

**City of Coral Gables**  
**Local Planning Agency (LPA)/Planning and Zoning Board Meeting**  
**Wednesday, November 30, 2011, 6:02 p.m.**  
**Coral Gables City Commission Chambers**  
**405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J12	F9	M9	A27	M11	J8	J22	O12	O19	N30	APPOINTMENT
	'11	'11	'11	'11	'11	'11	'11	'11		'11	
<b>Eibi Aizenstat - Chair</b>	C	P	C	P	C	P	P	P	P	P	City Manager Patrick Salerno
<b>Robert Behar</b>	C	P	C	P	C	P	P	P	P	P	Commissioner Rafael Cabrera, Jr.
<b>Jeffrey Flanagan - Vice Chair</b>	C	P	C	P	C	P	P	P	E	P	Commissioner Maria Anderson
<b>Julio Grabiell</b>	-	-	-	-	C	P	P	P	P	E	Mayor Jim Cason
<b>Pat Keon</b>	C	P	C	P	C	P	P	E	P	P	Planning and Zoning Board
<b>Vince Lago</b>	-	-	-	-	-	-	-	P	P	E	Commissioner Frank C. Quesada
<b>Javier Salman</b>	C	P	C	P	C	P	P	P	E	P	Vice Mayor William H. Kerdyk, Jr.

**P = Present**  
**E = Excused**  
**C = Meeting Cancelled**

**City Staff and Consultants:**

Eric Riel, Jr., Planning Director  
Walter Carlson, Asst. Planning Director  
Scot Bolyard, Principal Planner  
Jill Menendez, Administrative Assistant  
Craig E. Leen, City Attorney  
Jane Tompkins, Development Services Director  
Martha Salazar-Blanco, Zoning Official  
Carlos Mindreau, City Architect  
Lt. Jesse Medina, Police Department  
Kevin Kinney, Parking Director  
Glenn Kephart, Public Works Director  
Elizabeth Hernandez, Esq., Akerman Senterfitt  
Jeff V. Easely, Reynolds, Smith and Hills, Inc.

**Court Reporter:**

Joan Bailey

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**Attachments:**

- A. 11 30 11 Planning and Zoning Verbatim Meeting Minutes
- B. 11 30 11 Attendance Sign-In Sheet
- C. 11 30 11 Speaker Cards

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 CITY HALL  
8 WEDNESDAY, NOVEMBER 30, 2011, COMMENCING AT 6:02 P.M.

9 Board Members Present:  
10 Eibi Aizenstat, Chairman  
11 Robert Behar  
12 Jeffrey Flanagan, Vice-Chairman  
13 Pat Keon  
14 Javier Salman  
15  
16 City Staff and Consultants:  
17 Eric Riel, Jr., Planning Director  
18 Walter Carlson, Assistant Planning Director  
19 Craig E. Leen, City Attorney  
20 Scot Bolyard, Planner  
21 Jill Menendez, Administrative Assistant  
22 Jane Tompkins, Development Services Director  
23 Martha Salazar-Blanco, Zoning Official  
24 Carlos Mindreau, City Architect  
25 Lt. Jesse Medina, Police Department  
26 Kevin Kinney, Parking Director  
27 Glenn Kephart, Public Works Director  
28 Elizabeth M. Hernandez, Esq. (Akerman Senterfitt)  
29 Jeff V. Easley (Reynolds, Smith and Hills, Inc.)

30 Others Participating in the Proceedings:

31 Laura Russo, Esq.  
32 Russo & Baker  
33 On behalf of the Applicant,  
34 Somerset Academy Gables  
35 Suzette Ruiz, Principal,  
36 Somerset Academy Gables  
37 Tucker Gibbs, Esq.  
38 On behalf of the Biltmore Neighborhood  
39 Association and Carlos Carta

2011 NOV 30 PM 2:48  
The following proceedings were had:  
CHAIRMAN AIZENSTAT: Let's go ahead and get started. Everybody, please sit down. I would like to remind everybody, please take this time to turn off their cell phones or put their cell phones on silence.  
Okay, all cell phones on silence, please, or please turn them off. Thank you.  
Before we start, anybody that would like to speak, there was a sign-up sheet that was outside and I hope that everybody did sign that sheet to speak. If there's anybody that hasn't and would like to do so, please let one of the Staff know. Thank you.  
Would you call the roll, please?  
MS. MENENDEZ: Robert Behar?  
MR. BEHAR: Here.  
MS. MENENDEZ: Jeff Flanagan?  
MR. FLANAGAN: Here.  
MS. MENENDEZ: Julio Grabiell?  
Pat Keon?  
MS. KEON: Here.  
MS. MENENDEZ: Vince Lago?  
Javier Salman?

1 Public Speakers:

2 Alex Mantecon - Page 54  
3 John Guzzo - Page 68  
4 Bella Smith - Page 69  
5 Felix Pardo - Page 72  
6 Jonathan Ullman - Page 74  
7 Pepi Granat Cuadrado - Page 76  
8 Michelle Estlund - Page 78  
9 Anna Louise Fulks - Page 81  
10 Paul Zamek - Page 82  
11 Sandra Pollack - Page 75  
12 Ann Goodman - Page 86  
13 Raul Cuadrado - Page 88  
14 Joe Scott - Page 89  
15 Sonia Viertl - Page 91  
16 Raul Lastra - Page 94

1 MR. SALMAN: Here.  
2 MS. MENENDEZ: Eibi Aizenstat?  
3 CHAIRMAN AIZENSTAT: Here.  
4 The first item that we're going to take on  
5 is the approval of the minutes. We have the  
6 approval of the minutes of April 27th, June 8th  
7 and June 22nd. Let's take each -- Let's take  
8 each one first. Is there a motion on the April  
9 27th minutes?  
10 MR. SALMAN: So moved, Mr. Chairman.  
11 MR. BEHAR: Second.  
12 CHAIRMAN AIZENSTAT: We have first and  
13 second. Any discussion?  
14 Call the roll, please.  
15 MS. MENENDEZ: Jeff Flanagan?  
16 MR. FLANAGAN: Yes.  
17 MS. MENENDEZ: Pat Keon?  
18 MS. KEON: Yes.  
19 MS. MENENDEZ: Javier Salman?  
20 MR. SALMAN: Yes.  
21 MS. MENENDEZ: Robert Behar?  
22 MR. BEHAR: Yes.  
23 MS. MENENDEZ: Eibi Aizenstat?  
24 CHAIRMAN AIZENSTAT: Yes.  
25 The next set of minutes are from June 8th.

1 Is there a motion?  
 2 MR. FLANAGAN: So moved.  
 3 CHAIRMAN AIZENSTAT: We have a motion from  
 4 Mr. Flanagan.  
 5 MR. SALMAN: Second.  
 6 CHAIRMAN AIZENSTAT: A second from Javier.  
 7 Please call the roll.  
 8 MS. MENENDEZ: Pat Keon?  
 9 MS. KEON: Was I here?  
 10 MR. SALMAN: That's you. You were here.  
 11 MS. KEON: Yes.  
 12 MS. MENENDEZ: Javier Salman?  
 13 MR. SALMAN: Yes.  
 14 MS. MENENDEZ: Robert Behar?  
 15 MR. BEHAR: Yes.  
 16 MS. MENENDEZ: Jeff Flanagan?  
 17 MR. FLANAGAN: Yes.  
 18 MS. MENENDEZ: Eibi Aizenstat?  
 19 CHAIRMAN AIZENSTAT: Yes.  
 20 The next one is the June 22nd meeting, the  
 21 minutes. Is there a motion?  
 22 MR. BEHAR: Motion to approve.  
 23 MS. KEON: Second.  
 24 MR. SALMAN: Second.  
 25 CHAIRMAN AIZENSTAT: There's a second by

1 Well, we're going to go ahead -- The people  
 2 that are going to be going ahead and speaking,  
 3 we need go ahead and swear you in, if you would  
 4 please stand up.  
 5 MR. RIEL: Mr. Chair, you need to first --  
 6 You need to read the agenda items first.  
 7 CHAIRMAN AIZENSTAT: Before swearing in the  
 8 people?  
 9 MR. RIEL: Yes, please.  
 10 CHAIRMAN AIZENSTAT: Okay. Just let me do  
 11 that. I'm sorry.  
 12 We are here for Application Number  
 13 07-10-113-P, Change of Land Use, Conditional  
 14 Use and Site Plan Review for Somerset Grace  
 15 Academy Charter School, which is as follows:  
 16 An Ordinance of the City Commission of Coral  
 17 Gables, Florida, requesting an amendment to the  
 18 Future Land Use Map of the City of Coral Gables  
 19 Comprehensive Plan pursuant to Small Scale  
 20 amendment procedures, Subsection Statute  
 21 163.3187, from "Religious/Institutional" to  
 22 "Community Services and Facilities" for a 2.6  
 23 acre parcel of land commonly known as the  
 24 "University Baptist Church," legally described  
 25 as all of Block 116, Coral Gables Country Club

1 Pat Keon.  
 2 Call the roll, please.  
 3 MS. MENENDEZ: Javier Salman?  
 4 MR. SALMAN: Yes.  
 5 MS. MENENDEZ: Robert Behar?  
 6 MR. BEHAR: Yes.  
 7 MS. MENENDEZ: Jeff Flanagan?  
 8 MR. FLANAGAN: Yes.  
 9 MS. MENENDEZ: Pat Keon?  
 10 MS. KEON: Yes.  
 11 MS. MENENDEZ: Eibi Aizenstat?  
 12 CHAIRMAN AIZENSTAT: Yes.  
 13 I am actually wondering if Pat was here for  
 14 the June 8th meeting.  
 15 MS. KEON: It says I was.  
 16 CHAIRMAN AIZENSTAT: If you go ahead and  
 17 take a look at the minutes, under the roll call  
 18 for Pat Keon, there is no response, and I think  
 19 you were absent. It says present for June, for  
 20 June 8th, but is there a way that we can verify  
 21 that, please?  
 22 MR. RIEL: Sure, we'll reverify it.  
 23 CHAIRMAN AIZENSTAT: Okay, let's reverify  
 24 it, and if so, we need to come back on those  
 25 minutes. Okay.

1 Section Part 6, whose address is 624 Anastasia  
 2 Avenue, Coral Gables, Florida; and providing  
 3 for severability, repealer and codification,  
 4 and an effective date.  
 5 The second is an Ordinance of the City  
 6 Commission of Coral Gables, Florida, requesting  
 7 conditional use review pursuant to Zoning Code  
 8 Article 3, Development Review, Division 4,  
 9 Conditional Uses, to permit a student increase  
 10 of an existing Charter School from 110 students  
 11 to a maximum of 436 students on property  
 12 designated as "Special Use (S)" Zoning  
 13 District, legally described as all of Block  
 14 116, Coral Gables Country Club Section Part 6,  
 15 whose address is 624 Anastasia Avenue, Coral  
 16 Gables, Florida; providing for severability,  
 17 repealer, codification, and an effective date.  
 18 And last, an Ordinance of the City  
 19 Commission of Coral Gables, Florida, requesting  
 20 site plan review to permit miscellaneous site  
 21 plan improvements and a student increase of an  
 22 existing Charter School from 110 students to a  
 23 maximum of 436 students on property designated  
 24 "Special Use (S)" Zoning District, legally  
 25 described as all of Block 116, Coral Gables

1 Country Club Section Part 6, whose address is  
2 624 Anastasia Avenue, Coral Gables, Florida;  
3 and including required conditions; and  
4 providing for severability, repealer,  
5 codification, and an effective date.

6 At this point, the City Attorney has asked  
7 if anybody has had any ex parte communication  
8 from the Board with respect to this issue?

9 MS. KEON: I haven't.

10 MR. BEHAR: I have not, either.

11 MR. SALMAN: I have not, either.

12 MR. FLANAGAN: Neither have I.

13 MR. RIEL: Okay, let it be noted, neither  
14 did I. Let's go ahead and please stand, the  
15 people that would like to speak, so they can be  
16 sworn in.

17 (Thereupon, all who were to speak were duly  
18 sworn by the court reporter.)

19 CHAIRMAN AIZENSTAT: Thank you.

20 The way that we'll go ahead and proceed  
21 tonight is as follows: We've already gone  
22 ahead and identified the item. The applicant  
23 is first going to make its presentation. Then  
24 we're going to go ahead and have the Staff  
25 presentation.

1 time that we're here on this issue. The  
2 applicant has been here before on three public  
3 hearings. The first one was on April 27th,  
4 2011; the second one was on June 8th, 2011; and  
5 then on June 22nd of 2011.

6 At the last hearing, we had approximately  
7 90 interested parties that put their input and  
8 testimony in here. So we have had quite a few  
9 people speak out, which is actually very nice  
10 for the City.

11 At this point, let me go ahead and ask for  
12 the presentation.

13 MS. RUSSO: Good evening, Mr. Chairman,  
14 Members of the Board. For the record, Laura  
15 Russo, with offices at 2655 LeJeune Road. I am  
16 here this evening representing Somerset Grace  
17 Academy, and I'd like to take a moment and just  
18 introduce the members of my team who are here.

19 I have Suzette Ruiz, who is the principal  
20 of Somerset; Rolando Llanes, who's been the  
21 project architect; Richard Garcia, who's been  
22 our traffic engineer; and Maggie Fresen, who is  
23 a representative of Academica, is on her way;  
24 she has not arrived.

25 Before I go any further into my

1 How many speakers do we have for tonight?

2 MS. MENENDEZ: We have 14.

3 CHAIRMAN AIZENSTAT: 14?

4 MS. MENENDEZ: Yes.

5 MR. RIEL: Yes.

6 CHAIRMAN AIZENSTAT: Okay.

7 Counsel, how long do you think that --  
8 Laura -- do you need for your presentation?

9 MS. RUSSO: Maximum 20 minutes.

10 CHAIRMAN AIZENSTAT: Tucker?

11 MR. GIBBS: Probably 25 minutes. We'll try  
12 to make it 20.

13 CHAIRMAN AIZENSTAT: I'd like to cut it, if  
14 we can, to 20 minutes each. We've already --  
15 because we've been here, we're going back on  
16 it, if that's possible. Thank you.

17 We'll go ahead and have the public comments  
18 on which the presentations will be made. Then  
19 we'll go ahead and close the public comments,  
20 the Board will have a discussion, and  
21 hopefully, time permitting, we'll go ahead and  
22 be able to come to a motion and a vote.

23 We are supposed to adjourn at 9:00 p.m.,  
24 unless through a unanimous vote, we extend it.  
25 We have been here already -- This is our fourth

1 presentation, I'd like to take a moment and  
2 request that all minutes, testimony, evidence,  
3 documentation, and everything submitted from  
4 all the prior be made a part of the record  
5 continuing forward. That way -- It's one of  
6 the reasons why I cut short the presentation  
7 tonight.

8 I'd like to give you a little history of  
9 the application, very brief. As you know, the  
10 original set of applications was filed in July  
11 of 2010, and as you stated here a few minutes  
12 ago, the last hearing was July 22nd of 2011,  
13 and it was the third hearing before this august  
14 Board.

15 CHAIRMAN AIZENSTAT: July or June?

16 MS. RUSSO: At that hearing -- it was --

17 CHAIRMAN AIZENSTAT: I'm sorry, June 22nd?

18 MS. RUSSO: June 22nd of this year.

19 CHAIRMAN AIZENSTAT: Right. You said July.

20 MS. RUSSO: No, I said -- Oh, I'm sorry.

21 Did I say -- I meant June 22nd.

22 At that hearing, you asked us to have a  
23 dialogue with the neighbors and you asked us to  
24 address the concerns and issues we heard  
25 uttered by Staff, by members of this Board, and

1 by the neighbors, and you asked us to consider  
2 them all. We told you, we listened, we heard,  
3 and we did that. We had a very lengthy meeting  
4 with representatives of the Biltmore  
5 Neighborhood Association. We've had individual  
6 meetings with other neighbors. We've met with  
7 Staff, prior to filing our revised application  
8 that's before you today.

9 And in our revised application, it was  
10 carefully and thoughtfully structured. We  
11 reduced our number to 436, which is a reduction  
12 of 44 percent from the prior application. We  
13 made proffers. We proffered that there would  
14 be a declaration of restrictive covenant, which  
15 you know there always is when there's an item  
16 of this nature before you, in a site plan and  
17 conditional use, and we proffered that the land  
18 use would revert if Somerset was no longer  
19 there. The issues raised by neighbors that  
20 this could become a jail or a hospital, et  
21 cetera, were never meant to be the intent, so  
22 we proffered that should the Somerset school  
23 stop operating or abandon the property, that  
24 the land use would revert, because the intent  
25 of the land use was to allow the school, and as

1 cetera, and how we could contain, which was  
2 what we've heard most, to contain the impact of  
3 the increase in school -- of the increase in  
4 students on-site.

5 We also proposed phasing, so there would be  
6 an opportunity for it to be an incremental  
7 increase.

8 We submitted -- We had numerous meetings  
9 with Staff, to make sure that we were clear  
10 with the traffic consultant, the City's  
11 consultant and our engineers. We had meetings,  
12 and after we submitted our application, we had  
13 meetings with Staff to exchange information,  
14 from comments received from Fire, Police,  
15 Public Works, Public Service, Zoning, et  
16 cetera, on our application.

17 I also reached out to Mr. Gibbs, to have  
18 any sort of meeting, that we could continue on  
19 the process of having a dialogue.

20 I believe that the application that we have  
21 submitted shows the good faith of Somerset  
22 Academy. I think it shows that we listened to  
23 concerns that the neighbors had and we have  
24 done -- in our application, we have shown our  
25 efforts to keep everything in the impact on

1 you know, there's no other category that  
2 accomplishes that.

3 The number we reached was thought out. It  
4 was based on two classrooms per grade, but  
5 also, more importantly, it was based on  
6 evidence and it was based on the City's traffic  
7 consultant's queue number, the number in the  
8 queue and how -- So all of this was put  
9 together to come to you with our revised  
10 application.

11 We proffered that there would be no  
12 stand-alone middle school, which had been a  
13 concern we had heard.

14 We also proffered that special events,  
15 holiday, graduation, where there's events, we  
16 would have them off-site, that our events would  
17 be no more than the parking that was there that  
18 could be accommodated, so whether it's  
19 staggered by grade or staggered by date,  
20 Parents' Night, we would do that.

21 We also submitted an incredibly  
22 comprehensive Traffic Operations Plan, which  
23 set forth -- and it's based now on a year and a  
24 half of the school operating and knowing what  
25 the traffic patterns are, the habits, et

1 campus.

2 But to further demonstrate our good faith  
3 and to show that we really want to be a good  
4 neighbor and continue to be a part of the  
5 Gables community, I stand before you tonight  
6 and tell you that we are accepting the City's  
7 Staff Report and all the conditions that are  
8 contained therein, and we respectfully request  
9 that you approve the City's Staff  
10 recommendation tonight, and I'd like to reserve  
11 some time for rebuttal, if necessary.

12 Thank you.

13 CHAIRMAN AIZENSTAT: That's quicker than 20  
14 minutes.

15 MS. RUSSO: Excuse me?

16 CHAIRMAN AIZENSTAT: That's quicker than 20  
17 minutes.

18 MS. RUSSO: Thank you.

19 CHAIRMAN AIZENSTAT: Thank you.

20 Mr. Gibbs?

21 MR. GIBBS: I can only aspire to be as  
22 short.

23 MR. RIEL: Mr. Chair, would you like Staff  
24 to do a presentation?

25 MR. BEHAR: Yes.

1 CHAIRMAN AIZENSTAT: Oh, yes.  
 2 MR. SALMAN: Thank you.  
 3 MR. GIBBS: Sorry.  
 4 CHAIRMAN AIZENSTAT: That's right. You are  
 5 correct. I apologize for that.  
 6 MR. GIBBS: Boy, that was pretty short.  
 7 CHAIRMAN AIZENSTAT: That was pretty short,  
 8 yes. Thank you.  
 9 MR. RIEL: If I could have the PowerPoint  
 10 brought up.  
 11 Board Members, you have in front of you, on  
 12 the blue sheets of paper, updated comments  
 13 since the packet went out to you last  
 14 Wednesday. In addition, I likewise would like  
 15 to incorporate everything into the record of  
 16 the previous hearings of April 27th, June 8th,  
 17 and June 22nd.  
 18 What I have is a fairly brief PowerPoint  
 19 I'd just like to go through. It's not as long  
 20 as the last PowerPoint I did, but it just kind  
 21 of will frame -- provide a framework for those  
 22 that were not present at the previous hearings.  
 23 Just as a note, all the documents that are  
 24 being presented this evening, as well as the  
 25 application, are on the City's web page.

1 As you indicated, this is a -- There's  
 2 three requests, a change in land use from  
 3 "Religious/Institutional" to "Community  
 4 Services." This is the actual map designation  
 5 and the subject property's shown.  
 6 The second request is to permit -- a  
 7 conditional use to permit the increase from 110  
 8 to 436 students, and this is what the applicant  
 9 had requested.  
 10 And again, miscellaneous site plan  
 11 improvements, again with a maximum students of  
 12 436.  
 13 Included in the attachments and Staff  
 14 Report is a Building and Zoning Preliminary  
 15 Analysis, the City's traffic consultant report,  
 16 a Police Department memorandum, legal notices,  
 17 as well as a courtesy notice that's sent out to  
 18 property owners.  
 19 The Reviews Required. Obviously, it goes  
 20 through the Department review process, the  
 21 Board of Architects, the Planning and Zoning  
 22 Board, who recommends to the City Commission,  
 23 who has the ultimate authority and makes the  
 24 decision, and that decision is in the form of  
 25 two public hearings.

1 This is just a -- briefly, the reviews that  
 2 have been completed to date, beginning back in  
 3 May of 2010, through this evening's meeting.  
 4 Just to go over, just briefly, some of the  
 5 site characteristics, the Zoning Code requires  
 6 56 spaces. They have proposed 89, which is an  
 7 additional 33 spaces.  
 8 This is their School Phasing Strategy.  
 9 Basically, they have proffered a strategy of  
 10 110 to 260 for Phase 1, 260 to 348, and in  
 11 Phase 3, to 436.  
 12 Just some miscellaneous site plan details.  
 13 There's no improvements on the site, with the  
 14 exception of just some minor things in the  
 15 parking lot, some inclusion of fencing, as well  
 16 as some off-site improvements on Anastasia, but  
 17 typically -- I mean, generally, there's no new  
 18 construction on the property. Basically, the  
 19 church facility, the way it stands, will remain  
 20 the same.  
 21 In terms of the applicant's traffic  
 22 information, as the applicant indicated, they  
 23 provided a Traffic Operations Plan, a traffic  
 24 study, various school zone signage, and also  
 25 the proper declaration of restrictive

1 covenants.  
 2 The Change in Land Use Application remains  
 3 the same as filed, and it has not been revised.  
 4 Again, just the Land Use Map.  
 5 Findings of fact. City Staff supports the  
 6 placement of schools, places of worship and  
 7 similar community-based facilities within its  
 8 neighborhoods.  
 9 The map you see up there is the location of  
 10 schools and churches throughout the City,  
 11 which, as you can see, are within all zoning  
 12 districts throughout the City. Basically, the  
 13 community/facilities land use designation is  
 14 included and intended to allow for joint use of  
 15 the facilities, for community uses, to support  
 16 and protect and strengthen and enhance the City  
 17 as a vibrant residential community.  
 18 Staff finds this application, which is  
 19 basically the land use request, is consistent  
 20 with that land use category.  
 21 Staff's evaluation and the Findings of Fact  
 22 of the Applicant's Change in Land Use finds,  
 23 with conditions -- and I want to note with  
 24 conditions. We find that their request is  
 25 consistent with the Comprehensive Plan Goals,

1 Objectives and Policies, and obviously, I'm not  
2 going to go through all those, but it's about  
3 40 pages of analysis within the Staff Report.

4 Findings of Fact in terms of Conditional  
5 Use. The City is required to look at the  
6 Zoning Code, and there's specific standards for  
7 review that the application is required to  
8 satisfy, which Staff evaluates.

9 Just briefly, these are basically the eight  
10 or nine. Consistency with the Comp Plan,  
11 appropriate for the property, does not conflict  
12 with the needs of the neighborhood, or  
13 character of the neighborhood, not adversely --  
14 unreasonably affect the use of the property,  
15 compatible with the adjacent uses. Development  
16 is adequate in size, not detrimental to the  
17 health, safety and general welfare. The  
18 driveways, parking and circulation patterns  
19 promote vehicular and pedestrian circulation,  
20 and then they have to satisfy the concurrency  
21 standards, which is basically traffic, water  
22 and sewer requirements.

23 Staff has recommended numerous stringent  
24 conditions of approval to ensure the  
25 consistency with the Comp Plan. It does not

1 conflict with the neighborhood, does not place  
2 an inordinate burden on the site, and the  
3 quality of life is maintained. The use is not  
4 detrimental to the health and safety, and it's  
5 a minimal increase in vehicular congestion, and  
6 found adequate infrastructure capability --  
7 capacity.

8 The conditions of approval placed on the  
9 applications adequately address and satisfy the  
10 conditional use criteria, in Staff's opinion.  
11 City Staff has retained an outside consultant,  
12 Reynolds, Smith and Hills, to review the  
13 traffic, traffic circulation, pedestrian  
14 circulation, and vehicular accumulation. The  
15 consultant has reviewed all the applicant's  
16 documentation, and as I indicated, has prepared  
17 a report, which is Attachment E, as a part of  
18 your packet.

19 So what I'd like to do is turn it over to  
20 Mr. Jeff Easley right now, and he will go  
21 through the traffic issues, and then it's going  
22 to return back up to me. I have a brief  
23 continuing presentation. I want to go over in  
24 some detail the conditions, so there's a good  
25 understanding from the Board, as well as

1 members of the public.

2 MR. EASLEY: Good evening. My name is Jeff  
3 Easley. I'm a project manager with Reynolds,  
4 Smith and Hills, and for the record, our office  
5 is at 6161 Blue Lagoon Drive, in Miami, and I  
6 have been working as the City's traffic  
7 consultant for the last eight months on this  
8 application. You've seen me up here before.  
9 And as Ms. Russo mentioned, we have had several  
10 meetings with the applicant and we have made a  
11 lot of progress, and a lot of our suggestions,  
12 they took, and just a couple concerns that I  
13 still have, and sort of to walk you through how  
14 we got to our number that we're proposing.

15 Their traffic study and their accumulation  
16 assessment maximizes the on-site space that  
17 they have. Their accumulation assessment  
18 calculated that they could accommodate 436  
19 students on-site with three dismissals and  
20 three arrivals, but what that does, it  
21 maximizes the 29 parking spaces that they have  
22 for the processing, and they have offered  
23 contingencies. They've offered to be able to  
24 double-stack up to 10 vehicles, next to the  
25 processing line, as well as, they have on-site

1 visitor parking spaces that they can allow  
2 overflow to park. Those are contingency plans,  
3 and as you know, contingencies, by definition,  
4 are for things that are by chance, that don't  
5 happen every day, such as inclement weather,  
6 and in reviewing the data, it appears that --  
7 and just going by their calculations and their  
8 recommendations, that they could be using the  
9 contingency plans every day at three o'clock,  
10 when they have a maximum queuing of 29  
11 vehicles.

12 They're basing that on a traffic study that  
13 was done per the County's requirements, but  
14 it's based on one day of data, taken at a  
15 school that may or may not be a good surrogate  
16 to this. No one knows if that school where the  
17 data was collected -- no one knows if that  
18 school is going to operate as this one. I  
19 can't say it will; I can't say it will not.

20 So my main comment, to keep it very short,  
21 is, we should apply a factor of safety, because  
22 if you maximize -- in any design, if you  
23 maximize the capacity, then you have no factor  
24 of safety for those events that happen.  
25 They're estimating 29 vehicles will stack

1 before the first dismissal in the afternoon.  
 2 Well, that's exactly the maximum amount of  
 3 space they have in their processing line. What  
 4 happens when Car 30 or 31 could come, or if  
 5 parents decide to come early one day and they  
 6 have to use the contingency?  
 7 All of that is something that we would like  
 8 to avoid. We would like to leave the  
 9 contingencies to the times that happens, maybe  
 10 once a month, or when it rains. And the way  
 11 the proposal with 436, we feel that maximizes  
 12 the space. We feel there needs to be a buffer,  
 13 to provide more of a buffer for stacking. If  
 14 you say you're going to stack 29, how about a  
 15 buffer, to back that to 26, or 23, and in doing  
 16 that, you're giving yourself more of a cushion  
 17 for all of those unknowns that could happen,  
 18 because no one knows exactly how a school will  
 19 operate until it actually starts to operate,  
 20 and no two schools operate alike.  
 21 So our recommendation, from the 436, was to  
 22 apply a 20 percent factor of safety, that  
 23 decreases the stacking or the estimated  
 24 stacking from 29 to 23. That gives us a  
 25 six-car cushion, because my main objective is

1 to make sure that traffic doesn't back out onto  
 2 Cardena and impact the neighborhood, because  
 3 when it -- if that happens, it's a chain  
 4 reaction to other impacts to the neighborhood.  
 5 So, if you apply a 20 percent factor of safety,  
 6 that's how the number of 350 -- actually, it  
 7 gives you 348; we rounded up to 350. 350,  
 8 that's where the recommendation comes from.  
 9 That allows a 20 percent -- and a 20 percent, I  
 10 don't have a scientific formula for 20. In  
 11 engineering, safety factors vary from two  
 12 percent to 250 percent. In traffic  
 13 engineering, it varies from six percent to 15  
 14 to 20 percent. I looked at it -- tried to look  
 15 at it in a simplistic way, of vehicles in a  
 16 queue. If 29 is the maximum amount, and  
 17 they're estimating that will be their maximum,  
 18 let's back that up, give a cushion of six  
 19 vehicles. That way, we're safe. If anything  
 20 happens, if someone gets up to the line and  
 21 their child is not ready and they have to get  
 22 out of the line, or if it's raining and more  
 23 people want to come early, if they have to use  
 24 the contingency, allow them to be contingency  
 25 plans, and that's how the 350 was obtained.

1 I reviewed all of the other -- all of the  
 2 other information, the circulation pattern, the  
 3 improvements; those are all good. The only  
 4 recommendation is to apply the safety -- a  
 5 factor of safety. Thank you.  
 6 CHAIRMAN AIZENSTAT: Just a question. Are  
 7 you saying, then, to do the --  
 8 MR. EASLEY: I'm sorry.  
 9 CHAIRMAN AIZENSTAT: -- the maximum of  
 10 350 students? Is that your recommendation?  
 11 MR. EASLEY: A maximum of 350 students,  
 12 while maintaining three arrival periods and  
 13 three dismissal periods. That way, you're  
 14 assuring that the queue will not reach the  
 15 maximum point, and we're proposing that 350 be  
 16 phased in over a two-year period. The first  
 17 year, 288, that was the original Phase 1 plan.  
 18 A traffic review can be done at that time, to  
 19 see how the school is going to operate. You  
 20 can actually do your own study of the actual  
 21 school, compare that to what you're estimating  
 22 for the maximum, and then you know what  
 23 adjustments need to be made. And that's where  
 24 that recommendation comes, because a lot of  
 25 times we do estimated traffic studies, but we

1 never go back and study the site after it's  
 2 opened. This is an opportunity to phase the  
 3 project in, 288 in Year 1. After it's open,  
 4 you can actually do a traffic study at the  
 5 site. You can measure the stacking of  
 6 vehicles, compare that to what was estimated  
 7 for the stacking, and you know what adjustments  
 8 need to be made to make sure that it does not  
 9 stack up onto Cardena. I mean, that's part of  
 10 the recommendation, and that's the reasoning  
 11 behind the recommendation.  
 12 MR. RIEL: Okay, if we could go back to the  
 13 PowerPoint, Staff.  
 14 Staff's recommendation is for approval of  
 15 the three applications. It's recommending  
 16 approval of the change in land use from  
 17 "Religious/Institutional" to "Community  
 18 Services and Facilities," recommending approval  
 19 of a conditional use for 110 students, up to  
 20 350 students, and this is pursuant to the  
 21 applicant's proffered School Phasing Strategy,  
 22 which included 260 students in Year 1. So,  
 23 essentially, the first year will be 260, and  
 24 then the second year would be 350. Likewise,  
 25 the same for the site plan approval, 110 to

1 260, 260 to 350.  
 2 These conditions -- these approvals are  
 3 subject to all of the conditions of approval  
 4 which I'm going to go through. Basically,  
 5 Condition 1 is, all the documentation submitted  
 6 by the applicant, quite extensive. It includes  
 7 approximately 25 to 30 exhibits. It also  
 8 includes the City's traffic consultant report.  
 9 Everything that they submitted as a part of  
 10 their application is a condition of approval,  
 11 and everything that is included within the  
 12 application, from signage to all the details,  
 13 will be adhered to.  
 14 Condition Number 2, these conditions take  
 15 effect at which time they go beyond 110  
 16 students. So, if they go to 111 students,  
 17 these take effect.  
 18 Condition 3 is the proffered conditions by  
 19 the applicant. There's basically four. If the  
 20 charter school does not exist for a period of  
 21 more than 30 days, basically, the land use  
 22 reverts back to the "Religious/Institutional"  
 23 land use. Second is, no increase in student  
 24 enrollment beyond the 350, notwithstanding the  
 25 charter that's issued by Miami-Dade Schools, as

1 applications, and basically, notice and  
 2 verification to the Department annually.  
 3 They're required to get a Certificate of  
 4 Use yearly. Any conditions -- all conditions  
 5 of approval will be evaluated in terms of  
 6 conformance.  
 7 Restrictive covenant, just the standard  
 8 condition that within 30 calendar days of  
 9 approval, they have to submit a restrictive  
 10 covenant that outlines all of the conditions of  
 11 approval. Failure to do that renders the  
 12 approval void.  
 13 Failure and noncompliance provisions. This  
 14 is something that I don't believe we've ever  
 15 done on an application, in terms of actually  
 16 making it a condition. On an annual basis, no  
 17 later than June 1st, the applicant is going to  
 18 file a written report, detailing in  
 19 description, compliance of the conditions of  
 20 approval or failure of compliance.  
 21 Basically, that report will be in  
 22 association with other records or complaints  
 23 filed with the City, any governmental notices,  
 24 any Code Enforcement actions. If the City  
 25 determines that, on a reasonable basis, that

1 well as any State -- any future State of  
 2 Florida legislation. And the charter school  
 3 will be for students from pre-K through eighth,  
 4 and they shall not file a request for use of  
 5 the Youth Center for physical education or  
 6 scholastic activities. And again, these were  
 7 proffered by the applicant, in conditions of  
 8 approval.  
 9 There's -- Condition 4 is a condition --  
 10 coordination and monitoring of the site plan  
 11 approval. This sets up an annual City charter  
 12 school meeting. Until which time they reach  
 13 350 students, basically, 14 days in advance of  
 14 the school year and 30 days after, they meet  
 15 with Staff to try to work out any potential  
 16 issues. Basically, it's an opportunity for  
 17 dialogue and exchange of information, because  
 18 typically, obviously, when a school starts,  
 19 that's typically when there could be  
 20 opportunities where things might not go right,  
 21 so we're suggesting that this annual meeting  
 22 will benefit the City, the residents, as well  
 23 as the charter school.  
 24 We're asking for a liaison/point of  
 25 contact, which is the standard of school

1 they have not complied, we will notify the  
 2 applicant and there will be an opportunity  
 3 where we can place a conditional use and site  
 4 plan application before the Planning and Zoning  
 5 Board and City Commission, and the two courses  
 6 of action are revocation of the conditional use  
 7 and site plan approval and the certificate of  
 8 use, or recommend additional conditions to the  
 9 approval. And again, the final determination  
 10 is subject to the Commission. Basically, it's  
 11 how you receive the approval of conditional use  
 12 from the Board and the Commission, the same  
 13 way, it goes through the revocation  
 14 proceedings. And this is in addition to all of  
 15 the enforcement provisions of the City Code and  
 16 other legal remedies.  
 17 Condition 5, limitation that the property  
 18 can only be used by Somerset, not by another  
 19 school, pre-school or day care. It can't be  
 20 used by outside vendors for commercial  
 21 purposes, and there's also a limitation on the  
 22 facility, nothing between the hours of 10:00  
 23 p.m. and 6:00 p.m. -- 6:00 a.m., seven days a  
 24 week, limitation on the student mix, and then  
 25 in terms of the enrollment, just clarifying,

1 again, the phasing of 110 to 260 and to 350.  
 2 Annual report on student enrollment. Each  
 3 September, they have to submit to the City an  
 4 executed affidavit, attesting to the number of  
 5 students.  
 6 Charter school special events. We're  
 7 asking for a basic parking and traffic  
 8 methodology for special events, required within  
 9 30 days of Commission approval.  
 10 Event parking. No parking in  
 11 rights-of-way, swales or grass or lawn areas,  
 12 no temporary signage, and the church and the  
 13 school cannot have events simultaneously.  
 14 Traffic and circulation. There's a  
 15 condition, no charter school associated  
 16 vehicles shall back up, accumulate or park on  
 17 any surrounding rights-of-way or street as a  
 18 result of student arrivals, dismissals or any  
 19 other related operations, functions or  
 20 activities. It does not include the buses that  
 21 are on Anastasia.  
 22 The other condition is, all street  
 23 intersections shall meet the respective levels  
 24 of service, as the applicant has indicated in  
 25 their traffic report.

1 At which time the student enrollment goes  
 2 above 110 in each year, up till they reach 350,  
 3 the City will engage a traffic consultant, an  
 4 independent traffic consultant, and perform a  
 5 traffic operations review during various dates  
 6 and times of the year, to ensure that the  
 7 applicant -- what they'd indicated in their  
 8 report actually happens, and there's very  
 9 specific criteria in terms of recording of  
 10 vehicles entering and exiting, recordation of  
 11 parked vehicles during the time, recording of  
 12 turning movements, looking at the Traffic  
 13 Operations Plan, which is very detailed, to  
 14 make sure all the items that are listed, a  
 15 photographic log, as well as the frequency --  
 16 and to me this is the most important, how many  
 17 times do they use that off-site or that  
 18 contingency plan, that one and two-car  
 19 contingency plan which Jeff went over.  
 20 That analysis will be provided on January  
 21 1st. The City has 45 days to review it,  
 22 conclude, and the responsibility basically  
 23 relies -- and the compliance of all the  
 24 documentation they provided, rests exclusively  
 25 with the charter school, and it's very, very

1 specific in terms of the materials.  
 2 Again, I just reiterate, we want to  
 3 specifically indicate, no vehicles may back up  
 4 or accumulate or park on the surrounding  
 5 right-of-ways. Again, the street intersections  
 6 have to meet the levels of service, and again,  
 7 it's just another opportunity for compliance  
 8 and monitoring, and this is between -- at which  
 9 point they get 260, as well as 350.  
 10 Parking and deliveries. There's a  
 11 condition saying that it shall not be used  
 12 for -- the parking lot can't be used for  
 13 playground or events or staging.  
 14 All vehicles associated with the charter  
 15 school are prohibited from parking on the  
 16 right-of-ways or surrounding the property.  
 17 There's a requirement for the "No parking"  
 18 signs and other appropriate signage.  
 19 They cannot use the Youth Center, the  
 20 Library parking lots and open areas for  
 21 parking, standing, student dropoff, and they  
 22 cannot utilize the facilities for organized  
 23 charter school related activities. And I just  
 24 want to note the word organized. No queuing  
 25 and delivery vehicles off-site. Everything has

1 to be on-site. No buses can be parked in the  
 2 parking lot and no equipment can be stored.  
 3 Signage. We're going to allow them the  
 4 opportunity to put one sign facing Segovia.  
 5 The reason we put this condition is, the "S"  
 6 Zoning District doesn't have sign provisions,  
 7 so this will quantify and make sure everybody  
 8 understands what signage they will be -- have  
 9 available to them. And one of the other things  
 10 we're also asking is that they work with  
 11 Miami-Dade County, as well as the City, in  
 12 terms of co-locating school zone signs and no  
 13 parking signs. One thing we don't want to do  
 14 is inundate the neighborhood with, you know, 50  
 15 to 100 signs; try to consolidate the signs on  
 16 poles. And we contacted the County and they're  
 17 going to work with the applicant as well as the  
 18 City on that issue.  
 19 Landscaping. We've asked for -- we're  
 20 going to look at perhaps providing additional  
 21 parking, parallel parking on Anastasia. The  
 22 applicant will be going from diagonal parking  
 23 to parallel parking on Anastasia, and we're  
 24 asking for protection measures for landscaping,  
 25 as well as maintenance.

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1 And then other requirements, just standard  
 2 requirements: Additional exterior lighting  
 3 prohibited, and no outside speakers or inside  
 4 speakers that provide audible -- that are  
 5 audible outside.  
 6 And that's basically Staff's presentation.  
 7 We do have, if the Board has questions to  
 8 direct -- so the Public Works Department, the  
 9 Police Department, as well as outside counsel,  
 10 as well as Planning Staff are here, to answer  
 11 any questions the Board may have. That  
 12 concludes my presentation.  
 13 CHAIRMAN AIZENSTAT: Thank you.  
 14 MR. BEHAR: Eric, I have a quick question  
 15 for you. First of all, let me commend you.  
 16 You did a great, great job putting this  
 17 together. But on Condition 6, one of the  
 18 conditions says that the City will do a traffic  
 19 study. Is that correct? Or --  
 20 MR. RIEL: Let me get to 6.  
 21 MR. BEHAR: The City will do a traffic  
 22 study, based on the -- on their submittal. Is  
 23 that traffic study -- Who pays for that? Is  
 24 the City going to bear that cost of that?  
 25 MR. RIEL: The City will retain an outside,

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1 independent traffic consultant, and there's  
 2 a -- The cost for that will be borne by the  
 3 applicant.  
 4 MR. BEHAR: Okay. Thank you.  
 5 CHAIRMAN AIZENSTAT: Thank you.  
 6 Mr. Gibbs?  
 7 MR. GIBBS: I'm going to try to make it  
 8 brief, and what I have to say is going to be  
 9 different than what I said at that previous  
 10 meeting.  
 11 My name is Tucker Gibbs, and I'm  
 12 representing the Biltmore Neighborhood  
 13 Association and Carlos Carta, who lives at 715  
 14 Anastasia Avenue, and they oppose -- we oppose  
 15 the applications for the amendment of the  
 16 Future Land Use Map and the conditional use and  
 17 site plan approval.  
 18 I will be followed tonight by Alex  
 19 Mantecon, who is one of the neighbors, who will  
 20 be discussing the conditional use and the  
 21 impacts of the proposed school on the  
 22 neighborhood.  
 23 What I want to talk to you all about  
 24 tonight is something that is a little  
 25 different. The two requests that are being

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1 made tonight are both impacted by the passage  
 2 of legislation in the State Legislature this  
 3 past spring, and enacted and gone into -- It  
 4 went into effect on July 1st. And the bill is  
 5 called Senate Bill 1546, and it includes three  
 6 provisions that limit a municipality's ability  
 7 to place conditions on public charter schools.  
 8 And I call it the Somerset Coral Gables School  
 9 Relief Act, because I truly believe that this  
 10 legislation was created because of the  
 11 situation with this particular charter school  
 12 and the litigation that this charter school  
 13 engendered over a year ago.  
 14 The statute -- the statute -- excuse me,  
 15 allows, number one, a high-performing charter  
 16 school to increase the student enrollment once  
 17 a year by 15 percent of the capacity set forth  
 18 in the charter. And the covenant that is being  
 19 provided to you all by the school addresses  
 20 that issue, stating that they, notwithstanding  
 21 anything in the State Statutes or in the City  
 22 Code or whatever -- they're going to stick to  
 23 the 350 at this point. It also, though, limits  
 24 a municipality's ability to impose site  
 25 development restrictions such as parking to

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1 those requirements in the State requirements  
 2 for educational facilities in the Florida  
 3 Building Code. That's what they're applying  
 4 now for that kind of site development, which is  
 5 what public schools have to do.  
 6 And finally, and most importantly, it  
 7 requires a city to treat charter schools, as  
 8 they call it, equitably in comparison with  
 9 similar requirements, restrictions and  
 10 processes imposed on public schools that are  
 11 not charter schools.  
 12 So what's happening is that charter  
 13 schools -- and if you look at the statute,  
 14 there are a lot of exemptions for charter  
 15 schools, vis-a-vis public schools, but in terms  
 16 of facilities, and regulations relating to  
 17 those facilities, such as the ones that the  
 18 Planning Department has talked about tonight,  
 19 those are off limits, unless -- unless the City  
 20 makes those such requirements, and I don't  
 21 believe the City has such requirements for  
 22 public schools.  
 23 It is in the Comprehensive Plan that the  
 24 City of Coral Gables treats all schools -- and  
 25 they treat all schools the same in their

1 Comprehensive Plan -- it's one of the rare  
 2 municipalities that actually does that -- and  
 3 that schools, whether public or private, are  
 4 permitted only in "Educational" land use or in  
 5 the "Community Services and Facilities" land  
 6 use categories. However, the City has no  
 7 authority to and does not condition public  
 8 schools regarding zoning. The City doesn't do  
 9 anything about zoning for public schools.  
 10 Indeed, there's no City regulation on any level  
 11 regarding public schools, and the City does  
 12 regulate the private schools. Therefore, if  
 13 you grant the requested land use change to  
 14 allow a school here, you must treat the charter  
 15 school the same as a public school. If you do  
 16 not require a conditional use for a public  
 17 school and if you do not require a public  
 18 school the same type of conditions as are being  
 19 suggested by the City Staff tonight, State law  
 20 says you cannot require it for a charter  
 21 school, and I want you to think about that. Of  
 22 the public schools in Coral Gables, all  
 23 these -- and I think these conditions are  
 24 fantastic. Mr. Behar said it right; Staff did  
 25 a great job trying to protect my clients and

1 other neighbors relating to this project, but I  
 2 have a very serious concern with the State  
 3 Statute, and that the State Statute says you  
 4 can't do that unless you do it for a public  
 5 school, and I don't think -- and you all are on  
 6 this Board and you would know better than I,  
 7 have you ever -- has this Board, has the City  
 8 Commission ever imposed conditions of any kind  
 9 like this, or to this extent, on a public  
 10 school? And the answer is no. We all know  
 11 that.  
 12 So, if you approve the land use change that  
 13 allows a school in this -- on this property,  
 14 there is no guarantee that this or any charter  
 15 school at this location is obligated to abide  
 16 by any of these conditions, given the Statute's  
 17 language, and yes, I have all the respect in  
 18 the world for Laura Russo, and I believe her  
 19 when she says that her client agrees to these  
 20 conditions, but that's not going to stop a  
 21 parent or somebody else challenging that and  
 22 saying the State Statute says you can't do  
 23 that, and that's why it's our fervent issue and  
 24 our very big concern, that once you grant that  
 25 land use change, you've opened the door. Maybe

1 it doesn't happen, but maybe it does, and that  
 2 is the concern we have, because my clients live  
 3 in that neighborhood, and if these protections  
 4 are not in place, if they can't be in place by  
 5 act of the State Legislature, and you all have  
 6 approved the land use change, we're in a lot of  
 7 trouble, and the City is in a lot of trouble,  
 8 too.  
 9 The only way to protect our neighborhood is  
 10 to deny the land use change, and you can do so  
 11 without running afoul of the State Statute's  
 12 language about treating public schools and  
 13 charter schools equitably, because of what I  
 14 said before. In your land use change -- in  
 15 your land use, you, the City of Coral Gables,  
 16 have said public schools and private schools  
 17 are treated alike. Public schools, private  
 18 schools, charter schools, if you're a school,  
 19 you can only be an "Educational" land use, or  
 20 you can be in the "Public Facilities" land use  
 21 that they're requesting tonight.  
 22 So you can do that, and frankly, it is our  
 23 position it's the only way Coral Gables can  
 24 regulate a charter school after this statute  
 25 has been enacted.

1 So the Staff recommendation in support of  
 2 the land use change is flawed for that reason,  
 3 and you're being asked to approve a land use  
 4 change to "Community Services and Facilities."  
 5 We talked about this the last time. It  
 6 includes not only schools; it includes  
 7 government facilities, medical and health  
 8 facilities, as well as religious institutions,  
 9 and going back to the covenant, the covenant  
 10 specifically says that they're going to have  
 11 350 students, but -- and I won't go there,  
 12 excuse me, I meant to say, in the covenant  
 13 there's an automatic reversion provision. It  
 14 says that, "Hey, if we don't put a charter  
 15 school here, it will automatically" -- I think  
 16 the language is "automatically revert to the  
 17 previous land use change." They can't do that.  
 18 State Statute regulates how you enact land use  
 19 changes. Nothing -- believe it or not, nothing  
 20 is automatic in growth management. You have to  
 21 go through a process. That process involves  
 22 coming to you, it involves going back to the  
 23 City Commission, and there are no guarantees.  
 24 You all may say, "We want to keep that land  
 25 use designation." The Commission may want to

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1 keep it. There may be other things involved  
 2 here. So, when someone says it's automatically  
 3 going to revert and they put it in a covenant,  
 4 that's nice, but it's not enforceable, it's not  
 5 legal, and that's another concern we have,  
 6 because we're not being protected. That  
 7 covenant cannot legally protect us on that  
 8 regard.  
 9 They may say and the City may say, "We're  
 10 going to recommend approval of the land use  
 11 change." Even that is somewhat legally  
 12 problematic, because you have to wait to have a  
 13 hearing and have the hearing be open and have  
 14 people have open minds. You're not doing that  
 15 with that. So this creates something of a  
 16 problem.  
 17 Staff, in its determination that the land  
 18 use change is acceptable because both schools  
 19 and churches are identified as permitted uses,  
 20 is -- ignores the fact that this land use also  
 21 involves other uses: Hospitals, government  
 22 facilities and medical uses. These are  
 23 permitted uses with conditions. So any of  
 24 these uses can be permitted with conditions,  
 25 and Mr. Mantecon is going to talk about that in

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1 a little more detail.  
 2 Again, I don't think I need to say it, but  
 3 I'm going to say it on the record, anyway, that  
 4 I'd like to incorporate everything that was  
 5 said in all the previous hearings regarding  
 6 this. I know that Mr. Riel has said it and Ms.  
 7 Russo has said it, but I will make it a  
 8 trifecta.  
 9 As for the conditional use application,  
 10 given the State Statute's language requiring  
 11 equitable treatment of charter schools with  
 12 public schools, and because the City does not  
 13 regulate public schools, my clients have a very  
 14 valid and real concern that any conditions  
 15 imposed by the City on this school will have no  
 16 effect, as I said before, and eventually leave  
 17 the City with no ability to protect their  
 18 neighborhood from the adverse impacts of this  
 19 school. And even if the City doesn't limit the  
 20 city -- excuse me, even if the statute doesn't  
 21 limit the City, Staff's proposed condition are  
 22 a laudatory effort to mitigate a school that is  
 23 clearly still too big for this site. I mean,  
 24 those conditions are pretty tough conditions,  
 25 because I believe the Planning Department has

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1 recognized this school is too big, and it was  
 2 too big when it was 700, it was too big when it  
 3 was 400 and something, and it's still too big  
 4 at 350. It's clear that Staff has made great  
 5 strides in its attempt to ameliorate the  
 6 negative impacts of this large school on the  
 7 neighborhood, but the number of conditions and  
 8 type of conditions illustrate why the school  
 9 does not fit in with this location.  
 10 The conditions proposed by City Staff do  
 11 not sufficiently address neighborhood concerns  
 12 regarding school accountability in the  
 13 protection of students' quality of life, and I  
 14 want to just go over a couple of the  
 15 conditions, because I think -- as I said  
 16 before, I think everybody knows that these  
 17 conditions are well thought out, and there's a  
 18 lot of effort that has been put in it by Staff,  
 19 but as the neighbors, we have a perspective  
 20 that we think has not been truly and  
 21 sufficiently addressed. Number one, our  
 22 position is very clear that 350 students is  
 23 still --  
 24 And Mr. Flanagan, you mentioned, that's the  
 25 maximum, and that's the concern we have, is,

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1 that's the maximum with the 20 percent safety  
 2 factor. We want a smaller number of students.  
 3 But the limitation of enrolled students in the  
 4 proposed covenant sounds great, but it can be  
 5 undone by amending the covenant. There's  
 6 language in that covenant, and you all have  
 7 that in your packet, and the language basically  
 8 says that that covenant can be amended by vote  
 9 of the City Commission. Well, that's no  
 10 different than them making an application to  
 11 increase the enrollment of the school. I mean,  
 12 it may be a little different because it's in a  
 13 covenant, but the fact is, they can ask for an  
 14 increase in number of students, they can ask  
 15 for it, and the City Commission can grant it  
 16 via amending it and following through on the  
 17 Zoning Code and voting for it. So that's not  
 18 much of a protection for my clients. We're  
 19 looking for some finality, and the State  
 20 Legislature's involvement in City conditions on  
 21 charter schools could mean that such covenants  
 22 might be difficult or impossible for the City  
 23 to enforce in the future.  
 24 For example, what would stop the State  
 25 Legislature from enacting legislation that

1 limits the ability of anybody to file  
 2 covenants, municipalities to enter into  
 3 agreements or whatnot, to circumvent the State  
 4 Statute's requirements that say municipalities  
 5 shouldn't get involved in conditioning charter  
 6 schools? So we have a solution. I'm not here  
 7 just complaining; I do have a solution that we  
 8 could propose for the covenant.

9 Number one, not only have the property  
 10 owner execute the covenant, but have the  
 11 tenant, the school, execute the covenant,  
 12 because nothing -- and I have several of these,  
 13 so -- and we can talk to the school about how  
 14 the school feels about this. Allow no  
 15 amendment to the covenant without the approval  
 16 of the City and the Biltmore Neighborhood  
 17 Association, and 75 percent of those people  
 18 owning property within a thousand feet. This  
 19 is standard operating procedure. Mr. Flanagan  
 20 laughs because he knows, we've dealt with those  
 21 things on other levels. Allow the BNA or any  
 22 property owner within a thousand feet to  
 23 enforce the terms of the covenant. And the  
 24 restrictive covenant would be filed in the  
 25 public records no later than seven days after

1 approval, but to come back to you and the City  
 2 Commission and get your approval of those 90  
 3 students, have you all evaluate it in a public  
 4 hearing. Why a public hearing? Because it  
 5 allows the public to be part of that process,  
 6 because the process that's outlined in the  
 7 City's recommendations is a process that's  
 8 between the City and the applicant, leaving the  
 9 neighbors, who are most affected by this, left  
 10 out.

11 And we appreciate the fact that Eric is  
 12 absolutely fantastic in dealing with  
 13 neighborhood issues, and he's very responsive,  
 14 but Eric may not be here forever. Somebody  
 15 else may be here. And for that reason -- and  
 16 you all may -- and I'm serious. And I'm not  
 17 joking, Eric, and I apologize for saying it  
 18 that way. But you all may not be here, either,  
 19 and the point is that a public hearing puts  
 20 everything out there, and we would prefer a  
 21 public process, with all the transparency,  
 22 rather than a purely administrative process.

23 To ensure -- also, to ensure -- and we  
 24 would suggest that the school establish a  
 25 pattern of -- to ensure that the school

1 the final, non-appealable approval of the  
 2 conditional use, which means, the conditional  
 3 use final approval, they file it within seven  
 4 days. The language is kind of fuzzy about when  
 5 they file this covenant. I thought it would be  
 6 strengthened out.

7 And finally, and most importantly, every  
 8 single condition that Staff has recommended,  
 9 hopefully changed with our recommendations,  
 10 would be included in that covenant. That is  
 11 critical.

12 In terms of Condition Number 5 -- That was  
 13 Condition 3 that I was talking about. In  
 14 Condition 5b(2), this talks about allowing the  
 15 initial increase of students. This is the  
 16 phased issue of the -- over two years. We  
 17 would have no -- we would -- I would suggest  
 18 allowing the initial increase in students to  
 19 260 in the first year, but immediately allowing  
 20 the additional 90 students the next year does  
 21 not provide adequate time to monitor compliance  
 22 with these conditions. Everybody behaves for  
 23 the first year. It's that second year that's  
 24 the concern. So, after two years, allow them  
 25 to come back, and not just get an automatic

1 establishes a good pattern of compliance, we  
 2 suggest 260 students upon approval, which is  
 3 the first year, two annual monitoring reviews  
 4 over the next two years, and the 90 students to  
 5 be approved by the Planning and Zoning and the  
 6 City Commission after a public hearing, as a  
 7 new application, in the third year.

8 As to Condition 4a, again, our issue is,  
 9 the neighbors need to be part of the annual  
 10 City/school meetings. In Condition 4, they  
 11 talk about these meetings with Public Works.  
 12 They talk about these other meetings where the  
 13 school and the -- and the City get together.  
 14 There needs to be some kind of involvement of  
 15 the community who are being affected by this.

16 Condition 5a(5), and this is the last one,  
 17 the school hours are -- I think it's from -- We  
 18 would prefer the school hours be limited from  
 19 7:00 a.m. to 6:00 p.m. Open to ten o'clock,  
 20 seven days a week, is a burden in a residential  
 21 neighborhood. That is a burden in a  
 22 residential neighborhood. The idea of  
 23 allowing -- We could allow evening -- a fixed  
 24 number of evening events that the community  
 25 knows about prior to the school year starting.

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1 That's very easy, Back to School Nights and  
 2 things like that, where people know exactly  
 3 what's going on. These are just examples of  
 4 improving the conditions to address resident  
 5 concerns with this project.

6 And I want to conclude with this. We're  
 7 here pretending that the State Legislature has  
 8 not taken away the City's power to regulate  
 9 charter schools to mitigate their impacts on  
 10 their neighbors. The only thing the State  
 11 Legislature has not taken away is the City's  
 12 ability to limit where these virtually  
 13 unregulated charter schools now are being  
 14 located, because your Comprehensive Plan in the  
 15 City of Coral Gables, which is truly unique in  
 16 this regard, says where all schools are  
 17 allowed, and all schools are allowed in  
 18 either two land use categories, education or  
 19 public service facilities land use.

20 Once the City approves the land use, it is  
 21 allowed, and because of the State Statute's  
 22 restrictions, you cede your ability to limit or  
 23 condition it. So, if you decide to approve the  
 24 land use, understand that as of July 1st of  
 25 this year, the State Statute says you must

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1 treat charter schools the same as public  
 2 schools, and since you don't place operational  
 3 conditions on public schools, you can't on  
 4 charter schools, at least that's the way it's  
 5 read, and that is why you need to recommend  
 6 denial of the land use application.

7 We ask you, we implore you, to protect our  
 8 neighborhood and recommend the denial of the  
 9 Land Use Map change and the conditional use  
 10 applications. I'd like to reserve maybe one  
 11 minute after Mr. Mantecon speaks, to wrap up,  
 12 and with that, I thank you all very much for  
 13 your attention.

14 MR. MANTECON: Good evening. Alex  
 15 Mantecon. I live at 3267 Riviera Drive. Good  
 16 evening to all. I'd like to start by thanking  
 17 the Planning and Zoning Board for their time  
 18 and patience in this matter, and the City Staff  
 19 for all the hard work that went into the  
 20 recommendation to the Planning and Zoning  
 21 Board. City Staff has gone through great  
 22 lengths to provide a detailed recommendation,  
 23 with a lot of thought and dedication in their  
 24 report.

25 As glad as I was to see that City Staff has

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1 realized that the location of the school at the  
 2 UBC is not an optimal location and has  
 3 recommended to further reduce the enrollment  
 4 allowed and has requested many conditions in  
 5 order to make this square peg fit in a round  
 6 hole, we still cannot agree with them on many  
 7 points. I have studied what is going -- what  
 8 is being requested at the UBC site at great  
 9 length, and I must say that I am in shock that  
 10 I am standing here today making this  
 11 presentation. I'm also a neighbor that lives  
 12 four homes away from the site, but what  
 13 concerns me more than anything is the mistake  
 14 in which the City is making in recommending a  
 15 change to the Comprehensive Land Use on this  
 16 site.

17 When allowing a change to the Comprehensive  
 18 Land Use Plan, the City is declaring to the  
 19 world that this site is fit for whatever uses  
 20 the Comprehensive Land Use Plan allows for. I  
 21 will quote from Page 8 from City Staff's  
 22 Report.

23 "In summary, the City's Comprehensive Plan  
 24 provides the framework or road map for the  
 25 future development of the City and the Zoning

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1 Code provides the tools for implementation."  
 2 The road map that is being recommended for  
 3 the site is that it is suitable for the  
 4 following uses, and I quote: Buildings and  
 5 adjacent land areas that serve a public and/or  
 6 community function, including local, state and  
 7 federal government facilities, public and  
 8 private schools and educational facilities,  
 9 excluding universities, and medical and health  
 10 facilities and religious institutions.

11 I believe that I speak for myself and for  
 12 the neighbors in that we agree that a religious  
 13 institution belongs on the site. I would also  
 14 agree that a small neighborhood school at the  
 15 location is probably not bad, either, but I am  
 16 confident that neither I nor any of the  
 17 neighbors and probably will even go to the  
 18 extreme of speaking on behalf of City Staff to  
 19 say that none of us believes that a local,  
 20 state or federal government facility or a  
 21 medical or health facility, such as a hospital  
 22 or rehab center, belongs on this site. Yet  
 23 here I am, having to make this presentation,  
 24 because it is being recommended that all of  
 25 these uses are suitable for this site. You are

1 rolling the dice that another investor such as  
2 myself will not come in and try to utilize this  
3 property for its highest and best use, and make  
4 it into a hospital, clinic, rehab facility or  
5 government office.

6 Once a site has been approved in a  
7 conditional land use map for the uses  
8 associated with it, the City does not have any  
9 teeth to be able to prevent any of the uses in  
10 which it has already earmarked it for. You  
11 will tell me that I will need to get a  
12 conditional use approval before any of these  
13 uses can be allowed, and which I'll respond  
14 that you are absolutely correct, and will  
15 probably deny my application if I were to  
16 request such. However, all I would need to do  
17 is prove to a court that the use in which I  
18 will be applying for will be 100 percent  
19 contained within the property and that the use  
20 will have an equal or lower impact on traffic,  
21 on the surrounding neighborhood, and that the  
22 use is consistent with the Comprehensive Land  
23 Use Plan.

24 As your attorneys will probably confirm to  
25 you, the City will have an uphill battle in

1 better use.

2 You may argue that Somerset has offered to  
3 file a restrictive covenant and that the land  
4 use will revert to "Religious/Institutional" if  
5 they leave. Again, as a matter of law and  
6 principle, you cannot say today that the  
7 property is okay for "Community Services and  
8 Facilities" for a particular operator and not  
9 for a different operator. The property is  
10 either suitable for "Community Services and  
11 Facilities" or it is not. This will be easily  
12 challengeable in court, and the covenant will  
13 have no value whatsoever. Again, this covenant  
14 is just another example of trying to make a  
15 square peg fit into a round hole. This parcel  
16 is not suitable as a "Community Services and  
17 Facilities" in its entirety.

18 When I read the report, it seems as if it  
19 is only being analyzed for its educational  
20 component and you have failed to continue  
21 reading into the other allowable uses. As an  
22 illustration of what I have described, I will  
23 go through the process that any real estate  
24 investor will go through, in order to, say, put  
25 a medical facility at the UBC site. I will

1 trying to defend itself from being able to stop  
2 any of these or other uses on the property,  
3 since the City Commission, by voting on the  
4 Comprehensive Land Use change, will have told  
5 the world that it agrees that all of these uses  
6 are acceptable on this land. This is the  
7 purpose of the Comprehensive Land Use Plan.  
8 You cannot just change a land use designation  
9 and only allow parts of it on parcels. This is  
10 Land Use 101.

11 The appropriate process to protect the  
12 neighborhood would have been to create a proper  
13 designation in the Comprehensive Land Use Plan  
14 that strictly allows for religious and  
15 educational uses. Instead, the applicant has  
16 chosen the easy route and applied for a  
17 designation that is all-encompassing and  
18 setting up this neighborhood for failure.  
19 Businesses, as we know, do not last forever.  
20 Somerset is here today, but tomorrow they may  
21 find a facility that is actually suitable for  
22 their needs and leave this property. Real  
23 estate investors would love the opportunity to  
24 maximize the potential of the property, since  
25 the land use would allow for a much higher and

1 read Section 3-408, which dictates the  
2 standards for review that the City would be  
3 bound by in reviewing the application for a  
4 conditional use within the Zoning Code. This  
5 is the criteria that must be met in order to  
6 grant the conditional use approval. This is  
7 the standards for review: A, the proposed  
8 conditional use is consistent with and furthers  
9 the goals, policies and objectives of the  
10 Comprehensive Plan and furthers the purposes of  
11 these regulations and other City ordinances and  
12 actions designed to implement the plan.

13 B, the available use to which the property  
14 may be put is appropriate to the property that  
15 is subject to the proposed conditional use and  
16 compatible with existing and planned uses in  
17 the area.

18 C, the proposed conditional use does not  
19 conflict with the needs and character of the  
20 neighborhood and the City.

21 D, the proposed conditional use will not  
22 adversely or unreasonably affect the use of  
23 other property in the area.

24 E, the proposed use is compatible with the  
25 nature, condition and development of adjacent

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1 uses, buildings and structures and will not  
 2 adversely affect the adjacent uses, buildings  
 3 or structures.  
 4 For Standards A, B, C, D and E, I believe  
 5 it speaks for itself, in that the Comprehensive  
 6 Land Use dictates what businesses, slash, uses  
 7 are allowed there. The City would not be able  
 8 to disapprove the application based on this  
 9 since the City would have already voted in the  
 10 Comprehensive Land Use change that a medical  
 11 facility is an appropriate use on the parcel.  
 12 You cannot say on your Comprehensive Land Use  
 13 Map, which is your road map that takes  
 14 precedence over everything, that an acceptable  
 15 use for the property is a medical facility, and  
 16 then deny an applicant the right to use the  
 17 property as a medical facility.  
 18 Standard E -- F, sorry. The parcel  
 19 proposed for development is adequate in size  
 20 and shape to accommodate all development  
 21 features. That parcel is already developed, so  
 22 there is nothing here to disapprove the  
 23 application.  
 24 And so on and so forth, you know, like I,  
 25 the proposed conditional use satisfies the

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1 concurrency standards of Article 3, Division  
 2 13, and will not adversely burden public  
 3 facilities, including the traffic capacities of  
 4 streets, in an unreasonable or disproportionate  
 5 manner. It would be extremely easy to show  
 6 that a 200-bed medical facility would cause  
 7 much less traffic than a school of, say, 436 or  
 8 350 students. In this example, the City would  
 9 have no choice but to approve the medical  
 10 facility.  
 11 As I've just demonstrated, you're trying to  
 12 use the zoning designation as a protection to  
 13 limit the uses, but this is not what it was  
 14 designed for and will be easily circumvented.  
 15 Quite simply, if a change in the Comprehensive  
 16 Land Use is required, then make the appropriate  
 17 classification in which you all agree this  
 18 property is suitable for. I beg that you not  
 19 earmark this property for all the uses allowed  
 20 under the "Community Services and Facilities."  
 21 This is Coral Gables. It is what it is because  
 22 we have always gone the extra mile to protect  
 23 it and its neighborhoods.  
 24 With regards to the number of students, I  
 25 have reviewed the reasoning on Somerset's part

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1 and on City Staff's recommendation, and I am  
 2 baffled at how it is being analyzed. Somerset  
 3 arrived at a proposed number of 436 students by  
 4 analyzing the maximum number of cars that the  
 5 facility can handle throughout the day and then  
 6 dividing it into six different 30-minute  
 7 periods, in order to accommodate all the  
 8 traffic. The school is far deviating from the  
 9 norm across Dade County and Coral Gables  
 10 schools and is asking for three dropoff periods  
 11 and three pickup periods.  
 12 I will put this in very simple terms. What  
 13 they are proposing is that this property be  
 14 operating at its maximum inflow and outflow  
 15 capacity of cars for three hours out of a  
 16 typical eight-hour workday. That is almost 40  
 17 percent of the day operating at 100 percent  
 18 capacity. The rest of the day will have  
 19 regular traffic of parents coming in for  
 20 conferences and garbage trucks picking up  
 21 dumpsters at 6:30 a.m., as they have proposed.  
 22 This is way before work is allowed in any  
 23 residential neighborhood in Coral Gables, and  
 24 certainly a diesel truck revving its engine to  
 25 lift the containers and compact the garbage

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1 makes much more noise than any saw or hammer in  
 2 construction.  
 3 Since children will be the ones being  
 4 dropped off and picked up, it stands to reason  
 5 that we should care for the safety of them and  
 6 require vehicles to go at 15 miles per hour.  
 7 This means that for 40 percent of an eight-hour  
 8 workday, and during rush hour, nonetheless,  
 9 Segovia, Anastasia and Riviera Drive will be  
 10 15-mile-per-hour school zones. It is far from  
 11 reasonable for a main cross street from Bird  
 12 Road to Coral Way, such as Segovia, and the  
 13 main road feeding our prized hotel in Coral  
 14 Gables be designated a 15-mile-per-hour school  
 15 zone for 40 percent of the workday. This is an  
 16 undue burden on the neighborhood streets.  
 17 As an illustration of the sheer magnitude  
 18 of students being requested for this parcel, I  
 19 will compare it to a few other schools in a  
 20 manner that is most used in real estate,  
 21 density per acre, in this case, student density  
 22 per acre. As a general rule, the larger the  
 23 parcel, the more it can handle, assuming the  
 24 same density. Certainly a 350 or 436 school --  
 25 student school on a 2.6 acre parcel has a

1 significantly higher impact than on, say, a  
 2 5-acre parcel, for obvious reasons. I think we  
 3 can all agree on that. Based on City Staff's  
 4 recommendation of 350 students, this would be  
 5 the equivalent of Gulliver Academy being  
 6 allowed to have 2,542 students, using the same  
 7 density of students per acre. This is more  
 8 than twice what they are currently allowed to  
 9 have, of 1,162 students, per City Staff's  
 10 Report. Furthermore, Gulliver does not have  
 11 masses on Saturdays and Sundays. When you add  
 12 up the impact that this parcel is being  
 13 proposed to have, it is basically three times  
 14 the impact on the neighborhood than what  
 15 Gulliver Academy is allowed to have. Also,  
 16 Gulliver's main entrance is off of 57th Avenue,  
 17 not off a side street that is being fed by  
 18 Riviera Drive and Anastasia, two residential  
 19 streets. Why is Somerset being given such a  
 20 preference?

21 On that same token -- we'll go to a smaller  
 22 school -- Granada Presbyterian would be allowed  
 23 to have the equivalent of 406 students. Yet  
 24 the City Commission only allowed them to have  
 25 188 students. Also, Granada Presbyterian sits

1 at the intersection of Bird Road and University  
 2 Drive, certainly not Segovia and Riviera.

3 I simply chose the two schools that City  
 4 Staff referenced, but can go on with numerous  
 5 other examples, but for the sake of time, will  
 6 leave it at that.

7 In conclusion, the proposal to change the  
 8 Comprehensive Land Use of the parcel does not  
 9 work. You are opening up Pandora's box, and  
 10 we, the neighbors, will be the ones who pay the  
 11 ultimate price. All the uses associated with  
 12 "Community Services and Facilities" are not  
 13 suitable for this location. I do not doubt  
 14 that you all agree with me on this, so I do not  
 15 understand how it is being recommended.

16 Let's do things right and create the proper  
 17 land use classification that fits. Do not rely  
 18 on the zoning to limit the uses, because we  
 19 will get burned.

20 Furthermore, with regards to the number of  
 21 students, 350 is unacceptable and is an undue  
 22 burden that is being placed on the  
 23 neighborhood. You will also be creating a  
 24 dangerous precedent for the other schools in  
 25 Coral Gables in being able to increase their

1 enrollment. You are certainly giving Somerset  
 2 a significant benefit over the rest of the  
 3 schools which have applied for increases if you  
 4 vote in favor of 350 students.

5 Thank you for your time.

6 I'm a real estate investor, is basically  
 7 what I do.

8 MR. GIBBS: I have nothing to say. I think  
 9 it's all been said.

10 CHAIRMAN AIZENSTAT: Okay, thank you. I  
 11 would just like to ask the Board a second if  
 12 anybody has any objection for inputting the  
 13 previous record and statements that were made  
 14 by all sides before our Board. Does anybody  
 15 have any objection? It will then so be moved  
 16 that it is entered into the record.

17 Okay, can you --

18 MR. LEEN: Mr. Chair, so you made your  
 19 ruling?

20 CHAIRMAN AIZENSTAT: That is correct.

21 MR. LEEN: And it's unanimous consent?

22 CHAIRMAN AIZENSTAT: That is correct.

23 What I'd like to do now, with the next 14  
 24 people, is, I'd like to limit you to no more  
 25 than three minutes for what you have to say, so

1 we can move this along. We have 14 people?

2 MS. MENENDEZ: 16.

3 CHAIRMAN AIZENSTAT: 16 people. Okay, call  
 4 the first, please.

5 MS. MENENDEZ: John Guzzo?

6 MR. GUZZO: Good evening, everyone on the  
 7 Board. Thank you kindly for your time tonight.  
 8 I appreciate all the work that's gone into this  
 9 today.

10 CHAIRMAN AIZENSTAT: Can you speak up a  
 11 little louder, please?

12 MR. GUZZO: Yes, sure.

13 CHAIRMAN AIZENSTAT: Thank you. State --

14 MR. GUZZO: I just would like to say one  
 15 thing with respect to --

16 CHAIRMAN AIZENSTAT: Could you state your  
 17 name and address again, please?

18 MR. GUZZO: Yes. It's John Guzzo. My  
 19 address is 719 Aledo Avenue.

20 CHAIRMAN AIZENSTAT: Thank you.

21 MR. GUZZO: I've been a resident here in  
 22 the Gables for 18 years.

23 Very -- very important, I don't understand  
 24 why the school can continue -- cannot continue  
 25 without a change of use at its present

1 location. I think that Tucker and Alex said it  
 2 best, that the City will lose its teeth in  
 3 enforcing any of the restrictive covenants and  
 4 conditions that they've attached to -- to  
 5 Somerset Academy. I would like to see the  
 6 school operate on a much smaller scale, without  
 7 a conditional land use change. That's all.  
 8 CHAIRMAN AIZENSTAT: Thank you.  
 9 MS. MENENDEZ: Mrs. Bella Smith?  
 10 MS. SMITH: First, I'd like to ask you to  
 11 excuse me for my last appearance. Anybody  
 12 familiar with what PTS --  
 13 CHAIRMAN AIZENSTAT: Would you please state  
 14 your name and address?  
 15 MS. SMITH: Oh, Bella Smith, 700 Santander  
 16 Avenue, a resident of over 50 years, I guess it  
 17 is. I want to apologize to you for that  
 18 last -- It was the day after D Day, and as you  
 19 might say a veteran since four years of age,  
 20 PTSD takes precedence.  
 21 I'm asking you not to approve this. This  
 22 is being done without any concern for the  
 23 residents. Think about the semantics in this  
 24 case. Eminent domain, for example, can be  
 25 construed as being cloaked abstractly under

1 place. There's no concern for the residents.  
 2 When we moved here, we thought it was a  
 3 residential neighborhood. It was zoned that  
 4 way, a wonderful place to live. You might also  
 5 keep in mind that Coral Gables is an  
 6 international city of business. The employees  
 7 who work -- beauty parlors, restaurants,  
 8 offices, bookstores, and more -- will have  
 9 their access impeded by that traffic, morning  
 10 and night.  
 11 Is that three minutes?  
 12 CHAIRMAN AIZENSTAT: You've got a little  
 13 bit more, until it turns red.  
 14 MS. SMITH: Okay. I don't want to go  
 15 overtime like last time.  
 16 I want to remind you that I grew up in  
 17 China during the undeclared war at the age of  
 18 four. The second war I was in, I was seven. I  
 19 went to school with one pair of shoes made out  
 20 of an old discarded rubber tire. I love  
 21 school. I did it under bombing, strafing, you  
 22 name it, I've been through all of it. And for  
 23 this to do that to me in my old age, with a  
 24 lung problem -- Don't do it. Please don't do  
 25 it.

1 community services. If you note that  
 2 Bel-Aire -- I had a student from Bel-Aire, and  
 3 she told me what went on in that community  
 4 school at night, and there's the arts in mind,  
 5 no oversight. Anybody can teach there. I  
 6 think you should keep that in mind.  
 7 As far as increased traffic, Dade County  
 8 has been voted the rudest county in the nation,  
 9 five times in a row by Triple A. You've got to  
 10 keep that in mind. You just need to stand --  
 11 We don't need traffic experts. I have a book  
 12 on traffic. I showed it to the opposing side.  
 13 In East -- when East and West Germany combined,  
 14 the traffic situation went out of sight.  
 15 People -- There were 50,000 fatalities.  
 16 Now, you're bringing in two lanes into one  
 17 lane. That's extremely dangerous. Just stand  
 18 out there and watch the traffic as it comes in.  
 19 Then we have that circle, which is another  
 20 problem. We live on Santander, and there's a  
 21 curve on Malaga. You have to really be fast on  
 22 your feet to step on the gas or else your  
 23 brakes, to get out of there. You can't see  
 24 with all those trees in there. It impedes your  
 25 vision, especially at night, when events take

1 CHAIRMAN AIZENSTAT: Thank you.  
 2 MS. SMITH: Have some consideration for the  
 3 senior. Thank you.  
 4 CHAIRMAN AIZENSTAT: Thank you for your  
 5 time.  
 6 MS. MENENDEZ: Felix Pardo?  
 7 MR. PARDO: Good evening. For the record,  
 8 my name is Felix Pardo. My address is 421  
 9 Cadima Avenue. I have lived in this  
 10 neighborhood for over 21 years. Three things  
 11 have occurred in this neighborhood for the last  
 12 20 years. The Youth Center was expanded.  
 13 There were tremendous meetings. It became a  
 14 win-win situation, and the owner is the City of  
 15 Coral Gables, and the residents; it's the crown  
 16 jewel, in my opinion, of this community.  
 17 The second facility that came in, into a  
 18 Master Plan change and rezoning, was JCI. The  
 19 JCI building now is being occupied to the point  
 20 that it will be maxed out and there will be a  
 21 parking problem there. And that, of course, is  
 22 a property for profit, that is owned by  
 23 individuals that will make money.  
 24 There's no difference with this particular  
 25 Somerset Charter School, and in fact, I cannot

1 blame this Board by not having the knowledge of  
 2 what they had until Tucker Gibbs explained to  
 3 you how the State Legislature and State --  
 4 actually, one legislator ran the charge in  
 5 being able to endorse changes that would  
 6 undermine zoning boards and city boards of  
 7 being able to put limitations on facilities  
 8 that have tremendous impact and have tremendous  
 9 changes of the type of original planning that  
 10 was designed by planners in these cities. The  
 11 disruption is amazing.

12 But I am very disappointed that Laura Russo  
 13 did not bring this to your attention, because  
 14 it is absolutely true, and what Tucker Gibbs  
 15 said is true. All those restrictions that  
 16 Staff has carefully put in there mean nothing.  
 17 And when I bought my home, that was a church,  
 18 with an auxiliary use of a school that was  
 19 added afterwards, with limitations and  
 20 covenants that mean nothing today.

21 I'm telling you now that if you approve  
 22 this, this change of Master Plan and land use  
 23 and zoning, you know quite well that these  
 24 restrictions have absolutely no teeth, and they  
 25 will be changed, because it's all about money.

1 getting a wonderful education there, but  
 2 there's one thing I don't like about going to  
 3 that school: The mornings and the afternoons.  
 4 If you hang out there, you'll know what I mean.  
 5 This school will have the same situation.  
 6 Everybody in this room knows it. So that's the  
 7 first issue, the control.

8 The second issue is the capacity. This  
 9 school will have impacts on the adjacent  
 10 facilities that Coral Gables residents own and  
 11 use. The Youth Center is already at complete  
 12 capacity. Parking is nonexistent. The Library  
 13 has no parking. The streets adjacent to that  
 14 school -- University, in the mornings and in  
 15 the afternoon, is at complete capacity. There  
 16 are lines all the way up to LeJeune. If this  
 17 goes through, you're going to have a ripple  
 18 effect on major streets, Bird, LeJeune, Coral  
 19 Way, and University. There will be traffic  
 20 backups. So this affects all Coral Gables  
 21 residents and their ability, not just the  
 22 neighborhood.

23 The last issue is the point of no return.  
 24 Once you make this zoning change, I believe we  
 25 will not be able to go back. I believe that

1 So shame on the applicant. Shame on what  
 2 they have done and what they're trying to do to  
 3 these residential neighborhoods, and everyone,  
 4 everyone throughout the City, is going to be in  
 5 a position that they could be -- they could  
 6 have their lives changed overnight without  
 7 having to move from their home.

8 Thank you.

9 CHAIRMAN AIZENSTAT: Thank you.

10 MS. MENENDEZ: Jonathan Ullman.

11 MR. ULLMAN: Jonathan Ullman, 714 Santander  
 12 Avenue. The events of this proceeding come  
 13 down to three issues: Control, capacity and  
 14 the ability to return to the existing  
 15 condition. There is no control, there is no  
 16 capacity, and there is no return, if you  
 17 approve Staff's recommendations.

18 I have heard all the conditions that you  
 19 have mentioned, and I know that you will not be  
 20 able to control what goes on at that school,  
 21 and I know that that school will not be able to  
 22 control what goes on in the immediate area of  
 23 that school. Why do I know? Because my child  
 24 goes to Coral Gables Elementary. We are proud  
 25 parents of a student, a public school student,

1 anything can happen. And I do not believe in  
 2 the -- I -- I know from history how things  
 3 work. I found it very interesting that one of  
 4 the conditions was that you can't be used by  
 5 outside vendors for commercial purposes. This  
 6 is a commercial purpose. This is a private  
 7 company, a private corporation, that is getting  
 8 public funds, and all these conditions are no  
 9 substitute for what should be done. Please  
 10 deny the application, cap it at 10, "Religious/  
 11 Institutional," and please, in the future, I  
 12 wish they would turn off those beeps and just  
 13 have lights.

14 CHAIRMAN AIZENSTAT: It's an easy way to  
 15 remind people.

16 MS. MENENDEZ: Pepi Cuadrado?

17 DR. GRANAT CUADRADO: Yes, I've been here  
 18 before. I have the same message.

19 CHAIRMAN AIZENSTAT: Can you state your  
 20 name --

21 DR. GRANAT CUADRADO: My name is Pepi  
 22 Granat Cuadrado. I'm a family doctor. I live  
 23 in the neighborhood, like two blocks away.  
 24 We've lived here for 43 years. The message is  
 25 very clear. We are being subjected to an

1 invasion, for which we have to fight, and the  
 2 time and energy that we have put out, having to  
 3 fight something, as innocents who moved in with  
 4 an unspoken covenant -- I've heard a lot about  
 5 covenants. It's making me sick. You had a  
 6 covenant with me, you, the generic you, being  
 7 the City of Coral Gables, and I grew up on  
 8 Miami Beach, okay? So I was born in Jackson  
 9 Hospital. I know this place. There was an  
 10 unspoken covenant with us, the residents, that  
 11 things would be the way they are. I'm proud to  
 12 say that Coral Gables hasn't changed in 50  
 13 years, to my friends from up north. I won't be  
 14 able to say that, will I, with the invasion  
 15 we're having here? Can I cede the rest of my  
 16 time to a friend who's a realtor and who has  
 17 something quick to say?

18 CHAIRMAN AIZENSTAT: I would prefer that  
 19 individuals speak their time and then when the  
 20 person comes up --

21 DR. GRANAT CUADRADO: All right.

22 CHAIRMAN AIZENSTAT: -- they speak their  
 23 time. If not, we won't have due process.  
 24 Thank you.

25 DR. GRANAT CUADRADO: That's all right.

1 Then I can easily talk about the same thing for  
 2 another 30 seconds.

3 MS. KEON: You don't have to.

4 MR. SALMAN: You don't have to.

5 CHAIRMAN AIZENSTAT: You don't have to.

6 MS. KEON: You can stop.

7 DR. GRANAT CUADRADO: Yeah, but --

8 CHAIRMAN AIZENSTAT: If you --

9 DR. GRANAT CUADRADO: You cannot make this  
 10 land use change, because of all the things that  
 11 have been said here, and Felix was extremely  
 12 eloquent about this. You cannot do it, because  
 13 you had a covenant with me, and you will be  
 14 breaking faith with me and mine and all of my  
 15 neighbors, as well. Thank you.

16 CHAIRMAN AIZENSTAT: Thank you, ma'am.

17 MS. MENENDEZ: Michelle Estlund.

18 MS. ESTLUND: Good evening, and thank you  
 19 for hearing all of us. My name is Michelle  
 20 Estlund. I live at 733 Camilo Avenue.

21 The granting of this request will  
 22 constitute the granting of a request that  
 23 renders our City unable to deny an annual 15  
 24 percent increase in enrollment. Tucker spoke  
 25 quite a bit about this, but I think it's

1 important to focus on the legislation, the  
 2 language of the legislation. He mentioned the  
 3 bill number. The law is Number 2011-232. The  
 4 language is important, because it says that a  
 5 charter -- a high-performing charter school,  
 6 which is what a lot of Somerset schools are,  
 7 can inform us -- not request, can inform us  
 8 that they wish to raise their enrollment by 15  
 9 percent per year and increase their grades.  
 10 They do not have to stay at K through 8. They  
 11 can go all the way to 12. They can increase  
 12 that, and they can do it by informing, not by  
 13 asking. So, if this happens, we will see that.  
 14 So let's imagine that we have a covenant, an  
 15 agreement, a contract, some form of way of  
 16 assuring that all of the representations that  
 17 they make here tonight would be -- would be  
 18 kept, as promises.

19 Let's review Somerset's history with its  
 20 promises to us. Before it ever opened, I sat  
 21 in a meeting and I listened to Somerset  
 22 representatives say that children from this  
 23 neighborhood would be given a priority in  
 24 enrollment. That did not happen. I live two  
 25 blocks away and I applied. I told you this

1 before. My children were not admitted. Since  
 2 that last meeting where I said this to you, I  
 3 found out that I wasn't the only person to whom  
 4 this happened, so it's not personal.

5 Number two, Somerset assured UBC parents,  
 6 who had children at UBC, would have a priority  
 7 in enrollment. That also did not happen. So  
 8 we have a history of representations that were  
 9 made, but not kept. What do we do if this  
 10 passes and they don't keep their word that  
 11 they're giving today? Do we sue? Do the  
 12 neighbors have to incur more legal fees?  
 13 Because as much as I love Tucker, I don't want  
 14 to do this the rest of my life. Do you sue?  
 15 Do you have to incur that cost? Do you want to  
 16 really find out what Chapter 2011-232 is going  
 17 to cost a city? Because I don't, and I think  
 18 that as detailed and as great as the Staff's  
 19 research and work is, it has to be rendered  
 20 valueless if it is not evaluated in the context  
 21 of the statute that was recently passed. You  
 22 have to look at it together, and I would really  
 23 encourage you to evaluate the information  
 24 that's been provided to you by Staff in light  
 25 of the statute that was passed, and see what

1 effect that has on Staff's Report.  
 2 Thank you very much.  
 3 CHAIRMAN AIZENSTAT: Thank you.  
 4 MS. MENENDEZ: Anna Louise Fulks?  
 5 MS. FULKS: Good evening. My name is Anna  
 6 Louise Fulks, and I live at 717 Santander  
 7 Avenue, for more than 40 years, and I've lived  
 8 in Miami, Florida since 1939, so I have sand in  
 9 my shoes, salt in my hair.  
 10 Anyway, you keep talking about queues and  
 11 the parking and what have you, and the amount  
 12 of students, but what you're not saying, you  
 13 may have 260 children, but what about the  
 14 ancillary personnel? You have the teachers,  
 15 teachers' aides. You have parents that are  
 16 supposed to be in contract with Academica to  
 17 come in and help the teachers and teachers'  
 18 aides. So it is a large group and it is a lot  
 19 of traffic.  
 20 Anastasia, if you will look at that street,  
 21 which we all know very well, coming from  
 22 Biltmore down to Segovia. On Segovia and  
 23 Anastasia now, there is a stoplight. It is  
 24 also a bus route. It is also an emergency  
 25 route. It is also a place where presidents,

1 dignitaries and others come to stay at the  
 2 Biltmore Hotel. It is too much traffic in that  
 3 small area.  
 4 This is almost like deja vu, 1968. I know  
 5 it well, a different Board, different Manager,  
 6 and also in the '70s.  
 7 So what I am asking you is, please keep the  
 8 neighborhood a neighborhood. Do not let more  
 9 traffic come in than we already have. It's a  
 10 lot. And I thank you very much for your time.  
 11 CHAIRMAN AIZENSTAT: Thank you.  
 12 MS. MENENDEZ: Paul Zamek?  
 13 MR. ZAMEK: Good evening. My name is Paul  
 14 Zamek. I live at 1505 Ferdinand Street in  
 15 Coral Gables. I'm the president of the  
 16 Somerset Gables Parents' Association. I'm here  
 17 representing my wife, Boo, and my two children,  
 18 Caroline and Ali, who currently attend Somerset  
 19 Gables. I am here representing the existing  
 20 110 Somerset Gables families, teachers, staff,  
 21 the 600 plus families on our waiting list, and  
 22 the over 1,200 families who have supported our  
 23 school over the past year and a half.  
 24 Since we began the Planning and Zoning  
 25 process in April of this year, you've heard our

1 voices and felt our presence. You've heard the  
 2 reasons why Coral Gables needs this school.  
 3 You've seen our supporters, parents, teachers  
 4 and children. You've seen the emotions and the  
 5 passions. We're not here tonight to recreate  
 6 what you've already heard. Our public comments  
 7 are included in the record, and we trust that  
 8 you as a Board will consider our collective  
 9 points of view.  
 10 Since our last time before this Board in  
 11 June, we listened to your concerns and  
 12 suggestions. We met with the group opposed to  
 13 the school, and there was a very open exchange  
 14 of information. We learned more about each  
 15 other's hopes and concerns. We met  
 16 individually with members of the group, who  
 17 further expressed their concerns. We heard, we  
 18 listened, and we acted. The evidence of that  
 19 dialogue is included in our amended  
 20 application, a reduction in the number of  
 21 students by almost 50 percent, a reverter  
 22 clause so the change in land use applies only  
 23 to Somerset Gables, a cap on enrollment,  
 24 regardless of State legislation, phasing in  
 25 over time, no stand-alone middle school,

1 maintaining the traffic impact on-site.  
 2 The Traffic Operations Plan for Somerset  
 3 Gables is the most comprehensive plan for a  
 4 school the City has ever seen. The City of  
 5 Coral Gables must encourage families to make it  
 6 their home. We are losing families to other  
 7 cities with more options for public education.  
 8 Somerset Academy is meant to be another  
 9 high-quality option for parents. We need to  
 10 attract businesses and new families, while  
 11 keeping the existing families by offering more  
 12 options for public education.  
 13 Schools belong in neighborhoods. Schools  
 14 belong in neighborhoods close to other  
 15 community facilities, such as parks and  
 16 libraries. We have parents who walk their  
 17 children to our school every day. The guiding  
 18 principle of Somerset Gables is to be a true  
 19 neighborhood school.  
 20 City Staff has provided a comprehensive and  
 21 thorough analysis of our application. Not only  
 22 is this the appropriate location for Somerset  
 23 Gables, it's the appropriate size for this  
 24 neighborhood. This is confirmed by the City  
 25 Staff Report and its recommendations for

1 approval.  
 2 I would like to thank all the participants  
 3 who have contributed to this process. We have  
 4 already succeeded in bringing our community  
 5 closer together. I'm honored to represent  
 6 Somerset Academy in this community. I'm proud  
 7 to be a resident of the City of Coral Gables.

8 On behalf of the Somerset Gables Parents'  
 9 Association and the supporters of Somerset  
 10 Academy, I ask that you approve this  
 11 application, as revised by Staff's  
 12 recommendations and conditions.

13 Thank you.

14 CHAIRMAN AIZENSTAT: Thank you.

15 Jill, is the timer working okay? Because  
 16 it kept shutting off.

17 MR. CARLSON: No, it's okay.

18 CHAIRMAN AIZENSTAT: It's okay? Thank you.

19 MS. MENENDEZ: Janet Nostro?

20 Sandra Pollack?

21 MS. POLLACK: Good evening. I'm Sandra  
 22 Pollack, and I live at 1025 Anastasia Avenue  
 23 for the last 45 plus years, and I really don't  
 24 even want to take the time that you're giving  
 25 us to talk, because I think you've heard enough

1 experiencing all of the fears that they have  
 2 today. My mother owns a home near Sunset  
 3 Elementary School. The parents do not wait in  
 4 the lines that they are supposed to, and they  
 5 park all over the street, and every homeowner  
 6 on Corsica Street near Sunset Elementary School  
 7 has a "No parking" sign, and more than one  
 8 homeowner has up to three parking signs, one of  
 9 them -- to my absolute shock and disgust, one  
 10 sign literally says, "Do not park in the  
 11 driveway," and I am currently speaking to the  
 12 Parking Department about this, because I do not  
 13 want to wake up every morning and look at a  
 14 unattractive metal sign in my neighbor's swale,  
 15 stating -- I don't think that living in The  
 16 City Beautiful, we should have to have signs  
 17 saying, "Do not park in my driveway."

18 I found out that the City has done very  
 19 little to enforce the "No parking" signs that  
 20 they have erected, and thus, I am absolutely  
 21 certain that the property values on this  
 22 particular street have been substantially  
 23 damaged and reduced, due to the unattractive  
 24 signs that are all over this street.

25 And that's it. I just wanted to share my

1 today to know that we don't feel, I don't feel,  
 2 my neighbors don't feel, on the entire block,  
 3 that this should even be -- we shouldn't even  
 4 be standing here right now. You don't have any  
 5 idea of the traffic just to get out of our  
 6 driveways. You have no idea when the  
 7 ambulances come, when the Biltmore traffic  
 8 comes, when the trucks and the garbage trucks  
 9 and every kind of vehicle that you can imagine  
 10 comes, not only from Red Road, but also from  
 11 the opposite end. You've got traffic and you  
 12 can't even get through.

13 If you're going to destroy the  
 14 neighborhood, this will not make what we lived  
 15 in, in Coral Gables, The City Beautiful. It  
 16 will be a zoo. It's like a three-ring circus  
 17 right now. So, please, please, don't change  
 18 what we have already. Thank you.

19 MS. MENENDEZ: Anna (sic) Goodman?

20 MS. GOODMAN: Hello. My name is Ann  
 21 Goodman, and I live on 1132 Castile Avenue, and  
 22 I've been a realtor for over 20 years in the  
 23 City of Coral Gables. I just wanted to share  
 24 that I -- my empathy for the homeowners that  
 25 are surrounding the school. I am currently

1 empathy. Thank you very much.

2 CHAIRMAN AIZENSTAT: Thank you.

3 MS. MENENDEZ: Dr. Raul Quadrado.

4 DR. CUADRADO: Honorable Members,  
 5 Commissioners -- I'm sorry, I have a -- I had a  
 6 stroke, so I have to speak slowly and not in  
 7 Spanish, okay?

8 CHAIRMAN AIZENSTAT: Could I ask you to  
 9 just please state your name and address  
 10 before --

11 DR. CUADRADO: I'm sorry. Raul R.  
 12 Quadrado, 3250 Riviera Drive, Coral Gables,  
 13 Florida.

14 MR. LEEN: Excuse me, it has to be in  
 15 English, or is there an interpreter?

16 MR. SALMAN: He's speaking English.

17 MS. KEON: He's speaking English.

18 MR. LEEN: Oh, I thought you said that --

19 MR. FLANAGAN: I thought he said --

20 DR. CUADRADO: No, no, no.

21 MR. LEEN: Or do we have an interpreter?

22 Okay, I'm sorry, sir. Forgive me. Do we  
 23 have an -- I thought that they were telling me  
 24 that you wanted to speak in Spanish and you  
 25 were making that request.

1 DR. CUADRADO: No, no.  
 2 MR. LEEN: Forgive me. I'm sorry.  
 3 DR. CUADRADO: I've been here since 1949,  
 4 okay?  
 5 One of the reasons I moved to our lovely  
 6 home is that I was one of the founders of FIU.  
 7 There were 17 of us. In FIU, we have a huge  
 8 airport. The size of this entire school for  
 9 proposal here was the size of my children's  
 10 residential park, FIU. FIU grew from, when I  
 11 started, 12 students to 38,000 students. So I  
 12 know academia, and what these people are trying  
 13 to do is awful. I beg you to reject their  
 14 application. Thank you.  
 15 CHAIRMAN AIZENSTAT: Thank you, sir.  
 16 MS. MENENDEZ: Joe Scott.  
 17 MR. SCOTT: Good evening. Joe Scott, 3272  
 18 Riviera Drive, about four houses down from the  
 19 proposed school site, or actually, the school,  
 20 now. Thanks for the opportunity to speak. I'd  
 21 like to thank Mr. Riel again for the very  
 22 extensive Staff Report, and frankly, the  
 23 numerous recommended restrictions that are in  
 24 his report address many of the concerns that  
 25 we, as neighbors, have had since Day One.

1 It's also important, I think, to realize,  
 2 and the report repeatedly says, that the school  
 3 is not necessary, that there is sufficient  
 4 space in the top-ranked public schools we have.  
 5 The reality is, my three girls have either gone  
 6 or are currently at Coral Gables Elementary.  
 7 They're great schools. So that really begs the  
 8 question, if we have to put this many  
 9 restrictions to hopefully preserve our  
 10 neighborhood, does this school that's planned,  
 11 fit the neighborhood, or really, is this school  
 12 necessary?  
 13 It's been a long -- at least a one and a  
 14 half year battle now for our neighborhood.  
 15 Academica and Somerset have not willingly come  
 16 to accept the recommendations that you've heard  
 17 tonight. They've been forced into this  
 18 position by neighbors, City officials, and a  
 19 Judge, who have appropriately seen through  
 20 their misleading tactics.  
 21 For me, trust really is an issue here, and  
 22 frankly, now we're considering, we're having  
 23 you consider, a land use change that can result  
 24 in the City's complete loss of control of this  
 25 school.

1 I'm an employee of both the local and the  
 2 federal government, and every year I have to  
 3 take an ethics course, and any of you that have  
 4 taken those ethics courses probably have gone  
 5 through those and realized that there is a  
 6 smell test, and everything may look good on  
 7 paper and good in the plans, but if it doesn't  
 8 smell right, there's an issue there, and  
 9 frankly, this one stinks.  
 10 So I'm really asking you, I don't think  
 11 this site is correct for this proposed school.  
 12 I'm asking you not to do a land use change.  
 13 Thank you.  
 14 CHAIRMAN AIZENSTAT: Thank you.  
 15 MS. MENENDEZ: Sonia Viertl.  
 16 MS. VIERTL: Sonia Viertl, 730 Anastasia  
 17 Avenue. Yes, I have spoken before. I won't  
 18 bore you too much.  
 19 Yes, I have lived in that home for 20  
 20 years, and after everything is said and  
 21 everything is done, all the experts have spoken  
 22 to you, given their recommendations and so on  
 23 and so forth, we, the residents in that area,  
 24 are left to deal with it every day. So I ask  
 25 you, my first question is, would you all be

1 willing here to give me your cell numbers?  
 2 Because I will call you, all of you, first  
 3 thing in the morning, I promise you, because if  
 4 you don't give it to me, I will make sure I  
 5 find it. This -- I'm not -- It's not  
 6 blackmail, it's just that I want you to share  
 7 the feeling every day, every single day.  
 8 Also, I want to bring up what this  
 9 gentleman said here. One day I cut off, I was  
 10 heading north toward my business on Douglas,  
 11 and I said, "Oh, let me take Galiano." So I  
 12 cut off on Alhambra. I took Alhambra, and I  
 13 make a right, going north on Galiano. I got  
 14 sandwiched in, in the kids' -- how do you say,  
 15 the -- yeah, when they -- dismissal, thank you,  
 16 the dismissal. I got sandwiched in. I  
 17 couldn't back up, I couldn't go forward, and I  
 18 cannot double and try to get out. So imagine  
 19 an ambulance is sandwiched in there.  
 20 This young man brought up a very good issue  
 21 here. You're sandwiched in, and that's it,  
 22 because on the other side, going south, there  
 23 are also cars, parents parked, grandmothers,  
 24 grandparents, you name it, everybody's parked,  
 25 plus the buses. Okay, they will say in this

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1 condition, there are no buses, but this is a  
 2 seven-day-a-week issue, seven days a week. I  
 3 have lived with UBC for almost 21 years. It  
 4 has been fine with me. We have had no issue,  
 5 except the perpendicular parking that the City  
 6 is proposing to have changed, which is a very  
 7 good thing. However, this is seven days a  
 8 week. Now, if you're willing for us to call  
 9 you, the neighbors, and to throw that burden on  
 10 us, please let us know, because this will be  
 11 every single day.

12 Yes, they will park in the driveways. I  
 13 have parked in people's driveways, when my son  
 14 went to Sunset Elementary -- I've told you this  
 15 before -- because when it's raining, it's  
 16 pouring, I've got to drop my son and I've got  
 17 to go to work, I do what I have to do. Because  
 18 everything that is proposed here tonight is  
 19 utopic. All the experts have spoken, but the  
 20 reality is, it's the residents who will suffer  
 21 and who will get, like we say in a little  
 22 vulgar language, the rotten end of the deal.

23 Thank you.

24 CHAIRMAN AIZENSTAT: Thank you.

25 MS. MENENDEZ: Elvira Santamaria?

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1 MS. SANTAMARIA: Good evening. Elvira  
 2 Santamaria, 47 San Sebastian. I live less than  
 3 a mile away from Somerset, and even though I  
 4 live in the City, obviously, and I pay the City  
 5 taxes, my home school is in the City of Miami.  
 6 Coral Gables. More than a mile away from my  
 7 house, and contrary to what the previous  
 8 gentleman said, when I applied for a transfer  
 9 for Coral Gables Elementary, which is less than  
 10 a mile from home, five blocks from my office, I  
 11 was told all the public schools in the City are  
 12 full to capacity, but as a consolation, I could  
 13 go to a C grade school in the City of Miami,  
 14 even further from my house. Unfortunately,  
 15 nowadays, private schools are limited options,  
 16 also, due to the economics, so I -- I ask you  
 17 to please consider this application and approve  
 18 the application by Somerset, because they would  
 19 be filling a huge void that the City itself has  
 20 left its residents. Thank you.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MS. MENENDEZ: Raul Lastra.

23 MR. LASTRA: Hi. Raul Lastra, 220 -- 2209  
 24 Segovia Circle. I think, watching this from  
 25 outside -- and I apologize for my

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1 disheveledness (sic). I just landed from a  
 2 plane and my wife said, "You have to go to the  
 3 meeting." I have two kids. I live on Segovia  
 4 Circle. I can walk to Downtown. That means  
 5 that most of you people that live west of me  
 6 drive through my neighborhood every morning.  
 7 But I have the benefit of walking to Downtown,  
 8 so I deal with that traffic.

9 We clearly see what's happening here. If  
 10 you live across the street, you're against it.  
 11 If you have a kid, like I do, you're for it.

12 We've got to think globally. Globally,  
 13 good schools are the strength of Coral Gables.  
 14 We're not a suburban community where houses are  
 15 here, schools are there. As a matter of fact,  
 16 our best moments are odd: We have a hotel,  
 17 great hotel, across from residential streets, a  
 18 public pool, one of the greatest public pools,  
 19 next door to a residential house.

20 If George Merrick was here today, he would  
 21 say, "Great place for a school, right there,  
 22 perfect, community center across the street, on  
 23 a major avenue, on the fringe of Coral Gables,  
 24 right on the end," and it's ironic that this  
 25 great model of planning -- I do this for a

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1 living, like Rolando. We have one of the best  
 2 minds. All the minds, great urban minds, are  
 3 at the University of Miami, talking about how  
 4 you build a good -- The best ones. Are you a  
 5 Gator? Okay.

6 So, if we all get together, we always point  
 7 to Coral Gables as, this is the example, high  
 8 density, low density, mixed-use communities --  
 9 this is the model we point out, and if today  
 10 George Merrick was here, he would say, "Place  
 11 it there." I think that if all the  
 12 professionals that we regard highly in this  
 13 community were here, they'd say, "Great  
 14 location."

15 So we can't treat this like a homeowners'  
 16 association. We have to think with a little  
 17 bit of vision. You guys were elected, most of  
 18 you newly, to govern for all, and for the  
 19 future. So please accept this application.

20 CHAIRMAN AIZENSTAT: Thank you.

21 MS. MENENDEZ: We have no more speakers.

22 MR. RIEL: No more speakers.

23 CHAIRMAN AIZENSTAT: There's no more  
 24 speakers?

25 MR. BEHAR: A break?

1 CHAIRMAN AIZENSTAT: Let's take a  
2 ten-minute break. Five minutes? A five-minute  
3 break to go to the rest room, and we'll be back  
4 here. Thank you.

5 (Thereupon, a recess was taken.)

6 CHAIRMAN AIZENSTAT: Okay. Let's get  
7 started, please.

8 Ms. Russo, do you have a rebuttal?

9 If we can shut that door, please. Thank  
10 you.

11 MS. RUSSO: Mr. Chair, Members of the  
12 Board, I just want to make perfectly clear, in  
13 case I wasn't clear in my -- in my original  
14 presentation, the conditions that are in the  
15 Staff Report, I proffered on behalf of Somerset  
16 Academy the conditions that are there. We  
17 proffered these conditions. We imposed these  
18 conditions on ourselves. I prepared a draft  
19 declaration of restrictive covenant. It was  
20 always the intent that the restrictive covenant  
21 would be joined by Somerset and Academica.  
22 There was never that doubt. I made it clear to  
23 Staff. I provided that in my revised  
24 application. And so -- and I've even submitted  
25 a letter, clarifying that, in case there was

1 any doubt. So I want to be sure that this  
2 isn't -- oh, no, it was always our intent, and  
3 that's why we proffered. We know that there's  
4 certain conditions that cities cannot impose,  
5 and we imposed them on ourselves, so I just  
6 wanted to make it perfectly clear that it was  
7 always our intent, and that's why we did it,  
8 and that's why they were quite so numerous. We  
9 wanted to make sure we took everybody's  
10 concerns into consideration.

11 Thank you.

12 CHAIRMAN AIZENSTAT: Thank you.

13 At this point, we're going to go ahead and  
14 close the meeting for public comment and open  
15 it up for Board discussion.

16 Pat?

17 MS. KEON: I'd like to start by asking the  
18 attorney to address the issue of the State --  
19 the legislation that was passed by the State.

20 VARIOUS VOICES: We can't hear you.

21 MR. RIEL: Your mike's not on. You might  
22 turn it -- Yeah, it's not on.

23 MS. KEON: I'd like to start by asking the  
24 City Attorney to please address the issue of  
25 this recent State legislation affecting schools

1 and how it would affect the charter school.

2 MR. LEEN: Certainly.

3 There were several provisions that were  
4 mentioned by Mr. Gibbs. I'll go through them  
5 in turn. The first one, it states, "A  
6 high-performing charter school is authorized to  
7 increase its student enrollment once per school  
8 year by up to 15 percent more than the capacity  
9 identified in the charter."

10 Now, my interpretation of this, and also  
11 our counsel's, the City's counsel, is that when  
12 it talks about charter, it's talking about the  
13 charter with the School District, not the  
14 zoning requirements of the City. So, yes, if,  
15 for example, they were allowed under zoning to  
16 have a thousand students, and their charter  
17 said they could only have 400, they would be  
18 able to continue to increase every year up to  
19 the zoning restriction, so -- the conditional  
20 use restriction, so --

21 But in my opinion, it doesn't operate the  
22 other way, so it does not -- it does not affect  
23 at all our zoning requirements or whatever is  
24 imposed here or recommended here and imposed by  
25 the City Commission.

1 The second provision -- and I will say that  
2 this has not been interpreted by a court, so it  
3 is possible, and Mr. Gibbs could prevail in  
4 that argument, but I think that that is the  
5 better recommendation. That is my  
6 recommendation and my -- pardon me, that is my  
7 interpretation of that provision. All of these  
8 provisions are relatively new, so it is  
9 possible a court could make a different  
10 determination.

11 Okay, the next provision states, "The local  
12 governing authority shall not adopt or impose  
13 any local building requirements or site  
14 development restrictions, such as parking and  
15 site size criteria, that are addressed by and  
16 more stringent than those found in the State  
17 requirements for educational facilities of the  
18 Florida Building Code."

19 Now, my interpretation of that is that this  
20 relates to -- is really a building issue,  
21 relates to building requirements. This does  
22 not discuss traffic, which is what the main  
23 issue is here, what is the impact of the  
24 increase in traffic based on the increase in  
25 enrollment size of this school. So, in my

1 view, this provision would not preempt, again,  
 2 our zoning provisions or the interpretation by  
 3 Staff that, you know, the traffic -- Let me put  
 4 it this way. You've heard different things  
 5 related to traffic and what the traffic impact  
 6 would be. You can make a determination based  
 7 on that. You can determine and make a  
 8 recommendation whether you would approve or not  
 9 approve this application, and you can consider  
 10 the traffic yourselves. You're not preempted  
 11 by State law and you're not -- and the State --  
 12 And in my opinion, if this went to court, there  
 13 would be deference to your determination, your  
 14 recommendation and the City Commission's  
 15 determination on that.

16 Moreover, I took a look at the State  
 17 requirements for educational facilities of the  
 18 Florida Building Code, and that doesn't discuss  
 19 traffic. Again, it's related more to the  
 20 amount of parking spots and things like that.  
 21 So I don't think that this limits your  
 22 discretion in any way.

23 The next provision says, "Beginning July  
 24 1st, 2011, a local governing authority must  
 25 treat charter schools equitably in comparison

1 recommendation, and again, I do not think it  
 2 limits your discretion.

3 Now, I'd also like to call up our counsel,  
 4 to provide any comments that you have, as I  
 5 know you've looked at this issue.

6 MR. GIBBS: May I ask a question?

7 CHAIRMAN AIZENSTAT: No.

8 MR. GIBBS: No, of the Board, of you,  
 9 Mr. Chairman. I just need to know if Ms.  
 10 Hernandez is speaking as an expert, subject to  
 11 cross examination -- sorry, Liz -- because I'm  
 12 going to have some questions.

13 MS. HERNANDEZ: I'll let you, yeah.

14 CHAIRMAN AIZENSTAT: I will -- I'll defer  
 15 that to the City Attorney.

16 MR. LEEN: Ms. Hernandez is speaking as  
 17 counsel for City Staff. I'm acting as your  
 18 counsel, the counsel for the Board, but she has  
 19 been -- she's worked as counsel for City Staff,  
 20 and she's giving you -- She's looked at this  
 21 issue and she's going to speak.

22 CHAIRMAN AIZENSTAT: She's hired by the  
 23 City?

24 MR. LEEN: She's hired by the City.

25 MR. GIBBS: As an expert?

1 to similar requirements, restrictions and  
 2 processes imposed upon public schools that are  
 3 not charter schools."

4 First, this provision does not say that  
 5 they must be treated identically. It says  
 6 equitably, which generally means fairly. So,  
 7 in my view -- also, you should know that we do  
 8 impose certain restrictions on public schools,  
 9 and I'm going to have counsel come up and speak  
 10 about this. She has some experience related to  
 11 how the City has treated public schools in the  
 12 past, as she was the prior City Attorney.

13 But in addition, the public school system  
 14 has certain requirements related to public  
 15 schools. Now, charter schools are not  
 16 regulated in the same way by the public school  
 17 system. Instead, our Zoning Code -- or my  
 18 interpretation has been that our Zoning Code  
 19 does apply to them, and as long as they're  
 20 being treated in a fair manner compared to  
 21 public schools, again, I do not think that this  
 22 restricts your discretion, and I think it's  
 23 perfectly fair to look at how an increase in  
 24 the size of the school would affect traffic,  
 25 so -- and I think that you can consider Staff's

1 MS. HERNANDEZ: No.

2 MR. LEEN: No, as a lawyer.

3 CHAIRMAN AIZENSTAT: As an attorney.

4 MR. LEEN: As an attorney. She's speaking  
 5 as an attorney.

6 MR. GIBBS: So there's no opportunity to  
 7 cross-examine her?

8 MR. LEEN: There's no -- Well, that's --  
 9 It's up to the Chair, but I would recommend no.

10 MS. HERNANDEZ: Yeah.

11 CHAIRMAN AIZENSTAT: Let's let her speak  
 12 first.

13 MS. HERNANDEZ: Good evening. Elizabeth  
 14 Hernandez, with the offices of Akerman,  
 15 Senterfitt and Eidson. We are counsel for the  
 16 City in the litigation regarding Somerset  
 17 versus the City of Coral Gables, and  
 18 Mr. Tucker's clients moved to intervene in that  
 19 case, and we're also special counsel advising  
 20 Staff on the issues that are being presented  
 21 here this evening.

22 And before I get into the issues of the  
 23 statute -- because you've been told about  
 24 certain amendments to the statute, but you  
 25 haven't heard about all of the statute that

1 applies to charter schools, and they all have  
2 to be read together. You can't just take one  
3 part without all of it.

4 But first of all, as Ms. Russo clearly  
5 stated, the conditions were proffered, so it's  
6 not an exaction by the City. It is something  
7 that the property owner and the tenant are  
8 proffering to the City and are proffering as  
9 part of a restrictive covenant. Whether or not  
10 they later want to agree with Mr. Tucker on  
11 some additional conditions or whatever and  
12 bring those to the City, I'm certain that both  
13 this Board and the City Commission will  
14 consider any additional restrictions or  
15 additional conditions that they may wish to  
16 offer, and if the Commission feels that it's  
17 appropriate, they will accept such a covenant.  
18 So I wanted to first state that.

19 Chapter 1002.33(18), and you heard a  
20 section of it, also has Subsection (c), which  
21 provides that libraries, community service,  
22 museums, performing arts, theaters, cinemas,  
23 churches, community college, college and  
24 university facilities may provide space to  
25 charter schools within their facilities under

1 The issue of -- It's not that we are to  
2 treat it identical, because charter schools and  
3 public schools are treated differently even  
4 under the statutes that apply to educational  
5 facilities. It's equitably. And so we are  
6 required to compare it to similar requirements,  
7 restrictions and processes imposed on public  
8 schools.

9 With regard to the public schools, they  
10 come to our Board of Architects. They apply to  
11 specific Boards, like our Historic Preservation  
12 Board, if they're historic in nature, such as  
13 Coral Gables Elementary. Ponce de Leon Middle  
14 School, with their signage issues, had to come  
15 before the City Commission and comply with our  
16 sign ordinance and take down the huge neon sign  
17 that they had placed so that everybody could  
18 see it for 40 miles around. You know, so there  
19 are specific requirements that do apply to  
20 public schools, and in addition to that, we  
21 have an interlocal, which is required by State  
22 law, where the public schools must meet with  
23 the Planning Department and other departments  
24 in order to expand, improve or make additions  
25 to their school buildings.

1 their pre-existing zoning and land use  
2 designations.

3 What are the pre-existing zoning and land  
4 use designations? The pre-existing zoning is  
5 "S." It requires conditional use review and  
6 site plan review and approval. That is why we  
7 are here with conditional use and site plan  
8 review and approval.

9 So, you know, you heard about the statute  
10 and the restrictions and why we couldn't go  
11 through this process. We are following the  
12 statute and following the requirements of the  
13 statute. If not, I am certain that Ms. Russo's  
14 client would not be proffering all the  
15 conditions that they are proffering.

16 With regard to the section on, the local  
17 governing authority shall not adopt or impose  
18 any local building requirements or site  
19 development restrictions, this building is  
20 built. The site is there. The State Building  
21 Code and the provision with regard to schools  
22 and what applies to school facilities is in  
23 place. There is no request to enlarge the  
24 building space. None has been received by the  
25 Planning Department. It doesn't apply.

1 So our position is that, first and  
2 foremost, the conditions were proffered. They  
3 were proffered by the property owner and  
4 tenant, and they will be part of a restrictive  
5 covenant. So, regardless of what's in the  
6 legislation, this is not something that the  
7 City is imposing; it is something that the City  
8 is accepting. And the case law, 40 years back,  
9 supports that pattern and practice, and the  
10 statute does not undo that practice.

11 And with regard to the other provisions,  
12 again, our position is that Staff's Report is  
13 appropriate before you for your consideration,  
14 and you have sufficient evidence to either  
15 grant or deny the requested application. You  
16 have all the elements necessary to take the  
17 position that you deem appropriate.

18 MR. LEEN: There's one other thing I wanted  
19 to say regarding the -- if it's okay.

20 CHAIRMAN AIZENSTAT: Yeah.

21 MR. LEEN: Regarding the proffered  
22 conditions. Really, what Mr. Gibbs is doing  
23 is -- These provisions that are raised in the  
24 statute are generally meant to protect charter  
25 schools, and Mr. Gibbs is raising them himself,

1 but what's important to remember is that the  
2 charter school, the counsel for the charter  
3 school, has stood up and said that these are  
4 being proffered. As Ms. Hernandez said,  
5 they're not being imposed, which basically  
6 means they're waiving any possible argument,  
7 raising this statute in the future, if they  
8 were to appeal this. They're waiving that  
9 issue, because they're saying, "We're offering  
10 this." So, in my legal judgment, none of these  
11 statutes could be used to overturn your  
12 recommendation or the City Commission's  
13 ultimate determination, and they would be bound  
14 by what they've stated here on the record.

15 CHAIRMAN AIZENSTAT: So, in other words,  
16 these covenants would have, as some people have  
17 said, teeth in it?

18 MR. LEEN: Well, yes. What they are  
19 proffering -- There's two separate issues.  
20 One, they're proffering it, so regardless of  
21 whatever these statutes say, they've waived any  
22 argument related to them. They are proffering  
23 these conditions themselves. They will be  
24 bound by them, in my judgment.

25 Secondly, my opinion and the opinion of the

1 counsel for City Staff, and I agree with her,  
2 is that these statutes don't prevent these  
3 conditions, anyway, that these conditions could  
4 be imposed, but you don't really need to reach  
5 that, because they are proffering them  
6 themselves. So you can accept them in making  
7 your determination. You can assume that those  
8 will be enforced, in making your determination  
9 whether to grant or deny this application.

10 CHAIRMAN AIZENSTAT: Does anybody else on  
11 the Board have any questions for Liz?

12 MS. KEON: I would.

13 CHAIRMAN AIZENSTAT: Go ahead first.

14 MS. KEON: In all your years as the City  
15 Attorney, have covenants that have gone along  
16 with certain properties or development or  
17 whatever -- when they are challenged at a later  
18 date, have they been upheld or have they not  
19 been upheld?

20 MS. HERNANDEZ: Restrictive covenants  
21 entered into between the City and property  
22 owners?

23 MS. KEON: Right.

24 MS. HERNANDEZ: We've always been  
25 successful in defending those.

1 MS. KEON: Okay. Is this -- This covenant  
2 between -- This is between the City --

3 MS. HERNANDEZ: The City and the  
4 property --

5 MS. KEON: -- and the school?

6 MS. HERNANDEZ: Right.

7 MS. KEON: And the institution.

8 MS. HERNANDEZ: The City and the property  
9 owner, and in this case, as in many other  
10 cases, the tenant, as well.

11 MS. KEON: All right, but it's the tenant,  
12 as well.

13 MR. HERNANDEZ: Right, and that's  
14 important. There's only one instance where I  
15 am aware of the adjacent property owners also  
16 being part of a tri-party restrictive covenant,  
17 and that's the Gables One, the Mark Kovins  
18 building, where you live, and so -- I forgot,  
19 I'm sorry. And that was before my time, and it  
20 was as a result of a massive litigation that  
21 happened, I think, in the '60s or '70s or  
22 something, you know, so --

23 MS. KEON: '70s.

24 MS. HERNANDEZ: Yeah, okay.

25 CHAIRMAN AIZENSTAT: Thank you.

1 MS. HERNANDEZ: Well, it's always a  
2 pleasure to address you all.

3 MS. KEON: Thank you.

4 MR. LEEN: May I add one point of  
5 clarification? Is the tenant agreeing to sign  
6 the covenant or not?

7 MS. HERNANDEZ: That's what Ms. Russo --  
8 that's the tenant.

9 MS. RUSSO: Excuse me?

10 MR. LEEN: Is the tenant going to agree to  
11 sign the covenant?

12 CHAIRMAN AIZENSTAT: Yeah, that's why  
13 they're proffering it.

14 MS. RUSSO: Yes, yes. I stated it  
15 directly.

16 CHAIRMAN AIZENSTAT: Yes.

17 MR. LEEN: Okay.

18 CHAIRMAN AIZENSTAT: She did.

19 MS. HERNANDEZ: Thank you.

20 CHAIRMAN AIZENSTAT: Other discussion?  
21 Pat, do you want to continue, since you're  
22 up?

23 MS. KEON: Well, you know, I have grave  
24 concerns for the amount of traffic that will be  
25 generated by a school and a school with this

1 many students. I have grave concerns for  
 2 these -- for that neighborhood. You know, I've  
 3 gone through with the City, with the closing of  
 4 City streets because people didn't like traffic  
 5 and bringing traffic in. We sit between major  
 6 populations and downtown areas, so we have a  
 7 lot of traffic that comes through our City,  
 8 anyway, and to place something in a  
 9 neighborhood that just generates more traffic  
 10 for that particular neighborhood is -- it's  
 11 very difficult for me to accept that. I know,  
 12 from where I live, going down Sunset, I see the  
 13 amount of traffic that's created from Sunset  
 14 Elementary and the way people park on the  
 15 swales, they park in the yards. They are  
 16 everywhere. I know from having lived in this  
 17 neighborhood and being close to St. Theresa's,  
 18 I see that traffic that St. Theresa has  
 19 created, and what happens, the gridlock around  
 20 that school, both in the morning and in the  
 21 afternoon.

22 I see it to some degree with St. Philip's,  
 23 also, which is a very, very small school, you  
 24 know, that I -- I -- although we have had a  
 25 traffic analysis that looks at -- it's really

1 the stacking and the parking issue. It doesn't  
 2 address the quality of life issues for the  
 3 people that live in that neighborhood. It says  
 4 that, you know, if you reduce it to this number  
 5 of students and then in turn this number of  
 6 cars and you put in a particular factor, then  
 7 the likelihood is that you won't have stacking  
 8 onto the street. So that's really all that  
 9 says. It just says you won't have stacking  
 10 onto the street.

11 It doesn't say that you're going to have  
 12 Waste Management picking up garbage at 6:30 in  
 13 the morning. It doesn't say that you're going  
 14 to have, you know, a dropoff and a dismissal  
 15 time, as somebody here stated, that, you know,  
 16 goes for a couple of hours, two or three hours  
 17 in the morning, and spans two hours or whatever  
 18 in the afternoon.

19 You know, now it is a facility that is used  
 20 seven days a week, because it continues to  
 21 operate as a church. At least in other  
 22 neighborhoods where it's just a school, you  
 23 know, there is at least relief on the weekends.  
 24 This is a seven-day-a-week use. You know, I  
 25 have great sympathy for people who want to see

1 their children go to school in this community.  
 2 I raised three children here; I understand  
 3 that. I know how you feel. But we do have  
 4 public schools that -- that some, I know, are  
 5 rated more highly than the other. The vast  
 6 majority of our public schools are largely  
 7 dependent on the quality of the student body,  
 8 and the quality of the involvement of the  
 9 parent in the school will determine, to a large  
 10 extent, that school and how that school is.  
 11 So, if as much attention and as much focus is  
 12 given to any one of the public schools that are  
 13 available to your children as is given to this  
 14 school, it is hard to believe that you wouldn't  
 15 still have a quality public school.

16 I just -- and I still don't know what that  
 17 number is. I mean, I know what the number is  
 18 so that there's not traffic backed up onto the  
 19 street. That, we know what that number is.  
 20 But I still don't know what the number is that  
 21 tells you it is adequate size -- or is the  
 22 maximum size that doesn't so severely affect  
 23 the people that live in that neighborhood and  
 24 burden the people that have lived there and  
 25 will continue to live there.

1 I -- you know, in the discussion about, you  
 2 know, the need for schools and, you know, it  
 3 helping real estate values and whatever, even  
 4 during the very terrible time, our real estate  
 5 values have held up probably better than most  
 6 other communities, and homes still sell in this  
 7 community for very -- at a very good price, and  
 8 they have been maintained, and homes that are  
 9 priced well don't stay on the market very long,  
 10 either. I mean, it is a wonderful, wonderful  
 11 city to live in, and I -- and I know that the  
 12 education of children is a significant part of  
 13 that, but also the rights to people to live in  
 14 a neighborhood with some quality of life is  
 15 equally significant.

16 So I -- I really am struggling with -- not  
 17 that it not be a school, but what that number  
 18 is, and that number even at 350 still seems  
 19 like a lot of -- like a fairly sizeable school  
 20 to me, when I look at it. I think Coral Gables  
 21 Elementary has an enrollment of just under 500;  
 22 is that right? I thought it was about 500.  
 23 No, I was surprised when we read it, because I  
 24 thought it would be more, and I think it was  
 25 around 500. I don't know what the enrollment

1 is at St. Philip's. I've asked for it, but  
 2 haven't been --  
 3 MR. SALMAN: 180.  
 4 MS. KEON: What?  
 5 MR. SALMAN: Like 180.  
 6 MS. KEON: Yeah. I thought it was just  
 7 less than 200 students. You know, I don't -- I  
 8 guess I don't know if Somerset's model is that  
 9 it has to go from K through 8. I don't know if  
 10 that's just the model of Somerset, that that's  
 11 what they do. I don't know if, you know,  
 12 making it a K through 5, so it's an elementary  
 13 school, can allow them to, you know, provide  
 14 the quality of education that they need with a  
 15 lesser number of children, because I have to  
 16 believe at some point that their numbers are  
 17 based on enrollment in order for them to be  
 18 successful, and nobody has shared with us what  
 19 that is.  
 20 So I don't -- I don't -- I'm -- I'm not  
 21 comfortable with the number of students  
 22 enrolled because of the effect that it will  
 23 have on the community, only because I've seen  
 24 what the other schools in the neighborhood have  
 25 done to the community. So I don't -- I don't

1 submit the requirements, the City will deem if  
 2 it's okay for them to -- if they're complying,  
 3 okay for them to increase to the 350 students.  
 4 MR. RIEL: Correct.  
 5 MR. BEHAR: Okay. 110 students were  
 6 approved back in 19 -- if I recall, 1961.  
 7 Things have changed. Over time, you know, we  
 8 have to -- we have to be willing to accept some  
 9 changes with limitations. I was totally  
 10 opposed with the 750 original request. I am  
 11 more -- more willing to consider the 350  
 12 students. My problem, my problem in order to  
 13 try to support this application, is the seven  
 14 days a week, okay? And the hours of operation.  
 15 I think that the hours of operation cannot  
 16 go -- the hours of operation cannot pass the  
 17 six o'clock, okay?  
 18 CHAIRMAN AIZENSTAT: For the school?  
 19 MR. BEHAR: For the school, and in some  
 20 instances -- in some cases, some cases, and it  
 21 may be a predetermined number of days that you  
 22 have Back to School Night and so forth and so  
 23 on, that you could go a little bit later,  
 24 because it's going to be required. But, I  
 25 mean, at the end of the day, folks, I know that

1 know. Someone else speak.  
 2 CHAIRMAN AIZENSTAT: Robert?  
 3 MR. BEHAR: It is very tough, and Pat, I  
 4 tend to agree with you on a lot of your points.  
 5 My biggest problem that I'm having is the seven  
 6 days a week operation, if that's the case. I'm  
 7 looking at it based on -- and correct me if I'm  
 8 wrong, Eric, based on your recommendation, is,  
 9 we will be approving, the first year, 260 -- a  
 10 maximum of 260 students, kids, and then after  
 11 that, they will have to come back to us, or  
 12 have to come back for approval.  
 13 MR. RIEL: No, not to the --  
 14 CHAIRMAN AIZENSTAT: Not to us.  
 15 MR. RIEL: It's 260. Not to us. It's  
 16 basically, an independent traffic consultant  
 17 will evaluate the traffic. That's just  
 18 regarding the traffic issues. But any other  
 19 violation of all the other conditions, we have  
 20 an opportunity at any time --  
 21 MR. BEHAR: Well, let me correct myself.  
 22 Not to us, to the City.  
 23 MR. RIEL: To the City, correct.  
 24 MR. BEHAR: Okay. So the first approval is  
 25 260. We're going from 110 to 260. Once they

1 it's a very tough situation. I'm looking at it  
 2 that we will be approving 260 and we have --  
 3 the City has an option to come back and say yes  
 4 or no to the additional increase.  
 5 CHAIRMAN AIZENSTAT: But Robert, let me ask  
 6 you a question. When you bring up the seven --  
 7 the seven days a week, you have a dual usage on  
 8 that property. You've got a school and you've  
 9 got a church. So the school has to operate  
 10 five days a week, at a minimum. It has to.  
 11 There are certain holidays that it closes.  
 12 Then you've got a church that definitely  
 13 operates one day a week, or two days a week.  
 14 How do you -- How do you do that?  
 15 MR. BEHAR: Well, but, see, that's where  
 16 now we're imposing on the residents the whole  
 17 entire week, and, you know, maybe the church,  
 18 we'll limit them to Sundays, but to do it the  
 19 seven days, to me, is a bit too much impact on  
 20 that neighborhood. I know. I know what you're  
 21 saying. I just -- you know?  
 22 CHAIRMAN AIZENSTAT: I mean, I'm just  
 23 thinking, if you take the approach of seven  
 24 days a week, then a school doesn't work there,  
 25 because you've got a church that has to

1 function.  
 2 MR. BEHAR: Let's see what other Board  
 3 members have to say.  
 4 CHAIRMAN AIZENSTAT: Jeffrey?  
 5 MR. FLANAGAN: Eric, were there  
 6 restrictions as to the time of, say, trash  
 7 pickup and deliveries?  
 8 MR. RIEL: Their Traffic Operations Plan  
 9 details that, and I believe the trash pickup is  
 10 6:30 a.m.  
 11 CHAIRMAN AIZENSTAT: Is it limited to  
 12 certain days?  
 13 MR. RIEL: No, it's not. I mean, but my  
 14 assumption is, it's probably once or twice a  
 15 week.  
 16 MS. KEON: At least twice a week, and  
 17 that's Waste Management and their schedule.  
 18 MR. FLANAGAN: They will modify the  
 19 schedule. I've had them -- I've gone through  
 20 the issue personally, when they like to start  
 21 picking up over by Merrick Park at 3:30 in the  
 22 morning and then they start slamming it down  
 23 and --  
 24 MR. RIEL: They can modify their schedule.  
 25 It's something that --

1 MS. KEON: But they usually won't modify it  
 2 that much later. You're going to have it early  
 3 morning, because it's going to start before  
 4 school starts, so they're in and they're out of  
 5 there before school starts.  
 6 MR. FLANAGAN: Right, before traffic gets  
 7 too bad.  
 8 MS. KEON: That's right.  
 9 MR. FLANAGAN: No, 6:30 might be a little  
 10 early for that.  
 11 MS. KEON: That's when it's likely to be.  
 12 MR. FLANAGAN: Do we -- Completely  
 13 switching gears --  
 14 MR. SALMAN: They can pick up in the middle  
 15 of the day.  
 16 MR. FLANAGAN: Eric, is it a necessity that  
 17 the land use get changed, or can that remain as  
 18 it is right now?  
 19 MR. SALMAN: That was my question.  
 20 MS. KEON: Yeah.  
 21 MR. FLANAGAN: Because I have a question  
 22 about that, and then, of course --  
 23 MR. RIEL: Yes.  
 24 MR. FLANAGAN: -- about that reverter  
 25 clause.

1 MR. RIEL: It does, because the community  
 2 facilities -- the "Community Services and  
 3 Facilities" category was put in the Comp Plan  
 4 about 2007. It was well, well in advance. It  
 5 was specifically for uses like this, where you  
 6 have a church and school, that are typically  
 7 within a neighborhood.  
 8 So this is the appropriate category. The  
 9 way the "Religious/Institutional" reads is, a  
 10 school is an accessory use. So that's why they  
 11 filed the application.  
 12 MR. SALMAN: But doesn't the conditional  
 13 use override that?  
 14 MR. RIEL: The change in land use --  
 15 MR. SALMAN: You're granting a conditional  
 16 use based on --  
 17 MR. RIEL: The change in land use has no  
 18 conditions. You can't condition a change in  
 19 land use. So the conditions are placed with  
 20 the conditional use and the site plan.  
 21 MR. BEHAR: If you don't change it, you're  
 22 going to have nonconforming use.  
 23 MR. SALMAN: If you don't change it, you  
 24 still have a conditional use.  
 25 MR. RIEL: Yes. Yes.

1 MR. SALMAN: That's what I'm saying.  
 2 MR. RIEL: The property is zoned "S" and  
 3 "S" is "Special Use." It's a category put  
 4 specifically for uses that would typically be  
 5 within a neighborhood, in close proximity to  
 6 those persons that would utilize it.  
 7 Now, almost everything that's built in an  
 8 "S" use has to go through a conditional use  
 9 review, so every use. There's nothing that can  
 10 be approved in a conditional use. Even a  
 11 structure has to go through. A gazebo, a kiosk  
 12 or something like that has to go through a  
 13 conditional use, which is this Board and the  
 14 Commission.  
 15 MR. SALMAN: Yeah, but that's exactly my  
 16 point. If we were not to change the underlying  
 17 land use and just grant the conditional use  
 18 under the --  
 19 MR. RIEL: The appropriate land use is  
 20 "Community Services and Facilities." That's  
 21 the appropriate --  
 22 MS. KEON: Why?  
 23 MR. SALMAN: Is that a -- Is that  
 24 correcting something?  
 25 MR. FLANAGAN: Even though the church

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1 remains?

2 MR. RIEL: Because they're adding a school

3 use to the property. Right now, it's operating

4 as a "Religious/Institutional" -- religious

5 use.

6 MR. SALMAN: With the school being adjunct

7 to the --

8 MR. RIEL: With the school that was

9 approved, it was an accessory use. That's how

10 it was interpreted in 1977. Understand, if you

11 go back to land use, land use is -- provides

12 the framework and has a listing of potential

13 uses. The Zoning Code, which is the "S" use,

14 lists the specific uses and the process you

15 need to go through. So you need to look at

16 those hand in hand. There's categories out

17 there that have a whole array of uses that are

18 allowed, but that doesn't mean they necessarily

19 will be approved.

20 MS. KEON: So now it will be the primary --

21 It will have two primary uses; is that what

22 you're saying?

23 MR. RIEL: It will have two uses. I don't

24 want to use the word primary.

25 MS. KEON: Well, it's not an accessory, so

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1 what is it?

2 MR. RIEL: Essentially primary. I mean --

3 MS. KEON: Essentially primary?

4 MR. RIEL: Well, you have -- For instance,

5 you have properties that are zoned "Commercial"

6 that have residential uses. They have, you

7 know, commercial uses.

8 MS. KEON: But then they're a "Mixed-Use."

9 MR. RIEL: Right.

10 MS. KEON: Right. They're --

11 MR. RIEL: But that's another category.

12 MS. KEON: That's right.

13 MR. RIEL: Right. That's another land use

14 category.

15 MR. SALMAN: I know, and --

16 MS. KEON: The dual use.

17 MR. SALMAN: In a lot of other places,

18 under an R1, typical single-family residential,

19 compatible uses are schools, libraries, and all

20 these other very limited uses that are

21 community-related. We've gone the extra step

22 by creating a whole category for this, and so

23 really what we've done is further dissect the

24 possibility --

25 MR. RIEL: What we've further done is,

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1 we've recognized the fact that Coral Gables is

2 very progressive and wants to protect its

3 residential neighborhoods. That's why we put

4 this category in here, so that applications or

5 requests like this would have to go through a

6 conditional use and site plan.

7 MR. SALMAN: They wouldn't do it as of

8 right if they were just allowed a --

9 MR. RIEL: Some communities do allow them

10 as of right. I mean, absolutely. It just

11 depends what the, you know, overall goal of the

12 community is and based on its Comp Plan.

13 That's what it comes down to.

14 I don't think you're going to find a

15 community that's any more restrictive in

16 Miami-Dade County, and I think you heard, you

17 know, Tucker Gibbs, in terms of, you know, the

18 Comp Plan and the Zoning Code, and you've all

19 lived that. You went through this for --

20 MR. SALMAN: I know.

21 MR. RIEL: -- three years, so --

22 MR. SALMAN: I remember, but I wanted to

23 explore that, just so that we could all hear it

24 again, and that was specifically why it was

25 brought in there, so that it would come to this

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1 Board --

2 MR. RIEL: Yes.

3 MR. SALMAN: -- for a much more refined

4 review, rather than being built as of right,

5 the reason that the applicant has proffered a

6 whole series of limitations that they have

7 imposed upon themselves, which our attorney has

8 agreed that they would lose their right to

9 overturn or appeal by proffering it themselves.

10 I have a problem with the hours of

11 operation, mainly having to do with the

12 servicing. There are lulls during the school

13 day that would not be in conflict, that could

14 be accommodated easily. I mean, trash pickup

15 could be in the middle of the day, between

16 their dropoff and pickup times, for the school

17 operations.

18 I, myself, went to a parochial school for

19 my elementary through middle, and, you know, we

20 were -- It was small school, St. Hugh. You

21 know where it is. It used to be on 37th

22 Avenue. It had first through eighth grade, had

23 two classes apiece, we had like 26, 27. We

24 had like 400 and something kids there, and it

25 was a very small little building, totally out

1 of Code. They've moved now to the -- near the  
2 actual church sanctuary, on the property that  
3 they owned through the church, and I think the  
4 school has actually gotten smaller, I don't  
5 think it's gotten any bigger, so -- or about  
6 same size. I look at this as a public version  
7 of a neighborhood school.

8 MS. KEON: But that neighborhood -- well,  
9 that site for that school is a much larger site  
10 than this is being built on, and it's off a  
11 main road. You're not going to get --

12 MR. SALMAN: Again, I'm talking about the  
13 size. I'm talking about the fact that it's  
14 stayed about the same, and the point of whether  
15 or not it works for them, that's what they've  
16 proffered to accept, so -- I've done a lot of  
17 schools. I've done a lot of dropoff and  
18 pickup, and I'm very comfortable with the logic  
19 that they have used to be able to accommodate  
20 on-site all of their local pickup and dropoff.  
21 It's certainly better than what they have in  
22 some other situations that I know of, and a lot  
23 better than most public schools, a lot better.  
24 Most public schools have woefully inadequate  
25 parking. Here we have, actually, a surplus,

1 you know, of what's required, and if they were  
2 to use, let's say, 60 of the 89 spaces, that's  
3 one staff person or educator for every, what,  
4 seven kids? That's a pretty good ratio. I  
5 doubt that they're going to be impacting from  
6 their own use that full 60 spaces, so that  
7 leaves quite a bit of room for their dropoff,  
8 their pickup, their parents to come in, without  
9 imposing on the neighborhood.

10 I like the fact that we're coordinating  
11 signs. You know, we've got a lot of -- It does  
12 take a family and something to -- a village, to  
13 educate our children, and sometimes the older  
14 members of our village like to get there early  
15 and park on the grass, and I think that they've  
16 addressed a lot of those issues, and they have  
17 a certain amount of excess parking that would  
18 also deal with that, as well. I am, other than  
19 the hours of operation, inclined to support  
20 this application.

21 CHAIRMAN AIZENSTAT: Ms. Russo, if I could  
22 ask you a question. Does the church -- I don't  
23 know if you know. Does the church do any  
24 programming during the week, apart from  
25 Saturday and Sunday, on the facility?

1 MS. RUSSO: They do some, and I think we've  
2 provided it. We provided a master -- a typical  
3 calendar of events. It's part of our  
4 submittal. But I just want to clear something  
5 on the hours -- clarify something on the hours  
6 of operation. I think it's been  
7 misinterpreted, the prohibition of no school  
8 activities from 10:00 p.m. to 6:00 p.m. (sic),  
9 to think that we're going to be open to 10:00  
10 p.m. Everything in the school ends at 6:00,  
11 and there are 180 school days, and Somerset  
12 does not run a summer school.

13 So I just -- I just want to make a couple  
14 of those clarifications, because as I hear the  
15 comments, I think there was a -- but yes, we  
16 submitted that calendar, and that calendar is  
17 there and it identifies the events. Those are  
18 currently going on now, I mean. It's a  
19 coordinated effort. It's a partnership between  
20 the school and the church.

21 CHAIRMAN AIZENSTAT: Okay, and it looks  
22 like most of the programming is done at  
23 night --

24 MS. RUSSO: For the --

25 CHAIRMAN AIZENSTAT: -- within the church.

1 MS. RUSSO: The church. They have -- yes,  
2 they have a couple of nights where they have  
3 existing longstanding --

4 CHAIRMAN AIZENSTAT: So the fact that  
5 you've submitted, let's say, till ten o'clock  
6 at night or somewhere --

7 MS. RUSSO: We didn't submit till ten  
8 o'clock at night. I think it's been  
9 misinterpreted, is the point I'm trying to  
10 make, is that Staff prohibited any school  
11 activity from 10:00 p.m. to 6:00 a.m., and  
12 that's been interpreted as if we wanted our  
13 school hours to go to 10:00 p.m. No. All  
14 school activities end by 6:00, except for what  
15 you said, the special events like Back to  
16 School Nights, that would be, you know,  
17 staggered per grade, but there is no schooling  
18 from Somerset that would go on past 6:00 p.m.  
19 at night. So I think that's a confusion, and  
20 there are 180 school days and there's no summer  
21 school program.

22 CHAIRMAN AIZENSTAT: And then the other  
23 question is, you've scheduled three drop --  
24 three pickup periods. I assume that the reason  
25 for that is obviously to accommodate the number

1 of students that you have, to make it easy to  
 2 go in and out, and the stacking and so forth.  
 3 MR. SALMAN: Keep all the cars on the  
 4 property.  
 5 CHAIRMAN AIZENSTAT: And keep all the cars  
 6 on the property.  
 7 MS. RUSSO: Correct.  
 8 CHAIRMAN AIZENSTAT: So --  
 9 MS. RUSSO: And it also has to do with  
 10 separation -- you know, in most schools, it's  
 11 also grades, the levels and hours of school, is  
 12 the --  
 13 CHAIRMAN AIZENSTAT: Now, you're going --  
 14 Your programming is through eighth grade?  
 15 MS. RUSSO: Correct.  
 16 CHAIRMAN AIZENSTAT: Is there a reason? Is  
 17 that part of the model of all of your schools,  
 18 is eighth grade?  
 19 MS. RUSSO: I'd have to let that be  
 20 answered by Suzette Ruiz, but I know that one  
 21 of the underlying philosophies is that you keep  
 22 these children together --  
 23 MR. SALMAN: All the way.  
 24 MS. RUSSO: -- all the way through --  
 25 CHAIRMAN AIZENSTAT: Grace Academy.

1 accommodate the siblings at different grade  
 2 levels.  
 3 CHAIRMAN AIZENSTAT: But all of the  
 4 Somerset charter schools have that model?  
 5 MS. RUIZ: Not all the Somersets have that  
 6 model.  
 7 CHAIRMAN AIZENSTAT: Is this the only one?  
 8 Is there other ones?  
 9 MS. RUIZ: There are other schools that do  
 10 have K-8s, yes.  
 11 CHAIRMAN AIZENSTAT: The school that's in  
 12 South Miami, what's their model?  
 13 MS. RUIZ: That's a K-8, pre-K to 8.  
 14 CHAIRMAN AIZENSTAT: What other school do  
 15 you have within the vicinity?  
 16 MS. RUIZ: In South Miami?  
 17 CHAIRMAN AIZENSTAT: Yes.  
 18 MS. RUIZ: That is the only one.  
 19 CHAIRMAN AIZENSTAT: No, no, in Dade  
 20 County.  
 21 MS. RUIZ: Somerset Academy in South Dade  
 22 is a K-8, as well.  
 23 CHAIRMAN AIZENSTAT: Okay.  
 24 MS. RUIZ: Somerset Academy in Homestead is  
 25 also a K-8.

1 MS. RUSSO: -- and in fact, you don't  
 2 subject them to the sort of stand-alone middle  
 3 school, which is a more -- I don't know how to  
 4 put this. It's sort of a more maturing process  
 5 than if you keep them mixed with the middle  
 6 school. It's a way of sort of keeping them  
 7 more age appropriate until they move into that  
 8 more adult environment of a high school, sort  
 9 of a --  
 10 CHAIRMAN AIZENSTAT: So it's with all of  
 11 their charter schools?  
 12 MS. RUSSO: A lot of their charter schools.  
 13 Not all of them, but a lot of the charter  
 14 schools are pre-K through eighth. Not all, but  
 15 a lot.  
 16 CHAIRMAN AIZENSTAT: Can we ask her?  
 17 MS. RUSSO: Yes, absolutely.  
 18 Ms. Ruiz?  
 19 MS. RUIZ: Suzette Ruiz, principal of  
 20 Somerset Academy Grace.  
 21 To clarify that, it is a pre-K, and the  
 22 idea is to make sure that we -- When you have  
 23 students that maybe have two or three siblings  
 24 within the same model, you are going to  
 25 minimize the number of cars, and also to

1 CHAIRMAN AIZENSTAT: Why do you have other  
 2 schools that -- within Somerset, that are not  
 3 through K-8, if that's basically your model?  
 4 MS. RUIZ: Well, sometimes it depends on  
 5 the actual charter in the area, depending on  
 6 what's the need, and one of the, actually,  
 7 models that we actually do is because we've  
 8 seen in the past that it does accommodate less  
 9 number of students as far as the car amounts,  
 10 and also those siblings -- a lot of the parents  
 11 really prefer that model, because it really  
 12 allows them to have all of their students  
 13 within one facility.  
 14 CHAIRMAN AIZENSTAT: So can I assume that  
 15 this is a new model?  
 16 MS. RUIZ: No.  
 17 MS. KEON: No.  
 18 CHAIRMAN AIZENSTAT: No? It's an existing?  
 19 MS. RUIZ: No.  
 20 MS. KEON: Well, parochial schools use that  
 21 model.  
 22 MS. RUIZ: And actually, a lot of the Dade  
 23 County Public Schools --  
 24 CHAIRMAN AIZENSTAT: I'm talking about only  
 25 Somerset.

1 MS. RUIZ: No, it's not a new model at all.  
 2 CHAIRMAN AIZENSTAT: Okay. Thank you.  
 3 MR. SALMAN: Dade County Public Schools  
 4 calls them "elemiddles."  
 5 MS. RUIZ: Right, public schools --  
 6 MR. SALMAN: And they've been doing a lot  
 7 of them.  
 8 MS. RUIZ: Right.  
 9 MR. LEEN: Excuse me, Ms. --  
 10 MS. RUSSO: Gables Elementary just did it  
 11 by adding the middle school to the elementary  
 12 school.  
 13 MR. SALMAN: Correct.  
 14 MS. RUSSO: Gables Elementary is now Gables  
 15 Prep.  
 16 MR. LEEN: Mr. Chair, I did want to clarify  
 17 one legal issue. It related to the land use  
 18 designation. I've looked at both the  
 19 "Religious/Institutional" and "Community  
 20 Services and Facilities" land use designations,  
 21 and I agree, from a legal perspective, with  
 22 Staff that "Community Services and Facilities"  
 23 fits what's being proposed here much better,  
 24 but you should also know if that is denied and  
 25 it stays as "Religious/Institutional," based on

1 State Statute, you could still approve the  
 2 zoning that's being proposed here. You could  
 3 still approve this application, because under  
 4 Florida Statutes 1002.33(18)(c), it states that  
 5 library, community service, museum, performing  
 6 arts, theater, cinema, church, community  
 7 college, college and university facilities may  
 8 provide space to charter schools within their  
 9 facilities under their pre-existing zoning and  
 10 land use designation.  
 11 Now, what you should recognize, though, is,  
 12 we have interpreted that to mean that they  
 13 still must obtain a conditional use. They  
 14 still must go through our whole process. But I  
 15 would interpret that to mean that they could do  
 16 this under "Religious/Institutional," if you  
 17 approve it and if the Commission approves it.  
 18 MS. KEON: So that the land use -- the land  
 19 use ordinance could remain -- the land use  
 20 could remain the same?  
 21 MR. LEEN: Yes, but the issue, I think,  
 22 that Staff would raise is that, you know, why  
 23 rely solely on the State Statute, because Staff  
 24 wants to make our actual land use designation  
 25 consistent with the use. So that's the purpose

1 of this. But in no way should you -- We're  
 2 still complying with State law. You could do  
 3 this under "Religious/Institutional."  
 4 CHAIRMAN AIZENSTAT: Any other questions?  
 5 MR. BEHAR: I do have a question for Staff,  
 6 for Eric.  
 7 Eric, after the first year and once they  
 8 submit that traffic study that gives you time  
 9 for you to review, before they have the right  
 10 to increase the additional 90 students, how  
 11 much time does Staff has to do that process?  
 12 MR. RIEL: It's 45 days from when the  
 13 report is submitted, so basically it's mid  
 14 February.  
 15 MR. BEHAR: And is that enough time for  
 16 Staff to do the proper --  
 17 MR. RIEL: Yes.  
 18 MR. BEHAR: -- analysis?  
 19 MR. RIEL: Yes. When we've gone through --  
 20 We went through all these conditions. These  
 21 conditions were drafted by a number of  
 22 departments. I felt it was appropriate to have  
 23 accountability on the City's point to -- you  
 24 know, 45 days, we owed that to them, because  
 25 obviously, the way the school year operates,

1 from August to May, so that would provide them  
 2 sufficient time.  
 3 If they don't satisfy that, they won't get  
 4 that number, so --  
 5 MS. KEON: But the problem or the issue  
 6 that I continue to have is, how do you monitor  
 7 the quality of life issues for that  
 8 neighborhood?  
 9 MR. RIEL: Well, the quality of life  
 10 issues, how we monitor it is based upon the  
 11 potential impacts that could occur in the  
 12 neighborhood.  
 13 MS. KEON: And so --  
 14 MR. RIEL: And that could be related to a  
 15 lot of different things. It could be related  
 16 to the noise. It could be related to lighting.  
 17 It could be related to traffic. It could be  
 18 related to a lot of different things, and we  
 19 have criteria in the Zoning Code to evaluate  
 20 that, and there's provisions that regulate  
 21 that, and there's a standard set of provisions.  
 22 What we've done here, on this application, is  
 23 put in an extra layer of conditions of  
 24 approval, to ensure that that happens, in  
 25 addition to what's in the Zoning Code.

1 So understand, these 10 conditions you see  
 2 here, there's 455 pages of Zoning Code that  
 3 they have to comply with, as well, that deals  
 4 with noise, lighting and other things. So, by  
 5 looking at just these conditions, don't assume  
 6 that this is all they're going to have to abide  
 7 by.  
 8 But relative to the traffic issue,  
 9 although, you know, our traffic engineer  
 10 focused on the accumulation numbers, you know,  
 11 there were intersection analyses done for each  
 12 of the intersections around the property, and  
 13 our consultant can address that more, if you'd  
 14 like, and they're at a certain level of service  
 15 right now, and I think he can probably better  
 16 reiterate this, that, you know, that level of  
 17 service will not be diminished -- possibly on  
 18 some intersections, but, you know, if you'd  
 19 like to have Mr. Easley come up and explain  
 20 further what the potential impacts would be on  
 21 the intersections, because that was a part of  
 22 the review.  
 23 MS. KEON: Okay.  
 24 CHAIRMAN AIZENSTAT: Is the traffic  
 25 engineer still here?

1 MR. RIEL: Yeah. Jeff, would you like to  
 2 come up?  
 3 CHAIRMAN AIZENSTAT: I'd like to ask him a  
 4 question, if I may.  
 5 If you go ahead and have two dropoff times,  
 6 as opposed to three dropoff times, what would  
 7 be the number of students that this facility  
 8 could handle, according to traffic? Did you  
 9 ever look at that?  
 10 MR. EASLEY: Well, if you're reducing the  
 11 number of students, at the same time reducing  
 12 the number of dismissals, then you're canceling  
 13 out --  
 14 CHAIRMAN AIZENSTAT: Right.  
 15 MR. EASLEY: And there has -- I have not  
 16 done an analysis to see how many students with  
 17 two.  
 18 CHAIRMAN AIZENSTAT: Is that something you  
 19 could quickly do --  
 20 MR. EASLEY: No, I'm not.  
 21 CHAIRMAN AIZENSTAT: -- or is that  
 22 something --  
 23 MR. EASLEY: But the 350, if you keep  
 24 three, then that does give you the buffer that  
 25 we're trying to reach.

1 CHAIRMAN AIZENSTAT: Right, but -- so I  
 2 can't assume a third?  
 3 MR. EASLEY: I mean, they have -- Based on  
 4 their calculations, they can dismiss up to 155  
 5 students in a shift --  
 6 CHAIRMAN AIZENSTAT: Okay.  
 7 MR. EASLEY: -- and reach their maximum  
 8 capacity.  
 9 CHAIRMAN AIZENSTAT: So I can go ahead,  
 10 basically, and maybe look at something like a  
 11 third, for a rule of thumb, just without really  
 12 going into depth?  
 13 MR. EASLEY: Yeah. I mean, it would  
 14 be 155 -- if you went 133, 133, then that  
 15 number is 266, and if you go and try to keep  
 16 the same level of impact with only two  
 17 dismissals.  
 18 CHAIRMAN AIZENSTAT: Right. I'm just  
 19 looking at it not impacting the neighborhood  
 20 three times a day in the morning and three  
 21 times a day in the afternoon.  
 22 I've heard a lot of my Board members talk  
 23 about trucks and so forth, but there's also,  
 24 you know, a quality of life that you're  
 25 impacting in the neighborhood, three times a

1 day, twice a day, so six times, and that --  
 2 that may be a lot. And then if you take into  
 3 account that you're there seven days a week,  
 4 and okay, you're not impacting them three times  
 5 a day on Saturday and Sunday, but you're  
 6 impacting the neighborhood again, so that's why  
 7 I'm raising this question.  
 8 MR. EASLEY: Well, it's a question of three  
 9 dismissals where you have less traffic for a  
 10 longer period of time.  
 11 CHAIRMAN AIZENSTAT: Yeah, I understand.  
 12 MR. EASLEY: -- in condensing it, and you  
 13 have more traffic during a shorter period of  
 14 time. And as Eric had mentioned, their traffic  
 15 study analyzed the signals, all of the  
 16 signalized intersections, all of the non-  
 17 signalized intersections, and they are showing  
 18 levels of service will not change with the  
 19 addition of the school, and we're going to hold  
 20 them to that.  
 21 CHAIRMAN AIZENSTAT: Right.  
 22 MR. EASLEY: And so the quality of life,  
 23 yes, there will be an increase in traffic, and  
 24 I'm not going to say that's not an impact, but  
 25 we have to measure that, and like you said, the

1 measurements are what are difficult. Traffic  
 2 engineers use level of service, and the  
 3 signalized intersections today operate at Level  
 4 of Service B, with and without the school, and  
 5 we're going to hold them to that when they add  
 6 their first wave, analyze that intersection,  
 7 and make sure it's still operating at B, and  
 8 that's some of the things we use to measure the  
 9 quality of life, and Eric could mention all the  
 10 other things that we're putting on them, the  
 11 signing, the lack of signing, less signing, and  
 12 all those things go, and if we prevent traffic  
 13 from backing out onto Cardena, then less likely  
 14 people will avoid that area, and parents will  
 15 less likely get there and park in the swale, if  
 16 they can come and go in and circulate around,  
 17 and that's what we've tried -- I won't say  
 18 guaranteed, but we've tried to put in enough  
 19 cushion to assure that.  
 20 CHAIRMAN AIZENSTAT: I understand that.  
 21 MR. BEHAR: So, in your opinion, and as our  
 22 advisor, it's better to have three dropoffs in  
 23 the morning and three pickups for the rest of  
 24 the afternoon than going to two?  
 25 MR. EASLEY: In the morning, not as much,

1 because in the morning, you have early  
 2 arrivals. They will allow early dropoffs, but  
 3 in the afternoon, there's no early pickups. So  
 4 in the morning, when you're in the adjacent  
 5 peak -- and the reason they do that is because  
 6 that is the only time during the arrival and  
 7 dismissal that they're affecting the peak  
 8 traffic time, in the a.m. So, if a parent  
 9 goes to the -- Now, the school opens at 6:00.  
 10 If a parent goes to work at 6:30, they can come  
 11 in and drop their student off and leave. So  
 12 they're not all arriving at the same time.  
 13 Now, in the afternoon, they're all  
 14 dismissing at the same time. That's when you  
 15 have your greatest impact around the site. But  
 16 the traffic is heaviest in the a.m. So, in the  
 17 morning, you could probably get by with two  
 18 arrivals and it wouldn't be that much of an  
 19 impact. In the afternoon, if you kept the  
 20 students --  
 21 CHAIRMAN AIZENSTAT: You're assuming the  
 22 number of students at 350, from what you're  
 23 explaining?  
 24 MR. EASLEY: If you kept it at 350, I would  
 25 recommend three dismissals.

1 MR. BEHAR: Okay.  
 2 CHAIRMAN AIZENSTAT: Now, in your diagram  
 3 of exiting the property after you pick up, you  
 4 take a right when you exit the property, so I  
 5 assume that the signage there would be a right  
 6 turn only?  
 7 MR. EASLEY: Well, that's one of the  
 8 issues, too, because they had Scenario A and  
 9 B --  
 10 CHAIRMAN AIZENSTAT: Right.  
 11 MR. EASLEY: -- and A was to let traffic  
 12 come from all directions.  
 13 CHAIRMAN AIZENSTAT: Right.  
 14 MR. EASLEY: I'm saying that it's probably  
 15 better to keep that at a right turn, because  
 16 then you never have the opportunity of --  
 17 MR. SALMAN: Crossing.  
 18 CHAIRMAN AIZENSTAT: Cars.  
 19 MR. EASLEY: -- cars blocking anyone coming  
 20 left. So, for safety reasons and to make sure  
 21 you keep the flow, that --  
 22 CHAIRMAN AIZENSTAT: Right turn only.  
 23 MR. EASLEY: -- probably should be right  
 24 turn.  
 25 CHAIRMAN AIZENSTAT: Okay. Now, is there a

1 representative from the Police Department here?  
 2 MR. RIEL: Yes.  
 3 CHAIRMAN AIZENSTAT: If I may just ask you  
 4 a question. If you -- If you can come up, I'm  
 5 sorry.  
 6 MR. EASLEY: Any more of me?  
 7 CHAIRMAN AIZENSTAT: Not from me. Oh, it  
 8 you can just --  
 9 MS. KEON: I had one question, about the  
 10 signaliside (sic) --  
 11 MR. SALMAN: Signalization.  
 12 MR. EASLEY: Signalization.  
 13 MS. KEON: The traffic lights.  
 14 MR. SALMAN: There you go.  
 15 MR. EASLEY: The stoplight. A lot of  
 16 people call them stoplights.  
 17 MS. KEON: Did you do -- You didn't do the  
 18 level of service?  
 19 MR. EASLEY: I did not do. They did.  
 20 MS. KEON: They did the level of service,  
 21 okay.  
 22 MR. EASLEY: But I reviewed and I approved  
 23 what they did.  
 24 MS. KEON: Okay.  
 25 MR. SALMAN: The B is pretty good.

1 MS. KEON: Well, yeah, but --  
 2 CHAIRMAN AIZENSTAT: If you have a signage  
 3 on a private property that says, "Right turn  
 4 only," and somebody takes a left turn --  
 5 MR. RIEL: You're going to have to put your  
 6 name in the record, as well.  
 7 CHAIRMAN AIZENSTAT: Sorry about that.  
 8 MR. MEDINA: Jesse Medina, Lieutenant Jesse  
 9 Medina, Coral Gables Police.  
 10 MR. RIEL: Thank you.  
 11 CHAIRMAN AIZENSTAT: If you -- in a private  
 12 property, if you've got a "Right turn only" and  
 13 a car takes a left turn, can the police ticket  
 14 that car?  
 15 LT. MEDINA: It's -- They're not  
 16 enforceable.  
 17 CHAIRMAN AIZENSTAT: They're not  
 18 enforceable?  
 19 LT. MEDINA: Not on private property.  
 20 CHAIRMAN AIZENSTAT: Not on private  
 21 property. So how do we enforce it? You're  
 22 telling me there's no way to enforce it, then?  
 23 If a private property has a right turn only  
 24 exit, and somebody says, "You know what, I've  
 25 got to take a left, because there's too much

1 their property line.  
 2 MS. KEON: In the swale, okay.  
 3 CHAIRMAN AIZENSTAT: Then it can be  
 4 enforced?  
 5 LT. MEDINA: Yes, sir.  
 6 CHAIRMAN AIZENSTAT: Thank you.  
 7 LT. MEDINA: You're welcome.  
 8 MR. SALMAN: I have an operational question  
 9 for the applicant. Will there be -- Will there  
 10 be any security or uniformed people providing  
 11 direction, especially at the startup?  
 12 MS. RUSSO: At the startup? If you look at  
 13 our Traffic Operations Plan, it was quite  
 14 comprehensive, and we plan to have them even  
 15 put the stations, where the -- and it was  
 16 intended to be staffed, because a lot of --  
 17 because of the numbers and the way it's being  
 18 phased in was precisely -- Most of the issues  
 19 are going to occur on-site, and we have staff  
 20 stationed at the entrance, at each possible  
 21 entrance. I mean, if you look the TOP, it was  
 22 quite -- it was quite detailed, and it was  
 23 based on a year and a half of current  
 24 operations, and if you think about it, the  
 25 dismissals will equal approximately what's

1 traffic," or, "I've got to take a left because  
 2 it's shorter," and a car pulls out left, we  
 3 can't enforce it?  
 4 MR. BEHAR: Well, can you put it on the  
 5 sidewalk --  
 6 LT. MEDINA: We've done it like -- let's  
 7 say like in -- like when you have like a stop  
 8 sign or something in Publix --  
 9 CHAIRMAN AIZENSTAT: Right.  
 10 LT. MEDINA: -- where I've actually written  
 11 tickets on it, and it's dismissed in court  
 12 because it's private property.  
 13 MR. BEHAR: And if you put that sign just  
 14 beyond the property line, where it's in the  
 15 public right-of-way, because technically from  
 16 the property line to the other property is  
 17 public right-of-way, can that be enforced?  
 18 LT. MEDINA: Then yes.  
 19 MS. KEON: So if it's in the swale, it can  
 20 be enforced?  
 21 LT. MEDINA: Say it again?  
 22 MS. KEON: If it's in the swale, it can be  
 23 enforced?  
 24 LT. MEDINA: Yes, ma'am. We've done --  
 25 MR. BEHAR: If it's placed just outside

1 being dismissed now, and taking into effect,  
 2 you know, before when we were before you, there  
 3 had not been this history, this experience of  
 4 knowing how the school dismisses. So the TOP  
 5 is very -- It has -- I don't know, we gave them  
 6 Traffic Patrol, we gave them a title. There's  
 7 certain staff in Traffic Patrol. There's staff  
 8 that's going to take the children from the  
 9 cars, and then we have people who will be  
 10 monitoring the current flow of traffic and the  
 11 platooning as the children are dropped off.  
 12 CHAIRMAN AIZENSTAT: If we may, we're  
 13 approaching our time. Is there a motion to  
 14 extend the meeting?  
 15 MR. SALMAN: A little bit.  
 16 MR. FLANAGAN: To 9:15?  
 17 CHAIRMAN AIZENSTAT: I don't know. Do we  
 18 think 9:15 -- Well --  
 19 MR. FLANAGAN: We're going to make it  
 20 happen.  
 21 MR. SALMAN: We'll do it again at 9:15.  
 22 CHAIRMAN AIZENSTAT: Is there a --  
 23 MR. BEHAR: I will tell you, I mean, I  
 24 have -- My mother-in-law is in the hospital,  
 25 which I would like to go see her before the end

1 of the night, so 9:15 will be my limit tonight.  
 2 MS. KEON: Then we'll lose a quorum. Okay,  
 3 so 9:15.  
 4 MR. BEHAR: No, you have a quorum.  
 5 VOICE FROM AUDIENCE: You have a quorum.  
 6 MS. KEON: One, two, three -- oh, four.  
 7 MR. BEHAR: Four.  
 8 MR. SALMAN: One more.  
 9 CHAIRMAN AIZENSTAT: Is there a second?  
 10 MS. KEON: I'll second it.  
 11 CHAIRMAN AIZENSTAT: Call the roll, please.  
 12 MS. MENENDEZ: Robert Behar?  
 13 MR. BEHAR: Yes.  
 14 MS. MENENDEZ: Jeff Flanagan?  
 15 MR. FLANAGAN: Yes.  
 16 MS. MENENDEZ: Pat Keon?  
 17 MS. KEON: Yes.  
 18 MS. MENENDEZ: Javier Salman?  
 19 MR. SALMAN: Yes.  
 20 MS. MENENDEZ: Eibi Aizenstat?  
 21 CHAIRMAN AIZENSTAT: Yes.  
 22 MS. KEON: I have another concern, if I  
 23 may. Some of the people that have spoken here,  
 24 or parents that have spoken, are residents of  
 25 Coral Gables, and the concern is that they

1 list and the limitations.  
 2 MS. RUIZ: Yes. As far as the enrollment  
 3 periods, there will be a first enrollment  
 4 period where the parents who live within the  
 5 reasonable distance, which this year was at one  
 6 mile, will be given the opportunity to apply at  
 7 that point.  
 8 MS. KEON: Yeah, I -- not apply, be  
 9 enrolled.  
 10 MS. RUIZ: Be enrolled, depending on the  
 11 numbers of the school, absolutely. Those would  
 12 be the first --  
 13 MS. RUSSO: The first --  
 14 MR. SALMAN: The first trench.  
 15 MS. RUIZ: Correct. Then after that, then  
 16 it would be open to the rest, but it's within  
 17 that one mile. That was actually established  
 18 this year.  
 19 MS. KEON: Okay. Now, that wasn't -- That  
 20 isn't the criteria that you previously used,  
 21 though; is that right?  
 22 MS. RUSSO: For the first year.  
 23 MS. RUIZ: For the first year. What  
 24 happened the first year was just, there was a  
 25 lot of the different applicants, and at that

1 can't send their children to their own  
 2 neighborhood schools, for one reason or  
 3 another. Is there any -- Is there any -- and  
 4 you obviously don't -- they haven't given  
 5 preference to parents that live within walking  
 6 distance of the school or to the local  
 7 community for admission, because there's a  
 8 number of people that have said that they have  
 9 applied and they weren't taken, and I know from  
 10 the different people that spoke that were  
 11 parents of the school, a lot of them didn't  
 12 live in Coral Gables, or a number of them  
 13 didn't live in Coral Gables.  
 14 MS. RUSSO: I'm going to actually allow Ms.  
 15 Suzette Ruiz to answer part of that, but  
 16 understand, when the school first started,  
 17 there was a lottery system imposed, so that's  
 18 why there's -- but there is the ability, and  
 19 it's been represented that it will be open, and  
 20 it will be open enrollment, and I'll let Ms.  
 21 Ruiz explain that, because it's very detailed,  
 22 and she'll explain --  
 23 MS. KEON: Okay.  
 24 MS. RUSSO: The past is one thing, but  
 25 she'll explain how it worked and the waiting

1 point, this was something that was applied for  
 2 this year.  
 3 MS. KEON: All right. Is this -- How many  
 4 years have you been operating now?  
 5 MS. RUSSO: This is the second year.  
 6 MS. RUIZ: Second.  
 7 MS. KEON: This is your second year of  
 8 operation?  
 9 MS. RUIZ: Correct.  
 10 MS. KEON: And what grades do you have at  
 11 the present?  
 12 MS. RUIZ: We have right now pre-K4 to  
 13 third grade.  
 14 MS. KEON: To third grade, all right. So  
 15 what you're hoping to do, apparently, is to  
 16 add --  
 17 MS. RUIZ: It would be to increase the  
 18 number of grades.  
 19 MS. KEON: To increase the enrollment by  
 20 grades --  
 21 MS. RUIZ: Correct.  
 22 MS. KEON: -- so that, you know, it will  
 23 open up for first and second grade or whatever  
 24 for people that live within one mile of the  
 25 school.

1 MS. RUIZ: Within that one mile.  
2 MS. KEON: Okay. Is that something you can  
3 monitor, also?

4 MS. RUSSO: They actually get a period of  
5 time where others -- They get a priority.

6 MS. RUIZ: We did -- We did about -- It was  
7 about two weeks of priority enrollment, where  
8 the parents were able to come in and apply, and  
9 at that point -- it's just that for this year,  
10 we were not able to do any of the increases,  
11 but that would be the process. They have a  
12 certain number of days to apply within that  
13 period, so we will give them that priority  
14 enrollment.

15 MS. RUSSO: To the geographic --

16 MS. RUIZ: For that reasonable distance of  
17 a mile.

18 MR. SALMAN: Would the applicant accept a  
19 modification of their operations to allow for  
20 an off-duty officer in the first week of class?

21 MS. RUIZ: For the first week of class?  
22 Yes.

23 MR. SALMAN: To help move the traffic along --

24 MS. RUIZ: Yes, and that is something --

25 MR. SALMAN: -- while everybody gets --

1 MS. RUIZ: -- that we --

2 MR. SALMAN: And minimize the impact.

3 MS. RUIZ: Absolutely, yes.

4 MR. SALMAN: Because that's usually where  
5 the problems begin.

6 MS. RUSSO: Just to get everyone adjusted.

7 MR. SALMAN: And once everybody gets into  
8 the rhythm, it all goes real smooth.

9 MS. RUIZ: They get into the routine.

10 MR. SALMAN: The second issue I have is,  
11 would the applicant accept a modification,  
12 limiting garbage pickup to, let's say, between  
13 eleven and one o'clock?

14 MS. RUIZ: If that is something we can work  
15 with --

16 MR. SALMAN: Yes, you can. You're paying  
17 for it. You can tell them when to come, to  
18 avoid early morning noise.

19 MS. RUSSO: To avoid early morning noise?  
20 You know, I don't know what the current pickup  
21 is now. I know we had some --

22 MR. SALMAN: I would just ask for a time  
23 frame, so that we all know what it is, and when  
24 it's not that way, then --

25 CHAIRMAN AIZENSTAT: You would also have to

1 look at, you know, food trucks and -- I mean,  
2 they've got a cafeteria, I'm sure.

3 MS. RUIZ: No, we don't. We don't have  
4 a cafeteria --

5 CHAIRMAN AIZENSTAT: The children don't  
6 bring in --

7 MS. RUSSO: No, the food is boxed. We have  
8 boxed lunches that are catered.

9 CHAIRMAN AIZENSTAT: So there's no other  
10 deliveries that are happening --

11 MR. SALMAN: They have lunch delivered.

12 CHAIRMAN AIZENSTAT: Okay.

13 MS. RUSSO: So there's no --

14 MS. KEON: No, it's more the garbage pickup  
15 at that hour of the morning.

16 MR. SALMAN: Really, it's just I want --

17 MS. KEON: And in large part, you're  
18 subject to Waste Management.

19 MR. SALMAN: Yeah, and that's noisy and  
20 it's just obnoxious, and you are within a  
21 stone's throw of houses.

22 MR. FLANAGAN: Would you agree like maybe  
23 no earlier than eight o'clock?

24 MR. SALMAN: No earlier than eight sounds  
25 fine, but if it's in the middle of their

1 pickup, they're not going to --

2 MS. RUSSO: Just give us a window, that it  
3 isn't first thing in the morning.

4 MR. SALMAN: No, that's what I said,  
5 between 11:00 and 1:00 gives them time to do it  
6 and it doesn't affect their pickup and dropoff.

7 MS. RUIZ: But no earlier than 8:00.

8 CHAIRMAN AIZENSTAT: Now, the other thing  
9 is, I mean, for me, I'm saying, I'd like to see  
10 you go further than one year between -- I mean,  
11 as it is, I'm having a little bit of a hard  
12 time with the number for Phase 2, but I do  
13 agree with Mr. Gibbs that one year is really  
14 not that long of a period to go from -- You're  
15 going from 110 to 260, and then within 12  
16 months, you're jumping to 348, according to  
17 what we have here.

18 MS. RUSSO: 350.

19 CHAIRMAN AIZENSTAT: 350. Now, I would  
20 like to see that longer, to be honest with you,  
21 not just a year. I don't know how the other  
22 Board members feel or if they have any  
23 comments.

24 MR. FLANAGAN: It's related to it. I was  
25 going to ask Eric. If I remember, if I read it

1 correctly, I thought -- Is your joint meeting  
 2 only after the first year, after the 260?  
 3 MR. RIEL: Up to 350.  
 4 MR. FLANAGAN: It happens when they reach  
 5 350?  
 6 MR. RIEL: Yes.  
 7 MR. FLANAGAN: What happens the year after  
 8 that?  
 9 MR. RIEL: It's not a requirement, but I'm  
 10 certain that would be something that --  
 11 MR. BEHAR: We could impose?  
 12 MR. RIEL: -- could be continued. Yes,  
 13 absolutely.  
 14 MR. FLANAGAN: I just -- I think it ties in  
 15 with the phasing and just the continued -- to  
 16 continue monitoring after that threshold is  
 17 reached.  
 18 MR. BEHAR: Yeah, I'm kind of beginning to  
 19 agree with Eibi on the extension from the one  
 20 year to two-year term for the first initial  
 21 260. Is that something that would be  
 22 acceptable to the applicant?  
 23 MS. RUSSO: Repeat that one more time, just  
 24 so I can --  
 25 MR. BEHAR: I'm tending to agree that the

1 260 should be for a period of two years.  
 2 MS. RUSSO: Before you go to the  
 3 additional --  
 4 MR. BEHAR: Before you go to the third --  
 5 to 350.  
 6 MS. RUSSO: If you'll give me a moment to  
 7 consult with my client.  
 8 MR. BEHAR: Sure.  
 9 MS. KEON: You know what? I'd like to  
 10 consider having it be 250 and allowing them to  
 11 come back in two years to --  
 12 CHAIRMAN AIZENSTAT: 350.  
 13 MS. KEON: No --  
 14 MR. BEHAR: 260.  
 15 MS. KEON: -- the 260, and in two years,  
 16 come back, when you have two years of operation  
 17 and you have traffic studies and you have a  
 18 neighborhood that can respond, and then if  
 19 there's a need to -- if it is working and if  
 20 the quality of life of the people within that  
 21 neighborhood is not so terribly impacted that  
 22 they feel that they can -- they can deal with  
 23 the school being there, and if we're sure that  
 24 children that live in the neighborhood are  
 25 getting the priority admission to the school,

1 so that those people that are affected by it,  
 2 you know, they're at least their neighbors'  
 3 children, that in two years you could come back  
 4 for the additional --  
 5 CHAIRMAN AIZENSTAT: So it would be a new  
 6 application?  
 7 MS. KEON: I don't know how would you  
 8 structure that.  
 9 MR. BEHAR: No, you can't.  
 10 CHAIRMAN AIZENSTAT: How do you do that?  
 11 MS. KEON: I don't know, but I wouldn't  
 12 assure you that it's 360 (sic) until you know  
 13 what 250 (sic) is, because I don't think -- I  
 14 think more than 250 is too many, anyway.  
 15 MR. FLANAGAN: I think the conditions are  
 16 so extreme, though, and if they're going to  
 17 have the Staff, effectively, every year to  
 18 review it --  
 19 MS. RUSSO: Right.  
 20 MR. FLANAGAN: If you have Staff every year  
 21 to review --  
 22 MS. RUSSO: It's stringent.  
 23 MR. FLANAGAN: These are very detailed  
 24 conditions.  
 25 MS. RUSSO: And very stringent.

1 MR. FLANAGAN: If they're not meeting  
 2 those -- if they're not meeting those  
 3 conditions, I know Staff can refuse to  
 4 renew --  
 5 MR. RIEL: Yeah, I mean, there's a couple  
 6 things. First, we're asking till the point  
 7 they reach 350, it's going to be, you know, a  
 8 week or two in advance and then a month  
 9 afterwards, to see how it works, and then make  
 10 any changes. We're also -- There's a separate  
 11 condition that says after 260, there's a  
 12 traffic study done, analysis done, and if we  
 13 find that, you know, they're not satisfying it,  
 14 they go back to 110.  
 15 MS. KEON: They're not satisfying it means  
 16 that the level of service at those  
 17 intersections --  
 18 MR. RIEL: Yes. That is specifically --  
 19 MS. KEON: -- does not change from what it  
 20 is today?  
 21 MR. RIEL: As specifically referenced in  
 22 two places in the report.  
 23 MS. KEON: Okay.  
 24 MR. RIEL: And it's also in their traffic  
 25 study.

1 MR. SALMAN: It's part of the conditional  
 2 use.  
 3 MR. RIEL: And also, just outside of that,  
 4 if they violate the conditions at 230 or 220,  
 5 you know, we have the opportunity to revoke the  
 6 conditional use and take away the certificate  
 7 of use. That's available at any time. So this  
 8 is just much more specific, in terms of, they  
 9 have a good understanding of what their -- they  
 10 need to do, and also, there's some  
 11 accountability on our part that we have a good  
 12 understanding of -- in other words, both sides  
 13 understand what needs to be accomplished.  
 14 MR. BEHAR: Mr. Gibbs, you were -- You  
 15 mentioned that you would be more comfortable,  
 16 the neighborhood, with two years before they  
 17 could increase to 350 students; is that  
 18 correct?  
 19 MR. GIBBS: I would be more comfortable  
 20 with it and I think my clients would be more  
 21 comfortable with it, yes.  
 22 MR. BEHAR: Thank you.  
 23 MR. GIBBS: Among the other things that I  
 24 had mentioned to you.  
 25 MR. BEHAR: That's not what I'm asking. I

1 just asked you a specific.  
 2 MS. KEON: Do you want to make a motion?  
 3 MR. SALMAN: You've done a great job.  
 4 MS. KEON: Robert?  
 5 MR. FLANAGAN: I'll move it.  
 6 MS. KEON: No. What are you moving?  
 7 MR. SALMAN: A point of order. We're  
 8 acting as a --  
 9 MR. LEEN: Quasi-judicial --  
 10 MR. SALMAN: -- Local Planning Authority  
 11 and then also as the P & Z Board?  
 12 MS. KEON: Right.  
 13 MR. LEEN: Yes.  
 14 MR. SALMAN: But don't we have to do these  
 15 separately?  
 16 MR. LEEN: Yes, that's correct.  
 17 MR. SALMAN: Don't we have to convene  
 18 separately?  
 19 MR. LEEN: They should be done separately.  
 20 MR. RIEL: Yeah, we need three separate  
 21 motions.  
 22 MR. LEEN: But --  
 23 MR. RIEL: And the conditions are related  
 24 to the conditional use and the site plan.  
 25 MR. LEEN: But we have not heard back yet

1 whether they agreed to the two years or not, so  
 2 you should -- We probably need a response  
 3 first.  
 4 CHAIRMAN AIZENSTAT: Well, do we?  
 5 MS. KEON: No --  
 6 CHAIRMAN AIZENSTAT: I don't know if we  
 7 need a response.  
 8 MS. RUSSO: If we can get to the 350, we'll  
 9 do two years at 260.  
 10 MR. LEEN: Well, it can be something that's  
 11 agreed to or something that's imposed, so --  
 12 MR. FLANAGAN: Ms. Russo just made a  
 13 comment.  
 14 MR. LEEN: I'm sorry.  
 15 MS. RUSSO: I'm proffering, if we have the  
 16 350, we will do two years at the 260.  
 17 MS. KEON: Well --  
 18 MR. SALMAN: This is adding another year in  
 19 between.  
 20 MS. RUSSO: I mean, there's still all  
 21 the -- I mean, you know, with all the  
 22 conditions --  
 23 MR. BEHAR: But you still have to include  
 24 all the requirements.  
 25 MS. RUSSO: Exactly. Right, exactly.

1 We're still --  
 2 MR. BEHAR: What you're doing is, you're  
 3 going to have a two-years' process before you  
 4 could come back for the 350.  
 5 MS. RUSSO: Okay, I'm sorry. I  
 6 misunderstood. We're agreeing to 350, spread  
 7 out over three years, so not 260 and then --  
 8 MR. SALMAN: So you'll do it in steps, up  
 9 to 350?  
 10 MS. RUSSO: Up to -- steps up to 350.  
 11 MR. SALMAN: I mean, do you want to do it  
 12 in equal steps?  
 13 CHAIRMAN AIZENSTAT: What?  
 14 MS. RUIZ: Yes.  
 15 MS. RUSSO: Yes, equal steps.  
 16 MR. SALMAN: Because it's logical for --  
 17 MS. RUSSO: Equal steps.  
 18 MR. SALMAN: Okay, thank you.  
 19 MR. LEEN: Please explain that. I don't  
 20 get it.  
 21 MR. RIEL: Yeah, please.  
 22 MR. BEHAR: You lost me there.  
 23 MR. SALMAN: The difference between 110 and  
 24 350 is 240, so the first year they would  
 25 increase by half of that, or rather, a third of

1 that, and then a third of that, and then a  
 2 third of that.  
 3 CHAIRMAN AIZENSTAT: I -- no. That's --  
 4 Okay, I mean, that's fine, but I wouldn't --  
 5 MS. RUSSO: I mean, it's still subject to  
 6 all the -- you know, it's still subject to all  
 7 the conditions --  
 8 CHAIRMAN AIZENSTAT: Right.  
 9 MS. RUSSO: -- and --  
 10 MR. SALMAN: We're just adding a slower  
 11 burden.  
 12 MR. LEEN: So just to be -- but to be  
 13 certain, right now it's 110, so what you're  
 14 agreeing to, what you're agreeing to as a  
 15 condition is that we go from 110 to what number  
 16 next year?  
 17 MS. RUSSO: Somebody give me --  
 18 MR. LEEN: It should be clear if you're  
 19 going to consider it.  
 20 CHAIRMAN AIZENSTAT: We're running out of  
 21 time.  
 22 MR. ZAMEK: Let's be clear. And what  
 23 Mr. Salman said is what we would agree to.  
 24 Rather than having the 260 in Year 1, we'd  
 25 split the difference and --

1 MR. SALMAN: Well, the difference is 240,  
 2 divided by three, so 24 divided by three --  
 3 MR. ZAMEK: Instead of phasing it in over  
 4 two years, we'll do it over three.  
 5 MR. BEHAR: So we'll have 190 the first  
 6 year --  
 7 (Simultaneous comments)  
 8 MR. SALMAN: 80 students, 80 students, and  
 9 80 students.  
 10 MR. RIEL: If we could only have one person  
 11 talking at a time here. I'm getting confused.  
 12 MR. SALMAN: Shall I?  
 13 CHAIRMAN AIZENSTAT: Yes.  
 14 MR. SALMAN: All right. What I think Jeff  
 15 is trying to request and the pleasure of the  
 16 Board is that we increase -- rather than to 260  
 17 in the first year, we increase to 80 in the  
 18 first year, and then 80 in the second year, and  
 19 then in the third, to bring you to the 350.  
 20 Is that correct? Am I misstating  
 21 something?  
 22 CHAIRMAN AIZENSTAT: Can I ask you the  
 23 reason why you prefer it that way?  
 24 MR. ZAMEK: Well, we don't want to preclude  
 25 ourselves from the 350. I mean, if the issue

1 is about the impact to quality of life, we're  
 2 willing to demonstrate that over a longer  
 3 period of time. I mean, I think the issue is,  
 4 as the Board has been discussing, how is this  
 5 going to impact the quality of life? If you're  
 6 afraid of the impact over two years, we will  
 7 spread it out over three --  
 8 MS. RUSSO: But spreading it in a --  
 9 MR. ZAMEK: -- so that you're gradually --  
 10 CHAIRMAN AIZENSTAT: For -- I understand --  
 11 MR. ZAMEK: Under the same conditions and  
 12 review process.  
 13 CHAIRMAN AIZENSTAT: I understand. Just  
 14 for me, I'm -- The reason I had asked for the  
 15 two years is because I wanted to see for two  
 16 years how the 260 worked.  
 17 MR. RIEL: How I interpret you all saying  
 18 is --  
 19 CHAIRMAN AIZENSTAT: Thank you.  
 20 MR. RIEL: -- you want them to go 260, and  
 21 before they reach 350, there needs to be two  
 22 years in between.  
 23 CHAIRMAN AIZENSTAT: That is my --  
 24 MR. SALMAN: That would give us a status.  
 25 CHAIRMAN AIZENSTAT: That was my -- Yes,

1 that is correct.  
 2 MR. LEEN: But that was not what they  
 3 proposed.  
 4 CHAIRMAN AIZENSTAT: I understand.  
 5 MR. LEEN: That was not what they proposed.  
 6 CHAIRMAN AIZENSTAT: I understand that.  
 7 MR. BEHAR: No, no, no, no.  
 8 MS. RUSSO: Yes, 260 for two years.  
 9 CHAIRMAN AIZENSTAT: Excuse me, can we just  
 10 sit down? Thank you.  
 11 We are reaching 9:15.  
 12 MR. LEEN: Yes.  
 13 CHAIRMAN AIZENSTAT: We've got a couple of  
 14 minutes.  
 15 MS. KEON: Okay, well, keep talking.  
 16 MR. LEEN: You would need another motion.  
 17 One thing I want to clarify, though, is that  
 18 there is -- You can have a four-person quorum,  
 19 but they do have the option, with four people,  
 20 to move it to the next proceeding, and also,  
 21 any vote needs four votes for there to be an  
 22 approval.  
 23 MR. SALMAN: It needs to be unanimous at  
 24 that point.  
 25 MR. LEEN: It would have to be unanimous.

1 CHAIRMAN AIZENSTAT: I understand.  
 2 Robert, would you --  
 3 MR. BEHAR: Just keep -- Move it quickly.  
 4 Let's go.  
 5 CHAIRMAN AIZENSTAT: So --  
 6 MR. SALMAN: We have to have a motion.  
 7 MR. BEHAR: 9:30, a motion to extend to  
 8 9:30. Let's go.  
 9 MR. FLANAGAN: Second.  
 10 CHAIRMAN AIZENSTAT: Second?  
 11 Call the roll, please.  
 12 MS. MENENDEZ: Jeff Flanagan?  
 13 MR. FLANAGAN: Aye.  
 14 MS. MENENDEZ: Pat Keon?  
 15 MS. KEON: Yes.  
 16 MS. MENENDEZ: Javier Salman?  
 17 MR. SALMAN: Yes.  
 18 MS. MENENDEZ: Robert Behar?  
 19 MR. BEHAR: Yes.  
 20 MS. MENENDEZ: Eibi Aizenstat?  
 21 CHAIRMAN AIZENSTAT: Yes.  
 22 MR. FLANAGAN: All right, if I heard, the  
 23 applicant came back up and said they wanted to  
 24 split it. So they go from 110 to 190 in Year  
 25 1; Year 2, 190 to 270; Year 3, 270 to 350.

1 It's much more --  
 2 MR. BEHAR: They're taking that back.  
 3 MS. RUSSO: We're going back to the  
 4 original --  
 5 MS. RUIZ: Yeah, 260 --  
 6 MR. FLANAGAN: You took that back?  
 7 MS. RUIZ: -- for two years, and then 350  
 8 for the last year.  
 9 MR. FLANAGAN: Okay.  
 10 MS. RUSSO: Which is what I said. We take  
 11 the first, which is --  
 12 MS. RUIZ: We get it at the 260, then 260  
 13 again, and then at 350 will be the final  
 14 number.  
 15 MS. KEON: Could you add school years to  
 16 that? So, for 2012 --  
 17 MS. RUIZ: 2012 --  
 18 MS. KEON: -- you will be at 260?  
 19 MS. RUIZ: Correct.  
 20 MS. KEON: Okay, and so it will be 2014  
 21 before you add any more --  
 22 MS. RUIZ: 2013 will be at 260, 2014 would  
 23 be at 350.  
 24 MS. RUSSO: Yes.  
 25 MS. KEON: 2014, you would then go to --

1 CHAIRMAN AIZENSTAT: Assuming everything --  
 2 MS. RUSSO: Assuming we met all the --  
 3 MS. RUIZ: Assuming we meet the  
 4 requirements.  
 5 MS. KEON: You would go to the 360 (sic).  
 6 You would add the additional hundred students,  
 7 or --  
 8 MS. RUSSO: 90.  
 9 MS. RUIZ: 90.  
 10 MS. KEON: Whatever --  
 11 MS. RUSSO: 90.  
 12 MS. KEON: 90 students --  
 13 MR. FLANAGAN: Do you want to recognize Mr.  
 14 Gibbs?  
 15 MS. KEON: -- okay.  
 16 CHAIRMAN AIZENSTAT: Jeffrey?  
 17 MR. FLANAGAN: Through the Chair, if I  
 18 could recognize Mr. Gibbs.  
 19 CHAIRMAN AIZENSTAT: Yes, sir.  
 20 MR. GIBBS: I just wanted to make something  
 21 clear. One, my clients, our proposal was, we  
 22 wanted two years at 260, to see how the school  
 23 would operate on that level for a finite period  
 24 of time, to see if it worked, because my  
 25 clients' position is, and I want to make it

1 very clear to everyone, they're not in favor of  
 2 the 350, but -- and we're willing to see if the  
 3 260 -- If the 260 works, then come back to you  
 4 guys and the City Commission to talk about it,  
 5 after that two-year period, evaluate it, and  
 6 then --  
 7 CHAIRMAN AIZENSTAT: That's not what --  
 8 MR. SALMAN: That's what's here.  
 9 MR. GIBBS: Well, that's what our -- That  
 10 was our position. I'm just telling you, that's  
 11 our position, not what you all are doing, so  
 12 you know.  
 13 MR. BEHAR: Okay, again, we're getting two  
 14 years at 260, and then they're going to have to  
 15 meet all the requirements in order for them to  
 16 be able to --  
 17 MS. RUSSO: Even to continue.  
 18 MR. BEHAR: -- go up to --  
 19 MR. SALMAN: Even to continue.  
 20 CHAIRMAN AIZENSTAT: Even to continue.  
 21 MR. GIBBS: Right. We understand that.  
 22 The concern we had -- and you all know the  
 23 concerns, so --  
 24 MR. BEHAR: And furthermore, you know, my  
 25 understanding is that even after they reach the

1 350, they have to submit -- or I'm going to  
 2 request that they have to submit to continue  
 3 the approval at least for a period of two more  
 4 years, okay? So, like once they reach 350, it  
 5 doesn't mean that they don't have to come back  
 6 to Staff, to make sure they're complying with  
 7 the requirements.  
 8 MR. GIBBS: No, and we understand that, and  
 9 we appreciate that. We just have -- Our issue  
 10 is the number, and that's why we asked about  
 11 this phasing --  
 12 MR. BEHAR: Okay.  
 13 MR. GIBBS: -- the way we did. Thank you.  
 14 MR. BEHAR: Somebody make a motion.  
 15 CHAIRMAN AIZENSTAT: Pat, are you okay with  
 16 that? You had a concern on the number, and  
 17 that's why I'm asking.  
 18 MS. KEON: I have a grave concern on the  
 19 number. I am comfortable at the 260 number if  
 20 I know that there is the monitoring there to  
 21 ensure that there is no change in level of  
 22 service at those intersections.  
 23 MR. BEHAR: Pat, once they submit --  
 24 MS. KEON: But that's what you said.  
 25 MR. BEHAR: Once they submit the traffic

1 study --  
 2 MS. KEON: Right.  
 3 MR. BEHAR: -- and Staff will review it --  
 4 if they don't feel that they're meeting the  
 5 necessary minimum standards that they have to,  
 6 they can deny it and say no, and then, you  
 7 know -- If they do, they'll continue. If not,  
 8 Staff -- it will be up to Staff to review that  
 9 and make a determination, and I don't know what  
 10 else.  
 11 MS. KEON: Right.  
 12 MR. BEHAR: To ask them to come back to  
 13 us --  
 14 MS. KEON: Right.  
 15 MR. BEHAR: -- you know, I don't -- It's a  
 16 whole new application. I feel very comfortable  
 17 putting -- imposing Staff to make that, you  
 18 know, determination and analysis, to make sure  
 19 that they're complying with all the  
 20 requirements. I really like the fact that we  
 21 impose two years at 260, versus the one year  
 22 they were proposing.  
 23 MS. KEON: Right.  
 24 MR. BEHAR: You know, it gives them -- it  
 25 gives the neighborhood time to go and say,

1 "Listen, this is not working," you know, to  
 2 Staff, and complain.  
 3 MR. SALMAN: And the traffic counts are a  
 4 numerical count taken scientifically. They  
 5 will be what they are, and the math will work  
 6 or it won't, and that will be it, and that's  
 7 it. There's no appeal. It will either work or  
 8 not.  
 9 MR. BEHAR: That's it.  
 10 CHAIRMAN AIZENSTAT: And then after that,  
 11 from what I was hearing, Robert was  
 12 proposing --  
 13 MR. BEHAR: Two additional years --  
 14 CHAIRMAN AIZENSTAT: -- two additional  
 15 years --  
 16 MR. BEHAR: -- after they reach the 350,  
 17 that they have to submit the same  
 18 requirements for --  
 19 CHAIRMAN AIZENSTAT: The same requirements.  
 20 MR. RIEL: All right, let me -- Let me try  
 21 to capture, because I need to understand this.  
 22 So it's 110 to 260 within the first year.  
 23 MS. KEON: Right, so by 2012 --  
 24 MR. RIEL: Then there's two years between  
 25 the point which there will be evaluations done

1 to reach the 350, so there will be two years of  
 2 data.  
 3 MR. SALMAN: Correct.  
 4 MR. RIEL: Okay.  
 5 CHAIRMAN AIZENSTAT: Two school years.  
 6 MR. RIEL: Two school years. I'm talking  
 7 about school years.  
 8 MS. KEON: 2012 and 2013.  
 9 MR. RIEL: Right, and then after that, the  
 10 two years additional, what are you talking  
 11 about, additional traffic --  
 12 CHAIRMAN AIZENSTAT: The same --  
 13 MR. BEHAR: The same requirements.  
 14 MR. RIEL: The same requirements, okay.  
 15 MR. SALMAN: The same requirements  
 16 continuing.  
 17 MR. RIEL: Because there's another  
 18 provision about the annual meeting, so  
 19 that's --  
 20 MR. BEHAR: The same requirements --  
 21 MR. RIEL: Okay, so the same traffic --  
 22 MR. BEHAR: -- you have between the 260 to  
 23 350 --  
 24 MR. RIEL: Understood.  
 25 MR. BEHAR: -- for an additional two years.

1 MR. RIEL: I understand.  
 2 CHAIRMAN AIZENSTAT: They have to show the  
 3 neighborhood and the residents that it  
 4 functions.  
 5 MS. KEON: Okay, so in 2014, they could  
 6 possibly go to the 350, if they have met all  
 7 the conditions that we have put here, and then  
 8 you're going to continue to monitor that in  
 9 2015 and in 2016.  
 10 MR. BEHAR: Correct.  
 11 MR. RIEL: I understand.  
 12 MS. KEON: All right, and you're going to  
 13 have an annual meeting with the neighborhood  
 14 and with the residents, so that they have input  
 15 and they are aware of whatever these numbers  
 16 are.  
 17 Now, I -- My question -- I have a question,  
 18 also, about your meeting, because your meeting  
 19 is called for after school starts. I don't  
 20 know why the meeting isn't called for at the  
 21 end of the school year, so that the data is  
 22 presented, so you're not into the next school  
 23 year and you don't already have the children  
 24 enrolled for the next school year when you're  
 25 doing that, because if you're going to tell

1 them, if there is a problem -- if there is a  
 2 problem, and they haven't met the conditions,  
 3 there is an increase in the level of service or  
 4 whatever else, they should know it before they  
 5 start school.  
 6 MR. BEHAR: And that's a very good point.  
 7 MR. RIEL: You're talking about two  
 8 different things. The annual meeting was  
 9 meant -- The City's experience is, typically  
 10 within the first month of the school opening  
 11 up, that's when all the issues kind of -- you  
 12 know, they are identified, and they get worked  
 13 out. This is just something that's put in  
 14 there as something that we need to do. That  
 15 doesn't mean we can't do it at any point during  
 16 the year. I mean, obviously, if there's a  
 17 complaint from the neighborhood or a Code  
 18 Enforcement violation, we're going to go, you  
 19 know, respond to that accordingly. This just  
 20 sets something in place each year.  
 21 MS. KEON: Right, but I would rather see  
 22 your annual meeting held at the end of the  
 23 school year, so that you --  
 24 MR. RIEL: We can -- We can do that, as  
 25 well.

1 MR. BEHAR: Let's do two. Let's do one at  
 2 the end of the school year and one at the  
 3 beginning.  
 4 MR. RIEL: We can do that, too.  
 5 MR. BEHAR: Let's do that.  
 6 MS. KEON: Right, but I want -- I think --  
 7 MR. BEHAR: Are you --  
 8 MR. FLANAGAN: The applicants agree.  
 9 MR. BEHAR: The applicants agree to do it,  
 10 one at the end of the year and --  
 11 MS. KEON: I want to know from the  
 12 neighborhood.  
 13 MR. LEEN: Well, I think it's important --  
 14 Can Ms. Russo come up and --  
 15 Do you agree to all of that? It's  
 16 important to state it on the record.  
 17 MR. RIEL: Board Members, if we can get all  
 18 the issues up, and then she can come up and  
 19 say --  
 20 CHAIRMAN AIZENSTAT: Exactly.  
 21 MR. RIEL: -- she agrees to all of them,  
 22 because otherwise we're just going to go back  
 23 and forth.  
 24 MR. LEEN: Okay, as long as she does that  
 25 at some point.

1 MR. BEHAR: I don't have any other issues.  
 2 MR. RIEL: Okay.  
 3 CHAIRMAN AIZENSTAT: And then the one thing  
 4 which I would like to ask is that when you pick  
 5 up and you leave the school, if there's a way  
 6 to do a -- the turnoff that throws you to the  
 7 right, as opposed to just maybe putting --  
 8 MR. BEHAR: Put it on the public  
 9 right-of-way.  
 10 MS. KEON: It needs to be in the public  
 11 right-of-way.  
 12 MR. BEHAR: It becomes enforceable by the  
 13 Police Department.  
 14 CHAIRMAN AIZENSTAT: Okay, but what  
 15 about -- Is there a way to concrete -- to do  
 16 the curb shooting out, or that's not possible?  
 17 MR. BEHAR: I --  
 18 MR. RIEL: Let me --  
 19 MR. BEHAR: I want them to do that --  
 20 MR. SALMAN: Put signs that are --  
 21 MR. RIEL: Let me make a suggestion on  
 22 that. If the Board wants to do that, we'll  
 23 look at a right turn only sign on the  
 24 right-of-way and also look at temporary  
 25 barriers, cones and that, something that

1 will accommodate --  
 2 CHAIRMAN AIZENSTAT: Perfect. Something  
 3 that will function.  
 4 MR. SALMAN: I've requested and the  
 5 applicant has agreed to an off-duty officer  
 6 there during the first week of class to direct  
 7 traffic.  
 8 MR. RIEL: And the only comment I would  
 9 have on that is, I don't know if you just want  
 10 to limit to it one week. I would suggest  
 11 maybe --  
 12 MR. SALMAN: Two weeks?  
 13 MR. RIEL: -- more than one week, maybe up  
 14 to three or four weeks, depending, and just let  
 15 our Police Department give us some input on  
 16 that, because they're the experts on this,  
 17 so --  
 18 CHAIRMAN AIZENSTAT: I agree to that.  
 19 MR. SALMAN: Okay, I won't limit it to --  
 20 but it should happen at the beginning.  
 21 MR. RIEL: At the beginning, up to --  
 22 MR. SALMAN: A reasonable amount.  
 23 MR. RIEL: A reasonable amount of time.  
 24 MR. BEHAR: A reasonable time, reasonable  
 25 time, whatever the Police Department feels is

1 reasonable.  
 2 MR. SALMAN: Exactly.  
 3 MR. RIEL: Okay. Can I just go over the  
 4 conditions --  
 5 MR. BEHAR: Yes.  
 6 MR. RIEL: -- how I --  
 7 MR. BEHAR: You got it.  
 8 CHAIRMAN AIZENSTAT: Quiet, please.  
 9 MR. RIEL: So, from what I hear, is 110 to  
 10 260; between 260 and 350, two years; and then  
 11 thereafter, you reach 350, there's two years of  
 12 traffic study still done. The annual meeting  
 13 will be at the beginning of the school year, as  
 14 well as at the end of the school year. The  
 15 signage will be "Right turn only" on the  
 16 right-of-way and temporary barriers to focus  
 17 traffic to the right turn only, and a police  
 18 officer, City of Coral Gables police officer or  
 19 associated officer, up to a period of possibly  
 20 up to 30 days --  
 21 CHAIRMAN AIZENSTAT: At the discretion of  
 22 the police.  
 23 MR. SALMAN: At the discretion of the  
 24 police.  
 25 MR. RIEL: At the police.

1 Is that what I'm hearing?  
 2 CHAIRMAN AIZENSTAT: Now, is the last two  
 3 years only a traffic study, or is it all --  
 4 MR. BEHAR: The same conditions.  
 5 CHAIRMAN AIZENSTAT: It's all the same  
 6 conditions, not just a traffic study?  
 7 MS. KEON: And all those conditions are  
 8 monitored.  
 9 MR. LEEN: And the police officer is paid  
 10 for by Somerset?  
 11 MR. RIEL: Yes.  
 12 MS. KEON: I'd also like you to monitor the  
 13 percentage of children that live in Coral  
 14 Gables that are at that school.  
 15 MR. BEHAR: Well, I don't know if you can  
 16 do that.  
 17 MS. KEON: You sure can.  
 18 Mr. SALMAN: Yeah.  
 19 MR. BEHAR: Yeah?  
 20 MS. KEON: Sure you can.  
 21 MR. RIEL: I don't know. I'm not sure.  
 22 MS. KEON: They give you an enrollment  
 23 number. They can tell you that.  
 24 MR. RIEL: Sure, but unless you say a  
 25 certain percentage --

1 CHAIRMAN AIZENSTAT: It's --  
 2 MS. KEON: I'd like to say a hundred  
 3 percent.  
 4 MR. RIEL: I wouldn't.  
 5 (Simultaneous comments)  
 6 CHAIRMAN AIZENSTAT: Excuse me, we're still  
 7 meeting here.  
 8 MR. RIEL: Okay, did somebody make a motion  
 9 to that effect?  
 10 CHAIRMAN AIZENSTAT: Let's -- Ms. Russo and  
 11 Mr. Leen --  
 12 MR. RIEL: No, I just want to find out if  
 13 there's anything else that --  
 14 CHAIRMAN AIZENSTAT: Is there anything  
 15 else?  
 16 MR. RIEL: And I'd suggest you make the  
 17 motion, and therefore it's formalized, and  
 18 then --  
 19 MS. RUSSO: Can you repeat them, because  
 20 I was -- If you could --  
 21 MR. LEEN: Before any action is done, from  
 22 a litigation -- from our -- from a legal  
 23 perspective, it's better if she's agreed. If  
 24 this is -- if she's agreeing to this, then --  
 25 MS. RUSSO: If I could hear them again, it

1 would be -- if you could just go through them  
2 again one more time -- well, just -- The  
3 acoustics in here are really bad.

4 MR. RIEL: From 110 to 260. Obviously, you  
5 still have the traffic report. And between 260  
6 to 350, there's two years in between, in which  
7 the traffic reports will be completed. Then  
8 two years thereafter, the 350, those reports  
9 will still be completed. Okay, that's the one.

10 The other is, the annual meeting will be at  
11 the beginning of the school year, as well as at  
12 the end of the school year, with the same time  
13 frames, before and after. We'll include a  
14 "Right turn only" sign and temporary barriers  
15 to guide --

16 CHAIRMAN AIZENSTAT: Traffic to the right.

17 MR. RIEL: -- traffic to the right.

18 MS. RUSSO: At the exit of the --

19 MR. RIEL: At the exit, during arrivals and  
20 dismissals. Retaining a police officer for up  
21 to a period of 30 days, at the discretion of  
22 the Police Department --

23 MS. RUSSO: The Police Department.

24 MR. RIEL: -- at the beginning of the  
25 school year. And then garbage pickup no

1 CHAIRMAN AIZENSTAT: Correct.

2 Would you like to read it so it's --

3 MR. FLANAGAN: No, no.

4 CHAIRMAN AIZENSTAT: Now, do we add the  
5 verbiage to --

6 MR. RIEL: The verbiage goes with the  
7 conditional use and the site plan, not the land  
8 use change.

9 MR. SALMAN: The land use is independent.

10 MR. RIEL: You're asking --

11 MR. LEEN: There is a reverter. There is a  
12 reverter on the land use, though, that you  
13 should note, isn't there?

14 MR. RIEL: Yes, but that's --

15 MR. LEEN: If this was not used any longer  
16 as a --

17 MR. RIEL: Correct.

18 CHAIRMAN AIZENSTAT: Robert, before we  
19 start, just so we don't get caught --

20 MR. BEHAR: Just keep reading, come on.

21 CHAIRMAN AIZENSTAT: Is there --

22 MR. BEHAR: Let's go. Go ahead.

23 MR. SALMAN: No, wait.

24 MR. BEHAR: Come on.

25 MR. RIEL: All right --

1 earlier than 8:00 a.m.

2 CHAIRMAN AIZENSTAT: And the sign will be  
3 on the swale.

4 MR. RIEL: I said the sign.

5 MS. RUSSO: The sign, what was the --

6 MR. RIEL: A "Right turn only" sign.

7 MS. RUSSO: Will be on the swale.

8 MR. BEHAR: On the public right-of-way.

9 MS. RUSSO: On the right-of-way.

10 CHAIRMAN AIZENSTAT: So it's enforceable.

11 MS. RUSSO: Yes. On behalf of the  
12 applicant, we agree.

13 MR. RIEL: You agree to all those  
14 conditions?

15 MS. RUSSO: We agree to all those  
16 conditions, yes.

17 MR. FLANAGAN: And I move it as amended.

18 CHAIRMAN AIZENSTAT: Let's go through --

19 MR. SALMAN: Which one?

20 CHAIRMAN AIZENSTAT: Let's go through the  
21 first -- the first application, the first  
22 ordinance.

23 MR. SALMAN: This is for the land use  
24 change.

25 MS. KEON: Right.

1 CHAIRMAN AIZENSTAT: Is there --

2 MR. SALMAN: We need a motion.

3 MR. FLANAGAN: Motion to deny 6A, the land  
4 use change.

5 MR. SALMAN: Second.

6 CHAIRMAN AIZENSTAT: To deny?

7 MR. FLANAGAN: Deny.

8 MS. KEON: Deny it.

9 MR. FLANAGAN: We don't need it, according  
10 to the City Attorney.

11 MR. LEEN: I'm not saying you should deny  
12 it. I'm just saying --

13 MS. KEON: You don't have to.

14 MR. LEEN: -- if you do deny it, you could  
15 still approve Number 2 and Number 3.

16 MS. KEON: Okay.

17 MR. LEEN: But I do agree, from a legal  
18 perspective, it's much more consistent with  
19 what Staff is recommending.

20 MR. RIEL: And I'll tell you, the  
21 Comprehensive Plan, the land use and zoning  
22 needs to be consistent.

23 CHAIRMAN AIZENSTAT: Yes.

24 MR. RIEL: They can't be incompatible, and  
25 there is a specific goal in the Comp Plan that

1 requires that to happen, so --  
 2 MR. BEHAR: Yes.  
 3 MR. LEEN: You would be relying on a State  
 4 statute, so it would be --  
 5 MR. SALMAN: We have a motion and a second.  
 6 Call the roll. Through the Chair, excuse me.  
 7 CHAIRMAN AIZENSTAT: Hold on a second.  
 8 Robert --  
 9 MR. BEHAR: I will make another motion to  
 10 extend for another 10 minutes.  
 11 CHAIRMAN AIZENSTAT: Is there a second?  
 12 MR. SALMAN: Second.  
 13 CHAIRMAN AIZENSTAT: Call the roll, please.  
 14 MR. LEEN: Madam Clerk?  
 15 MS. MENENDEZ: Pat Keon?  
 16 MS. KEON: Yes.  
 17 MS. MENENDEZ: Javier Salman?  
 18 MR. SALMAN: Yes.  
 19 MS. MENENDEZ: Robert Behar?  
 20 MR. BEHAR: Yes.  
 21 MS. MENENDEZ: Jeff Flanagan?  
 22 MR. FLANAGAN: Yes.  
 23 MS. MENENDEZ: Eibi Aizenstat?  
 24 CHAIRMAN AIZENSTAT: Yes.  
 25 Make a motion, please.

1 MR. FLANAGAN: I had moved it. I moved to  
 2 deny.  
 3 MR. SALMAN: And I seconded to deny.  
 4 MS. KEON: The motion, number one, to deny  
 5 the application.  
 6 CHAIRMAN AIZENSTAT: Is to deny. Any  
 7 comments?  
 8 Call the roll, please.  
 9 MS. MENENDEZ: Javier Salman?  
 10 MR. SALMAN: Yes, to deny.  
 11 MS. MENENDEZ: Robert Behar?  
 12 MR. BEHAR: No.  
 13 MS. MENENDEZ: Jeff Flanagan?  
 14 MR. FLANAGAN: Yes.  
 15 MS. MENENDEZ: Pat Keon?  
 16 MS. KEON: Yes.  
 17 MS. MENENDEZ: Eibi Aizenstat?  
 18 CHAIRMAN AIZENSTAT: No.  
 19 MR. LEEN: So, Mr. Chair, that would mean  
 20 that there would be no recommendation on this  
 21 one.  
 22 MS. KEON: Because you need four.  
 23 MR. LEEN: Because you need four.  
 24 MS. KEON: There's no recommendation.  
 25 MR. SALMAN: Okay.

1 MR. LEEN: Under our Zoning Code, that goes  
 2 to the next meeting, so --  
 3 MR. SALMAN: Next?  
 4 MR. SALMAN: I'll make a motion for  
 5 Ordinance Number 2, Ordinance of the City  
 6 Commission of Coral Gables for a conditional  
 7 use as recommended by the City and as amended  
 8 during the discussions.  
 9 CHAIRMAN AIZENSTAT: Do we need to state  
 10 what those discussions are?  
 11 MR. RIEL: They're on the record.  
 12 MR. BEHAR: No, they're in the record.  
 13 I'll second it.  
 14 CHAIRMAN AIZENSTAT: Okay. Any discussion?  
 15 Call the roll.  
 16 MS. MENENDEZ: Robert Behar?  
 17 MR. BEHAR: Yes.  
 18 MS. MENENDEZ: Jeff Flanagan?  
 19 MR. FLANAGAN: Yes.  
 20 MS. MENENDEZ: Pat Keon?  
 21 MS. KEON: No.  
 22 MS. MENENDEZ: Javier Salman?  
 23 MR. SALMAN: Yes.  
 24 MS. MENENDEZ: Eibi Aizenstat?  
 25 CHAIRMAN AIZENSTAT: Yes.

1 For the third ordinance, is there a motion?  
 2 MR. FLANAGAN: Motion to approve.  
 3 MR. BEHAR: Second it.  
 4 MR. RIEL: And that should also include the  
 5 amended --  
 6 CHAIRMAN AIZENSTAT: Including all  
 7 amendments as we have spoken.  
 8 Any discussion?  
 9 Call the roll, please.  
 10 MS. MENENDEZ: Jeff Flanagan?  
 11 MR. FLANAGAN: Yes.  
 12 MS. MENENDEZ: Pat Keon?  
 13 MS. KEON: No.  
 14 MS. MENENDEZ: Javier Salman?  
 15 MR. SALMAN: Yes.  
 16 MS. MENENDEZ: Robert Behar?  
 17 MR. BEHAR: Yes.  
 18 MS. MENENDEZ: Eibi Aizenstat?  
 19 CHAIRMAN AIZENSTAT: Yes.  
 20 MR. RIEL: And Mr. Chair, I just want to  
 21 clarify, for the record, everybody understands  
 22 the change in land use, the three-two vote,  
 23 could you again make sure that you put that  
 24 into the record?  
 25 MR. LEEN: One thing is that you could --

1 This is still pending now, that land use. You  
 2 could make a motion to send it without a  
 3 recommendation.  
 4 MR. SALMAN: That's what we did.  
 5 MR. RIEL: That's essentially what they  
 6 have done.  
 7 MR. LEEN: Well, you should -- but  
 8 according to our Code, it goes to the next  
 9 Planning and Zoning meeting, because you  
 10 haven't --  
 11 MR. FLANAGAN: Motion to send it to  
 12 Commission without a recommendation.  
 13 CHAIRMAN AIZENSTAT: That's not what we  
 14 passed.  
 15 MS. KEON: That isn't what we passed.  
 16 MR. SALMAN: If we passed it with a denial  
 17 of a recommendation for approval --  
 18 CHAIRMAN AIZENSTAT: Right.  
 19 MR. LEEN: Well, but it was a three to two  
 20 vote. Under our Code, you need four votes or  
 21 else it's deferred, really, to the next  
 22 meeting. So, if you want to send it to them  
 23 without a recommendation, you should do a  
 24 motion.  
 25 MR. SALMAN: Do you want to vote on sending

1 it forward without a recommendation? Is that  
 2 what you're asking?  
 3 MR. LEEN: I'm saying that it's still --  
 4 MR. BEHAR: Something needs to happen,  
 5 otherwise it's going to come back next month to  
 6 us. It's going to come back.  
 7 MR. FLANAGAN: I move to send it to the  
 8 Commission without a recommendation.  
 9 MR. SALMAN: I'll second it.  
 10 CHAIRMAN AIZENSTAT: Any discussion?  
 11 MR. RIEL: No, could I hear the motion  
 12 again? I didn't hear it, I'm sorry.  
 13 MS. KEON: What was it?  
 14 MR. FLANAGAN: It was a motion to send it  
 15 to the City Commission without recommendation.  
 16 MR. RIEL: No recommendation on the change  
 17 in land use?  
 18 MS. KEON: No.  
 19 CHAIRMAN AIZENSTAT: That doesn't --  
 20 MS. KEON: Can I -- Can we -- Can we --  
 21 MR. SALMAN: Well, that abdicates the --  
 22 MS. KEON: -- send it to the City  
 23 Commission with -- and note the vote that was  
 24 taken here?  
 25 MR. RIEL: Yes, we'll note the vote, but it

1 goes forward with --  
 2 MS. KEON: That's fine, it can go forward  
 3 to the City Commission.  
 4 MR. SALMAN: Without a recommendation.  
 5 MS. KEON: To the Commission.  
 6 MR. RIEL: Without a recommendation?  
 7 MR. LEEN: Yes, the Commission will know  
 8 what your vote was on the --  
 9 MS. KEON: Okay.  
 10 MR. LEEN: -- on the matter.  
 11 MS. KEON: All right.  
 12 MR. LEEN: I'll make sure they know.  
 13 MR. SALMAN: Being legal about it.  
 14 MS. KEON: Yeah, okay.  
 15 CHAIRMAN AIZENSTAT: He just wants it to be  
 16 legal.  
 17 MR. LEEN: But we just don't want it to be  
 18 deferred. There needs to be a vote of four,  
 19 for something.  
 20 MR. RIEL: So this will proceed to the  
 21 Commission --  
 22 MR. LEEN: There needs to be a motion, a  
 23 second, and a vote.  
 24 MR. SALMAN: It was made, I seconded it,  
 25 and --

1 MR. FLANAGAN: Likewise.  
 2 CHAIRMAN AIZENSTAT: Any other discussion?  
 3 MR. LEEN: There was a vote?  
 4 MR. SALMAN: But we didn't vote.  
 5 CHAIRMAN AIZENSTAT: Okay, so any other  
 6 discussion? No?  
 7 Call the roll, please.  
 8 MS. MENENDEZ: Pat Keon?  
 9 MS. KEON: Yes.  
 10 MS. MENENDEZ: Javier Salman?  
 11 MR. SALMAN: Yes.  
 12 MS. MENENDEZ: Robert Behar?  
 13 MR. BEHAR: Yes.  
 14 MS. MENENDEZ: Jeff Flanagan?  
 15 MR. FLANAGAN: Yes.  
 16 MS. MENENDEZ: Eibi Aizenstat?  
 17 CHAIRMAN AIZENSTAT: Yes. Okay, any other  
 18 items on the agenda?  
 19 MR. BEHAR: Adjourned?  
 20 CHAIRMAN AIZENSTAT: We're adjourned.  
 21 Thank you.  
 22 MR. SALMAN: Thank you, Eibi.  
 23 (Thereupon, the meeting was adjourned at  
 24 9:33 p.m.)  
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CERTIFICATE

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STATE OF FLORIDA:  
SS.  
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I further certify that all public speakers were duly sworn by me.

DATED this 5th day of December, 2011.

SIGNED COPY ON FILE

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192.  
My Notary Commission expires 6/14/15.

