

1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA) /
 3 PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY HALL
 6 405 BILTMORE WAY, COMMISSION CHAMBERS
 7 CORAL GABLES, FLORIDA
 8 WEDNESDAY, DECEMBER 9, 2015, COMMENCING AT 6:05 P.M.

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

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

23 Also Participating:
 24 Jeffrey Bass, Esq., on behalf of Item 5
 25 Janet Gavarrete
 Jose Rodriguez, Keith and Schnars
 Mario Garcia-Serra, Esq., on behalf of Items 6 and 7
 Beatriz Hernandez, MSA Architects
 Joe Wilber, Gables Residential
 Eduardo Gutierrez, Bullrock U.S.A.
 ZW Jarosz, Architect

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1 Public Speakers:
 2 Maria Cruz
 3 Stephen Pearson
 4 Stan Birnholz
 5 Paul Savage
 6 Julio Webel
 7 Maria Ason
 8 Alain Yanas
 9 Kirk Menendez

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1 connectivity consider a whole bunch of things,
 2 we agree with that. Having a specific
 3 preordain obligation, that we don't agree with.
 4 MS. MENENDEZ: Okay.
 5 CHAIRMAN FLANAGAN: Okay. Any further
 6 discussion? Motion and a second. Jill, if you
 7 would call the roll, please.
 8 THE SECRETARY: Julio Grabiell?
 9 MR. GRABIEL: Yes.
 10 THE SECRETARY: Maria Menendez?
 11 MS. MENENDEZ: Yes.
 12 THE SECRETARY: Alberto Perez?
 13 MR. PEREZ: Yes.
 14 THE SECRETARY: Frank Rodriguez?
 15 MR. RODRIGUEZ: Yes.
 16 THE SECRETARY: Marshall Bellin?
 17 MR. BELLIN: Yes.
 18 THE SECRETARY: Jeff Flanagan?
 19 CHAIRMAN FLANAGAN: Yes.
 20 Next item on the agenda is Item Number 6.
 21 It's a Resolution of the City Commission of
 22 Coral Gables, Florida requesting Mixed-Use Site
 23 Plan review pursuant to Zoning Code Article 4,
 24 "Zoning Districts", Division 2, "Overlay and
 25 Special Purpose Districts", Section 4-201,

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1 "Mixed Use District (MXD)" for the Mixed-Use
 2 project referred to as "Gables Ponce III" on
 3 the property legally described as Tracts A-C,
 4 Block 16, Industrial Section, with an address
 5 of 363 Granello Avenue, Coral Gables, Florida;
 6 including required conditions and providing for
 7 an effective date.
 8 MR. GARCIA-SERRA: Good evening, Mr. Chair,
 9 Members of the Board, Mario Garcia-Serra, with
 10 offices at 600 Brickell Avenue, representing
 11 this evening LG Ponce III, LLC, a subsidiary of
 12 Gables Residential, the owner of the 1.69 acre
 13 lot located at 363 Granello Avenue.
 14 I'm accompanied today by Joe Wilber, of
 15 Gables Residential, Beatriz Hernandez, our
 16 project architect, of MSA Architects, Hugh
 17 Johnson, our landscape architect, and John
 18 McWilliams, our traffic engineer.
 19 We have a PowerPoint presentation, and I'd
 20 ask the Audio Visual Department to bring it up
 21 on the screen.
 22 As you can see in the aerial photograph,
 23 this is a triangular shaped property, located
 24 between Greco and Granello Avenues, and to the
 25 east of the alley that bisects the block. It

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1 is located immediately to the north of the
 2 Gables Ponce I and II buildings, which have
 3 been very successful, and we want to keep
 4 building on that success, with another third
 5 phase of luxury rental apartments.
 6 The proposed building is nine stories in
 7 height, and will include 204 apartments, along
 8 with ground level retail and live-work units.
 9 Following the lead of the first two phases,
 10 there is a considerable amount of pedestrian
 11 plaza and park like spaces, and this project
 12 will be another major step towards fulfilling
 13 the long-time goal of the City, to convert this
 14 area from an industrial area, to a Mixed-Use
 15 Village, centered around the Village of MERRICK
 16 Park.
 17 Our only request today is Mixed-Use Site
 18 Plan Review, and I'll ask Beatrice Hernandez,
 19 our project architect, to do a brief
 20 presentation on the plans that she has
 21 proposed, including the Site Plan and
 22 elevations.
 23 Beatriz.
 24 MS. HERNANDEZ: Good evening. Can you hear
 25 me okay? Beatrice Hernandez, MSA Architects,

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1 7695 Southwest 104 Street, Miami, Florida.
 2 Good evening. I'm just going to briefly
 3 walk you through the Site Plan that Mario just
 4 sort of described to you, some of the ground
 5 floor uses that we have. I'll walk you through
 6 the elevations and renderings, and then I'll
 7 just open it up to any questions you all may
 8 have. I know we've been here a while tonight,
 9 so --
 10 As Mario mentioned, the site is triangular,
 11 so we afforded ourselves with the opportunity,
 12 in these kind of odd shaped sections of the
 13 site, to create these open spaces. So moving
 14 from the east towards the west, what we've done
 15 is anchored the ends of our buildings with
 16 retail, and the corners becoming those corner
 17 plazas that could serve as kind of break-out
 18 areas for the retail, as well.
 19 And what we've done is connected that with
 20 a covered arcade, along Granello, and you have
 21 the live-work units, our garage access, our
 22 residential lobby, the paseo, that connects
 23 through the mid block, our leasing facility,
 24 and then the retail at the end. So we've
 25 provided a mix of uses to activate that street.

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1 of creams, the roof line has the barrel tile
 2 roof, and some accents with the awnings in kind
 3 of a light mint sort of green.
 4 The amenity, which is the top of our roof
 5 parking deck, is fully amenitized, with our
 6 pool deck, and the actual club facility or the
 7 additional amenity space is located right in
 8 this area in here, which also overlooks the
 9 Biltmore, which is an incredible view that our
 10 residents are going to have.
 11 I have all of the floor plans, but I'm not
 12 going to walk you through all of that.
 13 So if you have any questions, I'd be more
 14 than happy to answer.
 15 MR. RODRIGUEZ: Is the height of the first
 16 and second phase the same?
 17 MS. HERNANDEZ: No, this is actually a
 18 nine-story building, and I believe Phase I and
 19 II are ten stories. This is a High-Rise
 20 technically, but we're under a hundred feet.
 21 MR. GRABIEL: Are the open spaces open to
 22 the public or is it for the residential only?
 23 MS. HERNANDEZ: Well, it's not gated, and
 24 as you see in the site plan, we actually have
 25 the paseo, which is public, so the public can

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1 cross through the middle. So we aren't gating
 2 the facility.
 3 MR. GRABIEL: Thank you.
 4 MR. GARCIA-SERRA: That's a fair
 5 description. It's private property, but it's
 6 open for the public.
 7 CHAIRMAN FLANAGAN: Do you know, what's the
 8 height of the top of the building of Phase I
 9 and II?
 10 MS. HERNANDEZ: A hundred feet.
 11 CHAIRMAN FLANAGAN: A hundred feet? And
 12 this is --
 13 MS. HERNANDEZ: I believe it's 97 and change.
 14 CHAIRMAN FLANAGAN: At the top of the
 15 building, you've got 97, plus 11 and change.
 16 MS. HERNANDEZ: Yeah. The architectural
 17 projections, yes. So we have about 94, 95 feet
 18 to that last habitable floor, and then, after
 19 that, is your architectural projections.
 20 CHAIRMAN FLANAGAN: So overall you're
 21 taller than Phase I and II?
 22 MS. HERNANDEZ: I don't know what the
 23 architectural projections are for Phase I and
 24 II. I would think they're a little bit higher.
 25 CHAIRMAN FLANAGAN: I thought I just heard

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1 would want to develop it. But right now, there
 2 hasn't been anything actually proposed.
 3 MS. MENENDEZ: I just don't see enough
 4 green between all of those properties there.
 5 Between all of those buildings and the height,
 6 I just don't see enough green space for parks,
 7 for amenities for the public. It's all pretty
 8 much concrete.
 9 Even the spaces that are outlined in this
 10 new project, it's mostly pavers. I don't see
 11 grass. I don't even know how the dogs are
 12 going to manage in those areas, but --
 13 MR. GARCIA-SERRA: Well, there is a
 14 particular space there that is a designated dog
 15 park, that is green.
 16 MS. MENENDEZ: Okay. Can you point that
 17 out to me?
 18 MS. HERNANDEZ: Sure. It's because we're
 19 showing all our trees there.
 20 It's this area right in here, and it should
 21 be clearer in your packet. Yeah.
 22 MS. MENENDEZ: Okay.
 23 MR. GARCIA-SERRA: But it is a space
 24 that --
 25 MS. MENENDEZ: But it's not green. It's

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1 pavers.
 2 MR. GRABIEL: No. No. That's grass.
 3 MS. HERNANDEZ: No, the dog park is all green.
 4 MS. MENENDEZ: All green?
 5 MS. HERNANDEZ: Yes.
 6 MR. GARCIA-SERRA: And it's over a thousand
 7 square feet, I believe.
 8 MS. MENENDEZ: Is that for the public or is
 9 that exclusively for the residents?
 10 MR. GARCIA-SERRA: That's open to the
 11 public, actually. It's one of the recommended
 12 conditions of approval and we're in agreement
 13 with it. And there is also a considerable
 14 amount of plaza spaces, you know, which do have
 15 landscaping in them. We could always
 16 potentially increase the landscaping.
 17 We are offering this parcel that we have
 18 right now as potential green space. Also, one
 19 of the recommended conditions of approval is to
 20 contribute towards the Underline improvements.
 21 MS. MENENDEZ: Is to what?
 22 MR. GARCIA-SERRA: Contribute towards the
 23 Underline improvements. You know, the proposed
 24 bicycle and street -- excuse me, bicycle and
 25 pedestrian pathway underneath the Metrorail.

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1 forward with the Staff Report.

2 MR. TRIAS: Yeah. Just to clarify, the

3 Staff Report could have said it more clearly.

4 It's because of the triangular shape of the

5 site, that Mr. Grabiell was correct. It has to

6 do with those points. That's what that issue

7 is about.

8 Now, if I could have the Powerpoint,

9 please. Thank you.

10 The request is for a Mixed-Use Site Plan,

11 and as you know, that has some certain levels

12 of reviews that allows for some design-oriented

13 choices, and that has to do because this area

14 has developed as a Mixed-Use District. This is

15 something that happened a few years ago, when

16 the Code allowed and encouraged that, and two

17 previous phases of the same development are

18 already there, and they're a Mixed-Use, and

19 this in close proximity to Metrorail, the

20 Underline, many of the different activities

21 that we're working on in the City.

22 In terms of the three dimensional massing

23 of the site, as you can see, it's a triangular

24 shaped parcel, which would make some unique

25 conditions, that are addressed with open space,

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1 such as a dog park, and some of the paved areas

2 that Ms. Menendez was mentioning. But all of

3 those are open space areas that enhance the

4 City.

5 The Applicant explained the context, in

6 terms of the Land Use and the Zoning Map. This

7 is the industrial area, which, as you know,

8 allows for Mixed-Use. So it's a unique area of

9 the City. And it allows buildings to be 100

10 feet to the top of the habitable space. The

11 actual building is a bit taller, yes, because

12 of the architectural details, but the habitable

13 space is a hundred feet, and that's pretty much

14 the type of intensity and development that we

15 see throughout the area.

16 The Applicant explained the Site Plan and

17 the different landscape enhancements, and the

18 general massing of the project. I won't go

19 into any more detail, except to explain that

20 Staff worked with the Applicant to try to

21 comply with all of the different requirements

22 of the Mediterranean Bonus Program.

23 The Site Plan information is that the site

24 is 1.6 acres. The FAR is 3.49. 3.5 is

25 allowed. So they're going to the maximum. The

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1 building height is 94, which is close to the
 2 maximum, which is a hundred. There's retail.
 3 There's residential. And there's an
 4 interesting mix of residential, which includes
 5 live-work at the ground level, and also one and
 6 two and three-bedroom units.
 7 416 spaces of parking are proposed, which
 8 is slightly above the minimum required, and
 9 we've had multiple public notices, which are
 10 required by Code.
 11 There was a public information meeting in
 12 August. There was a notification mailed to the
 13 property owners in November. The property was
 14 also posted in November. There was the legal
 15 ad in November. The property was posted on the
 16 Agenda on the City website.
 17 And the findings of fact are that Staff has
 18 reviewed the provisions of the Comprehensive
 19 Plan that apply and the project satisfies those
 20 provisions. Staff recommends approval, with
 21 conditions.
 22 And the conditions of approval require many
 23 of the typical things that you would find in
 24 most projects, but there are some very specific
 25 requirements or opportunities to require open

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1 space at different areas. So all of that is
 2 included in your report, and Staff recommends
 3 approval.
 4 MS. MENENDEZ: Ramon, I have a question.
 5 From the site area, which 1.69 acre or 73,461
 6 square feet, how much of that is public plaza,
 7 public access, public amenities?
 8 MR. TRIAS: Public open space. I don't
 9 know. Do we have that? Yeah, let me look for
 10 it, because I think we have it in the Staff
 11 Report somewhere.
 12 Maybe the Applicant knows it.
 13 Do you have any other questions while we
 14 look for this?
 15 MS. MENENDEZ: No. That's my biggest --
 16 MR. TRIAS: Okay.
 17 CHAIRMAN FLANAGAN: Any other questions for
 18 Ramon?
 19 MR. BELLIN: Yeah, I have one.
 20 CHAIRMAN FLANAGAN: Go ahead, Marshall.
 21 MR. TRIAS: Go ahead. We're looking for
 22 it. Yes.
 23 MR. BELLIN: Ramon, there are two issues.
 24 I guess it's on Page 2, Section 4-201B,
 25 Permitted Uses. It says, "The fitness area and

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1 for is, why can we go to zero, right?

2 MR. PEREZ: Yeah. And maybe the Staff

3 Report is reading wrong. It's saying it

4 requires ten, and it says that they're

5 proposing zero. So are they proposing zero or

6 are they proposing ten?

7 MR. GARCIA-SERRA: You're on Page 8,

8 correct?

9 MR. PEREZ: I'm on Page 8 of the Staff Report.

10 MR. GARCIA-SERRA: Okay. You see, what's

11 important there is the asterisks that's under

12 the column, "Required." You see how there's a

13 footnote?

14 MR. PEREZ: Yeah.

15 MR. GARCIA-SERRA: That says, "Setback

16 reductions may be awarded for MXD projects

17 approved for Mediterranean style designed

18 bonuses. Setback reductions are only permitted

19 for MXD projects, subject to providing vertical

20 building step backs."

21 And so what that provision says is that if

22 you do X, Y and Z, particularly providing

23 pedestrian realm spaces and so forth, you can

24 reduce your setback down to zero.

25 MS. MENENDEZ: But, Mario, I think what

1 he's saying is that it shouldn't be -- where it

2 says, "Proposed," it shouldn't be none.

3 MR. PEREZ: It should be ten.

4 MS. MENENDEZ: It should be ten.

5 MR. GARCIA-SERRA: On the Greco side?

6 MR. PEREZ: For both, for Granello and

7 Greco.

8 MS. MENENDEZ: Step back, I see. Yeah, for

9 the other one, it says it.

10 MS. HERNANDEZ: For Granello, we have the

11 arcade.

12 MR. GARCIA-SERRA: The arcade goes up to

13 the property line on the Granello side.

14 MS. MENENDEZ: Oh.

15 MR. GARCIA-SERRA: Yeah.

16 CHAIRMAN FLANAGAN: Which makes for zero.

17 MR. WU: So the arcades throw them off.

18 MS. MENENDEZ: Got it. Got it.

19 MR. TRIAS: Ms. Menendez, the square

20 footage was 10,000 square feet for the open

21 space, 10,041.

22 MS. MENENDEZ: 10,000 square feet?

23 MR. TRIAS: Yes.

24 CHAIRMAN FLANAGAN: Then why are there no

25 step backs on the alley side, when the Code

1 MR. GARCIA-SERRA: Well, historically, you
 2 know, we've had this discussion before in other
 3 projects, and what the determination has been
 4 was that, subject to Board of Architects review
 5 and approval, there could be some variance,
 6 depending on the situation, as to the step
 7 back.

8 MR. TRIAS: Yes, and I understand your
 9 confusion, and I think that the way that it was
 10 written in the Staff Report is technically
 11 true, in the sense that there are some points
 12 where there's no step. That is true. However,
 13 because this is a triangular site, and because
 14 the Mixed-Use and the Mediterranean Bonus
 15 Ordinance allows for appropriate design, then
 16 the project has been designed as it is.

17 Now, there's no issue here of compliance.
 18 There's no issue that should worry you. It's
 19 just really an issue of the way that the
 20 Staff -- that the report was written, that is a
 21 little bit confusing.

22 I think the answer to the question is found
 23 in the drawings and the way that the architect
 24 has pointed out, that because of the triangular
 25 site, there are a couple of points that are

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1 closer to the property line.
 2 I mean, I hope that's helpful. And if it's
 3 not, we can probably ask the architect to
 4 explain it further.

5 CHAIRMAN FLANAGAN: I'm still confused with
 6 the step back. Because if the Code says the
 7 step back is required, but then it's not here,
 8 how are we getting around that?

9 MR. GARCIA-SERRA: Because historically the
 10 Board of Architects has had the discretion to,
 11 based on the circumstances of the particular
 12 situation and where are you at zero and what's
 13 the design of the building and, you know, the
 14 shape of overall of the property, to approve,
 15 you know, certain setback/step back scenarios.

16 CHAIRMAN FLANAGAN: So historically the
 17 Board of Architects has been approving
 18 variances to the Zoning Code?

19 MR. GARCIA-SERRA: No, I wouldn't describe
 20 it that way.

21 MR. TRIAS: Mr. Chairman, I don't think
 22 that's the right way to look at this. What
 23 happens is that the Code allows for the Board
 24 of Architects to make recommendations about
 25 design that enhance the project.

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1 how to design the building. The architecture
 2 allows people to appreciate it better. So that
 3 case, where the Board of Architects reviewed
 4 the project, they made a decision that in light
 5 of the design, it was appropriate for the site.
 6 MR. PEREZ: But, again, it's not our
 7 position to critique design, but this blatantly
 8 says that, per Zoning, the step backs are not
 9 abiding. And that's what I think everybody's
 10 confusion is at.
 11 MR. TRIAS: Mr. Perez, I just talked to my
 12 Staff person who wrote the memo, and,
 13 basically, the next time, we're not going to
 14 have that line in the memo, because it's
 15 confusing. I mean, it's confusing. I
 16 understand it. I would be confused, too.
 17 But it's just not well explained, and it's
 18 not well explained because it's a unique
 19 configuration of the site. If it was a
 20 rectangular site, it would be much easier to
 21 explain all of these issues. Because of the
 22 fact that it's a triangle, it's a little more
 23 difficult, and we should have had a better
 24 explanation.
 25 I mean, that's all I have to say on this.

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1 CHAIRMAN FLANAGAN: But let's follow that
 2 logic. If you take the Granello facade -- if
 3 you look at the Granello facade, it could be a
 4 rectangular site.
 5 MR. TRIAS: Yes.
 6 MS. HERNANDEZ: We have a step back.
 7 MR. TRIAS: Yeah, it's there.
 8 MS. HERNANDEZ: With the arcade.
 9 CHAIRMAN FLANAGAN: It says you don't.
 10 MR. PEREZ: On Granello --
 11 CHAIRMAN FLANAGAN: Sorry. Sorry.
 12 MR. TRIAS: Greco.
 13 CHAIRMAN FLANAGAN: Oh, okay. You do on
 14 Granello; Greco, you don't.
 15 MS. HERNANDEZ: And the alley, which are
 16 those corners that we're referring to.
 17 MR. GARCIA-SERRA: Where we otherwise have
 18 a step back, except for a very minor corner
 19 points.
 20 CHAIRMAN FLANAGAN: No, the building sets
 21 back farther. There's no step back on the
 22 facade of the building.
 23 MR. GARCIA-SERRA: Correct. Correct.
 24 CHAIRMAN FLANAGAN: And so I'm trying to
 25 understand, does the Code allow no step backs,

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1 MR. TRIAS: Yes.

2 MS. MENENDEZ: When we look at those

3 things, do we apply a percentage? Do we

4 basically -- how do you determine that they're

5 giving us enough open space?

6 MR. TRIAS: It's ten percent. And what

7 happens is that we --

8 MS. MENENDEZ: So the percentage is ten

9 percent?

10 MR. TRIAS: Yeah. There's some criteria in

11 the Code, like ten percent, okay, but, in

12 addition, we design it very carefully based on

13 the site conditions. For example, in one

14 street, there's an arcade, because it makes

15 sense to have it there. In another street,

16 there's a plaza. So that level of design takes

17 place through many meetings, multiple meetings,

18 with Staff, with the City Architect, and then

19 it goes in front of the Board of Architects.

20 At that time, it's reviewed by the

21 professional architects, who serve as

22 volunteers on that Board, to make sure that,

23 for example, the sidewalks -- the design of the

24 arcades matches the height of the sidewalk.

25 MS. MENENDEZ: But when I view open spaces,

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1 are you saying that most of these spaces are

2 covered but open?

3 MR. GRABIEL: Some.

4 MS. MENENDEZ: I mean, to me, open space,

5 is open above. When you mention arcades and

6 plazas, this plaza is under a roof.

7 MR. TRIAS: No, that plaza is open.

8 MS. MENENDEZ: It's open?

9 MR. TRIAS: Yeah.

10 MS. MENENDEZ: All right.

11 MR. TRIAS: And the Code is very specific.

12 It allows arcades, that are covered. It allows

13 paseos. It allows many things.

14 MS. MENENDEZ: When we look at the open

15 spaces, do we determine that a percentage of

16 that should be green, versus pavers or concrete

17 or something?

18 MR. TRIAS: Yeah, and we have, for example,

19 Brook, from Public Works, the landscape expert,

20 provide his opinion on that. So there's a very

21 extensive review. But sometimes I take it for

22 granted that everybody knows that this happens.

23 That's why, in my presentations, I try to go

24 through different meetings and so on.

25 CHAIRMAN FLANAGAN: Okay. So let's open

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1 over by the Crossfit near Merrick Park, and
 2 there's a lot -- as this Board knows, many
 3 other developments coming in, some of which
 4 I've opposed and some of which I've supported.
 5 In this particular instance, when you have
 6 200 families here that need somewhere to go and
 7 to bicycle and to walk their dogs and
 8 everything, they're going to go to the west.
 9 They're going to go to Vilabella Avenue, which
 10 does not allow vehicular traffic. Right now
 11 there's a gate there.
 12 However, we are a cut-through street
 13 otherwise, picking up on Riviera, and we are --
 14 you know, I sat through the UM presentation,
 15 and what they talked about, the Campo Sano
 16 speedway -- which it was like that when I went
 17 law school many, many years ago -- has now been
 18 calmed due to some very beautiful traffic
 19 calming structures. We really need something
 20 like that here.
 21 There's no green space provided and there's
 22 nothing, really, on Vilabella that will handle
 23 these additional folks who are going to be
 24 there. So I would request, perhaps, some
 25 condition, in connection with the space that

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1 they own, that's in front of them on Le Jeune,
 2 to take into account that there's a community
 3 here. There's a neighborhood here. And it's
 4 already under great pressure.
 5 Between the school, the high school, and
 6 now all of the new development that's between
 7 here and Bird Road, that's coming online, so
 8 green space and the neighborhood are important
 9 things to consider, and I'm glad that the Board
 10 identified some of those problems.
 11 As to the discussion of Page 8 of the Staff
 12 Report, I listened very carefully to the
 13 questions and to the answers. And to my ear, I
 14 never heard an answer to what appears to me to
 15 be a black and white matter of non-compliance
 16 with the Code. I see the two asterisks about
 17 the setback and the step back, and the step
 18 back -- I'm sorry, the setback, rather, I do
 19 see that you can get a relaxation, if you
 20 comply with Mediterranean Bonus, okay. I get
 21 that. But when you go to the step back, it's
 22 saying that if you get that relief, you must
 23 comply with step backs.
 24 And, as a matter of codification, as a
 25 matter of legislation, I understand the wisdom

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1 of that. One is a mitigation for the other.
 2 You don't get both. If you have one, then the
 3 Code is saying, "Well, we have better step it
 4 back, because you're coming out to the property
 5 line."
 6 This Staff recommendation and this project
 7 is getting both, and I don't read the Code and
 8 I don't read the Staff recommendation to let
 9 the building get it both ways.
 10 Now, if you drive down Riviera, on the
 11 other side of Coral Gables High, you can see
 12 Phase I and Phase II. They're large looming
 13 structures. You can see them. And this one
 14 will be even closer to the neighborhood. So
 15 the idea that it should have step backs, if
 16 required by the Code, to provide articulation
 17 and break up the apartment garage, they should
 18 comply with that.
 19 I don't think that there's been an adequate
 20 answer to that question. The idea that, well,
 21 it's an unusual lot size, and that, in certain
 22 situations, you can get a, quote, variance,
 23 well, that is a term of art, and if we have a
 24 variance, then it should be spelled out and not
 25 spelled out as that everything is in full

1 compliance.
 2 I don't think that -- I think we have --
 3 it's non-compliant in that way, particularly in
 4 connection with the step back requirement.
 5 So, with that, there are some other things,
 6 I think, that the project can work out between
 7 now, and, you know, City Commission and alike.
 8 Some of the other projects there, they've
 9 agreed to dim some of the lighting on the
 10 parking garage structure, with sensitivity to
 11 the residential neighborhood. So it's not
 12 super bright all night long, and things like
 13 that. I'm sure that they're willing to do
 14 that.
 15 But my main concern -- my main two issues,
 16 rather, are the green space issue, if there's
 17 anything being done to accommodate the
 18 neighborhood, and, Number Two, the step back
 19 issue, particularly facing west and north,
 20 which faces the residential neighborhood.
 21 Thanks for the extra time. I appreciate
 22 it.
 23 CHAIRMAN FLANAGAN: Thank you.
 24 MR. RODRIGUEZ: Excuse me, Paul?
 25 MR. SAVAGE: Yes, sir.

1 Here, looking at this drawing, let's
 2 address first the setback, step back issue.
 3 And what's been discussed is correct. Whenever
 4 you do the setback reductions so you go down to
 5 zero on the ground floor, you're required a
 6 45-foot step -- excuse me, a ten-foot step back
 7 at the 45-foot height level.

8 The only side of this property where we go
 9 to a zero foot setback, across the whole length
 10 of the property, is on Granello, which is where
 11 the arcade is. This arcade here goes up to the
 12 property line. And at that side of the
 13 property, when you get to 45 feet, we step back
 14 ten feet, on this side of the property, where
 15 we have a ten foot setback. On this side of
 16 the property, certain points, such as where
 17 this stairwell is, where this terrace is, where
 18 the service area is, certain points are at the
 19 property line, and there is not a step back at
 20 the 45-foot height level.

21 But, again, these are particular points,
 22 that from an architectural perspective, you
 23 know, what sort of building -- does it make any
 24 sense to come back at 10 feet at just these
 25 small corners of the property, where we're

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1 talking about a stairwell, where we're talking
 2 about a service area within the parking garage?
 3 So that is the sort of discretion -- and if
 4 you look at the other buildings, if you look at
 5 Phase I, Phase II, you'll see that their
 6 elaborations, where at some points they do come
 7 further out to the property line, even though
 8 they took advantage of the step back reduction,
 9 also. That is what the Code requires, how the
 10 Code historically has been interpreted, and how
 11 it's applied here in this case.

12 You know, I don't need to remind you of
 13 what a thorough process it is to get to this
 14 point. You know, it's literally months. In
 15 this case, probably almost a year, probably,
 16 between developing the plans, going through
 17 DRG, going through the Board of Architects,
 18 going through all of the comments of the City
 19 Staff. This is not a case of somebody missing
 20 something or us trying to pull a fast one.

21 It's consistent with the letter of the law and
 22 how that law has always been interpreted
 23 historically. So that's sort of the setback,
 24 step back issue.

25 The other issue that's been talked about a

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1 lot is the open space and what is this project
 2 doing for open space for the neighborhood. If
 3 you look at the second page of the Staff
 4 Report, you'll see this drawing, that
 5 indicates, in green, what is considered outdoor
 6 public realm space.
 7 Now, how that's defined by the Code does
 8 include other areas that could have pavers,
 9 that are paved, that aren't necessarily grass,
 10 but still they're areas around which people can
 11 gather, recreate, move around. And if you look
 12 at this project, aside from the arcade on the
 13 south side along Granello, there is a pretty
 14 large plaza up here, let's call it, in this
 15 corner of the property.
 16 MS. MENENDEZ: Is that a driveway, though?
 17 Is that like a drop-off?
 18 MR. GARCIA-SERRA: No.
 19 MS. MENENDEZ: No? It's walk, just
 20 pedestrian?
 21 MR. GARCIA-SERRA: Yes, correct.
 22 Benches, tree planters and so forth. There
 23 is no ability to get a car anywhere in there.
 24 MR. RODRIGUEZ: Excuse me, Mr. Serra. I
 25 mean, if you're going to be responding to

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1 argument, I think he didn't argue that there
 2 wasn't enough open -- I didn't hear him say
 3 there wasn't enough open space. I heard him
 4 say there wasn't enough green space.
 5 MR. GARCIA-SERRA: In that issue, if it's a
 6 recommendation of the Board, to incorporate
 7 more grass, more trees, in this area, we're
 8 fine. There's an actual probably previous
 9 version of the Site Plan that did have more
 10 green area, and was probably scaled back in
 11 response to comments, I'm not sure if it came
 12 from Staff or the Board of Architects, as to
 13 the urban style of the property.
 14 But if you look at the places that are open
 15 to the public and open to the air, you have a
 16 plaza here, another plaza here, a dog park,
 17 which there is no other dog park in the area,
 18 and we're willing to make that dog park open to
 19 the public, also, fully landscaped. On top of
 20 that, we have this other parcel that we own
 21 along Le Jeune, that we're also, right now, and
 22 agreeing into the future, at least until we
 23 start development, to also have open to the
 24 public.
 25 MR. RODRIGUEZ: How big is that park?

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1 required -- if it was required, they would have
2 asked for it, for it to be stepped back.

3 So I would think that if the Board of
4 Architects approved this project, as it's
5 shown, the step back is not required.

6 MR. TRIAS: I think the project complies,
7 and the only issue that is questionable is this
8 corner right here -- right here, which is a
9 stair, the means of egress of the building.
10 Because there's a setback here -- and when you
11 setback, you're complying, all right.

12 And the issue was that, here, because of
13 the fact that the project is in a triangular
14 site, and the way that it was designed, that
15 little corner was the one that was, you know --

16 MR. BELLIN: So my question is this --
17 MS. MENENDEZ: And the service area.

18 MR. TRIAS: Yeah, but this one does step
19 back, because it has a terrace here.

20 MS. MENENDEZ: It's a terrace?

21 MR. TRIAS: Yeah.

22 CHAIRMAN FLANAGAN: At what height?

23 MS. MENENDEZ: It's open? You're saying
24 it's open?

25 MS. HERNANDEZ: If you look at your Third

1 Level Floorplan, it will show that over the
2 service area there is a step back in the
3 building there. There's a roof terrace over
4 that service area. So that step back or that
5 additional setback is complied with in that
6 area.

7 MR. TRIAS: Right.

8 MR. BELLIN: So my question is, if the
9 Board of Architects approved it without the
10 step back, then does it comply? I believe it
11 does.

12 MR. TRIAS: Yeah. I think it does. And
13 it's always possible to make mistakes. I mean,
14 that happens. And the way that, that is
15 checked is, later on, the Zoning Review, at the
16 Building Permit process, if there's a mistake,
17 but what I know today is that, that little
18 corner technically is an issue. However, the
19 Board of Architects reviewed it, and in their
20 judgment, it was acceptable.

21 CHAIRMAN FLANAGAN: All right. Anybody
22 else? No? Everybody is good. Somebody want
23 to make a motion?

24 MR. BELLIN: I'll make a motion to approve.
25 CHAIRMAN FLANAGAN: Okay.

1 MS. HERNANDEZ: Okay.

2 MR. GARCIA-SERRA: I believe we have

3 incorporated all of that, but if we haven't, we

4 will.

5 MS. HERNANDEZ: We will. As well as

6 cut-off lighting, as well, to divert the light

7 more towards the inside of the garage, as well.

8 MR. GRABIEL: Okay.

9 CHAIRMAN FLANAGAN: Thank you.

10 And one last one, Marshall. Would you be

11 amenable to no construction being allowed

12 outside of the hours currently prescribed by

13 the City Code?

14 MR. BELLIN: Yeah.

15 CHAIRMAN FLANAGAN: Okay. Sometimes they

16 come in and ask for --

17 MR. PEREZ: Yeah, working on weekends.

18 CHAIRMAN FLANAGAN: Yeah, and 6:00 in the

19 morning.

20 MR. WU: So you want to not allow at all

21 off hours construction?

22 CHAIRMAN FLANAGAN: Correct.

23 MR. WU: That's an unusual condition.

24 CHAIRMAN FLANAGAN: There is a reason why.

25 MR. WU: I understand that, but that is an

1 unusual condition.

2 CHAIRMAN FLANAGAN: Okay. But I've asked

3 for it, and I think Marshall has agreed to it.

4 MR. BELLIN: Yeah. I think it's

5 reasonable, especially with the proximity to

6 the residential areas. You don't want people

7 working there at six o'clock in the morning.

8 CHAIRMAN FLANAGAN: Right.

9 MR. BELLIN: And a lot of times the

10 contractors will sort of push the envelope on

11 that.

12 CHAIRMAN FLANAGAN: Yes.

13 MR. COLLER: Just so I'm clear on the

14 condition --

15 MR. PEREZ: I'm sorry, I understand the

16 hours, but are you including not allowing to

17 work on long weekends, as well?

18 CHAIRMAN FLANAGAN: No. Whatever the Code

19 allows -- whatever the hours and the days are

20 that the Code allows now, I'm asking that we --

21 no deviation from that be allowed.

22 MR. BELLIN: I would agree to the hours.

23 Not so much to the days of the week. Because

24 that's strictly up to the City Staff to

25 determine that.

1 CHAIRMAN FLANAGAN: I think the Code allows
 2 Saturday, no Sunday, or something like that.
 3 MR. WU: We allow Saturday.
 4 MS. MENENDEZ: Right, no Sunday, no
 5 holidays.
 6 CHAIRMAN FLANAGAN: No, and that's fine.
 7 I'm just saying, whatever the Code says is
 8 allowed now, that's fine. Don't come in for
 9 starting earlier and going late.
 10 MR. MARSHALL: I agree with that.
 11 MR. COLLER: So the condition is that they
 12 comply with the current Code requirements for
 13 when construction can take place; is that
 14 correct? That's what the condition is?
 15 CHAIRMAN FLANAGAN: Yeah. They don't seek
 16 any deviation from it.
 17 MR. COLLER: And they don't seek any
 18 deviation from it.
 19 MS. MENENDEZ: But why would that form part
 20 of our recommendation? Is there a particular
 21 reason for you to want this --
 22 MR. WU: Well, just for the Board's
 23 information, Staff does have the purview to
 24 approve off hours construction on a case by
 25 case basis.

1 MS. MENENDEZ: Right.
 2 MR. WU: That's why it was unusual for this
 3 situation, to tie our hands in this
 4 circumstance.
 5 MR. BELLIN: The Code allows for that.
 6 MR. WU: You're telling us we cannot do it.
 7 MR. BELLIN: No. We're telling you, if the
 8 Code allows it, you can do it.
 9 MR. WU: No, the Chairman is saying, he
 10 does not want Staff to do it.
 11 CHAIRMAN FLANAGAN: I can't hear what the
 12 question is.
 13 MR. WU: To clarify, you want to suggest a
 14 motion that they have to limit it to the
 15 construction hours under the Code, and they
 16 cannot request hours beyond that, period?
 17 CHAIRMAN FLANAGAN: Correct.
 18 MR. WU: That's the motion.
 19 CHAIRMAN FLANAGAN: Construct within the
 20 hours that the Code allows.
 21 MR. BELLIN: But the City has the right to
 22 allow those hours to be --
 23 MR. WU: And he's saying, a condition to
 24 not allow the City to do that.
 25 MR. PEREZ: I won't agree to that.

1 CHAIRMAN FLANAGAN: You won't?

2 MR. PEREZ: No.

3 CHAIRMAN FLANAGAN: Okay.

4 MR. PEREZ: I mean, I think it's a case by

5 case, and I think the City has the right to

6 approve that.

7 CHAIRMAN FLANAGAN: Okay.

8 MR. RODRIGUEZ: We have a motion and a

9 second.

10 CHAIRMAN FLANAGAN: They both agreed to it,

11 but they're realizing that they don't want to,

12 and so we -- they're taking that off.

13 MR. PEREZ: I mean, all I'm saying is, who

14 are we to say that we can't allow City Staff to

15 recommend to somebody to work on long weekends

16 or on a special case, if there's a need, et

17 cetera? I can't agree to that.

18 CHAIRMAN FLANAGAN: Okay. It was only a

19 request.

20 MR. COLLER: So I'm a little confused. Did

21 you accept the condition and its in the motion,

22 as stated, or have you withdrawn that portion?

23 MR. BELLIN: I'm going to withdraw that

24 portion.

25 MR. COLLER: Okay.

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1 CHAIRMAN FLANAGAN: So we have notice going

2 out in a thousand foot radius and then the

3 double screening on the parking garage.

4 MR. COLLER: Or in some manner not to allow

5 light. It doesn't have to be double screened,

6 but in a method that no light filters out.

7 MR. GRABIEL: No light filters out,

8 correct.

9 MR. COLLER: Okay.

10 CHAIRMAN FLANAGAN: Okay. We have a motion

11 and a second. Any further discussion on that?

12 Seeing none, Jill, if you'll call the roll,

13 please.

14 THE SECRETARY: Maria Menendez?

15 MS. MENENDEZ: I'm sorry, I would love to

16 see more green space. So I'm not going to be

17 able to approve it or recommend approval.

18 THE SECRETARY: Alberto Perez?

19 MR. PEREZ: Yes.

20 THE SECRETARY: Frank Rodriguez?

21 MR. RODRIGUEZ: No.

22 THE SECRETARY: Marshall Bellin?

23 MR. BELLIN: Yes.

24 THE SECRETARY: Julio Grabiel?

25 MR. GRABIEL: Yes.

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1 THE SECRETARY: Jeff Flanagan?
2 CHAIRMAN FLANAGAN: Yes.
3 MR. WU: Mr. Chair, we have ten minutes.
4 CHAIRMAN FLANAGAN: Yeah.
5 MR. GARCIA-SERRA: Thank you very much, Mr.
6 Chair and the Board on that last item.
7 CHAIRMAN FLANAGAN: You're welcome.
8 MR. GARCIA-SERRA: The next item, I'm also
9 representing. I believe it's ten minutes to
10 nine o'clock. We, of course, would like to get
11 through that item. Not only has the Applicant
12 been here, but several neighbors who are in
13 support of the project also.
14 The presentation shouldn't be more than
15 fifteen minutes, I would say, but we might need
16 maybe a ten or a fifteen-minute --
17 MS. MENENDEZ: I make a motion to extend
18 the hours until, what, 9:15. Do I have a
19 second?
20 MR. RODRIGUEZ: Second.
21 CHAIRMAN FLANAGAN: Okay. Any discussion?
22 Seeing none, Jill.
23 THE SECRETARY: Alberto Perez?
24 MR. PEREZ: Yes.
25 THE SECRETARY: Frank Rodriguez?