

MR. BEHAR: Yes.

THE SECRETARY: Marshall Bellin?

MR. BELLIN: Yes.

THE SECRETARY: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Yes.

Mr. Trias, you're up.

MR. TRIAS: Thank you, Mr. Chairman. The item that we have here tonight is the Henry S. West Lab School, and the Applicant is the School Board, but I don't believe the Applicant is here.

Is anybody here from the School Board?

I guess they're not here. So I will make the only presentation today, and certainly you can make whatever comments you can, and I'll try to answer your questions, but keep in mind, I'm not the Applicant and they're not here. I'm just the Staff person.

May I have the PowerPoint, please?

CHAIRMAN AIZENSTAT: Is that unusual?

MR. TRIAS: I don't think it's unusual for the School Board, and I think that the City Attorney has an explanation of the reasoning and the differences of opinion between the way that the School Board perceives the process and

the way that the City understands the process should be.

MR. BEHAR: So this is really just as a courtesy, to see what we're approving or what's coming before us, but if they're not here to answer any questions --

MR. TRIAS: It's not a courtesy. We're going through the process. We believe that the proper process is Conditional Use and amendment to the Site Plan, and I'll explain that. So we are following the process. Apparently, their opinion is that they don't have to follow the process, and I think that the City Attorney can explain those issues later on.

MS. MENENDEZ: Yeah. The Public School System has always viewed Zoning as not something that they have to go through. You know, they'll adhere to the Building Codes, but Zoning has always been a challenge for them to agree to present these changes.

MR. LEEN: Yes. I was going to talk about this a little bit more later, but we've had a dispute with the School Board, which is going to be before the Commission on August 29th, on a number of issue where the City has taken the

position that our Zoning Code applies to the School Board, based on our Interlocal Agreement with the School Board, as well as based on a couple -- a Supreme Court case, the Temple Terrace case, and then a couple of District Courts of Appeal cases applying that precedent to School Boards, which says that City Zoning Codes apply to the County, to the School Board and even to State agencies. That's the binding case law of Florida.

The School Board takes the position, although I don't fully understand why, that that case law is not controlling.

So we continue to apply that case law to the School Board. We also apply it to the County. We always have taken the position that our Zoning Code applies, at least since I've been here.

In addition to that, I would note that now there's a body of statutory law that says that charter schools are to be treated the same or equitably to public schools. So, as you may recall, and some of you may have even been on the Board, we did apply our Zoning Code to Somerset Gables, when they sought to increase

their student population, and we required them to go through a Conditional Use Review, both, through this Board and also through the City Commission.

There was a lawsuit related to that, and, in fact, there was a motion for, I believe it was a temporary injunction or preliminary injunction, against the City of Coral Gables, to prevent us from applying our Zoning Code to the charter school, and we won. We won that motion and we ended up applying our Zoning Code to the charter school.

And so we would take the same position as to the School Board. In fact, if we don't take that position as to the School Board, there's a good argument that we can't take that position as to charter schools anymore. So we take that position as to all other government entities operating in Coral Gables. I just want to be clear about that.

And what we do is, we apply a balancing of interests standard. That's different than a strict application of the Zoning Code.

So, let's say, in a situation where there was a -- the County needed to build something

<p style="text-align: right;">Page 29</p> <p>1 that was not technically one of the uses that  2 was allowed under our Code or maybe they wanted  3 to build something that would go into setbacks  4 or would violate a provision of our Code, but  5 let's say they had a good reason for doing it,  6 maybe this was the only place they could put  7 this particular use, and maybe it was similar  8 to some other uses that we allowed in the  9 Zoning Code or maybe they needed to violate the  10 setback in this particular case because of a  11 good reason, maybe because they needed to put  12 some facility to satisfy the ADA or something  13 like that, whatever it might be, or to satisfy  14 some State Law related to schools, well, in  15 those circumstances, the City can balance the  16 interest between the School Board and the City  17 Code and can decide to allow it, but they till  18 have to go through the hearing.  19 Let's say you give them setback relief.  20 And it's not a variance. You would just allow  21 them to go into the setback, let's say, in a  22 particular circumstance, but let's say that  23 causes harm to the neighbor, you could impose a  24 condition of approval to try to protect the  25 neighbor, maybe that a wall be built or that</p>	<p style="text-align: right;">Page 31</p> <p>1 every school expansion, and let tell you why,  2 and I won't have to talk as much later.  3 Let me tell you why. Not only does --  4 whenever -- the County and the School Board,  5 they will, from time to time, come in and they  6 will have a very significant or intense use. I  7 mean, for example, we have several schools that  8 operate in Coral Gables. If we can't apply our  9 Zoning Code to the schools, that means they  10 could double their size and cause impacts to  11 the surrounding neighborhood and we could not  12 impose any conditions of approval. We cannot  13 go through a Conditional Use Review.  14 Conceivably, and I'm not saying they would ever  15 do this, I'm not saying that, but we have to  16 think about what could happen one day,  17 conceivably the School Board could come in and  18 say, "Well, you know what, we're going to  19 demolish part of Coral Gables Preparatory  20 Academy, because we want to build another  21 building that is going to be larger or several  22 stories," or even demolish the building  23 entirely. You know, conceivably, and I'm not  24 saying they would do that -- in fact, they've  25 always told me that they're very supportive of</p>
<p style="text-align: right;">Page 30</p> <p>1 there be screening or landscaping or something  2 like that, or that there be hours of operation  3 related to the school or something like that.  4 So you have the authority to balance the  5 interests between the City and the School Board  6 and impose reasonable conditions of approval  7 supported by competent and substantial  8 evidence.  9 CHAIRMAN AIZENSTAT: Can the City enforce  10 it?  11 MR. LEEN: Yes. In fact, we will, and we  12 have. The most famous case is the windows at  13 Coral Gables Elementary. We applied our Zoning  14 Code to the School Board, and we argued and we  15 took the position that our Historic  16 Preservation Ordinance applies to Coral Gables  17 Preparatory Academy. The School Board took the  18 position that it does not. And we ended up  19 balancing the interests and reaching a  20 resolution of that.  21 But even today, that issue is still  22 percolating, and, in fact, it's going to be  23 before the Commission again on August 29th, but  24 we continue to take the position, the City of  25 Coral Gables, that our Zoning Code applies to</p>	<p style="text-align: right;">Page 32</p> <p>1 the building, of Coral Gables Prep, but, you  2 know, there could be a different School Board  3 in the future, there could be a different  4 administrator, a different superintendent, and  5 we just have to be aware, Coral Gables has a  6 very strict Historic Landmark provision. We  7 apply that to the schools.  8 If they want to touch that building,  9 they've got to go through our Historic  10 Preservation regulations and our administrative  11 officers. We take that position. We're going  12 to continue taking that position, even if the  13 School District says that they don't believe  14 that they should have to. And if they don't  15 follow our Code, and they're going to do  16 something that we think is not appropriate, we  17 will go to court and seek an injunction and we  18 will initiate Chapter 164 proceedings.  19 And what that is, Chapter 164 is when two  20 government entities have a dispute, there's a  21 proceeding under the State Law that allows us  22 to get in -- basically have a meeting between  23 the City Commission and the School Board, to  24 try to work out our differences, and we're  25 prepared to do that.</p>

<p style="text-align: right;">Page 33</p> <p>1 So I just want to make you aware that what</p> <p>2 you're doing in this review is very important,</p> <p>3 and I know the School Board is not here, but</p> <p>4 they've told me they will be here before the</p> <p>5 City Commission, and I know the Commission is</p> <p>6 going to want to know your thoughts on this</p> <p>7 application, and we will -- whatever you say</p> <p>8 here today, we're getting a transcript, and I'm</p> <p>9 going to provide it to the School Board, so</p> <p>10 they can read it in advance of the Commission</p> <p>11 meeting, is my goal.</p> <p>12 MR. BELLIN: Craig --</p> <p>13 MR. BEHAR: Craig, let me ask you, do they</p> <p>14 have to go through the Board of Architects?</p> <p>15 MR. LEEN: Yes.</p> <p>16 MR. BEHAR: They have to go through the</p> <p>17 whole process?</p> <p>18 MR. LEEN: That's our position.</p> <p>19 Now, I will tell you that it went before</p> <p>20 the Board of Architects last week --</p> <p>21 MR. TRIAS: Yes.</p> <p>22 MR. LEEN: Was it last week?</p> <p>23 MR. TRIAS: Yes.</p> <p>24 MR. LEEN: And they did not come. So I</p> <p>25 informed them, again, and now they say they're</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. LEEN: You have to be vigilant.</p> <p>2 MS. MENENDEZ: What I understand is, we</p> <p>3 have to inspect it.</p> <p>4 MR. LEEN: Yeah. You have to be very vigilant.</p> <p>5 MR. BEHAR: How do you inspect it, when you</p> <p>6 don't review the plans?</p> <p>7 MR. WU: No, we do not -- City Staff</p> <p>8 doesn't inspect it.</p> <p>9 MR. BEHAR: You don't inspect it. You</p> <p>10 can't.</p> <p>11 MS. MENENDEZ: We don't inspect it, either?</p> <p>12 MR. LEEN: No.</p> <p>13 MR. BEHAR: No, you can't.</p> <p>14 MR. WU: They issue their permits and they</p> <p>15 issue the completion.</p> <p>16 MR. LEEN: That's what happened with the</p> <p>17 windows. They got a building permit from their</p> <p>18 Building Department, and then we just found out</p> <p>19 when they started removing the windows. And</p> <p>20 that's when we issued them a cease and desist</p> <p>21 and a red tag, a Code Enforcement red tag, and</p> <p>22 that's when we started the Chapter 164</p> <p>23 proceedings, and they stopped. They complied</p> <p>24 with what we told them.</p> <p>25 MS. VELEZ: I have a question.</p>
<p style="text-align: right;">Page 34</p> <p>1 going to come next Thursday. So they told us</p> <p>2 that they will come before the Board of</p> <p>3 Architects next Thursday.</p> <p>4 And I see a little bit more openness to</p> <p>5 working with us on this from the School Board</p> <p>6 recently. In an e-mail today, I saw that. I</p> <p>7 had a phone call with the Deputy School Board</p> <p>8 Attorney. They seem more open to participating</p> <p>9 in our process. So maybe this will work out,</p> <p>10 and I hope it does.</p> <p>11 MR. BELLIN: Craig, does the School Board</p> <p>12 have to pull building permits?</p> <p>13 MR. LEEN: No. That's one thing that's</p> <p>14 clear. They have to pull their building</p> <p>15 permits from the School Board. The School</p> <p>16 Board can issue its own building permits. They</p> <p>17 don't come through -- they have their own,</p> <p>18 that's what I've been told. Isn't that true?</p> <p>19 MR. WU: They have their own Building</p> <p>20 Department.</p> <p>21 MR. LEEN: Yeah, they have their own</p> <p>22 Building Department?</p> <p>23 CHAIRMAN AIZENSTAT: How do you regulate</p> <p>24 it? I'm sorry.</p> <p>25 MS. MENENDEZ: We have to inspect it.</p>	<p style="text-align: right;">Page 36</p> <p>1 Procedure-wise, if they did not go to the Board</p> <p>2 of Architects, now we're looking at this</p> <p>3 application today, if they go to the Board of</p> <p>4 Architects next Thursday --</p> <p>5 MR. TRIAS: No, they did go.</p> <p>6 CHAIRMAN AIZENSTAT: They did go.</p> <p>7 MR. TRIAS: Yeah.</p> <p>8 MS. VELEZ: Oh, they did go. Okay. I</p> <p>9 misunderstood.</p> <p>10 MR. BEHAR: They were not there to present.</p> <p>11 MR. LEEN: They did not appear.</p> <p>12 MR. BEHAR: They have no respect for us.</p> <p>13 MS. VELEZ: But if they appear and decide</p> <p>14 to make changes, then what happens to what we</p> <p>15 do tonight?</p> <p>16 MR. TRIAS: Well, we will deal with that,</p> <p>17 if that happens; however, I would say that the</p> <p>18 Board of Architects was very critical of the</p> <p>19 materials presented to them. They actually</p> <p>20 deferred the item. They did not approve it.</p> <p>21 So that is why we're taking the item again this</p> <p>22 Thursday. Hopefully the Applicant will --</p> <p>23 MR. LEEN: Next Thursday.</p> <p>24 MR. TRIAS: Next Thursday.</p> <p>25 Yes.</p>

<p style="text-align: right;">Page 37</p> <p>1 MS. BALIDO-HART: I just want to be clear  2 on something I'm really not understanding. So  3 basically they can move forward or may move  4 forward with doing whatever they please without  5 approval? And, then, if we find out, then we  6 can issue a Code Enforcement fine?  7 MR. LEEN: No. So what will happen here  8 is, this will go to the City Commission on  9 August 29th. Let's say the Commission,  10 hypothetically, denies the expansion.  11 MS. BALIDO-HART: Okay.  12 MR. LEEN: I would send a letter to the  13 School Board, informing them they can't go  14 forward without complying with our Zoning Code.  15 At that point, let's say they try to issue  16 their own permit and start working, we would  17 issue a cease and desist and we would go and we  18 would order them to stop, and if they continue,  19 we'd file an injunction action in Court, asking  20 that the Court order them to stop until they go  21 through our Zoning process.  22 But we have to be more vigilant, because  23 they don't have to rely on us for a building  24 permit. That is, under State Law, they issue  25 their own building permits.</p>	<p style="text-align: right;">Page 39</p> <p>1 interest involved. You have a little more  2 leeway.  3 MR. TRIAS: And as a general comment, I  4 would say that there's nothing objectionable  5 about the project, so I don't think you need to  6 even worry about issues like that at this  7 point.  8 MR. LEEN: But if you see something, if  9 you're worried about development in one part of  10 the parcel, because it's too close to the  11 residential area, you can impose a condition of  12 approval. You can ask them to modify things,  13 because you think it's going to cause harm.  14 You can apply the same Conditional Use Review  15 you could apply to any other project.  16 CHAIRMAN AIZENSTAT: Same standards.  17 MR. LEEN: Uh-huh.  18 MR. BELLIN: Craig, I went through this and  19 I would like to see what the comments were from  20 the Board of Architects.  21 MR. TRIAS: I will explain that in my  22 presentation.  23 MR. BELLIN: Okay.  24 MR. TRIAS: Can I have the PowerPoint,  25 please?</p>
<p style="text-align: right;">Page 38</p> <p>1 MR. BEHAR: And the reason I ask if this is  2 for courtesy, because I was around when Coral  3 Gables High School did the expansion and I  4 remember when they came and told us clearly,  5 "This is just as a courtesy to you guys, but  6 there's no requirement for us to come before  7 you to get approvals."  8 MR. LEEN: We don't take that position. We  9 believe they are required.  10 MR. BEHAR: Good. I'm glad, because  11 otherwise we're wasting our time.  12 MS. BALIDO-HART: Yes.  13 MR. LEEN: We believe they are required.  14 MR. BELLIN: Craig --  15 MR. TRIAS: Yeah, our position is that this  16 is a review like any other. I have a  17 PowerPoint that explains the project and we  18 expect comments from you and then it will be  19 forwarded to the City Commission.  20 MR. LEEN: The only difference is that  21 you're not strictly bound to the Zoning Code.  22 You're allowed to balance the interests between  23 what's in the Building Code and what the School  24 Board is trying to achieve.  25 So you're allowed to consider the public</p>	<p style="text-align: right;">Page 40</p> <p>1 Thank you.  2 In addition to all of the issues that the  3 City Attorney has explained, the process is  4 unique, in the sense that this is part of the  5 University of Miami Campus Master Plan, even  6 though it's not a University of Miami building.  7 So that is why what we have here before us is  8 modifications to the Adopted Campus Master  9 Plan, and that's just a technical process that  10 we have for the review.  11 Okay. You're familiar, I'm sure, with the  12 property. It's along Carillo Street, and is  13 the, I guess, northern area of the University  14 of Miami Campus, right at the edge. The block  15 right in front, that has all of those lot  16 lines, is actually not built right now, so it's  17 vacant. It's that grassy area. So you're  18 familiar with the context.  19 The building itself is relatively small, in  20 terms of impact. There's a lot of landscape  21 around. It was a project from the 1950s. It  22 hasn't changed significantly since that time.  23 It doesn't have any parking. The parking  24 occurs right on the street, which I think is  25 very good, in terms of keeping some of the</p>

<p style="text-align: right;">Page 41</p> <p>1 landscape. So those are the existing 2 conditions. 3 When we look at the Zoning and the Land Use 4 Maps, we see this blue area, which is the 5 University of Miami Campus, and like I said, 6 that makes it unique, because everything else 7 in the City has different rules or has rules, 8 and, then, all of a sudden, we have special 9 rules in this area, and that area is at the 10 very, very edge of the actual campus of the 11 University. 12 And what happens is that the Land Use and 13 the Zoning are the same, so, therefore -- are 14 the same as the rest of the campus, for reasons 15 that I don't know, and, therefore, the process 16 is an amendment to that Campus Master Plan. 17 So they're requesting some minor 18 modifications, fairly minor. There's one 19 building, the larger red rectangle there is a 20 classroom building. Six classrooms are 21 proposed, and there are two little buildings 22 for storage right next to it, and then two 23 courts for sports. So that's it. 24 And as you can see, the existing buildings 25 create a courtyard around that central area and</p>	<p style="text-align: right;">Page 43</p> <p>1 DRC, they were not at the level that was 2 expected at the Board of Architects. They were 3 also unhappy that the architect was not there. 4 I showed the drawings, but, of course, I'm 5 not the applicant. I was just trying to help 6 them a little bit. So they expressed their 7 frustration with that, and, therefore, they 8 deferred approval and requested a future 9 meeting. 10 The way that the City Attorney explained 11 it, in the future meeting, we will have 12 somebody representing that Applicant. So I 13 believe that there were no objectionable issues 14 in terms of aesthetics about the building, most 15 of the objections had to do with the lack of a 16 complete application and the lack of a survey 17 and the lack of some information that they 18 wanted. 19 City Staff reviewed this, and tonight we 20 are here in the Planning and Zoning. City 21 Staff, as you know, includes all of the 22 departments. We had a Staff meeting and we had 23 a chance to provide comments. 24 The most significant comments probably came 25 from the Police and from Public Works, in terms</p>
<p style="text-align: right;">Page 42</p> <p>1 this proposed building finishes that courtyard. 2 So from a site planning point of view, from an 3 urban design point of view, it's a fairly 4 reasonable and perfectly scaled request. 5 So I frankly didn't see anything 6 objectionable about it. If you look at it in 7 more detail, you can see the classroom, you can 8 see the six classrooms, which are accessed 9 directly from the outside, and the two storage 10 facilities. 11 The facades, the aesthetics of the building 12 are compatible with the existing building. 13 It's basically the same aesthetics from the 14 1950s, and it's meant to be complimentary of 15 the campus. 16 Now, this did go to the DRC Committee, and 17 the Applicant did come to the DRC, and what we 18 have with you, all of the drawings that I 19 provided for you were provided at that point. 20 So they did provide drawings at the DRC for 21 review by the City Staff. 22 Now, the Board of Architects deferred 23 action, and they deferred action because they 24 felt that the drawings were incomplete, which 25 was true. Since they had been prepared for</p>	<p style="text-align: right;">Page 44</p> <p>1 of the circulation of automobiles on Carillo. 2 As you know, Carillo is both, the drop-off area 3 and the parking for that school, which I think 4 is fine. It's a good idea. But it does have 5 to be done in a way that is organized, et 6 cetera. So that's one of the conditions of 7 approval that we are recommending later on, 8 trying to look at that operation along the 9 front. 10 Now, letters were sent to property owners 11 within a thousand feet, as required by the 12 Code, and that's a diagram that shows the 13 neighborhood. I believe there's one neighbor 14 here, at least. 15 Peter, are you a neighbor? Did you get the 16 letter? I think you did. 17 MR. IGLESIAS: Yes, I did. 18 MR. TRIAS: So we do have one person that I 19 know that is here. 20 So the letters to the property owners were 21 sent, then we had the property posted, and the 22 website was posted. The posting is a small 23 sign that is placed on the front. It was 24 there. I saw it. There's a newspaper 25 advertisement, also. So the project was</p>

<p style="text-align: right;">Page 45</p> <p>1 noticed.</p> <p>2 The request, as I said before, is a</p> <p>3 modification of the Campus Master Plan. Staff</p> <p>4 recommends approval with conditions. And the</p> <p>5 standards are identified in the Zoning Code.</p> <p>6 And the conditions of approval that we are</p> <p>7 suggesting is that the demolition of any</p> <p>8 building -- they have a small building that is</p> <p>9 being demolished -- shall obtain approval from</p> <p>10 Historical Resources and the Cultural Arts</p> <p>11 Department, which has to do with the issue that</p> <p>12 the City Attorney was explaining, that in some</p> <p>13 other projects, they didn't do that at the</p> <p>14 right time, so that created some problems.</p> <p>15 Then we're also recommending that a pick-up</p> <p>16 and drop-off circulation plan be prepared to</p> <p>17 make sure that the traffic circulation works</p> <p>18 effectively, and, then, an additional crossing</p> <p>19 guard shall be obtained at the expense of the</p> <p>20 Applicant.</p> <p>21 So those are the three conditions. You can</p> <p>22 obviously propose as many conditions as you</p> <p>23 think are appropriate. That's the purpose of</p> <p>24 the Conditional Use. And that's the end of my</p> <p>25 presentation.</p>	<p style="text-align: right;">Page 47</p> <p>1 MR. TRIAS: We did have some comments from</p> <p>2 the Police Department, in terms of crashes, and</p> <p>3 they're listed in the Staff Report. That is as</p> <p>4 much traffic data as we were able to get, and</p> <p>5 that was from the City Staff. That was not the</p> <p>6 applicant submitting that.</p> <p>7 So we do believe that one of the conditions</p> <p>8 of approval should be the circulation drop-off</p> <p>9 and traffic issues. We do recommend that as</p> <p>10 one of the conditions.</p> <p>11 MS. VELEZ: Well, I would certainly impose</p> <p>12 that as a condition, if everyone else is in</p> <p>13 agreement.</p> <p>14 MS. MENENDEZ: Can I ask him something?</p> <p>15 CHAIRMAN AIZENSTAT: Please.</p> <p>16 MS. MENENDEZ: I had some similar</p> <p>17 questions. I wanted to ask Staff, is there a</p> <p>18 cap of the student population at this school?</p> <p>19 MR. TRIAS: I don't have the information.</p> <p>20 I don't have -- like I said, they did not</p> <p>21 submit the -- if we were to say how -- no, I</p> <p>22 agree. I mean, the frustrating thing is that</p> <p>23 we're missing a lot of data, and that that was</p> <p>24 the same level of comments that we got from the</p> <p>25 Board of Architects, so I cannot answer that.</p>
<p style="text-align: right;">Page 46</p> <p>1 If you have any questions, I'll try to</p> <p>2 answer them for you.</p> <p>3 MS. VELEZ: I have a question. I noticed</p> <p>4 that they did not submit a Traffic Impact</p> <p>5 Analysis.</p> <p>6 MR. TRIAS: That's correct.</p> <p>7 MS. VELEZ: Is that not a requirement?</p> <p>8 MR. TRIAS: It is a requirement, but, as I</p> <p>9 said, the Applicant is not here and they did</p> <p>10 not submit an application for the Planning and</p> <p>11 Zoning. We put it together, with the</p> <p>12 information they had submitted for DRC,</p> <p>13 Development Review Committee.</p> <p>14 MS. VELEZ: And that was not imposed by the</p> <p>15 City department as a requirement?</p> <p>16 MR. TRIAS: They have been informed of all</p> <p>17 of this, but, as I said, they're not</p> <p>18 participating in the process. The City</p> <p>19 Attorney explained that clearly.</p> <p>20 MS. VELEZ: Well, I think it's important,</p> <p>21 because they're looking to, Number One, add six</p> <p>22 classrooms and convert to K through 8, which</p> <p>23 means they're looking to bring more students</p> <p>24 and more traffic to the area, and I think</p> <p>25 that's vital, that that be looked at.</p>	<p style="text-align: right;">Page 48</p> <p>1 Yeah?</p> <p>2 MS. MENENDEZ: But I noticed in the DRC,</p> <p>3 the concurrency, this information would</p> <p>4 typically be in the concurrency, and I didn't</p> <p>5 see any comments from --</p> <p>6 MR. BEHAR: Because this is an incomplete</p> <p>7 application.</p> <p>8 MR. TRIAS: Right. Right.</p> <p>9 MR. BEHAR: That's the problem.</p> <p>10 CHAIRMAN AIZENSTAT: There is no</p> <p>11 application.</p> <p>12 MS. MENENDEZ: So the reason I ask about</p> <p>13 the cap is, obviously, as Ms. Velez has</p> <p>14 mentioned, there is additional classrooms;</p> <p>15 therefore, there will be an increase of student</p> <p>16 population, and I'm not sure, you know, if we</p> <p>17 imposed some type of cap or they're supposed to</p> <p>18 maintain some type -- I mean, it is a public</p> <p>19 school, but it would be nice to know, you know,</p> <p>20 at what capacity they're at, and how much more</p> <p>21 they're going to be bringing in to that area.</p> <p>22 And then I had a question concerning the</p> <p>23 existing drop-off, pick-up, if, in fact, it's</p> <p>24 working or do we have problems with it. Can</p> <p>25 anybody answer that question?</p>

<p style="text-align: right;">Page 49</p> <p>1 MR. TRIAS: Maybe the Director of Public 2 Works has some opinions on that. I know that 3 the Police made some comments and they're in 4 the Staff Report, and they had to do with 5 crashes. I mean, their perspective was -- 6 MS. MENENDEZ: The crashes were -- it 7 wasn't really relevant to this location. 8 MR. TRIAS: Right. 9 MS. MENENDEZ: I'm more concerned with if 10 the existing -- good evening, sir -- 11 MR. SANTAMARIA: Good evening. 12 MS. MENENDEZ: -- if the existing drop-off 13 and pick-up is working at the school. 14 MR. SANTAMARIA: Good evening, Members of 15 the Board. Ed Santamaria, Director of Public 16 Works. 17 There are no major conditions that give us 18 any cause for concern, in terms of drop-off 19 operations. They're handled by West Lab for 20 their students. 21 MS. MENENDEZ: As it exists today, is there 22 any -- I mean, I think the tough situation you 23 have is that if you don't know how much more 24 it's increasing by, do you still think -- I 25 mean, you probably need that number before you</p>	<p style="text-align: right;">Page 51</p> <p>1 a question. 2 MR. TRIAS: Yes. 3 CHAIRMAN AIZENSTAT: Should the City 4 undertake a traffic study to see the impact or 5 try to figure out what is the max of 6 students -- the maximum number of students for 7 that area for the drop-off and pick-up, and 8 then try to go by those guidelines? 9 MR. SANTAMARIA: One of our comments was 10 that a traffic impact study should be 11 triggered, if there's any change in the number 12 of students, because there will be trips that 13 are generated if the population increases. 14 CHAIRMAN AIZENSTAT: But they haven't done 15 it. So then does the City undertake it and 16 say, this is what the traffic study shows? 17 MR. SANTAMARIA: That's a good question. I 18 don't know if that's been discussed in the 19 Department, because -- 20 MR. TRIAS: Yeah. I mean, the 21 recommendation is that a pick-up, drop-off 22 circulation plan and a parking management plan 23 shall be submitted by the applicant and obtain 24 approval by the Public Works Department. So 25 that's the Staff recommendation. We can add</p>
<p style="text-align: right;">Page 50</p> <p>1 can make a determination, if in the future -- 2 if there's going to be an issue in the future. 3 MR. SANTAMARIA: My understanding, if I can 4 correct -- if I can understand -- if I 5 correctly -- I'm sorry, if I correctly recall 6 the particulars of this project, is that the 7 number of students is not going to change. Is 8 that correct, Ramon? 9 MR. TRIAS: Well, like I said, I'm not 10 going to speak for the applicant. I don't 11 know. That's the answer. And the fact of the 12 matter is that they're providing six new 13 classrooms. 14 MS. VELEZ: Uh-huh, and they're expanding 15 the grades from K through to 5 to K through 8. 16 MS. MENENDEZ: Right. 17 MR. TRIAS: And there are other discussions 18 that deal with who is going to use those 19 classrooms and so on, unrelated to the work 20 being done here. So those are questions that, 21 if you want, we could say that that information 22 is missing, and that the City Commission should 23 request it if the applicant is there. I mean, 24 that's the best way to phrase that. 25 CHAIRMAN AIZENSTAT: Ramon, let me ask you</p>	<p style="text-align: right;">Page 52</p> <p>1 traffic operations, for example, to that, need 2 to be provided. 3 Now, if the applicant does not provide it, 4 another option would be for the City to perform 5 that type of study. That could be a 6 recommendation that you may want to forward to 7 the Commission. 8 MS. BALIDO-HART: We can't require them to 9 conduct the traffic study? 10 MR. TRIAS: Yeah, I believe that the City 11 Commission has the authority to make that a 12 requirement. 13 CHAIRMAN AIZENSTAT: How would you make an 14 educated decision if you don't have all of the 15 information in front of you? 16 MR. TRIAS: That is a very good question, 17 and I have to say that that is the most 18 valuable input that we can provide to the 19 School Board at this point, that the Planning 20 and Zoning Board and that the Board of 21 Architects did not have sufficient information 22 to provide a valuable recommendation for the 23 Commission. If you want to go that way, 24 certainly -- 25 CHAIRMAN AIZENSTAT: Yes.</p>

<p style="text-align: right;">Page 53</p> <p>1 MS. MENENDEZ: Can I ask a question?</p> <p>2 During the public meeting that was held with</p> <p>3 the residents, if, in fact, some residents</p> <p>4 went, what were their comments, because it</p> <p>5 wasn't part of this package either?</p> <p>6 MR. TRIAS: I'm not aware of any public</p> <p>7 meeting, even though it's a requirement of the</p> <p>8 process, but --</p> <p>9 MS. MENENDEZ: I thought that we sent</p> <p>10 notifications. Was it just for this meeting?</p> <p>11 MR. TRIAS: It's for this meeting, yes.</p> <p>12 MS. MENENDEZ: Oh, I see. So there was not</p> <p>13 a public meeting held. I see.</p> <p>14 MR. TRIAS: I haven't been informed of any</p> <p>15 public meeting.</p> <p>16 MS. BALIDO-HART: Can we require that they</p> <p>17 conduct a public meeting?</p> <p>18 MR. TRIAS: Well, it's a requirement of the</p> <p>19 Code. It's a requirement of the Code.</p> <p>20 MS. BALIDO-HART: Okay. So then</p> <p>21 definitely.</p> <p>22 MR. BELLIN: Craig, I have a question. It</p> <p>23 seems like the School Board is going to pretty</p> <p>24 much ignore, regardless of what you request,</p> <p>25 and that's the bottom line.</p>	<p style="text-align: right;">Page 55</p> <p>1 this ready for this school year? Obviously</p> <p>2 they can't.</p> <p>3 MR. LEEN: No. I'm not exactly sure.</p> <p>4 MS. MENENDEZ: They can't build the</p> <p>5 building, so what's the rush, I guess is the</p> <p>6 question?</p> <p>7 MS. BALIDO-HART: And my other question,</p> <p>8 too, is, then if they go to the Commission</p> <p>9 without these things either, how can the</p> <p>10 Commission even -- how can anyone evaluate</p> <p>11 anything?</p> <p>12 MR. LEEN: Well, that is one of the</p> <p>13 underlying issues that we're having. Now, I</p> <p>14 will say, and I should have mentioned this,</p> <p>15 they said that they could not come tonight</p> <p>16 because they have a School Board meeting.</p> <p>17 MS. VELEZ: That they do. I heard it on</p> <p>18 the way over.</p> <p>19 MR. LEEN: They did say that. So I want to</p> <p>20 make you aware of that. They did say that.</p> <p>21 I would have liked them to have brought</p> <p>22 maybe one person, you know, to be able to talk</p> <p>23 about it and -- but I would note, yesterday and</p> <p>24 today -- yesterday I had a conversation with</p> <p>25 the Deputy School Board Attorney, and today, in</p>
<p style="text-align: right;">Page 54</p> <p>1 MR. LEEN: I don't know if that's true. I</p> <p>2 think that if you, for example, ask that there</p> <p>3 be a traffic study, I would tell them, and if</p> <p>4 they didn't, the Commission might not approve</p> <p>5 the project. That would cause a dispute.</p> <p>6 MS. MENENDEZ: Can we just defer this until</p> <p>7 we have the required information for us to make</p> <p>8 educational guess or educational</p> <p>9 recommendations, not guess?</p> <p>10 CHAIRMAN AIZENSTAT: If I may, I think the</p> <p>11 way possibly to go is to ask for certain</p> <p>12 conditions, at this point, for example, the</p> <p>13 traffic study that we'd like to see.</p> <p>14 MR. LEEN: I think it would be fine to tell</p> <p>15 what information you would like and ask that</p> <p>16 you be able to see it again. I would not want</p> <p>17 to say that it couldn't go to the Commission on</p> <p>18 the 29th, though, because they've actually</p> <p>19 agreed to appear, and I feel that if we push it</p> <p>20 off, maybe they won't come in the future, but</p> <p>21 you could always put as one of your list of</p> <p>22 conditions that you'd like to see it again, you</p> <p>23 know, and the Commission could order that,</p> <p>24 could order that it come back to you.</p> <p>25 MS. MENENDEZ: But are they trying to get</p>	<p style="text-align: right;">Page 56</p> <p>1 an e-mail, they're indicating more of an</p> <p>2 interest in attending. They said that they</p> <p>3 would try to attend at the Board of Architects</p> <p>4 next week, that they would be attending on</p> <p>5 August 29th.</p> <p>6 So I can let them know that you would like</p> <p>7 to see them, as well, in September.</p> <p>8 MS. BALIDO-HART: Yes.</p> <p>9 MS. MENENDEZ: Well, but if you're going to</p> <p>10 present this to the Commission, what's the</p> <p>11 value in us evaluating whatever they present to</p> <p>12 us in the future?</p> <p>13 MS. VELEZ: The Commission might kick it</p> <p>14 back.</p> <p>15 MR. LEEN: Well, because it's all a</p> <p>16 balancing of interest --</p> <p>17 MS. MENENDEZ: They may.</p> <p>18 MS. BALIDO-HART: Can we ask --</p> <p>19 MR. LEEN: The Commission is considering a</p> <p>20 Chapter 164 Resolution on August 29th. So what</p> <p>21 may come out of this is that the August 29th</p> <p>22 meeting, if they feel that our process has not</p> <p>23 been respected, and you feel you have not been</p> <p>24 respected in what you were provided, the</p> <p>25 Commission may order a Chapter 164 proceeding</p>



1 because of this application. This is an  
2 example where they did not comply -- this could  
3 be an example where they did not comply with  
4 our Zoning Code or our process, so we could not  
5 have a meaningful review, which could give us  
6 the basis to bring a Chapter 164 dispute  
7 resolution and a lawsuit, potentially, if our  
8 two Commissions can't work it out.

9 MR. BELLIN: Craig, if we put a condition  
10 that a traffic study is a requirement and the  
11 School Board says, "No, we're not going to do  
12 it," what remedy is there to compel them to do  
13 that?

14 MR. LEEN: Well, we would tell them they  
15 can't proceed with their development, and,  
16 then, if they try to, we would issue a red tag,  
17 like we did last time, and if they proceeded,  
18 we would file a lawsuit.

19 CHAIRMAN AIZENSTAT: It would be up to the  
20 Commission, though, to require that traffic  
21 study. We only make a recommendation.

22 MR. LEEN: Yeah.

23 MS. BALIDO-HART: To the Commission, yeah.

24 MS. VELEZ: Right.

25 MR. LEEN: But you could recommend to the

1 Commission that you're disappointed that they  
2 have not participated, that you feel that you  
3 can't give a meaningful review. These are your  
4 comments --

5 MS. VELEZ: And we don't even have a  
6 complete application. They haven't given us  
7 the number of students. No one is here to  
8 answer questions.

9 MS. BALIDO-HART: No one can give us a  
10 meaningful review.

11 MR. LEEN: Well, and you can give us --  
12 what do you think about what we're trying to  
13 do? Do you think that the City should be  
14 seeking to place -- impose its Zoning Code on  
15 the School Board, which we think is valuable?

16 MS. BALIDO-HART: Yes.

17 MR. LEEN: I do, but what do you think?

18 MS. MENENDEZ: Of course. Any type of  
19 expansion is going to impact the area. So it  
20 just makes sense, as a regulatory agency, to  
21 require that it go through a review process.

22 MS. BALIDO-HART: Meet with the residents.

23 MS. MENENDEZ: To me, the core issue is the  
24 increase of capacity and the existing  
25 condition, whether it's working or not, and

1 that increase, how it's going to impact the  
2 conditions.

3 CHAIRMAN AIZENSTAT: Before we go into  
4 that, is there anybody here from the audience  
5 that wishes to speak on this item? Because I  
6 think we should -- if there is anybody --

7 MS. MENENDEZ: Yeah, but I didn't think  
8 there was anybody.

9 CHAIRMAN AIZENSTAT: There was one  
10 gentleman that lived in the area, but --

11 MS. MENENDEZ: No, Peter.

12 MR. LEEN: That's Peter.

13 MR. TRIAS: He's a Staff person.

14 CHAIRMAN AIZENSTAT: Oh, Staff. Sorry  
15 about that.

16 MR. TRIAS: That's our Assistant City  
17 Manager.

18 MR. BELLIN: Craig, can we defer this item  
19 or does it have to go to the Commission on the  
20 29th?

21 MR. LEEN: It's going to the Commission on  
22 August 29th, because they're going to be  
23 considering this in conjunction with a Chapter  
24 164 Resolution that's been asked for by Vice  
25 Mayor Keon.

1 MR. BELLIN: So does it really matter what  
2 we do here?

3 MR. LEEN: Well, yes. All of your comments  
4 are going to be -- we're going to be providing  
5 them to the Commission.

6 MS. MENENDEZ: I think we can consider  
7 passing a motion with conditions --

8 MS. BALIDO-HART: Yes.

9 MR. BEHAR: With conditions.

10 MS. MENENDEZ: -- you know, saying that  
11 prior to approval, that these items be  
12 evaluated and determined whether an approval,  
13 in fact, can be issued.

14 MR. BELLIN: I'll give you an example of  
15 things that are confusing to me. I looked at  
16 this and the Art in Public Places becomes an  
17 issue. If the architect says, "Art in Public  
18 Places is not required," whereas Katherine says  
19 it is required, well, is it or isn't it?

20 MR. LEEN: Well, the County has an Art in  
21 Public Places Ordinance. The City has adopted  
22 one, as well, that applies to municipal  
23 buildings or public buildings.

24 I don't believe that the County has the  
25 authority to apply their -- does the County

<p style="text-align: right;">Page 61</p> <p>1 assert the authority to apply their Art in 2 Public Places to -- 3 MR. COLLER: The County only applies the 4 Art in Public Places to their County buildings, 5 to their public buildings. 6 MR. LEEN: So then what I would ask you is 7 -- and I'll take a look at the Art in Public 8 Places Ordinance from the City, it is in our 9 Zoning Code, we could take the position that it 10 should apply to the School Board, because it's 11 a Zoning provision. They will object to that. 12 MR. BEHAR: Well, they have a letter to the 13 fact that they're not going to contribute to 14 the Art in Public Places. 15 MS. VELEZ: Yeah. 16 MR. LEEN: So what do you think about that? 17 Do you think that that's fair? Should their 18 money be used for other things? 19 MR. BEHAR: They should also contribute to 20 it. 21 MR. LEEN: Well, remember, they will claim 22 -- what they claimed with the windows, when we 23 said that they needed to put historically 24 appropriate windows and they purchased them 25 without coming to us in advance, and then did</p>	<p style="text-align: right;">Page 63</p> <p>1 MR. BEHAR: Because we don't have -- if I 2 remember correctly, we don't have much to say 3 if it's within the University of Miami Campus. 4 MS. MENENDEZ: Sure we do. 5 MR. LEEN: Well, it depends on if it's the 6 inner campus or the outer campus, but one point 7 I would make is that this particular matter, 8 the reason we have a little bit more say than 9 we would typically, is because the University 10 District, both, in our Comp Plan and in our 11 Code, doesn't provide for a school of this 12 sort. So it's a legally non-conforming use and 13 likely a legally non-conforming structure, as 14 well, and it's there. And so any increase to 15 that, we've taken the position we're going to 16 apply our Conditional Use Review, because 17 anywhere else in the City, where you can have a 18 school, if you're going to expand it, it has to 19 go through Conditional Use Review. 20 So we're actually making an accommodation, 21 I want to be clear, for the record, to the 22 School District. We could have taken the 23 position, they can't expand the school at all, 24 because it's an expansion of a non-conforming 25 use. We did not take that position. We</p>
<p style="text-align: right;">Page 62</p> <p>1 not agree to replace them, they raised the 2 issue of limited funds, and that those funds 3 were going for educational and other purposes. 4 Well, that's important, but we don't think 5 they should have disrespected our process, 6 either, and I would note that Miami Senior 7 High, they put a lot of money into restoring 8 that building, and Coral Gables Prep is a very 9 important school, as well. 10 MR. BELLIN: I think either they agree to 11 comply with whatever the Code says they ought 12 to do or they don't, and I think, if they 13 don't, then I guess the City institutes a 14 lawsuit, stops the project. 15 MR. TRIAS: But, Mr. Bellin, it's a 16 process, and I think today the City Attorney 17 sent a couple of e-mails that got some 18 response. So we're getting closer to getting 19 some response. 20 What I would advise you to do is, list the 21 things that are missing, and then list the 22 conditions that you would like to see. 23 MR. BEHAR: Let me ask you another 24 question. This is in the UM CAD. 25 MR. LEEN: Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 balanced the interests. We understand there 2 may be an interest in expanding the school, and 3 maybe a benefit to the surrounding area, but we 4 want them to go through the Conditional Use 5 Review. 6 We want them to do that, because what if 7 they're causing harm to the surrounding 8 neighborhood? 9 CHAIRMAN AIZENSTAT: Correct. 10 MR. BELLIN: So basically we're going to 11 send this on to the Commission with comments? 12 MR. LEEN: Yes. 13 MS. MENENDEZ: Did you guys pick up all of 14 our comments? Did you gentlemen pick up all of 15 our comments? 16 MR. TRIAS: Well, yes, and, of course, we 17 have the minutes of the meeting so -- 18 CHAIRMAN AIZENSTAT: Could you go through 19 what you understood so far? 20 MR. TRIAS: I think that the biggest issue 21 that you're concerned about is traffic, and 22 traffic, also, as related to the number of 23 students. So, Number One, we need to know the 24 number of students that are being proposed, 25 whether there's an increase.</p>

<p style="text-align: right;">Page 65</p> <p>1 MS. VELEZ: The existing plus the 2 additional, if there are additional. 3 MR. TRIAS: Yes. That's Number One. 4 And, Number Two, what is the impact of 5 that? What is the impact of the traffic? 6 That's in terms of numbers. 7 Now, in terms of operations, in other 8 words, in terms of what actually goes on in the 9 street, there has to be a plan to drop-off the 10 students that is properly done, there has to be 11 an explanation of parking, which happens on the 12 City right-of-way. 13 MS. VELEZ: So parking is on the 14 right-of-way itself? There is no parking lot, 15 per se? 16 MR. TRIAS: Right. Right. There's no 17 parking lot. 18 MS. VELEZ: For teachers or visitors? 19 MR. TRIAS: Right. That's correct. That's 20 correct. 21 CHAIRMAN AIZENSTAT: Where do the teachers 22 currently park? 23 MR. TRIAS: In the street. In the 24 right-of-way. 25 CHAIRMAN AIZENSTAT: Okay.</p>	<p style="text-align: right;">Page 67</p> <p>1 MS. MENENDEZ: And in particular, because I 2 think there will be additional teachers if, in 3 fact, they're increasing their grades. 4 MR. TRIAS: Precisely. 5 MS. MENENDEZ: In the public meeting, we 6 sent a notice about this meeting, right? 7 MR. TRIAS: About this meeting. 8 MS. MENENDEZ: We sent it to all of the 9 residents within a certain radius? 10 MR. TRIAS: A thousand feet. 11 MS. MENENDEZ: And we didn't receive any 12 responses? 13 MR. TRIAS: I haven't seen any responses, 14 no. 15 MS. MENENDEZ: And what notice did we send, 16 this one, the one that has all three items 17 or -- I'm trying to figure out, what notice 18 would the resident receive that you -- 19 MR. TRIAS: The one that is labeled, 20 Courtesy Public Hearing Notice. It's an eight 21 and a half by eleven. 22 MS. MENENDEZ: Oh, this one? 23 MR. TRIAS: Yeah. 24 MS. MENENDEZ: Okay. All right. That's 25 pretty --</p>
<p style="text-align: right;">Page 66</p> <p>1 MR. TRIAS: I mean, most of them. There 2 may be a couple of parking spaces within the 3 campus. 4 CHAIRMAN AIZENSTAT: And within the traffic 5 study, they should also do a study for cars 6 that are coming there for drop-off and pick-up. 7 MR. TRIAS: Yes. 8 MS. MENENDEZ: That's important. 9 MS. VELEZ: Yes. 10 CHAIRMAN AIZENSTAT: And I would think the 11 Police Department would want to know about 12 that, because that affects traffic in the area. 13 MR. TRIAS: Yeah. I think that's the 14 biggest missing information, and I think that 15 the good news is that the actual proposal is 16 relatively small and is reasonable, in terms of 17 the architecture and the way it fits. So I 18 don't have any Site Planning or architectural 19 concerns. 20 MS. MENENDEZ: I think the parking, though, 21 and hearing that the teachers park on the 22 right-of-way, is a little concerning. So that 23 should be part of whatever study is being done 24 of that impact. 25 MR. TRIAS: Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. VELEZ: City letterhead. 2 MS. MENENDEZ: Okay. 3 MR. TRIAS: It always shows a little map 4 and then it describes -- 5 MS. MENENDEZ: Let me ask you, this Page 9 6 of your report, is that a mistake? 7 MR. TRIAS: No. That's actually the GRID, 8 and that's within the -- the GRID is the area 9 in which we don't apply traffic counts or -- 10 MS. MENENDEZ: But it has a little subject 11 arrow. 12 MR. TRIAS: It could have a mistake, yeah. 13 MS. VELEZ: Oh, yeah. 14 MS. MENENDEZ: And it was confusing. 15 MR. TRIAS: Yeah, that's a standard image, 16 and probably we forgot to take the arrow, yes. 17 MS. MENENDEZ: Okay. 18 MS. VELEZ: I had another comment. The 19 application talks about including a new hard 20 court for the elementary and another one for 21 the middle school. 22 MR. TRIAS: Yes. 23 MS. VELEZ: But when I looked at the Site 24 Plan, there appears to be some basketball 25 courts already. There appears to be some court</p>

<p style="text-align: right;">Page 69</p> <p>1 already, although these are small, they're not  2 offensive, but why are we doing more if they  3 already have some?  4 MR. TRIAS: Well, that's a question you may  5 want to ask.  6 MS. VELEZ: Okay. Another question.  7 MR. TRIAS: Yes. I mean, the proposal is  8 that they're doing two new ones, yes.  9 CHAIRMAN AIZENSTAT: Any other comments?  10 MR. LEEN: I would like to know one concern  11 that my office has, just for the records, is  12 that because West Lab is not a neighborhood or  13 boundary school, that there's very little  14 benefit provided to the surrounding community  15 for the increase intensity that's occurring.  16 Typically, if it's a boundary school, and it's  17 growing, you'd anticipate more students would  18 be able to attend or that the boundary could  19 increase.  20 CHAIRMAN AIZENSTAT: That's a good point.  21 MR. LEEN: So I think that should be -- I'm  22 not saying that that means the School Board has  23 to do anything about that or change their  24 policy, but I think you should note that, that  25 the harms that are being caused to the</p>	<p style="text-align: right;">Page 71</p> <p>1 to the surrounding community that exists.  2 This ties in to the negotiations we've been  3 having with the School Board about the City  4 buying seats, spending approximately four  5 million dollars to buy seats by, I can't  6 remember exactly, was it one or two classrooms?  7 180 seats.  8 MS. MENENDEZ: But, I mean, we're already a  9 donor community to the School Board -- I mean,  10 to the School System. Coral Gables is a donor  11 community to the School System.  12 MR. LEEN: Yes, we are. So that issue is  13 going to be before the Commission. One concern  14 I have just from looking at this, though, as a  15 City Attorney, typically, you know -- so not  16 only is there going to be an increase in  17 intensity, but City tax funds are going to have  18 to be used to pay for this, which is fine. The  19 Commission may decide to do that, but it seems  20 to me that there should also be, through this  21 process, some consideration of the fact that  22 there's no public benefit being provided and  23 that the only public benefit being allowed, the  24 City is being asked to pay for it, as opposed  25 to it being provided as part of this process.</p>
<p style="text-align: right;">Page 70</p> <p>1 surrounding area through the increase  2 intensity, there's not necessarily a  3 commensurate benefit being provided to those  4 residents --  5 MS. MENENDEZ: What's the structure? Is it  6 a lottery?  7 MR. LEEN: -- because they don't have a  8 right to change their children there.  9 MR. LEEN: It's a lottery.  10 CHAIRMAN AIZENSTAT: It is a lottery  11 system.  12 MR. LEEN: My recollection, and I'm not  13 exactly sure, but there's something like 18  14 percent of the students there are from Coral  15 Gables. Something like that. But it's not  16 required to be that way. It's based on the  17 amount of people who apply and how the lottery  18 works and it ends up being around 18 percent, I  19 recall.  20 I know that in a dispute -- well, in a  21 negotiation that was occurring between Coral  22 Gables and the School Board, we requested 25  23 percent. That's been our goal. We would like  24 a hard number of 25 percent for the amount of  25 students going there, so that there's a benefit</p>	<p style="text-align: right;">Page 72</p> <p>1 MS. MENENDEZ: Well, that's more at a  2 Commission level, not at our Board level.  3 MR. LEEN: It is. And so the Commission is  4 going to have to think about that.  5 MS. MENENDEZ: Right.  6 MR. LEEN: And that's ultimately a major  7 policy decision, and the Commission may very  8 well want to purchase the seats, because it  9 would help a lot of our residents to be able to  10 have those seats, but it seems to me the School  11 Board should also be, not from a legal  12 perspective, considering the increased  13 intensity and perhaps providing some of those  14 seats on their own as part of this process as a  15 community benefit.  16 MS. VELEZ: I do like the additional -- the  17 requirement of an additional crossing guard, I  18 think, in conjunction with everything else,  19 especially if we're increasing the number of  20 students, that there be more visibility of  21 crossing guards.  22 MS. MENENDEZ: Sure.  23 CHAIRMAN AIZENSTAT: They should also  24 specify the number of students, if it is  25 increasing, ad there should be a way to check</p>

<p style="text-align: right;">Page 73</p> <p>1 if the area, the traffic -- you know, I keep  2 going back to the traffic, but if the  3 community, as a whole, won't be taxed with the  4 amount of new students that are coming in. I  5 think that's a very big part.  6 MS. MENENDEZ: And teachers -- and  7 teachers' parking.  8 CHAIRMAN AIZENSTAT: But that acts as the  9 community, the right-of-way parking. It all  10 goes back.  11 MS. MENENDEZ: Right.  12 MR. BELLIN: If somebody else comes before  13 this Board with this kind of documentation, you  14 know what's going to happen?  15 MR. LEEN: I would expect you to reject it.  16 MR. BELLIN: Reject it or defer it.  17 MR. LEEN: Yeah.  18 MR. BELLIN: And I think it's really unfair  19 to treat this application any differently.  20 MR. LEEN: Well, I think that -- the one  21 thing I would ask, you could recommend denial.  22 That's perfectly fine. You could say, it's  23 denial, because it's not complete and you wish  24 they had been here. It's still going to go to  25 the Commission.</p>	<p style="text-align: right;">Page 75</p> <p>1 they haven't gone through our process, unless  2 they start going through our process.  3 Based on what I've heard in the past, and  4 the fact that it's on the agenda for a Chapter  5 164 proceeding, just -- so, understand, the  6 Commission is upset. So whatever you decide to  7 do, I'm sure the Commission will take a hard  8 look at it. I just didn't want you to stop it  9 from going before the Commission on August  10 29th, because it's on the agenda for a dispute  11 resolution process, which may be necessary to  12 get the information we need.  13 MS. VELEZ: And it's certainly a very  14 incomplete application and I think we're all  15 very clear on that. I respect your comments,  16 but I do agree that we should provide our  17 comments and move it forward and then let the  18 Commission hand down what they want to hand  19 down.  20 MR. SANTAMARIA: If I may add that this was  21 an uncomfortable process for us reviewing,  22 again, because essentially we're reviewing in  23 absentia. There was nobody here to present the  24 package. And so my previous experience with  25 the School Board is that they think that</p>
<p style="text-align: right;">Page 74</p> <p>1 So I would ask that you put any comments,  2 too, you know, so that if it is granted, what  3 conditions would you ask for.  4 MR. TRIAS: Yeah. The advice that I would  5 give you is that the project is reasonable, the  6 scale is reasonable, the aesthetics are  7 reasonable. I think that you should demand the  8 traffic information and you should demand the  9 circulation and the pick-up plan and the  10 parking plan. I think that's probably the most  11 useful information that can come out of this  12 Board, and then see what happens at the  13 Commission meeting.  14 MR. LEEN: Yes. Understand, whatever you  15 ask for here, I support. I don't want you to  16 think my office doesn't support what you're  17 saying. We do. And, in fact, I plan to make a  18 case before the Commission about this, because  19 -- and I know the Commissioners are very  20 concerned about what's happening.  21 I'm hopeful the School Board will take what  22 happens tonight, when we give them the  23 transcript and they know they're going to be  24 going before the Commission, who is probably  25 going to be at least as upset as you are that</p>	<p style="text-align: right;">Page 76</p> <p>1 they're the only sheriff in town, and so to the  2 extent that they've reached out to Craig and  3 there has been positive dialog, I think it's a  4 good opportunity for your comments to be  5 weighed into the process, and so that would be  6 my advice, as well.  7 MS. MENENDEZ: That's great. Thanks.  8 CHAIRMAN AIZENSTAT: Jolie, any other  9 comments?  10 MS. BALIDO-HART: I'm in agreement. I  11 think we're on the same page.  12 CHAIRMAN AIZENSTAT: Robert?  13 MR. BEHAR: Agree.  14 CHAIRMAN AIZENSTAT: Is there a motion or a  15 recommendation?  16 MR. WU: Mr. Chair, I have a condition for  17 you consideration, if I can spell it out.  18 CHAIRMAN AIZENSTAT: Please.  19 MR. WU: As part of Number 2, a traffic  20 study shall be provided and reviewed by the  21 City, to include any and all traffic  22 circulation mitigation measures, including but  23 not limited to vehicle stacking, pick-up and  24 drop-off and parking management measures, to be  25 reviewed by the City and implemented by the</p>

<p style="text-align: right;">Page 77</p> <p>1 School District.</p> <p>2 CHAIRMAN AIZENSTAT: Correct.</p> <p>3 MR. WU: In those general terms.</p> <p>4 MS. VELEZ: But we also need to know the</p> <p>5 number.</p> <p>6 MS. MENENDEZ: But did you also mention</p> <p>7 the -- right, the impact?</p> <p>8 MR. TRIAS: The number of students.</p> <p>9 MR. WU: That will be part of the --</p> <p>10 MS. MENENDEZ: The number of students</p> <p>11 existing and proposed, number of teachers</p> <p>12 existing and proposed --</p> <p>13 MS. VELEZ: Staff.</p> <p>14 MS. BALIDO-HART: Staff.</p> <p>15 MS. MENENDEZ: Or staff, in general, right.</p> <p>16 CHAIRMAN AIZENSTAT: That wouldn't be part</p> <p>17 of the traffic study, though.</p> <p>18 MS. MENENDEZ: Yeah, of course it is. It</p> <p>19 has everything to do with in and out.</p> <p>20 CHAIRMAN AIZENSTAT: You would put them in</p> <p>21 there?</p> <p>22 MS. MENENDEZ: Absolutely.</p> <p>23 MR. BEHAR: Yeah.</p> <p>24 MS. MENENDEZ: The impact to the area. If</p> <p>25 you're going to review the impact to the area,</p>	<p style="text-align: right;">Page 79</p> <p>1 CHAIRMAN AIZENSTAT: Do you need a motion</p> <p>2 from us or just --</p> <p>3 MR. TRIAS: Yes.</p> <p>4 MR. LEEN: I would like that.</p> <p>5 MS. VELEZ: I would move the conditions</p> <p>6 with the amendments that we have discussed this</p> <p>7 evening.</p> <p>8 CHAIRMAN AIZENSTAT: Okay.</p> <p>9 MS. MENENDEZ: I have a question. Sewer --</p> <p>10 are they in gravity or are they in the septic</p> <p>11 tank sewer?</p> <p>12 MS. VELEZ: Good question.</p> <p>13 MR. BEHAR: I would imagine this is sewer.</p> <p>14 MS. MENENDEZ: Is it sewer or septic?</p> <p>15 MR. SANTAMARIA: They are in the University</p> <p>16 of Miami sewer line district.</p> <p>17 MS. MENENDEZ: Okay. So there's capacity?</p> <p>18 MR. SANTAMARIA: There is. And so we're</p> <p>19 asking, if there is an increase in students,</p> <p>20 that they do a full analysis to see if they can</p> <p>21 accomodate the additional students.</p> <p>22 MS. MENENDEZ: Right. An increase.</p> <p>23 CHAIRMAN AIZENSTAT: With the</p> <p>24 recommendation -- are we giving a</p> <p>25 recommendation with an approval with those</p>
<p style="text-align: right;">Page 78</p> <p>1 you have to include everything, and staff is</p> <p>2 certainly -- if they're going to add staff,</p> <p>3 they're going to increase trips in and out of</p> <p>4 the site.</p> <p>5 MR. WU: We'll clear it up in the</p> <p>6 condition. We will include student count and</p> <p>7 teacher count in the condition.</p> <p>8 MR. TRIAS: So basically we have three</p> <p>9 conditions, and the second condition deals with</p> <p>10 traffic. If we beef it up and include all of</p> <p>11 the information of the students and the impact,</p> <p>12 I think that will be sufficient for review</p> <p>13 purposes.</p> <p>14 MS. MENENDEZ: And the whole drop-off?</p> <p>15 MR. TRIAS: The drop-off is already there.</p> <p>16 The parking management plan is already there in</p> <p>17 the text. And that they need to be reviewed by</p> <p>18 Public Works is also a part of the conditions.</p> <p>19 Then the crossing guard, as you mentioned,</p> <p>20 is a condition that we're proposing, and that</p> <p>21 they should obtain approval from Historical</p> <p>22 Resources for demolition.</p> <p>23 Those are the three conditions that Staff</p> <p>24 prepared for you. If you have additional</p> <p>25 conditions, certainly we can take notes.</p>	<p style="text-align: right;">Page 80</p> <p>1 conditions --</p> <p>2 MS. MENENDEZ: No. No.</p> <p>3 CHAIRMAN AIZENSTAT: -- or are we giving a</p> <p>4 recommendation with denial --</p> <p>5 MS. MENENDEZ: Denial.</p> <p>6 CHAIRMAN AIZENSTAT: -- or for them to come</p> <p>7 back after those recommendations?</p> <p>8 MS. MENENDEZ: I don't think we should give</p> <p>9 a recommendation.</p> <p>10 CHAIRMAN AIZENSTAT: Craig, so how do you</p> <p>11 want us --</p> <p>12 MR. TRIAS: You could make whatever motion</p> <p>13 you want.</p> <p>14 MS. MENENDEZ: I would vote not to give a</p> <p>15 recommendation.</p> <p>16 MR. WU: We have a motion on the floor.</p> <p>17 MS. VELEZ: Wait a minute.</p> <p>18 CHAIRMAN AIZENSTAT: Let me --</p> <p>19 MS. VELEZ: I will amend my motion, because</p> <p>20 I'm not moving to approve the application.</p> <p>21 CHAIRMAN AIZENSTAT: That's why I wanted to</p> <p>22 make sure.</p> <p>23 MS. MENENDEZ: Right.</p> <p>24 MS. VELEZ: I don't want to approve the</p> <p>25 application.</p>

<p style="text-align: right;">Page 81</p> <p>1 CHAIRMAN AIZENSTAT: Okay.</p> <p>2 MS. VELEZ: We are considering the</p> <p>3 application, and it will be further considered</p> <p>4 by the City Commission, and it may even come</p> <p>5 back to us once we have more information.</p> <p>6 MR. LEEN: Okay. So what I would suggest</p> <p>7 is either a no recommendation or a denial, from</p> <p>8 what you're saying, with the following</p> <p>9 conditions -- but, at the very least, the</p> <p>10 following conditions, something like that.</p> <p>11 CHAIRMAN AIZENSTAT: Correct.</p> <p>12 MS. MENENDEZ: I would suggest to my Board</p> <p>13 Members that we go with no recommendation, but</p> <p>14 I'm willing to consider anything you want.</p> <p>15 MS. BALIDO-HART: No recommendation. I</p> <p>16 agree.</p> <p>17 MS. MENENDEZ: No recommendation, but</p> <p>18 conditions --</p> <p>19 CHAIRMAN AIZENSTAT: We have Ms. Velez --</p> <p>20 MS. VELEZ: I'll withdraw my motion.</p> <p>21 CHAIRMAN AIZENSTAT: Well, you can amend</p> <p>22 your motion without a recommendation.</p> <p>23 MS. VELEZ: We're having totally</p> <p>24 different --</p> <p>25 MR. BELLIN: There wasn't a second, anyway.</p>	<p style="text-align: right;">Page 83</p> <p>1 recommendation, because of an insufficient</p> <p>2 application. You do have some proposed</p> <p>3 conditions. And also you need additional</p> <p>4 information. And all of that is based on</p> <p>5 what's been discussed.</p> <p>6 MS. MENENDEZ: For further consideration,</p> <p>7 right, because depending on those numbers, you</p> <p>8 know --</p> <p>9 CHAIRMAN AIZENSTAT: Correct. We have a</p> <p>10 motion. We have a second. Any discussion?</p> <p>11 MR. BELLIN: Are we finished with the</p> <p>12 conditions?</p> <p>13 CHAIRMAN AIZENSTAT: We are with that</p> <p>14 motion. Did you want to -- well, I think,</p> <p>15 since we have a motion and a second, we should</p> <p>16 take a roll --</p> <p>17 MR. LEEN: Well, you can have discussion</p> <p>18 once you have a motion.</p> <p>19 MS. MENENDEZ: Do you have anything to add?</p> <p>20 MR. LEEN: Yeah, do you have a condition,</p> <p>21 because she could add it?</p> <p>22 MR. BELLIN: I'd like to make a condition,</p> <p>23 which I don't think they're going to follow,</p> <p>24 but I think they ought to adhere to the Code</p> <p>25 that we have in Coral Gables and the process</p>
<p style="text-align: right;">Page 82</p> <p>1 MS. MENENDEZ: No recommendations, but with</p> <p>2 conditions --</p> <p>3 MS. VELEZ: Conditions, right. These are</p> <p>4 the conditions.</p> <p>5 MR. BELLIN: No recommendation with</p> <p>6 conditions.</p> <p>7 MS. MENENDEZ: Yeah, no recommendation --</p> <p>8 okay, let's see how we can word this. I just</p> <p>9 don't want to say yes or no.</p> <p>10 MR. LEEN: But can you give a reason, then?</p> <p>11 No recommendation because of an insufficient</p> <p>12 application?</p> <p>13 MS. MENENDEZ: Yes, right, and that the</p> <p>14 following information should be submitted for</p> <p>15 further consideration.</p> <p>16 MR. LEEN: With the following conditions.</p> <p>17 Something like that. Perfect.</p> <p>18 MR. TRIAS: And that's a motion. It needs</p> <p>19 to be seconded, and then there will be a vote.</p> <p>20 MS. MENENDEZ: Are you okay with that,</p> <p>21 Mari?</p> <p>22 MS. VELEZ: Yes, that's fine. I like that.</p> <p>23 CHAIRMAN AIZENSTAT: Is there a second?</p> <p>24 MS. BALIDO-HART: Second.</p> <p>25 MR. LEEN: So just to restate, so it's no</p>	<p style="text-align: right;">Page 84</p> <p>1 that we have of the Board of Architects,</p> <p>2 Historic Board, Art in Public Places, all of</p> <p>3 those things that everybody else needs to</p> <p>4 provide, I think they should, as well.</p> <p>5 MS. MENENDEZ: Do you want to do that as a</p> <p>6 separate motion?</p> <p>7 CHAIRMAN AIZENSTAT: Let's incorporate it.</p> <p>8 Just incorporate it.</p> <p>9 MS. MENENDEZ: Because, in reality, we</p> <p>10 should make that statement for all of the</p> <p>11 schools within our City.</p> <p>12 MR. LEEN: You know, it's a good point,</p> <p>13 because the Commission is going to separately</p> <p>14 be considering this Chapter 164. It would be</p> <p>15 useful if I could tell them that the Planning</p> <p>16 and Zoning Board believes that all of these</p> <p>17 things should apply.</p> <p>18 MS. MENENDEZ: To all of our public</p> <p>19 schools.</p> <p>20 MR. LEEN: To all of our schools and all of</p> <p>21 our applications.</p> <p>22 CHAIRMAN AIZENSTAT: So, Craig, so right</p> <p>23 now we have the original motion with a second.</p> <p>24 Let's take a vote on that, and then Marshall</p> <p>25 will make an additional motion.</p>

<p style="text-align: right;">Page 85</p> <p>1 MR. LEEN: Yes.</p> <p>2 CHAIRMAN AIZENSTAT: Okay. Any other</p> <p>3 comments? No?</p> <p>4 Call the roll, please.</p> <p>5 THE SECRETARY: Maria Velez?</p> <p>6 MS. VELEZ: Yes.</p> <p>7 THE SECRETARY: Jolie Balido-Hart?</p> <p>8 MS. BALIDO-HART: Yes.</p> <p>9 THE SECRETARY: Robert Behar?</p> <p>10 MR. BEHAR: Yes.</p> <p>11 THE SECRETARY: Marshall Bellin?</p> <p>12 MR. BELLIN: Yes.</p> <p>13 THE SECRETARY: Maria Menendez?</p> <p>14 MS. MENENDEZ: Yes.</p> <p>15 THE SECRETARY: Eibi Aizenstat?</p> <p>16 CHAIRMAN AIZENSTAT: Yes.</p> <p>17 Marshall.</p> <p>18 MR. BELLIN: I don't know the correct way</p> <p>19 of phrasing it, so I would appreciate it -- I</p> <p>20 think you understand the point I'm making.</p> <p>21 MR. LEEN: I do. You believe -- I believe</p> <p>22 your motion is that in considering the Chapter</p> <p>23 164 Resolution, you believe that the City</p> <p>24 should take the position that our Zoning Code</p> <p>25 applies to the School Board in all of its</p>	<p style="text-align: right;">Page 87</p> <p>1 MS. VELEZ: Yes.</p> <p>2 THE SECRETARY: Eibi Aizenstat?</p> <p>3 CHAIRMAN AIZENSTAT: Yes.</p> <p>4 Any other recommendations with respect to</p> <p>5 this item? No?</p> <p>6 Okay. Let's move on to the next item,</p> <p>7 which is --</p> <p>8 MR. LEEN: May I add one point, and then</p> <p>9 I'm going to be leaving?</p> <p>10 CHAIRMAN AIZENSTAT: Yes.</p> <p>11 MR. LEEN: And thank you for your patience</p> <p>12 today with this item. I did want to mention</p> <p>13 one thing about the opinion that was clarified</p> <p>14 to me by Mr. Collier, who used to be at the</p> <p>15 County Attorney's Office, as did I, but he was</p> <p>16 there longer than me.</p> <p>17 I wanted to make one point. When I was</p> <p>18 talking about the County Code provision that</p> <p>19 doesn't include the prohibition on appearing</p> <p>20 before the Commission -- remember I said that</p> <p>21 -- I just want to be clear, that's 2-11.1M2.</p> <p>22 And just to read it into the record, it says,</p> <p>23 "No person included in the terms defined in</p> <p>24 Subsection B2, 3 and 4, which are autonomous</p> <p>25 personnel, quasi-judicial personnel, and</p>
<p style="text-align: right;">Page 86</p> <p>1 respect.</p> <p>2 MR. BELLIN: Yes.</p> <p>3 MS. MENENDEZ: I think we should make it a</p> <p>4 recommendation to the City Commission that,</p> <p>5 boom.</p> <p>6 MR. LEEN: That they make that finding and</p> <p>7 pursue that case.</p> <p>8 MS. MENENDEZ: That they make the finding</p> <p>9 that --</p> <p>10 MR. LEEN: I agree.</p> <p>11 CHAIRMAN AIZENSTAT: There's a motion. Is</p> <p>12 there a second?</p> <p>13 MR. BEHAR: I'll second it.</p> <p>14 CHAIRMAN AIZENSTAT: Robert seconded. Any</p> <p>15 discussion?</p> <p>16 Call the roll, please.</p> <p>17 THE SECRETARY: Jolie Balido-Hart?</p> <p>18 MS. BALIDO-HART: Yes.</p> <p>19 THE SECRETARY: Robert Behar?</p> <p>20 MR. BEHAR: Yes.</p> <p>21 THE SECRETARY: Marshall Bellin?</p> <p>22 MR. BELLIN: Yes.</p> <p>23 THE SECRETARY: Maria Menendez?</p> <p>24 MS. MENENDEZ: Yes.</p> <p>25 THE SECRETARY: Maria Velez?</p>	<p style="text-align: right;">Page 88</p> <p>1 advisory personnel, shall appear before the</p> <p>2 County Board or Agency on which he or she</p> <p>3 serves," and then it continues. It doesn't</p> <p>4 mention the County Commission, and that's the</p> <p>5 point I was making.</p> <p>6 Whereas our provision, the way it's worded,</p> <p>7 it says, "The Commission or" something like the</p> <p>8 Board upon which they serve, and the way that</p> <p>9 we're interpreting that is, what they mean</p> <p>10 there is, if you're on the Commission, you</p> <p>11 can't appear before the Commission, and if</p> <p>12 you're on a Board, you can't appear before that</p> <p>13 Board.</p> <p>14 MR. BEHAR: But you could appear before the</p> <p>15 Commission?</p> <p>16 MR. LEEN: Yes. And we're going to clarify</p> <p>17 that through an amendment to the Code so that</p> <p>18 there's no hardship whereby we're applying a</p> <p>19 higher standard than what the County applies,</p> <p>20 which would make it difficult for Board Members</p> <p>21 to be Board Members, because they couldn't</p> <p>22 practice their profession.</p> <p>23 MR. BEHAR: And that's what I meant by the</p> <p>24 interpretation you gave me a couple of years</p> <p>25 ago.</p>