

City of Coral Gables City Commission Meeting

Agenda Item H-1

February 22, 2011

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno

Interim City Attorney, Lourdes Alfonsin

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Works Director, Glenn Kephart

City Architect, Carlos Mindreau

Public Speaker(s)

Laura Russo, Representing The Ponce Cat Building

Marshall Bellin, Architect, Bellin & Pratt Architects, LLC

Richard Namon, Coral Gables Resident

H-1 [Start: 10:18:40 a.m.]

Resolution approving encroachments into the public right-of way for a proposed new building to be located at 2990 Ponce de Leon Boulevard (The Ponce CAT Building) subject to the requirements of the Public Works Department and all other applicable code(s). (Deferred from the February 8, 2011 meeting)

Mayor Slesnick: OK. We have Item H-1. Mr. Manager.

City Manager Salerno: Thank you Mayor. H-1 is a Resolution approving encroachments into the public right-of way for a proposed new building to be located at 2990 Ponce de Leon Boulevard (The Ponce Cat Building), subject to the requirements of the Public Works Department and all

other applicable Code(s). Glenn would you come up and I'd like Eric and Carmen and Martha, and I don't see Carlos, Carlos you are hiding there? You all just sit up in the front in case you are needed. Glenn you're up, you're up.

Mr. Kephart: Good morning Mayor and Commission, you have before you a request for a development proposal from Ponce CAT that includes eight (8) separate requests for encroachments that are included in the resolution. If those encroachments – I can go through them individually or answer any questions directly, your preference. If there are any questions specifically on any of the encroachments?

Commissioner Anderson: Nice project.

City Manager Salerno: Why don't you run through them Glenn?- if you don't mind?

Mr. Kephart: I'd be glad to run through them. Encroachments are number one is for a non-standard treatment on the alley – paver – on the alley there are two of those; one would be for the east/west side of the alley, and one would be the north/south piece of the alley; and number three is a 50 foot long by 20 foot wide, actually 50 feet 8 inches by 20 foot wide aerial encroachment over the alley that connects to Catalonia. That would have a restriction on it of a height of 19 feet 6 inches, which is plenty for any equipment. It allows us to maintain the alley and its use in its current condition and its purpose. The development would actually have their access to the parking garage from the alley, and we'd put additional restrictions on that, so that there would be free flow from the alley into the parking garage. They can't put a gate or any restrictions close to the alley that would cause traffic to back up into the alley. There is also one for non-standard surface treatment of the pavers for the full length of the sidewalks adjacent to the property on Catalonia and Ponce and then as the building projects out over the sidewalk onto Catalonia there is a 6 foot 4 aerial projection of the building, 12 feet minimum for the first level and that is on the second, third and fourth levels of the parking garage over Catalonia. Then there is a water feature fountain at the intersection of Ponce Boulevard and Catalonia that projects onto the sidewalk a maximum of 2 feet 6 inches, very low, one foot 6 above grade, that's for a fountain feature, and that comes with an additional restriction that they maintain a minimum 8 foot clear sidewalk between that feature and the ADA ramp; and then there is on the top of the building a 5 foot, they are calling an eyebrow, that projects out into the right-of-way; and then the last encroachment is for the shade trees, the irrigation, the [inaudible], all the things that come normally with the development. All of these encroachments the final details are subject to a restrictive covenant that would be entered into and we'll work with the City Attorney on that.

Vice Mayor Kerdyk: So they are building a [inaudible] structure over the alleyway so they will connect the parking garage to the front portion of the...basically that's what you are telling me, right?

Mr. Kephart: Yes. Yes.

Vice Mayor Kerdyk: 19.6 feet. And the other thing is that; explain to me one more time the fact is that they are coming out over Catalonia, the sidewalk to Catalonia for their parking garage?

Mr. Kephart: Yes. The second, third and fourth levels project out over, I believe they are allowed that as part of the Mediterranean bonus.

Commissioner Withers: What does that alley service now?- the parking lot.

Mr. Kephart: The alley service, basically its some trash collection that for the most part it's servicing surface parking. There is surface parking on both sides of the alley as you are going north/south off of Catalonia, and then surface parking in the back of the property to the north.

Commissioner Withers: What's that restaurant right there? Pepe's?

Mayor Slesnick: Pepe's.

Commissioner Withers: How is that going to be affected as far as access to their...

Mr. Kephart: The access will not be affected; the alley access is maintained the same as it is today.

Vice Mayor Kerdyk: [Inaudible]...because I have several questions, but I'll wait till I hear the presentation.

Mr. Kephart: Thank you.

Vice Mayor Kerdyk: Thank you.

Mayor Slesnick: Ms. Russo.

Ms. Russo: Good morning Mr. Mayor, members of the Commission, for the record Laura Russo with offices at 2655 LeJeune Road. I am here this morning representing Ponce CAT LLC, the owner of the property located at the northwest corner of the intersection of Ponce de Leon

Boulevard and Catalonia. Unfortunately Mr. J.C. Moss could not be here, he is one of the principals of Ponce CAT, he is out of the country, but I have with me Michelle Zubizarrette who is one of the principals of Ponce CAT. In fact, her agency Zubi Advertising who's currently global internationally known advertising agency in the Gables and their headquarters will be here at this signature building, along with the Moss Family Subsidiary Companies. You have before you our request to encroach; we have a request for several encroachments, most of them are for, in fact they are all to enhance the overall quality of the building and the pedestrian experience. As you see, we have encroachment request for pavers, both on the north/south portion of the alley, which will create a sort of paseo appearance to it, and the portion of the building that actually spans over the alley is actually setback. So it's not in your face, its setback from the property line, so it's sort of in keeping with the 2002 Charrette. Also the different paver material that will go on the east/west portion of the alley behind is to not allow – it's kind of to keep in flowing all the way throughout the alley surrounding the buildings will also be a benefit visually to the other building owners who use the back of the alley. As was answered by Mr. Glenn Kephart, the alley in no way is going to be affected in terms of its function with respect to the service that the City needs to provide, the height of the overpass is at 19 – 6, well above the minimum required and so all trucks, service, etc. that currently serve the alley will continue to do so, they will just – the auto port portion will continue. I think that – the reason for the request so you know is there is no additional square footage being asked because of the bridge between the two buildings.

[Unknown Speaker – off mike]: How do you figure that?

Ms. Russo: Well, how do I figure that?- because – and I will allow Mr. Marshall Bellin to give it to you in more detail, but the site area is, the combined site area is a little over 20,133 square feet. When you multiply that times by 3, which is your FAR (Floor Area Ratio) without your Mediterranean bonus, you get over 60,000. OK. We are proposing 51,251 square feet, which my math is a little weak, but I'm saying we are leaving about 8,000 square feet on the table without doing the Mediterranean bonuses. If we were to use our Mediterranean bonuses and realize now that what really governs us now is no longer stories but height, so we could have lower ceiling heights to gives us more FAR, then we would have about 19,000 square feet left on the table, and between parking lifts, parking in lieu that I understand we just purchased, we would be able to do it. We could also build two separate buildings, which would leave you with an entirely different streetscape look that could be built as independent buildings or could be built as two buildings joint with a unity of title, you know, providing parking for one on the other. What I think allowing the span to do is it creates a signature building at a very important intersection, it's the beginning at the end of Ponce Circle, and it also allows for less mechanical equipment; instead of having the mechanical equipment on the roofs of both buildings, you only have it on one

building. So, I think it gives you a design function and aesthetic that's an improvement over the development of both buildings.

Vice Mayor Kerdyk: Laura, I'm not – first of all, I'm not debating, I don't want to hit this building because I think it's a beautiful building. What I have a problem with is your explanation you just made. You just said that we have a 20,000 square foot lot there, essentially a lot, but the way we've always done business in the City of Coral Gables, you know as well as anybody, is that the alleyway always bifurcated, sorry about that, the alleyways have always been the point of demarcation which have separated properties. So these two properties the way we've always done business, again I'm not so much concerned about this building, I'm concerned about how this impacts the future of the City of Coral Gables. I can tell you, I own two myself right there. This brings this into play then, and I don't know if that's the right thing that we should be doing for the City. The fact is the way this property is looked at, if I owned this property or Chip owned this property, you would look at it as two different things; you would look at building a building on the front portion, and you would look at building the building on the back portion. Now the architects, who are great architects, they could stand up and say, yes Commissioner your FAR is 3.0 on front part plus 3.5 in Mediterranean, but conceptually there is no possible way that you could build a structure of 3.5 FAR and park the cars that you need to park, because you have a one (1) per 300 parking ratio there. So essentially what you are doing here is you're massing the building, where you would have two smaller buildings on that site, you are massing a much bigger – I'm wrong? Explain to me.

Ms. Russo: I'm going to allow Mr. Marshall Bellin to explain that, that's beyond my realm of explaining, but...

Vice Mayor Kerdyk: Because we've always for our point, we've always used the alleyways as buffer there, and I will listen to Mr. Bellin.

Commissioner Cabrera: While Mr. Bellin is coming up here to respond to you, let me just say that the comment you made about parking is very pertinent, but I want you to also remember, and I'm not trying to point fingers at any of you, this building is going to lose on-street parking, which you all seem to support, and that will be an additional loss of parking, and if I'm wrong, if Mr. Bellin is done with your response then I'd like to hear how many parking spaces we are going to lose, in spite of the fact I'm going to support the project.

Vice Mayor Kerdyk: OK.

Mr. Bellin: The way we look at these particular projects is, we can go 45 feet and with Med. (Mediterranean) bonuses we get an additional two stores for 13.5 per floor, so we can go up to 72

feet. What we did was we used 72 feet to develop six stories because of the tenant on the top floor wanting high ceilings and the retail on the ground floor wanting high ceilings. So we were limited to six floors. What we could do, if we did standard floor heights we can get seven stories; seven stories gives us more FAR, in fact we could get up to about, counting parking, could get us up to about 62,000 square feet, and the way we do that is, the building on the corner, the footprint is roughly 7,000 square feet, we can go seven stories, 49,000 square feet on that piece.

Vice Mayor Kerdyk: 7,000 square feet – and how did you get...

Mr. Bellin: The footprint of the property.

Vice Mayor Kerdyk: Yes, it's the little 7,000 square foot lot.

Mr. Bellin: And we get seven stories of office space.

Vice Mayor Kerdyk: But Marshall how can you say that?- how can you build on that front portion if we don't do anything to the alleyway?- if we leave it the way we've always played the game here, which is, we leave the alleyway, how can you ever put a 70 foot building on that and get your parking ratios? – there's just no conceptual possible way you could do that.

Mr. Bellin: No, no, there is no parking in that building.

Vice Mayor Kerdyk: Why not?

Mr. Bellin: The parking is on the rear side.

Vice Mayor Kerdyk: Where have we thrown parking across an alleyway into another site? Where?

Ms. Russo: We've done it on the building, that's on the southwest corner of Alhambra, had off-street parking, which was located within 500 feet across from the Allen Morris Building. The City has – you're allowed to locate parking within 500 feet....

Vice Mayor Kerdyk: Wait, wait, are you talking about the building at 220 Alhambra Circle?- the large building that's owned by the Canadian group that's on the corner of Alhambra and Ponce?

Ms. Russo: Yes.

Vice Mayor Kerdyk: That was done in the early 2000's; they threw a small parking lot...

Ms. Russo: Correct, but there are other....that's the one I only know about...

Vice Mayor Kerdyk: That's in the Central Business District (CBD).

Ms. Russo: The Code allows, and you can get verification from the Zoning Administrator, the Code allows you to provide parking for a development within 500 feet, this is 20 feet away. So, I mean, this is not 500 away, 100 feet away, its 20 feet away.

Vice Mayor Kerdyk: I tell you Laura, you don't think you are going to increase massing in the City when you start allowing this to be done?

Commissioner Cabrera: Let him answer; go ahead Marshall answer. Move into the mike.

Mr. Bellin: We have 49,000 on that site of FAR, when we go to the rear site we have 2,000 square feet of retail on the ground, 5 stories of parking, one of those parking levels will have lifts or allow 20 percent lifts, we are going to provide 25; the total amount of parking that we can get on that site is 200 cars with 25 lifts, and then on the seventh floor we get office space roughly 13,000 square feet. So that gets us up to 62,100 square feet and 200 parking spaces, but we chose not to do that because of the way that the building was developed, what the developers want to see there, it's basically, it's not a spec building, it's a use for the people occupying it.

Vice Mayor Kerdyk: I think it's great; I love the people occupying it, I think it's a great thing for the City of Coral Gables, but I have to look at it from a holistic perspective of how it's going to deal with other areas in the City, and how you are going to mass the City. I personally believe that what you are telling me is not the way we do business right now, and I think that it's not right. It's basically hurting our urban forum. We are going to have a lot of properties bridging over alleyways, and to be perfectly frank with you, I think we are creating value for that property, are we being compensated for our alleyways to a certain degree for that?

Commissioner Cabrera: But we've done that, before I even entered office you've done that; you did that with...

Vice Mayor Kerdyk: Randy Hills.

Commissioner Cabrera:...well you did it with 55 Merrick, and you did it with 10 Aragon, where you've got an alleyway that has essentially a roof on it, I mean, we've done it. You talk about setting precedence, this is...

Vice Mayor Kerdyk: This is outside the CBD, Commissioner.

Commissioner Cabrera: Just outside, but it's still...

Vice Mayor Kerdyk: It's 3 blocks outside the CBD.

Commissioner Cabrera: It's a gorgeous building; beautiful design, it's great not to have "cookie-cutter" Mediterranean want-to-be.

Vice Mayor Kerdyk: I don't think anybody's arguing the design; I'm just arguing the methodology of how it's being placed.

Commissioner Anderson: I'm sorry; if you are finished I have comments.

Vice Mayor Kerdyk: No, go ahead.

Commissioner Cabrera: Don't forget the parking question.

Commissioner Anderson: No, I just wanted to say, I really like the project, I'm glad it's not Mediterranean, and I don't have any problems with the scaling and the massing, I mean, I have more problems with the variance that was granted about three weeks ago giving 100 percent lot coverage to a house in a residential area, but to a downtown building it works for me. So I'll be glad to make a motion.

Mayor Slesnick: Well wait, it is Mediterranean, it's a modern Mediterranean design, it was approved....

Commissioner Anderson: Well it doesn't have the...

Commissioner Cabrera: It's not a "cookie-cutter" Mediterranean want-to-be.

Commissioner Anderson: Yes, that fake stuff. I appreciate it. So, I'm happy to make a motion.

Commissioner Cabrera: And I second that motion.

Vice Mayor Kerdyk: Let me just say this is a game-changer for the downtown area.

Mayor Slesnick: Wait a minute, we have a motion on the floor by Mrs. Anderson seconded by Mr. Cabrera to approve the item, but we will go back to our discussion, go ahead.

Vice Mayor Kerdyk: OK. I think it's a game-changer for the downtown area. I believe that we'll be seeing a lot of bridging over alleyways that is essentially going to hurt our urban form. I personally believe our Planning Department should study this further; I think the City should be somewhat compensated for allowing somebody to go over their alleyway, we are not getting any compensation whatsoever. I do acknowledge it's a beautiful building and I think the architects are exceptionally good, and they are represented by great counsel and I think that it's a super, super situation that we are going to have a very good group of people occupying it; however, having said that, I really don't think it's the right thing for the City to do at this point, I think it needs to be studied more and I believe we are making too quick a decision on this particular property, but I wish you the very best, and that's pretty much it.

Commissioner Cabrera: You know, I respect every single one of your comments, from the game-changer sound bite to the urban form sound bite, I think they are really important comments that you made, and I'm not making light of them, but if you feel that strongly about it being studied more, do you want to take an official position on this so that it can be studied more?- or...

Vice Mayor Kerdyk: I'm not going to support it, actually I mean; no I'm not going to support it. I just want to make sure, does all the neighbors...have we noticed and everything make sure that the neighbors are OK with the alleyway?

Commissioner Anderson: I don't know, but we didn't do it with Hammock Lakes either, so. You can tell I'm still holding that one.

Commissioner Withers: I just want to ask a quick question. Three points – Number one, Bill, I want you to comment a little bit more on you said something about damaging our urban form. I don't know what you mean by that.

Vice Mayor Kerdyk: Well the question is right now, other than a few situations where they were are encapsulating huge buildings, we have never allowed bridging over to access smaller lots behind an initial lot on the Ponce corridor. What I was saying is that you could get to the point where you see a lot of bridging over alleyways; maybe the next thing is we bridge over streets. I'm just saying from a planning perspective this is something that we need to study.

Commissioner Withers: Well let me ask you a question Laura, you could do exactly what you are doing without the bridge, right?

Ms. Russo: In terms of the building? Oh, yes absolutely.

Commissioner Withers: So all they are really adding is a pedestrian amenity to move people from a parking garage to a building, you know what I'm saying. So in my mind, I hear what you are saying and I know we are allowed to build a parking lot on one, we do it behind Miracle Mile and people walk through an alley to a building. I think what we are doing is adding an amenity to a building that makes it a Class A office space that keeps people out of the weather that they would be able to walk across an alley in a crosswalk, whether they walk across from the third floor to the third floor, or the fourth floor to the fourth, or the fifth floor to the fifth floor, that's just one point. Number two is, right now you own the property on both sides of the alley, right?

Ms. Russo: Correct.

Commissioner Withers: And I'm assuming...

Ms. Russo: I don't but my clients do.

Commissioner Withers: Your client – right. So I'm assuming that the whole idea of an alley vacation wasn't even looked at because the alley services other folks on that alley, is that the whole reason?

Ms. Russo: That's correct, that's correct. There could have been a vacation of an alley and a rededication and even back to the City a la 55 Merrick Way, we would have then gained the 20 foot frontage, we would have gained the extra FAR, there could have been an even bigger building there, but the goal wasn't to add to what we could already do there, but in fact just to make it a better design, a better building and a better street appearance.

Commissioner Withers: OK. So run that by me again. So you could have gone the alley vacating route because you own both sides of the property.

Ms. Russo: Correct. Correct. But the alley is still being used, that alley is a very unusual alley, it's a curvilinear alley that actually services, it goes north and south and then it curves....

Commissioner Withers: Then it curves... [inaudible]...

Ms. Russo: Correct. So there could have been an attempt to try to vacate and find another access another route out, but at this point the best way they kept the alley still servicing all the properties behind it. What they are going to have is a beautiful auto court and they are still going to get their garbage, the waste management, Fire can still access it, Fire has looked at it. So from that perspective – and we didn't need the FAR, that's the point here, we did not need the FAR. This was to make a better building, not to get more.

Commissioner Withers: So from the architectural and this is strictly an aesthetic question. Is the focus on the building going to be coming south on Ponce or north on Ponce?- so the impact will be as you enter the business district from the south the premiere façade will be from the...

Commissioner Cabrera: Well, you are going to see an impact, but think about it, when you are driving really it's going to be on your side, it's not like you are going to hit it.

Commissioner Withers: No, I understand. I just didn't know if the wrap-around came all the way around to where you can see.

Ms. Russo: I think if you look in your package there is break here taken to make sure that building really has all sides, I mean, if you look at it from the south....

Commissioner Cabrera: It doesn't turn its back on anything.

Ms. Russo:...And that's one of the reasons for leaving the auto court behind too is to make this a building that 360 is appealing to everybody, to the people in behind, to the people in front, when you are driving south, when you are driving north...

Commissioner Anderson: And that's a concern that's been brought up before, so yes.

Commissioner Cabrera: I don't like modern buildings and I love this building.

Ms. Russo: If you look at it you'll see...

Vice Mayor Kerdyk: Pretty building.

Ms. Russo: But there is a particular focus heading south, I think, isn't there?

Mr. Bellin: [Inaudible – off mike]

Commissioner Cabrera: Mr. Kerdyk you said something really interesting when I was trying to use examples of other buildings that we have done something similar to this. You said, but this building is not in the CBD. What's the relevance of that?

Vice Mayor Kerdyk: The relevance of that is in the CBD you are able to build with no parking, that's the relevance of that; and actually you know what?- a lot of people do that when they even have the back alleyway, because they say, OK, I'm in the CBD, I can't provide parking because I

can't get to the parking lot behind me, so I can just build 1.5 FAR, so I can build my 15,000 square feet or my 10,000 square foot lot. But now you are going to allow me to bridge over there for the property I own behind it and I can throw the parking there, and can throw all that FAR so I can put 3.5 FAR on the 10,000 square feet, that's 35,000 square feet, I'll put the parking behind it which we've never done before in a smaller site like this. Again, the building is beautiful, it's nice, I think you did a great job, but I'm just telling you from my perspective I think it merits more or warrants more discussion before we go forward.

Commissioner Cabrera: Well, I encourage you and I seriously encourage you to take this on as a project, I'm not telling you what to do obviously, but you know the reason and I wasn't asking the question about relevance because I wanted to pick a fight with you, but because I wanted to learn where your thought process was coming from, and as I hear you say that I think about where this building is being built and it's almost like, wow, what a refreshing approach to addressing the issue of parking that I've never seen before. So, maybe we are still going to agree to disagree with each other, but listen, for me to like a modern design building I know it's all personal when it comes down to it, but this is just very well thought out and very well presented, and I hope you move forward with it. Can somebody answer my question about parking?

City Manager Salerno: Glenn?

Ms. Russo: I don't recall hearing the question.

Mr. Kephart: I think your question was what effect does this have on-street parking?

Commissioner Cabrera: On-street.

Mr. Kephart: And on Ponce Boulevard there is no net change...

Commissioner Cabrera: OK.

Mr. Kephart:...And on Catalonia there is a change of net minus 4, that could change to minus 3 or 5 depending on the final design of the ball-outs as we maximize the space.

Commissioner Cabrera: This is the bump-outs?

Mr. Kephart: Yes.

Commissioner Cabrera: Just as much as Mr. Kerdyk has got all excited about this issue, I will try to replicate his excitement by saying, ladies and gentlemen at some point in time we're going to

have to really stop and look at the systematic reduction of on-street parking in our City. Our City's parking is being slowly but surely reduced. Each on-street parking space that we eliminate cost the City an average of \$3,000 a year, maybe that's not a lot of money, but as you look at the streetscape and all of these buildings that have come up like 55 Merrick Way, I'm going to be quiet until I have silence up here on the dais. As was saying as I was rudely interrupted by a sidebar.

Commissioner Withers: Ralph, Ralph, I was just confirming something...

Commissioner Cabrera: Well, I don't care. I'm over her talking and I'm being distracted and it's annoying.

Commissioner Withers: Well, I'm sorry if I did that, well I'm sorry, but you have sidebars with the Mayor when I spoke and I've never called you out on it.

Commissioner Cabrera: You know, I haven't it, Mr. Withers, in ten years I've always respected when you speak, but it just seems ironic that when I'm trying to get a point across you and the Manager have a sidebar and it's annoying, it's distracting and I'm tired of it.

Commissioner Withers: I was questioning the \$3,000 amount and I don't think it's correct, that's all I was going to say, I think it's overstated.

Commissioner Cabrera: Mr. Withers, I would encourage you to ask the Parking Director what the number is, because I didn't come up with it, I was given that by a parking professional, but in spite of that....

Commissioner Withers: And I also questioned whether the amount of additional income we would get from ad valorem property tax on a multi-million dollar project would outweigh the cost of lost parking space?

Commissioner Cabrera: Then by all means say it out loud so the entire City of Coral Gables can hear how you feel about a subject instead of having a sidebar. If you question the \$3,000, it's your right to question it, I'm perfectly OK with you questioning it, you have as much right as I have as a City Commissioner, I got that from the Parking Department. I didn't think of this one, I didn't find it on the Internet, I didn't hear it through gossip, I got it from a parking professional, and if you want to question it, I encourage you to do so, I encourage this subject to be vetted, I encourage this process to be transparent, and I encourage this process to be looked at because we are systematically destroying parking so we can have rodent filled, garbage filled, cigarette butt filled, these whatever you call them, these bump-outs. So that's perfectly fine and wait till the

next Category 3 Hurricane hits the downtown Coral Gables and see how these wonderful streetscape designs last. With that I will be quiet so that we can move this thing forward.

Mayor Slesnick: Mr. Manager.

City Manager Salerno: Thank you Mayor. Would you take a seat for a second, Carlos would you mind stepping forward? Some of the questions that were raised here initially were questions that I had and I asked the staff to come together all the pertinent staff that you see before you today, and particularly Carlos to make sure that the Board of Architects that approved this project unanimously and Carlos personally had addressed the issue, and I wanted to get his perspective on the massing perspective, because it was raised to me prior to the meeting and I met with Carlos. Carlos would you share for the benefit of the Commission your thoughts with the respect to the idea of two separate buildings of similar size versus the way this particular building and how you arrive at your conclusion.

Mr. Mindreau: At the time that the project was presented to the Board of Architects it was clear not only to me personally, but also to the Board that this building attained a level of significance and preponderance on that particular key property on Ponce Circle Park and its potential future developments that was far more significant than anything that could have been attained by two smaller buildings or two buildings that were of less consequence. This building really anchors that intersection well, it does it beautifully; the massing in really by virtue of creating a more horizontal building is actually less impacting than two vertical buildings would have had on this particular site. I think the Board of Architects also in terms of future development; the Board of Architects maintains these criteria of making sure that the compositions are positive to the City and not negative.

Vice Mayor Kerdyk: OK. I respectfully disagree, but I still don't know how you're getting 7,000 square feet, 50,000 square feet or 30,000 square feet or whatever in parking the cars even if you're parking them behind you. I've dealt with this issue so many times in so many other areas, I just think you are misguiding the Commission, but I'm not saying any more on this situation. Thank you, but it's a beautiful building, I'll maintain that.

Mayor Slesnick: We have one person from the audience who has asked to speak, its Mr. Richard Namon of 5555 Oakwood Lane.

Mr. Namon: Thank you. Unfortunately most of the time you see a sketch of a building by an architect when it's built it rarely looks the same for some reason from the street. Speaking as a licensed real estate professional, it is not unusual for property owners that are building a large commercial building to ask for variances. Most often such requests cover signs insignificant

overhangs or small encroachments. One of the request here is very different, it ask for the right to build in the air space over the public alley, it would allow two buildings to be built as one on two lots separated by an alley. For the owners this would add a great financial value to the two properties that would be true even if the interior space was no greater than allowed for the two separate properties. Inside parking for a building is easier to design and build if the lot size is large enough for turns and ramps. Granting this request will effectively give the developer more buildable land. What would the City get for this valuable consideration?- maybe some trees and a fancier sidewalk, something a smart developer would do anyway to increase the value of their property. If the City charged the developer the true value of these variances it would put City, alley and road air space up for sale to the highest bidder. The only reasonable solution here is to deny this request. Residents will not be rewarded to the extent of the developer if you grant it. In addition, this would set a bad precedent; the next request might be to allow a building that projects over half an alley. Coral Gables is shadowed enough by necessary development as it is; covering alleys is not a public benefit, indeed it goes against public benefit by blocking air flow, sunlight, and a view of the sky. I request you deny all the variances requested, they are based on a building using city-owned airspace over an alley. In the City Charter in Article 8 there are criteria, and it says, if the Commission following criteria duly advertised public hearing in determining whether the general public welfare would best be served by the proposed action. Whether public benefits from the use of the subject right-of-way is part of the City's street system, whether the proposed action is consistent with the City's Comprehensive Plan, the availability of alternative action to alleviate the identified problems, the effect of the proposed action upon traffic circulation, the effect of the proposed action upon the safety of pedestrians and vehicle traffic, I've used that alleyway to walk through myself and I think about the possibilities there; the effect of the proposed action upon the provision of municipal services, including but not limited to emergency services, waste removal, and the mitigation plan proposed by the applicant to offset any potential impacts. Those are the criteria that your Charter requests. I would also add one following request, before voting if any of you are business acquaintances of Mr. Juan Carlos Mass or his associates at Ponce CAT LLC, but to make a disclosure in compliance with Florida Sunshine Law. Thank you.

Mayor Slesnick: Thank you. OK. We close the public hearing and we have a motion and a second, any further discussion? First of all let me clarify a couple of things regarding some comments that were just made, these are not variances that we are voting on, these are encroachments, this is not a vacation of an alleyway, this is an encroachment. As far as the Sunshine and the light, how wide is this crossover?- it's how wide?- 21 feet. I don't know how much sunlight it blocks, but 21 feet. Any other discussion?

Mr. Clerk

Commissioner Cabrera: Yes
Vice Mayor Kerdyk: No
Commissioner Withers: Yes
Commissioner Anderson: Yes
Mayor Slesnick: Yes
(Vote: 4-1)

Mayor Slesnick: OK. We will have a second reading of that – is that the second reading?

Commissioner Anderson: That's it.

Mayor Slesnick: That's it. It's a resolution. Madam City Attorney before you all leave, Madam City Attorney for the record since issues were raised about the Charter, has the administration handled this properly with a resolution?- has the Commission handled this properly by approving the requests in encroachment by a resolution?

Interim City Attorney Alfonsin: Yes Mr. Mayor.

Mayor Slesnick: OK. Thank you.

[End: 10:56:24 a.m.]