Exhibit E

City of Coral Gables
Planning and Zoning Board Meeting
Wednesday, March 11, 2015
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

MEMBERS	J14 '15	F11 '15	M11 '15	A8 '15	M13 '15	J10 '15	J8 '15	A12 '15	S9 '15	O14 '15	N11 '15	D9 '15	APPOINTMENT
Eibi Aizenstat – Chair	P	P	P										City Manager
Marshall Bellin	P	P	P										Commissioner Vince Lago
Anthony Bello	P	P	P										Board Appointee
Jeffrey Flanagan – Vice Chair	E	P	P										Commissioner Pat Keon
Julio Grabiel	P	P	P										Mayor Jim Cason
Maria A. Menendez	P	P	P										VM William H. Kerdyk, Jr.
Alberto Perez	E	P	P										Commissioner Frank C. Quesada

DRAFT

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:
Charles Wu, Asst. Development Services Director
Craig Leen, City Attorney
Jane Tompkins, Development Services Director
Ramon Trias, Planning & Zoning Director
Walter Carlson, Asst. City Planner
Scot Bolyard, Principal Planner
Megan McLaughlin, City Planner
Jill Menendez, Administrative Assistant
Lina Hickman, Civil Engineer
Yamilet Senespleda, City Engineer

Court Reporter:
Joan Bailey

Attachment: 03 11 15 Planning and Zoning Board Verbatim Minutes

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, MARCH 11, 2015, COMMENCING AT 6:07 P.M.

Board Members Present
Eibi Aizenstat, Chairperson
Marshall Bellin
Anthony Bello
Jeffrey Flanagan, Vice-Chairperson
Julio Grabiel
Maria Alberro Menendez
Alberto Perez

City Staff and Consultants

Charles Wu, Assistant Development Services Director
Ramon Trias, Planning Director
Craig E. Leen, City Attorney
Jane Tompkins, Development Services Director
Walter Carlson, Assistant City Planner
Scot Bolyard, Principal Planner
Megan McLaughlin, City Planner
Jill Menendez, Planning Administrative Assistant
Lina Hickman, Civil Engineer
Yamilet Senespleda, City Engineer

Also Participating:
Mario Garcia-Serra, Esq.,
On behalf of the Applicant
Alejandro Gonzalez and
Ken Castillo
Arquitectonica
Elizabeth Plater-Zyberk
Duany Plater-Zyberk & Company
Tim Plummer
David Plummer & Associates

Public Speakers:

Gema Pinon
Philip Rinaldi
Jim Dockerty
Paul Savage
Jorge Navarro

THEREUPON:

The following proceedings were had:

CHAIRMAN AIZENSTAT: Okay, let's go ahead and get started, please.

Good evening. I'd like to go ahead and call the Planning and Zoning Board meeting of Wednesday, March 11th, 2015. This Board is comprised of seven members. Four members of the Board shall constitute a quorum and the affirmative vote of four members of the Board present shall be necessary for the adoption of any motion. A tie shall result in the automatic continuance of the matter to the next meeting, which shall be continued until the majority vote is achieved. If only four members of the Board are present, an applicant shall be entitled to a postponement to the next regularly scheduled Board meeting.

Also, if there's any person who acts as a lobbyist, pursuant to the City of Coral Gables Ordinance Number 2006-11, they must register with the City Clerk prior to engaging in lobbying activities or presentations before City Staff, boards, committees, and/or City Commission. A copy of the ordinance is available at the Office of the City Clerk. Failure to register and provide proof of registration shall prohibit your ability to present to the Board.

I now officially call the City of Coral Gables Planning and Zoning Board of Wednesday, March 11, 2015, to order. The time is 6:08.

Charles, would you like to do the ex-parte?

MR. WU: Did you call the roll already?

MS. MENENDEZ: No.

CHAIRMAN AIZENSTAT: We'll call the roll after?

MR. WU: Okay.

CHAIRMAN AIZENSTAT: Do you want to call the roll first? Go ahead and call the roll, please.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Here.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Here.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Here?

MS. MENENDEZ: Julio Grabiel?

MR. GRABIEL: Here.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: Here.

MS. MENENDEZ: Alberto Perez?

MR. PEREZ: Here.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

MR. WU: Thank you, Mr. Chair.

We have three cases before you tonight. The first case concerns a mixed-use site plan. That is a quasi-judicial case. The second and third cases are not. The second case is a Zoning Code text change, and the third case is the vacation of a public alley. Here, this is the time for the Board members to declare ex-parte communication. If you had any communication with the applicant or members from the public, this is the time to do so, for the record.

Does anyone on the dais have any communication, ex-parte communication, on Case

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Number 1?
CHAIRMAN AIZENSTAT: No.
MR. WU: May the record show there's been no communication, ex-parte communication, by Board members. Thank you.
CHAIRMAN AIZENSTAT: Thank you.
At this time, I will ask everyone who's going to speak this evening, they must please go ahead and please complete the roster, which is on the podium, if anybody has not done so. Also, we ask that you also print clearly so the official records of your name and address will be correct.
Now, with the exception of attorneys, all persons who will speak on the agenda items before us this evening, please rise to be sworn in.
(Thereupon, all who were to speak were duly sworn by the court reporter.)
CHAIRMAN AIZENSTAT: Thank you.
This is also a good time that I'd ask for all people to go ahead and please turn off their cell phones or put their cell phones on silent. The Board greatly appreciates it.
Let's go ahead and look at -- We have the

approval of the minutes of February 11th, 2015. Did everybody have a chance to go ahead and read those?
MR. BELLO: Move for adoption.
MR. FLANAGAN: Second.
CHAIRMAN AIZENSTAT: We have a motion and a second. Any comments, questions? No?
Call the roll, please.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
Before we start with the three items which are on the agenda, tonight is Walter Carlson's last meeting. He's been with the City for 27

years. On behalf of the Board, we want to thank him for all his service and his dedication, and Ramon has something special for him. Ramon?
MR. TRIAS: Mr. Chairman, thank you very much. It's not often that one can appreciate the excellent work of a person for 27 years, and I'd like to think that planning is one of the most important aspects of the City. Merrick founded this City based on very high planning principles, and in all that history, the planner with the most experience and the one that probably had the biggest impact was Wally, Walter Carlson.
Please join me.
And I want to remind you that most of you have worked with him for many years and that back in 1988, when he began working for the City, that's when the Mediterranean Bonus was beginning to be conceptualized. Some of you may remember that. So he worked on that.
But other things, such as the very effective and creative mixed-use regulations that were implemented more recently, were also mostly the work of Wally and the rest of the

Staff. So I have to say that I probably won't be able to thank anyone as profusely as I want to thank Wally for his work, and I hope that you all join me in giving him this wonderful memento for his service and thanking him for his work. Thank you.
(Applause)
MR. CARLSON: Thank you, Ramon and everybody. I greatly appreciate that. Thank you very much. I was very, very lucky to be able to spend the bulk of my professional planning career here with Coral Gables. I truly enjoyed working with the Board, working with City Staff, working on the great projects which we've had come through during my career.
Over the last 25 years, we've seen a lot of good things come through. I think we've made a lot of good progress. But there's a lot more progress to be made, and you have a lot of work in front of you. The next 25 years will be more exciting, I'm sure.
Thank you again. I greatly appreciate it. You have some great Staff coming on. I'm sure they're going to be very, very good and work closely with you. Thank you very much for

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everything.
(Applause)
CHAIRMAN AIZENSTAT: Walter, thank you for all your dedication and service. Thank you.
Craig?
MR. LEEN: Yes.
CHAIRMAN AIZENSTAT: The next three items, we'll go ahead and read them all in together, at the same time. Is that okay with the City Attorney?
MR. LEEN: Yes. You'll have a public hearing on all three As Charles mentioned, the first one is a quasi-judicial hearing, but we can have the hearing at the same time for all three. All we ask is that each be voted on separately.
CHAIRMAN AIZENSTAT: Okay. Thank you.
The first item before us tonight is a Resolution of the City Commission of Coral Gables, requesting mixed-use site plan review and conditional use review pursuant to Zoning Code Article 4, Division 2, "Mixed Use District," for the construction of a mixed-use project referred to as "The Collection Residences" on the property legally described

as all of Block 3 and the public alleyway, Industrial Section, with multiple street addresses, in Coral Gables, Florida; including required conditions; providing for an effective date; with the legal description on file with the City.
The second item is an Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts," Section 4-201, "Mixed Use District," to allow for proposed mixed-use projects located within a designated Mixed Use Overlay District with an underlying zoning designation of Industrial District, I, subject to City Commission approval, the following: Number 1, up to an additional 20 feet of habitable building height above the 100 foot maximum permitted building height for the purposes of increased floor-to-ceiling height and aesthetics; and 2, increase the maximum permitted height of non-habitable architectural features based on aesthetics and design; providing for severability, repealer,

codification, and an effective date.
And finally, an Ordinance of the City Commission of Coral Gables, requesting vacating of a public alleyway pursuant to Zoning Code Article 3, Division 12, "Abandonment and Vacations," providing for the vacation of the 30-foot alleyway which bisects the entire length of the block and the dedication of a public cross-block easement on the property legally described as all of Block 3, Industrial Section Coral Gables, Florida; providing for severability, repealer, codification, and an effective date; the legal description on file with the City.
Mario, if the applicant would like to do their presentation first, please.
MR. GARCIA-SERRA: Good evening, Mr. Chair, Members of the Board. Mario Garcia-Serra, with offices at 600 Brickell Avenue, representing this evening Coral Gables Luxury Holdings, LLC, which is the owner of the City block indicated on this aerial photograph, bounded on the north by Bird Road, on the south by Altara Avenue, on the west by Salzedo Street, and on the east by Aurora Street.

I'm joined today by Ugo Colombo and Art Murphy of The Collection; Masoud Shojaee and Anibal Duarte of Shoma. These gentlemen compose the ownership of this project, and as many of you already know, are among the most distinguished and accomplished real estate developers in Miami-Dade County.
The rest of the project team should also be known to the majority of you. The architectural design of this project was a collaboration between Arquitectonica and Duany Plater-Zyberk, who are represented here tonight by Alejandro Gonzalez and Elizabeth Plater-Zyberk, respectively.
Our landscape architect is Andy Witkin, of Witkin Design, and our traffic engineer is Tim Plummer, of David Plummer and Associates.
Let me start off by talking to you about the vision behind this project. As you know, The Collection car dealership, located immediately to the east of this project site, has a well earned reputation for the most prestigious and successful car dealership in the country for luxury car brands.
The Collection Residences wants to realize

that same level of quality and standard for condominium residences. Just as ultra-luxury cars are available at The Collection, ultra-luxury condominiums will be what distinguishes The Collection Residences.

The size of the units in the residential tower range in size from 2,000 square feet to over 6,000 square feet, and will be designed in such a manner and quality so as to be truly luxury homes in the sky.

It is very important to note that this project, unlike many others that have come before you, is not maximizing its permitted density. This project is entitled to approximately 350 residential units, and only 126 residential units are proposed. What is being maximized here is luxury and quality, not density.

In order to accomplish this project, three different approvals are necessary, a mixed-use site plan review, the vacation of the alley which bisects the block, and an amendment to the mixed-use regulations so as to permit increased overall height, only -- and I stress this -- only for the purpose of increasing the

floor-to-ceiling height of units, and which specifically prohibits any increase in density or floor area as a result of that increased height.

We'll make a presentation regarding each of these requests, roughly in that order, and I'll start off by asking Alejandro and Liz to present the architectural drawings.

Alejandro?

MR. GONZALEZ: Hi, good evening. Alejandro Gonzalez. I'm joined by Ken Castillo. We're both from Arquitectonica and are happy to be here to present this project to you that we've been working on --

CHAIRMAN AIZENSTAT: If I could ask you, just speak into the microphone. Thank you.

MR. GONZALEZ: -- that we've been working on for some time now with Staff.

As you can see in the first photo, it's a photo of the -- it's kind of difficult -- a photo of the site, bound by Bird, Altara, Salzedo and Aurora.

I'll start off by just going through the floor plans, walking through the building. As you know, this is a mixed-use project. We've

got, along Bird -- Can I ask you to scoot over?

MR. CASTILLO: Sure

MR. GONZALEZ: Along Bird Avenue, we have two large retail tenants. We have live/work units lining Aurora and Salzedo Street. Those are two-story live/work units that are accessed directly from the street, activating both of these streets.

Regarding the -- thank you. Regarding the commercial space, we have access along Bird and at the two corners. We've introduced a paseo that bisects the block in half. Using this, we've located all of our utilities and services off of this paseo. A portion of this is also dedicated as an easement.

You'll notice that entry into the condominium parking is from here, from either street. We have direct access to dropoff and entry to this commercial tenant, and this commercial tenant on the west has direct entry off of Salzedo, garage direct entry that goes to them. We also have direct access to basement entry parking below. So all of the ingress and egress are happening internally.

As we move around the south side of the

block, we have commercial spaces also, here and here, at the corners, facing Altara, along -- you know, on the other side of the commercial space that exists here.

Along Altara, we also have a residential courtyard that allows for dropoff for guests and owners of the condominium. There's a shared -- or there is a single lobby that extends along the block. As Mario mentioned, these units are very large in size. They're luxury units. Therefore, each of them -- It's a very unique building in the fact that it's not a very tall building, but it has individual elevator access to each unit, and hence, you'll see the long, you know, access to those private elevators for each of the units.

As I mentioned, these are live/work units. There's a portion of that unit that is exclusive to the work component, and then living, the living portion of the unit, is on the ground level, as well.

On the second level, what we've got is the second level of the live/work units, mostly the bedrooms and so forth.

We are now on the third level of the

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project. This is the first level where we introduce parking. On the north side of the project, we have parking that's directly accessible from Salzedo. This would be parking that is used in conjunction with the commercial spaces along Bird, and also, we have some dedicated parking for the on-street parking spaces that we've displaced with the improvements to the site on the ground floor.

This is the entry for the residential component, is on this side, and you'll notice we have a garage here, and in an effort to kind of conceal the impact of the garage, we've also included liner units on these levels. So Level 3 and Level 4 are very similar.

Level 5, we have our first level of -- or the amenity level. At this level, we have our pool, facing Bird. I'd like to mention, we also have a -- We're very sensitive to the residential neighborhood that's on the other side of Bird. We've actually set back the towers substantially more than what's required, so the bulk of the height of the building is on the south side, where the remainder of the taller buildings are that you saw in the

earlier images.

We have our pool deck along Bird, and as you see here, these are the larger units, all with private access, and we have a shared amenity space that opens to Altara and directly to the pool deck. You'll notice we have a very nice central kind of court, slash, garden, with reflecting pools that lead you to this very nice and open pool deck. We have some of the units on this level also with private terraces.

This is a typical tower level. You'll notice that the units are all connected to their privatized core, and we have a center unit, in the center of these two portions of the tower, that have, you know, a direct view down the middle.

MR. GARCIA-SERRA: As I mentioned earlier, this is a collaboration between Arquitectonica, Alejandro's firm, and Duany Plater-Zyberk, and Duany Plater-Zyberk handled the elevations and exterior aesthetics of the building, so I'll ask Liz to come up now and discuss the elevations.

MS. PLATER-ZYBERK: Good evening.

CHAIRMAN AIZENSTAT: If you could please

state your name and address for the record. Thank you.

MS. PLATER-ZYBERK: Elizabeth Plater-Zyberk, from Duany Plater-Zyberk and Company.

We have been working the elevations with Arquitectonica, the clients, our clients, and the City's Planning Staff, as well, and taking heed of the desire to make this building as close to the traditions of Coral Gables as possible, understanding that it has a different scale than many of the buildings that we look on as models, but looking to the Biltmore in particular as a building that transforms its scale through the way it handles massing and surfaces.

And so, starting with the Bird Road elevation, where the building is within the Bird Road setback height limit, what it presents to the City is an arcade, a colonnade that is open to the air, in front of the commercial space, the retail space, and in front of the garage above that. The arcade is shorter than the whole mass of the building because of the view triangles which are required from Bird Road to the side streets,

and so it frames that front and begins to break down the scale by being shorter than the ends, which are then marked by the pavilions which have entry -- the main entry doors to the spaces beyond.

What you see above that, of course, is far back and would appear shorter from this perspective, as you could see from the floor plans.

The opposite side of the building, the south side, in fact, you see the full height of the building, and as it comes up to the street, the same double square proportion of the arcade is maintained for the retail spaces at the bottom, as well as for the triple -- the three openings for the entry to the entrance court, the vehicular entrance for the residences.

Above that -- and of course, as you've seen, there is a parking garage that's being concealed behind the liner, behind the first four stories. Those four stories are marked by a setback and then the towers mark the repetitive residential floors.

There is an amenity space, which similarly is given a larger scale, facing to the south,

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above the three entries, and the central portion of the building is set back, with the one -- with the single large apartment unit, and above that, the walls that frame and enclose the mechanical spaces, as well as the one extension that is intended to mark the center and the entry of the building.

As you know, there are live/works on the ground. Around the sides of the building, the four-story setback is marked with the live/works in the first two stories and small liner units above that, and then the larger apartments occur in the upper floors.

On both the east and west elevations, to the south are the residential units. To the north, one has the commercial elevation. In this case, although the arcade is being -- is continued, it's not an extending -- an extension on the facade; it's in the surface -- on the surface of the elevation. And there are both vehicular entries and the entry to the pedestrian passage through the block, in between the two entries.

Similarly, on the west side, the commercial space is handled in the same way. There are,

in fact -- and the same treatment is given to vehicular entries in comparison to the pedestrian passage between them.

Once again, you see the live/works, on the first two floors, and then the liner apartments above those, and then finally, in the towers, the residential units, the larger apartments.

MR. GONZALEZ: We've included a few renderings here that show this, and depict the massing well. You'll notice -- This is the Bird Road side. This is the residential neighborhood. You'll notice how we successively get taller as the building moves away from the residential area, and the heights are very similar to the existing buildings, Merrick on this side, these apartments to the west, and The Collection on the east side. You'll also note, the scale of some of these members actually look very appropriate and similar to the other buildings around.

This is the south side of the building. This is the entry to the residential. It shows you the scale of courtyard, which is actually very large, and you'll see that in here. It gives these units a very nice view into this

garden. The space feels very open. The building is set back appropriately.

We wanted to include this slide to give you a sense of how how the street is being activated, how much articulation there is, and, you know, as Liz mentioned moments ago, the facade is articulated and planned in section. Elements move in and out. You'll notice here some of the planting and the entries, kind of entry stoops or porches into the live/work units.

This is the Bird Road side, the bulk of the traffic here. This is the arcade, which kind of separates the pedestrian traffic from the vehicular traffic. You'll note the corner elements that kind of mark the corner, the entries into these commercial spaces.

This is an image depicting the residential courtyard dropoff area entry. We have an entry through the center and then vehicular entries that drive around.

MR. GARCIA-SERRA: Okay, that sort of concludes our presentation of the plans.

Now we'll discuss the other two requests, which are the alley vacation and the amendment

to the Zoning Code.

As you can see from this graphic, the site is presently bisected by an alley which is about 16,000 square feet in size. Historically, these alleys have always served the purpose of providing convenient services and access drives for and between the various buildings on the block.

However, since the ownership of this block has been consolidated and it is being redeveloped pursuant to one unified plan, the alley ceases to serve these purposes. Instead, what is being proffered is a public easement over the new east-west internal drive that will go through the property. This will essentially be the new and improved alley, which will accommodate services -- the service vehicles and permit midblock public access for both vehicles and pedestrians.

In connection with the vacation of this alley, we are also proffering other benefits, such as off-site landscaping improvements, the provision of 42 parking spaces within our garage for the City's public permit parking program, and most importantly, certain

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pedestrian safety improvements aimed at addressing a situation which I'm sure all of us have witnessed at one point or another, which is the large number of students walking to and from Coral Gables High School during the morning and afternoon rush hours.

To discuss the nature of these improvements and their benefit a little bit more, I'm going to ask Tim Plummer, our traffic consultant, to come up and go through a short presentation on the improvements that we're proposing.

MR. PLUMMER: Good evening. Tim Plummer, of David Plummer and Associates, 1750 Ponce de Leon Boulevard, in Coral Gables.

As Mario had mentioned, as part of the consolidation of ownership of this property, the alley is going to be vacated, and the developer is proffering to do some other public enhancements. We spent some time out in the field. As we all know, there's a lot more pedestrian activity in this area now, with the Village of Merrick Park, with Mr. Roger's project, with Coral Gables Senior High School, so we went out and tried to evaluate some of the things we could do to enhance the

pedestrian experience.

Go to the next one.

The first improvement is on LeJeune Road at Bird Road, which we have a lot of Coral Gables Senior High School students. There are no pedestrian countdown signals or signs at this location. There's some landscaping issues covering up some of the pedestrian amenities. So we're going to put in pedestrian countdown signals at all those -- at that location there.

Next.

LeJeune and Altara, the same situation, no pedestrian countdown signals. We're going to add those, as well as signs.

Next one.

Bird and Ponce, there's no -- There's pedestrian push buttons there, but there's no signs for that, and there's an issue right in front of The Collection, actually, where one of the pedestrian warning signs is covering the pedestrian signal. So we're going to get that relocated, as well.

Next.

On Ponce and Altara, the crosswalk is all faded. We're going to restripe the crosswalk.

We're going to put in the detectable warning surfaces, as well as the pedestrian warning signs that are missing at that location.

Next.

Along Altara, there's a lot of sidewalk that is damaged, needs reconstruction. We've identified three different locations. We're going to replace all of that sidewalk, even though that damage is not coming from our project.

Next.

Up at Altara and Laguna, we're going to install crosswalk markings, as well as detectable warning surfaces.

Next.

Altara and Salzedo, we're going to install detectable warning surfaces, and the last one, Altara and Aurora, we're going to restripe that crosswalk and install some pedestrian warning devices, as well.

So we're going to really try and beef up the safety and the enhancement for the pedestrian experience in this area. We've estimated that for the developer, this is about a 75,000 to $90,000 improvement. And I'll be

here if you have any questions. Thank you.

MR. GARCIA-SERRA: Just bear with us a couple seconds as we get the rest of the presentation up. The next thing we'll discuss is the proposed Zoning Code text amendment.

There we go. Thank you, Ken.

What's up there on the screen is probably going to be difficult to read, but you have one in your package, also. All along through this project, we've emphasized the ultra-luxury quality, and as we were developing it over the course of two years, we came to realize that a greater floor-to-ceiling height was necessary in each unit so as to really make this the sort of project to which we were aspiring.

At present, the mixed-use regulations permit 10 stories within 100 feet of height, which usually results in approximately a nine-foot floor-to-ceiling height in each unit. What we are proposing is that, at the discretion of the City Commission and subject to certain criteria, an additional 20 feet of habitable height may be permitted. This would permit an average floor-to-ceiling height of closer to 12 feet, which would definitely

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create for a better living space, as compared to a nine-foot floor-to-ceiling height.

It is important to note that the Code amendment specifically prohibits the increased height from being used for increased floor area or density, and that the area where the amendment would be applicable, where you could potentially request this increased height from the City Commission, has also been limited to a geographic area which we feel is the appropriate area for an additional 20 feet of height.

I would ask Elizabeth Plater-Zyberk to come up now and sort of discuss why we drafted the Zoning Code amendment the way we did, and as well, also discuss the fact that aside from 20 feet of additional habitable height, it would also permit us some additional height for the architectural features of the building.

MS. PLATER-ZYBERK: So, following on that last statement about the area in which the additional height might be allowed, this diagram shows in the lighter gray the site for this building and then the remaining sites where additional height might be allowed,

primarily along Dixie Highway and in the old industrial area sites, as well as south of Merrick Park. So that just shows the limits of what might be allowed.

Next.

These are -- The numbers are hard to read, but --

Can you read them to me?

MR. GARCIA-SERRA: If you want, I'll address this point.

MS. PLATER-ZYBERK: Yeah.

MR. GARCIA-SERRA: The slide that we have up here demonstrates that for this site in particular, this increased height is appropriate, because if you look at The Collection -- existing Collection car dealership office building, they received a variance in 1999, when that project was approved, permitting the top of slab of that building to go up to 117 feet, which is actually two feet higher than the 115 feet that we are proposing to the top of slab of our building.

Similarly, the architectural feature was permitted up to 147 feet in height, and our

architectural feature right now, which is, as you can tell, a very small overall area of the entire building, is 175 feet.

And, Liz, if you could, just from your perspective, talk more about the proportionality and the appropriateness of those features.

MS. PLATER-ZYBERK: So, when we began to work on this building, it was initially conceived of as having more units and smaller units, and so the explanation that you've heard about the scale of the units and who the anticipated market for buyers are, caused it, in effect, to want to be taller.

We were asked to design this building in the best possible -- the exterior of the building in the best possible proportions and were involved, as well, with some of the interior layouts, and it became clear that because of the scale of the units, the floor-to-ceiling heights needed to be different.

I asked to have the live/works -- to have this perspective on the screen, because one of the things we realized is that the standard --

even the standard eight-foot door or window head height, in some instances, seemed low, given the overall scale of the building, both inside and out, and so what you'll see is that there are clear stories as part of not only the live/works, but much of the fenestration throughout the building, that accommodates that height so that it does not take on, say, additional bulk of wall space, but is entirely in proportion to that -- to the height that's being sought both inside and outside.

So it's been carefully worked in that way to appear to all be in proportion, and that's likewise what I was trying to explain in the discussion of the elevations at the beginning.

The decorative extension, which is the small tower at the back, of course, similarly has to be in proportion with the rest of the building and was carefully studied in terms of how it might be seen from the ground, as well as from long distance, and following various types of studies and models, we produced the numbers that you're presented with this evening.

MR. GARCIA-SERRA: Thank you, Liz.

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I just want to emphasize that map exhibit that you saw before, the significance of that, right there. And as you can see, whatever is shaded in that gray color are areas that we've identified that would be applicable under this Code amendment, because their underlying zoning is industrial, and they're located within the mixed-use district, to request the additional height from the City Commission. So we have our project site, of course, and then the other sites along Dixie Highway and sort of within the core of the mixed-use district, which, as we know, has been an area identified by the City already for a while for redevelopment.

And again, this increased height that we're looking for, which in our case is equivalent to the height at least to the top of slab that we have next to us, it's not for increased density. It's not for increased floor area. It's for a better quality building and for better quality units, which is what this project is all about. Remember, less than half of its permitted density is what's actually proposed to be developed.

So, with that said, we will conclude our

presentation. Staff is recommending approval with certain conditions, and we are in support, we accept those conditions, and would ask that you follow your Staff's recommendation of approval. I'd like to reserve some time for rebuttal, if necessary, and thank you very much.

CHAIRMAN AIZENSTAT: Thank you.

At this time, let's go ahead and have City Staff do their presentation, please.

MR. TRIAS: Thank you, Mr. Chairman. I think that the applicant has been very thorough, so I'll try to be brief in the presentation.

The site is well known. It's a full block, as the applicant has explained. The massing of the project follows the existing development to the east and to the west, of more recent projects, and the commercial development is, along Bird Road, as required by zoning.

The zoning change that is being requested is not a rezoning. They have proper zoning, which in this case is industrial, and commercial at the very top, and they're able to do this mixed-use component because of the

overlay that is already in the Code. So that is the existing zoning map.

The existing conditions, even though the zoning is industrial, as you well know, that whole area has developed generally with mixed-use projects, and it has developed at a scale that is within those 100 feet, 115 feet or so that is being requested in this case.

The project itself, once you see the rendering, as you can see, it fills the block properly and in context, and the three requests that we have before you, the first one is, of course, the mixed-use site plan, and I believe the applicant has explained the reasons for the different uses, and they are matching the context and the allowed development in the area. The arcades and the pedestrian enhancements truly match the overall development of that whole area.

The second request, which is the Zoning Code text amendment, is basically some additional text in Table 1. Table 1, if you're familiar with the Zoning Code, there's a table that is used to have certain requirements for mixed-use projects, and some requirements apply

to individual buildings, some requirements apply to the overlay district. In this case, they're amending the height requirements that apply to the overlay district, which is a very, very targeted change that they're proposing, and as the applicant said correctly, there's language that limits the additional height only for aesthetic purposes. So there's no additional density or additional floors being requested. It's simply additional dimensions, additional dimensions in his terms of height.

And finally, the last request is the alley vacation. The alley makes a lot of sense if the development were to remain as it is today. Once the block becomes one, I think the configuration that is proposed by the applicant functions more effectively. That, in conjunction with the additional enhancements in terms of landscape and pedestrian improvements that were described, I think, make for a very reasonable request.

The overall site plan, as you can see in the diagram, incorporates practically every element that one would like to have in a mixed-use project, in a way that creates a new

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and enhanced functioning block.
In terms of the site information, the 2.8 acres, a 3.5 FAR, which is what's allowed. That's the maximum FAR in projects throughout the City. And then the maximum height of 175 is actually a little bit less than the height that is allowed in the Downtown, so it's within the typical conditions of the City of Coral Gables.
Parking includes -- One of the conditions of approval is some public parking. The reason for that is that there's currently parking in the alley, so that's one way to deal with that impact, so that's also one of the recommended conditions.
Elizabeth Plater-Zyberk explained the architecture and the reason for the different heights. I think that was fairly clearly done. If you have any questions, I'll be happy to go into it in more detail. But as you can see, the maximum height is only for that very end piece, at the very top, so it's a very limited area that is above the regular height of the building.
The proportions of the ground floor and the

base and the proportions of the rest of the building were reviewed by the Board of Architects, and the Board of Architects made recommendations, and it was approved. It was also approved by the Board of Architects for Mediterranean design, and as you can see, it follows the composition that is requested by the Zoning Code.
And in the north elevation, which is the one that is commercial, there's this wonderful arcade going along Bird Road, which I think is going to make a real impact, in terms of making that corridor more pedestrian-friendly and effective.
The actual text of the Code amendment, you have seen it in the Staff Report, and it simply says that in properties which are industrial, the Commission may approve additional height, at their discretion, based on aesthetic ideas.
We include a maximum of 10 stories, specifically, in the Code, so there's no temptation of adding an extra story or so. In the past, the Zoning Code used to have maximum heights in terms of stories. In this case, we felt that it was a good idea to reintroduce

that concept, to separate the aesthetic enhancement from any possible extra development. And in terms of the amendment, the second amendment, which deals with the height for structural elements, it's relatively minor in terms of feet, but I think it makes a huge impact in terms of aesthetics, and I think that it's a very appropriate solution for design.
And generally, in terms of the diagram of what that means, in your Staff Report we had a section that would show the current dimensions and the current massing of a typical project, and then the actual proposed dimensions, graphically, just to make it a little bit more clear, and if you have any questions about that, we can discuss them further. And in terms of the aesthetic enhancement, we included one of the models that we use, which is this building we're in, City Hall, and City Hall actually -- the aesthetic enhancement of the tower is about the same height as the building itself, so that gives you an idea of the type of proportions that Merrick was thinking about when working on those projects, and that's just

for illustration. That's not what's being proposed. What's being proposed is something much less impactful in the building, but the concept, the concept is what was explained, as an aesthetic concept.
The third request the alley, diagrammatically, I think it's a very straightforward request. There's still a pedestrian and vehicular circulation through the middle of the block; it's just that now it's perpendicular to the long side of the block, instead of going along the same direction.
The project has gone through several public meetings for review: The Development Review Committee, back in December of 2013; the Board of Architects in August of 2014; again, the Development Review Committee for the alley vacation, in September of 2014. There was a neighborhood information meeting in October of 2014. There was another, a second meeting, for the Board of Architects to review the Mediterranean architecture, and that was done in February of 2015. And then today, March 11th, we are dealing with the Planning and

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Zoning Board, and later on, this may proceed to the Commission.

The findings of facts that Staff has reviewed is that the requirements of the Zoning Code are satisfied and that the project is consistent with the Comprehensive Plan, and Staff recommends approval with certain conditions. Most of the conditions are fairly typical, but there's a couple that are unusual, like the additional parking that is recommended, and if you have any further questions, I'll be available to answer in more detail, so thank you very much.

CHAIRMAN AIZENSTAT: Thank you.

At this time, I'd like to go ahead and open up for public comments. How many people do we have signed up?

MS. MENENDEZ: We have four.

CHAIRMAN AIZENSTAT: Four, okay. Can you call the first individual, please?

MS. MENENDEZ: Gema Pinon.

MS. PINON: Hello. Good evening. My name is Gema Pinon. For the sake of disclosure, I'm an attorney, but I'm not here representing anyone.

CHAIRMAN AIZENSTAT: Could you state your address, please?

MS. PINON: 339 Alesio Avenue, and my husband is also owner of 4100 Salzedo, an apartment in Merrick Park. Good evening to all. Marshall.

I want to first congratulate the team that has been assembled of architects, developers, attorneys, Mr. Plummer's group. I think it's a fantastic team. But I'm here to ask you to please defer your approval of this project. I've lived in the City of Coral Gables for 45 years. I have several concerns.

One, my biggest concern is lack of notice to the residents about this meeting. I attended the October meeting. I met this gentleman and this gentleman. I only learned about this meeting today at around one o'clock. So that's my biggest concern, notice to the residents and the people that reside in the artisan district adjoining this property. It's a beautiful project, but there's no notice to the residents at all about this meeting.

My other big concern is about traffic. I hear Mr. Plummer talking about pedestrian

traffic, but what about the residents that live there? My block has become a cut-through street. People that are heading south or north on LeJeune Road, whether it's in the morning or at three o'clock, cut through my street at 50 miles an hour, and there's nothing, no one talks about that. You know, I work in Brickell. I take public transportation. But with the addition of all these units, no one is talking about how that's going to impact the residents that live there. At two and three o'clock, the traffic is blocked up on LeJeune Road, on Ponce. I've spoken to the police about this, you know, Mr. Plummer; I'd like to see your team have more information about the traffic concerns and how the City plans to ameliorate this.

I think the project is fabulous, but I have those types of concerns. I haven't heard anything about how it's going to impact any of the adjoining properties. I haven't heard anything about tax bases, how it's going to improve or provide taxes for the City.

If you look at the 4100 Salzedo property, none of the commercial properties there,

nothing that's commercial there has had any success. All of that is vacant. The restaurants come and go. I don't see anything about crime. There was a murder this week in the City of Coral Gables. There's been no information about that. So, while I think it's a beautiful project and I congratulate the team, I think there's still too many questions, lack of information to the residents, to the property owners. I think there has to be a larger forum, and I think that it is your duty to defer this decision. I'm not opposed to it. I just think that you need to defer it until there is more tangible information provided to the people that are most impacted, which are the current residents.

Thank you.

CHAIRMAN AIZENSTAT: Thank you.

MS. MENENDEZ: Philip Rinaldi.

MR. RINALDI: Philip Rinaldi, San Esteban Avenue, Coral Gables. I'm here today as a resident of -- both as a resident nearby and part of a potentially impacted residential community, and also as a broader residential citizen of our City, and I have some concerns

over the scale and the magnitude of the development we're undergoing in this City and the impacts that it will have on the character of our City as we go forward, and as the previous speaker spoke, this is a very pretty, very attractive project, but it is yet again, orders of magnitude scaled much larger than what has historically been in areas adjacent to residential communities in our City.

First, I'd like to speak specifically to this project, and then I want to come back and speak more generally about this whole mixed-use overlay area that we're in the midst of. I'll address three issues, specific issues, with the project as presented.

The first is that the developer is seeking to increase the maximum height of their building, the habitable area of their building and the architectural area of the building. I'll focus on the habitable area, because that, in fact, is what drives their request. The request is to increase the maximum height of not only their building, but other potential buildings down the road, in order that they may increase the ceiling heights within the units

for the purpose of making them more attractive to purchasers, or in the case if this was a rental property, renters, who are willing and capable of paying higher rents. The fact is that this increased height is an imposition on the residents, the existing residents of the City, with no direct benefit to us, but certainly will drive several percentage points in increased profitability of the project that they're proposing to build, okay? And that they have an alternative, which is to build the units with the higher ceilings, but without requesting that we sacrifice by giving them the additional 20 foot of habitable area -- I'm sorry, I can't get that word right -- and yet again, build this architectural enhancement, aesthetic enhancement, above the building, all of which is actually designed to increase the sale value and ongoing value of their building and their profitability.

I'd ask the Board to reserve judgment on this issue, and I will pursue with the City Commission, as well, that they would not approve this type of adjustment to our Codes.

The second point that I'd like to raise

about the project has to do -- has to do with the curbside scale of the project, and this is an issue that I spoke before this Board in regard to the Merrick Manor project before the trolley garage fiasco, and I will speak to again here, and that is that these buildings are being built not only with significant height, which as a pedestrian, walking the street, is rather imposing, but also building out to -- literally almost out to the curb. With or without a pedestrian arcade, this becomes an imposition on pedestrian traffic, and we are creating in this community the urban canyon effect, and one need not go any further than along Bird Road, where some projects are under construction, not necessarily in Coral Gables, but the effect is rather dramatic.

I have a feeling that in this regard, we are in fact becoming a little bit more like what happened with Downtown Dadeland, where the concept of building a thriving urban community has become significantly unattractive as we're surrounded by tall buildings and no open spaces.

Again, I would encourage the Board to look

at this project and its streetscape and how can it be made a little bit less imposing for the existing residential communities.

My third point concerns the vacation of the alleyway, and this alleyway, even though it may have only marginal use, is actually public land. It is not the property, the ownership property, of the adjacent original lots that were there. And this public land is being requested to be turned over to the developer, in order that they may build across this total area, and in exchange, they have repeatedly said today and their project presents that they are giving the City an easement through the center of the project and such easement will have public access. Well, the public access is of very little interest or use to citizens of this City unless they are using the commercial space or the residential space of that building. It's unlikely that people will elect to go for a stroll through the middle of The Collection Residences. Especially if we saw the picture and you're going into an arcade and it says Collection Residences above, one might assume this is not public space, but this is

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private space, okay?

So, in this case, I would suggest that the developer could be encouraged to take the one third of an acre plus that they are being, if you will, ceded by the citizens of the City of Coral Gables, and look at how to convert that to some green space that could create a niche park, perhaps a quarter of an acre, on one of the corners or in the middle of the project, someplace that is open green space for the citizens, and particularly the residents of this overlay area, okay? They showed a beautiful picture of the center mall, with reflecting pool and the swimming pool, and how beautiful that green space is, but of course, you realize that it's only available to the 126 residences that they plan to sell for several million dollars, I assume.

I think this is something that this Board needs to consider and the City Commission needs to consider, but this is an area that has no open public space, excluding what's available inside the Merrick Park mall itself.

In closing, I'd like to touch briefly on a much broader aspect of this project in the

context of the many others that are going on around this area, and that is that as I understand it, in total, this area could add somewhere around three to five thousand residential units south of Bird Road and east of LeJeune Road, within the City of Coral Gables.

I believe the overlay was designed with the assumption that these three to five thousand residential units would have residents who would use public transportation, principally Metrorail, to move to and from their work locations. History would show that very few of those residents actually can or will use public transportation to transit to and from their work, and so we are talking about, in total, in this area, somewhere probably between 4,000 and 6,000 new vehicles transiting through our communities.

When Merrick Park was being built, I came to understand that the LeJeune Road/Bird Road intersection, the Ponce/Bird Road intersection, these were all F intersections and that therefore the traffic could not get any worse. Well, the fact is, I've lived just adjacent to

the high school for 16 years, worked Downtown Coral Gables for most of those years. 15 years ago, 10 years ago, the drive from my home to Downtown and back, during rush hour, was probably 10 minutes. Now, to go to Actors Playhouse on a Thursday night, which is actually after rush hour, sometimes we have to allow 30 minutes, and certainly going Downtown to conduct business or have a lunch is a major ordeal. Transiting Bird Road from LeJeune to U.S. 1 is something short of a nightmare.

So I think, in this Board looking at this project and taking into context the bigger issue of what it is we are building here, these 126 units actually won't impact the traffic directly very much, but in the bigger context, we need to look at, how do we make this mixed-use overlay area a thriving urban community? And to do so, what we need is less vehicular traffic, green spaces where residents can come together, either taking their children out for a stroll, taking their dogs for a walk, going out to meet friends, instead of towers and fortresses of residential units that they then get in their cars and drive away from our

community.

As the woman before spoke, most of the small businesses that we would assume would fill the commercial space have not thrived, and part of this is because there's absolutely no reason for someone to go walking through this neighborhood.

The only trees in the area, ex (sic) Merrick Park, are actually planted in what used to be parking spaces. There's no green space. The sidewalks are not particularly friendly. It will be nice to have the little pebbles on the ground and better signs and countdown signals, but all of those things are principally designed so that this developer can build its 126 units and gain by taking the quality of life from existing residents and transferring that into several points of return on investment on their project.

CHAIRMAN AIZENSTAT: Thank you.

MR. RINALDI: I thank you for your time. I'm available to answer any questions, and if you wish at any time in the future to address these issues more broadly, thank you.

CHAIRMAN AIZENSTAT: Thank you.

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MS. MENENDEZ: Jim Dockerty.
MR. DOCKERTY: Hi. My name is Jim Dockerty. I live at 1230 Catalonia. I own two buildings in the 4200 block of Ponce de Leon, so immediately south and east of the proposed development. I am in this neighborhood all the time, to meet with my tenants or to meet with prospective tenants. I walk the neighborhood all the time. I can tell you, the one thing this neighborhood sorely lacks and seriously needs is luxury residential units. The neighborhood between Bird and Ponce and U.S. 1 is being filled, mostly on the City of Miami side, with small rental apartments. I know most of the property owners in that neighborhood, especially the ones that own retail buildings like I do, they want luxury residential units in this neighborhood. They really want them, and in order to sell large apartments, two, three, four thousand feet, you can't sell those with eight and a half or nine-foot ceilings. The interior scale does not work. So, in order to make these apartments attractive and meet the demands of buyers, they need the higher height.

So I'm strongly here in favor of the development. I think the trade-off of a 20-foot height variance, especially with the building being back-loaded to the south side of the site, is a very good trade-off, and I support the project completely.
CHAIRMAN AIZENSTAT: Thank you.
MS. MENENDEZ: Paul Savage.
MR. SAVAGE: Good evening, Members of the Board. My name is Paul Savage. I live at 522 Villa Bella Avenue, which is the street immediately behind the Coral Gables High School. As you saw some of the renderings by the applicant, it's a beautiful building. I'm going to just divide quickly my remarks to the three items that are before the Board tonight. Item 1 is the mixed-use site plan.
Just because I've been burned, if you will, by the jurisdiction of the City of Miami, as you come into Bird Road, a little bit east of this project, we've had some apartments built with zero setback, really, right in that area where Ponce and Bird Road cross, and when those buildings become occupied and everybody's grill and laundry and toys start to populate those

porches, that's going to frame the entrance to our community. I understand that that's an entirely different jurisdiction and that's City of Miami, but I feel like our City should have deployed some attorneys and protected us a little bit there.
But just because of what happened there, I wanted to make sure that the pedestrian arcade and the pavilion that's depicted fronting Bird Avenue, that the massing of those structures are appropriate and provide all available setback and aren't too massive and don't have any sort of -- of course, no glass or anything like that, that would cut off the pedestrian experience, although that frontage, I think, I'm mostly in favor of the project.
Item 2, and this is where I have my strongest objection to the project, is the Zoning Code text amendment that will give this project the height that it needs to accommodate -- We've heard a lot about their habitable space and the luxurious 12-foot ceilings, but also it's to accommodate what's really a decorative structure at the very top, and I'm very concerned that we are changing our

whole Zoning Code to allow for that structure. I don't think they need it, but if they want to have it, I think they should go get a variance. As a resident on Villa Bella Avenue, I'm very concerned that these gray areas that were depicted that are south of this project, closer to U.S. 1, near Villa Bella and those other areas, they're going to get this height increase. We don't know what those projects are. We're drafting legislation without knowing. So there's a loose analogy where sometimes groups can't get a statute passed, so they'll put a petition in front of you to amend the Florida Constitution and get what they want that way.
Let them go get -- if they want the thing on the top, the decorative tower element, let them come back and get a variance, and I urge you to please pull that out of this project. You don't need to change the height for that whole area to the south of those buildings, that we don't know what they are yet, and I would caution you and urge you to please send this back and have them get a variance for that tower element, if they need it. It's a

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classic, classic variance example.
The alley vacation issue, I want to chime in with the other gentleman here that lives in the neighborhood, that there's thousands of square feet there that is public property. The public can enjoy it. We'll be giving it. The law is that they'll take to the center line; they own both sides. We're giving them that for a very luxurious, low-density -- and I'm glad that it's luxurious and low-density, but they're getting a lot of value there, and to come in with $100,000 of crosswalk, I'm sorry, but I'm underwhelmed. We have a school right there that needs all kinds of things. You know, those are things that our own City should come in and do. We have money for that stuff. The FDOT should come in and do that. Whoever should do that should come in and do that. We should be embarrassed that it's not done, ourselves. We have money. We should do it. Let's really make sure that we're getting a value for that alley vacation. Let's make sure that if it's this easement, do we have rights, can I go there, can I walk there, like the gentleman said? Can I really traverse there,

or is it going to be this sensation of, the valet is there for the residents, who can't seem to, you know, deign to walk through an eight-foot door, they need a 12-foot door. Okay, fine. Come in and give us some value for our public easement, for our alleyway.
But, to conclude -- I appreciate the time you've given me. To conclude, the most egregious thing I see here is the Zoning Code text amendment. It's a classic variance. Do not rezone those other southern parcels, where we don't know what's going there, and by the way, on the notice -- you know, the other resident was here. This is the notice we got. It's a little tiny thing about the street -- about the alley vacation, very innocuous. There's nothing here that would suggest that we're building a whole block, and most egregiously, we're up-zoning the height of a whole other area to the south.
So I urge you, again, there's been inadequate notice of that activity, and I urge you to please pull that out of the current application.
Thank you very much.

CHAIRMAN AIZENSTAT: Thank you.
MS. MENENDEZ: Jorge Navarro.
MR. NAVARRO: Good evening, Board Members. Jorge Navarro, with offices at 333 Southeast Second Avenue, in Miami, Florida. I'm here this evening on behalf of a property owner in the area and stakeholder in the area, Mr. Oscar Roger, and Mr. Oscar Roger, Jr., who are part of the Roger Development Group.
Mr. Roger was instrumental in the creation of the MXD overlay district, and along with our firm, we were able to create this district, and Mr. Roger actually developed the first project under the MXD district regulations, known as One Village Place. Since the creation of the MXD, the MXD district has truly flourished and has been transformed into an area where residents can live, work, shop and dine within close proximity to one another.
As a property owner in the area, we are in favor and in full support of this project. We believe the project is a significant enhancement to the area and is in line with the City's vision for what the MXD district is supposed -- supposed to be. Sorry, I

apologize.
Also, we're in support of the proposed Code changes. We believe these changes will lead to a better quality unit and better quality projects within the mixed-use district. These changes to the Code are going to allow architects the design flexibility that is necessary in order to create a better quality project. The situation that you have today is, when architects are going to design a project, in order to have these greater floor to height ceilings, you have to take away height from other portions of the building, and when this happens, what suffers is the parking pedestal. Most architects will take away from the parking pedestal, which allows for less clearance for residents, for visitors and for vehicular traffic to circulate within the drive aisles. This amendment will help alleviate sacrifices in design and lead to a better overall project design.
Secondly, with the larger floor to height ceilings, you can have a really nice, luxurious unit and a more spacious unit, which leads to overall better quality of life for your

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residents and for the families who are going to live in these units.

Lastly, we believe the variations in design and in building height within the area is an enhancement. We believe that this project and these changes are going to lead to better projects and to a more luxurious mix of units within the MXD, and we would ask that you consider approving both these items here this evening. Thank you very much.

CHAIRMAN AIZENSTAT: Thank you.

MS. MENENDEZ: No more speakers.

CHAIRMAN AIZENSTAT: Mario?

MR. GARCIA-SERRA: Mr. Chair, if there's no further public comment, I'd like to just take a few minutes to respond to some of the objections and concerns that were raised during the public hearing.

The first one, and a very important one, is this allegation of lack of notice. As you know, your Staff does an excellent job of sending out notices of each of these hearings. They're put in the mail 14 days before the hearing and sent out to everyone within the notice radius, and I'm sure that, if necessary,

you could have one of your Staff persons testify as to the fact that these notices were sent out through the usual course.

The next concern that was expressed was the issue of traffic. In other words, these 126 units are going to generate so much traffic that it would complicate the traffic situation even further. Well, as we know very well here in Coral Gables, unfortunately, due to our geographic location, in the middle of the county, we get a lot of cross-county traffic, of course, from people who do not live or work in Coral Gables, but live west of us and work east of us and then have to do the usual commute to Downtown and back every day. These 126 units -- remember, on a property that's permitted to have about 350 units -- are far less of a traffic impact than what could potentially be built on this project -- on this property if they were to maximize the amount of density.

The traffic study, of course, was prepared and diligently reviewed by the City and its outside traffic consultant, and has certain recommendations and improvements which need to

be done, which, of course, Tim Plummer, our traffic engineer, could address further if you would like, but this is not a project which is a big traffic contributor. It's a project, if anything, that's trying to enhance the situation as much as possible within the area.

Issue was brought up as to how much of an increase in tax income would there be to the City. It was in the materials submitted as part of the application. We're estimating that it will be approximately a one million dollar increase in revenue to the City every year, as a result of this project.

Mention was made of the fact that ground-floor retail in the area is struggling, that there are some empty spaces. Because of that issue, we are having ground-floor spaces which are generally either live/work units or offices, so as to address that concern, realizing that the area perhaps is not ready for more retail, but could have more office space included in there.

There was objections made to the potential scale or magnitude of the development. As you know, there's usually three measures for that,

density, FAR and height. On the issue of density, we are way below the maximum permitted. FAR, we're at what is permitted, which is 3.5. And in height, we are asking for an increase in height, but again, not to increase floor area or density, but to increase the quality of the units. And if you notice where that height is, that increased height is all on the south end of the property, in the heart of the former industrial district, new mixed-use district, and away from the residential areas, thereby trying to minimize the impact.

There's sort of overall objections, also, I think, to the mixed-use district and whether we should have it or not. I would submit to you that the mixed-use district has been one of the most successful amendments to the Zoning Code done in the history of the City, when you consider what that area was before, when it was an industrial area, really not a well regarded part of the City, or an area that was connected aesthetically or functionally to the rest of the City, and today, with the Village of Merrick Park anchoring it, is indeed one of the

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most promising, thriving areas in the City and an area which is ideal for redevelopment, when you consider the mass transit in the area, when you consider the major roadways that go through it, and the other areas which it's in close proximity to, such as Dixie Highway and the Downtown Central Business District.

Going on to Mr. Savage's concerns, the setback on Bird, there's 12 feet of width of public City sidewalk area, then another 17 feet of arcade, for a total of 29 -- excuse me, no, 30 -- no, that's 29 feet, almost 30 feet of publicly -- public pedestrian area.

Importantly, also, his allegation that this should be a variance and not a Code amendment, I think is not right from a legal perspective. If you look at the criteria for variances in Coral Gables, a hardship is required to be demonstrated. I think it's very difficult to establish a hardship when you're saying that you want additional height for residences, for residential units.

So, indeed, I think the appropriate thing to do here, from a legal perspective, and what is more defendable on legal grounds, is an

amendment to the Zoning Code, which indeed is not going to be applicable just to our property; it's going to be applicable, perhaps, to other properties that can go forward and request this additional height, but again, a Code amendment drafted in a way so that the area that could possibly request that additional height are areas within the center of the mixed-use district or fronting South Dixie Highway. I can think of no better places in the City where an additional 20 feet of height, which is going to result just in better units and not in additional density or floor area, should be permitted.

And lastly, you know, the easement that we're proffering, the west-east drive that we have in the project, it's not done just as an empty gesture. If you think of it from your own experience, at least my experience, I find myself utilizing the paseos, the cross-block paseos that are part of the new developments, much more so than I ever see myself walking down alleys in the City. I think, indeed, you know, it is a real public benefit, especially in combination with all the other public

benefits that we are proffering, and it's going to be open to the public, to anybody who just needs to cross that block and is in the middle of the block, as well as if an emergency vehicle needs to get through there, it can get through there, or anybody else's car that needs to drive through there.

So, in closing, I would just ask you to, again, follow your Staff's recommendation, which is the competent, substantial evidence that we have in the record of the appropriateness of this project and why the request for a different zoning approval should be approved, and of course, we're available to discuss any of these conditions of approval or any of the issues that you might have. I want to also respect your time and not be up here the whole evening, so I will now cede it over for your discussion.

CHAIRMAN AIZENSTAT: Thank you.

MR. LEEN: Mr. Chair, I'd like to add one point. I don't want to get involved with the debate, but I do want to just point out that the -- because the notice issue was raised, for purposes of the record, if you look at Tab 5,

and they're labeled Attachment D and Attachment E, what you will see is, first, a publication in the Miami Daily Business Review and a certification that it was published, and it has the three different items, and then you also see, in Attachment E, a courtesy notice that was sent out to people within 1500 feet of the project and also in the mixed-use overlay district.

And I've taken a look at the Zoning Code. If anything, this is beyond what's required by the Zoning Code, because for a text amendment to the Zoning Code, according to the Zoning Code, you only need to do it by publication. So not only was a publication done, and of course, there was a site plan, which there needs to be a notice and publication, but this was done for all three, and also, I would just note that the Zoning Code says that the failure to comply with this does not invalidate anything that's done. However, at least in what I'm reviewing, it was clearly done here.

Now, residents have mentioned in the past, sometimes they don't see the notice or, you know, maybe they don't see it in the newspaper,

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but I just want to make it clear for the record that it complies with our Code. What's in the record complies with our Zoning Code.

MR. TRIAS: And, Mr. Chairman, Pages 24 and 25 of the Staff report outline the different notices. In addition to what the attorney said, there was a notice for the alley vacation by itself, but that was an additional notice, in addition to courtesy notice for the project.

CHAIRMAN AIZENSTAT: Craig, is it normally a thousand feet? You're saying that we noticed 1500 feet. So it's larger than normal, the radius?

MS. ALBERRO MENENDEZ: No, I think it's fifteen.

MR. LEEN: I was just looking at what it states in the report, which is that we gave a 1500-feet courtesy notice.

CHAIRMAN AIZENSTAT: Right, but normally --

MR. LEEN: Traditional.

CHAIRMAN AIZENSTAT: Traditional is a thousand, so you went further?

MR. GARCIA-SERRA: Correct. The mixed-use district is unique in the City of Coral Gables, in that for projects within the mixed-use

district, you have to give notice, not from a thousand feet from the property, which is usually required for every other sort of zoning approval, but 1500 feet from the boundaries of either the north or the south mixed-use district. So it's a far larger area that is notified when doing mixed-use projects, and Mr. Trias is correct, also, aside from sort of the zoning process we were going through, we were also going through a Public Works process for the alley vacation, and they require another notice within a thousand feet of the property. So, in some cases, you had owners within a thousand feet of the property receiving two notices of this hearing, not one, in the mail, aside from whatever was published in the newspaper, aside from the fact, also, that we had a neighborhood meeting back in October of last year with everyone within the notice radius, also.

CHAIRMAN AIZENSTAT: Did you only have one meeting, or did you have more than one meeting? Please sit down. Did you have more than one meeting or --

MR. GARCIA-SERRA: One meeting that was

sent out to everyone in the notice area, and then we had individual meetings with those that requested them of us.

CHAIRMAN AIZENSTAT: Okay, thank you. The public comment is closed at this time. We're going to go ahead and open it up for Board discussion.

MS. ALBERRO MENENDEZ: I have a question.

CHAIRMAN AIZENSTAT: Yes, please.

MS. ALBERRO MENENDEZ: I have a question related to the alley. I don't know who can answer it. It's this particular sheet. On this sheet, which is Page I.5, which is the alley vacation, the existing condition identifies the alley space as 16,050 square feet, and then it says as the existing condition, the buildable site area is 106,980 square feet, with a maximum FAR of 374,430. Then you have the proposed, I guess, building site, and that has -- including the alley, I would imagine, is -- building site area, 123,030 square feet. Then the FAR jumps to 430,605. Am I to conclude that they are using the square footage from the alley --

MR. TRIAS: Yes.

MS. ALBERRO MENENDEZ: -- towards their FAR?

MR. TRIAS: Your analysis is correct.

MS. ALBERRO MENENDEZ: So they're benefiting from the alley, of course, and then the easement is also part of that FAR. So, when you look at the existing condition FAR, which is at 374,430, and then you add in the alley, which then goes to 390,480, it still says that the proposed project has a square footage of 430,605, so am I to assume that that's the additional habitable space?

MR. TRIAS: Yes.

MS. ALBERRO MENENDEZ: Okay, so there is additional FAR being gained as a result of the additional habitable space?

MR. TRIAS: Yes. The alley, yes, absolutely.

MS. ALBERRO MENENDEZ: Well, the alley, but I'm also questioning, because the alley only brings it up to 390 -- 390,480, so my question is -- because what was stated before by the applicant is that there's no additional FAR as a result of the additional height, but there's a difference there of 390 to the 430. So I'm

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wondering, that's about 40,000 square feet, so is that a result of the habitable -- increase in habitable space? Or where is it coming from?

MR. GARCIA-SERRA: If you want --

MR. TRIAS: Yes.

MR. GARCIA-SERRA: -- I could address that. Indeed, we are vacating the alley and the alley is becoming part of the project site --

MS. ALBERRO MENENDEZ: Right.

MR. GARCIA-SERRA: -- because ownership is reverting and we are getting the benefit of that, which is probably about 56,000 square feet.

MS. ALBERRO MENENDEZ: No -- well, it says here, the alley square footage is 16,050.

MR. GARCIA-SERRA: Right.

MS. ALBERRO MENENDEZ: That's what this paper says.

MR. GARCIA-SERRA: Right.

MR. FLANAGAN: It's FAR.

MR. GARCIA-SERRA: Then you multiply that by 3.5 --

MS. ALBERRO MENENDEZ: Oh, okay. Then it ends up being an FAR of --

MR. GARCIA-SERRA: 3.5, and that gets you to 56,000 square feet. So indeed we have an additional floor area of about 56,000 square feet resulting from the vacation of the alley, but it's the vacation of the alley. It's not because of any extra height that we might be requesting.

MS. ALBERRO MENENDEZ: The height? No height?

MR. GARCIA-SERRA: No.

MS. ALBERRO MENENDEZ: Okay, I understand that now. Thank you. Let me ask you, the easement, then, is also part of the FAR --

MR. GARCIA-SERRA: Right.

MS. ALBERRO MENENDEZ: -- because it's an easement?

MR. GARCIA-SERRA: Right.

MS. ALBERRO MENENDEZ: In that easement area, which you say it's a public easement, what kind of public amenities are you providing?

MR. GARCIA-SERRA: There is a walkway. There's a paseo walkway.

MS. ALBERRO MENENDEZ: Just the paseo itself?

MR. GARCIA-SERRA: Perhaps, I don't know, decorated with some planters and so forth, but there isn't anything -- you know, there isn't such a water fountain or anything like that, as far as I know. You know, there's some --

MS. ALBERRO MENENDEZ: It's just that I don't see anything --

MR. GARCIA-SERRA: -- things we could potentially put in there, if it's of interest.

MS. ALBERRO MENENDEZ: I just don't see anything really encouraging public use, outside of just walking from Point A to Point B, to get across the building.

MR. GARCIA-SERRA: Alejandro might have something to add here.

MR. GONZALEZ: Just to elaborate on that a little bit more, on the ground floor -- What are we up to?

We are -- as was mentioned before, we are providing cross-block access, which is something, actually, that's a lot more beneficial to pedestrians than going across this way. We're actually shortening the block in half, essentially. We're providing a 29-foot paseo -- So we're providing a 29-foot

paseo that actually accommodates benches and seating areas. This area is also to be vegetated. There is a very large kind of ceiling height in this space, so it's a covered space that, you know, will be open constantly and available to all residents.

Along the front of this, we also include a covered arcade that would allow pedestrians walking along Bird to be able to be covered as they're walking through. That's a 12-foot arcade, both of these kind of exceeding any kind of requirement that we would have.

In addition to that, we are providing a courtyard entry to the residents, which is also available to the public. You know, this is an open space that's covered, as well.

Some of the other improvements that we've done along the site, on the ground floor, besides setting back -- although we're not required to set back at all, we've actually introduced a green buffer along both of these streets, Aurora and Salzedo.

In addition to that, we're beautifying with landscaping, lighting and seating along all sides -- all three of these sides. This has a

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very different kind of feel, because it's a much larger street and a heavily trafficked street. So, by providing that arcade, we're also kind of providing a safer place for people to walk across here, as well.

In addition to that, some of the other aspects that we're providing, in terms of site improvements, related to the alley vacation, all of the crosswalks are being redone, and being redone with pavers, as opposed to just striping, which is all that would need to be done. We're also -- All the intersections have been redesigned, landscaped, as well. We're also including additional landscaping to this side of the street, which is currently absent of any of that landscaping. A lot of this over here, as you know, is empty. This is just striped. We're offering to beautify this, as well, as well as all four corners of the site.

So those are some of the public amenities, besides, you know, a lot of things, like bike racks are located on both of these publicly accessible areas.

MS. ALBERRO MENENDEZ: But no thought process as far as a green area for the public,

even if it's not -- I can understand you have a beautiful development that you're trying to have like an upper scale, but why not off-site? Why not identify something that's purchased for the purpose of providing a public park or some green area to enhance that --

MR. GARCIA-SERRA: You know, we will have a --

MS. ALBERRO MENENDEZ: Kind of like to help the alley that you're benefiting from.

MR. GARCIA-SERRA: I see where you're coming from. You know, there is a requirement, of course, for Art in Public Places here, one percent of the hard construction cost, and for the size of this project, it will be a pretty significant amount. There is a possibility as to part of the Art in Public Places process, that some of that money -- one of the few things that you can use it for, other than art, is for acquisition of land or improvement of land for park purposes.

MS. ALBERRO MENENDEZ: But it's not part of your development. You're just saying that part of your contribution could be towards that?

MR. GARCIA-SERRA: Exactly. You know, if

the majority of this Board sees fit, we can be instructed that, I don't know, some sort of split of that money could go between the Art in Public Places and park improvement, green space improvement, off-site.

MS. ALBERRO MENENDEZ: It would be great to identify, though, some space that could be considered for that purpose.

MR. GARCIA-SERRA: It would, of course, take more time to do that.

MS. ALBERRO MENENDEZ: I'm sorry?

MR. GARCIA-SERRA: It would take more time for us to do that --

MS. ALBERRO MENENDEZ: I understand, but --

MR. GARCIA-SERRA: -- but we could figure that out.

MS. ALBERRO MENENDEZ: -- I just think that it's missing some more public component, that would benefit the public in the area.

MR. LEEN: I'd like to comment on that. You do have the authority to require it.

MS. ALBERRO MENENDEZ: I understand.

MR. LEEN: You would need to recommend it, if you do that.

MS. ALBERRO MENENDEZ: Thank you.

I'm okay for now.

CHAIRMAN AIZENSTAT: Jeff?

MR. FLANAGAN: I don't know if this is for the applicant or for Staff, but how many on-street parking spaces are being lost, excluding the parking that's in the current alleyway?

MR. GARCIA-SERRA: 42.

MR. FLANAGAN: 42?

MR. GARCIA-SERRA: Uh-huh. 42 spaces are the total that's available on-street right now or in the alley, which are being lost.

MR. FLANAGAN: Okay, let's forget the alley, though. Other than the alley spaces, are any being lost --

MR. GARCIA-SERRA: On the street?

MR. FLANAGAN: -- on the street?

MR. GARCIA-SERRA: There are, but let me see if Staff has a breakdown on that number.

MR. GONZALEZ: The 42 is inclusive of all, on-street and alley. I don't have the split.

MR. GARCIA-SERRA: You know what? I think it is indicated in our survey. Do we have our survey?

MR. GONZALEZ: Yeah. Let me get it.

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MR. GARCIA-SERRA: We'll get back to you on that one.
MR. FLANAGAN: Okay, we'll come back to that.
I just want to be clear. You've got the 14 live/work units. Is it 112 units, total?
MR. GARCIA-SERRA: No.
MR. GONZALEZ: It's 126 units, total, 14 of those being live/work.
MR. FLANAGAN: All right, so it's 112?
MR. GONZALEZ: 112 residential units, 14 live/work units.
MR. FLANAGAN: Okay. I read somewhere -- I saw the phrase, and I forget where, 112 multi-family units, so I didn't know if we were talking -- It's a multi-family building, I understand that, but I just want to make sure we're talking 112 units in the building plus the 14 live/work.
MR. GARCIA-SERRA: Correct.
MR. FLANAGAN: Okay. Do we know, what's the height of The Collection building to the west?
MR. GARCIA-SERRA: Yes. We had a --
MR. FLANAGAN: We saw that, but I'm not

remembering, and then the height of the building to -- sorry, The Collection to the east and then the height of the building immediately to the west.
MR. GARCIA-SERRA: Let me find that graphic for you, so we can take a look at it.
Okay, as you can see, The Collection dealership and office building, to the top of the roof or the top of slab, as it's referenced there, is 117 feet. Our building, our proposed top of slab is 115 and a half feet.
Going back to The Collection office building and dealership, you go to the top of the architectural feature, it's 147. The top of our architectural feature is 175.
MR. FLANAGAN: Okay.
MR. GARCIA-SERRA: Now, the other building, to our west, which is the One Village Place project, that one would be, to top of roof, 100, and to top of architectural feature, if my memory serves me correctly, and it's been awhile, I would say it's probably 125.
MR. FLANAGAN: And then, if your memory is good, what's Merrick Manor, the one on LeJeune?
MR. GARCIA-SERRA: Merrick Manor, to the

very top of roof, would be 100, and architectural feature, 125.
MR. FLANAGAN: Okay. On the commercial -- You've got, it looks like, two commercial spaces on the corners, on Bird Road?
MR. GARCIA-SERRA: Right.
MR. FLANAGAN: I'm sure you don't have any hard commitments for those at this point, but it looks like, according to the plans, you've got some vision for it?
MR. GARCIA-SERRA: Right.
MR. FLANAGAN: Are those going to remain as larger spaces, or are those going to be broken down? And I ask because when you look at the other retail spaces in the other mixed-use projects, there's a lot of dark space.
MR. GARCIA-SERRA: I know.
MR. FLANAGAN: You go immediately to the west, and unfortunately, I mean, I only saw, I think, two nights ago, that finally one of the storefronts on Bird on the corner had lights on, so it looks like somebody was finishing their work, but all of that has sat vacant, all these years, which is very sad, and the same thing, I think Gables Ponce, other than a

couple of the bigger spaces, still has all vacancies.
So there's a concern. It's one thing to put them there and create the illusion of an amenity or some convenient retail space, but when they just sit black the entire time, I think it becomes a huge eyesore. So, you know, we've heard it before that you need a certain mass, you need a certain amount of square footage in order to create the draw and get the people there, rather than these very small, narrow spaces, so there's a big concern in my mind that these are actually going to be functioning, using occupied spaces, and not just something with brown paper on the front window.
MR. GONZALEZ: Yeah. So, I mean, one of the --
MR. GARCIA-SERRA: The commercial on the ground floor, let me address it.
Indeed, that concern of not having dark retail spaces has guided this project to a great extent. That's why, when you look at the ground floor, it's not all retail, like it is in other projects. A very significant

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component is live/work units and office, and so what is retail is the frontage on Bird, and they're larger spaces, and indeed, that was done on purpose. If retail is going to succeed in this area, the frontage on Bird helps tremendously, and the idea is, of course, to have large tenants that can really provide services to the community and be sort of that point where, once that critical mass is there, people are going there for their everyday needs.

I don't know if you have anything else to add to that.

MR. GONZALEZ: What I wanted to add is just in general, I mean, to that concept. Retail is always going to thrive where you've got retail on both sides of the street. So part of the reason maybe it's not successful to the south is because currently, what's there, there's no retail. So the minute we're introducing retail along the south street, as well, that street, by having these additional retail components, that's going to help the retail, in general, thrive better. And because we're introducing this type of retail along the longer streets,

by combining the residential and live/work, it's going to provide a very unique situation, where you're going to have both of these. You know, it's kind of the intent of the mixed-use, the live/work units. You're going to have both of these things functioning simultaneously.

MR. FLANAGAN: I mean, I've got no doubt that the retail on the south side is going to work, because the building to the west, the only retail that seems to work is the stuff that's closest to Merrick Park, so you do have that kind of overflow or cross traffic. It's the Bird Road side that I'm having a concern with, especially because you've got one commercial space at 20,000 square feet and the other at 12,000, and I see you've got Market listed on one. Did I see, it looks like, an expansion of the car dealership going into the other? What's the intent of those spaces?

MR. GONZALEZ: I mean, I'd let ownership speak about the intent, but the benefit of having retail off of Bird, I mean, the size of the tenant is scaled to the exposure to that street, the amount of traffic on that street, on Bird Road. The traffic, the speed of

traffic on Bird Road, the presence it has on that type of road, warrants for this scale of retail, this size of tenant. They might have better ideas on how they want to occupy those, but in fact, we feel that that scale of retail is proportionate to Bird Road.

MR. FLANAGAN: I have no problem with the scale. I'm just expressing my concern --

MR. GARCIA-SERRA: Sure.

MR. FLANAGAN: -- that as you drive down these streets and Bird Road, and all you see is dark, unused retail space, it's a tragedy. I mean, it's a tragedy for the property owner, because you're not collecting rents, and it's just an eyesore to not have any activity or have it lit up. So I'm just expressing my thought process and my concern. I don't have a problem with the size. I don't have a problem with it there; I think, obviously, retail is appropriate there. It's just doing whatever needs to be done to make sure it's going to be functional.

MR. GARCIA-SERRA: Understood.

MR. FLANAGAN: We'll get back to the parking space question.

MR. GARCIA-SERRA: Did you figure out how many parking spaces that we have?

MR. GONZALEZ: We estimated there were 26 on the street, 16 in the alley.

MR. FLANAGAN: Wow. So how are those being replaced for the public?

MR. GARCIA-SERRA: We are providing 42 replacement parking spaces on the third level of the parking garage, which is the first level of the parking garage accessible from the public, and Alejandro, if you can go to that floor plan and indicate where exactly the 42 spaces are.

MR. FLANAGAN: But did I also read that that was going to be permit --

MR. GARCIA-SERRA: Correct.

MR. FLANAGAN: -- parking for the City, so I can't pull in and pay a meter?

MR. GARCIA-SERRA: Well, you can in other spaces, but those 42 spaces in particular are going to be managed by the City as part of their permit parking program.

MR. FLANAGAN: So what other spaces could I pull into?

MR. GARCIA-SERRA: There's the -- We're

considerably overparked. I mean, we've got about five hundred and -- how many spaces?
MR. GONZALEZ: 568 spots.
MR. GARCIA-SERRA: We're overparked by over 150 spaces.
MR. FLANAGAN: Because if you go in that area many times a day in the week, if you have, Mario, I mean, parking's hard to find.
MR. GARCIA-SERRA: Yeah, sure.
MR. GONZALEZ: We're required to have 380, and we're providing 568.
MR. FLANAGAN: But that will be available to the public to use?
MR. GARCIA-SERRA: Some portion is residential, of course. You know, whatever amount is going to be residential is going to be for the use of the residences, but the rest is open to the general public.
CHAIRMAN AIZENSTAT: Let me just ask a question, Jeff, if I may.
Just going on what he's talking about, the parking spaces, does The Collection plan on parking any of their vehicles in that garage?
MR. GARCIA-SERRA: As of right now, the decision hasn't been made yet, what those extra

parking spaces would be used for. You know, it also depends on what we'd be getting as part of the retail uses, which was sort of what Jeff was talking about earlier. You can see from our plans what our aspirations are for those two big spaces would be some sort of food market and potentially a car showroom, in which case, if that's the situation, and The Collection is the one operating that showroom, then there would be parking spaces used within the garage for inventory.
CHAIRMAN AIZENSTAT: The reason I asked that is because as it is now, The Collection parks their vehicles off of U.S. 1 --
MR. GARCIA-SERRA: Right.
CHAIRMAN AIZENSTAT: -- in the old Ford dealership. That's going to become a project at some point.
MR. GARCIA-SERRA: Right.
CHAIRMAN AIZENSTAT: Their space is limited in the garage that they have below their facility. So, even though we look at this project and we see that you have an abundance of parking, I would just be concerned that that is used by the dealership and not really

available either to the public or to the project, as far as the tenants that are going in.
MR. GARCIA-SERRA: Yeah. Well, from a legal perspective, parking that is required for particular uses, we can't be using that, leasing that off to --
CHAIRMAN AIZENSTAT: No, I understand that.
MR. GARCIA-SERRA: -- even a related entity and, you know, putting parking in there.
CHAIRMAN AIZENSTAT: But if you take a look at a market, for example -- You've got 20,000 square foot for the market.
MR. GARCIA-SERRA: Right.
CHAIRMAN AIZENSTAT: That's not a big size for a market going in. In other words, you're not going to attract a certain type of markets that are going in there. Are you looking -- When we talk about a market, are you looking for a boutique style? Are you looking for some kind of a 7-Eleven style, even though that's way too big? I'm just curious, what --
MR. GARCIA-SERRA: There's already one next door.
MR. GONZALEZ: It would be like a boutique

market, something like a small Fresh Market.
CHAIRMAN AIZENSTAT: Like a boutique, high-end --
MR. GONZALEZ: Some high-end, yeah.
CHAIRMAN AIZENSTAT: Okay. I just wanted to find out, because that's going to require -- I don't know what the parking -- well, I don't know what the parking requirements are for a market, but I have to assume that you're going to need quite a bit of parking --
MR. GARCIA-SERRA: Right.
CHAIRMAN AIZENSTAT: -- for that 20,000 square feet. If that's the case, then that will mandate the use of the parking spaces?
MR. GARCIA-SERRA: If we're trying to put in a use that we have not parked right now under these plans and it requires more parking, then we have to use the parking spaces that are available there, the extra.
CHAIRMAN AIZENSTAT: Okay. I just want to be clear on that. Go ahead, continue. I'm sorry.
MS. ALBERRO MENENDEZ: Can I just ask one question? The garage itself, where you're going to have the public spaces, are you going

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to have it dedicated to the public? In other words, do you have a level that's dedicated to public, or is it mixed in with everybody else?
MR. GARCIA-SERRA: There's other general parking spaces there, also, too, if you can show them.
MS. ALBERRO MENENDEZ: But is it on one level --
MR. GARCIA-SERRA: Right.
MS. ALBERRO MENENDEZ: -- or is it in various levels?
MR. GONZALEZ: No, it's on one level.
MS. ALBERRO MENENDEZ: What level is that?
MR. GONZALEZ: The third floor.
MS. ALBERRO MENENDEZ: Okay.
MR. GONZALEZ: The first level you park at above grade.
MS. ALBERRO MENENDEZ: So that's the first level of parking --
MR. GONZALEZ: The first level of parking is three.
MS. ALBERRO MENENDEZ: -- will be dedicated to the public?
MR. GARCIA-SERRA: Well, the spaces -- If you look at the screen there --

MR. GONZALEZ: The new spaces are the 42 spaces that are being replaced, the on-street parking that's being provided in our project.
MR. GARCIA-SERRA: That's the City public permit parking, what you see in blue.
MR. GONZALEZ: So you enter off of Salzedo, up this, and these first 42 spots will be dedicated --
MS. ALBERRO MENENDEZ: And where's the elevators, at the corners there?
MR. GONZALEZ: The elevator is here.
MS. ALBERRO MENENDEZ: Okay.
MR. GONZALEZ: And then there's also vertical circulation at both corners.
MS. ALBERRO MENENDEZ: Okay. Thanks.
MR. FLANAGAN: So I don't have a solution, but I think for these smaller retail places to succeed, you need to have accessible and convenient parking, because if you can't find it, you're going to go somewhere else, and it seems like every month around here, we're losing on-street parking -- and I don't think the Parking Director is here -- to permit programs and restricting it for residential uses in places where there's no residents, and

so I'm just going to make my additional concern known. I really think the project needs to make sure that the on-street spaces that are lost remain easily accessible and open to the public, so that anybody can visit any of the other retail spaces that are there. If you're going to drop off your dry cleaning at OXXO, or whatever it might be over there, you need to be able to just pull in and park quickly and leave without going through some crazy process to find a space in a parking garage.
MR. GARCIA-SERRA: In our -- I'm sorry.
MR. FLANAGAN: No, go ahead.
MR. GARCIA-SERRA: In our situation, indeed, they are pretty much the first 42 parking spaces as you come in.
MR. FLANAGAN: But that's part of the City's permit program, so somebody can't pull in and use it.
MR. GARCIA-SERRA: Well, you know, one thing that has been discussed often, but never actually addressed, I think, also, is that, remember, a lot of these parking spaces that we're losing on the street, it's not because we're putting a building there; it's because

the City is requiring a certain number of bulb-outs.
MR. FLANAGAN: Right, and we've talked about that before.
MR. GARCIA-SERRA: Right, but, you know, we've talked about it --
MR. FLANAGAN: Yeah, I know, and nothing --
MR. GARCIA-SERRA: -- for years, and sort of it's never been --
MR. FLANAGAN: And one last question, not involved with the project -- it is off-site, but I don't think it's part of your off-site improvements, but while we have the chance to quickly talk about it, there's a trolley stop on the east side of Ponce, so northbound, across from The Collection building, probably about halfway north and south, there is a crosswalk that goes there, and the City has put a trolley stop at the crosswalk. So, as you're driving north on Ponce, if you're a responsible driver, you see all these people standing there because they're about to walk across the street, and you stop quickly and hold up traffic. They're not crossing the street; they're waiting for the trolley.

So I would just suggest to anybody that's listening, and Mario, whatever you maybe could do or add to your off-site improvements, take a look at a placement maybe of a different trolley stop. I just think having it at a crosswalk creates potential conflicts.

MR. GARCIA-SERRA: We can take a look at that.

MR. FLANAGAN: Okay.

MR. GARCIA-SERRA: We'll take care of it.

MR. FLANAGAN: Can we -- Is there an objection from the applicant or maybe anybody else on the Board to limiting the Zoning Code text change to properties within the north MXD district?

MR. GARCIA-SERRA: From our perspective, that would be fine.

MR. FLANAGAN: Okay. So I'll put it out there right now for further discussion, but when we get to it, I would like to limit it to the north mixed-use district.

CHAIRMAN AIZENSTAT: Yeah, not have a blanket area that's going out. That was a concern that I had, also, when I saw the text amendments, and specifically when I saw your

diagram that was out there.

MR. FLANAGAN: Thanks. I'm done.

MR. BELLO: Are you going to address the Bird Road/Salzedo Street left turn? Because there's no access from westbound Bird to this project, is there?

MR. GARCIA-SERRA: I'll ask Tim to handle that.

MR. BELLO: Will you do anything with that Salzedo and Bird?

MR. PLUMMER: No, that is proposed to stay as it is. As you know, Bird Road is a State Road. They did improvements about four or five years ago. They're very strict on their access management, and that's going to stay as it is. So the project traffic flow has to work around that.

MR. BELLO: Okay.

MR. LEEN: May I ask a follow-up question? Regarding the limitation of the Zoning Code text amendment, so are you proposing that the limitation be for all three of the proposed text amendments, one to height generally, one to heights of architectural elements, and one to height adjoining residential uses? You're

saying that you would want, for all three of those, language to be placed in here, sort of geographically limiting that amendment to the northern part of the overlay district?

MR. FLANAGAN: Craig, you've lost me. Sub 1 and sub 2 in Item Number 6 on our agenda --

MR. LEEN: I'm looking at Exhibit A, Zoning Code text amendment.

MR. FLANAGAN: Hold on. Let me get there. What number?

MR. LEEN: It's attached to --

MS. ALBERRO MENENDEZ: What tab is it?

MR. LEEN: Pardon me. It's attached to Attachment G, in Tab 6. There's an ordinance which says Attachment G, attached to the ordinance as Exhibit A, which is the actual wording of the proposed Zoning Code text amendment. Just take a moment to review it. There's three different sections that are being amended with additional language.

CHAIRMAN AIZENSTAT: While Jeff reviews it, let's go ahead and continue with other Board members, and we'll get back to that, so we don't hold anything up.

Marshall, any comments?

MR. BELLIN: Yeah.

Why are you limiting the text amendments just to a specific area? In my way of thinking, if it's good for this project, why not have available to any MXD overlay?

MR. GARCIA-SERRA: Well, right now, as it was originally drafted, not discussing what Jeff just suggested right now, it would be applicable to the industrial -- anything that the underlying zoning is industrial within the mixed-use district, whether it's north or south. So what that excludes are the commercial areas fronting the major streets.

We sort of thought, from a planning perspective, better to isolate where that increased height could be and better that it be off the main thoroughfare so as to avoid that sort of canyon effect that you heard of before, or any allegation that perhaps a canyon effect could be increased.

What I think you're getting at, also, is how about situations where we're doing mixed-use projects outside of the mixed-use district?

MR. BELLIN: If a building a hundred feet

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doesn't create a canyon, is 115 going to create a canyon?
MR. GARCIA-SERRA: Yeah.
MR. BELLIN: And I think that if it's available to this project, it ought to be available to any project that looks to get an MXD overlay. That's just the way I feel.
The other issue is that why is this building so overparked? I mean, you're talking about five or six hundred parking spaces. What do you really need there? Let's assume you've got 126 residential units.
MR. GARCIA-SERRA: You know, there's -- Remember also that there's 126 residential units, but unlike the usual situation, where they're usually one and two bedrooms, there's a considerable number of three and four bedrooms here. So, of course, you know, there's always a concern how many car drivers are there going to be in each household, so we need to address that. You've got a need for further flexibility on the ground-floor retail if we introduce a use. What if, all of a sudden, a restaurant were to go in one of those?
MR. BELLIN: What I'm getting at is that,

you know, twelve o'clock at night, there's probably going to be an empty garage. The live/work units, maybe one car, because the people who work in those live/work units are gone. All the retail people are gone. It just seems -- maybe it's none of my business, but it just seems like there's an awful lot of parking provided for the amount of residents that are in this building.
MR. GARCIA-SERRA: I think probably, on our side, and this is probably unusual, coming from a developer, probably better to err on the safe side and have more spaces as opposed to less, but Alejandro, I don't know if you have anything else to sort of introduce into that discussion.
Also, remember if there's ever an issue during construction and we feel that it is, you know, too expensive to perhaps build those spaces, we could always decrease the number since they aren't all required spaces.
MR. GONZALEZ: I mean, we feel it's important for the kind of unit or for the type of project, as well. I mean, a one-bedroom, by Code, requires 1.75 set spaces, whereas we may

be providing -- you know, a one-bedroom may need two spaces. All of the one-bedrooms may need two spaces. So I think, in addition to the comment that Mario made about if we end up having a restaurant, which requires substantially more parking than some other use -- and that was actually a point that was brought up to us at one of our Board meetings, as well, to think about the possibility of later on, somebody coming in, wanting to put a restaurant here, how would we accommodate parking for that.
MS. ALBERRO MENENDEZ: Plus the fact that I'm sure these units aren't going to have one space. You're going to have two, three --
MR. GONZALEZ: Exactly.
MS. ALBERRO MENENDEZ: -- or more spaces. That's what you're paying.
CHAIRMAN AIZENSTAT: Marshall?
MR. BELLIN: That's all.
CHAIRMAN AIZENSTAT: Any comments, Alberto?
MR. PEREZ: I'm good.
MS. ALBERRO MENENDEZ: I have a comment.
So let me go back to my alley, and we determined that it was how much, 56 square

feet?
MR. GARCIA-SERRA: 56,000 square feet.
MS. ALBERRO MENENDEZ: 56,000 square feet. So what do you think the value of that is? How much do you project your building, per square footage, to be? What do you think the value is, a couple of million, perhaps?
MR. GARCIA-SERRA: You know, I'd have to defer to those who really know about the real estate industry, to find out. But, you know, one thing that I wanted to mention before about alley vacation, and I'll take the opportunity to discuss it now, is that we have to keep in mind that the alley is not necessarily owned in fee simple by the City. The way the alley was originally created was, when the plat of the subdivision was done, these alleys were indicated on the plat and dedicated for public use, in other words, for access for the general public -- of course, back then, on the assumption that there would be multiple buildings on the same lot.
Here, we're having a case of ownership being consolidated and the development of the block being consolidated. There's less of a

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reason for that. And so what the City is permitting here is not -- it's not conveying a piece of property it owns. It is, in its role as public trustee for this space, saying it's no longer necessary and can be vacated, and then the ownership, pursuant to statute, reverts to the abutting property owners who are the ones who originally gave the land to be used for a public use.

So, you know, the issue is not how much money are you getting out of it and how much are we getting out of it, because we have to be careful with that issue, too, because as you know, there's a principle called contract zoning. We can't, in the State of Florida or anywhere else say, "Okay, we're going to vacate this alley for you because you're giving us X amount of -- "

MS. ALBERRO MENENDEZ: No, nobody's asking for money. I'm trying to determine a value, because I think there's a need for some more public amenities to your project.

MR. GARCIA-SERRA: Uh-huh.

MS. ALBERRO MENENDEZ: And I think that the way that you can basically value one thing over

the other is to see what, in fact, you're gaining from a public space that's being given to the project. So it's nothing of cash, if that's what you're concerned with.

MR. GARCIA-SERRA: No, or we can't either say, "You're not giving us cash but you're giving us X amount of value," or whatever else you're doing. You know, you have to be careful to --

MR. LEEN: Well, I'd like to give my own thoughts on that. I have taken a look at this issue. I've even issued an opinion on it.

There is some old case law which says that you can't auction off rights-of-way, alley vacations, things like that. But I don't think that that case law applies in a situation like this. This is a situation where you're not auctioning this off to any buyer who comes along and selling parts of the right-of-way. This is something that is being used by a particular project that's coming in and wants to basically use the public right-of-way.

MS. ALBERRO MENENDEZ: Right.

MR. LEEN: And so I do believe you can ask for value, and in fact, our Code says that.

Our Code says that they have to demonstrate that the value to the public from doing this, that there's a substantial benefit to the public, and you can even look at -- Health, Safety and Welfare mentions that. So I do think you can ask for value. I don't view it as contract zoning.

MS. ALBERRO MENENDEZ: Right, I agree.

MR. LEEN: I do think you can ask for value. I don't think that you should just say, "Well, how much would it cost us to to sell you the property?" I do agree with Mario there.

MS. ALBERRO MENENDEZ: Right. Nobody's asking for that.

MR. LEEN: But I do think you can ask for value.

MS. ALBERRO MENENDEZ: Right.

MR. GARCIA-SERRA: The criteria states, does the benefit of vacating it outweigh the benefit of it still existing, and I would submit to you, if you look at the various improvements that we're doing off-site, the million dollars that's recurring to the City in revenue as a result of the project, that indeed it outweighs whatever the value might be of the

alley, and, you know, we could, I guess, figure out what we paid for the property per square foot and, you know, multiply that by the amount of -- the 16,000 square feet in the alley and then give you an amount.

MS. ALBERRO MENENDEZ: I'm just trying to make a point. I don't think that $100,000 worth of, you know, pedestrian improvements cuts it, if you're looking to provide that for the vacating of an alley. I think that a little more needs to be considered, because it is a public alley and it's being held in trust.

MR. GARCIA-SERRA: You know, things that come off the top of my head, the one percent of the Art in Public Places is six million dollars --

MS. ALBERRO MENENDEZ: That's a different issue, though. That's a different requirement, that you're required to do, as required by your project, not necessarily -- you know, you can't tie both together.

MR. GARCIA-SERRA: Right.

MS. ALBERRO MENENDEZ: You have to do that, regardless of whether you're vacating an alley or not.

MR. GARCIA-SERRA: Uh-huh.
MS. ALBERRO MENENDEZ: So --
MR. GARCIA-SERRA: Well, you know, we have improvements off-site, which I don't know the exact amount, too, streetscape and landscape improvements, the sidewalks --
MS. ALBERRO MENENDEZ: Right, which are all good.
MR. GARCIA-SERRA: -- that Tim talked about. You know, the replacement parking that we're providing is better than the parking that you have now, in some ways, because it is structured parking, you know, not parking in the alley, that isn't metered.
MS. ALBERRO MENENDEZ: Right.
MR. GARCIA-SERRA: You know, there are several of these. We're doing an upgrade to a pump station that is a bigger upgrade than what we need for our own project. So you could factor in that amount of money. But at the same time, you know, I think we're caught in a situation here where the benefit has to outweigh -- the benefit received has to outweigh the benefit of the existing alley right now, but at least I would be reluctant to

break it down into literally a dollar amount and say, "Okay, well, this is how much we're going to -- "
MS. ALBERRO MENENDEZ: No, but what I'm trying to illustrate is, it's a substantial amount, that it's not a little amount. It's something that's added to your development.
MR. GARCIA-SERRA: Right.
MS. ALBERRO MENENDEZ: It's a substantial amount to your development.
MR. GARCIA-SERRA: Yeah.
MS. ALBERRO MENENDEZ: So that's the point I was trying to get across.
MR. GARCIA-SERRA: Yeah.
CHAIRMAN AIZENSTAT: Julio?
MR. GRABIEL: I have a new microphone, but it never works.
I've got a couple of questions first. Are the live/work units going to be sold or are they going to be leased?
MR. GARCIA-SERRA: Everything is condominium.
Correct?
MR. GONZALEZ: (Nods head).
MR. GARCIA-SERRA: Sold.

MR. GRABIEL: Sold as condominium, okay. That's one.
The other one is, on the retail areas on Bird Road, which is commendable and I think the large box is probably more attractive than smaller box. I see one -- that you're identifying one to be an extension of The Collection, the other one being a, I guess, food market?
MR. GARCIA-SERRA: Right, that's what's shown right now on the elevations.
MR. GRABIEL: Okay, and the question, this one, is to Staff. Ramon?
Assuming the best or worst condition, that actually you have some kind of food market in there, they tend to not like glass walls, and I think the worst thing that could happen is to end up with that commercial space being occupied with solid walls. Are we, by Code or by including it into this process, requiring that all those windows remain as windows and not come back later on with a merchant that wants to put drywall on them and lose the beauty of going and looking into a commercial space?

MR. TRIAS: Yeah, clearly, any change that affects the exterior is approved by the Board of Architects, and the Board of Architects already reviewed this project and that's the project that has been approved, so that cannot be changed. And in terms of signage, which sometimes blocks the glass, there's some very strict limitations, also, in terms of what the Code allows, so I'm comfortable with it.
MR. GRABIEL: So you're comfortable that we can preserve that transparency into that commercial area?
MR. TRIAS: Absolutely, plus the arcade, also, is 12 feet clear, right in front of it, so that in itself is a great architectural feature.
MR. GRABIEL: Okay. Then my comment is that I also agree that the closure of the alley has great benefit to the development and to the developer and the project, and again, you know, $90,000 of pedestrian improvements somehow doesn't balance. We have seen other developers come in here and landscaping from Ponce de Leon Circle all the way to Miracle Mile and changing of pavements. I don't see a tit for tat coming

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from this project, and I think we need to look at that.

That's one, and then the Art in Public Places, I agree, is not to be touched for something else. We can't take that number and apply it to a park in a residential neighborhood. It has to remain and preserve as Art in Public Places.

MR. TRIAS: Yeah. The applicant, I think, was wrong, comparing those two things. It's apples and oranges.

As far as the alley, I would remind you that they are doing an easement, and it does function as a vehicular alley plus a 20-foot-wide paseo, and it's a better -- from a circulation point of view, it breaks the block.

MR. GRABIEL: But it's basically a service alley --

MR. TRIAS: Right.

MR. GRABIEL: -- to serve the commercial and the residential and the rear-of-house. It's not -- I mean, I know we use the word "paseo" all the time, but a paseo is a pedestrian, beautiful, landscaped area. This is really a driveway underneath a building

that's going to be used by all the cars. It can be beautified, it can be made as beautiful as possible, but it's still a driveway underneath a building. It's not a paseo.

Thank you.

CHAIRMAN AIZENSTAT: Just a question for the architect. On the basement level, your parking that you have there, who is that intended for?

MR. GONZALEZ: For mixed-use.

CHAIRMAN AIZENSTAT: For mixed-use. What is the width of your flow? In other words, your driving area, what's the width of it? I don't see any numbers here

MR. GONZALEZ: They're not indicated on this set of drawings, but they're all in accordance to the Code requirements, to the Zoning Code requirements, so the single direction is per Code and the 90-degree parking is per Code.

CHAIRMAN AIZENSTAT: The reason I ask is because you have some parallel parking spaces.

MR. GONZALEZ: Right. Those are also size appropriate, and much longer.

CHAIRMAN AIZENSTAT: Right, but I'm just

concerned about -- I'm not concerned about the width of those spaces, as far as a car fitting in there, but I'm just asking you because of the proportion, that when you do parallel park and you back into that space, do you have enough room to do that? That's all.

MR. GONZALEZ: We feel comfortable. We're providing more than -- even more than the Code requires. You can -- and I don't have -- The drawing is not in our presentation, but there's -- we're very comfortable with that. We think there's adequate space.

CHAIRMAN AIZENSTAT: Okay.

Any other --

MS. ALBERRO MENENDEZ: I have a question.

CHAIRMAN AIZENSTAT: Yes.

MS. ALBERRO MENENDEZ: The proposed text amendment, why is that being proffered? Is it required if you want to increase the height yourself?

MR. GARCIA-SERRA: Right now, we're limited to a hundred feet of habitable height, and with 25 feet of architectural features above that, and what we're proposing is 115 feet in height for habitable space and 175 for the

architectural feature.

MS. ALBERRO MENENDEZ: Right, but the text amendment that goes up to 190, the proposed MDX (sic), is that something that you proffered.

MR. GARCIA-SERRA: No. The original proposal was to leave the height of architectural features to the discretion of the City Commission. What Staff is recommending, Staff modified that slightly, so that instead of it being at the discretion of the City Commission, the maximum height of the architectural feature in the industrial area can go up to 190.

MS. ALBERRO MENENDEZ: But then that affects the other properties, as you indicated, instead of being specific to your property. Am I correct in that?

MR. GARCIA-SERRA: Indeed, if that's adopted, it would be applicable to whichever area you're adopting it for --

MS. ALBERRO MENENDEZ: Right.

MR. GARCIA-SERRA: -- either the industrial -- the underlying industrial area, the mixed-use district, or perhaps, as Mr. Flanagan suggested, the north industrial

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area.
MS. ALBERRO MENENDEZ: Let me ask Ramon, why would we be considering that? Why would we be jumping everybody up to that consideration?
MR. TRIAS: As opposed to --
MS. ALBERRO MENENDEZ: Why not look at it on a case-by-case basis?
MR. TRIAS: Well, that's what the text amendment says, because it is up to the Commission to look at it in a case-by-case basis. It's not a by-right. It's to be reviewed by the Commission, not --
MS. ALBERRO MENENDEZ: But if you propose this, though, and we change it, it's going to be as-of-right to any development in the industrial section.
MR. TRIAS: I wouldn't say that, but maybe --
MR. LEEN: No, it still requires the Commission to find that these factors exist, and the Commission would be the one that -- and it just says "may approve up to an additional," so my reading of this was that this would be as part of the conditional use review. It would end up going to the Commission. It would go

through the Planning and Zoning Board. You make your recommendation.
MR. TRIAS: Discretionary, if the Commission determines that for aesthetic purposes, that a certain height is necessary. So that's the intent. Now, if we need to do it better, certainly we could follow whatever advice --
MS. ALBERRO MENENDEZ: But I'm just questioning why we're doing it at all if -- I mean, why we're doing it at all. Why are we proposing to change the MXD overlay? I mean, a lot of thought went into that. I mean, we're looking at one particular project. Does everything have to change for everybody?
CHAIRMAN AIZENSTAT: Can't we just change it, if we wanted to, for this specific project, or you can't?
MS. ALBERRO MENENDEZ: And look at them on a case-by-case basis, because I imagine some will have merit and some won't.
MR. TRIAS: Exactly, and this was the simplest way to do that, to be able to look at it as a discretionary, case-by-case, based upon the Commission.

MS. ALBERRO MENENDEZ: But they continue aiming higher and higher.
MR. TRIAS: True, true.
MS. ALBERRO MENENDEZ: Because, for example, this project, you're allowed 10 floors in the MDX (sic), but then you're allowed a certain height.
MR. TRIAS: Right.
MS. ALBERRO MENENDEZ: So they're maximizing the tenth floor and then they're pushing the height because they want nicer units, but why not go the other way and have nine floors and reach those heights and perhaps look at architectural elements that bring it a little bit higher, if that's their intent?
MR. TRIAS: Yeah, and the Code --
MS. ALBERRO MENENDEZ: We seem to be continuing to --
MR. TRIAS: And if I could point out, the Code doesn't regulate the number of stories right now.
MS. ALBERRO MENENDEZ: Yeah.
MR. TRIAS: And that's one of the weaknesses of the Code. In fact, if it did what you're saying, it would probably be a

better way of doing it, but it doesn't do it. Instead, it says a hundred feet.
MR. LEEN: If I may, what I would -- If you would like it to be more discretionary, you should add additional factors, because right now, the only factor that's really discretionary is the building's aesthetics, Factor 3, which is something that's more of a judgment call, so you --
MS. ALBERRO MENENDEZ: Where are you, Mr. Attorney?
MR. LEEN: I'm looking in Section 4-201.E.6, Height, Exhibit A, Zoning Code text amendment.
CHAIRMAN AIZENSTAT: On Tab 6?
MR. LEEN: Tab 6, the ordinance, Exhibit A. It doesn't have a page number but it's Attachment G. Do you see it?
MS. ALBERRO MENENDEZ: Yeah.
MR. LEEN: There it is. There it is.
So, if you look at the first part of that, that's Section 4-201.E.6, Height, and it has the current language in the Zoning Code, which is in a table, and then it's going to add this additional language below, and all of this is

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part of the mixed-use overlay district regulation. So this is relating to mixed-use districts, and it talks about if the underlying zoning designation is industrial, there can be an additional 20 feet of habitable building height. The Commission may approve that if the four conditions are present. So, by using the word "may," it's already discretionary, but if you really want it to be more discretionary, in the sense that you want to add additional factors, like how far away it is from single-family homes, or they should consider other issues in making that determination, this is where you would put it.

MS. ALBERRO MENENDEZ: But I'm just trying to figure out why we're looking at this, in addition to -- In other words, why are we including this as part of this application, is what I'm asking.

MR. LEEN: I think that you need to -- I mean, I'll defer, also, to Ramon, but my view is, you need to amend the Zoning Code -- You don't have to.

MS. ALBERRO MENENDEZ: To allow for this?

MR. LEEN: To allow for this, you would

need to amend the Zoning Code. Obviously, you don't have to recommend that, but if you want to approve this project, you need to amend the Zoning Code. There's no other mechanism to approve this height.

MR. GRABIEL: You cannot limit it to just this.

MR. LEEN: You're in danger of doing spot zoning.

CHAIRMAN AIZENSTAT: That would be spot zoning.

MS. ALBERRO MENENDEZ: I see. I got it now.

MR. BELLIN: Craig, let me ask a question.

MR. LEEN: I mean, you could consider a site-specific, but I would not recommend it in this type of situation. Usually those are reserved for nonconforming uses that we're legalizing through a site specific.

My recommendation -- Now, you could try to limit it by -- For example, when you said the north overlay district, because there is a north overlay district, I think you could include that, because that's a defined area, and as long as there's reasons that we would

limit it to the north overlay district, as opposed as to anywhere else, perhaps because there's more density there, you know.

MR. BELLIN: Craig, let me ask you a question. An MXD overlay is a conditional use?

MR. LEEN: Yes.

MR. BELLIN: It has to come to us?

MR. LEEN: Yes.

MR. BELLIN: Then it goes to the Commission?

MR. LEEN: Indeed.

MR. BELLIN: So the limiting factor really is, they don't have to approve it; they can approve it here and nowhere else. That's up to them. But I think if we add this provision, it ought to be available to any MXD project, and I think that's a fairer way to do it.

MR. LEEN: That's up to the Board. I'm just saying that if you wanted to limit it to -- I don't think you can limit it solely to this project. I do think you could put some limitations by either adding additional factors that would make it apply less frequently or you could maybe limit it to the north overlay district, which is an area in our Code, which

is on our map.

MR. BELLIN: Isn't it limited by the approval of the Commission?

MR. LEEN: Yes, it's already limited by the approval of the Commission, which means that it also has to come to the Planning and Zoning Board.

MR. BELLIN: Yes.

CHAIRMAN AIZENSTAT: Yes, Ramon?

MR. TRIAS: Mr. Chairman, I think that limiting it to the north overlay district could be perfectly incorporated into the Code.

As to Marshall's comment, Mr. Bellin's comment, there's a distinction between the overlay and the mixed-use projects by themselves. And if you do a mixed-use project Downtown, for example, you can go much higher if you have the right land use and so on. So it's a more complex discussion than just simply that 100 maximum height. So probably the best thing is to narrow it in the simplest way, which is the north overlay.

MS. ALBERRO MENENDEZ: But why did you choose 190, you know, and six inches? Why did that come up?

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MR. TRIAS: Because that's a magical number that appears in the Code many times.
MS. ALBERRO MENENDEZ: That's what I'm concerned about, that perhaps we haven't done the necessary, you know --
MR. TRIAS: The concern was that to leave it open-ended, with no maximum limit, could be less easy to implement. So that's completely arbitrary. You can choose whatever you want. What I would say is that from a design point of view, 25 feet doesn't work, and that is what's in the mixed-use right now, in terms of the additional -- That's just insufficient to make any kind of statement.
MS. ALBERRO MENENDEZ: 25 feet is what you're saying is the minimum?
MR. TRIAS: The current regulations do not lead to excellent architecture.
MS. ALBERRO MENENDEZ: I understand.
MR. TRIAS: So that's the reason that this --
MR. LEEN: If I could, just from a legal basis, another rational basis for that number, is there's at least some parts of the City where you can do habitable space up to that

number. So, you know, the thinking would be, that number has been approved somewhere. Now, it's not being approved for habitable space here, but the thinking is, the architectural element, there may be less objection to going to that, as opposed to going above it, which would then bring it above other heights that have been approved in the City.
MS. ALBERRO MENENDEZ: And is that the same case for the 120, Ramon, that it's just a good number?
MR. TRIAS: 120?
MS. ALBERRO MENENDEZ: Yes, where it's habitable space.
MR. TRIAS: Yes, pretty much. It's an arbitrary number. We could just not have one, but at some point it may be easier to enforce if we have one.
MS. ALBERRO MENENDEZ: Okay.
CHAIRMAN AIZENSTAT: Let me just ask the architect. The architectural feature you're putting there, why?
MR. GONZALEZ: I wanted to make a point to all these questions of height, and then I'd let Liz speak more specifically about that.

I mean, one of the important things about this style are the proportions and these vertical components, and as you can see, to get that same kind of proportion here, that's kind of what we need. The same goes for the windows. I mean, these are very small details, but if you look at the windows of the Biltmore, they're very tall and slender.
CHAIRMAN AIZENSTAT: No, I agree, for the windows. I'm just asking why that architectural feature on the end is -- Are you trying to match something or --
MS. PLATER-ZYBERK: No. I think we just felt that there was height needed at that particular point in between -- This is a U-shaped building and we're trying very hard to make it feel as if it's made of several different components. So each of the long bars has a small amount of articulation at each end, essentially, to provide shadow and make you feel that it's not just sort of the continuous modern bar.
Likewise, on the south side, it indents in, and we felt that there needed to be some portion that grew taller than the roofs of the

two bars. So it's really aesthetic.
CHAIRMAN AIZENSTAT: Thank you.
Is any part of that going to be used by the City for antennas or relays or anything?
MS. PLATER-ZYBERK: Oh, now, there's an idea. No, we hadn't considered that.
CHAIRMAN AIZENSTAT: Okay. I just want to make sure.
MS. PLATER-ZYBERK: We thought, you know, it should be well-lit at night, but --
CHAIRMAN AIZENSTAT: Okay.
MS. PLATER-ZYBERK: It could be useful.
MR. GRABIEL: I actually think both architects and the developer should be commended. I mean, this is a high-quality project. I think it's going to improve the area, bringing high-end residential to that zone. I think it's very good, very good.
The height doesn't bother me at all. If you look at a section and you project a line from the residential across from Bird Road, you won't see the tower.
CHAIRMAN AIZENSTAT: Right.
MR. GRABIEL: The low building at 45 feet and the other building at 115 actually blocks

that tower. So that tower there is going to be hard to be seen from anywhere, except for maybe Altara, as you're walking or driving by it. So that doesn't bother me at all.

I think what they have done to push the habitable building area 200 feet from the line of Bird Road is highly commendable. You know, they could build it at 100 feet, and they actually pushed it, which means that you actually will see less -- You won't be able to see that building at all, when you're on Bird Road, driving, or the residential across the street just can't see the building, because it will be blocked by the lower building. So the height doesn't bother me at all, you know.

CHAIRMAN AIZENSTAT: Right.

MS. ALBERRO MENENDEZ: Julio, can I ask you something? What about the -- forgetting about the project, what about the proposed height that the City is proposing for the MDX (sic), the 190/6, the 190 feet and six inches? Does that concern you at all, as far as architecturally?

MR. GRABIEL: No. No, I think -- on the contrary, I think one of the things that is

happening lately in the City of Coral Gables, and it has been going on now for a few decades, is that our buildings are not stopped at a flat roof, that we're creating a series of silhouettes, and that's what makes the skyline. We don't have high-rises going up and down. We have a fairly high -- a very limited height to all our buildings, so I think the idea of bringing in elements that break that plane is excellent, and with the 190, that's what will be happening, so I --

MS. ALBERRO MENENDEZ: How about the habitable space issue? Is that a --

MR. GRABIEL: No, that doesn't bother me at all, especially with the 200-foot setback. That's why I think -- for this particular project.

MS. ALBERRO MENENDEZ: But we're also approving the overall --

MR. GRABIEL: Well, what I'm understanding, from the attorney and the Staff, is that we can put this as an overlay on the north overlay district, and that means that that's just that.

CHAIRMAN AIZENSTAT: In other words, you're saying that we can put this just on the north.

MR. GRABIEL: Exactly.

CHAIRMAN AIZENSTAT: Okay. To move forward, does anybody want to make a motion?

MR. FLANAGAN: I'll move Item 5 on our agenda, as far as the Staff's recommendation. Sorry, the mike wasn't on. I move Item 5 of the agenda, in accordance with Staff's recommendation and conditions.

MR. GRABIEL: I second it.

CHAIRMAN AIZENSTAT: We have a motion and a second, with Staff's recommendation. Any discussion?

Having none, call the roll, please.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Julio Grabiel?

MR. GRABIEL: Yes.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: Yes.

MS. MENENDEZ: Alberto Perez?

MR. PEREZ: Yes.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Yes.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Yes.

On the second item, with the text amendments --

MR. FLANAGAN: I'll move Item 6, in accordance with Staff's recommendation and conditions, but with the amendment that it apply only to -- Is it the north MXD, Craig? Would that be the right language?

MR. LEEN: That's sufficient guidance.

MS. ALBERRO MENENDEZ: What is the boundaries of that north?

MR. LEEN: Do you have the geographical boundaries?

MR. GARCIA-SERRA: I believe in the Staff presentation, we can see that map.

MR. LEEN: Here, it's --

MR. GARCIA-SERRA: And I believe it's called the North Industrial Mixed-use District, I think, is the exact name. I know which one.

Okay, so it would essentially be the north red dotted line area.

MS. ALBERRO MENENDEZ: The north --

MR. GARCIA-SERRA: That's only the one side.

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CHAIRMAN AIZENSTAT: Which would include the U.S. 1 --
MR. GARCIA-SERRA: No, it doesn't.
CHAIRMAN AIZENSTAT: No?
MR. FLANAGAN: Let me -- That pointer seemed to be going all the way down to U.S. 1.
CHAIRMAN AIZENSTAT: Exactly.
MR. FLANAGAN: So, Mario, can you tell us the southern -- What are the boundaries of the north district, please?
MR. GARCIA-SERRA: You know, what happens is, it's mid-block. You see, this is Bird, this is LeJeune, and here's Ponce.
MR. FLANAGAN: Right.
MR. GARCIA-SERRA: And this frontage here is commercial, and this is what the underlying zoning -- it would be hard to tell you, because it's pretty much going down the center of this block and the center of this block, but indeed on the zoning map of the City, or excuse me, on the Future Land Use Map of the City, it's defined as the northern mixed-use district.
CHAIRMAN AIZENSTAT: Okay. So it would not include the U.S. 1 area and so forth? Okay.
Continue, Jeff, please.

MS. ALBERRO MENENDEZ: Yeah.
MR. LEEN: So the zoning -- the three zoning provisions that are being amended, they would all be just in the north overlay district, which is what was just described to you.
MR. FLANAGAN: Correct.
MR. LEEN: Okay.
MR. GRABIEL: Second.
CHAIRMAN AIZENSTAT: Anything further with your motion?
MR. FLANAGAN: I don't think so.
CHAIRMAN AIZENSTAT: With Staff's recommendation included?
MR. FLANAGAN: It was.
CHAIRMAN AIZENSTAT: Okay. We have a first and a second. Any discussion?
Call the roll, please.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
And with the final item, with the vacating of the public alleyway?
MS. ALBERRO MENENDEZ: I'd like to make a motion, but with a condition, that you try to locate an off-site, in the proximity, within the Gables, Coral Gables.
CHAIRMAN AIZENSTAT: Try to locate or --
MS. ALBERRO MENENDEZ: Well, that you locate a parcel that could be dedicated for a public park, and it be in Coral Gables, in other words, not in Miami, but in that vicinity of the area.
CHAIRMAN AIZENSTAT: I would rather -- just, if I may, instead of within Coral Gables, I would like to ask if it could be within the proximity to this neighborhood.
MS. ALBERRO MENENDEZ: That's even better. It's just I had in mind the City of Miami

being just --
CHAIRMAN AIZENSTAT: Well, within the City of Coral Gables.
MS. ALBERRO MENENDEZ: Right, because Ponce, I think the east side of Ponce is Miami, and I just didn't want it to be jumping over there.
CHAIRMAN AIZENSTAT: No, no, that's why I wanted it to say --
MS. ALBERRO MENENDEZ: So I wanted to keep it in the proximity of the project. I like it even better.
CHAIRMAN AIZENSTAT: Within the City of Coral Gables.
MS. ALBERRO MENENDEZ: Right.
CHAIRMAN AIZENSTAT: So it's something that the City will control.
MS. ALBERRO MENENDEZ: Right, and in proximity to the project.
CHAIRMAN AIZENSTAT: Correct.
MR. GARCIA-SERRA: If I could, could it also potentially be for improvement of existing open space? In other words, I think what you're looking at is finding a parcel, acquiring it and making it some sort of public

open space.
MS. ALBERRO MENENDEZ: Park space.
MR. GARCIA-SERRA: Which, of course, is a challenge, because who knows if we can find that space. If we do, does the seller know that we need it in order to get this done --
MS. ALBERRO MENENDEZ: Right.
MR. GARCIA-SERRA: -- and then it could be held hostage. There could be other public spaces around there, including some, perhaps, on the school district property, which we could improve.
MS. ALBERRO MENENDEZ: The purpose is really to provide an amenity to the public. So, I mean, I don't have the answer for you, outside of requesting that it be subject to, you know, a public amenity being provided to the public.
MR. GARCIA-SERRA: So perhaps a condition that requires us to improve -- to acquire and improve a public open space, so as to justify the benefit that's being provided for the alley vacation.
MS. ALBERRO MENENDEZ: It's just, I see the project with really very little public

amenities and we have to -- I mean, I would feel more comfortable vacating the alley and approving the vacation of the alley if, in fact, something is provided for the public.
MR. GARCIA-SERRA: Let's say we're in a situation that we could lease, for some period of time, a --
MS. ALBERRO MENENDEZ: No.
MR. GARCIA-SERRA: No?
MS. ALBERRO MENENDEZ: No.
MR. GARCIA-SERRA: You see, that's the issue, of what exactly can we do.
MS. ALBERRO MENENDEZ: Right.
MR. GARCIA-SERRA: I don't know, perhaps we can --
MS. ALBERRO MENENDEZ: The ideal thing would be a green space that would be used for the public, as a public park. I think the area needs it. There's a lot of concrete in that area. I know there's a small space in the area of the Village of Merrick Park, and Village of Merrick Park provides a lot more green area than a lot of developments that I've seen, but it would be great to have some green space tied to that development for the public use.

MR. LEEN: If I may, I remember you had mentioned about the paseo. Can it be there, or are you saying it needs to be somewhere off-site?
MS. ALBERRO MENENDEZ: The problem with the paseo is, my impression when I looked at the details of the drawings is that I really don't think it's encouraging public use, with high-end units. I mean, if you look at it, it doesn't say public area, I mean, not that it -- but it doesn't really invite the public to go through there. I guess if you have a car and you want to reach the other side, you can do it, but I don't see it being intended for the public.
MR. GARCIA-SERRA: Yeah. It was certainly designed not just as a driveway. You know, there's considerable height in that space, and there are, like Alejandro mentioned, benches and so forth. You know, there could be perhaps further enhancements done to that area.
Is there anything that comes to mind?
MS. ALBERRO MENENDEZ: Well, I don't know if any of my Board members have comments. That's my comment.

CHAIRMAN AIZENSTAT: Do you have a suggestion?
MR. GONZALEZ: No, but I would refer to, there's a page in the document that specifically details the paseo.
MS. ALBERRO MENENDEZ: Yeah, I saw it.
MR. GONZALEZ: And, you know, the scale of the paseo. The paseo is open. It's very tall. It's a 16-foot-high space with coffers in addition to that, completely open to the street, where you can see through, straight through the block. I think it is inviting. People are going to see the other side of the property. It's a way to get out of the rain, as well. It's shaded, which here is an amenity, I would say, from the heat. So --
CHAIRMAN AIZENSTAT: Any ideas?
MR. GARCIA-SERRA: Something just was mentioned to me, which I think is an idea that has some value. We'd have to see exactly what stage it is in the process, but as many of you know, under the Metrorail guideway, there is the M line, it's called -- it's sort of our response to the -- I forget what that's called in New York, but -- the high line, yeah.

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Improvements to that area under the Metrorail so as to make it a better pedestrian and cyclist sort of area, for mobility. Possibly we can look to see what they're doing and see if we can help them. That's in somewhat close proximity to the area.

MR. LEEN: You know, the City Commission has also been very focused on the local schools, and has mentioned Carver Elementary, which is nearby, and also Gables High School. So, you know, I think that from what I'm hearing from the Board member is that we would, the City -- or at least the Planning and Zoning Board, you know, may want you to do more than the paseo, though.

So are you open to that? Would you proffer that?

MR. GARCIA-SERRA: Right now, it's a condition that, as part of the alley vacation, requires us to look into and commit to some sort of improvement of either public open space or educational space or whatever other categories you can come up with. You know, I think that's acceptable, and I think between now and City Commission, we can further

solidify and figure out, you know, what it is that we can do.

CHAIRMAN AIZENSTAT: Are you okay with that, Maria?

MS. ALBERRO MENENDEZ: Yes.

MR. FLANAGAN: If we're throwing ideas out there real quick, get the School Board to reopen the track, because that used to be open and available to everybody to use.

MR. GARCIA-SERRA: I know, it's closed.

MR. FLANAGAN: They intermittently closed it off and then it was closed more and more as the years went on. They just redid it, they resurfaced it, but as far as I know, you can't get in there anymore, and that was a nice amenity --

MR. GARCIA-SERRA: Okay.

MR. FLANAGAN: -- for everybody to use.

MR. GARCIA-SERRA: Good example.

CHAIRMAN AIZENSTAT: So we have a motion.

MR. GRABIEL: Second.

CHAIRMAN AIZENSTAT: Julio, second. Are we clear on what the motion is? Jill?

MS. MENENDEZ: Yeah.

CHAIRMAN AIZENSTAT: Okay.

Any further comment? No?

Call -- Yes, Marshall?

MR. BELLIN: I have a comment. This building went to the Board of Architects and it was awarded Mediterranean bonus at 3.5. The paseo is a requirement of an MXD overlay. I don't really feel that that's an amenity if it's a requirement, and I agree with Maria, I think there needs to be a really hard look at some way -- I'm not even sure that --

I'll ask Ramon. Are all the requirements fulfilled with respect to the Mediterranean bonus?

MR. TRIAS: Yes. In fact, the applicant went a second time to the Board, specifically to deal with that, just in case, and I think that your point about the paseo, the paseo is one of the optional elements. Clearly, you to fulfill some of them, but they chose to do a paseo and to make it architectural.

MR. BELLIN: The paseo is required.

MR. TRIAS: Well, in the --

MR. BELLIN: If you're over 200 feet, you're required to have one.

MR. TRIAS: Right. In this case, you're

right. You're correct.

MR. BELLIN: So it just seems like it's an amenity, but --

MR. TRIAS: I think that Staff has enough direction to work with the applicant, to enhance some public space. Hopefully in the next couple of weeks or so, we'll come up with a plan.

MR. BELLIN: Okay.

MR. GARCIA-SERRA: Marshall, to make sure that your question is addressed, we know we need to do more. You know, it's clear that that's -- We know we need to do more as far as public benefit, and we have some ideas on what to do.

MR. BELLIN: Would you be willing to give up some of the retail space for public amenities? You're talking about a huge -- you know, you've got 56,000 square feet because of the alley vacation. Maybe you can find 5,000 feet or --

MR. GARCIA-SERRA: You know, that's something that could be part of the conversation, to see what the City needs and what we could potentially provide, as far as

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that's concerned, and I know where you're coming from on the paseo, also. Indeed, it's required. We would say, you know, it's a little bit bigger and a little bit better than your average required paseo, but it's clear that just that, on its own, is not going to cut it, as far as the public benefit that we're proffering.

MR. BELLIN: Okay.

CHAIRMAN AIZENSTAT: We have a motion and a second. Call the roll, please.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: Yes.

MS. MENENDEZ: Alberto Perez?

MR. PEREZ: Yes.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Julio Grabiel?

MR. GRABIEL: Yes.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Yes.

MR. GARCIA-SERRA: Thank you very much and have a good night.

CHAIRMAN AIZENSTAT: Thank you. That's it. The meeting is adjourned.

Walter, good luck.

The next meeting is scheduled for April 29th.

MS. MENENDEZ: 29th.

CHAIRMAN AIZENSTAT: Yes, April 29th.

(Thereupon, the hearing was adjourned at 8:40 p.m.)

CERTIFICATE

STATE OF FLORIDA:
SS.
COUNTY OF MIAMI-DADE:

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

I further certify that all public speakers were duly sworn by me.

DATED this 17th day of March, 2015.

SIGNED COPY ON FILE

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192.
My Notary Commission expires 6/14/15.

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