

May 11, 2021

HISTORIC PRESERVATION BOARD AGENDA

Property: 1501 Collins Avenue

File No.: HPB20-0444

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing building, including the reconstruction of original interior floor plates and a variance to reduce the required side facing a street set back.

Tuesday, May 11, 2021

1700 Convention Center Drive
3rd Floor, Room 237
Miami Beach, Florida 33139

Stenographically Reported By:
LAURIE K. BELLE

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APPEARANCES

Historic Preservation Board:

Barry Klein

Kirk Paskal

Jack Finglass

Rick Lopez

Laura Weinstein

Max Litt

Nancy Liebman (via video conference)

On Behalf of Albert LaPage:

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Miami, Florida 33137
305-532-0500
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BY: KENT HARRISON ROBBINS, ESQUIRE

On Behalf of 1501 Collins Avenue/Rory Greenberg:

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BY: GRAHAM PENN, ESQUIRE

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APPEARANCES (continued)

On behalf of City of Miami Beach:

CITY OF MIAMI BEACH
1700 Convention Center Drive
Floor 4
Miami Beach, Florida 33139
305-673-7470
Jasonjacobson@miamibeachfl.gov
BY: JASON JACOBSON, ESQUIRE

Also present:

- Rory Greenberg
- Jennifer McConnely
- Daniel Ciraldo
- Albert LaPage (via video conference)
- Jane Krupp (via video conference)

1 (The following proceedings were had:)

2 MR. FINGLASS. ...project background. And, to
3 do that, we're going to ask Debbie to introduce the
4 first project, which is 3425 Collins Avenue --

5 MR. HARRISON ROBBINS: My name is Kent
6 Robbins.

7 MR. FINGLASS: -- minutes -- oh.

8 MR. HARRISON ROBBINS: I request a motion for
9 continuance before any matter is heard -- to be
10 heard on my motion for continuance. I did file my
11 motion for continuance last week. I represent --

12 MR. FINGLASS: For which project?

13 MR. HARRISON ROBBINS: Mr. Albert LaPage on
14 1501 Collins Avenue, I submitted that.

15 I have duplicate copies of the motion for
16 continuance that I can submit to everybody again,
17 it's detailed.

18 May I approach the bench to hand the motion
19 for continuance to each of you?

20 THE COURT: Sure.

21 MR. KLEIN: You know what, where's our legal
22 counsel?

23 MR. FINGLASS: I have appointed -- is Mr.
24 Jacobson available?

25 MR. JACOBSON: Yes, I'm here.

1 MR. FINGLASS: Could you talk to Mr. Robbins'
2 point, please?

3 MR. JACOBSON: I didn't hear Mr. Robbins.
4 Please repeat.

5 MR. HARRISON ROBBINS: Excuse me?

6 MR. FINGLASS: He didn't hear you. There is a
7 delay between him and you, and you and him.

8 So --

9 MR. HARRISON ROBBINS: Sorry.

10 MR. FINGLASS: Okay.

11 MR. KLEIN: I'm just wondering if we're
12 talking this out of order?

13 Aren't we supposed to --

14 MR. FINGLASS: Yeah. Hold on, and let's
15 approve the minutes from the last meeting first.

16 MR. HARRISON ROBBINS: Oh, okay.

17 MS. TACKETT: We haven't really opened the
18 meeting yet.

19 MR. HARRISON ROBBINS: Okay. Because you
20 announced it before, that you're calling a matter,
21 and I understand that. So, I just want to make
22 certain that I don't lose my right to file a
23 motion --

24 MR. FINGLASS: You have every right.

25 (There was a discussion off of the record.)

1 MS. TACKETT: We really do ask for everyone's
2 patience this morning. This is the first meeting
3 in this current format, and we need to be just very
4 careful to speak one at a time and to allow time in
5 between Zoom and in-person comments so that we're
6 not speaking over each other.

7 And, with that, we can call the first item --

8 MR. FINGLASS: Wait.

9 Debbie --

10 MS. TACKETT: You already called the --

11 MR. FINGLASS: Debbie, we have a request for a
12 continuance.

13 MS. TACKETT: Okay. Mr. Chair, I have one
14 more quick announcement with regard to the Palm
15 View discussion item. I did receive a request from
16 the Palm View Neighborhood Association to defer
17 this discussion until the June 15th meeting. They
18 are currently also pending further discussion at
19 the Planning Board, so I have no objection to that.
20 But, I wanted to announce that at the beginning of
21 the meeting, in case there is anyone on the call or
22 in chambers that is in attendance for that
23 particular item.

24 Does the board have any objection to the
25 deferral?

1 MR. FINGLASS: We should take a quick vote, I
2 guess.

3 All those in favor of deferring that item to
4 next time?

5 Everybody.

6 And Nancy?

7 MS. LIEBMAN: Yes. Yes.

8 MR. FINGLASS: So ordered.

9 Thank you, Debbie.

10 MS. TACKETT: Okay. Very good. You're
11 welcome.

12 We do have Mr. Robbins who, I believe, is
13 requesting a continuance for an application that is
14 further down on the agenda, that's 1501 Collins
15 Avenue. You're more than welcome to hear that
16 request, while -- when we open up that particular
17 application for board review. I don't believe
18 there's any reason why you need to hear that first,
19 but that would be up to you.

20 MR. JACOBSON: In the past, we've -- we've
21 heard such motions for continuances during the
22 public comment of the specific items.

23 MR. HARRISON ROBBINS: The agenda specifies
24 and the rules say that a continuance is supposed to
25 be considered before the application begins.

1 That's the quasi-judicial process that's approved
2 by the City.

3 Because of Zoom, I've been locked out in
4 previous hearings from making these motions.

5 But, we're here in person. We have a due
6 process right to argue our motion for continuance
7 now before the hearing is -- has started.

8 Once a hearing has started, it makes the
9 motion nugatory or potentially nugatory to present
10 the deferral after hearing the argument. So, I
11 request to be able to make my presentation now,
12 Mr. Chairman, as to the motion for continuance.

13 MR. FINGLASS: Mr. Jacobson, how about that?

14 MR. JACOBSON: Our interpretation stands.
15 It's up to the board whether they'd like to hear
16 the item now or wait for public comment.

17 MR. FINGLASS: Is it my understanding you're
18 asking for a defer- -- I can't talk anymore, to
19 defer the item?

20 MR. HARRISON ROBBINS: I'm asking for it to be
21 continued or deferred --

22 MR. FINGLASS: Continued. Okay.

23 MR. HARRISON ROBBINS: -- until -- until the
24 next meeting. And, the grounds for that is because
25 the matter is also before the Planning Board on the

1 conditional use permit.

2 Would you please hand out this motion which I
3 did submit last week and, hopefully, it was
4 submitted to everybody.

5 Our grounds for it is because there's a
6 pending conditional use permit, and the very
7 matters that are going to be heard by the Planning
8 Board are also being presented to you.

9 The -- number one, the board doesn't -- should
10 not exercise jurisdiction over the issues before
11 the Planning Board. Those issues include the
12 conditional use permit application is for a
13 neighborhood impact establishment, which involves
14 over 900 seats, including 400 -- 400-plus seats
15 outside -- immediately adjacent to my client's
16 property, 1501 Ocean Avenue.

17 I represent Albert LaPage. He has -- he owns
18 Units 801, 802, and 909. In my full presentation,
19 I will show that, and can show, if I can bring the
20 presentation up, that that is immediately adjacent
21 to this property and would be directly and
22 adversely impacted.

23 I've also been contacted -- our team has been
24 contacted by 22 unit owners that are very concerned
25 about what's going on as far as the activities.

1 Generally, we like this project. The reason
2 we're asking for a continuance is on the -- your
3 plans there are detailed showings of seats and
4 tables totalling the amount of -- totalling the
5 amount of 1,000-plus seats on the site.

6 In addition, it shows speakers and speaker
7 systems, and references speakers all -- and
8 finally, it shows valet stands or valet space, as
9 well as a suggestion of valet parking. All those
10 matters are to be considered by the conditionally
11 use -- the conditional use permit before the
12 Planning Board.

13 What I'm concerned about is this board's
14 approval of this project which incorporates
15 purported loading spaces, which we contend do not
16 function effectively. There has been no loading
17 analysis done, no auto-turn analysis done.

18 In addition, as to traffic, there has been no
19 traffic studies that have been vetted by peer
20 review. There's been -- never a peer review even
21 on the traffic analysis. This is a problem that we
22 have.

23 It's -- we need to bring that before the
24 Planning Board. The Planning Board can determine
25 what's appropriate there. And then, once they also

1 approve the number of seats, the number -- the
2 number of loading spaces, the traffic plan, the
3 parking plan -- and then it's to revert back to
4 here, and the design issues can be addressed here.

5 What I'm concerned about is there'll be a
6 conflict with the board, what the board will do,
7 because inherent in these plans are loading spaces,
8 which we contend are insufficient. But, it's not
9 something that this board is prepared to evaluate,
10 because it doesn't handle auto traffic analysis, it
11 doesn't handle the turning analysis, it doesn't
12 handle momentums, it doesn't handle valet-queuing
13 problems.

14 But, inherently, you're approving this project
15 with all of these seats, with the speaker systems,
16 and with the valet systems. And, therefor, we ask
17 this matter be deferred only one month to address
18 these issues before the Planning Board and resolve
19 them before the Planning Board.

20 Thank you very much.

21 MR. FINGLASS: Thank you.

22 Jason --

23 MS. TACKETT: Mr. Chair --

24 MR. FINGLASS: Jason Jacobson, is he on?

25 MR. JACOBSON: Yes, I'm here, but let's turn

1 this over to Debbie.

2 MR. FINGLASS: Okay.

3 Debbie.

4 MS. TACKETT: Thank you, Jason.

5 So I -- you know, I wasn't very clear if the
6 board had actually opened the item to hear from the
7 members of the public, if that's your desire to do.
8 We just heard from Mr. Robbins. Staff, you know,
9 can respond.

10 This does have an application pending review
11 at the Planning Board for a conditional use permit.
12 This was already heard by the Planning Board and
13 was continued. There are no requirements for the
14 Planning Board to review the project prior to the
15 review by the Historic Preservation Board. In
16 fact, most often the Historic Preservation Board
17 reviews these projects before the Planning Board.
18 But, either way, there are no requirements in terms
19 of which review needs to occur first.

20 For the building permit review, the Planning
21 Board approval will be required. So, it's -- it's
22 a moot point with regard to who approves it first
23 or reviews it first, because at the time of the
24 building permit, we will require that both reviews
25 and approvals have been -- have been done.

1 So, staff is not recommending that this item
2 be continued. If you would like to hear from
3 members of the public, if you're opening this up
4 for a request for continuances currently, we would
5 need to then open the public hearing.

6 MR. FINGLASS: Okay. So that's what you
7 suggest?

8 MS. TACKETT: It's up to you. I think if you
9 would like to hear from anyone else from the public
10 and then discuss amongst yourselves if you would
11 like to continue this item, or if you would like to
12 hear it later on in the afternoon --

13 MR. KLEIN: I just have a process question
14 procedure.

15 If we're here and we're reviewing making
16 decisions on design, layout, colors, massing and
17 the --

18 UNIDENTIFIED SPEAKER: Your mic.

19 MR. KLEIN: I'm sorry.

20 The little green light is on.

21 So, if we're making these design decisions and
22 then goes -- and then it goes to the Planning
23 Board, the Planning Board may modify some of our
24 decisions based on what's allowable for chairs,
25 speakers, and those things. Right?

1 Is that the case?

2 MR. GREENBERG: Yes.

3 MR. KLEIN: And, if that's the case, I don't

4 see --

5 MR. GREENBERG: Mr. Chair, I imagine we would

6 have a chance to answer that, if we're going to

7 start the conversation, if that's possible.

8 MR. KLEIN: I wasn't -- I wasn't asking

9 about --

10 MR. GREENBERG: No, I totally understand.

11 MR. KLEIN: I wasn't asking about --

12 MR. GREENBERG: Yes.

13 MR. KLEIN: -- wanting to -- to fight the

14 decision --

15 MR. GREENBERG: Of course.

16 MR. KLEIN: -- I'm just asking about process.

17 MR. GREENBERG: We're willing to take that

18 risk. If we have to come back to you guys, we'll

19 come back to you guys.

20 But, if we could -- if we could speak on our

21 behalf, I think that would be appreciated, if

22 that's okay. I know this is not normal procedure,

23 but neither was that. So we would just like to

24 address the board, if possible.

25 MR. FINGLASS: Okay. Any other questions?

1 MR. KLEIN: My only question is: Who's --
2 what's at the podium speaking?

3 MR. GREENBERG: Rory Greenberg, 5 Island
4 Avenue. I'm an employee of the applicant, and part
5 of the project.

6 So, you know, the reason we had delayed
7 ourselves and we got delayed at the Planning Board
8 was because 1501 Ocean Drive condo's association
9 was as a new board, and they weren't procedurally
10 in time to vote on our project. Since then, we
11 have received their support.

12 At the end of the day, this is a project we're
13 seven years purchasing out commercial condos that
14 are in disrepair. We went through a public
15 referendum, a city-wide vote in order to
16 in-fill the voided space and bring back a beautiful
17 historic building.

18 We're standing in the chambers at a Historic
19 Preservations Board meeting, and the intention of
20 this is to review the design. Mr. Robbins even
21 said it in his own speech. All of his items are
22 Planning Board, operational procedures. This is a
23 design review meeting. We are bringing back a
24 beautiful historic building, and have done seven
25 years of work and spent a lot of money in order to

1 stand in front of you and bring back the glory of
2 the Bancroft Building.

3 At the end of the day, we are here to review
4 the design. We would love to discuss the design
5 with you and see -- and be celebrated, honestly,
6 for what we're doing in the City.

7 And, at the end of the day, if we end up at
8 Planning Board and something changes, we will come
9 right back to you and have that approved. We're
10 willing to take that risk, and it's time to move
11 this project forward.

12 If you guys have seen what's going on, on
13 Ocean Drive currently, we're bringing a world-class
14 asset back to life. We're going to change the
15 narrative of Ocean Drive. It's beneficial to the
16 entire city.

17 That one individual not be happy with certain
18 procedures that staff has requested of us -- we've
19 tightened the operations much more than staff
20 recommended.

21 We have -- we have MDPL support. We have all
22 of our neighbors' support. We have the Washington
23 Avenue BID support, Ocean Drive Association
24 support.

25 This City can't be held up by one person, and

1 we're willing to take the risk to come back to a
2 second hearing, if we have to. I think it's
3 obvious this thing needs to proceed.

4 I'll let Graham talk through procedural and
5 whatnot. But, this is -- this is a project that is
6 meant to be in front of the Historic Preservation
7 Board, and meant to move forward and bring back to
8 life the Bancroft Building.

9 Thank you very much.

10 MR. PENN: I'm going to be brief.

11 Graham Penn from Bercow, Radell, Fernandez,
12 Larkin, Taft -- and I haven't said that into this
13 microphone in a year -- 200 South Biscayne
14 Boulevard.

15 As Debbie explained, we had -- as Kent
16 basically explained, himself, two separate
17 applications. This board approves the design, the
18 Planning Board approves the operation.

19 The Planning Board is going to hear this at
20 the end of the board. If Mr. Robbins' client still
21 has issues with the operation -- we're hoping to
22 continue to work with him and his client -- that
23 can be resolved by the Planning Board. It's
24 completely out of this board's jurisdiction as to
25 whether we -- our operating hours, loading, ambient

1 music systems -- all of that is within the -- the
2 jurisdiction of the Planning Board, and should be
3 decided by the Planning Board.

4 Moreover, Debbie is correct. In this kind of
5 application, there's no prerequisite that the
6 Planning Board act first. Either one gets -- the
7 hearing goes first, and -- and so that it's just
8 come to this point that HPB is first. There is no
9 justification to delay this application.

10 Mr. Robbins can raise his exact same concerns
11 at the time this item is heard today, and then you
12 can look at it and see if there is any value to
13 them then.

14 So, we would ask you to deny this motion and
15 hear this item at its normal course of events.

16 MR. FINGLASS: Thank you.

17 See, we appear to be in public comment,
18 Daniel.

19 MR. CIRALDO: Yeah, I think if it is a motion
20 for continuance, it deserves public comment.

21 Daniel Ciraldo with Miami Design Preservation
22 League.

23 Only because we were just mentioned, I did
24 want to mention that it was stated that we're in
25 support of the project; however, we did send you

1 all our full position, and there were some concerns
2 about operating conditions. So, I just want to
3 make sure that was clear on the record for you all.

4 Thank you.

5 MR. FINGLASS: Okay. Is there any other
6 public comment on the motion, on the issue to
7 de- -- to defer?

8 Okay. Hearing none, that's closed.

9 Sorry.

10 MS. TACKETT: I'm just looking at the Zoom --

11 MR. FINGLASS: Oh, sorry.

12 MS. TACKETT: -- list for members of the
13 public, and I do see Akerman, LLP, with their hand
14 raised. I don't believe they're hear to speak on
15 this application. But -- yeah, the hand went down.

16 So, I see no members of the public on Zoom
17 wishing to comment at this time.

18 MR. FINGLASS: Okay. Public comment closed.

19 So, we're opening board discussion on the
20 deference of this issue -- this project.

21 Anybody have --

22 MR. KLEIN: I don't see a reason. I agree
23 with staff. We're going to be here on design
24 issues. They're going to be there on -- Planning
25 Board is going to be there on operation, and that's

1 what I was trying to say at the beginning.

2 If there's no objections, I'd make a motion to
3 deny the request for continuance just for the sake
4 of efficiency and for us to review the design.

5 MR. FINGLASS: Are you making the motion?

6 MR. KLEIN: Yes, I'd make that motion.

7 MR. FINGLASS: Okay. Is there a second?

8 MS. LIEBMAN: I would like to send it -- I
9 would like to speak about it.

10 Are you going around?

11 MR. FINGLASS: There is a motion -- yeah,
12 there is a motion -- if he'd like to withdraw his
13 motion for the time being, we can talk about it.

14 Okay. Nancy?

15 MS. LIEBMAN: No, I would like to support
16 the -- I would like to support whoever made the
17 motion to defer this until it comes up as a regular
18 issue. I don't think this board should be
19 encumbered with things, as Mr. Kent is suggesting.
20 We've never had that experience before. I don't
21 know why he thinks that we should take this up
22 until his turn comes.

23 MR. FINGLASS: Okay. Thank you, Nancy.

24 Anybody else want to comment?

25 Seeing -- seeing no one else --

1 Would you like to make your motion?

2 MR. KLEIN: I would like to make a motion to
3 deny the continuance, to allow this board, HPB, to
4 review the project based on design, and then have
5 it go to the Planning Board, let them do -- review
6 operation. And, hopefully, there are no conflicts,
7 and the project either goes forward or doesn't.
8 But, we -- for the sake of efficiency, we do our
9 job here.

10 MS. LIEBMAN: I second that. I have seconded
11 that motion.

12 MR. FINGLASS: Okay. So we're going to have a
13 vote.

14 Debbie, do you want to -- how do you want to
15 do this?

16 MS. TACKETT: I will call the role.

17 Ms. Weinstein-Berman?

18 MS. WEINSTEIN: Yes.

19 MS. TACKETT: Mr. Paskal?

20 MR. PASKAL: Yes.

21 MS. TACKETT: Mr. Lopez?

22 MR. LOPEZ: Yes.

23 MS. TACKETT: Mr. Litt?

24 MR. LITT: Yes.

25 MS. TACKETT: Ms. Liebman?

1 MS. LIEBMAN: Yes.

2 MS. TACKETT: Mr. Klein?

3 MR. KLEIN: Yes.

4 MS. TACKETT: And Mr. Finglass?

5 MR. FINGLASS: Yes.

6 MS. TACKETT: Okay. Motion passes.

7 The request for continuance has been denied.

8 We can go back to the regular order of the
9 agenda.

10 (There was a discussion off of the record.)

11 MS. TACKETT: Moving right along, the next
12 application is HPB20-0444. This is 1501 Collins
13 Avenue.

14 An application has been filed requesting a
15 Certificate of Appropriateness for the partial
16 demolition, renovation, and restoration of the
17 existing building, including the reconstruction of
18 original interior floor plates, and a variance to
19 reduce the required side facing a street setback.

20 Many of you, this is the Bancroft Hotel and
21 Ocean Steps. It's actually one building, but they
22 appear to be separate structures. So, this is the
23 entire property from Collins Avenue to the ocean,
24 which also includes the condominium tower.

25 The subject of this particular application is

1 limited to the Bancroft, the contributing building,
2 as well as the Ocean Steps portion.

3 So, it's -- it's, I think, important to state
4 that the main component of this is with regard to
5 the interior floor plates of the Bancroft. There
6 was, recently, last November, a ballot question for
7 the voters to decide whether or not, regardless of
8 the FAR of the property, one would be permitted to
9 reconstruct interior floor plates that were part of
10 the original contributing building.

11 In the '90s, this property -- a portion of
12 this property was turned into a nightclub. At that
13 time, the original floor plates within the Bancroft
14 Hotel, which has guest units, were removed in order
15 to create these double-height performance spaces.
16 I think it was a billboard live venue.

17 So, the applicant is currently requesting to
18 reintroduce those floor plates. That has gone
19 through the analysis, and has determined that they
20 are proposing something that is consistent with the
21 recent amendments, which would allow them to
22 introduce additional floor area, even though
23 they're currently max'd out on allowable floor
24 area.

25 Further, the applicant is proposing some

1 modifications at the roof level, including rooftop
2 shade structures. But, very little else is
3 proposed for the Bancroft Building, itself, the
4 contributing building.

5 This will be part -- the restaurant space,
6 which is in the original lobby, will remain.

7 The exterior of the building will be renovated
8 in terms of new windows will be put in the
9 building, making it more secure; impact windows
10 will be used. But, other than that, the existing
11 contributing building has been well maintained and
12 is intact.

13 So, staff does not have any significant
14 recommendations with regard to additional
15 restoration because the building has actually been
16 really well taken care of, and is very -- it has a
17 lot of integrity of its historic design, including
18 the public interior space.

19 So, we're happy to report that we don't have a
20 lot -- a lot of items for that particular building.

21 We do have some concerns about the new shade
22 structures, and are asking them to be slightly set
23 back.

24 With regard to the Ocean Steps' portion --
25 that is when you go a little bit further east, the

1 applicant again, is -- this is part of the new
2 office complex -- proposing to renovate that entire
3 area, including some significant design changes
4 with regard to paint and cladding.

5 They are proposing to significantly enhance
6 the landscape. Right now, it's a very kind of
7 barren, open hard-scaped area. There will be
8 restaurant use proposed for the ground floor which,
9 as you know, is currently allowed to be used there.

10 The variance is a very small area. So,
11 currently, they do have an ADA lift along 15th
12 Street that is approximately a five-foot setback.
13 So, currently, that is a nonconforming setback.

14 The existing ADA lift is highly undesirable,
15 in staff's opinion. First of all -- and it's not
16 screened from anywhere, so that when you're walking
17 on 15th Street from Ocean Drive to Collins Avenue,
18 it's very prominent.

19 It also opens directly towards 15th Street,
20 which means the door, when opened, encroaches even
21 further than the structure, itself.

22 So, as part of this redevelopment of the Ocean
23 Steps' portion, they're reconfiguring some of that
24 terrace area, including the access points, and that
25 includes redesigning the lift, introducing a new

1 lift that would not open towards 15th Street;
2 would, rather, open towards the side.

3 And, because we require a screening element
4 for these types of structures in the Historic
5 District, they're proposing to introduce some
6 planter features and a property wall. It will hide
7 from view this kind of utilitarian, necessary
8 structure so that the portion -- the wall and
9 the planter would be encroached.

10 Staff is recommending that the variance be
11 approved, but be limited, more limited than what
12 they're asking for, so that the lift, itself, would
13 comply with the required setback, which would be to
14 match the existing setback of the terrace.

15 But, we are recommending that the Board
16 approve the variance to allow the screening feature
17 of the wall, the planter to encroach further into
18 the setback.

19 So, with that, we are supportive of the
20 project. We really welcome this new and exciting
21 use. There seems to be a demand for this type of
22 high-end office space within the City. So, we are
23 recommending approval.

24 I would point out that this particular project
25 -- and we heard about this a little bit earlier in

1 the morning -- does require a conditional use
2 permit. Their occupancy exceeds the threshold, so
3 that it's considered a neighborhood impact
4 establishment. That threshold is 299 persons.

5 So, because this property exceeds that
6 threshold, for their food and beverage, they
7 require a conditional use permit.

8 So, the Planning Department would not be able
9 to approve a building permit, at this point, for
10 the project, because they need to satisfy that
11 requirement of the code to obtain the conditional
12 use of -- from the Planning Board.

13 This has been reviewed at the Planning Board.
14 The Planning Board did discuss loading and
15 operational conditions, including noise concerns,
16 including concerns from -- from multiple neighbors
17 in the -- in the immediate area.

18 The Planning Board has continued that. I
19 believe it will be heard again at their May
20 meeting. Again, there's no reason why their review
21 needs to occur first.

22 So, with that, I will turn it over to the
23 applicant. I believe they do have a presentation
24 to give you this morning -- this afternoon.

25 MR. FINGLASS: Thank you, Debbie.

1 MR. PENN: Sorry.

2 Jason, in your netherworld, we need to be
3 sworn, as well. We might as well swear everybody
4 in at once, I assume --

5 MR. JACOBSON: Yeah. Sure.

6 MR. PENN: -- including Mr. Harrison Robbins,
7 I'm assuming.

8 MR. JACOBSON: Is the entire applicant team
9 standing before me?

10 MR. PENN: We're all here.

11 MR. JACOBSON: Do you swear under oath that
12 any and all testimony that you give in this
13 proceeding is the truth, the whole truth and
14 nothing but the truth?

15 MR. PENN: I do.

16 MR. GREENBERG: I do.

17 MS. McCONNEY: I do.

18 MR. HARRISON ROBBINS: I do.

19 MR. JACOBSON: Good.

20 MR. PENN: And, again, I'm going to let --
21 Graham Penn, 200 Biscayne Boulevard.

22 I'm going to let Rory introduce the project
23 briefly. But, the other thing we need to do, as a
24 housekeeping matter, is ex-parte disclosures.

25 I believe -- I just don't want to forget that,

1 given that Mr. Robbins is here and he's going to
2 ask questions about everything.

3 MR. FINGLASS: Anybody?

4 MR. LOPEZ: I had a very brief conversation
5 with the architect.

6 MR. FINGLASS: Nancy?

7 MS. LIEBMAN: I had -- I had a meeting
8 regarding this with Graham and company.

9 MR. FINGLASS: Thank you.

10 Anybody else?

11 No?

12 Okay.

13 MR. PENN: I'll turn it over to Mr. Greenberg.

14 MR. GREENBERG: Thank you very much.

15 I'll be brief.

16 Rory Greenberg, 5 Island Avenue, Miami Beach.

17 This project started seven years ago with a
18 building that had been in disrepair. It was a
19 series of commercial condos. The ownership group
20 that brought me in at the end of last year to help
21 with the project spent a lot of time and effort to
22 be able to even be in front of you guys today.

23 This was a building that was owned by
24 multiple, different people; lawsuits -- definitely,
25 a lot of issues around the historic building that

1 we all would love to see come back, including the
2 process of going through a City-wide referendum to
3 help to be able to fill in the historic building
4 based on the FAR conditions.

5 So, we're very excited to be in front of you
6 today. We think that this building, as we've heard
7 a lot of discussion about the current condition on
8 Ocean Drive, and looking to change it, we're happy
9 we're able to put in that establishment, because
10 the goal was to impact the neighborhood in a very
11 positive way.

12 So, our goal is to bring back the glory of the
13 historic Bancroft Building, to soften the
14 additional structures that were built in the '90s,
15 and really creat a jewel box that proudly presents
16 the Bancroft Building.

17 And, I'll let my team walk you through our
18 business plan and project. And, we're here for any
19 questions.

20 Thank you very much.

21 MR. FINGLASS: Thank you.

22 MR. PENN: Okay. So, I'm going to go through
23 the intro, and then turn it over to Jennifer as
24 soon as I can.

25 But, I just -- you know, briefly, I think

1 there are four important elements to this project,
2 or four important benefits to this project.

3 It will demonstrate a great example of
4 adaptive re-use, and that includes using hotel
5 space successfully for office space, which again --
6 which is a question mark in a lot of cases.

7 We think that this project, with its Class A
8 office, will be a great example for that idea
9 throughout the city.

10 Of course, you've heard about it for months,
11 and again, today, this will be a benefit to the new
12 changes we're looking for on Ocean Drive.

13 This is a project that, as it was built in the
14 1990s, was an entertainment complex; it was a
15 nightclub, plus restaurants, et cetera. It was
16 designed as entertainment.

17 This is the exact opposite. No more
18 entertainment; office uses on everything but the
19 ground floor. Right?

20 So, it's a complete change in character for
21 the better.

22 And, as was related to this Board, of course,
23 it will significantly improve the facade and the
24 operation of the historic structure, taking away
25 this kind of dead side of the building that's

1 existed since it was carved out.

2 So let me start --

3 Next slide, please, Aaron.

4 This is just an overview of the property. You
5 can see that it's -- this shows views of both the
6 commercial building and the 1501 Ocean condominium
7 that's to the east of it. It was all built, as
8 Debbie said, together.

9 There is commercial parking for the commercial
10 element underneath, 1500 Ocean. So there's a --
11 it's all one big complex.

12 So, we have the historic Bancroft, and then
13 the Ocean Steps commercial element, which
14 surrounded it on the north and the east, and you
15 can see it there, and you'll see it clearly when we
16 look at some of the other elements.

17 Next slide.

18 Just some of the status quo there is the --
19 that lift that Debbie talked about in her
20 presentation that's located right on 15th that
21 we're replacing.

22 Another element of this, there are two
23 important things here. You see the gigantic stairs
24 that are there, because they were required for
25 egress purposes, right?

1 When you have a gigantic nightclub that's in
2 this building, you need it for fire purposes, to
3 get people out of that building. We can get rid of
4 that, since we're getting rid of any of that kind
5 of nightclub use.

6 Second thing, you can see the windows of the
7 Bancroft, which look nice. We're improving them
8 and making them more historic. But, they're dead
9 behind there, right?

10 That's empty space behind those windows.

11 Next slide.

12 This shows you the existing Ocean Steps
13 courtyard again -- as Debbie said, bleak, right?

14 I don't think she used the word "bleak," but
15 it's essentially a dead zone, right.

16 It's concrete and just un- -- very unpleasant.
17 And, you'll see what -- part of what we're doing is
18 introducing a trellis that's center courtyard, and
19 a significant amount of landscaping throughout the
20 property.

21 Next slide.

22 Here is our -- here is a couple shots of our
23 nightclub space, right.

24 So, you can see here the windows behind and
25 the gigantic gulf that was created when they dug

1 out that entire -- all those floors.

2 So, that's what the charter amendment allows
3 us to do. With this Board's approval, it allows us
4 to take back that empty space and put floors back
5 there and life beyond those windows.

6 Next slide.

7 The existing lobby -- as Debbie said, we're
8 not touching any of the historic elements of the
9 lobby. That's been a restaurant for decades, at
10 this point, and it will be a restaurant again.

11 Next.

12 This is a view looking to the northwest, of
13 course, at the corner of Ocean and 15th.

14 In the front of these, you see the Ocean Steps
15 portion of the project, and the Bancroft behind.
16 You'll see it in every one of our renderings here
17 that we -- that Jennifer and her team have taken a
18 lot of care to make sure that the Ocean Steps is
19 differentiated from the historic structure, right;
20 through color, through the windows and, of course,
21 you can see all the significant new landscaping
22 that's getting added to that area, those trees in
23 the center of the stairs -- right now, it's a big
24 empty stair, because again, for egress purposes.

25 Next slide.

1 Here's a view looking -- of course, the
2 same -- the same angle looking down, showing you,
3 again, the activation of both the ground level,
4 second level.

5 And then on the third level of the Ocean
6 Steps -- which had been accessible, it was built to
7 have people on it -- but now we're proposing that
8 to be an amenity for the office use, only. So,
9 it's not open to the public.

10 And, we've -- we've -- as an aside, we
11 discussed the use of that area over and over with
12 1500 Ocean. The 1500 Ocean Condominium Board is
13 supportive of this project after the additional
14 restrictions we've placed in it as part of the
15 conditional use process.

16 So, again, showing you how we differentiated
17 Ocean Steps from historic structure, and you can
18 see the life back behind those windows in the
19 Bancroft.

20 Next slide.

21 Close up of the cabanas, the second and third
22 level.

23 Next slide.

24 This is a ground level. Again, you can see
25 the introduction of all the new landscaping here,

1 especially in the Ocean Steps courtyard, and the
2 generally softening of that entire appearance.

3 Next.

4 I'm just going to take you through the uses
5 briefly; ground floor has got a new restaurant in
6 the Bancroft Building, office space in the -- in
7 the tan area. And, we have a coffee shop on one of
8 those rotundas, a sushi bar on the other rotunda,
9 and the high-end Mexican restaurant in the back, in
10 pink. All of the back-of-house is the same.

11 Nothing is changing regarding the trash
12 location, the loading spaces. We've got six
13 loading spaces, four up here, two down below in the
14 garage.

15 So, again, that is relevant to the conditional
16 use permit. But, I know that Mr. Robbins is going
17 to talk about it. So, I want to make it clear,
18 nothing has changed from the 1990s design here.
19 All we're doing is basically improving the historic
20 structure; we are reintroducing those floors and,
21 again, doing -- changing the uses and, of course,
22 improving the Ocean Steps building, as well, but
23 nothing in the back.

24 Next slide.

25 Second level, pure office on everything, but

1 where there's a restaurant, and Bancroft in the
2 green there.

3 Next slide.

4 Pure -- yeah, here we go again.

5 That's coming in.

6 Pure office, again, third floor.

7 Next slide.

8 Fourth floor, again, office -- you can see the
9 trellis on the third floor below that are showing
10 up there. But, there's nothing, you know, the --
11 the Ocean Steps ends at 2-4, so the Bancroft goes
12 up to four, and it's all office all the way up.

13 Next slide.

14 Here is the Bancroft roof again. We're adding
15 amenities for the office use, only, to that -- to
16 that floor. No -- not open to the public. So,
17 it's office users only.

18 And, we've agreed with staff's suggested
19 conditions, all of them, but especially the
20 conditions related to pushing any of those
21 structures -- other than cabana structures -- off
22 of the south and the western boundaries to avoid
23 them being visible from the street so they don't
24 take over from the historic structure.

25 Next.

1 Now is when I get to turn it over to Jennifer.
2 She's going to take you through the changes from
3 her side, and I'll come back, we'll wrap it, and
4 we'll be done.

5 MS. McCONNEY: Hi.

6 Good afternoon.

7 Jennifer McConney, with Studio Mc+G
8 Architecture.

9 What we tried to do when we first started this
10 is we looked at the building, the Bancroft, most
11 importantly, and said, How are we going to make
12 this building distinct from the other additions
13 that have been added?

14 And, to quote Daniel Ciraldo, on his last
15 presentation, he said "make it distinct, but
16 compatible" and I think that makes a lot of sense.

17 So, what we did is if you look at the front of
18 this building, they have an octagonal tower on the
19 north side -- you can see it there -- which is not
20 original. That was added in 1997 or so. And, it
21 really -- when you look at that, you really can't
22 tell what's historic and what's not. We can, but
23 most people can't.

24 So, what we decided to do is make the historic
25 building one color, a white, you know, of -- you

1 know, to replicate what the historic photos were,
2 and then anything new that was built in 1997, make
3 it another color, maybe another, you know,
4 material. So, that would be like a darker charcoal
5 color so that the Bancroft Building really sticks
6 out.

7 Also what we did is we added landscape to the
8 1997 building, where the historic building, we left
9 that alone, because that's obviously not a historic
10 thing to do.

11 So, you can see here, on the top right, what
12 the building looked like originally, right after it
13 was built.

14 And, when they renovated this building in
15 1997, they did a great job. The windows did match
16 the historical configuration except at the ground
17 floor. But, what we're -- but they were not impact
18 windows.

19 So, what we're doing is we're replacing all
20 the windows, making sure it matches what was there
21 historically and, obviously, making the building a
22 lot safer because we're using impact.

23 Next slide.

24 This is the rear -- there's two slides of the
25 rear.

1 This is the rear alley of the Ocean Steps.
2 Right now, this is a blank wall. You are looking
3 into a service corridor. But, we are looking at
4 adding windows to this area because we have new
5 offices there.

6 So, each -- so each office can get a window,
7 we added windows on the north side.

8 Next slide.

9 This is also the north side of the building.
10 We also added windows on the fourth level on the
11 north side.

12 Next slide.

13 And again, those two slides were 1997, not --
14 they're not historic building.

15 This is the south facade of the Bancroft.
16 And, you know, we're leaving this facade alone.
17 We're just redoing all the windows.

18 And then along 15th Street, as Graham talked
19 about, we had a -- we have the giant staircases
20 that were used for fire egress, and there's that
21 dilapidated lift and some ramps, and there's stuff
22 all over the place that just wasn't -- wasn't
23 thought out -- well, maybe it's been changed over
24 the years. We've kind of organized all of that.

25 Luckily, we had that staircase. So, we had

1 room, and we don't need it anymore. So, we're able
2 to hide all that behind walls.

3 And, we were able to keep the historic
4 Bancroft terrace alone. There is some terrazzo,
5 some historic terrazzo there. It's all going to be
6 preserved.

7 Next slide.

8 This is the Ocean Steps building. You can see
9 the renderings here, as well. We did make it a
10 little bit darker in contrast. But, I think that's
11 highlighted with the landscape that's flowing off
12 the rooftops and around at the ground level.

13 We also completely re-skinned this building.
14 We have new windows. And, what we did here is in
15 '97, they made the windows on this building look
16 similar to the Bancroft which, I think, is a
17 mistake.

18 And, the -- the way -- the mullion
19 configuration is really kind of too dense. So, we
20 blew that up a little bit. So, instead of having
21 five vertical mullion bays, we have four, just to
22 give it a little more light and make it a little
23 different than Bancroft.

24 We also added awnings along the ground floor
25 so it gives it depth. If you look at what's

1 happening there now, it really is just a barren
2 wasteland, and it does need added elements to make
3 it more humanlike. So, we added those overhangs so
4 you can have outdoor seating there.

5 Next slide.

6 These are some of the materials that we're
7 using on -- on the Ocean Steps building, the newer
8 building. You can see on the top right the
9 vertical rail. It's a lot more -- it's kind of a
10 modern take on that vertical picket, and it's much
11 more -- it's going to be a much more modern,
12 up-to-date building.

13 And, you can see here the colors mixed with
14 the landscape coming off of the side of the
15 building, as well as the paving pattern and
16 materials.

17 Next slide.

18 And here, you can see this is a description of
19 the floors that we filled in. So, in the green,
20 those are the slabs that are currently not there
21 now, one slab, and we're replacing that slab back.

22 Next slide.

23 And, I'll let Graham talk about the variances.

24 MR. PENN: As Debbie explained, the sole
25 variance we're requesting is to accommodate the

1 relocation of the -- of the accessibility lift, and
2 we have agreed with her to push that back an
3 additional foot. So, that's her suggested
4 three-foot six, which we have no objection to.

5 Next slide.

6 I'll show you how that looks. This is
7 existing condition. Again, we saw the photo where
8 that lift is. You can see the lift on the left
9 side of the drawing there, again, the super-wide
10 stair.

11 Next slide.

12 So, this is the proposal. You can see the
13 lift is now tucked behind the wall, hidden away,
14 which we think is great for aesthetics and for --
15 frankly, better for people that are not sitting
16 there on the -- displayed when they're being lifted
17 up to the second level.

18 So, we think it's better for people that need
19 to use it. And, again, it allows us to reduce the
20 width of that stair significantly, and add that
21 landscaping.

22 So, this is what we propose, and it's going to
23 be pushed back an additional foot, as requested by
24 staff.

25 Next slide.

1 So, briefly, on -- on neighborhood outreach,
2 we have reached out, over the last multiple months,
3 to all of our surrounding condominiums; the Drake,
4 Il Villagio and, especially, 1500 Ocean. As I said
5 before, we have support from the 1500 Ocean board.
6 We are still working on some of the folks that live
7 and own properties in 1500 Ocean, to try to resolve
8 their operational concerns about hours of
9 operations -- again, the conditional use stuff --
10 that includes -- that includes Mr. Robbins' client,
11 as well as Henry Stolar, who I'm meeting with
12 again, together, to go over Henry's proposed
13 changes to the conditional use permit.

14 So, we hope that by the time we get this to --
15 to the Planning Board, again, we are in agreement.
16 I can't guarantee it, but we've worked as hard as
17 we can to try to reduce the external impacts of
18 this building as much as possible. And again, that
19 is what we're going to deal with during the
20 conditional use process.

21 Next slide.

22 Just as a -- you don't -- we don't need to go
23 into the depths of this. But, just some of the
24 things that we've changed, based on those
25 conversations; seating, hours, music, valet, lots

1 of detail, trash loading -- I know Mr. Robbins is
2 still concerned about loading and trash. But, we
3 hope to give him additional information before
4 Planning Board that will hopefully resolve his
5 clients' concerns; a laundry list of changes.

6 And, I like to say this over and over, we
7 added three pages of additional conditions and
8 expanding conditions to the conditional use permit
9 order at the behest of our neighbors. So it's been
10 a significant expansion of those limitations.

11 Again, this is -- this entire project has no
12 entertainment in it, whatsoever. It's got very
13 limited hours in comparison to what it was.
14 There's no outdoor activity on Ocean Steps past
15 11 o'clock.

16 So, it is -- we are trying our darndest to
17 implement the City's new vision for this area,
18 which is low impact uses that are not relying on
19 entertainment and tourism, necessarily, to
20 completely operate.

21 Next slide.

22 And that means it's the end of our
23 presentation.

24 So, I will -- before we close, I'm just going
25 to -- again, we're here for any questions.

1 I need to reserve time for rebuttal, of
2 course. And, I would just say as to Mr. Robbins
3 and his concerns about operations, anything that's
4 not related to the criteria that are part of a
5 conditional -- I mean, a Certificate of
6 Appropriateness is not really relevant to this
7 Board's review.

8 So, we are committed to continuing to work
9 with Mr. Robbins and his client, and any other
10 members of the public on providing the necessary
11 information for the conditional use permit.

12 But, I just remind this Board that your
13 purview here is to limited to the Certificate of
14 Appropriateness criteria, not about whether or not
15 Mr. Robbins' client is concerned about hours or
16 noise, et cetera, that is governed by the
17 conditional use permit.

18 So, with that, we're here for any questions.

19 And, again, I would like to reserve time for
20 rebuttal.

21 Thank you.

22 MR. FINGLASS: Thank you very much.

23 Very informative.

24 Debbie?

25 MS. TACKETT: Thank you, Mr. Chair.

1 Would you like to open the public hearing?

2 MR. FINGLASS: Yes, for Zoom.

3 MS. TACKETT: Yes.

4 We have -- I know we have several members of
5 the public. Our first speaker is Jane Krupp.

6 MS. KRUPP: Hi.

7 I live a block away of --

8 MR. JACOBSON: -- swear you in before you
9 begin.

10 MS. KRUPP: Oh.

11 Excuse me?

12 MR. JACOBSON: May I swear you in first?

13 MS. KRUPP: Sure.

14 Go ahead.

15 MR. JACOBSON: Do you swear, under oath, that
16 any and all testimony given in this proceeding will
17 be the truth and nothing but the truth?

18 MS. KRUPP: Yes.

19 MR. JACOBSON: You may proceed.

20 You have two minutes.

21 Thank you.

22 MS. KRUPP: So, I live on 14th and Ocean, and
23 we never had -- since the outdoor restaurants came
24 in, or COVID privileges, we never had a lot of
25 noise -- a lot of restaurants between 14th and

1 15th, and this is going to be major impact on the
2 neighborhood, with four restaurants to be --
3 (inaudible) and so my question is going to be about
4 outdoor speakers.

5 Outdoor speakers are completely
6 uncontrollable, and it is up to the manager of the
7 restaurant to control was -- (inaudible) on the
8 button. And, we had problems, and code
9 enforcement could not help us very much with
10 excessive speaker noise.

11 And, I would like to also refer to the word
12 "ambient." There is no -- in the noise code, there
13 is no word "ambient". So, we aren't agreeing to
14 ambient music. There is code speaking of that.

15 You need to go back to the north code and look
16 at the last -- about excessive noise and how it
17 really is about you're not allowed to produce --
18 I'm reading right now from the code, "reproducing a
19 sound in a manner as to disturb the peace, quiet
20 and comfort of the neighboring inhabitants."

21 Nowhere in the noise code does the word
22 "ambient" exist. So, I think you should take it
23 out of the application.

24 Thank you.

25 MR. FINGLASS: Thank you. Thank you very

1 much.

2 Next?

3 MS. TACKETT: Our next speaker is Albert
4 LePage.

5 MR. FINGLASS: Could you ask them to speak up
6 too, Debbie?

7 We're having some trouble hearing.

8 MS. TACKETT: Yeah.

9 MR. LaPAGE: Can you hear me?

10 MS. TACKETT: Yes.

11 If you could speak up, Mr. LaPage.

12 MR. LaPAGE: Yes, I can. I can speak up.

13 MR. JACOBSON: Mr. LaPage --

14 MR. LaPAGE: My name is -- yes.

15 MR. JACOBSON: -- do you swear, under oath,
16 that any and all testimony that you provide in this
17 proceeding is the truth, the whole truth, and
18 nothing but the truth?

19 MR. LaPAGE: Yes, I do.

20 MR. JACOBSON: Thank you.

21 MR. LePAGE: Thank you.

22 I'm a resident of 1500 Ocean Drive, which is
23 part of the entire property of the Bancroft, Ocean
24 Steps in 1500 Ocean Drive.

25 We are generally supportive of this project;

1 however, I'm surprised that today's presentations
2 make no mention to the building's historically
3 important 1990s design by the internationally
4 renowned Michael Graves, who died in 2015. He was
5 recognized as a major influence on the
6 architectural movements, including new urbanism,
7 new classism and, particularly, postmodernism.

8 His buildings in the postmodern style include
9 the noted Portland Building in Oregon, and the
10 Humana Building in Kentucky, as well as the --
11 (inaudible) under consideration today before the
12 Commission of Miami Beach, which is the 1500 Ocean
13 Drive condominium building and its adjoining
14 commercial, Bancroft Ocean Steps. The Bancroft is
15 innovation, and the Ocean Steps was a new
16 construction in the late '90s.

17 The design you are considering today, although
18 attractive, is erasing the work of a giant and
19 vocal architect; nearly all the Graves design
20 elements -- I've gone through the proposal --
21 including his signature checkerboard, sculptural
22 element on the Ocean Steps roof, the greatest
23 design for the property, and the adjoining waves
24 design, 1500 Ocean Drive Condominium, as is echoed
25 in the neighbor, Royal Palm, hotel and design.

1 I urge you to seriously consider an effort to
2 protect and preserve the essence of the Michael
3 Graves design for the good of the building, the
4 neighborhood, and the Miami Beach architectural
5 history.

6 Thank you.

7 MR. FINGLASS: Thank you very much.

8 Debbie, is there another person?

9 MS. TACKETT: I do not see any other members
10 with their hands up.

11 So, you can go to the in-person --

12 MR. FINGLASS: Okay. We're going now to the
13 people who are here for comment.

14 Daniel?

15 MR. CIRALDO: Okay. Thank you.

16 Daniel Ciraldo with the Miami Design
17 Preservation League. At this point, I -- notes.

18 Okay. So, yes. We actually had a very long
19 meeting about this at the advocacy committee, and
20 we had Graham's group, and then we had Kent and his
21 group, and I think we had one other group. So, we
22 had a lot of time to hear all of the different
23 concerns of the neighbors, and we're very happy to
24 have their participation.

25 We do support, overall, the project, and the

1 City staff recommendations and proposed conditions
2 for the project. We look forward to seeing this
3 building converted, adaptively, re-using to Class A
4 office space, which my friend Rory and I used to
5 fight a lot about.

6 I'm very happy that now we have proof that
7 historic buildings can contain Class A office.

8 So, for those people wondering about
9 redeveloping Ocean Drive and Collins, I think this
10 is a good example that it can be done while we
11 still maintain the historic integrity of the
12 building.

13 We also do understand the concerns of the
14 neighbors and -- especially, like, Jane Krupp, who
15 is a resident of Ocean Drive. You know, we just go
16 back to the proliferation of bars and of noise, and
17 once it's out there, it's really hard to contain.

18 So, to the extent that this Board is able to
19 make sure that there are conditions to protect the
20 quality of life, we think this is very important.

21 We also want to mention the Drake, which is
22 across the street, that there are some residential
23 parking spaces. And so, whether it's here or at
24 the Planning Board, you know, it would be good to
25 address those issues.

1 But, overall, I think this is a great example
2 of adaptive re-use; not just for the Bancroft, but
3 even the other building that -- I used to kind of
4 jokingly call it like "the Cocowalk of Ocean
5 Drive," because of the way it was designed.

6 I always saw, like -- you know, it didn't
7 really make sense. But now, to see it be adapted
8 -- and I didn't know it was a Michael Graves
9 building, so I would like to thank the prior
10 speaker and, you know, hopefully, he would be proud
11 of the fact that it's going to be adopted into, you
12 know, a new use.

13 So, thank you very much.

14 MR. FINGLASS: Thank you, Daniel.

15 Mr. Robbins?

16 MR. HARRISON ROBBINS: Hello.

17 I'm Kent Robbins.

18 I have a presentation, and it was sent to your
19 A.V.

20 I want to first announce I do represent Albert
21 LaPage. He has Units 801, 802, and 909.

22 We also have a joint defense agreement with a
23 number of residents who signed and authorized us to
24 raise objections concerning operational issues, and
25 that are the Cohens, Mr. Stolar, Weinberger -- Seth

1 Weinberger and Barbara Goodman; Rosenbaum and his
2 wife, Joyce; Phil Mindlin and Iliana, as well as --
3 as well as Craig Rasile, Lea Rasile, and Andre
4 Deporta and -- Andree Deporta.

5 They have all expressed concerns concerning
6 the operations. Most of us have been favorable
7 towards the overall development.

8 But, I want to go over -- would you put the
9 presentation up, please?

10 MR. JACOBSON: Mr. Robbins, in an abundance of
11 caution, do you mind if I swear you in again?

12 MR. HARRISON ROBBINS: Excuse me?

13 MR. JACOBSON: Do you mind if I swear you in
14 again?

15 Do you swear, under oath, that any and all
16 testimony given in this proceeding is the truth,
17 the whole truth, and nothing but the truth?

18 MR. HARRISON ROBBINS: I'll do it for the
19 third time. Yes, I do.

20 MR. JACOBSON: Thank you.

21 MR. HARRISON ROBBINS: Okay. Next page.

22 Okay. I took some photographs this month in
23 the area showing impact.

24 Next page.

25 This is 1500 Ocean Drive, and adjacent to it

1 is the Ocean Steps building. You can see their
2 proximity. It's immediately adjacent to and
3 impacting.

4 Next page, please.

5 Next number.

6 Okay. As you can see, the tower of 1500 Ocean
7 abuts directly to the area in which they're
8 planning to have outdoor dining on the third floor.

9 And, next page, please.

10 As you can see, there's some iconic parts of
11 the Michael Graves building. They're still there,
12 that won't be there later, especially the
13 checkerboard. It's an important feature of Graves.

14 And, this is an integrated building with
15 Ocean -- 1500 Ocean. So, there really hasn't been
16 a contextual or analysis of the architectural
17 contribution of Mr. Graves, and it's unfortunate,
18 as our -- as Albert LaPage brought to your
19 attention.

20 Next page.

21 Next page.

22 Okay. This is a floor plan of 1500 Ocean. As
23 you can see, the 07 line, the 09 line, the 10 line,
24 the 08 line are immediately adjacent to the area,
25 which they'll be outdoor dining.

1 Now, we requested --

2 Next page.

3 We requested a continuance in order for the
4 CUP matters to be handled. I understand that the
5 CUP matters are distinct, to some extent, but -- to
6 the extent that you are approving plans that
7 include seating, improve outdoor seating as well as
8 interior seating and tremendous capacity.

9 Next page.

10 Okay. Let's -- next page.

11 This is the seating occupancy load of the four
12 public restaurants. It might have changed by a few
13 numbers, but this is -- basically reflects it.

14 There's -- you'll see the occupancy of the
15 Bancroft lobby venue to the Ocean Steps central
16 building, the sushi bar, and the coffee bar.

17 You can see the actual indoor seating capacity
18 and the outdoor seating capacity. A thousand --
19 over a thousand occupancy, and hundreds and
20 hundreds of outdoor seating.

21 Let's go to the next page, which is what they
22 call the "office use," which is -- actually,
23 they're going to be providing food and alcohol
24 beverages as an amenity for the offices. This is
25 not going to be a regular office. This is going to

1 be where alcohol and food is going to be served on
2 the rooftop deck.

3 The rooftop deck is 284 people. The third
4 food lounge and rooftop, right adjacent to my
5 client's property and where they're living, where
6 their children are living, there will be at
7 least -- there'll be at least 150 outdoor seats.

8 These are in the plans, the plans that you're
9 going to approve. So, when they say, "Don't worry
10 about it, just this is all going to be handled on
11 conditional use," you are approving a set of plans
12 showing all of these seats. So, you're giving your
13 prominent -- in promittere of approval of these
14 seats.

15 So, what needs to be done?

16 And, we'll go into this in a little bit when
17 we go into the conditions.

18 So, here are the totals.

19 Go to the next page, please.

20 Here are the totals 1,913 occupancy, 526
21 indoor seats, 553 outdoor seats, a total of 1,000
22 seats. And, that's on the plans. That's on your
23 data sheet on the plans that are presented to you.

24 Next page, please.

25 This is -- requires -- the City requires six

1 loading spaces.

2 Next page.

3 These are the calculations made by the
4 applicant that are in your plans. They acknowledge
5 that they need six loading spaces.

6 If you go to the plans, two of those loading
7 spaces are 10x20-foot spaces. You can't even put a
8 large van on that site.

9 Two of the spaces, you can't even put a truck
10 on it, and they're claiming that those two spaces
11 are going to meet loading capacity.

12 And then there's another four on the next
13 floor. Those four have never been analyzed for
14 auto turning or movement. So, there's no showing
15 that those four spaces on the next floor, which are
16 in your plans -- showing that they actually
17 function.

18 MR. JACOBSON: Mr. Chair, the time is
19 allotted.

20 MR. FINGLASS: He can have two more minutes,
21 if he needs.

22 MR. HARRISON ROBBINS: And may I go to the
23 next page.

24 The valet parking circulation route right now,
25 as proposed, is the six square blocks, seven

1 traffic-controlled intersections.

2 Next page.

3 So, when a car is recovered, it has to go
4 around the six -- those six -- those blocks and
5 through those traffic intersections.

6 Imagine people waiting out on the corner,
7 waiting for their car, during traffic, during -- on
8 Friday, Saturday, South Beach, and the mess that's
9 going to create; the anger that's going to create.

10 Most likely, unfortunately, they're trying to
11 put too much in such a limited space, with limited
12 capacity to valet.

13 They're proposing on your plans that are in
14 these plans only one valet drop-space of 11 feet.
15 That's in your data plans that you are being
16 proposed to review.

17 And they say, "Don't worry about it. We'll
18 deal with it in the conditional use permit."

19 But, I want to bring it to your attention that
20 one of the -- one of your responsibilities is to
21 examine architectural drawings for consistency with
22 criteria and with regard to the aesthetics,
23 appearance, safety, and function; vetting new,
24 existing structure or physical attributes of the
25 project in relation to the site, structure, and

1 properties and surrounding community.

2 So you have -- you can look at parking spaces.
3 You can look at dimensions of parking spaces, which
4 impact the loading spaces. You can look at safety,
5 crime prevention, and fire protection, and these
6 are all your criteria.

7 Look at -- look at Page 5 of 6 of the staff
8 report. You can look at pedestrian and vehicular
9 movement. You can talk about access to adjacent
10 roads so it interferes as little as possible with
11 vehicular traffic. There's no planning here
12 concerning how these valet spaces --

13 Now, you could approve it and say, "Okay,
14 we're going to rely on the Planning Board."

15 But, it's still going to be on your -- it's
16 going to be on you if this ends up being a disaster
17 for the neighborhood. You have to protect that
18 historic property and the historic context, and
19 make certain this works.

20 I have -- I am supportive of the project.
21 We're supportive of the project. What we're
22 concerned about is they're doing too much stuff --
23 1,900 occupancy, 1,000 seats for food, amenities,
24 which are food and beverage for the office -- it's
25 too much.

1 And, you need to say that, when you approve
2 these plans, you're not approving the seats.
3 You're not approving the capacity. You're not
4 approving this amount of traffic. You're not
5 approving the proposed capacity. You're approving
6 the loading spaces -- and you have to say that that
7 needs to be evaluated.

8 And, after the condition Planning Board
9 reviews that, they could come back and you can
10 further evaluate to make certain you protect this
11 community, protect the residents, protect what you
12 are supposed to protect, as is your responsibility.

13 Don't bring the historic district down
14 anymore. We have enough problems already.

15 I hope this project works. I hope that you
16 decide to do what's rational, and they don't do as
17 much as they're proposing. But, right now, it's
18 your responsibility to protect the neighborhood,
19 the residents, and my client.

20 MR. FINGLASS: Thank you, Mr. Robins.
21 Anyone else?

22 MR. PENN: I'm going to let Mr. Greenberg
23 speak briefly.

24 But, the bottom line is, I think -- and Kent
25 put his finger on it -- you're not approving any of

1 those things. You're not approving any seats.
2 You're not approving any uses whatsoever, because
3 it's outside of your purview. You aren't approving
4 the changes to these buildings or this building,
5 right?

6 And so all of those issues, as I knew it was
7 coming, all of the issues related to occupancy use,
8 noise, all of those are going to be part of the
9 conditional use process, and that's what they're
10 appropriately a part of.

11 If there was no conditional use permit, I
12 couldn't do any of the things we're asking for,
13 right?

14 We need a conditional use to make the uses in
15 the building permitted.

16 So, again, the scope of your review today
17 is -- is the architectural changes we're making in
18 this building, which I think are -- and I think
19 Mr. Robbins would agree -- an unalloyed good,
20 right?

21 This is a net benefit to the neighborhood to
22 reinstall those floors, to improve the facades.

23 So, again, we would ask for approval. We're
24 here for any questions.

25 And, I know Mr. Greenberg would want to speak,

1 as well.

2 MR. GREENBERG: Thank you.

3 Yeah, I'm going to -- I'm going to avoid the
4 conditional use permit conversation, as that is not
5 what we're really here for today.

6 But, just to follow up on a Daniel Ciraldo
7 comment, the ability to have a Class A office
8 project in a historic building with lower ceiling
9 heights is really key around amenitizing that
10 building and delivering an experience that people
11 appreciate, historically, Class A offices.

12 And, there's plenty of architecture
13 conversations can be had amongst the Board, but a
14 10-, 12-, 14-foot ceiling heights is a much
15 different type of project.

16 So, in order for us to achieve the business
17 plan and actually be successful and actually be
18 able to do this and not explore the uses that are
19 historic in that building and historic on that
20 street, and to take this street to the next
21 iteration of what it's supposed to be, what the
22 mayor wants, what the whole City wants is to be
23 able to amenitize that office and give people an
24 experience that they actually will go to, or this
25 project will go nowhere.

1 So, from our perspective, the only ability is
2 to have this amenitized space, and to really
3 deliver an all-encompassing office experience for
4 people like myself that would like to go and work
5 and socialize and take meetings and not be in
6 hotels and not be in loud environments.

7 All of the conditional use things that we've
8 accepted, the staff recommendations -- we've backed
9 down on everything. We've accepted what
10 everyone -- we've worked with all of our neighbors.

11 We could talk about the additional valet and
12 the garage that will avoid all the turns and
13 everything. But, I don't even think that's part of
14 the conversation today. So, I'll just stick to the
15 fact that, you know, the design was very initially
16 done to celebrate the historic nature of the
17 building, and we look forward to continuing the
18 conversation about actual operations when that's
19 the conversation at the Planning Board.

20 Thank you very much.

21 MR. FINGLASS: Thank you.

22 Any other speakers?

23 Okay. Seeing none, we'll close the public
24 comment and move on to Board discussion.

25 Any comment?

1 Who would like to go first?

2 Rick.

3 MR. LOPEZ: I wanted to ask about the -- the
4 blue-and-white structure on the roof that was
5 brought up as a concern. I understand that it is
6 part of the Michael Graves design. Is there any
7 consideration for working to integrate that into
8 the new design?

9 I ask this because it was brought up, you
10 know, concern --

11 MS. McCONNEY: It's a good question.

12 MR. LOPEZ: -- for the neighborhood.

13 MS. McCONNEY: It's a good question.

14 I think -- I think it was -- originally, it
15 was -- we always called it the Cocowalk of Miami
16 Beach. I mean, I'm sorry, but that's what it was
17 always called.

18 And, I think that spire there was really to
19 kind of, you know, tell people like, come here, and
20 this is -- you know, this is retail and restaurants
21 and such.

22 It is kind of a folly that's up there.

23 There's nothing in it.

24 If -- if the Board would like us to keep it,
25 and we can integrate that into the project, I think

1 that's -- definitely, we can do that. That's
2 actually the first time that's come up. Everybody
3 has always looked at it and said, "Oh, God, that
4 checkerboard thing."

5 But, you know, in 50 years -- maybe not even
6 that -- in 30 years, it might be actually something
7 really cool that we could be sad we took down.

8 So, we're looking -- we could look at keeping
9 that, if need be.

10 MR. FINGLASS: I think we would like that as a
11 condition.

12 MR. LOPEZ: Well, you know, I -- I appreciate
13 the work of Michael Graves, you know,
14 tremendously --

15 MS. McCONNERY: I know.

16 MR. LOPEZ: -- and that one little feature, I
17 think, is -- is the least important of his design
18 and elements there.

19 I mean, you've got this substantial collection
20 of structures that, you know, you could see the
21 rhythm of the columns and the way that they change
22 from floor to floor, and you can recognize, you
23 know, his kind of -- you know, his talent.

24 I didn't think that that checkerboard piece
25 was so important. But, I wonder if that -- if that

1 was going to help the neighbors and, you know,
2 reduce the -- even if it was very slightly -- the
3 number of tables there, that that might be
4 something to consider.

5 I don't think it's particularly important,
6 but -- but I have a question, I guess, for Debbie,
7 because it's been brought up, the -- you know, the
8 counts, the occupancy, the number of seats.

9 I see in the charts, in the drawings that, you
10 know, I guess they are listed here. I don't see a
11 maximum listed on there.

12 And so can someone confirm for us that they're
13 within their legal rights to have the occupancy
14 that is proposed here?

15 MS. TACKETT: Thank you for the question.

16 So, that will be subject to the Planning
17 Board's determination. They are legally allowed to
18 ask for as many seats as they can fit, according to
19 the fire code, so -- that is permissible. However,
20 because it does exceed an occupancy of 299 persons,
21 it is up to the Planning Board, how many occupants
22 are permitted.

23 MR. LOPEZ: Okay. Thank you.

24 I mean, I think I agree with Daniel, you know,
25 that this could be a great example for the adaptive

1 re-use of historic buildings in the neighborhood;
2 office could be a good use. I don't know that you
3 would call this strictly an office building,
4 considering the number of amenities it provides.

5 But, it does seem like a wonderful place to
6 work.

7 MR. FINGLASS: Thank you, Rick.

8 Laura.

9 MS. WEINSTEIN: Thank you so much for the
10 presentation. I think it's a beautiful structure.
11 I really love the sensitivity that you put into
12 the -- between, you know, the old and new. It
13 really speaks to how I view preservation,
14 personally.

15 And, again, back to the use -- I know it's not
16 the purview of this Board, but I do think having
17 vitality in these historic districts is critical.
18 Having solely hospitality is not sustainable, and
19 so I'm very appreciative of the time and energy
20 that you all put into this project.

21 I do agree, you know, a typical office is a
22 14-foot clear height. So, I commend you for
23 keeping within that historic trademark.

24 I think, on the question of Michael Graves,
25 you know, what I would like to hear more of, in

1 consideration, you know, from the architect's side,
2 was -- was put into that, but you know, he -- I
3 don't even know if he would want his work
4 preserved, to be honest with you. Just
5 philosophically, I don't know if he'd agree with
6 that. But, I do hear the operational concerns, as
7 well, of the residents.

8 So, I'm someone that definitely believes
9 density and vitality in these buildings is a good
10 thing; but, you know, keeping in mind that it is a
11 Class A establishment, I'm sure you guys will, you
12 know, work with your neighbors to ensure that
13 everyone around is in agreement with it.

14 So, thank you very much.

15 MR. FINGLASS: Max?

16 MR. LITT: Thanks.

17 Yeah, echoing some of the -- you know, the
18 positive comments; I think it's a good project, and
19 some of the City's goals and, hopefully, a good
20 case study in what the transition of uses would
21 look like.

22 I feel like I might have been the least likely
23 person to fixate on that roof structure, as well.
24 But, I had captured -- in my notes, I was kind of
25 wondering what the deal was with it.

1 And yeah, just I -- I don't know how to answer
2 right. I'm sensitive to the philosophical question
3 of are we removing a potential future historic
4 building?

5 But, I -- this may be for, you know,
6 pontificating instead of actually interpreting the
7 code.

8 I'm also sensitive to, you know, this idea of
9 design and the use, although probably not as
10 clearly separated 100 percent as we like, because
11 the use and forms, the design -- and that's kind of
12 what we're weighing in, as well -- I wouldn't want
13 to write that off completely.

14 I didn't really have much to say, though, on
15 the design. I was a little bit just -- you know,
16 getting back into, like, the technical,
17 nitty-gritty of what we're looking at here on the
18 variance diagram page, Page 85.4 -- I wasn't sure
19 what the upper left-hand variance was for. It
20 doesn't appear to be related to the lift or
21 setbacks. I just wasn't sure what the shaded area
22 was. I wonder if that was something that wasn't
23 relevant anymore?

24 MR. PENN: That's the short answer, Max.

25 Debbie and Jake looked at that, and they

1 determined that the only actual variance was the
2 lift variance.

3 MR. LITT: Okay. Understood.

4 Thank you.

5 And, would this be coming back to the Board
6 for like the exterior finish and the landscape
7 details and -- or is this it?

8 MS. McCONNEY: No, that -- this is the -- the
9 entire presentation.

10 MR. LITT: Okay.

11 MR. FINGLASS: You can ask a different --

12 MR. LITT: No, I think it's -- I don't have
13 any specific direction on anything. I was just
14 looking there. I was just curious if it was within
15 the scope.

16 But, yeah, that was really it for me.

17 Thanks.

18 MR. FINGLASS: Thank you.

19 Nancy.

20 MS. TACKETT: You're on mute, Nancy.

21 Can you unmute yourself?

22 MS. LIEBMAN: Okay. Here.

23 I must say that as far as the historic quality
24 of what we're doing, I think that this is the first
25 new building that has come along that really

1 deserves our -- a strong support to preserve its
2 value; though it's not a historic building, as we
3 know, or it's not rendered as such, I think it's
4 very important.

5 I knew -- I knew -- I was here when this was
6 built and the --

7 Mr. --

8 Who are we talking about?

9 MS. TACKETT: Michael -- Michael Graves.

10 MS. LIEBMAN: Michael Graves.

11 I put all of the other chat -- anyway, I
12 have -- Michael Graves was a tremendous, valuable
13 person in the community. He was looked upon as a
14 real hero of new architecture at the time. So,
15 whatever can be done to preserve some of the things
16 that he has done, I think, would be well worth it,
17 because in the future, he -- he definitely, I
18 think, will be revered as -- as part of historic
19 buildings.

20 And, other than that, I like the whole
21 project. I hope -- I hope that we are going to be
22 able to make this a liveable space, and not clutter
23 it with hundreds of people up on a roof, you know,
24 just creating havoc.

25 So, the best that we can hope, the Planning

1 Board will have the sense to preserve what should
2 be preserved, and not try to crowd in those
3 restaurants; especially this one restaurant there
4 that seems to be quite a loud place. And, I don't
5 think we need loud. I think we need a good,
6 creative building spot.

7 I'm out of voice.

8 MR. FINGLASS: Thank you, Nancy.

9 I'd like to echo her comments. I would like
10 to ask that you go back and think a little bit more
11 about Michael Graves' art design language, and try
12 to save as much of that as practical, given your
13 program, because I think that -- and I agree with
14 Nancy, she couldn't have said it -- she couldn't
15 have said it better.

16 MS. LIEBMAN: I could have said it better.

17 MR. FINGLASS: No, you couldn't.

18 MS. LIEBMAN: I could have, but I lost my
19 voice.

20 MR. PASKAL: I've got a lot of notes on this
21 one.

22 MR. FINGLASS: Okay. Good. Awesome.

23 MR. PASKAL: By the way, I wore my postmodern
24 tie.

25 MR. FINGLASS: All right.

1 MR. PASKAL: I agree on the Michael Graves
2 discussion with postmodern -- I even, personally,
3 am a little uncomfortable with it, still, and I
4 think, you know, getting to the point where you
5 really -- you have to appreciate not only the
6 postmodern movement, but particularly somebody like
7 Michael Graves, who really made an impact and was
8 really a leader in that movement, I think, you
9 know -- I think it would be shortsighted just to
10 look away and not give proper respect.

11 Couple of things I wanted to mention, just
12 from my notes.

13 First of all, to what Mr. Robbins said, I feel
14 like -- in terms of the historic district, I think
15 it is our responsibility to want to see the
16 Bancroft thrive. And I've witnessed for 20
17 years -- I think, when I first moved to Miami
18 Beach, and Billboard Live was, you know, this
19 amazing -- you know, it was going to be the
20 catalyst for the entertainment industry to take
21 over Miami Beach and -- and meanwhile, you know,
22 for -- for over two decades, it really didn't turn
23 into that. It didn't pan out, it didn't, over the
24 long term, the way that folks expected it to.

25 And, I'm excited with this idea of bringing

1 new life to the Bancroft.

2 I do have -- I mean, I'm concerned, you know,
3 when you talk about the -- the seating and the
4 outdoor speakers and -- you know, I think it's
5 important to consider the wellbeing of the
6 community.

7 Then again, you know, that terrace area has
8 been a restaurant, it's been entertainment venue,
9 and I think, in order to properly evaluate that,
10 you have to look at a comparison capacity.

11 We're talking about the proposed capacity, but
12 not comparing that to what the existing capacity is
13 and has been.

14 And so I definitely emphasize with the
15 residents and the community with regard to parking
16 impact, traffic impact, noise; and, if there were a
17 way for us to accentuate our concerns to the
18 Planning Board -- I mean, they're the ones that
19 have jurisdiction to ensure, you know, the
20 wellbeing of the neighborhood.

21 I do want to ask -- because the architect
22 who -- you know, I really -- I've said this before,
23 I really appreciate the sensitivity you bring to --
24 to historic buildings, and I want to ask about some
25 of the features of the Bancroft. And, I think the

1 terrazzo flooring has been pretty well covered.

2 Sort of some of the other, I think,
3 outstanding architectural features, the frieze on
4 the west, the fountain on the left side, the
5 signage -- they're all sort of referenced in the
6 plans; that, for instance, the sign is going to be
7 retained, the glass block in the fountain is going
8 to be restored, you know, the frieze is going to be
9 restored.

10 But, it doesn't really -- the plans don't
11 really speak to accentuating it to -- to the
12 fountain actually being lit up and functioning.
13 And, obviously, for me, that's important. If the
14 Bancroft is going to have a new lease on life, I
15 want it to shine. I want it to have an opportunity
16 to be vibrant.

17 So, I wanted to ask for clarification. Is the
18 fountain going to be lit up and functioning?

19 Is the sign going to be lit up and
20 functioning?

21 You know, is the frieze going to be lit up?
22 Or, are we going to accentuate these outstanding
23 architectural features?

24 MS. McCONNEY: No, absolutely. And, that
25 could be a part of the -- one of the conditions.

1 We would be -- I think it wouldn't make sense if it
2 wasn't lit up and functioning, it would just be
3 sitting there.

4 MR. PASKAL: Right.

5 MS. McCONNEY: So, we would like to put it
6 back to the way it was originally. And also the
7 frieze -- everything will be restored. It needs to
8 be -- and cleaned up, and -- and fixed.

9 MR. PASKAL: Yeah. I just -- I mean, if there
10 were any additional nuances to -- to the approval,
11 I would like to see them be vibrant. And you can
12 sort of see in the images how the fountain is just
13 sort of abandoned, and it -- fixing it is not going
14 to change the fact that if it's not actually
15 something that's vibrant and appreciated --

16 MS. McCONNEY: Agreed.

17 MR. PASKAL: I also want to bring up another
18 concern, which hadn't really been mentioned, which
19 is just the planting.

20 I feel like that space, one area where it also
21 is filled -- historically, is feeling like a
22 concrete desert, the terrace facing south.

23 And, you have introduced a lot of planter
24 boxes, but it doesn't seem like there's any -- not
25 much in the way of specimens that would give it

1 more of a green, shady, inviting feel. And, I
2 don't know if anyone else agrees with that. But,
3 I, personally, would have liked to see a little bit
4 more. I think there's one specimen tree right in
5 the center. I might have liked to see three,
6 rather than just planter boxes.

7 But, if the Board doesn't really see that as a
8 concern, then -- then I will let that go.

9 And, I think that's it.

10 I think -- I think you've done a really nice
11 job, and I'm really excited to see new life brought
12 to this project.

13 So, I don't know where that leaves us in terms
14 -- on a motion moving forward, but I'm supporting
15 it.

16 MR. FINGLASS: Thank you.

17 MR. GREENBERG: Confirm any of your
18 comments --

19 MR. PASKAL: I'm sorry?

20 MR. GREENBERG: Would you like for us to
21 confirm any of your comments --

22 MR. PASKAL: Yes, please.

23 MR. GREENBERG: -- on the fountain?

24 So -- so, you know, my history, personally,
25 and our history in this town -- we love the

1 historic preservation.

2 I've been involved in more than ten projects;
3 my hotel, Palihouse -- it went before you guys in
4 the past -- we've been -- celebrated awards and
5 whatnot.

6 Daniel had come over and mentioned to us about
7 a plaque, about the historic architecture and
8 whatnot. We would love to do that.

9 The frieze, the terrazzo, the fountain --
10 everything historic about the building, we're
11 excited to bring back; could add some special --
12 specimen trees.

13 This is meant to be a Class A project and --
14 and be a future, you know, an example for the
15 future of historic preservation.

16 So we're happy to proffer everything you've
17 asked us for.

18 MR. FINGLASS: I just hope we don't turn MBPL
19 into a plaque factory. That's what I certainly
20 don't want to see.

21 Thank you.

22 MR. GREENBERG: I take that back. Daniel
23 didn't ask me, to me. We're doing it on our own.

24 MR. FINGLASS: I -- just in closing, would
25 like to consider, if possible, saving as much as --

1 of the Graves as you can. That's my major concern
2 with this.

3 With that in mind, anybody else have any final
4 comments?

5 MR. LOPEZ: Just one final thing.

6 You know, with regard to Michael Graves, you
7 know, his imprint here cannot be altered. I mean,
8 he -- in this pair of round volumes and steps, he
9 created a termination to Ocean Drive.

10 You know, he kind of changed the shape of the
11 City, of that very important street. And so I
12 think it's inescapable, no matter what kind of
13 cosmetic alterations might be made to it.

14 That's one point.

15 And then the other -- because the one
16 variance, you know, is tied to the ADA lift, and
17 Michael Graves was such a proponent of the American
18 Disability Act -- he, himself, was disabled later
19 in life and, you know, through his architecture
20 taught us that, you know, it could -- buildings can
21 be both functional and beautiful.

22 And I, you know, would encourage approving the
23 variance request in the spirit of Michael Graves,
24 you know, providing access in a beautiful and
25 convenient way. I think that would be a good

1 homage to him.

2 Thank you.

3 MR. FINGLASS: Thank you.

4 Okay. Can we have -- get a -- our member,
5 Barry Klein, had to leave. So, we're down one
6 person.

7 But, Debbie, can we formulate a motion here,
8 if it satisfies everyone?

9 MS. TACKETT: Absolutely.

10 So, if you would like to include any
11 additional conditions, or modify any of the
12 conditions in the staff's recommended order, you
13 may do that.

14 MR. PASKAL: Could I interject a --

15 MS. TACKETT: I would like to speak to --
16 sorry -- Mr. Pascal's comment.

17 If, after you reviewed the application that's
18 currently pending before you, you wish to make a
19 separate motion to make a recommendation to the
20 Planning Board with regard to the conditional use,
21 that is entirely within your discretion, if you
22 want to make recommendations to the Planning Board
23 with regard to the application that is pending
24 their review.

25 MR. FINGLASS: Okay. Thank you.

1 MS. LIEBMAN: Great idea. Great idea.

2 MR. PASKAL: Could I go ahead and make an
3 effort in moving this forward?

4 And I want to invite everyone else's input,
5 but I would like to add the condition about the
6 historical features, the fountain feature, the
7 frieze and the sign, that they be lit and
8 functioning -- functional.

9 Debbie, is that fine?

10 MS. TACKETT: Yes, that is great.

11 Can you repeat those elements, Mr. Paskal?

12 MR. PASKAL: Yeah, the -- these are all the
13 west-facing elements: The frieze, the fountain,
14 and the Bancroft sign.

15 MS. TACKETT: That those be retained and
16 restored?

17 MS. PASKAL: Restored and actually
18 functioning; fountain functioning lit, frieze lit,
19 sign lit.

20 MR. PENN: We have no objection to that.

21 MR. PASKAL: Okay. And then I do want to
22 bring up the idea of maybe having a couple more
23 specimen trees in the courtyard. Is that
24 unreasonable?

25 I mean, I would like to get the Board's

1 feeling. I feel like to have three shade trees is
2 not too much to ask. It's such a giant space.

3 MR. LOPEZ: Good idea.

4 MR. PASKAL: So, if we would increase that to
5 three specimen trees in the courtyard --

6 MR. PENN: We have no objection to that
7 either. That's a good idea.

8 MR. PASKAL: And then with regard to the
9 Michael Graves -- this is where we have to give
10 proper direction, I guess, to staff on -- right, on
11 what the expectation is in terms of respecting the
12 Michael Graves architectural features.

13 Any recommendations, Rick, on how that should
14 be worded?

15 We want to keep the checkerboard folly, is
16 that the idea?

17 MR. LOPEZ: In my opinion, I think, whether
18 that folly remains or not, his imprint will be
19 there because of the urban imprint in defining the
20 northern end of Ocean Drive.

21 I think that -- that kind of garden folly,
22 that little sculpture is a small piece of a greater
23 gesture. If they were to preserve it, I mean, I
24 think that would be nice. Personally, I wouldn't
25 hinge the project on that, but because there was

1 the other concern from the neighbors and the use,
2 you know, it means probably one less table and a
3 few less people. So, I don't know if that's worth
4 considering or not.

5 MR. PASKAL: Can I ask the applicant, does he
6 have -- can he help us find the middle ground on --
7 on this?

8 MR. GREENBERG: Yeah. I think, as this is a
9 newer conversation with the checkerboard and the
10 folly, I totally understand where you guys are
11 coming from.

12 And, we respect architecture very much. I
13 think if we can be allowed to work with staff,
14 potentially, and study if we can recreate it,
15 preserve part of it, we can work with Debbie -- I
16 think we have enough of a history in this town that
17 she'd understand that we're going to work with her
18 as responsibly as possible.

19 But, just to say we keep it as-is, is a little
20 bit difficult, at this point.

21 But if, you know, anything -- Rick, any
22 suggestions you have on preserving the rest of the
23 building, if you think we've done that correctly or
24 if too much landscape -- I mean, anything along
25 those lines, we agree with you that preserving it

1 would be special, a plaque having nothing to do
2 with FPL, only one HPB -- by my own desires. But,
3 we would be very happy to work with Debbie and
4 figure out the right way to respect it, use it
5 somewhere else within the property, create some
6 sort of art around it, you know, some sort of mural
7 painting. We're happy to figure out something with
8 Debbie's scope. It's hard to commit to exactly as
9 it sits today, but we're open to doing whatever we
10 possibly can to be as respectful as possible.

11 MR. LOPEZ: I mean, I think -- I think that's
12 a -- that's a -- you know, fair suggestion, to work
13 with Debbie to integrate the character of that
14 folly in some way, maybe to integrating the
15 checkerboard pattern in another place.

16 I mean, I think that altering the very wide
17 steps to accommodate, you know, planters as a
18 change of view -- I think all of that is really
19 good, and it only makes for a better pedestrian
20 kind of experience there. So, I --

21 MR. GREENBERG: Debbie's suggestions,
22 honestly, have always made my projects better. So,
23 I honestly look forward to working with her.

24 MS. TACKETT: I'm just going to interject and
25 say I really appreciate all the compliments that

1 have been going on today.

2 Just to be clear, the -- the demolition of
3 that rooftop tower element requires Board review
4 and approval. So, that cannot be delegated to
5 staff.

6 So, as part of the Certificate of
7 Appropriateness, that is something that you would
8 need to be approving in order for staff to work
9 with the applicant, did it have a reconstruction or
10 reinterpretation or partial retention of that
11 piece.

12 So I just wanted to make that very clear. I
13 can't -- you can't delegate that, whether it's
14 demolished or it's required to be retained, to
15 staff.

16 MS. LIEBMAN: So, you all have to -- you all
17 have to come back to do this, or can we add
18 something at this time?

19 MS. TACKETT: You can definitely add something
20 at this time.

21 But, what needs to be clear is how much
22 demolition of that roof folly are you approving
23 today?

24 Are you okay with the entire demolition and
25 then they can work with staff to create some type

1 of interpretation of the checkerboard; whether it's
2 a, you know, a surface on a wall, or that type of
3 thing, but it needs to be relatively clear in terms
4 of are you approving the demolition of it.

5 Whether we work with them and they actually
6 retain one of the walls, or all three of the walls,
7 it's fine, because that, we have the authority to
8 do administratively; to, you know, to keep more
9 than the Board has -- has approved to be
10 demolished.

11 MR. FINGLASS: So, Debbie, do you think --

12 MS. TACKETT: But, if that way -- but if
13 you -- if you're open to the idea of it being
14 completely demolished, then -- then that needs to
15 be clear.

16 MR. PASKAL: Do you think it would be possible
17 for us to state it in such a way?

18 I mean, for me, when you talk about
19 reinterpreting -- I think authenticity and
20 materiality have value. You know, in part of your
21 statement, you said if we could keep maybe one side
22 out of what, four surfaces of that tower -- but I
23 don't know if that's possible. To me, it's a
24 slippery slope, to talk about reinterpreting. We
25 don't even know what that looks like, and it

1 doesn't really resemble the authentic materiality
2 of what it once was.

3 I'd be happy if we could maintain a portion of
4 it, but is that something that we could commit to,
5 at this point?

6 MR. GREENBERG: I mean, we're -- we think it's
7 crucial that this project move forward, for the
8 health of Ocean Drive, as fast as possible.

9 So, from our perspective, if you guys are
10 comfortable with Debbie's -- with Debbie's
11 oversight of the process, we much prefer to not
12 have to preface something that we haven't
13 contemplated, and are not really sure how it would
14 be delivered.

15 So, my first choice would honestly be you
16 guys, you know, trust in the process that Debbie
17 runs, you know, and who we are, and what we're
18 planning to do with the building, and what we've
19 shown you today.

20 So, my first choice would be if you could
21 possibly give Debbie the authority, to be honest.

22 MR. LOPEZ: Okay. So does that mean it
23 doesn't get demolished, but she has the authority
24 to approve the altering of it?

25 MS. TACKETT: No, if I --

1 MR. GREENBERG: She's saying -- you asked --
2 total demolition --

3 MS. TACKETT: I'm sorry.

4 I know we're not supposed to be talking over
5 each other. So, I apologize.

6 MR. GREENBERG: Go ahead.

7 Sorry.

8 Debbie?

9 MS. TACKETT: But, that's -- that's okay, but
10 then the Board is -- unless the Board has a
11 specific condition about portions to be retained,
12 then there is a possibility that that structure
13 could be totally demolished.

14 You would be approving the total demolition,
15 but asking the applicant to explore with staff,
16 potentially, retaining portions of it and
17 integrating it into the new project.

18 And, that's very clear to me, that we would
19 work with Jennifer -- you know, we actually work
20 extremely well with Jennifer, and we have for many
21 years -- to see if there's portions of it that
22 could be retained and incorporated. But, that
23 would be basically just a recommendation from the
24 Board, or it would be approving the demolition.

25 But, urging the applicant to work --

1 MR. GREENBERG: We would absolutely give best
2 efforts to -- to maintain as much as possible.

3 But, it sounds like we would have to ask for the
4 total demolition from the Board for Debbie to --

5 MR. PASKAL: We would strongly encourage, if
6 any materiality could be saved and
7 reincorporated --

8 Is the Board good with that?

9 And we'll move it forward.

10 MS. LIEBMAN: I think that -- I would second
11 that.

12 Yes.

13 MR. FINGLASS: Okay. Motion and a second.

14 So roll call, Debbie.

15 MS. TACKETT: Yes. And this is a motion to
16 approve the Certificate of Appropriateness with the
17 additional conditions added by Mr. Pascal just now,
18 correct?

19 MR. FINGLASS: Correct.

20 MS. LIEBMAN: Correct.

21 MS. TACKETT: Okay.

22 And we had a motion and a second, correct?

23 MS. LIEBMAN: Correct.

24 MS. TACKETT: Thank you.

25 Ms. Weinstein-Berman?

1 MS. WEINSTEIN: Yes.

2 MS. TACKETT: Mr. Lopez?

3 MR. LOPEZ: Yes.

4 MS. TACKETT: Mr. Litt?

5 MR. LITT: Yes.

6 MS. TACKETT: Ms. Liebman?

7 MS. LIEBMAN: Yes.

8 MS. TACKETT: Mr. Klein is absent.

9 Mr. Paskal?

10 MR. PASKAL: Yes.

11 MS. TACKETT: And Mr. Finglass?

12 MR. FINGLASS: Yes.

13 MS. TACKETT: Okay. Motion is approved for
14 the Certificate of Appropriateness.

15 Now, we --

16 MS. LIEBMAN: Before we -- before we move on,
17 I wanted to add something that you had suggested --
18 and I think it's a very good idea. It sort of got
19 lost in the shuffle -- to ask the Planning Board to
20 consider the fact that this building is a historic
21 building, and that we give real attention to not
22 loading it up with this many people as it can fit
23 in it. That's my -- you can interpret that in a
24 different way. I just want that the building be
25 recognized by the Planning Board as something

1 important, to save the important places and the
2 parts of it.

3 Debbie --

4 MS. TACKETT: Yes.

5 MS. LIEBMAN: -- you said it better, so...

6 MS. TACKETT: That's fine.

7 If I could -- before we go into that topic,
8 can we have a motion for the variance, the street
9 side facing the south?

10 MS. LIEBMAN: I move that. I move that.

11 MR. PASKAL: Second.

12 MS. TACKETT: Okay. And that's with staff's
13 recommended --

14 MS. LIEBMAN: Yes. Yes.

15 MS. TACKETT: And do we have a second?

16 MR. PASKAL: I second.

17 MS. TACKETT: Okay. Thank you.

18 Mr. Litt?

19 MR. LITT: Yes.

20 MS. TACKETT: Mr. Lopez?

21 MR. LOPEZ: Yes.

22 MS. TACKETT: Mr. Paskal?

23 MR. PASKAL: Yes.

24 MS. TACKETT: Ms. Weinstein-Berman?

25 MS. WEINSTEIN: Yes.

1 MS. TACKETT: Ms. Liebman?

2 MS. LIEBMAN: Yes.

3 MS. TACKETT: Mr. Klein is absent.

4 Mr. Finglass?

5 MR. FINGLASS: Yes.

6 MS. TACKETT: Okay. That passes.

7 Thank you, everyone.

8 And now, if the Board wants to formulate a
9 recommendation with regard to the conditional use
10 permit, I think now would be -- now would be the
11 time to do that.

12 MR. FINGLASS: Yes. That's good idea.

13 Would Mr. Robbins like to say something?

14 MR. HARRISON ROBBINS: Yes.

15 I think I said it fairly clearly in my
16 presentation. The concern is the impact of this
17 function, of this building, on this historic
18 neighborhood.

19 And, given that it is your responsibility to
20 protect the historic neighborhood, it's very
21 important for you to express your concern to the
22 Planning Board that you are -- how concerned; that
23 the overuse or over-intensive use of this site
24 could and would adversely affect the residential
25 character of the immediate neighborhood, and that

1 your concern -- you're asking the Planning Board to
2 consider that, and consider also the impact that
3 will have on the historic residential neighborhood
4 in the immediate area.

5 MR. FINGLASS: Sounds like a very good
6 recommendation. You just said it.

7 We're proposing that.

8 MR. GREENBERG: We completely agree.

9 And, we've taken staff's recommendation, our
10 neighbors' recommendation. We've proffered decibel
11 levels that we're willing to pay a third-party to
12 oversee. We totally understand it.

13 This is an office environment. This is not
14 what you talked about earlier, further down on
15 Ocean Drive. So, we totally understand.

16 To be honest, for the business to be
17 successful, it can't be full of traffic. It can't
18 be full of terrible valet service and all of the
19 things that are being talked about. So we -- we
20 have the same goal, to make sure this operates
21 smoothly, and respectfully, and the neighbors
22 appreciate it. We hope the neighbors are members.
23 We hope the neighbors are office tenants.

24 And, I apologize if I seem like I'm running,
25 but I have a flight to see my niece and nephew for

1 the first time in 15 months. So, I'm going to run.

2 Thank you guys all for your time, and we
3 really look forward to the project.

4 MR. FINGLASS: Thank you.

5 Debbie, can you write that down, what Kent
6 Robbins said?

7 MS. TACKETT: So, is the Board okay with
8 accepting what Mr. Robbins just verbalized as their
9 recommendation to the Planning Board?

10 MR. PASKAL: I mean, I have something I would
11 like to interject --

12 MR. FINGLASS: Go ahead.

13 MR. PASKAL: -- because I think what's really
14 key here is to find the proper balance that I think
15 we -- or I, as a board member, want to see this
16 project succeed, and we're approving it based on
17 our own criteria.

18 But, we're relying on the Planning Board to
19 ensure that it is harmoniously activated with the
20 historic district.

21 I don't -- I'm not -- I mean, I'm afraid if --
22 I don't think it's -- we don't have the criteria to
23 state whether it's too intense. I mean, it's their
24 job to look at the criteria and evaluate how much
25 intensity is harmonious with the neighborhood.

1 I think -- again, from my standpoint, I just
2 like to accentuate the fact that we've considered
3 it based on our own criteria, and we're relying on
4 them and their good judgment to do the right thing.
5 I mean, to use the statement like "over intensity,"
6 it suggests that we've have the proper criteria to
7 evaluate it, and we haven't.

8 I don't know what the right sweet spot is for
9 intensity.

10 MR. HARRISON ROBBINS: I think the word is
11 compatible, and share a compatibility --

12 MR. PASKAL: Yeah.

13 MR. HARRISON ROBBINS: -- of the adjoining
14 neighborhood, the historic neighborhood, the
15 historic context, and the residents of the
16 neighborhood.

17 And, if you put it in those simple terms, it
18 would just make -- make them very aware that you're
19 watching them, and they're hoping -- you're hoping
20 that they will do the right thing so they don't
21 make you look like you did approve a project that
22 you would not have approved of, had the Planning
23 Board not done their job.

24 So, you're trying to make certain that there
25 is a message, that it is very important for them to

1 look at this very carefully.

2 MR. PASKAL: Can we use the words "harmonious"
3 and "compatible" without jumping in the extreme of
4 over intensity?

5 Does that work, Debbie?

6 I mean, is that something that -- are we on
7 the same page, or do we feel like we're looking at
8 over intensity here?

9 Nancy, why don't you chime in, because you had
10 strong feelings on this.

11 MR. FINGLASS: Nancy?

12 MS. TACKETT: You need to unmute, Nancy.

13 MS. LIEBMAN: Okay. No, I think that instead
14 of trying to make it very flowery, I think there
15 needs to be a recommendation to the Planning Board
16 that they use their good sense about how much
17 intensity -- I think that's a good word -- how much
18 intensity they can use with respect to the fact
19 that this is an important historic building; though
20 it's not of the age, it is a various historic
21 building, with a very well-known architect, and
22 that that should be taken into consideration when
23 they determine how many thousands of people they
24 think they're going to put up on the roof.

25 I agree with Kent that that cannot happen, to

1 just allow cluttering of people. They've got to
2 respect the building, and they -- we ask that they
3 respect the building as -- as what it is, and make
4 it a -- I guess -- well, there's nothing else I
5 would say that Kent hasn't said. So, we'll leave
6 it at that.

7 MR. FINGLASS: Thank you. Thank you, Nancy.

8 I -- we hear you.

9 Debbie, can you add her comments to --

10 MS. TACKETT: Well, it's up to the Board. You
11 know, we would want to finesse, amongst the Board
12 members, what motion you would want to make so we
13 can transmit any recommendation to the Planning
14 Board.

15 MR. FINGLASS: I like Kent's statement. I
16 though that was perfect.

17 MS. LIEBMAN: I have no problem with Kent's --
18 I feel that what he said was impactful enough. I
19 don't think he mentioned historic building or any
20 of that language.

21 MS. TACKETT: Mr. Chair, if you want to
22 entertain a motion to adopt Kent Robbins' statement
23 as your recommendation to the Planning Board, you
24 can do that.

25 MR. FINGLASS: I do.

1 You have something else?

2 MR. HARRISON ROBBINS: No, I -- historic --
3 the historic neighborhood, I did mention, Nancy.
4 So yeah, I'd love for you to adopt that. I don't
5 even think -- I think even the applicant would have
6 no opposition to that.

7 MR. FINGLASS: We want to make sure the
8 Planning Board hears that in writing, or sees that
9 in writing.

10 MR. PENN: Again, all I would say is the
11 language isn't the problem. Me and Kent might
12 disagree what that means, obviously, and that's
13 what we're going to be talking about at the
14 Planning Board, right?

15 So, we are -- we understand that that is the
16 Planning Board's job, is to ensure that the
17 conditional use permit they approve is -- approves
18 the use of this project or this building that's
19 compatible and consistent with the surrounding
20 neighborhood, including our residential neighbors,
21 right.

22 That's what we're committed to doing in that
23 process. So, I have a disagreement about the idea.
24 He and I are disagreeing about what that means,
25 right, and that's what we're going to talk about in

1 front of the Planning Board.

2 MR. FINGLASS: That's their job.

3 MS. LIEBMAN: I have to -- I have to add,
4 Graham, that we're trying to also impress the fact
5 that this is an important building, as a historic
6 place in Miami Beach --

7 MR. FINGLASS: It's an anchor.

8 MS. LIEBMAN: -- something about that. Yes.

9 And, Graham, I know you can find those words.

10 MR. PENN: Yes. And again, we -- that's why
11 we're excited about this project, right, because
12 we're taking this important resource and bringing
13 it back to life. So --

14 MS. LIEBMAN: Yes. You have to tell them.
15 They won't understand it if you don't tell them.

16 MR. FINGLASS: Okay.

17 Debbie, can you put that together, please?

18 MS. TACKETT: Well, do we have a motion and
19 that was adopting, as your recommendation, the
20 statement made by Mr. Robbins during the
21 introduction of this item?

22 Is that accurate?

23 Is there a motion?

24 I'm not sure if there is a motion or not.

25 MR. HARRISON ROBBINS: What I said just a few

1 moments ago --

2 MR. PASKAL: Could you read the statement?

3 MS. TACKETT: I don't have the statement
4 transcribed. We don't have a court reporter or --

5 MR. PASKAL: He's an eloquent attorney.

6 MS. TACKETT: But we have it on -- we have it
7 on audio tape. So, I can transcribe that after the
8 meeting and transmit that to the Planning Board.

9 MR. PASKAL: This is the one about
10 over-intensity. Is it over-intensity, or --

11 MS. TACKETT: I have forgotten --

12 MR. PASKAL: -- compatibility?

13 MR. HARRISON ROBBINS: Concern about the
14 intensity.

15 MR. FINGLASS: And compatibility.

16 MR. HARRISON ROBBINS: To make sure it is not
17 over-intensive, is one of the language -- I talk
18 about compatibility --

19 MR. FINGLASS: Compatibility. And the
20 importance of the historic building.

21 MR. HARRISON ROBBINS: You heard it all. You
22 heard it all. I think everybody nodded their head
23 when I said it. So --

24 MS. LIEBMAN: Staff, though --

25 MR. HARRISON ROBBINS: I think -- Nancy and I

1 agree, which Nancy and I agreeing together is a --
2 is a historic landmark and perhaps a historic
3 moment before this Board.

4 MS. LIEBMAN: Better get finished before --

5 MR. FINGLASS: Debbie, you can transcribe it?

6 I think that's probably best.

7 MS. TACKETT: Yes.

8 MR. FINGLASS: So, that's the motion.

9 MS. TACKETT: I will do that -- the Planning
10 Board is not until the end of the month. So, I
11 have time to do that and then transmit that to the
12 Planning Board.

13 MR. FINGLASS: Okay. Sounds good.

14 MR. HARRISON ROBBINS: Thank you very much.
15 Thank you for listening. And, hopefully, this
16 whole thing will work out, and these neighbors will
17 be good neighbors.

18 Thank you.

19 MR. FINGLASS: Thank you.

20 MS. TACKETT: So did we vote on that
21 recommendation?

22 MR. FINGLASS: No, not yet.

23 MR. PASKAL: It was Nancy's motion, right?

24 MS. LIEBMAN: I'll move it.

25 MR. PASKAL: I second.

1 MS. TACKETT: Okay. All those in favor?

2 MS. LEIBMAN: Aye.

3 MS. TACKETT: Any opposed?

4 None.

5 Okay. We will transmit a favorable -- our
6 recommendation as we just described to the Planning
7 Board with the vote of 6 to 0.

8 Thank you.

9 MR. PENN: Thank you for your time.

10 We appreciate it.

11 MR. FINGLASS: Sorry to keep you all day.

12 (Thereupon, the meeting was concluded 3:05 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, LAURIE K. BELLE, Stenographer, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 17th day of May 2021.



LAURIE K. BELLE, Stenographer

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