

THE CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING

Wednesday, June 8, 2022

6:00 p.m. - 10:00 p.m.

405 Biltmore Way
Coral Gables, Florida 33134
City Hall, City Commission Chambers

WHEREUPON,

MR. AIZENSTAT: At this time, I'd like to go ahead and call the meeting to order. I like to ask everybody to please silence all phones and all beepers.

Good evening. This Board is comprised of seven members or members of the Board shall constitute a quorum and the affirmative vote of four members shall be necessary for the adoption of any motion. If only four members of the Board are present, and applicant may request and be entitled to a continuance to the next regularly scheduled meeting of the Board. If a matter is continued due to a lack of quorum, the Chairperson or Secretary of the Board may set a special meeting to consider such matter. In the event that four votes are not obtained, an applicant may request a continuance for allow the application to proceed to the City Commission without a recommendation.

Pursuant to Resolution Number 2021-118, the City of Coral Gables has returned to traditional in person meetings. Accordingly, any individual wishing to provide sworn testimony will be present physically in the City Commission Chamber. However, the Planning and Zoning Board has established the ability for the public to provide comments, non-sworn and without evidentiary

value virtually accordingly. Only individuals who wish to provide public comment in this format may appear and provide these comments via Zoom.

Lobbyists registration and disclosure: Any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance Number 2006-11 must register with the City Clerk prior to engaging in lobbying activities or presentations before City Staff, Board Committees, and/or City Commission. A copy of the ordinance is available in the Office of the City Clerk. Failure to register and provide proof of registration shall prohibit your ability to present to the Board.

As chair I now officially call the city of Coral Gables Planning and Zoning Board meeting of June 8th, 2022, to order. The time is 6:04.

Jill, will you please call the roll.

MS. MENENDEZ: Robert Behar?

MR. BEHAR: Present.

MS. MENENDEZ: Alexander Bucelo?
Claudia Miro?

MS. MIRO: Present

MS. MENENDEZ: Luis Revuelta?

MR. REVUELTA: Present.

MS. MENENDEZ: Venny Torre

MR. TORRE: Here.

MS. MENENDEZ: Chip Withers?

MR. WITHERS: Here.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Here.

Notice regarding ex parte communications, please be advised that this Board is a Quasi-Judicial Board, which requires Board Members to disclose all ex parte communications and sites. An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum, or other written or verbal communication that takes place outside of a public hearing between a member of the public and a member of the Quasi-Judicial Board regarding matters to be heard by the Board. If anyone made any contact with a Board Member regarding an issue before the Board, the Board Member must state on the record the existence of the ex parte communication and the party who originated the communication. Also, if a Board Member conducted a site visit specifically related to the case before the Board, the Board Member must also disclose such visit. In other case, the Board Member must state on the record whether the ex parte communication and our site visit will affect the Board Members ability to impartially consider the evidence to be presented

1 regarding the matter. The Board Member must also state
2 that his or her decision will be based on substantial,
3 competent evidence and testimony presented on the record
4 today.

5 Does any Board Member have such a
6 communication on their end or site visit to disclose at
7 this time?

8 (CHORUS OF NOS.)

9 **MR. AIZENSTAT:** Swearing-in. I'm going to go
10 ahead and ask everybody first. Anybody that wants to
11 speak on an item I will need after I'm done to please
12 go up to Jill and make sure you sign in and she has
13 your name, and she will be calling you. For
14 swearing-in, everyone who speaks this evening, we ask
15 that you please print your name clearly on the official
16 records and address of your residence.

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

21 (WHEREUPON THE COURT REPORTER SWORN IN ALL THE
22 ATTENDEES.)

23 **MR. AIZENSTAT:** Thank you.

24 Zoom platform participants. I will ask any
25 person wishing to speak on tonight's agenda item to

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1 please open your chat and send a direct message to Jill
 2 Menendez stating that you would like to speak before
 3 the Board and include your full name. Jill will call
 4 your name when it's your turn. I ask that you to be
 5 concise for the interest of time.

6 Phone platform participants. After Zoom
 7 platform participants are done, I will ask phone
 8 participants to comment on tonight's agenda item. I
 9 also ask that you to be concise for the interest of
 10 time.

11 Next, we -- as far as the approval of
 12 minutes, we do not have any minister approved tonight.
 13 The May 11. The meeting minutes will be on the next
 14 meeting which is June 21.

15 The procedure that we will use tonight.
 16 First, we'll have the identification of agenda item by
 17 Mr. Collier. Presentation by staff, presentation by
 18 applicant or agent. Then we'll have an open public
 19 comment, first in chamber, then Zoom platform, then
 20 phone line platforms. We'll go ahead afterwards close
 21 for public comment, and we'll have Board discussion, a
 22 motion discussion, and second of motion, if
 23 appropriate, and then Board's final comments and a vote.

24 Before we begin tonight, I would -- on behalf
 25 of the Planning and Zoning Board. I would like to

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1 and 225 Malaga, Coral Gables, Florida; providing for
 2 repealer provision, severability clause, and providing
 3 for an effective date.

4 Mr. Commissioner, I'm going to read all the
 5 items in, and we'll have a public hearing and vote
 6 separately on each of the different items.

7 **MR. AIZENSTAT:** Correct, thanks.

8 **MR. COLLIER:** The next item is E-2, an
 9 Ordinance of the City Commission of Coral Gables,
 10 Florida amending the Future Land Use Map of the City of
 11 Coral Gables Comprehensive Plan pursuant to zoning Code
 12 Article 14 "Process," Section 14-213, "Comprehensive
 13 Plan Text and Map Amendments," and Small Scale
 14 amendment procedures, Section 163.3187 Florida
 15 Statutes, from "Commercial Low-Rise Intensity" to
 16 "Commercial High-Rise Intensity" for Lots 8 through 21,
 17 less the West half of Lot 8, Block 29, Crafts Section,
 18 together with that portion of the 20-foot platted alley
 19 lying east of Lots 11 and 19, of said Block 29; 3000
 20 Ponce de Leon Boulevard; 216 and 224 Catalonia; 203
 21 University Drive; and 225 Malaga, Coral Gables, Florida;
 22 providing for an effective date.

23 Item E-3, a Resolution of the City Commission
 24 of Coral Gables Florida approving receipt of Transfer
 25 of Development Rights (TDRs) pursuant to Zoning Code

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1 thank Mr. Ramon Trias, the former Development Service
 2 Assistant Director for Planning for all his work and
 3 service to the City of Coral Gables.

4 I think we're going to have to go back, and
 5 we have six -- one, two, three -- we have six
 6 individuals. So, we're going to resume our order that
 7 we have on the agenda.

8 Mr. Collier?

9 **MR. COLLIER:** Starting with E-1, correct?

10 **MR. AIZENSTAT:** That is correct, sir.

11 **MR. COLLIER:** Is this working or not really?
 12 Are you hearing it or not hearing it? You are, okay.

13 Item E-1. An Ordinance of the City
 14 Commission of Coral Gables, Florida, approving the
 15 vacation of public alleyway pursuant to Zoning Code
 16 Article 14 -- Pursuant to Zoning Code Article 14,
 17 "Process," -- oh, here we go -- Section 14-211,
 18 "Abandonment and Vacations," and City Code Chapter 62,
 19 Article 8, "Vacation, Abandonment and Closure of
 20 Streets, Easements and Alleys by Private Owners and the
 21 City; Application Process," providing for the vacation
 22 of a 20-foot wide alley which is approximately 155 feet
 23 in length lying between Lots 12 through 18 and Lots 11
 24 and 19 and Block 29, Crafts Section; 3000 Ponce de Leon
 25 Boulevard; 216 and 224 Catalonia; 203 University Drive;

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1 Article 14, "Process, Section 14 -204.6, "Review and
 2 approval of use of TDRs on receiver sites," for the
 3 receipt and use of TDRs for a Mixed-Use project
 4 referred to as "Ponce Park Residences" on the property
 5 legally described as Lots 8 through 21, less the West
 6 half of Lot 8, Block 29, Crafts Section, together with
 7 that portion of the 20-foot platted alley lying east of
 8 Lots 11 and 19, of said Block 29; 3000 Ponce de Leon
 9 Boulevard; 216 and 224 Catalonia; 203 University Drive;
 10 and 225 Malaga, Coral Gables, Florida; including
 11 required conditions; providing for a repealer
 12 provision, severability clause, and providing for an
 13 effective date.

14 Item E-4, a Resolution of the City Commission
 15 of Coral Gables, Florida approving Mixed-Use Site Plan
 16 and Conditional Use review pursuant to Zoning Code
 17 Article 14, "Process" Section 14-203, "Conditional
 18 Uses," for a proposed Mixed-Use project referred to as
 19 "Ponce Park Residences" on the property legally
 20 described as Lots 8 through 21, less the West half of
 21 Lot 8, Block 29, Crafts Section, together with that
 22 portion of the 20-foot platted alley lying east of Lots
 23 11 and 19, of said Block 29; 3000 Ponce de Leon
 24 Boulevard; 216 and 224 Catalonia; 203 University Drive;
 25 and 225 Malaga, Coral Gables, Florida; including

1 required conditions; providing for a repealer
 2 provision, severability clause, and providing for an
 3 effective date.

4 Item E-5, a Resolution of the City Commission
 5 of Coral Gables, Florida approving the Tentative Plat
 6 entitled "Ponce Park Residences" pursuant to Zoning
 7 Code Article 14, "Process," Section 14-210,
 8 "Platting/Subdivision," being a re-plat of 42,543
 9 square feet (0.977 acres) into a single tract of land on
 10 the property legally described as Lots 8 through 21,
 11 less the West half of Lot 8, Block 29, Crafts Section,
 12 together with that portion of the 20-foot platted alley
 13 lying east of Lots 11 and 19, of said Block 29,
 14 together with a 1,318 square feet portion of University
 15 Drive that runs north of the Malaga Avenue right-of-way
 16 and west of the Ponce de Leon Boulevard right-of-way
 17 and dedication of 1,725 square feet; 3000 Ponce de Leon
 18 Boulevard; 216 and 224 Catalonia; 203 University Drive;
 19 and 225 Malaga, Coral Gables, Florida; including
 20 required conditions; providing for a repealer
 21 provision, severability clause, and providing for an
 22 effective date.

23 Items E-1, E-2, E-3, E-4, and E-5 public
 24 hearing.

25 **MR. AIZENSTAT:** Thank you.

1 Ms. Cabrera?

2 **MS. CABRERA:** Good evening. Suramy Cabrera,
 3 Development Services Director. Thank you, Craig.

4 I'll jump right into the presentation. As
 5 Craig read out to you there are five requests being
 6 made this evening that you will be voting on. There's
 7 the vacation of the alley, the change of land use,
 8 receipt of TDRs, the Mixed-Use Site Plan, and the
 9 Tentative plat. This project is located -- it's
 10 actually near the Dade County Courthouse on Ponce cross
 11 from the Christie's and the Agave Project (ph.) that's
 12 going on just north of that in the Ponce Circle Park.
 13 you've actually seen this project in a larger scale
 14 previously at the same location. The existing
 15 conditions, it's primarily lots that are not occupied
 16 at this time and my understanding is that the lot that
 17 does have a building on it is vacant.

18 So, request number one is the vacation of the
 19 alley. Number two is the land use change. Number three
 20 is the receipt of the TDRs. Number four is the
 21 Mixed-Use Site Plan. And number five is the Tentative
 22 Plat. I'm just going to skip over that because not
 23 really relevant I think right now.

24 So, the review timeline, this went to the
 25 development review committee in July of 2020. It was

1 for a bigger project at DRC. Then it went to the Board
 2 of Architects in November of 2020, it was approved by
 3 the Board of Architects, the larger version of this
 4 project. The neighborhood meetings occurred on
 5 November 24th, 2020. We had the staff meeting in
 6 January of '21. That's an internal meeting. Planning
 7 and Zoning Board saw it in February of '21. It was
 8 rejected or continued -- actually it was continued at
 9 that time. And you saw it again in August of 2021. At
 10 that time, this Board rejected it. There was -- it was
 11 actually a little bit bigger; it had more density; it
 12 had more height. That project was rejected. The one
 13 that's here today has actually reduced some of those
 14 items. It went to Historic Preservation Board in
 15 October of '21. The Historic Preservation Board
 16 accepted the TDRs, they did not vote favorably for the
 17 vacation of the alley or the street vacation. And we're
 18 here tonight at the Planning and Zoning Board.

19 The letters to property owners went out.
 20 It's a 1,500-foot requirement. there was public
 21 notification, five times letters were sent to the
 22 property owners. We had six property postings, five
 23 website postings, and four newspaper advertisements.

24 The first request, the Vacation of the Alley,
 25 it's about 3,000 square feet. They own the properties

1 on both sides. So, the vacation of the alley is
 2 something that staff feels is appropriate for the
 3 project. The second one is the change of land use to
 4 high rise it's currently low rise. So, they want to go
 5 from low rise to high rise. The receipt of the TDRs
 6 which would allow them to get some additional FAR on
 7 the on the project. They're requesting 37,581 square
 8 feet, which they have purchased. It was part of the --
 9 I think it was the avocado land dispute or something.
 10 that will go -- that already went to the Historic
 11 Preservation Board. The Historic Preservation Board
 12 already approved the sending site. You will be
 13 reviewing today the receiving site and then it will go
 14 to City Commission.

15 The missed -- mixed-use site plan, here's the
 16 site plan. you can see there that there is a Paseo.
 17 Very similar to location of where the alley used to be.
 18 There's a vehicular entrance on the north side,
 19 there's ground floor retail as required for the
 20 mixed-use, the arcade, a plaza which is part of what's
 21 being offered to the city in exchange for some of these
 22 -- for the approval of this project.

23 This for the tentative plat and what's
 24 interesting here is they're actually going to be -- I
 25 don't know if you can see that, but they're going to be

1 dedicating some right of way. And then we're going to
2 be returning some right of way because that -- the
3 curve there is actually not the way -- the best way to
4 develop that. It's actually not a good way the way it
5 is today, the existing. So, we're going to be trying
6 to correct that. And this is actually a point that I
7 believe Planning and Zoning -- I mean the Public Works
8 would have liked to see that slip lane be removed in
9 its entirety. Historic wouldn't like to see this slip
10 lane removed. Planning -- the Planning Department
11 doesn't want to see the slip lane removed. But at the
12 minimum, we will be correcting that curvature there.

13 So, staff's recommendation is that this
14 application is consistent with the comp plan, the
15 goals, objectives, and policies. We recommend
16 approval, the application complies with the findings of
17 fact and the standard for rules are satisfied subject
18 to conditions of approval. And the conditions are that
19 the applicant issues to the city a million dollars of
20 in-kind improvements to the university right-of-way and
21 the abutting park. they will also maintain this park
22 in perpetuity. And we're requesting that it actually
23 prior to the TCO or within one year after approval,
24 whichever occurs first. That they underground all the
25 overhead utilities, that the off-site public realm

1 difference at this stage, whether you do first the site
2 plan review or the vacation of the alley or the, you
3 know, TDRs.

4 **MR. TORRE:** In the past, we've seen where the
5 vacation of the alley is tied to a project that was
6 presented later. And we voted on the alley before the
7 project was actually approved. So, I'm just saying is
8 that something that doesn't make sense to just sort of
9 --

10 **MR. BEHAR:** it doesn't make sense because if
11 the project doesn't go forward, then you vacated the
12 alley. And what Ven is saying is correct, in the past
13 you vacant an alley later.

14 **MS. CABRERA:** Right, I understand.

15 **MR. TORRE:** It's just I'm curious --
16 (SIMULTANEOUS SPEAKING.)

17 **MS. CABRERA:** But the vacation --

18 **MR. TORRE:** -- I think we had that issue once

19 --

20 **MS. CABRERA:** -- of the alley will be taking
21 place here, today. So that's why I'm saying that. For
22 purposes of your voting, I don't think it makes a
23 difference what order you take it in, in this Planning
24 and Zoning Board meeting.

25 **MR. AIZENSTAT:** Mr. Collier, any comment on

1 improvements as identified in the plan proffered by the
2 applicants are obviously included, and that the annual
3 traffic monitoring be conducted for three years. And
4 that's really the extent of the presentation from staff.

5 **MR. TORRE:** I have a question. In past
6 history, does the order that you guys have put these in
7 the agenda matter? Because aren't some of these things
8 more conditional on the approval before? For example,
9 vacation of the alley, which we've seen before, if you
10 approve first and something happens later, you vacated
11 an alley that is not consistent with the progress. Is
12 there some reason --

13 **MS. CABRERA:** So, when it goes to Commission,
14 it will be entered in the appropriate --

15 (SIMULTANEOUS UNINTELLIGIBLE SPEAKING.)

16 **MR. TORRE:** So, from your prospective --

17 **MS. CABRERA:** -- so that one is dependent on
18 the other.

19 **MR. TORRE:** Is the review of the first item
20 being vacation makes sense compared to doing it some
21 other way? I'm just asking whether your professional
22 opinion, does it make sense to do maybe the master plan
23 review first? I'm not sure the answer (sic) is I'm
24 just asking.

25 **MS. CABRERA:** I'm not sure that it makes a

1 that?

2 **MR. COLLIER:** I don't -- I think the Board
3 can choose to take the order that it wants to.
4 obviously, if you're addressing the merits of the
5 project, and you don't find it to in your
6 recommendation is that is for is for denial of the
7 project. Then, since the alleyway -- the purpose of the
8 alleyway is needed for the projects, then you can
9 certainly consider the alleyway last, it's just on the
10 agenda this way.

11 **MR. AIZENSTAT:** Understood.

12 **MR. REVUELTA:** Well, hold on. If they can --
13 the opposite viewpoint. If for whatever reason, we
14 deny the closing of the alley, I'm not saying that
15 that's going to happen, that pretty much, like, kills
16 the project, right?

17 **MS. CABRERA:** Yes --

18 (SIMULTANEOUS SPEAKING.)

19 **MR. REVUELTA:** (Indiscernible) better

20 question --

21 **MS. CABRERA:** -- you can ask the applicant that
22 question --

23 **MR. BEHAR:** You're correct.

24 **MS. CABRERA:** -- but probably.

25 **MR. TORRE:** -- the same thing happens with

1 TDRs, there's sort of a necessity for the project that
 2 needs to be sorted?
 3 **MR. REVUELTA:** And I'm not debating the point
 4 with you. Because I actually -- you bring up a very
 5 good point. And what just came to my mind, I don't --
 6 with adding the alley, we saved with a lot of -- a
 7 tremendous amount of time, I'm not saying I'm proposing
 8 that. But I'm saying that there's a possibility.
 9 **MR. AIZENSTAT:** We can address that at the
 10 end when we make -- if there's a motion and so forth,
 11 and we can take it up at that order.
 12 **MR. TORRE:** For the sake of time, I'm just
 13 suggesting we take the big meaty part first and then
 14 leave the alley and the TDRs for last. But that's just
 15 my perspective.
 16 (SIMULTANEOUS SPEAKING.)
 17 **MR. REVUELTA:** We'd have to make --
 18 **MR. AIZENSTAT:** We're going to hear the
 19 presentation as a whole.
 20 **MR. TORRE:** Okay --
 21 **MR. REVUELTA:** -- we have to make a motion.
 22 **MR. AIZENSTAT:** Thank you. Mr. De Yurre.
 23 Welcome, Mr. De Yurre. Before you begin, I
 24 just wanted to recap, originally on February 10th,
 25 2021, did your initial presentation. That initial

1 presentation was about two and a half hours before this
 2 Board. On August 11, 2021, you revise your
 3 presentation. On May 5th, 2022, there was a deferment.
 4 And today, we're going ahead and -- a smaller scale of
 5 the project has been presented before us. What I would
 6 like to ask you is, I would like to ask you to please
 7 limit your presentation to 30 minutes, because we do
 8 have a full house and I like to give an equal
 9 opportunity to everybody here that wishes to speak to
 10 please do that. And we're supposed to sunset at nine
 11 o'clock.
 12 **MR. DE YURRE:** Absolutely, it's not an issue.
 13 In fact, I'm going to let Mr. Morris speak. I believe
 14 a challenge was brought to him to create a better
 15 project, a higher quality project, to find something
 16 transitional. I'm using the exact words that we used
 17 for our direction, transitional challenge to create a
 18 better project. And he really took it to heart and so
 19 I'm going to let --
 20 **MR. AIZENSTAT:** If I could ask you, just
 21 before you start, if you could give your name and
 22 address for the record to the court reporter. Thank
 23 you.
 24 **MR. DE YURRE:** Sure. Anthony De Yurre, 1450
 25 Brickell Avenue.

1 I'm going to let Mr. Morris speak to that, I
 2 just need the presentation. Thank you. And at the
 3 completion Mr. Morris's comments, I'll save time for
 4 rebuttal if needed, in particular comments or cross.
 5 Thank you
 6 **MR. MORRIS:** Good evening, I'm Alan Morris,
 7 reside at 3700 Granada Boulevard. And I thank you for
 8 letting me address your Board this evening.
 9 As you may know, the mission of our company,
 10 which is also my personal mission, is to inspire,
 11 impress, and improve. very simple three words. We want
 12 to inspire people with the beauty of our projects. We
 13 want to impress them with the excellence of their
 14 experience. And we want to improve the lives of all we
 15 touch. And that means the residents in the buildings
 16 that we build or the tenants and the office buildings
 17 that we build or the city in which we build and the
 18 neighborhoods that are affected by what we build. I
 19 know that's a high aspiration but that's our intent.
 20 And to be able to do that in our own hometown of Coral
 21 Gables is a great privilege and a great opportunity
 22 that I'm grateful for. Tonight --
 23 **MR. AIZENSTAT:** Mr. Morris, did you state
 24 your address for the record? You did?
 25 **MR. MORRIS:** Yes.

1 **MR. AIZENSTAT:** I'm sorry.
 2 **MR. MORRIS:** No, that's fine.
 3 We have taken your comments from the last
 4 meeting to heart, and also have sought out feedback,
 5 comments, suggestions, recommendations from the
 6 surrounding neighbors and other neighbors here in Coral
 7 Gables that are all very important to us. And we treat
 8 them with great respect. And in response to that,
 9 we've made six major concerns in a major redesign of the
 10 project. First, we're eliminating the floor area ratio
 11 from the roadway that we had originally been told was
 12 appropriate. So that's completely removed.
 13 Secondly, we've reduced the density to one
 14 half the number of units that we had originally proposed.
 15 Thirdly, we've reduced the square footage by
 16 twenty percent of the project.
 17 Fourthly, we've treated this as a transitional
 18 location. And in that context, have reduced the height
 19 of the building by five floors, below what we had
 20 originally thought was appropriate, which actually
 21 makes it one half of the size of the plaza tower next
 22 door.
 23 Fifth, there was originally going to be rental
 24 apartment building was our intention and our desire.
 25 But in response to the request of the neighbors, we

1 have transitioned it to a luxury condominium, because
2 they felt like that would bring less traffic into the
3 neighborhood and would attract a higher level of
4 occupant resident in the building that they wanted to
5 have in the neighborhood. And we've agreed to do that.

6 And lastly, we have agreed to reduce the
7 parking dramatically by ninety-two parking spaces, as a
8 way of reducing traffic created from the building and
9 traffic for the neighborhood, we will still be creating
10 a park for the city of Coral Gables in front of the
11 building at our expense entirely for both the creation
12 of the park and for the maintenance of the park into
13 the future. So, it will not be a burden to the city.
14 But it will be something together with a green open
15 space that we're creating available to the public.

16 Lastly, as you may know, the Architectural
17 Review Board has unanimously approved our new plan. And
18 as you've just heard, the planning department of the
19 city has fully recommended our new plan. And I just
20 hope that we'll have the opportunity to do something
21 that would be as much of a blessing to the community
22 and inspiring to the community as Alhambra towers has
23 been, just a different style, a new style of
24 Mediterranean architecture that will celebrate City
25 Hall and the design of City Hall reinterpreted for the

1 21st century, in the same way that Alhambra towers was
2 a reinterpretation of the Biltmore Hotel in the 21st
3 century. So, I would just respectfully request your
4 approval, and we stand ready to answer any of your
5 questions. Thank you so much.

6 **MR. AIZENSTAT:** Thank you, sir.

7 Jill. We have some emails that came in,
8 there's a total of five emails that are going to be
9 entered into the record. Is that correct?

10 **MS. MENENDEZ:** Correct.

11 **MR. AIZENSTAT:** Have you received any other
12 emails on this item?

13 **MS. MENENDEZ:** No additional emails, no.

14 **MR. AIZENSTAT:** How many speakers do you have
15 for this item?

16 **MS. MENENDEZ:** We have twenty speakers in the
17 room. We have quite a few people signed in via Zoom and
18 only one has indicated that they wish to speak.

19 **MR. AIZENSTAT:** Okay. What I'm going to go
20 ahead and do is I'm going to ask everybody to limit
21 their speaking for three minutes, when they come up to
22 the podium, please, and that'll -- that way it'll give
23 everybody an ability to comment and so forth. Also, if
24 some -- if somebody has already gone ahead and given a
25 point of view, you may want to just agree with them or

1 refresh something new. Also, I want to make sure has
2 everybody signed up with Jill in the podium, anybody
3 that has not if you would please go up to Jill and she
4 will go ahead and get your name, address, and so forth
5 to be called. Thank you. ?

6 Jill, do you want to go ahead and are you
7 able to call for speaker?

8 **MS. MENENDEZ:** Yes. Maria Cruz, please.

9 **MS. CRUZ:** Maria Cruz, 1447 Miller Road. I'm
10 going to try to talk very fast because there's a lot of
11 things to say.

12 First of all, the question was asked, was
13 there a reason for the alley vacation first? Yes,
14 there is a reason. Because if the alley is now vacated,
15 they cannot join the two properties and they do not
16 have the -- this -- the land that they need to be able
17 to build. Yes, the alley has to be first. Okay, is
18 there an acre if the alley is not vacated? The
19 comprehensive plan, if you follow the agenda, you will
20 see that is in order. And everything is predicated on
21 the fact that everything will be approved, if not, the
22 building cannot be made. Okay. the comprehensive plan
23 needs to be approved. As a matter of fact, the staff
24 says it complies. it doesn't comply unless the
25 amendment goes through. The TDRs is not a receiving

1 site. It has to be approved. Everything is contingent
2 in the approval of what they're asking. In other
3 words, if you don't give them what they're asking this
4 doesn't go through. Okay. the university, they're not
5 asking for University Drive anymore. No, they're only
6 asking for a part of University Drive, so they can
7 square off the property. So, 407 square feet will be
8 taken from University Drive, so they can square the
9 parcel, because otherwise the building as designed will
10 not fit there.

11 The first -- the Historic Preservation Board
12 denied. they denied their request, okay. when Ramon
13 Trias was here, most of you were here,
14 (unintelligible). Ramon Trias had a wonderful
15 presentation. And the result was denied. Now we have
16 a new staff. And now everything is hunky dory and
17 we're ready to move on.

18 When we talk about housing, the glorious
19 thing of the housing is that people will be able to go
20 to employment by public transportation. I would like
21 to know how many people are going to be able to afford
22 living there. They're going to be you know, owners,
23 executives or whatever, are going to use public
24 transportation to go work around there. Okay, I have a
25 serious issue with the fact that this report from the

1 staff was not published till June 3rd. There were two
 2 days off for the weekend. So, in fact, we have had
 3 four days to digest this document. We're not
 4 architects --
 5 (BELL RING.)
 6 **MS. CRUZ:** Please let me finish. Okay.
 7 We're not architects. Okay. All right, if
 8 you look at the pages that they give you (sic), okay.
 9 You will see that everything I've told you is here, I
 10 didn't make it up, it's in this report. They have .99
 11 acres. That's not one, it's .99 and that is with the
 12 public alley. That's very important. They don't have
 13 that size. With, it says very clearly, including the
 14 public alley. That's why the alley is first. If they
 15 don't get the public alley, they can't do it. Okay.
 16 All right. I told you about this -- the -- the MF, you
 17 know, let me tell you. I'm insulted when we compare
 18 this building to the plaza. That's adding insult to
 19 injury. These people, they're able to -- I don't live
 20 there, I drive there every morning. The people that
 21 live there have been paying for the fact that the city
 22 allowed the plaza to be built. This -- I mean that's
 23 the worst thing that could have ever happened. And now
 24 we're going to say since the plaza was built, this is a
 25 little smaller than the plaza. The plaza should have

1 never been built. Okay.
 2 The issue with the Mediterranean bonus -- you
 3 know what I said through the Mediterranean bonus
 4 meetings? If this building is Mediterranean bonus, let
 5 me tell you, my house is an African design. Okay? All
 6 right. I hope that when you drive there, when you
 7 drive there, you see what these people that live right
 8 there are going to see. You have the plaza on one side,
 9 then you have this building on the other side. It's
 10 Brickell. They're going to be driving on the shadows
 11 because there will be no sun there --
 12 **MR. AIZENSTAT:** If you could wrap it up --
 13 **MS. CRUZ:** I'm going to wrap it up very fast.
 14 They talk about the traffic study. I hope
 15 you all remember what it (sic) was happening in Coral
 16 Gables, Florida, and the rest of the world in November
 17 2020. How many of us were driving then? Not many.
 18 That's when they did the traffic study. Okay. All
 19 right. I told you -- let's see the employment. I am
 20 here to tell you that this project is a travesty, that
 21 this is an insult. And let me tell you what the word
 22 on the street is. And this -- then I'm going to close.
 23 The word on the street is -- and some of you know me.
 24 People call me. They hear. I listen. I mean,
 25 (unintelligible) I'm going to tell you that word on the

1 street is Mr. Morris is not getting the right of first
 2 refusal on parking seven. So, this is a piece of --
 3 (SIMULTANEOUS SPEAKING.)
 4 **MR. AIZENSTAT:** Ma'am, we're here just --
 5 **MS. CRUZ:** -- I'm just telling you --
 6 **MR. AIZENSTAT:** -- this project --
 7 **MS. CRUZ:** Okay. I'm going to tell you --
 8 **MR. AIZENSTAT:** Thank you, ma'am.
 9 **MS. CRUZ:** -- again, this is a travesty. Do
 10 not insult the name.
 11 **MR. AIZENSTAT:** Thank you, ma'am.
 12 **MR. DE YURRE:** I just appointed procedure in a
 13 quasi-judicial setting, there's an opportunity for
 14 questioning of the particular witnesses. And so, would
 15 you like me to do it per witness or wait until the end?
 16 **MR. AIZENSTAT:** Not now, we're not going to
 17 do that right now.
 18 **MR. DE YURRE:** I'm going to retain until the
 19 end.
 20 **MR. AIZENSTAT:** Yes.
 21 **MR. COLLIER:** Counsel has the right of cross
 22 examination. However, we can -- typically the way you
 23 can do it as part of his rebuttal. He can call people
 24 up that he wishes to ask questions of, these people
 25 have -- should remain in the room because they're

1 subject to cross examination. And on the applicant's
 2 rebuttal -- he can do as part of his rebuttal, cross
 3 examination of those witnesses. Thank you.
 4 **MR. DE YURRE:** Well, I just wanted to clarify
 5 the point of procedure I didn't want to overstep, and I
 6 wanted to follow your direction. So, thank you very
 7 much.
 8 **MR. LOWELL:** Good evening, gentlemen, and
 9 lady. I'm Jack Lowell, I live at 185 West sunrise
 10 Avenue. I've been a resident of Coral Gables for 30
 11 years. I'm a real estate broker. I just want to make
 12 a quick comment on the vacation of alley issue.
 13 You need to get legal advice. But if you own
 14 both sides of an alley or public roadway, you can ask
 15 for that to be vacated as matter of law. So, it has
 16 nothing to do with the project. That is, you go ahead
 17 and done. Now, we have here a situation where you have
 18 a local developer with a great reputation and wonderful
 19 community spirit. Who does what he says you're going
 20 to do 121 Alhambra is, in my opinion, the prettiest
 21 building in Coral Gables? And the attention to detail,
 22 everything he's done there has been great. So, you
 23 know, he's going to abide by whatever it's doing. He
 24 also lives in the Gables, so he's trying to be
 25 committed to doing something that is of benefit to the

1 city. And I think he's a terrific person to be doing
2 this project. Now, if you look at the comparison in
3 the report between the project that was submitted to
4 you on -- in 2021, versus the one that's before you
5 now, you see all the changes that have been made for
6 the better. We're down to eighty units in the condo
7 section and all the other criteria have been reduced.
8 So, I think this is a much-improved project. And I
9 think it's a credit to the community. And I support it
10 wholeheartedly. Thank you very much. Thank you, sir.

11 **MR. DURANA:** Good afternoon members of the
12 Planning and Zoning Board. Aurelio Durana, 322 Alessio
13 Avenue.

14 Essentially, incorporate by reference all of
15 the remarks made by Maria. I do want to object to the
16 limitation of the witness's time, only three minutes.
17 I will point out to you which is obvious from the
18 record. We live now in the shadow of the mall at
19 (unintelligible) on pause (unintelligible) Ponce Circle
20 Park, that's already bad enough. What Mr. Morris wants
21 to do to the neighborhood. I mean, a man of his
22 reputation, his integrity, the buildings as before, he
23 wouldn't even be considered. He shouldn't be bringing
24 up as a point of comparison, what I -- a ridiculous
25 proposal that we originally made as 17-, 18-stories,

1 and now I'm bringing it down to fourteen.

2 The point of comparison here is the existing
3 zoning, which allows seventy-seven feet. regarding the
4 vacation of the alley, Mr. Lowell may be correct. The
5 aborting owner may request the vacation of the alley,
6 obviously, the city may do a sua sponte. Now the issue
7 is they should be paying for and how much is 3,000
8 square feet of commercial real estate was in Coral
9 Gables. A million dollars, at least the -- the SAR for
10 the property now is denser than it was even in the
11 original proposal. So, we have more building in the
12 same or lesser space, because Mr. Morris is taking less
13 of University Avenue the parking reduction. I mean, I
14 don't see how that works to our advantage. I don't see
15 the owners of luxury condominiums taking freebie or
16 crossing the street and taking the trolley and mixing
17 up with the hoi polloi. At the mall across the street,
18 it is going to push the traffic down into south into
19 the craft section neighborhood, especially with the
20 rezoning of the corporate craft section north of
21 university. Bear in mind, the historic sense of
22 (unintelligible) apartments are just southwest of this
23 massive project.

24 Regarding the TDRs, I was totally -- I
25 wondered when the Commission approved basically the

1 expansion of the TDR reception district to allow for
2 receipt of the TDRs by Mr. Moore's project, I had no
3 idea there was no heading there. This is to benefit
4 the atom, Moore's project, whatever got totally
5 unawares. I'm sure you can get advice when you cancel.
6 So, in summary, please reject this application. Thank
7 you.

8 **MR. AIZENSTAT:** Thank you, sir.

9 **MS. MENENDEZ:** Enrique Bernal will follow.

10 **MR. BERNAL:** My name is Enrique Bernal; I
11 live at 718 Valencia Avenue.

12 I just have a request that when you look at a
13 proposal on this project that you are consistent on
14 which are the applicable zoning regulations. I
15 remember reading that the reason that they asked for a
16 taller building is because their design was submitted
17 prior to the 2021 zoning change that -- that forbid
18 that kind of hike. But then I see that the 2020 --
19 2017 did not permit TDRs. And if I understand things
20 correctly, the allowance of TDRs outside of the
21 Business Development -- Business Improvement District
22 was that (unintelligible) Board Commission Meeting
23 items that nobody understood what occurred. So, I do
24 believe that there is a legal question here that you
25 need to take very seriously. You cannot give them the

1 benefits of both sides of the zoning. If you're going
2 to go by one zoning regulation, you need to stick to it
3 and make sure that we don't end up with another lawsuit
4 like we have with Wawa. Thank you.

5 **MR. AIZENSTAT:** Thank you, sir.

6 **MS. MENENDEZ:** Enriqueta Bernal?
7 Oscar Sosa?

8 **MR. SOSA:** Good afternoon. Thank you for
9 letting me speak.

10 **MR. AIZENSTAT:** Can you state your name and
11 address please?

12 **MR. SOSA:** Oscar Sosa, 116 San Sebastian
13 Avenue. We are one block away from the when these huge
14 building that they want to do now in front of us.

15 First, I'd like to say that I -- I do feel
16 offended that Mr. Morris this that. They listened to
17 the residents. They never listened to the residents.
18 When they presented the first project. We tried to
19 meet with them, and they went they never met with us.
20 All these changes come now. Now, after you the Board
21 rejected the project, so for him to say that he
22 respects the wishes of the of the residents is
23 insulting, insulting to all of us in the air. We
24 started with a 179-foot pot and downward thirty feet I
25 believe that the as of right or the stoning says is

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1 seventy-seven feet the height so he's asking you to go
 2 twice as big. We got burned by the plaza the plaza
 3 said we're going to do condos. No. Yes. They said
 4 we're going to do condos, that's how they started, then
 5 all of a sudden, they change it, we're going to do
 6 rentals because the market is not good for us. And we
 7 got stuck with 265 rental units around right around our
 8 area. How do we know that Mr. Morris is not going to
 9 change once, if this project is approved, and come back
 10 and say, oh, I'm not doing condos anymore, I'm going to
 11 do rentals? We do not trust the vendor. And we're not
 12 against the vendor. But we want them to stick to the
 13 code. The code says seventy-seven feet, build
 14 seventy-seven feet, we don't think that we should leave
 15 any or the city should give any free land to the
 16 developers. They're asking for 460/470 feet of
 17 University Drive, as Maria mentioned before. Why? I
 18 don't understand why you would do that. If they don't
 19 get that those 450/460 feet. They don't have a project
 20 not the way it's presented.
 21 So please, I ask you to deny this project.
 22 It will harm the tranquility of the people that live
 23 around the area. As Maria said, we live there. Every
 24 day, our kids, we have to be worried about our kids
 25 because there's a lot of cars going into our suite.

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1 project from an overall compliance standpoint, and, and
 2 the impact that could have in that area, mainly to
 3 traffic and, and just take that in consideration. And
 4 I therefore reject the project against that. Thank you.
 5 **MR. AIZENSTAT:** Thank you, sir.
 6 **MR. FOURNIER:** Good evening. My name is David
 7 Fournier, 128 San Sebastian. So, as you can see, the
 8 heart is full -- is full of people whose against this
 9 project. We have to deal with this project of Plaza.
 10 So, everybody's going to tell you the plaza, the plaza,
 11 the plaza. so, we cannot compare anything was the
 12 platter. Now, what I wanted to say was said before.
 13 there's one thing that I wanted to discuss is regarding
 14 the traffic. The traffic is horrendous. When you are
 15 on the points northbound in the morning at the light
 16 with Malaga the line goes all the way through to Romano
 17 in the -- around 5/6 P.M. When you take university,
 18 the -- from Le Jeune -- from Le Jeune, the line goes
 19 all the way past Salzedo. It is Salzedo, right?
 20 Salzedo goes all the way to Vicky Bakery. And then you
 21 have even the light on Salzedo for the people at the
 22 light to make a right. this is without having the
 23 Plaza done one hundred percent. So, we're already
 24 under a huge amount of traffic in the downtown of Coral
 25 Gables. If you're adding these twelve stories, it's

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1 From Ponce de Leon, there's a lot more traffic and they
 2 haven't opened the hotel. They haven't opened it. They
 3 retail stores. So, imagine the Plaza, which was a
 4 mistake, I think by the city allowing such a
 5 monstrosity. Now they want to put another building
 6 which is not going to be as huge but it's going to be
 7 huge. Right in front. I asked you to please consider
 8 the residents of the area. We have not been hurt. We
 9 talked to the group after you guys denied we explain
 10 what we wanted or what we will feel comfortable with.
 11 We were not hurt. So, the project that you have right
 12 now is totally against what we feel should be approved.
 13 Thank you.
 14 **MR. AIZENSTAT:** Thank you, sir
 15 **MS. MENENDEZ:** Attilio De Mattia. And David
 16 Fournier will follow.
 17 **MR. DE MATTIA:** My name is Attilio de Mattia,
 18 29 San Sebastian Avenue. I will, you know, be very
 19 short and pointed.
 20
 21 I'm completely aligned with -- with Sosa and the San
 22 Sebastian community. I'll have any technical
 23 expertise, I know that there are rules and of course,
 24 we're going to follow the rules. But the main point I
 25 want to bring is asking the Board to look at the

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1 going to be crazy. For us, he started with sixteen
 2 floors, then goes to down (sic) and say, listen, guys,
 3 we went five floors down, but you started to the moon.
 4 You started at the light that is too high. So don't
 5 come to us to tell us, we listened to you, we go down
 6 to twelve. No, we understand, we know the music. So,
 7 what we're asking is very simple is allowed
 8 seventy-seven feet, build something with seventy-seven
 9 feet. I'm sure Mr. Morris will do something beautiful
 10 with seventy-seven feet, and then do not give away the
 11 alleyway. the alley is public, is to the public. So,
 12 we need to have -- you cannot take this, please don't
 13 take away the alley. Thank you very much for your time.
 14 **MR. AIZENSTAT:** Thank you, sir.
 15 **MS. MENENDEZ:** David winker.
 16 **MR. WINKER:** Good evening, David Winker, 4720
 17 South Le Jeune.
 18 You hear residents over and over again asking
 19 the city to follow its own rules. Mr. Morris gave a
 20 presentation on lobbying this Board. Mr. Morris has
 21 not (inaudible) a lobby. This has been a recurring
 22 problem. So, I want to put on the record. As a
 23 principal is required under your code, Section 2-305,
 24 and Miami-Dade code, 2-11.1(g). So even in the process,
 25 we're in the developers not following the code. I

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1 would like to read two resident letters into the
 2 record. One is from Jennifer Davis, who lives at 133
 3 San Sebastian Avenue. On November 12, 2021, Ponce
 4 neighbors wrote a letter addressed to our City
 5 Commissioners as concerned neighbors, who after two
 6 meetings with the developer, Alan Morris, October 5th,
 7 and October 18th, 2021, remain disturbed and
 8 disappointed by their current proposal.

9 Our host, Mr. Spencer Morris was very
 10 gracious to invite us, and it appeared that the meeting
 11 was intended to hear neighbor input. However, the
 12 plans in meetings did not reflect any of our concerns
 13 and suggestions and this concern caused us to write the
 14 letter during the meetings the developer focused on
 15 defending the merits of the project. Every neighbor
 16 spoke out against the heightened scale. We strongly
 17 oppose the proposed height. When what is allowed as of
 18 right in our building code is seventy-seven feet with
 19 the Mediterranean bonus, we oppose the architecture and
 20 ask for a new design of smaller scale. We suggested
 21 that the developer revisit the architectural plans to
 22 offer a more boutique style of architecture and
 23 building scale. Not a single neighbor likes the
 24 crescent shaped design. Many neighbors felt the
 25 building was undeserving of such a prominent area of

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1 Park Residences simply does not make any aesthetic or
 2 community sense. Thank you.

3 **MR. AIZENSTAT:** Thank you, sir.

4 **MS. MENENDEZ:** Patrick O'Connell. And then
 5 Lauren Dowlen will follow.

6 **MR. O'CONNELL:** Hi, good evening, Patrick
 7 O'Connell, Real Estate Executive, Berkshire Hathaway
 8 Home Services, UWM Realty. 2010 Alhambra Circle.

9 So, I'm here to speak in favor of the
 10 development. Think in the last couple of years we've
 11 seen our downtown undergo a renaissance it's attracted
 12 many, many new fine restaurants, retailers, Office
 13 tenants. This has also made us more of a destination
 14 for a lot of high-net-worth individuals that have been
 15 relocating into downtown who desire to be close to and
 16 have the walkability of those retailers, restaurants and
 17 businesses, their places of business. So, I feel that
 18 this type of high quality, lower density, luxury
 19 residence is what we have many buyers for today. And I
 20 just think that it's a perfect addition to support our
 21 downtown core and keep it growing as I think we all
 22 need to do to continue to contribute as it does to our
 23 city's tax base. So, speaking in support, thank you.

24 **MR. AIZENSTAT:** Thank you

25 **MS. MENENDEZ:** Lauren Dowlen. And then Jeff

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1 real estate. The general sentiment was that the project
 2 belonged in Dadeland, or Brickell, not Coral Gables.
 3 These meetings with Mr. Spencer Morris felt like a
 4 waste of time, who's only what purpose was to meet
 5 political criteria, so the developer can check the box.

6 Another point I would like to address is that
 7 the overwhelming height of Ponce Park Residences in
 8 conjunction with the height and scale of Ponce Plaza
 9 would create a concrete wall that would swallow Ponce
 10 de Leon Boulevard, creating a tunnel hidden alongside
 11 two giant concrete structures. This most definitely is
 12 not the city beautiful. The shear with the Ponce Park
 13 Residences, which requires vacating of the alleyway does
 14 not belong in this location directly adjacent to single
 15 family homes a few hundred feet away not to mention the
 16 traffic which includes all the new development
 17 including Ponce Plaza, Alison Craft (ph.) and Ponce
 18 Park Residences.

19 (BELL RING.)

20 **MR. WINKER:** Is it okay if I just finish the
 21 letter?

22 In addition, I am concerned with backup
 23 traffic at the Malaga intersection of Ponce de Leon
 24 which makes it very difficult for neighbors to enter
 25 and exit our streets. What they're proposing for Ponce

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1 Sullivan.

2 **MS. DOWLEN:** Hi, my name is Lauren Dowlen. I
 3 reside at 1460 Cecilia Avenue in Coral Gables.

4 I'm here to speak in favor of Ponce Park
 5 Residences. Our city has a need for well-built and
 6 quality condominiums for both residents who are
 7 downsizing as well as new residents. The surge of new
 8 residents to our community is not going away anytime
 9 soon as our location is the gateway to the Americas is
 10 our blessing. Currently, the proposed parcels are in a
 11 state of blight and vacancy and are not utilized to the
 12 highest and best use for the community and the city.
 13 Word on the street is that Allen Morris is dedicated to
 14 our entire community, and is a quietly generous
 15 philanthropist, especially for our local schools.
 16 Thank you.

17 **MR. AIZENSTAT:** Thank you.

18 **MS. DOWLEN:** Jeff Solomon.

19 **MR. SULLIVAN:** Jeff Sullivan, 936 Bird Road,
 20 Coral Gables.

21 I'm speaking in favor of the project, just
 22 based on the I think the civility of the process and
 23 how that when the community gathers together and gives
 24 input and then alterations are made. I think that's
 25 how we arrive at good development. We understand

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1 there's always a tension as residents, we wish there
 2 were no cars on the road or people in the way of, of
 3 what we do. But also, we depend now on the vibrancy of
 4 the downtown area and the Commerce and the business and
 5 the life that it brings, and how it supports all of our
 6 systems from police to fire and other things that we
 7 benefit from. And so, there's always a tension of the
 8 development and growth that goes on downtown and then
 9 how it impacts our neighborhoods. So just recognizing
 10 that tension that exists. I think this project comes
 11 at a happy medium in order to promote good growth and
 12 good development without as great a negative impact on
 13 the neighborhood.

14 **MS. MENENDEZ:** Yanira Seralta. Eduardo
 15 Gonzalez.

16 **MS. SERALTA:** Hi, good evening. My name is
 17 Yanira Seralta, 243 Camilo Avenue, about two to three
 18 blocks south of University Drive. So right in the
 19 middle where this whole thing is happening.

20 I've been living in Coral Gables for about 10
 21 years now and in my low like present residence for four
 22 years. I feel like we're under constant siege. Why?
 23 Because people keep saying that we're in downtown.
 24 Yeah, we're close to downtown, but that's meant to be a
 25 transitional area. Right south of University Drive.

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1 don't feel safe anymore. I don't feel happy anymore. I
 2 love my neighborhood, but I feel like we're not being
 3 protected, and we're not being sheltered in the way
 4 that we should. Thank you very much

5 **MS. MENENDEZ:** Eduardo Gonzalez.

6 **MR. GONZALEZ:** Thanks for the Commission.
 7 Thanks everyone present. At some point --

8 **MS. MENENDEZ:** State your name, sir. And your
 9 address.

10 **MR. GONZALEZ:** Yes, yes, Eduardo Gonzalez
 11 Hernandez, 243 Camilo Avenue, Coral Gables.

12 So, thank you, thank you, everyone. And
 13 we've be here before and we really are trying to
 14 protect something special. That neighborhood in Coral
 15 Gables to South University is special. It's we have a
 16 unit on one side and, and constantly on the other side.

17 We know our neighbors remarkably well. We talk to our
 18 neighbors all the time, every day we talked to neighbors
 19 perhaps ten times a day. That's very unusual. But
 20 then we cross the street we have a lot of kids in the
 21 neighborhood, just crossing the street in South Side
 22 was becoming dangerous. Much less I mean, we are
 23 afraid to Cross University. There's not even a sign
 24 there for crossing the street there. We -- yeah,
 25 there's a stop sign. But it's not protected. We can't

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1 There're single family residents, single family homes,
 2 small, single-family homes. So how does it make sense
 3 that our transitional building goes from fourteen floors
 4 or four floors, but single-family home a one floor
 5 single family home? That doesn't make sense to me and
 6 I'm getting very disappointed because I feel like the
 7 city has sewn in rules and regulations for a reason.
 8 And that is to protect the residents. I shouldn't have
 9 to be here How about at my daughter here? I should be
 10 playing with her shouldn't have to be here protecting
 11 where I live. I am terrified sometimes of crossing
 12 universities right. I am terrified of crossing Ponce
 13 de Leon the traffic is insane. And I can't even
 14 imagine what it's going to be like these tall buildings
 15 keep cropping up. Yes, we live close to downtown, but
 16 this is a transitional area. This is not downtown.
 17 Unless like I'm imagining maybe south of university
 18 that's also going to be high rises. I don't know what's
 19 happening. I mean, I'm confused. I feel under siege.
 20 I feel disappointed that our city is not protecting us.
 21 These people that are speaking in favor of the project.
 22 They don't live there. We live there. We live there.
 23 I ask you; you know I ask you, please take us into
 24 consideration. It makes me very sad that I have to
 25 move I'm going to have to leave Coral Gables because I

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1 cross university without some risks. And then we had
 2 this huge building already. The plaza is already going
 3 up. It's almost completed, but it's almost it's huge.
 4 Yours has been talked about a lot of nauseam. But it's
 5 a huge building and next to it crossing the street,
 6 single family homes what happened there and we're
 7 repeating this again. And then the other street the
 8 Gardena group is building another huge building there
 9 proposed there in the craft section. And that was a
 10 swap which we don't understand.

11 But please, enough -- what is happening here?
 12 Where is the ideal of city beautiful, where the
 13 residents really have a special place to live? This is
 14 not very cool. This is not Kendall. So, it's -- it --
 15 I don't know what to say. So please help us protect
 16 what's special, responsible growth we have to grow I
 17 understand that. But through responsible growth and try
 18 to protect the ideals of the city and really no
 19 building there. It can be qualified as beautiful when
 20 it's so tall so big that it doesn't respond to certain
 21 (unintelligible). Is it really a transitional area?
 22 Anything more than three four stories is too tall. And
 23 folks can make their money, their investment without
 24 being really so let's just be responsible and I
 25 appreciate your time. Thank you.

1 **MR. AIZENSTAT:** Thank you.
 2 **MS. MENENDEZ:** Hector Bae. Hector?
 3 McDonald West.
 4 **MR. MCDONALD WEST:** Good evening, my name is
 5 McDonald West. I reside at 5325 Orduna Drive.
 6 Beginning in 1999, I worked with Alan Morris
 7 and developing Alhambra Towers. In order to develop
 8 that building, we had to get many of the same approvals
 9 for that building that we're asking for today. We
 10 needed to vacate a right of way. We needed a part of
 11 it, we needed to change the future land use plan. We
 12 needed transferable development rights in order to
 13 build the building. And we also needed to get a mixed
 14 mixed-use permit to be able to build that building.
 15 Many people consider that the iconic building in Coral
 16 Gables. What Alan is trying to do with this building
 17 is to build a similar iconic condominium building.
 18 I would encourage you to seriously consider
 19 voting in favor of this project. Alan worked with the
 20 city of car Gables in order to make Alhambra Towers.
 21 And he's trying to do the exact same thing with these
 22 Ponce Park Residences. And I'm quite sure that if the
 23 City works with Alan, we'll be able to get a
 24 magnificent building on that corner. The Architectural
 25 Review Board has already unanimously voted in favor of

1 it. The City Planning Department is recommending it.
 2 And I would encourage you to also approve and recommend
 3 this project. Thank you
 4 **MS. MENENDEZ:** Robert Kirk? And following
 5 Mr. Kirk will be Brian Barakat.
 6 **MR. KIRK:** Good evening, my name is Robert
 7 Kirk. I live on 117 Santander Avenue; I have the
 8 distinction of being the person that lives closest to
 9 this project of all the neighbors who have spoken.
 10 I will tell you that my home life and our
 11 quality of life has already been adversely affected by
 12 the plaza. My Backyard faces the plaza, I already have
 13 the hum of the of the chillers or the ventilation fan
 14 to my backyard, it's no longer quiet at night. I have
 15 lights from the plaza that make it, so I no longer lead
 16 security lights in my backyard. The other day my wife
 17 and I were standing in our backyard, looking where this
 18 project we would be built. And we realized that 149
 19 feet is going to block the sun in my backyard. When
 20 the sun starts to set.
 21 I'm asking you to stop the insanity. We have
 22 already been adversely impacted. This is an insult. On
 23 top of injury. We have kids that live on our street, we
 24 have five school aged children. On San Sebastian,
 25 there are many schools aged children that one block

1 away. Traffic has already gotten bad as many people
 2 have said, without the plaza being even eighty percent
 3 fully occupied. Please don't add more density, more
 4 traffic to an area that is already suffering very bad
 5 from what everyone seems to agree was a big mistake and
 6 allowing the scale, size, and scope of the plaza.
 7 Appealing to your sympathy or empathy to help us out.
 8 Let's keep this a residential area. Let them build what
 9 they can build as of right on that spot. You know, but
 10 this is stop downtown from encroaching onto our
 11 streets. When I bought my house. The Plaza didn't
 12 exist where the plaza is now. We're residential homes,
 13 and it's getting worse and worse. And please deny this
 14 project. Thank you very much.
 15 **MR. AIZENSTAT:** Thank you.
 16 **MS. MENENDEZ:** Ryan Barakat. And then Ms.
 17 Thompson will follow up.
 18 **MR. BARAKAT:** Good afternoon. My name is
 19 Brian Barakat. I live at 507 Bird Road. I also own a
 20 law firm at 2701 Ponce de Leon Boulevard, the AmTrust
 21 bank building right over here.
 22 I live, work, and play in Coral Gables and
 23 have for the last 20 years. I try whenever possible
 24 not to leave the Gables. I don't put many miles on my
 25 car because I bike to work. I biked to work right

1 through the San Sebastian neighborhood, which has
 2 little to no traffic in the neighborhood. Of course,
 3 on the one on June, there's traffic on concerts and
 4 traffic in the neighborhood itself. I mean, I rarely
 5 have to get out of the way of a car. I ride my bike
 6 slowly about twelve miles an hour right past this
 7 corner every day on the way to and from work. And it's
 8 hideous. We live in the city beautiful we and when the
 9 quick stop was there, it was ugly. Now that the quick
 10 stop is gone. It's still ugly in a similar way that
 11 parking lots ugly. This is all right next to the
 12 courthouse. I'm a lawyer I go there frequently. And
 13 people that come to conduct business at that
 14 courthouse, you know view this corner as a -- as a
 15 breathing place and entryway into our city. And they
 16 come into the city beautiful, and they see this ugly
 17 point.
 18 Through two real estate booms, nobody has
 19 gotten it together to beautify and improve this ugly
 20 corner. Now we are thankful, Mr. Morris, to build
 21 another gorgeous building at this place that can
 22 generally be considered the gateway in some ways to our
 23 communities. So, I support the project, and I hope the
 24 Commission does. Thank you.
 25 **MS. MENENDEZ:** Dorothy Thomson. Following Ms.

1 Thompson will be Maria Sosa.
 2 **MR. AIZENSTAT:** Welcome back, Ms. Thomson
 3 **MS. THOMSON:** Good evening to the Planning
 4 Board Members. In the spirit of transparency, I will
 5 be I will say that I know some of you --
 6 **MR. AIZENSTAT:** Can I ask you to state your
 7 name and address please.
 8 **MS. DOROTHY THOMSON:** Yes. That I have
 9 served some years with the two members at the far right
 10 over here. Almost six years, with you Venny Torre on
 11 the Historic Preservation Board, delightful experience
 12 sitting next to you and deciding things like this TDRs
 13 and so forth for all those years. And then there's the
 14 other one --
 15 **MR. AIZENSTAT:** Ms. Thompson, if I can ask
 16 for your address just for the Court Reporter, please.
 17 **MS. THOMSON:** I'm sorry. Dorothy Thomson,
 18 2600 Cordain Street.
 19 **MR. AIZENSTAT:** Thank you.
 20 **MS. THOMSON:** And Chip Withers, served eight
 21 years with him sitting next to him on the City
 22 Commission All right.
 23 **MR. TORRE:** (Inaudible.)
 24 **MS. THOMSON:** I was going to say was read the
 25 life and we are barely I don't know so much with you.

1 that, just in the aside, when I was mayor, was there
 2 the most cantankerous meetings I've ever had was with
 3 whether or not we would do anything with the Biltmore
 4 Hotel. And this whole this whole room is filled like
 5 it is tonight, with people opposing the Biltmore hotels
 6 renovation. Anyway, this proves how to exit moments in
 7 she said, if precedent I thought may were moments, I
 8 want to say that Alan Morris has come from a family of
 9 builders of developers. His father developed the first
 10 shopping center Northside Shopping Center here in
 11 Miami, as well as the Dadeland shopping center. All
 12 quality projects did very well there's still there has
 13 been a claim of ease in Maitland, Florida, one of his
 14 many projects around this known state for the whole
 15 country for the kinds of buildings he has put up in
 16 their cities. He's a quality developer, he's a quality
 17 individual. And I will say not too much more about him
 18 personally, because I think anyone who knows Alan
 19 Morris knows He's a gentleman he would never do. He's
 20 a hometown boy born and raised here in Coral Gables.
 21 He's not from outside the city of rock pines outside
 22 the state, he is a homebody boy. And he's not going to
 23 do anything, never has never will do anything that will
 24 harm the city, or the ambience of the city.
 25 And to conclude my remarks, I'll say from the

1 spirit of liberty. I'm just saying this of course, but
 2 honestly, Pete, it was always with what color my nail
 3 polish. I shattered how he doesn't do good things to
 4 you, though does he was just a tenant that was? Well,
 5 anyway, in the spirit of transparency, I wanted to say
 6 that we did, sir. But I did not lobby them or hadn't
 7 spoken to them at all about this project. And also,
 8 them. I wanted to say this morning, I attended a very
 9 nice event was the Founders Day Memorial for George
 10 Merrick, the founder of a city was Merrick. And, you
 11 know, he was a developer. And developers get a lot of
 12 bad publicity and bad names. But he was our best
 13 developer. And if it wasn't really for him, use me.
 14 It wasn't for him. We wouldn't even be here tonight.
 15 So, I want to say, developers, not all what
 16 are the people, you know, make them out to be. And as
 17 far as Allah Morris is concerned, he's the fine
 18 gentleman. He's also my son in law, marriage, my
 19 daughter, one of my daughters. And so, I want to make
 20 a few remarks on a very personal nature. I think that
 21 you will know that he's the builder of the -- excuse me
 22 at 201 The Alhambra hampered towers, he said to me,
 23 every other one, Alhambra towers, which is arguably the
 24 most beautiful building in the city of poor Gables with
 25 the exception of Biltmore Hotel. And speaking about

1 other direction, when I was in the Commission, there
 2 were the TDRs came into play. And originally, they
 3 were in the downtown district solely. And they have
 4 burgeoned out somewhat. So, this is not setting a
 5 precedent with his TDRs. And bene you and I sat in
 6 Historic Preservation where we have made many cases
 7 come up on these TDRs. So, you know, this is not an
 8 unusual request. And as far as the TDR is concerned,
 9 that used to only go as far as Elvira to the south.
 10 And there may be exceptions to that, too. Well, once
 11 availability, the 201 Seville Avenue building, they
 12 extended it for that particular one more block. So,
 13 there's lots of precedents, and there's done for good
 14 reasons. And I trust the integrity of this Board. I
 15 certainly trust the integrity of Ella Morris. Obviously
 16 speak personally speaking, and there's no question
 17 about it. Anyone who does know Alan does know Alan
 18 would agree with me. And that's my remarks for this
 19 evening. Thank you all for serving.
 20 **MR. AIZENSTAT:** Thank you.
 21 **MS. MENENDEZ:** Maria Sosa. Arjan Honderd
 22 will follow.
 23 **MS. SOSA:** Hello, my name is Maria Sosa, I
 24 live at 116 San Sebastian Avenue. Thank you for
 25 allowing me to speak to the Board.

1 I don't think we're here debating whether Mr.
 2 Morris is a good person or not. We all believe he is.
 3 This is purely a building code issue. Although it may
 4 seem that the proposal is smaller, I don't believe it
 5 is. It's very far from that the project is twice as
 6 big hurt code, since the current height is seventy-
 7 seven feet tall. And the proposed projects, it's at 149
 8 feet tall, almost double the current code. I believe
 9 this is a new practice where developers come in with
 10 three times the size of the allowed project to then be
 11 denied, and come back and half, which is really double.
 12 So that we feel wow, this is a small project. Never
 13 was, you know, they started so big, by the time you
 14 reduce it, you're still at double the current code. So,
 15 I don't feel grateful for that. The issues are on
 16 rentals and condos. Someone mentioned before, that's
 17 exactly how the plaza pitch 10 Their project to the
 18 residents. It was all condos, and then we were down
 19 the line. Realize that that was not the case. It was
 20 all rentals. They only belongs to the residents and
 21 not to the developers nor to the Board or to the
 22 Commissioners. No. Nor to Kendall. It belongs to us.
 23 I don't know why it is so hard to listen to
 24 the residents and hear our cry for help. We're another
 25 downtown district. We are single family homes, with

1 wish we could stay just by what code allows
 2 seventy-seven feet. This afternoon, I talked to my
 3 neighbor next door. I used to work for the city, and
 4 we were looking at the Plaza. And he's like, oh,
 5 Harry, you know, you have to just think of how much
 6 your property has gone up in value. I say, Ed, we
 7 don't care about that. We live here. This is our
 8 place where we live. I don't care if it goes up. I
 9 just you know what a nice place to live. We moved in
 10 there about 12 years ago. It was a very nice
 11 neighborhood. You can hear the birds in the morning
 12 but foxes running around all kinds of nice stuff in the
 13 middle of the city. But now, I mean, I come home at
 14 night. It's dark, but it looks like a UFO has landed
 15 in my front yard. It's enormous. The lights are
 16 everywhere. And now they're going to put another
 17 building there. We're all for the development of that
 18 area there because it's you know; it's been basically
 19 nothing for a long time. But just stay with the
 20 seventy-seven feet allowed by code. We all be happy.
 21 And I think as well, somebody else mentioned
 22 it that it was the lady with the baby. We need
 23 protection from the city against developers. What
 24 happened with the Plaza? I mean, we were completely
 25 caught off guard. We're not architects, we're not

1 families and small children. All the people that have
 2 spoken here in favor to this project do not live in our
 3 neighborhood. They do not know what we're going
 4 through, they do not suffer the consequences that we
 5 are suffering at the moment with the building of the
 6 plaza, literal yet with the occupancy and the
 7 businesses that the plaza and the traffic that that's
 8 going to bring to us. So, all those people don't know
 9 what we are going through. They don't they live very
 10 far away from our area. So, I just asked humbly asked
 11 for responsible development, no vacation of the alley,
 12 and no change from low rise to high rise is too much
 13 for tiny area where we have little children trying to
 14 play outside. Thank you so much for the opportunity.
 15 **MS. MENENDEZ:** William Plaza will follow.
 16 Emilio Miyares as well.
 17 **MR. HONDERD:** Good evening, my name is Arjun
 18 Honderd. I'm a resident of 3100 Galiano Court. I'm a
 19 neighbor of Bob. So, if you go there, my house faces
 20 west. So basically, I'll be looking straight at the
 21 project from me from my place.
 22 I agree with what's been said by Maria, just
 23 beforehand. Now people are saying that Mr. Morris is a
 24 great person, a good developer and all that. But
 25 nobody said something about the size of the project. I

1 developers. You know, some of us are lawyers. But you
 2 know, we need the city to protect us. Stuff like this.
 3 So, I hope you will do the right thing to stay within
 4 the seventy-seven feet with Moore's can build a very
 5 nice place. I'm sure everybody will be happy. Thank
 6 you very much.
 7 **MS. MENENDEZ:** William Plaza, Emilio Miyares,
 8 Shelly Daniel, Sara Conde, those will be the following
 9 speakers.
 10 **MR. PLAZA:** Good evening. My name is William
 11 Plaza. I reside at 55 Merrick Way and my business is
 12 located at 1701 Ponce de Leon.
 13 I'm here to support the developments due to
 14 the great benefits that it brings to the community.
 15 Mainly for departments being built, which is we have a
 16 dire need or need for I live here with my three
 17 daughters. I actually own my own company. I do take
 18 the trolley to work. And I do work walked to work as
 19 well. I believe the development is a great addition to
 20 our city. And it will again bring great benefits to
 21 the need for more living spaces. Just to give you an
 22 idea I brought I brought my office from the growth to
 23 the Gables seventeen people, all of them, all of them
 24 are looking to move to Coral Gables. For that reason,
 25 half of them have already secured spaces. The other

1 half it's extremely difficult due to the fact that
 2 there's no availability of living spaces. So, I am
 3 here to support the development. And I hope you make
 4 the right decision. Thank you.

5 **MR. AIZENSTAT:** Thank you.

6 **MR. MIYARES:** Emilio Miyares, 130 Madiera
 7 Avenue.

8 I'm here to support the project. I think I
 9 followed a lot of the developments here in the city.
 10 I've been in the city for over 20 years. And I have a
 11 small CPA firm right off the ponds I think is going to
 12 beautify that corner and bring great amenities to that
 13 area to support the project. Thank you,

14 **MS. MENENDEZ:** Shelley. Then Sara Conde.

15 **MS. RUTHERFORD:** Okay, where to begin. Hi,
 16 Shelly Daniel Rutherford, 3720 Grenada Boulevard. And
 17 it's a pleasure to be here.

18 I have worked with you all a few times on
 19 previous projects because I don't like to like to stand
 20 out in the limelight. But you we had problems
 21 beginning the Coral Gables Museum, bam, it went through
 22 and it's awesome for the city beautiful. We had
 23 problems doing the youth center with the light. Bam,
 24 it has been incredible for our city. And I was dealing
 25 with Ralph Sanchez, (indiscernible) Georgia, America's

1 original design over there, which was incredible. And
 2 it's grown because people need a place to stay. And
 3 everybody wants to live in the city beautiful.

4 Something's going to happen. Because people
 5 want to live here. You might as well have somebody
 6 that is working with you all suggestion I zoomed in two
 7 years ago, when Mr. Morris was denied his presentation.
 8 And now what I read in the papers, etc. He's done
 9 everything. He's complied with everything y'all wanted
 10 to do. It sounds to me from the neighbors. I really
 11 feel bad for you.

12 **MR. AIZENSTAT:** If you could please, Ms.
 13 Rutherford --

14 **MS. RUTHERFORD:** -- for 69 years I've lived
 15 here, and I've seen it grow up and I've seen a lot my
 16 friends move away to St. Augustine and North Carolina,
 17 but this city is beautiful, it's going to happen.
 18 Let's do it respectfully. Let's do it with George
 19 Merricks designs and try to work together. Maybe it's
 20 only my own opinion, maybe broaden that University
 21 Drive. And I was under the impression that we're
 22 planning a beautification problem there. Project
 23 there. Let's do it nicely. Without getting too big.
 24 Keeping the coral rock to keep us the city beautiful.
 25 I think if someone's going to do it, and they're going

1 to do it, we might as well have it. Beautifully done.
 2 Thank you.

3 **MR. AIZENSTAT:** Thank you.

4 **MS. MENENDEZ:** Sara Conde.

5 **MS. CONDE:** Hi, I'm Sara Conde. I'm from 228
 6 Alesio Avenue.

7 I've been living here for 25 years. I wanted
 8 to know, can you speak, and I wanted to note that the
 9 people in support of the project have businesses in the
 10 area. They don't live there. I live there. The whole
 11 area is changing. It's not good for our residences.
 12 It's not good for our quality of life. And nobody
 13 that's supporting it lives in art. And I just feel
 14 that I understand that the developer is a quote Every
 15 developer, and my hat's off to him. And I really would
 16 like him to do that quality development within the
 17 current zoning, just the way that I found it when I
 18 bought my house 25 years ago. Thank you.

19 **MR. AIZENSTAT:** Thank you. So, in room
 20 speakers, do we have anybody else?

21 **MR. WINKER:** I have -- I ask your indulgence.

22 I have one more letter from someone who couldn't be
 23 here. Would it be okay to read in?

24 **MR. AIZENSTAT:** Mr. Collier?

25 **MR. COLLIER:** The council can forward the

1 letter to the -- to the Clerk. Well, that the letters
 2 are actually not considered substantial, competent
 3 evidence. They're not testified to. So --

4 **MR. AIZENSTAT:** And the gentleman already had
 5 his turn.

6 **MR. COLLIER:** Yes. So, you're welcome to
 7 forward it to the Clerk and you can send it to them.

8 **MR. AIZENSTAT:** Please understand if -- if
 9 that would be the case, and everybody else should have
 10 the right to do the same.

11 **MR. WINKER:** Thank you.

12 **MR. COLLIER:** So, you can get with Jill and
 13 have her have it transmitted as far as part of the
 14 record.

15 Just one other, if there concluded one other
 16 housekeeping measure with regard to registering as a
 17 lobbyist it was raised earlier. There's an exception
 18 for lobbyists, which says the following persons are
 19 specifically excluded from the definition of lobbyists
 20 and shall not be subject to the requirements of this
 21 section and under subsection A, any representative
 22 individuals corporation or other entity solely during a
 23 public hearing on a quasi-judicial matter, that is an
 24 exception under the lobbying rule.

25 **MR. AIZENSTAT:** Jill, we have some more

1 speakers on Zoom?

2 **MS. MENENDEZ:** Yes, we currently have three

3 speakers on Zoom. Javier Banos.

4 One moment, Mr. Banos, go ahead now.

5 **MR. BANOS:** Thank you very much for -- yes,

6 can hear me? Thank you very much to the Board Members,

7 and to all the residents that showed up today to speak.

8 And I can tell you I've not every door of the

9 neighbors that are directly affected by this project,

10 everyone from university all the way south, to tuba

11 road, that no one's to a single person wants his

12 project to go through. This project is done in a

13 vacuum. As everyone has said, As Maria very eloquently

14 put forward, you're talking about this project more

15 than the town, it's going to have significant density

16 in entropy, you have the garbage going into that is

17 going to be fully staffed, and he's going to have four

18 resumes once he's done, and they're going to be in a

19 project going up, we have a new project going up south

20 of Bird Road, near Merrick park, you have the projects

21 that are going north from what used to be the craft

22 section. So, residents, now it's going to be a

23 multiphase -- area.

24 You know, I wish Allen would have been able

25 to do the mobility hub, because that is another

1 I'll go to the next speaker, Dr. Gordon.

2 **MS. CARBONELL:** Hello.

3 **DR. SOKOLOFF:** Yes. Hello.

4 **MS. CARBONELL:** This is Karolia Carbonell.

5 **MR. AIZENSTAT:** Okay, let's let Miss

6 Carbonell and then we'll take Dr. Gordon.

7 Go ahead, please.

8 **MS. CARBONELL:** Okay, thank you. Thank you

9 so much. I'm calling -- we -- as president of the

10 Historic Preservation association of Coral Gables, we

11 have been tracking the development --

12 **MR. AIZENSTAT:** If you could state your name

13 and address, please for the record.

14 **MS. CARBONELL:** Yes, Karelia Carbonell, 532

15 Altera Avenue.

16 I'm calling just because we have been as a --

17 as a Preservation Society, we have been tracking this

18 project because of the fact that there are some

19 historic implications. Within the project. Back in

20 October of last year, the Historic Preservation Board

21 denied both the vacating of the alley and the

22 encroachment of University Drive. So, I don't

23 understand why this is an issue or an item once again,

24 when the Historic Preservation Board which is a

25 Quasi-Judicial Board, and I don't understand why I keep

1 increase in density in our downtown. He's a good, he's

2 a good developer, he's done great work from the city,

3 there's nothing there's no judgment on him. But I just

4 project is louder than a vacuum. He will, as a doctor

5 said, create a wall from university all the way north.

6 And it will create a barrier it will increase the

7 density but also, there's no tape forever. There's no

8 paper in between the downtown and the residential area.

9 And it will be an encroachment on the residential area

10 who wants to build it within code that requires a

11 vacation of or the alley in order to build it within

12 the code. So, you can we can certainly take that into

13 consideration. But I don't think that these

14 neighborhoods deserve this. They have already been

15 significantly affected negatively affected by the

16 impact of a rabid project. This would as be said

17 before adding insult to injury. I would recommend that

18 none of us have this project and we deny it even though

19 it has been modified from what it was before the

20 modifications or not to the satisfaction of what was

21 (inaudible).

22 **MR. AIZENSTAT:** Thank you sir.

23 **MS. MENENDEZ:** Karelia Carbonell.

24 Ms. Carbonell, can you open your mic please?

25 Ms. Carbonell?

1 hearing a quasi-judicial procedure here because my

2 understanding this Board is an Advisory Board. So

3 maybe I'm wrong, but that's how I've been understanding

4 it.

5 So, number one, a vacation of an ally is part

6 of the Coral Gables City Plan, which is a historic

7 landmark. And in that plan, quote, alleys are one of

8 several protected historic resources. Also, the zoning

9 code only allows seven stories. This proposal even when

10 it has been somewhat diminished, is still about twice

11 the zoning code. It also encroaches on, obviously, the

12 University Drive area, which is part of the historic

13 plan. And I'm going to quote the historic plan very

14 briefly. Merricks historic city plan protects, quote,

15 rights of ways, parkways, roadways, alleys, open space,

16 parks, swales, reservations, sidewalks, and waterways.

17 So, again, this project and no one and of course, you

18 know, Allen Morris is a very highly respected citizen

19 and philanthropic and, you know, a wonderful architect,

20 or planner and developer, and the project is a nice

21 project. But why are these projects being proposed

22 when they rely on public land? Okay, build the project

23 within the land that is yours.

24 So again, and just a reference to the

25 Alhambra tower. Yes, it's a beautiful project, there

1 was all kinds of concessions, but it's a commercial
2 district, this is a neighborhood, and you listen to the
3 neighbors and the neighbors are against a project of
4 the size. So, keep it within the code, keep it at
5 seven stories don't use public land, that land is
6 protected. And it has already been denied by the
7 Historic Preservation Board back in October of 2021.
8 And your Board also denied recommending the project.
9 So why are we again here with a very slight, I guess,
10 alteration to the plan, when all these things, you
11 know, specifically these out the alley and the
12 university, because those are public, and those are
13 protected. And so please take into consideration that
14 those have been denied. Thank you.

15 MR. AIZENSTAT: Thank you.

16 MS. MENENDEZ: Dr. Gordon.

17 DR. SOKOLOFF: Yes, hello. I would like to
18 just make a few points. There are so many excellent --

19 MR. AIZENSTAT: Could you state your name and
20 address for the record?

21 DR. SOKOLOFF: Yep, sorry. Gordon Sokoloff,
22 25 Alessio Avenue.

23 I live in this area, I live very close to
24 where the project is being proposed against the project
25 as proposed, I believe it's going to diminish what's

1 most sacred to the people who live here, which is the
2 quality of life, it's going to increase the density.
3 And again, as I used to say, on the Transportation
4 Board, the streets aren't going to widen. So, the
5 traffic is only going to get worse in that area. I
6 empathize with my fellow residents, the ones that even
7 live closer to it. And I wish that you as Board
8 Members, but sometimes, maybe try to put yourself in
9 their shoes. And imagine I noticed that everyone who
10 gave an address on they stated their name and address
11 if it wasn't in the area, I just kind of knew well,
12 they're going to speak in favor of it as because they
13 don't live there. And if you live right there, you're
14 going to be severely impacted as these people that have
15 been severely impacted already by the plaza and it
16 hasn't even opened yet. No one is arguing Mr. Morris's
17 reputation, or that he builds beautiful buildings. He
18 does. And the beautiful one is in Alhambra is smack in
19 the middle of downtown. No one's asking him not to
20 build it. Everyone is asking him to build it to code.
21 And these are codes by the way, which are there to be
22 enforced by you by your panel. That's why they're there.
23 And, you know, we just had the zoning code
24 rewrite. You know, why even rewrite it if you're not
25 going to abide by it? It is not standing by the codes

1 or upholding the codes, which allows the city of Coral
2 Gables and Boards like yours and the Commission, like
3 we have to turn their heads to one another and say, how
4 did the plaza get here? I don't know. Well, this is
5 your moment of truth. This is the time where you can
6 enforce the codes as written as determined by Boards
7 before yours and enforce it like everyone else has to
8 abide by it. Seventy-seven feet, I'm sure Mr. Morris
9 can build a beautiful project that this is a moment of
10 truth where you yourself can forward this thing and
11 stick to the code as written. I hope that you do for
12 the sake of the residents that live there. And I wish
13 you would put yourself in other shoes. Thank you.

14 MR. AIZENSTAT: Thank you, sir. Do we have
15 anybody else show?

16 MS. MENENDEZ: We actually have three more
17 speakers. Lisa Maroon?

18 MS. MAROON: Oh, yes. Hi, I'm Lisa Maroon.
19 I reside at 608 Cadagua Avenue. I was born and raised
20 in Coral Gables. Thank you for allowing me to speak.

21 My mother, Shirley Maroon and Roxy Bolton
22 have been fighting these issues for decades. And here
23 we are still pleading with the Board asking the city
24 not to vacate alleys, and not to give away our land.
25 And we're asking that the ones who want to come in and

1 build buildings, just they have to, they should be
2 having to just go by code. And that's where the city
3 comes in to protect the residents. I also have a
4 commercial building right near there at 31 at Ponce de
5 Leon Boulevard. It's a family owned, and I am a
6 commercial owner. And I am still opposed to this
7 building. And it needs to be scaled back. And really,
8 the fact that you're changing zoning is another problem
9 that we keep facing. That's a low-rise zoned area right
10 now, it should only be fifty feet. And now here we are
11 changing zoning laws, and then we're vacating alleys,
12 and then we're giving med bonuses. So, all these
13 things add up to very poor quality of living. And you
14 know, all these people that are there, I feel very bad
15 that they live so close to that.

16 And also, just remember this could happen to
17 any one of us at any time in the city if this continues
18 to be allowed. Please vote no on this. And I agree
19 with everyone that has spoken against this project.
20 And it really needs to we really need to be heard this
21 time. And the fact that the plaza got built is
22 horrifying. I don't know how that was ever allowed.
23 And it's just it's very sad. And I hope we don't
24 repeat the same mistakes. Thank you.

25 MR. AIZENSTAT: Thank you.

1 **MS. MENENDEZ:** Ibrahim Barakat.
 2 **MR. BARAKAT:** My name is Ibrahim Barkat and I
 3 reside at 4510 Santa Maria Street.
 4 I've been a resident for the Gables for last
 5 twelve years or so I've grown up in Miami, my whole
 6 life. I'm speaking in support of the project because I
 7 think it's a well thought out project. It's something
 8 that's smaller than several buildings in the area. The
 9 area does have several sizable buildings already. And
 10 if you look at Ponce de Leon as a street, a lot of it
 11 is commercial already. And I think that this project
 12 is a natural outgrowth of the way that the street has
 13 been developing from miracle mile to the south. I
 14 think for a lot of citizens of Coral Gables, including
 15 myself, we're excited about the plaza development. And
 16 for the development of Ponce de Leon as a whole.
 17 It's going to be, once it's done, it's going
 18 to be really nice to have other options for
 19 entertainment in the Coral Gables area so that we don't
 20 have to leave to go to Brickell or Downtown or South
 21 Beach right now we just kind of go to Miracle Mile.
 22 And it's nice that there's going to be more than just
 23 Miracle Mile available to us. I think it's going to
 24 add a vibrancy to the area that's needed. And I think
 25 it's being built on a lot that's just completely

1 underdeveloped. And, you know, while anyone can
 2 sympathize with some of the residents that have already
 3 spoken and have expressed their fears, I think a lot of
 4 those fears are really driven by, you know, the plaza
 5 itself. I think whatever this building adds would,
 6 would probably just be incremental to that.
 7 But irrespective of that, I think when the
 8 decision is made, you have to think about all of the
 9 Coral Gables residents, not just the ones that live in
 10 the closest proximity to the space. If we only took
 11 into consideration what the residents in the immediate
 12 area felt, we wouldn't have any schools, the U-center,
 13 or any other public amenities, because everybody
 14 subscribes to NIMBY, you know. And if you get that
 15 George Carlin reference, I applaud you. But NIMBY
 16 means not in my backyard. And unfortunately, you know,
 17 NIMBY just doesn't work for a city as a whole.
 18 The city's growing and we need more
 19 residential space. So, I think the project should move
 20 ahead because the building fits well in the area. It's
 21 a beautiful design. And it's being built by a highly
 22 respected developer. Thank you.
 23 **MR. AIZENSTAT:** Thank you.
 24 **MS. MENENDEZ:** David Hays. David Hays?
 25 **MR. HAYS:** Can you hear me?

1 **MS. MENENDEZ:** Yes. Can you state your name
 2 and address please?
 3 **MR. HAYS:** Yes, thank you. Yeah. David
 4 Hays, 300 Fluvia Avenue.
 5 Yes, I have concerns about this project, I
 6 think that the development of the plaza is going to
 7 bring a lot of, you know, added density, and, and
 8 traffic and people in the area. And we're waiting to
 9 see the effects of that. But you know that project is
 10 already done. And I hopefully there are a lot of cool
 11 things that we can go to there and so forth. But my
 12 concern is here is you already have the plaza already
 13 has, you know, above standard height. Across from that
 14 you have the regents bank building on the west side of
 15 constantly on Boulevard, then going south, you have the
 16 Regency Coral Gables, which already tapers down to
 17 around seven floors. And then, you know, let's keep
 18 that tapering down on this side, then to pop back up to
 19 a mega story of building there would really be awkward,
 20 I mean, in keeping with the, the building and the
 21 zoning there, it actually would fit in much better at
 22 this corner to stick down to the seventy-seven feet
 23 because it would fit in with the tapering down effect
 24 that's already occurring on this side of Pontes. And
 25 really just it's this project, even at the seventy-

1 seven feet is going to add a lot of density a lot more
 2 -- a lot more residents. it's going to generate a lot
 3 more traffic. it's already difficult for me. I ride
 4 the trolley sometimes to get or go to downtown or to go
 5 to the metro station. It's already getting more
 6 difficult to cross paths with the extra volume of
 7 traffic even now and then the plaza hasn't even opened.
 8 so, I mean, more density means more cars, more traffic.
 9 I mean, what do we -- kind of trying to turn
 10 this Ponce quarter into another Brickell? I mean it's
 11 it makes all sense there I'm not against any
 12 development. Just stay within the zoning. That side
 13 naturally is tapering down anyway, as you move to the
 14 south, if you're at all allow you know a really super
 15 tall structure to their way it wouldn't fit in with
 16 what's happening on that side of ponds anyway. It's
 17 already tapering down it would just stick out like a
 18 sore thumb in there. It would cause like a bottleneck
 19 effect there visually anyway, with the with the plaza
 20 project that's on the other side of Ponce, which sort
 21 of stands is like a kind of a pinnacle crowning jewel
 22 right there. So really, I mean, I, you know, you can
 23 allow IT development there but don't go over the
 24 seventy-seven feet. That's, that's what I would.
 25 That's what I applied for. And I, you know, it really,

1 I hear people talking about, oh, all the residents of
2 Coral Gables, you know, everyone that lives around
3 here, have to live around and deal with the additional
4 density that is right here. And, you know, it's not
5 fair to us. I've been here 20 years, and I didn't buy
6 into have these mega developments creeping closer and
7 closer to my house and affecting my way of life. You
8 know, if I wanted more and more density like that, I
9 would move to Brickell. So, I mean, just please just
10 stay within the zoning that is now.

11 **MR. AIZENSTAT:** Thank you.

12 Jill, any more speakers?

13 **MS. MENENDEZ:** No more speakers.

14 **MR. AIZENSTAT:** At this time, I'd like to go
15 ahead and close for public comment.

16 Mr. De Yurre?

17 **MR. DE YURRE:** Yes. If I can have the
18 original presentation we had. Mr. Torre, what -- what
19 does your schedule look like right now?

20 **MR. TORRE:** 10-minutes

21 **MR. DE YURRE:** 10 minutes?

22 **MR. AIZENSTAT:** Jill, are we waiting for the
23 presentation -- there

24 **MS. MENENDEZ:** There it is.

25 **MR. DE YURRE:** You go to the first slide.

1 Almost there. There you go. Okay, thank you very much.

2 There's a lot to unpack here. And, you know,
3 in a typical environment like this, it the word tension
4 was used. And so, I'm going to reference it because
5 there's always this tension of the law. And the
6 recommendation, and this substantial, competent
7 evidence that's established by staff by reviewing a
8 project, and then the once. And it's a very difficult
9 task that you have before you as members, you have to
10 understand that we have a recommendation, that
11 recommendation did not drop out of the sky, that
12 recommendation occurred because of these changes. And
13 I heard words that I was very surprised to hear,
14 because many of the folks that you heard from, and to
15 be honest with you, I don't, I don't want to call them
16 out by name. But they've had many meetings. And this
17 didn't happen by accident. The developer didn't go and
18 create these concessions by accident.

19 Number -- all these things are numbered,
20 because these are the numbers of importance from the
21 people in the neighborhood, in particular, the members
22 of the Santander block, which are immediately south of
23 the plaza, east of Ponce de Leon, almost everyone you
24 heard from here that's in the area lives on that block.
25 And I understand they've been they've been impacted by

1 the plaza. It's a million square foot project. We're
2 talking about eighty units. Number one they didn't
3 want wrote fer. We took it out. They wanted a
4 reduction of density number two and went from 161 units
5 to eighty. Those of you that are professional
6 architects in the real estate industry. No, this is
7 not a small task, reduction of square footage
8 significantly. From our original plan that we have now
9 it's five stories across the street in the plazas, a
10 little-known fact, the tallest component of it is 297
11 feet overall in height. We're at 149. That's half the
12 height of that tower. We're also half the height of
13 the region's tower. There's another not half the
14 height of the region's tower 40 to 50 feet below the
15 region's tower that predated we're 40 to 50 feet below
16 the tower that predated the plaza. We're also going to
17 be 40 to 50 people or whatever, to the south of us zone
18 490 feet.

19 So, we are well within the context of the
20 neighborhood pursuant to not just me telling you this,
21 but the professional recommendation of staff and that's
22 the law component that creates the conflict with the
23 ones the luxury condo number five was requested of us
24 specifically by the neighbors. They said the rent
25 rentals we don't want cheap rental product. We want

1 you to build the highest quality product possible. I've
2 never seen them before, and the client did it. They
3 moved into condo because they thought that that would
4 help their property values. And then lastly, number
5 six, and it's in priority, of course, neighbors felt
6 that the amount of parking would create more traffic,
7 we really gutted the parking that we had in the project
8 by almost one hundred units.

9 I wanted to give that as a point of
10 reference, because that really is while we're back
11 here, and that really is why we got the recommendation
12 from staff. It was no small task, and it wasn't easy.
13 And it wasn't due to a conspiracy theory. Because Mr.
14 Ramon tree is no longer the one on city staff. Okay,
15 this was a lot of work to get it here. And I'll only
16 say the following. Because I have to say to for the
17 record, and I understand your timeframes, but
18 substantial, competent evidence means the department's
19 recommendation, together with the testimony of the
20 Department representative, you heard today alone
21 constitute substantial, competent evidence to support
22 the approval. What doesn't support substantial
23 competent evidence? And just to cite the case for
24 reference as village a Palmetto Bay versus Palmetto
25 Trinity, and 128 southern third 19 It's Florida Third

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1 District DCA, what doesn't constitute competent,
 2 substantial evidence. I'll reference city Apopka vs.
 3 Orange County, which is a Fourth DCA case. City Apopka
 4 is I'm just going to read straight from the case,
 5 because it's the case speaks for itself.
 6 The City of Apopka designed a zoning
 7 application, despite substantial competent evidence
 8 supporting the application, in our case, the
 9 recommendation from staff, whereas in this case, the
 10 application was opposed by neighboring property owners.
 11 In reversing the court said the county's denial of the
 12 application. The Court explained the public hearing is
 13 not held for the purpose of polling the neighborhood.
 14 And that is unfortunately difficult task you have here,
 15 you have substantial competent evidence from staff
 16 professional reviewing it. The last thing I'll leave
 17 you with is objection by neighbors, which are not fact
 18 based, or not substantial, competent evidence. And
 19 that's counties versus -- maybe a county, which is
 20 another Circuit case.
 21 The last thing -- I'm sorry, in the final
 22 one, you heard a lot about traffic, noise, light, and
 23 shadows, late witnesses' speculation about potential
 24 problems about noise pollution, light. In general,
 25 unfavorable impacts of a project, however, considered

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1 some new controversies doesn't exist you.
 2 I thank you very much for your time. And I
 3 leave you to the difficult task, as I said before,
 4 between the substantial competent evidence that's
 5 already been established, or the staff recommendation,
 6 that did not happen by accident, it was really
 7 significant concessions with the neighbors. And the
 8 comments are made today, which were opinion based. And
 9 I thank you very much for your time.
 10 **MR. AIZENSTAT:** Thank you. I'd like to open
 11 it up for Board Comments. Venny, would you go first
 12 because I know your time is limited?
 13 **MR. TORRE:** I'm actually, I mean, it's I
 14 really need answers from staff because I'm confused
 15 about couple of photos. The stippling I think I saw it
 16 in some cases in some cases out maybe I'm reading it
 17 incorrectly and I wanted to hear the staffs thought on
 18 the slip lane or at least --
 19 **MS. CABRERA:** My understanding, it's
 20 remaining.
 21 **MR. TORRE:** It's remaining? Because I see it
 22 with a park, and I saw without. I wasn't sure which
 23 one it was.
 24 **MS. CABRERA:** The Historic Preservation Board
 25 wanted this -- the lane to remain. Public Works does

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1 are not considered competent, substantial evidence.
 2 That's Pollard at 560, southern second 1358 for a
 3 fourth DCA, and I promised this would be the last one
 4 I'll leave you with by Florida law is very clear that
 5 property owners don't have a right to a view. This is
 6 settled Seminole law, number of cases over the years
 7 have replied on it. It's Fontainebleau, but
 8 (unintelligible).
 9 I gave the binder to the clerk with all these
 10 cases, to add to the record. And that's really about
 11 the context and character, you have a very difficult
 12 task, because you have a substantial, competent
 13 evidence it was already entered by staff, you have the
 14 law telling you what you can and cannot take into
 15 consideration. And you have a tension between the two
 16 between the wants of the neighbors. And the law that
 17 was already expressed by a staff. The Alley doesn't
 18 belong to the residents. It's an interest requirement
 19 and municipality that's generally held in the nature of
 20 an easement. We own both sides of the alleyway, folks,
 21 never as has been controversial, the city of Coral
 22 Gables, such a small ally, when you own both sides, it
 23 doesn't even serve back at house any longer. It is
 24 indiscernible if you drive through this lot, and it's
 25 being weaponized against us to try to create and twist

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1 not like this -- the slip lane.
 2 **MR. TORRE:** Is it an either-or situation?
 3 That's not just --
 4 **MS. CABRERA:** Hence the million dollars that
 5 will go to some improvement in that area. Do you want
 6 to add something, Hermes?
 7 **MR. DIAZ:** Hermes Diaz, Public Works
 8 Director.
 9 Generally speaking, slip lanes are not
 10 conducive to (inaudible) or crossing and obviously
 11 believe that he was on nature. So, our preference will
 12 be that this live slipping is removed.
 13 **MS. CABRERA:** Right. So, you're looking at
 14 a Public Works point of view on this versus a Historic
 15 Preservation point of view on this. Give me more
 16 anything.
 17 **MR. DE YURRE:** If I could talk to that point.
 18 Two seconds.
 19 **MR. AIZENSTAT:** I'd like to hear -- just
 20 Venny has to go soon. I will let -- talk on the point.
 21 Is there any other comment that you'd like to make? We
 22 welcome it.
 23 **MR. TORRE:** I think the eighty unit is a
 24 plus. And I think having high you know, high worth
 25 condos. I think that's a very positive thing for the

1 downtown versus having a lot more apartments. And I
 2 think the weighing here is that the density? Whether
 3 you do it at 77? Or do it at higher heights, you're
 4 still going to have the same mass. The question is,
 5 what can you fit into mass in what the best use of that
 6 mass is, which in this case is 4.375 times the area,
 7 basically, you're going to get to the same number of
 8 square feet to be built.

9 To me, use what is the best way to use the
 10 square footage that some developer is going to max out
 11 anyway. I think that the high-end units for this area
 12 is the best and highest best use of the product that
 13 you can get here. So, I think that's a very good
 14 thing. And I think ad units very make some very small
 15 impact on the community as a whole. So, I think if
 16 you're going to look at impact, that's the best way you
 17 can impact the area, that's the lowest impact you can
 18 get in the best way you can impact areas to get those
 19 high-net-worth units to happen. Again, the many other
 20 ways could be developed. And I think that as I see
 21 this in this way, that that was a happy thing for me to
 22 keep missing the slip lane. I you know, I know that
 23 the decision. But that was my other concern.

24 **MR. AIZENSTAT:** Mr. De Yurre, you want to --
 25 **MR. DE YURRE:** we're completely agnostic in

1 regard to this. So, plan will do whatever they said he
 2 wants, it's complete that says direction and taking
 3 whatever and put it once were here, completely agnostic
 4 to that. And we've handed that over to the city. But
 5 we are still going to provide the improvements.
 6 Ultimately, the park because of the meeting with the
 7 neighbors, they said don't use it, but still give us the
 8 improvements. So, thank you.

9 **MR. TORRE:** without getting into the details
 10 of it, what I'm hearing is there's a lot of impact to
 11 the community or to the to the residents into the area.
 12 And go back to saying the smallest impact you can get
 13 is the smallest number of units, the best quality type
 14 of units. If you're going to get anything else this
 15 would be to me the optimal use of the space. And I
 16 need to get on a flight to I need to leave I apologize.

17 **MR. AIZENSTAT:** Thank you. Thank you for
 18 coming.

19 **MR. DE YURRE:** Are we going to vote on it
 20 with Mr. --

21 **MR. AIZENSTAT:** No, we're still discussing.
 22 He has to leave, and he won't be able to vote on it.

23 **MR. DE YURRE:** Thank you.
 24 **MR. AIZENSTAT:** Thank you.
 25 **MS. CABRERA:** We're just having discussion.

1 **MS. MIRO:** I don't think I have any
 2 questions. I've heard a lot. And I remember this
 3 project from when we heard it before. I do want to
 4 acknowledge Mr. Morris; I've never had the pleasure of
 5 meeting you. I've heard wonderful things. And my
 6 colleagues have said up here about you and I don't doubt
 7 anything. Your mother-in-law came to speak on your
 8 behalf. So, I think that says a lot.

9 But notwithstanding I have -- I do remember
 10 this project the last time it came before us and I do
 11 remember that there were meetings, and I'm not sure if
 12 it was, I also heard Mr. David winker mentioned
 13 another, another Morris Spencer Morris, I don't know
 14 who wasn't had a meeting with a community. But I do
 15 remember that it was maybe two or three meetings that
 16 that was stated was with the developer themselves, and
 17 that none of the concessions were made, that were asked
 18 for and I know now that there's several concessions
 19 that have been made. I'm not I'm not exactly certain
 20 from what I hear. And based on what the code is, that
 21 it's enough. Just based on some of the comments I
 22 heard, and, you know, there's other concerns as well.
 23 I think that when we're talking about the plaza project
 24 that everybody keeps on mentioning here, and what a big
 25 project it was.

1 And, you know, so many times I have sat up
 2 here, everybody's asking and, you know, I've even asked
 3 myself, how did this happen? And I think it happens
 4 incrementally one meeting after another when we asked
 5 for these changes and I think that also one of the
 6 concerns I have that I wanted to put on the record is
 7 when you talk about high rises and our Police and Fire,
 8 whenever somebody spoke about police and fire and the
 9 fact that our Fire Department is understaffed, and that
 10 we haven't added one fire fighter in the last thirty
 11 years, so yes, every time a firefighter retires,
 12 another one is replaced. But we've never had an
 13 increase in the last thirty years. And when you
 14 consider, you know, for those of you who said, you've
 15 lived here a long time when you consider the amount of
 16 growth that we've seen over the last 20/30 years, that
 17 -- that that shouldn't be, and I think that that causes
 18 a -- it poses a danger for those who live in in high
 19 rises.

20 I also want to address, I'm not going to
 21 address them by name, because I don't remember
 22 everybody, but I do have my notes. I did hear a lot of
 23 people who spoke on behalf of the project, there was a
 24 realtor who said that there was, you know, a lot of
 25 people that are moving into the area from the outside.

1 And I just wanted to say that my concern is for us.
 2 And I tell us because I'm a resident of Coral Gables.
 3 For those of us who are impacted those who have a score
 4 already here, I've only been here 17 years. I think
 5 that's nothing in comparison to some of the years that
 6 some of the folks that have spoken today have
 7 mentioned. But I think it's important to say we need
 8 to care about the residents and what they think. And
 9 again, I wanted to say to Mr. Morris, I think that
 10 you've done a great job, I think that you've been a
 11 wonderful community partner in so many ways. And I
 12 don't doubt that the work that you do is quality, or the
 13 work that you will be doing is quality. I just want to
 14 look at him really quick. That's okay. I do know, you
 15 know, from what I've seen it from what I've heard.
 16 And I think that I'm just leaning towards,
 17 you know, somebody else said, one of the other speakers
 18 have spoken in favor of this said about that corner
 19 just being blight, and how ugly it was. And there used
 20 to be a quick stop there. And all this other stuff, I
 21 still think that we can, and that Mr. Morris even can
 22 put a beautiful project there. But that it can be more
 23 consistent with what the zoning code is asking for.
 24 And I do say I did hear Mr. De Yurre, your comments, I
 25 always love to hear your presentations. I think

1 they're on point. And I saw, you know, the lowering
 2 the units by half and the density, and also what my
 3 colleague Venny Torre said, but at the same time, when
 4 you when you look at that concession, yes, it's a big
 5 concession. But when you look at what the code is
 6 asking for what you're asking for, it's just such a
 7 huge number. And I'm not against development.
 8 I think there was a Ms. Rutherford that
 9 spoke, and she was talking about, you know, she kept
 10 saying it's going to happen, it's going to happen. And
 11 I think what she meant by that, or I'd like the way I
 12 interpreted is that we're going to grow, we're going to
 13 evolve, we're going to evolve focus on Santander, San
 14 Sebastian, we're going to grow, it's going to happen.
 15 Yes, it is. We're going to evolve. But we'd like to
 16 hope that that evolution takes place within the code.
 17 And if you came to me, and I'll be very, you know,
 18 transparent about that, and you said, okay, the code
 19 calls for seventy-seven, you're asking for 87.90. I
 20 can consider that. But close to double? It just
 21 causes concern, because I feel as someone who has
 22 knocked on the doors of this community and has gotten to
 23 know what the neighbors have to say about what's been
 24 happening, development wise in our community, I feel
 25 that this community has not healed from the plaza

1 project and is still very, something that was a very
 2 soft spot.
 3 Somebody else said, I think it was Mr.
 4 Barakat, I think that he said something about that if
 5 he feels that the community, he might have the fear
 6 that they have is driven by the plaza. Yes. It's
 7 driven by the plaza. Absolutely. So, you know, and
 8 the other thing that that I take note was one of the
 9 first speakers and that was Ms. Maria Cruz when she
 10 talked about the staffs report four days before. I
 11 think that as a city, being the city beautiful, being
 12 the most affluent city south of Manhattan, we should do
 13 better for our community. we should do better. we
 14 should be able to present the city's position into a
 15 point where there's time to look at it and say, you
 16 know, this is good, or this makes sense. If it doesn't
 17 make sense. And that you're not doing it when you're
 18 scrambling to figure out if, oh, my goodness, they're
 19 doing it again, or this is going to happen again.
 20 The other thing that I thought was
 21 interesting, that kind of concerned me was the traffic
 22 study. So, when you talk about how did these things
 23 happen? And was there a traffic study? Yes. Was this
 24 happened? Did that happen? And all the answers are
 25 yes. But when you have a traffic study in the middle

1 of a pandemic, when nobody's out driving, can you really
 2 rely on that traffic study? Can you really say that
 3 that is that you've done your due diligence? And I
 4 would, you know, argue that no, that you haven't um,
 5 And I'm trying to just go through, you know, some of my
 6 notes here. And again, when we talk about Mr. Usury
 7 was talking about, you know, what we can consider and
 8 what we can't consider you know, legally or what the
 9 law asks you to consider from the comments that were
 10 made. And citing, you know, sticking to the law, I'd
 11 like to stick to the live like to stick to the, to the
 12 code. I'd like to stick as close as possible to the
 13 code. I'm not saying we're not flexible with that.
 14 That's why we're here, to hear different, you know,
 15 projects when they are they're called for.
 16 Is the area ugly right now, maybe? But I do
 17 feel that, you know, if not, Mr. Morris, someone else
 18 will come up with an opportunity to show something that
 19 would be more transitional to this area. And you know,
 20 and when we talked about substantial, competent
 21 evidence, the plaza did that, right. But here we are.
 22 And I just want to make sure that any developers that
 23 come to propose, you know, here or any other area that
 24 they consider, not just their vision, because I
 25 appreciate, again, Mr. Morris that you have, you're a

1 visionary man. But we have to be considerate about not
2 just one person's vision or one developer's vision, but
3 also, you know, the communities that are going to be
4 living in the shadows of those visions, and what how
5 are they impacted? How have they already been
6 impacted? I just think -- I think it was maybe too
7 soon. Again, we haven't seen the real impact of that
8 Plaza and some of all these other developments that are
9 haven't been vacated. Like I speak and they're not --
10 there's no vacancy, there's, they're still vacant,
11 there's people are not living in them yet, we still
12 don't know the full effect. So those are some of the
13 concerns that I hear. And that are, you know, on my
14 mind here, as we get ready to consider the items.

15 Also, I thought it was interesting that Mr.
16 Torre brought up the order of things. And, you know,
17 in hearing the comments that if one thing doesn't
18 happen, the whole thing doesn't happen. And so those
19 are things that I'm listening to. And again, I just
20 want to say that every time I come here, I've been
21 serving on this Board for about a little over a year, I
22 never come with my mind made up, I always come with an
23 open mind to listen and hear both sides. And so, you
24 know, thank you for everyone who has come and has
25 helped, you know, educate me on how they are impacted.

1 **MR. WITHERS:** I mean, they read the
2 recalculated numbers, they include the building,
3 everybody they didn't do a new traffic study did a new
4 trip generation Reporting. So didn't include any of
5 the traffic generated from it that didn't obey the
6 traffic study, because on there, the current code if
7 you have less than 50 trips, or that kind of generator
8 is not required. So, what is in the box is the old
9 traffic for the previous development. So, no updates
10 were done. Because it didn't include any of the
11 projections from the --

12 **MR. DIAZ:** No.
13 **MR. WITHERS:** No -- it's just a strictly a
14 trip generation reporter for the new build.

15 **MS. CABRERA:** I just want to clarify that
16 this staff report -- and I just -- I just want to get
17 some my background. I'm an engineer. I'm not a
18 planning person, but I'm an engineer. And I like to
19 deal with facts. Things to me are sometimes very black
20 and white. And I listened to everything that
21 everybody's saying here, and I understand, and I go and
22 ask my city planner, you know, why do we have to go
23 through this process like what's going on?

24 So as for the staff report, not be ready
25 until Friday -- published until Friday. That's how

1 And, you know, and also the efforts by the applicant
2 and the explanation the applicant has given I
3 appreciate that. Thank you.

4 **MR. AIZENSTAT:** Thank you. Just hold your
5 applause please.

6 **MR. DIAZ:** Please, yes, I'm sorry, I would
7 like to make some clarification with traffic study, the
8 original traffic study was done around November 2020.
9 And the data was during the pandemic, however, they
10 actually looked at data prior to the pandemic, and the
11 developer picking factor to normalize the data to pre
12 pandemic levels. And that's what we'll use for the
13 traffic study.

14 That being said, the revised project, the
15 threshold for the next trip is actually below the
16 threshold where traffic study wouldn't be required.
17 So, a traffic study self was not updated with a new
18 project, because the code no longer requires was below
19 50. The change in (inaudible) is below 50. So, the
20 traffic study was not required, right?

21 **MR. WITHERS:** Well, can I add -- do those
22 numbers include projections from the building across
23 the new building.

24 **MR. DIAZ:** So, the original traffic study was
25 pretty.

1 they do every project. I just verified that it has
2 nothing to do with Ramon, or anything else. In fact, I
3 don't know if Mr. Morris even knows who I am. Other
4 than that, I introduced myself here today because I have
5 never met Mr. Morris --- or Anthony -- do not you
6 worry. On this project, I strictly went with the
7 recommendation that was prepared by staff under Ramon's
8 direction and gave my input on what I thought was
9 better for the city and we're going to get a park, I
10 want a park by a certain date, I don't want to leave it
11 open ended. So, there's things like this.

12 And as what when I hear that the staff
13 recommends Staff recommends, the code requires that we
14 provide a recommendation. But it's not that we are
15 endorsing any particular project or any particular
16 developer. I hear the snickering. And it's kind of
17 sad, because I'm really speaking very truthfully, I am
18 not a political person, I am a very like, you know,
19 honest person, or probably say what I shouldn't say
20 sometimes. But, you know, that's the facts, I don't
21 think that I for sure, I have no interest in it being,
22 you know, Mr. Morris, or whatever. And I just want to
23 make it clear that when we give a recommendation, it's
24 a start, it's a requirement of the code. But it's not
25 an endorsement, there is a difference.

1 **MS. MIRO:** I just want to say I didn't take
 2 it as an endorsement. And my comments were that we
 3 could do better, you just said, you know, they're all
 4 the projects come the reports come out three or four
 5 days? Well, I personally don't think that's
 6 acceptable. You know, just because that's where we've
 7 always done something doesn't mean it can't be
 8 revisited. And so that's why I was just saying that I
 9 think we could do better. So that, that, that our
 10 residents can have more time to kind of, you know, not
 11 having the expertise that, you know, that you guys have
 12 on, you know, as architects, engineers, you know, these
 13 are lay people. And I just was reiterating that, you
 14 know, I never alluded to any relationship or any, you
 15 know, knowledge or I'm just saying that that's what our
 16 community deserves is more time.

17 **MR. AIZENSTAT:** I think that would be more in
 18 line with a precedent or more in line with a course of
 19 action as to how it needs to work. And not
 20 specifically just to one project.

21 Louis?

22 **MR. REVUELTA:** I've been quizzing myself, on
 23 how to analyze this, and I asked myself, if this
 24 project was seventy-seven feet high, it would lose
 25 seven floors, or you lose forty-nine units, I think

1 seven units per floor. And that's one hundred cards,
 2 more or less. And I don't think under cars less is
 3 going to make a spike, any traffic study that anybody
 4 can do is going to make a big difference.

5 On the product side, I do believe that I have
 6 seen, to my surprise, people from out of South Florida
 7 are willing to be on property nowadays, going from this
 8 country and out of the country. And when they buy a
 9 property at a certain price, these developers are
 10 asking me and I'm sure other architects maximize
 11 whatever you and this project. And its current zoning
 12 classification, I wouldn't be surprised that Mr. Boise
 13 didn't develop this, somebody's going to come this
 14 project, this parcel of land will get developed. And
 15 whoever comes to my say, you know what, I'm just going
 16 to put an office building here. And that's going to
 17 bring more traffic, or want to put your rentals and you
 18 know, what I think was the one rental, but I can put
 19 rentals and that's going to bring more traffic.

20 I, since the very beginning, when I saw this
 21 project first. And for the record, I don't want to
 22 annoy anybody, but it's driving me nuts. That lot
 23 thirty-four to the south, the closest one to the
 24 family, single family is actually zoned high density.
 25 To me, this is I have no idea why when we talk about

1 the quarter, we got to make code. But when I look at
 2 the code and the land use plan, this piece of property
 3 sandwich.

4 To the south, to the north, and to the east,
 5 by high density, zoning classification. When I looked
 6 at the plans, and this must have been a mistake, I
 7 think I remember asking, you know, we don't know what
 8 have I have yet to find? Why this piece of property
 9 here was left out the way it is right now. So, when you
 10 talk about following the code, I am sorry, as an
 11 architect, the (unintelligible) being made the way it
 12 -- is this correct? Or was this a mistake? It was at
 13 that point on the basis of you got to follow the code.
 14 Anybody made a mistake in the land use plan, or the
 15 zoning classification. Then we're starting kind of
 16 crooked. And I'm saying at seventy-seven feet, let's
 17 say that you do that. You're going to dock with seven
 18 less floors, potentially an office building or rental
 19 with a lot more traffic and this property is to the
 20 north of all the singles were in the northern
 21 hemisphere.

22 That gentleman was saying I want to get a
 23 shot on my bike dark, depending on where he is that I
 24 didn't catch where exactly where is the sun will hit in
 25 winter the worst possible time at his lowest point, the

1 longest shadow, which is going to cast it east once and
 2 east of ones we have the famous Plaza and Malaga I, I
 3 have been surprised the first time and this time now.
 4 I don't believe I heard anybody from Malaga complaining
 5 about this, if I lived in Malaga, I might have been
 6 thrown in jail completely. I haven't seen anybody from
 7 Malaga. I drive by the way you said visited the site,
 8 maybe I should have mentioned that I drive through here
 9 twice a day. In the morning because I live in
 10 Castillo, I cut across to the whatever I can cross,
 11 depending on the traffic only do I pay my way to lunch.
 12 And then I drive south and ponds to work. And I go to
 13 my office and when I come back. I called them.
 14 According to Google Drive, I then take Malaga. And a
 15 lot of times, I make a right in Malaga. Just because I
 16 have tremendous discomfort continuing Malaga. And at
 17 this time of my life, mending my neck to see if
 18 somebody's coming in from the one way of university to
 19 drive. It's dangerous to me, I -- if this project was
 20 two stories high, I would be asking Public Works in the
 21 city close that off shoot of university, right? I
 22 don't care who gets the benefit of it. And I think the
 23 little island there is an eyesore.

24 So, I am not in agreement of any city giving
 25 away a property for free. I believe that the alley

1 it's relevant, or effective. This project was three
2 stories -- I will be advocating and voting for in favor
3 of vacating the alley. So, when I put everything on a
4 balance here, why would make a difference for me to
5 vote against the project at 149 feet, and voting yes,
6 for a project and seventy-seven feet. And I don't find
7 that many compelling reasons. Not to vote in favor of a
8 project that it's seven stories high, it's got to fifty-
9 one units.

10 But I can tell you that any developer that
11 goes in and says, you know what, I got to go to fifty
12 units, I wouldn't be surprised he walks, who's coming
13 behind him. An office building developer, a rental
14 building developer, and there's probably a line of
15 people that will be willing to do that. So, again,
16 forgive me if I'm rambling. And but you know, I'm
17 trying to analyze this from both sides. And I don't
18 find a lot of compelling reasons to recommend to the
19 City Commission to deny this project. So those are my
20 thoughts.

21 **MR. AIZENSTAT:** Thank you. Chip?

22 **MR. WITHERS:** First of all, I know I'm going
23 to upset some people tonight, and they're friends of
24 mine on my comments. But um, I've known Alan for fifty
25 years. And he's, I think one of the finest individuals

1 in the city. And I appreciate everything he's
2 committed to from Chamber of Commerce to the beautiful
3 building on a hammer. However, there are three things
4 I want to say that preface my remarks. And the first
5 is that as beautiful as that building is in Alhambra
6 it's been used today to, to the new development. And I
7 don't think that's fair because it's in a totally
8 different part of the city. That's number one.

9 Number two, I don't think the developer is
10 giving any concessions because to me a concession to
11 something you already have. And to go from two hundred
12 feet or 190 feet and say we're giving you back
13 something it's not really a concession. It's something
14 you never really had. So, I don't really agree with
15 the word concession. Maybe I have agreed to reduce
16 what I originally asked for.

17 And then number three, we all agree that the
18 Gables development, their own points I, I was involved
19 in the Commission early on when we agreed to develop
20 that property. And I can tell you that the original
21 vision was nowhere close to what it ended up. And so,
22 to compare that now that that's built, we can build
23 something similar, I think is incorrect.

24 So, saying that I do have some questions for
25 staff about open spaces and what is our what our

1 definition of an open space is because from what I
2 understand the alley vacation which by the way, I don't
3 have a problem with alley vacations when an owner owns
4 both sides of the property, and there's no other use
5 and the city signs off on it Public Works signs off on
6 it, fire signs off on it, please signs off on it. I
7 really don't have with an alley vacation. But in this
8 case, I have a question. If I understand they have a
9 ten percent public open space requirement on our zoning
10 code is that -- is that -- what the requirement? Is it
11 ten percent?

12 **MS. CABRERA:** City planners, check to find
13 out what the percentage is.

14 **MR. WITHERS:** And so, my question is, if I --
15 if I read this presentation correctly, the alleyway
16 that we are vacating is going to take up seven percent
17 of their requirement of their public space requirement.
18 Is that correct?

19 **MS. CABRERA:** So, the open space landscape,
20 open space means the ground level outdoor area, which
21 is open and unobstructed and the lowest level.

22 **MR. WITHERS:** That's the definition of an
23 open space? So how is the Paseo -- how does that how
24 does that comply with open space? To me an open space
25 means you can look up and see the blue sky doesn't mean

1 you're looking up and seeing a slab above you. So, I'm
2 just curious to know how that definition of an open
3 space applies. It's ignorance on my part because I am
4 truly curious.

5 **MS. CABRERA:** So, the ten percent, according
6 to the definition, the code is ground level plazas and
7 courtyards open to the sky and accessible from the
8 front --

9 **MR. WITHERS:** Open to the sky.

10 **MS. CABRERA:** Yes.

11 **MR. WITHERS:** Is this alley open to the sky?

12 **MS. CABRERA:** Yes, it is.

13 **MR. WITHERS:** And I'm asking. I'm just
14 curious. I mean, I've looked at I've looked at this
15 one hundred times, you can you sit in that alleyway
16 that's now going to say, oh, look straight up and see
17 this guy?

18 **MR. DE YURRE:** Sure. So, the alleyway and
19 just to clarify, is not counted as part of our open
20 space, the only open space that we have is the arcade.
21 And the right of way improvements in the arcade is
22 allowed to count towards open space, if seventy-five
23 percent of the materials within that arcade are
24 pervious, which they will be, and we denote that on one
25 of our sheets. And then open space is allowed for

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1 right of way improvements when they're substantial.
 2 So, we're allowed to do, for example, in this
 3 case, we make right away improvements. Technically,
 4 they're not on our site. But we've made the
 5 improvements that are so substantial, they're allowed
 6 to account for open space, we have a combination of
 7 both the right of way improvements, and the improvements
 8 within the -- because we're doing, we're allowed
 9 seventy-five percent of that square footage within the
 10 arcade because we're doing pervious materials. Not the
 11 alley, the alley does not count for anything.
 12 **MR. WITHERS:** Okay. Okay, good. Because I
 13 was really, again, I thank you for clearing that up.
 14 **MR. REVUELTA:** So just got to ask you, when
 15 you refer to the alley, you referring to the new per
 16 sale, who's open to this guy, but the new per sale? Is
 17 not obviously it's not open to the? And you're
 18 wondering if that is being counted towards open area.
 19 I'm just trying to clarify your question, but these
 20 okay.
 21 **MR. WITHERS:** And they say no, it might I
 22 mean, that's understood. The architects have to help
 23 me out on this.
 24 **MR. BEHAR:** No, no, I'm, I'm a -- but what
 25 I'm what I just heard is that the improvement that

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1 **MR. WITHERS:** So, the park across from a slip
 2 that new park that counts as open space for them, even
 3 though they never owned it in there. And they're
 4 really not donating a million dollars. They're using
 5 those million dollars to create open space for them to
 6 benefit project. I mean, is that how it works? That's
 7 why the conditional use No, no, I mean, I'm trying I'm
 8 trying to get this because there's a million-dollar
 9 donation on the table, but it's really not a donation.
 10 It's the improvement of our space, so they can count it
 11 be used as they're their open space.
 12 **MR. REVUELTA:** And if a million dollars, not
 13 enough, was going to put the rest.
 14 **MR. WITHERS:** Well, yeah, that's the point.
 15 But I'm just so that's how our code I mean, I mean, I
 16 just have a little something that just anyway, that
 17 just doesn't seem I mean, our code actually says that
 18 you can take our ride away and improve it and count it
 19 towards open space for your property.
 20 **MS. GARCIA:** Yes, specifically, this
 21 landscaper is talking about the percentages that are
 22 required for nonresidential or mixed use says this,
 23 this landscape area can be provided at street level
 24 within the book right away. planter boxes, planters,
 25 and other ground floor locations. And where's that

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1 you're doing in the right of way, does count broken
 2 space. That's my next one. And that's not in your
 3 property is outside just because you improve in it.
 4 You're counting --
 5 **MR. TORRE:** Yeah, 20,000 feet. And that was
 6 my next --
 7 **MR. BEHAR:** -- window.
 8 **MR. WITHERS:** No but thank you. That was my
 9 that's exactly what I was going to ask. if it's not
 10 your property, and you're improving it that counts as
 11 your open space.
 12 **MR. AIZENSTAT:** I think the question is, is
 13 the code allow?
 14 **MR. TORRE:** That's what I'm asking.
 15 **MR. AIZENSTAT:** Correct.
 16 **MS. CABRERA:** Right. And it's in the staff
 17 report and the City Planner is here, but she could go
 18 ahead and answer your question.
 19 **MS. GARCIA:** Yes, in the Med bonus. And
 20 table one, number six. Sorry, number eight allows for
 21 right away improvements for those ten percent to count
 22 the right way points to count towards or ten percent
 23 requirement.
 24 **MR. AIZENSTAT:** And that's in the zoning code,
 25 **MS. GARCIA:** Right. Yeah, that's Med bonus.

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1 from? (Unintelligible)? Bonus table one --
 2 (SIMULTANEOUS SPEAKING.)
 3 **MR. TORRE:** And bonus two is --
 4 **MS. JENNIFER GARCIA:** Okay --
 5 **MR. TORRE:** -- so my next question is the
 6 actual square foot of the building really hasn't
 7 changed. Is that correct?
 8 **MS. JENNIFER GARCIA:** That's correct.
 9 **MR. WITHERS:** It hasn't really been --
 10 **MS. JENNIFER GARCIA:** -- from the 2021 --
 11 **MR. TORRE:** It's just that the -- whereas
 12 they were going to they wanted that originally wanted
 13 that we call it a slip street or whatever it's called,
 14 they originally wanted that as part of the original
 15 proposal. And so that was that was the reduction in
 16 square feet. It really wasn't the reduction in the
 17 footprint of the buildings. Am I understanding that
 18 correctly? Okay.
 19 So, the reduction of ninety-two parking
 20 spaces, how many floors is that?
 21 **MS. GARCIA:** One floor.
 22 **MR. TORRE:** One floor. So, the ninety-two
 23 spaces so of the -- is that -- is that right? I don't
 24 know --
 25 **MR. DE YURRE:** Approximately one to one and a

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1 half floors.
 2 **MR. TORRE:** Okay. Okay.
 3 **MR. DE YURRE:** We're only doing eighty units
 4 now, instead of the 160.
 5 **MR. WITHERS:** Okay, I understand. And so,
 6 you're lowering the density, which, you know, we just
 7 did that last meeting, we were all excited about a
 8 project that reduced the density from two hundred and
 9 summed up.
 10 **MR. TORRE:** Okay, so the reduction in height
 11 was really --
 12 **MR. AIZENSTAT:** Can -- can I ask you a
 13 question just because you brought something up before
 14 forgot about it? If they would not have Mediterranean
 15 bonuses, would they then not be able to use the open
 16 space across the street?
 17 **MS. GARCIA:** Correct? Yeah, the right of way
 18 the allowance use the right of way is towards your open
 19 space is only in the med bonus.
 20 **MR. AIZENSTAT:** And the fact that the
 21 Mediterranean bonus code has changed or is changing
 22 about style is doesn't affect that doesn't affect this.
 23 Okay.
 24 **MR. WITHERS:** I was sorry. I mean, no, I
 25 wasn't, I wasn't. Okay, so let me make -- get my

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1 **MR. WITHERS:** That's in the CBD? Or is that
 2 here also?
 3 **MS. GARCIA:** That's here also. It's the --
 4 excuse me -- the CBD is one third.
 5 **MR. TORRE:** Right, a third. Okay. So, they
 6 can so they can go twenty-five feet. So that could
 7 really be 175.
 8 **MR. BEHAR:** But that's for architectural
 9 elements --
 10 **MR. REVUELTA:** Only for a portion of it.
 11 **MR. WITHERS:** so, what could the total height
 12 of this building be with the ornamental and
 13 architectural?
 14 **MS. GARCIA:** I guess the 190 plus the twenty-
 15 five feet?
 16 **MR. WITHERS:** No, no current with them with
 17 right now. 150-foot height they're proposing right now.
 18 **MS. GARCIA:** Right? Oh, the current code.
 19 Seventy-five plus -- or seventy-seven plus 25 --
 20 (SIMULTANEOUS SPEAKING.)
 21 **MR. WITHERS:** Right, one hundred feet. So,
 22 they could go one hundred feet right now with that? Or
 23 they could go --
 24 **MS. GARCIA:** -- features which are not a
 25 whole --

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1 heights.
 2 When I understand this. You can go fifty
 3 feet on this property now. And then you can add
 4 another twenty-two feet with Mediterranean bonus level
 5 two, is that what it was okay. Or you can go 150 feet,
 6 and you can go another forty feet with Mediterranean
 7 bones due in the -- the TDRs primarily to keep the FAR
 8 rate a sustainable level because it's really not height
 9 issue in this case, that correct?
 10 **MS. GARCIA:** No, TDR that just the square
 11 feet, to be able to fill up that envelope that you're --
 12 **MR. WITHERS:** Okay, I'm clear with that.
 13 **MR. TORRE:** So, I guess -- I guess my
 14 question is if you're, if you're at 150 feet, and you
 15 can use and they're going to 149 feet, and what is it
 16 two thirds of the building can be used as that as
 17 element architectural element on the top of the building?
 18 **MS. GARCIA:** Once that's in the CBD that
 19 wouldn't apply for this project?
 20 **MR. WITHERS:** So, what is the code for
 21 ornamental and engineering I guess engineering? Air
 22 conditioning units, etc.? And then ornamental on top of
 23 that?
 24 **MR. BEHAR:** architectural features, or go up
 25 to twenty-five feet or portion of a building?

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1 **MR. TORRE:** No, I understand. I understand,
 2 **UNIDENTIFIED SPEAKER:** (Inaudible).
 3 **MS. GARCIA:** Oh, Jennifer Garcia city
 4 planner. Thank you.
 5 **MR. WITHERS:** Okay, so I guess the last
 6 question I really have is, you know, philosophically we
 7 have a code. And you, kind of, alluded to this, and
 8 I'm not asking you to spill your guts on this, but you
 9 know, if we have a code, how does how does staff when
 10 they make a recommendation, how do they say we approve
 11 something that so far apart from what I mean, what is
 12 the justification, the public good, that it's a nice
 13 building and we need more condominiums downtown. That
 14 is going to beautify an ugly corner. It's going to
 15 have a nice park and fence so people can walk I mean,
 16 what is stat and what it goes through staff's mind.
 17 **MS. GARCIA:** So that's the criteria for PAD
 18 (ph.), which is not what the request is. So, each
 19 request has different criteria that should be listed in
 20 your staff report. Such as, like --
 21 **MR. WITHERS:** No, I read I read it, you asked
 22 us to do this Yes. Does it do this? Yes, does it do
 23 this --
 24 (SIMULTANEOUS SPEAKING.)
 25 **MS. GARCIA:** Yeah, because it makes us --

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1 **MR. TORRE:** -- to meet all --
 2 **MS. GARCIA:** -- allow for --
 3 **MR. TORRE:** -- all those philosophical --
 4 **MS. GARCIA:** Right, trip capture and, you
 5 know, walkability and the implement the comp plan and
 6 the goals involved in the comp plan.
 7 **MR. WITHERS:** So, what's more important, the
 8 code or the philosophical arguments that they meet, in
 9 your mind -- in your personal --
 10 (SIMULTANEOUS SPEAKING.)
 11 **MS. GARCIA:** (Unintelligible.)
 12 **MR. WITHERS:** -- because I really -- I'm not
 13 trying to throw you under the bus. Honestly, and
 14 again, this is where I'm probably upsetting Alan and
 15 his family, and Dorothy and all that. But I really
 16 have an issue with, you know, our code at fifty feet
 17 and go seventy-seven feet. And that's been changed,
 18 it's been reviewed, we rewrote it three times and left
 19 it the same, has the same, you know, land use has the
 20 same time. Yet we're changing it because it meets
 21 these environmental,
 22 **MS. GARCIA:** well, that's the request. the
 23 code allows them to request for the Board and before
 24 the Commission if they can change that. That's the way
 25 their code is written with criteria. I mean, that

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1 **MS. GARCIA:** We'll get some criteria, right,
 2 based on Comp Plan policies and goals, but not the
 3 actual zoning code itself. And the actual zoning code?
 4 Yes.
 5 **MR. WITHERS:** I don't know. I mean, as far
 6 as height and densities and all that stuff.
 7 **MS. GARCIA:** But they're mean the zoning
 8 they're being they're requested zoning.
 9 **MR. AIZENSTAT:** It's not philosophical, but --
 10 **MS. CABRERA:** It's not.
 11 **MR. AIZENSTAT:** I mean, just to count on
 12 here. I just see that on that. I just see that staff
 13 has a checklist. And they go through the checklist
 14 doesn't meet this doesn't meet this doesn't meet this
 15 and doesn't meet this. If it does, then they give a
 16 recommendation.
 17 **MS. CABRERA:** Does the request meet? Does
 18 the project --
 19 (SIMULTANEOUS SPEAKING.)
 20 **MR. AIZENSTAT:** The requirement --
 21 **MS. CABRERA:** -- yeah, exactly. As the
 22 requests meet, what the goals are, and, of course, the
 23 land use and all that. And she --
 24 **MR. AIZENSTAT:** Understood. Well, I got to
 25 say something, you know --

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1 criteria, I mean, the comp plan, you know, trip
 2 capture, mix of uses.
 3 **MS. CABRERA:** Right? And that's why it was
 4 important for me to clarify that what she's doing is
 5 she's going through these points and seeing does it
 6 meet these items? And if it does, the recommendation
 7 will be approval. That's what staff can do. Staff
 8 can't just say, well, we don't like the project, we're
 9 going to say no.
 10 **MR. WITHERS:** But their recommendation of
 11 approval, then the zoning code just doesn't matter, then,
 12 **MS. GARCIA:** Oh, they still meet the zoning
 13 code. For the requests.
 14 **MR. WITHERS:** I mean, as far as the height in
 15 the SAR
 16 **MS. GARCIA:** if they're granted the request --
 17 **MR. TORRE:** -- the request.
 18 **MS. CABRERA:** Right. And whether they're
 19 granted the request or not, is --
 20 **MS. GARCIA:** Up to you.
 21 **MS. CABRERA:** -- up to you and the
 22 Commission, it's not up to staff, right?
 23 **MR. WITHERS:** I guess, honestly. But
 24 philosophically, you -- you use the -- yes, we're in
 25 favor of this project.

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1 **MR. REVUELTA:** Go ahead.
 2 **MR. AIZENSTAT:** Sure.
 3 **MS. CABRERA:** -- just thank you very much,
 4 you know, whether it's seventy-seven feet, or five
 5 hundred feet, this is not a life safety issue. I'm
 6 used to dealing with things in life safety, where I
 7 can't just choose to say, we don't want to do fifty
 8 pounds per square foot, we wanted twenty. Well, you
 9 can't do that, right. But this is your city. You all
 10 set these rules.
 11 So, if you want to change, make a
 12 recommendation to change it to five hundred fee. That's
 13 what the Commission will approve. That's who sets it.
 14 It's not that staff set it. It's not that it's a magic
 15 number. It's that this is the way the city has
 16 historically wanted to develop.
 17 **MR. AIZENSTAT:** Understood. Thank you.
 18 Robert --
 19 **MR. REVUELTA:** Does anybody know the history?
 20 Does anybody know the history as to why this parcel of
 21 land still remains with the zoning classification that
 22 it has asked when you see the land use plan? It's
 23 surrounded by pretty much by high density, who knows
 24 the history from the stuff? I asked that question
 25 before nobody could answer it. Because I believe if --

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1 this is like an inconsistency in the land use plan, in
 2 my opinion.
 3 **MR. AIZENSTAT:** Are you familiar with -- I
 4 don't know, the history?
 5 Mr. De Yurre? Do you know the history that
 6 you can?
 7 **MR. YURRE:** Sure. So, the zoning code has
 8 zero to do with our request in regard to the height.
 9 The City of Coral Gables decided approximately twenty
 10 years ago to make the height part of the Comprehensive
 11 Plan in specific feet and create the concept of low,
 12 medium, and high in the comp plan. To have a comp plan
 13 control the height, there was no such animal in the
 14 zoning. B, there was no such animal in the comp plan
 15 before then this has always been zoned commercial. It's
 16 been zoned commercial from day one.
 17 Why did they do what they did in regard to
 18 the comp plan twenty years ago when they started to
 19 say, your low, your medium, your high, because across
 20 the street with the Plaza was originally a high rise,
 21 okay. The region's tower was already there at the time
 22 as well. What was here at this site and historically
 23 been at the site was a White Castle, a gas station, and
 24 a quickie mark. So, when they looked and saw the
 25 heights twenty years ago, it is reflective of what was

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1 reason that the courthouse, which was not a courthouse
 2 before, that was a grocery store, if I remember. That
 3 was never changed back because, erroneously, it was
 4 designated high-rise way before that. And it was never
 5 reverted back my recollection --
 6 **MR. REVUELTA:** Which is Lot 34 --
 7 **MR. BEHAR:** Correct. And there was
 8 opposition to go back. But it was because I, myself,
 9 and this Board. I'm probably one of the most
 10 pro-developments in this Board. We talked about it,
 11 and it was agreed at that time when Charlie Seaman
 12 (ph.) was a consultant to the city to leave it the way
 13 it was, as high density, because we could not change
 14 it, but leave this property as the low-rise, as a
 15 transition to the neighborhood to the south. That was
 16 my recollection --
 17 **MR. AIZENSTAT:** Same.
 18 **MR. BEHAR:** -- okay. Well, now let me -- put
 19 my -- if we could put up that slide that you had? The
 20 six items. If they could do that, please. And while
 21 we'll do that, I'm going to start same way that today
 22 (sic). Some of my friends and colleagues here -- the
 23 same way Chip started -- may not be very pleased with
 24 some of my comments. Unfortunately, you and I are
 25 going to be in the same position.

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1 there at that time. But it's always been commercial.
 2 And it's never prior to the Comp Plan. Designating
 3 these low, medium, and high. It was never previously
 4 designated a height.
 5 And so that's why, to Mr. Fuentes (ph.)
 6 point, it is bizarre, that you have everything
 7 surrounding us. And that's why we got the staff
 8 recommendation because the context and character the
 9 area. This is the whole Madonna, there is no other
 10 property on Ponce that is low-rise commercial anywhere
 11 near this park. And, in fact, property the just south
 12 of us is 190 feet high-rise commercial. Why? Because
 13 the avenue of Ponce is wide. And that's one of the
 14 reasons why -- and I'll let Mr. Behar, I know he wants
 15 to speak on it, he's the architect --
 16 (SIMULTANEOUS UNINTELLIGIBLE SPEAKING.)
 17 **MR. AIZENSTAT:** -- because we sat with
 18 Charlie for --
 19 **MR. BEHAR:** For many, many, many, many
 20 meetings. We the two of us. It was twenty years ago,
 21 we were here. And this came up and, respectfully, I
 22 disagree. That was not why was left like that. I
 23 don't think twenty years ago, you were in the practice
 24 of law yet which, okay, so we -- that was intentionally
 25 left like that. It was looked at more so -- the

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1 And before we start, I have a question for Mr.
 2 Collier. The applicant's attorney cited four or five
 3 cases as a reference for a position that staff
 4 recommendation that would -- will make references to --
 5 to this recommendation from staff. But in my opinion,
 6 that doesn't mean anything because in this particular
 7 case, we're asking for a zoning change. And it's not
 8 as of right. So, is it really, well, relevant, what
 9 he's -- the reference he's making?
 10 **MR. COLLIER:** Well, let me say this, with
 11 regard to substantial, competent evidence, it is true
 12 that a department recommendation is substantial,
 13 competent evidence. However, Board does not have to
 14 rubber stamp a recommendation by a department. And
 15 there may be testimony -- other testimony that you've
 16 heard today, which would constitute substantial,
 17 competent evidence
 18 And -- and for example, I'm thinking of a
 19 case. I think -- I believe it's the Blumenthal case
 20 where a lay person got up, looked at the looked at
 21 Alliance and said, okay, this density here is at twenty
 22 and they want to go to sixteen here, but right here,
 23 it's fifteen; and we think this should be fifteen. And
 24 the Court said, yes, that's also considered
 25 substantial, competent evidence when somebody

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1 testifies, okay, what's near this area.
 2 So, the fact is, yes, you do have some
 3 department recommendation is deemed substantial,
 4 competent evidence. But you have to base your decision
 5 on a -- not so much a Comp Plan, really on legislate.
 6 But all the other recommendations are based on
 7 substantive -- all the other items in here are based
 8 upon substantial, competent evidence. But that can
 9 include from various sources. It does not have to just
 10 be solely the department. Thank you.
 11 **MR. BEHAR:** Yeah, can we put that slide back.
 12 I do take offense, when I see this and
 13 telling us that, look, what we're doing, you brought a
 14 project that clearly by the whole entire Board, we were
 15 completely against it. And to come back says, oh,
 16 we're doing this less, we're doing less FAR and five
 17 less floors. That is to me, as an architect, and as a
 18 Board Member, insult (sic). I'm sorry, that -- that --
 19 what you brought before has nothing to do with what we
 20 should be looking at, in my opinion. And that's, you
 21 know, I -- again, don't compare, let's not compare that
 22 to this project. And I think, as I would encourage my
 23 Board Members to do the same, let's not compare what
 24 was presented to us a year ago, and say, I'm doing
 25 this, therefore it should be approved. And I'm going

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1 code, owning both sides, it not being any further
 2 service, it's reviewed by staff. And then we also on
 3 top of that, do what nobody else does, which is replace
 4 it with a per sale.
 5 **MR. BEHAR:** But to me, Mr. De Yurre, to me,
 6 the Med bonuses and staff who could tell you need to a
 7 sale when you have a situation like this. This is not,
 8 you're not doing you're not profiting per sale, just
 9 because you're --
 10 **MR. DE YURRE:** It was an original iteration
 11 of this sale was much farther west and directly north
 12 and south, it was much more expensive to do and done in
 13 conjunction with Staff and the Board of Architects. So
 14 --
 15 **MR. BEHAR:** Your per sale is beneficial to
 16 the city and is required by code. Therefore, the
 17 13,000 square feet of FAR should be granted with no
 18 benefit in return to the city.
 19 **MR. DE YURRE:** If I'm not going to go as to
 20 what the code should read or should read. But what I
 21 can tell you is specifically on page six, the standards
 22 room for review or outline one at a time. And each one
 23 of them is met by your professional staff establishing
 24 substantial competent evidence for it unless somebody
 25 says I'm an expert. I know better than staff does.

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1 to start by saying that I do not have the same issues
 2 with some of the requests that you are requesting
 3 today. Okay.
 4 Practically, for most of them the vacation of
 5 the alley, you're vacating approximately 3,000 square
 6 feet, you're getting 4.375, you're getting
 7 approximately 13,000 and change in development, right?
 8 In FAR, right? What are we getting? What is the city
 9 getting for that? Because you're putting a million
 10 dollars into improvement over -- right away improvement
 11 that will open space that you're getting. So, I don't
 12 see that million dollars being beneficial to the city,
 13 I see it -- again, I know some members in this audience
 14 today, like, constantly go against me because I am an
 15 architect, I'm pro-development, but I want to see
 16 what's good for us, as residents, as a business owner,
 17 for this city.
 18 **MR. DE YURRE:** The staff recommendations
 19 specifically went through the codified evaluation
 20 requirements. And one of the things that we did
 21 specifically was to go to a pedestrian sale, almost
 22 mimicking the alleyway. And that was above and beyond
 23 the requirements that were codified, and made very
 24 evident, had to be met. That's primarily in addition
 25 to meeting what else do we need, besides meeting the

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1 And I what I'm hearing is you disagree with the code
 2 requirements. And if that's the case, that's a
 3 different conversation because we met the code
 4 requirements and on top of that, we did this which was
 5 much more expensive to do instead of doing it what you
 6 see the driveway to the left. That was our original --
 7 **MR. BEHAR:** But -- but that's and I deal with
 8 this every day. Please don't tell me that the Paseo to
 9 the left with the drive is less expensive than doing it
 10 there. When you look when you look now you put a
 11 loading space on university where the Paseo was.
 12 **MR. DE YURRE:** We originally -- money and
 13 costs and the original scenario, were not that when we
 14 didn't do it that way, because it was more expensive.
 15 We did it because it was more efficient. And when they
 16 made the change, retail base got cut up. And yes,
 17 loading docks and be reinvented, obviously went through
 18 architectural costs. Oppenheim (ph.), yourself, all
 19 these architects take a lot of time to do this work and
 20 show -- there -- but a monetary -- if you want to
 21 monitor a quid pro quo. That's not how the code reads,
 22 to do it. But we did everything we could above and
 23 beyond the code requirement. And I'm just speaking at
 24 that point, I appreciate the Comp.
 25 **MR. BEHAR:** I mean, listen, you're trying to

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1 convince me of something that we're going to be here to
 2 win, I'm just -- you're not going to convince me
 3 nothing happened.
 4 **MR. DE YURRE:** It's just a record that I'm
 5 creating. Okay, I'm just creating a record.
 6 **MR. BEHAR:** That's -- okay. So, the, you're
 7 eliminating the parking on University, the 90-degree
 8 parking, which I think is good, I am in favor of
 9 keeping the slip lane. Because I myself when I'm
 10 heading southbound on ponds, I do use it. It may not
 11 be what the Public Works director may recommend, but I
 12 think it'll be good and it's --
 13 (SIMULTANEOUS SPEAKING.)
 14 **MR. DE YURRE:** -- just don't have a sporty
 15 car --
 16 **MR. BEHAR:** I don't do that. I don't have --
 17 I have a feeling --
 18 **MR. AIZENSTAT:** Robert, if I may, just
 19 because of our time --
 20 **MR. BEHAR:** I'll make a motion to extend for
 21 fifteen minutes --
 22 **MR. AIZENSTAT:** -- to 9:15?
 23 **MR. DE YURRE:** And want to make sure it
 24 wasn't my fault.
 25 **MR. AIZENSTAT:** Thank you, Mr. De Yurre.

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1 rooftop. And I think for, maybe, Mr. Revuelta and I, I
 2 think for my colleagues, I don't think that's the right
 3 way to illustrate it.
 4 **MR. DE YURRE:** It's to the code, you
 5 understand that the height of the two garages, as long
 6 as they're underneath the height of one floor, you can
 7 -- it doesn't count. They're different designations to
 8 -- in a residential floor --
 9 (SIMULTANEOUS SPEAKING.)
 10 **MR. BEHAR:** No --
 11 **MR. DE YURRE:** -- (unintelligible) --
 12 **MR. BEHAR:** -- no --
 13 **MR. DE YURRE:** -- parking level. And you can
 14 -- and that wasn't -- that's not me. That was reviewed
 15 --
 16 **MR. BEHAR:** -- And if it's less than one-
 17 third of the floor area it's considered a mezzanine --
 18 **MR. DE YURRE:** Parking level.
 19 **MR. BEHAR:** Okay, that's -- that's -- okay.
 20 They, to me now, when I look at this project,
 21 again, I'm not opposed to a lot of the requests. But
 22 from the planning perspective, I really think that the
 23 placement of the loading dock on university there it
 24 is. To put it nicely, really bad. Okay. That is
 25 probably one of the worst locations. And I don't know

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1 We have a motion to extend to 9:15. Claudia
 2 seconded. Any comments?
 3 Now call the roll please -- everybody in
 4 favor say aye.
 5 (CHORUS OF AYES.)
 6 **MR. AIZENSTAT:** Anybody against? No. It
 7 carries.
 8 Okay, Robert.
 9 **MR. BEHAR:** So, I am in favor of elimination,
 10 I'm glad that you're now using that area for your
 11 growth area calculation lot, you know, so that's good.
 12 I in your presentation, which I'm don't like to see
 13 where we do have a fourteen stories building today.
 14 That's what you're presenting towards fourteen stories
 15 building, because you have thirteen of risk, you know,
 16 of residential and a rooftop pool area amenities, which
 17 definitely counts towards a building high. And you're
 18 not counting that.
 19 The way you described it, you put parking
 20 level one -- parking level number 1.5, and then you
 21 start on the -- which I think is, like, the third
 22 floor, you start with residential one, and you take it
 23 to residential story ten. I think that's a little bit
 24 deceiving. Because when you look at this, it's not
 25 residential ten. It's really a thirteen plus the

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1 if I get (sic) Public Works to agree with me, but I
 2 think that -- that loading dock (unintelligible) is in
 3 the wrong place. I think it needs to be --
 4 I'm in favor of good development. I'm in
 5 favor of quality development. I believe, and somebody
 6 said it, that we need it. I think that I'm not opposed
 7 to granting higher than the seventy-seven. I think
 8 that 149 feet is, to me, is a little bit more than I
 9 would like to see in this location.
 10 With that I'll conclude my comments.
 11 **MR. AIZENSTAT:** Thank you.
 12 **MR. REVUELTA:** What is the precedent that the
 13 city has had when alleys are vacated or owner owners
 14 when developers have paid the city for that land that
 15 they're vacating? I think that if there's a precedent
 16 that there has when financial remuneration to the city,
 17 I think the President needs to be completed. If that
 18 precedent doesn't exist, I am not sure how much
 19 insistence anybody can make for it, that now we start a
 20 new protocol. So, I just wanted to have that history
 21 for my benefit and your benefit.
 22 **MR. MORRIS:** So, the city does not own the
 23 alley by fees. And alleys are basically service
 24 corridor, and they're subject to reversion rights, so
 25 we cannot sell the alleys to the developer. If the

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1 alley gets close on blockaded the volume property
 2 owners take the property back. That's where they were
 3 dedicated to the beginning.
 4 **MR. REVUELTA:** And in some municipalities,
 5 developers can actually take to the middle of the alley
 6 to violate their gross area. How is it done? And I
 7 apologize for my ignorance. But architects adding
 8 insult to injury? What is the policy of the city?
 9 **MR. DIAZ:** I can't speak to that --
 10 (SIMULTANEOUS SPEAKING.)
 11 **MS. CABRERA:** (Inaudible) -- as a property?
 12 **MR. REVUELTA:** -- yeah, I --
 13 **MR. BEHAR:** -- this is in the city, in the
 14 center of Coral Gables, not within your boundary of
 15 your property --
 16 **MR. REVUELTA:** You cannot isolate centrally
 17 in the city.
 18 **MR. BEHAR:** No, no. Only when you vacate it,
 19 and you grant a vacation, then becomes part of your
 20 property, then. That's the whole -- but not if it's not.
 21 **MR. REVUELTA:** Okay. And the city has not
 22 collected money in prior decades --
 23 **MR. BEHAR:** In my experience, and, you know,
 24 for quite a few years in the Gables, not collecting
 25 money, but requires the developer to do something more

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1 from what I and I'm very familiar with that site. It
 2 doesn't serve much. If there was an alley going east
 3 and west, then it would have to do something different.
 4 This alley --
 5 **UNIDENTIFIED SPEAKER:** Right.
 6 **MR. BEHAR:** -- for the truth of the matter,
 7 it doesn't -- no purpose.
 8 **MR. DIAZ:** And then you'd have a dead-end
 9 alley. So, you will be right. And I can provide some
 10 alternative --
 11 **MR. BEHAR:** The vacation of the alley, I am
 12 in favor of vacating this particular alley because it
 13 really only serves those two -- those problems. But I
 14 have an issue when I'm getting benefit for something
 15 else. That is not, you know, truly beneficial to the.
 16 **MR. AIZENSTAT:** For me, a lot of the
 17 questions and concerns were actually asked by my
 18 colleagues, but there are some that I still have. One
 19 of the concerns that I see is I understand that a
 20 traffic study under fifty, you don't need to do. And I
 21 understand that's the way the code reads. It's just
 22 hard for me to understand that. While such a project
 23 as a plaza is going on across the way, we don't really
 24 understand yet the full impact that that's going to
 25 have on the street. That to me is one concern.

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1 --
 2 **UNIDENTIFIED SPEAKER:** (Inaudible).
 3 **MR. BEHAR:** Yes.
 4 **MR. AIZENSTAT:** As an incentive.
 5 **MS. CABRERA:** I know, and a million dollars
 6 is part of that.
 7 **MR. BEHAR:** But a million dollars here --
 8 (SIMULTANEOUS SPEAKING.)
 9 **MR. AIZENSTAT:** -- is for the bonus -- is for
 10 the Mediterranean bonus.
 11 **MR. BEHAR:** Yeah, the million dollars is
 12 really not truly a million dollars.
 13 **MS. CABRERA:** I'm not sure if the
 14 Mediterranean bonus requires any monetary --
 15 **MR. BEHAR:** -- but you're using that
 16 improvement as open space. Right?
 17 **MS. CABRERA:** But that's part of Med bonus,
 18 that has nothing to do with the million dollars. The
 19 Med bonus allows them to count them.
 20 **MR. DIAZ:** I do not believe that the code
 21 requires that you vacate an ally; that your obligated
 22 to provide any kind of benefit.
 23 **MR. BEHAR:** Again, you know, is this a in my
 24 opinion, a right. Opportunity to vacate an alley.
 25 Absolutely. It doesn't serve much, in my opinion, or

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1 The second concern that I have is the there's
 2 eighty units that you're getting at this, you're going
 3 ahead and reducing the parking by ninety-two. You're
 4 saying it's a great thing. We're reducing the parking
 5 by ninety-two spaces. In the past, I have never heard
 6 the city say that's a great thing. You're reducing the
 7 parking. The city is always wanting more parking.
 8 You've got commercial that's on the ground floor.
 9 You're going to have residents on the upper floors and
 10 you're going to have visitors and you're going to have
 11 other handicap requirements. You're going to have
 12 electrical vehicle requirements. There's a whole slew
 13 of things.
 14 To me, I see the reduction of the ninety-two
 15 spaces, because it allows them to have more apartments
 16 and reduce their footprint at the bottom. And maybe
 17 I'm wrong. You know, I wouldn't ask the architects to
 18 have just given up your apartments,
 19 **MR. REVUELTA:** Then you have more parking,
 20 it's always a cycle, that always you have to --
 21 (SIMULTANEOUS SPEAKING.)
 22 **MR. AIZENSTAT:** -- I think that parking is
 23 always a good thing. To me. That's just because --
 24 **MS. CABRERA:** People don't cause traffic,
 25 it's the vehicles that cause traffic --

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1 **MR. AIZENSTAT:** Understood.
 2 **MS. CABRERA:** -- or Parking --
 3 **MR. BEHAR:** But that's also I mean --
 4 **MS. CABRERA:** Now, is the City set up for not
 5 having parking? No. Okay, I understand that. But
 6 it's just a point to keep in mind that that's really
 7 the reality of it. The City is set up to grow that way
 8 --
 9 **MR. AIZENSTAT:** Right, --
 10 **MS. CABRERA:** -- now, is Public
 11 Transportation set up to grow that way? No.
 12 **MR. AIZENSTAT:** As far as the alley. My
 13 colleague, Robert, made a good point. I mean, there's
 14 13,000 square feet of developmental, right, that's
 15 being gained. That should have a value to the city.
 16 And I understand that, we're, we've taken a look. And
 17 we said, okay, they're giving a million dollars, to
 18 other areas, to the area in the center, so forth. But
 19 to me, that's being done, because of the Mediterranean
 20 bonuses that they're getting, in my mind, I'm just not
 21 seeing the million dollars coming from that out. But
 22 if you really look at it, I could look at it and say,
 23 well, you know, they're getting 13,000 square feet
 24 more, which means a higher tax base to the city, it
 25 means additional monies coming in. So, there is a

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1 2020, or 2021, or, or so forth, and now you've reduced
 2 sigh, I'm looking at this project as a new project to
 3 me, I'm not looking at is look what we have done. And
 4 as such, I do feel that you can still reduce your
 5 footprint further within the height to satisfy the
 6 area. That, to me, is so -- that's a concern that I
 7 have. The issue -- I did have an issue that the front
 8 part was being used as if they are, but I see it is
 9 not. So, I don't. I do agree with Robert, as far as
 10 having the area where the car would come off as opposed
 11 to rounding it out. That's just from driving
 12 preference. And I see an issue that that is created on
 13 ponds, further up by where the police station was, if
 14 you're coming down on ponds, it's made in a certain
 15 shape that when you're going to turn in there, you
 16 don't have that turn off. And that I think that
 17 creates problems. That's really the comments that I
 18 have right now.
 19 Oh, one more thing, if I may. What are the
 20 -- you're doing eighty units, there was a lot of
 21 concern between -- you're going to come in as condos
 22 and then you're going to go to rentals. Can you talk
 23 just for the record a little bit about the size of the
 24 units is and the makeup of the units?
 25 **MR. DE YURRE:** Absolutely. These units are

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1 tradeoff. And I would have to look at that.
 2 The comment that I wanted to make is, there
 3 was a speaker that spoke and said, you know, there's
 4 new staff, and that's why are coming in, there is no
 5 new staff, I just want to make that clear to the public
 6 and on the record, as an individual that is no longer
 7 with the department. But there is not new staff.
 8 **MS. CABRERA:** their recommendation is still
 9 prepared by the same exact person that prepares every
 10 recommendation that came up here previously --
 11 (SIMULTANEOUS SPEAKING.)
 12 **MR. AIZENSTAT:** Understood.
 13 **MS. CABRERA:** -- which are our city planner,
 14 and understood principal planners --
 15 **MR. AIZENSTAT:** -- is different from this,
 16 it's a different --
 17 **MS. CABRERA:** -- in the future, my hope is
 18 that Jennifer, as a city planner, be in front of this
 19 Board presenting more often. But this was very short
 20 notice, and I'm not going to throw her into the fire.
 21 So, I'm up here, just presenting what has already been
 22 hashed out.
 23 **MR. AIZENSTAT:** Understood.
 24 The last point that I like to make as I look
 25 at this project, not as you came back, you were here in

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1 going to go up to 4,000 feet. And I'll use the same
 2 words that --
 3 **MR. AIZENSTAT:** Can you give me a percentage
 4 of these 4,000? Just from your head, I don't need the
 5 exact --
 6 **MR. DE YURRE:** -- smallest one started at
 7 1,600 --
 8 **MR. BEHAR:** (Inaudible) --
 9 **MR. DE YURRE:** Yeah, Derek, please.
 10 I'm just going to call Derek Cardenas (ph.)
 11 to the microphone a second.
 12 **MR. AIZENSTAT:** Sure.
 13 **MR. DE YURRE:** Maybe take it easy on him --
 14 **MR. AIZENSTAT:** (Unintelligible).
 15 **MR. DEREK CARDENAS:** Derek Cardenas, 851 NE
 16 First Avenue.
 17 **MR. AIZENSTAT:** Thank you.
 18 **MR. DEREK CARDENAS:** I stood up in the
 19 beginning.
 20 **MR. AIZENSTAT:** Thank you. Okay, so just
 21 give us just a little bit of rundown. It doesn't have
 22 to be exact.
 23 **MR. DEREK CARDENAS:** Sure. So, condo, the
 24 unit mix is essentially -- its average unit size is
 25 2,025 square feet. Okay. The average unit range size

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1 is about 1600 square feet all the way up to about 4,000
 2 square feet.
 3 **MR. AIZENSTAT:** Okay. To me, in my mind,
 4 those size units, I don't know if I see them so much as
 5 a rental unit, and that's just me. I see them more as
 6 condo space. I could be wrong, you know, but I'm just
 7 giving my I'm just voicing what I see based on the
 8 size. And the units that are there.
 9 Any other comments? Anybody like to make a
 10 motion?
 11 **MR. REVUELTA:** One last comment. What I
 12 noticed the --
 13 **MR. AIZENSTAT:** Hey Luis, could you speak in
 14 the microphone, because they're not --
 15 **MR. REVUELTA:** -- the first import is 149
 16 feet, but the back part is down to seventy something.
 17 What percentage, more or less, for my benefit and
 18 everybody else's, of the -- of the parcel, it's at 149
 19 feet is? I mean --
 20 **MR. DE YURRE:** If I can get control of the
 21 presentation; I have a sheet that does that. This is a
 22 little tough --
 23 **MR. REVUELTA:** To put into perspective, that
 24 -- this whole project, the whole site is not 149 feet,
 25 but he's got a lower part towards the northwest. And I

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1 So, I was just wanting to put in perspective
 2 that the whole site is not at 149. And that there are
 3 parts of the site that are see one part of the site or
 4 something I was wondering about the percentage,
 5 eyeballing it, it could be fifty could be fifty-five.
 6 It could be forty-five, something like that. So that's
 7 just to play around with the chairman.
 8 **MR. BEHAR:** I -- we have five requests.
 9 **MR. REVUELTA:** Correct.
 10 **MR. AIZENSTAT:** And I would ask that E-1 go
 11 towards the end.
 12 **MR. BEHAR:** E-1 is --
 13 **MR. AIZENSTAT:** The alley.
 14 **MR. BEHAR:** So, which one shall we take on
 15 first then?
 16
 17 **MR. AIZENSTAT:** Correct.
 18 **MR. BEHAR:** But the comp plan, then, is the
 19 one that's going to give us the height that you're
 20 asking for --
 21 **MR. REVUELTA:** The high density --
 22 **MR. AIZENSTAT:** Correct.
 23 **MR. BEHAR:** I'm --
 24 **MR. DE YURRE:** Each one of these is a unique
 25 item for -- because each one has its own merits, and I

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1 just was wondering what percentage or what area?
 2 **MR. DE YURRE:** I have control now, again?
 3 Give me a second. There you go. That's 149 feet.
 4 **MR. REVUELTA:** Yeah. So, figure that out.
 5 But what more -- what is the area --
 6 **MR. DE YURRE:** That, so it's double loaded,
 7 it's eighty feet by three feet. And then I'd have to
 8 give you the length, if I can just walk up to the --
 9 **MR. REVUELTA:** 180 feet or something like
 10 that. And the side is, whatever it is. So, it looks
 11 to me like this is like forty percent I don't know,
 12 reporting for YouTube channel, the site is at 149. And
 13 the rest is below that. So, I mean, I, as an
 14 architect, are you --
 15 **I MR. DE YURRE:** I wouldn't disagree with
 16 that.
 17 **MR. REVUELTA:** It's okay. I -- developers
 18 ask me for all sorts of numbers, and I'm never prepared
 19 for them. So, I cannot throw a stone to a glass house
 20 (sic). But I have tried to argue for projects of -- my
 21 projects that, a lot of times, height should be also
 22 contemplated as -- in terms of an average, right, then
 23 you can have a tall skinny building when parts of your
 24 building are low. And this is something that I have
 25 encountered in many municipalities.

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1 understand the concept made, I would just request that
 2 each of them be decided on its own merits. We know
 3 exactly what the objection is to the project --
 4 (SIMULTANEOUS SPEAKING.)
 5 **MR. AIZENSTAT:** -- and they will share --
 6 **MR. DE YURRE:** -- his agenda --
 7 **MR. AIZENSTAT:** -- they will be individually.
 8 **MR. DE YURRE:** Thank you.
 9 **MR. BEHAR:** I really think that I would -- I
 10 don't have an objection taking the vacation of the
 11 alley first. Because to me, is not they can invalidate
 12 the problem here. Okay, because, again, to me, the ally
 13 doesn't serve much. So, to me, I have other issues or
 14 another problem with it. But it's not necessarily the
 15 -- the -- I don't know which order --
 16 **MR. AIZENSTAT:** Does everybody --
 17 **MR. REVUELTA:** Can I make a suggestion?
 18 **MR. AIZENSTAT:** Go ahead, please.
 19 **MR. REVUELTA:** I was thinking, if I was going
 20 to -- eventually somebody's got to make a motion. If I
 21 was to make a motion, I would put some conditions. I
 22 don't know if it's worth it; if it's proper; if it's
 23 legal to discuss what conditions because you used a
 24 rather good point. I have a problem with the service
 25 entrance off of University, which is to say, I have a

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1 problem with a little off shoot. I think the radius on
 2 Ponce and University Drive should be three times as
 3 what it is, like 15 and 25.
 4 **MR. AIZENSTAT:** Let me ask you a question
 5 though. Is it within our realm to have that design
 6 move -- for a recommendation? Is that not --
 7 **MR. BEHAR:** When it comes to the mixed-use
 8 project, is that I believe that's the time that we can
 9 make that recommendation.
 10 **MR. AIZENSTAT:** I just want to be clear
 11 because --
 12 (SIMULTANEOUS SPEAKING.)
 13 **MR. COLLIER:** I believe it's part of the site
 14 plans and --
 15 **MR. BEHAR:** The site plan --
 16 **MR. AIZENSTAT:** -- yeah --
 17 **MR. BEHAR:** -- so --
 18 **MR. AIZENSTAT:** -- okay --
 19 **MR. BEHAR:** -- at that point is when we make
 20 an agreement with you that the loading dock should be
 21 in the alley, on the backside --
 22 **MR. REVUELTA:** And the Commission needs to
 23 entertain the idea of what kind of incentive there
 24 should be in exchange for (unintelligible) the 13,000
 25 square feet, that are worth --

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1 time. So, I don't know how we all want to take on --
 2 **MR. AIZENSTAT:** If nobody else has any
 3 concern with the vacating of the public alley --
 4 **MR. WITHERS:** The only concern I have is to be
 5 consistent. We've never really vacated an alley
 6 without a site plan that we can review and approve.
 7 (SIMULTANEOUS SPEAKING.)
 8 **UNIDENTIFIED SPEAKER:** Correct --
 9 **MR. AIZENSTAT:** -- that was the concern --
 10 **MR. WITHERS:** -- in this case --
 11 **MR. AIZENSTAT:** -- I had --
 12 **MR. WITHERS:** -- I don't have a problem
 13 deviating from that if you want to move the vacation.
 14 **MR. AIZENSTAT:** When we also -- when we want
 15 to look, maybe, at the master plan first.
 16 **MR. REVUELTA:** Well, we can do that, but at
 17 that point it's do or die, right --
 18 (SIMULTANEOUS SPEAKING.)
 19 **MR. AIZENSTAT:** I think --
 20 **MR. REVUELTA:** -- I think --
 21 **MR. AIZENSTAT:** -- in the past, that's what
 22 we have --
 23 **MR. REVUELTA:** Okay, and if that's -- if
 24 that's the precedent, I'm all for following the
 25 precedent --

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1 **MR. AIZENSTAT:** Is there -- we're getting
 2 close to the time again. Is there a motion to extend it?
 3 **MR. BEHAR:** I'll make a move. I make a
 4 motion to extend it, but --
 5 **MR. AIZENSTAT:** To what time please?
 6 **MR. BEHAR:** -- how late are we going to plan
 7 to be here.
 8 **MR. AIZENSTAT:** Can we just --
 9 **MR. BEHAR:** (Inaudible).
 10 **MR. AIZENSTAT:** -- can we just get another
 11 twenty minutes for now?
 12 **MR. BEHAR:** Okay, I make a motion to another
 13 -- to 9:30 --
 14 **MR. REVUELTA:** I second.
 15 **MR. AIZENSTAT:** To -- no, we're at 9:15?
 16 **MR. BEHAR:** Five. To 9:35? I'll make a
 17 motion.
 18 **MR. AIZENSTAT:** Is there a second? We have a
 19 second.
 20 Everybody in favor say aye.
 21 (CHORUS OF AYES.)
 22 Anybody against? No. Continue.
 23 **MR. BEHAR:** I think I was just saying that at
 24 the time of the site plan is -- we will make the
 25 condition of the loading dock on -- but not at this

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1 **MR. BEHAR:** But that -- if we do that, then
 2 I'm going to make a motion not --
 3 **MR. AIZENSTAT:** Well, what --
 4 **MR. REVUELTA:** As I've said before, even if
 5 this project was meeting the hype and everything else,
 6 like vacating that option, vacating the alley, there
 7 are things that, at least, I'm speaking for myself,
 8 obviously, I wouldn't be in favor of making that
 9 because I think it would work out better for whoever
 10 comes if Mr. Morris doesn't decide to do that. And
 11 again, you need to be careful what you wish for,
 12 because the next guy might be an office building
 13 developer or a rental developer. And we may not be --
 14 **MR. BEHAR:** But that's not true, that's not
 15 true. That's not totally correct. Because whoever
 16 comes has to, you know, the next developer has to come
 17 here --
 18 (SIMULTANEOUS SPEAKING.)
 19 **MR. BEHAR:** -- to seek the same approval --
 20 **MS. CABRERA:** Exactly.
 21 **MR. BEHAR:** -- Okay. So, I'm not sure that's
 22 a valid --
 23 **MR. REVUELTA:** My point --
 24 **MR. BEHAR:** -- point.
 25 **MR. REVUELTA:** -- is that a developer will

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1 need to know, and meet the seventy-seven feet height,
 2 whatever it is, and fill this thing with offices and
 3 rentals. And I think the traffic will be worse. And
 4 this is my gut feeling. I could be wrong. You could
 5 be right. I'm used to, basically, voicing my opinion,
 6 like I see --
 7 **MR. AIZENSTAT:** Ms. Cabrera?
 8 **MS. CABRERA:** I was just discussing with
 9 Hermes, because if you vote on vacating the alley, and
 10 these are still separate parcels, and Mr. Morris sells
 11 one of them, we would not have been in favor of
 12 vacating the alley. So, if there's vacating of the
 13 alley without a condition that is attached to the
 14 project, then it should be replated --
 15 (SIMULTANEOUS SPEAKING.)
 16 **MR. BEHAR:** You answered the --
 17 **MS. CABRERA:** -- Right?
 18 **MR. BEHAR:** -- question --
 19 **MR. AIZENSTAT:** (Unintelligible).
 20 **MR. BEHAR:** -- that's it. You answered the
 21 question --
 22 (SIMULTANEOUS UNINTELLIGIBLE SPEAKING.)
 23 **MR. DIAZ:** -- comes along with utility
 24 relocations --
 25 **UNIDENTIFIED SPEAKER:** Correct.

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1 **MR. AIZENSTAT:** You make a motion to approve
 2 the master plan as is --
 3 **MR. REVUELTA:** With conditions.
 4 **MR. WITHERS:** If this is the right time --
 5 **MR. COLLIER:** Well, I don't think conditions
 6 are right on the Comp Plan. The conditions can be to
 7 the site plan and be to the --
 8 **MR. REVUELTA:** What if we are working on the
 9 site plan? And there are things with the site plan
 10 that we are not in agreement with? Am I hearing
 11 correctly that is not the proper time to put conditions?
 12 **MR. COLLIER:** I don't think it's on a -- on a
 13 Comp Plan item. They can proffer covenants, voluntary
 14 covenants, in connection with the conflict. But I
 15 don't believe you can condition the Comp Plan. You can
 16 -- there are -- you can condition the -- and other
 17 applicants have proffer covenants in connection with
 18 the Comp Plan. And we --
 19 **MR. BEHAR:** Well, what -- what sort of
 20 covenant can they proffer that will --
 21 **UNIDENTIFIED SPEAKER:** (Unintelligible).
 22 **MR. COLLIER:** For example, let's say they
 23 didn't want to -- right now, it's to a hundred, the
 24 mid-rise intensity -- the high-rise intensity allows
 25 them to go to -- I'm not sure

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1 **MR. DIAZ:** -- so, it goes both together. One
 2 doesn't work without the other.
 3 **MR. AIZENSTAT:** Let's look at the master plan.
 4 **MR. BEHAR:** Okay. You answered the question.
 5 Thank you.
 6 **MR. DE YURRE:** It seems to be -- it basically
 7 suggests the height is the point of contention. And if
 8 we can get -- if there is support for all the other
 9 items, then we know that that is the bottleneck to this
 10 project, even though we've gone to eighty units, okay.
 11 And so, can we fit eighty units with a
 12 different configuration? If we had the other items,
 13 that's a question we would have to go and solve. But
 14 if that's the point of contention, then hopefully
 15 something can happen here with this project --
 16 **MR. AIZENSTAT:** Are you able to --
 17 **MR. DE YURRE:** -- because we're still only
 18 eighty units.
 19 -- come back to the (unintelligible)?
 20 **MR. DE YURRE:** It would be at the direction,
 21 at that point in time, of the Commission.
 22 **MR. AIZENSTAT:** Okay.
 23 On the master plan, is there a motion?
 24 (SIMULTANEOUS SPEAKING.)
 25 **MR. WITHERS:** I make a motion to approve.

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1 **MR. DE YURRE:** 1.50 And then one 190.6 with
 2 the bedrock.
 3 **MR. COLLIER:** So, if they wanted to go lower
 4 than what the what the Comp Plan would permit, then
 5 they could proffer a covenant in connection with the
 6 Comp Plan that would -- it would be proffered by them.
 7 It's not -- I'm not sure what conditions you have in
 8 mind. It will be related to what --
 9 (SIMULTANEOUS SPEAKING.)
 10 **MR. REVUELTA:** Well, then we can pick it apart?
 11 **MR. BEHAR:** Well, I mean, yes,
 12 **MR. REVUELTA:** The condition is -- that
 13 covenant that this building will always be a condo or
 14 (unintelligible) will be for me.
 15 **MR. COLLIER:** Well --
 16 (SIMULTANEOUS SPEAKING.)
 17 **MR. BEHAR:** -- that, I don't think --
 18 **MR. COLLIER:** -- you can't do that --
 19 **MR. BEHAR:** -- do that.
 20 **MR. DE YURRE:** We can covenant --
 21 **MR. COLLIER:** They can make --
 22 **MR. DE YURRE:** -- the use --
 23 **MR. COLLIER:** I mean, technically, you're not
 24 supposed to make a distinction between rental and
 25 owners. Applicant wants to voluntarily proffer a

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1 covenant, but it's going to be up to them. They
 2 haven't done that --
 3 **MR. REVUELTA:** So, I guess this is --
 4 **MR. DE YURRE:** That's why we're here --
 5 **MR. REVUELTA:** Right?
 6 **MR. DE YURRE:** That's what we're here.
 7 **MR. REVUELTA:** -- do not put a service
 8 entrance at all whatsoever on University --
 9 **MR. COLLIER:** Let's go back and be on the
 10 site plan. For sure.
 11 **MR. REVUELTA:** We're only putting it on the
 12 master --
 13 **MR. BEHAR:** Comp Plan. But in the Comp Plan
 14 is more -- we will not go past -- I don't want to throw
 15 a number. But no, we will not go any higher than, just
 16 to put a number out there, 145 feet.
 17 **MR. DE YURRE:** We were going to covenant, by
 18 the way, we were going to covenant to the 149 so that
 19 no one would feel like we were going to go and try to
 20 go to the max of one hundred.
 21 **MR. REVUELTA:** But the architectural features
 22 are -- no, look --
 23 **MR. BEHAR:** I'm going to put it out. I have
 24 a problem with 149. Okay, I don't know the rest of the
 25 Board. I have a problem with that.

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1 Obviously as concerned the difference between
 2 seventy-seven and 149 is the first part but given the
 3 fact that they're sensitive -- if they can cut two feet
 4 or something of the floor-to-floor height because they
 5 can market luxury units. I have had the misfortune of
 6 doing condos for forty years and getting super -- ten
 7 feet each for luxury condominium. I don't know if you
 8 agree with both, but detail would be more incredible --
 9 (SIMULTANEOUS SPEAKING.)
 10 **MR. DE YURRE:** If my math is correct --
 11 **MR. REVUELTA:** -- that we -- do we do reveal
 12 you're correct is higher than what it should be then
 13 called the retail by the time that you start adding up
 14 feet and 20 You might be down to 120 to a height that
 15 may aid on the concerns of a lot of people, but still
 16 make the profit the project doable. And I think these
 17 are the kinds of compromises that I have to go through
 18 many times on projects that we have. I was just
 19 offering that.
 20 And again, to meet the value -- the service,
 21 right, the height that you set, the incentive of saying
 22 13,000 square feet, your vacation of the alley, to me,
 23 oh, are those conditions that should be put on the
 24 table to drive it? It only gets sweeter. That's, and
 25 again, I -

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1 **MR. DE YURRE:** We're in a in a world of
 2 design. And so, I would look to you and say, if that's
 3 a point of contention, where is the solution? Because
 4 no one would know better than the than the to our
 5 esteemed architect
 6 **MR. REVUELTA:** Before I clear height for the
 7 covenants. What are (unintelligible) --
 8 **MR. AIZENSTAT:** Suramy, you have a question?
 9 **MS. CABRERA:** Yeah. I was just checking the
 10 zoning code doesn't differentiate between rental and
 11 condo, but the building code does. I mean, that's the
 12 only thing that correct if they were to change in the
 13 future, it would have to come back.
 14 **MR. BEHAR:** No, no. Because your retail on
 15 the ground floor is probably 1820 feet. Well. You
 16 when you start adding us an architect which I I've
 17 always looked up to you, you know, move down and you
 18 got to look at how many floors you're doing.
 19 **MR. REVUELTA:** Or what I'm suggesting is that
 20 hypersensitive to you and to a lot of people 149 is not
 21 doing because I believe once a building goes beyond 50
 22 6080 feet. The -- how many times have we listened to a
 23 Halliburton elicit (ph.) the same once you go past
 24 fifty feet or ballistically what doesn't really matter
 25 so I am not.

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1 **MR. AIZENSTAT:** Do you want to make motion,
 2 Luis.
 3 **MR. REVUELTA:** For the Comp Plan, I thought --
 4 **MR. AIZENSTAT:** For the master.
 5 **MR. REVUELTA:** I wanted to do some conditions
 6 that I cannot so, the only condition will be a
 7 suggestion of making sure that this building stays the
 8 way it is being presented to us. If not, it has to
 9 come back to us. So, the switch that that happen at
 10 the Plaza doesn't happen.
 11 **MR. DE YURRE:** We can covenant to height,
 12 there's no, I mean, if we if there's an issue with
 13 height, there's a number there's a magic number that
 14 makes architecturally. Mr. Looser with that, and we're
 15 going to be hard on deferring to because you are the
 16 experts in regard to the architecture that makes you
 17 feel comfortable in this area, without footprint, and
 18 we will endeavor to reach that, but without direction
 19 in regard to that one point that is holding us up right
 20 now, where we're lost. And so how many floors --
 21 **MR. AIZENSTAT:** (Inaudible) -- let me ask Mr.
 22 De Yurre, let me ask you a question, would your client,
 23 I'm just going to throw a number out, would your client
 24 agree to 125 feet total?
 25 **MR. DE YURRE:** If you gave us 125 feet, he

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1 would figure out a way to make it work. Remember,
 2 we're only doing eighty units. So, we have, we have a
 3 lot to play with to make it work --
 4 (SIMULTANEOUS SPEAKING.)
 5 **MR. AIZENSTAT:** Because as of right now, it's
 6 --
 7 **MR. DE YURRE:** -- it's only eighty units --
 8 **MR. AIZENSTAT:** -- seventy-seven. And if it
 9 would be 125 feet with Mediterranean bonuses to the top
 10 and everything.
 11 **MR. DE YURRE:** Yeah, we would covenant to
 12 125. Remember, the eighty units is so few units, it
 13 doesn't even trigger a traffic study. So yes, of
 14 course, we will go to the 125. If that's what it takes
 15 get this project done, because we were responding to do
 16 the highest quality project you can, and I understand
 17 that we don't want to compare it to the other one. But
 18 that was the direction we were given. And they wanted
 19 condos. And so, when we do that, obviously you guys
 20 understand the more height and the ceiling, the better.
 21 **MR. BEHAR:** You can put off the building,
 22 right off the bat about fifteen, sixteen right now, by
 23 taking two feet out of the residential and four feet or
 24 so out of the way. I mean, that right there, right off
 25 the bat is fourteen and four. Almost twenty feet.

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1 **MR. BEHAR:** You have -- you guys have but I'm
 2 wanting to hear from Chip. And I want to hear from
 3 this project --
 4 **MS. MIRO:** Yeah, well --
 5 **MR. REVUELTA:** -- at 130 -- at 130 feet.
 6 **MS. MIRO:** -- I think the number we're
 7 starting from is seventy-seven. And we said 149. And
 8 that was a lot. 125, I'm not really comfortable -- I
 9 don't think that -- that's still a lot. It's a big
 10 number --
 11 **MR. BEHAR:** What number will you --
 12 **MR. WITHERS:** Let me ask you a question. Do
 13 you see? Do you see that building?
 14 **MR. AIZENSTAT:** Mr. De Yurre, can I ask you
 15 to just move like that so the people in the back --
 16 **MR. DE YURRE:** I just wanted to -- because of
 17 the discussion.
 18 **MR. WITHERS:** Do you see that development?
 19 **MR. AIZENSTAT:** Thank you, sir.
 20 **MR. WITHERS:** Do you see that development
 21 contiguous or whatever with any of the residential
 22 neighborhood behind this these? Or do you just
 23 discount them? I'm not -- I'm not saying you discount
 24 the people. I'm just saying you discount the
 25 geographic situation because, you know, if you read

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1 **MR. REVUELTA:** So, the reality,
 2 unfortunately, and this is something that we are not
 3 going to be able to do anything about the property to
 4 the to the south is 190. We will not if when a project
 5 comes in, we're not going to be able to do anything
 6 about that. That is the reality. Okay.
 7 **MR. BEHAR:** I will be -- that if I vote in
 8 favor (unintelligible) --
 9 **MR. REVUELTA:** Well, let the record show that
 10 understand. But that's what they have the right to do.
 11 And it's going to be very difficult. That's for
 12 another day. I hope that's fine that I came can your
 13 client make this work. And you were a little bit more
 14 than I wanted to see, you know, kind of work in the 125
 15 feet that the chairman, you know, match.
 16 **MR. DE YURRE:** Or die trying? Yes. And we
 17 can covenant to that. There's no --
 18 **MS. MIRO:** Let me ask you a question -- I
 19 don't know to say it, if he came in at a little bit
 20 more than you wanted to see. So why don't we say a
 21 little less? If you're saying that's a little bit more
 22 than he wanted to see --
 23 (SIMULTANEOUS SPEAKING.)
 24 **MR. AIZENSTAT:** I just gave him a number --
 25 **MS. MIRO:** -- that you know, I don't think --

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1 this --
 2 **MR. REVUELTA:** Is your question to the west?
 3 **MR. WITHERS:** No, no, I'm talking about the
 4 residential neighborhood.
 5 This is a trend obviously this was in our
 6 code as a transition area. No doubt. I don't know how
 7 tall the (unintelligible) building is at four feet at
 8 first, okay, this can be taller than the Zooey
 9 building. So, it's certainly not a transition at four
 10 feet. Okay. It's certainly not a transition. And so,
 11 my point is, you know, in this it's still sticking in
 12 my craw is like, here it goes. The proposed
 13 conditional use does not conflict with the needs and
 14 character of the neighborhood in the city. So, what is
 15 the neighborhood? And IT staff says, yes, it does, you
 16 know, it doesn't conflict with them. It says the
 17 proposed conditional use will not adversely
 18 unreasonably affect the use of other property in the
 19 area. The neighbors? Oh, no, it doesn't conflict with
 20 that. I mean, come on.
 21 **MR. AIZENSTAT:** So, Chip, is there a motion --
 22 **MR. WITHERS:** I want to listen, and again,
 23 I'm a code guy. You know, what if we deviate from the
 24 code and we want to do it because we think that it
 25 doesn't affect the neighbors? You know, vote for it.

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1 That's just how I feel. And you know, and I'm not I'm
 2 not. I'm not throwing any stones here. I'm just
 3 telling you that --
 4 **MR. REVUELTA:** Oh, but in terms of
 5 conditions, do you have a different condition and the
 6 ones I was proposing 135, 130 -- proposal at 125 -- I
 7 don't know --
 8 **MR. WITHERS:** I've just seen -- I've just
 9 seen --
 10 **MR. AIZENSTAT:** Well, I just threw a number
 11 out --
 12 (SIMULTANEOUS SPEAKING.)
 13 **MR. WITHERS:** -- I've just seen development
 14 has done in this city in the past five to 10 years. But
 15 residential neighborhoods, I have no problem with
 16 Medina's (ph.) project. You know, I voted for the extra
 17 high Medina, for low lower density. I had absolutely
 18 no problem with that. Six and a half. Yeah, I get to
 19 have. But when we -- when we start to when we start to
 20 about residential neighborhoods, I just, we just need to
 21 really gatekeeper on that stuff. And I just I'm sorry,
 22 I mean, no, no,
 23 **MR. REVUELTA:** no, I mean, you can promote
 24 diversity is the magic. You cannot university right.
 25 But that's by far the second or third meeting in a row

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1 So, you're doing a master planning plan. Right. Okay.
 2 And there were two conditions
 3 **MR. REVUELTA:** I forget. Now the other one
 4 was height and loading.
 5 **MR. DE YURRE:** Condo versus condo versus
 6 broken?
 7 **MR. REVUELTA:** Those were my I moved to
 8 approve with those to move to
 9 **MR. AIZENSTAT:** approve. That's why I'm
 10 sorry, issues. What high or
 11 **MR. COLLIER:** height for me would be 130.
 12 Your motion is 130. All right. Mr. Chairman, I just
 13 want to explain the context of worries. If this item
 14 were before the City Commission, and they wanted to go
 15 with a lower height than what the comp plan provides,
 16 they would have had to have a finalized COVID covenant
 17 with the opinion of title, reducing the height to
 18 whatever the height is, at best in this posture. Since
 19 we're making a recommendation, if you approve the item
 20 for the comp plan, then the best that you can do is
 21 recommending acceptance of a proper covenant by the
 22 applicant, reducing the height to x. So that's what
 23 your recommendation is going to be on the complaint if
 24 you choose to approve it, where you can recommend it
 25 recommend denial,

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1 now about this and some other issues. I'm leading with
 2 a CD to look at what 34 You've got to change that.
 3 Because that is the well thirty-four, He's the biggest
 4 enemy for
 5 **MR. BEHAR:** everybody here is black. Let's
 6 say he will represent you know, as an attorney, that's
 7 a Bert Harris. Gentlemen,
 8 **MR. AIZENSTAT:** let's focus on the property
 9 we have before us.
 10 **MR. COLLIER:** I just
 11 **MR. WITHERS:** don't really appease me. I
 12 mean, I don't mean vote where you feel obviously
 13 proposed what you feel is, is right, I just have my
 14 printer. And that's how I am, you know,
 15 **MR. REVUELTA:** there's people through the
 16 senior member with
 17 **MR. WITHERS:** us, but I've seen it Look, I've
 18 seen it with what the plaza did to the residences on
 19 Coconut Grove drive there, and whatever. I've seen it
 20 when it's doing in other areas. I just, you know,
 21 **MR. AIZENSTAT:** I think there's no question.
 22 All right, let's move forward on
 23 **MR. REVUELTA:** actually, move with a couple of
 24 conditions that
 25 **MR. AIZENSTAT:** was height on the master.

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1 **MR. BEHAR:** you made a motion is there a
 2 second right.
 3 **MS. MIRO:** So, your motion is to go from 149
 4 to 135 which is 14 Less right 3131 30
 5 **MR. REVUELTA:** And the only other organ and
 6 that is
 7 **MR. BEHAR:** and he got a throw Is there
 8 **MR. AIZENSTAT:** a second? So that motion
 9 dies. Um, it is 930. I, I would like to propose we
 10 just extended to 10 o'clock because I don't see a
 11 stopping and Chip was right. Is chip would you like to
 12 make motion? Okay, all right.
 13 **MR. COLLIER:** We have a motion to testify
 14 before no one before I
 15 **MR. BEHAR:** may Before I vote on that,
 16 whatever will not finish by 10 o'clock. I'm not going
 17 to stay past
 18 **MR. AIZENSTAT:** that time. That's a decision
 19 we take at that time. If we I want to put it there
 20 because, okay, we have a motion at 10 o'clock buzzer.
 21 Court Reporter
 22 **MR. WITHERS:** Court Reporter is on overtime
 23 anyway. So, it was it
 24 **MR. DE YURRE:** hasn't been my fault. It
 25 hasn't been my fault, right? Not me, Mr.

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1 **MR. AIZENSTAT:** Guys, guys, we have a motion
 2 have a second. Second. Cloudy a second. Everybody
 3 say I have some favor? Aye. Anybody against? Okay,
 4 so that motion failed. Anybody want to make a second
 5 motion?
 6 **MS. CABRERA:** Mr. Behar --
 7 **MR. AIZENSTAT:** -- as you're chomping at the
 8 lips,
 9 **MR. BEHAR:** I, I'm, I'll make a motion with a
 10 maximum height. And it may not be about 110 feet,
 11 **MR. AIZENSTAT:** we have a motion of 110 feet.
 12 Would that be
 13 **MR. COLLIER:** is the is that we need to know
 14 from the applicant because what you're going to your
 15 recommendation at this point can't be a condition. It
 16 is a recommendation that you accept a proffered
 17 covenant from Counsel, if Counsel is not prepared to do
 18 110 B, then you have to understand that you can condition
 19 **MR. DE YURRE:** that they can sorry, go ahead.
 20 They can they can condition the approval on a proper
 21 from us. I don't have to be or
 22 **MR. COLLIER:** indicate tonight that you're
 23 going to do a voluntary proper covenant of 110 feet,
 24 I'm not going to ask you to produce the covenant now
 25 with an opinion of title, you'll have to do that a

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1 **MR. AIZENSTAT:** You'd like to make a motion
 2 to vote on the item as presented? Yes. On for the
 3 masterplan.
 4 **MR. COLLIER:** Motion. Well,
 5 **MR. AIZENSTAT:** is that motion in motion for?
 6 Is that a motion for approval as presented? No. So,
 7 it's, what is your motion? I'm sorry?
 8 **MS. MIRO:** No motion to take up the taken up
 9 as presented? Yeah.
 10 **MR. COLLIER:** You don't? You don't need a
 11 motion to that. So just need to make a motion.
 12 **MR. AIZENSTAT:** So, you want to make a motion
 13 to approve it?
 14 **MS. CABRERA:** No,
 15 **MS. MIRO:** that's not my that's something.
 16 **MR. BEHAR:** Are you making a motion to deny
 17 the application? So
 18 **MR. AIZENSTAT:** you're making a motion to
 19 deny the application as presented?
 20 **MR. COLLIER:** That we're working with e to
 21 that's the master. Right. We're just coming in. Just
 22 doing the master plan.
 23 **MR. AIZENSTAT:** We have a motion to deny as
 24 presented. Is there a second?
 25 **MS. CABRERA:** I'll second that.

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1 Commission. But at least this Board will recommend
 2 that they're going to approve it with the acceptance of
 3 a proper covenant from the applicant of XP, because if
 4 not
 5 **MR. BEHAR:** a profit covenant, then
 6 **MR. COLLIER:** it's got to be a volunteer now.
 7 **MR. AIZENSTAT:** We're going to go ahead and
 8 just take motions the way it is here.
 9 **MS. MIRO:** That was my question. Mr. Chair,
 10 can we just vote on the item the way that it was
 11 presented? Again, I think the last time we came up,
 12 somebody
 13 **MR. AIZENSTAT:** wants to make a motion. But
 14 right now, we have robber at 110 feet and the
 15 applicant? Are you okay with that? I
 16 **MR. DE YURRE:** mean, it would have to be
 17 conditioned on a profit. But I can't offer the proper
 18 right now. Because it's just significantly if
 19 **MR. COLLIER:** you're in the motion as an
 20 attorney representing labs and technical discussion,
 21 you can indicate to the Board that you will proffer a
 22 covenant at Commission at 110 feet. Right.
 23 **MR. AIZENSTAT:** Okay, so that that dies. Um,
 24 **MS. MIRO:** I'd like to make a motion to vote
 25 on the item as presented.

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1 **MR. AIZENSTAT:** We have a second. Any
 2 discussion? No. Call the roll, please.
 3 **MS. MENENDEZ:** Claudio Miro?
 4 **MS. MIRO:** Yes.
 5 **MS. MENENDEZ:** Luis Revuelta?
 6 **MR. REVUELTA:** No.
 7 **MS. MENENDEZ:** Chip Withers?
 8 **MR. WITHERS:** Yes.
 9 **MS. MENENDEZ:** Robert Behar?
 10 **MR. BEHAR:** No.
 11 **MS. MENENDEZ:** Eibi Aizenstat?
 12 **MR. AIZENSTAT:** Yes.
 13 **MS. MENENDEZ:** 3-2.
 14 **MR. COLLIER:** So, we don't have that you have
 15 an opportunity if you want to try to reach a four-boat
 16 minimum or we just go with a 332 denial which is -- was
 17 not -- will not constitute a recommendation because
 18 there has to be
 19 **MR. AIZENSTAT:** so, it goes to Commission
 20 without a recommendation.
 21 **MR. COLLIER:** Correct
 22 **MR. AIZENSTAT:** Okay, thank you.
 23 **MR. COLLIER:** Then, then we would move on to
 24 --
 25 **MR. BEHAR:** No, we can because then if --

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1 **MR. AIZENSTAT:** how do you move? I think how
 2 do you move on to the next item? If you have a no
 3 recommendation on the on that item on the master?
 4 **MR. COLLIER:** What's the point you still have
 5 to take up the others. All right. Okay. Because
 6 you're making a recommendation and you make up Make a
 7 motion make it you can have it the same boat for all of
 8 them if you want to what is
 9 **MR. REVUELTA:** what is the next four? What
 10 is the
 11 **MR. DE YURRE:** nature of the next item is
 12 number three is the TT RS
 13 **MR. BEHAR:** TDR transfer of a TDR to a
 14 receiving side they get in the alley. The pipeline --
 15 **MR. COLLIER:** The E-4 is a -- that's the site
 16 plan, conditional use review. And E-5 is the plan read.
 17 **MR. REVUELTA:** I would think you're right now
 18 on each one of them.
 19 **MR. AIZENSTAT:** We already have in the
 20 Commission. Anybody wants to make a motion on Item e
 21 three.
 22 **MR. REVUELTA:** That's which
 23 **MR. DE YURRE:** one the CTR, CTR. CTR is that
 24 were approved by historic or make a motion to approve.
 25 **MR. AIZENSTAT:** You have a motion to approve

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1 TDR. If they don't get the height. I don't know that.
 2 **MR. AIZENSTAT:** Understood. So, we have a
 3 motion. We have a second Any other discussion.
 4 **MR. BEHAR:** I can put a condition. I think
 5 he said
 6 **MS. MIRO:** but he also said we don't know
 7 that. Right. You said you don't know that we can?
 8 **MR. COLLIER:** On the TDR? Yes, correct. I'm
 9 not sure where that were really.
 10 **MR. AIZENSTAT:** So, we have a motion to the
 11 TDR. No, we have a motion. We have a second. Lagos.
 12 Any other discussion?
 13 **MR. WITHERS:** We proved that they could do
 14 it. If they want to do it. They don't have to do it.
 15 But we are proving that they can do it. I think we
 16 have, and we need to let them know how we feel about
 17 **MR. AIZENSTAT:** we have a motion a second
 18 call the roll please.
 19 **MS. MENENDEZ:** Luis Revuelta?
 20 **MR. REVUELTA:** Yes.
 21 **MS. MENENDEZ:** Chip Withers.
 22 **MR. WITHERS:** Yes.
 23 **MS. MENENDEZ:** Robert Behar?
 24 **MR. BEHAR:** Yes.
 25 **MS. MENENDEZ:** Claudia Miro?

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1 the TDRs. A second. We have a second. Any discussion?
 2 **MR. BEHAR:** Yes. Why would I approve travel
 3 TDR? When I don't have a complaint that will require
 4 **MR. DE YURRE:** we can we'd obviously have me
 5 play hypothetical devil's advocate. We can fit the
 6 square footage at a lower height. But then
 7 **MR. BEHAR:** you don't need to the arts
 8 because your height is going to tell you how much he
 9 the art you're going to do.
 10 **MR. DE YURRE:** He's right. We can we can you
 11 change the balloon a little bit. But you can do is the
 12 city staff.
 13 **MS. CABRERA:** The Commission has to approve
 14 the project. Correct? Is there a recommending Board?
 15 Right mission is to approve the branch correct.
 16 **MR. DE YURRE:** And the TDR is just to point
 17 out one fact that that was the item that was approved
 18 by historic understand.
 19 **MR. REVUELTA:** You were sending we're sending
 20 your message to the right. So that's why
 21 **MR. AIZENSTAT:** so, you have a motion to
 22 prove TDRs we have a second. Robert under discussion
 23 said how we do it. Mr. Caller, we can do it.
 24 **MR. COLLIER:** You can make a recommendation
 25 on each item. Okay. It may not be possible to do the

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1 **MS. MIRO:** No.
 2 **MS. MENENDEZ:** Eibi Aizenstat?
 3 **MR. AIZENSTAT:** Yes. So --
 4 **MR. WITHERS:** I'll move a motion on the alley.
 5 **MR. COLLIER:** Back to you one now. Yeah.
 6 **MR. WITHERS:** Okay. That before replanted?
 7 **MR. COLLIER:** I think we do we. But I think
 8 **MR. AIZENSTAT:** the city has a concern.
 9 Yeah, we did. If it's
 10 **MR. WITHERS:** all so that was going to be my
 11 next question. Can I put a condition on? Tony Ali
 12 **MR. AIZENSTAT:** vacation? It's only a
 13 recommendation. I'm sorry. It's only a
 14 recommendation. Right.
 15 **MR. COLLIER:** But what is the recommendation?
 16 **MR. WITHERS:** Was it only it only would be
 17 applicable if the property does
 18 **MR. COLLIER:** not split? Yeah, I think
 19 that's fair.
 20 **MR. WITHERS:** Is that your main concern?
 21 **MR. BEHAR:** I will stop or defer to public
 22 work and staff that will be acceptable to them to them
 23 **MR. WITHERS:** and tell us what your concerns
 24 are about
 25 **MR. BEHAR:** the alley vacation if

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1 **MR. WITHERS:** this property doesn't get sold?
 2 Right. What was the question? I'm sorry, we were
 3 discussing. So, on the alley vacation, you expressed a
 4 concern. I believe earlier that if the project was
 5 never developed that now the owner has an alley and if
 6 they split it the city's now last
 7 **MS. CABRERA:** week, my understanding from
 8 Public Works is that we would not be recommending
 9 approval if it wasn't because the developer owns both
 10 sides and alleys really renders at that point. But if
 11 he turns around tomorrow and sells have one of the
 12 staff have it because he didn't get the project
 13 approved, then we would not have
 14 **MR. WITHERS:** the same ownership that under
 15 suicides, right same ownership on both sides.
 16
 17 I just don't see how that.
 18 **MR. WITHERS:** I mean look I'd really like to
 19 see something development. I really would because it
 20 needs to be we've all agreed. And I think that we can,
 21 you know, we need to help as much as we possibly can do
 22 that. And that's the whole purpose of my try to give
 23 an impetus to the applicant as to what how I feel about
 24 so.
 25 **MR. AIZENSTAT:** But, you know, a concern that

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1 alley will be vacated with a condition that both side
 2 of the alley has to be under the same ownership? If
 3 not, revert back to the excitement. Nice to see you
 4 again. Again. Well, I don't know if --
 5 **MR. DIAZ:** -- locational data will be tied to
 6 a replay. And that pretty much takes a situation
 7 because you no longer have different parcels.
 8 **MS. MIRO:** I'm sorry, see that again?
 9 Because I didn't, I don't follow
 10 **MR. MORRIS:** the vacation or the alley, it's
 11 subject to the reply. Once you reply, you have a
 12 single partial, and you no longer have different
 13 parcels you can subdivide and sell. So, the alley will
 14 react
 15 **MR. REVUELTA:** to your concern. What happens
 16 if we're saying, okay, we're willing to accept the
 17 vacation of the alley, as long as both sides are under
 18 the same ownership? And there's a unity of
 19 **MR. COLLIER:** vital essentially, there be a
 20 unity of title between two parcels? One property, I
 21 haven't condition, condition the, the vacation upon the
 22 unity of title between both parcels. And if you prove
 23 the replat, they're going to have that part. You have
 24 two different ways to tie him in. Okay.
 25 **MS. MIRO:** And there were too many people

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1 I have is how are we doing this without a site plan?
 2 To look at, and vote on it.
 3 **MR. WITHERS:** Okay, and I appreciate that. I
 4 mean, maybe I agree with it. You know, I'm deviating
 5 from how I normally would, but I understand.
 6 **MR. REVUELTA:** But I think so far, whatever
 7 we're doing here, depending on the developer, and on
 8 both sides of the property, I don't think we're harming
 9 the city or the community by voting that with a
 10 condition that you can vacate the alley, as long as
 11 both sides of the aisle they are under the same
 12 ownership,
 13 **MR. WITHERS:** especially that alley now was a
 14 parking lot. And it's just nothing, not east west,
 15 it's north south.
 16 **MR. BEHAR:** Let's put the content new.
 17 Right, let's put the condition that in order for that
 18 alley to fully be they can use the same ownership has
 19 to be on both sides. Is that something that the city
 20 staff will be acceptable? We
 21 **MR. REVUELTA:** said it better than I did.
 22 **MR. WITHERS:** You can work out your money.
 23 **MR. MORRIS:** So, I'm sorry, can you repeat
 24 it, but
 25 **MR. BEHAR:** we put a condition that that

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1 talking at the same time. I'm sorry, I know. There's
 2 so many people talking at the same time and
 3 interrupting, I just want to hear from one person, just
 4 what it is that we're discussing.
 5 **MR. COLLIER:** Okay. So, you're approving the
 6 vacation of the alley subjected to a unity of title
 7 between the two parts?
 8 **MR. BEHAR:** Exactly. So, they could never
 9 sell half and that it will be now becomes one parcel,
 10 which is okay.
 11 **MS. MIRO:** Okay. But what happens to the
 12 site plan issue? Is it possible that we not vote on
 13 this until we have a site plan? I mean, what about
 14 that issue? Because I mean, I think we're addressing
 15 one concern, right? With the vacating of a plot of
 16 one-part cells, etc. But what about,
 17 **MR. BEHAR:** well, Claudia, but we're not
 18 approved, just because we're vacating the alley, we're
 19 not approving any project, what we're doing is we're
 20 going to make that one contiguous site.
 21 **MS. MIRO:** So, what happens in the future?
 22 What is how does that make us vulnerable in the future?
 23 That's my question.
 24 **MR. BEHAR:** They're going to be entitled to
 25 the 13,000 square feet. That's it. That's going to be

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1 and Mr. Collier, that will be the only implication that
 2 they will get benefit by us. Bacon in the other
 3 **MR. COLLIER:** side plan that's going to
 4 include both parties
 5 **MS. CABRERA:** with the Unity correct, you
 6 **MR. BEHAR:** you're not approving any type of
 7 person, what would you give them, but they can in the
 8 alley, enough land area, if the TV Rs are used, because
 9 it may not be subject to TDR transfer? If it's not
 10 them, then somebody else may not have those --
 11 **MS. MIRO:** Here's my other question. How are
 12 we negatively impacting anyone if we don't approve
 13 vacating the ally if we don't move forward with that?
 14 How does that you know, negatively affect anyone a
 15 future applicant? The current Apple, I mean, where we
 16 are right now,
 17 **MR. REVUELTA:** going developer speaker
 18 developer.
 19 **MR. AIZENSTAT:** We have to look at what's
 20 here now before us.
 21 **MS. CABRERA:** Yeah, and in all honesty, in
 22 in other cities, and I don't know, Craig could speak to
 23 this more than I can. But in other cities that I've
 24 worked in, you would actually reply, and you will unify
 25 the line. And this will become one lot. Now, the

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1 **MR. COLLIER:** Right? Well, we're going to do
 2 that and another item. So, I'm going to do that in a
 3 sec to a unity of title should probably just put on
 4 covenant,
 5 **MR. AIZENSTAT:** why not do a? Is it not
 6 better for Platt?
 7 **MR. COLLIER:** Well, we're, we're kind of with
 8 belts and suspenders with a flat, they're going to
 9 connect it also require a unity of title for the
 10 vacation. So, you know, in both, we're going to do both.
 11 **MR. AIZENSTAT:** And that's your that's my
 12 recommendation. Okay. We have a motion
 13 **MR. WITHERS:** tip, you have the just I want
 14 to ask staff a question. Who's the who was the planner?
 15 **MR. MORRIS:** Who's the planner?
 16 **MR. WITHERS:** So, from a city's perspective,
 17 is that parcel better for development from the city's
 18 perspective as two separate lots or is one big lot
 19 from a planning as far as building construction or
 20 storage, your vision on the larger lot better for the
 21 city to, to bring it together for future development.
 22 **MR. AIZENSTAT:** But if this project done,
 23 they'd have to complete the park, I want to hear --
 24 **MS. CABRERA:** -- because you have to fit the
 25 parking as required in the code. Not everybody's in

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1 developer may not want to do that yet, because he may
 2 not want to unify the lot if he can't get this
 3 development, because it may not be worth it for him
 4 when he wants to sell the other piece. So
 5 **MR. REVUELTA:** we've got the occasion that
 6 **MR. AIZENSTAT:** you want to make, correct?
 7 **MR. DE YURRE:** With the news. We either
 8 build it all together, or we're doing anything.
 9 **MR. BEHAR:** We got to ask the developer if
 10 **MR. DE YURRE:** there's, if you're saying it
 11 has to be in the title, and you don't want to split it
 12 up, then, yes, obviously, we're not going to split this
 13 thing up, it's either going to go all altogether, or
 14 it's not. And that is too correct is to correct it.
 15 And this night, and five go together and what he's
 16 saying,
 17 **MR. BEHAR:** If I understood correctly, you
 18 say that unless you're you don't want to unify the
 19 party, you want to keep
 20 **MR. DE YURRE:** them separate. Now we can
 21 unify, and we don't care agreement. If that's a
 22 condition, we'll do it, I'm here to
 23 **MR. BEHAR:** to, I'll make a motion to approve
 24 the vacation of the ally, with a condition subject to
 25 the Reporting.

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1 favor of larger, amassing a lot of pieces of land to
 2 put a very long building, right. But because of the
 3 parking, I just want to make sure that she's not put in
 4 a spot
 5 **MS. CABRERA:** where she's saying as a planner.
 6 **MR. WITHERS:** understood. But in that area,
 7 you know, that whole areas? I guess, Miriam. Now,
 8 whatever those smaller office buildings are, you know,
 9 there's starting to be somewhat of a consolidation, we
 10 actually changed it to where it was a 10,000 square
 11 foot lot they could do instead of, so I just want to
 12 know, from the city's perspective, would they rather
 13 see two lots and one,
 14 **MR. BEHAR:** I think if we unify a lot, and
 15 it's not Mr. Morris, somebody else comes later. We
 16 could we could ask for public benefit, just as in way,
 17 because we're going to be approving a project. Right.
 18 **MR. AIZENSTAT:** Robert, you made a motion
 19 before there's, we have a second, okay. Any other?
 20 **MS. MIRO:** I just wanted to say, but if we
 21 unify right that the two lots, then that means forever
 22 and ever, it's always going to be a big project that
 23 comes there.
 24 **MS. CABRERA:** I think that's really like a
 25 question for the owner if he wants to do that.

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1 **MS. MIRO:** But I'm just saying it'll, he
 2 wants to do that, and we end up in a violent movie
 3 you're going to find a lot, then it's always going to
 4 be a big building there. If you have a separate than
 5 it may be a possibility to have two smaller buildings,
 6 right, or two smaller structures, or you're going to
 7 **MR. BEHAR:** keep what you have there because
 8 it's not a really true buildable lot, and you're going
 9 to have that it forever. Yeah, that's the reality. I
 10 don't care. We may not want to have a tall building
 11 for what's there today. It is shameful to have.
 12 **MS. CABRERA:** I just got to say that. From
 13 what I've learned from the planning, the city planner
 14 is that the parking and not the site not being
 15 developable is more an issue of its height awesome,
 16 because they can't get the parking. Just the way we met.
 17 **MR. AIZENSTAT:** We have a second and that
 18 motion is with both the plat and
 19 **MR. BEHAR:** unity of title.
 20 **MR. AIZENSTAT:** And with both,
 21 **MR. WITHERS:** you're combining e one and E
 22 five together as well.
 23 **MR. BEHAR:** This is unity of title. Right?
 24 **MR. AIZENSTAT:** This is only vacating. We're
 25 not We're not combining them correctly, we're

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1 the conditional use for the mixed-use project. As E-4 --
 2 **MR. DE YURRE:** it seemed logical, just do a
 3 five.
 4 **MR. COLLIER:** I mean, if you want to do E-5
 5 first, which is the replat we can do the replat first,
 6 **MR. REVUELTA:** practically voted for that.
 7 **MR. BEHAR:** make a motion to approve is five
 8 with the same condition with the same conditions.
 9 **MR. COLLIER:** Well, on a five actually by the
 10 replat. It is going to unify the time are you planning
 11 to one parse
 12 **MR. BEHAR:** the motion made a motion with that
 13 condition?
 14 **UNIDENTIFIED SPEAKER:** I second.
 15 (INAUDIBLE SPEAKERS -- SIMULTANEOUS SPEAKING.)
 16 **MR. AIZENSTAT:** Call the roll please.
 17 **MS. MENENDEZ:** Robert Behar?
 18 **MR. BEHAR:** Yes.
 19 **MS. MENENDEZ:** Claudia Miro?
 20 **MS. MIRO:** No.
 21 **MS. MENENDEZ:** Luis Revuelta?
 22 **MR. REVUELTA:** Yes.
 23 **MS. MENENDEZ:** Chip Withers?
 24 **MR. WITHERS:** Yes.
 25 **MS. MENENDEZ:** Eibi Aizenstat?

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1 **MR. BEHAR:** doing the replanting just yet.
 2 **MR. AIZENSTAT:** We're only doing that we want
 3 **MR. COLLIER:** all we're doing is building
 4 This thing, the approval the vacation of the ally to a
 5 unity of title. That's the most. That's it.
 6 **MR. AIZENSTAT:** We call the roll with the
 7 conditions that you mentioned.
 8 **MR. BEHAR:** With a condition.
 9 **MR. AIZENSTAT:** All the roll please.
 10 **MS. MENENDEZ:** Chip Withers?
 11 **MR. WITHERS:** Yes.
 12 **MS. MENENDEZ:** Robert Behar?
 13 **MR. BEHAR:** Yes.
 14 **MS. MENENDEZ:** Claudia Miro?
 15 **MS. MIRO:** No.
 16 **MS. MENENDEZ:** Luis Revuelta?
 17 **MR. REVUELTA:** Yes.
 18 **MS. MENENDEZ:** Eibi Aizenstat?
 19 **MR. AIZENSTAT:** Yes.
 20 **MR. DE YURRE:** Then the five.
 21 **MR. BEHAR:** the five replied logical
 22 replanning with a condition with whichever condition or
 23 --
 24 **MR. REVUELTA:** replanning is a no brainer --
 25 **MR. COLLIER:** The next one. The next one is

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1 **MR. AIZENSTAT:** Yes.
 2 And the last one for is for mixed-use site
 3 plan and condition
 4 **MR. BEHAR:** we can -- we can make that
 5 approval.
 6 **MR. AIZENSTAT:** So, do you want to make a
 7 motion?
 8 **MR. BEHAR:** Claudia, do you want to make a
 9 motion?
 10 **MS. MIRO:** (Inaudible speaking.)
 11 **MR. BEHAR:** We could make a motion to deny.
 12 I'll make a motion to deny
 13 **MR. REVUELTA:** what is the -- is the item
 14 whether we would allow or we would recommend to the
 15 Commission that this would be a mixed-use property or
 16 project or land and --
 17 **MR. DE YURRE:** it's a recategorize it as MX D
 18 ultimately whatever we develop is restricted by what
 19 was decided today but it just says MX D but if it
 20 doesn't specifically approve any.
 21 **MR. BEHAR:** No but I would like to see a
 22 project for me to approve right there. So, without a
 23 project I cannot second your motion your motion is to
 24 deny the second was --
 25 **MR. WITHERS:** denied and I'm sorry --

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1 **MR. BEHAR:** because what is the logic? What
 2 am I approving? I could we historically we have
 3 approved only with a budget.
 4 **MR. AIZENSTAT:** Any other discussion?
 5 **MR. REVUELTA:** What is the definition?
 6 Really quick.
 7 **MR. DE YURRE:** I'm sorry, there was a lot of
 8 discussion -- different -- is a mixed-use district
 9 regulation from the 2007 zoning code. Remember, we're
 10 going forward it's under the old code. It is not tied
 11 specifically with height. And staff can confirm that
 12 the only reason we need (inaudible) is because we're
 13 going under the old zoning code. The new zoning code
 14 dealt with that.
 15 **MR. REVUELTA:** vote in favor of changing to
 16 MX D. We are not approving or recommending a certain
 17 height --
 18 **MR. BEHAR:** -- a motion a second motion
 19 **MR. AIZENSTAT:** And a second. Any other
 20 discussion? No.
 21 Call the roll, please. Yes.
 22 **MS. MENENDEZ:** Luis Revuelta?
 23 **MR. REVUELTA:** We're voting on a denial. She
 24 voted in favor of that I voted against it.
 25 **MR. AIZENSTAT:** Continue with the roll.

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1 recommendation for you on that item. Yes. As far as
 2 since we're literally will make a motion. I knew put it
 3 **MR. REVUELTA:** for the next No,
 4 **MR. COLLIER:** I went, we have to, we have a
 5 special meeting scheduled for what's the date, the
 6 **MR. AIZENSTAT:** 21st, which has only one item
 7 on it. So, we --
 8 **MR. COLLIER:** we then if we're going to do
 9 this, we need to announce now that we need a motion to
 10 defer this to the 21st.
 11 **MR. AIZENSTAT:** I'd like to ask, tell me
 12 about this item.
 13 **MS. CABRERA:** We hear the item first and then
 14 they could decide if they wanted to.
 15 **MR. COLLIER:** We only have five minutes to
 16 extend the time it's
 17 **MR. BEHAR:** committed for two minutes, yes.
 18
 19 I don't know. I don't want to rush it. If you want
 20 to, if you want to just tell you
 21 **MS. CABRERA:** what it is and then you all
 22 decide.
 23 **MR. AIZENSTAT:** We need to clear the room. If
 24 everybody's leaving silence, please leave we'll have a
 25 meeting.

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1 **MS. MENENDEZ:** Chip Withers?
 2 **MR. WITHERS:** No.
 3 **MS. MENENDEZ:** Robert Behar?
 4 **MR. BEHAR:** Yes.
 5 **MS. MENENDEZ:** Eibi Aizenstat?
 6 **MR. AIZENSTAT:** Yes.
 7 **MS. MENENDEZ:** Claudia Miro?
 8 **MS. MIRO:** No.
 9 **MS. MENENDEZ:** 3-2.
 10 **MR. BEHAR:** And for the record, if I had a
 11 project, I would vote in favor.
 12 **MR. AIZENSTAT:** Agree. Okay. I think that's
 13 **MR. REVUELTA:** hopefully you have a clearer
 14 picture of work to do.
 15 **MR. DE YURRE:** And like I said, this is a
 16 difficult task, and it's between the law and the ones
 17 and I appreciate the service.
 18 **MR. REVUELTA:** Thank you. I've always worked
 19 in big rewards to give me a clear, concise direction.
 20 So, I don't have to continue to see as
 21 **MR. DE YURRE:** Mr. Bae horn, I will have a
 22 philosophical debate. You and I can actually get
 23 coffee and have a philosophical debate about all the
 24 nuances
 25 **MR. COLLIER:** Mr. Chairman, we have I have a

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1 **MS. CABRERA:** You know, it's not the TDRs of
 2 the museum might help if it is not ours. No, no, no,
 3 it's actually restoring the zoning that the that parcel
 4 had prior to the 2021 zoning code cleanup, we just want
 5 to restore it to what it was before we lost development
 6 rights and that rezoning which was inadvertently done
 7 it should not have been that's really all it is it's
 8 restoring it to what it was pre 2021 and
 9 **MR. WITHERS:** I'm in favor that but I have
 10 some questions that's all okay, so then you guys that
 11 so does that affect the fuel gallery or their
 12 development rights above the fuel gallery the new
 13 building or is it only development rights above the old
 14 **MS. CABRERA:** development rights are on the
 15 historical building but not on the gap? I don't know
 16 if that's the kind of questions I have is the record
 17 before
 18 **MR. BEHAR:** you do that. Other than that,
 19 restoring the previous zoning we're not doing anything
 20 else to it right we're not I'll make a motion to
 21 approve.
 22 **MR. AIZENSTAT:** No hold we got to read it
 23 into the record.
 24 **MR. COLLIER:** Yeah. We're going to we're
 25 going to go forward. Let me read into recognize

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1 **MR. WITHERS:** what lot because you have you
 2 done the in the in the thing you have the lot of the
 3 new fuel bill
 4 **MR. COLLIER:** Wait, let's not start with the
 5 discussion. Okay. But let me read it in weight. Item
 6 II six an ordinance of the Come back to their call
 7 Gables, Florida making zoning district boundary
 8 changes. Please, please. District boundary changes
 9 pursuant to zoning code article 14 process section 14 -
 10 two went to zoning code, text and map amendments for
 11 the property located lots. one through four block 34
 12 of Coral Gables Section K 285. Oregon Avenue. Coral
 13 Gables, Florida from special use ES district to mixed
 14 use one MX one district and lats 42 through 48
 15 including 20-foot alley lane between block 34 of Coral
 16 Gables Section K Coral Gables, Florida, from special
 17 use S district to mixed use to mx two district
 18 providing for repealer provision severability clause
 19 and providing for an effective date. Item II six public
 20 hearing. Can we ask if there are anyone here to speak
 21 on the item? As Chairman? Just for the record?
 22 **MR. AIZENSTAT:** Jill, do we have anybody even
 23 on Zoom? No. There is nobody here?
 24 **MR. COLLIER:** Is there anyone in the audience
 25 wishing to speak on this? Let the record reflect no

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MR. COLLIER: TDRs 457? Do you have a
 fiduciary responsibility to the museum, and this does
 impact the museum? So may well have a conflict.
 MR. EDUARDO GONZALEZ: So, you
 MR. COLLIER: so sometimes they spend this to
 the next meeting. So, I can see if I have a conflict.
 Is that possible? Well, I wouldn't mind consulting
 with the city attorney, or you can you have four
 members? Voting. So, you, you'll have to file a
 statement indicating your conflict. So, it's not just
 announcing it, there's a statement
 MR. BEHAR: conflict.
 MR. COLLIER: So, would you sit a Board on
 the Museum, and I presume it? It does. This is
 embodied on Wednesday. They did not. Are you currently
 a Board Member? Currently
 MR. TORRE: a Board Member? I listened.
 MR. COLLIER: I think I think that it would
 be bad.
 MR. BEHAR: We have a motion to approve. And
 we have a second.
 MR. COLLIER: I think it is. It may be a
 conflict. Okay.
 MS. CABRERA: Makes a difference. It's a
 city owned property. That makes a difference. Morris

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1 one is indicated. Mr. Chairman, it's you've got the
 2 **MR. AIZENSTAT:** do you want to stop
 3 **MS. CABRERA:** the presentation so I could
 4 show? And can you
 5 **MR. AIZENSTAT:** just tell us basically what
 6 it is you overall what you want to do
 7 **MS. CABRERA:** is the site. The site used to
 8 be prior to there's the location map. It used to be
 9 before the 2021 code change. It was commercial. And
 10 in the code cleanup, it changed to special use. And
 11 we're just trying to go back to what it used to be
 12 which the equivalent of it today, which is what the MX
 13 one, MX one and MX thank you that we had all the
 14 neighborhood meeting, it's in front of you today to put
 15 a Commissioner first reading and then it'll come back
 16 to you. All the public notification went out to the
 17 1000-foot radius. And the staff recommends that yeah,
 18 that we basically go back to what it was before. Thank
 19 you.
 20 **MR. WITHERS:** Is there city attorney I serve
 21 on the Board of the Museum is that conflict.
 22 **MR. COLLIER:** I don't believe that's a
 23 conflict.
 24 **MR. AIZENSTAT:** Do you get to derive a
 25 financial

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was just what it was no
 MR. BEHAR: monetary gain. city owned
 MR. COLLIER: property. Just put by
 MR. WITHERS: if you guys want to, I don't
 have I don't have an issue with a gentleman.
 MR. AIZENSTAT: We have one minute
 MR. REVUELTA: I made a motion to approve.
 UNIDENTIFIED SPEAKER: I second.
 MR. AIZENSTAT: Any discussion? No. Call
 the roll, please.

 MR. BEHAR: Yes. Make a motion to adjourn.
 MR. AIZENSTAT: So, favor say aye.
 (CHORUS OF AYES)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, GARRETT LORMAN, Professional Reporter,
certify that I was authorized to and did report the
foregoing proceedings and that the transcript is a true
record.

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

WITNESS my hand and official seal this 24th
day of June, 2022.

GARRETT LORMAN

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