

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES LOCAL PLANNING AGENCY (LPA)/ PLANNING AND ZONING BOARD MEETING VERBATIM TRANSCRIPT CORAL GABLES CITY HALL 405 BILTMORE WAY, COMMISSION CHAMBERS CORAL GABLES, FLORIDA WEDNESDAY, NOVEMBER 14, 2018, COMMENCING AT 6:02 P.M.</p> <p>Board Members Present: Eibi Aizenstat, Chairperson Rhonda A. Anderson Maria Velez Robert Behar Maria Menendez Julio Grabiell</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Craig Collier, Special Attorney Jennifer Garcia, City Planner Jill Menendez, Administrative Assistant, Board Secretary</p> <p>ALSO PARTICIPATING:</p> <p>Jeffrey Bass, Esq., on behalf of the University of Miami Janet Cavarrete</p>	<p style="text-align: right;">Page 2</p> <p>1 THEREUPON: 2 (The following proceedings were held.) 3 CHAIRMAN AIZENSTAT: First thing I'd like 4 to mention is, if anybody is here for Item 5 Number E-5 and E-6, the Cartagena Park and 6 Firehouse, that has been withdrawn. Thank you. 7 Good evening. I'd like to call the meeting 8 to order. At this time, I would like for 9 everybody to please turn off their cell phones, 10 pagers or other electronic devices or put them 11 on silent. 12 The Board is comprised of seven members. 13 Four Members of the Board shall constitute a 14 quorum and the affirmative vote of four members 15 shall be necessary for the adoption of any 16 motion. If only four Members of the Board are 17 present, an applicant may request and be 18 entitled to a continuance to the next regularly 19 scheduled meeting of the Board. If a matter is 20 continued due to a lack of quorum, the 21 Chairperson or Secretary of the Board may set a 22 special meeting to consider such matter. 23 In the event that four votes are not 24 obtained, an applicant may request a 25 continuance or allow the application to proceed</p>
<p style="text-align: right;">Page 3</p> <p>1 to the City Commission without a 2 recommendation. 3 The next item is lobbyist registration and 4 disclosure. Any person who acts as a lobbyist 5 pursuant to the City of Coral Gables Ordinance 6 Number 2006-11 must register with the City 7 Clerk prior to engaging in lobbying activities 8 or presentations before City Staff, Boards, 9 Committees and/or the City Commission. A copy 10 of the Ordinance is available in the Office of 11 the City Clerk. Failure to register and 12 provide proof of registration shall prohibit 13 your ability to present to the Board. 14 As Chair, I now officially call the City of 15 Coral Gables Planning and Zoning Board meeting 16 of November 14th, 2018 to order. The time is 17 6:02. 18 Jill, please call the roll. 19 THE SECRETARY: Rhonda Anderson? 20 MS. ANDERSON: Present. 21 THE SECRETARY: Robert Behar? 22 MR. BEHAR: Here. 23 THE SECRETARY: Julio Grabiell? 24 MR. GRABIEL: Here. 25 THE SECRETARY: Maria Menendez?</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. MENENDEZ: Here. 2 THE SECRETARY: Maria Velez? 3 MS. VELEZ: Here. 4 THE SECRETARY: Eibi Aizenstat? 5 CHAIRMAN AIZENSTAT: Here. 6 Notice regarding ex parte communications: 7 Please be advised that this Board is a 8 quasi-judicial Board and the items on the 9 agenda are quasi-judicial in nature, which 10 requires Board Members to disclose all ex parte 11 communications and site visits. 12 An ex parte communication is defined as any 13 contact, communication, conversation, 14 correspondence, memorandum or other written or 15 verbal communication that takes place outside a 16 public hearing between a member of the public 17 and a member of a quasi-judicial Board 18 regarding matters to be heard by the Board. 19 If anyone made any contact with a Board 20 Member regarding an issue before the Board, the 21 Board Member must state, on the record, the 22 existence of the ex parte communication and the 23 party who originated the communication. Also, 24 if a Board Member conducted a site visit 25 specifically related to the case before the</p>

<p style="text-align: right;">Page 5</p> <p>1 Board, the Board Member must also disclose such</p> <p>2 visit.</p> <p>3 In either case, the Board Member must</p> <p>4 state, on the record, whether the ex parte</p> <p>5 communication and/or site visit will affect the</p> <p>6 Board Member's ability to impartially consider</p> <p>7 the evidence to be presented regarding the</p> <p>8 matter. The Board Member should also state</p> <p>9 that his or her decision will be based on</p> <p>10 substantial competent evidence and testimony</p> <p>11 presented on the record today.</p> <p>12 Does any Member of the Board have such</p> <p>13 communication and/or site visit to disclose at</p> <p>14 this time?</p> <p>15 MR. BEHAR: No.</p> <p>16 MS. ANDERSON: No.</p> <p>17 CHAIRMAN AIZENSTAT: Thank you.</p> <p>18 Everybody who will be speaking, if they</p> <p>19 could please go ahead and stand up for the</p> <p>20 swearing in.</p> <p>21 I just want to take a second. The two</p> <p>22 people that just walked in, Item E-5 and E-6,</p> <p>23 which is for the firehouse, has been withdrawn.</p> <p>24 UNIDENTIFIED MALE VOICE: Has been withdrawn?</p> <p>25 CHAIRMAN AIZENSTAT: So it will not be on</p>	<p style="text-align: right;">Page 6</p> <p>1 the agenda tonight.</p> <p>2 UNIDENTIFIED MALE VOICE: Okay. That's why</p> <p>3 we're here.</p> <p>4 CHAIRMAN AIZENSTAT: Okay. Thank you.</p> <p>5 MR. GRABIEL: You can take her out to</p> <p>6 dinner right now.</p> <p>7 MS. VELEZ: That's a good idea. That's a</p> <p>8 good idea.</p> <p>9 MR. BEHAR: I figured you were going to be</p> <p>10 for that item. That's why I mentioned it to</p> <p>11 him.</p> <p>12 UNIDENTIFIED MALE VOICE: We can stay for a</p> <p>13 while to see our government at work.</p> <p>14 CHAIRMAN AIZENSTAT: Everybody who --</p> <p>15 MR. BEHAR: We're not elected officials, by</p> <p>16 the way.</p> <p>17 CHAIRMAN AIZENSTAT: Everybody who will be</p> <p>18 speaking tonight, please make sure that you</p> <p>19 have completed the roster on the podium, a</p> <p>20 card, and I would ask that you please print</p> <p>21 clearly, for the official records, your name</p> <p>22 and address.</p> <p>23 Now, with the exception of attorneys, any</p> <p>24 person who will speak on the agenda items</p> <p>25 before us this evening, please stand up to be</p>
<p style="text-align: right;">Page 7</p> <p>1 sworn.</p> <p>2 Only attorneys?</p> <p>3 We have the minutes.</p> <p>4 MR. BEHAR: I'll make a motion for</p> <p>5 approval.</p> <p>6 CHAIRMAN AIZENSTAT: We have a motion to</p> <p>7 approve.</p> <p>8 MS. ANDERSON: Second.</p> <p>9 CHAIRMAN AIZENSTAT: A second.</p> <p>10 Any comments? No?</p> <p>11 Call the roll, please.</p> <p>12 THE SECRETARY: Robert Behar?</p> <p>13 MR. BEHAR: Yes.</p> <p>14 THE SECRETARY: Julio Grabiell?</p> <p>15 MR. GRABIEL: Yes.</p> <p>16 THE SECRETARY: Maria Menendez?</p> <p>17 MS. MENENDEZ: Yes.</p> <p>18 THE SECRETARY: Maria Velez?</p> <p>19 MS. VELEZ: Yes.</p> <p>20 THE SECRETARY: Rhonda Anderson?</p> <p>21 MS. ANDERSON: Yes.</p> <p>22 THE SECRETARY: Eibi Aizenstat?</p> <p>23 CHAIRMAN AIZENSTAT: Yes.</p> <p>24 Items E-1, E-2, E-3 and E-4 are all</p> <p>25 related. Mr. Coller, would you like to read</p>	<p style="text-align: right;">Page 8</p> <p>1 them into the record?</p> <p>2 MR. COLLER: Yeah. What we'll do is, we'll</p> <p>3 read in all of the items. We'll have one</p> <p>4 public hearing relating to all of the items.</p> <p>5 And then we'll vote separately on each of the</p> <p>6 items, at the end of the public hearing.</p> <p>7 So I'm going to start with -- excuse me --</p> <p>8 Item E-1, an Ordinance of the City Commission</p> <p>9 of Coral Gables, Florida requesting amendment</p> <p>10 to the Future Land Use Map of the City of Coral</p> <p>11 Gables Comprehensive Plan pursuant to Zoning</p> <p>12 Code Article 3, "Development Review", Division</p> <p>13 15, "Comprehensive Plan Text and Map</p> <p>14 Amendments", and Small Scale amendment</p> <p>15 procedures (Section 163.3187, Florida</p> <p>16 Statutes), from "Religious/Institutional" to</p> <p>17 "University Campus" for the property legally</p> <p>18 described as Lots 1 thru 8 and 34 thru 40,</p> <p>19 Block 196, Coral Gables Riviera Section 6,</p> <p>20 Coral Gables, Florida; and, providing for</p> <p>21 severability, repealer and an effective date.</p> <p>22 Item E-2, an Ordinance of the City</p> <p>23 Commission of Coral Gables, Florida requesting</p> <p>24 a change of Zoning pursuant to Zoning Code</p> <p>25 Article 3, "Development Review", Division 14,</p>

<p style="text-align: right;">Page 9</p> <p>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</p>	<p style="text-align: right;">Page 10</p> <p>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</p>
<p style="text-align: right;">Page 11</p> <p>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</p>	<p style="text-align: right;">Page 12</p> <p>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.</p>

<p style="text-align: right;">Page 13</p> <p>1        There were letters to property owners</p> <p>2        within 1,500 feet, which when the University</p> <p>3        does a change, it means the whole property</p> <p>4        around the University is noticed. There were</p> <p>5        two letters to property owners, two postings of</p> <p>6        the property, two website postings and one</p> <p>7        newspaper advertisement. Those are the</p> <p>8        required public notices.</p> <p>9        As Ms. Menendez was pointing out, Request</p> <p>10       Number 1 is a Comp Plan change. It's changing</p> <p>11       Religious/Institution to University Campus, the</p> <p>12       same Land Use as the rest of the campus. You</p> <p>13       can see it in the light blue. Staff recommends</p> <p>14       approval, because it complies with the</p> <p>15       requirements of the Comprehensive Plan.</p> <p>16       Now, the second request is the Zoning</p> <p>17       change. Again, the Zoning change is to</p> <p>18       University Campus District, which is the same</p> <p>19       Zoning as the rest of the campus, and that's in</p> <p>20       the blue, depicted in the blue. Staff also</p> <p>21       recommends approval, as the findings of fact</p> <p>22       show that it complies with the requirements.</p> <p>23       Then the Zoning Code Text has to do with</p> <p>24       the very unique way that the Campus Zoning is</p> <p>25       organized, which deals with frontages. And you</p>	<p style="text-align: right;">Page 14</p> <p>1       may be familiar with the concept that there's a</p> <p>2       sliding scale of heights, depending on the</p> <p>3       distance and so on. The Applicant may explain</p> <p>4       it in more detail, but this area will be</p> <p>5       Frontage F, and this is an illustration of the</p> <p>6       way the frontages work, and they were intended</p> <p>7       to have less impact on the neighbors by having</p> <p>8       some restrictions on the height closer to the</p> <p>9       edge of campus and less restrictions towards</p> <p>10       the interior of the campus.</p> <p>11       In this case, it doesn't really matter as</p> <p>12       much, because we're talking about a City block.</p> <p>13       So the reality is that the development would be</p> <p>14       fairly uniform for the block.</p> <p>15       There's also some Site Specifics, as I</p> <p>16       mentioned, related to the church, that would be</p> <p>17       realized. Staff also recommends approval of</p> <p>18       the Zoning Code change, because it complies</p> <p>19       with the requirements.</p> <p>20       And, finally, as I said, there's an</p> <p>21       amendment to the Development Agreement, that</p> <p>22       includes the property in the definition, in the</p> <p>23       legal description of the agreement, and Staff</p> <p>24       also recommends approval.</p> <p>25       That is the end of my presentation. I</p>
<p style="text-align: right;">Page 15</p> <p>1       believe the Applicant has some presentation.</p> <p>2       MR. BEHAR: Can I ask you a question?</p> <p>3       MR. TRIAS: Yes.</p> <p>4       MR. BEHAR: Can you go back to the</p> <p>5       Development Agreement Map outline that you were</p> <p>6       showing us?</p> <p>7       MR. TRIAS: Yes.</p> <p>8       MR. BEHAR: There you encompassed a whole</p> <p>9       block to the east, north portion of the church,</p> <p>10       which incorporates other properties that are</p> <p>11       not within the development agreement, right?</p> <p>12       MR. TRIAS: Right. And there are some</p> <p>13       properties that are not included. Yeah, you're</p> <p>14       correct.</p> <p>15       MR. BEHAR: So that whole thing is going to</p> <p>16       be --</p> <p>17       MR. TRIAS: The map is not as accurate</p> <p>18       as --</p> <p>19       MR. BEHAR: It should be.</p> <p>20       MR. TRIAS: Yeah, as it should be.</p> <p>21       MR. BEHAR: Okay.</p> <p>22       MR. TRIAS: And the Applicant may explain</p> <p>23       that in more detail, because some properties</p> <p>24       are within --</p> <p>25       MR. BEHAR: And can you show me what</p>	<p style="text-align: right;">Page 16</p> <p>1       portion of the church is considered historic,</p> <p>2       that will not come down? Or there's a</p> <p>3       possibility for the whole church to come down?</p> <p>4       MS. MENENDEZ: You know, you're hitting</p> <p>5       some questions that I also have. So if you</p> <p>6       start this off, we're not going to finish.</p> <p>7       MR. BEHAR: Okay.</p> <p>8       CHAIRMAN AIZENSTAT: Why don't we let --</p> <p>9       MS. MENENDEZ: So I think we should let the</p> <p>10       presentations take part. My suggestion,</p> <p>11       because --</p> <p>12       MR. BEHAR: I wanted to know.</p> <p>13       MS. MENENDEZ: Yeah.</p> <p>14       MR. BEHAR: So we'll call you back for</p> <p>15       that.</p> <p>16       MS. MENENDEZ: Because along the lines, I</p> <p>17       have a question that deals with that, and so</p> <p>18       we're just going to engage in question -- you</p> <p>19       know, my suggestion --</p> <p>20       MR. BEHAR: Okay.</p> <p>21       CHAIRMAN AIZENSTAT: Let's allow for the</p> <p>22       Applicant to also make his presentation.</p> <p>23       MR. TRIAS: Yeah, and the correct answer to</p> <p>24       your question is that there's a --</p> <p>25       MR. BEHAR: I get it. I get it.</p>

<p style="text-align: right;">Page 17</p> <p>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</p>	<p style="text-align: right;">Page 18</p> <p>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</p>
<p style="text-align: right;">Page 19</p> <p>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</p>	<p style="text-align: right;">Page 20</p> <p>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</p>

<p style="text-align: right;">Page 21</p> <p>1 further removed from the residential</p> <p>2 neighborhoods, and as we got closer to the</p> <p>3 residential neighborhoods, we had a transition</p> <p>4 zone, and then a buffer zone, and so on and so</p> <p>5 forth.</p> <p>6 So because this land wasn't within the</p> <p>7 University's inventory at that time, we needed</p> <p>8 to figure out what to do with it, and that's</p> <p>9 the text amendment part of this application.</p> <p>10 The text amendment accomplishes a couple of</p> <p>11 different things. It is a text amendment to</p> <p>12 the Site Specifics to eliminate the Site</p> <p>13 Specifics that would otherwise restrict the</p> <p>14 development of this land, and part of that is</p> <p>15 to eliminate the reference to the church within</p> <p>16 the Site Specifics and to recognize that we did</p> <p>17 not acquire the entirety of that block, we just</p> <p>18 acquired the lots that are the subject of the</p> <p>19 application.</p> <p>20 We are not seeking to re-zone the entirety</p> <p>21 of the block. We're not seeking to</p> <p>22 re-designate the entirety of the block. Nor</p> <p>23 are we seeking to touch any lands not under our</p> <p>24 ownership as specifically defined by lot and</p> <p>25 block in the application materials.</p>	<p style="text-align: right;">Page 22</p> <p>1 There was a little typo in the Staff report</p> <p>2 with respect to the lots that are subject to</p> <p>3 your amendment. They inadvertently transposed</p> <p>4 the strikeout and the underline in the Staff</p> <p>5 report. We have it correct in our exhibits and</p> <p>6 Staff will make that correction.</p> <p>7 I want to touch just a little bit, by way</p> <p>8 of anticipation, to the question of Historic</p> <p>9 Preservation, and answer it to the best of my</p> <p>10 ability, with the information that we have at</p> <p>11 present, and forecast for you where we're</p> <p>12 going.</p> <p>13 Before I do that, I would like to</p> <p>14 emphasize, we had a wonderful neighborhood</p> <p>15 meeting. We had very good turnout. We mailed,</p> <p>16 you know, to a 1,500 foot radius, which is</p> <p>17 substantial. We had old friends and we had new</p> <p>18 friends, who were all out and interested to</p> <p>19 hear what we were doing, and I would call that,</p> <p>20 it was a really good exchange of information,</p> <p>21 and I believe most were satisfied by what we</p> <p>22 did this evening, as perhaps evidenced by the</p> <p>23 fact that we don't have a lot of objectors here</p> <p>24 tonight, which is a good thing. I hope I</p> <p>25 didn't jinx myself for purposes of the</p>
<p style="text-align: right;">Page 23</p> <p>1 Commission.</p> <p>2 So the issue of the church and the</p> <p>3 preservation and the question of Historic</p> <p>4 Preservation came up then, and let me tell you</p> <p>5 where we are on that, consistent with my</p> <p>6 opening remarks. We did not plan to buy this.</p> <p>7 The congregation did not have the money to</p> <p>8 maintain these structures, and we are in the</p> <p>9 process now of doing an assessment of the</p> <p>10 structures, as well as their historic value.</p> <p>11 To answer the question as best as I can,</p> <p>12 there is a designation of the entirety of what</p> <p>13 functioned as the church and the educational</p> <p>14 components of the church. The church is a</p> <p>15 sanctuary, a fellowship hall, and then some</p> <p>16 other additions, that, to the eye, look very</p> <p>17 different, just from the street, and we're</p> <p>18 going through them now.</p> <p>19 We know we need to, before we touch any of</p> <p>20 these buildings, work this project through the</p> <p>21 Historic Preservation process of the City and</p> <p>22 come up with a plan for a Certificate of</p> <p>23 Appropriateness, which we're only at the most</p> <p>24 initial steps of doing. We've hired a</p> <p>25 preservation architect, an expert in</p>	<p style="text-align: right;">Page 24</p> <p>1 preservation, to begin the process of going</p> <p>2 through it and taking a look at it. And I'd</p> <p>3 like to be quite honest to say, this all kind</p> <p>4 of folds into the same issue, right. We don't</p> <p>5 know what we can do with these lands until we</p> <p>6 know what aspect of the lands can be developed</p> <p>7 and what aspects of the lands must be</p> <p>8 preserved.</p> <p>9 So in terms of the opportunity for</p> <p>10 re-development there, it may be very</p> <p>11 inconsequential. It may be moderate. You</p> <p>12 know, it may be substantial. The University is</p> <p>13 quite proud of its stewardship in Historic</p> <p>14 Preservation and looks forward to continuing</p> <p>15 that here, but before we get into the</p> <p>16 particulars of what the project -- the</p> <p>17 Certificate of Appropriateness would look like,</p> <p>18 we need to complete our assessment of the</p> <p>19 actual state of the buildings and the historic</p> <p>20 value of the remembrance.</p> <p>21 We have expressed findings from your Staff,</p> <p>22 that were consistent with your Comprehensive</p> <p>23 Plan, that we satisfied all operative standards</p> <p>24 in your Code for the text amendment and for the</p> <p>25 rezoning and we're here to ask for your</p>

<p style="text-align: right;">Page 25</p> <p>1 approval this evening. I would ask, just by</p> <p>2 way of past experience, that if there is a</p> <p>3 motion to approve, that the motion incorporate</p> <p>4 the Staff's findings and recommendations as</p> <p>5 part of the motion. I think that's the</p> <p>6 cleanest way to do it, just because it's such a</p> <p>7 substantial set of recommendations.</p> <p>8 So I'm happy to answer any questions. I</p> <p>9 hope I didn't speak too quickly. If there any</p> <p>10 follow-up questions, my team and I would be</p> <p>11 most pleased to answer them. We ask for your</p> <p>12 favorable recommendation to the Commission.</p> <p>13 Thank you for your time.</p> <p>14 CHAIRMAN AIZENSTAT: Thank you. Thank you.</p> <p>15 Is there anybody from the floor that would</p> <p>16 like to come up and speak? Seeing as --</p> <p>17 MS. MENENDEZ: Only UM is here.</p> <p>18 CHAIRMAN AIZENSTAT: Only UM. So seeing</p> <p>19 that there isn't, I'm going to go ahead and</p> <p>20 close the floor at this time.</p> <p>21 So, Maria.</p> <p>22 MS. MENENDEZ: Robert, do you want to go</p> <p>23 first?</p> <p>24 MR. BEHAR: No. No. No. Ladies first.</p> <p>25 MS. MENENDEZ: Such a gentleman.</p>	<p style="text-align: right;">Page 26</p> <p>1 Where do I start?</p> <p>2 So the University of Miami purchased the</p> <p>3 property, right?</p> <p>4 MR. BASS: Yes.</p> <p>5 MS. MENENDEZ: And when they purchased the</p> <p>6 property, did they have a vision for the</p> <p>7 property? How did they come up with the number</p> <p>8 to purchase it, if you didn't have an idea of</p> <p>9 what you're able to do there, especially with</p> <p>10 the significance of the historic designation?</p> <p>11 So how do you kind of like -- what's your</p> <p>12 short-term vision and what's your long-term</p> <p>13 vision? Are you hoping to eventually just</p> <p>14 demolish the historic component of it or --</p> <p>15 just walk me through that, because I'm not sure</p> <p>16 why the University would want that property,</p> <p>17 unless they're looking to demolish the historic</p> <p>18 site.</p> <p>19 MR. BASS: I'll answer the question as</p> <p>20 directly, politely and affectionately as I can.</p> <p>21 I have been doing this for 26 years. Not once</p> <p>22 has any client ever said to me, "You know, I</p> <p>23 can't believe you made me buy that adjacent</p> <p>24 contiguous land when it became available. I</p> <p>25 could shoot myself that I bought that adjacent</p>
<p style="text-align: right;">Page 27</p> <p>1 contiguous land," particularly when the client</p> <p>2 is an institutional client, with a vision of</p> <p>3 being in business for centuries.</p> <p>4 The answer to your question is, no, we had</p> <p>5 no idea, and the answer to your question is,</p> <p>6 no, we have no intention of demolishing every</p> <p>7 piece of building that is there.</p> <p>8 MS. MENENDEZ: I'm not saying, the</p> <p>9 building. I'm focused more on the church</p> <p>10 component of it.</p> <p>11 MR. BASS: When you say, "The church," do</p> <p>12 you mean, the sanctuary?</p> <p>13 MS. MENENDEZ: The sanctuary.</p> <p>14 MR. BASS: Because there's also a</p> <p>15 Fellowship Hall and other pieces.</p> <p>16 MS. MENENDEZ: Right.</p> <p>17 MR. BASS: What I would say to you would</p> <p>18 be, in all matters, there is a hierarchy,</p> <p>19 right? So the hierarchy of importance centers</p> <p>20 around the sanctuary, based on our preliminary</p> <p>21 research. The rest, not so much.</p> <p>22 I can tell you, based on the work that the</p> <p>23 University has done to preserve its historic</p> <p>24 buildings on campus, for which its won several</p> <p>25 awards and many of which it has designated</p>	<p style="text-align: right;">Page 28</p> <p>1 voluntarily to come in front of you, that</p> <p>2 there's never been an intention to squander any</p> <p>3 vitally important historic research.</p> <p>4 I will tell you, because it's quite</p> <p>5 important to note, that several of those</p> <p>6 structures were designated in a designation</p> <p>7 report when they weren't even 50 years old.</p> <p>8 MS. MENENDEZ: Okay.</p> <p>9 MR. BASS: How does that happen?</p> <p>10 So not all elements of all buildings are of</p> <p>11 the same historic value, but your direct</p> <p>12 question was, did we have a plan for it? Do we</p> <p>13 have a plan for it? We don't have a plan for</p> <p>14 it. We're in the planning process of what can</p> <p>15 be done there, and as I answered before, the</p> <p>16 output of that process is going to dictate what</p> <p>17 we can do, because if the Historic Preservation</p> <p>18 Board decides that all of it must be preserved,</p> <p>19 well, then we're going to have to figure out</p> <p>20 how we're going to make adaptive reuse of a</p> <p>21 building that was a church and an educational</p> <p>22 facility, but we're just not there yet.</p> <p>23 And we didn't, and we don't, and I think</p> <p>24 it's quite important to emphasize, we, the</p> <p>25 University, don't make acquisitions or build</p>

<p style="text-align: right;">Page 29</p> <p>1 buildings the way that a normal developer does</p> <p>2 when they have a particular site, with a</p> <p>3 particular sale price, they have to yield a</p> <p>4 particular return on investment, they have to</p> <p>5 get in and get out and start right away. Those</p> <p>6 are not forces that factor into how the</p> <p>7 University manages its lands, and as I said</p> <p>8 before, this is an opportunity that came to us</p> <p>9 and we executed on it. Fortunately, we have</p> <p>10 the ability to do that, and now we're in the</p> <p>11 planning process and the assessment process</p> <p>12 that would dictate what the ultimate use would</p> <p>13 be.</p> <p>14 MS. MENENDEZ: Okay.</p> <p>15 CHAIRMAN AIZENSTAT: Robert.</p> <p>16 MS. VELEZ: I have a question. Are all of</p> <p>17 the buildings designated historic?</p> <p>18 MR. BASS: Yes.</p> <p>19 MS. VELEZ: All of them?</p> <p>20 MR. BASS: Yes.</p> <p>21 MS. VELEZ: So we have the chapel and then</p> <p>22 we have the sanctuary. Then we have something</p> <p>23 that's being used as a school -- I mean, that's</p> <p>24 being used as the school, and there's another</p> <p>25 one story building with an office. So all of</p>	<p style="text-align: right;">Page 30</p> <p>1 them --</p> <p>2 MR. COLLER: Wait. Wait. Wait. We can't</p> <p>3 do it that way.</p> <p>4 MR. TRIAS: You have to speak into the</p> <p>5 microphone.</p> <p>6 MR. BASS: It's the sanctuary, the</p> <p>7 fellowship hall, the chapel and the educational</p> <p>8 component.</p> <p>9 MS. VELEZ: So all of the buildings?</p> <p>10 MR. TRIAS: Across the site. I mean, the</p> <p>11 whole site thing, including outdoor areas and</p> <p>12 so on and so forth.</p> <p>13 MS. VELEZ: All right. Thank you.</p> <p>14 MS. MENENDEZ: What process are you going</p> <p>15 through at this Historic Board, because I read</p> <p>16 here that you're going through a historic</p> <p>17 process? What process are you going through at</p> <p>18 the Historic Board for the City? Have you</p> <p>19 initiated any process through our Historic</p> <p>20 Board?</p> <p>21 MR. BASS: Okay. The answer is, no, we</p> <p>22 have not. And, you know, again, with</p> <p>23 affection, I'd like to remind that there's a</p> <p>24 whole separate process, with a separate Board,</p> <p>25 that we go through those things with. We</p>
<p style="text-align: right;">Page 31</p> <p>1 haven't begun that process yet. We are</p> <p>2 literally doing the assessment of the building</p> <p>3 and its integrity and what's there and in what</p> <p>4 kind of shape it is.</p> <p>5 The congregation was unable to maintain</p> <p>6 this for a long time, and it's not in great</p> <p>7 shape. So we're doing those assessments, as I</p> <p>8 said before.</p> <p>9 MR. BEHAR: And with that in mind, Jeff, if</p> <p>10 you don't know what's going to happen, why are</p> <p>11 we here doing Zoning changes today, without</p> <p>12 knowing what, in the future, would hold? To me</p> <p>13 that is troublesome, because I don't know what</p> <p>14 could potentially happen. And nothing may</p> <p>15 happen, and this is -- to me, this is a little</p> <p>16 bit different than the rest of the Campus, One,</p> <p>17 because this is probably one of the most</p> <p>18 important --</p> <p>19 CHAIRMAN AIZENSTAT: Gateway.</p> <p>20 MR. BEHAR: -- gateway entrance to the City</p> <p>21 of Coral Gables, and certainly I want to make</p> <p>22 sure that this property is reviewed in a</p> <p>23 scrutiny that's different from the Campus.</p> <p>24 This is not -- so I don't want -- to me, I have</p> <p>25 a problem just putting the same, you know, on</p>	<p style="text-align: right;">Page 32</p> <p>1 top of everything, when, in fact, this is, in</p> <p>2 my eyes, totally different.</p> <p>3 I have a problem -- and by the way, I'm in</p> <p>4 support of the University and will be, you</p> <p>5 know, but I have a problem approving something</p> <p>6 that you're telling me that you don't know what</p> <p>7 could even potentially happen there. I think</p> <p>8 that maybe this is premature to be here and</p> <p>9 getting, you know, Zoning changes and all of</p> <p>10 that we're seeking tonight.</p> <p>11 I wish we had a little bit more information</p> <p>12 to be able -- for me to feel comfortable making</p> <p>13 a recommendation, a decision, that based on --</p> <p>14 you know, for a future that we don't know</p> <p>15 what's going to happen today.</p> <p>16 It doesn't mean that I would not -- let me</p> <p>17 rephrase that. I think it's a great idea the</p> <p>18 University was able to acquire this piece,</p> <p>19 okay. It's even better than the congregation,</p> <p>20 which didn't have the means to continue. So</p> <p>21 I'd rather have the University maintain these</p> <p>22 buildings, because we know they're going to be</p> <p>23 maintained properly, but what happens in the</p> <p>24 future here, to me, is very important.</p> <p>25 And I think that not knowing what's going</p>



<p style="text-align: right;">Page 33</p> <p>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</p>	<p style="text-align: right;">Page 34</p> <p>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 --</p>
<p style="text-align: right;">Page 35</p> <p>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</p>	<p style="text-align: right;">Page 36</p> <p>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</p>

<p style="text-align: right;">Page 37</p> <p>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</p>	<p style="text-align: right;">Page 38</p> <p>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</p>
<p style="text-align: right;">Page 39</p> <p>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</p>	<p style="text-align: right;">Page 40</p> <p>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</p>

<p style="text-align: right;">Page 41</p> <p>1 25 feet.</p> <p>2 And the question is, as a Planning Board,</p> <p>3 within the concepts that regulate planning, do</p> <p>4 you believe, as your staff found, that those</p> <p>5 are appropriate? We believe that they are, in</p> <p>6 this urban environment, considering the as</p> <p>7 built context of the immediately adjacent</p> <p>8 neighborhood, considering the size of Red Road,</p> <p>9 the size of Ponce, the uses that are there, the</p> <p>10 proximity to the Metrorail. I think 72 feet in</p> <p>11 height is incontestably reasonable for that</p> <p>12 corner, and the setback there is, as well, and</p> <p>13 if the Board feels otherwise, then --</p> <p>14 consistent with sound planning concepts, then</p> <p>15 the Board feels otherwise, but, you know, we</p> <p>16 looked long and hard at what we thought the</p> <p>17 right urban gesture would be there, in terms of</p> <p>18 the height that we were seeking and in terms of</p> <p>19 the setback that we were seeking and we don't</p> <p>20 believe that by any measurement that that is a</p> <p>21 stretch or an overreach, but we want to start</p> <p>22 to define the envelope with which we can begin</p> <p>23 to look at the development future of the</p> <p>24 property.</p> <p>25 MS. MENENDEZ: But without the uses? I</p>	<p style="text-align: right;">Page 42</p> <p>1 mean, how do you do all of that without</p> <p>2 determining the uses? I just don't understand.</p> <p>3 THE BASS: The uses --</p> <p>4 MS. MENENDEZ: Is it relevant whether you</p> <p>5 put a dorm or you put an office or you put a</p> <p>6 classroom? To me, it is.</p> <p>7 MR. BASS: To you, it is --</p> <p>8 MS. MENENDEZ: It is. It impacts.</p> <p>9 Different impacts. Different uses has</p> <p>10 different impacts to the area. So that's why</p> <p>11 I'm kind of like having a difficult time</p> <p>12 just -- you know, when you look at the findings</p> <p>13 of facts which were given, and I know that our</p> <p>14 Staff has recommended this, but when you look</p> <p>15 at the findings of fact, it's all tied to a</p> <p>16 project.</p> <p>17 You know, you have things like, as an</p> <p>18 example, Goal 1 under the Comprehensive Plan</p> <p>19 Goal, protect, strength, enhancing the City of</p> <p>20 Coral Gables as a vibrant community, ensuring</p> <p>21 that its neighborhoods, business opportunity,</p> <p>22 shopping, employment centers, la, la, la -- we</p> <p>23 don't know. We don't know the project. We</p> <p>24 don't know the uses. We don't know any of</p> <p>25 these.</p>
<p style="text-align: right;">Page 43</p> <p>1 I know that they're all satisfied, but, to</p> <p>2 me, as a Board Member, I can't say that these</p> <p>3 are all met.</p> <p>4 MR. BEHAR: You know, it shows satisfied,</p> <p>5 but it may be a checklist, when I hear</p> <p>6 Mr. Trias saying that you expressed the same</p> <p>7 concern to the Applicant and they wanted to</p> <p>8 move forward.</p> <p>9 MR. TRIAS: I did. I expressed to them --</p> <p>10 MS. MENENDEZ: Look at this one, its effect</p> <p>11 on the level of service of public</p> <p>12 infrastructure. I don't know. It depends on</p> <p>13 the use of the property. Its effects on the</p> <p>14 environmental resources. I don't know.</p> <p>15 MR. BASS: Ms. Menendez, all of that</p> <p>16 includes -- the potential uses are included in</p> <p>17 the UCD Zoning District Regulations. Those are</p> <p>18 the -- that is the pallet of uses. That's what</p> <p>19 makes the University very different from other</p> <p>20 single owner Site Specific occupiers.</p> <p>21 So there is a pallet of uses that are</p> <p>22 approved as part of the Campus, and those uses</p> <p>23 operate very, very differently. For example,</p> <p>24 people may go to class there, who live on</p> <p>25 campus.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. MENENDEZ: Right. Right.</p> <p>2 MR. BASS: Right. People may live there</p> <p>3 and go to class elsewhere.</p> <p>4 MS. MENENDEZ: Right.</p> <p>5 MR. BASS: But if they're there, they're</p> <p>6 participating in a University use, which is</p> <p>7 part of the legislative regime, like it or not,</p> <p>8 that the City Commission adopted when they</p> <p>9 adopted the UCD, set into motion the process by</p> <p>10 which the Campus adopts and modifies its Campus</p> <p>11 Master Plan and regulates heights, densities</p> <p>12 and setbacks on a campus wide basis.</p> <p>13 And what I can tell you is, this will be</p> <p>14 subject to the same uses that are allowed in</p> <p>15 the UCD, and that's the way the Campus was set</p> <p>16 up to operate under the UCD District</p> <p>17 Regulations. You're not reviewing a</p> <p>18 development order here.</p> <p>19 MS. MENENDEZ: No, but we're changing</p> <p>20 Zoning and Land Use. We're changing Zoning and</p> <p>21 Land Use.</p> <p>22 MR. BASS: Yes, and through the process</p> <p>23 that governs the changing of Zoning and Land</p> <p>24 Use, which does not include the requirement</p> <p>25 that there be a Site Plan. And so if what</p>

<p style="text-align: right;">Page 45</p> <p>1 you're saying to me is, I am uncomfortable with</p> <p>2 the fact that you comply with our regulations</p> <p>3 and haven't gone beyond them to give a Site</p> <p>4 Plan that's not required, then you're not</p> <p>5 faithfully applying the regulations as they're</p> <p>6 written and you're holding us accountable for</p> <p>7 something that the Code does not authorize you</p> <p>8 to base a decision on.</p> <p>9 MS. MENENDEZ: The Code -- I just mentioned</p> <p>10 the fact that the Code, under Section 3-1506,</p> <p>11 provides review standards for Comprehensive</p> <p>12 Plan amendments. It lists, some of which I</p> <p>13 mentioned, and how can we determine these to be</p> <p>14 okay if we don't have the uses?</p> <p>15 MR. BASS: You do. They're in the</p> <p>16 University Campus District Regulations.</p> <p>17 MS. MENENDEZ: I understand that, but we're</p> <p>18 talking about a location --</p> <p>19 MR. BEHAR: No, we don't, Jeff. I'm sorry.</p> <p>20 I agree with Maria. We don't. You know, we</p> <p>21 don't know what could happen there.</p> <p>22 MS. MENENDEZ: It could be anywhere. It's</p> <p>23 a big difference having it in the middle of the</p> <p>24 Campus, you know, as compared to having it on</p> <p>25 the edge of the campus. It depends on the</p>	<p style="text-align: right;">Page 46</p> <p>1 uses. Are you putting dorms? Are you putting</p> <p>2 classes? You know, are you putting -- to me,</p> <p>3 it depends on the uses.</p> <p>4 MR. BASS: Okay. And if I may, and I don't</p> <p>5 mean to be argumentative, let me just back up.</p> <p>6 Comprehensive planning is based on categories,</p> <p>7 right. Comp Plans have categories. Categories</p> <p>8 include lists of permissible uses. That's what</p> <p>9 comprehensive planning does.</p> <p>10 When you amend the Comprehensive Plan,</p> <p>11 you're amending the Comprehensive Plan</p> <p>12 categories. So we're asking you to change from</p> <p>13 one existing category to another existing</p> <p>14 category, and by making that change, you're</p> <p>15 saying that the uses, defined as permissible</p> <p>16 legislatively within that category, are</p> <p>17 appropriate here. You never grant a Comp Plan</p> <p>18 change tied to one specific use. That's</p> <p>19 inconsistent with the nature of comprehensive</p> <p>20 planning.</p> <p>21 MS. MENENDEZ: But Zoning, we do. With</p> <p>22 Zoning, we do it all of the time. You're going</p> <p>23 to change Zoning, we're going to know the use.</p> <p>24 That's how -- you know, it's Commercial versus</p> <p>25 Residential. In this case, it's the</p>
<p style="text-align: right;">Page 47</p> <p>1 University's Master Campus.</p> <p>2 MR. BASS: And you know the use, which is</p> <p>3 University, and if that's not enough, I</p> <p>4 can't go any further than that.</p> <p>5 MS. MENENDEZ: But it's kind of broad,</p> <p>6 don't you think?</p> <p>7 MR. BEHAR: Very broad. That's very broad,</p> <p>8 you know. And you're right, when we do a</p> <p>9 Zoning change and a Comprehensive, we either go</p> <p>10 to a more specific whether it's MXD or</p> <p>11 something, and it's more specific regulations</p> <p>12 that will dictate what is permissible there.</p> <p>13 Here, this is Cart Blanche. This is</p> <p>14 whatever the University wants to put there,</p> <p>15 and, you know -- and, yes, you may be right,</p> <p>16 but I've been on this Board, in different, you</p> <p>17 know, time frames, for over 16, 17 years, and I</p> <p>18 have never seen an application that is, give me</p> <p>19 a Zoning change, give me everything, without</p> <p>20 anything to tie it to that specific, you know.</p> <p>21 And, yes, you may be right, but you know</p> <p>22 what --</p> <p>23 MS. MENENDEZ: And it's probably the nature</p> <p>24 of the University, right, because it's a unique</p> <p>25 situation, but maybe -- then why are we even</p>	<p style="text-align: right;">Page 48</p> <p>1 reviewing the Comp changes and the Zoning</p> <p>2 changes, if we're not going to have any</p> <p>3 involvement in what's going in there to begin</p> <p>4 with? It doesn't make sense to me.</p> <p>5 CHAIRMAN AIZENSTAT: Ramon.</p> <p>6 MR. TRIAS: Mr. Chairman, I would say that</p> <p>7 the comments are very valid, but I think that</p> <p>8 what's going on is simply that the University</p> <p>9 is following the process, as it was determined</p> <p>10 to be appropriate about a decade ago. Now,</p> <p>11 I've expressed some concerns about that</p> <p>12 process. There are some things that I would</p> <p>13 like to do different, but yet that is the</p> <p>14 process in place.</p> <p>15 Now, I think, if -- I may be wrong, but I</p> <p>16 don't remember any recent changes to the Land</p> <p>17 Use and Zoning for the University, right? And</p> <p>18 that is probably why you're reacting this way.</p> <p>19 Now, in recent years, they made some</p> <p>20 changes to the Master Plan, and they were</p> <p>21 reviewed according to the process set up by</p> <p>22 other people, not by me or, I don't think, by</p> <p>23 any of you, and that has resulted in many</p> <p>24 buildings that are of very high quality, I</p> <p>25 think, and they followed the rules.</p>

<p style="text-align: right;">Page 49</p> <p>1 So I think the frustration here is simply</p> <p>2 that the rules are very special and they're</p> <p>3 different than the rules that apply elsewhere,</p> <p>4 and the way that I justify it, the way that I</p> <p>5 understand it, from my professional point of</p> <p>6 view, is that it is special. It is the</p> <p>7 University. It's unique. And that is the way</p> <p>8 the process was set up 10 years ago, as a</p> <p>9 result of significant discussion, as I</p> <p>10 understand it, and that's where we are.</p> <p>11 MR. BEHAR: I don't think we want to go</p> <p>12 back 10 years or eight years, whenever that</p> <p>13 occurred, because, you know, personally I may</p> <p>14 have different opinions, reservations about</p> <p>15 that, okay. But can a process be done -- let</p> <p>16 me ask you -- unlike -- if we were to consider</p> <p>17 to approve this, that it will be required, for</p> <p>18 whatever the University wants to do there, that</p> <p>19 would come through the process as a normal --</p> <p>20 MR. TRIAS: As a Site Plan review?</p> <p>21 MR. BEHAR: Yes. Not like it would be done</p> <p>22 at the University.</p> <p>23 CHAIRMAN AIZENSTAT: That's not the way</p> <p>24 that District reads.</p> <p>25 MR. TRIAS: RIGHT. That is deliberately</p>	<p style="text-align: right;">Page 50</p> <p>1 not like that.</p> <p>2 MS. MENENDEZ: Exactly.</p> <p>3 MR. BEHAR: Exactly. And that's my</p> <p>4 concern.</p> <p>5 MS. MENENDEZ: So I question, why are we</p> <p>6 even looking at changing -- us, like</p> <p>7 recommending the change of Zoning and the Comp,</p> <p>8 if, in fact, we don't provide input on the</p> <p>9 uses or the development or the Site Plan? It</p> <p>10 doesn't make sense to me.</p> <p>11 MR. BEHAR: Nothing.</p> <p>12 MR. TRIAS: That's a very valid critique,</p> <p>13 yes.</p> <p>14 MR. BEHAR: I would feel comfortable</p> <p>15 recommending approval with the condition that</p> <p>16 they will have to come back for whatever</p> <p>17 specifically will be proposed on that site.</p> <p>18 CHAIRMAN AIZENSTAT: But then that changes</p> <p>19 the whole idea of the University.</p> <p>20 MS. MENENDEZ: We're just the recommending</p> <p>21 Board. We can do that. They don't have to</p> <p>22 listen to us, but -- let me ask you something</p> <p>23 -- can I ask you a quick question?</p> <p>24 MR. BASS: If people would feel better, you</p> <p>25 know, like expressing it that way, I'm not</p>
<p style="text-align: right;">Page 51</p> <p>1 going to agree with it, but I get it and I</p> <p>2 understand.</p> <p>3 MS. MENENDEZ: Can I ask a quick question?</p> <p>4 On this Page 4 of the Staff report, you have</p> <p>5 these little properties here that's in that</p> <p>6 same block. Did you guys go through a similar</p> <p>7 process or was that before the 10-year mark</p> <p>8 when everything changed?</p> <p>9 MS. GAVARRETE: That was --</p> <p>10 MR. BASS: Hang on. Hang on. Janet</p> <p>11 Gavarrete, on behalf of the University.</p> <p>12 MS. GAVARRETE: Under the UMCAD</p> <p>13 regulations.</p> <p>14 MR. COLLER: Can we do this, because she's</p> <p>15 not sworn in. Why don't we do this, let's get</p> <p>16 the witness sworn in. Let's have her state her</p> <p>17 name and address and then we have you as part</p> <p>18 of the record.</p> <p>19 (Thereupon, the participant was sworn.)</p> <p>20 MS. GAVARRETE: Janet Gavarrete.</p> <p>21 I do.</p> <p>22 MR. BASS: Hang on one second, just because</p> <p>23 I love Mr. Coller and I haven't gotten to speak</p> <p>24 to him. A good amount of this is legislative,</p> <p>25 where we wouldn't have to swear the witness.</p>	<p style="text-align: right;">Page 52</p> <p>1 So by me having her sworn doesn't --</p> <p>2 MR. COLLER: Well, there's part of this</p> <p>3 that is legislative and there's part of this</p> <p>4 that's Zoning.</p> <p>5 MR. BASS: I just want to preserve that.</p> <p>6 CHAIRMAN AIZENSTAT: Could you state your</p> <p>7 name and address, for the record?</p> <p>8 MS. GAVARRETE: Yes. My name is Janet</p> <p>9 Gavarrete and I am at 1535 Levante Avenue, at</p> <p>10 the University of Miami. And the --</p> <p>11 MS. MENENDEZ: Ms. Gavarrete, the</p> <p>12 properties here, can you just tell us what</p> <p>13 process they went through when they were</p> <p>14 purchased by the University of Miami? Do you</p> <p>15 know which ones I'm referring to?</p> <p>16 MS. GAVARRETE: Yes, I do, the ones that</p> <p>17 are on Ponce, the ones that are on Levante.</p> <p>18 MS. MENENDEZ: Yes.</p> <p>19 MS. GAVARRETE: They were Zoned that way</p> <p>20 under the previous PAD Ordinance.</p> <p>21 MS. MENENDEZ: For the University?</p> <p>22 MS. GAVARRETE: Yes. And so that is part</p> <p>23 of the Campus District.</p> <p>24 MS. MENENDEZ: It was the old process?</p> <p>25 MS. GAVARRETE: Yes. And so we --</p>

<p style="text-align: right;">Page 53</p> <p>1 MS. MENENDEZ: I'm sorry to cut you off. I</p> <p>2 shouldn't do that. But is this the first</p> <p>3 property that you all are going through with</p> <p>4 the new process?</p> <p>5 MS. GAVARRETE: Yes. So it is very much --</p> <p>6 it's exactly like that. When we bought</p> <p>7 these -- the other properties, the other</p> <p>8 parcels, we went through this very same</p> <p>9 process, and now we have purchased this one,</p> <p>10 and we are extending this Land Use and Zoning,</p> <p>11 so that then we can incorporate this parcel as</p> <p>12 part of our Master Plan and assign square</p> <p>13 footage and a use, which we're exploring. In</p> <p>14 all cases, it's going to be academic.</p> <p>15 MS. MENENDEZ: Right.</p> <p>16 MR. GRABIEL: May I?</p> <p>17 CHAIRMAN AIZENSTAT: Yes. Julio.</p> <p>18 MR. GRABIEL: I'm in between here. I see</p> <p>19 that there's a lot of benefits to the City of</p> <p>20 Coral Gables to have the University purchase</p> <p>21 that property. I think everybody, even though</p> <p>22 they may not be members of that church, feel</p> <p>23 something about that church, because we drive</p> <p>24 by it east, west, north and south almost every</p> <p>25 other day. So it's required for us to have and</p>	<p style="text-align: right;">Page 54</p> <p>1 protect that as part of the City fabric.</p> <p>2 I see that there are a lot of safety</p> <p>3 valves, and I understand Members of our Board</p> <p>4 that are concerned with what could happen on</p> <p>5 that property, but, A, it's historic, and I</p> <p>6 suspect -- I will be very surprised if the</p> <p>7 Historic Board would allow for the sanctuary to</p> <p>8 be torn down. The other buildings, I've driven</p> <p>9 by it, I don't remember them as being of great</p> <p>10 architectural value. They might have some</p> <p>11 historic value, but architectural value, I</p> <p>12 don't see it there. That's Number One.</p> <p>13 The surrounding area is all commercial and</p> <p>14 retail. So if you put anything that's academic</p> <p>15 or similar to academic, there will be no</p> <p>16 conflict with the commercial and the retail</p> <p>17 area. The University, much to all of the</p> <p>18 residents of Coral Gables' happiness, on the</p> <p>19 last few years or decades, have increased the</p> <p>20 quality of the architecture of the buildings</p> <p>21 that they have built. They're a level above</p> <p>22 what it used to be before. And if you do</p> <p>23 anything, you have to go through the Board of</p> <p>24 Architects, also.</p> <p>25 So I understand the discomfort of approving</p>
<p style="text-align: right;">Page 55</p> <p>1 something without knowing what it will be, but</p> <p>2 I think we have enough safety valves on that</p> <p>3 site, plus additional buildings that are owned</p> <p>4 by the University, that I don't feel</p> <p>5 uncomfortable approving the change.</p> <p>6 CHAIRMAN AIZENSTAT: Would you like to make</p> <p>7 a motion?</p> <p>8 MR. GRABIEL: Well, there's how many,</p> <p>9 three?</p> <p>10 MR. COLLIER: There's four items. We would</p> <p>11 appropriately take the Comp Plan amendment</p> <p>12 first.</p> <p>13 MR. BEHAR: Julio, I would agree with you</p> <p>14 99 percent, and I think the University is doing</p> <p>15 a fantastic job with the new buildings that</p> <p>16 they're doing. There's no question.</p> <p>17 I don't know, because I have not sat on the</p> <p>18 Board of Architects for many years, to really</p> <p>19 what -- you know, how much, for lack of a</p> <p>20 better word, power the Board of Architects has</p> <p>21 to a building that the University proposes.</p> <p>22 MR. TRIAS: If I could testify on that</p> <p>23 issue. I think that they do a great job and</p> <p>24 they're very conscientious and they have a City</p> <p>25 architect, just like we have, that is</p>	<p style="text-align: right;">Page 56</p> <p>1 responsible for their architecture, and that is</p> <p>2 one of the reasons why I feel comfortable with</p> <p>3 making the recommendation, because we've had</p> <p>4 such a great experience with the Board of</p> <p>5 Architects review.</p> <p>6 MR. BEHAR: Look, I think one of the best</p> <p>7 buildings that we have in the City today is the</p> <p>8 Lennar Center. That is, to me, a beautiful,</p> <p>9 very well done building. It's a great example</p> <p>10 of good architecture, very good architecture.</p> <p>11 So we're not going to disagree there.</p> <p>12 MR. TRIAS: Did that one come to the</p> <p>13 Planning and Zoning Board?</p> <p>14 MR. BASS: I was going to tell you, it was</p> <p>15 approved without a public hearing.</p> <p>16 MR. BEHAR: You know, but --</p> <p>17 MR. TRIAS: Right. And all I'm saying is</p> <p>18 that --</p> <p>19 MR. BASS: No, I said it was approved</p> <p>20 without a public hearing.</p> <p>21 MS. VELEZ: So that's the way it works?</p> <p>22 MR. TRIAS: Yeah, right. It did not. It</p> <p>23 did not. And what I'm saying is that --</p> <p>24 MR. BASS: The change to the Land</p> <p>25 Development Regulations that allowed it to be</p>

<p style="text-align: right;">Page 57</p> <p>1 built came to this Board.</p> <p>2 MS. MENENDEZ: Yeah, it came to this Board.</p> <p>3 MR. BASS: But not the building.</p> <p>4 MS. MENENDEZ: No. No. The building, I</p> <p>5 know. But we knew what was going to go in.</p> <p>6 MR. COLLER: It's really very helpful, and</p> <p>7 I don't really -- I don't want to -- I'm trying</p> <p>8 here not to, but you really need to come to the</p> <p>9 mike, because we want to get your testimony.</p> <p>10 It's very important. I'm doing this for the</p> <p>11 benefit of the court reporter.</p> <p>12 MR. BASS: She was just agreeing with me</p> <p>13 behind my back.</p> <p>14 MR. COLLER: I'm doing this for the benefit</p> <p>15 of the court reporter.</p> <p>16 I just want to clarify something. Ramon, I</p> <p>17 just want to ask you a question. Any change to</p> <p>18 the structure at all is going to have to go</p> <p>19 through the Historic Preservation Board; is</p> <p>20 that correct?</p> <p>21 MR. TRIAS: Yes, plus the Board of Architects.</p> <p>22 MR. COLLER: And also the Board of</p> <p>23 Architects? So they could not -- the question</p> <p>24 was, could they create a dorm from this</p> <p>25 facility? I mean, they'd have to go through</p>	<p style="text-align: right;">Page 58</p> <p>1 the Historic Preservation Board. So there are</p> <p>2 Boards that are going to review that and</p> <p>3 presumably the architectural review board is</p> <p>4 going to review any re-design of the building,</p> <p>5 if such a re-design were authorized by the</p> <p>6 Historic Preservation Board? Am I correct in</p> <p>7 saying that?</p> <p>8 MR. TRIAS: Yes, you are correct. The way</p> <p>9 I would describe this is that the Board of</p> <p>10 Architects is the process that has the most</p> <p>11 impact on the outcomes. In most development</p> <p>12 projects, that would not be the case. They</p> <p>13 would have to come here first and go through</p> <p>14 Commission approval and so on. In their case,</p> <p>15 it's really the Board of Architects, and that</p> <p>16 is the way the process was designed. It's not</p> <p>17 something that they're doing now, that's</p> <p>18 somehow -- no, that was deliberately designed</p> <p>19 like that about 10 years ago, more or less.</p> <p>20 MS. MENENDEZ: The only thing I have a</p> <p>21 problem with is the standards that we review in</p> <p>22 order to provide a Land Use and a Zoning</p> <p>23 change, and these standards, whether they're</p> <p>24 right or wrong, are tied to the Site Plan, the</p> <p>25 use -- you know, the whole movement, the whole</p>
<p style="text-align: right;">Page 59</p> <p>1 look, the whole -- so that's the problem I</p> <p>2 have. And that's why I say, if we're not going</p> <p>3 to look at it, then why are we even reviewing</p> <p>4 the change of Zoning and Land Use? That's what</p> <p>5 I don't understand.</p> <p>6 MR. TRIAS: If I could make a comment on</p> <p>7 that. I think that the Comp Plan has a</p> <p>8 missing -- a gap, and it just doesn't address</p> <p>9 the University. For whatever reason, there's</p> <p>10 no University element. If there was, then it</p> <p>11 could have more specialized criteria that I</p> <p>12 think we could apply to this case, because it's</p> <p>13 so different than the rest of the projects.</p> <p>14 But that's just my perspective on it.</p> <p>15 CHAIRMAN AIZENSTAT: Maria, you had a</p> <p>16 comment?</p> <p>17 MS. VELEZ: The way I'm seeing this, it's</p> <p>18 wide open. I don't see any restriction on</p> <p>19 putting up a parking garage that's seven, six</p> <p>20 stories high.</p> <p>21 MS. MENENDEZ: Is that a University use?</p> <p>22 MR. BEHAR: Yes.</p> <p>23 MS. VELEZ: I would think so.</p> <p>24 MS. MENENDEZ: Right.</p> <p>25 MS. VELEZ: So that's my concern. I mean,</p>	<p style="text-align: right;">Page 60</p> <p>1 I like what the University has done. I am a UM</p> <p>2 graduate, and I'm very proud of the way the</p> <p>3 University has developed and has really come up</p> <p>4 in the world, and it could be beautiful, but</p> <p>5 this is asking us to give you basically Cart</p> <p>6 Blanche, that hopefully you would not be</p> <p>7 putting up a garage there.</p> <p>8 But I'm looking at Section -- of the Zoning</p> <p>9 change, Section 889, Riviera Section Part 14</p> <p>10 C5, a structural addition having a tower,</p> <p>11 crossing out the cross, of approximately 68</p> <p>12 feet in height to the First Methodist Church of</p> <p>13 South Miami.</p> <p>14 So we could be putting up a tower 68 feet</p> <p>15 in height and there's no limitation of what</p> <p>16 type of tower that could be. It could be</p> <p>17 offices. It could be classrooms. It could be</p> <p>18 a parking garage.</p> <p>19 MR. TRIAS: The proposed height is 72 right</p> <p>20 know. So you are correct.</p> <p>21 MR. BEHAR: Maria, you hit it right on the</p> <p>22 money. I don't have a problem with a structure</p> <p>23 being 72 -- six stories, 72. I have a problem</p> <p>24 with putting a parking garage, that -- if the</p> <p>25 University would put a parking garage there, as</p>

<p style="text-align: right;">Page 61</p> <p>1 an example. Since we will not be able to</p> <p>2 control it, you know, because we would not,</p> <p>3 that's my concern. That's my problem.</p> <p>4 And you're right, if we were saying, we're</p> <p>5 going to put an office building or we're going</p> <p>6 to put even a residential building, I would be</p> <p>7 okay with it. The uncertainty of what could go</p> <p>8 there, it would be, to me, very concerning. It</p> <p>9 is very concerning.</p> <p>10 CHAIRMAN AIZENSTAT: In other words, your</p> <p>11 concern is that there's no review on the use.</p> <p>12 MR. BEHAR: Yeah.</p> <p>13 MS. ANDERSON: No review of the use. We</p> <p>14 don't even know if it's --</p> <p>15 MS. VELEZ: Once it goes to University, our</p> <p>16 hands are tied. Nobody looks at it. It gets</p> <p>17 done.</p> <p>18 MR. TRIAS: There are two reviews. One of</p> <p>19 is the Staff review of the Master Plan. The</p> <p>20 second one is a review of the Board of</p> <p>21 Architects. Actually a third review is the</p> <p>22 Historic Preservation Board.</p> <p>23 MR. BEHAR: But if we grant this -- look,</p> <p>24 you know, they could put whatever use is part</p> <p>25 of their regulation.</p>	<p style="text-align: right;">Page 62</p> <p>1 MS. ANDERSON: Part of the pallet.</p> <p>2 MR. BEHAR: Yeah. I agree with Julio.</p> <p>3 Look, the sanctuary is a beautiful building. I</p> <p>4 don't think there's too many things that are</p> <p>5 going to happen to that building, but the rest</p> <p>6 of the buildings are not of any significant</p> <p>7 contribution. So they could be taken down.</p> <p>8 MR. TRIAS: But I will disclose that the</p> <p>9 Applicant told me, and they may want to confirm</p> <p>10 or not, that the only portion that they were</p> <p>11 thinking of preserving was not the sanctuary,</p> <p>12 but the chapel, which is a very small part of</p> <p>13 the area. I don't know if that's true or not,</p> <p>14 but that's what I was told.</p> <p>15 CHAIRMAN AIZENSTAT: Mr. Bass, you pretty</p> <p>16 much heard the comments that the Board Members</p> <p>17 have made.</p> <p>18 MR. BASS: I heard them. They were not a</p> <p>19 study in a nuance.</p> <p>20 CHAIRMAN AIZENSTAT: Is there anything</p> <p>21 you'd like to offer?</p> <p>22 MR. BASS: By way of comments, I would just</p> <p>23 simply say, addressing the parking garage</p> <p>24 hypothetical, so if we wanted to put a parking</p> <p>25 garage there, we'd have to go through the</p>
<p style="text-align: right;">Page 63</p> <p>1 Master Plan amendment process to do so, which</p> <p>2 is an administrative review, performed by your</p> <p>3 administrative Staff.</p> <p>4 So we would have to sit down with the</p> <p>5 Planning Director and impress upon the Planning</p> <p>6 Director why he should allow us -- just to</p> <p>7 engage in this hypothetical. We have no plans</p> <p>8 to put a parking garage there, I dare say.</p> <p>9 That would probably not be the best use of</p> <p>10 that -- but we would have to be able to survive</p> <p>11 the sit down with the Planning Director to go</p> <p>12 through the Master Plan amendment, which is the</p> <p>13 legislatively established process to do that.</p> <p>14 So that is, to coin a phrase, baked into</p> <p>15 the regulations that were adopted, but usually</p> <p>16 when somebody asks you whether you have</p> <p>17 anything else to add, that means that they've</p> <p>18 heard enough. So with that said, I do</p> <p>19 appreciate your time and attention and we would</p> <p>20 ask that you move us along to Commission with</p> <p>21 whatever recommendation. We ask for a</p> <p>22 favorable one, but we certainly understand the</p> <p>23 Board's comments.</p> <p>24 CHAIRMAN AIZENSTAT: Is there a motion</p> <p>25 anybody would like to make? Maria?</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. MENENDEZ: Not at this time. Not the</p> <p>2 way -- I mean --</p> <p>3 MR. BEHAR: I'm going to take it.</p> <p>4 MS. MENENDEZ: Okay. Go.</p> <p>5 MR. BEHAR: You know, since I see that the</p> <p>6 Applicant is not willing to satisfy at least my</p> <p>7 need, I will make a motion to deny this</p> <p>8 application, all four items.</p> <p>9 CHAIRMAN AIZENSTAT: Is there a second?</p> <p>10 MS. ANDERSON: I'll second it.</p> <p>11 CHAIRMAN AIZENSTAT: We have a second.</p> <p>12 Any discussion?</p> <p>13 Having heard none, call the roll please.</p> <p>14 THE SECRETARY: Julio Grabiell?</p> <p>15 MR. GRABIEL: No.</p> <p>16 THE SECRETARY: Maria Menendez?</p> <p>17 MS. MENENDEZ: No.</p> <p>18 THE SECRETARY: Maria Velez?</p> <p>19 MS. VELEZ: No.</p> <p>20 THE SECRETARY: Rhonda Anderson?</p> <p>21 MS. ANDERSON: Yes.</p> <p>22 THE SECRETARY: Robert Behar?</p> <p>23 MR. BEHAR: Yes.</p> <p>24 THE SECRETARY: Eibi Aizenstat?</p> <p>25 CHAIRMAN AIZENSTAT: Yes.</p>



<p style="text-align: right;">Page 65</p> <p>1 So we have a tie.</p> <p>2 MR. TRIAS: The motion fails in a tie.</p> <p>3 MR. COLLER: So another motion is in order</p> <p>4 at this point.</p> <p>5 CHAIRMAN AIZENSTAT: Is it or does it go</p> <p>6 on --</p> <p>7 MR. COLLER: Well, let's take a look at the</p> <p>8 rule on this.</p> <p>9 CHAIRMAN AIZENSTAT: I think it passes on</p> <p>10 to the Commission.</p> <p>11 MR. COLLER: Maybe it passes on without a</p> <p>12 recommendation.</p> <p>13 CHAIRMAN AIZENSTAT: That is correct.</p> <p>14 MR. COLLER: I think that may well be what</p> <p>15 it is.</p> <p>16 MR. BEHAR: That's what would happen.</p> <p>17 MR. COLLER: Right.</p> <p>18 MR. TRIAS: Mr. Attorney, could you review</p> <p>19 the rule?</p> <p>20 MR. COLLER: Yeah, I'm going to take a</p> <p>21 look. Unfortunately, I'm having terrible</p> <p>22 internet problems. I don't know what's wrong</p> <p>23 with my computer, but let me see if I can get</p> <p>24 the Planning and Zoning Board rules.</p> <p>25 CHAIRMAN AIZENSTAT: Should we take a</p>	<p style="text-align: right;">Page 66</p> <p>1 five-minute recess while you look for that?</p> <p>2 MR. COLLER: Why don't we take a</p> <p>3 five-minute break. I think that would be a</p> <p>4 great idea. Thank you.</p> <p>5 (Short recess taken.)</p> <p>6 CHAIRMAN AIZENSTAT: Let's go ahead and</p> <p>7 reconvention, please. The time is 7:16.</p> <p>8 MR. COLLER: So, reviewing the Code, you</p> <p>9 need to have a majority of four people for a</p> <p>10 recommendation. Otherwise it goes without a</p> <p>11 recommendation. I think the Board has a right,</p> <p>12 on a tie vote, to -- if you want to try for</p> <p>13 another motion that you feel might pass on a</p> <p>14 four vote, I think the Board should have the</p> <p>15 ability to do that. They may not want to do</p> <p>16 that in this case, but I believe that the Board</p> <p>17 can, if you choose to fashion another motion</p> <p>18 that would be acceptable to the majority of the</p> <p>19 Board.</p> <p>20 The other thing I just wanted to point out</p> <p>21 is, I don't know if the problem is really Item</p> <p>22 E-3, which, as I understand, sets out the</p> <p>23 frontages and the heights, and maybe the Board</p> <p>24 may want to make a recommendation on some of</p> <p>25 the items and not all of the items and -- or</p>
<p style="text-align: right;">Page 67</p> <p>1 you may be very happy with the three-three vote</p> <p>2 you've already done, and it will just go</p> <p>3 without a recommendation, but you may want to</p> <p>4 weigh in, because I think the Board is a bit</p> <p>5 concerned about, we don't know what's going to</p> <p>6 be there.</p> <p>7 So you may want to -- even if you -- so</p> <p>8 that was my only thought on it, but it's</p> <p>9 entirely up to the Board how you want to handle</p> <p>10 it.</p> <p>11 MR. BEHAR: Can I ask you a question? Can</p> <p>12 we -- and this is something that we will ask --</p> <p>13 I will ask the Applicant. Can we -- I know</p> <p>14 there's an existing agreement, Development</p> <p>15 Agreement, with the University, but can that</p> <p>16 agreement be modified for like Site Specifics</p> <p>17 or there's no -- for example, you know, if the</p> <p>18 Applicant would be -- consider to put a</p> <p>19 condition that whatever they do there will have</p> <p>20 to come through the process?</p> <p>21 MR. COLLER: Well, I think that -- while</p> <p>22 the Applicant can proffer that in a voluntarily</p> <p>23 proffered covenant, that they would come back,</p> <p>24 I don't know if you can enforce this, because</p> <p>25 all of these things are Ordinances.</p>	<p style="text-align: right;">Page 68</p> <p>1 So I think the only thing that you could do</p> <p>2 is, even if you come with a tie vote, you can</p> <p>3 always indicate in your recommendation, which</p> <p>4 is no recommendation, that although we have no</p> <p>5 recommendation, we're concerned about what is</p> <p>6 ultimately going to be on the property and we</p> <p>7 hope that the City would have some arrangement</p> <p>8 with the University to have some control over</p> <p>9 that. You can indicate that, as well.</p> <p>10 I think you have a -- because this is</p> <p>11 ultimately a recommending body and you're going</p> <p>12 to have no recommendation on a three-three</p> <p>13 vote, I think you can certainly include an</p> <p>14 explanation.</p> <p>15 CHAIRMAN AIZENSTAT: Maria.</p> <p>16 MS. MENENDEZ: I have a question. It just</p> <p>17 came to my mind. Why don't we postpone this</p> <p>18 until they come up with whatever they plan to</p> <p>19 do, they go through Ramon, Ramon loves it,</p> <p>20 Architectural Board loves it, Historic Board</p> <p>21 does whatever they do, and then you come in for</p> <p>22 the Land Use and the Site -- or the Zoning?</p> <p>23 Why is it that you have to do this first? Is</p> <p>24 it that you want to get the public process out</p> <p>25 of the way?</p>

<p style="text-align: right;">Page 69</p> <p>1 MR. BEHAR: But, wait. There's --</p> <p>2 MR. COLLIER: Can I make just a comment,</p> <p>3 just generally with regard to the Board?</p> <p>4 There's a concern that the Board, as a</p> <p>5 recommending body, would essentially create a</p> <p>6 kind of a pocket veto by basically deferring to</p> <p>7 a date uncertain, and then it would be denying</p> <p>8 the opportunity for the City Commission to</p> <p>9 review it.</p> <p>10 If the Board needed a deferral to the next</p> <p>11 meeting, because there was information that was</p> <p>12 not provided that you need, then that would be</p> <p>13 one thing, but to defer it to wait for them to</p> <p>14 come up with a specific use, that's problematic</p> <p>15 in the process, because it's not permitting the</p> <p>16 Commission to review it.</p> <p>17 MR. BEHAR: Can we hear from the Applicant</p> <p>18 a second?</p> <p>19 MS. MENENDEZ: But let me just clear,</p> <p>20 because he answered something. I'm not saying</p> <p>21 to do that -- what I'm trying to say is, I'm</p> <p>22 trying to understand the process that exists in</p> <p>23 the UM Development Agreement and our role in</p> <p>24 it. That's what I'm trying to understand. And</p> <p>25 so I'm just thinking out loud, and this is</p>	<p style="text-align: right;">Page 70</p> <p>1 really a question to Staff, is there a</p> <p>2 possibility that maybe not for this -- I don't</p> <p>3 know why there's a rush for the Land Use and</p> <p>4 the Zoning, if we don't even know what's going</p> <p>5 in. I'm trying to figure that one out, but</p> <p>6 that's not for me to decide, but I'm just</p> <p>7 wondering if in the future we could consider a</p> <p>8 little bit of a reverse process, where, you</p> <p>9 know, you would review the Site Plan, and</p> <p>10 whatever Site Plan it is, once you've approved</p> <p>11 it, then comes for the different Zoning and</p> <p>12 Land Use? Or is it that we're just trying not</p> <p>13 to -- are we trying to avoid like a public</p> <p>14 process of the uses? Or is -- I mean, I'm just</p> <p>15 asking.</p> <p>16 CHAIRMAN AIZENSTAT: Maria, if I may, I'd</p> <p>17 like to ask the Applicant to speak.</p> <p>18 MR. BASS: In the interest of finding</p> <p>19 consensus and without elaborating on the</p> <p>20 extraordinarily complicated administration of</p> <p>21 University business, but highlighting just for</p> <p>22 a moment something as basic as being able to</p> <p>23 maintain the tax exempt status of the property</p> <p>24 as we roll into the next calendar year,</p> <p>25 requires certain Land Use and Zoning changes to</p>
<p style="text-align: right;">Page 71</p> <p>1 take place to be able to preserve it. That's</p> <p>2 just one.</p> <p>3 But in the interest of compromise, if I</p> <p>4 were to distilled the Board's concerns, as I've</p> <p>5 heard them, and we were to eliminate the</p> <p>6 portion of our request seeking to change the</p> <p>7 heights and setbacks on the frontage, leave</p> <p>8 those for another day and another public</p> <p>9 process, and ask for your approval on all of</p> <p>10 the other changes, leaving the heights and</p> <p>11 setbacks as they exist at present in the Code,</p> <p>12 then you know, should we come back with</p> <p>13 anything else that would require an alteration</p> <p>14 of those heights and setbacks, it would have to</p> <p>15 come before your Board at that time, when,</p> <p>16 perhaps, we have concluded our historic</p> <p>17 analysis of the property and are in a better</p> <p>18 position to come forward with more detailed</p> <p>19 program explanations than we're able to give</p> <p>20 this evening.</p> <p>21 So in the spirit of compromise, we would,</p> <p>22 you know -- for discussion purposes, if that</p> <p>23 got us to a favorable recommendation here, we</p> <p>24 would voluntarily withdraw that component of</p> <p>25 the application, which I think was the center</p>	<p style="text-align: right;">Page 72</p> <p>1 of most of the concern about what the palpable</p> <p>2 end product would be there, and it would ensure</p> <p>3 this Board's continued ability to review those</p> <p>4 types of issues, because we would have to come</p> <p>5 back to change that.</p> <p>6 MR. BEHAR: Ramon, what is the current</p> <p>7 height permitted there?</p> <p>8 MR. TRIAS: It's in the Site Specifics,</p> <p>9 because of the church.</p> <p>10 MR. BASS: I think it's four stories.</p> <p>11 MR. BEHAR: Huh?</p> <p>12 MR. BASS: I think it's four stories.</p> <p>13 CHAIRMAN AIZENSTAT: 68 feet.</p> <p>14 MR. TRIAS: And 68 feet for the tower. I</p> <p>15 mean, that's the maximum height.</p> <p>16 MS. VELEZ: That's for the tower.</p> <p>17 MR. TRIAS: Yeah. And 45 feet or three</p> <p>18 stories.</p> <p>19 MR. BASS: 45 feet for the rest. But that</p> <p>20 tower would be built above that.</p> <p>21 MR. TRIAS: Yeah. If you look at the Site</p> <p>22 Specifics in the report, they're all there.</p> <p>23 This is not a Commercially Zoned property, so</p> <p>24 the usual rules that you're used to in projects</p> <p>25 don't apply here. So the Site Specifics are</p>

<p style="text-align: right;">Page 73</p> <p>1 the ones that apply.</p> <p>2 MS. MENENDEZ: And this would require them</p> <p>3 to come back, if we eliminate this one?</p> <p>4 MR. TRIAS: Well, I don't think what the</p> <p>5 attorney is proposing can be done, because</p> <p>6 there has to be some frontage associated with</p> <p>7 the Zoning, I think. I mean, we may review it</p> <p>8 some more. My suggestion to the Applicant</p> <p>9 would be -- what I would suggest to you is</p> <p>10 that, the way I hear the concerns is that I</p> <p>11 think that there's a lack of understanding of</p> <p>12 the process and a desire to know more clearly</p> <p>13 how the process works, which I think is good.</p> <p>14 CHAIRMAN AIZENSTAT: That's not what I</p> <p>15 heard, though, from Mr. Bass. I think they had</p> <p>16 an urgency that deal with the tax implications</p> <p>17 by the end of the year.</p> <p>18 MS. MENENDEZ: With the taxes. That makes</p> <p>19 sense.</p> <p>20 MS. VELEZ: That makes sense.</p> <p>21 CHAIRMAN AIZENSTAT: To me, it makes total</p> <p>22 sense and I think the rest of my Board</p> <p>23 Members would agree with that.</p> <p>24 MR. BEHAR: I would agree with that.</p> <p>25 MS. ANDERSON: I would agree with that.</p>	<p style="text-align: right;">Page 74</p> <p>1 Would Item E-1 get you where you need to be on</p> <p>2 the tax exempt status?</p> <p>3 CHAIRMAN AIZENSTAT: So, at that point, I</p> <p>4 think, what I would have to ask both, Mr. Trias</p> <p>5 and the City Attorney, how to write or how</p> <p>6 to -- indicate to us what to vote on to make a</p> <p>7 recommendation based only on that point.</p> <p>8 MR. TRIAS: Yeah, and Mr. Bass had</p> <p>9 explained that to me, also, and that played a</p> <p>10 role in me bringing this recommendation to you,</p> <p>11 with the recommendation of approval, the fact</p> <p>12 that there's some timing issues.</p> <p>13 In my view, and the reason why I</p> <p>14 recommended approval, is that this is going to</p> <p>15 be the right Land Use and the right Zoning</p> <p>16 eventually, regardless of the project.</p> <p>17 CHAIRMAN AIZENSTAT: So Mr. Coller, what</p> <p>18 would we have to omit from our recommendation,</p> <p>19 based on these items, to be able to vote</p> <p>20 specifically just for the tax consequence for</p> <p>21 the University?</p> <p>22 MR. COLLER: I can't speak to the tax</p> <p>23 consequence. I understand the tax consequence,</p> <p>24 from a property tax, has to be owned and</p> <p>25 operated by the charitable institution. So I</p>
<p style="text-align: right;">Page 75</p> <p>1 really don't understand why is this required</p> <p>2 for the tax consequence, but I haven't done</p> <p>3 property taxes in about 30 years, so maybe</p> <p>4 there's something I'm not aware of.</p> <p>5 CHAIRMAN AIZENSTAT: Let me rephrase it a</p> <p>6 different way. Which of the items control the</p> <p>7 use?</p> <p>8 MR. COLLER: I'm going to have to ask</p> <p>9 Ramon. It seemed to me that if Items 1 and 2</p> <p>10 change it to the Campus District, Item 3 was</p> <p>11 the Site Specifics -- if the Site Specifics are</p> <p>12 left how they are --</p> <p>13 MR. TRIAS: This is what I would say. The</p> <p>14 only item that could be different is Item 3,</p> <p>15 which is the height. They could propose</p> <p>16 something different. The rest of them are</p> <p>17 going to be the same regardless of the project.</p> <p>18 Am I correct on that?</p> <p>19 MR. BASS: Yes.</p> <p>20 MR. COLLER: So, obviously, then, that</p> <p>21 would mean that you could approve 1, 2 and 4</p> <p>22 and recommend, because you're ultimately</p> <p>23 recommending, permitting to withdraw Item E-3</p> <p>24 and all being done in accordance with the</p> <p>25 Department's recommendation, with exception of</p>	<p style="text-align: right;">Page 76</p> <p>1 Item 3, which they had recommended approval,</p> <p>2 but you all are accepting their request to</p> <p>3 withdraw on 3. Does that work for Counsel?</p> <p>4 MR. BASS: Yes.</p> <p>5 MR. COLLER: Okay.</p> <p>6 CHAIRMAN AIZENSTAT: Does that ensure us</p> <p>7 that they would have to come back for --</p> <p>8 MS. VELEZ: No.</p> <p>9 MR. BEHAR: Anything other than the height.</p> <p>10 MR. COLLER: Well, first of all, if they --</p> <p>11 and, Ramon, correct me on this, if they do</p> <p>12 something different than what the Site</p> <p>13 Specifics allow, then they have to come back.</p> <p>14 They may not be able to do anything until they</p> <p>15 amend the Site Specifics.</p> <p>16 MR. TRIAS: I think that they need to have</p> <p>17 a frontage to review any kind of project, based</p> <p>18 on the rules of the University Campus, and the</p> <p>19 frontage is Item 3, the third item.</p> <p>20 MS. MENENDEZ: But is that something you</p> <p>21 review or is that something we review?</p> <p>22 MR. TRIAS: Well, the designation of that</p> <p>23 frontage, you will review it. That's why it's</p> <p>24 before you.</p> <p>25 MR. BASS: That's why we came up with that</p>

<p style="text-align: right;">Page 77</p> <p>1       compromise to keep --</p> <p>2       MS. MENENDEZ: So that's the requirement --</p> <p>3       MS. GAVARRETE: That's how you see us back</p> <p>4       again.</p> <p>5       MS. MENENDEZ: Right. That's a good</p> <p>6       compromise. I'm okay with that.</p> <p>7       MS. ANDERSON: Just one question for Ramon.</p> <p>8       Looking at Item E-4, does that not allow them</p> <p>9       to bypass coming back to us, by incorporating</p> <p>10      the Development Agreement already?</p> <p>11      MR. TRIAS: Well, what that does is that</p> <p>12      that changes the legal description. It doesn't</p> <p>13      have significance, in terms of development,</p> <p>14      except that it's part of the Campus.</p> <p>15      MS. GAVARRETE: Well, the significance is</p> <p>16      that we are not allowed to use any property</p> <p>17      outside of our legally defined Campus, and so,</p> <p>18      in order for us to use this, we need to</p> <p>19      amendment the legal description of the Campus.</p> <p>20      MS. ANDERSON: I understand now.</p> <p>21      MR. COLLIER: But, through the Chair, Ramon,</p> <p>22      they couldn't make an alteration in the</p> <p>23      property without resolving the Site Specifics,</p> <p>24      if they choose to do something different than</p> <p>25      what the Site Specifics propose?</p>	<p style="text-align: right;">Page 78</p> <p>1       MR. TRIAS: Right. That is correct. That</p> <p>2       is correct.</p> <p>3       MR. COLLIER: And they would have to come</p> <p>4       back to change that.</p> <p>5       MR. TRIAS: And the only other thing, just</p> <p>6       to have the record straight. The University</p> <p>7       does owns other properties that are not in the</p> <p>8       Campus Master Plan. So, you know, that is a</p> <p>9       fact. So what happens is that what they're</p> <p>10      trying to do here is to incorporate all of this</p> <p>11      into the Master Plan, which I think is the</p> <p>12      preferred way to do it.</p> <p>13      The only request that deals with what I</p> <p>14      would describe as development standards is</p> <p>15      Number 3, which is the height. So I think an</p> <p>16      alternative --</p> <p>17      CHAIRMAN AIZENSTAT: And Number 3 also</p> <p>18      deals with the use?</p> <p>19      MR. BEHAR: No.</p> <p>20      MR. TRIAS: No. That's only about the</p> <p>21      height.</p> <p>22      MR. BEHAR: I mean, chances are they're not</p> <p>23      going to do a three-story parking garage, you</p> <p>24      know. That's not going to be the best use</p> <p>25      there, okay.</p>
<p style="text-align: right;">Page 79</p> <p>1       MR. TRIAS: The use is with the Zoning.</p> <p>2       MR. BEHAR: I'm not concerned with that</p> <p>3       Ramon. I'm concerned, what happens, you know,</p> <p>4       in the future.</p> <p>5       MR. TRIAS: Sure.</p> <p>6       MR. BEHAR: Okay.</p> <p>7       CHAIRMAN AIZENSTAT: It's just a gateway,</p> <p>8       and that property is really a key central --</p> <p>9       MR. BEHAR: I'm going to then make a new</p> <p>10      motion to approve removing Number 3 from the</p> <p>11      request.</p> <p>12      MR. BASS: Confirmed.</p> <p>13      MR. COLLIER: Just to clarify --</p> <p>14      MR. BASS: Jeff Bass confirming that.</p> <p>15      MR. COLLIER: -- we have to really go one at</p> <p>16      a time. So the first motion is going to be on</p> <p>17      E-1.</p> <p>18      MR. BEHAR: I'll make a motion to approve</p> <p>19      Number 1.</p> <p>20      MR. COLLIER: Right.</p> <p>21      MR. GRABIEL: I'll second it.</p> <p>22      CHAIRMAN AIZENSTAT: And that's with the</p> <p>23      recommendations as provided by Staff?</p> <p>24      MR. BEHAR: Yes.</p> <p>25      MR. GRABIEL: Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1       MR. BEHAR: Yes.</p> <p>2       CHAIRMAN AIZENSTAT: Any other --</p> <p>3       MS. VELEZ: I don't want the</p> <p>4       recommendations provided by Staff.</p> <p>5       MR. BEHAR: The findings of fact that were</p> <p>6       presented --</p> <p>7       MS. VELEZ: -- because they keep saying, we</p> <p>8       don't know, we don't know, because we don't</p> <p>9       have a Site Plan. So I don't know why --</p> <p>10      MS. MENENDEZ: Who needs Staff's</p> <p>11      recommendation?</p> <p>12      MR. COLLIER: Well, I think the</p> <p>13      recommendations -- the findings and conclusions</p> <p>14      of Staff on E-1 is to support the approval of</p> <p>15      E-1. When you're approving this, you're only</p> <p>16      approving the findings and conclusions with</p> <p>17      regard to those items that you're approving.</p> <p>18      So you would be -- essentially, in E-1, you</p> <p>19      have to have some basis for your approval. So</p> <p>20      I would think you would use the Department's</p> <p>21      basis for approval of E-1. We're not using the</p> <p>22      Department's basis for approval of E-3, because</p> <p>23      we are recommending permitting them to withdraw</p> <p>24      E-3.</p> <p>25      So I think the first motion is approval of</p>

<p style="text-align: right;">Page 81</p> <p>1 E-1 in accordance with the Department's</p> <p>2 recommendations.</p> <p>3 MR. BEHAR: Staff recommendations.</p> <p>4 CHAIRMAN AIZENSTAT: So we have that by</p> <p>5 Robert.</p> <p>6 MR. BEHAR: A motion.</p> <p>7 CHAIRMAN AIZENSTAT: And who was the</p> <p>8 second?</p> <p>9 MR. GRABIEL: I seconded it.</p> <p>10 CHAIRMAN AIZENSTAT: Julio second. Any</p> <p>11 other discussion?</p> <p>12 Call the roll, please.</p> <p>13 THE SECRETARY: Maria Menendez?</p> <p>14 MS. MENENDEZ: Can I just make a comment?</p> <p>15 The problem I have with the Staff</p> <p>16 recommendation is that it makes reference to</p> <p>17 these sections that basically you need a Site</p> <p>18 Plan to be able to say that they're going to</p> <p>19 work, depends on the use of the property.</p> <p>20 I mean, I'd rather just recommend it --</p> <p>21 CHAIRMAN AIZENSTAT: With no Staff --</p> <p>22 MS. MENENDEZ: -- not make reference to the</p> <p>23 Staff.</p> <p>24 CHAIRMAN AIZENSTAT: That's fine.</p> <p>25 MR. BEHAR: But can we do that?</p>	<p style="text-align: right;">Page 82</p> <p>1 MS. MENENDEZ: I mean, if that's okay, if</p> <p>2 that's a friendly amendment, I would like to</p> <p>3 propose that.</p> <p>4 MR. BEHAR: I'm okay with that, but can we</p> <p>5 legally do that without a basis to make a</p> <p>6 recommendation?</p> <p>7 MS. MENENDEZ: We can recommend anything,</p> <p>8 that I know.</p> <p>9 MR. BEHAR: I'll take the friendly</p> <p>10 amendment.</p> <p>11 MS. MENENDEZ: I mean, but let's see what</p> <p>12 our City Attorney says.</p> <p>13 MR. TRIAS: Yes.</p> <p>14 MR. COLLER: Ordinarily I would urge you to</p> <p>15 adopt the recommendations of Staff, because you</p> <p>16 ordinarily have a basis, but you are a</p> <p>17 recommending body, and if you don't want to</p> <p>18 utilize the Staff recommendations, then just</p> <p>19 approve it E-1 --</p> <p>20 MS. MENENDEZ: There's no condition to</p> <p>21 Staff's recommendations.</p> <p>22 MR. COLLER: Well, there can be no</p> <p>23 conditions on a Comprehensive Plan change.</p> <p>24 MS. MENENDEZ: Right. So --</p> <p>25 MR. TRIAS: Typically there's findings of</p>
<p style="text-align: right;">Page 83</p> <p>1 facts and that is what allows you to make a</p> <p>2 recommendation. That's the only thing that the</p> <p>3 attorney is explaining.</p> <p>4 CHAIRMAN AIZENSTAT: Right. But Maria was</p> <p>5 concerned with those findings of fact.</p> <p>6 MR. COLLER: Thank you.</p> <p>7 MR. TRIAS: And those findings of fact are</p> <p>8 based on the Zoning Code. It's not something</p> <p>9 that we have too much flexibility on. So it is</p> <p>10 what it is.</p> <p>11 MS. MENENDEZ: No, I understand. I</p> <p>12 understand, but you also say in the findings of</p> <p>13 Staff that you don't have a Site Plan to be</p> <p>14 able to --</p> <p>15 MR. TRIAS: Which is true.</p> <p>16 MS. MENENDEZ: Which is true.</p> <p>17 MR. COLLER: Well, may I suggest something,</p> <p>18 then? Why don't you E-1 in accordance with the</p> <p>19 recommendation of Staff, but suggest that it's</p> <p>20 problematic that there is no Specific Site plan</p> <p>21 for the property? That can be part of your</p> <p>22 recommendation.</p> <p>23 MS. MENENDEZ: Okay. If that's okay with</p> <p>24 Robert --</p> <p>25 MR. BEHAR: That's okay.</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. MENENDEZ: I feel better.</p> <p>2 CHAIRMAN AIZENSTAT: So we have a friendly</p> <p>3 amendment accepted by Robert. Julio, are you</p> <p>4 okay with it?</p> <p>5 MR. GRABIEL: I'm okay with it.</p> <p>6 CHAIRMAN AIZENSTAT: Okay. Any other</p> <p>7 discussion?</p> <p>8 MS. ANDERSON: No.</p> <p>9 MR. BEHAR: Call the roll, please.</p> <p>10 CHAIRMAN AIZENSTAT: Call the roll, please.</p> <p>11 THE SECRETARY: Maria Menendez?</p> <p>12 MS. MENENDEZ: Yes.</p> <p>13 THE SECRETARY: Maria Velez?</p> <p>14 MS. VELEZ: Yes.</p> <p>15 THE SECRETARY: Rhonda Anderson?</p> <p>16 MS. ANDERSON: Yes.</p> <p>17 THE SECRETARY: Robert Behar?</p> <p>18 MR. BEHAR: Yes.</p> <p>19 THE SECRETARY: Julio Grabiell?</p> <p>20 MR. GRABIEL: Yes.</p> <p>21 THE SECRETARY: Eibi Aizenstat?</p> <p>22 CHAIRMAN AIZENSTAT: Yes.</p> <p>23 MR. COLLER: Okay. We need a motion on</p> <p>24 E-2.</p> <p>25 MR. BEHAR: I'll make a motion to approve</p>

<p style="text-align: right;">Page 85</p> <p>1 Item Number 2 with Staff recommendation.</p> <p>2 CHAIRMAN AIZENSTAT: Is there a second?</p> <p>3 MR. GRABIEL: Second.</p> <p>4 CHAIRMAN AIZENSTAT: Julio second.</p> <p>5 Any discussion?</p> <p>6 MS. ANDERSON: I would make a friendly</p> <p>7 amendment with the same caveat, that we don't</p> <p>8 have a Site Plan.</p> <p>9 MR. BEHAR: We'll accept that friendly</p> <p>10 amendment.</p> <p>11 MS. MENENDEZ: Thank you.</p> <p>12 MR. GRABIEL: I'll accept it.</p> <p>13 MS. VELEZ: Number 2 is the Zoning?</p> <p>14 MS. MENENDEZ: The Zoning.</p> <p>15 CHAIRMAN AIZENSTAT: Call the roll, please</p> <p>16 THE SECRETARY: Maria Velez?</p> <p>17 MS. VELEZ: Yes.</p> <p>18 THE SECRETARY: Rhonda Anderson?</p> <p>19 MS. ANDERSON: Yes.</p> <p>20 THE SECRETARY: Robert Behar?</p> <p>21 MR. BEHAR: Yes.</p> <p>22 THE SECRETARY: Julio Grabiell?</p> <p>23 MR. GRABIEL: Yes.</p> <p>24 THE SECRETARY: Maria Menendez?</p> <p>25 MS. MENENDEZ: Yes.</p>	<p style="text-align: right;">Page 86</p> <p>1 THE SECRETARY: Eibi Aizenstat?</p> <p>2 CHAIRMAN AIZENSTAT: Yes.</p> <p>3 MR. BEHAR: Make a motion to approve Number</p> <p>4 4.</p> <p>5 MR. COLLER: Well, let's wait.</p> <p>6 CHAIRMAN AIZENSTAT: Before we do that,</p> <p>7 what do we do with Number 3?</p> <p>8 MR. COLLER: I think with motion --</p> <p>9 MR. BEHAR: It was withdrawn.</p> <p>10 MR. COLLER: -- for Number 3, in an</p> <p>11 abundance of caution, you're approving their</p> <p>12 request to withdraw Item 3. That's your</p> <p>13 recommendation.</p> <p>14 MR. BEHAR: A motion --</p> <p>15 CHAIRMAN AIZENSTAT: If I may say</p> <p>16 something. Are you withdrawing or are you</p> <p>17 deferring?</p> <p>18 MR. BEHAR: Withdrawing.</p> <p>19 CHAIRMAN AIZENSTAT: You're withdrawing</p> <p>20 Number 3.</p> <p>21 MR. BASS: Without prejudice to the ability</p> <p>22 to come back at a time with a specific --</p> <p>23 CHAIRMAN AIZENSTAT: Of course.</p> <p>24 MR. BEHAR: Make a motion to approve the</p> <p>25 Applicant's motion to withdraw Item Number 3.</p>
<p style="text-align: right;">Page 87</p> <p>1 MR. COLLER: And why don't we just say,</p> <p>2 without prejudice, just for clarification?</p> <p>3 MR. BEHAR: Without prejudice.</p> <p>4 MR. GRABIEL: Second.</p> <p>5 CHAIRMAN AIZENSTAT: We have a second. Any</p> <p>6 discussion?</p> <p>7 MS. ANDERSON: No.</p> <p>8 CHAIRMAN AIZENSTAT: Call the roll, please.</p> <p>9 THE SECRETARY: Rhonda Anderson?</p> <p>10 MS. ANDERSON: Yes.</p> <p>11 THE SECRETARY: Robert Behar?</p> <p>12 MR. BEHAR: Yes.</p> <p>13 THE SECRETARY: Julio Grabiell?</p> <p>14 MR. GRABIEL: Yes.</p> <p>15 THE SECRETARY: Maria Menendez?</p> <p>16 MS. MENENDEZ: Yes.</p> <p>17 THE SECRETARY: Maria Velez?</p> <p>18 MS. VELEZ: Yes.</p> <p>19 THE SECRETARY: Eibi Aizenstat?</p> <p>20 CHAIRMAN AIZENSTAT: Yes.</p> <p>21 MR. BEHAR: I'll make a motion to approve</p> <p>22 Item Number 4 with Staff recommendation, and</p> <p>23 does that carry --</p> <p>24 MS. MENENDEZ: I second it.</p> <p>25 MR. BEHAR: -- the Site Plan --</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. COLLER: With same caveat that you</p> <p>2 previously did on the others?</p> <p>3 MR. BEHAR: Yes.</p> <p>4 MR. COLLER: Okay.</p> <p>5 MS. MENENDEZ: I second.</p> <p>6 CHAIRMAN AIZENSTAT: Maria seconds. Any</p> <p>7 discussion?</p> <p>8 MS. ANDERSON: No.</p> <p>9 CHAIRMAN AIZENSTAT: Call the roll, please.</p> <p>10 THE SECRETARY: Robert Behar?</p> <p>11 MR. BEHAR: Yes.</p> <p>12 THE SECRETARY: Julio Grabiell?</p> <p>13 MR. GRABIEL: Yes.</p> <p>14 THE SECRETARY: Maria Menendez?</p> <p>15 MS. MENENDEZ: Yes.</p> <p>16 THE SECRETARY: Maria Velez?</p> <p>17 MS. VELEZ: Yes.</p> <p>18 THE SECRETARY: Rhonda Anderson?</p> <p>19 MS. ANDERSON: Yes.</p> <p>20 THE SECRETARY: Eibi Aizenstat?</p> <p>21 CHAIRMAN AIZENSTAT: Yes.</p> <p>22 And I think that does it for --</p> <p>23 MR. COLLER: So the last motion is a motion</p> <p>24 to adjourn. I don't think you need any</p> <p>25 conditions -- oh, okay.</p>

<p style="text-align: right;">Page 89</p> <p>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.</p>	<p style="text-align: right;">Page 90</p> <p>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</p>
<p style="text-align: right;">Page 91</p> <p>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.</p>	<p style="text-align: right;">Page 92</p> <p>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?</p>

<p style="text-align: right;">Page 93</p> <p>1 MR. BEHAR: Yes.</p> <p>2 THE SECRETARY: Eibi Aizenstat?</p> <p>3 CHAIRMAN AIZENSTAT: Yes.</p> <p>4 MR. BEHAR: I'll make a motion to adjourn.</p> <p>5 MS. VELEZ: Yes.</p> <p>6 MR. GRABIEL: Second.</p> <p>7 CHAIRMAN AIZENSTAT: Thank you. Thank you</p> <p>8 everyone for coming. Happy Thanksgiving to</p> <p>9 all.</p> <p>10 (Thereupon, the meeting was concluded at</p> <p>11 7:40 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 94</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF FLORIDA:</p> <p>4 SS.</p> <p>5 COUNTY OF MIAMI-DADE:</p> <p>6</p> <p>7</p> <p>8</p> <p>9 I, NIEVES SANCHEZ, Court Reporter, and a Notary</p> <p>10 Public for the State of Florida at Large, do hereby</p> <p>11 certify that I was authorized to and did</p> <p>12 stenographically report the foregoing proceedings and</p> <p>13 that the transcript is a true and complete record of my</p> <p>14 stenographic notes.</p> <p>15</p> <p>16 DATED this 28th day of November, 2018.</p> <p>17</p> <p>18 SIGNATURE ON FILE</p> <p>19 _____</p> <p>20 NIEVES SANCHEZ</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>