

CITY OF CORAL GABLES  
LOCAL PLANNING AGENCY (LPA)/  
PLANNING & ZONING BOARD MEETING  
VERBATIM TRANSCRIPT  
THURSDAY, SEPTEMBER 21, 2023, COMMENCING AT 6:06 P.M.

Board Members Present at Commission Chamber:

- Eibi Aizenstat, Chairman
- Robert Behar
- Julio Grabiell
- Felix Pardo
- Sue Kawalerski
- Javier Salman
- Chip Withers

City Staff and Consultants:

- Jill Menendez, Administrative Assistant, Board Secretary
- Jennifer Garcia, City Planner
- Emilee Aguerrebere, Principal Planner
- Craig Collier, Special Counsel
- Kevin Kinney, Parking Director
- Hermes Diaz, Public Works Director
- Arceli Redila, Zoning Administrator

Also Participating:

- Mario Garcia-Serra, Esq., on behalf of  
Items E-1 through E-4
- Glenn Pratt
- David Fuentes
- Jorge Navarro, Esq., on behalf of  
Items E-7 through E-9
- Ray Fort
- Marian Ancheta
- Sophia Heidler
- Manolo Reboso
- Sarah Conde (Via Zoom)
- Shasa Hu (Via Zoom)
- Albert Cordoves (Via Zoom)

City of Coral Gables has returned to the traditional in-person meetings; however, the Planning and Zoning Board has established the ability for the public to provide comments virtually.

For those members of the public who are appearing on Zoom and wish to testify, you must be visible to the court reporter to be sworn in. Otherwise, if you speak without being sworn in, your comments may not have evidentiary value.

Lobbyist Registration, any person who acts as a lobbyist must register with the City of Coral Gables, as required pursuant to the City Code.

As Chair, I now officially call the City of Coral Gables Planning and Zoning Board Meeting of September 21, 2023 to order. The time is 6:06.

Jill, will you call the roll, please?

THE SECRETARY: Robert Behar?

MR. BEHAR: Here.

THE SECRETARY: Julio Grabiell?

Sue Kawalerski?

MS. KAWALERSKI: Here.

THEREUPON:

CHAIRMAN AIZENSTAT: Let's go ahead and get started, please.

At this time, I'd like to go ahead and ask everybody to please silence all of their phones and their beepers, if they have any. Thank you.

Good evening. This Board is comprised of seven members. Four Members of the Board shall constitute a quorum and the affirmative vote of four members shall be necessary for the adoption of any motion. If only four Members of the Board are present, an applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to a lack of quorum, the Chairperson or Secretary of the Board may set a Special Meeting to consider such matter. In the event that four votes are not obtained, an applicant, except in the case of a Comprehensive Plan Amendment, may request a continuance or allow the application to proceed to the City Commission without a recommendation.

Pursuant to Resolution Number 2021-118, the

THE SECRETARY; Felix Pardo?

MR. PARDO: Here.

THE SECRETARY: Javier Salman?

MR. SALMAN: Here.

THE SECRETARY: Chip Withers?

MR. WITHERS: Here.

THE SECRETARY: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

Notice Regarding Ex Parte Communication, please be advised that this Board is a quasi-judicial board, which requires Board Members to disclose all ex parte communications and site visits. An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum or other written or verbal communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board regarding matters to be heard by the board.

If anyone made any contact with a Board Member regarding an issue before the Board, the Board Member must state, on the record, the existence of the ex parte communication and the party who originated the communication. Also,

1 if a Board Member conducted a site visit  
2 specifically related to the case before the  
3 Board, the Board Member must also disclose such  
4 visit. In either case, the Board Member must  
5 state, on the record, whether the ex parte  
6 communication and/or site visit will affect the  
7 Board Member's ability to impartially consider  
8 the evidence presented regarding the matter.  
9 The Board Member should also state that his or  
10 her decision will be based on substantial  
11 competent evidence and testimony presented on  
12 the record today.

13 Does any Member of the Board have any such  
14 communication and/or site visit to disclose at  
15 this time?

16 MR. BEHAR: No.

17 CHAIRMAN AIZENSTAT: Swearing in, everyone  
18 who speaks this evening must complete the  
19 roster on the podium with Jill. We ask that  
20 you print clearly so the official records of  
21 your name and address will be correct.

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

5

1 (Thereupon, the participants were sworn.)

2 CHAIRMAN AIZENSTAT: Thank you.

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

11 Phone platform participants, after the Zoom  
12 platform participants are done, I will ask  
13 phone participants to comment on tonight's  
14 agenda items. I also ask you to be concise,  
15 for the interest of time.

16 The first item we have is the approval of  
17 the minutes of the July 12, 2023. Has  
18 everybody had a chance to review --

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

20 CHAIRMAN AIZENSTAT: We have a motion. Is  
21 there a second?

22 MS. KAWALERSKI: Second.

23 CHAIRMAN AIZENSTAT: We have a second. Any  
24 comment? No? Call the roll, please.

25 THE SECRETARY: Sue Kawalerski?

6

1 MS. KAWALERSKI: Here.

2 THE SECRETARY: Felix Pardo?

3 MR. PARDO: Yes.

4 THE SECRETARY; Javier Salman?

5 MR. SALMAN: Yes.

6 THE SECRETARY: Chip Withers?

7 MR. WITHERS: Yes.

8 THE SECRETARY: Robert Behar?

9 MR. BEHAR: Yes.

10 THE SECRETARY; Eibi Aizenstat?

11 CHAIRMAN AIZENSTAT: Yes.

12 The procedure that we will use for  
13 tonight's agenda items, first we'll have the  
14 identification of the agenda item by  
15 Mr. Coller. Then we'll have the presentation  
16 by the applicant or the agent. Then we'll have  
17 the presentation by Staff. I'll go ahead and  
18 open it up for public comment, for in Chamber,  
19 then Zoom participants, then phone line  
20 platform. Afterwards, we'll go ahead and close  
21 the public comment. The Board will have a  
22 discussion, and then a motion, and further  
23 discussion, and a second, if required, then the  
24 Board's final comments and then a vote.

25 We have two new -- well, we have one new

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1 individual and one returning Member of the  
2 Board today. Javier Salman, I'd like to  
3 welcome you to the Board. If you would please  
4 -- if you'd like to say a few words.

5 MR. SALMAN: Thank you very much Eibi.

6 I was here and I see that Eric Riel is  
7 still back there, paying us a visit fortuitous,  
8 because he reminded me that we had 68 meetings  
9 to redo the Code, when I was on this Board, and  
10 it was a lot of fun, and I look forward to  
11 serving with you all and helping wherever I  
12 can.

13 CHAIRMAN AIZENSTAT: Thank you.

14 And, also, Chip, a returning member. Chip,  
15 any words you'd like to say?

16 MR. WITHERS: You know, the pay was just  
17 too good to turn it down.

18 CHAIRMAN AIZENSTAT: Welcome. Please share  
19 the wealth.

20 MR. BEHAR: I want to welcome Javier back,  
21 and he -- he left out that in those 58 (sic)  
22 meetings, many of those meetings went to past  
23 midnight.

24 CHAIRMAN AIZENSTAT: Yes.

25 MR. BEHAR: Okay.

8

1 CHAIRMAN AIZENSTAT: I think the three of  
2 us were there.

3 MR. SALMAN: Yeah, the three of us.

4 MR. BEHAR: So welcome back. And, Chip,  
5 welcome back, as well.

6 MR. WITHERS: Thank you, Robert.

7 CHAIRMAN AIZENSTAT: Thank you.

8 Jill, do we know -- did Julio confirm that  
9 he was coming in?

10 THE SECRETARY: Yes, he did.

11 CHAIRMAN AIZENSTAT: Okay. What I'd like  
12 to do is, I'd like to move agenda item E-6 up,  
13 to give a chance for Julio to come, so we'll  
14 have a full Board. E-5 is long, and I think  
15 E-6 is not that long.

16 So, Mr. Collier, would you go ahead and read  
17 E-6 into the record, please?

18 MR. COLLIER: Sure.

19 Item E-6, an Ordinance of the City  
20 Commission providing for text amendments to the  
21 City of Coral Gables Official Zoning Code by  
22 amending Article 3, "Uses," Section 3-315,  
23 "Restaurant, open air dining at ground level  
24 and other location," to provide a minimum clear  
25 distance for outdoor seating within any arcade

1 seating that's part of the restaurant, with an  
2 arcade or loggia.

3 And, then, through plan view, you can see  
4 it looking down. The sidewalk and the public  
5 right-of-way is on the left side of the image.  
6 You can see the columns, the little dots  
7 representing the columns, and this four-foot  
8 clearance would be in between the columns of  
9 the arcade or loggia and the outdoor seating.  
10 It's as simple as that.

11 CHAIRMAN AIZENSTAT: Thank you.

12 What I'd like to do is open it up first for  
13 public comment, if there's anybody here for  
14 this item. I'd like to go ahead and -- Jill,  
15 do we have anybody for this item?

16 THE SECRETARY: No, we do not.

17 CHAIRMAN AIZENSTAT: Okay. Either in Zoom  
18 or in platform?

19 THE SECRETARY: No.

20 CHAIRMAN AIZENSTAT: Okay. I'll go ahead  
21 and close the public comment. Let's have Board  
22 discussion.

23 I'd like to welcome Julio and just --

24 MR. GRABIEL: Thank you. Sorry I'm late.  
25 I apologize.

1 or loggia, providing for a repeater provision,  
2 severability clause, codification, and  
3 providing for an effective date.

4 Item E-6, public hearing.

5 CHAIRMAN AIZENSTAT: Thank you.

6 MS. GARCIA: And for the record, Jennifer  
7 Garcia, City Planner.

8 I have a couple of slides for this item, to  
9 kind of illustrate what we're trying to do  
10 here. This is sponsored by the Vice Major.  
11 And the idea is that this would apply,  
12 City-wide, to any restaurant that's requesting  
13 outdoor seating. Outdoor seating is in the  
14 private property. We're not talking about  
15 sidewalk cafes in the public right-of-way.

16 This would apply City-wide, and the  
17 proposed text amendment would be to require a  
18 four-foot clear distance within an arcade or  
19 loggia space. So to illustrate that a little  
20 bit better, you can see the public sidewalk on  
21 the left side, the image of the two people, a  
22 child and a parent, probably, walking on the  
23 sidewalk. And that four-foot clear would apply  
24 in the private property, in between the column  
25 of an arcade or a loggia and the actual outdoor

1 CHAIRMAN AIZENSTAT: Thank you.

2 Please note that he has arrived.

3 THE SECRETARY: Yes.

4 CHAIRMAN AIZENSTAT: Julio, we're doing  
5 E-6.

6 MR. COLLIER: This is a legislative item, so  
7 he can fully participate.

8 CHAIRMAN AIZENSTAT: Correct. Okay.

9 MR. COLLIER: Thank you.

10 CHAIRMAN AIZENSTAT: Chip, any comments?

11 MR. WITHERS: I just have a question about  
12 what -- the definition of outside dining. Is  
13 it four walls, six walls, eight walls? Is it  
14 like a paseo, which only has the roof open or  
15 it has --

16 MS. GARCIA: It could be covered or the  
17 building could be set back. I'm trying to give  
18 you an example that's private property. The  
19 German restaurant that's on that little plaza  
20 where 55 Merrick Way and Aragon, that little  
21 corner -- that little triangle corner is  
22 private property. So that's considered outdoor  
23 seating that it's in the private property.  
24 Even though it looks like it's, you know, in  
25 the sidewalk and it's open air, but it's in

1 private property. So that would be outdoor  
2 seating, right.

3 MR. WITHER: Uh-huh.

4 MS. GARCIA: The sidewalk is actually  
5 public sidewalk cafes, so that would be in the  
6 public right-of-way. This would only apply as  
7 to an arcade, so it would be covered, right,  
8 and you're providing a clearance. Did I answer  
9 your question?

10 MR. WITHERS: So if it's a paseo between  
11 two buildings, the top is covered --

12 MS. GARCIA: This is not for a paseo. It  
13 would be applying to arcades and loggias that  
14 are adjacent to a sidewalk.

15 MR. WITHERS: Okay. Adjacent to a sidewalk.

16 MS. GARCIA: Uh-huh.

17 MR. WITHERS: Okay.

18 CHAIRMAN AIZENSTAT: Chip, did she  
19 answer --

20 MR. WITHERS: Yeah, kind of.

21 CHAIRMAN AIZENSTAT: When you say, "Kind  
22 of" --

23 MR. WITHERS: Well, I mean, what if one end  
24 of the arcade is adjacent to a sidewalk?

25 MS. GARCIA: If one end of the arcade is

13

1 adjacent to the sidewalk?

2 MS. WITHERS: If one end of the paseo is  
3 adjacent to a sidewalk.

4 MS. GARCIA: This wouldn't apply -- oh, I  
5 think -- can you sort of give an example of  
6 where you're thinking of this?

7 MR. WITHERS: Like the paseo on US-1,  
8 across from the University of Miami. That's a  
9 long, open, and they have indoor dining in  
10 there.

11 MS. GARCIA: Right.

12 MR. WITHERS: Is that going to be  
13 permitted?

14 MS. GARCIA: Yes. All this is doing is,  
15 it's giving a distance -- a clearance distance  
16 for pedestrians to be able to maneuver in  
17 between the sidewalk. If it's raining, they  
18 can go into an arcade to be out from the rain  
19 or the sun. That's all it's doing.

20 MR. WITHERS: Is there a rule that it has  
21 to be adjacent to the business or can it be  
22 anywhere in the open?

23 MS. GARCIA: The way it's drafted right now  
24 is that it's adjacent to the sidewalk, for the  
25 sole purpose of being able to get out of the

14

1 sun or out of the rain.

2 MR. WITHERS: No, I understand that, but  
3 let's say that there's a restaurant --

4 MS. GARCIA: Uh-huh.

5 MR. WITHERS: -- and behind it is the  
6 paseo, there is no -- it's not like adjacent to  
7 a sidewalk. It's just a long -- are you  
8 familiar with the building on US-1, the  
9 paseo --

10 MS. GARCIA: So that would be private  
11 property. I'm assuming, the ADA regulations  
12 would apply, from the Building Code, to make  
13 sure there is a clearance there. The thing is  
14 that -- the reason we're doing this, is because  
15 Code Enforcement can't really enforce ADA, per  
16 se. They can enforce the Zoning Code. So if  
17 we have the four-foot distance in here, next to  
18 an arcade that's adjacent to a sidewalk --  
19 usually arcades and loggias are adjacent to the  
20 sidewalk, but the paseo would always have some  
21 kind of four or five-foot clearance along it,  
22 because they need to have some kind of ADA  
23 access.

24 CHAIRMAN AIZENSTAT: So you're doing this,  
25 basically, so you can enforce that four-foot?

15

1 MS. GARCIA: Uh-huh.

2 CHAIRMAN AIZENSTAT: That's the purpose?

3 MS. GARCIA: Yeah. Yeah, because if you  
4 read above it, there's language that kind of  
5 talks about how you want to not restrict  
6 pedestrian circulation, but there's no set  
7 distance. So Code Enforcement can't really  
8 enforce it.

9 CHAIRMAN AIZENSTAT: Understood.

10 MS. GARCIA: And it helps, as far as the  
11 Zoning reviewers, to be able to have that  
12 actual set distance, as well.

13 CHAIRMAN AIZENSTAT: Chip?

14 MR. WITHERS: I'm good. Thanks.

15 CHAIRMAN AIZENSTAT: Thanks.

16 Sue.

17 MS. KAWALERSKI: Hi, Jennifer. And just to  
18 be clear, a restaurant cannot put tables on  
19 public right-of-way, correct, on a sidewalk?

20 MS. GARCIA: Yes, they can. They can apply  
21 for a sidewalk cafe permit.

22 MS. KAWALERSKI: Okay. All right. So  
23 why --

24 MS. GARCIA: That's basically five feet  
25 from the edge of the building, or, usually, the

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1 private property line, to where they're having  
2 the outdoor seating. So it's not against the  
3 storefront, but it's actually on the other  
4 side, so you can still have pedestrian movement  
5 along the building side.

6 MS. KAWALERSKI: I guess, why are we  
7 dealing with private property versus public  
8 property?

9 MS. GARCIA: Public property, we already  
10 have a set distance and we can enforce that  
11 very easily. It's five feet or it's ten feet  
12 on Miracle Mile and Giralda.

13 MS. KAWALERSKI: Okay. Okay.

14 MS. GARCIA: But we don't have that set  
15 distance in the private property.

16 MS. KAWALERSKI: All right. And how is  
17 this going to be enforced?

18 MS. GARCIA: Same thing, when we enforce  
19 any other regulation in the Zoning Code.

20 MS. KAWALERSKI: Okay.

21 MS. GARCIA: Code Enforcement would have  
22 that. It's more useful for Zoning reviewers to  
23 have this distance. That's going to be the  
24 first check. And then they have a distance set  
25 and there's permit plans approved by the City,

17

1 and they put their chairs out there, then Code  
2 Enforcement can go in with the actual approved  
3 plans and say, you have four feet clear here.  
4 They can do it.

5 MS. KAWALERSKI: Okay. And just one  
6 question, we're talking about four feet under a  
7 loggia, for example, right?

8 MS. GARCIA; Uh-huh.

9 MS. KAWALERSKI: A bicycle -- a bicycle  
10 requires four feet, okay. How are you going to  
11 handle bicycles, in addition to pedestrian? In  
12 Miracle Mile, you can't have a bicycle on the  
13 sidewalk.

14 MS. GARCIA: Right. Yes.

15 MS. KAWALERSKI: But certainly, anywhere  
16 else in the City, you can have a bicycle on the  
17 sidewalk, right?

18 MS. GARCIA: Yes, but it's probably not  
19 safe to be on a bicycle, actually riding it,  
20 within an arcade, because we have people that  
21 are sitting and you have columns. People can  
22 maneuver in and out of the columns. So if  
23 there's a bicycle, they're probably going very,  
24 very slow, just to be cautious of the  
25 pedestrian movement.

18

1 MS. KAWALERSKI: And that's why I bring up  
2 public versus private, because here's a  
3 sidewalk where a bicycle should be able to  
4 navigate --

5 MS. GARCIA: Right.

6 MS. KAWALERSKI: -- and yet there are cafe  
7 tables on the public right-of-way.

8 MS. GARCIA: But there will always be a  
9 five or ten-foot clearance on the a ive or a  
10 ten-foot clearance on the sidewalk.

11 MS. KAWALERSKI: Okay. Okay. All right.  
12 Thank you.

13 MS. GARCIA: Uh-huh.

14 CHAIRMAN AIZENSTAT: Felix.

15 MR. PARDO: So -- can you hear me all right  
16 with my mask on?

17 MS. GARCIA: Yes.

18 MR. PARDO: Okay. So one of the questions  
19 I have is, as Chip mentioned, on the graphic,  
20 it's showing basically an arcade, which is  
21 parallel to a sidewalk.

22 MS. GARCIA; Uh-huh.

23 MR. PARDO: So it looks bigger, et cetera.  
24 But the paseos, which are a minimum of ten feet  
25 per Code, now, all of a sudden, when you put

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1 two tables and you have this four-foot, it  
2 doesn't allow much -- you know, much leeway  
3 there. And the other thing is that, in your  
4 identification of the restaurants and the open  
5 air, it says at ground level, and then it says,  
6 "And other locations."

7 So are we talking about putting these  
8 restaurants on roofs? Are we talking about  
9 putting them on rooftops of mezzanines? You  
10 know, where are these restaurants going?

11 And then the other thing is that, under  
12 Policy MOB 2 point -- 3.5, it calls out there,  
13 and you called out in your Staff  
14 recommendation, bicycle movement. So you just  
15 contradicted yourself with your own Staff  
16 report.

17 So my question is, I think it's really a  
18 bad idea to have bicycles going through these  
19 very narrow, restricted areas, where people are  
20 dining, and they could be hit by someone on a  
21 bicycle. It should be prohibited, the same as  
22 all of the signs that show on Miracle Mile,  
23 that they tried to prohibit bicycles, although  
24 it's normally -- nowadays, it's normally  
25 ignored.

20

1 You know, you hit someone, an elderly  
2 person, they fall down, they really will get  
3 hurt, and now you have people that are sitting  
4 at tables, normally, you know, service at the  
5 table. So you have people with plates and all  
6 of these things, it really doesn't make a lot  
7 of sense. I understand that you're trying to  
8 show the four-foot. I think that the enclosed  
9 arcades and paseos should have a different  
10 requirement, such as 50 percent of the width of  
11 those ten feet, so the dining -- the tables  
12 would only be on one side or the other.  
13 Something that makes it a lot safer. I don't  
14 think that's been thought out very well and  
15 that's just my opinion.

16 So I think that -- when you look at the  
17 graphics, I think it would be better -- best to  
18 show other possibilities of graphics, and also  
19 to take a look, clearly, at the paseos that  
20 have been promoted, you know, as this way of  
21 getting from one end to the other through the  
22 larger building footprint, and that's ignored,  
23 and I think it should be addressed in any type  
24 of legislation, so you don't have to go back  
25 and redo it again.

21

1 you're limiting the possibility, because I  
2 think Felix is right, you only have -- you're  
3 required typically ten feet of depth on the  
4 arcade. Why are we putting a requirement --  
5 you know, a restriction to put outdoor seating  
6 within my ten feet, because, at the end of the  
7 day, those ten feet belong to that property?

8 MS. GARCIA: Because a lot of these arcades  
9 are calculated towards an open space that's  
10 supposed to be for the public, and when they  
11 get full of tables and chairs, it's no longer  
12 for the public, it's for the restaurant.

13 So this is trying to encourage walkability  
14 and people walking, maybe -- or biking,  
15 depending on their comfort level, and the way  
16 that it's written right now, it's that it is  
17 encouraging movement of pedestrians inside of  
18 these arcades. There's no set distance. This  
19 is setting a set distance. That's all.

20 MR. BEHAR: So what you want to do is, if  
21 you're going to take 75 percent of that arcade  
22 for open space, you've got to provide minimum a  
23 four-foot clearance for pedestrians circulation  
24 in the arcade?

25 MS. GARCIA: Right.

23

1 Those are my comments, Mr. Chair.

2 CHAIRMAN AIZENSTAT: Thank you.

3 Julio?

4 MR. GRABIEL: No comment.

5 CHAIRMAN AIZENSTAT: No comment?

6 Javier?

7 MR. SALMAN: No comment.

8 CHAIRMAN AIZENSTAT: Robert?

9 MR. BEHAR: Can you put up the graphics  
10 again a second, please?

11 MS. GARCIA: Sure.

12 MR. BEHAR: And the way the Code currently  
13 reads is, in an arcade or loggia, which is  
14 private property --

15 MS. GARCIA: Uh-huh.

16 MR. BEHAR: -- am I not allowed to have  
17 seating within that area, within the private  
18 property?

19 MS. GARCIA: You can. Yeah, you can  
20 request it.

21 MR. BEHAR: So why, then, you're requiring  
22 a four-foot pedestrian clearance inside the  
23 private property, when the sidewalk is there to  
24 provide the -- you know, the clearance for the  
25 pedestrian? What I think -- by doing this,

22

1 MS. KAWALERSKI: Chair, if I could make  
2 just one more comment.

3 I can tell you, this is really dangerous,  
4 okay. A cyclist, a scooter, does not have  
5 enough clearance, and you're talking about  
6 bi-directional traffic on a sidewalk, that now  
7 has tables on one side and we have this loggia,  
8 which looks like it's off-limits for a cyclist,  
9 especially if there is any kind of lip, any  
10 kind of step up to it. I mean, that's  
11 impossible for anybody but a pedestrian to  
12 access, no wheelchairs, no bicycles, nothing on  
13 wheels, okay, because there's usually a step  
14 up, right.

15 So I think this is a very dangerous  
16 proposal, and I can tell you that, as a  
17 cyclist, a pedestrian, I would rather have  
18 those tables off the sidewalk, off the public  
19 right-of-way, and allow them to then use that  
20 open space under the loggia for tables, rather  
21 than splitting the baby, but to navigate in  
22 between the two, with a lip, with a step up,  
23 is, from a cyclist standpoint, dangerous,  
24 especially in a bi-directional manner.

25 MR. BEHAR: But, Sue, this doesn't

24

1 happen --

2 MS. GARCIA: For a long amount of time --  
3 distance.

4 MR. BEHAR: And this is in very limited  
5 areas.

6 MS. GARCIA: Right.

7 MR. BEHAR: You're going to have -- the  
8 outdoor sitting, really, in the public space,  
9 doesn't happen very often. There's not many --  
10 many situations where you will have that. This  
11 is, I guess, one of the examples, like in  
12 Miracle Mile. You know, there's not too many  
13 other possibilities that this occurs.

14 And a cyclist inside an arcade or a loggia,  
15 that's irresponsible of the cyclist, This is  
16 not something that we're going to impose on the  
17 owner. You know, you, as a cyclist, you don't  
18 have no reason to be inside the arcade --

19 MS. KAWALERSKI: I would never use that,  
20 for the reasons I mentioned.

21 MR. BEHAR: -- right? So I don't think the  
22 cyclist -- and, yes, you may have a step up,  
23 but I assure you that, any arcade that is for  
24 pedestrian uses, will have accessibility to the  
25 ADA. So that doesn't -- you know, and the

25

1 public side shall not have permanent  
2 structures, such as fences, railings, planters  
3 or other such barriers, including furniture,  
4 surrounding the open air dining area, which  
5 would restrict pedestrian circulation or  
6 discourage the free use of the building's  
7 arcade or loggia by the general public."

8 The intent is to use the arcade and the  
9 loggia, for the general public, to be able to  
10 get out of the rain, to be able get out of the  
11 sun, to get some cool air. That's the intent.  
12 All this is doing is having a set distance for  
13 reviewers and for Code Enforcement.

14 MR. BEHAR: No, I understand. I  
15 understand, and, you know, it is, but if you  
16 have a ten-foot arcade and you're going to put  
17 a four-foot restricted area, then I only have  
18 room to put maybe, you know, one table --

19 CHAIRMAN AIZENSTAT: You only have six feet  
20 to work with.

21 MR. BEHAR: -- because -- yeah. So you  
22 don't have -- so am I promoting to have outdoor  
23 sitting or am I going to restrict to have what  
24 the restaurants are really going to try to do,  
25 is to have more outdoor areas to have their

27

1 three of us here will, you know, confirm that.  
2 But I think that what -- you know, I understand  
3 why the four feet, because you want to -- if  
4 you're going to use it for outdoor sitting, and  
5 you're taking advantage of the open space, but  
6 I don't know that you really need to do that,  
7 when you have a sidewalk in front.

8 I think that -- and, obviously, outdoor  
9 sitting is not everywhere, but you want to  
10 promote outdoor sitting. If you have a  
11 restaurant, you want to promote to have outdoor  
12 sitting, in a covered environment, that  
13 otherwise it would not be usable. So I don't  
14 know if there's really a need to impose  
15 four-foot requirements in any arcade, you know.

16 I like the idea to promote more outdoor  
17 sitting, because that's the way you really  
18 activate a restaurant, any space. You know, I  
19 see what the intent is, but do you -- if you  
20 have a sidewalk, do you really need to even  
21 require a four-foot restriction?

22 MS. GARCIA: Okay. Again, Number 6 in your  
23 Staff Report, the existing language in the Code  
24 reads, "Open air dining located under a  
25 building's arcade or loggia adjacent to a

26

1 patrons?

2 I'm not sure that I'm -- I would like to  
3 see a restriction on something, like when I'm  
4 adjacent to a public sidewalk.

5 CHAIRMAN AIZENSTAT: Jill --

6 MS. KAWALERSKI: You know, I'd rather, very  
7 truthfully, have all of the tables under the  
8 loggia and just free up the sidewalk.

9 CHAIRMAN AIZENSTAT: Let me ask you a  
10 question, Jennifer. Are you suggesting that  
11 the tables be put either on the left side or  
12 the right side? Do you have restrictions on  
13 where the tables need to go, next to the  
14 sidewalks or the tables need to go --

15 MS. GARCIA: They would probably be next to  
16 the storefront, so you can be able to -- as a  
17 pedestrian, be able to get under the arcade if  
18 you need to.

19 CHAIRMAN AIZENSTAT: But I don't see that  
20 here.

21 MR. SALMAN: It's clear. Under Number 6,  
22 it says that there shall be maintained a  
23 minimum of a four-foot clear distance within  
24 any arcade or loggia adjacent to the public  
25 sidewalk.

28

1 CHAIRMAN AIZENSTAT: Okay.  
 2 MS. GARCIA: Right.  
 3 MR. SALMAN: Therefore, by definition,  
 4 leaves the balance in front of the storefront.  
 5 MS. GARCIA: Right.  
 6 MR. SALMAN: So that is clear.  
 7 CHAIRMAN AIZENSTAT: Okay.  
 8 MR. SALMAN: And if I may, to the esteem  
 9 Mr. Behar's point, I understand what you're  
 10 trying to say, that it's a private property  
 11 restriction that's being imposed, but at the  
 12 same time, it's also a piece of private  
 13 property which is being -- which the owner is  
 14 receiving an advantage of green and open that  
 15 is part of the public right-of-way, and,  
 16 therefore, I see no problem with it.  
 17 MR. BEHAR: You know, Javier, I agree, but  
 18 I'm going to use the case of my arcade in front  
 19 of my office. You know what gathers there?  
 20 It's just trash, because it's not utilized, you  
 21 know. If you're going to promote outdoor  
 22 sitting, I think that should be the most  
 23 logical place to put it, and you want to  
 24 provide the maximum flexibility for that  
 25 restaurant or whoever's going to occupy that.

29

1 You know, yes, you're getting a benefit,  
 2 but by the same token, you are getting a  
 3 benefit for having outdoor seating to promote  
 4 that activity. You know, it's not only -- I  
 5 look at it, that it's more than one way, not  
 6 just for, you know, the developer who did it,  
 7 but the user, the end user, is able to take  
 8 benefit of that. At the same time, you know,  
 9 it's going to benefit a City, I think, in my  
 10 opinion.  
 11 CHAIRMAN AIZENSTAT: Are there any fees  
 12 that are collected by the City when somebody  
 13 does an outdoor --  
 14 MS. GARCIA: Outdoor seating, there's the  
 15 initial fee for the review, but there is no  
 16 annual fees, like they are for the sidewalk  
 17 cafes, which are on the right-of-way.  
 18 CHAIRMAN AIZENSTAT: Okay.  
 19 MR. PARDO: Mr. Chairman?  
 20 CHAIRMAN AIZENSTAT: Yes, sir.  
 21 MR. PARDO: Based on the conversation from  
 22 the Board Members, I'd like to make a motion to  
 23 table it, no pun intended, and simply so Staff  
 24 can regroup and at least get the comments that  
 25 this Board has made, to re-look at this and

30

1 maybe come back to the Planning Board at  
 2 another time.  
 3 CHAIRMAN AIZENSTAT: But -- well, before we  
 4 continue, is there a second on that motion?  
 5 MS. KAWALERSKI: I'll second it.  
 6 CHAIRMAN AIZENSTAT: We have a second.  
 7 Now, for discussion, what specifically did  
 8 you gather, that you want her to come back  
 9 with, if I may ask?  
 10 MR. PARDO: I think that the points that  
 11 Chip made, as far as the width, you know, the  
 12 paseos and the ten feet, because they've been  
 13 built at ten feet --  
 14 CHAIRMAN AIZENSTAT: Right.  
 15 MR. PARDO: -- and, you know, that's an  
 16 issue. Maybe there shouldn't be any tables  
 17 within those paseos, it depends, and maybe  
 18 there should be something that it becomes more  
 19 of a guideline, that Staff should have, if  
 20 someone wants to put in tables in a paseo, that  
 21 it won't obstruct and it won't take away what  
 22 the original intent was.  
 23 And, then, the second thing is that, based  
 24 on what Robert said, specifically, it's that,  
 25 you know, you have these areas, that were

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1 designed specifically to keep people out of  
 2 weather, and, also, you go throughout areas,  
 3 anywhere, including Miami, and you'll see that  
 4 these covered areas have tables throughout, and  
 5 they don't have the restriction of the four  
 6 feet inside. So that -- I don't think that's  
 7 been studied well. And then the third thing  
 8 was the point about identifying, you know,  
 9 where these other locations are. That should  
 10 be more specific.  
 11 So I think that there's more than enough  
 12 material there for input, rather, for Staff to  
 13 go back and look at these things and come back  
 14 with something that's a little more  
 15 encompassing. And I know that what they're  
 16 trying to do is use a tool to make it  
 17 accessible, you know, so people aren't blocking  
 18 with tables, but there are other things that  
 19 haven't been addressed in the way that this has  
 20 been prepared.  
 21 CHAIRMAN AIZENSTAT: I agree with the fact  
 22 of identifying locations or possibly samples,  
 23 and I also understand that it's specifically  
 24 the four feet to enforce the ADA compliance,  
 25 which Code Enforcement has no teeth or no tool

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1 to do that, but at the same time, I'm of the  
2 strong belief that paseos should encourage  
3 outdoor dining, for me, in restaurants. If  
4 there's a restaurant, and the whole idea is so  
5 you can get people to be outside, if it's a  
6 nice day, and have their dining, I would like  
7 that.

8 How do you work about it, with bicycle  
9 traffic or other traffic, I don't know. Maybe  
10 that's something that has to be studied. But  
11 at the same time, I also listened to what  
12 Robert said, that when you have a paseo that's  
13 just empty, it does nothing more than -- it has  
14 no public benefit, to me, or any other benefit,  
15 than to gather trash in it.

16 MR. BEHAR: Mr. Chair, to Javier's point  
17 that the benefit -- maybe, perhaps, if you are  
18 going to use the arcade or the loggia for  
19 dining -- not a paseo. A paseo is totally  
20 different. A paseo is the connectivity between  
21 the two blocks. This is not a paseo.

22 If you're going to use the loggia, maybe  
23 you should pay a fee. Maybe it's a yearly fee,  
24 you know, for usage of that, and you've got to  
25 pay, like you do in the outdoor sitting area,

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1 you know, in the right-of-way, right, because  
2 then, the sidewalk, when you use it, you've got  
3 to pay a fee. Am I not correct with that?

4 MS. GARCIA: Correct, because that's in the  
5 right-of-way. That's owned by the City.

6 MR. BEHAR: But maybe, if you're going to  
7 use the loggia for those seating, maybe you  
8 have to provide -- pay a fee for that.

9 CHAIRMAN AIZENSTAT: Don't restaurants then  
10 go ahead and pay fees per seat or per person or  
11 so forth, when they do a restaurant, Jennifer?

12 MS. GARCIA: I'm sorry?

13 CHAIRMAN AIZENSTAT: Within the Code, when  
14 a restaurant is built, do they pay a fee per  
15 seat or per table or anything like that to the  
16 City? Is there a yearly fee?

17 MS. GARCIA: On private property?

18 CHAIRMAN AIZENSTAT: In a restaurant.  
19 Inside a restaurant.

20 MS. GARCIA: In a restaurant? No.

21 MR. BEHAR: No.

22 CHAIRMAN AIZENSTAT: Okay.

23 MR. PARDO: It's just a review fee.

24 MS. GARCIA: What's that?

25 MR. PARDO: It's a review fee.

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1 MS. GARCIA: Yes.

2 MR. PARDO: The only fee involved is a  
3 review fee. It's not rent being charged to the  
4 City.

5 MS. GARCIA: Right.

6 CHAIRMAN AIZENSTAT: Okay. That's fine.  
7 Yes.

8 MR. COLLIER: I just want to advise the  
9 Board that the issue with regard to the  
10 bicycles and whether they should be permitted  
11 in there or not is beyond the scope of this  
12 item. So this item can't address the bicycle  
13 issue.

14 The other questions, Staff can take a look  
15 at, but I want to make -- and, also, a fee  
16 which -- for having tables on the private  
17 property, is, again, something that could be  
18 considered by the Board, but this item  
19 that's -- this would be beyond the scope of  
20 this item, as well.

21 CHAIRMAN AIZENSTAT: But the Board could  
22 make a recommendation?

23 MR. COLLIER: The Board could make a  
24 recommendation that, in you addressing this  
25 item, that they should consider charging a fee

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1 for that right.

2 CHAIRMAN AIZENSTAT: Understood.

3 We have the motion and we have a second.

4 MR. COLLIER: The deferral, is it to a time  
5 certain? Is it to the next meeting or is it to  
6 a date --

7 MR. PARDO: I'm sorry, Mr. Attorney. I  
8 said, when Staff is ready.

9 MR. COLLIER: Okay. So it's to a date  
10 uncertain.

11 CHAIRMAN AIZENSTAT: And we have a second.  
12 Any other discussion before we call the roll?

13 MS. KAWALERSKI: I have one question. When  
14 you're saying bicycling has nothing to do with  
15 this, bicycles are permitted on sidewalks, why  
16 are we excluding them from this discussion?  
17 You're including pedestrians --

18 MR. COLLIER: I didn't say that bicycles  
19 don't have anything to do with this. What I  
20 said was, the title of this item is -- doesn't  
21 address bicycles. It would be beyond the scope  
22 of this item. Now, you can, in your  
23 recommendation on this, recommend to the City  
24 Commission that they should restrict the use of  
25 bicycles in these areas, and you can make that

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1 as part of your recommendation, but it can't be  
2 part of this Ordinance.

3 MS. KAWALERSKI: Okay. Thank you.

4 MR. PARDO: Mr. Attorney, I just want to  
5 clarify, when I quoted the policy, the policy  
6 that Staff quoted is out of their Comp policy.  
7 In other words, they quoted in there bicycle  
8 movement, but this Board has brought up issues,  
9 specifically where there's legislation where  
10 safety and bicycles and dining areas should be  
11 reviewed by them.

12 MR. COLLER: Right. And so if the title  
13 were to add, for example, in E-6, providing in  
14 addition restrictions of bicycles, you could  
15 address that in this item. Since this is being  
16 suggested, as I understand, by the Vice Chair,  
17 if you want to have bicycles addressed, then I  
18 would suggest, when this comes back up and you  
19 say yea or nay to the item, you can include a  
20 suggestion that the item should be expanded to  
21 include restrictions on bicycles. So that's  
22 the way to handle it.

23 MS. KAWALERSKI: And by the way, I'm not  
24 advocating for restricting bicycles.

25 MR. COLLER: No, what I'm saying, if that

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1 restaurants, does it include wine bars and  
2 retail outlets or is it strictly for dining?

3 MS. GARCIA: For dining only, yeah. So if  
4 they're retailers, they shouldn't have outdoor  
5 sitting outside, because outdoor sitting is  
6 only an accessory use for a restaurant.

7 CHAIRMAN AIZENSTAT: I think what Chip is  
8 saying, let's say you have a bar that has  
9 outdoor tables.

10 MS. GARCIA: We don't have any bars in  
11 Coral Gables. They're restaurants with bars.

12 CHAIRMAN AIZENSTAT: Okay.

13 MR. WITHERS: That's my question. So it  
14 doesn't apply to anything other than a  
15 restaurant?

16 MS. GARCIA: Restaurant. The restaurant  
17 could have a bar, but this would apply to them,  
18 yes.

19 MR. WITHERS: I understand. But it could  
20 be a sandwich shop or it could be a full meal  
21 restaurant?

22 MS. GARCIA: Yes.

23 MR. WITHERS: And the measurement, is that  
24 from the back of the chair where the person is  
25 sitting or is that the width of the table?

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1 were the desire --

2 MS. KAWALERSKI: I'm just advocating for  
3 this to be part of the discussion.

4 MS. COLLER: Yeah.

5 MR. BEHAR: And Mr. Chair, may I?

6 Because my comment about imposing a fee may  
7 not be legal on private property, so I'm going  
8 to retract that.

9 MR. COLLER: Well, I was thinking about that.

10 MR. BEHAR: I'm going to retract that  
11 comment, you know. That may be an illegal  
12 position.

13 CHAIRMAN AIZENSTAT: Okay.

14 MR. GRABIEL: As an owner of a private --

15 MR. BEHAR: Yeah. Yeah. You know, I  
16 understand kicking that portion that is taken  
17 for public benefit, but, you know, just rewind  
18 that.

19 CHAIRMAN AIZENSTAT: Yes, Chip.

20 MR. WITHERS: I see the intent of this  
21 now, after listening to all of this, and I see  
22 where you're going. You're looking, probably,  
23 for some way to kind of regulate the private  
24 space, not the public space.

25 Does this include -- other than

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1 MS. GARCIA: That's the clearance, the real  
2 estate clearance. So I think what they would  
3 do is, they would lay out the six feet to have  
4 the chairs facing each other, perpendicular to  
5 the clearance, and they probably wouldn't have  
6 a chair where the clearance area is. I mean,  
7 obviously that wouldn't be all of them, but  
8 that's how I think they would lay it out as.

9 MR. WITHERS: So if you didn't have a  
10 chair that backed up to the -- I guess, on  
11 either side of the table, but on the back of  
12 the table adjacent --

13 MS. GARCIA: Yeah, I would think the  
14 reviewers would catch that and would ask them  
15 to remove that chair, to have the seating be,  
16 you know, perpendicular to --

17 MR. WITHERS: So, in response to  
18 Mr. Pardo's question, if there was rooftop  
19 dining, how do you enforce that?

20 MS. GARCIA: Well, see, I wanted to clarify  
21 that. The reason it has -- where did it go --  
22 other locations, is because this also applies  
23 -- not this specific arcade and loggia  
24 sentence, but the whole regulations apply to  
25 rooftop dining as well. That's why that

40

1 subsection includes other locations, because it  
2 also includes regulations that are applying to  
3 the rooftop dining.

4 MR. WITHERS: Okay. I'm sorry, run that  
5 by me again.

6 MS. GARCIA: So Section 3-315, Restaurant,  
7 Open AIR Dining at Ground Level and Other  
8 Location --

9 MR. WITHERS: Right.

10 MS. GARCIA: -- other location is any  
11 elevated location. It could be rooftop, it  
12 could be at the step back or whatnot. What  
13 we're talking about today, for this extra  
14 sentence that we're adding to the Zoning Code,  
15 is not obviously for anything that's elevated.  
16 It's just for an arcade.

17 MS. WITHERS; Okay.

18 MS. GARCIA: The question was, why did it  
19 have, or other location, because these apply  
20 for other locations on private property.

21 MR. WITHERS: So the bigger question to me  
22 is, these arcades or whatever, are primarily  
23 architectural futures. A lot of it was, I  
24 guess, spun by Mediterranean Bonus and things  
25 like that.

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1 inside and fifty tables outside.

2 MR. WITHERS: I got it. And that doesn't  
3 including serving stations and valet stands  
4 and --

5 MS. GARCIA: That would not be in the  
6 clearance, the four feet clearance, but  
7 sometimes they do have a little service  
8 station --

9 MR. WITHERS: I mean, do I really want a  
10 service station with dirty dishes piled up on  
11 the sidewalk?

12 MS. GARCIA: No. And there's regulations  
13 that they have to keep that clean.

14 MR. WITHERS: So it's tables and chairs  
15 only, that's my question?

16 MS. GARCIA: Yes.

17 MR. WITHERS: Okay.

18 CHAIRMAN AIZENSTAT: All right. We have a  
19 motion. We have a second.

20 Jill, will you call the roll, please?

21 THE SECRETARY; Felix Pardo?

22 MR. PARDO: Yes.

23 THE SECRETARY; Javier Salman?

24 MR. SALMAN: No.

25 THE SECRETARY: Chip Withers?

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1 MS. GARCIA: Uh-huh. Right.

2 MR. WITHERS: Was it ever really intended  
3 to be an operational arcade, to have tables, or  
4 was it more of a pedestrian arcade? I mean,  
5 originally, what was the original thought  
6 behind this, because I always thought it ws  
7 just pedestrian?

8 MS. GARCIA: Well, it counts, 75 percent of  
9 it, towards your open space, and open space is  
10 to mean, in mixed-use buildings, to be access  
11 to the public.

12 MR. WITHERS: So it kind of morphed into  
13 the outdoor dining?

14 MS. GARCIA: If there's a restaurant there.  
15 I mean, there's not restaurants under every  
16 single arcade.

17 MR. WITHERS: I understand. And so my  
18 question is, that -- I'm assuming that outdoor  
19 dining has to be within the boundaries of the  
20 restaurant itself, it can't be spread out?

21 MS. GARCIA: Yes. Correct.

22 MR. WITHERS; Okay.

23 MS. GARCIA: And it can actually only -- I  
24 think it's 30 percent maximum of the total area  
25 of the restaurant. They can't have one table

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1 MR. WITHERS: Yes.

2 THE SECRETARY; Robert Behar?

3 MR. BEHAR: I think I'm going to go with  
4 Javier. No.

5 THE SECRETARY; Julio Grabiell?

6 MR. GRABIEL: No.

7 THE SECRETARY: Sue Kawalerski?

8 MS. KAWALERSKI: Yes.

9 THE SECRETARY: Eibi Aizenstat?

10 CHAIRMAN AIZENSTAT: No.

11 MR. BEHAR: I will make a motion, then, to  
12 go ahead and approve as submitted by Staff.

13 MR. SALMAN: I have a question.

14 CHAIRMAN AIZENSTAT: We have a motion. Is  
15 there a second, and then we can have a  
16 discussion?

17 MR. GRABIEL: I'll second it.

18 CHAIRMAN AIZENSTAT: Julio. We have a  
19 second.

20 Javier, continue, please.

21 MR. SALMAN: How do we get to the four  
22 feet? Is it because 42 inches is the  
23 requirement, so 48 is close enough or --

24 MS. GARCIA: Yeah. Yeah.

25 MR. SALMAN: I'm just thinking the 48 might

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1 be a little tight, if you have two way people  
2 walking or two people walking side by side  
3 together.

4 I understand what you're trying to do is  
5 give some limited covered walking area, but I  
6 would suggest maybe we do more.

7 CHAIRMAN AIZENSTAT: Are you going towards  
8 the ADA? Your idea is to do ADA, and ADA calls  
9 four feet, or am I wrong?

10 MS. GARCIA: I think it's actually 42 inches.

11 MR. BEHAR: 44.

12 MS. GARCIA: 44 inches. I'm not an  
13 architect. Thank you.

14 CHAIRMAN AIZENSTAT: So we are more than  
15 the ADA?

16 MR. BEHAR: Yeah, and you have a sidewalk.

17 MR. SALMAN: And you do have the adjacent  
18 sidewalk. In case it's raining, and I'm with  
19 my wife and I want to walk down out of the  
20 rain --

21 CHAIRMAN AIZENSTAT: Understood.

22 MR. BEHAR: You're going to be tight, and  
23 four feet is going --

24 MR. SALMAN: I might have to take a ball at  
25 my nose.

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1 MR. BEHAR: I mean, I don't know if we  
2 should restrict more than the six feet, because  
3 if you have four tops, you know, it's going to  
4 take probably six feet.

5 CHAIRMAN AIZENSTAT: And you can't sit on  
6 the end.

7 MS. GARCIA: Right.

8 MR. PARDO: Mr. Chairman?

9 CHAIRMAN AIZENSTAT: Yes, sir.

10 MR. PARDO: The reason I suggested and made  
11 the motion to table it is because the  
12 discussion keeps going, because --

13 CHAIRMAN AIZENSTAT: I understand.

14 MR. PARDO: -- it has to be better thought  
15 out.

16 CHAIRMAN AIZENSTAT: Well, but by the same  
17 token, we do have a motion and a second. So  
18 let's go ahead and have the discussion based on  
19 the motion, and we'll just go ahead and call  
20 the roll. Is there any other further  
21 discussion?

22 MR. GRABIEL: No.

23 CHAIRMAN AIZENSTAT: Call the roll, please.

24 MR. WITHERS: What's the motion again, I'm  
25 sorry?

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1 THE SECRETARY: Yes.  
2 MR. WITHERS: To approve it as is, without  
3 any amendments to it; is that right?  
4 MR. BEHAR: As presented to us, yes.  
5 CHAIRMAN AIZENSTAT: Call the roll, please.  
6 THE SECRETARY: Javier Salman?  
7 MR. SALMAN: Yes.  
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: Sue Kawalerski?  
15 MS. KAWALERSKI: Yes.  
16 THE SECRETARY: Felix Pardo?  
17 MR. PARDO: No.  
18 THE SECRETARY: Eibi Aizenstat?  
19 CHAIRMAN AIZENSTAT: Yes. Thank you.  
20 MS. GARCIA: Thank you.  
21 CHAIRMAN AIZENSTAT: Let's go ahead and go  
22 back to E-1.  
23 MR. BEHAR: Mr. Chair --  
24 CHAIRMAN AIZENSTAT: Yes, sir.  
25 MR. BEHAR: -- I have a financial conflict

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1 with the developer that's coming up, so I would  
2 like to recuse myself for this item. Please,  
3 make it short, because I'm going to be waiting  
4 outside.

5 CHAIRMAN AIZENSTAT: Okay. Thank you.

6 MR. BEHAR: So I'll be back --

7 MR. SALMAN: You're going to be outside in  
8 the rain.

9 MR. BEHAR: No, because we have a loggia.

10 CHAIRMAN AIZENSTAT: Understood. Thank  
11 you.

12 MR. WITHERS: Grab me a cup of coffee while  
13 you're out, all right?

14 MR. COLLIER: Mr. Chairman, there are  
15 actually four items that are related.

16 CHAIRMAN AIZENSTAT: Before we do that, let  
17 the record show that Robert Behar went ahead  
18 and excused himself for the following, E-1,  
19 E-2, E-3, E-4.

20 Go ahead, please.

21 MR. COLLIER: Okay. Item E-1, an Ordinance  
22 of the City Commission of Coral Gables, Florida  
23 amending the Future Land Use Map of the City of  
24 Coral Gables Comprehensive Plan pursuant to  
25 Zoning Code Article 14, "Process," Section

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1 14-213, "Comprehensive Plan Text and Map  
 2 Amendments," and Small Scale amendment  
 3 procedures, from "Commercial Mid-Rise  
 4 Intensity" -- I'm sorry -- to "Mixed-Use" for  
 5 all of Block 15, Coral Gables Section "L" (20  
 6 and 42 Navarre Avenue, 33, 43 and 47 Alhambra  
 7 Circle and 2001 Galiano Street), Coral Gables,  
 8 Florida; providing for a repeater provision,  
 9 severability clause and providing for an  
 10 effective date.

11 Item E-2, an Ordinance of the City  
 12 Commission of Coral Gables, Florida making  
 13 zoning district boundary changes pursuant to  
 14 Zoning Code Article 14, "Process," Section  
 15 14-212, "Zoning Code Text and Map Amendments,"  
 16 from Mixed-Use 2 (MX2) District to Mixed-Use  
 17 2.5 (MX2.5) District for all of Block 15, Coral  
 18 Gables Section "L" (20 and 42 Navarre Avenue,  
 19 33, 43 and 47 Alhambra Circle and 2001 Galiano  
 20 Street); providing for a repeater provision,  
 21 severability clause, and providing for an  
 22 effective date.

23 Item E-3, an Ordinance of the City  
 24 Commission of Coral Gables, Florida granting  
 25 approval of a Planned Area Development pursuant

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1 to Zoning Code Article 14, "Process," Section  
 2 14-206, "General Procedures for Planned Area  
 3 Development for a proposed mixed-use project  
 4 referred to as "33 Alhambra" on the property  
 5 legally described as all of Block 15, "Coral  
 6 Gables Section L" (20 and 42 Navarre Avenue,  
 7 33, 43 and 47 Alhambra Circle and 2001 Galiano  
 8 Street), Coral Gables, Florida; including  
 9 required conditions; providing for a repeater  
 10 provision, severability clause, and providing  
 11 for an effective date.

12 Item E-4, a Resolution of the City  
 13 Commission of Coral Gables, Florida approving  
 14 Mixed-Use Site Plan and Conditional Use review  
 15 pursuant to Zoning Code Article 14, "Process"  
 16 Section 14-203, "Conditional Uses," for a  
 17 proposed Mixed-Use project referred to as "33  
 18 Alhambra" on the property legally described as  
 19 all of Block 15, "Coral Gables Section L" --  
 20 I'm not going to repeat the addresses -- Coral  
 21 Gables, Florida; including required conditions;  
 22 providing for a repeater provision,  
 23 severability clause, and providing for an  
 24 effective date.

25 Item E-1, E-2, E-3 and E-4, public hearing.

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1 CHAIRMAN AIZENSTAT: Thank you. Mr. Serra.  
 2 MR. GARCIA-SERRA: Good evening, Mr. Chair,  
 3 Members of the Board. Mario Garcia-Serra, with  
 4 offices at 600 Brickell Avenue, here this  
 5 evening representing 33 Alhambra PROPCO, LLC,  
 6 the owner of the City block identified by the  
 7 address of 33 Alhambra, and which is bounded by  
 8 -- you could put up the aerial photo, if you  
 9 can, please -- Alhambra Circle, Galiano Street,  
 10 Navarre Avenue and Minorca Avenue.

11 There you have the aerial photo showing the  
 12 block in question. The site is about 1.12  
 13 acres in size, and it's within the City's  
 14 Central Business District.

15 I'm accompanied today by my client, Alirio  
 16 Torrealba of MG Developer, our project  
 17 architects, Glenn Pratt and David Fuentes,  
 18 along with the rest of the team from MG  
 19 Developer and our project traffic consultant,  
 20 John McWilliams.

21 MG Developer is a developer that has done  
 22 well in the City of Coral Gables, because it  
 23 has embraced and really come to understand, the  
 24 great history and tradition of Coral Gables  
 25 urban planning and architecture. The projects

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1 which it has built or is in the process of  
 2 building in the City have literally been award  
 3 winning and represent the best of recent  
 4 construction in this City.

5 It showed some examples there -- David --  
 6 of the various projects they've had. Biltmore  
 7 Parc being one of the first ones, and, then,  
 8 Althea Row, Beatrice Row and also the Village  
 9 of Coral Gables, which has just broken ground.

10 If you could go back now to the aerial --  
 11 the aerial photo. Each project has been  
 12 consistent with its context and has given back  
 13 something to the public realm. In many case,  
 14 it has been public improvement, in others  
 15 improved streetscapes or crossblock paseos. MG  
 16 has always been concerned about the  
 17 preservation of tree canopy also, which is  
 18 relevant to this project, and we will discuss  
 19 further later. In short, MG has done well by  
 20 doing right by the City of Coral Gables.

21 They are attempting to implement that same  
 22 formula of success here on this property. It  
 23 is not an easy task, but my client is up to it,  
 24 and it has learned from the mistakes of the  
 25 past. The previously approved project on this

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1 same site, which many of you will remember,  
2 because it's been about a four-year process in  
3 the approval process, maxed out at its density  
4 and was at over 140 units.

5 MG does not want to do that. This project  
6 will be characterized by large units of a  
7 luxury quality. The proposed unit count here  
8 is 66 units, which is less than half of the  
9 density permitted today. How often have you  
10 seen a developer come here with a project that  
11 has less than half of the density that is  
12 otherwise permitted?

13 Yes, we are requesting a change of Zoning  
14 for more height, but that height is being  
15 utilized for greater floor to ceiling height  
16 and a level of amenities, so as to improve the  
17 quality of the project. In exchange, this  
18 project is doing a lot at the ground level for  
19 the public.

20 And if we could go to the ground level plan  
21 here. There's going to be an over 6,000 square  
22 foot public park that's being provided in the  
23 northwest corner of the site. The historic  
24 building at 42 Navarre, which historically has  
25 not had any public access, is now being

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1 146. It was intended to be a rental unit, and  
2 the units were all very small, they were  
3 single -- studio, single bedroom, and two  
4 bedroom.

5 The intent of this is to go with a more  
6 high end product. We did, you know -- the  
7 projects for MG Developer, we did Biltmore  
8 Parc, and the client came to us and asked us if  
9 we could kind of re-imagine this building in a  
10 more Biltmore Parc type setting or layout, with  
11 a more luxury and higher end kind of feel to  
12 it.

13 Part of that requirement was, before, with  
14 the previous project, we were able to put the  
15 3.5 FAR -- the original -- the previous project  
16 also received Mediterranean Bonus and had a 3.5  
17 FAR. But with that, at 97 feet, what happens  
18 is that, a rental unit, you can compress the  
19 floor, because people in a 600 or 700 square  
20 foot unit really don't expect to have higher  
21 ceilings. You know, an eight-foot ceiling is  
22 an appropriate ceiling in a 600 square foot  
23 unit. When you get into a 2,000 or 3,000, in  
24 some instances that we have, the higher end on  
25 the Penthouse, much larger units, the

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1 adaptively reused as an event space where the  
2 public will be able to have access. And  
3 streetscape and pedestrian and bicycle lane  
4 improvements along Alhambra Circle are also  
5 considerable, and we can go into detail on that  
6 later.

7 Please keep in mind that this is the  
8 Central Business District. That is where we  
9 are located and where this property is, where  
10 heights exist today and where height is  
11 supposed to go. The important thing here is  
12 that increased height will be happening in  
13 exchange for a public benefit and a better  
14 project and a comparatively low density  
15 project, when you consider the project's  
16 existing Zoning.

17 With that said, Glenn, if you could walk  
18 through the plan.

19 MR. PRATT: All right.

20 Glenn Pratt, Bellin, Pratt, Fuentes  
21 Architects, 301 Almeria, and -- Suite 210.

22 As Mario mentioned, we've been involved  
23 with this project for several years. The first  
24 client was the Florida East Coast Realty, and  
25 as Mario mentioned, the original unit count was

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1 expectation is to have nine-foot ceilings or  
2 even ten-foot ceilings. It just is more  
3 appropriate for the space.

4 What this also does is, it also creates a  
5 much nicer architecture, because the whole  
6 feeling of the building isn't compressed and  
7 squeezed down.

8 So, when we looked at the building, one of  
9 the things that we tried to create was  
10 something that was, you know, a very -- the  
11 feeling of a higher end, high quality type  
12 building, that the client gave us license to  
13 use high quality materials, a much nicer  
14 finishing, and to open up the ground level,  
15 which is what you're looking at, so that we  
16 were able to implement paseos that line and  
17 connect all of the streets, so that a  
18 pedestrian can easily go anywhere through the  
19 building to get to -- again, in a covered  
20 manner.

21 I was interested in the previous discussion  
22 with the arcades, and you're correct, in that  
23 the arcade is one of the things that it's a  
24 double edge sword. Retail people like to have  
25 the glass frontage pushed all of the way to the

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1 face of the building, but the thing that --  
2 from being a South Florida resident pretty much  
3 all of my life, what I've always found is that  
4 it's nice to have a covered arcade, that you go  
5 from place to place, whether it's you're in the  
6 blazing sun or in the rain, as we all came in  
7 through the building today, to get here.

8 Arcades are really, in my mind, really  
9 wonderful things. They provide a sheltered  
10 environment for people to move around on the  
11 public space.

12 So we've created a lot of public amenities  
13 in the building with the creation of the park,  
14 that is going to be 6,000 -- a little over a  
15 6,000 square foot park, that would be for the  
16 parents -- one of the things that in, you know,  
17 the study of the site, we're right across the  
18 street from the elementary school, and so that  
19 one of the things that we found is that parents  
20 really like to -- when they're waiting to pick  
21 up their child, this would be a great place for  
22 them to be able to wait. We've introduced park  
23 benches and carved out bench sections along the  
24 park edge, to allow them to wait for their  
25 child, or it also works with, you know,

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1 people -- not only residents of the building,  
2 but neighbors, that they can, as they're  
3 walking their dogs or having an evening stroll  
4 with their wife, it's a place for them to sit  
5 and chat and just enjoy the green canopy.

6 One of the things that we're also doing in  
7 the park is that, along with the historic  
8 preservation of preserving the historic  
9 building, there are three very large oak trees  
10 that we're relocating into the park, from  
11 behind the historic building, and so that  
12 they'll be an instant canopy and we're very  
13 happy that the park will be a very green and  
14 very shaded spot for people to use.

15 One, just kind of a side thing also, one of  
16 the things that -- I don't know if you're  
17 familiar with Biltmore Parc. One of the things  
18 that we were able to preserve and relocate on  
19 that project was a very giant ficus tree, a  
20 Sprengler Fig, that was a beautiful specimen  
21 tree, that MG allowed to relocate, and it  
22 really anchors the corner of the building, and  
23 we're very -- you know, very adamant about  
24 trying to keep the green canopy of Coral  
25 Gables, and it's just something that we feel

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1 very strongly about.

2 We've introduced, along the ground plane,  
3 also -- the street trees are all oaks, that  
4 we're promoting. We have -- additionally,  
5 beyond the green space and the open space,  
6 we're substantially above the requirement, and  
7 as you can see, we've done a diagram, and I'll  
8 let, actually, David kind of tell you about the  
9 numbers.

10 MR. FUENTES: Okay. Good afternoon. My  
11 name is David Fuentes, from Bellin, Pratt and  
12 Fuentes Architects, the same address, 301  
13 Almeria Avenue.

14 This plan represents the amount of open  
15 space to the public, which Mario said before,  
16 we have paseos that run from Galiano to  
17 Alhambra and Minorca to Navarre, which is going  
18 to enhance and make a lot of public activity on  
19 the ground floor, plus the corner park, which  
20 we concentrate as much green as possible on  
21 that corner, to create a lush green, really  
22 nice environment. So all of that becomes a  
23 little bit over the 35 percent of the site to  
24 be open to the public.

25 MR. PRATT: 20 percent is what's required,

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1 and so we're 15 percent over what -- the open  
2 green space.

3 MR. FUENTES: I'm going to go through all  
4 of the levels of the building, so you have a  
5 much understanding of the project.

6 This is the second level, where we have  
7 offices facing Alhambra, as a buffer to the  
8 parking garage, and also offices to buffer in  
9 from the park, as well. So we're very  
10 concerned about keeping the cars concealed in  
11 the parking areas.

12 The third and fourth floors are full of  
13 parking areas, parking garage. This is the  
14 third and fourth.

15 Then, the fifth level of the building is  
16 where we have the amenities. By pushing the  
17 high mass or high intensity mass to Alhambra,  
18 allows us to have -- to free, basically, the  
19 west and north side of the building. So we  
20 have two open areas that are part of the -- I  
21 mean, are for the residents, but, also, allow  
22 us to, like I said before, to bring the  
23 daylight and sun to the west and north part of  
24 the building, and Alhambra is more like an  
25 entrance -- commercial entrance to the CBD

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1 anyway. So we felt that that approach goes in  
2 hand with -- is compatible with the City  
3 intention.

4 The typical level is eight units -- I'm  
5 sorry, ten -- twelve units -- eleven units.  
6 I'm sorry. I'm counting here on the plan. And  
7 then the penthouse are six units, which are  
8 more large units, and then we have another  
9 green area, on the roof, that are amenities for  
10 the building, but will also entertain landscape  
11 on those areas.

12 Combined -- let me say something before  
13 that. This is the portion of the roof, which  
14 is not a full level. It's -- I'm going to zoom  
15 -- sorry -- it's about maybe -- about 25  
16 percent of the roof level. The yellow area  
17 represents 21.8 percent of the overall roof.  
18 So it's a small -- which is, the last floor is  
19 small, compared to the levels below.

20 MR. PRATT: That amenity level also has two  
21 open pickleball courts, which would be  
22 utilized.

23 One of the things we've also done is, we've  
24 recessed around the roof areas, where all of  
25 the mechanical equipment will be in these

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1 the south side of the historic building. So  
2 we're buffering the historic building with  
3 trees and landscaping and open space, to  
4 provide a more open feel to it.

5 MR. FUENTES: Here we have some views of  
6 the park at the northwest corner. This is an  
7 aerial view. We wanted to show the size of the  
8 existing trees, which is what we show there.  
9 They are large trees, and once -- like Glenn  
10 said before, once they're relocated, the park  
11 will be -- already have mature landscape.

12 This is the view from the Navarre side,  
13 where we have access to the existing historic  
14 building, that is open to the public, access to  
15 the park, and access to the building and  
16 creates a really nice environment for the  
17 public.

18 This is a representation of the view inside  
19 the park.

20 That's another view.

21 This is walking by Galiano, the sidewalk,  
22 so we can have the feeling of the low iron --  
23 aluminum gate and the space of the park behind  
24 that.

25 This is another view of the park.

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1 recesses, and so they're not visible from  
2 either the street or from even adjacent  
3 properties or even from the pickleball courts.  
4 That upper amenity level will have all of the  
5 mechanical equipment concealed, and -- so that  
6 there's none visible.

7 Actually, Mario was saying that maybe we  
8 skipped the video, and --

9 MR. FUENTES: This is --

10 MR. PRATT: In the interest of time, I  
11 apologize for taking so much time showing you  
12 the project.

13 MR. FUENTES: This is a closeup of the  
14 park, where we're going to have a protected and  
15 closed open park, with gates, and it's open to  
16 the public, and, also, we are very concerned  
17 about the security and kids playing. So some  
18 of the parks that we see in Coral Gables are a  
19 success, because of the enclosure, and the --  
20 basically the low iron -- not iron, but  
21 aluminum gate, that protects the people. So we  
22 are keeping and using the same language that it  
23 has in other places.

24 MR. PRATT: We're also providing a dog park  
25 that is part of the green space around -- on

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1 MR. PRATT: One of the things that we were  
2 requesting or -- a study, I guess, actually,  
3 that we did is that, we were looking at, you  
4 know, if we were to try and go back to the 97  
5 feet that we're -- what that results in, as I  
6 said in the beginning, it's like a balloon.  
7 When you push down from the top, it expands out  
8 on the sides, and so the thing that -- by  
9 allowing us the little bit of extra height, it  
10 allows for -- to pull back on the sides and to  
11 create a much nicer massing and a much nicer  
12 architecture, that creates these more open  
13 spaces, and fits, I think, much nicer into the  
14 urban context.

15 These are just some illustrations on what  
16 the pushing it and -- pushing it down to the 97  
17 would result in.

18 So that's basically the end of the  
19 presentation.

20 MR. GARCIA-SERRA: Thank you, Glenn and  
21 David. I really appreciate it.

22 Staff is recommending approval of this  
23 project with conditions. We are in agreement  
24 in concept, with the recommended conditions of  
25 approval. We do think that two concepts need

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1 to be incorporated into the conditions, which  
2 is phased permitting, because there's --  
3 probably most projects now are permitted by  
4 phase, meaning foundation first and then  
5 vertical construction, and referring to  
6 particular City Code provisions where  
7 appropriate.

8 I discussed these comments with Jennifer,  
9 and she agreed on their appropriateness. We  
10 can potentially incorporate them in. We ask  
11 you to follow your Staff recommendation and  
12 vote to recommend approval. We will reserve  
13 time for rebuttal, if necessary, and are  
14 available for questions.

15 CHAIRMAN AIZENSTAT: Thank you.

16 Jennifer.

17 MS. GARCIA: Jennifer Garcia, City Planner.

18 So, as you know, the location is on  
19 Navarre, Alhambra, Minorca and Galiano, and it  
20 encompasses an entire block. And here's an  
21 aerial showing the context of that. It's on  
22 the very edge of the CBD, between the CBD and  
23 abutting the North Ponce area.

24 This is a street view of the site. It  
25 currently has a few small scale apartment

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1 The third request, it's a Planned Area  
2 Development, the PAD. So their public benefits  
3 are crosswalks, mid block paseos, shade trees  
4 and a bike path on Alhambra, the dog park, as  
5 well as adaptive reuse of the historic  
6 building, and, of course, the large park on  
7 Galiano and Navarre.

8 The Mixed-Use Site Plan is a requirement  
9 because of the size of the property,  
10 consisting, again, of the park, the pedestrian  
11 paseo, you can see in purple, that connects  
12 Galiano and Alhambra, as well as Navarre and  
13 Minorca. There's ground floor retail all  
14 around the building. The loading is off of  
15 Navarre, as well as vehicular entrance, and the  
16 dog park is right next to the historic  
17 building.

18 This is a summary of what the project  
19 consists of, and it's just over an acre, at  
20 1.12 acres. Open space, they're remaining at  
21 23 percent open space, which is 11,000 square  
22 feet. The density is quite low, at 59 units an  
23 acre, or 66 units. The height is 12 stories  
24 and also 137 feet. Again, that would be  
25 consistent with the way that MX2.5 is proposed.

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1 buildings.

2 So that they have four requests. They're  
3 requesting a Comp Plan change to the Map -- to  
4 the Future Land Use Map, Zoning Map Amendments,  
5 a Planned Area Development or, you know, a PAD,  
6 and a Mixed-Use Site Plan.

7 So the Comprehensive Map Amendments is a  
8 change to the current land use designation of  
9 Commercial Medium Rise -- Mid Rise intensity  
10 to Mixed-Use Land Use, and that basically locks  
11 in the requirement to have to do mixed-use.  
12 Commercial Medium -- Mid Rise intensity doesn't  
13 have the requirement to do mixed-use, but the  
14 mixed-use plan use would.

15 The Zoning Map amendment would be -- change  
16 the Zoning from MX2 to MX2.5. Now, they're  
17 going forward at their own risk. As you know,  
18 the MX2.5 is not a designation in our Zoning  
19 Code right now. It's proposed, and it's going  
20 through the amendment process to be approved by  
21 the Commission, but they are aware that that's  
22 not a designation right now. If that was not  
23 approved, they would have to go back to, you  
24 know, this Planning and Zoning Board to request  
25 something different that actually exists.

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1 Again, they're going forward at their own risk.  
2 That may not be approved.

3 Let's see, the front setbacks, of course,  
4 are zero and the setback in the -- except for  
5 one step back on Alhambra, which they're -- the  
6 PAD provides flexibility for them to have a  
7 lesser setback on Alhambra.

8 The review time line, started with DRC last  
9 October. They got the approval from the Board  
10 of Architects in March of this year. They had  
11 a neighborhood meeting in April. And here we  
12 are at Planning and Zoning in September.

13 There were letters sent to the properties,  
14 both, the owners and the current occupants, as  
15 required by the Zoning Code, and those letters  
16 were sent out three times; the neighborhood  
17 meeting, for the July PZ meeting, which was  
18 deferred, and today's meeting today. The  
19 property was posted four times, website posting  
20 and newspaper advertisement, per Code.

21 Staff determined that this is consistent  
22 with the Comp Plan and the objectives and  
23 policies of the Comp Plan, and it complies with  
24 the findings of fact of the Zoning Code and  
25 recommends approval, with conditions. Those

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1 conditions are in your Staff report, but  
2 basically it's construction staging and to keep  
3 Alhambra Circle sidewalk open throughout  
4 construction.

5 There's a concern from the residents in the  
6 area about a nearby project, caddy-corner to  
7 this project, so this is a requirement, that  
8 they have to have the sidewalk open on  
9 Alhambra.

10 Traffic calming will include shade trees on  
11 all three sides of the project, as well as a  
12 bike path on Alhambra, crosswalks in Alhambra,  
13 as well, to connect to the school, and, of  
14 course, landscape bump outs around the project,  
15 underground utilities that are along Galiano,  
16 as well as a requirement to keep the paseos to  
17 be public accessible at all times, and the park  
18 to be open from dawn to dusk, traffic  
19 monitoring, as well as permitting parking in  
20 the loading area.

21 This is a concern the residents had about  
22 too much -- not too much parking, but there was  
23 an area on their site plan, that's on Navarre,  
24 and the concern was that there would be some  
25 parking there. So there's a condition, in

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1 of the Staff report -- I'm sorry, Page 7 is  
2 where it starts --

3 CHAIRMAN AIZENSTAT: That is correct.

4 MS. GARCIA: Yes.

5 CHAIRMAN AIZENSTAT: So they must meet all  
6 seven?

7 MS. GARCIA: Correct -- six.

8 CHAIRMAN AIZENSTAT: I'm sorry, all six?

9 MS. GARCIA: Yes.

10 CHAIRMAN AIZENSTAT: It's not a question of  
11 if they meet five of the six or two of the six?

12 MS. GARCIA: Right. I mean, the sixth one  
13 is really, is there anything -- I'm sorry, I  
14 don't recall -- any other effect the City  
15 determines is relevant to the City Commission  
16 decision on the application. It's not really a  
17 standard (Unintelligible.)

18 I think that we talked about the North  
19 Ponce Visioning Workshop and how this is  
20 consistent with that.

21 CHAIRMAN AIZENSTAT: Okay. Thank you.

22 Is there something you'd like to ask now or  
23 could we open it to public comment?

24 MS. KAWALERSKI: I would like to ask  
25 Jennifer one question, please.

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1 their condition of approval, to not allow that.

2 And, then, there's also another concern  
3 from the residents, to promote the leasing of  
4 the retail on the ground floor. So that the  
5 condition reads that a minimum of 75 percent of  
6 the ground floor retail has to be leased within  
7 one year after the last TCO, Temporary  
8 Certificate of Occupancy.

9 So the condition of approval is also  
10 including, like I said, the shade trees and  
11 bike paths along Alhambra for their block, as  
12 well as the half a block that's just south of  
13 them, and then the block and a half north of  
14 them would be a temporary solution to be able  
15 to transition well.

16 And that's it.

17 CHAIRMAN AIZENSTAT: Thank you, Jennifer.

18 Just a quick question, if I may. For the  
19 Comprehensive Plan Amendments, for the findings  
20 of facts for the Land Use Amendment, you state  
21 six standards that are on there. Are they  
22 required to meet all six standards? How does  
23 that work?

24 MS. GARCIA: Yes, they're required to meet  
25 all of the standards. You're looking at Page 6

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1 CHAIRMAN AIZENSTAT: Sure.

2 MS. GARCIA: Yes.

3 MS. KAWALERSKI: Currently, in our Zoning  
4 Code, which is the law, is there a thing called  
5 2.5MX?

6 MS. GARCIA: Currently, no.

7 MS. KAWALERSKI: There is no 2.5MX in our  
8 laws?

9 MS. GARCIA: No.

10 MS. KAWALERSKI: Does this project hinge on  
11 getting the district?

12 MS. GARCIA: Does it hinge on it?

13 MS. KAWALERSKI: Does this project hinge on  
14 a new district being approved or not for a  
15 Zoning Code?

16 MS. GARCIA: Yes. So they're requesting  
17 the MX2.5. If that doesn't exist by the time  
18 they're going to Commission, then they'll have  
19 to change their request.

20 Does that answer your question?

21 MS. KAWALERSKI: It does. But with that  
22 said, we're talking about a hypothetical.  
23 There's nothing in our Zoning Code, nothing in  
24 the law in Coral Gables, that says there is a  
25 2.5 Mixed-Use District at this point, but we

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1 have an applicant asking for something that  
2 doesn't exist.

3 MS. GARCIA: At their own risk, yes.

4 MS. KAWALERSKI: Well, asking for something  
5 that doesn't exist. Is this the cart before  
6 the horse? Shouldn't the Zoning Code be  
7 changed, if it is going to be changed, before  
8 an applicant comes before us with a project  
9 that hinges on a district, at this point, that  
10 doesn't exist in our Zoning Code?

11 I'm a little confused. Why are we even  
12 taking this issue up, if the whole project  
13 hinges on something that doesn't exist?

14 CHAIRMAN AIZENSTAT: Sue, what I'd like to  
15 do is ask the attorney -- the City Attorney to  
16 answer that question, as opposed to Jennifer.

17 MS. KAWALERSKI: Thank you.

18 MR. COLLER: Well, first, you could  
19 recommend denial of the project based upon the  
20 fact that it's a hypothetical. That can be  
21 your recommendation. Or your recommendation  
22 could be, even if 2.5 is approved, we recommend  
23 denial. Or your recommendation, because it is  
24 a recommendation, you're not approving  
25 anything, you're making a recommendation to the

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1 would not be dependent, but I think the other  
2 items do depend on their obtaining that  
3 legislative change.

4 CHAIRMAN AIZENSTAT: And that's a risk that  
5 they're taking?

6 MR. COLLER: It's a risk that they're  
7 taking, and the Board could say, well, we don't  
8 want to undertake that risk and we're going to  
9 recommend denial.

10 CHAIRMAN AIZENSTAT: Understood.

11 MR. COLLER: You can choose to do that, as  
12 well.

13 CHAIRMAN AIZENSTAT: Understood.

14 MR. WITHERS: So do we, as a Board, look  
15 at 2.5?

16 MR. COLLER: Well, I believe the 2.5 was  
17 presented to this Board. I think that the --  
18 as I understand it, the 2.5 is really, instead  
19 of them having to ask for the Zoning at a  
20 higher height and doing a covenant for a lower  
21 height, in order to avoid the covenant -- of  
22 having to do a covenant, they want to create  
23 this intermediate step. So that MX2.5 is  
24 really a height, 137.5, right?

25 MS. GARCIA: Correct. Yes.

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1 Commission -- or your recommendation could be,  
2 approve subject to be the MX2.5.

3 So you really have a full menu of how you  
4 can address this item.

5 CHAIRMAN AIZENSTAT: But I think, also, the  
6 question is, by Code or by Statute, are they  
7 allowed to bring before the Board seeking for  
8 2.5, if I'm understanding --

9 MR. COLLER: Well, I'm not aware of  
10 anything in the Code that would prohibit the  
11 Board from making a recommendation on a pending  
12 legislative, but if the Board strongly does not  
13 want to make a recommendation on this item,  
14 because it's theoretical, then I think -- then  
15 it would be appropriate that your  
16 recommendation would be denial, based upon the  
17 fact that it's theoretical at this point. That  
18 can be another recommendation that the Board  
19 could choose to make.

20 Now, there are some things that are not  
21 dependent. I think the Comp Plan item is not  
22 dependent on the 2.5. That's for -- to allow  
23 for a mixed-use.

24 MS. GARCIA: Require a mixed-use.

25 MR. COLLER: Require a mixed-use. So that

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1 MR. COLLER: And the higher height would  
2 be --

3 MS. GARCIA: 190.5.

4 MR. COLLER: Which is -- what Zoning  
5 District is that, MX --

6 MS. GARCIA: MX3.

7 MR. COLLER: -- MX3.

8 So their goal is trying to avoid asking for  
9 195 feet.

10 MS. GARCIA: 190 feet.

11 MR. COLLER: Sorry, 190 feet.

12 MS. KAWALERSKI: But let me ask you, 2.5,  
13 which does not exist currently, would be a  
14 major change to our Zoning Code; is that  
15 correct?

16 MS. GARCIA: It's a new district.

17 MS. KAWALERSKI: It's a major change,  
18 correct?

19 MS. GARCIA: It's a new district.

20 MS. KAWALERSKI: Yes or no?

21 MS. GARCIA: It's a new district.

22 MS. KAWALERSKI: It's a major change.

23 MS. GARCIA: I mean, how do you define  
24 major? It's not rearranging of the Zoning  
25 Code.

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1 MS. KAWALERSKI: Well, you're creating a  
2 whole new district. Are districts very  
3 important in our Zoning Code? Are they a big  
4 deal in our Zoning Code?

5 MS. GARCIA: I mean, it's the map. It's  
6 not the Zoning Code. It's the Zoning Map.

7 MS. KAWALERSKI: I'm sorry, the Zoning Map.  
8 Are districts a big deal in the Zoning Map?

9 MS. GARCIA: They regulate height and  
10 density.

11 MS. KAWALERSKI: Yeah. So it's a big deal.  
12 A new district is a big deal, right?

13 Okay. Let's say it's a big deal, because  
14 you're hesitating, but it's a new district,  
15 it's something that doesn't exist, and all I'm  
16 saying is, tell me the process for changing the  
17 Zoning Code the first time? What did we have  
18 to go through to change our Zoning Code the  
19 last time?

20 MS. GARCIA: The Zoning Code update, you  
21 mean?

22 MS. KAWALERSKI: Yes.

23 MS. GARCIA: What we had to go through?

24 MS. KAWALERSKI: What did we have to go  
25 through?

1 MR. WITHERS: Correct.

2 MR. PARDO: -- at the last one, and just to  
3 be fair to Mr. Withers and accurate,  
4 Mr. Attorney, it went with no recommendation.

5 MR. COLLIER: I didn't -- I told the Board  
6 that it was presented to you. You're right,  
7 Mr. Withers was not here.

8 MR. SALMAN: Nor was I.

9 MR. COLLIER: Right, two people were not there.

10 MR. SALMAN: I happened to sit in.

11 MR. COLLIER: Maybe, Jennifer, it might be  
12 worthwhile to explain what the MX2.5 would  
13 provide for.

14 MR. WITHERS: That's what I was going to  
15 ask, so --

16 MS. GARCIA: As you know, the MX2, the  
17 maximum height --

18 MR. COLLIER: My apologies to those two  
19 members that were not here.

20 MR. WITHERS: I know what MX2 is. I mean,  
21 I have a pretty good idea. But I don't know  
22 what 2.5 is.

23 MS. GARCIA: So the maximum height on MX2  
24 is 97 feet. The maximum height on MX3, which  
25 is the next category up, is 190 feet and 6

1 MS. GARCIA: Well, we had a committee that  
2 we got feedback from. We did that for a couple  
3 of years. We had public meetings. We did that  
4 for also probably a year. We went to this  
5 Planning and Zoning Board multiple times, some  
6 as workshops and some as public hearings. We  
7 went to the City Commission for First Reading  
8 more than we probably needed to, until it was  
9 finally adopted.

10 MS. KAWALERSKI: So it's a big deal to  
11 change something this important in the Zoning  
12 Code, correct? It's that important, to where  
13 we went through a process?

14 CHAIRMAN AIZENSTAT: Sue, instead of asking  
15 the same question over and over, let's go ahead  
16 and listen to -- we've heard the presentation.  
17 Let's get public input. Let's go ahead and  
18 have a discussion among ourselves and then see  
19 what motion or what comes out of it. I think  
20 that's the only way to move forward on this.

21 MR. PARDO: Mr. Chairman --

22 CHAIRMAN AIZENSTAT: Yes, sir.

23 MR. PARDO: -- I agree with your point. I  
24 just wanted to clarify, because Mr. Withers was  
25 not sitting here --

1 inches --

2 MR. WITHERS; Right.

3 MS. GARCIA: -- or 205 feet, depending if  
4 you have reduced density in the CBD.

5 So, as you can imagine, a jump from 97 feet  
6 to 190 feet is quite great, right?

7 MR. PARDO: Is this with Mediterranean  
8 Bonuses?

9 MS. GARCIA: Yes. Uh-huh. Right.  
10 Otherwise it's 97 feet, you jump to 150, which  
11 is also a big jump, and then from there, three  
12 stories additional for 190.5 feet.

13 MR. WITHERS: So with Med bonuses, what  
14 can you do in MX2?

15 MS. GARCIA: MX2, 97 feet. That's the  
16 maximum, like the Med Bonus Level 2.

17 CHAIRMAN AIZENSTAT: Including elevator  
18 towers, including towers axillary and so forth?

19 MS. GARCIA: So this would be 70 feet.  
20 Yes.

21 MR. WITHERS: That's 30 percent of height.

22 MS. GARCIA: That's the maximum habitable  
23 space. You can do additional towers for 25  
24 feet, or if you're in the CBD, it's one-third  
25 -- it's a little complicated.

1 MR. PARDO: What is the density component?

2 MS. GARCIA: Density is the same. It's all  
3 about height. The intensity is also the same.  
4 So the intensity is still 3.0 or 3.5 FAR --  
5 sorry, with Med bonus, and the density is the  
6 same. Here, it's unlimited, because it's in  
7 the CBD.

8 MR. PARDO: And Mr. Attorney, what I want  
9 to -- Mr. Attorney, I want to be very, very  
10 clear that the way that Staff presented this to  
11 this Board was that, if you had MX2 and then  
12 you had MX3, the MX2.5 would be like a  
13 transition of height, and that's how it was  
14 heavily presented by Staff.

15 MS. GARCIA: Right. Yes.

16 MR. WITHERS: Or you could look at it a  
17 different way.

18 So the strategy, I'm assuming, and not  
19 putting words, is that there's no way they were  
20 going to get to 190 feet, then they needed to  
21 go higher than 92 feet, so they were looking  
22 for a way to kind of split the baby?

23 MS. GARCIA: 97 feet. Yes.

24 MR. WITHERS: And say, let us go at 135 feet.

25 MR. GARCIA-SERRA: Let me clarify it a

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1 out to City Commission, we modified the  
2 application so as to provide, instead of MX2 to  
3 MX3, MX2 to MX2.5, which, from a mapping  
4 perspective, I think is preferred by Staff,  
5 because of, you know, how -- you know, what  
6 sort of future precedential that it could  
7 potentially have in the area.

8 On the issue of how this process is  
9 unfolding, keep in mind that many times you see  
10 projects come here that are also traveling at  
11 the same time with some sort of Code amendment,  
12 for example, and contingent on that Code  
13 amendment. It's similar to that situation  
14 here.

15 And one other option, even, that I think is  
16 available to the Board, as far as  
17 recommendations, could be, let's say you,  
18 yourself, are not supportive of the MX2.5,  
19 don't think it's necessary, we could  
20 potentially recommend MX3, with a covenant, as  
21 has historically been done.

22 MR. PARDO: Mr. Attorney, I have a question  
23 of you. In reference to the law -- in  
24 reference to the law and spot zoning, can you  
25 explain to me how this could not be considered

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1 little bit different.

2 MR. WITHERS: Okay. And that's why I don't  
3 put words in your mouth on that. That's what  
4 it seems like, okay.

5 MR. GARCIA-SERRA: Let me tell you what's  
6 going on. When we first filed, we actually  
7 filed a request to change to MX3, which  
8 historically has been sort of the process by  
9 which -- you know, it's the other Zoning  
10 category that's available if you have MX2.

11 MR. WITHERS: Right.

12 MR. GARCIA-SERRA: But we always were at  
13 this reduced height of 137 feet. So,  
14 historically what's been done is, you rezone to  
15 MX3, you proffer a covenant tying yourself to  
16 the Site Plan. At the same time as we filed  
17 that application -- not at the same time, but  
18 at some time later, this MX2.5 Ordinance was  
19 proposed and has been going through the  
20 process of approval. It fits pretty well with  
21 what we're trying to do here, as far as the  
22 height that we're proposing and serving as that  
23 sort of transitional use that Board Member  
24 Pardo was talking about earlier.

25 So, with that going in process and going

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1 spot zoning?

2 MR. COLLIER: Well, spot zoning is --  
3 typically you have a sea of one type of Zoning,  
4 and you have an island of another. So, for  
5 example, you have Commercial everywhere, and a  
6 spot of Residential, or Residential everywhere  
7 and a spot of Commercial. So I don't  
8 necessarily see this as spot zoning, because  
9 you're -- this area is of the same type of  
10 Zoning, it's just a question of what height  
11 you're going to.

12 So I don't -- I think a spot zoning would  
13 be more of a different type of use, and so I  
14 wouldn't necessarily see going to -- you have a  
15 choice of MX2 or MX3, and they're coming in the  
16 middle, of MX2.5. I don't see that as spot  
17 zoning, as I wouldn't see MX3 as spot zoning.

18 MR. PARDO: So the mixed-use component  
19 alone does not qualify for spot zoning,  
20 although maybe three quarters of it doesn't  
21 have Mixed-Use Commercial in it, multi-family  
22 but it's still Residential? That's why I'm  
23 asking --

24 MR. COLLIER: Right, but I don't see  
25 mixed-use to be that different than

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1 Residential.

2 MS. GARCIA: Right. This is more of a

3 transition between those Commercial uses that

4 you see in the Downtown area or urban areas, in

5 between a Multi-Family area. You're mixing the

6 uses to kind of transition the uses.

7 MR. PARDO: Between the two of you, I have

8 a little bit of confusion, because the attorney

9 for the owner said that we are in the CBD, and

10 you said we're on the edge of the CBD.

11 MS. GARCIA: Yes. I think they're both

12 accurate.

13 MR. PARDO: I'm sorry?

14 MS. GARCIA: They're within the CBD, but on

15 the edge of the CBD.

16 MR. PARDO: Is it outside of the --

17 MS. GARCIA: No, inside the CBD. It's

18 within the CBD, along the edge of the CBD.

19 MR. PARDO: The first sentence in your

20 recommendation says that it's -- on Page 1, and

21 it says that it's on the edge of the CBD, so I

22 assumed it was just outside of the CBD.

23 MS. WITHERS: And that's on the board --

24 CHAIRMAN AIZENSTAT: It's inside the CBD.

25 MR. PARDO: Okay.

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1 MR. GARCIA-SERRA: The northern boundary of

2 the CBD is Navarre, which is --

3 MR. PARDO: Right. Staff did not provide a

4 line of where the CBD was, so we have to guess

5 or research it.

6 MS. KAWALERSKI: But, Chair, let's not lose

7 the essence of this. The essence is, they're

8 asking for something that is not in our law,

9 it's not in our Code. It's not in the map.

10 It's non-existent.

11 CHAIRMAN AIZENSTAT: Sue, let's go ahead

12 and open it for public comment and then we can

13 go into a discussion afterwards.

14 MS. KAWALERSKI: Okay.

15 CHAIRMAN AIZENSTAT: Jill, how many

16 speakers do we have for this item that are in

17 Chambers?

18 THE SECRETARY: One. And I would like to

19 make an announcement to anyone on Zoom, if they

20 wish to speak, to please raise their hand.

21 CHAIRMAN AIZENSTAT: Go ahead and call the

22 first speaker in Chamber, please.

23 THE SECRETARY: Sure. Mariana (sic) Ancheta.

24 MS. ANCHETA: Good evening, everyone. My

25 name is Marian Ancheta. I'm a proud resident

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1 of Coral Gables. I'm a Gables High graduate, a

2 graduate also of the University of Miami Law

3 School, as well, lived in Miami and in Coral

4 Gables practically my whole life.

5 I care very deeply about this City and how

6 it's been changing. I live a couple of

7 blocks --

8 CHAIRMAN AIZENSTAT: If you can state your

9 address, for the record, please.

10 MS. ANCHETA: Oh, I'm sorry. 1805 Ponce de

11 Leon Boulevard, Apartment 522, Coral Gables,

12 Florida 33134.

13 CHAIRMAN AIZENSTAT: Thank you.

14 MS. ANCHETA: It's my first time speaking,

15 so I apologize for the oversight.

16 I live a couple of blocks away. The

17 presenters for the applicant mentioned, you

18 know, the local neighbors that would be walking

19 their dog. That's me. I walk my dog right

20 down Madeira. I turn at Galiano. I turn down

21 Navarre. I turn down Alhambra. I see the pick

22 up and drop off.

23 I'm an attorney. I work from home a lot of

24 times. My office is on the corner of 201

25 Alhambra. I am that person, that went without

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1 a car for a full year, because I wanted to be

2 able to move around in the City without having

3 any impact on the environment, and I found that

4 very easy to do. My office is two blocks down

5 the road.

6 So I have really many, many concerns about

7 this project. Number One, I asked whether

8 there was a traffic study. I was told that

9 they did have an analysis done, and that the

10 conclusion was that a traffic study was not

11 required, because of the trips, the impact

12 wouldn't increase enough density, but I'm not

13 necessarily so much concerned about new trips

14 to that area. I'm concerned about the safety

15 of those kids and the parents that are walking

16 right along where they're proposing to put that

17 park, on the edge of Galiano.

18 I see the line of cars. They go all of the

19 way down to Madeira, three blocks down, for

20 pick up and drop off, sometimes blocking the

21 stop -- you know, the intersections with the

22 stops. And a lot of times there's parents that

23 are walking their children right there. So I

24 have concern about all of that retail frontage

25 in that area, with people running in and out

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1 and parking on the street, with little children  
2 being walked. So that's one concern of mine.

3 I also believe -- I'm not an expert in that  
4 area, but with regard to the traffic study, I  
5 believe the comparison study isn't adequate,  
6 because there are new trips and projects that  
7 have been added since 2017, that are not  
8 accounted for in the comparison analysis, and  
9 like I said, this isn't just about cars, it's  
10 about the safety of the children. We only have  
11 one chance to get that right.

12 I don't understand what the public benefit  
13 is to this. I appreciate that they're donating  
14 a park in that corner. It looks like a  
15 beautiful park. We also have a very beautiful  
16 park, that was recently renovated, just down  
17 the street, which is Philips Park. It has a  
18 brand new playground. I see people playing  
19 rugby there on the weekends, basketball courts  
20 that are frequented often. So there is a park  
21 right down the street, and the kids have a  
22 playground right across the street, on the  
23 school grounds. There's a playground right  
24 there.

25 I also have questions about whether -- one

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1 transit services, biking distance to multiple  
2 destinations, and pedestrian access to dining,  
3 shopping and employment opportunities." This  
4 does not speak to affordable housing  
5 whatsoever, and it does not recognize the  
6 existing housing whatsoever, and it does not  
7 recognize the existing housing that is there is  
8 being eliminated.

9 I also have some concerns -- I haven't  
10 analyzed the map of the proposed project, but I  
11 read that the loading and unloading areas that  
12 are required to be fully enclosed areas,  
13 there's a part that they're going to add, that  
14 is not enclosed. They're proposing a space in  
15 front, I'm not sure of which street, that's the  
16 part I'm not clear on yet, where that frontage  
17 would be, but there would be a space for a  
18 loading area for vans, that would not be fully  
19 enclosed.

20 I'm also concerned about the trash in the  
21 area. I pick up litter in that area, when I  
22 walk my dog. I also participate with the Keep  
23 Coral Gables Beautiful initiative, to pick up  
24 trash in that area. One time I won the price  
25 for being the solo garbage picker. I went

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1 of the items that I reviewed under the review  
2 standards for the Comprehensive Plan  
3 amendments, is its effect on the availability  
4 of housing that's affordable to the people who  
5 lived an work in the City of Coral Gables. The  
6 current use of that space is low income  
7 housing, I would suggest, and it's being  
8 demolished. Just like all of Madeira -- the  
9 entire block of Madeira was just demolished,  
10 from Salzedo to Le Jeune. I run on the other  
11 side of Le Jeune, so I cross that street all of  
12 the time, and I've seen how that entire block  
13 was demolished, with houses that were more  
14 affordable, for people that want to live in the  
15 City, maybe work in the City. Even  
16 professionals like myself need to now see more  
17 affordable options within the City, as we've  
18 seen a lot of out of towners that have come  
19 with their money, from California, New York and  
20 other high rent districts. So I am concerned.

21 What it says here, it's effect on the  
22 availability of housing that's affordable.  
23 What was put into to the Staff report is, "The  
24 proposed amendment will provide a mixed-use  
25 building near Downtown with access to frequent

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1 straight from 201 Alhambra, where we started,  
2 and walked myself down over -- because I'm  
3 like, I'm going to clean up in my area.

4 I walked -- around the school, there are  
5 bottles with urine, yellow -- some yellow  
6 liquid, that I can only assume is urine, that's  
7 tossed out, and a lot of that new trash and  
8 beer bottles and everything that I see and I  
9 pick up around the school yard, is, I suspect,  
10 coming from the construction on Giralda and the  
11 brewery that's over there, and more of the  
12 creep of the Commercial space, and -- so people  
13 park in that area, and as they're walking home,  
14 they dump their trash there. So I'm very  
15 concerned about that area also becoming a place  
16 where there is more trash, especially with the  
17 children there.

18 Those really were my only comments for  
19 today. So thank you very much for the  
20 opportunity to speak to you.

21 CHAIRMAN AIZENSTAT: Thank you for  
22 addressing.

23 Jill, do we have any other speakers on this  
24 item?

25 THE SECRETARY: Yes.

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1 Sophia Heidler.  
2 CHAIRMAN AIZENSTAT: Could you please raise  
3 your right hand to be sworn in?

4 (Thereupon, the participant was sworn.)

5 MS. HEIDLER: I do.

6 CHAIRMAN AIZENSTAT: Thank you.

7 If you would please state your name and  
8 address, for the record.

9 MS. HEIDLER: Sophia Heidler. I live at  
10 119 Menores Ave. I'm the unit owner of --  
11 yeah, the unit owner of Number 10.

12 I apologize for my unprofessional attire.  
13 I'm coming from work. But I also am a Miami  
14 law student, but I am concerned about the area  
15 being zoned for this use and this increase  
16 height of the building, as well, for a lot of  
17 the same reasons as the previous speaker.

18 It's really hard to even walk my dog on  
19 that street without almost getting hit by a  
20 car. Parking is a nightmare for a lot of the  
21 buildings that don't have parking in there for  
22 that building. The street parking is already  
23 really bad by Phillips Park, because of the  
24 recreational uses there. There's a lot of  
25 people that come and play, like she said,

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1 rugby, soccer, basketball, there. There's like  
2 a new playground. It's just, there's not a lot  
3 of -- the infrastructure is not ready to  
4 support that kind of Commercial use and  
5 restaurant.

6 I'm also concerned about the litter, and I  
7 pick up liter when I'm walking my dog, as well.  
8 I just think it's not -- that is not in line  
9 with the best interest of the neighborhood  
10 there.

11 Thank you.

12 CHAIRMAN AIZENSTAT: Thank you.

13 Do we have anybody else in Chambers?

14 THE SECRETARY: Yes. He signed up. Then I  
15 think he went around. Manolo Reboso.

16 MR. SALMAN: He just stepped out.

17 CHAIRMAN AIZENSTAT: He's coming back in.

18 MR. SALMAN: That's not him.

19 THE SECRETARY: Just to clarify, no one  
20 has raised their hand or sent a chat saying  
21 that they want to speak on Zoom.

22 CHAIRMAN AIZENSTAT: Okay. Thank you.

23 Hi, sir. Were you sworn in earlier?

24 MR. REBOSO: Yes.

25 THE SECRETARY: I'm sorry, someone just did.

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1 MR. REBOSO: I was.

2 CHAIRMAN AIZENSTAT: If you could please  
3 state your name and address, for the record.

4 MR. REBOSO: My name is Manolo Reboso. I  
5 live at 600 Biltmore Way, Apartment 1004, Coral  
6 Gables, for the past 16 years, in the most  
7 beautiful city of the State of Florida.

8 I was a Miami City Commissioner, member of  
9 the Planning and Zoning Board of the City of  
10 Miami for two years, '70 to '72, appointed to  
11 the Commission on August 7, 1972 and elected in  
12 1973 to a four-year term. The first  
13 Cuban-American elected to a public office in  
14 the United States. I was re-elected in 1977 to  
15 another term.

16 I am here today to strongly recommend this  
17 project. I think it has the okay of the  
18 departments of the City of Coral Gables, the  
19 professionals working in this city, and I think  
20 it's the type of building that the City  
21 deserves, and our sons, because we need  
22 beautiful housing for the next generation, and  
23 housing is one of the principal things that we  
24 need in Coral Gables, to preserve the beauty.  
25 So thank you very much.

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1 CHAIRMAN AIZENSTAT: Thank you, sir.

2 Jill, so we have no more in Chambers?

3 THE SECRETARY: No, but someone did  
4 indicate they want to speak on Zoom.

5 CHAIRMAN AIZENSTAT: Okay. Can you please  
6 call them?

7 THE SECRETARY; Shasa Hu, if you could  
8 please open up your mike.

9 MS. CONDE: Hi. I just wanted to state  
10 that I agree that --

11 CHAIRMAN AIZENSTAT: Sarah, if you can,  
12 please state your full name and address, for  
13 the record.

14 MS. CONDE: Yeah. My name is Sarah Conde.  
15 I'm at 228 Alexia Avenue.

16 You know == yes, can you hear me?

17 MR. COLLIER: Yes. One other question, if  
18 you wish to be sworn in by the court reporter,  
19 we need you to open your video. If you don't  
20 wish to be sworn in, it may not -- potentially  
21 may not be considered substantially competent  
22 evidence, because you're not being sworn, but  
23 you're certainly welcome to make your comments.  
24 So it's your choice whether you wish to be  
25 sworn or not be sworn.

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1 MS. CONDE: I'd prefer not to be sworn in,  
 2 if that's okay.  
 3 MR. COLLER: Okay. Feel free to go forward.  
 4 MS. CONDE: Yeah. I mean, I just wanted to  
 5 say that, you know, this is another instance of  
 6 asking for higher and higher and higher zoning.  
 7 Most of the residents in the City are opposed  
 8 to that. The majority of the people are saying  
 9 that -- you know, that's it's just too much  
 10 overdevelopment. These people are trying for a  
 11 zoning standard that doesn't even exist yet.  
 12 So that would be my comments on this project,  
 13 and on all of the projects that are trying to  
 14 change the zoning by project in the City.  
 15 Thank you.  
 16 CHAIRMAN AIZENSTAT: Thank you.  
 17 Jill, anybody else?  
 18 THE SECRETARY: No one else.  
 19 CHAIRMAN AIZENSTAT: Anybody else on the  
 20 telephone platform?  
 21 THE SECRETARY: No.  
 22 CHAIRMAN AIZENSTAT: Okay. At this time,  
 23 I'd like to go ahead and close it for public  
 24 comment.  
 25 Mario, do you have any --

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1 MR. GARCIA-SERRA: Sure. Just a few  
 2 minutes of rebuttal.  
 3 We realize that change is never easy. You  
 4 know, it's something of an uncertainty as to  
 5 what's coming, but for many of the issues that  
 6 were brought up by the residents, you know,  
 7 what they want to see improved or what they see  
 8 issues with right now, the way it can happen is  
 9 through re-development, through responsible  
 10 re-development.  
 11 We heard the speakers talk about  
 12 walkability, pedestrian safety. You know,  
 13 crosswalks, bicycle lanes, which otherwise are  
 14 not there and may not be happening any time  
 15 soon, will take place because of this project.  
 16 We talked about parking, you know, the lack  
 17 and the difficulty that there is to find  
 18 on-street parking. That's because every single  
 19 building that's on this block right now does  
 20 not have its parking, does not have even one  
 21 parking space, and so, with a new project  
 22 that's going to provide all of the parking  
 23 within the parking garage, that will relieve  
 24 the demand that there is on on-street parking  
 25 right now.

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1 We've complied with the Code, as far as  
 2 what's required from a traffic analysis. We  
 3 have our traffic consultant here, who can speak  
 4 more to it. And, again, we have a density here  
 5 that's less than half of what was previously  
 6 approved, less than half of what is permitted  
 7 right now. That will help with traffic, also,  
 8 too.  
 9 On the issue of height, if we can go to the  
 10 slide that shows the other height in the area.  
 11 We have, literally across the street, a  
 12 seventeen-story building. We have plenty of  
 13 other height in the area that we'll be showing  
 14 right now. There you go. Seventeen stories,  
 15 thirteen stories, eight stories around there,  
 16 also.  
 17 The block immediately to the north of where  
 18 we are right now is a property that is fully  
 19 assembled. It's fully assembled, and I'm sure,  
 20 at some point, will be re-developed, and under  
 21 today's Code, can be re-developed at a hundred  
 22 feet. So having a transition from seventeen  
 23 stories to twelve stories here, to the ten  
 24 stories that could potentially be there, makes  
 25 perfect sense.

99

1 This is a project that, again, is within  
 2 the Central Business District, where we have  
 3 MX2 Zoning, we have MX3 Zoning, we could do  
 4 MX2, we could do MX3 with a covenant. Staff  
 5 was very comfortable with the idea of this  
 6 MX2.5 zoning district, which is being put  
 7 forward, and it's going through the process  
 8 right now, and is another option that can be  
 9 used, but the important thing is, what sort of  
 10 development are we going to get at the end  
 11 here, what sort of public benefit is there,  
 12 where there is right now no crosswalks, no  
 13 bicycle lanes, no park, there will be, as a  
 14 result of this project, aside from a very good  
 15 quality project, from a developer that has an  
 16 excellent track record here in the City of  
 17 Coral Gables.  
 18 That will be it for my rebuttal, but we're  
 19 available for any questions.  
 20 CHAIRMAN AIZENSTAT: Thank you, Mario.  
 21 MR. GARCIA-SERRA: Sure.  
 22 CHAIRMAN AIZENSTAT: Sue, would you like to  
 23 start?  
 24 MS. KAWALERSKI: You know, to tell you the  
 25 truth, Mario, this could be the Taj Mahal.

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1 That's not the issue for me. The issue is 2.5  
2 mixed-use is not existent in our Code, and your  
3 whole project hinges on us changing the Zoning  
4 Code that was just changed two and a half years  
5 ago.

6 You sat on the committee to change the  
7 Zoning Code two and a half years ago. Did you  
8 ever bring up 2.5, did you ever bring up 2.75,  
9 3.1, four and a half? I mean, this is like --  
10 you know what I mean?

11 The next project is going to come in after  
12 you and say, well, we want a 2.85. This is  
13 ridiculous. We have a Zoning Code. Let's  
14 stick to it. Build a beautiful project within  
15 the confines of the beautiful laws that we  
16 have. You're one of the ones that created the  
17 laws.

18 MR. GARCIA-SERRA: If I may, on that point,  
19 because if we were to go back on the record,  
20 you would see that I actually did bring it up.  
21 The sort of gap that there is right now between  
22 MX2 and MX3 is 100 feet. You could put another  
23 building in that gap right now. We're always  
24 trying to encourage a scale that is appropriate  
25 for the area, and I think we should have more

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1 than one Zoning District to try to respond to  
2 that.

3 We tried before, you'll remember, to  
4 decrease the minimum lot size to 10,000 square  
5 feet to try to encourage a six to eight story  
6 sort of scale. That is -- what's being  
7 proposed to at MX2.5 is consistent with this,  
8 but let's not get too tied up in the MX2.5,  
9 because this could just as easily, as it  
10 started, be MX3, with a covenant to restrict us  
11 to a particular height and a particular site  
12 plan.

13 MS. KAWALERSKI: So my suggestion is,  
14 either do something within the Code or come  
15 back, if and when, 2.5 is approved.

16 CHAIRMAN AIZENSTAT: Thank you, Sue.

17 MS. KAWALERSKI: You're welcome.

18 CHAIRMAN AIZENSTAT: Felix.

19 MR. PARDO: Yeah.

20 I'd like to ask you a question. You said  
21 that the building directly across the street is  
22 seventeen stories? Can you point to that one?

23 MR. GARCIA-SERRA: Sure. It's what's  
24 called the Columbus Center.

25 MR. PARDO: Can you point it out for me,

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1 please?

2 MR. GARCIA-SERRA: Sure. Can you put your  
3 cursor on it perhaps?

4 MR. PARDO: If you could do that.

5 MR. GARCIA-SERRA: Right there.

6 MR. PARDO: Okay. I'm sorry, the way I see  
7 it, the one directly across the street on  
8 Alhambra Circle is the one with the red tiled  
9 roof. How many stories is that one?

10 MR. GARCIA-SERRA: That's a four story  
11 building.

12 MR. PARDO: I'm sorry?

13 MR. GARCIA-SERRA: Four.

14 MR. PARDO: Four stories. That's what I  
15 thought. --

16 The second thing is, I need to ask Staff  
17 something, because I'm looking at Page 4,  
18 there's an aerial photograph, and that building  
19 that has been -- the one you pointed out,  
20 that's seventeen stories tall, that has been  
21 there for years now, is shown -- not shown on  
22 this very old aerial photograph in Staff's  
23 package on Page 4. I kept looking at it,  
24 thinking that I was disoriented, but if you  
25 see, clearly, it shows the old building that's

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1 there. You see Allen Morris' Building.

2 There's nothing behind it. You see a parking  
3 lot, where that building was built, which is  
4 seventeen stories.

5 That's very misleading. I looked at that  
6 and I kept thinking, was it compatible or not,  
7 and this is an old aerial photograph.

8 MS. GARCIA: Correct. Yeah. I think this  
9 is from Bing, to get that bird's eye -- high  
10 bird's eye view, and Bing didn't have it --

11 MR. PARDO: I understand, but, look, I  
12 think that development has an essential part in  
13 what we do as human beings, but I think, also,  
14 for me, compatible development is really a big  
15 thing, and when I look at this photograph, it's  
16 not showing me what a seventeen-story building  
17 looks like, next to -- because this area is  
18 being dwarfed.

19 Now, between the high rise and the mid  
20 rise -- the incredible part of this application  
21 is, Number One, you're going for a Zoning that  
22 doesn't exist yet. Number Two, you're going  
23 for a change of the Comprehensive Plan, which  
24 is the absolute ceiling of what is allowed or  
25 not allowed. So that's two things. But the

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1 other thing is that, you are directly across  
2 the street from the historic school, one of the  
3 most beautiful buildings in Coral Gables, and  
4 in Dade County, and it's directly across the  
5 street from a very, very low building, that has  
6 tremendous history in our City. And on top of  
7 that, when you come in through Alhambra Circle,  
8 off Douglas Road, you're going through one of  
9 the gate areas of Bill Kerdyk Way, which is  
10 Douglas Road.

11 So the block has two to four story high  
12 apartments. You said, directly across the  
13 street -- not quite; caddy corner, I think,  
14 would be the proper term, Mr. Attorney -- and I  
15 think that that seventeen story is caddy corner  
16 to your project. The Commercial Mid Rise  
17 intensity was changed in 2017. That's only six  
18 years ago. And, of course, with that height --  
19 and I disagree with what they did in 2017.  
20 They tried to change it to this high rise, so  
21 you could have 190 feet of height, which is  
22 astronomical, and, then, on top of that, with  
23 unlimited density, and that's why, when they  
24 allowed their Site Plan to expire, we got  
25 another crack at being able to do something.

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1 which is a problem, which exists throughout the  
2 City. Our Zoning Code should be changed to  
3 make sure that we have better loading and  
4 unloading, and where it's outside of the  
5 street, where people don't block the streets,  
6 including emergency vehicles, and it happens  
7 throughout the City.

8 The small scale amendment, according to  
9 State Statute 163.3187, is -- has not been  
10 explained by Staff in explaining what the  
11 small -- why it's considered a small amendment.  
12 It's considered a small amendment, because of  
13 the size of the parcel and the intensity of the  
14 parcel, but the result of a change of the  
15 Master Plan is devastating in this particular  
16 area. When you look at the area, from Douglas  
17 to Ponce, the corridor of development of high  
18 rise is obviously Ponce, going north and south,  
19 and that's how George Merrick designed this  
20 City originally. It was supposed to be a  
21 north-south, not a Miracle Mile going  
22 east-west. You could check it. Just go to the  
23 historical department.

24 I think that the CBD location being on the  
25 edge, you could see the difference in any

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1 Now, what I can't understand is, if you  
2 look at the 2.0 versus the 3.0, I don't think  
3 you've got a snowball's chance in hell in  
4 getting 3.0 approved. Now, going to 2.5, the  
5 difference is that the 97-foot difference of  
6 total height allowed by MX2, compared to 137,  
7 is not a minor amount. It's 47 feet in height.  
8 The difference between that and the initial  
9 one, you should not be comparing it. You  
10 should be comparing it between the Zoning that  
11 exists, which is 2.0, and the Zoning that  
12 you're asking for, which is 97 feet.

13 So when the 97 feet comes into play, the  
14 amount of units per acre in density is 50 units  
15 per acre. It is substantially less than what  
16 was originally allowed -- not originally  
17 allowed, but allowed in 2017. And, again, I'm  
18 looking at compatibility with the area.

19 We listened to two residents that walk the  
20 area, live in the area, and they're saying  
21 specifically that the congestion, the parking  
22 nightmare, et cetera, they live in what has  
23 been planned, what has been built.

24 The Commercial Mid Rise to a mixed-use in  
25 itself provides now a loading component issue,

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1 aerial photograph between Alhambra Plaza and  
2 Alhambra Circle. Alhambra Circle was meant to  
3 be a low residential area. That's why the  
4 gates are there. That's why, when you come in  
5 and you see those Royal Poinciana in the  
6 median, it brings the scale down, but, then,  
7 all of a sudden, as soon as you get past that  
8 canopy of trees, then you see that  
9 seventeen-story building out there in the  
10 background, and it's actually facing  
11 perpendicular to Alhambra Circle. So it looks  
12 much more massive. It's massive, but it looks  
13 even more massive.

14 The PAD, there's a lot of restrictions that  
15 have been talked about in trying to limit the  
16 length of those buildings. What is the  
17 length -- Glenn, what is the length of your  
18 building on Alhambra Circle? In other words,  
19 it's less than 300 feet, right?

20 MR. PRATT: It's 220 feet, I believe.

21 MR. PARDO: 220 feet?

22 MR. PRATT: Yes.

23 MR. PARDO: So, from a length standpoint,  
24 that's acceptable, because while the Staff and  
25 certain Commissioners are looking at this,

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1 they're trying to limit them where it's 300  
2 feet or less.

3 MR. PRATT: Yeah.

4 MR. PARDO: So that works for you, because  
5 of the shape of the block. But, then, when you  
6 increase another almost 47 feet in height --

7 MR. PRATT: It's only 40 feet. It's from  
8 97 to 137.

9 MR. PARDO: 40 feet. I'm sorry, 40 feet.

10 The Zoning classification, when I looked at  
11 the Staff report, it said, on Page 13, that the  
12 site -- under Site Information Plan, it says,  
13 "Type allowed/required and proposed."

14 Unfortunately, there's no mention of what we  
15 are looking at, when we're looking at the  
16 terminology allowed/required. The reason is  
17 that, if you say, well, let's compare 2,  
18 because it's allowed or required, you're  
19 actually putting the requirements for a Zoning  
20 that doesn't exist.

21 I always would like to see what the  
22 difference is. From Staff, I would like to see  
23 what's existing, how it changes, when we go  
24 from one Zoning classification to the other.  
25 And the other thing is, any change of the

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1 Comprehensive Land Use Plan, I think, should  
2 have the entire section of the City, so you  
3 could see exactly what you're doing, as far as  
4 popping up height or increasing density or  
5 doing any of the other things to the components  
6 that exist for the Comprehensive Land Use Plan.  
7 I don't take this lightly.

8 And, then, finally, when you look at the  
9 buildings across the street -- directly across  
10 the street on Alhambra Circle, you're looking  
11 at a building that is not that old, and they  
12 built a four-story building. When you look at  
13 the other buildings, some are historic and some  
14 are not. Again, the scale is more proportioned  
15 to what they developed just a few years ago,  
16 when they built that building, whether it was  
17 ten years ago or not. So the compatibility  
18 becomes a problem, as far as the change of  
19 Zoning, and also the increasing the  
20 Comprehensive Land Use Plan.

21 So I have nothing but concerns about the  
22 project, as it was explained, as it was  
23 presented. I think that the designers are  
24 excellent designers, but the problem is, for  
25 me, compatibility.

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1 CHAIRMAN AIZENSTAT: Thank you.

2 MR. PARDO: That's all.

3 MR. PRATT: Could I just respond to --

4 CHAIRMAN AIZENSTAT: Yes.

5 MR. PRATT: Just a couple of things, Felix.  
6 Actually, we were the architects for the  
7 building across the street, for 50 Alhambra,  
8 and we participated in the Zoning Code Re-write  
9 and we've been here in Coral Gables for many,  
10 many years.

11 When we did that building for -- that was  
12 under, not the last Code, not -- it wasn't  
13 under this current Code or the last Code, it  
14 was under the previous Code, which -- before  
15 that, and if you remember, that Code actually  
16 rewarded height. The higher you went, the more  
17 FAR you got, regarding the site and the size of  
18 the building. And we worked with the Zoning  
19 Director at the time, Dennis Smith, to be able  
20 to do that building.

21 And one of the things that was -- they were  
22 looking for examples of what could be achieved  
23 if you manipulated the Code, because the Code  
24 was not something that was -- as I said, it  
25 rewarded height. The higher you went, the more

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1 FAR you got. And so they permitted us to waive  
2 or that we received variances on the setbacks,  
3 and we worked with the Zoning Department to  
4 create, and that's actually -- it's not a  
5 four-story building. It's technically a five  
6 or -- four and a half or five story building,  
7 because we partially submerged the -- it's not  
8 a fully underground parking. It's an elevated  
9 deck, and if you've ever driven by the  
10 building, you'll notice that there's an  
11 elevated platform, that has stairs that goes up  
12 to each of the townhouses, and it's kind of a  
13 hybrid. It has townhouses on the first two  
14 levels, and apartment units on the upper two  
15 levels.

16 And so, anyway, the idea was to work with  
17 the Zoning Department to create -- see what  
18 could be created, and so that is kind of a  
19 hybrid building, that couldn't be done under  
20 actually any of the Codes, today's Code or any  
21 of the previous Codes, without variances from  
22 the City. So, to compare that, actually, to,  
23 you know, the existing -- I think, if the  
24 developer had the ability to or if it was being  
25 done at this time, that building would be 97

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1 feet. It wouldn't be four and a half stories.  
2 It's all about the sequence of things, and  
3 as Mario mentioned, one of the things that we  
4 discovered is that, the whole block that is to  
5 the north of our site has been assembled and  
6 will probably be coming -- I don't have any  
7 idea who, but it will probably be something  
8 that will be a large scale project and will be  
9 97 feet.

10 So the idea is that -- and, I think, going  
11 back to talking about the Zoning Code, we all  
12 participated in that re-write and it came to  
13 the Board of Architects multiple times, and I  
14 know that, you know, it came to the Planning  
15 and Zoning Board and to the City Commission,  
16 and we had a lot of input from residents and  
17 people, but, honestly, I don't know that there  
18 was ever any discussion or ever a thought that  
19 was given between the disparity between 190.5  
20 feet on an MX3 property, that you can achieve,  
21 and even higher with TDRs and other incentives,  
22 and the 97 feet. That is a large gap in the  
23 Zoning Code, to try and create a stepping  
24 appropriateness of massing within the CBD and  
25 within the City itself, you know.

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1 you would hold it to 97 feet that is currently  
2 allowed. So you're comparing it to higher,  
3 which is the X3. I don't think that's a fair  
4 comparison. I think the fair comparison is  
5 with the building that you designed, which you  
6 guys did a great job, directly across the  
7 street. 97 feet would be the right transition.  
8 That's just my thought.

9 CHAIRMAN AIZENSTAT: Thank you.  
10 Chip.

11 MR. WITHERS: Well, I have a couple of  
12 questions. I want to ask a little bit about  
13 the building itself. So how many actual  
14 residential floors are there, and what's the  
15 ceiling height in those residential?

16 MR. PRATT: The ceiling height is ten feet,  
17 and there are 66 units.

18 MR. COLLER: Can you speak a little bit  
19 more into the microphone?

20 MR. PRATT: I'm sorry.

21 MR. WITHERS: How many residential floors  
22 are there?

23 MR. PRATT: There are seven residential  
24 floors.

25 MR. WITHERS: So if an average ceiling is

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1 And so I know that, you know, we had a lot  
2 of talk and paid a lot of money for the  
3 re-write, but, honestly, I don't think it was  
4 something that was ever really thought about,  
5 and it's something that has arisen at this  
6 point, and I think that there is a need for  
7 that type of transition, in the form of some  
8 type of an intermediate step, to allow the  
9 transition to occur from 97 feet to 190 feet,  
10 and that, you know, is just something that --  
11 honestly, you know, is just a no brainer, in my  
12 mind.

13 There is nothing right there now. You're  
14 correct. It's not the Code. Whether it was  
15 missed or just never thought about, it's been  
16 thought about now and I think that it's  
17 something that needs to be done, and that's my  
18 position.

19 CHAIRMAN AIZENSTAT: Felix, are --

20 MR. PARDO: Very short.

21 Your height of the building directly across  
22 the street is how many feet, Glenn?

23 MR. PRATT: I think it's 65 feet.

24 MR. PARDO: 65 feet, which is the perfect  
25 transition to 97 feet, if you were to hold --

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1 eight feet, and you're doing ten feet, you need  
2 an additional two feet per floor, so that's  
3 fifteen feet. Am I missing something?

4 MR. PRATT: No. That's correct. Well, and  
5 the other thing now is that the new requirement  
6 is fifteen feet on the ground level.

7 MR. WITHERS: Okay. And it used to 10.  
8 So that's another 20 feet.

9 So how did we get up to the 40 feet? I'm  
10 trying to figure that out. Where is our  
11 height, between the floors --

12 MR. PRATT: We have eleven-foot ceilings on  
13 the penthouse.

14 MR. WITHERS: That's another foot. Okay.

15 MS. PRATT: Yeah.

16 MR. WITHERS: But I'm not trying to pin you  
17 down. We did a building like this recently,  
18 when I was on this Board, and we allowed MX2 to  
19 go another eight feet, ten feet, seven feet --  
20 I don't remember what it was -- to go to  
21 ten-foot ceilings, and it's being developed and  
22 we got a nice park out of the deal, and we got  
23 some nice public amenities on the ground floor,  
24 and we redesigned the sides of the building.

25 So I'm trying the figure out, we go from --

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1 why you need another 40 feet from the 92 foot.

2 MR. PRATT: Yeah. Well, the other thing is  
3 the amenity level on the roof. We're including  
4 that in the 137 feet that we're -- and that's  
5 less than the --

6 MR. WITHERS: Okay. Let's talk about the  
7 dog park. That's great. And you have that  
8 historic building between it. And I couldn't  
9 quite understand Staff's 18 months -- you can  
10 still tear that building down if you want in  
11 18 --

12 MR. PRATT: No. No. No. It's historic.  
13 It's historic and --

14 MR. WITHERS: I didn't think it had  
15 historic value. I thought I saw a letter --

16 MR. GARCIA-SERRA: No. That property, 42  
17 Navarre, the one that we are preserving, is  
18 definitely designated historic.

19 MR. WITHERS: I thought I saw a letter  
20 from -- maybe I just --

21 MR. GARCIA-SERRA: You may have seen one of  
22 the other properties. Remember, there's  
23 several buildings on this site, so --

24 MR. WITHERS: Okay. Was there another  
25 historic building on that site? Okay. Then

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1 City Staff is requesting is that it be managed  
2 like any other City park and be open from  
3 sunrise to -- excuse me -- yeah, from sunrise  
4 to sunset.

5 MR. WITHERS: So my question is, who  
6 controls that park? Does the City control the  
7 park or is that under your security and  
8 jurisdiction and operating hours and --

9 MR. GARCIA-SERRA: What Staff is  
10 recommending is that we take care of the  
11 maintenance. We take care of --

12 MR. WITHERS: What was that?

13 MR. GARCIA-SERRA: What Staff is  
14 recommending is that we take care of the  
15 maintenance.

16 MR. WITHERS: Okay. But who -- okay.

17 MR. GARCIA-SERRA: Who's going to lock the  
18 gate and that sort of thing?

19 MR. WITHERS: If I wanted to have a  
20 birthday party in that park for my grandkid,  
21 can I have a birthday party in that park as a  
22 City of Coral Gables resident?

23 CHAIRMAN AIZENSTAT: Normally you would  
24 have to go and get a permit, I think.

25 MR. WITHERS: I know, but I'm saying, would

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1 I'm -- I must have been -- so that public park  
2 really doesn't look like a public park to me.  
3 How do you get into that park?

4 MR. PRATT: No, it's accessed from multiple  
5 -- or from several locations around the site.  
6 There are pathways that go through it. There  
7 are gates. Originally, the park, we had -- on  
8 all sides --

9 MR. WITHERS: Right. That's what I think  
10 a park is like, no?

11 MR. PRATT: We were requested, for safety  
12 concerns, actually -- yes, we were planning on  
13 having, you know, climbing rocks and this would  
14 be, you know -- a park for children.

15 MR. WITHERS: And maybe this is more of a  
16 Staff question, so --

17 MR. GARCIA-SERRA: Mr. Withers, on that  
18 point, though, the intent here is for this park  
19 to be a public park, and if guys feel it's  
20 better for it not to have a wall, and that's  
21 part of your recommendation --

22 MR. WITHERS: Who controls that park? Does  
23 the City control that park, as far as hours, or  
24 do you control that park?

25 MR. GARCIA-SERRA: No, the idea -- what

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1 that be all right for you guys to do that?

2 MR. GARCIA-SERRA: We could incorporate it  
3 so that that's the sort of management, that  
4 sort of reservation could be done, sure.

5 MR. WITHERS: It's what?

6 MR. GARCIA-SERRA: That sort of arrangement  
7 could be done, that, you know, the public could  
8 use it --

9 MR. WITHERS: How is it proposed now?

10 MR. GARCIA-SERRA: I don't know if we've  
11 really --

12 MR. PRATT: You're under a first come,  
13 first served basis. If the park is available  
14 and it's during hours that the park --

15 MR. WITHERS: But what I'm getting at is,  
16 I love the idea and I have no problem giving  
17 additional height for public, you know,  
18 amenities, and I think that's a great idea. I  
19 think we need more green space. And if I have  
20 to go another ten or fifteen feet to give -- to  
21 get a 2,000 or a 3,000 square foot park, I've  
22 done it before and I would do it again, but is  
23 it really a public park?

24 MR. PRATT: Yes, it was intended to be a  
25 public park.

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1 MR. WITHERS: And I want to move it along  
2 here, because I know it's late. So a quick  
3 question is, so we did the MX2.5 for height  
4 only, correct? FAR, everything else stays the  
5 same, right?

6 MS. GARCIA: Correct.

7 MR. WITHERS: We did the PAD -- we did the  
8 mixed-use so we could get the dog parks and the  
9 parks and the other things in there, correct?

10 MS. GARCIA: The mixed-use land use? What  
11 do you mean by mixed-use?

12 MR. WITHERS: I mean, I guess we did the  
13 PAD to help deal with the setback issue.

14 MS. GARCIA: Yes, and to get public benefit  
15 for the --

16 MR. WITHERS: Okay. And we're doing the  
17 mixed-use.

18 MS. GARCIA: It's a requirement because of  
19 the size of the property.

20 MR. WITHERS: Okay.

21 MS. GARCIA: Anything that's larger than  
22 20,000 square feet is required to have a  
23 mixed-use review.

24 MR. WITHERS: Okay. One last question.  
25 So, on the industrial side, where I call -- the

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1 permitted to be used or you can't have usable  
2 space in there. And so we wanted to do  
3 something that was, you know, a very nice  
4 element or a significant, you know, nice design  
5 feature, but still be able to use it and so,  
6 you know, with the pickleball courts, and to  
7 create some amenity spaces up there that would  
8 be, you know, a very nice feature.

9 CHAIRMAN AIZENSTAT: Chip, are you --

10 MR. WITHERS: I'm done. Thank you very much.

11 CHAIRMAN AIZENSTAT: Thank you.

12 Javier.

13 MR. SALMAN: Julio, do you want to go  
14 first?

15 MR. GRABIEL: I'll go.

16 I think, one of the nicest entrances to the  
17 City is the Alhambra entrance. It's the most  
18 sophisticated. It has the green space. Most  
19 of the other ones are very hard, and the  
20 extension of that green entrance through  
21 Alhambra makes it one of the nicest ones in the  
22 City. Therefore, any buildings that face  
23 Alhambra need to reinforce the beauty of that  
24 entrance.

25 I've been trying to find fault with this

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1 dog park is, is that where your service  
2 entrance is and everything? Is that where  
3 your --

4 MR. PRATT: Correct.

5 MR. WITHERS: So when that speaker before  
6 was talking about an uncovered loading zone  
7 space, what was -- I didn't see that.

8 MR. PRATT: Well, I think there's a little  
9 bit of misunderstanding, but the loading zone  
10 is, in fact, inside.

11 MR. WITHERS: Right, underneath the  
12 building. Right.

13 MR. PRATT: Yes, it is fully under the  
14 building and inside the building. We had -- we  
15 wrapped the -- as you can see from the --

16 MR. WITHERS; Right, you pull up under --  
17 yeah.

18 MR, PRATT: And it's fully contained  
19 inside.

20 MR. WITHERS: So, then, along Navarre is  
21 where you're loading and off-loading trash pick  
22 up, noise, and all of that --

23 MR. PRATT: Yeah. So that's where we  
24 concentrated all of that vehicular, you know,  
25 ornamental type things, but they're not

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1 project and I'm having trouble finding fault  
2 with it. I think it's very well designed and  
3 it has all of the items that make a successful  
4 Coral Gables building, the style, the  
5 character, the scale. I think it's a  
6 transition between what's there and the tall  
7 building caddy corner with it, and I think  
8 there's just going to be more pressure to have  
9 more of that size building in that area.

10 It's a building, which I like that it has  
11 -- it's family oriented, as all of the  
12 apartments are driven by family size units,  
13 open to the public in all sides. The  
14 communication between the building, I think  
15 it's good. I understand the concerns that  
16 Members of the Board have on the 2.5, but I  
17 think that if the developer is willing to  
18 gamble on obtaining that, who am I to criticize  
19 that? And if it's legal to look at it at this  
20 time, I'm willing to do it.

21 It's a good project. It's a good project.  
22 It's the kind of quality project that we should  
23 have more within the City of Coral Gables. So  
24 I like it.

25 MR. PRATT: Thank you.

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1 MR. SALMAN: I echo Mr. Grabiell's comments  
2 with regards to the design. I think that the  
3 amenity that you have on the rooftop is not  
4 really going to be visible, except maybe from  
5 Alhambra, along the street. When you look up,  
6 what you're going to see is actually the edge  
7 of that pedestal, and, then, the actual  
8 apartments above it will be pushed back from  
9 that pedestal, which is, I think, at 40 feet,  
10 correct -- 44.

11 So that is the first substantial line of  
12 that building that develops along the street  
13 edge, and then the next one is the actual tower  
14 itself, which is set back from there, in the  
15 corners, especially, where you make a "T" out  
16 of the apartments, and then the rest of those  
17 areas become also rooftop amenities for the  
18 rest of the project.

19 And I think the design is wonderful. It's  
20 rich in texture and in design and has certain  
21 playful elements. I think it's well deserved  
22 for a Med bonus.

23 But, again, my concern with the 2.5 is that  
24 it doesn't exist and you're taking a risk, but  
25 if that's the risk you want to take, I'm not

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1 here to stop you, but it's a risk.

2 I mean, the original entitlement that  
3 disappeared -- or the previous entitlement that  
4 Florida East Coast Realty had has disappeared,  
5 because it expired.

6 MR. GARCIA-SERRA: That approval expired.

7 MR. SALMAN: Correct. So we do get to  
8 start again. And your other option is to go to  
9 MD3 (sic) and then do a covenant for the  
10 reduction in the size that you would have. I  
11 don't know about your automatic approval of an  
12 MD3 for that site, since it's MD2 across and  
13 really it's diagonal where you get the 3s.

14 So, the 2.5, I see is the way to go, and it  
15 makes sense, from a planning point of view. It  
16 steps from the CBD down to the lower density  
17 residential, which is not that low. They're  
18 eight stories. There are several -- I mean,  
19 you know, we're going from, I think this is,  
20 what, twelve stories, down to eight, so we're  
21 looking at four stories more, if we don't count  
22 the rooftop.

23 MR. GARCIA-SERRA: Remember that in that  
24 area, where it's MX2 in the North Ponce, it's  
25 also applicable for the Residential Infill

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1 Area, which actually takes it to a hundred feet  
2 and ten stories potentially.

3 MR. SALMAN: Yeah, I understand. I don't  
4 see a dichotomy here with what you're asking  
5 with regards to the overall plan of the City,  
6 the Comp Plan, and I think it's very sensitive  
7 to the school. And the way it's oriented, it  
8 limits the amount of shade is casts in that  
9 direction because of its shape, as much as  
10 possible.

11 My only concern is that you're taking a  
12 risk.

13 MR. GARCIA-SERRA: Understood.

14 MR. SALMAN: Do you want to take that risk?  
15 I mean, you're here. Obviously --

16 MR. GARCIA-SERRA: We do. I mean, you  
17 know, the MX2.5 is something that wasn't  
18 proposed by us. It was proposed by, you know,  
19 a Commissioner in conjunction with Staff.

20 MR. SALMAN: And it was presented, because  
21 I saw it at the last meeting, sitting in the  
22 audience, and it was sent back, correct?

23 MR. GARCIA-SERRA: No. The vote -- there  
24 wasn't a full Board that evening and the vote  
25 end up being three-two, with three in favor,

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1 two opposed, but you need four in order to have  
2 an actual recommendation.

3 MR. SALMAN: Right.

4 MR. GARCIA-SERRA: So it moved forward with  
5 no recommendation.

6 MR. SALMAN: Okay. So it's still heading  
7 to the Commission, with no recommendation, and  
8 it hasn't been scheduled yet? I'm just  
9 thinking of the ton of risk you're taking.

10 MR. GARCIA-SERRA: It was on the previous  
11 agenda, but the Commissioner pulled it, the  
12 sponsor, and he is now doing some revisions to  
13 the Ordinance, in response to input he's  
14 received from the community.

15 MR. SALMAN: Okay. But so you foresee it  
16 coming in the next two or three months?

17 MR. GARCIA-SERRA: Correct.

18 MR. SALMAN: Before Christmas, probably.

19 MR. GARCIA-SERRA: Correct.

20 MR. SALMAN: Okay. So that's the time  
21 you're trying to gain by submitting now --

22 MR. GARCIA-SERRA: Correct.

23 MR. SALMAN: -- and seeking our approval of  
24 this project or a positive recommendation,  
25 because we do not approve anything.

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1 MR. COLLER: That's correct.  
 2 MR. SALMAN: Thank you.  
 3 Okay. I think I -- you answered all of my  
 4 questions. Thank you very much.  
 5 CHAIRMAN AIZENSTAT: Thank you.  
 6 MR. SALMAN: Oh, I had one more question,  
 7 and I said no more questions.  
 8 Somewhere on these drawings, when I was  
 9 filtering through, you had three sizeable live  
 10 oaks where the park is going to go.  
 11 MR. PRATT: Yeah. We're saving those and  
 12 relocating them, transplanting them --  
 13 MR. SALMAN: And you're relocating them  
 14 where?  
 15 MR. PRATT: To the park.  
 16 MR. SALMAN: To the park?  
 17 MR. PRATT: Yeah. They're actually -- 42  
 18 Navarre is kind of a wedge shape.  
 19 MR. SALMAN: I misread it, because it said  
 20 they were to be relocated, and I thought that  
 21 they were already there, and you're relocating  
 22 and then bringing them back. I'm thinking to  
 23 myself, maybe you're using it as a lay out area  
 24 or --  
 25 MR. PRATT: No. That's the new location of

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1 the relocated trees. It's to enhance the park  
 2 and to give it kind of instant maturity.  
 3 MR. SALMAN: I've done that, moved big  
 4 trees. It's very expensive and you're taking a  
 5 gamble --  
 6 MR. PRATT: We realized that, and as I said  
 7 in the beginning, you know, we -- for a  
 8 previous project, we were able to talk the  
 9 developer into relocating a maple tree at  
 10 Biltmore Parc --  
 11 MR. SALMAN: And if it dies, do we get  
 12 another one?  
 13 MR. PRATT: Yeah, I'm sure. Yes.  
 14 MR. SALMAN: Of the same size and caliber?  
 15 MR. PRATT: Yeah.  
 16 MR. SALMAN: That was my question. Thank  
 17 you.  
 18 CHAIRMAN AIZENSTAT: Thank you, Javier.  
 19 Mario, let me ask you a question, you don't  
 20 get -- let's say you don't get your 2.5 from  
 21 the Commission, you have to come back to the  
 22 Planning and Zoning Board or not?  
 23 MR. GARCIA-SERRA: You know, at that point  
 24 in time, we'd probably revise to go back to our  
 25 request of MX3.

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1 CHAIRMAN AIZENSTAT: Right.  
 2 MR. GARCIA-SERRA: And, Craig, I think, we  
 3 could potentially go before the City  
 4 Commission, with the understanding that we  
 5 don't have a recommendation for MX3, we have a  
 6 recommendation for MX2.5.  
 7 CHAIRMAN AIZENSTAT: But if you're not  
 8 asking right now for MX3, you're asking for  
 9 2.5 -- let's just assume that doesn't happen.  
 10 If you're going to go for 3, wouldn't that be a  
 11 whole new Site Plan and wouldn't that come back  
 12 to the Planning and Zoning Board or am I  
 13 thinking wrong?  
 14 MR. COLLER: Well, I'm not sure, actually,  
 15 because let's say they -- the MX2.5 falls  
 16 through. They say, well, we'd like to go with  
 17 MX3.  
 18 CHAIRMAN AIZENSTAT: Right.  
 19 MR. COLLER: I don't know what the Board  
 20 would do, since they're probably going to want  
 21 to submit a covenant to have it the same height  
 22 as the height that they're presenting here,  
 23 that's what I'm -- and so, really, their site  
 24 plan and everything else doesn't change.  
 25 They're just -- MX2.5 is an effort to avoid

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1 having to have MX3 with a covenant, but I don't  
 2 know what the Board would do. The Board may  
 3 choose to send it back to this Board.  
 4 MR. PARDO: There was one more thing about  
 5 that, which is the --  
 6 CHAIRMAN AIZENSTAT: Felix, let me finish  
 7 my thought, please.  
 8 MR. PARDO: I'm sorry?  
 9 CHAIRMAN AIZENSTAT: Let me finish my  
 10 thought.  
 11 MR. PARDO: Sorry.  
 12 CHAIRMAN AIZENSTAT: Then, the amenities  
 13 that you're doing on top, those amenities are  
 14 strictly for the building, it's not open to the  
 15 outside? The pickleballs are not open to the  
 16 outside?  
 17 MR. GARCIA-SERRA: Not as proposed right  
 18 now, no. That's an amenity exclusive for the  
 19 residents on the top floor.  
 20 CHAIRMAN AIZENSTAT: And does the City  
 21 require any type of a covenant for that? How  
 22 does that stay in force?  
 23 MR. GARCIA-SERRA: You're thinking,  
 24 avoiding the possibility that it becomes some  
 25 sort of club or something?

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1 CHAIRMAN AIZENSTAT: Yes. That's what I'm  
2 thinking.

3 MS. GARCIA-SERRA: Okay.

4 CHAIRMAN AIZENSTAT: Because you're doing  
5 pickleball, you've got that extra height that's  
6 usable and so forth.

7 MR. GARCIA-SERRA: It could be one of the  
8 conditions of approval. In other words, that  
9 the amenity on the top floor is limited to the  
10 residents only. That would be acceptable to  
11 us.

12 CHAIRMAN AIZENSTAT: Okay. You know, Chip  
13 actually made a very good point, when he  
14 started counting the floors that were going up,  
15 and that he came up with, well, where are we  
16 short? So we see now that the difference is  
17 that 17-foot roughly of that amenity.

18 And it was pointed out, very clearly, that  
19 the way it's set is from where you see it. I  
20 like your plan you just showed or your volume,  
21 because you actually do see the 17-story  
22 building in that volume, as the volume of  
23 special recognition.

24 The park itself, this is going to be an  
25 active park, not a passive park. Normally, the

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1 residents and the businesses?

2 MR. PRATT: It would be -- yeah, it would  
3 be a shared use with the business and the  
4 residents of the units in the tower.

5 CHAIRMAN AIZENSTAT: Is there a way to have  
6 a benefit to the residents in that area, to be  
7 able to -- if they needed to, to be able to --  
8 any access to any of those spaces?

9 MR. PRATT: Actually, that's an interesting  
10 thought. That's something that -- honestly, we  
11 haven't really had any kind of discussion with  
12 the client, but I know that there's other  
13 projects being done in the City that are using  
14 or utilizing excess parking in other  
15 structures, and, so, you know, yes, we have  
16 additional parking that is beyond what the Code  
17 requires.

18 CHAIRMAN AIZENSTAT: I would just encourage  
19 it, if --

20 MR. PRATT: Yeah. No, I see that it would  
21 be very much of a benefit, especially to a lot  
22 of the existing units and residents and  
23 apartments that are in that area, that don't  
24 have -- or that only have on-street parking,  
25 that don't provide parking.

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1 projects that I have seen, the parks have come  
2 and they have been -- the land has been given  
3 to the City for the park, in lieu or in  
4 exchange for what is being done. This is  
5 something different for me, that I've seen.  
6 I've sat many years on this Board. If the City  
7 is fine with it, then I'm okay with that. I  
8 would just like to make sure that that park is  
9 accessible to all of the residents in the area.

10 I understand there was -- one of the  
11 speaker said, well, we have a park, which is  
12 part of the school, but I think the school and  
13 the district does not allow, a lot of times,  
14 the use of their parks when it's not a  
15 programmed or during school hours.

16 As far as parking and the people parking on  
17 the swales and around, you're right, none of  
18 those building are providing parking. The  
19 amount of parking that you're providing, how  
20 much are you over your required parking?

21 MR. GARCIA-SERRA: So the required amount  
22 of parking is 154 and we have 173.

23 CHAIRMAN AIZENSTAT: How are you treating  
24 the additional parking? Is that going to be  
25 open to the public? Is that only for the

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1 CHAIRMAN AIZENSTAT: Correct.

2 Also, one of the comments that was made is  
3 the amount of traffic and stacking and so forth  
4 that's in that area, but I think a lot of that  
5 is also created during school hours by parents  
6 that are coming to pick up their children at  
7 those hours.

8 Does the school have any type of policing  
9 or monitoring, that you know of, in that area,  
10 that controls traffic?

11 MR. PRATT: I know that -- from -- we have  
12 been to the site, and I do know that there's --  
13 the school is actually -- generally people come  
14 on Minorca and then go up Galiano and then  
15 make -- because the street that is on the south  
16 side of the school is one way and one way only  
17 to Ponce for pick up of the children. And,  
18 really, that's another reason why we've kept  
19 away from that area, to try and minimize any  
20 type of impact on that.

21 But there is generally crossing guards and  
22 traffic control at Ponce, but to be honest, I  
23 don't think I've ever seen any on Galiano.

24 CHAIRMAN AIZENSTAT: Yes, Mario.

25 MR. GARCIA-SERRA: On the point of any

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1 parking potentially being used for the public,  
2 I checked with the client and, you know, he  
3 hasn't been able to study it closely, but at  
4 least he would be comfortable now, as we've  
5 done in other projects, not many, but I can at  
6 least remember a couple, of allowing ten  
7 parking spaces within the garage to be utilized  
8 as part of the City's public parking permit  
9 program, that Kevin and I have done it on a  
10 couple of projects. We can maybe get his input  
11 also, too, as to whether he thinks it's  
12 appropriate.

13 CHAIRMAN AIZENSTAT: How are you  
14 treating -- there hasn't been any discussion  
15 about EV vehicles or charging. How are you  
16 treating that?

17 MR. PRATT: No. We're complying with the  
18 Code. There's a large section in the Code that  
19 requires a certain percentage of EV stations  
20 and so, you know, all of that would be a part  
21 of the project.

22 CHAIRMAN AIZENSTAT: I came here with an  
23 open mind. I didn't come here with a decision  
24 made. I agree with both, Javier and Julio,  
25 about the design of the project, and I think

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1 it's a good design. I like the way you've  
2 treated it. You've stepped it back. And I  
3 also like how you put your services towards the  
4 busy area.

5 I mean, I like the project.

6 MR. PRATT: Thank you.

7 CHAIRMAN AIZENSTAT: You are -- and I  
8 agree, you're taking -- with Javier, you're  
9 taking a huge risk on that 2.5, yet I  
10 understand that the Commissioner that proposed  
11 it, I think is tweaking it and so forth. So  
12 can I go under the assumption that whatever  
13 that ends up being, that's what this project,  
14 if you want the 2.5, would have to fall under?

15 MR. GARCIA-SERRA: Yes. You know, in other  
16 words, whatever the requirements of that  
17 Ordinance are, we would need to comply with.

18 CHAIRMAN AIZENSTAT: Okay. Thank you.  
19 Felix.

20 MR. PARDO: Yeah. Again, I apologize. I  
21 thought -- I was listening to the City  
22 Attorney, when he said about the 3.0, he was  
23 referring to the previous project that had the  
24 -- their plan expire, correct?

25 MR. COLLER: I'm not sure what I had said.

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1 I had said that if they were applying -- if it  
2 turns out that MX2.5 is -- the Commission  
3 chooses not to adopt that, their only option  
4 would be, then, to build this to be MX3, with a  
5 covenant limiting it to the 137 feet.

6 Whether the Board would feel the need to  
7 remand it back to the Planning and Zoning --

8 CHAIRMAN AIZENSTAT: Whether the  
9 Commission.

10 MR. COLLER: I'm sorry, whether the  
11 Commission -- it's being with the County for 36  
12 years, we always refer to it as the Board. I  
13 apologize.

14 Whether the City Commission would choose to  
15 have it come back to the Board, I don't know,  
16 because ultimately the design of the building,  
17 the height of the building, everything about  
18 the building is going to be the same. It's the  
19 vehicle that they're going to do it by. Are  
20 they doing it MX3 with a covenant or are they  
21 doing an MX2.5? So that was what the question  
22 was.

23 So, basically, my answer is, I'm not sure  
24 what the City Commission would do.

25 MR. PARDO: Okay. So I am as confused as I

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1 was originally.

2 MR. COLLER: I wasn't talking about 3.0  
3 from an earlier project.

4 MR. PARDO: Okay.

5 MR. WITHERS: So I have a question, what  
6 is -- I should know this, what is the vote  
7 required to go to 2.5 on the Commission? Is it  
8 a four or a three person vote?

9 MR. COLLER: I'm not sure.

10 MR. WITHERS: Can we find out?

11 MR. COLLER: If anybody knows.

12 MS. GARCIA: Tell me the question again.

13 MR. WITHERS: To get a 2.5 --

14 MS. GARCIA: For a map change.

15 MR. WITHERS: For a map change, it's a  
16 four person --

17 MS. GARCIA: Four affirmative votes.

18 MR. WITHERS: On the Commission?

19 MS. GARCIA: No, on the Commission, it's  
20 just three, a majority.

21 MR. WITHERS: On the Commission, it's  
22 three?

23 MS. GARCIA: Uh-huh.

24 MR. WITHERS: Okay. So I guess the  
25 question is, if this did not pass tonight and

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1 the Commission voted for a 2.5, would this come  
2 back to us again or would you just  
3 automatically go through as of right to build  
4 this?

5 MR. COLLER: Well, let's make sure we're  
6 talking about, this did not pass. You mean,  
7 the recommendation would be for denial?

8 MR. WITHERS: Well, if it comes with no  
9 recommendation, what is it? If it's a  
10 three-three vote, what is it?

11 MR. COLLER: If it's a three-three vote,  
12 depends. On the Comprehensive -- it's a  
13 typical lawyer's answer. So a three-three vote  
14 on a Comp Plan is deemed a denial.

15 MR. WITHERS: Right. Okay.

16 MR. COLLER: A three-three vote on the  
17 other items is deemed to be no recommendation.

18 MR. WITHERS: Okay. So if it does not  
19 pass or it comes as a no whatever, and it goes  
20 to the Commission, and they vote for this  
21 revised 2.5, does this come back to us or does  
22 this project go on as of right?

23 MR. COLLER: If --

24 MR. WITHERS: Because we didn't approve  
25 it, is what I'm saying, does it then come back

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1 This project would just go forward with no  
2 recommendation from the Board.

3 MR. COLLER: Is the hypothetical that if  
4 the 2.5 was approved by this Board or was no  
5 recommendation from this Board?

6 MR. WITHERS: Well, I mean, I'm sure --

7 MR. COLLER: I want to understand the  
8 question, because I want to make sure I give  
9 you the correct answer.

10 MR. WITHERS: The question is, if this is  
11 a three-three vote today --

12 MR. COLLER: For all of it?

13 MR. WITHERS: For all of it, across the  
14 board.

15 MR. COLLER: Okay. Got it.

16 MR. WITHERS: -- it moves forward with a  
17 no on the change.

18 MR. COLLER: On the Comp Plan.

19 MR. WITHERS: On the Comp Plan, and then a  
20 no recommendation on the other two or three --  
21 whatever the three?

22 MR. COLLER: Without recommendation may be  
23 a more accurate way to say it.

24 MR. WITHERS: Without recommendation,  
25 okay. So it goes to the Commission, and the

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1 to us or does it automatically just go forward?

2 MR. COLLER: Well, because you -- it would  
3 be up to the City Commission whether they want  
4 additional input from the Board, but, remember,  
5 your recommendation, even for a denial under  
6 the Comp Plan, is still a recommendation. It's  
7 not binding on the Commission.

8 MR. WITHERS: I got it. I get that.

9 MR. COLLER: Whether or not they would  
10 bring it back would be something -- would be up  
11 to the discretion of the Board -- excuse me, of  
12 the Commission.

13 MR. WITHERS: So they're not obligated to  
14 bring it back to us?

15 MS. GARCIA: No, because they've gotten a  
16 recommendation from you, which is no  
17 recommendation.

18 MR. WITHERS: Right, with a 2 point -- but  
19 I'm saying, if the 2.5 passes at the Commission  
20 level --

21 MS. GARCIA: They wouldn't come back here.

22 MR. WITHERS: It would --

23 MS. GARCIA: They would not.

24 MS. WITHERS: It would automatically or no?

25 MS. GARCIA: The MX2.5 or this project?

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1 Commission then moves in favor of the 2.5, but  
2 they restrict it down to 125 feet or 137 feet,  
3 wherever they land with their new 2.5,, does  
4 this project then have to come back to us with  
5 the new 2.5 or does it just move forward as of  
6 right, however they want to build, based on the  
7 2.5?

8 MR. COLLER: No. It would not come back  
9 to this Board unless the Commission wanted it  
10 to come back.

11 MR. WITHERS: Okay. So this is our bite  
12 at the apple to talk about height and things  
13 like that right now, right?

14 MR. COLLER: I would say that would be  
15 true.

16 MR. WITHERS: Okay.

17 MR. PARDO: Mr. Chairman?

18 CHAIRMAN AIZENSTAT: Go ahead, Felix.

19 MR. PARDO: For clarification from Staff,  
20 exactly why is there a Comprehensive Land Use  
21 Map Amendment?

22 MS. GARCIA: Why is there a Land Use Map  
23 Amendment to the Mixed-Use?

24 MR. PARDO: Why does it have a component?

25 MS. GARCIA: Because the mid rise, the

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1 Commercial Mid Rise intensity has a height of  
2 97 feet in the Comp Plan?  
3 MR. PARDO: All right. So it is the height  
4 issue in the Comp Plan.  
5 MS. GARCIA: Yes. Uh-huh. Right. It's  
6 also use. So being mixed-use requires them to  
7 do mixed-use. Otherwise they could just do a  
8 straight commercial, if their site plan expires  
9 again.  
10 MR. PARDO: So it's not because of the  
11 mixed-use, it's solely or a hundred percent  
12 because of the height?  
13 MS. GARCIA: The reason they have to  
14 request it, yes.  
15 MR. PARDO: No. The change in the  
16 Comprehensive Land Use Plan.  
17 MS. GARCIA: Well, there is no height  
18 linked to it in the Mixed-Use Land Use. It  
19 refers you back to the Zoning Code. Whatever  
20 the Zoning Code says your height is, your  
21 maximum height is, that's what it does.  
22 There's no maximum height of Mixed-Use Land Use  
23 in our Comp Plan.  
24 MR. PARDO: So the Comp Plan change is  
25 essential for this project, along with the MX2?

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1 MS. GARCIA: Yes.  
2 MR. WITHERS: Give me that again.  
3 MR. PARDO: The Comprehensive Land Use Plan  
4 Amendment is essential, along with the MX2  
5 Zoning, for this plan to move forward.  
6 MR. WITHERS: Yeah. The 2.5.  
7 MR. GARCIA-SERRA: 2.5, yeah.  
8 MR. COLLER: But just so I'm clear myself,  
9 the need for the Comprehensive Plan Amendment  
10 is to have it be a mixed-use project.  
11 MS. GARCIA: Well, it's two-fold. If they  
12 keep it as Commercial Mid Rise Intensity,  
13 they're still capped at 97 feet, which would be  
14 inconsistent with the proposed Zoning.  
15 MR. COLLER: Right. In order to get that  
16 extra height, they need to have the mixed-use  
17 zoning.  
18 CHAIRMAN AIZENSTAT: Correct.  
19 MS. GARCIA: Or Commercial High Rise.  
20 MR. COLLER: Or Commercial High Rise.  
21 MS. GARCIA: But mixed-use would be more  
22 appropriate here as it transitions to the North  
23 Ponce Multi-Family.  
24 MR. WITHERS: So I promise this is my last  
25 question, okay. So if this passes with the 134

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1 feet, is that what you're asking?  
2 MR. PRATT: 137 feet.  
3 MR. WITHERS: 137 feet. But the 2.5  
4 passes at 125 feet --  
5 CHAIRMAN AIZENSTAT: They've got to go down  
6 to 125.  
7 MR. WITHERS: You would have to knock it  
8 down to your original --  
9 MR. GARCIA-SERRA: Or whatever it is that  
10 that height is permitted in that new Zoning  
11 district.  
12 CHAIRMAN AIZENSTAT: They're going for the  
13 2.5. Whatever the Commission decides on the  
14 2.5, it is.  
15 MR. WITHERS: I get it.  
16 CHAIRMAN AIZENSTAT: If the Commission  
17 decides not to approve the 2.5, then they've  
18 got to, I guess, look at the 3 with a covenant.  
19 MR. WITHERS: So the final decision on  
20 this lays with the Commission anyway, doesn't  
21 it?  
22 CHAIRMAN AIZENSTAT: Exactly.  
23 MR. WITHERS: A hundred percent.  
24 CHAIRMAN AIZENSTAT: Is there --  
25 MR. SALMAN: I've got two questions.

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1 CHAIRMAN AIZENSTAT: Go ahead, please.  
2 MR. SALMAN: The building that we're  
3 preserving, the historic building, is it  
4 programmed in any way? How's it going to be  
5 used? It's part of the park, right, one of the  
6 public --  
7 MR. GARCIA-SERRA: The idea is that it's  
8 going to be -- well, there's going to be a  
9 restaurant operation there as part of the  
10 building, and then the 42 Navarre, the historic  
11 building, would be the event space, where  
12 people can reserve and go to for events --  
13 MR. SALMAN: Through the restaurant?  
14 MR. GARCIA-SERRA: Correct.  
15 MR. SALMAN: Okay. So it's an amenity to  
16 the restaurant, not necessarily to the public.  
17 What about the little pavilion outside?  
18 MR. GARCIA-SERRA: That's in the park?  
19 MR. SALMAN: The little trellised area.  
20 MR. GARCIA-SERRA: That's definitely part  
21 of the public area.  
22 MR. SALMAN: That's part of the park,  
23 right?  
24 MR. GARCIA-SERRA: Yeah.  
25 MR. SALMAN: So I could rent that for my

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1 grandkids' party, presumably --

2 MR. GARCIA-SERRA: Presumably. From your  
3 mouth to God's ears.

4 MR. SALMAN: They'll get older. You know,  
5 it happens. All right. And that's one  
6 question.

7 The second question, it appears to me that  
8 the biggest resistance we're meeting on this  
9 Board is the overall height of the building,  
10 and this is a hypothetical project we're  
11 approving hypothetically -- or we're  
12 recommending positively for or against  
13 hypothetically. How would the owner feel about  
14 hypothetically taking one floor out, so that  
15 the maximum height of the building then drops  
16 by 11 feet, and then your max height on the  
17 roof is where you need to be, 124, for a better  
18 transition, hypothetically? I don't think it  
19 affects the design.

20 MR. PRATT: Well, one of the things that --  
21 as we've been working on this and the  
22 progression, the original presentation that we  
23 made to the Board of Architects and the  
24 original design that they approved didn't have  
25 the amenity thing on the top. So if the

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1 MR. SALMAN: It makes it a little squatter.

2 MR. GARCIA-SERRA: Right. If we want to  
3 keep the same density, then, it would make it  
4 shorter and wider.

5 MR. SALMAN: Yeah.

6 CHAIRMAN AIZENSTAT: All right. Would  
7 anybody like to make a motion?

8 MS. KAWALERSKI: I have would like to make  
9 a motion to defer this project until the time a  
10 2.5 mixed-use is approved by the Commission.

11 MR. PARDO: Second.

12 CHAIRMAN AIZENSTAT: We have a motion, we  
13 have a second, to defer. Any discussion?

14 Call the roll, please.

15 THE SECRETARY: Chip Withers?

16 MR. WITHERS: Yes.

17 THE SECRETARY: Julio Grabiell?

18 MR. GRABIEL: No.

19 THE SECRETARY: Sue Kawalerski?

20 MS. KAWALERSKI: Yes.

21 THE SECRETARY: Felix Pardo?

22 MR. PARDO: Yes.

23 THE SECRETARY: Javier Salman?

24 MR. SALMAN: Yes.

25 THE SECRETARY; Eibi Aizenstat?

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1 overall height was really 120 feet, it was less  
2 the 17 of the amenity. That --

3 MR. SALMAN: It brings you within a hair's  
4 breath of the 97 -- 97 feet of the --

5 MR. PRATT: And that was -- there was an  
6 excess that we had, in terms of the FAR and the  
7 program. We had approximately 8,500 square  
8 feet or something of additional FAR, and that's  
9 really what began to drive the idea of putting  
10 that to use on the roof as an amenity. So it  
11 wasn't really, you know, in order to reduce the  
12 height. You know, I said, we had the original  
13 BOA Med Bonus approval on just the building  
14 itself, without the amenity deck on top.

15 MR. GARCIA-SERRA: I think, from our  
16 perspective, you know, the top piece, which is  
17 relatively small in area, not visible from the  
18 street, what it brings back in value to the  
19 project potentially is such that it's worth  
20 having that additional height.

21 MR. PRATT: Yeah. Yeah. And it just --

22 MR. SALMAN: No, I'm thinking about one of  
23 the typical floors, not necessarily the top  
24 floor.

25 MR. PRATT: It makes it --

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1 CHAIRMAN AIZENSTAT: No.

2 THE SECRETARY: Four to two.

3 CHAIRMAN AIZENSTAT: Now, is that -- that's  
4 to defer, and it's not to a time certain, it's  
5 until a decision is made, which means, at that  
6 point, you would have to bring it back or --

7 MR. SALMAN: It will be by right.

8 MR. GARCIA-SERRA: Well, nothing would be  
9 necessarily of right, because we still need to  
10 get a PAD approval and a Site Plan approval and  
11 so forth. At that point, you know, I guess we  
12 would come back. Assuming that it is adopted,  
13 we come back to this same point in time here,  
14 but I don't know if we're going to even reopen  
15 the public hearing and so forth and everything  
16 else or --

17 CHAIRMAN AIZENSTAT: Well, you know, to me,  
18 we've already had the public hearing based on  
19 it. So can we -- if it's deferred, can we  
20 continue --

21 MR. COLLIER: Well, it would be up to the  
22 Board if they want to open the public hearing  
23 or not open the public hearing or you could --  
24 or you could move to a vote based upon the --  
25 assuming that the MX2.5 is adopted. So it

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1 would be up to the Board at that time whether  
2 they want to open the hearing.

3 CHAIRMAN AIZENSTAT: Let's assume that the  
4 2.5 is not adopted, there's no 2.5. So they  
5 decide to go with the 3 with a covenant. What  
6 happens? Do they have to come back here?

7 MR. COLLIER: Well, they have to come back  
8 here, because you deferred the item. So  
9 they're coming back here with, essentially, a  
10 new application. So I think that there has to  
11 be a new hearing, because now it's -- the Comp  
12 Plan is the same, but now you have a different  
13 rezoning.

14 CHAIRMAN AIZENSTAT: Okay.

15 MR. GARCIA-SERRA: One other question I  
16 need to ask is, what if it's adopted on First  
17 Reading, could we be here between First and  
18 Second Reading?

19 MR. COLLIER: Well, that's up to the Board.  
20 At this point, there's a motion and a second,  
21 and it's that when it's adopted by the City  
22 Commission, then it gets brought back here. So  
23 adopted doesn't mean First Reading. So it  
24 would have to be after its adopted. That's  
25 what I would advise Staff, as far as bringing

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1 it back here.

2 MR. GARCIA-SERRA: Okay. Well --

3 MR. COLLIER: Unless you're -- unless --  
4 that would be the decision.

5 MR. GARCIA-SERRA: Unless we would ask --  
6 could we ask for an up or down vote right now?

7 MR. COLLIER: Well, they've deferred it. I  
8 guess the Board would have to re-consider their  
9 previous vote.

10 CHAIRMAN AIZENSTAT: How does that work?

11 MR. WITHERS: What was the --

12 MR. COLLIER: It would have to be -- well,  
13 fortunately, we haven't called the next  
14 hearing, so that's good. It would have to be a  
15 person on the prevailing side of the deferral  
16 that would ask for a motion for  
17 re-consideration.

18 CHAIRMAN AIZENSTAT: Before we continue,  
19 I'm looking at the time. No matter what, we  
20 need a little more time. So do we have, at the  
21 bare minimum, right not, to continue --

22 MR. WITHERS: How about ten o'clock?  
23 Don't we have another issue after this?

24 CHAIRMAN AIZENSTAT: We've got to get  
25 Robert in here. One more. So do we want to do

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1 ten o'clock or do we want to do --

2 MR. WITHERS: 11:00.

3 MR. COLLIER: I think, whatever we do, in  
4 consideration to the court reporter, we need to  
5 take a break.

6 CHAIRMAN AIZENSTAT: Correct, to get him  
7 in.

8 So, for now, why don't we just do, if it's  
9 okay, just to 9:30?

10 MR. WITHERS: I move that we extend to  
11 9:30. How's that?

12 CHAIRMAN AIZENSTAT: Only because that will  
13 give us direction as to how we want to move  
14 with a full Board, and we'll also be able to  
15 ask the applicant what they would like to do.  
16 We have a motion until 9:30.

17 MR. WITHERS: 9:30, yeah.

18 CHAIRMAN AIZENSTAT: Is there a second?

19 MR. SALMAN: I'll second it.

20 MS. KAWALERSKI: Second.

21 CHAIRMAN AIZENSTAT: Javier seconds.

22 MR. COLLIER: We can do it as a voice vote.

23 CHAIRMAN AIZENSTAT: Everybody in favor say  
24 aye?

25 (All Board Members voted aye.)

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1 CHAIRMAN AIZENSTAT: Anybody against? No?

2 MR. WITHERS: So the re-consider the  
3 motion was to do what now?

4 MR. GARCIA-SERRA: Well, I want to consult  
5 with my client to see if they would want to ask  
6 just for an up or down vote, so that we can  
7 move forward, or whether they'd prefer the  
8 deferral, so that we wait to see what the  
9 outcome of the MX2.5 is.

10 MR. WITHERS: Are you sure you want to do  
11 that? I don't know, I mean -- you saw how the  
12 vote just went down, you know.

13 MR. SALMAN: Put all of the chips on the  
14 table.

15 CHAIRMAN AIZENSTAT: But that should be the  
16 client.

17 MR. WITHERS: That's their decision.

18 CHAIRMAN AIZENSTAT: That's their decision.  
19 It should not be our decision.

20 MR. WITHERS: I mean, look, I defer to all  
21 of the money they're paying these guys to be  
22 here, you may as well --

23 MR. GARCIA-SERRA: Give me two minutes.  
24 Let me consult with him and then we'll be back.

25 CHAIRMAN AIZENSTAT: Since the vote has

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1 already been cast, can Robert come back in or  
 2 no still?  
 3 MR. COLLER: I don't want Robert to come  
 4 back in until -- because that means we're going  
 5 to call the next item, and we can't do a motion  
 6 for re-consideration, if that's the desire of  
 7 the Board, until we resolve this.  
 8 CHAIRMAN AIZENSTAT: Understood.  
 9 MR. WITHERS: I'll move to re-consider the  
 10 vote, if that's what you want to do.  
 11 MR. GARCIA-SERRA: Give me two minutes. It  
 12 might not be.  
 13 MR. WITHERS: Maybe we'll hold the second.  
 14 CHAIRMAN AIZENSTAT: Thank you, everybody,  
 15 for your patience. Feels like a game show.  
 16 MR. COLLER: You know, in Shark Tank, it's  
 17 not good to walk out of the room.  
 18 MR. SALMAN: No bueno.  
 19 MR. COLLER: Let me see if we can move this  
 20 along.  
 21 CHAIRMAN AIZENSTAT: All right. Mario.  
 22 MR. GARCIA-SERRA: We'll respect the wish  
 23 of the Board and go with a deferral.  
 24 CHAIRMAN AIZENSTAT: So you're going with a  
 25 deferral?

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1 MR. GARCIA-SERRA: Correct. It's already  
 2 been approved.  
 3 MR. WITHERS: I will retract my motion to  
 4 re-consider.  
 5 MR. COLLER: Yeah.  
 6 CHAIRMAN AIZENSTAT: It was never second,  
 7 so we're good.  
 8 MR. COLLER: He withdrew it, so --  
 9 CHAIRMAN AIZENSTAT: Thank you very much.  
 10 MR. GARCIA-SERRA: See you later.  
 11 CHAIRMAN AIZENSTAT: Let's go ahead and  
 12 take a five-minute just to get Robert back in  
 13 and --  
 14 (Short recess taken.)  
 15 CHAIRMAN AIZENSTAT: All right. Let's go  
 16 ahead and get started please. I'd like to call  
 17 back the session.  
 18 MR. GRABIEL: Should we vote on allowing  
 19 Robert to come back or not?  
 20 MR. BEHAR: You don't have to. I can  
 21 leave.  
 22 CHAIRMAN AIZENSTAT: Let the record show,  
 23 please, that Robert Behar is back in the room.  
 24 MR. COLLER: I don't think they got us on  
 25 yet.

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1 Now they do.  
 2 CHAIRMAN AIZENSTAT: Perfect. Since we're  
 3 live again, as I stated, let the record show  
 4 that Robert Behar is back in the room.  
 5 The next item -- we did E-6.  
 6 Jennifer, let me ask you a question. We're  
 7 on E-5, which is next, is a long item.  
 8 MS. GARCIA: Yes.  
 9 CHAIRMAN AIZENSTAT: We have the applicant  
 10 that's been waiting quite a while. What I'd  
 11 like to do, Mr. Navarro, if you're in  
 12 agreement, I would like to move you up,  
 13 because, if not, time-wise --  
 14 MR. NAVARRO: That would be great.  
 15 CHAIRMAN AIZENSTAT: And if the rest of the  
 16 Board is in agreement, I'd like to go ahead and  
 17 move Items E-7 through E-9 at this point.  
 18 MR. BEHAR: I'm okay with that.  
 19 CHAIRMAN AIZENSTAT: All right. Let's go  
 20 ahead. Mr. Attorney, if you could please read  
 21 Items E-7 through E-9 into the record.  
 22 MR. COLLER: Item E-7, a Resolution of the  
 23 City Commission of Coral Gables, Florida  
 24 granting Remote Parking Conditional Use  
 25 approval pursuant to Article 14, "Process",

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1 Section 14-203, "Conditional Uses," for  
 2 proposed remote parking associated with a  
 3 mixed-use project referred to as "4241 Aurora"  
 4 on the property legally described as Lots 12  
 5 through 22, Block 6, Coral Gables Industrial  
 6 Section (4241 Aurora St), Coral Gables,  
 7 Florida; including required conditions;  
 8 providing for a repeater provision,  
 9 severability clause, and an effective date.  
 10 Item E-8, a Resolution of the City  
 11 Commission of Coral Gables, Florida approving  
 12 receipt of Transfer of Development Rights  
 13 (TDRs) pursuant to Zoning Code Article 14  
 14 "Process," Section 14-204.6, "Review and  
 15 approval of use of TDRs on receiver sites," for  
 16 the receipt and use of TDRs for a mixed-use  
 17 project referred to as "4241 Aurora" on the  
 18 property legally described as Lots 12 through  
 19 22, Block 6, Coral Gables Industrial Section  
 20 (4241 Aurora St), Coral Gables, Florida;  
 21 including required conditions; providing for a  
 22 repeater provision, severability clause, and an  
 23 effective date.  
 24 E-9, a Resolution of the City Commission of  
 25 Coral Gables, Florida approving Mixed-Use Site

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1 Plan and Conditional Use review pursuant to  
2 Zoning Code Article 14, "Process" Section  
3 14-203, "Conditional Uses," for a proposed  
4 mixed-use project referred to as "4241 Aurora"  
5 on the property legally described as Lots 12  
6 through 22, Block 6, Coral Gables Industrial  
7 Section, Coral Gables, Florida; including  
8 required conditions; providing for a repeater  
9 provision, severability clause, and an  
10 effective date.

11 Items E-7, E-8, E-9, public hearing.

12 CHAIRMAN AIZENSTAT: Thank you.

13 Mr. Navarro.

14 MR. NAVARRO: Thank you. Thank you,  
15 Mr. Attorney.

16 Mr. Chair, Board Members, for the record,  
17 my name is Jorge Navarro, with offices at 333  
18 Southeast 2nd Avenue. I'm here this evening  
19 joined by my clients, Mr. Eduardo Otaola and  
20 Mr. Jose Boschetti, who have a long history  
21 here in Coral Gables, both as residents and  
22 business owners, and who have worked on many  
23 projects in the City. I'm also joined by our  
24 project architect, Ray Fort, from  
25 Arquitectonica, and we're here to present a new

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1 and ground floor retail. One of the reasons I  
2 wanted to bring this up is because, this  
3 project was designed in the same way that many  
4 of the other projects that have been developed  
5 in this particular part of the City, in this  
6 Commercial area, which is where you have a  
7 building that is built and that goes from  
8 property line to property line, which really  
9 does not give you a lot of area to put open  
10 space, and that uses the arcade in order to  
11 meet your open space requirements, and that's  
12 what's allowed today under your current Code.

13 I know that one of the earlier items, there  
14 was an issue of the timing of the legislation.  
15 We have come in, and we have changed the  
16 development program to a more traditional  
17 mixed-use project. We have 80 residential  
18 units, we have office space, and we have ground  
19 floor retail, but one of the things that you'll  
20 see is, we also have a 5,000 square foot park,  
21 that we've been able to accommodate, and we've  
22 done that as a result of a series of workshops  
23 and community outreach that we've had on this  
24 project, over the last few months, and what  
25 we've done is, we've re-designed this project,

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1 mixed-use project within your Merrick Park  
2 neighborhood.

3 This property is approximately over a half  
4 acre site, that's located directly across from  
5 the Merrick Park Mall, across from Nordstrom,  
6 in the heart of the City's Design and  
7 Innovation District.

8 If we could put up the PowerPoint. Would  
9 that be possible? Thank you.

10 This gives you an idea as to where the site  
11 is. It is just north of San Lorenzo. There's  
12 been many mixed-use projects that have been  
13 approved in this area and that have been  
14 developed, and this site is unique, in that it  
15 is one of the last larger tracts and provides  
16 an opportunity to kind of go against the  
17 current of what has normally happened in this  
18 area and deliver a different type of project,  
19 that provides substantial public benefits, in  
20 terms of reductions in density, but also  
21 providing much needed open space, that we'll  
22 get into.

23 As many of you may recall, this property  
24 was approved a few years back for a hotel. It  
25 had event space and meetings areas, restaurants

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1 in order to comply with what's being proposed  
2 now as the City's Public Park Program, that  
3 only applies to this area. I think it's very  
4 important. And I know the earlier item had a  
5 far reaching legislation that they're working  
6 on. This is a Code change that only applies to  
7 your Commercial District of Merrick Park, and I  
8 wanted to get into that.

9 The Ordinance, essentially, is promoting  
10 you to build less density and to provide open  
11 space at the ground level. So just to give you  
12 an idea, this is your Park's Master Plan. It's  
13 the City's Community Recreational Master Plan.  
14 And in this plan, if you could see, next to  
15 Number 19 down there, this is an area of the  
16 City -- and I know all of you have prior gone  
17 shopping in Merrick Park or gone to dinner  
18 there, there really is no open space. There's  
19 no green space, with the exception of the  
20 private areas within the mall, that are  
21 designated for outdoor dining, with the closest  
22 park being over a twenty-minute walk away,  
23 because this is an area that is bounded by some  
24 pretty major roadways.

25 You have Bird Road to the north, US-1 to

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1 the south, Le Jeune and Ponce as your east and  
2 west boundaries. And this parks plan that was  
3 done showed a significant need for park space  
4 in this area. And prior to embarking on this  
5 project, we had several neighborhood meetings,  
6 and the things that we heard back from the  
7 community at that time were, they wanted to see  
8 primarily two things. First of all, reduce  
9 density, and second of all, for us to find ways  
10 to provide more ground level open space, so  
11 people could walk their dogs, they could relax  
12 outdoors, and they could have their children  
13 play. And as Ray will show you shortly with our  
14 site plan, this is exactly what we've been able  
15 to accomplish, and we're very proud of it.

16 Under this legislation that we designed the  
17 plan under, we've been able to reduce the  
18 project density by over 50 percent. This  
19 project originally contemplated 180 units, and  
20 we are now proposing 80 units. So we've left  
21 100 units on the table here. We've also been  
22 able to free up the ground level, to provide  
23 nine times the amount of ground level uncovered  
24 open space than would normally be required  
25 under this project. It's going to have shade

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1 trees, as Ray will say. It's going to have  
2 world class art, seating areas, lush  
3 landscaping, and we're very proud to say that  
4 we will be building, hopefully, with your  
5 support, the first public park in Merrick Park,  
6 that we will deed over to the City, and this is  
7 an example of the success that this legislation  
8 could have.

9 So, with that, I'll let Ray walk you  
10 through the site plan, and I'd like to reserve  
11 two minutes for comment, if needed, after the  
12 public comment portion, and our entire team is  
13 here, obviously, to answer any questions after  
14 the presentation.

15 Thank you.

16 CHAIRMAN AIZENSTAT: Thank you.

17 MR. FORT: Good evening. My name is Ray  
18 Fort, with Arquitectonica, located at 2900 Oak  
19 Avenue, Miami, Florida.

20 So what you're seeing here on the screen  
21 right now is some context images, and we've  
22 taken them from each corner, but essentially  
23 what you have right now is an unimproved lot --

24 MR. COLLER: Sir, you're going to need to  
25 speak into the microphone. I know you're

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1 looking at that picture.

2 MR. FORT: Yeah. I wanted to point at that  
3 while I was talking. I'll do my best to do  
4 both here.

5 MR. COLLER: Or maybe you can move the mike  
6 a little bit and --

7 CHAIRMAN AIZENSTAT: Is there a portable  
8 mike that he can use?

9 MR. PARDO: Here.

10 MR. WITHERS: Felix has it here.

11 CHAIRMAN AIZENSTAT: Next to the steaming  
12 coffee.

13 MR. SALMAN: He's using it to stir the  
14 coffee.

15 MR. COLLER: Is this working? Yes.

16 MR. FORT: Okay. So I think we have  
17 everything working -- can you hear me okay now  
18 from this end? Okay. Great.

19 So it's an unimproved lot. It essentially  
20 is a grass field today, surrounded by some  
21 perimeter trees, and in the area, we have a  
22 number of new developments that surround  
23 Merrick Park, including residential buildings  
24 that are actually attached to Merrick Park.  
25 There are two lots in this view that are

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1 actually under construction, if not by now  
2 completed and open to the public. So this is  
3 becoming a residential district, that is  
4 centered around a retail complex that  
5 essentially is becoming kind of a textbook, you  
6 know, urban neighborhood, that you have a  
7 series of mixed uses, you've got tree lined  
8 streets, you've got a retail center that  
9 anchors everything together, and apartments  
10 that sit over shops, and there are office  
11 buildings that are nearby, and there's another  
12 one coming along Ponce, as well, that at this  
13 point is underway, so it's all shaping up, and  
14 it's near transit. So we have a good mixed-use  
15 neighborhood. And as Jorge pointed out, there  
16 is a lack of green space, and the current space  
17 almost functions like a green space to the  
18 surrounding neighborhood, as it currently  
19 stands.

20 So this is actually a massing of the  
21 proposed project, and it fits very well with  
22 the context of the other buildings in the area.  
23 As you can see, it's the -- oh, no -- let's  
24 see, it's the -- it's the gray building that  
25 you see here, this is Merrick Park. This is an

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1 office building. These lots now have  
2 residential buildings that are completed, but  
3 they're of the same scale of this residential  
4 building you can see in the lower right-hand  
5 image.

6 So what would be currently allowed is a  
7 120-foot tall building, that you see at the top  
8 of the screen, and we are proposing to add one  
9 level, and compress the building, to  
10 accommodate a park space to the south side,  
11 along San Lorenzo. San Lorenzo also, I'll  
12 point out, is the entry street to Merrick Park.  
13 So -- excuse me. This is just a little bit  
14 cumbersome.

15 So we have San Lorenzo to the south, and  
16 this is one of the streets that actually  
17 crosses through Merrick Park, and we felt that  
18 that was the right location to have this  
19 gateway entrance into the park -- into Merrick  
20 Park, and have that green space anchor that  
21 corner.

22 So, just for clarification, the green line  
23 that outlines the proposed Code, in the lower  
24 portion of the screen, is the outline of the  
25 current Code. So you can see the difference

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1 very clearly on what's overlaid. So, one more  
2 time, this green line is just an outline of the  
3 current Code image, on the upper portion of the  
4 page, and red hash shows what that could have  
5 been under the current code.

6 So, with that said, it's about 4,922 square  
7 feet of open space to the south side, and we  
8 have an arcade that carries across along Aurora  
9 Street, that terminates in the residential  
10 lobby, which is in green on the left-hand side  
11 of the image. The retail is highlighted in  
12 pink, and we have a small office lobby to the  
13 east side of the page, the south side of the  
14 park, and we're proposing all of the back of  
15 house along the alley.

16 It should be noted that the garage is lined  
17 along the southern side, the park facing side,  
18 so that we have a couple of levels of office  
19 there. So that, from the park, you have  
20 activated uses.

21 The typical residential levels, generally  
22 low density per floor, only about ten units a  
23 floor, and we've compressed the floor plate,  
24 that otherwise would have been allowed the  
25 120-foot height mark. The rooftop is comprised

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1 of amenities. So we have interior amenities,  
2 exterior amenities and plenty of outdoor space  
3 for a building of this type.

4 And this a section of the project. Three  
5 levels of parking that are lined by two levels  
6 of office, because the office floor to floor  
7 heights are taller, and instead of having the  
8 transition floor on Level 5 be amenities, we  
9 thought it was more interesting to have them at  
10 the rooftop level, where we can create  
11 something special up there.

12 This is an elevation of the project. We're  
13 using a variety of materials, including stones  
14 and bronze materials, sconces, et cetera, but  
15 when it all comes together, it will look  
16 something like this. And in this view, you can  
17 see the park, that will be more closely  
18 rendered in this view. So we've tried to  
19 capture everything in one view, so it's a  
20 little bit -- feels like you have a little bit  
21 of a fisheye lens here, but it gives you the  
22 idea of having the park in the foreground, and  
23 the activated use of the building adjacent to  
24 it, and this is a view from across the street.

25 And that's the presentation. Thank you.

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1 I'm here to answer any questions you may have.

2 CHAIRMAN AIZENSTAT: Thank you.

3 Before we continue, we have time until  
4 9:30. Would anybody like to make a motion --

5 MR. BEHAR: I'll make a motion to extend to  
6 ten o'clock.

7 MR. GRABIEL: Second.

8 MR. SALMAN: I'll second.

9 CHAIRMAN AIZENSTAT: As Chip originally  
10 said.

11 THE SECRETARY: I'm sorry, who seconded  
12 it?

13 MR. SALMAN: I did.

14 CHAIRMAN AIZENSTAT: Mr. Javier.

15 We have a motion just to -- verbal is okay.  
16 Everybody in favor say aye.

17 (All Board Members voted aye.)

18 CHAIRMAN AIZENSTAT: Anybody against?  
19 Continue, please. Thank you.

20 MR. NAVARRO: Mr. Chair, I just wanted to  
21 conclude. I know that we've had a series of  
22 meetings. We had actually a meeting in June of  
23 this year to show this updated plan to the  
24 residents in the area. It was very well  
25 received. I know it's difficult to get people

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1 to come out in support of a project, but we did  
2 obtain 40 petitions from business owners and  
3 residents in the Merrick Park area. They're  
4 part of your record. Devin (phonetic) has them  
5 as well. We'll submit them again into the  
6 Clerk's Office.

7 Also, there was one item that we caught  
8 earlier. There was a scrivener's error in the  
9 percentage shown on the plans. All of the  
10 square footage in the project does not change,  
11 it's all correct, it's just that I think we had  
12 33 percent open space. It was being based off  
13 the lot coverage number, which is not how you  
14 do it. It's based on lot size. The square  
15 footage is actually 26 percent, but the size of  
16 the park doesn't change, and none of the  
17 off-site or on-site improvements change.

18 So I just wanted to make that correction on  
19 the record. Thank you.

20 CHAIRMAN AIZENSTAT: Thank you.

21 Jennifer.

22 MS. GARCIA: Jennifer Garcia, City Planner.  
23 The PowerPoint, please.

24 Just to clarify, this project, similar to  
25 the project before, is relying on changes to

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1 requesting to receive 25,812 square feet of  
2 TDRs. Again, TDRs are those additional --  
3 well, remaining development rights that are  
4 from private historic buildings. A historic  
5 building usually is built much smaller than  
6 what is allowed now by the Zoning Code. So the  
7 leftover square footage is then transferred to  
8 a receiving site, as they're applying for here.

9 And the last request is the mixed-use site  
10 plan. Because they're over the threshold of  
11 20,000 square feet, they're required to do a  
12 mixed-use site plan, which is a conditional  
13 use.

14 So here you can see the vehicular entrance  
15 off of Altara, as well as the residential  
16 lobby. Now, they're proposing new crosswalks  
17 at the intersection of Aurora and Altara.  
18 There's ground floor retail occupying most of  
19 the ground floor. The loading is accessed from  
20 the rear, in the alley, and the park, as you  
21 know, is on the south side or the right side of  
22 this image.

23 So, as we mentioned, there was a  
24 scrivener's error in the -- both, the Staff  
25 report and obviously the applicant's submittal.

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1 both, the Comp Plan and the Zoning Code, to  
2 allow the extra height, in exchange for open  
3 space.

4 The location, as you know, is on Altara,  
5 and mostly on Aurora. The south street is San  
6 Lorenzo. You can see it here in the aerial,  
7 it's all vacant right now. It's kind of the  
8 only vacant lot that's in the area.

9 The current Land Use is Industrial, and the  
10 Zoning is also Mixed-Use 2. This is the  
11 existing conditions. So, as you can see, it's  
12 a vacant lot, right next to the Shops at  
13 Merrick Park.

14 So there's three requests, the remote  
15 parking, the TDR receiving site, as well as the  
16 mixed-use site plan. So the first request is  
17 the remote parking. So they're requesting to  
18 remote park 42 remote parking spaces within the  
19 Shops of Merrick Park garage. A similar  
20 request was, I think, a few months ago, by this  
21 Board. These are spaces that are going to be  
22 directly leased from the mall themselves, but  
23 they have an excess of what they're required to  
24 have for their parking.

25 The second request is the TDRs. So they're

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1 So what's highlighted now is the 26 percent  
2 open space. Before it said, I think, 32  
3 percent. So that's the only change, as far as  
4 the site plan goes, from when it got received  
5 and when it was published on the agenda last  
6 Friday and what is proposed today. It makes no  
7 changes to the site plan. It's just the  
8 numbers.

9 So, the density, they're proposing 80  
10 units. The FAR is 4.75, because it's including  
11 those TDRs that they're receiving from the  
12 historic buildings, and the building height, as  
13 proposed, is 107.5 feet. And, again, that is  
14 based off of the Comp Plan changes and the  
15 Zoning Code changes to allow an additional  
16 height in exchange for the open space.

17 So they went the DRC back in September of  
18 last year. They went to the Board of  
19 Architects a few times. Eventually, it was  
20 approved through, I think, the Special Master.  
21 A neighborhood meeting was in June of this  
22 year, and here we are for Planning and Zoning  
23 in September.

24 So the letters were sent to the property  
25 owners within a thousand feet, as required by

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1 Code, or 500 feet outside of the City limits.  
2 That was sent out twice. The property was  
3 posted three times, website posting three  
4 times, as well, and newspaper advertisement  
5 once, as required.

6 So Staff has determined it's consistent  
7 with the Comp Plan, based on what's being  
8 proposed and what's in the works, it's being  
9 transferred into the State, as part of the  
10 changes to the Comp Plan, to allow the height,  
11 and this complies with those regulations that  
12 are proposed in the Zoning Code, not yet  
13 adopted. As I mentioned before, they're  
14 proceeding at their own risk, assuming that  
15 they'll be adopted.

16 The condition of approval, the park is to  
17 be open to the public from dawn to dusk,  
18 construction staging to be off of San Lorenzo  
19 and Altara, so that the sidewalks remain open,  
20 underground utility lines along alleyway. The  
21 landscape requirements are beyond what would  
22 required by the Zoning Code, and streetscape  
23 improvements on both sides of San Lorenzo,  
24 Aurora and Altara.

25 And that's it.

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1 CHAIRMAN AIZENSTAT: Thank you.

2 Please, proceed. If you could start with  
3 your name and address, please.

4 MR. CORDOVES: Thank you.

5 Good evening, Albert Cordoves, 4210 Laguna  
6 Street, Coral Gables, Florida 33146.

7 I'm here because I really believe -- I'm a  
8 neighbor in a property essentially two blocks  
9 away. This is where we have our office. And I  
10 truly believe this is an incredibly  
11 well-conceived project.

12 Primarily, when it comes to the urbanist  
13 challenges of the entire area, I think that  
14 having the initiative to expand the open area,  
15 anchor it with a park in the corner, it's a  
16 very, very prime corner, I think it just does  
17 wonders for the entire community, for the  
18 project itself, and I think the whole  
19 initiative of introducing a lot of more green  
20 space, anchoring with parks, and just for some  
21 of -- a little bit more height, I think it's  
22 just something that most of the projects should  
23 take the initiative. It's essentially taking  
24 the pedestrian realm to another level, and as a  
25 neighbor, as someone who really appreciates the

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1 CHAIRMAN AIZENSTAT: Thank you.

2 Jill, do we have any speakers here?

3 THE SECRETARY: Yes. There's one person.

4 CHAIRMAN AIZENSTAT: In Chambers?

5 THE SECRETARY: No, Zoom. I'm sorry, two.

6 CHAIRMAN AIZENSTAT: So in Chambers --

7 THE SECRETARY: In Chambers, no. No one  
8 signed up.

9 CHAIRMAN AIZENSTAT: Nobody from -- in  
10 Chambers?

11 THE SECRETARY: Not for this project, no.

12 CHAIRMAN AIZENSTAT: Okay. How about Zoom?

13 THE SECRETARY: We have two people.

14 CHAIRMAN AIZENSTAT: Can you call the first  
15 one, please?

16 THE SECRETARY: Sure.

17 CHAIRMAN AIZENSTAT: Thank you.

18 THE SECRETARY: Mr. Cordoves, can you  
19 please open your mike?

20 MR. CORDOVES: Thank you.

21 Good evening, everyone. Albert Cordoves --

22 CHAIRMAN AIZENSTAT: Would you please raise  
23 your right hand to be sworn in?

24 (Thereupon, the participant was sworn.)

25 MR. CORDOVES: I do.

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1 open spaces and the good design, I really  
2 welcome this project.

3 CHAIRMAN AIZENSTAT: Thank you, sir.

4 Next speaker, please.

5 THE SECRETARY: Shasa Hu, can you please  
6 open your mike?

7 MS. HU: Hi. Good evening. Thank you for  
8 letting me speak tonight to support this  
9 proposal.

10 CHAIRMAN AIZENSTAT: Thank you. If you  
11 could please raise your right hand to be sworn  
12 in.

13 MS. HU: Hi, my name is Shasa Hu. I live  
14 at 4205 Anderson Road.

15 CHAIRMAN AIZENSTAT: One second, please.  
16 Can you continue raising your right hand? We  
17 have a microphone now.

18 (Thereupon, the participant was sworn.)

19 MS. HU: Yes, I swear.

20 CHAIRMAN AIZENSTAT: Thank you. If you  
21 could just start with your name and address,  
22 please.

23 MS. HU: Shasa Hu. 4205 Anderson Road.

24 CHAIRMAN AIZENSTAT: Thank you.

25 MS. HU: So, good evening, everyone. I

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1 have been living in Coral Gables for the past  
2 fifteen years, and my mother also lives at One  
3 Village Place, at 4100 Salcedo Street. So this  
4 proposal is very important to us.

5 I just want to voice my support for the  
6 proposed development, given the developer's  
7 willingness to provide a very nice public open  
8 space, with the compromise in less density in  
9 exchange for a small height increase. I do  
10 really like the design, because aesthetically I  
11 think that it really adds to the value of the  
12 whole Coral Gables and Shops of Merrick Park  
13 area. And even looking at the proposed height,  
14 it's just like a very slight height, the  
15 increase, but that allows the addition of the  
16 green space that is currently lacking in this  
17 area.

18 So I really think that the City should  
19 approve the project, considering that the  
20 proposed project will add a value, add green  
21 space, with less density, and it's very  
22 aesthetically pleasing and it really will add  
23 to the value of the whole neighborhood.

24 Thank you for letting me voice my concern  
25 and support.

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1 meetings with the neighbor?

2 MR. NAVARRO: Yes. We had -- I believe we  
3 had three organized meetings and we've also  
4 had -- as a result of those meetings, we've  
5 obtained a lot of contact information and we've  
6 been back and forth also.

7 MR. BEHAR: And there was support to have  
8 the green space in lieu of, you know, the  
9 height?

10 MR. NAVARRO: Correct. Yeah, there was a  
11 lot of support. I think, even though this is a  
12 private property, people see it almost as a  
13 public area, and they understand that it is  
14 going to be developed, and I think, not only  
15 does the open space provide an amenity, but,  
16 also, one of the issues that the neighborhood  
17 has been talking about is that, because  
18 properties get built property line to property  
19 line, in this area specifically, when you go to  
20 do construction, you have very limited staging  
21 areas. So one of the other things that  
22 actually came as a result of these discussions  
23 with the residents is that we could actually  
24 use this open space for staging during  
25 construction, which will also serve as another

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1 CHAIRMAN AIZENSTAT: Thank you very much.

2 Do we have any other speakers on Zoom?

3 THE SECRETARY: No.

4 CHAIRMAN AIZENSTAT: Do we have any other  
5 speakers on the telephone platform?

6 THE SECRETARY: No.

7 CHAIRMAN AIZENSTAT: At this time, I'd like  
8 to go ahead and close it for public comment.  
9 Let's start with the Board, Robert.

10 MR. BEHAR: Thank you. I've been waiting  
11 all night for it. Thank you.

12 I want to commend the developer and the  
13 architect for doing a very nice job. I know  
14 this area very well. I practically walk here  
15 every day. My office is just on the other side  
16 of Merrick Park, on Ponce de Leon. And just  
17 today, we came to lunch in Merrick Park. So I  
18 really know the area, and I think this is a  
19 very good solution that is being proposed,  
20 because we do lack green space in this area,  
21 and I think that this is a very welcomed  
22 addition to it.

23 I've got a couple of questions. And this  
24 is going to either Staff or the applicant, the  
25 attorney. You did have community reach out

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1 additional benefit.

2 MR. BEHAR: Perfect.

3 This is a question for the architect, and  
4 maybe we could get him to answer. Do you have  
5 a calculation of the area that otherwise you  
6 would have the right to build out? You know,  
7 you've got -- in the 120 feet, you have, I  
8 guess, it's a 50 by 100, so it's 5,000, times  
9 10 stories or, you know, 11 stories, so 55,000  
10 of potential FAR that you're not utilizing.  
11 You're putting that extra floor, which is --  
12 how big is that floor?

13 MR. FORT: Let me look.

14 MR. BEHAR: Your floor plate is -- you've  
15 got ten units of approximately, I would say, an  
16 average of like 1,500 square foot.

17 MR. FORT: I believe about 13,385 square  
18 feet per floor.

19 MR. BEHAR: So the trade off is about  
20 55,000 square feet or FAR versus 13,000 square  
21 feet.

22 MR. FORT: That's approximately correct,  
23 yeah.

24 MR. BEHAR: Close enough.

25 MR. FORT: I would say, plus or minus, yeah.

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1 MR. BEHAR: Yeah. One extra floor is about  
2 13, 14,000, compared to the 55,000 that you  
3 would otherwise have done under the current  
4 Code.

5 MR. FORT: That's correct.

6 MR. BEHAR: And everything else, the open  
7 space, you're exceeding. You're going from a  
8 hundred, which is allowed, 120, to 137.

9 MR. NAVARRO: Correct. So currently, the  
10 current Code allows for 120 feet in height,  
11 with an additional 25 for architectural. We're  
12 going -- to the top of the residential, it's  
13 137.5.

14 MR. BEHAR: Okay.

15 MR. NAVARRO: So it's an additional --

16 MR. BEHAR: 17 and a half feet.

17 MR. NAVARRO: It's actually 13.5 feet --  
18 no, 17.5 feet. I'm sorry.

19 MR. BEHAR: I know I was not very good at  
20 arithmetic, but --

21 MR. NAVARRO: Better than me, obviously.

22 MR. BEHAR: Okay. And the density, you say  
23 you would have been allowed to do close to 180  
24 units?

25 MR. NAVARRO: Correct. Yeah. So, in the

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1 plan that we originally had designed, we had  
2 180 units within the building, obviously, more  
3 leaning towards one or two bedrooms. We've  
4 come in and tried to do a more higher end  
5 product. We have more two and three bedrooms  
6 now. We've been able to reduce that density  
7 down to 80, and we also added an office  
8 component, which helps to shift some of the  
9 potential traffic. We're not only dropping  
10 units, but we're also adding a use that allows  
11 for some shared parking and alleviates traffic.

12 MR. BEHAR: All right. That's it for now,  
13 Mr. Chairman. Thank you.

14 CHAIRMAN AIZENSTAT: Thank you.  
15 Javier.

16 MR. SALMAN: I like the project. My  
17 question is really for Staff.

18 You said that this had some similarity to  
19 the other project. I don't see the similarity.

20 MS. GARCIA: Similarity in that they're  
21 requesting the extra height, when it's not  
22 allowed currently. It hasn't been adopted yet.

23 MR. SALMAN: I know, but we don't have a  
24 Comp Plan Amendment, you know, we're not  
25 changing the underlying Zoning.

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1 MS. GARCIA: No, they're not rezoning or  
2 anything, but it does require a Comp Plan  
3 change. It's been transmitted to the State  
4 actually, after the First Reading in the  
5 Commission. So, once the State receives it and  
6 they review it, they'll send it back to us, and  
7 we adopt it, assuming that the Commission votes  
8 in favor of it.

9 So when I say it's similar, it's similar as  
10 in --

11 MR. SALMAN: That they're taking a certain  
12 amount of risk.

13 MS. GARCIA: -- they can't just go to the  
14 City Commission next week.

15 MR. SALMAN: Right, but not to the same  
16 level that the other one --

17 MS. GARCIA: I'm sorry?

18 MR. SALMAN: Not to the same level the  
19 other ones were.

20 MS. GARCIA: It's similar.

21 MR. SALMAN: It's similar, but not to the  
22 same level.

23 MR. GARCIA: Right. No, it's not a new  
24 district that doesn't exist.

25 MR. SALMAN: This is a procedural issue.

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1 MS. GARCIA: Right. Exactly.

2 MR. SALMAN: We get to update the Comp Plan  
3 every year, whether we like it or not.

4 MS. GARCIA: The same procedural issue.

5 MR. SALMAN: So this is just to bring that  
6 into line and report it to the State.

7 MS. GARCIA: Right.

8 MR. SALMAN: And that report has to be  
9 approved by the Commission.

10 MS. GARCIA: Yes. It's already been  
11 transmitted to the State. The State requires  
12 that any large scale amendment to the text of  
13 the Comp Plan goes to the State in between  
14 First Reading and Second Reading. So we had  
15 the transmittal meeting, which is First Reading  
16 for the Commission, and they voted three-two.  
17 Now it's been transmitted to the State, I  
18 think, a couple of weeks ago. We're expecting  
19 it back in the next month or two, and at that  
20 point, then we can go before the Commission for  
21 adoption.

22 MR. SALMAN: For adoption. That's really  
23 all we're waiting for, is the adoption once the  
24 -- the State rarely has a comment, doesn't it?

25 MS. GARCIA: No,.

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1 MR. SALMAN: I didn't think so. I know I've  
2 done them for other cities way back in another  
3 lifetime.

4 So that's really the only issue here that  
5 is influx. It's a lot less. It's a lot  
6 simpler.

7 MS. GARCIA: Yes.

8 MR. SALMAN: And it's going to happen  
9 almost automatically anyway.

10 So, really, the question we have before is,  
11 the idea of giving up some ground, deeding it  
12 over to the City completely and in  
13 perpetuity --

14 MR. NAVARRO: Yes, correct.

15 MR. SALMAN: -- in exchange for 17 feet of  
16 extra height.

17 MR. BEHAR: Point 5.

18 MR. SALMAN: 17.5. Okay. I get it.  
19 That's it. I'm done.

20 CHAIRMAN AIZENSTAT: Thank you.

21 Mr. Pardo.

22 MR. BEHAR: I missed that.

23 MR. PARDO: I have a question. It goes  
24 back to --

25 CHAIRMAN AIZENSTAT: If you could speak

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1 into the mike. We're not getting you into the  
2 speaker.

3 MR. PARDO: Can you hear me now?

4 MR. NAVARRO: Loud and clear.

5 CHAIRMAN AIZENSTAT: Yes, sir.

6 MR. PARDO: So, first of all, what is the  
7 cost of a TDR square foot?

8 MR. NAVARRO: So, in this situation, we are  
9 still confirming the price. What we've done  
10 is, we have committed to purchase these TDRs  
11 from the City. I'm sure you heard, the last  
12 budget hearing, there are substantial  
13 improvements that need to be -- and repairs  
14 that need to be made to this building that  
15 we're in today, to the water tower. I think  
16 they're \$35, the last time I did a TDR  
17 transaction.

18 MR. PARDO: \$35 a square foot?

19 MR. NAVARRO: Yeah, on the private side. I  
20 don't know the final price that we'll be  
21 purchasing them at.

22 MR. PARDO: Are they normally that price  
23 throughout the City, for all of the historic  
24 properties?

25 MR. NAVARRO: So, on the private side, the

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1 way that it works is, depends on what they want  
2 sell it for and how much you can get them. I  
3 mean, they vary in different prices. The way  
4 the TDR works -- which I don't need to explain  
5 to the Board -- but you're allowed to develop a  
6 certain amount of square footage here, you have  
7 a historic structure, rather than building it  
8 there, because the structures are normally more  
9 in residential areas, you are allowed to  
10 develop them in the commercial portions of the  
11 City. Whatever you buy them, it's an arm's  
12 length transaction, so I don't know what --

13 MR. PARDO: I'm not pursuing this, because  
14 you did anything --

15 MR. NAVARRO: No. No. No. I'm just  
16 saying, it's hard to gage what the price is,  
17 because each person is --

18 MR. PARDO: I'm asking this specifically  
19 because of our historic resources that we have  
20 in the City that need a lot of TLC, you know,  
21 and, therefore, you know, I heard the Budget  
22 Director say, "Well, you know, we're  
23 anticipating a lot less of these high rises,  
24 which need the TDRs transferred, so we can then  
25 turn around and put them into the restoration

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1 of our historic property."

2 MR. NAVARRO: Yeah. No, I understand also  
3 there were some projects that didn't move  
4 forward, so there was also a deficit on TDRs  
5 they were planning on selling, but we hope to  
6 step into that.

7 MR. PARDO: Thank you so much for sharing  
8 that.

9 The second question is, I know the Parking  
10 Director is here, so I know that the -- I know  
11 that the 2016 study of the parking that is  
12 available, right, in the project that was  
13 designed by our esteemed architect at the end  
14 there -- Julio, that's you.

15 MR. GRABIEL: Oh.

16 MR. PARDO: You designed the beautiful  
17 shopping center.

18 MR. GRABIEL: I was part of the design  
19 team. I did not design --

20 MR. PARDO: Part of the design team, but  
21 the thing is that, in that open area and all of  
22 that, there was extra parking. And in 2016,  
23 there was a study that there were a thousand  
24 parking spaces that were additional. And,  
25 then, Plummer & Associates stated that the

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1 study was still reliable, and that was a letter  
2 that was in our package, dated September the  
3 12th.

4 So that being said, can we have on the  
5 record what the cost of one of those spaces is?  
6 Maybe our Parking Director could tell us.

7 MR. KINNEY: There's actually multiple ways  
8 in --

9 CHAIRMAN AIZENSTAT: If you could state  
10 your name and title.

11 MR. KINNEY: Kevin Kinney. I'm the Parking  
12 Director to the City of Coral Gables. In the  
13 district which is now the Innovation and  
14 Technology District, there's a couple of  
15 different ways to get into the Village of  
16 Merrick Park parking. One is to do a deal  
17 directly with the Village of Merrick Park and  
18 their extra spaces. That was the purpose of  
19 the Tim Plummer study. And I would confirm  
20 that there have been at least two counts since  
21 that date, that still show there is excess  
22 parking available.

23 I did toy with the idea of requiring a new  
24 count, because it's now 2023, but the numbers,  
25 at this point in history, would be better than

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1 MR. KINNEY: If there's a direct contract  
2 with Village of Merrick Park, in theory, we do,  
3 through the revenue sharing of the lease --  
4 under the underlying lease.

5 MR. PARDO: That's what I remember, many,  
6 many years ago, when it was developed.

7 MR. KINNEY: But, you know, it's not a big  
8 number, but we would make some money through  
9 the underlying lease.

10 MR. PARDO: You know, I would ask -- not  
11 for this project, and like I said, it's not the  
12 fault of this project, but I would like the  
13 Planning Staff to work with the Planning  
14 Director to actually bring this up as a subject  
15 for the Planning Board to look at. I think  
16 it's very important, because we're voting on a  
17 project that is using remote parking as a  
18 concept, and we should understand what the  
19 positives and the negatives are.

20 And I would -- you know, I'm sorry, Mr.  
21 Chairman, that I may be overstepping my bounds,  
22 but I think it's important, because it's all  
23 part of what's being negotiated and discussed  
24 and weighed on both sides.

25 Thank you very much.

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1 anything that happened --

2 MR. PARDO: Hypothetically, because that's  
3 the key word of the day -- hypothetically,  
4 let's say you have enough parking spaces. It  
5 was confirmed by Plummer, that has a very good  
6 reputation, and let's say that you do have  
7 these spaces.

8 The question I ask, though, had to do with  
9 -- how much money?

10 MR. KINNEY: Cost. Well, I took a long  
11 ways to get there, but there's two ways. One  
12 is a deal directly with Village of Merrick  
13 Park, where it's a monthly fee. And right now  
14 they're charging approximately the same thing  
15 the City is, which is \$110 a month.

16 Now, there's another way, in that the City  
17 has some -- control, really, isn't the right  
18 word, but some discretion on how 400 spaces are  
19 used, and if an applicant wants to access those  
20 spaces, they're required to pay \$10,000 per  
21 space to the City, but that's not the case with  
22 this development.

23 MR. PARDO: Okay. So they lease them, but  
24 the City doesn't make any money, they don't  
25 lose any money on these spaces?

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1 So the Parks Incentive Zoning Code right  
2 now has been shown to the Commission. And they  
3 voted, the first time, correct?

4 MR. NAVARRO: Correct.

5 MR. PARDO: So you're waiting for the  
6 second one?

7 MR. NAVARRO: Correct. And we hope to be  
8 able -- that that Ordinance goes on the October  
9 10th agenda, and, then, after that Ordinance is  
10 adopted, that we could move forward or be on  
11 the same agenda. I think, one of the things  
12 that I think is really helpful, it was helpful  
13 for the community, was to see what this  
14 legislation, when it's actually put into  
15 practice, does, because it's hard to tell with  
16 words on a paper, but when you see kind of the  
17 exhibit that Ray had put together, what's  
18 allowed by right today under the current Code  
19 and what could be achieved under the proposed  
20 regulations, I think a lot of people, just  
21 looking at that picture, were like, oh, yeah,  
22 that makes total sense. We would love to be  
23 able to -- you know, for a small increase in  
24 height, and you're dropping the density by 50  
25 percent, to be able to get a beautiful park.

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1 So, I think, having those run together  
2 helps, because you're able to show the  
3 community, look, this is the concept, but this  
4 is how it's applied in real life and this is  
5 what you could achieve.

6 MR. PARDO: And I understand, and it's not  
7 your fault, either, that when we looked at that  
8 area, that nobody took green space into  
9 account. They figured that the ten-foot  
10 setbacks were more than enough. Now it's  
11 built, and the people that live there, they  
12 have no place to walk their dogs or anything  
13 else.

14 MR. NAVARRO: That's true.

15 MR. PARDO: I get that.

16 So the next question is for Staff, on the  
17 Comprehensive Plan change that has gone to the  
18 State. So can Staff explain to this Board what  
19 has gone to the State? Is it only this area,  
20 the Innovation area?

21 MS. GARCIA: Yes.

22 MR. PARDO: Or is it other sections of the  
23 City that have gone to the State?

24 MS. GARCIA: No, just what was proposed to  
25 you, I think, a couple of months ago.

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1 MR. PARDO: Right. Okay.

2 So this has to also be approved for this  
3 project to go forward?

4 MS. GARCIA: Yes.

5 MR. PARDO: Okay. So, I think, from my  
6 personal opinion, of all of the places that you  
7 would do a project like this, this would be the  
8 right place, because it's compatible with the  
9 other buildings and the other areas in that  
10 area.

11 Now, that being said, Mr. Navarro, did you  
12 have any negative responses from the neighbors,  
13 especially the ones that live in the duplexes  
14 or the single-family homes on the perimeter of  
15 Bird Road?

16 MR. NAVARRO: No. Actually, most of the  
17 residents that came, and we sent mailed notice  
18 to everybody within the radius, it was -- it  
19 feels almost like that community, since it's  
20 like isolated by those roads, most of the  
21 people that actually came, and there were some,  
22 but most of them were from actually inside of  
23 Merrick Park and we didn't -- I mean, there  
24 wasn't -- there's nobody here this evening,  
25 which is a good sign, but -- I mean, we had

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1 MR. PARDO: Okay. All right, because --

2 MS. GARCIA: It applies just for this area.

3 MR. SALMAN: This is what used to be the  
4 Overlay District for this area.

5 MS. GARCIA: Yes. That's what we're modifying.

6 MS. GARCIA: Yeah. Yeah. So it used to be  
7 called, you know, the Industrial District, and  
8 now it's called the Design and Innovation  
9 District.

10 MR. SALMAN: But the underlying zoning has  
11 always remained, it's never been removed.  
12 You're just operating with the overlay  
13 district.

14 MS. GARCIA: Yes.

15 MR. PARDO: So the reason this is not a  
16 minor Comp Plan change is because of the size  
17 of the area?

18 MS. GARCIA: No, because they're changing  
19 the Comp Plan Text. Whenever you change a text  
20 in the Comp Plan, it requires it be reviewed by  
21 the State.

22 MR. PARDO: Right, but it's not considered  
23 a minor --

24 MS. GARCIA: It's not considered a small  
25 scale amendment, no.

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1 some questions and comments about what we were  
2 doing, but we didn't get any negative feedback.

3 MR. PARDO: Because it's compatible with  
4 where they live.

5 MR. NAVARRO: Yeah. Correct. I mean, the  
6 majority of those buildings are already  
7 developed at 120 feet, and they're, you know,  
8 at 137, it's --

9 MR. PARDO: The only thing I would ask you  
10 and your client is, please, please, please  
11 design the outside lighting of the project  
12 where it doesn't look like something out of Las  
13 Vegas. I find it so offensive that some of the  
14 buildings, including new buildings that have  
15 been designed in the City of Miami proper, we  
16 could see it clear across, halfway into the  
17 residential areas of Coral Gables. That would  
18 be the only condition that I would propose on  
19 this project.

20 MR. NAVARRO: We'll make sure to do that.  
21 We want to make sure our lighting is also  
22 compatible with the ambiance we're creating in  
23 the park, so --

24 MR. PARDO: Right. One thing is to uplight  
25 it and all of that. The other thing is, it

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1 shouldn't look like a billboard.  
 2 MR. NAVARRO: Yeah, not the neon trims that  
 3 we've seen in some projects.  
 4 MR. PARDO: Thank you.  
 5 CHAIRMAN AIZENSTAT: Thank you, Felix.  
 6 Chip.  
 7 MR. WITHERS: I just have two questions.  
 8 Art in Public Places, I read -- I didn't  
 9 understand the verbiage in the letter about a  
 10 waiver or something in the Art in Public  
 11 Spaces. Could you explain that?  
 12 MR. NAVARRO: That's a great question.  
 13 So your Code allows for two mechanisms.  
 14 One is to just pay a building permit. The  
 15 other one is called a waiver, which is a very  
 16 strange term, because you're not waiving it,  
 17 you're just allowing for you to go and procure  
 18 the art and put it on-site.  
 19 MR. WITHERS: I got it.  
 20 Okay. So that's my next question. World  
 21 class art, what are we expecting, maybe a gator  
 22 or something like that?  
 23 MR. NAVARRO: So, this project is unique,  
 24 because there's another project directly -- let  
 25 me get my coordinates -- to the east -- thank

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1 of --  
 2 MR. PARDO: I got it. Thank you.  
 3 MR. NAVARRO: I know you brought that up on  
 4 the last one. This one has no fence. You can  
 5 walk --  
 6 MR. WITHERS: You should know how I feel,  
 7 then.  
 8 CHAIRMAN AIZENSTAT: Thank you, Chip.  
 9 Sue.  
 10 MS. KAWALERSKI: Hi. I'm going to start  
 11 small.  
 12 MR. NAVARRO: Okay.  
 13 MS. KAWALERSKI: Can we look at the park  
 14 again?  
 15 MR. NAVARRO: Sure. A hundred percent.  
 16 MR. COLLER: Mr. Chairman, given the time,  
 17 you might want to extend.  
 18 CHAIRMAN AIZENSTAT: Yes, thank you.  
 19 Is there a motion to extend, and if so,  
 20 what --  
 21 MR. SALMAN: I make a motion to extend  
 22 to --  
 23 MR. WITHERS: Eleven o'clock?  
 24 MR. SALMAN: -- 10:30.  
 25 MR. BEHAR: 10:15?

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1 you, east of Ponce. It's an office building  
 2 that was approved, and that site had a public  
 3 art contribution that was required, and at the  
 4 time, we were looking at this site, and we were  
 5 going to combine those two monies, from those  
 6 two projects together, the same developer. So  
 7 we were going to have -- rather than getting  
 8 two, you know, let's say, not so world class  
 9 art pieces, we would get a very good art piece.  
 10 And now it just so happens that we have a  
 11 beautiful park to put it in. So our idea is  
 12 to, obviously, have our team work with someone  
 13 who specializes in that, to really select  
 14 something that is exquisite, so that we could  
 15 display it, and that will happen after,  
 16 hopefully, this project is approved. We go  
 17 through the waiver process, which essentially  
 18 requires review and approval by your Arts Board  
 19 and your Cultural Advisory Board, and  
 20 ultimately by the City Commission.  
 21 MR. WITHERS: The second question, I  
 22 didn't see a fence around the park or anything.  
 23 MR. NAVARRO: No fence. We want to have  
 24 just, you know, free walk-through. This is  
 25 really an urban area, rather than an area kind

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1 CHAIRMAN AIZENSTAT: 10:20?  
 2 MR. SALMAN: 10:30. If we finish earlier,  
 3 we are done.  
 4 MR. BEHAR: Okay. 10:30.  
 5 CHAIRMAN AIZENSTAT: 10:30. We have a  
 6 motion. Is there a second?  
 7 MR. GRABIEL: I'll second.  
 8 CHAIRMAN AIZENSTAT: We have a second.  
 9 Everybody in favor say aye.  
 10 (All Board Members voted aye.)  
 11 CHAIRMAN AIZENSTAT: Everybody against?  
 12 No?  
 13 Continue, please. Sorry about that.  
 14 MR. NAVARRO: If we could get the  
 15 PowerPoint presentation back up. Is that  
 16 possible?  
 17 CHAIRMAN AIZENSTAT: Thank you for  
 18 reminding me, Mr. City Attorney.  
 19 MR. NAVARRO: Did you want to see --  
 20 MS. KAWALERSKI: The park.  
 21 MR. NAVARRO: -- the site plan or the  
 22 rendering?  
 23 MS. KAWALERSKI: The rendering, please.  
 24 Okay. There we go.  
 25 I don't know about you, but that doesn't

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1 look like a park. That looks like a walkway,  
2 with a couple of trees.

3 MR. NAVARRO: So one of the things is that,  
4 our rendering is still not updated, because  
5 there were some changes made by the City  
6 Commission, and they've put a minimum  
7 requirement of green area that has to be  
8 provided within the park. We just haven't  
9 updated the rendering yet.

10 But I think Staff or I should be able to  
11 confirm what the percentage of the green area  
12 is, but there's been some requirements to make  
13 it a little more green.

14 MS. KAWALERSKI: Yeah, because that would  
15 not be a park in my definition of a park.

16 Okay. Is that rendering, the update,  
17 available anywhere, that we can take a look at  
18 it?

19 MR. FORT: We don't, but we do understand  
20 that I think what is making this feel more  
21 maybe plaza like, instead of park like, is that  
22 we have planters that are surrounded by  
23 essentially curbs, and the idea, in the next  
24 iteration -- in the updated iteration, will be  
25 to move curbs, add more, essentially, green

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1 MS. KAWALERSKI: Okay. Okay. All right.

2 Next question, the remote parking, is that  
3 part of our Remote Parking Ordinance -- I know,  
4 when we had the Miracle Mile discussion, and  
5 there was a Remote Parking Ordinance, does that  
6 Ordinance apply to this?

7 MR. KINNEY: The short answer is, yes, and  
8 that whole ordinance process went through P&Z a  
9 year and a half ago, two years ago.

10 MS. KAWALERSKI: Okay. I appreciate that.  
11 So it falls under the Remote Parking Ordinance?

12 MR. NAVARRO: Yeah, correct. It's one of  
13 the allowable --

14 MS. KAWALERSKI: I was so involved in the  
15 Miracle Mile thing, that I didn't think it went  
16 beyond, but thank you for clarifying that.

17 And, of course, you know I would mention  
18 this, right? I want to mention this, like I  
19 did with the other project, it's the cart  
20 before the horse, right? We have a process.  
21 We have a huge change in our Zoning Code, the  
22 Comp Plan, right? We have a huge change -- I  
23 mean, it was admitted here. I think Felix  
24 asked the question, is this a big deal, and  
25 it's a big deal, okay, and we're not there yet,

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1 space, and limit the pathways to its perimeter  
2 and not to necessarily have them cutting  
3 through.

4 MS. KAWALERSKI: Okay. So that sounds like  
5 this would just be the opposite proportion of  
6 what we're seeing here. Where we're seeing the  
7 concrete, that it would be green? Where we're  
8 seeing green, that would be maybe a walkway  
9 area?

10 MR. FORT: Approximately, yes. That's correct.

11 MR. SALMAN: Through the Chair, I think  
12 that the site plan describes more of the actual  
13 intent of the green space, if you go to --

14 MS. KAWALERSKI: Right. Well, that's why I  
15 was --

16 MR. SALMAN: -- your Sheet A016.

17 MS. KAWALERSKI: Because that looks green.  
18 That looks gray.

19 MR. NAVARRO: Yes.

20 MS. KAWALERSKI: Okay. So we have  
21 assurances that that's going to be an actual  
22 like park --

23 MR. BEHAR: Sue, if I may, that could be a  
24 condition. If it goes that way, it could be a  
25 condition.

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1 right? We're not there yet. We don't have an  
2 answer yet. I know it went through First  
3 Reading. It's going to the State. But, you  
4 know, it's not necessarily that you're going to  
5 get a three person vote on that.

6 MR. NAVARRO: Yeah, and like I said, one of  
7 the things that was helpful at the last meeting  
8 was having this plan travel with that  
9 Ordinance, because most people that don't have  
10 the experience that this Board has, that looks  
11 at projects, can't understand what the formula  
12 between open space and height is and how that  
13 really looks like, when you have two projects,  
14 but having a project that -- I mean, we've been  
15 able to get petitions in support, because  
16 people see it, and when you look at a picture  
17 like this, you're like, oh, yes, wait a minute,  
18 this looks a hundred times better than what is  
19 currently being built today, and if this  
20 Ordinance is not adopted, we would be coming  
21 back to you with what is a more traditional  
22 building, that, you know, goes lot line to lot  
23 line, but, I think, you know, in this case,  
24 it's unique, it's only this area, and you have  
25 a project that has kind of redesigned itself in

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1 order to illustrate that Ordinance.  
 2 MS. KAWALERSKI: And I agree with you,  
 3 Felix, that, you know, it is a big deal  
 4 changing the Comp Plan, the way this is going  
 5 to be changed for the entire area, not just  
 6 project specific, right?

7 MR. NAVARRO: Yeah. This is only the  
 8 Merrick Park area.

9 MS. KAWALERSKI: Right, for the Merrick  
 10 Park area, but it's more than your project.

11 MR. NAVARRO: Correct.

12 MS. KAWALERSKI: It's a little different,  
 13 in that it has gone through First Reading  
 14 already. So that's just my thought. You know,  
 15 I'm usually against the cart before the horse.

16 MR. NAVARRO; I know.

17 MS. KAWALERSKI: Okay. That's all I have  
 18 to say.

19 CHAIRMAN AIZENSTAT: Thank you.

20 MR. NAVARRO; Thank you.

21 CHAIRMAN AIZENSTAT: Julio.

22 MR. GRABIEL: I think it's a good project,  
 23 I think it works well on that site, and the  
 24 park is going to be used by the community.

25 I have a question on the remote parking.

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1 How does that work? I mean, is --

2 MR. NAVARRO: So this site, the previous  
 3 site, when the hotel was approved, it was a  
 4 hundred percent remote parked, and they had an  
 5 agreement with the mall, that runs with this  
 6 land, for us to remote park.

7 In this particular case, I'll tell you  
 8 exactly how it works. So we are providing 136  
 9 spaces on-site, with 46 of those spaces  
 10 off-site. We have a total of only 80 units,  
 11 with 136 spaces on-site. So based on your  
 12 parking study, we could accommodate, during the  
 13 residential hours, all of the parking on-site,  
 14 and while -- you know, office are usually  
 15 weekday uses. We should be able to accommodate  
 16 all of the office uses on-site. And if there's  
 17 additional parking that's needed, those would  
 18 be leased within the mall and they would  
 19 operate either through a valet service or the  
 20 employees of the office building will get  
 21 passes so they can park --

22 MR. GRABIEL: So the residents have the  
 23 parking in the building?

24 MR. NAVARRO: Yes. That's our idea, during  
 25 the non-peak hours, they could be used by

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1 office, as well.

2 CHAIRMAN AIZENSTAT: And is there -- I'm  
 3 sorry, go ahead.

4 MR. GRABIEL: No, I'm done.

5 CHAIRMAN AIZENSTAT: You're done?

6 Is there a separation in floors between  
 7 what is commercial and residential for the  
 8 parking?

9 MR. NAVARRO: Yeah. I think Ray could walk  
 10 you through it. What we did is, we didn't want  
 11 the area next to the park to just be garage, so  
 12 we created a liner.

13 MR. FORT: But he's saying, for the parking  
 14 itself.

15 CHAIRMAN AIZENSTAT: Yeah, for the park --  
 16 in other words, for the parking itself, does  
 17 the commercial have the first floor and then --

18 MR. NAVARRO: I don't think we've gotten  
 19 that far into the details yet, but --

20 MR. FORT: Yeah, it would probably be  
 21 something along those lines, where we -- at a  
 22 certain point, we'll have a gate within the  
 23 garage that limits --

24 CHAIRMAN AIZENSTAT: Okay.

25 MR. FORT: -- further access to the upper

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1 levels.

2 CHAIRMAN AIZENSTAT: I mean --

3 MR. NAVARRO: We do intend for it to be a  
 4 condo building, so more likely than not it's  
 5 going to have some secured parking for the --

6 CHAIRMAN AIZENSTAT: And especially if  
 7 you're doing 80 units and the higher end units  
 8 and the larger units. You're going to have to  
 9 comply with the amount of parking that you need  
 10 per bedroom and square footage and so on.

11 MR. NAVARRO: Yeah. And we intend for this  
 12 to be very high end product, which is kind of  
 13 like if you saw the amenity deck on top, that's  
 14 like -- you know, we really tried to cater that  
 15 towards the high end product, so we are  
 16 going -- you're probably right, that we are  
 17 going to want to have some security for the  
 18 residential through an internal gate somewhere,  
 19 in some floor.

20 CHAIRMAN AIZENSTAT: Correct. I think most  
 21 of my sentiments have been echoed by my fellow  
 22 Board Members that are here. You know, I like  
 23 the project. I think it fits well in the area  
 24 that it's going into.

25 Felix, do you have a comment that you

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1 wanted to make?

2 MR. PARDO: Yes. I wanted to address Sue's  
3 concern, because it's a very good one, about  
4 the cart before the horse. I think this really  
5 is very different to the previous application.  
6 The reason it's different is because Staff has  
7 now gone before the State to be able to change  
8 all -- the entire area there.

9 Going back to Julio's comment about the  
10 parking, we had a previous application come in,  
11 and it was almost like a hotel. In other  
12 words, they had a valet. The valet would pick  
13 up the car -- most of the people that will live  
14 in the building will be inside this particular  
15 building.

16 So, as far as the Comp Plan change, it's  
17 being really put in holistically to be able to  
18 provide green space, that was missed the first  
19 time, when this area was done. And it's not  
20 being done, where I brought up to our very  
21 competent attorney, about the possibility of  
22 spot zoning. In this case, it's not spot  
23 zoning. It's the entire district. And I find  
24 that it's more of a correction to an issue.

25 Keep in mind that there are very few

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1 parcels left in this area, and this is just  
2 something that now is compatible and enhancing  
3 the pedestrian space, and I think that the  
4 architects did a very good job in layering the  
5 bottom portion, to be able to bring the scale  
6 down to a more human scale, in that area, where  
7 we have a very, very tight grid, very tight  
8 grid.

9 So I don't feel -- me, personally, I don't  
10 feel that we got the cart before the horse. At  
11 the end of the day, our recommendation would  
12 be, you know, for the project and for the  
13 district, and I think that it's the right thing  
14 to do.

15 MR. BEHAR: So with that said, I'll make a  
16 motion --

17 CHAIRMAN AIZENSTAT: Well, actually, I'd  
18 like to ask if Felix would like to make a  
19 motion.

20 MS. KAWALERSKI: And before he makes a  
21 motion, I would like a motion to include what  
22 Robert said --

23 MR. BEHAR: I want to make a motion to  
24 approve with --

25 MR. COLLER: Wait. We have three items.

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1 CHAIRMAN AIZENSTAT: Correct.

2 MR. GRABIEL: We need three different  
3 motions.

4 MR. COLLER: So I want to make sure that  
5 the conditions that you want goes with the  
6 right item.

7 So the first item is the conditional use  
8 for the mixed-use project. That would be Item  
9 E-7. I think that actually would be -- we'd  
10 put it on that. So if you want to move --

11 MR. BEHAR: Yes, sir.

12 MR. COLLER: You want to move E-7, with the  
13 condition that --

14 MR. BEHAR: I move E-7 with the condition  
15 that the applicant works with Staff on the  
16 final design of the park, okay.

17 MR. PARDO: And the lighting of the --

18 MR. COLLER: And also the --

19 MR. BEHAR: And I will take a friendly  
20 amendment --

21 CHAIRMAN AIZENSTAT: Not to be a Vegas  
22 style.

23 MR. COLLER: That's a little hard.

24 MR. BEHAR: I'll say to work with the  
25 design of the lighting not to protrude into the

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1 adjacent neighbors' property. Is that  
2 acceptable?

3 MR. PARDO: Thank you.

4 MR. GRABIEL: I'll vote for that.

5 CHAIRMAN AIZENSTAT: Felix, would you like  
6 to second?

7 MR. PARDO: Yes.

8 MR. BEHAR: We have a second. Any  
9 discussion? No?

10 Call the roll, please.

11 THE SECRETARY: Chip Withers?

12 MR. WITHERS: Yes.

13 THE SECRETARY: Robert Behar?

14 MR. BEHAR: Yes.

15 THE SECRETARY: Julio Grabiell?

16 MR. GRABIEL: Yes.

17 THE SECRETARY: Sue Kawalerski?

18 MS. KAWALERSKI: Yes.

19 THE SECRETARY: Felix Pardo?

20 MR. PARDO: Yes.

21 THE SECRETARY: Javier Salman?

22 MR. SALMAN: Yes.

23 THE SECRETARY: Eibi Aizenstat?

24 CHAIRMAN AIZENSTAT: Yes.

25 The next is E-8.

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1 MR. BEHAR: Motion to approve.  
 2 CHAIRMAN AIZENSTAT: With Staff's  
 3 recommendation?  
 4 MR. BEHAR: With Staff recommendation.  
 5 CHAIRMAN AIZENSTAT: We have a motion to  
 6 approve with Staff's recommendation by Robert.  
 7 Is there a second?  
 8 MR. GRABIEL: I second.  
 9 CHAIRMAN AIZENSTAT: Julio seconds. Any  
 10 discussion? No?  
 11 Call the roll, please.  
 12 THE SECRETARY: Robert Behar?  
 13 MR. BEHAR: Yes.  
 14 THE SECRETARY: Julio Grabiell?  
 15 MR. GRABIEL: Yes.  
 16 THE SECRETARY: Sue Kawalerski?  
 17 MS. KAWALERSKI: Yes.  
 18 THE SECRETARY: Felix Pardo?  
 19 MR. PARDO: Yes.  
 20 THE SECRETARY: Javier Salman?  
 21 MR. SALMAN: Yes.  
 22 THE SECRETARY: Chip Withers?  
 23 MR. SALMAN: Yes.  
 24 THE SECRETARY: Eibi Aizenstat?  
 25 CHAIRMAN AIZENSTAT: Yes.

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1 MR. COLLER: Regarding E-9, I have a  
 2 correction. I think that -- looking at these  
 3 conditions now, it really goes to the site  
 4 plan. So if we're going to move E-9, I'd like  
 5 the same conditions be on E-9, as well, whoever  
 6 is moving it?  
 7 Mr. Behar --  
 8 MR. BEHAR: Yes, sir.  
 9 MR. COLLER: -- you're going to make the  
 10 motion, with your conditions. Okay.  
 11 MR. BEHAR: With the conditions as I made  
 12 for E-7.  
 13 MR. COLLER: Very good.  
 14 CHAIRMAN AIZENSTAT: We have a motion.  
 15 MR. GRABIEL: I'll second that.  
 16 CHAIRMAN AIZENSTAT: We have a second. Any  
 17 discussion? No?  
 18 Call the roll, please.  
 19 THE SECRETARY: Julio Grabiell?  
 20 MR. GRABIEL: Yes.  
 21 THE SECRETARY: Sue Kawalerski?  
 22 MS. KAWALERSKI: Yes.  
 23 THE SECRETARY: Felix Pardo?  
 24 MR. PARDO: Yes.  
 25 THE SECRETARY: Javier Salman?

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1 MR. SALMAN: 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 MR. COLLER: Mr. Chairman, wait a minute.  
 9 MR. BEHAR: You told me 5,000 square feet,  
 10 but you only had 4,922. What happened to the  
 11 70 square feet?  
 12 MR. NAVARRO: It's a small overhang --  
 13 MR. COLLER: Can we go back to item -- I  
 14 think, the one we skipped over, E-5. Have we  
 15 had a formal motion to defer that to the next  
 16 meeting?  
 17 MR. BEHAR: No, but I'll make a motion to  
 18 defer E-5.  
 19 MS. KAWALERSKI: I'll second.  
 20 MR. PARDO: Second.  
 21 CHAIRMAN AIZENSTAT: Let's have Sue second  
 22 that.  
 23 MS. KAWALERSKI: I'll second that.  
 24 MR. COLLER: And that would be to the next  
 25 meeting, which is what -- I don't know if we're

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1 readvertising that, but what's the date for  
 2 that meeting?  
 3 THE SECRETARY: October 11th.  
 4 MR. COLLER: October 11th. So that would be --  
 5 CHAIRMAN AIZENSTAT: We have a motion. We  
 6 have a second to defer. I think we can just do  
 7 a voice. Everybody in favor.  
 8 (All Board Members voted aye.)  
 9 CHAIRMAN AIZENSTAT: Anybody against? No?  
 10 With that said, I'd like to --  
 11 MR. BEHAR: I'll make a motion to adjourn.  
 12 MR. SALMAN: I'll second.  
 13 CHAIRMAN AIZENSTAT: Javier seconds. Thank  
 14 you very much.  
 15 (Thereupon, the meeting was concluded at  
 16 10:15 p.m.)  
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STATE OF FLORIDA:  
SS.  
COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 6th day of October, 2023.



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NIEVES SANCHEZ  
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