

City of Coral Gables City Commission Meeting

Agenda Item E-1

January 23, 2007

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II

Vice Mayor Maria Anderson

Commissioner Rafael "Ralph" Cabrera, Jr.

Commissioner William H. Kerdyk, Jr.

Commissioner Wayne "Chip" Withers

City Staff

City Manager, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

Deputy City Clerk, Susan Franqui

Scott Bolyard, Planning Department

Public Speaker(s)

Zeke Guilford, Attorney

Richard Garcia, Traffic Engineer

John Fullerton, Architect

Richard Namon, Candidate for Mayor for April 10, 2007 Election

E-1

Ordinance on Second Reading. Application No. 02-05-312-P – Change of Land Use and Mixed Use Site Plan Review. An Ordinance of the City of Coral Gables approving a change of land use from "Commerical, Low-Rise Intensity" to "Commercial, Mid-Rise Intensity", and mixed-use site plan review pursuant to Zoning Code Section 3-5 for the proposed mixed-use project referred to as "Giralda Complex", on the property legally described as Lots 25-48, Block 28, Section "K" (2222 Ponce de Leon Boulevard), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause and severability clause, and providing an effective date. (Planning and Zoning Board 10-11-06)

Passed on First Reading November 15, 2006

(10:22 A.M.)

Mr. Bolyard: Good morning Mayor, Vice Mayor, Commissioners, this application is for a change in land use from commercial low-rise intensity which allows four (4) to six (6) stories to commercial mid-rise intensity, six (6) to eight (8) stories and a site plan review

of a proposed mixed used project. The property has commercial land use and zoning designations which are appropriate for the proposed mixed use project.

Mayor Slesnick: Scott wait a minute. You know, we really need a little more volume on everything; volume when they show videos; volume when people talk.

Commissioner Withers: Just a little more would help.

Mr. Bolyard: Property's existing parking garage in one and two story commercial buildings would be demolished and replaced by an eight (8) story – ninety seven (97) foot new building, and the existing six (6) story – eighty (80) foot – eighty two (82) foot building would be renovated. The applicant has proper landscaping and streetscaping improvements along both sides of Giralda Avenue, and agreed to provide landscaping and side improvements for the City Museum's urban plaza to satisfy the project's open space requirements, and mitigate the project's additional height. The Planning and Zoning Board recommended approval of the proposed change of land use and mixed use site plan with conditions recommended by the Planning Department and at the City Commission's November 15, 2006 meeting, approval was recommended at the proposed change of land use and mixed use site plan review on first reading with a request that staff come back at second reading and address the following issues: Conduct a study to limit the heights of properties on Giralda Avenue to eight (8) stories; staff is going to include the study of height, density and intensity of the development along Giralda Avenue as a part of the North Ponce study, which is going to include the central business district as well; and the Commission also requested a more detailed discussion regarding traffic on Giralda Avenue and implications of installing a traffic signal at the intersection of Giralda and LeJeune Road. On this matter I will defer to the applicant and the traffic engineer.

Mayor Slesnick: Mr. Guilford.

Mr. Guilford: Good morning again Mr. Mayor, members of the Commission. For the record, Zeke Guilford with offices at 400 University Drive, along with Mr. Mort Guilford. We have with us here today Mr. Jeff _____ who is general counsel for Giralda Complex, Mr. John Fullerton, the architect for the project, and Mr. Richard Garcia, our traffic engineer. As staff stated to you we are requesting a change in the Comprehensive Plan from low-rise to mid-rise to allow the architect more flexibility in the design of the building. This matter was approved by the Planning Board on October 11th, 2006 that was a unanimous approval. We came before you in November; you approved this on first reading with two issues, which was how to maintain the low-rise on the one hundred block of Giralda and traffic on Giralda as well. From this November meeting we actually met with the City Attorney, the Planning Director, and also the Director of Public Works regarding those two issues. Regarding the height along Giralda – what is being proposed is that the central business district in Giralda be incorporated into the north/south overlay district. And when you read that study, what it talks about is maintain integrity and encourage pedestrian environments and TDR's, and TDR's is really the driving force of this because the buildings in and of themselves do not merit historic designation so even

though they are in the central business district they would not be able to have TDR's and sell their TDR's. So what this does is now give those property owners incentives to sell TDR's and maintain the low-rise street level façade that I believe you are looking for. Now as to the traffic; we met with Public Works. Public Works would still like to see the light on the corner of Giralda and LeJeune Road; they believe it is warranted by the traffic study by the numbers by themselves say it's warranted. We are committed to do the traffic light if that is what this Commission desires, if it does not that's likewise acceptable. What is interesting though, is that we actually did a traffic count as if this project was strictly commercial, strictly office. And what we found is that our project will generate fifty six percent (56%) less A.M. traffic, and thirty four percent (34%) less P.M. traffic. Now also in the interim we were able to receive a letter from Caramelos, which I'd like to read into the record: "Dear Sirs, we are the owners and operators of Caramelo Restaurant located at 264 Giralda Avenue. Our restaurant is on the south side of Giralda Avenue across from the proposed Giralda Complex. Having seen the renderings and after speaking to the owner's representative, Jeffery Learman, about the project we are of the opinion that their unique design and concept for a mixed use project are the right things for the property, for the City, and for the business in the area. Please accept this letter as an endorsement of the project when considering the application on second reading, Tuesday, January 23rd". Mr. Mayor, Commissioners if you have any questions we will be more than happy to answer them, and again thank you for your favorable consideration.

Commissioner Cabrera: Mr. Guilford, I wanted to get some clarification on the traffic signalization, and my question is just for the sake of logistics because I'm opposed to the project and I'll tell you later why I'm opposed to it. But what you are proposing is a traffic light on Giralda Avenue and LeJeune Road. Now, more so Giralda and LeJeune Road there's already a traffic light, south of Giralda and LeJeune Road there are two traffic lights at subsequent intersections. So in essence what we will now have is four traffic lights along four intersections on LeJeune Road.

Mr. Guilford: That is correct.

Commissioner Cabrera: I don't think it takes a traffic engineer to figure this one out.

Mr. Guilford: And Commissioner, if I can try to explain again, I have the traffic engineering to answer if I misstate anything. What happened is basically the traffic engineer did counts. By the counts by themselves warrant a light, however that's just the first step in the process. It then has to go to Dade County, and I believe it's a State Road so it also has to go to FDOT, and they have certain spacing requirements; there are certain issues with Giralda being offset; there are distance requirements; so while the numbers may warrant this light, DOT and the State may reject this.

Commissioner Cabrera: That's the reality; that's truly the reality we are talking about. There's absolutely no way the Department of Transportation is going to allow four consecutive lights on a stretch of road where you have the amount of volume that you have on LeJeune Road. So I think that the idea of a traffic light is completely a mute point; it's just another way in my opinion to try to justify this project to the downtown

area, and to try to mitigate or to possibly give the perception of mitigation to an already very crowded area, with tremendous density and tremendous intensity. I don't fault you or your clients, but it's really putting a band aid on a cancer.

Mr. Garcia: Good morning, Richard Garcia, 13117 N. W. 107th Avenue. I'm the traffic engineer asked to do the initial study, but I have evaluated fair analysis and the data, and you are absolutely correct. I was a former traffic operations engineer at DOT, and FDOT will not likely approve a signal here, it's pretty much a mute point.

Commissioner Cabrera: A mute point.

Mr. Garcia: Absolutely. However, we also looked at traffic circulation in the area and the other intersections, and I think the reason the traffic engineer originally.

Mayor Slesnick: Excuse me, excuse me, would you raise your right hand and follow the City Clerk to be sworn in as an expert.

City Clerk Foeman: Do you solemnly swear and affirm that the statements you are about to make here today will be the truth.

Mr. Garcia: I do. In any regard I think the original traffic engineer did the study recommended a signal; he did it based on a very preliminary evaluation of the raw data, and that was because he assigned a few of the vehicles to that intersection and when they evaluated that intersection it didn't have an appropriate level of service.

Commissioner Cabrera: Was it failing?

Mr. Garcia: Yes it was.

Commissioner Cabrera: It was failing.

Mr. Garcia: Yes it was.

Commissioner Cabrera: That's prior to this development going on.

Mr. Garcia: Right, but that's because it's stop controlled, and putting a signal there though automatically improves it. But what I think is more likely to occur is since less times there already difficult is that not many motorists will use that because of so many other alternatives that exist because of the streets in the area, and all of the other signalized intersections like you mentioned to the north and to the south. And so, why would someone go to that intersection to make a difficult left turn when they could drive a block north or block south to make a left at a signalized intersection. So the likelihood of left turns occurring there are not very high at all.

Commissioner Cabrera: Would the likelihood been of them taking an alternative route is not high either, sir, because you've got signalization on Alhambra, and you have

signalization on Salzedo, not Salzedo – Salzedo and Galiano. So you've got to maneuver additional signalization before you can even think about where you are going to go. So to the unaware motorist there is a high probability that they will go through until the second trip where they realized they can go elsewhere either north or either south, and then go westbound again.

Mr. Garcia: You're correct. But traffic also functions like water, it looks for the path of least resistance, so I mean, maybe one time a trip will make a left turn and then they will realize it's easier to go through a signalized intersection.

Commissioner Cabrera: You just have some much congestion and so many stacking issues facing the other intersections that I think you are just adding to the problem, and that's just a person observation; you're the expert, I'm not trying to...

Mr. Garcia: But the level of service for the other intersections – there were eight intersections that were studied and seven of them the existing proposed levels of service were adequate for the other intersection, so they do meet the standard.

Commissioner Cabrera: Thank you sir. Since you are up here, one last question for you. I read the entire traffic study and I was curious, you made a comment regarding the Ponce median; did you – did this study consider it because it seems as though the paragraph that was written had something to do with the fact we were going to prospectively do this.

Mr. Guilford: I'm going to answer that Commissioner, at the time we did this traffic study the Ponce medians were not in. What we agreed to do is that once the Ponce medians were in we would then go back and redo the traffic study to evaluate the traffic and the turning once this project, if it became online, how that affected the traffic along Ponce.

Commissioner Cabrera: So you'd do another traffic study if you received the approvals.

Mr. Guilford: Absolutely. Yes sir.

Commissioner Cabrera: OK. Thank you.

Mr. Guilford: And I just want to also point out again, the traffic light at Giralda and LeJeune, we went to Public Works and they would like to see the light there.

Commissioner Cabrera: I'd like an apartment in Paris.

Mr. Guilford: What we also did was gave a memorandum to Public Works also stating that if the light wasn't there how traffic would generate out of the project in the intersection and it was successful.

Mayor Slesnick: Any further questions for Zeke.

Commissioner Kerdyk: Zeke, I have really two questions, one to staff, and then I guess Zeke since you are up here. I have two problems with this project, the first one being, and we talked about it briefly and I'll ask staff about the zero to one hundred block; and the other is the increased density that we are allowing by increasing the height from five or six stories up to the eight stories level there. The FAR in that location there is three point zero (3.0) and if you build Mediterranean it's three point five (3.5). I guess the question to you and maybe John can answer this is if you build a structure inside the envelope that's provided to you, the amount of parking that's necessary, how much FAR can you get into that site?

Mr. Fullerton: John Fullerton....

Mayor Slesnick: Before you do anything -- anybody that's planning to speak on this issue, would you please stand and raise your right hands to be sworn in.

City Clerk Foeman: Do you solemnly swear and affirm that the statements you are about to commit here today will be the truth and nothing but the truth.

Mr. Fullerton: I do. 366 Altara Avenue, Coral Gables. We could put the entire FAR on that site because we are not limited; we are limited in height but not depth. We can also go two levels of parking below ground. So we could get every stitch of that FAR on the site it would just be a massive three (3) story or four (4) story building out to the set backs in all directions, I'm sure.

Commissioner Cabrera: It would also be more expensive to go down.

Mr. Fullerton: It would be more expensive for those parking spaces that are below ground, however, the building itself would be a lot cheaper.

Commissioner Kerdyk: And then I'll like to ask Eric Riel a question too, please.

Commissioner Withers: How much FAR are you putting on that site?

Commissioner Kerdyk: Three point four (3.4).

Mr. Guilford: Three point five (3.5), we're close enough to three point five (3.5).

Commissioner Kerdyk: Eric, since one of my biggest concerns were the zero to one hundred block, and of course we talked about the density. I still can't figure out the fact of why we are not building it inside the envelope there and John puts out that its going to be a cheap boxy building, and maybe that's the reason. The question to you though is the zero to one hundred block -- tell me how many meetings you've had, what's the process of trying to solidify where we would get the TDR's and throw them into two other areas, and not allowing that area zero to one hundred block, the restaurant row that we have there to remain more on scale street as opposed to a high rise site.

Mr. Riel: There's a couple of things -- you know the Commission passed the downtown overlay district a couple years ago, I believe it was in 2002; that provided for intensity to move back from the mile to basically the back of the block. As a part of the North Ponce study we looked at TDR's, we're looking at parking, we're looking at a lot of different issues, that's why we are suggesting that those issues that we are looking at North Ponce we do in the CBD as well. We are looking at TDR sending zones, receiving zones, so the issue of density being transferred where it's more appropriate will be a part of that North Ponce study.

Commissioner Kerdyk: So we are just in the exploratory basis.

Mr. Riel: Well the North Ponce study, I was just looking at it, we actually presented to the Commission a year ago, January 24, 2006. We are going to come back with that in May; we are going to revise the study to include the CBD; it had a lot of very, very good concepts in it. We started the process in the North Ponce, but we stopped it because of the Zoning Code, because that took a priority, but since we are now done with the Zoning Code our next thing is the Comp Plan, which again we will look at intensity and density. But the North Ponce city has very specific recommendations for TDR's, and mitigating potential impacts of development. We are going to look at the downtown overlay district as well. So there's a lot of things in play it's just that we need to get it all into one study, and we need to come to the Planning Board get their input and to the Commission.

Commissioner Kerdyk: Well, having sat up here for awhile until we see it in front of us it's not done. I mean, there's a lot of things that get thrown into the pot before hand and that's critical to me that that maintains its level of friendliness. Thank you.

Mayor Slesnick: We have one person who decided to speak, Richard Namon, 555 Oakwood Lane.

Mr. Namon: Mr. Clerk, I'm the same Richard Namon that's a candidate for Mayor in the April election. This particular issue is a very strange issue about spot rezoning because the ink is barely dry on the Code rewrite, which I would think over the three years had looked rather extensively on what was appropriate development in the downtown area. And what you are looking at now is an immediate change in the zoning that you carefully thought out and I agree with the situation. I think that you either rezone the entire area and put a zoning that you think more appropriate, but not to start doing spot zoning without a major study of the entire blocks that are involved. I very strongly suggest that if you don't have a plan that you don't start making changes in specific areas. I don't think this fits into a plan that's been announced and thought out and studied for the whole area. I thought that the street had a particular width size; there's a side walk that go along with it and I affirm the position that we really should have a total study if you're going to change, not the one, but change them all. I'm not against a particular project but I'm very strongly against making spot changes in what is a reasonably sensitive area. Trading of building rights doesn't mean much if the people who own the property, the restaurants, look at it and say yes while we can do the same thing it is economically better for us than renting to a restaurant. I would do the same if I owned the property. Thank you.

Mayor Slesnick: Madam City Attorney, is this spot zoning?

City Attorney Hernandez: No, Mr. Mayor. This is just for purposes of clarification; this is a change of land use. The City Commission addressed the Zoning Code rewrite not the land use designation, so this is not, you know.....

Mayor Slesnick: Fits within the zoning.

City Attorney Hernandez: Absolutely. It fits within the zoning and mixed use site plan review always comes to the City Commission for final approval and conditions. So it is appropriately before you today.

Mayor Slesnick: Thank you. OK. We are going to close the public hearing and ask if there are any more comments from the Commission.

Vice Mayor Anderson: Yes. I'd like to say just a few words. Back in 1961 the Commission had the opportunity to actually lower heights, actually put a height cap in Coral Gables, if I'm not mistaken. Unfortunately it didn't take that, and then there was a whole new Commission after that. I wish in hind sight they had taken some lower profiles, I mean I wish in the best of all possible worlds we could have been capped at ten (10) stories and then filtered down to six (6) stories or eight (8) stories on our smaller streets. But that's not what it is. The reality is we have to now deal with the situation that it's been in the works for forty (40) years, and most recent fifteen (15) – twenty (20) years of development where really development has taken hold in Coral Gables at a rapid pace. Good planning would dictate that we direct our heights to Ponce and the larger streets; and to the smaller streets such as the one we are talking about on Giralda should remain on a relatively smaller scale. I believe that this would be my line in the sand, the eight (8) stories as proposed would be something that would be acceptable on those streets. Hopefully, never again that we would see something higher, because it would dwarf all the street life. I wanted to put that in perspective because we all struggle with the issue of development, and people wish that we were a sleepy home town again, and I grew up in that sleepy home town in 1960. But what we have to do is do the best we can with what we have, and I think as we look at the buildings that exist there now I think we are better served with a probably a newer project where people can actually live and hopefully work in the downtown.

Commissioner Cabrera: Thank you. I agree; it's not a change of zoning it's certainly a change of land use, but it looks, and smells, and tastes sure like a change of zoning for me. So having said that, that's just a personal opinion and/or observation. Ladies and gentlemen 2000/2001 when I ran for office, I talked about and criticized my opponent because I felt that developers were coming to our City and literally telling us what they wanted the projects to look like. They were dictating what the size, what the massing, what the density should be, and I felt very strongly that that administration needed to draw a line in the sand. For that reason it's tough for me to want to approve something where a developer can come with a very, very accomplished and fine architect, which I happen to admire very much, Mr. Fullerton, who has tremendous design experience, but

to mass this as a change of land use because we are going to make it a softer building, it's going to be a lot less money or as Mr. Fullerton said, while the parking – digging down in the parking would be more expensive, if we let him build at the low-rise it would be certainly a cheaper building. I challenge Mr. Guilford on first reading to bring it back as a right, Mr. Guilford is representing his clients, Mr. Guilford I respect you very much for that, but you know, we as Commission body, and I've heard my colleagues individually and collectively talk about how we cannot always affect each and every project in our City because the simple reason is the people have a right to develop certain parcels of land using our Zoning Code. Here is a perfect example that we as a collective body, quicquid judicial body, can in fact change the look and feel of that very important city block that stretches all the way from Merrick Way, actually Douglas Road to all the way to Le Jeune Road. The additional massing, the intensity, the density of that area is going to change it for generations to come, and I personally cannot support this project; I couldn't support it on first reading, I won't support it on second reading with all due respect to the architect, the law firm and the developers. So, I hope that my colleagues will join me and voting against it.

Mayor Slesnick: Mr. Kerdyk.

Commissioner Kerdyk: Thank you Mr. Mayor. I'm somewhat encouraged that we are undertaking the lowering of heights in the zero to one hundred block by whatever mechanism the Zoning Board approves and recommends to the City Commission. However, we do not have that in front of us right now. I think as Commissioner Cabrera says, there is some defining points that go along when you have a change of land use issue in the City of Coral Gables. The City of Coral Gables has ninety (90) or ninety five (95) projects right now in the pipeline. Very seldom does the Commission have the opportunity of saying yes or no to a project because they are in the "as is" state; they come in here and there in the "as in" condition. Today we do have an opportunity to make a decision one way or another, and despite the fact that I think the design is beautiful, I feel much more confident – I would feel much more comfortable in supporting this application if it was a five story building. I will not support it as it's presented now, and I would like to maintain our land use plan, that's why we have a land use plan in the City of Coral Gables. When somebody buys a piece of property, I buy a piece of property, somebody else buys a piece of property, you have a definable land use, it's six stories, its eight stories, it's sixteen stories, and in this particular case when you buy a piece of property at that geographical location that was the land use; that's what you are supposed to fit your development in that envelope, and in this case despite all of the showing and the beautiful drawings I cannot support the application as presented.

Commissioner Withers: Well, would you rather have the buildings of the seventies at 255 Alhambra, it's a square glass box, or would you rather have Allan Morris' building, which maybe a little bit higher than the envelope but has architectural features to it? That's rhetorical; I'm not asking you to respond.

Commissioner Kerdyk: Well, I think I should respond.

Commissioner Withers: Well, let me finish. And I think what we heard from the Board of Architects, what we heard from our Planning staff was that they kind of like the flexibility that they can encourage developers to move away from those boxes, instead of filling up every square inch, and every square foot on a FAR, if they are give a little more flexibility to modify heights and to move balconies and to work with different elevations, it gives Coral Gables a look other than those buildings that we built in the seventies on Alhambra. I have no problem sacrificing a little bit of height and having a development like this than putting a glass box on that street. If you think we are concerned about restaurants and other retailer, I guarantee that putting a glass box on that street 'aint going to bring those people in on the ground floor. So, I understand; I here what you are saying but when our own Board of Architects pass it unanimously and our own Planning and Zoning Board pass it unanimously because they are looking to build character on the street as opposed to a glass box, that's why I'm supportive of it. So, please if you want to respond to that then....

Commissioner Kerdyk: I really don't see the correlation between the two of them because – let me answer; first of all we just talked about the glass boxes that were built in the seventies and the beautiful Mediterranean building that Allan Morris built. He built that within the guidelines of the City of Coral Gables, the height was within our guidelines, everything was done within the City guidelines because he bought a piece of property that was zoned high-rise – it was zoned high-rise, just like the glass boxes were there on Alhambra Circle and land use defines where those locations are.

Commissioner Withers: We gave him property to do that; if we didn't give him that triangular land he wouldn't have been able to do that. We gave him extra land so he could do that.

Commissioner Kerdyk: But how about all the other high-rises?

Commissioner Withers: The reason he was able to build within the guidelines because we gave him additional land.

Commissioner Kerdyk: Are you saying you see no other attractive buildings that are eight stories.

Commissioner Withers: Let's just throw out the whole Zoning Code.

Commissioner Cabrera: This is good, this is good debate. I think that Commissioner Withers makes a point; he makes a drastic point to get his point across but the reality is it's not a realistic analogy. I mean, you are asking us to look at – what would we rather have the two ice boxes or the Allan Morris project. Well, you know what, the two of them were done at different periods of this City's history; there were so many different variables affecting the entire process of each that the analogy simply carries no weight, and I understand your position, I respect it, but personally this is an opportunity for us to help redesign a very critical portion of our City and we are literally letting the developer have his way. You know, this is why we are policy-makers; the Board of Architects may

have approved it; the Planning Board may have liked it; they are not the ones that get the phone calls in the middle of the night or the ones that get accosted at Burger Bobs over the fact that we are letting development go unbridled in our City.

Vice Mayor Anderson: Chip, Chip here's an example, and I'm trying to follow your train of thought, but here's another more drastic example, something that changed the face of the City that we approved four to one (4-1), was the Old Spanish Village. We had changes – I think we had changes in land use. I know, Commissioner Kerdyk, that you didn't support it, but that's a change in intensity, that changes our downtown. Some people would consider unbridled growth as well. So, I'd ask – while I respect all my colleagues' opinions and however you vote that's what it is. But if you are going to have the conversation let's bring up other things that we've talked about – when you have about seven acres worth of development that we approved in the South Ponce area, you have to take that into consideration, I mean, we have other developments that we've all approved more or less on different things. So, I just put that in for the record, and just food for thought.

Commissioner Cabrera: The record is good, I'm glad you put it in, but that was a three year process that went through Charrette so it went through public input that received support of the entire affected property owners. And again, it's another – hey, let's talk about City Hall 1925, how did we get around to build this building in 1925 or whenever it was built; I'm sure there was some controversy with it then. I can use analogies; I can spin it however you all would like to; we can sit here and spin it this morning.

Commissioner Kerdyk: Let me just say one last thing.

Vice Mayor Anderson: I'm not going to spin it; I'm just putting some facts on the record, and I'm not out to have an argument with anybody. I thought Commissioner Withers made an interesting point; I just threw another example out.

Commissioner Kerdyk: The fact is – let me just say one last thing – the fact is we have eighty sum odd – ninety sum odd projects in the pipeline; we very seldom get the opportunity to craft anything with these projects, and this is the opportunity to do that. I understand everybody's opinion, I respect everybody's opinion, but land use governs, I think land use governs and that's how we've always done it.

Commissioner Withers: How much of this building is over eight stories. I mean, there are a couple of towers over eight stories. I don't – maybe Zeke or Eric could help. How much of this project is actually within our height envelope?- except for a couple of towers.

Commissioner Cabrera: They've got to cupolas, right?

Mr. Guilford: What we have is essentially the two floors right here which are over the eight, but what we do have is a set back here, and then we have a set back here and then we have a higher set back here, almost half the project. So essentially you can clearly

lower it by a floor or as Mr. Fullerton said by dropping it, but it has to play at the massing which raises the height of the building.

Commissioner Withers: But I mean, please correct me if I'm wrong, but I think not a large, but a good percentage of this project is under the height envelope, and a good percentage of this project is on our set back requirements, and so what we've done is try to give the feel of a broken building as just the square building down the block. I like the character of it.

Commissioner Cabrera: I just think at the end of the exercise – we had seven people that responded to the Commissioner, to the City regarding their objections, and incidentally ladies and gentlemen, they were four people that had no objections they provided no other comments except for one person who faxed two words, which said support project. And there were three people that took their time to give us some very thoughtful comment on their objection. So what is going to happen is this thing is going to go forward and we will get the results of the exercise when the construction begins.

Commissioner Withers: What were their objections?

Commissioner Cabrera: Well, I'm glad you asked. Let me read it. Mr. Carlos Radilovich wrote, a high or mid-rise would change the skyline of the Gables. This sort of modification could lead to a clustered downtown ambient which could make Coral Gables lose part of its charm. A company at 2020 Ponce wrote, the increase in intensity is not appropriate for the property location and such increase intensity replace an undue burden on an already strained road system....

Mayor Slesnick: 2020 Ponce is a high rise building.....

Commissioner Withers: 2020 Ponce is a sixteen story building.

Commissioner Cabrera: Well, it could have been, first of all, it could have been a resident that lives there.....

Mayor Slesnick: It's a project that [inaudible].

Commissioner Cabrera: Well, that just helps your argument. Jerome [name inaudible] says, this is not an appropriate location for such intensity and such increase intensity will cause undue burden on the services provided by the City of Coral Gables.

Mayor Slesnick: That's the person building the 2020 Ponce.

Commissioner Cabrera: I think I have a pulse of what's going on in the City, and if you all what to defame me or play it down, well you know, to criticize the fact that he asked me to read something, which I'm reading at his request, you know it's up to you.

Mayor Slesnick: I apologize.

Commissioner Cabrera: Well, apology accepted.

Mayor Slesnick: I would like to point out that what I said is that the owner is building a large building is the one he was affecting.

Commissioner Withers: No one's complaining.

Commissioner Cabrera: You'll get a lot more complaints when this thing starts up, I assure you.

Mr. Fullerton: In response to those letters, we have to remember we are not increasing intensity there, what's there now yes, but not what could be done on that site. So basically we are building a building we are pushing the envelope a little bit in order make it a more interesting building; we're not increasing intensity.

Commissioner Withers: John, how much of the building is under the height?

Mr. Fullerton: Well, I would have to take a calculation, an aerial calculation of that. But you can see from the rendering that there's considerable amount of open space that's below the three – below the five story level for sure, and it's just articulated in a way that's allowed by the flexibility of the height, and we are not adding intensity, we are not adding square footage that we wouldn't be entitled to under normal circumstances without your approval, we would just come as a right and build a big box of a building. I wouldn't want to do that of course, but anyway that's.....

Commissioner Cabrera: You wouldn't do that Mr. Fullerton.

Mayor Slesnick: They wouldn't need your services. Let me comment, it would be no surprise that I agree with Ms. Anderson and Mr. Withers for a number of reasons, one is that after our first discussion probably two months ago, I waited for the input to come and the only input I've had on this besides the one citizen who objected today was my walk down to restaurant row to ask restaurateurs who were trying to protect and say what their opinion was, and it was unanimously would like to see a more vital north side of Giralda and the other block, and help us with our business. I agree with Commissioner Cabrera that when we came to office in 2001 that people were concerned then and they are concerned now about development, the pace of development; I would point out however that through a number of things that this Commission, all five of us, at various times or another have agreed or not have done things to help this City through a very strong developmental stage in South Florida history. If you look at South Beach or Brickell you know that Coral Gables in not South Beach or Brickell, we have certainly held the lines of the pressures that are happening there. You look at Coconut Grove – this is not Coconut Grove – we have held the line as to the developmental pressures that has been exhibited there by what has been accepted by those Cities – the City of Miami, the City of Miami Beach; totally different circumstances. If you look at what we have just done in the Zoning Code with the transitional zones to help stop intrusion of commercial

development into residential neighborhoods; if you look at our anti Mac Mansion ordinance to help our neighborhoods; if you look at the things we've done within the City including townhouse ordinances to try to discourage large apartment buildings in our apartment area. We've done a number of things to stop fanning the flames of development, but to try to encourage good development. The type of project that we are looking at, I will reiterate because it's my belief right or wrong that, as Mr. Fullerton reminded us the exact same intensity can be put here with a less attractive more overwhelming building; the same number of trips per day; the same number of parking spaces and so forth. So for those reasons and the fact that I got no reaction from the citizens after first reading, I believe my vote was correct the first time, I will vote again in favor of this project for the reasons I stated, and like Mr. Cabrera though, even though I'm for the project, I'm opposed to a traffic light at the corner of Le Jeune and Giralda.

Mr. Clerk.

City Clerk: Motion.

Vice Mayor Anderson: Move it.

Mayor Slesnick: Moved by Ms. Anderson second by Mr. Withers.

Mr. Clerk

Commissioner Cabrera: No

Commissioner Kerdyk: No

Commissioner Withers: Yes

Vice Mayor Anderson: Yes

Mayor Slesnick: Yes

(Vote 3-2)

Mayor Slesnick: Thank you.