

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 WEDNESDAY, FEBRUARY 13, 2008, 6:00 P.M.

8
9 Board Members Present:

10 Tom Korge, Chairman
11 Robert Behar
12 Jack Coe
13 Pat Keon
14 Javier Salman

15 City Staff:

16 Eric Riel, Jr., Planning Director
17 Walter Carlson, Assistant Planning Director
18 Lourdes Alfonsin Ruiz, Assistant City Attorney
19 Javier Betancourt, Principal Planner
20 Scot Bolyard, Planner
21 Martha Salazar-Blanco, Zoning Administrator

22 Also Participating:

23 Application 01-08-043-P:

24 Roney Mateu
25 Marcelo Fernandes
Rocco Ceo
Gladys Margarita Diaz

Application 12-07-042-P:

Mario Garcia-Serra, Esq.,
Greenberg Traurig,
On behalf of LG Coral Gables, LLC
Omar Del Rio

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24

25

1 THEREUPON:

2 CHAIRMAN KORGE: All right, I call the
3 meeting to order. Our first -- First let's
4 take the roll call, please.

5 MR. BETANCOURT: Mr. Behar?

6 MR. BEHAR: Here.

7 MR. BETANCOURT: Mr. Coe?

8 MR. COE: Here.

9 MR. BETANCOURT: Mr. Salman?

10 MR. SALMAN: Here.

11 MR. BETANCOURT: Mr. Korge?

12 CHAIRMAN KORGE: Here.

13 MR. BEHAR: He's awake today.

14 CHAIRMAN KORGE: I think you need to
15 call everybody's name.

16 MR. BETANCOURT: Okay. Mr. Aizenstat?

17 Ms. Keon?

18 Ms. Moreno?

19 CHAIRMAN KORGE: Okay. The first item
20 on the agenda is the approval of the
21 minutes. Do I have a motion to approve the
22 minutes?

23 MR. BEHAR: Motion to approve.

24 Mr. COE: I don't think we have a --
25 Mr. Chairman, we don't have a quorum for

1 the minutes.

2 CHAIRMAN KORGE: Why do we not have a
3 quorum?

4 MR. COE: Because I wasn't present at
5 the last meeting.

6 MR. RIEL: Mr. Coe wasn't here.

7 CHAIRMAN KORGE: Okay.

8 MR. COE: So --

9 CHAIRMAN KORGE: Then we'll just defer
10 the minutes.

11 MR. COE: Just defer the minutes --

12 CHAIRMAN KORGE: We'll defer that.

13 MR. COE: -- until someone else shows
14 up.

15 CHAIRMAN KORGE: Changes to the agenda?
16 Do we have any changes?

17 MR. RIEL: No changes.

18 CHAIRMAN KORGE: Okay. We have two
19 items on the agenda for public hearing.
20 Which one are we taking first?

21 MR. RIEL: The 4311 Ponce.

22 CHAIRMAN KORGE: 4311 -- okay.

23 Application Number 01-08-043-P, a
24 mixed-use site plan review at 4311 Ponce
25 Boulevard.

1 Proceed.

2 MR. CARLSON: Good evening. For the
3 record, Walter Carlson, Planning
4 Department.

5 The first item we have before you this
6 evening, the first of two items we have
7 before you this evening, is referred to as
8 the 4311 Ponce project.

9 Before I begin with my brief PowerPoint
10 presentation, I'd like to note that you
11 have copies of tonight's PowerPoint
12 presentation in front of you, so you can
13 follow along, and you also have a copy of
14 the updated comments list in front of you.
15 The updated comments list is in yellow. It
16 includes all the comments received to date.

17 I'd just like to point out to the Board
18 that the Code requires that we notice
19 everybody within the MXD district, all
20 properties within the MXD district, and all
21 properties within 1,500 feet of the MXD
22 district. There were approximately 1,123
23 notices mailed out. There's a lot of
24 notices mailed out. And if you look at the
25 notices which we received, a lot of them

1 come from north of Bird Road and west of
2 LeJeune Road, because all those areas were
3 included.

4 (Thereupon, Ms. Keon arrived.)

5 This project is located on Ponce de
6 Leon Boulevard, across from the Nordstrom's
7 at the Village of Merrick Park. I just
8 want to point that out.

9 On that note --

10 CHAIRMAN KORGE: Excuse me for
11 interrupting. Let's just note for the
12 record that Pat Keon has arrived.

13 Thank you. Go ahead.

14 MR. CARLSON: On that note, I'd like to
15 begin with my brief presentation.

16 Again, this is the 4311 Ponce project.
17 The applicant has requested a site plan
18 review of a proposed mixed-use project or
19 mixed-use project referred to as MXD. The
20 Planning and Zoning Board must provide a
21 recommendation on all proposed MXD site
22 plans to the City Commission. The proposed
23 MXD site plans are adopted by resolution,
24 which requires only one reading before the
25 Commission.

1 The property is located in the north
2 MXD industrial district. This is the first
3 proposed MXD project submitted under the
4 recently adopted Zoning Code provisions.
5 Those recently adopted provisions allow
6 10,000 to 20,000-square-foot projects, MXD
7 project sites, within an established MXD
8 district. Again, this is in the north MXD
9 district. Anything which isn't in an
10 established MXD district requires a minimum
11 of 20,000 square feet.

12 The property adjoins the City of Miami,
13 and in this portion of the City of Miami,
14 development of 10 stories or 120 feet high
15 commercial development is allowed.

16 The project consists of a seven-story
17 structure. It's primarily of commercial
18 office use. The building's ground floor
19 contains retail and four live/work
20 residential units. There are 182 parking
21 spaces provided, which is 24 more spaces
22 than allowed (sic) by Code. Of the 182
23 parking spaces, 83 of those are mechanical
24 lifts.

25 All vehicular access to the building is

1 from the rear alleyway. There's public
2 streetscape improvements provided along
3 both Ponce de Leon Boulevard and San
4 Lorenzo Avenue.

5 Staff found that the proposal is
6 consistent with the Comprehensive Plan's
7 goals, objectives and policies, and it
8 satisfies the Zoning Code's MXD and site
9 plan review provisions and requirements.
10 It satisfies the MXD objectives, and it
11 promotes a walkable pedestrian environment.

12 There are no variances required with
13 this application. As previously stated,
14 there are 24 additional parking spaces
15 provided, and finally, the applicant has
16 addressed all the City Department comments.

17 The Planning Department recommends
18 approval of the proposed MXD project with
19 the following conditions: 30 designated
20 parking spaces be provided for retail
21 customers. There are no parking garage
22 gates or similar devices that would
23 restrict on-site parking. The sale and
24 leasing of parking spaces within the
25 building shall be prohibited. The

1 applicant shall provide signal timing
2 analysis for the pedestrian crosswalk at
3 the Ponce de Leon Boulevard/Bird Road
4 intersection that was identified by the
5 traffic study. The required minimum 10
6 percent of on-site landscaping shall be
7 confirmed by the Building & Zoning
8 Department when they finalize the final
9 zoning analysis. And finally, the proposed
10 gym facilities, which are located on the
11 roof of the project, shall be limited to
12 building tenants, residents and guests.

13 That concludes Staff's presentation.
14 The applicant is here with detailed plans
15 and is prepared to present additional
16 detail or answer questions that the Board
17 may have.

18 CHAIRMAN KORGE: Thank you --

19 MR. RIEL: Actually, we have a 3D model
20 we want to show you.

21 As is the case on each of the projects
22 that comes through, we attempt to provide
23 the Board, as well as the Commission, an
24 understanding of how the potential bulk and
25 mass relates to the existing fabric of the

1 City.

2 Javier, do you want to turn off those
3 overhead lights, just because it's a little
4 bit easier to see the --

5 The building proposed is shown in blue.
6 This is Ponce. We have the Village of
7 Merrick Park to the east -- or to the west,
8 sorry. This is a building that's currently
9 under construction, which is directly
10 behind the project.

11 These buildings you see here, it's the
12 City of Miami. As Walter indicated, the
13 proposed height in those buildings -- this
14 is zoned industrial, and then office over
15 to this area -- is 120 feet or 10 floors,
16 whichever is less. This building you see
17 right here is within a City of Miami zoning
18 district that has no height limitations.
19 It's actually -- the proposal that we have
20 on file, which I think we received about a
21 year ago, the building is about 290 feet in
22 height, so I'm just kind of giving you a
23 perspective of the location of the
24 building. This is The Collection, over
25 here.

1 MR. COE: Mr. Riel, where's the nearest
2 residential area to the proposed building
3 site?

4 MR. RIEL: It would be this area. This
5 is Bird Road here.

6 MR. COE: So it would be off of Bird
7 Road?

8 MR. RIEL: Right.

9 MR. COE: Okay.

10 MR. RIEL: This fronting on Bird Road,
11 I believe, is zoned multi-family, and then
12 it's single-family, and then there's
13 dealerships down here, as you all know.
14 There is some residential within the
15 Village of Merrick Park. It's in these two
16 structures right here, but that's a part of
17 the mixed-use portion of the Park. And
18 then obviously, there's residential that's
19 on the other side of --

20 MR. COE: What I meant by residential,
21 other than Merrick Park.

22 MR. RIEL: Just single-family in this
23 area.

24 MR. COE: Okay.

25 MR. RIEL: This is, again, Ponce.

1 MR. BEHAR: Well, that's like three
2 blocks away, right?

3 MR. RIEL: Yes.

4 MR. BEHAR: Yeah, and to the west, it's
5 half a mile, across from --

6 MR. RIEL: Yes. There's nothing that's
7 adjacent. The boundaries of the mixed use
8 is this area right here.

9 MR. BEHAR: The City of Miami starts
10 where you have those gray buildings; is
11 that correct?

12 MR. RIEL: Yes. This is the City of
13 Miami here.

14 MR. COE: That's purple.

15 CHAIRMAN KORGE: How does the height of
16 the proposed building compare to the height
17 of the immediately adjacent buildings?

18 MR. RIEL: The proposed height of this
19 building, I believe, is 95 feet.

20 CHAIRMAN KORGE: Okay, and the one
21 right across the street from it?

22 MR. BEHAR: It's 97 feet. That's an
23 eight-story building.

24 CHAIRMAN KORGE: Okay, so it's
25 comparable.

1 MS. KEON: No, the parking garage.

2 MR. RIEL: This one right here?

3 MS. KEON: No, the one --

4 CHAIRMAN KORGE: That one --

5 MR. BEHAR: That one.

6 CHAIRMAN KORGE: -- and the other
7 two -- the other two.

8 MR. RIEL: This one, I believe, is 97.
9 I'm not sure about this, but I want to say
10 it's 75.

11 MR. BEHAR: That's a seven-story
12 building, so it's very comparable or
13 similar to that, and then as you go further
14 to the east, in the City of Miami, it gets
15 much taller.

16 CHAIRMAN KORGE: All right. Thank you.

17 MR. RIEL: The lights.

18 MR. SALMAN: Mr. Riel, one of the
19 biggest concerns that the residents are
20 probably going to have is going to be
21 traffic. In the traffic study, most of the
22 access is coming from where?

23 MR. RIEL: I think I will defer to the
24 applicant and let them answer that better,
25 because they -- I assume they have their

1 traffic engineer. The traffic report was
2 reviewed by the Public Works Department,
3 and that's why you do see a condition on
4 the signal timing issue.

5 CHAIRMAN KORGE: Well, why don't we
6 take -- let the applicant make his
7 presentation, and then we can take
8 testimony from the audience.

9 Does the applicant want to make a
10 presentation at this time?

11 MR. MATEU: Hi. Good morning. Good
12 morning? Good evening. My name is Roney
13 Mateu, from Mateu Architecture. We are the
14 architects of the building. I'll be glad
15 to go over the project with you.

16 CHAIRMAN KORGE: Would you state your
17 address for the record?

18 MR. MATEU: My address is 18001 Old
19 Cutler Road, Suite 550, Palmetto Bay,
20 Florida.

21 CHAIRMAN KORGE: Thank you.

22 MR. MATEU: The old Burger King
23 building.

24 As we mentioned, our building is here.
25 Our building is -- has been designed under

1 the new MXD Code. We've had a long process
2 with this project. As it was mentioned
3 earlier, this was, I guess, the first
4 building that is going up under the new
5 Code, and I think it was a learning
6 experience for a number of us, and the
7 City.

8 The intention of the building is to
9 have a mixed-use project that has, in this
10 case, a combination of retail, residential
11 and offices. Design-wise, it takes into
12 account the desired facades and
13 frontispieces that the Planning Department
14 has established as part of the Code,
15 where the idea of creating a singular mass
16 of buildings that have similar height and
17 setback treatments, on a long block, are
18 trying to be achieved, and this one being
19 on the south-most corner of Ponce de Leon,
20 on that block, it has the opportunity to
21 have a corner treatment that we feel is
22 very appropriate for its location.

23 The idea of -- The building sort of
24 looks like it sits on a base, with retail,
25 obviously, on the ground, but then this

1 base, this pedestal, is the parking
2 structure that is completely hidden from
3 the front, and this building, being on a
4 corner, has two fronts, and some of the
5 requirements and restrictions of our design
6 were such that we could not have any
7 driveways entering parking structures from
8 Ponce or San Lorenzo, and therefore we have
9 the entrance on the alley side, which is an
10 alley that's half owned by the City of
11 Miami and the City of Coral Gables.

12 The entrance into the building in the
13 back lines up with Orange Street, so from a
14 vehicular and traffic circulation point,
15 it's pretty logical.

16 In our case, we've designed the retail
17 functions that take place facing Ponce de
18 Leon Boulevard, and then took the
19 opportunity to provide for living units
20 that face the side street, where it's a
21 little bit more appropriate for residential
22 living and they being on the ground floor.

23 MR. COE: Could I interrupt a second?

24 Do you happen to have with you the
25 David Plummer traffic study that was

1 supposedly done last month?

2 MR. MATEU: I do not have it with me.

3 MR. CARLSON: I do.

4 MR. COE: That's not in our package.

5 Do we have that somewhere?

6 MR. RIEL: We have it on file.

7 MR. COE: I didn't mean to interrupt
8 you.

9 MR. MATEU: No, no, it's okay. I
10 thought it was included in the submittal.

11 The building consists, then, of three
12 levels above the parking area of office
13 spaces. The treatment of the office spaces
14 is such that it takes into account the
15 energy consciousness, and the direction of
16 a lot of architectural buildings nowadays
17 are that they're concerned with energy, and
18 therefore it's treated in a series of
19 shading devices, yet they're different for
20 each street so that they're appropriate,
21 because the front on Ponce is a different
22 sun treatment than the treatment of the sun
23 on San Lorenzo, which is on the south side.

24 The roof of this building is a -- the
25 seventh story is a gymnasium, a private

1 gym. It will be for the exclusive use of
2 the tenants and the people that live here
3 in this building, and the rest of the roof
4 is used as an improved landscaped top.

5 So, in our treatment of this building,
6 not only do we have the treatment of the
7 facades, but also the roof, as an elevation
8 itself.

9 I think that's all. If you have any
10 questions, I'll -- and I don't know if the
11 clients want to say anything.

12 CHAIRMAN KORGE: Any questions from the
13 Board? Nothing?

14 MR. SALMAN: I had a question with
15 regards to access from --

16 CHAIRMAN KORGE: From the alley?

17 MR. SALMAN: From the alley. Where do
18 you expect most of the people to come from,
19 that are going to go into the building,
20 from the U.S. 1 side or from the City side,
21 or what does the traffic study say?

22 MR. BEHAR: But in reality, that's not
23 an alley. It is a public street.

24 MR. SALMAN: It's a public
25 right-of-way.

1 MR. BEHAR: It's a small public, you
2 know, but it's a street. It's not an
3 alley. It is.

4 MR. MATEU: Well, the part --

5 MR. BEHAR: The one to your east, to
6 your east, where your access is, is not an
7 alley. It's a street. So you do have --
8 because otherwise you would not be able to
9 access your parking from an alley. You
10 know, it is considered a street.

11 MR. COE: Do you have somebody to
12 address, sir, the traffic impact study that
13 I'm looking at? Is there somebody familiar
14 with it in your --

15 MR. MATEU: Well, we're generally
16 familiar with it. I don't know if you have
17 a question.

18 MR. COE: Well, I'm just a little bit
19 concerned. I'm at Page 24 of the study,
20 6.0, Conclusions, and it makes a statement:
21 However, minor signal timing modifications
22 are recommended at the Ponce de Leon
23 Boulevard/Bird Road intersection in
24 afternoon peak hour during future without
25 project conditions to accommodate the

1 increase in background traffic.

2 I'd like some elaboration on that,
3 frankly.

4 MR. MATEU: I think the statement is --
5 and it was reviewed by the Public Works
6 Department, and I think what they were
7 referring to is that they wanted to change
8 the light, the timing or the duration of
9 the lights at Bird and Ponce, for the
10 pedestrian crossing.

11 MR. COE: No, we're not talking about
12 that. That's the second paragraph. We're
13 talking about the first paragraph.

14 CHAIRMAN KORGE: Jack, would you read
15 that again, out loud?

16 MR. COE: Yeah. I'm reading the fourth
17 line of the first paragraph on Page 24 of
18 the traffic study: However, minor signal
19 timing modifications are recommended at the
20 Ponce de Leon Boulevard/Bird Road
21 intersection in the afternoon peak hour
22 during future without project conditions to
23 accommodate the increase in background
24 traffic, quote, unquote.

25 I'm not talking about -- The second

1 paragraph deals with pedestrians. I
2 haven't gotten to that yet. I'm dealing
3 with vehicular traffic.

4 MR. MATEU: I understood that -- you
5 know, obviously, if you're changing the
6 timing of the red lights on one side versus
7 the other, that has to do with traffic
8 lights, also, to allow -- I think the
9 comment was that the time allowed for
10 pedestrians to cross --

11 MR. COE: No, sir. We're not talking
12 about pedestrians. That's Paragraph 2.

13 MR. MATEU: I can't answer your
14 question, then. I'm sorry.

15 MR. BEHAR: But is that something that
16 is doable?

17 MR. COE: Well, that's what I want to
18 find out.

19 MR. BEHAR: Because if it's doable --

20 MR. COE: I don't know what it means.

21 MR. RIEL: There's a condition on 4d on
22 Page 2 that requires the Public Works
23 Director --

24 MR. COE: No. In all -- Mr. Riel, all
25 you're saying is that "impact study

1 prepared by David Plummer and Associates
2 dated January '08" -- well, this is the
3 study, but I want an explanation of that
4 second sentence in Paragraph 1. I don't
5 understand what that means, and I don't
6 know if it's doable or not doable. I don't
7 know what the impact really is, and I don't
8 know if we approve this without a
9 determination of what this language
10 means -- I think is irresponsible, frankly.

11 MR. FERNANDES: If I may address -- My
12 name is Marcelo Fernandes, one of the
13 owners of the project. Our address is 4311
14 Ponce de Leon Boulevard. If I may -- May I
15 borrow that for one second, please?

16 MR. COE: Sure.

17 The first paragraph, second sentence.

18 MR. FERNANDES: Yeah, it does say here,
19 and I'll read it again, minor signal timing
20 modifications are recommended at the Ponce
21 de Leon Boulevard/Bird Road intersection in
22 afternoon peak hour -- future, without
23 project conditions. When they do this
24 report, they do two comparisons, one with
25 project and one without project, and

1 they're saying here, even without the
2 project being impacted (sic) in the traffic
3 statement, they're recommending to review
4 the signalization at that intersection,
5 even without the project.

6 MR. COE: That's your interpretation of
7 that?

8 MR. FERNANDES: Well, it says future,
9 without project conditions.

10 MR. COE: That's your interpretation of
11 that?

12 MR. FERNANDES: Correct.

13 MR. COE: That's all I want. That's
14 your interpretation?

15 MR. FERNANDES: Yes, sir.

16 MR. COE: There's nobody here from
17 Plummer's study, though, right?

18 MR. FERNANDES: There's an exhibit in
19 the back that shows each intersection, with
20 project and without project, and that's,
21 from my review of the report, what it is.

22 CHAIRMAN KORGE: Any other questions?

23 MS. KEON: I have a couple of
24 questions.

25 CHAIRMAN KORGE: Sure, go ahead.

1 MS. KEON: And it's mainly of the
2 Planning Department. You know, I don't
3 know all of the rules or regulations with
4 regard to the live/work units, but those
5 units -- is there something that requires
6 that none of that space ever be subleased
7 or whatever, that if you -- you know, if
8 you're going to live there, you have to
9 work there, or if you're going to work
10 there, you have to live there, so you
11 couldn't choose to live there and then
12 sublease the retail space to somebody else?
13 I mean, is it a requirement that -- because
14 I would think that part of the live/work is
15 that it reduces traffic because you have
16 the same person that's living there working
17 there, they're not driving, and all of
18 those conditions.

19 So within our ordinances, or within,
20 you know, our regulations that govern
21 live/work, is there a requirement that the
22 person has to? You know, I looked and I
23 couldn't find it, so --

24 MR. RIEL: The live/work provisions are
25 in the actual MXD district. I need to look

1 at it.

2 MS. KEON: Oh.

3 MR. RIEL: But I can tell you, we
4 consider it as a residential unit. So it's
5 interpreted as four -- I believe there's
6 four units -- as four residential units.
7 But there are provisions that are in the
8 MXD, and I just need to check those,
9 because obviously --

10 MS. KEON: Okay, but wouldn't -- What I
11 want to know is that although it's a
12 residential unit, that you can't sublease a
13 portion of that, that, you know, by the
14 building's design or whatever, would be
15 considered retail, so you wouldn't have two
16 different, you know --

17 MR. RIEL: It's considered a
18 residential unit, and therefore, it's
19 appropriately parked based upon that
20 interpretation of use. So, in terms of the
21 Code, we would enforce codes as if we would
22 if it were a residential unit.

23 Now, in terms of live/work, I need to
24 look at it, because obviously it's been
25 some time since we've reviewed the project,

1 but --

2 MS. KEON: Okay. The other question I
3 have for you, while you're thinking about
4 that, is, when I looked at the elevations,
5 this north elevation is -- and maybe it
6 would look different in reality than it
7 looks on this paper, but it's like a
8 hundred-foot blank wall. It's really --
9 from here, I would maybe ask someone to
10 consider the aesthetics of that -- you
11 know, that huge, big blank wall.

12 MR. RIEL: And just from the Planning
13 Department's perspective, we don't
14 typically get into architectural design.
15 It has gotten Board of Architects' review
16 and approval, so --

17 MR. BEHAR: Unfortunately, we are not
18 the Board of Architects, so that has
19 been -- gone through the Board and gotten
20 approval already.

21 MS. KEON: As an architect, concerned
22 with aesthetics, would you recommend this?

23 MR. BEHAR: No, I'm a Board member
24 today.

25 MS. KEON: Right. I really would ask

1 that you would ask, in some way, that maybe
2 you should -- somebody should look at that
3 hundred-foot, big, blank wall.

4 MR. RIEL: There are provisions --

5 MS. KEON: It tends not to be -- and
6 I've heard this come up over and over again
7 in building -- and I know when there was
8 other buildings that they have required
9 them to put in windows or to put in -- or
10 to do some elements, so you don't have a
11 huge, big, blank --

12 MR. BEHAR: Pat, I would concur with
13 you, I would agree with you, if I had an
14 ability to do something, I would, you
15 know --

16 MS. KEON: Okay.

17 MR. BEHAR: -- mandate it.
18 Unfortunately, we -- you know, I don't know
19 if we have to --

20 MS. KEON: Well, I don't think we can
21 mandate it, but I think that maybe we could
22 ask that maybe they would, you know, just
23 take another look at it.

24 MR. BEHAR: And I think the diversity
25 of the architecture is very -- you know,

1 the architecture is very nice. To me, I
2 think that the diversity --

3 MS. KEON: The diversity I like. It's
4 that one wall.

5 CHAIRMAN KORGE: Really, to me, it
6 would depend on what materials they use for
7 that wall.

8 MS. KEON: Well, that's what I'm
9 asking.

10 MR. BEHAR: The truth of the matter is,
11 that's on the property line. So,
12 theoretically, somebody could come
13 afterwards and build right up to it, and
14 that would go away. You know, hopefully,
15 that would happen soon enough.

16 MS. KEON: We hope.

17 MR. BEHAR: We hope.

18 MS. KEON: You hope.

19 MR. BEHAR: But, you know, overall, the
20 building is a very great --

21 MS. KEON: The rest of it. That's
22 why -- that's the only thing that makes
23 that so stark to me, is that the rest of it
24 is very pretty.

25 MR. SALMAN: Pat, I'd echo your

1 sentiments and your concerns, but it is on
2 a party wall, and eventually -- first, you
3 can't put a fenestration on it that would
4 lead to the interior. You can't put a
5 window in it, because -- you can't. I
6 mean, it's right on the property line.

7 MR. BEHAR: No, you can't. The Fire
8 Code doesn't allow you to have anything --

9 MR. SALMAN: Fire Codes don't allow it.

10 MS. KEON: No, but I don't know -- and
11 I'm not an architect, but I don't know that
12 there couldn't be some element --

13 MR. BEHAR: Maybe we could ask the
14 applicant if he's willing to --

15 MS. KEON: I mean, you could do
16 something. I mean, I don't know --

17 MR. SALMAN: It's outside our pay grade
18 here. We're here to review an issue. We
19 have a Board that is about aesthetics
20 and --

21 MR. BEHAR: I think it's a great
22 looking building.

23 MR. SALMAN: I think it's a great
24 looking building, just the way it is.

25 MS. KEON: I think all of it is, but I

1 don't like that huge wall. I mean, I don't
2 know how it could be --

3 MR. BEHAR: I think we all agree with
4 that.

5 MR. SALMAN: And I concur, I have
6 concerns about that, but again, I have to
7 defer to my fellow colleagues on the Board
8 of Architects that have reviewed it
9 thoroughly with regards to the aesthetics.
10 I have a concern about it. I would have
11 loved to have seen a slot in it
12 somewhere --

13 MS. KEON: That's all I'm asking.

14 MR. SALMAN: -- just to break it up --

15 MS. KEON: A slot or something.

16 MR. SALMAN: -- but, you know, that's
17 not our bailiwick today.

18 MR. BEHAR: I think that, you know,
19 based on what --

20 MS. KEON: Yeah.

21 MR. BEHAR: -- we've got here, based on
22 the fact that, you know, we've got the
23 recommendation for approval, I'm ready
24 to -- unless we have any --

25 MR. COE: Mr. Chairman, I have one

1 other concern.

2 CHAIRMAN KORGE: Yes.

3 MR. COE: Within this traffic study --
4 we talked about pedestrians. It also says
5 this: The analysis shows that required
6 pedestrian crossing times are inadequate
7 for the pedestrians to cross Ponce de Leon
8 Boulevard/Bird Road intersection. The
9 timing modifications previously discussed
10 under afternoon future without project
11 conditions provides sufficient green time
12 for pedestrian crossings.

13 I don't know what that means. I do
14 know, this is one block from a high school.

15 CHAIRMAN KORGE: Well, I don't know --

16 MR. RIEL: No, it's not adjacent to the
17 high school.

18 MR. SALMAN: It's two blocks.

19 MR. COE: Well, if it's Ponce and Bird
20 Road, it is one block from the high school,
21 which is --

22 MS. KEON: Two.

23 MR. COE: Two blocks from the high school.

24 MR. BEHAR: Three blocks, actually.

25 MR. COE: Actually, not, because

1 they're coming across there. I mean,
2 there's plenty of high school students
3 at --

4 CHAIRMAN KORGE: It's four blocks.

5 MR. COE: Not really, not Bird Road.

6 CHAIRMAN KORGE: One, two, three --

7 MR. SALMAN: Two short blocks.

8 MR. COE: Short blocks.

9 CHAIRMAN KORGE: -- four blocks from
10 the high school.

11 MR. COE: And I'm a little bit
12 concerned. I don't know what this means.

13 CHAIRMAN KORGE: Four blocks. One,
14 two, three, four blocks. One, two, three,
15 four.

16 MR. COE: See, I wish we had somebody
17 that did the traffic study here, so I could
18 ask them.

19 MR. BEHAR: Yeah, it's four blocks
20 away. You're right.

21 CHAIRMAN KORGE: Right. Okay.

22 MS. KEON: All right. The other thing
23 I wanted to know about was the parking.
24 The 30 spaces that you're providing for
25 retail customers, it says in here there's

1 no permitting, there's no permit parking,
2 there's no -- it is public parking; is that
3 what you're saying?

4 MR. CARLSON: The condition is that
5 there be 30, that it be on the second
6 floor, and they must be ground level
7 parking spaces, they must be assigned and
8 dedicated for --

9 MS. KEON: For public parking.

10 MR. CARLSON: -- for the retail public
11 to use, because the preliminary zoning
12 analysis identified a demand of 30 parking
13 spaces for the retail component.

14 MR. SALMAN: Now, the retail component
15 is only what, 4,000 and change square feet?

16 MR. CARLSON: It's not --

17 MR. SALMAN: It's very small.

18 MR. CARLSON: Right. It's only a
19 portion. It's only a portion of the first
20 floor.

21 MR. SALMAN: If they get 30 customers
22 at any time, they'll be very happy.

23 MR. CARLSON: Exactly.

24 MR. SALMAN: Okay. Is that parking
25 then open to the public for anybody else to

1 use, or is it just mainly for the -- or is
2 that for the --

3 MR. CARLSON: That parking would have
4 to be open and available for people who
5 want to come in and use the retail
6 component.

7 MR. SALMAN: Okay.

8 CHAIRMAN KORGE: Right, and they could
9 charge for parking, if they wanted to, I
10 assume.

11 MS. KEON: Yeah.

12 MR. CARLSON: That hasn't -- that
13 proposal wasn't made to us, and we've asked
14 that there be no gates on there or
15 restrictions so that while the businesses
16 are open, there would be access in to use
17 the parking which is available.

18 MR. SALMAN: Is it a condition that it
19 not be restricted?

20 MR. CARLSON: Exactly.

21 MS. ALFONSIN RUIZ: Yes.

22 MR. SALMAN: So cost is a restriction,
23 so they can't charge.

24 MR. BEHAR: The commercial parking is
25 on the ground level?

1 MR. CARLSON: The retail commercial
2 parking is on the second floor. The second
3 floor is the first floor of parking in the
4 project.

5 CHAIRMAN KORGE: All right, so it would
6 be on the second floor?

7 MR. CARLSON: It would be the first
8 available parking in the project, which is
9 on the second floor.

10 MR. BEHAR: But you do have lifts on
11 the second floor.

12 MR. CARLSON: And those could be used
13 for office workers or the workers in the
14 retail, but the ground floor must be open
15 and available for the retail customers.

16 MR. COE: They should have brought
17 somebody that did that study.

18 MS. KEON: But it's not employee
19 parking at all, that's clear?

20 MR. RIEL: Mr. Chair --

21 MS. KEON: Okay.

22 MR. RIEL: -- these questions are more
23 appropriate for the applicant, I'm sorry.
24 Mr. Carlson is the reviewer, so --

25 MS. KEON: Okay.

1 MR. BEHAR: Because -- and maybe to the
2 applicant, you do have extra spaces, I
3 understand, 24 extra spaces in the
4 building?

5 MR. FERNANDES: Correct.

6 MR. BEHAR: Correct?

7 MR. FERNANDES: Yes.

8 MR. BEHAR: You're proposing to have
9 the second floor, which is your commercial
10 parking, have lifts.

11 MR. FERNANDES: Correct.

12 (Simultaneous discussion between Mr.
13 Coe and Ms. Alfonsin Ruiz).

14 MR. BEHAR: Who is going to operate
15 those lifts? Because that may be a little
16 concern. I agree with the lifts, I don't
17 have a problem, but --

18 MR. FERNANDES: Right.

19 MR. BEHAR: -- you know, are you going
20 to leave the public to operate the lifts?

21 MR. FERNANDES: Yes. The lifts that we
22 are using here are commonly used in New
23 York, Boston, Fenway Park, a lot of
24 applications. It's the Harding lift
25 company. It's really foolproof. They

1 cannot be -- They can't come down when a
2 car is there. There are sensors.

3 Now, the ones we're using -- like
4 they're restricting -- they're restricting
5 that the 30 parking spaces for the open
6 public all will be the ground level ones.
7 No lifts will be used as part of this here.

8 MR. BEHAR: On the public, you have no
9 lifts?

10 MR. FERNANDES: Correct.

11 MR. BEHAR: Okay. That was my concern.

12 MR. FERNANDES: No lifts, correct.

13 MR. BEHAR: That's fine.

14 MR. FERNANDES: But the commercial
15 space can have an employee or somebody on
16 top --

17 MR. BEHAR: That's fine. But the public --

18 MR. FERNANDES: But the customer would
19 come downstairs, correct.

20 MR. BEHAR: But in the retail, there's
21 no lifts?

22 MR. FERNANDES: No lifts, correct.

23 MR. BEHAR: That's fine. Thank you.

24 MR. RIEL: Mr. Chair, I just have one.
25 I wanted the applicant to state on the

1 record if they agree with Staff's
2 conditions.

3 CHAIRMAN KORGE: Oh, yes, absolutely.

4 Do you agree with all the conditions
5 that are asked of the applicant?

6 MR. FERNANDES: Yes. We reviewed them
7 already, so yes.

8 CHAIRMAN KORGE: Okay. Why don't we
9 open it --

10 MS. KEON: Are there live/work
11 provisions?

12 MR. RIEL: Yes, there are live/work
13 provisions. They deal with issues of
14 operations, in terms of restrictions on
15 delivery; requirements need to meet the
16 Code requirements in terms of parking.
17 Obviously, the common things, live/work, no
18 flammable liquid storage. It's got to meet
19 applicable Building and Fire Code.

20 MS. KEON: But does it require that the
21 person that lives there also works there?

22 MR. RIEL: No.

23 MS. KEON: You know, I really think
24 that if you're going to have live/work
25 units, and the purpose of having them, it

1 is because it does reduce the traffic
2 concerns when you allow people to live and
3 work at the same site, that there should be
4 a requirement that none of the space can be
5 subleased outside of whoever is living
6 there.

7 CHAIRMAN KORGE: You think we should
8 impose any requirement that doesn't exist
9 in the Code right now? Is that what you're
10 saying?

11 MS. KEON: Well, I think -- I don't
12 know whether -- I think that probably
13 should go into the Code, and maybe it was
14 just an oversight, but --

15 CHAIRMAN KORGE: Is it in the Code?
16 Have you found it?

17 MR. RIEL: No, it's not.

18 MS. KEON: He's saying that it's not.
19 I mean, I --

20 CHAIRMAN KORGE: I don't know how
21 enforceable that would be, practically
22 speaking. Not legally, but just
23 practically, how would you know who's doing
24 what?

25 MS. KEON: Well, you know who has an

1 occupational license to work there and you
2 know who -- residentially, who lives there.

3 MR. MATEU: Could I --

4 MS. KEON: Yeah.

5 MR. MATEU: -- add something? I think
6 the intent of the live/work unit is
7 primarily a residential unit --

8 MS. KEON: Right.

9 MR. MATEU: -- number one, that allows
10 you to have office use in it.

11 MS. KEON: Right.

12 MR. MATEU: It seems to me -- and these
13 are not large units. It sounds to me that
14 it would be very, very difficult for
15 someone to -- since the space is laid out
16 as a combination of living and working,
17 it's like if, you know, let's say -- I, as
18 an architect, I have a drafting table in an
19 area there and a computer and my sofa and
20 my TV and my dining -- and that's what is
21 allowed to do. But the other -- the thing
22 that I wanted to say besides that is, I
23 think -- well, I don't want to say legally
24 or anything, about what I think about the
25 Code or whatever, but I have to say that

1 this, being the first project in this
2 zoning, with potentially this kind of a
3 mixed use -- and I am all in favor of mixed
4 use, because of the intent of it, I
5 believe --

6 MS. KEON: Absolutely.

7 MR. MATEU: -- planning, is to reduce
8 car dependency, to allow people, to
9 encourage people to walk, et cetera, et
10 cetera, which the live/work unit does, by
11 itself. But I think there's a problem,
12 that the Code requires that we still meet
13 all the parking requirements as if --
14 there's no benefit in the planning in the
15 Code as it's written. There's no benefit
16 for this gentleman to build a building that
17 has less parking and encourages people to
18 use less cars, because we have to -- you
19 know, the reason the parking is the way it
20 is and why we have the lifts and why we
21 have all of that is because the Code
22 requirements are such as if there was no
23 mix.

24 If you've got retail, you've got to
25 provide this many cars. If you've got

1 office, you've got to provide this many
2 cars. If you've got residential, you've
3 got to provide this many cars, and there's
4 no reduction, and I think that's contrary
5 to the spirit of what I think the law is
6 intending to do, if you see the whole
7 development of that block.

8 And to go back to the blank wall, and I
9 had -- you know, I almost wasn't going to
10 say anything, but this building suffers
11 from being the first one, and the intent is
12 that this whole block will be built, and
13 the Code specifically says, you know, to
14 the property line, and when you say
15 property line, the Fire Marshall walks in
16 and you cannot have any openings. We could
17 decorate the wall, and this is a discussion
18 we had with the Board of Architects, and at
19 the end of the day, they said, "We don't
20 want false decoration, we want that to be
21 what it is," because the building is a very
22 honest, true, living building of what it
23 really is. Is it a solid wall? Yes, it
24 is, and we can score and do things, but it
25 has to be solid.

1 MS. KEON: Okay.

2 MR. MATEU: And tomorrow, the guy next
3 door can build to the same height, and then
4 that wall goes away, and if you look at the
5 whole -- at the long-term picture and you
6 see the whole development of that whole
7 block, which is the intention of the Code,
8 it would be a continuous series of building
9 fronts that all have a step-back at 45
10 feet, et cetera. They all should be
11 different, and that's what makes an
12 exciting urban setting happen.

13 MS. KEON: I agree with you. It's just
14 until it gets there --

15 MR. MATEU: Yes.

16 MS. KEON: -- there's an aesthetic
17 issue. I don't know what to tell you
18 about the live/work.

19 MR. SALMAN: May I see the traffic
20 report a second?

21 CHAIRMAN KORGE: Well, here it is.

22 MS. KEON: Yes, I know, and what I'm
23 looking at, in the live/work spaces,
24 there's just one story? There's the patio
25 out front and then there is -- the

1 live/work space is a one-story, single
2 story?

3 MR. MATEU: It has a second level.

4 MS. KEON: It's a second floor. That's
5 what I'm saying to you. There's a second
6 floor that you probably live on and your
7 work space is down below, on the first
8 floor.

9 MR. MATEU: The second level is the
10 bedroom --

11 MS. KEON: Right.

12 MR. MATEAU: -- and downstairs is the
13 living, dining, kitchen --

14 MS. KEON: For your living, and there
15 may be a kitchen or something, and then --

16 CHAIRMAN KORGE: And the work area.

17 So the work area is not separated from
18 the living, dining and all that?

19 MR. MATEU: No.

20 CHAIRMAN KORGE: Okay, so it's -- I
21 mean, practically speaking, I don't see --
22 unless you want, you know, some stranger in
23 your house during the day, to work there,
24 you're not going to sublet it.

25 MR. BEHAR: Chances are, this is always

1 going to remain a live/work with one user.

2 CHAIRMAN KORGE: Yeah.

3 MR. BEHAR: Nobody else, and I think
4 that he is right, the applicant is right,
5 the architect, that, you know, it's
6 intended to do that, intended so you can
7 live and work --

8 MS. KEON: Absolutely.

9 MR. BEHAR: And I think it's a great
10 concept.

11 MS. KEON: I think it's wonderful. I
12 just want to ensure that the person that's
13 living there is the person that's working
14 there --

15 CHAIRMAN KORGE: Well, it sounds --

16 MS. KEON: -- and the person working
17 there is the person living there.

18 CHAIRMAN KORGE: The way it's designed,
19 it looks like it effectively forced that,
20 anyway.

21 MR. BEHAR: Yeah. There's only one
22 entrance, so it's not like you could
23 separate it --

24 MS. KEON: Yeah, that's all I'm asking,
25 is that the space can't be separated.

1 CHAIRMAN KORGE: Any more questions of
2 the applicant?

3 Well, let's hear from anybody in the
4 public who wishes --

5 MR. SALMAN: Just one comment, just one
6 very little comment. The issue had to do
7 with the first paragraph?

8 MR. COE: Yes.

9 MR. SALMAN: And I'm looking at the
10 traffic counts and the level of service of
11 the intersection. What they're talking
12 about is increasing the turn movement on
13 the left-hand -- left turn. And the reason
14 for that is that currently, and this is the
15 current read on it, is that the
16 intersection is between an A and a D,
17 mainly As, you know, mainly As, Bs and Ds,
18 but there's a couple Fs, and the Fs are all
19 in the left-hand turn, and what they're
20 looking at is extending the time frame to
21 the left-hand turn, to be able to relieve
22 that issue, and I think that's what the
23 intent was, and I tend to agree with what
24 he -- what the owner was -- the
25 interpretation.

1 MR. FERNANDES: And it exists right
2 now.

3 MR. SALMAN: That's the way it exists
4 now. This is traffic counts taken on a
5 certain date, 7/16/07, and that's what it
6 is. So I think that --

7 MR. BEHAR: So the problem exists, no
8 matter what.

9 MR. SALMAN: The problem exists, no
10 matter what. Now, my question and issue
11 was, where is the traffic coming from?
12 Because again, the issue of building
13 greater density is something of great
14 concern to me as a resident and to a lot of
15 the residents that are responding, and it
16 was my contention, and the traffic study
17 bears out, that most of the traffic is
18 coming in from U.S. 1, or from the City of
19 Miami, so it's not through -- southbound
20 through the City of Coral Gables.

21 So I don't find that -- That was my
22 question and my potential objection to the
23 building. So, having not been able to find
24 reason to back up that objection in the
25 report, I don't see a reason why I can't

1 make a motion to approve, if you want to
2 call it a motion.

3 CHAIRMAN KORGE: Well, we have to hear
4 from the public.

5 MR. SALMAN: We'll hear from the
6 public, okay.

7 CHAIRMAN KORGE: So is there anybody
8 from the public who wishes to testify at
9 this time?

10 Pardon me?

11 Anybody who wants to testify, if you'll
12 stand up now and be sworn in at the same
13 time. You have to have signed up at the
14 front here before, if you haven't signed
15 up, and then anybody who wishes to testify,
16 we'll get everybody to be sworn in at the
17 same time.

18 MR. CEO: Hello. My name is Rocco Ceo.

19 MS. ALFONSIN RUIZ: You have to be
20 sworn.

21 MR. CEO: Oh, sorry.

22 (Thereupon, Rocco Ceo was duly sworn by
23 the court reporter.)

24 MR. CEO: My name is Rocco Ceo. I live
25 at 239 Alesio Avenue in Coral Gables, which

1 is about midway between Bird Road and the
2 Ponce Circle, and I just wanted to ask a
3 couple of questions and make some
4 observations, too, in reference to the
5 proposed projects. One question I had was,
6 is the live/work permitted use something
7 that is currently allowed under the Code
8 for that zoning district, or is it -- I
9 know that there was no variances applied
10 for, but this seems like this is a new
11 thing. Is this the first time this will be
12 built?

13 MR. RIEL: This is the first time that
14 a live/work unit -- and in a sense, it's
15 not truly a live/work unit. It was just
16 provisions that were put in the MXD to
17 encourage that type of activity. As a part
18 of the Zoning Code rewrite, we didn't do a
19 lot of research into that, so there's not
20 the specific requirements that you see in
21 other local governments in terms of
22 live/work units. Like I said, in a sense,
23 it operates as a residential unit and
24 that's how we're interpreting it, so --

25 CHAIRMAN KORGE: Right.

1 MR. RIEL: And it's just -- it was the
2 first time to try to, you know, introduce
3 the notion, and it's only allowed in the
4 mixed-use area, which is as I indicated
5 earlier.

6 MR. CEO: Okay. One of the concerns of
7 the residents, some of the residents who
8 live in the single-family homes north of
9 Bird Road and south of Ponce Circle and
10 probably west of Ponce de Leon Boulevard,
11 is the idea that there might be a precedent
12 set for future development of the whole
13 Ponce corridor between Ponce Circle and
14 Bird Road, and there's been proposals in
15 the past, none that I know of that have
16 been proposed for the City, but proposals
17 that have been floated with the possibility
18 of changing the existing residential zoning
19 to live/work along Ponce. That's a concern
20 in terms of parking. It's a concern in
21 terms of future density to the area.

22 As you know, we live in a kind of
23 island that's currently sort of besieged by
24 parking problems and crime issues, and the
25 continued development of that entire Ponce

1 corridor would really sort of force most of
2 the residents out of the neighborhood, in
3 terms of development.

4 So we're watching very carefully any
5 new development that would affect that
6 possibility of precedent-setting
7 development along the South Ponce corridor.
8 So that's one concern. So I would
9 personally say that I would be concerned
10 about that use being allowed in the
11 building.

12 The second point was, in the proposal
13 that I downloaded from the web site, it's a
14 little confusing when you read, for
15 instance, Page 8 of 13. I don't know if
16 this is the same site plan review that you
17 have, but you refer to penthouse and
18 live/work spaces as permitted under Zoning
19 Code Article 8. As far as I know, the
20 Zoning Code Article 8 is just definitions.
21 It's not permitted uses. So that should be
22 rewritten to say that it's not permitted
23 under Zoning Article 8, which is just the
24 definitions of the Zoning Code.

25 MR. RIEL: What document are you

1 referring to, the Staff Report or --

2 MR. CEO: I think it's the Staff
3 Report. It's Page 8 of 13, downloaded from
4 the web site. It may not -- since you have
5 a revised version, it may not be the same
6 one that you have.

7 MR. RIEL: It's the same one.

8 MR. CEO: Okay. At the bottom of the
9 page, it defines a penthouse and live/work,
10 and it says live/work units as permitted in
11 Zoning Code Article 8. I don't think that
12 that should read that way.

13 So the primary concern is parking and
14 precedent-setting, new zoning, and I have
15 the same concerns that Pat Keon has in
16 terms of the actual enforcement of the
17 live/work space. If somebody is really not
18 bound by any covenant to say that they
19 actually have to live and work in that
20 space, what's to keep them from actually
21 renting that space out to somebody else
22 who, in effect, would work there primarily
23 and live there as a secondary thing.
24 That's a concern.

25 And then finally, I don't really have

1 anything to say about the design. I think
2 Roney Mateu is a good architect. I think
3 it's an interesting building. I'm not
4 crazy about the blank wall, myself, but I
5 think that's the shape of things to come
6 along there. If it's permitted as a party
7 wall and it runs for seven stories, it
8 looks like we're going to have a
9 seven-story corridor there. If you think
10 we have parking problems now, just wait
11 until that gets built out. But that's a
12 big concern for the neighborhood. We have
13 to find a way to deal with the parking
14 issue. I don't know what to tell you.

15 Currently, the parking problem is that,
16 as nice as the trolley is, it facilitates
17 the ability for people to park all the way
18 downtown or out of the community even, or
19 park in front of our houses and then take
20 the trolley to work. So, even though you
21 have parking in the building, it doesn't
22 necessarily mean that people are going to
23 use it.

24 I think this idea of this compact
25 parking is interesting. I hope it works.

1 If it has long wait times, you're probably
2 not going to have people using it as much
3 as they should, if you have to wait five to
4 ten minutes to get your car. It says in an
5 ideal circumstance that you wait five
6 minutes, but you know how people are in
7 Dade County. They're impatient. You see
8 it every day on the roads. So parking is
9 going to be still an issue. I think we're
10 still going to have more overflow parking
11 in the neighborhood. You might have to
12 consider permit parking for the residents
13 so that we don't have -- so that we can
14 park at our own house.

15 MR. BEHAR: The City should implement
16 that program.

17 MR. CEO: I think so.

18 CHAIRMAN KORGE: Especially in your
19 neighborhood, yeah.

20 MR. BEHAR: Absolutely.

21 MR. RIEL: The City does have that
22 available. It's the residents that need to
23 request the implementation of the program.

24 CHAIRMAN KORGE: Right.

25 MR. CEO: It's been going block by

1 block. I think some residents have it and
2 some don't. That's all. Thank you.

3 CHAIRMAN KORGE: Thank you very much.

4 Anybody else wish to speak?

5 Please state your name and address for
6 the record, then be sworn in.

7 MS. DIAZ: Gladys Margarita Diaz. I
8 live at 1510 Madrid Street, Coral Gables,
9 and I own 3700 Ponce de Leon.

10 (Thereupon Gladys Margarita Diaz was
11 duly sworn by the court reporter.)

12 MS. DIAZ: I support the project. I've
13 been an advocate of live/work zoning for
14 many years. It is a Smart Growth
15 Initiative. It's a national activity. It
16 does reduce automobile trips.

17 To answer your question about living
18 and working in the same space, one of the
19 ways that other buildings in Dade County
20 have implemented that is, they have it in
21 the condominium Code, so it could be
22 something that the owners themselves can
23 implement, and I think that from the
24 viewpoint of traffic and parking, I agree
25 with Mr. Ceo's situation, which is that

1 there's a lot of parking from the employees
2 of this particular section in the
3 residential community and up Ponce de Leon
4 Boulevard, and it would be a great idea if
5 the Planning Department would support the
6 Parking Division creating a strategy for
7 eliminating that. That will go a long way
8 to reducing the concern regarding
9 live/work.

10 In the end, I think live/work is a
11 possibility for reducing traffic and
12 reducing parking issues, and I think that
13 there's a possibility that there's a lot of
14 people that are interested in living where
15 they work, because it's just -- traffic is
16 really, really bad to go to work.

17 So I support the project. I think the
18 design is great, and I think you're very
19 good to implement this new Code.
20 Congratulations.

21 CHAIRMAN KORGE: Thank you very much.

22 Anybody else wish to speak?

23 We'll close the public hearing portion
24 and take a motion, one that's for approval
25 or whatever.

1 MR. SALMAN: Mr. Chairman, I'd like to
2 make a motion to approve.

3 CHAIRMAN KORGE: We've got a motion to
4 approve.

5 MR. BEHAR: I'll second it.

6 CHAIRMAN KORGE: And it's seconded.
7 We'll open it for discussion. Any
8 discussion?

9 MS. KEON: Can we just assure the
10 residential community that that zoning is
11 not permissible along --

12 MR. SALMAN: Ponce north of Bird.

13 MS. KEON: Along Ponce --

14 MR. BEHAR: North of Bird Road.

15 MS. KEON: -- north of Bird Road.

16 MR. RIEL: The north road, it's MF2 and
17 it's single-family.

18 MS. KEON: And it's single family,
19 so --

20 MR. RIEL: Any changes would require a
21 change in land use, a change in zoning --

22 MS. KEON: Right.

23 MR. RIEL: -- State review, this
24 Board --

25 MS. KEON: Public hearings and on and

1 on.

2 MR. RIEL: -- and City Commission
3 review.

4 MR. BEHAR: Pat, for the most part, we
5 will not see that in a lifetime, the change
6 in zoning.

7 MS. KEON: No, but I just -- you know,
8 I think we should reassure them --

9 CHAIRMAN KORGE: Right.

10 MS. KEON: -- to answer that question
11 that was asked.

12 CHAIRMAN KORGE: Stated more clearly,
13 I certainly don't view that as setting any
14 precedent for the other area at all. I
15 mean, I just -- they're completely
16 different areas.

17 MR. RIEL: In Staff's opinion, we look
18 at each project on a case-by-case basis.
19 We don't look at precedent-setting, and
20 obviously, we evaluate the project based
21 upon its context and the Comprehensive Land
22 Use Plan and Zoning Code.

23 CHAIRMAN KORGE: Right.

24 MR. RIEL: So I don't see it as
25 precedent-setting at all.

1 CHAIRMAN KORGE: And the other
2 observation I'll make is that it might be
3 useful, eventually, for your department to
4 study whether additional restrictions might
5 be imposed on live/work under our Code, but
6 for this project, it seems pretty clear to
7 me that the space cannot effectively be
8 sublet to somebody else, and so I don't see
9 the need at this time to concern ourselves
10 with that particular issue.

11 MS. KEON: No, and as long as, in the
12 Code, you treat it as a residential
13 dwelling, so it then would come under all
14 of the requirements with regard to --

15 MR. RIEL: It would. This area is a
16 mixed-use area --

17 MS. KEON: Right.

18 MR. RIEL: -- which allows 125 units an
19 acre, and allows commercial, retail and
20 industrial, so we're treating it --
21 although it's called live/work, it's a
22 residential unit.

23 CHAIRMAN KORGE: Right.

24 MS. KEON: Right, and so that would
25 cover the concerns of subdividing and

1 whatever. That's --

2 MR. SALMAN: But they will be able to
3 get a certificate of occupancy and a
4 business license at this location.

5 MR. RIEL: Yes.

6 MR. SALMAN: Okay. Unlike the rest of
7 the City.

8 MR. RIEL: Correct.

9 CHAIRMAN KORGE: Any other discussion
10 or comments?

11 MR. SALMAN: I just want to commend
12 Mr. Ceo for coming in and bringing his
13 concerns to us. It takes time out of our
14 citizenry's lives to come forward with
15 their concerns, and they help us not only
16 clarify the issues that we're looking at,
17 but hopefully allay any concerns that the
18 neighborhood may have. This is not
19 intended to be a project which is meant to
20 set a precedent. It's just the first
21 exercising of the Code for the mixed-use
22 area that we designated some time ago.

23 CHAIRMAN KORGE: If there's no further
24 discussion, let's call the roll for a vote.

25 MR. BETANCOURT: Mr. Salman?

1 MR. SALMAN: Yes.

2 MR. BETANCOURT: Ms. Keon?

3 MS. KEON: Yes.

4 MR. BETANCOURT: Mr. Coe?

5 MR. COE: Yes.

6 MR. BETANCOURT: Mr. Behar?

7 MR. BEHAR: Yes.

8 MR. BETANCOURT: Mr. Korge?

9 CHAIRMAN KORGE: Yes.

10 And the second item on our agenda --

11 MR. BEHAR: Mr. Chairman, before -- I'm
12 going to have to recuse myself from the
13 second item, but before I do that, should
14 it be a good time to bring back
15 the minutes?

16 CHAIRMAN KORGE: Yes, thank you.

17 Let's --

18 MR. SALMAN: Can we take a five-minute
19 recess?

20 MR. BEHAR: Let's do the minutes.

21 CHAIRMAN KORGE: Let's do the minutes.
22 There's a motion to approve the minutes.

23 MR. BEHAR: I make a motion to approve.

24 MR. SALMAN: Second.

25 CHAIRMAN KORGE: Seconded. Any

1 discussion? No discussion. Let's call the
2 roll on that.

3 MR. BETANCOURT: Mr. Coe?

4 MR. COE: I can't vote.

5 MR. BETANCOURT: Ms. Keon?

6 MS. KEON: Yes.

7 MR. BETANCOURT: Mr. Salman?

8 MR. SALMAN: Yes.

9 MR. BETANCOURT: Mr. Behar?

10 MR. BEHAR: Yes.

11 MR. BETANCOURT: Mr. Korge?

12 CHAIRMAN KORGE: Yes.

13 MR. SALMAN: I make a motion that we
14 recess for five minutes while they set up
15 for the next project.

16 CHAIRMAN KORGE: Five minutes? That
17 will be fine. We'll be back here at seven
18 o'clock.

19 (Thereupon, a recess was taken.)

20 CHAIRMAN KORGE: We don't have anything
21 else on the agenda tonight that
22 requires Robert --

23 MR. BEHAR: I can leave, right?

24 CHAIRMAN KORGE: Do we? He can leave,
25 can't he?

1 MR. RIEL: Well, you won't have a
2 quorum.

3 MS. KEON: We need Javier back here.

4 MR. COE: Well, wait a minute. How are
5 you going to do this?

6 MR. BEHAR: We've got to get Javier to
7 come back.

8 CHAIRMAN KORGE: We'll have to get
9 Javier. We don't have a quorum with him,
10 anyways, because he's not going to vote on
11 this. He's abstaining.

12 MR. RIEL: Correct. Javier needs to
13 come back.

14 MR. COE: I don't think he's entitled
15 to stay if he's in conflict.

16 CHAIRMAN KORGE: He can sit and do
17 whatever he wants.

18 MR. COE: I don't think he should be in
19 the chambers.

20 MS. KEON: No, he's not sitting --

21 MR. COE: I think one would be
22 criticized by --

23 CHAIRMAN KORGE: He's leaving, anyway,
24 so --

25 MR. COE: Well, I told him to leave,

1 because otherwise he may be considered for
2 undue influence to this Board. Absolutely.

3 MS. KEON: Right. He'll leave the
4 chambers.

5 MR. COE: It's one thing to say, "I'm
6 not going to vote because I have a
7 conflict." It's another matter to remain
8 in the chambers. That exerts some kind of
9 influence. Oh, yes, absolutely.

10 CHAIRMAN KORGE: We're just waiting for
11 Javier. What happened to him? Do you see
12 him?

13 There he is.

14 MR. SALMAN: I like making an entrance.

15 CHAIRMAN KORGE: Okay. The second item
16 on our agenda -- The meeting is called back
17 to order. The second item on our agenda is
18 Application Number 12-07-042-P, mixed-use
19 site plan and alley abandonment and
20 vacation review for property at the
21 intersection of LeJeune Road, Granello
22 Avenue and Ponce de Leon Boulevard.

23 MR. BOLYARD: Good evening, Mr. Chair,
24 Members of the Board. For the record, Scot
25 Bolyard, the Planning Department.

1 You have before you the Gables Gateway
2 project. This is for amendments to a
3 previously approved mixed-use project. The
4 applicant is requesting the following: A
5 mixed-use site plan review to amend
6 previously approved Resolution 2006-146 and
7 abandonment and vacation review to repeal
8 previously approved Ordinance 1515, and
9 provide updated conditions as a part of the
10 approval for alley location.

11 The previously approved Gables Gateway
12 project included the following: Amendments
13 to the Comprehensive Land Use Plan text and
14 map, as well as the Zoning Code text and
15 map, in order to provide for the expansion
16 of the MXD boundary, and the mixed-use site
17 plan review included a 10-story, 100-foot
18 building which had commercial and office
19 uses on the ground floor and 230
20 residential units.

21 The applicant is requesting the
22 following: A mixed-use site plan -- let me
23 back up. The proposed project is located
24 on the property commonly known as the Deel
25 Ford site, which is the intersections of

1 LeJeune Road, Granello Avenue and Ponce.
2 The property is located two blocks south of
3 the Village of Merrick Park. It will
4 replace a one-story building containing
5 auto sales and repairs and a used car
6 parking lot.

7 The site is 2.3 acres in size and it
8 has the commercial and industrial land use
9 designations appropriate for the proposed
10 mixed-use project.

11 A summary of the project. It's 10
12 stories and 99 feet in height. The ground
13 floor commercial uses will include almost
14 800 square feet for office, just under
15 30,000 square feet for retail, and 8,000
16 square feet for a restaurant. There will
17 be 230 rental residential units, and it has
18 653 on-site parking spaces, which is four
19 spaces above the Code requirements.

20 The Planning Department recommends
21 approval with the following conditions:
22 Provide on-site pedestrian amenities,
23 subject to City review and approval.
24 Provide and install landscaping and
25 streetscape improvements on LeJeune Road,

1 Granello Avenue, the portion of Ponce de
2 Leon Boulevard adjacent to the project
3 site, and the intersection of Granello and
4 Greco Avenues.

5 The traffic improvements include: They
6 are to install a northeast bound left-turn
7 lane on Ponce at the project alleyway,
8 extend the southwest right turn lane on
9 Ponce at LeJeune Road, install a westbound
10 left-turn lane on Granello at LeJeune Road,
11 reconfigure the intersection at Granello
12 and Greco Avenues, reconfigure the
13 intersection at Biltmore and Riviera
14 Drives, and install a roundabout at Blue
15 Road and Riviera Drive.

16 At this point, I'm going to turn it
17 over to Javier Betancourt, who's going to
18 discuss the attainable housing.

19 MR. BETANCOURT: Good evening, Mr.
20 Chair, Members of the Board. For the
21 record, Javier Betancourt, with the City's
22 Planning Department.

23 I'm just going to very quickly go
24 through four or five slides with you, with
25 respect to the attainable, i.e., affordable

1 housing condition for this project. And
2 the attainable housing term is one that
3 we're starting to use, versus affordable or
4 even workforce. Workforce kind of, by
5 definition, excludes senior housing, since
6 they're not in the workforce, so we're
7 going with this term, and hopefully it will
8 work out.

9 I'm sure you recall from previous
10 discussions that the City must work to
11 address attainable housing needs pursuant
12 to State Statutes, regional priorities and
13 expectations and the City's Comprehensive
14 Plan.

15 The City Staff has previously proposed
16 and continues to work towards various
17 attainable housing strategies, including
18 inclusionary zoning and linkage fees.

19 You probably recall the presentation, a
20 number of months ago, on our affordable
21 housing study that laid out strategies.
22 Chief among them was inclusionary zoning,
23 where you require a development to set
24 aside a portion of their units for
25 affordable, or now attainable, housing.

1 And in advance of a formal City-wide
2 program, which we continue to work towards,
3 the City is requiring major residential
4 developments to dedicate a portion of their
5 units to attainable housing as part of the
6 conditional site plan review approval
7 process.

8 The applicant has requested
9 modification of the original affordable
10 housing condition in order to better define
11 their obligations vis-a-vis affordable
12 housing. The original language represents
13 a standard condition that ties applicable
14 developments to future attainable housing
15 regulations.

16 This is the original condition.
17 Essentially, it's set out in very general
18 terms, that the applicant agrees to comply
19 with legislation that the City adopts at
20 some point in the future.

21 Staff is recommending replacement of
22 that general condition with more specific
23 language. That specific language is
24 included in your Staff Report. The entire
25 discussion on affordable housing is located

1 on Pages 12 to 14. The actual condition is
2 on Page 13.

3 In summary, it requires a set-aside of
4 15 percent of the units, requires that the
5 units target the City's senior citizens,
6 its residents, its work force, at or below
7 100 percent of the City median income, and
8 it sets the maximum rental rate at 30
9 percent of 100 percent of that median
10 income over 12 months. And finally, it
11 would remain affordable for 15 years. Also
12 included in the condition is a requirement
13 for a management plan, an annual report,
14 and other requirements.

15 What, essentially, this comes down to
16 is displayed here in this chart. The
17 City's median income is about \$79,000.
18 We're looking at a total number of units
19 for the project of 230. Fifteen percent of
20 that will give you 35 units that have to be
21 set aside for attainable housing.

22 The applicant's proposed market rental
23 rates are between 1,900 and \$2,500 for a
24 one and two-bedroom unit, respectively.
25 The attainable rental rate for a

1 one-bedroom unit would be \$1,482; for two
2 bedrooms, 1,778. The difference between
3 the attainable and the proposed are about
4 \$458 for a one-bedroom, and \$742 for a
5 two-bedroom.

6 That's all I have for now. Once Scot
7 finishes his presentation, I'll be happy to
8 answer any questions you may have on
9 affordable housing. Excuse me, attainable
10 housing.

11 MR. BOLYARD: In the alley abandonment
12 vacation review request, they're requesting
13 to repeal Ordinance Number 1515, which was
14 approved by the Commission on December 7th,
15 1965. This effectively vacated a portion
16 of the alley on the condition that Lot 10
17 shall be dedicated for public use. The
18 applicant is going to provide Lot 9 for
19 public use in exchange for Lot 10.

20 Staff supports the proposal, with the
21 following conditions: That all costs,
22 including maintenance of relocating the
23 dedicated easement, shall be at the expense
24 of the applicant, and if the applicant does
25 not exercise its right to construct the

1 proposed project, that Ordinance Number
2 1515 shall remain valid and enforceable.

3 This application is scheduled to be
4 heard by the City Commission on first
5 reading, Tuesday, February 26th, and I've
6 got a 3D model I was going to put up.

7 The project is here on the corner of
8 LeJeune and Ponce. Over here is U.S. 1.
9 This is the other project. Here's Village
10 of Merrick Park. You have some residences
11 over here, but the access to them is
12 blocked.

13 If you have any questions, feel free to
14 answer (sic) them. Right now, I'll turn it
15 over to the applicant.

16 CHAIRMAN KORGE: Any questions?

17 No?

18 We'll hear from the applicant, then.

19 MR. GARCIA-SERRA: Good evening,
20 Mr. Chair, Members of the Board. Mario
21 Garcia-Serra, with offices at 1221 Brickell
22 Avenue, representing the applicant tonight
23 LG Coral Gables, LLC, whose parent company
24 is Gables Residential.

25 I'm accompanied by Omar Del Rio, who is

1 my client contact from LG Coral Gables,
2 LLC, and the manager of this project; the
3 project architects, Javier Font and Patrick
4 Valent, as well as Juan Espinosa, from
5 David Plummer and Associates, our traffic
6 engineer.

7 The property, the subject property, is
8 located at 4585 Ponce de Leon Boulevard.
9 It's commonly known as the old Deel Ford
10 showroom site. It's located here in those
11 aerial photographs on the top left, not to
12 be confused with the empty parking lots
13 facing Dixie Highway, which is another
14 project which I know has generated
15 discussion. This, we're dealing with the
16 corner of Ponce and LeJeune, where the
17 showroom for Deel Ford used to be, not the
18 parking lots fronting on Dixie Highway.

19 As many of you will remember, this site
20 and project came before you about two years
21 ago for approval, by the same name, also,
22 Gables Gateway. What's happened in the
23 meantime is that a new client has purchased
24 the property and currently owns it right
25 now, and is proposing to develop it but has

1 a slightly different intended use than the
2 last applicant.

3 Gables Residential is a rental
4 apartment developer and owner. The
5 previous client was proposing a condominium
6 project, essentially. So the way it's
7 changed, it has essentially gone from a
8 condominium project to a rental project.
9 We still have retail on the ground floor.
10 The density stays the same, at 230 units,
11 but we've changed the mix. Now there are
12 more one-bedroom units and less two-bedroom
13 units, as compared to how the mix was for
14 the last project that came before you.

15 Additionally, they've changed some of
16 the aesthetics, just what they think is
17 appropriate for the market and for their
18 own taste, and they also have incorporated
19 LEED-certified green building standards, so
20 as to help with long-term maintenance
21 costs. Since they are going to be the
22 long-term owner of the property, they're
23 interested, of course, in lowering the
24 maintenance costs as much as they could,
25 and part of that is incorporating green

1 building standards.

2 I'll be playing the role of architect
3 tonight, as best I can, doing the
4 presentation of the project.

5 CHAIRMAN KORGE: Well, your renditions
6 are beautiful.

7 MR. GARCIA-SERRA: Well, thank you. I
8 designed it myself.

9 Okay, this should be working. Is it
10 not? Okay, there we go. Now I think it's
11 working.

12 Okay. Let's go first to the rendering
13 over here that we have on the top right
14 corner. This is from the perspective of
15 Ponce de Leon Boulevard and LeJeune Road,
16 and basically, the project at first is
17 stepped down in this corner of the
18 property, both because of its Comprehensive
19 Land Use designation, which acknowledges
20 essentially that the residential
21 neighborhood is across the street on
22 LeJeune. There's one sort of -- one-lot
23 depth of commercial uses, and then behind
24 that are single-family residential uses.

25 So right here, at this point, which is

1 a terrace for amenities, we go up to 45
2 feet in height. Then here, in this
3 portion, we go up to six stories, 77 feet
4 in height, and then as you go further into
5 the property, let's say down Ponce and down
6 Granello Avenue is where we reach our
7 maximum height of 99 feet and 10 stories
8 for the condominium (sic) portion of the
9 building.

10 As you can see, as part of the
11 proposal, we're proposing extensive public
12 realm improvements. This corner here,
13 essentially, is going to be made into a
14 plaza with a water fountain. We're
15 extending the sidewalk from the current
16 five-foot width to a 15-foot width from the
17 property line, in 15 feet, and then when we
18 reach that 15-foot point, we have an
19 arcade, pedestrian arcade, which goes
20 continuously around the building and can be
21 better seen over here.

22 As you can see, the pedestrian arcade
23 starts here and then essentially wraps
24 around LeJeune and then goes down Granello
25 Avenue, and then after those 15 feet of

1 sidewalk, we still have another covered
2 arcade or loggia, which goes around here.

3 The ground floor is going to be
4 entirely retail. This site we have
5 proposed for as a restaurant site, about
6 8,000 square feet of restaurant here on the
7 corner, facing out into the plaza, the rest
8 standard retail.

9 The entrances for the project
10 for the -- There's going to be a residence
11 lobby here, which is for pedestrians, an
12 entrance here to the garage, which is going
13 to be both for residents and for the users
14 of the retail portion of the property, and
15 then another entrance here, which is going
16 to be just for the residents. So that's
17 the first floor. We also have this --
18 essentially, it's a paseo sort of
19 cut-through, which is going to serve as a
20 dropoff area here for the restaurant and
21 for the other retail, and goes straight
22 from Granello to Ponce de Leon Avenue
23 (sic), along with other smaller pedestrian
24 paseos located here and here.

25 Then, as you go up in the building --

1 you can see over here from the
2 elevations -- you have essentially two
3 towers, one here on this corner between --
4 on the LeJeune/Ponce corner and then one
5 going down between Granello and LeJeune.
6 You have essentially nine -- excuse me,
7 first story retail, then it's -- three or
8 four stories of parking?

9 MR. DEL RIO: Three stories of parking.

10 MR. GARCIA-SERRA: Three stories of
11 parking, and then above that, the rest is
12 residential floors. And up here at the
13 fifth floor level -- up here at the fifth
14 floor level is where we have our recreation
15 deck, pool, jacuzzi, fountain and so forth,
16 a large opening here, so as to take
17 advantage of, you know, breeze, sunlight
18 and so forth, and to also lessen the bulk
19 of the building from facing LeJeune and the
20 residences across from LeJeune.

21 The maximum height of the building is
22 attained here, in these areas along here,
23 which are further into the property. And
24 we have more layouts here of the actual
25 residences, which you could probably look

1 at better on your reduced-size plans.

2 And that is pretty much it, from the
3 architectural perspective.

4 So our first request is to modify the
5 previously approved site plan so as to
6 incorporate some of these changes.

7 However, we are keeping the conditions of
8 the original approval regarding traffic
9 improvements. When this item originally
10 came to this Board and also to the City
11 Commission, several different traffic
12 improvements were recommended by our
13 traffic engineer, David Plummer, approved
14 by this Board and by the City Commission,
15 and the City Commission also added two
16 additional improvements, which were
17 improvements in that single-family
18 residential neighborhood west of LeJeune.
19 We were going to be placing different
20 traffic-calming roundabouts there and other
21 improvements, which resulted, actually,
22 from a previous study that had been done by
23 the Village of Merrick Park but had never
24 been funded. So we're essentially taking
25 responsibility for those improvements and

1 completing them, so as to address any
2 potential traffic impacts.

3 We have somebody here from David
4 Plummer and Associates, also, if there's
5 any questions regarding those traffic
6 improvements which they could address.

7 We had a neighborhood meeting where we
8 invited everyone who received notice for
9 this meeting to attend, to give them a
10 preview of the project. We had our project
11 architects there and our traffic engineers.
12 As you can imagine, traffic was the number
13 one issue that they discussed, but I think
14 we generally addressed their concerns at
15 that meeting by telling them all the
16 different improvements that we were going
17 to do, especially these two unexpected
18 improvements in their neighborhood.

19 The next request that we have is for a
20 modification of a previous alley vacation.
21 This is a somewhat technical and legal
22 issue, but I --

23 CHAIRMAN KORGE: Before you get to the
24 second one, what was your first request,
25 again?

1 MR. GARCIA-SERRA: For the modification
2 of the previously approved site plan.

3 CHAIRMAN KORGE: Okay.

4 MR. GARCIA-SERRA: How we're
5 changing --

6 CHAIRMAN KORGE: You're not objecting
7 to the traffic improvements?

8 MR. GARCIA-SERRA: No, not at all.
9 We're in support of that.

10 CHAIRMAN KORGE: Okay. I'm sorry. I
11 misunderstood. Go ahead.

12 MR. GARCIA SERRA: Yeah. No, we're in
13 support of those. We accept those
14 conditions.

15 I have a graphic which is going to help
16 to illustrate what we're requesting as far
17 as this modification to the previous alley
18 vacation, if you give me a minute.

19 Okay, I'm going to -- okay, here we go.
20 I'm going to take you back in history to
21 1965, which is when the ordinance which
22 vacated this portion of the alley was
23 originally approved, what you see here in
24 brown, and that was done by Ordinance
25 Number 1515, and what Ordinance Number 1515

1 said is that the City hereby vacated that
2 portion of the alley and that the ownership
3 reverted to the abutting property owner,
4 but on the condition that the abutting
5 property owner keep this open for public
6 access. And it had another condition, that
7 the property owner could close that area
8 there to public access, but only on the
9 condition that he dedicated this lot here,
10 which is Lot 10, for public access.

11 Essentially, what they wanted to do, in
12 the event that this closed, was the same
13 thing that happened on this end of the
14 street, when another previous ordinance
15 closed this portion, on the condition that
16 the owner dedicate that lot. It was to
17 still grant access to this portion of the
18 alley from here, and essentially, what was
19 being requested is, if you close this end
20 of the alley, then we want this lot so we
21 can have this continuous access to this
22 alley here for our many property owners in
23 this area.

24 What we are proposing to do is, instead
25 of Lot 10, we're proposing to grant public

1 access over Lot 9, which is the immediate
2 next-door lot, and the reason for that is
3 to grant continuous access from Granello to
4 Ponce through our project.

5 As you may remember -- you can see on
6 this layout here -- we're essentially
7 offering up Lot 9 instead of Lot 10, so
8 that we can have this continuous access
9 from one side of the street to the -- from
10 one street to the other. Right now, as the
11 ordinance is presently written, we would be
12 offering public access over Lot 10, which,
13 while it takes you to the alley, doesn't
14 give you the connectivity between the two
15 streets.

16 And so what we are requesting,
17 basically, is just to repeal Ordinance
18 Number 1515 and create a new condition to
19 this approval by which we are required to
20 grant public access over Lot 9, so that
21 access to the alley is still assured, but
22 then we could also have better access
23 through the property from Ponce to
24 Granello, something that Public Works and
25 our traffic consultant are in agreement is

1 a good thing.

2 Now we come to the one issue where we
3 disagree with Staff. Staff is recommending
4 approval of this project but with certain
5 conditions, and we are -- I don't want to
6 say entirely objecting, but we're differing
7 with Staff on what the condition on the
8 affordable or attainable housing should be.

9 Right now, the current covenant that
10 runs on this property, as a result of the
11 approval of the project in 2006, had a
12 condition which said that the developer
13 would have to comply with whatever
14 affordable housing legislation is adopted
15 by the City within one year of issuance of
16 a building permit. Now, that was back in
17 2006. In the meantime, between 2006 and
18 2008, there has been no affordable housing
19 legislation adopted by the City. It's
20 still an issue that's out there. I think
21 it's still an issue that Staff is dealing
22 with, and State agencies are commenting on
23 it from time to time, and what my client
24 basically wanted to do was still find a way
25 to help the City in addressing this

1 affordable housing issue, but to do it in
2 such a way that it was more clear-cut,
3 knowing what his obligations are, because
4 right now it's a very open-ended
5 obligation. We can stick with the old
6 condition, but who knows when and if
7 anything might be -- what will be adopted
8 and when and if it will be adopted, this
9 sort of thing, so my client was of the
10 feeling, because they have other rental
11 projects in other parts of the country
12 which do have a sort of affordable or
13 attainable housing component, that it's
14 something that they could proffer at a
15 certain -- under certain terms which would
16 be manageable for them and help at least
17 the City, to a certain degree, address
18 their concerns. And the devil is in the
19 details. What we are disagreeing with
20 Staff about is the length of the
21 restriction and also what's the base median
22 income which should be used in order to
23 calculate the appropriate rents for those
24 attainable housing units.

25 I've also prepared some exhibits which

1 are going to help us walk through this
2 issue, if you'll give me one second.

3 Okay. Here, what you have on this
4 board is essentially Staff's recommended
5 condition for attainable housing, and I've
6 highlighted both what their recommendation
7 is and what we are proffering, and as you
8 can see, as you go through the text of the
9 condition, where we are disagreeing is,
10 number one, on the length of the
11 restriction. Staff is requesting 15 years.
12 We're requesting 10 years. And also on
13 what the base median income should be used
14 so as to calculate these rents. We both
15 agree that it should be 15 percent of the
16 total number of units. We agree that it
17 should be based on 30 percent of the
18 HUD-determined median income for the City
19 of Coral Gables. Where we disagree is that
20 Staff is saying that it should be based on
21 100 percent of median income and we're
22 saying that it should be based on 120
23 percent of the median income for Coral
24 Gables, and I'll tell you why we're
25 requesting what we're requesting.

1 Okay, the City of Coral Gables median
2 income, as calculated in 2006, which is the
3 last year in which we were able to find any
4 data, for a four-person family, is \$79,033.
5 We adjusted that figure so as to reflect a
6 typical family that would be living in a
7 one or a two-bedroom home, so as to reflect
8 a 1.5-person household in a one-bedroom
9 apartment and a three-person household in a
10 two-bedroom apartment, and then came up
11 with these household income numbers of
12 59,275 and 71,130.

13 The median income, at our recommended
14 rate of using the 120 percent Coral Gables
15 median income, results in these household
16 incomes here, 71,130 and 85,356. If you do
17 30 percent of each of those, you get these
18 amounts, 21,339 and 25,607, and then how do
19 we figure out what's a fair rate, a fair
20 rental rate, for that family, is, we divide
21 that 30 percent by 12 months out of the
22 year, and get 1,778 for the one-bedroom
23 unit and 2,134 for the two-bedroom unit.

24 And then under here, these are our
25 recommended rates, and the row immediately

1 below has City Staff's proposed monthly
2 rental amounts of 1,482 for a one-bedroom
3 and 1,778 for a two-bedroom; as you can
4 see, a considerable difference between
5 these two rental rates, and that's the
6 difference between using 120 percent of
7 median income of Coral Gables or 100
8 percent of median income of Coral Gables.

9 Now, my client looked at the City's
10 proposed rates and said, "What would I have
11 to do? What's the net present value of
12 changing these rental rate amounts, that I
13 would have to find an alternative income or
14 in perhaps cost savings, or somehow make up
15 for this money so I could give the City the
16 rental rates that it wants over a 10-year
17 period," which is our proposed length of
18 restriction, and that number came out to
19 1.1 million dollars.

20 Now, these rental rates that we're
21 proposing based on 120 percent of median
22 income are competitive when you consider
23 the comparables that are out there. Down
24 the street, we have the Village of Merrick
25 Park, which is the only other rental

1 apartment development in close proximity,
2 and we looked to see what their current
3 monthly rental amount is, which is \$1,908
4 for a one-bedroom with 851 square feet,
5 coming out to \$2.24 per square foot for
6 rent, and then we also looked at the One
7 Broadway development, which is fairly new,
8 in the Brickell Avenue area. Their
9 two-bedroom units are 1,152 square feet,
10 with \$2,241 of monthly rent. You divide
11 that by the square footage and you get
12 \$1.95 of rent per square foot.

13 Our project, what we're proposing for
14 the attainable housing units, 1,778 divided
15 by 878, which is the average size of a
16 one-bedroom unit, comes out to \$2.03. The
17 two-bedroom unit, we want to rent out for
18 the attainable units at \$2,134. Divide
19 that by the square footage of 1,167, and
20 you get \$1.83 per square foot.

21 So, as you can see, if this project was
22 existing today and we were renting out at
23 today's rates, the one-bedroom would be
24 lower than the one-bedroom at Merrick Park
25 by a significant amount, and the

1 two-bedroom would be lower than the
2 two-bedrooms that are offered over at the
3 One Broadway project.

4 But you see, these numbers here is
5 essentially adjusted for inflation over the
6 period of construction of the project. We
7 assume that we'll be ready for a
8 certificate of occupancy in 2010, and we've
9 essentially done the same math to show that
10 the attainable rates stay lower than the
11 other comparables in the market, and so the
12 challenge, of course, is, how do we
13 overcome this 1.1 million dollar gap?
14 That's essentially the gap which has to be
15 overcome in order for us, in our business
16 plan, to be able to accommodate the rates,
17 the rental rates, which the City is
18 proposing, and the problem becomes -- this
19 isn't the first city to encounter this
20 problem, nor is it the first project to
21 encounter this problem, and why we can't
22 realize or make up for that gap is because
23 of the fact that we would need some sort of
24 third party in here to be able to help us
25 to realize this gap here that we have,

1 essentially, in the economics of the
2 project, and the way other jurisdictions
3 have overcome -- the way other
4 jurisdictions have overcome this issue is,
5 of course, by finding different ways for
6 government to be involved and helping out
7 the developers of affordable housing or
8 users of affordable housing.

9 If you look at the County, Miami-Dade
10 County, or the City of Miami, or most other
11 large municipalities in Dade County, such
12 as North Miami and Miami Beach, they have
13 first-time home buyer programs, where the
14 City of Miami, for example, offers a
15 \$40,000 interest-free loan which is
16 forgiven after an initial 30-year term.

17 Other jurisdictions, including the
18 County and the City of Miami, subsidized
19 affordable housing developers, essentially,
20 are part of the deal. They help subsidize
21 the developer to develop the housing,
22 through mostly federal money that's
23 administered through programs known by
24 their acronyms of SHIP, HOME or SURTAX.
25 SURTAX is actually a State program,

1 administered with the surtax money from
2 real estate exchanges and conveyances.

3 Then you look at other jurisdictions
4 and they say, "Hey, you know, we can't
5 perhaps be involved financially in these
6 projects, but what we can do is give zoning
7 incentives to the developers by way of
8 density or height bonuses," which is what
9 they do in Palm Beach and Pinellas County.

10 This, in fairness to Staff, is
11 something that they did propose, I think
12 about two years ago, for Coral Gables, but
13 it did not meet with any support at the
14 level of the City Commission.

15 Then you see other municipalities try
16 to help accommodate and help in the
17 financing terms of affordable housing
18 projects by doing things such as expediting
19 permits, waiver of building permit fees, or
20 reductions in parking or setback
21 requirements. As you know, parking is a
22 very costly part of a project, so if you're
23 able to reduce that cost, you're able to
24 perhaps deliver at a lower rent. But the
25 problem is, right now, in the City of Coral

1 Gables, we're not being offered any of
2 these incentives.

3 Essentially, there are no affordable
4 housing requirements right now. No other
5 developers have come up to the plate like
6 we have, to offer to do at least something
7 to address the issue. We're willing to do
8 it. We think we're doing it to the maximum
9 extent that we can with how the current
10 economics are right now of this project,
11 but we just simply can't give any more.
12 You know, we're at the -- you know, the 120
13 percent median income and also the issue
14 that I haven't addressed yet, which is the
15 length of the restriction. We're asking
16 for 10 years; the City wants 15 years.

17 Usually, the Staff will tell you that
18 these restrictions are longer, and sure,
19 they are longer, and in some cases, they
20 are 60, 70, 80 years, as far as the length
21 is concerned, but the developer is usually
22 getting something out of it also, whether
23 it be tax credits or some other sort of
24 incentive which helps them out.

25 Again, here, we're not getting any of

1 those sort of incentives. We still
2 recognize that there's an issue. We want
3 to be part of the solution to help solve
4 it. We're making as much of an effort as
5 we think we can do. We're making much more
6 of an effort than anybody else is doing
7 right now, and it sincerely is the maximum
8 that we can offer at this moment.

9 So we agree with Staff in the
10 recommendation, except on this condition of
11 affordable housing, as I described right
12 now, and the length of the restriction
13 simply would be, in our opinion, excessive
14 as far as controlling the value of the
15 property. We have no idea exactly how this
16 program is going to work out. We don't
17 know how it's going to affect the value of
18 the property. So that's why we prefer a
19 shorter, 10-year time frame, as opposed to
20 a 15-year time frame.

21 It could be very well that, at the end
22 of that 10-year time frame, it's worked
23 well and we think it's probably a benefit
24 and we would want to extend it, but we're
25 not in a position right now to commit

1 ourselves to any more than 10 years.

2 And something that perhaps you already
3 know, but the sort of housing that we're
4 looking at offering here will be marketed
5 towards government employees, seniors,
6 people who perhaps already connect or
7 identify with Coral Gables in some way, but
8 simply find it harder and harder every day
9 to be able to live here; trying to give
10 them something of a break in being able to
11 stay here in the City of Coral Gables.

12 That's pretty much the conclusion of my
13 presentation. Like I tell you, we have all
14 the architects and traffic engineers here,
15 if you'd like to have any questions, as
16 well as myself and the client.

17 MR. COE: So the only condition of
18 approval that you object to is the
19 attainable housing?

20 MR. GARCIA-SERRA: Correct.

21 MR. COE: And I gather that Staff isn't
22 flexible on that?

23 MR. RIEL: Staff has met with the
24 applicant during the review of this
25 project, and Staff's recommendation which

1 you see before you is what Staff is
2 recommending to this Board. We've
3 discussed the issue of 10-year. As Mr.
4 Serra indicated, typically on rental units,
5 they go in perpetuity in other cities, so
6 we feel comfortable with the 15 percent
7 (sic), and also, if you look at the rental
8 rates, based upon the hundred percent,
9 you'll note it's very high in relation to
10 adjacent communities, City of Miami and
11 other communities.

12 And Javier is our expert, so he can go
13 a little bit further into that, but I just
14 want to say that it's the City's
15 responsibility to deal with the issue of
16 affordable housing, and if you recall, when
17 this project came through the first time,
18 we utilized this project kind of as a
19 guinea pig, to go forward with regulations
20 that we were hopeful that the Commission
21 would adopt, which included density
22 bonuses, reduction in parking.

23 All those things that were listed on
24 that chart right there, with the exception
25 of Number 1, were looked at, and the

1 Commission's policy direction at that time,
2 which was two years ago, was, they didn't
3 feel that density bonuses were proper,
4 reduction in parking were proper. That's
5 an issue that we're going to have to deal
6 with as a part of the Comp Plan rewrite.
7 And this developer, as Mr. Serra indicated,
8 did come forward and say that, you know,
9 "We want to do rental units," and we were
10 glad of that, and we feel confident on our
11 15 percent (sic) and our hundred percent.

12 So that's a long answer, but this is
13 Staff's position on the issue.

14 MR. SALMAN: They're not objecting to
15 the 15 percent, correct?

16 MR. GARCIA-SERRA: 15 percent we're
17 fine with. It's the 15 years that we're
18 objecting to.

19 MR. SALMAN: It's the term issue.

20 MR. RIEL: The term, I'm sorry. The
21 term.

22 MR. SALMAN: Okay. Just for apples and
23 apples, what is the value of the
24 improvements that you're assuming with
25 regards to the development of this project,

1 outside the limits of the project?

2 MR. GARCIA-SERRA: Okay, the
3 improvements, meaning traffic-calming
4 improvements, public streetscape
5 improvement and so forth?

6 MR. SALMAN: Yeah. How much are we
7 hitting you for?

8 MR. GARCIA-SERRA: How much --
9 Omar, would you have a good estimate of
10 what that is?

11 MR. DEL RIO: I'm sure it's going to be
12 substantial. I don't know how to value
13 that.

14 MR. SALMAN: All right.

15 MR. GARCIA-SERRA: The architects,
16 maybe? Do you know?

17 MR. SALMAN: All right.

18 MR. GARCIA-SERRA: Well, let me tell
19 you what those are, so you have an idea and
20 perhaps even you can ballpark it. There's
21 six different traffic-calming improvements,
22 everything from extending the median along
23 LeJeune to adding a right-turn -- or excuse
24 me, a left-turn lane from Granello to
25 LeJeune. There's also a traffic-calming

1 circle and an intersection reconfiguration
2 within the neighborhood west of -- the
3 single-family neighborhood west of LeJeune.

4 We, of course, are putting a multitude
5 of trees, different sorts of trees,
6 pursuant to the streetscape master plan,
7 along the streets, bulb-outs, which
8 unfortunately, that's a tricky thing about
9 the City of Coral Gables. Public Service
10 requires you to do X number of bulb outs --

11 MR. SALMAN: You've got to do that.
12 You've got to do that.

13 MR. GARCIA-SERRA: -- with trees and
14 whatever, but then that also loses on-site
15 parking spaces. But then the Public
16 Parking Department comes around on the
17 other side and says, "Oh, we're losing
18 on-street parking spaces, you've got to pay
19 us," to the tune of -- I think \$2,500 a
20 year for every lost parking space.

21 So, you know, we're complying with the
22 City -- we're making the City happy in one
23 thing, but then having to pay for it
24 doubly, essentially, because of the loss of
25 on-street parking, and of course, you know,

1 there's certain intangibles that we're
2 doing because we think it's a good
3 development. We didn't have to do it, but
4 it's still enhancing the City.

5 For example, the sidewalk that you have
6 right now going up LeJeune is about five
7 feet in width. It's almost a death trap.
8 You know, you're risking your life when
9 you're walking down there. We're giving 15
10 feet, so as to put, you know, a good-sized
11 sidewalk there, and on top that, putting an
12 arcade behind there, so you literally have
13 a pedestrian area that's probably close to
14 between 25 and 30 feet in width, and
15 putting the fountain in the corner,
16 creating that plaza, too, which we could
17 have built on, also, but we're putting that
18 plaza. You know, those are the first ones
19 that come to mind.

20 MR. SALMAN: All that stuff is on your
21 property.

22 MR. GARCIA-SERRA: Correct.

23 MR. SALMAN: The fountain, the plaza.
24 You're not deeding it back to the City.

25 MR. GARCIA-SERRA: The fountain and the

1 plaza, yes. With the wider sidewalk, part
2 of that is probably -- is on public, public
3 property.

4 MR. SALMAN: So you're improving that
5 part?

6 MR. GARCIA-SERRA: Yes.

7 CHAIRMAN KORGE: In the absence -- oh,
8 go ahead. I'm sorry, go ahead.

9 MR. SALMAN: With regards to the
10 percentage of the overall project that this
11 1.1 million represents, what are we arguing
12 about? What are we talking about?

13 MR. GARCIA-SERRA: How did we get to
14 the 1.1 million?

15 MR. SALMAN: Yeah. No, I know how you
16 got there.

17 MR. GARCIA-SERRA: Okay.

18 MR. SALMAN: You told me very
19 specifically, and it's the net present
20 value of the difference between what the
21 City is asking for and what you're willing
22 to offer, which is between 200 and \$400 per
23 unit, depending on the type, times the
24 period, brought back to today --

25 MR. GARCIA-SERRA: Exactly.

1 MR. SALMAN: -- as to what it's valued.
2 All right. My question is, that 1.1
3 million represents what percentage of the
4 cost of construction for this project?
5 What are we arguing about? Are we talking
6 about two percent of the project, one
7 percent of the project? I mean, this is
8 not a cheap project.

9 MR. DEL RIO: It's over one percent.

10 MR. SALMAN: So we're talking about
11 over one percent.

12 MR. GARCIA-SERRA: Yeah.

13 MR. SALMAN: So we're sitting here
14 arguing about one to two percent of the
15 cost of construction. I just wanted to
16 make sure that I understood what we were
17 talking about.

18 MR. RIEL: And I'd like to clarify the
19 record, I mean, just -- The traffic-calming
20 and the streetscape improvements are a
21 requirement of the Code for the mixed-use.

22 When the application previously, in
23 2006, came forward, the City Commission
24 asked for additional traffic calming, based
25 upon some of the residents that attended

1 the meeting, to the west of the property.

2 Although you can't get there in a
3 vehicle, they asked for additional, above
4 and beyond what was in the traffic study.
5 So, if I were to respond in terms of what
6 are they doing above and beyond the Code,
7 the sidewalk issue, as well as the
8 additional traffic circles and
9 improvements. But everything else pretty
10 much is a Code requirement as a part of the
11 conditional use for the mixed-use site plan
12 review.

13 CHAIRMAN KORGE: In the absence of any
14 attainable housing commitment by the
15 applicant, would this project be buildable
16 under the Code?

17 MR. RIEL: I'm sorry, I --

18 CHAIRMAN KORGE: If this project came
19 to us as it's proposed, but without any
20 rent restrictions, would it be approvable
21 under the Code? Why are we imposing the
22 restrictions?

23 MR. RIEL: This is a mixed-use project
24 that requires conditional use review.

25 CHAIRMAN KORGE: Right.

1 MR. RIEL: This Board can impose
2 conditions, as well as Staff, in terms
3 of --

4 CHAIRMAN KORGE: I understand that.
5 What I'm asking is a little bit different.
6 No, I do understand that we have the power
7 to impose those conditions, but I guess
8 what I'm asking is, if those conditions
9 were not imposed, would this project be
10 unacceptable, as it is, in the mixed-use
11 district, at the current size --

12 MR. RIEL: It's not unacceptable --

13 CHAIRMAN KORGE: -- and usage?

14 MR. RIEL: The mixed-use provisions
15 allow for 10 floors and 125 feet. By
16 right, it's 99 feet and eight floors. And
17 this property has industrial zoning on it,
18 and it would not be allowed to do
19 residential, so the only way you can do
20 residential in a mixed-use area is via this
21 conditional. So they could build a retail
22 commercial project with no residential
23 units. That's what they would be allowed
24 under right.

25 CHAIRMAN KORGE: Okay. So the

1 advantage they get --

2 MR. RIEL: The advantage they get is
3 125 units an acre, which is zero right now,
4 zero units per acre. They get two
5 additional floors, because we're not
6 counting floors, it's 10, and they get
7 about another foot or two in terms of
8 height.

9 CHAIRMAN KORGE: Okay. So they're
10 getting substantial benefits in return for
11 the affordable or attainable housing
12 commitments?

13 MR. RIEL: In Staff's opinion, we feel
14 they are, yes.

15 CHAIRMAN KORGE: All right.

16 MR. GARCIA-SERRA: If I could just
17 interject, remember that the Code itself
18 right now does not permit any sort of
19 attainable housing requirements. What the
20 mixed-use district does require is a mix of
21 uses. If you want to bring residential,
22 you also need to have at least ground floor
23 retail and other --

24 CHAIRMAN KORGE: Excuse me for
25 interrupting. I think you're indicating

1 that the residential is not permitted
2 except with conditions.

3 MR. RIEL: Mixed-use.

4 MR. GARCIA-SERRA: Correct.

5 CHAIRMAN KORGE: Right.

6 MR. GARCIA-SERRA: No, I agree with him
7 on that. You know, you have to go through
8 a conditional use approval in order to
9 get --

10 CHAIRMAN KORGE: Well, I guess that
11 begs the question.

12 MR. SALMAN: I don't think you have a
13 choice but to agree with that.

14 MR. COE: Mr. Chairman, I just have a
15 concern. Maybe Mr. Riel can calm my
16 concerns. This recommendation of 100
17 percent in 15 years is a Staff
18 recommendation, that this is not a
19 requirement of the City Commission for
20 this, correct?

21 MR. RIEL: Correct.

22 MR. COE: And you can adjust this on a
23 case-by-case basis, correct?

24 MR. RIEL: The Planning Board and the
25 City Commission -- the Planning Board can

1 recommend to the City Commission and the
2 City Commission can -- yes, we could, with
3 policy direction.

4 MR. COE: So there really isn't any
5 standard.

6 MR. SALMAN: Well, we'd be setting a
7 precedent here.

8 MR. COE: Well, that's what I'm getting
9 at. This is a moving target.

10 MR. RIEL: There is a standard out
11 there, and Javier can speak to that better
12 than I can, in terms of rental units, but
13 typically, they're 30 years, 40 years and
14 above.

15 MR. SALMAN: Yeah, the term here, I
16 think, is --

17 MR. COE: Mr. Riel, I'm well aware of
18 that. I'm talking about within the City of
19 Coral Gables. You know, if we were to --
20 and we certainly have the power to agree
21 with them and have 10 years and 120
22 percent, or we can say, "No, we agree with
23 Staff, and take it or leave it." We can go
24 either way. I just -- if we were to say
25 that -- Staff at 100 percent and 15 years,

1 is that going to become the standard, then,
2 that we are to adopt? Is that what you're
3 recommending?

4 MR. RIEL: It's going to be a
5 precedent-setting standard, yes.

6 MR. COE: Exactly.

7 MR. RIEL: That's why we're going
8 toward the more --

9 MR. COE: That's the standard Staff
10 says that should be adopted on every
11 upcoming project.

12 MR. RIEL: We're utilizing this, yes,
13 absolutely.

14 MR. COE: And, on the other hand, if we
15 were to say that's too onerous on this
16 particular project and it should be 120
17 percent and 10 years, so these folks can
18 make what they feel is a reasonable profit,
19 we would also be setting a standard,
20 because then how can we go to the next
21 project and say 15 years and 100 percent?
22 Is that the Staff's argument?

23 MR. RIEL: Yes.

24 MR. COE: Okay.

25 MR. RIEL: You obviously have the

1 flexibility, because it's a conditional
2 use.

3 MR. DEL RIO: And --

4 MR. RIEL: But we're -- you know, we're
5 forging on new ground here, and we're going
6 to have to deal with this issue as a part
7 of our Comp Plan rewrite. This Board is
8 going to have to deal with this issue in
9 about the next three to six months.

10 MR. COE: And, of course, you put the
11 Board in sort of an awkward position. I
12 mean, I happen to like this project and I
13 hate to see this project go without a
14 recommendation on this one particular
15 issue, but however, attainable housing,
16 statewide, is an important issue, and we
17 all recognize that.

18 For the Board then to say, 10 years,
19 120 is fine for this project, the Board is
20 going to almost be in a position, for the
21 next project, to say the same thing. We
22 certainly can't go back and say, well, the
23 next project is going to be 15 and 100,
24 because that wouldn't make any sense.

25 MR. RIEL: I don't see it as we're

1 putting the Board in a position. We're
2 looking for policy direction from the
3 Planning and Zoning Board to the
4 Commission.

5 MR. COE: Well, you can't be arbitrary
6 and capricious each time these projects
7 come up, and say, "Well, this project, we
8 would like it for 100 and 15 years, but
9 this next project, well, that's going to be
10 120 percent and 10 years," and maybe the
11 third one, maybe, five years and 150
12 percent. You can't do that.

13 MR. RIEL: Understood.

14 MR. COE: There's no rational basis in
15 doing that.

16 MR. RIEL: Understood, and the next
17 developer that comes in, I'm sure they're
18 going to point to this project that was
19 required --

20 MR. COE: Exactly.

21 MR. RIEL: -- to do this certain time
22 frame and percentage.

23 MR. COE: So this becomes the benchmark
24 for all this in the future.

25 MR. RIEL: Yes, it does.

1 CHAIRMAN KORGE: Well, taking what you
2 said, Jack, further, taking it further, I
3 mean, I don't know how to decide one from
4 the other, even assuming that, you know,
5 Staff has a good reason and, you know, the
6 applicant has a good reason for their
7 positions, I mean, how can we make such a
8 decision on the fly like that?

9 MR. COE: Well, that's why,
10 Mr. Chairman, I say Staff and the applicant
11 has put this Board in a very difficult
12 position. I don't know the answer to that,
13 and that's the problem I have. I don't
14 know which one is right and which one is
15 wrong. But I do know, whatever decision we
16 make, assuming we make a decision, we're
17 going to be locked into on the next
18 application.

19 CHAIRMAN KORGE: So we're going to make
20 it harder to do something different on the
21 next application.

22 MR. COE: Exactly.

23 CHAIRMAN KORGE: Or, more to the point,
24 if an ordinance comes back to us for a
25 decision on a City-wide basis, as opposed

1 to an ad hoc basis, which this is right
2 now.

3 MR. COE: Well, until the City does
4 something, the Commission does something,
5 this is an ad hoc or like ad hoc situation.

6 MR. RIEL: But also understand, the
7 condition that was written before was very
8 vague, very general. It was done two years
9 ago, and I commend the applicant for
10 wanting finality. Obviously, they wanted
11 to have finality, so we don't have to deal
12 with this issue when the project is getting
13 permits. So this is Staff's first attempt,
14 and yes, we're using the Board as a testing
15 ground. We want your policy direction.
16 Yes, it's a challenge.

17 MR. COE: Well, how could the Board --

18 CHAIRMAN KORGE: Excuse me for
19 interrupting --

20 MR. COE: -- possibly give a policy
21 ground on whether 10 years and 120 percent,
22 as the applicant wants, or 15 years and 100
23 percent, as Staff recommends -- how can
24 this Board possibly say, as a benchmark,
25 which one is preferable? How can we

1 possibly do that?

2 MR. RIEL: You've got professional
3 recommendations from your Planning
4 Department Staff. I can't say anything
5 more than that.

6 MR. SALMAN: To the Staff -- let me
7 talk to the Staff for just a second. In
8 your calculation method, is this number
9 going to be increasing? Is it indexed for
10 cost of living?

11 MR. BETANCOURT: It's based on the
12 City's median income.

13 MR. SALMAN: I understand that.

14 MR. BETANCOURT: As that median income
15 goes up, then that number goes up. So it's
16 not tied to inflation. It's tied to median
17 income.

18 MR. SALMAN: All right. That's my
19 first question.

20 To the applicant, you said you changed
21 the mix of the units. What was the change
22 in mix from --

23 MR. DEL RIO: My name is Omar Del Rio,
24 with Gables Residential, 777 Yamato Road,
25 in Boca Raton, Florida.

1 Yes, when we purchased the project, it
2 was already site plan approved, and it was,
3 you know, to be a condo project. So it was
4 very heavy on two-bedroom units. The units
5 were very large. That doesn't work for
6 rental. Rental needs to be a tighter unit,
7 a lot more one-bedroom units, because
8 you're going to have singles, you're going
9 to have young couples. Two-bedroom is more
10 of a condo product. There is no condo
11 market right now, and Gables only does
12 rental residential.

13 As to the attainable housing, when we
14 purchased the property, it had this
15 open-ended covenant, and we do affordable
16 housing all over the country, but when you
17 do 30 years, when you do 40 years, there's
18 something, you get tax credits, you get
19 impact fee reduction, and so this is what
20 works, given the ramifications of reducing
21 the rents in a very expensive city like
22 Coral Gables.

23 And so to have something out there, we
24 were the ones that proposed this whole --
25 you know, I wrote the initial proposal. So

1 they've modified it, but it's coming from
2 the developer, to have something out there
3 that's bankable. Right now, it's
4 open-ended and we run the risk that, you
5 know, six months in construction, something
6 could be imposed on us. So that's why we
7 went forward and proposed this.

8 MR. SALMAN: But doesn't the Staff's
9 recommendation put an end to that? I mean,
10 we are setting a term --

11 MR. RIEL: For this project, yes, it
12 does.

13 MR. SALMAN: It does, so the idea of --
14 excuse me. The idea of finality is being
15 given to you now.

16 MR. DEL RIO: It is being given, but
17 it's also -- it's a bigger financial hit,
18 already, the 1.1 million dollars, but
19 already by doing what we're proposing,
20 there's yet another net present value hit
21 that we're taking, because those units,
22 those 35 units, were to be market rate. So
23 it's just more on top of it. Do you
24 understand?

25 MR. COE: So are you suggesting, then,

1 that if this Board recommends Staff
2 recommendations as written, including 100
3 percent and 15 years, that the applicant
4 cannot live with that?

5 MR. DEL RIO: We can't live with that,
6 no.

7 MR. SALMAN: We're coming in at the
8 tail end of a long negotiation, it appears
9 to me, and --

10 MR. COE: Well, you know, in the
11 absence --

12 MR. SALMAN: -- we're in a tough spot.
13 You're putting us in a real tough spot --

14 MR. COE: Yeah, in the absence of a
15 comprehensive --

16 MR. SALMAN: -- because we're setting a
17 precedent based on a negotiation we weren't
18 necessarily a part of.

19 MR. COE: In the absence of a
20 comprehensive policy on affordable housing,
21 and Staff says this is your test case and
22 we want 15 years at 100 percent, and this
23 Board understands that this then becomes
24 the benchmark for future applicants, how do
25 we not defer to Staff's recommendation on

1 this point?

2 MR. GARCIA-SERRA: We're going into
3 uncharted territory here, and I would
4 defer that -- I would submit that it's
5 easier or more conducive of probably good
6 policy to be able to set requirements that
7 aren't as onerous as what Staff is
8 recommending, to see how they work, and
9 indeed, if that is what is sufficient to
10 deliver or not, and then in the case that
11 they aren't, because this will be sort of a
12 test case, you could then --

13 MR. COE: Well, you see, but you can't
14 do it the other way around. If we were to
15 say --

16 MR. GARCIA-SERRA: Go from more onerous
17 to less?

18 MR. COE: -- "Well, we'll try it out
19 for 10 years and 120 percent, and see how
20 that works," and the next month or the
21 month after, the next applicant comes in
22 and says, "Well, in February, you approved
23 10 years and 120 percent, and we want 10
24 years and 120 percent," that's the
25 benchmark. It's not -- you don't try it on

1 like a glove and see if it fits or not.
2 That's the benchmark, unless the City has a
3 comprehensive affordable housing policy,
4 and I don't see that in the next few
5 months.

6 MR. GARCIA-SERRA: Neither do I.

7 MR. COE: So there's where we are, and
8 I just don't see how this Board can be
9 responsible and say to Staff, "We're going
10 to ignore your professional recommendation
11 and we're going to go and now have a policy
12 of 10 years and 120 percent."

13 MR. GARCIA-SERRA: When it's affecting
14 the viability of the project, I think
15 that's sufficient grounds to at least give
16 pause as to whether that is the right --
17 those are the right numbers to use.

18 MR. COE: Well, in all due respect -- I
19 like your project, and this is the only
20 sticking point, obviously -- the next
21 applicant can say, "Well, you approved 10
22 years and 120 percent. I can't make a
23 profit unless it's seven years and 150
24 percent." And they can have all the
25 statistics -- they very well may be right,

1 you know, that the profit margin may be
2 just above seven and 150 percent, and, "We
3 can't do affordable housing. We can't do
4 it, we can't build this project in Coral
5 Gables if you require us to do that." But
6 that may just be the facts of business. I
7 don't know how, looking at this from the
8 City's perspective and the residents'
9 perspective, can we do that. And the
10 project after that may say, "Hey, we need
11 only four years and 200 percent, because
12 otherwise we can't make a dollar."

13 Those are business decisions, and I
14 don't know -- while I like this project and
15 I'd like to see it be built in the City of
16 Coral Gables, I don't know if that's
17 responsible, for this Board to just ignore
18 Staff's considered recommendation, in light
19 of any other policy guidance from the
20 Commission or anybody else, and I'm afraid
21 that's where I'm stuck, unless you can help
22 me out.

23 MR. GARCIA-SERRA: I see -- I see --
24 excuse me.

25 CHAIRMAN KORGE: See, my problem is a

1 little different, from a different
2 perspective, and that is, there is no
3 City-wide policy at all, and so we're
4 imposing a condition that, you know, if
5 they just bought the land, doesn't exist,
6 and we've just created it.

7 MR. COE: Ah.

8 CHAIRMAN KORGE: Wait, let me finish.
9 Let me finish.

10 MR. COE: They don't have to put
11 down -- they don't have to have housing,
12 though. They could have commercial. You
13 know, it's not mixed-use.

14 CHAIRMAN KORGE: I understand. So it's
15 a condition that's being imposed on an ad
16 hoc basis, and therefore, it is really not
17 a City-wide policy to begin with; it is a
18 negotiated policy, because the City does
19 not have a City-wide policy.

20 So, I mean, when they buy the property,
21 they're buying it with a view to -- I don't
22 know if it was just recently purchased or
23 what happened there, but you buy it with a
24 view to a certain type of development you
25 have in mind, and the first thing you would

1 do is, you look at the Zoning Code and you
2 see what are the requirements. There is no
3 affordable housing requirement. So you
4 maybe research it and say, "Well, there is
5 a movement towards that and we could get
6 stuck with something we can't predict, so
7 we'll negotiate that up front as a
8 condition of the approval," and you get to
9 a point where you're stuck in the
10 negotiation and now all of a sudden, and I
11 think we are on the same page here, it
12 comes to our Board, and now we're supposed
13 to be presumably making a City-wide
14 determination by precedent, where I don't
15 know whether I would agree with the City's
16 proposal or something else in between or
17 outside of either of them. Maybe it should
18 be 30 years and not 15. Maybe it should
19 only be eight years.

20 MR. COE: Well, maybe we should defer
21 this until the Commission sets up a
22 comprehensive --

23 CHAIRMAN KORGE: No, that's a problem,
24 because you can't defer to the others --

25 MR. COE: I'm only saying facetiously.

1 CHAIRMAN KORGE: I know. I know, but
2 that's the dilemma we face. We can't defer
3 this. I mean, the applicant's got land and
4 they've got to develop it.

5 MR. COE: Of course.

6 CHAIRMAN KORGE: It doesn't work. So,
7 I mean, I don't have a solution, except
8 that --

9 MR. COE: Are you prepared to -- if you
10 agree to 10 years and 120 percent, are you
11 prepared to tell the next applicant that
12 shows up next month that when the City
13 wants 15, that 10 years and 120 percent is
14 where we are?

15 CHAIRMAN KORGE: Well, I would say
16 that, first of all, I don't know why 10
17 years and 120 -- you explained how you
18 arrived at your numbers, but --

19 MR. SALMAN: 1.1 million.

20 CHAIRMAN KORGE: I know, but I don't
21 know -- I mean, I'm not privy to all the
22 calculations, to how much they paid and so
23 forth, and what their real tipping point
24 is.

25 MR. COE: Well, let's assume they're

1 right.

2 CHAIRMAN KORGE: Pardon me?

3 MR. COE: Let's assume they're right.

4 MR. SALMAN: And that ain't our
5 business.

6 CHAIRMAN KORGE: If they're right, then
7 I would give it to them, and the reason I
8 would give it to them has nothing to do
9 with future precedent. It's because I
10 think the project should be built, and
11 based on the current economics, that works
12 for this project, assuming that what they
13 say is correct.

14 But the City is saying that -- the
15 Staff is saying 15 years and 100 percent.
16 I don't know how the Staff arrives at their
17 number and whether they're correct, but
18 that's what you negotiate over, and we
19 shouldn't be the ones making that decision.

20 MR. COE: Exactly. See, my concern is,
21 if this is done in a vacuum and we don't
22 have to worry about repercussions, then we
23 can decide if we want to approve it with
24 the 10 and 120 or not. But the concern I
25 have is, if you go to 10 and 120 on this

1 project, the next applicant is going to
2 make a very compelling argument, with
3 charts, that the tipping point is seven
4 years and 150 percent, and the one after
5 that will have all the charts to show it's
6 four years and 200 percent. I guarantee
7 you, that's what happens.

8 CHAIRMAN KORGE: Right.

9 MR. COE: And they very well may be
10 correct. So the point is, what do you do?
11 Most projects would love to throw out the
12 affordable housing component in the first
13 place, because that's a drag on the
14 economics of the building, as everybody
15 knows that, and it's being put in there
16 because it's a statewide goal to have
17 affordable housing, and particularly when
18 you come into Coral Gables, there isn't any
19 affordable housing, everybody appreciates
20 that, and so you want to encourage these
21 projects.

22 On the other hand, they very well may
23 be correct that they can't make a profit if
24 you impose these kind of restrictions, and
25 maybe there shouldn't be affordable housing

1 in the City of Coral Gables, and seniors --
2 and I'm getting pretty close to that -- and
3 other people shouldn't be living in the
4 City. I hate to say that, but maybe that's
5 the truth of the business market right now.
6 I don't know. But I don't know how this
7 Board is supposed to decide whether 10
8 years and 120 percent is the correct thing
9 for this project, or 15 years and 100
10 percent, that the Staff says, and
11 presumably everyone has done their own
12 investigation, they've done all the
13 bargaining and negotiations, Mr. Chairman,
14 as you suggest. What are we supposed to
15 do?

16 CHAIRMAN KORGE: Well, again, I would
17 indicate to you that in my view, if we do
18 have where it's unequivocally clear that in
19 the absence of that concession in favor of
20 the developer, the project would not be
21 built, then I would agree with the
22 concession to the developer. But I don't
23 know for a fact that that's what's going to
24 happen if we agree with the City's
25 recommendation.

1 MR. COE: If it wasn't precedential, I
2 wouldn't be concerned about one project,
3 but if it is going to be precedential, I am
4 concerned about one project.

5 CHAIRMAN KORGE: Well, I think, though --

6 MR. RIEL: The other option is, the
7 applicant can wait until the regulations
8 are put in place, which could be much more
9 restrictive, and they abide by those.

10 CHAIRMAN KORGE: But that could be
11 years.

12 MR. COE: They may never be put in
13 place. They may never be put in place.

14 MR. RIEL: No, we have a Comprehensive
15 Plan that requires to address the issue
16 by -- what date?

17 MR. BETANCOURT: By early next year.

18 MR. RIEL: Early next year.

19 MR. COE: Early next year.

20 MR. RIEL: Otherwise our plan will be
21 found in noncompliance and then no changes
22 in land use and zoning will be processed,
23 basically a moratorium on development,
24 unless we deal with this issue.

25 MR. COE: I mean, you know, there's

1 another realistic position, you know. We
2 can say anything we want. We can go with
3 Staff's recommendation on this and you can
4 then not proceed. You can abandon the
5 project. We can agree with you and it goes
6 up to the City Commission.

7 Now, the City Commission is going to do
8 what the City Commission wants to do,
9 obviously. I suspect, just my hunch, that
10 they're not going to buy 10 years and 120
11 percent --

12 MR. SALMAN: No.

13 MR. COE: -- and then where are you?

14 MR. SALMAN: In fact, my particular
15 problem with this is the term. By reducing
16 it to 10 years, it becomes much less
17 consequential, when the idea here and the
18 goal here is to create long-term, you know,
19 attainable housing. I would much rather
20 see 120 and 30 years than, you know --

21 MR. COE: You're negotiating for the
22 applicant.

23 MR. SALMAN: But I'm -- you know,
24 that's my particular opinion. I think that
25 you have a basis for 120, because you're

1 using old data, and when you multiply it
2 up, you're probably close to where we're
3 actually at, for a median point of view, so
4 that one is fairly passable, but my problem
5 is on the term, and by reducing the term,
6 we're really reducing the long-term
7 attainable housing impact of the project,
8 that component of the project, and that's
9 where I have a little bit of heartburn.

10 MR. COE: I also want to point
11 something out --

12 CHAIRMAN KORGE: Let me ask you a
13 question, if I could, Eric. If we -- if
14 this were not to set any precedent
15 whatsoever, that it were just the sole
16 project, and whatever we did here would not
17 be considered precedent for what you were
18 going to propose and hopefully we would
19 adopt within the next year, would the
20 applicant's change be acceptable to you?
21 Is your main sticking point with the
22 applicant's change that it's setting a
23 precedent that's going to be a problem for
24 you?

25 MR. RIEL: It could cause us some

1 problems, yes, I mean, you know, in terms
2 of the term, because the terms are very low
3 compared to what other local governments
4 do. That's a concern. Coral Gables has a
5 higher median income than any other
6 adjoining communities. What is the City of
7 Miami, 45,000?

8 MS. KEON: 54. Is it 54?

9 MR. RIEL: It's relatively low. It's
10 an issue that we have to grapple with and
11 we have to deal with. We feel that this,
12 in our negotiations, without having
13 regulations in place, is a good compromise.

14 I can tell you, we will probably come
15 back with a term that's probably 15 -- you
16 know, 30 years on rental, if not more --

17 MS. KEON: Yeah.

18 MR. RIEL: -- as a recommendation on
19 rental. Condominium is a different issue.

20 MR. COE: But they would be
21 grandfathered in.

22 MR. RIEL: They would be grandfathered
23 in. As a part of the approval, they would
24 have to adhere to these regulations and
25 grandfathered in, for a period of two years

1 if they don't construct the project. If
2 they don't construct the project within two
3 years, they would obviously fall under
4 those current regulations.

5 CHAIRMAN KORGE: Right.

6 MR. RIEL: And we have a responsibility
7 by early next year to present regulations.

8 CHAIRMAN KORGE: Right. I guess what
9 I'm trying to get at is --

10 MR. RIEL: Do you tie it to the
11 project? Yes.

12 CHAIRMAN KORGE: Do you -- Tie it to
13 the project and all those issues, but do
14 you accept the fact, their argument, that
15 they're at the tipping point and that would
16 make a difference in the outcome of this
17 project?

18 MR. RIEL: We don't look at it from an
19 economic standpoint.

20 CHAIRMAN KORGE: I understand that.

21 MR. RIEL: We look at it from a
22 delivery of units, addressing the issue of
23 affordable housing.

24 CHAIRMAN KORGE: I understand that. I
25 do understand that, but I'm just -- since

1 we're stuck in the middle of your
2 negotiations, you know, I'd like to get
3 some feel for --

4 MR. RIEL: It's not a negotiation. We
5 feel that given the additional units, 125
6 units an acre, it's a conditional use, that
7 we're well within our bounds to ask to deal
8 with a City-wide issue that deals with the
9 Comprehensive Land Use Plan.

10 CHAIRMAN KORGE: I agree you're well
11 within your bounds. I didn't mean to imply
12 otherwise. What I'm trying to figure out
13 is whether you really think this project
14 will die if we can't accommodate them on
15 this request.

16 MR. RIEL: I don't think the project
17 will die, no.

18 MR. BETANCOURT: If I could add, I
19 just -- I think we're being more than
20 reasonable and flexible in what we're
21 asking. The hundred percent is atypical,
22 you know, for rental units. If you look at
23 cities, like San Diego, for instance,
24 there, their median income for rental units
25 is 65 percent of median income, okay, and

1 they're asking for 55 years for the
2 covenant, and they don't offer any bonuses
3 or incentives, and so I'm pretty much
4 confident, when we come back with
5 regulations, they're going to be a lot
6 tougher, quite frankly, than what we're
7 asking for today.

8 We've already taken into account the
9 fact that we don't have standards and the
10 fact that we're not offering bonuses and
11 incentives. That's why we went with 100
12 percent versus 80 percent or even lower.
13 That's why we went with 15 years versus 50
14 something years, or even 99. I think most
15 programs actually, normally, have 99-year
16 restrictive covenants, or in perpetuity.
17 And so we're already being, I think, very
18 reasonable, very flexible. Frankly, I
19 think the rates that even we've come up
20 with are a bit high.

21 Someone like myself, who I think this
22 type of program targets, you know, a rental
23 rate of 1,778 a month is not something I
24 could afford, and if you look at the
25 applicant's proposed rates, that's over

1 \$2,000 for a two-bedroom unit. I don't
2 know how we can call that an affordable and
3 attainable or workforce unit. It just
4 doesn't make sense, and what it comes down
5 to for us is that rental rate. I think
6 ours, as it is, is already high. Theirs
7 would be, I think, just completely
8 unaffordable.

9 MR. COE: Eric, do they have to have an
10 affordable housing component in this
11 project?

12 MR. RIEL: It was part of -- As you
13 know, they're asking for a change of
14 approved site plan. Yes, in our opinion --

15 MR. COE: Is it your position there
16 must be an affordable housing component?

17 MR. RIEL: Yes, absolutely.

18 CHAIRMAN KORGE: In all events? It's
19 required by the Code?

20 MR. SALMAN: It was a condition of your
21 conditional approval, two years ago.

22 MR. COE: I understand that, but we can
23 get out of that. I'd rather pull the
24 affordable housing component out of this
25 project, so it has no precedent at all, and

1 then deal with it any way we want.

2 MS. KEON: But then you --

3 MR. COE: If I can't do that, well,
4 then we're stuck where we are.

5 CHAIRMAN KORGE: I wouldn't do that. I
6 mean, it doesn't make sense.

7 MR. SALMAN: No, no, no, no.

8 MR. COE: (Inaudible).

9 MR. BETANCOURT: When they went through
10 the first time for a change of land use,
11 one of the things the Regional Planning
12 Council and the State Department of
13 Community Affairs -- one of the things that
14 they required was an affordable housing
15 component. If there hadn't been an
16 affordable housing component, I doubt their
17 project would have passed at that time.

18 MR. RIEL: If you remember, when the
19 mixed-use provisions came through, I
20 remember the hearing at the original
21 Planning Council. I got lambasted. They
22 said, "Don't come back and ask for any more
23 changes until you've dealt with the
24 affordable housing issue."

25 MR. SALMAN: Right.

1 MR. RIEL: And the Commission passed
2 three resolutions, saying they were going
3 to do this and that, in terms of
4 inclusionary zoning. When we go back up
5 with our Comp Plan, in the next couple of
6 months, you know, it's going to be an issue
7 we have to deal with.

8 MR. COE: I'm also convinced that the
9 Commission is not going to accept --

10 MS. KEON: I've got a question in that
11 regard.

12 MR. COE: -- 10 years and 120 percent.

13 MR. GARCIA-SERRA: If I could
14 interject, though --

15 MS. KEON: Yeah, can I --

16 CHAIRMAN KORGE: Pat, do you have some
17 questions?

18 MS. KEON: Yes. In the cities and the
19 communities that you have looked at and you
20 just spoke to, was it San Diego or --

21 MR. BETANCOURT: San Diego is one.

22 MS. KEON: In those states, are there
23 tax credit programs that -- you know, the
24 federal tax credits that they can apply
25 for, and those types of things, or -- you

1 know, because I think that makes a huge
2 difference.

3 MR. BETANCOURT: There's a whole litany
4 of affordable housing programs, and
5 generally, inclusionary zoning is one such
6 program. Those other programs are
7 alternative programs. They generally don't
8 necessarily work together.

9 CHAIRMAN KORGE: Right.

10 MR. BETANCOURT: You're not going to --

11 MS. KEON: I haven't looked at the
12 whole issue and the policies regarding the
13 affordable housing in probably three or
14 four years, but I know that the ones that
15 were most successful were programs in
16 locations where there was a financing
17 component, that the financing was more
18 favorable to the developer, and in turn --
19 I mean, that's why it was worth it to them.
20 It was worth it to you to provide
21 affordable housing because of the reduced
22 financing costs that you would achieve in
23 doing that.

24 So that's all I'll asking you, is, when
25 you start looking at those, we don't have

1 that in this City. The State of Florida
2 doesn't do that. So you need to look at,
3 and you need -- in developing that program,
4 you need to develop -- and when you're
5 looking at other localities, you have to
6 look at locales that have the same types of
7 incentives that are available to someone
8 developing in the City of Coral Gables.

9 On the other hand, the County does
10 have, through their housing finance
11 authority, does have -- does make use of
12 SHIP and HOME and all those others. Can
13 developers developing in the City of Coral
14 Gables under an affordable program, meaning
15 a program that you would develop with a
16 certain amount of units set aside -- can
17 they apply for those? Can you?

18 MR. BETANCOURT: I don't know the ins
19 and outs of those programs, but I think if
20 it's an affordable housing project, yes.
21 If it's essentially a market-rate project,
22 where you set aside some units, probably
23 not.

24 MS. KEON: No, but I'm saying, if there
25 is a portion of a project that is

1 affordable housing, can they apply to the
2 County, to that affordable housing agency,
3 for bond dollars at that reduced rate --

4 MR. RIEL: I don't think so.

5 MS. KEON: -- for a portion of the
6 thing?

7 MR. BETANCOURT: It's only if the
8 entire project is an affordable housing
9 project.

10 MR. RIEL: I don't believe so. For an
11 affordable housing project in itself,
12 perhaps, if the City has an interlocal with
13 the County.

14 MS. KEON: Right.

15 MR. RIEL: We don't have that in place.
16 That's one of the things that we looked at.

17 MS. KEON: Have we looked into that?

18 MR. RIEL: Yes. We looked at --
19 Everything you can imagine on affordable
20 housing that's nationwide, we've looked at.
21 We've looked at the whole litany of items,
22 and we're going to present those when we
23 come back.

24 MS. KEON: Because I haven't seen
25 anything that goes to --

1 (Simultaneous voices)

2 MR. RIEL: They dealt with the issue in
3 California and South Carolina --

4 MS. KEON: I mean, and I can understand
5 where he's coming from, but I also think
6 you do have to impose an affordable housing
7 condition on some of these programs,
8 because it has to start here in this City.

9 You know, I also think for the income
10 level that we're dealing with, I think 100
11 percent is -- is very, very appropriate, as
12 opposed to 120, only because it's so high,
13 because I think if you looked at the income
14 in this community, and you looked at mean
15 income instead of median income, I think
16 you'd have a whole other set of numbers.

17 MR. BETANCOURT: And frankly, most
18 local governments use area median income.

19 MS. KEON: That's right, and I think
20 that the median income in this community is
21 skewed by some exceedingly high income
22 levels. So I don't think -- I think you --
23 I mean, I would almost want you to look at
24 the mean income and not the median income,
25 in setting -- in looking at what is

1 affordable housing in this community.

2 But as long as that's the condition
3 you're going to look at --

4 CHAIRMAN KORGE: Mean would be higher,
5 I think than the median.

6 MS. KEON: I think the mean would be
7 lower.

8 MR. BETANCOURT: The area median income
9 is the County median income. It is a lot
10 lower than the City's median income.

11 MS. KEON: Right.

12 MR. BETANCOURT: Most communities --

13 CHAIRMAN KORGE: But she's talking
14 about the mean versus the median.

15 MR. SALMAN: Talking about the mean
16 versus the median.

17 CHAIRMAN KORGE: Averaging.

18 MS. KEON: I think it's the mean -- I
19 think more people would -- I think you
20 would coalesce at a lower number than what
21 we've got here.

22 MR. SALMAN: We don't know.

23 MS. KEON: But, anyway, I mean, so I
24 think 100 percent is very acceptable. I
25 think if you're at 15 years -- personally,

1 I think I would impose it for 30 years,
2 too.

3 CHAIRMAN KORGE: Well, why don't we
4 take --

5 MS. KEON: My concern was, if you do 10
6 years, if you have someone that is 65 years
7 old, you know, moves into one of these
8 units, and you think they're going to stay
9 there for some period of time, all of a
10 sudden they're 80 years old or whatever, or
11 they're 65 or 75 years old, and it no
12 longer applies to them, what are they going
13 to do? I mean, if you're looking at this
14 as a means, particularly to address
15 housing, affordable housing, for the senior
16 population in this community, I think 10
17 years is not a good number, not at all. It
18 is not nearly enough, unless you impose a
19 thing that if somebody has a lease and they
20 are in those things, that it has to -- it
21 stays for the duration of that person's
22 wanting to be there, whatever that is, but
23 I don't think 10 years is a good number at
24 all, and I'd rather see you take fewer
25 units for a longer period of time at the

1 100 percent that you're at.

2 CHAIRMAN KORGE: Why don't we open it
3 for testimony from the public, if
4 anybody --

5 MR. GARCIA-SERRA: Could I make just
6 one last comment, before we open it up to
7 public hearing?

8 CHAIRMAN KORGE: Yes, please.

9 MR. GARCIA-SERRA: I recognize the
10 conundrum, of course, that all of you are
11 in, because basically you're in a situation
12 right now where you're being asked to make
13 a decision and your Staff is recommending,
14 "These are the numbers you need to use,"
15 we're recommending, "These are the numbers
16 that you need to use," and the -- let's say
17 background or substantive information or
18 expert testimony that you could possibly
19 have to rely upon is not overwhelming, is
20 not significant or sufficient enough so as
21 for you to make that decision comfortably.

22 You have to recognize, also, of course,
23 the conundrum that we're in, and that's
24 when Eric went last time to the South
25 Florida Regional Planning Council, and I

1 was there with him, actually, when he got
2 lambasted by the Council over the
3 affordable housing issue, and what they
4 were saying at that meeting was, "City of
5 Coral Gables, come back with a
6 comprehensive program of how to provide
7 affordable housing."

8 MR. COE: No one is disputing that.
9 The fact is, tonight we don't have that.

10 MR. GARCIA-SERRA: Correct.

11 MR. COE: So we have to deal with what
12 the facts are at hand right now, and we're
13 still in our little quandary. So we
14 understand what --

15 MR. GARCIA-SERRA: And we're trying to
16 do it on a case-by-case basis, which
17 complicates it even further and puts us in
18 a sort of situation that my client is
19 probably thinking right now, "No good deed
20 goes unpunished." You know, how many
21 people came before him, that didn't have to
22 do any of this affordable or attainable
23 housing, and got approval. Now we're in a
24 different situation, but we're trying to
25 deal with it the best we can.

1 I'm also a very practical man, and I
2 know that I have to have four votes of this
3 Board in order to get a recommendation for
4 approval, and there's four of you present
5 tonight, which means I would need a
6 unanimous vote. I would suspect, and I'm
7 going to have to confer with my client
8 right now, when you open it up to public
9 hearing, but we may be suggesting deferring
10 or requesting a deferral of this item so we
11 can come back to you.

12 CHAIRMAN KORGE: Well, let's take the
13 public testimony and see where it goes.

14 MR. COE: Is there any public
15 testimony?

16 CHAIRMAN KORGE: Is anybody here from
17 the public who wants to testify on this
18 project? Nobody?

19 I will close the public portion of the
20 meeting and proceed with discussion.

21 MR. COE: Now, is the applicant going
22 to poll us, or do you want us to vote?

23 MR. GARCIA-SERRA: We will respectfully
24 request that you defer this so we come back
25 at your next Planning and Zoning Board

1 hearing. We ourselves, I think, will look
2 into the matter. We might want to retain
3 some expert testimony, as far as affordable
4 housing is concerned, continue to confer
5 with Staff. Essentially, it's a question
6 of us, I guess, probably also trying to
7 convince Staff, a second time around, that
8 our numbers are the appropriate ones.

9 CHAIRMAN KORGE: Before we do that, let
10 me just see. Are we -- Could we get a
11 consensus here at all --

12 MR. COE: No.

13 CHAIRMAN KORGE: -- or give him any --
14 You don't think --

15 MR. SALMAN: No, it's not appropriate.

16 CHAIRMAN KORGE: You're not going to
17 vote in favor, no matter what?

18 MR. COE: No. He's pulled the item,
19 and it's not fair to discuss it any
20 further. I think that's improper.

21 MS. KEON: Yeah, I do, too.

22 I'd like to tell you, Eric, now that
23 it's been deferred, before it comes back to
24 us --

25 MR. RIEL: It hasn't been deferred.

1 MS. KEON: Oh, okay.

2 MR. COE: We have to vote on it.

3 CHAIRMAN KORGE: Do we vote on a
4 deferral?

5 MR. COE: He's asking --

6 MR. RIEL: Is the applicant requesting
7 a deferral?

8 MR. GARCIA-SERRA: Well, I can give you
9 a little bit of my knowledge of the Code.
10 The fact of the matter is that when you
11 have a short Board, only four members,
12 we're entitled to a deferral.

13 MS. KEON: Yeah.

14 CHAIRMAN KORGE: I don't have a problem
15 with deferring it. I'm just asking, do we
16 need to have a formal vote on that?

17 MR. COE: I think you need a formal
18 vote. That's the normal procedure. I
19 don't think you're going to have a problem
20 with the vote. I'll be shocked if people
21 say we shouldn't defer it.

22 CHAIRMAN KORGE: Do I have a motion to
23 defer?

24 MR. COE: I move to defer.

25 CHAIRMAN KORGE: Is there a second?

1 MR. SALMAN: I'll second.

2 CHAIRMAN KORGE: Is there any
3 discussion?

4 MR. COE: Call the roll.

5 CHAIRMAN KORGE: Call the roll, please.

6 MR. BETANCOURT: Ms. Keon?

7 MS. KEON: Yes.

8 MR. BETANCOURT: Mr. Salman?

9 MR. SALMAN: Yes.

10 MR. BETANCOURT: Mr. Coe?

11 MR. COE: Yes.

12 MR. BETANCOURT: Mr. Korge?

13 CHAIRMAN KORGE: Yes.

14 MR. GARCIA-SERRA: We'll be back to see
15 you in March. Thank you.

16 CHAIRMAN KORGE: Thank you.

17 MS. KEON: Can I -- one thing.

18 MR. COE: In March, I just recommend a
19 more streamlined position, so we don't do
20 an hour and 20 to get to this point.

21 MR. GARCIA-SERRA: I tried to
22 streamline it as much as I could, but I'll
23 try more.

24 CHAIRMAN KORGE: Well, I guess what
25 he's suggesting is that in March, we don't

1 need to have the full-blown presentation.

2 MR. GARCIA-SERRA: No, nor do I think
3 it's --

4 MR. COE: The only issue of
5 controversy --

6 MR. GARCIA-SERRA: I know it's this one
7 condition.

8 MR. COE: -- is affordable housing.
9 There isn't anything else. You know,
10 everything else has been presented and I
11 don't see any --

12 MR. GARCIA-SERRA: No, the extent of
13 the presentation should be simply what's
14 gone on between now and then.

15 MR. COE: However, the other two
16 missing people may need to have something.

17 MR. SALMAN: You get to do it all over
18 again, Mario. Sorry.

19 MS. KEON: I would like to know,
20 though, when it comes back, that the City's
21 program that you are proposing is -- that
22 you tell us, also, how you intend to
23 enforce your affordable housing.

24 MR. RIEL: We will not be in a position
25 at the next March meeting to do that, I can

1 tell you.

2 MS. KEON: To tell us how -- I mean,
3 how do you control what those are?

4 CHAIRMAN KORGE: How are you going to
5 enforce the condition that will be agreed
6 to or not?

7 MR. BETANCOURT: As part of the
8 condition, there is an enforcement
9 provision. I believe it's the last
10 paragraph. It essentially references the
11 Zoning Code, in which there are already
12 existing enforcement provisions.

13 CHAIRMAN KORGE: There are already
14 existing enforcement provisions for
15 affordable housing?

16 MR. BETANCOURT: No, just in general,
17 enforcement provisions.

18 MS. KEON: No, I'm talking about, who
19 does the means testing for the people that
20 move in there? Who ensures that they are?
21 Who checks that? That's all I'm asking.

22 MR. BETANCOURT: We require, as part of
23 the condition, that there's a management
24 plan where they spell those types of things
25 out, that they would have to partner with

1 some kind of authority, either a nonprofit
2 group, or if they have an in-house team,
3 that can verify the information, and we
4 also require that they submit --

5 MR. RIEL: When we presented the
6 provisions, about a year ago, we had a
7 whole page of management criteria, so
8 that's our intent.

9 MR. BETANCOURT: We require an annual
10 report.

11 CHAIRMAN KORGE: Has the applicant
12 already gone through that?

13 MR. RIEL: They were a part of the
14 approval process.

15 CHAIRMAN KORGE: They probably
16 understand it better than we do.

17 MR. GARCIA-SERRA: If I could just --
18 I'll give you a short explanation, because
19 on this, we do not disagree with Staff.
20 The way it would essentially be controlled
21 or managed, let's say, there's a condition
22 of approval requiring whatever might be, at
23 the end of the day, the length of the
24 restriction, the amounts and so forth.

25 That restriction will also be

1 incorporated into a restrictive covenant,
2 which is going to be executed and recorded
3 upon the land and run with the land for
4 whatever term that term is, and then as far
5 as the actual functioning of how we verify
6 incomes and how we make sure they're still
7 making that much and haven't won the
8 Lottery or something like that, it would
9 be, the initial submittal would have to be
10 your typical rent application form, but
11 supplemented with other information on
12 income to verify that they are indeed
13 making the income that they claim to be
14 making, and then it has to be recertified
15 on the one-year anniversary of that lease,
16 and then, aside from that, we do a one-year
17 report to the City, and we file with City,
18 I think, before January 1st of every year,
19 advising them, you know, how many units are
20 essentially rent-controlled, who they have
21 been rented out to, what are their levels
22 of income, et cetera, et cetera.

23 CHAIRMAN KORGE: So you, the City,
24 generally understand it --

25 MR. RIEL: Yes.

1 CHAIRMAN KORGE: -- and it should work
2 fine.

3 MR. GARCIA-SERRA: There's only one
4 issue here.

5 MR. RIEL: Again, remember --

6 MR. COE: Move to adjourn.

7 MR. SALMAN: Second.

8 MR. COE: Move to adjourn,
9 Mr. Chairman.

10 CHAIRMAN KORGE: We're adjourned.

11 (Thereupon, the meeting was adjourned
12 at 8:22 p.m.)

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1 C E R T I F I C A T E

2

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6

7 I, JOAN L. BAILEY, Registered Diplome
8 Reporter, Florida Professional Reporter, and a
9 Notary Public for the State of Florida at Large, do
10 hereby certify that I was authorized to and did
11 stenographically report the foregoing proceedings
12 and that the transcript is a true and complete
13 record of my stenographic notes.

14

15 I, JOAN L. BAILEY, a Notary Public in and
16 for the State of Florida at large, do hereby certify
17 that all witnesses were duly sworn by me.

18

19 DATED this 19th day of February, 2008.

20

21

22

JOAN L. BAILEY, RDR, FPR

23

24 Notary Commission Number DD 64037
25 Expiration June 14, 2011.