

City of Coral Gables City Commission Meeting
Agenda Item E-8, E-9 and E-10 Are Related
September 9, 2008
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Planning Director, Eric Riel
Assistant Planning Director, Walter Carlson

Public Speaker(s)

Laura Russo, Representing Valencia Investors
Robert Behar, Behar Font & Partners
Nita Yeung, 4104 Aurora Street
Stanley Davidson, 600 Biltmore Way
Henry Paper, 600 Biltmore Way
Ralph Patino, 600 Coral Way
George Prendes, Jr., 7600 S.W. 57th Avenue
Henry Pino, 232 Andalusia
George Guerra, 400 Valencia Avenue
Jose Iglesias, 600 Biltmore Way
Javier Iglesias, 600 Biltmore Way
Federico Garcia, 617 Alcazar Avenue

E-8 [Start: 10:21:31 a.m.]

An Ordinance of the City Commission of Coral Gables approving a change of land use from “Commercial, Low-Rise Intensity” to “Commercial, High-Rise Intensity” for the proposed project referred to as the “2600 LeJeune Office Building”, on the property legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB provided no recommendation with a 3-2 vote).

E-9

An Ordinance of the City Commission of Coral Gables approving the change of zoning from “MFSA”, Multi Family Special Area to “C”, Commercial for the proposed project referring to as the “2600 LeJeune Office Building”, on the property legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB recommended approval, Vote: 4-1).

City Manager Brown: Mr. Carlson.

Mr. Carlson: Good morning, for the record, Walter Carlson, Planning Department, if audio visual could please bring up the 2600 PowerPoint presentation, I'd like to begin with staff's presentation. Thank you very much. This item is referred to as the “2600 LeJeune Office Building”. The applicant is making three requests. The first request is for a change of land use from commercial use low-rise intensity to commercial use high-rise intensity. The second request, if for a change in zoning from multi-family special area to commercial. The third and final request is for a site plan review of a proposed ten story commercial office project. The change of land use is required to allow construction of the proposed ten story high-rise commercial building; the change of zoning is necessary to correct the existing inconsistent residential zoning to be in compliance with the property as commercial land use designation. The Planning Department recommended denial of both the change of land use and site plan, and the Planning and Zoning Board made no recommendations on these two requests. The Board voted 2-3 on a motion to deny these two requests. Both the Planning Department and Planning and Zoning Board recommended approval of the change of zoning in order to correct the existing inconsistent residential zoning to comply with the property's commercial land use designation. A little bit of background: the property is adjacent to the Church of Christian Science complex, which has been identified as a candidate for historic preservation. The property is located within the MFSA District boundaries, and two story apartment buildings and a surface parking lot currently occupy the site, and again as previously mentioned, the existing residential zoning is inconsistent with the property's commercial land use designation. There are inconsistencies and incompatibilities with specific comprehensive plan objectives and policies, which prompted staff not to support the requested change in land use and zoning. Site Plan: Excuse me, site plan; and these included incompatible land use with the existing residential properties; the project lacks transition between commercial and residential uses; establishes a precedent for high-rise development within the MFSA District; is inconsistent with the City Hall setting which is low-rise scale and historical character; required traffic improvements were identified by Public Works, specifically Hernando Street and Biltmore Way, which are concerns; insufficient landscape improvements, specifically along the north side of Valencia Avenue and finally historic preservation regarding the adjacent church building and complex. The request for change in zoning satisfies zoning code standards for review. It would correct an existing inconsistent zoning designation. It would provide for the redevelopment of an underdeveloped property; and it would promote and is consistent with some of the Comprehensive Plan's objectives and policies. The request for change of land use does not satisfy zoning code standards for review. It is inconsistent with specific Comprehensive Plan objective and policies. It is incompatible with adjacent residential properties; insufficient streetscape and traffic improvements are provided;

and it would impact the adjoining church complex and the historic City Hall setting. The staff's recommendation that the property be developed according to the existing commercial use low-rise intensity land use designation allowing for a maximum seventy-seven foot building height, which is more compatible with the surrounding properties and uses. In summary, the proposed project is not consistent with specific goals, objectives and policies of the City's Comprehensive Plan; the proposed project does not satisfy all Zoning Code standards for comprehensive plan map amendments; proposed height and massing of the project would have an adverse effect on the adjacent residential properties and surrounding historic structures and their historic setting. Requested development bonuses could not be awarded if the property were to develop according to its current MFSA Zoning Designation. Required traffic improvements are identified that have not been adequately addressed; however, the proposed change to zoning would correct an existing inconsistent zoning designation to be compatible with the property's current land use zoning designation. There is an alternative recommendation and conditions of approval included in staff's...

Mayor Slesnick: Wally, where is that last list in our printed material?- I've got my hands on the paper and here's all those first things, the inconsistent, required traffic...OK that's all included in this?

Mr. Carlson: They are identified in detail in the City Commission's cover memo.

Commissioner Withers: Those are the inconsistencies in the Comprehensive Plan that you were talking about?

Mr. Carlson: Well, the inconsistencies in the Comprehensive Plan...

Mayor Slesnick: These are one, two, three, four, five, six, these are the things that...

Mr. Carlson: These are the findings of fact; those are the summarized findings of fact.

Mayor Slesnick: The last list you just showed us, is that here?

Mr. Carlson: Let me go back. You're saying...

Mayor Slesnick: I just want to be able to refer back to that list sometime, is that printed or is that just on your slide?

Mr. Carlson: That is provided in detail; that is one, two, three, four, five, six; that is what is in...

Mayor Slesnick: Your conclusions are based on those.

Mr. Carlson: This is a summarization of the detailed analysis, which is provided in your package.

Mayor Slesnick: OK.

Mr. Carlson: And again finally, there are conditions of approval included in staff's report if the Commission should chose to move forward with the development proposal. We do have a short mapping presentation which we would like to show you, which places how long...

Mayor Slesnick: How long is that?

Mr. Carlson: Twenty seconds. It puts the proposed building into context of the neighborhood and the existing structures.

[View Mapping Presentation]

Mr. Carlson: The proposed building is the building with the lighter color in the center of the screen.

Commissioner Cabrera: Is this now part of a standard presentation that you would be able to give us this kind of review, aerial review?

Mr. Carlson: Yes, we will be able to.

Commissioner Cabrera: Its excellent work.

Mr. Carlson: Thank you.

Commissioner Cabrera: Mr. Carlson, while this is still being shown...

Mr. Carlson: This is the conclusion of it.

Commissioner Cabrera: OK. Very quick question as it relates to public input on this project. We notified the affected property owners within what kind of radius?

Mr. Carlson: Within a thousand feet.

Commissioner Cabrera: Within a thousand feet of all areas, in all directions; just very little in a way of feedback.

Mr. Carlson: What we did receive back is provided in...

Commissioner Cabrera: I understand, I'm just curious because typically a project like this, in my opinion, and based upon what I have seen in the last seven years, gets a lot more activity in terms of direct responses and feedback from affected property owners; and I'm just wondering on this particular case, its been...

Mr. Carlson: What the department received is provided in your memo.

Commissioner Cabrera: I understand, and I appreciate that; what I'm trying to say is I'm making an editorial that the feedback has been very limited.

Vice Mayor Kerdyk: I think a lot of that might be attributed to that there are parking lots just to the west of this, that of course there is no feedback there, and to the north of that is commercial spaces there, which people may or may not feedback, and to the south of it are residential...

Commissioner Cabrera: That's where I expected the bulk.

Vice Mayor Kerdyk:...but it only goes a thousand feet, so somewhat limited.

Commissioner Anderson: To that point, I wanted to add to that; I was in the affected area, and I'll ask the City Attorney...

Commissioner Cabrera: You were not, you were not?

Commissioner Anderson: No, I am in the affected notification area, so I'll ask the City Attorney at some point, I did receive one and I live on Almeria.

Commissioner Cabrera: And you live very close to Segovia.

Commissioner Anderson: That's correct.

Commissioner Cabrera: That's a fairly well populated residential area, and it got very little feedback; we receive very little feedback, so I was just curious as to why that occurred. I'm not saying that the staff did not do its job.

Commissioner Anderson: I was actually surprised; I watched the Planning Board meeting on it, and it also the same pretty much.

Mr. Carlson: I believe the applicant is here, who has quite an extensive presentation they'd like to make to the Commission.

Ms. Russo: Good morning Mr. Mayor, members of the Commission, for the record Laura Russo, with offices at 2655 LeJeune Road. I am here this morning representing Valencia Investors, LLC who is represented here this morning by Rollie Delgado, Otto Boudet, and Eddie Garcia, also here with us this morning as you can see is Robert Behar and Patrick Valent of Behar and Font, the architects of the project, and Richard Garcia our traffic engineer. Before I turn this over to Robert Behar to take you through the project and his concept in planning it, I'd like to go through a couple of the items on the City's list of reasons why the project doesn't meet the Comprehensive Land Use policies, and some of them will be addressed by Mr. Behar in his presentation. Start with the insufficient streetscape improvements; the applicant was always aware that there would be additional public realm streetscape improvements to be done. What we stated from the beginning was that we were unsure whether the City would benefit most from the streetscape being done on the south side, which is a four story condominium project with a lot of curb cuts, or if it would be perhaps better to take the streetscape, the additional streetscape and take it west across the City's surface parking lot, and it looks like one of the additional conditions that the City has is taking it all the way across the north side of Valencia. So we're

perfectly fine with that additional going across the front of La Roc, which as you know is a thirteen story residential condominium, but we had always been willing to do it, the question just was what made the most sense for the City at that point. The other one is the required traffic improvements. This project will add seventy-one additional trips to the intersection of Hernando and Biltmore, and if you have questions later, we have our traffic engineer here; however, just so you know this doesn't change the level of service, which is the level of service "C" for that intersection. We are talking about a quaint three additional timeframe during one of the peak periods, and I think about eight or nine seconds additional timeframe on the other peak period. But we have identified, that's a very unusual intersection, it's a very difficult street there, but whatever improvements that we can make working with the Public Works Department as to whether or not...

Mayor Slesnick: What intersection are you talking about?

Ms. Russo: Hernando and Biltmore.

Mayor Slesnick: What about Valencia and LeJeune Road?

Ms. Russo: Well, that intersection has been recently improved; there were some issues...

Mayor Slesnick: Such as? How?

Ms. Russo: Excuse me?

Mayor Slesnick: What was done to that intersection?

Ms. Russo: They did some crosswalks; I think they put in...

Mayor Slesnick: Let's not say improved.

Ms. Russo: But it wasn't identified, I mean, we're happy if that's identified if improvements are needed on LeJeune.

Commissioner Cabrera: I beg your pardon, what's happening is the improvement that you are outlining is actually the improvement that was made to LeJeune Road, that's the improvement that included the improved walkways...

Ms. Russo: Correct.

Commissioner Cabrera:...and signage.

Ms. Russo: Exactly, and that was an issue that had been raised, and we said that had been done, so then Public Works came back with a comment to the project that they were more concerned, not with that intersection, but with intersection of Hernando and Biltmore. So my response is in response to the Public Works comment.

Commissioner Cabrera: So in fact improvement really was done to LeJeune Road...

Ms. Russo: Correct.

Commissioner Cabrera:...for the entire stretch, and it just so happened that Valencia benefits from it.

Ms. Russo: Exactly. And so some of the concerns Public Works had considered with respect to crosswalks and stuff had already been done with the LeJeune improvement, but if Public Works were to identify other improvements at that intersection, we would be willing to address those.

Mayor Slesnick: David, I don't want to get into this with Alberto right now, but I can't imagine having a proposal for a building of this size on the corner of Valencia and LeJeune and not identifying that as an intersection that needs to be addressed in traffic studies or traffic impact, that doesn't make any sense to me, but just to note that. Thank you Laura.

Ms. Russo: One of the other reasons for the inconsistency was that it established precedent. You will hear from Mr. Behar who will take you through the project in the surrounding area. We believe that the high rise to the west of us, the La Roc, already establishes the high-rise, the height intensity on this block, and that in fact there is the high-rise corridor on the north side of Valencia and in fact...

Mayor Slesnick: So you are suggesting that the whole block someday should be high-rise, is that what you're saying that the La Roc...so that the whole block will be high-rise, is that your comment?

Ms. Russo: What I'm saying is that the precedent has already been set; it's not as if the La Roc did not exist.

Mayor Slesnick: So this building and then the Church and so forth, needs to be high-rise.

Ms. Russo: I'm not saying it needs to be, I'm saying that the precedent has already been set; there was a statement made that this would establish precedent. My response to that statement is that in fact the precedent has been set with the existence of a high-rise building. I'm now going to turn it over to Robert, and ask him to take you through the project and some history.

Mr. Behar: Good morning, for the record Robert Behar, Behar Font and Partners, 4533 Ponce de Leon. First and foremost, I want to thank the Mayor and the Commissioner and the Manager for moving us up a little bit sooner in the agenda; I do have a flight to catch about 1:20 p.m., so hopefully I do make that to Santo Domingo.

Commissioner Anderson: I thought this might go to 2:00 or 3:00 p.m. [Laughter]

Mr. Behar: Commissioner, I hope not.

Commissioner Anderson: No, don't worry.

Mr. Behar: You saw staff's presentation and indication that this is not a high-rise zoning. With all due respects to Mr. Riel and staff, I have a fundamental disagreement with the analysis and interpretation. Why?- and I have an even further problem, an issue with the statement, this project will lead to an introduction of high-rise development in this area. Mr. Mayor, Commissioners, there is a clear precedent that this has been established, and I will demonstrate to you in a minute. But I'm going to take you back a little bit in time; and I'm going to show you back when our founding father I'll find Mr. Merrick envision this area to be a high-rise district. I have a map which was dated back to 1927, which clearly shows this area designated as a business district. That area included the south portion, half of the block of Valencia, which if you look at the aerial would be this portion here; this whole district was zoned for business. What was the allowable height back then?- it was the right-of-way times one point five; the right of way is sixty feet times one point five is ninety feet. This district included again, half of the south block of Valencia. I believe Mr. Merrick intended to have high-rise in his City especially in this area. How Mr. Merrick and the City Planners arrived at this?- don't know. As much as Mr. Merrick travelled to European Cities to look at great examples of architecture, he also was in tuned to what was happening throughout the country. Commissioner Anderson, you as an architect know that the first high-rise the building designed by Luis Sullivan came at the end of the twentieth century and the beginning of the twenty first century; you know that Miami had the Dupont Building, the Ingram Building, two beautiful buildings, coincidentally all three buildings are approximately ten stories, about a hundred feet because that was the limit back then of a high-rise; the elevator was indented and the maximum height you could travel was about a hundred feet. Obviously, this came before the skyscraper took off, soon after that. Let's go back to the precedent, and I think this board will clearly, clearly define the established precedent. LeJeune Road, [inaudible], La Roc, 550...La Roc is thirteen stories, about a hundred and forty to a hundred and fifty feet; 550 Biltmore, about sixteen stories about one hundred and eighty-one hundred and ninety feet; Gables Residential also a twelve-thirteen story building; David Williams. To the north of that you'll still see a lot more of the high-rise, but there's a clear established precedent, Valencia was the border in keeping with Mr. Merrick's intended vision of the high-rise district; and there is a clear pattern of high-rise development with a transition today of the multifamily, multilevel about three story condominium building that is to our south of our property, and again La Roc is a condominium so we know those are never going to go away, not in my lifetime. Why is our property so unique? It affronts LeJeune Road; LeJeune Road has forty-two thousand vehicles on a daily basis, residential does not work very well there; it incorporates the Church is within the block that's a special use; it has La Roc, so it's very unique. But let's go even further down, let's go further down the whole area; today the remaining of the area for the majority is zoned high-rise commercial, including this block, this is City Hall immediately to our west, it is zoned high-rise commercial, a hundred and ninety feet, sixteen stories; so there is a clear [inaudible] that this whole district was intended to be high-rise. Let me show you the project a little bit. The project, LeJeune and Valencia, at the end of Almeria which is a termination point, and we have designed the building to terminate that access and become the focal point of that intersection. The project is designed with the...you see the ground floor with the habit of space, office space on the ground floor with the covered arcade that wraps into and fronts the only portion of the Church that is historical, the rest of the block staff told you is not historical, only one small building; and what we've done is to address that building, we have designed our building to respond architecturally to that structure. The entrance to the garage is

from Valencia, one entrance to the garage; there is an entrance from the alley that is to the dedicated parking that we are given as an agreement we have with the Church, and they comply, and the Church will tell you that they support the project, and comply with all the requirements that they have. You go up the ramp and you are going to have four levels of parking. We've got four levels of parking, and then we've got the office component. What we've done is stepped it back also as each portion of the building is taken into consideration. For example, the pedestal; we stepped it back both on the west and the north side, fronting the Church; on the west about ten feet; on the Church about fifteen feet to provide additional relief setback there; and then we do that again at the Penthouse to almost have a massing that we reduce the massing as we go up. The massing, which is important to point out is in keeping with what you see on the building adjacent to us; ...[inaudible]...the massing study of...this is the height of La Roc, and this is our building, so we are well within below La Roc's height, and this is important because when we talk about massing, we have to look at the whole context of the whole area. We feel that we have designed a building that is in keeping with the character of the Mediterranean Architecture; we feel that it will enhance that area, and will promote an active area in an area that is really meant to be commercial office building. Thank you.

Vice Mayor Kerdyk: Robert, let me ask you a couple quick questions. The real question is square footage; if you build this building how many square feet of commercial space is going to be in it?

Mr. Behar: Mr. Commissioner, we are proposing about 90,000 (ninety thousand) square feet of commercial.

Vice Mayor Kerdyk: And if you cannot build this building and you do get the land use changed, how many square feet would be in the building that you would have to build of, I guess, of seventy-seven feet in height?

Mr. Behar: That would be...in theory you could get seventy-seven feet plus, and then we could go into that will offer a six story building; but then in that you would allow a twenty-five foot architectural element treatment that could bring up the structure to a little bit taller.

Vice Mayor Kerdyk: But as far as the square footage, ninety thousand if you build it to....

Mr. Behar: You'd probably be somewhere about sixty thousand.

Vice Mayor Kerdyk: Sixty thousand square feet, alright.

Mr. Behar: And speaking of office buildings, let me just point out, I know you are going to get -- an opponent of the project that is opposing office development this project, they own an office building across the street, the less competition the better they are going to be. So there is a need for office and quality class "A" office in this area.

Commissioner Cabrera: Mr. Behar before you sit down, very quick question, my package does not have any information regarding variances that you may or may not have applied for, was there in fact any variances before the City of Coral Gables?

Mr. Behar: No, we are not asking for any variances.

Commissioner Cabrera: I simply wanted to verify that because my package did not indicate any sort of variances to the Board of Adjustments other than the Planning and Zoning.

Mr. Behar: You are absolutely correct, we are not requesting any variances whatsoever. This project is designed with all the proper setbacks that are allowed and everything, we're not asking for any variances.

Commissioner Cabrera: One more thing. Mayor Slesnick talked a little bit about Valencia and the potential for some traffic improvements to the area; I know staff in reviewing your project talked about Hernando and Biltmore Way, is that because Hernando and Biltmore Way is expected to be a large ingress and egress area for the property?

Ms. Russo: Largely egress, and I believe it adds seventy-one trips during the P.M. peak.

Commissioner Cabrera: Ms. Russo, are you quoting from the traffic engineer?

Ms. Russo: I am.

Commissioner Cabrera: I don't listen to traffic engineers that developers bring to us, because they will tell us what you want them to tell us, so I'm sorry, I'm not trying to be difficult...

Ms. Russo: No, I understand.

Commissioner Cabrera:...I just don't give them any validity, nothing against this gentleman, I'm sure he is a fine professional. I keep telling the City that we need to stop letting developers bring to us traffic studies, but I have yet to see a traffic study that was performed by a developer who didn't adore the project and saw no reason for traffic calming or any kind of traffic concerns, I mean, its been seven years.

Ms. Russo: It was the Public Works Department that identified the intersection of Hernando and Biltmore as needing either reconfiguration addressing, due to the width of the two streets, I mean, of the street Hernando to and fro and perhaps a dedicated turn lane. So we told the Public Works Department, Mr. Delgado, that we would work with him in designing what would work best, not just for this project, but for the intersection and you know there is a round-about there already...

Commissioner Cabrera: Right.

Ms. Russo:...to make the round-about function as best as it can.

Commissioner Cabrera: Do you believe that your client would also be interested, if in fact this project moves forward, to help out with any other traffic calming initiatives that the City may get into within the next...?

Mr. Behar: I will answer that, absolutely yes.

Ms. Russo: I also think it is important to note, because I don't think Robert mentioned it, but we did mention it in the minutes, there is no retail, there is no restaurant proposed for this, so in terms of, let's say more intense uses that would be under the commercial category that might impact both traffic and the surrounding area, this would be strictly would we would call a clean use office building.

Commissioner Cabrera: How do we memorialize the fact that you are willing to help the City with any future traffic calming needs, are you saying between first and second reading?

Ms. Russo: I think between first and second reading, we could sit down and meet with the Public Works Department and identify where they could see where we would have the ability to assist the City with traffic calming, and then perhaps have staff review it in the Planning Department...

Commissioner Cabrera: I'm sure you are all aware of the project just east of you, just south east of you, where the Burger King Corporation was originally going to come and then left us at the alter again, and now its Bacardi; and they were very active with the neighborhood, and in fact literally put up some serious dollars to help out; and I want to warn you because I don't want to lead you down the wrong path. Let me give you the method to my madness; if we talk about traffic calming I'm also throwing in there Segovia median, and Segovia Median is you know, planned at some time in my lifetime to be built; and I would like to see maybe, I don't want to stick you with a project of that sized and scope.

Ms. Russo: Sort of proportion it.

Commissioner Cabrera: Well, I just sort of think if you could help out, it would certainly be appreciated. I don't want to leave it out because really I think we have the funding for it; I really don't believe that its going to become a nightmare in finding the dollars, but if there is something you all can do to help because you are going to affect the area and that median should hopefully relieve some of the traffic concerns, so I'd just like you to keep that in the back of your mind.

Mr. Behar: And just to touch on something you mentioned to the neighbors. We did have a meeting with the neighborhood...

Commissioner Cabrera: And?

Mr. Behar: And we only had for the record one person who thought that we were associated with another developer in the area, and just because of that she hated us, but everybody else supported the project.

Ms. Russo: They understood there were going to be issues; some of them were concerned with the building on the east side of LeJeune, but for the most part they were supportive, they listened; they asked -- mostly the questions were concerning construction, that's when most people feel the impact in the development is during construction when rights-of-ways maybe affected and their normal driving patterns have...

Commissioner Cabrera: That's an interesting point that you bring up; if in fact this project were to move forward, how would you stage it, so that Valencia would continue to be a thoroughfare?

Mr. Behar: Fortunately we have several options; one you have a City lot that is adjacent that we could perhaps rent for the duration of the construction...

Commissioner Cabrera: For the staging area.

Mr. Behar: For the staging area, so there is some flexibility there.

Commissioner Cabrera: Well, I can tell you that I would really have a difficult time if for some reason...if I had an opportunity to see the staging for Old Spanish Village, I probably would have not supported that project, because they have done away with public access roads; and I would hate to see that happen on Valencia, its just a well travelled area, especially westbound.

Mr. Behar: I agree, and I think that we have an option, because even the alley that is merely to the west we could relocate temporarily and incorporate and facilitate the access to the rest of the property without causing a lot of distraction to the area.

Commissioner Cabrera: Thank you. Mr. Behar, could you just move to the side real quick; sir, I certainly did not mean anything personal about the traffic, your traffic professionalism, so please don't take it that way, thank you sir.

Commissioner Anderson: Mr. Mayor, I'd like to ask Liz a few questions.

Mayor Slesnick: Please Ms. Anderson.

Commissioner Anderson: I received -- I was in the area of notification, I did not attend any meetings, I did not write anything obviously in response because I know it was coming before us; is there an issue of voting conflict?

City Attorney Hernandez: No. The Ethics Commission has rendered rulings many times with regard to this issue of a Commissioner being in an affected area, and typically, if the number of impacted residents is ten or under, then at that time if there is some sort of pecuniary benefit increase in value to the Commissioner, they have ruled that there is, the perception at a minimum, but in addition to that an actual conflict, and therefore the Commissioner cannot vote; but in this instance you are one of a large group of individuals who has received notice; as you know quasi-judicial rules prevent you from ex-parte communication, because this is a quasi-judicial matter, you have not participated in any ex-parte communication. So you have no conflict and you are bound and so you must vote on the item.

Commissioner Anderson: OK thank you very much. Now, that that's out of the way, I wanted to ask staff a question if possible; Valencia: the five hundred block of Valencia is two story older buildings now that they are planned to be demolished at some point, is that correct?- can anybody give me that answer?

Ms. Russo: The next block west.

Commissioner Anderson: Yeah, the block west, past the La Roc.

Ms. Russo: Past the La Roc.

Commissioner Anderson: Because I know that area is multifamily, if I could point it out; this area right here is all older apartments; what are the plans?- if there are any plans that the City is looking at?- because what I'm driving at is context; what are the future plans?

Mr. Carlson: I don't know if there are any plans being proposed for that area; I just know the land use and zoning.

Commissioner Anderson: What is the land use there?- and how high could anybody build on that?

Mr. Carlson: I believe I'd like to confirm that the land use along there is multifamily residential mid-rise, which allows for forty units per acre; and because it is across the street from a low-rise multifamily resident, it would have a maximum height of sixty feet.

Mr. Behar: Let me offer Commissioner Anderson; on Valencia also as you go further down, there are several projects that I am aware that is in the process of the design of being presented. Normally in addition there is one that I believe that ended up at sixty feet; the original was higher, but they brought it down to sixty feet; but as you go even further west, west of the David Williams, there is another project that's being designed, which is also about a ten story building.

Commissioner Anderson: No, I remember that was the one around that area where it spun the moratorium area.

Mr. Behar: So again, that further emphasis that corridor.

Commissioner Anderson: So that part of the five hundred block of Valencia can only go sixty feet; somewhere its multifamily, it's not zoned for commercial.

Mr. Riel: It depends what it's across from...

Commissioner Anderson: Right.

Mr. Riel:...in terms of transition zone; but if you remember this was a subject of the moratorium area; we did the MFSA study, in advance of the Zoning Code, and we also looked at the area as well as a part of the Zoning Code; and as a part of that, as you recall, we reduced the heights, and reduce the setbacks. The maximum height is seventy feet for the MFSA Zoning.

Vice Mayor Kerdyk: Eric, in your words, why did you not move forward in approving this application? He makes a compelling argument; tell me in your words why you...

Mr. Riel: Going back to the City Commission, the cover memo, we feel that it is precedent setting across west of LeJeune. We feel that if...

Vice Mayor Kerdyk: You think its precedent setting from the standpoint of; you are going to have more high-rise buildings in that area, as opposed to less.

Mr. Riel: The potential for changing the multi family zoning.

Vice Mayor Kerdyk: So you see LeJeune Road as the point of demarcation?

Mr. Riel: Yes. The potential to change the zoning west of LeJeune from multifamily to commercial; you note there is not one building from Bird all the way up to Southwest 8th, with the exception of JCI, which is five floors, and the 401 Building, which is four floors. This would be at nine or ten floors, so we feel it sets a precedent, or across LeJeune as well as multifamily area. As I indicated to you, we all did the moratorium study; we feel it's inconsistent with the City Hall setting; you know you have the park across the street...

Vice Mayor Kerdyk: How about the argument as far as La Roc is within a half a block?

Mr. Riel: The La Roc was done in the late eighties, early nineties under site specifics...

Vice Mayor Kerdyk: Before we had a...

Mr. Riel: Before we had limitations on floor in the land use and zoning; and also if you look at La Roc, it's also setback twenty-five and thirty-five feet from the roadway as well.

Vice Mayor Kerdyk: Does it have a setback, the one...

Mr. Riel: Zero setback, and I believe it has ten foot on one side.

Commissioner Cabrera: Can I piggyback on your...?

Mr. Behar: May I address that a second please?

Vice Mayor Kerdyk: Yes please, I want to hear.

Mr. Behar: The La Roc has a setback and let's be clear, there is a portico shape, a drop-off there...

Commissioner Cabrera: There is a driveway.

Mr. Behar: It's phrased to accommodate...but there is a drop-off, portico shape right in front of Valencia in between the building, so that's the reason to set it back. We do provide a setback on Valencia...

Commissioner Cabrera: You have a loggia.

Mr. Behar: I have a setback and I have a loggia, OK, so there is a setback; the setback I believe is about seven and-a-half feet or ten feet; seven and-a-half feet and ten feet on LeJeune, so we are stepping back; and this is what the Mediterranean Ordinance allows you to do.

Commissioner Cabrera: You have a tendency also to design a lot of buildings with a loggia, from what I have seen in your past work.

Mr. Behar: Commissioner, as an urban...urbanistically and as an architect, I believe it is something good to allow more space for the pedestrian to circulate better in that area; and to give you an example, the one I'm doing on LeJeune Road further up north where the old Gables, Coral Gables [inaudible] used to be; we set it back because architecturally that's a good amenity to have.

Commissioner Cabrera: Mr. Kerdyk, are you done?

Vice Mayor Kerdyk: Well, I just want to hear from Eric, but go ahead.

Commissioner Cabrera: I just wanted to piggyback on your commentary.

Vice Mayor Kerdyk: Yes, go ahead.

Commissioner Cabrera: I'm just curious, Vice Mayor Kerdyk brings up a lot of interesting points; and Mr. Riel during the process of evaluating this project, did you at any point in time develop any, or did the applicant develop any other alternatives that staff felt more comfortable with, or was this the only plan presented to us for consideration?

Mr. Riel: It was the only plan presented, but I would note, I did sit down with the applicant a number of times, I did indicate the department's position on the application, but no, we only react to the application that is presented to us.

Commissioner Cabrera: But I'm curious, because you typically from what I recall and what I've seen in the past, you try to work very hard with the applicant to come up with a solution that works not only for the applicant, but more importantly for the City; did that happen at any step of the way?

Mr. Riel: You know, its difficult to offer a reduction in height on the building; our recommendation is to change the zoning consistent with the land use. So, I read that as, we're comfortable with four to six floors at seventy-seven feet; so if they came back with an alternative seventy-seven feet, absolutely it's within the parameters of the land use; that's an alternative that's available to them.

Commissioner Cabrera: OK.

Commissioner Anderson: Under commercial, right?

Mr. Riel: Commercial – Yes.

Vice Mayor Kerdyk: So you've been dealing with this for awhile then?

Mr. Riel: The application has been in about a year and-a-half.

Vice Mayor Kerdyk: And you have had discussions with them since it was put in?

Mr. Riel: Absolutely.

Vice Mayor Kerdyk: And you told them from the beginning that you were going to have a tough time?

Mr. Riel: No, we don't tell from the beginning, we obviously wait until we get the application in; we go through the review process, the DRC, we meet with other departments, Public Works, Public Service, make sure all the Zoning Code issues are taken; there is a point, yes, when we are ready to go to public hearing; the way I operate the department is, we set down with folks and say, is there an alternative?- yes we have a problem with this; we have a problem with that; and then as a part of that negotiation process we bring it forward; and staff felt in this that we could not support the change in land use.

Vice Mayor Kerdyk: Do you feel if we grant this; this is a big issue for me, if we grant this that it sets a precedent with the Church should the Church want to do something with that location there?

Mr. Riel: Absolutely, absolutely yes, because both of those properties have commercial low.

Mayor Slesnick: When was the last time we voted on the Master Plan?

Mr. Riel: The Master Plan?

Mayor Slesnick: On the land use.

Mr. Riel: The land use...we've done changes to it, but that's coming up in the next two or three months, but we've never done map changes, we're just looking at the text.

Mayor Slesnick: But I mean, we have discussed the Master Plan when we did all the North Gables.

Mr. Riel: Yes, yes, but we haven't done actually map changes.

Mayor Slesnick: When was this Master Plan designation put on this piece of property?

Mr. Riel: I'm not sure, I'm not sure; I've been here nine or ten years, I don't know, Walter's been here twenty, so, not during my...

Mr. Carlson: It's been commercial land use designation and multifamily zoning designation for quite a while.

Vice Mayor Kerdyk: And the height limitation has been...?

Ms. Russo: Probably since the eighties.

Mr. Carlson: Since I can remember.

Mayor Slesnick: So in other words this has been consistent; people who've owned this land and who know this land, and look at this land consistently for twenty or so years have known exactly what it is...low-rise commercial on the Master Plan, and in zoning it is multi family.

Commissioner Withers: Are there any other discrepancies between land use and zoning on any other lots around there?- did you look at any other lots, I mean, the Church is special use, I guess.

Mr. Riel: The Church has commercial.

Mr. Carlson: The Church also has low-rise commercial land use and it has commercial zoning.

Commissioner Withers: So that's OK.

Vice Mayor Kerdyk: That's OK.

Ms. Russo: But it's inconsistent.

Commissioner Withers: And our parking lot on down is OK.

Mr. Riel: Yes, I believe so.

Ms. Russo: No, its not.

Mr. Riel: If you recall, we did not do private property inconsistencies, we wanted to, and the Commission said we wanted to evaluate those on an individual basis.

Commissioner Withers: But we were going to look at all our City properties first.

Mr. Riel: Yes, and we did that.

Ms. Russo: But not that parking lot.

Vice Mayor Kerdyk: That parking lot, I think is multifamily.

Mr. Carlson: The parking lot has consistent land use and zoning, it's not inconsistent.

Vice Mayor Kerdyk: Alright, it's not inconsistent.

Commissioner Withers: So the moratorium issue, I guess just to piggyback on what Don said, it was zoned at seventy-seven feet or seventy feet before the moratorium, and it's zoned at seventy...

Mr. Riel: Right now it has a commercial land use on it...

Commissioner Withers: I understand.

Mr. Riel:...and it has a multi family zoning, those are inconsistent; if the property owner were granted a change in land use...a change in zoning to commercial it would be allowed at seventy-seven feet; if they were to change the land use to residential multifamily, it would be seventy feet.

Commissioner Withers: OK. But besides the change, they wanted to then increase the height to one hundred and seventeen?

Mr. Riel: One hundred and seventeen.

Commissioner Withers: OK, I got it.

Commissioner Cabrera: I got a couple more questions; I'm sorry to keep doing this; I'm sorry ma'am did you have a comment?

Commissioner Anderson: I want to wait till afterwards.

Commissioner Cabrera: Sorry, but if this thing goes through, which I'm not sure its going to, I want to get a couple more things from you in terms of understanding. This went through Fire, right?- Fire Department.

Mr. Riel: It went through the DRC, yes.

Commissioner Cabrera: Good, good; and did you make any kind of allotments in this building for any sort of bicycle storage?

Mr. Behar: Yes, we have.

Commissioner Cabrera: You have, and bicycle parking?

Mr. Behar: And part of the Mediterranean bonuses incorporate a lot of those public safety ambience, and we have incorporated those.

Mr. Riel: It's actually a requirement of the Mediterranean bonus for bicycle storage.

Commissioner Cabrera: Yeah, I'd like to learn more about that, because I've been working with the City Attorney on a couple of issues with bicycle ordinances, and she's made me aware of it, and there are some other things that we could be doing, so maybe at some point in time you can send me some information or we can meet on it.

Mr. Riel: Sure.

Commissioner Cabrera: Thank you sir.

Mayor Slesnick: Thank you. We are going to go to public hearing; we have some people who've signed up to speak. We have Nita Yeung; Nita Yeung from 4101 Aurora Street.

Ms. Yeung: Hello, my name is Nita Yeung, my office is on 4101 Aurora Street, and I'm here to represent my family; we own duplexes on the 2900 Block on LeJeune Road, and we support this project. We think it would be a nice addition to the City of Coral Gables.

Mayor Slesnick: Thank you. I'm sorry, your family owns what?

Ms. Yeung: Duplexes on the 2900 Block on LeJeune.

Mayor Slesnick: OK. Thank you very much. Mr. Stanley Davidson, 2655 LeJeune Road. Good morning Stanley.

Mr. Davidson: Mr. Mayor, Commissioners; I live at 600 Biltmore Way, which is two blocks away from the proposed project. As you've heard the people that acquired the property are sophisticated builders and they knew exactly what the property was zoned for; they are not suffering any damages because there was a change of zoning or anything like that; they knew exactly what they bought; they knew exactly what they could build. Now they are trying to change all that to their own benefit. You've heard from the Planning Department that for blocks, and blocks, and blocks, it strictly residential, and we want to keep it that way. I strongly object to it, but the fact they mentioned it that Merrick intended it to be something else, well they don't know any more what Merrick intended than any one of us did. Its residential, we want to keep it residential, and we object to the changes whatever; and above all if they do build anything, we also want to be sure that the setbacks are the proper setbacks. Thank you.

Mayor Slesnick: Henry Paper from 600 Biltmore Way.

Mr. Paper: Good morning Mayor, Commissioners, Henry Paper, 600 Biltmore Way, Coral Gables, Florida. I am here to support this application. For your information myself and my partners own a substantial amount of property in this City including most of the North side of Valencia Avenue, the 700 Block, which is three blocks away from the site; I am very familiar with this site. I think that anybody who looks at this site, can see that this is not a low-rise site, being where it is, I think it's generally obvious, and we believe that office use for this site is appropriate; it's a good transition use for this site. I think you have an opportunity here to deal with a problem that's been laying here for quite a long time, and if you take a look at this application I think you are going to see that it presents a probe; it satisfies an issue of symmetry

in the area; I don't believe that what's being proposed is out of keeping with what's there; we have a need for good office space in the City; you know Coral Gables has a national-international reputation; we have a lot of fine corporate citizens here; we could use this in the City, it would help the economy of the City. I think it's an appropriate use for the site, and we support it fully. Thank you.

Mayor Slesnick: Thank you. Ralph Patino, 225 Alcazar.

Mr. Alcazar: Good morning Commissioners, I'm a resident at 600 Coral Way over at Segovia Tower. I also own or have a large interest in 430 Valencia. I am here to support the project. As Mr. Paper just pointed out, this project, well the site actually looks like an office building should go there. Right now it's an ungodly sight; and I've seen Mr...what I've done is I've researched Mr. Behar's designs, and I've seen the kind of work that he does, and I think that this area would probably be enhanced by an office building such as this one, Mr. Mayor.

Mayor Slesnick: Thank you very much Ralph, appreciate it. George Prendes, I hope I got that right, 7600 S.W. 57th Avenue.

Mr. Prendes: George Prendes, Jr., I'm here representing my father, George Prendes, he's the owner of multiple properties on the 500 Block of Valencia and he wanted me to come on behalf of him to support the project.

Mayor Slesnick: Thank you very much George. Henry Pino, 232 Andalusia.

Mr. Pino: Good morning Commissioners, my name is Henry Pino, I am President of Strategic Properties Group, and my business is at 232 Andalusia Avenue. I really think that this project is really going to enhance this area quite a bit; I drive by there everyday on my way to work. What I presently see there is parking, surface parking lot, which really doesn't do a whole lot to the area; and given the fact that this building is going to have a very nice arcade, and it has the sidewalk, I think it will be welcomed. Thank you.

Mayor Slesnick: Jorge Guerra, 2805 Columbus Boulevard.

Mr. Guerra: I'm George Guerra, I'm here to speak for him; I'm also the poor guy that's going to be on 400 Valencia across the street from the building; and being, not only his son, but also living across the street from the proposed development, I'm super excited and super looking forward to this building going up. I have an eye sore every time I wake up every morning, and I think you guys for taking another look at this project.

Commissioner Cabrera: Mr. Guerra, would you just state your name and your address.

Mr. Guerra: My name is George Guerra; my address is 400 Valencia Avenue, Apartment No. 7.

Commissioner Cabrera: Thank you sir.

Mayor Slesnick: Jose Iglesias, 600 Biltmore Way.

Mr. Jose Iglesias: Hello, Jose Iglesias, 600 Biltmore Way. I also live in the area, and I have seen what's going on in the area with Miracle Mile and how things are coming along. It seems that we need more office space; we need to enhance the area with more offices, and see if we can revitalize the area because it's lacking; and I think it's totally in tune with the whole arcade idea, everything that's going on in the block in front of it with La Roc there; I think we need something to cover that building because its an eye sore also. I'm for the project and I'm excited about it. Thank you.

Mayor Slesnick: Thank you. Javier Iglesias, 600 Biltmore Way.

Mr. Javier Iglesias: Good morning Mayor, Commissioners; I also live at 600 Biltmore Way; I am Jose Iglesias brother; I drive through there everyday Valencia and LeJeune, I think it would be nice to replace those two buildings there and put a commercial building, have some action, some people, some life in the area. Thank you.

Mayor Slesnick: How's the construction project over at Biltmore II?

Mr. Iglesias: Which one?

Mayor Slesnick: The one that you all are redoing all the...everything...seems like a lot of work going on over there.

Mr. Javier Iglesias: Oh, at the Biltmore II, yes, it's going really slow, it's been...I don't know why it's going so slow; they apparently started without permits or something because they said...

Commissioner Cabrera: Let me try to set the record straight because I've been involved in this project; they did pull all the correct permits, so let me make sure, because I've been helping this building out, and just so you know they are doing a fine job, but they had some problems along the way because of the work that was being done wasn't exactly...they discovered that there was additional work that needed to happen, and so staff has worked diligently with the Biltmore II to ensure that this gets done properly, and so I appreciate your candor but I'm not sure you were absolutely correct.

Mr. Javier Iglesias: You think they'll be finished by next year?

Commissioner Cabrera: I heard that based on your comments, I just saw this on my computer; you'll have a special assessment to help cover some of the cost associated with the new permits; well done, alright.

[Laughter]

Mayor Slesnick: Sorry Javier, didn't mean to set you up. How about Rolando Iglesias, 600 Biltmore Way, no, 600 Coral Way, I'm sorry.

Mr. Iglesias: He's not here, he just stepped out, he's our father.

Mayor Slesnick: OK. Well he has turned in a card saying that he is a proponent and that he was here to support the thing, and he lives at 600 Coral Way. Federico Garcia, 617 Alcazar.

Mr. Garcia: Good morning, my name is Federico Garcia, I live at 617 Alcazar Avenue, I am a CPA; I have an office on Coral Way and 82nd Court. I really like this area; I would love to have an office nearby. I think the proposed project is done in good taste; it would be a nice addition to this commercial office area.

Mayor Slesnick: Thank you very much Federico.

Vice Mayor Kerdyk: And by the way, Commissioner Withers is a very big University of Miami fan.

Mr. Behar: Excuse me one second; I am going to have to recues myself now, try to catch a flight. Thank you.

Mayor Slesnick: Thank you, Robert, thank you, and thank you for you good presentation. Mr. Clerk, are there any other cards that were turned in?- that's on other issues. Well then, we are closing the public hearing. Come on up.

Mr. Talbot Trammell: Mr. Mayor, Commissioners, I represent the First Church of Christ, the Christian Science Church across the street; the property of course adjoins the subject property to the north and I'm just here to announce that we have no objection to their application. Thank you.

Mayor Slesnick: Thank you. By the way Talbot you didn't introduce yourself; that was Talbot Trammell, he did not introduce himself on behalf of the Church. OK. Thank you. We will close the public hearing. Ms. Anderson.

Commissioner Anderson: I live on Almeria Avenue, the 500 Block of Almeria Avenue, which is the other side, and I've been experiencing the construction of a very beautiful project when its going to be done by Mr. Behar; its going to be townhouses. I've been living through the dust and construction; but I believe that that's going to be a beautiful project. For me the whole issue here as I was viewing it was about vision. I envisioned this area now, not as Mr. Merrick envisioned it, because Mr. Merrick unfortunately passed away and then the vision changed because we talked about it at another time; and this area mostly became residential although we do have buildings such as the Biltmore II, the David Williams, things like that; I envisioned that area since it is adjacent to single family residential as to be something of that height, the project that Mr. Behar is presently designing in the back of my alleyway, in the alleyway in back of my house. If this was a project that was multi family, I would be completely supportive; if this office building which is beautiful were in an area that were already outside, west of LeJeune, east of LeJeune, I'm sorry, I would be completely supportive; but I think we've struggled a lot, and I think the Planning Board talked about it, and the moratorium we talked about creating buffer zones, and to me this doesn't do...this kind of takes away from creating buffer zones; if we could create a multifamily area there, that would be great to protect that area; that would be my vision. So unfortunately, I can't support it. I think it's a beautiful building if this was multifamily kind

of project, if it came back and we were to do that, I would be completely congruent with it; but as it stands right now for me its just a matter of visioning. Things changed, and I know we can't change what happened; I know we can't change the Gables La Roc being tall, we can't change the Biltmore II, we can't change the David Williams; we can in my idea effectuate change in the present; and I would think that the multifamily should stay the same there, or some type of lower intensity. So, I'm sorry I can't support it; it's a beautiful project.

Mayor Slesnick: Any other comments?

Vice Mayor Kerdyk: I'd like to make one. First of all, with the land use change, I can support the change from the multi family to commercial zoning, that I can support; what I cannot support and I've looked at it hard, and like I said Mr. Behar I think made a compelling argument as far as it goes; I cannot change the height of the building; I feel that there is a point of demarcation on LeJeune Road right there. I think we transgressed into a low density area; I know the arguments can be made that La Roc was done in the 1980's and the Biltmore II was done in the seventies, but I do see a transition period, furthermore I see a precedent being established for the Church property which is right behind it, and I would not like to have another larger building of a hundred and twenty plus feet on that site at some time. Again, I can support, which I guess is E-9, but I'm going to have a difficult time supporting E-8 and E-10 on the proposed ordinances.

Mayor Slesnick: Any other Comments?

Commissioner Withers: Can I ask Eric for clarification? Mr. Behar mentioned a twenty-five foot additive for architectural elements, is he referring to the twenty-five feet in addition to the one hundred and seventeen feet?

Mr. Riel: No, I believe the total height of their proposal is one hundred and seventy feet, including architectural.

Commissioner Withers: OK, so the seventy-seven feet in this case for commercial building or seventy feet on the back, seventy-seven on the front; that total height, that doesn't include an additional twenty-five feet of architecture.

Mr. Riel: Right, but there is a limitation in terms of how much of that floor area once you go above seventy-seven.

Commissioner Withers: Understood; I understand.

Mayor Slesnick: Any other comments? Can I have a motion? Do I have a motion to...

Vice Mayor Kerdyk: On which one – E-8?

Mayor Slesnick: Yes, on E-8; do I have a motion to object it? Having no motion, it fails anyways, but it's kind of a wimpy way to conclude it.

Commissioner Cabrera: You know, I would like to see the developer come back with an alternative plan based upon what he's heard here today, the concerns.

Ms. Russo: Could you repeat that again...

Commissioner Cabrera: I'm sorry, Ms. Russo, I said that I'd like to see the applicant come back with an alternative plan.

Ms. Russo: Maybe a compromise that's somewhere between the sixteen story transition and...

Commissioner Cabrera: I think you heard some very pointed commentaries from all my colleagues; Ms. Anderson even went as far as to say how much she liked the project. I happen to also think the project is a very quality oriented development, but I share the same concerns that my colleagues have shared with all of you today, and you can see for yourself there is not even a motion on the floor, so there is not an appetite for this, and so I'd like to see...I'd hate to see a good developer go away with a bad taste in their mouth over this project; so if there is a compromise that can be made with some discussions about setbacks and elevations, and the fact that their needs to be some sort of buffer for the area; those are the salient points that I heard this morning without becoming too direct because I think ultimately its your decision or your client's decision as to how they want to return to the City with a project like this; but I do think that there's an opportunity to do something in that area, and I think the area is dilapidated, and as I believe it is as Mr. Guerra, Jr. pointed out it is an eye sore; and I would hate for this developer to go away and not look at it from that standpoint and not come back; I would welcome them to come back to us with some sort of alternative, that's probably one of the reasons I asked Mr. Riel today, did he discuss some alternatives in the process, and so that's where I'm coming from on this project.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: If we want closure to this, I will move that we deny the application for the additional height, and maybe that will then encourage the developer to come forward with an alternative solution.

Commissioner Anderson: I would be amenable to seeing something that's within what talked about.

Commissioner Withers: I'll make that motion.

Commissioner Cabrera: Yes, so would I.

Vice Mayor Kerdyk: OK, moved by Mr. Withers, seconded by Mr. Kerdyk to deny E-8, any further discussion?

Mr. Clerk

Commissioner Anderson: Yes
Commissioner Cabrera: Yes
Vice Mayor Kerdyk: Yes
Commissioner Withers: Yes
Mayor Slesnick: Yes
(Vote: 5-0)

Mayor Slesnick: Do I have a motion on E-9?

Vice Mayor Kerdyk: I'll make the motion to change the zoning from multifamily special area to commercial.

Commissioner Cabrera: Second.

Mayor Slesnick: Moved by Mr. Kerdyk, seconded by Mr. Cabrera to approve E-9, which is an ordinance which would make the zoning consistent with the Master Plan; any other discussion?

Mr. Clerk

Commissioner Cabrera: Yes
Vice Mayor Kerdyk: Yes
Commissioner Withers: Yes
Commissioner Anderson: No
Mayor Slesnick: No
(Vote: 3-2)

Mayor Slesnick: It passes 3-2.

Ms. Russo: Thank you very much.

Commissioner Anderson: Would there ever be an appetite to do a multi family, that would be something to take back to your clients.

Ms. Russo: It could take back, but it would involve a land use change so you'd have to go through the land use change process, but I never say never.

Commissioner Anderson: OK.

Commissioner Withers: Hey Don, I'm not questioning your votes; I understand Maria's position on the transition to the residential, but I was just curious to know what your position is that it should remain residential?

Mayor Slesnick: When I was briefed on this, as I told the Planning Department and I told the City Manager's Office, that I was more interested in going back to change the Master Plan to make it residential than I was in changing the zoning. On the other hand Chip, I didn't make a

big speech about it, because I had heard several of you speak in favor of making it consistent, and I was not on any kind of campaign...

Commissioner Withers: OK, that's fine.

Mayor Slesnick:...and I am very concerned about the hesitation that we seem to show on declaring any part of the Church historic, and I think that the City needs to move forward on that.

Ms. Russo: Thank you very much.

Vice Mayor Kerdyk: Thank you very much.

[End: 11:29:44 a.m.]