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| ROLL CALL |  |
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| 1 | PROCEEDINGS |
| :---: | :---: |
| 2 | (Thereupon, the City of Coral |
| 3 | Gables Planning and Zoning Board |
| 4 | AGENDA ITEMS: E.-1, E.-2, E.-3, |
| 5 | E.-4, E.-5, E.-6 were heard at |
| 6 | 6:00 p.m.) |
| 7 | CHAIRPERSON AIZENSTAT: All right. Let's |
| 8 | go ahead and get started, please. I would like |
| 9 | to call the meeting to order. I would like to |
| 10 | ask everybody to please silence their phones |
| 11 | and if you have any beepers to do so also. |
| 12 | Good evening. This Board is comprised of |
| 13 | seven members. Four members of the Board shall |
| 14 | constitute a quorum and the affirmative vote of |
| 15 | four members shall be necessary for the |
| 16 | adoption of any motion. |
| 17 | If only four members of the Board are |
| 18 | present, an Applicant may request and be |
| 19 | entitled to a continuance to the next regularly |
| 20 | scheduled meeting of the Board. |
| 21 | If the matter is continued due to a lack |
| 22 | of quorum, the Chairperson or Secretary of the |
| 23 | Board may set a special meeting to consider |
| 24 | such a matter. |
| 25 | In the event that four votes are not |

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| Jill, please call the roll.  to be excused.
CHAIRPERSON AIZENSTAT: Yes.
MS. MENENDEZ: Julio Grabiel.
BOARD MEMBER GRABIEL: Here.
MS. MENENDEZ: Sue Kawalerski.
BOARD MEMBER KAWALERSKI: Here.
MS. MENENDEZ: Felix Pardo.
BOARD MEMBER PARDO: Here.
MS. MENENDEZ: Javier Salman.
BOARD MEMBER SALMAN: Here.
MS. MENENDEZ: Chip Withers.
BOARD MEMBER WITHERS: Here.
CHAIRPERSON AIZENSTAT: And Robert Beha is out of town?
MS. MENENDEZ: That is correct.
CHAIRPERSON AIZENSTAT: Okay. Thank you. NOTICE REGARDING EX-PARTE COMMUNICATIONS.
Please be advised that this Board is a quasi-judicial board which requires Board Members to disclose all ex-parte communications and site visits.
An ex-parte communication is defined as any contact, communication, conversation,
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communication and/or site visit to disclose at this time?

BOARD MEMBER GRABIEL: No. BOARD MEMBER KAWALERSKI: No. BOARD MEMBER PARDO: No. BOARD MEMBER SALMAN: No. BOARD MEMBER WITHERS: No. CHAIRPERSON AIZENSTAT: SWEARING IN. Everyone who speaks this evening must complete the roster on the podium. We ask that you print clearly so the official records of your name and address will be correct.

Now with the exception of attorneys, all persons physically in the City Commission Chambers who will speak on agenda items before us this evening, please rise to be sworn in.

THE COURT REPORTER: Would you raise you right hands.

Do you solemnly swear or affirm that the testimony that you will provide will be the truth, the whole truth and nothing but the truth?

CITY PLANNER GARCIA: I do.
MR. DIAZ: I do.
MR. CUNNINGHAM: I do.
correspondence, memorandum or other written or verbal communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board regarding matters to be heard by the Board.

If anyone made any contact with a Board Member regarding an issue before the Board, the Board Member must state on the record the existence of the ex-parte communication and the party who originated the communication.

Also if a Board Member conducted a site visit specifically related to the case before the Board, the Board Member must also disclose such site visit.

In either case, the Board Member must state on the record whether the ex-parte communication and/or site visit will affect the Board Member's ability to impartially consider the evidence to be presented regarding the matter.

The Board Member should also state that his or her decision will be based on substantial, competent evidence and testimony presented on the record today.

Does any Member of the Board have such

Any comments? No.
Call the roll, please.
MS. MENENDEZ: Sue Kawalerski.
BOARD MEMBER KAWALERSKI: Yes.
MS. MENENDEZ: Felix Pardo.
BOARD MEMBER PARDO: Yes.
MS. MENENDEZ: Javier Salman.
BOARD MEMBER SALMAN: Yes.
MS. MENENDEZ: Chip Withers.
BOARD MEMBER WITHERS: Yes. CHAIRPERSON AIZENSTAT: Julio Grabiel.
BOARD MEMBER GRABIEL: Yes.
MS. MENENDEZ: Eibi Aizenstat.
CHAIRPERSON AIZENSTAT: Yes.
The procedure that we will use tonight:
First, we will have the identification of the agenda item by Mr. Coller. Then we will have the presentation by the applicant or agent. We will follow by the presentation of Staff. We will go ahead and have public comment first in Chamber, then Zoom platform, then phone line platform.

Afterwards we will close the public comment, we will have further Board discussion and a motion and further discussion second of
motion, if needed, and then Board's final comments and a vote.

Mr. Coller.
SPECIAL COUNSEL COLLER: Mr. Chairman, w have one property, but it is composed of six items.

I recommend that we -- that I read all the items in, that we have one hearing as we typically do and then we have six separate votes on -- on the items.

So I am going to read one through six. So everybody can sit back and relax while I go through this agenda.

CHAIRPERSON AIZENSTAT: Since we only have one item I think Mr. Salman would like to make --

BOARD MEMBER SALMAN: Oh. CHAIRPERSON AIZENSTAT: -- a comment. BOARD MEMBER SALMAN: Thank you, Mr. Chair.

I just want to state for the record in full transparency that this particular project --

Is this on?
MS. MENENDEZ: Is the light on?

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

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

| 1 | Article 14, Process, Section 14-211, |
| :---: | :---: |
| 2 | Abandonment and Vacations and the City Code |
| 3 | Chapter 62, Article 8, Vacation, Abandonment |
| 4 | and Closure of Streets, Easements and Alleys by |
| 5 | Private Owners and the City; Application |
| 6 | Process, providing for the vacation of the |
| 7 | 20-foot wide alley which is approximately |
| 8 | 155 feet in length lying between Lots 12 |
| 9 | through 18 and Lots 11 and 19 in Block 29, |
| 10 | Crafts Section -- Coral Gables, Florida, |
| 11 | providing for a repealer provision, |
| 12 | severability clause and providing for an |
| 13 | effective date. |
| 14 | 'Item E.-4: A Resolution of the City |
| 15 | Commission of Coral Gables, Florida, providing |
| 16 | receipt of Transfer of Development Rights, |
| 17 | TDRs, pursuant to Zoning Code Article 14, |
| 18 | Process, Section 14-204.6, review and approval |
| 19 | of use of TDRs on receiver sites for the |
| 20 | receipt and use of TDRs for a Mixed-Use project |
| 21 | referred to as Ponce Park Residences on the |
| 22 | property legally described as Lots 8 through |
| 23 | 21, less the West one half of Lot 8, Block 29, |
| 24 | Crafts Section, together with that portion of |
| 25 | the 20-foot platted alley lying east of Lots 11 |

Article 14, Process, Section 14-211, Abandonment and Vacations and the City Code Chapter 62, Article 8, Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process, providing for the vacation of the 20-foot wide alley which is approximately 155 feet in length lying between Lots 12 through 18 and Lots 11 and 19 in Block 29, Crafts Section -- Coral Gables, Florida, providing for a repealer provision, severability clause and providing for an effective date.
"Item E.-4: A Resolution of the City Commission of Coral Gables, Florida, providing receipt of Transfer of Development Rights, TDRs, pursuant to Zoning Code Article 14, Process, Section 14-204.6, review and approval of use of TDRs on receiver sites for the receipt and use of TDRs for a Mixed-Use project referred to as Ponce Park Residences on the property legally described as Lots 8 through 21, less the West one half of Lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11

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

Property Appraiser's list of addresses, the fact that some were returned doesn't create an issue for having this hearing.

And I spoke with Jennifer. And she received stacks of addresses returned for various reasons. And so while it seems like a lot I don't think it's unusual for the number of notices that were sent.

You might want to ask the applicant's representative if, in fact, they did use the Property Appraiser's address just to confirm on the record that, in fact, he did.

And you may want to ask -- and I am not sure whether the City Planner knows how many actual notices were mailed or whether the applicant knows how many mailed addresses were received.

BOARD MEMBER WITHERS: Okay. And, again I just want to make sure that we don't go down hours of this and then come back to -- these are -- these are the ones that were returned.

SPECIAL COUNSEL COLLER: Right. So for the record you are -- you are holding a stack of envelopes that I would say are about six to eight inches thick -concern. And, again, I just don't want the City to -- to get into trouble.

MR. FERNÁNDEZ: Sure.
BOARD MEMBER WITHERS: There is over -- I don't know. There is probably well over half of the $\mathbf{4 5 0}$ there. And they all have the same response UNABLE TO DELIVER. INSUFFICIENT ADDRESS; every one of them is the same.

So it says CURRENT RESIDENT. I know some are apartments with no apartment numbers. So, you know, I am just -- just want to make sure that we have had proper notice and that we don't have a lawsuit down the road for improper notice.

That's all.
MR. FERNÁNDEZ: Sir, if I could just correct a numerical reference for the record. It was 1,223 --

BOARD MEMBER WITHERS: Okay. That's --
MR. FERNÁNDEZ: -- notices that were sent --

BOARD MEMBER WITHERS: -- different. Okay.

MR. FERNÁNDEZ: -- not 415. I apologize
for that.
BOARD MEMBER WITHERS: That was really -
MR. FERNÁNDEZ: So substantially more than what's in that stack. And -- and $I$ am happy to answer any further questions you have on the subject.

BOARD MEMBER WITHERS: So do you -- is it normal -- I guess for the City do we usually put CURRENT RESIDENT or we put a name on notices?

Because with -- if I get CURRENT RESIDENT at this time of year it usually goes in the trash can.

CITY PLANNER GARCIA: So the property owner -- Jennifer Garcia, City Planner. The property owner has the name because we have access to that name in the Property Appraiser's website.

So the property owner will receive it with their name and they will recognize it and hopefully they will open it and look at it and react and hopefully they will attend.

BOARD MEMBER WITHERS: So those are the CURRENT RESIDENT.

CITY PLANNER GARCIA: But CURRENT

OCCUPANT -- I think it's the word CURRENT OCCUPANT so that includes both commercial properties and residential property.

BOARD MEMBER WITHERS: Okay. CITY PLANNER GARCIA: We don't have acces $\$$ to those tenant names. So we say CURRENT OCCUPANT.

As you remember I am sure some -- I am not sure if -- no. I think you were on the Board. There is a recent text amendment within the last year I want to say that we require not --

BOARD MEMBER WITHERS: Uh-huh.
CITY PLANNER GARCIA: -- only to the property owner, but also to the current building.

BOARD MEMBER WITHERS: Okay. Listen. As long as we get a green light from the City and the Board is okay with it, I -- I just wanted to make sure we were doing it correctly.

CHAIRPERSON AIZENSTAT: Would it -- would it be a question if -- that some of the addresses just didn't have an apartment number? In other words, if there are several or quite a few that are to a specific building?

MR. FERNÁNDEZ: I couldn't answer without
of I think two or three mailings that we did. So it's very typical that we receive those -- those back. And I can't explain why. I am not the mail service.

CHAIRPERSON AIZENSTAT: Thank you. I mean, we have brought it up before the City. And if the City is satisfied --

BOARD MEMBER WITHERS: Let's go. CHAIRPERSON AIZENSTAT: If the applicant could please come up and make the presentation. Thank you.

MR. FERNÁNDEZ: Thank you, again, Mr. Chair. Members of the Board, again, good evening.

For the record one more time Javier
Fernández with offices at 201 Alhambra Circle, Suite 1205. We just moved; hence, the confusion. I apologize.

I am joined this evening by the principal or president of the Allen Morris Companies, the manager for RC Acquisitions, one of the applicants, Spencer Morris, Tera Carlins, our Development Manager, Amanda Brown, our lovely associate, the architect director for this new incarnation of the project who is John
in parts in 2011 through 2018, put into this assemblage and in the meantime the process began shortly thereafter. So this project does have for the company quite a long history.

As I mentioned it's comprised of six folios including a 20 -foot -- a 20 -foot wide alley which is one of the items before you for possible vacation totaling 1,318 square feet.

The property currently as you can see has a context where to the east across Ponce De Leon Boulevard you have got the Plaza, to the south the Coral Gables District Court, to the north a four or five-story office building and to the west an eight-story office building immediately abutting it.

The site earlier as mentioned has a commercial low-rise intensity future land use designation and a zoning designation of Mixed-Use District One.

We are obviously asking you to change that. I wanted to kind of briefly recap how we got here today. After an extensive process culminating in a meeting before the City Commission on July twenty-second -July twenty-seventh of 2022 internally we
decided to revisit the team and begin a design reset which began in earnest after we interviewed a series of architects in September of 2022 that resulted in the hiring of Mr. John Cunningham with whom we had some success previously on the design and development of 121 Alhambra.

And we then began a conversational process with some folks who were detractors of the prior project to see how we could possibly revisit the project and hopefully win support for a reconceptualized design.

We took from September to May of 2023 to study the site again, revised the architecture, engage in communication, revised the design numerous times.

That culminated in a conceptual review before the Board of Architects on June twenty-ninth of 2023. We did get very positive feedback from the Board at that time.

We went to the Development Review Committee on June thirtieth and received Staff's comments and then came back to the Board of Architects formally on August seventeenth of 2023 for a review at
which time we were lucky to receive the Board's unanimous approval.

And we are here before you today and hopeful -- hopefully will continue on to the Historic Preservation Board and City Commission for our -- our final hearings on the subject applications.

So with that familiar background I just wanted to make -- highlight what I think are probably the most two salient comparisons outside of the architecture. And Mr. Cunningham can get into in addressing your questions in the future.

The prior proposals ranged in height from 12 to 16 stories 149 feet to 179 feet, 80 to 161 floor rent apartments.

The current proposal is very different not only in terms of its architecture, but also the scale. It's nine stories, 115 feet, 8 inches to the rooftop; only 57 condominiums.

These are large format condominiums as you will learn with an average size in excess of 2,400 square feet. Essentially they are homes without -- the single family homes without a yard with -- but with all the amenities one
would want in a modern condominium building.
We have six requests. Item 7 on my
list -- I just broke it up because it is a new
element to the application. It is an
encroachment for the porte-cochere which we will describe later.

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

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

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

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

And the request is also consistent with the neighboring designations for many of the
properties along Ponce de Leon Boulevard to our south.

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

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

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

We have worked very hard with the neighbors to try to bring that envelope down as
because of those necessities.

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

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

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

The intention here is to make sure that that paseo in contradistinction to many others across the City is a very active and engaging
space: Activated by the retail, activated by the lobby uses for the rest of the portions of the building.

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

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

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

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

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

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

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

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

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

That had been one of the complaints about the prior architecture. It was too monolithic along University Drive. This allowed -- Mr. Cunningham used this -- this technique to create a sense of movement as well as some vertical breaks and setbacks and you will see
the movement -- the facade of building.
You will see the variations in terms of setbacks. The Board of Architects was very happy with the treatment of what had been a very uniformed edge before a credit to Mr. Cunningham for coming up with the design.

And here is really a -- a section that we are excited about which is the northeast corner of the building in which at the ground floor we will have a -- we think a very inviting --

You will see at the bottom of that illustration a $F$ and $B$ space that can be an activity room for -- for gatherings and then this tower element here on the west -- on the northeast that we think would give the building -- give the building a very nice -- a very nice -- an elegant treatment at that corner.

And then this is the north elevation. As you can see we have loading on the south of Malaga. We do have a utility room here on the northwest corner, the parking garage entrance and you can see further down as you get to the middle of the building the terminus of the paseo and the porte-cochere that we are hoping

You know, one of the things that we are excited about -- one of the things that we learned from our conversations is that the public -- at least the public we spoke to is very concerned about keeping and preserving the slip lane.

We wanted to make that a location for enhancement and safety. We also want to create a signature public space. This illustration -this rendering gives you a sense of what we are trying to accomplish.

It will be a raised table. As you get to the center we have incorporated striping to make it clear that it is a -- a pedestrian crossing.

But the idea here is to -- is to really make this a public space that -- that will, you know, I think certainly serve to anchor this site as a pivotal gateway into the Central Business District which we think it is.

This series gives you a sense of the paseo that we are trying to create. As you can see on both sides we are hoping to activate it with some outdoor seating.

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

43

## before.

Moving on quickly the program -- the
program anticipates the use of 23,455 square feet of TDRs. That will not result in an increase in the size or number of units to the building. It doesn't add to the total square footage.

And we are within the permitted code civil -- FAR limits under your code. Those were TDRs that were procured pursuant to a settlement agreement -- a required fee settlement agreement.

And we will be proceeding to the Historic Preservation Board and ultimately the City Commission for the approval of the use of those TDRs as well.

Lastly I just wanted to highlight an element of the site plan approval specifically which is the porte-cochère encroachment. Again, we are very concerned about the pedestrian experience in creating a sense of arrival. A nexus arrival is intended to also consider the possibility -- the possibility of people arriving when there are adverse weather -- weather conditions.
because the pink area is the footprint of the existing alleyway.

The green area which incorporates the pink area is the footprint of the paseo. And so what we are doing, why we are vacating that space which has been used for pedestrian activity and probably not the most hospitable and aesthetically pleasing area to walk across, we are replacing it with what $I$ think is a markedly enhanced pedestrian circulation area that we think it will actually result in more people traversing the site day-to-day.

And, again, we would just note for the record we agree with Staff's findings that the requested vacation meets all of the criteria in your code.

Again, the vacation will result in the 1,318 foot alley basically being removed along the southern and southeastern portions of the site.
make -- it create some uniformity on that edge 1,725 square feet back to the City for --
for -- for -- to enhance the public road consistent with the illustration we showed you
parcel with an alley in the middle of 3,002 square feet and the west parcel which is passed that.

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

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

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

Again, this doesn't -- it doesn't change the FAR. The FAR remains the same as 3.5 FAR or 4.375 FAR of the TDRs. This does not change the density. The density is at $\mathbf{1 2 5}$ units an acre. There is only a change in the maximum height.

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

The vacation is of the current alley that's in the middle of $\mathbf{1 , 3 1 8}$ square feet. Is that correct? I will verify it in a second. But a 20-foot alley that -- that's currently between the east and the west parcel. And the TDRs as he described they are requesting to receive $\mathbf{2 3 , 4 5 5}$ square feet of TDRs. And that will be a maximum of 4. -- 4.0 FAR. The maximum they could have is 4.375 FAR. So they are below that maximum.

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

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

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

The maximum height that they are proposing is $\mathbf{1 1 5}$ feet and $\mathbf{8}$ inches plus a $\mathbf{2 0}$-foot high pool cabana that's on the rooftop right there. The stories have nine stories.

They are proposing to have 57 residential units and open space around $\mathbf{2 2 , 0 0 0}$ square feet on the private property as well as the property as well.

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

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

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

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

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

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

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

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

That's it.
CHAIRPERSON AIZENSTAT: Thank you. Oh

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

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

I just want to --
CITY PLANNER GARCIA: You vacated an alley --

CHAIRPERSON AIZENSTAT: -- confirm.
CITY PLANNER GARCIA: -- but we --
CHAIRPERSON AIZENSTAT: But the project was denied. It was not this project.

CITY PLANNER GARCIA: Well --
CHAIRPERSON AIZENSTAT: When it came before us in the past.

CITY PLANNER GARCIA: It was recently or --

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

CITY PLANNER GARCIA: The same --
CHAIRPERSON AIZENSTAT: When it came before --

CITY PLANNER GARCIA: Last year. Uh-huh.

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

BOARD MEMBER WITHERS: Right. CHAIRPERSON AIZENSTAT: -- staff and the applicant.

BOARD MEMBER WITHERS: Right. CHAIRPERSON AIZENSTAT: Let's go ahead and open it for public comment first, Jennifer. I mean, Jill.

How many do we have?
MS. MENENDEZ: So we have two that have signed up and --

CHAIRPERSON AIZENSTAT: But --
MS. MENENDEZ: -- the --
CHAIRPERSON AIZENSTAT: And in Zoom?
MS. MENENDEZ: No one on Zoom has indicated they want to speak.

CHAIRPERSON AIZENSTAT: Okay. Let's go ahead and call who you have signed up here first.

MS. MENENDEZ: Sara Conde.
MR. FERNÁNDEZ: You need to sign in, sir. CHAIRPERSON AIZENSTAT: Again, if anybody came in late if they would like to speak before this, I -- I ask that you please go to the podium and register with Jill.

MS. CONDE: I am Sara Conde. I am from
that, yeah, it's been here -- this is the third time.

You know, they have come down with the height on the actual project itself. The -this place was filled because the neighbors were very upset about the scale of the project. You know, mostly they feared it would be a lot like the -- the Plaza which everyone dislikes in -- in the neighborhood.

Something of that scale it really destroys a whole neighborhood that we all bought into. So -- so this project has come down and down and down.

My only comment is that at the end of the day it's just large enough to get to MX3. All right? It's a little bit higher than MX2. They slipped right into MX3.

If you allow this to go to MX3, that opens it up to 190 feet. It will be 190 feet forever. They will never go back on that, No. 1.

No. 2, it's the precedent. Already they are saying: "Well, the Plaza is MX3. That's the precedent. We should be MX3."

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All right. If they become MX3, every other project -- every other lot is going to request MX3. And that's going to completely destroy our area.
You know, that I -- I am for people making profit. But they paid an MX1 price for the land. They are asking for an alley. You know, I -- I just feel MX3 is too much.
I think a hundred -- allowing for 190 feet -- I know that they have not. Their project does not present 190 feet.
But if you pass MX3 you are allowing 190 feet. And that will be the domino effect for every other property. And you are already seeing it now.
They are saying the Plaza is the precedent for them to get the MX3. I ask you not to approve changing to MX3. It's 190 feet. It's too high for a property that borders the neighborhood.
Thanks so much.
CHAIRPERSON AIZENSTAT: Thank you.
MS. MENENDEZ: Alan Gommerson.
MR. GOMMERSON: I am Alan Gommerson. have lived at -- excuse me -- 228 Alesio for
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| 1 | the last 23 years; homeowner -- homeowner. I |
| :--- | :---: |
| 2 | have a couple of questions I guess. |
| 3 | How long has it been since the master plan |
| 4 | for zoning was approved? My understanding is |
| 5 | like what three years at the most. Is that |
| 6 | correct? |
| 7 | CHAIRPERSON AIZENSTAT: I would defer that |
| 8 | to Staff. But what -- |
| 9 | Jennifer, when was the master plan |
| 10 | approved for zoning. |
| 11 | CITY PLANNER GARCIA: The master plan for |
| 12 | zoning? |
| 13 | CHAIRPERSON AIZENSTAT: The gentleman -- |
| 14 | MR. GOMMERSON: Was there a new plan for |
| 15 | zoning the -- the whole central area? |
| 16 | BOARD MEMBER PARDO: No. He -- he asked |
| 17 | when was the comprehensive plan -- use plan |
| 18 | changed last? |
| 19 | CHAIRPERSON AIZENSTAT: That's not what |
| 20 | understand. |
| 21 | CITY PLANNER GARCIA: I believe it was in |
| 22 | 2009. |
| 23 | Does that sound -- |
| 24 | CHAIRPERSON AIZENSTAT: That's not what he |

the last 23 years; homeowner -- homeowner. I have a couple of questions I guess.

How long has it been since the master plan for zoning was approved? My understanding is like what three years at the most. Is that correct?

CHAIRPERSON AIZENSTAT: I would defer tha Staff. But what --

Jennifer, when was the master plan

CITY PLANNER GARCIA: The master plan for zoning?

CHAIRPERSON AIZENSTAT: The gentleman --
MR. GOMMERSON: Was there a new plan for zoning the -- the whole central area?

BOARD MEMBER PARDO: No. He -- he asked when was the comprehensive plan -- use plan changed last?

CHAIRPERSON AIZENSTAT: That's not what understand. 09.

Does that sound -asked.
would be a great building in downtown. I don't
see it on the edge of downtown. I don't see it across the street from one-story residences like mine.

All right? I have another question I guess. What happens if -- if this project is given MX3 and they decide not to go through with it?

Something that, you know, recession hits. Right? This project is abandoned. They sell the land. They sell the land to somebody and now it's MX3 and they go to 190 feet. Is that correct?

CHAIRPERSON AIZENSTAT: Well, what I would
like to ask you to do is just make your comments to the Board. Afterwards we can go ahead and answer those questions for you or we can put you in touch with Jill. But my understanding is they would have to come back before a site plan review again.

MR. GOMMERSON: But they will have MX3 zoning. And their argument will be: "It's zoned for 190. Why are you trying to deny us our right to have 190."

Right?

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

CHAIRPERSON AIZENSTAT: Continue, please MR. GOMMERSON: Okay. That -- that's my main concern I think, right, in addition to what I said before. It seems to me that's a problem.

And we know that -- that there is going to be lots of profit to be made if that land can be used for 190 feet rather than 115.

I have another question and I hope it's in order. And that is is it possible to grant 115 feet plus the -- what is it? Twenty or 25-foot canopy or whatever.

Right? Is it possible to grant authority for that without giving them MX3? Do you have to give them MX3 zoning to allow them to go ahead with 115 feet?

Because it seems to me that's dangerous. We don't know what's going to happen in the future. This project might never go through. And I am worried we are going to have another Las Vegas extravaganza like the one across the street if we give that MX3 zoning. Thank you very much.

CHAIRPERSON AIZENSTAT: Thank you, sir. Do we have any other speakers in --
to make traffic that much worse. Taking the slip on to University I think that's crazy. I don't know who does traffic studies or traffic controls, but that is chaos to allow that project to be built at that location. Thank you for your time.

CHAIRPERSON AIZENSTAT: Thank you, sir. Jill, anybody else in chambers?

MS. MENENDEZ: No.
CHAIRPERSON AIZENSTAT: What about on Zoom?

MS. MENENDEZ: No. No one is indicating they want to speak?

CHAIRPERSON AIZENSTAT: Anybody on Zoom
and phone platform?
MS. MENENDEZ: No.
CHAIRPERSON AIZENSTAT: Okay. At this time I would like to go ahead and close it for public comment.

The applicant, sir, you wanted to come up and make your rebuttal?

MR. FERNÁNDEZ: Just very briefly. It's actually a couple of points of agreement with some of the comments that were made.

No. 1 is on the traffic we agree. One of

MS. MENENDEZ: Yes.
CHAIRPERSON AIZENSTAT: -- chamber?
MS. MENENDEZ: Yes, we do. Lino
Fernandez.
MR. FERNANDEZ: Good evening, Board. M name is Lino Fernandez. I live at 415 Cadima.
Against this project. I think it's a very good looking project; very nice.

Like it was mentioned earlier maybe Downtown Miami or just somewhere else. The -I drive that area a lot. When they built the Plaza, it's total chaos.

I don't know how many of you Board Members drive that area. But you should have in your e-mails some pictures of what traffic looked like this same time yesterday.

It wasn't staged. It was just: "Hey.
What -- what's going on here?"
There is a CONSTRUCTION SIGN on that Google maps. That CONSTRUCTION SIGN or ROAD CLOSED SIGN is really nonexistent. I don't know why it's there. I was there yesterday. There is no road closures. I was there again today. There is no road closures.

Adding this project to that area is going
the -- one of the conditions that I want to highlight would be a modification to I believe it's Condition 4. b. romanette iii which would require the removal of the slip lane.

You know, we went down that road. We understand the concerns to the neighbors. We have heard them loud and clear. It's been retained.

As part of our design we would like the option to retain it or at least present it to the City Commission as we have submitted it to -- to Staff. That would be request No. 1.

The second request would be with respect to the condition related to the public improvements. Again, we would like a little bit more flexibility to respond to the public's request in terms of public enhancements.

The condition reads: "As a limitation for the use of a million dollars just for improvements to University Drive from Ponce to LeJeune."

We would like it also to possibly allow us the consider enhancements to Ponce Circle Park, a dog park or right-of-way improvements. Again, those were the three things that we
MR. FERNÁNDEZ: Yes. If I-- if I can
just turn your attention to page 29 of the
Staff report, you will see Condition 4 b. 1 --
4. b. romanette $i$ on that page. It says:
"Safety Improvements. All traffic flow
modifications including removal of the slip
Lane."
Our purpose does not contemplate the
removal of the slip lane. Again, we have heard
that from the public. It contemplates its
retention. We would just ask that the Board
will consider modifying that condition to
remove that language.
And in -- in terms of I think there is
related -- there is related language with
respect to the public plaza sub condition
romanette ii. And, again, referenced is the
elimination of slip lane as well.
BOARD MEMBER KAWALERSKI: Okay. So I ge
it -- I get it straight. You are -- you are --
you are saying this is -- isn't what you want.
You don't want to include the removal of the
slip lane?
MR. FERNÁNDEZ: No, ma'am. As we have
presented our plans it -- it contemplates the

BOARD MEMBER KAWALERSKI: Okay. But if looks like a very narrow slip lane that's paved. It has pavers on it.

MR. FERNÁNDEZ: It's -BOARD MEMBER KAWALERSKI: Correct? MR. FERNÁNDEZ: Yes. It's pavers. It acts almost like it's a raised -- a raised table for traffic coming. So that it improves the pedestrian connectivity, but does not lose the effect of allowing people to kind of bypass the intersection and access University Drive which what we understood from the public was a significant concern in response to the prior submittal.

BOARD MEMBER KAWALERSKI: Okay. So you are going to maintain the current width of the slip lane for vehicular traffic. Is that what vocesampan

MR. FERNÁNDEZ: No, ma'am. It would be as dimensioned in the plans, but it would retain the slip lane. So the bypass functionality that is present today would remain with the aesthetic modifications we have approved -- we have proposed.
Excuse me.
BOARD MEMBER KAWALERSKI: Okay. So you
are asking us to approve taking a public
right-of-way and giving it to a developer?
MR. FERNÁNDEZ: No. We -- we are not --
No, ma'am. If I could clarify for the record.
The -- all of the -- all of the elements beyond
the base building or on the building are
public -- are public realm improvements.
$\quad$ So we are basically at that section
widening the sidewalk. There are some
on-street spaces that are being removed. The
slip lane will remain. And we are creating the
plaza or park open space across the slip lane.
BOARD MEMBER KAWALERSKI: But you are
narrowing a public -- a current public
right-of-way and giving yourself more sidewalk?
MR. FERNÁNDEZ: And -- and the public more
sidewalk.
BOARD MEMBER KAWALERSKI: Okay.
MRR. FERNÁNDEZ: That's correct.
BOARD MEMBER KAWALERSKI: Would -- woulo
your project exist without narrowing that slip
lane?
MR. FERNÁNDEZ: Yes. It could.

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

those on-street spaces. So it's coming out of my client's pocket. Every space that we remove and we don't replace we pay a significant penalty for.

But -- but we have heard loud and clear the people wanted the building to address -maintain a certain level of traffic by allowing people to bypass the intersection so they could access University Drive.

The design we believe accomplishes that and improves the aesthetic and -- of the public -- of the pedestrian realm --

CHAIRPERSON AIZENSTAT: Sue --
BOARD MEMBER KAWALERSKI: Can we stick t
the evidence, please --
CHAIRPERSON AIZENSTAT: Sue -BOARD MEMBER KAWALERSKI: -- of the public?

CHAIRPERSON AIZENSTAT: Sue -BOARD MEMBER KAWALERSKI: What -- wha public said that they want to --

CHAIRPERSON AIZENSTAT: Sue -BOARD MEMBER KAWALERSKI: -- re-purpos that lane?

CHAIRPERSON AIZENSTAT: Can --
the public comments in writing? What public are you talking about? We have members of the public here. They didn't say anything about: "We want a narrower slip lane."

MR. FERNÁNDEZ: And, Ms. Kawalerski, I can't -- I can't give you empirical evidence other than represent to you the conversations we have had with individuals and at the October twenty-fourth meeting where we presented the plans.

There were approximately twelve to fifteen people there from eight different households of closer proximity than the two individuals that are here today.

And, again, we presented them with this design. And what -- and what they reaffirmed was our design aesthetic and our retention of the slip lane.

And -- and I just want to be fair to them. Their names are in the record. We indicated that we would be presenting it as it was presented to them.

And I certainly do not want to tell you that we are advocating for the adoption of a
certainly bring up my client to say -- reaffirm what I am saying. But I don't have a member of the public present here who could say that this evening.

BOARD MEMBER KAWALERSKI: All right.
MR. FERNÁNDEZ: So --
BOARD MEMBER KAWALERSKI: Well, I think we
have three members of -- or two members that spoke. I don't know if you have other members of the public. Maybe they can address this. But I have no evidence from you that the public wants this.

CHAIRPERSON AIZENSTAT: Any other comments, Sue?

BOARD MEMBER KAWALERSKI: Not -- I have other comments. But about the slip lane that's my comment is we are making -- they are making a determination: The public wants to narrow a slip lane to their benefit. And I don't know who that public is. There is no --

CHAIRPERSON AIZENSTAT: But -BOARD MEMBER KAWALERSKI: There is no evidence.

CHAIRPERSON AIZENSTAT: But what I would like to ask you to do is continue with your
process that -- we have the applicant -- the attorney here --

BOARD MEMBER KAWALERSKI: Oh, okay. CHAIRPERSON AIZENSTAT: -- to ask questions --

BOARD MEMBER KAWALERSKI: And this migh be directed more towards the -- the architect rather than you. I am not sure, but -- but you might be able to answer this.

So it's 115 feet to roofline plus 20 . So we are at 135 .

Does that include that tower?
MR. FERNÁNDEZ: No, ma'am. I think the tower I believe just --

MR. CUNNINGHAM: 186.
MR. FERNÁNDEZ: 186 feet.
BOARD MEMBER KAWALERSKI: I am sorry.
MR. FERNÁNDEZ: 186 feet.
BOARD MEMBER KAWALERSKI: The tower is 186 --

MR. FERNÁNDEZ: The tower.
BOARD MEMBER KAWALERSKI: -- feet.
MR. FERNÁNDEZ: The tower. Correct.
BOARD MEMBER KAWALERSKI: Okay. So we are almost at that 190. Right? So it's 186 -foot
tower. Oh, my goodness. I wish you would have for you to describe that here in your explanation of this.

Because it didn't look like it was 186 feet, but you are saying it's 186 feet. So it's not really 115. It's 186 feet -- foot project.

MR. FERNÁNDEZ: It -- just the tower element. And, again, given -- I will let John maybe address this.

John, if you wouldn't mind coming up to the podium. You know, one of -- one of the things we have heard is obviously we wanted to incorporate the traditional design aesthetic of Coral Gables and so the tower alone is a central feature of that.

It's not functional space. It's not -it's not considered habitable space, but it does -- we do represent on the drawings the total dimension. That was something that we discussed with the public so it should not be surprising.

The elements that are -- that are
habitable elements are at 115 feet, 8 inches.
BOARD MEMBER KAWALERSKI: Okay. But

| 1 | let -- let's be honest. The project is 186 |
| :--- | :--- |
| 2 | feet. |
| 3 | MR. CUNNINGHAM: Hello. John Cunningham |
| 4 | Zyscovich Architects. Partner -- |
| 5 | SPECIAL COUNSEL COLLER: Could |
| 6 | you state -- could you repeat your name? |
| 7 | MR. CUNNINGHAM: I was -- I was getting |
| 8 | there. As I said John Cunningham. Zyscovich |
| 9 | Architects. 250 Park Avenue South, Suite 910. |
| 10 | Winter Park, Florida 32789. My home office is |
| 11 | here in Miami. |
| 12 | When you look at the whimsical buildings |
| 13 | that Mizner built or had built with -- Schultze |
| 14 | and Weaver, the Biltmore and others that were |
| 15 | imagined, but didn't get built -- and the |
| 16 | Colonnade, they are -- they are all these |
| 17 | wonderful, whimsical towers spires. |
| 18 | Of the whole project only 35 feet in width |
| 19 | goes up and stair steps back just like we |
| 20 | imagined on the Alhambra Tower many years ago. |
| 21 | And it's the idea of bringing in that whimsy. |
| 22 | And the building stops hard at 115 feet. |
| 23 | We have -- as you saw in the project there is |
| 24 | the tower roof with a five-foot overhang of |
| 25 | picket Cypress and wood brackets underneath to |

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there. As I said John Cunningham. Zyscovich Architects. 250 Park Avenue South, Suite 910. Winter Park, Florida 32789. My home office is here in Miami.

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

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

And the building stops hard at 115 feet. We have -- as you saw in the project there is the tower roof with a five-foot overhang of picket Cypress and wood brackets underneath to
have a flat roof building that so many people do.

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

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

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

And on the base what we did you will see that it stands proud on all facades of the west
hold that 115 -- it's actually lower; probably about 113 feet is where that -- all that wood -- that rich wood would be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If you think of the smaller events building at the Biltmore which is easier to

 trying to duplicate.

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

MR. FERNÁNDEZ: Which one are we speaking about?
BOARD MEMBER KAWALERSKI: The alleyway It's a public -- we own it. The public owns that alleyway.
MR. FERNÁNDEZ: I -- I think -- you know, I -- I defer to Mr. Coller. But I think those -- those -- those alleyways are dedicated for a purpose.
Where the purpose no longer exists it's appropriate for them to be -- to revert back to the adjoining ownership.
BOARD MEMBER KAWALERSKI: But -- but that's not my question, sir. My -- my question is you knew there was a public -- we own -- the public owns that alleyway.

## Correct?

I mean, you don't own it. You don't own
it. That's why you are asking for us to give it to you.
MR. FERNÁNDEZ: We -- we -- we own the reversionary interest. And I think your code specifies a series of conditions which your Staff believes we meet that -- that the alleyways no longer serve the public purpose;
abandoned. But I -- I will defer to Mr. Coller.

BOARD MEMBER KAWALERSKI: Okay. But but, for example, if the City decides: "We want to build a -- a little cafe in an alleyway."

There would be a new public purpose and the City would be owning that property. Correct?

MR. FERNÁNDEZ: No, ma'am. I don't think that would be consistent with the granting of the plat.

BOARD MEMBER KAWALERSKI: Okay. The bottom line is you knew from 2011 when you started assembling properties there was this big, fat alleyway in between the properties. That it was public space.

You don't own it. It's public space. And, yet, you -- you bought the properties around it and you took a risk that you would have the Board that would say: "Go ahead. Take the public space. We don't need it anymore."

Is that what you assumed?

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

applicant?
BOARD MEMBER KAWALERSKI: -- point.
CHAIRPERSON AIZENSTAT: Okay. Chip.
BOARD MEMBER WITHERS: I would like to go ahead and let Pardo --

CHAIRPERSON AIZENSTAT: Yeah.
BOARD MEMBER WITHERS: He is --
CHAIRPERSON AIZENSTAT: Do you want to go --

BOARD MEMBER WITHERS: Go ahead.
BOARD MEMBER PARDO: Yeah.
CHAIRPERSON AIZENSTAT: Sure.
BOARD MEMBER WITHERS: I have learned so
much from him. So -- but he has got a mask on so I don't trust him as much as the last time.
There we go.
CHAIRPERSON AIZENSTAT: He does have a mustache.

BOARD MEMBER WITHERS: And a mustache Yeah.

BOARD MEMBER PARDO: I was reading the minutes. And it was funny. Chip said he would give me five dollars for taking my mask off.

BOARD MEMBER WITHERS: Well, I forgot about that.
mixed use 1 designation only allows 77 feet.
Of course, that's with -- it's 50 feet. And 77 feet with the Med Bonus Level 2.

And the $\mathbf{1 9 0}$ feet which is allowed in the mixed-use the neighbor hit it right on the head when she said that once you change that map in that location, then even if we have a conflict -- a -- a restrictive covenant the people that own the parcel immediately abutting them or, not necessarily, just a little further to the west will have that as their point of reference.

That: "No. We want you to continue moving the MX3 in that."

I think that's -- that's huge. Because the high-rise and the other neighbor that said that the renderings specifically when you look toward the west it's all single family residential and duplex; I mean, one or two-story.

I think the tallest building that was in that rendering in maybe two or three miles was possibly -- possibly the Coral Gables Youth Center which is a two-story building, but it was built with big volumes because of their
gym, etc.
I think it is so out of keeping and the disconnect between what I think Staff should be doing as far as protecting the comprehensive land use plan has been missed.

The alley vacation the importance of that is that there are two parcels. One parcel to the east is 14,120 square feet. The parcel to the west on the other side of the alley is 25,828 square feet.

You are require to have a minimum lot size of $\mathbf{2 0 , 0 0 0}$ square feet. Once you combine and you give the alley back to the developer, then on -- it's only three thousand square feet.

But the most important part of that number is that now the entire parcel becomes a minimum of 20,000 square feet. You meet and exceed it. But right now the parcel to the east does not comply with that. And, therefore, it cannot be changed.

They cannot use and they cannot take advantage of requirements because the minimum lot size is 20,000 square feet even if you have the same ownership.

And you can't have a unity of title to go
over an existing alley. The alley by the way is now being converted into -- in the proposal is being converted into a paseo.

The problem with the paseo is that or rather the purpose of the paseo was that when -- when we had long, rectangular block -blocks and we had developments that were running on both sides of the street the only way that pedestrians unless they walked all the way to the end of the -- the street, they would cut through the paseo. And that was to be able to maintain the activity, etc., etc. etc. Right now the paseo basically is exactly where the alley is.

The second thing is that this is not a rectangular parcel. Plus, the fact it's not a few block. So there is a curve on the end. So we have basically a quarter of a pie on the end.

A paseo is not needed. It's being used, but it's not needed. It's being used now as a bike road by the architect. And the architect did a great job on that.

The Staff says that abandoning this because it does not provide a benefit; in other
words, this alley. And that is because it is not being used by the City for any of its intended purposes.

And that's true because right now it exists because those are looked at as two different properties. But now when you combine them and you -- you unify them, now you could be -- do much more.

This Board has looked at other parts of legislation for assemblages of parcels to actually reduce the size and the footprint and recently one where we said: "Oh, three hundred feet. That -- that's too long or maybe that's -- that's -- we should, you know, have some type of limitation."

Now we are actually going in the reverse order. If you look at the shape of the block, if you look at the location and really the 800 pound gorilla in the room is the alley in order to make the entire thing the minimum of the 20,000 square feet.

The other thing is that on the TDR transfers it just says that -- that all of this is going to happen to be scheduled. It's not even scheduled.

Not only did they run -- say it once under conditions of approval removal of the slip lane inclusion of on-streets -- whatever.

Two, eliminate the slip lane. And we have the applicant saying: "Let's leave the slip lane because it's not a bad idea."

Right now, the Allen Morris Company has done beautiful developments over the years.
And -- and they hire very good architects to do great projects.

This project is the wrong project in the wrong location. There is no transitioning left anymore. We are opening Pandora's Box again. We have massive projects that are under construction just east of LeJeune Road facing both single family and duplexes that have heights of two stories.

I -- I think it's just so unbecoming that I -- I cannot endorse this project. But the last thing I wanted to let you know about is that the quarter mile radius that -- that is in the code for whatever it is for the -- the --

CHAIRPERSON AIZENSTAT: 1500 feet? BOARD MEMBER PARDO: The notifications It's -- it's basically just a hair over a
quarter of a mile, the radius; just a hair over a quarter of a mile.

But the impact of these large projects is much greater than a quarter of a mile. The traffic, the volume, the congestion, the impassibility of our -- our existing streets, it's become an abomination.

And the problem is that these single family residential neighborhoods are under complete assault.

The master plan is being changed like if it didn't exist. That is a huge mistake which once these things get approved, it's irreversible.

That radius of a quarter of a mile when I looked at -- looked at the Staff's graphics I made copies of them and I found it absolutely incredible that we have on the inside reverse radius of Hartnett Park we have a high-rise -a high-rise section there. And then across the street we have a court -- of course, the Plaza that was changed to commercial high-rise.

There is nothing to the south. And there is nothing to the west. It's all commercial low-rise intensity. Okay. The further you get
closer to the C. B. D. then you have high-rise. That's where it should be kept.

There are a couple of areas that were designated a long time ago as high-rise. And they were let's call them mistakes. But those are standing by themselves.

For example, there is a high-rise set immediately where the eastern most portion of the Court is, the courthouse. Well, once you look south and actually north of this particular property, it's -- it's -- it's low-rise intensity.

If you look at the statistics that are in the site plan information, Staff does not correct their assertion under building height. They say 16 floors, 190.5 feet under current allowed.

That is not current allowed. It should be in the other part. But the current allowed is 50 feet and 77 feet with Med Bonus Level 2. That's for a mixed-use 1.

If you change that particular land use to MX3, everybody and their brother are going to ask for it. The amount of burden that you have created and the pressure that you have created

| 2 | on those single family homes is just unbearable. |
| :---: | :---: |
| 3 | And the other thing is that I looked at |
| 4 | the circle. And I just took a highlighter and |
| 5 | I -- I started to just put in there within the |
| 6 | quarter -- quarter mile radius of the add and I |
| 7 | started to fill in everything with a |
| 8 | highlighter in yellow. |
| 9 | And I saw that about half of the circle, |
| 10 | not counting the north part which is all |
| 11 | commercial, half of the circle is single family |
| 12 | residential. And that's a quarter of a mile. |
| 13 | The change of the master plan affects |
| 14 | everyone in this City. And the precedent that |
| 15 | this Board sets is the most important |
| 16 | recommendation that they could give this -- |
| 17 | this Counsel when they approve or deny |
| 18 | something. |
| 19 | I think it's really important that we |
| 20 | understand the seriousness of this project, the |
| 21 | seriousness of changing a comprehensive land |
| 22 | use plan, the seriousness of allowing a -- a -- |
| 23 | an alley to then be complacent and making a -- |
| 24 | a property now being able to go higher simply |
| 25 | because now it becomes one lot that has the |

on those single family homes is just unbearable.

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

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

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

I think it's really important that we understand the seriousness of this project, the seriousness of changing a comprehensive land use plan, the seriousness of allowing a -- a -an alley to then be complacent and making a -a property now being able to go higher simply because now it becomes one lot that has the
in a condominium I would have done that, but I didn't. I didn't move into a high-rise.

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

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

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

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

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

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

20,000 square feet.
And as far as the slip lane is concerned, how can Staff basically recommend against what the applicant was trying to do which was leave the slip lane there?

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

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

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

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

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

to reiterate I -- I believe previous boards that I served on here it was a concern the slip lane was removed in the previous application. And I think some folks had issues and wanted to make sure it was maintained.

So --
MR. FERNÁNDEZ: Through the Chair. Just
to clarify because I-- I know it was a point of contention having reviewed the record.

In the past that area has been counted to the benefit of the project. It is not in this iteration. Again, how the public space is apportioned may be different, but it all remains public.

And, again, we do have -- we are planning for a functional drivable slip lane with -with I think the difference being that it will serve also as a -- in some ways a speed table to reduce possible pedestrian conflicts and give the pedestrian movement private -- privacy in an area of Coral Gables where sometimes I think are where pedestrian conflicts currently exist.

BOARD MEMBER WITHERS: I don't know that would favor the speed table there. I mean, the
reason for the slip lane is to keep traffic moving around the circle avenue.

So the question about the changing to the
MX3. And I guess this is for the -- the City Attorney. I understand Mr. Pardo's concern that it kind of allows a neighbor now to say: "I have got MX3 next to me."

But as far as restricting the -- the use on this property if it's ever sold in the future does a covenant do that?

SPECIAL COUNSEL COLLER: Well, if the applicant is proffering a covenant it would be connected with the comprehensive plan amendment.

So -- and really the covenant should be at least listed in the comprehensive plan as exists. So that when somebody goes to the comprehensive plan and looks at that MX3 there is a footnote or some indication that there is more to it.

And then you go to the footnote which would reflect that a covenant exists that only permits to a certain height. And with respect to the height, it's my understanding that the tower under the City's code is not considered

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part of the height.
        BOARD MEMBER WITHERS: Right?
        SPECIAL COUNSEL COLLER: So the maximum
height would be the --
    MR. FERNÁNDEZ: 115,8.
    SPECIAL COUNSEL COLLER: -- 115, 8.
    And -- and if the applicant is voluntarily
proffering a covenant to do that that covenant
should be -- can only be modified as part of a
comprehensive plan amendment and -- and should
be listed in the comprehensive plan as part of
the comprehensive plan.
    So yes. It is MX3. I am sorry. The
covenant is high-rise --
    MR. FERNÁNDEZ: Commercial high-rise as
| --
    SPECIAL COUNSEL COLLER: -- commercial
high-rise, but it's restricted to --
    MR. FERNÁNDEZ: }115\mathrm{ feet --
    SPECIAL COUNSEL COLLER: -- }115\mathrm{ feet.
    MR. FERNÁNDEZ: -- }8\mathrm{ inches.
    SPECIAL COUNSEL COLLER: Now on the MX3 or
the zoning it could also submit a covenant I
guess.
    MR. FERNÁNDEZ: We --
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SPECIAL COUNSEL COLLER: Right?
MR. FERNÁNDEZ: We could. I believe they work in tandem. And so I -- again --

SPECIAL COUNSEL COLLER: Well, you have one covenant for the comp plan and one covenant for the zoning code.

MR. FERNÁNDEZ: So I -- through the Chair, if I may ask a question of Counsel. The novelty for me here and I-- we are required to provide a covenant should this -- should these applications be approved within 30 days of their approval.

SPECIAL COUNSEL COLLER: Well, that -that covenant is rolling in all the requirements. That's separate and apart from the covenant you would be doing in a comp plan.

MR. FERNÁNDEZ: That was my question. SPECIAL COUNSEL COLLER: Right.

MR. FERNÁNDEZ: Could we just not list that restriction in the covenant and it would be of record in title as well and have that be a proffered restriction that we would --

SPECIAL COUNSEL COLLER: Well --
MR. FERNÁNDEZ: -- incorporate -SPECIAL COUNSEL COLLER: Well, if you
somebody requests to modify a covenant. BOARD MEMBER WITHERS: Right. SPECIAL COUNSEL COLLER: So no covenant -BOARD MEMBER WITHERS: I -SPECIAL COUNSEL COLLER: -- can exist
forever. There is always a possibility -- just
like zoning. Just because you have one zoning doesn't mean somebody can't request a different zoning.

Now as a practical matter when you have the project built and it's built to a hundred and whatever feet they have to demolish it.

But even still they would still have this covenant. They would have to come back to the Commission and ask for a modification of the covenant.

BOARD MEMBER WITHERS: I get it. So -okay. That's all I have.

CHAIRPERSON AIZENSTAT: Thank you, Chip Julio.

BOARD MEMBER GRABIEL: Yes. Question fo the architect: What is your floor to floor for the standard apartment floor?

MR. CUNNINGHAM: Twelve and a half to thirteen feet
have -- if you get to that point, we can discuss that.

MR. FERNÁNDEZ: Okay. That would be certainly our intention

SPECIAL COUNSEL COLLER: Thank you
BOARD MEMBER WITHERS: So there is no way to say that the MX3 is allowable. But if this project isn't built exactly like this does zoning reverts back to MX1 as opposed to --

SPECIAL COUNSEL COLLER: No.
BOARD MEMBER WITHERS: -- covenant?
SPECIAL COUNSEL COLLER: You -- you can'
do it as a reversion in the covenant. What you can have in the covenant is that this property is restricted to this height.

You can't condition the zoning, but if there is a proffer of a covenant saying: "We are going to only build to 115 foot, eight inches.'

Right?
MR. FERNÁNDEZ: That's correct.
SPECIAL COUNSEL COLLER: Then that is al they could build. Of course, it goes with the land. Now like any covenant, covenants are always -- there is always a possibility
element.
Because otherwise we are going to be having changes to the zoning every time. We are going to have to be looking at each building individually to see how they adapt to this floor to floor height.

That's a statement which I think I have been thinking about for a while and I wanted to bring it up just to think.

It is one of the nicest projects that I have seen come here; very well designed; very nice drawings. It's -- I wish a lot of the quote/unquote Mediterranean buildings that we get in the City Coral Gables would have had the level of quality that this one has.

It's a key site. It's an entry to the $\mathbf{C}$.
B. D. As you move up Ponce it's the first thing you are going to be seeing. And right now there is nothing there.

I don't have any problem with closing the alley. It's been done all the time. As a matter of fact if I understand that the City Commission approved it. So it's a moot point.

MR. FERNÁNDEZ: Just to clarify for the record, Mr. Grabiel. It was approved by this

Court Building site?
CITY PLANNER GARCIA: Yes. The -BOARD MEMBER SALMAN: And -- and it is MX3.

Is that correct?
CITY PLANNER GARCIA: Correct. BOARD MEMBER SALMAN: And the curved building on -- just south of Hartnett Park is MX2.

Is that correct?
CITY PLANNER GARCIA: Yes. The Zubi building.

BOARD MEMBER SALMAN: The Zubi building doesn't extend all the way --

CITY PLANNER GARCIA: Correct.
BOARD MEMBER SALMAN: -- to that point. CITY PLANNER GARCIA: To the -BOARD MEMBER SALMAN: It only extend s fo half of that --

CITY PLANNER GARCIA: -- south portion --
BOARD MEMBER SALMAN: -- parcel.
Right?
CITY PLANNER GARCIA: Uh-huh.
BOARD MEMBER GRABIEL: The south portion?
CITY PLANNER GARCIA: Right.

Board --
BOARD MEMBER GRABIEL: Uh-huh. MR. FERNÁNDEZ: -- under the prior submittal. It was never approved by the City Commission.

BOARD MEMBER GRABIEL: Okay. MR. FERNÁNDEZ: Which is why we have to do --

BOARD MEMBER GRABIEL: Sorry.
MR. FERNÁNDEZ: -- the request again.
BOARD MEMBER GRABIEL: I apologize. I
misunderstood. The things I like about the project: All the parking below level. Very difficult to do quality buildings with parking above ground.

I agree with the future owner covenants. I think if this -- this -- if this is approved nobody else should be allowed to -- to benefit from the changes to that site. I think that's it for now.

CHAIRPERSON AIZENSTAT: Thank you. Javier.

BOARD MEMBER SALMAN: Thank you. Staff Jennifer. On page six of your report you show the Court -- the Court Building -- the County
alley.
SPECIAL COUNSEL COLLER: Okay --
MR. DIAZ: So all right.
BOARD MEMBER KAWALERSKI: Question: S who actually owns it?

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

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

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

BOARD MEMBER KAWALERSKI: So who is the property owner?

MR. FERNÁNDEZ: Through the Chair. We --
we are since we own both sides that abut the alley and -- and have a vested interest in a reversionary just to -- to the midpoint of the alley on the other side.

BOARD MEMBER KAWALERSKI: You are officially --

SPECIAL COUNSEL COLLER: Right. BOARD MEMBER KAWALERSKI: -- the property owner of that public right-of-way?

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

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

SPECIAL COUNSEL COLLER: See. When if a --

MR. FERNÁNDEZ: Which --
SPECIAL COUNSEL COLLER: If a street is obtained by eminent domain and the -- the City actually buys the street, the City becomes the property owner. They paid for the street. They own the street.

CHAIRPERSON AIZENSTAT: And they get a
deed.
SPECIAL COUNSEL COLLER: If somebody wants it back --

BOARD MEMBER SALMAN: They get a deed SPECIAL COUNSEL COLLER: -- the City is not going to give it to them unless they obviously pay for it.

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

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

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

BOARD MEMBER KAWALERSKI: So the City owns

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

SPECIAL COUNSEL COLLER: -- it. The

CHAIRPERSON AIZENSTAT: There is no deed
BOARD MEMBER KAWALERSKI: I-- I--
SPECIAL COUNSEL COLLER: There is --
BOARD MEMBER KAWALERSKI: -- understan $\phi$

SPECIAL COUNSEL COLLER: There is no deed
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Who is the dedicator?
the original -- when -- when you dedicate by plot, the property owner of the plat dedicates the rights-of-way and alleys to the City for the purposes that the City wants. So that's the purpose.

But the dedication is subject to the use for the purpose of what it's dedicated for. So if it's dedicated for an alley and it's used as an alley, then it's an alley.

If the dedication -- if the alley is not used, then the person who dedicated has the
opportunity subject to approval to come before the City Commission and request it be returned based upon standards that are in the City's code.

BOARD MEMBER WITHERS: And that's usually when the property owner owns both sides of the alley.

BOARD MEMBER SALMAN: Or they are both in agreement.

CHAIRPERSON AIZENSTAT: Yeah. They are both --

BOARD MEMBER WITHERS: Or they are both in agreement.

CHAIRPERSON AIZENSTAT: And there is no thoroughfare or --

MR. FERNÁNDEZ: Or there is no need for -for --

CHAIRPERSON AIZENSTAT: There is no need --

MR. FERNÁNDEZ: -- the --
CHAIRPERSON AIZENSTAT: -- for it to
travel between those two properties.
MR. FERNÁNDEZ: Or provides -- access to services that benefit either -- any of the abutting properties.
is the abutting property to the west of this property.

CITY PLANNER GARCIA: Uh-huh.
BOARD MEMBER SALMAN: Is that correct?
CITY PLANNER GARCIA: The tall building?
BOARD MEMBER SALMAN: It's a -- yes. It's a tall building.

CITY PLANNER GARCIA: Yeah.
BOARD MEMBER SALMAN: Okay. It is a ver nice, tall building. It's got a big atrium in the middle of it, huge parking deck that goes all the way down to Malaga.

CITY PLANNER GARCIA: Yeah.
BOARD MEMBER SALMAN: So what we have th $\oint$ face of the parking deck facing Malaga.

CITY PLANNER GARCIA: Lovely. Yes.
BOARD MEMBER SALMAN: Lovely. Okay. That building is zoned in an area that is zoned MX-1.

Is that correct?
CITY PLANNER GARCIA: Yes.
BOARD MEMBER SALMAN: That building can't be built in MX1 now.

Can't it?
CITY PLANNER GARCIA: No.

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BOARD MEMBER SALMAN: Okay. What would i fall under?
CITY PLANNER GARCIA: It would probably be -- how high did I say it was?
MR. FERNÁNDEZ: It's eight stories.
CITY PLANNER GARCIA: Eight stories?
BOARD MEMBER SALMAN: That's probably an --
CITY PLANNER GARCIA: Probably an MX2.
BOARD MEMBER SALMAN: -- MX3. A two or a
three. Somewhere in there.
CITY PLANNER GARCIA: I think it was 89 feet --
BOARD MEMBER SALMAN: Right.
CITY PLANNER GARCIA: -- in that slide.
BOARD MEMBER SALMAN: Well, whatever.
It's way -- way beyond what is there already by right.
CITY PLANNER GARCIA: Yes.
BOARD MEMBER SALMAN: And so they would b a fool to knock it down and try to build it bigger. Because they -- they would be -- they would be pushing a rock up a pretty steep hill.
CITY PLANNER GARCIA: Yes.
BOARD MEMBER SALMAN: All right.
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promote.
And I think that when you get to the Public Works, you know, you are going to have a lot to deal with with regards to bollards and -- and -- and things like that similar to what -- what occurred at Giralda when it was closed.

MR. FERNÁNDEZ: Okay.
BOARD MEMBER SALMAN: And other than th tower would this project still be MX3 because of the 115 feet?

CITY PLANNER GARCIA: Yes. They are maxed out. For MX2 --

BOARD MEMBER SALMAN: Uh-huh.
CITY PLANNER GARCIA: -- would be 97 feet.
Remember. We talked about that big jump --

BOARD MEMBER SALMAN: I understand that. But in -- in reference to Mr. Grabiel's comment --

CITY PLANNER GARCIA: Uh-huh.
BOARD MEMBER SALMAN: -- with regards to the number of stories, would it still be an MX3?

CITY PLANNER GARCIA: Yes.

CITY PLANNER GARCIA: It's 91 feet. BOARD MEMBER SALMAN: I just want to mak sure that we are all understanding. Because there has been discussion at this Board with regards to the surrounding uses and the limitations thereof.

Final question. With regards to -- and I
also agree with the -- the inclusion of the
slipway or rather that the removal of that requirement as part of this -- this approval -this review.

And I would so move when it comes to that point if $I$ have to. And $I$ agree that the -that the -- the alley and the -- the paseo are actually one and the same.

Right? So that really what we are -- what we are -- what the City is releasing is very little. If anything this is an expansion of an existing pathway through except for vehicular access.

I also agree with Mr. Withers with regards to the steep -- speed table issue. I would like to see a rough pavement there, but not necessarily too much of a vertical difference. Accessibility across is what you are trying to

BOARD MEMBER SALMAN: Okay. I just wan to make sure.

CITY PLANNER GARCIA: Otherwise it's 70 feet --

BOARD MEMBER SALMAN: Okay. I just --
CITY PLANNER GARCIA: -- and 6 --
BOARD MEMBER SALMAN: I just want to clarify it so we all know what we are talking about. Okay. So it's an increase of one story above what's allowed in MX2, an increase to MX3 for the height only --

MR. FERNÁNDEZ: The density and the FAR are still the same. That's correct.

BOARD MEMBER SALMAN: The Applicant is willing to covenant the --

MR. FERNÁNDEZ: To 115 feet --
BOARD MEMBER SALMAN: -- to limit the
115 feet of development on this site as part of a separate covenant agreement beyond the conditions that we are going to be imposing should it pass today?

MR. FERNÁNDEZ: If necessary, yes. We would hope to include the -- the -- that limitation in the same instrument, but it -whatever form is acceptable to your Counsel.

BOARD MEMBER SALMAN: I think that Counse has expressed that he wants two separate ones.

## MR. FERNÁNDEZ: We can --

BOARD MEMBER SALMAN: One because one is a
condition of development and the other one is a condition of right --

MR. FERNÁNDEZ: That's --
BOARD MEMBER SALMAN: -- with the land.
MR. FERNÁNDEZ: That's fine.
BOARD MEMBER SALMAN: Is that correct?
CHAIRPERSON AIZENSTAT: Yes. SPECIAL COUNSEL COLLER: Well, there is two different -- the covenant that's the comp plan --

BOARD MEMBER SALMAN: What did I say?
SPECIAL COUNSEL COLLER: -- the
modification of a comp plan has a different procedure than modification of the -- the review -- the covenant for the zoning context.

So typically I think you would have one covenant for the -- for the comp plan amendment and one covenant for the -- for the Zoning Code for the MX3 rezoning that's being voluntarily proffered.

MR. FERNÁNDEZ: Mr. Chair, just to --

SPECIAL COUNSEL COLLER: But we can work that out.

MR. FERNÁNDEZ: We will agree to whatever form your City Attorney deems is appropriate.

BOARD MEMBER SALMAN: Jennifer, my finel question.

CITY PLANNER GARCIA: I just want to clarify something really quick. 115 is the bulk of the building. There is also a 20 -foot cabana on top. It would have to be part of the covenant --

SPECIAL COUNSEL COLLER: Right. Building --

CITY PLANNER GARCIA: -- to allow what they are proposing.

SPECIAL COUNSEL COLLER: Right. It would have to be 115, plus --

CITY PLANNER GARCIA: Yes.
SPECIAL COUNSEL COLLER: -- whatever the cabana is.

BOARD MEMBER SALMAN: But that cabana is
set back approximately 40 feet from the front of the building. So it's visually not -- from the street not that big a deal.

All right. The triangular portion is MX1

As far as the TDRs there was a comment that was made that you don't have your TDRs yet. Why are you coming here?

The practice and what has been done previously and what was explained to us is that the City also has TDRs for sale. And TDRs are a derivative of dollars and cents.

So whether you go private or you go to the City whatever that number is, but the TDRs are there. And without them being able to get the TDRs this project would not be able to be built or get approval.

As far as the alley I don't have an issue with the alley abandonment. It actually if I am not mistaken will now create a revenue for the City because that becomes part of the property to which there is a taxation that comes to help the infrastructures and build and so forth.

The slipway I do agree with my colleagues I think that should be there. I would like to know what that number is. Because I agree that the slipway should allow for traffic to flow naturally and not reduce the traffic to where there is an issue.
the other project which is on LeJeune where the Citibank is that they have a tower feature there and it's very open.

I like the elements that they have done.
The architecture that has been done is very good. I am -- I am not on the Architectural Board. I am not an architect, but it's pleasing to me.

As far as if you will allow this to happen then that opens the door for everybody while I understand what Mr. Pardo has said, we are here to look at every project individually. And we should not look at one project because another project got it.

At least for myself when a project comes before me I look at it individually. How does it work, how does it fit and so forth. I don't look at it because the person next door did it.

Those are really my comments. I mean, you know, I -- I actually commend the Board because the -- while there was a lot of passionate debate, I think it's healthy because it brings out a lot of issues that -- that we need to look at in general.

And, you know, each one of us makes a vote

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and a recommendation. And in the end we are a
recommending body. And it's up to the
Commission to decide for approval or not.
Okay. With that said would anybody like to make a motion?
MR. FERNÁNDEZ: Mr. Chair, just to be clear are -- are we taking motions on each of the items individually?
CHAIRPERSON AIZENSTAT: We --
MR. FERNÁNDEZ: Is that correct?
CHAIRPERSON AIZENSTAT: We got to take motions --
SPECIAL COUNSEL COLLER: Yes.
CHAIRPERSON AIZENSTAT: -- on each of the items. So --
MR. FERNÁNDEZ: I just want to say thank you for your time and attention. We appreciate your consideration and we will see the results. Thank you.
BOARD MEMBER PARDO: Mr. Chair, can I -just --
CHAIRPERSON AIZENSTAT: Yes, sir. BOARD MEMBER PARDO: -- have a question for Counsel.
You said about this con -- covenant for
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necessarily part of the --
BOARD MEMBER PARDO: I -CITY PLANNER GARCIA: -- comp plan. BOARD MEMBER PARDO: I was not aware.

That's why I asked you.
SPECIAL COUNSEL COLLER: Well -BOARD MEMBER PARDO: Because -SPECIAL COUNSEL COLLER: -- it -- it can
be. I thought in the past maybe before -BOARD MEMBER PARDO: Yeah. SPECIAL COUNSEL COLLER: -- Jennifer was here it was done.

BOARD MEMBER PARDO: Yeah. SPECIAL COUNSEL COLLER: But, yes, you can -- you can submit a --

And the reason why that they are separate is because they are separate documents. BOARD MEMBER PARDO: Uh-huh. SPECIAL COUNSEL COLLER: The comp plar is -- is the comp plan. And the Zoning Code is the Zoning Code. So the -- it's appropriate if you are going to restrict the -- what is it -high density commercial?

CITY PLANNER GARCIA: Yes. SPECIAL COUNSEL COLLER: That there is -
the comprehensive land use plan --
SPECIAL COUNSEL COLLER: Yes.
BOARD MEMBER PARDO: -- are there any o
those covenants that exist today in our comprehensive land use plan?

SPECIAL COUNSEL COLLER: I believe that the -- I -- I would ask Jennifer. I don't know whether we have proffered.

I will say this. I am very familiar with the County. The County has numerous covenants that have been proffered in their comp plan.
And what they do is at the end they list --
They have an index of each of the --
their -- a reference -- not the full covenant, but a reference so that when you are looking at the comp plan you can see what -- what
covenants have been submitted in connection.
Jennifer, you don't have a recollection of covenants submitted --

CITY PLANNER GARCIA: No.
SPECIAL COUNSEL COLLER: -- with the comp plan?

CITY PLANNER GARCIA: That's not a
practice that we do here. Usually it's a
covenant that applies to the land, but not

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

interested in approving it would be the acceptance of the proffered covenant.

And I believe I heard from the applicant that he would proffer a covenant restricting the height for the comprehensive plan and for the Zoning Code.

He is just not sure if he needs two
separate documents or one document.
CHAIRPERSON AIZENSTAT: Jennifer, can I ask you a question?

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CITY PLANNER GARCIA: I know a maximum was

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

137 and a half.
CHAIRPERSON AIZENSTAT: Okay. And this project to the maximum is?

CITY PLANNER GARCIA: 135 if we ended back --

CHAIRPERSON AIZENSTAT: So, in other words, there wouldn't have been an issue with the covenant --

CITY PLANNER GARCIA: Correct. CHAIRPERSON AIZENSTAT: -- if it would

Okay.
BOARD MEMBER SALMAN: If it exists.
CHAIRPERSON AIZENSTAT: It -- right. No.
I am saying -- if it would have existed we wouldn't be looking at a 3 and having the concerns of the 190 feet.

CITY PLANNER GARCIA: Right. CHAIRPERSON AIZENSTAT: Okay. CITY PLANNER GARCIA: But just to clarify. They are adding a lot more architectural features that would normally be allowed under MX2 or --

CHAIRPERSON AIZENSTAT: Understood. CITY PLANNER GARCIA: -- MX3.


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

BOARD MEMBER WITHERS: Right. SPECIAL COUNSEL COLLER: -- slip lane.
BOARD MEMBER WITHERS: Right.
CHAIRPERSON AIZENSTAT: Okay.
SPECIAL COUNSEL COLLER: So I think this

CHAIRPERSON AIZENSTAT: Approval.
SPECIAL COUNSEL COLLER: -- approval of

CHAIRPERSON AIZENSTAT: I just want to b\&

SPECIAL COUNSEL COLLER: Yeah.
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it. That's okay. So we have a motion to approve.

BOARD MEMBER GRABIEL: I --
BOARD MEMBER SALMAN: With second.
BOARD MEMBER GRABIEL: I second.
CHAIRPERSON AIZENSTAT: We have a second

Any discussion?
BOARD MEMBER PARDO: Yes.
CHAIRPERSON AIZENSTAT: Yes, sir. now would a unity of title be required
between -- because when you revert you are giving them the -- you are -- you are throwing the $\mathbf{2 0 , 0 0 0}$ square foot minimum lot size which is their eastern lot.

The -- the reversion doesn't -- these are multiple lots. They are not being replatted. So a unity of title should be --

SPECIAL COUNSEL COLLER: Well --
BOARD MEMBER PARDO: -- added to this --
SPECIAL COUNSEL COLLER: -- they are being replatted.

CHAIRPERSON AIZENSTAT: E.-4 is a replat.
It --
SPECIAL COUNSEL COLLER: There is a replat.

BOARD MEMBER PARDO: So all of it east and west and the center portion --

SPECIAL COUNSEL COLLER: Right.
BOARD MEMBER PARDO: -- will be replatted as one parcel.

SPECIAL COUNSEL COLLER: As one parcel so you don't need unity of title.

CHAIRPERSON AIZENSTAT: Correct.
We have a motion. We have a second. Any other discussion?

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BOARD MEMBER PARDO: You must be slipping. BOARD MEMBER WITHERS: I -- I need -- I need your mask. Okay. So I will go with the E. -- that's E. -- I am sorry. It's E.-6.
Right? I will move E.-6.
BOARD MEMBER GRABIEL: Second. CHAIRPERSON AIZENSTAT: We have a motion on E.-6. We have a second. With the -- with the way it's written, Chip?
BOARD MEMBER WITHERS: No. I am fine with the way it's written.
CHAIRPERSON AIZENSTAT: Okay. Any discussion?
No. Call the roll, please.
MS. MENENDEZ: Sue Kawalerski.
BOARD MEMBER KAWALERSKI: No
MS. MENENDEZ: Felix Pardo.
BOARD MEMBER PARDO: No.
MS. MENENDEZ: Javier Salman.
BOARD MEMBER SALMAN: Yes.
MS. MENENDEZ: Chip Withers.
BOARD MEMBER WITHERS: Yes.
MS. MENENDEZ: Julio Grabiel
BOARD MEMBER GRABIEL: Yes.
MS. MENENDEZ: Eibi Aizenstat.
``` the potential or is it because of the existing height and the design?

BOARD MEMBER WITHERS: No. Over the way too many decades I have served the City I have seen that map color change to deeper reds and deeper reds and deeper reds as it gets closer to the shoreline of -- of the residents.

And, you know, Felix has been around here for a long time, too. And it just seems -every time I look at that map it just seems to get darker red and darker red as we get closer. And I just -- I just have a -- have a problem with that.

CHAIRPERSON AIZENSTAT: Yes, Sue.
BOARD MEMBER WITHERS: Just like my hairline.

BOARD MEMBER KAWALERSKI: I hate to ech what -- what Chip said. You know, once it's MX3, it's MX3. I did not really have any confidence in the explanation about the covenant.

Like, yeah, it's a covenant until it gets changed. You know, I have no confidence in that. I agree with Chip. If you want to come

CHAIRPERSON AIZENSTAT: Yes. BOARD MEMBER WITHERS: And that's kind o where I hit a wall. I -- and I will -- I will explain why. I -- again, I said this previously.

I have known Allen for \(\mathbf{5 0}\) years. If he is not one of the best developers in our City, he is certainly one of top two or three. He -- he speaks of excellence.

And like I said I have no problem with those three previous issues. I do have a problem with going from MX1 to MX3. It's just --

You know, we have -- we have spoken.
And -- and I have always said that the transition area from downtown to residential is probably one of the most important things in our Zoning Code.

And this kind of, you know, runs afoul from what I think the -- you know, I believe. If we want to go with MX2 with a -- maybe a variance, you know, I am certainly open to that.

But the leap from MX1 to MX3 is just -- is just too big for me. So --
back on -- on a Mixed-Use 2 to this Board. But to change that in perpetuity to MX3 is just not acceptable for the neighbors.

BOARD MEMBER SALMAN: Question. I hea from what Mr. Withers is saying. I will call you, Chip.

The idea of it coming back as a MX2 with a variance approval for --

BOARD MEMBER WITHERS: Additional height?
BOARD MEMBER SALMAN: -- additional height?

BOARD MEMBER WITHERS: Yeah. BOARD MEMBER SALMAN: Well, if you were t \(\phi\) go for a variance you have to provide -provide a hardship.

CHAIRPERSON AIZENSTAT: Correct.
BOARD MEMBER SALMAN: And that idea is going to be difficult for the -- the Board of Adjustment to take into account for -- there is -- it's not a trade off. It's not like we are -- we are changing a little bit of a setback here to pick up another little bit of a setback there which is sort of an equivalency.

And then that -- that would be -- that
would be for the Board to -- to -- to then

\footnotetext{
actually approve at the Board of Adjustment which would be fine.

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

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

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

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

And he is proffering that he would limit what he is going to do to -- to what he is proposing in the absence of MX2.5; which has been brought to this Board now several times, okay, and -- and shot down just about each and every time. It sent back to -- for recreation.
}
yet.
So I caution you. And there we go again. You see the red intensity. "Well, I am next door. I should get that."

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

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

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

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

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

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

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

BOARD MEMBER PARDO: I -- Mr. Chair.
CHAIRPERSON AIZENSTAT: Yes, sir.
BOARD MEMBER PARDO: I would like to
address that specifically.
MS. MENENDEZ: Excuse me, Mr. Pardo. Can you speak into the mic, please?

BOARD MEMBER PARDO: Sorry.
MS. MENENDEZ: Thank you.
BOARD MEMBER PARDO: All right. I would
like to address that specifically. That parcel was during -- during the era of spot zoning. And --

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

BOARD MEMBER PARDO: Oh, yeah. And that' one of them. So what happened is, in fact, back in that day there was no land use map because that State Statute didn't even exist
down to way below half of what it was -- it was before.

BOARD MEMBER WITHERS: No. They wanted they wanted a public street. They wanted the park across the street.

BOARD MEMBER SALMAN: They wanted it al.
BOARD MEMBER WITHERS: They got -- the got everything that they asked to -BOARD MEMBER SALMAN: Everybody said nd. And the -- the public came in and they all said no. And they were very vociferous about it. But I look at what our Chairman has noted is that the number of people and the specific issues that they have before us with regards to this project for the most part have been addressed.

BOARD MEMBER PARDO: Unless -- unless those people were in the envelopes there.

BOARD MEMBER GRABIEL: Then there would have been enough people with, you know, to have seats.

CHAIRPERSON AIZENSTAT: I would like to figure a way to move this thing forward on the votes.

So is there a motion that somebody would

CHAIRPERSON AIZENSTAT: There were two o us that actually -- well, it did. There were two of us, Robert and myself, that didn't vote for it.

BOARD MEMBER SALMAN: I am talking abou as a Board. I am not talking about as you as an individual.

CHAIRPERSON AIZENSTAT: Okay. BOARD MEMBER SALMAN: I was on the -- I was here when it was approved the first time. I think you were here as well.

CHAIRPERSON AIZENSTAT: Okay.
BOARD MEMBER SALMAN: And -- and then
came back before this Board a couple of times --

CHAIRPERSON AIZENSTAT: Right.
BOARD MEMBER SALMAN: -- and much to th
detriment. In this particular case this a project that came to us up here --

CHAIRPERSON AIZENSTAT: Uh-huh.
BOARD MEMBER SALMAN: -- with a much higher level of density --

BOARD MEMBER WITHERS: Yeah. It's com down.

BOARD MEMBER SALMAN: -- and it's come
E.-1?

BOARD MEMBER SALMAN: I would like to make
a motion that we approve Item E.-1 with the condition that the applicant submit for legal approval a covenant riding with the land to limit the height of the building or any future development to what has been presented here today.

CHAIRPERSON AIZENSTAT: And -SPECIAL COUNSEL COLLER: Just a technica note on the -- on the motion.

We can't condition a comp plan, but the applicant has proffered -- a willingness to proffer the covenant.

So it would be the motion and acceptance --

CHAIRPERSON AIZENSTAT: Proffered --
SPECIAL COUNSEL COLLER: -- of the proffered covenant.

CHAIRPERSON AIZENSTAT: That is satisfactory to the City of Coral Gables. And what about the slipway?

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

BOARD MEMBER SALMAN: That -- I don't

SPECIAL COUNSEL COLLER: I don't think the --

BOARD MEMBER SALMAN: -- part of the comp plan.
ddressed --
CHAIRPERSON AIZENSTAT: Oh, you are right. comp plan.

SPEIAL COUNSEL COLLER: -- in the comp CHAIRPERSON AIZENSTAT: You are right. Sorry about that. cond.

CHAIRPERSON AIZENSTAT: Is there a second? BOARD MEMBER GRABIEL: I do a second. CHAIRPERSON AIZENSTAT: Julio. We have second.

Any discussion? No. Call the roll, please.

MS. MENENDEZ: Felix Pardo.
BOARD MEMBER PARDO: No.
in the code. So it's --
CHAIRPERSON AIZENSTAT: Yes. SPECIAL COUNSEL COLLER: It's -- it goes --

CHAIRPERSON AIZENSTAT: It goes with the denial.

SPECIAL COUNSEL COLLER: It goes with the denial.

BOARD MEMBER PARDO: Mr. Chairman --
CHAIRPERSON AIZENSTAT: Yes, sir.
BOARD MEMBER PARDO: -- then E.-2 would bs a moot point.

CHAIRPERSON AIZENSTAT: We --
BOARD MEMBER PARDO: You can't change th zoning without the --

BOARD MEMBER SALMAN: The comp plan.
CHAIRPERSON AIZENSTAT: But at that point --

SPECIAL COUNSEL COLLER: But I --
CHAIRPERSON AIZENSTAT: -- what we do --
SPECIAL COUNSEL COLLER: I think that th¢
Board -- the -- it will likely be a \(3 / 3\) tie which will be no recommendation. I am willing to bet.

But I -- I think the Board can -- can vote

MS. MENENDEZ: Javier Salman. BOARD MEMBER SALMAN: Yes. MS. MENENDEZ: Chip Withers. BOARD MEMBER WITHERS: No. MS. MENENDEZ: Julio Grabiel. BOARD MEMBER GRABIEL: Yes. MS. MENENDEZ: Sue Kawalerski. BOARD MEMBER KAWALERSKI: No. MS. MENENDEZ: Eibi Aizenstat. CHAIRPERSON AIZENSTAT: Yes. MS. MENENDEZ: 3/3. BOARD MEMBER SALMAN: Motion passes. SPECIAL COUNSEL COLLER: Okay. That's a
\(3 / 3\) tie. So there will be no -- it goes
without a recommendation.

\section*{No?}

CHAIRPERSON AIZENSTAT: No. It's -SPECIAL COUNSEL COLLER: Oh, the comp plan.

CHAIRPERSON AIZENSTAT: We need a four SPECIAL COUNSEL COLLER: It's deemed a denial.

CHAIRPERSON AIZENSTAT: It's a denial. SPECIAL COUNSEL COLLER: It's deemed a denial. That's right. We made a change in --
on it because we are -- we are dealing with a recommendation, not a final decision. So it would be appropriate for the Board to -- to make a determination on that. CHAIRPERSON AIZENSTAT: Is there a motionp BOARD MEMBER GRABIEL: I move for approval.

CHAIRPERSON AIZENSTAT: Julio. Is there second? BOARD MEMBER SALMAN: Are you sure this isn't a moot point? Because without the comp plan this -- this thing stops right here. SPECIAL COUNSEL COLLER: No. It doesn't stop right here. You made a recommendation. BOARD MEMBER SALMAN: No -SPECIAL COUNSEL COLLER: Your recommendation -- your recommendation -- and as the land planning agency it's -- it's a recommendation for denial, but it's not binding on the --

BOARD MEMBER SALMAN: Commission. SPECIAL COUNSEL COLLER: -- Commission. BOARD MEMBER SALMAN: Okay. SPECIAL COUNSEL COLLER: The Commission
can still --
BOARD MEMBER SALMAN: Okay.
SPECIAL COUNSEL COLLER: What the
Commission needed from you and how this all got start, just to give a little history, is when you are serving as the land planning agency they -- the Commission needs a recommendation.

So before a \(3 / 3\) tie was going no
recommendation and -- and we were stuck. So the code changed so that a \(3 / 3\) tie is actually a denial.

BOARD MEMBER SALMAN: Denial. SPECIAL COUNSEL COLLER: So they have tha recommendation. So I-- I don't think that the -- because if this were the Commission, yes. It would be moot.

But since you are making a recommendation it's not moot. And you can -- you can take a vote on this.

BOARD MEMBER SALMAN: I am remembering when this Board as a Land Planning Board would have the recommendations and that was pretty much it at that point.

SPECIAL COUNSEL COLLER: Well -BOARD MEMBER SALMAN: Okay. But
nevermind.
SPECIAL COUNSEL COLLER: -- that I don't know.

BOARD MEMBER SALMAN: I -SPECIAL COUNSEL COLLER: That may be we before my time.

BOARD MEMBER SALMAN: I think it was four years after --

CHAIRPERSON AIZENSTAT: Javier, was that -- do you second?

BOARD MEMBER SALMAN: Yeah. I will second.

CHAIRPERSON AIZENSTAT: We have a second for -- to go through the process.

SPECIAL COUNSEL COLLER: And that -CHAIRPERSON AIZENSTAT: Any comments? SPECIAL COUNSEL COLLER: And that would be with the acceptance of the proper covenant.

Right?
CHAIRPERSON AIZENSTAT: With the proper -
BOARD MEMBER GRABIEL: Yes.
SPECIAL COUNSEL COLLER: Right.
CHAIRPERSON AIZENSTAT: With the prope covenant --

BOARD MEMBER GRABIEL: Right.
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    SPECIAL COUNSEL COLLER: And -- and I
    appreciate the respect of the -- the Board
Member.
In this case if this were the Commission and a denial was made on the comp plan that would end everything. So I am in complete agreement.
CHAIRPERSON AIZENSTAT: Okay. SPECIAL COUNSEL COLLER: But this Board is making a recommendation.
CHAIRPERSON AIZENSTAT: Okay. We have motion and we have a second with the same covenant that will be proffered. Is that correct?
MR. FERNÁNDEZ: That is correct, sir. CHAIRPERSON AIZENSTAT: Okay. And the slipway doesn't take into account. Very good. So --
SPECIAL COUNSEL COLLER: We have to do the site plan --
CHAIRPERSON AIZENSTAT: Correct.
SPECIAL COUNSEL COLLER: -- for approva. CHAIRPERSON AIZENSTAT: Any other discussion? No?
Call the roll, please.

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

CHAIRPERSON AIZENSTAT: Correct. SPECIAL COUNSEL COLLER: So we have one more.

CHAIRPERSON AIZENSTAT: Yes, sir. BOARD MEMBER GRABIEL: Which is? SPECIAL COUNSEL COLLER: Was the Mixed-Us \(\&\)

CHAIRPERSON AIZENSTAT: E.-5.
SPECIAL COUNSEL COLLER: -- E.-5.
BOARD MEMBER SALMAN: E.-5. sense.

MR. FERNÁNDEZ: Thank you. SPECIAL COUNSEL COLLER: On -- on which?
MR. FERNÁNDEZ: It's romanette iii. CHAIRPERSON AIZENSTAT: On the million dollars.

MR. FERNÁNDEZ: So 4. b. iii it
specifically refers to the use of the contribution exclusively for improvements of a pedestrian bicycle facilities, landscaping, other streetscape elements to University Drive, right-of-way from Ponce to LeJeune -- LeJeune Road.

And I would simply just add if or other public improvements deemed advisable by the Commission.

SPECIAL COUNSEL COLLER: As approved b \(\downarrow\) the Commission.

MR. FERNÁNDEZ: As approved by the Commission.

SPECIAL COUNSEL COLLER: But that's on for E.-5?

MR. FERNÁNDEZ: That would be related to

SPECIAL COUNSEL COLLER: Which does -- an
I want to get the concurrence from the City Planner that does include the --

BOARD MEMBER GRABIEL: Slip? SPECIAL COUNSEL COLLER: Well, it's -these are all done in accordance with the Department's recommendations except now you
are -- you are disagreeing with the
Department's recommendation. And you are saying to retain the slipway as is.

BOARD MEMBER SALMAN: Remove the recommendation.

CHAIRPERSON AIZENSTAT: To remove that part of the recommendation --

SPECIAL COUNSEL COLLER: That part of the recommendation.

BOARD MEMBER PARDO: No. 1 and No. 2. CHAIRPERSON AIZENSTAT: Correct. BOARD MEMBER SALMAN: Correct.
MR. FERNÁNDEZ: If I could go through the Chair if I may. Just with respect to romanette iii on the public road contribution if you can provide us some additional flexibility to possibly explore responding to some of the other community requested improvements that
the site plan approval. We asked for -SPECIAL COUNSEL COLLER: Yeah. MR. FERNÁNDEZ: -- conditional use approval -SPECIAL COUNSEL COLLER: Site plan. MR. FERNÁNDEZ: -- with respect to modification -SPECIAL COUNSEL COLLER: Okay. MR. FERNÁNDEZ: -- to, again, 4 b. romanette iii.

Thank you.
CHAIRPERSON AIZENSTAT: Thank you, sir. SPECIAL COUNSEL COLLER: 4 iii. CHAIRPERSON AIZENSTAT: Is there a motion --

MR. FERNÁNDEZ: Bless you. CHAIRPERSON AIZENSTAT: -- on E.-5? BOARD MEMBER SALMAN: I will make a motior to approve with the conditions that -CHAIRPERSON AIZENSTAT: Were just listed BOARD MEMBER SALMAN: We -- which we jus: listed are incorporated.

BOARD MEMBER WITHERS: I will second. CHAIRPERSON AIZENSTAT: We have a second Any discussion? No. Call the roll,
\begin{tabular}{|c|c|}
\hline 1 & please. \\
\hline 2 & MS. MENENDEZ: Chip Withers. \\
\hline 3 & BOARD MEMBER WITHERS: Yes. \\
\hline 4 & MS. MENENDEZ: Julio Grabiel. \\
\hline 5 & BOARD MEMBER GRABIEL: Yes. \\
\hline 6 & MS. MENENDEZ: Sue Kawalerski. \\
\hline 7 & BOARD MEMBER KAWALERSKI: No. \\
\hline 8 & MS. MENENDEZ: Felix Pardo. \\
\hline 9 & BOARD MEMBER PARDO: No. \\
\hline 10 & MS. MENENDEZ: Javier Salman. \\
\hline 11 & BOARD MEMBER SALMAN: Yes. \\
\hline 12 & MS. MENENDEZ: Eibi Aizenstat. \\
\hline 13 & CHAIRPERSON AIZENSTAT: Yes. So that \\
\hline 14 & passes. \\
\hline 15 & BOARD MEMBER SALMAN: Those -- \\
\hline 16 & CHAIRPERSON AIZENSTAT: All right. \\
\hline 17 & BOARD MEMBER SALMAN: -- recommendations \\
\hline 18 & CHAIRPERSON AIZENSTAT: I think we are -- \\
\hline 19 & SPECIAL COUNSEL COLLER: Is that -- what \\
\hline 20 & was the vote on that? \\
\hline 21 & CHAIRPERSON AIZENSTAT: 4/2. \\
\hline 22 & MS. MENENDEZ: 4/2. \\
\hline 23 & SPECIAL COUNSEL COLLER: 4/2. \\
\hline 24 & Right? Okay. \\
\hline 25 & CHAIRPERSON AIZENSTAT: So we are done \\
\hline
\end{tabular}

MS. MENENDEZ: Chip Withers. BOARD MEMBER WITHERS: Yes. MS. MENENDEZ: Julio Grabiel. BOARD MEMBER GRABIEL: Yes. MS. MENENDEZ: Sue Kawalerski. BOARD MEMBER KAWALERSKI: No. MS. MENENDEZ: Felix Pardo. BOARD MEMBER PARDO: No. MS. MENENDEZ: Javier Salman. BOARD MEMBER SALMAN: Yes. MS. MENENDEZ: Eibi Aizenstat. CHAIRPERSON AIZENSTAT: Yes. So that BOARD MEMBER SALMAN: Those -CHAIRPERSON AIZENSTAT: All right.
BOARD MEMBER SALMAN: -- recommendations. CHAIRPERSON AIZENSTAT: I think we are -SPECIAL COUNSEL COLLER: is that -- wha

CHAIRPERSON AIZENSTAT: 4/2.
MS. MENENDEZ: 4/2.
SPECIAL COUNSEL COLLER: 4/2.
ght? Okay.
CHAIRPERSON AIZENSTAT: So we are done
with --
SPECIAL COUNSEL COLLER: I think a motion to adjourn --

BOARD MEMBER WITHERS: I have some new business.

CHAIRPERSON AIZENSTAT: Okay. Before we do that we would like to thank the applicant with their presentation and the Staff and everybody that has come forward before our --

MR. FERNÁNDEZ: Mr. Chair, thank you for all of your time again and the Board this evening for your comments.

I would also like to thank Staff. It's been a long, arduous, but a pleasure really working with them. So I want to recognize them.

And thank you again. Happy Holidays.
SPECIAL COUNSEL COLLER: Oh, the -- oh, the tentative plat.

CITY PLANNER GARCIA: Yes. Or --
SPECIAL COUNSEL COLLER: We didn't do that.

CHAIRPERSON AIZENSTAT: The what? MR. FERNÁNDEZ: We did not? BOARD MEMBER SALMAN: Wait a minute.


BOARD MEMBER WITHERS: Yeah. Yeah.

BOARD MEMBER KAWALERSKI: Yeah.

BOARD MEMBER WITHERS: -- issue.
BOARD MEMBER KAWALERSKI: -- I-- I thought the City was advising us on some kind of posture.

BOARD MEMBER WITHERS: I did, too.
BOARD MEMBER KAWALERSKI: This has bee going on for months. I mean, Doral has done something on this. It's very small --

BOARD MEMBER WITHERS: Right.
BOARD MEMBER KAWALERSKI: They put a moratorium on applications.

BOARD MEMBER PARDO: The --
BOARD MEMBER KAWALERSKI: I mean --
BOARD MEMBER PARDO: There are two --
there are two things. I -- I think you are
talking about two different things -- two different issues.

The first thing is the Live Local Act which is a State law which basically ignores any local authority as far as what they can or can't do within certain restrictions. That's
the Live Local.
BOARD MEMBER WITHERS: Correct. BOARD MEMBER PARDO: The second one are the major transportation routes such as U.S. 1 --

BOARD MEMBER WITHERS: Right. BOARD MEMBER PARDO: -- where that's a County regulation.

BOARD MEMBER WITHERS: Right.
BOARD MEMBER PARDO: And what they have
tried to do -- and, in fact, they have been shot down by their own Commission -- Staff has from a planning standpoint at the County on certain applications.

Because basically on these fines -- these corridors that have -- I can't remember right now. They have a specific name, but they are -- let's call them super corridors for now.

And there are several for them. U.S. 1 being one. I think 27 Avenue is one. So these corridors and the ones on --

SPECIAL COUNSEL COLLER: The -BOARD MEMBER PARDO: What?
SPECIAL COUNSEL COLLER: The rapid transi zone.
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CHAIRPERSON AIZENSTAT: No.
BOARD MEMBER PARDO: I don't think that'\$
part of the Smart Plan.
CITY PLANNER GARCIA: R. D. C.
BOARD MEMBER PARDO: Well, you know, i
may be. It may be. It has certain --
BOARD MEMBER KAWALERSKI: Yeah. This is a
transit zone.
BOARD MEMBER PARDO: I will -- I will find
that and send it to you.
CITY PLANNER GARCIA: Okay. But, again --
CHAIRPERSON AIZENSTAT: Yes, Javier.
BOARD MEMBER SALMAN: I -- I just noted
that one of the letters that was submitted
doesn't have a name.
CHAIRPERSON AIZENSTAT: It does on the
second page.
BOARD MEMBER SALMAN: Oh. Forgive me
CHAIRPERSON AIZENSTAT: The City now
prints on both sides.
BOARD MEMBER SALMAN: Yeah. I see that.
CHAIRPERSON AIZENSTAT: All right. With
that said, is there a motion to adjourn?
BOARD MEMBER SALMAN: So moved.
BOARD MEMBER GRABIEL: Second.

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CERTIFICATE OF OATH \\
STATE OF FLORIDA \\
COUNTY OF MIAMI-DADE \\
I, ELIAS MARTINEZ, Notary Public in and for the State of Florida at Large, do hereby certify that LINO FERNANDEZ, personally appeared before me on this 13th day of December, 2023, and was by me duly sworn.
\end{tabular} \\
\hline \begin{tabular}{l}
ELIAS MARTINEZ, Notary Public State of Florida at Large \\
My Commission: HH 396306 \\
My Commission Expires: June 6, 2027 \\
Bonded through Huckleberry Notary Bonding
\end{tabular} \\
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    CERTIFICATE OF OATH
    STATE OF FLORIDA
COUNTY OF MIAMI-DADE
I, ELIAS MARTINEZ, Notary Public in and

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for the State of Florida at Large, do hereby certify
that ALAN GOMMERSON, personally appear ed before me
on this 13th day of December, 2023, and was by me
duly sworn.

ELIAS MARTINEZ, Notary Public State of Florida at Large

My Commission: HH 396306 My Commission Expires: June 6, 2027
Bonded through Huckleberry Notary Bonding

1
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, ELIAS MARTINEZ, Notary Public in and for the State of Florida at Large, do hereby certify that JENNIFER GARCIA, personally appeared before me on this 13th day of December, 2023, and was by me duly sworn.

ELIAS MARTINEZ, Notary Public State of Florida at Large

My Commission: HH 396306
My Commission Expires: June 6, 2027 Bonded through Huckleberry Notary Bonding

\section*{STATE OF FLORIDA \\ COUNTY OF MIAMI-DADE} for the State of Florida at Large, do hereby certify that JOHN CUNNINGHAM, personally appear ed before me on this 13th day of December, 2023, and was by me duly sworn.

\section*{My Commission: HH 396306}

My Commission Expires: June 6, 2027 Bonded through Huckleberry Notary Bonding

I, ELIAS MARTINEZ, Notary Public in and

ELIAS MARTINEZ, Notary Public State of Florida at Large
CERTIFICATE OF OATH


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

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

Dated this 2nd day of January, 2024.

ELIAS MARTINEZ
Expires: June 6, 2023

BOARD MEMBER GRABIEL: [36] 5/6 7/3 8/24 9/12 111/21 112/1 112/4 112/6 112/13 112/15 112/17 114/2 114/6 114/9 114/11 115/24 145/16 145/18 147/7 148/3 148/8 149/6 149/24 159/19 161/19 162/6 164/6 166/21 166/25 169/6
169/20 170/4 173/5 175/4 181/25 182/8 BOARD MEMBER KAWALERSKI: [82] 5/8 7/4 9/4 65/23 66/19 67/2 67/6 67/16 68/2 68/15 68/20 68/22 69/1 69/16 69/18 70/14
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BOARD MEMBER
PARDO: [74] 5/10 7/5

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179/20 179/24 180/17 180/20 180/22 181/2 181/5 181/9 182/5 BOARD MEMBER SALMAN: [137] 5/12 7/6 9/8 10/17 10/19 11/3 11/7 11/22 12/6 12/10 114/23 115/3 115/7 115/13 115/16 115/18 115/21 116/1 116/6 116/9 116/14 116/21 117/3 117/6 120/4 122/8 123/14
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BOARD MEMBER WITHERS: [93] 5/14 7/7 9/10 17/1 17/5 18/18 19/1 20/1 20/5 20/20 20/23 21/2 21/7 21/23 22/4 22/12 22/16 24/8 53/17 53/20 53/22 54/1 54/4 90/4 90/7 90/10 90/13 90/19 90/24 103/9 103/19 103/24 104/13 104/22 105/4 105/12 105/25 106/24 108/2 110/6 110/11 111/2 111/4

BOARD MEMBER WITHERS:... [50]
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CHAIRPERSON
AIZENSTAT: [232] CITY PLANNER
GARCIA: [91] 7/23
21/14 21/25 22/5 22/13
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MR. CUNNINGHAM:
[12] 7/25 75/15 77/3
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112/3 112/5
MR. DIAZ: [3] 7/24 117/20 118/3
MR. FERNANDEZ: [2]
8/1 62/5
MR. FERNÁNDEZ:
[112] 19/10 20/4 20/17 20/21 20/25 21/3 22/25 24/12 52/9 52/20 52/25 54/20 63/22 66/1 66/24 67/5 67/7 67/20 68/5 68/18 68/21 68/25 69/3 69/21 71/12 71/18 72/6 73/20 74/6 75/13 75/16 75/18 75/21 75/23 76/8 84/25 85/2 86/1 86/6 86/21 87/11 88/1 88/18 89/1 89/10 89/13 89/17 89/21 103/14 103/20 104/2 104/14 105/3 105/5 105/15 106/7 108/5 108/15 108/19 108/21 108/25 109/2 109/7 109/17 109/19 109/24 110/3 110/21 113/24 114/3 114/7

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MR. GOMMERSON:
[11] 8/2 56/24 57/14
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58/23 59/1 60/21 61/2
MS. CONDE: [2] 8/3
54/25
MS. MENENDEZ: [66] 5/2 5/5 5/7 5/9 5/11
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SPECIAL COUNSEL COLLER: [132] 10/4

SPECIAL COUNSEL COLLER:... [131]
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