City of Coral Gables 405 Biltomore Way Coral Gables, FL 33134 City Hall, Commission Chambers Wednesday, July 13, 2022 6 p.m.

Planning and Zoning Board meeting

Board Members (Present)

(Acting) Chairperson Robert Behar Eibi Aizenstat (Via Zoom). Alexander Bucelo Claudia Miro Luis Revuelta Venny Torre Wayne "Chip" Withers

> <u>City Attorney's Office</u> Craig Coller, Esq.

Attorney for the Applicant
Anthony De Yurre, Esq.
Bilzin Sumberg

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recommendation.

For those members of the public, who are appearing on the Zoom platform and wish to testify, you must be visible to the court reporter to be sworn in.

Otherwise, if you speak, without being sworn in, your comments may not be evidentiary value.

Lobbyist registration disclosure. Any person who acts as a lobbyist must register with the city clerk pursuant to the city code.

As Vice Chair, I've now officially called the City of Coral Gables Planning & Zoning meeting of July 13th to order, and the time is $6\!:\!02\!:$

Jill, can you please call the roll.
THE CLERK: Alex Bucelo?
BOARD MEMBER BUCELO: Here.
THE CLERK: Claudia Miro?
BOARD MEMBER MIRO: Here.
THE CLERK: Luis Revuelta?
BOARD MEMBER REVUELTA: Here.
THE CLERK: Venny Torre?
BOARD MEMBER TORRE: Here.

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CHAIRMAN BEHAR: Good evening.
We're going to get ready to start. I'm
going to call the meeting to order, and
please silence your phones and beepers,
whatever you have.

This Board is comprised of seven members. Four members of the Board constitute a quorum. The affirmative of four members will be necessary for the adoption of any motion.

 $\label{eq:continuous} I \mbox{ don't think this is working. } \mbox{ There}$ we go.

If only four members of the Board are present, the applicant may request, and be entitled to a continuance to the next regularly scheduled meeting of the Board.

If the matter is continued due to the lack of quorum, the Chairperson or Secretary to the Board may set a special meeting to consider such matter. In the event that four votes are not obtained, the applicant, except in the case of a comprehensive plan amendment, may request a continuance to allow the application to proceed to the city commission without a

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THE CLERK: Chip Withers?

BOARD MEMBER WITHERS: Here.

THE CLERK: Eibi Aizenstat?

BOARD MEMBER AIZENSTAT: Here.

THE CLERK: Robert Behar?

CHAIRPERSON BEHAR: Here.

Notice regarding ex-parte communication. Please be advised that this Board is a quasi-judicial board, which requires board members to disclose all ex-parte communication and site visits. An ex-parte communication is defined as any contact, communication, conversation, correspondence, memorandum

or any other written or verbal communication that takes place outside 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, the party who originated

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the communication. Also, if the board members conducted a site visit, especially related before the Board. The board member will also disclose such a visit. In either case, the board member will state on the record whether the ex-parte communication and/or site visit will affect the board member's ability to impartially consider the evidence to be presented regarding the matter.

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The board members should also state that his or her decision will be based on substantial competent evidence testimony presented on the record.

Does any member of the Board have such communication or site visit to disclose at this time?

BOARD MEMBER REVUELTA: No.

CHAIRMAN BEHAR: Swearing in. Anyone who speaks this evening must complete the roster on the podium over there. Jill will have it. We ask that you print clearly, so that the official records of your name and address will be correct.

Now, with the exception of the

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not able to be present with us tonight in the meeting. Therefore, we will need a vote to allow Mr. Aizenstat to participate remotelv.

At this time, I will ask for a motion to -- from one of our board members to allow for Mr. Aizenstat to participate.

BOARD MEMBER MIRO: I'll make it.

MR. COLLER: Let me just add that the Board has to make a finding, and it's within your discretion, to allow Mr. Aizenstat to participate that there's an extraordinary circumstance, but it's within the discretion of the Board.

So the motion would be finding that there's an extraordinary circumstance, and that Mr. Aizenstat is allowed to appear and vote remotely.

BOARD MEMBER MIRO: So move.

BOARD MEMBER REVUELTA: I make the motion.

BOARD MEMBER BUCELO: Second.

CHAIRMAN BEHAR: We have a first, a motion, a second. Jill, can you please call the roll.

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attorney, all persons physically in the chambers, who will speak on the agenda items before us tonight, please rise to be sworn in.

(Thereupon, all persons, who wished to speak, and were in chambers were duly sworn in by the court reporter).

CHAIRMAN BEHAR: Zoom platform participants. I will ask any person, who wishes to speak on tonight's agenda item, to please open your chat and send a direct message to Jill Menendez stating that you would like to speak before the Board, and include your full name. Jill will call you when it's your turn to speak. I ask to be concise, and for the interest of time, keep your comments to a minimum.

Zoom platform participant. After Zoom platform participants are done, I will ask the phone participant to comment on tonight's agenda as well. Again, I will ask to be concise on your -- in the interest of time and your comments.

Remote participation. Unfortunately, Mr. Aizenstat, due to circumstances, is

1 THE CLERK: Claudia Miro? BOARD MEMBER MIRO: Yes 2 THE CLERK: Luis Revuelta? 3 4 BOARD MEMBER REVUELTA: Yes. THE CLERK: Venny Torre? 5 BOARD MEMBER TORRE: Yes. 7 THE CLERK: Chip Withers? BOARD MEMBER WITHERS: Yes. 8 THE CLERK: Alex Bucelo? 9 BOARD MEMBER BUCELO: Yes. 10 THE CLERK: Robert Behar? 11 12 CHAIRPERSON BEHAR: Yes. THE CLERK: Eibi Aizenstat? 13

MR. COLLER: Only the members present can vote. He can't vote for himself.

CHAIRMAN BEHAR: So we're good.

MR. COLLER: Maybe if we could, since we've heard Mr. Aizenstat, if he could just, for the record, just identify himself.

Mr. Aizenstat, you want to just state your name for the record and that you're participating.

BOARD MEMBER AIZENSTAT: Yes. Eibi Aizenstat, and I am participating.

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MR. COLLER: Very good. Thank you very much. CHAIRMAN BEHAR: Thank you. Now, the next item is the approval of the June 8th meeting. Do I have a motion for approval?

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MR. COLLER: It's approval of the Minutes, right?

BOARD MEMBER BUCELO: So move.

BOARD MEMBER MIRO: Second. CHAIRPERSON BEHAR: Jill.

THE CLERK: Luis Revuelta?

BOARD MEMBER REVUELTA: Yes.

THE CLERK: Venny Torre? BOARD MEMBER TORRE: Yes.

THE CLERK: Chip Withers?

BOARD MEMBER WITHERS: Yes. THE CLERK: Eibi Aizenstat?

BOARD MEMBER AIZENSTAT: Yes.

THE CLERK: Alex Bucelo? BOARD MEMBER BUCELO: Yes.

THE CLERK: Claudia Miro? BOARD MEMBER MIRO: Yes.

THE CLERK: Robert Behar? CHAIRPERSON BEHAR: Yes.

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CHAIRPERSON BEHAR: Mr. Bucelo? BOARD MEMBER BUCELO: Same here. CHAIRPERSON BEHAR: Mr. Coller, you may want to elaborate a little bit more

MR. COLLER: Yes, I'd like to just have a preliminary statement as to why we're here tonight.

Mr. Chairman. Members of the Planning & Zoning Board, I would like to explain how we got here and why this is being heard

You will recall, when this was heard on June 8th, there were multiple items related to this project. One of the items that is now back before you is the ordinance to amend the comprehensive plan for this project. The zoning code requires that there be a minimum of four votes to recommend either approval or denial of an item, otherwise, the item goes to commission without a recommendation.

At the June hearing, there was a vote of 3 to 2 to recommend denial of the

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Procedure we will use tonight. We will first identify the agenda item by Mr. Coller, presentation by the applicant, presentation by staff. We will open it to the public in chamber, to the public comments in chamber. Comments include Zoom platform, phone platform. I will then close the public comments. We will have a Board discussion. We will make a motion, discussion and second of the motion. The Board will have a final comment. We will take a vote.

Tonight, we have one item, but before we get to that item, and before Mr. Coller goes a little bit further explanation why we're here, I want to ask that, in the last -- the meeting of June 8th, we had two board members that were not present at the time. I want to make sure that you have read the transcript, and you're familiar with the findings that are on those transcript and that you are ready and prepared to hear the item tonight.

Mr. Torre?

BOARD MEMBER TORRE: 100%. Yes.

comprehensive plan amendment, so it went without a recommendation.

Upon review of state law, because the city has designated you as the local planning agency, the Board is required to make a recommendation either for approval or denial of the comprehensive plan amendment.

The city attorney has issued an opinion that the city code must be read in pari materia with the statute. And the City code cannot be construed to deny an applicant to present before the city commission in perpetuity.

Accordingly, the city attorney has determined that the item will be presented back to you one more time to attempt to obtain the minimum four votes. And upon failing that, the matter will be heard by the commission with an explanation of all motions to recommend either for or against the proposed ordinance with an accounting of the number of votes for and against the motion in each instance.

Mr. Chairman, at this point, I'd like

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to read the item in for the record.

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CHAIRPERSON BEHAR: Go ahead, please. MR. COLLER: Item E-1. "An Ordinance of the City Commission of Coral Gables. Florida, amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan, pursuant to Zoning Code, Article 14, 'Process,' Section 14-213, 'Comprehensive Plan Text and Map Amendments.' and Small Scale amendment procedures, from 'Commercial Low-Rise Intensity' to 'Commercial High-Rise Intensity' for Lots 8 through 21, less the West 1/2 of Lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29 (3000 Ponce De Leon Boulevard. 216 & 224 Catalonia, 203 University Drive, and 225 Malaga), Coral Gables, Florida, providing for a repealer provision.

Item E-1, public hearing. CHAIRPERSON BEHAR: What I'd like to do is, to the applicant, I will open it up

severability clause, and providing for an

effective date."

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sheets that came from our prior PowerPoint, which show the massing in the neighborhood. You heard at the last meeting, this project is so small at this point in time that it does not require a traffic study. As of right, we can ask for 125 units. We're asking for 80.

If you look at this massing study, you'll see our project on the left-hand side at 149 feet for only a portion of the building. You'll see the majority of the massing of the building is at 75 feet. Adjacent to that is the Plaza Tower 3, Plaza Tower 1. Plaza Tower 2. Plaza Tower 4. So right of that is 3300 Ponce De Leon, in which a future project could be built. It does not exist today, but that is an exemplar of a massing that could be even to the south of us.

And then lastly, there was a DaVinci condominium tower, which is equal distance, if not closer, to the majority of the neighbors that are speaking in opposition to our project.

This project was reviewed by staff.

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so you have a 10-minute presentation. Your presentation tonight, I'm going to limit it to 10 minutes and same with staff. You have a maximum of 10 minutes.

Public comments. For those that are going to be speaking for the first time, again, please sign up, you will have three minutes. If you already spoke in the previous meeting, you will only have one minute for comments.

So, with that in mind, I will now call the applicant to do your presentation.

MR. DE YURRE: Good evening. I'd like to thank you for hearing us this evening again. Obviously we heard from Mr. Coller and the details as to why.

My name is Anthony De Yurre, address at 1450 Brickell Avenue.

We're here today explicitly just on the single item of the land use amendment. the Land Use Plan amendment. I don't have a tie with me tonight, I apologize, because I'm having trouble with that.

I'm just giving you three simple

1 If you look at the second sheet, there you 2 have a land use map with the corresponding 3 heights. You'll see our project is the

> only one in pink. It is, in fact, the outlier.

Now, the following sheet, vou'll see the excerpt chart from the staff recommendation with six different points that were considered by staff in their 23-page report.

I'll note that our project was approved in all points, but, in particular, the land use change, taking the context and character of the neighborhood and those massing that you see there, can only come in at 149 feet for that portion of the building, did not receive a conditional approval. It received an approval without conditions.

The staff report, in and of itself, constitutes competent substantial evidence. As Mr. Behar read, decisions have to be made on competent substantial evidence, and the staff report, in and of itself, establishes that. It is for other

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parties to establish that they,
themselves, have competent substantial
evidence in opposition to the professional
staff report.

This neighborhood is between the Plaza, the largest project in the history of Coral Gables. It's between 125,000 square foot hospital, Coral Gables hospital. It's between two of the largest right-of-ways, one abutting the city at 37th, one cutting straight through the city at Ponce De Leon Boulevard, two commercial corridors on Ponce and the other on 37th. And then sandwiches in this neighborhood.

This is not a neighborhood that is free of commercial development. This is not a neighborhood that is free of height. In fact, it would not be the first, second, third, fourth, fifth tallest building in the immediate vicinity. These towers that you see here are, or would be closer, to the closest speaker in regards to our project.

Of interesting note, when the Plaza

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that construction of a Fontainebleau building -- and I'm reading directly from the case now, would interfere with the light, the air and enjoyment of the Eden Rock to cast such a shadow as to render it unfit for the use and enjoyment of its guests, to create irreparable injury to the Eden Rock.

The case goes on to say no American decision has ever been cited, or independent research been revealed, that provides adjacent property owners unobstructed light and air views from adjoining land. There is no legal right to be free flow of light with adjoining land. And it's universally held that where a structure serves a useful and beneficial purpose, even though it causes injury to an adjoining landowner, regardless of the fact the structure may have been erected partly for spite.

There are no adjacent landowners in this case. They're all across the street on Ponce, and they're all within 50 -- that the closest one is actually only

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was built, they had to demolish 2801 Ponce De Leon Boulevard. If some of you recall. there was a very interesting demolition where the whole building didn't go down in one shot, and they had to come back the next week and knock it down. Let's just say that in 1969, they built buildings differently, I suppose. I mentioned 1969, because that was the year that that building at 2801 Ponce was constructed. That was the first Crafts -- not just the first Crafts Section high-rise commercial development, but it was the first high-rise commercial development in the business district or the downtown general area. That building itself was 13 stories, which is taller than the building we're proposing today. That building was replaced by the Plaza with all its different towers.

I'm going to make two quick points, and I'll wrap it up. I mentioned last time we were here the case of The Fontainebleau versus 4525, which is the Eden Rock. In that case, it was alleged

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50 feet from the Plaza.

I'll leave you lastly with a very interesting case that I also cited last time. This is a Coral Gables case from 2017. And in this case, it was stated by the residents that factors regarding -excuse me, that the project created a visual obstruction, that the building was not reasonably apportioned with the area as opposed to a grossly oversized project. that it's three times the size permitted by the current code. The Zoning Code will not permit the project as presented, that the code -- it created a comment on the code's historic impact on Coral Gables appearance. But the Petitioner and the resident did not cite any easement, or covenant or special property interest that they had been impacted by the project, and, therefore, the person, the individual, did not have standing.

And what was held that day, in the case of, Friguls versus City of Coral Gables, is that the competent substantial evidence, the staff report carried the

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dav.

So I present that to you today, with the clear evidence of the staff report, the non-conditional approval, the 149-foot height and the massing and the other massing in the area, which is a commercial district, sandwiching in a couple of residential blocks, which is the San Sebastian neighbors. And I understand they're very close to the Plaza. They're sandwiched in between the hospital. That doesn't mean that we should take that, which is completely extraneous to this project, to our prejudice.

 $\ensuremath{\mathrm{I}}$ thank you very much, and $\ensuremath{\mathrm{I}}$ yield my time.

CHAIRPERSON BEHAR: Thank you very much, Mr. De Yurre.

If I could have staff do a presentation, please.

MS. GARCIA: Can I have the PowerPoint, please?

Jennifer Garcia, City Planner. Thank you.

Okay, there we go.

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putting those in the footnotes in the Zoning Code maps, in the use maps actually. And then Mediterranean Bonus came along and that actually tried to standardize the height throughout the city and allow different bonuses, on different levels.

And, most recently, the commission actually adopted -- changed the Comp plan to allow the height to go a little bit more, 205 feet, in some places, in the downtown business district.

So looking at how that's changed over time, you can see on the top left, that's kind of an original diagram of how simple height used to be regulated back in the 1920's and 30's in Coral Gables. And that has changed over time. There's been site specifics that basically blanket the area without any regard to existing conditions, or thoroughfares or any hierarchy. And, eventually, in the 90's, it looks like, they started to incorporate three different tiers that we know of today: The low-rise mid-rise and high-rise. And

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All right. So the property we're talking about today is on Ponce and University, two major thoroughfares in Coral Gables.

Now, remember the last time we talked about five requests, and they're just talking about one request, the change of land use. So the request is the change of land use from commercial low-rise to commercial high-rise. Now, it's just about height. Nothing to do with use, nothing to do with density, nothing to do with FAR. It's all about the height, because the FAR and the density is all the same between all those land use designations.

So this is a very quick, wordy timeline about different heights, the height -- history of heights in Coral Gables and how it first started with different height districts. And that was based on the width of the street to the height of the buildings. And that eventually evolved into the commission approving different types of heights and

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categories, regulating that by number of stories

And today, you can see the subject property outlined in the dark. The bottom, on the right, and that's what we have today. It's a little bit of a hodgepodge, to say the least, as far as the hierarchy, high-rise, mid-rise and low rise. You can still see the hierarchy of the major thoroughfares having that higher intensity.

This is a screen shot from our Critics, from our website. You can see the zoning map -- I'm sorry, not the zoning map, the land use map. It's just reflected in the zoning map. The land use map showing the different building forms that are on those properties.

You can see this property is in between high-rise to the south, which is where the courthouse is, and across the street from the Plaza, which the applicant has been speaking about. And it's also abutting a legal nonconforming building that's also on low-rise, but obviously

clearly above the 50-foot height limitation.

So staff determined this application is consistent with the comprehensive plan's goals, objectives and policies, and recommend approval.

CHAIRMAN BEHAR: Jennifer, I have a question. Did we figure out why the property just to the south, when that property was designated high-rise?

MS. GARCIA: I haven't been able to research that. The maps I just shown show it as high-rise from I think it was 1998, so sometime between then.

BOARD MEMBER REVUELTA: Lot 34.

BOARD MEMBER TORRE: I did a little bit research. That was done by Mark
Gilbert (phonetic) at that time that you just mentioned.

MS. GARCIA: Uh-hum, in the 90's?
BOARD MEMBER TORRE: That was
something that he did on his own, Mark
Gilbert. I forget the date that you just
said. I heard it earlier. I just don't
remember. You said --

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BOARD MEMBER REVUELTA: Is it here?
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             that you meant? I believe it's there.
                  BOARD MEMBER BUCELO: No. I don't
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             think it's --
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                  BOARD MEMBER TORRE: Is it not that
             one? 250 Catalonia is not that?
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                  MS. GARCIA: Is that the one that's
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             abutting to the --
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                  CHAIRPERSON BEHAR: To the north.
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                  MS. GARCIA: To the west.
                  BOARD MEMBER REVUELTA: Just
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             immediately to the north.
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                  MS. GARCIA: The Zubi one.
                  BOARD MEMBER REVUELTA: I just want
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             it for context.
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                  MS. GARCIA: With the bird that's on
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             the parking.
                  CHAIRPERSON BEHAR: Yes, yes.
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                  MS. GARCIA: I believe that -- can I
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             have PowerPoint really quick. I think the
             height was on there.
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                  BOARD MEMBER BUCELO: It's 80.
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                  MS. GARCIA: 72 feet.
                  BOARD MEMBER TORRE: 72. Okay.
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BOARD MEMBER REVUELTA: That's a parking lot in front of -- BOARD MEMBER TORRE: It's the entire

site where the courtyard -- courthouse is.

CHAIRPERSON BEHAR: There's a

courthouse now. That used to be a grocery
store way back, but, you know -- alright,
but we don't know definitely when that was
done.

MS. GARCIA: In the 90's.

BOARD MEMBER TORRE: Right.

CHAIRPERSON BEHAR: All right. Okay.

BOARD MEMBER REVUELTA: One question. On lot -- on Block 26, do we have -- does anybody --

 $\label{eq:CHAIRPERSON BEHAR:} \textbf{Speak in the mic,} \\ \textbf{please.}$

BOARD MEMBER REVUELTA: Sorry.

On Block 26, do we know the height of the building that is right there, the new building? I think it's Sarreta (phonetic)--

MS. GARCIA: The Zubi building?

BOARD MEMBER TORRE: It's in this plan.

So which is the one you bring here? 2 It says 250 Catalonia, is that the one on that photograph? 3 4 BOARD MEMBER BUCELO: I believe that's the one with the rooftop, right? 5 BOARD MEMBER TORRE: But there's one 7 here. It says 250 Catalonia. MR. DE YURRE: Sorry. Just 8 responding to the question. That is the 9 property immediately to the west of our 10 project. 11 BOARD MEMBER REVUELTA: So to the 12 north, the one that I was asking. 13 MR. DE YURRE: Not the Zubi building. 14 15 The 250 Catalonia is immediately to the 16 west of us; is that correct? CHAIRPERSON BEHAR: Oh, that was the 17 old Jerome Filer building. 18 19

Jerome Filer building.

BOARD MEMBER TORRE: Yeah.

MR. DE YURRE: It's a solid wall.

CHAIRPERSON BEHAR: Right, right,

right.

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BOARD MEMBER REVUELTA: Yes. I was just wondering if anybody knows the height, and that one right there,

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immediately to the north.

CHAIRPERSON BEHAR: And that was 80 feet; is that correct?

MR. DE YURRE: I believe that is

correct. It's a legal nonconforming use.

CHAIRPERSON BEHAR: All right. Thank you, Jennifer.

BOARD MEMBER WITHERS: Can I just ask one question?

What was the -- what was the land use under the Plaza before it was built?

MS. GARCIA: That's complicated. It consisted of three, the high-rise, medium, medium and -- sorry, mid and low, but it kind of changed its formation. I think Venny has a copy that actually --

BOARD MEMBER TORRE: They did a TAB on it, right?

MS. GARCIA: Yeah. So before --BOARD MEMBER WITHERS: So it was high-rise, so it wasn't like it was medium.

MS. GARCIA: Yes, it was high-rise when it was the old Spanish building as well, but there was single-family

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MS. CRUZ: Maria Cruz, 1447 Miller Road. Of course, I don't live in this area, but like I've said many times, anything that affects the City of Coral Gables is my problem.

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And, I'm sorry, when we spoke last time, we spoke about a whole bunch of stuff. Today we're limiting to this, so we need to be able to talk.

First of all, I would like to go on the record --

CHAIRPERSON BEHAR: Don't forget, Maria, don't forget we talked about this last time. This is coming back.

MS. CRUZ: But not specifically, so there's some specifics stuff that's just for this and not for the general.

First of all, I would like to put in the record that, as a resident of City of Coral Gables, I'm very offended how this meeting has been rescheduled and affecting people that made plans to be out of town, because this is the only month of the year that the kids didn't have school at all.

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associated with that block, and that's what changed. That was a big change.

BOARD MEMBER WITHERS: I just want to make sure, because the applicant mentioned, you know, our building is deserving of this height, because that building is deserving -- that building is built, but that building really didn't go from a mid-rise or a low-rise. It went from a high-rise just higher.

MS. GARCIA: High-rise, yes.

BOARD MEMBER WITHERS: I just want to make sure.

CHAIRPERSON BEHAR: Thank you.

Again, I'm going to open it up to the public comments in the chamber. I will ask the speaker to keep it -- the new speakers to keep it to three minutes.

Jill, if you would like to call -and let me know -- can you let me know who had already spoken and who is, if you have, that's possible.

> THE CLERK: I'll try my best. Maria Cruz, she spoke previously. CHAIRPERSON BEHAR: Good evening, Ms.

So the residents that made plans because there was no meeting this month have had to scramble to be able to be here. That is unfair, very unfair, and the city should have known better. There is a meeting in August. This would have been heard in August.

All right. We're here to ask that this developer not be allowed to build what he wants. We're here to ask you to grant him to build what he's entitled, what he has as of right to build.

When he bought the property, he knew what the limitations were. This has to stop. You cannot buy something, then come back and double what you know you could build. That is not right.

When the people bought their homes, they are limited. They can only build what they can do there, so should the developers.

The residents -- I'm offended by the fact that this should be approved, because there's other buildings already. That's exactly why it shouldn't be approved.

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Enough is enough. This neighborhood deserves to be a Coral Gables neighborhood. This is not Brickell Avenue. They did not choose to live there. This is not Miami Beach. They bought their homes knowing that that's a residential neighborhood. Now, because the Plaza got away with it, now because there's other buildings that got away with it, now we're going to keep building there. Wrong. That's a bad example. Because they're already there, we should not have a Brickell west.

Approving this project would only add insult to injury to these people. This is absolutely ridiculous. All we're here to ask you is hold the line. There's no reason for this monstrosity to be built across from the other monstrosity. Please vote no.

Please, please, please, I will ask to refrain. If you do that, you will be asked to leave. Do not clap, please.

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spoken, so that the attorney has the opportunity to ask you a question, if he so chooses.

MR. DE YURRE: It would make it infinitely more difficult for me to remember what every single person said, because I just have very specific questions for them in regards to the comment they made.

CHAIRPERSON BEHAR: What I'm going to do is, I'm going to ask the Board if there's no -- if you guys okay, we will allow for that to take place.

Go ahead, Mr. De Yurre.

MR. DE YURRE: Thank you.

BOARD MEMBER MIRO: Mr. Chair, I have a question. Did we -- did we do this last time? Did you ask questions of the speakers last time? Because I know there was a number of speakers, and I don't remember that we went one by one or did you ask the questions at the end? I'm not sure. Do you remember?

 $\label{eq:CHAIRPERSON BEHAR: I don't believe} % \begin{center} \$

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Thank vou.

Jill, next.

MR. DE YURRE: Pardon. I had a question for the --

MR. COLLER: Mr. Chairman, you can have -- the applicant has a right of cross-examination in a quasi-judicial proceeding. That's why we don't allow clapping, because this is a quasi-judicial proceeding.

You, as Chair, can choose to have him as part of his rebuttal to ask questions of witnesses, and you can schedule at that time, or if you want him to ask his questions as each witness gets up and sits down. It's your choice how you want to schedule it.

CHAIRPERSON BEHAR: Mr. De Yurre, I would prefer if you keep your questions towards the end. I want to be able to get the public comments. And then I will allow you question and rebuttal any comment from the public.

 $\label{eq:mr.coller} \mbox{MR. COLLER:} \quad \mbox{And I would ask the} \\ \mbox{members of the public to remain, who have} \\$

1 the question

BOARD MEMBER MIRO: So we're going to do it differently this time?

MR. COLLER: No, we did. At the last meeting, where the request was made of the attorney to cross-examine witnesses, I advised the Board at that time that you could hold those questions to the rebuttal or you could do it as each witness got up. The decision was to hold it for rebuttal.

So I believe the attorney should be given the opportunity to ask the questions even today, but it's your choice how you want to order those questions.

BOARD MEMBER MIRO: I'm just asking if we did this at the end or did he do his questions for rebuttal at the end last time or if this is something that we're doing this time. I understand the opportunity. I'm just saying did we do this last time? 'Cause if we didn't, I just want to put it on the record.

MR. COLLER: There were no questions asked last time, but at the previous meeting, they were -- the Chair said to

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hold your questions for rebuttal, and I think I made the statement then, I'd ask all witnesses to remain until the completion of their testimony.

MR. DE YURRE: I would only add that it was -- at the end of that, it was almost prejudicial or was. I could not keep track of all the different comments made by all the different people to make them. And I'm not here to make it adversarial. I just want to clarify for the record certain points, because obviously we're here to make sure the decisions are made aren't outside the bounds of the rules.

BOARD MEMBER REVUELTA: One comment, one concern that I have, if somebody makes a statement, and for wherever reason they have to leave, how we're going to prevent that? Then it becomes an awkward situation. For me, I don't mind him asking the questions on the spot and getting to the next step. That's my --

CHAIRPERSON BEHAR: Let's go ahead and proceed with your questions at this

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Mrs. Cruz.

speaker, please.

spoke previously.

MS CRUZ: I don't even know where

2801 is. All I know is that the Plaza is

a humongous building. And all I know is

that you asking to do this now is a way of

intimidating some of the people that will

embarrassed by your questions. I'm sorry.

building that existed where the Plaza is? MS. CRUZ: It frankly doesn't make

MR. DE YURRE: I only wanted to ask

MS. CRUZ: What is there already is

find it difficult to express what they

if you are aware there was a 13-story

MR. DE YURRE: Thank you.

the reason we should not have this,

MS. CRUZ: You're welcome.

because that one is way too big already.

CHAIRPERSON BEHAR: Thank you,

CHAIRPERSON BEHAR: Jill, next

THE CLERK: Oscar Sosa. He also

CHAIRPERSON BEHAR: Please try to

feel, because they're going to be

any difference to me.

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MR. DE YURRE: Ms. Cruz.

MS. CRUZ: It's Mrs. Cruz, by the way.

MR. DE YURRE: Mrs. Cruz. I apologize.

MS. CRUZ: It's going to be 54 years this summer, so I have the title.

BOARD MEMBER MIRO: Congratulations.

MR. DE YURRE: Do you have any easements, covenants or other property impact -- property interests that are impacted by this project?

MS. CRUZ: I don't even know what an easement is, so what are you asking?

MR. DE YURRE: How is your property specifically impacted by this project?

MS. CRUZ: This property is impacted by this -- my property, no. My way of life is impacted, because I do not want to drive in between two gigantic buildings. And I drive Ponce everyday of my life.

MR. DE YURRE: Okay. Are you aware that 2801 Ponce Tower existed prior to the Plaza?

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keep it as short as possible.

MR. SOSA: Good evening. Oscar Sosa, 116 San Sebastian Avenue.

Again, I'm in front of you guys asking you not to approve this project. We're not against construction. We're not against development. We just want reasonable development.

I was in Palm Beach. My daughter just had a baby. I had to drive all the way back here today. This is the fourth time we're sitting in front of you, because they keep getting denied, and we have to go back and we have to go back. They're trying to wear us out, and I don't think it's fair. We ask for your vote. We don't want this humongous project.

Mr. De Yurre compares his development to the Plaza all the time, to the Regions Bank, but right next to it is the Zubi building, 70 feet. Right behind, there's another building, 80 feet. Why should he be allowed to build 149-feet building?

It is really crazy that we have a code, and I would assume that you're here

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to enforce it. Thank you.

CHAIRPERSON BEHAR: Thank you very much.

THE CLERK: Ponder?

MR. DE YURRE: I just need to ask the same question.

CHAIRPERSON BEHAR: I --

MR. DE YURRE: If you want to make it a standard question, I just want to make

CHAIRPERSON BEHAR: I think -because I don't want to continue back and forth. I would prefer if we kept it towards the end. Just write it down. Have your assistant write it down and then you can address each of them.

And I will ask that you don't -- if you have a question, you don't ask, because it is the same question.

BOARD MEMBER REVUELTA: If it's the same question --

MR. COLLER: Well, I think at the end, if he wants -- you certainly have your assistant take notes. I don't think it's prejudicial for the attorney to take

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Board Members. My name is Arjan Honderd, 3100 Galiano Court. I spoke last time. It's basically the same issue. We're not against development. We just want it to stay within the codes, within the rules, regulations.

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I mean, if I come here, and I say, "Hey, listen, I want to make my house a 4-story house", they start laughing at me, "What are you talking about, just go away". So just, you know, ask from you, and from the commissioners as well. just to follow the rules. That's it.

Then another thing I wanted to touch on, it was last time, I don't remember who had the question and somebody said, "Why aren't the people from Malaga here? Because they are so impacted by the Plaza, but why aren't they complaining or whatever"?

There's three reasons for it. The first reason is, the neighbors don't like each other. That's it. So there's not really -- you know, they don't talk to each other. And the second one is.

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notes on what people have said and then ask his questions at the end.

CHAIRPERSON BEHAR: Let's do that. MR. COLLER: And I don't think the question should be argumentative. I understand the point you're making, but I would say ask your questions at the end, if that's what the Board wants to do, and just keep track of it. And if it's the same question for every person, that

MR. DE YURRE: You know, if that's the Board's decision again --

CHAIRPERSON BEHAR: Let's go on and do it.

MR. DE YURRE: Do it individually, so we have a fresher record, but --

CHAIRPERSON BEHAR: I would prefer after the first speaker, I want you to do it at the end. Thank you.

Next speaker, Jill.

shouldn't be a problem.

Jordan Sokoloff will be the following speaker, if you can prepare, please.

MR. HONDERD: Hi. Good evening,

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there's no community feel over there. Where we live, we have community feel. We talk to each other. We really talk about this project. We know how it's going to impact us. The third thing, and the most important thing is, people are just put off by what's happening. I talk to a lot of people when I walk my dogs in the morning, and say, "Hey, come to the meeting, you know, on Wednesday night". And they're like, "Why would I? Nobody listens to us anymore. Look what we have in our backyard. Nobody listens to us. So why would we come here, waste our time, in July, during vacation and just be ignored"? So that's really a big issue that's going on right now. There's really a disconnect between what's happening here and what's happening outside the residences.

CHAIRPERSON BEHAR: Thank you very much.

THE CLERK: Mr. Sokoloff spoke previously via Zoom at the last meeting. CHAIRPERSON BEHAR: Jill, have the

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THE CLERK: And he spoke previously.

next speaker ready, please.

MR. SOKOLOFF: Greetings. I spoke on Zoom last time, so I get to speak six minutes this time, because the Zoom connection was bad.

Nice seeing you all. I'm going to review pretty much what I said last time, which was just over a year ago, during the pandemic, this Board and the City --

CHAIRPERSON BEHAR: Can you please state your name and address for the record.

MR. SOKOLOFF: Yep, sorry, I forgot. Gordon Sokoloff, 225 Alesio Avenue.

During the pandemic, this Board was presented the Plater-Zyberk study, which you had to approve, which was the zoning code rewrite. It took many, many hours, and a lot of citizen involvement, which the citizens had to fight for. Then it went in front of the city commission. That study cost the City over 200,000 --it cost the city over 200,000 to arrive at a set of zoning codes that now, once again, as the previous speakers have

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was at the last meeting, who spoke in favor of this project, did not have stake in the game. Those people were friends. I knew some of them. Alan Morris. There were employees of Alan Morris, and there were other people that were not residing in the area. People that aren't speaking in favor of this project are people who live there, who go to work there, who walk there, who raise their families there and who are speaking with passion, because this is a neighborhood. And the person who said last time NIMBY, Not In My Backyard, no one is saying no to Mr. Alan Morris. They're just saying no due to a project that's twice as big as what he's allowed.

We're asking you to vote what he's entitled to build and nothing more than that. Thank you.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: Aurelio Durana. Mr. Durana spoke previously.

Following him will be Jacob Asensi.

MR. DURANA: Aurelio Durana, 322

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indicated, they're looking for a variance or to go beyond what is allowed.

When a citizen has to show -- wants to go for a variance for a residence, residential property, they have to show a hardship. When it's a developer, that hardship is customarily they're not making enough money. Like Maria Cruz stated, when you build something, if you are a developer, you know, developers tend to seem to throw spaghetti at the law. going to design something twice as big and see if the City buys it. That's why the City of Coral Gables is losing its way. That's why people are starting to say, "I don't recognize that city anymore", because boards like this, now it's incumbent upon you to hold the line, to enforce the codes as they were written, as you approved, as you studied the Plater-Zyberk zoning rewrite. That's your job. It's not to let every developer, you know, exceed what's allowed.

And one other thing I'd like to mention is that, just about everyone who

Alesio Avenue, where I have lived in an old Spanish house for over 30 years. I've raised my children there. My children and my grandchildren live in Coral Gables now.

I am opposed to this project. Before I address it on a substantive basis, procedurally, I object to being limited to one minute. It's irrational.

Secondly, when I try to access the building this afternoon, the doors were locked. We're talking about the courtyard doors that everybody knows is the access point for the building. We had to bang on the doors for five minutes before the guard finally came and unlocked the doors. That right there is a violation of the Sunshine Law. Your attorney can tell you. You can call Miriam Ramos.

CHAIRPERSON BEHAR: Aurelio, you told me that already. Please, you know -- by the way, I've not stopped anyone at one minute. Everyone that's spoken, I gave more than three minutes. You're going to have your share of time, but let's get to the reason why you're here, please.

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MR DURANA: But that does inhibit the speakers when you're telling them they're limited to one minute.

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CHAIRPERSON BEHAR: But you already had the chance before. I have not limited anyone. Will you please tell us your comments and move forward.

MR. DURANA: Another procedural question, can we cross-examine the city staff? Can any one of us cross-examine the city staff, any witnesses that Mr. De Yurre produces? Mr. Morris' mother-in-law, if she testifies today again?

MR. COLLER: The objectors have a right of cross-examination.

I caution both sides that cross-examination is not designed to intimidate witnesses. You can make your cross, be civil with your cross-examination. And you can choose, at the end of the process, if there's a -if somebody from the public wishes to cross-examine a particular witness, we can allow that as well.

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his building to be no less than the Plaza buildings, than any other building that is 14 or 15-stories tall.

CHAIRPERSON BEHAR: Jill, please stop. Jill, can you please stop it.

THE CLERK: It's stopped.

CHAIRPERSON BEHAR: Thank you.

MR. DURANA: That is the bottom line of this project. He's got enough money. He's a multimillionaire. I don't think he's even motivated by money. This is a man who self-published a self-aggrandizing book that wants everybody to read it to become like him.

Don't vote for this project, please. Let us live in peace. Thank you.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: Jacob Asensi.

MR. ASENSI: Hi. Good afternoon, Members of the Board. Thank you for being here. My name is Jacob Asensi, from 328 Alesio Avenue.

And like many other neighbors here, I've been living there for over 16 years. And, again, I oppose the project. And I

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CHAIRPERSON BEHAR: Thank you.

MR. DURANA: All right. I'll save my questions for the end, depending on what Mr. De Yurre ask the members of the public, and I may want to cross-examine others as well.

CHAIRPERSON BEHAR: I'll follow our attorney's advice, and we'll proceed in that fashion.

MR. DURANA: Thank you, sir.

In essence, basically, what this ego maniacal developer, 'cause there's no other way to describe Alan Morris. is proposing here is spot zoning. He already got away with the city commission extending the transfer of development rights from a zone where they were not targeted to. This was specifically expanded to this particular parcel. Don't allow spot zoning. I thought we were past that stage in Miami-Dade County. That is what Mr. Morris wants.

I'm happy Mr. De Yurre took off the mask, and basically said that this project boils down to Alan Morris' ego. He wants

want the developer to be hold accountable for what he's entitled to.

One of my questions that perhaps you will be able to answer later, is why -- my understanding it's 140 -- 150 units. My concern is about parking and about the traffic patterns that are around that area. Salzedo, for example, if we allow Salzedo, Salzedo has been closed. It's only one direction, going from south to north for University.

My concern is that eventually a development of this size might be converted later onto a hotel, for example, and which will definitely change the configuration of the area.

The more people in concentration that we have, the higher the crime and the higher the problems that we had seen. I have seen it firsthand for all the developments that have happened in the corner of LeJeune and Bird Road. There have been several residential buildings. And parking as it is, is a problem for us in that area.

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For that reason, I want you to consider seriously holding the project or the upgrade, as they call it, and just let it build what he's entitled to build. Thank you.

CHAIRPERSON BEHAR: Thank you very much.

Next speaker.

THE CLERK: David Fournier, he spoke previously, and then Francis Fournier.

CHAIRPERSON BEHAR: Jill, how many other speakers we have?

THE CLERK: About 21 in-person, and two so far via Zoom.

MR. FOURNIER: David Fournier, 128 San Sebastian. I am oppose of this project. It's way too big. We have nothing against Mr. Morris. There's a code. The code said to build where the surface is 77 feet. That's it. No more. Just 77 feet.

Two things. I am going to give you an example. If today I decided to build a house, on a 10,000 square feet lot, huge house, and at the last moment I said, oh.

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I live at 128 San Sebastian Avenue

When we decided to raise our family in Coral Gables, livelihood was not negotiable. It was simply a must. During the past few years, we see our livelihood being threatened as we fell into this constant fight, trying to defend our -the tranquility of our community from the overdevelopment.

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We want to preserve the treasure that we have, and this is the reason why we are all here now. The Plaza is a lost case, and we are reminded about it every single day when we open our front door and we find that massive fort just steps away from our neighbors' backyard. We live the consequences every single day: Traffic, speed, reckless driving, illegal parking, just to mention a few of the highlights of our new normal lifestyle, which is not pleasant, needless to say.

We have over 15 children in our street. And as a concerned mother of an eight-year-old girl, little young citizen sitting down right there, I am reaching

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I forgot to build a pool. It's okay. You know what, I'm going to take this piece, piece of the sidewalk from the city and I'm going to build a pool. This example is exactly the same thing that what Morris is doing to us. It means that it's supposed to be 77. And then they say, you know what, because I want, because I can, let me double it. That's not the way it is.

Second thing. I am outraged about the attitude of the lawyer. He's manipulating the city. Every time he goes -- the first meeting, and the second meeting or so, every time, when the city staff come, he goes straight over there to talk to her, to manage her. Then, now, what he's doing, he want to scare us. I am sorry, but there's no place right now for that. Thank you very much.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: After Francis Fournier will be Teresita Carmona.

MS. FOURNIER: Good evening, Board Members. My name is Francis Fournier, and

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out to you for help, please. I feel I'm not asking for much as our neighborhoods have previously say and we appreciate that you listen to us.

We are not against development. We just want asking -- we just ask the developers to work according to the code that makes the city livable for everyone. Please help us preserve our community, help us reinforce that code and make the city fairly livable for all of us. Thank you very much.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: After Ms. Carmona will be Olivia Cancio.

MS. CARMONA: Good evening, Board Members. My name is Teresita Carmona. I live at 117 San Sebastian Avenue.

I am here today to ask you to please go by the code, and follow the guidelines for that property, for that land.

Seventeen years ago, we moved to Coral Gables, and from West Kendall, and we escaped the traffic and the congestion. We saw our neighborhood ruined, because of

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the development was so much.

I ask you to consider and not -- not do this to our neighborhood that is so peaceful. Even though we're so close to the city, we are a very peaceful neighborhood, and please don't ruin our neighborhood. Thank you.

CHAIRPERSON BEHAR: Thank you.

MS. CANCIO: Hello. I'm a little short. I'm Olivia Cancio. I live on 315 Cadima Avenue, in the Crafts district. I'll keep it brief.

Newer resident of the Crafts area.

My family has lived in Coral Gables over
20 years. I went to (inaudible) High. I
was raised in Miami. My husband, our son
and I moved from New York a couple years
ago. We specifically chose to buy in the
Crafts, because, actually, when Merrick
planned the city, it was part of that
original plan, so it's been around a very
long time. Our house is from 1927. The
neighborhood is beautiful, idyllic, full
of children, families that have lived
there for years, decades.

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are totally against the height of this project as it is being proposed. This is very reminiscent of the Paseo de la Riviera, which Chip knows very well about, where it was zoned low-rise also at 45 feet, ended up jumping past mid-rise and right to high-rise.

The commission today -- if you ask the commission today would they have voted for the Paseo de la Riviera as it was built, they would have said no. This is another one of those situations, where this Board, if you approve this, and it goes to commission, this Board will regret the decision, because of the impact on the neighborhood. Therefore, the CGNA is totally opposed to this height.

And I have to address Mr. De Yurre on a couple of points that he made. First of all, he kept citing a number of court cases. That sounds kind of threatening to me. A particular court case, when he said, there's a case that says that residents have no right to light. No right to light. Think about that. So

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Despite, as Ms. Carmona said, we're so close to downtown, so you get that proximity, but you also get what Coral Gables is about in this neighborhood.

By building a building, of course, Plaza, lost cause, got it, we bought when. It was already done, but by building another building so close to the residential neighborhood, even bigger than it should be built, just because you can, it sort of disrupts that feeling, and the reason why people come and buy and invest in Coral Gables. I just want to express that, and that I'm deeply opposed to this project. Thank you.

 $\label{eq:CHAIRPERSON BEHAR:} \mbox{ Thank you very} \\ \mbox{ much.}$

THE CLERK: Sue.

MS. KAWALERSKI: Good evening. I'm Sue Kawalerski. I live at 6830 Gratian Street, and tonight I'm here representing the Coral Gables Neighbors Association, of which Ponce Neighbors are a part of.

The CGNA is absolutely for the Ponce Neighbors Association, and, therefore, we

he's saying, basically, the heck with the residents, to heck with Coral Gables, to heck with quality of life. Well, I'm sorry, but the neighbors that are here today moved here for a quality of life. We are not going to give that up, regardless of the threats being posed by

this development. Thank you.

 $\label{eq:CHAIRPERSON BEHAR: Thank you very much.}$

 $\label{thm:clerk:olgacancio.} \mbox{THE CLERK: Olga Cancio. Following}$ will be Maria Longo.

MS. OLGA CANCIO: Good evening. My name is Olga Cancio. I live at 1250 Bird Road. And I just want to say that, please -- I oppose this project totally, and please help us keep the city beautiful, the way it was meant to be when George Merrick designed it and built it. Thank you.

CHAIRPERSON BEHAR: Thank you.

MS. LONGO: Hi. Good evening. My

name is Maria Cristina Longo, and I live

at 16 Finish (phonetic) Avenue, and I own

a property on San Sebastian, which is a

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couple of blocks south of this proposed project. I want to thank you for your service and for the opportunity to speak here today.

I'm against the proposed land use change, because the proposed land use for this project is not compatible in height to the single-family residential neighborhood that is just south of it.

Additionally, this project was granted the benefits of Level 1 and Level 2 Med Bonus, without having Mediterranean style design. It is obvious even for the untrained eye that this project is not Mediterranean style. This project is a version of a 1970's -- 1970's modern architecture. And the developer is benefitting from the Med Bonus by getting additional FAR or density.

We don't have to do a traffic study to figure out that any additional tall high-rises in this neighborhood, like the one being proposed, will be a huge mistake.

I understand that it is not this

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right in front of the park is traditional and very well done, the parking garage and the apartment buildings, I think their volume is too big for the -- just right next to the sidewalk. It's not the right volume. So just because something was done wrong, two wrongs don't make one right.

I urge -- I urge -- I urge you today to please deny the land use change. And I urge the developer's team, Mr. Alan Morris' team, to be more respectful of us, to be more respectful of --

 $\label{eq:MS.LONG: I urge the developer to be} \mbox{more respectful of us.}$

MR. COLLER: Can you speak --

MS. LONGO: Be more respectful of the Mediterranean code, to be more respectful of the neighborhood and its needs. And, please, I urge you to build a smaller luxury condo building, similar in

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Board's responsibility to enforce a
Mediterranean Bonus requirement, and that
that is the responsibility of the Board of
Architect to do so. In this case, the
Board of Architect made a mistake by
granting Med Bonus when it was not
merited.

However, the buck starts with the developer. And, in this case, Mr. Alan Morris knows very well the difference between authentic Mediterranean architecture and what is not, because he already developed a great and beautiful example of what it should be with the Alhambra tower in Coral Gables.

The Planning & Zoning Board's responsibility, your responsibility, is to be big-picture oriented and forward-looking. My opinion, looking at the past, because a big building was built, and it changed zoning several times, the (unintelligible) plans have changed zoning throughout the years several times. And the end result, even though the architecture of the property

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character and size to the one being proposed by Mr. Bermello, at 719 Biltmore Way. Thank you.

THE CLERK: Grandchamp. I'm sorry, resident of 301 Viscaya.

MS. GRANDCHAMP: Good evening. Can you see me?

CHAIRPERSON BEHAR: Yes.

 $\begin{tabular}{lll} {\tt MS. GRANDCHAMP:} & {\tt Thank you for your} \\ {\tt service.} & {\tt I have been a resident of --} \\ \end{tabular}$

 $\label{eq:CHAIRPERSON BEHAR: Can you state} % \begin{center} \be$

MS. GRANDCHAMP: I'm sorry. Twila Grandchamp. I live at 301 Viscaya Avenue. I've been living in Coral Gables since 1974. I came here because of the beauty, and the landscape, the people, the gardens, the flowers, the birds, the butterflies.

I am very much opposed to this. I do not look forward to going up Ponce De Leon and walking through a canyon of buildings. This is like people said, this is not

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Brickell west. This is Coral Gables. And maybe you'll have to change your model, the City Beautiful, to Brickell west, at some point in the future.

I know what it's like to sit on a board and listen to people bring their complaints and ask for decisions. I sat on the Dade County mental health board for years. And one of the things that I try to do is to keep an open mind when I listen to people, to not have a preconceived decision, but to listen and to understand that what people are telling me is the truth and important, because we are citizens. This is our city. This is our City Beautiful. We want to keep it that way. Thank you.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: David Winker. He spoke previously.

MR. WINKER: Good evening. David Winker, 4720 South LeJeune Road. I represent the Ponce Neighbors, and I want to thank you guys for being here. I represent a group of people who live

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project there with the current zoning. Does not need this up zoning. Please vote

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CHAIRPERSON BEHAR: Thank you. BOARD MEMBER REVUELTA: I have a

question for Counselor. CHAIRPERSON BEHAR: That counsel, he

BOARD MEMBER REVUELTA: I'm sorrv.

Do we have a list of the people that you are representing and how many?

MR. WINKER: I can provide that of -yeah, if you'd like that, I can definitely do that, and I can get addresses.

BOARD MEMBER REVUELTA: I'm talking about the neighbors that are here, and where do they live in relationship to the project, so if you can provide that --

MR. WINKER: Sure. I'll do that for vou.

BOARD MEMBER REVUELTA: -- during this session, I would appreciate it.

MR. WINKER: Yeah, you got it. I'll give you the breakdown. I think that will be very helpful, because I think you'll

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within 500 feet of this project. They're here today testifying.

The competent substantial evidence before you makes clear that the up zoning requested by this developer should be denied. Residents that are uniquely affected, because they live within 500 feet, have made clear that the density, the traffic and the other impacts on their neighborhood, for the fourth time they're bringing that forth to tell you, for the fourth time they're here asking you, begging you to please deny this.

I think that it is a situation where developer is setting this up as you have no choice. They put the evidence on there that they need this up zoning, they deserve this up zoning and you do not have the power to deny them what they want. You do have the power, of course, and we ask that you do, again, what you've consistently done, is take into account what these residents have to say. Deny this project.

Mr. Morris can build very great

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find that everyone that's affected by this, the people that live in that that neighborhood, it's unanimous, you know. I think that will be a good exercise also, because they're not here. Like, we all had plans. The meeting was cancelled. I'm here. I should be doing something else. We were all traveling. We were all going out of town. So I'll do that. Thank vou.

BOARD MEMBER REVUELTA: How many more or less are you representing?

THE CLERK: Excuse me, Mr. Revuelta, can you speak into the microphone?

BOARD MEMBER REVUELTA: My apologies. How many more or less are you representing?

MR. WINKER: I would sav 20. 25.

More than that. 154. Yeah, I guess, if you look at the households, 154 people. BOARD MEMBER REVUELTA: Within 500

feet?

MR. COLLER: We have one court reporter, and we can only have one voice speaking at a time. And I know everyone

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means well here, but if you need to come up and speak on this, then please do so, and come to the microphone, because we want to get this down as a record. That's what she's doing today.

BOARD MEMBER REVUELTA: Again, just to make sure, it's within 500 feet --

MR. WINKER: Yes.

BOARD MEMBER REVUELTA: -- you're representing about 150 people?

MR. WINKER: Yes. Thank you.

THE CLERK: Sara Conde. And following Ms. Conde that spoke previously, Susan Haines.

MS. CONDE: I'm Sara Conde. I'm from 228 Alesio Avenue. I know that you want to do what's best for Coral Gables, and I assume you have a duty and care to do what's best for Coral Gables.

Coral Gables is the residents. We are here. And what's best for us is for you to keep the zoning as it is and to preserve our neighborhood.

Now, I know that some people are saying, well, who's within so many feet of

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from medium to high density. That is the duty of the Board, the Planning & Zoning Board, is to keep people from trying to build things that aren't in the code.

I don't understand. I know when we wanted to get a new roof about five years ago, we wanted to get a metal roof. They said, "No, you can't. It's not in the code." And I said, "But that's the strongest roof for a hurricane." They said, "That's too bad, you have to stay within the code."

So if we, as residents, are required to stay within the code, I think the people who are building the commercial buildings should also be required to stay within the code. Thank you.

THE CLERK: Alan.

MR. GUMMERSON: I'm Alan Gummerson. I live at 228 Alesio Avenue. I have for 27 years.

I'm opposed to approving this project. I'm also concerned about Democracy. It may seem like a weird thing to say here, but you, volunteers, you're

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that building. You know, more people than within the small area are affected.

They'll be affected by the traffic. You know, they'll be affected by the density.

I would imagine that we would want to have sort of a gradation down of the buildings to the residents, you know. I know that Mr. De Yurre is talking about large buildings being within the vicinity of the building that he's proposing. Well, you know, some of them are north of that. They're not next to the houses.

The Plaza, we know -- we know the opinion on that. The hospital, the hospital is next to -- it's next to 37th. That's not in the center of Coral Gables in the same way that this building is. This building abuts residential.

So I would like you to turn down his request to double the size of the building. Thank you.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: Susan Hays.

MS. HAYS: Susan Hays, 243 Fluvia

Avenue. I'm here to oppose the -- going

not exactly a New England town hall meeting, but you're close. This is a place where citizens can come and express their doubts and concerns, et cetera, and I think it's very important that this kind of thing continue on.

I'm concerned about the continued existence of Democracy in this country, for lots of reasons. I don't know how many people got to see the testimony from congress, for example.

I'm also concerned what I hear from my fellow residents of Coral Gables.
They're very cynical. The people who turned out here today and who are on the Zoom meeting still believe that they can have an influence on decisions in this country, and they're concerned about this, alright? There's an awful lot of people out there. You walk out this door, and within 6 or 7 blocks, we can probably find 10 or 5, or 15 or 20 people, who say, "Go to a meeting, are you crazy? Those guys aren't going to listen to us," alright?

The guy wants to double the height of

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a building over how it's coded currently. a code that was only recently passed. That board is there to make sure that whoever shows up with the biggest wad of dollars is going to get what he wants, alright?

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You have an opportunity to stand up for Democracy, to make sure that the rules that you guys helped set are followed regardless of how big that wad of cash is.

And I think if you overturn the decisions that you've made thus far, the last meeting, this the fourth bite of the apple, as I understand it, you overturn that decision, you're just going to increase the cynicism, and I fear what's going to happen to this country if these kinds of things continue.

I don't know if you were like me when you were in college. Maybe you had a radical professor who signed a book called, "Who Rules America?" There's a chapter in that book that said every local community is run by the developers without exception, alright? You have a chance to

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MR. CASTILLO: Good evening, Board. I didn't know I signed up to speak, but I'll take this opportunity to do so. Thank you so much for your service. I live in 226 San Sebastian Avenue. I've been a volunteer for baseball, soccer and the youth center many years.

CHAIRPERSON BEHAR: Will you state your name for the record?

MR. CASTILLO: What's that? CHAIRPERSON BEHAR: Will you give your name for the record?

MR. CASTILLO: Yes, Gilbert Castillo. CHAIRPERSON BEHAR: Thank you.

MR. CASTILLO: You're welcome.

Having said that, my kids grew here -- grew up here. They were able to ride their bikes on the street, no problem whatsoever. Fortunately, they're all grown up now and no bike riding. It's scary out there, the way the traffic is today. Just in the Plaza not even finished, it's not even officially opened, and there's so much traffic in that Ponce. I don't know, some residents here from San

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prove that book wrong. I hope you do it. I look forward to cross-examination.

THE CLERK: Maria Yanez.

MS. YANEZ: Good afternoon. My name is Maria Julia Yanez. I live in 255 San Sebastian Avenue.

When I bought my house in 1996, I didn't have money to splurge and come to Coral Gables. I came to Coral Gables looking for rules and regulations and a place where those rules and regulations are followed. So, that is, I've been living in that house for 27 years. The same way that we residents, we need to stick to the codes of the city and we need to -- anything that we do in our houses, we need to do it according to the rules and regulations, which I appreciate, I think that those should be part of businesses and developers.

Just, you know, I am not against the project completely. Just do it in a way that is, you know, following the rules and regulations that are present. Thank you.

THE CLERK: Gilbert Castillo.

Sebastian witness, but San Sebastian is like a speedway, to cut across from LeJeune to Ponce. Sorry. My kids would not be allowed to ride their bikes anvmore.

And I ask the Board to decline this. We don't need more buildings like this. Yes, we've made mistakes before, but we should not continue these mistakes moving forward.

I have grand kids now, two of them, and they come to visit quite often on Sundays. Fortunately, they're not at an age to ride their bikes, but probably will not be allowed to ride their bikes, if this continues.

So ask the Board to please reconsider this and decline this project. Thank you.

THE CLERK: C. Vidal.

MS. VIDAL: Good afternoon. My name is Cristina Vidal. I live at 301 Alesio. And I'm wearing a mask, because we are still in a pandemic. As you might know, or not, the transmissibility of the current variant is very, very high. I'm a

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physician, I'm just letting you know, we should all be masking right now.

But at any rate, getting to the topic, we have been involved in commenting, and listening, and considering and examining this proposal for more than a year now. And, as you've heard, essentially the residents are unanimously opposed to this variance that's being requested. There really is no basis for it technically.

Technically, you are beholden to enforce a code that has been approved, and we are here to request that you simply fulfill your duty in representing us, because that is really your duty, is to represent the residents. And it's a fiduciary responsibility that you have to do so. You have to carry out the best wishes and the best interest of the community, but also from a technical standpoint, the city plan is historically protected and the city plan includes sight lines and airspace. It isn't only about roads and concrete. I know this, because

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table books that should exist to showcase Denman Fink, to showcase Phineas Paist. They were historic. They were scholars, and the work that they did was amazing. San Sebastian sets the tone for that area. You put up a 15-floor or 17-floor canyon next to that, you are destroying the treasure that we have, and we have it. Why would you do that? I just don't understand that.

Frankly, I'm not even going to request that you enforce the seven feet -- or 7 floors, 70 feet. I actually had a personal conversation face-to-face with Mr. Morris. He's very nice. He's a gentleman. And I asked him if he could do what he did for Brickell. So, in Brickell, I was told by an attorney, who explained to me what happened there, he actually donated land, so that it can be turned into a park. There's been some sort of controversy, and I'm not familiar with all the details, but he did that for the City of Miami. He did it for Brickell. So if he was able to do it for

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I lived in New York City for many years. So sight lines and the interruption of sight line and airspace around buildings is something very critical.

So as you drive up, in a modified University Avenue, you will not see the massive monstrosity that is today the Plaza. You will see a concrete wall. So the intention of the sight line, driving up University, toward Ponce will be interrupted. And it's a protected asset of the city, the Master Plan. It's actually historically protected and designated.

In addition to that, the San
Sebastian apartments recently received
historic designation. That's a beautiful
building. It sets the tone. It's the
landmark of the area. It's a Phineas
Paist. My grandfather was an architect.
I am deeply, deeply moved that we have the
treasures that we have in our city.
Phineas Paist should be a national
treasure. Our city has so much to offer.
We have not written the books, the coffee

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Brickell, why can't he do it for his own city? So that's actually what I think would be the ultimate resolution to this dilemma. He could end up being a hero instead of a villain, and give us a park, and he's done it before. So that's really my request. I know it's untenable, and he's not going to consider it, but he's done it before. There's a precedent. I

But, anyway, that's all. Thank you so much for your time. You guys work very hard. Thank you.

BOARD MEMBER REVUELTA: What is your address?

MS. VIDAL: 301 Alesio.

think it be a beautiful solution.

BOARD MEMBER REVUELTA: Alesio.

THE CLERK: We have no more speakers in person. The rest would be via Zoom. I'm going to --

CHAIRPERSON BEHAR: I think at this time what I will allow is the applicant's counsel to be able to ask your questions to the speakers here before we move to the Zoom platform.

MR. DE YURRE: These are going to be very limited questions. I'm not here to intimidate anybody by any stretch of the imagination. I'm just trying, you know, ask people a question to follow the code just like they've said.

So it's going to be a little difficult, but I guess I would just call up whoever lives the closest to the property. I believe Santander.

CHAIRPERSON BEHAR: I will ask both of the applicant and the public, let's keep it cordial, friendly.

MR. DE YURRE: One person.

If the residents could cooperate, who is the person that lives the closest to the project?

MR. HONDERD: It's not my case.

MR. DE YURRE: Who's the person that lives the closest in the room?

CHAIRPERSON BEHAR: That is here

tonight. Do you have an address that we can call?

MR. DE YURRE: There were so many addresses, it was impossible.

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sure, that if we go back to the minutes, that it was Chair Aizenstat that said we were not going to do this. I just want to say that. I don't remember anyone that spoke last time to be brought up.

So this is something that we're doing new maybe to create a record, but it's not something that we did last time. And I think the Chair said that we weren't going to do it.

CHAIRPERSON BEHAR: You're right, in the time that we've been here, we've never done it, but we want to establish for the record, and this is Mr. Coller --

 $\label{eq:BOARD MEMBER MIRO: A special exemption.} \end{subsetebox{0.5\line BOARD MEMBER MIRO: A special exemption.}}$

 $\label{eq:MR.COLLER:No,it's quasi-judicial} \mbox{ and he has a right unfortunately.}$

BOARD MEMBER MIRO: I understand that. I understand that. I'm just saying --

MR. COLLER: And the last time, what I can say for the last time, I agree with you, there were no questions asked at the last hearing. It was requested that he do

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MR. COLLER: This cross-examination is to the people that have spoken, not to people that haven't spoken. He's only crossing those people that have spoken.

So he's asking for -- he's not specifically asking for an individual. He's asking for anybody who's spoken, who believes that they may live the closest. They may not know if they live the closest.

MR. DE YURRE: Santander Avenue.
CHAIRPERSON BEHAR: There's three
from Santander Avenue. Only one is a
property owner. That's my log.

CHAIRPERSON BEHAR: Let's keep the comments through us, because otherwise the court reporter cannot take them, please.

BOARD MEMBER MIRO: Mr. Chair, I just want to say that I clearly remember that no one else came up after, in the last meeting, to answer any questions or to be cross-examined. I don't ever remember having anybody to go through this, what address. We never did this in the last meeting. I just want to say I'm pretty

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it at the end and he chose not to.

We're having this hearing. He has the right of cross-examination. And since he's requested for cross-examination, we have to give him that opportunity.

BOARD MEMBER MIRO: Right. Had this meeting not taken place all over again, he would not have had that opportunity. So now, with this meeting, we are giving the applicant the opportunity to do what he chose not to do the last time. I just want to put that on the record.

MR. COLLER: That is absolutely 100% correct.

BOARD MEMBER MIRO: Thank you.

 $\label{eq:board_board} \textsc{BOARD MEMBER REVUELTA:} \quad \textsc{You also said}$ that the citizens have the right to cross.

MR. COLLER: Yes, I did. And if they want to cross-examine any of the witnesses of the applicant in this case, the only person that I've heard tonight is the attorney. They want to cross-examine the attorney, then they can cross-examine the attorney.

CHAIRPERSON BEHAR: I think what

we'll do is, after the applicant, we will open it up. Let the public question the applicant.

MR. COLLER: How many Zoom applicants -- how many Zoom speakers do we have?

THE CLERK: Seven.

MR. COLLER: Well, my suggestion, Mr. Chair, is let's just get done with the Zoom people and then he can ask his questions.

CHAIRPERSON BEHAR: All right. I will follow your advice, Mr. Attorney.

MR. DE YURRE: I'm definitely not trying to open up a can of worms here. I'm just trying to ask a couple of questions. I apologize.

 $\label{eq:mr.coller} \mbox{MR. COLLER:} \ \mbox{We are not denying that} \\ \mbox{right.}$

CHAIRPERSON BEHAR: Are those people, we're going to swear them in?

MR. COLLER: Yes, what we're going to do, each individual will appear. If there -- they need to show themselves on the Zoom, a video, and the court reporter will swear them in and we'll take each one.

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THE CLERK: Helen, please open your camera, please, if you wish to be sworn in

(Duly sworn).

 $\label{eq:CHAIRPERSON BEHAR:} \mbox{ Please state your} \\ \mbox{name and address, please.}$

MS. MONTERO: Helen Montero, 220 Sarto Avenue, Coral Gables.

I just want to say -- I'll keep it short, and sweet and to the point. I'm opposed to this project. I've been here 25 years, and I don't want this project to go on. So please vote no. That's all I'm going to say.

 $\label{eq:CHAIRPERSON BEHAR: Thank you. I} % \begin{center} \begin{center} \textbf{CHAIRPERSON BEHAR: Thank you.} & \textbf{I} \\ \begin{center} \textbf{Dike that, short and sweet.} \\ \end{center}$

THE CLERK: Thank you. Stephen Weir, please.

MR. WEIR: Hi.

 $\label{eq:The CLERK: Please state your name} % \begin{center} \b$

MR. WEIR: Stephen Weir, 244 Fluvia

(Duly sworn).

CHAIRPERSON BEHAR: Go ahead, please.

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THE CLERK: Helen Montero, Stephen Weir, Maria Garcia, Gustavo Salamanca, John Cosomano, Oliver Curtin, Alyssa Tejera.

CHAIRPERSON BEHAR: Do we see them, or how we're going to be able to swear them in?

THE CLERK: I think we're going to have to call each one of them, because we're not going to be able to see the screens.

 $\label{eq:board_board} \mbox{BOARD MEMBER BUCELO:} \quad \mbox{We should do it individually.}$

 $\label{eq:CHAIRPERSON BEHAR: Okay, let's do it} % \begin{subarray}{ll} \textbf{CHAIRPERSON BEHAR:} & \textbf{Okay, let's do it} \\ \textbf{One at a time then.} \\ \end{subarray}$

THE CLERK: Helen Montero.

MS. MONTERO: Yes. Hello? Hello? CHAIRPERSON BEHAR: Please --

 $\label{eq:BOARD MEMBER TORRE:} \mbox{ What the heck is } \\ \mbox{that?}$

THE CLERK: We have people that are joining the meeting that shouldn't be joining, so we're trying to control as best as we can. Sorry about that.

MS. MONTERO: Hello, hello.

MR. WEIR: Good evening, Board, and thank you very much for your service to the Coral Gables.

I just like to say, I do oppose the rezoning of this project. My family and I enjoy the lifestyle here in Coral Gables, and we specifically moved to Coral Gables for this lifestyle.

And we believe the overpopulation and height of this building will bring beyond what the city needs. We've already extended and grown the city as much as possible, and we don't need to go any further. It's at a great size. And I think the overpopulation is too much.

I, as a person, a citizen of Coral Gables, sorry, stand by the regulations set by the Coral Gables building code. I, myself, would love to do many things, glorious things to my property, but I can't. I've asked -- I understand that I can't do that.

I don't understand why it's such a large organization feels they can push the barriers, and keep pushing and keep

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pushing every single time full time. I 1 2 find it quite ridiculous, and that's all I 3 have to say. Thank you. CHAIRPERSON BEHAR: Thank you very 4 6 THE CLERK: Gustavo Salamanca. I'm sorry, Gustavo Salamanca. I guess he got 7 8 disconnected. CHAIRPERSON BEHAR: Mr. Salamanca. 9 10 can you hear us? 11 THE CLERK: He's not appearing. CHAIRPERSON BEHAR: Next speaker 12 then. 13 14 THE CLERK: John. MR. COSOMANO: Yes, I'm here. 15 CHAIRPERSON BEHAR: State your name 16 and address for the record, please. 17 18 MR. COSOMANO: Yes, my name is John Cosomano. It's actually spelled 19 C-o-s-o-m-a-n-o. I reside at 330 Candia 20 21 Avenue. I had been a resident of --CHAIRMAN BEHAR: Wait, wait, wait. 22 23 (Duly sworn). 24 CHAIRPERSON BEHAR: Go ahead, please. MR. COSOMANO: I've been a resident 25

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             speak then.
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                  Sir, can you hear us?
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                  THE CLERK: He's been disconnected.
                  CHAIRPERSON BEHAR: Go to the next
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             speaker.
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                  THE CLERK: Alyssa Tejera.
                  MS. TEJERA: Hi. Good evening. Can
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             you hear me?
                  CHAIRPERSON BEHAR: Yes. we can.
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                  MS. TEJERA: Okay. So I want to
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             thank you first --
                  CHAIRPERSON BEHAR: Before you do,
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             raise your right hand, please.
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                  (Duly sworn).
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                  CHAIRPERSON BEHAR: And give us your
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             name and address for the record, please.
                  MS. TEJERA: Yes, so my name is
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             Alyssa Tejera, and I live at 325 Alesio
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             Avenue.
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                  And I want to take this opportunity
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             to thank you first and foremost for
             allowing us to share our opinions, and to
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             all those who are there present. I've
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             lived in Coral Gables for 10 years, and
             never once did I expect that I was going
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to be speaking up in this type of forum.

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of Miami for 20 years. The last four years here in Coral Gables. I'm against the proposed change. I'm asking you not to approve it. I'm not against development, but I'm against overdevelopment and I'm against the growing density here.

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My street here on Candia Avenue, in the last four years, I've experienced tremendous growth in traffic.

So it's getting late. I don't want to keep everyone. I think everything that Ms. Cruz opened with, Mrs. Cruz opened with is exactly my feelings.

 $\label{eq:continuous} I \mbox{ thank you for your service.} \quad I$ thank you for your time.

 ${\tt CHAIRPERSON\ BEHAR:} \quad {\tt Thank\ you.}$

THE CLERK: Speaker 6, Oliver, cannot open his camera.

MR. COLLER: Okay. So we are going to allow him to speak. His testimony may not be considered substantial competent evidence, but he's welcome to speak on the item.

CHAIRPERSON BEHAR: Go ahead, let him

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I want to voice my opinion. And if you place on record that I do oppose this project and the overdevelopment of our city.

As many other residents have previously stated, we are held to a certain standard. We have to follow rules. We have to follow rules. We have to follow rules when we're doing our roofs, our windows, when we're painting. And I have code enforcement in front of my house on a regular basis. So I would appreciate if the same standards will be upheld for the developers. Thank

you very much.

CHAIRPERSON BEHAR: Thank you.

Jill, anymore on the Zoom platform?

THE CLERK: No more speakers.

CHAIRPERSON BEHAR: Do we have any

speaker on the phone platform?

THE CLERK: We do have speakers that

want to be -- would like to ask questions in person.

 $\label{eq:CHAIRPERSON BEHAR: Before -- so} % \begin{center} \beg$

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THE CLERK: No.

 $\label{eq:CHAIRPERSON BEHAR: -- to speak.}$ Okay.

Mr. Coller, do we, at this point, I guess the speakers that will ask questions, should we wait for the rebuttal of the public?

MR. COLLER: Well, I think the way we should handle this is, since we've completed the testimony, give the opportunity of the attorney, who's requested cross-examination, to do cross-examination and then we will see what persons in the audience seek to (inaudible).

Since the only -- I assume they're not going to cross-examine the objectors, so I presume that they're cross-examining the attorney. If they want to cross-examine the attorney, then we will permit them to do that, but we'll take them one at a time.

CHAIRPERSON BEHAR: Okay.

MR. COLLER: So why don't we have the attorney, since he wants to do the

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then this is their opportunity. And then after that, then the applicant has a right of a short rebuttal.

CHAIRPERSON BEHAR: Okay. Thank you.

In the same fashion that we gave the applicant the opportunity to question any member of the public, I will allow -- I will give the public the opportunity to question the applicant. So how do we proceed?

MR. COLLER: I think we have to see if there's anybody that has the interest in cross-examining the attorney.

 $\label{eq:CHAIRPERSON BEHAR:} \mbox{ The attorney. So} \mbox{ I see Mrs. Cruz with her hand up.}$

MR. COLLER: Mrs. Cruz wants to cross-examine the attorney?

MS. CRUZ: Yes.

MR. COLLER: Why don't we get a list of names now that are seeking to cross-examine the attorney.

THE CLERK: Anyone else?

MR. COLLER: We have one person. Oh,

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cross-examination, let him do the $\label{eq:cross-examination} \mbox{row, if he chooses to do} \ \,$ so.

MR. DE YURRE: I didn't hear any evidence of fact that would establish competent substantial evidence. I'm not going to cross-examine anybody. Everybody seems pretty adamant that they don't want to do that. And I really didn't have a need for it.

I really just wanted to establish the fact that was already established in testimony, which is we're here for height. And I can just do my rebuttal, my close, unless someone wants to cross-examine me, but let me know how you want to do it.

CHAIRPERSON BEHAR: I am going to let the public speak, and I'm going to close the public hearing. So this is your opportunity, right, to do so.

MR. COLLER: If he doesn't choose to -- doesn't wish to cross-examine, which he said he doesn't, if a member of the public feels that they need to cross-examine the attorney, then -- and has requested that,

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two people, three people. Okay. So why don't we -- why don't we have Ms. Cruz -- I just advise Ms. Cruz, like I would have advised the attorney, this is an opportunity to seek answers to questions. It's not an opportunity to berate any witness as I wouldn't expect the attorney to do that. And I ask that all the people that are going to cross be civil in their cross-examination.

CHAIRPERSON BEHAR: Thank you.

BOARD MEMBER TORRE: Can I ask that

we keep this to a relatively short amount of time and not extended.

MS. CRUZ: Maria Cruz, 1447 Miller
Road. I'm not an attorney. I'm a retired
educator. And I usually like to ask my
students questions. So since I have
several questions that I found
interesting, I would like Mr. De Yurre,
please, to tell me if there's anyone in
the Morris team that lives in this

neighborhood or close to this 2 neighborhood, if they can raise their 3 hand? CHAIRPERSON BEHAR: Let him answer 4 the question. 6 MS. CRUZ: Okay. MR. DE YURRE: Yes. 7 8 MS. CRUZ: Yes. Okay. Doesn't mean that they live in Coral 9 10 Gables. How many live in Coral Gables? MR. DE YURRE: I don't know the 11 answer to that question. 12 MS. CRUZ: No, you said, yes, there's 13 14 somebody who lives near or here. I want 15 to know how many are there. MR. DE YURRE: At least one. 16 MS. CRUZ: At least one. 17 18 Following that train of thought, okay, can you tell me, not specific 19 address, but does Mr. Morris live anywhere 20 21 close to this project? MR. DE YURRE: Mr. Morris lives in 22 23 Coral Gables. 24 MS. CRUZ: That's not -- that doesn't answer my question. 25

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noticed area of a thousand feet.
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                  MS. CRUZ: Okay. All right.
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                  And since you work very closely with
             the staff, maybe I would like to know
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             where anybody in the staff, especially the
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             person that's here, I think there's only
             one staff member here, does he or she live
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             near this project?
                  MR. DE YURRE: I don't know the
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             answer to that question.
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                  MS. CRUZ: Well, she can answer.
                  CHAIRPERSON BEHAR: I don't think
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             that the staff -- Mr. Coller, that's
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             relevant on this.
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                  MR. COLLER: I don't think it's
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             relevant to -- she's not testifying.
             She's testifying as the staff person. I
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             don't think that's -- that's out of order.
                  CHAIRPERSON BEHAR: Ms. Cruz, I will
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             not allow -- I will not ask for that
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             question to be answered by staff. Let's
             concentrate on the applicant only.
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                  MS. CRUZ: Okay. Okay. Let's
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             continue then with, do you have anyone on
             the Morris team that is a lobbyist?
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MR. DE YURRE: I'm registered as a

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MR. DE YURRE: He lives on Granada in Coral Gables 2 3 MS. CRUZ: Okay. My question is, 4 does he live near this project? Yes or no? It's a yes or no. 5 MR. COLLER: I think --MS. CRUZ: He asked questions similar 7 8 9 MR. COLLER: I believe the question has been answered. Did he give them a 10 11 street? 12 CHAIRPERSON BEHAR: He gave them a street. 13 MS. CRUZ: I don't know where the 14 street is. I just want to know, is it 15 16 near this project, yes or no? 17

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CHAIRPERSON BEHAR: But he has answered. He lives in the Gables. He even volunteered the answer of Granada. I don't want for him to divulge the fact the address. MS. CRUZ: I don't near the address. I just want to say near or not. That's all. MR. DE YURRE: He lives outside the

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lobbyist.
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                  MS. CRUZ: Excuse me?
                  MR. DE YURRE: I am registered as a
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            lobbvist.
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                  MS. CRUZ: Are you the only one --
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             are you the only one that's a lobbyist?
                  MR. DE YURRE: There are several
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            members of the team that are registered as
            lobbvists.
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                  MS. CRUZ: And they have properly
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             registered, right?
                  MR. DE YURRE: They're all registered
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            with the city of Coral Gables, and you can
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             check the public record.
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MS. CRUZ: Thank you. CHAIRPERSON BEHAR: Thank you. THE CLERK: Oscar Sosa. MR. SOSA: Hi. Do I have to state my name again? CHAIRPERSON BEHAR: Yes, please. MR. SOSA: Oscar Sosa, 116 San Sebastian Avenue.

MR. DE YURRE: Yes. sir.

Mr. De Yurre --

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MR SOSA: -- what is the code built 1 2 -- where you want to build right now? 3 MR. DE YURRE: We're here on --MR. SOSA: -- as of right? 4 MR. DE YURRE: We're here on a land 6 use item. It's -- well, right now, it's low commercial. 7 MR. SOSA: Which is how many feet? 8 MR. DE YURRE: It depends if you have 9 10 Med Bonus or not, but with Med Bonus, it's 77 feet. 11 MR. SOSA: It's 45 and 77 feet. And 12 you're asking for? 13 14 MR. DE YURRE: We're asking for high commercial. 15 MR. SOSA: Which is over 149? 16 MR. DE YURRE: Which is 190 feet 6 17 18 inches, but we're requesting 149. MR. SOSA: Scale, right, scalability, 19 I believe is the word that the code uses, 20 21 because you referred to 2850 Ponce De Leon, which is the Regions Bank, right? 22 23 MR. DE YURRE: That's one of the 24 buildinas. MR. SOSA: Right. And what -- what 25 MIAMI-DADE COUNTY COURT REPORTERS, INC. (305) 373-5600

you're saying, let's go from 2850, which 1 2 is 150, 250, which is crazy, crazy high, 3 go down to 77 and go up to 149, that's 4 what you're proposing, right? MR. DE YURRE: We're proposing 149 on 6 our site. And pursuant to staff 7 regulation, which is pursuant to the code, recommended. That's what we're pursuing. I can't give my opinion, because my 9 10 opinion doesn't count. It's competent 11 substantial evidence, the staff recommendation. 12 MR. SOSA: I'm asking for facts. 13 MR. DE YURRE: Those are the fact. 14 MR. SOSA: Coming from the Regions 15 16 Bank to the Zubi building and you want us to go backup to the residents or the 17 18 residents have this crazy buildings up, down, up, down and not as the code said, 19 which is scalability. Would go from up 20 21 and down to the residents, right? MR. COLLER: Mr. Chair, there isn't a 22

> with the witness. I think the point has been made. If he has a specific question.

question. What we're now doing is arguing

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should happen from that building going to the residents, to the residents area?

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MR. DE YURRE: According to staff? MR. SOSA: According to the code.

MR. DE YURRE: Well. that's an interesting question, because we're all here to follow the code, and the code has a process and I was going to talk about this. And staff reviews the code. And based on that code, staff provides a recommendation.

So according to staff, and how the code works and how the law works. it's a recommendation for 149 feet, which is what it should be, according to the City's professional staff. Not my opinion. We tried to go for a taller building that matched the Plaza projects and the Regions and everybody else.

MR. SOSA: What happened to scalability, it goes down the drain? Because right next to this building is the Zubi building, which is 77 feet. So we're expecting something to be either 77 or lower to go down to the residents. So

he can ask the question.

MR. SOSA: Point made. Thank you.

CHAIRPERSON BEHAR: Thank you.

THE CLERK: David Winker.

MR. WINKER: Thank you. David Winker, on behalf of the Ponce Neighbors.

Mr. De Yurre, when did you register as a lobbyist on this project?

MR. DE YURRE: I have to check the public records.

MR. WINKER: How many meetings with city officials did you have as part of the process to get us here today?

MR. DE YURRE: Numerous.

MR. WINKER: Can you give me a number?

MR. DE YURRE: I don't have the number off the top of my head.

MR. WINKER: Was Mr. Morris present at any of those meetings?

MR. DE YURRE: Not that I recall.

MR. WINKER: Mr. Morris has never met with any city officials?

MR. DE YURRE: I'm sure Mr. Morris --

you could check with public record -- will

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reflect if he had meetings or not.

MR. WINKER: So at no meeting that you were at with public officials or city staff was Mr. Morris present?

MR. DE YURRE: Asked and answered. I would object to the question.

MR. COLLER: I think that is asked and answered. I'll sustain the objection.

MR. WINKER: Yeah, no problem.

And are you aware that Mr. Morris registered as a lobbyist?

MR. DE YURRE: The public record will reflect Mr. Morris' registration as a lobbyist.

MR. WINKER: But I'm asking, are you aware of it?

MR. DE YURRE: Yes.

MR. WINKER: And what date did he register?

MR. DE YURRE: I don't recall the exact date that he registered as a lobbyist.

MR. WINKER: And your testimony today is that you're not aware that he had any meetings with public officials, who are

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And so now we have competent substantial evidence on our side, because we changed our project. Before staff did not support our project. Now, let me just say, we're talking about the height here. I don't want to get into the whole rigamarole about the project. We're just talking about the height. And before we did not have a recommendation.

And so I want to make it really simple. And, you know, I saw that the cross-examination wasn't going to work, so I just said, you know, let's just have the conversation afterwards.

The only comment I want to make from one of the residents was, it was said that there were abutting residential properties to the site. There is no abutting residential property to the site. There is no residential property on the block. There's no residential property on the block to the south of us. And that's one of the principal differences between what's going on across the street and what's going on our side of the street.

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city staff?

MR. COLLER: Mr. Chairman, you've asked --

CHAIRPERSON BEHAR: You've asked the same question over.

MR. COLLER: You don't need to clarify it. You've asked it.

MR. WINKER: Thank you.

CHAIRPERSON BEHAR: Mr. De Yurre, you have a chance, a few minutes I'm going to give you to rebuttal or close the public hearing.

MR. DE YURRE: Again, I just wanted to highlight a very simple question at the beginning of this process, because we've heard over and over again, we have to follow the rules, we have to follow code. I can't build a metal roof, for example. and I understand that, because that's not how the code works.

The code works and says you can make an application. Pursuant to the application, you have a process and that is reviewed by staff and the staff gave the recommendation. And that's the law.

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If you know where the folks are coming from, they're approximately 50 feet from the Plaza. And I understand that's an issue for them. I also understand they're next to a hospital, okay?

But when the context and character of a neighborhood is what it is today, you can't pretend it doesn't exist. And so that's why we got a recommendation of 149 feet as opposed to 190 that we came in with, because we're the fourth, fifth, sixth tallest building in the neighborhood.

The decision you guys are going to make today is one of following the code, and it's only on the height. The code changed recently, but only in regards to zoning. The Plater-Zyberk changes for the code did not touch the height that are in the land use component, okay? But, again, we're just here for the height.

No one denied the staff reports. And, again, they actually admit that these taller buildings exist in the building. Not one person said we're the tallest

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building, second, third, fourth, fifth tallest building. In fact, these taller buildings are closer to them than our proposed project is. And that's why, with the benefit of the staff report, you look at it, you look at competent substantial evidence, why we're not changing the context and character even of the closest neighbors.

The last thing I just wanted to say, Mr. Withers asked a question, excuse me, about the Plaza, and whether the land use -- what the land use was prior to the approval of the project.

The properties along Ponce were high commercial, and the properties behind it, I would allow te staff to correct if they need to, but the properties behind it were all low commercial, which is pink. And that's in the staff report. I just want to make sure, because you asked that question. I wanted to take note.

I try to be very respectful of the process, and I apologize if some of these questions became cumbersome or convoluted

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we have any members from Public Works here to answer those questions.

BOARD MEMBER WITHERS: Thanks for interrupting me.

How did you hurt your hand? MR. DE YURRE: A boating accident.

BOARD MEMBER WITHERS: Boating

accident. Is it broken or --

MR. DE YURRE: Broken, a lost piece of my hand.

BOARD MEMBER WITHERS: Sorry about that.

MR. DE YURRE: Comes with the territory.

MR. COLLER: Mr. Chairman, I just want to -- just two legal points I just wanted to set the stage for.

We are actually here only on the comprehensive plan item. The comprehensive plan item has a couple of unusual legal issues, because the comprehensive plan is deemed to be the constitution of land use for Coral Gables.

So the standing to object or to seek an objection to the comprehensive plan is,

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with other issues, but that's really what it is at the end of the day, just height and the context and character of the neighborhood, which everybody admits there are taller buildings than ours, some twice as tall, closer to them than our building is.

So I thank you very much for your time.

CHAIRPERSON BEHAR: Thank you.

At this point, we're going to close the public hearing process. I'm going to start, open up to the Board for Board discussion.

And, Mr. Withers, you started last. BOARD MEMBER TORRE: Can I interrupt for one second?

BOARD MEMBER WITHERS: You didn't ask me to interrupt?

BOARD MEMBER TORRE: I want to ask, is anybody from Public Works going to be able to answer any questions related to the slip lane today? If those questions come up, how will they be handled? No? CHAIRPERSON BEHAR: I don't believe

you have to be an aggrieved or adversely affected party.

> And the definition in the statute is a little bit different than the common law statute for aggrieved party, and I would arque it is somewhat more liberalized. And it states, it means any person or local government that would suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interest related to health, and safety, police, fire protection services, density or intensities of development, transportation facilities, and health care facilities, equipment or services. And here's the key point. The alleged adverse interests may be shared in common with other members of the community at large, but must exceed in degree the general interests in community good shared by all persons. So it is somewhat of a more liberalized standard.

The other thing that we talked about, we talked a lot about substantial competent evidence today, but, actually,

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for the comprehensive plan, in order to sustain it, it's based if it's fairly debatable. In other words, if the commission makes a decision on a particular comprehensive plan amendment, it's whether there's fair debate to whether they should have done it or not. So a little bit more liberal than even substantial competent evidence. So it's a little bit different than the other items that you've done.

We've had zoning items. We had a site plan item, I believe. We had a TDR item. So we're really at the very highest level of planning here, which is the comprehensive plan item, and that's what's before the Board tonight.

 $\label{eq:BOARD MEMBER MIRO: Mr. Chair, may I} \\ ask a point of clarification?$

CHAIRPERSON BEHAR: Sure.

BOARD MEMBER MIRO: So your first point, you're saying that only if you're immediately affected or you live close by is your --

MR. COLLER: No, I didn't say that.

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based on opinion.

Would you agree, Mr. Coller? MR. COLLER: Well, I will give you a case, and you can decide. There's a case called Blumenthal, and there was a question about whether there was a -- in that case, it was a density question. And a citizen got up and said, "You're going from 50 units per acre down to 12 units per acre and I think the line should be here, because this is what the neighborhood is now". And the court said that didn't require an expert. They had an observation of what they saw the density in the neighborhood was, and they saw it from one end to the other end. So the court said that that was -- that person was competent to be able to testify as to where that line should be drawn. So -- and it is true that a Department's recommendation is deemed to be substantial competent evidence, but as I said at the last -- at the last hearing, that is not necessarily all the evidence, and the Board doesn't necessarily have to

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BOARD MEMBER MIRO: Okay. Can you please clarify that, because I didn't quite catch it.

MR. COLLER: Yes. I'm going to actually read what it states, because what it says is, "The alleged adverse interests may be shared in common with other members of the community at large, but must exceed in degree the general interests in community good shared by all persons."

It also goes on to say the term includes, of course, the owner, developer, applicant for development order.

So it's really your judge to decide whether their interests exceeds that of the entire Coral Gables community.

 $\label{eq:CHAIRPERSON BEHAR: Mr. Withers, go} \mbox{ ahead and proceed.}$

BOARD MEMBER WITHERS: I didn't know if Counselor wanted -- did you have something you wanted to say before?

MR COLLER: He's just pacing I

 $\label{eq:mr.coller} \mbox{MR. COLLER: He's just pacing I} \\ \mbox{think.}$

 $\mbox{MR. DE YURRE:} \quad \mbox{No, I just -- but it} \\ \mbox{has to be based on fact.} \quad \mbox{It can't be} \\$

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rubber-stamp a department recommendation, if the Board believes that it has heard testimony that would go a different way.

So I just -- so it's really in your hands.

CHAIRPERSON BEHAR: Thank you.

BOARD MEMBER WITHERS: And after three interruptions, I'll proceed now.

CHAIRPERSON BEHAR: Please.

BOARD MEMBER WITHERS: Nothing has really changed my mind. One thing that really jumped at me tonight, is I must have heard -- and I didn't notice it the last time. I must have heard 5, or 6 or 10 different accents from the neighbors, different countries. And Coral Gables has changed a lot, and it's changed for the better.

And the one thing that was really impressive to me was how this group of neighbors, that obviously came from different origins, based on their accents, they've lived in this area for years, and years and years and have built a community and have built a neighborhood. And I think that's pretty cool. And I commend

you for that. I really, really mean that from the bottom of $\operatorname{\mathsf{my}}$ heart.

In saying that, I was going to apologize to staff, because I kind of emasculated them last week, or I kind of beat them up a little bit last meeting about the whole -- and this plays into what I think you're saying, is none of staff's counter-arguments to changing the code are based in fact. They're all based in subjective opinion, in my subjective opinion.

And I started going down these points. And, for instance, it says that it's going to reduce traffic in the area by encouraging residents to work where they live, walk, bike or (inaudible). Well, we never did a traffic study, so I really don't know how a fact can be made that it would reduce traffic, 'cause it's subjective that because this kind of mixed use subjectively reduces traffic. Am I wrong in making that statement? You know, I don't want to go in the wrong direction here, but I'm just -- you don't have to

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the comprehensive plan amendment from commercial low-rise intensity to commercial high-rise facilitates a taller building to advance the objectives and policies in multiple comprehensive plan elements and encourage the mixed-use development of urban housing near downtown that reduces the need to drive.

How does that affect the neighbors? You know, how does that objective affect the group of neighbors that are the most affected? You don't have to answer that question, because he's told me you're not supposed to answer that question.

And then the last thing is whether -here's Number 2, whether it internally
consists with the Comprehensive Land Use
Plan. Well, the answer is, the proposed
mixed-use redevelopment is consistent with
the commercial high-rise. Of course, it
is, it's a high rise. It's going to be
consistent with the high-rise land use as
it allows for mixed-use development.

So I guess the bottom line, and the reason I kind of went on a little bit

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answer that question, if you don't want

MR. COLLER: Good.

BOARD MEMBER WITHERS: I know. I put --

 $\ensuremath{\mathsf{MR}}.$ COLLER: I think the Board has to express its own feelings about it.

 $\label{eq:board_board} \mbox{BOARD MEMBER WITHERS:} \quad \mbox{Don't answer}$ the question, okay?

Secondly. Any other fact that the city determines is relevant to the city commission's decision. Not our decision, but the city commission's decision on the application.

So I guess my question is, how much weight do the neighbors have when they present what's relevant to them and how it affects their quality of life? Obviously it affects them a great deal. I don't see that staff took that into consideration when they changed the Zoning Code.

You know, any objective, whether it specifically advances any objective or policy of the Comprehensive Land Use Plan. And then you read the staff evaluation,

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1 about this is, I'm still not totally
2 convinced that this project -- and I've

convinced that this project -- and I've known Alan a long time, that this project, you know, really meets the criteria of allowing a staff recommendation on this project.

And so I'm not convinced that anything I've heard tonight changes my opinion on the changing of this land use.

 $\label{eq:CHAIRPERSON BEHAR: Thank you, Mr.} \\ \text{Withers.}$

Mr. Torre, you may continue.

BOARD MEMBER TORRE: So I have a lot to catch up, 'cause you guys had a very strong two hours since I was on a plane, but I do have a lot to cover, so bear with me here.

One thing you guys did, which I started out the conversation is approving TDRs in approving the alley vacation already. I'm of the opinion that those two things should never happen. I think that -- you actually went against your own statement, because -- Mr. Chair, because you started the conversation saying that

that.

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these things are give and take, and what

that's been done before. You questioned

by approving the TDR, you just gave away

there on the project. So this project

the table. That's why I started the

have been the first item.

still is being negotiated. TDRs are off

conversation, what is the order of this

going to be? At this point, you put it --

this is the last item. I think it should

CHAIRPERSON BEHAR: And let me

University. And the TDRs that they came

TDRs that could be applicable anywhere,

anywhere throughout City of Coral Gables.

department, though. I don't know whether

correct. I'd like to confirm with the

MR. COLLER: Yes, I believe that's

correct me if I'm wrong, Mr. Coller,

with is that would the city consider super

address it, because since you're going

straight. I was opposed on closing

the bargaining that you suggested would be

do you give us for the alley, is something

So if you're giving that away already

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they were proposing to use super TDRs for this project.

Is that correct?

CHAIRPERSON BEHAR: My recollection is that --

MR. COLLER: And super TDRs were issued, because it was a -- the city was able to save an environmental piece of property.

CHAIRPERSON BEHAR: A settlement of 67 and 136, and that current owner was given the right to sell those TDRs.

And the alley specifically, it was a small piece of the alley, and they were doing a plaza, if you call it, in front of the building that was beneficial.

So I was not going against my own recommendation. It was something that they had the right to do with the TDRs.

BOARD MEMBER TORRE: As a whole, I think that the project should be looked at all comprehensively. And I think that what drives this is usually the site plan approval and the comprehensive approval. Those things should drive the project, the

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project merits. Then these other things sort of follow. I think this is how I see the projects in the past and I think that's the way this should have been handled, but we're already here.

So we're looking specifically and only right now to the Comp Plan, which basically, as I understand it, deals with height. And nobody today discussed the word density. Nobody today discussed FAR. And all I heard, and I took notes, is a lot of it was height, height, height. height, more height.

The other issue that I heard from one speaker was that this project would bring traffic and bring other impacts. So I judge this specifically for impacts.

I think most of these projects are judged from an impact perspective, and I think that's what I'm hearing: What is the impact on the community from this project? So it boils down to height. If that's the fight, then I'm going to look at this from a bigger perspective, which is historical, and what has been the

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trend. What's the fight about? Because, to me, you know, again, what is the quality of the project? How many units are coming forth? What's the traffic impact going to be?

And as I started to look at this project, I find benefits to some of these things as opposed to what other things could be brought here. I said this earlier, 80 units of high quality for sale is a good thing. And that does not, compared to other things that could come here, create more of an impact from a traffic perspective. I think it actually helps.

So if I was to say what could come here, I think this is not a bad thing on that level, suggesting 80, high-end units on that merit, I think is a good thing.

When you look at the FAR, they're going to probably put the FAR in there no matter what. And I think that the impact comes from the FAR mostly. What does it mean is square footage. I think if you put that 187,000 square feet of footage in

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negotiated. And the commission has to

there somehow what's left? What's left

issue. And that deals with architecture,

brings me back to things that are relevant

So all I have is, I have a problem

So. vou know. I started to feel this

with height. I have a problem with height.

it's impacting me. In what way is the

the impact, except there's a building

that's high and people don't like it.

out and which way I could really

understand it, and it goes back to

pretty much every project that goes

plan approval and all these other

approvals, which means they get

history. And what does this mean? Well,

through this city has to go through a site

impact? I don't necessarily understand

To me, it brings me back to scale, it

is, again, the height is the probable

brings me back to urban planning, it

to architecture, to city planning, to

urban street scapes and things that I

that deals with other things.

haven't heard anybody saying.

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approve something that is usually and always negotiated.

And I started to think of all the projects that we look and deal with everyday, and that goes to the Colonnade, it goes to the Columbus Center, it goes to the Hyatt, it goes to the Merrick Park Village, it goes to 306 Alhambra, Alan Morris building. I believe that probably every building that I mentioned has been negotiated, and has had variances and approvals of many different types.

Do we hate these buildings? Are these buildings affecting us positively or negatively? I think they're affecting us positively. I see a lot of negativity about a lot of things that we have to step back and say what is the trend here, guys? What's going on?

So to further do that, I went back and found somehow a Master Plan proposal for the City of Coral Gables from 1962, addressed to the city manager, on the discussion of what the Master Plan of this city should be on the same thing with land

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use. And it's an interesting -- this is unbelievable. What I found is gold. It teaches you what has happened in Coral Gables for the last 60 some years, how the traffic studies were being discussed, how parking issues were being discussed, how Miracle Mile was being discussed, how the traffic on LeJeune and Miracle Mile was already an issue. Issues where traffic going through our city affects us tremendously, through Miracle Mile, through Ponce everybody cuts through. It's already in here. All these issues are in here.

So this is nothing new. We're discussing things that have been discussed for 60 years. And it goes to -- this is the item that brings it back. They're talking about multi-story buildings.

And this paragraph says, "It is believed that neither the demand for land nor cost of land in the Coral Gables central business district has advanced enough at this time to warrant complete removal of all restrictions controlling

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building heights."

At the time, they were not willing to deal with building heights, because that problem had not surfaced. And why was that? Because cars had just taken over. We're dealing with parking issues at the time. Parking garages were starting to happen and buildings needed to deal with how to deal with their garages and how they're going to put those garages in those buildings. What is the shape of that building going to look like, and people moving out of downtown. The shops were closing, because Dadeland had just opened, and those are the problems that were happening. We have similar problems in some senses, but we have other problems in other senses.

So, you know, I bring this down to these are issues that we've been having for years, and years and years. I go back to the quality of the project. What is the quality of the project? And that's what I want to bring discussion to is, what is being proffered here? What is

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And one of the big issues for me is what is the give? You discussed this, Robert, last time, what is the give by the developer? What's going on here?

The deal with this park across the street is a big deal. You know, I know you're giving a million dollars. I don't know whether vou're going to have the slip lane or not, and that, to me, is a big deal, because it changes dramatically how you enter and exit the building. It deals with that building being setback that's very tight or setback that doesn't even matter anymore, because you a have a park in front of you. So I think that's a big deal.

And if you don't have that slip lane, you just have a small sidewalk, that could be a little different than being among a huge, huge park with a piece of art.

The other thing is, you know, is there room? You mentioned last time there was room for maybe dropping the height. And I'm not suggesting that this height is

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hear from the developer at some point whether there's any other offers or any other ability to massage this a little bit or is this the way that you guys want to make it go?

MR. COLLER: Mr. Chairman, I just -through the Chair, I just want to explain something I made at the last meeting about the issue of the Comp Plan.

You can't condition the Comp Plan. You could condition the site plan. He could conceivably proffer a covenant, a voluntary covenant, in connection with the Comp Plan, but the Comp Plan can't be conditioned like you would -- like you would deal with a site plan. So because we've already dealt with those items. all we have left is the Comp Plan.

So, you know, the Board can probably add to their recommendation that they feel that something more should be done with the zoning items or the site plan, but we're kind of limited when we're dealing only with the Comp Plan. It's different.

MR. DE YURRE: Two quick points.

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perfect. I'm not trying to say that this building stands perfect at 140. Is there still room for massaging the height a little bit, Number 1?

Number 2. is there still room to add more benefits to the community by way of improving the intersections, the medians on Ponce or anything else that can be done that has not been brought up to sweeten the pot?

Because, again, I don't think the driving force for me is height. I don't think -- vou're in the widest boulevard. or one of the widest boulevard in the city. Is height an issue in urban scapes that have wide boulevards? Not streets, boulevards.

Where is the effect of the height here? And I'm being very specific to this project. I'm not for height, but I'm being very specific to this project. Is this particular project, is this that bad of a height issue that changes and make it so that this project can work.

Those are my points. I'd like to

One, ultimately a slip lane, we're going to put that money in. It's up to the city to direct us on what they want, whether they want the slip lane. I think definitely they don't want to get rid of those parking spaces that are backing into the slip lane, which is, you know, obviously (inaudible) never parked there.

And then, Number 2, between the two meetings, we went back and looked at the height. And, you know, I would quote Armando Codina, who presented also on a height issue just north of us, which is that when you do these high-end luxury units, you can't do the Brickell-style eight-foot rentals. You need the height in the unit to go down to 80 of them, so you can make the luxury product work. And that really wasn't our idea. That was borne of meetings that I think many folks here were part of. And the neighborhood suggested the condominium, we found a way to lower from 190 to 149, but we had to stop there so we can still do the luxury units. That was it. Thank you.

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CHAIRPERSON BEHAR: Thank you.

Ms. Miro.

 ${\tt BOARD\ MEMBER\ MIR0:} \quad {\tt Thank\ you,\ Mr.}$ Chair.

Good evening, Everyone. I do want to make several comments this evening.

I think the first thing I wanted to start with, I heard a lot of the members of the public who spoke talk about how we here, as the Planning & Zoning Board members, are, you know, tasked with fiduciary duties, and responsibilities. There was talk about Democracy. There was talk about holding the line.

And I did want to communicate to those members of the community, those especially who took the time to come out here tonight, that when learned about this meeting, I did try to oppose the meeting.

I reached out to the City Attorney's Office, and I expressed that I wanted to do so, and I was told that, unfortunately, because the City Attorney had already opined, that basically I was told why --you know, and I understand the whole pari

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we did last time with Mr. De Yurre, you know, cross-examining the members of the public who spoke, I also was not in favor of the members of the public, who spoke, cross-examining Mr. De Yurre, because, again, we didn't do it last time, and we were able to, you know, have enough information and discussion amongst ourselves.

In fact, in a previous meeting, we also had -- we discussed -- we were here till 10:30 I think last time on this very issue, but there was another matter that came before us that I found that we were talking about six inches. You guys remember for, like, an hour about six inches, only to learn in a later meeting that, yeah, the Planning & Zoning director never told us, it didn't really matter about the six inches, because at the end of the day, there was another provision that was going to make it higher.

So I expressed my concern, because, as a city $\operatorname{--}$ as a board member of this city, my concern is the trust that the

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materia, and the reason why we have to do it. Basically what I was told was that the Board failed to make a recommendation, and that, therefore, you know, we had not -- we he had not done our job, right?

And I think that in reality that's not what happened. We were ill advised. And with all due respect to Mr. Coller, you know, as a new board member here, this is my first year serving. I do trust in, you know, the advice that we receive, and we did touch on this during the last meeting, we had this 3/2 vote, that it would just go to commission without our recommendation. And we discussed it, yet it happened and then here we are now.

I was not in favor of having this meeting all over again. It's, like, ground hog day, only it's not ground hog day, because things went differently, right? Ground hog day, the same thing happened over and over again. Well, here, just like I was opposed to -- you know, I did not think that we should have -- we should do anything differently than what

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city -- that the residents have in our government, in our city, and we need to be able to protect that trust. And I don't think that we're doing a very good job of that when we, as members, receive advice that is not accurate or reflective of what should be or we're not completely told by city staff, hey, don't spend 30 minutes on this six inches, because it doesn't really matter. I think that's information that we all could have benefited from and saved much time on.

I also think that if we were going to go ahead and move forward with this meeting, as we did tonight, then, you know, the city making a mistake, you know, mistakes happen, nobody should be held to, like, absolutely a perfect standard, but definitely a high standard. And if we do make a mistake, let's turn around and say, "Let's work with the residents and let's postpone this meeting till August".

The City Attorney also went -- and that's Ms. Soler Ramos, went out of her way to say, "Oh, the applicant wasn't in

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favor of us having this meeting." I have a hard time believing that, because I think that the applicant could have said, "Well, you know what, we've done this three times, I'm not going to do it again, let it go to commission without a recommendation", because that was the other option.

I also -- I got a call back, after I sent my e-mail to the City Attorney in opposition of this meeting, saying that, "Oh, this is the reason why". And \boldsymbol{I} asked, I said, "Are you telling me that there is no remedy? No way for me to oppose this meeting as a board member? There's nothing? There's no avenue that I can seek to oppose this meeting, because Madam City Attorney has opined"? And I asked and they said that I couldn't. And I asked for that in writing from Mr. Ceballos. I'm still waiting for a response in writing, that there's no avenue, there's no way for me to voice my opposition, there's no process by which ${\tt I}$ can do that.

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through a long-term process when it comes to agreeing on what the code is, and, you know, there's processes that we have to follow as residents. And I also happen to like our rules and regulations. So I don't see why it's so hard for us to say that, hey, we need to stay within the code that we go through hard -- so much time to put in place.

The other thing that saddens me is to hear that so many people aren't here, or haven't been part of the process, because of the apathy that's created. And I think that goes back to the lack of trust that there is in the city, and not just in the boards, but also in the commission, because that tells me that people feel that they're not being heard.

I will also say that he who knows the charter and he who knows the code is king. And then things that I heard coming from the applicant are basically they're sticking to the code, and they're sticking to facts.

And in the interest of facts -- and I

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Again, as a new member, I depend on the City Attorney's Office to, you know, give us the right advice, right counsel, right, and also to whatever you say with your words, you should be able to put in writing. So that was a concern for me.

And I just wanted the community to know that I also found that, you know, hey, if we're going to go through this meeting, because of whatever the law is. or the code says, I understand that, but I think we should have worked with the community a little bit more. And like a lot of the speakers said today, some people are on vacation, some people aren't able to make it, so that's that part of it.

The other side that I want to talk about, and let me look at my notes, is I don't see this to be a very difficult process. I don't think, like, you know. Mr. Withers said, my mind really wasn't changed in this presentation.

And, also, I think one of the speakers said that, you know, we go

hope I don't forget anything else I wanted to say, because there's so many things that have come to me right now that Mr. City Attorney had said about things that affect everybody in the city.

He mentioned fire, and I want to go ahead and mention fire. Currently, the City of Coral Gables is operating with 11 firefighters short of what the national standard is. And it is a clear fact that bigger buildings create more hazards. So, yes, if you have a taller building, it's going to create a risk, and a risk that we are already living with right now, because with all these high-rises -- like a lot of people mentioned, the Plaza is not completely full, the Lifetime building, there's so many buildings that we have not yet begun to feel the impact of all these buildings.

And from a public safety standpoint. if we're going to talk about how it affects the neighbors, who live in the area, but affects all of Coral Gables, believe me, if your house is burning in

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the north Gables, and there's a problem in the south Gables and we're short 11 firefighters, either both residences are going to burn and we might lose a few firefighters, so this is a huge public safety issue.

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I would like to see the community members, who are here, not just come before this board, but come before the commission, because this board cannot address the firefighter issue, but it is a public safety issue, and it is something that is factual, that we are short on that national level. And since we wanted to talk about facts, and how this project being double the size of, you know, the code, that is a fact that affects us all.

And, again, I really hope that -- oh, the other question I asked the City Attorney's Office, I said, "Well, us having this meeting all over again, could that possibly change the outcome that was reached in the last meeting?" And they said yes. I said, "Well, even more so, that is the reason why I'm more concerned

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make, we have always been the kind of community that has cared for quality of life. I don't remember her name. I think it was Teresita. I don't remember her last name. She said that she moved here from West Kendall 17 years ago. I moved here 16 years ago from West Kendall, and I did that for quality of life. And I think that there's -- I know that maybe that's not in the code, but it's in my code, and I think about that and I see that it's an important thing. It's about the community that we are. I hope that we don't leave out community.

Mr. Chair, I thank you so much for indulging me, for speaking so long, but I did want to say -- make those remarks, specially to all of those who are here or who are listening to us online for the fourth time. Thank you.

CHAIRPERSON BEHAR: Mr. Revuelta, do you want to go last?

BOARD MEMBER REVUELTA: No, no, no, I'd like to --

CHAIRPERSON BEHAR: Mr. Bucelo.

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and opposed to having this meeting", because we've beat this dead horse a 100 times. And we've come to this conclusion. It was a majority of the vote, right, of the members that were present.

And so I would be really disappointed in this Board if we reached a different conclusion for this project, because I think that it would continue -- it would completely finish destroying the faith that the community has in us as a Board, as a city, the staff, the staff recommendations.

Again, I heard what my colleague, Chip Withers, was saying about staff recommendations. I also don't understand how the staff came to these conclusions. I also heard what my colleague Venny Torre -- in fact, I saw Venny Torre. We've had these meetings four times. He was here looking through the numbers. He was working the papers the entire time. And I heard what he said about these were the concerns 60 years ago.

And I think that's a great point to

BOARD MEMBER BUCELO: Thank you, Mr. Chair

I unfortunately wasn't here at the prior meeting, June 6th, but I did have the pleasure of watching the full recording. I did hear all the comments both in support and against this project during that meeting.

I see here we have Mayor Dorothy Thompson, mother-in-law of Alan Morris.

I think one resident said it best, I don't know which one it was, but we can agree that Morris, Mr. Morris, does build quality projects. We talked about the one in Alhambra. I think it was Chip Withers in the last meeting that said that that project in itself is definitely one of the more immaculate buildings here in the city of Coral Gables.

But that's not the issue before us. As we know, the issue before us is height. And as many of you voiced your concerns with is the code calls for 77 feet.

I would like -- as an individual of the zoning board, I'm in favor of smart

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and controlled development. I think one of the residents mentioned as well reasonable development. I like that phrase, and I wrote it down in my notes, because it's one that, again, makes sense with how the community should grow.

But with that said, I think 149 feet is a little excessive for that area. That's just my take. Again, I would like to see this project -- I'm not opposed to an increase in height, 10, 20%. I think Mr. Torre made a good point as to a benefit to the community, whether through traffic, parks, et cetera, I'd like to see that, but, personally, at the 149-feet mark, I tend to -- I tend to, you know, stay a little back from that, as the residents said.

But, more importantly, I would like to see, again, he mentioned, comments as to negotiations or a way of bringing that closer to the 77 mark.

So with that, I conclude.

CHAIRPERSON BEHAR: Thank you very much.

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resident, is the property owner. I did not hear anybody from Santander, Malaga, Catalonia, Palermo, Romano, Sarto, Camilo or Valedo. And if I'm making a mistake, I'm perfectly happy to be corrected.

But be that as it may, I'm just surprised of the people that are really close to this property -- there seemed to be more people away from this property that are here in opposition than people who are close to it. And I will wait for Mr. Winker's list of the 150 people that he's representing.

I drive through this area almost everyday, 'cause I live in Castile Avenue, in Cordova. I have my offices in Coconut Grove. And I believe that the intersection of University Drive and Ponce, when it turns, I hope that whatever happens with this property, I hope that's eliminated. It's an accident or accidents waiting to happen, if it haven't happened before. So, for that, I happen to believe that consolidating that, eliminating that and creating some sort of a plaza.

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Mr. Revuelta.

BOARD MEMBER REVUELTA: Thank you.

What is the city requirement for public notice in terms of radius? Is it 500 feet, 1000 feet? Just so I have an understanding of that.

MS. GARCIA: 1500 feet for a change of land use.

BOARD MEMBER REVUELTA: I'm sorry? ${\sf MS.\ GARCIA:} \ \ 1500\ \ {\sf feet}\ \ {\sf for}\ \ {\sf a}\ \ {\sf change}$ of land use.

 $\label{eq:BOARD MEMBER REVUELTA:} \textbf{ 1500 feet}$ radius or diameter, radius?

MS. GARCIA: Radius.

BOARD MEMBER REVUELTA: Radius.

I was using 500 feet, which is what Mr. Winker was saying. I was having a hard time coming up with actually 150 rooftops. That's why I was asking. If it's 1500 feet, I guess, but I was trying to understand the participation and I was keeping track of the speakers. And there's one from Viscaya, one from Cadima, five from Alesio, three from San Sebastian and one from San Sebastian, but is not a

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There's a little green area park there, but I think that turn needs to be eliminated. And somehow the street from Ponce to University Drive needs to be a bigger radius, but I think if the project goes anywhere, whoever develops the property, I think that should be addressed. And that's just my personal opinion as a citizen, as somebody that drives there all the time and as an architect.

I continue to harp, forgive me for boring you with this, that the biggest threat to the neighborhood to the south is Block 34. And there is a big parking lot there shown MX3 that can basically go with Med Bonuses to 193 feet. To me, that's, like, the line that should have never been there. Hence, what last time I voted in favor of the item with the height restriction.

I do believe that if we approve a project on Lot 29 that has a height restriction, that will help control what will happen with Block 34, when a

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developer comes in and says, "I got MX3. I want to actually zone through west of this Lot 34 into MX3". And that block east, on Santander Avenue, a block away from San Sebastian Avenue, Romano, Sarto, Camilo, and all of the neighbors, to me, that's the biggest danger in this plan. And I have failed to try to gather support from everybody into trying to do something about this.

Hence, I believe that whether there's 149 feet or 140 -- I think the project could work with 140 feet, by the way.

Most of the work that we do is condominium work. And understanding a little bit of what the project is being proposed, I believe that this project could work at 140 feet for those of you that think that 150, 149 is 150 for all practical matter, could work.

And I think setting the precedent that this cannot go any higher than 140 feet, I'm using 140, it could be 135, 136, whatever, is a good precedent, because I think the biggest danger for the

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we're discussing height, I don't believe that 149 is a problem. I would be willing to vote in favor of 140. But I think it's a good precedent to control Block 29 to a height that is much less than 193, with the Med Bonuses, because we don't know what the city commission is going to do.

And I have to tell you, again, this is probably the fourth or fifth meeting that I bring this up, that I am very concerned about Block 34, and that parking lot being shown MX3 and it could go to 193 feet.

So with that, I'll just wait to hear $\label{eq:solution} \mbox{from the Chairman.}$

CHAIRPERSON BEHAR: Thank you.

BOARD MEMBER MIRO: Mr. Chair, I have questions of Mr. Revuelta, 'cause we're only allowed to talk right here, if I could.

CHAIRMAN BEHAR: Go ahead.

BOARD MEMBER MIRO: I just wanted to

say -- I just wanted to say --

BOARD MEMBER REVUELTA: Cross-examine.
BOARD MEMBER MIRO:

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neighborhood is Block $34\,.$

And just to address something, I've been an architect for about 40 years, and done a lot of condos. Condos are one of the safest prototypes. I believe the Chair also has done a lot of condos. And as much as I agree that the city needs to look at making sure that they're up to the standards, nation standards in their Fire Department, I don't believe that this building, as an 80-unit condominium, presents any danger given the safety factors that I know. And safety factor over safety factor over safety factor that these buildings -- I never had a condo that we've done catch on fire, so just for putting into perspective.

And I think 80 units, assuming that they're occupied 365 days of the year, with two cars, that's 160 cars. I am hard pressed to convince myself that at 100% occupancy, 365 days a year, with two cars, 160 cars will have a major impact on the neighborhood.

And as we have discussed before,

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Cross-examination. No, I just wanted to say, you said you didn't think that 160 cars, but when you say that, are you taking into consideration the fact that all these other buildings have not yet to be occupied, and you add the 160 with the 300 and the other 160, and you still come to the conclusion that that's not going to be a traffic problem in this area?

BOARD MEMBER REVUELTA: Well, I'm not a traffic consultant. And since we're discussing this property, had I had the opportunity to be sitting here for the prior projects, I probably would have made an argument for that, but I am -- and I don't want to rehash this thing, but every time I drive through Malaga, and I see this big building 70 feet, 60 feet away from single-family homes, it drives me nuts. I haven't spent the time and the energy to see how this happened. At this point, it would be useless for me to look back.

 $\label{eq:But I strongly feel that, Number 1,} \\ \text{this building is not going to be occupied}$

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365 days of the year. It's not going to be occupied 100%. And the traffic is going to be less than 160 cars.

And I do believe, to basically touch on the point that Mr. Withers was talking about, I think that the more that you bring in residential into a city, the more people will walk and not use the car. And, again, I'm not an urbanist. I'm not a traffic consultant, but I can tell you that from a planning perspective, maybe putting it in the context that, A, more housing is going to decrease the parking, no, but more housing, I believe, has been proven that concentrating residential in cities promotes pedestrian and promotes businesses that people walk. So that's as much as I can contribute.

BOARD MEMBER MIRO: And then the other thing that you had said regarding the safety of condos, I mean, I agree with what you're saying about safety of condos. We're not New York City, right, with gas lines and different things of that nature, but what I'm talking about, what I'm

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we were here till 10:30 p.m., I think that would be a more of ann accurate statement, especially with all the apathy that there is. And that's all I wanted to say.

Thank you, Mr. Chair.

 $\label{eq:CHAIRPERSON BEHAR: I think we} % \begin{center} \begin{center} \textbf{CHAIRPERSON BEHAR:} & \textbf{I think we} \\ \begin{center} \textbf{already heard you on that.} \\ \end{center}$

BOARD MEMBER MIRO: Yeah. Uh-hum.

CHAIRPERSON BEHAR: Let me -- let me
give the opportunity to Mr. Aizenstat, the
real chairman, who's remotely to have

Go ahead, Mr. Aizenstat.

something to say.

BOARD MEMBER AIZENSTAT: First of all, I'd like to thank the Board for letting me participate with the special exception. I felt it's important for me to be here since I was at the original meeting.

I have -- I had gone ahead and heard again all the testimony, whether it was presented by the applicant or the testimony that was presented by the neighbors and so forth.

I have served for over 30 years, in

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speaking to, is that it's not the building that causes the fire, it's people, and, you know, negligence or just accidents.

I mean, I'll tell you the other day, my son loves to make mac and cheese in those little containers, right, you pop them in the microwave, he forgot to put water in them. Our apartment building almost caught on fire, and we only have six stories in our apartment building on Majorca, so we almost -- it wasn't the building that was going to cause a fire. It was my 14-year old son that was going to cause a fire. So I'd say I agree with buildings don't cause fires, they're safe, but people do.

And the last thing I just wanted to say, I don't think it's fair that we count the number of people who aren't here from these streets, especially since we know that everyone is on vacation. We didn't, as a city, you know, postpone the meeting till August. I was just going to say, I just think that if we were to count all the people who were here last time, that

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various boards with the City of Coral Gables. I have served many times with Mr. Behar on a couple of Zoning Code rewrites. And what I can tell you -- and I'm not saying this politically. What I can tell you, from what I've heard by testimony from both sides, my vote, and how I feel is still the same as it was before.

I also want to take the opportunity to thank Robert for stepping in as the Chair. And I just want to keep it brief and thank everybody for coming. Thank you.

CHAIRPERSON BEHAR: Thank you.

 $\label{eq:constraints} \mbox{And thank you for not being here} \\ \mbox{tonight.}$

Look, I want to say just for the record that I was a member of the Planning & Zoning Board when the Plaza came in, and I opposed that project and so did Mr. Aizenstat. That was not -- never a project that we felt that it was appropriate here.

 $\label{eq:continuous} I\,\mbox{'m going to use the same words that}$ $I\mbox{ used last time, and there's going to be}$

a lot of people that are going to be disappointed in what I'm going to say, but it is what it is.

I had a problem last time with the height of this project and I still have a problem with the height of this project.

I think that it is good to have a project, but not at the height that they're proposing to do this project.

I offered last time to the applicant to lower it. And, Venny, I don't know if you read the record, but I did offer to lower that. I want to say, and if I can go back to the record, from 150 to, like, 120, and there was no.

So my mind has not been changed. I still believe that the project could be a good project. Not at the height that it has been proposed. It has not changed my mind. It will not, unfortunately for the applicant, change my mind tonight.

I am willing to consider a much lower project, but not at -- nowhere near what we're being proposed.

What I would do now is, I will

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I also said at the night of the meeting, you can still try to get four members to vote for a motion, if there was a motion. There was no motion. So it was my mistake, and I felt it needed to be fixed, in my opinion.

It wasn't a failure of the Board that you didn't have a recommendation. It's the way our code is written that requires four votes. There was no failure on this Board's part in how they conducted their activity.

And I just want to make sure that you're not left with any impression that the City Attorney's Office ever felt that this Board did not do its responsibilities. You were here till I think it was 10:30 the previous meeting, so I just wanted to make that clear.

BOARD MEMBER MIRO: I thank you for saying that. I really appreciate it. And you know what, everybody makes mistake. I

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entertain a motion from the Board, so we could continue and move forward.

BOARD MEMBER MIRO: I'd like to make that motion, Mr. Chair, and that's the same motion I made last time, and it's a motion to deny as presented.

CHAIRPERSON BEHAR: We have a motion.

Do we have a second?

 $\label{eq:board_board} \mbox{BOARD MEMBER WITHERS:} \quad \mbox{I'll second}$ it.

CHAIRPERSON BEHAR: Mr. Coller, at this point, we have a motion and a second.

MR. COLLER: Yes.

 $\label{eq:mr.chair} \mbox{Mr. Chair, I'd just like to make two} \\ \mbox{very quick comments.}$

Ms. Miro, it was my mistake. I've sat with this Board for seven years. After the vote, I went back and I realized we had a problem. I immediately told the City Attorney. I don't think in the seven years that I've sat with this Board, I don't think I've ever made a mistake before, but I told the City Attorney I felt this needed to come back here, because at this point it wasn't a

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think once in seven years is a pretty good average.

 $\label{eq:mr.coller} \mbox{MR. COLLER:} \quad \mbox{Not a terrible record,} \\ \mbox{but I'm not a robot.}$

BOARD MEMBER MIRO: Absolutely. And I just want to say it was Mr. Ceballos who had said we had failed to do our job.

MR. COLLER: Well, that's -- I don't know why he would say that. I don't -- I know Mr. Ceballos. I don't think -- if he said it, it was a misinterpretation. You did your job. You voted 3 to 2. And I'm not sure if anybody would have changed their vote at that time anyway. So, regardless, we're here. We're going to -- we have seven members voting. So we're going to have a 4/3 or 4/2 or however many votes it is a recommendation tonight.

So there's a motion --

CHAIRPERSON BEHAR: And a second.

 $\label{eq:MR.COLLER: --- second to recommend} \mbox{denial of the comprehensive plan} \\ \mbox{amendment.}$

 $\label{eq:CHAIRPERSON BEHAR: Jill, can you } \\ \text{please call the roll.}$

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THE CLERK: Luis Revuelta? BOARD MEMBER REVUELTA: No. THE CLERK: Venny Torre? BOARD MEMBER TORRE: No. THE CLERK: Chip Withers? BOARD MEMBER WITHERS: Yes. THE CLERK: Alex Bucelo? BOARD MEMBER BUCELO: Yes. THE CLERK: Claudia Miro? BOARD MEMBER MIRO: Yes. THE CLERK: Eibi Aizenstat?

BOARD MEMBER AIZENSTAT: Yes. THE CLERK: Robert Behar?

CHAIRPERSON BEHAR: Yes. THE CLERK: It's a 5 to 2 vote.

CHAIRPERSON BEHAR: It's 5 to 2.

MR. COLLER: Mr. Chairman, motion to

adjourn is always in order.

BOARD MEMBER BUCELO: So moved.

BOARD MEMBER MIRO: Second.

CHAIRPERSON BEHAR: All in favor?

COLLECTIVELY: Aye.

(Thereupon, at 8:43 p.m., the meeting

was concluded).

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CERTIFICATE OF REPORTER

STATE OF FLORIDA) COUNTY OF MIAMI-DADE)

I, Lorena Ramos, National Registered Professional Reporter and Notary Public, do hereby certify that I was authorized to and did stenographically report the proceeding of the City of Coral Gables Planning and Zoning Board meeting, held before the Planning and Zoning Board, on the 13th day of July 2022; and that the foregoing transcript, pages 1 through 161, is a true record of my stenographic notes.

My Commission# is HH 213357, Expires: May 4, 2026.

DATED this 07/15/2022 in the City of Miami, Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, COURT REPORTER Registered Professional Reporter

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