

City of Coral Gables
Planning and Zoning Board Meeting
Wednesday, October 14, 2015
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

MEMBERS	J14	F11	M11	A8	M13	J10	J29	A12	S9	S16	O14	D9	APPOINTMENT
	'15	'15	'15	'15	'15	'15	'15	'15	'15	'15	'15	'15	
Robert Behar	-	-	-	-	-	-	-	-	P	E	P		Board-As-A-Whole
Marshall Bellin	P	P	P	C	C	C	P	P	P	P	P		Commissioner Vince Lago
Jeffrey Flanagan - Chair	E	P	P	C	C	C	E	P	P	P	P		Commissioner Pat Keon
Julio Grabiell	P	P	P	C	C	C	E	P	P	P	P		Mayor Jim Cason
Maria A. Menendez Vice Chair	P	P	P	C	C	C	P	P	P	P	P		City Manager Swanson-Rivenbark
Alberto Perez	E	P	P	C	C	C	P	P	E	P	P		Commissioner Frank C. Quesada
Frank Rodriguez	-	-	-	-	-	-	P	P	E	P	P		Commissioner Jeannett Slesnick

DRAFT

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:

Charles Wu, Asst. Development Services Director
 Craig Leen, City Attorney
 Ramon Trias, Planning & Zoning Director
 Megan McLaughlin, City Planner
 Scot Bolyard, Principal Planner
 Jill Menendez, Administrative Assistant
 Glenn Kephart, Public Works Director

Court Reporter:
 Nieves Sanchez

Abigail Corbett, Esq., Special Counsel

Attachments:

- 10 14 15 Planning and Zoning Board Verbatim Minutes
- 10 14 15 Attendance/Speaker Sign In Sheet
- Email from Jeff Bass re: UM requesting continuance
- Legal Opinion Regarding Sign Code entered into the record by Craig E. Leen, City Attorney

1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA)/
 3 PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY HALL
 6 405 BILTMORE WAY, COMMISSION CHAMBERS
 7 CORAL GABLES, FLORIDA
 8 WEDNESDAY, OCTOBER 14, 2015, COMMENCING AT 6:05 P.M.

9 Board Members Present:
 10 Jeff Flanagan, Chairman
 11 Maria Alberro Menendez, Vice Chair
 12 Marshall Bellin
 13 Julio Grabiell
 14 Alberto Perez
 15 Robert Behar
 16 Frank Rodriguez

17 City Staff and Consultants:
 18 Charles Wu, Assistant Development Services Director
 19 Ramon Trias, Planning Director
 20 Craig E. Leen, City Attorney
 21 Scot Bolyard, Principal Planner
 22 Jill Menendez, Planning Administrative Assistant
 23 Abigail Corbett, Esq., Special Counsel

24 Also Participating:
 25 Jeffrey Bass, Esq.,
 on behalf of an Applicant

Public Speakers:
 Maria Cruz

1 THE SECRETARY: Marshall Bellin?
 2 MR. BELLIN: Here.
 3 THE SECRETARY: Julio Grabiell?
 4 MR. GRABIELL: Here.
 5 THE SECRETARY: Maria Menendez?
 6 MS. MENENDEZ: Here.
 7 THE SECRETARY: Alberto Perez?
 8 MR. PEREZ: Here.
 9 THE SECRETARY: Frank Rodriguez?
 10 MR. RODRIGUEZ: Here.
 11 THE SECRETARY: Jeff Flanagan?
 12 CHAIRMAN FLANAGAN: Here.
 13 Charles, do you want to do the disclosures?
 14 MR. WU: We have one item, thus, in the
 15 agenda, that's quasi-judicial. This is the
 16 time to disclose if you've had any ex parte
 17 communication. If you have any, please say so,
 18 for the record.
 19 Let our record show there's been no ex
 20 parte communication. Thank you.
 21 CHAIRMAN FLANAGAN: Thank you.
 22 Everyone who speaks this evening must
 23 complete the roster at the podium with the
 24 Board Secretary, Jill. We ask that you please
 25 print clearly, so the official records of your

1 THEREUPON:
 2 (The following proceedings were held.)
 3 CHAIRMAN FLANAGAN: Good evening. Welcome
 4 to the regularly scheduled meeting of the City
 5 of Coral Gables Planning and Zoning Board. We
 6 are appointed members to the Board and are
 7 charged with making recommendations to the City
 8 Commission on various applications pursuant to
 9 Section 2-201 of the Zoning Code.
 10 Any person who acts as a lobbyist pursuant
 11 to the City of Coral Gables Ordinance Number
 12 2006-11 must register with the City Clerk prior
 13 to engaging in lobbying activities or
 14 presentations before City Staff, Boards,
 15 Committees and/or the City Commission. A copy
 16 of the ordinance is available in the Office of
 17 the City Clerk. Failure to register and
 18 provide proof of registration shall prohibit
 19 your ability to present to the Board.
 20 I now officially call the City of Coral
 21 Gables Planning and Zoning Board of October 14,
 22 2014 to order. The time is 6:05 p.m.
 23 Jill, if can you can call the roll, please.
 24 THE SECRETARY: Robert Behar?
 25 MR. BEHAR: Here.

1 name and address will be correct.
 2 And, now, with the exception of attorneys,
 3 all persons who will speak on agenda items
 4 before us this evening, please rise to be sworn
 5 in.
 6 Is there anybody?
 7 (Thereupon, all participants were sworn.)
 8 CHAIRMAN FLANAGAN: Thank you.
 9 And if everybody could please silence cell
 10 phones, pagers, whatever electronic devices you
 11 may have, and we'll get started with the
 12 agenda.
 13 First item on the agenda is the approval of
 14 the minutes from the September 9, 2015 meeting.
 15 Everybody had a chance to review that? Any
 16 comments or changes for September 9th?
 17 Motion to approve the minutes, please.
 18 MR. GRABIELL: Moved.
 19 MR. RODRIGUEZ: Second.
 20 CHAIRMAN FLANAGAN: Motion and a second.
 21 All in favor say, aye?
 22 MS. MENENDEZ: Aye.
 23 MR. BEHAR: Aye.
 24 MR. GRABIELL: Aye.
 25 MR. RODRIGUEZ: Aye.

1 MR. BELLIN: Aye.
 2 MR. PEREZ: Aye.
 3 CHAIRMAN FLANAGAN: Anybody opposed?
 4 And then we need to do the minutes from
 5 September 16, 2015.
 6 MR. GRABIEL: Moved.
 7 CHAIRMAN FLANAGAN: Moved.
 8 MR. RODRIGUEZ: Second.
 9 CHAIRMAN FLANAGAN: Second. Thank you.
 10 Questions? Comments?
 11 All right. All those in favor say, aye.
 12 MR. GRABIEL: Aye.
 13 CHAIRMAN FLANAGAN: Anybody opposed?
 14 Thank you.
 15 Next item on the agenda -- Charles, are you
 16 going to handle Number 3?
 17 MR. WU: Yes, sir.
 18 We're going to pull up the first
 19 PowerPoint.
 20 CHAIRMAN FLANAGAN: Charles, how -- sorry,
 21 how long is this update?
 22 MR. WU: It'd be less than five minutes.
 23 CHAIRMAN FLANAGAN: Okay.
 24 MR. WU: Aaron, if you can pull up our
 25 PowerPoint.

1 MS. MENENDEZ: Didn't we want to take UM?
 2 CHAIRMAN FLANAGAN: I'm going to -- yeah.
 3 Well, that's why I asked. We'll just go with
 4 this.
 5 MR. WU: We are going to give you an update
 6 on the cases you've approved for the past, and
 7 this is moving forward, we're going to try to
 8 do it on a periodic basis, of the cases you've
 9 heard and the action that the City Commission
 10 has taken, so you have an update of your past
 11 approvals or cases you've heard.
 12 The first is 20 Casuarina Concourse. As
 13 you may recall, on January 14th of this year,
 14 the P&Z took no action, due to a three to four
 15 vote. This is to split a lot into two at 20
 16 Casuarina Concourse. The Commission approved
 17 that unanimously at its May 12th meeting.
 18 The next one is the Site Specific Code
 19 Change to allow 23 slips at Edgewater, which is
 20 called Gables Hopper. That was approved by you
 21 unanimously. The City Commission approved it
 22 March 25th.
 23 Next up, The Collection. This is an
 24 eight-story modern building, about
 25 approximately 55,178 square feet. You approved

1 this unanimously at the March 11th meeting.
 2 The Commission approved this at its May 26th
 3 meeting.
 4 Another lot split at 450 Como Avenue. This
 5 is at the corner of Como, San Vicente and
 6 Garlenda. You approved this, at a four to one
 7 vote, on July 29. The Commission approved it
 8 unanimously August 25th.
 9 Next concerns Mediterranean Village, and
 10 bear with me, we have a few slides, since this
 11 was a complicated project. This concerns a
 12 Comprehensive Plan change; the Site Plan, and
 13 the left and the right shows the changes.
 14 As you can see, the main access into the
 15 hotel was changed from Ponce, here, to Galiano.
 16 And this element has been removed. One run of
 17 the residential tower has been removed.
 18 And this is an image of what has been
 19 changed at the Commission approval level.
 20 Again, this is an image -- an aerial view
 21 of the changes before -- of the version that
 22 the Commission saw first time and the
 23 Commission saw the last time.
 24 The gym component was eliminated. The
 25 theater component was eliminated. Again, as I

1 said, a residential tower was eliminated, and
 2 the entrance point of the hotel was changed.
 3 So that, in essence, also modified the FAR to
 4 about a four FAR for the entire project.
 5 The next project is Liberty Cafe. You
 6 voted four to one to approve the variance on
 7 July 29th. The Commission voted three to one
 8 to affirm the appeal, so the variance was
 9 overturned on a three to one vote.
 10 And last but not least, it didn't make it
 11 on this PowerPoint, was the Merrick One. You
 12 approved it at your last meeting. The
 13 Commission approved it yesterday, by
 14 resolution.
 15 MS. MENENDEZ: What did they approve?
 16 MR. WU: Merrick One. That's at San
 17 Lorenzo and that's next to Merrick Park.
 18 Thank you.
 19 CHAIRMAN FLANAGAN: Thank you, Charles.
 20 That's helpful. I appreciate that.
 21 All right. Next item is moving into public
 22 hearings, we're going to take one of these out
 23 of order, if nobody objects. We'll take Item
 24 Number 7, which is the University of Miami
 25 application.

1 I'll read it into the record, so we can get
 2 it opened.
 3 Item Number 7 is "An Ordinance of the City
 4 Commission of Coral Gables amending the City of
 5 Coral Gables and University of Miami
 6 Development Agreement, adopted by Ordinance
 7 Number 2010-31 on September 28, 2010, pursuant
 8 to Zoning Code Article 3, Division 19, entitled
 9 "Development Agreements", for the University of
 10 Miami, City of Coral Gables Campus, amending
 11 Paragraph 19 of the Development Agreement,
 12 which is called the "Internal Road and Access"
 13 that governs internal circulation on the Coral
 14 Gables Campus, to modify Phase II of the
 15 Internal Road; providing for a repealer
 16 provision, providing for a severability clause,
 17 and providing for an effective date." The
 18 legal description is lengthy and on file.
 19 Mr. Bass.
 20 MR. BASS: Good evening, Mr. Chairman,
 21 Members of the Board. Nice to see everybody
 22 again. Jeffrey Bass is my name. 46 Southwest
 23 First Street is my address.
 24 I'm here tonight representing the
 25 University of Miami, asking a continuance of

1 Item Number 7 to your next scheduled agenda.
 2 CHAIRMAN FLANAGAN: Okay. A request for a
 3 continuance. That's a public hearing item, so
 4 we'll open the public hearing.
 5 If anybody is here and wishes to speak
 6 either for or against the request for the
 7 continuance.
 8 THE SECRETARY: Maria Cruz.
 9 MS. CRUZ: Good evening. My name is Maria
 10 Cruz, 1447 Miller Road. I am here, I guess, to
 11 oppose the continuance, because I believe,
 12 based on facts that I uncovered by looking at
 13 the Staff Report, that this item should have
 14 never been put on the agenda, because the
 15 requirements to be put on the agenda were never
 16 met.
 17 And I'm not going discuss the proposal,
 18 because I am here basically to discuss the
 19 process.
 20 I would like this Board, and I want to go
 21 on record to let you know that the process that
 22 was followed on this amendment was absolutely
 23 ridiculous. We, the neighbors; we, the
 24 property owners, were not given enough notice.
 25 Not because I say so, because your Staff, in

1 the report, says the public information
 2 meeting, they should have had it fourteen days
 3 before this Board meeting. They had it seven
 4 days before.
 5 It was not a real public information
 6 meeting. It was a pep rally to save the
 7 arboretum.
 8 There was another big meeting in the City
 9 that the Commissioner had set up to discuss the
 10 future of Coral Gables, and the few people --
 11 the few neighbors that went to the University
 12 meeting had to miss the other meeting, because
 13 there was no way to avoid it.
 14 And we felt that it was not fair to get a
 15 notice with four days. We got it on Friday for
 16 a meeting on Wednesday, okay. That's Number
 17 One.
 18 Number Two, for the Staff to, I guess,
 19 certify, accept, that the applicant had met the
 20 criteria, and one of the criteria was to have a
 21 public hearing fourteen days before this
 22 meeting, was wrong. And let me tell you, it
 23 took me -- it was a lot of effort on my part
 24 and my neighbor's part, because we were working
 25 together, to make sure that this Board knew

1 that the procedure, the process, was not
 2 followed.
 3 Now, I was told, and this has nothing to do
 4 with the application, because I was told do not
 5 open that door, so I'm not going to open that
 6 door -- I was told that the University, the
 7 applicant -- the applicant, I'm learning the
 8 proper terms. I'm a retired teacher, but I can
 9 learn. I can still learn. The applicant
 10 demanded that this item be placed on the agenda
 11 for today, okay.
 12 Now, I was told by somebody who should
 13 know, because he's the person in charge, that
 14 that's why they were on this agenda, because it
 15 was demanded.
 16 Well, I called several times. I sent
 17 several e-mails showing that something was
 18 wrong. I guess I didn't use the right word. I
 19 should have demanded them not be put on the
 20 agenda, but today I was told that once the
 21 agenda is published, it's too late, so it
 22 cannot be taken off the agenda, and that's why
 23 they're here asking for a continuance.
 24 Now, you do have the power to put
 25 conditions on that continuance, I was told, and

1 I think one of the conditions should be that a
2 real public hearing take place, a public
3 hearing where the neighbors have a chance to
4 look at the whole project, not just save the
5 trees, because, by the way, we all want to save
6 the trees. Nobody in my neighborhood wants to
7 kill the trees.

8 Actually, when it comes before you, we're
9 going to ask that the arboretum should be
10 expanded and enhanced. We want an arboretum
11 all along San Amaro. We love it. I think it's
12 wonderful. Get rid of the parking lots, and
13 put more trees, okay.

14 But that's what it became. It became a pep
15 rally to save the arboretum and a little time
16 to show us some slides, some -- what do you
17 call them now? I'm going back to my old times
18 -- some presentation showing what they had in
19 mind, okay.

20 I think if this it's okay to demand, I
21 would demand that another public hearing be set
22 up, and that this item would not be put back on
23 the agenda until the neighbors have a real
24 public hearing, okay.

25 Thank you.

1 CHAIRMAN FLANAGAN: Thank you.
2 Ms. Cruz, just so I'm clear, you keep
3 saying a public hearing before this one --

4 MS. CRUZ: Meaning information meeting.

5 CHAIRMAN FLANAGAN: A public meeting, a
6 neighborhood meeting.

7 MR. BEHAR: A neighborhood meeting.

8 MS. CRUZ: Yeah, the meeting that they were
9 supposed to have, that was converted into a pep
10 rally.

11 CHAIRMAN FLANAGAN: Okay. Thank you.
12 Okay. Well, you're requesting that another
13 public meeting be added?

14 MS. CRUZ: Yes.

15 CHAIRMAN FLANAGAN: Thank you.

16 Let me just, real quick, either Ramon or
17 the City Attorney --

18 MR. LEEN: Well, I'd like to say something
19 to this, and then --

20 CHAIRMAN FLANAGAN: Well, I was going to
21 ask, for the record --

22 MR. LEEN: Sure. Certainly.

23 CHAIRMAN FLANAGAN: -- has all of the
24 advertisements, postings and pre-requisites
25 been complied with?

1 MR. LEEN: Yes, except that the issue of
2 the fourteen days is true. There was seven
3 days, is my -- approximately seven days.

4 MR. TRIAS: Yes. Yes. That is what it was.

5 MR. LEEN: Now, I do want to be clear, we
6 have always viewed notices and also these
7 informational meetings as courtesy. So, in the
8 sense that if they're missed, it doesn't
9 invalidate the action, but, of course, the
10 whole purpose of them is to have public
11 comment, and that's the City's policy.

12 So I think that you have to grant the
13 continuance, so that they can come before you
14 after that amount of time has passed. Whether
15 you place a condition or not, it's up to you,
16 although if you are going to place a condition
17 like that, you should hear from the other side,
18 and take evidence on what occurred at that
19 public information meeting.

20 CHAIRMAN FLANAGAN: Okay.

21 MS. MENENDEZ: Can I ask question of
22 Mr. Bass?

23 CHAIRMAN FLANAGAN: Do you want to hear
24 from Ramon first?

25 All right. Ramon, one second.

1 MR. TRIAS: Sure.

2 CHAIRMAN FLANAGAN: Maria.

3 MS. MENENDEZ: Mr. Bass, what is the
4 purpose of your request for your extension?

5 MR. BASS: So that we can comply with the
6 notice requirement.

7 MS. MENENDEZ: And what is your intent, if
8 I may ask? Is it your intent to have an
9 informational meeting with the neighborhood
10 again or --

11 MR. BASS: No. We mailed out over a
12 thousand notices for the neighborhood meeting.
13 We duly advertised and posted the neighborhood
14 meeting. There's no suggestion that there's
15 any procedural impropriety with the
16 neighborhood meeting that was held.

17 The issue is not the neighborhood meeting.
18 The issue is the interval of time between the
19 neighborhood meeting and this hearing.

20 MS. MENENDEZ: I see.

21 MR. BASS: And to secure that issue, we've
22 asked for a deferral, which I believe your next
23 meeting is in December, which is ample time --

24 MS. MENENDEZ: December or November?

25 MR. RODRIGUEZ: It says December.

1 MS. MENENDEZ: December? Okay.
 2 MR. BASS: I believe it's --
 3 MR. TRIAS: Yes, it's December. That's
 4 what we're thinking at this point. December
 5 9th is the date.
 6 MR. BASS: Which I believe is more than
 7 ample time to cure the time interval issue that
 8 has arisen.
 9 MS. MENENDEZ: Okay.
 10 MR. BEHAR: Can I ask you for
 11 clarification? You already had a neighborhood
 12 information meeting?
 13 MR. BASS: We had a neighborhood
 14 information meeting. We presented the
 15 PowerPoint of the application and its request.
 16 We mailed notices. We posted. We mailed
 17 notices to over a thousand people.
 18 We had over seventy people in attendance at
 19 the neighborhood --
 20 MR. BEHAR: Seventy people attended?
 21 MR. BASS: Seventy, seven zero, people
 22 attended.
 23 MR. RODRIGUEZ: Excuse me, Mr. Bass. The
 24 witness also mentioned that there wasn't enough
 25 time. I believe she said that, not enough

1 notice of this meeting. Can you comment on
 2 that?
 3 MR. BASS: Sure. And let me -- okay. So
 4 our notices were mailed on the 31st. We have
 5 the postmark. The issue of what is enough
 6 notice is something that can be debated.
 7 So the question is, what is the required
 8 notice? And we complied with the required
 9 notice, as Staff confirmed, both, through the
 10 mailings and through the posting.
 11 So the notice that we provided complied
 12 with the requirement to provide legal notice.
 13 MR. RODRIGUEZ: And forgive me if my
 14 question is somewhat naive. As you know, I'm
 15 relatively new to the Board.
 16 Can you describe in detail what the purpose
 17 of those meetings are?
 18 MR. BASS: I can't, in detail, tell you the
 19 intention behind the Code. I can describe for
 20 you what I believe it be, but I --
 21 MR. RODRIGUEZ: That's fine.
 22 MR. BASS: But I'll just do my best that I
 23 can to answer your question.
 24 MR. RODRIGUEZ: Sure.
 25 MR. BASS: The purpose is to let people

1 know that an application has been filed that
 2 will be heard by you all. So that we give them
 3 an actual written notice, through the mail and
 4 through posting, that a meeting will take
 5 place, where we're asking for an approval of a
 6 development application.
 7 We also, at the neighborhood information
 8 meeting, present the substance of the request
 9 to the neighborhood that we are presenting to
 10 you. So, in essence, a neighbor who attends
 11 the meeting is getting a preview of what we're
 12 going to present to you.
 13 We explain in very conversational terms
 14 what it is that we're asking for, why we're
 15 asking for it, and why we believe that we're
 16 entitled to it.
 17 We then have a question and answer session,
 18 where the people who attend can ask us
 19 questions, and we can respond to those
 20 questions.
 21 And so, I guess, my long-winded answer to
 22 you is, hopefully we transmit information, and
 23 we receive information in a way that would make
 24 a hearing here go more smoothly, because we've
 25 already gone out into the neighborhood to let

1 people know and educate them about the nature
 2 of our request.
 3 MR. RODRIGUEZ: Thank you.
 4 CHAIRMAN FLANAGAN: Ramon.
 5 MR. TRIAS: Yeah. All applicants are
 6 required, prior to the public hearing, to have
 7 that informal neighborhood meeting, and that's
 8 something that the applicant puts together and
 9 organizes.
 10 And like the attorney says, it's a courtesy
 11 meeting, that is prior -- prior to the actual
 12 public hearing. So that applies to every
 13 request.
 14 There's a 14-day distance that is required,
 15 also.
 16 MR. RODRIGUEZ: In this case, the notices
 17 went out the 31st, you said?
 18 MR. BASS: Yes.
 19 MR. RODRIGUEZ: And when was the meeting?
 20 MR. TRIAS: The 7th.
 21 MR. BASS: The 7th.
 22 MR. RODRIGUEZ: Mr. Trias, is that, in your
 23 experience, fairly, you know, normal? I hate
 24 that word, but is that --
 25 MR. TRIAS: I don't think it's out of line.

1 It's just that it doesn't comply with the
 2 letter of the Code, which is 14 days. Now,
 3 it's not a public hearing, like this meeting.
 4 It's nothing like that.
 5 So I think that Ms. Cruz is very correct.
 6 I mean, she's absolutely correct in her
 7 request, and I think that the applicant wants
 8 to comply with what the Code says.
 9 What I told Ms. Cruz is that in addition to
 10 whatever the applicant is required to do or may
 11 want to do, I want to have a public meeting
 12 with the neighbors, so Staff can directly
 13 understand what their concerns are.
 14 I don't need that meeting to be filtered
 15 through anybody else.
 16 MR. BEHAR: But can I ask a question?
 17 MR. TRIAS: Yes, go ahead.
 18 MR. BEHAR: From the time that the notice
 19 for the meeting with the neighbors, to the
 20 actual meeting date, what was the time frame on
 21 that? Was it --
 22 MS. MENENDEZ: Eight days, if it's the
 23 31st.
 24 MR. BEHAR: It was from the 31st to the
 25 7th? Is that correct?

1 MR. TRIAS: Yeah. So it's a few days.
 2 MR. BEHAR: So you had seven calendar days,
 3 okay, which is -- based on my experience, it's
 4 pretty typical. You have a record that seventy
 5 people showed up to that meeting? You have a
 6 sign-in sheet?
 7 MS. CRUZ: I have the record, too. May I
 8 answer that question?
 9 MR. BEHAR: One second. One second.
 10 MR. BASS: And Mr. Behar, I can go one step
 11 further than that. We also had a court
 12 reporter there, and the entirety of the meeting
 13 has been transcribed, and has been furnished to
 14 the City.
 15 MR. BEHAR: And you have that?
 16 MR. TRIAS: Yeah, and that's part of the
 17 public record, and what I want to say is that
 18 my interest is to understand what the neighbor
 19 concerns are, regardless of the process. I
 20 need to know, so I want to have that meeting,
 21 also, regardless of the process.
 22 MR. BASS: And if I may, Mr. Behar,
 23 representatives of the City Staff were in
 24 attendance at the meeting, as well.
 25 MR. BEHAR: They were?

1 MR. BASS: They were.
 2 MR. TRIAS: And I was not at that meeting,
 3 I was at the other meeting, but Meegan from my
 4 Staff was at this meeting.
 5 MR. BEHAR: Okay.
 6 CHAIRMAN FLANAGAN: Okay.
 7 MR. BELLIN: I have a question.
 8 MS. CRUZ: May I?
 9 CHAIRMAN FLANAGAN: One -- let me --
 10 Marshall, go ahead.
 11 MR. BELLIN: The bottom line is that you
 12 didn't meet the fourteen-day requirement, so by
 13 pushing the meeting back to next month, you
 14 have more than fourteen days.
 15 MR. BASS: We have many times more than
 16 fourteen days.
 17 MR. BELLIN: So that's really the crux of
 18 the matter. Okay. All right.
 19 MR. TRIAS: That's the remedy for the
 20 technical concern of the fourteen days. The
 21 remedy for the public input concern is that I
 22 plan to have additional meetings.
 23 MR. BEHAR: But the additional meeting may
 24 be not necessary. There was a meeting already.
 25 MR. TRIAS: It's not legally required,

1 absolutely not.
 2 MR. BEHAR: You know, because you complied
 3 with that requirement. Seven days -- seven
 4 calendar days to me seems to be adequate, more
 5 than adequate, as a notification.
 6 The fourteen days, you're going to ask for
 7 the extension now, so you could meet the
 8 fourteen days.
 9 MR. BASS: Correct.
 10 CHAIRMAN FLANAGAN: Okay. One last
 11 comment.
 12 MS. CRUZ: Well, I believe --
 13 CHAIRMAN FLANAGAN: Hold on. One last --
 14 go ahead, one last comment, Ms. Cruz, at the
 15 microphone, so the court reporter --
 16 MS. MENENDEZ: Did she say her address?
 17 CHAIRMAN FLANAGAN: Yeah.
 18 MS. CRUZ: I believe, in your packet, you
 19 should have a copy of the e-mail that I sent.
 20 It's very nice that there were about seventy
 21 people there. There was sixty-some that were
 22 either University of Miami students, University
 23 Staff, University planners. I mean, there were
 24 people with UM addresses than fifty-some, plus
 25 the other people that were there.

1 So that was not -- I'm sorry, that was
 2 not -- and we got the letter on Friday. On
 3 Friday. If they mailed it on the 31st, there
 4 is no way that I would have gotten it on the
 5 2nd, okay.
 6 CHAIRMAN FLANAGAN: But Ms. Cruz, when the
 7 application does come before us in substance,
 8 both you and any neighbors that are concerned
 9 will, of course, have the opportunity during
 10 that public hearing process to address us and
 11 provide us any information that you all have,
 12 to help us in our decision-making process.
 13 So these meetings, as I think Mr. Bass
 14 said, they try to inform the neighbors ahead of
 15 time, maybe hear your concerns. You've heard
 16 Mr. Trias say that now, in the intervening two
 17 months, he intends to have meetings with the
 18 neighbors.
 19 The plans, I imagine, and the application,
 20 is online or can be made available. So my
 21 understanding is that what it really does is
 22 help smooth out the process, once it gets to
 23 us, and if the meeting doesn't happen or if the
 24 neighbors can't make it, you, of course, will
 25 have your right -- as you know, we have sat

1 believe Mr. Trias -- but we need the same
 2 presentation that was done there, so the
 3 neighbors can I see, and I suggest you look at
 4 e-mails, the copies of my e-mail --
 5 CHAIRMAN FLANAGAN: I read them.
 6 MS. CRUZ: So you see when -- you know,
 7 it's very good to say over seventy people.
 8 CHAIRMAN FLANAGAN: I read it.
 9 MS. CRUZ: Let's qualify the people that
 10 were there.
 11 MR. BASS: Mr. Chairman, one, I think, very
 12 relevant issue on this is, Ms. Cruz was at --
 13 Ms. Cruz attended the neighborhood meeting.
 14 CHAIRMAN FLANAGAN: Okay.
 15 MR. BASS: And in the law of notice, if you
 16 have a defect and you show up, you've waived --
 17 CHAIRMAN FLANAGAN: We're not worried
 18 about -- thank you, though.
 19 It's all right. Okay.
 20 MR. BELLIN: I'd like to ask a question of
 21 Ms. Cruz.
 22 MS. CRUZ: Yes.
 23 MS. BELLIN: Really, what is your objection
 24 to continuance? You think they didn't meet the
 25 time frame of fourteen days, so --

1 here many hours, on many applications, to make
 2 sure all of the neighbors are heard, one way or
 3 the other.
 4 MS. CRUZ: One last question. A
 5 neighborhood meeting, is that meant to be for
 6 residents, property owners or is it for
 7 University of Miami students?
 8 CHAIRMAN FLANAGAN: Well, I'm not going to
 9 comment what it's meant for. I imagine it's
 10 meant for everybody who is in the area and may
 11 have a concern.
 12 MR. BEHAR: But if they mailed out a
 13 thousand --
 14 MS. MENENDEZ: Right, the students are
 15 going to be notified.
 16 MR. BEHAR: Everybody gets notice.
 17 MS. CRUZ: But there was a major meeting
 18 that night.
 19 CHAIRMAN FLANAGAN: The point is, we will
 20 still have a public hearing on December 9th.
 21 MS. CRUZ: Okay.
 22 CHAIRMAN FLANAGAN: And so that way, you
 23 and all of the neighbors will have an
 24 opportunity --
 25 MS. CRUZ: And we will be ready, and I

1 MS. CRUZ: No. My object -- the reason I'm
 2 here is because I wanted to go on public
 3 record, I wanted to make sure -- because I'm
 4 afraid that you're opening the door to other
 5 people -- let me tell you, if I ever want to do
 6 something in my property, and I want to be on a
 7 certain agenda, I'm going to come in and
 8 demand, and, you know what, there will be
 9 precedent, because the University demanded it
 10 and they got that.
 11 MR. BELLIN: But we don't know that.
 12 MS. CRUZ: But do you see what I'm saying?
 13 MR. BELLIN: But we don't know that.
 14 MS. CRUZ: Okay. But what I'm saying to
 15 you is, the process. Remember what I said at
 16 the beginning, I'm not going to discuss the
 17 application. I have enough about the
 18 application, and they'll be surprised, because
 19 we have some creative ideas.
 20 I'm not here to discuss the application.
 21 I'm here to discuss how the City Staff failed
 22 us, because they should have seen that there
 23 were no fourteen days, and this item should not
 24 have been placed on the agenda. That's my
 25 point.

1 CHAIRMAN FLANAGAN: Okay. We're --
 2 MR. BELLIN: But I understand what the real
 3 problem is.
 4 MR. BEHAR: If we're going to be hearing
 5 them in December, doesn't --
 6 MS. CRUZ: No, that's okay, but I wanted
 7 you to see what went wrong.
 8 MS. MENENDEZ: Got it. I understand.
 9 Thank you.
 10 MS. CRUZ: That's the point.
 11 MR. TRIAS: No one is disputing the facts.
 12 We agree.
 13 MS. MENENDEZ: Okay.
 14 CHAIRMAN FLANAGAN: Thank you.
 15 MR. TRIAS: Thank you very much.
 16 MS. MENENDEZ: Is it time for a motion?
 17 MR. BEHAR: I'll make a motion to extend --
 18 MS. MENENDEZ: To extend it? I second it.
 19 MR. BEHAR: -- until the next --
 20 MR. LEEN: Continued.
 21 CHAIRMAN FLANAGAN: Continued.
 22 MR. LEEN: Move to continue to the next
 23 regularly scheduled meeting.
 24 CHAIRMAN FLANAGAN: Which is December 9th?
 25 MS. MENENDEZ: Right.

1 MR. LEEN: December 9th? That's correct?
 2 MR. RODRIGUEZ: Yes.
 3 MR. LEEN: December 9th.
 4 CHAIRMAN FLANAGAN: Okay. Motion to
 5 continue this item to December 9.
 6 MS. MENENDEZ: Second.
 7 CHAIRMAN FLANAGAN: Second by Maria. Any
 8 further discussion by the Board?
 9 Seeing none, Jill, call the roll, please.
 10 THE SECRETARY: Marshall Bellin?
 11 MR. BELLIN: Yes.
 12 THE SECRETARY: Julio Grabiell?
 13 MR. GRABIEL: Yes.
 14 THE SECRETARY: Maria Menendez?
 15 MS. MENENDEZ: Yes.
 16 THE SECRETARY: Alberto Perez?
 17 MR. PEREZ: Yes.
 18 THE SECRETARY: Frank Rodriguez?
 19 MR. RODRIGUEZ: Yes.
 20 THE SECRETARY: Robert Behar?
 21 MR. BEHAR: Yes.
 22 THE SECRETARY: Jeff Flanagan?
 23 CHAIRMAN FLANAGAN: Yes.
 24 MR. LEEN: And for those at home, that's at
 25 6:00 p.m., just like every meeting.

1 CHAIRMAN FLANAGAN: Thank you.
 2 All right. Next item on the agenda --
 3 we'll go back up -- Item Number 6, "An
 4 Ordinance of the City Commission of Coral
 5 Gables, Florida, providing for text amendments
 6 to the City of Coral Gables Official Zoning
 7 Code by amending Article 5 ("Development
 8 Standards"), and by amending Article 8
 9 Definitions; providing for severability,
 10 repealer, codification and an effective date."
 11 MR. LEEN: Yes. Thank you, Mr. Chair.
 12 This is an item coming from the City
 13 Attorney's Office. I have Special Counsel
 14 here, who I will call up in a moment to speak a
 15 little bit about this item.
 16 There was a Supreme Court decision that was
 17 issued a couple of months ago, the Town of
 18 Gilbert decision, and what that case did, and
 19 it's a very significant one, that's affected a
 20 lot of cities throughout the United States, the
 21 Supreme Court held that restrictions on signs
 22 in a Zoning Code cannot be content based,
 23 particularly when they relate to -- and this is
 24 the way that we look at the decision,
 25 particularly when they relate to non-commercial

1 signs.
 2 And the Court didn't directly address that,
 3 but there's a lot of body of precedent, which
 4 talks about how non-commercial signs are
 5 different than commercial signs.
 6 So when this decision came out, Coral
 7 Gables is one of the leading Sign Codes in the
 8 United States, also. It's known for its Sign
 9 Code, and the purpose of the Sign Code is to
 10 ensure aesthetically appropriate signs, and
 11 signs that also promote public safety, and by
 12 that I mean, we don't allow a lot of signs in
 13 the right-of-way, for example, because it could
 14 distract people.
 15 We have a lot of regulations related to
 16 signs. Some of the safety regulations also
 17 relate to permanent signs, and how they're
 18 installed, and obviously they have to comply
 19 with the Building Code, and we also have a lot
 20 of Zoning regulations related to those.
 21 My purpose today is not to go through all
 22 of the regulations. Special Counsel will talk
 23 about them more specifically, based on your
 24 questions. My purpose today is to mention that
 25 once this decision came out, I was concerned

1 about our Zoning Code, as many government
2 lawyers are, regarding their government zoning
3 codes, because we do have a number of
4 regulations that look at signs based on what
5 type of sign it is.

6 And by what type of sign, I mean, we have
7 signs related to -- pardon me, we have
8 regulations related to political signs. We
9 have real estate signs. We have security
10 signs. We have a lot of categories in our
11 Zoning Code related to signs.

12 Now, based on my review of the Zoning Code
13 in consultation with Special Counsel, we are
14 able, I believe, to keep some of those
15 categories, particularly the ones related to
16 commercial signs, but some of the other
17 categories were problematic, because what the
18 Supreme Court basically said was that if you
19 have to look at the sign to determine what
20 regulations apply to it, then that's content
21 based. And, again, we believe that they were
22 talking about non-commercial signs.

23 So what do I mean? Well, let's say -- we
24 had provisions related to campaign signs, and
25 I'll give you one example. One of our campaign

1 signs regulation said that you can have one
2 campaign sign per candidate or ballot position.
3 Everyone's familiar with that.

4 Well, in the last election, we had some
5 signs -- and we'll talk about the presidential
6 election. We had some signs that were for Mitt
7 Romney, for example, pro Mitt Romney signs, and
8 then we had some signs that said, "Fire Obama,"
9 and, of course, I'm making no comment on the
10 positive or negative aspects of those signs,
11 purely apolitical.

12 But this was an actual issue that came up,
13 because, first of all, in looking at those
14 signs, we had to -- we had to determine, are
15 these political signs, so we would apply the
16 campaign sign restrictions in our Zoning Code?

17 Second is, well, the sign related to Mitt
18 Romney, that's obviously a sign for a
19 candidate, Mitt Romney, but what about the sign
20 that says, "Fire Obama"? That's what the sign
21 said. Is that a sign for Barrack Obama, the
22 president? Is that a sign for Mitt Romney? Is
23 that a sign for every candidate in the field
24 other than President Obama?

25 Well, this was a significant legal issue,

1 and we were able to resolve every issue that
2 came up, and we did it to the best of our
3 ability, consistent with the First Amendment of
4 the U.S. Constitution.

5 And, in fact, the Commission passed a
6 resolution based on some of these things that
7 occurred, that gave me the authority to resolve
8 these matters and to interpret our Code
9 consistent with the First Amendment of the
10 United States Constitution, and we have done
11 so, in my view.

12 However, the problem with all of that was,
13 you had to look at the sign to determine how
14 many of them you could have, and the other
15 problem with that was, you could have literally
16 twenty signs on a property, if there were ten
17 candidates -- pardon me, ten different
18 campaigns, ten different races, like maybe for
19 Mayor and for Commissioner and for Governor and
20 for President, and then, also, with all of the
21 different ballot initiatives, you could
22 conceivably have ten or fifteen signs on a
23 property, but if two spouses wanted to each
24 have a different sign for president, they
25 couldn't do it, because then that would be two

1 signs for one race or campaign. So this caused
2 issues.

3 Now, once this decision came out, the Town
4 of Gilbert decision, it was my view that we had
5 to take action related to the Sign Code, to
6 remove what could be UnConstitutional. I'm not
7 saying it necessarily is UnConstitutional. Our
8 Sign Code was not the subject of the Town of
9 Gilbert case, but one of my jobs as City
10 Attorney is to ensure that we can have a Sign
11 Code.

12 And the problem is that if you have a
13 number of content based restrictions in the
14 Sign Code, and someone challenges it, they may
15 challenge the entire Sign Code facially, and
16 they may potentially have it stricken or at
17 least that category of signs stricken, which
18 means we would have no regulations related to
19 signs, at least until that could be addressed.

20 In addition, it's my view, and I believe
21 the Commission shares it, and I believe you do,
22 as well, that we should try to act
23 Constitutionally, and we should not wait to be
24 sued and found to be acting UnConstitutionally
25 by a court. We should always try to act

1 Constitutionally.
 2 So what we have done here, and I would ask
 3 Abby Corbett to come up to speak, is we have
 4 gone through the Zoning Code. We have done
 5 this in consultation with Staff. We have
 6 devoted a lot of time to this. We have tried
 7 to keep the central idea of our Sign Code, that
 8 we want to have aesthetically pleasing signs,
 9 that we want commercial signs to go through the
 10 Board of Architects.
 11 All of these things, we have done our best
 12 to preserve in a way that we believe is
 13 Constitutional, but for issues that squarely
 14 fall within the Town of Gilbert decision or
 15 that -- and, basically, for non-commercial
 16 signs and temporary non-commercial signs, you
 17 will find that the Zoning Code has changed its
 18 approach to those, and that we treat them all
 19 the same.
 20 There's still restrictions, and that's what
 21 you'll talk about, but they're not based on the
 22 type of sign it is.
 23 And I'm coming to you today to basically
 24 take the position that I believe we must
 25 adopt -- that you do not have discretion

1 So with that, I would turn it over to Ms.
 2 Corbett.
 3 MS. CORBETT: Good evening. Abby Corbett,
 4 from Stearns, Weaver. I echo what Craig says,
 5 that this is sort of a necessity, a little of
 6 an ugly necessity, a little bit messy, trying
 7 to figuring out what the Supreme Court and all
 8 of the other Federal Courts are trying to do,
 9 square the First Amendment with Sign
 10 Ordinances, and this is being addressed by
 11 Planning and Zoning Boards and City Commissions
 12 across the country right now. Everyone is
 13 having to deal with this opinion. It's really
 14 a game changer.
 15 And it's not necessarily black and white,
 16 and like Craig said, we tried to do our best
 17 here to draw the line and make the changes we
 18 think are necessary, go no farther than we
 19 believe is necessary, and then we're going to
 20 sit back and observe the case law and juris
 21 prudence as it evolves, and if more changes
 22 need to be made in the future, we may have to
 23 tweak things here or there, but certainly --
 24 you know, even though action does, you know,
 25 need to be taken under the case law, if you

1 regarding adopting this.
 2 Now, obviously, it can be changed, and, of
 3 course, you ultimately always have your vote
 4 and no one can tell you how to vote, but I'm
 5 telling you, as the City Attorney, I believe
 6 that we must adopt changes to the Sign Code in
 7 order for it to be Constitutional.
 8 And, also, you have from me a written City
 9 Attorney Opinion that I issued when the Town of
 10 Gilbert decision came out, that suspended
 11 enforcement of portions of our Zoning Code that
 12 I believe were UnConstitutional based on a fair
 13 reading of the Town of Gilbert decision.
 14 And so that's the current state of the law
 15 for Coral Gables, is that we're only enforcing
 16 those provisions of the Sign Code that we
 17 believe are Constitutional, and that we've
 18 asked Staff to come -- before a Code
 19 Enforcement matter goes forward related to
 20 something that might be implicated by the Town
 21 of Gilbert decision, we've asked them to come
 22 speak to the City Attorney's Office, to ensure
 23 they're acting in a Constitutional manner.
 24 The Commission has been informed of this,
 25 and the Commission has been supportive of it.

1 have any questions or suggestions about, you
 2 know, specific ways we're doing things -- this
 3 particular red line is a little bit confusing,
 4 if you're looking at it quickly, because we had
 5 to move some things around. So it looks like
 6 entire sections have been deleted, but then
 7 you'll see it comes right after that. We just
 8 had to move things around a little bit to
 9 address some of the issues.
 10 But if you all have any questions
 11 whatsoever, I'm happy to address them.
 12 CHAIRMAN FLANAGAN: Anyone on the Board
 13 have questions?
 14 MR. BEHAR: Craig, from what I understand
 15 you said is, the commercial signs are not
 16 really being affected.
 17 MR. LEEN: Yes.
 18 MR. BEHAR: That's correct?
 19 MR. LEEN: We're still applying a very
 20 strict regimen to commercial signs, because the
 21 Supreme Court has said that commercial signs
 22 are not subject to the same level of scrutiny
 23 as non-commercial signs, and aesthetics is a
 24 permissible basis to regulate commercial signs.
 25 But does that mean that courts will

1 continue to say that in the future? We will
2 have to see. Certainly Coral Gables will argue
3 that in the future and we believe that under a
4 fair reading of the Supreme Court precedent,
5 that we can continue to treat commercial signs
6 in that way. That is core to our City and our
7 Zoning Code for decades.

8 MR. BEHAR: Right.

9 MR. LEEN: So we're not going to give that
10 up without a fight, and we believe that it's
11 Constitutional, but we always have to tell you,
12 a lot of that depends on how courts interpret
13 this decision going forward.

14 MS. MENENDEZ: I have a --

15 MR. BEHAR: Go ahead. Thank you.

16 MS. MENENDEZ: I have a question. On Page
17 5 of 21 of the Ordinance, am I reading this
18 right, basically you're outlining, on Section
19 C, what signs do not require permits?

20 MS. CORBETT: Correct.

21 MS. MENENDEZ: But does the Code still
22 apply, because I see you referencing the Code
23 throughout?

24 MS. CORBETT: Yes.

25 MS. MENENDEZ: So what you're basically

1 saying is, temporary signs, signs that are not
2 visible from public right-of-way, et cetera, et
3 cetera, on this section, does not need a
4 permit, but there are requirements that still
5 have to be adhered?

6 MS. CORBETT: Absolutely. You have that
7 right. And it's similar to the way the old
8 Section B looked, except we just made it more
9 clear. The old Section B said, the
10 requirements of this division apply, except.
11 They don't apply to all of these other topics,
12 when, in fact, really, they did apply. So
13 we're just making that more clear here, when
14 necessary.

15 You know, you don't have to get a permit
16 for a temporary non-commercial sign, but you
17 better make sure you comply with 1909, which
18 puts a limit on the number of signs for
19 temporary, non-commercial signs, and that's
20 probably the biggest effect this will have,
21 practically speaking, is changing the number of
22 yard sale type or campaign yard signs that
23 people put up.

24 It doesn't have to be for a campaign, any
25 sort of non-commercial sign.

1 MS. MENENDEZ: Okay. Thank you.

2 MR. RODRIGUEZ: I just want to make sure I
3 understand what happened here. In this case,
4 the City Attorney engaged your law firm as
5 Special Counsel, and -- with instructions to
6 review the Code and analyze it, I presume, do
7 whatever the necessary research was --

8 MS. CORBETT: Yes.

9 MR. RODRIGUEZ: And identify which areas of
10 the Code, in your opinion -- again, educated
11 opinion, at this point, because now you've
12 researched it -- excuse me, and by the way,
13 this is an area that -- I assume you specialize
14 in this area, correct?

15 MS. CORBETT: Yes. Yes, sir. Yes. I'm a
16 litigator, but I also specialize in
17 Constitutional Law and I've done a fair amount
18 of First Amendment Constitutional work for the
19 City, specifically.

20 MR. RODRIGUEZ: Okay.

21 MS. CORBETT: So, yes, the First Amendment,
22 although it's a constantly changing area, is
23 something that I do specialize in.

24 MR. RODRIGUEZ: And, then, after doing the
25 research and analyzing everything, this is your

1 work product of -- along with, I presume, the
2 City Attorney or somebody from your Staff?

3 MR. LEEN: I would like to say something
4 about that, because, you know, often, when you
5 hire Special Counsel, and she is the Special
6 First Amendment Counsel for the City, there's
7 different ways that they can approach it.

8 They can give you an iron clad opinion,
9 "Look, we've taken everything out of this Code.
10 There's nothing in here that's going to cause
11 any legal challenge." That's a hard thing to
12 say, but they could do that, but that may leave
13 us with a Zoning Code that does not allow us to
14 restrict commercial signs, because you could
15 read the Town of Gilbert decision, although you
16 don't have to and we don't, but you could read
17 it to apply to commercial signs, as well.

18 If we did read it to apply to commercial
19 signs and if we did believe that you could no
20 longer regulate for aesthetics for commercial
21 signs, then the Sign Code would be much shorter
22 and we would not be able to put many
23 regulations in there.

24 I don't want her to give an opinion -- I
25 don't want her to feel like she has to give an

1 opinion that if a court ended up disagreeing
2 with us, "Oh, well, that's your fault." I
3 didn't ask her for that sort of opinion.

4 I asked her for her best judgment as to
5 what we could retain, because we're Coral
6 Gables, and because we have a Sign Code that
7 regulates aesthetics for commercial signs, and
8 we want to continue to maintain that, and I
9 believe she's given me that, and I've also --
10 I'm putting my name on this, too. It doesn't
11 mean I can guarantee you we would win a case,
12 but it's my best judgment.

13 MR. RODRIGUEZ: And I'm sorry if I -- I'm
14 not asking for any kind of guarantee. See, I
15 feel like I'm trying to, you know, fulfill my
16 obligation to the citizenry of Coral Gables,
17 and I am -- without having done -- first of
18 all, without having the expertise you have,
19 without having done the research and analysis
20 that you have, I'm ill equipped to go through
21 this in detail, if I was inclined to want to do
22 so, and so I'm just trying to understand the
23 process.

24 MR. LEEN: Sure.

25 MR. RODRIGUEZ: And it sounds like, to me,

1 that the process that was followed is not only
2 adequate, it's about -- you know, about as good
3 as we can do. I'm not asking for guarantees.
4 I'm just trying to -- and the thrust of my
5 question is, what was done, and I think you've
6 answered that.

7 MS. CORBETT: Yeah, I think we have.

8 Another way of putting it, the amorphous
9 nature of this, is that what the Supreme Court
10 does is, they apply different levels of
11 scrutiny to different types of restrictions,
12 and when you get nine Justices in the Supreme
13 Court, you get nine different opinions. You
14 know, however many judges you have, you get
15 that many different opinions.

16 In fact, that happened in the Town of
17 Gilbert. It's a very fractured court. So even
18 among the Supreme Court Justices, who are much
19 better lawyers than me, they can't seem to get
20 on the same page about this. So it's not black
21 and white. We've drawn the line in the smoke
22 the best way we know how, keeping in mind, you
23 know, what we think the Constitution requires,
24 the current case law requires, what future
25 judges, you know, in our jurisdiction might be

1 likely to do, and also the needs of the City.

2 MR. RODRIGUEZ: All right. Thank you.

3 CHAIRMAN FLANAGAN: Craig?

4 MR. LEEN: Yes.

5 CHAIRMAN FLANAGAN: Does this take away the
6 size limitation of campaign signs?

7 MS. CORBETT: It alters them.

8 MR. LEEN: No.

9 CHAIRMAN FLANAGAN: Because as I read it,
10 it looks like you can have a maximum of ten
11 square feet of signage, maybe like no more than
12 two. There's something about a bonus sign.

13 MS. CORBETT: That's right.

14 CHAIRMAN FLANAGAN: So, I guess, the first
15 part of the question, do I understand that
16 correctly?

17 MS. CORBETT: You do.

18 CHAIRMAN FLANAGAN: Okay. And I think the
19 regulation now -- what's the limitation on a
20 campaign sign now?

21 MR. LEEN: It's 22 by 28; isn't it?

22 MS. CORBETT: Yes, and it depends on the
23 district. Right now it depends on where you
24 are. There's a different size in Commercial
25 Districts. So you could put those big campaign

1 signs --

2 CHAIRMAN FLANAGAN: What about like
3 residential?

4 MS. CORBETT: I think it's 22 by 24.

5 MR. BEHAR: 22 by 28.

6 MS. CORBETT: But you could put,
7 essentially, an unlimited number, depending on
8 -- as long as you comply with the one candidate
9 per, you could theoretically --

10 CHAIRMAN FLANAGAN: Right.

11 MR. LEEN: 22 by 28, I believe. Can I get
12 a confirmation? I believe it's 22 by 28.

13 CHAIRMAN FLANAGAN: All right. Four square
14 feet, give or take.

15 MS. LEEN: What would happen was -- this is
16 where, for example, we had a back and forth. I
17 wanted there to be one sign -- you know, one
18 campaign sign per property, and the concern
19 was, well -- you know, you could rotate the one
20 sign with different individuals, but the
21 concern was, well, is that really going to
22 satisfy scrutiny, to have one sign? It is a
23 time, place and manner restriction, so it
24 might, but, you know -- so I asked her, "Well,
25 what would be the minimum signs you would be

1 comfortable with," because we don't want to
 2 have ten signs, either.
 3 So I believe you told me you thought it was
 4 three or four.
 5 MS. CORBETT: Yeah. To further my point to
 6 Mr. Rodriguez earlier, I read a bunch of cases
 7 where that exact issue comes up, how many signs
 8 can you restrict people to in their front yard,
 9 and there are court -- it's not necessarily
 10 binding courts on us, but Federal Courts in
 11 other jurisdictions and around the country, who
 12 said all over the place, but, you know, three
 13 is not enough or, you know, two is enough. I
 14 never saw one that said -- that suggested that
 15 one would have been enough.
 16 MS. MENENDEZ: But are we saying per
 17 candidate or are we saying --
 18 MS. CORBETT: So that's the existing Code.
 19 The existing Code says one per candidate or
 20 issue, which essentially means there's no
 21 aggregate cap.
 22 What we've done now is, we've thrown away
 23 the distinction between political signs and any
 24 other temporary non-commercial sign. Now all
 25 temporary non-commercial signs have to be

1 any non-commercial signs.
 2 So that's why, when I went to you, I said,
 3 "Well, all of these cases seem to relate to
 4 campaigns. So could we have one sign during
 5 the year" -- because there's a lot of case law
 6 saying you have to be able to express yourself
 7 to some extent on your property -- and then
 8 expand it during a campaign, and that's where
 9 the bonus sign came in.
 10 We ended up, I think, determining that you
 11 could have two signs -- well, it's by square
 12 footage, but it would be about two signs, and,
 13 then, during a campaign, you could have the
 14 third sign. It could be anything, because we
 15 can't -- remember, we can't regulate based on
 16 content anymore, only on whether it's
 17 non-commercial or not.
 18 So any non-commercial sign could be placed
 19 there, but you could have three signs during
 20 that time period, to give you more ability to
 21 express.
 22 Now, this is one area where you don't have
 23 to agree with us. You could say, "Well, maybe
 24 we should allow two bonus signs during that
 25 time period or maybe three." What we can't

1 treated the same, meaning they're subjected to
 2 this 1909, which has different restrictions on
 3 size, et cetera, and the total number you could
 4 have of any of those types of signs is two or
 5 there's a bonus sign, which, during campaign
 6 season, you can put up a third temporary
 7 non-commercial sign.
 8 It doesn't have to be a campaign sign,
 9 because then we would be telling people what
 10 the content of it is; but two, or depending on
 11 the time period, three total number of signs.
 12 MS. MENENDEZ: We're restricting number --
 13 MS. CORBETT: Yes.
 14 MS. MENENDEZ: -- regardless of whether
 15 it's the same candidate or individual
 16 candidates?
 17 MS. CORBETT: Correct. Correct. There's
 18 an aggregate cap on temporary non-commercial
 19 signs.
 20 MS. MENENDEZ: Wow.
 21 MS. LEEN: We're doing two things, because
 22 right now, with the campaign signs, it's only
 23 during a certain period around an election.
 24 According to the express wording of the Code,
 25 during other times, there was no provision for

1 say, though, is that you have to look at the
 2 sign to determine how many you would have.
 3 So, for example, you can no longer base it
 4 on which candidates are being supported. So
 5 you can't say one per candidate or one per
 6 ballot initiative anymore.
 7 CHAIRMAN FLANAGAN: Are we still regulating
 8 the size of non-commercial signs in a
 9 Residential District?
 10 MS. CORBETT: So it depends on what type of
 11 non-commercial sign you're talking about.
 12 There are non-temporary -- most of what we're
 13 talking about now are temporary signs people
 14 put in their yards for a temporary period of
 15 time.
 16 Of course, if somebody wants to do a big
 17 installation of a real sign on their front
 18 yard, even if it's in a Residential District,
 19 they're going to have to get a permit for that.
 20 You know, there's going to be criteria.
 21 Now, the question of what's temporary and
 22 what is not temporary is another amorphous
 23 concept that the Code has never really defined
 24 and we have not attempted to do so. That's
 25 going to remain, you know, a separate issue,

1 but it depends on the type of sign, basically.
 2 CHAIRMAN FLANAGAN: So let's talk about
 3 temporary non-commercial in a Residential
 4 District. Do we still regulate the maximum
 5 size?
 6 MS. CORBETT: Yes. They're all grouped
 7 together, everything you just described. Any
 8 temporary non-commercial sign is governed under
 9 1909, which is governed by similar restrictions
 10 to the old campaign restrictions, but slightly
 11 tweaked.
 12 MS. MENENDEZ: How about real estate signs?
 13 CHAIRMAN FLANAGAN: 19 -- sorry. Hold on.
 14 1909?
 15 MS. CORBETT: Yes.
 16 CHAIRMAN FLANAGAN: Give me one second.
 17 MS. MENENDEZ: Real estate signs are still
 18 forty square inch?
 19 MS. CORBETT: Yes. We did not change real
 20 estate signs. Our position is that real estate
 21 signs are commercial. They express the sale of
 22 a property; therefore, they're expressing a
 23 commercial message, and we believe we can
 24 defend that.
 25 You know, there are some municipalities who

1 feel differently than that. There's different
 2 lawyers who take different positions, but we
 3 feel like that's a defensible position.
 4 MS. LEEN: And here was my thought, and
 5 ultimately it's subject to your review and the
 6 Commission's, but I felt that the real estate
 7 signs are unique to Coral Gables, these smaller
 8 real estate signs, and it's something I felt we
 9 should not give up, unless the Commission
 10 wanted to, not because of a decision that
 11 didn't directly address those.
 12 And, to me, they are commercial signs. So
 13 I felt like we could restrict them, and we've
 14 had that restriction for a long time. So that
 15 was my thinking, but that, you could -- really,
 16 what we're providing to you is the minimum that
 17 we think we could defend and that we feel
 18 comfortable with defending, that still
 19 maintains the character of our Sign Code, but
 20 you could make it more permissive.
 21 I don't want to say that you can't make it
 22 more permissive. I would not make it less
 23 permissive.
 24 CHAIRMAN FLANAGAN: Okay. Going back to
 25 temporary non-commercial signs, the Section

1 5-1909, as proposed, actually doesn't limit --
 2 if we say it limits the size of a sign, I guess
 3 that would mean, can be no more than ten square
 4 feet?
 5 MS. CORBETT: Yes. So basically there's
 6 two things going on. There's two per building
 7 lot or tenant space or three, depending on the
 8 time of year, and then a total of ten square
 9 feet.
 10 CHAIRMAN FLANAGAN: Right.
 11 MS. CORBETT: Which if you do the math, and
 12 you're thinking of a typical campaign sign,
 13 and, again, this doesn't have to be a typical
 14 campaign sign, or it could be a
 15 campaign-looking sign but it says, "Jesus
 16 Saves," or something else, you know, it doesn't
 17 matter what it says, the math works out to
 18 about ten square feet would be sufficient to
 19 have a couple of these typical signs.
 20 CHAIRMAN FLANAGAN: My train of thought on
 21 this is, I can see this becoming a huge problem
 22 during an election season, because as somebody
 23 sits and reads this Code, and some campaign
 24 manager, and I'm going to go with the political
 25 signs, because it's just easier to talk about,

1 they're going to say, "Oh, we can have ten
 2 square feet."
 3 And so they may start printing these very
 4 large campaign signs. A supporter is going to
 5 go put that in their yard, and then somebody
 6 else is going to have a ten square foot sign,
 7 and a resident of the Gables is going to say,
 8 "Oh, I've got to have that in my yard," and now
 9 they've got twenty square feet.
 10 So I think we end up opening a very large
 11 Code Enforcement problem for the residents who
 12 really don't know any better.
 13 MS. CORBETT: Yeah, you could have one of
 14 those. Under this drafting, you could have one
 15 such sign on your property, and if you guys
 16 don't agree with that, you know, it doesn't
 17 have to -- as long as we treat --
 18 MS. LEEN: My understanding is that square
 19 footage is preferable to the number of signs.
 20 I think that's fair to say. Because square
 21 footage gives more flexibility.
 22 What was the thinking behind that?
 23 MS. CORBETT: Yeah. Well, we're doing
 24 both. We have both, but flexibility is the
 25 reason, because otherwise you're essentially

1 restricting -- and, by the way, campaign signs
 2 do vary. I used to work in political
 3 campaigns. There's the standard ones. There's
 4 ones that are a little smaller. There's ones
 5 that are a little bigger. There's the huge
 6 ones, which would not satisfy our restrictions,
 7 the billboard looking ones, but if you think --
 8 if somebody put one ten-foot temporary sign up
 9 temporarily, and that troubles you, then, you
 10 know, we can certainly --

11 MS. LEEN: We could put a maximum sign
 12 size.

13 MS. CORBETT: Yes. We can change this.
 14 This doesn't have -- it can be per sign. It
 15 can have a maximum.

16 MR. BEHAR: Let me tell you, I agree with
 17 Jeff, and it would bother me to see a ten
 18 square foot sign, when today we have no more
 19 than four square feet.

20 MR. LEEN: That's a good point.

21 MS. CORBETT: Yeah.

22 MR. BEHAR: Okay. I think that we limit
 23 the number of signage. I don't know if we
 24 could, you know, really do that, not to exceed
 25 a total, because you could have two candidates

1 running in an election, and you may want to
 2 have two signage there, but ten square feet, to
 3 me, would be just a little bit too much.

4 MS. CORBETT: Yeah. I agree.

5 MS. LEEN: I think that's a very good
 6 comment.

7 MS. CORBETT: Yeah. We can do that.

8 MS. LEEN: So we will modify that.

9 MR. RODRIGUEZ: You can have ten square
 10 feet, but no sign can be larger than whatever.

11 MS. CORBETT: Right. And do we want to
 12 talk about that here or --

13 MR. BEHAR: Like not to exceed what we
 14 currently have, which is almost --

15 CHAIRMAN FLANAGAN: What we currently
 16 have --

17 MR. LEEN: Like 28 by 22. You want to
 18 maintain that?

19 MR. BEHAR: Right.

20 CHAIRMAN FLANAGAN: Yeah. I think --

21 MS. LEEN: Okay.

22 CHAIRMAN FLANAGAN: That seems to be a
 23 standard sign size.

24 MS. LEEN: Okay.

25 MS. CORBETT: That's probably okay.

1 MR. LEEN: We could do that.

2 What do you think about the total number,
 3 with the bonus sign?

4 So during an election, under this
 5 provision, it would be three signs.

6 MS. CORBETT: Correct.

7 MR. LEEN: Do you think that that's enough?

8 CHAIRMAN FLANAGAN: I'm fine with that.

9 MR. BEHAR: I'm fine with that, as well.

10 MS. CORBETT: Okay.

11 MR. RODRIGUEZ: Is that Constitutionally
 12 permissible?

13 MS. LEEN: Well, there's not a case, a
 14 binding case, that says whether that is.

15 MR. RODRIGUEZ: In your opinion --

16 MS. LEEN: Yes.

17 MR. RODRIGUEZ: All we're asking for is
 18 your opinion.

19 MR. LEEN: Well, my view is that we looked
 20 at District Court cases. I remember there was
 21 a case that was concerned about two signs. So
 22 we went up to three signs. And my thinking
 23 was, well, three signs, and particularly if you
 24 can rotate them, which you're allowed to do,
 25 that gives you the ability to speak on a number

1 of campaigns and it's something that Coral
 2 Gables would defend.

3 Honestly, we would defend two signs, as
 4 well, even though one District Court, I believe
 5 it was a District Court, disagreed with -- a
 6 Federal District Court, because, remember, when
 7 a Court looks at this, they're also going to
 8 look at, "Well, what are the City's Zoning
 9 Regulations generally," and we have a very
 10 restrictive Zoning Code, and we've done very
 11 well in challenges to our Zoning Code.

12 We generally prevail in the Third District
 13 and I believe that we would have a good case in
 14 the Eleventh Circuit, which is the Federal
 15 Court.

16 MR. BEHAR: And I think our election, local
 17 election, Commission and Mayor, don't happen
 18 during the same time as a presidential
 19 election. I think it happens at a different
 20 time. So it's not like you're going to have,
 21 you know, a major election and local election.

22 So I think that three signage -- if we
 23 could defend the three signs, I would stay with
 24 that. I feel comfortable that's more than
 25 plenty, because, you know -- and based on our

1 elected officials, you do have elections for
 2 three candidates in one -- you know, the two
 3 terms, whatever, and then two in the other. So
 4 I think that may work just fine.
 5 MS. MENENDEZ: Plus the Mayor.
 6 MR. BEHAR: Well, no, you have two
 7 Commissioners and the Mayor, and then you have
 8 two Commissioners in the second.
 9 MS. MENENDEZ: That's true. Got it.
 10 MR. WU: Craig, are you saying, and correct
 11 me if I'm wrong, that for the third sign to
 12 occur, Staff cannot read the third sign to see
 13 if it's a candidate, which means --
 14 MS. LEEN: You could look to see if it's a
 15 commercial sign, but you're allowed to treat
 16 commercial signs differently, but you can't
 17 look -- for non-commercial signs, it can be
 18 anything, because the law says that you have to
 19 treat religious signs, for example, political
 20 advocacy signs, campaign signs, all the same.
 21 MR. WU: So what you're saying is, during
 22 election time, we have an extra sign of free
 23 speech?
 24 MS. MENENDEZ: Correct.
 25 MR. WU: Okay. And that's important to

1 know, that during election time, we have an
 2 extra sign.
 3 MS. CORBETT: Right. Yeah, all three signs
 4 could express a religious message during that
 5 time period, as long as they're truly temporary
 6 and non-commercial.
 7 And there are some -- you know, there were
 8 some scattered throughout the Code. There's
 9 some things like security signs, historic
 10 preservation signs, no soliciting signs, tenant
 11 name signs, things that are a little more
 12 amorphous as to whether or not, you know, it
 13 would be a de minimis restriction that a Court
 14 would not care about and that would survive
 15 strict scrutiny or that may be governmental
 16 speech or that may be arguably commercial
 17 speech, arguably non-commercial speech. We
 18 drew the line the best we could on some of
 19 those or each of those, but this certainly
 20 addresses the ones that are clear cut.
 21 CHAIRMAN FLANAGAN: Okay. Another
 22 question. Page 6 of 21. I think it's going to
 23 be Section 5-1901, just above 1902, Subsection
 24 E.
 25 MS. CORBETT: Yes.

1 CHAIRMAN FLANAGAN: Does that also prohibit
 2 basically hand bill posting on cars on private
 3 property or have we thought about that, you
 4 know, when people come around and put stuff
 5 under your windshield wiper or in the doorjamb
 6 of your car and then all of that paperwork and
 7 flyers get littered all over a parking lot and
 8 blows all over?
 9 MS. CORBETT: You're talking about E, just
 10 E?
 11 CHAIRMAN FLANAGAN: E.
 12 MS. CORBETT: Okay. Yeah, and this affects
 13 facilities owned or operated by the City, but
 14 that's what you're talking about, somebody
 15 coming on City property --
 16 CHAIRMAN FLANAGAN: I'm saying, people who
 17 do it even in private parking lots. They'll
 18 walk around and start posting cars.
 19 MS. CORBETT: E would not affect that. E
 20 is limited only to City property. As for
 21 non-City property, I don't think we've really
 22 addressed that.
 23 MS. LEEN: We do have a solicitation
 24 ordinance.
 25 MS. CORBETT: Separate in the Code.

1 MR. LEEN: That doesn't really address
 2 non-commercial speech but does address
 3 commercial, and requires you to register.
 4 CHAIRMAN FLANAGAN: Okay.
 5 MS. CORBETT: We did not address that. I
 6 think that's in the City Code. Is that right?
 7 MR. LEEN: Yes.
 8 MS. CORBETT: And we did not tweak that.
 9 CHAIRMAN FLANAGAN: Okay.
 10 MS. CORBETT: We did tweak a couple of
 11 other minor things in the City Code, which is
 12 Attachment B to what you have or we're
 13 proposing suggestions, but, yeah, E relates to
 14 property owned by or operated for the City.
 15 So if you had any concerns about that --
 16 CHAIRMAN FLANAGAN: Okay. One more. On
 17 Page 9 of 21. It's probably going to be
 18 Section 1903, Subsection E probably -- D on
 19 that page.
 20 MS. CORBETT: Okay.
 21 CHAIRMAN FLANAGAN: "A vehicle displaying a
 22 name and telephone number with letters no more
 23 than four inches in height."
 24 I think, if I read it correctly, does that
 25 allow a vehicle to be parked on private

1 property, say, in a Single Family District,
2 with name and telephone number, with letters no
3 more than four inches in height? Does that
4 cause a conflict with no parking of commercial
5 vehicles?

6 MS. CORBETT: Yeah. I'm not sure we
7 addressed this one. I'm not sure I can answer
8 that.

9 MS. LEEN: I see what you're saying, and
10 we'll take a look at that.

11 CHAIRMAN FLANAGAN: Okay.

12 MR. LEEN: There is the provision related
13 to commercial vehicles and how long you can
14 park them in the City, which was commonly known
15 as the Truck Ordinance, but had other
16 provisions, as well, and it still exists in our
17 Code, and generally applies to commercial
18 vehicles.

19 You can't park them overnight in the City
20 outside. They have to be -- there's only, I
21 think it's like two hours you can do it, during
22 certain hours during the day, and typically the
23 way that's enforced is, we would allow
24 commercial vehicles during the day and not
25 after a certain hour, so that people can have

1 recommendation?

2 MS. MENENDEZ: I'll move it.

3 MR. PEREZ: I'll second it.

4 MR. WU: Mr. Chair, did you open public
5 comment?

6 MR. LEEN: Yes, public comment.

7 CHAIRMAN FLANAGAN: I'm sorry.

8 MR. LEEN: Thank you.

9 CHAIRMAN FLANAGAN: We'll open the floor
10 up. Any public comment?

11 Seeing none, we'll close the public
12 hearing. I heard a motion and a second.

13 Anybody have further discussion?

14 Jill, if you'll call the roll, please.

15 THE SECRETARY: Julio Grabiell?

16 MR. GRABIEL: Aye.

17 THE SECRETARY: Maria Menendez?

18 MS. MENENDEZ: Yes.

19 THE SECRETARY: Alberto Perez?

20 MR. PEREZ: Yes.

21 THE SECRETARY: Frank Rodriguez?

22 MR. RODRIGUEZ: Yes.

23 THE SECRETARY: Robert Behar?

24 MR. BEHAR: Yes.

25 THE SECRETARY: Marshall Bellin?

1 work done to their house.

2 CHAIRMAN FLANAGAN: That, as I read it, it
3 seemed that it would allow that 24 hours a day.

4 MS. CORBETT: Yeah. I don't know the
5 history behind it, but to answer your literal
6 question, Section 11-D does, in fact, exclude
7 from the restriction letters that are no more
8 than four inches in height, yes.

9 CHAIRMAN FLANAGAN: Is that something we
10 can look at, though?

11 MS. CORBETT: Meaning, you're concerned
12 about that? Yeah, we can talk about that.
13 That's not --

14 CHAIRMAN FLANAGAN: Right. I mean, I don't
15 know that anybody is going to like --

16 MS. LEEN: I think we should look at it.
17 We'll look at it in conjunction with the
18 restrictions on commercial vehicles.

19 CHAIRMAN FLANAGAN: Thank you.

20 MR. LEEN: And ensure that we're not -- the
21 intent was not to modify that.

22 CHAIRMAN FLANAGAN: Anybody else?

23 MR. BEHAR: No.

24 CHAIRMAN FLANAGAN: All right. No further
25 comments? Anybody want to make a

1 MR. BELLIN: Yes.

2 THE SECRETARY: Jeff Flanagan?

3 CHAIRMAN FLANAGAN: Yes.

4 MS. LEEN: Thank you very much.

5 MS. CORBETT: Thank you.

6 CHAIRMAN FLANAGAN: Thank you.

7 Next item on the agenda is Item 8, "An
8 Ordinance of the City Commission of Coral
9 Gables, Florida providing for text amendments
10 to the City of Coral Gables Official Zoning
11 Code, Article 5, "Development Standards,"
12 Division 14, "Parking, Loading, and Driveway
13 Requirements," Section 5-1410, "Shared parking
14 reduction standards" creating provisions for
15 shared parking reductions as a part of a mixed
16 use site plan or planned area development;
17 providing for a repealer provision, providing
18 for a severability clause, providing for
19 codification, and providing for an effective
20 date."

21 MR. TRIAS: Thank you, Mr. Chairman.

22 I have a brief PowerPoint. Great. Thank
23 you.

24 What we are presenting to you today is an
25 issue that has been discussed multiple times in

1 the past, and I think it's a good idea. We are
2 proposing that in projects that are mixed use
3 or PAD, Planned Area Development, the larger
4 projects that have many uses going on, have the
5 option of applying for shared parking.

6 What shared parking allows you to do is
7 take advantage of the fact that some uses may
8 park in the morning, for example, others in the
9 evening, and, you know, eventually end up with
10 an ideal number of parking spaces, which is
11 beneficial for the aesthetics of the building,
12 and also beneficial, in terms of
13 re-development. So that's the idea.

14 Now, the proposed amendment, and it
15 probably looks better in the actual ordinance
16 than in the PowerPoint, provides three options.
17 There are three options that an applicant -- if
18 the applicant is a mixed use or a PAD, can
19 choose three options.

20 One of them is the ULI methodology, which,
21 in general, allows for different hourly rates
22 of parking. It's a fairly complex process, but
23 it's an accepted national methodology that
24 deals with shared parking.

25 The other issue -- the other option is a

1 matrix. This is very similar, I believe, to
2 the way that the City of Miami does some of the
3 shared parking.

4 And, finally, another option is a parking
5 study that the applicant is able to submit and
6 persuade Staff and you and the Commission that
7 their methods will work.

8 The text amendment, I think, addresses most
9 of the typical issues that you will address in
10 this type of project, and it's very similar to
11 some of the discussions that took place with
12 the Mediterranean Village, very similar in
13 terms of the concept, in the terms of the way
14 that Code was adopted.

15 So this amendment was advertised legally,
16 it was posted, and then the Staff Report was
17 also posted in the website. All of this has
18 been distributed properly.

19 And the Planning Staff recommends approval.

20 CHAIRMAN FLANAGAN: Thank you.

21 Anybody have any questions, comments?

22 MR. BEHAR: Can we open to the Board?

23 MS. MENENDEZ: Yeah. I have questions,
24 too, but please go ahead.

25 You want to open it to the public first?

1 Is that -- do we first put it to the public --

2 CHAIRMAN FLANAGAN: Are these public
3 hearing items, Craig?

4 MS. MENENDEZ: They're ordinances.

5 CHAIRMAN FLANAGAN: Well, that's all right.
6 Anybody from the public here that wishes to
7 speak on it?

8 MS. MENENDEZ: No? Okay.

9 MR. BEHAR: I'll start. Mr. Trias, you
10 know, I commend you guys, the Planning
11 Department and the Staff, to bring this on,
12 because this is something that I've been a
13 proponent of for many years, and I have two
14 issues with this, and I'm going to give you the
15 reasons why.

16 I'm going to start with the reasons why
17 first. As you know, we have the Gables Ponce
18 Project. That project consists of 367 units,
19 25,000 square feet of office and 25,000 square
20 feet of retail. The total number of spaces
21 provided on that project, required by Code, is
22 942.

23 Okay, meaning that during the day, more
24 than 50 percent of the spaces are sitting
25 empty, and at nighttime, more than 50 percent

1 of the spaces are sitting empty, and I think
2 that we need to do something along this line,
3 perhaps a little bit more, because -- and
4 you're right, the project suffered when you
5 have to create a parking pedestal to comply
6 with Code.

7 I think that my issues here is that maybe
8 the methodology, how you're coming up with the
9 spaces, are not maybe sufficient, and based on
10 the number of the matrix that you're coming up
11 with, the reduction in spaces are not really
12 that significant.

13 MR. TRIAS: Mr. Behar, if I could
14 interrupt. There are three options. The
15 matrix is one option. So if it doesn't work,
16 you can use the other two.

17 MR. BEHAR: But I think that, yes, an
18 applicant can come back with a study.

19 MR. TRIAS: Yes.

20 MR. BEHAR: But I think we should make it
21 easier, you know, not as complicated to have to
22 go through a study to come up with that.

23 MR. TRIAS: And let me explain, just if you
24 don't mind, to continue your line of thought.
25 The idea of the study is that then one can take

1 into account, for example, transit, if you're
 2 right on the line. You can take any kind of
 3 valet plan that you may have. So the specifics
 4 are also --
 5 MR. BEHAR: But, see, for example, the City
 6 of Miami -- you referred to the City of Miami.
 7 MR. TRIAS: Yeah.
 8 MR. BEHAR: The City of Miami, fewer than
 9 1,500 feet, I think, of a public
 10 transportation, there's up to a 30 percent
 11 reduction automatically. I'm not saying that
 12 we need to, you know, incorporate a 30 percent
 13 reduction, but I think that the matrix should
 14 be maybe a little more, you know -- because,
 15 correct me if I'm wrong, based on the analysis
 16 that you did, if you require 100 spaces for the
 17 residential and 20 spaces for the commercial,
 18 for the retail, you could reduce three spaces?
 19 MR. TRIAS: We ran some numbers and the
 20 reductions were in the 10 percent neighborhood,
 21 yeah.
 22 MR. BEHAR: I think we may want to look at,
 23 if it's a mixed use, that is residential and
 24 retail, residential and office, you have a
 25 little bit more, because it really -- it

1 doesn't help the project aesthetically. That's
 2 one of them.
 3 MR. TRIAS: Yeah.
 4 MR. BEHAR: The second --
 5 MR. TRIAS: If I could also say that we are
 6 proposing some other changes to parking
 7 requirements that lower parking requirements
 8 for restaurants, for example. So all of that,
 9 together, I think, is going to be very helpful,
 10 just for information purposes.
 11 MR. BEHAR: Okay. The other one that I'm
 12 looking at, you put, both, in the PAD and in
 13 the MXD, but would this mixed use apply if you
 14 were doing a project in the CBD? And I don't
 15 see it.
 16 MR. TRIAS: A mixed use project, and you're
 17 saying, in any project?
 18 MR. BEHAR: In any mixed use project. I
 19 don't think -- because MXD is a section of the
 20 City, that the MXD really is from Bird Road to
 21 US-1, from Ponce to Le Jeune Road.
 22 MR. TRIAS: Let me propose a thought.
 23 Maybe in the Central Business District, any
 24 project, even an office project, could qualify
 25 for some reduction.

1 MR. BEHAR: If you have different uses,
 2 yes.
 3 MR. TRIAS: Yeah. Yeah. Because --
 4 MR. BEHAR: A mixed use.
 5 MR. TRIAS: -- an office project could have
 6 a restaurant downstairs, for example, and
 7 office upstairs and not be mixed use -- I mean,
 8 technically, mixed use, for example, and then
 9 the restaurants use the parking at night,
 10 right? So in that case, for example, it would
 11 be appropriate to have some kind of reduction.
 12 You're right. I mean, that's a good point.
 13 MR. BEHAR: And I would look at that number
 14 of the potential reduction to be more than the
 15 10 percent, because if that's what you're
 16 telling me, 10 percent --
 17 MR. TRIAS: What I'm saying is that
 18 depending on the -- to get a substantial
 19 reduction, you really would have to do your own
 20 study, basically. The other methods give you a
 21 10, maybe a 15 percent reduction.
 22 MR. BEHAR: And by the way, the City of
 23 Coral Gables, and I think we could get Marshall
 24 and Julio, is the only municipality that does
 25 not really promote, up to now, shared parking,

1 you know.
 2 MR. TRIAS: Maybe not the only one, but
 3 you're certainly right, in terms of the
 4 concept, yes.
 5 MR. BEHAR: That's it. Thank you.
 6 MR. TRIAS: And I want to stress, this is
 7 really important. We absolutely have to figure
 8 out a way to do this, otherwise we have an
 9 issue with projects.
 10 MS. MENENDEZ: I think the challenge of
 11 this shared use parking, if you take like
 12 retail -- retail, and you have the apartments,
 13 and then the concept that when the retail
 14 closes, then the parking for the apartments
 15 kick in, sometimes retail doesn't close at a
 16 certain time, you know.
 17 So the challenge is getting the type of
 18 uses that would make this work, you know.
 19 MR. BEHAR: Maria, I'm living it every day,
 20 because my office is located --
 21 MS. MENENDEZ: The example you gave is an
 22 example, that, I mean, it's worth looking at,
 23 but --
 24 MR. BEHAR: And you should visit it.
 25 MS. MENENDEZ: I'm just telling you that

1 the -- I guess, the concern for moving along
2 this direction, which I also think is a good
3 idea, but it has to be studied. It's not
4 something -- like I have questions, like where
5 did you get the matrix? Who developed the
6 matrix? Does this come from some study that
7 somebody did? Where did the matrix come from?

8 MR. TRIAS: Yeah, the matrix was the same
9 matrix we used for Mediterranean Village, which
10 was part of that study, which was reviewed by
11 our consultant and Public Works.

12 That, certainly, we can refine it, but the
13 idea was to allow for many -- for three
14 options, in the sense that I don't think the
15 matrix -- and I agree with --

16 MS. MENENDEZ: No, but I have a basic
17 question. Is there a reference to the
18 development? Who developed the matrix? Was it
19 the consultants that were used in the project?

20 MR. TRIAS: Yeah.

21 MS. MENENDEZ: There wasn't a reference?

22 MR. TRIAS: No, I think they had
23 references. I just don't have it. But they
24 recommend this.

25 MS. MENENDEZ: Okay. Because I think it's

1 always important to have some reference.

2 MR. TRIAS: Yes, absolutely.

3 MS. MENENDEZ: And may I ask other
4 questions?

5 You're finished, right, Robert?

6 MR. BEHAR: Yes.

7 MS. MENENDEZ: Page 3, under Transit, when
8 you describe the study must analyze the impact
9 of nearby, what is nearby? I think we need to
10 specify, you know, what is a walking distance
11 that people would take to --

12 MR. TRIAS: A quarter mile would be a good
13 walking distance if you want to be -- that's
14 what I would recommend as a distance.

15 MS. MENENDEZ: Okay, but you need to
16 specify it.

17 MR. TRIAS: Okay.

18 MS. MENENDEZ: Because that just leaves it
19 up for -- and then I wanted to ask if we could,
20 when we're looking at these types of things,
21 and because we have projects that have not gone
22 through the shared use, if we could test this
23 thought process, this whole -- what you're
24 proposing, against existing projects, to see
25 what the difference would be.

1 You see what I'm saying? I mean, if you
2 look at existing projects today, mixed use
3 projects, what would the effect be if we were
4 to implement it, in particular, the ones that
5 are very clear, like the matrix, for example?
6 How would that -- I think that would be very
7 useful to some of us to visualize it.

8 MR. TRIAS: Yeah, we ran a couple of tests
9 today in anticipation of your question. For
10 example, the 2020 Salcedo, which is under
11 construction, it would go from 514 to 483. I
12 mean, and that's just us looking at --

13 MS. MENENDEZ: And what does that have?
14 What kind of uses does it have?

15 MR. TRIAS: It has a residential office --
16 it's a true mixed use project, yes.

17 MS. MENENDEZ: Okay.

18 MR. BEHAR: It has an office component and
19 a residential. It's probably like 190 units
20 and about 70,000, 80,000 square feet of office.

21 MR. TRIAS: It's like four stories of
22 office space, and then a ten-story residential
23 building. So it's a good example. And that
24 gives you a sense of the range that we're
25 talking about.

1 It's not a huge number, but it's a
2 substantial number, that, in that case, for
3 example, may mean one less story.

4 In another project, in the Paseo de la
5 Riviera project, which is currently under
6 review, it may mean one less story. I mean,
7 that's what it appears to be.

8 MS. MENENDEZ: I'm not sure -- are you all
9 ready to vote on this, because I'm not? No, I
10 wanted a little more study.

11 MR. BELLIN: I've got some other questions.

12 MS. MENENDEZ: No, I know, but what I was
13 going to hope for is, if we were all in
14 agreement to defer it or to continue it --

15 MR. TRIAS: Yeah, that's fine.

16 MS. MENENDEZ: -- that if I could -- I
17 would love to see case studies. You know, some
18 actual buildings, as you described that you've
19 already started looking at, that would help us
20 really look at the numbers of the reductions.

21 MR. TRIAS: Yeah.

22 MR. BEHAR: And look at the City of Miami,
23 what they're doing, as well, because I think
24 the City of Miami implemented something like
25 this like seven, eight years ago, when it

1 really started taking off.
 2 I am not, and to be clear, for the record,
 3 I'm not a proponent to say, no, you know,
 4 eliminate it 50 percent or reduce it by 50
 5 percent.
 6 MR. TRIAS: Miami eliminates 100 percent in
 7 some cases, I understand.
 8 MR. BEHAR: Well, yeah, but in order to do
 9 that, you have to be next to an existing garage
 10 that you could secure parking there.
 11 MR. TRIAS: Right. So what I'm saying is,
 12 you have a range of options. My point here
 13 tonight is to bring it to you, to see what kind
 14 of questions you may have, and then we'll try
 15 to answer better.
 16 MR. BELLIN: I have a couple of issues that
 17 I'd like to bring to light. One is, you can
 18 put an MXD overlay in any area. The reason you
 19 really put an MXD on a piece of property is
 20 because you want the residential component.
 21 MR. TRIAS: Yes.
 22 MR. BELLIN: Otherwise you don't need an
 23 MXD, if you're zoned C.
 24 MR. TRIAS: Yes.
 25 MR. BELLIN: So what happens is, the

1 intent, but what I'm saying is, if you build an
 2 office building in Downtown, okay, and then you
 3 have, let's say, restaurants downstairs, that's
 4 not a mixed use project; that would be an
 5 office building, right, but it does have
 6 components of the shared parking, which is a
 7 restaurant has different hours than an office
 8 ostensibly, right? So we should be able to
 9 deal with those, also.
 10 There was a very recent example. I just
 11 realized this not too long ago. The 396
 12 Alhambra, there was a restaurant that was
 13 proposed for the ground floor, and I
 14 automatically think, "Oh, that's a good shared
 15 parking example."
 16 Well, no, it's not, because 396 Alhambra
 17 actually is an office building. It's not a
 18 mixed use project. So it wouldn't qualify
 19 under the way that this was written. So I was
 20 already thinking along your lines, and I agree,
 21 I think that that's the biggest challenge we
 22 have, how to encourage shared parking for
 23 Downtown, certainly, and then any kind of mixed
 24 use project that we have elsewhere or PAD.
 25 MR. BELLIN: But usually what happens is,

1 residential component really constitutes about
 2 90 percent of the parking requirement, because
 3 of the way it's set up.
 4 MR. TRIAS: Well, it depends, and that's
 5 the issue. And that's why Mr. Behar is
 6 correct, we should also include the Central
 7 Business District projects, and he's right, in
 8 addition to the MXD, in addition to the PAD,
 9 yeah.
 10 MR. BELLIN: Essentially it is.
 11 MR. TRIAS: Yeah.
 12 MR. BELLIN: Because in the CBD --
 13 MR. BEHAR: No, currently it's not,
 14 Marshall, and currently, based on this, it
 15 would not be. If you get a mixed use project
 16 in the CBD, which you're allowed to do, you
 17 won't be able to apply a shared parking there.
 18 MR. BELLIN: Why?
 19 MR. BEHAR: Because this is being referred
 20 to MXD. You will have to rezone that property
 21 to MXD to do --
 22 MR. TRIAS: No. I think --
 23 MR. BELLIN: No, if it's a commercial --
 24 MR. TRIAS: I think we can resolve that
 25 issue. I mean, I think that that was not the

1 if you put the MXD, the majority of the
 2 building is going to be residential. That's
 3 why you put an MXD. Otherwise you don't need
 4 it.
 5 MR. TRIAS: Yes.
 6 MR. BELLIN: So what it really means is,
 7 the matrix reduces the parking requirement by
 8 about two percent.
 9 MR. TRIAS: You're right. If your building
 10 is mostly residential, you would have to do a
 11 parking study, that explains that maybe you
 12 have transit nearby, that you're using a valet
 13 parking. You wouldn't use the matrix. It
 14 wouldn't make sense.
 15 MR. BELLIN: But why can't we make the
 16 matrix -- because I think the easiest way to do
 17 this is to use the matrix.
 18 MR. TRIAS: Yes.
 19 MR. BELLIN: So what we need to do is make
 20 the matrix reasonable with respect to a third
 21 choice.
 22 MR. TRIAS: Okay.
 23 MR. BEHAR: And that's my point. That was
 24 my point.
 25 MR. TRIAS: No, that's fine. We can

1 certainly look at that --
 2 MR. BEHAR: Because a two percent reduction
 3 is nothing. Really, there's no incentive.
 4 MR. BELLIN: It's eight cars out of three
 5 hundred.
 6 MR. BEHAR: Okay. And when you look at, to
 7 start, in the City, for a one and two-bedroom
 8 units, you've got to provide 1.75 spaces per
 9 unit. For a three-bedroom unit, you've got to
 10 be at 2.25. You know, that's high already to
 11 begin with.
 12 MR. TRIAS: But like I said, if I was
 13 working on that project, I would say, "Well,
 14 forget about the matrix. Let's look at the
 15 traffic study," which is Option 3.
 16 "And why?"
 17 "Oh, because I have mass transit nearby."
 18 MR. BEHAR: You know, I understand. I
 19 think that -- and I agree with Marshall, I
 20 think we should -- and that was what my point
 21 was from the beginning, make it where it's a
 22 little bit simpler to go through the process.
 23 MR. TRIAS: Yeah.
 24 MR. BELLIN: What I would like to do is
 25 recommend that the matrix for residential

1 office is 1.4, the reduction. I think retail
 2 ought to be the same, for it to be 1.4, not
 3 1.2.
 4 MR. BEHAR: And maybe that number should be
 5 more than 1.4, okay?
 6 MR. BELLIN: It probably should.
 7 MR. TRIAS: What I will do is, we will
 8 research, as Ms. Menendez recommended, some of
 9 the sources of this and some of the theory
 10 behind the matrix and see if we can come up
 11 with a better --
 12 MS. MENENDEZ: Yeah, there's been a lot of
 13 studies on this.
 14 MR. BEHAR: And by the way, since we -- I
 15 know this fact for certain, because we do a lot
 16 of work for national companies, multi-family,
 17 and their factor that they use to provide
 18 parking for the residents is 1.25. So,
 19 meaning, you know, one parking space for every
 20 1.25. So it's totally different than what we
 21 have.
 22 And maybe we should -- you should look at
 23 those.
 24 MR. TRIAS: Yes. And I was just informed
 25 that this is straight from the Smart Code, and

1 is the one that is used in the Miami 21 Code,
 2 this matrix, in particular.
 3 Now, that doesn't mean it's the best one.
 4 I'm just saying, we can research this further.
 5 MR. RODRIGUEZ: Along the lines of what
 6 Ms. Menendez requested, maybe we can look at
 7 what other cities have done, that have looked
 8 at the issue recently, and maybe have done some
 9 studies recently, and, you know, what they've
 10 come up with, in terms of --
 11 MR. TRIAS: Yeah, and we have that research
 12 and that discussion in the context of the
 13 Mediterranean Village already. So it will be
 14 easy for us to bring it back to you. So thank
 15 you very much for that suggestion.
 16 MR. PEREZ: I would say, also, Ramon, that
 17 from a use perspective, there's a couple of
 18 uses that are not taken into consideration, and
 19 that's restaurant, because the restaurant
 20 requirements for parking are different than
 21 that of retail, and I would also like to
 22 explore --
 23 MR. TRIAS: Mr. Perez, we are recommending
 24 changing those requirements for parking.
 25 MR. PEREZ: No, I get it, but under "Use"

1 you're missing restaurant, you're also missing
 2 medical, because when you look at the medical
 3 parking requirements in the City of Coral
 4 Gables, it's even more stringent, and there
 5 could be a play where there is a mixed use of
 6 retail, with a medical use, which, again, I
 7 would like to see that explored, as well.
 8 MR. TRIAS: Very good point.
 9 CHAIRMAN FLANAGAN: Julio.
 10 MR. GRABIEL: Yeah.
 11 Is it on?
 12 I agree with the idea of using -- bringing
 13 it to the Downtown, also. I think we need to
 14 reduce the parking in Downtown, and we can
 15 apply it -- instead of just keeping it to the
 16 mixed use, we should do it -- I would love to
 17 see a comparative of Coral Gables' parking
 18 requirements versus other municipalities of the
 19 same level of qualities as we are, just to see
 20 if we are -- I suspect we're really very
 21 restrictive.
 22 MR. TRIAS: We are very high.
 23 MR. GRABIEL: Okay. And I would like to
 24 see what other communities are doing and see if
 25 we can begin to match that, because I think

1 we're overbuilding parking.
 2 MR. TRIAS: Yeah. And that is in the
 3 context of the required spaces per use, which
 4 we are only changing restaurant, but we have
 5 plenty of opportunity to review that and make
 6 it better.
 7 MR. GRABIEL: And I don't know if you could
 8 do it, but if you could take Project X and use
 9 the two different systems, the ULI and use the
 10 one that you're suggesting here, and see what
 11 the results are, one versus the other. I just
 12 want to get a sense of what that comes back to.
 13 MR. TRIAS: What I would probably do is
 14 request Tim Plummer to do an expert review. I
 15 think that that's the most likely or the most
 16 appropriate way of doing that.
 17 MR. GRABIEL: And I want to bring up a new
 18 point, which we haven't discussed, and I don't
 19 know if this is the right place to put it, but
 20 if you remember, the last couple of meetings, I
 21 have been talking about, that no parking garage
 22 should come down to the ground floor without
 23 being completely screened by some habitable
 24 space.
 25 And I think that's something that we should

1 habitable spaces.
 2 MR. TRIAS: Up to what depth and so on.
 3 That's why we need to codify, because that's
 4 really critical.
 5 MR. BEHAR: You know, and I personally
 6 don't like to see a garage, you know, that you
 7 see it from the ground floor. I mean, you're
 8 going to have the entrances. You have no
 9 choice. So that constitutes about 30 percent
 10 of that frontage, but I agree with you a
 11 hundred percent.
 12 MR. GRABIEL: And speaking of screening --
 13 thanks for bringing it up -- I would like to
 14 codify, also, that no parking garage should be
 15 built where you can see into the parking
 16 garage, and I don't know how it's done, and I
 17 would leave that in the capable hands of the
 18 Architectural Board, but there are buildings --
 19 we all know of buildings all over Coral Gables,
 20 where, at night, you see right through it, and
 21 you see the fluorescent light -- it does have a
 22 screen, but that's not tight enough or designed
 23 correctly so you do not see into it at all.
 24 Again, if this is the right place to do it,
 25 I would like to push for that.

1 codify. I don't know if this is the right
 2 vehicle to do that.
 3 MR. TRIAS: I think, in the next item, when
 4 we deal with the mixed use requirements, that
 5 would be an easy thing to add.
 6 MR. GRABIEL: I just don't want it for
 7 mixed use. I want it for mixed use, and any
 8 parking garage that is built in Coral Gables
 9 must have the ground floor screened with human
 10 activity. Not just a pretty picture, not a
 11 sign, not a nice facade, it has to have human
 12 activity.
 13 MR. BEHAR: And along that line, the City
 14 of Miami, for example, requires at least 70
 15 percent of that frontage, because you cannot do
 16 100, you're going to have the access to the
 17 garage, but a minimum of 70 percent must be
 18 screened or buffered.
 19 And I like that idea a lot, because right
 20 now you can do --
 21 MS. MENENDEZ: But Julio is saying, more
 22 than just screen, a buffer. What he's saying
 23 is, he wants activity.
 24 MR. BEHAR: I agree, and the City of Miami
 25 requires that 70 percent, you have to have

1 MR. TRIAS: We may want to do a parking
 2 garage standards section, because, yeah,
 3 otherwise we won't be able to be as precise as
 4 you would like.
 5 MR. GRABIEL: Okay. If you could take and
 6 analyze that and see if there's any other
 7 examples, any other place where that's being
 8 done.
 9 MR. TRIAS: Okay.
 10 MR. BELLIN: Ramon --
 11 MR. TRIAS: Yes, sir.
 12 MR. BELLIN: -- what does that suggestion
 13 do with respect to the height of the building?
 14 CHAIRMAN FLANAGAN: Marshall, do me a
 15 favor.
 16 MR. BELLIN: Yes.
 17 CHAIRMAN FLANAGAN: Let's dispose of this
 18 item on the shared parking.
 19 MR. TRIAS: If you want to defer --
 20 MR. BEHAR: Yeah, that's a separate --
 21 CHAIRMAN FLANAGAN: Yeah, we could be here
 22 until --
 23 MR. TRIAS: Yeah, we could come back to you
 24 next meeting with the information.
 25 CHAIRMAN FLANAGAN: So, Ramon, you want

1 some time to --
 2 MR. TRIAS: Yeah.
 3 CHAIRMAN FLANAGAN: Okay. Do you need a
 4 continuance from us or is this something you
 5 can bring back whenever you're ready?
 6 MR. TRIAS: I don't think so.
 7 MS. MENENDEZ: Bring it back whenever
 8 you're ready.
 9 MS. LEEN: Are you going to act today or do
 10 you want a continuance?
 11 MR. TRIAS: No, we don't need a
 12 continuance.
 13 MS. MENENDEZ: No, we're not ready to act.
 14 MR. BEHAR: No, we're not ready.
 15 MR. TRIAS: We will be back.
 16 MS. LEEN: So it's going to be continued?
 17 MR. TRIAS: Yeah.
 18 MR. LEEN: So you can do it by unanimous
 19 consent.
 20 MS. MENENDEZ: Aye.
 21 MR. BEHAR: Aye.
 22 CHAIRMAN FLANAGAN: Anybody object to
 23 continuing it?
 24 MR. RODRIGUEZ: Yes.
 25 MR. LEEN: There's objections?

1 MS. MENENDEZ: No, no objections.
 2 MR. RODRIGUEZ: No.
 3 CHAIRMAN FLANAGAN: No nobody objects.
 4 MS. LEEN: Okay. So ordered.
 5 CHAIRMAN FLANAGAN: So be it.
 6 MS. LEEN: Okay. So there's a continuance
 7 to the next meeting, by unanimous consent of
 8 the Board.
 9 CHAIRMAN FLANAGAN: Next, Item 9 --
 10 MR. RODRIGUEZ: Excuse me. Wait a minute.
 11 It can be beyond -- I mean, depending on when
 12 Mr. Trias is ready.
 13 MR. LEEN: Oh, do you want to be continued
 14 to the next --
 15 MR. TRIAS: To whenever we're ready, which
 16 should be the next meeting. I really hope so.
 17 This is priority for us, so we'll get it to
 18 you.
 19 MS. MENENDEZ: Okay.
 20 MS. LEEN: Why don't you continue it to
 21 next meeting, as you did, and then he has --
 22 just give him the discretion, he can move it if
 23 it's necessary.
 24 MS. MENENDEZ: Got it.
 25 CHAIRMAN FLANAGAN: Okay.

1 MR. TRIAS: Mr. Chairman, the next item --
 2 I'll skip the PowerPoint, because I don't think
 3 it's helping in this case. We can look at the
 4 Staff Report.
 5 We're proposing a few amendments to the
 6 Mixed Use District. Just because we're
 7 proposing --
 8 CHAIRMAN FLANAGAN: Do we need to read
 9 these in? Are we okay?
 10 MS. LEEN: Well, you know, it's
 11 interesting, because it says 9 there and it
 12 says a resolution and here it says it's an
 13 ordinance.
 14 MR. TRIAS: It should be an ordinance.
 15 MR. LEEN: It should be an ordinance? Then
 16 it should be read.
 17 CHAIRMAN FLANAGAN: All right. I'll read
 18 it in.
 19 Ramon, let me read it real quick.
 20 "An Ordinance of the City Commission of
 21 Coral Gables, Florida providing for text
 22 amendments to the City of Coral Gables Official
 23 Zoning Code, Article 4, "Zoning Districts,"
 24 Division 2, "Overlay and Special Purpose
 25 Districts," Section 4-201, "Mixed Use District

1 (MX)," amending parking requirements for ground
 2 floor uses, adding shared parking reduction
 3 standard reference, and adding LEED
 4 certification standards for new mixed use
 5 developments; providing for a repealer
 6 provision, providing for a severability clause,
 7 providing for codification, and providing for
 8 an effective date."
 9 MR. TRIAS: Thank you, Mr. Chairman.
 10 The amendments are about the mixed use
 11 projects, because it was easy to deal with that
 12 topic. I'm not implying that those are the
 13 only projects that we will propose some
 14 amendments to, but I thought it was timely to
 15 deal with mixed use at once and deal with a few
 16 ideas that I think are fairly critical.
 17 If you look at the table, which is the
 18 table that is in the Zoning Code that is used
 19 to verify whether the project meets the
 20 requirements, we're proposing that LEED
 21 certification or similar be required for mixed
 22 use buildings. That's Item 5.
 23 Item 19 basically just codifies the current
 24 practice, which is that the Board of Architects
 25 may approve minor adjustments to design of

1 projects, and, then, under parking vehicle
2 storage, Item 5, we are dealing with the issue
3 of the commercial uses at the ground level, and
4 we're proposing a 300 -- one parking space per
5 300 square feet of floor area as a requirement.

6 That's really a benefit for restaurants,
7 and what happens is, let's say you do a
8 building, a mixed use building, and it's
9 approved, and then later on somebody wants to
10 do a restaurant downstairs -- perfectly fine
11 use -- impossible to meet the Code requirements
12 for parking.

13 Our perspective is, once a mixed use
14 project is built and once there's a garage
15 there, then I think it's better to have some
16 flexibility, in terms of the changes of the
17 uses.

18 And, then, finally, Number 6 is, that we
19 just mentioned, the shared parking provisions
20 that hopefully will be approved in the future.

21 Thank you.

22 MR. RODRIGUEZ: I have a question.

23 MR. TRIAS: Yes.

24 MR. RODRIGUEZ: How is -- I mean, minor is
25 a relative term. I mean, how is that defined?

1 MR. TRIAS: This is really the current
2 practice, in the sense that as the project is
3 designed, we do have a little bit of
4 flexibility in some dimensions sometimes. I
5 know it's relative. I know, but with the kind
6 of standards that we have in the City, we don't
7 have design guidelines that tell you exactly
8 how things should be, because we aspire to a
9 much more higher quality of design, and that's
10 why we have the Board of Architects.

11 So, you know, there's some inherent
12 flexibility, that I think would be appropriate
13 just to have it in the --

14 MR. BEHAR: Whether you call it minor or
15 non-substantial, because some municipalities
16 call them non-substantial, but at the end --

17 MS. MENENDEZ: But I think the issue is,
18 shouldn't you describe it?

19 MR. RODRIGUEZ: That could be something,
20 for example, because we're not architects --
21 maybe in the world of architects and building,
22 that's a term art, I don't know, but to
23 somebody like me, if I use -- if there's a word
24 like, minor -- you know, I'm a lawyer. And so
25 then, you know, that's -- you know, that's a

1 slippery slope, because minor is relative.
2 What can be minor to somebody, could be very
3 major to somebody else, and I can see that as a
4 potential for abuse. That's all.

5 MR. TRIAS: Yeah. And Mr. Rodriguez, the
6 due process aspect of this is that the Board of
7 Architects listens to the applicant and the
8 request, and then they make a decision, and in
9 their judgment -- they're the ones that are the
10 experts, and I want to make this clear, if we
11 could legislate high quality design, I would.
12 I mean, I would follow Ms. Menendez's
13 recommendation, but high quality design, the
14 kind of design that this City aspires to, is
15 not possible to legislate. That's why we have
16 the Board of Architects.

17 Mr. Grabiell, you had a question?

18 MR. GRABIEL: Yeah. Well, I had the same
19 question.

20 MR. TRIAS: Oh, okay. Sorry.

21 MR. GRABIEL: I marked mine the same way.

22 CHAIRMAN FLANAGAN: I think we all did.

23 MR. GRABIEL: And I'm not an attorney, but
24 the rest of the sentence, which says, "Require
25 Mixed Use District Design Regulations," what

1 does that entail? I mean, are we talking
2 about --

3 MR. TRIAS: In order to enhance a
4 building -- maybe we should say aesthetics or
5 some better word.

6 MR. GRABIEL: Design regulation worries me,
7 because that could mean moving a setback line
8 or adding square footage.

9 MR. TRIAS: Aesthetics. Yeah, but I have
10 to say that, from a practical point of view,
11 this is really important, in the sense that
12 there's always some minor little things that
13 really make a difference.

14 MR. GRABIEL: If you change that to
15 aesthetic --

16 MR. TRIAS: Yeah, that's a good idea.

17 MR. GRABIEL: You know, all of a sudden
18 minor becomes --

19 MR. TRIAS: Let's say, aesthetic
20 adjustments or something like that.

21 CHAIRMAN FLANAGAN: All right. Anybody
22 from the public wish to speak? Any other
23 comments from the Board?

24 MR. PEREZ: Yeah, I have one. On the
25 ground floor commercial uses, I understand that

1 you're including restaurants, but I think, for
 2 restaurants, it shouldn't be the floor area.
 3 In my opinion, it should be the patron area
 4 that the parking ratio should be tied into.
 5 Again, I mean, not to stereotype, but the
 6 majority of restaurant employees and chefs, et
 7 cetera, they ride their bikes or they take mass
 8 transit. I would, for restaurants,
 9 specifically, just base that ratio on patron
 10 area.
 11 MR. TRIAS: And I think that's a good
 12 point, and I will propose this: We were
 13 planning to bring restaurant parking
 14 requirements separately. And in this case,
 15 what we're really saying is that in a mixed use
 16 building -- let's just use 300 as a number, and
 17 just blend it, because it's mixed use.
 18 I mean, that's kind of like the thinking.
 19 If you're doing a restaurant, yes, you're
 20 right, and we need to refine it, so it's
 21 only --
 22 MR. BEHAR: Because the kitchen takes
 23 usually about 40, 50 percent of the floor area,
 24 and you're not going have the same number of
 25 users in the kitchen area.

1 now. It really impacts the project after it's
 2 built. What happens is that there are many
 3 times that a mixed use project is built, and
 4 then there's a change of use at the ground
 5 level, and at this point, the change of use
 6 would be easy to approve, if we had these
 7 regulations, because you already met the
 8 requirements, because it's blended.
 9 Right now, with the current regulations, if
 10 the change of use is from retail to restaurant,
 11 you have three times the parking requirements,
 12 more or less. So it's very difficult, because
 13 the building is already there. The garage is
 14 already there. It's very difficult to approve
 15 a restaurant in an existing mixed use building,
 16 years after completion.
 17 MS. MENENDEZ: But what do you do with
 18 parking?
 19 MR. BEHAR: If it's a mixed use, you're
 20 going to have that shared parking.
 21 MS. MENENDEZ: Right. So this is tied to
 22 the previous one that we talked about.
 23 MR. BEHAR: Pretty much. This is for mixed
 24 use buildings.
 25 MR. TRIAS: Right. They're all tied.

1 MR. TRIAS: We decided that the restaurant
 2 changes -- right now, I believe that the
 3 restaurant is about three times more than
 4 retail, more or less. So it's a real problem,
 5 and we need to find a solution that is
 6 reasonable, because in a mixed use building, it
 7 may be different than, let's say, on US-1.
 8 If you do a standalone restaurant on US-1,
 9 maybe we need to be a little bit more careful,
 10 in terms of the parking requirements.
 11 MR. BEHAR: Yeah. But you're right, and I
 12 think, you know, he's right. On the mixed use,
 13 you have an opportunity to be a little bit more
 14 flexible, but, I think, look at Alberto's
 15 comment. I think that's a good one, as well.
 16 MR. TRIAS: Yeah, but we intend to come
 17 back with restaurant issues and solutions.
 18 MR. BEHAR: Okay.
 19 CHAIRMAN FLANAGAN: Okay.
 20 MS. MENENDEZ: Can I just request that
 21 similar to the other one, that you bring
 22 samples of existing projects and how this
 23 change would impact those projects, if that's
 24 possible?
 25 MR. TRIAS: And I can answer that right

1 MS. MENENDEZ: The only difference is that
 2 this one is -- you're saying that this samples
 3 like when they're already built and the use
 4 changes, and then, you know, now, all of a
 5 sudden, the new use doesn't comply with the
 6 parking requirements?
 7 MR. TRIAS: Right.
 8 MS. MENENDEZ: You've got to figure that
 9 out, though. I mean, we can't just --
 10 MR. BEHAR: But even in new buildings,
 11 Maria, it could also work, because today --
 12 today, currently, for example, a 10,000 square
 13 foot restaurant requires 120 spaces, 12 per
 14 1,000, where, in retail spaces, it would be
 15 only 33 spaces. So it's almost three times the
 16 amount or actually four times the amount. So
 17 if you had a mixed use building, a new
 18 building, you could benefit from it.
 19 MS. MENENDEZ: Right.
 20 MR. BEHAR: You know, the example that I
 21 gave you earlier. For the commercial, there's
 22 155 -- 186 spaces allocated to the commercial,
 23 you know, that never gets used.
 24 MS. MENENDEZ: Okay.
 25 MS. LEEN: Mr. Chair --

1 CHAIRMAN FLANAGAN: Yes.
 2 MR. LEEN: -- I wanted to raise one legal
 3 issue. I was just thinking about what you were
 4 talking about with design regulations, and the
 5 whole discussion about major adjustments and
 6 aesthetic requirements regulations.
 7 I wanted to raise one issue that's come up
 8 occasionally, which is why I think that it's
 9 important that the modifications they be able
 10 to make be more than aesthetic, as long as it's
 11 for an aesthetic purpose.
 12 Here's the issue that can come up. I
 13 remember -- this has come up maybe two or three
 14 times, where there's some component of a
 15 structure that, for aesthetic reasons, needs to
 16 be moved, and the Board of Architects feels
 17 strongly about that, but the person, by Code,
 18 of as of a right, has a right to have that.
 19 And so they've asked that it be moved, and
 20 sometimes it may go into the setback a little
 21 bit, because of the move, but the Board of
 22 Architects believes that aesthetically it's a
 23 much better solution.
 24 I have opined that they're able to do that,
 25 and, of course, you know, ultimately the

1 Commission can change the Code and you can
 2 recommend a change to the Code, but I would
 3 like there to be -- at least I'd like to submit
 4 to you the idea that I think that there is a
 5 benefit to having that ability.
 6 MR. TRIAS: And Mr. Chairman, what I would
 7 recommend is, instead of "minor," use the word
 8 aesthetic. "It may approve aesthetic
 9 adjustments" or something like that.
 10 MS. LEEN: Adjustments for aesthetic
 11 purposes.
 12 MR. TRIAS: For aesthetic purposes, yes.
 13 MR. LEEN: That would make me comfortable,
 14 and it could be minor. It should be minor.
 15 They shouldn't be making substantial changes to
 16 the Code, obviously.
 17 CHAIRMAN FLANAGAN: So we're leaving minor,
 18 and changing it to aesthetic purposes.
 19 MR. BELLIN: Craig, I have a question.
 20 What you're saying is -- the Board of
 21 Architects, essentially, if they allow an
 22 encroachment into a required setback, that's a
 23 variance.
 24 MS. LEEN: No, it was not a variance,
 25 because it's allowed pursuant to the Code, if

1 you make this change.
 2 What the Code says is that Boards can --
 3 when they approve something, can impose
 4 conditions, and we've allowed the Board of
 5 Architects to give comments and conditions.
 6 There's no limitation on that authority, so the
 7 way I've interpreted it is, well, it can't be
 8 material, in the sense that it -- you can't
 9 essentially grant a variance to the Code, but
 10 minor ones, because their purpose is
 11 aesthetics, and that is a recognized purpose of
 12 our Code, in fact, it's central to our Code,
 13 the Board of Architects, I have opined that in
 14 the past.
 15 And I know that the Planning and Zoning
 16 Director has the same view.
 17 MR. TRIAS: Yes.
 18 MS. LEEN: Now, obviously, anyone can
 19 always appeal that, and it's ultimately up to
 20 the Commission, but, yes. The answer to your
 21 question is, yes, but I don't consider it a
 22 variance. I consider it, they're trying to
 23 comply with the Code.
 24 MR. BELLIN: If the Board of Architects
 25 approves a building aesthetically that doesn't

1 conform to the Building Code --
 2 MR. WU: You meant the Zoning Code.
 3 MR. LEEN: Not Building Code. They have to
 4 comply -- what I'm saying is, if there's an
 5 application -- I think there's two different
 6 issues here.
 7 Someone who applies and has something that
 8 doesn't meet the Zoning Code, Zoning Staff will
 9 say that, and it doesn't go forward.
 10 What I'm saying is, there's very -- it's
 11 happened maybe two or three times, that I can
 12 recall --
 13 MR. TRIAS: Yes.
 14 MR. LEEN: -- where the Board of Architects
 15 says, "Look, we understood that the Zoning Code
 16 lets you put this here, but aesthetically this
 17 is not good, we can't approve it the way that
 18 it looks.
 19 For example, it could be some major
 20 structure right on the street, and they want it
 21 to be moved toward the back. We've allowed
 22 that, with minor adjustments to the Code.
 23 MR. TRIAS: And the issue here is simply,
 24 what kind of City do you want to have? If you
 25 really believe that the Board or Architects is

1 very component and does a great job, I want to
2 give them that authority, to really make a
3 judgment that is for aesthetic purposes, that
4 enhances the quality of the City.

5 Otherwise we can have a very simple set of
6 guidelines, that, hey, you have 45, 25,
7 whatever, and we're done. And then we are not
8 going to have the City that we all aspire to
9 have. We will have a City that is not as
10 excellent. So that's really -- that's what
11 this is about.

12 It deals with mixed use projects. It deals
13 with significant -- it doesn't deal with every
14 other building or building permit that may show
15 up. This is a very specific process, that
16 requires Commission review -- Planning and
17 Zoning review, Commission approval. It's
18 significant.

19 MS. LEEN: It's come up -- I remember it
20 came up on the restaurant on US-1. It didn't
21 go forward. But there was an issue about
22 moving -- the restaurant that it's in the
23 McFarland Homestead. Remember that issue?

24 MR. TRIAS: Yes.

25 MS. MENENDEZ: It finally didn't move

1 would recommend that -- a lot of these are
2 not -- these are not things that would go to
3 the Commission. You know, these are as of
4 right projects.

5 MR. RODRIGUEZ: I thought we had agreed on
6 the language of approve minor adjustments for
7 aesthetic purposes.

8 MR. TRIAS: Okay.

9 CHAIRMAN FLANAGAN: Right.

10 MR. TRIAS: Very good.

11 CHAIRMAN FLANAGAN: With that, any further
12 comments?

13 MR. BELLIN: I have a question. Just as a
14 for instance --

15 CHAIRMAN FLANAGAN: On this item?

16 MR. BELLIN: Uh-huh.

17 CHAIRMAN FLANAGAN: Okay.

18 MR. BELLIN: In general. What if the Board
19 of Architects approves a metal roof and metal
20 roofs are not allowed in Coral Gables? What
21 happens?

22 CHAIRMAN FLANAGAN: Sorry, Marshall. Can
23 we finish this item first, please?

24 MS. LEEN: Yes. Just briefly, that's not a
25 minor adjustment. That can't be. Based on

1 forward?

2 MS. LEEN: Well, that restaurant did not
3 move forward. I don't know what the current
4 status is. And I remember that the Board of
5 Architects -- there was some structure they
6 wanted to put, and they aesthetically were very
7 strongly -- the Board of Architects had a
8 strong view about it, and felt it needed to be
9 moved.

10 Basically impose that -- they said, "This
11 needs to be moved," but they said, "Well, but
12 if we move it, it's going to go a little bit
13 into the setback," and I gave the opinion --
14 I've done this a couple of times -- that if
15 it's done for aesthetic purposes and it's
16 required by the Board because of an aesthetic
17 purpose, they have the authority to do that.

18 Obviously that can be appealed by any
19 aggrieved party. In that particular case, no
20 one appealed, as I recall.

21 MR. TRIAS: Mr. Chairman, maybe we should
22 say that the Board of Architects may recommend
23 adjustments for aesthetic purposes to the City
24 Commission?

25 MS. LEEN: Well, that's up to you, but I

1 what the Commission has said, that is not a
2 minor -- that's not even close to a minor
3 adjustment, I would say. So that can't happen.

4 CHAIRMAN FLANAGAN: All right. Any further
5 comments on this item? Anybody want to move
6 it?

7 MS. MENENDEZ: I would like to continue it.
8 I wanted to get some --

9 MR. TRIAS: Which issues --

10 MS. MENENDEZ: I saw your eyes go up.

11 CHAIRMAN FLANAGAN: What is there to
12 provide?

13 I mean, this talks about buildings that are
14 already existing. They were built in
15 compliance at one to 300.

16 MS. MENENDEZ: I was hoping to get some
17 case scenarios, but if you all don't agree,
18 but --

19 CHAIRMAN FLANAGAN: I mean, the only thing
20 they can come back with is, putting in a
21 restaurant use, but the building exists. It's
22 built to comply at one to 300.

23 MS. MENENDEZ: It's complying presently at
24 one to 300, you're saying here?

25 MR. BEHAR: Now, when they change the

1 use --
 2 MS. MENENDEZ: But then you're bringing in
 3 a restaurant.
 4 CHAIRMAN FLANAGAN: Right.
 5 MS. MENENDEZ: So are you saying that the
 6 restaurants is less intense --
 7 MR. TRIAS: Yes.
 8 MS. MENENDEZ: The existing Code says the
 9 restaurant is more intense.
 10 MR. TRIAS: Yeah, the existing Code
 11 requires three times the parking for a
 12 restaurant than it does for a retail store, and
 13 what we're saying is that that is not working,
 14 and that is not working especially in mixed use
 15 buildings.
 16 And it's not working in missed use
 17 buildings, because when there's a change of
 18 use, and a restaurant wants to be located at
 19 the ground level, there usually is not enough
 20 parking.
 21 MR. BEHAR: Maria, I feel personally
 22 comfortable, if it's for mixed use buildings,
 23 because he's right, you know, you have the
 24 excess parking --
 25 MS. MENENDEZ: I understand. For a mixed

1 use building, I understand.
 2 MR. TRIAS: And that's all it is, it's just
 3 for mixed use.
 4 MS. MENENDEZ: Just mixed use. Okay. Got
 5 it.
 6 MR. TRIAS: Okay.
 7 CHAIRMAN FLANAGAN: Anybody want to move
 8 it?
 9 MR. BEHAR: I'll make a motion to approve.
 10 MR. WU: Mr. Chair, just be aware, there's
 11 also a LEED requirement.
 12 MS. MENENDEZ: I saw that, yeah.
 13 MR. WU: I just want to make sure we are
 14 comfortable with the LEED requirement.
 15 MR. BEHAR: The LEED requirement is --
 16 MR. TRIAS: Or similar.
 17 MR. BEHAR: Or similar.
 18 MR. WU: Equivalent.
 19 MR. BEHAR: Equivalent, yes.
 20 And, typically, today, just about any
 21 project you do, you've got to comply with that
 22 by Code, just standard. So that's okay.
 23 MR. GRABIEL: I'll second it.
 24 CHAIRMAN FLANAGAN: And a second.
 25 MS. MENENDEZ: But where does it say,

1 "similar," because in the chart, it says, "LEED
 2 certification."
 3 MR. BEHAR: "Or similar rating agency."
 4 MR. TRIAS: Yes.
 5 MS. MENENDEZ: Where are you reading that?
 6 MR. TRIAS: That's the third line. The
 7 third line, "Or similar rating" --
 8 MS. MENENDEZ: Okay. Got it.
 9 CHAIRMAN FLANAGAN: Motion and a second.
 10 Anything further?
 11 All right. Jill, call the roll please.
 12 THE SECRETARY: Maria Menendez?
 13 MS. MENENDEZ: Yes.
 14 THE SECRETARY: Alberto Perez?
 15 MR. PEREZ: Yes.
 16 THE SECRETARY: Frank Rodriguez?
 17 MR. RODRIGUEZ: Yes.
 18 THE SECRETARY: Robert Behar?
 19 MR. BEHAR: Yes.
 20 THE SECRETARY: Marshal Bellin?
 21 MR. BELLIN: Yes.
 22 THE SECRETARY: Julio Grabiell?
 23 MR. GRABIEL: Yes.
 24 THE SECRETARY: Jeff Flanagan?
 25 CHAIRMAN FLANAGAN: Yes.

1 All right. Last item, Number 10 on the
 2 agenda, "An Ordinance of the City Commission of
 3 Coral Gables, Florida providing for text
 4 amendments to the City of Coral Gables Official
 5 Zoning Code: Article 2, "Decision Making and
 6 Administrative Bodies", Division 3, "Board of
 7 Architects", Section 3-301, "Powers and
 8 Duties"; Section 2-302, "Membership, Terms;
 9 Vacancies; Removal"; and Section 2-303,
 10 "Meetings, Quorum; Required Vote", repealing
 11 Section 3-303, "Reconsideration of City
 12 Architect Administrative Determination" of
 13 Article 3 "Development Review"; by updating the
 14 membership and certain procedures of the Board
 15 of Architects; providing for severability,
 16 repealer, codification and an effective date."
 17 MR. TRIAS: Mr. Chairman, thank you very
 18 much.
 19 As you know, the Board of Architects'
 20 process is probably the most important process
 21 that we have for the aesthetics of the City.
 22 We have made a few changes that I believe are
 23 going to streamline the process and provide a
 24 better service to our community.
 25 The first change is that we are adding

1 alternate members, and the idea there is, the
2 City Manager may want to appoint -- the City
3 Manager appoints the Board, by the way, just to
4 remind you -- may want to appoint people,
5 that if they're alternates, then they don't
6 have to comply with the attendance requirement.
7 Sometimes that has been difficult. So we think
8 that's a good thing to open it up.

9 Right now we have eight members. The Code
10 says, at least seven. So we're lucky to have
11 eight. And we may have more. So that was one
12 thing.

13 Another thing, another idea that came up,
14 was to see if we could include a member from
15 the University of Miami, kind of like a way to
16 have better relations with the school, if you
17 want to suggest something different, but that
18 person would have to be a registered architect
19 and so on, and the idea there is that sometimes
20 we have professors that don't meet the
21 requirements for residency, in terms of the
22 time, and it may be a good idea to have
23 somebody like that on the Board. So it's just
24 to open it up. Again, it's not a requirement.
25 It's just another option.

1 Then the significant change is in the panel
2 review. And the practical issue is that it
3 allows us to have a meeting with a smaller
4 quorum, just two people form a panel. Three
5 people is the panel, but two would be a quorum
6 of that.

7 Sometimes, in the summer, we've had some
8 attendance issues. As you know, the Board is a
9 volunteer Board that serves every week, every
10 week, for four or five hours, so that makes it
11 easier for us to run the meetings.

12 And then we're clarifying the current
13 practice that there could be a review -- if you
14 don't like the decision of the panel, you could
15 ask for a review by the full Board. That's
16 being done already. We just wanted to make
17 sure that it's in the Code.

18 So those are the proposed changes.

19 CHAIRMAN FLANAGAN: Let me, anybody from
20 the audience? No? Okay.

21 MR. TRIAS: Mostly administrative in
22 nature.

23 MR. RODRIGUEZ: If you said that, I missed
24 it, I'm sorry, presently you need a quorum to
25 get anything passed and of how many?

1 MR. TRIAS: Yeah. Just like any meeting,
2 you need have a quorum to have a meeting.

3 MR. RODRIGUEZ: Right.

4 MR. TRIAS: So if we have eight members, we
5 would need to have four members present, before
6 we start. So what we're saying is, by having
7 the panel determine the quorum, then we can
8 have a meeting with less people.

9 MR. RODRIGUEZ: If the goal is to maintain,
10 you know, a certain level of quality control,
11 isn't allowing a decision to be made by two --
12 couldn't that potentially compromise the goal
13 of quality control?

14 Because, I mean, I'm always -- isn't,
15 generally speaking, you're more comfortable if
16 you have the input of at least four people or
17 more people?

18 MR. TRIAS: No, Mr. Rodriguez, you're
19 right, but what happens is that that's the
20 current practice. Right now we do have panels,
21 and the reason is that we have 120, 130 items
22 every meeting.

23 So what happens is that a majority of those
24 items are fairly routines, like, for example,
25 windows, doors, things that are easily dealt

1 with, with a panel. Now, if we have a
2 significant -- well, significant in this City
3 is a house, anything that is a new building,
4 then typically we have the full Board.

5 MS. LEEN: Can I add something?

6 MR. TRIAS: Yeah.

7 MR. LEEN: If we have five members present,
8 it allows three to act on one and two to act on
9 the other, so it expedites matters. If there's
10 controversy, the City Architect has the
11 authority to say, "Well, you know what, let's
12 move this to a full Board."

13 MR. TRIAS: Yeah, and I understand exactly
14 the point that you're making, and what I would
15 encourage you to do is that if you visit one of
16 the meetings, you will realize that there's an
17 amazing amount of little things that have
18 people waiting in line and so on, and so that
19 was kind of what we were trying to do -- be
20 able to --

21 MR. RODRIGUEZ: An example -- let me throw
22 out an example for you. What if, for example,
23 somebody wanted to come and wanted to paint
24 their windows a color that wasn't, you know, a
25 standard color approved by the City, and, you

1 know, that to me has potential for -- I don't
2 know if the right word is abuse, but potential
3 to have an ugly house, you know, with an ugly
4 color. Is that something that would be handled
5 by two people, two architects?

6 MR. TRIAS: And Staff. Obviously Staff is
7 there and Staff is able to review it. Yes.
8 And all I'm saying is that, I have full
9 confidence that the City Manager is going to
10 appoint competent people at that Board, and
11 that's the assumption we have.

12 If we have a problem, we will deal with it.

13 MR. BEHAR: Frank, the Board of Architects
14 really attempts -- I used to serve on that
15 Board, and you would do it for four or five
16 hours every week. It gets to be cumbersome. I
17 mean, so I support the idea of bringing
18 alternates or, you know -- because --

19 MR. RODRIGUEZ: I would be -- you know,
20 speaking for myself, I would be persuaded by
21 the opinions of the architects that are part of
22 this Board, and especially if you've served on
23 it. I mean, I'm sensitive to the issue. I
24 think that's something -- I mean, to ask people
25 to be there for five or six hours at a time --

1 MR. BEHAR: Every week.

2 MR. WU: Mr. Rodriguez, just to clarify one
3 point. If the two-panel member is going to
4 deny something, it automatically kicks it to a
5 higher level review. It's not an automatic
6 denial. I think there's some foresight that
7 members on the two panel have said, "This
8 requires a full Board hearing." So it's a
9 fairly standard process.

10 MR. GRABIEL: I've been on both sides.
11 I've been on the Board of Architects and I've
12 presented projects to the Board many times, and
13 it works very well, because they divide
14 themselves into three groups of three each, and
15 they move along. And if the project is
16 important enough or if there's no agreement on
17 the panel, then it goes to a full Board.

18 MR. BEHAR: To the full Board.

19 MR. TRIAS: And that would be any addition.
20 Any large addition to a single family house
21 would qualify for that. So the standards are
22 very high for projects that in other cities
23 would not be reviewed.

24 MR. BELLIN: Ramon, let me mention that I
25 also sat on the Board for a lot of years. And

1 we always, for probably the 20, 30 years that
2 I've been associated with the Board, always had
3 two members, never three, until maybe two years
4 ago, and it worked for all that period of time
5 and it worked well.

6 And I think the testament to that is, look
7 at Coral Gables.

8 MS. LEEN: Can I raise one issue that I see
9 here, that I want to bring to your attention,
10 because this actually came up in a Planning and
11 Zoning meeting, too, and it's something that
12 we're addressing in other parts of the Code?

13 But this does include the language that a
14 tie vote shall result in the automatic
15 continuance of the matter to the next meeting,
16 which shall be continued until a majority vote
17 is achieved.

18 I don't normally make recommendations, but
19 that language --

20 MS. MENENDEZ: Doesn't work.

21 MR. LEEN: -- in all of our Zoning Code
22 troubles me, because what I think should happen
23 when there's a tie vote, from a procedural
24 standpoint, is that they should try to break
25 the tie, and, you know, talk a little bit more,

1 and if they can't, at some point it should just
2 fail.

3 I mean, if you can't achieve a majority
4 vote, then the matter should end, and then the
5 party can appeal to the Commission.

6 MS. MENENDEZ: I had that marked myself --

7 MR. LEEN: And I think that that's probably
8 true for every Board. It worries me, because
9 sometimes, like with this Board, you could have
10 a two-three vote, which obviously doesn't pass
11 anything, but that goes to the Commission, but
12 if you had a three-three vote, which still is
13 not four, then that's automatically continued
14 and makes you go through an entirely new
15 proceeding. It doesn't make any sense to me.

16 MS. MENENDEZ: No. It goes without a vote
17 to the Commission, no? It goes to the next
18 meeting.

19 MS. LEEN: But we're changing that.
20 Remember, I gave an opinion last time that
21 there was no -- to me, that that provision was
22 arbitrary, basically, because there was no
23 reason to treat three-three differently than
24 two-three. Either one would normally go to the
25 Commission.

1 So I gave the opinion it could go to the
2 Commission. So we're removing that from other
3 provisions.

4 Ramon, do you -- if I may, Mr. Chair, do
5 you have any issue with --

6 MR. TRIAS: No. No. We intent -- yeah.

7 CHAIRMAN FLANAGAN: That's fine.

8 MR. BEHAR: One more question. On the
9 Board, appointed with the person affiliated
10 with the University of Miami, can you maybe be
11 a little bit more -- elaborate on that please?

12 MR. TRIAS: Well, that's an idea that came
13 up from discussions with the City Manager,
14 brainstorming ways of including the community a
15 little bit more in our efforts, and what
16 happened was that, I realized that there were
17 several people that potentially could serve on
18 the Board, that were qualified and interested,
19 but they didn't qualify because of the
20 residency requirement. They were new
21 professors. So that was one way to deal with
22 that issue.

23 Again, it's an option. It's not required.

24 MR. BEHAR: For the record, I'm very
25 supportive of the School of Architecture --

1 MR. TRIAS: I think you have some relation
2 with that, yeah.

3 MR. BEHAR: Very much so. I have some
4 concerns when you start bringing academia and
5 professional together. You know, I think that
6 I -- this has to work, where you have the
7 professional that resides or practices in the
8 City of Coral Gables, and I'm not sure it would
9 be a good idea to start bringing professors
10 into the Board.

11 MR. TRIAS: They would have to be
12 registered architects.

13 MR. BEHAR: You know, I --

14 MS. MENENDEZ: I have confidence, though,
15 that the person that will be selected will have
16 what you're hoping they would have and not just
17 be academia, and I'm sure that Ramon will share
18 that with the Manager.

19 MR. TRIAS: Absolutely, and the Manager
20 makes the appointment, and she's very sensitive
21 to this. And it's an option. And the only
22 option is to have more people that qualify.
23 That's it.

24 MS. MENENDEZ: Right, but I understand what
25 you're saying.

1 MR. BEHAR: They live in a different world
2 sometimes.

3 MR. BELLIN: Always.

4 MR. TRIAS: Mr. Behar, I was at a design
5 studio presentation today on the North Ponce
6 and I fully understand your point.

7 MR. RODRIGUEZ: Ramon, I'm persuaded by --
8 I mean, to me, what Mr. Behar is saying makes a
9 lot of sense, you know, and, plus, when you
10 have stated -- I mean, you're not even hiding
11 it, the stated purpose is to curry favor with
12 the University of Miami -- I mean, look, I
13 understand -- but, I don't know, to me, that is
14 a little bit of a concern, as opposed to
15 having, you know, architects that work in the
16 City, live in the City, maybe have been here
17 for a while, understand, you know, some of the
18 sensibilities that are important to the City or
19 maybe more so because they've been around it
20 and they're more accustomed to it.

21 MR. TRIAS: My recommendation to the City
22 Manager has been to appoint anyone who
23 qualifies, who wants to serve, because the Code
24 allows that. So now we have eight. If we had
25 two more, and one of them happens to be a

1 professor -- that was my thinking -- why not?

2 But, you know, it's up to you, whatever
3 recommendation you want to make.

4 CHAIRMAN FLANAGAN: And just as "minor" in
5 the last one was maybe a little too loose of a
6 word, I question the word, "affiliated." I
7 think that's very broad as to what that means,
8 "Affiliated with the University of Miami."

9 MR. TRIAS: All right. We can --

10 CHAIRMAN FLANAGAN: That's a comment.

11 But then, also, Ramon, it says, if you're
12 affiliated with UM, you must be a registered
13 architect or landscape architect, but you're
14 exempt from all other requirements.

15 MS. MENENDEZ: That's true.

16 CHAIRMAN FLANAGAN: And one of the other
17 requirements was a minimum of experience of
18 having been an architect.

19 MS. MENENDEZ: In Coral Gables.

20 MR. TRIAS: In Coral Gables.

21 MS. MENENDEZ: Right.

22 MR. TRIAS: For example, the Dean -- a new
23 Dean at the School of Architects, I had that
24 conversation, just recently hired, he said,
25 "Oh, yeah, I want to serve."

1 Well, he doesn't qualify. Well, that's the
 2 kind of scenario that I'm proposing. It's like
 3 all of a sudden, it's like we have a university
 4 that is very qualified, in our City, and
 5 certain individuals, we may want to have that
 6 option, and it is that residency requirement --
 7 MR. BEHAR: But, actually, he is a resident
 8 of Coral Gables. So that may be a different --
 9 CHAIRMAN FLANAGAN: This section also
 10 deletes the ten years experience in the
 11 profession.
 12 MR. TRIAS: We could --
 13 CHAIRMAN FLANAGAN: So if it's just
 14 residency, then I think we should state that
 15 it --
 16 MR. BELLIN: There is no requirement for
 17 residency in the Board of Architects.
 18 MR. TRIAS: Or have an office. Residence
 19 or office.
 20 MR. BELLIN: And also there's a requirement
 21 that you have worked in Coral Gables, that you
 22 do work in Coral Gables.
 23 MS. MENENDEZ: Yes, it says it right there.
 24 CHAIRMAN FLANAGAN: But this says, design
 25 projects within the City during the last five

1 here 20 years, but they may not be practicing
 2 in Coral Gables, even though they work in Coral
 3 Gables, and even principal place of business, I
 4 would normally think that would mean as an
 5 architect, although they are working at the
 6 University of Miami. So we could argue that's
 7 their principal place of business.
 8 So, you know, (B) may even be satisfied by
 9 someone who's a professor at the University of
 10 Miami.
 11 CHAIRMAN FLANAGAN: What bothers me is, Sub
 12 A says you have to have a minimum of ten years'
 13 experience in the profession. So that tells me
 14 you have to have been an architect for at least
 15 ten years.
 16 Sub C takes that away. Now, granted, you
 17 have to have some faith in the judgment of
 18 whoever appoints them, but this technically
 19 says, if you're affiliated with UM, you could
 20 be a recent graduate. You could have just
 21 gotten your architect's license and you are,
 22 therefore, entitled to serve.
 23 MR. LEEN: It is true. That ten-year
 24 requirement, sounds like the will of the Board
 25 would be to move that as a requirement in C.

1 years, and you shall have a minimum of ten
 2 years' experience in the profession. So Sub C,
 3 as written, I think, deletes that requirement
 4 of a minimum of ten years in the profession.
 5 MR. TRIAS: Yeah. The policy issue here,
 6 and this is really a policy choice, it could go
 7 either way, is, do we want to keep the Board
 8 only with people who have five years of
 9 experience of working in Coral Gables
 10 specifically. I mean, that's really what the
 11 issue is, because if we want to open it up to
 12 other people, then maybe recent professors who
 13 came to work here, we may have that option.
 14 MR. RODRIGUEZ: Is there a problem getting
 15 qualified people now, because the requirements
 16 are too restrictive?
 17 MR. TRIAS: It was a problem, yes. We were
 18 able to work it through and get enough people,
 19 but, yes, certainly -- it's not only the
 20 qualifications. It's a significant time
 21 commitment. It's every week, the whole five
 22 hours in the morning.
 23 MS. LEEN: If I may, Mr. Chair, one other
 24 thing to think about, from a legal perspective,
 25 is that, you could have a professor that's been

1 CHAIRMAN FLANAGAN: I'll leave that to the
 2 architects on the Board, but I think
 3 experience --
 4 MR. BEHAR: I agree with you. I agree with
 5 that 100 percent. You know, in the case you
 6 mentioned, the Dean, that's different, because
 7 he has been in practice for over ten years.
 8 Not in Coral Gables, but he has practiced. He
 9 resides in Coral Gables. So that may be a
 10 little different, but like Jeff, you know,
 11 pointed out, you may have a recent graduate,
 12 you know, that just got licensed, and that may
 13 not be the right person --
 14 MR. TRIAS: If this creates problems, then
 15 I will recommend to delete it, because I don't
 16 think it's a major issue. It was just -- okay.
 17 I mean, if that's the consensus of the Board --
 18 MR. BELLIN: I don't quite understand why,
 19 you know, this whole story, if it ain't broke,
 20 don't fix it.
 21 The Board has been around since the '20s,
 22 you know, and it seems to me that the
 23 requirements really serve that Board well.
 24 MS. LEEN: Well, I mean, I think the policy
 25 decision for you is, do you want to allow

1 professors that are not practicing in Coral
 2 Gables, but that teach in Coral Gables, to be
 3 on the Board or not?
 4 MR. TRIAS: That's it.
 5 MR. PEREZ: No.
 6 (Simultaneous speaking.)
 7 MR. TRIAS: Yeah, I don't have any problem
 8 removing it, if that's the consensus of the
 9 Board.
 10 CHAIRMAN FLANAGAN: I'm hearing murmurs to
 11 my left.
 12 MR. BEHAR: I will say, no, I don't
 13 think -- I think we leave it the way it is, and
 14 your case specific, that would qualify, if they
 15 want to be on the Board.
 16 CHAIRMAN FLANAGAN: So that's for that
 17 portion. There are other changes.
 18 MR. TRIAS: Any other issues?
 19 MS. MENENDEZ: But what you're saying is to
 20 strike C altogether or just strike to exempt it
 21 from the other requirements of Subsection A and
 22 B?
 23 MR. TRIAS: Mr. Chairman, just for clarity
 24 sake, I would just strike C altogether, in the
 25 sense that it's not material to this. It's one

1 of those things that --
 2 CHAIRMAN FLANAGAN: Okay. All right.
 3 MR. BEHAR: I'm good with the other two.
 4 MS. MENENDEZ: A and B exist now.
 5 MR. BEHAR: Right. And I'm good with the
 6 rest.
 7 CHAIRMAN FLANAGAN: And there's other
 8 changes throughout -- okay, through Section
 9 2-303.
 10 Anybody have any other comments or
 11 thoughts? So we're deleting Subsection C.
 12 MR. TRIAS: Yes.
 13 CHAIRMAN FLANAGAN: Okay. Anybody -- as
 14 modified, anyone want to move it?
 15 MS. MENENDEZ: And we're also going to
 16 change what our City Attorney suggested on C,
 17 Page 3.
 18 CHAIRMAN FLANAGAN: Yes, that's right.
 19 Thank you. About tie votes.
 20 MS. MENENDEZ: About the tie votes.
 21 CHAIRMAN FLANAGAN: Mr. Rodriguez, are you
 22 good with that?
 23 MR. RODRIGUEZ: I'm good with it. I so
 24 move.
 25 CHAIRMAN FLANAGAN: All right. A motion.

1 MR. BEHAR: Second.
 2 CHAIRMAN FLANAGAN: Second. Any further
 3 comment?
 4 Seeing none, Jill.
 5 THE SECRETARY: Alberto Perez?
 6 MR. PEREZ: Yes.
 7 THE SECRETARY: Frank Rodriguez?
 8 MR. RODRIGUEZ: Yes.
 9 THE SECRETARY: Robert Behar?
 10 MR. BEHAR: Yes.
 11 THE SECRETARY: Marshall Bellin?
 12 MR. BELLIN: Yes.
 13 THE SECRETARY: Julio Grabiell?
 14 MR. GRABIELL: Yes.
 15 THE SECRETARY: Maria Menendez?
 16 MS. MENENDEZ: Yes.
 17 THE SECRETARY: Jeff Flanagan?
 18 CHAIRMAN FLANAGAN: Yes.
 19 MR. TRIAS: Thank you very much.
 20 CHAIRMAN FLANAGAN: Thank you.
 21 All right. That's the last item on the
 22 agenda. So we are adjourned until December
 23 9th.
 24 (Thereupon, the meeting was concluded at
 25 8:10 p.m.)

1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.
 15
 16 DATED this 26th day of October, 2015.
 17
 18
 19
 20
 21 SIGNATURE ON FILE
 22 _____
 23 NIEVES SANCHEZ
 24
 25

Attendance/Speaker Sign In Sheet – October 14, 2015

Planning & Zoning Board Meeting

	Name	Mailing Address	Phone	(If you wish to speak, please check the box below)
1.	MARIA C. CRUZ	1447 Miller Rd, #65746 UM Amendment	305-333-2154	<input checked="" type="checkbox"/> (1)
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>
9.				<input type="checkbox"/>
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>

Menendez, Jill

From: Trias, Ramon
Sent: Wednesday, October 14, 2015 11:02 AM
To: Menendez, Jill
Subject: Fwd: UM will be requesting continuance tomorrow
Attachments: B795CE5B-9482-4422-9308-3AAE6B19782A[44].png

Jill:

Please provide copies for tonight's meeting.

Ramon

Sent from my iPhone

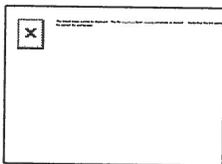
Begin forwarded message:

From: Jeff Bass <jbass@shubinbass.com>
Date: October 13, 2015 at 5:50:46 PM EDT
To: "Trias, Ramon" <rtrias@coralgables.com>
Cc: Janet Gavarrete <jgavarrete@miami.edu>
Subject: **UM will be requesting continuance tomorrow**

Dear Mr. Trias:

At tomorrow night's meeting of the City of Coral Gables Planning and Zoning Board ("P&Z"), the University of Miami shall be requesting that the University's item be opened and then continued to the next available P&Z meeting.

This request will allow for more time between the P&Z hearing and the neighborhood meeting conducted by the University on October 7, 2015.



Jeffrey S. Bass, Esq.
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Phone: (305) 381-6060
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To: Jane Tompkins, Charles Wu, Ramon Trias, William Ortiz, and Michael Kattou

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "C. Leen", is written over the printed name of the City Attorney.

RE: Legal Opinion Regarding Sign Code and *Reed v. Town of Gilbert*

Date: July 2, 2015

In light of the Supreme Court's decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), invalidating content based regulations in the Town of Gilbert's sign code following a strict scrutiny review, and following consultation with special counsel on First Amendment matters and the Development Services Director, I hereby invoke the authority granted to the City Attorney in Resolution No. 2014-205, which directs that the Sign Code be interpreted consistently with the First Amendment, and which authorizes the City Attorney to resolve questions and disputes related to the Sign Code.

Based on this authority, along with sections 2-201(e)(1), (6), (8), and (9) of the City Code, and section 2-702 of the Zoning Code, I hereby opine that the Sign Code be reviewed and that amendments be recommended to the City Commission on an expedited basis to ensure consistency with the *Town of Gilbert* decision. I am asking special counsel (Abby Corbett), the Deputy City Attorney, and the Development Services Department to begin work on these amendments.

In addition, based on the above authority, I hereby opine that prior to any citations/warnings being issued by Code Enforcement for violation of the Sign Code, that there be consultation with an attorney in the City Attorney's Office to ensure that the *Town of Gilbert* decision is being followed. This requirement applies to all noncommercial signs. This requirement does not apply to enforcement of the size and number requirements that are generally applicable to commercial temporary signs (i.e. temporary business signs and advertisements), and the requirement that all permanently installed commercial signs (i.e. a business sign installed above an entrance in a commercial district) must have the appropriate permits.

The City may also continue to remove any signs placed by private parties in the public right-of-way or on public property as a matter of public safety and traffic safety, and to ensure that the signs are not seen as government speech or government endorsement of a private party's message.

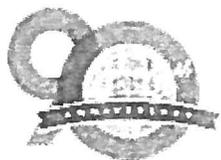
Herbello, Stephanie

From: Leen, Craig
Sent: Thursday, July 02, 2015 10:30 AM
To: Herbello, Stephanie
Subject: FW: City Attorney Opinion Regarding Sign Code and Reed v. Town of Gilbert

Importance: High

Please publish.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



CORAL GABLES

City of Coral Gables

From: Leen, Craig
Sent: Thursday, July 02, 2015 10:27 AM
To: Tompkins, Jane; Wu, Charles; Trias, Ramon; Ortiz, William; Kattou, Michael
Cc: Swanson-Rivenbark, Cathy; Foeman, Walter; Ramos, Miriam; Figueroa, Yaneris; Abby Corbett; Chen, Brigette
Subject: City Attorney Opinion Regarding Sign Code and Reed v. Town of Gilbert
Importance: High

City Attorney Opinion

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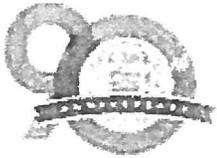
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Please contact me directly with any questions regarding this opinion.

Craig E. Leen, City Attorney

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City, County and Local Government Law*
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CORAL GABLES

City of Coral Gables