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CITY OF CORAL GABLES  
 LOCAL PLANNING AGENCY (LPA)/  
 PLANNING AND ZONING BOARD MEETING  
 VERBATIM TRANSCRIPT  
 WEDNESDAY, OCTOBER 12, 2022, COMMENCING AT 6:00 P.M.

Board Members Present:  
 Eibi Aizenstat, Chairman  
 Robert Behar  
 Luis Revuelta  
 Wayne "Chip" Withers  
 Venny Torre  
 Julio Grabiél

City Staff and Consultants:  
 Suramy Cabrera, Development Services Director  
 Jill Menendez, Administrative Assistant, Board Secretary  
 Jennifer Garcia, Principal Planner  
 Arceli Redila, Zoning Administrator  
 Craig Coller, Special Counsel  
 Hermes Diaz, Public Works Director  
 Kevin Kinney, Parking Director  
 Also Participating:  
 Jorge Navarro, Esq., On behalf of Items E-1 and E-2  
 Ray Fort, Architect  
 Mario Garcia-Serra, On behalf of Item E-3

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1 CHAIRMAN AIZENSTAT: Good evening. This  
 2 Board is comprised of seven members. Four  
 3 Member of the Board shall constitute a quorum  
 4 and the affirmative vote of four members shall  
 5 be necessary for the adoption of any motion.  
 6 If only four members of the Board are present,  
 7 an applicant may request and be entitled to a  
 8 continuance to the next regularly scheduled  
 9 meeting of the Board. If a matter is continued  
 10 due to a lack of quorum, the Chairperson or  
 11 Secretary of the Board may set a Special  
 12 Meeting to consider such matter.  
 13 In the event that four votes are not  
 14 obtained, an applicant, except in the case of a  
 15 Comprehensive Plan Amendment, may request a  
 16 continuance or allow the application to proceed  
 17 to the City Commission without a  
 18 recommendation.  
 19 Pursuant to Resolution Number 2021-118, the  
 20 City of Coral Gables has returned to  
 21 traditional in-person meetings; however, the  
 22 Planning and Zoning Board has established the  
 23 ability for the public to provide comments  
 24 virtually.  
 25 For those members of the public who are

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1 appearing on Zoom and wish to testify, you must  
 2 be visible to the court reporter to be sworn  
 3 in. Otherwise, if you speak without being  
 4 sworn in, your comments may not have  
 5 evidentiary value.  
 6 Lobbyist Registration and Disclosure, any  
 7 person who acts as a lobbyist must register  
 8 with the City Clerk as required pursuant to the  
 9 City Code.  
 10 As Chair, I now officially call the City of  
 11 Coral Gables Planning and Zoning Board Meeting  
 12 of October 19 -- of October 12 -- sorry -- 2022  
 13 to order. The time is six o'clock.  
 14 Jill, please call the roll.  
 15 THE SECRETARY: Robert Behar?  
 16 MR. BEHAR: Here.  
 17 THE SECRETARY: Claudia Miro? She asked to  
 18 be excused.  
 19 Julio Grabiél?  
 20 MR. GRABIEL: Here.  
 21 THE SECRETARY: Luis Revuelta?  
 22 Venny Torre?  
 23 MR. TORRE: Here.  
 24 THE SECRETARY: Chip Withers?  
 25 MR. WITHERS: Here.

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1 THE SECRETARY: Eibi Aizenstat?  
 2 CHAIRMAN AIZENSTAT: Here.  
 3 Notice Regarding Ex Parte Communications,  
 4 please be advised that this Board is a  
 5 quasi-judicial board, which requires Board  
 6 Members to disclose all ex parte communications  
 7 and site visits. An ex parte communication is  
 8 defined as any contact, communication,  
 9 conversation, correspondence, memorandum or  
 10 other written or verbal communication, that  
 11 takes place outside of the public hearing,  
 12 between a member of the public and a member of  
 13 the quasi-judicial board, regarding matters to  
 14 be heard by the Board.  
 15 If anyone made any contact with a Board  
 16 Member regarding an issue before the Board, the  
 17 Board Member must state, on the record, the  
 18 existence of the ex parte communication and the  
 19 party who originated the communication. Also,  
 20 if a Board Member conducted a site visit  
 21 specifically related to the case before the  
 22 Board, the Board Member must also disclose such  
 23 visit. In either case, the Board Member must  
 24 state, on the record, whether the ex parte  
 25 communication and/or site visit will affect the

1 Board Member's ability to impartially consider  
2 the evidence to be presented regarding the  
3 matter. The Board Member should also state  
4 that his or her decision will be based on  
5 substantial competent evidence and testimony  
6 presented on the record today.

7 Does any Member of the Board have such  
8 communication and/or -- or site visit to  
9 disclose at this time?

10 MR. BEHAR: No.

11 MR. GRABIEL: No.

12 CHAIRMAN AIZENSTAT: Swearing In, everyone  
13 who speaks this evening must complete the  
14 roster on the podium. If you have not done so,  
15 we ask you to please go over to Jill and  
16 complete that. We ask that you print clearly,  
17 so the official records of your name and  
18 address will be correct.

19 Now, with the exception of attorneys, all  
20 persons physically in the City Commission  
21 Chambers who will speak on agenda items before  
22 us this evening, please rise to be sworn in.

23 (Thereupon, the participants were sworn.)

24 CHAIRMAN AIZENSTAT: Thank you.

25 Zoom platform participants, I will ask any

1 person wishing to speak on tonight's agenda  
2 items to please open your chat and send a  
3 direct message to Jill Menendez, stating that  
4 you would like to speak before the Board and  
5 include your full name. Jill will call you  
6 when it's your turn. I'd ask that you be  
7 concise, for the interest of time.

8 Phone platform participants, after Zoom  
9 platform participants are done, I will ask  
10 phone participants to comment on tonight's  
11 agenda item. I'd also ask you to be concise,  
12 for the interest of time.

13 First, we have the approval of the minutes.  
14 Has everybody had a chance to take a look at  
15 the September 14, 2022 --

16 MR. BEHAR: Move -- I move to approve.

17 CHAIRMAN AIZENSTAT: We have a motion to  
18 approve. Is there --

19 MR. GRABIEL: Second.

20 CHAIRMAN AIZENSTAT: We have a second by  
21 Julio. Any comments? No?

22 Call the roll, please.

23 THE SECRETARY: Julio Grabiell?

24 MR. GRABIEL: Yes.

25 THE SECRETARY: Venny Torre?

1 MR. TORRE: Yes.

2 THE SECRETARY: Chip Withers?

3 MR. WITHERS: Yes.

4 THE SECRETARY: Robert Behar?

5 MR. BEHAR: Yes.

6 THE SECRETARY: Eibi Aizenstat?

7 CHAIRMAN AIZENSTAT: Yes.

8 The procedure that we'll use for tonight's  
9 meeting, first we'll have the identification of  
10 the agenda item by Mr. Coller, the presentation  
11 by the applicant or the applicant's agent, then  
12 the presentation by Staff. Then we'll have  
13 open public comment, first for in chamber, then  
14 Zoom platform and then phone line platform.  
15 Afterwards, I will go ahead and close for  
16 public comment; we'll have a Board discussion  
17 and questions, and a motion, and a discussion,  
18 and a second of motion, if it calls for it,  
19 then, Board's final comments and a vote.

20 We are expecting one member to come in a  
21 little bit later, and if we start with the  
22 first two items, that Board Member will not be  
23 able to participate on the item we're on. So  
24 if it's okay with the rest of my Board Members,  
25 what I'd like to do is move the Legislative

1 items up first, which is Items E-4 and E-5.

2 Is everybody okay with that?

3 MR. BEHAR: I'm good with that.

4 CHAIRMAN AIZENSTAT: Okay. Let's go ahead,  
5 Mr. Coller, if you would please read the first  
6 item -- in this case, it would be E-4 -- into  
7 the record.

8 MR. COLLER: Item E-4, an Ordinance of the  
9 City Commission of Coral Gables, Florida  
10 providing for a text amendment to the City of  
11 Coral Gables Official Zoning Code by amending  
12 Article 14, "Process," Section 14-102.3,  
13 "Meetings; Quorum; Required Vote" to amend the  
14 requirement of four affirmative votes for  
15 recommendations relating to Comprehensive Plan  
16 amendments, providing for severability,  
17 repeater, codification, and an effective date.

18 Item E-4, public hearing.

19 CHAIRMAN AIZENSTAT: Thank you.

20 MS. GARCIA: Good evening. Jennifer  
21 Garcia, City Planner.

22 CHAIRMAN AIZENSTAT: Good evening.

23 Before we continue, please let it be shown  
24 that we have Mr. Revuelta in the Chambers with  
25 us.

1 Go ahead, please.

2 MS. GARCIA: So these two items should be

3 fairly easy. The first item that you read into

4 the record is just about clarifying

5 Comprehensive Plan Map Amendments. In the

6 past, I'm sure you remember, we've had to have

7 a meeting again to confirm a recommendation to

8 go to the Commission.

9 The State Statute says that you have to

10 have a recommendation from the Planning Board,

11 which is you. And so instead of having to

12 bring an applicant back the next meeting and

13 wasting the Board's time, if they don't have a

14 confirm recommendation to go to the Commission,

15 it's an automatic denial recommendation to go

16 to the Commission. That's what the

17 clarification of the Code is.

18 MR. COLLER: Just to supplement that, since

19 I was involved in that issue, if, for example,

20 you have a three-two vote in favor of approving

21 the Comprehensive Plan Amendment, it would be

22 deemed a denial. In other words, in order to

23 have an approval of a Comprehensive Plan

24 Amendment, you would have to have at least four

25 votes.

1 In the past, what happens is, it would go

2 without a recommendation. But State Law says

3 that there has to be a recommendation from this

4 Board. And so, therefore, this solves that

5 issue, by simply saying, if you don't get four

6 votes to approve the Comp Plan, it's deemed a

7 denial, and it goes to the Commission with

8 whatever your vote is, and it's considered a

9 denial, unless, of course, you have four

10 affirmative votes for it.

11 So it avoids the situation that we had --

12 MR. BEHAR: Mr. Coller, so if we recommend

13 -- if we have a three-two vote and we move that

14 to Commission --

15 MR. COLLER: Yes. Right.

16 MR. BEHAR: -- it's not going with an

17 affirmative recommendation?

18 MR. COLLER: Right. The vote will show --

19 reflect that there was a three-two vote to

20 approve; however, the way the Code will be now

21 written is that a three-two vote is deemed to

22 be a denial on a Comprehensive Plan. On all of

23 the other items you have, a three-two vote for

24 approval would be deemed as not being a

25 recommendation. That's how we have everything

1 else.

2 CHAIRMAN AIZENSTAT: So Legislative.

3 MR. COLLER: Just because State Law

4 requires a recommendation from this Board, this

5 is the way to avoid that problem.

6 MR. BEHAR: But it requires a

7 recommendation, but a three-two vote is a

8 recommendation.

9 MR. COLLER: It is a recommendation, but

10 it's not a sufficient recommendation for

11 approving a Comprehensive Plan Amendment

12 approval --

13 MR. BEHAR: And if we don't have --

14 MR. COLLER: -- just like other items.

15 MR. BEHAR: And if we don't have four

16 votes, it means that we could never be able to

17 move that forward?

18 MR. COLLER: No. It goes forward, but it

19 goes forward as a denial.

20 MR. BEHAR: But as a denial?

21 MR. COLLER: That's correct.

22 CHAIRMAN AIZENSTAT: Before we go ahead and

23 speak, Jill, do we have -- go ahead.

24 MR. COLLER: Now, I just want to say one

25 other thing. If the Board believes that it

1 would be appropriate that an item to -- be

2 deferred to the next meeting, if you feel

3 that -- and hopefully it's not something that's

4 urgent, but if you -- you always have the

5 option to defer the Comprehensive Plan

6 Amendment to the next meeting, if you choose to

7 do so.

8 Obviously, there may be circumstances where

9 a deferral would be difficult, because of the

10 circumstances, but that is an option that the

11 Board would always have.

12 MR. BEHAR: And if the applicant chooses to

13 go with a three-two vote, they're going forward

14 with a negative -- a denial recommendation?

15 MS. GARCIA: Yes.

16 MR. COLLER: That's correct.

17 MR. BEHAR: Okay.

18 CHAIRMAN AIZENSTAT: Before we continue,

19 Jill, do we have anybody from the public that

20 would like to speak on this item?

21 THE SECRETARY: Not on this item.

22 CHAIRMAN AIZENSTAT: Anybody on Zoom?

23 THE SECRETARY: No.

24 CHAIRMAN AIZENSTAT: And on the phone

25 platform?

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1 THE SECRETARY: No.

2 CHAIRMAN AIZENSTAT: Okay. At this point,

3 I'm going to go ahead and close the floor for

4 public comment.

5 That's okay.

6 Luis.

7 MR. REVUELTA: Is the genesis of this

8 request coming from the City Commission, the

9 State Law? I just want to know --

10 MR. COLLER: It's coming -- the genesis, in

11 part, is the State Law, because the State Law

12 requires this Board, which acts as the Local

13 Planning Agency -- you sit as the LPA, and

14 you're required to make a recommendation. But

15 under our rules, because there has to be a

16 minimum of four votes to have a recommendation,

17 the problem was, we were passing -- we passed

18 something without a recommendation, and the

19 State Law requires a recommendation.

20 MR. REVUELTA: But a four-one is a

21 recommendation.

22 MR. COLLER: Four-one is a recommendation.

23 If you have four votes in favor of it, it's a

24 recommendation.

25 MR. REVUELTA: And a three-two is not

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1 MR. COLLER: No.

2 MR. BEHAR: No.

3 MR. COLLER: The City Commission has

4 determined that the Board's vote requires a

5 minimum four votes for any recommendation,

6 otherwise it goes forward -- it goes with no

7 recommendation. The problem we have is unique

8 to the Comprehensive Plan. You've had other

9 items, where you haven't been able to achieve a

10 four-vote, and that's gone without a

11 recommendation. The problem is, the

12 Comprehensive Plan can't go, under State Law,

13 without a recommendation. So this solves it,

14 because there is now a recommendation.

15 Three-two would be a recommendation for denial.

16 CHAIRMAN AIZENSTAT: So the State --

17 according to the Comprehensive Plan, the State

18 requires that?

19 MR. COLLER: The State requires that you

20 make a recommendation.

21 MR. REVUELTA: That's where I continue to

22 fail the mathematical logic here. It's either

23 a super majority of four-one, dictated by

24 somebody, or a three-two, a simple majority,

25 which happens in a lot of municipalities. And

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1 deemed to be a recommendation by the City of

2 Coral Gables?

3 MR. COLLER: The City of Coral Gables

4 doesn't -- requires four votes of this Board in

5 order for there to be a recommendation.

6 MS. GARCIA: Majority plus one.

7 MR. REVUELTA: Are we voting on today --

8 and I'm sorry for saying -- on whether to pass

9 three-two being a denial versus four-one, which

10 is the current situation we're in?

11 MR. COLLER: No. All you're passing today

12 is that -- that we're correcting a problem of

13 the Comprehensive Plan going to the Commission

14 without a recommendation. Under the State Law,

15 we can't do that.

16 MR. BEHAR: And unless you get four votes,

17 it's going without --

18 MR. COLLER: It's going with a denial.

19 MR. REVUELTA: I understand that math.

20 What I'm trying to say, who established the

21 math, that you need a super majority to

22 approve, rather than a simple majority of 3-2?

23 MR. COLLER: That has been years.

24 CHAIRMAN AIZENSTAT: That's with the State,

25 correct, or the County?

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1 I'm sorry, I'm not trying to push you on this

2 issue, but I don't know if the rest of you

3 understand it. If you understand, I'll just

4 basically stay quiet and listen to the

5 explanation.

6 CHAIRMAN AIZENSTAT: Venny.

7 MR. TORRE: Yeah, I understand it. I think

8 what it forces us, is to deliberate to a point

9 where we know it's either A or B. There's not

10 going to be any time where we are neutral

11 towards the subject. It's always going to be,

12 if we don't get the four votes, guys, it's

13 going to go as a negative, and that's the

14 debate we're going to have going forward. It

15 forces that debate.

16 CHAIRMAN AIZENSTAT: Unless, from what I

17 hear, we do have an option to make a deferral.

18 MR. COLLER: Right. If at a particular

19 meeting, you feel that, well, if we had a

20 deferral, we could gather sufficient votes --

21 but, of course, there's no guarantee at the

22 next meeting --

23 MR. BEHAR: You're going to have it.

24 MR. COLLER: -- that somebody else is not

25 going to be there. And there are times where,

1 I believe, the Commission has been concerned  
2 about the Planning Advisory Board unduly  
3 deferring an item. So you have to take that  
4 into consideration, as well.

5 MR. REVUELTA: I think the more common  
6 denominator here is, is three-two a sufficient  
7 approval -- recommendation to the City  
8 Commission or do we need a super majority. And  
9 I'm trying to establish, and I'm not clear,  
10 hopefully you guys are, what is the genesis  
11 that is forcing us to make this decision of  
12 four to one versus three to two?

13 CHAIRMAN AIZENSTAT: Venny, are you done?

14 MR. TORRE: Well, what I was going to say  
15 is that, you know, the Commission is weighing  
16 our vote as to their vote or to their  
17 decision-making. So, you know, when -- when it  
18 gets to three-two, I don't know if they really  
19 take into consideration that three-two is a  
20 close vote, we're going to vote, or -- it's a  
21 six to zero, obviously they would take that  
22 stronger position, right. So I just don't know  
23 how that starts to weigh in on the -- you know,  
24 these things become gray matters for the  
25 Commission to interpret what we really want

1 this to look like.

2 MR. BEHAR: My concern is, there may be a  
3 case where you don't achieve four votes. So  
4 you're going to send it back --

5 MR. TORRE: You have to force it.  
6 Otherwise you know it's going to be denied.

7 CHAIRMAN AIZENSTAT: I think the issue is  
8 going to be, what if you don't have a member  
9 sitting on the dais to keep going -- let's say  
10 you have five members, you have a quorum --

11 MR. REVUELTA: I still would like to know  
12 what is forcing us to make this decision.

13 MR. COLLER: So I can answer that. In this  
14 unique case involving Comprehensive Plans,  
15 that's all we're talking about here, because  
16 State Law requires a recommendation, this is  
17 what brought this about. On all of the other  
18 items, you've had -- not frequently, but you've  
19 had, from time to time, where you haven't  
20 achieved four votes, and it went without a  
21 recommendation. It hasn't been a problem, and  
22 it's not a problem going forward. It is a  
23 problem with the Comprehensive Plan, and,  
24 indeed, we had to bring back an item to get a  
25 vote.

1 In the future, we won't have to bring back  
2 an item. You will have made a recommendation.  
3 It may not be the recommendation a particular  
4 person wants to make, because they voted in  
5 favor of it, but you couldn't achieve four  
6 votes, so it's deemed a denial.

7 Now, that's not unusual. There are other  
8 bodies that have required extraordinary votes.  
9 For example, moving the Urban Development  
10 Boundary, I believe, for the County, requires a  
11 nine vote and if you don't get nine votes, it's  
12 deemed a denial. So it's not unusual, in other  
13 jurisdictions, that you have a super majority  
14 requirement in a particular case.

15 MR. REVUELTA: And the super majority --  
16 excuse me, Chip, I'll just shut up and let you  
17 go -- but the super majority of four-one is  
18 required by the City of Coral Gables, by the  
19 City Commission, on Comprehensive Plan issues?

20 MR. COLLER: No. The super majority  
21 requirement is on all items that come before  
22 the Planning Advisory Board. If you have an  
23 approval of a Site Plan, that requires a  
24 minimum of four votes; otherwise, it goes  
25 without a recommendation. If you have a TDR,

1 which is before you tonight, and you don't --  
2 and you can only get three votes to approve the  
3 TDR transfer, then that goes without a  
4 recommendation. The only time it ever goes  
5 without a negative -- with a  
6 negative recommendation is Comp Plan, and the  
7 reason is, you have to make a recommendation on  
8 the Comp Plan. So that's why we have this  
9 unique rule for that particular circumstance.

10 MR. REVUELTA: And before, a three-two was  
11 a positive recommendation?

12 MR. COLLER: No. Before, a three-two was  
13 no recommendation.

14 CHAIRMAN AIZENSTAT: No recommendation.

15 MR. REVUELTA: I thought that's what we are  
16 voting on tonight.

17 MR. COLLER: We're voting on tonight --

18 MR. BEHAR: The Commission wants us to send  
19 it to them with a recommendation for a denial.

20 MR. COLLER: Right.

21 MR. REVUELTA: I understand.

22 MR. BEHAR: That's the bottom line.

23 MR. REVUELTA: Sorry.

24 CHAIRMAN AIZENSTAT: All right. Chip, go  
25 ahead, please.

1 MR. WITHERS: So is the reason, not having  
 2 a full panel, an adequate reason for a  
 3 deferral?  
 4 MR. COLLER: It could be. An adequate  
 5 reason is a reason that you all decide is  
 6 appropriate.  
 7 MR. WITHERS: Okay. So that's a legitimate  
 8 request?  
 9 MR. COLLER: But I will caution this, the  
 10 Commission is concerned about continuing  
 11 deferrals, where essentially --  
 12 MR. WITHERS: I understand.  
 13 MR. COLLER: -- an applicant is being  
 14 denied the opportunity to have a hearing, and  
 15 sometimes an applicant is entitled to a denial.  
 16 MR. WITHERS: So if we decide to defer it,  
 17 because there are not two Board Members here or  
 18 one Board Member here, at the next meeting,  
 19 does the entire issue have to be re-discussed  
 20 for the benefit of that absentee --  
 21 MR. COLLER: Well, the way we've handled  
 22 that is, the transcript is prepared. The  
 23 Members that are not present are instructed to  
 24 read the transcript. At the time of the  
 25 meeting, I will ask the Members of the Board

1 MR. WITHERS: Is there a difference than  
 2 that, between a denial and a negative  
 3 recommendation?  
 4 MR. COLLER: No.  
 5 MR. WITHERS: Okay.  
 6 MR. TORRE: So if I may. I think I  
 7 understand now. We had this come two months  
 8 ago, and there was a little bit of a snafu  
 9 here. In reality, in that meeting, we should  
 10 have said, "No. No. You can't do that. You  
 11 have to get a vote here today."  
 12 MR. COLLER: Right. If I had to do it --  
 13 MR. TORRE: And it didn't happen.  
 14 MR. COLLER: If I had to do it all over  
 15 again, I definitely would have done that.  
 16 MR. TORRE: So, in the future, if things  
 17 stay the same, we would still be forced to get  
 18 to a four vote; is that correct?  
 19 MR. COLLER: Right, you're --  
 20 MR. TORRE: You would make us get to a  
 21 four-vote, so we wouldn't have to go back --  
 22 MR. COLLER: Well, yes, but the Board might  
 23 say, "Well, I'm sorry, I feel strongly. I'm  
 24 not going to change my vote. And, you know, if  
 25 it means going the way it goes, then that's the

1 that were not present to affirm that they did  
 2 review the transcript prior or the hearing, and  
 3 it's not necessary to open the public hearing.  
 4 However, the Board can, at its discretion,  
 5 decide to open the public hearing.  
 6 MR. WITHERS: Got it.  
 7 The last question -- or the second  
 8 question, so if the vote is three to two, the  
 9 Commission then sees it as a no vote or a  
 10 non-moving it forward. I understand that.  
 11 What votes, at the City Commission level,  
 12 require a super majority? I know probably the  
 13 sale of land, maybe 99-year leases, because  
 14 there are super majority votes that the  
 15 Commission has to follow; is that correct?  
 16 MR. COLLER: I believe so. I'd have to get  
 17 back to you on that, and I will have that  
 18 information to you at your next meeting. I'm  
 19 not sure which votes on the Commission require  
 20 a super majority.  
 21 MR. WITHERS: So there's a difference in  
 22 that that's a vote that fails, whereas ours is  
 23 a vote that goes forward with a negative  
 24 recommendation?  
 25 MR. COLLER: Right. You are not --

1 way it goes." I cannot force you to vote a  
 2 certain way.  
 3 MR. TORRE: I understand.  
 4 CHAIRMAN AIZENSTAT: So if it would have  
 5 been a three-two vote, it would be a denial,  
 6 according to the Commission?  
 7 MR. TORRE: Automatic denial.  
 8 CHAIRMAN AIZENSTAT: Automatic denial.  
 9 MR. WITHERS: So if we don't get a four-two  
 10 vote here, we deny it going to the Commission,  
 11 this motion, right?  
 12 MR. COLLER: But only with respect to  
 13 Comprehensive Plans, not with respect to any  
 14 other application.  
 15 CHAIRMAN AIZENSTAT: Not Legislative.  
 16 MR. WITHERS: Yeah.  
 17 CHAIRMAN AIZENSTAT: Julio?  
 18 MR. GRABIEL: No.  
 19 CHAIRMAN AIZENSTAT: You're good?  
 20 MR. GRABIEL: I'm good.  
 21 CHAIRMAN AIZENSTAT: Anybody want to make a  
 22 motion or --  
 23 MR. WITHERS: I'll move it.  
 24 MR. TORRE: Second.  
 25 CHAIRMAN AIZENSTAT: To approve as is,

1 without any deferral or so forth, correct?  
 2 MR. WITHERS: Yeah. I mean, I don't see  
 3 that we have a whole lot of wiggle room on this  
 4 one.  
 5 CHAIRMAN AIZENSTAT: Okay. We have a  
 6 motion. Is there a second?  
 7 MR. TORRE: I'll second.  
 8 CHAIRMAN AIZENSTAT: Any comment?  
 9 MR. WITHERS: I'm not saying I agree with  
 10 it necessarily. I just don't see --  
 11 MR. REVUELTA: He's making the motion --  
 12 MR. TORRE: I think that forces us to vote  
 13 and --  
 14 MR. WITHERS: It forces us to come to a  
 15 decision, you know.  
 16 MR. BEHAR: But not really, because --  
 17 CHAIRMAN AIZENSTAT: Your vote would be the  
 18 same.  
 19 MR. BEHAR: We may have five -- all it does  
 20 is, it's going to go either with a negative or  
 21 a recommendation of approval.  
 22 MR. WITHERS: Yeah, but if I'm really in  
 23 favor of it and I really think it's a good  
 24 solid proposal, then it's incumbent upon me  
 25 to --

1 blame anything, it's the State Law.  
 2 The State Law could have said, "Well, you  
 3 don't have to make a recommendation either  
 4 denial or approval. You just make your  
 5 comments." But that's not how the State Law  
 6 reads. It requires you to make a  
 7 recommendation. So that's what's putting us in  
 8 this box.  
 9 MR. REVUELTA: But right now, a three-two  
 10 is a majority, in my view. In many  
 11 municipalities, it's a recommendation. What  
 12 I'm trying to find out is, if in the City of  
 13 Coral Gables, legally, because of its Statutes,  
 14 a three-two vote, right now, as it is without  
 15 our vote, is a positive recommendation to the  
 16 Planning Board (sic) or is not, right now?  
 17 MR. COLLER: Right now, under the City's  
 18 Code, three-two is not considered a  
 19 recommendation by this Board for any item.  
 20 This Board, for as long as I've been here,  
 21 which is about seven years, has always been a  
 22 requirement of four votes. So it's the -- it's  
 23 unique to the City, that is requiring this  
 24 Board to come up with four votes.  
 25 MR. REVUELTA: Hence it's not the State,

1 MR. REVUELTA: Convince one more guy.  
 2 MR. WITHERS: -- convince one more person.  
 3 I mean, that's what this is all about, you  
 4 know.  
 5 MR. REVUELTA: Yeah. Is it clear on  
 6 everybody that right now -- and please I need  
 7 your help on this one more time --  
 8 MR. COLLER: Sure.  
 9 MR. REVUELTA: -- right now, a three-two  
 10 vote on a Comprehensive Plan change and  
 11 recommendation, in my view, because it's a  
 12 majority, to the City Commission, is it being  
 13 deemed to be a recommendation or not?  
 14 MR. COLLER: Right now, without this  
 15 change, it would be deemed to not be a  
 16 recommendation, and I'm not going to do this  
 17 again. I'm going to make us all sit here until  
 18 we come up with it.  
 19 MR. REVUELTA: Right now, a three-two is  
 20 like a deferral, essentially?  
 21 MR. COLLER: Well, it's not really a  
 22 deferral. It's really violating the State Law.  
 23 State Law requires this Board to make a  
 24 recommendation. So we are coming really into  
 25 compliance with State Law. So if you want to

1 it's the City that is essentially creating this  
 2 guideline.  
 3 MR. COLLER: True. You could have had --  
 4 MR. REVUELTA: If I'm hearing you  
 5 correctly.  
 6 MR. COLLER: Right. If the City Code said,  
 7 "We'll allow recommendations on three votes,"  
 8 we wouldn't have this issue.  
 9 MR. REVUELTA: And we would not be  
 10 violating any State order or Federal law.  
 11 MR. COLLER: Right, but because --  
 12 because -- well, not Federal Law; State law.  
 13 But because the Board is required to have four  
 14 votes --  
 15 MR. REVUELTA: By the City of Coral Gables.  
 16 MR. COLLER: -- by the City of Coral  
 17 Gables, this is how we have to fix it.  
 18 CHAIRMAN AIZENSTAT: We have right now a  
 19 motion and we have a second.  
 20 MR. BEHAR: Yeah, but we need to discuss  
 21 this, because some votes may be depending on  
 22 that, you know. I'm concerned that we may  
 23 never get a fourth vote on something. That's  
 24 my concern.  
 25 CHAIRMAN AIZENSTAT: Correct.

1 MR. COLLER: If you want to, with your  
 2 vote, suggest to the Commission that on  
 3 Comprehensive Plan items, the Board should be  
 4 allowed to make a recommendation based upon  
 5 three votes, you can.  
 6 CHAIRMAN AIZENSTAT: But then you're going  
 7 against the State guidelines.  
 8 MR. REVUELTA: No, the City guidelines.  
 9 That's what he just said.  
 10 MR. COLLER: No. I'm just saying, if you  
 11 want say to -- along with your vote, if you  
 12 want to suggest to the Board, let's change our  
 13 City Code and allow for three votes, that would  
 14 fix it, but that changes the entire Code with  
 15 regard to this Board.  
 16 MR. REVUELTA: I guess this vote, to make  
 17 it four, is to the Comprehensive Plan issue,  
 18 which is different than other issues which are  
 19 four or more votes, this will be consistent  
 20 now -- it will be consistent now that the  
 21 Comprehensive Plan is also requiring four  
 22 votes.  
 23 My grudge is with the City imposition that  
 24 you basically need a super majority on  
 25 everything. So that's another discussion for

1 correctly.  
 2 MR. COLLER: But the person who made the  
 3 motion and the seconder has to agree to the  
 4 amendment.  
 5 MR. TORRE: All you're saying is, if  
 6 there's only five folks here, the majority is  
 7 three. Is that sufficient to say --  
 8 CHAIRMAN AIZENSTAT: It's a denial.  
 9 MR. REVUELTA: According to what he's  
 10 saying, it's got to be four.  
 11 MR. TORRE: But what I hear you saying is,  
 12 the proposal to the Commission is, if we ever  
 13 only have five people and three votes -- it is  
 14 a recommendation, even though it's not four.  
 15 MR. BEHAR: And that's my concern. You  
 16 only have five, and three of us says yes, you  
 17 know, it's going to go in as a denial, and it  
 18 shouldn't go in as a denial.  
 19 MR. REVUELTA: I'm in agreement. And what  
 20 I believe we are being told is an option, is to  
 21 put a --  
 22 MR. TORRE: I agree with you, except what I  
 23 heard was that, if that happens, he's going to  
 24 tell you, "Guys, I'm sorry, we can't do that,"  
 25 and you're going to still have to do the same

1 another time, but this is the way I'm  
 2 reading what's happening.  
 3 MR. COLLER: And maybe you want to bring  
 4 this up as a separate issue. The Board can  
 5 always recommend, as a separate issue, that you  
 6 feel that this should be changed. That's your  
 7 prerogative.  
 8 MR. WITHERS: Do you want me to add an  
 9 amendment to my motion, saying that we highly  
 10 request that the Commission review the  
 11 three-two vote for Comprehensive Plans from the  
 12 Planning and Zoning Board?  
 13 MR. REVUELTA: I would. I don't know if  
 14 the rest of you --  
 15 MR. WITHERS: If someone wants to make that  
 16 amendment, I might accept it in my motion.  
 17 CHAIRMAN AIZENSTAT: Well, you have a  
 18 second from Venny.  
 19 MR. WITHERS: Is that a motion that you  
 20 want to --  
 21 MR. REVUELTA: I think you have to retract  
 22 your motion and then --  
 23 MR. WITHERS: No, we can just --  
 24 MR. BEHAR: A friendly amendment.  
 25 MR. REVUELTA: I just want to do it

1 thing.  
 2 MR. BEHAR: And we can be here at eleven  
 3 o'clock at night and you're not going to  
 4 convince me to change my vote.  
 5 MR. TORRE: I know that, but under both  
 6 scenarios --  
 7 MR. COLLER: If the Code were to change,  
 8 obviously, the position would change. I'm not  
 9 suggesting you suggest to amend the Code. I'm  
 10 saying, some people are concerned that with a  
 11 three-two vote, we would like to have a  
 12 recommendation on the Comp Plan.  
 13 Understand, right now you have three-two  
 14 votes right now that go without a  
 15 recommendation.  
 16 CHAIRMAN AIZENSTAT: If anything, it would  
 17 be keeping it consistent, wouldn't it?  
 18 MR. TORRE: I would not go with the  
 19 amendment.  
 20 MR. WITHERS: I tried. You know, he's such  
 21 an obstructionist.  
 22 CHAIRMAN AIZENSTAT: So are you withdrawing  
 23 your motion or --  
 24 MR. WITHERS: No. My motion, I'm still  
 25 moving forward with it.



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1 CHAIRMAN AIZENSTAT: Okay. The way it is?  
 2 MR. WITHERS: Yeah.  
 3 CHAIRMAN AIZENSTAT: We have a second.  
 4 MR. WITHERS: If it passes, it passes, if  
 5 not --  
 6 CHAIRMAN AIZENSTAT: Any other discussion?  
 7 No?  
 8 Call the roll, please.  
 9 THE SECRETARY: We have a motion by Withers  
 10 and a second by Torre?  
 11 CHAIRMAN AIZENSTAT: Yes.  
 12 MR. TORRE: Correct.  
 13 THE SECRETARY: Okay. Venny Torre?  
 14 MR. TORRE: Yes.  
 15 THE SECRETARY: Chip Withers?  
 16 MR. WITHERS: Yes.  
 17 THE SECRETARY: Robert Behar?  
 18 MR. BEHAR: No.  
 19 THE SECRETARY: Julio Grabiell?  
 20 MR. GRABIEL: Yes.  
 21 THE SECRETARY: Eibi Aizenstat?  
 22 CHAIRMAN AIZENSTAT: No.  
 23 THE SECRETARY: Luis Revuelta, I'm sorry?  
 24 MR. REVUELTA: No.  
 25 MR. WITHERS: Well, there you go.

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1 Item E-5, an Ordinance of the City  
 2 Commission amending the City of Coral Gables  
 3 Zoning Code Article 15, "Notices", Section  
 4 15-104 "Quasi-Judicial Procedures" and amending  
 5 Section 2-79 of Chapter 2, Article III of the  
 6 City Code, titled "Order of Business" to  
 7 clarify definitions of documentary evidence,  
 8 and amend the Order of Presentation for  
 9 Quasi-Judicial Hearings, providing for a  
 10 repeater provision, severability clause,  
 11 codification and providing for an effective  
 12 date.  
 13 Item E-5, public hearing.  
 14 MS. GARCIA: Okay. So under our Zoning  
 15 Code, there's an order of events for a  
 16 quasi-judicial hearing. Right now, it states  
 17 that the City Staff presents first, and then  
 18 second is the applicant. We've been given  
 19 direction to switch that. So the applicant  
 20 presents first and City Staff present second.  
 21 And so while we're cleaning up this order,  
 22 we're also striking through some stuff and  
 23 making it more generic. So instead of having  
 24 put, for example, "Comment in favor of  
 25 application and seconded then by public comment

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1 MR. GRABIEL: We just talked about that  
 2 for 30 minutes.  
 3 MR. REVUELTA: We just had the proof of the  
 4 pudding, right.  
 5 MR. WITHERS: Does that go forward with a  
 6 recommendation or without a recommendation?  
 7 MR. COLLER: So was the vote tied?  
 8 MR. TORRE: Yes.  
 9 MR. COLLER: So the beauty of this is, it's  
 10 not a Comp Plan Amendment, it's a Legislative  
 11 item, and it goes to the Board without a  
 12 recommendation.  
 13 CHAIRMAN AIZENSTAT: So it's coming back.  
 14 MR. REVUELTA: And we'll hear about it --  
 15 MR. TORRE: I kind of felt it was going in  
 16 that direction.  
 17 CHAIRMAN AIZENSTAT: Thank you. Let's go  
 18 ahead and move on. Item E-5, please,  
 19 Mr. Coller.  
 20 MR. COLLER: Item E-5 -- we had asked for  
 21 any public comment on that item, right? There  
 22 was nobody?  
 23 CHAIRMAN AIZENSTAT: There was nobody. I  
 24 did ask for E-4.  
 25 MR. COLLER: Right.

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1 in opposition of application," we're just going  
 2 to say, "Public comment."  
 3 And the same with Cross Examination.  
 4 Instead of having City Staff and then  
 5 applicant, we're just going to have "Cross  
 6 Examination."  
 7 So we're just kind of simplifying the  
 8 order.  
 9 CHAIRMAN AIZENSTAT: Thank you.  
 10 Julio?  
 11 MR. GRABIEL: No comments.  
 12 MR. BEHAR: You want to open it to the  
 13 public?  
 14 CHAIRMAN AIZENSTAT: Oh, yeah, sorry.  
 15 Do we have anybody on this item from the  
 16 public?  
 17 THE SECRETARY: No. No, we don't.  
 18 CHAIRMAN AIZENSTAT: From Zoom?  
 19 THE SECRETARY: No.  
 20 CHAIRMAN AIZENSTAT: And from phone  
 21 platform?  
 22 THE SECRETARY: No.  
 23 CHAIRMAN AIZENSTAT: Thank you.  
 24 At this time, I'll go ahead and close the  
 25 floor, and open it up for Board discussion.

1 Julio did not have any discussion.  
 2 MR. REVUELTA: Who -- again, the genesis of  
 3 this change -- it seems to me like I've  
 4 always -- I used to, when I think the logic,  
 5 the City goes first, makes their presentation,  
 6 and then after that the applicant makes his  
 7 presentation and then you have proponents or  
 8 objectors.  
 9 Right now, you're going to have the  
 10 applicant making a presentation, the City makes  
 11 their presentation and then you have proponents  
 12 and objectors. So you're kind of cutting, to  
 13 me, the sequence, but who is spearheading this  
 14 effort, Staff?  
 15 MS. GARCIA: I believe the Director of  
 16 Development Services was given direction to  
 17 have the applicant present first, and then City  
 18 Staff. But to do that, we're just changing the  
 19 wording in the Code.  
 20 MR. REVUELTA: I would like to hear from  
 21 the rest of the Board.  
 22 MR. TORRE: Excuse me. Is there a reason  
 23 why Staff may be better off going first, in  
 24 terms of cleaning up or explaining things a  
 25 little bit more generically or broadly?

1 the Code, that's it.  
 2 CHAIRMAN AIZENSTAT: Thank you for the  
 3 clarification.  
 4 MR. TORRE: I want to ask you a question,  
 5 though. Isn't that still allowed though? You  
 6 guys could come at the end of the presentation  
 7 from the client and still do the cleanup?  
 8 MS. GARCIA: Yes. Yes. The Chair can  
 9 always have the power to call anybody up to  
 10 clarify anything.  
 11 MR. BEHAR: We, as the Board, have the  
 12 right to bring them back.  
 13 MR. TORRE: Right, but if there's things  
 14 that are misstated or not properly explained,  
 15 doesn't the Staff always come back and try to  
 16 do that anyway?  
 17 MR. REVUELTA: The City has to the right to  
 18 rebuttal, right?  
 19 MS. GARCIA: Yes.  
 20 MR. TORRE: I'm not against what you guys  
 21 are proposing. I just wanted to understand a  
 22 little bit.  
 23 CHAIRMAN AIZENSTAT: Chip?  
 24 MR. WITHERS: When does the applicant have  
 25 the chance to rebutt in this procedure?

1 MS. GARCIA: And the intent might be that  
 2 the applicant is presenting their project, you  
 3 know, kind of selling it, giving the overall  
 4 vision of it, and Staff follows up with the  
 5 actual technical issues and comments.  
 6 MR. BEHAR: What I do like about it is  
 7 that, if the applicant says something that is  
 8 not factual, maybe the Staff could clarify  
 9 that.  
 10 CHAIRMAN AIZENSTAT: That's what I like  
 11 also. The City can clarify or correct --  
 12 MR. BEHAR: Not that the applicants don't  
 13 always tell us what's correct.  
 14 MS. CABRERA: Good evening. Suramy  
 15 Cabrera, Development Services Director. So  
 16 changing the order of the presentation was at  
 17 the request of the City Manager's Office, and  
 18 that's what this is taking care of, no?  
 19 And it is because we would like to be able  
 20 to clarify, when we've had applicants that make  
 21 it seem like the City is part of their selling  
 22 the project to the, you know, Board Members or  
 23 to the Commission, so we're trying to make it  
 24 so that they're selling you the project, we're  
 25 giving you our professional recommendation on

1 MS. GARCIA: Well, I should add, there's a  
 2 sentence at the very end that says, "This order  
 3 of presentation may be modified by agreement of  
 4 all parties or by the Chair." So the Chair can  
 5 always mix up things as he deems fit, but  
 6 usually the rebuttal happens after Staff or  
 7 even after public comment. They usually  
 8 reserve time.  
 9 MR. WITHERS: So the sequence is, the  
 10 applicant --  
 11 MS. GARCIA: The sequence proposed would be  
 12 the applicant and then the City Staff and then  
 13 public comment.  
 14 MR. WITHERS: And then the public comments.  
 15 CHAIRMAN AIZENSTAT: And then we open it up  
 16 for public comment. The only difference would  
 17 be changing around the order that it starts.  
 18 MR. WITHERS: And many times the City just  
 19 gives a one or two-minute and they hand it over  
 20 to the applicant, anyway, I mean.  
 21 MR. BEHAR: I'm okay with this.  
 22 MR. WITHERS: Yeah, I'm not --  
 23 CHAIRMAN AIZENSTAT: For me, I actually  
 24 like the applicant to go first. I was always  
 25 used to the applicant going first.

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1 MR. BEHAR: I'll make a motion to approve.  
 2 CHAIRMAN AIZENSTAT: We have a motion to  
 3 approve.  
 4 MR. GRABIEL: Second.  
 5 CHAIRMAN AIZENSTAT: Julio seconds.  
 6 Any discussion? No?  
 7 Call the roll, please.  
 8 THE SECRETARY: Chip Withers?  
 9 MR. WITHERS: Yes.  
 10 THE SECRETARY: Robert Behar?  
 11 MR. BEHAR: Yes.  
 12 THE SECRETARY: Julio Grabiell?  
 13 MR. GRABIEL: Yes.  
 14 THE SECRETARY: Luis Revuelta?  
 15 MR. REVUELTA: Yes.  
 16 THE SECRETARY: Venny Torre?  
 17 MR. TORRE: Yes.  
 18 THE SECRETARY: Eibi Aizenstat?  
 19 CHAIRMAN AIZENSTAT: Yes. Thank you.  
 20 Now we'll move on to our regular order,  
 21 which would be E-1. Mr. Coller, are you going  
 22 to read E-1 and E-2 together into the record or  
 23 are you going to read E-1 first?  
 24 MR. COLLER: I'm going to read both in and  
 25 we can have one hearing on both, and then we'll

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1 and 4225 Ponce de Leon Boulevard), Coral  
 2 Gables, Florida, including required conditions,  
 3 providing for a repeater provision,  
 4 severability clause, and providing for an  
 5 effective date.  
 6 Item E-1 and E2, public hearing.  
 7 CHAIRMAN AIZENSTAT: Thank you.  
 8 Is the applicant here?  
 9 MR. NAVARRO: Yes. I was confused as to  
 10 the process.  
 11 Good evening, Board Members, Mr. Chair.  
 12 Jorge Navarro, with offices at 333 Southeast  
 13 2nd Avenue. And Ray is going to be setting up,  
 14 and I'll just give some kind of background as  
 15 to the project before you and how we got here.  
 16 With me this evening are the ownership  
 17 group from 4225 Ponce Ventures. We have Mr.  
 18 Eduardo Otaola, Alex Peters, Lester Garcia and  
 19 Jose Boschetti. We also have the Ray Fort, our  
 20 project architect, from Arquitectonica.  
 21 In the audience, in case there are any  
 22 questions, as well -- I know the City has their  
 23 own independent traffic consultant, but we have  
 24 our project traffic consultant, Juan Espinoza,  
 25 from David Plummer & Associates, and my

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1 have a separate vote on each item, with the  
 2 Chair's approval.  
 3 CHAIRMAN AIZENSTAT: Yes.  
 4 MR. COLLER: Okay. Item E-1, a Resolution  
 5 of the City Commission of Coral Gables, Florida  
 6 approving Mixed-Use Site Plan and Conditional  
 7 Use review pursuant to Zoning Code Article 14,  
 8 "Process" Section 14-203, "Conditional Uses,"  
 9 for a proposed Mixed-Use project referred to as  
 10 "4311 Ponce" on the property legally described  
 11 as Lots 36 through 43, Block 5, "Industrial  
 12 Section" (4311 and 4225 Ponce de Leon  
 13 Boulevard), Coral Gables, Florida; including  
 14 required conditions, providing for a repeater  
 15 provision, severability clause, and providing  
 16 for an effective date.  
 17 Item E-2, a Resolution of the City  
 18 Commission of Coral Gables, Florida approving  
 19 Remote Parking and Conditional Use review  
 20 pursuant to Zoning Code Article 14, "Process"  
 21 Section 14-203, "Conditional Uses," for  
 22 proposed Remote Parking associated with the  
 23 Mixed-Use project referred to as "4311 Ponce"  
 24 on the property legally described as Lots 36  
 25 through 43, Block 5, "Industrial Section" (4311

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1 colleague, Devon Vickers.  
 2 We're very excited to be here before you  
 3 this evening. We believe this is a great  
 4 addition to the Merrick Park area. It's  
 5 actually the first Class A office building  
 6 that's been proposed in Merrick Park in over  
 7 twenty years.  
 8 As many of you know, Merrick Park has  
 9 experienced significant residential growth over  
 10 the last years, and this complements the large  
 11 high-end regional mall that anchors this area.  
 12 But one component that has historically been  
 13 missing is an office component, to complement  
 14 the Residential and Commercial uses that  
 15 comprise this Mixed-Use area.  
 16 And this District naturally lends itself to  
 17 Class A officer space. Companies that are in  
 18 the market for Class A office space in the  
 19 greater Miami area are looking for locations  
 20 that are amenity rich and walkable Mixed-Use  
 21 communities, because it provides a better  
 22 work-life balance, and it also includes all of  
 23 the shopping, dining and housing options that  
 24 employers need in order to attract and retain  
 25 top talent, which is something that, when this

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1 Design and Innovation District was created for  
 2 this area, is one of the things that we wanted  
 3 to promote, which is attracting these large  
 4 companies into this area, attracting more high  
 5 end retailers into the area.

6 This area is also unique in that it allows  
 7 employers to offer their workforce convenient  
 8 access to alternative forms of public  
 9 transportation. This is right across the  
 10 street from the Coral Gables Trolley and only a  
 11 short walk to the Miami-Dade County Metrorail.

12 I'll have Ray walk you through the Site  
 13 Plan, but this project is proposing 65,000  
 14 square feet of office space, it has a ground  
 15 floor showroom or retail space, and it has an  
 16 upper level story that has Residential units  
 17 and amenity space, and also an area that can,  
 18 in the future, be converted for dining -- to  
 19 have rooftop dining, which is -- you know, in  
 20 this area, you've had all of these quality  
 21 award winning restaurants that Merrick Park has  
 22 become known for, so we wanted to provide that  
 23 flexibility to continue in that trend.

24 One unique aspect of the project -- that I  
 25 know that we've taken both items, E-1 and E-2

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1 and Ponce de Leon Boulevard, but the site is in  
 2 a unique position in the street grid, because  
 3 this is where San Lorenzo actually jogs and is  
 4 not aligned, as it crosses from east to west  
 5 over Ponce de Leon Boulevard, and the western  
 6 portion of San Lorenzo here is actually aligned  
 7 with the entrance to Merrick Park.

8 So we had wanted to take into consideration  
 9 how the streets are misaligned and where the  
 10 building is positioned, because it's located at  
 11 that entrance to Merrick Park and it  
 12 essentially provides a (Unintelligible) to that  
 13 location.

14 Also, you'll notice that one of the garages  
 15 associated with Merrick Park is located  
 16 directly south of the site, and that's one of  
 17 the locations for the off-site parking that  
 18 will be occurring, in part, for this building.

19 So, looking at some ground level context  
 20 images, the site currently has a parking lot  
 21 and a one story retail building, with -- that  
 22 is generally unimproved around the perimeter,  
 23 with some street trees along San Lorenzo.

24 This is an aerial view showing the  
 25 project -- a couple of aerial views showing the

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1 together -- this project is taking advantage  
 2 and utilizing the City's Remote Parking  
 3 Ordinance, which was adopted by the City  
 4 Commission last year for this area. The intent  
 5 was to take advantage of some of the surplus  
 6 unused parking garages in the area, which this  
 7 area is known for, and also to use the remote  
 8 parking to reduce the height of the parking  
 9 pedestal and create a much nicer, more  
 10 beautiful design, and Ray will walk you through  
 11 how we've accomplished that.

12 With that, I'll let Ray walk you through  
 13 the project and our entire team is here to  
 14 answer any questions you have. Thank you.

15 CHAIRMAN AIZENSTAT: Thank you.

16 MR. FORT: Hi, my name is Ray Fort, project  
 17 designer with Arquitectonica.

18 CHAIRMAN AIZENSTAT: Would you state your  
 19 address, please?

20 MR. FORT: 2900 Oak Avenue.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MR. FORT: So here on the screen we're  
 23 looking at the location map with its  
 24 orientation to the north. And the project site  
 25 is located at the intersection of San Lorenzo

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1 project site. You can see in the image on the  
 2 upper right the Plaza of Merrick Park, and then  
 3 San Lorenzo cutting across to the east and the  
 4 project site highlighted in yellow. You'll  
 5 also see that the Metrorail is not too far  
 6 away. And just to the east side of the site is  
 7 the City of Miami. So there's a split in  
 8 Zoning that is occurring, and that area is  
 9 generally zoned for about 24 stories.

10 This is a massing, to put it in context --  
 11 it's not a rendering, but it's the massing that  
 12 shows the context, which is how tall the  
 13 building is in relationship to its neighbors,  
 14 and with the respect to Merrick Park and the  
 15 adjacent office building, it's certainly the  
 16 architectural size and scale of what we see in  
 17 the area, with exception for the garage,  
 18 because it has a much larger floor plate, and,  
 19 of course, the department stores, which is a  
 20 much larger floor plate, as well.

21 This is another view of the massing,  
 22 looking from the south. One thing to note here  
 23 is that the building really does provide a  
 24 presence on that corner when going northbound  
 25 from the circle up Ponce de Leon. So we wanted

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1 to also take that into consider, in terms of  
 2 how we place some of the ground floor  
 3 activation and the design of the building in  
 4 the upper floors.  
 5 So just going through the plans quickly,  
 6 the site dimensions are approximately 200 feet  
 7 along Ponce de Leon and a hundred feet along  
 8 San Lorenzo. Just note, in these plans, now  
 9 north is oriented to the right of the page,  
 10 and, essentially, the top, we'll be locking  
 11 towards Merrick Park. What we see in color is  
 12 the showroom. The blue is the office lobby.  
 13 And the gray are general MEP and back of house  
 14 areas.  
 15 We're proposing a paseo along the northern  
 16 edge of the site, and this would allow --  
 17 essentially allow pedestrians to pass through  
 18 the building, along this side, and essentially  
 19 look towards Merrick Park. We also have a  
 20 vehicular entrance from an existing curb cut at  
 21 that location, which provides access to the  
 22 garage ramp, which is located along -- parallel  
 23 to Southwest 39th Avenue.  
 24 We've also included a large apron, waiting  
 25 area, for our shared transit pickup and

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1 building, and potentially a restaurant that can  
 2 occur on the rooftop, with outdoor dining and  
 3 indoor dining.  
 4 Looking at this section of the building,  
 5 you can see here the showroom, with office,  
 6 lobby on the ground floor, two levels of  
 7 parking, four levels of office, and then the  
 8 rooftop amenity floor, with the MEP located  
 9 above that.  
 10 In the elevation, we're proposing a  
 11 building that steps back from its podium  
 12 height, and the lower floors are combined to  
 13 feel like a lower scale project that addresses  
 14 the pedestrian scale. We're going to be  
 15 cloaking the project in lithic stone and having  
 16 a textured louver screening for the garage.  
 17 Once we get to the upper floors, we're  
 18 proposing a double-height appearance for the  
 19 windows, with a walnut textured panel that is  
 20 in between the floor slabs, but the proportions  
 21 of the building are Mediterranean in nature,  
 22 and because we have the four office floors  
 23 above, this creates a really nice two to one  
 24 ratio on the scale of those windows.  
 25 Looking at the view from San Lorenzo

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1 drop-off, that would be very useful for office  
 2 buildings of this type, especially with  
 3 visitors, and, generally, providing a level of  
 4 comfort to get in and out of the building; as  
 5 we find today with the use of shared transit  
 6 that there isn't generally enough cuing area  
 7 and places for people to wait.  
 8 The parking level is as efficient as we can  
 9 get it. We have about 39 spaces per floor and  
 10 about 87 spaces in total in the project  
 11 provided on-site.  
 12 The typical office floor steps back from  
 13 the podium levels, ten feet from Ponce de Leon,  
 14 fifteen feet from San Lorenzo -- sorry, ten  
 15 feet from San Lorenzo, and fifteen feet from  
 16 the northern interior lot line.  
 17 The project is generally defined by a  
 18 center court, with slightly deeper spaces to  
 19 the west side, and we have a configuration here  
 20 showing four different office suites, but it  
 21 can be configured for two, four or single  
 22 tenant uses, depending on its future use.  
 23 The rooftop accommodates -- is very  
 24 flexible in what it can be, but it accommodates  
 25 Residential units, an amenity to the office

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1 looking back towards the east, this is  
 2 essentially as though you are walking from  
 3 Merrick Park. You can see the paseo and  
 4 drop-off area located adjacent to the office  
 5 lobby, the two levels of parking that are  
 6 concealed with the extrusions in an overlapping  
 7 manner, as to allow -- to allow air to go  
 8 through but block visibility into the garage.  
 9 We're also proposing a split in the building.  
 10 And I forgot to mention that in the plan,  
 11 but on the typical office floors, we have a  
 12 recess that can accommodate a terrace that can  
 13 belong to any one of the associated tenant  
 14 spaces, and that also provides relief, in terms  
 15 of the proportions of the building above the  
 16 podium. On the rooftop, we're proposing a  
 17 trellis system to cover some of the outdoor  
 18 space.  
 19 This is the view into the drop-off area,  
 20 with the lobby shown here on the right side of  
 21 the image, and, then, this is a night view  
 22 along Ponce de Leon Boulevard, looking back  
 23 towards the building, and we're proposing a  
 24 series of sconces lights at the ground floor to  
 25 illuminate the pedestrian realm, and once we

1 get above the podium height, uplighting on the  
 2 upper volume, to give it more of a glow and  
 3 dramatic effect, but not actually be able to  
 4 see the light source itself.  
 5 And that's the project. I'll be glad to  
 6 answer any questions you may have.  
 7 CHAIRMAN AIZENSTAT: Thank you.  
 8 Is the applicant done with the  
 9 presentation?  
 10 MR. NAVARRO: Yes. So, Mr. Chair, thank  
 11 you. We're here to answer any questions the  
 12 Board has. So we'll look forward to hearing  
 13 more on your input on this project.  
 14 CHAIRMAN AIZENSTAT: Thank you.  
 15 MR. NAVARRO: Thank you.  
 16 CHAIRMAN AIZENSTAT: The City? Thank you.  
 17 MR. TORRE: I'm good, for now.  
 18 MS. GARCIA: May I have the PowerPoint,  
 19 please?  
 20 All right. So there's two requests for  
 21 this. There's two requests. There's two  
 22 Conditional Use requests for this. There's the  
 23 Mixed-Use Site Plan, as well as the remote  
 24 parking request.  
 25 So, as you know, this location is on Ponce

1 The density, there's only three units. The  
 2 height is eight stories or 190 feet, and the  
 3 FAR, they're just shy of the maximum, at 3.48  
 4 FAR, and their parking spaces, they're locating  
 5 81 on-site and the rest, 123 remote parking  
 6 spaces, are going to be across the street.  
 7 This is a diagram that shows where the  
 8 remote parking will be, across the street, on  
 9 San Lorenzo, with the Village of Merrick Park,  
 10 and with the condition -- they don't really  
 11 have a lease, obviously, executed yet, because  
 12 it's not approved or under construction right  
 13 now, so I'm going to go over that condition  
 14 really quick, once I get to it.  
 15 MR. WITHERS: I'm sorry, can you back up a  
 16 second on that?  
 17 MS. GARCIA: Yes.  
 18 MR. WITHERS: So those are distances from  
 19 the remote parking?  
 20 MS. GARCIA: From the Metrorail -- oh,  
 21 yeah, you can see, on the very far right, the  
 22 Metrorail station, and that's 700 and --  
 23 MR. WITHERS: I see that. Where is the  
 24 remote parking on there? Do they have the  
 25 remote parking spot places on that map?

1 and San Lorenzo, and here's an aerial. You can  
 2 see it's right next to the Shops at Merrick  
 3 Park, on the edge of the City.  
 4 This is the site conditions; right now,  
 5 it's a parking lot, with a couple of one story  
 6 buildings.  
 7 And this is two requests. One is for the  
 8 Mixed-Use Site Plan, because they meet the  
 9 threshold of the square feet to require a  
 10 Conditional Use process, and the remote parking  
 11 request is now a Conditional Use on new  
 12 construction.  
 13 So this is the Site Plan, as he went over.  
 14 They are removing one of the existing curb cuts  
 15 on Ponce de Leon, and adding in landscape  
 16 there. They're having the paseo on the north  
 17 side. They have an office lobby and the  
 18 showroom on the ground floor.  
 19 And this is kind of the data, right. So  
 20 the open space, they're providing a little more  
 21 than 2,500 square feet, which is 13 percent of  
 22 the site. Some of that is provided off-site,  
 23 in the right-of-way, with that area that  
 24 they're going to convert from the existing curb  
 25 cut into landscape.

1 MS. GARCIA: The shared parking location  
 2 just south. They're showing -- it's across the  
 3 street. The street is sixty feet wide. So it  
 4 should be 60 feet. I guess they're showing 380  
 5 feet to the center of Shops of Merrick Park.  
 6 MR. WITHERS: There you go. Okay. It's a  
 7 thousand feet? Is that what it is now?  
 8 MS. GARCIA: Yes. From property line to  
 9 property line.  
 10 MR. WITHERS: So what's the difference  
 11 between shared parking and remote parking? Are  
 12 they the same thing?  
 13 MS. GARCIA: No. So shared parking is  
 14 within on-site, so it's in the building. So if  
 15 you have a mix of uses, like you have offices  
 16 and retail and people living there, the idea is  
 17 that people living there could also work there,  
 18 so you're having -- the shared parking does not  
 19 require as much parking.  
 20 So remote parking is that you're providing  
 21 some of your spaces remotely off-site.  
 22 MR. WITHERS: Right. So is there any  
 23 remote parking on that map?  
 24 MS. GARCIA: Yes. They're proposing remote  
 25 parking across the street or even part of the

1 larger garage on -- south of Merrick Park.  
 2 MR. WITHERS: I'm sorry, I'm missing  
 3 something here.  
 4 MR. KINNEY: Commissioner, where you see,  
 5 "Shared parking," that's where --  
 6 CHAIRMAN AIZENSTAT: Could you state your  
 7 name and position?  
 8 MR. KINNEY: Kevin Kinney. I'm the Parking  
 9 Director for the City of Coral Gables. Where  
 10 it says, "Shared parking," on the map, that's  
 11 where the remote parking is.  
 12 MR. WITHERS: Okay.  
 13 MR. BEHAR: And what does it say -- you've  
 14 got shared parking for three units. How much  
 15 shared are you really getting?  
 16 MS. GARCIA: I don't think they're actually  
 17 proposing to have a shared use sort of parking  
 18 within their building, because, obviously, they  
 19 only have three units. So, yes, that is a  
 20 typo. It should say, "Remote parking  
 21 location."  
 22 MR. NAVARRO: I apologize for the  
 23 confusion.  
 24 Jorge Navarro. So, yeah, we're not using  
 25 any shared parking. The Residential is only a

1 approval with conditions for both, the  
 2 Mixed-Use Site Plan and also the remote  
 3 parking.  
 4 So the conditions of approval are pretty  
 5 standard, but there are four that are very  
 6 specific to this project. One is specifically  
 7 about the remote parking application. So,  
 8 since they're not a project that's, you know,  
 9 ready to go, under construction, they have to  
 10 have a finalized, lease executed, because they  
 11 have the approvals and everything else. So  
 12 we're having a condition that once they are  
 13 ready to be issued a permit, then they have two  
 14 options. They'll submit a survey documentation  
 15 of the spaces, the lease, which is required by  
 16 the Zoning Code, and the 25 percent public  
 17 benefit contribution or they're going to have  
 18 the same documentation, but they'll be using  
 19 the City's spaces.  
 20 The City owns or manages 400 spaces in the  
 21 Shops of Merrick Park. So they'll lease those  
 22 spaces from the City at a rate of \$10,000 per  
 23 space. So those are their two options for  
 24 that.  
 25 CHAIRMAN AIZENSTAT: \$10,000 per space

1 small component. It's supposed to be our  
 2 remote parking location.  
 3 MR. WITHERS: Okay. Got it.  
 4 MR. NAVARRO: Sorry about that.  
 5 CHAIRMAN AIZENSTAT: Okay. Continue,  
 6 please.  
 7 MR. WITHERS: Sorry about that.  
 8 MS. GARCIA: No, good catch.  
 9 Can I have use of the mouse, so I can  
 10 continue? Perfect.  
 11 So they started with the DRC in March, and  
 12 then the Board of Architects approved the  
 13 design, and with Mediterranei Bonus Level 2,  
 14 and -- in May. They had a Neighborhood Meeting  
 15 with the residents in the area in June. And  
 16 here we are in the Planning and Zoning Board.  
 17 So there were letters sent out to property  
 18 owners within a thousand feet, as required by  
 19 the Zoning Code, and that was done three times,  
 20 for the Neighborhood Meeting, PZB and for the  
 21 Commission, it will happen; a property posting  
 22 and a website posting happened three times and  
 23 newspaper advertisement once.  
 24 So Staff determined that this was  
 25 consistent with the Comp Plan and recommend

1 per -- just a one time fee per space?  
 2 MR. KINNEY: The \$10,000 per space is a one  
 3 time fee, to allow them access to the 400  
 4 spaces that are for the public within the  
 5 Village of Merrick Park. They will also pay a  
 6 monthly permit fee for those spaces.  
 7 CHAIRMAN AIZENSTAT: All right. I just  
 8 wanted that clarification, because I didn't see  
 9 that there. Thank you.  
 10 MR. KINNEY: Okay.  
 11 MS. GARCIA: And the second is a standard  
 12 contribution of funds for that area. Since the  
 13 area is lacking, as far as open space, so we're  
 14 requesting \$125,000 for that open space  
 15 contribution, specifically to go towards Ponce  
 16 de Leon.  
 17 MR. WITHERS: But that goes to their  
 18 requirement, right? They're required --  
 19 MS. GARCIA: No. No. This would be  
 20 beyond.  
 21 MR. WITHERS: This is above the required  
 22 that they're going to do on the street?  
 23 MS. GARCIA: Correct. Yes. Yes. Yeah, it  
 24 will go into a fund that Public Works will  
 25 eventually have a project and have funding to

1 be able to fund something that it needs.  
 2 The third requirement is directly from  
 3 Public Works, as far as milling and resurfacing  
 4 that portion of Ponce de Leon Boulevard,  
 5 between San Lorenzo and the existing roundabout  
 6 to the south. And the fourth one is about  
 7 traffic monitoring for three years, which is  
 8 pretty standard for a lot of our projects.  
 9 So I also have Hermes here, the Public  
 10 Works Director, for additional comments --  
 11 additional --  
 12 MR. DIAZ: Good evening. I'd like to add a  
 13 few additional conditions to the record.  
 14 CHAIRMAN AIZENSTAT: Could you just --  
 15 MR. DIAZ: Yes. Hermes Diaz, Public Works  
 16 Director.  
 17 CHAIRMAN AIZENSTAT: Thank you.  
 18 MR. DIAZ: So this project is expected to  
 19 generate a maximum of 95 and 107 net new trips  
 20 to the a.m. and peak p.m. periods for the  
 21 adjacent roadway, and as such, we'd like ask  
 22 the Developer to coordinate with the County and  
 23 implement, subject to the approval of, timing  
 24 improvements at the intersection of Ponce and  
 25 Bird and the intersection of Ponce and US-1.

1 dealership that's opening up. Have you taken  
 2 into account the traffic or the stacking that  
 3 will come in from US-1 or from Ponce with that  
 4 car dealership going in there and people coming  
 5 in for service and so forth?  
 6 MR. DIAZ: Give me one second.  
 7 MR. COLLIER: Mr. Chairman, while he's  
 8 waiting, the other thing I'd like to get an  
 9 indication from the applicant, if he's in  
 10 agreement with these additional Public Works  
 11 conditions. So, at some point in the process,  
 12 if we get that concurrence.  
 13 MR. REVUELTA: Does the applicant get the  
 14 Staff Report before coming to this meeting?  
 15 MS. GARCIA: Yes, they do.  
 16 MR. REVUELTA: So this is not the first  
 17 time that they hear your conditions?  
 18 MS. GARCIA: I believe Hermes discussed  
 19 them with them today. The other conditions of  
 20 approval, he's seen before.  
 21 MR. DIAZ: Correct. Yes. We reviewed all  
 22 of this and this was part of a final  
 23 discussion. I would like to confirm that, yes,  
 24 the Land Rover was included as part of their --  
 25 CHAIRMAN AIZENSTAT: Traffic study.

1 In addition to that, we ask that they  
 2 prepare and present for review and approval a  
 3 loading operation plan that ensures that  
 4 service vehicles will not adversely impact the  
 5 movement of vehicles that are on Southwest 39th  
 6 Avenue and also a valet parking plan, for the  
 7 same purpose. That's it.  
 8 CHAIRMAN AIZENSTAT: Thank you.  
 9 MS. GARCIA: That's it.  
 10 CHAIRMAN AIZENSTAT: Okay. Before we -- so  
 11 the City is done with its presentation. Before  
 12 we go ahead, do we have any speakers for this  
 13 item?  
 14 THE SECRETARY: No speakers.  
 15 CHAIRMAN AIZENSTAT: No speakers in Zoom,  
 16 either?  
 17 THE SECRETARY: No.  
 18 CHAIRMAN AIZENSTAT: And none on the phone  
 19 platform, either?  
 20 THE SECRETARY: No.  
 21 CHAIRMAN AIZENSTAT: Okay. Thank you.  
 22 At this time, I'd like to go ahead and  
 23 close it for public comment.  
 24 If I can ask you just a question. On Ponce  
 25 and US-1, right now, we've got a new car

1 MR. DIAZ: Yes. Yes, it was.  
 2 CHAIRMAN AIZENSTAT: Jorge, Mr. Coller went  
 3 ahead and wanted to ask the question if you  
 4 were in agreement with Staff's recommendation?  
 5 MR. NAVARRO: So we have been working with  
 6 Staff, obviously. This project has been in the  
 7 making for a while. We are in general  
 8 agreement with the conditions. I think some of  
 9 the language and some of the things, as is  
 10 typical, we're going to continue to discuss  
 11 with Staff throughout the time that it's  
 12 presented here before you and the time we  
 13 ultimately go to the City Commission.  
 14 There's always conditions that get  
 15 fine-tuned. I know there are some items on the  
 16 traffic studies that we're continuing to work  
 17 through, in terms of the language of the  
 18 recommendations with the independent traffic  
 19 consultant, so we'll continue to work on the  
 20 exact language of those conditions as we get  
 21 closer.  
 22 CHAIRMAN AIZENSTAT: Mr. Coller, does that  
 23 satisfy --  
 24 MR. COLLIER: No. I'm confused, actually.  
 25 So with regard to the -- it seems like



1 there were two conditions, one was  
 2 intersectional improvements --  
 3 MR. DIAZ: Timing.  
 4 MR. COLLER: I'm sorry.  
 5 MR. DIAZ: Coordinating with Miami-Dade  
 6 County the timing of the intersection. It's  
 7 always subject to the County's approval.  
 8 MR. COLLER: Okay. You don't have a  
 9 problem with that, do you?  
 10 MR. NAVARRO: No. No.  
 11 MR. COLLER: And what was the other one?  
 12 MR. DIAZ: The creation of an operational  
 13 plan for the loading and unloading and for the  
 14 valet parking.  
 15 MR. COLLER: You wouldn't have a problem  
 16 with that?  
 17 MR. NAVARRO: We have no issues with this.  
 18 MR. COLLER: Okay.  
 19 MR. NAVARRO: So the conditions pertaining  
 20 to a traffic study, we have no issues with. We  
 21 spoke earlier.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 Luis.  
 24 MR. REVUELTA: No.  
 25 CHAIRMAN AIZENSTAT: No comment?

1 enhancements already along Ponce. So that was  
 2 one item that, I think, rather than in lieu of  
 3 the payment, we've gone ahead and -- I can have  
 4 Ray walk you through the Site Plan -- we  
 5 proposed significant improvements along Ponce  
 6 de Leon, in terms of landscaping and pavers,  
 7 which probably exceed the amount of the  
 8 contribution. So that was one of the  
 9 conditions that we wanted, as I said, work  
 10 through with Staff, because there are other  
 11 some improvements that are being requested, as  
 12 well, and I think, like you said, these are  
 13 improvements that are being made now, as  
 14 opposed to us not making them and just paying  
 15 and not getting the immediate result.  
 16 It's almost a contribution in lieu of the  
 17 125, because we're coming in and already making  
 18 the --  
 19 MR. TORRE: I was thinking about that  
 20 earlier. So if you were doing the -- because  
 21 right here, beginning, again, with this  
 22 condition, right, the off-site 125, but then  
 23 you get to the second page and it has the  
 24 right-of-way realms that you're supposed to do,  
 25 which is pave down the street and all of that.

1 MR. REVUELTA: I have none.  
 2 CHAIRMAN AIZENSTAT: Venny.  
 3 MR. TORRE: I have one issue that I want to  
 4 bring up. So you do have a requirement to put  
 5 \$125,000 towards the, open space, it's called.  
 6 So I drive by Ponce every day, twice a day. I  
 7 find it needing work. I do. So this is very  
 8 positive.  
 9 The thing that I worry about is that these  
 10 dollars don't get spent for years and years, no  
 11 fault of the Staff, but this is the way to  
 12 incorporate -- you need three million, you only  
 13 have 1.5. What would be needed on the street  
 14 and is there a way to get some of this stuff  
 15 done earlier? Is this project going to  
 16 increase traffic where we can slow it down or  
 17 make some additional enhancements to the  
 18 street, because of this project? So those 125,  
 19 can they get moved earlier?  
 20 MR. NAVARRO: So I'm glad you asked that  
 21 question, and we haven't had a chance to  
 22 discuss with Staff on that comment, but  
 23 generally that's a condition that gets placed  
 24 on some of the projects within this area. Our  
 25 project went ahead and has proposed

1 So there's a value already tied to the second  
 2 piece.  
 3 MS. GARCIA: Right.  
 4 MR. TORRE: But you're saying sort of  
 5 participates with the 125. So I was looking at  
 6 that whole intermix of dollars, and I'm not  
 7 sure that's something we should be debating,  
 8 negotiating or is that something that gets  
 9 negotiated at another location? I mean, is  
 10 that ours to negotiate or is that --  
 11 MS. GARCIA: I mean, the Board is welcomed  
 12 to discuss that. The intent behind that was  
 13 that, that segment of Ponce, which is, I think,  
 14 about a couple of blocks, maybe three blocks,  
 15 has kind of been neglected. And so, instead of  
 16 expecting some developer to pay for the entire  
 17 segment, it's basically asking to see if  
 18 there's different developments that can pay  
 19 into that, so we could have a whole vision for  
 20 that area -- for that segment of Ponce de Leon.  
 21 MR. TORRE: So if you were to ask the  
 22 Director, what would be a vision for Ponce in  
 23 the big scheme of things, what would be the  
 24 right approach for that whole street, if you  
 25 were to envision that, as a global preparer?

1 MR. DIAZ: I think that area, maybe in  
 2 relation to landscaping, the pavement,  
 3 actually, some areas might need some additional  
 4 re-surfacing, maybe some additional  
 5 intersection --  
 6 MR. BEHAR: But let me ask you a  
 7 question --  
 8 MR. DIAZ: Sure.  
 9 MR. BEHAR: -- to that point. Does the  
 10 City foresee doing a median -- landscaped  
 11 median down the middle of Ponce like it is done  
 12 from, you know --  
 13 MR. DIAZ: That is not something we're  
 14 looking at, at the moment. It will create some  
 15 potential loss of parking. So that's not  
 16 something that we're really looking at the  
 17 moment.  
 18 MR. BEHAR: And my office is in that area.  
 19 MR. DIAZ: Right.  
 20 MR. BEHAR: And I don't think it would be a  
 21 good idea to eliminate that much parking.  
 22 MR. DIAZ: Right. No. No, absolutely.  
 23 MR. BEHAR: Especially on a project like  
 24 this that is deficient in parking.  
 25 MR. DIAZ: Correct. To be frank, there is

1 MR. TORRE: My view of that is that it's  
 2 somewhat unsafe -- that street is an unsafe  
 3 street to a large degree. People race through  
 4 there. Anybody trying to cross is in peril of  
 5 getting hit really bad. I'm not sure there's a  
 6 way to slow down traffic or control traffic in  
 7 the way it runs through there, whether it's  
 8 different crossings that make people start to  
 9 slow down. I don't know, maybe there's some  
 10 cheaper way to start dealing with that. I'm  
 11 not sure of that.  
 12 MR. DIAZ: There is a crossing there  
 13 already. Unfortunately, Ponce being a  
 14 collector, your typical traffic calming things  
 15 is not really appropriate for that location.  
 16 The County will never go along for that.  
 17 CHAIRMAN AIZENSTAT: But there are some  
 18 times of the day when I see a lot of kids from  
 19 Coral Gables High School that cross there,  
 20 because I drive through there quite a bit also.  
 21 MR. DIAZ: But you do have a signalized  
 22 intersection for those crosswalks. So, I mean,  
 23 are they not crossing where they're supposed to  
 24 and maybe that's kind of -- you know, because  
 25 sometimes it's also behavior, right, because

1 no Ponce project at this location at the  
 2 moment.  
 3 MR. BEHAR: Okay. Then, to answer that  
 4 question, how are you going to spend the  
 5 \$125,000?  
 6 MR. KINNEY: Actually, Hermes' folks are  
 7 doing some work now that's related to  
 8 improvements for trolley stops and improvements  
 9 for -- additional stops, but you touched on  
 10 probably the most important part. Between Bird  
 11 Road and 4200 Ponce, those three blocks, those  
 12 spaces are slammed all day long.  
 13 CHAIRMAN AIZENSTAT: All day.  
 14 MR. KINNEY: So we really can't afford to  
 15 talk about anything that's going to take thirty  
 16 percent of the parking spaces. But there are  
 17 other improvements, planting trees in the  
 18 sidewalk. There's a lot of things that are  
 19 options. And there's other projects that are  
 20 under construction now that will also add some  
 21 funds for Public Works to do some improvements,  
 22 but there is at least one project moving  
 23 forward now that will include, you know,  
 24 benches and shelters for people riding the  
 25 trolley.

1 you do have a crosswalk right in front of that  
 2 building --  
 3 MR. BEHAR: You do have -- right in front  
 4 of this property, you have a crossing.  
 5 MR. DIAZ: And you do have another one on  
 6 Bird. So it's not that there's a lot of  
 7 crosswalks on these blocks. So, at some point,  
 8 it's behavior, you know. And, you know, there  
 9 can be some further discussion about maybe the  
 10 timing, as far as pedestrians versus car, and  
 11 all of those things can probably be very easily  
 12 added to the review, for the County to look at  
 13 further, once you have all of these new volume  
 14 of people coming along.  
 15 And one of the things that has become a  
 16 standard practice now is, we ask these  
 17 developers -- you know, there are certain  
 18 assumptions that are made when you do a traffic  
 19 study, but the reality is that human behavior  
 20 being what it is, you know, for three years, we  
 21 do this traffic monitoring, and depending on  
 22 what they find, maybe there might be some  
 23 additional improvements at that point that may  
 24 be generated by those traffic studies.  
 25 When you actually have real data, what is

1 the behavior that is actually driving, because,  
 2 you know, right now, a lot of the stuff is  
 3 based on assumptions. So I think that covers a  
 4 little more sense --  
 5 MR. TORRE: Is the 125 your recommendation  
 6 or --  
 7 MR. DIAZ: No. 125 -- look, I think there  
 8 are multiple projects in that area, but I think  
 9 ultimately the idea is that different projects  
 10 hopefully will donate some money and we'll  
 11 figure it out once we have what's appropriate  
 12 there, but to be honest with you, right now  
 13 there is no plan for that area. We don't have  
 14 a schematic, we don't have -- besides the  
 15 projects Kinney mentioned.  
 16 MR. BEHAR: Where is the City going to  
 17 spend the \$125,000?  
 18 MR. DIAZ: At the moment, I couldn't tell  
 19 you. I'm being honest.  
 20 MR. TORRE: Again, the only thing I see is,  
 21 this is a great building, and I think the  
 22 enhancements is going to add a lot of life to  
 23 the area, and behind it is another two or three  
 24 projects coming up, I know that, so it's going  
 25 to add movement. But if we're doing this great

1 that can definitely be looked at, but,  
 2 remember, there are competing needs, right.  
 3 You want wider sidewalks and you want more  
 4 landscaping, the parking is going to lose, and  
 5 obviously we don't want to lose parking. So I  
 6 think there are certainly ways to improve on  
 7 it, but --  
 8 MR. BEHAR: Actually, that's angle parking.  
 9 MR. DIAZ: Yes.  
 10 MR. BEHAR: And something could be done to  
 11 be able to incorporate some bump outs.  
 12 MR. DIAZ: Correct, and that's what I'm  
 13 talking about.  
 14 MR. BEHAR: Depending on what happens here,  
 15 I would make a recommendation that that  
 16 \$125,000 is used in that immediate area to  
 17 benefit the project and to benefit that whole,  
 18 you know, Ponce area, you know, corridor.  
 19 MR. DIAZ: And I think you can make that  
 20 your recommendation.  
 21 MS. GARCIA: Right. Again, the intent of  
 22 this was to join the funds of, I think, maybe  
 23 three or four or five other projects in the  
 24 area, to combine those kinds of contributions,  
 25 to be able to make a project that's on Ponce or

1 building, maybe some of those dollars should be  
 2 actually activated and not put off.  
 3 CHAIRMAN AIZENSTAT: Spent now.  
 4 MR. TORRE: Yeah. You know, with this  
 5 project, it should be the most we can do on the  
 6 street, whatever that means, but it should come  
 7 sooner than later.  
 8 MR. GRABIEL: Is there any view of redoing  
 9 Ponce Circle -- Ponce from Bird to this  
 10 location or it's not even envisioned?  
 11 MR. DIAZ: That's a heck of a lot more than  
 12 \$125,000.  
 13 MR. GRABIEL: No, I understand, but is  
 14 there a plan?  
 15 MR. DIAZ: There is no plan at the moment.  
 16 MR. GRABIEL: Because if you look at that  
 17 street, that's probably one of the ugliest  
 18 streets in Coral Gables.  
 19 MR. WITHERS: How do you really feel about  
 20 it?  
 21 MR. GRABIEL: There is no landscaping,  
 22 there's no good sidewalks.  
 23 MR. BEHAR: Well, there are some palm trees  
 24 that --  
 25 MR. DIAZ: Right. And those are things

1 however the City deems, you know, appropriate.  
 2 CHAIRMAN AIZENSTAT: Venny, anything else?  
 3 MR. TORRE: No. I think that's my point.  
 4 I think the project's fine and I think -- I do  
 5 like the project, and I think it's going to be  
 6 a great enhancement to the area. I think the  
 7 streetscape is where this needs to start going  
 8 from now, and I think the City should start to  
 9 move that project of Ponce.  
 10 It is one of our greatest streets, but it's  
 11 just like -- like Julio said, it's not the most  
 12 attractive. And, again, and the speed and  
 13 people going through there, it needs a little  
 14 bit a work.  
 15 MR. DIAZ: (Unintelligible.) Concrete and  
 16 asphalt --  
 17 CHAIRMAN AIZENSTAT: Chip?  
 18 MR. WITHERS: Is the showroom a retail  
 19 space?  
 20 MS. GARCIA: Kind of.  
 21 MR. WITHERS: No, just because I like the  
 22 shops along there, and so -- and where is the  
 23 restaurant?  
 24 MS. GARCIA: So part of the vision for the  
 25 Design and Innovation District was to have a

1 lot of showrooms on the ground floor.  
 2 MR. WITHERS: A showroom of what?  
 3 MS. GARCIA: Showroom of furniture, of --  
 4 MR. WITHERS: So it's going to be a retail  
 5 shop?  
 6 MR. NAVARRO: So right now we're in the  
 7 Conditional Use Site Plan approval. This is  
 8 the concept. The concept is to bring -- I  
 9 don't know if you've seen that area of Ponce  
 10 now. They have like the high end kitchen  
 11 cabinets, the high end lighting.  
 12 MR. WITHERS: Yeah. Yeah. Yeah.  
 13 MR. NAVARRO: So to bring in some showroom  
 14 to complement that area. What the ultimate end  
 15 user will be, we're not sure yet.  
 16 MR. WITHERS: But it's going to be retail?  
 17 MR. NAVARRO: Retail or showroom, yeah.  
 18 MR. WITHERS: Is there going to be a  
 19 restaurant?  
 20 MR. NAVARRO: So our idea is -- and we  
 21 don't have any interest yet at this moment, but  
 22 we've designed it in a way that, in the future,  
 23 if there is interest, because, you know,  
 24 there's a lot of marquee restaurateurs that  
 25 want to come to this area, we could convert a

1 eating on the ground level. That's why I was  
 2 wondering if your intention is to take retail  
 3 space and eventually convert it to a  
 4 restaurant, and if they do, what does that do  
 5 to the parking requirement?  
 6 MR. NAVARRO: We'll have to provide  
 7 additional parking.  
 8 MR. WITHERS: Through remote parking?  
 9 MR. NAVARRO: Yeah, through remote parking  
 10 or we'll have to work on the flexibility of  
 11 uses to get the numbers to match, you know, to  
 12 be able to --  
 13 MR. WITHERS: So there's no decision to  
 14 make that a restaurant? That's not going to  
 15 be --  
 16 MR. NAVARRO: Not as of right now. I mean,  
 17 there's flexibility. See, no one knows what's  
 18 going into the ground floor. We know the  
 19 ground floor has to be Commercial, because, per  
 20 your Comp Plan, you have to provide a minimum  
 21 number of retail and Commercial Use. So we  
 22 know it's going to be Commercial. It's not  
 23 going to be like some amenity space.  
 24 But what the ultimate end user is going to  
 25 be, we don't know. I could tell you, if a

1 portion of the rooftop into a dining  
 2 restaurant. Obviously, we'll have to comply  
 3 with parking and FAR, but that concept has been  
 4 in built in there, to provide that flexibility.  
 5 MR. WITHERS: So nine tables I see on the  
 6 sidewalk, people aren't really eating there,  
 7 that's just the rendering?  
 8 MR. NAVARRO: Oh, on the rooftop?  
 9 MR. WITHERS: No. No. On the street  
 10 level.  
 11 MR. BEHAR: With the umbrellas.  
 12 MR. WITHERS: It shows no parking, so you  
 13 don't have to worry about your bump outs.  
 14 MR. BEHAR: Where the umbrellas --  
 15 MR. WITHERS: It's a great place to dine.  
 16 I'm just wondering where the restaurant --  
 17 CHAIRMAN AIZENSTAT: He's talking about the  
 18 cover sheet.  
 19 MR. NAVARRO: Oh, no. No, the rooftop  
 20 restaurant -- the dining use, if we're going to  
 21 have it, is going to be on the rooftop.  
 22 MR. WITHERS: No, I know, but the dining on  
 23 the ground level.  
 24 MR. BEHAR: Yeah, you do show --  
 25 MR. WITHERS: You show a lot of people

1 Michelin Star restaurant comes and wants to  
 2 lease that space, then I would expect for it to  
 3 be a restaurant.  
 4 One of the nice things about this area  
 5 is -- from a parking perspective, obviously  
 6 we'll have to mitigate it through additional  
 7 off-site spaces, but when I go to Merrick Park,  
 8 I park in the parking garage. I walk through  
 9 the mall. I walk around, right, go check out  
 10 the little park with at the fountains and then  
 11 -- you know, it's a walkable area.  
 12 MR. WITHERS: So my point is, I really like  
 13 that whole street feel where you can walk and  
 14 you can buy cabinets, you can buy tile, you can  
 15 buy -- and I like the idea of a showroom there,  
 16 a really cool showroom. Once you start  
 17 converting it into restaurants, I don't know if  
 18 that whole street would turn into -- you know,  
 19 like a restaurant.  
 20 MR. NAVARRO: Yeah. I mean, right now  
 21 we've designed it to be a showroom. Maybe you  
 22 can look at the way it's laid out. It's  
 23 intended to be -- now, whether that gets split  
 24 in half and you get some other retail, it's  
 25 difficult to tell. I mean, the market right

1 now is changing, you know, month to month. So  
 2 we'll see where it's at.  
 3 But, I mean --  
 4 MR. WITHERS: Can I have the City Attorney  
 5 maybe translate what you just told me in the  
 6 past five minutes?  
 7 MR. NAVARRO: Yeah. It's going to be  
 8 Commercial. What the ultimate user is going to  
 9 be, it's hard to gauge. What we're intending,  
 10 I can tell you, is ground floor retail or  
 11 showroom and the restaurant being at the upper  
 12 level. That's currently what our vision is.  
 13 MR. WITHERS: I mean, you did a great job  
 14 with the back of house, as far as the  
 15 offloading and whatever. It's set up for a  
 16 retail, display showroom space.  
 17 MR. NAVARRO: Correct.  
 18 Yeah. So the Code does not require for us  
 19 to have a loading area. We've incorporated the  
 20 loading area on purpose, in order to be able to  
 21 serve the showroom, or in the event that we  
 22 have an upper level restaurant, when there's to  
 23 be deliveries, we can move them upstairs.  
 24 MR. WITHERS: Thank you very much.  
 25 MR. NAVARRO: Yeah.

1 company that is going to be moving in. They  
 2 have high end executives that come in and fly  
 3 in. So, in this particular situation, they'll  
 4 actually be used --  
 5 MR. BEHAR: But if you're going to convert  
 6 -- you possibly could convert it to a  
 7 restaurant later, if there's no use for it.  
 8 MR. NAVARRO: No.  
 9 MR. BEHAR: So I don't know if there's a  
 10 way that, One, we need to look at the Code and  
 11 try to fix that 85 percent required maximum of  
 12 the same use. That's one of them. It may not  
 13 apply here, and I don't know if we could do --  
 14 make a recommendation to eliminate -- and  
 15 Mr. Coller, you're the one that -- you know,  
 16 can we make a recommendation to -- not to abide  
 17 by the 85 percent maximum for one use or is  
 18 that not permitted?  
 19 MR. COLLER: Well, I think the only thing  
 20 you could do is recommend that the Board --  
 21 because I believe that 85 percent -- is that a  
 22 Comp Plan or is that -- that's the Comp Plan,  
 23 right?  
 24 CHAIRMAN AIZENSTAT: Yes.  
 25 MR. COLLER: So you could make a

1 CHAIRMAN AIZENSTAT: Anything further,  
 2 Chip?  
 3 MR. WITHERS: No. I'm good.  
 4 CHAIRMAN AIZENSTAT: Julio.  
 5 MR. GRABIEL: No. I think it's a good  
 6 project. It's a good building.  
 7 CHAIRMAN AIZENSTAT: Thank you.  
 8 Robert.  
 9 MR. BEHAR: I have three things. One, it's  
 10 really not what you're doing, but you're  
 11 putting Residential on the top floor to comply  
 12 with the 85 percent maximum of office, and the  
 13 rest of -- for a Mixed-Use?  
 14 MR. NAVARRO: Correct.  
 15 MR. BEHAR: I think that we, as a Board,  
 16 should revisit that, because we're forcing them  
 17 to do some Residential that makes absolutely no  
 18 sense. That should be a Commercial space. It  
 19 should be the office. It should be something  
 20 other than three units just must to comply with  
 21 that requirement.  
 22 MR. NAVARRO: In this particular situation,  
 23 it's unique -- because that happens in all of  
 24 the projects and that is correct -- we have an  
 25 end user that's an international financial

1 recommendation for the Commission to revisit  
 2 this Comp Plan element.  
 3 MR. BEHAR: Okay. So that would be for  
 4 something else, not this project. Okay.  
 5 That's for another day.  
 6 I like the project. I'm in support of the  
 7 project. I think it would be a great asset to  
 8 that area, because, I mean, I walk there. My  
 9 office is literally 500 feet or less from this  
 10 location. So I like the project.  
 11 I'm a bit concerned that we're asking for  
 12 123 remote spaces and we don't have a lease in  
 13 place yet. So I would approve it, with the  
 14 condition that before the CO, there has to be a  
 15 lease in place, because that's a big  
 16 deficiency. From the 204, we're providing 81.  
 17 So I want to make sure that's in place.  
 18 MS. GARCIA: Just to clarify, that  
 19 condition plays before they're issued a  
 20 building permit, so very early on in their  
 21 process.  
 22 MR. BEHAR: Even better. Even better.  
 23 And the third, you said that there was  
 24 three notices that were sent out to the  
 25 adjacent within a thousand feet of the site?

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1 Who sends those notices out, is it the  
 2 applicant or is it the City?  
 3 MS. GARCIA: The applicant does.  
 4 MR. BEHAR: All right. I could tell you,  
 5 not one, not two, not three -- never got one  
 6 single notice, and I own the space, so I'm a  
 7 property owner. It's not like I'm leasing. I  
 8 never got any notices.  
 9 I'm in support of the project, but, just  
 10 for the record, that's not -- never sent out.  
 11 MS. GARCIA: Your business. It's common --  
 12 the building you're in, you're an owner --  
 13 MR. BEHAR: Yes. I'm a property owner by  
 14 Miami-Dade County. They collect my taxes, so I  
 15 am a property owner. Never received any  
 16 notices.  
 17 MR. NAVARRO: Yes. We use one of those  
 18 certified, you know, companies that  
 19 certificates the radius and everything. We'll  
 20 check the list.  
 21 MR. BEHAR: Listen, does it matter? Yeah,  
 22 it would have been good for me to go there  
 23 before just to give you a hard time --  
 24 MR. NAVARRO: No, but we'll double-check  
 25 the list. I mean, you know, we use the same

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1 have capacity to do some kind of addition or  
 2 change in use.  
 3 CHAIRMAN AIZENSTAT: These were all labeled  
 4 "Shared parking."  
 5 MR. KINNEY: Yes. What's happening here is  
 6 remote parking, which is -- there's two ways  
 7 this can happen. One is, there's a parking  
 8 study by Village of Merrick Park and they show,  
 9 on their share of the 3,500 spaces, they have  
 10 capacity to lease to this developer the 123  
 11 spaces. We would review that shared parking  
 12 study that shows that the Village of Merrick  
 13 Park has capacity to lease them spaces.  
 14 There's a whole -- an entirely separate  
 15 possibility, in that, in the development of the  
 16 Shops at Merrick Park twenty years ago,  
 17 roughly, they were required to build, in excess  
 18 of their parking requirement, 400 spaces.  
 19 Those are spaces that can be used for what  
 20 the City deems appropriate. That's why, in  
 21 this case, the developer's talking about paying  
 22 the City \$10,000 per space for access to those  
 23 400 spaces.  
 24 CHAIRMAN AIZENSTAT: Plus a monthly fee?  
 25 MR. KINNEY: Yes. The monthly fee is,

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1 company that everybody uses for that. So I  
 2 don't know what the issue was, but --  
 3 CHAIRMAN AIZENSTAT: You answered the  
 4 question for the apartments, because I was  
 5 actually going to ask, why are there three  
 6 apartments on top? It just doesn't make sense  
 7 on a project like this to me.  
 8 The other question that was answered also  
 9 was the 123 remote spaces. That was already  
 10 answered. I would definitely want you to have  
 11 an agreement in place.  
 12 But the question that I have is, as  
 13 projects start to build in the area, where  
 14 they're allowed to use shared parking, how  
 15 does -- what does the City have in place to  
 16 know how many spaces are getting filled and  
 17 what's left or what's available for future  
 18 projects, what mechanism?  
 19 MR. KINNEY: Well, there's often confusion  
 20 between shared parking versus remote parking.  
 21 The shared parking component will only come  
 22 into play when it is Shops at Merrick Park,  
 23 because they will have to present to us, you  
 24 know, the parking studies of their facilities  
 25 that show that because of traffic levels, they

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1 anybody who parks monthly in the Village of  
 2 Merrick Park pays a permit fee. So we would  
 3 keep track. And at that point, when we say,  
 4 oh, our 400 spaces are done, then those would  
 5 no longer be available for the infill  
 6 development in the Technology District.  
 7 CHAIRMAN AIZENSTAT: Okay.  
 8 MR. KINNEY: That does not preclude from  
 9 the Village of Merrick Park, if parking  
 10 conditions change and the utilization of their  
 11 3,200, you know, lessens, then they could come  
 12 in and show us that they have capacity for an  
 13 additional shared parking development.  
 14 CHAIRMAN AIZENSTAT: And you go ahead, and  
 15 it's monitored? For example, is the agreement  
 16 done on a yearly basis? And, then, if it's  
 17 renewed after a year, it goes through your  
 18 department?  
 19 MR. KINNEY: So, for the 400 spaces, we  
 20 would give permission to use part of our 400  
 21 spaces for, essentially, the extent of the  
 22 lease the City has with Shops at Merrick Park,  
 23 which is still 70 years or some number like  
 24 that. If it was the Village of Merrick Park,  
 25 what we would do is, we would review the shared

1 use study, traffic study, that they would do,  
 2 and there may be -- if there was a large  
 3 developer that was using 100 spaces from  
 4 Village of Merrick Park, there may be some  
 5 requirement in that agreement that requires an  
 6 annual review, but at this point, the only  
 7 project that we've looked at, that would be a  
 8 shared use project, is the one on Aurora --  
 9 Laguna, at the 4200 Block of Laguna, which was  
 10 going to, at one time, be a hotel, but that  
 11 project is now going to be something different.

12 CHAIRMAN AIZENSTAT: So other than the 400  
 13 spaces, how do you monitor when they don't use  
 14 the City's 400 spaces? Let's say they go and  
 15 use Merrick --

16 MR. KINNEY: If they don't use the City's  
 17 400 spaces, then they're doing a straight  
 18 agreement with Shops at Merrick Park. There's  
 19 a couple of things that happen. One is, the  
 20 major retail tenants in Shops of Merrick Park  
 21 essentially have veto power. So if they don't  
 22 like the deal, they get to vote.

23 But we monitor it, because we require the  
 24 parking and traffic study to be done by an  
 25 independent --

1 MR. KINNEY: Well, it's not really the  
 2 issue of monitoring it. How do we enforce it.

3 MR. BEHAR: How do you enforce it, correct.

4 MR. KINNEY: And there are provisions in  
 5 the Zoning Code about the enforcement, but  
 6 that's not really my area.

7 MR. BEHAR: Because we cannot put a  
 8 condition that that lease, for those spaces,  
 9 have to be for 25 years, right?

10 MR. KINNEY: Twenty-five years would  
 11 probably be excessive, but I believe, in  
 12 negotiating -- it's a Conditional Use. So  
 13 there can be --

14 MR. BEHAR: Kevin, this office building is  
 15 going to be around for the next 50 years or  
 16 more.

17 MR. KINNEY: I understand. That's why I  
 18 mentioned, when we're talking about our 400  
 19 spaces, the agreement from the City would  
 20 essentially be for the remainder of the term of  
 21 our agreement with Shops at Merrick Park.

22 MR. BEHAR: And how long is that?

23 MR. KINNEY: I think we have like 70 years  
 24 left.

25 CHAIRMAN AIZENSTAT: I remember that, when

1 CHAIRMAN AIZENSTAT: And how do you monitor  
 2 it? Do you monitor it on a yearly basis? Do  
 3 you monitor it on a biannual --

4 MR. KINNEY: Well, until the first one  
 5 happens, there is no real mechanism. But once  
 6 the first one happens, we would put into that  
 7 agreement a mechanism --

8 CHAIRMAN AIZENSTAT: So there should be  
 9 some mechanism? That's what I'm trying to  
 10 figure out.

11 MR. BEHAR: But if you don't monitor it  
 12 every year -- let's say that you do it the  
 13 first times, and after the one year, they may  
 14 not renew that lease, what happens then?

15 MR. KINNEY: At that point, in the Zoning  
 16 Code, there are several requirements. I'm not  
 17 an expert in --

18 MR. BEHAR: Because this is not just for  
 19 this project, but any other project.

20 MR. KINNEY: Yes.

21 MR. BEHAR: I mean, I can say I'm going to  
 22 lease 123 spaces the first year. I get my  
 23 permit, and after the first year, I don't --  
 24 you know, and then how does the City monitor  
 25 those?

1 it was done.

2 MR. NAVARRO: I was just going to clarify,  
 3 to Mr. Behar's comments, the issue that you're  
 4 raising, because I had the privilege of working  
 5 on this remote parking ordinance when it was  
 6 going through for another project I was working  
 7 on at the time, Commissioner Mena raised the  
 8 same concerns, as to what happens in the event  
 9 that the lease expires and how do you monitor  
 10 it? So one of the things is that there's a  
 11 covenant, and I believe there's an annual  
 12 re-certification, an affidavit, that you submit  
 13 to make sure that it's there.

14 Something else that's required and is part  
 15 of the condition here is that, when we do  
 16 submit the lease, we have a mitigation plan.  
 17 So -- a mitigation plan, in the event that the  
 18 lease expires, what do you do. You can either  
 19 submit a new lease for an alternative off-site  
 20 location that meets the criteria of a thousand  
 21 feet, you could propose to provide parking in  
 22 some alternative format.

23 One of the other options is, that as part  
 24 of the mitigation, the Code actually allows you  
 25 to pay down your parking entirely. So, in the

1 event that we have a lease down the line that  
 2 we're not able to renew, Chapter 74 of the Code  
 3 allows you -- one of the mitigation options is  
 4 to make a full payment to the City, and the  
 5 intent of that, I think, was to basically have  
 6 money available to make sure that the parking  
 7 facilities in the area that are being built,  
 8 and the ones that are surplus and may be  
 9 older, are being maintained by the City and  
 10 upgraded, so there is an option that you would  
 11 have to pay for all of the spaces that you're  
 12 short.

13 CHAIRMAN AIZENSTAT: But I think, for me at  
 14 least, my concern was, how does the City  
 15 monitor that you comply with constantly having  
 16 that parking agreement and are using it?

17 MR. NAVARRO: Yeah. I think it's that  
 18 covenant that requires -- as part of one of the  
 19 covenant provisions, it requires annually for  
 20 the applicant to submit an affidavit confirming  
 21 that the --

22 CHAIRMAN AIZENSTAT: So the applicant has  
 23 to submit an annual affidavit?

24 MR. NAVARRO: Yeah.

25 CHAIRMAN AIZENSTAT: Okay.

1 125 gets brought forth early and be part of  
 2 this project's enhancement to the street.

3 CHAIRMAN AIZENSTAT: And Robert had a  
 4 motion to take a look at that three units, the  
 5 apartments. Is that a recommendation that can  
 6 be made at this time for the Commission to look  
 7 into that?

8 MR. BEHAR: I mean, let me ask the  
 9 applicant, is that something that you would  
 10 want us to make that recommendation, if there's  
 11 an opportunity to not have done those three  
 12 units --

13 MR. NAVARRO: I mean, I think it's  
 14 something that gives us flexibility. I know,  
 15 overall, yes, that's something that I think  
 16 needs to be looked at, because there's a gap  
 17 between eight percent and 85 percent. There's  
 18 a seven percent gap that --

19 MR. COLLER: Of course, the problem with  
 20 that, it would be a Comp Plan Amendment.

21 CHAIRMAN AIZENSTAT: Yes.

22 I don't think it's going to be for this  
 23 project, but I think, in general --

24 MR. COLLER: It may be something as a  
 25 separate --

1 MR. NAVARRO: And, also, we'll provide the  
 2 City with a copy of the lease, and I'm sure  
 3 Kevin has his own way of documenting when that  
 4 lease's term is up and could follow-up, too,  
 5 but the applicant does have an affirmative  
 6 obligation, too.

7 CHAIRMAN AIZENSTAT: Also, on the \$125,000,  
 8 you know, I'm in the same line as Venny and  
 9 Robert, that that money should be spent in that  
 10 area somehow. I understand how putting the  
 11 money in the coffer and building it up to do a  
 12 project down the road could add value, but I  
 13 think there is an immediate need for that area  
 14 right now to improve it. So I would be in  
 15 favor -- I don't know if it's something within  
 16 our recommendation, but it would be something  
 17 --

18 MR. BEHAR: I think so. I think we can  
 19 make that recommendation.

20 CHAIRMAN AIZENSTAT: I would be in favor of  
 21 that. The other questions that I had have  
 22 actually been answered on this.

23 Would anybody like to make a motion?

24 MR. TORRE: I'll make it. I'll move it,  
 25 for approval, with the recommendation that the

1 MR. BEHAR: So we'll withdraw that.

2 MR. NAVARRO: Yeah --

3 MR. BEHAR: By the way, I think -- to Chip,  
 4 I think that a restaurant in that ground floor,  
 5 I like the idea that having those tables, that  
 6 could be a great week -- I would use it a lot.

7 CHAIRMAN AIZENSTAT: We have a motion by  
 8 Venny.

9 MR. BEHAR: I'll second it.

10 CHAIRMAN AIZENSTAT: Robert went ahead and  
 11 second.

12 MR. COLLER: Just so I'm clear on the  
 13 conditions, so we have the additional  
 14 conditions of the Public Works Department,  
 15 which the applicant has expressly said he  
 16 doesn't have a problem with.

17 MR. BEHAR: Yes.

18 MR. COLLER: The \$125,000, I think, should  
 19 be considered as a separate voluntary covenant  
 20 by the applicant.

21 MR. BEHAR: Right, but I think the  
 22 condition is -- that Venny put in, is that it  
 23 needs to be used in that area, right, and I  
 24 agree with that.

25 MR. COLLER: That can be part of the



1 recommendation, that the money should be used  
 2 in the area.  
 3 MS. GARCIA: That are is in the Design and  
 4 Innovation District. That area is on that  
 5 block.  
 6 MR. BEHAR: On the Ponce corridor, let's  
 7 say.  
 8 CHAIRMAN AIZENSTAT: Within those three  
 9 blocks.  
 10 MS. GARCIA: Correct.  
 11 MR. TORRE: Yeah, correct.  
 12 CHAIRMAN AIZENSTAT: So that's the  
 13 recommendation?  
 14 MR. TORRE: Yes.  
 15 CHAIRMAN AIZENSTAT: And we have a second.  
 16 MR. BEHAR: I second it.  
 17 MR. COLLER: Okay. So that would be  
 18 appropriate for Item E-1.  
 19 CHAIRMAN AIZENSTAT: Correct.  
 20 MR. COLLER: We're doing Item E-1 first.  
 21 CHAIRMAN AIZENSTAT: That is correct.  
 22 Any discussion? No?  
 23 Call the roll, please.  
 24 THE SECRETARY: Robert Behar?  
 25 MR. BEHAR: Yes.

1 for Mr. Navarro to clarify.  
 2 MR. NAVARRO: I frequented all of the  
 3 restaurants in the area. So I'm quite  
 4 familiar. If you need a recommendation, let me  
 5 know.  
 6 MR. REVUELTA: (Simultaneous speaking.)  
 7 CHAIRMAN AIZENSTAT: So Item E-2 --  
 8 MR. TORRE: Motion to approve E-2, which is  
 9 the remote parking option.  
 10 CHAIRMAN AIZENSTAT: Okay. Is there  
 11 anything that we would like to look at, as far  
 12 as monitoring or anything like that or it is  
 13 good as it is for you, Venny?  
 14 MR. TORRE: I would leave it to the --  
 15 CHAIRMAN AIZENSTAT: Parking Director?  
 16 MR. TORRE: -- the Parking Director and the  
 17 Ordinances that exist, which I think are in  
 18 place.  
 19 CHAIRMAN AIZENSTAT: We have a motion.  
 20 MR. BEHAR: And just to be clear, you have  
 21 to demonstrate a lease at building permit,  
 22 correct?  
 23 CHAIRMAN AIZENSTAT: Yes.  
 24 MR. NAVARRO: Yeah, prior to the issuance  
 25 of a building permit. Or comply with, you

1 THE SECRETARY: Julio Grabiell?  
 2 MR. GRABIEL: Yes.  
 3 THE SECRETARY: Luis Revuelta?  
 4 MR. REVUELTA: Great project, like it.  
 5 Yes.  
 6 THE SECRETARY: Venny Torre?  
 7 MR. TORRE: Yes.  
 8 THE SECRETARY: Chip Withers?  
 9 MR. WITHERS: Yes.  
 10 THE SECRETARY: Eibi Aizenstat?  
 11 CHAIRMAN AIZENSTAT: Yes.  
 12 MR. NAVARRO: Thank you, everybody.  
 13 MR. COLLER: We're not done yet.  
 14 MR. NAVARRO: We have the second item,  
 15 that's right.  
 16 MR. BEHAR: You can go, if you want to.  
 17 MR. NAVARRO: No. I'm going to stay just  
 18 in case.  
 19 MR. REVUELTA: I have a question for Mr.  
 20 Navarro. You described the restaurants in the  
 21 area as -- what was the word you used?  
 22 MR. NAVARRO: Award winning and --  
 23 CHAIRMAN AIZENSTAT: Michelin Star.  
 24 MR. REVUELTA: No. There was another word  
 25 that I heard that I really was looking forward

1 know, the other --  
 2 MR. BEHAR: I'll second.  
 3 MR. NAVARRO: There's different mechanisms  
 4 for compliance.  
 5 CHAIRMAN AIZENSTAT: Okay. So we have a  
 6 motion. We have a second. Any discussion?  
 7 No?  
 8 Call the roll, please.  
 9 THE SECRETARY: Julio Grabiell?  
 10 MR. GRABIEL: Yes.  
 11 THE SECRETARY: Luis Revuelta?  
 12 MR. REVUELTA: Yes.  
 13 THE SECRETARY: Venny Torre?  
 14 MR. TORRE: Yes.  
 15 THE SECRETARY: Chip Withers?  
 16 MR. WITHERS: Yes.  
 17 THE SECRETARY: Robert Behar?  
 18 MR. BEHAR: Yes.  
 19 THE SECRETARY: Eibi Aizenstat?  
 20 CHAIRMAN AIZENSTAT: Yes.  
 21 MR. NAVARRO: Thank you all. I'm going to  
 22 stick around in case there's a motion to  
 23 reconsider this item.  
 24 MR. BEHAR: I need to take --  
 25 CHAIRMAN AIZENSTAT: Let's go ahead and

1 take five minutes or so, just to have the next  
 2 applicant set up.  
 3 (Short recess taken.)  
 4 CHAIRMAN AIZENSTAT: Let's go ahead and get  
 5 started please. The next item that we have on  
 6 the agenda is Item E-3.  
 7 MR. COLLER: Item E-3, a Resolution of the  
 8 City Commission approving receipt of Transfer  
 9 of Development Rights (TDRs) pursuant to Zoning  
 10 Code Article 14, "Process," Section 14-204.6,  
 11 "Review and approval of use of TDRs on receiver  
 12 sites," for the receipt and use of TDRs for a  
 13 Mixed-Use project referred to as "1505 Ponce"  
 14 on the property legally described as Lots 1  
 15 through 6 and Lots 17 through 22, Block 36,  
 16 "Douglas Section" (1505 Ponce de Leon  
 17 Boulevard, 126 and 122 Menores Avenue), Coral  
 18 Gables, Florida; including required conditions;  
 19 providing for a repeater provision,  
 20 severability clause, and providing for an  
 21 effective date.  
 22 Item E-3, public hearing.  
 23 CHAIRMAN AIZENSTAT: Thank you.  
 24 MR. GARCIA-SERRA: Good evening, Mr. Chair,  
 25 Members of the Board. Mario Garcia-Serra, with

1 fronting Ponce, on the west side of the  
 2 property, and another on the east side of the  
 3 property.  
 4 MR. BEHAR: May I interrupt you for one  
 5 second?  
 6 MR. GARCIA-SERRA: Sure.  
 7 MR. BEHAR: You said that you came before  
 8 us and we approved this project already, right?  
 9 MR. GARCIA-SERRA: Correct.  
 10 MR. BEHAR: And this is just the formality  
 11 to get the TDRs?  
 12 MR. GARCIA-SERRA: Correct.  
 13 MR. BEHAR: Just to --  
 14 MR. GRABIEL: What we see is what we get.  
 15 MR. GARCIA-SERRA: Yeah. Pretty much,  
 16 yeah.  
 17 We are also preserving and adapting a  
 18 historic building that's located on the  
 19 property at 122 Menores.  
 20 Part of this project and part of the TDR  
 21 approval are even more additional public  
 22 benefits, because where we are getting the TDRs  
 23 from, in one case, is a project that we will be  
 24 conveying -- or a property we will be conveying  
 25 to the City for a park, 301 Majorca. And,

1 offices at 600 Brickell Avenue, here today  
 2 representing Location Acquisitions, LLC, the  
 3 contract purchaser of the property located at  
 4 1505 Ponce de Leon Blvd. And I'm joined today  
 5 by Mr. Hamed Rodriguez, our project architect,  
 6 as well as Leonard Roberts, with Location  
 7 Acquisitions.  
 8 This Board actually previously recommended  
 9 approval of this project in May of this year,  
 10 and it was subsequently approved by the City  
 11 Commission in July of this year. Both  
 12 approvals were conditioned upon identifying and  
 13 obtaining approval for the transfer of floor  
 14 area from TDR sending sites to the project  
 15 site, located at 1505 Ponce de Leon Boulevard.  
 16 That is exactly what we are back and  
 17 discussing today, TDR receiver site approval  
 18 for 1505 Ponce.  
 19 As you will remember, there is a lot to  
 20 like about this project. It is less than half  
 21 of the maximum permitted density; 80 units are  
 22 proposed, versus 179 units which would  
 23 typically be permitted. Almost a third of the  
 24 project site is open space, and there are two  
 25 public parks proposed for this project, one

1 then, the three other sender sites involved  
 2 will be providing TDRs from historic  
 3 properties, which will then help with the  
 4 maintenance of those historic properties.  
 5 We have our project architect here. We  
 6 could potentially go through the plans, if you  
 7 wanted to again, but you've seen it before,  
 8 with the exception maybe of the new Board  
 9 Member. And, you know, we're available here  
 10 for any comments, questions that you may have.  
 11 CHAIRMAN AIZENSTAT: Thank you.  
 12 Does Staff have a presentation for this or  
 13 not?  
 14 MR. BEHAR: No.  
 15 MS. GARCIA: I do, but it's very brief.  
 16 CHAIRMAN AIZENSTAT: Thank you.  
 17 MS. GARCIA: You want me to give it?  
 18 CHAIRMAN AIZENSTAT: Please. Of course, we  
 19 do.  
 20 (Simultaneous speaking.)  
 21 MS. GARCIA: All right. So this was  
 22 approved back in July of this year, and part of  
 23 that approval was requiring them to come back  
 24 within six months with TDRs. So here we are,  
 25 approving those TDRs.

1 So they're getting them from three  
2 different historic properties, including one --  
3 I'm sorry, including -- plus -- sorry, three  
4 historic properties and then a future City  
5 park.

6 Now, you may not be aware of this or  
7 remember this, but there's a Text Amendment  
8 that was done, I think, back in 2019, that you  
9 can get TDRs from a future park.

10 MR. WITHERS: You what?

11 MS. GARCIA: From a future park. So if you  
12 have vacant land or if you just have property  
13 and you take down the house or whatever it is,  
14 you can transfer those development rights to  
15 another project and receive them.

16 So they're using one that's at 301 Majorca.  
17 So I think this is new to you guys, because  
18 that didn't go through Planning. It goes  
19 through the Parks and Advisory Board and then  
20 to the Commission for approval.

21 So the location of it is on Ponce, in  
22 between Menores and Mendoza. That's Zoned  
23 appropriately Mixed-Use and Commercial.

24 CHAIRMAN AIZENSTAT: And this has already  
25 been approved, the project?

1 Robert?

2 MR. BEHAR: Okay. I'm sorry.

3 CHAIRMAN AIZENSTAT: Okay. Luis.

4 MR. REVUELTA: I like to give to Mr. Behar  
5 a hard time about this, but I don't have any  
6 questions.

7 CHAIRMAN AIZENSTAT: Does anybody on the  
8 Board have any questions?

9 MR. WITHERS: I have a question. Sorry.

10 CHAIRMAN AIZENSTAT: That's okay.

11 MR. WITHERS: Was this second? Are we  
12 having a discussion after the second? Are we  
13 waiting for a second to your motion?

14 CHAIRMAN AIZENSTAT: Well, let's -- go  
15 ahead.

16 MR. WITHERS: Okay. So how many TDRs did  
17 they need and how many are they getting from  
18 the park and how many are they getting from the  
19 historic building?

20 MS. GARCIA: Yes. I have that here.

21 MR. BEHAR: 59,000.

22 MS. GARCIA: We have a number --

23 MR. WITHERS: What?

24 MR. BEHAR: About 59,000.

25 MS. GARCIA: Yes, 59,405.

1 MS. GARCIA: Right. Yes. Right.

2 So this is the context, so you can see the  
3 mass of the building with the existing context  
4 from the area.

5 So they sent out letters to the property  
6 owners, and I hope they all got them --  
7 including you, Robert -- as well as postings,  
8 and website posting, and newspaper  
9 advertisement. This is the radius.

10 And Staff recommends approval, with no  
11 conditions this time.

12 CHAIRMAN AIZENSTAT: Thank you. Thank you  
13 for that presentation.

14 Jill, do we have anybody from the public?

15 THE SECRETARY: No. Sorry, no.

16 CHAIRMAN AIZENSTAT: Anybody from Zoom?

17 THE SECRETARY: No.

18 CHAIRMAN AIZENSTAT: Nobody on the phone  
19 platform?

20 THE SECRETARY: No.

21 CHAIRMAN AIZENSTAT: At this time, I'd like  
22 to go ahead and close it for public comment.

23 MR. BEHAR: I'll make a motion to approve.

24 CHAIRMAN AIZENSTAT: We have --

25 MR. REVUELTA: How about discussion,

1 MR. WITHERS: How is that broken down, do  
2 you know?

3 MS. GARCIA: Yes. 24,000 from 235  
4 Marjorca, 24,000 and some change; 3,200 from  
5 118 Menores; 30,000 from that park that I  
6 mentioned at 301 Majorca; and then about 1,500  
7 from 36 --

8 MR. WITHERS: Okay. So we upzoned that  
9 area.

10 MS. GARCIA: We changed the maximum FAR you  
11 can have in that area, yes.

12 MR. WITHERS: Okay. So are they benefiting  
13 -- is the historic building that they're  
14 getting their TDRs from benefiting from the  
15 upzoning that we previously did?

16 MS. GARCIA: Yes. Yeah, because instead of  
17 1.9 FAR, now they can have 2.5 like everybody  
18 else.

19 MR. WITHERS: But does that give them more  
20 TDRs?

21 MS. GARCIA: Yes, because the potential of  
22 that property -- of that historic property was  
23 raised. So instead of 1.9 for a small  
24 property, it's now 2.5. So it's the same for  
25 all of the sizes of -- they have two

1 properties --  
 2 MR. WITHERS: So if I have a piece of  
 3 property with a historic building on it and I'm  
 4 doing a Planned Area Development or however I  
 5 do, if I upzone the whole property, including  
 6 the historic building I'm on, then I can sell  
 7 to myself my own --  
 8 MS. GARCIA: I'm sorry, I misunderstood  
 9 your question. You're talking about the  
 10 historic property on their property?  
 11 MR. WITHERS: Yeah. Yeah. Yeah.  
 12 MS. GARCIA: Oh, okay. I thought you meant  
 13 the Zoning Code update and how -- my apologies.  
 14 We're on the same page now.  
 15 MR. WITHERS: Okay.  
 16 MS. GARCIA: Yes, but they're not really  
 17 sending the TDRs from that property that's  
 18 already part of their building site --  
 19 MR. WITHERS: Okay.  
 20 MS. GARCIA: -- but, yes, they did gain  
 21 some square feet, because it's no longer 2.5,  
 22 it's 3.5, because it was rezoned to Mixed-Use.  
 23 MR. BEHAR: But this is a PAD. They did a  
 24 PAD --  
 25 MR. WITHERS: I understand. I get it now.

1 identified, plus the park, are the TDRs they're  
 2 transferring.  
 3 MR. WITHERS: I get it. I get it. I get  
 4 it. I get it.  
 5 CHAIRMAN AIZENSTAT: Julio, any comment?  
 6 MR. GRABIEL: No.  
 7 MR. COLLER: Did we check if there was  
 8 anybody in the public --  
 9 CHAIRMAN AIZENSTAT: We -- yeah, we went  
 10 through that.  
 11 MR. COLLER: Okay.  
 12 MR. BEHAR: So we have a motion. I don't  
 13 think we have a second.  
 14 CHAIRMAN AIZENSTAT: We have a motion by  
 15 Robert.  
 16 MR. TORRE: I'll second it.  
 17 CHAIRMAN AIZENSTAT: We have a second.  
 18 MR. COLLER: This is in accordance with  
 19 Department recommendations.  
 20 MR. BEHAR: Yes.  
 21 CHAIRMAN AIZENSTAT: In accordance with the  
 22 recommendations as stated.  
 23 Any comments? No?  
 24 Jill, call the roll please.  
 25 THE SECRETARY: Luis Revuelta?

1 I understand now. I was confused. I got it.  
 2 I understand it.  
 3 MR. TORRE: Just to be clear, on a piece of  
 4 their assemblage there's a historical property,  
 5 right?  
 6 MS. GARCIA: Uh-huh.  
 7 MR. TORRE: That piece got changed to  
 8 higher density. That still has a historical,  
 9 but they used all of those new --  
 10 MS. GARCIA: Yeah, they incorporated the  
 11 left over square feet into their building.  
 12 MR. TORRE: Right. So they still kept --  
 13 okay --  
 14 (Simultaneous speaking.)  
 15 MR. BEHAR: But that's not a TDR.  
 16 MS. GARCIA: But it's nothing to do with  
 17 TDRs.  
 18 MR. BEHAR: Yeah, but that's not a TDR.  
 19 They're not transferring. They're using that  
 20 in their site.  
 21 MR. WITHERS: I understand. So it's really  
 22 not a TDR, technically. It's almost like a  
 23 Planned Area Development.  
 24 MS. GARCIA: Yes.  
 25 MR. BEHAR: The three properties that they

1 MR. REVUELTA: Yes.  
 2 THE SECRETARY: Venny Torre?  
 3 MR. TORRE: Yes.  
 4 THE SECRETARY: Chip Withers?  
 5 MR. WITHERS: Yes.  
 6 THE SECRETARY: Robert Behar?  
 7 MR. BEHAR: Yes.  
 8 THE SECRETARY: Julio Grabiell?  
 9 MR. GRABIEL: Yes.  
 10 THE SECRETARY: Eibi Aizenstat?  
 11 CHAIRMAN AIZENSTAT: Yes.  
 12 MR. GARCIA-SERRA: Thank you very much, Mr.  
 13 Chair, Members of the Board. Have a very good  
 14 night.  
 15 CHAIRMAN AIZENSTAT: Thank you very much  
 16 for coming.  
 17 MS. GARCIA: Mr. Chair, I had one -- a  
 18 small question -- or not question, just advise.  
 19 So we're changing the meeting from November  
 20 3rd. I know the last meeting we talked about  
 21 November 3rd. We're changing it to November  
 22 1st. There are some time sensitive Text  
 23 Amendments that need to go to the Commission  
 24 the following week, so we need to have it on  
 25 the Tuesday, instead of the Thursday of that

1 week. Is that okay with the Board?  
 2 MR. BEHAR: Instead of Wednesday --  
 3 MS. GARCIA: Instead of Thursday. We had  
 4 agreed on November 3rd before --  
 5 MR. BEHAR: Okay. Okay.  
 6 MR. WITHERS: So we're moving it back to --  
 7 MS. GARCIA: The 1st.  
 8 THE SECRETARY: So the original date was  
 9 November 9th, but that date is being used by  
 10 the Commission. We, at the last meeting,  
 11 settled for November 3rd. However, we need to  
 12 change it to November 1st.  
 13 MR. BEHAR: Okay.  
 14 MR. WITHERS: Are you going to send out a  
 15 change e-mail?  
 16 THE SECRETARY: Yes. Of course, I will.  
 17 MR. WITHERS: Can I add? Just for the good  
 18 of the business, so I just want to tell you all  
 19 that, after we had that discussion about the  
 20 tree lined streets -- I don't know if you've  
 21 been very much aware, driving around and  
 22 noticing how many broad open streets we have  
 23 without plantings in the right-of-way. Have  
 24 you noticed that?  
 25 CHAIRMAN AIZENSTAT: Yes, I have.

1 MR. REVUELTA: Your issue is not with this  
 2 project. Your issue is generic.  
 3 MR. BEHAR: In general. In general,  
 4 because you've got to do the --  
 5 MS. REDILA: Yeah, the only difference with  
 6 that one, if they're going to convert the  
 7 Residential unit, because the parking  
 8 requirement for Residential would be per unit,  
 9 right, so one per unit, one parking space. If  
 10 we're going to convert that into Commercial, it  
 11 will be one per 300 square feet.  
 12 MR. BEHAR: Yeah, they have to provide more  
 13 parking, but, in general, as a whole, I think  
 14 this is something that for years I know I've  
 15 had the conversation. You know, there's a  
 16 missing gap there between 85, you know, for one  
 17 use, then eight percent Commercial. What  
 18 happens to the other seven percent, we don't --  
 19 you know?  
 20 And, in some cases, it may not, you know,  
 21 need to be a Mixed-Use but they need the  
 22 benefits of that. That's something that I  
 23 think we need to look at, and if it's a Comp  
 24 Plan modification, right --  
 25 MS. REDILA: Correct.

1 MR. WITHERS: You weren't here, were you?  
 2 MR. REVUELTA: I was.  
 3 CHAIRMAN AIZENSTAT: Let me -- I'm probably  
 4 not going to be here myself. I'm going to be  
 5 out of town for the November 1st. So is  
 6 everybody okay with doing November 1st?  
 7 MR. BEHAR: I've got to check tomorrow, but  
 8 it should be.  
 9 Before we adjourn, can we put a  
 10 recommendation that Staff look at fixing that  
 11 eight percent, fifteen percent, you know, 85  
 12 percent, because right now, if you look at it,  
 13 you require 85 percent of -- maximum for one  
 14 use, then eight percent of Commercial. Then  
 15 what happens to the other seven percent? You  
 16 know, there is a -- so, I think, in a project  
 17 like this, today, it makes absolutely no sense  
 18 to have Residential units just to comply with  
 19 that.  
 20 MS. REDILA: Good evening, Arceli Redila,  
 21 Zoning Administration. But even if they  
 22 convert that unit into Commercial, they would  
 23 still meet the requirements of the 85 percent.  
 24 It's not because they're trying to meet the 85  
 25 and eight percent.

1 MR. BEHAR: -- I think we should look at it  
 2 really good.  
 3 MS. REDILA: Yeah, we can take a look at  
 4 that, but the intent really is not that you  
 5 have to sum up to 100 percent, but, yeah --  
 6 MR. BEHAR: Okay. Let me ask you, if I've  
 7 got to do a minimum of eight percent Commercial  
 8 on the ground floor, and I'm just going to  
 9 provide a minimum, because I'm in an area that  
 10 Commercial doesn't work, and I'm only allowed  
 11 to do a maximum of 85 percent, let's say, of  
 12 Residential, the other seven percent, what do I  
 13 do with it?  
 14 MS. REDILA: You have Commercial on ground,  
 15 you have office and Residential.  
 16 MR. TORRE: Why do you have to do  
 17 Residential at all? Why can't you do 15  
 18 percent Commercial?  
 19 MR. BEHAR: It may be a project that you  
 20 could only do eight percent of the ground  
 21 floor. Are you going to force me to do seven  
 22 percent of office in a Residential building?  
 23 MR. TORRE: But here's the point, how do  
 24 you get around having it be Mixed-Use if you  
 25 don't have two uses?

1 MR. WITHERS: Well, the whole intention was  
 2 to bring people Downtown originally with the  
 3 Mixed-Use; work-live, is the urban infill with  
 4 more residents.  
 5 MR. BEHAR: And I think the eight percent  
 6 on the ground floor makes sense, but --  
 7 MR. TORRE: Well, leaving that piece aside,  
 8 they're saying, if you have a hundred percent  
 9 of a project that is mixed, we don't want you  
 10 to do 85 of this type, right? So, no matter  
 11 what, you've got to provide me fifteen of  
 12 something else.  
 13 MS. REDILA: You have to provide a  
 14 distribution of uses, in order to achieve that  
 15 Mixed-Uses, so no more than 85 percent. Most  
 16 of the time, what happens is that you have  
 17 Commercial on the ground and then the rest is  
 18 Residential. So we wanted to avoid that --  
 19 what if you are going to do -- a lot of it also  
 20 is that, even the ground floor is difficult  
 21 enough to find for that retail eight percent.  
 22 MR. BEHAR: It's difficult enough.  
 23 MR. TORRE: It is. I fought this several  
 24 times.  
 25 MS. REDILA: Yeah. So that's why we would

1 suggestion, because you all may want to come up  
 2 with a Resolution or something to recommend, I  
 3 think we should list this as a discussion item  
 4 on an agenda, so that we've got it on the  
 5 agenda, we have a discussion and then the Board  
 6 makes --  
 7 CHAIRMAN AIZENSTAT: And we have public  
 8 input on it.  
 9 MS. REDILA: That's a good idea.  
 10 MR. COLLER: I think that's a better way to  
 11 go than trying to -- I recognize it's a result  
 12 of a particular item tonight, but I think it  
 13 would be cleaner if we did it as a  
 14 discussion -- Board discussion item.  
 15 CHAIRMAN AIZENSTAT: Maybe Staff can look  
 16 at putting that when we don't have a lot of --  
 17 MR. TORRE: And it's an important  
 18 discussion, because that eight percent on the  
 19 ground floor is a difficult thing, but I think  
 20 you have to understand where is this for. I  
 21 fought for certain things to be activated to a  
 22 high degree, versus just having Commercial for  
 23 the sake of Commercial. Otherwise, you know,  
 24 the streetscapes don't work. We've got a  
 25 problem.

1 like to at least have the distribution. Like  
 2 provide an office, perhaps, live-work now --  
 3 MR. BEHAR: But, see, I did a project that  
 4 we had the eight percent and it was very  
 5 difficult even to get the eight percent. I had  
 6 to put in some offices on the upper level, that  
 7 makes absolutely no sense, because seven  
 8 percent of office in a building that -- you  
 9 know, that is mainly Residential, is so little,  
 10 that it's --  
 11 MR. TORRE: But then --  
 12 MS. REDILA: We can take a look at that --  
 13 MR. TORRE: -- Mixed-Use is to try to get  
 14 multiple uses to happen in the Downtown or  
 15 wherever it is. You're not following the rule  
 16 of trying to mix the use. When you're having  
 17 difficulty is because you're trying to do a  
 18 Residential building more than you are anything  
 19 else.  
 20 MR. BEHAR: But you know what, it may be  
 21 that that 85 percent or -- on a Mixed-Use  
 22 building, you have to comply with eight percent  
 23 on the ground floor, so you're not limited to  
 24 an 85 percent.  
 25 MR. COLLER: Mr. Chairman, if I may make a

1 MR. BEHAR: And in some places, eight  
 2 percent may be okay; some places may be too  
 3 much. And, then, to top it off, it's the other  
 4 seven percent, what do I do with it? I have to  
 5 create a use that is going to be empty.  
 6 MR. TORRE: I agree with you. There's  
 7 areas where you see these Commercials  
 8 downstairs and they never lease -- and they  
 9 never lease ever, and they are a disaster, and  
 10 I see them on Le Jeune, I see them on many  
 11 places, that you go, why is that even there,  
 12 but I think that's a discussion where -- where  
 13 should it be approved, what conditions apply,  
 14 where they should definitely happen, versus  
 15 ones that are not so important.  
 16 So those discussions, we can --  
 17 MR. BEHAR: In some cases, what has helped  
 18 is that you could do live-work units as part of  
 19 the eight percent of the Commercial.  
 20 MS. REDILA: Yeah, a live-work unit is part  
 21 of the eight percent Commercial.  
 22 MR. BEHAR: Right. So to that helps  
 23 achieve, you know, to that eight percent. My  
 24 thing is like, to get to the fifteen percent,  
 25 the additional seven percent, where, and what

1 do I need -- you know.  
 2 So, I agree, let's not -- today is just a  
 3 conversation. Let's bring it up on another  
 4 day.  
 5 MR. COLLER: Okay.  
 6 CHAIRMAN AIZENSTAT: Thank you.  
 7 Is there a motion to adjourn?  
 8 MR. GRABIEL: I move.  
 9 CHAIRMAN AIZENSTAT: Second? Second?  
 10 MR. BEHAR: Second.  
 11 CHAIRMAN AIZENSTAT: All in favor, aye.  
 12 Thank you. Thank you, everybody.  
 13 (Thereupon, the meeting was concluded at  
 14 8:00 p.m.)  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 CERTIFICATE  
 2  
 3 STATE OF FLORIDA:  
 4 SS.  
 5 COUNTY OF MIAMI-DADE:  
 6  
 7  
 8  
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary  
 10 Public for the State of Florida at Large, do hereby  
 11 certify that I was authorized to and did  
 12 stenographically report the foregoing proceedings and  
 13 that the transcript is a true and complete record of my  
 14 stenographic notes.  
 15  
 16 DATED this 17th day of October, 2022.  
 17  
 18  
 19  
 20 \_\_\_\_\_  
 21 NIEVES SANCHEZ  
 22  
 23  
 24  
 25