

1 Board, the Board Member must also disclose such  
2 visit.

3 In either case, the Board Member must  
4 state, on the record, whether the ex parte  
5 communication and/or site visit will affect the  
6 Board Member's ability to impartially consider  
7 the evidence to be presented regarding the  
8 matter. The Board Member should also state  
9 that his or her decision will be based on  
10 substantial competent evidence and testimony  
11 presented on the record today.

12 Does any Member of the Board have such  
13 communication and/or site visit to disclose at  
14 this time?

15 MR. BEHAR: No.

16 MS. ANDERSON: No.

17 CHAIRMAN AIZENSTAT: Thank you.

18 Everybody who will be speaking, if they  
19 could please go ahead and stand up for the  
20 swearing in.

21 I just want to take a second. The two  
22 people that just walked in, Item E-5 and E-6,  
23 which is for the firehouse, has been withdrawn.

24 UNIDENTIFIED MALE VOICE: Has been withdrawn?

25 CHAIRMAN AIZENSTAT: So it will not be on

1 the agenda tonight.

2 UNIDENTIFIED MALE VOICE: Okay. That's why  
3 we're here.

4 CHAIRMAN AIZENSTAT: Okay. Thank you.

5 MR. GRABIEL: You can take her out to  
6 dinner right now.

7 MS. VELEZ: That's a good idea. That's a  
8 good idea.

9 MR. BEHAR: I figured you were going to be  
10 for that item. That's why I mentioned it to  
11 him.

12 UNIDENTIFIED MALE VOICE: We can stay for a  
13 while to see our government at work.

14 CHAIRMAN AIZENSTAT: Everybody who --

15 MR. BEHAR: We're not elected officials, by  
16 the way.

17 CHAIRMAN AIZENSTAT: Everybody who will be  
18 speaking tonight, please make sure that you  
19 have completed the roster on the podium, a  
20 card, and I would ask that you please print  
21 clearly, for the official records, your name  
22 and address.

23 Now, with the exception of attorneys, any  
24 person who will speak on the agenda items  
25 before us this evening, please stand up to be

1 sworn.

2 Only attorneys?

3 We have the minutes.

4 MR. BEHAR: I'll make a motion for  
5 approval.

6 CHAIRMAN AIZENSTAT: We have a motion to  
7 approve.

8 MS. ANDERSON: Second.

9 CHAIRMAN AIZENSTAT: A second.

10 Any comments? No?

11 Call the roll, please.

12 THE SECRETARY: Robert Behar?

13 MR. BEHAR: Yes.

14 THE SECRETARY: Julio Grabiell?

15 MR. GRABIEL: Yes.

16 THE SECRETARY: Maria Menendez?

17 MS. MENENDEZ: Yes.

18 THE SECRETARY: Maria Velez?

19 MS. VELEZ: Yes.

20 THE SECRETARY: Rhonda Anderson?

21 MS. ANDERSON: Yes.

22 THE SECRETARY: Eibi Aizenstat?

23 CHAIRMAN AIZENSTAT: Yes.

24 Items E-1, E-2, E-3 and E-4 are all  
25 related. Mr. Coller, would you like to read

1 them into the record?

2 MR. COLLER: Yeah. What we'll do is, we'll  
3 read in all of the items. We'll have one  
4 public hearing relating to all of the items.  
5 And then we'll vote separately on each of the  
6 items, at the end of the public hearing.

7 So I'm going to start with -- excuse me --  
8 Item E-1, an Ordinance of the City Commission  
9 of Coral Gables, Florida requesting amendment  
10 to the Future Land Use Map of the City of Coral  
11 Gables Comprehensive Plan pursuant to Zoning  
12 Code Article 3, "Development Review", Division  
13 15, "Comprehensive Plan Text and Map  
14 Amendments", and Small Scale amendment  
15 procedures (Section 163.3187, Florida  
16 Statutes), from "Religious/Institutional" to  
17 "University Campus" for the property legally  
18 described as Lots 1 thru 8 and 34 thru 40,  
19 Block 196, Coral Gables Riviera Section 6,  
20 Coral Gables, Florida; and, providing for  
21 severability, repealer and an effective date.

22 Item E-2, an Ordinance of the City  
23 Commission of Coral Gables, Florida requesting  
24 a change of Zoning pursuant to Zoning Code  
25 Article 3, "Development Review", Division 14,

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1 "Zoning Code Text and Map Amendments", from  
 2 Special Use District (S) to University Campus  
 3 District (UCD) for the property legally  
 4 described as Lots 1 thru 8 and 34 thru 40,  
 5 Block 196, Coral Gables Riviera Section 6,  
 6 Coral Gables, Florida; and providing for  
 7 severability, repealer and an effective date.  
 8 Item E-3, an Ordinance of the City  
 9 Commission of Coral Gables, Florida providing  
 10 for text amendments to the City of Coral Gables  
 11 Official Zoning Code by amending Article 4,  
 12 "Zoning Districts," "Section 4-202, University  
 13 Campus District (UCD)," Article 8,  
 14 "Definitions," and Section A-89 - "Riviera  
 15 Section Part 14" amending height and setback  
 16 requirements for the property legally described  
 17 as Lots 1 thru 8 and 34 thru 40, Block 196,  
 18 Coral Gables Riviera Section, Coral Gables,  
 19 Florida; providing for severability, repealer,  
 20 codification, and an effective date.  
 21 Item E-4, an Ordinance of the City  
 22 Commission of Coral Gables amending the City of  
 23 Coral Gables and University of Miami  
 24 Development Agreement adopted by Ordinance  
 25 Number 2010-31 on 09/28/10, pursuant to Zoning

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1 Code Article 3, Division 19, entitled  
 2 "Development Agreements," for the University of  
 3 Miami, City of Coral Gables Campus, amending  
 4 the first Recital to include the property  
 5 legally described as Lots 1 thru 8 and 34 thru  
 6 40, Block 196, Coral Gables Riviera Section 6,  
 7 Coral Gables, Florida; and providing for  
 8 severability, repealer and an effective date.  
 9 Items E-1 through E-4 public hearing.  
 10 CHAIRMAN AIZENSTAT: Thank you.  
 11 MR. TRIAS: May I have the PowerPoint?  
 12 Thank you very much.  
 13 You are probably familiar with the church  
 14 that is located right on 57th Avenue and Ponce  
 15 de Leon and Levante. That block has been the  
 16 Methodist Church in the past, and the  
 17 University of Miami has acquired that whole  
 18 parcel.  
 19 It includes several buildings. Some are  
 20 historic. Some are not. Some is the  
 21 sanctuary, some were school buildings. They  
 22 are buildings that the University intends to  
 23 place in their Master Plan.  
 24 Now, the request may look complicated.  
 25 There are four requests. The reality is that

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1 it is a very simple request by the University.  
 2 They don't have a project. They're simply  
 3 requesting to include all of the land within  
 4 the regulatory rules that are applied through  
 5 the campus. That's all they're asking for at  
 6 this point. In the future, they may come back  
 7 with a project for that parcel.  
 8 MS. MENENDEZ: Ramon?  
 9 MR. TRIAS: Yes.  
 10 MS. MENENDEZ: Aren't they also asking for  
 11 a change of Land Use and a change of Zoning?  
 12 MR. TRIAS: Yes. Yes, and that's what I'm  
 13 mean. They're asking for the change of Land  
 14 Use and Zoning, but there's no project being  
 15 requested.  
 16 MS. MENENDEZ: I know. It's not just  
 17 including into the UM Development Plan, but  
 18 it's also changing the Land Use and the Zoning  
 19 for the property.  
 20 MR. TRIAS: Yes. That is what I said.  
 21 What I said is that what they're requesting is  
 22 to make all the changes, including the change  
 23 of Land Use, change of Zoning. There's some  
 24 text amendment that has to be made, which has  
 25 to do with Site Specifics, and there's also a

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1 change for the Development Agreement, which  
 2 includes this parcel in the legal description  
 3 of the Development Agreement.  
 4 MS. MENENDEZ: Right.  
 5 MR. BEHAR: But the difference is, they're  
 6 not bringing a project. We're just giving them  
 7 a broad change of views, change of everything,  
 8 with nothing to look at?  
 9 MR. TRIAS: Yeah, exactly. That's what I  
 10 was trying to explain.  
 11 MR. BEHAR: Yeah.  
 12 MS. MENENDEZ: But I think that the --  
 13 look, I know you have a presentation. It  
 14 wasn't my intent to interrupt it. So I'll save  
 15 the rest of my questions for later.  
 16 MR. TRIAS: That is the request, I mean,  
 17 precisely. And this has been, the review time  
 18 line, it went to the DRC in September. There's  
 19 no Board of Architects review, because there's  
 20 no project. There's a required public  
 21 neighborhood meeting that the University  
 22 performed. There was a Staff meeting, where we  
 23 got comments from different departments. And  
 24 today we are having the Planning and Zoning  
 25 meeting.

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1           There were letters to property owners  
 2           within 1,500 feet, which when the University  
 3           does a change, it means the whole property  
 4           around the University is noticed. There were  
 5           two letters to property owners, two postings of  
 6           the property, two website postings and one  
 7           newspaper advertisement. Those are the  
 8           required public notices.

9           As Ms. Menendez was pointing out, Request  
 10          Number 1 is a Comp Plan change. It's changing  
 11          Religious/Institution to University Campus, the  
 12          same Land Use as the rest of the campus. You  
 13          can see it in the light blue. Staff recommends  
 14          approval, because it complies with the  
 15          requirements of the Comprehensive Plan.

16          Now, the second request is the Zoning  
 17          change. Again, the Zoning change is to  
 18          University Campus District, which is the same  
 19          Zoning as the rest of the campus, and that's in  
 20          the blue, depicted in the blue. Staff also  
 21          recommends approval, as the findings of fact  
 22          show that it complies with the requirements.

23          Then the Zoning Code Text has to do with  
 24          the very unique way that the Campus Zoning is  
 25          organized, which deals with frontages. And you

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1           believe the Applicant has some presentation.

2           MR. BEHAR: Can I ask you a question?

3           MR. TRIAS: Yes.

4           MR. BEHAR: Can you go back to the  
 5           Development Agreement Map outline that you were  
 6           showing us?

7           MR. TRIAS: Yes.

8           MR. BEHAR: There you encompassed a whole  
 9           block to the east, north portion of the church,  
 10          which incorporates other properties that are  
 11          not within the development agreement, right?

12          MR. TRIAS: Right. And there are some  
 13          properties that are not included. Yeah, you're  
 14          correct.

15          MR. BEHAR: So that whole thing is going to  
 16          be --

17          MR. TRIAS: The map is not as accurate  
 18          as --

19          MR. BEHAR: It should be.

20          MR. TRIAS: Yeah, as it should be.

21          MR. BEHAR: Okay.

22          MR. TRIAS: And the Applicant may explain  
 23          that in more detail, because some properties  
 24          are within --

25          MR. BEHAR: And can you show me what

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1           may be familiar with the concept that there's a  
 2           sliding scale of heights, depending on the  
 3           distance and so on. The Applicant may explain  
 4           it in more detail, but this area will be  
 5           Frontage F, and this is an illustration of the  
 6           way the frontages work, and they were intended  
 7           to have less impact on the neighbors by having  
 8           some restrictions on the height closer to the  
 9           edge of campus and less restrictions towards  
 10          the interior of the campus.

11          In this case, it doesn't really matter as  
 12          much, because we're talking about a City block.  
 13          So the reality is that the development would be  
 14          fairly uniform for the block.

15          There's also some Site Specifics, as I  
 16          mentioned, related to the church, that would be  
 17          realized. Staff also recommends approval of  
 18          the Zoning Code change, because it complies  
 19          with the requirements.

20          And, finally, as I said, there's an  
 21          amendment to the Development Agreement, that  
 22          includes the property in the definition, in the  
 23          legal description of the agreement, and Staff  
 24          also recommends approval.

25          That is the end of my presentation. I

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1           portion of the church is considered historic,  
 2           that will not come down? Or there's a  
 3           possibility for the whole church to come down?

4           MS. MENENDEZ: You know, you're hitting  
 5           some questions that I also have. So if you  
 6           start this off, we're not going to finish.

7           MR. BEHAR: Okay.

8           CHAIRMAN AIZENSTAT: Why don't we let --

9           MS. MENENDEZ: So I think we should let the  
 10          presentations take part. My suggestion,  
 11          because --

12          MR. BEHAR: I wanted to know.

13          MS. MENENDEZ: Yeah.

14          MR. BEHAR: So we'll call you back for  
 15          that.

16          MS. MENENDEZ: Because along the lines, I  
 17          have a question that deals with that, and so  
 18          we're just going to engage in question -- you  
 19          know, my suggestion --

20          MR. BEHAR: Okay.

21          CHAIRMAN AIZENSTAT: Let's allow for the  
 22          Applicant to also make his presentation.

23          MR. TRIAS: Yeah, and the correct answer to  
 24          your question is that there's a --

25          MR. BEHAR: I get it. I get it.

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1 MR. TRIAS: Mr. Behar, if I could answer  
 2 your question. That the right way to answer  
 3 your question is that there's a separate  
 4 process for Historic Preservation that it would  
 5 have to go through if the Applicant decides to  
 6 do that --  
 7 MR. BEHAR: Let the Applicant present.  
 8 Then we'll come back.  
 9 MR. TRIAS: Yes. So my presentation is  
 10 finished. So the Applicant should continue.  
 11 MR. BASS: Mr. Chair, Members of the Board,  
 12 it's lovely to see everybody. It's been a  
 13 while.  
 14 Jeffrey Bass is my name. I represent the  
 15 University of Miami, the Applicant in the four  
 16 matters that are before you.  
 17 I'd like to just be extremely brief,  
 18 because I know professional boards like this  
 19 prefer not to hear from lawyers at great length  
 20 about issues of planning. So if I may just  
 21 take a moment to put these applications into  
 22 their real world context, talk a little bit  
 23 about how they came to be and where they're  
 24 going, and then, perhaps, answer the specific  
 25 questions, by way of anticipation that occurred

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1 arose. We acquired it. And the applications  
 2 that are before you this evening are really  
 3 designed to extend the regulatory regime that  
 4 governs the campus, as it has been defined up  
 5 until now, to cover this new addition to the  
 6 campus, we hope, and roll it into both, the  
 7 Comp Plan category and Zoning District  
 8 regulations that operate to control and  
 9 regulate the development of the University of  
 10 Miami Campus.  
 11 As many members of this Board know, the  
 12 University of Miami and the City of Coral  
 13 Gables entered into a Comprehensive Development  
 14 Agreement. We just, last week, celebrated, I  
 15 think it was the eighth anniversary of the  
 16 Development Agreement, with a joint meeting  
 17 that we have between the University and the  
 18 City each year to review important initiatives.  
 19 But if we roll back the clock eight years,  
 20 as part of that process of adopting a  
 21 Development Agreement, it was very important to  
 22 the University to have a comprehensive set of  
 23 regulations that govern its growth, and as  
 24 Ramon alluded to earlier, part of those  
 25 regulations adopted as part of the Development

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1 during the City Staff's presentation.  
 2 So let me make a point very clear. The  
 3 University of Miami did not buy and shut down  
 4 the operating Methodist Church. The church  
 5 decided on its own that it can no longer afford  
 6 to operate that church and maintain that  
 7 property through the vote of the members of the  
 8 church and through the Methodist conferences,  
 9 as mentioned in the application materials.  
 10 So it's not as if the University was  
 11 engaged in some predatory purchase to buy the  
 12 church and evict the congregation. I want that  
 13 to be very clear, not only for this Board, but  
 14 for any members of the public who may be  
 15 watching.  
 16 So this was an opportunity that arose and  
 17 the University moved on it, because it makes  
 18 great sense, as steward of land, as the  
 19 University is, to be able to acquire and  
 20 control this vitally important corner of the  
 21 land area that is contiguous to the University,  
 22 and this is an area that just made good sense.  
 23 So it's not as if we hatched a plan to  
 24 acquire this land and have a plan for what  
 25 we're going to do with it. The opportunity

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1 Agreement are the UCD Campus District  
 2 regulations that represented, for those of us  
 3 with gray hair, the sunseting of the UMCAD,  
 4 which was not a very efficient way to manage  
 5 the campus and the creation of a new Zoning  
 6 District.  
 7 As part of the Development Agreement, the  
 8 City wanted to know what lands comprised the  
 9 Campus and we have in that first Recital  
 10 Exhibit A, and through a provision in the  
 11 Development Agreement, we tell the City when we  
 12 buy new lands that we want to dedicate to  
 13 University use.  
 14 So the amendment to the Development  
 15 Agreement is designed to conform with the Map  
 16 of the Campus, where University uses are  
 17 occurring, to reflect the addition of this land  
 18 to the Campus.  
 19 As Mr. Trias indicated previously, there  
 20 are a number of different frontages in the  
 21 Campus, and I use the analogy of sort of a  
 22 bullseye to define the architecture of the UCD  
 23 Zoning District Regulations, where, in the  
 24 bullseye, is the Campus core, where there was  
 25 to be maximum flexibility, because it was

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1 further removed from the residential  
 2 neighborhoods, and as we got closer to the  
 3 residential neighborhoods, we had a transition  
 4 zone, and then a buffer zone, and so on and so  
 5 forth.

6 So because this land wasn't within the  
 7 University's inventory at that time, we needed  
 8 to figure out what to do with it, and that's  
 9 the text amendment part of this application.  
 10 The text amendment accomplishes a couple of  
 11 different things. It is a text amendment to  
 12 the Site Specifics to eliminate the Site  
 13 Specifics that would otherwise restrict the  
 14 development of this land, and part of that is  
 15 to eliminate the reference to the church within  
 16 the Site Specifics and to recognize that we did  
 17 not acquire the entirety of that block, we just  
 18 acquired the lots that are the subject of the  
 19 application.

20 We are not seeking to re-zone the entirety  
 21 of the block. We're not seeking to  
 22 re-designate the entirety of the block. Nor  
 23 are we seeking to touch any lands not under our  
 24 ownership as specifically defined by lot and  
 25 block in the application materials.

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1 Commission.

2 So the issue of the church and the  
 3 preservation and the question of Historic  
 4 Preservation came up then, and let me tell you  
 5 where we are on that, consistent with my  
 6 opening remarks. We did not plan to buy this.  
 7 The congregation did not have the money to  
 8 maintain these structures, and we are in the  
 9 process now of doing an assessment of the  
 10 structures, as well as their historic value.

11 To answer the question as best as I can,  
 12 there is a designation of the entirety of what  
 13 functioned as the church and the educational  
 14 components of the church. The church is a  
 15 sanctuary, a fellowship hall, and then some  
 16 other additions, that, to the eye, look very  
 17 different, just from the street, and we're  
 18 going through them now.

19 We know we need to, before we touch any of  
 20 these buildings, work this project through the  
 21 Historic Preservation process of the City and  
 22 come up with a plan for a Certificate of  
 23 Appropriateness, which we're only at the most  
 24 initial steps of doing. We've hired a  
 25 preservation architect, an expert in

Page 22

1 There was a little typo in the Staff report  
 2 with respect to the lots that are subject to  
 3 your amendment. They inadvertently transposed  
 4 the strikeout and the underline in the Staff  
 5 report. We have it correct in our exhibits and  
 6 Staff will make that correction.

7 I want to touch just a little bit, by way  
 8 of anticipation, to the question of Historic  
 9 Preservation, and answer it to the best of my  
 10 ability, with the information that we have at  
 11 present, and forecast for you where we're  
 12 going.

13 Before I do that, I would like to  
 14 emphasize, we had a wonderful neighborhood  
 15 meeting. We had very good turnout. We mailed,  
 16 you know, to a 1,500 foot radius, which is  
 17 substantial. We had old friends and we had new  
 18 friends, who were all out and interested to  
 19 hear what we were doing, and I would call that,  
 20 it was a really good exchange of information,  
 21 and I believe most were satisfied by what we  
 22 did this evening, as perhaps evidenced by the  
 23 fact that we don't have a lot of objectors here  
 24 tonight, which is a good thing. I hope I  
 25 didn't jinx myself for purposes of the

Page 24

1 preservation, to begin the process of going  
 2 through it and taking a look at it. And I'd  
 3 like to be quite honest to say, this all kind  
 4 of folds into the same issue, right. We don't  
 5 know what we can do with these lands until we  
 6 know what aspect of the lands can be developed  
 7 and what aspects of the lands must be  
 8 preserved.

9 So in terms of the opportunity for  
 10 re-development there, it may be very  
 11 inconsequential. It may be moderate. You  
 12 know, it may be substantial. The University is  
 13 quite proud of its stewardship in Historic  
 14 Preservation and looks forward to continuing  
 15 that here, but before we get into the  
 16 particulars of what the project -- the  
 17 Certificate of Appropriateness would look like,  
 18 we need to complete our assessment of the  
 19 actual state of the buildings and the historic  
 20 value of the remembrance.

21 We have expressed findings from your Staff,  
 22 that were consistent with your Comprehensive  
 23 Plan, that we satisfied all operative standards  
 24 in your Code for the text amendment and for the  
 25 rezoning and we're here to ask for your

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1 approval this evening. I would ask, just by  
 2 way of past experience, that if there is a  
 3 motion to approve, that the motion incorporate  
 4 the Staff's findings and recommendations as  
 5 part of the motion. I think that's the  
 6 cleanest way to do it, just because it's such a  
 7 substantial set of recommendations.

8 So I'm happy to answer any questions. I  
 9 hope I didn't speak too quickly. If there any  
 10 follow-up questions, my team and I would be  
 11 most pleased to answer them. We ask for your  
 12 favorable recommendation to the Commission.  
 13 Thank you for your time.

14 CHAIRMAN AIZENSTAT: Thank you. Thank you.  
 15 Is there anybody from the floor that would  
 16 like to come up and speak? Seeing as --

17 MS. MENENDEZ: Only UM is here.

18 CHAIRMAN AIZENSTAT: Only UM. So seeing  
 19 that there isn't, I'm going to go ahead and  
 20 close the floor at this time.

21 So, Maria.

22 MS. MENENDEZ: Robert, do you want to go  
 23 first?

24 MR. BEHAR: No. No. No. Ladies first.

25 MS. MENENDEZ: Such a gentleman.

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1 contiguous land," particularly when the client  
 2 is an institutional client, with a vision of  
 3 being in business for centuries.

4 The answer to your question is, no, we had  
 5 no idea, and the answer to your question is,  
 6 no, we have no intention of demolishing every  
 7 piece of building that is there.

8 MS. MENENDEZ: I'm not saying, the  
 9 building. I'm focused more on the church  
 10 component of it.

11 MR. BASS: When you say, "The church," do  
 12 you mean, the sanctuary?

13 MS. MENENDEZ: The sanctuary.

14 MR. BASS: Because there's also a  
 15 Fellowship Hall and other pieces.

16 MS. MENENDEZ: Right.

17 MR. BASS: What I would say to you would  
 18 be, in all matters, there is a hierarchy,  
 19 right? So the hierarchy of importance centers  
 20 around the sanctuary, based on our preliminary  
 21 research. The rest, not so much.

22 I can tell you, based on the work that the  
 23 University has done to preserve its historic  
 24 buildings on campus, for which its won several  
 25 awards and many of which it has designated

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1 Where do I start?

2 So the University of Miami purchased the  
 3 property, right?

4 MR. BASS: Yes.

5 MS. MENENDEZ: And when they purchased the  
 6 property, did they have a vision for the  
 7 property? How did they come up with the number  
 8 to purchase it, if you didn't have an idea of  
 9 what you're able to do there, especially with  
 10 the significance of the historic designation?

11 So how do you kind of like -- what's your  
 12 short-term vision and what's your long-term  
 13 vision? Are you hoping to eventually just  
 14 demolish the historic component of it or --  
 15 just walk me through that, because I'm not sure  
 16 why the University would want that property,  
 17 unless they're looking to demolish the historic  
 18 site.

19 MR. BASS: I'll answer the question as  
 20 directly, politely and affectionately as I can.  
 21 I have been doing this for 26 years. Not once  
 22 has any client ever said to me, "You know, I  
 23 can't believe you made me buy that adjacent  
 24 contiguous land when it became available. I  
 25 could shoot myself that I bought that adjacent

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1 voluntarily to come in front of you, that  
 2 there's never been an intention to squander any  
 3 vitally important historic research.

4 I will tell you, because it's quite  
 5 important to note, that several of those  
 6 structures were designated in a designation  
 7 report when they weren't even 50 years old.

8 MS. MENENDEZ: Okay.

9 MR. BASS: How does that happen?

10 So not all elements of all buildings are of  
 11 the same historic value, but your direct  
 12 question was, did we have a plan for it? Do we  
 13 have a plan for it? We don't have a plan for  
 14 it. We're in the planning process of what can  
 15 be done there, and as I answered before, the  
 16 output of that process is going to dictate what  
 17 we can do, because if the Historic Preservation  
 18 Board decides that all of it must be preserved,  
 19 well, then we're going to have to figure out  
 20 how we're going to make adaptive reuse of a  
 21 building that was a church and an educational  
 22 facility, but we're just not there yet.

23 And we didn't, and we don't, and I think  
 24 it's quite important to emphasize, we, the  
 25 University, don't make acquisitions or build

1 buildings the way that a normal developer does  
2 when they have a particular site, with a  
3 particular sale price, they have to yield a  
4 particular return on investment, they have to  
5 get in and get out and start right away. Those  
6 are not forces that factor into how the  
7 University manages its lands, and as I said  
8 before, this is an opportunity that came to us  
9 and we executed on it. Fortunately, we have  
10 the ability to do that, and now we're in the  
11 planning process and the assessment process  
12 that would dictate what the ultimate use would  
13 be.

14 MS. MENENDEZ: Okay.

15 CHAIRMAN AIZENSTAT: Robert.

16 MS. VELEZ: I have a question. Are all of  
17 the buildings designated historic?

18 MR. BASS: Yes.

19 MS. VELEZ: All of them?

20 MR. BASS: Yes.

21 MS. VELEZ: So we have the chapel and then  
22 we have the sanctuary. Then we have something  
23 that's being used as a school -- I mean, that's  
24 being used as the school, and there's another  
25 one story building with an office. So all of

1 them --

2 MR. COLLER: Wait. Wait. Wait. We can't  
3 do it that way.

4 MR. TRIAS: You have to speak into the  
5 microphone.

6 MR. BASS: It's the sanctuary, the  
7 fellowship hall, the chapel and the educational  
8 component.

9 MS. VELEZ: So all of the buildings?

10 MR. TRIAS: Across the site. I mean, the  
11 whole site thing, including outdoor areas and  
12 so on and so forth.

13 MS. VELEZ: All right. Thank you.

14 MS. MENENDEZ: What process are you going  
15 through at this Historic Board, because I read  
16 here that you're going through a historic  
17 process? What process are you going through at  
18 the Historic Board for the City? Have you  
19 initiated any process through our Historic  
20 Board?

21 MR. BASS: Okay. The answer is, no, we  
22 have not. And, you know, again, with  
23 affection, I'd like to remind that there's a  
24 whole separate process, with a separate Board,  
25 that we go through those things with. We

1 haven't begun that process yet. We are  
2 literally doing the assessment of the building  
3 and its integrity and what's there and in what  
4 kind of shape it is.

5 The congregation was unable to maintain  
6 this for a long time, and it's not in great  
7 shape. So we're doing those assessments, as I  
8 said before.

9 MR. BEHAR: And with that in mind, Jeff, if  
10 you don't know what's going to happen, why are  
11 we here doing Zoning changes today, without  
12 knowing what, in the future, would hold? To me  
13 that is troublesome, because I don't know what  
14 could potentially happen. And nothing may  
15 happen, and this is -- to me, this is a little  
16 bit different than the rest of the Campus, One,  
17 because this is probably one of the most  
18 important --

19 CHAIRMAN AIZENSTAT: Gateway.

20 MR. BEHAR: -- gateway entrance to the City  
21 of Coral Gables, and certainly I want to make  
22 sure that this property is reviewed in a  
23 scrutiny that's different from the Campus.  
24 This is not -- so I don't want -- to me, I have  
25 a problem just putting the same, you know, on

1 top of everything, when, in fact, this is, in  
2 my eyes, totally different.

3 I have a problem -- and by the way, I'm in  
4 support of the University and will be, you  
5 know, but I have a problem approving something  
6 that you're telling me that you don't know what  
7 could even potentially happen there. I think  
8 that maybe this is premature to be here and  
9 getting, you know, Zoning changes and all of  
10 that we're seeking tonight.

11 I wish we had a little bit more information  
12 to be able -- for me to feel comfortable making  
13 a recommendation, a decision, that based on --  
14 you know, for a future that we don't know  
15 what's going to happen today.

16 It doesn't mean that I would not -- let me  
17 rephrase that. I think it's a great idea the  
18 University was able to acquire this piece,  
19 okay. It's even better than the congregation,  
20 which didn't have the means to continue. So  
21 I'd rather have the University maintain these  
22 buildings, because we know they're going to be  
23 maintained properly, but what happens in the  
24 future here, to me, is very important.

25 And I think that not knowing what's going

1 to happen is -- for me, it's hard to even  
 2 consider an application tonight.  
 3 MR. BASS: Okay.  
 4 CHAIRMAN AIZENSTAT: And also, just to  
 5 piggyback on what Robert said, when we've  
 6 always had Zoning changes come before the  
 7 Board, they've always had a Site Plan attached  
 8 or a project that was attached to it. For me,  
 9 that's how it's worked for many years, for ten  
 10 years. It's the first time I've seen a  
 11 property come before us asking for a Zoning  
 12 change and so forth without a Site Plan or a  
 13 purpose to it.  
 14 And a question which I would have to Ramon  
 15 would be, if we approve a Site Plan -- I'm  
 16 sorry, a Zoning change today, would they have  
 17 to come back before our Board or the Planning  
 18 and Zoning Board for what they decide to do  
 19 with that property?  
 20 MR. TRIAS: Probably not, and I say this  
 21 depending, obviously, on the project. The  
 22 other thing that I would say is that I  
 23 expressed the same thoughts to the Staff of the  
 24 University, exactly the same thing you're  
 25 saying, and they simply told me that they'd

1 before Robert goes, I'd like to hear from  
 2 Julio.  
 3 MR. GRABIEL: Yeah. I'm thrilled that the  
 4 University bought the property. I think it's  
 5 much better to have an institution like the  
 6 University of Miami control that property than  
 7 having a developer come in and trying to do a  
 8 commercial building. So that's Number One.  
 9 I want to ask you, why do you feel that you  
 10 need to have this Zoning change at this time,  
 11 when you don't know the value of the buildings,  
 12 you don't know if historically you can demolish  
 13 some of it, and you don't know what the use of  
 14 the property is? So what benefit does the  
 15 University have of having this Zoning change  
 16 today?  
 17 MR. BASS: I'll answer that question  
 18 consistent with my prior, and if I may remind  
 19 the Board that there is no requirement in your  
 20 Code that we submit a Site Plan as part of this  
 21 application. It's not in the Code. So to the  
 22 extend that you're holding us or faulting us  
 23 for this, what can be characterized by certain  
 24 Board Members' comments as an omission, you  
 25 know, all you have is your Code, and if your

1 prefer to proceed with the application as is,  
 2 with the explanation that it was unique, in the  
 3 sense that this is not a typical Zoning  
 4 designation. This is the Campus designation,  
 5 which is different, and it really is, because  
 6 it's also attached to a Master Plan, which is a  
 7 separate process of review.  
 8 Now, the problem is that the Master Plan  
 9 doesn't come to you most of the time, the  
 10 amendments to the Master Plan. That tends to  
 11 be an administrative process. The only public  
 12 process that I can think of, that would  
 13 certainly take place, is the Certificate of  
 14 Appropriateness because of the historic  
 15 designation. That certainly goes to a  
 16 different Board and so on.  
 17 CHAIRMAN AIZENSTAT: Correct.  
 18 MR. TRIAS: But I think that in terms of  
 19 what the vision is, the best explanation to it  
 20 is probably the amendment to the frontage, the  
 21 Frontage F, which would allow six stories, six  
 22 floors, or 72 feet. And, to me, that's the  
 23 closest thing to any kind of information about  
 24 development that they have explained to me.  
 25 CHAIRMAN AIZENSTAT: I'd like to hear --

1 Code required a Site Plan, I would be more able  
 2 to respond to that, you know, on the merits,  
 3 but what you're asking us to do is to fulfill a  
 4 requirement that's not in your Code, and as a  
 5 Board, I would say, most respectfully, you  
 6 don't have that authority.  
 7 MS. MENENDEZ: But we're recommending  
 8 Board and we can recommend it.  
 9 MR. BASS: You -- absolutely. I mean,  
 10 that's why I say all of this with affection.  
 11 So that would be my response to that.  
 12 And Mr. Grabiell, I would address your  
 13 question this way. As a steward for this land,  
 14 Zoning regulates structures, but Zoning also  
 15 regulates uses, okay. We know, because of the  
 16 historic designation on the property, we can't  
 17 touch the structures, right, but from the uses  
 18 that are allowed, the University Campus uses,  
 19 we want to have this as part of the campus.  
 20 I'd be most candid to say that if there's  
 21 anybody here who knows the history, they'll  
 22 know, we made a very direct pack to the City  
 23 that we were not going to buy lands and  
 24 dedicate them to University use without telling  
 25 the City. It's memorialized in the Development

1 Agreement, amending the Development Agreement  
2 and bringing them into the Campus regulations.  
3 So through the applications that are before  
4 you, we are really fulfilling and implementing  
5 the contractual promise that we made, which  
6 were vitally important to the City then and are  
7 vitally important to the City now, that when we  
8 buy lands, we tell the City and we extend our  
9 regulation to them.

10 So the simplest answer to your question,  
11 why now is, we are the owner. We intend to use  
12 them. And I think, if given between the  
13 alternative of us buying lands and not letting  
14 the City know and not rezoning them to  
15 University use and re-designating them to  
16 University use, we're coming forward and  
17 complying with the terms of the Development  
18 Agreement, that I would choose the latter, you  
19 know, every day of the week. We're obliged to  
20 do so.

21 So what are we asking for? We're asking  
22 for a Comp Plan amendment. That doesn't  
23 regulates structures. That's Comp Plan. That  
24 regulates University use. I imagine you  
25 frequently look at Comp Plan amendments and

1 approve them, irrespective of a Site Plan.  
2 We're looking at a re-zoning to the Campus  
3 Zoning District, and we're looking at a text  
4 amendment that actually starts to create, as  
5 the Planning Director indicated, through some  
6 dimensional constraints on this commercial  
7 block fronting Ponce, in proximity to the  
8 Metrorail, and with no Single-Family homes  
9 anywhere near and with Multi-Family Red Road  
10 Commons across the significant arterial Red  
11 Road -- so as it relates to potential heights  
12 and setbacks and future uses, that's what the  
13 applications are that are before you.

14 MR. BEHAR: You're right, but what  
15 guarantees us that we're going to be able to  
16 even look at a project, and -- because the  
17 reality, you've come as a courtesy to us, to  
18 the Planning and Zoning, in the past. What  
19 I've seen, you know, you come as a courtesy.  
20 We really cannot impose anything on you. At  
21 least that's my recollection.

22 MR. BASS: And, again, I say with --

23 MR. BEHAR: And then, if we approve this,  
24 then we have no control.

25 MR. TRIAS: Mr. Chairman, what I would like

1 to say is that Mr. Behar's characterization of  
2 the process is the process that was designed  
3 eight years ago or whenever it was. That's the  
4 way it was designed. And we all have different  
5 opinions of how that works, but it's designed  
6 in such a way that the change of Zoning and the  
7 Change of Use regulates simply that this area  
8 is going to be in the University. And, then,  
9 in addition, there's a Master Plan. Perhaps  
10 you want to explain how the Master Plan process  
11 works.

12 MR. BEHAR: But the process works that way.  
13 I mean --

14 MR. TRIAS: Yeah. Yeah.

15 MR. BEHAR: -- they have full control and  
16 you could do whatever.

17 MR. TRIAS: And the reason I'm mentioning  
18 the Master Plan is that that's unique to the  
19 University. That doesn't happen anywhere in  
20 the City.

21 MR. BASS: And -- I'm sorry.

22 MS. ANDERSON: Well, I mean, I think we  
23 have somewhat of the cart before the horse. If  
24 you're only asking to be able to use the  
25 existing buildings, asking for the ability to

1 bring that into the Campus Agreement for use  
2 purposes with the historic structures as they  
3 are, that's one thing, but here you're adding  
4 additional feet, you know, and additional  
5 things you could do if you were to build  
6 something, if you were to tear it down.

7 Wouldn't it be better to, let's get the  
8 historic designation determined on the  
9 buildings, and, you know, if there's a building  
10 on there that is not historic, and that the  
11 University desires to tear it down, then we can  
12 get into the definition of what setbacks there  
13 should be and how many floors there should be  
14 on that building, as opposed to describing that  
15 now, on a structure that may never be permitted  
16 to be torn down?

17 MR. BASS: And what I would respond to that  
18 observation by saying is, we're entitled to  
19 have our proposed height and setbacks evaluated  
20 consistent with sound planning and urban  
21 concepts. So we've looked at a height here  
22 that is consistent with the height of the  
23 Plumer Building immediately adjacent. We've  
24 looked at the setbacks on Ponce, as they exist,  
25 and have a more sizeable setback on Red Road of

1 25 feet.

2 And the question is, as a Planning Board,

3 within the concepts that regulate planning, do

4 you believe, as your staff found, that those

5 are appropriate? We believe that they are, in

6 this urban environment, considering the as

7 built context of the immediately adjacent

8 neighborhood, considering the size of Red Road,

9 the size of Ponce, the uses that are there, the

10 proximity to the Metrorail. I think 72 feet in

11 height is incontestably reasonable for that

12 corner, and the setback there is, as well, and

13 if the Board feels otherwise, then --

14 consistent with sound planning concepts, then

15 the Board feels otherwise, but, you know, we

16 looked long and hard at what we thought the

17 right urban gesture would be there, in terms of

18 the height that we were seeking and in terms of

19 the setback that we were seeking and we don't

20 believe that by any measurement that that is a

21 stretch or an overreach, but we want to start

22 to define the envelope with which we can begin

23 to look at the development future of the

24 property.

25 MS. MENENDEZ: But without the uses? I

1 I know that they're all satisfied, but, to

2 me, as a Board Member, I can't say that these

3 are all met.

4 MR. BEHAR: You know, it shows satisfied,

5 but it may be a checklist, when I hear

6 Mr. Trias saying that you expressed the same

7 concern to the Applicant and they wanted to

8 move forward.

9 MR. TRIAS: I did. I expressed to them --

10 MS. MENENDEZ: Look at this one, its effect

11 on the level of service of public

12 infrastructure. I don't know. It depends on

13 the use of the property. Its effects on the

14 environmental resources. I don't know.

15 MR. BASS: Ms. Menendez, all of that

16 includes -- the potential uses are included in

17 the UCD Zoning District Regulations. Those are

18 the -- that is the pallet of uses. That's what

19 makes the University very different from other

20 single owner Site Specific occupiers.

21 So there is a pallet of uses that are

22 approved as part of the Campus, and those uses

23 operate very, very differently. For example,

24 people may go to class there, who live on

25 campus.

1 mean, how do you do all of that without

2 determining the uses? I just don't understand.

3 THE BASS: The uses --

4 MS. MENENDEZ: Is it relevant whether you

5 put a dorm or you put an office or you put a

6 classroom? To me, it is.

7 MR. BASS: To you, it is --

8 MS. MENENDEZ: It is. It impacts.

9 Different impacts. Different uses has

10 different impacts to the area. So that's why

11 I'm kind of like having a difficult time

12 just -- you know, when you look at the findings

13 of facts which were given, and I know that our

14 Staff has recommended this, but when you look

15 at the findings of fact, it's all tied to a

16 project.

17 You know, you have things like, as an

18 example, Goal 1 under the Comprehensive Plan

19 Goal, protect, strength, enhancing the City of

20 Coral Gables as a vibrant community, ensuring

21 that its neighborhoods, business opportunity,

22 shopping, employment centers, la, la, la -- we

23 don't know. We don't know the project. We

24 don't know the uses. We don't know any of

25 these.

1 MS. MENENDEZ: Right. Right.

2 MR. BASS: Right. People may live there

3 and go to class elsewhere.

4 MS. MENENDEZ: Right.

5 MR. BASS: But if they're there, they're

6 participating in a University use, which is

7 part of the legislative regime, like it or not,

8 that the City Commission adopted when they

9 adopted the UCD, set into motion the process by

10 which the Campus adopts and modifies its Campus

11 Master Plan and regulates heights, densities

12 and setbacks on a campus wide basis.

13 And what I can tell you is, this will be

14 subject to the same uses that are allowed in

15 the UCD, and that's the way the Campus was set

16 up to operate under the UCD District

17 Regulations. You're not reviewing a

18 development order here.

19 MS. MENENDEZ: No, but we're changing

20 Zoning and Land Use. We're changing Zoning and

21 Land Use.

22 MR. BASS: Yes, and through the process

23 that governs the changing of Zoning and Land

24 Use, which does not include the requirement

25 that there be a Site Plan. And so if what

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1 you're saying to me is, I am uncomfortable with  
 2 the fact that you comply with our regulations  
 3 and haven't gone beyond them to give a Site  
 4 Plan that's not required, then you're not  
 5 faithfully applying the regulations as they're  
 6 written and you're holding us accountable for  
 7 something that the Code does not authorize you  
 8 to base a decision on.

9 MS. MENENDEZ: The Code -- I just mentioned  
 10 the fact that the Code, under Section 3-1506,  
 11 provides review standards for Comprehensive  
 12 Plan amendments. It lists, some of which I  
 13 mentioned, and how can we determine these to be  
 14 okay if we don't have the uses?

15 MR. BASS: You do. They're in the  
 16 University Campus District Regulations.

17 MS. MENENDEZ: I understand that, but we're  
 18 talking about a location --

19 MR. BEHAR: No, we don't, Jeff. I'm sorry.  
 20 I agree with Maria. We don't. You know, we  
 21 don't know what could happen there.

22 MS. MENENDEZ: It could be anywhere. It's  
 23 a big difference having it in the middle of the  
 24 Campus, you know, as compared to having it on  
 25 the edge of the campus. It depends on the

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1 University's Master Campus.

2 MR. BASS: And you know the use, which is  
 3 University, and if that's not enough, I  
 4 can't go any further than that.

5 MS. MENENDEZ: But it's kind of broad,  
 6 don't you think?

7 MR. BEHAR: Very broad. That's very broad,  
 8 you know. And you're right, when we do a  
 9 Zoning change and a Comprehensive, we either go  
 10 to a more specific whether it's MXD or  
 11 something, and it's more specific regulations  
 12 that will dictate what is permissible there.

13 Here, this is Cart Blanche. This is  
 14 whatever the University wants to put there,  
 15 and, you know -- and, yes, you may be right,  
 16 but I've been on this Board, in different, you  
 17 know, time frames, for over 16, 17 years, and I  
 18 have never seen an application that is, give me  
 19 a Zoning change, give me everything, without  
 20 anything to tie it to that specific, you know.

21 And, yes, you may be right, but you know  
 22 what --

23 MS. MENENDEZ: And it's probably the nature  
 24 of the University, right, because it's a unique  
 25 situation, but maybe -- then why are we even

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1 uses. Are you putting dorms? Are you putting  
 2 classes? You know, are you putting -- to me,  
 3 it depends on the uses.

4 MR. BASS: Okay. And if I may, and I don't  
 5 mean to be argumentative, let me just back up.  
 6 Comprehensive planning is based on categories,  
 7 right. Comp Plans have categories. Categories  
 8 include lists of permissible uses. That's what  
 9 comprehensive planning does.

10 When you amend the Comprehensive Plan,  
 11 you're amending the Comprehensive Plan  
 12 categories. So we're asking you to change from  
 13 one existing category to another existing  
 14 category, and by making that change, you're  
 15 saying that the uses, defined as permissible  
 16 legislatively within that category, are  
 17 appropriate here. You never grant a Comp Plan  
 18 change tied to one specific use. That's  
 19 inconsistent with the nature of comprehensive  
 20 planning.

21 MS. MENENDEZ: But Zoning, we do. With  
 22 Zoning, we do it all of the time. You're going  
 23 to change Zoning, we're going to know the use.  
 24 That's how -- you know, it's Commercial versus  
 25 Residential. In this case, it's the

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1 reviewing the Comp changes and the Zoning  
 2 changes, if we're not going to have any  
 3 involvement in what's going in there to begin  
 4 with? It doesn't make sense to me.

5 CHAIRMAN AIZENSTAT: Ramon.

6 MR. TRIAS: Mr. Chairman, I would say that  
 7 the comments are very valid, but I think that  
 8 what's going on is simply that the University  
 9 is following the process, as it was determined  
 10 to be appropriate about a decade ago. Now,  
 11 I've expressed some concerns about that  
 12 process. There are some things that I would  
 13 like to do different, but yet that is the  
 14 process in place.

15 Now, I think, if -- I may be wrong, but I  
 16 don't remember any recent changes to the Land  
 17 Use and Zoning for the University, right? And  
 18 that is probably why you're reacting this way.

19 Now, in recent years, they made some  
 20 changes to the Master Plan, and they were  
 21 reviewed according to the process set up by  
 22 other people, not by me or, I don't think, by  
 23 any of you, and that has resulted in many  
 24 buildings that are of very high quality, I  
 25 think, and they followed the rules.

1 So I think the frustration here is simply  
 2 that the rules are very special and they're  
 3 different than the rules that apply elsewhere,  
 4 and the way that I justify it, the way that I  
 5 understand it, from my professional point of  
 6 view, is that it is special. It is the  
 7 University. It's unique. And that is the way  
 8 the process was set up 10 years ago, as a  
 9 result of significant discussion, as I  
 10 understand it, and that's where we are.

11 MR. BEHAR: I don't think we want to go  
 12 back 10 years or eight years, whenever that  
 13 occurred, because, you know, personally I may  
 14 have different opinions, reservations about  
 15 that, okay. But can a process be done -- let  
 16 me ask you -- unlike -- if we were to consider  
 17 to approve this, that it will be required, for  
 18 whatever the University wants to do there, that  
 19 would come through the process as a normal --

20 MR. TRIAS: As a Site Plan review?

21 MR. BEHAR: Yes. Not like it would be done  
 22 at the University.

23 CHAIRMAN AIZENSTAT: That's not the way  
 24 that District reads.

25 MR. TRIAS: RIGHT. That is deliberately

1 going to agree with it, but I get it and I  
 2 understand.

3 MS. MENENDEZ: Can I ask a quick question?  
 4 On this Page 4 of the Staff report, you have  
 5 these little properties here that's in that  
 6 same block. Did you guys go through a similar  
 7 process or was that before the 10-year mark  
 8 when everything changed?

9 MS. GAVARRETE: That was --

10 MR. BASS: Hang on. Hang on. Janet  
 11 Gavarrete, on behalf of the University.

12 MS. GAVARRETE: Under the UMCAD  
 13 regulations.

14 MR. COLLER: Can we do this, because she's  
 15 not sworn in. Why don't we do this, let's get  
 16 the witness sworn in. Let's have her state her  
 17 name and address and then we have you as part  
 18 of the record.

19 (Thereupon, the participant was sworn.)

20 MS. GAVARRETE: Janet Gavarrete.

21 I do.

22 MR. BASS: Hang on one second, just because  
 23 I love Mr. Coller and I haven't gotten to speak  
 24 to him. A good amount of this is legislative,  
 25 where we wouldn't have to swear the witness.

1 not like that.

2 MS. MENENDEZ: Exactly.

3 MR. BEHAR: Exactly. And that's my  
 4 concern.

5 MS. MENENDEZ: So I question, why are we  
 6 even looking at changing -- us, like  
 7 recommending the change of Zoning and the Comp,  
 8 if, in fact, we don't provide input on the  
 9 uses or the development or the Site Plan? It  
 10 doesn't make sense to me.

11 MR. BEHAR: Nothing.

12 MR. TRIAS: That's a very valid critique,  
 13 yes.

14 MR. BEHAR: I would feel comfortable  
 15 recommending approval with the condition that  
 16 they will have to come back for whatever  
 17 specifically will be proposed on that site.

18 CHAIRMAN AIZENSTAT: But then that changes  
 19 the whole idea of the University.

20 MS. MENENDEZ: We're just the recommending  
 21 Board. We can do that. They don't have to  
 22 listen to us, but -- let me ask you something  
 23 -- can I ask you a quick question?

24 MR. BASS: If people would feel better, you  
 25 know, like expressing it that way, I'm not

1 So by me having her sworn doesn't --

2 MR. COLLER: Well, there's part of this  
 3 that is legislative and there's part of this  
 4 that's Zoning.

5 MR. BASS: I just want to preserve that.

6 CHAIRMAN AIZENSTAT: Could you state your  
 7 name and address, for the record?

8 MS. GAVARRETE: Yes. My name is Janet  
 9 Gavarrete and I am at 1535 Levante Avenue, at  
 10 the University of Miami. And the --

11 MS. MENENDEZ: Ms. Gavarrete, the  
 12 properties here, can you just tell us what  
 13 process they went through when they were  
 14 purchased by the University of Miami? Do you  
 15 know which ones I'm referring to?

16 MS. GAVARRETE: Yes, I do, the ones that  
 17 are on Ponce, the ones that are on Levante.

18 MS. MENENDEZ: Yes.

19 MS. GAVARRETE: They were Zoned that way  
 20 under the previous PAD Ordinance.

21 MS. MENENDEZ: For the University?

22 MS. GAVARRETE: Yes. And so that is part  
 23 of the Campus District.

24 MS. MENENDEZ: It was the old process?

25 MS. GAVARRETE: Yes. And so we --

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1 MS. MENENDEZ: I'm sorry to cut you off. I  
 2 shouldn't do that. But is this the first  
 3 property that you all are going through with  
 4 the new process?  
 5 MS. GAVARRETE: Yes. So it is very much --  
 6 it's exactly like that. When we bought  
 7 these -- the other properties, the other  
 8 parcels, we went through this very same  
 9 process, and now we have purchased this one,  
 10 and we are extending this Land Use and Zoning,  
 11 so that then we can incorporate this parcel as  
 12 part of our Master Plan and assign square  
 13 footage and a use, which we're exploring. In  
 14 all cases, it's going to be academic.  
 15 MS. MENENDEZ: Right.  
 16 MR. GRABIEL: May I?  
 17 CHAIRMAN AIZENSTAT: Yes. Julio.  
 18 MR. GRABIEL: I'm in between here. I see  
 19 that there's a lot of benefits to the City of  
 20 Coral Gables to have the University purchase  
 21 that property. I think everybody, even though  
 22 they may not be members of that church, feel  
 23 something about that church, because we drive  
 24 by it east, west, north and south almost every  
 25 other day. So it's required for us to have and

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1 something without knowing what it will be, but  
 2 I think we have enough safety valves on that  
 3 site, plus additional buildings that are owned  
 4 by the University, that I don't feel  
 5 uncomfortable approving the change.  
 6 CHAIRMAN AIZENSTAT: Would you like to make  
 7 a motion?  
 8 MR. GRABIEL: Well, there's how many,  
 9 three?  
 10 MR. COLLER: There's four items. We would  
 11 appropriately take the Comp Plan amendment  
 12 first.  
 13 MR. BEHAR: Julio, I would agree with you  
 14 99 percent, and I think the University is doing  
 15 a fantastic job with the new buildings that  
 16 they're doing. There's no question.  
 17 I don't know, because I have not sat on the  
 18 Board of Architects for many years, to really  
 19 what -- you know, how much, for lack of a  
 20 better word, power the Board of Architects has  
 21 to a building that the University proposes.  
 22 MR. TRIAS: If I could testify on that  
 23 issue. I think that they do a great job and  
 24 they're very conscientious and they have a City  
 25 architect, just like we have, that is

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1 protect that as part of the City fabric.  
 2 I see that there are a lot of safety  
 3 valves, and I understand Members of our Board  
 4 that are concerned with what could happen on  
 5 that property, but, A, it's historic, and I  
 6 suspect -- I will be very surprised if the  
 7 Historic Board would allow for the sanctuary to  
 8 be torn down. The other buildings, I've driven  
 9 by it, I don't remember them as being of great  
 10 architectural value. They might have some  
 11 historic value, but architectural value, I  
 12 don't see it there. That's Number One.  
 13 The surrounding area is all commercial and  
 14 retail. So if you put anything that's academic  
 15 or similar to academic, there will be no  
 16 conflict with the commercial and the retail  
 17 area. The University, much to all of the  
 18 residents of Coral Gables' happiness, on the  
 19 last few years or decades, have increased the  
 20 quality of the architecture of the buildings  
 21 that they have built. They're a level above  
 22 what it used to be before. And if you do  
 23 anything, you have to go through the Board of  
 24 Architects, also.  
 25 So I understand the discomfort of approving

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1 responsible for their architecture, and that is  
 2 one of the reasons why I feel comfortable with  
 3 making the recommendation, because we've had  
 4 such a great experience with the Board of  
 5 Architects review.  
 6 MR. BEHAR: Look, I think one of the best  
 7 buildings that we have in the City today is the  
 8 Lennar Center. That is, to me, a beautiful,  
 9 very well done building. It's a great example  
 10 of good architecture, very good architecture.  
 11 So we're not going to disagree there.  
 12 MR. TRIAS: Did that one come to the  
 13 Planning and Zoning Board?  
 14 MR. BASS: I was going to tell you, it was  
 15 approved without a public hearing.  
 16 MR. BEHAR: You know, but --  
 17 MR. TRIAS: Right. And all I'm saying is  
 18 that --  
 19 MR. BASS: No, I said it was approved  
 20 without a public hearing.  
 21 MS. VELEZ: So that's the way it works?  
 22 MR. TRIAS: Yeah, right. It did not. It  
 23 did not. And what I'm saying is that --  
 24 MR. BASS: The change to the Land  
 25 Development Regulations that allowed it to be

1 built came to this Board.  
 2 MS. MENENDEZ: Yeah, it came to this Board.  
 3 MR. BASS: But not the building.  
 4 MS. MENENDEZ: No. No. The building, I  
 5 know. But we knew what was going to go in.  
 6 MR. COLLER: It's really very helpful, and  
 7 I don't really -- I don't want to -- I'm trying  
 8 here not to, but you really need to come to the  
 9 mike, because we want to get your testimony.  
 10 It's very important. I'm doing this for the  
 11 benefit of the court reporter.  
 12 MR. BASS: She was just agreeing with me  
 13 behind my back.  
 14 MR. COLLER: I'm doing this for the benefit  
 15 of the court reporter.  
 16 I just want to clarify something. Ramon, I  
 17 just want to ask you a question. Any change to  
 18 the structure at all is going to have to go  
 19 through the Historic Preservation Board; is  
 20 that correct?  
 21 MR. TRIAS: Yes, plus the Board of Architects.  
 22 MR. COLLER: And also the Board of  
 23 Architects? So they could not -- the question  
 24 was, could they create a dorm from this  
 25 facility? I mean, they'd have to go through

1 look, the whole -- so that's the problem I  
 2 have. And that's why I say, if we're not going  
 3 to look at it, then why are we even reviewing  
 4 the change of Zoning and Land Use? That's what  
 5 I don't understand.  
 6 MR. TRIAS: If I could make a comment on  
 7 that. I think that the Comp Plan has a  
 8 missing -- a gap, and it just doesn't address  
 9 the University. For whatever reason, there's  
 10 no University element. If there was, then it  
 11 could have more specialized criteria that I  
 12 think we could apply to this case, because it's  
 13 so different than the rest of the projects.  
 14 But that's just my perspective on it.  
 15 CHAIRMAN AIZENSTAT: Maria, you had a  
 16 comment?  
 17 MS. VELEZ: The way I'm seeing this, it's  
 18 wide open. I don't see any restriction on  
 19 putting up a parking garage that's seven, six  
 20 stories high.  
 21 MS. MENENDEZ: Is that a University use?  
 22 MR. BEHAR: Yes.  
 23 MS. VELEZ: I would think so.  
 24 MS. MENENDEZ: Right.  
 25 MS. VELEZ: So that's my concern. I mean,

1 the Historic Preservation Board. So there are  
 2 Boards that are going to review that and  
 3 presumably the architectural review board is  
 4 going to review any re-design of the building,  
 5 if such a re-design were authorized by the  
 6 Historic Preservation Board? Am I correct in  
 7 saying that?  
 8 MR. TRIAS: Yes, you are correct. The way  
 9 I would describe this is that the Board of  
 10 Architects is the process that has the most  
 11 impact on the outcomes. In most development  
 12 projects, that would not be the case. They  
 13 would have to come here first and go through  
 14 Commission approval and so on. In their case,  
 15 it's really the Board of Architects, and that  
 16 is the way the process was designed. It's not  
 17 something that they're doing now, that's  
 18 somehow -- no, that was deliberately designed  
 19 like that about 10 years ago, more or less.  
 20 MS. MENENDEZ: The only thing I have a  
 21 problem with is the standards that we review in  
 22 order to provide a Land Use and a Zoning  
 23 change, and these standards, whether they're  
 24 right or wrong, are tied to the Site Plan, the  
 25 use -- you know, the whole movement, the whole

1 I like what the University has done. I am a UM  
 2 graduate, and I'm very proud of the way the  
 3 University has developed and has really come up  
 4 in the world, and it could be beautiful, but  
 5 this is asking us to give you basically Cart  
 6 Blanche, that hopefully you would not be  
 7 putting up a garage there.  
 8 But I'm looking at Section -- of the Zoning  
 9 change, Section 889, Riviera Section Part 14  
 10 C5, a structural addition having a tower,  
 11 crossing out the cross, of approximately 68  
 12 feet in height to the First Methodist Church of  
 13 South Miami.  
 14 So we could be putting up a tower 68 feet  
 15 in height and there's no limitation of what  
 16 type of tower that could be. It could be  
 17 offices. It could be classrooms. It could be  
 18 a parking garage.  
 19 MR. TRIAS: The proposed height is 72 right  
 20 know. So you are correct.  
 21 MR. BEHAR: Maria, you hit it right on the  
 22 money. I don't have a problem with a structure  
 23 being 72 -- six stories, 72. I have a problem  
 24 with putting a parking garage, that -- if the  
 25 University would put a parking garage there, as

1 an example. Since we will not be able to  
 2 control it, you know, because we would not,  
 3 that's my concern. That's my problem.  
 4 And you're right, if we were saying, we're  
 5 going to put an office building or we're going  
 6 to put even a residential building, I would be  
 7 okay with it. The uncertainty of what could go  
 8 there, it would be, to me, very concerning. It  
 9 is very concerning.  
 10 CHAIRMAN AIZENSTAT: In other words, your  
 11 concern is that there's no review on the use.  
 12 MR. BEHAR: Yeah.  
 13 MS. ANDERSON: No review of the use. We  
 14 don't even know if it's --  
 15 MS. VELEZ: Once it goes to University, our  
 16 hands are tied. Nobody looks at it. It gets  
 17 done.  
 18 MR. TRIAS: There are two reviews. One of  
 19 is the Staff review of the Master Plan. The  
 20 second one is a review of the Board of  
 21 Architects. Actually a third review is the  
 22 Historic Preservation Board.  
 23 MR. BEHAR: But if we grant this -- look,  
 24 you know, they could put whatever use is part  
 25 of their regulation.

1 Master Plan amendment process to do so, which  
 2 is an administrative review, performed by your  
 3 administrative Staff.  
 4 So we would have to sit down with the  
 5 Planning Director and impress upon the Planning  
 6 Director why he should allow us -- just to  
 7 engage in this hypothetical. We have no plans  
 8 to put a parking garage there, I dare say.  
 9 That would probably not be the best use of  
 10 that -- but we would have to be able to survive  
 11 the sit down with the Planning Director to go  
 12 through the Master Plan amendment, which is the  
 13 legislatively established process to do that.  
 14 So that is, to coin a phrase, baked into  
 15 the regulations that were adopted, but usually  
 16 when somebody asks you whether you have  
 17 anything else to add, that means that they've  
 18 heard enough. So with that said, I do  
 19 appreciate your time and attention and we would  
 20 ask that you move us along to Commission with  
 21 whatever recommendation. We ask for a  
 22 favorable one, but we certainly understand the  
 23 Board's comments.  
 24 CHAIRMAN AIZENSTAT: Is there a motion  
 25 anybody would like to make? Maria?

1 MS. ANDERSON: Part of the pallet.  
 2 MR. BEHAR: Yeah. I agree with Julio.  
 3 Look, the sanctuary is a beautiful building. I  
 4 don't think there's too many things that are  
 5 going to happen to that building, but the rest  
 6 of the buildings are not of any significant  
 7 contribution. So they could be taken down.  
 8 MR. TRIAS: But I will disclose that the  
 9 Applicant told me, and they may want to confirm  
 10 or not, that the only portion that they were  
 11 thinking of preserving was not the sanctuary,  
 12 but the chapel, which is a very small part of  
 13 the area. I don't know if that's true or not,  
 14 but that's what I was told.  
 15 CHAIRMAN AIZENSTAT: Mr. Bass, you pretty  
 16 much heard the comments that the Board Members  
 17 have made.  
 18 MR. BASS: I heard them. They were not a  
 19 study in a nuance.  
 20 CHAIRMAN AIZENSTAT: Is there anything  
 21 you'd like to offer?  
 22 MR. BASS: By way of comments, I would just  
 23 simply say, addressing the parking garage  
 24 hypothetical, so if we wanted to put a parking  
 25 garage there, we'd have to go through the

1 MS. MENENDEZ: Not at this time. Not the  
 2 way -- I mean --  
 3 MR. BEHAR: I'm going to take it.  
 4 MS. MENENDEZ: Okay. Go.  
 5 MR. BEHAR: You know, since I see that the  
 6 Applicant is not willing to satisfy at least my  
 7 need, I will make a motion to deny this  
 8 application, all four items.  
 9 CHAIRMAN AIZENSTAT: Is there a second?  
 10 MS. ANDERSON: I'll second it.  
 11 CHAIRMAN AIZENSTAT: We have a second.  
 12 Any discussion?  
 13 Having heard none, call the roll please.  
 14 THE SECRETARY: Julio Grabiell?  
 15 MR. GRABIEL: No.  
 16 THE SECRETARY: Maria Menendez?  
 17 MS. MENENDEZ: No.  
 18 THE SECRETARY: Maria Velez?  
 19 MS. VELEZ: No.  
 20 THE SECRETARY: Rhonda Anderson?  
 21 MS. ANDERSON: Yes.  
 22 THE SECRETARY: Robert Behar?  
 23 MR. BEHAR: Yes.  
 24 THE SECRETARY: Eibi Aizenstat?  
 25 CHAIRMAN AIZENSTAT: Yes.

1 So we have a tie.  
 2 MR. TRIAS: The motion fails in a tie.  
 3 MR. COLLER: So another motion is in order  
 4 at this point.  
 5 CHAIRMAN AIZENSTAT: Is it or does it go  
 6 on --  
 7 MR. COLLER: Well, let's take a look at the  
 8 rule on this.  
 9 CHAIRMAN AIZENSTAT: I think it passes on  
 10 to the Commission.  
 11 MR. COLLER: Maybe it passes on without a  
 12 recommendation.  
 13 CHAIRMAN AIZENSTAT: That is correct.  
 14 MR. COLLER: I think that may well be what  
 15 it is.  
 16 MR. BEHAR: That's what would happen.  
 17 MR. COLLER: Right.  
 18 MR. TRIAS: Mr. Attorney, could you review  
 19 the rule?  
 20 MR. COLLER: Yeah, I'm going to take a  
 21 look. Unfortunately, I'm having terrible  
 22 internet problems. I don't know what's wrong  
 23 with my computer, but let me see if I can get  
 24 the Planning and Zoning Board rules.  
 25 CHAIRMAN AIZENSTAT: Should we take a

1 you may be very happy with the three-three vote  
 2 you've already done, and it will just go  
 3 without a recommendation, but you may want to  
 4 weigh in, because I think the Board is a bit  
 5 concerned about, we don't know what's going to  
 6 be there.  
 7 So you may want to -- even if you -- so  
 8 that was my only thought on it, but it's  
 9 entirely up to the Board how you want to handle  
 10 it.  
 11 MR. BEHAR: Can I ask you a question? Can  
 12 we -- and this is something that we will ask --  
 13 I will ask the Applicant. Can we -- I know  
 14 there's an existing agreement, Development  
 15 Agreement, with the University, but can that  
 16 agreement be modified for like Site Specifics  
 17 or there's no -- for example, you know, if the  
 18 Applicant would be -- consider to put a  
 19 condition that whatever they do there will have  
 20 to come through the process?  
 21 MR. COLLER: Well, I think that -- while  
 22 the Applicant can proffer that in a voluntarily  
 23 proffered covenant, that they would come back,  
 24 I don't know if you can enforce this, because  
 25 all of these things are Ordinances.

1 five-minute recess while you look for that?  
 2 MR. COLLER: Why don't we take a  
 3 five-minute break. I think that would be a  
 4 great idea. Thank you.  
 5 (Short recess taken.)  
 6 CHAIRMAN AIZENSTAT: Let's go ahead and  
 7 reconvention, please. The time is 7:16.  
 8 MR. COLLER: So, reviewing the Code, you  
 9 need to have a majority of four people for a  
 10 recommendation. Otherwise it goes without a  
 11 recommendation. I think the Board has a right,  
 12 on a tie vote, to -- if you want to try for  
 13 another motion that you feel might pass on a  
 14 four vote, I think the Board should have the  
 15 ability to do that. They may not want to do  
 16 that in this case, but I believe that the Board  
 17 can, if you choose to fashion another motion  
 18 that would be acceptable to the majority of the  
 19 Board.  
 20 The other thing I just wanted to point out  
 21 is, I don't know if the problem is really Item  
 22 E-3, which, as I understand, sets out the  
 23 frontages and the heights, and maybe the Board  
 24 may want to make a recommendation on some of  
 25 the items and not all of the items and -- or

1 So I think the only thing that you could do  
 2 is, even if you come with a tie vote, you can  
 3 always indicate in your recommendation, which  
 4 is no recommendation, that although we have no  
 5 recommendation, we're concerned about what is  
 6 ultimately going to be on the property and we  
 7 hope that the City would have some arrangement  
 8 with the University to have some control over  
 9 that. You can indicate that, as well.  
 10 I think you have a -- because this is  
 11 ultimately a recommending body and you're going  
 12 to have no recommendation on a three-three  
 13 vote, I think you can certainly include an  
 14 explanation.  
 15 CHAIRMAN AIZENSTAT: Maria.  
 16 MS. MENENDEZ: I have a question. It just  
 17 came to my mind. Why don't we postpone this  
 18 until they come up with whatever they plan to  
 19 do, they go through Ramon, Ramon loves it,  
 20 Architectural Board loves it, Historic Board  
 21 does whatever they do, and then you come in for  
 22 the Land Use and the Site -- or the Zoning?  
 23 Why is it that you have to do this first? Is  
 24 it that you want to get the public process out  
 25 of the way?

1 MR. BEHAR: But, wait. There's --  
 2 MR. COLLER: Can I make just a comment,  
 3 just generally with regard to the Board?  
 4 There's a concern that the Board, as a  
 5 recommending body, would essentially create a  
 6 kind of a pocket veto by basically deferring to  
 7 a date uncertain, and then it would be denying  
 8 the opportunity for the City Commission to  
 9 review it.  
 10 If the Board needed a deferral to the next  
 11 meeting, because there was information that was  
 12 not provided that you need, then that would be  
 13 one thing, but to defer it to wait for them to  
 14 come up with a specific use, that's problematic  
 15 in the process, because it's not permitting the  
 16 Commission to review it.  
 17 MR. BEHAR: Can we hear from the Applicant  
 18 a second?  
 19 MS. MENENDEZ: But let me just clear,  
 20 because he answered something. I'm not saying  
 21 to do that -- what I'm trying to say is, I'm  
 22 trying to understand the process that exists in  
 23 the UM Development Agreement and our role in  
 24 it. That's what I'm trying to understand. And  
 25 so I'm just thinking out loud, and this is

1 take place to be able to preserve it. That's  
 2 just one.  
 3 But in the interest of compromise, if I  
 4 were to distilled the Board's concerns, as I've  
 5 heard them, and we were to eliminate the  
 6 portion of our request seeking to change the  
 7 heights and setbacks on the frontage, leave  
 8 those for another day and another public  
 9 process, and ask for your approval on all of  
 10 the other changes, leaving the heights and  
 11 setbacks as they exist at present in the Code,  
 12 then you know, should we come back with  
 13 anything else that would require an alteration  
 14 of those heights and setbacks, it would have to  
 15 come before your Board at that time, when,  
 16 perhaps, we have concluded our historic  
 17 analysis of the property and are in a better  
 18 position to come forward with more detailed  
 19 program explanations than we're able to give  
 20 this evening.  
 21 So in the spirit of compromise, we would,  
 22 you know -- for discussion purposes, if that  
 23 got us to a favorable recommendation here, we  
 24 would voluntarily withdraw that component of  
 25 the application, which I think was the center

1 really a question to Staff, is there a  
 2 possibility that maybe not for this -- I don't  
 3 know why there's a rush for the Land Use and  
 4 the Zoning, if we don't even know what's going  
 5 in. I'm trying to figure that one out, but  
 6 that's not for me to decide, but I'm just  
 7 wondering if in the future we could consider a  
 8 little bit of a reverse process, where, you  
 9 know, you would review the Site Plan, and  
 10 whatever Site Plan it is, once you've approved  
 11 it, then comes for the different Zoning and  
 12 Land Use? Or is it that we're just trying not  
 13 to -- are we trying to avoid like a public  
 14 process of the uses? Or is -- I mean, I'm just  
 15 asking.  
 16 CHAIRMAN AIZENSTAT: Maria, if I may, I'd  
 17 like to ask the Applicant to speak.  
 18 MR. BASS: In the interest of finding  
 19 consensus and without elaborating on the  
 20 extraordinarily complicated administration of  
 21 University business, but highlighting just for  
 22 a moment something as basic as being able to  
 23 maintain the tax exempt status of the property  
 24 as we roll into the next calendar year,  
 25 requires certain Land Use and Zoning changes to

1 of most of the concern about what the palpable  
 2 end product would be there, and it would ensure  
 3 this Board's continued ability to review those  
 4 types of issues, because we would have to come  
 5 back to change that.  
 6 MR. BEHAR: Ramon, what is the current  
 7 height permitted there?  
 8 MR. TRIAS: It's in the Site Specifics,  
 9 because of the church.  
 10 MR. BASS: I think it's four stories.  
 11 MR. BEHAR: Huh?  
 12 MR. BASS: I think it's four stories.  
 13 CHAIRMAN AIZENSTAT: 68 feet.  
 14 MR. TRIAS: And 68 feet for the tower. I  
 15 mean, that's the maximum height.  
 16 MS. VELEZ: That's for the tower.  
 17 MR. TRIAS: Yeah. And 45 feet or three  
 18 stories.  
 19 MR. BASS: 45 feet for the rest. But that  
 20 tower would be built above that.  
 21 MR. TRIAS: Yeah. If you look at the Site  
 22 Specifics in the report, they're all there.  
 23 This is not a Commercially Zoned property, so  
 24 the usual rules that you're used to in projects  
 25 don't apply here. So the Site Specifics are

1 the ones that apply.  
 2 MS. MENENDEZ: And this would require them  
 3 to come back, if we eliminate this one?  
 4 MR. TRIAS: Well, I don't think what the  
 5 attorney is proposing can be done, because  
 6 there has to be some frontage associated with  
 7 the Zoning, I think. I mean, we may review it  
 8 some more. My suggestion to the Applicant  
 9 would be -- what I would suggest to you is  
 10 that, the way I hear the concerns is that I  
 11 think that there's a lack of understanding of  
 12 the process and a desire to know more clearly  
 13 how the process works, which I think is good.  
 14 CHAIRMAN AIZENSTAT: That's not what I  
 15 heard, though, from Mr. Bass. I think they had  
 16 an urgency that deal with the tax implications  
 17 by the end of the year.  
 18 MS. MENENDEZ: With the taxes. That makes  
 19 sense.  
 20 MS. VELEZ: That makes sense.  
 21 CHAIRMAN AIZENSTAT: To me, it makes total  
 22 sense and I think the rest of my Board  
 23 Members would agree with that.  
 24 MR. BEHAR: I would agree with that.  
 25 MS. ANDERSON: I would agree with that.

1 really don't understand why is this required  
 2 for the tax consequence, but I haven't done  
 3 property taxes in about 30 years, so maybe  
 4 there's something I'm not aware of.  
 5 CHAIRMAN AIZENSTAT: Let me rephrase it a  
 6 different way. Which of the items control the  
 7 use?  
 8 MR. COLLER: I'm going to have to ask  
 9 Ramon. It seemed to me that if Items 1 and 2  
 10 change it to the Campus District, Item 3 was  
 11 the Site Specifics -- if the Site Specifics are  
 12 left how they are --  
 13 MR. TRIAS: This is what I would say. The  
 14 only item that could be different is Item 3,  
 15 which is the height. They could propose  
 16 something different. The rest of them are  
 17 going to be the same regardless of the project.  
 18 Am I correct on that?  
 19 MR. BASS: Yes.  
 20 MR. COLLER: So, obviously, then, that  
 21 would mean that you could approve 1, 2 and 4  
 22 and recommend, because you're ultimately  
 23 recommending, permitting to withdraw Item E-3  
 24 and all being done in accordance with the  
 25 Department's recommendation, with exception of

1 Would Item E-1 get you where you need to be on  
 2 the tax exempt status?  
 3 CHAIRMAN AIZENSTAT: So, at that point, I  
 4 think, what I would have to ask both, Mr. Trias  
 5 and the City Attorney, how to write or how  
 6 to -- indicate to us what to vote on to make a  
 7 recommendation based only on that point.  
 8 MR. TRIAS: Yeah, and Mr. Bass had  
 9 explained that to me, also, and that played a  
 10 role in me bringing this recommendation to you,  
 11 with the recommendation of approval, the fact  
 12 that there's some timing issues.  
 13 In my view, and the reason why I  
 14 recommended approval, is that this is going to  
 15 be the right Land Use and the right Zoning  
 16 eventually, regardless of the project.  
 17 CHAIRMAN AIZENSTAT: So Mr. Coller, what  
 18 would we have to omit from our recommendation,  
 19 based on these items, to be able to vote  
 20 specifically just for the tax consequence for  
 21 the University?  
 22 MR. COLLER: I can't speak to the tax  
 23 consequence. I understand the tax consequence,  
 24 from a property tax, has to be owned and  
 25 operated by the charitable institution. So I

1 Item 3, which they had recommended approval,  
 2 but you all are accepting their request to  
 3 withdraw on 3. Does that work for Counsel?  
 4 MR. BASS: Yes.  
 5 MR. COLLER: Okay.  
 6 CHAIRMAN AIZENSTAT: Does that ensure us  
 7 that they would have to come back for --  
 8 MS. VELEZ: No.  
 9 MR. BEHAR: Anything other than the height.  
 10 MR. COLLER: Well, first of all, if they --  
 11 and, Ramon, correct me on this, if they do  
 12 something different than what the Site  
 13 Specifics allow, then they have to come back.  
 14 They may not be able to do anything until they  
 15 amend the Site Specifics.  
 16 MR. TRIAS: I think that they need to have  
 17 a frontage to review any kind of project, based  
 18 on the rules of the University Campus, and the  
 19 frontage is Item 3, the third item.  
 20 MS. MENENDEZ: But is that something you  
 21 review or is that something we review?  
 22 MR. TRIAS: Well, the designation of that  
 23 frontage, you will review it. That's why it's  
 24 before you.  
 25 MR. BASS: That's why we came up with that

1 compromise to keep --  
 2 MS. MENENDEZ: So that's the requirement --  
 3 MS. GAVARRETE: That's how you see us back  
 4 again.  
 5 MS. MENENDEZ: Right. That's a good  
 6 compromise. I'm okay with that.  
 7 MS. ANDERSON: Just one question for Ramon.  
 8 Looking at Item E-4, does that not allow them  
 9 to bypass coming back to us, by incorporating  
 10 the Development Agreement already?  
 11 MR. TRIAS: Well, what that does is that  
 12 that changes the legal description. It doesn't  
 13 have significance, in terms of development,  
 14 except that it's part of the Campus.  
 15 MS. GAVARRETE: Well, the significance is  
 16 that we are not allowed to use any property  
 17 outside of our legally defined Campus, and so,  
 18 in order for us to use this, we need to  
 19 amendment the legal description of the Campus.  
 20 MS. ANDERSON: I understand now.  
 21 MR. COLLER: But, through the Chair, Ramon,  
 22 they couldn't make an alteration in the  
 23 property without resolving the Site Specifics,  
 24 if they choose to do something different than  
 25 what the Site Specifics propose?

1 MR. TRIAS: The use is with the Zoning.  
 2 MR. BEHAR: I'm not concerned with that  
 3 Ramon. I'm concerned, what happens, you know,  
 4 in the future.  
 5 MR. TRIAS: Sure.  
 6 MR. BEHAR: Okay.  
 7 CHAIRMAN AIZENSTAT: It's just a gateway,  
 8 and that property is really a key central --  
 9 MR. BEHAR: I'm going to then make a new  
 10 motion to approve removing Number 3 from the  
 11 request.  
 12 MR. BASS: Confirmed.  
 13 MR. COLLER: Just to clarify --  
 14 MR. BASS: Jeff Bass confirming that.  
 15 MR. COLLER: -- we have to really go one at  
 16 a time. So the first motion is going to be on  
 17 E-1.  
 18 MR. BEHAR: I'll make a motion to approve  
 19 Number 1.  
 20 MR. COLLER: Right.  
 21 MR. GRABIEL: I'll second it.  
 22 CHAIRMAN AIZENSTAT: And that's with the  
 23 recommendations as provided by Staff?  
 24 MR. BEHAR: Yes.  
 25 MR. GRABIEL: Yes.

1 MR. TRIAS: Right. That is correct. That  
 2 is correct.  
 3 MR. COLLER: And they would have to come  
 4 back to change that.  
 5 MR. TRIAS: And the only other thing, just  
 6 to have the record straight. The University  
 7 does owns other properties that are not in the  
 8 Campus Master Plan. So, you know, that is a  
 9 fact. So what happens is that what they're  
 10 trying to do here is to incorporate all of this  
 11 into the Master Plan, which I think is the  
 12 preferred way to do it.  
 13 The only request that deals with what I  
 14 would describe as development standards is  
 15 Number 3, which is the height. So I think an  
 16 alternative --  
 17 CHAIRMAN AIZENSTAT: And Number 3 also  
 18 deals with the use?  
 19 MR. BEHAR: No.  
 20 MR. TRIAS: No. That's only about the  
 21 height.  
 22 MR. BEHAR: I mean, chances are they're not  
 23 going to do a three-story parking garage, you  
 24 know. That's not going to be the best use  
 25 there, okay.

1 MR. BEHAR: Yes.  
 2 CHAIRMAN AIZENSTAT: Any other --  
 3 MS. VELEZ: I don't want the  
 4 recommendations provided by Staff.  
 5 MR. BEHAR: The findings of fact that were  
 6 presented --  
 7 MS. VELEZ: -- because they keep saying, we  
 8 don't know, we don't know, because we don't  
 9 have a Site Plan. So I don't know why --  
 10 MS. MENENDEZ: Who needs Staff's  
 11 recommendation?  
 12 MR. COLLER: Well, I think the  
 13 recommendations -- the findings and conclusions  
 14 of Staff on E-1 is to support the approval of  
 15 E-1. When you're approving this, you're only  
 16 approving the findings and conclusions with  
 17 regard to those items that you're approving.  
 18 So you would be -- essentially, in E-1, you  
 19 have to have some basis for your approval. So  
 20 I would think you would use the Department's  
 21 basis for approval of E-1. We're not using the  
 22 Department's basis for approval of E-3, because  
 23 we are recommending permitting them to withdraw  
 24 E-3.  
 25 So I think the first motion is approval of

1 E-1 in accordance with the Department's  
 2 recommendations.  
 3 MR. BEHAR: Staff recommendations.  
 4 CHAIRMAN AIZENSTAT: So we have that by  
 5 Robert.  
 6 MR. BEHAR: A motion.  
 7 CHAIRMAN AIZENSTAT: And who was the  
 8 second?  
 9 MR. GRABIEL: I seconded it.  
 10 CHAIRMAN AIZENSTAT: Julio second. Any  
 11 other discussion?  
 12 Call the roll, please.  
 13 THE SECRETARY: Maria Menendez?  
 14 MS. MENENDEZ: Can I just make a comment?  
 15 The problem I have with the Staff  
 16 recommendation is that it makes reference to  
 17 these sections that basically you need a Site  
 18 Plan to be able to say that they're going to  
 19 work, depends on the use of the property.  
 20 I mean, I'd rather just recommend it --  
 21 CHAIRMAN AIZENSTAT: With no Staff --  
 22 MS. MENENDEZ: -- not make reference to the  
 23 Staff.  
 24 CHAIRMAN AIZENSTAT: That's fine.  
 25 MR. BEHAR: But can we do that?

1 facts and that is what allows you to make a  
 2 recommendation. That's the only thing that the  
 3 attorney is explaining.  
 4 CHAIRMAN AIZENSTAT: Right. But Maria was  
 5 concerned with those findings of fact.  
 6 MR. COLLER: Thank you.  
 7 MR. TRIAS: And those findings of fact are  
 8 based on the Zoning Code. It's not something  
 9 that we have too much flexibility on. So it is  
 10 what it is.  
 11 MS. MENENDEZ: No, I understand. I  
 12 understand, but you also say in the findings of  
 13 Staff that you don't have a Site Plan to be  
 14 able to --  
 15 MR. TRIAS: Which is true.  
 16 MS. MENENDEZ: Which is true.  
 17 MR. COLLER: Well, may I suggest something,  
 18 then? Why don't you E-1 in accordance with the  
 19 recommendation of Staff, but suggest that it's  
 20 problematic that there is no Specific Site plan  
 21 for the property? That can be part of your  
 22 recommendation.  
 23 MS. MENENDEZ: Okay. If that's okay with  
 24 Robert --  
 25 MR. BEHAR: That's okay.

1 MS. MENENDEZ: I mean, if that's okay, if  
 2 that's a friendly amendment, I would like to  
 3 propose that.  
 4 MR. BEHAR: I'm okay with that, but can we  
 5 legally do that without a basis to make a  
 6 recommendation?  
 7 MS. MENENDEZ: We can recommend anything,  
 8 that I know.  
 9 MR. BEHAR: I'll take the friendly  
 10 amendment.  
 11 MS. MENENDEZ: I mean, but let's see what  
 12 our City Attorney says.  
 13 MR. TRIAS: Yes.  
 14 MR. COLLER: Ordinarily I would urge you to  
 15 adopt the recommendations of Staff, because you  
 16 ordinarily have a basis, but you are a  
 17 recommending body, and if you don't want to  
 18 utilize the Staff recommendations, then just  
 19 approve it E-1 --  
 20 MS. MENENDEZ: There's no condition to  
 21 Staff's recommendations.  
 22 MR. COLLER: Well, there can be no  
 23 conditions on a Comprehensive Plan change.  
 24 MS. MENENDEZ: Right. So --  
 25 MR. TRIAS: Typically there's findings of

1 MS. MENENDEZ: I feel better.  
 2 CHAIRMAN AIZENSTAT: So we have a friendly  
 3 amendment accepted by Robert. Julio, are you  
 4 okay with it?  
 5 MR. GRABIEL: I'm okay with it.  
 6 CHAIRMAN AIZENSTAT: Okay. Any other  
 7 discussion?  
 8 MS. ANDERSON: No.  
 9 MR. BEHAR: Call the roll, please.  
 10 CHAIRMAN AIZENSTAT: Call the roll, please.  
 11 THE SECRETARY: Maria Menendez?  
 12 MS. MENENDEZ: Yes.  
 13 THE SECRETARY: Maria Velez?  
 14 MS. VELEZ: Yes.  
 15 THE SECRETARY: Rhonda Anderson?  
 16 MS. ANDERSON: Yes.  
 17 THE SECRETARY: Robert Behar?  
 18 MR. BEHAR: Yes.  
 19 THE SECRETARY: Julio Grabiel?  
 20 MR. GRABIEL: Yes.  
 21 THE SECRETARY: Eibi Aizenstat?  
 22 CHAIRMAN AIZENSTAT: Yes.  
 23 MR. COLLER: Okay. We need a motion on  
 24 E-2.  
 25 MR. BEHAR: I'll make a motion to approve

1 Item Number 2 with Staff recommendation.  
 2 CHAIRMAN AIZENSTAT: Is there a second?  
 3 MR. GRABIEL: Second.  
 4 CHAIRMAN AIZENSTAT: Julio second.  
 5 Any discussion?  
 6 MS. ANDERSON: I would make a friendly  
 7 amendment with the same caveat, that we don't  
 8 have a Site Plan.  
 9 MR. BEHAR: We'll accept that friendly  
 10 amendment.  
 11 MS. MENENDEZ: Thank you.  
 12 MR. GRABIEL: I'll accept it.  
 13 MS. VELEZ: Number 2 is the Zoning?  
 14 MS. MENENDEZ: The Zoning.  
 15 CHAIRMAN AIZENSTAT: Call the roll, please  
 16 THE SECRETARY: Maria Velez?  
 17 MS. VELEZ: Yes.  
 18 THE SECRETARY: Rhonda Anderson?  
 19 MS. ANDERSON: Yes.  
 20 THE SECRETARY: Robert Behar?  
 21 MR. BEHAR: Yes.  
 22 THE SECRETARY: Julio Grabiel?  
 23 MR. GRABIEL: Yes.  
 24 THE SECRETARY: Maria Menendez?  
 25 MS. MENENDEZ: Yes.

1 MR. COLLER: And why don't we just say,  
 2 without prejudice, just for clarification?  
 3 MR. BEHAR: Without prejudice.  
 4 MR. GRABIEL: Second.  
 5 CHAIRMAN AIZENSTAT: We have a second. Any  
 6 discussion?  
 7 MS. ANDERSON: No.  
 8 CHAIRMAN AIZENSTAT: Call the roll, please.  
 9 THE SECRETARY: Rhonda Anderson?  
 10 MS. ANDERSON: Yes.  
 11 THE SECRETARY: Robert Behar?  
 12 MR. BEHAR: Yes.  
 13 THE SECRETARY: Julio Grabiel?  
 14 MR. GRABIEL: Yes.  
 15 THE SECRETARY: Maria Menendez?  
 16 MS. MENENDEZ: Yes.  
 17 THE SECRETARY: Maria Velez?  
 18 MS. VELEZ: Yes.  
 19 THE SECRETARY: Eibi Aizenstat?  
 20 CHAIRMAN AIZENSTAT: Yes.  
 21 MR. BEHAR: I'll make a motion to approve  
 22 Item Number 4 with Staff recommendation, and  
 23 does that carry --  
 24 MS. MENENDEZ: I second it.  
 25 MR. BEHAR: -- the Site Plan --

1 THE SECRETARY: Eibi Aizenstat?  
 2 CHAIRMAN AIZENSTAT: Yes.  
 3 MR. BEHAR: Make a motion to approve Number  
 4 4.  
 5 MR. COLLER: Well, let's wait.  
 6 CHAIRMAN AIZENSTAT: Before we do that,  
 7 what do we do with Number 3?  
 8 MR. COLLER: I think with motion --  
 9 MR. BEHAR: It was withdrawn.  
 10 MR. COLLER: -- for Number 3, in an  
 11 abundance of caution, you're approving their  
 12 request to withdraw Item 3. That's your  
 13 recommendation.  
 14 MR. BEHAR: A motion --  
 15 CHAIRMAN AIZENSTAT: If I may say  
 16 something. Are you withdrawing or are you  
 17 deferring?  
 18 MR. BEHAR: Withdrawing.  
 19 CHAIRMAN AIZENSTAT: You're withdrawing  
 20 Number 3.  
 21 MR. BASS: Without prejudice to the ability  
 22 to come back at a time with a specific --  
 23 CHAIRMAN AIZENSTAT: Of course.  
 24 MR. BEHAR: Make a motion to approve the  
 25 Applicant's motion to withdraw Item Number 3.

1 MR. COLLER: With same caveat that you  
 2 previously did on the others?  
 3 MR. BEHAR: Yes.  
 4 MR. COLLER: Okay.  
 5 MS. MENENDEZ: I second.  
 6 CHAIRMAN AIZENSTAT: Maria seconds. Any  
 7 discussion?  
 8 MS. ANDERSON: No.  
 9 CHAIRMAN AIZENSTAT: Call the roll, please.  
 10 THE SECRETARY: Robert Behar?  
 11 MR. BEHAR: Yes.  
 12 THE SECRETARY: Julio Grabiel?  
 13 MR. GRABIEL: Yes.  
 14 THE SECRETARY: Maria Menendez?  
 15 MS. MENENDEZ: Yes.  
 16 THE SECRETARY: Maria Velez?  
 17 MS. VELEZ: Yes.  
 18 THE SECRETARY: Rhonda Anderson?  
 19 MS. ANDERSON: Yes.  
 20 THE SECRETARY: Eibi Aizenstat?  
 21 CHAIRMAN AIZENSTAT: Yes.  
 22 And I think that does it for --  
 23 MR. COLLER: So the last motion is a motion  
 24 to adjourn. I don't think you need any  
 25 conditions -- oh, okay.

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1 CHAIRMAN AIZENSTAT: We still have one more  
 2 item.  
 3 MR. COLLER: We do?  
 4 MR. BEHAR: We do?  
 5 MS. ANDERSON: We do?  
 6 MS. VELEZ: The screening.  
 7 MR. BEHAR: Not for tonight.  
 8 CHAIRMAN AIZENSTAT: We do. It's the  
 9 screening.  
 10 MS. MENENDEZ: Oh, that's right.  
 11 CHAIRMAN AIZENSTAT: Thank you, Mr. Bass.  
 12 MR. BASS: It was wonderful to see you all.  
 13 MS. GAVARRETE: Good night. Thank you.  
 14 MR. BEHAR: Good night.  
 15 CHAIRMAN AIZENSTAT: Thank you.  
 16 MS. ANDERSON: Thank you.  
 17 MS. MENENDEZ: All right. Have a good  
 18 evening.  
 19 MR. BEHAR: Good night.  
 20 MR. GRABIEL: Good night.  
 21 CHAIRMAN AIZENSTAT: Mr. Coller, if you  
 22 could please read Item E-7 for the record.  
 23 MR. COLLER: Oh, my apologies. We do have  
 24 another item.  
 25 MR. BEHAR: Hurry up. Read it.

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1 screening. So we decided to go beyond that and  
 2 clean up some of the language that deals with  
 3 mechanical equipment, particularly blackflow  
 4 preventers and just making it required that all  
 5 of this information be provided properly in the  
 6 architectural drawings.  
 7 So Staff recommends approval, and if you  
 8 have any questions, I'll be happy to help.  
 9 MR. BEHAR: You know, I do have. For  
 10 example, Mr. Trias, backflow preventers should  
 11 be concealed with a wall --  
 12 MR. TRIAS: -- landscaping or within a  
 13 building. Those are the three options.  
 14 MR. BEHAR: I think the wall may not be  
 15 possible, because of the Fire Code. I mean, I  
 16 don't have a problem with landscaping, but I  
 17 think you've got to be -- you know, that's not  
 18 something that we control or you control.  
 19 That's something the Fire Department will  
 20 control.  
 21 MR. TRIAS: And I want to say that the Fire  
 22 Department has been informed of this and  
 23 they've been working with us, in terms of the  
 24 aesthetics, lately very positively. So this  
 25 has been very productive.

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1 You thought you were done for the year.  
 2 MR. COLLER: I did. I was too much in a rush.  
 3 Item E-7, an Ordinance of the City  
 4 Commission of Coral Gables, Florida providing  
 5 for a text amendment to the City of Coral  
 6 Gables Official Zoning Code by amending Article  
 7 5, "Development Standards," Division 18,  
 8 "Screening," Section 5-1804, "Air-conditioning  
 9 units and equipment, and other types of  
 10 mechanical equipment or apparatus installed on  
 11 or attached to premises," requiring screening  
 12 of exterior equipment, modification of  
 13 equipment location, loading, and service  
 14 entries under certain circumstances, and  
 15 providing information in architectural  
 16 drawings; providing for severability, repealer,  
 17 codification, and an effective date.  
 18 Item E-7 public hearing.  
 19 Mr. Chairman, I think you can let the  
 20 record reflect there is no one here for this  
 21 item.  
 22 CHAIRMAN AIZENSTAT: Duly noted. Nobody's  
 23 here.  
 24 MR. TRIAS: Mr. Chairman, this was an item  
 25 that was inspired by Mr. Grabiell's interest in

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1 MR. BEHAR: And they're in support of this?  
 2 MR. TRIAS: Yes.  
 3 MR. BEHAR: Okay. All right.  
 4 MR. GRABIEL: Since this is the Grabiell  
 5 Memorial Ordinance, I would like to move it.  
 6 MS. VELEZ: I'll second.  
 7 MR. BEHAR: Second.  
 8 CHAIRMAN AIZENSTAT: Grabiell Ordinance is  
 9 done by Grabiell and second by Robert.  
 10 MR. BEHAR: No, Maria.  
 11 CHAIRMAN AIZENSTAT: Oh, Maria. Sorry.  
 12 MS. ANDERSON: Maria.  
 13 CHAIRMAN AIZENSTAT: Any other discussion?  
 14 MS. ANDERSON: No.  
 15 CHAIRMAN AIZENSTAT: No? Call the roll,  
 16 please.  
 17 THE SECRETARY: Julio Grabiell?  
 18 MR. GRABIEL: Yes.  
 19 THE SECRETARY: Maria Menendez?  
 20 MS. MENENDEZ: Yes.  
 21 THE SECRETARY: Maria Velez?  
 22 MS. VELEZ: Yes.  
 23 THE SECRETARY: Rhonda Anderson?  
 24 MS. ANDERSON: Yes.  
 25 THE SECRETARY: Robert Behar?