

City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134
City Hall, Commission Chambers
Wednesday, July 13, 2022
6 p.m.

Planning and Zoning Board meeting

Board Members
(Present)

(Acting) Chairperson Robert Behar
Eibi Aizenstat (Via Zoom).
Alexander Bucelo
Claudia Miro
Luis Revuelta
Venny Torre
Wayne "Chip" Withers

City Attorney's Office

Craig Collier, Esq.

Attorney for the Applicant

Anthony De Yurre, Esq.
Bilzin Sumberg

recommendation.

For those members of the public, who are appearing on the Zoom platform 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 be evidentiary value.

Lobbyist registration disclosure.

Any person who acts as a lobbyist must register with the city clerk pursuant to the city code.

As Vice Chair, I've now officially called the City of Coral Gables Planning & Zoning meeting of July 13th to order, and the time is 6:02.

Jill, can you please call the roll.

THE CLERK: Alex Bucelo?

BOARD MEMBER BUCELO: Here.

THE CLERK: Claudia Miro?

BOARD MEMBER MIRO: Here.

THE CLERK: Luis Revuelta?

BOARD MEMBER REVUELTA: Here.

THE CLERK: Venny Torre?

BOARD MEMBER TORRE: Here.

CHAIRMAN BEHAR: Good evening. We're going to get ready to start. I'm going to call the meeting to order, and please silence your phones and beepers, whatever you have.

This Board is comprised of seven members. Four members of the Board constitute a quorum. The affirmative of four members will be necessary for the adoption of any motion.

I don't think this is working. There we go.

If only four members of the Board are present, the applicant may request, and be entitled to a continuance to the next regularly scheduled meeting of the Board.

If the matter is continued due to the lack of quorum, the Chairperson or Secretary to the Board may set a special meeting to consider such matter. In the event that four votes are not obtained, the applicant, except in the case of a comprehensive plan amendment, may request a continuance to allow the application to proceed to the city commission without a

THE CLERK: Chip Withers?

BOARD MEMBER WITHERS: Here.

THE CLERK: Eibi Aizenstat?

BOARD MEMBER AIZENSTAT: Here.

THE CLERK: Robert Behar?

CHAIRPERSON BEHAR: 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 communication and site visits. An ex-parte communication is defined as any contact, communication, conversation, correspondence, memorandum or any other written or verbal communication that takes place outside a public hearing between a member of the public and a member of the 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, the party who originated

1 the communication. Also, if the board
2 members conducted a site visit, especially
3 related before the Board. The board
4 member will also disclose such a visit.
5 In either case, the board member will
6 state on the record whether the ex-parte
7 communication and/or site visit will
8 affect the board member's ability to
9 impartially consider the evidence to be
10 presented regarding the matter.

11 The board members should also state
12 that his or her decision will be based on
13 substantial competent evidence testimony
14 presented on the record.

15 Does any member of the Board have
16 such communication or site visit to
17 disclose at this time?

18 BOARD MEMBER REVUELTA: No.

19 CHAIRMAN BEHAR: Swearing in. Anyone
20 who speaks this evening must complete the
21 roster on the podium over there. Jill
22 will have it. We ask that you print
23 clearly, so that the official records of
24 your name and address will be correct.

25 Now, with the exception of the

1 not able to be present with us tonight in
2 the meeting. Therefore, we will need a
3 vote to allow Mr. Aizenstat to participate
4 remotely.

5 At this time, I will ask for a motion
6 to -- from one of our board members to
7 allow for Mr. Aizenstat to participate.

8 BOARD MEMBER MIRO: I'll make it.

9 MR. COLLER: Let me just add that the
10 Board has to make a finding, and it's
11 within your discretion, to allow Mr.
12 Aizenstat to participate that there's an
13 extraordinary circumstance, but it's
14 within the discretion of the Board.

15 So the motion would be finding that
16 there's an extraordinary circumstance, and
17 that Mr. Aizenstat is allowed to appear
18 and vote remotely.

19 BOARD MEMBER MIRO: So move.

20 BOARD MEMBER REVUELTA: I make the
21 motion.

22 BOARD MEMBER BUCELO: Second.

23 CHAIRMAN BEHAR: We have a first, a
24 motion, a second. Jill, can you please
25 call the roll.

1 attorney, all persons physically in the
2 chambers, who will speak on the agenda
3 items before us tonight, please rise to be
4 sworn in.

5 (Thereupon, all persons, who wished
6 to speak, and were in chambers were duly
7 sworn in by the court reporter).

8 CHAIRMAN BEHAR: Zoom platform
9 participants. I will ask any person, who
10 wishes to speak on tonight's agenda item,
11 to please open your chat and send a direct
12 message to Jill Menendez stating that you
13 would like to speak before the Board, and
14 include your full name. Jill will call
15 you when it's your turn to speak. I ask
16 to be concise, and for the interest of
17 time, keep your comments to a minimum.

18 Zoom platform participant. After
19 Zoom platform participants are done, I
20 will ask the phone participant to comment
21 on tonight's agenda as well. Again, I
22 will ask to be concise on your -- in the
23 interest of time and your comments.

24 Remote participation. Unfortunately,
25 Mr. Aizenstat, due to circumstances, is

1 THE CLERK: Claudia Miro?

2 BOARD MEMBER MIRO: Yes.

3 THE CLERK: Luis Revuelta?

4 BOARD MEMBER REVUELTA: Yes.

5 THE CLERK: Venny Torre?

6 BOARD MEMBER TORRE: Yes.

7 THE CLERK: Chip Withers?

8 BOARD MEMBER WITHERS: Yes.

9 THE CLERK: Alex Bucelo?

10 BOARD MEMBER BUCELO: Yes.

11 THE CLERK: Robert Behar?

12 CHAIRPERSON BEHAR: Yes.

13 THE CLERK: Eibi Aizenstat?

14 MR. COLLER: Only the members present
15 can vote. He can't vote for himself.

16 CHAIRMAN BEHAR: So we're good.

17 MR. COLLER: Maybe if we could, since
18 we've heard Mr. Aizenstat, if he could
19 just, for the record, just identify
20 himself.

21 Mr. Aizenstat, you want to just state
22 your name for the record and that you're
23 participating.

24 BOARD MEMBER AIZENSTAT: Yes. Eibi
25 Aizenstat, and I am participating.

1 MR. COLLER: Very good. Thank you
 2 very much.
 3 CHAIRMAN BEHAR: Thank you.
 4 Now, the next item is the approval of
 5 the June 8th meeting. Do I have a motion
 6 for approval?
 7 MR. COLLER: It's approval of the
 8 Minutes, right?
 9 BOARD MEMBER BUCELO: So move.
 10 BOARD MEMBER MIRO: Second.
 11 CHAIRPERSON BEHAR: Jill.
 12 THE CLERK: Luis Revuelta?
 13 BOARD MEMBER REVUELTA: Yes.
 14 THE CLERK: Venny Torre?
 15 BOARD MEMBER TORRE: Yes.
 16 THE CLERK: Chip Withers?
 17 BOARD MEMBER WITHERS: Yes.
 18 THE CLERK: Eibi Aizenstat?
 19 BOARD MEMBER AIZENSTAT: Yes.
 20 THE CLERK: Alex Bucelo?
 21 BOARD MEMBER BUCELO: Yes.
 22 THE CLERK: Claudia Miro?
 23 BOARD MEMBER MIRO: Yes.
 24 THE CLERK: Robert Behar?
 25 CHAIRPERSON BEHAR: Yes.

1 CHAIRPERSON BEHAR: Mr. Bucelo?
 2 BOARD MEMBER BUCELO: Same here.
 3 CHAIRPERSON BEHAR: Mr. Coller, you
 4 may want to elaborate a little bit more
 5 now.
 6 MR. COLLER: Yes, I'd like to just
 7 have a preliminary statement as to why
 8 we're here tonight.
 9 Mr. Chairman, Members of the Planning
 10 & Zoning Board, I would like to explain
 11 how we got here and why this is being
 12 heard.
 13 You will recall, when this was heard
 14 on June 8th, there were multiple items
 15 related to this project. One of the items
 16 that is now back before you is the
 17 ordinance to amend the comprehensive plan
 18 for this project. The zoning code
 19 requires that there be a minimum of four
 20 votes to recommend either approval or
 21 denial of an item, otherwise, the item
 22 goes to commission without a
 23 recommendation.
 24 At the June hearing, there was a vote
 25 of 3 to 2 to recommend denial of the

1 Procedure we will use tonight. We
 2 will first identify the agenda item by Mr.
 3 Coller, presentation by the applicant,
 4 presentation by staff. We will open it to
 5 the public in chamber, to the public
 6 comments in chamber. Comments include
 7 Zoom platform, phone platform. I will
 8 then close the public comments. We will
 9 have a Board discussion. We will make a
 10 motion, discussion and second of the
 11 motion. The Board will have a final
 12 comment. We will take a vote.
 13 Tonight, we have one item, but before
 14 we get to that item, and before Mr. Coller
 15 goes a little bit further explanation why
 16 we're here, I want to ask that, in the
 17 last -- the meeting of June 8th, we had
 18 two board members that were not present at
 19 the time. I want to make sure that you
 20 have read the transcript, and you're
 21 familiar with the findings that are on
 22 those transcript and that you are ready
 23 and prepared to hear the item tonight.
 24 Mr. Torre?
 25 BOARD MEMBER TORRE: 100%. Yes.

1 comprehensive plan amendment, so it went
 2 without a recommendation.
 3 Upon review of state law, because the
 4 city has designated you as the local
 5 planning agency, the Board is required to
 6 make a recommendation either for approval
 7 or denial of the comprehensive plan
 8 amendment.
 9 The city attorney has issued an
 10 opinion that the city code must be read in
 11 pari materia with the statute. And the
 12 City code cannot be construed to deny an
 13 applicant to present before the city
 14 commission in perpetuity.
 15 Accordingly, the city attorney has
 16 determined that the item will be presented
 17 back to you one more time to attempt to
 18 obtain the minimum four votes. And upon
 19 failing that, the matter will be heard by
 20 the commission with an explanation of all
 21 motions to recommend either for or against
 22 the proposed ordinance with an accounting
 23 of the number of votes for and against the
 24 motion in each instance.
 25 Mr. Chairman, at this point, I'd like

1 to read the item in for the record.
 2 CHAIRPERSON BEHAR: Go ahead, please.
 3 MR. COLLER: Item E-1. "An Ordinance
 4 of the City Commission of Coral Gables,
 5 Florida, amending the Future Land Use Map
 6 of the City of Coral Gables Comprehensive
 7 Plan, pursuant to Zoning Code, Article 14,
 8 'Process,' Section 14-213, 'Comprehensive
 9 Plan Text and Map Amendments,' and Small
 10 Scale amendment procedures, from
 11 'Commercial Low-Rise Intensity' to
 12 'Commercial High-Rise Intensity' for Lots
 13 8 through 21, less the West 1/2 of Lot 8,
 14 Block 29, Crafts Section, together with
 15 that portion of the 20-foot platted alley
 16 lying east of Lots 11 and 19, of said
 17 Block 29 (3000 Ponce De Leon Boulevard,
 18 216 & 224 Catalonia, 203 University Drive,
 19 and 225 Malaga), Coral Gables, Florida,
 20 providing for a repealer provision,
 21 severability clause, and providing for an
 22 effective date."
 23 Item E-1, public hearing.
 24 CHAIRPERSON BEHAR: What I'd like to
 25 do is, to the applicant, I will open it up

1 sheets that came from our prior
 2 PowerPoint, which show the massing in the
 3 neighborhood. You heard at the last
 4 meeting, this project is so small at this
 5 point in time that it does not require a
 6 traffic study. As of right, we can ask
 7 for 125 units. We're asking for 80.
 8 If you look at this massing study,
 9 you'll see our project on the left-hand
 10 side at 149 feet for only a portion of the
 11 building. You'll see the majority of the
 12 massing of the building is at 75 feet.
 13 Adjacent to that is the Plaza Tower 3,
 14 Plaza Tower 1, Plaza Tower 2, Plaza Tower
 15 4. So right of that is 3300 Ponce De
 16 Leon, in which a future project could be
 17 built. It does not exist today, but that
 18 is an exemplar of a massing that could be
 19 even to the south of us.
 20 And then lastly, there was a DaVinci
 21 condominium tower, which is equal
 22 distance, if not closer, to the majority
 23 of the neighbors that are speaking in
 24 opposition to our project.
 25 This project was reviewed by staff.

1 so you have a 10-minute presentation.
 2 Your presentation tonight, I'm going to
 3 limit it to 10 minutes and same with
 4 staff. You have a maximum of 10 minutes.
 5 Public comments. For those that are
 6 going to be speaking for the first time,
 7 again, please sign up, you will have three
 8 minutes. If you already spoke in the
 9 previous meeting, you will only have one
 10 minute for comments.
 11 So, with that in mind, I will now
 12 call the applicant to do your
 13 presentation.
 14 MR. DE YURRE: Good evening. I'd
 15 like to thank you for hearing us this
 16 evening again. Obviously we heard from
 17 Mr. Coller and the details as to why.
 18 My name is Anthony De Yurre, address
 19 at 1450 Brickell Avenue.
 20 We're here today explicitly just on
 21 the single item of the land use amendment,
 22 the Land Use Plan amendment. I don't have
 23 a tie with me tonight, I apologize,
 24 because I'm having trouble with that.
 25 I'm just giving you three simple

1 If you look at the second sheet, there you
 2 have a land use map with the corresponding
 3 heights. You'll see our project is the
 4 only one in pink. It is, in fact, the
 5 outlier.
 6 Now, the following sheet, you'll see
 7 the excerpt chart from the staff
 8 recommendation with six different points
 9 that were considered by staff in their
 10 23-page report.
 11 I'll note that our project was
 12 approved in all points, but, in
 13 particular, the land use change, taking
 14 the context and character of the
 15 neighborhood and those massing that you
 16 see there, can only come in at 149 feet
 17 for that portion of the building, did not
 18 receive a conditional approval. It
 19 received an approval without conditions.
 20 The staff report, in and of itself,
 21 constitutes competent substantial
 22 evidence. As Mr. Behar read, decisions
 23 have to be made on competent substantial
 24 evidence, and the staff report, in and of
 25 itself, establishes that. It is for other

1 parties to establish that they,
2 themselves, have competent substantial
3 evidence in opposition to the professional
4 staff report.

5 This neighborhood is between the
6 Plaza, the largest project in the history
7 of Coral Gables. It's between 125,000
8 square foot hospital, Coral Gables
9 hospital. It's between two of the largest
10 right-of-ways, one abutting the city at
11 37th, one cutting straight through the
12 city at Ponce De Leon Boulevard, two
13 commercial corridors on Ponce and the
14 other on 37th. And then sandwiches in
15 this neighborhood.

16 This is not a neighborhood that is
17 free of commercial development. This is
18 not a neighborhood that is free of height.
19 In fact, it would not be the first,
20 second, third, fourth, fifth tallest
21 building in the immediate vicinity. These
22 towers that you see here are, or would be
23 closer, to the closest speaker in regards
24 to our project.

25 Of interesting note, when the Plaza

1 that construction of a Fontainebleau
2 building -- and I'm reading directly from
3 the case now, would interfere with the
4 light, the air and enjoyment of the Eden
5 Rock to cast such a shadow as to render it
6 unfit for the use and enjoyment of its
7 guests, to create irreparable injury to
8 the Eden Rock.

9 The case goes on to say no American
10 decision has ever been cited, or
11 independent research been revealed, that
12 provides adjacent property owners
13 unobstructed light and air views from
14 adjoining land. There is no legal right
15 to be free flow of light with adjoining
16 land. And it's universally held that
17 where a structure serves a useful and
18 beneficial purpose, even though it causes
19 injury to an adjoining landowner,
20 regardless of the fact the structure may
21 have been erected partly for spite.

22 There are no adjacent landowners in
23 this case. They're all across the street
24 on Ponce, and they're all within 50 --
25 that the closest one is actually only

1 was built, they had to demolish 2801 Ponce
2 De Leon Boulevard. If some of you recall,
3 there was a very interesting demolition
4 where the whole building didn't go down in
5 one shot, and they had to come back the
6 next week and knock it down. Let's just
7 say that in 1969, they built buildings
8 differently, I suppose. I mentioned 1969,
9 because that was the year that that
10 building at 2801 Ponce was constructed.
11 That was the first Crafts -- not just the
12 first Crafts Section high-rise commercial
13 development, but it was the first
14 high-rise commercial development in the
15 business district or the downtown general
16 area. That building itself was
17 13 stories, which is taller than the
18 building we're proposing today. That
19 building was replaced by the Plaza with
20 all its different towers.

21 I'm going to make two quick points,
22 and I'll wrap it up. I mentioned last
23 time we were here the case of The
24 Fontainebleau versus 4525, which is the
25 Eden Rock. In that case, it was alleged

1 50 feet from the Plaza.

2 I'll leave you lastly with a very
3 interesting case that I also cited last
4 time. This is a Coral Gables case from
5 2017. And in this case, it was stated by
6 the residents that factors regarding --
7 excuse me, that the project created a
8 visual obstruction, that the building was
9 not reasonably apportioned with the area
10 as opposed to a grossly oversized project,
11 that it's three times the size permitted
12 by the current code. The Zoning Code will
13 not permit the project as presented, that
14 the code -- it created a comment on the
15 code's historic impact on Coral Gables
16 appearance. But the Petitioner and the
17 resident did not cite any easement, or
18 covenant or special property interest that
19 they had been impacted by the project,
20 and, therefore, the person, the
21 individual, did not have standing.

22 And what was held that day, in the
23 case of, Friguls versus City of Coral
24 Gables, is that the competent substantial
25 evidence, the staff report carried the

1 day.

2 So I present that to you today, with
3 the clear evidence of the staff report,
4 the non-conditional approval, the 149-foot
5 height and the massing and the other
6 massing in the area, which is a commercial
7 district, sandwiching in a couple of
8 residential blocks, which is the San
9 Sebastian neighbors. And I understand
10 they're very close to the Plaza. They're
11 sandwiched in between the hospital. That
12 doesn't mean that we should take that,
13 which is completely extraneous to this
14 project, to our prejudice.

15 I thank you very much, and I yield my
16 time.

17 CHAIRPERSON BEHAR: Thank you very
18 much, Mr. De Yurre.

19 If I could have staff do a
20 presentation, please.

21 MS. GARCIA: Can I have the
22 PowerPoint, please?

23 Jennifer Garcia, City Planner. Thank
24 you.

25 Okay, there we go.

1 putting those in the footnotes in the
2 Zoning Code maps, in the use maps
3 actually. And then Mediterranean Bonus
4 came along and that actually tried to
5 standardize the height throughout the city
6 and allow different bonuses, on different
7 levels.

8 And, most recently, the commission
9 actually adopted -- changed the Comp plan
10 to allow the height to go a little bit
11 more, 205 feet, in some places, in the
12 downtown business district.

13 So looking at how that's changed over
14 time, you can see on the top left, that's
15 kind of an original diagram of how simple
16 height used to be regulated back in the
17 1920's and 30's in Coral Gables. And that
18 has changed over time. There's been site
19 specifics that basically blanket the area
20 without any regard to existing conditions,
21 or thoroughfares or any hierarchy. And,
22 eventually, in the 90's, it looks like,
23 they started to incorporate three
24 different tiers that we know of today:
25 The low-rise mid-rise and high-rise. And

1 All right. So the property we're
2 talking about today is on Ponce and
3 University, two major thoroughfares in
4 Coral Gables.

5 Now, remember the last time we talked
6 about five requests, and they're just
7 talking about one request, the change of
8 land use. So the request is the change of
9 land use from commercial low-rise to
10 commercial high-rise. Now, it's just
11 about height. Nothing to do with use,
12 nothing to do with density, nothing to do
13 with FAR. It's all about the height,
14 because the FAR and the density is all the
15 same between all those land use
16 designations.

17 So this is a very quick, wordy
18 timeline about different heights, the
19 height -- history of heights in Coral
20 Gables and how it first started with
21 different height districts. And that was
22 based on the width of the street to the
23 height of the buildings. And that
24 eventually evolved into the commission
25 approving different types of heights and

1 categories, regulating that by number of
2 stories.

3 And today, you can see the subject
4 property outlined in the dark. The
5 bottom, on the right, and that's what we
6 have today. It's a little bit of a
7 hodgepodge, to say the least, as far as
8 the hierarchy, high-rise, mid-rise and low
9 rise. You can still see the hierarchy of
10 the major thoroughfares having that higher
11 intensity.

12 This is a screen shot from our
13 Critics, from our website. You can see
14 the zoning map -- I'm sorry, not the
15 zoning map, the land use map. It's just
16 reflected in the zoning map. The land use
17 map showing the different building forms
18 that are on those properties.

19 You can see this property is in
20 between high-rise to the south, which is
21 where the courthouse is, and across the
22 street from the Plaza, which the applicant
23 has been speaking about. And it's also
24 abutting a legal nonconforming building
25 that's also on low-rise, but obviously

1 clearly above the 50-foot height
2 limitation.

3 So staff determined this application
4 is consistent with the comprehensive
5 plan's goals, objectives and policies, and
6 recommend approval.

7 CHAIRMAN BEHAR: Jennifer, I have a
8 question. Did we figure out why the
9 property just to the south, when that
10 property was designated high-rise?

11 MS. GARCIA: I haven't been able to
12 research that. The maps I just shown show
13 it as high-rise from I think it was 1998,
14 so sometime between then.

15 BOARD MEMBER REVUELTA: Lot 34.

16 BOARD MEMBER TORRE: I did a little
17 bit research. That was done by Mark
18 Gilbert (phonetic) at that time that you
19 just mentioned.

20 MS. GARCIA: Uh-hum, in the 90's?

21 BOARD MEMBER TORRE: That was
22 something that he did on his own, Mark
23 Gilbert. I forget the date that you just
24 said. I heard it earlier. I just don't
25 remember. You said --

1 BOARD MEMBER REVUELTA: Is it here?

2 BOARD MEMBER TORRE: Is it not one
3 that you meant? I believe it's there.

4 BOARD MEMBER BUCELO: No, I don't
5 think it's --

6 BOARD MEMBER TORRE: Is it not that
7 one? 250 Catalonia is not that?

8 MS. GARCIA: Is that the one that's
9 abutting to the --

10 CHAIRPERSON BEHAR: To the north.

11 MS. GARCIA: To the west.

12 BOARD MEMBER REVUELTA: Just
13 immediately to the north.

14 MS. GARCIA: The Zubi one.

15 BOARD MEMBER REVUELTA: I just want
16 it for context.

17 MS. GARCIA: With the bird that's on
18 the parking.

19 CHAIRPERSON BEHAR: Yes, yes.

20 MS. GARCIA: I believe that -- can I
21 have PowerPoint really quick. I think the
22 height was on there.

23 BOARD MEMBER BUCELO: It's 80.

24 MS. GARCIA: 72 feet.

25 BOARD MEMBER TORRE: 72. Okay.

1 BOARD MEMBER REVUELTA: That's a
2 parking lot in front of --

3 BOARD MEMBER TORRE: It's the entire
4 site where the courtyard -- courthouse is.

5 CHAIRPERSON BEHAR: There's a
6 courthouse now. That used to be a grocery
7 store way back, but, you know -- alright,
8 but we don't know definitely when that was
9 done.

10 MS. GARCIA: In the 90's.

11 BOARD MEMBER TORRE: Right.

12 CHAIRPERSON BEHAR: All right. Okay.

13 BOARD MEMBER REVUELTA: One question.
14 On lot -- on Block 26, do we have -- does
15 anybody --

16 CHAIRPERSON BEHAR: Speak in the mic,
17 please.

18 BOARD MEMBER REVUELTA: Sorry.

19 On Block 26, do we know the height of
20 the building that is right there, the new
21 building? I think it's Sarreta
22 (phonetic)--

23 MS. GARCIA: The Zubi building?

24 BOARD MEMBER TORRE: It's in this
25 plan.

1 So which is the one you bring here?
2 It says 250 Catalonia, is that the one on
3 that photograph?

4 BOARD MEMBER BUCELO: I believe
5 that's the one with the rooftop, right?

6 BOARD MEMBER TORRE: But there's one
7 here. It says 250 Catalonia.

8 MR. DE YURRE: Sorry. Just
9 responding to the question. That is the
10 property immediately to the west of our
11 project.

12 BOARD MEMBER REVUELTA: So to the
13 north, the one that I was asking.

14 MR. DE YURRE: Not the Zubi building.
15 The 250 Catalonia is immediately to the
16 west of us; is that correct?

17 CHAIRPERSON BEHAR: Oh, that was the
18 old Jerome Filer building.

19 BOARD MEMBER TORRE: Yeah.

20 MR. DE YURRE: It's a solid wall.

21 CHAIRPERSON BEHAR: Right, right,
22 right.

23 BOARD MEMBER REVUELTA: Yes. I was
24 just wondering if anybody knows the
25 height, and that one right there,

1 immediately to the north.

2 CHAIRPERSON BEHAR: And that was
3 80 feet; is that correct?

4 MR. DE YURRE: I believe that is
5 correct. It's a legal nonconforming use.

6 CHAIRPERSON BEHAR: All right. Thank
7 you, Jennifer.

8 BOARD MEMBER WITHERS: Can I just ask
9 one question?

10 What was the -- what was the land use
11 under the Plaza before it was built?

12 MS. GARCIA: That's complicated. It
13 consisted of three, the high-rise, medium,
14 medium and -- sorry, mid and low, but it
15 kind of changed its formation. I think
16 Venny has a copy that actually --

17 BOARD MEMBER TORRE: They did a TAB
18 on it, right?

19 MS. GARCIA: Yeah. So before --

20 BOARD MEMBER WITHERS: So it was
21 high-rise, so it wasn't like it was
22 medium.

23 MS. GARCIA: Yes, it was high-rise
24 when it was the old Spanish building as
25 well, but there was single-family

1 Cruz.

2 MS. CRUZ: Maria Cruz, 1447 Miller
3 Road. Of course, I don't live in this
4 area, but like I've said many times,
5 anything that affects the City of Coral
6 Gables is my problem.

7 And, I'm sorry, when we spoke last
8 time, we spoke about a whole bunch of
9 stuff. Today we're limiting to this, so
10 we need to be able to talk.

11 First of all, I would like to go on
12 the record --

13 CHAIRPERSON BEHAR: Don't forget,
14 Maria, don't forget we talked about this
15 last time. This is coming back.

16 MS. CRUZ: But not specifically, so
17 there's some specifics stuff that's just
18 for this and not for the general.

19 First of all, I would like to put in
20 the record that, as a resident of City of
21 Coral Gables, I'm very offended how this
22 meeting has been rescheduled and affecting
23 people that made plans to be out of town,
24 because this is the only month of the year
25 that the kids didn't have school at all.

1 associated with that block, and that's
2 what changed. That was a big change.

3 BOARD MEMBER WITHERS: I just want to
4 make sure, because the applicant
5 mentioned, you know, our building is
6 deserving of this height, because that
7 building is deserving -- that building is
8 built, but that building really didn't go
9 from a mid-rise or a low-rise. It went
10 from a high-rise just higher.

11 MS. GARCIA: High-rise, yes.

12 BOARD MEMBER WITHERS: I just want to
13 make sure.

14 CHAIRPERSON BEHAR: Thank you.

15 Again, I'm going to open it up to the
16 public comments in the chamber. I will
17 ask the speaker to keep it -- the new
18 speakers to keep it to three minutes.

19 Jill, if you would like to call --
20 and let me know -- can you let me know who
21 had already spoken and who is, if you
22 have, that's possible.

23 THE CLERK: I'll try my best.

24 Maria Cruz, she spoke previously.

25 CHAIRPERSON BEHAR: Good evening, Ms.

1 So the residents that made plans because
2 there was no meeting this month have had
3 to scramble to be able to be here. That
4 is unfair, very unfair, and the city
5 should have known better. There is a
6 meeting in August. This would have been
7 heard in August.

8 All right. We're here to ask that
9 this developer not be allowed to build
10 what he wants. We're here to ask you to
11 grant him to build what he's entitled,
12 what he has as of right to build.

13 When he bought the property, he knew
14 what the limitations were. This has to
15 stop. You cannot buy something, then come
16 back and double what you know you could
17 build. That is not right.

18 When the people bought their homes,
19 they are limited. They can only build
20 what they can do there, so should the
21 developers.

22 The residents -- I'm offended by the
23 fact that this should be approved, because
24 there's other buildings already. That's
25 exactly why it shouldn't be approved.

1 Enough is enough. This neighborhood
2 deserves to be a Coral Gables
3 neighborhood. This is not Brickell
4 Avenue. They did not choose to live
5 there. This is not Miami Beach. They
6 bought their homes knowing that that's a
7 residential neighborhood. Now, because
8 the Plaza got away with it, now because
9 there's other buildings that got away with
10 it, now we're going to keep building
11 there. Wrong. That's a bad example.
12 Because they're already there, we should
13 not have a Brickell west.

14 Approving this project would only add
15 insult to injury to these people. This is
16 absolutely ridiculous. All we're here to
17 ask you is hold the line. There's no
18 reason for this monstrosity to be built
19 across from the other monstrosity. Please
20 vote no.

21 CHAIRPERSON BEHAR: Thank you, Ms.
22 Cruz.

23 Please, please, please, I will ask to
24 refrain. If you do that, you will be
25 asked to leave. Do not clap, please.

1 spoken, so that the attorney has the
2 opportunity to ask you a question, if he
3 so chooses.

4 MR. DE YURRE: It would make it
5 infinitely more difficult for me to
6 remember what every single person said,
7 because I just have very specific
8 questions for them in regards to the
9 comment they made.

10 CHAIRPERSON BEHAR: What I'm going to
11 do is, I'm going to ask the Board if
12 there's no -- if you guys okay, we will
13 allow for that to take place.

14 Go ahead, Mr. De Yurre.

15 MR. DE YURRE: Thank you.

16 BOARD MEMBER MIRO: Mr. Chair, I have
17 a question. Did we -- did we do this last
18 time? Did you ask questions of the
19 speakers last time? Because I know there
20 was a number of speakers, and I don't
21 remember that we went one by one or did
22 you ask the questions at the end? I'm not
23 sure. Do you remember?

24 CHAIRPERSON BEHAR: I don't believe
25 that he was given the opportunity to ask

1 Thank you.

2 Jill, next.

3 MR. DE YURRE: Pardon. I had a
4 question for the --

5 MR. COLLER: Mr. Chairman, you can
6 have -- the applicant has a right of
7 cross-examination in a quasi-judicial
8 proceeding. That's why we don't allow
9 clapping, because this is a quasi-judicial
10 proceeding.

11 You, as Chair, can choose to have him
12 as part of his rebuttal to ask questions
13 of witnesses, and you can schedule at that
14 time, or if you want him to ask his
15 questions as each witness gets up and sits
16 down. It's your choice how you want to
17 schedule it.

18 CHAIRPERSON BEHAR: Mr. De Yurre, I
19 would prefer if you keep your questions
20 towards the end. I want to be able to get
21 the public comments. And then I will
22 allow you question and rebuttal any
23 comment from the public.

24 MR. COLLER: And I would ask the
25 members of the public to remain, who have

1 the questions.

2 BOARD MEMBER MIRO: So we're going to
3 do it differently this time?

4 MR. COLLER: No, we did. At the last
5 meeting, where the request was made of the
6 attorney to cross-examine witnesses, I
7 advised the Board at that time that you
8 could hold those questions to the rebuttal
9 or you could do it as each witness got up.
10 The decision was to hold it for rebuttal.

11 So I believe the attorney should be
12 given the opportunity to ask the questions
13 even today, but it's your choice how you
14 want to order those questions.

15 BOARD MEMBER MIRO: I'm just asking
16 if we did this at the end or did he do his
17 questions for rebuttal at the end last
18 time or if this is something that we're
19 doing this time. I understand the
20 opportunity. I'm just saying did we do
21 this last time? 'Cause if we didn't, I
22 just want to put it on the record.

23 MR. COLLER: There were no questions
24 asked last time, but at the previous
25 meeting, they were -- the Chair said to

1 hold your questions for rebuttal, and I
2 think I made the statement then, I'd ask
3 all witnesses to remain until the
4 completion of their testimony.

5 MR. DE YURRE: I would only add that
6 it was -- at the end of that, it was
7 almost prejudicial or was. I could not
8 keep track of all the different comments
9 made by all the different people to make
10 them. And I'm not here to make it
11 adversarial. I just want to clarify for
12 the record certain points, because
13 obviously we're here to make sure the
14 decisions are made aren't outside the
15 bounds of the rules.

16 BOARD MEMBER REVUELTA: One comment,
17 one concern that I have, if somebody makes
18 a statement, and for whatever reason they
19 have to leave, how we're going to prevent
20 that? Then it becomes an awkward
21 situation. For me, I don't mind him
22 asking the questions on the spot and
23 getting to the next step. That's my --

24 CHAIRPERSON BEHAR: Let's go ahead
25 and proceed with your questions at this

1 MS. CRUZ: I don't even know where
2 2801 is. All I know is that the Plaza is
3 a humongous building. And all I know is
4 that you asking to do this now is a way of
5 intimidating some of the people that will
6 find it difficult to express what they
7 feel, because they're going to be
8 embarrassed by your questions. I'm sorry.

9 MR. DE YURRE: I only wanted to ask
10 if you are aware there was a 13-story
11 building that existed where the Plaza is?

12 MS. CRUZ: It frankly doesn't make
13 any difference to me.

14 MR. DE YURRE: Thank you.

15 MS. CRUZ: What is there already is
16 the reason we should not have this,
17 because that one is way too big already.

18 CHAIRPERSON BEHAR: Thank you,
19 Mrs. Cruz.

20 MS. CRUZ: You're welcome.

21 CHAIRPERSON BEHAR: Jill, next
22 speaker, please.

23 THE CLERK: Oscar Sosa. He also
24 spoke previously.

25 CHAIRPERSON BEHAR: Please try to

1 time.

2 MR. DE YURRE: Ms. Cruz.

3 MS. CRUZ: It's Mrs. Cruz, by the
4 way.

5 MR. DE YURRE: Mrs. Cruz, I
6 apologize.

7 MS. CRUZ: It's going to be 54 years
8 this summer, so I have the title.

9 BOARD MEMBER MIRO: Congratulations.

10 MR. DE YURRE: Do you have any
11 easements, covenants or other property
12 impact -- property interests that are
13 impacted by this project?

14 MS. CRUZ: I don't even know what an
15 easement is, so what are you asking?

16 MR. DE YURRE: How is your property
17 specifically impacted by this project?

18 MS. CRUZ: This property is impacted
19 by this -- my property, no. My way of
20 life is impacted, because I do not want to
21 drive in between two gigantic buildings.
22 And I drive Ponce everyday of my life.

23 MR. DE YURRE: Okay. Are you aware
24 that 2801 Ponce Tower existed prior to the
25 Plaza?

1 keep it as short as possible.

2 MR. SOSA: Good evening. Oscar Sosa,
3 116 San Sebastian Avenue.

4 Again, I'm in front of you guys
5 asking you not to approve this project.
6 We're not against construction. We're not
7 against development. We just want
8 reasonable development.

9 I was in Palm Beach. My daughter
10 just had a baby. I had to drive all the
11 way back here today. This is the fourth
12 time we're sitting in front of you,
13 because they keep getting denied, and we
14 have to go back and we have to go back.
15 They're trying to wear us out, and I don't
16 think it's fair. We ask for your vote.
17 We don't want this humongous project.

18 Mr. De Yurre compares his development
19 to the Plaza all the time, to the Regions
20 Bank, but right next to it is the Zubi
21 building, 70 feet. Right behind, there's
22 another building, 80 feet. Why should he
23 be allowed to build 149-foot building?

24 It is really crazy that we have a
25 code, and I would assume that you're here

1 to enforce it. Thank you.

2 CHAIRPERSON BEHAR: Thank you very
3 much.

4 THE CLERK: Ponder?

5 MR. DE YURRE: I just need to ask the
6 same question.

7 CHAIRPERSON BEHAR: I --

8 MR. DE YURRE: If you want to make it
9 a standard question, I just want to make
10 sure --

11 CHAIRPERSON BEHAR: I think --
12 because I don't want to continue back and
13 forth. I would prefer if we kept it
14 towards the end. Just write it down.
15 Have your assistant write it down and then
16 you can address each of them.

17 And I will ask that you don't -- if
18 you have a question, you don't ask,
19 because it is the same question.

20 BOARD MEMBER REVUELTA: If it's the
21 same question --

22 MR. COLLER: Well, I think at the
23 end, if he wants -- you certainly have
24 your assistant take notes. I don't think
25 it's prejudicial for the attorney to take

1 Board Members. My name is Arjan Honderd,
2 3100 Galiano Court. I spoke last time.
3 It's basically the same issue. We're not
4 against development. We just want it to
5 stay within the codes, within the rules,
6 regulations.

7 I mean, if I come here, and I say,
8 "Hey, listen, I want to make my house a
9 4-story house", they start laughing at me,
10 "What are you talking about, just go
11 away". So just, you know, ask from you,
12 and from the commissioners as well, just
13 to follow the rules. That's it.

14 Then another thing I wanted to touch
15 on, it was last time, I don't remember who
16 had the question and somebody said, "Why
17 aren't the people from Malaga here?
18 Because they are so impacted by the Plaza,
19 but why aren't they complaining or
20 whatever"?

21 There's three reasons for it. The
22 first reason is, the neighbors don't like
23 each other. That's it. So there's not
24 really -- you know, they don't talk to
25 each other. And the second one is,

1 notes on what people have said and then
2 ask his questions at the end.

3 CHAIRPERSON BEHAR: Let's do that.

4 MR. COLLER: And I don't think the
5 question should be argumentative. I
6 understand the point you're making, but I
7 would say ask your questions at the end,
8 if that's what the Board wants to do, and
9 just keep track of it. And if it's the
10 same question for every person, that
11 shouldn't be a problem.

12 MR. DE YURRE: You know, if that's
13 the Board's decision again --

14 CHAIRPERSON BEHAR: Let's go on and
15 do it.

16 MR. DE YURRE: Do it individually, so
17 we have a fresher record, but --

18 CHAIRPERSON BEHAR: I would prefer
19 after the first speaker, I want you to do
20 it at the end. Thank you.

21 Next speaker, Jill.

22 THE CLERK: And he spoke previously.

23 Jordan Sokoloff will be the following
24 speaker, if you can prepare, please.

25 MR. HONDERD: Hi. Good evening,

1 there's no community feel over there.
2 Where we live, we have community feel. We
3 talk to each other. We really talk about
4 this project. We know how it's going to
5 impact us. The third thing, and the most
6 important thing is, people are just put
7 off by what's happening. I talk to a lot
8 of people when I walk my dogs in the
9 morning, and say, "Hey, come to the
10 meeting, you know, on Wednesday night".
11 And they're like, "Why would I? Nobody
12 listens to us anymore. Look what we have
13 in our backyard. Nobody listens to us.
14 So why would we come here, waste our time,
15 in July, during vacation and just be
16 ignored"? So that's really a big issue
17 that's going on right now. There's really
18 a disconnect between what's happening here
19 and what's happening outside the
20 residences.

21 CHAIRPERSON BEHAR: Thank you very
22 much.

23 THE CLERK: Mr. Sokoloff spoke
24 previously via Zoom at the last meeting.

25 CHAIRPERSON BEHAR: Jill, have the

1 next speaker ready, please.

2 MR. SOKOLOFF: Greetings. I spoke on
3 Zoom last time, so I get to speak six
4 minutes this time, because the Zoom
5 connection was bad.

6 Nice seeing you all. I'm going to
7 review pretty much what I said last time,
8 which was just over a year ago, during the
9 pandemic, this Board and the City --

10 CHAIRPERSON BEHAR: Can you please
11 state your name and address for the
12 record.

13 MR. SOKOLOFF: Yep, sorry, I forgot.
14 Gordon Sokoloff, 225 Alesio Avenue.

15 During the pandemic, this Board was
16 presented the Plater-Zyberk study, which
17 you had to approve, which was the zoning
18 code rewrite. It took many, many hours,
19 and a lot of citizen involvement, which
20 the citizens had to fight for. Then it
21 went in front of the city commission.
22 That study cost the City over 200,000 --
23 it cost the city over 200,000 to arrive at
24 a set of zoning codes that now, once
25 again, as the previous speakers have

1 was at the last meeting, who spoke in
2 favor of this project, did not have stake
3 in the game. Those people were friends.
4 I knew some of them. Alan Morris. There
5 were employees of Alan Morris, and there
6 were other people that were not residing
7 in the area. People that aren't speaking
8 in favor of this project are people who
9 live there, who go to work there, who walk
10 there, who raise their families there and
11 who are speaking with passion, because
12 this is a neighborhood. And the person
13 who said last time NIMBY, Not In My
14 Backyard, no one is saying no to Mr. Alan
15 Morris. They're just saying no due to a
16 project that's twice as big as what he's
17 allowed.

18 We're asking you to vote what he's
19 entitled to build and nothing more than
20 that. Thank you.

21 CHAIRPERSON BEHAR: Thank you.

22 THE CLERK: Aurelio Durana. Mr.
23 Durana spoke previously.

24 Following him will be Jacob Asensi.

25 MR. DURANA: Aurelio Durana, 322

1 indicated, they're looking for a variance
2 or to go beyond what is allowed.

3 When a citizen has to show -- wants
4 to go for a variance for a residence,
5 residential property, they have to show a
6 hardship. When it's a developer, that
7 hardship is customarily they're not making
8 enough money. Like Maria Cruz stated,
9 when you build something, if you are a
10 developer, you know, developers tend to
11 seem to throw spaghetti at the law. I'm
12 going to design something twice as big and
13 see if the City buys it. That's why the
14 City of Coral Gables is losing its way.
15 That's why people are starting to say, "I
16 don't recognize that city anymore",
17 because boards like this, now it's
18 incumbent upon you to hold the line, to
19 enforce the codes as they were written, as
20 you approved, as you studied the
21 Plater-Zyberk zoning rewrite. That's your
22 job. It's not to let every developer, you
23 know, exceed what's allowed.

24 And one other thing I'd like to
25 mention is that, just about everyone who

1 Alesio Avenue, where I have lived in an
2 old Spanish house for over 30 years. I've
3 raised my children there. My children and
4 my grandchildren live in Coral Gables now.

5 I am opposed to this project. Before
6 I address it on a substantive basis,
7 procedurally, I object to being limited to
8 one minute. It's irrational.

9 Secondly, when I try to access the
10 building this afternoon, the doors were
11 locked. We're talking about the courtyard
12 doors that everybody knows is the access
13 point for the building. We had to bang on
14 the doors for five minutes before the
15 guard finally came and unlocked the doors.
16 That right there is a violation of the
17 Sunshine Law. Your attorney can tell you.
18 You can call Miriam Ramos.

19 CHAIRPERSON BEHAR: Aurelio, you told
20 me that already. Please, you know -- by
21 the way, I've not stopped anyone at one
22 minute. Everyone that's spoken, I gave
23 more than three minutes. You're going to
24 have your share of time, but let's get to
25 the reason why you're here, please.

1 MR. DURANA: But that does inhibit
2 the speakers when you're telling them
3 they're limited to one minute.

4 CHAIRPERSON BEHAR: But you already
5 had the chance before. I have not limited
6 anyone. Will you please tell us your
7 comments and move forward.

8 MR. DURANA: Another procedural
9 question, can we cross-examine the city
10 staff? Can any one of us cross-examine
11 the city staff, any witnesses that Mr. De
12 Yurre produces? Mr. Morris'
13 mother-in-law, if she testifies today
14 again?

15 MR. COLLER: The objectors have a
16 right of cross-examination.

17 I caution both sides that
18 cross-examination is not designed to
19 intimidate witnesses. You can make your
20 cross, be civil with your
21 cross-examination. And you can choose, at
22 the end of the process, if there's a --
23 if somebody from the public wishes to
24 cross-examine a particular witness, we can
25 allow that as well.

1 his building to be no less than the Plaza
2 buildings, than any other building that is
3 14 or 15-stories tall.

4 CHAIRPERSON BEHAR: Jill, please
5 stop. Jill, can you please stop it.

6 THE CLERK: It's stopped.

7 CHAIRPERSON BEHAR: Thank you.

8 MR. DURANA: That is the bottom line
9 of this project. He's got enough money.
10 He's a multimillionaire. I don't think
11 he's even motivated by money. This is a
12 man who self-published a self-aggrandizing
13 book that wants everybody to read it to
14 become like him.

15 Don't vote for this project, please.
16 Let us live in peace. Thank you.

17 CHAIRPERSON BEHAR: Thank you.

18 THE CLERK: Jacob Asensi.

19 MR. ASENSI: Hi. Good afternoon,
20 Members of the Board. Thank you for being
21 here. My name is Jacob Asensi, from 328
22 Alesio Avenue.

23 And like many other neighbors here,
24 I've been living there for over 16 years.
25 And, again, I oppose the project. And I

1 CHAIRPERSON BEHAR: Thank you.

2 MR. DURANA: All right. I'll save my
3 questions for the end, depending on what
4 Mr. De Yurre ask the members of the
5 public, and I may want to cross-examine
6 others as well.

7 CHAIRPERSON BEHAR: I'll follow our
8 attorney's advice, and we'll proceed in
9 that fashion.

10 MR. DURANA: Thank you, sir.

11 In essence, basically, what this ego
12 maniacal developer, 'cause there's no
13 other way to describe Alan Morris, is
14 proposing here is spot zoning. He already
15 got away with the city commission
16 extending the transfer of development
17 rights from a zone where they were not
18 targeted to. This was specifically
19 expanded to this particular parcel. Don't
20 allow spot zoning. I thought we were past
21 that stage in Miami-Dade County. That is
22 what Mr. Morris wants.

23 I'm happy Mr. De Yurre took off the
24 mask, and basically said that this project
25 boils down to Alan Morris' ego. He wants

1 want the developer to be hold accountable
2 for what he's entitled to.

3 One of my questions that perhaps you
4 will be able to answer later, is why -- my
5 understanding it's 140 -- 150 units. My
6 concern is about parking and about the
7 traffic patterns that are around that
8 area. Salzedo, for example, if we allow
9 Salzedo, Salzedo has been closed. It's
10 only one direction, going from south to
11 north for University.

12 My concern is that eventually a
13 development of this size might be
14 converted later onto a hotel, for example,
15 and which will definitely change the
16 configuration of the area.

17 The more people in concentration that
18 we have, the higher the crime and the
19 higher the problems that we had seen. I
20 have seen it firsthand for all the
21 developments that have happened in the
22 corner of LeJeune and Bird Road. There
23 have been several residential buildings.
24 And parking as it is, is a problem for us
25 in that area.

1 For that reason, I want you to
2 consider seriously holding the project or
3 the upgrade, as they call it, and just let
4 it build what he's entitled to build.
5 Thank you.

6 CHAIRPERSON BEHAR: Thank you very
7 much.

8 Next speaker.

9 THE CLERK: David Fournier, he spoke
10 previously, and then Francis Fournier.

11 CHAIRPERSON BEHAR: Jill, how many
12 other speakers we have?

13 THE CLERK: About 21 in-person, and
14 two so far via Zoom.

15 MR. FOURNIER: David Fournier, 128
16 San Sebastian. I am oppose of this
17 project. It's way too big. We have
18 nothing against Mr. Morris. There's a
19 code. The code said to build where the
20 surface is 77 feet. That's it. No more.
21 Just 77 feet.

22 Two things. I am going to give you
23 an example. If today I decided to build a
24 house, on a 10,000 square feet lot, huge
25 house, and at the last moment I said, oh,

1 I live at 128 San Sebastian Avenue.

2 When we decided to raise our family
3 in Coral Gables, livelihood was not
4 negotiable. It was simply a must. During
5 the past few years, we see our livelihood
6 being threatened as we fell into this
7 constant fight, trying to defend our --
8 the tranquility of our community from the
9 overdevelopment.

10 We want to preserve the treasure that
11 we have, and this is the reason why we are
12 all here now. The Plaza is a lost case,
13 and we are reminded about it every single
14 day when we open our front door and we
15 find that massive fort just steps away
16 from our neighbors' backyard. We live the
17 consequences every single day: Traffic,
18 speed, reckless driving, illegal parking,
19 just to mention a few of the highlights of
20 our new normal lifestyle, which is not
21 pleasant, needless to say.

22 We have over 15 children in our
23 street. And as a concerned mother of an
24 eight-year-old girl, little young citizen
25 sitting down right there, I am reaching

1 I forgot to build a pool. It's okay. You
2 know what, I'm going to take this piece,
3 piece of the sidewalk from the city and
4 I'm going to build a pool. This example
5 is exactly the same thing that what Morris
6 is doing to us. It means that it's
7 supposed to be 77. And then they say, you
8 know what, because I want, because I can,
9 let me double it. That's not the way it
10 is.

11 Second thing. I am outraged about
12 the attitude of the lawyer. He's
13 manipulating the city. Every time he goes
14 -- the first meeting, and the second
15 meeting or so, every time, when the city
16 staff come, he goes straight over there to
17 talk to her, to manage her. Then, now,
18 what he's doing, he want to scare us. I
19 am sorry, but there's no place right now
20 for that. Thank you very much.

21 CHAIRPERSON BEHAR: Thank you.

22 THE CLERK: After Francis Fournier
23 will be Teresita Carmona.

24 MS. FOURNIER: Good evening, Board
25 Members. My name is Francis Fournier, and

1 out to you for help, please. I feel I'm
2 not asking for much as our neighborhoods
3 have previously say and we appreciate that
4 you listen to us.

5 We are not against development. We
6 just want asking -- we just ask the
7 developers to work according to the code
8 that makes the city livable for everyone.
9 Please help us preserve our community,
10 help us reinforce that code and make the
11 city fairly livable for all of us. Thank
12 you very much.

13 CHAIRPERSON BEHAR: Thank you.

14 THE CLERK: After Ms. Carmona will be
15 Olivia Cancio.

16 MS. CARMONA: Good evening, Board
17 Members. My name is Teresita Carmona. I
18 live at 117 San Sebastian Avenue.

19 I am here today to ask you to please
20 go by the code, and follow the guidelines
21 for that property, for that land.

22 Seventeen years ago, we moved to
23 Coral Gables, and from West Kendall, and
24 we escaped the traffic and the congestion.
25 We saw our neighborhood ruined, because of

1 the development was so much.

2 I ask you to consider and not -- not
3 do this to our neighborhood that is so
4 peaceful. Even though we're so close to
5 the city, we are a very peaceful
6 neighborhood, and please don't ruin our
7 neighborhood. Thank you.

8 CHAIRPERSON BEHAR: Thank you.

9 MS. CANCIO: Hello. I'm a little
10 short. I'm Olivia Cancio. I live on 315
11 Cadima Avenue, in the Crafts district.
12 I'll keep it brief.

13 Newer resident of the Crafts area.
14 My family has lived in Coral Gables over
15 20 years. I went to (inaudible) High. I
16 was raised in Miami. My husband, our son
17 and I moved from New York a couple years
18 ago. We specifically chose to buy in the
19 Crafts, because, actually, when Merrick
20 planned the city, it was part of that
21 original plan, so it's been around a very
22 long time. Our house is from 1927. The
23 neighborhood is beautiful, idyllic, full
24 of children, families that have lived
25 there for years, decades.

1 are totally against the height of this
2 project as it is being proposed. This is
3 very reminiscent of the Paseo de la
4 Riviera, which Chip knows very well about,
5 where it was zoned low-rise also at 45
6 feet, ended up jumping past mid-rise and
7 right to high-rise.

8 The commission today -- if you ask
9 the commission today would they have voted
10 for the Paseo de la Riviera as it was
11 built, they would have said no. This is
12 another one of those situations, where
13 this Board, if you approve this, and it
14 goes to commission, this Board will regret
15 the decision, because of the impact on the
16 neighborhood. Therefore, the CGNA is
17 totally opposed to this height.

18 And I have to address Mr. De Yurre on
19 a couple of points that he made. First of
20 all, he kept citing a number of court
21 cases. That sounds kind of threatening to
22 me. A particular court case, when he
23 said, there's a case that says that
24 residents have no right to light. No
25 right to light. Think about that. So

1 Despite, as Ms. Carmona said, we're
2 so close to downtown, so you get that
3 proximity, but you also get what Coral
4 Gables is about in this neighborhood.

5 By building a building, of course,
6 Plaza, lost cause, got it, we bought when.
7 It was already done, but by building
8 another building so close to the
9 residential neighborhood, even bigger than
10 it should be built, just because you can,
11 it sort of disrupts that feeling, and the
12 reason why people come and buy and invest
13 in Coral Gables. I just want to express
14 that, and that I'm deeply opposed to this
15 project. Thank you.

16 CHAIRPERSON BEHAR: Thank you very
17 much.

18 THE CLERK: Sue.

19 MS. KAWALERSKI: Good evening. I'm
20 Sue Kawalerski. I live at 6830 Gratian
21 Street, and tonight I'm here representing
22 the Coral Gables Neighbors Association, of
23 which Ponce Neighbors are a part of.

24 The CGNA is absolutely for the Ponce
25 Neighbors Association, and, therefore, we

1 he's saying, basically, the heck with the
2 residents, to heck with Coral Gables, to
3 heck with quality of life. Well, I'm
4 sorry, but the neighbors that are here
5 today moved here for a quality of life.
6 We are not going to give that up,
7 regardless of the threats being posed by
8 this development. Thank you.

9 CHAIRPERSON BEHAR: Thank you very
10 much.

11 THE CLERK: Olga Cancio. Following
12 will be Maria Longo.

13 MS. OLGA CANCIO: Good evening. My
14 name is Olga Cancio. I live at 1250 Bird
15 Road. And I just want to say that,
16 please -- I oppose this project totally,
17 and please help us keep the city
18 beautiful, the way it was meant to be when
19 George Merrick designed it and built it.
20 Thank you.

21 CHAIRPERSON BEHAR: Thank you.

22 MS. LONGO: Hi. Good evening. My
23 name is Maria Cristina Longo, and I live
24 at 16 Finish (phonetic) Avenue, and I own
25 a property on San Sebastian, which is a

1 couple of blocks south of this proposed
2 project. I want to thank you for your
3 service and for the opportunity to speak
4 here today.

5 I'm against the proposed land use
6 change, because the proposed land use for
7 this project is not compatible in height
8 to the single-family residential
9 neighborhood that is just south of it.

10 Additionally, this project was
11 granted the benefits of Level 1 and Level
12 2 Med Bonus, without having Mediterranean
13 style design. It is obvious even for the
14 untrained eye that this project is not
15 Mediterranean style. This project is a
16 version of a 1970's -- 1970's modern
17 architecture. And the developer is
18 benefitting from the Med Bonus by getting
19 additional FAR or density.

20 We don't have to do a traffic study
21 to figure out that any additional tall
22 high-rises in this neighborhood, like the
23 one being proposed, will be a huge
24 mistake.

25 I understand that it is not this

1 right in front of the park is traditional
2 and very well done, the parking garage and
3 the apartment buildings, I think their
4 volume is too big for the -- just right
5 next to the sidewalk. It's not the right
6 volume. So just because something was
7 done wrong, two wrongs don't make one
8 right.

9 I urge -- I urge -- I urge you today
10 to please deny the land use change. And I
11 urge the developer's team, Mr. Alan
12 Morris' team, to be more respectful of us,
13 to be more respectful of --

14 CHAIRPERSON BEHAR: The phone, can
15 you please turn that phone off, whoever.

16 MS. LONG: I urge the developer to be
17 more respectful of us.

18 CHAIRPERSON BEHAR: Ms. Maria, can
19 you please address us.

20 MR. COLLER: Can you speak --

21 MS. LONGO: Be more respectful of the
22 Mediterranean code, to be more respectful
23 of the neighborhood and its needs. And,
24 please, I urge you to build a smaller
25 luxury condo building, similar in

1 Board's responsibility to enforce a
2 Mediterranean Bonus requirement, and that
3 that is the responsibility of the Board of
4 Architect to do so. In this case, the
5 Board of Architect made a mistake by
6 granting Med Bonus when it was not
7 merited.

8 However, the buck starts with the
9 developer. And, in this case, Mr. Alan
10 Morris knows very well the difference
11 between authentic Mediterranean
12 architecture and what is not, because he
13 already developed a great and beautiful
14 example of what it should be with the
15 Alhambra tower in Coral Gables.

16 The Planning & Zoning Board's
17 responsibility, your responsibility, is to
18 be big-picture oriented and
19 forward-looking. My opinion, looking at
20 the past, because a big building was
21 built, and it changed zoning several
22 times, the (unintelligible) plans have
23 changed zoning throughout the years
24 several times. And the end result, even
25 though the architecture of the property

1 character and size to the one being
2 proposed by Mr. Bermello, at 719 Biltmore
3 Way. Thank you.

4 CHAIRPERSON BEHAR: Thank you so
5 much.

6 THE CLERK: Grandchamp. I'm sorry,
7 resident of 301 Viscaya.

8 MS. GRANDCHAMP: Good evening. Can
9 you see me?

10 CHAIRPERSON BEHAR: Yes.

11 MS. GRANDCHAMP: Thank you for your
12 service. I have been a resident of --

13 CHAIRPERSON BEHAR: Can you state
14 your name and address, please.

15 MS. GRANDCHAMP: I'm sorry. Twila
16 Grandchamp. I live at 301 Viscaya Avenue.
17 I've been living in Coral Gables since
18 1974. I came here because of the beauty,
19 and the landscape, the people, the
20 gardens, the flowers, the birds, the
21 butterflies.

22 I am very much opposed to this. I do
23 not look forward to going up Ponce De Leon
24 and walking through a canyon of buildings.
25 This is like people said, this is not

1 Brickell west. This is Coral Gables. And
2 maybe you'll have to change your model,
3 the City Beautiful, to Brickell west, at
4 some point in the future.

5 I know what it's like to sit on a
6 board and listen to people bring their
7 complaints and ask for decisions. I sat
8 on the Dade County mental health board for
9 years. And one of the things that I try
10 to do is to keep an open mind when I
11 listen to people, to not have a
12 preconceived decision, but to listen and
13 to understand that what people are telling
14 me is the truth and important, because we
15 are citizens. This is our city. This is
16 our City Beautiful. We want to keep it
17 that way. Thank you.

18 CHAIRPERSON BEHAR: Thank you.

19 THE CLERK: David Winker. He spoke
20 previously.

21 MR. WINKER: Good evening. David
22 Winker, 4720 South LeJeune Road. I
23 represent the Ponce Neighbors, and I want
24 to thank you guys for being here. I
25 represent a group of people who live

1 project there with the current zoning.
2 Does not need this up zoning. Please vote
3 no.

4 CHAIRPERSON BEHAR: Thank you.

5 BOARD MEMBER REVUELTA: I have a
6 question for Counselor.

7 CHAIRPERSON BEHAR: That counsel, he
8 represents --

9 BOARD MEMBER REVUELTA: I'm sorry.

10 Do we have a list of the people that
11 you are representing and how many?

12 MR. WINKER: I can provide that of --
13 yeah, if you'd like that, I can definitely
14 do that, and I can get addresses.

15 BOARD MEMBER REVUELTA: I'm talking
16 about the neighbors that are here, and
17 where do they live in relationship to the
18 project, so if you can provide that --

19 MR. WINKER: Sure. I'll do that for
20 you.

21 BOARD MEMBER REVUELTA: -- during
22 this session, I would appreciate it.

23 MR. WINKER: Yeah, you got it. I'll
24 give you the breakdown. I think that will
25 be very helpful, because I think you'll

1 within 500 feet of this project. They're
2 here today testifying.

3 The competent substantial evidence
4 before you makes clear that the up zoning
5 requested by this developer should be
6 denied. Residents that are uniquely
7 affected, because they live within
8 500 feet, have made clear that the
9 density, the traffic and the other impacts
10 on their neighborhood, for the fourth time
11 they're bringing that forth to tell you,
12 for the fourth time they're here asking
13 you, begging you to please deny this.

14 I think that it is a situation where
15 developer is setting this up as you have
16 no choice. They put the evidence on there
17 that they need this up zoning, they
18 deserve this up zoning and you do not have
19 the power to deny them what they want.
20 You do have the power, of course, and we
21 ask that you do, again, what you've
22 consistently done, is take into account
23 what these residents have to say. Deny
24 this project.

25 Mr. Morris can build very great

1 find that everyone that's affected by
2 this, the people that live in that that
3 neighborhood, it's unanimous, you know. I
4 think that will be a good exercise also,
5 because they're not here. Like, we all
6 had plans. The meeting was cancelled.
7 I'm here. I should be doing something
8 else. We were all traveling. We were all
9 going out of town. So I'll do that.
10 Thank you.

11 BOARD MEMBER REVUELTA: How many more
12 or less are you representing?

13 THE CLERK: Excuse me, Mr. Revuelta,
14 can you speak into the microphone?

15 BOARD MEMBER REVUELTA: My apologies.
16 How many more or less are you
17 representing?

18 MR. WINKER: I would say 20, 25.

19 More than that. 154. Yeah, I guess,
20 if you look at the households, 154 people.

21 BOARD MEMBER REVUELTA: Within 500
22 feet?

23 MR. COLLIER: We have one court
24 reporter, and we can only have one voice
25 speaking at a time. And I know everyone

1 means well here, but if you need to come
2 up and speak on this, then please do so,
3 and come to the microphone, because we
4 want to get this down as a record. That's
5 what she's doing today.

6 BOARD MEMBER REVUELTA: Again, just
7 to make sure, it's within 500 feet --

8 MR. WINKER: Yes.

9 BOARD MEMBER REVUELTA: -- you're
10 representing about 150 people?

11 MR. WINKER: Yes. Thank you.

12 THE CLERK: Sara Conde. And
13 following Ms. Conde that spoke previously,
14 Susan Haines.

15 MS. CONDE: I'm Sara Conde. I'm from
16 228 Alesio Avenue. I know that you want
17 to do what's best for Coral Gables, and I
18 assume you have a duty and care to do
19 what's best for Coral Gables.

20 Coral Gables is the residents. We
21 are here. And what's best for us is for
22 you to keep the zoning as it is and to
23 preserve our neighborhood.

24 Now, I know that some people are
25 saying, well, who's within so many feet of

1 from medium to high density. That is the
2 duty of the Board, the Planning & Zoning
3 Board, is to keep people from trying to
4 build things that aren't in the code.

5 I don't understand. I know when we
6 wanted to get a new roof about five years
7 ago, we wanted to get a metal roof. They
8 said, "No, you can't. It's not in the
9 code." And I said, "But that's the
10 strongest roof for a hurricane." They
11 said, "That's too bad, you have to stay
12 within the code."

13 So if we, as residents, are required
14 to stay within the code, I think the
15 people who are building the commercial
16 buildings should also be required to stay
17 within the code. Thank you.

18 THE CLERK: Alan.

19 MR. GUMMERSON: I'm Alan Gummerson.
20 I live at 228 Alesio Avenue. I have for
21 27 years.

22 I'm opposed to approving this
23 project. I'm also concerned about
24 Democracy. It may seem like a weird thing
25 to say here, but you, volunteers, you're

1 that building. You know, more people than
2 within the small area are affected.
3 They'll be affected by the traffic. You
4 know, they'll be affected by the density.

5 I would imagine that we would want to
6 have sort of a gradation down of the
7 buildings to the residents, you know. I
8 know that Mr. De Yurre is talking about
9 large buildings being within the vicinity
10 of the building that he's proposing.
11 Well, you know, some of them are north of
12 that. They're not next to the houses.

13 The Plaza, we know -- we know the
14 opinion on that. The hospital, the
15 hospital is next to -- it's next to 37th.
16 That's not in the center of Coral Gables
17 in the same way that this building is.
18 This building abuts residential.

19 So I would like you to turn down his
20 request to double the size of the
21 building. Thank you.

22 CHAIRPERSON BEHAR: Thank you.

23 THE CLERK: Susan Hays.

24 MS. HAYS: Susan Hays, 243 Fluvia
25 Avenue. I'm here to oppose the -- going

1 not exactly a New England town hall
2 meeting, but you're close. This is a
3 place where citizens can come and express
4 their doubts and concerns, et cetera, and
5 I think it's very important that this kind
6 of thing continue on.

7 I'm concerned about the continued
8 existence of Democracy in this country,
9 for lots of reasons. I don't know how
10 many people got to see the testimony from
11 congress, for example.

12 I'm also concerned what I hear from
13 my fellow residents of Coral Gables.
14 They're very cynical. The people who
15 turned out here today and who are on the
16 Zoom meeting still believe that they can
17 have an influence on decisions in this
18 country, and they're concerned about this,
19 alright? There's an awful lot of people
20 out there. You walk out this door, and
21 within 6 or 7 blocks, we can probably find
22 10 or 5, or 15 or 20 people, who say, "Go
23 to a meeting, are you crazy? Those guys
24 aren't going to listen to us," alright?

25 The guy wants to double the height of

1 a building over how it's coded currently,
2 a code that was only recently passed.
3 That board is there to make sure that
4 whoever shows up with the biggest wad of
5 dollars is going to get what he wants,
6 alright?

7 You have an opportunity to stand up
8 for Democracy, to make sure that the rules
9 that you guys helped set are followed
10 regardless of how big that wad of cash is.

11 And I think if you overturn the
12 decisions that you've made thus far, the
13 last meeting, this the fourth bite of the
14 apple, as I understand it, you overturn
15 that decision, you're just going to
16 increase the cynicism, and I fear what's
17 going to happen to this country if these
18 kinds of things continue.

19 I don't know if you were like me when
20 you were in college. Maybe you had a
21 radical professor who signed a book
22 called, "Who Rules America?" There's a
23 chapter in that book that said every local
24 community is run by the developers without
25 exception, alright? You have a chance to

1 MR. CASTILLO: Good evening, Board.
2 I didn't know I signed up to speak, but
3 I'll take this opportunity to do so.
4 Thank you so much for your service. I
5 live in 226 San Sebastian Avenue. I've
6 been a volunteer for baseball, soccer and
7 the youth center many years.

8 CHAIRPERSON BEHAR: Will you state
9 your name for the record?

10 MR. CASTILLO: What's that?

11 CHAIRPERSON BEHAR: Will you give
12 your name for the record?

13 MR. CASTILLO: Yes, Gilbert Castillo.

14 CHAIRPERSON BEHAR: Thank you.

15 MR. CASTILLO: You're welcome.

16 Having said that, my kids grew here
17 -- grew up here. They were able to ride
18 their bikes on the street, no problem
19 whatsoever. Fortunately, they're all
20 grown up now and no bike riding. It's
21 scary out there, the way the traffic is
22 today. Just in the Plaza not even
23 finished, it's not even officially opened,
24 and there's so much traffic in that Ponce.
25 I don't know, some residents here from San

1 prove that book wrong. I hope you do it.
2 I look forward to cross-examination.

3 THE CLERK: Maria Yanez.

4 MS. YANEZ: Good afternoon. My name
5 is Maria Julia Yanez. I live in 255 San
6 Sebastian Avenue.

7 When I bought my house in 1996, I
8 didn't have money to splurge and come to
9 Coral Gables. I came to Coral Gables
10 looking for rules and regulations and a
11 place where those rules and regulations
12 are followed. So, that is, I've been
13 living in that house for 27 years. The
14 same way that we residents, we need to
15 stick to the codes of the city and we need
16 to -- anything that we do in our houses,
17 we need to do it according to the rules
18 and regulations, which I appreciate, I
19 think that those should be part of
20 businesses and developers.

21 Just, you know, I am not against the
22 project completely. Just do it in a way
23 that is, you know, following the rules and
24 regulations that are present. Thank you.

25 THE CLERK: Gilbert Castillo.

1 Sebastian witness, but San Sebastian is
2 like a speedway, to cut across from
3 LeJeune to Ponce. Sorry. My kids would
4 not be allowed to ride their bikes
5 anymore.

6 And I ask the Board to decline this.
7 We don't need more buildings like this.
8 Yes, we've made mistakes before, but we
9 should not continue these mistakes moving
10 forward.

11 I have grand kids now, two of them,
12 and they come to visit quite often on
13 Sundays. Fortunately, they're not at an
14 age to ride their bikes, but probably will
15 not be allowed to ride their bikes, if
16 this continues.

17 So ask the Board to please reconsider
18 this and decline this project. Thank you.

19 THE CLERK: C. Vidal.

20 MS. VIDAL: Good afternoon. My name
21 is Cristina Vidal. I live at 301 Alesio.
22 And I'm wearing a mask, because we are
23 still in a pandemic. As you might know,
24 or not, the transmissibility of the
25 current variant is very, very high. I'm a

1 physician, I'm just letting you know, we
2 should all be masking right now.

3 But at any rate, getting to the
4 topic, we have been involved in
5 commenting, and listening, and considering
6 and examining this proposal for more than
7 a year now. And, as you've heard,
8 essentially the residents are unanimously
9 opposed to this variance that's being
10 requested. There really is no basis for
11 it technically.

12 Technically, you are beholden to
13 enforce a code that has been approved, and
14 we are here to request that you simply
15 fulfill your duty in representing us,
16 because that is really your duty, is to
17 represent the residents. And it's a
18 fiduciary responsibility that you have to
19 do so. You have to carry out the best
20 wishes and the best interest of the
21 community, but also from a technical
22 standpoint, the city plan is historically
23 protected and the city plan includes sight
24 lines and airspace. It isn't only about
25 roads and concrete. I know this, because

1 table books that should exist to showcase
2 Denman Fink, to showcase Phineas Paist.
3 They were historic. They were scholars,
4 and the work that they did was amazing.
5 San Sebastian sets the tone for that area.
6 You put up a 15-floor or 17-floor canyon
7 next to that, you are destroying the
8 treasure that we have, and we have it.
9 Why would you do that? I just don't
10 understand that.

11 Frankly, I'm not even going to
12 request that you enforce the seven feet --
13 or 7 floors, 70 feet. I actually had a
14 personal conversation face-to-face with
15 Mr. Morris. He's very nice. He's a
16 gentleman. And I asked him if he could do
17 what he did for Brickell. So, in
18 Brickell, I was told by an attorney, who
19 explained to me what happened there, he
20 actually donated land, so that it can be
21 turned into a park. There's been some
22 sort of controversy, and I'm not familiar
23 with all the details, but he did that for
24 the City of Miami. He did it for
25 Brickell. So if he was able to do it for

1 I lived in New York City for many years.
2 So sight lines and the interruption of
3 sight line and airspace around buildings
4 is something very critical.

5 So as you drive up, in a modified
6 University Avenue, you will not see the
7 massive monstrosity that is today the
8 Plaza. You will see a concrete wall. So
9 the intention of the sight line, driving
10 up University, toward Ponce will be
11 interrupted. And it's a protected asset
12 of the city, the Master Plan. It's
13 actually historically protected and
14 designated.

15 In addition to that, the San
16 Sebastian apartments recently received
17 historic designation. That's a beautiful
18 building. It sets the tone. It's the
19 landmark of the area. It's a Phineas
20 Paist. My grandfather was an architect.
21 I am deeply, deeply moved that we have the
22 treasures that we have in our city.
23 Phineas Paist should be a national
24 treasure. Our city has so much to offer.
25 We have not written the books, the coffee

1 Brickell, why can't he do it for his own
2 city? So that's actually what I think
3 would be the ultimate resolution to this
4 dilemma. He could end up being a hero
5 instead of a villain, and give us a park,
6 and he's done it before. So that's really
7 my request. I know it's untenable, and
8 he's not going to consider it, but he's
9 done it before. There's a precedent. I
10 think it be a beautiful solution.

11 But, anyway, that's all. Thank you
12 so much for your time. You guys work very
13 hard. Thank you.

14 BOARD MEMBER REVUELTA: What is your
15 address?

16 MS. VIDAL: 301 Alesio.

17 BOARD MEMBER REVUELTA: Alesio.

18 THE CLERK: We have no more speakers
19 in person. The rest would be via Zoom.
20 I'm going to --

21 CHAIRPERSON BEHAR: I think at this
22 time what I will allow is the applicant's
23 counsel to be able to ask your questions
24 to the speakers here before we move to the
25 Zoom platform.

1 MR. DE YURRE: These are going to be
2 very limited questions. I'm not here to
3 intimidate anybody by any stretch of the
4 imagination. I'm just trying, you know,
5 ask people a question to follow the code
6 just like they've said.

7 So it's going to be a little
8 difficult, but I guess I would just call
9 up whoever lives the closest to the
10 property. I believe Santander.

11 CHAIRPERSON BEHAR: I will ask both
12 of the applicant and the public, let's
13 keep it cordial, friendly.

14 MR. DE YURRE: One person.

15 If the residents could cooperate, who
16 is the person that lives the closest to
17 the project?

18 MR. HONDERD: It's not my case.

19 MR. DE YURRE: Who's the person that
20 lives the closest in the room?

21 CHAIRPERSON BEHAR: That is here
22 tonight. Do you have an address that we
23 can call?

24 MR. DE YURRE: There were so many
25 addresses, it was impossible.

1 sure, that if we go back to the minutes,
2 that it was Chair Aizenstat that said we
3 were not going to do this. I just want to
4 say that. I don't remember anyone that
5 spoke last time to be brought up.

6 So this is something that we're doing
7 new maybe to create a record, but it's not
8 something that we did last time. And I
9 think the Chair said that we weren't going
10 to do it.

11 CHAIRPERSON BEHAR: You're right, in
12 the time that we've been here, we've never
13 done it, but we want to establish for the
14 record, and this is Mr. Coller --

15 BOARD MEMBER MIRO: A special
16 exemption.

17 MR. COLLER: No, it's quasi-judicial,
18 and he has a right unfortunately.

19 BOARD MEMBER MIRO: I understand
20 that. I understand that. I'm just
21 saying --

22 MR. COLLER: And the last time, what
23 I can say for the last time, I agree with
24 you, there were no questions asked at the
25 last hearing. It was requested that he do

1 MR. COLLER: This cross-examination
2 is to the people that have spoken, not to
3 people that haven't spoken. He's only
4 crossing those people that have spoken.

5 So he's asking for -- he's not
6 specifically asking for an individual.
7 He's asking for anybody who's spoken, who
8 believes that they may live the closest.
9 They may not know if they live the
10 closest.

11 MR. DE YURRE: Santander Avenue.

12 CHAIRPERSON BEHAR: There's three
13 from Santander Avenue. Only one is a
14 property owner. That's my log.

15 CHAIRPERSON BEHAR: Let's keep the
16 comments through us, because otherwise the
17 court reporter cannot take them, please.

18 BOARD MEMBER MIRO: Mr. Chair, I just
19 want to say that I clearly remember that
20 no one else came up after, in the last
21 meeting, to answer any questions or to be
22 cross-examined. I don't ever remember
23 having anybody to go through this, what
24 address. We never did this in the last
25 meeting. I just want to say I'm pretty

1 it at the end and he chose not to.

2 We're having this hearing. He has
3 the right of cross-examination. And since
4 he's requested for cross-examination, we
5 have to give him that opportunity.

6 BOARD MEMBER MIRO: Right. Had this
7 meeting not taken place all over again, he
8 would not have had that opportunity. So
9 now, with this meeting, we are giving the
10 applicant the opportunity to do what he
11 chose not to do the last time. I just
12 want to put that on the record.

13 MR. COLLER: That is absolutely 100%
14 correct.

15 BOARD MEMBER MIRO: Thank you.

16 BOARD MEMBER REVUELTA: You also said
17 that the citizens have the right to cross.

18 MR. COLLER: Yes, I did. And if they
19 want to cross-examine any of the witnesses
20 of the applicant in this case, the only
21 person that I've heard tonight is the
22 attorney. They want to cross-examine the
23 attorney, then they can cross-examine the
24 attorney.

25 CHAIRPERSON BEHAR: I think what

1 we'll do is, after the applicant, we will
2 open it up. Let the public question the
3 applicant.

4 MR. COLLER: How many Zoom applicants
5 -- how many Zoom speakers do we have?

6 THE CLERK: Seven.

7 MR. COLLER: Well, my suggestion, Mr.
8 Chair, is let's just get done with the
9 Zoom people and then he can ask his
10 questions.

11 CHAIRPERSON BEHAR: All right. I
12 will follow your advice, Mr. Attorney.

13 MR. DE YURRE: I'm definitely not
14 trying to open up a can of worms here.
15 I'm just trying to ask a couple of
16 questions. I apologize.

17 MR. COLLER: We are not denying that
18 right.

19 CHAIRPERSON BEHAR: Are those people,
20 we're going to swear them in?

21 MR. COLLER: Yes, what we're going to
22 do, each individual will appear. If there
23 -- they need to show themselves on the
24 Zoom, a video, and the court reporter will
25 swear them in and we'll take each one.

1 THE CLERK: Helen, please open your
2 camera, please, if you wish to be sworn
3 in.

4 (Duly sworn).

5 CHAIRPERSON BEHAR: Please state your
6 name and address, please.

7 MS. MONTERO: Helen Montero, 220
8 Sarto Avenue, Coral Gables.

9 I just want to say -- I'll keep it
10 short, and sweet and to the point. I'm
11 opposed to this project. I've been here
12 25 years, and I don't want this project to
13 go on. So please vote no. That's all I'm
14 going to say.

15 CHAIRPERSON BEHAR: Thank you. I
16 like that, short and sweet.

17 THE CLERK: Thank you.

18 Stephen Weir, please.

19 MR. WEIR: Hi.

20 THE CLERK: Please state your name
21 and address.

22 MR. WEIR: Stephen Weir, 244 Fluvia
23 Avenue.

24 (Duly sworn).

25 CHAIRPERSON BEHAR: Go ahead, please.

1 THE CLERK: Helen Montero, Stephen
2 Weir, Maria Garcia, Gustavo Salamanca,
3 John Cosomano, Oliver Curtin, Alyssa
4 Tejera.

5 CHAIRPERSON BEHAR: Do we see them,
6 or how we're going to be able to swear
7 them in?

8 THE CLERK: I think we're going to
9 have to call each one of them, because
10 we're not going to be able to see the
11 screens.

12 BOARD MEMBER BUCELO: We should do it
13 individually.

14 CHAIRPERSON BEHAR: Okay, let's do it
15 one at a time then.

16 THE CLERK: Helen Montero.

17 MS. MONTERO: Yes. Hello? Hello?

18 CHAIRPERSON BEHAR: Please --

19 BOARD MEMBER TORRE: What the heck is
20 that?

21 THE CLERK: We have people that are
22 joining the meeting that shouldn't be
23 joining, so we're trying to control as
24 best as we can. Sorry about that.

25 MS. MONTERO: Hello, hello.

1 MR. WEIR: Good evening, Board, and
2 thank you very much for your service to
3 the Coral Gables.

4 I just like to say, I do oppose the
5 rezoning of this project. My family and I
6 enjoy the lifestyle here in Coral Gables,
7 and we specifically moved to Coral Gables
8 for this lifestyle.

9 And we believe the overpopulation and
10 height of this building will bring beyond
11 what the city needs. We've already
12 extended and grown the city as much as
13 possible, and we don't need to go any
14 further. It's at a great size. And I
15 think the overpopulation is too much.

16 I, as a person, a citizen of Coral
17 Gables, sorry, stand by the regulations
18 set by the Coral Gables building code. I,
19 myself, would love to do many things,
20 glorious things to my property, but I
21 can't. I've asked -- I understand that I
22 can't do that.

23 I don't understand why it's such a
24 large organization feels they can push the
25 barriers, and keep pushing and keep

1 pushing every single time full time. I
2 find it quite ridiculous, and that's all I
3 have to say. Thank you.

4 CHAIRPERSON BEHAR: Thank you very
5 much.

6 THE CLERK: Gustavo Salamanca. I'm
7 sorry, Gustavo Salamanca. I guess he got
8 disconnected.

9 CHAIRPERSON BEHAR: Mr. Salamanca,
10 can you hear us?

11 THE CLERK: He's not appearing.

12 CHAIRPERSON BEHAR: Next speaker
13 then.

14 THE CLERK: John.

15 MR. COSOMANO: Yes, I'm here.

16 CHAIRPERSON BEHAR: State your name
17 and address for the record, please.

18 MR. COSOMANO: Yes, my name is John
19 Cosomano. It's actually spelled
20 C-o-s-o-m-a-n-o. I reside at 330 Candia
21 Avenue. I had been a resident of --

22 CHAIRMAN BEHAR: Wait, wait, wait.
23 (Duly sworn).

24 CHAIRPERSON BEHAR: Go ahead, please.

25 MR. COSOMANO: I've been a resident

1 speak then.

2 Sir, can you hear us?

3 THE CLERK: He's been disconnected.

4 CHAIRPERSON BEHAR: Go to the next
5 speaker.

6 THE CLERK: Alyssa Tejera.

7 MS. TEJERA: Hi. Good evening. Can
8 you hear me?

9 CHAIRPERSON BEHAR: Yes, we can.

10 MS. TEJERA: Okay. So I want to
11 thank you first --

12 CHAIRPERSON BEHAR: Before you do,
13 raise your right hand, please.

14 (Duly sworn).

15 CHAIRPERSON BEHAR: And give us your
16 name and address for the record, please.

17 MS. TEJERA: Yes, so my name is
18 Alyssa Tejera, and I live at 325 Alesio
19 Avenue.

20 And I want to take this opportunity
21 to thank you first and foremost for
22 allowing us to share our opinions, and to
23 all those who are there present. I've
24 lived in Coral Gables for 10 years, and
25 never once did I expect that I was going

1 of Miami for 20 years. The last four
2 years here in Coral Gables. I'm against
3 the proposed change. I'm asking you not
4 to approve it. I'm not against
5 development, but I'm against
6 overdevelopment and I'm against the
7 growing density here.

8 My street here on Candia Avenue, in
9 the last four years, I've experienced
10 tremendous growth in traffic.

11 So it's getting late. I don't want
12 to keep everyone. I think everything that
13 Ms. Cruz opened with, Mrs. Cruz opened
14 with is exactly my feelings.

15 I thank you for your service. I
16 thank you for your time.

17 CHAIRPERSON BEHAR: Thank you.

18 THE CLERK: Speaker 6, Oliver, cannot
19 open his camera.

20 MR. COLLIER: Okay. So we are going
21 to allow him to speak. His testimony may
22 not be considered substantial competent
23 evidence, but he's welcome to speak on the
24 item.

25 CHAIRPERSON BEHAR: Go ahead, let him

1 to be speaking up in this type of forum.

2 I want to voice my opinion. And if
3 you place on record that I do oppose this
4 project and the overdevelopment of our
5 city.

6 As many other residents have
7 previously stated, we are held to a
8 certain standard. We have to follow
9 rules. We have to follow rules when we're
10 doing our roofs, our windows, when we're
11 painting. And I have code enforcement in
12 front of my house on a regular basis. So
13 I would appreciate if the same standards
14 will be upheld for the developers. Thank
15 you very much.

16 CHAIRPERSON BEHAR: Thank you.

17 Jill, anymore on the Zoom platform?

18 THE CLERK: No more speakers.

19 CHAIRPERSON BEHAR: Do we have any
20 speaker on the phone platform?

21 THE CLERK: We do have speakers that
22 want to be -- would like to ask questions
23 in person.

24 CHAIRPERSON BEHAR: Before -- so
25 there's no one on the phone --

1 THE CLERK: No.
 2 CHAIRPERSON BEHAR: -- to speak.
 3 Okay.
 4 Mr. Coller, do we, at this point, I
 5 guess the speakers that will ask
 6 questions, should we wait for the rebuttal
 7 of the public?
 8 MR. COLLER: Well, I think the way we
 9 should handle this is, since we've
 10 completed the testimony, give the
 11 opportunity of the attorney, who's
 12 requested cross-examination, to do
 13 cross-examination and then we will see
 14 what persons in the audience seek to
 15 (inaudible).
 16 Since the only -- I assume they're
 17 not going to cross-examine the objectors,
 18 so I presume that they're cross-examining
 19 the attorney. If they want to
 20 cross-examine the attorney, then we will
 21 permit them to do that, but we'll take
 22 them one at a time.
 23 CHAIRPERSON BEHAR: Okay.
 24 MR. COLLER: So why don't we have the
 25 attorney, since he wants to do the

1 then this is their opportunity. And then
 2 after that, then the applicant has a right
 3 of a short rebuttal.
 4 CHAIRPERSON BEHAR: Okay. Thank you.
 5 In the same fashion that we gave the
 6 applicant the opportunity to question any
 7 member of the public, I will allow -- I
 8 will give the public the opportunity to
 9 question the applicant. So how do we
 10 proceed?
 11 MR. COLLER: I think we have to see
 12 if there's anybody that has the interest
 13 in cross-examining the attorney.
 14 CHAIRPERSON BEHAR: The attorney. So
 15 I see Mrs. Cruz with her hand up.
 16 MR. COLLER: Mrs. Cruz wants to
 17 cross-examine the attorney?
 18 MS. CRUZ: Yes.
 19 MR. COLLER: Why don't we get a list
 20 of names now that are seeking to
 21 cross-examine the attorney.
 22 THE CLERK: Anyone else?
 23 CHAIRPERSON BEHAR: Okay. If you
 24 could please come over.
 25 MR. COLLER: We have one person. Oh,

1 cross-examination, let him do the
 2 cross-examination now, if he chooses to do
 3 so.
 4 MR. DE YURRE: I didn't hear any
 5 evidence of fact that would establish
 6 competent substantial evidence. I'm not
 7 going to cross-examine anybody. Everybody
 8 seems pretty adamant that they don't want
 9 to do that. And I really didn't have a
 10 need for it.
 11 I really just wanted to establish the
 12 fact that was already established in
 13 testimony, which is we're here for height.
 14 And I can just do my rebuttal, my close,
 15 unless someone wants to cross-examine me,
 16 but let me know how you want to do it.
 17 CHAIRPERSON BEHAR: I am going to let
 18 the public speak, and I'm going to close
 19 the public hearing. So this is your
 20 opportunity, right, to do so.
 21 MR. COLLER: If he doesn't choose to
 22 -- doesn't wish to cross-examine, which he
 23 said he doesn't, if a member of the public
 24 feels that they need to cross-examine the
 25 attorney, then -- and has requested that,

1 two people, three people. Okay. So why
 2 don't we -- why don't we have Ms. Cruz --
 3 I just advise Ms. Cruz, like I would have
 4 advised the attorney, this is an
 5 opportunity to seek answers to questions.
 6 It's not an opportunity to berate any
 7 witness as I wouldn't expect the attorney
 8 to do that. And I ask that all the people
 9 that are going to cross be civil in their
 10 cross-examination.
 11 CHAIRPERSON BEHAR: Thank you.
 12 BOARD MEMBER TORRE: Can I ask that
 13 we keep this to a relatively short amount
 14 of time and not extended.
 15 CHAIRPERSON BEHAR: We will give them
 16 sufficient time that we gave everybody, so
 17 there is no --
 18 MS. CRUZ: Maria Cruz, 1447 Miller
 19 Road. I'm not an attorney. I'm a retired
 20 educator. And I usually like to ask my
 21 students questions. So since I have
 22 several questions that I found
 23 interesting, I would like Mr. De Yurre,
 24 please, to tell me if there's anyone in
 25 the Morris team that lives in this

1 neighborhood or close to this
2 neighborhood, if they can raise their
3 hand?

4 CHAIRPERSON BEHAR: Let him answer
5 the question.

6 MS. CRUZ: Okay.

7 MR. DE YURRE: Yes.

8 MS. CRUZ: Yes. Okay.

9 Doesn't mean that they live in Coral
10 Gables. How many live in Coral Gables?

11 MR. DE YURRE: I don't know the
12 answer to that question.

13 MS. CRUZ: No, you said, yes, there's
14 somebody who lives near or here. I want
15 to know how many are there.

16 MR. DE YURRE: At least one.

17 MS. CRUZ: At least one.

18 Following that train of thought,
19 okay, can you tell me, not specific
20 address, but does Mr. Morris live anywhere
21 close to this project?

22 MR. DE YURRE: Mr. Morris lives in
23 Coral Gables.

24 MS. CRUZ: That's not -- that doesn't
25 answer my question.

1 noticed area of a thousand feet.

2 MS. CRUZ: Okay. All right.

3 And since you work very closely with
4 the staff, maybe I would like to know
5 where anybody in the staff, especially the
6 person that's here, I think there's only
7 one staff member here, does he or she live
8 near this project?

9 MR. DE YURRE: I don't know the
10 answer to that question.

11 MS. CRUZ: Well, she can answer.

12 CHAIRPERSON BEHAR: I don't think
13 that the staff -- Mr. Coller, that's
14 relevant on this.

15 MR. COLLER: I don't think it's
16 relevant to -- she's not testifying.
17 She's testifying as the staff person. I
18 don't think that's -- that's out of order.

19 CHAIRPERSON BEHAR: Ms. Cruz, I will
20 not allow -- I will not ask for that
21 question to be answered by staff. Let's
22 concentrate on the applicant only.

23 MS. CRUZ: Okay. Okay. Let's
24 continue then with, do you have anyone on
25 the Morris team that is a lobbyist?

1 MR. DE YURRE: He lives on Granada in
2 Coral Gables.

3 MS. CRUZ: Okay. My question is,
4 does he live near this project? Yes or
5 no? It's a yes or no.

6 MR. COLLER: I think --

7 MS. CRUZ: He asked questions similar
8 to that.

9 MR. COLLER: I believe the question
10 has been answered. Did he give them a
11 street?

12 CHAIRPERSON BEHAR: He gave them a
13 street.

14 MS. CRUZ: I don't know where the
15 street is. I just want to know, is it
16 near this project, yes or no?

17 CHAIRPERSON BEHAR: But he has
18 answered. He lives in the Gables. He
19 even volunteered the answer of Granada. I
20 don't want for him to divulge the fact the
21 address.

22 MS. CRUZ: I don't need the address.
23 I just want to say near or not. That's
24 all.

25 MR. DE YURRE: He lives outside the

1 MR. DE YURRE: I'm registered as a
2 lobbyist.

3 MS. CRUZ: Excuse me?

4 MR. DE YURRE: I am registered as a
5 lobbyist.

6 MS. CRUZ: Are you the only one --
7 are you the only one that's a lobbyist?

8 MR. DE YURRE: There are several
9 members of the team that are registered as
10 lobbyists.

11 MS. CRUZ: And they have properly
12 registered, right?

13 MR. DE YURRE: They're all registered
14 with the city of Coral Gables, and you can
15 check the public record.

16 MS. CRUZ: Thank you.

17 CHAIRPERSON BEHAR: Thank you.

18 THE CLERK: Oscar Sosa.

19 MR. SOSA: Hi. Do I have to state my
20 name again?

21 CHAIRPERSON BEHAR: Yes, please.

22 MR. SOSA: Oscar Sosa, 116 San
23 Sebastian Avenue.

24 Mr. De Yurre --

25 MR. DE YURRE: Yes, sir.

1 MR. SOSA: -- what is the code built
2 -- where you want to build right now?

3 MR. DE YURRE: We're here on --

4 MR. SOSA: -- as of right?

5 MR. DE YURRE: We're here on a land
6 use item. It's -- well, right now, it's
7 low commercial.

8 MR. SOSA: Which is how many feet?

9 MR. DE YURRE: It depends if you have
10 Med Bonus or not, but with Med Bonus, it's
11 77 feet.

12 MR. SOSA: It's 45 and 77 feet. And
13 you're asking for?

14 MR. DE YURRE: We're asking for high
15 commercial.

16 MR. SOSA: Which is over 149?

17 MR. DE YURRE: Which is 190 feet 6
18 inches, but we're requesting 149.

19 MR. SOSA: Scale, right, scalability,
20 I believe is the word that the code uses,
21 because you referred to 2850 Ponce De
22 Leon, which is the Regions Bank, right?

23 MR. DE YURRE: That's one of the
24 buildings.

25 MR. SOSA: Right. And what -- what

1 you're saying, let's go from 2850, which
2 is 150, 250, which is crazy, crazy high,
3 go down to 77 and go up to 149, that's
4 what you're proposing, right?

5 MR. DE YURRE: We're proposing 149 on
6 our site. And pursuant to staff
7 regulation, which is pursuant to the code,
8 recommended. That's what we're pursuing.

9 I can't give my opinion, because my
10 opinion doesn't count. It's competent
11 substantial evidence, the staff
12 recommendation.

13 MR. SOSA: I'm asking for facts.

14 MR. DE YURRE: Those are the fact.

15 MR. SOSA: Coming from the Regions
16 Bank to the Zubi building and you want us
17 to go backup to the residents or the
18 residents have this crazy buildings up,
19 down, up, down and not as the code said,
20 which is scalability. Would go from up
21 and down to the residents, right?

22 MR. COLLER: Mr. Chair, there isn't a
23 question. What we're now doing is arguing
24 with the witness. I think the point has
25 been made. If he has a specific question,

1 should happen from that building going to
2 the residents, to the residents area?

3 MR. DE YURRE: According to staff?

4 MR. SOSA: According to the code.

5 MR. DE YURRE: Well, that's an
6 interesting question, because we're all
7 here to follow the code, and the code has
8 a process and I was going to talk about
9 this. And staff reviews the code. And
10 based on that code, staff provides a
11 recommendation.

12 So according to staff, and how the
13 code works and how the law works, it's a
14 recommendation for 149 feet, which is what
15 it should be, according to the City's
16 professional staff. Not my opinion. We
17 tried to go for a taller building that
18 matched the Plaza projects and the Regions
19 and everybody else.

20 MR. SOSA: What happened to
21 scalability, it goes down the drain?
22 Because right next to this building is the
23 Zubi building, which is 77 feet. So we're
24 expecting something to be either 77 or
25 lower to go down to the residents. So

1 he can ask the question.

2 MR. SOSA: Point made. Thank you.

3 CHAIRPERSON BEHAR: Thank you.

4 THE CLERK: David Winker.

5 MR. WINKER: Thank you. David
6 Winker, on behalf of the Ponce Neighbors.

7 Mr. De Yurre, when did you register
8 as a lobbyist on this project?

9 MR. DE YURRE: I have to check the
10 public records.

11 MR. WINKER: How many meetings with
12 city officials did you have as part of the
13 process to get us here today?

14 MR. DE YURRE: Numerous.

15 MR. WINKER: Can you give me a
16 number?

17 MR. DE YURRE: I don't have the
18 number off the top of my head.

19 MR. WINKER: Was Mr. Morris present
20 at any of those meetings?

21 MR. DE YURRE: Not that I recall.

22 MR. WINKER: Mr. Morris has never met
23 with any city officials?

24 MR. DE YURRE: I'm sure Mr. Morris --
25 you could check with public record -- will

1 reflect if he had meetings or not.

2 MR. WINKER: So at no meeting that
3 you were at with public officials or city
4 staff was Mr. Morris present?

5 MR. DE YURRE: Asked and answered. I
6 would object to the question.

7 MR. COLLER: I think that is asked
8 and answered. I'll sustain the objection.

9 MR. WINKER: Yeah, no problem.

10 And are you aware that Mr. Morris
11 registered as a lobbyist?

12 MR. DE YURRE: The public record will
13 reflect Mr. Morris' registration as a
14 lobbyist.

15 MR. WINKER: But I'm asking, are you
16 aware of it?

17 MR. DE YURRE: Yes.

18 MR. WINKER: And what date did he
19 register?

20 MR. DE YURRE: I don't recall the
21 exact date that he registered as a
22 lobbyist.

23 MR. WINKER: And your testimony today
24 is that you're not aware that he had any
25 meetings with public officials, who are

1 And so now we have competent
2 substantial evidence on our side, because
3 we changed our project. Before staff did
4 not support our project. Now, let me just
5 say, we're talking about the height here.
6 I don't want to get into the whole
7 rigamarole about the project. We're just
8 talking about the height. And before we
9 did not have a recommendation.

10 And so I want to make it really
11 simple. And, you know, I saw that the
12 cross-examination wasn't going to work, so
13 I just said, you know, let's just have the
14 conversation afterwards.

15 The only comment I want to make from
16 one of the residents was, it was said that
17 there were abutting residential properties
18 to the site. There is no abutting
19 residential property to the site. There
20 is no residential property on the block.
21 There's no residential property on the
22 block to the south of us. And that's one
23 of the principal differences between
24 what's going on across the street and
25 what's going on our side of the street.

1 city staff?

2 MR. COLLER: Mr. Chairman, you've
3 asked --

4 CHAIRPERSON BEHAR: You've asked the
5 same question over.

6 MR. COLLER: You don't need to
7 clarify it. You've asked it.

8 MR. WINKER: Thank you.

9 CHAIRPERSON BEHAR: Mr. De Yurre, you
10 have a chance, a few minutes I'm going to
11 give you to rebuttal or close the public
12 hearing.

13 MR. DE YURRE: Again, I just wanted
14 to highlight a very simple question at the
15 beginning of this process, because we've
16 heard over and over again, we have to
17 follow the rules, we have to follow code.
18 I can't build a metal roof, for example,
19 and I understand that, because that's not
20 how the code works.

21 The code works and says you can make
22 an application. Pursuant to the
23 application, you have a process and that
24 is reviewed by staff and the staff gave
25 the recommendation. And that's the law.

1 If you know where the folks are
2 coming from, they're approximately 50 feet
3 from the Plaza. And I understand that's
4 an issue for them. I also understand
5 they're next to a hospital, okay?

6 But when the context and character of
7 a neighborhood is what it is today, you
8 can't pretend it doesn't exist. And so
9 that's why we got a recommendation of
10 149 feet as opposed to 190 that we came in
11 with, because we're the fourth, fifth,
12 sixth tallest building in the
13 neighborhood.

14 The decision you guys are going to
15 make today is one of following the code,
16 and it's only on the height. The code
17 changed recently, but only in regards to
18 zoning. The Plater-Zyberk changes for the
19 code did not touch the height that are in
20 the land use component, okay? But, again,
21 we're just here for the height.

22 No one denied the staff reports.
23 And, again, they actually admit that these
24 taller buildings exist in the building.
25 Not one person said we're the tallest

1 building, second, third, fourth, fifth
2 tallest building. In fact, these taller
3 buildings are closer to them than our
4 proposed project is. And that's why, with
5 the benefit of the staff report, you look
6 at it, you look at competent substantial
7 evidence, why we're not changing the
8 context and character even of the closest
9 neighbors.

10 The last thing I just wanted to say,
11 Mr. Withers asked a question, excuse me,
12 about the Plaza, and whether the land use
13 -- what the land use was prior to the
14 approval of the project.

15 The properties along Ponce were high
16 commercial, and the properties behind it,
17 I would allow the staff to correct if they
18 need to, but the properties behind it were
19 all low commercial, which is pink. And
20 that's in the staff report. I just want
21 to make sure, because you asked that
22 question. I wanted to take note.

23 I try to be very respectful of the
24 process, and I apologize if some of these
25 questions became cumbersome or convoluted

1 we have any members from Public Works here
2 to answer those questions.

3 BOARD MEMBER WITHERS: Thanks for
4 interrupting me.

5 How did you hurt your hand?

6 MR. DE YURRE: A boating accident.

7 BOARD MEMBER WITHERS: Boating
8 accident. Is it broken or --

9 MR. DE YURRE: Broken, a lost piece
10 of my hand.

11 BOARD MEMBER WITHERS: Sorry about
12 that.

13 MR. DE YURRE: Comes with the
14 territory.

15 MR. COLLER: Mr. Chairman, I just
16 want to -- just two legal points I just
17 wanted to set the stage for.

18 We are actually here only on the
19 comprehensive plan item. The
20 comprehensive plan item has a couple of
21 unusual legal issues, because the
22 comprehensive plan is deemed to be the
23 constitution of land use for Coral Gables.

24 So the standing to object or to seek
25 an objection to the comprehensive plan is,

1 with other issues, but that's really what
2 it is at the end of the day, just height
3 and the context and character of the
4 neighborhood, which everybody admits there
5 are taller buildings than ours, some twice
6 as tall, closer to them than our building
7 is.

8 So I thank you very much for your
9 time.

10 CHAIRPERSON BEHAR: Thank you.

11 At this point, we're going to close
12 the public hearing process. I'm going to
13 start, open up to the Board for Board
14 discussion.

15 And, Mr. Withers, you started last.

16 BOARD MEMBER TORRE: Can I interrupt
17 for one second?

18 BOARD MEMBER WITHERS: You didn't ask
19 me to interrupt?

20 BOARD MEMBER TORRE: I want to ask,
21 is anybody from Public Works going to be
22 able to answer any questions related to
23 the slip lane today? If those questions
24 come up, how will they be handled? No?

25 CHAIRPERSON BEHAR: I don't believe

1 you have to be an aggrieved or adversely
2 affected party.

3 And the definition in the statute is
4 a little bit different than the common law
5 statute for aggrieved party, and I would
6 argue it is somewhat more liberalized.
7 And it states, it means any person or
8 local government that would suffer an
9 adverse effect to an interest protected or
10 furthered by the local government
11 comprehensive plan, including interest
12 related to health, and safety, police,
13 fire protection services, density or
14 intensities of development, transportation
15 facilities, and health care facilities,
16 equipment or services. And here's the key
17 point. The alleged adverse interests may
18 be shared in common with other members of
19 the community at large, but must exceed in
20 degree the general interests in community
21 good shared by all persons. So it is
22 somewhat of a more liberalized standard.

23 The other thing that we talked about,
24 we talked a lot about substantial
25 competent evidence today, but, actually,

1 for the comprehensive plan, in order to
2 sustain it, it's based if it's fairly
3 debatable. In other words, if the
4 commission makes a decision on a
5 particular comprehensive plan amendment,
6 it's whether there's fair debate to
7 whether they should have done it or not.
8 So a little bit more liberal than even
9 substantial competent evidence. So it's a
10 little bit different than the other items
11 that you've done.

12 We've had zoning items. We had a
13 site plan item, I believe. We had a TDR
14 item. So we're really at the very highest
15 level of planning here, which is the
16 comprehensive plan item, and that's what's
17 before the Board tonight.

18 BOARD MEMBER MIRO: Mr. Chair, may I
19 ask a point of clarification?

20 CHAIRPERSON BEHAR: Sure.

21 BOARD MEMBER MIRO: So your first
22 point, you're saying that only if you're
23 immediately affected or you live close by
24 is your --

25 MR. COLLIER: No, I didn't say that.

1 based on opinion.

2 Would you agree, Mr. Collier?

3 MR. COLLIER: Well, I will give you a
4 case, and you can decide. There's a case
5 called Blumenthal, and there was a
6 question about whether there was a -- in
7 that case, it was a density question. And
8 a citizen got up and said, "You're going
9 from 50 units per acre down to 12 units
10 per acre and I think the line should be
11 here, because this is what the
12 neighborhood is now". And the court said
13 that didn't require an expert. They had
14 an observation of what they saw the
15 density in the neighborhood was, and they
16 saw it from one end to the other end. So
17 the court said that that was -- that
18 person was competent to be able to testify
19 as to where that line should be drawn. So
20 -- and it is true that a Department's
21 recommendation is deemed to be substantial
22 competent evidence, but as I said at the
23 last -- at the last hearing, that is not
24 necessarily all the evidence, and the
25 Board doesn't necessarily have to

1 BOARD MEMBER MIRO: Okay. Can you
2 please clarify that, because I didn't
3 quite catch it.

4 MR. COLLIER: Yes. I'm going to
5 actually read what it states, because what
6 it says is, "The alleged adverse interests
7 may be shared in common with other members
8 of the community at large, but must exceed
9 in degree the general interests in
10 community good shared by all persons."

11 It also goes on to say the term
12 includes, of course, the owner, developer,
13 applicant for development order.

14 So it's really your judge to decide
15 whether their interests exceeds that of
16 the entire Coral Gables community.

17 CHAIRPERSON BEHAR: Mr. Withers, go
18 ahead and proceed.

19 BOARD MEMBER WITHERS: I didn't know
20 if Counselor wanted -- did you have
21 something you wanted to say before?

22 MR. COLLIER: He's just pacing I
23 think.

24 MR. DE YURRE: No, I just -- but it
25 has to be based on fact. It can't be

1 rubber-stamp a department recommendation,
2 if the Board believes that it has heard
3 testimony that would go a different way.
4 So I just -- so it's really in your hands.

5 CHAIRPERSON BEHAR: Thank you.

6 BOARD MEMBER WITHERS: And after
7 three interruptions, I'll proceed now.

8 CHAIRPERSON BEHAR: Please.

9 BOARD MEMBER WITHERS: Nothing has
10 really changed my mind. One thing that
11 really jumped at me tonight, is I must
12 have heard -- and I didn't notice it the
13 last time. I must have heard 5, or 6 or
14 10 different accents from the neighbors,
15 different countries. And Coral Gables has
16 changed a lot, and it's changed for the
17 better.

18 And the one thing that was really
19 impressive to me was how this group of
20 neighbors, that obviously came from
21 different origins, based on their accents,
22 they've lived in this area for years, and
23 years and years and have built a community
24 and have built a neighborhood. And I
25 think that's pretty cool. And I commend

1 you for that. I really, really mean that
2 from the bottom of my heart.

3 In saying that, I was going to
4 apologize to staff, because I kind of
5 emasculated them last week, or I kind of
6 beat them up a little bit last meeting
7 about the whole -- and this plays into
8 what I think you're saying, is none of
9 staff's counter-arguments to changing the
10 code are based in fact. They're all based
11 in subjective opinion, in my subjective
12 opinion.

13 And I started going down these
14 points. And, for instance, it says that
15 it's going to reduce traffic in the area
16 by encouraging residents to work where
17 they live, walk, bike or (inaudible).
18 Well, we never did a traffic study, so I
19 really don't know how a fact can be made
20 that it would reduce traffic, 'cause it's
21 subjective that because this kind of mixed
22 use subjectively reduces traffic. Am I
23 wrong in making that statement? You know,
24 I don't want to go in the wrong direction
25 here, but I'm just -- you don't have to

1 the comprehensive plan amendment from
2 commercial low-rise intensity to
3 commercial high-rise facilitates a taller
4 building to advance the objectives and
5 policies in multiple comprehensive plan
6 elements and encourage the mixed-use
7 development of urban housing near downtown
8 that reduces the need to drive.

9 How does that affect the neighbors?
10 You know, how does that objective affect
11 the group of neighbors that are the most
12 affected? You don't have to answer that
13 question, because he's told me you're not
14 supposed to answer that question.

15 And then the last thing is whether --
16 here's Number 2, whether it internally
17 consists with the Comprehensive Land Use
18 Plan. Well, the answer is, the proposed
19 mixed-use redevelopment is consistent with
20 the commercial high-rise. Of course, it
21 is, it's a high rise. It's going to be
22 consistent with the high-rise land use as
23 it allows for mixed-use development.

24 So I guess the bottom line, and the
25 reason I kind of went on a little bit

1 answer that question, if you don't want
2 to.

3 MR. COLLER: Good.

4 BOARD MEMBER WITHERS: I know. I
5 put --

6 MR. COLLER: I think the Board has to
7 express its own feelings about it.

8 BOARD MEMBER WITHERS: Don't answer
9 the question, okay?

10 Secondly. Any other fact that the
11 city determines is relevant to the city
12 commission's decision. Not our decision,
13 but the city commission's decision on the
14 application.

15 So I guess my question is, how much
16 weight do the neighbors have when they
17 present what's relevant to them and how it
18 affects their quality of life? Obviously
19 it affects them a great deal. I don't see
20 that staff took that into consideration
21 when they changed the Zoning Code.

22 You know, any objective, whether it
23 specifically advances any objective or
24 policy of the Comprehensive Land Use Plan.
25 And then you read the staff evaluation,

1 about this is, I'm still not totally
2 convinced that this project -- and I've
3 known Alan a long time, that this project,
4 you know, really meets the criteria of
5 allowing a staff recommendation on this
6 project.

7 And so I'm not convinced that
8 anything I've heard tonight changes my
9 opinion on the changing of this land use.

10 CHAIRPERSON BEHAR: Thank you, Mr.
11 Withers.

12 Mr. Torre, you may continue.

13 BOARD MEMBER TORRE: So I have a lot
14 to catch up, 'cause you guys had a very
15 strong two hours since I was on a plane,
16 but I do have a lot to cover, so bear with
17 me here.

18 One thing you guys did, which I
19 started out the conversation is approving
20 TDRs in approving the alley vacation
21 already. I'm of the opinion that those
22 two things should never happen. I think
23 that -- you actually went against your own
24 statement, because -- Mr. Chair, because
25 you started the conversation saying that

1 these things are give and take, and what
2 do you give us for the alley, is something
3 that's been done before. You questioned
4 that.

5 So if you're giving that away already
6 by approving the TDR, you just gave away
7 the bargaining that you suggested would be
8 there on the project. So this project
9 still is being negotiated. TDRs are off
10 the table. That's why I started the
11 conversation, what is the order of this
12 going to be? At this point, you put it --
13 this is the last item. I think it should
14 have been the first item.

15 CHAIRPERSON BEHAR: And let me
16 address it, because since you're going
17 straight. I was opposed on closing
18 University. And the TDRs that they came
19 with is that would the city consider super
20 TDRs that could be applicable anywhere,
21 correct me if I'm wrong, Mr. Coller,
22 anywhere throughout City of Coral Gables.

23 MR. COLLER: Yes, I believe that's
24 correct. I'd like to confirm with the
25 department, though. I don't know whether

1 project merits. Then these other things
2 sort of follow. I think this is how I see
3 the projects in the past and I think
4 that's the way this should have been
5 handled, but we're already here.

6 So we're looking specifically and
7 only right now to the Comp Plan, which
8 basically, as I understand it, deals with
9 height. And nobody today discussed the
10 word density. Nobody today discussed FAR.
11 And all I heard, and I took notes, is a
12 lot of it was height, height, height,
13 height, more height.

14 The other issue that I heard from one
15 speaker was that this project would bring
16 traffic and bring other impacts. So I
17 judge this specifically for impacts.

18 I think most of these projects are
19 judged from an impact perspective, and I
20 think that's what I'm hearing: What is
21 the impact on the community from this
22 project? So it boils down to height. If
23 that's the fight, then I'm going to look
24 at this from a bigger perspective, which
25 is historical, and what has been the

1 they were proposing to use super TDRs for
2 this project.

3 Is that correct?

4 CHAIRPERSON BEHAR: My recollection
5 is that --

6 MR. COLLER: And super TDRs were
7 issued, because it was a -- the city was
8 able to save an environmental piece of
9 property.

10 CHAIRPERSON BEHAR: A settlement of
11 67 and 136, and that current owner was
12 given the right to sell those TDRs.

13 And the alley specifically, it was a
14 small piece of the alley, and they were
15 doing a plaza, if you call it, in front of
16 the building that was beneficial.

17 So I was not going against my own
18 recommendation. It was something that
19 they had the right to do with the TDRs.

20 BOARD MEMBER TORRE: As a whole, I
21 think that the project should be looked at
22 all comprehensively. And I think that
23 what drives this is usually the site plan
24 approval and the comprehensive approval.
25 Those things should drive the project, the

1 trend. What's the fight about? Because,
2 to me, you know, again, what is the
3 quality of the project? How many units
4 are coming forth? What's the traffic
5 impact going to be?

6 And as I started to look at this
7 project, I find benefits to some of these
8 things as opposed to what other things
9 could be brought here. I said this
10 earlier, 80 units of high quality for sale
11 is a good thing. And that does not,
12 compared to other things that could come
13 here, create more of an impact from a
14 traffic perspective. I think it actually
15 helps.

16 So if I was to say what could come
17 here, I think this is not a bad thing on
18 that level, suggesting 80, high-end units
19 on that merit, I think is a good thing.

20 When you look at the FAR, they're
21 going to probably put the FAR in there no
22 matter what. And I think that the impact
23 comes from the FAR mostly. What does it
24 mean is square footage. I think if you
25 put that 187,000 square feet of footage in

1 there somehow, what's left? What's left
2 is, again, the height is the probable
3 issue. And that deals with architecture,
4 that deals with other things.

5 To me, it brings me back to scale, it
6 brings me back to urban planning, it
7 brings me back to things that are relevant
8 to architecture, to city planning, to
9 urban street scapes and things that I
10 haven't heard anybody saying.

11 So all I have is, I have a problem
12 with height, I have a problem with height,
13 it's impacting me. In what way is the
14 impact? I don't necessarily understand
15 the impact, except there's a building
16 that's high and people don't like it.

17 So, you know, I started to feel this
18 out and which way I could really
19 understand it, and it goes back to
20 history. And what does this mean? Well,
21 pretty much every project that goes
22 through this city has to go through a site
23 plan approval and all these other
24 approvals, which means they get
25 negotiated. And the commission has to

1 use. And it's an interesting -- this is
2 unbelievable. What I found is gold. It
3 teaches you what has happened in Coral
4 Gables for the last 60 some years, how the
5 traffic studies were being discussed, how
6 parking issues were being discussed, how
7 Miracle Mile was being discussed, how the
8 traffic on LeJeune and Miracle Mile was
9 already an issue. Issues where traffic
10 going through our city affects us
11 tremendously, through Miracle Mile,
12 through Ponce everybody cuts through.
13 It's already in here. All these issues
14 are in here.

15 So this is nothing new. We're
16 discussing things that have been discussed
17 for 60 years. And it goes to -- this is
18 the item that brings it back. They're
19 talking about multi-story buildings.

20 And this paragraph says, "It is
21 believed that neither the demand for land
22 nor cost of land in the Coral Gables
23 central business district has advanced
24 enough at this time to warrant complete
25 removal of all restrictions controlling

1 approve something that is usually and
2 always negotiated.

3 And I started to think of all the
4 projects that we look and deal with
5 everyday, and that goes to the Colonnade,
6 it goes to the Columbus Center, it goes to
7 the Hyatt, it goes to the Merrick Park
8 Village, it goes to 306 Alhambra, Alan
9 Morris building. I believe that probably
10 every building that I mentioned has been
11 negotiated, and has had variances and
12 approvals of many different types.

13 Do we hate these buildings? Are
14 these buildings affecting us positively or
15 negatively? I think they're affecting us
16 positively. I see a lot of negativity
17 about a lot of things that we have to step
18 back and say what is the trend here, guys?
19 What's going on?

20 So to further do that, I went back
21 and found somehow a Master Plan proposal
22 for the City of Coral Gables from 1962,
23 addressed to the city manager, on the
24 discussion of what the Master Plan of this
25 city should be on the same thing with land

1 building heights."

2 At the time, they were not willing to
3 deal with building heights, because that
4 problem had not surfaced. And why was
5 that? Because cars had just taken over.
6 We're dealing with parking issues at the
7 time. Parking garages were starting to
8 happen and buildings needed to deal with
9 how to deal with their garages and how
10 they're going to put those garages in
11 those buildings. What is the shape of
12 that building going to look like, and
13 people moving out of downtown. The shops
14 were closing, because Dadeland had just
15 opened, and those are the problems that
16 were happening. We have similar problems
17 in some senses, but we have other problems
18 in other senses.

19 So, you know, I bring this down to
20 these are issues that we've been having
21 for years, and years and years. I go back
22 to the quality of the project. What is
23 the quality of the project? And that's
24 what I want to bring discussion to is,
25 what is being proffered here? What is

1 being put here forth?

2 And one of the big issues for me is
3 what is the give? You discussed this,
4 Robert, last time, what is the give by the
5 developer? What's going on here?

6 The deal with this park across the
7 street is a big deal. You know, I know
8 you're giving a million dollars. I don't
9 know whether you're going to have the slip
10 lane or not, and that, to me, is a big
11 deal, because it changes dramatically how
12 you enter and exit the building. It deals
13 with that building being setback that's
14 very tight or setback that doesn't even
15 matter anymore, because you have a park
16 in front of you. So I think that's a big
17 deal.

18 And if you don't have that slip lane,
19 you just have a small sidewalk, that could
20 be a little different than being among a
21 huge, huge park with a piece of art.

22 The other thing is, you know, is
23 there room? You mentioned last time there
24 was room for maybe dropping the height.

25 And I'm not suggesting that this height is

1 hear from the developer at some point
2 whether there's any other offers or any
3 other ability to massage this a little bit
4 or is this the way that you guys want to
5 make it go?

6 MR. COLLIER: Mr. Chairman, I just --
7 through the Chair, I just want to explain
8 something I made at the last meeting about
9 the issue of the Comp Plan.

10 You can't condition the Comp Plan.
11 You could condition the site plan. He
12 could conceivably proffer a covenant, a
13 voluntary covenant, in connection with the
14 Comp Plan, but the Comp Plan can't be
15 conditioned like you would -- like you
16 would deal with a site plan. So because
17 we've already dealt with those items, all
18 we have left is the Comp Plan.

19 So, you know, the Board can probably
20 add to their recommendation that they feel
21 that something more should be done with
22 the zoning items or the site plan, but
23 we're kind of limited when we're dealing
24 only with the Comp Plan. It's different.

25 MR. DE YURRE: Two quick points.

1 perfect. I'm not trying to say that this
2 building stands perfect at 140. Is there
3 still room for massaging the height a
4 little bit, Number 1?

5 Number 2, is there still room to add
6 more benefits to the community by way of
7 improving the intersections, the medians
8 on Ponce or anything else that can be done
9 that has not been brought up to sweeten
10 the pot?

11 Because, again, I don't think the
12 driving force for me is height. I don't
13 think -- you're in the widest boulevard,
14 or one of the widest boulevard in the
15 city. Is height an issue in urban scapes
16 that have wide boulevards? Not streets,
17 boulevards.

18 Where is the effect of the height
19 here? And I'm being very specific to this
20 project. I'm not for height, but I'm
21 being very specific to this project. Is
22 this particular project, is this that bad
23 of a height issue that changes and make it
24 so that this project can work.

25 Those are my points. I'd like to

1 One, ultimately a slip lane, we're going
2 to put that money in. It's up to the city
3 to direct us on what they want, whether
4 they want the slip lane. I think
5 definitely they don't want to get rid of
6 those parking spaces that are backing into
7 the slip lane, which is, you know,
8 obviously (inaudible) never parked there.

9 And then, Number 2, between the two
10 meetings, we went back and looked at the
11 height. And, you know, I would quote
12 Armando Codina, who presented also on a
13 height issue just north of us, which is
14 that when you do these high-end luxury
15 units, you can't do the Brickell-style
16 eight-foot rentals. You need the height
17 in the unit to go down to 80 of them, so
18 you can make the luxury product work. And
19 that really wasn't our idea. That was
20 borne of meetings that I think many folks
21 here were part of. And the neighborhood
22 suggested the condominium, we found a way
23 to lower from 190 to 149, but we had to
24 stop there so we can still do the luxury
25 units. That was it. Thank you.

1 CHAIRPERSON BEHAR: Thank you.

2 Ms. Miro.

3 BOARD MEMBER MIRO: Thank you, Mr.
4 Chair.

5 Good evening, Everyone. I do want to
6 make several comments this evening.

7 I think the first thing I wanted to
8 start with, I heard a lot of the members
9 of the public who spoke talk about how we
10 here, as the Planning & Zoning Board
11 members, are, you know, tasked with
12 fiduciary duties, and responsibilities.
13 There was talk about Democracy. There was
14 talk about holding the line.

15 And I did want to communicate to
16 those members of the community, those
17 especially who took the time to come out
18 here tonight, that when learned about this
19 meeting, I did try to oppose the meeting.

20 I reached out to the City Attorney's
21 Office, and I expressed that I wanted to
22 do so, and I was told that, unfortunately,
23 because the City Attorney had already
24 opined, that basically I was told why --
25 you know, and I understand the whole pari

1 we did last time with Mr. De Yurre, you
2 know, cross-examining the members of the
3 public who spoke, I also was not in favor
4 of the members of the public, who spoke,
5 cross-examining Mr. De Yurre, because,
6 again, we didn't do it last time, and we
7 were able to, you know, have enough
8 information and discussion amongst
9 ourselves.

10 In fact, in a previous meeting, we
11 also had -- we discussed -- we were here
12 till 10:30 I think last time on this very
13 issue, but there was another matter that
14 came before us that I found that we were
15 talking about six inches. You guys
16 remember for, like, an hour about six
17 inches, only to learn in a later meeting
18 that, yeah, the Planning & Zoning director
19 never told us, it didn't really matter
20 about the six inches, because at the end
21 of the day, there was another provision
22 that was going to make it higher.

23 So I expressed my concern, because,
24 as a city -- as a board member of this
25 city, my concern is the trust that the

1 materia, and the reason why we have to do
2 it. Basically what I was told was that
3 the Board failed to make a recommendation,
4 and that, therefore, you know, we had not
5 -- we he had not done our job, right?

6 And I think that in reality that's
7 not what happened. We were ill advised.
8 And with all due respect to Mr. Collier,
9 you know, as a new board member here, this
10 is my first year serving. I do trust in,
11 you know, the advice that we receive, and
12 we did touch on this during the last
13 meeting, we had this 3/2 vote, that it
14 would just go to commission without our
15 recommendation. And we discussed it, yet
16 it happened and then here we are now.

17 I was not in favor of having this
18 meeting all over again. It's, like,
19 ground hog day, only it's not ground hog
20 day, because things went differently,
21 right? Ground hog day, the same thing
22 happened over and over again. Well, here,
23 just like I was opposed to -- you know, I
24 did not think that we should have -- we
25 should do anything differently than what

1 city -- that the residents have in our
2 government, in our city, and we need to be
3 able to protect that trust. And I don't
4 think that we're doing a very good job of
5 that when we, as members, receive advice
6 that is not accurate or reflective of what
7 should be or we're not completely told by
8 city staff, hey, don't spend 30 minutes on
9 this six inches, because it doesn't really
10 matter. I think that's information that
11 we all could have benefited from and saved
12 much time on.

13 I also think that if we were going to
14 go ahead and move forward with this
15 meeting, as we did tonight, then, you
16 know, the city making a mistake, you know,
17 mistakes happen, nobody should be held to,
18 like, absolutely a perfect standard, but
19 definitely a high standard. And if we do
20 make a mistake, let's turn around and say,
21 "Let's work with the residents and let's
22 postpone this meeting till August".

23 The City Attorney also went -- and
24 that's Ms. Soler Ramos, went out of her
25 way to say, "Oh, the applicant wasn't in

1 favor of us having this meeting." I have
 2 a hard time believing that, because I
 3 think that the applicant could have said,
 4 "Well, you know what, we've done this
 5 three times, I'm not going to do it again,
 6 let it go to commission without a
 7 recommendation", because that was the
 8 other option.

9 I also -- I got a call back, after I
 10 sent my e-mail to the City Attorney in
 11 opposition of this meeting, saying that,
 12 "Oh, this is the reason why". And I
 13 asked, I said, "Are you telling me that
 14 there is no remedy? No way for me to
 15 oppose this meeting as a board member?
 16 There's nothing? There's no avenue that I
 17 can seek to oppose this meeting, because
 18 Madam City Attorney has opined"? And I
 19 asked and they said that I couldn't. And
 20 I asked for that in writing from Mr.
 21 Ceballos. I'm still waiting for a
 22 response in writing, that there's no
 23 avenue, there's no way for me to voice my
 24 opposition, there's no process by which I
 25 can do that.

1 through a long-term process when it comes
 2 to agreeing on what the code is, and, you
 3 know, there's processes that we have to
 4 follow as residents. And I also happen to
 5 like our rules and regulations. So I
 6 don't see why it's so hard for us to say
 7 that, hey, we need to stay within the code
 8 that we go through hard -- so much time to
 9 put in place.

10 The other thing that saddens me is to
 11 hear that so many people aren't here, or
 12 haven't been part of the process, because
 13 of the apathy that's created. And I think
 14 that goes back to the lack of trust that
 15 there is in the city, and not just in the
 16 boards, but also in the commission,
 17 because that tells me that people feel
 18 that they're not being heard.

19 I will also say that he who knows the
 20 charter and he who knows the code is king.
 21 And then things that I heard coming from
 22 the applicant are basically they're
 23 sticking to the code, and they're sticking
 24 to facts.

25 And in the interest of facts -- and I

1 Again, as a new member, I depend on
 2 the City Attorney's Office to, you know,
 3 give us the right advice, right counsel,
 4 right, and also to whatever you say with
 5 your words, you should be able to put in
 6 writing. So that was a concern for me.

7 And I just wanted the community to
 8 know that I also found that, you know,
 9 hey, if we're going to go through this
 10 meeting, because of whatever the law is,
 11 or the code says, I understand that, but I
 12 think we should have worked with the
 13 community a little bit more. And like a
 14 lot of the speakers said today, some
 15 people are on vacation, some people aren't
 16 able to make it, so that's that part of
 17 it.

18 The other side that I want to talk
 19 about, and let me look at my notes, is I
 20 don't see this to be a very difficult
 21 process. I don't think, like, you know,
 22 Mr. Withers said, my mind really wasn't
 23 changed in this presentation.

24 And, also, I think one of the
 25 speakers said that, you know, we go

1 hope I don't forget anything else I wanted
 2 to say, because there's so many things
 3 that have come to me right now that Mr.
 4 City Attorney had said about things that
 5 affect everybody in the city.

6 He mentioned fire, and I want to go
 7 ahead and mention fire. Currently, the
 8 City of Coral Gables is operating with 11
 9 firefighters short of what the national
 10 standard is. And it is a clear fact that
 11 bigger buildings create more hazards. So,
 12 yes, if you have a taller building, it's
 13 going to create a risk, and a risk that we
 14 are already living with right now, because
 15 with all these high-rises -- like a lot of
 16 people mentioned, the Plaza is not
 17 completely full, the Lifetime building,
 18 there's so many buildings that we have not
 19 yet begun to feel the impact of all these
 20 buildings.

21 And from a public safety standpoint,
 22 if we're going to talk about how it
 23 affects the neighbors, who live in the
 24 area, but affects all of Coral Gables,
 25 believe me, if your house is burning in

1 the north Gables, and there's a problem in
2 the south Gables and we're short 11
3 firefighters, either both residences are
4 going to burn and we might lose a few
5 firefighters, so this is a huge public
6 safety issue.

7 I would like to see the community
8 members, who are here, not just come
9 before this board, but come before the
10 commission, because this board cannot
11 address the firefighter issue, but it is a
12 public safety issue, and it is something
13 that is factual, that we are short on that
14 national level. And since we wanted to
15 talk about facts, and how this project
16 being double the size of, you know, the
17 code, that is a fact that affects us all.

18 And, again, I really hope that -- oh,
19 the other question I asked the City
20 Attorney's Office, I said, "Well, us
21 having this meeting all over again, could
22 that possibly change the outcome that was
23 reached in the last meeting?" And they
24 said yes. I said, "Well, even more so,
25 that is the reason why I'm more concerned

1 make, we have always been the kind of
2 community that has cared for quality of
3 life. I don't remember her name. I think
4 it was Teresita. I don't remember her
5 last name. She said that she moved here
6 from West Kendall 17 years ago. I moved
7 here 16 years ago from West Kendall, and I
8 did that for quality of life. And I think
9 that there's -- I know that maybe that's
10 not in the code, but it's in my code, and
11 I think about that and I see that it's an
12 important thing. It's about the community
13 that we are. I hope that we don't leave
14 out community.

15 Mr. Chair, I thank you so much for
16 indulging me, for speaking so long, but I
17 did want to say -- make those remarks,
18 specially to all of those who are here or
19 who are listening to us online for the
20 fourth time. Thank you.

21 CHAIRPERSON BEHAR: Mr. Revuelta, do
22 you want to go last?

23 BOARD MEMBER REVUELTA: No, no, no,
24 I'd like to --

25 CHAIRPERSON BEHAR: Mr. Bucelo.

1 and opposed to having this meeting",
2 because we've beat this dead horse a 100
3 times. And we've come to this conclusion.
4 It was a majority of the vote, right, of
5 the members that were present.

6 And so I would be really disappointed
7 in this Board if we reached a different
8 conclusion for this project, because I
9 think that it would continue -- it would
10 completely finish destroying the faith
11 that the community has in us as a Board,
12 as a city, the staff, the staff
13 recommendations.

14 Again, I heard what my colleague,
15 Chip Withers, was saying about staff
16 recommendations. I also don't understand
17 how the staff came to these conclusions.
18 I also heard what my colleague Venny
19 Torre -- in fact, I saw Venny Torre.
20 We've had these meetings four times. He
21 was here looking through the numbers. He
22 was working the papers the entire time.
23 And I heard what he said about these were
24 the concerns 60 years ago.

25 And I think that's a great point to

1 BOARD MEMBER BUCELO: Thank you, Mr.
2 Chair.

3 I unfortunately wasn't here at the
4 prior meeting, June 6th, but I did have
5 the pleasure of watching the full
6 recording. I did hear all the comments
7 both in support and against this project
8 during that meeting.

9 I see here we have Mayor Dorothy
10 Thompson, mother-in-law of Alan Morris.

11 I think one resident said it best, I
12 don't know which one it was, but we can
13 agree that Morris, Mr. Morris, does build
14 quality projects. We talked about the one
15 in Alhambra. I think it was Chip Withers
16 in the last meeting that said that that
17 project in itself is definitely one of the
18 more immaculate buildings here in the city
19 of Coral Gables.

20 But that's not the issue before us.
21 As we know, the issue before us is height.
22 And as many of you voiced your concerns
23 with is the code calls for 77 feet.

24 I would like -- as an individual of
25 the zoning board, I'm in favor of smart

1 and controlled development. I think one
2 of the residents mentioned as well
3 reasonable development. I like that
4 phrase, and I wrote it down in my notes,
5 because it's one that, again, makes sense
6 with how the community should grow.

7 But with that said, I think 149 feet
8 is a little excessive for that area.
9 That's just my take. Again, I would like
10 to see this project -- I'm not opposed to
11 an increase in height, 10, 20%. I think
12 Mr. Torre made a good point as to a
13 benefit to the community, whether through
14 traffic, parks, et cetera, I'd like to see
15 that, but, personally, at the 149-foot
16 mark, I tend to -- I tend to, you know,
17 stay a little back from that, as the
18 residents said.

19 But, more importantly, I would like
20 to see, again, he mentioned, comments as
21 to negotiations or a way of bringing that
22 closer to the 77 mark.

23 So with that, I conclude.

24 CHAIRPERSON BEHAR: Thank you very
25 much.

1 resident, is the property owner. I did
2 not hear anybody from Santander, Malaga,
3 Catalonia, Palermo, Romano, Sarto, Camilo
4 or Valedo. And if I'm making a mistake,
5 I'm perfectly happy to be corrected.

6 But be that as it may, I'm just
7 surprised of the people that are really
8 close to this property -- there seemed to
9 be more people away from this property
10 that are here in opposition than people
11 who are close to it. And I will wait for
12 Mr. Winker's list of the 150 people that
13 he's representing.

14 I drive through this area almost
15 everyday, 'cause I live in Castile Avenue,
16 in Cordova. I have my offices in Coconut
17 Grove. And I believe that the
18 intersection of University Drive and
19 Ponce, when it turns, I hope that whatever
20 happens with this property, I hope that's
21 eliminated. It's an accident or accidents
22 waiting to happen, if it haven't happened
23 before. So, for that, I happen to believe
24 that consolidating that, eliminating that
25 and creating some sort of a plaza.

1 Mr. Revuelta.

2 BOARD MEMBER REVUELTA: Thank you.

3 What is the city requirement for
4 public notice in terms of radius? Is it
5 500 feet, 1000 feet? Just so I have an
6 understanding of that.

7 MS. GARCIA: 1500 feet for a change
8 of land use.

9 BOARD MEMBER REVUELTA: I'm sorry?

10 MS. GARCIA: 1500 feet for a change
11 of land use.

12 BOARD MEMBER REVUELTA: 1500 feet
13 radius or diameter, radius?

14 MS. GARCIA: Radius.

15 BOARD MEMBER REVUELTA: Radius.

16 I was using 500 feet, which is what
17 Mr. Winker was saying. I was having a
18 hard time coming up with actually 150
19 rooftops. That's why I was asking. If
20 it's 1500 feet, I guess, but I was trying
21 to understand the participation and I was
22 keeping track of the speakers. And
23 there's one from Viscaya, one from Cadima,
24 five from Alesio, three from San Sebastian
25 and one from San Sebastian, but is not a

1 There's a little green area park there,
2 but I think that turn needs to be
3 eliminated. And somehow the street from
4 Ponce to University Drive needs to be a
5 bigger radius, but I think if the project
6 goes anywhere, whoever develops the
7 property, I think that should be
8 addressed. And that's just my personal
9 opinion as a citizen, as somebody that
10 drives there all the time and as an
11 architect.

12 I continue to harp, forgive me for
13 boring you with this, that the biggest
14 threat to the neighborhood to the south is
15 Block 34. And there is a big parking lot
16 there shown MX3 that can basically go with
17 Med Bonuses to 193 feet. To me, that's,
18 like, the line that should have never been
19 there. Hence, what last time I voted in
20 favor of the item with the height
21 restriction.

22 I do believe that if we approve a
23 project on Lot 29 that has a height
24 restriction, that will help control what
25 will happen with Block 34, when a

1 developer comes in and says, "I got MX3.
2 I want to actually zone through west of
3 this Lot 34 into MX3". And that block
4 east, on Santander Avenue, a block away
5 from San Sebastian Avenue, Romano, Sarto,
6 Camilo, and all of the neighbors, to me,
7 that's the biggest danger in this plan.
8 And I have failed to try to gather support
9 from everybody into trying to do something
10 about this.

11 Hence, I believe that whether there's
12 149 feet or 140 -- I think the project
13 could work with 140 feet, by the way.
14 Most of the work that we do is condominium
15 work. And understanding a little bit of
16 what the project is being proposed, I
17 believe that this project could work at
18 140 feet for those of you that think that
19 150, 149 is 150 for all practical matter,
20 could work.

21 And I think setting the precedent
22 that this cannot go any higher than
23 140 feet, I'm using 140, it could be 135,
24 136, whatever, is a good precedent,
25 because I think the biggest danger for the

1 we're discussing height, I don't believe
2 that 149 is a problem. I would be willing
3 to vote in favor of 140. But I think it's
4 a good precedent to control Block 29 to a
5 height that is much less than 193, with
6 the Med Bonuses, because we don't know
7 what the city commission is going to do.

8 And I have to tell you, again, this
9 is probably the fourth or fifth meeting
10 that I bring this up, that I am very
11 concerned about Block 34, and that parking
12 lot being shown MX3 and it could go to
13 193 feet.

14 So with that, I'll just wait to hear
15 from the Chairman.

16 CHAIRPERSON BEHAR: Thank you.

17 BOARD MEMBER MIRO: Mr. Chair, I have
18 questions of Mr. Revuelta, 'cause we're
19 only allowed to talk right here, if I
20 could.

21 CHAIRMAN BEHAR: Go ahead.

22 BOARD MEMBER MIRO: I just wanted to
23 say -- I just wanted to say --

24 BOARD MEMBER REVUELTA: Cross-examine.

25 BOARD MEMBER MIRO:

1 neighborhood is Block 34.

2 And just to address something, I've
3 been an architect for about 40 years, and
4 done a lot of condos. Condos are one of
5 the safest prototypes. I believe the
6 Chair also has done a lot of condos. And
7 as much as I agree that the city needs to
8 look at making sure that they're up to the
9 standards, nation standards in their Fire
10 Department, I don't believe that this
11 building, as an 80-unit condominium,
12 presents any danger given the safety
13 factors that I know. And safety factor
14 over safety factor over safety factor that
15 these buildings -- I never had a condo
16 that we've done catch on fire, so just for
17 putting into perspective.

18 And I think 80 units, assuming that
19 they're occupied 365 days of the year,
20 with two cars, that's 160 cars. I am hard
21 pressed to convince myself that at 100%
22 occupancy, 365 days a year, with two cars,
23 160 cars will have a major impact on the
24 neighborhood.

25 And as we have discussed before,

1 Cross-examination. No, I just wanted to
2 say, you said you didn't think that 160
3 cars, but when you say that, are you
4 taking into consideration the fact that
5 all these other buildings have not yet to
6 be occupied, and you add the 160 with the
7 300 and the other 160, and you still come
8 to the conclusion that that's not going to
9 be a traffic problem in this area?

10 BOARD MEMBER REVUELTA: Well, I'm not
11 a traffic consultant. And since we're
12 discussing this property, had I had the
13 opportunity to be sitting here for the
14 prior projects, I probably would have made
15 an argument for that, but I am -- and I
16 don't want to rehash this thing, but every
17 time I drive through Malaga, and I see
18 this big building 70 feet, 60 feet away
19 from single-family homes, it drives me
20 nuts. I haven't spent the time and the
21 energy to see how this happened. At this
22 point, it would be useless for me to look
23 back.

24 But I strongly feel that, Number 1,
25 this building is not going to be occupied

1 365 days of the year. It's not going to
2 be occupied 100%. And the traffic is
3 going to be less than 160 cars.

4 And I do believe, to basically touch
5 on the point that Mr. Withers was talking
6 about, I think that the more that you
7 bring in residential into a city, the more
8 people will walk and not use the car.
9 And, again, I'm not an urbanist. I'm not
10 a traffic consultant, but I can tell you
11 that from a planning perspective, maybe
12 putting it in the context that, A, more
13 housing is going to decrease the parking,
14 no, but more housing, I believe, has been
15 proven that concentrating residential in
16 cities promotes pedestrian and promotes
17 businesses that people walk. So that's as
18 much as I can contribute.

19 BOARD MEMBER MIRO: And then the
20 other thing that you had said regarding
21 the safety of condos, I mean, I agree with
22 what you're saying about safety of condos.
23 We're not New York City, right, with gas
24 lines and different things of that nature,
25 but what I'm talking about, what I'm

1 we were here till 10:30 p.m., I think that
2 would be a more of an accurate statement,
3 especially with all the apathy that there
4 is. And that's all I wanted to say.

5 Thank you, Mr. Chair.

6 CHAIRPERSON BEHAR: I think we
7 already heard you on that.

8 BOARD MEMBER MIRO: Yeah. Uh-hum.

9 CHAIRPERSON BEHAR: Let me -- let me
10 give the opportunity to Mr. Aizenstat, the
11 real chairman, who's remotely to have
12 something to say.

13 Go ahead, Mr. Aizenstat.

14 BOARD MEMBER AIZENSTAT: First of
15 all, I'd like to thank the Board for
16 letting me participate with the special
17 exception. I felt it's important for me
18 to be here since I was at the original
19 meeting.

20 I have -- I had gone ahead and heard
21 again all the testimony, whether it was
22 presented by the applicant or the
23 testimony that was presented by the
24 neighbors and so forth.

25 I have served for over 30 years, in

1 speaking to, is that it's not the building
2 that causes the fire, it's people, and,
3 you know, negligence or just accidents.

4 I mean, I'll tell you the other day,
5 my son loves to make mac and cheese in
6 those little containers, right, you pop
7 them in the microwave, he forgot to put
8 water in them. Our apartment building
9 almost caught on fire, and we only have
10 six stories in our apartment building on
11 Majorca, so we almost -- it wasn't the
12 building that was going to cause a fire.
13 It was my 14-year old son that was going
14 to cause a fire. So I'd say I agree with
15 buildings don't cause fires, they're safe,
16 but people do.

17 And the last thing I just wanted to
18 say, I don't think it's fair that we count
19 the number of people who aren't here from
20 these streets, especially since we know
21 that everyone is on vacation. We didn't,
22 as a city, you know, postpone the meeting
23 till August. I was just going to say, I
24 just think that if we were to count all
25 the people who were here last time, that

1 various boards with the City of Coral
2 Gables. I have served many times with Mr.
3 Behar on a couple of Zoning Code rewrites.
4 And what I can tell you -- and I'm not
5 saying this politically. What I can tell
6 you, from what I've heard by testimony
7 from both sides, my vote, and how I feel
8 is still the same as it was before.

9 I also want to take the opportunity
10 to thank Robert for stepping in as the
11 Chair. And I just want to keep it brief
12 and thank everybody for coming. Thank
13 you.

14 CHAIRPERSON BEHAR: Thank you.

15 And thank you for not being here
16 tonight.

17 Look, I want to say just for the
18 record that I was a member of the Planning
19 & Zoning Board when the Plaza came in, and
20 I opposed that project and so did Mr.
21 Aizenstat. That was not -- never a
22 project that we felt that it was
23 appropriate here.

24 I'm going to use the same words that
25 I used last time, and there's going to be

1 a lot of people that are going to be
2 disappointed in what I'm going to say, but
3 it is what it is.

4 I had a problem last time with the
5 height of this project and I still have a
6 problem with the height of this project.
7 I think that it is good to have a project,
8 but not at the height that they're
9 proposing to do this project.

10 I offered last time to the applicant
11 to lower it. And, Venny, I don't know if
12 you read the record, but I did offer to
13 lower that. I want to say, and if I can
14 go back to the record, from 150 to, like,
15 120, and there was no.

16 So my mind has not been changed. I
17 still believe that the project could be a
18 good project. Not at the height that it
19 has been proposed. It has not changed my
20 mind. It will not, unfortunately for the
21 applicant, change my mind tonight.

22 I am willing to consider a much lower
23 project, but not at -- nowhere near what
24 we're being proposed.

25 What I would do now is, I will

1 recommendation. You had no
2 recommendation. That I did say the night
3 of the meeting.

4 I also said at the night of the
5 meeting, you can still try to get four
6 members to vote for a motion, if there was
7 a motion. There was no motion. So it was
8 my mistake, and I felt it needed to be
9 fixed, in my opinion.

10 It wasn't a failure of the Board that
11 you didn't have a recommendation. It's
12 the way our code is written that requires
13 four votes. There was no failure on this
14 Board's part in how they conducted their
15 activity.

16 And I just want to make sure that
17 you're not left with any impression that
18 the City Attorney's Office ever felt that
19 this Board did not do its
20 responsibilities. You were here till I
21 think it was 10:30 the previous meeting,
22 so I just wanted to make that clear.

23 BOARD MEMBER MIRO: I thank you for
24 saying that. I really appreciate it. And
25 you know what, everybody makes mistake. I

1 entertain a motion from the Board, so we
2 could continue and move forward.

3 BOARD MEMBER MIRO: I'd like to make
4 that motion, Mr. Chair, and that's the
5 same motion I made last time, and it's a
6 motion to deny as presented.

7 CHAIRPERSON BEHAR: We have a motion.
8 Do we have a second?

9 BOARD MEMBER WITHERS: I'll second
10 it.

11 CHAIRPERSON BEHAR: Mr. Coller, at
12 this point, we have a motion and a second.

13 MR. COLLER: Yes.

14 Mr. Chair, I'd just like to make two
15 very quick comments.

16 Ms. Miro, it was my mistake. I've
17 sat with this Board for seven years.
18 After the vote, I went back and I realized
19 we had a problem. I immediately told the
20 City Attorney. I don't think in the seven
21 years that I've sat with this Board, I
22 don't think I've ever made a mistake
23 before, but I told the City Attorney I
24 felt this needed to come back here,
25 because at this point it wasn't a

1 think once in seven years is a pretty good
2 average.

3 MR. COLLER: Not a terrible record,
4 but I'm not a robot.

5 BOARD MEMBER MIRO: Absolutely. And
6 I just want to say it was Mr. Ceballos who
7 had said we had failed to do our job.

8 MR. COLLER: Well, that's -- I don't
9 know why he would say that. I don't -- I
10 know Mr. Ceballos. I don't think -- if he
11 said it, it was a misinterpretation. You
12 did your job. You voted 3 to 2. And I'm
13 not sure if anybody would have changed
14 their vote at that time anyway. So,
15 regardless, we're here. We're going to --
16 we have seven members voting. So we're
17 going to have a 4/3 or 4/2 or however many
18 votes it is a recommendation tonight.

19 So there's a motion --

20 CHAIRPERSON BEHAR: And a second.

21 MR. COLLER: -- second to recommend
22 denial of the comprehensive plan
23 amendment.

24 CHAIRPERSON BEHAR: Jill, can you
25 please call the roll.

THE CLERK: Luis Revuelta?
 BOARD MEMBER REVUELTA: No.
 THE CLERK: Venny Torre?
 BOARD MEMBER TORRE: No.
 THE CLERK: Chip Withers?
 BOARD MEMBER WITHERS: Yes.
 THE CLERK: Alex Bucelo?
 BOARD MEMBER BUCELO: Yes.
 THE CLERK: Claudia Miro?
 BOARD MEMBER MIRO: Yes.
 THE CLERK: Eibi Aizenstat?
 BOARD MEMBER AIZENSTAT: Yes.
 THE CLERK: Robert Behar?
 CHAIRPERSON BEHAR: Yes.
 THE CLERK: It's a 5 to 2 vote.
 CHAIRPERSON BEHAR: It's 5 to 2.
 MR. COLLER: Mr. Chairman, motion to adjourn is always in order.
 BOARD MEMBER BUCELO: So moved.
 BOARD MEMBER MIRO: Second.
 CHAIRPERSON BEHAR: All in favor?
 COLLECTIVELY: Aye.
 (Thereupon, at 8:43 p.m., the meeting was concluded).

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

I, Lorena Ramos, National Registered Professional Reporter and Notary Public, do hereby certify that I was authorized to and did stenographically report the proceeding of the City of Coral Gables Planning and Zoning Board meeting, held before the Planning and Zoning Board, on the 13th day of July 2022; and that the foregoing report, pages 1 through 161, is a true record of my stenographic notes.
 My Commission# is HH 213357, Expires: May 4, 2026.

DATED this 07/15/2022 in the City of Miami, Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, COURT REPORTER
 Registered Professional Reporter

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