

1 MR. BAKER: You're saying, coming south on
 2 Jefferson?
 3 MR. SALMAN: Uh-huh. They'll come in and
 4 stop and block traffic for people trying to get
 5 out.
 6 MR. BAKER: Well, there will be -- right,
 7 there's the three spots. There's, as John
 8 mentioned, the control --
 9 MR. SALMAN: I would just add that that
 10 other lane needs to be kept clear during the
 11 drop-off.
 12 MR. BAKER: The southern lane?
 13 MR. SALMAN: Yeah. The southbound lane.
 14 MR. BAKER: Yeah. So to encourage parents
 15 to come off of Grand --
 16 MR. SALMAN: No, no, to force them. We
 17 don't want to encourage them. We want to force
 18 them come in and drop-off.
 19 CHAIRMAN AIZENSTAT: All right. We have a
 20 motion. We have a second, with the amendments.
 21 Any other discussion? No?
 22 Call the roll, please.
 23 THE SECRETARY: Julio Grabiell?
 24 MR. GRABIELL: Yes.
 25 THE SECRETARY: Sue Kawalerski?

73

1 MS. KAWALERSKI: Yes.
 2 THE SECRETARY: Felix Pardo?
 3 MR. PARDO: Yes.
 4 THE SECRETARY: Javier Salman?
 5 MR. SALMAN: I say, yes, to the one room
 6 school house.
 7 THE SECRETARY: Chip Withers?
 8 MR. WITHERS: Yes.
 9 THE SECRETARY: Robert Behar?
 10 MR. BEHAR: Yes.
 11 THE SECRETARY: Eibi Aizenstat?
 12 CHAIRMAN AIZENSTAT: Yes. Thank you. Good
 13 luck.
 14 MR. BEHAR: Good luck.
 15 MR. LINDSAY: Thank you very much. I
 16 appreciate it.
 17 CHAIRMAN AIZENSTAT: Mr. Coller, the next
 18 item on the agenda.
 19 MR. COLLER: Yes.
 20 Item E-2, an Ordinance of the City
 21 Commission providing for a text amendment to
 22 Article 2 "Zoning Districts," Section 2-405
 23 "Residential Infill Regulations Overlay
 24 District (RIR)" of the City of Coral Gables
 25 Official Zoning Code to provide a maximum

74

1 building length of three hundred feet for all
 2 properties seeking approval pursuant to the
 3 Residential Infill Regulations; providing for
 4 severability clause, repeater provision,
 5 codification, and providing for an effective
 6 date.
 7 Item E-2, public hearing.
 8 MS. GARCIA: For the record, Jennifer
 9 Garcia, City Planner, and I have a lengthy
 10 presentation for this. This is the item we
 11 discussed back in June. You asked for
 12 additional information from the Board of
 13 Architects. They appeared, I think, in July of
 14 this year. It was deferred again, by this
 15 Board, to get additional information. So
 16 that's why we're here today, to give the
 17 presentation, okay.
 18 So this is the layout of this presentation.
 19 So, first, I'll start off by talking about the
 20 purpose and the regulations of the RIR, a
 21 little bit of the history in the North Ponce
 22 area, existing conditions in the area, as well,
 23 and then some past community visions of how we
 24 got to this legislation, that's been in effect
 25 for, I think, since 2017. So what is that, six

75

1 years or so, some capital improvements that
 2 have been done in the neighborhood, as well as
 3 the recent policy changes, including the RIR,
 4 some approved projects that have been approved
 5 through the RIR regulations, and then some
 6 analyses and the proposed changes for
 7 discussion.
 8 So, the RIR, which is called the
 9 Residential Infill Regulations, was meant to
 10 provide additional housing opportunities in
 11 this area. So the North Ponce area is a very
 12 dense part of our City. It's just north of
 13 Downtown. And the intent of those was to
 14 provide greater density in that area.
 15 And the regulations are crafted in a way to
 16 have the buildings be more pedestrian oriented
 17 and have a garden like feel, which that area is
 18 very well-known for garden apartments. Also,
 19 Mediterranean architecture was a very important
 20 standard that's required in this RIR
 21 regulations, to -- and, again, also to increase
 22 the potential, right, for this area. So that
 23 was the density.
 24 So the minimum standards are that the lot
 25 size has to be 20,000 square feet -- sorry, the

76

1 building site needs to be 20,000 square feet.
 2 If you don't have 20,000 square feet, you can't
 3 take advantage of the RIR. The density doubles
 4 from 50 units an acre to 100 units an acre, if
 5 you take advantage of the RIR. The FAR is the
 6 same, at 2.0, 2.5 with architectural
 7 incentives. The maximum height is 100 feet
 8 and, as I said, Mediterranean architecture is
 9 required on all of these buildings.

10 So this is a graphic that kind of shows
 11 what those requirements are for the RIR. The
 12 setback is 10 feet all around the building
 13 site, which recognizes that 20,000 square feet
 14 is the minimum building site for any building
 15 site with the RIR. There's a step back at 45
 16 feet, and the maximum height is 100 feet.

17 So a little bit of the history, most of the
 18 North Ponce area is the Douglas Section, and
 19 that's comprised mostly of Ponce de Leon, and
 20 then a little bit of a segment of East Ponce
 21 that veers off. I should say, the north is on
 22 the right. So if you tilt your head over to
 23 the right, that's how the north is situated.

24 So this is a map -- a use map from the
 25 1930s, and as you can see, the yellow,

77

1 of many, many units, very, very dense units.
 2 So you can see here, there's some buildings
 3 that had a very squared feeling. The bottom
 4 one is a little more playful with the massing.
 5 Some of them were more designed as a house
 6 typology. This one's on Madeira, which is
 7 more, like I said, like a house typology. This
 8 is right now, I think, a bed and breakfast, I
 9 believe, on Venetian, and that's the existing
 10 condition.

11 Like I said, this area, North Ponce, is
 12 just north of Alhambra and south of Eighth
 13 Street, on the west side of Douglas, the City
 14 limits to the east -- sorry, to the west. And
 15 from this map, if you, I guess, look carefully,
 16 it's comprised mostly of very small building
 17 footprints, as it was developed in the past --
 18 you know, in the earlier part of the Century.

19 So this is the map that shows the year it
 20 was built. So a lot of the darker green are
 21 the older buildings, and the newer buildings
 22 are the orange and red. You can see that a lot
 23 of the buildings existing right now are pretty
 24 old, not historic, but pre-World War. So there
 25 remain buildings that are also historic, a few

79

1 byzantine apartment or hotel uses. This area
 2 was really meant for apartments. It's known as
 3 the apartment district, until recently, when it
 4 was kind of rebranded as the North Ponce.

5 So an important entrance into this area is
 6 the Douglas Entrance, which is off on the
 7 northeast part of the neighborhood. This was
 8 basically the main entrance. It was envisioned
 9 originally to have lots of apartments in it,
 10 and basically a very small village type feel.
 11 It was meant to be an entranceway into what
 12 they called the most important section of Coral
 13 Gables. So this is a rendering of the whole
 14 section, which was supposed to be one of many
 15 institutional or civic uses of the area.

16 So, many of you, probably the older, mature
 17 residents, may remember the Colosseum, which
 18 was located -- I think we're shaking our head
 19 yes. I unfortunately never got to know the
 20 Colosseum, but it was supposedly a very
 21 beautiful building, and that's located on the
 22 present site of the Publix on Douglas.

23 So most of the area was planned to have
 24 apartments, apartments of different scales and
 25 different typologies. A lot of them were full

78

1 that are sprinkled out. The top one is
 2 Douglas' original house, that was made in that
 3 section, of course. The bottom one is part of
 4 a mini historic district that's on Menores.

5 And the public realm is very simple,
 6 there's a five-foot sidewalk and a six-foot
 7 green strip, with shade trees, on, I think,
 8 most of all of the streets in that area, and
 9 then the asphalt. There's always parking on
 10 both sides of the street, with two lanes of
 11 traffic. So this image shows that public realm
 12 condition. And Phillips Park is the heart of
 13 the district. It's also the second busiest
 14 park in the City, as well.

15 So as you can imagine, this part of the
 16 City has been studied a lot, dating back to
 17 2002, for the Charrette. After that, I think,
 18 2005, there was a North Ponce Re-development.
 19 Then there was a landscape master plan, as well
 20 as, right now, there's a -- not right now, but
 21 most recently, 2015, the North Ponce Community
 22 Vision Workshop.

23 So the 2002 Charrette looked at the
 24 potential infill area. They looked at building
 25 types that could be rebuilt for those small

80

1 lots and how to build buildings that kind of
2 fit the character of the neighborhood. And
3 then the Master Streetscape Plan laid out
4 different street types for each of those
5 blocks.

6 Most recently, in the 2015 plan, there was
7 an extensive amount of community engagement,
8 and from that came a lot of diagrams and plans
9 and recommendations for adoption. So this is a
10 plan that shows, on the left side, the open
11 space that's in the area, and potential future
12 open space in the area, as well. Right there,
13 on the right, is a City parking lot, but you
14 can imagine, those smaller buildings have more
15 people living in them, that are not
16 accommodating the parking, they have to store
17 their cars somewhere, and so it's been sitting
18 in that area, as well.

19 So the recommendations that came from the
20 North Ponce Community Visioning, some of them
21 were short-term, other ones were long-term
22 plans, and from that came a lot of capital
23 improvements. So there's a canopy tree
24 planting plan that went forward, that replaced
25 all of the palm trees that were out in some of

81

1 the blocks with shade trees. There's a new
2 park that is part of the City right now, at 301
3 Majorca. There's a North Ponce Streetscape
4 Program that a lot of the newer projects are
5 taking advantage of the RIR, that are actually
6 contributing to this plan, to be able to
7 rebuild some of the streets to have proper
8 shades trees.

9 And Alhambra Circle also has a master plan
10 for replacement of some of the asphalt and
11 street trees, bike lane and additional
12 landscape in that area. There's another plan
13 for East Ponce, as well. And in Galiano,
14 there's another plan for undergrounding of
15 those utility lines on Galiano and replacing
16 them with proper shade trees.

17 So, recently, in 2015, the community
18 vision, there's been three major policy changes
19 that came from that, the North Ponce
20 Conservation District, the North Ponce
21 Mixed-Use District, and then the Residential
22 Infill Regulations, which we're talking about
23 today.

24 So the North Ponce Community -- sorry, the
25 North Ponce Neighborhood Conservation District

82

1 makes up most of those apartment buildings that
2 are just off of Ponce de Leon, and you can see
3 here that these are the buildings that are --
4 that are highlighted, are the ones that have
5 been built before 1964. 1964 is when parking
6 was started to be required. So those are the
7 buildings that are colored here, and they're
8 organized based on the year built.

9 So the North Ponce Conservation District
10 pre-1964 allows buildings to have additions in
11 the rear and in the side, some variances, as
12 far as open space and setback, and some
13 allowances to be able to preserve those
14 buildings. If you're designated historic, then
15 you're allowed to sell your TDRs to a receiving
16 site. You also have conditional use, such as a
17 bed and breakfast, museums, schools, your
18 parking can be waived. You have additional
19 benefits for being historically designated.

20 And, then, the RIR, like I said, has a
21 minimum building site of 20,000 square feet, a
22 maximum height of 100 feet, and the setbacks
23 and step backs. And the Mixed-Use District is
24 just along Ponce de Leon, meant to incentivize
25 mixed-use. So you can see here that the

83

1 Mixed-Use District is meant to transition down
2 to the MF2 zoned properties, to kind of create
3 a transition from the higher buildings on Ponce
4 de Leon down to the multi-family building.

5 Now, there's been a few approved, and, I
6 guess, built projects, as a result of the RIR.
7 The first one was 44 Zamora at the location of
8 Galiano and Zamora. There was 23 Sidonia,
9 which is probably the smallest one, and had a
10 frontage of 171 feet, and it is comprised of
11 four platted lots. Then, 211 Santillane, which
12 is currently a vacant lot on the 200 Block of
13 Santillane, that had a building frontage of 217
14 feet. The most recent one was on Madeira, the
15 300 Block of Madeira, which had a building
16 frontage of 477 feet.

17 So, looking at the area, the map on the
18 left is the Future Land Use, which is
19 consistent with the Zoning Map. As you can
20 see, most of the brown is the MF2 multi-family,
21 which is taking advantage of the RIR. The red
22 is the Commercial, which we're not going to
23 talk about today.

24 So, density, I want to bring up this slide,
25 because the historic buildings are actually

84

1 more dense than what the RIR is allowing. The
2 building on the left is actually 126 Mendoza,
3 that was recently designated a historic
4 building, that currently has 120 units an acre.
5 As you know, you count density as units per
6 acre. And the building on the right, which is
7 44 Zamora, has a maximum density of 100 units
8 an acre. So you can see, it's much larger and
9 it has less density, because density doesn't
10 really impact your built environment. It's
11 really just the height and FAR that does that.

12 This is an analysis about -- that shows
13 that the common ownership and the common
14 ownerships of the properties that are actually
15 large enough to be impacted by the proposed
16 legislation. So the orange, the bright orange,
17 are four properties. The first one is the one
18 on the 300 Block of Madeira. Another one is 44
19 Zamora, which are two approved projects right
20 now. There's two additional ones that are on
21 Sidonia and Salamanca. So their building site
22 is 335 feet. The other one is 440 feet. So,
23 if you would imagine, if you built a building
24 there that's only 300 feet, those two would be
25 impacted. The ones that have approved projects

85

1 that's built, that is wider than 300 feet, it's
2 310 feet, and it is a two-story townhouse
3 development, that was built in the Mid Century,
4 that's located on the Zero Block of Madeira.
5 And so here's a massing of what it could like,
6 if it was limited to 300 feet, within the
7 existing character of the neighborhood. So you
8 can see, 300 feet maximum building length
9 looking south and what that would look like,
10 with the existing character, and looking down
11 and seeing the six platted lots, that would be
12 the maximum that you'd most likely be
13 developing, and then a view of that.

14 So the 300 feet came from -- Miami 21 has a
15 lot of 300 feet maximum rules that they have in
16 their Code. Additionally, based on feedback we
17 got from June, we did look into the Zoning
18 Code, and in 1965, there was a 20-foot building
19 separation for any apartment building or any
20 apartment building site that had multiple
21 buildings on it. So we're comfortable with
22 amending what we had proposed originally, with
23 the 300 foot maximum, and, then, if there are
24 multiple buildings on that lot, that they be
25 separated by 20 feet.

87

1 would not be impacted by the legislation.

2 So, looking at the layout of the district,
3 the average lot -- I'm sorry, the average block
4 length is about 455 feet, to a maximum of about
5 630 feet. So they can be quite long. The
6 depth of these blocks are 220 feet. So,
7 zooming in, each platted lot is about 50 feet
8 and 110 feet deep. And you can see that most
9 of the existing character of the neighborhood,
10 as build out on these 50-foot wide lots, some
11 of them do take up two and a maximum of three
12 platted lots, for these small scale
13 developments. So the minimum requirement is
14 20,000 square feet, which takes approximately
15 four platted lots. And if you build on top of
16 that, that would be about 180 feet. So right
17 now there's no maximum, as far as RIR. So
18 that's what we're trying to -- oh, thank you --
19 that's what we're trying to accomplish today.

20 So the proposed is a maximum of 350 feet,
21 which would be six platted lots. Remember, the
22 four is the minimum required. So it would be
23 six platted lots, and that's how it'd look like
24 on the existing neighborhood fabric. Right
25 now, there is only one building within the area

86

1 So that's it.

2 CHAIRMAN AIZENSTAT: Thank you.

3 Since the City is the applicant, do we have
4 any speakers on this?

5 THE SECRETARY: No, we don't.

6 CHAIRMAN AIZENSTAT: On any of the
7 platforms?

8 THE SECRETARY: No.

9 CHAIRMAN AIZENSTAT: Okay. At this point,
10 I'll go ahead and close it for public comment.

11 I actually would like to get some input
12 first from the architects on this. Felix.

13 MR. PARDO: Yeah. I sat on the original
14 North Gables Apartment District Committee, and
15 the reason was, because we -- at that time,
16 many, many years ago, we were concerned that we
17 were going to lose many of these quaint
18 buildings, which, of course, we have, and it
19 was accelerated in 2015, when, in my opinion,
20 the Charade was -- or, I'm sorry, the
21 Charrette, was misguided, completely misguided.

22 I've own historic buildings, and I've got
23 to tell you, the scale is very different. One
24 of the concerns I have is that when you look --
25 and, you know, any -- I'll take anything, at

88

1 this point. This is what's before us right
2 now. You know, you chuckle, and you know that,
3 you know, at the end of the day, that entire
4 North Gables area is going to lose three
5 things. Number One, that's where our
6 affordable housing is today. When a new
7 project gets built, it's not affordable
8 anymore. By the time you put in the interest
9 rates, the construction costs of this year, the
10 land cost, all of these things put together,
11 it's just a matter of putting as much as you
12 can -- two pounds into a one pound bag.

13 The second thing is, the fabric changes,
14 because now -- and you saw, by Staff's
15 graphics, you saw what happened when you had
16 these little multiple buildings on the block --
17 on a city block, and then you had all of these
18 setbacks, which provided all of the green space
19 that we lose, once we allow the developer to
20 consolidate, and then just compact it, and make
21 it as big as they're allowed to make it. It's
22 not about the density. It's the quality of
23 what's there. That's the second thing that
24 we've lost permanently.

25 And the third thing, which is, I think,

89

1 really, really important, is that once all of
2 this gets built out the way it's directed,
3 which was, in my opinion, poorly done, in 2015,
4 at best, is that these people now, they're in
5 there like sardines. They don't even have a
6 place to walk their dog. They have a sidewalk.
7 It's a little green space. There's no larger
8 spaces. There's no spaces for trees in between
9 smaller buildings. So those are the three
10 components that are terrible.

11 So when you say, well, we're going to
12 limit -- because of a half a dozen of those
13 properties, we're going to limit only up to 300
14 feet, it's a travesty, because if you take that
15 300 feet and you turn it vertically, it's a
16 30-story building. And that's what's happened
17 throughout or what will be happening throughout
18 that area.

19 So if you look at this carefully, the 300
20 foot limitation that Staff is coming up with
21 now, based on what one of the Commissioners
22 requested, it's not really a step in the right
23 direction. It's really a placebo. So I weep
24 for that area. It has been changed. It will
25 be permanently changed in the future, and we,

90

1 as citizens of Coral Gables, will have lost
2 this area forever.

3 That being said, what George Merrick
4 intended on that original map was, there was a
5 north/south corridor, which was on Ponce, and
6 the north/south corridor was based on a street
7 that was -- a right-of-way that was over a
8 hundred feet in width. I don't have a problem
9 with tall buildings and large buildings and
10 mixed-uses there, but when you walk through
11 these areas, these streets, and you see these
12 tree canopies, that's toast.

13 CHAIRMAN AIZENSTAT: Thank you.

14 Javier.

15 MR. SALMAN: Felix had a lot to say that I
16 agree with. I just want to add, without being
17 repetitive, that part of that canopy that we
18 have has to do with the front areas in front of
19 the buildings. Yeah, they're actually a higher
20 density as per unit, because there's a lot of
21 small units, that was supposed to make them
22 affordable, but they also have a variety of
23 setbacks. Some of them have 10, some have 25,
24 some vary, where they're closer to the street.

25 I mean, I'm working on one now, a smaller

91

1 lot, but it's actually a U-shaped building and
2 it has a big courtyard, and it has trees in the
3 courtyard. So if you take the average depth
4 from the street, until you hit the building,
5 the depth of it is like 25 feet, and there's a
6 language to this area, that is composed of the
7 boundaries that were originally created with
8 the property line, but also the sidewalks and
9 the green areas, and even the curbs, that -- it
10 is a different language than you have in the
11 suburban, where you have wider green areas and
12 greater forced setbacks. Here, the setbacks
13 are a little more fluid, in that they were done
14 not necessarily to the maximum use, to bring it
15 to the minimum setback allowed.

16 So I think that the 300 foot is something,
17 and you're forcing anything more than 300 feet
18 to be broken up into two buildings, with a
19 20-foot space in between, that's what you're
20 telling us, right, if I understand that
21 correctly?

22 MS. GARCIA: Yes.

23 MR. SALMAN: I would like to see maybe we
24 also add an increase in the average depth away
25 from the street that needs to be landscaped,

92

1 because that's really the character of that
2 area and that's what gives it its scale,
3 because it's not just the canopy that's along
4 the street. It's the canopy that's contributed
5 by property on the either side, in many
6 respects. And we've lost that. Wherever we
7 get a big building put up, it goes right to the
8 minimum setbacks and then you get a little
9 strip of green, with nothing on it, okay, and,
10 then, you have that green space between the
11 sidewalk and the edge of the street, which can
12 only have so many trees, but they look so
13 lonely out there.

14 And the whole concept of the outdoor room
15 is lost on one side, where one side totally
16 dominates the area, and in some cases, if
17 they're on the south side, they shade the
18 street, to the point where it's fundamentally
19 changed, and I don't see that 300 foot limit is
20 something that is going to contribute to doing
21 that, without having some sort of a varied
22 setback component, where you come up with an
23 average setback that they have to meet, that
24 how they meet it is up to them.

25 I don't want to be prescriptive. The

93

1 problem with Miami 21 is, it's too much damn
2 prescriptive, and that if we say that they have
3 to do a 25-foot setback on average, between ten
4 and whatever they want to do, and that forces
5 them, without having said, you have to have a
6 courtyard, it has to be a minimum of this,
7 they'll figure it out. I think we need to look
8 at something like that. I mean, I'll take you
9 what I get. I don't have a problem with that.
10 But it's a start, but I think that that's
11 really where we should go, at least in my
12 opinion, as to how I understand Coral Gables.

13 And I understand that area very well,
14 because I had my office on Ponce, at 901, for
15 25 years, and I walked that whole area, and I
16 know -- well, I have a lot of friends who live
17 there, a lot of employees who live there. So,
18 yeah, it's a really nice area.

19 In fact, just a little bit of history, the
20 Douglas Entrance, the reason that it is still
21 there, is because a couple of the principals of
22 the architecture firm, lived there in the
23 apartment buildings, and then they decided to
24 buy it and make it their office, and they were
25 there for, what, 50 years, 60 years?

94

1 MR. GRABIEL: Well, actually --

2 MR. SALMAN: Or are they still there? I
3 don't know.

4 MR. GRABIEL: Actually, it's even more
5 interesting. So Douglas Entrance was going to
6 be torn down.

7 MR. SALMAN: You're kidding?

8 MR. GRABIEL: No. A food fair --

9 MR. SALMAN: For a food fair? You're
10 kidding?

11 MR. GRABIEL: No. And, then --

12 MR. SALMAN: I'm going to go in front of
13 that bulldozer --

14 MR. GRABIEL: Then Andy Fern (phonetic) and
15 Ed --

16 (Simultaneous speaking.)

17 MR. SALMAN: I know. Those are the ones I
18 mentioned, but nobody would know who they are,
19 so that's why I didn't say it.

20 MR. GRABIEL: They sold their homes in
21 Gables Estates to buy Douglas Entrance and move
22 the office over there. So it is there, because
23 of those two individuals. The City was not
24 considering it an important building enough to
25 preserve it.

95

1 MR. SALMAN: So, anyway, there you go.
2 That is a crying shame.

3 CHAIRMAN AIZENSTAT: Thank you.

4 Julio.

5 MR. GRABIEL: A question, right now,
6 without the 300 feet length control, what could
7 be built in that zone?

8 MS. GARCIA: They can take it to the entire
9 block. This is a no maximum scenario.

10 MR. GRABIEL: Right now?

11 MS. GARCIA: Uh-huh.

12 MR. GRABIEL: As it is right now?

13 MS. GARCIA: Right. Yes.

14 MR. GRABIEL: So what we're doing right now
15 is limiting the maximum development on the
16 block?

17 MS. GARCIA: Right. Uh-huh. Correct.

18 MR. GRABIEL: And I think the pressure is
19 -- I understand and I cry for the loss of
20 affordable units, but I think the value of the
21 land and the real estate is such, in that area,
22 that it's going to happen, nothing we could do,
23 unless it's a historic building, that the City
24 can preserve and force the developer to keep,
25 like we've seen. The movement -- the pressure

96

1 of real estate is going to happen.
 2 Now, the question then becomes, in my mind,
 3 how can we still preserve some of the value and
 4 quality of the area, once -- as that happens,
 5 and I think moving to a 300-foot maximum is in
 6 the right direction. I don't know if it's
 7 enough, but it's in the right direction.
 8 How about the setbacks from the street, has
 9 that changed?
 10 MS. GARCIA: No, those are proposed to stay
 11 the same, at 10 feet.
 12 MR. GRABIEL: So whatever setbacks we have
 13 right now in those existing buildings, on that
 14 zone, are going to remain as it is?
 15 MS. GARCIA: Ten feet, correct.
 16 MR. GRABIEL: So there's no problem with
 17 buildings being built all of the way to the
 18 sidewalk?
 19 MS. GARCIA: No. No. No. Not in this
 20 area, not for the RIR. No, they're required to
 21 have ten-foot landscaped front yard, no fences,
 22 no walls. It's supposed -- it's meant to be
 23 kind of garden like, to really be, more or
 24 less, in keeping with the existing fabric and
 25 the character of the area.

97

1 Let's just table this motion.
 2 MR. SALMAN: Yeah, but if we table it, then
 3 anybody can come in and build the whole 600
 4 feet and we can't even stop them. We've got to
 5 take what we've got.
 6 MR. PARDO: Exactly.
 7 MR. SALMAN: Which was Felix's point.
 8 MS. KAWALERSKI: Okay. Then --
 9 MR. SALMAN: Then I was adding, let's do --
 10 let's add --
 11 MR. COLLER: I don't think you're -- either
 12 your mike is not on --
 13 MR. SALMAN: No, I was way back there,
 14 sorry.
 15 MR. COLLER: That's okay.
 16 MR. SALMAN: And then my idea was that we
 17 also add some sort of a minimum average
 18 setback, that will be allowed or required.
 19 MS. KAWALERSKI: I mean, well, who came up
 20 with 300? I know it's from Miami 21. We're
 21 all great fans of that, aren't we, Miami 21?
 22 You said --
 23 MR. SALMAN: I hate it --
 24 MS. KAWALERSKI: Right. Can this Board
 25 make a suggestion that it's a hundred feet?

99

1 MR. GRABIEL: Okay. Thank you.
 2 CHAIRMAN AIZENSTAT: Sue, it seems that you
 3 wanted to speak.
 4 MS. KAWALERSKI: I'm not an architect. Any
 5 other architects here that want to speak first?
 6 MR. GRABIEL: You know enough now that you
 7 can speak as an architect.
 8 MS. KAWALERSKI: Well, I have to echo what
 9 you said and what Felix said. I mean, this is
 10 sad. Who allowed this to happen? I know we're
 11 not supposed to be talking about history here,
 12 but who allowed this to happen? I mean, this
 13 is awful, just awful, and it's sad. And what
 14 can we do? What can we do? What can we do
 15 about this?
 16 I mean, I'm asking you a question. You've
 17 been on this Board a lot longer than I have.
 18 What can we do, because this 300 --
 19 CHAIRMAN AIZENSTAT: Let's direct our
 20 comments specifically to the agenda item.
 21 MS. KAWALERSKI: Okay. Well, my thought
 22 about this agenda item is that we table it,
 23 until there's wise heads that prevail and
 24 figure out what to do to stop the destruction
 25 of this neighborhood. That's my thought.

98

1 Who came up with 300, other than Miami 21?
 2 MS. GARCIA: Well, the minimum lot size has
 3 to be 20,000 square feet.
 4 MS. KAWALERSKI: Okay.
 5 MS. GARCIA: At that, you're pushing
 6 probably close to 200 feet for the building
 7 length. The minimum requirement right now is
 8 probably about 200 feet anyway.
 9 MS. KAWALERSKI: 200 feet?
 10 MS. GARCIA: Yes.
 11 MS. KAWALERSKI: Okay. I'd go 200, rather
 12 than 300.
 13 CHAIRMAN AIZENSTAT: Are you done? Any
 14 further comments?
 15 MS. KAWALERSKI: Yeah. I'd like to make a
 16 motion. I want to --
 17 MR. BEHAR: Wait.
 18 CHAIRMAN AIZENSTAT: Excuse me. We have
 19 other Board Members that have not gotten a
 20 chance to speak and I'd like to give everybody
 21 an opportunity to speak.
 22 MS. KAWALERSKI: Okay.
 23 CHAIRMAN AIZENSTAT: And I know, you know,
 24 there are people that are very passionate, it's
 25 a good point to make, how you feel during

100

1 discussion and bring everything out, but it's
2 important that we hear everybody.

3 Chip.

4 MR. WITHERS: Yeah. So, I think, when we
5 first looked at the mixed-use ordinance in this
6 area, the idea was to use the mixed-use
7 ordinance to keep the village concept in play,
8 and that village concept was to maybe allow
9 parking in the front, as opposed to behind or
10 underneath, but in return, you know, they would
11 be allowed a little more density, to put a
12 little more in there, to cover their cost, but
13 I don't think the intent of the original
14 mixed-use ordinance was ever to build large 300
15 foot long buildings in this area. I don't
16 know. But I don't know what happened in '15 or
17 '16 or '17, Sue, but it's a shame the direction
18 it's headed.

19 So I guess my question is, do these
20 buildings now, are they entitled to bonuses, as
21 well, any kind of FAR bonuses?

22 MS. GARCIA: Yes. They're required to do
23 the Med Bonus. That's one of the requirements,
24 to be a Mediterranean building. So with that
25 comes the .5 FAR, as well as the height.

101

1 MR. COLLER: So when you trim around the
2 edges, you just have to be mindful of that.

3 MR. WITHERS: And that's exactly the
4 direction I'm going, it's that we can't take
5 away development rights from people without
6 putting the City in a very, very difficult
7 situation, but can we do work-arounds, through
8 bonuses, through setbacks, through FAR, through
9 other means, to help restrict growth in that
10 area. And I'm not talking about shutting it
11 down. I'm just talking about putting a theme
12 back into the City that I think everybody would
13 like to see there.

14 MR. BEHAR: You could do something like
15 that moving forward, so that people cannot
16 assemble a lot -- you know, in excess.

17 MR. WITHERS: I got it.

18 MR. BEHAR: The problem is that -- and I
19 want to see the properties that are currently
20 there, that exceed the sizes, those you cannot
21 do this, because then you're going to take away
22 property rights for them.

23 MR. WITHERS: I thought there were only
24 four, though. Weren't there only four that
25 were 300, and two of them have already been

103

1 MR. WITHERS: So if you took that
2 requirement away and made them build to the
3 Code right now, what would that be?

4 MS. GARCIA: Well, remember, the RIR is a
5 conditional use. So it's not --

6 MR. WITHERS: I understand. I mean, would
7 it be 50 feet, 60 feet? I mean, if we're
8 looking for ways to limit development up there,
9 would that be a way to limit the development?

10 MS. GARCIA: Well, the underlying zoning
11 allows you to go 70 feet if you're MF2 or 97
12 with Med Bonus.

13 MR. WITHERS: So if we did decide on a 200
14 foot length, we could go with a 70 foot height?
15 Would we be taking anybody's property rights
16 away by doing something like that?

17 MR. COLLER: Well, I think you're going to
18 have to proceed with caution, because you have
19 to remember --

20 MR. WITHERS: I know. That's why I'm
21 having this discussion.

22 MR. COLLER: Well, I don't like to exactly
23 detail everything, but you have to consider
24 what people currently are able to do.

25 MR. WITHERS: Exactly.

102

1 developed?

2 MR. SALMAN: So far.

3 MR. WITHERS: Yeah, so far, but, I mean, as
4 of right now.

5 MR. BEHAR: But we don't know what
6 ownership have more than the six lots
7 assembled, that you could do a bigger building.
8 I'm in favor of, moving forward, you cannot
9 assemble to do "X," but if you have a property
10 today that is in excess of six lots, you're
11 taking the development rights away from them.
12 Correct me if I'm wrong, Mr. City --

13 MR. COLLER: There are some concerns.

14 MR. BEHAR: Okay.

15 MR. WITHERS: That's a pretty broad answer.

16 MR. BEHAR: Yeah.

17 MR. WITHERS: I mean, where does the
18 Planned Area Development overlays come into
19 play up here? Does it come into play that
20 often?

21 MS. GARCIA: So you can have a PAD, if
22 you're one acre.

23 MR. WITHERS: Okay.

24 MR. PARDO: 43,000 --

25 MR. WITHERS: So twice the size of the

104

1 minimum building site we have right now.
 2 MS. GARCIA: Correct.
 3 MR. SALMAN: Correct.
 4 MR. BEHAR: And Mr. Chair, today, the only
 5 difference from what you're proposing is
 6 that -- the limitation of a 300-foot maximum
 7 length, but everything else is still there.
 8 MR. PARDO: Yeah.
 9 MR. BEHAR: So it's not like -- you know,
 10 my concern, and Mr. City Attorney will
 11 emphasize, we've got to be careful how we do
 12 this.
 13 MR. WITHERS: Absolutely.
 14 MR. BEHAR: Okay. You know, I could see --
 15 and I'm going to let you finish before I --
 16 MR. WITHERS: No. No. No. I mean,
 17 really, the only area I think we have
 18 flexibility in is the bonuses, is what we allow
 19 people, because, I mean, it's really in our
 20 discretion whether we want to --
 21 CHAIRMAN AIZENSTAT: Jennifer, let me ask
 22 you a question. You're proposing 20 feet
 23 between the buildings, when you go ahead and do
 24 that.
 25 MS. GARCIA: That's based on feedback from

105

1 the June meeting.
 2 CHAIRMAN AIZENSTAT: No, no, I understand
 3 that. There are -- to me, and I'm not an
 4 architect, but when you travel Europe, there's
 5 been long buildings, that if they're designed
 6 correctly, you have residential in front, and
 7 they're setback or you have stairs, steps. It
 8 just works, and it gives that hometown feeling,
 9 as opposed to a straight wall.
 10 Wouldn't the City be better off with some
 11 kind of an exchange for a park, a bigger area,
 12 as opposed to just a 20-foot green space in
 13 between buildings? I don't know how, but an
 14 incentive. You showed previously that you
 15 designated some areas as green space.
 16 MS. GARCIA: Yes. Right.
 17 CHAIRMAN AIZENSTAT: What about if an owner
 18 goes ahead and gives, on the ground floor, a
 19 park, an area that is a usable park for the
 20 City? Isn't there a bigger benefit than just a
 21 20-foot space between the buildings?
 22 MR. BEHAR: As an architect, I will tell
 23 you, yes, because 20 feet is --
 24 CHAIRMAN AIZENSTAT: What are you going to
 25 do?

106

1 MR. SALMAN: Not a lot.
 2 MR. BEHAR: Not a lot. I'd rather take a
 3 good chunk of the ground floor. I don't know,
 4 a lot is 50 by a hundred, a lot, and make that
 5 a green space, that is accessible to the
 6 public, more so than a 20-foot strip.
 7 CHAIRMAN AIZENSTAT: That's what I'm
 8 looking at.
 9 MR. BEHAR: And we also have to be very
 10 careful here, that we have not contemplated --
 11 I don't know if the City is looking into it --
 12 the SP-102 (sic), which I mentioned it a few
 13 meetings ago. That's a State resolution,
 14 right, statute, that passed that they could do
 15 -- a building could be done within the height
 16 or the density of a mile from that location of
 17 the City, right, and you don't even have to
 18 come here. You don't have to come to the City.
 19 And that's something that we, Doral and
 20 Hollywood -- the City of Doral and Hollywood
 21 has already tried to appeal it, and there's no
 22 turning back, and what I'm concerned is, if we
 23 start limiting too, too much, that's going to
 24 happen. My concern here -- the fundamental
 25 concern is, taking away people's development

107

1 rights, that you have it today.
 2 I could be in favor, moving forward, that
 3 people cannot assemble the land, but if you
 4 already own those land today, I'm really
 5 concerned that that's really taking --
 6 MR. SALMAN: Well, this is a real
 7 disincentive to really put together more than
 8 the six lots, because you're going to be
 9 penalized a lot, whether you like it or not.
 10 CHAIRMAN AIZENSTAT: Going forward.
 11 MR. BEHAR: Going forward.
 12 MR. SALMAN: That's what I'm saying.
 13 MR. BEHAR: But to implement this on those
 14 owners that have more than 300 or six lots,
 15 you're taking away their development rights,
 16 whether we like it or not.
 17 MR. WITHERS: But if you take away their
 18 bonuses, if we say we suspend all bonuses in
 19 that area --
 20 MR. BEHAR: But you can't do that, because
 21 if you own the land and you bought the land ten
 22 years ago or whenever this passed, and you
 23 bought your property, and you had the property
 24 before this is being --
 25 MR. WITHERS: I don't know. I think

108

1 bonuses are pretty much at the discretion of
2 the City.

3 MR. BEHAR: But the bonuses are to the
4 Board of Architects.

5 MR. WITHERS: No. I don't know. I mean,
6 I'm getting into territory that I'd have to --
7 that our legal eagle down there, but, I mean,
8 what did we do on Biltmore Way? I wasn't on
9 the Board, but what was done on one side of
10 Biltmore Way and the other side of Biltmore
11 Way, as far as the bonus overlay?

12 MR. PARDO: It's different on the south
13 side than the north side.

14 CHAIRMAN AIZENSTAT: Give me a second.
15 Felix --

16 MR. PARDO: Sorry. It's different on the
17 south side than the north side, and the reason
18 is unjustifiable, in my opinion, but the thing
19 is that, on the south side, there's a very big
20 difference in height, and on the north side,
21 all of a sudden, it became a high-rise,
22 whatever, and it was, again, not poorly -- it
23 was poorly thought out.

24 The biggest problem that you have here
25 tonight, that we all have, that the City has,

109

1 this is not just systemic to the North Gables
2 area. Right now, there is nothing that
3 prevents developers from accumulating entire
4 blocks abutting duplex areas, single-family
5 residential areas. If you have just the right
6 zone, you can now, basically, wipe out an
7 entire block, which means the entire fabric
8 that historically was there.

9 So, one thing is, Robert is a hundred
10 percent right about property rights. I'm not
11 concerned about the State law. Eventually,
12 State Legislature is going to be changed, and
13 that law will be removed, and I think what's
14 going to happen, at the end of the day, is that
15 you have to look at what the fabric is.

16 So when you have a tool, a design tool,
17 like bonuses, and you have certain Boards that
18 will allow certain bonuses, they can put into
19 play many things, and it's not just the
20 aesthetic thing, when it comes to the
21 architecture, which includes, you know, four
22 letter words like compatible.

23 And what I'm saying is, right now, I would
24 move this forward on the 300 feet, but I would
25 definitely direct Staff to tell the Commission

110

1 that we are extremely concerned with other
2 components that must be addressed, not just
3 this particular thing that we have before us
4 today.

5 CHAIRMAN AIZENSTAT: Well, right now we're
6 just looking at what we have.

7 MR. PARDO: Correct. Correct.

8 CHAIRMAN AIZENSTAT: If you have -- if any
9 of us has a concern, then we should speak to
10 the Commissioner or that representative who
11 appointed that person or voice your opinion,
12 but what I'd like to do, at this point, is look
13 at what we have before us.

14 MS. KAWALERSKI: Jennifer, how many
15 projects are in the pipeline right now for this
16 area?

17 MS. GARCIA: Currently in the pipeline?

18 MS. KAWALERSKI: Yeah.

19 MS. GARCIA: I don't know of any.

20 MS. KAWALERSKI: Okay.

21 MR. BEHAR: Mr. Chair, and something else,
22 as bad as Miami 21 is, and I deal with Miami 21
23 probably a little bit more than most of the
24 architects here, it gives you a timeline, that
25 if the property was assembled prior to 2010,

111

1 you're not affected, anything after that. And
2 I think that may be a solution here. If the
3 property -- the assemblage was prior to a
4 date --

5 MR. WITHERS: 2023?

6 MR. BEHAR: Well, you know, look, that --
7 that answer, I don't know, but --

8 MR. WITHERS: I'm just kidding.

9 MR. BEHAR: But I think that, moving
10 forward, you cannot assemble, you know, more
11 than -- oh, you could assemble more. You could
12 assemble the whole block, but you're going to
13 have a limitation on how big the building will
14 be, whether it's 300, 200 -- you know, 200, I
15 don't think is -- but that would be moving
16 forward. It should not affect properties that
17 were already, you know, assembled, since 1975.
18 You know, I -- that's my concern, because,
19 essentially, you're telling a property owner
20 that says, yeah, you're allowed to do all of
21 this, but moving forward, I take that away from
22 you.

23 CHAIRMAN AIZENSTAT: You can't do it.

24 MR. BEHAR: I don't think that's -- I think
25 that would put the City in a predicament that

112

1 it's going to be very difficult to overcome.
 2 And, Felix, I respectfully disagree that SP-103
 3 (sic) -- that's here to stay, and, you know,
 4 hopefully it does not happen -- hopefully we
 5 don't get a developer that does anything like
 6 that in Coral Gables, because, here, we have --
 7 an example, within the mile distance from any
 8 property, a project that is 223 feet high.
 9 That's a 21-story building.

10 MR. PARDO: Different jurisdiction.

11 MR. BEHAR: No, sir. The Plaza is 223 feet
 12 high, forget about -- within our jurisdiction.

13 MS. GARCIA: But not to the habitable
 14 space.

15 MR. BEHAR: Huh?

16 MS. GARCIA: Not to the habitable space The
 17 habitable space is to 190.

18 MR. BEHAR: Is it 190?

19 MS. GARCIA: Yes.

20 MR. PARDO: No, that's why I thought you
 21 were talking about the one on the highway.

22 MR. BEHAR: No. No. No. No, that's City
 23 of Miami.

24 MR. PARDO: That's why I said, different
 25 jurisdiction.

113

1 MR. BEHAR: The Plaza is 190 plus. So we
 2 could do -- somebody could do, on here, with
 3 the density allowed, because you cannot exceed
 4 the density and the FAR, but you could do a
 5 project that is -- on a 20,000 square foot lot,
 6 an 18-story building.

7 MR. PARDO: Or as the infrastructure
 8 allows.

9 MS. KAWALERSKI: So regarding this item,
 10 what's the issue about recommending 200?

11 MR. BEHAR: I'm going to speak for me. I'm
 12 not in favor. I think 300 would be the minimum
 13 that I would go for, me, personally. I think
 14 that 300 feet, if it's treated correctly, you
 15 know, it's not -- to me, it's not an issue.

16 MS. KAWALERSKI: But what is the issue? Is
 17 there an issue with 200 feet versus 300 feet?

18 MR. BEHAR: I --

19 MR. SALMAN: It's a larger unit, because
 20 all you have to do is assemble four and you're
 21 limiting that number from six to four, and
 22 there's a lot of lots around here that would
 23 probably --

24 MR. BEHAR: And keep in mind, the lots
 25 here, the depths are not standard. When this

114

1 City was platted, the depth is only -- for the
 2 most part 100 feet.

3 MS. GARCIA: 110.

4 MR. BEHAR: 110. Most municipalities is
 5 150. So when you start having to put a liner
 6 unit, you really take away so much ability on
 7 those -- the potential. Forget about when you
 8 go 97, 70 or anything. You know, four stories,
 9 you take away a lot of -- you really limit the
 10 ability, and Javier said something, you're
 11 really becoming very prescribed.

12 CHAIRMAN AIZENSTAT: Everything will look
 13 the same.

14 Chip, you had a --

15 MR. WITHERS: Robert, is your concern
 16 violating folk's abilities and their rights and
 17 the City is liable? Is that why you don't want
 18 to go to 200 feet or you think 200 feet is not
 19 a workable number?

20 MR. BEHAR: I personally don't think 200,
 21 because you've got -- you still have setbacks,
 22 okay, because it's 300 feet, and you're going
 23 to have to have setbacks, minimum -- right?
 24 You've got a step back, and -- so that
 25 building, 200 feet will become 150 feet, and

115

1 150 feet, when a unit is -- an average unit is
 2 about 35 feet, so how many units can I get, you
 3 know? Four units, by the time you do the
 4 setback, and four units -- so you're not
 5 talking -- it's not going to be a -- I don't
 6 think it's going to be sufficient. I think
 7 300, you know -- moving forward, 300 may be a
 8 number that will work, and like, you know, Eibi
 9 said, look at a lot of the European cities.
 10 You know, the architecture plays with that.

11 We're really being very, you know -- and
 12 the quality of the project doesn't mean,
 13 whether it's 200 or 300, any better. I think
 14 it's more important like you give me green
 15 space, give me a useful green space, that, you
 16 know -- one of those buildings is my building,
 17 my project, but the corner lot, 7,000 square
 18 foot, has been deeded, 7,000 for a park, open
 19 to the public, to the neighborhood. The
 20 neighborhood was very in favor of it, not a
 21 20-foot strip.

22 MS. KAWALERSKI: But there is no issue
 23 between 200 and 300 and we can't control the
 24 architecture? If he wants to build a slab,
 25 he's going to build a slab, and it's up to our

116

1 architectural board to give it a thumbs up or
2 thumbs down. We've got no control over that,
3 how it's going to look, okay, but we do have
4 control over whether we're voting yes for 300
5 and 200, and the question -- just like Chip
6 said, what is the issue? Is there an issue?
7 Is there a legal issue with 300 to 200?

8 MR. COLLIER: Yes.

9 MS. KAWALERSKI: 300 to 200, there's an
10 issue. What's the issue?

11 MR. COLLIER: The issue is, right now
12 there's no regulation on what your frontage is.
13 So, now, you're going to consider a regulation.

14 MS. KAWALERSKI: And the 300 is a
15 regulation, right?

16 CHAIRMAN AIZENSTAT: Let him finish.

17 MR. COLLIER: So when you're thinking about
18 the current zoning regulation or restrictions,
19 there are no restrictions, and then you're
20 placing a restriction, it's kind of like a
21 continuum, as far as your risk. As you move
22 from one direction, you increase the risk.

23 MR. WITHERS: What if we suggested a
24 120-day moratorium to give the City an
25 opportunity to study the issue?

117

1 risk you undertake.

2 MR. BEHAR: You could limit those risks, if
3 you, moving forward, you know, you cannot do
4 it.

5 MR. COLLIER: Well, I think that it's an
6 interesting -- if there's a way to be able to
7 determine what's been assembled and what's not
8 been assembled, if that's based upon, I
9 presume, somebody has filed a deed or -- I
10 don't know how they assemble a property,
11 whether they replatted the property to do that
12 size or what instrument reflects this
13 ownership, and that may require a look by Staff
14 to say, okay, has this assemblage occurred or
15 has it not occurred? But, obviously, making it
16 something going forward is better than applying
17 it retroactively.

18 MR. WITHERS: Look, the last thing I would
19 ever want to do, living through two or three
20 City -- you know, Edgewater Drive, lived
21 through that, okay, and I know that the City,
22 really, was fortunate to come out with the
23 millions they spent instead of three or four
24 times that, but, I mean, through -- I don't
25 know if unity of title would come into play,

119

1 CHAIRMAN AIZENSTAT: Hasn't the City
2 studied the issue already?

3 MR. WITHERS: No. How many lots are over
4 200 feet, how many ownerships are over 200 feet
5 and how many over 300? I only saw four over
6 300. I didn't see a 200.

7 MS. GARCIA: Right. So I don't have a map
8 that shows over 300 -- I'm sorry, over 200.

9 MR. WITHERS: I saw 300. There were four,
10 and I think one of them or two of them have
11 already been developed.

12 MS. GARCIA: Two of them were already
13 approved.

14 MR. WITHERS: How many over 200?

15 MS. GARCIA: I don't have that information
16 right now. I would have to look that. I think
17 there's also the legal concern of, if we do
18 find that, is that going to be an issue?

19 MR. COLLIER: We're in an area that's new to
20 the law, and it's hard to predict. I think,
21 the more restrictive you are, the more risk you
22 undertake, and I'm not saying that 200 is going
23 to be a problem. I'm saying, when you look at
24 putting in a regulation that has not previously
25 existed, the more restrictive you are, the more

118

1 but I would think, if we require a unity of
2 title during a lot assemblage, I don't know if
3 we can work in that direction, but all I'm
4 saying is, if we're going to make a decision
5 based today on what the City's liability is,
6 then we really need to know what the City's
7 liability is. That's my only point. That's my
8 only point.

9 So if we have to take a deep breath and hit
10 the pause button and use -- I don't think I've
11 ever voted for a moratorium, but if we have to
12 use a moratorium to kind of pump the brakes a
13 little bit, to see what our liability might be
14 in that area or even the area south of us or
15 east of us or whatever -- I mean, I think --

16 CHAIRMAN AIZENSTAT: Why a moratorium?

17 MR. WITHERS: To buy some time.

18 MR. SALMAN: No.

19 MR. WITHERS: If that's not the way to do
20 it, then whatever tool we have. I mean,
21 listen, I'll vote for the 300 feet right now to
22 slow this thing. I'll vote for the 200 feet.
23 But if the 200 feet is going to cause a bigger
24 issue, and obviously someone picked 300 feet,
25 because hopefully someone looked at 300 feet

120

1 and saw that the City doesn't have any
2 liability, I pray, then that's probably why the
3 300 foot was proposed, but if we can go to 200
4 feet -- did anybody even look at 200 feet?

5 CHAIRMAN AIZENSTAT: But with 200 feet,
6 then you only have to amass four lots.

7 MR. WITHERS: Okay.

8 MS. GARCIA: Which is the minimum
9 requirement.

10 CHAIRMAN AIZENSTAT: Which is the minimum
11 required.

12 MR. WITHERS: Which is 20,000 feet.

13 MR. PARDO: Robert, what was the size of
14 your building, the one --

15 MR. SALMAN: There's a beauty in that
16 parallel, and I count about ten properties
17 there.

18 MR. BEHAR: Yes. There's more than four.

19 MR. SALMAN: There's about ten. I counted
20 them all on the screen.

21 MR. PARDO: Robert, what was the length of
22 the building that you said that you donated a
23 park?

24 MR. BEHAR: The building was like 450 feet,
25 but it was like two towers. The podium -- the

121

1 was -- the economy was nothing, okay, and
2 that's where it passed. You did not get the
3 opposition, because --

4 MR. WITHERS: No one was doing it.

5 MR. SALMAN: Nobody cared.

6 MR. BEHAR: Nobody could do anything, okay.
7 This is different times. So I think maybe
8 there's a possibility where you say, okay, this
9 will go into effect. If you have assemblage in
10 excess of the six lots prior -- what did you
11 say -- 2023, you know, or moving forward,
12 you've got 36 months to submit an application,
13 something that you're not putting the gun to
14 the head, but you eventually take it away.

15 MR. PARDO: I agree with Robert, Mr.
16 Chairman, but getting back to the 300 feet, the
17 length of a typical block is 600 feet, right?

18 MS. GARCIA: It varies between 450 to 600.

19 MR. PARDO: Yeah. I read the example you
20 had there. I added it up. It was 600 feet.

21 MS. GARCIA: From 50 to 60 --

22 MR. PARDO: Right where the 30 is, it says
23 600 feet there.

24 MS. GARCIA: Right. So that's the -- yeah.

25 MR. PARDO: So if that's 600 feet, why not

123

1 podium was -- and this is an old, old picture.
2 This is not the final one. It read like two
3 buildings. And the center was stepped back
4 like 30 feet, to create a break. This is
5 what's allowed. This is what's allowed.

6 So, you know, whether it was Robert Behar
7 or Javier Salman or anybody else or Felix
8 Pardo, you know, this is what you're allowed to
9 do there today. It doesn't matter -- how do
10 we -- and I'm perfectly fine limiting, going
11 forward, moving forward, but I just -- I would
12 hate to see the City be in a predicament where
13 today, this is what was allowed to do, and,
14 then, all of a sudden, you know -- a
15 moratorium, I don't think is the way to go.

16 Now, let me ask the City Attorney something
17 else. If we put out something that says, okay,
18 whoever -- this is not retroactive, but moving
19 forward, you'll have two years, three years, to
20 submit an application, if not, then you lose,
21 and it goes back -- I mean, something that if
22 somebody has it, you give them time, because
23 what happened in Miami 21, it was passed in the
24 worst time, at least in my professional, that
25 we have seen, between 2008 and 2010. There

122

1 make it, you know, that it would be up to 300
2 feet, but you must donate a 50-foot park?

3 CHAIRMAN AIZENSTAT: Well, I don't know if
4 I would set a 50-foot park, to me. I'm not an
5 architect. I wouldn't want to limit the park.
6 But whatever they do, the project has to come
7 before us, and they have to bring that park or
8 that property. It's up to the Board to give a
9 recommendation. Remember, it's up to the
10 Commission to approve.

11 MR. PARDO: Mr. Chairman, I would like to
12 make a motion, if you don't mind, to approve
13 what we have before us here tonight and then,
14 separately, I would like to have the Board then
15 make a motion separately to instruct Staff to
16 bring up to the Commission our concerns that
17 were voiced tonight.

18 MR. BEHAR: But is your motion to do it,
19 you know, retroactive, everything that is --

20 MR. PARDO: Right now, what we have before
21 us is a limitation, which there are limitations
22 now, as the City Attorney said. So what I'm
23 saying is, adopting what Staff is recommending
24 now, because what do we have to lose right now?

25 MR. BEHAR: You have a lot to lose.

124

1 CHAIRMAN AIZENSTAT: The Bert Harris Act.
 2 MR. BEHAR: Yeah. You do. I would -- a
 3 motion with the caveat that properties that are
 4 in excess of the 300 feet be exempted, prior --
 5 you know, assembled prior to a certain date be
 6 exempted, I'm okay with that, but if you do
 7 that today, Felix, you're going to put the
 8 City -- you're taking development rights away.
 9 MR. COLLER: So your amendment would be
 10 that the Ordinance would only apply to -- or,
 11 excuse me, would not apply to properties that
 12 were assembled prior to the effective date of
 13 the ordinance.
 14 MR. PARDO: Excuse me, not assembled, owned
 15 and assembled.
 16 MR. BEHAR: Owned.
 17 MR. PARDO: There's a big difference from a
 18 contract to I own it.
 19 MR. BEHAR: I agree with you. Owned.
 20 MR. COLLER: Owned -- of course, the
 21 ownership could be in multiple names and
 22 multiple corporations, and, you know --
 23 CHAIRMAN AIZENSTAT: Which they usually
 24 are.
 25 MR. COLLER: Right. So what you're saying

125

1 is that, the ordinance would not apply to
 2 properties which have been owned and assembled
 3 prior to the effective date of the ordinance.
 4 MR. PARDO: What about the unity of title?
 5 And the other thing is, when you're looking at
 6 ownership, and then you create the unity of
 7 title, you know, are you allowed to create a
 8 unity of title with separate corporations?
 9 MR. BEHAR: Yes, you are.
 10 MR. COLLER: But I don't know if -- whether
 11 you have a unity of title or you don't have a
 12 unity of title at that particular time, is
 13 necessarily determinative of the assemblage.
 14 You know, it's -- they have a unity of
 15 title and may have felt, well, we don't need it
 16 at this point, we're not building on the
 17 property yet.
 18 MR. SALMAN: I would just say, contiguous.
 19 Forget about the ownership and who owns it,
 20 just contiguous blocks over 300 feet in total.
 21 MR. BEHAR: But I think ownership is key,
 22 because --
 23 MR. SALMAN: Contiguous ownership, there
 24 you go.
 25 MR. BEHAR: Well, continuous ownership --

126

1 CHAIRMAN AIZENSTAT: Contiguous.
 2 MR. BEHAR: -- it could be under different
 3 entities, but it has to be one -- look, for the
 4 most part, you're not going to have, you know,
 5 two owners, "Let's get together. Let's put the
 6 properties." That doesn't happen. You know,
 7 it's more rare.
 8 Typically, if one owner has six lots,
 9 seven, eight lots, ten lots, those are the ones
 10 that I am more concerned about.
 11 MR. COLLER: And let me just say one other
 12 thing, I don't really know, because this -- now
 13 we're getting into -- how easy it is to be able
 14 to figure out these assemblages and whether
 15 staff is able to determine it. Maybe they are
 16 able to determine who has assembled the
 17 properties and who hasn't.
 18 MR. BEHAR: The only way you could do
 19 that --
 20 MR. COLLER: To do a title search really --
 21 MR. BEHAR: Well, that, or typically even
 22 if you go simply to Miami-Dade Property
 23 Appraisal, and you look for ownership,
 24 typically it takes you back even where they
 25 have common addresses and all, you know. So

127

1 you could do it. I mean, it's a lot of work.
 2 It's something that, to do it City-wide, you
 3 need a department to do that, you know.
 4 MR. COLLER: Fortunately, it's not going to
 5 be City-wide. It's in this RIR area.
 6 MR. BEHAR: This area.
 7 MS. KAWALERSKI: And Jennifer, did you do
 8 that for the 300? You've already checked?
 9 That's why you came up with 300?
 10 MS. GARCIA: Yes, correct.
 11 MS. KAWALERSKI: You already checked that,
 12 right? Was that hard to do?
 13 MS. GARCIA: Well, I asked our GIS
 14 department to pull up common ownership of the
 15 area, and they came up with that map, yes.
 16 MS. KAWALERSKI: Okay. So you already did
 17 that for 300?
 18 MS. GARCIA: For 300, yes.
 19 MS. KAWALERSKI: Okay. So you can do that
 20 for 200?
 21 CHAIRMAN AIZENSTAT: Well, Felix, we have a
 22 motion that you made.
 23 MR. PARDO: It didn't have a second.
 24 CHAIRMAN AIZENSTAT: I understand, because
 25 we were under discussion.

128

1 MR. PARDO: Correct.
 2 CHAIRMAN AIZENSTAT: So the question was,
 3 with his motion, how did we incorporate --
 4 MR. COLLER: Well, you can have a second,
 5 with a friendly amendment, to see if the movant
 6 is willing to --
 7 CHAIRMAN AIZENSTAT: No. No. But what I'm
 8 saying is, how do you add that date, to that
 9 motion? How do you --
 10 MR. COLLER: Well, the person who seconds
 11 can request a friendly amendment, and if the
 12 movant agrees with the friendly amendment -- if
 13 not, then we don't have a second.
 14 CHAIRMAN AIZENSTAT: No, I understand, but
 15 what I'm saying is, how do you implement the
 16 date that it starts?
 17 MR. COLLER: Well, you would, in the
 18 effective date of the ordinance, you would
 19 include a provision, "It is provided this shall
 20 be effective as of the date of adoption. It is
 21 provided; however, that this Ordinance shall
 22 not apply to properties that have been
 23 assembled and owned," or whatever -- the devil
 24 might be in the details a little bit, but I'm
 25 just kind of trying to draft something,

129

1 assembled and owned prior to the effective date
 2 of this ordinance. That's how it would appear
 3 in the Ordinance.
 4 MR. SALMAN: I would do it in the future,
 5 within six months of the effective date of the
 6 ordinance -- to take effect six months after
 7 passage of the ordinance.
 8 MR. COLLER: Well, the only problem with
 9 doing that is, then everybody starts running to
 10 the courthouse.
 11 CHAIRMAN AIZENSTAT: Is there a second that
 12 would make a friendly amendment to Felix's?
 13 MR. PARDO: There wasn't a second --
 14 CHAIRMAN AIZENSTAT: No, that's what I'm
 15 asking now, if there is.
 16 MR. BEHAR: I will make a second, with the
 17 condition -- those conditions, okay, that
 18 properties that are owned and assembled be
 19 exempted prior to the effective date, and there
 20 was something else that I wanted to add to
 21 that.
 22 CHAIRMAN AIZENSTAT: The park.
 23 MR. BEHAR: Well, no -- and how about if
 24 those owners or those are not exempted in
 25 perpetuity? They have a time limitation to

130

1 submit an application? Do we want to say
 2 that -- because the way we're doing it --
 3 MR. SALMAN: Yeah, we can do that.
 4 MR. BEHAR: Because that way we're doing
 5 it, I could own that property and wait 20 years
 6 and still get the same benefit, right?
 7 MR. COLLER: That's true.
 8 CHAIRMAN AIZENSTAT: So within what period
 9 would you say, 24 months?
 10 MR. BEHAR: No. I think 36 months would be
 11 a time frame, because, that way, moving
 12 forward, in three years, if you did not apply,
 13 sorry, you lose it.
 14 CHAIRMAN AIZENSTAT: But at least you know
 15 this is the Ordinance.
 16 MR. COLLER: I just want to say, the most
 17 cautious you are with existing property rights,
 18 the better --
 19 MR. BEHAR: The most conscious is putting
 20 that property be exempt --
 21 MR. COLLER: There's no cases on this.
 22 When you look at the case law, there's no cases
 23 on this.
 24 CHAIRMAN AIZENSTAT: So, Robert, to move it
 25 forward, 36 months is what you're proposing?

131

1 MR. BEHAR: Is that -- are we potentially
 2 going to create a problem?
 3 MR. COLLER: I always say that anybody can
 4 sue for anything at any time.
 5 MR. BEHAR: How about if we -- the step one
 6 is, do not put a time limit for the future,
 7 just property that were owned and assembled
 8 prior to the effective date be exempted? That
 9 way we limit anybody going forward. Are you
 10 okay with that?
 11 MR. PARDO: I agree, yes.
 12 CHAIRMAN AIZENSTAT: Okay. So that motion,
 13 and he has agreed. Any other discussion?
 14 MR. WITHERS: I have some discussion,
 15 sorry. So I don't know how architects and
 16 builders make money. I just know that it's by
 17 scaling as much as they can, I'm assuming,
 18 taking a large piece of property and building
 19 as much as they can on it and renting it out or
 20 selling it, and there's nothing wrong with
 21 that. So is there a difference between having
 22 a 300-foot piece of property versus 250-foot
 23 piece of property or a 350-foot piece of
 24 property with a 50-foot lot in the middle of
 25 it?

132

1 I mean, I'm just trying to get away from
2 the Las Vegas hotel look in the North Gables.
3 I'm trying to get away from the -- you know, on
4 Ponce Circle, when you drive by, just one huge
5 mass. I wouldn't mind 250-foot buildings, if
6 there was space in-between.

7 So if you want to assemble 350 feet and
8 build 150 feet here and 150 feet here and 50
9 feet in the middle, do you still make your
10 money?

11 MR. BEHAR: Keep in mind that you have
12 setbacks. So you're not -- the 300 feet is not
13 300 feet.

14 (Inaudible.)

15 MR. BEHAR: No, less, because you at least
16 have 10 and 10, right?

17 MR. WITHERS: But I'm assuming it's going
18 to be a PAD and I'm assuming the City is going
19 to say, if you give us this 50-foot park in the
20 middle, we're going to relieve some of the
21 setback? I'm assuming that's the kind of horse
22 trading that's going to take place, because
23 that's normally what takes place.

24 CHAIRMAN AIZENSTAT: But it also has to
25 come back before --

133

1 MR. WITHERS: I understand.

2 CHAIRMAN AIZENSTAT: It has to go through
3 all of the processes.

4 MR. PARDO: And the massing -- in your
5 project, Robert, in the massing of the two
6 buildings, was that something that was
7 suggested by the Board of Architects?

8 MR. BEHAR: Yes.

9 MR. PARDO: So, then, again, the Board of
10 Architects has it. They've got your back.

11 MR. BEHAR: We went through hell and back
12 from --

13 CHAIRMAN AIZENSTAT: Any other --

14 MS. GARCIA: And just to clarify, it has
15 to be a PAD. It has to be one acre to be able
16 to have that horse and trade situation.
17 Otherwise, they have to meet the setbacks.

18 MR. WITHERS: For the 350 feet, you'll have
19 more than 43,000 --

20 MR. BEHAR: No, you don't, because it is
21 110 by 350 -- you're not even getting to the
22 PAD. So you couldn't even take advantage of a
23 PAD.

24 CHAIRMAN AIZENSTAT: All right. Any other
25 discussion? No?

134

1 Call the roll, please.

2 THE SECRETARY: Sue Kawalerski?

3 MS. KAWALERSKI: No.

4 THE SECRETARY: Felix Pardo?

5 MR. PARDO: Yes.

6 THE SECRETARY: Javier Salman?

7 MR. SALMAN: Yes.

8 THE SECRETARY: Chip Withers?

9 MR. WITHERS: Yes.

10 THE SECRETARY; Robert Behar?

11 MR. BEHAR: Yes.

12 THE SECRETARY: Julio Grabiell?

13 MR. GRABIEL: Yes.

14 THE SECRETARY: Eibi Aizenstat?

15 CHAIRMAN AIZENSTAT: Yes.

16 MR. COLLER: Mr. Chairman, we've been going
17 now for two and a half hours. We haven't given
18 the court reporter a five-minute break. We
19 typically take a five-minute break. I
20 recognize you have two items left on your
21 agenda, that may have some extensive comments.

22 MR. BEHAR: We could take the break, but
23 tonight is a nine o'clock on the dot, because I
24 don't want to go until ten o'clock like we did
25 last time.

135

1 MR. COLLER: Jennifer, is there a must pass

2 item in here? I shouldn't say, must pass --
3 must be addressed item in here?

4 MR. WITHERS: The TV shouldn't take more
5 then 10 minutes, should it?

6 MS. GARCIA: I hope not.

7 MR. BEHAR: And the grass --

8 MR. WITHERS: I don't see either one of
9 them -- they're easy --

10 CHAIRMAN AIZENSTAT: Do we need to take a
11 break? The court reporter says she's good.
12 Does any Board Member here want to take a
13 break?

14 MR. BEHAR: Let's go.

15 MR. WITHERS: I apologize.

16 MR. COLLER: I may walk out, but that's okay.

17 MR. BEHAR: We don't need you.

18 MR. COLLER: Let's see if we can truly do
19 these two items in ten minutes.

20 MR. WITHERS: I want to revisit that last
21 item just a second. I really would like to
22 figure out a way to try to revisit that
23 200-foot deal. I really would. You know, if
24 we make a motion to the Commission, then they
25 have to accept our motion and act on it, from

136