

1 meeting prior to the Board of Architects
 2 preliminary approval.
 3 MR. PARDO: Second.
 4 CHAIRMAN AIZENSTAT: So to be clear, you're
 5 just adding one meeting before the Board of
 6 Architects, the community meeting?
 7 MR. SALMAN: That's correct.
 8 MS. KAWALERSKI: And this is specifically
 9 between developer and neighborhood.
 10 MR. SALMAN: Correct.
 11 CHAIRMAN AIZENSTAT: That is correct.
 12 MS. KAWALERSKI: Correct?
 13 MR. SALMAN: Right.
 14 CHAIRMAN AIZENSTAT: Same as they do before
 15 they come here.
 16 MS. KAWALERSKI: Yeah.
 17 CHAIRMAN AIZENSTAT: We have a motion. We
 18 have a second. Any discussion?
 19 Chip?
 20 MR. WITHERS: I'm good with that. It's a
 21 good idea.
 22 CHAIRMAN AIZENSTAT: Okay. Call the roll,
 23 please.
 24 THE SECRETARY: Robert Behar?
 25 MR. BEHAR: No.

1 THE SECRETARY: Sue Kawalerski?
 2 MS. KAWALERSKI: Yes.
 3 THE SECRETARY: Felix Pardo?
 4 MR. PARDO: Yes.
 5 THE SECRETARY: Javier Salman?
 6 MR. SALMAN: Yes.
 7 THE SECRETARY: Chip Withers?
 8 MR. WITHERS: Yes.
 9 THE SECRETARY: Eibi Aizenstat?
 10 CHAIRMAN AIZENSTAT: No.
 11 THE SECRETARY: Four-two.
 12 CHAIRMAN AIZENSTAT: Next item is -- the
 13 last one. E-4.
 14 MR. COLLER: Back to E-4, okay.
 15 Item E-4, an Ordinance of the City
 16 Commission amending Section 14-103.3, "Meeting
 17 Panel Review, Full by Full Board; Conflict
 18 Resolution Meeting; Special Master
 19 Quasi-Judicial Hearing" in order to amend
 20 certain procedures related to the conflict
 21 resolution and Special Master Quasi-Judicial
 22 Process for appeals for decisions by the Board
 23 of Architects; providing for a repeater
 24 provision, severability clause, codification,
 25 enforceability, and providing for an effective

1 date.
 2 Item E-4, public hearing.
 3 CHAIRMAN AIZENSTAT: Thank you.
 4 MS. GARCIA: Jennifer Garcia, City Planner.
 5 I have a brief -- there we go. There it is.
 6 So these are making some clarifications to
 7 the appeal process for Board of Architects, as
 8 well as adding in some new ideas, as far as the
 9 Special Masters.
 10 So if you go to Page 3 of your Staff
 11 report, there are changes there, in
 12 strikethroughs and underline. The main -- I
 13 think the main thing is that -- well, two
 14 things, once -- okay. So let me go walk
 15 through the chart.
 16 So Board of Architects approval or denial,
 17 right, they make a decision. If someone
 18 appeals that decision, then it goes to the
 19 conflict resolution, which is a kind of an
 20 interior inside meeting with the City Architect
 21 and the applicant. From that, comes the
 22 settlement. And then it goes to the Special
 23 Master for a quasi-judicial hearing.
 24 At that point, what's being proposed is, if
 25 it's a single-family residential project, it

1 will be heard by one Special Master. However,
 2 in all other projects, like the large
 3 multi-family, mixed-use projects, it will be
 4 reviewed by three Special Masters.
 5 The intent is that one person is not making
 6 a determination of appealing the Board of
 7 Architects, it would actually be three people
 8 for a discussion.
 9 CHAIRMAN AIZENSTAT: So majority?
 10 MS. GARCIA: Right. Exactly.
 11 The other clarification is that, if there
 12 are any changes during conflict resolution or
 13 during the Special Master process, that it go
 14 back to the Board of Architects, if the City
 15 Architect determines that it's substantially
 16 changed.
 17 MR. BEHAR: And, Jennifer, quick question,
 18 those three Special Masters --
 19 MS. GARCIA: Uh-huh.
 20 MR. BEHAR: Who are those -- you know, are
 21 those Board of Architects?
 22 MS. GARCIA: No.
 23 MR. BEHAR: They're independent?
 24 MS. GARCIA: Right.
 25 MR. PARDO: Elected by whom?

1 MS. GARCIA: By the City Architect.
 2 CHAIRMAN AIZENSTAT: By the City Architect?
 3 MS. GARCIA: Yes. I think they submit it
 4 to the City Manager and they select the Special
 5 Master.
 6 MR. PARDO: I have a real problem with this
 7 change of process.
 8 MR. SALMAN: I have a terrible problem.
 9 MR. PARDO: I think it's a terrible idea.
 10 I think we're diluting what the Board of
 11 Architects does. If there's an aggrieved party
 12 now, they go straight to the Commission.
 13 MS. GARCIA: No. Right now they go to a
 14 Special Master.
 15 MR. PARDO: It was like that.
 16 MR. BEHAR: No, a Special Master.
 17 MR. PARDO: Well, there's a Special Master
 18 now, but before that --
 19 CHAIRMAN AIZENSTAT: Felix, pardon me, but
 20 what they're saying is, instead of having just
 21 one Special Master, to have three Special
 22 Masters, so there's a majority rule, for larger
 23 projects.
 24 MR. BEHAR: The problem I have is, who
 25 selects those three Special Masters?

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1 MR. PARDO: That's why I asked the
 2 question. I have a real problem with that.
 3 CHAIRMAN AIZENSTAT: Who do you think
 4 should select it?
 5 MR. PARDO: I don't think the City Manager
 6 or anyone like that is qualified, because
 7 they're not architects.
 8 MR. SALMAN: Jennifer, I think it would
 9 help -- through the Chair.
 10 Jennifer, I think it would help us if you
 11 walked us through a scenario, where -- let's
 12 say an architect goes and presents before Board
 13 of Architects. I'll present the scenario and
 14 you correct me as I go along. And let's say
 15 you have your select three architects that are
 16 reviewing your project, and they hate it. They
 17 think that this is not going to be acceptable.
 18 You have the right to ask for a full board
 19 review at that point; is that correct?
 20 MR. BEHAR: No. No. On major projects,
 21 you have to go before the full Board.
 22 MR. PARDO: Correct.
 23 MR. BEHAR: And, then, if you get denied,
 24 okay, you appeal it to the Special Master, one
 25 person.

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1 CHAIRMAN AIZENSTAT: Which would now be
 2 three people, to make a determination by
 3 majority.
 4 MR. BEHAR: Right. Up to now, the one that
 5 I've been aware of is Mitch Alvarez --
 6 MS. GARCIA: Yeah.
 7 MR. BEHAR: -- who has been the Special
 8 Master.
 9 CHAIRMAN AIZENSTAT: Who appoints him? How
 10 does he become Special Master?
 11 MR. BEHAR: He was appointed, I believe, by
 12 the City Manager.
 13 MS. GARCIA: Right, with recommendations
 14 from the City Architect.
 15 MR. BEHAR: Okay. Now it will be Special
 16 Masters to review major projects. The question
 17 is, who approved those three members?
 18 MS. GARCIA: The same process,
 19 recommendation from the City Architect, to be
 20 approved by the City Manager, because the City
 21 Manager, in essence, is really the one that's
 22 organizing and appointing these Board of
 23 Architects.
 24 CHAIRMAN AIZENSTAT: It's really the same
 25 process, except there's three people instead of

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1 one. If you're okay right now with one person
 2 being appointed, which is by the City Manager,
 3 why do you have a problem with more eyes -- I'm
 4 just --
 5 MR. BEHAR: You're right. Now, you have to
 6 get unanimous approval from the three or is it
 7 a majority?
 8 MS. GARCIA: Majority.
 9 CHAIRMAN AIZENSTAT: Two out of three.
 10 MS. GARCIA: Right.
 11 MR. PARDO: And the other thing is that --
 12 MR. COLLIER: Could you speak into the mike,
 13 because it's really hard to hear you? Sorry.
 14 MR. PARDO: One of the previous
 15 applicants -- one of the previous applicants
 16 tonight mentioned Robert Wade. Robert Wade was
 17 legendary, and he was the architect for that
 18 particular homeowners' association, but Dick
 19 Schuster was the architect for many years for
 20 Gables Estates, et cetera, et cetera, et
 21 cetera. So the qualifications of those people,
 22 and Mitch Alvarez, is very, very different than
 23 someone else.
 24 I really believe that this is going to go
 25 down the path of watering down what the Board

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1 of Architects and what a full Board of
2 Architects does. I think it's a huge mistake.
3 I'm voting against it, under every condition
4 you can think of.

5 MR. BEHAR: Felix, what it is, is the Board
6 of Architects still has the same control as
7 they do today. The difference here is that,
8 when it's appealed, on a major project, three
9 people would look at the appeal, not one
10 person.

11 CHAIRMAN AIZENSTAT: That's the only
12 difference.

13 MR. PARDO: I understand that, but I have
14 an issue, because the selection process is not
15 coming from the Board of Architects. The
16 selection process is coming from someone else.

17 MR. BEHAR: But if the City Architect
18 recommends to the City Manager who is going to
19 be in that special --

20 MR. PARDO: Again, the people that are left
21 out is the Board of Architects.

22 CHAIRMAN AIZENSTAT: But the person -- but,
23 Felix, the person that is the one that you
24 like, that is very good, he's going to be part
25 of those -- he'll be the one person out of the

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1 not the -- I thought there was a situation
2 where some neighbor objected and that went on
3 appeal. Do you recall that?

4 MS. GARCIA: I think the most recent one, I
5 don't think they went through the appeal
6 process. I think they withdrew their appeal.

7 MR. BEHAR: The most recent is the Merrick
8 Park project.

9 MR. GARCIA: (Unintelligible) Yes.

10 MR. WITHERS: Let me ask you this, is there
11 a conflict if the City appeals the project and
12 the person that they've appointed is the one
13 ruling as the Special Master?

14 MR. COLLER: I'm not sure I understand.
15 Where would the City appeal?

16 MR. WITHERS: If the City -- if the City
17 protests a decision from the Board of
18 Architects, the City Commission --

19 MR. COLLER: The City Commission
20 wouldn't --

21 MR. WITHERS: Does the City have the right
22 to appeal a decision of the Board of
23 Architects?

24 MS. GARCIA: The City, like the Commission,
25 as a whole?

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1 other two.

2 MR. COLLER: On behalf of the court
3 reporter, I request that all persons, not
4 singling out anybody in particular, speak
5 through the microphone. Thanks. Sorry.

6 MR. PARDO: Sorry.

7 Just for the record, I just think that, in
8 the future, we will regret this and I cannot
9 vote for it under any circumstances.

10 CHAIRMAN AIZENSTAT: Okay.

11 MR. SALMAN: Jennifer -- through the Chair.

12 CHAIRMAN AIZENSTAT: Yes, sir.

13 MR. SALMAN: How many times do we have to
14 deal with this?

15 MS. GARCIA: What?

16 MR. SALMAN: How many times has this
17 actually occurred, that we have a Board of
18 Architects that disapproves a project, that has
19 to go to a Special Master for review?

20 MS. GARCIA: Most recently, a lot, but how
21 many actually are a large project, that are not
22 single-family, in the last year, I can only
23 think of one.

24 MR. COLLER: And has there been occasions,
25 though, where an individual has objected and

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1 MR. WITHERS: The City. I mean, the City
2 has appealed --

3 MR. COLLER: Let's say the City Architect.
4 I think your hypothetical is, for some reason
5 or another, the Board of Architects does
6 something that the City Architect finds
7 objectionable?

8 MR. BEHAR: I think you're saying the City
9 Commission.

10 MR. WITHERS: City Commission.

11 MR. BEHAR: If the Board of Architects
12 approves something and the City Commission does
13 not agree with that approval, can they appeal
14 it?

15 MR. COLLER: Well, typically, it's not
16 really an appeal. It doesn't -- as I
17 understand it, an item that's a large project,
18 where the Board of Architects approves it, it
19 ultimately goes to the Commission for approval.
20 So, at that point, I presume that the
21 Commission is going to weigh in on how it feels
22 about the project.

23 MR. WITHERS: That's way downstream,
24 though, right? I mean, the City Commission has
25 appealed Historic Preservation decisions.

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1 MS. GARCIA: Because they were considering
2 it.

3 MR. WITHERS: I'm just asking. I don't
4 know. I'm just trying to think of the
5 conflicts that might be, and I don't know if a
6 three-two vote is better than a one-zero vote
7 as far as -- I mean, three votes better than
8 one vote, if it came to the situation.

9 MR. PARDO: Depends on who it is, you know,
10 and who selects them. I feel, again, still as
11 uncomfortable as I always have. I've seen this
12 go really, really, really wrong, and that's
13 where people scratch their heads and say, who
14 the heck approved that, and if you start to --
15 if you facilitate the Special Master,
16 eventually you will be dealing with the Special
17 Master or just those three -- not even a full
18 board. I have a problem with that.

19 CHAIRMAN AIZENSTAT: We've got six minutes
20 before we're supposed to finish. So do we
21 extend time?

22 MR. BEHAR: No.

23 MR. WITHERS: Call the question.

24 CHAIRMAN AIZENSTAT: If we don't extend
25 time, is there a motion?

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1 they're clarifying that, that we're requiring
2 that additional process in appeal. Right now,
3 it says, "May." So we're trying to clarify
4 that. That's one of the changes, right.

5 MR. COLLIER: I think there are some
6 technical changes that are being made in the
7 process.

8 MS. GARCIA: Right.

9 MR. COLLIER: I think you could approve it,
10 except for -- one possible motion is approval
11 with the exception of expanding the three
12 Special Masters.

13 MR. WITHERS: I'm just curious to know why
14 they're changing it. Is there a problem why
15 someone just said, let's have three, instead of
16 one? Is that why they changed it?

17 MS. GARCIA: Yeah. There is some concern
18 that just one person is voting on a substantial
19 project.

20 The other issue is that if there is changes
21 throughout the process of the conflict
22 resolution, as it goes to the Special Master,
23 there's no requirement for it to go back to the
24 Board of Architects and they want to see what
25 the final, you know, decision is.

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1 MR. PARDO: I make a motion to deny.

2 MR. WITHERS: I second it.

3 CHAIRMAN AIZENSTAT: We have a motion to
4 deny. We have a second to deny.

5 MR. WITHERS: So we can vote on it.

6 CHAIRMAN AIZENSTAT: Any friendly
7 amendments to the motion to deny? No? Any
8 discussion?

9 Call the roll, please.

10 THE SECRETARY: Sue Kawalerski?

11 MR. BEHAR: If we deny, we stay with the
12 process the way it is today, only one Special
13 Master?

14 CHAIRMAN AIZENSTAT: As of right now, yes.

15 MR. COLLIER: That would be your
16 recommendation to the City Commission.

17 MR. BEHAR: Well, if you deny we're going
18 to keep the process the way it is today.

19 CHAIRMAN AIZENSTAT: It's our
20 recommendation.

21 MR. WITHERS: Is the process broken now?
22 Is that why they're changing it?

23 MS. GARCIA: Well, so right now, the
24 conflict resolution has the word "may" instead
25 of "shall" require an appeal process. So

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1 MR. PARDO: It's funny that you mention
2 that, because if you remember, just a few years
3 ago, one of the large projects on US-1, well,
4 how did they get away with this, how did they
5 get away with that, and all of a sudden, what
6 was built was completely different than what
7 was approved. You know, again somebody was
8 asleep at the wheel. You don't need three
9 masters for that. You just need someone, you
10 know, from the City, to look over the approved
11 plans and make sure it gets built that way.

12 CHAIRMAN AIZENSTAT: We have four minutes.

13 We have a motion. We have a second. So we
14 do have to take a vote.

15 MR. COLLIER: So the motion is straight
16 denial?

17 CHAIRMAN AIZENSTAT: It's a straight
18 denial, unless there wants to be a friendly
19 amendment right now.

20 MR. WITHERS: Well, I would like to change
21 my motion, that the technical changes are
22 approved, but the three -- selection of three
23 Special Masters is denied.

24 MS. GARCIA: And what about the last
25 language about, if the design of a project

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1 should substantially change as is approved by
2 the City Architect during the conflict
3 resolution or a Special Master hearing process,
4 the Board of Architects shall be required to
5 review the changes of the design? Do you want
6 to keep, as well, because that, right now, is
7 not in our process?

8 MR. WITHERS: Is that not at the behest of
9 the applicant --

10 MR. SALMAN: Yeah, that's up to the
11 applicant, as to whether or not he wants to
12 make changes and re-submit. I mean, that's
13 what you're saying.

14 MR. WITHERS: It's not an automatic review,
15 is it? I mean, if the applicant wants to move
16 forward, right?

17 MR. SALMAN: Yeah. If he wants to move
18 forward and he wants to submit another project,
19 that's fine. It's up to the applicant.

20 MR. COLLER: So, really, the only thing
21 that you're finding objection to is the
22 expansion to three Special Masters in this
23 proposal?

24 MR. WITHERS: And it's because I don't know
25 why.

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1 resolution, and they go to the Special Master
2 process, at that point, it's just one person.
3 So the concern is, why would that water down to
4 one person deciding the final vote? Why
5 wouldn't you have three, for a majority?

6 MR. WITHERS: Okay.

7 MS. GARCIA: That's the concern.

8 MR. BEHAR: What doesn't make sense to me
9 is, it goes back to the Board of Architects
10 later.

11 MS. GARCIA: If it's substantially changed.

12 MR. BEHAR: If the Special Master approves
13 it, right, the way that -- then it doesn't go
14 back to the Board?

15 MS. GARCIA: No. If it's the same -- yeah,
16 if it's the same project they've already
17 rejected, it doesn't have to go back to the
18 board.

19 MR. PARDO: That's part of the problem.

20 MR. WITHERS: That's what I don't
21 understand.

22 MS. GARCIA: Only if it's been changed
23 substantially, according to the City Architect
24 -- if he finds like it's been substantially
25 changed --

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1 MR. COLLER: No, I'm not -- I'm trying to
2 get the motion because we have four minutes.

3 CHAIRMAN AIZENSTAT: I just want to be
4 clear, unless we extend it, in two minutes,
5 we're finished, no matter where we stand.

6 MR. SALMAN: I would like a motion to
7 extend it five more minutes.

8 CHAIRMAN AIZENSTAT: We have a motion to
9 extend it five more minutes. Everybody in
10 favor, aye.

11 (All Board Members voted aye.)

12 CHAIRMAN AIZENSTAT: Thank you.

13 So let's move --

14 MR. WITHERS: I mean, the explanation given
15 was that some people say that something was
16 done wrong or there's too much power or someone
17 didn't do it the right, but there's really no
18 specific thing you can point to as to why?

19 MS. GARCIA: No. Again, the concern is
20 just that, if the Board of Architects has a
21 full board reviewing a project, and they have,
22 what, seven, nine members, reviewing the
23 project, as it moves through the process to the
24 final -- you know, if they appeal it,
25 obviously, and then go through conflict

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1 MR. BEHAR: Then they have to go back to
2 the board. Otherwise the decision of the
3 Special Master stands.

4 MS. GARCIA: Right.

5 MR. SALMAN: And overrules the Board of
6 Architects.

7 MS. GARCIA: Right.

8 MR. SALMAN: All right. Thank you. That's
9 all I need to know. Thank you.

10 CHAIRMAN AIZENSTAT: Right now, we still
11 have a motion to deny, and a second.

12 MR. COLLER: We really can't hear -- we
13 need to be on the record throughout the
14 conversations.

15 MR. PARDO: I'll accept Chip's friendly
16 amendment.

17 MR. COLLER: So I understand the motion,
18 the motion is to approve, in part. Approve all
19 technical changes, deny that portion of the
20 Ordinance that would expand to three the
21 Special Masters?

22 MR. SALMAN: Correct.

23 MR. BEHAR: Are you sure you want to leave
24 out the three Special Masters?

25 MR. PARDO: Yes.

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1 CHAIRMAN AIZENSTAT: All right. We have a
 2 motion. We have a second. Any other
 3 discussion?
 4 Call the roll, please.
 5 THE SECRETARY: Sue Kawalerski?
 6 MS. KAWALERSKI: Yes.
 7 THE SECRETARY: Felix Pardo?
 8 MR. PARDO: Yes.
 9 THE SECRETARY: Javier Salman?
 10 MR. SALMAN: Honey, can you come please
 11 pick me up?
 12 Yes.
 13 THE SECRETARY: Chip Withers?
 14 MR. WITHERS: Yes.
 15 THE SECRETARY: Robert Behar?
 16 MR. BEHAR: No.
 17 THE SECRETARY: Eibi Aizenstat?
 18 CHAIRMAN AIZENSTAT: No. I like the three
 19 Masters. I thought that was a good idea.
 20 MR. COLLER: So it's passed on a four-two
 21 vote, correct?
 22 THE SECRETARY: Yes.
 23 MR. COLLER: I believe a motion to adjourn
 24 is in order.
 25 CHAIRMAN AIZENSTAT: Is there a motion to

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1 adjourn?
 2 MR. SALMAN: So moved.
 3 MR. COLLER: Is there something else that I
 4 missed?
 5 MR. SALMAN: We need a second.
 6 MR. BEHAR: Second.
 7 THE SECRETARY: No. The next Planning and
 8 Zoning Board Meeting is Tuesday, February 20th.
 9 That's all.
 10 CHAIRMAN AIZENSTAT: That's what's in the
 11 e-mails that you sent?
 12 THE SECRETARY: That's correct.
 13 CHAIRMAN AIZENSTAT: Thank you.
 14 MR. WITHERS: And what is it, February
 15 20th?
 16 THE SECRETARY: Correct.
 17 CHAIRMAN AIZENSTAT: Thank. So we have a
 18 motion to adjourn. Everybody say aye.
 19 (Board Members voted aye.)
 20 (Thereupon, the meeting was adjourned at 9:15
 21 p.m.)
 22
 23
 24
 25

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C E R T I F I C A T E

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 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

DATED this 22nd day of January, 2024.

-----NIEVES SANCHEZ-----

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