead.

6 We have to go ahead and make a motion to
7 continue.

8 MR. BEHAR: I'm going to make a motion to
9 extend to 9:15, to start with that, and we can
10 take it up at that point --

11 CHAIRMAN AIZENSTAT: We have a motion to
12 9:15.

13 MS. KAWALERSKI: I second.

14 MR. COLLIER: We can do that as a voice vote.

15 CHAIRMAN AIZENSTAT: We have a second. All
16 in favor say aye.

17 Anybody against?

18 MR. BEHAR: No.

19 (All Board Members voted aye.)

20 CHAIRMAN AIZENSTAT: Go ahead. Call the
21 individual, please.

22 THE SECRETARY: Victor Salcedo.

23 MR. SALCEDO: Yes. Hello, Board Members.
24 Yes, my name is Victor Salcedo and --

25 CHAIRMAN AIZENSTAT: Could you state your

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1 address, for the record, please?
 2 MR. SALCEDO; Excuse me?
 3 CHAIRMAN AIZENSTAT: Could you state your
 4 address, for the record, please?
 5 MR. SALCEDO: 126 Frow Avenue.
 6 CHAIRMAN AIZENSTAT: Thank you.
 7 MR. SALCEDO: Okay. I saw the little
 8 picture there. It really doesn't give a
 9 rendering of how the park would look. There
 10 was no architectural renderings so we could
 11 actually see what's there. It's just a box
 12 with a little green space.
 13 So they didn't -- the people that want to
 14 develop didn't invest any money in showing us
 15 what they want to do, Number One. And Number
 16 Two, I don't see -- there's parking in the
 17 area. Because I go to Chase Bank just across
 18 the street, and I no longer can go there simply
 19 because there is no parking anywhere around
 20 there, throughout the day and into the late
 21 afternoon.
 22 So when they're making this building right
 23 here, there's no parking space at all for the
 24 building, and let alone how are the people
 25 going to get there, to the park, if it were to

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1 be constructed.
 2 So I see it totally negative as far as the
 3 building, and the only way I can see any kind
 4 of redeeming value would be if the architect or
 5 the developer comes here and states what he
 6 wants to do and -- what kind of park he wants
 7 to put and what kind of building, but just a
 8 box there and say, approve it, no -- no, that's
 9 not -- there's nothing there to approve.
 10 Thank you very much for your time.
 11 MR. COLLIER: So I just want to advise the
 12 Board of this, we are not looking at an
 13 application. It would be really inappropriate
 14 to discuss an application that's not before us.
 15 There hasn't been an opportunity for the
 16 application to be heard. We're looking for a
 17 general Zoning Code amendment, and I think that
 18 the discussion really should be to the concept,
 19 which I believe you did that, and not to look
 20 at like, okay, but what project is this for --
 21 MR. BEHAR: No. And the reason I asked,
 22 Mr. Attorney, is that we did an approval a
 23 couple of months ago for remote parking, that,
 24 you know, I just wanted to make sure if it was
 25 that or not, but specifically to this --

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1 CHAIRMAN AIZENSTAT: I just want to see if
 2 there's anybody else, unless you want to make a
 3 comment specifically --
 4 THE SECRETARY: We have one more speaker.
 5 CHAIRMAN AIZENSTAT: Okay.
 6 THE SECRETARY: Jim Dockerty.
 7 MR. DOCKERTY: Jim Dockerty, 1230
 8 Catalonia. I also own two buildings on Ponce,
 9 in the 4200 block, adjacent to the project that
 10 the other gentleman was referencing.
 11 CHAIRMAN AIZENSTAT: Just to be clear,
 12 there is no project that's there now.
 13 MR. DOCKERTY: I've been in several
 14 community meetings about the project. I mean,
 15 it's not approved or anything. I know we're
 16 not going to talk about that tonight. That's
 17 fine. I'm not here to talk about the project.
 18 But because I am an adjacent property owner
 19 and I've looked at what their proposal is, and
 20 it will eventually come before you and the
 21 Commission and all of the boards, I'm a hundred
 22 percent in favor of the concept of trading
 23 height for parks. I've owned property in this
 24 neighborhood almost 20 years.
 25 You know, I'm basically pleased with all of

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1 the density and development that have come
 2 around the mall. I think the mall was
 3 originally designed to have all of this
 4 residential density built around it.
 5 Thankfully, The Avenue, which is a hotel, is
 6 finally going to be in the neighborhood. The
 7 neighborhood needs a hotel.
 8 But specifically to this issue, which is
 9 the broader concept of the City trading height
 10 for park area, right, I'm a hundred percent for
 11 it, not only in this neighborhood, which I know
 12 a lot about -- I can tell you, in this
 13 neighborhood, the Underline is not going to
 14 necessarily be an option for a lot of people to
 15 walk their dogs. It's too far. It's nice.
 16 I'm all for that.
 17 The mall, you can go to the mall, but the
 18 mall has a lot of activity and people don't
 19 really walk their dog into the park in the
 20 mall, but there's no other area for people to
 21 walk their dog in this whole neighborhood. I
 22 don't know who pointed this out, there's really
 23 very few sites in the Design and Innovation
 24 District that can even accomodate this concept.
 25 You have Baptist on Le Jeune Road that has

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1 assemblage and would be able to do something
2 like this. You have Gables Engineering, that
3 has a lot of land south of the mall, between
4 the Lifetime Fitness and the mall, and that's
5 going to probably have a lot of density one
6 day.

7 So I, for one, would love to see a park
8 become part of eventually what gets developed
9 if the Gables Engineering site -- and I, a
10 hundred percent, support the idea of what's
11 being proposed by the developer behind me, to
12 have a 5,000 square foot parcel of land with
13 tree canopy, so people can walk and sit under a
14 tree and walk their dog.

15 So there are a lot of property owners that
16 are a hundred percent for this, that are in the
17 neighborhood.

18 CHAIRMAN AIZENSTAT: Thank you, sir.

19 MR. PARDO: Mr. Chairman, I just wanted to
20 clarify. When you gave your address, is that
21 your business address or your residence?

22 MR. DOCKERTY: No. No. 1230 Catalonia is
23 my home, and then I said I own two buildings in
24 the 4200 block of Ponce that are adjacent to
25 the proposed lot that you guys referenced.

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1 remembers it. And they were all full of blood,
2 because that's what they used to do in there.

3 So, it went from there, to one of the most
4 sophisticated neighborhoods in the City, and
5 there's a dire need for green space in that
6 area. So anything that we can do to help bring
7 that about, I would go for it.

8 In addition to that, this is becoming a
9 very high-rise area, and not because the City
10 of Coral Gables has allowed it, but the City of
11 Miami, who is adjacent to it, is allowing very
12 high buildings right next to it. So you can't
13 escape the high-rises, but if there's a zone in
14 the City that should allow for the higher
15 buildings, is this area. I mean, if the
16 benefit to the neighborhood and to the
17 residents is to get a little bit more green
18 space, I'm all for it.

19 CHAIRMAN AIZENSTAT: Thank you.

20 Sue.

21 MS. KAWALERSKI: This is almost another
22 discussion on an MX2.5, because the height is
23 137.5, right? That would be the max height for
24 this area?

25 MR. PARDO: Yes.

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1 CHAIRMAN AIZENSTAT: Thank you, sir.

2 MR. DOCKERTY: Okay. Thank you.

3 CHAIRMAN AIZENSTAT: Thank you.

4 Jill, anybody else?

5 THE SECRETARY: No, no more speakers.

6 CHAIRMAN AIZENSTAT: Nobody on Zoom or
7 platform?

8 Okay. At this time, let's go ahead and
9 close it for public comment.

10 Julio.

11 MR. GRABIEL: Yes.

12 CHAIRMAN AIZENSTAT: I'm going to let you
13 start.

14 MR. GRABIEL: This is my second
15 neighborhood. I go there five days a week to
16 my gym, and I've been going to that gym for the
17 last ten, twelve years. It needs green space.
18 It's been a very successful change in zoning,
19 from an industrial zoning to what it is right
20 now, which is actually a very good
21 neighborhood.

22 I still remember -- that's how old I am --
23 when they had the meat packer in that area, and
24 you would go around and you would see the
25 people coming out of the neighborhood. Felix

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1 MS. GARCIA: Yes, as proposed.

2 MS. KAWALERSKI: Okay. So that's exactly
3 like an MX2.5 that you were talking about,
4 right?

5 MS. GARCIA: It's the same height.

6 MS. KAWALERSKI: So is that the intention,
7 to make this like an MX2 district?

8 MS. GARCIA: It's the same height because
9 of the number of stories. Thirteen and a half
10 is the magic number for a story in our Zoning
11 Code.

12 MS. KAWALERSKI: Okay. You know, one other
13 thing, Page 2 of the report here, it says up to
14 150 feet. Is that an error?

15 MS. GARCIA: Yes, that's an error.

16 MS. KAWALERSKI: Pardon me?

17 MS. GARCIA: That's an error, yes.

18 MS. KAWALERSKI: That's error? Okay,
19 because that freaked me out, because I said,
20 wow, they snuck that in there. So that is an
21 error, it's only 137.5, right?

22 MS. GARCIA: Yes.

23 MS. KAWALERSKI: All right. I mean, not
24 only, but it is less than 150.

25 So the TDRs -- explain how the TDRs would

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1 work here?
 2 MS. GARCIA: Yes. So a TDR in Coral Gables
 3 is only from a historic property. So if a
 4 historic property is in a sending area, which
 5 right now is just in our CBD, our Downtown area
 6 and our North Ponce area, for those
 7 multi-family buildings, when a property is
 8 designated historic, they're then allowed, in
 9 that area, to send their access extra square
 10 footage. So they have that on the private
 11 market. They sell to a buyer, to a developer,
 12 and that developer then purchases that TDR and
 13 they use it to their new construction in a
 14 receiving sites.

15 The receiving sites are only along the
 16 North Ponce Boulevard between Eight Street and
 17 downtown, within the CBD, and also within the
 18 Design and Innovation District.

19 MS. KAWALERSKI: Okay. So --

20 MS. GARCIA: It doesn't add -- sorry, I
 21 just want to clarify, it doesn't add, as far as
 22 the number of stories, the number of height,
 23 it's just really making the building fatter.

24 MS. KAWALERSKI: Right. It's just the
 25 square footage, right?

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1 MS. GARCIA: Square footage, yes.
 2 MS. KAWALERSKI: So smaller units?
 3 MS. GARCIA: If they want to. Or larger
 4 units.
 5 MS. KAWALERSKI: Okay. I don't know. You
 6 know, we're just, you know, going higher and
 7 higher and higher. I mean, I don't hear
 8 anybody saying, let's stay the course; higher.
 9 So I have to think about this, but I'm
 10 tending more towards what Felix is talking
 11 about, especially with the intrusion of the
 12 lights at the top, the rooftop amenities, et
 13 cetera, et cetera, just overflowing into the
 14 residential area, residential neighborhood. So
 15 I've got to think about this a little bit.
 16 CHAIRMAN AIZENSTAT: But, Sue, I just want
 17 to be clear about one thing. There is nothing
 18 that's being presented to you today that has
 19 the roof lights. If a project does come, it
 20 will come at that time, and we can discuss the
 21 roof lights, whatever is appropriate.
 22 THE SECRETARY: I'm sorry, we do have a
 23 speaker on this item. She had sent a message
 24 to CGTV and not me.
 25 CHAIRMAN AIZENSTAT: Okay. If it's okay

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1 with everybody, I'd like to give that speaker
 2 an opportunity.

3 MS. KAWALERSKI: Yeah. I just want to make
 4 one more comment, why did we sell Greco -- our
 5 Greco Park -- potential green space. I mean,
 6 that would have solved the green space problem
 7 in the area, and yet we sold it for the cheap,
 8 3.5 mill and now we're looking for postage
 9 stamps, for little green spaces. I mean, it's
 10 crazy.

11 I mean, there was no forethought put into
 12 parks. I mean, we gave it away. That's my
 13 only comment.

14 CHAIRMAN AIZENSTAT: Okay. Go ahead,
 15 please, Jill.

16 Cheryl Gold. Ms. Gold, if you could please
 17 open up your mike.

18 MS. GOLD: Good evening, and thank you for
 19 accommodating me. For some reason, my request
 20 went -- can you hear me?

21 CHAIRMAN AIZENSTAT: Yes, we can, Ms. Gold.
 22 If you would like to be sworn in, we need to
 23 visually see you, and if not, you just won't be
 24 sworn in.

25 MS. GOLD: Yeah. Yeah, no, let's forget

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1 the swearing in at nine o'clock at night, okay,
 2 and I'm actually in New York and have listened
 3 to the entire meeting.

4 So I'll make it very brief, and I'll try
 5 not to address what the developer -- you know,
 6 just address the concept, actually, of putting
 7 a park on the rooftop. Do I understand that
 8 correctly? Is that -- is this trade off for
 9 the extra height green space on the roof? Is
 10 that the concept?

11 CHAIRMAN AIZENSTAT: It is not, ma'am.

12 MS. GOLD: It is not. The green space
 13 would be on the ground level?

14 CHAIRMAN AIZENSTAT: Yes, ma'am.

15 MS. GOLD: Okay. So -- okay. Then I will
 16 forgo my comments then, but it wasn't clear
 17 from, I guess, the illustration. It sounded
 18 like they were going put -- so what are the
 19 rooftop amenities, then?

20 CHAIRMAN AIZENSTAT: There are no rooftop
 21 amenities, ma'am.

22 MS. GOLD: Okay. All right.

23 CHAIRMAN AIZENSTAT: And it's not a project
 24 that we're looking at this time.

25 MS. GOLD: I understand that. I understand

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1 that and I'm just trying to address the concept
2 of trading -- adding height for these postage
3 stamp green spaces. So, in other words, the
4 green space could be on the ground or it could
5 be on a rooftop; is that correct?

6 MR. BEHAR: No.

7 MS. GOLD: Okay. All right. Thank you for
8 the clarification.

9 MR. BEHAR: Because it's green color. If
10 this was blue, it would not be confusing.

11 MS. GOLD: Actually, Mr. Behar, the public
12 park, if you look at the illustration, it is
13 green, and it says, "Public park," and that's
14 what's confusing about this, and I thought
15 there was a reference to rooftop amenities and
16 then we gotten into the light thing.

17 I'll just say one thing in closing, and I
18 am a green space and tree canopy advocate, I've
19 been one for like 35 years, and I probably
20 won't be attending all of your meetings, but
21 there is a tendency to talk about these rooftop
22 parks, and I would just remind everybody about
23 the extreme heat events that will be
24 increasing, the difficulty and challenge of
25 tree canopy, providing shade on a rooftop. So

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1 CHAIRMAN AIZENSTAT: Where were we?

2 Felix, you had spoken. Sue, you had gone
3 ahead and made your comments. Julio had.

4 Robert.

5 MR. BEHAR: Okay. Thank you, Mr. Chairman.

6 I brought something that -- it was not
7 related to this, but I was going to talk about
8 it, because the State passed a State Bill, it's
9 called Senate Bill 102, which is a Live Local
10 Act, and I want you to know that if this -- if
11 this or any property were doing residential,
12 they don't even have to come to us, and I don't
13 know if the City Attorney have taken a
14 decision, but I could tell you, the City of
15 Miami, and Miami-Dade County, already came with
16 their opinion, and there's nothing that we will
17 be able to do about it.

18 So if they wanted to do a residential
19 project here and they met the criteria of 120
20 percent of the AMI, they could go -- because
21 this is mixed-use zoning and -- you're allowed
22 to do it in commercial and mixed-used. They
23 could go within a mile -- not a 1,000 feet, a
24 mile, which would be The Plaza, and they could
25 do a building here of 190 or more, because The

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1 I don't think that these are practical and I'm
2 certainly against the one that's being proposed
3 on the mobility hub. I think it's
4 irresponsible --

5 CHAIRMAN AIZENSTAT: Thank you, ma'am, but
6 that's not what we are discussing tonight. But
7 it is noted.

8 If you would, please, I don't know if you
9 stated your address for the record, for the
10 court reporter.

11 MS. GOLD: It's 721 Biltmore Way.

12 CHAIRMAN AIZENSTAT: Thank you, Ms. Gold.

13 MS. GOLD: Thank you.

14 CHAIRMAN AIZENSTAT: Have a nice night.

15 Do we need to extend --

16 MR. BEHAR: I'm going to make a motion to
17 extend for another fifteen minutes, to 9:30, so
18 we can, you know, be done with this tonight.

19 CHAIRMAN AIZENSTAT: We have a motion to
20 9:30.

21 MS. KAWALERSKI: I second.

22 CHAIRMAN AIZENSTAT: We have a second.

23 Everybody in favor say aye.

24 Anybody against?

25 (All Board Members voted aye.)

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1 Plaza is 200 and something feet.

2 MS. KAWALERSKI: But that would have to be
3 forty percent affordable housing, right?

4 MR. BEHAR: Yes, but at 120, you know,
5 percent of the --

6 MS. KAWALERSKI: Right. And I'm glad you
7 brought that up. That is a very important Bill
8 to discuss and for the City to take a stand on.

9 MR. BEHAR: We can't.

10 MR. COLLIER: We've already had an initial
11 meeting on this. There will be other meetings.
12 We're also seeking out, from other communities,
13 how they're addressing it, and it's a little
14 bit more nuances with regard for the role the
15 City has. There's some significant preemptions
16 in the Bill, that the Legislature has
17 overwritten local zoning on, certain points,
18 but we're taking it carefully, and there will
19 be a presentation at some point on the impacts
20 to the City on this, but we're not quite there
21 yet.

22 MS. KAWALERSKI: But you're absolutely
23 right, this is one of those areas where that
24 could happen.

25 MR. BEHAR: It could. And we could look at

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1 a project two hundred and something feet,
2 residential project, you know what, and it
3 wouldn't even come through us, because it
4 clearly says no additional public hearing
5 required.

6 MR. COLLER: With respect to height,
7 density and zoning. There are other metrics
8 involved that the City still has input, but I
9 don't want to get ahead of the people that are
10 looking at this.

11 MR. BEHAR: I understand.

12 MR. COLLER: I just want to say, it's a
13 very good point to make, because it's a very
14 significant bill. I was at the Florida
15 Municipal Attorney's Association -- and we have
16 until 9:30 and so --

17 MR. PARDO: You're going to extend it until
18 11:30?

19 MR. BEHAR: No. No. No. I just brought
20 it up, because potentially you could do this,
21 okay. And I'm going specific to the
22 presentation, the five percent, is that of the
23 entire site that they're looking at? So it
24 could be a significant -- fifteen percent, you
25 know, is not -- that's in addition to what is

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1 days a week for lunch, and I think this could
2 be a very welcomed park or miniature park, if
3 you want to call it, but, you know, a green
4 space to the area. There is none.

5 The project that Julio did is a beautiful
6 project, but that's -- you cannot really walk
7 your dog in that beautiful space, because if I
8 was there and I see a dog, I will probably --
9 and I've got two dogs, so it's not like I'm not
10 a dog lover, you know, and I'll show you a
11 picture with me, last night, you know, laying
12 next to me, which my wife says, I can't believe
13 you're doing that.

14 MR. PARDO: Robert, that's not a problem
15 anymore. You just go into the restaurant and
16 they're sitting there already, the dog is.

17 MR. BEHAR: Okay. So I think this could be
18 a very positive. I wish more projects would
19 have done that before.

20 MR. PARDO: Mr. Chairman, I'd like to make
21 a comment. You know, the 800 pound gorilla is
22 that this Planning Board makes recommendations
23 and protects and shields certain things. I
24 understand green space is always good. If we
25 were in Manhattan, we'd be talking about over a

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1 required?

2 MS. KAWALERSKI: Wait. Fifteen or five
3 percent?

4 MR. BEHAR: No, for every level you get --
5 for every five percent, you get an additional
6 level.

7 MR. PARDO: Robert is taking it to the
8 maximum --

9 MR. BEHAR: Whoever is going to do it, is
10 going to do it to the maximum. So fifteen
11 percent in addition to the ten percent. So 25
12 percent of the lot will be a green space.
13 Because you cannot have a five-foot rear
14 setback count towards that.

15 MR. COLLER: For the record, she's shaking,
16 no.

17 MS. GARCIA: No.

18 MR. BEHAR: No, meaning that you cannot
19 count the five feet of setback.

20 MS. GARCIA: Right. Uh-huh.

21 MR. BEHAR: Okay. So I personally -- and
22 I'm a proponent to have green space wherever
23 possible throughout the City. Because I,
24 myself, I've been in this area for 23 years
25 now, and I walk to the mall practically three

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1 hundred floors. We're not in Manhattan.
2 What's happened on Brickell, I think, is
3 obviously a change, but I don't necessarily
4 agree with the change, because I'm old enough
5 where I remember what it was like and where we
6 are now.

7 There is some type of modification, and the
8 problem is that, that's the reason that we
9 adopted the Comprehensive Land Use Map. This
10 is a change of the Comp Plan. It's a change of
11 Comp Plan to allow additional height, and then
12 you have the incentives, et cetera. If you
13 don't change the Comp Plan, you can't add that
14 additional height.

15 That limit was put there for a reason. The
16 farther you personally live away from this, or
17 you live, the less you're impacted. You know,
18 I remember a great story, a friend of mine,
19 Stan Price, after they had built this enormous
20 church, he calls the monsignor and he says, you
21 know, I don't know that the neighbors were
22 complaining about, I can't see the church.
23 Then, again, I am driving on Krome Avenue.

24 So the farther away you are, the less of an
25 impact, and the problem is that impact is

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1 permanent. We see the impact from the projects
2 that belong to the City of Miami on the transit
3 corridor of US-1. They're enormous. And I
4 could be -- when I run in the morning, I could
5 be in the other side of the City and I could
6 still see them. That's pretty wild for me.
7 And we have a beautiful incredibly tree canopy
8 here.

9 I think that, for me, it's more serious,
10 because I can do the math, also. I know there
11 aren't that many lots left in this area. So
12 they could only build so many projects in this
13 area. So they really can't compromise it that
14 much. But you're establishing a precedent by
15 simply taking very lightly, moving a great
16 component of the Comprehensive Land Use Plan
17 ceiling, moving it off the thing, and say, just
18 because we want parks, we're not only going to
19 change the zoning, we're going to add that.

20 If the Comprehensive Land Use Plan, the
21 limit was higher and you were there, it's a
22 different conversation. For me, I'm trying to
23 protect the Comprehensive Land Use Plan,
24 because this becomes not spot zoning, it
25 becomes a change to Comprehensive Land Use Plan

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1 of service for this, for this, for that, and
2 all of these things. This really is, in my
3 opinion, changing it on a willy nilly basis
4 specifically to say, oh, we're giving you a
5 park.

6 Listen, not all parks work in the City. We
7 have a lot of pocket parks, some are
8 successful, and some are not successful. I
9 agree, we need more green space, but, then,
10 again, maybe what should have been done is not
11 an incentive for additional height, but it
12 would have been an incentive for something
13 else, and I'll just caution my fellow Board
14 Members here, that when you get into the
15 ability of changing the Comprehensive Land Use
16 Plan simply to accommodate one idea, it
17 normally has repercussions somewhere else.

18 MR. BEHAR: Felix, and I would tend to
19 agree with -- not everything, but some of the
20 things that you said. Today, that area allows
21 120 feet, right?

22 MS. GARCIA: With City Commission approval.

23 MR. BEHAR: With Commission approval, but
24 everybody -- I mean, pretty much, 120 is the
25 norm. Let's be realistic. They're asking for

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1 on a spot basis. And the other thing is, just
2 be forewarned that this same concept can then
3 be used in any commercial parcel in the City.
4 In other words, it doesn't matter where you
5 are, someone can use this as a precedent, in
6 another area for an argument to change the
7 Comprehensive Land Use Plan height for the
8 purpose of one specific purpose, which is to
9 get a postage stamp piece of green space.

10 CHAIRMAN AIZENSTAT: But, Felix, let me ask
11 you a question. The way I see this, this is
12 being proposed for a very specific area.

13 MR. PARDO: Correct.

14 CHAIRMAN AIZENSTAT: When you say this
15 could be used for anywhere, couldn't that
16 argument be made no matter what, any area that
17 wants to come and wants to create something
18 higher than a Comp Plan, they would come to us?

19 MR. PARDO: That's true. And the reason
20 is, you know, you have small changes of the
21 Master Plan -- or the Comprehensive Land Use
22 Plan, and then you have large ones, but,
23 remember, within the Comprehensive Land Use
24 Plan limits, you also are taking in many
25 components, which includes, you know, the level

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1 seventeen and a half feet, which is basically
2 one more floor.

3 MR. PARDO: As long as Staff corrects the
4 150 feet that's here.

5 MR. BEHAR: Yeah. Yeah. Yeah.

6 MR. PARDO: Okay.

7 MR. BEHAR: So, essentially, what they're
8 doing -- the way I look at this equation is,
9 they're taking that -- I'm looking at 137,
10 okay, fifteen percent of that lot area, and,
11 essentially, that over the 120 feet, they're
12 transferring that FAR to the roof, in order to
13 create that open space. To me, it becomes a
14 mathematical equation. I get fifteen percent
15 on my lot -- and I'm going to use 40,000 square
16 feet, because -- just as a round number. So 15
17 percent will be 6,000 square feet, that I could
18 do over 120 feet.

19 CHAIRMAN AIZENSTAT: You've got to use the
20 other two --

21 MR. BEHAR: No, because the 10 you need to
22 do, no matter what. It's 15 percent
23 additional. So that 6,000 that I could do
24 essentially for 120, which is 10 floors --
25 right -- they're going to put it on top of the

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1 roof, but they're not really maximizing,
2 because if you take the 15 percent, you
3 equate -- I'm using a hypothetical 40,000
4 square feet, you're building less at that
5 height than you would do if you did it without
6 increasing the height.

7 MR. PARDO: What do you think of this idea?
8 In my opinion, what they should have done is,
9 leave the height where it is, which they can
10 receive TDRs, and then just closed a good
11 portion of a couple of the streets, allowing
12 for cul-de-sacs in there, after a proper
13 traffic study, and now you have a park that is
14 as wide as the right-of-way and it doesn't
15 affect the height.

16 MR. BEHAR: Well, let me tell you, I was
17 against the street closures when -- you know,
18 along 57th Avenue and I never believe that in
19 any cities, streets should be closed, little
20 less in this area. This area, you know, I
21 will go to the end of the earth to make sure
22 there's no street closures in this area. You
23 can't. This is one that you need to maintain,
24 you know, all of the streets.

25 Before we sold the lot in Greco, maybe that

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1 So, to me, they're asking for seventeen and
2 a half feet, which is one more story, because
3 you're not going to get -- in seventeen and a
4 half, again, it goes back to the original
5 comment before, you're not going to get two
6 stories. So you're going to get one more
7 story, for a trade-off of -- which I don't know
8 the size of the lot that we're talking about,
9 but I could imagine is close to an acre, that
10 parcel.

11 So, you know, I could see the benefit
12 behind it. And Miami-Dade County, and I'm
13 going to be guilty of, on the City of Miami
14 side, okay, you know, that just got approved
15 for RTZ, the Rapid Transit Zoning, okay. It
16 got approved. So when the owner of a property
17 comes to develop a building, they have the
18 right to do what the other buildings did, and
19 we are not going to be able to do anything
20 about it.

21 CHAIRMAN AIZENSTAT: I'm looking at the
22 time. Is anybody going to want to make a
23 motion so we can extend the time or nobody
24 wants to make a motion and we don't need to
25 extend the time?

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1 would have been an opportunity, but that's
2 gone. I can't go back to those days. I've got
3 to look at the present, and the present tells
4 me that the only way to achieve something is --
5 to achieve some green space is via this tool,
6 and right now, the only lot left that -- except
7 for the Gables Engineering, which is a big, big
8 parcel, I don't think there's anything else
9 that you're going to even potentially do
10 anything else, and the Gables Engineering
11 parcel, which is a great story, but
12 unfortunately, when the gentleman died, he left
13 the company to the employees --

14 CHAIRMAN AIZENSTAT: Clark.

15 MR. BEHAR: Clark died, he left the company
16 to the employees. There are no way they're
17 going to get out of the hole, you know. It's
18 very difficult. And if that time comes, that's
19 a piece of property that hopefully, yes, they
20 dedicate green space for the area, but
21 otherwise we're not going to get anything, and
22 I think that if you look at the equation that
23 I'm saying, taking that piece for the FAR, the
24 actual FAR that they will be doing is half of
25 what they could potentially get.

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1 MR. BEHAR: I think --

2 CHAIRMAN AIZENSTAT: You're going to want
3 to make a motion? So let's go ahead and extend
4 the time.

5 MR. BEHAR: I really don't know if we
6 need -- I'm not going to make a motion to
7 extend any more time.

8 CHAIRMAN AIZENSTAT: It's just because we
9 have two items that have to be individually --

10 MR. COLLER: Individually voted on.

11 So the first motion would be the motion for
12 the Comp Plan.

13 CHAIRMAN AIZENSTAT: Can we extend it ten
14 minutes only for the motions, if you're going
15 to make a motion?

16 MR. BEHAR: I'll make a motion to extent
17 for ten minutes, but I'm hungry.

18 CHAIRMAN AIZENSTAT: Ten minutes. Is there
19 a second?

20 MR. GRABIEL: I second.

21 MS. KAWALERSKI: Second.

22 MR. BEHAR: Don't put that on the record.

23 CHAIRMAN AIZENSTAT Julio went ahead and
24 second. All in favor say aye.

25 Anybody against? No?

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1 (All Board Members voted aye.)
 2 CHAIRMAN AIZENSTAT: Robert, do you want to
 3 make a motion?
 4 MR. BEHAR: Look, I'll make a motion to
 5 approve G-9, is it?
 6 CHAIRMAN AIZENSTAT: G-9 and also --
 7 MR. BEHAR: We have to take one at a time.
 8 CHAIRMAN AIZENSTAT: Okay.
 9 MR. BEHAR: I'll make a motion to approve
 10 G-9.
 11 MR. COLLER: That's in accordance with be
 12 the Department recommendation.
 13 MR. GRABIEL: I'll second it.
 14 CHAIRMAN AIZENSTAT: We have a motion. We
 15 have a second? Any discussion?
 16 Julio made the second. Any discussion?
 17 MS. KAWALERSKI: Just one comment, I'm
 18 going to vote, no, and here's the reason why, I
 19 believe that that MX2.5 discussion, once it
 20 gets up into the Commission level, and if that
 21 passes, that can apply to this area. So, at
 22 this point in time, I don't want to change the
 23 Comp Plan --
 24 CHAIRMAN AIZENSTAT: Understood.
 25 MR. BEHAR: Okay. That's a good point.

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1 Hold on, because I want to -- if they would
 2 apply -- once -- if they apply to 2.5, can they
 3 do that?
 4 MS. GARCIA: They could request it, sure,
 5 but you don't get a park from it.
 6 MR. PARDO: That's part of the problem.
 7 CHAIRMAN AIZENSTAT: Say that again.
 8 MS. GARCIA: You're not going to get a park
 9 from it. This will guarantee you to have a
 10 park, if they went to that magical number.
 11 MS. KAWALERSKI: But we could require it,
 12 no, as part --
 13 MR. BEHAR: No.
 14 CHAIRMAN AIZENSTAT: No.
 15 MS. KAWALERSKI: We couldn't? Well, the
 16 Commission could, right?
 17 CHAIRMAN AIZENSTAT: Yes.
 18 MS. KAWALERSKI: And we know how the
 19 Commission feels about parks.
 20 CHAIRMAN AIZENSTAT: I don't want to
 21 speculate on the Commission.
 22 MR. BEHAR: You know, Sue, one bird in the
 23 hand is better than two flying.
 24 CHAIRMAN AIZENSTAT: We have a motion. We
 25 have a second. Any other comments? No.

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1 MR. PARDO: I think Sue's comment was on
 2 point.
 3 CHAIRMAN AIZENSTAT: Understood. It's on
 4 the record.
 5 Call the roll, please.
 6 THE SECRETARY: Sue Kawalerski?
 7 MS. KAWALERSKI: No.
 8 THE SECRETARY: Felix Pardo?
 9 MR. PARDO: No.
 10 THE SECRETARY: Robert Behar?
 11 MR. BEHAR: Yes.
 12 THE SECRETARY: Julio Grabiell?
 13 MR. GRABIEL: Yes.
 14 THE SECRETARY: Eibi Aizenstat?
 15 CHAIRMAN AIZENSTAT: Yes.
 16 MR. COLLER: Okay. And so it goes without
 17 a recommendation -- well, I take that back,
 18 because it's a Comp Plan, it's deemed denial,
 19 because there weren't four votes. So that's a
 20 new change in the Code, because this Board has
 21 to make a recommendation, therefore, on
 22 three-two, it's deemed to be a denial.
 23 MR. PARDO: So because of the denial of the
 24 Comp Plan, do we even vote on the Zoning?
 25 MR. COLLER: Since you're making

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1 recommendations, you should vote on both.
 2 MR. BEHAR: I'll make a motion to approve
 3 G-10 as presented --
 4 CHAIRMAN AIZENSTAT: With Staff's
 5 recommendation.
 6 MR. GRABIEL: I second it.
 7 MR. COLLER: And I just want to make
 8 something clear. What you're doing is not
 9 approving an item. You're making a
 10 recommendation to the Commission. That's why
 11 we're taking the vote, but I get your point.
 12 MR. PARDO: Yeah. You can't have one
 13 without the other.
 14 CHAIRMAN AIZENSTAT: Any comments, Sue?
 15 MS. KAWALERSKI: No.
 16 CHAIRMAN AIZENSTAT: Call the roll, please.
 17 THE SECRETARY: Robert Behar?
 18 MR. BEHAR: Yes.
 19 THE SECRETARY: Julio Grabiell?
 20 MR. GRABIEL: Yes.
 21 THE SECRETARY: Sue Kawalerski?
 22 MS. KAWALERSKI: No.
 23 THE SECRETARY: Felix Pardo?
 24 MR. PARDO: No.
 25 THE SECRETARY: Eibi Aizenstat?

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1 CHAIRMAN AIZENSTAT: Yes.
 2 MR. COLLER: Okay. So that goes with --
 3 because it's a zoning item, that is a three-two
 4 vote, and it goes without a recommendation.
 5 MR. PARDO: Mr. Attorney, I just wanted to
 6 say something, for the record, to make sure,
 7 that whomever your counterpart is with the
 8 Commission understands, they can't approve the
 9 zoning without approving the change of the
 10 Master Plan, because you can't have one in
 11 violation of the other.
 12 MR. COLLER: Well, you've made a
 13 recommendation for denial, but that's not
 14 binding on the Commission. They just need your
 15 recommendation. So you've recommended it. It
 16 would be up to the Commission, as far as what
 17 they choose to do with these two items.
 18 MR. PARDO: Okay. Thank you.
 19 MR. GRABIEL: I move to adjourn.
 20 CHAIRMAN AIZENSTAT: We have a motion to
 21 adjourn.
 22 MR. GRABIEL: Second.
 23 CHAIRMAN AIZENSTAT: All in favor say aye.
 24 (All Members voted aye.)
 25 (Thereupon, the meetin was concluded at 9:30 p.m.

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1 C E R T I F I C A T E

2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8

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

15
 16 DATED this 18th day of July, 2023.

17
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19
 20 -----NIEVES SANCHEZ-----
 21
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