

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 WEDNESDAY, MARCH 12, 2008, 6:02 P.M.

8 Board Members Present:
9 Tom Korge, Chairman
10 Eibi Aizenstat, Vice-Chairman
11 Robert Behar
12 Jack Coe
13 Cristina Moreno
14 Javier Salman

15 City Staff Present:
16 Eric Riel, Jr., Planning Director
17 Lourdes Alfonsin Ruiz, Assistant City Attorney
18 Javier Betancourt, Principal Planner
19 Scot Bolyard, Planner
20 Edward Weller, Assistant Building Director
21 Martha Salazar-Blanco, Zoning Administrator
22 Carlos Mindreau, City Architect
23 Dona Lubin, Assistant City Manager
24 Kara Kautz, Historic Preservation Director

25 Also Participating: PAGE
26 Application 12-07-042-P: 14
27 Lucia Dougherty, Esq.,
28 On behalf of LG Coral Gables, LLC
29 David William Hotel/Condominium:
30 Sacha Smith 28

31 Metal Roofs:
32 Mary Anderson 95
33 Manuel J. Menendez 98
34 Sue Kawalerski 99
35 Charles Girtman 102
36 Robert Fine 106
37 Ted Rickel 109
38 Luis Revuelta 110
39 Thomas Mooney 114
40 Commissioner Maria Anderson 120
41 Ray Airan 125

1 THEREUPON:
2 The following proceedings were had:
3 MR. AIZENSTAT: Let's go ahead. We'll
4 ask if there's anybody here that would like
5 to speak at all, if they could just please
6 go up over and sign in, that would be
7 greatly appreciated, if anybody has not
8 signed in.
9 The attorneys don't need to sign in, if
10 I'm not mistaken, but if there's anybody
11 from the public.
12 (Discussion off the record)
13 MR. AIZENSTAT: Okay, why don't we go
14 ahead? While our Chair is on the way or
15 coming in, let's go ahead and take a roll
16 call, please.
17 MS. MENENDEZ: Eibi Aizenstat?
18 MR. AIZENSTAT: Here.
19 MS. MENENDEZ: Robert Behar?
20 MR. BEHAR: Here.
21 MS. MENENDEZ: Jack Coe?
22 MR. COE: Here.
23 MS. MENENDEZ: Pat Keon?
24 Cristina Moreno?
25 MS. MORENO: Here.

1 MS. MENENDEZ: Javier Salman?
2 MR. SALMAN: Here.
3 MS. MENENDEZ: Tom Korge?
4 MR. AIZENSTAT: Has everybody gone
5 ahead and gotten a chance to take a look at
6 the minutes from February 13th?
7 MR. COE: Move approval, Mr. Chairman.
8 MR. BEHAR: Second.
9 MR. AIZENSTAT: Actually, I was not
10 here, so I can't vote on it. Do we have
11 enough people?
12 MS. MORENO: I wasn't here, either.
13 MR. AIZENSTAT: So we might not be able
14 to, because we'll only have one, two --
15 three individuals here. Two of us were not
16 here.
17 MR. COE: Well, let's -- Are there any
18 changes to the agenda? That's the next
19 item.
20 MR. AIZENSTAT: Eric, any changes?
21 MR. RIEL: No, no changes to the
22 agenda.
23 MR. AIZENSTAT: Okay. Let's go ahead
24 and start. Do we need to swear in any of
25 the people that will be speaking tonight?

1 MR. COE: Why don't we do 042-P?
2 MR. AIZENSTAT: Madam Assistant City
3 Attorney --
4 MS. ALFONSIN RUIZ: Yes.
5 MR. AIZENSTAT: -- do we need to swear
6 in anybody that's going to be speaking
7 tonight or -- I understand, apart from
8 attorneys?
9 MS. ALFONSIN RUIZ: Apart from
10 attorneys, unless anyone else is going to
11 speak on any of the items.
12 MR. AIZENSTAT: Is there people here
13 that are going to speak on any of the
14 items? Could you please stand up, if there
15 are and you signed in?
16 (Thereupon, speakers were duly sworn by
17 the court reporter.)
18 MR. AIZENSTAT: Okay, thank you.
19 MR. COE: Let's go to 042-P, the first
20 one.
21 MR. AIZENSTAT: Eric, do you want to go
22 ahead and --
23 MR. RIEL: Yeah.
24 MR. AIZENSTAT: -- start?
25 MR. RIEL: We're going to take up Item

5

1 Number 5. This is a mixed-use site plan
2 review, alley abandonment and vacation
3 review. This is amendments to a previously
4 approved mixed-used project, referred to as
5 Gables Gateway, located in the industrial
6 section, the intersection of LeJeune,
7 Granello and Ponce Boulevard.

8 This is continued from the February
9 13th, 2008 meeting.

10 MR. AIZENSTAT: Okay.

11 MR. BEHAR: Mr. Chairman, at this
12 time --

13 MR. RIEL: No, wait a minute, I have
14 some more -- I don't know, if you want to
15 go ahead --

16 MR. BEHAR: Mr. Chairman, at this time,
17 I'd like to recuse myself, since this is a
18 project that we're involved with, and I'll
19 be back for the following item.

20 MR. AIZENSTAT: Okay, thank you.

21 (Thereupon, Mr. Behar left the
22 Commission Chambers.)

23 MR. RIEL: Basically, at the last
24 meeting, the Board continued this
25 application, at the request of the

6

1 applicant. The main issue was the
2 unresolved attainable or affordable housing
3 issue.

4 Based upon a discussion, all the other
5 issues of the project were discussed at
6 that time, and I don't want to put words in
7 the Board's mouth, but typically the Board
8 was in favor of the project. Therefore,
9 the Staff is going to focus its discussion
10 on just the affordable housing issue.

11 However, since we do have two members
12 that were not here, absolutely feel free to
13 ask Staff, as well as the applicant, any
14 question about the project, per se.

15 (Thereupon, Chairman Korge arrived.)

16 MR. RIEL: What I'd like to have Javier
17 do is just come up and give you just a
18 very, very brief overview of why the City
19 is requiring affordable housing on this
20 project, and then I have some additional --

21 MR. AIZENSTAT: If we can also go ahead
22 and note that Tom Korge has joined us.

23 MR. COE: Are you passing the gavel to him?

24 MR. BETANCOURT: Good evening, Mr.
25 Chair, Mr. Vice-Chair, Members of the

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1 Board. For the record, Javier Betancourt,
2 with the City's Planning Department.

3 I'm just going to provide a very quick
4 overview of why we're focused on this issue
5 today, and many of you will recall that
6 over the past number of years, affordable
7 housing, or what we're now calling
8 attainable housing -- it's the new term --
9 has become a priority issue at both the
10 State, Regional and County levels.

11 The City has been taken to task in the
12 past by the South Florida Regional Planning
13 Council and the State Department of
14 Community Affairs for not addressing this
15 issue. As a result, we worked with a
16 consultant in developing an affordable
17 housing study which identified the City's
18 needs, as well as strategies for addressing
19 those needs. That study concluded that the
20 City has a total affordable housing need,
21 or attainable housing need, of 2,442 units
22 that we need to address.

23 That number was then divided over 10
24 years, and frankly, to address it in a more
25 doable way, we're only taking a certain

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1 percentage of that total number, so that
2 it's a realistic goal, and what we're
3 looking to meet is a need of 437 units over
4 10 years, which translates roughly into
5 about 44 units a year that we need to
6 produce in the City of Coral Gables to meet
7 our housing need and to address the
8 concerns of the Regional Planning Council
9 and the State Department of Community
10 Affairs.

11 Failure to do that will result in
12 penalties and/or the City's inability to
13 pass amendments to the Comprehensive Land
14 Use Plan, and that's particularly important
15 because we are, in the coming months, going
16 to completely rewrite our Comprehensive
17 Land Use Plan. We're doing that as we
18 speak, and we need to get the Regional
19 Planning Council and the State Department
20 of Community Affairs to allow us to adopt
21 that plan.

22 One of the strategies identified in the
23 affordable housing study was inclusionary
24 zoning, where essentially you take a market
25 rate development and you require a

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1 set-aside of units for attainable or
2 affordable housing. The ranges in other
3 local governments are between 10, 15, 20,
4 sometimes 25 percent. Oftentimes, in
5 exchange for that requirement, you will --
6 a local government will provide bonuses or
7 incentives, and those range anywhere from
8 height and density bonuses and incentives
9 to waiver of fees, expedited review.

10 The City has been working on developing
11 regulations that will hopefully incorporate
12 some of those incentives. In the meantime,
13 we are requiring that major developments
14 that go through a conditional site plan
15 review process, Zoning Code changes,
16 Comprehensive Land Use Plan changes --
17 we're requiring that those developments go
18 ahead and set aside a percentage of their
19 units for attainable housing.

20 We're being reasonable in our request,
21 particularly considering that we're not
22 providing large incentives with respect to
23 height, density, et cetera. We are looking
24 at some other incentives. In particular,
25 with respect to this project, we're going

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1 to try and provide some incentives or a
2 waiver of fees, and I think we'll probably
3 get into that in a little bit, but that's
4 where we are. That's just a very quick
5 overview. If you have any questions
6 concerning this topic, by all means, I'm
7 here to answer your questions.

8 MR. RIEL: And then just to go further,
9 at the last meeting, you know, we debated
10 the issue in terms of the applicability.
11 As Javier said, we're of the opinion, based
12 upon the fact that this is a conditional
13 use review -- they're asking for, you know,
14 residential density, which is not a
15 permitted use -- that we have the
16 opportunity to request affordable housing.

17 We've been working with the applicant
18 since October of 2007 to resolve this
19 issue. As you know, there was some general
20 language in the previous approval that was
21 not very definite, so the applicant wanted
22 some more definitive direction, so we
23 proceeded to go forward with crunching the
24 numbers and whatnot, and as you know, at
25 the last meeting we debated 15 years, 30

11

1 years, you know, 50 years, and the
2 percentages.

3 I can tell you, since the last meeting,
4 we've discussed different alternatives that
5 Javier has mentioned. As you know, we went
6 to the Commission and suggested bonuses in
7 the past. The Commission didn't support
8 that. We're going to again go forward, not
9 on this project, but to deal with the
10 affordable housing issue, and suggest that
11 for future legislation.

12 Where have we come since the last
13 meeting? The applicant has met with the
14 City Manager and other departments.
15 Basically, I think -- and the applicant and
16 Staff have been very cooperative together.
17 I think we've worked out a solution. The
18 solution -- Let me just say the bottom line
19 is not for the City to secure fees. We
20 want delivery of the units. Some of the
21 solutions that we looked at are reductions
22 in building permit fees, reduction in or
23 elimination of building permit fees for the
24 affordable units only, which is 35 units.
25 We're looking at other incentives, economic

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1 incentives, that would be available to this
2 applicant, and I say only this applicant,
3 because as we discussed last time, the
4 precedents it might set. We're working
5 with them closely, and we don't have the
6 information today for this Board in terms
7 of what that will mean, if it's a 10
8 percent reduction, a 20 percent reduction
9 in fees, because we're still working those
10 numbers out.

11 Therefore, the Staff is suggesting,
12 obviously, the Planning Board has a couple
13 alternatives: Recommend as Staff has
14 recommended with the attainable fee;
15 recommend the project with no
16 recommendation on affordable housing, and
17 then that proceeds forward to the
18 Commission; or what we're going to suggest,
19 and we have put some alternative language
20 on a green sheet of paper here, and
21 basically, what we're suggesting is the
22 Board recommend approval of the
23 department's recommendation from the
24 February 13th Staff Report, including the
25 condition on affordable housing, with the

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1 incentives, and just as an example,
2 reduction of City's fees -- I just want to
3 note, this does not -- this excludes impact
4 fees, we're not going to look at a
5 reduction in impact fees -- expedited
6 permitting, for this project only, to
7 achieve the delivery of attainable housing,
8 and hopefully when we get this item before
9 the Commission, since that kind of is a
10 fiscal/financial issue, it's probably more
11 appropriate for the Commission to research
12 this issue, and also, as a part of this,
13 we're looking at some other incentives that
14 would go well beyond -- reduction in
15 parking fees, we're looking at all kinds
16 of -- a gamut of all kinds of things, but
17 we haven't finalized those programs yet.

18 Unfortunately, you know, we're not --
19 we weren't able to do that, given the
20 number of departments involved, and as you
21 know, the applicant stated at the last
22 meeting, they look at it from an economic
23 standpoint, in terms of the bottom line.
24 We're looking at it from the standpoint of
25 delivery of units.

14

1 So that's where we're at today.
2 MR. COE: Where's the applicant?
3 Do you care to respond to what Staff
4 has just said?
5 MS. DOUGHERTY: Yes. Mr. Chairman,
6 Members of the Board, Lucia Dougherty, with
7 offices at 1221 Brickell Avenue, here today
8 on behalf of the owner and the applicant,
9 and joining me this evening is Omar Del
10 Rio, who is a Gables resident and also the
11 principal, as well as Patrick Valent and
12 Javier Font, from Behar & Font, who are the
13 architects, and Juan Espinosa is our
14 traffic engineer.

15 And to answer your question, where we
16 are in terms of the recommendation of the
17 Staff, I think that the Staff recognizes
18 and agrees with us that they should give
19 some sort of financial incentive. They
20 just haven't had the time to quantify what
21 that would be. In other words, we've been
22 talking about if you want a 15 percent
23 reduction -- I mean, 15 percent attainable
24 housing, we think that we should have a 15
25 percent reduction in permit fees, and

15

1 basically, the City says, well -- the Staff
2 has said, "We can't tell you what that is
3 right now," and our architect can't tell us
4 exactly how much that is right now.

5 So what I think the Staff is
6 recommending is that you recommend approval
7 of this project, with an attainable
8 component, but say to the City Commission,
9 "We also believe that there should be some
10 financial incentives," and we would agree
11 with that condition.

12 MR. RIEL: The only correction I would
13 make is incentive, not necessarily
14 financial.

15 MS. DOUGHERTY: Well, I thought you
16 took everything else off the board so far,
17 so --

18 MR. RIEL: Well --

19 MR. COE: You're still negotiating now
20 with the City?

21 MR. SALMAN: Well, that's what it
22 appears to me, that we're still not done
23 with negotiating.

24 MS. DOUGHERTY: In other words, we
25 don't know what it is. No, that's correct.

16

1 We don't know the answer yet.

2 MR. COE: Do you want to move this to
3 the next meeting again?

4 MR. SALMAN: That's my point.

5 MS. DOUGHERTY: No, we would like to
6 have it approved.

7 MR. COE: You want a determination from
8 us today, right?

9 MS. DOUGHERTY: We'd like a
10 recommendation of approval of the project,
11 moving it forward with an attainable
12 requirement and with some incentives.
13 That's what we would ask.

14 CHAIRMAN KORGE: Well, is it fair to
15 say that nobody has a handle on how many
16 dollars of incentive are needed?

17 MS. DOUGHERTY: That's correct.

18 MR. SALMAN: But you will have a handle
19 on that by the time you reach the
20 Commission?

21 MS. DOUGHERTY: We believe so.

22 MR. SALMAN: You will have a complete
23 package of concessions on behalf of the
24 City versus the -- your concession of the
25 35 units?

17

1 MS. DOUGHERTY: That's correct.
 2 MR. SALMAN: You will reach a meeting
 3 of minds before you go to the Commission.
 4 MS. DOUGHERTY: We've agreed to the
 5 amount of units. The only issue left is
 6 really how much incentives can the City
 7 give us, and we think that appropriately,
 8 that's the City Commission that's going to
 9 make that decision, anyway, so if you -- if
 10 we are favorable, if we have your favorable
 11 vote, then we'd let that issue be resolved
 12 by the Commission.
 13 MR. AIZENSTAT: I would think that that
 14 should be up to the Commission --
 15 MS. DOUGHERTY: Yes.
 16 MR. AIZENSTAT: -- and the City
 17 Manager's Office and the Building
 18 Department.
 19 MR. RIEL: And as I said, the City
 20 Manager's Office was involved in this. It
 21 does include a lot of departments. I think
 22 we're there. We just need to see what the
 23 bottom line is, and obviously, Staff is
 24 going to present to the Commission, but
 25 ultimately, the decision is the

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1 Commission's, whether or not -- you know,
 2 if they feel that incentives are not
 3 appropriate, financial, you know, and they
 4 want to refer it back to -- I mean, that's
 5 an item that will be discussed, I'm sure,
 6 at length at the Commission.
 7 MR. SALMAN: They can always kick it
 8 back down.
 9 MS. MORENO: It's a Commission issue.
 10 MR. AIZENSTAT: Right. I mean, it
 11 appears that you're on the right track, is
 12 what I'm hearing.
 13 MR. RIEL: Yes. Yes.
 14 MR. COE: So you're suggesting Number
 15 2?
 16 MR. RIEL: Number 4.
 17 MR. SALMAN: Number 4, the bold one.
 18 MR. RIEL: The bold blue.
 19 MS. MORENO: I so move. I move that we
 20 recommend approval of the Planning
 21 Department's recommendation as provided in
 22 the February 13th, 2008 Staff Report.
 23 CHAIRMAN KORGE: Well, before -- Excuse
 24 me for interrupting. Before we take your
 25 motion, perhaps we should hear from the

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1 public, if anybody in the public --
 2 MS. MORENO: But don't you do the
 3 motion and then you open it up for
 4 discussion?
 5 CHAIRMAN KORGE: That's fine. Go
 6 ahead. I don't care, go ahead.
 7 MS. MORENO: Including the condition on
 8 attainable housing, with incentives,
 9 expedited permitting, reduction in City
 10 fees, whatever the Commission may decide,
 11 for only this project, to achieve the
 12 delivery of attainable housing as
 13 determined by City Staff and/or the City
 14 Commission.
 15 CHAIRMAN KORGE: Is there a second to
 16 that motion?
 17 MR. SALMAN: I'll second the motion,
 18 but I have a friendly amendment. I'd like
 19 to insert the language that prior to the
 20 development of legislation by the
 21 Commission with regards to a program for
 22 attainable housing, we are making this
 23 motion for this project and this project
 24 only.
 25 MS. MORENO: I accept the amendment.

20

1 MR. AIZENSTAT: Well, that's the way I
 2 understand it.
 3 MR. RIEL: That's the intent.
 4 MR. AIZENSTAT: It's only for this
 5 project.
 6 MR. RIEL: That's why we said what we
 7 said before.
 8 MR. SALMAN: Intent is one thing; words
 9 are another.
 10 MR. AIZENSTAT: Okay, but it says it's
 11 supposed to be site-specific.
 12 MR. RIEL: Well, it says for only this
 13 project, in the fourth line down.
 14 MR. COE: That's what it says.
 15 CHAIRMAN KORGE: Okay.
 16 MR. AIZENSTAT: Yeah.
 17 CHAIRMAN KORGE: So the friendly
 18 amendment is accepted. Is there a second?
 19 MR. AIZENSTAT: The gentleman went
 20 ahead and made his second with --
 21 MS. MORENO: He seconded.
 22 CHAIRMAN KORGE: Oh, you seconded with
 23 a friendly amendment. Okay, so --
 24 MR. COE: Yeah, the friendly amendment
 25 was the second.

21

1 CHAIRMAN KORGE: -- the motion is on
2 the table.
3 Let me go back to where we were. Is
4 there anybody in the public here who would
5 like to speak on this proposal?
6 Nobody?
7 Lucia, do you have anything else you
8 want to add?
9 MS. DOUGHERTY: No. I have the boards,
10 and if anybody who wasn't -- never mind.
11 MR. COE: Call the question,
12 Mr. Chairman.
13 CHAIRMAN KORGE: No further discussion?
14 MS. MORENO: No.
15 CHAIRMAN KORGE: Let's call the vote,
16 please.
17 MS. MENENDEZ: Jack Coe?
18 MR. COE: Yes.
19 MS. MENENDEZ: Cristina Moreno?
20 MS. MORENO: Yes.
21 MS. MENENDEZ: Javier Salman?
22 MR. SALMAN: Yes.
23 MS. MENENDEZ: Eibi Aizenstat?
24 MR. AIZENSTAT: Yes.
25 MS. MENENDEZ: Tom Korge?

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1 CHAIRMAN KORGE: Yes.
2 MS. DOUGHERTY: Thanks very much.
3 CHAIRMAN KORGE: The next item on our
4 agenda is Item Number 6, Zoning Code Text
5 Amendment, Appendix A, Site-Specific Zoning
6 Regulations relating to the David Williams
7 (sic) Hotel/Condominium.
8 MR. COE: Oh, Mr. Chairman, before we
9 go to the next item, we have not approved
10 the minutes, because we did not have a
11 quorum.
12 CHAIRMAN KORGE: Thank you. I'll take
13 a motion to approve the minutes.
14 MR. COE: So moved, Mr. Chairman.
15 MR. SALMAN: Second.
16 CHAIRMAN KORGE: Seconded. Any
17 discussion on the minutes?
18 Let's call the vote on that.
19 MS. MENENDEZ: Jack Coe?
20 MR. COE: Yes.
21 MS. MENENDEZ: Cristina Moreno?
22 MS. MORENO: I need to abstain. I was
23 not here for that meeting.
24 MS. MENENDEZ: Javier Salman?
25 MR. SALMAN: Yes.

23

1 MS. MENENDEZ: Eibi Aizenstat?
2 MR. AIZENSTAT: I need to also.
3 MS. MENENDEZ: Robert Behar?
4 MR. BEHAR: Yes.
5 MS. MENENDEZ: Tom Korge?
6 CHAIRMAN KORGE: Yes. The minutes are
7 approved.
8 Now we're at Item Number 6, Zoning Code
9 Text Amendment, Appendix A, Site-Specific
10 Zoning Regulations relating to the David
11 William Hotel/Condominium.
12 MR. RIEL: First, I just want to go
13 over the exhibits. Exhibit A you have in
14 your packet is a draft ordinance. B is a
15 background memorandum that was prepared by
16 Building & Zoning. It gives you additional
17 detail in terms of some of the issues
18 that -- regarding the David Williams (sic)
19 Hotel/Condominium, as well as some previous
20 ordinances.
21 This Zoning Code text amendment is
22 necessary to provide for the continued use
23 of residential units below the minimum
24 required 575 square feet, which is the unit
25 size in the Zoning Code. The subject

24

1 property has undergone significant changes
2 in the residential use typologies since its
3 construction in the early 1960s, and if you
4 recall, back in 2006, there was a fire at
5 the development, and as a result of that
6 fire, numerous health and life safety
7 issues were identified in the building.
8 Since that time, City Staff, and not
9 necessarily the Planning Department, but
10 other departments, Fire, Police, Building &
11 Zoning, have been working on the health and
12 life safety issues and pretty much resolved
13 a lot of those with the property management
14 as well as the owners.
15 There's one remaining issue, which is
16 the unit size, which is a Zoning Code
17 issue, and I want to emphasize that
18 tonight's recommendation we're asking from
19 the Board is only a Zoning Code issue.
20 We're not -- the intent is not to discuss
21 life safety issues, because those are
22 outside of the purview of the Zoning Code.
23 Basically, what the amendments do, as
24 proposed on the first page of the Staff
25 Report is, there's seven efficiency

Gables Gateway Attainable Housing Recommendations

Staff Recommendation

Planning Staff continues to recommend attainable (affordable) housing as provided in the February 13, 2008 Staff Report.

In the interest of proceeding forward with the application, the Planning and Zoning Board has the following options:

1. Recommendation remains as-is.
2. Approve the project with no recommendation by the Planning and Zoning Board regarding the Attainable (Affordable) Housing condition.
3. Approve the project with the removal of the Attainable (Affordable) Housing condition.
4. **ALTERNATIVE RECOMMENDATION:**
Recommend approval of the Planning Department's recommendation as provided in the February 13, 2008 Staff report, including the condition on attainable housing, with incentives [i.e. reductions in City fees (excluding impact fees), expedited permitting, etc.] for only this project to achieve the delivery of attainable housing, as determined by City staff and/or the City Commission.

