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1 Craig, if you could read the next item, please.  
 2 MR. COLLER: Items 6 through 8 are related. So  
 3 what I'm going to do is read the titles all in for each  
 4 of the items. We can have one public hearing for the  
 5 three items, but then have a separate vote on each of  
 6 the items.  
 7 Item Number 6, an Ordinance of the City Commission  
 8 of Coral Gables, Florida requesting an amendment to the  
 9 Future Land Use Map of the City of Coral Gables  
 10 Comprehensive Plan pursuant to Zoning Code Article 3,  
 11 Development Review, Division 15, Comprehensive Plan Text  
 12 and Map Amendments, and the Small Scale amendment  
 13 procedures from Residential Multi-Family Medium Density  
 14 to Commercial Mid-Rise Intensity for the property  
 15 legally described as Lots 17 thru 24, Block 203, Coral  
 16 Gables Riviera Section 14, Coral Gables, Florida, and  
 17 providing for severability, repealer and an effective  
 18 date.  
 19 Item Number 7, an Ordinance of the City Commission  
 20 of Coral Gables, Florida requesting a change of zoning  
 21 pursuant to Zoning Code Article 3 Development Review,  
 22 Division 14, Zoning Code Text and Map Amendments, from  
 23 Multi-Family 2 District to Commercial District for the  
 24 property legally described as Lots 17 thru 24, Block  
 25 203, Coral Gables Riviera Section 14, Coral Gables,

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1 Florida, and providing for severability, repealer and an  
 2 effective date.  
 3 Item Number 8, a resolution of the City Commission  
 4 of Coral Gables, Florida requesting mixed use site plan  
 5 review pursuant to Zoning Code Article 4, Zoning  
 6 Districts, Division 2, Overlay and Special Purpose  
 7 Districts, Section 4-201, Mixed Use District, for the  
 8 mixed use project referred to as Venera on the property  
 9 legally described Lots 11 thru 24, Block 203, Coral  
 10 Gables Riviera Section 14, Coral Gables, Florida;  
 11 including required conditions; providing for an  
 12 effective date.  
 13 Items 5, 6-- I'm sorry, Items 6, 7, 8, public  
 14 hearing.  
 15 CHAIRMAN AIZENSTAT: Thank you.  
 16 MR. TRIAS: May I have the Powerpoint, please?  
 17 Thank you. The request that-- we have three  
 18 requests today. We have the Comprehensive Plan  
 19 Amendment, Zoning Amendment, and a Mixed Use Site Plan.  
 20 Okay. The project, as you can see, is along  
 21 Venera Avenue and San Remo, right next to the park--  
 22 Kerdyk Park, which is at the heart of the Riviera  
 23 Neighborhood Association-- Riviera neighborhood.  
 24 The area toward the west tends to be fairly  
 25 commercial mixed use, that type of development, and then

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1 further on, you get to South Miami Downtown, west of Red  
 2 Road.  
 3 Toward the east, it's mostly a single family  
 4 neighborhood. So that's the context that we're talking  
 5 about. And the project that is proposed is a mixed use  
 6 project, and the three requests that are being made are  
 7 very similar to a project that you had a chance to  
 8 review recently, which was at 33 Alhambra. If you  
 9 remember that project, it was the same type of three  
 10 requests.  
 11 The project itself-- the Site Plan includes retail  
 12 on the ground level, some improvements on the sidewalks,  
 13 and landscape, et cetera. A paseo to the middle of the  
 14 project. And then the access to the parking is on the  
 15 opposite side of the parking garage on the building next  
 16 to it. So basically they have attempted to look at the  
 17 overall area, and tried to customize the choices, in  
 18 terms of design, in a way that will work well with the  
 19 neighbors.  
 20 The balance of the block, if we go to the west of  
 21 the block, there's a Whole Foods at the ground level of  
 22 an office building that is about ninety-seven feet or so  
 23 in height, and then there's a parking garage. So this  
 24 is basically the rest of the block, except for one small  
 25 parcel-- one small parcel that would be right on the

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1 west side of this project, in between the two projects.  
 2 The owner of that parcel is here and will express some  
 3 opinions later on.  
 4 The overall design fits within the requirements of  
 5 the mixed use projects, and has been reviewed by the  
 6 Board of Architects, and I will commend the architect in  
 7 the effort, because, for the past year, they have  
 8 redesigned the project several times-- and I'm sure  
 9 they'll explain some of that-- as a result of comments  
 10 from the Board of Architects. So from a design point of  
 11 view, I believe that the process has really helped fine  
 12 tune some of the issues with the project.  
 13 Now, the big picture explanation of the request is  
 14 that it allows for some additional density than is  
 15 allowed if the request were not approved. What do I  
 16 mean by that? Currently there are some apartments,  
 17 there's some residential densities, and so on. Once a  
 18 project is approved as mixed use, densities can go up to  
 19 125 units per acre. That is the ultimate consequence of  
 20 this.  
 21 In addition, the FAR also is a little bit larger  
 22 once those requests are approved, if they are to be  
 23 approved. So anyway, that is the reasoning behind it,  
 24 and that is the way that the project would look.  
 25 Now, to get to that point-- to get to the point of

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1 the mixed use site plan approval-- the mixed use site  
2 plan approval that would allow that additional density  
3 and that additional FAR, two things need to happen; a  
4 Comprehensive Plan Change and Zoning Plan Change. So  
5 that is why we have those three requests.

6 The Review Timeline. The Development Review  
7 Committee reviewed the project in September of 2016, and  
8 then the Board of Architects several times, but I think  
9 the last time was in May of 2017. Then we had a Staff  
10 meeting in July of 2017 to repeal the Plan and Zoning  
11 issues. The Applicant had a neighborhood meeting in  
12 August, and we're here today with the Planning and  
13 Zoning Board.

14 Letters were sent to the property owners within a  
15 radius of 1,500 feet, which is required. It's a fairly  
16 new requirement that we have for land use changes.  
17 Other changes are a 1,000 feet. This is 1,500 feet.  
18 And as you can see, it includes all of the commercial  
19 area within the City of Coral Gables, and a substantial  
20 amount of the residential area across the park.

21 The public notification included three letters to  
22 property owners; four times we posted the property; four  
23 times we posted the property on the website, and there  
24 were two times that the request was advertised in the  
25 newspaper.

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1 The company has a Plan request, which is request  
2 number one. As you can see, the partial-- if you look  
3 at the left image, which is the existing Comp Plan Map,  
4 it has two colors, red and brown. The brown is the one  
5 that they're making a request. They plan to change  
6 everything to red. Red is the mid-rise commercial, and  
7 the brown is the mid density residential, which is  
8 existing. So the request is to have a parcel that is  
9 fully, fully mid-rise commercial.

10 Now, why is that? Well, because once you have a  
11 parcel that is commercial in the land use, then it's  
12 possible to request a commercial zone. So that is the  
13 reason for that.

14 Now, Staff has reviewed this and recommends  
15 approval for the Comprehensive Plan change. And in the  
16 Staff report, we explain how it complies. We have the  
17 findings of fact that explain how this request complies  
18 with the Comprehensive Plan, and that the standards of  
19 review have been satisfied.

20 Now, the second request is very similar. If you  
21 look at the map, the upper half of the-- a little bit  
22 less than half of the parcel is already commercial.  
23 They're requesting the lower area to be commercial. If  
24 you look at the area around the project, it's already  
25 commercial, except, of course, for the park, which is

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1 the buffer or the transition toward the yellow, which is  
2 the single-family residential, the neighborhood. So  
3 Staff has also reviewed this, and recommends approval,  
4 because the amendment complies with the findings of fact  
5 that are explained in the Staff report. And the  
6 standards of review have been satisfied.

7 Now, the last request is the actual Site Plan  
8 request, and that one is a request that deals with the  
9 design issues with the aspects of the project, and it  
10 may include also some suggestions about units, and how  
11 many should be there, and so on. So the purpose of the  
12 Site Plan process, which is a discretionary process, is  
13 to achieve very high quality design, and try to create  
14 very good pedestrian areas, and so on. And I think that  
15 after significant effort, the project has achieved many  
16 of those goals, and you will see that they have the  
17 Paseo; that the ground floor is fully retail, and that  
18 the residential units wrap around the parking garage,  
19 for example. And then all around the front edge of the  
20 park is residential. In previous versions, that was not  
21 the case. That's why I mention those things, because  
22 those have been improvements of the design.

23 And you can see how the ground level, the yellow,  
24 is the retail-- the potential retail areas, and then, as  
25 you can see, the sidewalks have been widened and

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1 landscaped in ways consistent with urban principles.  
2 And the loading area is labeled, and the vehicular area,  
3 the entrance to the parking garage is also labeled in  
4 there. So you can see how they have tried to split the  
5 functions to be able to create some reasonable impacts  
6 in the neighborhood. So that's what the Site Plan  
7 entails.

8 And Staff recommends approval with conditions, and  
9 usually Site Plans have a lot of conditions, many  
10 typical conditions and some specific ones. And the Site  
11 Plan is consistent with the Comprehensive Plan, and some  
12 of the conditions are fairly typical, in terms of what  
13 needs to be done before the First Reading, for example,  
14 that the streetscape design has to be finalized; that  
15 the design of the buffer, and so on, the landscape,  
16 which are issues that have been discussed with the  
17 neighbors and with the Applicant in great detail.

18 In addition, we are also making some of the  
19 typical conditions that when you approve what is  
20 actually going to be attached to the land, and we have  
21 some conditions that deal with signage and some  
22 emergency vehicle signal preemption technology, which  
23 are fairly typical. You have seen them before, and some  
24 of the aspects of the pedestrian design. Eventually we  
25 place them as conditions, because we need to review them

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1 later on as building permits. So it's important that  
 2 they have to be in the conditions.  
 3 And let me see if there's anything that is out of  
 4 the ordinary. I think these are all fairly typical; the  
 5 underground utilities, all of the traffic improvements  
 6 that are listed in the plan; the public open spaces  
 7 requirements. And what I would say is that, in addition  
 8 it's going to be LEED Silver Building. And finally that  
 9 we are recommending that we have monitoring of the  
 10 traffic within one year to make sure that the things  
 11 that are in the traffic conclusion are actually  
 12 implemented. There is some discussion about possible  
 13 management of the access to the parking garage, and so  
 14 on, if it becomes an issue in the future. So we have  
 15 that condition there for basically to be able to address  
 16 some of the neighbor concerns.  
 17 The Director of Public Works is here if you have  
 18 any questions about traffic or any of the operations or  
 19 ideas of improvements that need to be taking place. And  
 20 that's the end of my presentation. I believe the  
 21 Applicant and at least one of the neighbors have a  
 22 presentation to make.  
 23 CHAIRMAN AIZENSTAT: Thank you.  
 24 MR. GARCIA-SERRA: Good evening, Mr. Chair,  
 25 Members of the Board. Mario Garcia-Serra, with offices

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1 at 600 Brickell Avenue, here this evening representing  
 2 Sunset Place Luxury Holdings and Shoma San Remo, LLC,  
 3 the owners of the properties at 1500 Granada and 1515  
 4 San Remo.  
 5 I'm joined today by Masoud Shojaee and Anibal  
 6 Duarte, principals of both of those entities, which are  
 7 the property owners; Willy Bermello and Raul Carreras  
 8 and Daisy Fernandez, our project architects with  
 9 Bermello Ajamil; and Juan Espinosa, our traffic engineer  
 10 with David Plummer and Associates.  
 11 Ramon started talking about the big picture. I  
 12 want to talk about the even bigger picture, which is  
 13 what our vision should be for this area of the City.  
 14 This site is very well located. This area of the City  
 15 has historically served as a commercial node or center  
 16 for the Southern part of the City of Coral Gables.  
 17 There are a good number of offices in the area, but not  
 18 many residences. In deed, the only residential  
 19 buildings in this area of Coral Gables are the two  
 20 existing buildings on our site.  
 21 Here on the aerial photographs, you'll see where  
 22 the site is located, between Venera and San Remo, just  
 23 west of Yumuri, just east of Plaza San Remo, where the  
 24 Whole Foods Grocery is. And then on the far right,  
 25 you'll see pictures of the buildings as they exist

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1 today. The top is 1500 Venera. The bottom is 1515 San  
 2 Remo. Both of these buildings are over 50 years old,  
 3 and have outlived their usefulness. They have  
 4 relatively small and dated units with no amenities of  
 5 any significance. They are not up to Coral Gables  
 6 standards. And this area, as a whole, still has a lot  
 7 of unrealized potential.  
 8 I think that the way which this potential could be  
 9 realized is by having new and more residential units in  
 10 this area so that there's more of a residential  
 11 pedestrian presence in this area. It should not be an  
 12 area that is desolate in the evenings, as it is now. It  
 13 should be an area where everyone, including nearby  
 14 single family homes, residents can walk to and from  
 15 work, to reside, to the residences, to shop and to be  
 16 entertained.  
 17 Now, how do we realize that vision? We realize it  
 18 by projects that embody these same principles that have  
 19 been within the City's Comprehensive Plan now for  
 20 probably over 20 years.  
 21 The project which we are proposing today keeps and  
 22 expands the only residential uses which we have in the  
 23 area with high quality apartment units far superior to  
 24 what exists today, and with complimentary retail spaces  
 25 which will serve the entire neighborhood. The

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1 approvals, which we need to realize this project from  
 2 are justified on multiple levels.  
 3 I just have a couple of exhibit boards here. The  
 4 exhibit board-- both of them-- exhibit board on the  
 5 left, is the Zoning Map for the area with the property  
 6 outlined in a black dotted line or dash line, and on the  
 7 right, you have the Future Land Use Map similarly with  
 8 the subject property outlined with a black dash line.  
 9 Firstly, it's important to note that the northern  
 10 half of this site already has the necessary commercial  
 11 land use and zoning designations. It has been a long  
 12 time planning principle that for the most, especially  
 13 for sites of this size, assembled sites should have--  
 14 should not have split zoning, and should have the same  
 15 uniform zoning. That is not the case right now with  
 16 this property.  
 17 Secondly, Land Use and Zoning Maps should provide  
 18 for an orderly pattern of use and development. In other  
 19 words, we should not have half hazard spot zoning with  
 20 one property designated or zoned differently than the  
 21 properties surrounding it.  
 22 On both of these maps, you'll notice that we have  
 23 a spot, and the spot is the southern half of this  
 24 property, which has that brown on the Future Land Use  
 25 Map, Medium Density Residential designation. And then

1 the Zoning Map, the MF2 designation.  
 2 You'll notice that indeed those are the only two  
 3 brown spots on that entire map. You look all over on  
 4 the Zoning Map, either to the north, west or south it's  
 5 either a red or a pink denoting a commercial  
 6 designation, with the red being commercial medium; the  
 7 pink being commercial low. And on the Zoning Map it is  
 8 even more pronounced. This property is designated that  
 9 medium brown color. Absolutely everything else to the  
 10 north, west, and south is designated the commercial red  
 11 color.

12 It makes perfect sense that this half of the  
 13 property should be red on both of these maps, just like  
 14 the balance of the properties around it. And just like  
 15 the properties to the north on the Future Land Use Map  
 16 are designated in a red color, and just like literally  
 17 all of the properties to the north, west, and south from  
 18 the Zoning Map designated that red commercial color.

19 These maps are supposed to make sense, and right  
 20 now they are not making sense with regard to the  
 21 southern half of this property.

22 Lastly, I would like-- I would assert that the law  
 23 does not permit you to allow this spot zoning, which  
 24 essentially exists today, to be perpetuated. And the  
 25 law cited from the principle of prohibiting spot zoning

1 there's also the principle prohibiting reverse spot  
 2 zoning. And to explain what reverse spot zoning is,  
 3 there is a very useful quote from one of the landmark  
 4 cases in reverse spot zoning, which I'll put up here.

5 And if you look at that case, it's the attorneys  
 6 that are in the group-- actually we have no attorney  
 7 today actually in the group, but we realize that it's a  
 8 per curiam you decision, which means a unanimous  
 9 decision of the Supreme Court. It's a very short  
 10 opinion, that is, almost the length of the entire  
 11 opinion which shows that they were pretty confident in  
 12 what the law indicated when that resolved. And the  
 13 highlighted portion there, which is difficult to read, I  
 14 understand, but I will read it for you.

15 "Reverse spot zoning occurs when a Zoning  
 16 Ordinance prevents a property owner from utilizing his  
 17 or her property in a certain way, when virtually all of  
 18 the adjoining neighbors are not subject to such a  
 19 restriction, creating, in effect, a variable zoning  
 20 island or zoning peninsula in a surrounding sea of  
 21 contrary zoning classification. Reverse spot zoning is  
 22 invalid, as it is confiscatory."

23 In other words, you cannot permit all of these  
 24 properties to be zoned commercial, and then prevent the  
 25 one last remaining non-commercial zone in the area from

1 binge rezoned to commercial. Just as spot zoning is  
 2 illegal, reverse spot zoning is also illegal.

3 With that said, we've talked about the Future Land  
 4 Use Map Amendment, the Rezoning Amendment, which are the  
 5 first two requests. Now it's time to talk about the  
 6 Site Plan. The best person to talk about the Site Plan,  
 7 and what we are proposing would be one of our  
 8 architects. I'm not sure if it's going to be Mr.  
 9 Bermello or Mr. Carreras, but they will be presenting  
 10 the project to you.

11 MR. BERMELLO: Good evening, Members of the Board,  
 12 Willy Bermello, architect. Offices at 2601 South  
 13 Bayshore Drive. I apologize for my voice. It's not  
 14 accompanying me tonight, So my partner, Raul Carreras,  
 15 will assist me.

16 We have tried our best with this project to  
 17 exemplify the best principles of urbanism in terms of  
 18 how this project meets the street, how it responds to  
 19 the neighborhood in its context.

20 The project complies with all of the City's  
 21 guidelines, and has met conditional approval from the  
 22 Board of Architects. Simply stated, the project is a  
 23 residential mixed use project driven on the ground floor  
 24 by retail, to animate the streetscape. We have  
 25 dedicated over 15,000 square feet of open space to

1 create an open space plaza piazza, per se, across from  
 2 the park immediately to the east.

3 The project also envisions a Paseo, which is a  
 4 through block connection, right at the midpoint, which  
 5 you can see here, which will to provide pedestrian  
 6 access from San Remo to Venera.

7 That Paseo is not just an alleyway, it's actually  
 8 activated with retail commercial space along both sides.  
 9 And the entrance into the building, in terms of a  
 10 residential core apartment project, is located along  
 11 that Paseo itself.

12 The project consists of 175 residential units in  
 13 terms of one, two and three bedrooms, plus the ground  
 14 floor retail, which is a little over 34,000 square feet  
 15 of retail. The other component is parking simply to  
 16 meet code.

17 The project is within the 97 feet, in terms of  
 18 building height. There's a total of nine stories, and  
 19 we have also tried to make sure that, in terms of the  
 20 access--

21 MR. COLLER: Excuse me. Pardon for interrupting,  
 22 but it's been pointed out to me that this gentleman was  
 23 not sworn in at the beginning of the hearing. So we can  
 24 swear him in, and we'll construe his testimony as having  
 25 been sworn.

1 CHAIRMAN AIZENSTAT: Everyone that's going to  
 2 speak, please stand up to be sworn in.  
 3 MR. COLLER: Is there anyone else who walk in  
 4 late?  
 5 CHAIRMAN AIZENSTAT: Actually we swore everybody  
 6 in.  
 7 MR. COLLER: Were you sworn in?  
 8 MR. BERMELLO: I was not here in the beginning.  
 9 MR. COLLER: He wasn't here in the beginning, so  
 10 he needs to be sworn in.  
 11 (Thereupon, Mr. Bermello was sworn in.)  
 12 MR. BERMELLO: I do.  
 13 CHAIRMAN AIZENSTAT: Thank you.  
 14 MR. COLLER: And just understanding that  
 15 everything you just said was truthful and under-- in  
 16 deed be under oath, okay.  
 17 MR. BERMELLO: Absolutely. I guess a picture  
 18 paints a thousand words. The access to the property is  
 19 on Venera, and the service is kept on San Remo. Part of  
 20 that was done to make sure that the interruptions to the  
 21 sidewalk would be minimized. An early design had both  
 22 consolidated along San Remo. In working with Staff and  
 23 Members of the Board of Architecture, we decided that in  
 24 terms of minimizing curb cuts and maximizing continuity  
 25 of street frontage, we would do just the opposite, and

1 locate the two opposite ends. So everywhere along the  
 2 road from the first get go on this project has gone  
 3 through, I would say, three different evolutions in  
 4 scenarios of design, each one tweaking it, refining it,  
 5 trying to get this to the highest level of refinement,  
 6 which is what you have here today before you. And I  
 7 realize that the object of this Board is not to rule on  
 8 architectural design, that's another Board, but we  
 9 comply right now with all of the requirements of that  
 10 Board, and we come here before you for compliance with  
 11 the planning issues related to land use and the  
 12 Comprehension Plan.  
 13 I would like to be able to address any questions  
 14 that you may have, with respect to the Site Plan, which,  
 15 again, what we were trying to do is to create an  
 16 animated street frontage by way of retail along all  
 17 three sides. So basically everything that you see along  
 18 Venera and San Remo is retail, and everything above that  
 19 is parking, and then the 175 units, which are organized  
 20 around a courtyard that faces on to San Remo.  
 21 The building is majestic. It has a curvilinear  
 22 shape that kind of-- it's almost like an opening of arms  
 23 to embrace the park across the street, and we think it  
 24 has a post card quality that will be a plus to the  
 25 neighborhood, and people that are on the other side

1 immediately to the west and east of us.  
 2 At this point, if the Board has any comments or  
 3 questions concerning this portion?  
 4 CHAIRMAN AIZENSTAT: Mario, are you done with your  
 5 presentation?  
 6 MR. GARCIA-SERRA: No, not yet.  
 7 CHAIRMAN AIZENSTAT: I'm sorry?  
 8 MR. GARCIA-SERRA: Not yet. I still have some  
 9 more presentation to go.  
 10 MR. CARRERAS: Okay. If I can-- just one thing.  
 11 Good evening esteemed Members of the Board. Raul  
 12 Carreras, a partner with Bermello Ajamil and Partners.  
 13 Offices at 2601 South Bayshore Drive, Suite 1000.  
 14 Just one point of clarity, because it's a very  
 15 subtle difference. The Site Plan that you see before  
 16 you here on the easel is slightly different than what  
 17 was in the original planning application. This Site  
 18 Plan, which has not been shared with Staff yet, responds  
 19 to many or all of the conditions that Staff recommended  
 20 as part of your Staff report meeting; additional trees  
 21 on the Plaza, removal of bulbs or bump outs on the  
 22 sidewalk or right of way to allow the continuity of  
 23 parking, et cetera. So we've read the Staff's comments.  
 24 Again, this has not been shared with Staff yet. We do  
 25 not take exception with those comments. We're prepared

1 to comply with them, and this is where we are at this  
 2 point. It's a work in progress.  
 3 MR. TRIAS: I would describe them as minor  
 4 changes, and perfectly fine with presenting them  
 5 tonight.  
 6 CHAIRMAN AIZENSTAT: What I would ask is for Mario  
 7 first to finish his presentation, and then we'll go  
 8 ahead, and if we have any questions--  
 9 MR. BERMELLO: Thank you very much.  
 10 MR. GARCIA-SERRA: Previously I was talking about  
 11 the big picture. Now I'm going to talk to you about the  
 12 bottom line. The approvals that we have before you  
 13 tonight would permit, and for this project in  
 14 particular, an additional 42 units-- residential units,  
 15 an additional 47,000 square feet of floor area.  
 16 When you look at the existing as built environment  
 17 in this area, and the surrounding Zoning, you realize  
 18 how this additional density and additional floor area is  
 19 appropriate.  
 20 You look at this aerial photograph that we have  
 21 here, and you think of the sort of the big categories  
 22 that we're always talking about; height, use, density.  
 23 If you look at height today, has this property  
 24 designated on the Comprehensive Plan, as it is zoned, it  
 25 is permitted a maximum height of 97 feet. The height

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1 that we're proposing as a part of our project is 97  
 2 feet. There is no change. There is no increase in  
 3 height.  
 4 If you look at the surrounding area, it is not an  
 5 area that lacks necessarily height. There's plenty of  
 6 other buildings-- multi-story buildings in the  
 7 neighborhood, as you can see there, most prominently the  
 8 Whole Foods to our west, which to the highest point of  
 9 the roof, and the highest point of architectural feature  
 10 would still be a few feet higher than what we are  
 11 proposing.  
 12 If you look at the other buildings that are in the  
 13 area, the new ones and some old ones that have been  
 14 there for a while, many of them in the range of 85, 75  
 15 feet when you're looking at either the top of roofs or  
 16 to the top of their architectural feature.  
 17 When you look at uses, we're all about mixing  
 18 uses. We're all about the new urbanism. We're all  
 19 about trying to encourage pedestrian activity. This is  
 20 the only residential project in this entire area, the  
 21 existing buildings that are there today, and the  
 22 proposed one. If you look around there, all of those  
 23 other rooftops that you see there of any significance of  
 24 buildings are all office or institutional buildings that  
 25 exist right now.

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1 This is the only property-- the only project so  
 2 far that has a potential to introduce the residential  
 3 component into this neighborhood, so that we really have  
 4 that live, work, play goal that we are always pursuing  
 5 in urban planning.  
 6 Lastly, density. We are increasing the density,  
 7 but we're not maximizing it, which I think is a good  
 8 indicator of the sincerity that there is behind the  
 9 density amount that's being proposed.  
 10 If you look at the matrix that's there, at the  
 11 bottom, we indicate how many units are existing today.  
 12 The two buildings combined today we have 85 units. The  
 13 maximum number that is permitted today in the existing  
 14 zoning is 133. The proposed units are 175. That's 42  
 15 units that we keep-- increase that we keep on repeating.  
 16 And you look at the last column, 207 units. That's the  
 17 maximum that would be permitted if our Zoning were to be  
 18 approved, but we are not taking advantage of that. We  
 19 are not maximizing that number.  
 20 In other words, as quite often happens, and I'm  
 21 sure you see sometimes developers come before this Board  
 22 and they say, "Okay, we're rezoning, and we're going to  
 23 go for 207 units," and then they knock off 20 units as  
 24 if it's a big favor to try to get support or approval.  
 25 Here we sincerely feel that 175 units it what's

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1 appropriate from a market perspective and from a  
 2 liability perspective, and that's a number-- that's the  
 3 density that we're proposing for the project, so below  
 4 what would be permitted if these rezonings were to be  
 5 approved. Indeed, 42 units is more than what is  
 6 permitted right now, but we sincerely believe that is  
 7 the density that's necessary for this project to take  
 8 place, and for this project to be successful.  
 9 We conducted a neighborhood meeting, which was  
 10 well attended. All of the neighboring commercial  
 11 property owners, with the exception of one, were  
 12 supportive of this project. The one commercial property  
 13 owner which has expressed objections is Ms. Lani Kahn  
 14 Drody, the owner of the building and property  
 15 immediately to our west, which is a one-story office  
 16 building.  
 17 Ms. Kahn Drody is in a unique position of being  
 18 one small building surrounded by larger buildings, in  
 19 this case, the Whole Foods Building to the west, our  
 20 existing buildings to the east, and our proposed  
 21 building, which will be even larger. We understand the  
 22 uniqueness of her situation, and have been working with  
 23 her to try and accommodate and address her concerns  
 24 relating to setbacks, landscaping, and preserving  
 25 onstreet parking spaces, all of which are important to

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1 her.  
 2 Of course, you know, there's a balancing between  
 3 future planning and what's appropriate based on our  
 4 Comprehensive Plan goals, and also trying to respect  
 5 those existing property owners that are there right now.  
 6 We're thinking that we're striking that balance. We can  
 7 discuss that more in response to their comments perhaps  
 8 with the architect mentioning what's been done as far as  
 9 setback, landscaping, sound buffering.  
 10 The Riviera Neighborhood Association was also  
 11 represented at that neighborhood meeting. They have had  
 12 concerns and comments, which they have shared with us  
 13 throughout the course of several meetings. We have been  
 14 working with them to address them. They will likely  
 15 speak for themselves, but perhaps to summarize, from our  
 16 point of view what their concerns are, and how they have  
 17 been addressed, height was an initial concern. I think  
 18 a lot of that was perhaps obliterated when they realized  
 19 that the existing permitted height of 97 feet is what's  
 20 being proposed.  
 21 We also, at their request, prepared some shadow  
 22 studies to indicate how this building would potentially  
 23 affect shadow in that area. I have copies of that  
 24 shadow study if you'd like me to distribute it, but it's  
 25 pretty straight-forward what the conclusion was; that in

1 the morning and in the afternoon, regardless of what  
2 time of day it is or what time of year, there is no  
3 shadow being cast on the adjoining park. At 6:00 p.m.,  
4 regardless of whether our project is happening or not,  
5 there's significant shadows. The project perhaps adds a  
6 little more to that shadow, but, then, again, it is at  
7 6:00 p.m. in the evening, pretty late in the day. I  
8 venture to say practically anyone in Coral Gables at  
9 6:00 p.m. is going to have some level of shadow being  
10 cast on it.

11 The concerns also are expressed on density. When  
12 we really get to talking about density, you realize that  
13 it's not so much just a unit number concern, because if  
14 each of those residents were riding a bicycle or  
15 walking, there wouldn't be such an objection. It's  
16 really a traffic concern. In other words, how many more  
17 cars are there going to be with that increased number of  
18 42 units.

19 We've conducted a traffic study, and the  
20 conclusion was that the project complied with all of the  
21 relevant traffic concurrency standards, with very  
22 minimal sort of improvements that would have to take  
23 place. I know that's easier said than done. We're also  
24 sort of putting our money where our mouth is, and  
25 proffering a \$75,000 contribution to the City for a

1 multi-modal improvements to try to improve traffic.

2 The overall mix of uses here in this project is  
3 also part of the greater effort, I think, to try to  
4 become less car dependent, and put more intensity, and  
5 more density, and more mix of uses closer to transit  
6 facilities like we're doing with this project in order  
7 to encourage the use of getting around by means other  
8 than a car.

9 And as part of our discussions, they were very  
10 beneficial. We got together with Kevin Kinney, our  
11 Parking and Mobility Director. We talked about even the  
12 possibility of things, such as extending trolley service  
13 to the area, and perhaps extending the freebie shuttle  
14 service that we have in the Central Business District to  
15 try to address those concerns, and really have the  
16 residents see themselves a better way to get around, and  
17 even just walk the distance there might be from a single  
18 family home neighborhood to this more commercial area on  
19 the other side of the park.

20 Parking was also raised as a concern. We've  
21 proffered a series of--

22 MR. TRIAS: Can you clarify the trolley, because  
23 you're not proffering anything?

24 MR. GARCIA-SERRA: No. No. No. As far as  
25 additional above impact fees that we're proffering as

1 the \$75,000, which is now worded to be used for  
2 multi-modal improvements, under that language  
3 conceivably it could potentially be used for some sort  
4 of study or, you know, supporting the trolley, but in no  
5 way is that amount of money going to be enough to buy  
6 another trolley car or finance another line or anything.  
7 I throw it out there sort of as part of the discussion  
8 that we had with the Riviera Neighborhood Association as  
9 to what the real solutions are for the future as far as  
10 mobility.

11 On parking, they had concerns about overflow  
12 parking, parking perhaps seeping into the single family  
13 residential neighborhood. We proposed a series of  
14 conditions to them regarding prohibition of  
15 assignability of parking, how valet parking would be  
16 managed, and so forth to try to see if that would  
17 address their concerns regarding overflow of parking.  
18 We've proffered those to them. I'm waiting to hear back  
19 from the Association as to what they think of those  
20 proposed conditions in particular.

21 Our other commercial neighbors, Professional Bank,  
22 which is in very close proximity to us, has proffered a  
23 letter of support, which I'll submit for the record to  
24 pass around. It reads, "We have reviewed the project's  
25 renderings, and as your neighbor, Professional Bank, is

1 delighted that such a wonderful mixed use project will  
2 be located in such close proximity to our San Remo  
3 office.

4 As you know, one of our branches is located at  
5 1567 San Remo, which is approximately 100 feet from the  
6 subject project. Please be advised that we have no  
7 opposition to said project, and welcome the improvements  
8 and enhancements to the area."

9 Staff is recommending approval with conditions.  
10 Those conditions were acceptable to us. With that said,  
11 I'd ask you to follow your Staff recommendation. And  
12 I'd like to reserve some time for rebuttal. Thank you.

13 CHAIRMAN AIZENSTAT: Thank you. Can I see a show  
14 of hands of people that would like to speak on this  
15 subject?

16 Did everybody sign up, and everybody was sworn in  
17 ahead of time?

18 Okay. What I'd like to do now is call the public  
19 to come and speak first, and then we'll go ahead and  
20 close with any questions we may have. Let's go ahead  
21 and hear the public first, then we'll present.

22 THE SECRETARY: Debra Register.  
23 Paul Savage.

24 CHAIRMAN AIZENSTAT: Jill, you'll go ahead and  
25 enter this handout, for the record?

1 Thank you.

2 MR. TRIAS: And for the record, we also have some

3 letters that were included in your package from the

4 public.

5 CHAIRMAN AIZENSTAT: Okay.

6 MS. MENENDEZ: These are letters from residents

7 that have been collected by others, is that it?

8 MR. TRIAS: What's being provided now is being

9 provided for the first time, so I don't know what it is,

10 and I'm sure that the speaker can explain it. The

11 letters that I received have been provided to you as

12 part of the package.

13 MS. MENENDEZ: Yes, I know, but there are about

14 six letters here from the public-- from residents, and I

15 just want to know, you know, is this something that you

16 all collected?

17 CHAIRMAN AIZENSTAT: Mr. Savage?

18 MR. SAVAGE: Yes.

19 MS. MENENDEZ: Okay.

20 MR. SAVAGE: If you'll just give me one second to

21 set up my boards, and then I'll give my formal

22 introduction.

23 CHAIRMAN AIZENSTAT: Okay. Thank you.

24 MR. SAVAGE: Good evening, ladies and gentlemen of

25 the Board. My name is Paul Savage. I have law offices

1 at 2121 Ponce de Leon Boulevard, Suite 900, here in

2 Coral Gables. I'm here this evening representing San

3 Remo Office Associates, LLC, with the lobbyist

4 registration on file. And that client is the property

5 owner to the immediate west of-- and in the southwest

6 quadrant next to the subject parcel that's being

7 rezoned.

8 My client-- my principal is with me today, Lani

9 Drody. She and her father have, for many years,

10 operated out of this location, operating the Lowell

11 Homes and Lowell International Realty of Homebuilders

12 and Realty Firm. She's also here with me with others

13 from the public who will speak in opposition to the

14 application that's before you tonight.

15 MS. MENENDEZ: I'm sorry, could you point out in

16 the map where your client's office is, somewhere in the

17 vicinity?

18 MR. SAVAGE: Sure. So the subject property is at

19 1515 San Remo, which if you're familiar with the area,

20 that terminates at the William H. Kerdyk and Riviera

21 Park. It has Red Road on one side, and then, as you

22 move east, you go toward the park, and my client is at

23 1537, which is, if you can see where I'm pointing, is

24 this parcel here. She's right next door-- if any of you

25 shop at Whole Foods, and you know where the ramp comes

1 out on to San Remo, if you were to come out of that ramp

2 and look immediately to your left, that's the property.

3 MS. MENENDEZ: Okay.

4 CHAIRMAN AIZENSTAT: So she would be wedged

5 between the two projects?

6 MR. SAVAGE: Most certainly. And, in fact, one of

7 the points I'm going to make when I get to the Site Plan

8 is that not only is she facing the dump out from the

9 Whole Foods parking garage-- and it's not just Whole

10 Foods. As you know, it's a whole other structure and

11 offices-- but this particular Site Plan has placed the

12 service bay with the dumpsters, and the deliveries, and

13 the emergency generator, and all of those fun things are

14 on the-- you know, right next to my client's property.

15 So one of the conditions recited in the Staff'S

16 Recommendation is to work with my client, and mitigate

17 those impacts by changes to the Site Plan. And just

18 jumping ahead to that point, and I'll go ahead and make

19 it, and then we'll cross that off, that hasn't been

20 accomplished. That Site Plan has not been modified at

21 all. And the qualification in the conditions are to go

22 ahead and take care of that between this proceeding and

23 City Commission. And, respectfully, we object to that,

24 and we believe that this Board should have the final

25 true and accurate Site Plan if you're going to vote.

1 You know, the third item, which is the quasi-- one of

2 the two quasi-judicial items, is you're approving the

3 Site Plan, and that Site Plan, if you see my board here,

4 which is also behind Tab 7, whether you want to try to

5 look here or you can see probably a little better in

6 your book, it says here to coordinate with the neighbor

7 to minimize the effects on their property. And this is

8 not just on this exhibit, but it's actually set forth

9 formally in Mr. Trias'-- this is a condition set forth

10 in the enumerated conditions.

11 So just to go ahead and make that point, because I

12 don't have unlimited time tonight, I think that you

13 should not vote on the Site Plan tonight until such

14 time-- because we would like, if this project goes

15 through-- and you're going to hear reasons why I don't

16 think it should at all, but we believe that if this

17 project were to go through, that service bay area needs

18 to come down. We're already suffering enough from the

19 Whole Foods ramp. And if you go there at all, you know

20 the stacking of traffic and everything else that

21 happens. So we don't believe that we should also suffer

22 from their box trucks, and garbage trucks, and all of

23 that, and that needs to be reconfigured to maybe come

24 down the street, and be entirely redesigned. So for

25 that-- that's one of the many reasons that I believe



1 that this application is premature in its present form.  
 2 To go back up to the beginning of my presentation,  
 3 most fundamentally, the file has a notice problem. Mr.  
 4 Trias had a slide that talked about five mailouts that  
 5 had gone out, and there were several meetings and Design  
 6 Review Board hearings and the like. If you look behind  
 7 Tab 1 of my book, there's the standard-- there's the  
 8 standard mailout that the good people at Florida Real  
 9 Estate Decisions have been doing for 30 years, including  
 10 for this application. If you look here on the second  
 11 page, the San Remo Office Associates, which is my  
 12 client, with property at 1537 San Remo, for some reason  
 13 was going to an old address at 80 Southwest 8th Street,  
 14 when they've had that property since 2010. And then the  
 15 next page shows the Office of the Property Appraiser  
 16 has, in fact, the 1537 San Remo Avenue.  
 17 I was alerted to the neighborhood meeting, so I  
 18 was at that, and I cannot complain about that. I was  
 19 alerted to this meeting, and I'm here, so I can't  
 20 complain about that. However, the early proceedings,  
 21 the first initial notices, we did not know about. And,  
 22 in fact, not to get too far afield and outside the scope  
 23 of tonight, but much has been made about the Zoning  
 24 that's immediately adjacent that this property owner  
 25 obtained. We did not know about that rezoning that's

1 facing the other street. So I think that we need to  
 2 look at what notice made it to us and not, and I believe  
 3 we were entitled to those earlier boards and mailouts  
 4 that were made.  
 5 On the merits--  
 6 MR. COLLER: May I inquire on this question,  
 7 because it's a legal issue based upon the notice?  
 8 Are you saying you haven't had sufficient time to  
 9 adequately prepare for this hearing, because there's not  
 10 been sufficient notice? Did you not get sufficient  
 11 notice of this? Is that your--  
 12 MR. SAVAGE: No. No. I think I've conceded on  
 13 this record that I was at the neighborhood meeting, so I  
 14 think that is off the table.  
 15 MR. COLLER: What notice do you claim that you  
 16 didn't have that went before what particular Board?  
 17 MR. SAVAGE: In Mr. Trias' slide-- I think it was  
 18 11 or 12-- he had five items that were mailed out or  
 19 notice, and we certainly didn't know about the design--  
 20 we did not appear at the Design Review Board. If  
 21 there's any other notices that happened before the  
 22 neighborhood, and before this, those are the things I'm  
 23 objecting to. And if there's a statement or a Staff  
 24 representation that people within 1,000 feet got the  
 25 following five notices, I'm saying that I have contrary

1 evidence. To the contrary, we did not get those initial  
 2 notices. There's some kind of mistake. I've known  
 3 opposing counsel forever. I've known the-- I've used  
 4 this radius mailout firm that's probably the only one I  
 5 know that does this, and I don't suspect anyone did  
 6 anything purposeful, but there was some kind of a  
 7 mistake in the initial notice. That's what I'm saying.  
 8 And I think that we would've been able to participate  
 9 more thoroughly and more early on had we had sufficient  
 10 notice of those meetings.  
 11 MR. COLLER: Okay.  
 12 MR. SAVAGE: If I go to some of the merits, some  
 13 of the 1,000 foot things, and some of the detail things  
 14 that you heard, we heard a lot about the west--  
 15 everything to the west, and that this parcel is some  
 16 kind of a hole in the doughnut, and an accident of  
 17 history; that we have to fix this. In fact, I heard the  
 18 phrase, "spot zoning and reverse spot zoning." Nothing  
 19 could be further from the truth. Nobody said to look to  
 20 the east. What is to the east? The Riviera William  
 21 Kerdyk Park is to the east, single family homes are to  
 22 the east, all of which is now already overstressed by  
 23 the commercial activity that's in the Whole Foods area.  
 24 You can go there on any afternoon and see all of those  
 25 streets clogged. I even have a picture. I went and

1 made a picture on a date certain in August, and attached  
 2 it to my letter under Tab 4.  
 3 The idea that that is somehow reverse spot zoning  
 4 is ludicrous. The Comprehensive Plan and the Zoning  
 5 Code are filled with instances of the word, "transition,  
 6 transitioning." And what I am saying, contrary to my  
 7 opposing counsel, is that there's nothing wrong with our  
 8 Comprehensive Plan as it's written. And, in fact, what  
 9 I am saying is, it's a knowing and purposeful  
 10 legislative choice to provide for a deceleration of  
 11 intensity from the shops at Sunset Place, to Whole  
 12 Foods, and as you come down to the park, and the school  
 13 that's there, and the single family homes beyond, there  
 14 is a deceleration.  
 15 What we have in this application is a maximization  
 16 of 30,000 square feet of commercial and maximum density,  
 17 all of the way to the boundary of the park. And this  
 18 slide that was not emphasized in their presentation, but  
 19 it's there from their architect, is where they take a  
 20 computer, and they drop in a rendering of the proposed  
 21 project in the neighborhood. And if you can see, this  
 22 rendering shows the Whole Foods structure here on Red  
 23 Road, and as you progress eastward toward the park,  
 24 instead of some sort of a deceleration of density and  
 25 intensity, this structure they're proposing is more

1 massive than the Whole Foods structure, which is closer  
2 to the mall and all of the commercial areas.

3 So the idea that this is somehow an island ignores  
4 the facts on the ground, as well as the wise language of  
5 the Comprehensive Plan. I found-- and, in fact, the  
6 current treatment is perfectly-- they have Multi-Family  
7 2, MF2, District. It says in our Zoning Code, the  
8 purpose of the Multi-Family 2, MF2, District is to  
9 accommodate various forms of multi-family housing to  
10 meet the housing needs of diverse community while  
11 ensuring that there is a transition to single-family and  
12 duplex neighborhoods, which protects the integrity of  
13 those neighborhoods.

14 There's nothing wrong with that. All of the great  
15 things that I heard about, we can walk to these  
16 commercial areas and have dinner. You can do that.  
17 There's the shops at Sunset Place, which are currently  
18 always struggling and reinventing themselves. There's  
19 all of the amenities in Downtown South Miami. There's  
20 the two blocks of the US-1 corridor with all of those  
21 shops and amenities. There is no reason in the world to  
22 bring 30,000 square feet of additional commercial to the  
23 doorstep of the Kerdyk Park and those-- when I went to  
24 the neighborhood meeting, which I can't complain,  
25 because I was there, in terms of notice, but when I went

1 to that meeting, and I have kids at Sunset there that I  
2 get everyday, I had to go through the poor neighborhood,  
3 the surface streets, because those streets are entirely  
4 clogged in the afternoon, entirely clogged.

5 The Comprehensive Plan change is not needed. All  
6 of the great things that we heard about, residential,  
7 can be accomplished with-- and it's not a single-family  
8 home zoning. It's a multi-family 40 acres per unit  
9 zoning. They point out to me with great force that they  
10 have 97 feet as of right height that I can say nothing  
11 about. Great. You have a wealth of ample development  
12 value and opportunity there. Why do you have to bring--  
13 the only reason is that they want to increase the  
14 density. Also, be careful about the calculations,  
15 because it's only a few more or a small percentage more.  
16 It's actually doubled. If you take the parcel next to  
17 my client in isolation, it's a doubling of the density.  
18 Taking the FAR from approximately 2.25 up to 3.5, adding  
19 the 42 units, the admittedly hundreds of thousands of  
20 square feet of additional development rights by just  
21 this enactment is inappropriate, it's inconsistent with  
22 the Comprehensive Plan, and it should-- this item should  
23 be continued until such time as the concerns of my  
24 client and the Riviera Neighborhood Association and  
25 others can be addressed.

1 I do have an interesting legal argument that I do  
2 want to put on the record. And, that is, even though  
3 we've done it this way for years and years, as far as I  
4 know, I believe that it is legally improper for this  
5 tribunal to make quasi-judicial findings of fact that a  
6 given Site Plan, and given a Zoning application is  
7 consistent with a Comprehensive Plan that is  
8 simultaneously being amended. It cannot possibly be  
9 consistent with a Comprehensive Plan right now, because  
10 only the City Commission can ultimately amend the  
11 Comprehensive Plan. So the idea that you're going to  
12 make a finding tonight that this Site Plan is consistent  
13 with the Comprehensive Plan, I argue, is an illegal  
14 impossibility.

15 I think-- I have several additional arguments that  
16 are set forth very dense. By the way, no one goes  
17 through the trouble of going through the Comprehensive  
18 Plan itself and all of the policies, and it was-- I'm  
19 sure it was very boring if you read it, but I did. And  
20 what happens is the Applicant will go and cherry pick  
21 the ones that fit their project, and they emphasize  
22 those.

23 I did want to say that the Comprehensive Plan and  
24 Rezoning Analysis all discuss multi-family residential,  
25 the ability to walk to nearby amenities, lack of adverse

1 impact to environmental areas, all of those very fine  
2 elements that are perfectly satisfied by building a  
3 beautiful, certainly new, certainly redeveloped, but not  
4 upzoned to this level of density, and this level of  
5 commercial that just-- and, my guess, without-- I don't  
6 want to speak for their side, the reason that they're  
7 going for the commercial is purely for the benefit of  
8 the additional density.

9 With that, I think I will rely on my papers that I  
10 have submitted. Oh, in addition, there are several  
11 letters of objection or adverse neighbor positions.  
12 I've attached a couple of them in the book, and we  
13 handed out some more. I thought that the one behind Tab  
14 6 was good, where Mr. Antonio Friguls, F-R-I-G-U-L-S, at  
15 1131 Manati, which is right on the other side of the  
16 park, talks about why can't you build it as of right,  
17 and that the additional density will only add to the  
18 pecuniary benefit of the Applicant, and not serve the  
19 public.

20 By the way, I don't-- and the developers come to  
21 you tonight to ask that with a stroke of a pen that we  
22 confirm millions of dollars of development rights onto  
23 them, and I haven't heard any public benefit concerning  
24 the park, concerning traffic. I did hear some of the  
25 proffers that Mario went through, but I did not hear any

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1 significant public benefit that would benefit the park  
 2 and the residential areas beyond.

3 I think I've made all of my points, and I want to  
 4 thank the Chair for letting me have additional time, far  
 5 more than is typically allowed for public comment, and  
 6 it's my pleasure to see the Board again. If you have  
 7 any questions of me after Mario's rebuttal or the like,  
 8 I am available.

9 CHAIRMAN AIZENSTAT: Thank you.  
 10 MR. SAVAGE: Thank you so much.  
 11 MS. MENENDEZ: Thank you.  
 12 CHAIRMAN AIZENSTAT: Can you call the next person,  
 13 please?

14 THE SECRETARY: Debra Register.  
 15 MS. REGISTER: Hello. My name is Debra Register.  
 16 I reside at 1240 Placetas Avenue. In addition, I have  
 17 an office at 1430 South Dixie Highway, which is in the  
 18 San Antonio corner building. I come here more as a  
 19 business owner. Our area is flooded with traffic. To  
 20 leave in the evening, it stacks on Madrugá. It's  
 21 difficult to get out. It stacks on Yumuri. Plus during  
 22 the day, the traffic doesn't seize that much more.

23 You also have the school that's letting out. You  
 24 have the poor design of the rehab center, which doesn't  
 25 have enough parking. And I see this is going to happen

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1 with this. I'm not here to fight height. I'm here to  
 2 fight density. We, in this area, do not need any more  
 3 density. This opens also a Pandora's box for all of the  
 4 properties that are south.

5 I do-- it does disturb me that, one, they come in  
 6 for one parcel to be approved, and now they come in for  
 7 a second parcel, stating that the parcel north of them  
 8 is approved, so now we have the right to have the parcel  
 9 below them to the south. They're the same owners.  
 10 They're working together, and so I do-- that disturbs  
 11 me, and that disturbs me to the fact that they can get  
 12 this approved using this method, coming before all of  
 13 the Boards and the Commission. So, again, I am against  
 14 the density and the traffic that is going to occur in  
 15 this particular area.

16 Thank you.  
 17 CHAIRMAN AIZENSTAT: Thank you.  
 18 THE SECRETARY: Mitchell Arthur.  
 19 MR. ARTHUR: Good evening to the Board. My name  
 20 is Mitchell Arthur. I am a resident at 1500 Venera  
 21 Avenue, and I come on behalf of the students that are  
 22 currently living in the current units. The vast  
 23 majority of the tenants are students. They attend UM at  
 24 the undergraduate and graduate level, and as you all are  
 25 aware, there are very few low cost rental options left

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1 in Coral Gables.

2 Coral Gables was originally designed as a paradise  
 3 for the middle class, and the trend continues to occur  
 4 where over more and more less low cost options are  
 5 happening.

6 Mr. Savage and Debra raised my concerns, as far as  
 7 parking and traffic, and the density. I come here on  
 8 behalf of the developers. Given, it's a beautiful  
 9 design, and there's more units, that this Board be aware  
 10 of the cost, because UM is very limited in housing,  
 11 given they're land locked, and it's very limited rental  
 12 opportunity that is affordable to students.

13 With that, I give up my time, and thank you.  
 14 CHAIRMAN AIZENSTAT: Thank you.  
 15 THE SECRETARY: Sue--  
 16 MS. KAWALERSKI: Good evening, Board. My name is  
 17 Sue Kawalerski. I reside at 6830 Gratian Street, and  
 18 tonight I'm representing the Riviera Neighborhood  
 19 Association as the President. We have had the  
 20 opportunity to meet with the developers on a number of  
 21 occasions since the public meeting. By the way, that  
 22 public meeting was attended by about six actual  
 23 residents. It was not very well attended. I was very  
 24 surprised, as a matter of fact, that it was not well  
 25 attended, but the-- was represented by three members out

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1 of the six. I believe it was about six, maybe seven.

2 But let me just say that we walked into that  
 3 meeting not knowing what to expect. We heard that it  
 4 was going to be a very large project, and we were right.  
 5 It was a large project. What our main concerns are  
 6 density, the parking, the traffic, and the setbacks.

7 Now, since that first meeting, we have had  
 8 discussions on the parking, and we feel a little bit  
 9 more satisfied about the adequateness of the parking,  
 10 but what we're not satisfied with, and what really  
 11 hasn't been addressed is the density, and how that  
 12 affects us, the neighbors. Is the fact that more  
 13 density equates to more traffic? Right now, on that  
 14 site, there are, I believe, 85 units. To increase to  
 15 175 units-- and I know that as of right they are allowed  
 16 133, but if they increase to 175, from the present 85,  
 17 we just feel that it will present a flood of more  
 18 traffic into the neighborhood.

19 Debbie Register was absolutely correct. At any  
 20 time of day, whether it be the Riviera School, the in  
 21 and the out of parents, whether it be the Riviera Spa,  
 22 and the ambulances and the traffic-- rates, whether it  
 23 be the Whole Foods situation, the current Publix, you  
 24 name it, the traffic right now, just with the 85 units,  
 25 is impossible to navigate at any particular point of the

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1 day. So we feel that the density equates to traffic.  
2 And the traffic-- you know, this notion that after  
3 the project is built, we'll do a study, well, what are  
4 we going to do? Realize after a year that that project  
5 is flooding the neighborhood with so much traffic, we're  
6 not going to tear it down, are we? But we're kicking  
7 this problem with traffic down the road just like a can.  
8 I mean, we have to address this traffic situation. And  
9 the only immediacy on our plate right now is to address  
10 the projects like this, which are much too dense, and we  
11 know that they are going to create more traffic.  
12 So what we're saying is that the developers have  
13 been very good in meeting with the neighbors, and we  
14 appreciate that, but our main concern is that the  
15 density has not really been addressed. So we would  
16 consider you thinking about this increasing density, and  
17 the impacts that I'm speaking of, and the unknowns that  
18 we don't yet have on our plate, because the rest of that  
19 area also well be coming to this Board looking for these  
20 kinds of approvals. This is just one of a number that  
21 are coming to that neighborhood.  
22 My recommendation to Mr. Trias has been, really,  
23 if we are going to be considering this a second downtown  
24 for the City of Coral Gables, what we really need in  
25 that area is a Master Plan, and not look at project by

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1 project, as they're coming before these Boards and  
2 getting approvals, because we don't know what the final  
3 result will be, and the impact on the neighborhood.  
4 So I strongly suggest that a Master Plan for that  
5 new downtown is highly recommended by the Riviera  
6 Neighborhood Association before any action is taken on  
7 any more developments.  
8 Thank you.  
9 CHAIRMAN AIZENSTAT: Thank you.  
10 THE SECRETARY: Lani Drody.  
11 MS. DRODY: Good evening. I prepared a statement,  
12 because I'm always afraid when I do these things--  
13 CHAIRMAN AIZENSTAT: Can you state your name and  
14 address, please, just for the record?  
15 MS. DRODY: Oh, I'm sorry. My name is Lani Kahn  
16 Drody, and I live at 1615 Lakeside Drive in Coral  
17 Gables, and I own the office building located at 1537  
18 San Remo Avenue, also in Coral Gables, and immediately  
19 adjacent to the west of the Applicant's property.  
20 I'm going to read from my statement, because I'm  
21 afraid that I'm going to forget something. I've been a  
22 resident of Coral Gables for most of my life.  
23 In 2006, I served as the first female president of  
24 the Builders Association South Florida, and sat on the  
25 Board of the National Association of Homebuilders.

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1 In 2001, I was voted builder of the year by BASF.  
2 In 2003, I served on the Coral Gables Property  
3 Advisory Board, and I currently sit on the Board of  
4 Governors of the Miami Association of Realtors.  
5 My father and I own Lowell Homes and Lowell  
6 International Realty based out of Coral Gables, and I  
7 tell you all of this so you understand that real estate  
8 and Coral Gables are in my blood. I am not anti-growth,  
9 but I am a smart growth advocate.  
10 In 2010, I purchased our office building on San  
11 Remo off market, specifically because I loved the  
12 street, the low and mid-rise nature of the neighborhood,  
13 and its proximity to a nice residential neighborhood and  
14 park. It very much mirrored our business and the  
15 clientele that we serve.  
16 Today, I'm here to voice my objection to the  
17 proposed Venera project. While I by no means am  
18 objecting to redevelopment of the site, the density and  
19 the scale of what is being proposed is ludicrous, and  
20 not representative of smart growth.  
21 San Remo Avenue is at its maximum capacity of  
22 traffic currently. It bears the load of traffic  
23 frequenting the Shops of Sunset, Sunset Office Plaza,  
24 Baptist Health, Riviera Day School, and the Riviera  
25 Nursing Home.

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1 Currently the San Remo Plaza Office Building,  
2 which includes Whole Foods, and their driveway's right  
3 next to our building, hires an off-duty officer to  
4 direct traffic out of its parking garage adjacent to my  
5 building in the late afternoons.  
6 Loading trucks frequently block our parking lot as  
7 a maneuver short term parking to access the Breast  
8 Center and Medical Office Suites, and Plaza San Remo.  
9 Traffic in the mornings and evenings stack all of the  
10 way up to Yumuri. We've had to wait to even pull out of  
11 our office at certain points of the day.  
12 The Applicant's desire to double the density in  
13 this neighborhood by putting 175 rental units mainly one  
14 bedrooms, and over 31,000 square feet of commercial  
15 retail space, is overwhelming for the property and the  
16 neighborhood.  
17 I also want to point out some inconsistencies in  
18 the application. The first one, the Applicant's  
19 statement on Page 2 of their application says, and I  
20 quote, "Amending the future Land Use Map to change the  
21 Land Use designation of this property to commercial  
22 mid-rise intensity well make it consistent with the Land  
23 Use designations of the adjacent properties." This  
24 statement is totally false. The only adjacent property  
25 to it with the commercial mid-rise intensity designation

1 is the one that the Applicant owns and successfully  
2 changed to this Land Use designation, I don't know, a  
3 couple of-- two, three years ago. The other adjacent  
4 properties are all low-rise intensity allowing for 50  
5 feet of height.

6 I would like to make the point that while the  
7 Applicant claims he has the 125 feet of height, which  
8 includes all of the bonuses, that he proposes as of  
9 right, he does not have the right to the density he  
10 requests.

11 Currently his residential mid-rise zoning allows  
12 for 70 feet of height plus bonuses, and 40 units per  
13 acre of density. The only reason the Applicant seeks  
14 the mid-rise intensity of keeping it residential  
15 multi-family medium density land use, and Multi-Family 2  
16 District Zoning, which is more consistent with the area,  
17 is so that he can cram all 175 units he wants into his  
18 building.

19 The second point that I want to make is that the  
20 traffic study contemplates 172 units, and 30,025 square  
21 feet of commercial space-- of retail space. The latest  
22 version of the Applicant's plans, just to be specific,  
23 are for 175 dwelling units and 31,741 square feet of  
24 retail space. The traffic study also states on Page 10,  
25 in Section 2.5, "It should be noted that the eastbound

1 associated with this equipment well be a detriment to  
2 our property, our employees, and the clientele we serve.

3 Despite our requests and urging of Planning and  
4 Zoning Department to move this equipment, the developer  
5 has proffered no revised plans for us to consider.

6 Furthermore, the retail and residential density  
7 well exceed the capacity of municipal street parking  
8 that my clientele, people who frequent our real estate  
9 brokerage office, currently enjoy. Our customers won't  
10 be able to park and visit our building with the ease  
11 that they now have currently.

12 So I'm asking this evening that the Planning and  
13 Zoning Board please defer this application. As I said  
14 in the beginning of my statement, I am not against  
15 redevelopment of this site, but what has been put  
16 forward to you tonight is not in a form that we feel is  
17 ready for you all to be making a judgment on this  
18 evening.

19 I had other people here with me, and one of my  
20 agents needed to go and show a house, so she had to  
21 leave. Carla had some more letters that we were able to  
22 collect, in addition to what Paul already gave you from  
23 other neighbors, which include Javier and Lillian Pullet  
24 (phonetic), who live-- and they were very sorry that  
25 they couldn't be here. They live in Coral Gables, and

1 approach--" this is quoted from the Traffic City-- "It  
2 should be noted that the eastbound approach of the Red  
3 Road and San Remo Avenue intersection is a private  
4 driveway, and was not included in the intersection  
5 capacity analysis."

6 It is crazy that the traffic study fails to  
7 contemplate the eastbound traffic that dumps directly  
8 onto our street from the Shops at Sunset. This is a one  
9 way street that runs from US-1 through the Shops of  
10 Sunset, and utilizes the traffic light there and empties  
11 on to Red Road. And even though it's private, cars  
12 drive through it and they should be counted in the  
13 traffic analysis.

14 Also, as I read the Traffic Analysis, it only  
15 measures morning and evening traffic, and it does not  
16 contemplate how daytime retail traffic well impact the  
17 area. So I think the entire traffic study needs to be  
18 tweaked and analyzed further.

19 Finally, in addition to my concerns about the  
20 character of the neighborhood, I have some significant  
21 concerns about how specifically the building well  
22 adversely affect our business. In addition to the added  
23 traffic, the Applicant is proposing to place his  
24 dumpster, loading dock, and generator next to my  
25 property. The vibrations, large vehicles, and smells

1 wanted for sure their voice to be heard.

2 Jillian Guerrero (phonetic), she lives at 1154  
3 Alfonso Avenue for the past 19 years.

4 CHAIRMAN AIZENSTAT: They'll all be entered into  
5 the record.

6 MS. DRODY: Okay. So I wanted to make sure you  
7 saw this.

8 CHAIRMAN AIZENSTAT: Thank you.

9 MS. DRODY: Thank you very much for your time.

10 THE SECRETARY: No more speakers.

11 MR. COLLER: Mr. Chairman, the City Attorney-- I'm  
12 sorry--

13 MR. TRIAS: Mr. Chairman, I received six letters,  
14 and I'm going to enter them into the record.

15 CHAIRMAN AIZENSTAT: Okay.

16 MR. COLLER: The City Attorney would like to  
17 address a couple of the legal issues that were raised  
18 during the hearing. If he could do this at this  
19 juncture?

20 MR. LEEN: Mr. Chair, the reason I wanted to  
21 address them was so that Mr. Garcia-Serra would have the  
22 chance to rebut them, because they're not completely in  
23 accordance with what he has said.

24 CHAIRMAN AIZENSTAT: Understood. What I'd like to  
25 do-- I don't know how long it's going to take, but what

1 I'd like to do is take a bathroom break for about like  
 2 five or ten minutes, or do you think you would like to  
 3 go first?  
 4 MR. LEEN: I'm okay either way. You're the Chair.  
 5 I well wait five minutes.  
 6 CHAIRMAN AIZENSTAT: Are you okay?  
 7 Okay. Let's go ahead and take a five, ten-minute  
 8 recess, please.  
 9 Thank you.  
 10 (Thereupon, a short recess was taken, after which  
 11 the proceedings continued.)  
 12 CHAIRMAN AIZENSTAT: Mr. City Attorney.  
 13 MR. LEEN: Thank you, Mr. Chair. There were just  
 14 three legal points that I wanted to briefly respond to.  
 15 The first is the issue of notice. The fact that they  
 16 have actual notice and have appeared to me resolves the  
 17 issue. It's important to note, and I know that our  
 18 Zoning Director did note it and well look into it, but  
 19 in terms of procedural due process, we believe their  
 20 actual notice is sufficient.  
 21 Second, on the issue of the Comp Plan, and whether  
 22 you can consider whether a zoning application or a  
 23 development application is consistent with a proposed  
 24 Comp Plan change, I believe you can. In fact, we would  
 25 want you to do that. I know the Commission would want

1 your advice. I think it's clear that if you don't, that  
 2 if the Commission does not ultimately approve the Comp  
 3 Plan Change, this application would fail. So the entire  
 4 question for you is, should we-- the main-- what's  
 5 really driving this in large part is the legislative  
 6 issue of whether you should approve the change to the  
 7 Comp Plan, and we believe-- I do believe that you have  
 8 the jurisdiction to make that recommendation to the  
 9 Commission. And then, assuming you're making that  
 10 recommendation, does this particular mixed use proposal,  
 11 is it something that should be approved by the City  
 12 Commission, and, if so, with what conditions. And in  
 13 doing that, you're also determining that that would  
 14 comply with the proposed Comp Plan change. So the  
 15 Commission very much wants your recommendation on that,  
 16 and it could be either way.  
 17 And then, lastly, the third point is on the issue  
 18 of reverse spot zoning. I don't view this as reverse  
 19 spot zoning, and I want to make a distinction between  
 20 the legal issue of whether something is spot zoning or  
 21 reverse spot zoning. And the more policy issue as to  
 22 whether this is an isolated Land Use or Zoning Map issue  
 23 where maybe you want to consider that it should be made  
 24 more consistent with its surrounding uses. I think  
 25 they're very different issues.

1 I need to address the reverse spot zoning issues,  
 2 because if it was reverse spot zoning, that's considered  
 3 to be confiscatory, they call it. It's also considered  
 4 to be illegal. So it needs to be addressed because it's  
 5 been raised.  
 6 So the issue is that this is basically a  
 7 multi-family designation, and around it are commercial  
 8 designations. Now, this is the Comp Plan. And  
 9 typically if the Zoning complies with the Comp Plan, it  
 10 cannot be spot zoning, because there's been a  
 11 legislative decision that this should be multi-family.  
 12 Now, you can change that, but I would note, even from a  
 13 policy perspective, if there are other multi-family  
 14 areas in this general area.  
 15 And, in addition to that, the other reason why you  
 16 might want this to be multi-family-- and I'm not  
 17 advocating for it, I'm just saying hypothetically-- is  
 18 because you may make a decision that, as of right, there  
 19 should be a residential area here, as opposed to only  
 20 commercial. Remember, if it's commercial, they might  
 21 come forward with a mixed use project, which could  
 22 include a residential component, but they don't have to.  
 23 If it's commercial, it should be all office. So this  
 24 Commission -- the Commission and this Planning and  
 25 Zoning Board might make the decision that you want some

1 of this to be multi-family. So I don't view that as  
 2 arbitrary capricious. I don't view that as spot zoning  
 3 or reverse spot zoning. I do want to put on the record  
 4 what reverse spot zoning is. I did look it up. So just  
 5 so you're aware, let me just read it into the record.  
 6 This is from the City of Miami Beach v Robbins.  
 7 It's a Third District decision in 1997. "The Court held  
 8 that reverse spot zoning occurs when a Zoning Ordinance  
 9 prevents a property owner to use his or her property in  
 10 a certain way, when virtually all of the adjoining  
 11 neighbors are not subject to such a restriction,  
 12 creating an effect of variable zoning island or zoning  
 13 peninsula in a surrounding sea of contrary zoning  
 14 classification. Reverse spot zoning is invalid as it is  
 15 confiscatory." And when you look at what is spot zoning,  
 16 they're usually talking about very large areas where you  
 17 have one spot that's different than everyone else as a  
 18 matter of zoning law. And there's no-- in those  
 19 situations, there's no reason why that particular  
 20 property would be subject to additional restrictions  
 21 than the ones around it.  
 22 And reverse spot zoning is when-- when you do spot  
 23 zoning, that's when you affirmatively zone a spot  
 24 differently than everyone else. Reverse spot zoning is  
 25 when you zone everyone around a spot differently, and

1 you leave that spot. So both of those are illegal, and  
2 I don't believe it's present here.

3 Mr. COLLER, do you have any further comments on  
4 that?

5 MR. COLLER: I agree with you completely.

6 MR. LEEN: Well, thank you.

7 CHAIRMAN AIZENSTAT: Craig, before you go, is  
8 there any legal question to the City Attorney?

9 MS. MENENDEZ: I have a quick question. So we  
10 approved the previous development with the intensity of  
11 3.5 FAR. We're now faced with a new development,  
12 because I see it as now that development goes away, and  
13 we have a new development. The commercial zoning is  
14 there, but the intensity can be changed from the  
15 previous. So in other words, we're looking now at a new  
16 Site Plan.

17 MR. LEEN: True. In determining what to do with  
18 the Site Plan, you do have discretion. As long as what  
19 you do is supported by competent and substantial  
20 evidence, any conditions you want to place on that  
21 property, you can do.

22 MS. MENENDEZ: Well, because when we look at the  
23 Staff report, they separate the two, and they basically  
24 have the 3.5 for the previous development, and then--  
25 you know, then they say the square footage, and then we

1 have the two point something, which is the current  
2 zoning for the current area even, with the commercial,  
3 you know, zoning. And then when you add the mixed-use,  
4 it jumps up to 3.5. What I'm trying to say is that to  
5 me this is a new development.

6 MR. LEEN: I agree with you that it's a new  
7 development.

8 MS. MENENDEZ: The Site Plan is new.

9 MR. LEEN: I think the point, though, is that if  
10 they came forward on a commercial land use designation,  
11 if they came forward with an office building, they  
12 could, as of right, build up to whatever the  
13 entitlements were for that particular area.

14 MS. MENENDEZ: Right. But mixed-use gives you a  
15 lot more opportunity.

16 MR. LEEN: Mixed use gives them more opportunities  
17 and also gives the neighbors more ability-- more due  
18 process, and more ability to come and ask for conditions  
19 to be imposed.

20 MS. MENENDEZ: Right. But the intensity can  
21 change, is what I'm saying, from the previous approval,  
22 because it's a different Site Plan?

23 MR. LEEN: I agree with you.

24 MR. TRIAS: Mr. Chairman, and there could be  
25 future projects that are also different once you change

1 the land use zoning. So this proposed Site Plan may or  
2 may not be the last one that you see, in theory.

3 MR. LEEN: That's true. If you were to, for  
4 example, approve the Comp Plan change and deny the  
5 Zoning application, and let's say that actually became  
6 the new Comp Plan designation, then a future project  
7 could come, with a commercial land use as of right. So  
8 you do need to consider that. But that's one reason--  
9 you know, there's arguments for and against whether you  
10 should have an application with a Comp Plan change.  
11 I've heard them on both sides. One benefit of that is,  
12 you have an idea of what's being-- that what's being  
13 recommended for that particular-- what's being proposed  
14 for that particular area. And a lot of times you can--  
15 for example, they can proffer-- sometimes this has  
16 happened here-- even with a Comp Plan change, the  
17 Applicant can proffer a restrictive covenant that limits  
18 their ability to use the property a certain way. And  
19 because it's proffered, the Planning and Zoning Board,  
20 and the Commission can consider that possibly in  
21 determining whether to make the change.

22 Do you agree with that, Mr. COLLER?

23 MR. COLLER: I agree with that, as well.

24 MS. MENENDEZ: Thank you.

25 CHAIRMAN AIZENSTAT: Thank you. Is there more

1 public comment?

2 No. At this time, we'll go ahead and close for  
3 public comment.

4 Mario.

5 MR. GARCIA-SERRA: Thank you, Mr. Chair. I'll  
6 keep my rebuttal short. There were sort of different  
7 categories of objections, and I'll try to address them  
8 by categories, so as to not make it too long.

9 The first one is probably what was put forward  
10 most eloquently by Mr. Savage, regarding compatibility.  
11 Is this the right land-- is the proposed Land Use  
12 designation of Commercial Medium appropriate as proposed  
13 Zoning of commercial appropriate? And putting aside the  
14 disagreement that I might have with the City Attorney as  
15 to whether this is, from a legal perspective, a reverse  
16 spot zoning situation-- I still believe it is from a  
17 legal perspective, but putting that aside, just talking  
18 about what this Planning and Zoning Board generally  
19 talks about, which is good planning, what's compatible,  
20 what's appropriate, You look at these maps-- you look at  
21 both of these maps, the Future Land Use Map on the  
22 right, the Zoning Map on the left, and they do not make  
23 sense from a proper planning and Zoning perspective as  
24 to how this area should be designated.

25 The Zoning Map is the easier of the two, of

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1 course, to discuss. To the north, there's commercial;  
2 to the west, there's commercial; to the south, there's  
3 commercial; to the east, there is a park. Everything on  
4 the west side of the park is commercial, except for this  
5 property. So right now 125 units to the acre as  
6 mixed-use projects, subject to mixed-use Site Plan  
7 approvals, is permitted to the north. It's permitted to  
8 the west. It's permitted to the south.

9 It is in deed as that definition. The quote that  
10 Craig read from Robbins versus Miami Beach case was the  
11 same exact quote that I read and I presented to you in  
12 the exhibit report. This is an island of a particular  
13 type of Zoning in a sea of different types of Zoning,  
14 and we would be the only property being denied the  
15 ability to have that Zoning in this area. That's the  
16 Zoning Map.

17 Future Land Use Map, you notice there's a couple  
18 of more shades of color there. The north half of our  
19 property is the red Commercial Medium. South half is  
20 that light beige Residential Medium. It's very  
21 important to listen to the words that I just said,  
22 "Commercial Medium and Residential Medium." There's  
23 already an acknowledgment that that property should be  
24 at the medium intensity level of designation.

25 Now, what that is saying is that what's

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1 residential right now, you should make it commercial.  
2 Part of our argument, of course, is that everything else  
3 there is commercial; either commercial medium or  
4 commercial low. And what distinguishes it from being,  
5 let's say, commercial medium, as opposed to commercial  
6 low, you'll notice that every property that faces the  
7 park, west of the park, is a commercial medium  
8 designation. There was a conscious plan-- other than  
9 the southern half of our site, there was a conscious  
10 decision that that park serve as sufficient of a  
11 transition that you should have medium intensity of  
12 development on the westerly side of the park. And  
13 that's why, from a Land Use sort of legislative policy  
14 position, if it was appropriate on that map, for that  
15 color to not be beige, there's nothing else that's beige  
16 anywhere around it, but for it to be red just like the  
17 properties are to the north-- the other properties that  
18 face the park on the west side of the park; nor should  
19 it be pink, because that's not the treatment that's  
20 given necessarily to the other properties facing the  
21 park on the west side of the park.

22 So that is sort of the Land Use and Zoning Map  
23 changes compatibility arguments as to the rebuttal as to  
24 why our proposed designations are appropriate.

25 The second issue I'd like to address is sort of

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1 the issue of density, traffic. Again, density, whenever  
2 it was mentioned by any of the objectors it's  
3 automatically tied to traffic. And as far as traffic is  
4 concerned, let me first sort of clear up a technical  
5 issue about the appropriateness of the traffic study.

6 Juan, if you can come up. Juan Espinosa, from  
7 David Plummer and Associates, my traffic engineer.

8 MR. ESPINOSA: Good evening. Juan Espinosa, with  
9 David Plummer and Associates.

10 CHAIRMAN AIZENSTAT: Can you state your address,  
11 please, for the record?

12 MR. ESPINOSA: 1750 Ponce de Leon Boulevard.

13 MS. GARCIA-SERRA: Juan, could you please explain  
14 for the Board how the traffic study is updated and  
15 accurate with the current proposed unit count and retail  
16 floor?

17 MR. ESPINOSA: Sure. The traffic study was  
18 updated with the 175 residential units and 31,741 square  
19 feet of retail. That was the way the traffic study was  
20 conducted.

21 CHAIRMAN AIZENSTAT: From the original or you  
22 updated it?

23 MR. ESPINOSA: It was updated once the Site Plan  
24 changed, and that was the way it was submitted to Public  
25 Works as an update.

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1 MR. GARCIA-SERRA: Correct. At one point in time  
2 the Plan had the 172 units, I think, it was proposed,  
3 and 20,000 something square feet of retail. It went up  
4 by three units from 172 to 175, and the amount of retail  
5 went up from 20,000 something to 30,000. So that  
6 explains the update of the Plan.

7 Juan, if you could also talk about how the flow of  
8 traffic in this project, since it is primarily  
9 residential, would be a sort of counter-flow and  
10 different from the pattern of traffic that exists right  
11 now?

12 MR. ESPINOSA: That's correct. This being in a  
13 very commercial area, and you heard the neighbors, in  
14 the afternoon, like the Whole Foods area, at five  
15 o'clock, everybody is trying to leave the area, this  
16 being residential, it's what we call reverse commute.  
17 So everybody-- when you have a residential site,  
18 everybody's trying to come in into the site. So you  
19 don't have the conflict of the people adding to the  
20 traffic coming out. So as long as people are leaving,  
21 you can see the other side of the road, people well be  
22 coming in. So there's more capacity when you have  
23 reverse commute. So we would not be compounding on the  
24 issue of traffic. We well be using the available  
25 capacity by providing residential.



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1 MR. GARCIA-SERRA: One last question on the square  
 2 foot by square foot basis of comparison, comparing how  
 3 much traffic is generated by typical office use, which  
 4 is very prevalent in the area, to residential, how much  
 5 is generated per square foot of residential, which one  
 6 is more and perhaps elaborate further?

7 MR. ESPINOSA: Commercial, all of the office  
 8 buildings would generate more traffic than residential.

9 MR. GARCIA-SERRA: Thank you.

10 MR. ESPINOSA: Thank you.

11 MR. GARCIA-SERRA: One objector brought up the  
 12 issue of affordability, and how there should be,  
 13 apparently, some obligation to sort of provide that  
 14 level of housing in the area or in the City. The City  
 15 itself has been undertaking an effort to try to address  
 16 that issue. Comprehensively they've increased density  
 17 in the North Ponce area. They've undertaken other  
 18 measures to try to address it. This is really a  
 19 Citywide policy.

20 We can say that the solution to the affordability  
 21 issue in Coral Gables is going to be let's just keep all  
 22 of our old housing stock, and just keep it as it is, and  
 23 don't let them redevelop anything on that site, because  
 24 it might be affordable, it's not going to be good  
 25 housing. You know, it's just going to let existing

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1 buildings deteriorate in place, be sort of a race to the  
 2 bottom as far as, you know, renting it out just to be  
 3 able to break even and make ends meet.

4 This project is going to increase density. We'll  
 5 have a variety of different size units as options of  
 6 potentially-- you know, could address some of the  
 7 affordability issue, but it shouldn't be the  
 8 responsibility of this one project to try to address the  
 9 affordability issue, which is really Citywide. And the  
 10 solution to that is ongoing. And this could potentially  
 11 be part of the solution, to a certain extent.

12 The other issue which came up, the City Attorney  
 13 spoke to it already, but was the issue of notice. You  
 14 know, the certified list that we use to send out notices  
 15 is indeed certified for that reason, to reflect what is  
 16 on the tax roles at the moment. Mr. Savage's presence  
 17 here, Ms. Kahn Drody's presence here, is evidence that  
 18 they did actually receive some actual notice.

19 Mr. Savage mentioned many times that the first  
 20 meeting that he went to was the neighborhood meeting.  
 21 The only meeting that happens before-- the only two  
 22 meetings that happen before that are the Development  
 23 Review Committee meeting and the Board of Architects  
 24 meeting, both of which are not meetings where there's  
 25 mailed notice. For both of those meetings, the notice

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1 is posted on the property. So no one receives a mailed  
 2 notice for the Development Review Committee or Board of  
 3 Architects. They could have just easily seen the sign  
 4 that others saw also and attended those meetings.

5 Just as importantly, and attached to the issue of  
 6 notice, and what's appropriate for this property here  
 7 right now is the history of the ownership of the site,  
 8 also. I'll pass by some documents. I'll submit it to  
 9 the record and explain them now.

10 The 1550 San Remo property, which is the subject  
 11 property of this application which we're proposing to  
 12 change the zoning designation, was actually owned by Ms.  
 13 Kahn Drody's family previously. So Ms. Kahn's family  
 14 previously bought the entire building, converted it to  
 15 condominium. When they converted it to condominium,  
 16 stayed remaining only one unit, and that one unit was  
 17 ultimately sold to my client. So there's a history here  
 18 of their familiarity with the property process that was  
 19 going on. They were part of a sale. They knew who the  
 20 end buyer was, what the process and what most likely the  
 21 proposed project was going to be or the nature of that  
 22 proposed project. And they also, at very important  
 23 points in time, when they owned the whole building or  
 24 when they were selling the units to my client or selling  
 25 them to others, at one point in time could have, if they

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1 were so concerned about the issue of how this property  
 2 was going to be future developed, potentially could have  
 3 restricted its development in some way, shape or form by  
 4 deed restrictions or other sort of requirements that may  
 5 have been tied to each of these conveyances.

6 At this point in the process, it's perhaps a  
 7 little bit late, perhaps a little too convenient to now  
 8 be expressing objections after having had such previous  
 9 ownership, and having involvement in the same property  
 10 that they're now objecting to the redevelopment of.

11 Lastly, we are trying to address Ms. Kahn Drody's  
 12 concerns with the transition from this building to hers.  
 13 It's not an easy issue, this issue of having sort of  
 14 these hold out properties or holes in the donut, let's  
 15 just say, in the whole block, which is otherwise being  
 16 redeveloped. But on this topic, I'd like to ask Willy  
 17 Bermello to come up here and sort of address how we've  
 18 tried to address the setback issue, the traffic issue,  
 19 the entrance of the parking garage, those sort of  
 20 things.

21 MR. BERMELO: Mr. Chairman, Members of the Board.  
 22 There are a couple of points that I'd like to highlight  
 23 that are indicative of our efforts to try to be a good  
 24 neighbor and address some of the issues that have been  
 25 raised here tonight.

1 The original plans of this design that were  
2 presented to Mr. Trias originally had the access to the  
3 parking garage from San Remo, and similarly the access  
4 to the service delivery area.

5 Now, we all agree that they have to be somewhere.  
6 We early on said definitely not Yumuri. That's  
7 obviously the most public, the highest presence being  
8 across the park. That has to be the highest level of  
9 pedestrian access. So at one point, all of that  
10 activity had been placed here, next to the adjoining  
11 property that you've heard both Mr. Savage and Lani  
12 speak about. We realized that having the access to the  
13 garage at this point would also have both the access  
14 from Whole Foods and this property emptying out on to  
15 San Remo. Based on that, along with Staff, we changed  
16 our plans, and we changed our plans so that, in fact,  
17 all access to the 175 apartments would be on Venera, not  
18 on San Remo.

19 So if you look at the traffic along San Remo, as  
20 far as this project is concerned, the only vehicular  
21 access and traffic would be that going to the service  
22 area, definitely not something that is going to change  
23 the level of impact in quality of traffic in any street.

24 So right now you have Whole Foods that has the  
25 access to its parking garage and its egress on San Remo,

1 make sure that from an aesthetic standpoint, from a  
2 noise standpoint, so visually, noise-wise, in terms of  
3 odors, we have a total buffer, in terms of an eight inch  
4 semi-wall and hedge fronting in the property immediately  
5 to the west of us.

6 And, just again, to highlight an important point,  
7 because I think Mr. Savage addressed the issue, and I  
8 think also our attorney did, in terms of transition.  
9 The transition to our property is the park. If there  
10 had been single-family neighborhoods immediately across  
11 from Yumuri, that's where you have transition zoning.  
12 That's where you have the step down, not when you have a  
13 large park.

14 MR. GARCIA-SERRA: Thank you very much, Willy.  
15 Just one final point. I know several letters were  
16 entered into the record by Mr. Savage, and I have not  
17 been able to take a look at those addresses yet. It's  
18 important, I think, that you at least glance at them to  
19 you see where exactly they're from. The one that was  
20 provided beforehand, and made part of the record from  
21 Ms. Magdalena Sonville of 1561 Catalonia Avenue is  
22 indeed made by somebody with an address, which is as  
23 indicated in this aerial photograph, over three miles  
24 away from the site. That's not to say that every member  
25 of the public that comes to this Board does not have a

1 and we have ours on Venera, to try to mitigate and cause  
2 the least possible impact.

3 So what is left here? We have three uses;  
4 deliveries, FPL generator, an emergency generator, a  
5 trash room and a stairwell. The exterior face of that  
6 elevation is a solid decorative wall. Now, I realize  
7 that where you're seating you may not be able to see  
8 that as well, but we're looking at this elevation, and  
9 particularly this area right here. In front of that  
10 wall, there is a stretch of greenery 13 feet in width,  
11 which exceeds the setback of 20 feet. But, more  
12 importantly, there are no openings, so the emergency  
13 generator does not have any louvers or openings that  
14 well transmit sound. Those louvers are to the inside,  
15 and I'll show you in a second, and the trash is a  
16 refrigerated trash room. So there's also no exhaust or  
17 ventilation where you'd have smells or odors flowing  
18 into the property next door.

19 So, in other words, we have designed this service  
20 court so it's totally in the interior of our property.  
21 And as far as the exterior, it's a solid wall that well  
22 be decorative, and then there's a greenery hedge  
23 immediately to the west where the walkway is that leads  
24 to the emergency stairwells from the building.

25 So, in other words, what we have tried to do is to

1 right to express their views and express their  
2 objections. They do. What I'm trying to point out is,  
3 the closer you are, the better standing I think you have  
4 to be able to bring forward objections that are  
5 reasonable, and based on competent and substantial  
6 evidence. The further you are away from the site isn't  
7 actually recognized in the law, the less standing you  
8 have as far as being able to challenge it. Everybody  
9 has a right to come up here and express their thoughts.  
10 When you live three miles away, you, I think, are  
11 pushing the boundaries as to what is appropriate, and  
12 what has standing for somebody to object for that  
13 objection to have force with law.

14 With that said, that's the conclusion of my  
15 rebuttal. And so we, of course, are available, the  
16 whole team, to answer any questions which you might  
17 have. Thank you very much.

18 CHAIRMAN AIZENSTAT: Thank you. At this point,  
19 I'm going to go ahead and close the floor to public  
20 comment. I'd like to open up for questions that we may  
21 have to the Applicant or anybody else.

22 Who'd like to start, Maria?

23 MS. MENENDEZ: Sure, I'll start. I had some  
24 questions concerning the traffic study.

25 MR. GARCIA-SERRA: We'll ask Juan to come up and

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1 address your questions.  
2 MS. MENENDEZ: Okay. Hi.  
3 MR. ESPINOSA: Hi. How are you?  
4 MS. MENENDEZ: On your page on your report, Number  
5 24, when you look into the future project capacity  
6 analysis, in fact, if I'm reading it right, San Remo  
7 Avenue, Yumuri, and 57th, the level of service gets  
8 lowered at the peak-- at a.m. and p.m. peaks, am I  
9 reading that right, if you compare it to a chart that  
10 was in previously that shows the existing?  
11 MR. ESPINOSA: Yes, that's because we're doing  
12 signal timing recommendations. We're recommending that  
13 signal timing at that intersection be modified.  
14 MS. MENENDEZ: Okay. These are what you're  
15 projecting, and then the improvements is what you've  
16 just mentioned you're proposing. And how much better is  
17 that going to make it? Do you think it well go back to  
18 its original or how much do you think it well--  
19 MR. ESPINOSA: Well, we just try to improve it so  
20 that we can meet the level of service standard. So  
21 that's something that once the project is open, we work  
22 with the County to balance the movement.  
23 MS. MENENDEZ: Okay. And San Remo and Nervia,  
24 there's also a decrease of level of service to B. Are  
25 there any improvements in that area?

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1 MR. ESPINOSA: There's no improvements to level of  
2 service B.  
3 MS. MENENDEZ: What is the improvement, I guess,  
4 should be my question? What are the proposed  
5 improvements for the impact of the project, as it  
6 relates to traffic?  
7 MR. ESPINOSA: We're meeting the level of service  
8 standards. You know, first this project is in -- so we  
9 are extending from traffic concurrency, Number One.  
10 MS. MENENDEZ: Right.  
11 MR. ESPINOSA: So even with being there, we did a  
12 full traffic study, and they will be measuring at the  
13 level of service standards. This project being within  
14 half a mile of transit, the level of service standard  
15 based on the City Comprehensive Plan is what we call E  
16 plus 50, which they allow 50 percent above the capacity  
17 of the roads. So that's why you see the E plus 50,  
18 because this is where the City determined that traffic  
19 should be. So they understand that there's going to be  
20 congestion during the peak hours in this area. So  
21 that's part of the Comprehensive Plan.  
22 So the only intersection where we are recommending  
23 improvement is San Remo and 57th, which is to modify the  
24 signal timing.  
25 MS. MENENDEZ: Okay. So there's nothing proposed

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1 for San Remo and Yumuri Street?  
2 MR. ESPINOSA: No.  
3 MS. MENENDEZ: Okay. Thank you.  
4 MR. ESPINOSA: You're welcome.  
5 MS. MENENDEZ: I have a question. Does Staff know  
6 how high the Whole Foods Building is?  
7 MR. TRIAS: 97 feet at the highest, and then it  
8 comes down at the parking garage.  
9 MS. MENENDEZ: So at 57th Avenue, it's at 97, and  
10 then it transitions down?  
11 MR. TRIAS: Yes. And that has to do with the Land  
12 Use. If you look at the Land Use Map, the area that is  
13 tallest is the mid-rise, and the area that is lower is  
14 actually the Low Rise Commercial Land Use.  
15 MS. MENENDEZ: Okay. The Paseo, that's not open  
16 to the sky, right?  
17 MR. GARCIA-SERRA: No.  
18 MS. MENENDEZ: Okay. So in reality there's  
19 nothing open, as far as design, to the sky except for  
20 the exterior?  
21 MR. GARCIA-SERRA: The amenities deck. On the  
22 fifth level, there's an amenities deck which sort of  
23 creates a variation in height, and is open to the sky.  
24 MS. MENENDEZ: Okay.  
25 MR. GARCIA-SERRA: I think Willy is looking for

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1 the floorplan.  
2 MS. MENENDEZ: If you tell me the page, I'll look.  
3 MR. BERMELLO: Do you all see this?  
4 MR. GARCIA-SERRA: Show them, but also, Maria--  
5 Ms. Menendez, on Tab 4, Page A-10.  
6 MR. BERMELLO: This is like an L shape--  
7 MR. COLLER: Can you speak into the microphone?  
8 That would be helpful.  
9 MR. BERMELLO: Yes. There is an L-shaped Piazza  
10 at this level, which is the 5th Floor, which has a  
11 swimming pool, gardens, and reflecting pools creating an  
12 area of amenity for the south facing units.  
13 MR. GARCIA-SERRA: On the Ground Floor, there's  
14 also a significant Plaza.  
15 MR. BERMELLO: Correct. It's about almost a  
16 little bit over 13,000 square feet. And, in fact, we  
17 curved the building to make a gesture toward the park,  
18 not just have a straight line setback. We wanted to  
19 create the sense of an urban space.  
20 The Paseo-- you know, often Paseos, if you go to  
21 the Museum Parking Garage, there's a Paseo that leads  
22 just next to Hillstone. We wanted to make sure that  
23 that Paseo was activated with retail, and it wasn't just  
24 an alleyway that was obscured.  
25 The Ground Floor retail is 20 feet in height. So

1 this well read as a covered-- a galleria space that has  
2 the entrance into the residential. So you have it  
3 activated with entrances and retail on both sides.

4 MS. MENENDEZ: Is that the main entrance to the  
5 residential from the Ground Level?

6 MR. BERMELLO: Yes, the principal. So that's  
7 where the P.O. Box and deliveries, et cetera, well be.  
8 In fact, I don't know if you can see it, that hallway  
9 goes back, that's for deliveries.

10 MS. MENENDEZ: Okay. Any pedestrian amenities put  
11 into the site, maybe something toward the park,  
12 something that improves the pedestrian walk along that  
13 area?

14 MR. BERMELLO: Well, what we have done here is all  
15 of this retail is-- you probably can't see it from  
16 there, Maria, it has basically doors opening out. We  
17 envision a lot of this being food and beverage. So that  
18 well be kind of an inside/outside space. So the concept  
19 of live/work, and the concept of, you know, urbanism,  
20 with an activated street frontage, and in this case that  
21 actually faces onto the park, are really the main  
22 contributions to this project. And I don't know if you  
23 can appreciate from where you're at, the elegance, the  
24 prominence of that face project, but part of the idea  
25 was to create with our Plaza and the park across the

1 your neighbor to the west, and the Whole Foods?

2 MR. BERMELLO: The question is, can we push that  
3 further in and internalize that even more?

4 MR. GRABIEL: Yeah. Even if it's 10, 12 feet,  
5 enough so that there's a continuity of storefront in  
6 front of those two places.

7 MR. BERMELLO: So that you can appreciate, I  
8 guess, what we go through in planning and designing, one  
9 of the things that you don't see here, but that we do,  
10 is we do turning radius of trucks that we see here  
11 servicing, including moving trucks, et cetera, and part  
12 of what we were trying to do was to have a very narrow  
13 throat to the service way. So as you're driving by,  
14 you're not looking at the back of those areas. But  
15 we're limited because of the yard in our property. In  
16 other words, if our property went all the way at this  
17 point to Venera, we would be able to push this further  
18 in. The fact is, we're right at the limit. We have--  
19 we kind of run out of space. So if I were to take this  
20 section, which is I think what you're describing, and  
21 move everything back, I would have no delivery parking  
22 areas, and then I would then have trucks parking on the  
23 outside, which I think goes against what we're trying to  
24 do. We're trying to put all of that, any truck,  
25 delivery area inside our property, out of sight. We're

1 way, a continuity between the two. We're bringing the  
2 park to the west, and at the same time we're speaking to  
3 the-- so it well be kind of a relationship by having a  
4 very elegant facade response to the park. So when  
5 you're in the park, and you're looking at it, it'll be  
6 beautiful. You'll want to live there. That was the  
7 idea.

8 MR. CARRERAS: In addition, with Staff's  
9 encouragement, I guess, all of the right-of-way  
10 frontages are being improved, meaning sidewalks, site  
11 furnishings, waste receptacles, lighting, trees, et  
12 cetera. So that public benefit contribution, I guess,  
13 the right-of-way is included as part of this design.

14 MS. MENENDEZ: Okay. Thank you.

15 MR. GRABIEL: I have a question for Mr. Bermello.

16 On the loading area, your service yard, which I  
17 think does well in not putting any of the mechanicals  
18 toward the street or the neighbors, is there any chance  
19 to continue some of that-- and I think the project does  
20 well in putting retail all around it. You know, we're  
21 always fighting to get that done. But those two areas,  
22 the generator and FPL, any chance of improving the face  
23 to the street by including some retail in there, even  
24 though it's a portion of it, so that there's not such  
25 a-- I mean, there well be a break between the retail and

1 capped at this point, and the size of a retail space  
2 typically is going to be 50 to 75 feet, which would take  
3 us-- if you look at our retail here, I draw a straight  
4 line, I would have no service area. Then I'll looking  
5 at the, but where do I put it?

6 So when we look at every place that we could put  
7 it, and have the minimum impact to the surrounding  
8 neighborhood, it was here. And we dealt with it by how  
9 do we treat that wall? And if you notice, on these  
10 drawings, all of the access doors and-- are all to the  
11 inside. So usually these are ugly double metal doors,  
12 metal frames that nobody likes to see going into an FPL  
13 vault. So all of that is to the inside. You don't see  
14 that from the outside. So even the doors, any vents or  
15 louvers are all internal to the property, out of sight  
16 from either the street or from our next door neighbor.

17 Now, someone said, can we make that wall even  
18 prettier, more aesthetically pleasing? Obviously, this  
19 is still a work in progress. We're doing a great job  
20 with your Staff, and we can certainly look at what more  
21 we can do to be an even better neighborhood. But this  
22 has been the response so far. Every other lineal  
23 footage of the property is all right now Ground Floor  
24 retail, with the exception of the driveway, up to the  
25 parking garage, and obviously the Paseo.

1 MR. GARCIA-SERRA: If I just may, I have one more  
2 point, Mr. Grabiel. I guess there's always a  
3 possibility of swapping the parking garage entrance for  
4 the loading area. But, you know, as we mentioned  
5 earlier, with the parking garage entrance for the  
6 building to the west already on San Remo, we made a  
7 conscious decision to move it-- to have that on Venera  
8 to help address the traffic congestion issue that there  
9 is.

10 MR. GRABIEL: I understand that. I was just  
11 hoping to continue the storefront all the way through  
12 the facade on the ground level, so that the transition  
13 between the storefront that you have already proposed,  
14 and your neighbor to the west is friendlier than just--  
15 no matter what you do to the facade, it's still a solid  
16 facade. Take a look at it.

17 MR. GARCIA-SERRA: We can certainly continue to  
18 look at it, see what depth we could possibly achieve  
19 there for retail.

20 CHAIRMAN AIZENSTAT: Marshall?

21 MR. BELLIN: Yeah, I've got a couple of questions.  
22 One is what really are the public benefits that you're  
23 providing in this project? To me, there's really not  
24 much in the way of public benefits.

25 MR. GARCIA-SERRA: The streetscape improvements

1 that we're doing all around the project which presently  
2 doesn't exist, the Plaza, which is about--

3 MR. BELLIN: But there's really no usable outdoor  
4 space.

5 MR. GARCIA-SERRA: I would disagree with you. I  
6 think that Plaza that fronts onto the park is going to  
7 be accessible to the public. It is definitely an area  
8 that the public could use and benefit from it.

9 MS. MENENDEZ: How?

10 MR. GARCIA-SERRA: That could be easily-- that's  
11 where, thinking in my own situation, if I take the kids  
12 to go play in the park, and I want to have a cup of  
13 coffee, and just have them within eyesight, and see them  
14 playing and having a good time, that's where I'll be  
15 sitting down and enjoying my cup of coffee. You know,  
16 it's a sort of area where people can congregate,  
17 recreate sort of thing in that Plaza area, which was  
18 very well- sort of the idea behind it came from the  
19 Board of Architects, and, very well received by them,  
20 and we followed their advice.

21 \$75,000 that we're adding or we're contributing to  
22 the City for multi-modal improvements or the mobility  
23 issue which is over and above the impact fees.

24 MR. BELLIN: Usually public benefits, to my way of  
25 thinking, are in addition to what's required.

1 MR. GARCIA-SERRA: Yes. And that's definitely  
2 above what is required.

3 MR. BELLIN: The landscape is required. The Paseo  
4 is required. Those are not public benefits, but that's  
5 just my opinion.

6 One thing that I'm really concerned about is, in  
7 the future, if this project doesn't go ahead for some  
8 reason, the land gets sold, and we change the Zoning to  
9 commercial-- I think there's a big need for residential  
10 in this area. So if you get rid of the MF2, this  
11 essentially could become an office building, if we  
12 change the zoning. There doesn't have to be any  
13 residential component in it.

14 MR. GARCIA-SERRA: Keep in mind that the Site Plan  
15 approval is usually memorialized by a restrictive  
16 covenant running with the land that obligates the  
17 property to be developed according to the Site Plan that  
18 was proffered and approved.

19 MR. BELLIN: That's the point I'm making. I would  
20 like this project, if we approve it, to be tied at just  
21 the way it is.

22 MR. TRIAS: Mr. Chairman, if I can clarify.  
23 That's what the attorney said, it is tied. What it  
24 means is that to do a different project, it would  
25 require an action by the Commission, because we have

1 that restricted covenant that ties the specific Site  
2 Plan, okay. That is on one of the issues that we have  
3 here.

4 MR. GARCIA-SERRA: If I could just elaborate on  
5 that, on sort of practical terms, is that okay with you?

6 MS. MENENDEZ: But didn't that change because the  
7 first approval changed? I mean, that's what I was  
8 trying to get at.

9 MR. TRIAS: And that's why it takes action by the  
10 Commission to change it. So it's not by right that they  
11 can do something totally different.

12 MR. BELLIN: If we change the Zoning to a  
13 C-zoning, and then three years later somebody comes back  
14 and wants to develop this project in a different way,  
15 they can develop it as of right as it exists.

16 MR. LEEN: Yes, but the issue is that when these  
17 come up as an application, at least in my experience  
18 since I've been here, typically the Commission doesn't  
19 just approve the Land Use change without also approving  
20 the application. They don't have to. They don't. They  
21 can't be conditioned like that, but that's just-- that's  
22 the benefit of having-- you know, like I said, there's a  
23 positive and negative to having an application with a  
24 Land Use change. The positive part of it is that there  
25 is generally a proffer of a restrictive covenant that

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1 well be placed on the property once its approved, and  
 2 then, in order to change that, the Commission well have  
 3 to affirmatively change that. Any future project would  
 4 have to comply with that restrictive covenant, unless  
 5 the Commission relieved it, basically released it.  
 6 MR. BELLIN: Well, can we make a recommendation  
 7 that this project is tied to this approval, and, if in  
 8 the future, it's changed for some reason-- because  
 9 that's what happened with Aloft.  
 10 MR. LEEN: I think you can recommend that we  
 11 accept the proffer of a restrictive covenant, because  
 12 they are proffering, aren't you?  
 13 MR. GARCIA-SERRA: Of course.  
 14 MR. TRIAS: Yeah, and that's in the Staff report.  
 15 MR. COLLER: I just want to make sure that it's  
 16 clear on the record, the applicant is going to proffer a  
 17 covenant-- a restrictive covenant tying all of this to  
 18 the particular Site Plan that you're proposing, is that  
 19 correct?  
 20 MR. GARCIA-SERRA: That's correct. It's part of  
 21 the conditions of approval, and we've already expressed  
 22 our agreement with the conditions of approval.  
 23 MR. BELLIN: The Site Plan, and the design of the  
 24 building, and the density? Because if we change the  
 25 Zoning, somebody can come along and put 207 units on

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1 this site instead of 175, so I want to make sure that  
 2 whatever is proposed here is what gets built.  
 3 MR. GARCIA-SERRA: Correct. The way we're  
 4 proposing this, we're tying ourselves to the proffered  
 5 Site Plan.  
 6 MR. BELLIN: Okay.  
 7 MR. GRABIEL: To the specifics of this Plan?  
 8 MR. GARCIA-SERRA: Correct.  
 9 MR. TRIAS: And that's a typical condition, by the  
 10 way.  
 11 CHAIRMAN AIZENSTAT: Any other questions,  
 12 Marshall?  
 13 MR. BELLIN: No.  
 14 CHAIRMAN AIZENSTAT: Jolie?  
 15 MS. BALIDO-HART: I'm curious. Can you talk about  
 16 the live, work, play component? What is it that is  
 17 envisioned there?  
 18 MR. GARCIA-SERRA: Sure. You know, many of the  
 19 projects in the City of Coral Gables, I'd say the vast  
 20 majority, have been approved pursuant to the mixed-use  
 21 regulations, which is what we're proposing today.  
 22 Mixed-use regulations are based on the new  
 23 urbaness school of thought that we should go back sort  
 24 of to how communities usually developed, and not  
 25 necessarily, you know, live in one place, and shop in

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1 one place, and go, you know, to play sports or be  
 2 entertained in another, but try to combine all of those  
 3 uses into the one area. And it's been a conscious  
 4 effort of the City, and the development community, I  
 5 think, has followed it.  
 6 In this particular circumstance, our biggest  
 7 component is residential. That's also the most  
 8 important component to support the work and the play  
 9 side of things, also. So here we have ground floor  
 10 retail, which could also be used as office space, about  
 11 30,000 square feet. So indeed we're trying to combine  
 12 live-- the live component, which are the residential  
 13 units; the work and play component, which is retail,  
 14 restaurant, and office that could potentially go on the  
 15 ground floor. And keep in mind, incorporating that into  
 16 an area that already has a lot of the work component, a  
 17 lot of the offices that are already present in the area,  
 18 and a limited amount of the play component, also.  
 19 MS. BALIDO-HART: But how do we know that the  
 20 folks that would-- I mean, can you talk a little bit  
 21 about the affordability of it? I mean, how do we know  
 22 that the folks that would live in that building and pay  
 23 whatever the rents are or what have you, would be able--  
 24 would be the same folks working in those--  
 25 MR. GARCIA-SERRA: We can't necessarily guarantee

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1 that. There's no way of me telling you I can guarantee  
 2 you that everybody who lives there is going to be  
 3 working within walking distance, and nor can any  
 4 government, nor any developer really guarantee that.  
 5 That's something of the market. The best we can do is  
 6 try to create the situation in which it is conducive to  
 7 it.  
 8 So, in other words, by having one, two, three  
 9 bedroom units-- you know, the smaller the unit, the more  
 10 affordable it could be. The more potential there is for  
 11 somebody who works in an office in the area to be able  
 12 to rent here also, and to work in close proximity. So,  
 13 again, we can't guarantee it, but certainly the  
 14 situation that we have right now, I do not think is  
 15 conducive to having that live, work, play situation in  
 16 this part of the City, where pretty much everything is  
 17 office, to a great extent, some restaurants, some other  
 18 uses, and next to nothing of residential. And what  
 19 there is of residential, I would venture to say, if we  
 20 were to go and poll the residents that are there, there  
 21 might be some significant amount of University of Miami  
 22 students, but of people working in the immediate area,  
 23 probably not that many.  
 24 CHAIRMAN AIZENSTAT: If I may just interrupt a  
 25 second. We're supposed to conclude by 9:00 p.m., and

1 we're getting close to that time.  
 2 MR. COLLER: You need to do a motion to extend.  
 3 CHAIRMAN AIZENSTAT: Is there a motion to extend  
 4 this meeting? And, if so, to what time?  
 5 MR. GRABIEL: I move to extend it 15 minutes.  
 6 CHAIRMAN AIZENSTAT: That clock is about five  
 7 minutes fast anyway, so you say to about 9:15?  
 8 MR. GRABIEL: 9:15.  
 9 CHAIRMAN AIZENSTAT: Is there a second?  
 10 MS. BALIDO-HART: Second.  
 11 CHAIRMAN AIZENSTAT: All in favor?  
 12 MR. GRABIEL: Aye.  
 13 CHAIRMAN AIZENSTAT: Anybody against?  
 14 MR. BELLIN: I think we need more than 15 minutes.  
 15 MS. BALIDO-HART: Yeah, actually we do.  
 16 MS. MENENDEZ: Let's take the first 15, and then  
 17 we'll go from there.  
 18 CHAIRMAN AIZENSTAT: And we'll see how it goes.  
 19 MS. MENENDEZ: It's not the first time. We've  
 20 done that a couple of times.  
 21 CHAIRMAN AIZENSTAT: Go ahead, please. Thank you.  
 22 MR. GARCIA-SERRA: I was just responding to Ms.  
 23 Balido-Hart's question. Pretty much I concluded the  
 24 response.  
 25 CHAIRMAN AIZENSTAT: Any other questions?

1 MS. MENENDEZ: Yes. Well, I just have a statement  
 2 or some acknowledgement of what I'm going to say. So  
 3 you all are requesting a change of Zoning and a change  
 4 of Land Use, which is going to provide you an additional  
 5 roughly 37,000 square feet?  
 6 MR. GARCIA-SERRA: I think the number's a little  
 7 bit higher. I think the number's 47,000.  
 8 MS. MENENDEZ: Oh, thank you. I did my math  
 9 wrong. Thank you.  
 10 And then you are also asking for additional units  
 11 as a result of the change in Zoning of about 40 units,  
 12 right?  
 13 MR. GARCIA-SERRA: 42.  
 14 MS. MENENDEZ: Thank you. But when I look at the  
 15 amenities that maybe the public can benefit from, like  
 16 the landscape, open space, there's really no change  
 17 there. There's no increase like we see in areas that  
 18 benefit the developer. So I guess my question is, isn't  
 19 there anything that you can provide to the area that  
 20 would benefit the pedestrians, the traffic, more than  
 21 just tweaking the light? Is there some improvement that  
 22 perhaps-- I know it's not required because you're not  
 23 part of the GRID, but that can be proffered to help the  
 24 area, because I think somebody had mentioned a Master  
 25 Plan for the area. And when you look at the aerials,

1 and you see all of these small buildings that are  
 2 commercially zoned, that has the potential perhaps to  
 3 build 97 feet, you start questioning where-- when does  
 4 it stop or what do you do?  
 5 MR. GARCIA-SERRA: As far as traffic is concerned,  
 6 the \$75,000, which I mentioned, is part of that indeed.  
 7 That's not an impact fee. That is something where, in  
 8 consultation with Staff, we said, "You know, traffic is  
 9 and issue here. Who knows what other issues are going  
 10 to arise that are not contemplated by the traffic study.  
 11 Here's \$75,000 for the City to use as appropriate, you  
 12 know, for its improvements."  
 13 You mentioned landscaped open space. The first  
 14 thing that comes to mind is, you know, that Plaza that  
 15 we have in front of the building. We could potentially,  
 16 I guess, instead of have it be a paved area, have it be  
 17 a more green area or perhaps completely a green area,  
 18 but is that really going to be what's benefiting-- of  
 19 maximum use to the public? In other words, there's  
 20 already a significant park across the street. Would a  
 21 green area in front of this building necessarily add to  
 22 it? I would venture to say that the sort of Plaza area  
 23 that we've proposed adds more to the potential for the  
 24 public to interact perhaps between that Plaza and the  
 25 park, and make it sort of a public area on both sides

1 of Yumuri.  
 2 MS. MENENDEZ: The crosswalks to the pedestrians  
 3 toward the park, the traffic issues that have been  
 4 raised by the residents--  
 5 MR. GARCIA-SERRA: My clients seem to be in a  
 6 giving mood, and one thing that they just proffered  
 7 right now is perhaps an additional \$50,000 for this sort  
 8 of Master Planning areas. One thing that comes to mind  
 9 is, we had, in response to the neighborhood meeting, I  
 10 asked David Plummer and Associates to take a look at the  
 11 pedestrian crosswalks, specifically across Red Road, and  
 12 whether there could be any improvements there. And so  
 13 Juan and his team looked at it, and indeed did a list  
 14 of, you know, how can we change this pedestrian  
 15 crosswalks, make them the nice ones with the flashing  
 16 lights and so forth and, you know, accommodate for  
 17 crosswalks where there aren't crosswalks. If I remember  
 18 right, the number that they came out to was somewhere in  
 19 the vicinity of around \$50,000. It may have been more,  
 20 but with an additional 50,000 added to the 75 that's  
 21 already out there, now we're at 125, you know, for those  
 22 sort of improvements. And I know that that would  
 23 certainly at least cover the crosswalk improvements  
 24 along Red Road to sort of help pedestrian activity.  
 25 And so, you know, after a while what we're

1 proffering, and what's being required of us really  
2 should be proportional to the impact of the project.  
3 And so, you know, it's up to us, I guess, collectively  
4 to figure out what's appropriate. The Staff had started  
5 out at 75,000. I guess we're now willing to raise it to  
6 125. I would tend to say that unless presented with  
7 evidence otherwise as to what's appropriate, that  
8 \$125,000 mobility traffic improvement contribution, over  
9 and above what we're paying in impact fees, is a  
10 significant public benefit.

11 MS. MENENDEZ: Okay. Thank you.

12 CHAIRMAN AIZENSTAT: Yes.

13 MR. GRABIEL: I think this is the right project  
14 for this site. I mean, I agree that if this was an  
15 office building, I definitely would not be in any way in  
16 favor of it. I think it fills in a need in the area.  
17 Everything is commercial, and there's no residential. I  
18 like the mix. I think having as many one bedroom units  
19 as you're proposing, and then some three bedroom units,  
20 you know, there's ability of serving either families  
21 that need larger units or singles or young married, I  
22 think that works.

23 I'm always fighting to get as much activity on the  
24 street front as you're proposing. This is probably one  
25 of the projects that I've seen as much as you have

1 shown. I still have a problem with the generator and  
2 the FPL, and I know that Mr. Bermello is a very good  
3 architect, and has a very good staff, and I'm sure they  
4 can work out something so that there's at least a  
5 continuity of the storefront in front of those, and not  
6 just a decorative wall.

7 I agree with Marshall that public benefit, the  
8 landscaping and the Plaza, and the sidewalks that you're  
9 proposing are to benefit the project, but I don't see  
10 any benefit to the rest of the neighborhood. I wonder  
11 if the-- streets are important. We all agree with that.  
12 Streets work well when you have a dialogue with both  
13 sides of the street, the sidewalks and the landscape.

14 I wonder if you would be willing to take a look,  
15 working with Staff, so that the landscaping that you are  
16 proposing on your side of the street can be taken to the  
17 other side of the street, so that there is march of the  
18 same trees going down San Remo, and all of the other  
19 streets to make it-- it will benefit your project,  
20 because all of a sudden your project is extended to the  
21 other side of the street. So your project will look  
22 better. The neighborhood would look better. And I  
23 think this would be an improvement of the neighborhood  
24 to have that.

25 MR. GARCIA-SERRA: They just agreed.

1 MR. TRIAS: So they have agreed to the redesign of  
2 San Remo and--

3 MR. GARCIA-SERRA: Replicate the landscaping on  
4 both sides of San Remo, Yumuri, and Venera on the  
5 opposite side.

6 MR. GRABIEL: Minimally the length of your  
7 property. If you get excited and continue down the  
8 street, that would be your call.

9 MR. GARCIA-SERRA: I'm beginning to wonder if  
10 they're going to be able to pay my bill at this rate.

11 CHAIRMAN AIZENSTAT: Any other questions?

12 MS. BALIDO-HART: I have a question about the  
13 walkability along the sidewalks. I'm just reading  
14 through some of these concerns from some of the  
15 residents in the area. Can you address that, the issue  
16 of lined entrances and exits? How are you ensuring  
17 there will be safety.

18 MR. GARCIA-SERRA: That's a combination probably  
19 of Willy, Raul, and Juan Espinosa.

20 Certainly, as far as exits are concerned, there's  
21 what's called the site visibility triangular  
22 requirement. In other words, there can't be anything  
23 blocking the visibility of a car out into the street or  
24 vice versa, the pedestrian, to where the car is coming  
25 from at certain angles. That's required by the Public

1 Works Manual that we-- every project has to comply with.

2 MR. BERMELLO: Can you see the red line on both?

3 MS. BALIDO-HART: Yes.

4 MR. BERMELLO: Okay. That is the setback line.  
5 So in all cases, we have gone far from it to have wider  
6 sidewalks so that the passage way along both, San Remo  
7 and Venera, are wide sidewalks, not small tight  
8 sidewalks with a nine-story building next to it.

9 In the area along Yumuri, we are almost 40 feet  
10 away from the curbside creating this wide open space.  
11 Now, all of the line retail has storefront doors that  
12 open out to the sidewalk. We're always far from any  
13 corners in terms of sight lines. We will comply with  
14 Public Works requirements for sight, in terms of people  
15 turning in and out. And really the only area of  
16 vehicular access is on Venera, on the western side of  
17 our property. So we've mitigated what would be  
18 pedestrian potential conflicts that you can have  
19 sometimes when you're walking, and all of a sudden  
20 there's a driveway coming across, and it could have a  
21 potential conflict. So, that, we don't have. You'll  
22 probably see that-- you see it in parking garages  
23 sometimes, you get out of the elevator, you walk, all of  
24 a sudden you have cars entering and exiting. We don't  
25 have that here. There isn't confluence of pedestrian



1 traffic at this point. This is our only point for  
2 vehicular traffic on to the property. Everything else  
3 is pedestrian access. The only other vehicular point is  
4 into the service courtyard, and we well look to see if  
5 we can have a veneer, even a narrow veneer like a coffee  
6 shop or something, and we push back these two uses to  
7 give you that continuity in the front.

8 MR. GARCIA-SERRA: Ms. Balido-Hart, just two basic  
9 points. Every sidewalk that's being proposed is wider  
10 than what's existing right now. So generally that  
11 enhances pedestrian safety and walkability, and  
12 additionally you'll see now that there are trees lined  
13 along the sidewalks on every side that also, aside from  
14 streetscape and overall appearance and aesthetics,  
15 contribute to safety, and it creates some sort of at  
16 least visual division between the car on the street and  
17 the person walking.

18 MR. BERMELLO: And there well be a path, in terms  
19 of the concrete pavers, the tree grates, the uplighting  
20 for the trees. So it's not just a sidewalk. It won't  
21 just be utilitarian, but we're really trying to create a  
22 sense of place all around the building and through the  
23 Paseo, also.

24 CHAIRMAN AIZENSTAT: Any other questions?  
25 No. Having heard none, is there a motion? I

1 guess we should take each individual item by itself. Is  
2 that the recommendation?

3 MR. COLLER: Yes. We should start with the Comp  
4 Plan, which is Amendment Items Number 6.

5 CHAIRMAN AIZENSTAT: Okay. Is there a motion from  
6 anybody on the Board regarding the Comprehensive Plan.  
7 Item Number 6?

8 MR. GRABIEL: I move to approve Item 6.

9 CHAIRMAN AIZENSTAT: With any conditions?

10 MR. GRABIEL: The conditions that we have already  
11 mentioned. Is this the right place to put them?

12 MR. TRIAS: To modify the conditions according to  
13 what the Applicant's proffered and everything that was  
14 included in the Staff report.

15 MR. COLLER: Wait a minute. We're not on the  
16 right item. The first item is the Comprehensive Plan  
17 item. The conditions that we were talking about, with  
18 regard to the Site Plan, which is-- I think we're going  
19 to get to, is going to be on Item Number 8.

20 MS. MENENDEZ: The last one.

21 MR. COLLER: The last item.

22 MS. MENENDEZ: Right.

23 MR. COLLER: Now, with regard to the Zone change,  
24 it's my understanding that the Applicant is going to  
25 voluntarily proffer, as part of the Zone change,

1 separate and apart from the conditions, but I just want  
2 to get confirmation from the Applicant that the  
3 Applicant is going to voluntarily proffer, as part of  
4 it's request for the Zone change, that they are going to  
5 commit to the-- whatever the Site Plan provision is, is  
6 that correct?

7 MR. GARCIA-SERRA: We are proffering a covenant  
8 tying ourselves to the Site Plan in connection with the  
9 State Plan approval.

10 MR. COLLER: No. But here's the issue. The  
11 issue-- I think the concern of the Board was that there  
12 would be a Zone change, and that you would come up with  
13 a different-- potentially different Site Plan after the  
14 change in the Zoning. What I'm wondering, are you  
15 committing to the Site Plan with respect to the change  
16 in the Zoning? I guess that's where we want to get  
17 clarification on that.

18 MR. GARCIA-SERRA: Right. We might have a slight  
19 legal disagreement as to is it appropriate to condition  
20 the Zoning and so forth.

21 MR. COLLER: Well, I'm not conditioning the  
22 Zoning, because you can't condition Zoning. The  
23 question is are you voluntarily--

24 MR. GARCIA-SERRA: I see where you're getting at.

25 MR. COLLER: Are you voluntarily proffering

1 covenant?

2 MR. GARCIA-SERRA: We are voluntarily proffering  
3 the covenant in connection, and also the Land Use and  
4 Zoning changes, voluntarily proffering it.

5 MR. COLLER: Both?

6 MR. GARCIA-SERRA: Very good.

7 MR. BELLIN: I have a question. You're talking  
8 about tying the Site Plan to the approval. What about  
9 all of the other things that can come into play,  
10 density, the FAR, all of these other things that take  
11 place once you get the Zoning and the Land Use change?

12 MR. COLLER: Well, once-- if they are proffering a  
13 covenant to the Land Use change, as well as to the  
14 Zoning, then the building that's going to be built, and  
15 all of the details, are connected to both. So if they  
16 choose to do something else, they can't because they've  
17 tied themselves down.

18 MR. BELLIN: Okay.

19 MR. AIZENSTAT: We have a motion by Julio. Is  
20 there a second?

21 MR. BELLIN: I second.

22 CHAIRMAN AIZENSTAT: Marshall has a second. Any  
23 discussion?

24 MS. MENENDEZ: This is for the comprehensive or  
25 the Land Use, right?

1 CHAIRMAN AIZENSTAT: This is the Comprehensive  
2 Plan.

3 MS. BALIDO-HART: I do want to ask something.  
4 Just seeing all of the questions and concerns that are  
5 here from all of these residents, and this is, in my  
6 view, a really fantastic project in many ways, I'm just  
7 wondering if indeed we have taken enough time and, you  
8 know, the Applicant here has taken enough time to really  
9 meet with the residents and try to find the best way to  
10 address things. Should we perhaps postpone this a  
11 little bit to enable some additional meetings?

12 CHAIRMAN AIZENSTAT: Well, right now we have a  
13 motion, and we have a second. So we do have to take a  
14 roll on it, unless they rescind.

15 MR. COLLER: If there's a motion to defer, that  
16 would take precedent, if there is a motion. I haven't  
17 heard a motion to defer at this point. And I don't know  
18 if the City Attorney-- I know there's a concern about  
19 deferring of projects, and I don't want--

20 MR. LEEN: You have discretion to continue the  
21 matter. It's just the-- at least one time, and I  
22 believe we even have a rule on it now, and we've  
23 addressed it. If you truly believe there hasn't been  
24 enough discussion, but you can-- another thing you can  
25 do is you can condition between Planning and Zoning and

1 MR. BELLIN: My question is, what is the sense of  
2 continuing this? If this approval is tied to this  
3 project, what's going to change, the density?

4 MR. GARCIA-SERRA: No.

5 MR. BELLIN: You're already tied to the project.

6 MR. GARCIA-SERRA: I think we've made clear to  
7 neighbors, we've made clear to City Staff, to this Board  
8 tonight, the density that we're proposing is the density  
9 that we're proposing. That's not something that we're--

10 MR. BELLIN: There's not negotiable. And the FAR  
11 is not negotiable. What's the purpose in continuing-- I  
12 mean, how do you make the residents or people in the  
13 neighborhood happy?

14 MR. GARCIA-SERRA: Well, I would agree with you  
15 that there's no purpose in continuing this matter to the  
16 next Planning and Zoning Board meeting, because those  
17 big issues, which are the big issues that you should be  
18 looking at, I think we've addressed them, and we know  
19 where we are. I think there is a purpose for the  
20 development team to continue talking with the neighbors  
21 to see if stuff like improving the facade with retail  
22 frontage along where the loading area is--

23 MR. BELLIN: I agree with that. I think it's a  
24 good idea for them to talk to people, but as far as  
25 continuing it, I--

1 Commission, that they have another meeting, you know,  
2 with the residents and try to meet their needs. I mean,  
3 that's another thing you can do.

4 MS. BALIDO-HART: Yeah, okay.

5 MR. GARCIA-SERRA: And just to add to that, you  
6 know, as many of you know, having done this already many  
7 times in several different projects, that has always  
8 certainly been my attempt, you know, whenever I have a  
9 project. You remember one not too long ago-- it must  
10 have been a year-- we were going back and forth meeting  
11 with neighbors until finally we came to a solution that  
12 worked for everybody.

13 If the project moves forward after tonight, as we  
14 hope it well, you do have our word that we well continue  
15 to meet with the Riviera Neighborhood Association; we  
16 well continue to meet with Ms. Kahn Drody to see if  
17 there's ways of addressing their concerns. I have  
18 always been a firm believer that reasonable people, as  
19 long as they use common sense and keep on talking to  
20 each other, you may not get there, but many times you  
21 do, and at least you're going to get closer to a  
22 situation which well be a win win for everybody. That's  
23 how I've always wanted to handle these matters. That's  
24 how my client I think always tries to handle these  
25 matters, and that's where we want to get.

1 MR. GARCIA-SERRA: I would agree with you. I  
2 think votes should be taken, action taken, and then  
3 between now and the next City Commission, we continue  
4 our discussions with the neighbors to see what we can  
5 do.

6 CHAIRMAN AIZENSTAT: Well, we have a motion. We  
7 have a second. Go ahead and call the roll, please.

8 THE SECRETARY: Maria Menendez?

9 MS. MENENDEZ: Yes.

10 THE SECRETARY: Jolie Balido-Hart?

11 MS. BALIDO-HART: Yes.

12 THE SECRETARY: Marshall Bellin?

13 MR. BELLIN: Yes.

14 THE SECRETARY: Julio Gabriel?

15 MR. GABRIEL: Yes.

16 THE SECRETARY: Eibi Aizenstat?

17 CHAIRMAN AIZENSTAT: Yes.

18 The second item on this-- Craig, how would you  
19 like to word this?

20 MR. COLLER: Okay. The second item on the list is  
21 the actual change in the Zoning. Again, the Applicant  
22 is proffering that he's going to tie his-- is going to  
23 voluntarily offer covenant to tie the Site Plan to the  
24 Zone change. So I know that there well be an  
25 opportunity between now and when it gets to the City

1 Commission for them to submit that. So this would--  
 2 Item Number 7 is up now for a vote. And this would be  
 3 on the Zone change. And then when we get to the Site  
 4 Plan, I know there are a couple of additional items that  
 5 people wanted that I think we need to add to the  
 6 approval so that it's clear on that.  
 7 CHAIRMAN AIZENSTAT: Okay. But for Item Number 7,  
 8 at this point, is there a motion?  
 9 MR. BELLIN: I'll make a motion.  
 10 CHAIRMAN AIZENSTAT: Marshall makes a motion. Is  
 11 there a second?  
 12 MR. GRABIEL: I'll second it.  
 13 CHAIRMAN AIZENSTAT: We have a second. Any  
 14 discussion?  
 15 Having no discussion, call the roll, please.  
 16 THE SECRETARY: Marshall Bellin?  
 17 MR. BELLIN: Yes.  
 18 THE SECRETARY: Julio Grabiel?  
 19 MR. GRABIEL: Yes.  
 20 THE SECRETARY: Maria Menendez?  
 21 MS. MENENDEZ: Yes.  
 22 THE SECRETARY: Jolie Balido-Hart?  
 23 MS. BALIDO-HART: Yes.  
 24 THE SECRETARY: Eibi Aizenstat?  
 25 CHAIRMAN AIZENSTAT: Yes.

1 Craig, I well let you guide us on the third item,  
 2 please.  
 3 MR. COLLER: With regard to Item 8--  
 4 CHAIRMAN AIZENSTAT: Before you do that, is there  
 5 a motion to extend the time? It's 9:10 right now.  
 6 MR. BELLIN: I'll make a motion.  
 7 MS. MENENDEZ: I'll second.  
 8 CHAIRMAN AIZENSTAT: To what time, please?  
 9 MR. BELLIN: 9:30.  
 10 CHAIRMAN AIZENSTAT: Is there a second?  
 11 MS. MENENDEZ: I second it.  
 12 CHAIRMAN AIZENSTAT: Everybody in favor?  
 13 MR. GRABIEL: Aye.  
 14 CHAIRMAN AIZENSTAT: Anybody against?  
 15 Continue, I'm sorry.  
 16 MR. COLLER: Okay. With regard to Item 8, I'm  
 17 going to rely on Mr. Trias to sort of-- if there's--  
 18 first let's get a motion and then we can talk about what  
 19 the additional items are for it.  
 20 CHAIRMAN AIZENSTAT: Very good. Is there a motion  
 21 for the Site Plan for Item Number 8?  
 22 MS. MENENDEZ: But isn't the motion-- aren't the  
 23 conditions part of the motion?  
 24 MR. COLLER: Well, we're going--  
 25 CHAIRMAN AIZENSTAT: Let's get the motion in.

1 MR. COLLER: Let's get the motion, and then we can  
 2 add that there are certain amendments that are--  
 3 MS. MENENDEZ: Okay.  
 4 CHAIRMAN AIZENSTAT: Marshall went ahead and made  
 5 a motion. And Marshall, well you accept what Craig has  
 6 to say to your motion?  
 7 MR. BELLIN: Yeah.  
 8 MR. COLLER: A second for discussion. Okay. So  
 9 Ramon, can you enunciate what the additional items are  
 10 for the Site Plan that have been agreed to?  
 11 MR. TRIAS: Yes. Mr. Chairman, if the Applicant  
 12 could also speak. If we look at Page 23 of the Staff  
 13 report, Condition Number 1-D, there's a \$75,000 amount.  
 14 That amount has been proffered to increase by 50,000,  
 15 right?  
 16 MR. GARCIA-SERRA: Correct, so 125,000.  
 17 CHAIRMAN AIZENSTAT: Is that 50,000 earmarked  
 18 specifically for something-- I heard crosswalks-- or  
 19 not?  
 20 MR. GARCIA-SERRA: The intent certainly is  
 21 mobility and transportation.  
 22 MR. TRIAS: Let's read the condition, because the  
 23 conditions may have been modified. It's \$125,000  
 24 contribution to the future underline and contributions  
 25 toward multi-modal roadway improvements on Red Road

1 between San Remo and Madrugá.  
 2 MS. MENENDEZ: I don't think-- I don't think that  
 3 the item-- I don't think-- well, look, I think what I  
 4 had suggested was to look at the entire area because of  
 5 the potential for future development and the impact to  
 6 the neighborhood. So it's not just Red Road. It's  
 7 probably Nervia, Yumuri-- you know, that whole area  
 8 there to just make sure that whatever improvements are  
 9 needed, are provided.  
 10 MR. TRIAS: Okay. So we can just leave it as  
 11 multi-modal improvements.  
 12 MR. GARCIA-SERRA: Yeah. From my perspective, I  
 13 think it would be good not only for purposes of the  
 14 Board, but also the neighborhood, because this is  
 15 something we've talked about with the Riviera  
 16 Neighborhood Association is to have some Master Plan  
 17 component.  
 18 MS. MENENDEZ: Master Plan so that we can look at  
 19 the entire area and start addressing not only perhaps  
 20 the impact that the development is going to, you know,  
 21 cause to the area, but also future developments. We  
 22 have to look at the potential development and see how we  
 23 can start mitigating some of those, because it's just a  
 24 matter of time. The area is growing.  
 25 MR. TRIAS: All right. We could include the words

1 "Master Plan" for the area as the goal.  
 2 CHAIRMAN AIZENSTAT: The only thing that concerns  
 3 me when you do something like that is that the money is  
 4 spent on a study or so forth, and it really doesn't go  
 5 to a benefit of a neighborhood, per se. So I'd like to  
 6 just leave it at the discretion between Staff, the City,  
 7 and the residents to come up with the best way to  
 8 utilize it.  
 9 MS. MENENDEZ: Sure.  
 10 MR. TRIAS: And Mr. Chairman, I think that's a  
 11 very good suggestion, and what I would say is that we've  
 12 had some recent discussions about the US-1 corridor and  
 13 the failure of finishing that Master Plan. We're trying  
 14 to do it again, and so I believe that we need to have  
 15 more discussions with the neighbors to really clarify  
 16 what's the best way to do that. So thank you for that  
 17 suggestion.  
 18 MR. COLLER: And then I believe that there was an  
 19 additional item with regard to the landscaping.  
 20 MR. TRIAS: Of both sides of the street. I think  
 21 that has to be a specific condition, that you well match  
 22 Venera and San Remo.  
 23 MR. GARCIA-SERRA: Correct, for the length of the  
 24 property.  
 25 MR. TRIAS: That well be an additional condition

1 just by itself.  
 2 CHAIRMAN AIZENSTAT: Correct.  
 3 MR. COLLER: Okay. Are there any other items that  
 4 the Board wanted to address?  
 5 Okay.  
 6 MR. GRABIEL: Well, I had suggested to Mr.  
 7 Bermello to continue with the storefront in front of the  
 8 FPL and generators so there is continuity of the retail  
 9 facade all the way to the neighbors to the west.  
 10 MR. COLLER: Does the Board wish to make that as a  
 11 recommendation as part of it? It's up to you.  
 12 CHAIRMAN AIZENSTAT: It would be a recommendation,  
 13 but I think it also has to be feasible to the project  
 14 itself.  
 15 MR. GRABIEL: I understand. That's why I'm just  
 16 making it as a suggestion.  
 17 MR. TRIAS: Staff can work with the Riviera  
 18 architect and see how far we can push that.  
 19 CHAIRMAN AIZENSTAT: That would be what the  
 20 recommendation is, for Staff to work with the adjoining  
 21 neighbors.  
 22 MR. COLLER: Okay.  
 23 CHAIRMAN AIZENSTAT: Okay. Anything else?  
 24 MR. COLLER: Okay. With that, I think--  
 25 MS. MENENDEZ: And plus it's a condition of Staff

1 obviously.  
 2 CHAIRMAN AIZENSTAT: Yes. We're putting all of  
 3 the conditions of Staff down. We have that on the  
 4 record? Is there a second?  
 5 MR. GRABIEL: I'll second.  
 6 CHAIRMAN AIZENSTAT: Julio well second. Any  
 7 discussion?  
 8 No discussion. Please call the roll.  
 9 THE SECRETARY: Julio Grabiel?  
 10 MR. GRABIEL: Yes.  
 11 THE SECRETARY: Maria Menendez?  
 12 MS. MENENDEZ: Yes.  
 13 THE SECRETARY: Jolie Balido-Hart?  
 14 MS. BALIDO-HART: Yes.  
 15 THE SECRETARY: Marshall Bellin?  
 16 MR. BELLIN: Yes.  
 17 THE SECRETARY: Eibi Aizenstat?  
 18 MR. AIZENSTAT: Yes.  
 19 CHAIRMAN AIZENSTAT: Thank you very much.  
 20 MR. COLLER: Mr. Chairman, there is one more item  
 21 on the agenda.  
 22 MS. MENENDEZ: Actually there's two.  
 23 MR. COLLER: Oh, I thought we deferred-- I'm  
 24 sorry, there are two more. We deferred Number 11.  
 25 MS. MENENDEZ: I think we should defer the last

1 two because they're all like part of amending, and so  
 2 what are your thoughts?  
 3 CHAIRMAN AIZENSTAT: I would agree if the Board is  
 4 in agreement.  
 5 MR. GRABIEL: If it doesn't impact the--  
 6 MR. TRIAS: Mr. Chairman, I think that's a good  
 7 idea.  
 8 CHAIRMAN AIZENSTAT: Okay.  
 9 MR. COLLER: So the motion is to defer Items 9 and  
 10 10.  
 11 CHAIRMAN AIZENSTAT: Is there a motion to defer  
 12 Items 9 and 10?  
 13 MR. GRABIEL: Yes.  
 14 CHAIRMAN AIZENSTAT: We have a motion. Is there a  
 15 second?  
 16 MS. MENENDEZ: I'll second it.  
 17 MR. COLLER: You can do it as a voice vote.  
 18 MR. LEEN: Are those noticed?  
 19 MR. COLLER: Pardon?  
 20 MR. LEEN: Are those noticed items? Was there  
 21 mail notice for those?  
 22 MR. COLLER: Those weren't mail notice items.  
 23 MR. LEEN: So it's just a deferment.  
 24 CHAIRMAN AIZENSTAT: Craig, if we defer it, even  
 25 if it was noticed, you would have to renotify it?