

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD
 3 DECEMBER 13, 2023
 4 405 BILTMORE WAY
 5 CORAL GABLES, FL 33134
 6 6:00 P.M.

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 10 AGENDA ITEMS: E.-1, E.-2, E.-3, E.-4, E.-5, E.-6

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1 PROCEEDINGS

2 (Thereupon, the City of Coral

3 Gables Planning and Zoning Board

4 AGENDA ITEMS: E.-1, E.-2, E.-3,

5 E.-4, E.-5, E.-6 were heard at

6 6:00 p.m.)

7 CHAIRPERSON AIZENSTAT: All right. Let's

8 go ahead and get started, please. I would like

9 to call the meeting to order. I would like to

10 ask everybody to please silence their phones

11 and if you have any beepers to do so also.

12 Good evening. This Board is comprised of

13 seven members. Four members of the Board shall

14 constitute a quorum and the affirmative vote of

15 four members shall be necessary for the

16 adoption of any motion.

17 If only four members of the Board are

18 present, an Applicant may request and be

19 entitled to a continuance to the next regularly

20 scheduled meeting of the Board.

21 If the matter is continued due to a lack

22 of quorum, the Chairperson or Secretary of the

23 Board may set a special meeting to consider

24 such a matter.

25 In the event that four votes are not

1 obtained an applicant, except in the case of a

2 comprehensive plan amendment, may request a

3 continuance or allow the application to proceed

4 to the City Commission without a

5 recommendation.

6 Pursuant to Resolution No. 2021-118, the

7 City of Coral Gables has returned to

8 traditional in-person meetings. However, the

9 Planning and Zoning Board has established the

10 ability for the public to provide comments

11 virtually.

12 For those members of the public who are

13 appearing on Zoom and wish to testify you must

14 be visible to the Court Reporter and be sworn

15 in. Otherwise, if you speak without being

16 sworn in your comments may not have evidentiary

17 value.

18 LOBBYIST REGISTRATION AND DISCLOSURE. Any

19 person who acts as a lobbyist must register

20 with the City Clerk as required pursuant to the

21 City Code.

22 AS CHAIR, I now officially call the City

23 of Coral Gables Planning and Zoning Board

24 meeting of December thirteenth to order. The

25 time is 6:03.

1 Jill, please call the roll.
 2 MS. MENENDEZ: Robert Behar. He requested
 3 to be excused.
 4 CHAIRPERSON AIZENSTAT: Yes.
 5 MS. MENENDEZ: Julio Grabiél.
 6 BOARD MEMBER GRABIEL: Here.
 7 MS. MENENDEZ: Sue Kawalerski.
 8 BOARD MEMBER KAWALERSKI: Here.
 9 MS. MENENDEZ: Felix Pardo.
 10 BOARD MEMBER PARDO: Here.
 11 MS. MENENDEZ: Javier Salman.
 12 BOARD MEMBER SALMAN: Here.
 13 MS. MENENDEZ: Chip Withers.
 14 BOARD MEMBER WITHERS: Here.
 15 CHAIRPERSON AIZENSTAT: And Robert Behar
 16 is out of town?
 17 MS. MENENDEZ: That is correct.
 18 CHAIRPERSON AIZENSTAT: Okay. Thank you.
 19 NOTICE REGARDING EX-PARTE COMMUNICATIONS.
 20 Please be advised that this Board is a
 21 quasi-judicial board which requires Board
 22 Members to disclose all ex-parte communications
 23 and site visits.
 24 An ex-parte communication is defined as
 25 any contact, communication, conversation,

1 correspondence, memorandum or other written or
 2 verbal communication that takes place outside a
 3 public hearing between a member of the public
 4 and a member of a quasi-judicial board
 5 regarding matters to be heard by the Board.
 6 If anyone made any contact with a Board
 7 Member regarding an issue before the Board, the
 8 Board Member must state on the record the
 9 existence of the ex-parte communication and the
 10 party who originated the communication.
 11 Also if a Board Member conducted a site
 12 visit specifically related to the case before
 13 the Board, the Board Member must also disclose
 14 such site visit.
 15 In either case, the Board Member must
 16 state on the record whether the ex-parte
 17 communication and/or site visit will affect the
 18 Board Member's ability to impartially consider
 19 the evidence to be presented regarding the
 20 matter.
 21 The Board Member should also state that
 22 his or her decision will be based on
 23 substantial, competent evidence and testimony
 24 presented on the record today.
 25 Does any Member of the Board have such

1 communication and/or site visit to disclose at
 2 this time?
 3 BOARD MEMBER GRABIEL: No.
 4 BOARD MEMBER KAWALERSKI: No.
 5 BOARD MEMBER PARDO: No.
 6 BOARD MEMBER SALMAN: No.
 7 BOARD MEMBER WITHERS: No.
 8 CHAIRPERSON AIZENSTAT: SWEARING IN.
 9 Everyone who speaks this evening must
 10 complete the roster on the podium. We ask that
 11 you print clearly so the official records of
 12 your name and address will be correct.
 13 Now with the exception of attorneys, all
 14 persons physically in the City Commission
 15 Chambers who will speak on agenda items before
 16 us this evening, please rise to be sworn in.
 17 THE COURT REPORTER: Would you raise your
 18 right hands.
 19 Do you solemnly swear or affirm that the
 20 testimony that you will provide will be the
 21 truth, the whole truth and nothing but the
 22 truth?
 23 CITY PLANNER GARCIA: I do.
 24 MR. DIAZ: I do.
 25 MR. CUNNINGHAM: I do.

1 MR. FERNANDEZ: I do.
 2 MR. GOMMERSON: I do.
 3 MS. CONDE: I do.
 4 THE COURT REPORTER: Thank you.
 5 CHAIRPERSON AIZENSTAT: Thank you. ZOOM
 6 PLATFORM PARTICIPANTS.
 7 I will ask any person wishing to speak on
 8 tonight's agenda item to please open their chat
 9 and send a direct message to Jill Menendez
 10 stating you would like to speak before the
 11 Board and include your full name. Jill will
 12 call you when it's your turn. I ask you to be
 13 concise for the interest of time.
 14 PHONE PLATFORM PARTICIPANTS. After the
 15 Zoom platform participants are done I will ask
 16 phone participants to comment on tonight's
 17 agenda item. I also ask you to be concise for
 18 the interest of time.
 19 We have the approval of the minutes of
 20 November 8, 2023.
 21 Has everybody had a chance to review?
 22 And, if so, is there a motion?
 23 BOARD MEMBER PARDO: So moved.
 24 BOARD MEMBER GRABIEL: Second.
 25 CHAIRPERSON AIZENSTAT: We have a second

1 Any comments? No.
 2 Call the roll, please.
 3 MS. MENENDEZ: Sue Kawalerski.
 4 BOARD MEMBER KAWALERSKI: Yes.
 5 MS. MENENDEZ: Felix Pardo.
 6 BOARD MEMBER PARDO: Yes.
 7 MS. MENENDEZ: Javier Salman.
 8 BOARD MEMBER SALMAN: Yes.
 9 MS. MENENDEZ: Chip Withers.
 10 BOARD MEMBER WITHERS: Yes.
 11 CHAIRPERSON AIZENSTAT: Julio Grabiell.
 12 BOARD MEMBER GRABIEL: Yes.
 13 MS. MENENDEZ: Eibi Aizenstat.
 14 CHAIRPERSON AIZENSTAT: Yes.
 15 The procedure that we will use tonight:
 16 First, we will have the identification of the
 17 agenda item by Mr. Coller. Then we will have
 18 the presentation by the applicant or agent. We
 19 will follow by the presentation of Staff. We
 20 will go ahead and have public comment first in
 21 Chamber, then Zoom platform, then phone line
 22 platform.
 23 Afterwards we will close the public
 24 comment, we will have further Board discussion
 25 and a motion and further discussion second of

1 motion, if needed, and then Board's final
 2 comments and a vote.
 3 Mr. Coller.
 4 SPECIAL COUNSEL COLLER: Mr. Chairman, we
 5 have one property, but it is composed of six
 6 items.
 7 I recommend that we -- that I read all the
 8 items in, that we have one hearing as we
 9 typically do and then we have six separate
 10 votes on -- on the items.
 11 So I am going to read one through six. So
 12 everybody can sit back and relax while I go
 13 through this agenda.
 14 CHAIRPERSON AIZENSTAT: Since we only have
 15 one item I think Mr. Salman would like to
 16 make --
 17 BOARD MEMBER SALMAN: Oh.
 18 CHAIRPERSON AIZENSTAT: -- a comment.
 19 BOARD MEMBER SALMAN: Thank you,
 20 Mr. Chair.
 21 I just want to state for the record in
 22 full transparency that this particular
 23 project --
 24 Is this on?
 25 MS. MENENDEZ: Is the light on?

1 CHAIRPERSON AIZENSTAT: Push the button
 2 down.
 3 BOARD MEMBER SALMAN: Can you hear me now ?
 4 MS. MENENDEZ: Yes.
 5 CHAIRPERSON AIZENSTAT: We can hear you
 6 now.
 7 BOARD MEMBER SALMAN: Thank you.
 8 Through the Chair, I just want to take
 9 this opportunity because this is a small town.
 10 And it turns out that this particular applicant
 11 the attorney and I share a client. And I just
 12 want to make that clear. I have checked with
 13 the City Attorney and --
 14 And you want to say something now?
 15 SPECIAL COUNSEL COLLER: Yes. Well, first
 16 of all just to clarify. You are not related to
 17 the applicant. It's the applicant's attorney
 18 that you happen to share a specific client.
 19 But you are not -- as you have explained
 20 to me you are not in business with the
 21 attorney.
 22 BOARD MEMBER SALMAN: That is correct.
 23 SPECIAL COUNSEL COLLER: So I have
 24 reviewed this. I have also double checked with
 25 the City Attorney. We -- we don't see this as

1 a conflict.
 2 My only question to you because this is a
 3 quasi-judicial matter and you have some
 4 knowledge of this attorney, can you be fair on
 5 this particular matter?
 6 BOARD MEMBER SALMAN: Yes, I can.
 7 SPECIAL COUNSEL COLLER: Okay. Then you
 8 certainly can proceed to hear -- hear this
 9 case.
 10 BOARD MEMBER SALMAN: Thank you.
 11 CHAIRPERSON AIZENSTAT: Thank you, Javier.
 12 Please proceed.
 13 SPECIAL COUNSEL COLLER: "Item -- Item
 14 E.-1: An Ordinance of the City Commission of
 15 Coral Gables, Florida, amending the future land
 16 use map of the City of Coral Gables
 17 Comprehensive Plan pursuant to Zoning Code
 18 Article 14, Process, Section 14-213,
 19 Comprehensive Plan and -- Text and math Map
 20 Amendments, and Small Scale amendment
 21 procedures, Section 163.3187 Florida Statutes,
 22 from Commercial Low-Rise intensity to
 23 Commercial High-Rise Intensity for Lots 8
 24 through 21, less than one half of Lot 8, Block
 25 29, Crafts Section, together with that portion

1 of the 20-foot platted alley lying east of Lots
 2 11 and 19, of said Block 29, 3000 Ponce De Leon
 3 Boulevard, 216 and 224 Catalonia and 203
 4 University Drive and 225 Malaga, Coral Gables,
 5 Florida; providing for a repealer provision,
 6 severability clause and providing for an
 7 effective date.

8 "Item E.-2" -- and I am going to be
 9 reading this legal description, but I am going
 10 to eliminate reading the street addresses since
 11 it -- it's virtual -- it's the same location.

12 "An Ordinance of the City Commission of
 13 Coral Gables, Florida, making zoning district
 14 boundary changes pursuant to Zoning Code
 15 Article 14, Process, Section 14-212, Zoning
 16 Code Text and Map Amendments for Lots 8 through
 17 21, less the West one half of Lot 8, Block 29,
 18 Crafts Section from Mixed-Use 1 MX1 District to
 19 MX2, Mixed-Use 3 MX3 District -- providing for
 20 a repealer provision, severability clause and
 21 providing for an effective date.

22 "Item E.-3: An Ordinance of the City
 23 Commission of Coral Gables, Florida, providing
 24 for the vacation of a public alleyway out --
 25 excuse me -- alleyway pursuant to Zoning Code

1 Article 14, Process, Section 14-211,
 2 Abandonment and Vacations and the City Code
 3 Chapter 62, Article 8, Vacation, Abandonment
 4 and Closure of Streets, Easements and Alleys by
 5 Private Owners and the City; Application
 6 Process, providing for the vacation of the
 7 20-foot wide alley which is approximately
 8 155 feet in length lying between Lots 12
 9 through 18 and Lots 11 and 19 in Block 29,
 10 Crafts Section -- Coral Gables, Florida,
 11 providing for a repealer provision,
 12 severability clause and providing for an
 13 effective date.

14 "Item E.-4: A Resolution of the City
 15 Commission of Coral Gables, Florida, providing
 16 receipt of Transfer of Development Rights,
 17 TDRs, pursuant to Zoning Code Article 14,
 18 Process, Section 14-204.6, review and approval
 19 of use of TDRs on receiver sites for the
 20 receipt and use of TDRs for a Mixed-Use project
 21 referred to as Ponce Park Residences on the
 22 property legally described as Lots 8 through
 23 21, less the West one half of Lot 8, Block 29,
 24 Crafts Section, together with that portion of
 25 the 20-foot platted alley lying east of Lots 11

1 and 19, of said Block 29 -- Coral Gables,
 2 Florida, including required conditions;
 3 providing for a repealer provision, of
 4 severability clause and providing for an
 5 effective date.

6 "Item E.-5: A Resolution of the City
 7 Commission of Coral Gables, Florida, approving
 8 Mixed-Use Site Plan and Encroachment review
 9 pursuant to Zoning Code Article 14, Process,
 10 Section 14-203, Conditional Uses, for a
 11 proposed Mixed-Use project referred to as Ponce
 12 Park Residences on property legally described
 13 as Lots 8 through 21, less the West one half of
 14 Lot 8, Block 29, Crafts Section, together with
 15 that portion of the 20-foot alley -- platted
 16 alley lying" -- excuse me -- "platted alley
 17 lying east of Lots 11 and 19, of said Block
 18 29 -- Coral Gables, Florida, including required
 19 conditions; provided for a repealer provision,
 20 severability clause and providing for an
 21 effective date."

22 Last Item. "Item E.-6: A Resolution of
 23 the City Commission of Coral Gables, Florida,
 24 providing for the Tentative Plat entitled Ponce
 25 Park Residences pursuant to Zoning Code Article

1 14, Process, Section 14-210, Platting slash
 2 Subdivision, being a re-plat of legal -- of
 3 42,543 square feet, .977 acres, into a single
 4 tract of land on the property legally described
 5 as Lots 8 through 21, less the West one half of
 6 Lot 8, Block 29, Crafts Section, together with
 7 that portion of the 20-foot platted alley lying
 8 east of Lots 11 and 19, of said Block 29
 9 together with a 1,318 square feet portion of
 10 University Drive that runs north of Malaga
 11 Avenue right-of-way and West of the Ponce De
 12 Leon Boulevard right-of-way and dedication of
 13 1,725 feet -- of Coral Gables, Florida,
 14 including required conditions; provided for a
 15 repealer provision, severability clause and
 16 providing for an effective date."

17 Items E.-1, E.-2, E.-3, E.-4, E.-5 and
 18 E.-6 public hearing.

19 CHAIRPERSON AIZENSTAT: Thank you. We
 20 have two e-mails that we have received. I
 21 would like to ask the Secretary that they be
 22 entered into the record, please.

23 MS. MENENDEZ: Yes.

24 CHAIRPERSON AIZENSTAT: Thank you. Yes,
 25 sir. Yes, Chip.

1 BOARD MEMBER WITHERS: Yeah. I -- I guess
 2 this is the third time we have seen this
 3 property -- some of us.
 4 CHAIRPERSON AIZENSTAT: Yes.
 5 BOARD MEMBER WITHERS: And usually it's --
 6 it's a packed house. And so I was just curious
 7 as to why the -- the seats were filled. And it
 8 seems that there were quite a few -- and I -- I
 9 guess the City Clerk can tell us about the --
 10 the returned notices.
 11 And I wanted to make sure the City was
 12 aware of that and we are okay to proceed with
 13 looks to be a voluminous amount -- a lot more
 14 than I have ever seen.
 15 SPECIAL COUNSEL COLLIER: Well, first of
 16 all, I believe that the radius here was fifteen
 17 hundred feet. So I am sure there were a
 18 substantial number of notices.
 19 Secondly, the only requirement is the
 20 notice be sent in accordance with that list of
 21 the -- those addresses on record in the
 22 Property Appraiser's Office.
 23 So if there are addresses that have been
 24 returned, it's unclear why those addresses were
 25 returned. But as long as they utilized the

1 Property Appraiser's list of addresses, the
 2 fact that some were returned doesn't create an
 3 issue for having this hearing.
 4 And I spoke with Jennifer. And she
 5 received stacks of addresses returned for
 6 various reasons. And so while it seems like a
 7 lot I don't think it's unusual for the number
 8 of notices that were sent.
 9 You might want to ask the applicant's
 10 representative if, in fact, they did use the
 11 Property Appraiser's address just to confirm on
 12 the record that, in fact, he did.
 13 And you may want to ask -- and I am not
 14 sure whether the City Planner knows how many
 15 actual notices were mailed or whether the
 16 applicant knows how many mailed addresses were
 17 received.
 18 BOARD MEMBER WITHERS: Okay. And, again,
 19 I just want to make sure that we don't go down
 20 hours of this and then come back to -- these
 21 are -- these are the ones that were returned.
 22 SPECIAL COUNSEL COLLIER: Right. So for
 23 the record you are -- you are holding a stack
 24 of envelopes that I would say are about six to
 25 eight inches thick --

1 BOARD MEMBER WITHERS: Well --
 2 SPECIAL COUNSEL COLLIER: -- if that's --
 3 if that's a fair -- but you have shown it.
 4 So -- so can -- maybe we can get from -- some
 5 indication of the number of notices that were
 6 sent and confirmation that they -- they
 7 utilized the requirement that under the code --
 8 under Section C1 that -- that it was the
 9 Property Appraiser's list.
 10 MR. FERNÁNDEZ: Mr. Chair. Good evening.
 11 For the record -- I have done this before --
 12 Javier Fernández with law offices at -- I just
 13 changed addresses -- 201 Alhambra Circle, Suite
 14 950. Good evening.
 15 For the record we did follow the
 16 procedures specified in the code. We provided
 17 the required certifications which are part of
 18 the record.
 19 I believe approximately 450 notices were
 20 sent out. I will confirm that number shortly
 21 because I have it on my hard drive. We used a
 22 third party mail service which is customary for
 23 this process to ensure the accuracy. And it
 24 was a fifteen hundred foot radius distribution
 25 that was executed.

1 BOARD MEMBER WITHERS: Here -- here is my
 2 concern. And, again, I just don't want the
 3 City to -- to get into trouble.
 4 MR. FERNÁNDEZ: Sure.
 5 BOARD MEMBER WITHERS: There is over -- I
 6 don't know. There is probably well over half
 7 of the 450 there. And they all have the same
 8 response UNABLE TO DELIVER. INSUFFICIENT
 9 ADDRESS; every one of them is the same.
 10 So it says CURRENT RESIDENT. I know some
 11 are apartments with no apartment numbers. So,
 12 you know, I am just -- just want to make sure
 13 that we have had proper notice and that we
 14 don't have a lawsuit down the road for improper
 15 notice.
 16 That's all.
 17 MR. FERNÁNDEZ: Sir, if I could just
 18 correct a numerical reference for the record.
 19 It was 1,223 --
 20 BOARD MEMBER WITHERS: Okay. That's --
 21 MR. FERNÁNDEZ: -- notices that were
 22 sent --
 23 BOARD MEMBER WITHERS: -- different.
 24 Okay.
 25 MR. FERNÁNDEZ: -- not 415. I apologize

1 for that.
 2 BOARD MEMBER WITHERS: That was really --
 3 MR. FERNÁNDEZ: So substantially more than
 4 what's in that stack. And -- and I am happy to
 5 answer any further questions you have on the
 6 subject.
 7 BOARD MEMBER WITHERS: So do you -- is it
 8 normal -- I guess for the City do we usually
 9 put CURRENT RESIDENT or we put a name on
 10 notices?
 11 Because with -- if I get CURRENT RESIDENT
 12 at this time of year it usually goes in the
 13 trash can.
 14 CITY PLANNER GARCIA: So the property
 15 owner -- Jennifer Garcia, City Planner. The
 16 property owner has the name because we have
 17 access to that name in the Property Appraiser's
 18 website.
 19 So the property owner will receive it with
 20 their name and they will recognize it and
 21 hopefully they will open it and look at it and
 22 react and hopefully they will attend.
 23 BOARD MEMBER WITHERS: So those are the
 24 CURRENT RESIDENT.
 25 CITY PLANNER GARCIA: But CURRENT

1 OCCUPANT -- I think it's the word CURRENT
 2 OCCUPANT so that includes both commercial
 3 properties and residential property.
 4 BOARD MEMBER WITHERS: Okay.
 5 CITY PLANNER GARCIA: We don't have access
 6 to those tenant names. So we say CURRENT
 7 OCCUPANT.
 8 As you remember I am sure some -- I am not
 9 sure if -- no. I think you were on the Board.
 10 There is a recent text amendment within the
 11 last year I want to say that we require not --
 12 BOARD MEMBER WITHERS: Uh-huh.
 13 CITY PLANNER GARCIA: -- only to the
 14 property owner, but also to the current
 15 building.
 16 BOARD MEMBER WITHERS: Okay. Listen. As
 17 long as we get a green light from the City and
 18 the Board is okay with it, I -- I just wanted
 19 to make sure we were doing it correctly.
 20 CHAIRPERSON AIZENSTAT: Would it -- would
 21 it be a question if -- that some of the
 22 addresses just didn't have an apartment number?
 23 In other words, if there are several or quite a
 24 few that are to a specific building?
 25 MR. FERNÁNDEZ: I couldn't answer without

1 looking at the notices, sir, quite -- quite
 2 honestly. I am happy to take a look at them
 3 and -- and address it.
 4 Again, we -- all I can represent to this
 5 Board is that we -- here is the procedure. We
 6 contracted a third party to produce the list
 7 using publicly known information and notices
 8 sent.
 9 We did have a community meeting of which
 10 there were a number of detractors to the prior
 11 proposals at present. They were pleased with
 12 this iteration. I was going to get into that
 13 with -- with the -- in -- later in the
 14 presentation.
 15 So I -- I believe while there are probably
 16 still some folks who are opposed to the
 17 proposal, no doubt, we have tried over the last
 18 15 months to make substantial progress in
 19 conversation with neighbors to try to address
 20 their concerns.
 21 CITY PLANNER GARCIA: And in answer to
 22 your question about is this typical?
 23 Absolutely. We usually get a big stack.
 24 Unfortunately I think for a recent notice I
 25 have probably a stack of this many for a couple

1 of I think two or three mailings that we did.
 2 So it's very typical that we receive
 3 those -- those back. And I can't explain why.
 4 I am not the mail service.
 5 CHAIRPERSON AIZENSTAT: Thank you. I
 6 mean, we have brought it up before the City.
 7 And if the City is satisfied --
 8 BOARD MEMBER WITHERS: Let's go.
 9 CHAIRPERSON AIZENSTAT: If the applicant
 10 could please come up and make the presentation.
 11 Thank you.
 12 MR. FERNÁNDEZ: Thank you, again,
 13 Mr. Chair. Members of the Board, again, good
 14 evening.
 15 For the record one more time Javier
 16 Fernández with offices at 201 Alhambra Circle,
 17 Suite 1205. We just moved; hence, the
 18 confusion. I apologize.
 19 I am joined this evening by the principal
 20 or president of the Allen Morris Companies, the
 21 manager for RC Acquisitions, one of the
 22 applicants, Spencer Morris, Tera Carlins, our
 23 Development Manager, Amanda Brown, our lovely
 24 associate, the architect director for this new
 25 incarnation of the project who is John

1 Cunningham who also designed 121 Alhambra
 2 Plaza. He has worked with the Allen Morris
 3 Company in the past.
 4 We are pleased to be here this evening.
 5 As you know this project has had a difficult
 6 prior history. And we have worked very hard
 7 over the last fifteen months to try to address
 8 a series of concerns and comments starting with
 9 a complete reboot on the design that we want of
 10 the project, working with the neighbors who
 11 previously expressed objections not only to the
 12 architecture, but some of the organizational
 13 elements of the project as well.
 14 So I will try to be very brief and just as
 15 well take the opportunity to answer your
 16 questions and happy to then reserve some time
 17 for rebuttal to address any comments that may
 18 come to the floor.
 19 You all are very familiar with the site.
 20 As you know it is comprised of six folios just
 21 under an acre in size down from the north by
 22 Catalonia Avenue, on the east by Ponce De Leon
 23 Boulevard, on southeast by University Drive and
 24 Malaga Avenues.
 25 The property presently was acquired in --

1 in parts in 2011 through 2018, put into this
 2 assemblage and in the meantime the process
 3 began shortly thereafter. So this project does
 4 have for the company quite a long history.
 5 As I mentioned it's comprised of six
 6 folios including a 20-foot -- a 20-foot wide
 7 alley which is one of the items before you for
 8 possible vacation totaling 1,318 square feet.
 9 The property currently as you can see has
 10 a context where to the east across Ponce De
 11 Leon Boulevard you have got the Plaza, to the
 12 south the Coral Gables District Court, to the
 13 north a four or five-story office building and
 14 to the west an eight-story office building
 15 immediately abutting it.
 16 The site earlier as mentioned has a
 17 commercial low-rise intensity future land use
 18 designation and a zoning designation of
 19 Mixed-Use District One.
 20 We are obviously asking you to change
 21 that. I wanted to kind of briefly recap how we
 22 got here today. After an extensive process
 23 culminating in a meeting before the City
 24 Commission on July twenty-second --
 25 July twenty-seventh of 2022 internally we

1 decided to revisit the team and begin a design
 2 reset which began in earnest after we
 3 interviewed a series of architects in September
 4 of 2022 that resulted in the hiring of Mr. John
 5 Cunningham with whom we had some success
 6 previously on the design and development of 121
 7 Alhambra.
 8 And we then began a conversational process
 9 with some folks who were detractors of the
 10 prior project to see how we could possibly
 11 revisit the project and hopefully win support
 12 for a reconceptualized design.
 13 We took from September to May of 2023 to
 14 study the site again, revised the architecture,
 15 engage in communication, revised the design
 16 numerous times.
 17 That culminated in a conceptual review
 18 before the Board of Architects on
 19 June twenty-ninth of 2023. We did get very
 20 positive feedback from the Board at that time.
 21 We went to the Development Review
 22 Committee on June thirtieth and received
 23 Staff's comments and then came back to the
 24 Board of Architects formally on
 25 August seventeenth of 2023 for a review at

1 which time we were lucky to receive the Board's
 2 unanimous approval.
 3 And we are here before you today and
 4 hopeful -- hopefully will continue on to the
 5 Historic Preservation Board and City Commission
 6 for our -- our final hearings on the subject
 7 applications.
 8 So with that familiar background I just
 9 wanted to make -- highlight what I think are
 10 probably the most two salient comparisons
 11 outside of the architecture. And
 12 Mr. Cunningham can get into in addressing your
 13 questions in the future.
 14 The prior proposals ranged in height from
 15 12 to 16 stories 149 feet to 179 feet, 80 to
 16 161 floor rent apartments.
 17 The current proposal is very different not
 18 only in terms of its architecture, but also the
 19 scale. It's nine stories, 115 feet, 8 inches
 20 to the rooftop; only 57 condominiums.
 21 These are large format condominiums as you
 22 will learn with an average size in excess of
 23 2,400 square feet. Essentially they are homes
 24 without -- the single family homes without a
 25 yard with -- but with all the amenities one

1 would want in a modern condominium building.

2 We have six requests. Item 7 on my
3 list -- I just broke it up because it is a new
4 element to the application. It is an
5 encroachment for the porte-cochere which we
6 will describe later.

7 But the requests are essentially the same
8 as the prior submittals. Again, the
9 architecture and some of the elements of the
10 project being slightly different.

11 We have a request for a future land use
12 amendment to change the designation from
13 commercial low-rise intensity to commercial
14 high-rise intensity.

15 The substantial difference between the two
16 categories being the maximum height that is
17 allowed under that category. The intensity and
18 density remains unchanged.

19 The request as noted in your Staff report
20 and on the slide is consistent with a number of
21 comp plan, goals, objectives and policies. I
22 have highlighted here just for a quick -- quick
23 overview a number of those or four of those.

24 And the request is also consistent with
25 the neighboring designations for many of the

1 properties along Ponce de Leon Boulevard to our
2 south.

3 Again, a portion of the property
4 comprising the Coral Gables District Courthouse
5 has a commercial high-rise designation as well.
6 And just looking to our east and places further
7 north along Ponce de Leon Boulevard that is not
8 an atypical designation for properties on the
9 Boulevard.

10 The next request is a rezoning from MX1 to
11 MX3. That rezoning, again, is very similar to
12 the designation to our southeast and parcels
13 further north along Biscayne -- I am sorry; not
14 Biscayne Boulevard -- Ponce de Leon Boulevard.
15 My apologies.

16 The -- the -- the request -- that request
17 again is consistent with the comprehensive
18 plan. Again, the reason for the change is to
19 be able to access more height; in this case, up
20 to 115 feet, 8 inches so we can provide
21 condominium units that would meet the market
22 demand with the requisite floor to ceiling
23 heights.

24 We have worked very hard with the
25 neighbors to try to bring that envelope down as

1 much as possible. Ultimately we ended up here
2 because of those necessities.

3 Our next request is for a conditional use
4 approval for the site plan that also includes
5 Item 7 on my list which is the encroachment for
6 the porte-cochere which I will address
7 separately.

8 The request meets all of the requirements
9 or conditions -- the criteria for conditional
10 use approval under your code. And I will
11 quickly just run through the program and give
12 you a sense of the architecture and
13 Mr. Cunningham can elaborate on if you have any
14 further questions.

15 This site provides you a sense of the
16 ground floor condition. You will see that we
17 have a paseo that dominates a substantial
18 portion of the ground floor that is abutted on
19 both sides by retail and at the center lobby
20 areas that provide access to the elevator
21 floors that would service you -- the units up
22 above as well as the mezzanine level.

23 The intention here is to make sure that
24 that paseo in contradistinction to many others
25 across the City is a very active and engaging

1 space: Activated by the retail, activated by
2 the lobby uses for the rest of the portions of
3 the building.

4 Garage access is from the north on
5 Catalonia Avenue. We have a -- over -- a
6 location for vehicular arrival on the north end
7 of the site at the terminus of the paseo that
8 could be used for ride share mainly. The
9 people will arrive not blocking the travel lane
10 and for valet parking to support the retail and
11 also the residential use.

12 On the south the tower element is really
13 buttressed by the Colonnade. You will see that
14 in the architectural renderings in a minute.

15 And that is will -- will make for I
16 think -- I think a very dramatic outdoor
17 seating space for what we hopefully I think
18 will be uses on the ground floor and provide a
19 north entryway into the paseo.

20 Now we will move on to the mezzanine level
21 very quickly just to show you that we have
22 amenities on that floor as well as some retail.
23 You will see the center of the core.

24 From -- from the paseo you could access
25 that retail. There are two staircases that

1 provide another point of interaction and
2 activity to -- back to the ground floor.

3 I am going to highlight a couple of the
4 floor plans because some of them are a little
5 repetitive. What you will see here at level 3
6 we do have a mix of uses; the smallest use as
7 being one bedroom units that are very large as
8 well as a number of two bedroom and three
9 bedroom units throughout the floor plan.

10 You will see that the building is --
11 basically has an atrium at the center. That
12 atrium was designed to allow light to penetrate
13 the paseo which is that unique feature of this
14 building again in contrast to some others that
15 have paseos in the City.

16 You will see that at this level we begin
17 to incorporate multistory units. That was done
18 intentionally because we wanted to break with
19 the monotony of the facade.

20 That had been one of the complaints about
21 the prior architecture. It was too monolithic
22 along University Drive. This allowed -- Mr.
23 Cunningham used this -- this technique to
24 create a sense of movement as well as some
25 vertical breaks and setbacks and you will see

1 that he can describe in response to any
2 questions you have as well.

3 You will see as you move up in the floors
4 there are more multilevel units at floors six
5 and seven and eight and nine. And we do have
6 at the center of the tower element three
7 bedroom units that basically then become the
8 only other units on those levels.

9 Moving to the roof very quickly this gives
10 you a sense of the outdoor program. It's an
11 empty space exclusively for the 57 residential
12 units. We have a cabana that is the terminus
13 of the tower element. It's an outdoor space.

14 To the southwest you have an area that
15 will be for grilling. To the northeast you
16 have cold and hot plunge pools as well as a
17 small pool. And then along the northern
18 element you have a traditional pool that will
19 kind of round out that amenity deck.

20 We incorporated the slide to give you a
21 sense of the comparison of the height of the --
22 relative to other buildings in the area.

23 Again, the good -- the building immediately to
24 our west is eight stories. We are at nine.
25 Floor plate -- floor ceiling nets are higher

1 which explains that height differential. We
2 did not include this illustration again the
3 tower element which is higher than the 115, 8
4 fourth floor.

5 This gives you a sense of the cross
6 section, the circulation of the building.
7 Looking east it's -- you can see how the uses
8 are distributed across the floor -- the floor
9 plans on each level.

10 I wanted to share this slide under a
11 protection -- because if you have walked
12 through some paseos in buildings across Coral
13 Gables, some of them are not terribly exciting.
14 They are just kind of blank corridors to get
15 you from one place to the other.

16 And as you will see throughout the
17 development of our plan a lot of thought has
18 been given creating kind of tactile, auditory
19 moments of engagement.

20 And we have done it here through the uses
21 and circulation of the building. So you can
22 see on the south of the -- of the paseo
23 starting at the Colonnade you have got this
24 outdoor seating area potentially that should
25 animate that space and give it some life.

1 As you move through the pedestrian
2 corridor you will see that the lobbies serve to
3 create points of intimacy. There is a muse
4 looking up to an amenity deck on the second
5 floor.

6 And then you have got the staircases that
7 connect to the circulation at that level -- at
8 the mezzanine level as well. As you then exit
9 on the north end you will see that you
10 terminate in another retail use there as well.

11 So the idea is to engage the pedestrian
12 and make it feel like a safe and inviting space
13 so they can traverse the site north to south.
14 We think it's a marked distinction in contrast
15 to the current allocation that's there today.

16 This will give you just a quick peek into
17 the roof plan. So you will see at the center
18 of the paseo it will be covered, but it will be
19 glass that will allow light to penetrate down
20 to the ground floor. Which, again, we think
21 will make the space more inviting for
22 pedestrians to use.

23 This gives you a sense of the landscaping
24 which we will use specimen trees not only in
25 the park aspect to the south and east of the

1 site, but also along the right-of-way.
 2 Again, water features and landscaping are
 3 being used to create both an inviting aesthetic
 4 environment, but also creates some auditory
 5 connections for pedestrians traversing or are
 6 bisecting the site.
 7 These are just renderings. One of them is
 8 at night. There was -- had been concerns about
 9 lighting in the building. We wanted to give
 10 you a sense of what the context would be.
 11 We are trying to be respectful of the
 12 neighboring uses. We are not too far away from
 13 residential. So we don't want to have an
 14 overpowering lighting program for the building.
 15 This gives you a sense of a view looking
 16 back towards Ponce Circle Park. You will see
 17 that the proposed landscape amenities will
 18 actually, though, create a nexus -- as your
 19 nexus from this site to Ponce Circle Park. You
 20 see the relationship between our proposed
 21 building and the existing buildings to our
 22 east.
 23 Another rendering with a northern
 24 perspective, again, from the southeast looking
 25 north to northwest which gives you a sense of

1 the movement -- the facade of building.
 2 You will see the variations in terms of
 3 setbacks. The Board of Architects was very
 4 happy with the treatment of what had been a
 5 very uniformed edge before a credit to
 6 Mr. Cunningham for coming up with the design.
 7 And here is really a -- a section that we
 8 are excited about which is the northeast corner
 9 of the building in which at the ground floor we
 10 will have a -- we think a very inviting --
 11 You will see at the bottom of that
 12 illustration a F and B space that can be an
 13 activity room for -- for gatherings and then
 14 this tower element here on the west -- on the
 15 northeast that we think would give the
 16 building -- give the building a very nice -- a
 17 very nice -- an elegant treatment at that
 18 corner.
 19 And then this is the north elevation. As
 20 you can see we have loading on the south of
 21 Malaga. We do have a utility room here on the
 22 northwest corner, the parking garage entrance
 23 and you can see further down as you get to the
 24 middle of the building the terminus of the
 25 paseo and the porte-cochere that we are hoping

1 to incorporate as part of the building as well.
 2 You know, one of the things that we are
 3 excited about -- one of the things that we
 4 learned from our conversations is that the
 5 public -- at least the public we spoke to is
 6 very concerned about keeping and preserving the
 7 slip lane.
 8 We wanted to make that a location for
 9 enhancement and safety. We also want to create
 10 a signature public space. This illustration --
 11 this rendering gives you a sense of what we are
 12 trying to accomplish.
 13 It will be a raised table. As you get to
 14 the center we have incorporated striping to
 15 make it clear that it is a -- a pedestrian
 16 crossing.
 17 But the idea here is to -- is to really
 18 make this a public space that -- that will, you
 19 know, I think certainly serve to anchor this
 20 site as a pivotal gateway into the Central
 21 Business District which we think it is.
 22 This series gives you a sense of the paseo
 23 that we are trying to create. As you can see
 24 on both sides we are hoping to activate it with
 25 some outdoor seating.

1 You can see at the center of this image
 2 the glass roof that will offer light to
 3 penetrate down to the ground floor and then
 4 obviously the terminus. And there will be a
 5 terminus at the other end.
 6 This is an evening image at the edge --
 7 the southeast edge of the building here as
 8 well.
 9 So, again, we think that this site plan
 10 which is comprised of 117,000 square feet of
 11 program 57 dwelling units just slightly more
 12 than 20,000 square feet of retail supported by
 13 204 below grade spaces and the requisite
 14 bathroom house and amenity spaces is a more
 15 markedly improved program from the one we had
 16 proffered before.
 17 And we are excited and look forward to the
 18 opportunity of hopefully developing it in the
 19 future.
 20 In addition to the actual program we are
 21 creating 22,000 -- just like in excess of
 22 22,000 square feet of landscaped open space;
 23 17,202 of which will be public road
 24 improvements.
 25 We are expected to spend two million

1 dollars on those enhancements. And we also
 2 have committed to make -- we are willing to
 3 make another million dollars of improvements.
 4 Your Staff report references University
 5 Drive. One of the things we will talk about in
 6 the presentation hopefully is that the public
 7 has asked us to consider possibly investing
 8 that money or a combination of that money in a
 9 dog park, public road improvements along Ponce
 10 de Leon Boulevard, south of University Drive
 11 and/or contribute that money to support the
 12 renovations to Ponce Circle Park including the
 13 incorporation of a bench that apparently has
 14 been discussed. So we -- we will have some
 15 more conversations about that as I close.
 16 The next request is for the approval of
 17 a -- a tentative plat. Again, the lot --
 18 the -- the property is comprised of multiple
 19 platted lots. We want to unify them into a
 20 single tract. It's a very straightforward
 21 request in order to execute this -- these --
 22 these improvements.
 23 The next is the abandonment of the 20-foot
 24 wide alleyway which totals 1,318 feet. I
 25 wanted to share with you this particular image

1 because the pink area is the footprint of the
 2 existing alleyway.
 3 The green area which incorporates the pink
 4 area is the footprint of the paseo. And so
 5 what we are doing, why we are vacating that
 6 space which has been used for pedestrian
 7 activity and probably not the most hospitable
 8 and aesthetically pleasing area to walk across,
 9 we are replacing it with what I think is a
 10 markedly enhanced pedestrian circulation area
 11 that we think it will actually result in more
 12 people traversing the site day-to-day.
 13 And, again, we would just note for the
 14 record we agree with Staff's findings that the
 15 requested vacation meets all of the criteria in
 16 your code.
 17 Again, the vacation will result in the
 18 1,318 foot alley basically being removed along
 19 the southern and southeastern portions of the
 20 site.
 21 We are rededicating back to the City to
 22 make -- it create some uniformity on that edge
 23 1,725 square feet back to the City for --
 24 for -- for -- to enhance the public road
 25 consistent with the illustration we showed you

1 before.
 2 Moving on quickly the program -- the
 3 program anticipates the use of 23,455 square
 4 feet of TDRs. That will not result in an
 5 increase in the size or number of units to the
 6 building. It doesn't add to the total square
 7 footage.
 8 And we are within the permitted code
 9 civil -- FAR limits under your code. Those
 10 were TDRs that were procured pursuant to a
 11 settlement agreement -- a required fee
 12 settlement agreement.
 13 And we will be proceeding to the Historic
 14 Preservation Board and ultimately the City
 15 Commission for the approval of the use of those
 16 TDRs as well.
 17 Lastly I just wanted to highlight an
 18 element of the site plan approval specifically
 19 which is the porte-cochère encroachment.
 20 Again, we are very concerned about the
 21 pedestrian experience in creating a sense of
 22 arrival. A nexus arrival is intended to also
 23 consider the possibility -- the possibility of
 24 people arriving when there are adverse
 25 weather -- weather conditions.

1 And so while we would like to have a
 2 slightly more extensive encroachment into the
 3 layout that we are creating, we -- these
 4 illustrations do show, one, the design of
 5 the -- of the porte-cochère and what we are
 6 intending to build here by way of the aesthetic
 7 and also in the bottom right-hand corner the
 8 dimensions of the encroachment.
 9 What this will allow us to do is provide
 10 for the passenger exiting or accessing the
 11 vehicle in the land by to do that under a
 12 covered roof so as to limit their likelihood of
 13 getting wet in the event of rain.
 14 And that would not allow us to get
 15 coverage for the driver. We would anticipate
 16 doing that if there is some one return tag car
 17 to the valet with the use of a valet assisted
 18 umbrella to provide them some protection from
 19 the elements.
 20 We think this is a really important
 21 feature to make sure that when people are
 22 waiting for either their ride share to arrive
 23 or valet to take you right to your car or the
 24 vehicle to be returned that they have some
 25 moderate protect -- some moderate protection

1 from the elements as they are waiting for a
2 vehicle at this location.

3 And with that, that is in sum and
4 substance our proposal. Hopefully we have been
5 brief with our representation. I am happy to
6 take any questions the Board has at this time.
7 Our entire team is available for questions.

8 If not, we will close and just reserve a
9 few minutes for rebuttal if necessary. Thank
10 you.

11 CHAIRPERSON AIZENSTAT: Thank you.
12 Let's go ahead and have the City make
13 their presentation and then we will circle back
14 if there is no questions.

15 CITY PLANNER GARCIA: Jennifer Garcia,
16 City Planner. May I have the PowerPoint,
17 please. Thank you.

18 So as we know this has numerous requests.
19 Location as we have talked about is on
20 University and Ponce between Malaga and
21 Catalonia.

22 This is a view of the site. You are
23 missing the Plaza development in the
24 foreground. It's 198 and six inches. This is
25 showing there is two parcels: The far east

1 parcel with an alley in the middle of 3,002
2 square feet and the west parcel which is passed
3 that.

4 You can see the existing location -- the
5 existing conditions of the -- the neighborhood
6 which the building to the north which is
7 commonly known as the Zubi building is at 72
8 feet. The building that's fronting Ponce
9 Circle Park is at 186 feet.

10 And interesting enough that property to
11 the direct west that's abutting it is at 91
12 feet even though it's zoned MX1 as a low-rise
13 commercial location.

14 So there are six requests. And I will go
15 through each one of these very -- very briefly.
16 As to the current land use designation is
17 commercial low-rise intensity and they are
18 proposing to change the designation to be
19 commercial high-rise intensity.

20 Again, this doesn't -- it doesn't change
21 the FAR. The FAR remains the same as 3.5 FAR
22 or 4.375 FAR of the TDRs. This does not change
23 the density. The density is at 125 units an
24 acre. There is only a change in the maximum
25 height.

1 So the zoning request is only -- request
2 is changing it from MX1 to MX3. And, again,
3 that's not changing the intensity. The
4 intensity and FAR remains the same and the
5 density remains the same. This is simply about
6 adding more height to the property.

7 The vacation is of the current alley
8 that's in the middle of 1,318 square feet. Is
9 that correct? I will verify it in a second.
10 But a 20-foot alley that -- that's currently
11 between the east and the west parcel.

12 And the TDRs as he described they are
13 requesting to receive 23,455 square feet of
14 TDRs. And that will be a maximum of 4. -- 4.0
15 FAR. The maximum they could have is 4.375 FAR.
16 So they are below that maximum.

17 So the -- the ground floor site plan you
18 can see the vehicular entrance and exit off of
19 Catalonia to the north. The ground floor
20 retails circulates around the building to the
21 north, to the east and to the south as well.

22 There is a significant paseo that cuts
23 through the middle of the property. There is a
24 loggia that's fronting to the east/southeast of
25 the property. And the loading is off of

1 University Drive.

2 So the next two site plans is also in your
3 Staff report so you are able to read it. But
4 the highlights are that, again, the -- the FAR
5 is 4.05 FAR with the maximum of 4.375.

6 The maximum height that they are proposing
7 is 115 feet and 8 inches plus a 20-foot high
8 pool cabana that's on the rooftop right there.
9 The stories have nine stories.

10 They are proposing to have 57 residential
11 units and open space around 22,000 square feet
12 on the private property as well as the property
13 as well.

14 And then the last request is in the plats.
15 So they will incorporate the private property
16 obviously to vacate alley and change the curve
17 slightly to bulb it out -- sorry -- to bulb it
18 in on the east side and bulb it out on the
19 south side.

20 Roughly I think 300 and some change square
21 footage will go back to the public
22 right-of-way.

23 So this has gone through the typical
24 review process at D. R. C. one in June of this
25 year. Board of Architects a couple of times to

1 get approve -- approval back in September.
 2 They had a neighborhood meeting in October.
 3 And here we are with the Planning and Zoning
 4 Board.

5 They will be going to Historic probably in
 6 January, but we will see when the time -- their
 7 staff scheduled it at which time they have
 8 approval for the TDRs and the change of the
 9 scheme -- historic City plan, then will be
 10 scheduled for the City Commission.

11 The letters went to both property owners
 12 and current occupants of -- of properties
 13 within the 1,500 square feet or 1,500 foot
 14 radius of the property.

15 And those went out twice: Neighborhood
 16 meeting and today's meeting for the Planning
 17 and Zoning Board.

18 The property is posted three times for D.
 19 R. C., B. O. A. and today's meeting. The
 20 website was posted three times and there has
 21 been advertisement once.

22 So Staff determined it's consistent with
 23 the comp plan, goals, objectives and policies;
 24 recommended approval with conditions as it
 25 complies with the findings of fact as outlined

1 in your Staff report.

2 And I will go through the -- the
 3 conditions are listed in your Staff report at
 4 the very end. But I will do some highlights.

5 Staff recommending removal of the slip
 6 lane in accordance with Public Works, inclusion
 7 of on-street parking on Ponce and Malaga which
 8 are the south streets, any signal adjustments
 9 that haven't been required as well as landscape
 10 improvements to -- you know -- to make it look
 11 nice.

12 The revision of the plaza to include that
 13 elimination of the slip lane to prioritize
 14 pedestrian movement for the east and south as
 15 well as east -- south and -- north and south
 16 and east and west.

17 To maintain the public plaza and any
 18 improvements so that the City wouldn't maintain
 19 it. The applicant would.

20 And the applicant would contribute one
 21 million dollars to public realm improvements
 22 and then to maintain pedestrian access during
 23 construction on Ponce de Leon.

24 That's it.

25 CHAIRPERSON AIZENSTAT: Thank you. Oh,

1 Jennifer, just -- just a quick question. Did
 2 we ever look at the alley -- improve this alley
 3 previously?

4 I know we turned down -- or is this not
 5 the project? There was one project that we had
 6 approved vacating of an alley, but not the
 7 project.

8 I just want to --

9 CITY PLANNER GARCIA: You vacated an
 10 alley --

11 CHAIRPERSON AIZENSTAT: -- confirm.

12 CITY PLANNER GARCIA: -- but we --

13 CHAIRPERSON AIZENSTAT: But the project
 14 was denied. It was not this project.

15 CITY PLANNER GARCIA: Well --

16 CHAIRPERSON AIZENSTAT: When it came
 17 before us in the past.

18 CITY PLANNER GARCIA: It was recently
 19 or --

20 CHAIRPERSON AIZENSTAT: No. This same
 21 project when it came before --

22 CITY PLANNER GARCIA: The same --

23 CHAIRPERSON AIZENSTAT: When it came
 24 before --

25 CITY PLANNER GARCIA: Last year. Uh-huh.

1 CHAIRPERSON AIZENSTAT: -- for some reason
 2 in my mind I -- I think that we had approved --
 3 the Board had approved the vacating of the
 4 alley, but not the project itself.

5 CITY PLANNER GARCIA: I think we outlined
 6 that at the beginning of the Staff report. Let
 7 me double check.

8 CHAIRPERSON AIZENSTAT: Go ahead, please.

9 MR. FERNÁNDEZ: Mr. Chair, pardon the
 10 interruption. Again, for the record Javier
 11 Fernández.

12 I believe that's correct. The -- the
 13 vacation was approved. The project was
 14 recommended for not at -- at that time.

15 CHAIRPERSON AIZENSTAT: So you are -- why
 16 are you coming back for the vacating of the
 17 alley if it was approved? Because the project
 18 is just completely different so you have to
 19 come back?

20 MR. FERNÁNDEZ: That's my understanding,
 21 sir. Correct.

22 CITY PLANNER GARCIA: Yeah.

23 CHAIRPERSON AIZENSTAT: Okay. I just
 24 wanted to be clear as to why.

25 MR. FERNÁNDEZ: Thank you, sir.

1 CHAIRPERSON AIZENSTAT: Thank you.
 2 CITY PLANNER GARCIA: Yeah. And that
 3 approval for that alleyway didn't go through
 4 the Commission the entire process. They came
 5 back with a new project.
 6 CHAIRPERSON AIZENSTAT: Understood. I
 7 just wanted to confirm because I remember that
 8 approval.
 9 CITY PLANNER GARCIA: That's correct.
 10 CHAIRPERSON AIZENSTAT: Okay.
 11 CITY PLANNER GARCIA: Thanks.
 12 CHAIRPERSON AIZENSTAT: My thought is to
 13 open it up for public comment unless somebody
 14 has a dire need that they need to ask the
 15 applicant a question.
 16 If everybody is okay with that?
 17 BOARD MEMBER WITHERS: The only thing is
 18 have many questions for Staff --
 19 CHAIRPERSON AIZENSTAT: Right.
 20 BOARD MEMBER WITHERS: -- not --
 21 CHAIRPERSON AIZENSTAT: We will --
 22 BOARD MEMBER WITHERS: -- not for the
 23 applicant.
 24 CHAIRPERSON AIZENSTAT: We will -- for
 25 the --

1 BOARD MEMBER WITHERS: Right.
 2 CHAIRPERSON AIZENSTAT: -- staff and the
 3 applicant.
 4 BOARD MEMBER WITHERS: Right.
 5 CHAIRPERSON AIZENSTAT: Let's go ahead and
 6 open it for public comment first, Jennifer. I
 7 mean, Jill.
 8 How many do we have?
 9 MS. MENENDEZ: So we have two that have
 10 signed up and --
 11 CHAIRPERSON AIZENSTAT: But --
 12 MS. MENENDEZ: -- the --
 13 CHAIRPERSON AIZENSTAT: And in Zoom?
 14 MS. MENENDEZ: No one on Zoom has
 15 indicated they want to speak.
 16 CHAIRPERSON AIZENSTAT: Okay. Let's go
 17 ahead and call who you have signed up here
 18 first.
 19 MS. MENENDEZ: Sara Conde.
 20 MR. FERNÁNDEZ: You need to sign in, sir.
 21 CHAIRPERSON AIZENSTAT: Again, if anybody
 22 came in late if they would like to speak before
 23 this, I -- I ask that you please go to the
 24 podium and register with Jill.
 25 MS. CONDE: I am Sara Conde. I am from

1 228 Alesio. My comment on this project is
 2 that, yeah, it's been here -- this is the third
 3 time.
 4 You know, they have come down with the
 5 height on the actual project itself. The --
 6 this place was filled because the neighbors
 7 were very upset about the scale of the project.
 8 You know, mostly they feared it would be a lot
 9 like the -- the Plaza which everyone dislikes
 10 in -- in the neighborhood.
 11 Something of that scale it really destroys
 12 a whole neighborhood that we all bought into.
 13 So -- so this project has come down and down
 14 and down.
 15 My only comment is that at the end of the
 16 day it's just large enough to get to MX3. All
 17 right? It's a little bit higher than MX2.
 18 They slipped right into MX3.
 19 If you allow this to go to MX3, that opens
 20 it up to 190 feet. It will be 190 feet
 21 forever. They will never go back on that, No.
 22 1.
 23 No. 2, it's the precedent. Already they
 24 are saying: "Well, the Plaza is MX3. That's
 25 the precedent. We should be MX3."

1 All right. If they become MX3, every
 2 other project -- every other lot is going to
 3 request MX3. And that's going to completely
 4 destroy our area.
 5 You know, that I -- I am for people making
 6 profit. But they paid an MX1 price for the
 7 land. They are asking for an alley. You know,
 8 I -- I just feel MX3 is too much.
 9 I think a hundred -- allowing for
 10 190 feet -- I know that they have not. Their
 11 project does not present 190 feet.
 12 But if you pass MX3 you are allowing
 13 190 feet. And that will be the domino effect
 14 for every other property. And you are already
 15 seeing it now.
 16 They are saying the Plaza is the precedent
 17 for them to get the MX3. I ask you not to
 18 approve changing to MX3. It's 190 feet. It's
 19 too high for a property that borders the
 20 neighborhood.
 21 Thanks so much.
 22 CHAIRPERSON AIZENSTAT: Thank you.
 23 MS. MENENDEZ: Alan Gommerson.
 24 MR. GOMMERSON: I am Alan Gommerson.
 25 have lived at -- excuse me -- 228 Alesio for

1 the last 23 years; homeowner -- homeowner. I
 2 have a couple of questions I guess.
 3 How long has it been since the master plan
 4 for zoning was approved? My understanding is
 5 like what three years at the most. Is that
 6 correct?
 7 CHAIRPERSON AIZENSTAT: I would defer that
 8 to Staff. But what --
 9 Jennifer, when was the master plan
 10 approved for zoning.
 11 CITY PLANNER GARCIA: The master plan for
 12 zoning?
 13 CHAIRPERSON AIZENSTAT: The gentleman --
 14 MR. GOMMERSON: Was there a new plan for
 15 zoning the -- the whole central area?
 16 BOARD MEMBER PARDO: No. He -- he asked
 17 when was the comprehensive plan -- use plan
 18 changed last?
 19 CHAIRPERSON AIZENSTAT: That's not what I
 20 understand.
 21 CITY PLANNER GARCIA: I believe it was in
 22 2009.
 23 Does that sound --
 24 CHAIRPERSON AIZENSTAT: That's not what he
 25 asked.

1 BOARD MEMBER PARDO: Because he said
 2 master plan.
 3 CHAIRPERSON AIZENSTAT: That's -- that's
 4 not what he asked.
 5 BOARD MEMBER PARDO: Oh.
 6 CHAIRPERSON AIZENSTAT: But --
 7 BOARD MEMBER PARDO: I -- I am sorry.
 8 MR. GOMMERSON: I --
 9 BOARD MEMBER PARDO: I thought --
 10 CHAIRPERSON AIZENSTAT: It's okay.
 11 BOARD MEMBER PARDO: -- he said master
 12 plan --
 13 MR. GOMMERSON: Wasn't there a new plan
 14 for zoning --
 15 BOARD MEMBER PARDO: Plan --
 16 MR. GOMMERSON: -- passed within the last
 17 three or four years at the most?
 18 CITY PLANNER GARCIA: So the zoning code
 19 was updated.
 20 MR. GOMMERSON: What?
 21 CITY PLANNER GARCIA: Updated. The coding
 22 text.
 23 MR. GOMMERSON: The zoning code was
 24 updated.
 25 CITY PLANNER GARCIA: Right.

1 MR. GOMMERSON: All right? And it gave
 2 this land MX1 as I understand it because the
 3 theory was we were going to pair -- slope
 4 downward from the center of the City where the
 5 tall buildings would be to neighborhoods.
 6 I was -- I was struck, for example, by the
 7 northeast view of this project. You remember
 8 that one? You saw the side of -- of the new
 9 building. And what do you see stretching from
 10 there to Bird Road?
 11 One-story greenery. Right? Single family
 12 houses primarily. Right? Across the street
 13 from this project that's where the one-story
 14 buildings sit -- one-story houses like my own
 15 start.
 16 Right? So it -- it's -- the -- the plan
 17 for tapering off from the high-rises to lower
 18 elevations is already out the window from what?
 19 Three years ago.
 20 They are going from MX1 to MX3. All
 21 right? As the previous speaker said 115 feet
 22 which is the proposal is just the lowest just
 23 above the MX3 level.
 24 Right? Now, I -- I was impressed by the
 25 look of the building. All right? I think that

1 would be a great building in downtown. I don't
 2 see it on the edge of downtown. I don't see it
 3 across the street from one-story residences
 4 like mine.
 5 All right? I have another question I
 6 guess. What happens if -- if this project is
 7 given MX3 and they decide not to go through
 8 with it?
 9 Something that, you know, recession hits.
 10 Right? This project is abandoned. They sell
 11 the land. They sell the land to somebody and
 12 now it's MX3 and they go to 190 feet. Is that
 13 correct?
 14 CHAIRPERSON AIZENSTAT: Well, what I would
 15 like to ask you to do is just make your
 16 comments to the Board. Afterwards we can go
 17 ahead and answer those questions for you or we
 18 can put you in touch with Jill. But my
 19 understanding is they would have to come back
 20 before a site plan review again.
 21 MR. GOMMERSON: But they will have MX3
 22 zoning. And their argument will be: "It's
 23 zoned for 190. Why are you trying to deny us
 24 our right to have 190."
 25 Right?

1 CHAIRPERSON AIZENSTAT: Continue, please.
 2 MR. GOMMERSON: Okay. That -- that's my
 3 main concern I think, right, in addition to
 4 what I said before. It seems to me that's a
 5 problem.
 6 And we know that -- that there is going to
 7 be lots of profit to be made if that land can
 8 be used for 190 feet rather than 115.
 9 I have another question and I hope it's in
 10 order. And that is is it possible to grant
 11 115 feet plus the -- what is it? Twenty or
 12 25-foot canopy or whatever.
 13 Right? Is it possible to grant authority
 14 for that without giving them MX3? Do you have
 15 to give them MX3 zoning to allow them to go
 16 ahead with 115 feet?
 17 Because it seems to me that's dangerous.
 18 We don't know what's going to happen in the
 19 future. This project might never go through.
 20 And I am worried we are going to have another
 21 Las Vegas extravaganza like the one across the
 22 street if we give that MX3 zoning. Thank you
 23 very much.
 24 CHAIRPERSON AIZENSTAT: Thank you, sir.
 25 Do we have any other speakers in --

1 MS. MENENDEZ: Yes.
 2 CHAIRPERSON AIZENSTAT: -- chamber?
 3 MS. MENENDEZ: Yes, we do. Lino
 4 Fernandez.
 5 MR. FERNANDEZ: Good evening, Board. My
 6 name is Lino Fernandez. I live at 415 Cadima.
 7 Against this project. I think it's a very good
 8 looking project; very nice.
 9 Like it was mentioned earlier maybe
 10 Downtown Miami or just somewhere else. The --
 11 I drive that area a lot. When they built the
 12 Plaza, it's total chaos.
 13 I don't know how many of you Board Members
 14 drive that area. But you should have in your
 15 e-mails some pictures of what traffic looked
 16 like this same time yesterday.
 17 It wasn't staged. It was just: "Hey.
 18 What -- what's going on here?"
 19 There is a CONSTRUCTION SIGN on that
 20 Google maps. That CONSTRUCTION SIGN or ROAD
 21 CLOSED SIGN is really nonexistent. I don't
 22 know why it's there. I was there yesterday.
 23 There is no road closures. I was there again
 24 today. There is no road closures.
 25 Adding this project to that area is going

1 to make traffic that much worse. Taking the
 2 slip on to University I think that's crazy. I
 3 don't know who does traffic studies or traffic
 4 controls, but that is chaos to allow that
 5 project to be built at that location. Thank
 6 you for your time.
 7 CHAIRPERSON AIZENSTAT: Thank you, sir.
 8 Jill, anybody else in chambers?
 9 MS. MENENDEZ: No.
 10 CHAIRPERSON AIZENSTAT: What about on
 11 Zoom?
 12 MS. MENENDEZ: No. No one is indicating
 13 they want to speak?
 14 CHAIRPERSON AIZENSTAT: Anybody on Zoom
 15 and phone platform?
 16 MS. MENENDEZ: No.
 17 CHAIRPERSON AIZENSTAT: Okay. At this
 18 time I would like to go ahead and close it for
 19 public comment.
 20 The applicant, sir, you wanted to come up
 21 and make your rebuttal?
 22 MR. FERNÁNDEZ: Just very briefly. It's
 23 actually a couple of points of agreement with
 24 some of the comments that were made.
 25 No. 1 is on the traffic we agree. One of

1 the -- one of the conditions that I want to
 2 highlight would be a modification to I believe
 3 it's Condition 4. b. romanette iii which would
 4 require the removal of the slip lane.
 5 You know, we went down that road. We
 6 understand the concerns to the neighbors. We
 7 have heard them loud and clear. It's been
 8 retained.
 9 As part of our design we would like the
 10 option to retain it or at least present it to
 11 the City Commission as we have submitted it
 12 to -- to Staff. That would be request No. 1.
 13 The second request would be with respect
 14 to the condition related to the public
 15 improvements. Again, we would like a little
 16 bit more flexibility to respond to the public's
 17 request in terms of public enhancements.
 18 The condition reads: "As a limitation for
 19 the use of a million dollars just for
 20 improvements to University Drive from Ponce to
 21 LeJeune."
 22 We would like it also to possibly allow us
 23 the consider enhancements to Ponce Circle Park,
 24 a dog park or right-of-way improvements.
 25 Again, those were the three things that we

1 heard were desired at the public meeting that
 2 we had held -- held back in October. So with
 3 those two modifications we would certainly
 4 request that you adopt -- adopt Staff
 5 recommendations and conditions.
 6 My client has asked me in -- in response
 7 to the concerns about the maximum height and
 8 someone's desire to possibly go to 190 feet, we
 9 would be happy to proffer as part of the
 10 restrictive covenants required in Condition 2 a
 11 limitation to 115 feet, 8 inches to the roof
 12 line so that there would be no future
 13 modifications or at least they would have to
 14 come forward if we were to at some point sell
 15 the property for whatever reason a modification
 16 would have to be brought forward to that
 17 covenant and approved by the City.
 18 And then lastly in the traffic -- again,
 19 we addressed the traffic issue. So I think
 20 that was all I wanted to say for the record.
 21 If there are any further questions from the
 22 Board, we are happy to take them at this time.
 23 BOARD MEMBER KAWALERSKI: I didn't
 24 understand what you said about the removal of
 25 the slip lane condition.

1 MR. FERNÁNDEZ: Yes. If I -- if I can
 2 just turn your attention to page 29 of the
 3 Staff report, you will see Condition 4 b. 1 --
 4 4. b. romanette i on that page. It says:
 5 "Safety Improvements. All traffic flow
 6 modifications including removal of the slip
 7 Lane."
 8 Our purpose does not contemplate the
 9 removal of the slip lane. Again, we have heard
 10 that from the public. It contemplates its
 11 retention. We would just ask that the Board
 12 will consider modifying that condition to
 13 remove that language.
 14 And in -- in terms of I think there is
 15 related -- there is related language with
 16 respect to the public plaza sub condition
 17 romanette ii. And, again, referenced is the
 18 elimination of slip lane as well.
 19 BOARD MEMBER KAWALERSKI: Okay. So I get
 20 it -- I get it straight. You are -- you are --
 21 you are saying this is -- isn't what you want.
 22 You don't want to include the removal of the
 23 slip lane?
 24 MR. FERNÁNDEZ: No, ma'am. As we have
 25 presented our plans it -- it contemplates the

1 retention of the slip lane.
 2 BOARD MEMBER KAWALERSKI: Okay. But it
 3 looks like a very narrow slip lane that's
 4 paved. It has pavers on it.
 5 MR. FERNÁNDEZ: It's --
 6 BOARD MEMBER KAWALERSKI: Correct?
 7 MR. FERNÁNDEZ: Yes. It's pavers. It
 8 acts almost like it's a raised -- a raised
 9 table for traffic coming. So that it improves
 10 the pedestrian connectivity, but does not lose
 11 the effect of allowing people to kind of bypass
 12 the intersection and access University Drive
 13 which what we understood from the public was a
 14 significant concern in response to the prior
 15 submittal.
 16 BOARD MEMBER KAWALERSKI: Okay. So you
 17 are going to maintain the current width of the
 18 slip lane for vehicular traffic. Is that what
 19 you are saying?
 20 MR. FERNÁNDEZ: No, ma'am. It would be as
 21 dimensioned in the plans, but it would retain
 22 the slip lane. So the bypass functionality
 23 that is present today would remain with the
 24 aesthetic modifications we have approved -- we
 25 have proposed.

1 Excuse me.
 2 BOARD MEMBER KAWALERSKI: Okay. So you
 3 are asking us to approve taking a public
 4 right-of-way and giving it to a developer?
 5 MR. FERNÁNDEZ: No. We -- we are not --
 6 No, ma'am. If I could clarify for the record.
 7 The -- all of the -- all of the elements beyond
 8 the base building or on the building are
 9 public -- are public realm improvements.
 10 So we are basically at that section
 11 widening the sidewalk. There are some
 12 on-street spaces that are being removed. The
 13 slip lane will remain. And we are creating the
 14 plaza or park open space across the slip lane.
 15 BOARD MEMBER KAWALERSKI: But you are
 16 narrowing a public -- a current public
 17 right-of-way and giving yourself more sidewalk?
 18 MR. FERNÁNDEZ: And -- and the public more
 19 sidewalk.
 20 BOARD MEMBER KAWALERSKI: Okay.
 21 MR. FERNÁNDEZ: That's correct.
 22 BOARD MEMBER KAWALERSKI: Would -- would
 23 your project exist without narrowing that slip
 24 lane?
 25 MR. FERNÁNDEZ: Yes. It could.

1 BOARD MEMBER KAWALERSKI: Okay. Then why
2 are you narrowing the slip lane?
3 MR. FERNÁNDEZ: Again, we -- we have -- in
4 our public meetings before I came on board we
5 heard this as a concern. We wanted to retain
6 that functionality.
7 We have not received any adverse comments
8 about the design and the dimension of the slip
9 lane. Staff has indicated a desire to see it
10 removed.
11 We are just trying to honor our expressed
12 representations to the public at those public
13 meetings. Hopefully I am addressing your
14 question or I am trying to.
15 CHAIRPERSON AIZENSTAT: I --
16 BOARD MEMBER KAWALERSKI: Well, you are --
17 CHAIRPERSON AIZENSTAT: I think --
18 BOARD MEMBER KAWALERSKI: -- re-purposing
19 a public right-of-way is what you are doing.
20 You are re-purposing our street.
21 MR. FERNÁNDEZ: I -- I think we are trying
22 to prioritize the pedestrian realm certainly in
23 this design versus having more on-street
24 spaces.
25 We are paying for the cost of removal of

1 those on-street spaces. So it's coming out of
2 my client's pocket. Every space that we remove
3 and we don't replace we pay a significant
4 penalty for.
5 But -- but we have heard loud and clear
6 the people wanted the building to address --
7 maintain a certain level of traffic by allowing
8 people to bypass the intersection so they could
9 access University Drive.
10 The design we believe accomplishes that
11 and improves the aesthetic and -- of the
12 public -- of the pedestrian realm --
13 CHAIRPERSON AIZENSTAT: Sue --
14 BOARD MEMBER KAWALERSKI: Can we stick to
15 the evidence, please --
16 CHAIRPERSON AIZENSTAT: Sue --
17 BOARD MEMBER KAWALERSKI: -- of the
18 public?
19 CHAIRPERSON AIZENSTAT: Sue --
20 BOARD MEMBER KAWALERSKI: What -- what
21 public said that they want to --
22 CHAIRPERSON AIZENSTAT: Sue --
23 BOARD MEMBER KAWALERSKI: -- re-purpose
24 that lane?
25 CHAIRPERSON AIZENSTAT: Can --

1 BOARD MEMBER KAWALERSKI: Excuse me.
2 CHAIRPERSON AIZENSTAT: -- I make a
3 comment, please?
4 BOARD MEMBER KAWALERSKI: Yes.
5 CHAIRPERSON AIZENSTAT: It may be --
6 instead of going back and forth that way, if
7 you don't mind can you tell us what the width
8 of the existing slip lane is and what you are
9 proposed width is.
10 And maybe the architect can tell us the
11 reason. Maybe it's traffic --
12 MR. FERNÁNDEZ: Sure.
13 CHAIRPERSON AIZENSTAT: -- calming. I
14 understand that it's because of the residents
15 have expressed it. But maybe if we get a
16 better understanding of it, it may answer some
17 questions.
18 MR. FERNÁNDEZ: Sure. We will give you
19 the -- those details in a second.
20 Thank you.
21 CHAIRPERSON AIZENSTAT: Appreciate that.
22 Continue, Sue.
23 BOARD MEMBER KAWALERSKI: Well, my -- my
24 question is but you keep saying the public
25 wants the narrowing of the slip lane.

1 Where is the evidence? Where -- where are
2 the public comments in writing? What public
3 are you talking about? We have members of the
4 public here. They didn't say anything about:
5 "We want a narrower slip lane."
6 MR. FERNÁNDEZ: And, Ms. Kawalerski, I
7 can't -- I can't give you empirical evidence
8 other than represent to you the conversations
9 we have had with individuals and at the
10 October twenty-fourth meeting where we
11 presented the plans.
12 There were approximately twelve to fifteen
13 people there from eight different households of
14 closer proximity than the two individuals that
15 are here today.
16 And, again, we presented them with this
17 design. And what -- and what they reaffirmed
18 was our design aesthetic and our retention of
19 the slip lane.
20 And -- and I just want to be fair to them.
21 Their names are in the record. We indicated
22 that we would be presenting it as it was
23 presented to them.
24 And I certainly do not want to tell you
25 that we are advocating for the adoption of a

1 condition that would somehow be the opposite of
 2 what we had indicated at that public meeting.
 3 BOARD MEMBER KAWALERSKI: Okay. Well, I
 4 would need evidence that people actually stated
 5 like a public meeting or somewhere that it were
 6 in writing that they actually wanted to reduce
 7 a public right-of-way.
 8 CHAIRPERSON AIZENSTAT: Sue, the gentleman
 9 is an attorney.
 10 BOARD MEMBER KAWALERSKI: Uh-huh.
 11 CHAIRPERSON AIZENSTAT: He would be
 12 breaching his oath.
 13 BOARD MEMBER KAWALERSKI: Well, all I am
 14 asking for is the evidence.
 15 CHAIRPERSON AIZENSTAT: I --
 16 BOARD MEMBER KAWALERSKI: I -- I am on a
 17 quasi-judicial board. I have to make a
 18 decision based on evidence. I have no evidence
 19 that the public said that.
 20 MR. FERNÁNDEZ: I -- I certainly don't
 21 have anything that I can give you affirmatively
 22 to -- to certainly ratify that. We -- you
 23 know, I -- I don't have anyone's statement on
 24 the record that I, of course, might put on the
 25 record that could reaffirm that. I can

1 certainly bring up my client to say -- reaffirm
 2 what I am saying. But I don't have a member of
 3 the public present here who could say that this
 4 evening.
 5 BOARD MEMBER KAWALERSKI: All right.
 6 MR. FERNÁNDEZ: So --
 7 BOARD MEMBER KAWALERSKI: Well, I think we
 8 have three members of -- or two members that
 9 spoke. I don't know if you have other members
 10 of the public. Maybe they can address this.
 11 But I have no evidence from you that the public
 12 wants this.
 13 CHAIRPERSON AIZENSTAT: Any other
 14 comments, Sue?
 15 BOARD MEMBER KAWALERSKI: Not -- I have
 16 other comments. But about the slip lane that's
 17 my comment is we are making -- they are making
 18 a determination: The public wants to narrow a
 19 slip lane to their benefit. And I don't know
 20 who that public is. There is no --
 21 CHAIRPERSON AIZENSTAT: But --
 22 BOARD MEMBER KAWALERSKI: There is no
 23 evidence.
 24 CHAIRPERSON AIZENSTAT: But what I would
 25 like to ask you to do is continue with your

1 process that -- we have the applicant -- the
 2 attorney here --
 3 BOARD MEMBER KAWALERSKI: Oh, okay.
 4 CHAIRPERSON AIZENSTAT: -- to ask
 5 questions --
 6 BOARD MEMBER KAWALERSKI: And this might
 7 be directed more towards the -- the architect
 8 rather than you. I am not sure, but -- but you
 9 might be able to answer this.
 10 So it's 115 feet to roofline plus 20. So
 11 we are at 135.
 12 Does that include that tower?
 13 MR. FERNÁNDEZ: No, ma'am. I think the
 14 tower I believe just --
 15 MR. CUNNINGHAM: 186.
 16 MR. FERNÁNDEZ: 186 feet.
 17 BOARD MEMBER KAWALERSKI: I am sorry.
 18 MR. FERNÁNDEZ: 186 feet.
 19 BOARD MEMBER KAWALERSKI: The tower is
 20 186 --
 21 MR. FERNÁNDEZ: The tower.
 22 BOARD MEMBER KAWALERSKI: -- feet.
 23 MR. FERNÁNDEZ: The tower. Correct.
 24 BOARD MEMBER KAWALERSKI: Okay. So we are
 25 almost at that 190. Right? So it's 186-foot

1 tower. Oh, my goodness. I wish you would have
 2 for you to describe that here in your
 3 explanation of this.
 4 Because it didn't look like it was
 5 186 feet, but you are saying it's 186 feet. So
 6 it's not really 115. It's 186 feet -- foot
 7 project.
 8 MR. FERNÁNDEZ: It -- just the tower
 9 element. And, again, given -- I will let John
 10 maybe address this.
 11 John, if you wouldn't mind coming up to
 12 the podium. You know, one of -- one of the
 13 things we have heard is obviously we wanted to
 14 incorporate the traditional design aesthetic of
 15 Coral Gables and so the tower alone is a
 16 central feature of that.
 17 It's not functional space. It's not --
 18 it's not considered habitable space, but it
 19 does -- we do represent on the drawings the
 20 total dimension. That was something that we
 21 discussed with the public so it should not be
 22 surprising.
 23 The elements that are -- that are
 24 habitable elements are at 115 feet, 8 inches.
 25 BOARD MEMBER KAWALERSKI: Okay. But

1 let -- let's be honest. The project is 186
2 feet.

3 MR. CUNNINGHAM: Hello. John Cunningham.
4 Zyscovich Architects. Partner --

5 SPECIAL COUNSEL COLLER: Could
6 you state -- could you repeat your name?

7 MR. CUNNINGHAM: I was -- I was getting
8 there. As I said John Cunningham. Zyscovich
9 Architects. 250 Park Avenue South, Suite 910.
10 Winter Park, Florida 32789. My home office is
11 here in Miami.

12 When you look at the whimsical buildings
13 that Mizner built or had built with -- Schultze
14 and Weaver, the Biltmore and others that were
15 imagined, but didn't get built -- and the
16 Colonnade, they are -- they are all these
17 wonderful, whimsical towers spires.

18 Of the whole project only 35 feet in width
19 goes up and stair steps back just like we
20 imagined on the Alhambra Tower many years ago.
21 And it's the idea of bringing in that whimsy.

22 And the building stops hard at 115 feet.
23 We have -- as you saw in the project there is
24 the tower roof with a five-foot overhang of
25 picket Cypress and wood brackets underneath to

1 hold that 115 -- it's actually lower; probably
2 about 113 feet is where that -- all that
3 wood -- that rich wood would be.

4 What we -- what we have also done in
5 that -- in those perspectives is on the eighth
6 floor eroded on either side the element of the
7 tower to begin to liberate it and created those
8 two very thin wood like columns and those lower
9 roofs so that the tower --

10 If -- if we had our brothers to do it
11 classically correct, we would have made that
12 spire a hundred and -- or 220 feet long. With
13 respect -- like when I worked in Washington,
14 D.C. on many buildings around the Capitol and
15 in the historical districts there you had to
16 stay lower than Dome of the Capitol.

17 And so every building that I have had the
18 opportunity to propose get built or some not
19 get built, we stay below the height of the
20 tower of the Biltmore because that's the grand
21 old dame in the community.

22 And so it's just one element that starts
23 at 30 plus or minus feet, erodes and then steps
24 back to that spot. And it's just a -- it's
25 just a beautiful whimsical element rather than

1 have a flat roof building that so many people
2 do.

3 And you get these nine, ten, fifteen-story
4 Walgreens type buildings. You know, I am not
5 going to criticize other buildings in the town.
6 But we are -- we are creating an articulation.

7 The other thing that we have done for the
8 community is rather than having a continuous
9 curved facade, we created two bookend elements
10 and then we created the center element. And we
11 have these 12-foot outdoor rooms. And in some
12 cases as mentioned earlier -- and I stand
13 corrected -- it was actually Spencer's idea to
14 do the multistory two-story units so that we
15 could take the continuous cookie cutter aspect
16 of balconies out and then you get the two-story
17 colonnades in more locations.

18 So we have gone to great lengths. And in
19 addition a beautiful notion of the
20 Mediterranean code, you know, requires many
21 things that we just revel in and requires a
22 base, a middle and a top of the building as I
23 am sure you know.

24 And on the base what we did you will see
25 that it stands proud on all facades of the west

1 which is against the assistant building is a
2 very strong one and a very tall one-story base
3 which has the mezzanine which is all retail.

4 And we pack that full of people oriented
5 places, you know, outdoor seating; make sure
6 there are trees going through great expense to
7 bring in; very large kapoks and others.

8 Additionally we carved out of the retail,
9 what could have been retail, a semielliptical
10 space under the archway. But if you look
11 closely there is an extraordinary historic
12 detail in the arcade carved out of coral stone
13 much like the stone here on your building here
14 in the City Hall.

15 Additionally in the paseo like you think
16 of the great facades and paseos and arcades all
17 throughout Europe, we thought very deeply about
18 the human element in the retail that breaks
19 out.

20 There are multiple fountains like you find
21 in Europe. We brought the glass skylight down
22 so that the center it's not just all -- not,
23 you know, illumination electrical lights.

24 Further, we created this iron -- again
25 there is a passage for residents only to the

1 second floor outdoor amenity in that courtyard
2 and created this celebratory iron gate as you
3 saw in the rendering that he -- the elevation
4 that he brought up and just passed that is this
5 beautiful Spanish steps that you go up with
6 these cascading walls that, you know, have
7 planters on them.

8 And when you get to the top, there is two
9 bridges that go across that facade and the
10 entrance of the paseo so there is this
11 doughnut -- this circular element so you can
12 get to the shops upstairs or a spa.

13 And so we have got -- and then on the
14 other side of Catalonia which, you know, is
15 such a quiet street it has the opportunity to
16 further -- further be enhanced as a people
17 place and more restaurants and things on the
18 ground floor other than that garage that we are
19 going to look out to.

20 We have created this very, very, very
21 important ironwork of marquis covering. And
22 there is all these castings that are European
23 inspired within the -- within the stonework if
24 you look deeply at that; some very intricate
25 casting.

1 And we have taken Moorish and Gothic and
2 Mediterranean patterns for all the ironwork
3 that's -- rather than having standard doors to
4 the loading area we are looking -- you know,
5 own -- owners are very concerned we have
6 created incredible ground floor --

7 You know, the scale of that -- the real
8 point is the scale of that base is very few.
9 We have tried to bring, you know, the concerns
10 of a few neighbors.

11 Again, we don't -- we had public
12 meeting -- we had the public -- we had meetings
13 with the neighborhoods. And they started --

14 We had a scheme which I think it was last
15 November. And we sat there and sketched with
16 them and redesigned the building to help. You
17 know, they had the pen in my hand. But they
18 were guiding -- they were guiding.

19 And this building which out of many
20 multiple community meetings has become the --
21 and, again, I know you said you have no
22 evidence of that.

23 He stated that as an attorney that we had
24 those meetings. And they -- they -- they
25 understand that we have brought everything we

1 can.

2 So we have the one-story arcade 20 feet
3 tall. And then we have a very strong
4 expression line in the fourth floor partially
5 because of the wonderful code and so you have
6 to step back.

7 Not only on the southeast facade do they
8 have their 11-foot outdoor room, but there is
9 an additional -- I don't know -- ten or
10 twelve feet of outdoor terrace that's going to
11 be landscaped by the owner and create this
12 wonderful, you know, cascading wall of -- of
13 vegetation.

14 So to the fourth -- the -- this -- the
15 tall one-story and to the fourth floor we have
16 taken great pains to really bring, you know,
17 the scale down.

18 And then on the remainder of the building
19 with the articulation of the heavy overhang in
20 the roof --

21 If you think of the smaller events
22 building at the Biltmore which is easier to
23 identify and you think -- you look up and you
24 see that grand overhang, that's what we are
25 trying to duplicate.

1 BOARD MEMBER KAWALERSKI: And, you know, I
2 really appreciate it. And Zyscovich does
3 design very, very nice buildings. But I was
4 just talking about the height.

5 Can you build whimsy into a 115-foot
6 building?

7 MR. CUNNINGHAM: No. Because it would
8 just be -- would just be across the board --

9 BOARD MEMBER KAWALERSKI: Unless -- unless
10 you were MX1. And your actual building was
11 less than 115.

12 Right?

13 MR. CUNNINGHAM: Right. That's --

14 BOARD MEMBER KAWALERSKI: So -- so that --

15 MR. CUNNINGHAM: Yeah.

16 BOARD MEMBER KAWALERSKI: I just --

17 MR. CUNNINGHAM: That second part --

18 BOARD MEMBER KAWALERSKI: I just have only
19 one other question, but I really do appreciate
20 your explanation.

21 MR. CUNNINGHAM: Right.

22 BOARD MEMBER KAWALERSKI: If -- if -- if
23 the alley was not vacated would you be able to
24 do this project?

25 MR. FERNÁNDEZ: No.

1 BOARD MEMBER KAWALERSKI: Okay.
 2 MR. FERNÁNDEZ: And I -- and, again, I
 3 just want the record to be clear. The -- the
 4 alley really serves no purpose. We own
 5 properties on both sides. It's intended to
 6 provide access for a whole host of like house
 7 functions.
 8 The program that is in front of you
 9 contemplates access for loading, storage,
 10 utilities -- the other means. And so it's not
 11 atypical.
 12 And, you know, alleys are essentially
 13 property. They call it private property/public
 14 trust. When the conditions no longer justify
 15 it or -- or substantiate its necessity, I think
 16 Staff has found I think where appropriate -- a
 17 request of this type is appropriate.
 18 BOARD MEMBER KAWALERSKI: Okay. So one --
 19 one last question. You have been assembling
 20 the -- the properties, the plats from 2011 to
 21 2018.
 22 During that period of time when you were
 23 assembling the properties you knew that there
 24 was a public right-of-way, correct, when you
 25 were assembling the properties?

1 MR. FERNÁNDEZ: Which one are we speaking
 2 about?
 3 BOARD MEMBER KAWALERSKI: The alleyway.
 4 It's a public -- we own it. The public owns
 5 that alleyway.
 6 MR. FERNÁNDEZ: I -- I think -- you know,
 7 I -- I defer to Mr. Collier. But I think
 8 those -- those -- those alleyways are dedicated
 9 for a purpose.
 10 Where the purpose no longer exists it's
 11 appropriate for them to be -- to revert back to
 12 the adjoining ownership.
 13 BOARD MEMBER KAWALERSKI: But -- but
 14 that's not my question, sir. My -- my question
 15 is you knew there was a public -- we own -- the
 16 public owns that alleyway.
 17 Correct?
 18 I mean, you don't own it. You don't own
 19 it. That's why you are asking for us to give
 20 it to you.
 21 MR. FERNÁNDEZ: We -- we -- we own the
 22 reversionary interest. And I think your code
 23 specifies a series of conditions which your
 24 Staff believes we meet that -- that the
 25 alleyways no longer serve the public purpose;

1 and -- and hence the request to have it
 2 abandoned. But I -- I will defer to Mr.
 3 Collier.
 4 BOARD MEMBER KAWALERSKI: Okay. But --
 5 but, for example, if the City decides: "We
 6 want to build a -- a little cafe in an
 7 alleyway."
 8 There would be a new public purpose and
 9 the City would be owning that property.
 10 Correct?
 11 MR. FERNÁNDEZ: No, ma'am. I don't think
 12 that would be consistent with the granting of
 13 the plat.
 14 BOARD MEMBER KAWALERSKI: Okay. The
 15 bottom line is you knew from 2011 when you
 16 started assembling properties there was this
 17 big, fat alleyway in between the properties.
 18 That it was public space.
 19 You don't own it. It's public space.
 20 And, yet, you -- you bought the properties
 21 around it and you took a risk that you would
 22 have the Board that would say: "Go ahead.
 23 Take the public space. We don't need it
 24 anymore."
 25 Is that what you assumed?

1 MR. FERNÁNDEZ: No, ma'am. I think what
 2 we assumed is that we could follow the
 3 conditions in the code and the criteria that
 4 are specified and if we could demonstrate that
 5 the necessity -- that the alley was no longer
 6 needed, that we could make it -- that we could
 7 petition for its abandonment. And -- and
 8 that's what we have done.
 9 I mean, ultimately it's the discretion of
 10 this Board and the City conditioned it to
 11 determine whether those conditions have been
 12 met. We would submit to you that the
 13 conditions have been met. And that the parties
 14 that are intended to be benefited which are the
 15 abutting owners no longer have a need for the
 16 alley.
 17 BOARD MEMBER KAWALERSKI: But you are --
 18 MR. FERNÁNDEZ: Which they provide access
 19 for the same utilities and other public
 20 purposes by providing those -- by providing
 21 those spaces within the confines of the
 22 property.
 23 BOARD MEMBER KAWALERSKI: But you will
 24 admit that you took a risk -- when you bought
 25 all these properties you took a risk?

1 MR. FERNÁNDEZ: I -- I would venture to
2 say that my client has taken substantial risks
3 with this project. We have been at this
4 process -- they have been at this process much
5 longer than I have for the better part of four
6 years.
7 And, you know, again it's up to this Board
8 to make a determination.
9 CHAIRPERSON AIZENSTAT: A recommendation.
10 MR. FERNÁNDEZ: And we will respect
11 whatever --
12 CHAIRPERSON AIZENSTAT: A recommendation.
13 MR. FERNÁNDEZ: -- determination that you
14 render.
15 CHAIRPERSON AIZENSTAT: This Board only
16 makes a recommendation.
17 MR. FERNÁNDEZ: That is correct. Thank
18 you, sir.
19 BOARD MEMBER KAWALERSKI: All right. And
20 I appreciate it. Thank you.
21 MR. FERNÁNDEZ: Thank you.
22 CHAIRPERSON AIZENSTAT: Sue, any further
23 comments --
24 BOARD MEMBER KAWALERSKI: Not at this --
25 CHAIRPERSON AIZENSTAT: -- to the

1 applicant?
2 BOARD MEMBER KAWALERSKI: -- point.
3 CHAIRPERSON AIZENSTAT: Okay. Chip.
4 BOARD MEMBER WITHERS: I would like to go
5 ahead and let Pardo --
6 CHAIRPERSON AIZENSTAT: Yeah.
7 BOARD MEMBER WITHERS: He is --
8 CHAIRPERSON AIZENSTAT: Do you want to
9 go --
10 BOARD MEMBER WITHERS: Go ahead.
11 BOARD MEMBER PARDO: Yeah.
12 CHAIRPERSON AIZENSTAT: Sure.
13 BOARD MEMBER WITHERS: I have learned so
14 much from him. So -- but he has got a mask on
15 so I don't trust him as much as the last time.
16 There we go.
17 CHAIRPERSON AIZENSTAT: He does have a
18 mustache.
19 BOARD MEMBER WITHERS: And a mustache.
20 Yeah.
21 BOARD MEMBER PARDO: I was reading the
22 minutes. And it was funny. Chip said he would
23 give me five dollars for taking my mask off.
24 BOARD MEMBER WITHERS: Well, I forgot
25 about that.

1 BOARD MEMBER PARDO: Okay. So many of my
2 questions have to do with -- with Staff. And
3 I -- I think unfortunately I read every single
4 word of the application and everything that was
5 the backup on it.
6 And unfortunately I think that there is a
7 huge disconnect. And -- and I want to address
8 this specifically to Staff. In the findings of
9 fact in the City -- Staff's evaluation it says:
10 "The City's responsibility is to review the
11 application for consistency with the City's
12 Comprehensive Plan, goals, objectives and
13 policies, compliance with the Zoning Code."
14 And -- and one of the things that I looked
15 at is that I am looking at this -- this area
16 around this particular parcel. And it goes --
17 it's -- it's a circle basically the impact that
18 we are looking at.
19 And in there the -- the Staff comments the
20 request for the Zoning Code map amendment from
21 Mixed-Use 1 to Mixed-Use 3 is connected to the
22 request for comprehensive land use map
23 amendment to the -- to high commercial --
24 high -- I am sorry -- commercial high-rise.
25 And as stated it says that the existing

1 mixed use 1 designation only allows 77 feet.
2 Of course, that's with -- it's 50 feet. And
3 77 feet with the Med Bonus Level 2.
4 And the 190 feet which is allowed in the
5 mixed-use the neighbor hit it right on the head
6 when she said that once you change that map in
7 that location, then even if we have a
8 conflict -- a -- a restrictive covenant the
9 people that own the parcel immediately abutting
10 them or, not necessarily, just a little further
11 to the west will have that as their point of
12 reference.
13 That: "No. We want you to continue
14 moving the MX3 in that."
15 I think that's -- that's huge. Because
16 the high-rise and the other neighbor that said
17 that the renderings specifically when you look
18 toward the west it's all single family
19 residential and duplex; I mean, one or
20 two-story.
21 I think the tallest building that was in
22 that rendering in maybe two or three miles was
23 possibly -- possibly the Coral Gables Youth
24 Center which is a two-story building, but it
25 was built with big volumes because of their

1 gym, etc.
 2 I think it is so out of keeping and the
 3 disconnect between what I think Staff should be
 4 doing as far as protecting the comprehensive
 5 land use plan has been missed.
 6 The alley vacation the importance of that
 7 is that there are two parcels. One parcel to
 8 the east is 14,120 square feet. The parcel to
 9 the west on the other side of the alley is
 10 25,828 square feet.
 11 You are require to have a minimum lot size
 12 of 20,000 square feet. Once you combine and
 13 you give the alley back to the developer, then
 14 on -- it's only three thousand square feet.
 15 But the most important part of that number
 16 is that now the entire parcel becomes a minimum
 17 of 20,000 square feet. You meet and exceed it.
 18 But right now the parcel to the east does not
 19 comply with that. And, therefore, it cannot be
 20 changed.
 21 They cannot use and they cannot take
 22 advantage of requirements because the minimum
 23 lot size is 20,000 square feet even if you have
 24 the same ownership.
 25 And you can't have a unity of title to go

1 over an existing alley. The alley by the way
 2 is now being converted into -- in the proposal
 3 is being converted into a paseo.
 4 The problem with the paseo is that or
 5 rather the purpose of the paseo was that
 6 when -- when we had long, rectangular block --
 7 blocks and we had developments that were
 8 running on both sides of the street the only
 9 way that pedestrians unless they walked all the
 10 way to the end of the -- the street, they would
 11 cut through the paseo. And that was to be able
 12 to maintain the activity, etc., etc. etc.
 13 Right now the paseo basically is exactly where
 14 the alley is.
 15 The second thing is that this is not a
 16 rectangular parcel. Plus, the fact it's not a
 17 few block. So there is a curve on the end. So
 18 we have basically a quarter of a pie on the
 19 end.
 20 A paseo is not needed. It's being used,
 21 but it's not needed. It's being used now as a
 22 bike road by the architect. And the architect
 23 did a great job on that.
 24 The Staff says that abandoning this
 25 because it does not provide a benefit; in other

1 words, this alley. And that is because it is
 2 not being used by the City for any of its
 3 intended purposes.
 4 And that's true because right now it
 5 exists because those are looked at as two
 6 different properties. But now when you combine
 7 them and you -- you unify them, now you could
 8 be -- do much more.
 9 This Board has looked at other parts of
 10 legislation for assemblages of parcels to
 11 actually reduce the size and the footprint and
 12 recently one where we said: "Oh, three hundred
 13 feet. That -- that's too long or maybe
 14 that's -- that's -- we should, you know, have
 15 some type of limitation."
 16 Now we are actually going in the reverse
 17 order. If you look at the shape of the block,
 18 if you look at the location and really the 800
 19 pound gorilla in the room is the alley in order
 20 to make the entire thing the minimum of the
 21 20,000 square feet.
 22 The other thing is that on the TDR
 23 transfers it just says that -- that all of this
 24 is going to happen to be scheduled. It's not
 25 even scheduled.

1 I would think that you would have to have
 2 all your ducks in a row before you come before
 3 this Board or the Commission. So I would think
 4 that that must occur before you come to P. and
 5 Z. And Staff chose to be scheduled as -- as a
 6 response.
 7 The conditional use for the mixed-use site
 8 plan and encroachments -- we have talked a lot
 9 also about adding more landscaping at the
 10 ground level. But here we are pushing
 11 encroachments again.
 12 And, yet, I think it's pretty simple. You
 13 either do it one way or you do it the other
 14 way. And you don't give people height to be
 15 able to have more landscaping on the ground
 16 floor.
 17 And you don't approve or promote
 18 encroachments to then later say: "Well, let's
 19 give them more height so that we can get more
 20 landscaping for the next developer."
 21 And one of the things under Section E. of
 22 conditional use is it says that mixed-use
 23 districts to serve the needs of a diverse
 24 community while ensuring that there is a
 25 transition to single family and duplex

1 neighborhoods that protects the in thread --
 2 integrity of these neighborhoods.
 3 It's right in our code. But the
 4 indifference, the disconnect Staff has approved
 5 every single one of these measures. And the
 6 last time this particular application came
 7 before this Board they recommended denial on
 8 every single one of them.
 9 The words mean something. And if you read
 10 the words, not look at the graph where it says:
 11 Staff recommends approval. Staff recommends
 12 approval."
 13 Read the words. And you have to think and
 14 ponder whether they make sense or not. And I
 15 don't think they do because I think there is a
 16 huge disconnect.
 17 The conditions of approval: The removal
 18 of the slip lane. The Applicant is standing
 19 here and saying: "You know, the slip lane is
 20 not a bad idea."
 21 The traffic is incredible in the area.
 22 The Plaza is not even up and running
 23 100 percent. I have never in my life seen
 24 bumper to bumper traffic north and south on
 25 Ponce around Hartnett Park. Incredible.

1 Not only did they run -- say it once under
 2 conditions of approval removal of the slip lane
 3 inclusion of on-streets -- whatever.
 4 Two, eliminate the slip lane. And we have
 5 the applicant saying: "Let's leave the slip
 6 lane because it's not a bad idea."
 7 Right now, the Allen Morris Company has
 8 done beautiful developments over the years.
 9 And -- and they hire very good architects to do
 10 great projects.
 11 This project is the wrong project in the
 12 wrong location. There is no transitioning left
 13 anymore. We are opening Pandora's Box again.
 14 We have massive projects that are under
 15 construction just east of LeJeune Road facing
 16 both single family and duplexes that have
 17 heights of two stories.
 18 I -- I think it's just so unbecoming that
 19 I -- I cannot endorse this project. But the
 20 last thing I wanted to let you know about is
 21 that the quarter mile radius that -- that is in
 22 the code for whatever it is for the -- the --
 23 CHAIRPERSON AIZENSTAT: 1500 feet?
 24 BOARD MEMBER PARDO: The notifications.
 25 It's -- it's basically just a hair over a

1 quarter of a mile, the radius; just a hair over
 2 a quarter of a mile.
 3 But the impact of these large projects is
 4 much greater than a quarter of a mile. The
 5 traffic, the volume, the congestion, the
 6 impassibility of our -- our existing streets,
 7 it's become an abomination.
 8 And the problem is that these single
 9 family residential neighborhoods are under
 10 complete assault.
 11 The master plan is being changed like if
 12 it didn't exist. That is a huge mistake which
 13 once these things get approved, it's
 14 irreversible.
 15 That radius of a quarter of a mile when I
 16 looked at -- looked at the Staff's graphics I
 17 made copies of them and I found it absolutely
 18 incredible that we have on the inside reverse
 19 radius of Hartnett Park we have a high-rise --
 20 a high-rise section there. And then across the
 21 street we have a court -- of course, the Plaza
 22 that was changed to commercial high-rise.
 23 There is nothing to the south. And there
 24 is nothing to the west. It's all commercial
 25 low-rise intensity. Okay. The further you get

1 closer to the C. B. D. then you have high-rise.
 2 That's where it should be kept.
 3 There are a couple of areas that were
 4 designated a long time ago as high-rise. And
 5 they were let's call them mistakes. But those
 6 are standing by themselves.
 7 For example, there is a high-rise set
 8 immediately where the eastern most portion of
 9 the Court is, the courthouse. Well, once you
 10 look south and actually north of this
 11 particular property, it's -- it's -- it's
 12 low-rise intensity.
 13 If you look at the statistics that are in
 14 the site plan information, Staff does not
 15 correct their assertion under building height.
 16 They say 16 floors, 190.5 feet under current
 17 allowed.
 18 That is not current allowed. It should be
 19 in the other part. But the current allowed is
 20 50 feet and 77 feet with Med Bonus Level 2.
 21 That's for a mixed-use 1.
 22 If you change that particular land use to
 23 MX3, everybody and their brother are going to
 24 ask for it. The amount of burden that you have
 25 created and the pressure that you have created

1 on those single family homes is just
2 unbearable.

3 And the other thing is that I looked at
4 the circle. And I just took a highlighter and
5 I -- I started to just put in there within the
6 quarter -- quarter mile radius of the add and I
7 started to fill in everything with a
8 highlighter in yellow.

9 And I saw that about half of the circle,
10 not counting the north part which is all
11 commercial, half of the circle is single family
12 residential. And that's a quarter of a mile.

13 The change of the master plan affects
14 everyone in this City. And the precedent that
15 this Board sets is the most important
16 recommendation that they could give this --
17 this Counsel when they approve or deny
18 something.

19 I think it's really important that we
20 understand the seriousness of this project, the
21 seriousness of changing a comprehensive land
22 use plan, the seriousness of allowing a -- a --
23 an alley to then be complacent and making a --
24 a property now being able to go higher simply
25 because now it becomes one lot that has the

1 20,000 square feet.

2 And as far as the slip lane is concerned,
3 how can Staff basically recommend against what
4 the applicant was trying to do which was leave
5 the slip lane there?

6 The million dollar contribution by the
7 developer says to make a one million dollar
8 contribution to the public realm improvements.
9 There is no breakdown.

10 It's a million dollars, but that means
11 nothing. A million dollars for what? To --
12 to -- to -- to put maybe a landscaped strip in
13 the middle of Ponce south of Bird Road?

14 I don't know where the money is going to
15 go. It has nothing to do with the immediate
16 action and reaction of what's going to happen
17 to these neighborhoods that are nearby.

18 Just take a look at the Plaza now as you
19 see how this project has been developed and now
20 you are starting to see the impact: Impassable
21 four lane roads like Ponce, backups, congestion
22 and encroaching into single family residential
23 neighborhoods.

24 I moved here into a single family
25 residential neighborhood. If I wanted to live

1 in a condominium I would have done that, but I
2 didn't. I didn't move into a high-rise.

3 And we are the only ones that can protect
4 them because I don't think that Staff is doing
5 that. And I have a real problem with that.
6 That's all, Mr. Chairman.

7 CHAIRPERSON AIZENSTAT: Thank you. Chip.
8 Now that you have heard Felix.

9 BOARD MEMBER WITHERS: I heard Felix.
10 The park across the street, the little
11 triangle, who is going to end up owning that?
12 Is that -- the City is still going to maintain
13 ownership on that?

14 MR. FERNÁNDEZ: Through the Chair. Yes.
15 The intention is for that to be public property
16 and we would retain the maintenance obligation
17 as we have on our working at 121 Alhambra
18 Circle. It was approved.

19 BOARD MEMBER WITHERS: Right.
20 MR. FERNÁNDEZ: We -- we did the public
21 improvements. We continue to maintain the --
22 the medians in the center of the right-of-way
23 to this day.

24 BOARD MEMBER WITHERS: So part of that
25 million bucks is going to improve that or no?

1 Is that separate?

2 MR. FERNÁNDEZ: No, sir. That's separate.
3 So as described in the presentation we
4 anticipate that the public realm improvements
5 we are doing for that Plaza and the perimeter
6 of the property would be about two million
7 dollars.

8 We committed -- it was -- after discussion
9 with Staff to another million dollars. Staff
10 identified improvements to University I think
11 in part because they wanted to improve
12 pedestrian connectivity --

13 BOARD MEMBER WITHERS: Okay.
14 MR. FERNÁNDEZ: -- and functionality, the
15 aesthetic of that right-of-way. We had
16 discerned some other requests from the
17 neighbors and wanted flexibility to respond to
18 Staff's priorities and the neighbors'
19 priorities after some discussion. All of that
20 would have to be done before we could pull
21 another permit.

22 BOARD MEMBER WITHERS: So that triangle is
23 really only accessible from that walkway from
24 where you are -- the front of the building is.
25 Right?

1 You are not going to be able to cross over
 2 University to get to it or --
 3 MR. FERNÁNDEZ: Yes, you --
 4 BOARD MEMBER WITHERS: -- cross --
 5 MR. FERNÁNDEZ: Through -- through the
 6 Chair. You could. Yes. You know, it would be
 7 you have -- you have the accurate pedestrian
 8 crossing today south of that area across
 9 University down to the courthouse. So it would
 10 be accessible from points beyond our property.
 11 Certainly.
 12 BOARD MEMBER WITHERS: Did you have a
 13 chance to figure out how much of a reduction of
 14 the slip lane it was going to be?
 15 MR. FERNÁNDEZ: We -- my apologies. The
 16 plan size we have -- the -- the size it's --
 17 it's hard to read on the 11 by 17 set that we
 18 have. We have -- yeah. We tried to blow it
 19 up, but I -- I am --
 20 Again, I apologize. I don't have that
 21 information ready. I should have anticipated
 22 that question. I will at future hearings have
 23 that information and be able to respond to
 24 similar requests.
 25 BOARD MEMBER WITHERS: And -- and -- and

1 to reiterate I -- I believe previous boards
 2 that I served on here it was a concern the slip
 3 lane was removed in the previous application.
 4 And I think some folks had issues and wanted to
 5 make sure it was maintained.
 6 So --
 7 MR. FERNÁNDEZ: Through the Chair. Just
 8 to clarify because I -- I know it was a point
 9 of contention having reviewed the record.
 10 In the past that area has been counted to
 11 the benefit of the project. It is not in this
 12 iteration. Again, how the public space is
 13 apportioned may be different, but it all
 14 remains public.
 15 And, again, we do have -- we are planning
 16 for a functional drivable slip lane with --
 17 with I think the difference being that it will
 18 serve also as a -- in some ways a speed table
 19 to reduce possible pedestrian conflicts and
 20 give the pedestrian movement private -- privacy
 21 in an area of Coral Gables where sometimes I
 22 think are where pedestrian conflicts currently
 23 exist.
 24 BOARD MEMBER WITHERS: I don't know that
 25 would favor the speed table there. I mean, the

1 reason for the slip lane is to keep traffic
 2 moving around the circle avenue.
 3 So the question about the changing to the
 4 MX3. And I guess this is for the -- the City
 5 Attorney. I understand Mr. Pardo's concern
 6 that it kind of allows a neighbor now to say:
 7 "I have got MX3 next to me."
 8 But as far as restricting the -- the use
 9 on this property if it's ever sold in the
 10 future does a covenant do that?
 11 SPECIAL COUNSEL COLLIER: Well, if the
 12 applicant is proffering a covenant it would be
 13 connected with the comprehensive plan
 14 amendment.
 15 So -- and really the covenant should be at
 16 least listed in the comprehensive plan as
 17 exists. So that when somebody goes to the
 18 comprehensive plan and looks at that MX3 there
 19 is a footnote or some indication that there is
 20 more to it.
 21 And then you go to the footnote which
 22 would reflect that a covenant exists that only
 23 permits to a certain height. And with respect
 24 to the height, it's my understanding that the
 25 tower under the City's code is not considered

1 part of the height.
 2 BOARD MEMBER WITHERS: Right?
 3 SPECIAL COUNSEL COLLIER: So the maximum
 4 height would be the --
 5 MR. FERNÁNDEZ: 115, 8.
 6 SPECIAL COUNSEL COLLIER: -- 115, 8.
 7 And -- and if the applicant is voluntarily
 8 proffering a covenant to do that that covenant
 9 should be -- can only be modified as part of a
 10 comprehensive plan amendment and -- and should
 11 be listed in the comprehensive plan as part of
 12 the comprehensive plan.
 13 So yes. It is MX3. I am sorry. The
 14 covenant is high-rise --
 15 MR. FERNÁNDEZ: Commercial high-rise as
 16 I --
 17 SPECIAL COUNSEL COLLIER: -- commercial
 18 high-rise, but it's restricted to --
 19 MR. FERNÁNDEZ: 115 feet --
 20 SPECIAL COUNSEL COLLIER: -- 115 feet.
 21 MR. FERNÁNDEZ: -- 8 inches.
 22 SPECIAL COUNSEL COLLIER: Now on the MX3 or
 23 the zoning it could also submit a covenant I
 24 guess.
 25 MR. FERNÁNDEZ: We --

1 SPECIAL COUNSEL COLLER: Right?
 2 MR. FERNÁNDEZ: We could. I believe they
 3 work in tandem. And so I -- again --
 4 SPECIAL COUNSEL COLLER: Well, you have
 5 one covenant for the comp plan and one covenant
 6 for the zoning code.
 7 MR. FERNÁNDEZ: So I -- through the Chair,
 8 if I may ask a question of Counsel. The
 9 novelty for me here and I -- we are required to
 10 provide a covenant should this -- should these
 11 applications be approved within 30 days of
 12 their approval.
 13 SPECIAL COUNSEL COLLER: Well, that --
 14 that covenant is rolling in all the
 15 requirements. That's separate and apart from
 16 the covenant you would be doing in a comp plan.
 17 MR. FERNÁNDEZ: That was my question.
 18 SPECIAL COUNSEL COLLER: Right.
 19 MR. FERNÁNDEZ: Could we just not list
 20 that restriction in the covenant and it would
 21 be of record in title as well and have that be
 22 a proffered restriction that we would --
 23 SPECIAL COUNSEL COLLER: Well --
 24 MR. FERNÁNDEZ: -- incorporate --
 25 SPECIAL COUNSEL COLLER: Well, if you

1 have -- if you get to that point, we can
 2 discuss that.
 3 MR. FERNÁNDEZ: Okay. That would be
 4 certainly our intention.
 5 SPECIAL COUNSEL COLLER: Thank you.
 6 BOARD MEMBER WITHERS: So there is no way
 7 to say that the MX3 is allowable. But if this
 8 project isn't built exactly like this does
 9 zoning reverts back to MX1 as opposed to --
 10 SPECIAL COUNSEL COLLER: No.
 11 BOARD MEMBER WITHERS: -- covenant?
 12 SPECIAL COUNSEL COLLER: You -- you can't
 13 do it as a reversion in the covenant. What you
 14 can have in the covenant is that this property
 15 is restricted to this height.
 16 You can't condition the zoning, but if
 17 there is a proffer of a covenant saying: "We
 18 are going to only build to 115 foot, eight
 19 inches."
 20 Right?
 21 MR. FERNÁNDEZ: That's correct.
 22 SPECIAL COUNSEL COLLER: Then that is all
 23 they could build. Of course, it goes with the
 24 land. Now like any covenant, covenants are
 25 always -- there is always a possibility

1 somebody requests to modify a covenant.
 2 BOARD MEMBER WITHERS: Right.
 3 SPECIAL COUNSEL COLLER: So no covenant --
 4 BOARD MEMBER WITHERS: I --
 5 SPECIAL COUNSEL COLLER: -- can exist
 6 forever. There is always a possibility -- just
 7 like zoning. Just because you have one zoning
 8 doesn't mean somebody can't request a different
 9 zoning.
 10 Now as a practical matter when you have
 11 the project built and it's built to a hundred
 12 and whatever feet they have to demolish it.
 13 But even still they would still have this
 14 covenant. They would have to come back to the
 15 Commission and ask for a modification of the
 16 covenant.
 17 BOARD MEMBER WITHERS: I get it. So --
 18 okay. That's all I have.
 19 CHAIRPERSON AIZENSTAT: Thank you, Chip.
 20 Julio.
 21 BOARD MEMBER GRABIEL: Yes. Question for
 22 the architect: What is your floor to floor for
 23 the standard apartment floor?
 24 MR. CUNNINGHAM: Twelve and a half to
 25 thirteen feet.

1 BOARD MEMBER GRABIEL: That's because you
 2 wanted a high quality --
 3 MR. CUNNINGHAM: Correct.
 4 BOARD MEMBER GRABIEL: -- to your space?
 5 MR. CUNNINGHAM: Correct.
 6 BOARD MEMBER GRABIEL: Okay. Thank you.
 7 This is not the first time that this has
 8 come up. And I think it's something that as
 9 the Planning Board we should look at.
 10 We have tied ourselves to a fixed height
 11 on these projects. Oh, I am sorry.
 12 CHAIRPERSON AIZENSTAT: It's on.
 13 BOARD MEMBER GRABIEL: It's on?
 14 CHAIRPERSON AIZENSTAT: No. Before.
 15 BOARD MEMBER GRABIEL: Oh.
 16 CHAIRPERSON AIZENSTAT: There you go.
 17 BOARD MEMBER GRABIEL: Okay. And what's
 18 happening is that the developers are coming in
 19 with buildings that have higher floor to floor
 20 height for -- for the building to be able to
 21 create the kind of quality that the tenants and
 22 buyers are looking for.
 23 So I -- I think we should take a look at
 24 that as a Board and maybe fix the number of
 25 floors, but not the height being the fixed

1 element.

2 Because otherwise we are going to be

3 having changes to the zoning every time. We

4 are going to have to be looking at each

5 building individually to see how they adapt to

6 this floor to floor height.

7 That's a statement which I think I have

8 been thinking about for a while and I wanted to

9 bring it up just to think.

10 It is one of the nicest projects that I

11 have seen come here; very well designed; very

12 nice drawings. It's -- I wish a lot of the

13 quote/unquote Mediterranean buildings that we

14 get in the City Coral Gables would have had the

15 level of quality that this one has.

16 It's a key site. It's an entry to the C.

17 B. D. As you move up Ponce it's the first

18 thing you are going to be seeing. And right

19 now there is nothing there.

20 I don't have any problem with closing the

21 alley. It's been done all the time. As a

22 matter of fact if I understand that the City

23 Commission approved it. So it's a moot point.

24 MR. FERNÁNDEZ: Just to clarify for the

25 record, Mr. Grabiél. It was approved by this

1 Board --

2 BOARD MEMBER GRABIEL: Uh-huh.

3 MR. FERNÁNDEZ: -- under the prior

4 submittal. It was never approved by the City

5 Commission.

6 BOARD MEMBER GRABIEL: Okay.

7 MR. FERNÁNDEZ: Which is why we have to

8 do --

9 BOARD MEMBER GRABIEL: Sorry.

10 MR. FERNÁNDEZ: -- the request again.

11 BOARD MEMBER GRABIEL: I apologize. I

12 misunderstood. The things I like about the

13 project: All the parking below level. Very

14 difficult to do quality buildings with parking

15 above ground.

16 I agree with the future owner covenants.

17 I think if this -- this -- if this is approved

18 nobody else should be allowed to -- to benefit

19 from the changes to that site. I think that's

20 it for now.

21 CHAIRPERSON AIZENSTAT: Thank you.

22 Javier.

23 BOARD MEMBER SALMAN: Thank you. Staff.

24 Jennifer. On page six of your report you show

25 the Court -- the Court Building -- the County

1 Court Building site?

2 CITY PLANNER GARCIA: Yes. The --

3 BOARD MEMBER SALMAN: And -- and it is

4 MX3.

5 Is that correct?

6 CITY PLANNER GARCIA: Correct.

7 BOARD MEMBER SALMAN: And the curved

8 building on -- just south of Hartnett Park is

9 MX2.

10 Is that correct?

11 CITY PLANNER GARCIA: Yes. The Zubi

12 building.

13 BOARD MEMBER SALMAN: The Zubi building

14 doesn't extend all the way --

15 CITY PLANNER GARCIA: Correct.

16 BOARD MEMBER SALMAN: -- to that point.

17 CITY PLANNER GARCIA: To the --

18 BOARD MEMBER SALMAN: It only extends for

19 half of that --

20 CITY PLANNER GARCIA: -- south portion --

21 BOARD MEMBER SALMAN: -- parcel.

22 Right?

23 CITY PLANNER GARCIA: Uh-huh.

24 BOARD MEMBER GRABIEL: The south portion?

25 CITY PLANNER GARCIA: Right.

1 BOARD MEMBER SALMAN: And as I recall that

2 Zubi building when it was built it also has a

3 right-of-way which is maintained through

4 there --

5 CITY PLANNER GARCIA: Right.

6 BOARD MEMBER SALMAN: -- for vehicular

7 access.

8 CITY PLANNER GARCIA: And they encroach --

9 BOARD MEMBER SALMAN: So they -- as I

10 understand it an alleyway is really just an

11 access easement. It's not really an ownership

12 issue. It's --

13 CITY PLANNER GARCIA: It's not --

14 BOARD MEMBER SALMAN: It's more of -- of a

15 long-term agreement between the government and

16 the owners of the land that they have public

17 right access.

18 SPECIAL COUNSEL COLLIER: Can I just

19 address that for one minute? Because there is

20 a --

21 BOARD MEMBER SALMAN: Sure. Go ahead.

22 SPECIAL COUNSEL COLLIER: -- little bit of

23 confusion. Because actually the City is

24 litigating this issue. The -- the alleyways

25 are dedicated by the property owner for the

1 particular use. The City is a steward of that
2 property.

3 BOARD MEMBER SALMAN: Correct.

4 SPECIAL COUNSEL COLLER: The City doesn't
5 own the property.

6 BOARD MEMBER SALMAN: Okay.

7 SPECIAL COUNSEL COLLER: But it has the
8 right of use of the property. And in
9 circumstances where the alley is no longer
10 determined -- and, of course, that's -- has to
11 be at a public hearing that the alleyway has
12 that use -- it's -- it's not inappropriate for
13 the City to turn that back over to the -- the
14 property owner that's dedicated it because they
15 dedicated for that particular purpose.

16 But the decision, of course, is in the
17 discretion of the Commission. But there is
18 criteria in deciding whether it's appropriate
19 for the alley to be -- to be vacated or not.

20 MR. DIAZ: Hi. I am Hermes Diaz, Public
21 Works Director. As per Florida Statute an
22 alley is defined as a means of right-of-way
23 providing secondary means of access and service
24 to abutting property.

25 That's the Florida Statute definition of

1 alley.

2 SPECIAL COUNSEL COLLER: Okay --

3 MR. DIAZ: So all right.

4 BOARD MEMBER KAWALERSKI: Question: So
5 who actually owns it?

6 SPECIAL COUNSEL COLLER: So actually
7 technically the property owner retains a
8 reversionary interest in it. The -- it's --
9 there is no deed that's transferred to the --
10 to the City.

11 They -- what happens in the plat when you
12 plat the property there are dedications,
13 dedications of right-of-way, streets, alleys,
14 multiple different types of utilities.

15 Those dedications are dedicated to the
16 City for the purpose for which they are
17 intended. If the purpose is no longer there,
18 then the -- the dedicator -- the original
19 property owner has a right to request: "Well,
20 you are not using the -- the thing that I
21 dedicated to you. I would like to have it
22 back."

23 BOARD MEMBER KAWALERSKI: So who is the
24 property owner?

25 MR. FERNÁNDEZ: Through the Chair. We --

1 we are since we own both sides that about the
2 alley and -- and have a vested interest in a
3 reversionary just to -- to the midpoint of the
4 alley on the other side.

5 BOARD MEMBER KAWALERSKI: You are
6 officially --

7 SPECIAL COUNSEL COLLER: Right.

8 BOARD MEMBER KAWALERSKI: -- the property
9 owner of that public right-of-way?

10 MR. FERNÁNDEZ: The -- the -- no. We
11 are -- we are the owners -- as Mr. Coller
12 indicated the owners of the reversionary
13 interest.

14 All parties that have an interest in the
15 reverse -- reversionary interest in the alley
16 have to make application for its abandonment.

17 SPECIAL COUNSEL COLLER: See. When if
18 a --

19 MR. FERNÁNDEZ: Which --

20 SPECIAL COUNSEL COLLER: If a street is
21 obtained by eminent domain and the -- the City
22 actually buys the street, the City becomes the
23 property owner. They paid for the street.
24 They own the street.

25 CHAIRPERSON AIZENSTAT: And they get a

1 deed.

2 SPECIAL COUNSEL COLLER: If somebody wants
3 it back --

4 BOARD MEMBER SALMAN: They get a deed.

5 SPECIAL COUNSEL COLLER: -- the City is
6 not going to give it to them unless they
7 obviously pay for it.

8 When you are dedicating property for
9 certain purposes, that dedication is for
10 whatever that purpose is whether it's to be a
11 street and a street is used or an alleyway if
12 an alleyway is used.

13 So when you say that who is the property
14 owner, well the -- in this case I would say
15 that the property owner ultimately may be
16 the -- the person who dedicated, but it's
17 subject to what the dedication was.

18 If the dedication is used for a street,
19 then the property owner has given away parts of
20 the sticks of his bundle of rights. So he has
21 given those sticks to the City. And the City
22 is using the -- the road. And, therefore, it's
23 the City's road. So that's the best way I can
24 explain --

25 BOARD MEMBER KAWALERSKI: So the City owns

1 it?
 2 SPECIAL COUNSEL COLLER: -- it. The
 3 City --
 4 CHAIRPERSON AIZENSTAT: There is no deed.
 5 BOARD MEMBER KAWALERSKI: I -- I --
 6 SPECIAL COUNSEL COLLER: There is --
 7 BOARD MEMBER KAWALERSKI: -- understand
 8 that.
 9 SPECIAL COUNSEL COLLER: There is no deed.
 10 BOARD MEMBER KAWALERSKI: But -- but we
 11 are talking about the -- these abstracts like
 12 there is a dedicator.
 13 Who is the dedicator?
 14 SPECIAL COUNSEL COLLER: The dedicator is
 15 the original -- when -- when you dedicate by
 16 plot, the property owner of the plat dedicates
 17 the rights-of-way and alleys to the City for
 18 the purposes that the City wants. So that's
 19 the purpose.
 20 But the dedication is subject to the use
 21 for the purpose of what it's dedicated for. So
 22 if it's dedicated for an alley and it's used as
 23 an alley, then it's an alley.
 24 If the dedication -- if the alley is not
 25 used, then the person who dedicated has the

1 opportunity subject to approval to come before
 2 the City Commission and request it be returned
 3 based upon standards that are in the City's
 4 code.
 5 BOARD MEMBER WITHERS: And that's usually
 6 when the property owner owns both sides of the
 7 alley.
 8 BOARD MEMBER SALMAN: Or they are both in
 9 agreement.
 10 CHAIRPERSON AIZENSTAT: Yeah. They are
 11 both --
 12 BOARD MEMBER WITHERS: Or they are both in
 13 agreement.
 14 CHAIRPERSON AIZENSTAT: And there is no
 15 thoroughfare or --
 16 MR. FERNÁNDEZ: Or there is no need for --
 17 for --
 18 CHAIRPERSON AIZENSTAT: There is no
 19 need --
 20 MR. FERNÁNDEZ: -- the --
 21 CHAIRPERSON AIZENSTAT: -- for it to
 22 travel between those two properties.
 23 MR. FERNÁNDEZ: Or provides -- access to
 24 services that benefit either -- any of the
 25 abutting properties.

1 CHAIRPERSON AIZENSTAT: Okay.
 2 BOARD MEMBER KAWALERSKI: But just to be
 3 clear, I mean, you -- you bought these
 4 properties on either side in 2011 to 2018. You
 5 do not own that property.
 6 Correct?
 7 MR. FERNÁNDEZ: We -- again, as I have
 8 tried to clarify -- I don't know how else to
 9 say it and I apologize. I don't mean to talk
 10 passed you.
 11 We -- we own -- I would say we own a
 12 reversionary interest in the alley. And so we
 13 made the application.
 14 BOARD MEMBER SALMAN: I agree.
 15 CHAIRPERSON AIZENSTAT: Yes. Let -- what
 16 I would like to do is have Javier finish.
 17 BOARD MEMBER SALMAN: Yeah. I have only a
 18 couple of more questions and -- and then I am
 19 good. You are not off the hook, Jennifer.
 20 CITY PLANNER GARCIA: Okay.
 21 BOARD MEMBER SALMAN: I just wanted to
 22 clarify the -- they alley issue because it was
 23 a point of contention. And I just want to make
 24 sure we all understand what we are doing.
 25 Okay. With regards to 250 Catalonia which

1 is the abutting property to the west of this
 2 property.
 3 CITY PLANNER GARCIA: Uh-huh.
 4 BOARD MEMBER SALMAN: Is that correct?
 5 CITY PLANNER GARCIA: The tall building?
 6 BOARD MEMBER SALMAN: It's a -- yes. It's
 7 a tall building.
 8 CITY PLANNER GARCIA: Yeah.
 9 BOARD MEMBER SALMAN: Okay. It is a very
 10 nice, tall building. It's got a big atrium in
 11 the middle of it, huge parking deck that goes
 12 all the way down to Malaga.
 13 CITY PLANNER GARCIA: Yeah.
 14 BOARD MEMBER SALMAN: So what we have the
 15 face of the parking deck facing Malaga.
 16 CITY PLANNER GARCIA: Lovely. Yes.
 17 BOARD MEMBER SALMAN: Lovely. Okay. That
 18 building is zoned in an area that is zoned
 19 MX-1.
 20 Is that correct?
 21 CITY PLANNER GARCIA: Yes.
 22 BOARD MEMBER SALMAN: That building can't
 23 be built in MX1 now.
 24 Can't it?
 25 CITY PLANNER GARCIA: No.

1 BOARD MEMBER SALMAN: Okay. What would it
2 fall under?
3 CITY PLANNER GARCIA: It would probably
4 be -- how high did I say it was?
5 MR. FERNÁNDEZ: It's eight stories.
6 CITY PLANNER GARCIA: Eight stories?
7 BOARD MEMBER SALMAN: That's probably
8 an --
9 CITY PLANNER GARCIA: Probably an MX2.
10 BOARD MEMBER SALMAN: -- MX3. A two or a
11 three. Somewhere in there.
12 CITY PLANNER GARCIA: I think it was 89
13 feet --
14 BOARD MEMBER SALMAN: Right.
15 CITY PLANNER GARCIA: -- in that slide.
16 BOARD MEMBER SALMAN: Well, whatever.
17 It's way -- way beyond what is there already by
18 right.
19 CITY PLANNER GARCIA: Yes.
20 BOARD MEMBER SALMAN: And so they would be
21 a fool to knock it down and try to build it
22 bigger. Because they -- they would be -- they
23 would be pushing a rock up a pretty steep hill.
24 CITY PLANNER GARCIA: Yes.
25 BOARD MEMBER SALMAN: All right.

1 CITY PLANNER GARCIA: It's 91 feet.
2 BOARD MEMBER SALMAN: I just want to make
3 sure that we are all understanding. Because
4 there has been discussion at this Board with
5 regards to the surrounding uses and the
6 limitations thereof.
7 Final question. With regards to -- and I
8 also agree with the -- the inclusion of the
9 slipway or rather that the removal of that
10 requirement as part of this -- this approval --
11 this review.
12 And I would so move when it comes to that
13 point if I have to. And I agree that the --
14 that the -- the alley and the -- the paseo are
15 actually one and the same.
16 Right? So that really what we are -- what
17 we are -- what the City is releasing is very
18 little. If anything this is an expansion of an
19 existing pathway through except for vehicular
20 access.
21 I also agree with Mr. Withers with regards
22 to the steep -- speed table issue. I would
23 like to see a rough pavement there, but not
24 necessarily too much of a vertical difference.
25 Accessibility across is what you are trying to

1 promote.
2 And I think that when you get to the
3 Public Works, you know, you are going to have a
4 lot to deal with with regards to bollards
5 and -- and -- and things like that similar to
6 what -- what occurred at Giralda when it was
7 closed.
8 MR. FERNÁNDEZ: Okay.
9 BOARD MEMBER SALMAN: And other than the
10 tower would this project still be MX3 because
11 of the 115 feet?
12 CITY PLANNER GARCIA: Yes. They are maxed
13 out. For MX2 --
14 BOARD MEMBER SALMAN: Uh-huh.
15 CITY PLANNER GARCIA: -- would be 97 feet.
16 Remember. We talked about that big
17 jump --
18 BOARD MEMBER SALMAN: I understand that.
19 But in -- in reference to Mr. Grabiels
20 comment --
21 CITY PLANNER GARCIA: Uh-huh.
22 BOARD MEMBER SALMAN: -- with regards to
23 the number of stories, would it still be an
24 MX3?
25 CITY PLANNER GARCIA: Yes.

1 BOARD MEMBER SALMAN: Because this is over
2 how many?
3 CITY PLANNER GARCIA: It's over the
4 97 feet.
5 BOARD MEMBER SALMAN: I am not talking
6 about feet. I am talking about stories.
7 CITY PLANNER GARCIA: I believe the number
8 of stories -- let me check.
9 BOARD MEMBER SALMAN: Because my
10 contention is --
11 CITY PLANNER GARCIA: I believe that's --
12 BOARD MEMBER SALMAN: My confession is
13 that an MX2 would probably be more appropriate
14 if the stories were less in height. So what we
15 are really is granting is an excess in height
16 per story.
17 CITY PLANNER GARCIA: So eight stories is
18 the maximum for MX2.
19 BOARD MEMBER SALMAN: And the stories
20 height count for this project is?
21 MR. FERNÁNDEZ: Nine, sir.
22 BOARD MEMBER SALMAN: So you are asking
23 for one more story?
24 MR. FERNÁNDEZ: Yes.
25 BOARD MEMBER SALMAN: Okay. I just want

1 to make sure that we all understand what we
 2 are -- what we are -- what we are asking for.
 3 MR. FERNÁNDEZ: Sure.
 4 BOARD MEMBER SALMAN: So we are just over
 5 the threshold of 2, at the bottom end of 3.
 6 Because I think 3 allows for how many
 7 stories?
 8 CITY PLANNER GARCIA: Thirteen stories.
 9 BOARD MEMBER SALMAN: Thirteen stories.
 10 CITY PLANNER GARCIA: Maximum is 16
 11 stories --
 12 BOARD MEMBER SALMAN: Okay.
 13 CITY PLANNER GARCIA: -- with the Med
 14 bonus.
 15 BOARD MEMBER SALMAN: And that's not
 16 without -- that's without the Med bonus. With
 17 the Med bonus you are still stuck at?
 18 CITY PLANNER GARCIA: Sixteen stories or
 19 190.5.
 20 BOARD MEMBER SALMAN: Okay. And on MX2?
 21 CITY PLANNER GARCIA: 97 feet for eight
 22 stories.
 23 BOARD MEMBER SALMAN: Okay. Even with the
 24 bonus?
 25 CITY PLANNER GARCIA: With the bonus.

1 BOARD MEMBER SALMAN: Okay. I just want
 2 to make sure.
 3 CITY PLANNER GARCIA: Otherwise it's 70
 4 feet --
 5 BOARD MEMBER SALMAN: Okay. I just --
 6 CITY PLANNER GARCIA: -- and 6 --
 7 BOARD MEMBER SALMAN: I just want to
 8 clarify it so we all know what we are talking
 9 about. Okay. So it's an increase of one story
 10 above what's allowed in MX2, an increase to MX3
 11 for the height only --
 12 MR. FERNÁNDEZ: The density and the FAR
 13 are still the same. That's correct.
 14 BOARD MEMBER SALMAN: The Applicant is
 15 willing to covenant the --
 16 MR. FERNÁNDEZ: To 115 feet --
 17 BOARD MEMBER SALMAN: -- to limit the
 18 115 feet of development on this site as part of
 19 a separate covenant agreement beyond the
 20 conditions that we are going to be imposing
 21 should it pass today?
 22 MR. FERNÁNDEZ: If necessary, yes. We
 23 would hope to include the -- the -- that
 24 limitation in the same instrument, but it --
 25 whatever form is acceptable to your Counsel.

1 BOARD MEMBER SALMAN: I think that Counsel
 2 has expressed that he wants two separate ones.
 3 MR. FERNÁNDEZ: We can --
 4 BOARD MEMBER SALMAN: One because one is a
 5 condition of development and the other one is a
 6 condition of right --
 7 MR. FERNÁNDEZ: That's --
 8 BOARD MEMBER SALMAN: -- with the land.
 9 MR. FERNÁNDEZ: That's fine.
 10 BOARD MEMBER SALMAN: Is that correct?
 11 CHAIRPERSON AIZENSTAT: Yes.
 12 SPECIAL COUNSEL COLLIER: Well, there is
 13 two different -- the covenant that's the comp
 14 plan --
 15 BOARD MEMBER SALMAN: What did I say?
 16 SPECIAL COUNSEL COLLIER: -- the
 17 modification of a comp plan has a different
 18 procedure than modification of the -- the
 19 review -- the covenant for the zoning context.
 20 So typically I think you would have one
 21 covenant for the -- for the comp plan amendment
 22 and one covenant for the -- for the Zoning Code
 23 for the MX3 rezoning that's being voluntarily
 24 proffered.
 25 MR. FERNÁNDEZ: Mr. Chair, just to --

1 SPECIAL COUNSEL COLLIER: But we can work
 2 that out.
 3 MR. FERNÁNDEZ: We will agree to whatever
 4 form your City Attorney deems is appropriate.
 5 BOARD MEMBER SALMAN: Jennifer, my final
 6 question.
 7 CITY PLANNER GARCIA: I just want to
 8 clarify something really quick. 115 is the
 9 bulk of the building. There is also a 20-foot
 10 cabana on top. It would have to be part of the
 11 covenant --
 12 SPECIAL COUNSEL COLLIER: Right.
 13 Building --
 14 CITY PLANNER GARCIA: -- to allow what
 15 they are proposing.
 16 SPECIAL COUNSEL COLLIER: Right. It would
 17 have to be 115, plus --
 18 CITY PLANNER GARCIA: Yes.
 19 SPECIAL COUNSEL COLLIER: -- whatever the
 20 cabana is.
 21 BOARD MEMBER SALMAN: But that cabana is
 22 set back approximately 40 feet from the front
 23 of the building. So it's visually not -- from
 24 the street not that big a deal.
 25 All right. The triangular portion is MX1

1 next to the court -- courthouse. So that's
2 commercial?
3 MR. FERNÁNDEZ: Yes, it is.
4 BOARD MEMBER SALMAN: At least -- okay.
5 And the following block on Santander -- on the
6 other sider of Santander is multi-family?
7 CITY PLANNER GARCIA: A duplex. Yes.
8 BOARD MEMBER SALMAN: Okay. Okay. That's
9 the end of my questions.
10 Thank you very much.
11 CHAIRPERSON AIZENSTAT: Thank you. I
12 actually think today's discussion was very
13 healthy. I heard a lot of good points from
14 everybody. And they are very valid.
15 One thing that stands out to me is the
16 amount of people that are here today for this
17 project compared to when this project was being
18 presented previously.
19 We had a packed room and we had people
20 that were very adamant about the height and the
21 project itself. I think the Morris did -- team
22 actually put together good people for this
23 project from Counsel to the architect. I
24 commend them on that. They explained well.
25 They go through the process very well.

1 As far as the TDRs there was a comment
2 that was made that you don't have your TDRs
3 yet. Why are you coming here?
4 The practice and what has been done
5 previously and what was explained to us is that
6 the City also has TDRs for sale. And TDRs are
7 a derivative of dollars and cents.
8 So whether you go private or you go to the
9 City whatever that number is, but the TDRs are
10 there. And without them being able to get the
11 TDRs this project would not be able to be built
12 or get approval.
13 As far as the alley I don't have an issue
14 with the alley abandonment. It actually if I
15 am not mistaken will now create a revenue for
16 the City because that becomes part of the
17 property to which there is a taxation that
18 comes to help the infrastructures and build and
19 so forth.
20 The slipway I do agree with my colleagues
21 I think that should be there. I would like to
22 know what that number is. Because I agree that
23 the slipway should allow for traffic to flow
24 naturally and not reduce the traffic to where
25 there is an issue.

1 And I understand the need for wider
2 sidewalks. And I think you are also trying to
3 create a feature on the other side of the
4 slipway.
5 But I think the City should look closely
6 with the applicant on how to best work that out
7 going forward.
8 As far as the height, I agree. Julio made
9 a very good point which I had really not
10 thought about. We should look at the height of
11 floors.
12 Because I think what's going to end up
13 happens is, you know, we may be looking now at
14 12 feet to 13 feet. Tomorrow we can be looking
15 at 16 feet to 18 feet because every developer
16 wants to outdo what the other development
17 project did.
18 So I would urge the Commission actually to
19 start looking at that with projects because I
20 think that will ease a lot of the concerns that
21 are out there.
22 As far as the tower itself, the tower
23 itself is a small feature and it's open. It
24 does not -- to me as one Board Member it does
25 not bother me. And it actually reminds me of

1 the other project which is on LeJeune where the
2 Citibank is that they have a tower feature
3 there and it's very open.
4 I like the elements that they have done.
5 The architecture that has been done is very
6 good. I am -- I am not on the Architectural
7 Board. I am not an architect, but it's
8 pleasing to me.
9 As far as if you will allow this to happen
10 then that opens the door for everybody while I
11 understand what Mr. Pardo has said, we are here
12 to look at every project individually. And we
13 should not look at one project because another
14 project got it.
15 At least for myself when a project comes
16 before me I look at it individually. How does
17 it work, how does it fit and so forth. I don't
18 look at it because the person next door did it.
19 Those are really my comments. I mean, you
20 know, I -- I actually commend the Board because
21 the -- while there was a lot of passionate
22 debate, I think it's healthy because it brings
23 out a lot of issues that -- that we need to
24 look at in general.
25 And, you know, each one of us makes a vote

1 and a recommendation. And in the end we are a
 2 recommending body. And it's up to the
 3 Commission to decide for approval or not.
 4 Okay. With that said would anybody like
 5 to make a motion?
 6 MR. FERNÁNDEZ: Mr. Chair, just to be
 7 clear are -- are we taking motions on each of
 8 the items individually?
 9 CHAIRPERSON AIZENSTAT: We --
 10 MR. FERNÁNDEZ: Is that correct?
 11 CHAIRPERSON AIZENSTAT: We got to take
 12 motions --
 13 SPECIAL COUNSEL COLLER: Yes.
 14 CHAIRPERSON AIZENSTAT: -- on each of the
 15 items. So --
 16 MR. FERNÁNDEZ: I just want to say thank
 17 you for your time and attention. We appreciate
 18 your consideration and we will see the results.
 19 Thank you.
 20 BOARD MEMBER PARDO: Mr. Chair, can I --
 21 just --
 22 CHAIRPERSON AIZENSTAT: Yes, sir.
 23 BOARD MEMBER PARDO: -- have a question
 24 for Counsel.
 25 You said about this con -- covenant for

1 the comprehensive land use plan --
 2 SPECIAL COUNSEL COLLER: Yes.
 3 BOARD MEMBER PARDO: -- are there any of
 4 those covenants that exist today in our
 5 comprehensive land use plan?
 6 SPECIAL COUNSEL COLLER: I believe that
 7 the -- I -- I would ask Jennifer. I don't know
 8 whether we have proffered.
 9 I will say this. I am very familiar with
 10 the County. The County has numerous covenants
 11 that have been proffered in their comp plan.
 12 And what they do is at the end they list --
 13 They have an index of each of the --
 14 their -- a reference -- not the full covenant,
 15 but a reference so that when you are looking at
 16 the comp plan you can see what -- what
 17 covenants have been submitted in connection.
 18 Jennifer, you don't have a recollection of
 19 covenants submitted --
 20 CITY PLANNER GARCIA: No.
 21 SPECIAL COUNSEL COLLER: -- with the comp
 22 plan?
 23 CITY PLANNER GARCIA: That's not a
 24 practice that we do here. Usually it's a
 25 covenant that applies to the land, but not

1 necessarily part of the --
 2 BOARD MEMBER PARDO: I --
 3 CITY PLANNER GARCIA: -- comp plan.
 4 BOARD MEMBER PARDO: I was not aware.
 5 That's why I asked you.
 6 SPECIAL COUNSEL COLLER: Well --
 7 BOARD MEMBER PARDO: Because --
 8 SPECIAL COUNSEL COLLER: -- it -- it can
 9 be. I thought in the past maybe before --
 10 BOARD MEMBER PARDO: Yeah.
 11 SPECIAL COUNSEL COLLER: -- Jennifer was
 12 here it was done.
 13 BOARD MEMBER PARDO: Yeah.
 14 SPECIAL COUNSEL COLLER: But, yes, you
 15 can -- you can submit a --
 16 And the reason why that they are separate
 17 is because they are separate documents.
 18 BOARD MEMBER PARDO: Uh-huh.
 19 SPECIAL COUNSEL COLLER: The comp plan
 20 is -- is the comp plan. And the Zoning Code is
 21 the Zoning Code. So the -- it's appropriate if
 22 you are going to restrict the -- what is it --
 23 high density commercial?
 24 CITY PLANNER GARCIA: Yes.
 25 SPECIAL COUNSEL COLLER: That there is --

1 CITY PLANNER GARCIA: That's access --
 2 SPECIAL COUNSEL COLLER: That it should be
 3 a covenant relating to the comp plan. The
 4 specific details I think we can work out with
 5 the applicant and -- and with the City
 6 Attorney.
 7 BOARD MEMBER PARDO: I -- I just wanted to
 8 make sure that this Board and the Commission
 9 and the public understands that it is possible
 10 that this is the first time ever that the
 11 covenant is placed on the comp -- comprehensive
 12 land use plan.
 13 SPECIAL COUNSEL COLLER: It's possible.
 14 I -- I seem to recall from my time in service
 15 with this Board that it was done, but I could
 16 be wrong.
 17 It's been eight years since I have sat
 18 with this Board. So --
 19 CHAIRPERSON AIZENSTAT: I think --
 20 SPECIAL COUNSEL COLLER: And it would be
 21 done obviously at the Commission. You all make
 22 a recommendation.
 23 BOARD MEMBER PARDO: Yeah.
 24 SPECIAL COUNSEL COLLER: Your
 25 recommendation would be -- if you are

1 interested in approving it would be the
2 acceptance of the proffered covenant.
3 And I believe I heard from the applicant
4 that he would proffer a covenant restricting
5 the height for the comprehensive plan and for
6 the Zoning Code.
7 He is just not sure if he needs two
8 separate documents or one document.
9 CHAIRPERSON AIZENSTAT: Jennifer, can I
10 ask you a question?
11 And I am sorry. And I don't want to bring
12 some -- something up from the past. But when
13 we were talking or we were looking at the
14 2.5 --
15 How would this project fall within that
16 2.5?
17 CITY PLANNER GARCIA: How would it have?
18 CHAIRPERSON AIZENSTAT: Yeah.
19 BOARD MEMBER SALMAN: Well, they -- the
20 2.5 was presented as 110.5 at the base. It
21 would go up to 137 and a half. Or no. 110 --
22 of the base.
23 BOARD MEMBER KAWALERSKI: It's 137 and a
24 half.
25 CITY PLANNER GARCIA: I know a maximum was

1 137 and a half.
2 CHAIRPERSON AIZENSTAT: Okay. And this
3 project to the maximum is?
4 CITY PLANNER GARCIA: 135 if we ended
5 back --
6 CHAIRPERSON AIZENSTAT: So, in other
7 words, there wouldn't have been an issue with
8 the covenant --
9 CITY PLANNER GARCIA: Correct.
10 CHAIRPERSON AIZENSTAT: -- if it would
11 have been under 2.5?
12 Okay.
13 BOARD MEMBER SALMAN: If it exists.
14 CHAIRPERSON AIZENSTAT: It -- right. No.
15 I am saying -- if it would have existed we
16 wouldn't be looking at a 3 and having the
17 concerns of the 190 feet.
18 CITY PLANNER GARCIA: Right.
19 CHAIRPERSON AIZENSTAT: Okay.
20 CITY PLANNER GARCIA: But just to clarify.
21 They are adding a lot more architectural
22 features that would normally be allowed under
23 MX2 or --
24 CHAIRPERSON AIZENSTAT: Understood.
25 CITY PLANNER GARCIA: -- MX3.

1 CHAIRPERSON AIZENSTAT: But they may have
2 revisited --
3 CITY PLANNER GARCIA: But they are within
4 the height.
5 CHAIRPERSON AIZENSTAT: They may have
6 revisited it at that point.
7 CITY PLANNER GARCIA: They will.
8 CHAIRPERSON AIZENSTAT: Okay. Do we
9 have -- anybody want to make a motion and maybe
10 move this along?
11 BOARD MEMBER WITHERS: I -- I don't mind
12 making motions -- a motion on three of the
13 items. I have no problem with the alley
14 vacation.
15 CHAIRPERSON AIZENSTAT: So why don't we --
16 why don't we start with that.
17 BOARD MEMBER WITHERS: All right. Okay.
18 So I will move -- I will move the -- is it
19 E.-4? Is that the item --
20 CHAIRPERSON AIZENSTAT: We can go out
21 of --
22 BOARD MEMBER WITHERS: -- or 3.
23 CHAIRPERSON AIZENSTAT: -- turn as far as
24 the motions.
25 Is that correct --

1 BOARD MEMBER WITHERS: Certainly.
2 CHAIRPERSON AIZENSTAT: -- Mr. Attorney?
3 SPECIAL COUNSEL COLLIER: Yes.
4 CHAIRPERSON AIZENSTAT: Okay.
5 BOARD MEMBER WITHERS: So 3, 4 is the E --
6 CHAIRPERSON AIZENSTAT: You are looking at
7 E.-3 --
8 BOARD MEMBER WITHERS: Yeah.
9 CHAIRPERSON AIZENSTAT: -- which is the
10 alley.
11 BOARD MEMBER WITHERS: Yeah.
12 CHAIRPERSON AIZENSTAT: What would your
13 motion be, Chip?
14 BOARD MEMBER WITHERS: To approve it.
15 CHAIRPERSON AIZENSTAT: To approve it as
16 noted --
17 BOARD MEMBER WITHERS: Yeah.
18 CHAIRPERSON AIZENSTAT: -- with the
19 Staff's existing recommendations?
20 BOARD MEMBER WITHERS: Well, what
21 recommendation --
22 Wait a minute.
23 SPECIAL COUNSEL COLLIER: Well, I think the
24 Staff recommendation -- this doesn't relate to
25 the --

1 BOARD MEMBER WITHERS: Right.
 2 SPECIAL COUNSEL COLLER: -- slip lane.
 3 BOARD MEMBER WITHERS: Right.
 4 CHAIRPERSON AIZENSTAT: Okay.
 5 SPECIAL COUNSEL COLLER: So I think this
 6 could be a straight --
 7 CHAIRPERSON AIZENSTAT: Approval.
 8 SPECIAL COUNSEL COLLER: -- approval of
 9 the alley.
 10 CHAIRPERSON AIZENSTAT: I just want to be
 11 clear on that.
 12 SPECIAL COUNSEL COLLER: Yeah.
 13 CHAIRPERSON AIZENSTAT: That's why I said
 14 it. That's okay. So we have a motion to
 15 approve.
 16 BOARD MEMBER GRABIEL: I --
 17 BOARD MEMBER SALMAN: With second.
 18 BOARD MEMBER GRABIEL: I second.
 19 CHAIRPERSON AIZENSTAT: We have a second
 20 by Javier.
 21 Any discussion?
 22 BOARD MEMBER PARDO: Yes.
 23 CHAIRPERSON AIZENSTAT: Yes, sir.
 24 BOARD MEMBER PARDO: All right. So right
 25 now would a unity of title be required

1 between -- because when you revert you are
 2 giving them the -- you are -- you are throwing
 3 the 20,000 square foot minimum lot size which
 4 is their eastern lot.
 5 The -- the reversion doesn't -- these are
 6 multiple lots. They are not being replatted.
 7 So a unity of title should be --
 8 SPECIAL COUNSEL COLLER: Well --
 9 BOARD MEMBER PARDO: -- added to this --
 10 SPECIAL COUNSEL COLLER: -- they are being
 11 replatted.
 12 CHAIRPERSON AIZENSTAT: E.-4 is a replat.
 13 It --
 14 SPECIAL COUNSEL COLLER: There is a
 15 replat.
 16 BOARD MEMBER PARDO: So all of it east and
 17 west and the center portion --
 18 SPECIAL COUNSEL COLLER: Right.
 19 BOARD MEMBER PARDO: -- will be replatted
 20 as one parcel.
 21 SPECIAL COUNSEL COLLER: As one parcel so
 22 you don't need unity of title.
 23 CHAIRPERSON AIZENSTAT: Correct.
 24 We have a motion. We have a second. Any
 25 other discussion?

1 No. Call the roll, please.
 2 MS. MENENDEZ: For E.-3?
 3 CHAIRPERSON AIZENSTAT: Yes.
 4 MS. MENENDEZ: Chip Withers.
 5 BOARD MEMBER WITHERS: Yes.
 6 MS. MENENDEZ: Julio Grabiell.
 7 BOARD MEMBER GRABIEL: Yes.
 8 MS. MENENDEZ: Sue Kawalerski.
 9 BOARD MEMBER KAWALERSKI: No.
 10 MS. MENENDEZ: Felix Pardo.
 11 BOARD MEMBER PARDO: No.
 12 MS. MENENDEZ: Javier Salman.
 13 BOARD MEMBER SALMAN: Yes.
 14 MS. MENENDEZ: Eibi Aizenstat.
 15 CHAIRPERSON AIZENSTAT: Yes.
 16 BOARD MEMBER WITHERS: Now I will
 17 approve -- I will also move the TDR --
 18 approving receipt of the TDRs.
 19 CHAIRPERSON AIZENSTAT: The TDRs would be
 20 the --
 21 BOARD MEMBER WITHERS: Yeah.
 22 CHAIRPERSON AIZENSTAT: -- E.-4.
 23 BOARD MEMBER SALMAN: Yeah. E.-4.
 24 BOARD MEMBER WITHERS: Yeah.
 25 CHAIRPERSON AIZENSTAT: We have a motion

1 on E.-4 with the way it's existing. Is there a
 2 second?
 3 BOARD MEMBER GRABIEL: I second.
 4 CHAIRPERSON AIZENSTAT: Julio seconds.
 5 Any discussions on the TDR? No? Call the
 6 roll, please.
 7 MS. MENENDEZ: Julio Grabiell.
 8 BOARD MEMBER GRABIEL: Yes.
 9 MS. MENENDEZ: Sue Kawalerski.
 10 BOARD MEMBER KAWALERSKI: No.
 11 MS. MENENDEZ: Felix Pardo.
 12 BOARD MEMBER PARDO: No.
 13 MS. MENENDEZ: Javier Salman.
 14 BOARD MEMBER SALMAN: Yes.
 15 MS. MENENDEZ: Chip Withers.
 16 BOARD MEMBER WITHERS: Yes.
 17 MS. MENENDEZ: Eibi Aizenstat.
 18 CHAIRPERSON AIZENSTAT: Yes. You are on a
 19 roll, Chip.
 20 BOARD MEMBER WITHERS: Okay. And I am --
 21 and I am okay with the -- the replat on E.-4.
 22 CHAIRPERSON AIZENSTAT: E.-4 was the TDRs
 23 that we just voted.
 24 BOARD MEMBER WITHERS: I am sorry.
 25 CHAIRPERSON AIZENSTAT: That's okay.

1 BOARD MEMBER PARDO: You must be slipping.
 2 BOARD MEMBER WITHERS: I -- I need -- I
 3 need your mask. Okay. So I will go with the
 4 E. -- that's E. -- I am sorry. It's E.-6.
 5 Right? I will move E.-6.
 6 BOARD MEMBER GRABIEL: Second.
 7 CHAIRPERSON AIZENSTAT: We have a motion
 8 on E.-6. We have a second. With the -- with
 9 the way it's written, Chip?
 10 BOARD MEMBER WITHERS: No. I am fine with
 11 the way it's written.
 12 CHAIRPERSON AIZENSTAT: Okay. Any
 13 discussion?
 14 No. Call the roll, please.
 15 MS. MENENDEZ: Sue Kawalerski.
 16 BOARD MEMBER KAWALERSKI: No.
 17 MS. MENENDEZ: Felix Pardo.
 18 BOARD MEMBER PARDO: No.
 19 MS. MENENDEZ: Javier Salman.
 20 BOARD MEMBER SALMAN: Yes.
 21 MS. MENENDEZ: Chip Withers.
 22 BOARD MEMBER WITHERS: Yes.
 23 MS. MENENDEZ: Julio Grabiell.
 24 BOARD MEMBER GRABIEL: Yes.
 25 MS. MENENDEZ: Eibi Aizenstat.

1 CHAIRPERSON AIZENSTAT: Yes.
 2 BOARD MEMBER WITHERS: And that's kind of
 3 where I hit a wall. I -- and I will -- I will
 4 explain why. I -- again, I said this
 5 previously.
 6 I have known Allen for 50 years. If he is
 7 not one of the best developers in our City, he
 8 is certainly one of top two or three. He -- he
 9 speaks of excellence.
 10 And like I said I have no problem with
 11 those three previous issues. I do have a
 12 problem with going from MX1 to MX3. It's
 13 just --
 14 You know, we have -- we have spoken.
 15 And -- and I have always said that the
 16 transition area from downtown to residential is
 17 probably one of the most important things in
 18 our Zoning Code.
 19 And this kind of, you know, runs afoul
 20 from what I think the -- you know, I believe.
 21 If we want to go with MX2 with a -- maybe a
 22 variance, you know, I am certainly open to
 23 that.
 24 But the leap from MX1 to MX3 is just -- is
 25 just too big for me. So --

1 CHAIRPERSON AIZENSTAT: Is it because of
 2 the potential or is it because of the existing
 3 height and the design?
 4 BOARD MEMBER WITHERS: No. Over the way
 5 too many decades I have served the City I have
 6 seen that map color change to deeper reds and
 7 deeper reds and deeper reds as it gets closer
 8 to the shoreline of -- of the residents.
 9 And, you know, Felix has been around here
 10 for a long time, too. And it just seems --
 11 every time I look at that map it just seems to
 12 get darker red and darker red as we get closer.
 13 And I just -- I just have a -- have a problem
 14 with that.
 15 CHAIRPERSON AIZENSTAT: Yes, Sue.
 16 BOARD MEMBER WITHERS: Just like my
 17 hairline.
 18 BOARD MEMBER KAWALERSKI: I hate to echo
 19 what -- what Chip said. You know, once it's
 20 MX3, it's MX3. I did not really have any
 21 confidence in the explanation about the
 22 covenant.
 23 Like, yeah, it's a covenant until it gets
 24 changed. You know, I have no confidence in
 25 that. I agree with Chip. If you want to come

1 back on -- on a Mixed-Use 2 to this Board. But
 2 to change that in perpetuity to MX3 is just not
 3 acceptable for the neighbors.
 4 BOARD MEMBER SALMAN: Question. I hear
 5 from what Mr. Withers is saying. I will call
 6 you, Chip.
 7 The idea of it coming back as a MX2 with a
 8 variance approval for --
 9 BOARD MEMBER WITHERS: Additional height?
 10 BOARD MEMBER SALMAN: -- additional
 11 height?
 12 BOARD MEMBER WITHERS: Yeah.
 13 BOARD MEMBER SALMAN: Well, if you were to
 14 go for a variance you have to provide --
 15 provide a hardship.
 16 CHAIRPERSON AIZENSTAT: Correct.
 17 BOARD MEMBER SALMAN: And that idea is
 18 going to be difficult for the -- the Board of
 19 Adjustment to take into account for -- there
 20 is -- it's not a trade off. It's not like
 21 we are -- we are changing a little bit of a
 22 setback here to pick up another little bit of a
 23 setback there which is sort of an equivalency.
 24 And then that -- that would be -- that
 25 would be for the Board to -- to -- to then

1 actually approve at the Board of Adjustment
2 which would be fine.

3 Or if there is a hardship -- I guess you
4 could say it's a hardship because it's a corner
5 site and you are -- but honestly it's -- you
6 are getting full use of site whether --

7 You know, there -- there is no setback
8 differential that -- that causes a hardship
9 because of this corner situation. So those
10 are -- those are the two issues that Board goes
11 through.

12 And as Former Chair I can tell you that --
13 that that would be a very difficult road to hoe
14 for the -- for the applicant to make.

15 Whereas, right now before us we have a --
16 an applicant that's asking for a MX3, but
17 only -- in name only. He is only -- he is way
18 to the bottom edge of what that MX3 would
19 allow.

20 And he is proffering that he would limit
21 what he is going to do to -- to what he is
22 proposing in the absence of MX2.5; which has
23 been brought to this Board now several times,
24 okay, and -- and shot down just about each and
25 every time. It sent back to -- for recreation.

1 We have this dilemma and I understand.
2 But at the same time exactly to the south and
3 across the street is an MX3 property already.
4 Such that I don't see that this is an
5 incremental change that is detrimental to
6 the -- to the residential units to the south in
7 my opinion, in my opinion.

8 BOARD MEMBER PARDO: I -- Mr. Chair.
9 CHAIRPERSON AIZENSTAT: Yes, sir.

10 BOARD MEMBER PARDO: I would like to
11 address that specifically.

12 MS. MENENDEZ: Excuse me, Mr. Pardo. Can
13 you speak into the mic, please?

14 BOARD MEMBER PARDO: Sorry.

15 MS. MENENDEZ: Thank you.

16 BOARD MEMBER PARDO: All right. I would
17 like to address that specifically. That parcel
18 was during -- during the era of spot zoning.
19 And --

20 BOARD MEMBER SALMAN: We have had a couple
21 of them.

22 BOARD MEMBER PARDO: Oh, yeah. And that's
23 one of them. So what happened is, in fact,
24 back in that day there was no land use map
25 because that State Statute didn't even exist

1 yet.

2 So I caution you. And there we go again.
3 You see the red intensity. "Well, I am next
4 door. I should get that."

5 Basically you are looking at that one.
6 And what I am trying to say is that because of
7 the spot zoning when they came up with the
8 comprehensive land use plan, they tried not to
9 take away the property rights of that owner.
10 Because they were going to have a tough time
11 defending the City against that.

12 So this is not that the comprehensive land
13 use map was developed that way from the
14 beginning. They accommodated something that
15 existed from before which today is a hundred
16 percent illegal which is spot zoning.

17 BOARD MEMBER SALMAN: Yeah. We have a few
18 examples. I can think of them --

19 BOARD MEMBER PARDO: Correct. Correct.
20 But -- but it's --

21 BOARD MEMBER SALMAN: -- off the top of my
22 head.

23 BOARD MEMBER PARDO: What -- what I am
24 trying to say to you, Javier, is that when --
25 when Chip says, you know, this thing is moving

1 south toward the residences, I mean I am -- I
2 am listening to the residents.

3 I am a resident near commercial areas.
4 Every -- every time that thing gets closer and
5 closer and closer, eventually there won't be a
6 residential area or the quality of life in that
7 residential area is substantially altered
8 forever.

9 So I -- I think that going --

10 BOARD MEMBER SALMAN: It's a matter of
11 adjacency. I agree.

12 BOARD MEMBER PARDO: Yes.

13 BOARD MEMBER SALMAN: And -- but the
14 adjacency here between the single family and
15 that particular -- this particular parcel is
16 measured in several hundred feet.

17 BOARD MEMBER PARDO: Right. Well --

18 BOARD MEMBER SALMAN: At the very least I
19 can see two, four -- about five hundred feet.

20 BOARD MEMBER WITHERS: I love -- I think
21 the building is beautiful. I have no problem
22 with the height. I have no problem with the
23 FAR. I have no problem with the cabanas. I
24 have no -- I have no problem with the tower.
25 As far as the project goes I have no

1 complaint. I am 100 percent in favor of the
 2 project. And, you know, I just have that issue
 3 of changing our -- our Bible -- our -- our land
 4 use to MX3 or maybe we do -- bring back to
 5 birth 2.5. I don't know, you know, or 2.25. I
 6 don't know.
 7 But, you know, again that's just how --
 8 how I feel on this. I have -- I have seen it
 9 happen in parts of the City that -- that
 10 already worry me.
 11 And, you know, it's -- it's obvious.
 12 It's -- it's happened literally across the
 13 street to the east.
 14 BOARD MEMBER SALMAN: And, again, that is
 15 a terrible project as a precedent. Because
 16 that's the one that came to this Board is
 17 almost the reverse of this particular project
 18 where it came to this Board and was approved
 19 and approved and approved.
 20 CHAIRPERSON AIZENSTAT: No. That's not --
 21 BOARD MEMBER SALMAN: It kept getting
 22 bigger and bigger --
 23 CHAIRPERSON AIZENSTAT: That's not
 24 correct.
 25 BOARD MEMBER SALMAN: Yeah. It did.

1 CHAIRPERSON AIZENSTAT: There were two of
 2 us that actually -- well, it did. There were
 3 two of us, Robert and myself, that didn't vote
 4 for it.
 5 BOARD MEMBER SALMAN: I am talking about
 6 as a Board. I am not talking about as you as
 7 an individual.
 8 CHAIRPERSON AIZENSTAT: Okay.
 9 BOARD MEMBER SALMAN: I was on the -- I
 10 was here when it was approved the first time.
 11 I think you were here as well.
 12 CHAIRPERSON AIZENSTAT: Okay.
 13 BOARD MEMBER SALMAN: And -- and then it
 14 came back before this Board a couple of
 15 times --
 16 CHAIRPERSON AIZENSTAT: Right.
 17 BOARD MEMBER SALMAN: -- and much to the
 18 detriment. In this particular case this a
 19 project that came to us up here --
 20 CHAIRPERSON AIZENSTAT: Uh-huh.
 21 BOARD MEMBER SALMAN: -- with a much
 22 higher level of density --
 23 BOARD MEMBER WITHERS: Yeah. It's come
 24 down.
 25 BOARD MEMBER SALMAN: -- and it's come

1 down to way below half of what it was -- it was
 2 before.
 3 BOARD MEMBER WITHERS: No. They wanted --
 4 they wanted a public street. They wanted the
 5 park across the street.
 6 BOARD MEMBER SALMAN: They wanted it all.
 7 BOARD MEMBER WITHERS: They got -- they
 8 got everything that they asked to --
 9 BOARD MEMBER SALMAN: Everybody said no.
 10 And the -- the public came in and they all said
 11 no. And they were very vociferous about it.
 12 But I look at what our Chairman has noted is
 13 that the number of people and the specific
 14 issues that they have before us with regards to
 15 this project for the most part have been
 16 addressed.
 17 BOARD MEMBER PARDO: Unless -- unless
 18 those people were in the envelopes there.
 19 BOARD MEMBER GRABIEL: Then there would
 20 have been enough people with, you know, to have
 21 seats.
 22 CHAIRPERSON AIZENSTAT: I would like to
 23 figure a way to move this thing forward on the
 24 votes.
 25 So is there a motion that somebody would

1 like to make starting with the comp plan on
 2 E.-1?
 3 BOARD MEMBER SALMAN: I would like to make
 4 a motion that we approve Item E.-1 with the
 5 condition that the applicant submit for legal
 6 approval a covenant riding with the land to
 7 limit the height of the building or any future
 8 development to what has been presented here
 9 today.
 10 CHAIRPERSON AIZENSTAT: And --
 11 SPECIAL COUNSEL COLLIER: Just a technical
 12 note on the -- on the motion.
 13 We can't condition a comp plan, but the
 14 applicant has proffered -- a willingness to
 15 proffer the covenant.
 16 So it would be the motion and
 17 acceptance --
 18 CHAIRPERSON AIZENSTAT: Proffered --
 19 SPECIAL COUNSEL COLLIER: -- of the
 20 proffered covenant.
 21 CHAIRPERSON AIZENSTAT: That is
 22 satisfactory to the City of Coral Gables. And
 23 what about the slipway?
 24 Because the Staff recommendation is
 25 that --

1 BOARD MEMBER SALMAN: That -- I don't
2 think that's --
3 SPECIAL COUNSEL COLLER: I don't think
4 the --
5 BOARD MEMBER SALMAN: -- part of the comp
6 plan.
7 SPECIAL COUNSEL COLLER: -- slipway is
8 addressed --
9 CHAIRPERSON AIZENSTAT: Oh, you are right.
10 BOARD MEMBER SALMAN: It's not part of the
11 comp plan.
12 SPECIAL COUNSEL COLLER: -- in the comp
13 plan.
14 CHAIRPERSON AIZENSTAT: You are right.
15 Sorry about that.
16 SPECIAL COUNSEL COLLER: We -- we need a
17 second.
18 CHAIRPERSON AIZENSTAT: Is there a second?
19 BOARD MEMBER GRABIEL: I do a second.
20 CHAIRPERSON AIZENSTAT: Julio. We have a
21 second.
22 Any discussion? No. Call the roll,
23 please.
24 MS. MENENDEZ: Felix Pardo.
25 BOARD MEMBER PARDO: No.

1 MS. MENENDEZ: Javier Salman.
2 BOARD MEMBER SALMAN: Yes.
3 MS. MENENDEZ: Chip Withers.
4 BOARD MEMBER WITHERS: No.
5 MS. MENENDEZ: Julio Grabiel.
6 BOARD MEMBER GRABIEL: Yes.
7 MS. MENENDEZ: Sue Kawalerski.
8 BOARD MEMBER KAWALERSKI: No.
9 MS. MENENDEZ: Eibi Aizenstat.
10 CHAIRPERSON AIZENSTAT: Yes.
11 MS. MENENDEZ: 3/3.
12 BOARD MEMBER SALMAN: Motion passes.
13 SPECIAL COUNSEL COLLER: Okay. That's a
14 3/3 tie. So there will be no -- it goes
15 without a recommendation.
16 No?
17 CHAIRPERSON AIZENSTAT: No. It's --
18 SPECIAL COUNSEL COLLER: Oh, the comp
19 plan.
20 CHAIRPERSON AIZENSTAT: We need a four --
21 SPECIAL COUNSEL COLLER: It's deemed a
22 denial.
23 CHAIRPERSON AIZENSTAT: It's a denial.
24 SPECIAL COUNSEL COLLER: It's deemed a
25 denial. That's right. We made a change in --

1 in the code. So it's --
2 CHAIRPERSON AIZENSTAT: Yes.
3 SPECIAL COUNSEL COLLER: It's -- it
4 goes --
5 CHAIRPERSON AIZENSTAT: It goes with the
6 denial.
7 SPECIAL COUNSEL COLLER: It goes with the
8 denial.
9 BOARD MEMBER PARDO: Mr. Chairman --
10 CHAIRPERSON AIZENSTAT: Yes, sir.
11 BOARD MEMBER PARDO: -- then E.-2 would be
12 a moot point.
13 CHAIRPERSON AIZENSTAT: We --
14 BOARD MEMBER PARDO: You can't change the
15 zoning without the --
16 BOARD MEMBER SALMAN: The comp plan.
17 CHAIRPERSON AIZENSTAT: But at that
18 point --
19 SPECIAL COUNSEL COLLER: But I --
20 CHAIRPERSON AIZENSTAT: -- what we do --
21 SPECIAL COUNSEL COLLER: I think that the
22 Board -- the -- it will likely be a 3/3 tie
23 which will be no recommendation. I am willing
24 to bet.
25 But I -- I think the Board can -- can vote

1 on it because we are -- we are dealing with a
2 recommendation, not a final decision. So it
3 would be appropriate for the Board to -- to
4 make a determination on that.
5 CHAIRPERSON AIZENSTAT: Is there a motion?
6 BOARD MEMBER GRABIEL: I move for
7 approval.
8 CHAIRPERSON AIZENSTAT: Julio. Is there a
9 second?
10 BOARD MEMBER SALMAN: Are you sure this
11 isn't a moot point?
12 Because without the comp plan this -- this
13 thing stops right here.
14 SPECIAL COUNSEL COLLER: No. It doesn't
15 stop right here. You made a recommendation.
16 BOARD MEMBER SALMAN: No --
17 SPECIAL COUNSEL COLLER: Your
18 recommendation -- your recommendation -- and as
19 the land planning agency it's -- it's a
20 recommendation for denial, but it's not binding
21 on the --
22 BOARD MEMBER SALMAN: Commission.
23 SPECIAL COUNSEL COLLER: -- Commission.
24 BOARD MEMBER SALMAN: Okay.
25 SPECIAL COUNSEL COLLER: The Commission

1 can still --
 2 BOARD MEMBER SALMAN: Okay.
 3 SPECIAL COUNSEL COLLER: What the
 4 Commission needed from you and how this all got
 5 start, just to give a little history, is when
 6 you are serving as the land planning agency
 7 they -- the Commission needs a recommendation.
 8 So before a 3/3 tie was going no
 9 recommendation and -- and we were stuck. So
 10 the code changed so that a 3/3 tie is actually
 11 a denial.
 12 BOARD MEMBER SALMAN: Denial.
 13 SPECIAL COUNSEL COLLER: So they have that
 14 recommendation. So I -- I don't think that
 15 the -- because if this were the Commission,
 16 yes. It would be moot.
 17 But since you are making a recommendation
 18 it's not moot. And you can -- you can take a
 19 vote on this.
 20 BOARD MEMBER SALMAN: I am remembering
 21 when this Board as a Land Planning Board would
 22 have the recommendations and that was pretty
 23 much it at that point.
 24 SPECIAL COUNSEL COLLER: Well --
 25 BOARD MEMBER SALMAN: Okay. But

1 nevermind.
 2 SPECIAL COUNSEL COLLER: -- that I don't
 3 know.
 4 BOARD MEMBER SALMAN: I --
 5 SPECIAL COUNSEL COLLER: That may be well
 6 before my time.
 7 BOARD MEMBER SALMAN: I think it was four
 8 years after --
 9 CHAIRPERSON AIZENSTAT: Javier, was
 10 that -- do you second?
 11 BOARD MEMBER SALMAN: Yeah. I will
 12 second.
 13 CHAIRPERSON AIZENSTAT: We have a second
 14 for -- to go through the process.
 15 SPECIAL COUNSEL COLLER: And that --
 16 CHAIRPERSON AIZENSTAT: Any comments?
 17 SPECIAL COUNSEL COLLER: And that would be
 18 with the acceptance of the proper covenant.
 19 Right?
 20 CHAIRPERSON AIZENSTAT: With the proper --
 21 BOARD MEMBER GRABIEL: Yes.
 22 SPECIAL COUNSEL COLLER: Right.
 23 CHAIRPERSON AIZENSTAT: With the proper
 24 covenant --
 25 BOARD MEMBER GRABIEL: Right.

1 SPECIAL COUNSEL COLLER: Okay.
 2 CHAIRPERSON AIZENSTAT: -- and the slip
 3 doesn't --
 4 BOARD MEMBER PARDO: Mr. Chairman --
 5 CHAIRPERSON AIZENSTAT: Yes.
 6 BOARD MEMBER PARDO: -- I have one
 7 comment.
 8 CHAIRPERSON AIZENSTAT: Yes, sir.
 9 BOARD MEMBER PARDO: I -- I -- the -- the
 10 City Attorney knows how much I respect his
 11 opinion. I -- I just -- you know, I -- I just
 12 am -- am flabbergasted how, you know, we could
 13 do -- unless you change the motion where it
 14 says, you know, on a conceptual or something
 15 like that.
 16 But I feel very uncomfortable voting on a
 17 zoning change once the master plan component
 18 was just turned down. I -- I just want to put
 19 that on the record.
 20 CHAIRPERSON AIZENSTAT: Well, we have
 21 Counsel who advises us.
 22 BOARD MEMBER PARDO: I -- and I said with
 23 all --
 24 SPECIAL COUNSEL COLLER: And --
 25 BOARD MEMBER PARDO: -- all due respect.

1 SPECIAL COUNSEL COLLER: And -- and I
 2 appreciate the respect of the -- the Board
 3 Member.
 4 In this case if this were the Commission
 5 and a denial was made on the comp plan that
 6 would end everything. So I am in complete
 7 agreement.
 8 CHAIRPERSON AIZENSTAT: Okay.
 9 SPECIAL COUNSEL COLLER: But this Board is
 10 making a recommendation.
 11 CHAIRPERSON AIZENSTAT: Okay. We have a
 12 motion and we have a second with the same
 13 covenant that will be proffered. Is that
 14 correct?
 15 MR. FERNÁNDEZ: That is correct, sir.
 16 CHAIRPERSON AIZENSTAT: Okay. And the
 17 slipway doesn't take into account. Very good.
 18 So --
 19 SPECIAL COUNSEL COLLER: We have to do the
 20 site plan --
 21 CHAIRPERSON AIZENSTAT: Correct.
 22 SPECIAL COUNSEL COLLER: -- for approval.
 23 CHAIRPERSON AIZENSTAT: Any other
 24 discussion? No?
 25 Call the roll, please.

1 MS. MENENDEZ: Javier Salman.
 2 BOARD MEMBER SALMAN: Yes.
 3 MS. MENENDEZ: Chip Withers.
 4 BOARD MEMBER WITHERS: No.
 5 MS. MENENDEZ: Julio Grabiel.
 6 BOARD MEMBER GRABIEL: Yes.
 7 MS. MENENDEZ: Sue Kawalerski.
 8 BOARD MEMBER KAWALERSKI: No.
 9 MS. MENENDEZ: Felix Pardo.
 10 BOARD MEMBER PARDO: No.
 11 MS. MENENDEZ: Eibi Aizenstat.
 12 CHAIRPERSON AIZENSTAT: Yes.
 13 SPECIAL COUNSEL COLLER: Okay. So that
 14 does go without a recommendation. That's a tie
 15 vote.
 16 CHAIRPERSON AIZENSTAT: Correct.
 17 SPECIAL COUNSEL COLLER: So we have one
 18 more.
 19 CHAIRPERSON AIZENSTAT: Yes, sir.
 20 BOARD MEMBER GRABIEL: Which is?
 21 SPECIAL COUNSEL COLLER: Was the Mixed-Use
 22 site plan --
 23 CHAIRPERSON AIZENSTAT: E.-5.
 24 SPECIAL COUNSEL COLLER: -- E.-5.
 25 BOARD MEMBER SALMAN: E.-5.

1 SPECIAL COUNSEL COLLER: Which does -- and
 2 I want to get the concurrence from the City
 3 Planner that does include the --
 4 BOARD MEMBER GRABIEL: Slip?
 5 SPECIAL COUNSEL COLLER: Well, it's --
 6 these are all done in accordance with the
 7 Department's recommendations except now you
 8 are -- you are disagreeing with the
 9 Department's recommendation. And you are
 10 saying to retain the slipway as is.
 11 BOARD MEMBER SALMAN: Remove the
 12 recommendation.
 13 CHAIRPERSON AIZENSTAT: To remove that
 14 part of the recommendation --
 15 SPECIAL COUNSEL COLLER: That part of the
 16 recommendation.
 17 BOARD MEMBER PARDO: No. 1 and No. 2.
 18 CHAIRPERSON AIZENSTAT: Correct.
 19 BOARD MEMBER SALMAN: Correct.
 20 MR. FERNÁNDEZ: If I could go through the
 21 Chair if I may. Just with respect to romanette
 22 iii on the public road contribution if you can
 23 provide us some additional flexibility to
 24 possibly explore responding to some of the
 25 other community requested improvements that

1 were highlighted at our public meeting.
 2 CHAIRPERSON AIZENSTAT: Okay. That makes
 3 sense.
 4 MR. FERNÁNDEZ: Thank you.
 5 SPECIAL COUNSEL COLLER: On -- on which?
 6 MR. FERNÁNDEZ: It's romanette iii.
 7 CHAIRPERSON AIZENSTAT: On the million
 8 dollars.
 9 MR. FERNÁNDEZ: So 4. b. iii it
 10 specifically refers to the use of the
 11 contribution exclusively for improvements of a
 12 pedestrian bicycle facilities, landscaping,
 13 other streetscape elements to University Drive,
 14 right-of-way from Ponce to LeJeune -- LeJeune
 15 Road.
 16 And I would simply just add if or other
 17 public improvements deemed advisable by the
 18 Commission.
 19 SPECIAL COUNSEL COLLER: As approved by
 20 the Commission.
 21 MR. FERNÁNDEZ: As approved by the
 22 Commission.
 23 SPECIAL COUNSEL COLLER: But that's on for
 24 E.-5?
 25 MR. FERNÁNDEZ: That would be related to

1 the site plan approval. We asked for --
 2 SPECIAL COUNSEL COLLER: Yeah.
 3 MR. FERNÁNDEZ: -- conditional use
 4 approval --
 5 SPECIAL COUNSEL COLLER: Site plan.
 6 MR. FERNÁNDEZ: -- with respect to
 7 modification --
 8 SPECIAL COUNSEL COLLER: Okay.
 9 MR. FERNÁNDEZ: -- to, again, 4 b.
 10 romanette iii.
 11 Thank you.
 12 CHAIRPERSON AIZENSTAT: Thank you, sir.
 13 SPECIAL COUNSEL COLLER: 4 iii.
 14 CHAIRPERSON AIZENSTAT: Is there a
 15 motion --
 16 MR. FERNÁNDEZ: Bless you.
 17 CHAIRPERSON AIZENSTAT: -- on E.-5?
 18 BOARD MEMBER SALMAN: I will make a motion
 19 to approve with the conditions that --
 20 CHAIRPERSON AIZENSTAT: Were just listed?
 21 BOARD MEMBER SALMAN: We -- which we just
 22 listed are incorporated.
 23 BOARD MEMBER WITHERS: I will second.
 24 CHAIRPERSON AIZENSTAT: We have a second.
 25 Any discussion? No. Call the roll,

1 please.
 2 MS. MENENDEZ: Chip Withers.
 3 BOARD MEMBER WITHERS: Yes.
 4 MS. MENENDEZ: Julio Grabiél.
 5 BOARD MEMBER GRABIEL: Yes.
 6 MS. MENENDEZ: Sue Kawalerski.
 7 BOARD MEMBER KAWALERSKI: No.
 8 MS. MENENDEZ: Felix Pardo.
 9 BOARD MEMBER PARDO: No.
 10 MS. MENENDEZ: Javier Salman.
 11 BOARD MEMBER SALMAN: Yes.
 12 MS. MENENDEZ: Eibi Aizenstat.
 13 CHAIRPERSON AIZENSTAT: Yes. So that
 14 passes.
 15 BOARD MEMBER SALMAN: Those --
 16 CHAIRPERSON AIZENSTAT: All right.
 17 BOARD MEMBER SALMAN: -- recommendations.
 18 CHAIRPERSON AIZENSTAT: I think we are --
 19 SPECIAL COUNSEL COLLER: Is that -- what
 20 was the vote on that?
 21 CHAIRPERSON AIZENSTAT: 4/2.
 22 MS. MENENDEZ: 4/2.
 23 SPECIAL COUNSEL COLLER: 4/2.
 24 Right? Okay.
 25 CHAIRPERSON AIZENSTAT: So we are done

1 with --
 2 SPECIAL COUNSEL COLLER: I think a motion
 3 to adjourn --
 4 BOARD MEMBER WITHERS: I have some new
 5 business.
 6 CHAIRPERSON AIZENSTAT: Okay. Before we
 7 do that we would like to thank the applicant
 8 with their presentation and the Staff and
 9 everybody that has come forward before our --
 10 MR. FERNÁNDEZ: Mr. Chair, thank you for
 11 all of your time again and the Board this
 12 evening for your comments.
 13 I would also like to thank Staff. It's
 14 been a long, arduous, but a pleasure really
 15 working with them. So I want to recognize
 16 them.
 17 And thank you again. Happy Holidays.
 18 SPECIAL COUNSEL COLLER: Oh, the -- oh,
 19 the tentative plat.
 20 CITY PLANNER GARCIA: Yes. Or --
 21 SPECIAL COUNSEL COLLER: We didn't do
 22 that.
 23 CHAIRPERSON AIZENSTAT: The what?
 24 MR. FERNÁNDEZ: We did not?
 25 BOARD MEMBER SALMAN: Wait a minute.

1 CHAIRPERSON AIZENSTAT: Which one?
 2 SPECIAL COUNSEL COLLER: Hold on. Thank
 3 goodness we didn't adjourn.
 4 BOARD MEMBER GRABIEL: Six.
 5 SPECIAL COUNSEL COLLER: Which one? Which
 6 item is that?
 7 MR. FERNÁNDEZ: I believe that was Item --
 8 I believe it was adopted. I thought it was
 9 Item 6. I have -- I have Mr. Withers moving
 10 it. Mr. Salman seconding it.
 11 SPECIAL COUNSEL COLLER: We -- we did
 12 E.-6.
 13 BOARD MEMBER SALMAN: We did it all.
 14 SPECIAL COUNSEL COLLER: We did E.-5.
 15 CITY PLANNER GARCIA: We did.
 16 BOARD MEMBER SALMAN: We did it all.
 17 MR. FERNÁNDEZ: Thank you.
 18 SPECIAL COUNSEL COLLER: We did E.-6.
 19 MR. FERNÁNDEZ: Again, happy holidays.
 20 Thank you all.
 21 CHAIRPERSON AIZENSTAT: Thank you. We
 22 still have the meeting. If you would, but
 23 thank you. You are -- thank you.
 24 BOARD MEMBER WITHERS: So -- so I just --
 25 I didn't know -- I wanted to kind of type --

1 take the temperature of the Board on -- on
 2 something that's kind of resonated up -- which
 3 Robert was here with us where he said there was
 4 nothing we could do with the mandates on the
 5 development within transportation corridors.
 6 And I would like to kind of get a briefing
 7 on that at some point, you know. Because I --
 8 I want to know what the City -- how the City
 9 feels and why we aren't talking to Naples and
 10 why we are not talking to Orlando and why we
 11 are not talking to Jacksonville and why we are
 12 not talking about on this home rule issue is
 13 why do we have the stay or even the federal
 14 government mandating our City what we can do as
 15 far as planning and zoning within our
 16 municipality.
 17 And I -- you know, all I hear is -- you
 18 know -- it's mandated and we can't do anything.
 19 So why can't we do it?
 20 SPECIAL COUNSEL COLLER: On -- on -- I
 21 mean, well there is a --
 22 BOARD MEMBER WITHERS: I don't know how
 23 the rest of the Board feels. But, I mean, I --
 24 BOARD MEMBER KAWALERSKI: Would it also
 25 include the Live Local Act?

1 BOARD MEMBER WITHERS: Yeah. Yeah.
 2 That's a whole corridor --
 3 BOARD MEMBER KAWALERSKI: Yeah.
 4 Because --
 5 BOARD MEMBER WITHERS: -- issue.
 6 BOARD MEMBER KAWALERSKI: -- I -- I
 7 thought the City was advising us on some kind
 8 of posture.
 9 BOARD MEMBER WITHERS: I did, too.
 10 BOARD MEMBER KAWALERSKI: This has been
 11 going on for months. I mean, Doral has done
 12 something on this. It's very small --
 13 BOARD MEMBER WITHERS: Right.
 14 BOARD MEMBER KAWALERSKI: They put a
 15 moratorium on applications.
 16 BOARD MEMBER PARDO: The --
 17 BOARD MEMBER KAWALERSKI: I mean --
 18 BOARD MEMBER PARDO: There are two --
 19 there are two things. I -- I think you are
 20 talking about two different things -- two
 21 different issues.
 22 The first thing is the Live Local Act
 23 which is a State law which basically ignores
 24 any local authority as far as what they can or
 25 can't do within certain restrictions. That's

1 the Live Local.
 2 BOARD MEMBER WITHERS: Correct.
 3 BOARD MEMBER PARDO: The second one are
 4 the major transportation routes such as U.S.
 5 1 --
 6 BOARD MEMBER WITHERS: Right.
 7 BOARD MEMBER PARDO: -- where that's a
 8 County regulation.
 9 BOARD MEMBER WITHERS: Right.
 10 BOARD MEMBER PARDO: And what they have
 11 tried to do -- and, in fact, they have been
 12 shot down by their own Commission -- Staff has
 13 from a planning standpoint at the County on
 14 certain applications.
 15 Because basically on these fines -- these
 16 corridors that have -- I can't remember right
 17 now. They have a specific name, but they
 18 are -- let's call them super corridors for now.
 19 And there are several for them. U.S. 1
 20 being one. I think 27 Avenue is one. So these
 21 corridors and the ones on --
 22 SPECIAL COUNSEL COLLIER: The --
 23 BOARD MEMBER PARDO: What?
 24 SPECIAL COUNSEL COLLIER: The rapid transit
 25 zone.

1 BOARD MEMBER PARDO: Exactly. Which
 2 was -- which was -- which was endorsed by one
 3 of our -- or recently deceased Former Assistant
 4 County Managers.
 5 And the -- the thing is that --
 6 Mr. Austria. So when that went in basically
 7 it's doing the same thing where it's trumping,
 8 you know, our -- our control of these
 9 corridors. So U.S. 1 is probably the major
 10 one --
 11 BOARD MEMBER WITHERS: That's the most
 12 concerning.
 13 BOARD MEMBER PARDO: But those -- those
 14 are two that have basically the same type of
 15 connotation where you could go above and
 16 beyond. And -- and that's I think what -- what
 17 Chip is mentioning. And I think --
 18 CHAIRPERSON AIZENSTAT: So do we need to
 19 ask City Staff --
 20 BOARD MEMBER PARDO: Staff to do
 21 something --
 22 CHAIRPERSON AIZENSTAT: -- to look into it
 23 and maybe come back with a presentation?
 24 BOARD MEMBER PARDO: A hundred percent.
 25 CHAIRPERSON AIZENSTAT: Is that the --

1 BOARD MEMBER KAWALERSKI: I believe it's
 2 the City Attorney because I was told the City
 3 Attorney's Office -- the City Attorney was
 4 developing some kind of posture on Live -- Live
 5 Local.
 6 CITY PLANNER GARCIA: Yes. In the next
 7 meeting we will have a presentation of Live
 8 Local.
 9 CHAIRPERSON AIZENSTAT: And we will have
 10 some discussion --
 11 CITY PLANNER GARCIA: Yes.
 12 CHAIRPERSON AIZENSTAT: -- on that and
 13 presentation.
 14 BOARD MEMBER KAWALERSKI: Yeah.
 15 CHAIRPERSON AIZENSTAT: Which will include
 16 both the City Attorney and --
 17 BOARD MEMBER PARDO: And what about the
 18 corridor --
 19 CHAIRPERSON AIZENSTAT: -- City --
 20 BOARD MEMBER PARDO: -- the corridor --
 21 CITY PLANNER GARCIA: The Smart Plan?
 22 BOARD MEMBER PARDO: The Dade County --
 23 BOARD MEMBER KAWALERSKI: I don't think
 24 that's the Smart Plan. Is it part of the Smart
 25 Plan?

1 CHAIRPERSON AIZENSTAT: No.
 2 BOARD MEMBER PARDO: I don't think that's
 3 part of the Smart Plan.
 4 CITY PLANNER GARCIA: R. D. C.
 5 BOARD MEMBER PARDO: Well, you know, it
 6 may be. It may be. It has certain --
 7 BOARD MEMBER KAWALERSKI: Yeah. This is a
 8 transit zone.
 9 BOARD MEMBER PARDO: I will -- I will find
 10 that and send it to you.
 11 CITY PLANNER GARCIA: Okay. But, again --
 12 CHAIRPERSON AIZENSTAT: Yes, Javier.
 13 BOARD MEMBER SALMAN: I -- I just noted
 14 that one of the letters that was submitted
 15 doesn't have a name.
 16 CHAIRPERSON AIZENSTAT: It does on the
 17 second page.
 18 BOARD MEMBER SALMAN: Oh. Forgive me.
 19 CHAIRPERSON AIZENSTAT: The City now
 20 prints on both sides.
 21 BOARD MEMBER SALMAN: Yeah. I see that.
 22 CHAIRPERSON AIZENSTAT: All right. With
 23 that said, is there a motion to adjourn?
 24 BOARD MEMBER SALMAN: So moved.
 25 BOARD MEMBER GRABIEL: Second.

1 CHAIRPERSON AIZENSTAT: We have a motion.
 2 Seconded by Julio.
 3 All in favor say aye.
 4 BOARD MEMBER KAWALERSKI: Aye.
 5 BOARD MEMBER PARDO: Aye.
 6 BOARD MEMBER SALMAN: Aye.
 7 BOARD MEMBER WITHERS: Aye.
 8 BOARD MEMBER GRABIEL: Aye.
 9 CHAIRPERSON AIZENSTAT: Aye.
 10 (Thereupon, the City of Coral
 11 Gables Planning and Zoning Board
 12 AGENDA ITEMS: E.-1, E.-2, E.-3,
 13 E.-4, E.-5, E.-6 was
 14 Concluded at 8:45 p.m.)
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1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF MIAMI-DADE
 4
 5 I, ELIAS MARTINEZ, Notary Public in and
 6 for the State of Florida at Large, do hereby certify
 7 that LINO FERNANDEZ, personally appeared before me
 8 on this 13th day of December, 2023, and was by me
 9 duly sworn.
 10
 11
 12
 13
 14 _____
 15 ELIAS MARTINEZ, Notary Public
 16 State of Florida at Large
 17
 18 My Commission: HH 396306
 19 My Commission Expires: June 6, 2027
 20 Bonded through Huckleberry Notary Bonding
 21
 22
 23
 24
 25

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF MIAMI-DADE
 4
 5 I, ELIAS MARTINEZ, Notary Public in and
 6 for the State of Florida at Large, do hereby certify
 7 that SARA CONDE, personally appeared before me on
 8 this 13th day of December, 2023, and was by me duly
 9 sworn.
 10
 11
 12
 13
 14 _____
 15 ELIAS MARTINEZ, Notary Public
 16 State of Florida at Large
 17
 18 My Commission: HH 396306
 19 My Commission Expires: June 6, 2027
 20 Bonded through Huckleberry Notary Bonding
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 25

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF MIAMI-DADE
 4
 5 I, ELIAS MARTINEZ, Notary Public in and
 6 for the State of Florida at Large, do hereby certify
 7 that ALAN GOMMERSON, personally appear ed before me
 8 on this 13th day of December, 2023, and was by me
 9 duly sworn.
 10
 11
 12
 13 _____
 14 ELIAS MARTINEZ, Notary Public
 15 State of Florida at Large
 16
 17
 18 My Commission: HH 396306
 19 My Commission Expires: June 6, 2027
 20 Bonded through Huckleberry Notary Bonding
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1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF MIAMI-DADE
 4
 5 I, ELIAS MARTINEZ, Notary Public in and
 6 for the State of Florida at Large, do hereby certify
 7 that JOHN CUNNINGHAM, personally appear ed before me
 8 on this 13th day of December, 2023, and was by me
 9 duly sworn.
 10
 11
 12
 13 _____
 14 ELIAS MARTINEZ, Notary Public
 15 State of Florida at Large
 16
 17
 18 My Commission: HH 396306
 19 My Commission Expires: June 6, 2027
 20 Bonded through Huckleberry Notary Bonding
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 25

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF MIAMI-DADE
 4
 5 I, ELIAS MARTINEZ, Notary Public in and
 6 for the State of Florida at Large, do hereby certify
 7 that JENNIFER GARCIA, personally appeared before me
 8 on this 13th day of December, 2023, and was by me
 9 duly sworn.
 10
 11
 12
 13 _____
 14 ELIAS MARTINEZ, Notary Public
 15 State of Florida at Large
 16
 17
 18 My Commission: HH 396306
 19 My Commission Expires: June 6, 2027
 20 Bonded through Huckleberry Notary Bonding
 21
 22
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 25

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF MIAMI-DADE
 4
 5 I, ELIAS MARTINEZ, Notary Public in and
 6 for the State of Florida at Large, do hereby certify
 7 that HERMES DIAZ, personally appeared before me on
 8 this 13th day of December, 2023, and was by me duly
 9 sworn.
 10
 11
 12
 13 _____
 14 ELIAS MARTINEZ, Notary Public
 15 State of Florida at Large
 16
 17
 18 My Commission: HH 396306
 19 My Commission Expires: June 6, 2027
 20 Bonded through Huckleberry Notary Bonding
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CERTIFICATE OF REPORTER

I, Elias Martinez, Court Reporter, certify that I was authorized to and did transcribe a City of Coral Gables Planning and Zoning Board meeting of and that the transcript is a true record of the testimony given at the meeting.

I further certify that I am not a relative, employee, attorney, or Counsel of any of the parties nor am I a relative or employee of any of the parties, attorney, or Counsel connected with the action, nor am I financially interested in the action.

Dated this 2nd day of January, 2024.

ELIAS MARTINEZ
Notary Public - State of Florida
My Commission # GG331266
Expires: June 6, 2023

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